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FRIDAY, FEBRUARY 13, 1976

THE NATIONAL ARCHIVES OF THE UNITED STATES * 1934 *

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

Monday	Tuesday	Wednesday	Thursday	Friday
NRC	USDA/ASCS		NRC	USDA/ASCS
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DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
	CSC			CSC
	LABOR			LABOR

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

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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 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. C-2776]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

G. & A. Industries, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.10 Advertising falsely or misleadingly; § 13.15 Business status, advantages or connections; 13.15–60 Exclusive distributor or producer; § 13.55 Demand, business or other opportunities; § 13.60 Earnings and profits; § 13.75 Free goods or services; § 13.143 Opportunities; § 13.170 Qualities or properties of product or service; 13.170–30 Durability or permanence. Subpart—Corrective actions and/or requirements: § 13.533 Corrective actions and/or requirements; 13.533–20 Disclosures; 13.533–45 Maintain records; 13.533–45(c) Complaints; 13.533–45(k) Records, in general. Subpart—Misrepresenting oneself and goods—Goods: § 13.1610 Demand for or business opportunities; § 13.1615 Earnings and profits; § 13.1620 Exclusive rights to or monopoly in; § 13.1625 Free goods or services; § 13.1697 Opportunities in product or service; § 13.1710 Qualities or properties. Subpart—Offering unfair, improper and deceptive inducements to purchase or deal: § 13.1935 Earnings and profits; § 13.1955 Free goods; § 13.2015 Opportunities in product or service. Subpart—Using deceptive techniques in advertising: § 13.2275 Using deceptive techniques in advertising.

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

In the Matter of G. & A. Industries, Inc., Nord-Viscount Incorporated, a corporation, and Louis Green, individually and as an officer of said corporations

Consent order requiring two Brooklyn, N.Y., wholesalers of DynaGlaze and Astrashield automobile polish, among other things to cease exaggerating the earnings of any former salesman or the "possible" earnings or profit percentage of a prospective salesman; using pictures or written expressions in advertising which give an exaggerated impression of the success of individuals who have sold the polish; misrepresenting any sales aids or product samples to be "free"; representing that salesman can obtain exclusive selling territories, and using any statements which exaggerate the lasting qualities of the auto polish. Further, the order requires the firms to send a letter to eligible distributors making a one-time-only offer of a refund for all unsold merchandise returned in good condition within thirty days.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:[1]

ORDER

It is ordered, That respondents, G. & A. Industries, Inc. and Nord-Viscount Incorporated, corporations, their successors and assigns, and their officers, and Louis Green, individually and as an officer of said corporations, and respondents' agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale or distribution of automotive cleaning products, or any other articles of merchandise in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, as amended, do forthwith cease and desist from:

1. Representing, directly or by implication:

(a) The possible earnings, sales or wholesale purchases which might be made by persons who sell respondents' products, or

(b) The earnings, sales or wholesale purchases which have been made by persons who have sold respondents' products in the past, unless such earnings, sales or wholesale purchases are not greater than the average net earnings, sales or wholesale purchases made consistently by all sellers of respondents' products in the ordinary course of business and under normal conditions and circumstances.

Subdivision (a) of this paragraph shall not prohibit respondents from representing the wholesale cost per unit or per case of their products.

2. Representing any sales aids, product samples or other items as "free", unless respondents supply such items to salesmen without charge, in quantities sufficient to meet the reasonable business needs of the average active salesman. If the quantity of any item that is furnished free is limited, with additional quantities available to salesmen at extra cost, then the free quantity and the cost of additional quantities shall be conspicuously disclosed whenever the item is represented to be free.

3. Representing directly or indirectly that persons can be assigned territories within which to sell respondents' products, or otherwise representing that only a limited number of persons will be permitted to sell respondents' products.

4. Representing directly or by implication, by the use of: (1) Photographs, drawings or written descriptions of amounts of money, automobiles, or any luxury items, or (2) words, phrases or expressions such as "Big Money", "Enjoy a year's pay in 3 months", "Retire with Riches", or others of similar import, that persons may achieve a status of financial or material wealth which in fact is not customarily achieved by persons who sell respondents' products.

5. Representing, directly or by implication, by the use of phrases such as "Never wax your car again", "Never buy car polish again", 18-month guarantee of service", "3 year longevity guarantee", or others of similar import, that one application of respondents' product will last for any period of time in excess of that which respondents can affirmatively establish is the fact.

6. Representing, directly or by implication, that:

(a) Respondents' products can be sold by salesmen easily, quickly or in substantial quantities.

(b) A specified percentage of profit will be earned on sales of respondents' products, unless such percentage is not greater than the net profit percentage, after costs and operating expenses, made by all persons who sell respondents' products.

It is further ordered, That within thirty (30) days after the effective date of this order, respondents shall send to all eligible persons the notice contained in Appendix A or Appendix B, as applicable. For the purpose of this provision, "eligible persons" shall include all persons who:

(a) Purchased merchandise from respondents within three (3) years prior to the effective date of this order, and

(b) Purchased merchandise from respondents on three or fewer occasions, not including any initial introductory order for five dollars or less.

It is further ordered, That respondents refund, to all persons returning merchandise in accordance with Appendices A and B, all monies paid by such persons for the merchandise returned. Such refunds shall be mailed by respondents within ten (10) days after the return of said merchandise.

It is further ordered, That respondents submit, as part of their compliance report to the Commission, the following information relating to the previous two provisions: (1) The number of persons

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

to whom the notice was sent, (2) the number of persons responding to the offer contained therein, and (3) the total amount of money refunded by respondents pursuant to this offer.

It is further ordered, That respondents shall maintain for at least three (3) years following the date of each publication, copies of each advertisement, including magazine, newspaper, radio and television advertisements, direct mail and any other promotional material utilized by respondents for the purpose of soliciting persons to sell any product or utilized by respondents in the advertising, promotion or sale of any product, together with all documentation and factual material in substantiation of the claims appearing in said advertisements and promotional materials.

It is further ordered, That respondents maintain files containing all inquiries or complaints from any source relating to acts or practices described in this order, for a period of three (3) years after their receipt, and that such files be made available for examination by a duly authorized agent of the Federal Trade Commission during the regular hours of the respondents' business for inspection and copying.

It is further ordered, That no provision of this order shall be construed in any way to annul, invalidate, repeal, terminate, modify or exempt respondents from complying with agreements, orders or directives of any kind obtained by any other agency or act as a defense to actions instituted by municipal or state regulatory agencies. No provision of this order shall be construed to imply that any past or future conduct of respondents complies with the rules and regulations of, or the statutes administered by the Federal Trade Commission.

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

It is further ordered, That respondents shall deliver a copy of this order to cease and desist, and a copy of the Commission's news release setting forth the terms of the order, to each advertising agency and advertising medium with which respondents deal directly, such as newspaper publishing companies, radio stations or television stations, presently utilized in the course of their business, and that respondents shall, immediately upon opening an account, deliver a copy of such order and news release to any such agency or medium with which they subsequently open an account.

It is further ordered, That for a three (3) year period following the effective date of this order, the individual respondent named herein promptly notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new business or employment. Such notice shall include respondent's current business address and a statement as to the nature of the business or employment in which he is engaged as well as a description of his duties and responsibilities. This provision shall not be construed to exempt in any way the individual respondent, after said three (3) year period, from complying with the other provisions of this order.

It is further ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

The Decision and Order was issued by the Commission January 6, 1976.

CHARLES A. TOBIN,
Secretary.

[FR Doc.76-4305 Filed 2-12-76;8:45 am]

[Docket No. C-2774]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Lindal Cedar Homes, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.10 Advertising falsely or misleadingly; § 13.73 Formal regulatory and statutory requirements; 13.73–92 Truth in Lending Act; § 13.155 Prices; 13.155–95 Terms and conditions; 13.155–95(a) Truth in Lending Act; § 13.160 Promotional sales plans; § 13.205 Scientific or other relevant facts; § 13.260 Terms and conditions; § 13.275 Undertakings, in general. Subpart—Corrective actions and/or requirements: § 13.533 Corrective actions and/or requirements; 13.533–20 Disclosures; 13.533–45 Maintain records; 13.533–45(a) Advertising substantiation; 13.533–45(c) Complaints; 13.533–45(e) Correspondence; 13.533–45(k) Records, in general; 13.533–53 Recall of merchandise, advertising material, etc.; 13.533–65 Renegotiation and/or amendment of contracts; 13.533–75 Warranties. Subpart—Delaying or withholding corrections, adjustments or action owed: § 13.675 Delaying or withholding corrections, adjustments or action owed; § 13.677 Delaying or failing to deliver goods or provide services or facilities. Subpart—Misrepresenting oneself and goods—Goods: § 13.1615 Earnings and profits; § 13.1697 Opportunities in product or service; § 13.1740 Scientific or other relevant facts; § 13.1760 Terms and conditions; 13.1760–50 Sales contract; § 13.1823 Terms and conditions; 13.1823–20 Truth in Lending Act. Promotional sales plans: § 13.1830 Promotional sales plans. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 Formal regulatory and statutory requirements; 13.1852–75 Truth in Lending Act; § 13.1855 Identity; § 13.1882 Prices; 13.1882–10 Additional prices unmentioned; § 13.1892 Sales contract, right-to-cancel provision; § 13.1895 Scientific or other relevant facts; § 1905 Terms and conditions; 13.1905–60 Truth in Lending Act. Subpart—Offering unfair, improper and deceptive inducements to purchase or deal: § 13.1935 Earnings and profits; § 13.2063 Scientific or other relevant facts; § 13.2090 Undertakings, in general. Subpart—Securing agents or representatives by misrepresentation: § 13.2130 Earnings; § 13.2148 Scientific or other relevant facts; § 13.2165 Terms and conditions. Subpart—Using deceptive techniques in advertising: § 13.2275 Using deceptive techniques in advertising.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 82 Stat. 146, 147; (15 U.S.C. 45, 1601, et seq.))

In the Matter of Lindal Cedar Homes, Inc., a corporation; and Sir Walter Lindal, individually and as a former officer of said corporation.

Consent order requiring a Seattle, Wash., manufacturer and seller of precut building packages and distributorships, among other things to cease making advertising claims without prior substantiation; using unfair contract terms; failing to provide consumers with right of rescission if timely delivery of product is not made; failing to provide warranties that their products will be delivered complete and free from defects in accordance with terms of the purchase contract; failing to make disclosures required by F.T.C.'s proposed Trade Regulation Rule on Sale of Franchises; and failing to comply with the disclosure requirements of Regulation Z of the Truth in Lending Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows: [1]

ORDER

I. *It is ordered,* That respondents Lindal Cedar Homes, Inc. (hereinafter Lindal, Inc.), a corporation, its successors and assigns, and its officers; Sir Walter Lindal, individually and as a former officer of Lindal, Inc.; and respondents' agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale or sale of any building, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from making any representation in writing, orally, visually, or in any other manner, directly or by implication, as to the ease, economy or time involved in the construction of any building, unless at the time the representation is made respondents:

A. Have a reasonable basis for such representation based on a statistically valid sample of those persons who have either purchased or constructed Lindal, Inc. buildings; and

B. Make available to distributors of Lindal, Inc. products and to the general public, at the point of retail sale, copies of a brief but comprehensive statement of the substantiating material, in terms

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

understandable to the average consumer.

II. *It is further ordered,* That respondents, their successors and assigns, in connection with the advertising, offering for sale or sale of any building do forthwith:

A. Cease and desist from disseminating, using, or causing others to use, in any manner, any sales agreement, earnest money agreement, or other contract which provides directly or indirectly, that:

1. The purchaser must accept or has accepted delivery of respondents' products prior to the time the purchaser has had an opportunity to inspect the goods in a reasonable place, time and manner for damages, defects and shortages.

2. The respondents may increase the price of their product to a price higher than the respondents' prevailing price for like products.

3. Respondents disclaim liability for implied-in-law warranties where such disclaimers are in contravention to applicable state laws.

B. Abide by, and include in all sales agreements, earnest money agreements and other contracts which Lindal, Inc. distributes, uses, or causes others to use, a term which has the following effect and none in contradiction thereof:

The purchaser has the option to cancel the contract and obtain a return of all deposits, less costs for plans and engineering actually incurred by respondents prior to cancellation, should either of the following circumstances occur:

1. If shipment of the ordered merchandise is not made within thirty (30) days of the scheduled shipment date mutually agreed upon by the respondents and the purchaser.

2. If respondents increase the price of their product to the purchaser at any time after a contract for sale of the product has been signed or otherwise consummated.

C. Maintain, abide by, and continue to provide a warranty to every purchaser of their products, whether said purchasers buy directly from respondents or from one of respondents' distributors. Said warranty shall be written and shall incorporate, but not necessarily be limited to, the following standards and terms, in language understandable to the average purchaser:

1. The identity and address of the warrantor.

2. The materials ordered by the purchaser are warranted to be delivered complete at the site designated by the purchaser for delivery. The duration of this warranty shall in no event be less than 10 days from the date when delivery is made at the designated site to the purchaser or to his/her duly authorized agent. There shall be no exceptions or exclusions to this warranty.

3. The materials ordered by the purchaser are warranted to be delivered free from defects and of a kind and quality designated or specified in the contract of sale. The duration of this warranty shall in no event be less than 150 days from the date when the purchaser receives the designated materials. There shall be no exceptions or exclusions to this warranty.

4. The duties and responsibilities of claimant shall be limited to the filing with respondents of all claims under the warranty in writing. Respondents shall fully and conspicuously disclose the procedure which the consumer should take in order to (a) obtain performance of any obligation under the warranty; and (b) file a complaint with respondents regarding any failure to perform the alleged warranty obligations of respondents, in accordance with the procedures set out in subsection (9), below.

5. All of respondents' warranty service and replacement obligations will be performed without charge to the purchaser.

6. All of respondents' warranty service and replacement obligations performed subsequent to the tender of the materials to the retail purchaser shall be rendered by respondents, either directly or through their distributors or other third parties at the site of the materials.

7. Respondents shall, directly or through their distributors or other third parties:

a. Respond to notice of the need for warranty service or replacement within a reasonable time not to exceed seven business days of receipt of said notice by respondents; and

b. Complete said service or replacement covered by the warranty within a reasonable time not to exceed forty-five calendar days following said receipt of notice.

8. Respondents shall maintain full and adequate records which disclose the date of receipt and the date of disposition of each request for warranty service (including any refusal to accept a request and the reason for such refusal) received by respondents.

9. Respondents shall, beginning within 120 days of the effective date of the Order, establish a uniform procedure for the systematic receipt and analysis and fair disposition of all complaints or disputes which may arise between purchasers of respondents' products and respondents or respondents' distributors or other third parties, regarding any alleged failure of respondents to perform their warranty obligations.

Such procedure shall incorporate but not necessarily be limited to:

a. Prompt evaluation and response by respondents to all complaints within a reasonable time not to exceed seven business days after receipt by respondents;

b. The designation of a single focal point within the corporation for the receipt of said complaints;

c. An effective mechanism for the fair and impartial resolution of such disputes by corporate level personnel not responsible for sales on a day-to-day basis;

d. An accurate and complete record keeping system regarding the nature and disposition of all such disputes and complaints received by respondents;

e. Periodic review and evaluation by respondents of the effectiveness of such procedures and correction of such procedures where necessary.

10. Respondents shall disclose to each retail purchaser of their products, any delegation of warranty responsibility to distributors or other third parties, provided however, that disclosure of said delegation must be accompanied by the additional disclosure that such delegation in no way relieves respondents of the ultimate responsibility to fulfill all of respondents' warranty obligations.

11. Respondents shall fully and conspicuously disclose that the warranty provided for herein does not warrant the quality of the construction of the building by respondents' distributor or any other contractor, unless such is the fact.

D. Require each and every person, partnership or corporation which now or at any time in the future is licensed, franchised or in any way authorized to sell or offer for sale Lindal, Inc. products, as a condition of doing business with Lindal, Inc., to sign an agreement, either at the time of initial franchising or authorization, or at the time of renewal of said franchise or authorization, which includes terms to the following effect and none in contradiction thereof:

1. Distributor will comply with all local, state and federal laws with respect to the sale of Lindal, Inc. products.

2. Distributor will utilize only written contracts in the sale of Lindal, Inc. products. To this end, Lindal, Inc. will:

a. Provide each distributor with a form of sales contract for use by the distributor in sales to customers which shall comply with the provisions of Parts II.A. and II.B. of this order; and

b. Not discourage, directly or indirectly, the use of this form by distributors.

3. Distributor will make all sales of Lindal, Inc. products so that its customers acquire all rights in accordance with the Lindal, Inc. warranty. To this end, distributor shall include the full text of the Lindal, Inc. warranty as an express term of all contracts for the sale of Lindal, Inc. products.

4. Distributor acknowledges receipt of a copy of this order.

E. Enforce the agreement specified in Part II.D. of this order in the following manner:

1. Whenever respondents receive information, directly or indirectly, that a distributor is not in compliance with said agreement, respondents shall immediately notify said distributor of his/her non-compliance.

2. Whenever a distributor fails to cure said non-compliance within 30 days of receipt of respondents' notice of non-compliance, respondents shall terminate said distributor.

F. Make contact with each distributor to whom respondents may have distributed sales and earnest money agreement forms which contain the language stated in Paragraph Seven of the complaint, and use their best efforts to obtain possession of such sales and earnest money agreement forms from the distributors, and destroy such forms.

III. *It is further ordered,* that respondents, their successors and assigns, in connection with the advertising, offering for sale or sale of any distributor-

ship or franchise do forthwith cease and desist from:

A. Failing to furnish each prospective franchisee with the following information in a legible, written document, at the earlier of the time when the first personal meeting for the purpose of discussing the possible sale of a franchise occurs between such prospective franchisee and Lindal, Inc. (hereinafter "franchisor") or its sales representative; or at least fifteen business days prior to the execution by the prospective franchisee of any franchise agreement or any other binding obligation or the payment by the prospective franchisee or any consideration in connection with the sale or proposed sale of a franchise:

1. a. The trade name or trademark under which the franchisor and the prospective franchisee will be doing business;

b. The social name and address and principal place of business of the franchisor, the parent firm or holding company of the franchisor, if any; and

c. All persons the franchisee is required or is suggested to do business with by the franchisor which have a substantial connection with the franchisor.

2. The business experience stated individually of each of the franchisor's directors and chief executive officers including the biographical data concerning all such persons.

3. The business experience of the franchisor, including the length of time the franchisor has conducted a business of the type to be operated by the franchisee; has granted franchises for such business; and has granted franchises in other lines of business.

4. A certified balance sheet for the most recent year; a certified profit and loss statement for the most recent three year period; and a statement of any material changes in the financial soundness of the franchisor since the date of such financial statements.

5. Where such is the case, a statement that the franchisor or any of its current directors or chief executive officers:

a. Has been held liable in a civil action by final judgment, has been convicted of a felony or has plead nolo contendere to a felony charge if such felony or civil action involved fraud, embezzlement, fraudulent conversion or misappropriation of property for the most recent seven year period.

b. Is subject to any currently effective state or federal agency injunctive or restrictive order relating to or affecting franchise activities or the franchisor/franchisee relationship.

c. Has filed in bankruptcy or has been associated as a director or chief executive officer of any company that has filed bankruptcy or reorganization proceedings for the most recent seven year period.

d. Has been a party to any cause of action brought by franchisees against the franchisor since January 1, 1970 or for the most recent seven year period, whichever is shorter, which resulted either in an out of court settlement in excess of $1,000 or a judgment against the franchisor.

6. A factual description of the franchise offered to be sold.

7. a. A statement of the total funds which must be paid by the franchisee to the franchisor or to a person having a substantial connection with the franchisor, in order to obtain or commence the franchise operation, such as deposits, downpayments and fees.

b. If all or part of these fees or deposits are returnable under certain conditions, these conditions must be set forth; and if not returnable such fact so disclosed.

8. A statement describing the recurring fees required to be paid, in connection with carrying on the franchise business, by the franchisee to the franchisor or to persons having a substantial connection with the franchisor, including but not limited to royalty, lease, advertising, training, and sign rental fees.

9. A statement disclosing

a. The name and address of all franchises and company-owned outlets operating at the end of the last calendar year indicating which units are company-owned outlets, and

b. The number of franchisees operating at the end of the last calendar year who, during the last calendar year, purchased buildings from Lindal, Inc. in the following total quantities:

(i) 0 to 2
(ii) 3 to 5
(iii) 6 to 8
(iv) 9 to 15
(v) more than 15

10. A statement describing any real estate, services, supplies, products, signs, fixtures, or equipment relating to the establishment or the operation of the franchise business which the franchisee is required to purchase, lease or rent directly or indirectly from the franchisor or persons having substantial connection with the franchisor.

11. A description of the basis and the amount of any revenue or other consideration to be received by the franchisor, or persons having a substantial connection with the franchisor, from suppliers to the prospective franchisee in consideration for goods or services required or suggested to be purchased by the franchisee.

12. a. A statement of the terms and conditions of any financing arrangement offered directly or indirectly by the franchisor or any person having a substantial connection with the franchisor, and

b. A description of any payments received by the franchisor from any person for the placement of financing with such person.

13. A statement whether, by the terms of the franchise agreement or other device or practice, the franchisee is limited in the goods or services he may offer for sale, or limited in the customers to whom he may sell such goods or services.

14. A statement of the extent to which the franchisor requires the franchisee to participate personally in the direct operation of the franchise.

15. A statement disclosing:

a. The conditions and terms under which the franchisor allows the franchisee to sell, lease, assign, or otherwise transfer his franchise, or any interest therein, and

b. The amount of consideration which must be paid to the franchisor for such sale, lease, assignment or transfer, if any.

16. A statement disclosing:

a. The conditions under which the franchise agreement may be terminated by the franchisor, renewal may be refused, or the franchise may be repurchased by the franchisor at its option;

b. The number, stated for each category, of franchises which were terminated, renewal refused or repurchased during the preceding calendar year and a complete explanation thereof; and

c. The conditions under which the franchise agreement may be terminated by the franchisee and the number of franchises voluntarily terminated by franchisees during the preceding calendar year.

17. If site selection is involved, a statement disclosing the range of time that has elapsed in the preceding calendar year, between signing of a franchise agreement and site selection. If, in addition, operating units are to be provided, a statement disclosing the range of time that has elapsed in the preceding calendar year between the signing of the franchise agreement and opening of the franchise outlet.

18. If the franchisor offers a training program or informs the prospective franchisee that it intends to provide him/her with training, the franchisor must specify the specific type and nature of the training, the number of hours or days of instruction, and the cost to the franchisee, if any.

19. If a franchisor uses the name of a "public figure" in connection with the recommendation of the franchise or as a part of the name of the franchise operation, a statement disclosing:

a. The nature and extent of the public figure's involvement and obligations to the franchisor, including but not limited to the promotional assistance the public figure will provide to the franchisor and to the franchisee;

b. The total investment of the public figure in the franchise operation; and

c. The amount of any fees the franchisee will be obligated to pay for such involvement and assistance provided by the public figure.

20. A statement explaining clearly the terms and conditions of any covenant not to compete which a franchisee may be required to enter into.

All of the foregoing information in Part III.A. 1. through 20. is to be contained in a single disclosure statement, which shall not contain any promotional claims or other information not required by this order or required by state law. This does not preclude franchisors from giving explanatory data in separate literature so long as such explanatory data are not inconsistent with the disclosure statement required by this order. This

disclosure statement shall carry a distinctive and conspicuous cover sheet with the following notice (and no other) imprinted thereon in bold-face type of not less than 10 point size:

INFORMATION FOR PROSPECTIVE FRANCHISEES REQUIRED BY FEDERAL TRADE COMMISSION

This information is provided for your own protection. It is in your best interest to study it carefully before making any commitment.

The information contained herein has not been reviewed or approved by the Federal Trade Commission. A false, inaccurate or incomplete statement may constitute a violation of federal law, and should be reported to the Federal Trade Commission, Washington, D.C. 20580.

B. Making any oral or written representation of a prospective franchisee's potential sales, income, gross or net profit unless:

1. Such sales, income or profits are reasonably likely to be achieved by the person to whom the representation is made;

2. The basis and assumptions for such representation are set forth in detail;

3. Such representation and the underlying data have been prepared in accordance with generally accepted accounting principles;

4. In immediate conjunction therewith, the following statement is clearly and conspicuously disclosed:

THERE IS NO ASSURANCE THAT INCOME AND PROFIT PROJECTIONS WILL BE ATTAINED BY ANY SPECIFIC FRANCHISEE. THEY ARE MERELY ESTIMATED; AND

5. The amounts represented are not in excess of sales, income or profits actually achieved by existing franchises. If franchises have not been in operation long enough to indicate what sales, income or profits may result, then representations of such to a prospective franchisee are prohibited.

C. Making any representation with respect to sales, income or profits made by franchisees, unless such sales, income, or profit amounts are reasonably likely to be achieved by the person to whom the representation is made.

D. 1. Making any claim with respect to past or potential sales, profits or earnings in any advertising, promotional material, or discussion between a franchisor's representatives and prospective franchisees, for which the franchisor does not have substantiation in its possession, which substantiation shall be made available to prospective franchisees or the Commission or its staff upon demand.

2. Making any claim or representation in advertising or promotional material, or in any oral sales presentation, solicitation or discussion between a franchisor's representatives and prospective franchisees, which is inconsistent with the information required to be disclosed by this order.

E. Failing to furnish the prospective franchisee with a copy of the completed franchise agreement proposed to be used at least fifteen business days prior to the date the agreement is to be consummated.

F. Failing to return the funds or deposits in accordance with the conditions stated pursuant to subparagraph (A)(7)(b) of this paragraph.

G. Failing to furnish the prospective franchisee with a copy of the Federal Trade Commission's publication entitled "FTC Buyer's Guide No. 4, Franchise Business Risks" at the earlier of the time:

1. When the first personal meeting for the purpose of discussing the possible sale of a franchise occurs between such prospective franchisee and the franchisor or its sales representative; or

2. At least fifteen business days prior to the execution by the prospective franchisee of any franchise agreement or any other binding obligation, or the payment by the prospective franchisee of any consideration in connection with the sale or proposed sale of a franchise. (A limited number of said publication may be obtained from the Commission; printing or reproduction of said publication, however, shall be at the franchisor's expense.)

IV. *It is further ordered,* That respondents, their successors and assigns, in connection with any extension of consumer credit or any advertisement to aid, promote or assist directly or indirectly any extension of consumer credit, as "consumer credit" and "advertisement" are defined in Regulation Z (12 CFR Part 226) of the Truth in Lending Act (Pub. L. 90-321, 15 U.S.C. 1601, et seq.), do forthwith cease and desist from:

A. Failing to use the terms "cash price", "cash downpayment", "unpaid balance of cash price", and "pre-paid finance charge" and the corresponding disclosures with those terms as required by § 226.8(c)(1), (2), (3), (5) and (6), respectively, of Regulation Z.

B. Failing to use the term "amount financed" to describe the amount of credit extended, as required by § 226.8(c)(7) of Regulation Z.

C. Failing to compute and disclose the annual percentage rate accurately to the nearest quarter of one percent, as required by §§ 226.5(b) and 226.8(b)(2) of Regulation Z.

D. Failing to disclose the number, amounts and due dates or periods of payments scheduled to repay the indebtedness, as required by § 226.8(b)(3) of Regulation Z.

E. Failing to describe or identify the type of security interest held or to be retained or acquired by the creditor in connection with the extension of credit, and to provide a clear identification of the property to which the security interest relates as required by § 226.8(b)(5) of Regulation Z.

F. Failing to furnish to the customer, before the transaction is consummated, a duplicate of the instrument or other statement containing the disclosures prescribed by § 226.8 of Regulation Z, as required by § 226.8(a) of Regulation Z.

G. Failing, in any consumer credit transaction or advertisement to make all disclosures determined in accordance with §§ 226.4 and 226.5 of Regulation Z, at the time and in the manner, form and amount required by §§ 226.6, 226.7, 226.8, 226.9 and 226.10 of Regulation Z.

V. *It is further ordered,* That respondents, at all times subsequent to the date of this order, maintain complete records relative to the manner and form of their compliance with each Part of this order during the immediately preceding two-year period. Such records shall include all advertising, promotional literature, the basis for all applicable advertising claims, correspondence with persons who formulate or place advertising, and other pertinent documents, and shall be made available for inspection and photocopying by authorized representatives of the Federal Trade Commission upon reasonable notice at respondents' places of business or other properly designated location.

VI. *It is further ordered,* That the corporate respondent shall forthwith distribute a copy of this order to each of its officers and distributors, and to each agent, representative or employee who is engaged in the preparation or placement of advertisements.

VII. *It is further ordered,* That in the event that the corporate respondent merges with another corporation or transfers all or a substantial part of its business or assets to any other corporation or to any other persons, respondents shall require said successor or transferee to file promptly with the Commission a written agreement to be bound by the terms of this order.

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

IX. *It is further ordered,* That the individual respondent named herein promptly notify the Commission of his affiliation with any business or employment, in the event of such affiliation. Such notice shall include his current business address and a statement as to the nature of the business or employment in which he is engaged, as well as a description of his duties and responsibilities.

X. *It is further ordered,* That respondents shall, within sixty days after service upon them of this order, file with the Commission a written report setting forth in detail the manner and form of their compliance with this order.

The Decision and Order was issued by the Commission Jan. 5, 1976.

CHARLES A. TOBIN,
Secretary.

[FR Doc.76-4304 Filed 2-12-76;8:45 am]

[Docket No. C-2775]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Walker-Thomas Furniture Co., Inc., et al.

Subpart—Coercing and Intimidating: § 13.356 Delinquent debtors. Subpart—Corrective actions and/or requirements; § 13.533 Corrective actions and/or requirements; 13.533–5 Arbitration; 13.533–20 Disclosures; 13.533–45 Maintain records; 13.533–45(k) Records, in general; 13.533–50 Maintain means of communication; 13.533–75 Warranties. Subpart—Delaying or withholding corrections, adjustments or action owed; § 13.675 Delaying or withholding corrections, adjustments or action owed; § 13.677 Delaying or failing to deliver goods or provide services or facilities. Subpart—Enforcing dealings or payments wrongfully: § 13.1045 Enforcing dealings or payments wrongfully. Subpart—Failing to maintain records; § 13.1051 Failing to maintain records; 13.1051–20 Adequate; 13.1051–30 Formal regulatory and/or statutory requirements. Subpart—Misrepresenting oneself and goods—Goods: § 13.1595 Conditions of goods; § 13.1685 Nature; § 13.1695 Old, secondhand, reclaimed or reconstructed as new; § 13.1740 Scientific or other relevant facts. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 Formal regulatory and statutory requirements; 13.1852–75 Truth in Lending Act; § 13.1880 Old, used, or reclaimed as unused or new; § 13.1892 Sales contract, right-to-cancel provision; § 13.1895 Scientific or other relevant facts; § 13.1905 Terms and conditions; 13.1905–60 Truth in Lending Act. Subpart—Offering unfair, improper and deceptive inducements to purchase or deal: § 13.1980 Guarantee, in general; § 13.2040 Returns and reimbursements; § 13.2063 Scientific or other relevant facts. Subpart—Securing orders by deception: § 13.2170 Securing orders by deception. Subpart—Substituting product inferior to offer: § 13.2263 Substituting product inferior to offer. Subpart—Threatening suits, not in good faith: § 13.2264 Delinquent debt collection.

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

In the Matter of Walker-Thomas Furniture Co., Inc., a corporation, and Robert Walker Thomas, and Percy Weinberg, individually and as officers of said corporation.

Consent order requiring a Washington, D.C., retailer of furniture, appliances, and housewares, among other things to cease offering merchandise without disclosing prior use; failing to honor guaranties and warranties; failing to disclose cost terms; failing to deliver ordered merchandise; harassing delinquent debtors; failing to maintain adequate records; and failing to make disclosures concerning the extension of consumer credit required by Regulation Z of the Truth in Lending Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:[1]

ORDER

I. For the purpose of this order the following definitions shall apply:

A. "Retail Installment Contract" Is a written agreement between respondents and a customer under which respondents sell merchandise to a customer while extending credit to said customer for the purchase of said merchandise and retaining a security interest in the merchandise. Such credit is extended on an installment basis, whereby respondents' customers agree to make a specified number of payments to respondents at specified time intervals to satisfy the obligation.

B. "Payment" Is a periodic or installment payment due on a retail installment contract. The term "payment" shall also include the tender of a payment of money to respondents by a customer to satisfy a periodic or installment payment due under a retail installment contract, said tender of payment being insufficient, untimely or not otherwise fully in compliance with the payments called for by said retail installment contract.

C. "Payment card" Is a ledger or record of payments made to respondents by respondents' customers which is given by respondents to their customers. This record of payments reflects both all payments made to respondents by respondents' customers as well as a running balance of the customer's account revealing descending balances after all customer payments and ascending balances after all customer purchases from respondents.

D. "Self-help repossession" Refers to respondents' efforts to retake merchandise sold to customers without the use of judicial process.

E. "Debt collection" Refers to any activity other than use of the judicial process which is intended to bring about or does bring about repayment of all or part of a consumer debt, except:

a. Inquiry to locate a consumer whose whereabouts are genuinely unknown to the respondents; and/or

b. Inquiry to determine the nature and extent of a consumer's wages or property;

Provided, That, in these two instances, no specific mention is made of the alleged indebtedness.

F. "Used merchandise" Is any merchandise which has been previously left in a customer's home or in a customer's possession or has been previously used for the purposes for which it was intended

G. "Floor sample" Is any merchandise that is not used merchandise and has been displayed for inspection by prospective purchasers at respondents' retail outlets.

II. *It is ordered*, That respondents Walker-Thomas Furniture Co., Inc., a corporation, its successors and assigns, and its officers, and Robert Walker Thomas and Percy Weinberg, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporation, subsidiary, division or any other device in connection with the repairing, offering for sale, sale and distribution of furniture and appliances, or any other products or services, and in connection with the collecting, attempting to collect, or assisting in the collection of debts, or inducing, or attempting to induce, the payment of accounts, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, as amended, do forthwith cease and desist from:

1. Receiving any payment from a customer and returning said payment to the customer in either the form of a check payable to the customer and Walker-Thomas as co-payees, or in any form which does not give the customer full use of the rejected funds.

2. Failing to either clearly accept or reject any payment tendered by a customer to respondents.

3. Failing to credit customer accounts, within three (3) business days after its receipt, with any payment tendered by a customer to respondents, if that payment is accepted by the respondents.

4. Failing to give a written receipt for any payment which is tendered by a customer to respondents in a form other than a personal check, if that payment is accepted by respondents. Such receipts shall include the amount of the payment and must be given to the customer at the time the payment is made to the respondents; provided, however, that respondents may send such receipts by first class mail if the payment is made by mail.

5. a. Failing to deliver or mail, within three (3) business days of the date of sale, a payment card to all customers who initially finance their purchases from respondents under a retail installment contract, and failing to record each subsequent purchase, along with the current status of that account, on that payment card or a new payment card;

b. Failing to record on such payment card the amount of each payment received from respondents' customers at the time the payment is made by the customers; provided, however, that if respondents' customers do not make their payment card available upon request at the time of each payment, or if respondents' customers mail in their payment without enclosing their payment card, respondents do not have to record the amount of the payment on the customer's payment card if they issue a receipt for that payment indicating the amount of the payment and showing the current balance on that customer's account after the payment.

6. a. Selling any used merchandise without first clearly and conspicuously

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

disclosing that such merchandise is "used" to any prospective customer orally, on any contract for the subsequent sale of that merchandise, and in a writing conspicuously attached to the merchandise when it is displayed in respondents' store.

b. Selling any floor sample without clearly and conspicuously disclosing that such merchandise is a floor sample to any prospective customer orally, on any contract for the subsequent sale of that merchandise, and in a writing conspicuously attached to the merchandise when it is displayed in respondents' store.

The oral disclosures required by this Paragraph II(6) must be made prior to the prospective customer's signing a retail installment contract for the merchandise.

7. Representing that any used merchandise or floor sample is new or misrepresenting, in any manner, the nature, extent or degree of prior use of any merchandise offered for sale or sold by respondents.

8. Failing to maintain records which will show the disposition of any used merchandise or floor sample after said used merchandise has been previously left in a customer's home or in a customer's possession, or said floor sample has been displayed for inspection at respondents' retail outlets. These records shall include complete records of any subsequent sale of said merchandise.

9. Failing to promptly honor the terms of any guarantee or warranty, both express and implied, given by respondents to their customers, if respondents' customers request service or repairs at any time prior to the expiration of the warranty or guarantee. The failure of respondents to effectuate repairs or services prior to the expiration of any warranty or guarantee shall not relieve the respondents of the responsibility of honoring any request for such repairs or services made prior to the expiration of said warranty or guarantee.

10. Failing to issue a copy of any guarantee or warranty given by respondents to their customers at the time of each purchase by a customer.

11. Failing to maintain adequate records of any inquiry, either written or oral, made by respondents' customers to any of respondents' agents or employees requesting repairs to merchandise sold by respondents while such merchandise is still under respondents' warranty or guarantee. Such records shall indicate the date on which the request was made, the nature of the complaint and repair work involved, and the date on which the repair was effectuated.

12. Accepting orders from customers for merchandise or arranging delivery of merchandise to customers unless respondents first disclose to the customer the following in writing:

a. The cash price of the merchandise, as "cash price" is defined in Regulation Z (12 CFR Part 226) of the Truth in Lending Act (Pub. L. 90-321, 15 U.S.C., 1601 et seq.);

b. The amount of down payment required;

c. The number, amount and due date or period of payments scheduled to repay the indebtedness;

d. The amount of the finance charge, as "finance charge" is defined in Regulation Z (12 CFR Part 226) of the Truth in Lending Act (Pub. L. 90-321, 15 U.S.C., 1601 et seq.);

e. The amount of the finance charge expressed as an annual percentage rate, as "finance charge" and "annual percentage rate" are defined in Regulation Z (12 CFR Part 226) of the Truth in Lending Act (Pub. L. 90-321, 15 U.S.C., 1601, et seq.); and

f. The deferred payment price, as "deferred payment price" is defined in Regulation Z (12 CFR Part 226) of the Truth in Lending Act (Pub. L. 90-321, 15 U.S.C., 1601, et seq.), or the sum of all the payments.

13. Delivering any merchandise to customers which is not what the customer ordered or does not conform to the representations made by respondents' salesmen and employees concerning said merchandise: *Provided, however,* That any nonconforming delivery of merchandise which is made through mistake or inadvertence will not be a violation of this Paragraph II(13) if respondents correct the mistake and deliver conforming merchandise within seven (7) days after respondents are notified by any customer of such nonconforming delivery.

14. Failing to comply with any and all provisions of the Federal Trade Commission's Trade Regulation Rule concerning a "Cooling-Off Period for Door-to-Door Sales" (16 CFR 429.1), which are in effect on the date this Order becomes effective, and with any modifications or changes in the aforesaid Rule which may be made from time to time. A copy of said Rule shall be made a part of this order for purposes of complying with Part IV of this order.

Provided, however, That nothing contained in this order shall relieve respondents of any contractual obligations respecting contracts required by federal law or the law of the jurisdiction in which the contract is negotiated. When such obligations are inconsistent, respondents may apply to the Commission for relief from Paragraph II(14) of this order with respect to contracts executed in the state in which such different obligations are required.

15. Utilizing any self-help repossession of merchandise sold to any of respondents' customers unless respondents:

a. Orally tell that customer who has purchased the merchandise (i.e., the person who has signed the contract for that merchandise), that the merchandise cannot be taken back without the customer's permission; and

b. Immediately preceding any attempt to repossess merchandise, furnish that customer who has purchased the merchandise with a document containing only the following language appearing in the following manner:

NOTICE—READ THIS

By order of the Federal Trade Commission, Walker-Thomas Furniture Company cannot take back any merchandise from you without your written consent. If you wish to have Walker-Thomas Furniture Company take back any merchandise you have bought from it, you must sign this paper. YOU DO NOT HAVE TO SIGN THIS PAPER AND YOU DO NOT HAVE TO CONSENT TO THE RETURN OF YOUR MERCHANDISE. If you have any problem with defective or damaged merchandise you have bought from Walker-Thomas Furniture Company, call he Better Business Bureau of Metropolitan Washington, D.C., 1111 E Street, NW., Washington, D.C., at 393-8017. They can help you solve your problem. If you have a dispute with Walker-Thomas concerning defective or damaged merchandise, you have a right to submit your dispute for settlement (arbitration) to the Better Business Bureau within one year from the date your merchandise was delivered.

I consent to have Walker-Thomas Furniture Company take back merchandise I have bought from it. I UNDERSTAND THAT THEY CANNOT TAKE BACK THIS MERCHANDISE UNLESS I CONSENT TO IT.

(date)

(name)

c. Obtain the signature of that customer who has purchased the merchandise from respondents on the document described in Paragraph II(15)(b) of this order; and

d. Maintain adequate records to indicate compliance with Paragraph II(15)(c) of this order.

16. Utilizing any self-help repossession or any attempt without judicial process to take back merchandise sold to any of respondents' customers when such repossession or taking back is accomplished or attempted through the use of any intimidation, deception, coercion, threats of any nature or any statements or conduct which give the customer the impression that the merchandise can be repossessed without the full consent of the customer.

17. a. Communicating or threatening to communicate, in the course and conduct of debt collection, with the consumer's employer or any agent of the employer or any other person not liable for the debt other than the customer's spouse or attorney, except as permitted by order of a court.

b. Failing to provide on the face of all of its retail installment contracts, with such conspicuousness and clarity as is likely to be read and understood by customers, that:

In the course of collecting a debt, Walker-Thomas Furniture Company will not communicate with or threaten to communicate with a customer's employer or any agent of the employer or any other person not liable for the debt other than a customer's spouse or attorney, except as permitted by order of a court.

Provided, however, That should the Federal Trade Commission promulgate a Trade Regulation Rule or Industry Guide concerning Unfair Credit or Debt Collection Practices, then any pertinent

less comprehensive or less restrictive provisions of such Rule or Guide shall automatically replace any comparable provisions of Paragraph II (17) of this order when that Rule or Guide becomes final and effective.

18. Communicating, in the course and conduct of debt collection, with any of respondents' customers before 7:30 a.m. or after 9:00 p.m., or making any visits or phone calls of a harassing nature including, but not limited to, repeated visits or phone calls over unreasonably short periods of time.

III. A. *It is further ordered,* That in addition to other rights given to a customer pursuant to this order, if respondents and a customer are unable to agree upon a settlement of any controversy involving the delivery or repair of any damaged or defective merchandise, or the failure to replace or repair damaged or defective merchandise, then, at the option of the customer, such customer shall have the right to submit that controversy to an impartial arbitration procedure entailing no mandatory administrative cost or filing fee to the customer, which shall be conducted in accordance with the arbitration procedures annexed to this order, as Appendix "A",[1] and the procedures for arbitration adopted in Appendix "A" are to be considered as incorporated within the terms of this order.

B. *It is further ordered,* That respondents comply with and abide by any award or decision rendered pursuant to the arbitration procedures of Paragraph III (A) of this order.

Furthermore, respondents shall not be entitled to prevent arbitration pursuant to any provision of this order by reason of having obtained a default judgment against any customer in any action for money or property allegedly due the respondents or their assignees.

C. *It is further ordered,* That at the time a controversy arises involving the delivery or repair of any damaged or defective merchandise, or the failure to replace or repair damaged or defective merchandise, respondents shall provide adequate notification to customers of their right to submit such controversy to arbitration and that respondents also incorporate the following statement on the face of all retail installment contracts with such conspicuousness and clarity as is likely to be read and understood by customers:

Any right or claim which you may have involving damaged or defective merchandise you have bought from Walker-Thomas Furniture Company may be settled, at your option, by arbitration conducted by the Better Business Bureau and monitored by the Federal Trade Commission. YOU HAVE THIS RIGHT TO ARBITRATION ONLY IF YOU REQUEST ARBITRATION WITHIN ONE YEAR FROM THE DATE THE MERCHANDISE IS DELIVERED TO YOU. If you have any claims which you want to be arbitrated or any questions about arbitration, call the Better Business Bureau, 1111 E Street, NW., Washington, D.C. at 393-8017.

D. *It is further ordered,* That whenever respondents are required pursuant to the terms of this order to give notice of a customer's right to arbitration, the notice must set forth the name, address and telephone number of the arbitration tribunal and the manner in which arbitration can be obtained. Respondents are authorized and directed to change the instructions, contained in the notice set forth above in Paragraph III(C) of this order, as to how to secure arbitration if circumstances require.

E. *It is further ordered,* That one year after the service of this order upon respondents, respondents may petition the Federal Trade Commission to reopen these proceedings, pursuant to § 3.72 of the Commission's rules of practice, for the purpose of reviewing the effectiveness and/or fairness of the operation of Part III of this order.

F. *It is further ordered,* That Part III of this order shall not apply to sales made by respondents prior to the date this order becomes final and effective.

IV. A. *It is further ordered,* That respondents deliver a copy of this order to cease and desist to all present and future employees or other persons engaged in the debt collection of respondents' accounts and the offering for sale, or sale, of respondents' products, and secure from each such employee or other person a signed statement acknowledging receipt of said order.

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

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

D. *It is further ordered,* That the individual respondents named herein promptly notify the Commission of the discontinuance of their present business or employment and of their affiliation with a new business or employment. Such notice shall include respondents' current business address and a statement as to the nature of the business or employment in which they are engaged as well as a description of their duties and responsibilities.

E. *It is further ordered,* That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

The Decision and Order was issued by the Commission January 6, 1976.

CHARLES A. TOBIN,
Secretary.

[FR Doc.76-4222 Filed 2-12-76;8:45 am]

Title 24—Housing and Urban Development

CHAPTER V—OFFICE OF ASSISTANT SECRETARY FOR COMMUNITY PLANNING AND DEVELOPMENT, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-76-292]

PART 570—COMMUNITY DEVELOPMENT BLOCK GRANTS

Applications for Entitlement Grants; Rescission of Correction

The correction published at 41 FR 4818, in the issue of February 2, 1976, with respect to applications for entitlement grants was incorrectly published and is withdrawn effective as of February 13, 1976.

(Sec. 7(d), Department of HUD Act; 42 U.S.C. 3535(d)).

WARREN H. BUTLER,
Deputy Assistant Secretary for Community Planning and Development.

[FR Doc.76-4265 Filed 2-12-76;8:45 am]

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

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-880]

PART 1915—IDENTIFICATION AND MAPPING OF SPECIAL HAZARD AREAS

List of Communities With Special Hazard Areas

The purpose of this notice is the identification of communities with areas of special flood or mudslide or erosion hazards in accordance with Part 1915 of Title 24 of the Code of Federal Regulations as authorized by the National Flood Insurance Program (42 U.S.C. 4001-4128). The identification of such areas is to provide guidance so that communities may adopt appropriate flood plain management measures to minimize damage caused by flood losses and to guide future construction, where practicable, away from locations which are threatened by flood hazards.

The Flood Disaster Protection Act of 1973 requires the purchase of flood insurance on and after March 2, 1974, as a condition of receiving any form of Federal or Federally related financial assistance for acquisition or construction purposes in an identified flood plain area having special flood hazards that is located within any community participating in the National Flood Insurance Program.

One year after the identification of the community as flood prone, the requirement applies to all identified special flood hazard areas within the United States, so that, after that date, no such financial assistance can legally be provided for acquisition and construction in these areas unless the community has entered the program. The prohibition, however, does not apply to loans by a Federally regulated, insured, supervised or approved bank prior to March 1, 1976, to

finance the acquisition of a previously occupied residential dwelling.

The effective date of identification shall be on or before March 15, 1976, or the date which appears in this notice, whichever is later.

This 30 day period does not supersede the statutory requirement that a community, whether or not participating in the program, be given the opportunity for a period of six months to establish that it is not seriously flood prone or that such flood hazards as may have existed have been corrected by floodworks or other flood control methods. The six months period shall be considered to begin 30 days after the date of publication in the FEDERAL REGISTER or the effective date of the Flood Hazard Boundary Map, whichever is later. Similarly, the one year period a community has to enter the program under Section 201(d) of the Flood Disaster Protection Act of 1973 shall be considered to begin on or before March 15, 1976, or the effective date of the Flood Hazard Boundary Map, whichever is later.

Where several dates appear in the column set forth below marked Effective Date of Identification, the first date is the date of initial identification, and all other dates represent modification by additions or deletions to identified areas with special hazards.

Accordingly, § 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1915.3 List of communities with special hazard areas (FHBM's in effect).

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
*	*	*	*	*	*	*
Alabama	De Kalb	Henagar, town of	H 010357 01 through H 010357 08	Alabama Development Office, Office of State Planning, State Office Bldg., 501 Dexter Ave., Montgomery, Ala., 36104. Alabama Insurance Department, Room 453, Administrative Bldg., Montgomery, Ala. 36104.	Mayor, Town Hall, Route 3, Henagar, Ala. 35978	Mar. 12, 1976.
Do	Lee	Opelika, city of	H 010145A 01 through H 010145A 11	do	Mayor, P.O. Box 390, Opelika, Ala. 36801.	July 26, 1974. Jan. 16, 1976.
Do	Jackson	Pisgah, city of	H 010360 01 through H 010360 06	do	Mayor, City Hall, Pisgah, Ala. 35765	Mar. 12, 1976.
Do	De Kalb	Rainsville, town of.	H 010368 01 through H 010368 18	do	Mayor, P.O. Box 98, Rainsville, Ala. 35986.	Do.
Arizona	Maricopa	Avondale, city of	H 040038A 01 through H 040038A 03	Arizona State Land Department, 1624 West Adams, Room 400, Phoenix, Ariz. 85007. Arizona Department of Insurance, 1601 West Jefferson, Phoenix, Ariz. 85007.	Mayor, 307 North 3d St., City Hall, Avondale, Ariz. 85323.	Feb. 15, 1974. Jan. 16, 1976.
Do	Cochise	Bisbee, city of	H 040014A 01 through H 040014A 03	do	Mayor, City Hall, 112 Naco Rd., Bisbee, Ariz. 85603.	Aug. 30, 1974. Jan. 16, 1976.
Do	Yuma	Parker, town of	H 040100A 01	do	Mayor, Town Hall, Parker, Ariz. 85344	May 17, 1974.
Arkansas	White	Bald Knob, city of.	H 050222A 01 through H 050222A 02	Division of Soil and Water Resources, State Department of Commerce, 1200 Westpark Dr., Room 308, Little Rock, Ark. 72204. Arkansas Insurance Department, 400 University Tower Bldg., Little Rock, Ark. 72204.	Mayor, City Hall, Bald Knob, Ark. 72010.	Mar. 8, 1974. Jan. 16, 1976.
Do	Searcy	Leslie, city of	H 050196 01	do	Mayor, City Hall, Leslie, Ark. 72645	Mar. 12, 1976.
Do	Phillips	Marvell, city of	H 050170 01 through H 050170 02	do	Mayor, City Hall, Marvell, Ark. 72366	Do.
Do	Cross	Parkin, city of	H 050059A 01	do	Mayor, City Hall, Parkin, Ark. 72373	June 14, 1974. Jan. 16, 1976.
Do	Pulaski	Sherwood, city of	H 050235A 01	do	Mayor, City Hall, P.O. North Little Rock, Sherwood, Ark. 72116.	May 17, 1974. Jan. 16, 1976.
Do	Lawrence	Walnut Ridge, city of.	H 050122A 01	do	Mayor, City Hall, Walnut Ridge, Ark. 72476.	May 10, 1974. Jan. 16, 1976.
California	Solano	Benicia, city of	H 060368A 01 through H 060368A 07	Department of Water Resources, P.O. Box 388, Sacramento, Calif. 95802. California Insurance Department, 600 South Commonwealth Ave., Los Angeles, Calif. 90005.	Mayor, City Hall, 240 East L St., Benicia, Calif. 94510.	Mar. 15, 1974. Jan. 16, 1976.
Do	Marin	Corte Madera, town of.	H 065023A 01 through H 065023A 04	do	Mayor, Town Hall, Corte Madera, Calif. 94925.	June 28, 1974. Jan. 16, 1976.
Do	Santa Clara	Cupertino, city of.	H 060339B 01 through H 060339B 04	do	City Manager, 10300 Torre Ave., Cupertino, Calif. 95014.	Feb. 15, 1974. Apr. 18, 1975. Jan. 16, 1976.
Do	Alameda	Emeryville, city of.	H 060005B 01 through H 060005B 02	do	City Engineer, City of Emeryville, 2440 Powell St., Emeryville, Calif. 94608.	Apr. 12, 1974. Dec. 13, 1974.
Do	Orange	Los Alamitos, city of.	H 060226A 01 through H 060226A 02	do	Chief Engineer, Orange County, Flood Control District, P.O. Box 4048, Santa Ana, Calif. 92701.	June 7, 1974. Jan. 16, 1976.
Do	Alameda	Newark, city of	H 060009A 01 through H 060009A 03	do	Assistant City Engineer, 37101 Newark Blvd., Newark, Calif. 94560.	Feb. 22, 1974. Jan. 16, 1976.
Colorado	Mineral	Creede, town of	H 080118A 01	Colorado Water Conservation Board, Room 102, 1845 Sherman St., Denver, Colo. 80203. Colorado Division of Insurance, 106 State Office Bldg., Denver, Colo. 80203.	Mayor, Town Hall, P.O. Box 206, Creede, Colo. 81130.	Aug. 16, 1974. Jan. 16, 1976.
Do	Delta	Delta, city of	H 080043A 01	do	Mayor, P.O. Box 19, City Hall, Delta, Colo. 81416.	May 24, 1974. Jan. 16, 1976.
Do	Weld	Evans, city of	H 080182A 01	do	Mayor, City Hall, P.O. Box 59, Evans, Colo. 80620.	Apr. 5, 1974. Jan. 16, 1976.
Do	Prowers	Holly, town of	H 080145A 01	do	Mayor, Town Hall, P.O. Box 458, 413 West Cheyenne, Holly, Colo. 81047.	May 17, 1974. Jan. 16, 1976.
Do	La Plata	Ignacio, town of	H 080268A 01	do	Mayor, Town Hall, Ignacio, Colo. 81137.	Mar. 22, 1974.
Do	Boulder	Lafayette, city of	H 080026A 01 through H 080026A 02	do	Mayor, City Hall, 201 East Simpson St., Lafayette, Colo. 80026.	May 24, 1974. Jan. 16, 1976.
Do	Lincoln	Limon, town of	H 080109A 01	do	Mayor, City Hall, P.O. Box 8, Limon, Colo. 80828.	June 28, 1974. Jan. 16, 1976.
Do	Montezuma	Mancos, town of	H 080123A 01	do	Mayor, Town Hall, P.O. Box 487, 117 North Main Street, Mancos, Colo. 81328.	May 17, 1974.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do	Weld	Platteville, town of.	H 080190A 01	do	Mayor, Town Hall, P.O. Box 6, Platteville, Colo. 80651.	Apr. 12, 1974.
Do	Jackson	Walden, town of	H 080086A 01	do	Mayor, Town Hall, P.O. Box 337, Walden, Colo. 80480.	June 28, 1974.
Do	Yuma	Wray, city of	H 080191A 01 through H 080191A 02	do	Mayor, City Hall, 245 West 4th St., Box 35, Wray, Colo. 80758.	Mar. 15, 1974. Jan. 16, 1976.
Delaware	Sussex	Blades, town of	H 100031A 01	Delaware Coordinating Agency, Delaware State Planning Office, Thomas Collins Bldg., 530 South Dupont Highway, Dover, Del. 19901. Delaware Insurance Department, 21 The Green, Dover, Del. 19901.	Mayor, 20 West 4th St., Town of Blades, P.O. Seaford, Del. 19973.	June 7, 1974. Jan. 16, 1976.
Do	do	Greenwood, town of.	H 100039A 01 through H 100039A 02	do	Mayor, P.O. Box 216, Greenwood, Del. 19950.	May 24, 1974.
Georgia	Appling	Unincorporated areas.	H 130001 01 through H 130001 39	Department of Natural Resources, Office of Planning and Research, 270 Washington St. SW., Room 707, Atlanta, Ga. 30334. Georgia Insurance Department, State Capitol, Atlanta, Ga. 30334.	County Courthouse, Baxley, Ga. 31513.	Mar. 12, 1976.
Do	Mitchell	Camilla, city of	H 130137A 01 through H 130137A 04	do	Mayor, P.O. Box 328, Camilla, Ga. 31720.	May 17, 1974. Jan. 16, 1976.
Do	Franklin	Carnesville, city of.	H 130082A 01	do	Mayor, P.O. Box 32, Carnesville, Ga. 30521.	May 24, 1974. Jan. 16, 1976.
Do	Rabun	Clayton, city of	H 130157A 01 through H 130157A 02	do	Mayor, P.O. Box 702, Clayton, Ga. 30525.	May 24, 1974. Jan. 16, 1976.
Do	Elbert	Elberton, city of	H 130077A 01 through H 130077A 02	do	Mayor, P.O. Box 746, Elberton, Ga. 30635.	June 21, 1974.
Do	Hall	Gainesville, city of.	H 130263A 01 through H 130263A 09	do	Mayor, City Hall, Gainesville, Ga. 30501.	Aug. 22, 1975. Jan. 16, 1976.
Do	Screven	Rocky Ford, town of.	H 130162A 01	do	Mayor, Box 53, Rocky Ford Ga. 30455.	Sept. 6, 1974.
Idaho	Elmore	Glenns Ferry, city of.	H 160057A 01	Department of Water Administration, State House, Annex 2, Boise, Idaho, 83707. Idaho Department of Insurance, Room 206, Statehouse, Boise, Idaho 83707.	Mayor, 204 East 2d, City Hall, Glenns Ferry, Idaho 83623.	Jan. 23, 1974.
Do	Nez Perce	Peck, city of	H 160105A 01	do	Mayor, P.O. Box 67, Peck, Idaho 83545.	Aug. 16, 1974. Jan. 16, 1976.
Do	Madison	Rexburg, city of	H 160098A 01 through H 160098A 04	do	Mayor, 12 North Center, City Hall, Rexburg, Idaho 83440.	Dec. 17, 1973.
Do	Shoshone	Wallace, city of	H 160118A 01	do	Mayor, City Hall, 703 Cedar St., Wallace, Idaho 83873.	June 7, 1974. Jan. 16, 1976.
Illinois	McHenry	Cary, village of	H 170475A 01	Governor's Task Force on Flood Control, 300 North State St., Room 1010, P.O. Box 475, Chicago, Ill. 60610. Illinois Insurance Department, 525 West Jefferson St., Springfield, Ill. 62702.	Village President, 441 West Main St. Cary, Ill. 60013.	Apr. 12, 1974.
Do	Marion	Central City, village of.	H 170452A 01	do	Mayor, 141 North Harrison St., Centralia, Ill. 62801.	Feb. 15, 1974. Jan. 16, 1976.
Do	Cass	Chandlerville, village of.	H 170023A 01	do	Village President, Village Hall, Chandlerville, Ill. 62627.	Nov. 23, 1973.
Do	Grundy	Diamond, village of.	H 170259A 01	do	Village President, Route 113, Cole City, Ill. 60416.	Mar. 8, 1974.
Do	Cook	Dixmoor, village of.	H 170082A 01	do	Village President, 170 West 145th St., Dixmoor, Ill. 60426.	Apr. 5, 1974. Jan. 16, 1976.
Do	Greene	Eldred, village of	H 170251A 01	do	Village President, Village Hall, Eldred, Ill. 62027.	Dec. 17, 1973. Jan. 16, 1976.
Do	Hardin	Elizabethtown, village of.	H 170275A 01	do	Acting President of Board, Elizabethtown, Ill. 32931.	Jan. 16, 1974. Jan. 16, 1976.
Do	Lake	Highland Park, city of.	H 170367A 01 through H 170367A 05	do	Mayor, 1707 St. Johns Ave., Highland Park, Ill. 60035.	Oct. 26, 1973. Jan. 16, 1976.
Do	Vermilion	Hoopeston, city of.	H 170667 01	do	Mayor, 229 South Market St., Hoopeston, Ill. 60942.	Mar. 12, 1976.
Do	Pike	Nebo, village of	H 170554A 01	do	Vice President, Village Hall, Nebo, Ill. 61058.	Dec. 28, 1973.
Do	Scott	Unincorporated areas.	H 170805 01 through H 170805 21	do	Chairman, County Courthouse, Winchester, Ill. 62694.	Mar. 12, 1976.
Indiana	Tippecanoe	Lafayette, city of	H 180253A 01 through H 180253A 06	Division of Water, Department of Natural Resources, 608 State Office Bldg., Indianapolis, Ind. 46204. Indiana Insurance Department, 509 State Office Bldg., Indianapolis, Ind. 46204.	Mayor, 20 North Sixth St., Lafayette, Ind. 47901.	Dec. 7, 1973. Jan. 16, 1976.
Do	Boone	Lebanon, city of	H 180013A 01 through H 180013A 02	do	Mayor, City Bldg., 201 East Main St., Lebanon, Ind. 46052.	May 3, 1974. Jan. 16, 1976.
Iowa	Lyon	Alvord, city of	H 190197A 01	Iowa Natural Resources Council, James W. Grimes Bldg., Des Moines, Iowa 50319. Iowa Insurance Department, Lucas State Office Bldg., Des Moines, Iowa 50319.	Mayor, City Hall, Alvord, Iowa 51230.	Sept. 13, 1974. Jan. 16, 1976.
Do	Carroll	Carroll, city of	H 190041 01 through H 190041 02	do	Mayor, City Hall, Carroll, Iowa 51401.	Mar. 12, 1976.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do	Pottawattamie	Carson, city of	H 190234A 01	do	Mayor, City Hall, Carson, Iowa 51525.	Aug. 9, 1974. Jan. 16, 1976.
Do	Lucas	Chariton, city of	H 190195A 01 through H 190195A 02	do	Mayor, City Hall, Chariton, Iowa 50049.	June 14, 1974. Jan. 16, 1976.
Do	Johnson	Hills, city of	H 190170A 01	do	Mayor, City Hall, Hills, Iowa 52235	Dec. 28, 1973. Jan. 16, 1976.
Do	Bremer and Black Hawk.	Janesville, city of	H 190023A 01 through H 190023A 02	do	Mayor, City Hall, Janesville, Iowa 50647.	Dec. 28, 1973. Jan. 16, 1976.
Do	Jasper	Kellogg, city of	H 190164A 01	do	Mayor, City Hall, Kellogg, Iowa 50135.	June 21, 1974. Jan. 16, 1976.
Do	Mills	Malvern, city of	H 190205A 01 through H 190205A 02	do	Mayor, City Hall, Malvern, Iowa 51551.	Mar. 8, 1974. Jan. 16, 1976.
Do	Story	Nevada, city of	H 190258A 01 through H 190258A 02	do	Mayor, City Hall, Nevada, Iowa 50201.	June 28, 1974. Jan. 16, 1976.
Do	Allamakee	New Albin, city of.	H 190007A 01	do	Mayor, City Hall, New Albin, Iowa 52160.	May 17, 1974.
Do	Jones	Oxford Junction, city of.	H 190177A 01	do	Mayor, City Hall, Oxford Junction, Iowa 52323.	June 21, 1974. Jan. 16, 1976.
Do	Black Hawk	Raymond, city of	H 190024A 01 through H 190024A 02	do	Mayor, City Hall, Raymond, Iowa 50667.	Mar. 22, 1974. Jan. 16, 1976.
Do	Montgomery	Red Oak, city of	H 190210A 01 through H 190210A 02	do	Mayor, City Hall, Red Oak, Iowa 51566.	June 28, 1974. Jan. 16, 1976.
Do	Harrison	Woodbine, city of	H 190152A 01	do	Mayor, City Hall, Woodbine, Iowa 51579.	June 28, 1974. Jan. 16, 1976.
Kansas	Greenwood	Eureka, city of	H 200120A 01	Division of Water Resources, Kansas Department of Agriculture, 1720 South Topeka Ave., Topeka, Kans. 66612. Kansas Insurance Department, 1st Floor, Statehouse, Topeka, Kans. 66612.	Mayor, City of Eureka, City Hall, 309 North Oak, Eureka, Kans. 67045.	Apr. 12, 1974. Jan. 16, 1976.
Do	Elk	Moline, city of	H 200093A 01	do	Mayor, City Hall, Moline, Kans. 67353.	Feb. 22, 1974. Jan. 16, 1976.
Do	Haskell	Satanta, city of	H 200135A 01	do	Mayor, City Hall, Satanta, Kans. 67870.	June 7, 1974. Jan. 16, 1976.
Louisiana	Bossier Parish	Benton, town of	H 220032A 01	State Department of Public Works, P.O. Box 44155, Capitol Station, Baton Rouge, La. 70804. Louisiana Insurance Department, Box 44214, Capitol Station, Baton Rouge, La. 70804.	Mayor, Town Hall, Benton, La. 71006.	June 14, 1974. Jan. 16, 1976.
Do	Rapides Parish	Lecompte, town of.	H 220150A 01	do	Mayor, City Hall, Lecompte, La. 71346.	May 17, 1974. Jan. 16, 1976.
Do	Jefferson Davis Parish.	Welsh, town of	H 220100A 01 through H 220100A 02	do	Mayor, Town Hall, Welsh, La. 70591	May 24, 1974. Jan. 16, 1976.
Maryland	Kent	Chestertown, town of.	H 240046A 01 through H 240046A 02	Department of Natural Resources, Water Resources Division, State Office Bldg., Annapolis, Md. 21401. Maryland Insurance Department, 301 West Preston St., Baltimore, Md. 21201.	Mayor, P.O. Box 38, Chestertown, Md. 21620.	July 26, 1974 Jan. 16, 1976.
Do	Talbot	Easton, town of	H 240067A 01 through H 240067A 03	do	Mayor, P.O. Box 520, Easton, Md. 21601.	Aug. 9, 1974. Jan. 16, 1976.
Do	Frederick	Emmitsburg, town of.	H 240029A 01 through H 240029A 02	do	Mayor, Town Hall, Emmitsburg, Md. 21727.	Mar. 29, 1974. Jan. 16, 1976.
Do	Montgomery	Gaithersburg, city of.	H 240050A 01 through H 240050A 04	do	City Manager, City Hall, 31 South Summit Ave., Gaithersburg, Md. 20760.	Jan. 23, 1974. Jan. 16, 1976.
Do	Harford	Havre De Grace, city of.	H 240043A 01 through H 240043A 04	do	Mayor, 121 North Union Ave., Havre De Grace, Md. 21078.	July 26, 1974. Jan. 16, 1976.
Do	Washington	Keedyville, town of.	H 240075A 01 through H 240075A 02	do	Mayor, Main St., Keedyville, Md. 21756.	July 26, 1974. Jan. 16, 1976.
Do	St. Marys	Leonardtown, town of.	H 240065A 01 through H 240065A 03	do	Mayor, P.O. Box 1, Leonardtown, Md. 20650.	July 19, 1974. Jan. 16, 1976.
Do	Garrett	Mountain Lake Park, town of.	H 240038A 01 through H 240038A 02	do	Mayor, P.O. Box 182, Mountain Lake Park, Md. 21550.	June 28, 1974. Jan. 16, 1976.
Do	do	Oakland, town of.	H 240039A 01 through H 240039A 02	do	Mayor, 109 South 3d St., Oakland, Md. 21550.	June 14, 1974. Jan. 16, 1976.
Do	Worcester	Snow Hill, town of.	H 240086A 01 through H 240086A 02	do	Mayor, P.O. Box 232, Snow Hill, Md., 21863.	Apr. 12, 1974.
Do	Carroll	Sykesville, town of.	H 240016A 01	do	Mayor, P.O. Box 316, Sykesville, Md. 21784.	Nov. 9, 1973.
Do	Frederick	Thurmont, town of.	H 240031A 01 through H 240031A 02	do	President of Board, 10 Frederick Rd., Thurmont, Md. 21788.	June 28, 1974. Jan. 16, 1976.
Do	Carroll	Westminster, city of.	H 240018A 01 through H 240018A 03	do	Mayor, City Hall, Westminster, Md. 21157.	June 28, 1974.
Do	Washington	Williamsport, town of.	H 240077A 01 through H 240077A 03	do	Mayor, City Hall, Williamsport, Md. 21795.	Feb. 15, 1974.
Mississippi	Perry	Beaumont, town of.	H 280203A 01 through H 280203A 02	Mississippi Research and Development Center, P.O. Drawer 2470, Jackson, Miss. 39205. Mississippi Insurance Department, 910 Woolfolk Bldg., P.O. Box 79, Jackson, Miss. 39205.	Mayor, Town Hall, Beaumont, Miss. 39423.	June 28, 1974. Jan. 16, 1976.
Do	Calhoun	Bruce, city of	H 280026A 01	do	Mayor, P.O. Box 667, Bruce, Miss. 38915.	June 7, 1974. Jan. 16, 1976.
Do	Tate	Coldwater, village of.	H 280265A 01	do	Mayor, P.O. Box 352, Coldwater, Miss. 38618.	Apr. 12, 1974. Jan. 16, 1976.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identificat of areas which have special flood hazards
Do.	Marion	Columbia, city of.	H 280111A 01 through H 280111A 02	do	Mayor, 201 2d St., Columbia, Miss. 39429.	May 31, 1974.
Do.	Lowndes	Columbus, city of.	H 280108A 01 through H 280108A 04	do	Mayor, P.O. Box 1408, Columbus, Miss. 39701.	June 7, 1974. Jan. 16, 1976.
Do.	Jones	Ellisville, city of.	H 280091A 01 through H 280091A 02	do	Mayor, 106 Court St., Ellisville, Miss. 39437.	Jan. 16, 1974. Jan. 16, 1976.
Do.	Holmes	Goodman, town of.	H 280075A 01	do	Mayor, Town Hall, P.O. Box 86, Goodman, Miss. 39079.	June 7, 1974. Jan. 16, 1976.
Do.	do	Lexington, city of.	H 280076A 01	do	Mayor, 112 Spring St., Lexington, Miss. 39095.	Jan. 16, 1974.
Do.	George	Lucedale, town of.	H 280056A 01	do	Mayor, P.O. Box 206, Lucedale, Miss. 39452.	June 7, 1974. Jan. 16, 1976.
Do.	Lauderdale	Marion, town of.	H 280095A 01	do	Mayor, P.O. Box 35, Marion, Miss. 39342.	Jan. 16, 1974. Jan. 16, 1976.
Do.	Greene	McLain, town of.	H 280058A 01 through H 280058A 02	do	Mayor, P.O. Box 5, McLain, Miss. 39452.	Jan. 16, 1974. Jan. 16, 1976.
Do.	Newton	Newton, city of.	H 280121A 01 through H 280121A 02	do	Mayor, P.O. Box 300, Newton, Miss. 39345.	Feb. 1, 1974.
Do.	Holmes	Pickens, town of.	H 280077A 01	do	Mayor, Box 297, Pickens, Miss. 39146.	June 14, 1974. Jan. 16, 1976.
Missouri	Clay	Avondale, city of.	H 290087A 01	Department of Natural Resources, Division of Program and Policy Development, State of Missouri, 308 East High St., Jefferson City, Mo. 65101. Division of Insurance, P.O. Box 690, Jefferson City, Mo. 65101.	Mayor, 3007 Highway 10, City Hall, Avondale, Mo. 64010.	Jan. 9, 1974. Jan. 16, 1976.
Do.	Franklin	Berger, city of.	H 290132A 01	do	Mayor, City Hall, Berger, Mo. 63014.	Aug. 30, 1974. Jan. 16, 1976.
Do.	Charlton	Brunswick, city of.	H 290074A 01 through H 290074A 02	do	Chief Engineer, Associated Consultants, Inc., P.O. Box 362, Richmond, Mo. 64085.	Mar. 29, 1974. Jan. 16, 1976.
Do.	Carroll	Carrollton, city of.	H 290058A 01 through H 290058A 02	do	Mayor, 201 West Benton St., City Hall, Carrollton, Mo. 64633.	Jan. 9, 1974. Jan. 16, 1976.
Do.	Ralls	Center, city of.	H 290303A 01	do	Mayor, City Hall, Center, Mo. 63436.	July 26, 1974.
Do.	St. Louis	Clarkson Valley, village of.	H 290340A 01 through H 290340A 02	do	Chairman, Box 137, Rt. 3 Kehrs Mill Rd., Town Hall, Clarkson Valley, Mo. 63017.	July 26, 1974. Jan. 16, 1976.
Do.	Cass	Freeman, city of.	H 290066A 01	do	Mayor, City Hall, Freeman, Mo. 64746.	Nov. 8, 1974. Jan. 16, 1976.
Do.	Calloway	Fulton, city of.	H 290015A 01 through H 290015A 05	do	Mayor, City Hall, Fulton, Mo. 65251.	May 17, 1974. Jan. 16, 1976.
Do.	Cass	Garden City, city of.	H 290067A 01	do	Mayor, Town Hall, Garden City, Mo. 64747.	Mar. 29, 1974. Jan. 16, 1976.
Do.	Jasper and Newton.	Joplin, city of.	H 290183A 01 through H 290183A 17	do	Mayor, City Hall, 303 East 3d St., Joplin, Mo. 64801.	June 21, 1974. Jan. 16, 1976.
Do.	New Madrid	Morehouse, city of.	H 290255A 01 through H 290255A 02	do	Mayor, City Hall, P.O. Box 96, Morehouse, Mo. 63868.	Mar. 15, 1974. Jan. 16, 1976.
Do.	Scott	Morley, city of.	H 290412A 01	do	Mayor, City Hall, Morley, Mo. 63767.	Mar. 8, 1974. Jan. 16, 1976.
Do.	Christian	Nixa, city of.	H 290078A 01	do	Mayor, City Hall, Nixa, Mo. 65714.	June 28, 1974. Jan. 16, 1976.
Do.	Perry	Perryville, city of.	H 292282A 01 through H 290282A 02	do	Mayor, City Hall, Perryville, Mo. 63775.	Mar. 8, 1974. Jan. 16, 1976.
Do.	Newton	Shoal Creek Drive, village of.	H 290487A 01	do	Village Clerk, P.O. Box 565, Shoal Creek Drive, Mo. 64801.	Aug. 16, 1974.
Do.	Jackson	Sibley, village of.	H 290177A 01	do	Mayor, P.O. Box 435, Sibley, Mo. 64088.	Aug. 30, 1974. Jan. 16, 1976.
Do.	Morgan	Versailles, city of.	H 290247A 01 through H 290247A 02	do	Mayor, City of Versailles, 104 North Fisher St., City Hall, Versailles, Mo. 65084.	Apr. 5, 1974.
Do.	Johnson	Warrensburg, city of.	H 290194A 01 through H 290194A 04	do	Mayor, City Hall, 106 North Collage Ave., Warrensburg, Mo. 64093.	Dec. 17, 1973. Jan. 16, 1976.
Do.	Jasper	Webb City, city of.	H 290187A 01 through H 290187A 07	do	Mayor, City Hall, Webb City, Mo. 64870.	Jan. 16, 1974. Jan. 16, 1976.
Montana	Rosebud	Forsyth, city of.	H 300070A 01	Administrator, Montana Department of Natural Resources and Conservation, Water Resources Division, 32 South Ewing St., Helena, Mont. 59601. Commissioner, Montana Insurance Department, Capitol Bldg., Helena, Mont. 59601.	Mayor, City Hall, Forsyth, Mont. 59327.	Mar. 8, 1974. Jan. 16, 1976.
Do.	Meagher	White Sulphur Springs, city of.	H 300047A 01	do	Mayor, City Hall, White Sulphur Springs, Mont. 59645.	May 24, 1974. Jan. 16, 1976.
Nebraska	Box Butte	Alliance, city of.	H 310011 01	Executive Secretary, Nebraska Natural Resources Commission, Terminal Bldg., 7th Floor, Lincoln, Nebr. 68508. Director, Nebraska Insurance Department 1335 L St., Lincoln, Nebr. 68509.	Mayor, City Hall, Alliance, Nebr. 69301.	Mar. 12, 1976.
Do.	Dakota	Dakota City, city of.	H 310053A 01	do	Mayor, City Hall, Dakota City, Nebr. 68731.	Dec. 7, 1973.
Do.	Burt	Decatur, village of.	H 310021A 01	do	Chairman, Village Hall, Decatur, Nebr. 68020.	Apr. 12, 1974. Jan. 16, 1976.
Do.	Dodge	North Bend, city of.	H 310239A 01	do	Mayor, City Hall, North Bend, Nebr. 68649.	July 26, 1974. Jan. 16, 1976.
Do.	Clay	Sutton, city of.	H 310045A 01	do	Chairman, City Hall, Sutton, Nebr. 68979.	June 7, 1974. Jan. 16, 1976.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
New Jersey	Warren	Blairstown, township of.	H 340482A 01 through H 340482A 08	Chief, Bureau of Water Control, Department of Environmental Protection, P.O. Box 1390, Trenton, N.J. 08625. Commissioner, New Jersey Department of Insurance, State House Annex, Trenton, N.J. 08625.	Mayor, P.O. Box 128, Main St., Blairstown, N.J. 07825.	July 26, 1974. Jan. 16, 1976.
Do	Mercer	Hopewell, borough of.	H 340248A 01 through H 340248A 02	do	Mayor, Borough Hall, Hopewell, N.J. 08525.	June 28, 1974. Jan. 16, 1976.
New Mexico	Lea	Tatum, town of	H 350032A 01	State Engineer, State Engineer's Office, Bataan Memorial Bldg., Santa Fe, N. Mex. 87501. Superintendent, New Mexico Department of Insurance, P.O. Box 1269, Santa Fe, N. Mex. 87501.	Mayor, P.O. Box 156, Town Hall, Tatum, N. Mex. 88267.	June 21, 1974. Jan. 16, 1976.
Do	Socorro	Socorro, city of	H 350077A 01 through H 350077A 04	do	Mayor, P.O. Box K, City Hall, Socorro, N. Mex. 87801.	June 28, 1974. Jan. 16, 1976.
New York	Westchester	Bronxville, village of.	H 360905A 01	Commissioner, New York State Department of Environmental Conservation, Division of Resources Management Services, Bureau of Water Management, Albany, N.Y. 12201. Superintendent, New York State Insurance Department, 2 World Trade Center, New York, N.Y. 10047.	Mayor, Village Hall, Bronxville, N.Y. 10708.	July 13, 1973. Jan. 16, 1976.
Do	Genesee	Corfu, village of	H 361498A 01 through H 361498A 02	do	Mayor, Village Hall, Corfu, N.Y. 14036.	Nov. 15, 1974. Jan. 16, 1976.
Do	Fulton	Ephratah, town of.	H 361399A 01 through H 361399A 04	do	Town Supervisor, Town of Ephratah, Rural Delivery No. 2, Johnstown, N.Y. 12095.	Jan. 31, 1975. Jan. 16, 1976.
Do	Delaware	Franklin, village of.	H 360199A 01	do	Mayor, Village Hall, Franklin, N.Y. 13775.	May 31, 1974. Jan. 16, 1976.
Do	Chemung	Horseheads, town of.	H 360153A 01 through H 360153A 08	do	Town Supervisor, Town Hall, 915 South Ave., Horseheads, N.Y. 14845.	Oct. 18, 1974. Jan. 16, 1976.
Do	Wayne	Huron, town of	H 360892A 01 through H 360892A 04	do	Town Supervisor, Town of Huron, North Huron Rd., Wolcott, N.Y. 14590.	Sept. 6, 1974. Jan. 16, 1976.
Do	Westchester	Irvington, village of.	H 360914A 01 through H 360914A 02	do	Mayor, 85 Main St., Irvington, N.Y. 10533.	June 28, 1974. Jan. 16, 1976.
Do	Livingston	Lima, village of	H 361457A 01	do	Mayor, 7329 East Main St., Lima, N.Y. 14485.	Jan. 10, 1975. Jan. 16, 1976.
Do	Seneca	Lodi, village of	H 361530A 01	do	Mayor, Village Hall, Lodi, N.Y. 14860.	Feb. 28, 1975. Jan. 16, 1976.
Do	Westchester	Mamaroneck, village of.	H 360916A 01 through H 360916 02	do	Village Manager, Village Hall, Mamaroneck, N.Y. 10543.	Sept. 14, 1973. Jan. 16, 1976.
Do	Yates	Milo, town of	H 360961A 01 through H 360961A 11	do	Town Supervisor, Town of Milo, Rural Delivery No. 2, Penn Yan, N.Y. 14527.	May 17, 1974. Jan. 16, 1976.
Do	Schuyler	Montour Falls, village of.	H 361018A 01 through H 361018A 03	do	Municipal Bldg., 408 West Main St., Montour Falls, N.Y. 14863.	May 3, 1974. Jan. 16, 1976.
Do	Westchester	Pelham Manor, village of.	H 360926A 01	do	Mayor, 4 Penfield, Pelham Manor, N.Y. 10803.	May 10, 1974. Jan. 16, 1976.
Do	Orleans	Ridgeway, town of.	H 361257A 01 through H 361257A 14	do	Town Supervisor, Town of Ridgeway, 406 West Ave., Medina, N.Y. 14103.	Feb. 7, 1975. Jan. 16, 1976.
Do	Jefferson	Rutland, town of	H 360350A 01 through H 360350A 11	do	Town Supervisor, Town of Rutland, Rural Delivery No. 2, Watertown, N.Y. 13601.	June 7, 1974. Jan. 16, 1976.
Do	Oneida	Sylvan Beach, village of.	H 361042A 01 through H 361042A 02	do	Mayor, Village Hall, Sylvan Beach, N.Y. 13157.	May 31, 1974. Jan. 16, 1976.
North Dakota	Bottineau	Bottineau, city of	H 380007A 01	Engineer-Secretary, State Water Commission, State Office Bldg., 900 East Blvd., Bismarck, N. Dak. 58501. Commissioner, North Dakota Insurance Department, State Capitol, Bismarck, N. Dak. 58501.	Mayor, City Hall, Bottineau, N. Dak. 58318.	Dec. 28, 1973. Jan. 16, 1976.
Do	Traill	Hillsboro, city of	H 380132A 01	do	President, P.O. Box J, City Hall, Hillsboro, N. Dak. 58045.	Nov. 16, 1973. Jan. 16, 1976.
Do	Cass	Mapleton, city of	H 380023A 01 through H 380023A 02	do	Mayor, City Hall, Mapleton, N. Dak. 58059.	Nov. 1, 1974. Jan. 16, 1976.
Do	Traill	Mayville, city of	H 380133A 01	do	Mayor, P.O. Box 220, Mayville, N. Dak. 58257.	Jan. 9, 1974. Jan. 16, 1976.
Do	Richland	Wahpeton, city of	H 380100A 01 through H 380100A 02	do	Mayor, City Hall, Wahpeton, N. Dak. 58075.	June 28, 1974. Jan. 16, 1976.
Do	McLean	Washburn, city of	H 380063A 01 through H 380063A 02	do	Mayor, City Hall, Washburn, N. Dak. 58577.	Mar. 22, 1974. Jan. 16, 1976.
Ohio	Williams	Pioneer, village of	H 390582A 01 through H 390582A 02	Director, Ohio Department of Natural Resources, Flood Insurance Coordinator Bldg., Fountain Square, Columbus, Ohio 43224. Director, Ohio Department of Insurance, 447 East Broad St., Columbus, Ohio, 43215.	Mayor, 105 West Church, Pioneer, Ohio 43554.	May 31, 1974. Jan. 16, 1976.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Oklahoma	Caddo	Anadarko, city of.	H 400018A 01	Executive Director, Oklahoma Water Resources Board, 5th Floor, Jim Thorpe Bldg., Oklahoma City, Okla. 73105. Commissioner, Oklahoma Insurance Department, Room 408, Will Rogers Memorial Bldg., Oklahoma City, Okla. 73105.	Mayor, 115 West Kentucky, P.O. Box 647, City Hall, Anadarko, Okla. 73005.	Feb. 15, 1974. Jan. 16, 1976.
Do	McCurtain	Broken Bow, city of.	H 400107A 01 through H 400107A 04	do	Mayor, City Hall, 215 North Main, P.O. Box 909, Broken Bow, Okla. 74728.	June 28, 1974. Jan. 16, 1976.
Do	Woodward	Fort Supply, town of.	H 400229A 01	do	President, Town Hall, Main St., P.O. Box 55, Fort Supply, Okla. 73841.	May 24, 1974. Jan. 16, 1976.
Do	Delaware	Jay, town of	H 400057A 01	do	President, Wheathead Ave,. P.O. 348, Town Hall, Jay, Okla. 74346.	June 28, 1974. Jan. 16, 1976.
Do	Caddo	Binger, town of	H 400020 01	do	President, P.O. Box 387, Town Hall, Binger, Okla. 73009.	June 7, 1974. Jan. 16, 1976.
Do	Seminole	Konawa, city of	H 400190A 01	do	Mayor, City Hall, 122 North Broadway, Konawa, Okla. 74849.	Apr. 5, 1974. Jan. 16, 1976.
Do	Marshall	Madill, city of	H 400114A 01 through H 400114A 02	do	Mayor, 201 East Overton, City Hall, Madill, Okla. 73446.	Nov. 23, 1973. Jan. 16, 1976.
Do	Pawnee	Pawnee, city of	H 400163A 01	do	Mayor, City Hall, 510 Illinois St., Pawnee, Okla. 74058.	Jan. 16, 1974. Jan. 16, 1976.
Do	Blaine	Watonga, city of	H 400016A 01	do	Mayor, 119 North Weigle, P.O. Box 564, City Hall, Watonga, Okla. 73772.	Sept. 6, 1974. Jan. 16, 1976.
Oregon	Yamhill	Carlton, city of	H 410251A 01	Director, Executive Department, State of Oregon, Salem, Oreg. 97310. Commissioner, Oregon, Insurance Division, Department of Commerce, 158 12th St. NE., Salem, Oreg. 97310.	Mayor, City Hall, Carlton, Oreg. 97111.	Nov. 30, 1973. Jan. 16, 1976.
Do	Malheur	Ontario, city of	H 410152A 01 through H 410152A 02	do	Mayor, City Hall, Ontario, Oreg. 97914.	Nov. 30, 1973. Jan. 16, 1976.
Do	Jackson	Phoenix, city of	H 410097A 01	do	Mayor, City Hall, Phoenix, Oreg. 97535.	June 21, 1974. Jan. 16, 1976.
Do	Linn	Sweet Home, city of.	H 410146A 01 through H 410146A 02	do	Mayor, City Hall, Sweet Home, Oreg. 97386.	Jan. 23, 1974. Jan. 16, 1976.
Do	Lane	Veneta, city of	H 410128A 01 through H 410128A 02	do	Mayor, City Hall, Veneta, Oreg. 97487.	Mar. 22, 1974. Jan. 16, 1976.
Pennsylvania	Centre	Bellefonte, borough of.	H 420257A 01	Secretary, Department of Community Affairs, Commonwealth of Pennsylvania, Harrisburg, Pa. 17120. Commissioner, Pennsylvania Insurance Department, 108 Finance Bldg., Harrisburg, Pa. 17120.	Borough Manager, 236 West Lamb, Bellefonte, Pa. 16823.	June 7, 1974. Jan. 16, 1976.
Do	Allegheny	Clairton, city of	H 420024A 01 through H 420024A 04	do	Mayor, 570 Miller Ave., Clairton, Pa. 15025.	Jan. 16, 1974. Jan. 16, 1976.
Do	Crawford	Conneautville, borough of.	H 420349A 01 through H 420349A 03	do	President of Borough Council, Conneautville, Pa. 16406.	Aug. 2, 1974. Jan. 16, 1976.
Do	Potter	Ulysses, borough of.	H 422503A 01 through H 422503A 02	do	President of Borough Council, Box 181, Ulysses, Pa. 16948.	Dec. 27, 1974. Jan. 16, 1976.
Do	York	Windsor, borough of.	H 420924A 01	do	Mayor, Route 1, Box 275, Windsor, Pa. 17366.	Jan. 23, 1974.
South Dakota	Hamlin	Castlewood, city of.	H 460035A 01 through H 460035A 02	Commissioner, State Planning Bureau, Office of Executive Management, State Capitol, Pierre, S. Dak. 57501. Commissioner, South Dakota Department of Insurance, Insurance Bldg., Pierre, S. Dak. 57501.	Mayor, City Hall, Castlewood, S. Dak. 57223.	May 17, 1974. Jan. 16, 1976.
Do	Clark	Clark, city of	H 460013 01	do	Mayor, City Hall, Clark, S. Dak. 57225.	Mar. 12, 1976.
Do	Custer	Custer, city of	H 460019A 01	do	Mayor, City Hall, Custer, S. Dak. 57730.	May 24, 1974. Jan. 16, 1976.
Do	Fall River	Edgemont, city of.	H 460026A 01	do	Mayor, City Hall, Edgemont, S. Dak. 57735.	Aug. 2, 1974. Jan. 16, 1976.
Do	Moody	Egan, town of	H 460061A 01	do	Mayor, Town Hall, Egan, S. Dak. 57024.	Mar. 1, 1974. Jan. 16, 1976.
Do	Haakon	Philip, city of	H 460033A 01	do	Mayor, City Hall, Philip, S. Dak. 57567.	June 7, 1974. Jan. 16, 1976.
Texas	Dimmit	Carrizo Springs, city of.	H 480199A 01 through H 480199A 02	Executive Director, Texas Water Development Board, P.O. Box 13087, Capitol Station, Austin, Tex. 78711. Commissioner, Texas Insurance Department, 1110 San Jacinto St., Austin, Tex. 78701.	Mayor, 308 Pena St., City Hall, Carrizo Springs, Tex. 78834.	May 3, 1974. Jan. 16, 1976.
Do	Houston	Crockett, city of	H 480359A 01 through H 480359A 05	do	City Administrator, P.O. Box 550, Crockett, Tex. 78538.	May 10, 1974. Jan. 16, 1976.
Do	Dallam	Dalhart, city of	H 480164A 01 through H 480164A 03	do	Mayor, 112 West 3d St., P.O. Box 1071, City Hall, Dalhart, Tex. 79022.	Aug. 23, 1974. Jan. 16, 1976.
Do	Grayson	Denison, city of	H 480259A 01 through H 480259A 01	do	Mayor, City Hall, Denison, Tex. 75020.	Aug. 23, 1974. Jan. 16, 1976.
Do	Lee	Giddings, city of	H 480435A 01 through H 480435A 02	do	Mayor, 118 East Richmond St., City Hall, Giddings, Tex. 78942.	June 28, 1974. Jan. 16, 1976.
Do	Van Zandt	Grand Saline, city of.	H 480634A 01	do	Mayor, City Hall, 132 East Frank, P.O. Box 217, Grand Saline, Tex. 75140.	May 10, 1974. Jan. 16, 1976.
Do	Dallas	Kleberg, city of	H 480181A 01 through H 480181A 04	do	Mayor, P.O. Box 457, City Hall, Kleberg, Tex. 75145.	Feb. 1, 1974. Jan. 16, 1976.
Do	Gray	Lefors, city of	H 480256A 01	do	Mayor, 103 North Court, P.O. Box 4463, City Hall, Lefors, Tex. 79054.	May 10, 1974. Jan. 16, 1976.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do	Crosby	Lorenzo, city of	H 480160A 01	do	Mayor, 708 5th St., P.O. Box 430, City Hall, Lorenzo, Tex. 79343.	Apr. 12, 1974. Jan. 16, 1976.
Do	Morris	Naples, city of	H 480494A 01 through H 480494A 02	do	Mayor, 101 Walnut St., P.O. Box 340, City Hall, Naples, Tex. 75568.	Apr. 12, 1974. Jan. 16, 1976.
Do	Wilson	Poth, city of	H 480672A 01 through H 480672A 02	do	Mayor, P.O. Box 437, City Hall, Poth, Tex. 78147.	May 24, 1974. Jan. 16, 1976.
Do	San Saba	San Saba, city of	H 480563A 01	do	Mayor, 302 East Wallace, P.O. Box 698, City Hall, San Saba, Tex. 76877.	Feb. 8, 1974. Jan. 16, 1976.
Do	Hutchinson	Stinnett, city of	H 480375A 01	do	Mayor, 609 MacKenzie, P.O. Drawer 909, City Hall, Stinnett, Tex. 79083.	May 31, 1974. Jan. 16, 1976.
Do	Uvalde	Uvalde, city of	H 480630A 01 through H 480630A 03	do	Mayor, P.O. Box 799, City Hall, Uvalde, Tex. 78801.	May 31, 1974. Jan. 16, 1976.
Do	Wilbarger	Vernon, city of	H 480663A 01 through H 480663A 05	do	Mayor, 1830 Main, P.O. Box 1423, City Hall, Vernon, Tex. 76384.	May 17, 1974. Jan. 16, 1976.
Do	Brazoria	West Columbia, city of.	H 480081A 01 through H 480081A 02	do	Mayor, 300 East Clay St., P.O. Box 487, City Hall, West Columbia, Tex. 77486.	June 14, 1974. Jan. 16, 1976
Utah	Box Elder	Brigham City, city of.	H 490006A 01 through H 490006A 04	Director, Department of Natural Resources, Division of Water Resources, State Capitol Bldg., Room 435, Salt Lake City, Utah 84114. Commissioner, Utah Insurance Department, 115 State Capitol, Salt Lake City, Utah 84114.	Mayor, City Hall, Brigham, Utah 84302.	June 7, 1974. Jan. 16, 1976.
Do	Sanpete	Ephraim, city of	H 490112A 01	do	Mayor, City Hall, Ephraim, Utah 84627.	June 28, 1974. Jan. 16, 1976.
Do	Salt Lake	Sandy, city of	H 490106A 01 through H 490106A 06	do	Mayor, City Hall, Sandy, Utah 84070.	July 26, 1974. Jan. 16, 1976.
Virginia	Page	Luray, town of	H 510110A 01 through H 510110A 02	Bureau of Water Control Management, State Water Control Board, P.O. Box 11143, Richmond, Va. 23230. Commissioner, Virginia Insurance Department, 700 Blanton Bldg., P.O. Box 1157, Richmond, Va. 23209.	Mayor, Luray, Va. 22835	Apr. 5, 1974. Jan. 16, 1976.
Washington	Snohomish	Edmonds, city of	H 530163A 01 through H 530163A 06	Director, Department of Ecology, Olympia, Wash. 98501. Commissioner, Washington Insurance Department, Insurance Bldg., Olympia, Wash. 98501.	Mayor, Civic Center, City Hall, Edmonds, Wash. 98020.	July 26, 1974. Jan. 16, 1976.
Do	Klickitat	Goldendale, city of.	H 530101A 01	do	Mayor, City Hall, 225 West Court St., Goldendale, Wash. 98620.	May 24, 1974. Jan. 16, 1976.
Do	Pacific	Ilwaco, town of	H 530127A 01	do	Mayor, Spruce and Myrtle, P.O. Box 548, Town Hall, Ilwaco, Wash. 98624.	May 24, 1974. Jan. 16, 1976.
Do	Garfield	Pomeroy, city of	H 530048A 01 through H 530048A 02	do	Mayor, North 80 7th St., City Hall, Pomeroy, Wash. 99347.	Apr. 12, 1974. Jan. 16, 1976.
Do	Clallam	Port Angeles, city of.	H 530023A 01 through H 530023A 04	do	Mayor, 140 West Front St., City Hall, Port Angeles, Wash. 98362.	May 31, 1974. Jan. 16, 1976.
Do	Ferry	Republic, town of	H 530042A 01 through H 530042A 02	do	Mayor, Town Hall, Clark Ave., Republic, Wash. 99166.	June 7, 1974. Jan. 16, 1976.
Do	Lincoln	Sprague, city of	H 530113A 01	do	Mayor, City Hall, West 117 2d St., Sprague, Wash. 99032.	May 24, 1974. Jan. 16, 1976.
Do	Yakima	Sunnyside, city of.	H 530227A 01 through H 530227A 02	do	Mayor, City Hall, Sunnyside, Wash. 98944.	Aug. 2, 1974. Jan. 16, 1976.
Do	Grays Harbor	Westport, town of.	H 530067A 01 through H 530067A 02	do	Mayor, Town Hall, North Montesano, Box 505, Westport, Wash. 98595.	June 21, 1974. Jan. 16, 1976.
Do	Benton	West Richland, town of.	H 530014A 01 through H 530014A 02	do	Mayor, 5456 Van Giesen, Town Hall, West Richland, Wash. 99352.	Mar. 22, 1974. Jan. 16, 1976.
Wyoming	Laramie	Cheyenne, city of.	H 560030A 01 through H 560030A 06	Agency Coordinator, Wyoming Disaster and Civil Defense Agency, P.O. Box 1709, Cheyenne, Wyo. 82001. Commissioner, Department of Insurance, State of Wyoming, State Office Bldg., Cheyenne, Wyo. 82001.	Mayor, City Hall, P.O. Box 961, Cheyenne, Wyo. 82001.	June 28, 1974. Jan. 16, 1976.
Do	Sheridan	Dayton, town of	H 560045A 01	do	Mayor, Box 176, Dayton, Wyo. 82836	Sept. 6, 1974. Jan. 16, 1976.
Do	Big Horn	Manderson, town of.	H 560006A 01	do	Mayor, P.O. Box 104, Town Hall, Manderson, Wyo. 82432.	Sept. 13, 1974. Jan. 16, 1976.

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Alabama	Jefferson	Cardiff, town of	H 010119A 01	Alabama Development Office, Office of State Planning, State Office Bldg., 501 Dexter Ave., Montgomery, Ala. 36104. Alabama Insurance Department, Room 453, Administrative Bldg., Montgomery, Ala. 36104.	Mayor, P.O. Box 23, Cardiff, Ala.	Sept. 20, 1974. Jan. 23, 1976.
Do	Blount	Oneonta, city of	H 010015A 01 through H 010015A 06	do	Mayor, P.O. Box 369, Oneonta, Ala. 35121.	Sept. 13, 1974. Jan. 23, 1976.
Do	Jefferson	Vestavia Hills, city of.	H 010132A 01 through H 010132A 05	do	Mayor, 513 Montgomery Highway, Vestavia Hills, Ala. 35216.	May 10, 1974. Jan. 23, 1976.
Alaska		Kotzebue, city of	H 020059A 01 through H 020059A 04	Department of Community and Regional Affairs, Division of Community, Planning, Pouch B, Juneau, Alaska 99801. Alaska Division of Insurance, Room 410, Goldstein Bldg., Pouch D, Juneau, Alaska 99801.	City Manager, City Hall, Kotzebue, Alaska 99752.	June 21, 1974.
Arkansas	Jackson	Beedeville, town of.	H 050098A 01	Division of Soil and Water Resources, State Department of Commerce, 1200 Westpark Dr., Room 308, Little Rock, Ark. 72204. Arkansas Insurance Department 400 University Tower Bldg., Little Rock, Ark. 72204.	Mayor, Town Hall, Beedeville, Ark. 72041.	Aug. 16, 1974. Jan. 23, 1976.
Arizona	Cochise	Douglas, city of	H 040015A 01 through H 040015A 03	Arizona State Land Department, 1624 West Adams, Room 400, Phoenix, Ariz. 85007. Arizona Department of Insurance, P.O. Box 7098, 718 West Glenrosa, Phoeniz, Ariz. 85011.	Mayor, 456 10th St., City Hall, Douglas, Ariz. 85607.	June 28, 1974. Jan. 23, 1976.
Colorado	Ouray	Ridgeway, town of.	H 080138A 01	Colorado Water Conservation Board, Room 102, 1845 Sherman St., Denver, Colo. 80203. Colorado Division of Insurance, 106 State Office Bldg., Denver, Colo. 80203.	Mayor, P.O. Box 232, Town Hall, Ridgeway, Colo. 81432.	Nov. 8, 1974. Jan. 23, 1976.
Do	Arapahoe	Sheridan, City of	H 080018A 01 through H 080018A 02	do	Mayor, City Hall, 4400 South Federal Blvd., Sheridan, Colo. 80110.	May 3, 1974. Jan. 23, 1976.
Do	Los Animas	Starkville, Town of.	H 080106A 01	do	Mayor, Town Hall, Starkville, Colo. 81074.	Sept. 6, 1974. Jan. 23, 1976.
Georgia	Bartow	Adairsville, town of.	H 130235A 01	Department of Natural Resources, Office of Planning and Research, 270 Washington St. SW., Room 707, Atlanta, Ga. 30334. Georgia Insurance Department, State Capitol, Atlanta, Ga. 30334.	Mayor, P.O. Box 407, Adairsville, Ga. 30103.	June 14, 1974. Jan. 23, 1976.
Do	Clinch	Argyle, town of	H 130049A 01	do	Chairman, Clinch County, Board of Commissioners, 100 Court Square, Homerville, Ga. 31634.	Aug. 30, 1974. Jan. 23, 1976.
Do	Banks	Baldwin, town of	H 130205A 01 through H 130205A 02	do	Mayor, Town Hall, Baldwin, Ga. 30511.	June 28, 1974. Jan. 23, 1976.
Do	Appling	Baxley, city of	H 130002A 01 through H 130002A 02	do	Mayor, P.O. Box 180, Baxley, Ga. 31513.	Sept. 6, 1974. Jan. 23, 1976.
Do	Gordon	Calhoun, city of	H 130095A 01 through H 130095A 08	do	Mayor, P.O. Box 248, Calhoun, Ga. 30701.	Mar. 29, 1974. Jan. 23, 1976.
Do	Carroll	Carrollton, city of.	H 130208A 01 through H 130208A 06	do	Mayor, City Hall Ave., Carrollton, Ga. 30117.	May 24, 1974. Jan. 23, 1976.
Do	Polk	Cedartown, city of.	H 130153A 01 through H 130153A 05	do	Chairman of City Commission, P.O. Box 65, Cedartown, Ga. 30125.	Apr. 5, 1974. Jan. 23, 1976.
Do	De Kalb	Chamblee, city of.	H 130066A 01 through H 130066A 04	do	Mayor, 5468 Peachtree Rd., Chamblee, Ga. 30341.	June 7, 1974.
Do	Murray	Chatsworth, city of.	H 130141A 01 through H 130141A 02	do	Mayor, P.O. Box 220, Chatsworth, Ga. 30705.	June 21, 1974. Jan. 23, 1976.
Do	Evans	Claxton, city of	H 130210A 01	do	Mayor, P.O. Box 366, Claxton, Ga. 30417.	June 28, 1974. Jan. 23, 1976.
Do	Oglethorpe	Crawford, city of	H 130146A 01	do	Mayor, City Hall, Crawford, Ga. 30630.	June 7, 1974. Jan. 23, 1976.
Do	Chattahoochee	Cusseta, city of	H 130242A 01	do	Mayor, P.O. Box 216, Cusseta, Ga. 31805.	Apr. 12, 1974. Jan. 23, 1976.
Do	Lumpkin	Dahlonega, city of.	H 130129A 01 through H 130129A 02	do	Mayor, P.O. Box 565, Dahlonega, Ga. 30533.	June 28, 1974. Jan. 23, 1976.
Do	De Kalb	Doraville, city of	H 130069A 01 through H 130069A 04	do	Mayor, P.O. Box 47096, Doraville, Ga. 30340.	June 7, 1974. Jan. 23, 1976.
Do	Coffee	Douglas, city of	H 130216A 01 through H 130216A 07	do	Mayor, Lock Drawer 470, Douglas, Ga. 31533.	Dec. 5, 1974. Jan. 23, 1976.
Do	Fulton	East Point, city of.	H 130087A 01 through H 130087A 08	do	Mayor, 2777 East Point St., East Point, Ga. 30344.	June 28, 1974. Jan. 23, 1976.
Do	Burke	Girard, town of	H 130023A 01 through H 130023A 02	do	Mayor, P.O. Box 10, Girard, Ga. 30426.	Sept. 6, 1974. Jan. 23, 1976.
Do	Tattnall	Glennville, city of.	H 130219A 01	do	Mayor, 134 South Main St., Glennville, Ga. 30427.	June 28, 1974. Jan. 23, 1976.
Do	Evans	Hagan, city of	H 130311A 01 through H 130311A 03	do	Mayor, City Hall, Hagan, Ga. 30429.	Apr. 18, 1975. Jan. 23, 1976.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do.	Paulding	Hiram, city of	H 130221A 01	do	Mayor, City Hall, Hiram, Ga. 30141	Oct. 18, 1974.
Do.	Brantley	Hoboken, city of	H 130013A 01 through H 130013A 02	do	Mayor, P.O. Box 91, Hoboken, Ga. 31542.	Aug. 30, 1974. Jan. 23, 1976.
Do.	Troup	Hogansville, city of.	H 130176A 01	do	Mayor, P.O. Box 324, Hogansville, Ga. 30230.	May 10, 1974. Jan. 23, 1976.
Do.	Clinch	Homerville, city of.	H 130051A 01 through H 130051A 02	do	Mayor, 200 West Dame Ave., Homersville, Ga. 31634.	June 7, 1974. Jan. 23, 1976.
Do.	Butts	Jackson, city of	H 130222A 01 through H 130222A 02	do	Mayor, P.O. Box 3838, Jackson, Ga. 30233.	May 17, 1974. Jan. 23, 1976.
Do.	Wayne	Jesup, city of	H 130188A 01 through H 130188A 04	do	Mayor, P.O. Box 427, Jesup, Ga. 31545.	May 31, 1974. Jan. 23, 1976.
Do.	Lanier	Lakeland, city of	H 130120A 01 through H 130120A 02	do	Mayor, City Hall, Lakeland, Ga. 31635.	Mar. 29, 1974. Jan. 23, 1976.
Do.	Long	Ludowici, city of	H 130128A 01 through H 130128A 02	do	Mayor, P.O. Box 205, Ludowici, Ga. 31316.	June 14, 1974.
Do.	Montgomery	Unincorporated areas.	H 130139 01 through H 130139 23	do	Chairman of the County Commissioners, Montgomery County Courthouse, Mount Vernon, Ga.	Mar. 19, 1976.
Do.	Paulding	do	H 130147 01 through H 130147 22	do	Chairman, Paulding County Courthouse, Dallas, Ga. 30132.	Do.
Do.	Gwinnett	Snellville, city of	H 130102 01 through H 130102 06	do	Mayor, P.O. Box F, Snellville, Ga. 30278	Do.
Do.	Toombs	Unincorporated areas.	H 130173 01	do	Chairman, Toombs County, Commissioners, P.O. Box 112, Lyons, Ga.	Do.
Idaho	Shoshone	Kellogg, city of	H 160131A 01	Department of Water Administration, State House, Annex 2, Boise, Idaho 83707. Idaho Department of Insurance, Room 206, Statehouse, Boise, Idaho 83707.	Mayor, City Hall, P.O. Box 570, Kellogg, Idaho 83837.	Jan. 9, 1974. Jan. 23, 1976.
Do.	Bear Lake	St. Charles, city of.	H 160153 01	do	Mayor, City Hall, St. Charles, Idaho 83272.	Mar. 19, 1976.
Do.	Lincoln	Shoshone, city of	H 160096A 01	do	Mayor, City Hall, 207 South Rail Street West, Shoshone, Idaho 83352.	June 28, 1974. Jan. 23, 1976.
Do.	Benewah	Tensed, city of	H 160017A 01	do	Mayor, City Hall, Box 125, Tensed, Idaho 83870.	Sept. 6, 1974. Jan. 23, 1976.
Illinois	Clinton	Carlyle, city of	H 170047A 01	Governor's Task Force on Flood Control, 300 North State St., P.O. Box 475, Room 1010, Chicago, Ill. 60610. Illinois Insurance Department, 525 West Jefferson St., Springfield, Ill. 62702.	Mayor, 850 Franklin St., Carlyle, Ill. 62231.	Dec. 7, 1973. Jan. 23, 1976.
Do.	Monroe	Columbia, city of	H 170510 A01 through H 170325A 02	do	Mayor, 208 South Rapp Ave., Columbia, Ill. 62236.	May 17, 1974. Jan. 23, 1976.
Do.	Kane	Geneva, city of	H 170325A 01 through H 170325A 02	do	Mayor, 109 James St., Geneva, Ill. 60134.	Aug. 9, 1974. Jan. 23, 1976.
Do.	Henderson	Gulfport, village of.	H 170280A 01	do	Village President, Rural Route 2, Berlington, Ill. 56201.	Mar. 1, 1974.
Do.	Calhoun	Hardin, village of	H 170738A 01	do	Mayor, Village Hall, Hardin, Ill. 62047.	June 28, 1974. Jan. 23, 1976.
Do.	Massac	Metropolis, city of.	H 170469A 01 through H 170469A 02	do	Mayor, 106 West 5th, Metropolis, Ill. 62960.	Mar. 8, 1974. Jan. 23, 1976.
Do.	La Salle	North Utica, village of.	H 170822A 01	do	Village President, 255 North Mill St., Utica, Ill. 61373.	Mar. 21, 1975. Jan. 23, 1976.
Indiana	De Kalb	Butler, city of	H 180047B 01	Division of Water, Department of Natural Resources, 608 State Office Bldg., Indianapolis, Ind. 46204. Indiana Insurance Department, 509 State Office Bldg., Indianapolis, Ind. 46204.	Mayor, 211 North Broadway, Butler, Ind. 46121.	Feb. 1, 1974. Oct. 3, 1975. Jan. 23, 1976.
Do.	Steuben	Hudson, town of	H 180249A 01	do	President, Town Board, P.O. Box 158, Hudson, Ind.	July 19, 1974. Jan. 23, 1976.
Iowa	Scott	Buffalo, city of	H 190241A 01 through H 190241A 02	Iowa Natural Resources Council, James W. Grimes Bldg., Des Moines, Iowa 50319. Iowa Insurance Department, Lucas State Office Bldg., Des Moines, Iowa 50319.	Mayor, City of Buffalo, City Hall, Buffalo, Iowa.	Mar. 1, 1974. Jan. 23, 1976.
Do.	Delaware	Delhi, city of	H 190566 01	do	Mayor, care of Clerk, Delhi, Iowa 52223.	Mar. 19, 1976.
Do.	Scott	Donahue, city of	H 190505 01 through H 190505 02	do	Mayor, City Hall, Donahue, Iowa 52746.	Do.
Do.	Delaware	Earlville, city of	H 190571 01	do	Mayor, P.O. Box 6, Earlville, Iowa 52041.	Do.
Do.	Clayton	Elkader, city of	H 190073A 01	do	Mayor, City Hall, Elkader, Iowa 52043.	Feb. 8, 1974. Jan. 23, 1976.
Do.	Floyd	Floyd, city of	H 190382 01	do	Mayor, City Hall, Floyd, Iowa 50435	Mar. 19, 1976.
Do.	Warren	Hartford, city of	H 190589 01	do	Clerk, City Hall, Hartford, Iowa 50118.	Do.
Do.	Marion	Harvey, town of	H 190455 01	do	Mayor, Town Hall, Harvey, Iowa 50119.	Do.
Do.	Pocahontas	Havelock, town of.	H 190484 01	do	Mayor, P.O. Box 301, Havelock, Iowa 50546.	Do.
Do.	Keokuk	Hendrick, city of	H 190592 01	do	Mayor, City Hall, Hedrick, Iowa 52563	Do.
Do.	Kossuth	Lakota, city of	H 190753 01	do	Mayor, City Hall, Lakota, Iowa 50451	Do.
Do.	Linn	Lisbon, city of	H 190607 01	do	Mayor, City Hall, Lisbon, Iowa	Do.
Do.	Clinton	Low Moor, city of	H 190766 01	do	Mayor, Low Moor, Iowa 52752	Do.
Do.	Cherokee	Marcus, city of	H 190614 01	do	Mayor, Marcus, Iowa 51035	Do.
Do.	Sioux	Maurice, city of	H 190512 01	do	Mayor, P.O. Box G, Maurice, Iowa 51036.	Do.
Do.	Van Buren	Milton, city of	H 190522 01	do	Mayor, Milton, Iowa 52570	Do.
Do.	Appanoose	Moravia, city of	H 190623 01	do	Mayor, Moravia, Iowa 52571	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do	Dubuque	New Vienna, city of.	H 190121 01	do	Mayor, City Hall, New Vienna, Iowa 52065.	Aug. 16, 1974. Jan. 23, 1976.
Do	Iowa and Keokuk	North English, city of.	H 190629 01	do	Mayor, care of Clerk, North English, Iowa. 52316.	Mar. 19, 1976.
Do	Osceola	Ocheyedan, city of.	H 190472 01	do	Mayor, City Hall, Ocheyedan, Iowa 51354.	Do.
Do	Woodbury	Oto, city of	H 190294A 01	do	Mayor, City Hall, Oto, Iowa 51044	Sept. 13, 1974. Jan. 23, 1976.
Do	Scott	Princeton, city of	H 190244A 01 through H 190244A 02	do	Mayor, City Hall, Princeton, Iowa 52768.	Mar. 1, 1974. Jan. 23, 1976.
Do	Fremont	Randolph, city of	H 190392 01	do	Mayor, P.O. Box 13, Randolph, Iowa 51649.	Mar. 19, 1976.
Do	Plymouth	Remsen, city of	H 190480 01	do	Clerk, 205 Fulton St., Remsen, Iowa 51050.	Do.
Do	Howard and Mitchell.	Riceville, city of	H 190418 01	do	Mayor, City Hall, Riceville, Iowa 50466.	Do.
Do	Emmet	Ringsted, city of	H 190373 01	do	Clerk, Ringsted, Iowa 50578	Do.
Do	Osceola	Sibley, city of	H 190218A 01 through H 190218A 02	do	Mayor, City Hall, Sibley, Iowa 51249	May 17, 1974. Jan. 23, 1976.
Do	Carroll	Templeton, city of.	H 190811 01	do	Mayor, P.O. Box 121, Templeton, Iowa 51463.	Mar. 19, 1976.
Do	Mahaska	University Park, city of.	H 190671 01 through H 190671 02	do	Mayor, Town Hall, University Park, Iowa 52595.	Do.
Do	Mamama	Ute, city of	H 190464 01	do	Clerk, Ute, Iowa 51060	Do.
Do	Iowa and Powesheck.	Victor, city of	H 190500 01	do	Mayor, P.O. Box 143, Victor, Iowa 52347.	Do.
Do	Benton	Vinton, city of	H 190016A 01 through H 190016A 04	do	Mayor, City Hall, Vinton, Iowa 53249	Apr. 5, 1974. Jan. 23, 1976.
Do	Cedar	West Branch, city of.	H 190058A 01	do	Mayor, City Hall, West Branch, Iowa 52358.	Mar. 1, 1974. Jan. 23, 1976.
Do	Cass	Wiota, city of	H 190350 01	do	Mayor, Center St. Wiota, Iowa 50274	Mar. 19, 1976.
Kansas	Wabaunsee	Alta Vista, city of.	H 200380 01	Division of Water Resources, Kansas Department of Agriculture, 1720 South Topeka Ave., Topeka, Kans. 66612. Kansas Insurance Department, 1st Floor, Statehouse, Topeka, Kans.	Mayor, General Delivery, Alta Vista, Kans. 66834.	Do.
Do	Osborne	Alton, city of	H 200381 01	do	Mayor, City Hall, Alton, Kans. 67623	Do.
Do	Johnson	Gardner, city of	H 200164A 01	do	Mayor, City Hall, 112 South Elm, Gardner, Kans. 66030.	May 3, 1974. Jan. 23, 1976.
Do	Barton	Great Bend, city of.	H 200019 01 through H 200019 06	do	Mayor, City Hall, P.O. Box 1168, Great Bend, Kans.	Mar. 19, 1976.
Do	Harvey	Halstead, city of	H 200131A 01	do	Mayor, City Hall, 303 Main St., Halstead, Kans. 67056.	June 7, 1974. Jan. 23, 1976.
Do	Cowley	Winfield, city of	H 200071 01 through H 200071 07	do	Mayor, City Hall, 200 East 9th St., P.O. Box 646, Winfield, Kans. 67156.	Mar. 19, 1976.
Louisiana	St. Landry Parish	Melville, town of	H 220172A 01 through H 220172A 02	State Department of Public Works, P.O. Box 44155, Capitol Station, Baton Rouge, La. 70804. Louisiana Insurance Department, Box 44214, Capitol Station, Baton Rouge, La. 70804.	Mayor, Town Hall, Melville, La. 71353.	Apr. 12, 1974. Jan. 23, 1976.
Maryland	Washington	Funkstown, town of.	H 240073A 01	Department of Natural Resources, Water Resources Division, State Office Bldg., Annapolis, Md. 21401. Maryland Insurance Department, 301 West Preston St., Baltimore, Md. 21201.	Mayor, P.O. Box 235, Funkstown, Md. 21734.	Mar. 8, 1974.
Minnesota	Winona	Goodview, town of.	H 270528 01	Division of Waters, Soils, and Minerals, Department of Natural Resources, Centennial Office Bldg., St. Paul, Minn. 55101. Minnesota Division of Insurance, R-210, State Office Bldg., St. Paul, Minn. 55101.	Mayor, Box 212, Winona, Minn. 55987	Mar. 19, 1976.
Do	Dakota	Miesville, city of	H 270111A 01	do	Mayor, P.O. Route 1, Hastings, Minn. 55033.	July 19, 1974.
Do	Hennepin	Orono, city of	H 270178B 01 through H 270178B 07	do	City Administrator, P.O. Box 66, Crystal Bay, Minn. 55323.	Aug. 16, 1974. Oct. 17, 1975. Jan. 23, 1976.
Do	Lake	Silver Bay, city of	H 270603A 01 through H 270603A 04	do	Mayor, 22 Adams Blvd., Silver Bay, Minn. 55614.	Nov. 22, 1974. Jan. 23, 1976.
Missouri	Howard	Fayette, city of	H 290163A 01 through H 290163A 02	Department of Natural Resources, Division of Program and Policy Development, State of Missouri, 308 East High St., Jefferson, Mo. 65101. Division of Insurance, P.O. Box 690, Jefferson City, Mo. 65101.	Mayor, 117 South Main St., City Hall, Fayette, Mo. 65248.	Dec. 28, 1973. Jan. 23, 1976.
Do	Clay	Glenaire, village of.	H 290092A 01	do	Council Chairman, Village Hall, Glenaire, Mo. 64068.	June 14, 1974. Jan. 23, 1976.
Do	Jackson	Grandview, city of.	H 290171A 01 through H 290171A 07	do	Mayor, City Hall, 1200 Main St., Grandview, Mo. 64030.	July 19, 1974. Jan. 23, 1976.
Montana	Dawson	Glendive, city of	H 300015A 01 through H 300015A 02	Montana Department of Natural Resources Division, 32 South Ewing St., Helena, Mont. 59601. Montana Insurance Department, Capitol Bldg., Helena, Mont. 59601.	Mayor, City Hall, Glendive, Mont. 59330.	Feb. 15, 1974. Jan. 23, 1976.
Nebraska	Dixon	Ponca, city of	H 310067A 01	Nebraska Natural Resources Commission, Terminal Bldg., 7th Floor, Lincoln, Nebr. 68508.	Mayor, City Hall, Ponca, Nebr. 68770.	Apr. 12, 1974. Jan. 23, 1976.
Do	Buffalo	Shelton, village of.	H 310319 01	do	Chairman, Village Hall, Shelton, Nebr. 68876.	Mar. 19, 1976.
Do	Dakota	South Sioux City, city of.	H 310054A 01 through H 310054A 02	do	Mayor, City Hall, South Sioux City, Nebr. 68776.	Dec. 7, 1973. Jan. 23, 1976.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
New Hampshire.	Rockingham	Windham, town of.	H 330144A 01 through H 330144A 11	Office of Comprehensive Planning, Division of Community Planning, State House Annex, Concord, N.H. 03301. New Hampshire Insurance Department, 78 N. Main St., Concord, N.H. 03301.	Office of the Selectmen, Town Hall, Windham, N.H. 03087.	Aug. 16, 1974. Jan. 23, 1976.
New Mexico	Grant	Central, village of.	H 350020A 01	State Engineer's Office, Bataan Memorial Bldg., Santa, Fe, N. Mex. 87501. New Mexico Department of Insurance, P.O. Box 1269, Santa Fe, N. Mex. 87501.	Mayor, P.O. Box 503, Central, N. Mex. 88026.	May 31, 1974. Jan. 23, 1976.
Do	Rio Arriba and Santa Fe.	Espanola, city of.	H 350052A 01 through H 350052A 07	do	Mayor, 710 Bond St., P.O. Box 952, City Hall, Espanola, N. Mex. 87532.	June 21, 1974. Jan. 23, 1976.
New York	Chenango	Bainbridge, town of.	H 361085A 01 through H 361085A 03	New York State Department of Environmental Conservation, Division of Resources Management Service, Bureau of Water Management, Albany, N.Y. 12201. New York State Insurance Department, 2 World Trade Center, New York, N.Y. 10047.	Town Supervisor, Town Hall, Bainbridge, N.Y. 13733.	Jan. 10, 1975. Jan. 23, 1976.
Do	Yates	Jerusalem, town of.	H 360959A 01 through H 360959A 16	do	Town Supervisor, Rural Delivery 2, Branchport, N.Y. 14418.	May 31, 1974. Jan. 23, 1976.
Do	Clinton	Plattsburgh, city of.	H 360168A 01 through H 360168A 02	do	Mayor, City Hall, Plattsburgh, N.Y. 12901.	Jan. 16, 1974. Jan. 23, 1976.
Do	Allegany	Richburg, village of.	H 360032A 01	do	Mayor, Town Hall, Main St., Richburg, N.Y. 14774.	Aug. 9, 1974. Jan. 23, 1976.
Do	Essex	Schroon, town of.	H 361158A 01 through H 361158A 34	do	Supervisor, Schroon Lake, N.Y. 12870.	Dec. 20, 1974. Jan. 23, 1976.
Do	St. Lawrence	Waddington, town of.	H 361187A 01 through H 361187A 07	do	Town Supervisor, Waddington, N.Y. 13694.	Dec. 13, 1974. Jan. 23, 1976.
North Carolina	Pitt and Lenoir	Grifton, town of.	H 370192A 01 through H 370192A 04	Division of Community Assistance Department of Natural and Economic Resources, P.O. Box 27687, Raleigh, N.C. 27611. North Carolina Insurance Department, P.O. Box 26387, Raleigh, N.C. 27611.	Mayor, Box 598, Grifton, N.C.	Dec. 17, 1973. Jan. 23, 1976.
Do	Catawba	Hickory, city of.	H 370054A 01 through H 370054A 07	do	Mayor, P.O. Box 398, Hickory, N.C. 28601.	Sept. 13, 1974. Jan. 23, 1976.
North Dakota	Ransom	Lisbon, city of.	H 380091A 01 through H 380091A 02	Engineer-Secretary, State Water Commission, State Office Bldg., 900 East Blvd., Bismarck, N. Dak. 58501. Commissioner, North Dakota Insurance Department, State Capitol, Bismarck, N. Dak. 58501.	Mayor, City Hall, Lisbon, N. Dak. 58054.	Nov. 23, 1973. Jan. 23, 1976.
Oklahoma	Pushmataha	Antlers, town of.	H 400182A 01	Executive Director, Oklahoma Water Resources Board, 5th Floor, Jim Thorpe Bldg., Oklahoma City, Okla. 73105. Commissioner, Oklahoma Insurance Department, Room 408, Will Rogers Memorial Bldg., Oklahoma City, Okla. 73105.	President, 200 South High, Town Hall, Antlers, Okla. 74523.	Jan. 9, 1974. Jan. 23, 1976.
Do	McClain and Grady.	Blanchard, town of.	H 400101A 01 through H 400101A 04	do	Mayor, 114 West Broadwater, Blanchard, Okla. 74829.	Sept. 13, 1974. Jan. 23, 1976.
Do	Okfuskee	Boley, town of.	H 400138A 01	do	Mayor, City Hall, Boley, Okla. 74829.	Apr. 12, 1974. Jan. 23, 1976.
Do	Blaine	Canton, town of.	H 400012A 01	do	President, Town Hall, 112 North Washington Avenue, Canton, Okla. 73724.	June 28, 1974.
Do	Greer	Granite, city of.	H 400066A 01 through H 400066A 02	do	Mayor, City Hall, Granite, Okla. 73547.	June 28, 1974. Jan. 23, 1976.
Do	Woodward	Mooreland, town of.	H 400230A 01	do	President, 212 South Main, P.O. Box 157, Town Hall, Mooreland, Okla. 73852.	Mar. 15, 1974. Jan. 23, 1976.
Do	Grady	Rush Springs, town of.	H 400064A 01	do	President, Town Hall, Rush Springs, Okla. 73082.	June 14, 1974. Jan. 23, 1976.
Do	Wagoner	Wagoner, city of.	H 400219A 01 through H 400219A 02	do	Mayor, 302 East Cherokee, P.O. Box 406, City Hall, Wagoner, Okla. 74467.	June 28, 1974. Jan. 23, 1976.
Oregon	Wallowa	Enterprise, city of.	H 410225A 01	Director, Executive Department, State of Oregon, Salem Oreg, 97310. Commissioner, Oregon Insurance Division, Department of Commerce, 158 12th St. NE., Salem, Oreg. 97310.	City Recorder, City Hall, Enterprise, Oreg. 97929.	Dec. 28, 1975 Jan. 23, 1976.
Do	Lincoln	Siletz, city of.	H 410132 01 through H 410132 02	do	Mayor, City Hall, Siltez, Oreg. 97380.	Mar. 19, 1976.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Pennsylvania	Columbia	Catawissa, borough of.	H 420341A 01	Secretary, Department of Community Affairs, Commonwealth of Pennsylvania, Harrisburg, Pa. 17120. Commissioner, Pennsylvania Insurance Department, 108 Finance Bldg., Harrisburg, Pa. 17120.	President, Borough Council, Box 44, Catawissa, Pa. 17820.	Oct. 12, 1973. Jan. 23, 1976.
Do	Crawford	Conneaut Lake, borough of.	H 422386A 01	do	Mayor, Borough Hall, Conneaut Lake, Pa. 16316.	Jan. 17, 1975. Jan. 23, 1976.
Do	York	Dillsburg, borough of.	H 420919 01	do	President, 9 North Baltimore, Dillsburg, Pa. 17019.	Mar. 19, 1976.
Do	Northampton	Forks, township of.	H 421930A 01 through H 421930A 06	do	Chairman, Township Supervisors, 1606 Sullivan's Trail, Easton, Pa. 18042.	Nov. 8, 1974.
Do	Cambria	Southmont, borough of.	H 420239 01	do	Borough Council President, 148 Wonder St., Johnstown, Pa. 15905.	Mar. 19, 1976.
Do	Warren	Spring Creek, township of.	H 422128 01 through H 422128 04	do	Chairman, Township Supervisors, Rural Delivery 1, Spring Creek, Pa. 16436.	Do.
Do	Bradford	Springfield, township of.	H 421109A 01 through H 421109A 06	do	Township Chairman, Rural Delivery 2, Columbia Cross Roads, Pa. 16914.	Nov. 8, 1974. Jan. 23, 1976.
Do	Lehigh	Whitehall, township of.	H 420595A 01 through H 420595A 06	do	Township Manager, 1128 Catawauqua Rd., Whitehall, Pa. 18052.	Jan. 9, 1974. Jan. 23, 1976.
South Carolina	Sumter	Mayesville, town of.	H 450225 01	South Carolina Water Resources Commission, P.O. Box 4515, Columbia, S.C. 29240. South Carolina Insurance Department, 2711 Middleburg St., Columbia, S.C. 29204.	Mayor, Town Hall, Mayesville, S.C. 29104.	Mar. 19, 1976.
South Dakota	Douglas	Delmont, town of.	H 460025A 01	Commissioner, State Planning Bureau, Office of Executive Management, State Capitol, Pierre, S. Dak. 57501. Commissioner, South Dakota Department of Insurance, Insurance Bldg., Pierre, S. Dak. 57501.	Town of Delmont Office, Delmont, S. Dak. 75330.	Aug. 8, 1975. Jan. 23, 1976.
Do	Sanborn	Woonsocket, city of.	H 460075A 01	do	Mayor, City Hall, Woonsocket, S. Dak. 57385.	June 14, 1974. Jan. 23, 1976.
Texas	Johnson	Alvarado, city of.	H 480307A 01	Executive Director, Texas Water Development Board, P.O. Box 13087, Capitol Station, Austin, Tex. 78711. Commissioner, Texas Insurance Department, 1110 San Jacinto St., Austin, Tex. 78701.	Mayor, 210 South Friou, P.O. Box L, City Hall, ——.	Aug. 9, 1974. Jan. 23, 1976.
Do	Bastrop	Bastrop, city of.	H 480022 01 through H 480022 04	do	Mayor, City Hall, 904 Main St., P.O. Box 427, Bastrop, Tex. 78602.	Mar. 19, 1976.
Do	Bee	Beeville, city of.	H 480027A 01 through H 480027A 04	do	Mayor, West Corpus Christi St., Beeville, Tex. 78102.	May 10, 1974. Jan. 23, 1976.
Do	Bell	Belton, city of.	H 480028A 01 through H 480028A 07	do	Mayor, City Hall, 333 East Aveune A, P.O. Box 120, Belton, Tex. 76513.	Mar. 8, 1974. Jan. 23, 1976.
Do	Kendall	Boerne, city of.	H 480418A 01 through H 480418A 02	do	Mayor, 402 East Blanco, P.O. Drawer U, City Hall, Boerne, Tex. 78006.	Nov. 30, 1973. Jan. 23, 1976.
Do	Coke	Bronte, city of.	H 480128A 01	do	Mayor, City Hall, Bronte, Tex. 76933.	Mar. 29, 1974. Jan. 23, 1976.
Do	Donley	Hedley, city of.	H 480201A 01	do	Mayor, P.O. Box 1, City Hall, Hedley, Tex. 79237.	Nov. 8, 1974. Jan. 23, 1976.
Do	Smith	Lindale, city of.	H 480569A 01 through H 480569A 02	do	Mayor, 205 North Main, P.O. Box 116, City Hall, Lindale, Tex. 75771.	Mar. 22, 1974. Jan. 23, 1976.
Do	Harris	Lomax, city of.	H 480303A 01	do	Mayor, Route 1, 1508 Lomax School Rd., LaPorte, Tex. 77051.	June 28, 1974. Jan. 23, 1976.
Do	Smith	Winona, city of.	H 480573A 01	do	Mayor, City Hall, Winona, Tex. 75792.	Nov. 1, 1974. Jan. 23, 1976.
Utah	Carbon	Helper, city of.	H 490034A 01	Director, Department of Natural Resources, Division of Water Resources, State Capitol Bldg., Room 435, Salt Lake City, Utah 84114. Commissioner, Utah Insurance Department, 115 State Capitol, Salt Lake City, Utah 84114.	Mayor, City Hall, Helper City, Utah 84526.	Jan. 9, 1974.
Virginia		Chesapeake, city of.	H 510034A 01 through H 510034A 34	Bureau of Water Control Management, State Water Control Board, P.O. Box 11143, Richmond, Va. 23230. Commissioner, Virginia Insurance Department, 700 Blanton Bldg., P.O. Box 1157, Richmond, Va. 23209.	Mayor, Civic Center, 300 Cedar Rd., Chesapeake, Va. 23320.	June 18, 1970. Jan. 23, 1976.
Washington	Yakima	Selah, town of.	H 530226A 01 through H 530226A 02	Director, Department of Ecology, Olympia, Wash. 98501. Commissioner, Washington Insurance Department, Insurance Bldg., Olympia, Wash. 98501.	Mayor, 115 West Naches Ave., Town Hall, Selah, Wash. 98942.	Jan. 16, 1974. Jan. 23, 1976.
Do	Pierce	Stellacoom, town of.	H 530146A 01	do	Mayor, 1715 Lafayette St., Town Hall, Stellacoom, Wash. 98388.	Aug. 9, 1974. Jan. 23, 1976.
Wisconsin	Dane	Black Earth, village of.	H 550079A 01	Secretary, Department of Natural Resources, P.O. Box 450, Madison, Wis. 53701. Insurance Commissioner, Wisconsin Insurance Department, 201 East Washington Ave., Madison, Wis. 53703.	Village President, 1210 Mill St., Black Earth, Wis. 51535.	Dec. 17, 1973. Jan. 23, 1976.
Do	Burnett	Unincorporated areas.	H 550032A 01 through H 550032A 63	do	Chairman, County Board of Supervisors, Webster, Wis. 54893.	Dec. 6, 1974. Jan. 23, 1976.
Do	Marquette	Endeavor, village of.	H 550265A 01	do	Village President, Endeavor, Wis. 53930.	Dec. 17, 1973. Jan. 23, 1976.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Wyoming	Sublette	Pinedale, town of	H 560049A 01	Agency Coordinator, Wyoming Disaster and Civil Defense Agency, P.O. Box 1709, Cheyenne, Wyo. 82001. Commissioner, Department of Insurance, State of Wyoming, State Office Bldg., Cheyenne, Wyo. 82001.	Mayor, P.O. Box 674, Town Hall, Pinedale, Wyo. 82941.	Apr. 5, 1974. Jan. 28, 1976.
Do	Hot Springs	Thermopolis, town of.	H 560026A 01	do	Mayor, City Hall, Thermopolis, Wyo. 82443.	Apr. 12, 1974. Jan. 28, 1976.

(National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969).

Issued: January 27, 1976.

J. ROBERT HUNTER,
Acting Federal
Insurance Administrator.

[FR Doc.76–3983 Filed 2–12–76;8:45 am]

[Docket No. FI–698]

PART 1916—CONSULTATION WITH LOCAL OFFICIALS

Flood Elevation Determinations for the City of Punta Gorda, Florida

On October 1, 1975, at 40 FR 45165, the Federal Insurance Administrator published a notification of modification of the base (100-year) flood elevations in the City of Punta Gorda, Florida. Since that date, ninety days have elapsed; and the Federal Insurance Administrator has evaluated requests for changes in the base flood elevations, and after consultation with the Chief Executive Officer of the community, has determined no changes are necessary. Therefore, the modified flood elevations are effective as of September 19, 1975 and amend the Flood Insurance Rate Map which was in effect prior to that date.

The modifications are pursuant to section 206 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234) and are in accordance with the National Flood Insurance Act of 1968, as amended, (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448) 42 U.S.C. 4001–4128, and 24 CFR Part 1916.

For rating purposes, the new community number is 120062A and must be used for all new policies and renewals.

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

The numerous changes made in the base flood elevations on the Punta Gorda Flood Insurance Rate Map make it impractical to publish in this notice all of the base flood elevation changes.

(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: January 22, 1976.

J. ROBERT HUNTER,
Acting Federal
Insurance Administrator.

[FR Doc.76–4267 Filed 2–12–76;8:45 am]

[Docket No. FI–699]

PART 1916—CONSULTATION WITH LOCAL OFFICIALS

Flood Elevation Determinations, Charlotte County, Florida

On October 1, 1975, at 40 FR 45165, the Federal Insurance Administrator published a notification of modification of the base (100-year flood elevations in Charlotte County, Florida. Since that date, ninety days have elapsed; and the Federal Insurance Administrator has evaluated requests for changes in the base flood elevations, and after consultation with the Chief Executive Officer of the community, has determined no changes are necessary. Therefore, the modified flood elevations are effective as of September 19, 1975 and amend the Flood Insurance Rate Map which was in effect prior to that date.

The modifications are pursuant to section 206 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234) and are in accordance with the National Flood Insurance Act of 1968, as amended, (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90–448) 42 U.S.C. 4001–4128, and 24 CFR Part 1916.

For rating purposes, the new community number is 120061A and must be used for all new policies and renewals.

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

The numerous changes made in the base flood elevations on the Charlotte County, Florida Flood Insurance Rate Map make it impractical to publish in this notice all of the base flood elevation changes.

(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: January 22, 1976.

J. ROBERT HUNTER,
Acting Federal
Insurance Administrator.

[FR Doc.76–4266 Filed 2–12–76;8:45 am]

[Docket No. FI–862]

PART 1916—CONSULTATION WITH LOCAL OFFICIALS

Changes Made in Determinations of the City of Gretna, Louisiana, Base Flood Elevations

On January 8, 1976, at 41 FR 1472, the Federal Insurance Administrator published a list of communities with Flood Insurance Rate Maps including the City of Gretna, Louisiana.

The Federal Insurance Administration, after consultation with the Chief Executive Officer of the community, has determined that it is appropriate to modify the base (100-year) flood elevations of some locations in the City of Gretna, Louisiana. These modified elevations are currently in effect and amend the Flood Insurance Rate Map, which was in effect prior to this determination. A revised rate map will be published as soon as possible. The modifications are made pursuant to section 206 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234) and are in accordance with the National Flood Insurance Act of 1968, as amended, (Title XIII of the Housing and

Urban Development Act of 1968, Pub. L. 90–448) 42 U.S.C. 4001–4128, and 24 CFR Part 1916.

For rating purposes, the new community number is 225198C, and must be used for all new policies and renewals.

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

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

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

Honorable William J. White, Mayor, City of Gretna, P.O. Box 404, Gretna, Louisiana 70053.

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

(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: January 23, 1976.

J. ROBERT HUNTER,
Acting Federal
Insurance Administrator.

[FR Doc.76–4268 Filed 2–12–76;8:45 am]

[Docket No. FI–863]

PART 1916—CONSULTATION WITH LOCAL OFFICIALS

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

On January 8, 1976, at 41 FR 1472, the Federal Insurance Administrator published a list of communities with Flood Insurance Rate Maps including the Borough of Belmar, New Jersey.

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

For rating purposes, the new community number is 345283C, and must be used for all new policies and renewals.

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

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

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

Honorable John A. Taylor, Mayor, Borough of Belmar, 8th Avenue and River Road, Belmar, New Jersey 07719.

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

(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: January 23, 1976.

J. ROBERT HUNTER,
Acting Federal
Insurance Administrator.

[FR Doc.76–4269 Filed 2–12–76;8:45 am]

[Docket No. FI–878]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determination for the City of Texarkana, Miller County, Arkansas

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 (§ 1917.4(a)) hereby gives notice of his proposed determinations of flood elevations for the City of Texarkana, Miller County, Arkansas.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the city must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed 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 proposed flood elevations are available for review at the City Hall, 3rd Walnut Street, Texarkana, Arkansas.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify David Davis, City Manager, P.O. Box 2711, Texarkana, Arkansas. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community or on or before May 13, 1976, whichever is the later.

The proposed 100-year Flood Elevations are:

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
Nix Creek	East 48th St	336	200	170
	East 47th St	331	230	190
	East 42d St	325	315	225
	East 42d St (east Pennsylvania)	322	370	120
	Arkansas Blvd	319	270	240
	37th St (extended)	316	300	700
	East 35th St	314	155	315
	East 24th St	306	690	220
	East 18th St	302	770	280
	East 12th St	300	280	760
	East 9th St	297	845	430
	East Broad St	297	700	730
	Preston Ave	296	1,200	455
	U.S. Highway Route 71	291	735	110
	College St	289	420	855
	Missouri-Pacific RR	287	700	660
	Texas-Arkansas State line	281	180	1,330
Oak Creek	East 24th St	309	420	210
	Pinson Rd. (extended)	304	100	220
	Pineview (extended)	304	160	175
	Franklin	304	440	280

(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: January 29, 1976.

J. ROBERT HUNTER,
Acting Federal
Insurance Administrator.

[FR Doc.76–4270 Filed 2–12–76;8:45 am]

[Docket No. FI–877]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the Town of Jupiter Island, Florida

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 (§ 1917.4 (a)), hereby gives notice of his proposed determinations of flood elevations for the Town of Jupiter Island, Florida.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Town of Jupiter Island must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed 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 proposed flood elevations are available for review at Town Hall, Jupiter Island, Florida, 33455.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. Robert F. Vande Weghe, Town Manager, P.O. Box 7, Hobe Sound, Florida 33455. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community or on or before May 13, 1976, whichever is the later.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width—Approximate distance in feet from the western shore to boundary of 100-yr flood
Hobe Sound	Devonshire Lane	7	270
	Barrow St	7	110
	Estrada	7	120
	Bridge Rd	7	1,475
	Sea Crest	8	2,000

(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: January 29, 1976.

J. ROBERT HUNTER,
Acting Federal
Insurance Administrator.

[FR Doc.76–4271 Filed 2–12–76;8:45 am]

[Docket No. FI–876]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determination for the City of Westwego, Jefferson Parish, Louisiana

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 (§ 1917.4(a)) hereby gives notice of his proposed determinations of flood elevations for the City of Westwego, Jefferson Parish, Louisiana.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the city must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed 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 proposed flood elevations are available for review at the City Hall, 419 Avenue A, Westwego.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Ernest Tassin, Mayor, 419 Avenue A, Westwego, Louisiana 70094. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community or on or before May 13, 1976, whichever is the later.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Flooded area
Flooding in Westwego is caused mainly by intense rainstorms and insufficient pumping capacity and sump storage. Also due to insufficient levee grade, tidal overflow, of the levee south of Westwego during large severe hurricanes or tropical storms adds significantly to the flooding threat.	Southern portion of the city of Westwego.	1.9-4.1	The A zone boundaries north of Westbank Expressway are, for the most part, west of Louisiana St., south of 6th St., and west of West Dr. South of Westbank Expressway, most of the city of Westwego is in A zones; however, a small area west of Hickory St. and north of the intersection of Kenny Dr. and LeCompte Dr. is in the B zone.

(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 F.R. 2680, February 27, 1969, as amended by 39 F.R. 2787, January 24, 1974)

Issued: January 29, 1976.

J. ROBERT HUNTER,
Acting Federal
Insurance Administrator.

[FR Doc.76–4272 Filed 2–12–76;8:45 am]

[Docket No. FI–873]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determination for the Township of Passaic, Morris County, New Jersey

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 (§ 1917.4(a)) hereby gives notice of his proposed determinations of flood elevations for the Township of Passaic, Morris County, New Jersey.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the township must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed 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 proposed flood elevations are available for review at the Lobby of the City Hall, 101 Passaic Avenue, Passaic.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Gerald Goldman, Mayor, Passaic City Hall, 101 Passaic Avenue, Passaic, New Jersey 07055. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community or on or before May 13, 1976, whichever is the later.

The proposed 100-year Flood Elevations are:

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
Mill Creek	Upstream corporate limits	810	50	40
	Upstream side of Sherman St	765	40	20
	Downstream side of Franklin St	749	10	10
	Upstream side of Carroll St	736	5	117
	Upstream side of Railroad St	721	5	70
	Upstream side of Russell St	713	62	33
	Downstream corporate limits	695	20	31

(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: January 29, 1976.

J. ROBERT HUNTER,
Acting Federal
Insurance Administrator.

[FR Doc.76–4273 Filed 2–12–76;8:45 am]

[Docket No. FI–871]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determination for the Township of Randolph, Morris County, New Jersey

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 (§ 1917.4(a)) hereby gives notice of his proposed determinations of flood elevations for the Township of Randolph, Morris County, New Jersey.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the township must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed 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 proposed flood elevations are available for review at Randolph Municipal Building, Millsbrook Avenue, Randolph.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Stephen Richer, Randolph Municipal Building, Millsbrook Avenue,

Randolph, New Jersey 07801. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community on or before May 13, 1976, whichever is the later.

The proposed 100-year Flood Elevations are:

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
Rockaway River	Upstream corporate limits	549		0
	Dover-Rockaway Rd	546		0
	Downstream corporate limits	541		300
Mill Brook	Center Grove Rd	815	60	30
	Mill Brook Ave	695	70	200
	South Morris St	566	80	180
	Route 10	550	700	200
Den Brook	Radtke Rd	709	70	50
	Shongum Lake Dam	702	150	120

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

Issued: January 29, 1976.

J. ROBERT HUNTER,
Acting Federal
Insurance Administrator.

[FR Doc.76–4274 Filed 2–12–76;8:45 am]

[Docket No. FI–868]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determination for the City of Rittman, Wayne and Medina Counties, Ohio

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 (§ 1917.4 (a)) hereby gives notice of his proposed determinations of flood elevations for the City of Rittman, Wayne and Medina Counties, Ohio.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the city must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed 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 proposed flood elevations are available for review at the City Hall, 30 North Main Street, Rittman.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Lawrence J. Modet, City Manager, 30 North Main Street, Rittman, Ohio 44270. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community or on or before May 13, 1976, whichever is the later.

The proposed 100-year Flood Elevations are:

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
Chippewa and Little Chippewa Creek	State Route 57	956	110	4,160
	State Route 57A	957	730	1,200
	Corporate limits	958	(1)	3,180
Tommy Run	Blough Rd	970	160	(1)
Landis Ditch	East Sunset Dr	966	600	500
	Main St	969	720	(1)
	Corporate limits	979	1,400	70
River Styx	Salt St	959	2,630	2,810
	State Route 57A	960	120	2,200
	Corporate limits	960	(1)	550

[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: January 29, 1976.

J. ROBERT HUNTER,
Acting Federal
Insurance Administrator.

[FR Doc.76–4275 Filed 2–12–76;8:45 am]

[Docket No. FI–864]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determination for the Borough of Middletown, Dauphin 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 (§ 1917.4(a)) hereby gives notice of his proposed determinations of flood elevations for the Borough of Middletown, Dauphin County, Pennsylvania.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the borough must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed 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 proposed flood elevations are available for review at the office of the Borough Manager in the Community Building.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. George C. Merkel, Borough Manager, 60 West Emaus Street, Middletown, Pennsylvania 17057. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community or on or before May 13, 1976, whichever is the later.

The proposed 100-year Flood Elevations are:

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
Swatara Creek	Corporate limits at Pennsylvania Turnpike.	308	(1)	1,020
	At Maple Rd	307	(1)	1,660
	At Main Street Bridge	306	(1)	500
	At Adelia St. (south)	302	(1)	700
	At Grubb Street Bridge	300	(1)	20
	At Ann Street Bridge	300	(1)	40
	Pike St	299	(1)	2,360
Susquehanna River	Wood St	300	1,460	(1)
	Cathe St	300	2,120	(1)

[1] Corporate limits.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1960), 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: January 29, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-4276 Filed 2-12-76;8:45 am]

[Docket No. FI-865]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determination for the Township of Pennsbury, Chester 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 (§ 1917.4(a)) hereby gives notice of his proposed determinations of flood elevations for the Township of Pennsbury, Chester County, Pennsylvania.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the township must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed 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 proposed flood elevations are available for review at the Pennsbury Township Building, R.D. 1, Pennsylvania.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Chairman of the Board, Clarence H. Harris, 510 Hillendale Road, Pennsylvania 19317. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community or on or before May 13, 1976, whichever is the later.

The proposed 100-year Flood Elevations are:

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
Brandywine Creek	Confluence with Pocopson Creek	176		350
	Dam No. 2	174		400
	Dam No. 1	170		100
	Penn Central RR	167		670
	Route 100	161		80
	South corporate limits	152		300
Pocopson Creek	North corporate limits	181		90
Bennetts Run	Reading RR	176	120	280
	Chandler Rd	200	50	200
	Pocopson Rd	210	150	
	Parkers Ville Rd	250	180	40
Ring Run	Baltimore Pike	190	80	50
Pennsbury Run	Fairville Rd	185	150	130
Cossort Run	Route 100	157	650	20

(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: January 29, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-4277 Filed 2-12-76;8:45 am]

[Docket No. FI-867]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determination for the Borough of St. Clair, Schuylkill 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 (§ 1917.4(a)) hereby gives notice of his proposed determinations of flood elevations for the Borough of St. Clair, Schuylkill County, Pennsylvania.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazards areas. In order to participate in the National Flood Insurance Program, the borough must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed 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 proposed flood elevations are available for review at the Lobby of the Borough Hall, 39 North 2nd Street, St. Clair.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Richard Tomko, President of Town Council, Borough Hall, 39 North 2nd Street, St. Clair, Pennsylvania 17970. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community or on or before May 13, 1976, whichever is the later.

The proposed 100-year Flood Elevations are:

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
Passaic River	Downstream side of White Bridge Rd	230	1,200	
	Basking Ridge Rd	227	150	
	Stone House Rd	222	50	
	Passaic Valley Rd	217	130	
	South Main Ave	216	4,650	
	Springfield Rd	215	130	
	Mountain Ave	215	600	
	Downstream corporate limits	213	1,050	

(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: January 29, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-4278 Filed 2-12-76;8:45 am]

[Docket No. FI-872]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determination for the Borough of Shickshinny, 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 (§ 1917.4(a)) hereby gives notice of his proposed determinations of flood elevations for the Borough of Shickshinny, Luzerne County, Pennsylvania.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the borough must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed 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 proposed flood elevations are available for review at the lobby of the Borough Hall, 39 North 2nd Street, St. Clair.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. Richard Tomko, President of the Town Council, Borough Hall, 39 North 2nd Street, St. Clair, Pennsylvania 17970. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community or on or before May 13, 1976, whichever is the later.

The proposed 100-year Flood Elevations are:

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	North corporate limits	525		240
	McClintock St	524		1,000
	Butler St	523		880
	Route 29	522		780
	South corporate limits	521		300
Shickshinny Creek	Bartoll Lane	524	270	100
	Glen Ave	536	20	10
	Corporate limits	549	5	80

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

Issued: January 29, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-4279 Filed 2-12-76;8:45 am]

[Docket No. FI-866]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determination for the Town of Surfside Beach, Horry County, South Carolina

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 (§ 1917.4(a)) hereby gives notice of his proposed determinations of flood elevations for the Town of Surfside Beach, Horry County, South Carolina.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the town must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed 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 proposed flood elevations are available for review at the Town Hall, Surfside Town Hall, U.S. Highway 17, Surfside Beach, South Carolina.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Cecil Ratcliffe, Surfside Town Hall, U.S. Highway 17, Surfside Beach, South Carolina 29577.

The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community or on or before May 13, 1976, whichever is the later.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from shoreline to 100-yr flood boundary
Atlantic Ocean	Melody Lane (corporate limits)	14	1,900
	14th Ave. South	14	1,850
	9th Ave. South	14	1,800
	7th Ave. South	14	1,940
	3d Ave. South	14	1,965
	Surfside Dr	14	1,525
	2d Ave. North	14	1,680
	5th Ave. North	14	1,620
	Dogwood Lake	14	2,320
	13th Ave. North	14	2,020
	16th Ave. North	14	1,525
	17th Ave. North (corporate limits)	14	1,440

(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: January 29, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-4280 Filed 2-12-76;8:45 am]

[Docket No. FI-874]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determination for the Village of Mt. Prospect, Cook County, Illinois

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 (§ 1917.4(a)) hereby gives notice of his proposed determinations of flood elevations for the Village of Mt. Prospect, Cook County, Illinois.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the village must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed 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 proposed flood elevations are available for review at the Village Clerks office, 112 East Northwest Highway, Mt. Prospect, Illinois.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Robert D. Teichert, Mayor, 112 East Northwest Highway, Mt. Prospect, Illinois 60056. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community or on or before May 13, 1976, whichever is the later.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation—feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
McDonald Creek	Euclid Ave	644.0	150	420
	500 Line RR	643.0	200	60
	Burning Bush Lane	640.0	100	100
	Foundary Rd	637.0	330	220
Des Plains River	Northern corporate limits	638.0		[1] 1,280
	Camp McDonald Rd. (extended)			[1] 100
	Tano Lane (extended)			[1] 330
Weller Creek	Rockwell St		180	200
	South of Central Rd	668.0	60	80
	Lincoln St	665.0	50	115
	Can Dota Ave	661.0	440	410
	Emerson St	656.5	260	60
	Lonquist Blvd. and Edward St	653.0	450	170
Tributary No. 1	Lonquist Blvd	661.0	140	180
	Sunset Rd	661.0	80	310
Tributary No. 2	South of Lonquist Blvd		360	520
Higgins Creek	Western corporate limits	683.6	210	220
	Busse Rd	682.0	220	130

[1] Within 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: January 29, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-4281 Filed 2-12-76;8:45 am]

[Docket No. FI-875]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determination for the City of New Albany, Floyd County, Indiana

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 (§ 1917.4(a)) hereby gives notice of his proposed determinations of flood elevations for the City of New Albany, Floyd County, Indiana.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the city must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed 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 proposed flood elevations are available for review at the Mayor's office, 316 City County Building, New Albany.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Warren V. Nash, Mayor, 316 City County Building, New Albany, Indiana 47150. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community or on or before May 13, 1976, whichever is the later.

The proposed 100-year Flood Elevations are:

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
Falling Run	Jane Lane	470	300	200
	Power transmission line	465	200	100
	Pamela Rd	455	40	100
	Daisy Lane	450	200	200
	Country Club Dr	445	260	1,000
	Gray Brook Rd	440	120	500
	Bond Rd	437	400	160
	West 2d St	436	200	540
	Interstate 64	435	20	180
	West 7th St	434	200	360
	Spring Rd	434	300	100
Fall Run	Park Entrance Way		70	40
	Monn R R. (south)		60	80
	Monn R R. (north)		40	40
	Beechwood Ave	441	10	10
	Grant Line Rd	441	10	200
County Run	Cherokee Dr		60	40
	Grant Line Rd		30	60
Holy Run	Green Valley		50	40
Silver Creek	Charleston Rd	452	(1)	600
	Rector Lane	450	(2)	
	Power transmission line	450		1,400
	Spring East (460)	449		520
	Penn Central R R	449		920
Land Run	Charlestown Rd		80	70
State Run				
Silver Crest Run	West 7th St		60	60
Valley View Creek	Cherry St	435	60	40
Vicennes Run	Cordon		500	800
Middle Creek	111		4,400	400
Ohio River	K & IT R R	448		500
	I-64	448		380

[1] Outside corporate limits.
[2] Entire street within a zone.

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

Issued January 29, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-4282 Filed 2-12-76;8:45 am]

[Docket No. FI-869]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determination for the Village of Mayfield, Cuyahoga County, Ohio

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 (§ 1917.4(a)) hereby gives notice of his proposed determinations of flood elevations for the Village of Mayfield, Cuyahoga County, Ohio.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the village must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed 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 proposed flood elevations are available for review at the Town Hall, 6621 Wilsons Mills Road, Mayfield Village.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Robert Beebe, Mayor, Village of Mayfield, 6621 Wilsons Mills Road, Mayfield Village, Ohio 44143. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community or on or before May 13, 1976, whichever is the later.

The proposed 100-year Flood Elevations are:

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
Beeches Brook	50 feet east of S.O.M. Center Rd		100	60
	Beta Rd		(1)	(2)
	Wilson Mills Rd		460	805
Tributary 1	I-271 Calvert entrance	920.5	300	140
	0.20 mile north of I-271 Calvert entrance	914.4	340	250
	1.78 miles south of S.O.M. Center Rd. Calvert entrance.	907.0	90	45
		900.5	220	160
Tributary 1A	Calvert north of Highland Rd		20	25
	80 feet southwest of S.O.M. Center Rd		300	100
Tributary 4	S.O.M. Center Rd	928.0	180	200
	0.22 mile east of S.O.M. Center Rd	919.6	120	400
Tributary 5A	Calvert west of Robley Lane		60	15
Tributary 5Aa	50 feet east of Echo Rd		30	35
Tributary 5D	Ridgeburt Rd	1,044.0	35	25
	South Woodlane Dr	1,042.0	115	165
	North Woodlane Dr	1,035.0	170	125
	Worton Park Dr	1,033.2	75	210
Tributary 5E	Southern village limits	1,034.0	350	135
	West of I-290 and I-271	1,030.5	475	260
Tributary 6	Eastern village limits		35	20
	Final southern village limits		40	200
Tributary 6A	North of Glenview Rd		15	30
	50 feet east of Beech Hill Rd		20	30
Tributary 6B	50 feet east of Beech Hill Rd		10	35
Tributary 7	I-290 and I-271		115	130
	Midvale Ave		90	150
	Northern village limits		100	90

[1] Along Beta Rd. to Wilson Mills Rd.
[2] Along Beta Rd. to Beta Dr.

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

Issued: January 29, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-4283 Filed 2-12-76;8:45 am]

[Docket No. FI-870]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determination for the Township of Palmer, Northampton 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 (§ 1917.4(a)) hereby gives notice of his proposed determinations of flood elevations for the Township of Palmer, Northampton County, Pennsylvania.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the township must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed 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 proposed flood elevations are available for review at the lobby of the Municipal Building, 3245 Freemansburg Avenue, Palmer.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. B. Jack Anderson, Secretary of the Board of Supervisors, 3245 Freemansburg Avenue, Palmer, Pennsylvania. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community or on or before May 13, 1976, whichever is the later.

The proposed 100-year Flood Elevations are:

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
Lehigh River	Corporate limits (downstream)	202	600	(1)
	Dam No. 1	205	50	(1)
	Corporate limits (upstream)	209	0	(1)
Bushkill Creek	Edgewood Ave	244	(1)	160
	Dam No. 2	245	(1)	200
	Lehigh Valley RR. downstream crossing.	248	(1)	30
	Bushkill Drive West	254	(1)	90
	Lehigh Valley RR. upstream crossing	259	(1)	0
	Dam No. 3	255	(1)	110
	Northwood Ave	262	(1)	150
	Dam No. 4	267	(1)	30
	Stocker Mill Rd	273	(1)	200
	Dam No. 5	277	(1)	360
	Newlins Rd	296	(1)	190
	8th St	343	(1)	50
	Pennsylvania Route 33	345	(1)	230
	Center St	362	(1)	320
Shoeneck Creek	Lehigh Valley RR	283	350	500
	Tatamy Rd	306	90	150
	Dam No. 8	317	140	70
	Van Buren Rd	325	50	240
	Hollo Rd	339	180	140
	Nazarath Rd	359	180	50

[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: January 29, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-4284 Filed 2-12-76;8:45 am]

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Government of the District of Columbia

Schedule A of Part 213 is amended to show that the National Capital Housing Authority and the District of Columbia Redevelopment Land Agency have been consolidated under the Department of Housing and Community Development, Government of the District of Columbia, under Public Law 93–198. Part 213 is also amended to show that exception under Schedule A of positions of Resident Housing Manager has been extended until March 1, 1978. This part is further amended to show that one position of Chairman, Resident Involvement Workgroup, having expired of itself, is revoked.

Effective February 13, 1976, §§ 213.3135 and 213.3187 are revoked and § 213.3153 is amended as set out below:

§ 213.3135 [Revoked]

§ 213.3153 Government of the District of Columbia.

(a) *Board of Higher Education.* (1) Positions of noneducational employees of the Federal City College.

(b) *Board of Vocational Education.* (1) Positions of noneducational employees of the Washington Technical Institute.

(c) *Department of Housing and Community Development.* (1) One Executive Director.

(2) Positions of teachers engaged on a part-time or intermittent basis in the instruction of trainees enrolled in training programs for the maintenance and repair of buildings and grounds.

(3) Until March 1, 1978, seven positions of Resident Housing Manager, GS–5 through GS–8, under an experimental demonstration program for improvement of public housing management.

(4) Neighborhood Aide (Urban Renewal) positions when filled by residents of the urban renewal project area in which the Aides will serve. Employment under this authority may not exceed 2 years.

§ 213.3187 [Revoked]

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

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

[FR Doc.76-4240 Filed 2-12-76;8:45 am]

PART 213—EXCEPTED SERVICE

National Center for Productivity and Quality of Working Life

Part 213 is amended to show (1) a headnote change from the National Center for Productivity and Quality of Working Life, presently appearing as a permanent agency, to that agency placed under Temporary Boards and Commissions; and (2) extension until September 30, 1978, of the Schedule A exception for all positions in grades GS–15 and below on the staff of the National Center.

Effective on February 13, 1976, § 213.3190(a) is revoked and § 213.3199(u) is added as set out below:

§ 213.3190 National Center for Productivity and Quality of Working Life.

(a) [Revoked]

* * * * *

§ 213.3199 Temporary Boards and Commissions.

* * * * *

(u) *National Center for Productivity and Quality of Working Life.* (1) Until September 30, 1978, positions in grade GS–15 and below on the staff of the Center.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–58 Comp., p. 218)

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

[FR Doc.76-4408 Filed 2-12-76;8:45 am]

Title 7—Agriculture

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

[Lemon Reg. 26]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

This regulation fixes the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period February 15–21, 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.

§ 910.326 Lemon Regulation 26.

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

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

(i) The committee has submitted its recommendation with respect to the quantity of lemons it deems advisable to be handled during the ensuing week. Such recommendation resulted from consideration of the factors enumerated in the order. The committee further reports the demand for lemons is slightly improved this week.

Average f.o.b. price was $5.04 per carton the week ended February 7, 1976, compared to $5.51 per carton the previous week. Track and rolling supplies at 160 cars were up 5 cars from last week.

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

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this 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 February 10, 1976.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period February 15, 1976, through February 21, 1976, is hereby fixed at 200,000 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: February 11, 1976.

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

[FR Doc.76-4549 Filed 2-12-76;12:12 pm]

[Amdt. 1]

PART 980—VEGETABLES: IMPORT REGULATIONS: ONIONS

Quality Requirements for Imported Onions

● **This regulation changes minimum quality requirements for imported onions.** ●

Notice of rule making regarding a proposed amendment of § 980.114 Onion import regulation was published in the December 31, 1975, FEDERAL REGISTER (40 FR 60072). This regulation is effective under Section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 608e–1).

The notice afforded interested persons an opportunity to file written data, views or arguments in regard thereto not later than January 8, 1976. None was filed.

Under Section 8e, whenever two or more marketing orders are concurrently in effect regulating the same agricultural commodity produced in different areas of the United States, the importation of such commodity shall be prohibited unless it complies with the grade, size, quality, and maturity provisions of the order which, as determined by the Secretary of Agriculture, regulates the commodity produced in the area with which the imported commodity is in most direct competition.

Onion import regulation § 980.114 (40 FR 32308), became effective August 4, 1975, and sets forth similar grade, size, quality, and maturity requirements as those in effect for onions handled under Marketing Order No. 958, as amended (7 CFR Part 958) regulating the shipments of onions grown in designated counties in Idaho and Malheur County, Oregon.

Grade, size, quality, and maturity requirements of § 959.316 become effective for the period March 15 through May 8, 1976 (41 FR 4252) under Marketing Order No. 959, as amended (7 CFR Part 959), regulating the handling of onions grown in South Texas. Imported onions will be in most direct competition with those regulated under Marketing Order 959 on or about March 15 and the changes are necessary to bring import regulations into line with domestic regulations covering South Texas onions.

Findings. (a) After consideration of all relevant matters, including the proposal set forth in the notice, and other available information, it is hereby found that the proposal as published in the notice should be issued and that imported onions should comply with the grade, size, quality and maturity requirements, as hereinafter provided, applicable to onions produced in the United States, and effective under Marketing Order No. 959, as amended (7 CFR Part 959) regulating the handling of onions grown in designated counties of South Texas. This regulation is subject to further amendment with adequate notice as domestic regulations are changed.

Regulation, as amended. Section 980.114 Onion import regulation (40 FR 32308), is hereby amended to read as follows:

§ 980.114 Onion import regulation.

Pursuant to section 8e of the act (7 U.S.C. 608e–1) and except as otherwise provided herein, during the period beginning March 15, 1976, and continuing through May 8, 1976, the importation of onions is prohibited unless such onions are inspected and meet the requirements of this section.

(a) *Minimum grade and size requirements*—(1) *Grade.* Not to exceed 20 percent defects of U.S. No. 1 grade. In percentage grade lots, tolerances for serious damage shall not exceed 10 percent including not more than 2 percent decay. Double the lot tolerance shall be permitted in individual packages in percentage grade lots. Applications of tolerances in U.S. Grade Standards shall apply to in-grade lots.

(2) *Size.* White onions—1 inch minimum diameter; all other varieties of onions—1¾ inches minimum diameter.

(b) *Condition.* Due consideration shall be given to the time required for transportation and entry of onions into the United States. Onions with transit time from country of origin to entry into the United States of ten or more days may be entered if they meet an average tolerance for decay of not more than 5 percent, provided they meet the other requirements of this section.

(c) *Minimum quantity.* Any importation which in the aggregate does not exceed 100 pounds in any day, may be imported without regard to the provisions of this section.

(d) *Plant quarantine.* Provisions of this section shall not supersede the restrictions or prohibitions on onions under the Plant Quarantine Act of 1912.

(e) *Designation of governmental inspection service.* The Federal or the Federal-State Inspection Service, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, and the Fruit and Vegetable Division, Production and Marketing Branch, Canada Department of Agriculture, are designated as governmental inspection services for certifying the grade, size, quality and maturity of onions that are imported into the United States under the provisions of Section 8e of the act.

(f) *Inspection and official inspection certificates.* (1) An official inspection certificate certifying the onions meet the United States import requirements for onions under Section 8e (7 U.S.C. 608e–1), issued by a designated governmental inspection service and applicable to a specific lot is required on all imports of onions.

(2) Inspection and certification by the Federal or Federal-State Inspection Service will be available and performed in accordance with the rules and regulations governing certification of fresh fruits, vegetables and other products (Part 51 of this title). Each lot shall be made available and accessible for inspection as provided therein. Cost of inspection and certification shall be borne by the applicant.

(3) Since inspectors may not be stationed in the immediate vicinity of some smaller ports of entry, importers of onions should make advance arrangements for inspection by ascertaining whether or not there is an inspector located at their particular port of entry. For all ports of entry where an inspection office is not located, each importer must give the specified advance notice to the applicable office listed below prior to the time the onions will be imported.

Ports	Office	Advance notice (days)
All Texas points.	L. M. Denbo, P.O. Box 107, San Juan, Tex. 78589. (Phone 512-787-4091 or 512-787-6881.)	1
All Arizona points.	B. O. Morgan, P.O. Box 1614, Nogales, Ariz. 85621. (Phone 602-287-2902.)	1
All California points.	D. P. Thompson, 784 South Central Ave., Room 266, Los Angeles, Calif. 90021. (Phone 213-622-8756.)	3
All Hawaii points.	Stevenson Ching, P.O. Box 5425, Pawaa Substation, Honolulu, Hawaii 96814. (Phone 808-941-3071.)	1
All Puerto Rico points.	John L. Coulon, P.O. Box 9112, Santurce, P.R. 00908. (Phone 809-783-2230 or 809-783-4116.)	2
New York City, N.Y.	Carmine J. Cavallo, Room 28A, Hunts Point Market, Bronx, N.Y. 10474. (Phone 212-991-7669 or 212-991-7668.)	1
New Orleans, La.	Leonard E. Mixon, 5027 Federal Office Bldg., 701 Loyola Ave., New Orleans, La. 70113. (Phone 504-682-6741 or 504-682-6742.)	1
Miami, Fla.....	Lloyd W. Boney, 1350 Northwest 12th Ave., Room 530, Miami, Fla. 33136. (Phone 305-324-6116 or 305-324-6117.)	1
All other Florida points.	C. B. Brantley, P.O. Box 1232, Winter Haven, Fla. 33880. (Phone 813-294-2089.)	1
All other points.	M. A. Castille, Fruit and Vegetable Division, AMS, Washington, D.C. 20250. (Phone 202-447-5870.)	3

(4) Inspection certificates shall cover only the quantity of onions that is being imported at a particular port of entry by a particular importer.

(5) Each inspection certificate issued with respect to any onions to be imported into the United States shall set forth, among other things:

(i) The date and place of inspection;

(ii) The name of the shipper or applicant;

(iii) The commodity inspected;

(iv) The quantity of the commodity covered by the certificate;

(v) The principal identifying marks on the containers;

(vi) The railroad car initials and number, the truck and trailer license number, the name of the vessel, or other identification of the shipment; and

(vii) The following statement, if the facts warrant: Meets import requirements of 7 U.S.C. 608e-1.

(g) *Reconditioning prior to importation.* Nothing contained in this part shall be deemed to preclude any importer from reconditioning prior to importation any shipment of onions for the purpose of making it eligible for importation.

(h) It is hereby determined that imports of onions, during the effective time of this section, are in most direct competition with onions grown in South Texas. The requirements set forth in this section are similar to those applicable to grade, size, quality and maturity being made effective for onions grown in South Texas.

(i) *Definitions.* For the purpose of this section, "Onions" means all (except red) varieties of Allium cepa marketed dry, except dehydrated, canned and frozen onions, onion sets, green onions, and pickling onions. Onions commonly referred to as "braided," that is, with tops, may be imported if they meet the grade and size requirements except for top length. The term "U.S. No. 1" shall have the same meaning as set forth in the United States Standards for Grades of Bermuda-Granex-Grano Type Onions (§§ 51.3195–51.3209 of this title), United States Standards for Grades of Creole Onions (§§ 51.3955–51.3970 of this title), or in the United States Standards for Grades of Onions Other Than Bermuda-Granex-Grano and Creole Types (§§ 51.2830–51.2854 of this title), whichever is applicable to the particular variety. Tolerances for size shall be those in the applicable United States Standards. The requirements of Canada No. 1 grade are deemed comparable to the requirements of U.S. No. 1 grade. "Importation" means release from custody of the United States Bureau of Customs.

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

Dated February 10, 1976 to become effective March 15, 1976.

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

[FR Doc.76-4372 Filed 2-12-76;8:45 am]

Title 9—Animals and Animal Products

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

SUBCHAPTER E—VIRUSES, SERUMS, TOXINS, AND ANALOGOUS PRODUCTS: ORGANISMS AND VECTORS

PART 101—DEFINITIONS

PART 113—STANDARD REQUIREMENTS

Provide For A No Test

● **Purpose: To define "No Test" and provide for ignoring results of such test in evaluation of a product.** ●

Pursuant to the authority contained in the Virus-Serum-Toxin Act of March 4, 1913 (21 U.S.C. 151–158), Part 101 and Part 113, Subchapter E, Chapter I of Title 9 of the Code of Federal Regulations are amended to provide relief to licensees faced with having to consider results of questionable tests.

Retesting of biological products when the results are questionable has been provided for in most test procedures. In other test procedures, interpretation of the results has been left to individuals conducting the test.

These amendments provide for the designation of an inconclusive or invalid test as a "No test" and as such, the results can be ignored in the evaluation of a product.

1. Section 101.5 is amended by adding a new paragraph (l) to read:

§ 101.5 Testing terminology.

* * * * *

(l) *No test.* A test which produces inconclusive or invalid results and therefore, cannot be used to evaluate a biological product.

2. Section 113.5 is amended by revising paragraph (d) to read:

§ 113.5 General testing.

* * * * *

(d) When the initial or any subsequent test is declared a "No test," the reasons shall be reported in the test records, the results shall not be considered as final, and the test may be repeated.

* * * * *

3. Section 113.6 is amended by revising paragraph (b) to read:

§ 113.6 Veterinary Services testing.

* * * * *

(b) The final results of each test conducted by the licensee and Veterinary Services shall be considered in evaluating a biological product. A serial or subserial which has been found unsatisfactory by a required test prescribed in a filed Outline of Production or Standard Requirement is not in compliance with the regulations and shall not be released for market.

(37 Stat. 832–833 (21 U.S.C. 151–158))

These amendments make administrative changes to clarify questionable procedures and to authorize needed actions without making other substantive changes in the regulations. In order to be of maximum benefit, they must be made effective immediately.

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

The foregoing amendments shall become effective upon issuance.

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

J. M. HEJL,
Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.76-4192 Filed 2-12-76;8:45 am]

PART 113—STANDARD REQUIREMENTS

Change In Media Formula

● **Purpose: To authorize the use of fresh yeast extract in place of yeast autolysate.** ●

Pursuant to the authority contained in the Virus-Serum-Toxin Act of March 4, 1913 (21 U.S.C. 151–158), Part 113, Subchapter E, Chapter I of Title 9 of the Code of Federal Regulations is amended

to permit the use of fresh yeast extract in place of yeast autolysate in the preparation of heart infusion broth and heart infusion agar. Yeast autolysate is no longer available to some licensees and these amendments permit them to use a substitute while permitting those licensees having a supply of yeast autolysate to continue using it.

Section 113.28 is amended by revising paragraphs (b)(1) and (c)(5) to read:

§ 113.28 Detection of mycoplasma contamination.

* * * * *

(b) * * *

(1) Dissolve in 970 ml of purified water, 25 grams of heart infusion broth, 10 grams of proteose peptone No. 3, and either 5 grams of yeast autolysate or 5 ml of fresh yeast extract.

* * * * *

(c) * * *

(5) Dissolve in 100 ml of purified water, 5 grams of yeast autolysate or 5 ml of fresh yeast extract, sterilize by filtration, and add to the medium.

* * * * *

(37 Stat. 832–833; (21 U.S.C. 151–158))

These amendments make administrative changes to authorize needed actions without making other substantive changes in the regulations. In order to be of maximum benefit, they must be made effective immediately.

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

The foregoing amendments shall become effective upon issuance.

Done at Washington, DC, this 9th day of February 1976.

J. M. HEJL,
Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.76-4193 Filed 2-12-76;8:45 am]

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

SUBCHAPTER C—MANDATORY POULTRY PRODUCTS INSPECTION

PART 381—POULTRY PRODUCTS INSPECTION REGULATIONS

Hand Washing Facilities

● Purpose: The purpose of this document is to amend the poultry inspection regulations to relieve restrictions on the use of hand-activated hand washing facilities in areas of official establishments where poultry products are prepared and to clarify the requirements with respect to approval of hand washing facilities. ●

Pursuant to the authority contained in section 14 of the Poultry Products Inspection Act, as amended (21 U.S.C. 451 et seq.), the poultry products inspection regulations are amended to permit the use of certain types of hand-operated hand washing facilities in areas of official establishments where poultry products are prepared and to clarify the requirements with respect to approval of hand washing facilities.

Statement of considerations. The present poultry inspection regulations require that hand washing facilities serving areas of official establishments where poultry products are prepared be other than hand-operated. The hand washing facilities currently being used in such areas are of three types: continuous-flow, hip-operated, and foot-pedal-operated. All three types have distinct disadvantages. The continuous-flow type dispenses a vast amount of water that is not used. The hip-operated and foot pedal types are easily jammed or leaned on by the operator, making them continuous-flow types. The use of hand-activated devices in areas of official establishments where poultry products are prepared has not been allowed because of the possibility of spreading contamination from the hand to the activating device and back to the next product handled. In the past, a practical means for washing the activating device contacted by the hand has not been demonstrated. Certain hand-activated equipment being developed presently seems to have solved that problem. If specific evaluation of each design indicates that it is capable of meeting sanitary operating requirements, its use will be permitted in areas of official establishments where poultry products are prepared. The availability of this type equipment will make it possible to conserve both water and energy.

Therefore, § 381.51(f) of the poultry products inspection regulations (9 CFR 381.51(f)) is amended as set forth below:

§ 381.51 Lavatories, toilets, and other sanitary facilities.

* * * * *

(f) An adequate number of hand washing facilities shall be provided in areas where poultry products are prepared. Hand washing facilities accepted in accordance with the procedures set forth in § 381.53 may be used in such areas, provided that if hand-activated facilities are used, the hand-contact element must be rinsed automatically with a sufficient volume of water to remove all fat, tissue, debris, and other extraneous material from the hand contact element after each use. Both hot and cold running water shall be available at each inspection station on the eviscerating line and shall be delivered through a suitable mixing device controlled by the inspector. Alternatively, water for hand washing shall be delivered to such inspection stations at a minimum temperature of 65° F.

It does not appear that further public participation in rulemaking proceedings would make additional relevant information available to the Department. It has also been determined that there is a need to relieve restrictions on facilities used for washing the hands of personnel preparing poultry products in official establishments and to clarify the requirements with respect to approval of such facilities.

Therefore, under the administrative procedure provisions in 5 U.S.C. 553, it is found that further notice and other public proceedings with respect to this amendment are impracticable and unnecessary.

This amendment shall become effective February 13, 1976.

Done at Washington, D.C., on February 10, 1976.

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

[FR Doc.76-4441 Filed 2-12-76;8:45 am]

Title 10—Energy

CHAPTER II—FEDERAL ENERGY ADMINISTRATION

PART 209—INTERNATIONAL VOLUNTARY AGREEMENTS

Regulations Providing for the Development and Carrying Out of Voluntary Agreements Pursuant to the Energy Policy and Conservation Act

On January 2, 1976, the Federal Energy Administration (FEA) issued proposed regulations to amend Chapter II of Title 10, Code of Federal Regulations, by establishing Part 209 to provide for the conduct of activities pursuant to international voluntary agreements by persons engaged in the petroleum business (41 FR 1291, January 7, 1976). This proposal was issued pursuant to Section 252 of the Energy Policy and Conservation Act (EPCA), P.L. 94-163, which authorizes the Administrator of FEA, with the approval of the Attorney General, and after each of them has consulted with the Federal Trade Commission and the Secretary of State, to prescribe standards and procedures by which persons in the business of producing transporting, refining, distributing, or storing petroleum products may develop and carry out voluntary agreements and plans of action to implement the allocation and information provisions of the International Energy Program.

On the basis of the approval of the Attorney General and consultations with the Federal Trade Commission and the Secretary of State, and after analysis of the public comments received with respect to this proposal, FEA hereby adopts the regulations as proposed with one amendment. The deadline for public comment with respect to this rulemaking was extended from January 19, 1976 to February 6, 1976, and the public hearing scheduled for January 21, 1976, was cancelled due to a lack of public interest in presenting oral views and arguments.

Under the EPCA, the present "Voluntary Agreement and Program Relating to the International Energy Program", concluded under section 708 of the Defense Production Act on March 6, 1975

(40 FR 16041, April 8, 1975), will cease to be effective on March 21, 1975. A new voluntary agreement to replace it will be developed under these regulations. Notice of an opportunity for public participation in the procedures relating to its development is published concurrently with this notice.

SUMMARY OF COMMENTS

FEA received two comments with regard to this rulemaking. One comment suggested that the EPCA does not require public notice to be given of meetings of bodies created by the International Energy Agency (IEA); that certification of the record of a meeting by a full-time federal employee, where the record is kept by a non-federal employee, is also not required; and that record-keeping during international energy supply emergencies should not be as detailed as record-keeping during non-emergency periods. With regard to the first suggestion, FEA has determined that the EPCA does require public notice of IEA meetings, and it has therefore not modified its regulations in this regard. With respect to the other two suggestions, FEA has made appropriate modifications in and clarifications of its regulations, as explained herein, in order to meet the concerns expressed in the comment. The second comment suggested that the EPCA did not authorize FEA to disclose records prepared by the participants to the State Department, and that prior to complying with a Freedom of Information Act request for public disclosure of information designated confidential, FEA notify the owner thereof. FEA's disposition of these suggestions is discussed under the explanation of the regulations to which they relate.

THE REVISED REGULATIONS IMPLEMENTING THE EPCA

Part 209 is organized in a chronological manner, that is, in terms of the events leading from the development of an agreement, including related meetings and record-keeping, to the carrying out of plans of action.

SUBPART B—DEVELOPMENT OF VOLUNTARY AGREEMENTS

Subpart B provides standards and procedures for the development of voluntary agreements, but does not apply to meetings of bodies created by the International Energy Agency (IEA). With respect to the initiation of meetings involving two or more potential participants in an agreement, § 209.22 provides that they must be chaired by the Administrator of FEA or other regular full-time Federal employee designated by him. It further provides for written notice to the Attorney General, the Federal Trade Commission, and through representatives of each House of Congress, to the appropriate congressional committees. Notice to the public in the FEDERAL REGISTER is also required at least seven days prior to each meeting. Such notice must identify the time, place, and agenda of the meeting.

With respect to the conduct of meetings to develop a voluntary agreement, § 209.23 provides that all interested persons may attend, and may, as set out in the notice of the meeting, present data, views, and arguments orally and in writing. Section 209.24 provides that the Administrator keep a verbatim transcript of any such meeting. In addition, complete records must be made of any communication, other than in a meeting between or among potential participants in a voluntary agreement, for the purpose of developing such agreement. All such records and transcripts, together with any agreement resulting therefrom, are to be deposited with the Administrator and will be available to the public in the manner and to the extent specified in Subpart D.

It was suggested that disclosure to the Secretary of State of records and transcripts prepared by participants, pursuant to § 209.24(c), was not in conformity with the EPCA, since the Act specifically authorizes disclosure to the Attorney General and the Federal Trade Commission, but does not cite the Secretary of State. This objection could also apply to § 209.34(c). FEA has determined, however, that in view of the Secretary's responsibility for the conduct of foreign affairs and the other requirements of § 252 for consultation with the Secretary of State concerning such material, that disclosure is appropriate. In addition, it was suggested that material designated as confidential which is deposited with FEA and made available to other agencies should not be disclosed pursuant to a Freedom of Information Act request prior to notifying the person providing the material. FEA appreciates this concern, and FEA itself will endeavor in appropriate cases to notify prior to disclosure persons supplying material designated confidential, and to give them an opportunity in advance of release to demonstrate that the material should not be disclosed. FEA, of course, retains the right to make the final determination.

SUBPART C—CARRYING OUT OF VOLUNTARY AGREEMENTS

Subpart C deals with carrying out of voluntary agreements, and with developing and carrying out of plans of action pursuant thereto. Under § 209.32, any meeting (except that of a body created by IEA) among participants in a voluntary agreement for the purpose of carrying out such agreement or developing or carrying out a plan of action pursuant thereto, shall be initiated and chaired by a full-time Federal employee designated by the Administrator. The notice requirements are substantially the same as those applicable to meetings for developing voluntary agreements, except that during an international energy supply emergency, notice to government officials may be oral rather than in writing (although it must be confirmed in writing) and notice to the public in the FEDERAL REGISTER is not required. These notice requirements also apply to meetings of IEA created bodies to the extent that participants therein wish to avail themselves of the defense provided by section 252 of the EPCA.

With regard to the conduct of meetings under this subpart, § 209.33 provides that all interested persons may attend subject to limitations of space, except that meetings under Subpart C shall not be open to the public to the extent that the President or his delegate finds that disclosure of the proceedings beyond those authorized to attend would be detrimental to United States foreign policy interests. Interested persons permitted to attend may present data, views, and arguments orally and in writing. Furthemore, § 209.33 provides that while its requirements do not apply to meetings of bodies created by the IEA, no participant in a voluntary agreement may attend any meeting of any such body held to carry out a voluntary agreement or develop or carry out a plan of action, unless a full-time Federal employee is present.

With regard to the maintenance of records, § 209.34 is substantially the same as the record-keeping provision under Subpart B, except that a verbatim transcript need not be kept where considerations of time or other overriding considerations prevent it, or where the principal participants in a meeting under this subpart represent foreign governments.

Paragraph (a) of proposed § 209.34 has been changed by deleting the last sentence, which provided for certification of the record by the full-time Federal employee in attendance at a meeting, where such record was kept by a person who is not a full-time Federal employee. It has been replaced by a requirement that under such circumstances, the record shall be submitted to the full-time Federal employee in attendance, who shall review it, promptly make any changes he deems necessary, and notify the person who prepared it of any such changes. Paragraph (a) was changed in response to comments which questioned the need for "certification" of the record, on grounds that lack of certification could jeopardize the status of the meeting with regard to the antitrust defense available under the EPCA for actions taken in conformity with the Act and regulations issued thereunder. FEA believes that the full-time Federal official in attendance must be responsible for assuring that the record is full and complete but that "certification" is not required. Section 209.34(a) has been amended accordingly.

Comments were also received with regard to § 209.34(b), suggesting that during an international energy supply emergency, records of communications between participants (other than in a meeting) should require only a notation of the subject matter, and not "a description of the communication in sufficient detail to convey adequately its substance." FEA acknowledges that the legislative history of the statutory requirement indicates a congressional recognition that in times of emergency, it may not be possible to maintain as complete records as otherwise would be

the case. Therefore, while FEA is not authorized to permit records less than "full and complete" to be kept during emergencies, it may permit such records to be less specifically detailed. FEA believes that in light of the legislative history, the existing language of § 209.34(b) is sufficiently flexible so as to require a lesser amount of detail during emergencies, consistent with maintaining adequate records for use in any subsequent investigation.

SUBPART D—AVAILABILITY OF INFORMATION

Subpart D concerns the availability of information relating to meetings and communications. Section 209.41 thereunder provides that records or transcripts shall be available for public inspection and copying in accordance with the Freedom of Information Act, 5 U.S.C. 552, except that only certain of the Act's limitations on mandatory disclosure will be deemed to apply. The procedures for obtaining information are those in Part 202 of FEA's regulations.

Under § 209.41, matter may be withheld from disclosure only where:

(a) It is specifically required by Executive Order to be kept secret in the interests of national defense or foreign policy;

(b) It is specifically exempted from disclosure by statute; or

(c) It relates to trade secrets.

In consideration of the foregoing, Part 209 is established in Chapter II, Title 10 of the Code of Federal Regulations as set forth below, effective immediately.

Issued in Washington, D.C., February 10, 1976.

MICHAEL F. BUTLER,
General Counsel,
Federal Energy Administration.

Subpart A—General Provisions

209.1 Purpose and scope.
209.2 Delegation.
209.3 Definitions.

Subpart B—Development of Voluntary Agreements

209.21 Purpose and scope.
209.22 Initiation of meetings.
209.23 Conduct of meetings.
209.24 Maintenance of records.

Subpart C—Carrying Out of Voluntary Agreements and Developing and Carrying Out of Plans of Actions

209.31 Purpose and scope.
209.32 Initiation of meetings.
209.33 Conduct of meetings.
209.34 Maintenance of records.

Subpart D—Availability of Information Relating to Meetings and Communications

209.41 Availability of information relating to meetings and communications.

AUTHORITY: Federal Energy Administration Act of 1974, Pub. L. 93-275; E.O. 11790, 39 FR 23185; Energy Policy and Conservation Act, Pub. L. 94-163.

Subpart A—General Provisions

§ 209.1 Purpose and scope.

This Part implements the provisions of the Energy Policy and Conservation Act (EPCA) authorizing the Administrator to prescribe standards and procedures by which persons engaged in the business of producing, transporting, refining, distributing, or storing petroleum may develop and carry out voluntary agreements, and plans of action which are required to implement the information and allocation provisions of the International Energy Program (IEP). The requirements of this part do not apply to activities other than those for which section 252 of EPCA makes available a defense to the antitrust laws.

§ 209.2 Delegation.

To the extent otherwise permitted by law, any authority, duty, or responsibility vested in FEA or the Administrator under these regulations may be delegated to any regular full-time employee of the Federal Energy Administration, and, by agreement, to any regular full-time employee of the Department of Justice or the Department of State.

§ 209.3 Definitions.

For purposes of this Part—

(a) "Administrator" means the Administrator of the Federal Energy Administration.

(b) "Information and allocation provisions of the International Energy Program" means the provisions of Chapter V of the Program relating to the Information System, and the provisions at Chapters III and IV thereof relating to the international allocation of petroleum.

(c) "International Energy Agency" (IEA) means the International Energy Agency established by Decision of the Council of the Organization for Economic Cooperation and Development, dated November 15, 1974.

(d) "International Energy Program" (IEP) means the program established pursuant to the Agreement on an International Energy Program signed at Paris on November 18, 1974, including (1) the Annex entitled "Emergency Reserves", (2) any amendment to such Agreement which includes another nation as a Party to such Agreement, and (3) any technical or clerical amendment to such Agreement.

(e) "International energy supply emergency" means any period (1) beginning on any date which the President determines allocation of petroleum products to nations participating in the international energy program is required by Chapters III and IV of such program, and (2) ending on a date on which he determines such allocation is no longer required. Such a period shall not exceed 90 days, except where the President establishes one or more additional periods by making the determination under clause (1) of the preceding sentence.

(f) "Potential participant" means any person engaged in the business of producing, transporting, refining, distributing, or storing petroleum products; "participant" means any such person who agrees to participate in a voluntary agreement pursuant to a request to do so by the Administrator.

(g) "Petroleum" or "petroleum products" means crude oil, residual fuel oil, or any refined petroleum product (including any natural gas liquid and any natural gas liquid product).

Subpart B—Development of Voluntary Agreements

§ 209.21 Purpose and scope.

(a) This subpart establishes the standards and procedures by which persons engaged in the business of producing, transporting, refining, distributing, or storing petroleum products shall develop voluntary agreements which are required to implement the allocation and information provisions of the International Energy Program.

(b) This subpart does not apply to meetings of bodies created by the International Energy Agency.

§ 209.22 Initiation of meetings.

(a) Any meeting held for the purpose of developing a voluntary agreement involving two or more potential participants shall be initiated and chaired by the Administrator or other regular full-time Federal employee designated by him.

(b) FEA shall provide notice of meetings held pursuant to this subpart, in writing, to the Attorney General, the Federal Trade Commission, and to the Speaker of the House and the President of the Senate for delivery to the appropriate committees of Congress, and to the public through publication in the FEDERAL REGISTER. Such notice shall identify the time, place, and agenda of the meeting, and such other matters as the Administrator deems appropriate. Notice in the FEDERAL REGISTER shall be published at least seven days prior to the date of the meeting.

§ 209.23 Conduct of meetings.

(a) Meetings to develop a voluntary agreement held pursuant to this subpart shall be open to all interested persons. Interested persons desiring to attend meetings under this subpart may be required pursuant to notice to advise the Administrator in advance.

(b) Interested persons may, as set out in notice provided by the Administrator, present data, views, and arguments orally and in writing, subject to such reasonable limitations with respect to the manner of presentation as the Administrator may impose.

§ 209.24 Maintenance of records.

(a) The Administrator shall keep a verbatim transcript of any meeting held pursuant to this subpart.

(b) Potential participants shall keep a full and complete record of any communication (other than in a meeting held pursuant to this subpart) between or among themselves for the purpose of developing a voluntary agreement under this part. When two or more potential participants are involved in such a communication, they may agree among themselves who shall keep such record. Such record shall include the names of the parties to the communication and the firms, if any, which they represent;

the date of the communication; the means of communication; and a description of the communication in sufficient detail to convey adequately its substance.

(c) All records and transcripts prepared pursuant to paragraphs (a) and (b) of this section shall be deposited promptly together with any agreement resulting therefrom, with the Administrator, and shall be available to the Attorney General, the Federal Trade Commission, and the Department of State. Such records and transcripts shall be available for public inspection and copying to the extent set forth in Subpart D. Any person depositing material pursuant to this section shall indicate with particularity what portions, if any, the person believes are not subject to disclosure to the public pursuant to subpart D and the reasons for such belief.

(d) Any meeting between a potential participant and an official of FEA for the purpose of developing a voluntary agreement shall, if not otherwise required to be recorded pursuant to this section, be recorded by such official as provided in § 204.5.

Subpart C—Carrying Out of Voluntary Agreements and Developing and Carrying Out of Plans of Actions

§ 209.31 Purpose and scope.

This subpart establishes the standards and procedures by which persons engaged in the business of producing, transporting, refining, distributing, or storing petroleum products shall carry out voluntary agreements and develop and carry out plans of action which are required to implement the allocation and information provisions of the International Energy Program.

§ 209.32 Initiation of meetings.

(a) Except for meetings of bodies created by the International Energy Agency, any meeting among participants in a voluntary agreement pursuant to this subpart, for the purpose of carrying out such voluntary agreement or developing or carrying out a plan of action pursuant thereto, shall be initiated and chaired by a full-time Federal employee designated by the Administrator.

(b) Except as provided in paragraph (c) of this section, the Administrator shall provide notice of meetings held pursuant to this subpart, in writing, to the Attorney General, the Federal Trade Commission, and to the Speaker of the House and the President of the Senate for delivery to the appropriate committees of Congress. Except during an international energy supply emergency, notice shall also be provided to the public through publication in the FEDERAL REGISTER. Such notice shall identify the time, place, and agenda of the meeting. Notice in the FEDERAL REGISTER shall be published at least seven days prior to the date of the meeting unless emergency circumstances, IEP requirements or other unanticipated circumstances require the period to be shortened.

(c) During an international energy supply emergency, advance notice shall be given to the Attorney General, the Federal Trade Commission and to the Speaker of the House and the President of the Senate for delivery to the appropriate committees of Congress. Such notice may be telephonic or by such other means as practicable, and shall be confirmed in writing.

§ 209.33 Conduct of meetings.

(a) Subject to the provisions of paragraph (c) of this section, meetings held to carry out a voluntary agreement, or to develop or carry out a plan of action pursuant to this subpart, shall be open to all interested persons, subject to limitations of space. Interested persons desiring to attend meetings under this subpart may be required to advise the Administrator in advance.

(b) Interested persons permitted to attend meetings under this section may present data, views, and arguments orally and in writing, subject to such limitations with respect to the manner of presentation as the Administrator may impose.

(c) Meetings held pursuant to this subpart shall not be open to the public to the extent that the President or his delegate finds that disclosure of the proceedings beyond those authorized to attend would be detrimental to the foreign policy interests of the United States, and determines, in consultation with the Administrator, the Secretary of State, and the Attorney General, that a meeting shall not be open to interested persons or that attendance by interested persons shall be limited.

(d) The requirements of this section do not apply to meetings of bodies created by the International Energy Agency except that no participant in a voluntary agreement may attend any meeting of any such body held to carry out a voluntary agreement or to develop or to carry out a plan of action unless a full-time Federal employee is present.

§ 209.34 Maintenance of records.

(a) The Administrator or his delegate shall keep a verbatim transcript of any meeting held pursuant to this subpart except where (1) due to considerations of time or other overriding circumstances, the keeping of a verbatim transcript is not practicable, or (2) principal participants in the meeting are representatives of foreign governments. If any such record other than a verbatim transcript, is kept by a designee who is not a full-time Federal employee, that record shall be submitted to the full-time Federal employee in attendance at the meeting who shall review the record, promptly make any changes he deems necessary to make the record full and complete, and shall notify the designee of such changes.

(b) Participants shall keep a full and complete record of any communication (other than in a meeting held pursuant to this subpart) between or among themselves for the purpose of carrying out a voluntary agreement or developing or carrying out a plan of action under this subpart. The parties to a communication may agree among themselves who shall keep such record. Such record shall include the names of the parties to the communication and the businesses, if any, which they represent; the date of the communication; the means of communication; and a description of the communication in sufficient detail to convey adequately its substance.

(c) All records and transcripts prepared pursuant to paragraphs (a) and (b) of this section shall be deposited promptly together with any agreement resulting therefrom with the Administrator and shall be available to the Attorney General the Federal Trade Commission and the Department of State. Such records and transcripts shall be available for public inspection and copying to the extent set forth in Subpart D. Any person depositing materials pursuant to this section shall indicate with particularity what portions, if any, the person believes are not subject to disclosure to the public pursuant to Subpart D and the reasons for such belief.

(d) Any meeting between a participant and an official of FEA for the purpose of carrying out a voluntary agreement or developing or carrying out a plan of action shall, if not otherwise required to be recorded pursuant to this section, be recorded by such official as provided in § 204.5.

Subpart D—Availability of Information Relating to Meetings and Communications

§ 209.41 Availability of information relating to meetings and communications.

(a) Except as provided in paragraph (b) of this section, records or transcripts prepared pursuant to this subpart shall be available for public inspection and copying in accordance with section 552 of title 5, United States Code and Part 202 of this Title.

(b) Matter may be withheld from disclosure under section 552(b) of title 5 only on the grounds specified in:

(1) Section 552(b)(1), applicable to matter specifically required by Executive Order to be kept secret in the interest of the national defense or foreign policy. This section shall be interpreted to include matter protected under Executive Order No. 11652 of March 8, 1972, establishing categories and criteria for classification, as well as any other such orders dealing specifically with disclosure of IEP related materials;

(2) Section 552(b)(3), applicable to matter specifically exempted from disclosure by statute; and

(3) So much of section 552(b)(4) as relates to trade secrets.

[FR Doc. 76-4312 Filed 2-10-76;3:28 pm]

Title 20—Employees' Benefits

CHAPTER V—EMPLOYMENT AND TRAINING ADMINISTRATION, DEPARTMENT OF LABOR [1]

PART 625—DISASTER UNEMPLOYMENT ASSISTANCE

Amount of Compensation

On December 5, 1975, a document was published in the FEDERAL REGISTER (40 FR 56931) proposing to resolve a conflict between the regulations under the Disaster Relief Act of 1974 and Parts 94 and 95 of the regulations implementing the Comprehensive Employment and Training Act of 1973. Interested parties were given the opportunity to submit, not later than January 5, 1976, data, views or arguments regarding the amendment to resolve the conflict.

No unfavorable comments have been received, and the proposed amendment is hereby adopted with one change. The change is editorial in nature and does not change the substance of the amendment itself. The phrase "workmen's compensation" at § 625.9(b)(1)(vi) is changed to "workers' compensation" to conform to changes in the title of the Department of Labor office concerned with worker compensation programs.

The amendment is adopted with one change as set forth below.

Effective date: March 15, 1976.

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

BEN BURDETSKY,
Acting Assistant Secretary for Employment and Training.

§ 625.9 Amount.

* * * * *

(b) *Deductions.* The disaster unemployment assistance payable to an applicant for a week shall be reduced by:

(1) The amount of any of the following that an applicant has received for the week or would receive for the week if he filed a claim or application therefor and took all procedural steps necessary under the appropriate law or insurance policy:

(i) Regular unemployment compensation, additional unemployment compensation, extended unemployment compensation, and any other unemployment compensation under a State or Federal unemployment compensation law, or

(ii) A trade readjustment allowance under the Trade Expansion Act of 1962, or

(iii) Any compensation or insurance from any source for loss of wages due to illness or disability, or

(iv) A supplemental unemployment benefit pursuant to a collective bargaining agreement, or

(v) Private income protection insurance, or

(vi) Any workers' compensation by virtue of the death of the head of the household as the result of the major disaster in the major disaster area, prorated by weeks, if the applicant is within the provisions of § 625.8(a)(7).

* * * * *

(Secs. 302(a) and 601, Pub. L. 93-288, 88 Stat. 146, 163 (42 U.S.C. 5142(a), 5201); EO 11795, 39 FR 25939; delegation of authority from the Secretary of Housing and Urban Development to the Secretary of Labor, effective August 5, 1974, 39 FR 33020; and Secretary's Order 4-75, 40 FR 18515. Interpret and apply sec. 407 of the Disaster Relief Act of 1974 (42 U.S.C. 5177)).

[FR Doc.76-4343 Filed 2-12-76;8:45 am]

PART 650—STANDARD FOR APPEALS PROMPTNESS — UNEMPLOYMENT COMPENSATION

Revision of Criteria

On May 5, 1975, notice of proposed rulemaking was published in the FEDERAL REGISTER (40 F.R. 19481) proposing to amend 20 CFR Part 650 to revise the criteria for promptness in connection with issuance of first level benefit appeals decisions by State unemployment compensation agencies for 1975 and subsequent years. The revised criteria remain higher than the criteria for 1974, but are lower than those previously set for 1975 and later years.

The proposed revision would reduce the percentage of first level benefit appeals decisions to be issued within 30 days from the date of appeal from 75 per cent to at least 60 per cent, and the percentage of decisions to be issued within 45 days from the date of appeal from 85 per cent to 80 per cent. Also proposed was deletion of 20 CFR 650.5(a) as obsolete, and revision of the citation of authority for 20 CFR Part 650.

All comments received with respect to the proposed revision were given due consideration, but the recommendations were not adopted for the following reasons:

1. Comments received from several sources criticized the proposed revision as a relaxation of federal requirements which would impede the prompt payment of unemployment benefits. Those sources expressed the view that the present appeals promptness standard is reasonable, and that it expresses an attainable goal since nine States had met the 1975 criteria at the end of 1974. One comment stated that 25 States were meeting the 1975 criteria by the end of 1974, but the correct number is nine, not 25.

The Department of Labor shares the objective of prompt payment of unemployment benefits when due, and the quickest disposition of appeals reasonably attainable to ensure that that objective is met. The proposed revision does not signify any relaxation of the Department's firm resolve to attain the greatest degree of promptness in the disposition of appeals that is administratively feasible. Improvement has taken place in almost every State since the standard was first adopted three years ago. The national averages for 1974 were more than twice as good as they were for 1972. This was accomplished through this Department's leadership, which the States supported vigorously both individually and collectively through the Interstate Conference of Employment Security Agencies. Even though the Department had hoped to achieve more, it is still the best record in the entire history of the unemployment compensation program.

The proposed revision will establish for 1975 and subsequent years criteria that are more vigorous than the 1974 criteria. When the standard was developed the Department could not have foreseen the appeals workload increases that the States would experience in 1975, and even in November 1974, when the proposed revision was developed, there was no realization of the full scope of the increases that were to come. The question to be faced in view of those increases is whether the States can be expected realistically to meet substantially more demanding criteria than those in effect for 1974. For the criteria to be effective in accomplishing the objective of the standard, they must be set at a level which demands the most that the States realistically can be expected to achieve. Criteria which reach beyond the point of the States' capacity to achieve would invite a large amount of noncompliance. This would undermine the validity of the standard as an instrument with an objective that is realistic and attainable, and could ultimately negate its effect as an enforceable standard.

The setting of effective criteria requires the exercise of the best informed judgments. To develop such judgments, the Department is engaged in continuous monitoring of the States' appeals performance. From this it has been determined what is realistic and attainable. Further, improvement in appeals promptness is not attainable merely by the issuance of a federal standard. Nor is improvement accomplished automatically through increased budget allocations. The leadtime required to recruit and train referees to the point of effective production is a serious handicap to quick response to sudden large increases in benefit appeals.

Although nine States have been able to meet the present criteria, this circumstance does not demonstrate that those criteria are reasonably attainable by the majority of the States. There are geographical and population differences among the States, differences in economic and employment patterns, and other differences which impact on appeals operations and procedures. These elements have been taken into account in setting the criteria in the proposed revision.

Despite the many problems involved in maintaining reasonable appeals promptness under the conditions which emerged late in 1974, the Department intends to continue to press hard in this area, and it is confident of the continued cooperation of the States in achieving

[1] See 40 FR 547766, Dec. 11, 1975.

the objective of the standard. As noted above, the proposed revision still sets criteria for 1975 and subsequent years that are higher than the 1974 criteria. This is progress, not retrogression. The result will be an improvement over 1974 performance, which was the best ever in the history of the unemployment compensation program.

In pursuing the objective of the standard the Department also will review the criteria; that reexamination is scheduled to take place no later than the latter part of calendar year 1977.

2. In another comment it was suggested that the proposed revision contain a maximum time period within which disposition of all appeals must occur; otherwise administrative laxity would be encouraged in at least 15 percent of the cases. Without a maximum time period, it is feared that the States would schedule first those cases which involve claimants who already have returned to work.

There are a number of uncontrollable factors involved in the appeals program that prevent the establishment of criteria that are rigid and inflexible. Among other things these factors include postponement and adjournment requests made for valid reasons, occasional sharp workload increases which the States do not have the resources to handle, and the leadtime required to recruit and train referees. Flexible criteria hold the greater promise of maintaining the steadily improving appeals promptness record of the States.

Rescheduling the cases of claimants who already have returned to work would not be advantageous to the State and would create processing delays, such as requests for postponements, which otherwise would not be made. It should be noted that training programs for appeals management staff have emphasized that scheduling and hearing appeals on a first in, first out basis is advantageous to a State agency.

3. The Department is urged to make exceptions and create exemptions from the proposed criteria so that States which face particular and unique problems will be better able to meet the criteria. This is not necessary or justified. The requirement of the standard is one of substantial compliance with the promptness criteria stated therein. When a State fails to meet the promptness criteria a determination must be made as to whether the State nonetheless had demonstrated the requisite substantial compliance. Such a determination requires an inquiry into the circumstances that have prevented the State from meeting the specified criteria. If the inquiry demonstrates that the State has achieved the greatest appeals promptness reasonably attainable in its circumstances, the State may be considered to be in substantial compliance. On the other hand, if a State fails to satisfy the criteria due to circumstances that it could have avoided by taking corrective action, and persists in such omissions, a failure of compliance is shown. For these reasons exceptions or exemptions are unnecessary.

Creating exceptions or exemptions from the promptness standard are unjustified because that would make it unnecessarily difficult to obtain overall improvements in appeals performance, and would be a serious departure from the objectives sought through the standard.

4. In another comment it was recommended that interstate appeals be excluded from the standard. This recommendation is rejected on the grounds that to apply separate promptness criteria to such appeals would increase the promptness of intrastate appeals at the expense of interstate appeals that even now reflect time lapse that is entirely too long.

5. Comments were received concerning a variety of problems in the appeals process and budgeting, without making any specific recommendations for a change in the proposed revision. While the comments are relevant, the responses to other comments given above appear to cover the points in these comments.

6. Comment was also received expressing an interest in participating in any hearing scheduled on the proposed revision. However, no hearings have been scheduled and none are contemplated.

I accordingly adopt the proposed revisions in 20 CFR Part 650 without change as set forth below.

Effective date: March 15, 1976.

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

BEN BURDETSKY,
Acting Assistant Secretary for Employment and Training.

Part 650 of Title 20 Code of Federal Regulations is amended as follows:

1. Section 650.4(b) is amended to read as follows:

§ 650.4 Review of State law and criteria for review of State compliance.

* * * * *

(b) A State will be deemed to comply substantially with the State law requirements set forth in § 650.3(a) with respect to first level appeals if, for the calendar year 1975 and ensuing years, the State has issued at least 60 percent of all first level benefit appeal decisions within 30 days of the date of appeal, and at least 80 percent of all first level benefit appeal decisions within 45 days. These computations will be derived from the State's regular reports required pursuant to the Employment Security Manual, Part III, Sections 4400–4450.[1]

* * * * *

2. Section 650.5 is amended by deleting paragraph (a), and the section as amended is revised to read as follows:

§ 650.5 Annual appeals performance plan.

No later than December 15, 1974, and the 15th of December of each ensuing year, each State shall submit an appeals performance plan showing how it will operate during the following calendar year so as to achieve or maintain the issuance of at least 60 percent of all first level benefit appeals decisions within 30 days of the date of appeal, and 80 percent within 45 days.

3. In the interest of completeness and accuracy, the blanket authority for Part 650 is amended to read as follows:

AUTHORITY: Sec. 1102 of the Social Security Act, 42 U.S.C. 1302; Secretary's Order No. 4–75, dated April 16, 1975. Interpret and apply secs. 303(a)(1), 303(a)(3), and 303(b)(2) of the Social Security Act. (42 U.S.C. 503(a)(1), 503(a)(3), 503(b)(2)).

[FR Doc. 76-4342 Filed 2-12-76;8:45 am]

[1] This footnote remains unchanged.

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER A—INCOME TAX

[T.D. 7404]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Extension of Period for Replacing Old Residence for Purposes of Nonrecognition of Gain Under Section 1034

By a notice of proposed rule making appearing in the FEDERAL REGISTER for Friday, November 14, 1975 (40 FR 53035), amendments to the Income Tax Regulations (26 CFR Part 1) under section 1034 of the Internal Revenue Code of 1954 (relating to the nonrecognition of gain upon the sale or exchange of a residence) were proposed. The purpose of the proposed amendments was to conform those regulations to the provisions of section 207 of the Tax Reduction Act of 1975 (89 Stat. 32) and section 6(a) of the Act of January 2, 1975 (Public Law 93–597, 88 Stat. 1953). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the amendments of the regulations as proposed are adopted by this document without change.

The amendments extend the time periods which are taken into consideration in determining whether a taxpayer who disposes of his principal residence after December 31, 1974, and acquires another principal residence shall defer the recognition of gain upon the sale or exchange of the former residence. The amendments also eliminate, for the period after June 30, 1973, the requirement that members of the U.S. Armed Forces serve during an induction period in order to qualify for special treatment under section 1034(h).

Under certain provisions of § 1.1034–1 (b), (c), (d), (g), and (h), the period within which the taxpayer must purchase and use a new principal residence in order to qualify for nonrecognition of gain upon the sale of his former principal residence begins 18 months prior to the date of the sale of the former residence and ends 18 months after that date. If the taxpayer constructs a new principal residence, gain will not be recognized if the construction begins not later than

18 months after the date of the sale of the former residence and the taxpayer uses the new residence within two years after that date. Only those construction costs which are attributable to the period beginning 18 months before the date of the sale and ending two years after the date of the sale are taken into account under § 1.1034–1(b)(7). The amendments also permit nonrecognition of gain on only one sale within an 18 month period.

For sales of old residences prior to January 1, 1975, each period of 18 months described above is one year, and each period of two years is 18 months.

ADOPTION OF AMENDMENTS TO THE REGULATIONS

On Friday, November 14, 1975, a notice of proposed rule making was published in the FEDERAL REGISTER (40 FR 53055) with respect to the amendments of the Income Tax Regulations (26 CFR Part 1) under section 1034 of the Internal Revenue Code of 1954 (relating to the nonrecognition of gain upon the sale or exchange of a residence). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the amendments of the regulations as proposed are hereby adopted.

(This Treasury decision is issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).)

[SEAL] DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

Approved: February 5, 1976.

WILLIAM M. GOLDSTEIN,
Acting Assistant Secretary of the Treasury.

Paragraph 1. Section 1.1034 is amended by revising subsections (a), (c)(4) and (5), (d), and (h) of section 1034 and by revising the historical note. These amended provisions read as follows:

§ 1.1034 Statutory provisions; sale or exchange of residence.

Sec. 1034 *Sale or exchange of residence—*

(a) *Non-recognition of gain.* If property (in this section called "old residence") used by the taxpayer as his principal residence is sold by him after December 31, 1953, and, within a period beginning 18 months before the date of such sale and ending 18 months after such date, property (in this section called "new residence") is purchased and used by the taxpayer as his principal residence, gain (if any) from such sale shall be recognized only to the extent that the taxpayer's adjusted sales price (as defined in subsection (b)) of the old residence exceeds the taxpayer's cost of purchasing the new residence.

* * * * *

(c) *Rules for application of section.* * * *

(4) If the taxpayer, during the period described in subsection (a), purchases more than one residence which is used by him as his principal residence at some time within 18 months after the date of the sale of the old residence, only the last of such residences so used by him after the date of such sale shall constitute the new residence.

(5) In the case of a new residence the construction of which was commenced by the taxpayer before the expiration of 18 months after the date of the sale of the old residence, the period specified in subsection (a), and the 18 months referred to in paragraph (4) of this subsection, shall be treated as including a period of 2 years beginning with the date of the sale of the old residence.

(d) *Limitation.* Subsection (a) shall not apply with respect to the sale of the taxpayer's residence if within 18 months before the date of such sale the taxpayer sold at a gain other property used by him as his principal residence, and any part of such gain was not recognized by reason of subsection (a) or section 112(n) of the Internal Revenue Code of 1939.

* * * * *

(h) *Members of Armed Forces.* The running of any period of time specified in subsection (a) or (c) (other than the 18 months referred to in subsection (c)(4)) shall be suspended during any time that the taxpayer (or his spouse if the old residence and the new residence are each used by the taxpayer and his spouse as their principal residence) serves on extended active duty with the Armed Forces of the United States after the date of the sale of the old residence except that any such period of time as so suspended shall not extend beyond the date 4 years after the date of the sale of the old residence. For purposes of this subsection, the term "extended active duty" means any period of active duty pursuant to a call or order to such duty for a period in excess of 90 days or for an indefinite period.

* * * * *

[Sec. 1034 as amended by sec. 46(b), Technical Amendments Act 1958 (72 Stat. 1642); sec. 206(b)(4), Rev. Act 1964 (78 Stat. 40); sec. 6(a), Act of Jan. 2, 1975 (Pub. Law 93–597, 88 Stat. 1953); sec. 207, Tax Reduction Act 1975 (89 Stat. 32)]

Par. 2. Section 1.1034–1 is amended by revising paragraphs (b)(7), (c)(1), (4)(ii) and (iii), (d)(1), (g)(1) and (4), and (h)(2)(ii). These amended provisions read as follows:

§ 1.1034–1 Sale or exchange of residence.

* * * * *

(b) *Definitions.* * * *

(7) "Cost of purchasing the new residence" means the total of all amounts which are attributable to the acquisition, construction, reconstruction, and improvements constituting capital expenditures, made during the period beginning 18 months (one year in the case of a sale of an old residence prior to January 1, 1975) before the date of sale of the old residence and ending either (i) 18 months (one year in the case of a sale of an old residence prior to January 1, 1975) after such date in the case of a new residence purchased but not constructed by the taxpayer, or (ii) two years (18 months in the case of a sale of an old residence prior to January 1, 1975) after such date in the case of a new residence the construction of which was commenced by the taxpayer before the expiration of 18 months (one year in the case of a sale of an old residence prior to January 1, 1975) after such date (section 1034 (a), (c)(2) and (c)(5); for detailed explanation, see paragraph (c)(4) of this section; for special rule applicable in some cases to husband and wife, see paragraph (f) of this section; see also paragraph (b)(9) of this section for definition of "purchase").

* * * * *

(c) *Rules for application of section 1034—*(1) *General rule; limitations on applicability.* Gain realized from the sale (after December 31, 1953) of an old residence will be recognized only to the extent that the taxpayer's adjusted sales price of the old residence exceeds the taxpayer's cost of purchasing the new residence, provided that the taxpayer either (i) within a period beginning 18 months (one year in the case of a sale of an old residence prior to January 1, 1975) before the date of such sale and ending 18 months (one year in the case of a sale of an old residence prior to January 1, 1975) after such date purchases property and uses it as his principal residence, or (ii) within a period beginning 18 months (one year in the case of a sale of an old residence prior to January 1, 1975) before the date of such sale and ending two years (18 months in the case of a sale of an old residence prior to January 1, 1975) after such date uses as his principal residence a new residence the construction of which was commenced by him at any time before the expiration of 18 months (one year in the case of a sale of an old residence prior to January 1, 1975) after the date of the sale of the old residence (section 1034(a) and (c)(5); for detailed explanation of use as "principal residence" see subparagraph (3) of this paragraph). The rule stated in the preceding sentence applies to a new residence purchased by the taxpayer before the date of sale of the old residence provided the new residence is still owned by him on such date (section 1034(c)(3)). Whether the construction of a new residence was commenced by the taxpayer before the expiration of 18 months (one year in the case of a sale of an old residence prior to January 1, 1975) after the date of the sale of the old residence will depend upon the facts and circumstances of each case. Section 1034 is not applicable to the sale of a residence if within the previous 18 months (previous year in the case of a sale of an old residence prior to January 1, 1975) the taxpayer made another sale of residential property on which gain was realized but not recognized (section 1034(d)). For further details concerning limitations on the application of section 1034, see paragraph (d) of this section.

* * * * *

(4) *Cost of purchasing new residence.* * * *

(ii) The taxpayer's cost of purchasing the new residence includes only so much of such cost as is attributable to acquisition, construction, reconstruction, or improvements made within the period of three years or 42 months (two years or 30 months in the case of a sale of an old residence prior to January 1, 1975), as the case may be, in which the purchase and use of the new residence must be made in order to have gain on the sale of the old residence not recognized under this section. Thus, if the construction of

the new residence is begun three years before the date of sale of the old residence and completed on the date of sale of the old residence, only that portion of the cost which is attributable to the last 18 months (last year in the case of a sale of an old residence prior to January 1, 1975) of such construction constitutes the taxpayer's cost of purchasing the new residence, for purposes of section 1034. Furthermore, the taxpayer's cost of purchasing the new residence includes only such amounts as are properly chargeable to capital account rather than to current expense. As to what constitutes capital expenditures, see section 263.

(iii) The provisions of this subparagraph may be illustrated by the following example:

Example. M began the construction of a new residence on January 15, 1974, and completed it on October 14, 1974. The cost of $45,000 was incurred ratably over the 9-month period of construction. On December 14, 1975, M sold his old residence and realized a gain. In determining the extent to nized under section 1034, M's cost of constructing the new residence shall include only the $20,000 which was attributable to the June 15–October 14, 1974, period (4 months at $5,000). The $25,000 balance of the cost of constructing the new residence was not attributable to the period beginning 18 months before the date of the sale of the old residence and ending two years after such date and, under section 1034, is not properly a part of M's cost of constructing the new residence.

(d) *Limitations on application of section 1034.* (1) If a residence is purchased by the taxpayer prior to the date of the sale of the old residence, the purchased residence shall, in no event, be treated as a new residence if such purchased residence is sold or otherwise disposed of by him prior to the date of the sale of the old residence (section 1034(c)(3)). And, if the taxpayer, during the period within which the purchase and use of the new residence must be made in order to have any gain on the sale of the old residence not recognized under this section, purchases more than one property which is used by him as his principal residence during the 18 months (or two years in the case of the construction of the new residence) succeeding the date of the sale of the old residence, only the last of such properties shall be considered a new residence (section 1034(c)(4)). In the case of a sale of an old residence prior to January 1, 1975, the period of 18 months (or two years) referred to in the preceding sentence shall be one year (or 18 months). If within 18 months (one year in the case of a sale of an old residence prior to January 1, 1975) before the date of the sale of the old residence, the taxpayer sold other property used by him as his principal residence at a gain, and any part of such gain was not recognized under this section or section 112(n) of the Internal Revenue Code of 1939, this section shall not apply with respect to the sale of the old residence (section 1034(d)).

* * * * *

(g) *Members of Armed Forces.* (1) Section 1034(h) provides a special rule for members of the Armed Forces with respect to the period after the sale of the old residence within which the acquisition of a new residence may result in a non-recognition of gain on such sale. The running of the period of 18 months (one year in the case of a sale of an old residence prior to January 1, 1975) after the sale of the old residence in the case of the purchase of a new residence, or the period of two years (18 months in the case of a sale of an old residence prior to January 1, 1975) after such sale in the case of the construction of a new residence, is suspended during any time that the taxpayer serves on extended active duty with the Armed Forces of the United States. (This paragraph applies to time served on extended active duty prior to July 1, 1973, only if such extended active duty occurred during an induction period as defined in section 112(c)(5) as in effect prior to July 1, 1973.) However, in no event may such suspension extend for more than four years after the date of the sale of the old residence the period within which the purchase or construction of a new residence may result in a nonrecognition of gain. For example, if the taxpayer is on extended active duty with the Army from January 1, 1975, to June 30, 1976, and if he sold his old residence on January 10, 1975, the latest date on which the taxpayer may use a new residence constructed by him and have any part of the gain on the sale of his old residence not recognized under this section is June 30, 1978 (the date two years following the taxpayer's termination of active duty). However, if this taxpayer were on extended active duty with the Army from January 1, 1975, to December 31, 1978, the latest date on which he might use a new residence constructed by him and have any part of the gain on the sale of his old residence not recognized under this section would be January 10, 1979 (the date four years following the date of the sale of the old residence).

* * * * *

(4) The running of the period of 18 months (or two years) after the date of sale of the old residence referred to in section 1034(c)(4) and in paragraph (d) of this section is not suspended. The running of the 18-month period prior to the date of the sale of the old residence within which the new residence may be purchased in order to have gain on the sale of the old residence not recognized under this section is also not suspended. In the case of a sale of an old residence prior to January 1, 1975, the periods of 18 months (or two years) referred to in each of the two preceding sentences shall be one year (or 18 months).

* * * * *

(h) *Special rules for involuntary conversions.* * * *

(2) *Election to treat condemnation of personal residence as sale.* * * *

(ii) If the taxpayer elects to be governed by the provisions of section 1034, section 1033 will have no application. Thus, a taxpayer who elects under section 1034(i)(2) to treat the seizure, requisition, or condemnation of his principal residence (but not the destruction), or the sale or exchange of such residence under threat or imminence thereof, as a sale for the purposes of section 1034 must satisfy the requirements of section 1034 and this section. For example, under section 1034 a taxpayer generally must replace his old residence with a new residence which he uses as his principal residence, within a period beginning 18 months (one year in the case of a sale of an old residence prior to January 1, 1975) before the date of disposition of his old residence, and ending 18 months (one year in the case of a sale of an old residence prior to January 1, 1975) after such date. However, in the case of a new residence the construction of which was commenced by the taxpayer within such period, the replacement period shall not expire until 2 years (18 months in the case of a sale of an old residence prior to January 1, 1975) after the date of disposition of the old residence.

* * * * *

[FR Doc.76-4367 Filed 2-12-76;8:45 am]

SUBCHAPTER C—EMPLOYMENT TAXES

[T.D. 7405]

PART 33—TEMPORARY EMPLOYMENT TAX REGULATIONS UNDER 26 U.S.C. 3121(k), RELATING TO WAIVER OF EXEMPTION BY RELIGIOUS, CHARITABLE, AND CERTAIN OTHER ORGANIZATIONS

Temporary Rules Relating to Repayment of Interest in the Case of Certain Retroactive Elections of Social Security Coverage by Tax-Exempt Organizations

This document contains a temporary employment tax regulation (26 CFR Part 33) which will remain in force and effect until superseded by a permanent regulation. The purpose of this temporary regulation is to provide immediate guidance to organizations described in section 501(c)(3) of the Internal Revenue Code of 1954 electing, under section 3121(k) of the Code (relating to the waiver of exemption from social security taxes by religious, charitable, and certain other organizations), coverage for their employees under title II of the Social Security Act.

The regulation contains a rule which applies in those cases where a waiver certificate, which an organization described in section 501(c)(3) of the Code files in order to elect coverage for its employees under title II of the Social Security Act, is to be given retroactive effect. The rule provides that for a certificate making such an election of retroactive coverage to be considered filed with the Internal Revenue Service, the organization must first repay interest the organization received in connection with a claim for credit or refund of social security taxes in those cases where the claim was based upon the organization's exemption from paying such taxes. However, such interest must be repaid only to the extent it relates to any taxes for which the organization or its employees would be liable by reason of the waiver certificate. In the case of a waiver certif-

icate that has been filed prior to the payment of such a refund to the organization, no credit or refund in respect of taxes for which the certificate waives the exemption is allowable.

If the interest due is repaid on or before the last day of the calendar month following the calendar quarter in which the certificate is furnished to the Internal Revenue Service, then the provision provides that the certificate shall be considered filed on the date it was originally furnished. If the repayment occurs after such day, the certificate shall be considered filed on the date of the repayment.

An amendment to the Employment Tax Regulations (26 CFR Part 31) under section 3121(k) of the Code is proposed in a notice of proposed rulemaking published in today's FEDERAL REGISTER (41 FR 6776). That proposed amendment, upon its promulgation as a Treasury decision, will supersede this temporary regulation.

Adoption of regulations. In order to prescribe a temporary regulation, which shall remain in force and effect until superseded by permanent regulations, relating to the waiver of exemption from social security taxes by religious, charitable, and certain other organizations, the following regulation is hereby adopted:

§ 33.1 Administrative provisions applicable when certificate waiving exempiton has retroactive effect.

An organization described in section 501(c)(3) of the Internal Revenue Code of 1954 may file a waiver certificate pursuant to section 3121(k)(1)(A) of the Code and § 31.3121(k)-1 of Part 31 of this chapter (Employment Tax Regulations) certifying that it desires to have the insurance system established by title II of the Social Security Act extended to service performed by its employees. Section 3121(k)(1)(B)(iii) provides that such a certificate may be given the effect of providing for employees to be covered under title II of the Social Security Act for calendar quarters preceding the calendar quarter in which the certificate is filed. In cases where the waiver certificate is to be given such retroactive effect, the certificate shall not be considered filed with the Internal Revenue Service unless interest paid to the organization (or credited to its account) in connection with a claim for credit or refund of taxes, which claim was based upon the exemption from taxes the organization is waiving by such certificate, is repaid. The interest so paid must be repaid only to the extent such interest relates to any taxes for which the organization or its employees would be liable by reason of the waiver certificate. Furthermore, when a waiver certificate has been filed prior to the payment of a refund of taxes based upon the exemption from taxes the organization is waiving, no credit or refund in respect of the taxes for which the exemption has been waived shall be allowed. If repayment of the interest is made as required by this section, on or before the last day of the calendar month following the calendar quarter in which the certificate is furnished to the Internal Revenue Service, such certificate shall be considered to have been filed on the date it was originally furnished. If repayment occurs after that day, such certificate shall be considered to have been filed on the date of the repayment of the interest. References in this subparagraph to a waiver certificate refer also to any supplement to such a certificate.

Because of the need for immediate guidance with respect to the provisions contained in this Treasury decision, it is found impracticable to issue it with notice and public procedure thereon under subsection (b) of section 553 of Title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

(Sec. 7805 Internal Revenue Code of 1954 (68A Stat. 917 (26 U.S.C. 7805)))

DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

Approved: February 10, 1976.

WILLIAM M. GOLDSTEIN,
Deputy Assistant Secretary of the Treasury.

[FR Doc.76-4456 Filed 2-12-76;8:45 am]

Title 31—Money and Finance: Treasury

SUBTITLE A—OFFICE OF THE SECRETARY OF THE TREASURY

PART 12—EQUAL OPPORUNITY IN EMPLOYMENT: CONTRACT COMPLIANCE

Subpart B—Hearing Rules for Sanction Proceedings

By notice of proposed rulemaking appearing in the FEDERAL REGISTER on October 22, 1975 (40 FR 49343), it was proposed that a new Part 12, Subpart B be added to Subtitle A of Title 31 of the Code of Federal Regulations dealing with hearing rules for sanction proceedings pursuant to Executive Order 11246. No comments were received on that notice of proposed rulemaking. The Office of Federal Contract Compliance Programs, U.S. Department of Labor, approved the proposed hearing rules for sanction proceedings by letter dated January 15, 1976.

The hearing rules will apply to determine whether a Department of the Treasury contractor is in compliance with 41 CFR Part 60 and 41 CFR Part 10–12. If after the issuance of a show cause notice the contractor does not within 30 days show cause why enforcement proceedings pursuant to Executive Order 11246 should not be instituted, the agency will issue a notice of proposed cancellation, termination, or ineligibility. The hearing rules will govern the procedures which thereby ensue. The hearing rules are modeled on the Department of Labor hearing rules contained at 41 CFR 60–1.26.

The Department of the Treasury plans to recodify and revise, at a later date, its regulations on equal opportunity in employment for contractors, now contained at 41 CFR Part 10–12, as 31 CFR Part 12, Subpart A. Therefore the hearing rules for sanction proceedings are being published as Subpart B.

The regulations are to be effective March 15, 1976.

Dated: February 6, 1976.

STEPHEN S. GARDNER,
Deputy Secretary.

Therefore, a new Part 12, Subpart B is added to Subtitle A of Title 31 of the Code of Federal Regulations to read as follows:

Subpart B—Hearing Rules of Sanction Proceedings

Sec.

12.101 Applicability of rules, waiver, modification.
12.102 Definitions.
12.103 Computation of time.
12.104 Form.
12.105 Filing; service.
12.106 Notice of proposed cancellation, termination, or ineligibility.
12.107 Answer.
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12.110 Motions, dispositions of motions.
12.111 Participation by interested persons.
12.112 Admissions as to facts and documents.
12.113 Production of documents and things and entry upon land for inspection and other purposes.
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12.128 Record for recommended decision.
12.129 Recommended decision.
12.130 Exceptions to recommended decision.
12.131 Record for Final Treasury Department Decision.
12.132 Final Treasury Department Decision.
12.133 Submission of Final Treasury Department Decision to OFCC.

AUTHORITY: Executive Order 11246, as amended.

Subpart B—Hearing Rules for Sanction Proceedings

§ 12.101 Applicability of rules, waiver, modification.

(a) *Applicability of rules.* These rules of procedure supplement the provisions of 41 CFR 60–1.26(b). The rules govern the practice and procedure for hearings conducted with respect to the imposition of sanctions under sections 208(b), 209 (a) (5) and (6) of Executive Order No. 11246, as amended.

(b) *Waiver, modification.* Upon notice to all parties, the hearing examiner or the Under Secretary may, with respect to matters pending before him modify or waive any rule herein upon a determination that no party will be prejudiced and that the ends of justice will be served thereby.

§ 12.102 Definitions.

As used in these rules:

(a) "Department" means the Department of Treasury.

(b) "Director" means the Director of the Equal Opportunity Program, Department of the Treasury.

(c) "Notice" means, unless the context clearly indicates otherwise, the Notice of Proposed Cancellation, Termination or Ineligibility.

(d) "The order" means Executive Order 11246 of September 24, 1965 (30 F.R. 12319), as amended (32 F.R. 14303).

(e) "Party" means a respondent; the Director of the Equal Opportunity Program, Department of the Treasury; and any person or organization participating in a proceeding pursuant to § 15.12(a).

(f) "Respondent" means a person or organization against whom sanctions are proposed because of alleged violations of Executive Order 11246, and the rules, regulations, and orders thereunder.

(g) "Under Secretary" means Under Secretary of the Department of the Treasury.

§ 12.103 Computation of time.

In computing any period of time under these rules or in an order issued hereunder, the time begins with the day following the act, event, or default, and includes the last day of the period, unless it is a Saturday, Sunday, or legal holiday observed in the District of Columbia, in which event it includes the next following business day.

§ 12.104 Form.

Documents and pleadings filed pursuant to a proceeding herein shall be dated, the original signed in ink, shall show the docket description and title of the proceeding, and shall show the title, if any, and address of the signatory. Copies need not be signed, but the name of the person signing the original shall be reproduced.

§ 12.105 Filing; service.

(a) *Manner of service.* Service upon any party shall be made by the party filing the document or pleading by delivering a copy or mailing a copy to the last known address: *Provided, however,* That the notice of hearing shall be sent by registered mail, return receipt requested, pursuant to 41 CFR 60–1.26(b)(1).

(b) *Upon whom served.* All papers shall be served upon counsel of record and upon parties not represented by counsel.

(c) *Proof of service.* A certificate of the person serving the pleading or other document by personal delivery or by mailing, setting forth the manner of said service shall be prima facie proof of service.

(d) *Number of copies.* An original and two copies of documents shall be filed with the hearing examiner designated to hear the case. If no hearing examiner has been assigned, the original and two copies of the documents shall be filed with the Under Secretary.

§ 12.106 Notice of proposed cancellation, termination, or ineligibility.

(a) Actions shall be commenced under this part and 41 CFR 60–1.26(b)(2) by service of a written notice on the contractor or subcontractor against whom the Director seeks the imposition of sanctions. The notice shall indicate whether the Director proposes to request the Under Secretary to cancel or terminate, or cause to be canceled or terminated, in whole or in part, any one or more contracts or subcontracts or to declare the prime contractor or subcontractor ineligible for further contracts or subcontracts under section 209 of the order. The notice shall contain a concise jurisdictional statement, a short and plain statement of the matter furnishing a basis for the imposition of sanctions, an enumeration of the sanctions being proposed, and a citation of the provisions of the order or regulations pursuant to which the requested action may be taken.

(b) *Posting the Notice.* Immediately upon receipt of the Notice, the Respondent shall post it at the affected worksite in a place conspicuous to Respondent's employees.

§ 12.107 Answer.

(a) *Filing and service.* Within 14 days after receipt of the notice of proposed cancellation, termination, or ineligibility, Respondent shall file an answer and a hearing request with the hearing examiner or, if no hearing examiner has been designated, with the Under Secretary.

(b) *Contents; failure to file.* The answer shall admit or deny specifically, and in detail, matters set forth in each allegation of the notice, unless Respondent is without knowledge, in which case the answer shall so state, and the statement shall be deemed a denial. Matters not specifically denied shall be deemed admitted. Matters alleged as affirmative defenses shall be separately stated and numbered. Failure to file an answer shall constitute an admission of all facts recited in the notice.

(c) *Hearing request.* The request for a hearing shall be included as a separate paragraph of the answer.

§ 12.108 Amendments.

The Director may amend the notice once as a matter of course before an answer is filed, and Respondent may amend its answer once as a matter of course not later than 10 days after the filing of the original answer. Other amendments of the notice or of the answer to the notice shall be made only by leave of the hearing examiner. An amended notice shall be answered within 7 days of its service, or within the time for filing an answer to the original notice, whichever period is longer.

§ 12.109 Notice of hearing.

In response to Respondent's request for a hearing, a notice of hearing shall be served on the Respondent pursuant to 41 CFR 60–1.26(b)(1). Such notice shall contain the time, place, and nature of the hearing and the legal authority under which the proceedings are to be held.

§ 12.110 Motions; disposition of motions.

(a) *Motions.* Motions shall state the relief sought, the authority relied upon and the facts alleged, and shall be filed with the hearing examiner, or with the Under Secretary if no hearing examiner has been designated. If made before or after the hearing itself, these matters shall be in writing. If made at the hearing, they may be stated orally. Within 7 days after a written motioin is received, or such other time period as may be fixed, any party may file a response to a motion.

(b) *Disposition of motions.* The hearing examiner, or Under Secretary, may not grant a written motion prior to expiration of the time for filing responses thereto, except upon consent of the parties or following a hearing thereon, but may overrule or deny such motion without awaiting response: *Provided, however,* That prehearing conferences, hearings, and decisions need not be delayed pending disposition of motions. Rulings by the hearing examiner shall not be appealed prior to the transfer of the case to the Under Secretary, but shall be considered by the Under Secretary when the case is transferred to him for decision.

§ 12.111 Participation by interested persons.

(a)(1) To the extent that proceedings hereunder involve employment of persons covered by a collective bargaining agreement, and compliance may necessitate a revision of such agreement, any labor organization which is a signatory to the agreement shall have the right to participate as a party.

(2) Other persons or organizations shall have the right to participate as parties if the final decision of the Under Secretary could adversely affect them or the class they represent and such participation may contribute materially to the proper disposition of the proceedings.

(3) Any person or organization wishing to participate as a party under this paragraph shall file and serve upon the hearing examiner, or upon the Under Secretary, if no hearing examiner has been designated, and all parties a petition within 14 days after the commencement of the action. Such petition shall concisely state (i) petitioner's interest in the proceedings, (ii) who will appear for petitioner, (iii) the issues on which petitioner wishes to participate, and (iv) whether petitioner intends to present witnesses.

(4) The hearing examiner shall determine whether each petitioner has the requisite interest in the proceedings and shall permit or deny participation accordingly. Where petitions to participate as parties are made by individuals or groups with common interest, the hearing examiner may request all such petitioners to designate a single representa-

tive to represent all such petitioners: *Provided,* That the representative of a labor organization qualifying to participate under subparagraph (1) of this paragraph must be permitted to participate in the proceeding. The hearing examiner shall give each petitioner written notice of the decision on his petition; and if the petition is denied, he shall briefly state the grounds for denial and shall then treat the petition as a request for participation as amicus curiae. The hearing examiner shall give written notice to each party of each petition granted.

(b) (1) Any other interested person or organization wishing to participate as amicus curiae shall file a petition before the commencement of the final hearing with the hearing examiner. Such petition shall concisely state (i) the petitioner's interest in the hearing, (ii) who will represent the petitioner, and (iii) the issues on which petitioner intends to present argument. The hearing examiner may grant the petition if he finds that the petitioner has a legitimate interest in the proceedings, and that such participation may contribute materially to the proper disposition of the issues. An amicus curiae is not a party but may participate as provided in this paragraph.

(2) An amicus curiae may present a brief oral statement at the hearing, at the point in the proceedings specified by the hearing examiner. He may submit a written statement of position to the hearing examiner prior to the beginning of a hearing, and shall serve a copy on each party. He may also submit a brief or written statement at such time as the parties submit briefs and exceptions, and shall serve a copy on each party.

§ 12.112 Admissions as to facts and documents.

Not later than 14 days prior to the date of the hearing, except for good cause shown, or not later than 14 days prior to such earlier date as the hearing examiner may order, any party may serve upon an opposing party a written request for the admission of the genuineness and authenticity of any relevant documents described in, and exhibited with, the request, or for the admission of the truth of any relevant matters of fact stated in the request. Each of the matters as to which an admission is requested shall be deemed admitted, unless within a period designated in the request (not less than 7 days, and not more than 10 days, after receipt of service thereof) the party to whom the request is directed serves upon the requesting party a sworn statement either (a) denying specifically the matters as to which an admission is requested, or (b) setting forth in detail the reasons why he cannot truthfully either admit or deny such matters.

§ 12.113 Production of documents and things and entry upon land for inspection and other purposes.

(a) After commencement of the action, any party may serve on any other party a request to produce and/or permit the party, or someone acting on his behalf, to inspect and copy any unprivileged documents, phonorecords, and other compilations which contain or may lead to relevant information and which are in the possession, custody, or control of the party upon whom the request is served. If necessary, translation of data compilations shall be done by the party furnishing the information.

(b) After commencement of the action, any party may serve on any other party a request to permit entry upon designated property which may be relevant to the issues in the proceeding and which is in the possession or control of the party upon whom the request is served for the purpose of inspection, measuring, surveying or photographing, testing, or sampling the property or any designated object or area.

(c) Each request shall set forth with reasonable particularity the items to be inspected and shall specify a reasonable time and place for making the inspection and performing the related acts.

(d) The party upon whom the request is served shall respond within 10 days after receipt of service of the request. The response shall state, with respect to each item, that inspection and related activities will be permitted as requested, unless there are objections, in which case the reasons for each objection shall be stated. The party submitting the request may move for an order with respect to any objection or to other failure to respond.

§ 12.114 Depositions upon oral examination.

(a) *Depositions; notice of examination.* After commencement of the action, any party may take the testimony of any person, including a party, having personal or expert knowledge of the matters in issue, by deposition upon oral examination for the purposes of discovery and/or the perpetuation of testimony. A party desiring to take a deposition shall give reasonable notice in writing to every other party to the proceeding. The notice shall state the time and place for taking the deposition and the name and address of each person to be examined, if known, and if the name is not known, a general description sufficient to identify him or the particular class or group to which he belongs. The notice shall also set forth the categories of documents the witness is to bring with him to the deposition, if any. A copy of the notice shall be furnished to the person to be examined unless his name is unknown.

(b) *Production of witness; obligation of parties; objections.* It shall be the obligation of each party to produce for examination any person, along with such documents as may be requested, at the time and place, and on the date, set forth in the notice, if that party has control over such person. Each party shall be deemed to have control over its officers, agents, employees, and members. Depositions shall be held within the county in which the witness resides or works. The party or prospective witness may file with the hearing examiner, or with the Under Secretary, if no hearing examiner has been assigned, an objection within 7 days after the identity of such witness first becomes known, stating with particularity the reasons why the party cannot or ought not to produce a requested witness. The party serving the notice may move for an order with respect to such objection or failure to produce a witness. All errors or irregularities in compliance with the provisions of this section shall be deemed waived unless a motion to suppress the deposition or some part thereof is made with reasonable promptness after such defect is noted or, with due diligence, might have been ascertained.

(c) *Before whom taken; scope of examination; failure to answer.* Depositions may be taken before any officer authorized to administer oaths by the laws of the United States or of the place where the deposition is held. At the time and place specified in the notice, the officer designated to take the deposition shall permit each party to examine and cross-examine the witness under oath upon any unprivileged matter which is relevant to the subject matter of the proceeding, or which is reasonably calculated to lead to the production of relevant and otherwise admissible evidence. All objections to questions, except as to the form thereof, and all objections to evidence are reserved until the hearing. A refusal or failure on the part of any person under the control of a party to answer a question shall operate to create a presumption that the answer, if given, would be unfavorable to the controlling party, unless the question is subsequently ruled improper by the hearing examiner or the hearing examiner rules that there was valid justification for the witness' failure or refusal to answer the question: *Provided,* That the examining party shall note on the record during the deposition the question which the deponent has failed, or refused to answer, and state his intention to invoke the presumption if no answer is forthcoming.

(d) *Subscription; certification; filing.* The testimony shall be reduced to typewriting by the officer taking the deposition or under his direction, and shall be subscribed by the witness in the presence of the officer who shall attach his certificate stating that the witness was duly sworn by him and that the deposition is a true record of the testimony and exhibits given by the witness, and that said officer is not of counsel or attorney to any of the parties nor interested in the proceeding. If the deposition is not signed by the witness because he is ill, dead, cannot be found, or refuses to sign it, such fact shall be noted in the certificate of the officer and the deposition may then be used as fully as though signed. The officer shall immediately deliver any original copy of the transcript, together with his certificate, in person or by mail to the hearing examiner, or to the Under Secretary, if no hearing examiner has been assigned. Copies of the transcript and certificate shall be furnished to all persons desiring them, upon payment of reasonable charges thereof, unless distribution is restricted by order of the hearing examiner for good cause shown.

(e) *Rulings on admissibility; use of deposition.* Subject to the provisions of this section, objection may be made at the hearing to receiving in evidence any deposition or part thereof for any reason which would require the exclusion of the evidence if the witness were then present and testifying. Any part or all of a deposition, so far as admissible in the discretion of the hearing examiner, may be used against any party who was present or represented at the taking of the deposition or who had reasonable notice thereof, in accordance with the following provisions:

(1) Any deposition may be used by any party for the purpose of contradicting or impeaching the testimony of the deponent as a witness.

(2) The deposition of a party or of anyone who at the time of taking the deposition was an officer, director, or managing agent, or was designated to testify on behalf of a public or private corporation, partnership, association, or governmental agency which is a party may be used by the adverse party for any purpose.

(3) The deposition of a witness, whether or not a party, may be used by any party for any purpose if the hearing examiner finds: (i) That the witness is dead; or (ii) that the witness is unable to attend or testify because of age, illness, infirmity, or imprisonment; or (iii) that the party offering the deposition has been unable to procure the attendance of the witness by notice; or (iv) upon application and notice, that such exceptional circumstances exist as to make it desirable to allow the deposition to be used.

(4) If only part of a deposition is introduced in evidence by a party, any party may introduce any other parts by way of rebuttal and otherwise.

(f) *Stipulations.* If the parties so stipulate in writing, depositions may be taken before any person at any time or place, upon any notice and in any manner, and when so taken may be used like other depositions.

§ 12.115 Designation.

Hearings shall be held before a hearing examiner designated by the Under Secretary. After service of an order designating a hearing examiner to preside, and until such examiner makes his decision, motions and petitions shall be submitted to him. In the case of the death, illness, disqualification, or unavailability of the designated hearing examiner, another hearing examiner may be designated to take his place.

§ 12.116 Authority and responsibilities.

The hearing examiner shall propose findings and conclusions to the Under Secretary on the basis of the record before him. In order to do so, he shall have the duty to conduct a fair hearing, to take all necessary action to avoid delay, and to maintain order. He shall have all powers necessary to those ends, including, but not limited to, the power to:

(a) Hold conferences to settle, simplify, or fix the issues in a proceeding, or to consider other matters that may aid in the expeditious disposition of the proceeding by consent of the parties or upon his own motion;

(b) Require parties to state their position with respect to the various issues in the proceeding;

(c) Require parties to produce for examination those relevant witnesses and documents under their control;

(d) Administer oaths;

(e) Rule on motions, and other procedural items on matters pending before him;

(f) Regulate the course of the hearing and conduct of participants therein;

(g) Examine and cross-examine witnesses, and introduce into the record documentary or other evidence;

(h) Receive, rule on, exclude or limit evidence, and limit lines of questioning or testimony which are irrelevant, immaterial or unduly repetitious;

(i) Fix time limits for submission of written documents in matters before him and extend any time limits established by this part upon a determination that no party will be prejudiced and that the ends of justice will be served thereby;

(j) Impose appropriate sanctions against any party or person failing to obey an order under these rules which may include:

(1) Excluding all testimony of an unresponsive or evasive witness, or determining that the answer of such witness, if given, would be unfavorable to the party having control over him; and

(2) Expelling any party or person from further participation in the hearing;

(k) Take official notice of any material fact not appearing in evidence in the record, which is among the traditional matters of judicial notice;

(l) Recommend whether the Respondent is in current violation of Executive Order 11246, as amended, and applicable rules, regulations, and orders, as well as the nature of whatever corrective action may be necessary to bring the Respondent into compliance with the equal employment opportunity clause;

(m) Recommend to the Under Secretary the adoption of a consent order agreed to by the parties in settlement of the issues in a proceeding; and

(n) Take any action authorized by these rules.

§ 12.117 Appearances.

(a) *Representation.* The parties or other persons or organizations participating pursuant to § 12.111 have the right to be represented by counsel.

(b) *Failure to appear.* In the event that a party appears at the hearing and no party appears of the opposing side, the party who is present shall have an election to present his evidence in whole or such portion thereof sufficient to make a prima facie case before the hearing examiner. Failure to appear at the hearing shall not be deemed to be a waiver of the right to be served with a copy of the hearing examiner's recommended decision and to file exceptions to it.

§ 12.118 Appearance of witnesses.

(a) A party wishing to procure the appearance at the hearing of any person having personal or expert knowledge of the matters in issue shall serve on the prospective witness a notice setting forth the time, date, and place at which he is to appear for the purpose of giving testimony. The notice shall also set forth the categories of documents the witness is to bring with him to the hearing, if any. A copy of the notice shall be filed with the hearing examiner and additional copies shall be served upon the opposing parties.

(b) It shall be the obligation of each party to produce for examination any person, along with such documents as may be requested, at the time and place, and on the date, set forth in the notice, if that party has control over such person. Each party shall be deemed to have control over its officers, agents, employees, and members. Due regard shall be given to the convenience of witnesses in scheduling their testimony so that they will be detained no longer than reasonably necessary.

(c) The party or prospective witness may file an objection within 7 days after the identity of such witness first becomes known, stating with particularity the reasons why the party cannot produce a requested witness. The party serving the notice may move for an order with respect to such objection or failure to produce a witness.

§ 12.119 Evidence; testimony.

Formal rules of evidence shall not apply, but rules or principles designed to assure production of the most probative evidence available shall be applied, as the hearing examiner directs. A witness shall be available for cross-examination, and, at the discretion of the hearing examiner, may be cross-examined without regard to the scope of direct examination as to any matter which is relevant and material to the proceeding. The hearing examiner may exclude evidence which is immaterial, irrelevant, or unduly repetitious.

§ 12.120 Objections; exceptions.

(a) *Objections.* If a party objects to the admission or rejection of any evidence or to the limitation of the scope of any examination or cross-examination or the failure to limit such scope, he shall state briefly the grounds for such objection. Rulings on all objections shall appear in the record. Only objections made before the hearing examiner may be relied upon subsequently in the proceedings.

(b) *Exceptions.* Formal exception to an adverse ruling is not required. Rulings by the hearing examiner shall not be appealed prior to the transfer of the case to the Under Secretary, but shall be considered by the Under Secretary upon filing exceptions to the hearing examiner's recommendations and conclusions.

§ 12.121 Offer of proof.

An offer of proof made in connection with an objection taken to any ruling of

the hearing examiner excluding proffered oral testimoy shall consist of a statement of the substance of the evidence which the offeror contends would be adduced by such testimony; and, if the excluded evidence consists of evidence in written form or consists of reference to documents, a copy of such evidence shall be marked for identification and shall accompany the record as the offer of proof.

§ 12.122 Public documents.

Whenever a party offers a public document, or part thereof, in evidence, and such document, or part thereof, has been shown by the offeror to be reasonably available to the public, such documents need not be produced or marked for identification, but may be offered for official notice as a public document item by specifying the document or relevant part thereof.

§ 12.123 Ex parte communications.

The hearing examiner shall not consult any person, or party, on any fact in issue unless upon notice and opportuity for all parties to participate. No employee or agent of the Federal Government engaged in the investigation and prosecution of this case shall participate or advise in the rendering of the recommended or final decision.

§ 12.124 Oral argument.

Any party shall be entitled upon request to a reasonable period between the close of evidence and termination of the hearing for oral argument. Oral argument shall be included in the official transcript of the hearing.

§ 12.125 Official transcript.

The Department will designate the official reporter for all hearings. The official transcripts of testimony taken, together with any exhibits, briefs, or memoranda of law filed therewith, shall be filed with the hearing examiner. Transcripts of testimony may be obtained from the official reporter by the parties and the public at rates not to exceed the applicable rates fixed by the contract between the Department and the reporter unless distribution is limited by order of the hearing examiner for good cause shown. Upon notice to all parties, the hearing examiner may authorize such corrections to the transcript as are necessary to reflect accurately the testimony.

§ 12.126 Summary judgment.

(a) *For Director.* At any time after the expiration of 14 days from the commencement of the action or after service of a motion for summary judgment by the Respondent, the Director may move the hearing examiner with or without supporting affidavits for a summary judgment in his favor upon all claims or any part thereof.

(b) *For Respondent.* The Respondent may, at any time after commencement of the action, move the hearing examiner with or without supporting affidavits for a summary judgment in his favor as to all claims or any part thereof.

(c) *Other patries.* Any other party to a formal proceeding under this part may support or oppose motions for summary judgment made by the Director or Respondent, in accordance with this section, but may not move for a summary judgment in his own behalf.

(d) *Motion and proceedings thereon.* The motion for summary judgment shall be served upon all parties and filed with the hearing examiner or, if no hearing examiner has been designated, with the Under Secretary, at least 15 days before the time fixed for any hearing on the motion. The adverse party or parties may serve opposing affidavits prior to the day of any hearing on the motion. The judgment sought shall be rendered forthwith if the notice and answer, depositions, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law. A summary judgment rendered for or against the Director or the Respondent shall constitute the hearing examiner's findings and recommendations to the Under Secretary on the issues involved. Hearings on motion made under this section shall be scheduled by the hearing examiner, or the Under Secretary.

(e) *Case not fully adjudicated on motion.* If on motion under this section judgment is not rendered upon the whole case for all the relief asked and a final hearing is necessary, the hearing examiner shall if practicable ascertain what material facts exist without substantial controversy and what material facts are actually and in good faith controverted. He shall thereupon make an order specifying the facts that appear without substantial controversy, including the extent to which relief is not in controversy, and directing such further proceedings as are just. At the hearing on the merits, the facts so specified shall be deemed established, and the final hearing shall be conducted accordingly.

(f) *Form of affidavits; further testimony; defense required.* Supporting and opposing affidavits shall be made on personal knowledge, shall set forth such facts as would be admissible in evidence, and shall show affirmatively that the affiant is competent to testify to the matters stated therein. Sworn or certified copies of all papers or parts thereof referred to in an affidavit shall be attached thereto or served therewith. The hearing examiner may permit affidavits to be supplemented or opposed by depositions or further affidavits. When a motion for summary judgment is made and supported as provided in this section, an adverse party may not rest upon the mere allegations or denials in his notice or answer, but his response, by affidavit or as otherwise provided in this section, must set forth specific facts showing there is a genuine issue for final hearing. If he does not so respond, summary judgment, if appropriate, shall be rendered against him.

(g) *When affidavits are unavailable.* Should it appear from the affidavits of a party opposing the motion that he cannot for the reasons stated present by affidavit facts essential to justify his opposition, the hearing examiner may refuse the application for summary judgment or may order a continuance to permit affidavits to be obtained or depositions to be taken or discovery to be had or make such other orders as are just.

(h) *Affidavits made in bad faith.* Should it appear to the satisfaction of the hearing examiner at any time that any of the affidavits presented pursuant to this section are presented in bad faith or solely for the purpose of delay, the hearing examiner may make such orders and impose such sanctions as may be appropriate against the offending party.

§ 12.127 Proposed findings of fact and conclusions.

Within 20 days after receipt of the transcript of the testimony, each party and amicus may file a brief with the hearing examiner. Such briefs shall be served simultaneously on all parties and amici, and a certificate of service shall be furnished to the hearing examiner. Requests for additional time in which to file a brief shall be made to the hearing examiner, in writing, and copies shall be served simultaneously on the other parties. Requests for extensions shall be received not later than 3 days before the date such briefs are due. No reply brief may be filed except by special permission of the hearing examiner.

§ 12.128 Record for recommended decision.

The transcript of testimony, exhibits, and all papers, documents, and requests filed in the proceedings, including briefs, but except the correspondence section of the docket, shall constitute the record for decision.

§ 12.129 Recommended decision.

Within 20 days after the filing of briefs, or, if the parties elect not to file such documents, not more than 20 days after the close of the hearing, the hearing examiner shall recommend findings, conclusions, and a decision. These recommendations shall be certified, together with the record for recommended decision, to the Under Secretary for his decision. The recommended findings, conclusions, and decisions shall be served on all parties and amici to the proceeding.

§ 12.130 Exceptions to recommended decisions.

Within 14 days after receipt of the hearing examiner's recommended findings, conclusions, and decisions, any party may submit exceptions to said recommendation. These exceptions may be responded to by other parties within 10 days of their receipt by said parties. All exceptions and responses shall be filed with the Under Secretary. Service of such briefs or exceptions and responses thereto shall be made simultaneously on all parties to the proceeding, and a certificate of service shall be furnished to the Under Secretary. Requests to the Under Secretary for additional time in which to file exceptions and responses thereto shall be served simultaneously on other parties. Requests for extensions

must be received no later than 3 days before the exceptions are due.

§ 12.131 Record for Final Treasury Department Decision.

The record for the Treasury Department final decision shall consist of the record for recommended decision, the rulings and recommended decision of the hearing examiner, and the exceptions and briefs filed subsequent to the hearing examiner's decision.

§ 12.132 Final Treasury Department decision.

After expiration of the time for filing briefs and exceptions, the Under Secretary or higher Treasury Department official shall make a decision for the Department on the basis of the record. This decision shall be final upon the approval of the Director, Office of Federal Contract Compliance, Department of Labor. A copy of the final Treasury Department decision shall be served on all parties and amici to the proceeding.

§ 12.133 Submission of final Treasury Department decision to FOCC.

The Under Secretary shall submit the proposed final Treasury Department decision to the Director, Office of Federal Contract Compliance, Department of Labor, for approval.

[FR Doc.76-4242 Filed 2-12-76;8:45 am]

Title 32A—National Defense, Appendix

CHAPTER XV—FEDERAL RESERVE SYSTEM

REG. V—LOAN GUARANTEES FOR DEFENSE PRODUCTION

Change of Guaranteeing Agency

1. Effective immediately, section 1 of Regulation V (Loan Guarantees for Defense Production) of the Board of Governors is amended by deleting "the Atomic Energy Commission" and substituting the phrase "the Nuclear Regulatory Commission, Energy Research and Development Administration."

2. The purpose of this amendment is to reflect the fact that effective October 11, 1974 the Atomic Energy Commission was abolished by the Energy Reorganization Act of 1974 (P.L. 93-438), and the Nuclear Regulatory Commission and the Energy Research and Development Administration were created in lieu thereof. The effect of this amendment is to substitute these two newly created agencies for the Atomic Energy Commission in the listing of agencies authorized to guarantee V-loans. This action is taken pursuant to the Board's authority under the Defense Production Act of 1950 and Executive Order No. 10480 of August 14, 1953, as amended.

3. The provisions of section 553 of Title 5, United States Code, relating to notice and public participation and to deferred effective dates were not followed in connection with the adoption of this action because the changes made by this revision are of a technical nature and are designed to conform this regulation with existing statutory authority, and because the Board of Governors found that following the procedures prescribed by such provisions would be unnecessary and would serve no useful purpose.

Board of Governors of the Federal Reserve System, February 4, 1976.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-4294 Filed 2-12-76;8:45 am]

Title 39—Postal Service

CHAPTER I—U.S. POSTAL SERVICE

PART 257—PHILATELY

New Stamp Issues: First-Day Sale and First-Day Covers

● Purpose. The purposes of this document are to reflect changes in present policy to provide for issuance of stamps or other philatelic items at more than one office, to provide for philatelic cancellations at offices other than the official first-day post office, and to reflect the fact that first-day covers are dated to show the first day of issue. ●

Accordingly, effective immediately, in Title 39, Code of Federal Regulations, revise paragraphs (b) and (c)(1) of § 257.2 to read as follows:

§ 257.2 New stamp issues.

* * * * *

(b) *First-day sale.* A particular post office, post offices or other postal facility or facilities may be selected to have the exclusive sale of a new issue or new issues on its or their first day of sale. If such a selection is made, no other postal facilities may begin to sell the issue or issues until the following day. The Stamps Division may also authorize postal facilities to receive mail order requests for cancellations bearing the first date postmark, but not cancelled with a special die reading "First Day of Issue." These requests may only be honored if submitted within the time prescribed by the Stamps Division. For purposes of this section, the word "issue" shall mean postage stamp, postal card, stamped envelope, or aerogramme.

(c) *First-day covers*—(1) *Description.* A first day cover is an envelope, post card or other mailing piece bearing a new stamp or a new postal card, a new stamped envelope or a new aerogramme cancelled with a special die reading "First Day of Issue" and dated to show the first day of issue.

* * * * *

(39 U.S.C. 401, 404)

ROGER P. CRAIG,
Deputy General Counsel.

[FR Doc.76-4241 Filed 2-12-76;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER I—AIR PROGRAMS

[FRL 488-2]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Revision to Connecticut Plan

On April 26, 1974 the regulation for review of Indirect Sources in the State of Connecticut was published as proposed rulemaking. These regulations were proposed to satisfy amendments to 40 CFR Part 51, designed primarily to expand the scope of review prior to construction or modification of facilities, buildings, or installations so as to require consideration of the air quality impact from pollutants arising from mobile source activity associated with such facilities, buildings, structures and installations.

To satisfy these new requirements, the State of Connecticut, after public hearings held on August 9, 10, 13, 14, and 15, 1973, revised the Connecticut "Regulations for the Abatement of Air Pollution, section 19-503-3, Permits for Construction and Operation," to provide for State review of impact on air quality from indirect sources. This implementation plan revision was submitted to the Environmental Protection Agency (EPA) on January 9, 1974.

Interested persons were given the opportunity to comment on this proposed revision within the 30 day public comment period from the date of proposal. Several comments were received, raising questions in the following areas: (a) appropriateness of the regulations, and (b) clarity of the regulations.

(a) Appropriateness of regulations. One comment received was that it was not appropriate to develop and implement an indirect source program until more planning was completed, such as establishment of nondegradation and maintenance plans. However, the Indirect Source Program is not dependent on these other programs. It is a separate means of controlling mobile source emissions which need not be deferred until other programs are instituted. Therefore, this argument is not relevant.

(b) Clarity of regulations. The comments in this area dealt with many aspects of the regulations indicating various parts of the regulation that were "too vague" or "ambiguous". On August 26, 1974 the State of Connecticut resubmitted its indirect source regulations to EPA following minor revisions to increase their clarity and insure compliance with EPA guidelines. In addition, the effective date of the regulations was changed from June 1, 1974 to October 1, 1974, and a section was added to require the applicant to certify that public notice has been given.

After a careful evaluation of the State's submittal, the Administrator has determined that the proposed revision meets the requirements of 40 CFR part 51 and section 110(a)(2)(A)-(H) of the Clean Air Act. Accordingly, it is approved and promulgated as a revision to the Connecticut implementation Plan for attainment and maintenance of national ambient air quality standards establishing regulations for the review of indirect sources for air pollution. Authority: Section 110(a) of the Clean Air Act, as amended, 42 U.S.C. 1857c-5(a).

Dated: February 10, 1976.

ALVIN L. ALM,
Acting Administrator.

Subpart H of Chapter I, Title 40, Part 52 of the Code of Federal Regulations is amended as follows:

§ 52.370 [Amended]

Section 52.370(c), Identification of plan, is amended by inserting the date "August 26, 1974" in proper chronological order.

§ 52.375 [Removed]

Section 52.375, Review of new sources and modifications, is removed.

[FR Doc.76-4380 Filed 2-12-76;8:45 am]

[FRL 482-3]

PART 243—GUIDELINES FOR THE STORAGE AND COLLECTION OF RESIDENTIAL, COMMERCIAL, AND INSTITUTIONAL SOLID WASTE

Collection Systems

On July 11, 1975, notice was published in the FEDERAL REGISTER (40 FR 29404–29408) proposing regulations to establish a new part 243 of Chapter 1 of Title 40 of the Code of Federal Regulations pursuant to the authority of Section 209(a) of the Solid Waste Disposal Act of 1965 (Public Law 89–272), as amended by the Resource Recovery Act of 1970 (Public Law 91–512).

Section 209 of the Amended Act requires the Administrator to "recommend to appropriate agencies and publish in the FEDERAL REGISTER guidelines for solid waste recovery, collection, separation, and disposal systems (including systems for private use) * * *"

On August 14, 1974, the Environmental Protection Agency published in the FEDERAL REGISTER (39 FR 29328–29338) "Thermal Processing and Land Disposal of Solid Waste Guidelines" as the first set of guidelines which were intended to meet the initial requirement concerning "disposal systems." The guidelines now being promulgated are intended to meet the Administrator's initial obligation to publish guidelines in the area of collection systems. The EPA expressly recognizes that Section 209 mandates that guidelines "shall be revised from time to time" and it intends to revise and supplement these guidelines in the future.

Response requested. Written comments on the proposed regulations were invited and received from 34 sources. As a result of these written comments and in an effort to clarify the intent of the regulations, certain changes were made. All of the written comments and the Agency's disposition of the comments are on file with the Agency. The major issues raised by the commenters and the Agency's consideration of them are described below as are all of the modifications in the guidelines made between the proposed regulations of July 11, 1975, and this final rulemaking.

Preamble. The Department of the Interior requested that item (3) under *Federal Facilities Compliance* be deleted because it might be misinterpreted as requiring local communities which use Federal land for disposal to comply with these guidelines. Number three paraphrases Section 211(a)(3) of the Solid Waste Disposal Act, as amended. Since this section of 211 refers only to compliance with disposal guidelines, it was omitted and a sentence was added to clarify that the storage and collection guidelines are not mandatory for local communities which use Federal land for solid waste disposal only.

Subpart A—243.100 Scope. One commenter requested that in addition to being recommended to State, interstate, regional, and local governments, the guidelines be recommended to all contractors and grantees of the Federal Government. Section 209(a) of the Solid Waste Act, as amended, specifically states that the Administrator shall recommend the guidelines to appropriate agencies.

It is the judgment of EPA from this passage and other sections of the Solid Waste Disposal Act, as amended, that the term "agencies" is meant to refer to a governmental body. This is why the guidelines are recommended to State, interstate, regional, and local governments.

The guidelines are mandatory for contractors and grantees of the Federal government pursuant to section 208 of the Act. However, there is no indication from the Act or the legislative history that the guidelines were otherwise intended to be specifically recommended to Federal grantees and contractors.

The Department of Agriculture questioned whether the recipients of various financial assistance programs which they administer would be required to comply with the guidelines. Such recipients would not be required to comply with the guidelines unless they were involved in the collection of wastes from Federal facilities.

One commenter interpreted § 243.100(e) to mean that where local communities utilize solid waste collection systems, but these systems are not within the managerial control of the Federal agency, such systems cannot be used by the particular Federal agency involved. The intent of § 243.100(e) was to exempt from the guideline requirements Federal facilities which are located in isolated areas and have no control over the solid waste collection system available. An example of this would be a post office in a rural community where the only solid waste service provided is conducted by the local government and is not consistent with the guidelines.

One commenter recommended that each major Federal agency be required to provide an annual report to EPA documenting progress made in implementing the guidelines. Provisions for an annual report documenting progress in implementing the guidelines is not necessary, since this is an existing requirement of Executive Order 11752 and OMB Circular A–106. However, a reporting requirement was added to 243.100(h) requiring that Federal agencies shall, within 2 months of the decision on what actions will be taken to implement the requirements of the guidelines, submit to the Administrator a schedule of such actions. This requirement was added to maintain consistency between these guidelines and other guidelines currently being developed under the authority of section 209(a) of the Solid Waste Disposal Act.

Heads of Federal agencies are required by Executive Order 11752 to insure that all facilities under their jurisdiction are designed, constructed, managed, operated, and maintained so as to conform to the guidelines for solid waste recovery, collection, storage, separation, and disposal systems issued by the Administrator (EPA) pursuant to the Solid Waste Disposal Act, as amended. They are also required to present to the Director of the Office of Management and Budget, annually, a plan for pollution abatement and waste management at facilities under their jurisdiction, in accordance with OMB Circular A–106.

This same commenter questioned whether the inclusion of the provision that costs so high as to render compliance economically impracticable was a valid reason for non-compliance. This commenter argued that since the budgets of Federal agencies are never adequate for all their programs, any budget squeeze could be used as an excuse not to comply. While EPA recognizes this danger, there may be situations in which compliance is not possible because of economics and this provision was therefore retained. However, as stated in the Preamble, budget restrictions do not constitute a sufficient excuse to prevent compliance with the guidelines and Federal agencies have a responsibility to request sufficient funds from Congress necessary to properly manage solid waste as part of their normal operating expenses. Federal agencies are required to present to the Director of the Office of Management and Budget, annually, a plan for pollution abatement and waste management at facilities under their jurisdiction. The plans, in accordance with OMB Circular A–106, consist of forms for all projects requiring a budget increase in capital costs and management studies. Submission of these forms represents an agency's commitment to comply with applicable standards.

There were changes in the wording of § 243.100(i) both in response to commenters and in an effort to clarify the intent of the section. The phrase "that decide not to adopt the requirements of these guidelines" was substituted for the phrase "that decide not to comply with the guidelines" in several places in this section. Also, the phrase "and members of the public affected by non-compliance" was deleted from the first sentence. This latter phrase is no longer necessary since the Administrator will make the availability of the non-compliance report public by publishing notice in the FEDERAL REGISTER. This change was undertaken in response to a commenter who requested that the word "may" in the phrase "the Administrator may publish notice of availability of this report" be changed to "must." Because no criteria had been established for when a notice of availability should be published and in what publication, this section was clarified by changing "may" to "shall" and specifying that it be published in the FEDERAL REGISTER.

This same commenter also recommended the inclusion of a paragraph requiring the Administrator to rule with-

in 60 days on the validity of the noncompliance report. A sentence was added to § 243.100(i)(2) which provides that the Administrator will indicate his concurrence/nonconcurrence with an agency's decision not to adopt the guideline requirements. However, it is the judgment of the EPA that the guarantee of a time period within which a response by the Administrator must be made would be too restrictive.

One commenter questioned the requirement in § 243.100(i)(4) for circulation of draft and final reports with the Environmental Impact Statement. Since the guidelines do not even mention preparation of a draft version of the noncompliance report, the wording of this section was changed from the phrase "draft and final versions of the report" to "the report."

Section *243.101 Definitions.* The phrase "picking up" in the definition of "alley collection" was changed to "collection" as a means of clarifying the intent of the definition.

One commenter suggested the addition of a definition of automated collection systems as a means of acknowledging that such systems exist. However, since no requirements or recommendations specific to automated collection systems are included in the guidelines, the inclusion of this definition is unnecessary and inconsistent with the precedent that only terms or concepts dealt with in the guidelines should be defined.

It was suggested that the definition of "agricultural solid waste" be expanded to include a more detailed itemization of the wastes included. In accordance with this comment the definition of agricultural solid waste which appeared in the proposed guidelines was altered. The phrase "that results from" was replaced by "that is generated by." The last phrase of the definition was changed from the "harvesting of crops" to "the producing and harvesting of crops or trees."

In light of a suggested change by a commenter, the definition of "carryout collection" was broadened to include all collection from a storage area proximate to the dwelling unit or establishment whether or not a carrying container was used.

One commenter requested that the phrase "and non-processing wastes generated at industrial facilities such as office and packing wastes" be deleted from the definition of "commercial solid waste." They argued that at a given industrial facility, both processing and non-processing wastes may be collected by the same system, and this could cause confusion in how the guidelines should be applied. EPA takes the position that whether or not the non-processing wastes generated at an industrial facility are collected by the same collection system used for the industrial wastes, they should still be stored and collected in an environmentally acceptable manner as delineated in the guidelines. Therefore, the suggested change in the definition was not made. However, to clarify which wastes are covered, the phrase "and non-processing wastes generated at industrial facilities such as office and packing wastes" was deleted and replaced by the phrase "excluding residential and industrial wastes."

It was suggested that in the definition of "food wastes," the phrase "animal and vegetable" be changed to "organic." This change was made and, in addition, the phrase "resulting from" was changed to "generated by" in an effort to clarify the intent of the definition.

The definition of "hazardous waste" was criticized for implying that a waste could be classified as hazardous solely because it was nondegradable or persistent in nature. The definition was rewritten to eliminate this implication.

In the definitions of both industrial and institutional solid wastes the phrases "results from" and "originating from" were replaced by "generated by."

A commenter requested that microbiological laboratory wastes be specifically listed under item (2) in the definition of "infectious wastes." It is the judgment of EPA that this proposed change is unnecessary since not all microbiological wastes are infectious and, if they are, they would be covered by the definition as it is now written.

One commenter suggested an alternate definition of "litter" to clarify what is included in the term. However, all references to "litter" in the guidelines were eliminated and replaced by the word "spillage." As a result, the definitions of both "litter" and "post-consumer waste" were no longer necessary and have been deleted.

The definition of "residential solid waste" was clarified by replacing the phrase "the food wastes, rubbish, trash, etc., resulting from" to the "wastes generated by . . ., including, but not limited to, food wastes, rubbish, ashes, and bulky wastes."

Subpart B—243.200 Storage. One commenter suggested that the term "salvage" replace the parenthetical phrase "or materials which have been separated for the purpose of recycling." It is the judgment of EPA that the meaning of the parenthetical phrase is clear, and it has been retained in the guidelines.

Several commenters suggested that provisions for the wrapping of food and broken glass or other sharp materials should be added to the guidelines. The guidelines presently require in § 243.200–1(a) that "all solid wastes be stored in such a manner that they do not constitute a fire, health, or safety hazard or provide food or harborage for vectors, and shall be contained or bundled so as not to result in spillage." In order to comply with this requirement, wrapping of certain types of solid waste may be necessary. However, it is the intent of the guidelines to allow flexibility in the methods used to implement the "Requirements" sections, and EPA has decided that a specific provision requiring or recommending the wrapping of food wastes, etc. is not necessary to ensure environmentally sound storage.

Several commenters suggested a provision should be added prohibiting the storage of hazardous wastes with regular solid waste. Since the guidelines specifically exclude hazardous wastes from the wastes dealt with, such a provision was not considered appropriate for these guidelines.

Section 243.200–1(b) was expanded to include a requirement that bulky wastes be covered to prevent the accumulation of water and solid waste in and around bulky items.

It was suggested that Federal facilities be required to store recyclable materials in such a manner that they do not become contaminated by non-recyclables, or lowered in value by improper storage conditions. Since EPA is currently in the process of developing guidelines for source separation, it would be more appropriate to include this provision in those guidelines.

There were several criticisms of § 243.200–1(c). The comments fell into two categories: (a) There were objections to the requirement that reusable containers be limited to 35 gallons in volume and (b) it was recommended that the maximum weight for a filled container should be stated as a definite weight rather than being left open to varying interpretations of the physical strength of an average individual. Although EPA does not, in general, approve of the use of manually handled reusable containers of larger than 35 gallons, there may be situations where large containers are acceptable, if they can meet the requirements for environmentally sound storage which are delineated in § 243.200–1(a). Therefore, to allow greater flexibility in the choice of reusable containers, the requirement of a maximum container size of no more than 35 gallons was changed to a recommended procedure. Also, a maximum weight of 75 pounds (34.05 kg) for filled containers which are emptied manually was added as a requirement.

The prohibition of the use of plastic solid waste storage bags made of polyvinyl chloride (PVC) in § 243.200–1(d) was criticized by several groups. They argued correctly that plastic solid waste bags are not presently made of PVC, and that the amount of hydrogen chloride they give off during incineration would be minimal compared to that produced by other discarded objects made of PVC such as shampoo bottles. These arguments were considered, and lacking a strong rationale to retain this requirement, it was deleted.

Sections 243.200–2 (a) and (b) were reorganized. All of the criteria which apply to both manually and mechanically emptied reusable waste containers were combined into one section (a), while specific criteria for each are presented in subsections (a)(1) and (a)(2). In addition, several minor changes were made such as specifying that containers should be "located on a firm, level, well-drained surface" rather than on "firm, level ground." Also, a container with "round edges" was specified rather than a "round container" for manually emptied containers. The recommendation that containers be noncombustible or self-extinguishing was deleted in response to a comment.

There were criticisms of the recommendation that plastic bags used for the storage of solid waste be 2.0 mils thick (§ 243.200–2(b)) from both a city and the plastics industry. They argued that the quality of the plastic is more important in determining the strength and durability of a bag than the mil thickness. Since the proposed 2 mil thickness also requires the use of more petroleum products during the manufacturing process, this provision was eliminated. It is now recommended that bags should meet the National Sanitation Foundation (NSF) Standard, which for plastic bags includes a minimum thickness of 1.5 mils for any bags 30 X 37 inches or larger. The recommendation was also clarified by stating that while bags should meet the criteria established by NSF, they do not have to have been certified by NSF and carry the NSF seal.

In response to a suggestion by a commenter, a provision was also added to this section stating that bags containing food wastes should be stored in a building or a container prior to collection periods.

Safety 243.201. Several commenters recommended that § 243.201–2(a) be made a requirement rather than a recommendation. It is consistent with the structure of the guidelines that safety training should remain a recommended procedure, since the recommendatory sections are intended to present methods of implementing the requirements, in this case, operation of a safe collection system. However, a provision was added to this section citing *Operation Responsible: Safe Refuse Collection* as an example of the type of training program that should be implemented.

In response to a comment an addition was made to § 243.201–2(b) referencing the applicable portions of the Occupational Safety and Health Administration Standards for Personal Protective Equipment.

In § 243.201–2(d) the word "manual" was deleted, and a provision for puncture-proof carrying containers was added.

Collection equipment 243.202. In § 243.-202–1(d) front-loading compaction equipment was inadvertently left off as a category of equipment covered under the ANSI Z245.1 standards. This was added as number 3. In this same section in the last sentence, "should" was changed to "shall" to maintain consistency with the use of the word "shall" in all the "Requirement" sections. Two commenters recommended that the safety devices recommended in § 243.-202–2(b) should be applicable to all size trucks. In light of this comment the phrase "excluding satellite vehicles or any vehicle having a maximum gross weight of 5,000 pounds or less" was deleted.

Also (4) was moved out of this section and renumbered as a separate subsection (§ 243.202–2(c)).

The National Solid Wastes Management Association and several cities criticized the recommendation in § 243.202–3(b) that solid waste should not be allowed to remain in the collection vehicle overnight. Their argument was that fuel would be saved if a half-full vehicle did not have to travel to the disposal site at the end of the day. Since one of the intents of the guidelines is to conserve fuel in collection operations, this section was changed to allow waste to remain in the vehicle overnight if it did not create a fire, health, or safety hazard, and if it in no case remained in the vehicle over 24 hours.

Collection frequency 243.203. Several commenters expressed the view that the collection of solid wastes containing food wastes once every 7 days was not sufficient in all climates. Also, one commenter felt bulky wastes should be collected once a week, rather than once every 3 months.

The intent of the guidelines in establishing a minimum collection frequency was not to preclude more frequent collection if circumstances require it. To clarify this point a sentence was added to the requirement specifying that collection should be frequent enough to inhibit the propagation and attraction of vectors and the creation of nuisances. Also, the collection frequency for solid wastes containing food wastes was changed from "once every 7 calendar days" to "once during each week." This change was necessary because, as pointed out by the City of Los Angeles, during weeks with holidays, collection schedules are frequently delayed by 1 day, thus resulting in 8 days between collections.

Collection management 243.204. One commenter suggested that recommendations should be developed regarding how soon before collection containers may be left at the curb. While such a provision could help in minimizing the chance of spillage prior to collection, it is primarily based on aesthetic considerations. Given the widely varying circumstances at various Federal facilities it would be difficult to establish time limits for the curbside placement of storage containers for collection, and largely unnecessary from an environmental point of view.

One commenter requested that the word "operator" in § 243.204–1 should be changed to "owner." This change was not made because it is the intent of the guidelines that the operator of the collection vehicle should be responsible for either cleaning up all spillage himself or having other crew members do so at the moment that spillage occurs. The owner is ultimately responsible for the actions of his crew members, but the owner is generally not out on the collection route with his vehicles.

In response to a comment, a provision providing for the regular servicing of the compaction equipment was added to § 243.204–2(b)(2).

The phrase "greater collection frequency" in § 243.204–2(b)(6) was changed to "more frequent collection."

Implementation. The EPA does not expect the requirements to be more costly than existing solid waste management practices in the long term. The EPA recognizes that the implementation of the guideline requirements may be economically impracticable under isolated circumstances. In order to provide guidance to heads of Federal agencies, it must be noted, however, that even where guidelines implementation costs more, the legislative history indicates that budget restrictions do not constitute a sufficient excuse to prevent compliance with the guidelines and Federal agencies have a responsibility to request sufficient appropriations from Congress necessary to properly manage solid waste as part of their normal operating expenses.

The economic and inflationary impacts of the guidelines have been carefully evaluated. It has been determined that the effects will be minor and that the guidelines are not a "major action" requiring an inflation impact statement as prescribed by Executive Order 11821 and OMB Circular A–107.

Since it is not possible to delineate all the techniques required at every facility, the guidelines rely on the responsible agency head and facility operator to consult the documents listed at the end of the guidelines, private experts, and the EPA for additional guidance to ensure that the requirements are implemented successfully and effectively.

According to section 211 of the Solid Waste Disposal Act, as amended, compliance with guidelines issued under the authority of section 209 of the Act is required of each Federal executive agency (as defined in section 105 of Title 5, United States Code):

1. Having jurisdiction over any real property or facility which involves it in solid waste disposal activities;

2. That enters into a contract with any person for the operation of any Federal property or facility where contract performance involves solid waste disposal activities;

3. That issues licenses or permits for disposal of solid waste or conducts activities which generate solid waste and which, if conducted by someone other than the agency, would require a license or permit from such agency for the disposal of such wastes.

In addition, section 211 of the Solid Waste Disposal Act, as amended, requires each executive agency which issues any license or permit for disposal of solid waste to consult with the Administrator (EPA) to insure compliance with guidelines recommended under section 209 prior to the issuance of such license or permit.

As used in section 211 of the Act, the term "disposal" includes collection activities.

There is no requirement that guidelines other than those which apply directly to the land disposal of solid waste be implemented by local communities which use Federal land for the land disposal of solid wastes only.

Heads of Federal agencies are ultimately responsible for determining how facilities under their jurisdiction shall comply with the guidelines. The EPA has required, pursuant to its authority in section 3(a)(2) of Executive Order 11752, that failure to comply with the guidelines be justified in a report to the Adminis-

trator. The specific requirements for such report can be found in § 243.100 of the guidelines.

Effective date. This new Part 243 of Title 40 of the Code of Federal Regulations takes effect on March 15, 1976.

Dated: February 10, 1976.

ALVIN L. ALM,
Acting Administrator.

Chapter I of Title 40 of the Code of Federal Regulations is amended by adding a new Part 243, reading as follows:

Subpart A—General Provisions

Sec.
243.100 Scope.
243.101 Definitions.

Subpart B—Requirements and Recommended Procedures

243.200 Storage.
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APPENDIX—RECOMMENDED BIBLIOGRAPHY

AUTHORITY: Sec. 209(a) of the Solid Waste Disposal Act of 1965 (Pub. Law 89–272), as amended by the Resource Recovery Act of 1970 (Pub. Law 91–512).

Subpart A—General Provisions

§ 243.100 Scope.

(a) These guidelines are promulgated in partial fulfillment of section 209(a) of the Solid Waste Disposal Act, as amended, (Public Law 89–272).

(b) The guidelines apply to the collection of residential, commercial, and institutional solid wastes and street wastes. Explicitly excluded are mining, agricultural, and industrial solid wastes; hazardous wastes; sludges; construction and demolition wastes; and infectious wastes.

(c) The "Requirement" sections contained herein delineate minimum levels of performance required of solid waste collection operations. Under section 211 of the Solid Waste Disposal Act, as amended, and Executive Order 11752, the "Requirement" sections of these guidelines are mandatory for Federal agencies. In addition, they are recommended to State, interstate, regional, and local governments for use in their activities.

(d) The "Recommended procedures" sections are presented to suggest additional actions or preferred methods by which the objectives of the requirements can be realized. The "Recommended procedures" are not mandatory for Federal agencies.

(e) The guidelines apply equally to Federal agencies generating solid waste whether the solid waste is actually collected by a Federally operated or non-Federally operated collection system, except in the case of isolated Federal facilities such as post offices, military recruiting stations, and other offices where local community solid waste collection systems are utilized, which are not within the managerial control of the Federal agency.

(f) The guidelines shall be implemented in those situations where the Federal agency is able to exercise direct managerial control over the collection system through operation of the system or by contracting for collection service. Where non-Federal collection systems are utilized, service contracts should require conformance with the guideline requirements unless service meeting such requirements is not reasonably available. It is left to the head of the responsible agency to decide how the requirements of the guidelines will be met.

(g) The Environmental Protection Agency will give technical assistance and other guidance to Federal agencies when requested to do so under section 3(D)1 of Executive Order 11752.

(h) Within 1 year after the final promulgation of these guidelines, Federal agencies shall decide what actions shall be taken to adopt the requirements of these guidelines and shall, within 60 days of this decision, submit to the Administrator a schedule of such actions.

(i) Federal agencies that decide not to adopt the requirements contained herein, for whatever reason, shall make available to the Administrator a report of the analysis and rationale used in making that decision. The Administrator shall publish notice of availability of this report in the FEDERAL REGISTER. EPA considers the following reasons to be valid for purposes of non-compliance: costs so high as to render compliance economically impracticable, and the technical inhibitions to compliance specifically described in the guidelines.

(1) The following points are to be covered in the report.

(i) A description of the proposed or on-going practices which will not be in compliance with these guidelines. This statement should identify all agency facilities which will be affected by non-compliance including a brief description of how such facilities will be affected.

(ii) A description of the alternative actions considered with emphasis on those alternatives which, if taken, would be in compliance with these guidelines.

(iii) The rationale for the action chosen by the agency including technical data and policy considerations used in arriving at this decision.

In covering these points, agencies should make every effort to present the information succinctly in a form easily understood, but in sufficient detail so that the Administrator and the public may understand the factors influencing the decision not to adopt the requirements of these guidelines.

(2) The report shall be submitted to the Administrator as soon as possible after a final agency decision has been made not to adopt the requirements of these guidelines, but in no case later than 60 days after the final decision. The Administrator will indicate to the agency his concurrence/nonconcurrence with the agency's decision, including his reasons.

(3) Implementation of actions not in compliance with these guidelines shall be deferred, where feasible, in order to give the Administrator time to receive, analyze, and seek clarification of the required report.

(4) It is recommended that where the report on non-compliance concerns an action for which an Environmental Impact Statement (EIS) is required by the National Environmental Policy Act, that the report be circulated simultaneously with the EIS, since much of the information to satisfy the requirements of the report will be useful in the preparation of the EIS.

§ 243.101 Definitions.

As used in these guidelines:

(a) "Alley collection" means the collection of solid waste from containers placed adjacent to or in an alley.

(b) "Agricultural solid waste" means the solid waste that is generated by the rearing of animals, and the producing and harvesting of crops or trees.

(c) "Bulky waste" means large items of solid waste such as household appliances, furniture, large auto parts, trees, branches, stumps, and other oversize wastes whose large size precludes or complicates their handling by normal solid waste collection, processing, or disposal methods.

(d) "Carryout collection" means collection of solid waste from a storage area proximate to the dwelling unit(s) or establishment.

(e) "Collection" means the act of removing solid waste (or materials which have been separated for the purpose of recycling) from a central storage point.

(f) "Collection frequency" means the number of times collection is provided in a given period of time.

(g) "Commercial solid waste" means all types of solid wastes generated by stores, offices, restaurants, warehouses, and other non-manufacturing activities, excluding residential and industrial wastes.

(h) "Compactor collection vehicle" means a vehicle with an enclosed body containing mechanical devices that convey solid waste into the main compartment of the body and compress it into a smaller volume of greater density.

(i) "Construction and demolition waste" means the waste building materials, packaging, and rubble resulting from construction, remodeling, repair, and demolition operations on pavements, houses, commercial buildings, and other structures.

(j) "Curb collection" means collection of solid waste placed adjacent to a street.

(k) "Federal facility" means any building, installation, structure, land, or public work owned by or leased to the Federal Government. Ships at sea, air-

craft in the air, land forces on maneuvers, and other mobile facilities are not considered "Federal facilities" for the purpose of these guidelines. United States Government installations located on foreign soil or on land outside the jurisdiction of the United States Government are not considered "Federal facilities" for the purpose of these guidelines.

(l) "Food waste" means the organic residues generated by the handling, storage, sale, preparation, cooking, and serving of foods, commonly called garbage.

(m) "Generation" means the act or process of producing solid waste.

(n) "Hazardous waste" means a waste or combination of wastes of a solid, liquid, contained gaseous, or semisolid form which may cause, or contribute to, an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness, taking into account the toxicity of such waste, its persistence and degradability in nature, its potential for accumulation or concentration in tissue, and other factors that may otherwise cause or contribute to adverse acute or chronic effects on the health of persons or other organisms.

(o) "Industrial solid waste" means the solid waste generated by industrial processes and manufacturing.

(p) "Infectious waste" means: (1) equipment, instruments, utensils, and fomites of a disposable nature from the rooms of patients who are suspected to have or have been diagnosed as having a communicable disease and must, therefore, be isolated as required by public health agencies; (2) laboratory wastes, such as pathological specimens (e.g., all tissues, specimens of blood elements, excreta, and secretions obtained from patients or laboratory animals) and disposable fomites (any substance that may harbor or transmit pathogenic organisms) attendant thereto; (3) surgical operating room pathologic specimens and disposable fomites attendant thereto, and similar disposable materials from outpatient areas and emergency rooms.

(q) "Institutional solid waste" means solid wastes generated by educational, health care, correctional, and other institutional facilities.

(r) "Mining wastes" means residues which result from the extraction of raw materials from the earth.

(s) "Residential solid waste" means the wastes generated by the normal activities of households, including, but not limited to, food wastes, rubbish, ashes, and bulky wastes.

(t) "Responsible agency" means the organizational element that has the legal duty to ensure compliance with these guidelines.

(u) "Rubbish means a general term for solid waste, excluding food wastes and ashes, taken from residences, commercial establishments, and institutions.

(v) "Satellite vehicle" means a small collection vehicle that transfers its load into a larger vehicle operating in conjunction with it.

(w) "Scavenging" means the uncontrolled and unauthorized removal of materials at any point in the solid waste management system.

(x) "Sludge" means the accumulated semiliquid suspension of settled solids deposited from wastewaters or other fluids in tanks or basins. It does not include solids or dissolved material in domestic sewage or other significant pollutants in water resources, such as silt, dissolved materials in irrigation return flows or other common water pollutants.

(y) "Solid waste" means garbage, refuse, sludges, and other discarded solid materials, including solid waste materials resulting from industrial, commercial, and agricultural operations, and from community activities, but does not include solid or dissolved materials in domestic sewage or other significant pollutants in water resources, such as silt, dissolved or suspended solids in industrial wastewater effluents, dissolved materials in irrigation return flows or other common water pollutants. Unless specifically noted otherwise, the term "solid waste" as used in these guidelines shall not include mining, agricultural, and industrial solid wastes; hazardous wastes; sludges; construction and demolition wastes; and infectious wastes.

(z) "Stationary compactor" means a powered machine which is designed to compact solid waste or recyclable materials, and which remains stationary when in operation.

(aa) "Storage" means the interim containment of solid waste after generation and prior to collection for ultimate recovery or disposal.

(bb) "Solid waste storage container" means a receptacle used for the temporary storage of solid waste while awaiting collection.

(cc) "Street wastes" means materials picked up by manual or mechanical sweepings of alleys, streets, and sidewalks; wastes from public waste receptacles; and material removed from catch basins.

(dd) "Transfer station" means a site at which solid wastes are concentrated for transport to a processing facility or land disposal site. A transfer station may be fixed or mobile.

(ee) "Vector" means a carrier that is capable of transmitting a pathogen from one organism to another.

Subpart B—Requirements and Recommended Procedures

§ 243.200 Storage.

§ 243.200–1 Requirement.

(a) All solid wastes (or materials which have been separated for the purpose of recycling) shall be stored in such a manner that they do not constitute a fire, health, or safety hazard or provide food or harborage for vectors, and shall be contained or bundled so as not to result in spillage. All solid waste containing food wastes shall be securely stored in covered or closed containers which are nonabsorbent, leakproof, durable, easily cleanable (if reusable), and designed for safe handling. Containers shall be of an adequate size and in sufficient numbers to contain all food wastes, rubbish, and ashes that a residence or other establishment generates in the period of time between collections. Containers shall be maintained in a clean condition so that they do not constitute a nuisance, and to retard the harborage, feeding, and breeding of vectors. When serviced, storage containers should be emptied completely of all solid waste.

(b) Storage of bulky wastes shall include, but is not limited to, removing all doors from large household appliances and covering the item(s) to reduce the problems of an attractive nuisance, and the accumulation of solid waste and water in and around the bulky items.

(c) Reusable waste containers which are emptied manually shall not exceed 75 pounds (34.05 kg) when filled, and shall be capable of being serviced without the collector coming into physical contact with the solid waste.

(d) In the design of all buildings or other facilities which are constructed, modified, or leased after the effective date of these guidelines, there shall be provisions for storage in accordance with these guidelines which will accommodate the volume of solid waste anticipated, which may be easily cleaned and maintained, and which will allow for efficient, safe collection.

§ 243.200–2 Recommended procedures: Design.

(a) Reusable waste containers should be constructed of corrosion resistant metal or other material which will not absorb water, grease, or oil. The containers should be leakproof, including sides, seams, and bottoms, and be durable enough to withstand anticipated usage without rusting, cracking, or deforming in a manner that would impair serviceability. The interior of the container should be smooth without interior projections or rough seams which would make it difficult to clean or interfere with its emptying. The exterior of the container should be safe for handling with no cracks, holes, or jagged edges. Containers should be stored on a firm, level, well-drained surface which is large enough to accommodate all of the containers and which is maintained in a clean, spillage-free condition.

(1) Reusable waste containers which are emptied manually should have a capacity of no more than 35 gallons (132.5 l) in volume, unless they are mounted on casters and can be serviced by being rolled to the collection vehicle and tilted for emptying. The containers should be constructed with rounded edges and tapered sides with the larger diameter at the top of the container to facilitate discharge of the solid waste by gravity. Containers should have two handles or bails located directly opposite one another on the sides of the container. Containers should have covers which are tight-fitting to resist the intrusion of water and vectors, and should be equipped with a suitable handle. Containers should be designed so that they cannot be tipped over easily.

(2) Reusable waste containers which are emptied mechanically should be designed or equipped to prevent spillage or leakage during on-site storage, collection, or transport. The container should be easily cleanable and designed to allow easy access for depositing the waste and removing it by gravity or by mechanical means. The containers should be easily accessible to the collection vehicle in an area which can safely accommodate the dimensions and weight of the vehicle.

(b) Single-use plastic and paper bags should meet the National Sanitation Foundation Standard No. 31 for polyethylene refuse bags and Standard No. 32 for paper refuse bags, respectively. However, such bags do not need to have been certified by the National Sanitation Foundation. Single-use bags containing food wastes should be stored within the confines of a building or container between collection periods.

§ 243.201 Safety.

§ 243.201–1 Requirement.

Collection systems shall be operated in such a manner as to protect the health and safety of personnel associated with the operation.

§ 243.201–2 Recommended procedures: Operations.

(a) All solid waste collection personnel should receive instructions and training in safe container and waste handling techniques, and in the proper operation of collection equipment, such as those presented in *Operation Responsible: Safe Refuse Collection*.

(b) Personal protective equipment such as gloves, safety glasses, respirators, and footwear should be used by collection employees, as appropriate. This equipment should meet the applicable provisions of the Occupational Safety and Health Administration Standards for Subpart I—Personal Protective Equipment (29 CFR part 1910.132–137).

(c) Scavenging should be prohibited at all times to avoid injury and to prevent interference with collection operations.

(d) When conducting carryout collection, a leakproof and puncture-proof carrying container should be used to minimize the potential for physical contact between the collector and the solid waste or the liquids which may derive from it.

§ 243.202 Collection equipment.

§ 243.202–1 Requirement.

(a) All vehicles used for the collection and transportation of solid waste (or materials which have been separated for the purpose of recycling) which are considered to be operating in interstate or foreign commerce shall meet all applicable standards established by the Federal Government, including, but not limited to, Motor Carrier Safety Standards (49 CFR parts 390–396) and Noise Emission Standards for Motor Carriers Engaged in Interstate Commerce (40 CFR part 202). Federally owned collection vehicles shall be operated in compliance with Federal Motor Vehicle Safety Standards (49 CFR parts 500–580).

(b) All vehicles used for the collection and transportation of solid waste (or materials which have been separated for the purpose of recycling) shall be enclosed or adequate provisions shall be made for suitable cover, so that while in transit there can be no spillage.

(c) The equipment used in the compaction, collection, and transportation of solid waste (or materials which have been separated for the purpose of recycling) shall be constructed, operated, and maintained in such a manner as to minimize health and safety hazards to solid waste management personnel and the public. This equipment shall be maintained in good condition and kept clean to prevent the propagation or attraction of vectors and the creation of nuisances.

(d) Collection equipment of the following types used for the collection, storage, and transportation of solid waste (or materials which have been separated for the purpose of recycling) shall meet the standards established by the American National Standards Institute (ANSI Z245.1, Safety Standards for Refuse Collection Equipment) as of the effective date(s) established in ANSI Z245.1:

(1) Rear-loading compaction equipment.
(2) Side-loading compaction equipment.
(3) Front-loading compaction equipment.
(4) Tilt-frame equipment.
(5) Hoist-type equipment.
(6) Satellite vehicles.
(7) Special collection compaction equipment.
(8) Stationary compaction equipment.

In the procurement of new collection equipment before the effective dates of ANSI Z245.1, equipment which meets the standards shall be obtained if available.

§ 243.202–2 Recommended procedures: Design.

(a) Whenever possible, enclosed, metal, leak-resistant compactor vehicles should be used for the collection of solid wastes.

(b) Safety devices, including, but not limited to, the following should be provided on all collection vehicles:

(1) Exterior rear-view mirrors.
(2) Back-up lights.
(3) Four-way emergency flashers.
(4) Easily accessible first aid equipment.
(5) Easily accessible fire extinguisher.
(6) Audible reverse warning device.

(c) If crew members ride outside the cab of the collection vehicle for short trips the vehicle should be equipped with handholds and platforms big enough to safeguard against slipping.

(d) Vehicle size should take into consideration: local weight and height limits for all roads over which the vehicle will travel; turning radius; and loading height in the unloading position to insure overhead clearance in transfer stations, service buildings, incinerators, or other facilities.

(e) Engines which conserve fuel and minimize pollution should be used in collection vehicles to reduce fuel consumption and air pollution.

§ 243.202–3 Recommended procedures: Operations.

(a) Collection vehicles should be maintained and serviced according to manufacturers' recommendations, and receive periodic vehicle safety checks, including, but not limited to, inspection of brakes, windshield wipers, taillights, backup lights, audible reverse warning devices, tires, and hydraulic systems. Any irregularities should be repaired before the vehicle is used. Vehicles should also be cleaned thoroughly at least once a week.

(b) Solid waste should not be allowed to remain in collection vehicles over 24 hours and should only be left in a vehicle overnight when this practice does not constitute a fire, health, or safety hazard.

§ 243.203 Collection frequency.

§ 243.203–1 Requirement.

Solid wastes (or materials which have been separated for the purpose of recycling) shall be collected with frequency sufficient to inhibit the propagation or attraction of vectors and the creation of nuisances. Solid wastes which contain food wastes shall be collected at a minimum of once during each week. Bulky wastes shall be collected at a minimum of once every 3 months.

§ 243.203–2 Recommended procedures: Operations.

(a) The minimum collection frequency consistent with public health and safety should be adopted to minimize collection costs and fuel consumption. In establishing collection frequencies, generation rates, waste composition, and storage capacity should be taken into consideration.

(b) When solid wastes are separated at the point of storage into various categories for the purpose of resource recovery, a collection frequency should be designated for each waste category.

§ 243.204 Collection management.

§ 243.204–1 Requirement.

The collection of solid wastes (or materials which have been separated for the purpose of recycling) shall be conducted in a safe, efficient manner, strictly obeying all applicable traffic and other laws. The collection vehicle operator shall be responsible for immediately cleaning up all spillage caused by his operations, for protecting private and public property from damage resulting from his operations, and for creating no undue disturbance of the peace and quiet in residential areas in and through which he operates.

§ 243.204–2 Recommended procedures: Operations.

(a) Records should be maintained detailing all costs (capital, operating, and maintenance) associated with the collection system. These records should be used for scheduling maintenance and re-

placement, for budgeting, and for system evaluation and comparison.

(b) The collection system should be reviewed on a regular schedule to assure that environmentally adequate, economical, and efficient service is maintained.

(c) Solid waste collection systems should be operated in a manner designed to minimize fuel consumption, including, but not limited to, the following procedures.

(1) Collection vehicle routes should be designed to minimize driving distances and delays.

(2) Collection vehicles should receive regular tuneups, tires should be maintained at recommended pressures, and compaction equipment should be serviced regularly to achieve the most efficient compaction.

(3) Compactor trucks should be used to reduce the number of trips to the disposal site.

(4) When the distance or travel time from collection routes to disposal sites is great, transfer stations should be used when cost effective.

(5) Residential solid waste containers which are serviced manually should be placed at the curb or alley for collection.

(6) For commercial wastes which do not contain food wastes, storage capacity should be increased in lieu of more frequent collection.

APPENDIX—RECOMMENDED BIBLIOGRAPHY

1. American National Standard Z245.1. Safety standard for refuse collection equipment. New York. The American National Standards Institute.

2. Decision-Makers guide in solid waste management. Environmental Protection Publication SW-127. Washington, U.S. Government Printing Office, 1974.

3. Grupenhoff, B. L., and K. A. Shuster. Paper and plastic solid waste sacks; a summary of available information; a Division of Technical Operations open-file report (TO 18.1.03.1). [Cincinnati], U.S. Environmental Protection Agency, 1971. 17 p. [Restricted distribution].

4. Hegdahl, T. A., Solid waste transfer stations; a state-of-the-art report on systems incorporating highway transportation. U.S. Environmental Protection Agency, 1972. 160 p. (Distributed by National Technical Information Service, Springfield, Virginia, as PB 213 511).

5. National Sanitation Foundation standard no. 31 for polyethylene refuse bags. Ann Arbor, The National Sanitation Foundation, May 22, 1970. 6 p.

6. National Sanitation Foundation standard no. 32 for paper refuse sacks. Ann Arbor, The National Sanitation Foundation, Nov. 13, 1970. 6 p.

7. National Sanitation Foundation standard no. 13 for refuse compactors and compactor systems. Ann Arbor, The National Sanitation Foundation, March 1973. 12 p.

8. Operation responsible (a safety training manual for S.W. Collection): Safe refuse collection: instructor's manual with slides, training manual with slides, and 16 mm film. Available from the National Audiovisual Center, General Services Administration, Washington, D.C. 20409.

9. Ralph Stone and Company, Inc. The use of bags for solid waste storage and collection. Environmental Protection Publication SW-42d. U.S. Environmental Protection Agency, 1972. 264 p. (Distributed by National Technical Information Service, Springfield, Virginia, as PB 212 590).

10. Shuster, K. A., and D. A. Schur. Heuristic routing for solid waste collection vehicles. Environmental Protection Publication SW-113. Washington, U.S. Government Printing Office, 1974. 45 p.

11. Shuster, K. (Office of Solid Waste Management Programs.) Analysis of fuel consumption for solid waste management. Unpublished data, January 1974.

12. U.S. Environmental Protection Agency. Pesticides and pesticides containers; regulations for acceptance and recommended procedures for disposal and storage. *Federal Register*, 39 (85): 15235–15241, May 1, 1974.

13. U.S. Environmental Protection Agency. Pesticides and pesticides containers; proposed regulations for prohibition of certain acts regarding disposal and storage. *Federal Register*, 39 (200): 36847–36950, October 15, 1974.

[FR Doc.76-4379 Filed 2-12-76;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 101—FEDERAL PROPERTY MANAGEMENT REGULATIONS

SUBCHAPTER D—PUBLIC BUILDINGS AND SPACE

[FPMR Amdt. D-48]

PART 101–20—MANAGEMENT OF BUILDINGS AND GROUNDS

Subpart 101–21.1—Building Operations, Maintenance, Protection, and Alterations

CHANGE OF FEDERAL BUILDING HUMIDITY CONTROL AND SUBMISSION OF FEDERAL ENERGY ADMINISTRATION ENERGY CONSERVATION REPORT; CORRECTION

The amendment to Part 101–20 of Subchapter D of Title 41 of the Code of Federal Regulations published in the FEDERAL REGISTER on November 6, 1974, at 39 FR 39266 is corrected as requested by the Federal Energy Administration to eliminate the prohibition of humidity control for the heating season and to change the reporting procedure and interagency report control number as follows:

§ 101–20.116–3 Cooling and heating energy conservation policies and procedures.

* * * * *

(c) Humidity control shall not be provided for general office space during the cooling season. Requirements for humidity controls in special type space or certain geographic locations will be handled on an individual basis by the official responsible for operation and maintenance of the facility with the concurrence of the agency Energy Conservation Coordinator. Humidity controls may be provided during the heating season for general office space.

* * * * *

§ 101–20.116–6 Reporting requirements.

(a) Each agency shall report the energy consumption in buildings and facilities under its control within 45 calendar days after the end of each quarter, as specified in the Federal Energy Administration Energy Conservation Performance Report, Form FEA U 502–0–0. Forms shall be mailed to the Federal Energy Administration, Mail Code 2898, Washington, DC 20461. In addition, a copy of the report shall be sent simultaneously to the Administrator of General Services, Washington, DC 20405.

(b) This report has been cleared in accordance with FPMR 101–11.11 and assigned interagency report control number 1492–FEA–OU.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c) and Federal Management Circular 74–1)

Effective date. This regulation is effective on February 13, 1976.

Dated: February 4, 1976.

JACK ECKERD,
Administrator of General Services.

[FR Doc.76-4223 Filed 2-12-76;8:45 am]

SUBCHAPTER E—SUPPLY AND PROCUREMENT

[FPMR Amdt. E-179]

PART 101–26—PROCUREMENT SOURCES AND PROGRAMS

Subpart 101–26.1—General

REQUEST FOR WAIVERS

This regulation advises agencies that requests for waivers to procure similar items from other than GSA supply sources are not acceptable when based on the cost of the item alone without other justification.

Section 101–26.100–2 is amended to read as follows:

§ 101–26.100–2 Request for waivers.

When items or services provided by GSA stock or Federal Supply Schedule will not serve the required functional end-use purpose, requests to waive the requirement for use of GSA sources shall be submitted to GSA for consideration. Personal preference, subjective evaluations, or lower cost without other substantive considerations are not acceptable as sufficient justification for a waiver. Waivers are not required for items or services procured in accordance with policy set forth in § 101–26.100–1 relating to the acquisition of the lowest cost item from GSA sources.

* * * * *

(Sec. 205(c), 63 Stat. 390; (40 U.S.C. 486(c)))

Effective date. This regulation is effective on February 13, 1976.

Dated: February 4, 1976.

JACK ECKERD,
Administrator of General Services.

[FR Doc.76-4307 Filed 2-12-76;8:45 am]

[FPMR Amdt. E-178]

PART 101–26—PROCUREMENT SOURCES AND PROGRAMS

Federal Supply Schedule Contracts

This amendment provides executive agencies and other using activities with revised policy and procedures pertaining to mandatory and non-mandatory use of Federal Supply Schedule contracts.

The table of contents is amended to include revised and reserved entries as follows:

Sec.
101-26.401-5 Non-mandatory use provisions.
101-26.402-2 Schedule features.
101-26.408-4 Placement of orders against multiple-award schedules.
101-26.409 [Reserved]
101-26.410 [Reserved]

Subpart 101-26.4—Purchase of Items From Federal Supply Schedule Contracts

1. Section 101-26.401(a) is revised to read as follows:

§ 101-26.401 Applicability.

* * * * *

(a) The general principles and methods prescribed in this Subpart 101-26.4 apply to all such procurements. Consequently, prior to initiating procurement directly from commercial sources, agencies shall determine whether the required commodities and services or similar commodities and services serving the required functional end-use purpose are available from a Federal Supply Schedule. Agencies shall not solicit bids, proposals, quotations, or otherwise test the market solely for the purpose of seeking alternative sources to Federal Supply Schedules. Further, agencies shall not request formal or informal quotations from Federal Supply Schedule contractors for purposes of contract price comparisons.

* * * * *

2. Section 101-26.401-1 is revised to read as follows:

§ 101-26.401-1 Mandatory use of schedules.

Federal Supply Schedules are mandatory to the extent specified in each schedule. Newly developed schedules and certain other schedules may be mandatory to only one or to a small number of agencies as a primary source of supply.

3. Section 101-26.401-4 is amended to read as follows:

§ 101-26.401-4 Exceptions to mandatory use.

(a) *Urgent requirements.* These are individual bona fide delivery requirements of ordering activities for supplies or services which require shorter delivery times than those specified in the respective contracts. When the contract delivery time is longer than the urgent delivery requirements and the ordering activity determines that time permits, the contractor shall be requested by letter, telegram, or telephone (confirmed in writing) to state the best delivery time which can be met. The contractor shall reply to the inquiry within not more than 3 workdays after receipt, and by the same or a faster communications media than the one by which the inquiry was received. If the accelerated delivery time is acceptable to the ordering activity, any resultant orders shall be delivered within this shorter delivery time and in accordance with all other terms and conditions of the contract. When the contractor fails to reply or his best delivery time does not meet the agency requirements, use of the Federal Supply Schedule is non-mandatory.

(b) *Small requirements.* A dollar or quantitative minimum has been stipulated for most Federal Supply Schedules. Agencies are not obligated to order and contractors are not obligated to accept orders below the stipulated dollar and quantitative minimums. However, such orders may be placed by the agencies subject to acceptance by the contractor. Whenever the schedule states that the contractor will accept orders below the stipulated dollar or quantitative minimum, the contractor is obligated to accept such orders. The Ordering Instructions section of the applicable Federal Supply Schedule shall reflect this information.

(1) Federal Supply Schedules stipulate maximum dollar limitations above which agencies may not submit orders and contractors may not accept orders.

(2) Unless specified otherwise in the schedules, agencies required to use Federal Supply Schedules, including the Department of Defense (DOD) where the requirement falls within DOD-GSA Interagency Purchase Assignments, shall forward to the GSA support region MIL STRIP/FEDSTRIP requisitions for items included in the schedule which exceed the schedule's applicable maximum order limitations. Non-mandatory users of Federal Supply Schedules, including authorized non-appropriated funded activities and other activities for which GSA is authorized by law to procure, may, at their option, forward MIL STRIP/FEDSTRIP requisitions to the appropriate GSA support region.

(3) In accordance with § 101-26.106, agencies should consolidate their requirements to take advantage of price savings available through separate procurement of quantities exceeding the maximum order limitations. Agencies periodically consolidating requirements for one or more items included in a schedule at an agency headquarters office (national, regional, State, bureau, etc.) shall forward such requisitions to the GSA regional office serving the agency headquarters if the total requirement exceeds the maximum order limitation, unless specified otherwise in the schedule.

* * * * *

4. Section 101-26.401-5 is amended to read as follows:

§ 101-26.401-5 Non-mandatory use provisions.

(a) Each Federal Supply Schedule contains provisions whereby, in addition to the agencies included under the mandatory use provisions, all other agencies and activities of the Federal Government (including the legislative and judicial branches and other activities for which GSA is authorized by law to procure), may place orders under the schedule, and contractors may accept such orders. This includes those contractors who have been properly authorized, pursuant to FPR Subpart 1-5.9, to use the Federal Supply Schedules. (Also see § 101-26.407.) When a contractor accepts an order tendered under the nonmandatory use provision, whether by written notice, constructive delivery or performance, or fails to return the order within the specified time (usually 3 calendar days after receipt), all provisions of the contract will apply with respect to that order.

(b) Agencies not subject to the mandatory use provisions of Federal Supply Schedules are encouraged to use the schedule contracts as primary sources of supply, except where purchasing activities of these agencies have actual knowledge that the purchase can be made more advantageously to the Government from a source other than the Federal Supply Schedule, after allowing for the burdens and cost of a new procurement under applicable prescribed procedures. Purchasing activities shall not solicit bids, proposals, quotations, or otherwise test the market solely for the purpose of comparing Federal Supply Schedule prices. Where a procurement from a source of supply other than a non-mandatory schedule indicates that such source may be more advantageous to the Government as a general source, the name and address of the supplier and details of the procurement action shall be forwarded to the GSA office issuing the schedule.

(c) When an executive agency determines that one or more non-mandatory schedules are suitable for use by the agency as mandatory sources of supply, the following action shall be taken:

* * * * *

§ 101-26.402-2 Schedule features.

(a) Federal Supply Schedules are published in catalog style and list under major commodity or service classifications the articles or services available from the contractors named therein. Some schedules involve the use of the contractors' catalogs and pricelists and specify the extent to which such catalogs and pricelists are applicable. Changes to schedules are furnished all agency offices receiving the basic schedule.

(b) Federal Supply Schedules specify that agencies of the Federal Government shall or may, as applicable, issue delivery orders direct to contractors listed in the schedule, receive the shipment, and make payment direct to the contractors without referring the transaction to GSA. The contracts provide for appropriate action in the event of delinquency or default on the part of the contractor. (See § 101-26.403-3.)

6. Section 101-26.402-3 is revised to read as follows:

§ 101-26.402-3 Distribution.

Agency offices desiring to receive current copies of Federal Supply Schedules and catalogs or to be placed on distribution lists for Federal Supply Schedules and catalogs shall execute GSA Form 457, FSS Publications Mailing List Application (illustrated at § 101-26.4902-457), and forward the completed GSA Form 457 to General Services Administration, Centralized Mailing List Services, Building 41, Denver Federal Center, Denver, CO 80225. Copies of GSA Form 457 may also be obtained from the above address.

7. Section 101-26.402-5(b) is revised to read as follows:

§ 101–26.402–5 Contract provisions.

* * * * *

(b) Standard Form 32, General Provisions (Supply Contract) (illustrated at § 1–16.901–32 in the FPR), and GSA Form 1424, GSA Supplemental Provisions (illustrated at § 101–26.4902–1424), are incorporated by reference in Federal Supply Schedule contracts. GSA Form 2891, Standard Provisions—Federal Supply Schedules (to be illustrated in the FPMR at a later date, upon completion of its revision), is incorporated by reference in Federal Supply Schedules and summarizes certain contract provisions and provides ordering information. Special provisions pertinent to a particular schedule and any necessary exceptions to the general provisions are printed in the schedule.

8. Section 101–26.408–1(a) is revised to read as follows:

§ 101–26.408–1 Description.

(a) Multiple-award Federal Supply Schedules cover contracts made with more than one supplier for comparable items at either the same or different prices for delivery to the same geographical area.

* * * * *

9. Section 101–26.408–4(a) is revised to read as follows:

§ 101–26.408–4 Placement of orders against multiple-award schedules.

(a) The possibilities of selectivity among items listed in multiple-award Federal Supply Schedules do not relieve agencies of the responsibility to place orders at the lowest delivered price available (after application of the Buy American differential, when appropriate) unless there are factors for consideration which definitely justify the purchase at other than the lowest price. The responsibility exists whether the value of an order is more or less than the applicable open market limitation. When purchases are made at other than the lowest delivered price available under the applicable Federal Supply Schedule, the delivery order file or other appropriate file should contain a complete justification for the purchase. When an agency, pursuant to an agreement with GSA, submits a request for GSA to purchase an item under a Federal Supply Schedule which is other than the lowest priced item on the schedule, the request shall be accompanied by a complete justification to support the procurement. Justification for such purchases need not accompany requests from overseas activities for overseas deliveries. However, GSA will construe such requests to mean that the justification is in fact in the ordering installation's file.

* * * * *

10. Section 101–26.408–5 is revised to read as follows:

§ 101–26.408–5 Price reductions during contract period.

Each Federal Supply Schedule contract involving multiple awards contains a clause entitled "Price Reductions." In addition, Federal Supply Schedules contain an instruction to using agencies entitled "Notice of Purchase at Reduced Price," which provides that GSA contracting officers be notified of such reductions. Agencies shall issue appropriate implementing procedures to ensure that such notifications are promptly furnished to GSA contracting officers.

§ 101–26.409 [Reserved]
§ 101–26.410 [Reserved]

11. Sections 101–26.409 and 101–26.410 are deleted and reserved.

(Sec. 205(c), 63 Stat. 390, (40 U.S.C. 486 (c)))

Effective date. This regulation is effective on February 13, 1976.

Dated: January 30, 1976.

T. M. CHAMBERS,
Acting Administrator,
General Services Administration.

[FR Doc.76–4306 Filed 2–12–76;8:45 am]

Title 49—Transportation

CHAPTER V—NATINAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 69–19; Notice 11]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Lamps, Reflective Devices, and Associated Equipment

Correction

In FR Doc. 76–28, appearing at page 765 in the issue for Monday, January 5, 1976, the 12th line of the last full paragraph in the second column should read, "luminous area of stop lamps and".

Title 21—Food and Drugs

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

[Docket No. 75N–0342]

PART 8—COLOR ADDITIVES

PART 9—COLOR CERTIFICATION

Termination of Provisional Listing and Certification of FD&C Red No. 2; Change of Effective Date

The Food and Drug Administration (FDA) is changing the effective date of its termination of the provisional listing and certification, hence the approval, of the color additive FD&C Red No. 2, to February 12, 1976.

The Commissioner of Food and Drugs, in a regulation published in the FEDERAL REGISTER of February 10, 1976 (41 FR 5823) amended Parts 8 and 9 (21 CFR Parts 8 and 9) to withdraw approval of FD&C Red No. 2, effective on publication.

The effective date is being changed to February 12, 1976, because the U.S. Court of Appeals for the District of Columbia Circuit temporarily stayed the effectiveness of the agency's action. In accordance with this revised effective date, references (relating to cancellation of certificates) in the February 10 order to "January 28, 1976," are changed to read "February 11, 1976." Because of public confusion over the effective date caused by the Court's stay, the Food and Drug Administration will not take regulatory action if FD&C Red No. 2 was added to food, drugs, or cosmetics on or before February 13, 1976, on the mistaken assumption that the Court's stay was still in effect.

For the convenience of the reader, the amendments to Parts 8 and 9 are set forth below, with the revised effective dates.

Therefore, under 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 2.120), Parts 8 and 9 of Chapter I of Title 21 of the Code of Federal Regulations are amended as follows:

1. Part 8 is amended:

§ 8.501 [Amended]

a. In paragraph (a) of § 8.501 *Provisional lists of color additives* the entry for FD&C Red No. 2 is deleted.

b. In § 8.502, new paragraph (f) is added to read as follows:

§ 8.502 Termination of provisional listings of color additives.

* * * * *

(f) *FD&C Red No. 2.* The Commissioner of Food and Drugs, in order to protect the public health, hereby terminates the provisional listing of FD&C Red No. 2 for use in food, drugs, and cosmetics.

c. In § 8.510, new paragraph (j) is added to read as follows:

§ 8.510 Cancellation of certificates.

* * * * *

(j)(1) Certificates issued for FD&C Red No. 2 and all mixtures containing this color additive are cancelled and have no effect after February 11, 1976, and use of this color additive in the manufacture of food, drugs, or cosmetics after this date will result in adulteration.

(2) The Commissioner finds, on the basis of the scientific evidence before him, that no action has to be taken to remove from the market food, drugs, and cosmetics containing the color additive.

§ 9.61 [Revoked]

2. Part 9 is amended by revoking § 9.61 *FD&C Red No. 2.*

Notice and public procedure are not necessary prerequisites to the promulgation of this order because section 203(d)(2) of Pub. L. 86–618 so provides.

Effective date. These regulations became effective February 12, 1976.

(Title II, Pub. L. 86–618, 74 Stat. 404–407 (21 U.S.C. 376 note))

Dated: February 12, 1976.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc.76–4544 Filed 2–12–76;11:34 am]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

[Docket No. 75F-0273]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

ADHESIVES

The Food and Drug Administration is amending the food additive regulations in § 121.2520 *Adhesives* (21 CFR 121.2520) to provide for safe use of silicon dioxide as a component of food packaging adhesives; effective February 13, 1976; objections by March 15, 1976.

Notice was given by publication in the FEDERAL REGISTER of October 8, 1975 (40 FR 47165) that a petition (FAP 6B3130) had been filed by Minnesota Mining & Manufacturing Co., 3M Center, St. Paul, MN 55101, proposing that § 121.2520 be amended to provide for safe use of silicon dioxide as a component of food packaging adhesives.

The Commissioner of Food and Drugs, having evaluated data in the petition and other relevant material, concludes that § 121.2520 should be amended as set forth below.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1))) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2520 is amended in paragraph (c)(5) by alphabetically adding a new item to the list of substances, to read as follows:

§ 121.2520 Adhesives.

* * * * * *

(c) * * *

(5) * * *

COMPONENTS OF ADHESIVES

Substances	*Limitations*
* * *	* *
Silicon dioxide as defined in Sec. 121.1058(a).	

Any person who will be adversely affected by the foregoing order may at any time on or before March 15, 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. 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. Six 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 through Friday.

Effective date. This order shall become effective February 13, 1976.

(Sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1)))

Dated: February 6, 1976.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.76-4287 Filed 2-12-76;8:45 am]

proposed rules

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

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 31]

EMPLOYMENT TAXES

Repayment of Interest in the Case of Certain Retroactive Elections of Social Security Coverage by Tax-Exempt Organizations

Notice is hereby given that the regulations set forth in tentative form in the attached appendix are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments pertaining thereto which are submitted in writing (preferably six copies) to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, by March 31, 1976. Pursuant to 26 CFR 601.601(b), designations of material as confidential or not to be disclosed, contained in such comments, will not be accepted. Thus, persons submitting written comments should not include therein material that they consider to be confidential or inappropriate for disclosure to the public. It will be presumed by the Internal Revenue Service that every written comment submitted to it in response to this notice of proposed rule making is intended by the person submitting it to be subject in its entirety to public inspection and copying in accordance with the procedures of 26 CFR 601.702(d)(9). Any person submitting written comments who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit a request, in writing, to the Commissioner by March 31, 1976. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER, unless the person or persons who have requested a hearing withdraw their requests for a hearing before notice of the hearing has been filed with the Office of the Federal Register. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

This document contains a proposed amendment to the Employment Tax Regulations (26 CFR Part 31) in order to clarify the regulations under section 3121 (k) of the Internal Revenue Code of 1954 (relating to the waiver of exemption from social security taxes by religious, charitable, and certain other organizations). The amendment proposed in this document, will, when adopted, supersede the temporary regulation adopted in T.D. 7405.

New provisions are proposed to be added to § 31.3121(k)–1(c)(4) that apply in those cases where the waiver certificate, which an organization described in section 501(c)(3) of the Code files in order to elect social security coverage for its employees under title II of the Social Security Act, is to be given retroactive effect. The proposed regulation provides that in order for a certificate making such an election of retroactive coverage to be considered filed with the Internal Revenue Service, the organization must first repay interest it received in connection with a claim for credit or refund of social security taxes in those cases where the claim was based upon the organization's exemption from paying such taxes. However, the interest so paid to the organization must be repaid only to the extent it relates to taxes for which the organization would be liable by reason of the waiver certificate. In the case of a waiver certificate that has been filed prior to the payment of such a refund to the organization, no credit or refund in respect of the taxes for which the certificate waives the exemption is allowable.

If the interest due has been repaid on or before the last day of the calendar month following the calendar quarter in which the certificate is furnished to the Internal Revenue Service, then the certificate is to be considered filed on the date it was originally furnished. If the repayment occurs after such day, the certificate is to be considered filed on the date the interest due is actually repaid.

Proposed amendment to the regulations. In order to clarify the Employment Tax Regulations (26 CFR Part 31) under section 3121(k) of the Internal Revenue Code of 1954, paragraph (c)(4) of § 31.3121(k)–1 is amended by adding at the end thereof the following new sentences:

§ 31.3121(k)–1 Waiver of exemption from taxes.

* * * * *

(c) *Effect of waiver.* * * *

(4) *Administrative provisions applicable when certificate has retroactive effect.* * * * A waiver certificate (as described in section 3121(k)(1) and this section) shall not be considered filed with the Internal Revenue Service unless interest paid to the organization (or credited to its account) in connection with a claim for credit or refund of taxes, which claim was based upon the exemption from taxes the organization is waiving by such certificate, is repaid. The interest so paid must be repaid only to the extent such interest relates to any taxes for which the organization or its employees would be liable by reason of the waiver certificate. Furthermore, when a waiver certificate has been filed prior to the payment of a refund of taxes based upon the exemption from taxes the organization is waiving, no credit or refund in respect of the taxes for which the exemption has been waived shall be allowed. If repayment of the interest is made as required by this subparagraph, on or before the last day of the calendar month following the calendar quarter in which the certificate is furnished to the Internal Revenue Service, such certificate shall be considered to have been filed on the date it was originally furnished. If repayment occurs after that day, such certificate shall be considered to have been filed on the date of the repayment. References in this subparagraph to a waiver certificate refer also to any supplement to such a certificate.

* * * * *

[FR Doc.76–4455 Filed 2–12–76;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 250]

[Release No. 35–19362; File No. S7–614]

HIGHLY PAID EMPLOYEES AND LOANS TO EMPLOYEES

Reports Regarding Compensation and Amendment of Rule Exempting Certain Loans

The Securities and Exchange Commission today invited public comment on proposed modifications of Item 9(a) and Item 9(b) of Form U5S, the annual report for registered holding companies under the Public Utility Holding Company Act of 1935 ("Act"), and related amendments to Rule 48(b) (17 CFR 250.48(b)) under the Act. The amendments, if adopted, may be applied in preparing the U5S report for the calendar year 1975 due May 1, 1976.

Item 9(a) of Form U5S requires, in part, a report of total compensation to employees, other than officers, who during the year were paid $15,000 or more per annum either by one or in the aggregate by more than one of the system companies. Item 9(b) requires the identity and indebtedness of a director, officer, or employee included in Item 9(a), who was indebted to any or all of the system companies in an aggregate sum exceeding $10,000 during the reporting year or on whose behalf any such com-

pany guaranteed or assumed payment of such indebtedness. Rule 48(b) exempts from otherwise applicable requirements of the Act certain loans to officers or employees, or guarantees of such indebtedness, by any system company. The amendments are directed to adjusting the dollar amounts in Item 9(a) to reflect current levels of compensation and to relate more concretely the exemptive standards of Rule 48(b) and the disclosures required in Item 9(b).

It is proposed to amend Item 9(a) by substituting $40,000 or more per year in place of $15,000. Item 9(b) would be amended to limit the reporting requirement to an annual summary of aggregate loans or guarantees. Rule 48(b) would be amended to limit the extent of the exempted transactions and to provide for specific disclosures under the rule in lieu of the itemization now required.

PURPOSE AND EFFECT OF THE AMENDMENTS

1. *Item 9(a).* The part of Item 9(a) of Form U5S which is to be amended was designed to secure disclosure of the magnitude of compensation of highly paid employees who are not officers and the allocation of their aggregate compensation among the companies in a registered holding-company system. Increasing salary levels for such employees have brought a large proportion of the total staff within the scope of the reporting data. In 1974 over 25,000 employees of registered systems were above this level. The original intent is no longer served by the $15,000 minimum salary base.

It appears appropriate to adopt the $40,000 level of compensation now used for comparable purposes in the annual report required under the Securities Exchange Act of 1934 (Form 10K, Item 13). That would seem adequate to indicate, on a systemwide basis, the aggregate compensation of employees in the upper range of the salary scale and the proportion in which it is distributed among the system companies.

2. *Item 9(b).* When a loan is made to an officer or employee, the acquisition by a system company of the note or other evidence of indebtedness is, unless exempted pursuant to section 9(c)(3), subject to Commission approval under sections 9(a)(1) and 10 of the Act. When the loan is guaranteed or liability therefor is assumed by a system company, such guarantee or assumption of liability involves the issuance of a security which is prohibited under section 6(a) unless authorized pursuant to sections 6(b) or 7 of the Act. Rule 48(b) excludes these latter transactions from section 6(a) pursuant to section 3(d) of the Act. It now imposes no limit as to amount either for an individual or in the aggregate. The 1974 reports show over 600 loans aggregating over $10 million. The sole condition of the present rule is that the transactions be undertaken pursuant to a personnel policy of general applicability.

It is proposed to amend Rule 48(b) by providing definite standards for exemption. With Rule 48(b) so amended, there should be no need for listing in Item 9(b) individual transactions with each officer or employee. The proposed amendment to Item 9(b) would substitute a summary of obligations of that character outstanding at the end of the year.

The summary is to include all transactions whether or not exempt under Rule 48(b). The amended item 9(b) will require identification of nonexempt transactions. If the nonexempt transaction is authorized or approved by Commission order, a reference, without further particulars, to the order of the Commission (by date and release number) is sufficient. An order is issued only after public notice and upon an application in which the identity of the officer or employee or other pertinent information is supplied.

3. *Rule 48(b).* Rule 48(b) was adopted December 10, 1954 (Holding Company Act Release No. 12738) in response to a petition in which a registered holding company stated that it seemed necessary to assist relocated employees to finance the purchase of a new home and that an exemption was required to avoid the need for repetitious applications under the Act. Under the proposed amendment to Rule 48(b), a distinction is made between a loan or guarantee with respect to a residence occupied by an employee or that employee's family and other transactions. The financing of a home may involve amounts considerably larger than would be appropriate for other common kinds of financial assistance. With this exception, it is proposed to limit exempted advances or guarantees to not more than $10,000 at any one time outstanding for the benefit of any individual officer or employee. The limitation of the exemption would not preclude an application for an order authorizing a specific transaction under the appropriate provisions of the Act.

In case of a loan by a system company, the exemption of transactions under Rule 48(b) is derived from section 9(c)(3) of the Act which authorizes the Commission to exempt acquisitions of securities "within such limitations, as the Commission may by rules * * * prescribe as appropriate in the ordinary course of business of a registered holding company or a subsidiary company thereof * * *." In the case of a guarantee or an assumption of liability, the exemption from section 6(a) of the Act, which Rule 48(b) will continue to provide, rests on section 3(d) which grants the Commission authority to exempt by rule any "specified class or classes of persons" from the requirements imposed by the Act "as subsidiary companies."

As now in effect, Rule 48(b) extends the exemption from section 6(a) to a registered holding company. Section 3(d) does not authorize any such exemption. Rule 48(b) as to be amended limits the exemption from section 6(a) only to subsidiary companies. But this limitation will not invalidate outstanding transactions undertaken in reliance on the broader reading of Rule 48(b) as now in effect. Section 20(d) of the Act provides that any transaction undertaken in good faith in reliance upon a rule is not rendered invalid if thereafter the rule is amended, rescinded, or determined to be invalid for any reason.

Officers and directors are affiliates as defined in sections 2(a)(11)(C). Rule 48(b) provides the necessary exemption for the affiliate aspect of the transaction pursuant to section 3(d) which extends also to the status of persons as "affiliates."

The proposed amendment also specifies that the "personnel policy of general application" must have been adopted in writing by the board of directors of the company, or by a committee or an executive officer authorized so to act by the board of directors, and that such personnel policy must be communicated to the class of employees to which it applies. The statutory authority on which the exemption rests contemplates, as heretofore, that such policy be related to and appropriate in the ordinary course of business of the company. A copy of the personnel policy statements should be filed as an exhibit to the annual report (Form U5S) or as an amendment thereto.

Commission action. Pursuant to authority in section 20(a) of the Public Utility Holding Company Act of 1935, the Securities and Exchange Commission proposes to amend Form U5S and to revise § 250.48(b) in Chapter II of Title 17 of the Code of Federal Regulations as follows:

1. The identifying statement for the third tabulation in Part II of Item 9(a) of Form U5S, and paragraph 3 of the instructions thereto are each amended to substitute "$40,000" for "$15,000".

2. Item 9(b) of Form U5S is deleted and the following substituted therefor:

(b) *Indebtedness of or guarantee of obligations of directors, officers, or employees.* (1) State the total amount of indebtedness owed to each system company by officers, directors or employees at the end of the year, the number of persons so indebted, and the largest debt included in the total. There may be excluded any advances for travel or other reimbursable expenses, advances intended to be collected from the next payment of compensation, and current indebtedness for goods or services sold in the ordinary course of the business of system companies.

(2) If any system company has directly or indirectly assumed or guaranteed the indebtedness of any director, officer or employee, including the assumption of an obligation to purchase such indebtedness or otherwise to provide a means to pay it if the primary obligor fails to pay, state the total amount of such obligations of each system company outstanding at the end of the year, the number of persons, and the largest obligation included in the total. The amount shall be stated without deduction for possible payments by other persons or for the value of any property securing such obligations.

(3) If during the year the aggregate indebtedness of any officer, director, or employee to all system companies, in-

cluding any obligation incurred for the benefit of such person of the character described in paragraph (2) above, exceeded $10,000 and any part thereof arose from transactions not exempted by Rule 48(b), identify (by release number and date) any order of the Commission authorizing the transaction, or include a brief statement of the transaction, the date thereof, the original amount and the balance at the end of the year, whether it involved an officer or a director, and state why Commission authorization was not required.

3. Present § 250.48(b) is deleted and the following substituted therefor:

§ 250.48 Certain exemptions in connection with appliance sales and loans to officers or employees.

* * * * *

(b) *Exemption in connection with loans to employees.* Each registered holding company and any subsidiary company thereof is exempted from Section 9(a)(1) (49 Stat. 817; 15 U.S.C. 79i) of the Act with respect to the acquisition of any evidence of indebtedness from its employee in consideration of a loan made to such employee and each subsidiary of a registered holding company is exempted from Section 6(a) (49 Stat. 814; 15 U.S.C. 79f) of the Act with respect to the guarantee of indebtedness of its employee:

(1) If such transaction is made pursuant to a personnel policy of general application adopted in writing by the board of directors of such company, or by a committee or executive officer authorized by the board of directors so to act and communicated to the class of employees to which it applies; and does not cause the total amount of guarantees and loans of all companies in the holding-company system to or for the account of such employee, outstanding at the time of the transaction, to exceed the sum of $10,000.

(2) In computing the sum of $10,000, there may be excluded (i) bona fide advances to the employee for travel or other reimbursable expenses; (ii) current indebtedness of the employee for goods or services sold by the system companies in the ordinary course of their business; and (iii) any loan or guarantee secured by a first mortgage on a residence occupied by the employee or by that employee's family.

(3) Each company intending to avail itself of this exemption subsequent to the effective date of this rule shall file, as an exhibit or as an amendment to the system's annual report on Form U5S, a copy of such personnel policy. If any loan or guarantee, exceeding $10,000, with respect to a first mortgage on a residence, is made to an officer or director subsequent to the effective date of this rule, the company shall also file, in the same manner, a statement of the amount of the obligation, the interest rate, terms of payment (which may be described by stating the number and amount of periodic payments) and the identity of the director or officer.

As used in this rule, the term "employee" includes an officer, and does not include a director who is not an officer or employee; and the term "guarantee" includes the assumption of an indebtedness or of an obligation to purchase such indebtedness or otherwise to provide a means of payment if the primary obligor fails to pay.

All interested persons are invited to submit their views and comments on the proposal in writing to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Washington, D.C. 20549, on or before March 2, 1976. All such communications should be filed in triplicate and should refer to File No. S7-614 and will be available for public inspection.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

JANUARY 30, 1976.

[FR Doc.76-4263 Filed 2-12-76;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 THE TREASURY

Fiscal Service

MILITARY BANKING PROGRAM

Application of the Privacy Act

The following Treasury-Defense guidelines govern the application of the Privacy Act (Public Law 93-579, December 31, 1974) to the military banking institutions that operate under DOD Directive 1000.11, "Banking Institutions Serving DOD Personnel on Military Installations," dated December 26, 1974,[1] and DOD Instruction 1000.12, "Policies and Procedures Governing Banking Institutions Serving DOD Personnel on Military Installations," dated February 12, 1975.[1]

(a) Banks, branch banks, and military banking facilities operating on United States military installations do not fall within the purview of the Privacy Act. Such financial institutions do not fit the definition of "agency" to which the Act applies; "any executive department, military department, Government corporation, Government controlled corporation, or other establishment in the executive branch of the Government (including the Executive Office of the President), or any independent regulatory agency." 5 U.S.C. 552(e), 552a(a)(1). Nor are they "government contractors" within the meaning of 5 U.S.C. 552a(m), as they do not operate a system of records on behalf of an agency "to accomplish an agency function." According to the Office of Management and Budget Guidelines for Privacy Act implementation, the provision relating to Government contractors applies only to systems of records "actually taking the place of a Federal system which, but for the contract, would have been performed by an agency and covered by the Privacy Act." 40 FR 28976 (July 9, 1975) Clearly, the subject institutions do not meet these criteria.

Since the Act does not apply to them, such institutions are not required to comply with the provisions of 5 U.S.C. 552a (e)(3) in obtaining and making use of personal information in their relationships with personnel authorized to use such facilities. Thus, such institutions are not required to inform individuals from whom information is requested of: (1) the authority for its solicitation, (2) the principal purpose for which it is intended to be used, (3) the routine uses which may be made of it, or (4) the effects of not providing the information. There are is no requirement to post information of this nature at banking institutions on military installations.

[1] Copies filed as part of the original document.

(b) The banking institutions concerned hold the same position and relationship to their customers and to the Government as they did before enactment of the Privacy Act. Within their usual business relationships, they are still responsible for safeguarding the information provided by their clients and for obtaining only such information as is reasonable and necessary to conduct business. This includes credit information and proper identification, which may include Social Security number, as a precondition for the cashing of checks.

(c) Military banking facilities should, and banks and branch banks may, incorporate the following conditions of disclosure of personal information in all contracts, including loan agreements, savings and demand account signature cards, certificates of deposit agreements, and any other agreements signed by their customers:

I hereby authorize the Department of Defense and its various Departments and Commands to disclose my social security number or other identifier and home address to authorized military banking officials so that they may contact me in connection with my banking business with military banking institutions. All information furnished will be used solely in connection with my banking relationship with the military banking institutions.

When the banking institutions present such signed authorizations, military commands or installations will provide such information without delay.

(d) Even though the agreement described in paragraph (c) has not been obtained, the Department of Defense (DOD) may provide banks, branch banks, and military banking facilities with salary information and, where pertinent, the length or type of civilian or military appointment consistent with the Privacy Act and Freedom of Information Act. Some examples of personal information pertaining to DOD personnel that normally can be released without the creation of an unwarranted invasion of personal privacy are: name, rank, date of rank, salary, present and past duty assignments, future assignments which have been finalized, office phone number, source of commission, educational level, and promotion sequence number.

(e) Even though the agreement described in paragraph (c) has not been obtained, the official business forwarding address for military or civilian personnel who have left a DOD activity being served by a banking institution may be furnished to that institution. However, a home address may not be furnished to a military banking institution without evidence of the consent of the individual concerned, even though he or she may have left military or civilian service. Nevertheless a communication from the institution to the individual may be forwarded by the DOD activity at the expense of the banking institution.

(f) Questions concerning this guidance should be forwarded through channels to the Director for Banking, International Finance and Professional Development, Office of the Assistant Secretary of Defense (Comptroller), Management Systems, Room 3B883, The Pentagon, Washington, D.C. 20301.

DAVID MOSSO,
Fiscal Assistant Secretary, Department of the Treasury.

MAURICE W. ROCHE,
Director, Correspondence and Directives OASD (Comptroller).

FEBRUARY 10, 1976.

[FR Doc.76-4313 Filed 2-12-76;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF SCIENTIFIC ADVISORY BOARD

Meeting

FEBRUARY 2, 1976.

The USAF Scientific Advisory Board Electronic Systems Division Advisory Group, Air Force Systems Command, will hold meetings on March 4, 1976 from 8:30 a.m. to 5:00 p.m. and March 5, 1976 from 8:30 a.m. to 12:00 p.m., at Hanscom Air Force Base, Massachusetts, in the Command Management Center, Building 1606.

The Group will receive classified briefings and hold classified discussions on selected Air Force Command, Control and Communications Programs.

The meetings concern matters listed in section 552(b) of Title 5, United States Code, specifically subparagraph (1) thereof, and that accordingly, the meetings will be closed to the public.

For further information, contact the Scientific Advisory Board Secretariat at 202-697-8404.

JAMES L. ELMER,
Major, USAF, Executive, Directorate of Administration.

[FR Doc.76-4221 Filed 2-12-76;8:45 am]

Office of the Secretary

MILITARY BANKING PROGRAM

Application of the Privacy Act

CROSS REFERENCE: For a document issued jointly by the Treasury Department and the Defense Department concerning the application of the Privacy Act of 1974 to Military Banking Program, see FR Doc. 76-4313, in the notices section of this issue.

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CRAIG DISTRICT ADVISORY BOARD

Meeting

Notice is hereby given that the first meeting of the new Craig District, Bureau of Land Management Multiple-Use Advisory Board will meet March 17, 1976. The meeting will begin at 9:00 a.m. on this date in the auditorium of the First Federal Savings and Loan Building, Craig, Colorado.

The agenda for the meeting will include a discussion of the Board's Charter, organization of the Board and election of officers, a summary presentation of Bureau programs and responsibilities, and a discussion of the major resource programs of the District which may involve future Advisory Board action.

This meeting will be open to the public and interested persons will have an opportunity to make brief oral presentations to the Board or file written statements. Persons requesting oral statement time should notify the Craig District Manager, P.O. Box 248, Craig, Colorado 81625 (Phone 303-824-3289) by Monday, March 15, 1976.

CHARLES W. LUSCHER,
Acting State Director.

[FR Doc.76-4225 Filed 2-12-76;8:45 am]

Office of the Secretary

DALLAS CREEK PROJECT, COLORADO

Land Class Equivalents

1. Section 501(d) of the act of September 30, 1968 (82 Stat. 898), provides that "The Secretary shall, for the Animas-La Plata, Dolores, Dallas Creek, San Miguel, West Divide, and Seedskadee participating projects of the Colorado River storage project, establish the nonexcess irrigable acreage for which any single ownership may receive project water at one hundred and sixty acres of class 1 land or the equivalent thereof, as determined by the Secretary, in other land classes."

2. Accordingly, I have determined and hereby establish that, in computing the equivalent of one hundred and sixty acres of class 1 and in the Dallas Creek, Colona, and Log Hill Mesa service areas of the Dallas Creek Project, each acre of class 2 land shall be counted as seventy-one hundredths of an acre, and each acre of class 3 land shall be counted as sixty-four one hundredths of an acre. Each acre of land in the Uncompahgre Project serviceable area, regardless of land class, shall be counted as a full acre.

THOMAS S. KLEPPE,
Secretary of the Interior.

FEBRUARY 6, 1976.

[FR Doc.76-4386 Filed 2-13-76;8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

CALIFORNIA ADVISORY COMMITTEE

Meeting

The California Advisory Committee to the U.S. Forest Service will meet at 9:00 a.m., March 15, 1976, Room 1329, 630 Sansome Street, San Francisco, California.

The purpose of this meeting is to discuss: (1) New legislation and how it affects programs; (2) current problem situations; (3) Endangered Species Act; (4) Resources Planning Act; (5) coordination with other resource agencies.

The meeting will be open to the public. Persons who wish to attend should notify Douglas R. Leisz, Regional Forester, 630 Sansome Street, San Francisco, California 94111, phone (415) 556-4310. Written statements may be filed with the Committee before or after the meeting.

DOUGLAS R. LEISZ,
Regional Forester.

FEBRUARY 6, 1976.

[FR Doc.76-4219 Filed 2-12-76;8:45 am]

DEERFIELD RIVER AREA, GREEN MOUNTAIN NATIONAL FOREST PROPOSED LAND USE PLAN

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement on the Proposed Land Use Plan for the Deerfield River Area on the Green Mountain National Forest, USDA-FS-R9-DES-(ADM)-76-02.

The environmental statement concerns a proposed land use plan for approximately 2,860 acres of land within the Green Mountain National Forest in the southcentral part of Vermont.

This draft environmental statement was transmitted to CEQ on February 6, 1976.

Copies are available for inspection during regular working hours at the following locations.

USDA, Forest Service, South Agriculture Bldg., Room 3231, 12th St. & Independence Ave., SW, Washington, D.C. 20250.

USDA, Forest Service, Eastern Region, 633 West Wisconsin Avenue, Milwaukee, Wisconsin 53203.

USDA, Forest Service,
Green Mountain National Forest,
Federal Building,
151 West Street, Box 519,
Rutland, Vermont 05701.

A limited number of single copies are available upon request to Forest Supervisor, Green Mountain National Forest, Federal Building, 151 West Street, Box 519, Rutland, Vermont 05701.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ Guidelines.

Written comments are invited from the public, and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Written comments concerning the proposed action and requests for additional information should be addressed to Forest Supervisor, Green Mountain National Forest, Federal Building, 151 West Street, Box 519, Rutland, Vermont 05701. Written comments must be received by April 15, 1976, in order to be considered in the preparation of the final environmental statement.

JAY H. CRAVENS,
Regional Forester.

FEBRUARY 6, 1976.

[FR Doc.76-4220 Filed 2-12-76;8:45 am]

ROCK CREEK ADVISORY COMMITTEE

Meeting

The Rock Creek Advisory Committee will meet at 6:00 p.m. on Thursday, March 11, 1976, in the Community Hall in Drummond, Montana.

The purpose of this meeting will be to review and receive the Committee's comments on the resource inventories for the Lower Rock Creek Planning Unit and to review the proposed themes around which management alternatives will be structured.

The meeting will be open to the public. Any member of the public who wishes to do so shall be permitted to file a written statement with the Committee before or after the meeting. To the extent that time permits, the Committee Chairman may permit interested persons to present oral statements at the meeting.

General participation by members of the public or questioning of Committee members or other participants shall not be permitted unless approved by the majority of Committee members.

Dated: February 5, 1976.

CHARLES B. TRIBE,
Multiple Use Coordinator,
Lolo National Forest.

[FR Doc.76-4218 Filed 2-12-76;8:45 am]

Office of the Secretary

AGRICULTURAL RESEARCH POLICY ADVISORY COMMITTEE

Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Agricultural

Research Policy Advisory Committee (ARPAC) will be held at 9 a.m. on Tuesday, March 16, 1976 in Room 218–A of the USDA Administration Building, Independence Avenue between 12th and 14th Streets, S.W., Washington, D.C.

The Committee is jointly sponsored and chaired by the Department of Agriculture and the National Association of State Universities and Land Grant Colleges.

The matters to be considered at this meeting include activities and progress in national and regional planning for agricultural research, general relationships between USDA and university research agencies, activities by other organizations of interest to ARPAC, and future ARPAC plans and actions.

The meeting will be open to the public. Attendance will be limited to the space available. While no oral presentations will be entertained, anyone may file with the Committee, before or after the meeting a written statement concerning the matters to be discussed. Persons who wish to file written statements, may submit them to Dr. David J. Ward, Research Planning and Coordination, Office of the Secretary, Room 359–A, USDA, Washington, D.C.—Telephone 202–447–3854.

A record of the meeting will be available for public inspection at the above address 60 days after the meeting.

Dated: February 10, 1976.

PAUL A. VANDER MYDE,
Deputy Assistant Secretary.

[FR Doc.76-4373 Filed 2-12-76;8:45 am]

NATIONAL ADVISORY COMMITTEE ON MEAT AND POULTRY INSPECTION

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given that a meeting of the National Advisory Committee on Meat and Poultry Inspection will be held on March 4, 1976, beginning at 9 a.m. in Room 5221, South Building, U.S. Department of Agriculture, Washington, D.C.

The purpose of this Committee is to advise and make recommendations to the Secretary of Agriculture regarding operations pertaining to meat and poultry inspection programs pursuant to section 301 of the Federal Meat Inspection Act and section 5 of the Poultry Products Inspection Act. Matters to be discussed will include net weight, nitrites, Consumer Representation Plan, technical animal fat, departmental study of meat, poultry and egg inspection, and other matters relating thereto.

This meeting is open to the public, but space and facilities are limited. Comments of interested persons may be filed with the Committee before or after the meeting.

Information pertaining to this meeting may be obtained from James K. Payne, Room 4349, South Building, U.S. Department of Agriculture, 14th and Independence Avenue, SW., Washington, D.C. 20250 (Telephone: Area Code (202) 447–6313).

Dated: February 10, 1976.

FRED J. FULLERTON,
Executive Secretary.

[FR Doc.76-4434 Filed 2-12-76;8:45 am]

Rural Electrification Administration

BRAZOS ELECTRIC POWER COOPERATIVE, INC. AND SOUTH TEXAS ELECTRIC COOPERATIVE, INC.

Availability of Environmental Statement

Notice is hereby given that the Rural Electrification Administration has prepared a Draft Environmental Statement in accordance with Section 102(2)(C) of the National Environmental Policy Act of 1969, in connection with proposed loan applications from Brazos Electric Power Cooperative, Inc., P.O. Box 6296, Waco, Texas 76706, and South Texas Electric Cooperative, Inc., P.O. Box 2485, Victoria, Texas 77901. These funds, together with funds from other sources, includes financing for a 447 MW (gross) lignite generating plant, approximately 254 miles of 345 kV transmission line and related substation facilities, 195 miles of 138 kV transmission line and related substation facilities and 25 miles of 69 kV transmission line and related substation facilities.

Additional information may be secured by request submitted to Mr. Richard F. Richter, Assistant Administrator—Electric, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250. Comments are particularly invited from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved from which comments have not been requested specifically.

Copies of the REA Draft Environmental Statement have been sent to various Federal, State and local agencies, as outlined in the Council on Environmental Quality Guidelines. The Draft Environmental Statement may be examined during regular business hours at the offices of REA in the South Agriculture Building, 12th Street and Independence Avenue, S.W., Washington, D.C., Room 4322, or at Brazos Electric Power Cooperative, Inc., P.O. Box 6296, Waco, Texas 76706.

Comments concerning the environmental impact of the construction proposed should be addressed to Mr. Richter at the address given above. Comments must be received on or before April 13, 1976, to be considered in connection with the proposed use of loan funds.

Any loan which may be made pursuant to this application will be subject to, and release of funds thereunder will be contingent upon, REA's reaching satisfactory conclusions with respect to environmental effects and final REA action will be taken only after compliance with Environmental Statement procedures required by the National Environmental Policy Act of 1969.

Dated at Washington, D.C., this 9th day of February 1976.

DAVID A. HAMIL,
Administrator, Rural Electrification Administration.

[FR Doc.76-4382 Filed 2-12-76;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

UNIVERSITY OF WISCONSIN-MILWAUKEE, ET AL.

Consolidated Decision on Applications for Duty-Free Entry of Ultramicrotomes

The following is a consolidated decision on applications for duty-free entry of ultramicrotomes pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (40 FR 12253 et seq., 15 CFR 701, 1975). (See especially 301.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 76–00134–33–46500. Applicant: University of Wisconsin—Milwaukee, Purchasing Office, Post Office Box 4131, Milwaukee, Wisconsin 53201. Article: Ultramicrotome, Model LKB 8800A and accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for studies of biological unicells and tissues of great diversity, representing nearly all plant and animal phyla. Experiments to be conducted will include:

(1) An analysis of the ultrastructural effect in brain tissue of several therapies for alleviating induced cretinism in rats.

(2) A study of the effect of niasin on heart and liver ultrastructure, as used to treat alcoholism in rates.

(3) Studies of the ultrastructure of various animal parasites, including *Acanthocephala, Glossiphonia, complanata, Quinqueserialis quinquerserialis* and *Entamoeba gingivalis.*

(4) Morphological descriptions of yellow-green algae (*Vaucheriaccae*) and golden-brown algae (*Chrysophyaceae*) found in bog water samples for purposes of field identification.

(5) Use of cytological stains at the ultrastructural level to identify erythropoietic areas of tadpole liver, kidney and spleen, as supporting evidence for a biochemical study of frog hemoglobins.

(6) Relationship of the thylakoidal body to the lamellar system in young angiosperm plastids.

(7) The effect of Cesium irradiation on *Coleus* meristem-ultrastructure of resulting macrobodies.

(8) Localization of cellulase production in the fungus *Trichoderma viride*.

The article will also be used for educational purposes in a course on electron microscope techniques which includes theories and techniques of biological specimen preparation, i.e., fixation, embedding, sectioning, staining, viewing, and operating a transmission electron microscope. Application received by Commissioner of Customs: September 12, 1975. Advice submitted by the Department of Health, Education, and Welfare on: January 22, 1976.

Docket Number: 76-00141-33-46500. Applicant: Southern Illinois University, School of Medicine, P.O. Box 3926, Springfield, Illinois 62708. Article: Ultramicrotome, Model Om U3. Manufacturer: C. Reichert Optische Werke AG, Austria. Intended use of article: The article is intended to be used for studies of all types of biopsy, animal tissue, and biomedical material, in particular, tumor, kidney, bone, virus particles and culture tissue. Research projects will be conducted involving acoustic neuroanatomy, virological specimens, bacteriological studies, including morphology of gonorrhea organisms, and several other neural anatomical studies. The article will also be used in the course Techniques in Electron Microscopy for Medical Scientists which covers all aspects of the preparation and examination of biological materials with the electron microscope. Application received by Commissioner of Customs: September 18, 1975. Advice submitted by the Department of Health, Education, and Welfare on: January 22, 1976.

Docket Number: 76-00148-33-46500. Applicant: University of South Carolina, School of Medicine, Columbia, South Carolina 29208. Article: Ultramicrotome, Model Om U3. Manufacturer: C. Reichert Optische Werke AG, Austria. Intended use of article: The article is intended to be used to thin section single neurosecretory neurons that have been previously subjected to scanning electron microscopy (SEM). Individual neurons are dissected and prepared for SEM. After examination, specimens are embedded in plastic, sectioned, and examined by transmission electron microscopy. This procedure allows for both external (SEM) and internal (TEM) examination of neurosecretory neurons at different time. Application received by Commissioner of Customs: September 29, 1975. Advice submitted by the Department of Health, Education, and Welfare on: January 22, 1976.

Docket number: 76-00169-33-46500. Applicant: The University of Texas Health Science Center at San Antonio, Dept. of Anatomy, 7703 Floyd Curl Drive, San Antonio, Texas 78284. Article: Ultramicrotome, Model Om U3 with AO Stereoscopic Microscope. Manufacturer: C. Reichert Optische Werke AG, Austria. Intended use of article: The article is intended to be used for studies of biological specimens of placental tissue from several primate species including human. Studies will be performed to characterize the normal morphology of various primate species comparing one with the other and particularly with the human, and to attempt to correlate differences in structure with abnormal conditions. The articles will also be used in the course, "Techniques for Electron Microscopy" to give students an understanding of the principles of histologic technique for electron microscopy and practical experience in actually accomplishing the procedures necessary to produce material for study with the electron microscope. Application received by Commissioner of Customs: October 16, 1975. Advice submitted by the Department of Health, Education, and Welfare on: January 22, 1976.

Docket number: 76-00170-33-46500. Applicant. Mount Desert Island Biological Laboratory, Salisbury Cove, Maine 04672. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for studies of tissue from local marine, fresh water and terrestrial organisms (bony and cartilagenous fish, birds invertebrates, shell fish and hemichordates) and hamsters. Experiments will be conducted to determine ultrastructural and cytochemical properties of epithelial and endothelial tissues that transport ions, water and macromolecules. Application received by Commissioner of Customs: October 16, 1975. Advice submitted by the Department of Health, Education, and Welfare on: January 22, 1976.

Docket number: 76-00171-33-46500. Applicant: University of Massachusetts, Mass. Agricultural Experiment Station, 217 Stockbridge Hall, Amherst, Mass. 01002. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for studies of biological materials, including plant and animal tissues, viruses and bacteria which exhibit both normal and pathologic structure. A variety of experiments will be conducted involving the structure and behavior of cells and tissues under normal and pathological conditions. The article will also be used for educational purposes in the courses:

(1) Plant Pathology-Plant Virology—concerned with the structure and properties of plant viruses: virus infection and synthesis; virus transmission; symptomatology and physiology of virus-infected plants; assay and purification of plant viruses; as well as identification and control of plant viruses, and

(2) Entomology—Insect Microbiology and Pathology—involving the diseases of insects including classification and biology of the pathogens involved. Application received by Commissioner of Customs: October 16, 1975. Advice submitted by the Department of Health, Education, and Welfare on: January 22, 1976.

Docket number: 76-00183-33-46500. Applicant: Dept. of Health, Education, and Welfare, NIH, NIAID, Rocky Mountain Laboratory, Hamilton, MT 59840. Article: Ultramicrotome, Model Om U3 with accessories. Manufacturer: C. Reichert Optische Werke AG, Austria. Intended use of article: The article is intended to be used for studies of medically important arthropod vectors of disease agents. Developmental studies on normal vs. rickettsial and viral interaction with arthropod host tissues at cellular and subcellular levels will be conducted. Application received by Commissioner of Customs: October 23, 1975. Advice submitted by the Department of Health, Education, and Welfare on: January 22, 1976.

Comments: No comments have been received with respect to any of the foregoing applications. Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for such purposes as these articles are intended to be used, is being manufactured in the United States. Reasons: Each of the foreign articles provides a range of cutting speeds from equal to or less than 0.5 millimeters/second (mm/sec) to equal to or greater than 10 mm/sec. The most closely comparable domestic instrument is the Model MT-2B ultramicrotome which is manufactured by Ivan Sorvall, Inc. (Sorvall). The Model MT-2B has a range of cutting speeds from 0.09 to 3.2 mm/sec. The conditions for obtaining high quality sections that are uniform in thickness depend to a large extent on the hardness, consistency, toughness and other properties of the specimen materials, the properties of the embedding materials and the geometry of the block. In connection with a prior application (Docket No. 69-00118-33-46500) which relates to the duty-free entry of an article in the category of instruments to which the foregoing applications relate, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting (among such [other] obvious factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned." In connection with another prior case (Docket No. 69-00665-33-46500) relating to the duty-free entry of an article in the same category as those described above, HEW advised that "The range of cutting speeds and a capability for the higher cutting speeds is * * * a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section."

In connection with still another prior case (Docket No. 70-00077-33-46500) relating to the duty-free entry of an article similar to those described above, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness etc." requires a maximum range in cutting speed and, further, that "The production of ultrathin serial sections of specimens that have great variation in physical properties is very difficult." Accordingly, HEW advises in its respectively cited memoranda, that cutting speeds in excess of

4 mm/sec are pertinent to the satisfactory sectioning of the specimen materials and the relevant embedding materials that will be used by the applicants in their respective experiments.

For these reasons, we find that the Sorvall Model MT-2B ultramicrotome is not of equivalent scientific value to the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.76-4295 Filed 2-12-76;8:45 am]

UNIVERSITY OF HAWAII SCHOOL OF MEDICINE, ET AL.

Consolidated Decision on Applications for Duty-Free Entry of Ultramicrotomes

The following is a consolidated decision on applications for duty-free entry of ultramicrotomes pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (40 FR 12253 et seq, 15 CFR 701, 1975). (See especially 301.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 75-00462-33-46500. Applicant: University of Hawaii School of Medicine, American Leprosy Missions Leprosy Atelier, Dept. of Pathology, 3675 Kilaueau Avenue, Honolulu, Hawaii 96816. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKE Produkter AB, Sweden. Intended use of article: The article is intended to be used for investigations of human skin and nerves from leprosy patients together with occasional other human tissue, together with a variety of experimental animal leprosy tissue including tissue from the armadillo. These tissues are to be studied morphologically, but most particularly so in relation to human and experimental animal cell interrelationship with human and murine leprosy bacilli especially on a cytochemical and cytoenzymologic basis in a search for understanding of factors in host resistance or susceptibility to these infections. Appliction received by Commissioner of Customs: March 31, 1975. Advice submitted by the Department of Health, Education, and Welfare on: January 22, 1976.

Docket Number: 75-00463-33-46500. Applicant: Veterans Administration Hospital, Research Service 151, Gainesville, Florida 32602. Article: Ultramicrotome Model LKB 8880A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for the ultrastructural study of mammalism tissue, isolated cellular organelles, tissue culture and single cellcutures. Experiments to be conducted will include ultrastructural studies on cellular injury in the inner cortex of the rat kidney resulting from renal ischemia, injury to the uretar, the experimental manipulation of tissue environment and the results of injury caused by this manipulation on isolated nuclei, mitochondria and brush border membrane. Application received by Commissioner of Customs: March 31, 1975. Advice submitted by the Department of Health, Education, and Welfare on: January 22, 1976.

Docket number: 75-00464-33-46500. Applicant: City of Hope Medical Center, Department of Anatomic Pathology, 1500 E. Duarte Rd., Duarte, California 91010. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for studies of biological materials, mainly human tissues derived from surgical or autopsy procedures. Tissues will be studied to identify cell histogenesis, and to aid diagnosis of human pathology. Application received by Commissioner of Customs: March 31, 1975. Advice submitted by the Department of Health, Education, and Welfare on: January 22, 1976.

Docket number: 75-00471-33-46500. Applicant: Louisiana State University Medical Center, 1452 Tulane Avenue, New Orleans, Louisiana 70112. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for studies of cell culture in the presence of various metabolic inhibitors to synchronize the viral replication cycle. In addition, techniques of immunoelectron microscopy, such as the use of ferritin-conjugated antibody, will be employed to identify the site of synthesis of components of replicating virus before their assembly into recognizable viral structures. The article will also be used in training of advanced graduate students who have a particular interest in techniques utilized in ultrastructural aspects of virus-host systems. Application received by Commissioner of Customs: April 9, 1975. Advice submitted by the Department of Health, Education, and Welfare on: January 23, 1976.

Docket number: 75-00486-33-46500. Applicant: Bronx Lebanon Hospital Center, 1650 Grand Concourse, Bronx, N.Y. 10457. Article: Ultramicrotome, Model Om U2. Manufacturer: C. Reichert Optische Werke, Austria. Intended use of article: The article is intended to be used for investigation of the following:

(1) Response of the small intestinal mucosa to glucagon administration,

(2) Fat accumulation and absorption by damaged intestinal mucosa in humans,

(3) The small intestinal mucosa in an experimental model of marasmus.

The article will also be used to train the Post-Doctoral Fellows in the Department of Pediatrics that want to specialize in gastroenterology. Application received by Commissioner of Customs: April 21, 1975. Advice submitted by the Department of Health, Education, and Welfare on: January 22, 1976.

Docket number: 75-00491-33-46500. Applicant: University of Cincinnati, College of Medicine, Bethesda Avenue, Cincinnati, Ohio 45627. Article: Ultramicrotome, Model Om U3. Manufacturer: C. Reichert Optische Werke, Austria. Intended use of article: The article is intended to be used for sectioning of biological materials in preparation for observation by light and electron microscopy. Specific research projects for which the article is intended to be used are: (a) Morphological and histochemical observations on the fore stomach of the mouse, (b) morphologic changes in testicular interstitial tissue of the rat after cryptorchilism or x-irradiation, (c) ultrastructural studies on embryonic chick connective tissues. In addition, the article is intended to be used for educational purposes in the courses (Microanatomy (Histology) and Research Techniques in which students will be trained to use the article by individual instruction and manipulation of the article. Application received by Commissioner of Customs: April 24, 1975. Advice submitted by the Department of Health, Education, and Welfare on: January 22, 1976.

Docket number: 76-00129-33-46500. Applicant: University of Pennsylvania—School of Medicine, Dept. of Neurology, 3400 Spruce Street, Philadelphia, Pa. 19104. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for the following research which requires ultramicrotomy:

(a) The analysis of nerve fiber damage and regeneration in human neuropathies, especially diabetic neuropathy.

(b) The elucidation of the newly discovered defect in nerve in mice with muscular dystrophy.

(c) The elucidation of the pathogenesis of acrylamide neuropathy in mice.

These investigations are to further elucidate the structure and function of normal and diseased nerve with hopes of devising more successful modes of treatment. Application received by Commissioner of Customs: September 10, 1975. Advice submitted by the Department of Health, Education, and Welfare on: January 22, 1976.

Comments: No comments have been received with respect to any of the foregoing applications. Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for such purposes as these articles are intended to be used, is

being manufactured in the United States. Reasons: Each of the foreign articles provides a range of cutting speeds from equal to or less than 0.5 millimeters/second (mm/sec) to equal to or greater than 10 mm/sec. The most closely comparable domestic instrument is the Model MT–2B ultramicrotome which is manufactured by Ivan Sorvall, Inc. (Sorvall). The Model MT–2B has a range of cutting speeds from 0.09 to 3.2mm/sec. The conditions for obtaining high quality sections that are uniform in thickness depend to a large extent on the hardness, consistency, toughness and other properties of the specimen materials, the properties of the embedding materials and the geometry of the block. In connection with a prior application (Docket No. 69–00118–33–46500) which relates to the duty-free entry of an article in the category of instruments to which the foregoing applications relate, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting (among such [other] obvious factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned."

In connection with another prior case (Docket No. 69–00665–33–46500) relating to the duty-free entry of an article in the same category as those described above, HEW advised that "The range of cutting speeds and a capability for the higher cutting speeds is * * * a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section." In connection with still another prior case (Docket No. 70–00077–33–46500) relating to the duty-free entry of an article similar to those described above, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness etc." requires a maximum range in cutting speed and, further, that "The production of ultrathin serial sections of specimens that have great variation in physical properties is very difficult." Accordingly, HEW advises in its respectively cited memoranda, that cutting speeds in excess of 4 mm/sec are pertinent to the satisfactory sectioning of the specimen materials and the relevant embedding materials that will be used by the applicants in their respective experiments.

For these reasons, we find that the Sorvall Model MT–2B ultramicrotome is not of equivalent scientific value to the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.76–4296 Filed 2–12–76;8:45 am]

QUEEN'S MEDICAL CENTER AND LESTER E. COX MEDICAL CENTER

Consolidated Decision on Applications for Duty-Free Entry of EMI Scanner Systems

The following is a consolidated decision an applications for duty-free entry of EMI Scanner Systems pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (40 FR 12253 et seq., 15 CFR 701, 1975). (See especially Section 301.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 76–00180–33–90000. Applicant: The Queen's Medical Center, 1301 Punchbowl Street, Honolulu, Hawaii 96813. Article: EMI Scanner System. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used for threefold functions; teaching, clinical service and research. Medical students, interns and residents are receiving training in the principles of operation and advantages of the technique of the scanner system. Research will be conducted on neurological patients (e.g. rapid differentiation of cerebral (cortical) atrophy versus normal pressure hydrocephalus). A retrospective study of the cost effectiveness of the article will also be performed. Application received by Commissioner of Customs: October 23, 1975. Advice submitted by the Department of Health, Education, and Welfare on: January 22, 1976. Article ordered: December 9, 1974.

Docket number: 76–00197–99–90000. Applicant: Lester E. Cox Medical Center, 1423 North Jefferson Avenue, Springfield, Missouri 65802. Article: EMI Scanner with Magnetic Tape Storage System. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used in training students in the use of the EMI Scanner in the course Special Procedures Technology which includes arteriography (coronary, cerebral, abdominal, etc.), venography, myelography, pneumoencephalography, ventriculography, arthography and ultrasonography. Application received by Commissioner of Customs: November 5, 1975. Advice submitted by the Department of Health, Education, and Welfare on: January 22, 1976. Article ordered: February 12, 1975.

Comments: No comments have been received with respect to any of the foregoing applications. Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for such purposes as these articles are intended to be used, is being manufactured in the United States. Reasons: Each foreign article is a newly developed system which is designed to provide precise transverse axial X-ray tomography. Although competitive systems are now being manufactured domestically, none of these systems were available at the time the articles were ordered. The Departmnt of Health, Education, and Welfare (HEW) advised in its respectively cited memoranda that the sensitivity and the non-invasive methodology of each article are pertinent to the purposes for which each foreign article is intended to be used. HEW also advised that it knows of no domestic instrument of equivalent scientific value to any of the articles to which the foregoing applications relate for such purposes as these articles are intended to be used which was being manufactured in the United States at the time the articles were ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which were being manufactured in the United States at the time the articles were ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.76–4297 Filed 2–12–76;8:45 am]

Economic Development Administration

ASPARAGUS INDUSTRY

Study of Producing Firms

SUMMARY

The Department of Commerce has coducted a study of the asparagus industry under Section 264 of the Trade Act of 1974. Such a study is required whenever the U.S. International Trade Commission makes an industry investigation under Section 201. In its January 12, 1976, report, the Commission was equally divided on the basic issue of whether increased asparagus imports are causing or threatening to cause serious injury to the domestic asparagus industry.

THE PRODUCT

The vegetable asparagus is the young stalks (shoots) of a plant which is a perennial herb or seed-producing plant that dies back to the ground after each growing season and then reappears the next year. Asparagus has three varieties: green, white, and green-tipped white. The harvesting and processing of asparagus is labor intensive.

BASIC CONDITIONS IN THE INDUSTRY

Asparagus production in the United States was fairly stable for a ten-year period beginning in 1955 but has declined markedly since 1964. In 1975, asparagus production fell to 213 million pounds, about 58 percent of the 1960–64 average.

Increased imports are probably a relatively minor factor behind the production decline. For 1960–64, asparagus imports averaged just 1.2 million pounds—about 0.4 percent of U.S. consumption. Beginning in 1966, however, imports began to climb. After peaking at 21.8 million pounds in 1973, combined imports of fresh, canned, and frozen asparaus declined to 17.8 million pounds in 1975.

Although this is fifteen times as high as the 1960–64 average, it is only 8 percent as much as domestic production. Moreover, the 16.6-million-pound import increase over the 1960–64 average amounts to only 10.6 percent of the 156-million-pound production decrease from the 1960–64 average. Using 1970 as the point of reference, the import increase still is only 15.6 percent of the production decrease. Moreover, two-thirds of the post-1970 drop in production occurred since 1973, when imports were falling. A large production decline in 1975 was the result primarily of a high carryover of canned asparagus stock at the beginning of the 1975 canning season.

Decreased exports, rather than increased imports, are considered a major factor behind the production decline. After climbing fairly steadily until 1962 and remaining roughly constant during the 1962–64 period, net exports of asparagus fell rapidly. From the 1962–64 average of 68.0 million, exports went to a 1976 level of 14.0 million pounds, primarily because of the loss to Taiwan of the European market for canned white asparagus.

Per capita consumption of asparagus in the U.S. has been dropping since the 1950's; it went from 2.05 pounds in 1959 to 1.51 in 1969 to 1.21 in 1974. The immediate causes of the consumption decline are (1) higher prices, (2) the 1974–75 recession, (3) reduced acreage—this is partly an effect but mainly a cause—and (4) competition from new vegetable products. Underlying causes include (a) wage increases resulting from shortages of agricultural labor, (b) the general inflation that began with the escalation of the Vietnam war in 1964, (c) crop disease in New Jersey, and (d) the diversion of land to other crops and to nonfarm uses. The decline in per capita consumption led to an absolute decline in total estimated consumption of 45.2 million pounds between 1964 and 1975—a decrease equal to nearly three times the increase in imports. Using 1970 as the reference year, a 27.8-million-pound estimated 1970–75 decrease in asparagus consumption is also nearly three times as high as the import increase, which is 9.8 million pounds.

FIRMS ELIGIBLE FOR ADJUSTMENT ASSISTANCE

Section 264 of the Trade Act requires that this study include consideration of "the number of firms in the domestic industry * * * which have been or are likely to be certified as eligible for adjustment assistance." The domestic asparagus industry consists of growers, canners, and freezers. The 1969 Census of Agriculture shows 3,210 class 1–5 farms (annual sales of $2,500 or more) producing asparagus. By 1975, the total was probably between 2,400 and 2,700. The number of asparagus canners declined from about 60 in the mid-1960's to 27 in 1975, while the number of freezers has been reduced from 21 to 8. Thus far, none of the growers or processors has petitioned for certification of eligibility to apply for assistance.

To be certified, a firm would have to show a decline in both (a) employment, and (b) sales or production. In defining the firm for certification purposes, the Department of Commerce usually considers all affiliates, subsidiaries, or parent firms combined as the petitioning firm which must meet the qualifying criteria essential for certification. But most growers and processors obtain less than 40 percent of their gross revenue from asparagus, and some processors are related to other firms. For most firms, this would make certification exceedingly difficult since they would have to show declines in total sales or production and total employment for the firm. Another barrier to certification is a requirement that higher asparagus imports "contributed importantly" to the firm's decline. Aside from these factors, the number of certifications might be influenced by the President's decision on accepting or rejecting the findings of those Commissioners who voted for an affirmative finding of injury. If the President accepts the affirmative finding, as many as 100 growers might be certifiable; otherwise, 10 is a more likely maximum estimate. Few if any processors are likely to qualify. Therefore, potential petitioners from the asparagus industry might range between 10 and 100 firms. How many firms might meet the qualifying criteria for certification if they should petition would depend on the merits of each individual case.

SOURCES OF FEDERAL ASSISTANCE

Three Federal agencies have programs that might facilitate orderly adjustment of firms in the asparagus industry to import competition. The agencies are the Economic Development Administration, the Small Business Administration, and the Farmers Home Administration.

The Economic Development Administration ("EDA") in the Department of Commerce administers several programs that might help trade-impacted firms. Financial and technical assistance is authorized by the Trade Act for certified firms. The Trade Act also provides for certification of communities located in trade-impacted areas or in areas where a firm or subdivision has transferred to a foreign country. Certified communities are eligible for public works grants, loans, and loan guarantees—all of which can be directed towards assisting affected firms. Under the Public Works and Economic Development Act of 1965 ("PWEDA"), as amended, direct and indirect assistance to firms is available without Trade Act certification. Firms located in EDA-designated "redevelopment areas" and "economic development centers" can benefit from direct loans and loan guarantees; they can also benefit indirectly from grants to the designated places and related entities for financing public works. The PWEDA also authorizes technical assistance to firms regardless of location and grants of loanable funds to communities with actual or threatened unemployment.

The Small Business Administration ("SBA"), an independent agency, has three programs of potential benefits to small business firms. One is SBA's basic program of business loans; the second is a loan program for local development companies; the third is a management assistance program for small business. The loan program is the most important of these for trade-impacted firms. Included are direct, participating, and guaranteed loans. Eligibility is limited to independently owned and operated firms that are not dominant in their field and do not have over 500 average employment. The amount of the guaranteed portion of any SBA-guaranteed private loan cannot exceed $350,000 (EDA's usual minimum for its business loans); participating and direct loans have lower limits.

The Farmers Home Administration ("FmHA") of the Department of Agriculture administers four programs that could help firms affected by imports. First is a program of farm ownership loans, secured by real estate. These loans are available for many purposes, including the construction or improvement of farm buildings, water supply systems, and land. Second, FmHA offers farm operating loans, secured by chattels. Third, FmHA can guarantee loans for land, facilities and working capital to businesses located in areas other than cities of over 50,000 population. Finally, FmHA can make grants and loans to public bodies, such as local governments and development organizations, in areas other than cities of over 10,000 population. The funds can be used for public works projects, such as utility extensions and access roads, that would benefit industry.

Additional information about the adjustment assistance program and copies of the report *Prospects for Adjustment Assistance for Firms in the Asparagus Industry*, are available from the Office of Public Affairs, Economic Development Administration, Room 7019, U.S. Department of Commerce, Washington, D.C. 20230 (telephone 202/967-5113).

CHARLES L. SMITH,
Acting Chief, Trade Act Certification Division, Office of Planning and Program Support.

[FR Doc.76-4300 Filed 2-12-76;8:45 am]

BRENTWOOD SPORTSWEAR, INC.

Petition for a Determination Under Section 251 of the Trade Act of 1974

A petition by Brentwood Sportswear, Inc., 4411 Whitaker Avenue, Philadelphia, Pennsylvania 19120, a producer of knit apparel for men and boys, was accepted for filing on February 4, 1976, under Section 251 of the Trade Act of 1974 (Pub. L. 93-618). Consequently, the United States Department of Commerce has instituted an investigation to determine whether increased imports into the United States of articles like or directly competitive with those produced by the firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of the petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Chief, Trade Act Certification Division, Economic Development Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than the close of business February 23, 1976.

CHARLES L. SMITH,
Acting Chief, Trade Act Certification Division, Office of Planning and Program Support.

[FR Doc.76-4299 Filed 2-12-76;8:45 am]

ED WHITE JUNIOR SHOE CO.

Petition for a Determination Under Section 251 of the Trade Act of 1974

A petition by Ed White Junior Shoe Company, P.O. Box 400, Paragould, Arkansas 72450, a producer of footwear for women, was accepted for filing on February 9, 1976, under Section 251 of the Trade Act of 1974 (Pub. L. 93-618). Consequently, the United States Department of Commerce has instituted an investigation to determine whether increased imports into the United States of articles like or directly competitive with those produced by the firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of the petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Chief, Trade Act Certification Division, Economic Development Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than the close of business February 23, 1976.

JACK W. OSBURN, Jr.,
Chief, Trade Act Certification Division, Office of Planning and Program Support.

[FR Doc.76-4298 Filed 2-12-76;8:45 am]

[Docket No. S-486]

Maritime Administration

INGRAM OCEAN SYSTEMS INC.

Corrected Notice of Application

Notice of Application for the above company was given in the FEDERAL REGISTER of February 5, 1976, 41 FR 5337, FR Doc. 76-349, indicating that Ingram Ocean Systems Inc. had filed an application with Maritime Subsidy Board pursuant to Title VI of the Merchant Marine Act, 1936, as amended (the Act), for an operating-differential subsidy contract on the M/V CAROLE G. INGRAM and the M/V MARTHA R. INGRAM in the carriage of export bulk raw and processed agricultural commodities from the United States to the Union of Soviet Socialist Republics.

Said Notice erroneously gave the "to expire" date of the operating-differential subsidy contract as "December 31, 1975, unless further extended". The "to expire" date of the operating-differential subsidy contract is December 31, 1976. Further, the date by which petition of leave to intervene must be filed is hereby extended to the close of business on February 24, 1976.

(Catalog of Federal Domestic Assistance Program No. 11.504 Operating-Differential Subsidies (ODS))

Dated: February 6, 1976.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.76-4368 Filed 2-12-76;8:45 am]

National Oceanic and Atmospheric Administration

NATIONAL ZOOLOGICAL GARDENS OF SRI LANKA

Issuance of a Permit for Marine Mammals

On October 29, 1975, notice was published in the FEDERAL REGISTER (40 FR 50298), that an application had been filed with the National Marine Fisheries Service by the National Zoological Gardens of Sri Lanka, Anagarika Dhramapala Mawatha, Dehiwala, Sri Lanka (Ceylon), for a permit to take two (2) California sea lions (*Zalophus californianus*) for the purpose of public display.

Notice is hereby given that on February 4, 1976, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the National Marine Fisheries Service issued a permit for the above mentioned taking to the National Zoological Gardens of Sri Lanka, subject to certain conditions set forth therin.

The Permit is available for review by interested persons in the Office of the Director, National Marine Fisheries Service, Washington, D.C. 20235, and the Office of the Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Dated: February 4, 1976.

JACK W. GEHRINGER,
Deputy Director, National Marine Fisheries Service.

[FR Doc.76-4253 Filed 2-12-76;8:45 am]

Office of the Secretary

ADVISORY COMMITTEE ON EAST-WEST TRADE

Renewal

In accordance with the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. IV, 1974) and Office of Management and Budget Circular A-63 (revised), Advisory Committee Management, effective May 1, 1974, and after consultation with the Office of Management and Budget, the Secretary of Commerce has determined that the renewal of the Advisory Committee on East-West Trade is in the public interest in connection with the performance of duties imposed upon the Department by law.

The Committee was first established in February, 1974, and it was to terminate on February 11, 1976. Its purpose was and continues to be to advise the Deputy Assistant Secretary of Commerce for East-West Trade on ways to promote, facilitate and coordinate the expansion of two-way trade with the Soviet Union, Poland, Hungary, Czechoslovakia, Romania, Bulgaria, the People's Republic of China and certain other areas of the world with similar economic/political structures, so as to contribute materially to a more positive balance of trade and payments situation; to provide the Bureau of East-West Trade with a back-up link with the cumulative expertise of the business and academic communities which would advise in the determination of future directions and policies for the Bureau; and to provide both a check on Bureau internal recommendations and an evaluation of the efficacy of current Bureau techniques.

The current situation in the status of trade between the United States and the countries with centrally planned economies, in light of the recent enactment of the Trade Act of 1974, gives continuing urgency to the necessity for the Deputy Assistant Secretary for East-West Trade to benefit from the most authoritative and expert advice available on a continuing basis in the formulation and evaluation of plans and policies. The Committee's function cannot be accomplished by any organizational element or other committee.

As initially established, the Committee will continue with a balanced representation of not more than 20 members, who will be appointed by and serve at the discretion of the Secretary of Commerce. The Committee will continue to function solely as an advisory body and will operate in compliance with the provisions of the Federal Advisory Committee Act.

Copies of the Committee's revised charter will be filed with appropriate committees of the Congress and with the Library of Congress concurrent with the publication of this notice.

Inquiries or comments may be addressed to the Committee Control Officer, Robert Frothingham, III, Office of East-West Policy and Planning, Bureau of East-West Trade, DIBA Room 4805, U.S. Department of Commerce, Washington, D.C. 20230, telephone: 202-967-4691.

Dated: February 9, 1976.

GUY W. CHAMBERLAIN, Jr.,
Acting Assistant Secretary for Administration.

[FR Doc.76-4301 Filed 2-12-76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. 76N-0051]

GREEN COFFEE BEANS AND FRESH OR FROZEN RAW HEADLESS, PEELED OR BREADED SHRIMP

Availability of Guidelines

The Commissioner of Food and Drugs is announcing the availability of revised administrative guidelines pertaining to defect action levels on the subject food entities. These administrative guidelines, developed by the Food and Drug Administration, Bureau of Foods, represent the maximum levels for natural or unavoidable defects in foods produced under good manufacturing and/or processing practices and are the levels used for recommending regulatory action.

As field inspection activities identify changing problems, and as relevant technology changes, these various guidelines are updated to reflect current policy as it relates to specific products.

The following administrative guideline revisions have been made:

1. *Green coffee beans, adulteration—insects, mold.* This revision refers to an additional guideline, i.e., food storage—warehousing, which pertains to live external insect infestation of food products.

2. *Shrimp-fresh or frozen raw headless, peeled or breaded, adulteration—decomposition.* This new guideline establishes a defect action level in referenced types of shrimp as determined by organoleptic examination.

Copies of these revised guidelines are available for public examination in the office of the Hearing Clerk, Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, MD 20852. Requests for single copies may be made in writing to the office of the Assistant Commissioner for Professional and Consumer Programs (HFG-1), 5600 Fishers Lane, Rockville, MD 20852.

Dated: February 6, 1976

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.76-4288 Filed 2-12-76;8:45 am]

[Docket No. 76N-0001]

SAFETY OF CERTAIN FOOD INGREDIENTS

Opportunity for Public Hearing

The Food and Drug Administration is announcing an opportunity for public hearing on the safety of certain food ingredients to determine if they are generally recognized as safe (GRAS) or subject to a prior sanction. Requests to make oral presentations at the public hearing must be postmarked on or before March 15, 1976.

The Commissioner of Food and Drugs issued, in the FEDERAL REGISTER of July 26, 1973 (38 FR 20053), a notice advising the public that an opportunity would be provided for oral presentation of data, information, and views at public hearings to be conducted by the Select Committee on GRAS Substances of the Life Sciences Research Office, Federation of American Societies for Experimental Biology (hereinafter referred to as the Select Committee), about the safety of ingredients used in food to determine if they are generally recognized as safe (GRAS) or subject to a prior sanction.

The Commissioner now gives notice that the Select Committee is prepared to conduct a public hearing on the following categories of food ingredients:

Beeswax
Inositol
Japan wax
Malic acid
Tocopherols

The public hearing will provide an opportunity, before the Select Committee reaches its final conclusions, for any interested person(s) to present scientific data, information, and views on the safety of these substances, in addition to those previously submitted in writing pursuant to notices published in the FEDERAL REGISTER of July 26, 1973 (38 FR 20051, 20053) and April 17, 1974 (39 FR 13796, 13798).

The Select Committee has reviewed all of the available data and information on the categories of food ingredients listed above and has reached one of the four following tentative conclusions on the status of each:

1. There is no evidence in the available information that demonstrates or suggests reasonable grounds to suspect a hazard to the public when it is used at levels that are now current or that might reasonably be expected in the future.

2. There is no evidence in the available information that demonstrates or suggests reasonable grounds to suspect a hazard to the public when it is used at levels that are now current and in the manner now practiced. However, it is not possible to determine, without additional data, whether a significant increase in consumption would constitute a dietary hazard.

3. While no evidence in the available information demonstrates a hazard to the public when it is used at levels that are now current and in the manner now practiced, uncertainties exist requiring that additional studies be conducted.

4. The evidence is insufficient to determine that the adverse effects reported are not deleterious to the public health when it is used at levels that are now current and in the manner now practiced.

The following table lists each ingredient, the Select Committee's tentative conclusion (keyed to the four types of conclusions listed above), and the available information on which the Select Committee reached its conclusion.

Substance	Select Committee tentative conclusion	Scientific literature review: Order No.	Scientific literature review: Cost	Animal study report order No. and cost	Other information
Beeswax		PB-223-854/AS	$3.00	Mutagenic evaluation of white beeswax (73-49) by Litton Bionetics, Inc., under FDA contract (PB-245-493/AS, $3.75).	a. Human intake data taken from "A Comprehensive Survey of Industry on the Use of Food Chemicals Generally Recognized as Safe (GRAS)" available from the National Technical Information Service PB Nos. 221-921 through 221-949.
Yellow beeswax.	1				
White beeswax.	1				
Inositol	1	PB-223-861/AS	3.50	Mutagenic evaluation of inositol (73-52) by Litton Bionetics, Inc., under FDA contract (PB-245-433/AS, $3.75).	a. Human intake data taken from "A Comprehensive Survey of Industry on the Use of Food Chemicals Generally Recognized as Safe (GRAS)" available from the National Technical Information Service PB Nos. 221-921 through 221-949. b. Letter dated Nov. 14, 1973, from Dr. D. A. Benton, Ross Labs, Columbus, Ohio, to Dr. George W. Irving, Jr., FASEB, Bethesda, Md. c. Letter dated Jan. 2, 1975, from Dr. S. Saperstein, Syntex (USA), Inc., Palo Alto, Calif., to Dr. George W. Irving, Jr., FASEB, Bethesda, Md. d. Letter dated Jan. 8, 1975, from Dr. H. P. Sarett, Mead Johnson Research Center, Evansville, Ind., to Dr. George W. Irving, Jr., FASEB, Bethesda, Md.
Japan wax [1]		PB-223-854/AS	3.00		

Substance	Select Committee tentative conclusion	Scientific literature review: Order No.	Scientific literature review: Cost	Animal study report order No. and cost	Other information
Malic acid: L-malic acid.	1	PB-223-865/AS	3.75	Teratologic evaluation of malic acid (71-90) in rats and mice by Food & Drug Research Labs, Inc., under FDA contract (PB-234-872/AS, $3.25). Mutagenic evaluation of malic acid (71-90) by Litton Bionetics, Inc., under FDA contract (PB-245-440/AS, $3.75).	a. Human intake data taken from "A Comprehensive Survey of Industry on the Use of Food Chemicals Generally Recognized as Safe (GRAS)" available from the National Technical Information Service, PB Nos. 221-921 through 221-949. b. Letter dated Dec. 12, 1973, from Dr. J. R. Stern, Brookdale Dental Center of New York University, New York, N.Y., to Dr. B. N. La Du, Jr., New York University, New York, N.Y. c. 24-mo dietary administration—rats (material X-5120) submitted to Allied Chemical Corp. by Hazleton Labs, Inc. d. 104-week dietary administration—dogs (material X-5120), submitted to Allied Chemical Corp. by Hazleton Labs, Inc. e. 2-generation reproduction study—rats (material X-5120), submitted to Allied Chemical Corp. by Hazleton Labs, Inc. f. Investigations of the toxic and teratogenic effects of GRAS substances to the developing chicken embryo: malic acid. FDA in-house study by Jacqueline Verrett.
[1] Tocopherols		PB-221-237/AS	6.75	Teratogenic evaluation of α-tocopheryl acetate (71-58) by Food & Drug Research Labs, Inc., under FDA contract (PB-223-809/AS, $4.25).	a. Human intake data taken from "A Comprehensive Survey of Industry on the Use of Food Chemicals Generally Recognized as Safe (GRAS)" available from the National Technical Information Service, PB Nos. 221-921 through 221-949. b. Tocopherols (a bibliography of literature references) Hoffmann La Roche, Inc. c. Letter dated Oct. 19, 1973, from Dr. R. B. Alfin-Slater, UCLA Los Angeles, Calif., to Dr. J. F. Borzelleca, Medical College of Virginia, Richmond, Va. d. Vitamin E (dl-α-tocopheryl acetate): toxicity and teratogenicity studies in avian embryos, submitted to FDA by the University of Arizona.
Tocopherols	1				
α-Tocopherol acetate.	1				

[1] Information available not sufficient to make a tentative conclusion.

Reports in the table with PB prefixes may be obtained from the National Technical Information Service, U.S. Department of Commerce, 5285 Port Royal Rd., Springfield, VA 22151. They can also be purchased in microfiche form for $2.25 each.

In addition to the information contained in the documents listed in the table above, the Select Committee supplemented, where appropriate, their reviews with specific information from specialized sources as announced in the previous hearing opportunity notice published in the FEDERAL REGISTER of September 23, 1974 (39 FR 34218).

The Select Committee's tentative reports on beeswax (yellow and white), inositol, Japan wax, malic acid, and tocopherols are available for review in the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, Md. 20852, and also at the Public Information Office, Food and Drug Administration, Rm. 3807, 200 C St. SW., Washington, DC 20204. In addition, all reports and documents used by the Select Committee to review the ingredients are available for review in the office of the Hearing Clerk.

To schedule the public hearing, the Select Committee must be informed of the number of persons who wish to attend and the length of time requested to give their views. Accordingly, any interested person who wishes to appear at the public hearing to make an oral presentation shall so inform the Select Committee in writing, addressed to: The Select Committee on GRAS Substances, Life Sciences Research Office, Federation of American Societies for Experimental Biology, 9650 Rockville Pike, Bethesda, MD 20014. A copy of each such request shall be sent to the Hearing Clerk, address noted above, and all such requests shall be placed on public display in that office. Any such request must be postmarked on or before March 15, 1976. shall state the substance(s) on which an opportunity to present oral views is requested, and shall state how much time is requested for the presentation. As soon as possible thereafter, a notice announcing the date, time, place, and scheduled presentations for any public hearing that may be requested will be published in the FEDERAL REGISTER.

The purpose of the public hearing is to receive data, information, and views not previously available to the Select Committee about the substances listed above. Information already contained in the scientific literature reviews and in the tentative Select Committee report shall not be duplicated, although views on the interpretation of this material may be presented.

Depending on the number of requests for opportunity to make oral presentations, the Select Committee may reduce the time requested for any presentation. Due to time limitations, individuals and organizations with common interests are urged to consolidate their presentations. Any interested person may, in lieu of an oral presentation, submit written views, which shall be considered by the Select Committee. Three copies of such written views shall be addressed to the Select Committee at the address noted above, and must be postmarked not later than 10 days before the scheduled date of the hearing. A copy of any written views shall be sent to the Hearing Clerk, Food and Drug Administration, and shall be placed on public display in that office.

A public hearing will be presided over by a member of the Select Committee. Hearings will be transcribed by a reporting service, and a transcript of each hearing may be purchased directly from the reporting service and will also be placed on public display in the office of the Hearing Clerk, Food and Drug Administration.

Dated: February 5, 1976.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.76-4105 Filed 2-12-76;8:45 am]

Public Health Service

HEALTH SERVICES ADMINISTRATION

Statement of Organization, Functions, and Delegations of Authority

Part 3, Health Services Administration, of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health, Education, and Welfare (39 FR 10463-70, March 20, 1974, as amended) is amended to add an organization and functions statement for the Area and Program Offices of the Indian Health Service (3S00) to clarify their respective line relationships to the Director, Indian Health Service, and to indicate their responsibilities and field structure.

Sec. 3-B Organization and Functions is amended by adding the following statement for the Area and Program Offices of the Indian Health Service after the Division of Resource Coordination (3S44): *Aberdeen Area Office (3S81); Albuquerque Area Office (3S83); Billings Area Office (3S84); Navajo Area Office (3S85); Oklahoma City Area Office (3S86); Phoenix Area Office (3S87); Portland Area Office (3S88); Alaska Native Health Area Office (3S89); United S.E. Tribal Program Office (3S8A); Bemidji Program Office 3S8B).*

The mission of the IHS is accomplished in the field through line elements called Area Offices and Program Offices.

Within these can be Subarea Offices, Service Units, Special Programs, Hospitals, Medical Centers, Health Centers, Health Stations, and other elements. Each Area or Program Office is headed by a Director who reports to the Director of the Indian Health Service. For the population served by their respective health delivery systems, each Area Office or Program Office is responsible for: (1) participating in and establishing goals and objectives and interpreting and determining policies and priorities within the framework of IHS policy in pursuit of the IHS mission; (2) delivering and assuring the delivery of high quality, comprehensive health services; (3) providing coordination or assuring the coordination of the Indian Health Service activities and resources internally and externally with those of other governmental and nongovernmental programs, promoting optimum utilization of all available health resources; (4) participating in the development and demonstration of alternative means and techniques of health services management and delivery to provide Indian tribes and other Indian community groups with optimal ways of participating in the Indian health programs; and (5) assuring the development of individual and tribal capacities to participate in the operation of the Indian Health Service commensurate with the means and modalities which Indian tribal groups deem appropriate to their needs and circumstances.

Dated: February 4, 1976.

JOHN OTTINA,
Assistant Secretary for Administration and Management.

[FR Doc.76-4346 Filed 2-12-76;8:45 am]

Office of Education

NATIONAL ADVISORY COUNCIL ON ADULT EDUCATION

New Logo

Notice is hereby given that the logo of the National Advisory Council on Adult Education will be changed, effective March 1, 1976, to the following:



Signed at Washington, D.C., on February 6, 1976.

GARY A. EYRE,
Executive Director, National Advisory Council on Adult Education.

[FR Doc.76-4224 Filed 2-12-76;8:45 am]

NATIONAL ADVISORY COUNCIL ON ADULT EDUCATION

Public Meeting

Notice is hereby given, pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), that the next meeting of the National Advisory Council on Adult Education will be held on March 10-12, 1976, from 9:00 a.m. to 5:00 p.m., and on March 13, 1976, from 8:00 a.m. to 12:30 p.m., at the Sheraton-Universal Hotel, 3838 Lankershim Blvd., Los Angeles, California 91608.

The National Advisory Council on Adult Education is established under Section 311 of the Adult Education Act (80 Stat. 1216.20 U.S.C. 1201). The Council is directed to:

Advise the Commissioner in the preparation of general rules and regulations and with respect to policy matters arising in the administration of this title, including policies and procedures governing the approval of State plans under section 306 and policies to eliminate duplication, and to effectuate the coordination of programs under this title and other programs offering adult education activities and services.

The Council shall review the administration and effectiveness of programs under this title, make recommendations with respect thereto, and make annual reports to the President of its findings and recommendations (including recommendations for changes in this title and other Federal laws relating to adult education activities and services). The President shall transmit each such report to the Congress together with his comments and recommendations.

The meeting of the Council shall be open to the public. The proposed agenda includes:

Standing Committe Meetings and Reports.
1976 Annual Report.
Program Visitations—Los Angeles City Unified School District.
311(d) Project.

Records shall be kept of all Council proceedings (and shall be available for public inspection at the Office of the National Advisory Council on Adult Education located in Room 323, Pennsylvania Bldg., 425 13th Street, NW., Washington, D.C. 20004).

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

GARY A. EYRE,
Executive Director, National Advisory Council on Adult Education.

[FR Doc.76-4308 Filed 2-12-76;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

[Docket No. N-76-457]

NATIONAL INSURANCE DEVELOPMENT PROGRAM ADVISORY BOARD

Extension of Time for Nomination of Members and Revision of Charter

On November 17, 1975, the Department of Housing and Urban Development published in the FEDERAL REGISTER a request for Nomination of Members to the captioned Advisory Board (40 FR 53298). Such nominations were to be submitted to J. Robert Hunter, Acting Federal Insurance Administrator, Room 4100, 451 Seventh St., SW., Washington, D.C. 20410, on or before December 15, 1975.

On December 18, 1975, the Administrator extended the deadline for submissions to January 9, 1976 (40 FR 58679). The Administrator hereby further extends the deadline to February 19, 1976.

The Administrator also hereby gives notice that a minor revision is being made to the Charter of the captioned Advisory Board. Section 5(a) of that Charter now requires that there be six Federal employees on the Advisory Board. That section is being revised to allow no more than six such members of the Board.

Issued at Washington, D.C., February 9, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-4264 Filed 2-12-76;8:45 am]

[Docket No. D-76-405]

REGIONAL ADMINISTRATORS, ET AL.

Amendment to Redelegation of Authority With Respect to Community Development Block Grant Programs, Housing Act of 1974 (42 USC 5301)

SEC. A.4. of Redelegation of Authority at 40 FR 5386 dated February 5 is amended to read as follows.

SEC. A.4. Each Regional Administrator and Deputy Regional Administrator is authorized, pursuant to section 106(e), to reallocate amounts within the same State.

Effective Date. This redelegation of authority is effective as of October 14, 1975.

(Sec. 7(d), Department of HUD Act, 42 USC 3535(d)).

WARREN H. BUTLER,
Deputy Assistant Secretary for Community Planning and Development.

[FR Doc.76-4369 Filed 2-12-76;8:45 am]

CIVIL AERONAUTICS BOARD

PRIVACY ACT OF 1974

Additional Routine Use

Correction

In FR Doc. 76-3789 appearing at page 5864 in the FEDERAL REGISTER for Thursday, February 10, 1976, the third line from the bottom, the date March 8, 1976 should be changed to read March 11, 1976.

COMMISSION ON CIVIL RIGHTS

CALIFORNIA ADVISORY COMMITTEE

Agenda and Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the California Advisory Committee (SAC) to this Commission will convene at 7:00 p.m. and end at 11:00 p.m. on March 18, 1976, at the Berkeley House (Berkeley Room), 920 University Avenue, Berkeley, California 94710.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Western Regional Office of the Commission, Room 1015, 312 North

Spring Street, Los Angeles, California 90012.

The purpose of this meeting is a review of agenda witnesses and hearing book for the two-day open meeting on the status of school desegregation in Berkeley.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., February 10, 1976.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.76-4422 Filed 2-12-76;8:45 am]

CALIFORNIA ADVISORY COMMITTEE

Agenda and Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a factfinding meeting of the California Advisory Committee (SAC) to this Commission will convene at 9:00 a.m. and end at 6:00 p.m. on March 19 and 20, 1976, at Berkeley City Council Chambers, 2nd floor, 2134 Grove Street, Berkeley, California 94704.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Western Regional Office of the Commission, Room 1015, 312 North Spring Street, Los Angeles, California 90012.

This is an open meeting to collect information on the status of school desegregation in Berkeley, California.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., February 10, 1976.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.76-4423 Filed 2-12-76;8:45 am]

FLORIDA ADVISORY COMMITTEE

Agenda and Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Florida Advisory Committee (SAC) to this Commission will convene at 2:00 p.m. and end at 5:00 p.m. on March 28, 1976, at the Riverside Hilton Hotel, 200 Ashley Drive, Tampa, Florida 33602.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Southern Regional Office of the Commission, Room 362, Citizens Trust Bank, 75 Piedmont Avenue, N.E., Atlanta, Georgia 30303.

The purpose of this meeting is a briefing by OGC of the Commissioners Hearing on Desegregation of Hillsborough County Schools, plan follow-up of hearing in Tampa.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., February 10, 1976.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee, Management Officer.

[FR Doc.76-4420 Filed 2-12-76;8:45 am]

KANSAS AND MISSOURI ADVISORY COMMITTEES

Agenda and Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Kansas and Missouri Advisory Committees (SAC) to this Commission will convene at 6:00 p.m. and end at 10:00 p.m. on March 3, 1976, at the Neumann House, 6130 McGee, Kansas City, Missouri 64113.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Central States Regional Office Building, 911 Walnut Street, Kansas City, Missouri 64106.

The purpose of this meeting is to make plans for studying issues regarding elementary and secondary education.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., February 10, 1976.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.76-4416 Filed 2-12-76;8:45 am]

KANSAS AND MISSOURI ADVISORY COMMITTEES

Agenda and Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Kansas and Missouri Advisory Committees (SAC) to this Commission will convene at 6:00. p.m. and will end at 10:00 p.m. on March 17, 1976, at the Neumann House, 6130 McGee, Kansas City, Missouri 64113.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Central States Regional Office Building, 911 Walnut Street, Kansas City, Missouri 64106.

The purpose of this meeting is to make plans for studying issues regarding elementary and secondary education.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., February 10, 1976.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.76-4418 Filed 2-12-76;8:45 am]

KANSAS AND MISSOURI ADVISORY COMMITTEES

Agenda and Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Kansas and Missouri Advisory Committees (SAC) to this Commission will convene at 6:00 p.m. and end at 10:00 p.m. on March 31, 1976, at St. Agnes Rectory, 5250 Mission Road Fairway, Kansas.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Central States Regional Office Building, 911 Walnut Street, Kansas City, Missouri 64106.

The purpose of this meeting is to work on the study of elementary and secondary education.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., February 10, 1976.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.76-4419 Filed 2-12-76;8:45 am]

MINNESOTA ADVISORY COMMITTEE

Agenda and Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Minnesota Advisory Committee (SAC) to this Commission will convene at 10:00 a.m. and end at 3:00 p.m. on March 6, 1976, at the Radisson Hotel Downtown, 45 S. 7th Street, Minneapolis, Minnesota 55402.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Midwestern Regional Office of the Commission, Room 1428, 230 South Dearborn Street, 32nd Floor, Chicago, Illinois 60604.

The purpose of this meeting is to discuss items to be inserted into the New Thrust Hearing in Minneapolis. Discuss and identify potential witnesses.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., February 10, 1976.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.76-4424 Filed 2-12-76;8:45 am]

UTAH ADVISORY COMMITTEE

Agenda and Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Utah Advisory Committee (SAC) to this Commission will convene at 7:00 p.m. and end at 9:30 p.m. on March 4, 1976, at Salt

Lake Board of Education–440 E 1st So Conference Room, Salt Lake City, Utah.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Mountain States Regional Office of the Commission, Room 216, 1726 Champa Street, Denver, Colorado 80202.

The purpose of this meeting is that the SAC will discuss project for coming year concerning affirmative action and compliance of Utah Judicial System. In addition, the SAC will plan follow-up activities to its credit availability to women study.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., February 10, 1976.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.76–4417 Filed 2–12–76;8:45 am]

VERMONT ADVISORY COMMITTEE

Agenda and Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Vermont Advisory Committee (SAC) to this Commission will convene at 7:30 p.m. and end at 11:00 p.m. on March 15, 1976, at the Tavern Motor Inn, Montpelier, Vermont.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Northeastern Regional Office of the Commission, Room 1639, 26 Federal Plaza, New York, New York 10007.

The purpose of this meeting is to discuss status of projects.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., February 2, 1976.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.76–4421 Filed 2–12–76;8:45 am]

CIVIL SERVICE COMMISSION

COMMITTEE ON PRIVATE VOLUNTARY AGENCY ELIGIBILITY

Meeting

Pursuant to the provisions of section 10 of Pub. L. 92–463, notice is hereby given that the Committee on Private Voluntary Agency Eligibility will hold a meeting on March 3, 1976. The meeting will be held in Room 7B09, Civil Service Commission Building, 1900 E Street, NW., Washington, D.C., at 1:30 p.m.

The Committee's primary responsibility is to make recommendations to the Chairman of the Civil Service Commission regarding eligibility of national voluntary agencies to participate in the Federal fund-raising program. At this meeting the Committee will review applications for fund-raising privileges which have been submitted by voluntary organizations to the Commission in compliance with the Federal Fund-Raising Manual.

The meeting will be open to the public. Any interested person may file a written statement with the Committee in advance of or at the meeting. Additional information concerning this meeting may be obtained by contacting the Office of the Assistant to the Chairman, U.S. Civil Service Commission, 1900 E Street, NW., Washington, D.C. 20415.

GEORGE J. MCQUOID,
Assistant to the Chairman.

[FR Doc.76–4407 Filed 2–12–76;8:45 am]

COMMISSION OF FINE ARTS

AGENDA FOR MEETING

FEBRUARY 9, 1976.

The Commission of Fine Arts will meet on Thursday, February 26, 1976, at 10:00 a.m. in the Commission offices at 708 Jackson Place, NW., Washington, D.C. 20006 to discuss various public projects affecting the appearance of Washington, D.C. Inquiries regarding the agenda or requests to submit written or verbal statements should be addressed to Charles H. Atherton, Secretary, Commission of Fine Arts, at the above address.

CHARLES H. ATHERTON,
Secretary.

[FR Doc.76–4302 Filed 2–12–76;8:45 am]

COMMISSION ON THE REVIEW OF THE NATIONAL POLICY TOWARD GAMBLING

SECOND INTERIM REPORT

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770), notice is hereby given that the Commission on the Review of the National Policy Toward Gambling, established under the authority of Section Pub. L. 91–452, Part D, Sec. 804–808 of the Organized Crime Control Act of 1970, will meet on March 1, 1976, at the Commission office, 2000 M Street, N.W., Washington, D.C., at 9:30 a.m.

The purpose of this meeting is to discuss the contents of the Commission's Second Interim Report.

The meeting of the Commission will be open to the public, and interested persons are invited to attend. The Rules of Procedure for person or persons presenting matters to the Commission are the same as those previously published by this Commission in the FEDERAL REGISTER September 5, 1975.

JAMES E. RITCHIE,
Executive Director.

FEBRUARY 5, 1976.

[FR Doc.76–4303 Filed 2–12–76;8:45 am]

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST 1976

Notice of Proposed Addition

FEBRUARY 10, 1976.

Notice is hereby given pursuant to Section 2(a)(2) of Public Law 92–28; 85 Stat. 79, of the proposed addition of the following commodity to Procurement List 1976, November 25, 1975 (40 FR 54742).

CLASS 8465

Whistle, Ball, Plastic
8465–00–254–8803

Comments and views regarding this proposed addition may be filed with the Committee not later than 30 days after the date of this Federal Register. Communications should be addressed to the Executive Director, Committee for Purchase from the Blind and Other Severely Handicapped, 2009 Fourteenth Street North, Suite 610, Arlington, Virginia 22201.

This notice is automatically cancelled six months from the date of this FEDERAL REGISTER.

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc.76–4309 Filed 2–17–76;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

BRAZIL AND JAMAICA

Soliciting Public Comment on Bilateral Discussions

FEBRUARY 12, 1976.

On April 12, 1974, the Committee for the Implementation of Textile Agreements published a notice in the FEDERAL REGISTER (39 FR 13307) conveying the Committee's intention to announce and solicit comment on U.S. Government actions implementing the GATT Arrangement Regarding International Trade in Textiles.

Pursuant to the terms of the Arrangement, the Committee anticipates holding bilateral discussions with the Governments of the Federative Republic of Brazil and Jamaica by March 31, 1976. Any party wishing to express a view or provide data or information with regard to the treatment of any product under the bilateral textile and apparel agreements with Brazil and Jamaica and any other aspects thereof, or with respect to imports of other textile products from Brazil and Jamaica, is invited to submit such in eleven copies to Mr. Alan Polansky, Chairman of the Committee for the Implementation of Textile Agreements and Deputy Assistant Secretary for Resources and Trade Assistance, U.S. Department of Commerce, 14th and Constitution Avenue NW., Room 3826, Washington, D.C. 20230. To enable timely consideration, comments should be submitted by March 1, 1976.

Views, data or information submitted under this procedure will be available for public inspection in the Office of Textiles, Room 2815, U.S. Department of Commerce, 14th and Constitution Avenue NW., Washington, D.C. 20230 and may be obtained upon written request pursuant to the Freedom of Information Act, 5 U.S.C. 552 (1970), as amended, Pub. L. No. 93–502 (November 21, 1974) and the regulations of the Department of Commerce (15 CFR Part 4 (1974)). Whenever practicable, public comment may be invited concerning views, comments or information received from the public which the Committee for the Implementation of Textile Agreements considers appropriate for further consideration.

The solicitation of comments on any negotiation, consultation, market disruption or any other matter pursuant to this notice is not a waiver in any respect of the exemption contained in 5 U.S.C. 553 (a)(1) and 554(a)(4) (1970) relating to matters which constitute "a foreign affairs function of the United States".

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance, U.S. Department of Commerce.

[FR Doc.76-4520 Filed 2-12-76;9:43 am]

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS

Availability

Environmental impact statements received by the Council on Environmental Quality from February 2–February 6, 1976. The date of receipt for each statement is noted in the statement summary. Under Council Guidelines the *minimum* period for public review and comment on draft environmental impact statements in forty-five (45) days from this FEDERAL REGISTER notice of availability. (March 29, 1976) The thirty (30) day period for each final statement begins on the day the statement is made available to the Council and to commenting parties.

Copies of individual statements are available for review from the originating agency. Back copies will also be available at cost from the Environmental Law Institute, 1346 Connecticut Avenue, Washington, D.C. 20036.

DEPARTMENT OF AGRICULTURE

Contact: Dr. Fowden G. Maxwell, Coordinator of Environmental Quality Activities, Office of the Secretary, U.S. Department of Agriculture, Room 359–A, Washington, D.C. 20250, 202–447–3965.

FOREST SERVICE

Draft

Prescott National Forest Timber Management Plan, Yavapai and Coconino Counties, Ariz., Feb. 2: Proposed is a Ten-Year Plan for the Timber Management Program of the Prescott National Forest, located in Central Arizona. Ponderosa pine is the only commercial timber species. Of the total National Forest acreage, approximately 36% is classified as forested and 77% classified as commercial forest. Adverse effects include soil disturbance and erosion. (ELR Order No. 60151.)

Twelvemile Unit Land Use Plan, Salmon National Forest, Lemhi County, Idaho, February 3: Proposed is a land use plan for the 54,500 acre Twelvemile Planning Unit, Salmon National Forest, which is located in the north central portion of Idaho. The major environmental effects resulting from project implementation will be due to timber harvest, access and road construction, and possible mining activities. Adverse effects include landscape alterations due to implementation of resource activities and some accelerated erosion and water degradation associated with access road construction. (ELR Order No. 60163.)

Spruce Budworm Suppression Project, several counties in Maine, February 2: The proposed project involves 3.5 million acres of private and state woodlands which are seriously infested with the spruce budworm. The Maine Bureau of Forestry proposes the aerial spraying of areas of Aroostook, Piscataquis, Penobscot, Somerset, and Washington Counties, Maine, with insecticide to protect forest resources from the budworm at an estimated $3.00 per acre. Chemical and biological insecticides, when applied at the registered dosage rates, will have little detrimental effect on non-target organisms because of their rapid breakdown and short-term persistence. (ELR Order No. 60156.)

Western Spruce Budworm Management Plan, Washington and Oregon, February 2: Proposed is the treatment of the western spruce budworm on 291,000 acres out of a total infestation of 532,000 acres in the spring and summer of 1976. An estimated 284,000 acres of Federal, State, and private lands are located in Kittitas, Chelan, and Okanogan Counties, Washington, and 7,000 acres on the Warm Springs Indian Reservation in Oregon. Either carbaryl, trochlorfon, or Malathion or a combination of the three will be used to suppress the western spruce budworm. (ELR Order No. 60157.)

SOIL CONSERVATION SERVICE

Draft

Little Sioux River Flood Prevention Plan, several counties in Iowa, Feb. 3: Proposed is the Little Sioux River Flood Prevention Project, Iowa, for the purpose of controlling the extensive gully erosion, sedimentation and flooding problems which characterize the program area. Though the scope of the project has been programmatically outlined through 1992, the full delineation of specific projects is awaiting further subwatershed organization and planning. Adverse effects include the disturbance and reduction of wildlife habitat by structural measures. (ELR Order No. 60160.)

Donaldson Creek Watershed, Caldwell and Crittenden Counties, Ky., Feb. 2: Proposed is the Donaldson Creek Watershed Project for watershed protection and flood prevention. Project measures covered under this statement are an integral part of a flood control system, a portion of which has already been installed. Remaining work includes continuation of the ongoing land treatment program, completion of floodwater retarding structure 3B, construction of floodwater retarding structure 1A and channel work on 24 miles of natural streams. Adverse effects include the elimination of agricultural and wildlife habitat use of 161.5 acres. Channel modifications will eliminate 510 acres of woodland, and 110 acres of pastureland. (ELR Order No. 60149.)

Final

South Tyger River Watershed, Greenville County, S.C., Feb. 4: The statement concerns a revised project for watershed protection, flood prevention, municipal and industrial water storage and recreation in Greenville County, South Carolina. Conservation land treatment systems will be installed on 1,200 acres of cropland to reduce sediment runoff. The two structural measures remaining to be installed will inundate 853 acres, temporarily flood 1,030 acres, and utilize a total area of 1,936 acres requiring 719 acres to be cleared of trees. The ambien air quality and water quality will be degraded for a short period during construction. Comments made by: USA, HEW, DOC, DOI, EPA, USDA. (ELR Order No. 60163.)

McNairy-Cypress Creek Watershed Project, McNairy County, Tenn., Feb. 3: The statement concerns a project for watershed protection and flood control for the McNairy-Cypress Creek Watershed. Included in the project are plans for 20 impounding structures, one of which will provide Selmer with industrial water and recreational water. Adverse effects include: the decrease of wildlife habitat resulting from land use; change of crop or idle land to pasture; loss of 2,265 acres of wildlife habitat; loss of one barn and the modification or relocation of three bridges, 2,400 feet of paved gravel road; and decreasing the quality of forest land and fish habitat. Comments made by: USA, DOI, EPA, DOT, and State agencies (ELR Order No. 60161.)

Sandy Creek Watershed, Jasper County, Tex., Feb. 5: The statement concerns a project for watershed protection and flood control for 25,000 acres in Jasper County, Texas. The plan includes construction of 2.9 miles of floodway and 6 floodwater retarding structures, which will result in the clearing of 79 acres of wildlife habitat and 516 acres of forest. Sixty-two acres of bottomland will be inundated and the floodway will result in reduced wildlife on 108 acres. Comments made by: USA, DOI, HEW, DOT, EPA, AHP, and State agencies and interested groups. (ELR Order No. 60171.)

DEPARTMENT OF COMMERCE

Contact: Dr. Sidney R. Galler, Deputy Assistant Secretary for Environmental Affairs, Department of Commerce, Washington, D.C. 20230, 202–967–4335.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Draft

Salmon for New England, Feb. 6: The proposed action is to access the ability of large-scale plants of coho salmon (Oncorhynchus Kisutch) to generate a coastal marine sportfishery. The demonstration project, to be conducted in Plum Island Sound, in Massachusetts, and the Parker River which flows into it, would consist initially of a one-year experiment to test the feasibility of utilizing saltwater cage-rearing techniques for short-term rearing of coho salmon in New England waters. No significant adverse environmental effects are anticipated to result from the project. (ELR Order No. 60183.)

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.

Notice: in the FEDERAL REGISTER for Friday, February 6, 1976 the Council on Environmental Quality published a notice of availability of the final environmental impact

statement for the proposed Marco Island, Deltona Corp. Permits, Collier County, Florida. It has come to the Council's attention that there had not been complete distribution of the statement for review by that date. Therefore the thirty (30) day commenting period is revised to begin as of the date of publication of this notice.

Draft

Metlakatla Small Boat Harbor No. 2, Alaska, Feb. 4: The proposed project consists of construction two rubblemound 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 habitat and associated wildlife at quarry sites, and long-term decrease in water quality at the harbor site. (Alaska District.) (ELR Order No. 60167.)

Keokuk Flood Damage Reduction, Mississippi River, Lee County, Iowa, Feb. 2: Proposed is the construction of 1,900 linear feet of earth levee and 7,700 linear feet of concrete wall in order to provide Standard Project Flood protection to 115 acres of intensively developed industrial property within the Mississippi River flood plain. About 74,800 cubic yards of material would be required for the project, along with the commitment of 35.1 acres for rights-of-way purposes. Adverse effects include increases in air, water, and noise pollution, and the loss of shoreline aesthetics. (Rock Island District.) (ELR Order No. 60152.)

Halstead Local Flood Protection Plan, Harvey County, Kans., Feb. 2: Proposed is the construction of a horseshoe levee on the north, east, and southeast boundaries of the city of Halstead, Kansas. This development would provide protection from the periodic floods which have inundated the city numerous times in past years during periods of heavy spring and summer rains and storms. A total of 267 acres of land will be effected including 106 acres of flood-plain forest, 4 acres of upland trees, 101 acres of cropland, 9 acres of native grassland, 17 acres of pastureland, and 30 acres of other uses. (Tulsa District.) (ELR Order No. 60154.)

Lake of the Ozarks Crossing by 161 kilovolt Line, Permit, Camden County, Mo., Feb. 5: Proposed is the issuance of Department of the Army permits to Central Electric Power Cooperative, Jefferson City, Missouri, for proposed construction and installation of 161 kV, three phase, five wire overhead electric powerline across the Osage River at lake mile 31.9 and across the Niangua River at lake mile 31.2 on the Lake of the Ozarks. Adverse effects include the elimination of 80 acres of forest cover and related wildlife habitat. (Kansas City District.) (ELR Order No. 60174.)

Navigation Projects on North Carolina Sounds, Maintenance, several counties in North Carolina, Feb. 5: The proposed action involves maintenance dredging of the navigation channel in Croatan Sound and maintenance dredging of various side channels to small communities on the Outer Banks and mainland side of Pamlico Sound. Dredging activities are to be accomplished by hydraulic pipeline and sidecast dredge and consist of maintaining the existing projects to their authorized dimensions. Adverse effects include the burial of terrestrial vegetation in the upland diked disposal areas and the covering of benthic organisms in overboard disposal sites. (Wilmington District.) (ELR Order No. 60175.)

Morehead City Harbor Navigation Project, Carteret County, N.C., Feb. 6: The proposed project calls for the deepening of a portion of Morehead City Harbor from 35 feet mean low water (MLW) to 40 feet MLW, with a 42-foot-deep channel across the ocean bar. Material will be removed by both pipeline and hopper dredge. In addition to these improvements, maintenance will continue for the rest of Morehead City Harbor which includes the west leg of the turning basin and the side channels and basin in front of Morehead City. There will be some loss of organisms in the disposal area. (Wilmington District.) (ELR Order No. 60180.)

Final

Branford Harbor Maintenance Dredging, Connecticut, Feb. 6: Proposed is the maintenance dredging of 2.3 miles of channel in Branford Harbor. Half of the 90,000 cubic yards dredged will be utilized to develop an experimental marsh of eight acres adjoining an existing marsh. Water turbidity will increase and the dredging will disrupt the benthic community. (Waltham District.) Comments made by: USDA, DOC, HEW, HUD, EPA, DOI, DOT FPC, and State agencies and interested individuals. (ELR Order No. 60181.)

Yaquina Bay and River, Channels and Breakwaters, Lincoln County Oreg., Feb. 6: The statement concerns a project for operation and maintenance of the channels and breakwaters in Yaquina Bay and River. Included in the plan is jetty maintenance, channel construction and maintenance, and turning basin maintenance. The action will alter ocean bottom, estuary bottom, some wetlands, and some terrestrial areas by disposal of dredged materials and will resuspend toxic substances. Benthic organisms on 475 acres of channel bottom will be destroyed. (Portland District.) Comments made by: EPA, USDA, DOC, DOI, AHP, HUD, DOT, FPC, and State agencies and interested groups. (ELR Order No. 60179.)

Galveston Harbor and Channel Maintenance Dredging, Galveston County, Tex., Feb. 2: This statement concerns the maintenance dredging of Galveston Channel, including deepening, dredging 4 million cubic yards of sediment every 2 years, and placing dredged materials in leveed land disposal areas. Adverse effects will be: the covering of low quality vegetation in disposal areas, the return of some pollutants to Galveston Bay via the controlled spillways, the removal of bottom dwelling organisms, and minor turbidity and resuspension near the dredge. (Galveston District.) Comments made by: EPA, DOC, DOI, AHP, DOT, HEW, HUD, USDA, and State and local agencies and private groups. (ELR Order No. 60158.)

ENVIRONMENTAL PROTECTION AGENCY

Contact: Mr. Sheldon Meyers, Director, Office of Federal Activities, Room 3630 Waterside Mall, Washington, D.C. 20460, 202–755–0940.

Draft

Olentangy Treatment Plant, Interceptor System, Delaware County, Ohio, Feb. 6: Proposed is the construction in South-Central Delaware County, between state route 315 and the Olentangy River of a sewage treatment plant of 1.5 MGD to be expanded to 3.0 MGD by the end of the 20 year planning period. The treatment process is a two-stage activated sludge facility, including phosphorus removal measures and tertiary rapid sand filters. The facility will discharge to the Olentangy River at Franklin County, Ohio, below the I-270 interchange in the vicinity of Longfello Ave. (ELR Order No. 60182.)

Central Kitsap Wastewater Facilities (Supplement), Kitsap County, Wash., Feb. 5: This statement is a supplement to the draft EIS submitted to CEQ August 8, 1975. Included in the supplement is a description of a new alternative 11 to the project and addresses the major issues of the project as they relate to that alternative. Alternate No. 11 was developed in response to public pressures against an interceptor sewer along the Clear Creek drainage basin and in order to better accomodate wastewaters from the Poulsbo Facilities Planning Area. This alternative provides for the collection of wastewaters from drainage sub-basins 9 and 10, the Trident Support Site and the Pulsbo area, with provision for accepting Keyport's wastewaters. (ELR Order No. 60172.)

FEDERAL POWER COMMISSION

Contact: Dr. Jack M. Heinemann, Acting Asst. Director for Environmental Quality, 441 G Street, N.W., Washington, D.C. 20426, 202–275–4791.

Draft

LNG Import Terminal Everett, Middlesex County, Mass., Feb. 5: The proposed action arises from applications by Distrigas Corporation to import liquified natural gas from Algeria to the Distrigas of Massachusetts Corporation (DOMAC) LNG marine terminal located at Everett, Massachusetts. Concurrent with the Distrigas applications, DOMAC has filed an application seeking certification to construct and operate certain facilities necessary to unload, store, revaporize, and distribute the imported LNG. This statement proposes the construction and operation of an unloading dock, a 374,000-barrel LNG tank, a 600,000-barrel LNG tank, and vaporized units on the north bank of the Mystic River in Everett, Mass. (ELR Order No. 60173.)

DEPARTMENT OF HUD

Contact: Mr. Richard H. Broun, Director, Office of Environmental Quality, Room 7258, 451 7th Street SW., Washington, D.C. 20410, 202–755–6308.

Section 104(h)

Draft

Stewartville Community Public Water System, Coosa and Talladega Counties, Ala., Feb. 3: The proposed project involves the construction of a public water system in Stewartville, a rural community in central Alabama which presently has no public water system. The water lines would be installed along state and county highway rights-of-way. Installation of the water system would have no reasonably forseeable, long-range adverse environmental effects. (ELR Order No. 60165.)

Final

Brunswick Co. Water System, Brunswick County, N.C., Feb. 3: The statement concerns a Community Development project for the Brunswick County water system, Phase II that will include a well water supply, water treatment facilities, high service water mains, and elevated water storage. The statement indicates no significant adverse environmental effect. Comments made by: USDA, ERDA, EPA, DOI, COE. (ELR Order No. 60164.)

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

Notice: In the FEDERAL REGISTER for Friday, January 23, 1976 the Council on Environmental Quality published a notice of availability of the final environmental impact statement for the proposed Coal Gasification Project, Navaho Mine, San Juan County, New Mexico. It has come to the Council's atten-

tion that there had not been complete distribution of the statement for review by that date. Therefore the thirty (30) day minimum commenting period is revised to begin on Friday, February 6, 1976.

NEW ENGLAND RIVER BASINS COMMISSION

Contact: Mr. Robert D. Brown, Staff Director, New England River Basins Commission, 55 Court Street, Boston, Massachusetts 02108, 617-223-6244.

Draft

Connecticut R. Basin, Flood Management, Connecticut, Feb. 6: The New England River Basins Commission proposes to transmit a report recommending policies and actions to reduce existing and future flood damage potential in the Connecticut River Basin. The report contains a series of policies and structural and non-structural solutions for flood damage reduction and flood plan management in the Basin. Actions are directed to all levels of government and private interests in those portions of the states of Vermont, New Hampshire, Massachusetts and Connecticut within the Basin. (ELR Order No. 60177.))

NUCLEAR REGULATORY COMMISSION

Contact: Mr. Benard Rersche, Director of Division of Reactor Licensing, P-722, NRC, Washington, D.C. 20555, 301-492-7373.

Draft

Clinch River Breeder Reactor Plant, Roane County, Tenn., Feb. 4: The proposed action is the issuance of a construction permit to the Project Management Corporation and the Tennessee Valley Authority for constructing the Clinch River Breeder Reactor (CRBRP). The CRBRP is designed to use a liquid sodium cooled fuel breeder reactor to produce 975 MWt with the initial core loading of uranium and plutonium. mixed oxide fuel. This heat would be transferred by heat exchangers to nonradioactive sodium in an intermediate loop, and then to a steam cycle. A steam turbine generator would use the steam to produce 380 MWe. Exhaust steam from the turbine-generator would be cooled in condensers utilizing a mechanical draft cooling tower. (ELR Order No. 60170.)

Final

Barnwell Fuel Receiving and Storage Station, Barnwell County, S.C., Feb. 3: The proposed action is to issue a materials license authorizing Allied-General Nuclear Services to receive and handle fuel casks containing spent reactor fuel elements and to store spent reactor fuel at the Barnwell Nuclear Fuel Plant in the Barnwell Fuel Receiving and Storage Station. Construction of the facility will disturb about 15 acres of the 1700 acres of fallow-field vegetation and timberland. Comments made by: USDA, COE, USCG, HEW, DOI, EPA. (ELR Order No. 60162.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Affairs, U.S. Department of Transportation, 400 7th Street, S.W., Washington, D.C. 20590, 202-426-4357.

FEDERAL AVIATION ADMINISTRATION

Draft

Westchester Co. Airport, Runway 34 Improvements, Westchester County, N.Y. Feb. 6: Proposed is the installation of an Instrument Landing System and a Medium Intensity Approach Lighting System to serve Runway 34 at Westchester County Airport located in White Plains, New York. The proposed action would permit approaching aircraft to utilize Runway 34 by making a straight-in approach with electronic guidance instead of the existing circling approach. Adverse environmental effects are those which occur during construction of the project, namely, minor fossil fuel emissions. (ELR Order No. 60176.)

Richland Airport Development, Washington, Feb. 4: The proposed action involves the development of the Richland Airport, Richland, Washington. Major developments include: development of a new 4000 foot runway; construction of parallel taxiways on runways 1-19 and 7-25; the acquisition of land and easements in the clear zone areas of runways 1-19 and 7-25; installation of landing aids; development of aircraft parking areas; and the improvement of airport access road. Adverse effects include an increase in the noise and air pollution over a wider area than that which presently exists. (ELR Order No. 60168.)

Final

Concorde Supersonic Transport, New York and Virginia, Feb. 4: The proposed action is an amendment of British Airways and Air France operations specifications to permit these carriers to conduct limited commercial service with the Concorde, a civil supersonic transport aircraft, to John F. Kennedy International Airport in New York and Dulles International Airport in Virginia. The proposal would permit both British Airways and Air Frace to conduct two flights daily to JFK and one flight daily to Dulles commencing in early 1976. Increases in noise and emission levels would result from introduction of Concorde service. Comments made by: CEQ, EPA, DOT, DOC, USDA, DOD, DLAB, OMB, HEW, HUD, DOI, and Federal Agencies, groups, and citizens. (ELR Order No. 60169.)

FEDERAL HIGHWAY ADMINISTRATION

Draft

Union Boulevard, Colorado Springs, El Paso County, Colo., Feb. 2: The proposed action is located in the northeast quadrant of Colorado Springs bounded approximately by the routes of US-85 (Nevada Avenue) on the west, Academy Boulevard on the east, Constitution Avenue on the south, and by Montebello Drive on the north. The principal concern of the action involves the proposed completion of Union Boulevard between Filmore Avenue and a point 2,780 feet south of Academy Boulevard. This facility would consist of two 36-foot lanes with a median barrier. Adverse effects include reduction of grassland habitat and increased stress on wildlife and vegetation. (ELR order No. 60150.)

K-7: Junction K-10, K-12 and K-7 to K-10 (Supplement), Johnson County, Kans., Feb. 6: The proposed project entails improvements within the Kansas City SMSA in Johnson County on K-7 from the junction of K-10, K-12, and K-7 north to .7 mile north of north junction of K-10. The proposed improvement involves the modification of existing roadway (two and four lanes) to four lane facility. A project noise analysis is included. (ELR Order No. 60178.)

Final

I-85 from SR 2025 to Groometown, Davidson, Guilford, and Randolph Counties, N.C., Feb. 2: This project located in Davidson, Guilford and Randolph Counties, entails the construction of a 20-miles segment of I-85 from SR 2025 east of Holly Grove to Groometown. The most significant adverse impact will be the relocation of 124 to 141 families, 10 businesses and a church. Other adverse effects include the acquisition of woodland and farmland, an increase in noise levels along the project corridor, possible economic losses by some businesses located on US 29-70 (temporary I-85) and temporary construction disruption. Comments made by: USDA, COE, EPA, FPC, GSA, HEW, DOI, and State agencies. (ELR Order No. 60155.)

U.S.H. 51, Wisconsin, Marquette, Waushara and Portgage Counties, Wis., Feb. 2: The proposed project is the expansion of U.S. Highway 51 from a 2-lane to a 4-lane highway for a length of 56 miles. A total of 770 acres of land (307 acres of woodland, 445 acres of agricultural land, and 18 acres of marsh land), will be acquired for right-of-way. The improvement will require the acquisition of 14 residences, 4 businesses, portions of two businesses and 6 storage buildings. A 4(f) review has been filed to obtain 10 acres of the Chaffee Creek Public Lands for right-of-way. The facility will increase noise levels and cause a loss of fish, wildlife and waterfowl habitat. Comments made by: DOT, DOT, EPA, USDA, and State agencies. (ELR Order No. 60153.)

GARRY L. WIDMAN,
General Counsel.

[FR Doc.76-4216 Filed 2-12-76;8:45 am]

GENERAL SERVICES ADMINISTRATION ET AL.

Environmental Impact Statements; Administrative Actions

The following documents, prepared pursuant to section 1500.6(e) of the CEQ *Guidelines*, are lists of administrative actions by General Services Administration, Tennessee Valley Authority, Department of Transportation, Federal Aviation Administration, and Urban Mass Transportation Administration, for which environmental impact statements are in preparation or for which negative declarations have been prepared.

Quarterly Report on Environmental Actions September 1, 1975 through November 30, 1975

REGION 1

ENVIRONMENTAL IMPACT STATEMENTS

A. *In Preparation.*—Providence, Rhode Island—Preliminary DEIS for construction of a FOB and the R&A of the existing FB-U.S. Court, estimated submission to Central Office—January 31, 1976.

Fort Kent, Maine—Preliminary DEIS for construction of new Border Station, estimated submission to CO—January 31, 1976.

B. *Proposed.*—Boston, Massachusetts—Preliminary DEIS for lease construction of new VA Outpatient Clinic Building.

Andover, Massachusetts—Preliminary DEIS for construction of a TAS Annex Building at IRS Service Center.

ENVIRONMENTAL ASSESSMENTS

A. *Completed with Negative Declaration.*—None.

B. *In Preparation—Likely to Result in Negative Declaration.*—None.

REGION 2

ENVIRONMENTAL IMPACT STATEMENTS

A. *In Preparation.*—Otisville, New York—DEIS for construction of Bureau of Prisons, estimated completion—March 1976.

Brookhaven, New York—DEIS, lease construction for IRS Extension to Service Center, no estimated completion date (project deferred at this time).

B. *Proposed.*—Northern, New Jersey—DEIS for construction of FFS Warehouse.

New York, New York—DEIS for construction of proposed Court of Appeals.

New York City (201 Varick Street)—Modernization construction of INS Detention Center and conversion of warehouse to office space.

ENVIRONMENTAL ASSESSMENTS

A. *Completed with Negative Declaration.*—None.

B. *In Preparation—Likely to Result in Negative Declaration.*—Wellesley Island, New York—Lease construction of relocated Border Station.

Niagara Falls, New York—Lease construction of relocated Border Station.

Binghamton, New York—R&A of USPO and Courthouse.

Trenton, New Jersey—R&A of USPO and Courthouse.

New York, New York—R&A 252 Seventh Avenue.

REGION 3

ENVIRONMENTAL IMPACT STATEMENTS

A. *In Preparation.*—Suitland, Maryland—Suitland Federal Center Master Plan, including Bureau of the Census Computer facility and Smithsonian Institution Museum Support facility (DEIS). Estimated date for filing with CEQ—January 31, 1976.

Charlottesville, Virginia—FEI-NTC (DEIS). Estimated date for filing with CEQ—March 1976.

Huntington, W. Virginia—65,000 square feet lease construction. Estimated date for filing with CEQ—January 1976.

Washington, D.C.—Central Heating Plant, Boiler Replacement, DEIS. Estimated date for filing with CEQ—January 1976.

Washington, D.C.—West Heating Plant, Alterations, DEIS. Estimated date for filing with CEQ—January 1976.

Arlington, Virginia—Virginia Heating Plant Precipitators, DE S. Estimated date for filing with CEQ—December 1976.

B. *Proposed.*—Washington, D.C. — U.S. Courthouse, Airconditioning.

Washington, D.C.—Old Post Office Building, Renovation.

Suitland, Maryland—Suitland Federal Center, Heating Plant, Dust Collectors.

McLean, Virginia—VIA Headquarters, Precipitators.

Reston, Virginia—J. W. Powell Building, Precipitators.

Washington, D.C.—Michler Place YMCA, renovation of buildings and proposed Federal Building.

Washington, D.C.—Southwest Employment Area (HEW) Federal Building.

Charleston, W. Virginia—20,000 square feet lease construction.

Harpers Ferry, W. Virginia—65,000 square feet lease construction.

ENVIRONMENTAL ASSESSMENTS

A. *Completed with Negative Declaration.*—Washington, D.C.—Howard University Center Bldg. Approved December 11, 1975.

B. *In Preparation—Likely to Result in Negative Declaration.*—Annapolis, Maryland—20,000 square feet EPA Laboratory.

Washington, D.C.—Winder Building Restoration.

Washington, D.C.—Old Post Office, Cleaning and Painting.

REGION 4

ENVIRONMENTAL IMPACT STATEMENTS

A. *In Preparation.*—Panama City, Florida—Lease construction of Federal Building and Courthouse. Estimated date for filing with CEQ—January 31, 1976.

Miami, Florida—Construction of Post Office and Courthouse Annex, Motor Pool, requires prospectus approval.

B. *Proposed.*—Covington, Kentucky—Construction of TAS Annex to Internal Revenue Service Center.

Memphis, Tennessee—Construction of TAS Annex, Internal Revenue Service Center.

ENVIRONMENTAL ASSESSMENTS

A. *Completed with Negative Declaration.*—Vicksburg, Mississippi—Leased construction, District Office, Corps of Engineers—approved by Commissioner on November 24, 1975.

Charleston, South Carolina—Leased construction for Southeastern Utilization Center—approved by Commissioner on October 24, 1975.

B. *In Preparation—Likely to Result in Negative Declaration.*—Charleston, South Carolina—Lease construction, Warehouse for US Navy North Charleston.

REGION 5

ENVIRONMENTAL IMPACT STATEMENTS

A. *In Preparation*.*—Detroit, Michigan—Secondary Truck Inspection Facility, US Customs Service, preliminary working draft EIS, estimated CEQ filing date—March 1976.

Cleveland, Ohio—Parking Facility, US Courthouse and Federal Building, preliminary DEIS, estimated CEQ filing date—pending review of scope of project and funding.

B. *Proposed.*—None.

*Jeffersonville, Indiana—Proposed Federal Center, DEIS previously listed, however, project indefinitely postponed due to funding restraints.

ENVIRONMENTAL ASSESSMENTS

A. *Completed with Negative Declaration.*—None.

B. *In Preparation—Likely to Result in Negative Declaration.*—Joliet, Illinois—Lease construction of Federal Building.

Rockford, Illinois—Lease construction Federal Building and Courthouse.

REGION 6

ENVIRONMENTAL IMPACT STATEMENTS

A. *In Preparation.*—None.

B. *Proposed.*—St. Louis, Missouri—R&A, 4300 Goodfellow.

ENVIRONMENTAL ASSESSMENTS

A. *Completed with Negative Declaration.*—None.

B. *In preparation—Likely to Result in Negative Declaration.*—Columbia, Missouri—Lease construction, four state offices of United States Department of Agriculture.

REGION 7

ENVIRONMENTAL IMPACT STATEMENTS

A. *In Preparation.*—Santa Fe, New Mexico—Lease parking facility, FEIS, estimated completion—project deferred pending GSA policy reevaluation.

Little Rock, Arkansas—Federal Building, DEIS, temporarily deferred pending reevaluation of project.

Anapra, New Mexico—Border Station, DEIS, requires prospectus approval.

Santa Fe, New Mexico—NPS Building, DEIS, requires prospectus approval.

Albuquerque, New Mexico—Federal Building, DEIS, requires prospectus approval.

Austin, Texas—Lease IRS Payment Center Annex, DEIS, requires prospectus approval.

El Paso, Texas—Federal Building-Parking Facility, Courthouse-Federal Building conversion, DEIS, requires prospectus approval.

Houston, Texas—Federal Building-Parking Facility, DEIS, requires prospectus approval.

Dallas, Texas—R&A of Federal Building at 1114 Commerce, DEIS, requires approval of prospectus.

Fort Worth, Texas—R&A at Federal Center, DEIS, estimated date for filing with CEQ—March 15, 1976.

B. *Proposed.*—San Antonio, Texas—Master Plan.

ENVIRONMENTAL ASSESSMENTS

A. *Completed with Negative Declaration.*—Amarillo, Texas—R&A Post Office-Courthouse, date approved—November 14, 1975. (Previously listed as EIS.)

B. *In Preparation—Likely to Result in Negative Declaration.*—El Paso (Ysleta), Texas—Border Station (Land Acquisition).

El Paso, Texas—VA Clinic, Lease.

San Antonio, Texas—Lease, HUD Area Office and AFEES.

Little Rock, Arkansas—Lease, VA Clinic.

New Orleans, Louisiana—R&A FOB (South Street).

New Orleans, Louisiana—R&A of Customhouse.

REGION 8

ENVIRONMENTAL IMPACT STATEMENT

A. *In Preparation.*—Ogden, Utah—New construction IRS Western Service Center, ADP Extension. DEIS approved by CO, awaiting prospectus approval.

Salt Lake City, Utah—New Construction BOM Metallurgy Center, DEIS filed with CEO October 10, 1975, waiting for memorandum of agreement before filing FEIS.

B. *Proposed.*—None.

ENVIRONMENTAL ASSESSMENTS

A. *Completed with Negative Declaration.*—Cedar City, Utah—Proposed lease consolidation, approved November 24, 1975.

B. *In Preparation—Likely to Result in Negative Declaration.*—Lakewood, Colorado—Proposed Lease Construction Project for MESA.

Casper, Wyoming—Lease Consolidation for BLM.

Libby, Montana—Lease construction project for Forest Service.

REGION 9

ENVIRONMENTAL IMPACT STATEMENTS

A. *In Preparation.*—West Los Angeles, California—New construction FBI Parking Facility, DEIS, pending prospectus approval.

Phoenix, Arizona—New construction FOB and Parking Structure, DEIS, pending prospectus approval.

Ventura County, California—New construction, Federal Youth Center, FEIS, not yet scheduled.

B. *Proposed.*—Los Angeles, California—New construction of Parking Facility, 300 North Los Angeles Street.

San Francisco, California—New construction FOB Complex.

Menlo Park, California—New construction, U.S. Geological Survey, expansion of Pacific Coast Center.

Riverside, California—Lease construction Federal Building.

ENVIRONMENTAL ASSESSMENTS

A. *Completed with Negative Declaration.*—Menlo Park, California—U.S. Geological Survey Pacific Coast Center, Radiocarbon Dating Laboratory, approved October 13, 1975.

B. *In Preparation—Likely to Result in Negative Declaration.*—Williams, Arizona—Kaiba National Forest Headquarters.

Novato, California—R&A Consumer Product Safety Laboratory.

Sacramento, California—Lease construction VA Outpatient Clinic.

Agana, Guam—Lease construction Federal Office Building.

Flagstaff, Arizona—Lease construction GSA Interagency Submotor Pool.

REGION 10

ENVIRONMENTAL IMPACT STATEMENTS

A. *In Preparation.*—Haines, Alaska—New construction, proposed Border Station, DEIS, estimated date for filing with CEQ—April 1, 1976.

Pocatello, Idaho—Lease construction FOB and Courthouse, DEIS, estimated date for filing with CEQ—February 1, 1976.

B. *Proposed.*—None.

ENVIRONMENTAL ASSESSMENT

A. *Completed with Negative Deeclaration.*—None.

B. *In Preparation—Likely to Result in Negative Declaration.*—Toppenish, Washington—Bureau of Indian Affairs (lease).

Coeur d'Alene, Idaho—Lease Forest Service.

Hoodsport, Washington—Forest Service (Lease).

REGION 1

NEGATIVE DECLARATIONS

Newport Naval Base, Sachuest Point, Middletown, Rhode Island, N–RI–474 and N–RI–471, Supplement 1—for assignment to BOR for conveyance to the Town of Middletown for park and recreational purposes.

Portion—U.S. Naval Shipyard, Boston (Charlestown), Massachusetts, N–Mass–708—for transfer to National Park Service for inclusion as a part of the Boston National Historical Park.

Mike Battery 36, Hull/Weymouth, Massachusetts, D–Mass–719, Supplement 1—for assignment to BOR for conveyance to the Town of Hull for park and recreational purposes.

Portion Fort Dawes (IUWU Harbor Defense), Deer Island, Boston, Massachusetts, N–Mass–565D—for assignment to DHEW for conveyance to the Metropolitan District Commission for public health purposes.

Annisquam Harbor Light Station, Gloucester, Massachusetts, U–Mass–709—for negotiated exchange with Norwood Heights Association for permanent access rights over the Association's property.

U.S. Naval Hospital Boston, Chelsea, Massachusetts, N–Mass–703—for negotiated sale to the City of Chelsea.

Portion—Naval Shipyard Annex, South Boston, Massachusetts, N–Mass–707—for negotiated sale to the Economic Development Industrial Corporation, City of Boston.

Roadway Parcel, Quonset Point Naval Air Station, North Kingstown, Rhode Island, N–RI–469—for assignment to the Department of Transportation for conveyance to the State of Rhode Island.

REGION 2

U.S. Naval Ammunition Depot, Earle, Colts Neck, New Jersey, N–NJ–455C—negotiated sale to adjoining owner.

St. Albans Naval Hospital, Queens, New York, N–NY–551A—transfer a portion of property consisting of 63.17 acres to V.A. for hospital purposes.

Nike Battery 23/25, Township of Lumberton, Burlington County, New Jersey, D–NJ–478A—negotiated sale of Launcher area to Township of Lumberton for municipal complex. Assign control area to DHEW for conveyance to the Township of Lumberton for educational use.

REGION 3

Portion, Vint Hill Farms Station, Prince William County, Virginia, D–VA–641A—proposed assignment to the Department of Health, Education, and Welfare for conveyance to the Prince William County School Board for educational purposes.

Portion, Suitland Federal Center (Suitland Annex), Prince Georges County, Maryland, G–MD–419A—proposed transfer to the Smithsonian Institution for future development.

Portion, Agricultural Research Center, Beltsville, Maryland, A–MD–404N—proposed transfer to the Department of the Interior for inclusion in the Patuxent Wildlife Research Center.

Portion, NIKE Battery BA–79, Baltimore County, Maryland, D–MD–538—proposed assignment to the Department of Health, Education, and Welfare for conveyance to the State of Maryland for public health purposes.

Portion, Veterans Administration Hospital, Salem, Virginia, V–VA–441—proposed assignment to the Bureau of Outdoor Recreation for conveyance to the city of Roanoke, Virginia, for park and recreational purposes.

Portion, Walter Reed General Hospital (Forest Glen Section), Montgomery County, Maryland, D–MD–539—proposed assignment to the Department of Transportation for conveyance to the Maryland Department of Transportation.

Portion, Cameron Station, Alexandria, Virginia, D–VA–649—proposed assignment to the Bureau of Outdoor Receration for conveyance to the city of Alexandria, Virginia, for park and recreational purposes.

Portion, Oyster Point Ammo Storage Annex, Newport News, Virginia, D–VA–481E—proposed to offer by sealed bid sale.

NIKE Battery PI–03, Allegheny County, Pennsylvania, D–PA–673—proposed assignment to the Department of Health, Education, and Welfare for conveyance to the Three Rivers Indian Council, reserving an easement for continued use of an existing radio tower to Allegheny County; and assignment to the Bureau of Outdoor Recreation for conveyance to West Deer Township.

Portion, Naval Ordnance Station, Indian Head, Maryland, N–MD–422Y—proposed transfer to the Postal Service, assignment to the Bureau of Outdoor Recreation for conveyance to the town of Indian Head, Maryland, for park and recreation use, and assignment to the Department of Health, Education, and Welfare for conveyance to the Charles County Board of Education for educational purposes.

NIKE Battery PI–37, Herminie, Pennsylvania, D–PA–670—proposed to offer by sealed bid sale.

REGION 4

V.A. Hospital, Dublin, Georgia V–GA–532D—portion to be transferred to U.S. Army for use as an Army Reserve Training Center.

Capehart and Wherry Housing Areas, Former Naval Air Station, Albany, Georgia N–GA–563B and N–GA–563B–1—to be sold by negotiated sale to the Albany Housing Authority or by sealed bid sale to the general public.

McKinney Lake National Fish Hatchery, Richmond County, Hoffman, North Carolina I–NC–570—portion assigned to DHEW for conveyance to the Richmond County Board of Education, Rockingham, North Carolina, for educational purposes.

McKinney Lake National Fish Hatchery, Richmond County, Hoffman, North Carolina I–NC–570—portion transferred to Department of the Army for further Federal utilization.

Memphis Depot, Memphis, Tennessee D–TENN–592—to be sold by sealed bid sale.

Dobbins Air Force Base, Marietta, Georgia D–GA–557—portion assigned to DHEW for conveyance to the Board of Regents of the University System of Georgia for use and benefit of Southern Technical Institute for educational purposes.

Perimeter portion Fort Stewart Military Reservation, Bryan County, Georgia D–GA–589—portion assigned to BOR for subsequent conveyance to the State of Georgia for public park and recreation purposes.

Corps of Engineers Reservation, Mobile, Alabama G–ALA–547—portion to be assigned to BOR for subsequent conveyance to City of Mobile, Alabama, for park and recreational use.

McCoy Air Force Base and ILS Outer Marker, Orlando, Florida D–FLA–705A—portion to be conveyed to the City or Orlando for airport purposes.

Pahokee Labor Camp, Palm Beach County, Florida A–FLA–725—transferred to the Federal Aviation Administration to be used as a remote air/ground communication center.

GSA/FSS Depot, Gadsden, Etowah County, Alabama G–ALA–546—to be conveyed to City of Gadsden for airport revenue-producing purposes.

Valkaria Missile Tracking Annex, Valkaria, Brevard County, Florida D–FLA–721—portion to be assigned to BOR for conveyance to Brevard County for P&R purposes.

V.A. Hospital Reservation, Biloxi, Harrison County, Mississippi GR–MISS–445C—portion to be assigned to DHEW for conveyance to the Board of Trustees of State Institutions of Higher Learning, for use and benefit of the Gulf Coast Research Laboratory for educational purposes.

REGION 5

Flanagan Bin Site, Flanagan, Illinois, A–ILL–63, 1.7 acres, draft. Assignment to DHEW for conveyance to the Flanagan Community Unit District No. 4 Board of Education for its use as a Land Laboratory for Vocational Agriculture Courses.

Marine Corps Reserve Center, Chicago, Illinois, N–ILL–629, 0.94 acres, draft. Assignment to DHEW for conveyance to the Community College District No. 508 for law enforcement education.

Portion, Duluth International Airport, Duluth, Minnesota, D–MINN–4450, 264.02 acres, draft. Conveyance to the City of Duluth (Duluth International Airport Authority) for further utilization.

U.S. Disciplinary Barracks, Milwaukee, Wisconsin, GR–WIS–431B, 25.85 acres, draft. Assignment to BOR for conveyance to the City of Milwaukee for public park or recreation purposes.

Osceola AFS Communications Annex, (GATR) Site, Polk County, Wisconsin, D–WIS–525, 5.74 acres, draft. Assignment to BOR for conveyance to Farmington Township for park and recreational purposes.

Osceola Air Force Station, Polk County, Wisconsin, D–WIS–525A, 82.02 acres, draft. Assignment to DHEW for conveyance to the Wisconsin Institute for Social Research and Development, to be developed into a residential school for emotionally disturbed and mentally handicapped children.

Portion, Fort Wayne Military Reservation, Detroit, Michigan, L–MICH–559A, 65.615 acres, draft. Assignment to BOR for conveyance to the City of Detroit for park and recreational purposes.

Portion, U.S. Office and Courthouse site, Parcel 2, Council Bluffs, Iowa, P–Iowa–468—offer the property for public sale.

Old Post Office Property, 28 South Lind Street, Iowa City, Iowa, P–Iowa–469—offer the property for public sale.

Portion, Parcel 1 and Parcel 2, Fort Des Moines, Iowa, D–Iowa–402L—assign water tower on parcel 1 to DHEW for conveyance to the town of Woodward for off-site removal and use; transfer parcel 1 to GSA, SMD, for continued use by Interagency Motor Pool and assign parcel 2 to DHEW for conveyance to Polk County Commission on Alcoholism as a treatment facility.

Parcel H, Fort Leavenworth, Kansas, D–Kan–429N—assign the property to BOR for conveyance to Leavenworth County for park and recreational use.

Portion, Air Force Plant No. 65, Neosho, Missouri, D–Mo–427K—offer the property for public sale.

Grain Bin Site, Greig and East Streets, Spencer, Nebraska, A–Nebr–503—offer for public sale.

ENVIRONMENTAL STATEMENTS (NEGATIVES)

I–NM–414–A Unimproved land on west side of Tucumcari, Quay County, New Mexico. Proposed disposal is partial assignment to BOR for conveyance to City of Tucumcari for park and recreation; partial assignment to DHEW for conveyance to Tucumcari Public Schools for educational purposes and partial assignment to DOT for conveyance to State of New Mexico for street extension.

I–Ark–415–C Seven buildings at Hot Springs National Park, Arkansas. Propose sealed bid sale for off-site removal.

GR–NM–415–R–(1) Unimproved land and easements located about three miles southwest of Belen, Valencia County, New Mexico. Propose to offer property for sealed bid sale to public.

D–Tex–479–AK Land at Fort Bliss, Texas presently leased to El Paso Independent School District. Propose assignment to DHEW for conveyance to El Paso Independent School District.

D–Tex–485–CJ Four buildings at Kelly AFB, Texas. Proposed disposal is to offer three by sealed bid sale for off-site removal. One building to be transferred to Orange County, Texas for airport use.

B–NM–504–G Unimproved land on northern and western perimeters of Los Alamos, New Mexico. Region proposes partial transfer to U.S. Forest Service for inclusion in Santa Fe National Forest. Three noncontiguous parcels will be exchanged for tract needed by the U.S. Forest Service on the slopes of the Sandia Mountains for the Cibola National Forest.

D–Okla–507–E Land improved with water well, comprising a portion of the Denison Dam and Reservoir Project, Lake Texoma, Marshall County, Oklahoma. Propose to negotiate sale of portion of property to the Caney Creek Water Works. Transfer remaining property to State of Oklahoma for wildlife purposes.

D–Tex–522–T Unimproved land at Biggs Airfield, El Paso County, Texas. Propose assignment of portion of land to DHEW for conveyance to El Paso Independent School District for educational purposes. Remaining portion of land will be given to City of El Paso for airport purposes.

D–Tex–527–H Land and buildings, National Guard Facility, Amarillo, Texas. Proposed sale of portion to Potter County for use as jail facility. Portion to DHEW for conveyance to Potter County for alcoholic treatment center. Two tracts will be offered for sale by sealed bids to the public. One tract with sewer and water lines will be assigned DHEW for conveyance to City of Amarillo.

D–Tex–538–AA Land improved with security fence and asphalt pad near Lubbock, Lubbock County, Texas. Propose assignment to BOR for conveyance to City of Lubbock for park and recreational use.

GR–Tex–549–F Unimproved land at Fort Crockett, Texas. Propose transfer to NOAA.

G–Tex–593–H Unimproved land at GSA Bastrop Depot near Bastrop, Texas. Propose assignment to BOR for conveyance to City of Bastrop for park and recreational use.

I–Tex–908 Land, easements and related personal property of the former National Fish Hatchery, Fort Worth, Texas. Region proposes partial conveyance to State of Texas for continued fish hatchery use and wildlife conservation. A second portion of land will be acquired by City of Fort Worth for park and recreational purposes.

G–Tex–911 Meskill Station Post Office building and site, Texas City, Texas. Proposed disposal is sale to City of Texas City for in place use as a general office building.

REGION 8

Former BLM Administrative Site, Kremmling, Colorado, I–Colo–549—property assigned to BOOR for conveyance to Town of Kremmling for public park or recreation purposes.

Former Titan 1 Missile Site No. 2, near Hermosa, South Dakota, D–SD–426XX—property assigned to HEW for conveyance to Hermosa Water Users Association for public health use.

Water Supply and Distribution System, Clearfield Federal Depot, Clearfield, Utah, G–Utah–414J—it is proposed to assign the property to HEW for conveyance to the City of Clearfield for health purposes.

Parcels 1 and 2 of the Cheyenne Marginal Road Property, Cheyenne, Wyoming, GR–Wyo–422V—it is proposed to offer subject property for sale to the public by sealed bid.

REGION 9

Portion, March Air Force Base, Riverside, California, 9–D–Calif–588–YY—transfer to Veterans Administration for use as a new National Cemetery.

Portion, Twentynine Palms Marine Corps Base, Twentynine Palms, San Bernardino County, California, 9–N–Calif–651–B—transfer to Bureau of Land Management for National Reource land.

Portion, Naval Post graduate School, Monterey, County, California, 9–N–Calif–1085—portion to be used by the Monterey-Peninsula Unified School District for educational purposes, and portion to be sold to Monterey County for continued use as a parking lot.

Portion, Tract "A", Navajo Depot Activity, Flagstaff, Arizona, 9–D–Ariz–843—transfer to the Department of Agriculture to be managed with other Forest Service land for production of forage, timber production, and dispersed recreational use.

Los Angeles Defense Area, Nike Site 88, Los Angeles County, California, 9–D–Calif–1090—portion to Los Angeles County for use by Probation Department for youth rehabilitation camp, and portion to Los Angeles County for a communication facility.

Portion, Bell Federal Center, Los Angeles County, California, 9–G–Calif–698–F—negotiated sale to the City of Bell for use as an industrial complex, and electrical and water distribution systems to be sold for continued use.

Portion, San Francisco Engineer Docks and Yards, Sausalito, California, 9–D–Calif–805–A—portion to City of Sausalito for park and recreational use, and portion to be sold to City of Sausalito for continued commercial fishing industry use.

Portion, Los Angeles Defense Area, Nike Site 55, Point Vicente, Los Angeles County, California, 9–D–Calif–1081—transfer to U.S. Coast Guard for continued use for access road and antenna purposes.

Portion, Veterans Administration Center, Los Angeles, California, 9–V–Calif–514–H—transfer to General Services Administration for use in connection with the Federal Bureau of Investigation parking and maintenance facility.

Portion, Milagra Ridge Military Reservation, Nike 51, Pacifica, California, 9–D–Calif–723–B—portion to San Mateo Community College District for educational use; portion to Jefferson Union High School District for educational use; portion to North Coast County Water District for water reservoir site; and portion to San Mateo County for park and recreational use.

Lakeview Lookout Site, Siskiyou County, California, 9–A–Calif–1093—public sale for probable residential use.

REGION 10

NEGATIVE DECLARATIONS

GSA control No.	*Property identification*
P–Wash–857	Wenatchee Post Office, Wenatchee, Wash.—proposed negotiated sale at fair market value to the city of Wenatchee to house their historical museum and for administrative office space.
D–Alas–662	Haines-Fairbanks pipeline system—system located in Alaska and Canada—proposed to offer the property for lease by competitive sealed bid pursuant to sec. 203 (c) (e) of the Federal Property and Administrative Services Act of 1949, as amended.
I–Wash–606A	Chehalis medium frequency radio station, Lewis County, Wash.—proposed disposal by sealed bid sale.
I–Wash–712B	John Day substation site and corridor, Klickitat County, Wash.—proposed negotiated sale to public utility district No. 1 of Klickitat County for use as a substation site.
I–Wash–594B	Bonneville Power Administration substation site, Snohomish, Wash.—proposed to assign to HEW for conveyance to Snohomish school district No. 201 for school use.
I–Wash–787A	Sammamish-Maple Valley transmission line, King County, Wash.—proposed negotiated sale to Puget Sound Power & Light Co. for continued use as an intertie between 2 of their substations.
I–Wash–858	Colfax substation site, Whitman County, Wash.—proposed negotiated sale to Inland Power & Light Co. pursuant to sec. 13(d) of the 1944 act (50 U.S.C. approp. 1622(d)).
D–Wash–855	Kingston Nike site 92, Kingston, Wash.—proposed to assign approximately 15 acres of the launcher site to Bureau of Outdoor Recreation for conveyance to Kitsap County for park and recreational purposes and assign 35 acres of the launcher site along with 16 acres of the control area to the HEW for conveyance to Kitsap County school district No. 400 for educational purposes.
A–Ore–590 A and B	Prineville residences, Crook County, Oreg.—proposed for sale to the public by sealed bid.

102(2MC) Statements, September 1, 1975 Through November 3, 1975

REGION 1

Disposal of Naval Auxiliary Landing Field, Charlestown, Rhode Island Draftems being prepared considering various land uses.

REGION 3

Major Portion of Fort Holabird, Baltimore, Maryland. D-MD-426G EIS-F—Dispose of 179.20 acres through negotiated sale with the city of Baltimore for general public purposes; 37 acres by assignment to the Bureau of Outdoor Recreation (BOR) for conveyance to the city of Baltimore; 4 acres by assignment to BCP for conveyance to Baltimore County for park and recreation purposes; 6.65 acres through sealed bid sale. Draft EIS to CEQ 7/9/75—Final EMS to CEQ 11-17-75.

Major Portion of Bainbridge Naval Training Center, Cecil County (Port Deposit), Maryland. Draft EIS being prepared considering various optional land uses.

REGION 9

Final EMS, Hill 733, Marine Corps Air Station, El Toro (Santa Ana), Orange County, California, 9-N-Calif-676-B-2.5 million cubic yards of earth fill material for off-site use. (10-15-75).

TENNESSEE VALLEY AUTHORITY

List of Environmental Impact Statements Under Preparation—December 1975

Final statements being prepared	*Draft issued*
Timberlake new community	Nov. 29, 1974.
Policies relating to electric power rates	Aug. 8, 1975.
Morton ranch uranium mining	Oct. 2, 1975.
Poor Valley Creek State Park	Oct. 16, 1975.
Volunteer, Tenneesee, 500-kV substation and transmission line connections.	Dec. 12, 1975.
Draft statements being Prepared	
Policies relating to power system transmission facilities.	
X21-X22 nuclear plant	
X24-X25 nuclear plant	

NOTE.—Raccoon Mountain Pumped-Storage Project—final statement being printed at the time of this report.

U.S. DEPARTMENT OF TRANSPORTATION

FEDERAL AVIATION ADMINISTRATION

Environmental Impact Statements in Preparation or Anticipated (2d Quarter 1976)

Anchorage, Alaska	New runway.
Ocean City, Md	Do.
Chestertown, Md	New airport—general utility.
Calvert Co., Md	Do.
Elmira, N.Y	Runway extension.
Newburgh, N.Y	Do.
Erie, Pa	Do.
St. Marys, Pa	Do.
Allentown (ABE), Pa	Do.
Somerset, Pa	Do.
Bedford, Pa	New airport.
Quenton, Va	Runway extension, road relocation.
South Hill, Va	New basic transport airport.
Franklin, Va	Runway extension.
Roanoke, Va	Do.
Williamsburg, Va	New general utility airport.
Gloucester, Va	Airport expansion.
Stafford Co., Va	New basic transport airport.
Clarksburg, W. Va	Runway extension.
Lewisburg, W. Va	Do.
New Martinsville, W. Va	
Buckhannon, W. Va	Do.
Summersville, W. Va	Runway extension.
Ogden, Utah	Do.
Vernal, Utah	New runway.
Hailey, Idaho	Initial issuance of operations specification authorizing use of Convair 440 in scheduled operation twice daily.
Great Falls, Mont	Relocate instrument landing system (ILS) and medium intensity approach lighting system with runway alinement indicator lights (MALSR).
Aspen, Colo	Establish doppler visual omnirange (DVOR).
Englewood, Colo	Establish nondirectional beacon/outer marker (NDB/OM).
Arapahoe, Colo	
Trinidad, Colo	Relocate and raise radio microwave link tower 240 ft.
Finley, N. Dak	Establish air route surveillance radar.
Colorado Springs, Colo	Relocate outer marker (OM).
Miami, Fla	Construct replacement facilities for everglades jetport.
Nashville, Tenn	Construct new airport.
Raleigh-Durham, N.C	Construct new air carrier runway.
St. Thomas, V.I	Construct new runway.
Ft. Myers, Fla	Construct new air carrier airport.
Burbank, Calif	Acquire airport.
La Verne, Calif	New runway.
Los Angeles, Calif	Acquire airport and new runway.
Do	Airport development.
Oakland, Calif	Runway extension.
Ontario, Calif	New runway.

Palmdale, Calif	New airport.
Reedley, Calif	Do.
Santa Ana, Calif	Airport expansion.
San Francisco, Calif	Do.
New Haven, Conn	Runway extension.
Auburn-Lewiston, Maine	Raise runway end, instrument landing system, obstruction removal.
Bar Harbor, Maine	Terminal area relocation.
Machias, Maine	Runway extension.
Rumford, Maine	New airport.
Provincetown, Mass	Runway extension.
Worcester, Mass	Do.
Bridgeport, Conn	Do.
Newport, R.I	Do.
Richardson, Tex	New general aviation airport.
Houston, Tex	New runway.
Tulsa, Okla	Various development, airport master plan.
Shreveport, La	New runway.
Honolulu, Hawaii	Develop airport master plan for general aviation airport.
Lihue, Kauai, Hawaii	Develop airport master plan.
Yap District, Trust Territory of the Pacific Islands.	Do.
Kusaie Island, Ponape District. Trust Territory of the Pacific Islands.	Do.
Babelthuap/Koror Island, Palau District.	Do.
Agana, Guam	Do.
Mount Pleasant, Mich	Land acquisition and runway extension.
Pontiac, Mich	Runway extension.
Hillsdale, Mich	20-year proposed general plan.
Cleveland, Ohio	Land acquisition and new runway.
Rhinelander, Wis	Do.
Neah Bay, Wash	Establish very high frequency omnirange/distance measuring equipment.
Do	New airport site.
Richland, Wash	New runway, land acquisition.
Woodland, Wash	New airport site.
Colville, Wash	Do.
Ocean Shores, Wash	Do.
Pasco, Wash	Runway extension, land acquisition.
Elma, Wash	Runway extension.
Goldendale, Wash	Do.
Kelso, Wash	Do.
Everett, Wash	New general aviation runway.
Vancouver, Wash	New public airport.
La Grande, Oreg	Runway extension.
Hermiston, Oreg	Land acquisition, runway extension.
Medford, Oreg	Land acquisition.
Warm Springs, Oreg	New airport site.
Portland-Clackamas, Oreg	Do.
Roseburg, Oreg	Major obstruction removal.
St. Maries, Idaho	Land acquisition.
Kamiah, Idaho	Runway extension, land acquisition.
Soda Springs, Idaho	New runway, land acquisition.
Boise, Idaho	Runway extension.
Buhl, Idaho	Do.
Alabaster, Ala	Do.
Gilbertsville, Ky	Do.
Miami, Fla	Do.

U.S. DEPARTMENT OF TRANSPORTATION

URBAN MASS TRANSPORTATION ADMINISTRATION

In accordance with the CEQ guidelines, this office is forwarding the list of projects requiring administrative actions for which environmental impact statements are being prepared for the third quarter of fiscal year 1976:

1. Final Supplemental EIS No. 1 on changes to MARTA East-West line, Atlanta, Georgia.

2. Final EIS on D.C. Bi-Centennial Transportation Program, Washington, D.C.

3. Final EIS on Fifth and Sixth Avenues Transit Mall, Portland, Oregon.

4. Final EIS on South Quincy Station Area, Quincy, Massachusetts.

5. Draft EIS on Bus Storage and Maintenance Facility, Bloomington, Minnesota.

Reported last quarter but held in abeyance until further notice is: 1. Draft EIS on METRO Extension to Shady Grove, WMATA, Washington, D.C.

GARY L. WIDMAN,
General Counsel.

[FR Doc.76-4217 Filed 2-12-76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 489-6; OPP-50064]

ARMAK CO.

Issuance of Experimental Use Permit

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), an experimental use permit has been issued to Armak Company, Chicago, Illinois 60606. Such permit is in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

This experimental use permit (No. 6922-EUP-2) allows the use of approximately 75 gallons of undecanol as a chemical pinching agent to treat an estimated 2,250,000 chrysanthemums and other flowers. The program is authorized only in the States of Alabama, California, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Mississippi, Nebraska, New York, North Carolina, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, Texas, Vermont, and Virginia. The experimental use permit is effective from January 22, 1976, to January 22, 1977.

Interested parties wishing to review the experimental use permit are referred to Room E-315, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St., SW., Washington, D.C. 20460. It is suggested that such interested persons call 202/755-4851 before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: February 10, 1976.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

[FR Doc.76-4381 Filed 2-12-76;8:45 am]

[FRL 489-5]

SCIENCE ADVISORY BOARD ECOLOGY ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given that a meeting of the Ecology Advisory Committee of the Science Advisory Board will be held beginning at 9:00 a.m., March 1, 1976, in the Administrator's Conference Room (Room 1101) Waterside Mall, West Tower, 401 M Street, S.W., Washington, D.C.

This meeting is the sixth meeting of the Ecology Advisory Committee. The agenda includes a report on the activities of the Executive Committee, Science Advisory Board; consideration of the *Ad Hoc Study Group* Report on the Technical Bulletin on Acceptable Methods for the Utilization and Disposal of (Municipal) Sludges; response to and discussion of the Committee Advisory Statements of October 23, 1975; status report on special activities of the Committee; and member items of interest.

The meeting is open to the public. Any member of the public wishing to attend, participate, or obtain additional infor-

mation, should contact Dr. J. Frances Allen, Executive Secretary, Ecology Advisory Committee, (703) 557–7720.

THOMAS D. BATH,
Staff Director,
Science Advisory Board.

FEBRUARY 10, 1976.

[FR Doc.76–4378 Filed 2–12–76;8:45 am]

FEDERAL ENERGY ADMINISTRATION

DEVELOPMENT OF VOLUNTARY AGREEMENT TO IMPLEMENT THE INTERNATIONAL ENERGY PROGRAM

Notice of Meeting and Request for Public Comment

This day, the Federal Energy Administration (FEA amended Chapter II of Title 10, Code of Federal Regulations, by establishing Part 209 (International Voluntary Agreements) to provide standards and procedures by which persons engaged in the business of producing, transporting, refining, distributing, or storing petroleum products may develop and carry out voluntary agreements, and plans of actions, which are required to implement the allocation and information provisions of the International Energy Program. These regulations, which appear concurrently with this notice, were adopted pursuant to Section 252 of the Energy Policy and Conservation Act (EPCA), Pub. L. 94–163.

Under the EPCA, the present "Voluntary Agreement and Program Relating to the International Energy Program", which was concluded by several companies pursuant to Section 708 of the Defense Production Act (50 U.S.C. App. § 2158), will expire on March 21, 1976. In its rulemaking notice, FEA announced that a new voluntary agreement would be developed under the procedures established in Part 209. Accordingly, FEA hereby announces a meeting for that purpose to be held on February 26 and 27 among potential participants in the new agreement, government representatives, and interested persons. The proposed text of that agreement is appended to this notice, and interested persons are hereby invited to comment thereon orally at the meeting and in writing.

THE PROPOSED VOLUNTARY AGREEMENT

In accordance with the EPCA, the proposed voluntary agreement and plan of action facilitates implementation of the international allocation and information provisions of the International Energy Program (IEP). The agreement contemplates that actions taken by the participants in order to implement the objectives of the IEP will include (i) the membership of participants in standing groups, working parties, advisory bodies or other bodies established at the request of the IEA or the U.S. Government for the purpose of implementing allocation and information provisions of the IEP, (ii) consultations, planning, and individual and joint actions which participants may take to implement the international allocation of petroleum pursuant to the IEP, and (iii) the furnishing by participants of data and information, and consultations and planning in respect thereof, in accordance with the IEP, all as included within the scope of Sections 5 and 6 of the proposed agreement. The agreement specifically provides procedures for undertaking and carrying out these actions, including required notice to government representatives, necessary approvals by such representatives, and record keeping.

The proposed agreement is based generally on the present voluntary agreement, with appropriate modifications to conform to the EPCA. The present voluntary agreement, along with letters from interested agencies, including the Department of Justice, is published in the FEDERAL REGISTER of April 8, 1975 (40 FR 16041).

PUBLIC PARTICIPATION IN THE DEVELOPMENT OF THE VOLUNTARY AGREEMENT

Under § 209.23 of FEA regulations, meetings to develop a voluntary agreement are open to all interested persons. Such persons may present data, views, and arguments orally and in writing, subject to such reasonable limitations with respect to the manner of presentation as the Administrator may impose.

Accordingly, interested persons are hereby invited to submit written data, views, or arguments with respect to this agreement to Executive Communications, Room 3309, Federal Energy Administration, Box FW, The Federal Building, 12th and Pennsylvania Avenue, N.W., Washington, D.C. 20461. Comments should be identified on the outside of the envelope and on the documents submitted to the Federal Energy Administration with the designation "Development of an International Voluntary Agreement." Fifteen (15) copies should be submitted. All comments received by 4:30 p.m., e.s.t., February 23, 1976, will be considered by the Federal Energy Administration in evaluating the proposed agreement.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing, one copy only. The FEA reserves the right to determine the confidential status of the information or data and to treat it according to its determination.

The meeting with respect to this agreement will be held beginning at 9:30 a.m., e.s.t., on February 26, 1976, in Room 3000A, 12th and Pennsylvania Avenue, N.W., Washington, D.C., to be continued if necessary on February 27. It is expected that the meeting will consist primarily of a detailed discussion of the agreement by the potential participants therein and other interested persons. In addition, representatives of FEA, the Department of Justice, the Department of State, and the Federal Trade Commission will also be present and participating. Persons wishing to participate in the meeting should notify Ms. Sandra Sherman, Federal Energy Administration, Office of the General Counsel, Federal Building, Room 5117, 12th and Pennsylvania Avenue, N.W., Washington, D.C. 20461 (Telephone: (202) 961–8201), by 4:30 p.m., e.s.t., February 24, 1976. Further procedures for the conduct of the meeting, and for the oral presentation of data, views, and arguments by interested persons, will be announced at the beginning of each day's session.

A transcript of the meeting will be prepared, and will be available for inspection in the FEA Freedom of Information Office, Room 3116, Federal Building, 12th and Pennsylvania Avenue, N.W., Monday through Friday. Any person may purchase a copy of the transcript from the reporter.

[Federal Energy Administration Act of 1974, Pub. L. 93–275; E.O. 11790, 39 FR 23185; Energy Policy and Conservation Act, Pub. L. 94–163]

Issued in Washington, D.C., February 10, 1976.

MICHAEL F. BUTLER,
General Counsel,
Federal Energy Administration.

VOLUNTARY AGREEMENT TO IMPLEMENT THE INTERNATIONAL ENERGY PROGRAM

1. *Need for an Agreement.* The oil embargo of 1973 and the marked increase in world oil prices which occurred almost simultaneously severely disrupted the economies of most importing nations and strained their political, strategic, and economic relationships. Inadequate cooperation among the industrialized countries resulted in unilateral efforts on the part of many to obtain supplies of oil. The United States Government and certain other members of the Organization for Economic Cooperation and Development (OECD), based on the need demonstrated by that experience, have undertaken to achieve a coordinated approach to decrease their dependence on foreign oil, and to reduce the strategic and economic vulnerability which such dependence can cause. The United States Government and such other governments have decided that their best interests lie in taking steps, such as developing an effective international oil allocation plan, to minimize the effects of a supply interruption and to assure that the exigencies of extreme shortage do not unduly disrupt national economies or the world petroleum market.

In this connection, the President of the United States determined that, with respect to this country's national security and defense programs and the related programs of certain other members of the OECD, should any substantial reduction in world petroleum supplies occur, it would directly impair United States defense mobilization efforts. In addition, failure to ensure that the remaining supplies were allocated rationally and fairly among the major consuming nations would have an adverse impact on U.S. national security and defense mobilization efforts. In view of the foregoing, the President has determined that the United States must be prepared to cooperate with other nations in the distribution of available supplies on a rational and equitable basis, in order to utilize them with maximum efficiency during any future supply interruption, thus minimizing the impact of any in-

terruption on the economy and security of the United States.

As part of a policy to reduce their dependence on foreign oil and to obtain the greatest utility of supplies during an oil emergency, the United States and certain other OECD members have signed an Agreement on an International Energy Program (IEP), pursuant to which an International Energy Agency (IEA) has been established as an autonomous institution within the OECD. The effective functioning of the IEP is a vital element in the United States international energy policy and thus an important factor in our overall foreign policy.

It is a premise of the IEP Agreement that consultation and cooperation between oil companies and the IEA is essential to the effective functioning of the IEP, and thus to the solution of economic, strategic and national security problems facing oil importing nations. Since April 1975, a number of participating oil companies have cooperated under the Voluntary Agreement and Program Relating to the International Energy Program, established under the authority of the Defense Production Act. Actions have been taken thereunder by those participating oil companies in order to further the objectives of the IEP and to implement the related policies and procedures of the IEA.

Continuation of such cooperation is important to the effective functioning of the programs of the IEA. The Energy Policy and Conservation Act (EPCA), 89 Stat. 871, provides authority for the continuations of such cooperation, and for future efforts by which persons engaged in the business of producing, transporting, refining, distributing or storing petroleum products may cooperate under voluntary agreements and plans of action to implement the allocation and information provisions of the IEP.

2. *What this Agreement does.* This is a voluntary agreement and plan for action under section 252 of the Energy Policy and Conservation Act, 89 Stat. 871. Section 252 provides that participants in voluntary agreements shall have as a defense to any civil or criminal action brought under the antitrust laws or any similar state law that challenged actions were taken in the course of developing or carrying out a voluntary agreement or plan of action in compliance with the requirements of section 252 and rules promulgated thereunder. It is contemplated that this defense will be available to all parties, including eligible affiliates, who are participants under section 9 of this Voluntary Agreement. This Voluntary Agreement contemplates that actions taken by the participants in order to implement the objectives of the IEP will include (i) the membership of participants in standing groups, working parties, advisory bodies or other bodies established at the request of the IEA or the U.S. Government for the purpose of implementing allocation and information provisions of the IEP, (ii) consultations, planning, and individual and joint actions which participants may take to implement the international allocation of petroleum pursuant to the IEP, and (iii) the furnishing by participants of data and information, and consultations and planning in respect thereof, in accordance with the allocation and information provisions of the IEP, all as included within the scope of Sections 5 and 6 of this Agreement. This agreement does not contemplate acts which affect the production, refining, transportation, or the marketing of petroleum within the United States except such acts which are reasonably in accordance with the provisions of the IEP or plans of action approved pursuant to section 6 of this Agreement.

3. *Definitions for purposes of this Agreement.* (a) "Oil Companies" means international companies, national companies, integrated and non-integrated companies, and other entities which play a significant role in the business of producing, transporting, refining, distributing or storing petroleum.

(b) "Adminstrator" means the Administrator of the Federal Energy Administration.

(c) "Petroleum" means "petroleum product" as defined in section 3 of the EPCA, including to that extent:

(1) Crude oil

(2) Natural gas liquids and other liquids produced in association with crude oil or natural gas

(3) Refined petroleum products, including but not limited to gasoline, kerosene, distillates, residual fuel oil, refined lubricating oil, and liquefied petroleum gases, and

(4) Blending agents and additives used in conjunction with crude oil and refined petroleum products.

(d) "United States" when used in the geographical sense means all of the several states, the District of Columbia, Puerto Rico, the territories and possessions of the United States, and the Outer Continental Shelf (as defined in section 2 of the Outer Continental Shelf Lands Act).

(e) "International Energy Agency" (IEA) means the International Energy Agency established by Decision of the Council of the OECD, dated November 15, 1974.

(f) "International Energy Program" (IEP) means the Agreement on an International Energy Program, signed by the United States on November 18, 1974, including (i) the annex entitled "Emergency Reserves", (ii) any amendment to such Agreement which includes another nation as party to such Agreement, and (iii) any technical or clerical amendment to such Agreement.

(g) "Antitrust laws" includes—

(1) the Act entitled "An Act to protect trade and commerce against unlawful restraints and monopolies", approved July 2, 1890 (15 U.S.C. 1, et seq.);

(2) The Act entitled "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes", approved October 15, 1914 (15 U.S.C. 12, et seq.);

(3) The Federal Trade Commission Act (15 U.S.C. 41, et seq.);

(4) Sections 73 and 74 of the Act entitled "An Act to reduce taxation, to provide revenue for the Government, and for other purposes", approved August 27, 1894 (15 U.S.C. 8 and 9); and

(5) The Act of June 19, 1936, chapter 592 (15 U.S.C. 13, 13a, 13b, and 21A).

(h) "International energy supply emergency" means any period (A) beginning on any date which the President determines allocation of petroleum products to nations participating in the International Energy Program is required by chapters III and IV of such program, and (B) ending on a date on which he determines that all such allocation is no longer required.

4. *International Energy Program.* This Agreement facilitates implementation of the international allocation and information provisions set forth Chapters III and IV and Chapter V, respectively, of the Agreement on an International Energy Program.

It is understood that the U.S. Government does not view this Agreement as in any way affecting the rights and obligations of the United States as a party to the IEP.

5. *Meetings and consultation.* (a) Upon the invitation of the IEA and with the approval of the Administrator and the Attorney General, any participant herein may accept membership in any advisory body, working party, or other group established by the IEA, and any subgroup thereof, including but not limited to the Industry Advisory Board, the Reporting Company Group, the Industry Working Party to the Standing Group on the Oil Market, the Industry Supply Advisory Group, and subcommittees and *ad hoc* groups formed therefrom. The Administrator shall give notice to the Federal Trade Commission of each participant's membership in any group pursuant to this section. Approval of membership in any advisory body, working party, or other group established by the IEA, shall be deemed to constitute approval of membership in any subgroup thereof, provided that the participant provides written notice to the Administrator, the Attorney General, and the Federal Trade Commission ten days prior to accepting such membership and provided that membership in such subgroup may be disapproved prospectively at any time by the Administrator or the Attorney General upon written notice to the participant. In addition, subject to the approval of the Attorney General, any participant to this Agreement may accept membership in any advisory body, working party or other group established by the Administrator or the Secretary of State with respect to the IEP provided that any such group shall be chaired by a full time federal employee who shall control the agendas for all meetings of such group.

(b) (1) Each participant to this Agreement may as a member of a group, or subgroup thereof, established as provided in subsection 5(a) advise and consult with the IEA or the U.S. Government or with other members of such group or subgroup, at meetings held in accordance with subsection 5(c), with respect to the allocation and information provisions of the IEP, including the development and recommendation to the IEA of emergency measures and programs and plans subsidiary thereto, to be implemented pursuant to section 6. Each participant may furnish and exchange information and data, including confidential and proprietary information or data, in order to implement the IEP or plans of action approved pursuant to section 6; provided that confidential or proprietary information and data may be exchanged among the participants, and with other persons and agencies or provided by the participants to the IEA, only in accordance with the procedures set out in subsections 5(b) (2) and (3) below. Any confidential or proprietary information or data furnished or exchanged pursuant to this section shall be retained and provided to the Administrator and upon request to the Attorney General and the Federal Trade Commission.

(2) In order to implement the IEP or plans of action approved pursuant to section 6, and except as provided in subsection 5(b)(3), confidential or proprietary information or data may be exchanged with, or provided to participants, the IEA, or such other persons or entities as are designated by the IEA, only if the Administrator, after consultation with the Secretary of State, and with the concurrence of the Attorney General after consultation with the Federal Trade Commission, has approved in writing the exchange or provision of such types of information or data. Confidential or proprietary information or data provided or exchanged pursuant to this subsection shall be aggregated or otherwise compiled by the Administrator or the IEA to prevent, to the extent possible, the identification of individ-

ual company data or information before being disclosed to or exchanged with the participants or any other person or entity unless the Administrator, after consultation with the Secretary of State and with the concurrence of the Attorney General, has determined that such exchange or disclosure is necessary to deevlop, prepare, or test emergency allocation measures.

(3) Upon notification by the Administrator to the participants of an international energy supply emergency as provided in subsection 6(a)(1), the participants may, in addition to information provided pursuant to the procedures in subsection 5(b)(2), provide to the IEA and to each other and to persons or entities as may be designated by the IEA or the Administrator (which designation may be by class), such types of confidential or proprietary information as are reasonably required to implement this Agreement and plans of action approved pursuant to section 6, and participants may consult with and advise the IEA, among themselves and with such other persons and entities concerning such information and date. The participants shall notify the Administrator the Attorney General, and the Federal Trade Commission of the types of information and data exchanged or provided pursuant to this subsection and shall at the request of the Administrator, the Attorney General, or the Federal Trade Commission, provide such information to them. The Administrator, after consultation with the Secretary of State, the Attorney General, and the Federal Trade Commission, may at any time prospectively prescribe terms and conditions for the continued exchange or provision of information or data pursuant to this subsection 5(b)(2).

(4) For purposes of this subsection (b), the exchange of information between a participant and an employee or representative of the participant acting as a member of the Industry Supply Advisory Group (or other group with similar functions) shall be considered an exchange of information among participants. No representative of a participant will supply to his company any confidential or proprietary information about any other oil company obtained as a consequence of his membership in ISAG, except such data necessary to be supplied in the course of carrying out ISAG's allocation procedures pursuant to an emergency allocation plan of action approved under section 6 or in an approved test of such allocation procedures.

(c) (1) Any meetings of any group in which participants' membership has been approved pursuant to subsection 5(a), or any subgroup thereof, shall be open to a representative of the Administrator, the Secretary of State, the Attorney General, and the Federal Trade Commission severally, to any United States Government employee designated by the Administrator, and to any other person as may be provided by law. The presence of a full-time federal employee shall be essential to the conduct of a meeting. The Administrator or his designee shall keep a full and complete record, and where practicable a verbatim transcript of the meeting. Such record or transcript shall be deposited promptly with the Administrator and shall be available to the Attorney General, the Federal Trade Commission, and the Secretary of State.

(2) Prior to notification by the Administrator to the participants of an international energy supply emergency as provided in subsection 6(a)(1), notice of all meetings pursuant to this subsection 5(c), including time, place, expected participants and agenda, shall be provided by or on behalf of participants attending such meeting at least 14 days in advance to the Administrator, unless emergency circumstances, IEP requirements, or other unanticipated circumstances require shorter notice and such shorter notice is approved by the Administrator. In order that full-time federal employees may be in attendance to monitor any subgroups, such notice shall, if relevant, indicate the number of simultaneously meeting subgroups into which the participants intend to divide.

(3) Subsequent to notification by the Administrator to the participants of an international energy supply emergency as provided in subsection 6(a)(1), the provisions of subsection 5(c)(2) shall be complied with to the extent practicable, provided, however, that, where time does not permit compliance with the notice provisions of such subsection, any group may have meetings so long as actual notice is given to the Administrator of such meeting by telephone or other appropriate means. For any such emergency meeting the participants shall provide in writing as soon as practicable to the Administrator, the Attorney General, and the Federal Trade Commission, the time, place, participants or expected participants, and agenda.

(4) During an international energy supply emergency or allocation test, any meeting of the Industry Supply Advisory Group (or other group with similar functions) at which representatives or employees of participants are present shall be considered a meeting subject to the provisions of this section, provided that the ISAG once convened may be considered to be in continuous session for that emergency or test without further notice.

(d) All approvals granted to participants by the Administrator and the Attorney General pursuant to subsections 5(a) and 5(b)(2) of the Voluntary Agreement and Program Relating to the International Energy Program, which approvals are set out in Appendix A, shall be deemed to remain in effect for the purposes of subsections 5(a) and 5(b)(2) of this Agreement, provided that the persons who received such approvals become participants in this Agreement within 45 days of its effective date. Such approvals shall extend to subsidiaries and affiliated entities to the extent that such subsidiaries and affiliated entities are covered by this Agreement pursuant to subsection 9(b)(3).

6. *Emergency allocation.* (a)(1) Upon a determination by the President that an international energy supply emergency exists, the Administrator shall notify the participants to this Agreement. Thereafter, any participant acting alone, with other participants, or with other persons or entities, may take such actions as may be necessary or appropriate to implement emergency allocation programs of the IEA, subject to the terms and conditions of this Agreement and plans of action approved pursuant to this section. Such actions may include, among others, one or more of the following:

(A) Arrangements between or among the participants or with other persons and entities, for the most effective use, without regard to ownership, of terminal and storage facilities, tankers, pipeline capacities, and other transportation facilities so as to minimize duplications, multiple loadings and discharging, split cargoes, long hauling, cross hauling, and back hauling, and idle time in port.

(B) Arrangements among the participants for the purchase, loan, sale, or exchange of petroleum by and among themselves, or with other persons or entities.

(C) Alterations in the rate of production of petroleum. Such alterations may be accomplished by any one or more appropriate methods including the following: increasing or decreasing drilling for or production of oil; adjusting or establishing transportation facilities and crude throughput facilities, including adjustments in the throughput, quality specifications or yields or conversion of equipment now installed for the manufacture of any one particular petroleum product to the manufacture of another petroleum product; the processing of selected crude oils or the exchange of components between various refineries; processing agreements; or exchange of refinery capacity.

(b) After a determination by the President that an international energy supply emergency no longer exists, no further action shall be initiated pursuant to this section and action previously initiated shall be completed as promptly as possible, and not later than 90 days after notification, provided that upon specific application, the Administator, with the concurrence of the Attorney General after consultation with the Federal Trade Commission, may approve extensions of such 90 day period.

(c) (1) Prior to notice of a determination by the President that an international energy supply emergency exists, plans of action may be developed elaborating and applying the allocation principles and measures established by the Governing Board of the IEA. Each such plan shall describe the types of substantive actions which may be taken under the plan and shall be as specific in its description of proposed substantive actions as is reasonable in light of known circumstances. Plans of action may be modified from time to time and in particular may be made more detailed as planning continues. Any plan of action, or modification thereof, pursuant to this Agreement may not be carried out unless approved by the Administrator, and by the Attorney General after consultation with the Federal Trade Commission. Any plan of action or modification thereof shall be submitted in writing by the Administrator to the Attorney General and the Federal Trade Commission at least 20 days before being implemented, provided that during an international energy supply emergency, the Administrator, subject to the approval of the Attorney General, may reduce such 20 day period.

(2) The Attorney General, in consultation with the Administrator, the Federal Trade Commission, and the Secretary of State, or the Administrator with the approval of the Attorney General and in consultation with the Federal Trade Commission and the Secretary of State, may at any time review, amend, modify, disapprove, or revoke, in whole or in part, on his own motion or upon the request of another federal agency or interested person, any plan of action submitted to him for approval or already approved by him. The Administrator shall provide notice to the participants of any approval, amendment, modification, disapproval, or revocation of any plan of action.

(3) The joint development, joint formulation, or joint approval by the participants of any plans of action as described in this subsection 6(c) shall take place only at meetings of groups in which membership by the participants has been approved pursuant to section 5 and which are conducted in accordance with the provisions of that section.

(d) After the activation of emergency measures, any plans of action submitted to the Administrator and the Attorney General shall be deemed to have been approved if neither the Attorney General nor the Administrator has given notice of disapproval to the participants on or before the expiration of a 20-day period after receipt of the plan by the Attorney General and the Federal Trade Commission, provided that the Administrator, with the approval of the At-

torney General, may reduce such 20-day period.

(e) (1) During an international energy supply emergency, any participant may initiate individual or joint action in implementation of this Agreement or plans of action approved pursuant to this section. Each participant taking any action or agreeing to take any action pursuant to this subsection shall notify the Administrator and the Attorney General within 72 hours, or longer period as may be determined by the Administrator, after the end of the week in which such action is taken or agreed upon.

(2) Such notification shall identify how such action is in implementation of approved plans of action, the companies involved in such action, the quantities of petroleum involved, and such other detail as the Administrator may require. It shall also identify a responsible person or persons who shall be prepared to answer inquiries by the Administrator or the Attorney General concerning the action agreed upon or taken.

(3) The Administrator or the Attorney General may disapprove such action or such agreement after receipt of notice of the action or agreement if, after consultation with the Secretary of State, he determines that such action or agreement is not in implementation of plans of action previously approved by the Administrator and the Attorney General.

(4) With respect to any action taken prior to notice of disapproval by the Administrator or the Attorney General, a defense to any civil or criminal action brought under the antitrust laws (or any similar State law) shall be available in accordance with section 252(f) of the EPCA.

(5) Where action has been disapproved and appropriate corrective action has not been taken, the Administrator may, after consultation with the Attorney General, the Federal Trade Commission, and the Secretary of State, require the withdrawal of the participant from the Agreement or from any plan of action approved under this Agreement. Such withdrawal shall not affect any power of the Administrator to otherwise compel corrective action.

7. *Agreement of participants.* The participants severally agree that they shall endeavor in good faith to take such measures as may be necessary or appropriate, taking into account such limitations as may be imposed by circumstances such as lack of pertoleum resources or facilities, governmental restrictions or requirements, and economic or other detriment, to develop and implement plans of action contemplated by this Agreement.

The failure of the Administrator, other government official, or the IEA to take any action required of them by this Agreement, shall, to the extent permitted by law, not affect the availability of the antitrust defense provided for actions taken in accordance with this Agreement and plans of action approved pursuant to this Agreement.

8. *Records.* Participants shall keep whatever records are required by section 252 of the EPCA and regulations issued pursuant thereto. In any event, each participant shall maintain, for a period of five years, full and complete records of all its actions related to this Agreement including but not limited to (i) all intracorporate documents related to any meeting held pursuant to Section 5 or any action proposed or carried out pursuant to Section 6 of this Agreement and (ii) any specific records and indices which the Administrator, the Attorney General, or the Federal Trade Commission may require. All such records shall be made available promptly upon written request to the Administrator, the Attorney General, or the Federal Trade Commission. Each participant shall also make such reports with respect to any action related to this Agreement as may be reasonably required by the Administrator, the Attorney General, or the Federal Trade Commission.

9. *Approval of Agreement and procedure for becoming a participant.* (a) This voluntary Agreement or any amendment or modification may not be carried out unless approved by the Attorney General, after consultation with the Federal Trade Commission, in accordance with the EPCA. The Administrator shall submit to the Attorney General and the Federal Trade Commission the proposed agreement or any amendment or modification, in writing, at least 20 days prior to implementation, provided that during an international energy supply emergency, the Administrator, subject to the approval of the Attorney General, may reduce such 20 day period. Upon the Attorney General's approval, the Agreement or any amendment or modification shall be published in the FEDERAL REGISTER.

(b) (1) At the time this Voluntary Agreement is submitted to the Attorney General for approval or subsequently, the Administrator shall submit to the Attorney General the name of any company whose participation in the Agreement he has determined to be appropriate in light of the purposes of this Agreement. If the Attorney General, after consultation with the Federal Trade Commission, approves the company's participation, the Administrator may request such company in writing to participate. A company shall become a participant in the Agreement by advising the Administrator, in writing, of its acceptance of the Administrator's request. The Administrator shall notify the Attorney General and the Federal Trade Commisison of such acceptance. Notice of such requests and their acceptance shall be published in the FEDERAL REGISTER. Such requests and their acceptance shall be effective for the purpose of making available the antitrust defense provided pursuant to this Agreement only with respect to such actions by such companies as are within the scope of sections 5 and 6 of this Agreement.

(2) Any oil company which desires to become a participant may ask that it be so requested. If the Administrator determines that its participation is appropriate in light of the purposes of this Agreement, he shall, subject to the approval of the Attorney General after consultation with the Federal Trade Commission, request that such company participate in accordance with the procedures set forth in paragraph (1) of this subsection.

(3) Approval of any company's participation in this Agreement shall extend to actions of affiliated companies which are more than 50% owned, directly or indirectly, by the company to which approval is granted, provided that such company notifies the Administrator and the Attorney General of each affiliate to be covered by this subsection, including the reasons for its inclusion and the nature of the company's ownership; and provided that neither the Administrator nor the Attorney General notifies the participant that he disapproves the coverage of such affiliate by this subsection.

10. *Notices.* Where notice under this Agreement is required to be furnished by a participant to the Administrator, the Attorney General, the Federal Trade Commission or the Secretary of State, such notice shall be directed to the following persons, or to such other persons as the Administrator, the Attorney General, the Federal Trade Commission, or the Secretary of State may designate:

(a) *Administrator:* The Administrator, Federal Energy Administration, Washington, D.C. 20461. ATTN:

(b) *Attorney General:* Assistant Attorney General, Antitrust Division, Washington, D.C. 20530. ATTN: Chief, Public Counsel and Legislative Section.

(c) *Federal Trade Commission:* Secretary, Federal Trade Commission, Washington, D.C. 20580.

(d) *Secretary of State:* Under Secretary of State for Economics, Department of State, Washington, D.C. 20520.

11. *Effective date and duration.* (a) This agreement or any amendment or modification shall become effective upon the date of its approval by the Attorney General as provided in subsection 252(d) of the EPCA. It shall cease to be effective on June 30, 1979, unless an extension of the authority under Section 252, or any other legislation, permits continuation of the Agreement.

(b) The Attorney General, in consultation with the Federal Trade Commission, the Secretary of State, and the Administrator, may review, amend, modify, or revoke this Agreement, on his own motion or upon the request of a federal agency or interested person, at any time, and, if revoked, thereby terminate prospectively the availability of any immunity to the antitrusts laws (or similar state laws) which may be provided by compliance with this Agreement. Except as he may otherwise determine, the Attorney General shall provide at least 20 days notice to the Administrator, the Federal Trade Commission, the Secretary of State, and the participants of any intention to amend, modify, or revoke this Agreement.

12. *Withdrawal from Agreement.* (a) Any participant may withdraw from this Agreement upon at least 30 days notice to the Administrator subject to the fulfillment of obligations incurred under this Agreement prior to the date of such notice, except that when emergency measures have been undertaken in accordance with section 6 of the Agreement or the Administrator determines that such measures may be immediately required, the Administrator may postpone the effective date of withdrawal for up to 60 days.

(b) The Administrator, after consultation with the Attorney General, the Federal Trade Commission, and the Secretary of State, may by giving not less than 10 days written notice to any participant require the withdrawal of that participant from this Agreement or any plan of action approved pursuant to this Agreement.

[FR Doc.76-4366 Filed 2-10-76;4:25 pm]

REEVALUATION OF THE MANDATORY PETROLEUM ALLOCATION AND PRICE REGULATIONS

Correction of Public Hearing Dates

On February 11, 1976, the Federal Energy Administration issued a Notice of Change in Location of Public Hearing with respect to the hearing to be held in Washington, D.C., on the Reevaluation of the Mandatory Petroleum Allocation and Price Regulations. That notice incorrectly stated that the hearing would be held on February 18, 19, and 20, 1976.

Notice is hereby given that the correct dates for the hearing are February 17, 18, and 19, 1976, as originally noticed. The hearing will be held in the Departmental Auditorium, Constitution Avenue between 12th and 14th Streets, NW., Washington, D.C., and will begin each day at 9:30 a.m.

Issued in Washington, D.C., February 12, 1976.

MICHAEL F. BUTLER,
General Counsel.

[FR Doc.76-4548 Filed 2-12-76;11:41 am]

FEDERAL POWER COMMISSION

NATIONAL GAS SURVEY; RESEARCH AND DEVELOPMENT-TECHNICAL ADVISORY COMMITTEE

Cancellation of Meeting

Notice is hereby given of the cancellation of the meetings of the National Gas Survey Research and Development-Technical Advisory Committee of February 18, 1976, and February 19, 1976 which were published in the FEDERAL REGISTER January 30, 1976, 41 FR 4646.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-4250 Filed 2-12-76;8:45 am]

NATIONAL GAS SURVEY; SUPPLY-TECHNICAL ADVISORY TASK FORCE-FOREIGN GAS SUPPLY STUDY SUBGROUPS

Cancellation of Meeting

Notice is hereby given of the cancellation of the meeting of the National Gas Survey Supply-Technical Advisory Task Force-Foreign Gas Supply Study Subgroups of February 18, 1976, which was published in the FEDERAL REGISTER January 23, 1976, 41 FR 3506.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-4249 Filed 2-12-76;8:45 am]

NATIONAL GAS SURVEY; SUPPLY-TECHNICAL ADVISORY TASK FORCE-PROSPECTIVE EXPLORATION AND DEVELOPMENT AND ADDITIONS TO RESERVES SUBGROUP ON GAS RESERVES ADDITIONS AND ECONOMIC ANALYSIS

Cancellation of Meeting

Notice is hereby given of the cancellation of the meeting of the National Gas Survey Supply-Technical Advisory Task Force-Prospective Exploration and Development and Additions to Reserves Subgroup on Gas Reserves Additions and Economic Analysis of February 13, 1976, which was published in the FEDERAL REGISTER January 30, 1976, 41 FR 4646.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-4251 Filed 2-12-76;8:45 am]

NATIONAL GAS SURVEY; SUPPLY-TECHNICAL ADVISORY TASK FORCE-FOREIGN GAS SUPPLY

Cancellation of Meeting

Notice is hereby given of the cancellation of the meeting of the National Gas Survey Supply-Technical Advisory Task Force-Foreign Gas Supply of February 19, 1976, which was published in the FEDERAL REGISTER January 23, 1976, 41 FR 3506.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 76-4252 Filed 2-12-76;8:45 am]

[Rate Schedule Nos. 133, etc.]

TEXACO INC., ET AL.

Rate Change Filings

FEBRUARY 6, 1976.

Take notice that the producers listed in the Appendix attached hereto have filed proposed increased rates to the applicable new gas national ceiling based on the interpretation of vintaging concepts set forth by the Commission in its Opinion No. 699–H, issued December 4, 1974. Pursuant to Opinion No. 699–H the rates, if accepted, will become effective as of the date of filing.

The information relevant to each of these sales is listed in the Appendix.

Any person desiring to be heard or to make any protest with reference to said filings should on or before February 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). A protest will not serve to make the protestant a party to the proceeding. Any party wishing to become a party to a proceeding must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

APPENDIX

Filing date	Producer	Rate schedule No.	Buyer	Area
Jan. 19, 1976	Texaco, Inc., P.O. Box 52332, Houston, Tex. 77052.	[1] 133	Natural Gas Pipeline Co., of America.	Hugoton-Anadarko.
Jan. 28, 1976	Union Oil Co., of California, P.O. Box 7600, Los Angeles, Calif. 90051.	107	El Paso Natural Gas Co	Permian Basin.
Do	Texaco, Inc	137	Tennessee Gas Pipeline Co	Texas Gulf Coast.
Jan. 30, 1976	George R. Brown, San Jacinto Bldg., Houston, Tex. 77002.	14	Arkansas Louisiana Gas Co	Other Southwest.
Do	Union Oil Co. of California	34	El Paso Natural Gas Co	Permian Basin.
Do	American Petrofina Co., of Texas, P.O. Box 2195, Dallas, Tex. 75221.	59	United Gas Pipe Line Co	Texas Gulf Coast.
Do	Texaco, Inc	263	Tennessee Gas Pipeline Co	Do.

[1] Filing proposes to consolidate sales formerly covered by Texaco's rate schedule Nos. 133, 195, and 198.

[FR Doc.76-4183 Filed 2-12-76;8:45 am]

FEDERAL RESERVE SYSTEM

CENTRAL MISSOURI BANCSHARES, INC.

Order Approving Formation of Bank Holding Company and Engaging in Insurance Agency Activities

Central Missouri Bancshares, Inc., Smithton, Missouri, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through acquisition of 86.3 per cent of the voting shares of Exchange Bank of New Franklin, Missouri, New Franklin, Missouri ("Exchange Bank"), and 51.1 per cent of the voting shares of The Smithton Bank, Smithton, Missouri ("Smithton Bank"). Applicant has also applied, pursuant to § 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to engage in the activities of a general insurance agency from the premises of the subject banks located in communities with populations not exceeding 5,000 persons. Such activities have been determined by the Board to be closely related to banking (12 CFR 225.4(a)(9)(iii)(*a*)).

Notice of the applications, affording opportunity for interested persons to submit comments and views, has been given in accordance with §§ 3 and 4 of the Act (40 FR 55720). The time for filing comments and views has expired, and the Board has considered the applications and all comments received in light of the factors set forth in § 3(c) of the Act (12 U.S.C. 1842(c)), and the considerations specified in § 4(c)(8) of the Act.

Applicant is a nonoperating corporation recently organized for the purposes of becoming a bank holding company through acquisition of Banks and of engaging in general insurance agency activities. Exchange Bank and Smithton Bank have aggregate deposits of $8.3 million, representing .05 percent of the total desposits in commercial banks in Missouri, and rank as the 542nd and 585th largest banks in the State, respectively.[2] Approval of the application would not increase significantly the concentration of banking resources in Missouri.

Exchange Bank ($4.6 million in deposits), located in New Franklin (population of 1,122 according to the 1970 Census), is the smallest of four banks operating in the Howard County banking market and holds approximately 13 percent of total commercial bank deposits in the market. Smithton Bank ($3.7 million in deposits) is the only bank in Smithton (population of 402 according to the 1970 Census) and is the smallest of seven banks operating in the Pettis County banking market, with about 4 percent of the total commercial bank deposits in the market. Exchange Bank and Smithton Bank are located 41 miles apart and, as indicated above, operate in separate banking markets. Since the pro-

[2] All banking data are as of June 30, 1975 and reflect bank holding company formations and acquisitions approved by the Board through December 31, 1975.

posal represents a transfer of the ownership of Banks from individuals to a corporation owned by the same individuals, consummation of the transaction would not eliminate any existing or future competition between Exchange Bank and Smithton Bank, nor have an adverse effect on any other bank. On the basis of the record, the Board concludes that competitive considerations are consistent with approval of the application to become a bank holding company.

The financial and managerial resources and future prospects of Applicant, which are dependent upon those of Banks, are regarded as satisfactory. Although Applicant will incur debt in connection with the subject proposal, its projected income from Banks and the insurance agency activities should provide sufficient revenue to service the debt without impairing the financial condition of either proposed subsidiary bank. Therefore, considerations relating to banking factors are consistent with approval of the application. Considerations relating to convenience and needs are also regarded as being consistent with approval of the application to acquire Banks. It is the Board's judgment that consummation of the proposal to form a bank holding company would be in the public interest and that the application to acquire the subject banks should be approved.

In connection with the application to become a bank holding company, Applicant has also applied, pursuant to § 225.4(a)(9)(iii)(a) of Regulation Y, to continue to engage in general insurance agency activities through acquisition of the insurance business presently owned by Banks' principals and conducted on Banks' premises. Approval of these applications would ensure the residents of New Franklin and Smithton a convenient source of insurance services, which factor the Board regards as being in the public interest. There is no evidence in the record indicating that consummation of the proposal would result in any undue concentration of resources, unfair competition, conflicts of interests, unsound banking practices or other adverse effects on the public interest.

Based on the foregoing and other considerations reflected in the record, the Board has determined that the considerations affecting the competitive factors under § 3(c) of the Act and the balance of the public interest factors required to be considered under § 4(c)(8) of the Act both favor approval of Applicant's proposals.

Accordingly, the applications are approved for the reasons summarized above. The acquisition of the subject banks shall not be made before the thirtieth calendar day following the effective date of this Order. The acquisition of the subject banks and the aforementioned insurance agency activities shall not be made later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Kansas City pursuant to delegated authority. The determination as to Applicant's insurance activities is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require reports by, and make examinations of, holding companies and their subsidiaries and to require such modification or termination of the activities of a bank holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

By order of the Board of Governors,[2] effective February 6, 1976.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.76-4291 Filed 2-12-76;8:45 am]

EXCHANGE BANCSHARES, INC.

Formation of Bank Holding Company

Exchange Bancshares, Inc., Skiatook, Oklahoma, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 80 percent or more of the voting shares of The Exchange Bank, Skiatook, Oklahoma. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than March 8, 1976.

Board of Governors of the Federal Reserve System, February 6, 1976.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-4292 Filed 2-12-76;8:45 am]

INTERNATIONAL BANCORP.

Formation of Bank Holding Company

International Bancorporation, St. Paul, Minnesota, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of all of the voting shares (less directors' qualifying shares) of First National Bank of International Falls, International Falls, Minnesota. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than March 8, 1976.

Board of Governors of the Federal Reserve System, February 6, 1976.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-4293 Filed 2-12-76;8:45 am]

[2] Voting for this action: Chairman Burns and Governors Holland, Jackson and Partee. Absent and not voting: Governors Mitchell, Wallich and Coldwell.

FOREIGN-TRADE ZONES BOARD

[Docket No. 1-76; Foreign Trade Zone No. 21]

DORCHESTER COUNTY, S. CAROLINA

Application To Establish a Temporary Zone Site

Notice is hereby given that an application has been submitted to the Foreign-Trade Zones Board (the Board) by the South Carolina. The site consists of a Charleston, South Carolina, requesting authority to establish a temporary foreign-trade zone site for a period of one year in Summerville, Dorchester County, South Carolina. The site consists of a 63,000-square foot warehouse/light manufacturing building on a 16.6-acre tract within the Summerville Industrial Park, located on Industrial Boulevard, some two miles from the zone's permanent industrial park site in Dorchester County which is presently under construction. The grant of authority for that site was issued by the Board on June 12, 1975 (40 FR 2563, 6-17-75).

Copies of the Port Authority's application are available for inspection at each of the following locations:

South Carolina State Ports Authority, Main Office Building, Reception Desk, 176 Concord Street, Charleston, South Carolina 29402.

Office of the District Director, U.S. Customs Service, Room 121, U.S. Customhouse, 200 East Bay Street, Charleston, South Carolina 29402.

Office of the Executive Secretary, Foreign-Trade Zones Board, Room 6886B, U.S. Department of Commerce, 14th and E Streets NW., Washington, D.C. 20230.

The temporary facility is being requested for a one year period while the permanent zone site is being readied. Firms planning to use the permanent site are to be the tenants of the temporary one. Thus far four firms have requested use of the proposed temporary site for operations involving the storage, assembly and distribution of umbrellas, bicycles, motorbikes and industrial machinery.

An examiners committee has been appointed to investigate the application consisting of:

Hugh Dolan, Chairman, Office of the Secretary, Department of Commerce, Washington, D.C. 20230.

David C. Humphreys, District Director, U.S. Customs Service, U.S. Customhouse, Charleston, South Carolina 29402.

Colonel Harry S. Wilson, Jr., District Engineer, U.S. Army Engineer District, Charleston, P.O. Box 919, Charleston, South Carolina 29402.

Comments concerning the proposal are invited in writing (original and six copies) from interested parties. They

should be addressed to the Board's Executive Secretary at the above address and be postmarked on or before March 3, 1976.

JOHN J. DA PONTE, Jr.,
Executive Secretary,
Foreig.-Trade Zones Board.

[FR Doc.76-4475 Filed 2-12-76;8:45 am]

NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE

MEETING

Addendum

FEBRUARY 10, 1976.

The agenda for the meeting previously announced for February 23 and 24, 1976, in the FEDERAL REGISTER of January 20, 1976, has been revised by rescheduling the NACOA panel progress report on nonfossil energy sources from the sea from the afternoon of February 24 to the afternoon of February 23. The morning agenda for February 24 will be extended to permit a discussion of NACOA's future plans, and adjournment will be at approximately 1:30 p.m. The present agenda is as follows:

Monday, February 23, 1976, beginning at 9:00 a.m.:

Briefings on the President's fiscal year 1977 budget in marine and atmospheric affairs—Agency representatives.

NACOA panel reports: Sea Grant Study—Dr. William C. Ackermann, NACOA.

AFTERNOON

NACOA Panel Reports (continued):
- Nonfossil Energy Sources from the Sea—Dr. William A. Nierenberg, NACOA.
- Weather and Air Safety—Dr. Helmut E. Landsberg, NACOA.
- Research for Air Pollution Control—Lt. Gen. T. S. Moorman, USAF (Ret.), NACOA.
- Climate Modification Research—Dr. Helmut E. Landsberg, NACOA.
- Weather Modification—Dr. Charles L. Hosler, Jr., NACOA.

Tuesday, February 24, 1976, beginning at 9:00 a.m.:

Briefings on developments in diving technology and physiological research—Dr. Alan H. Purdy, Deputy Associate Director, Washington Operations, National Institute for Occupational Safety and Health; Mr. Andre Galerne, President, International Underwater Contractors, Inc.; Dr. Peter Bennett, Co-director F. G. Hall Laboratory, Duke University, and President, Undersea Medical Society.

NACOA Future Plans.

Adjournment at approximately 1:30 p.m.

Additional information concerning this meeting may be obtained through the Committee's Executive Director, Dr. Douglas L. Brooks, whose mailing address is: National Advisory Committee on Oceans and Atmosphere, Department of Commerce Building, Room 5225, Washington, D.C. 20230. The telephone number is (202) 967-3343.

DOUGLAS L. BROOKS,
Executive Director.

[FR Doc.76-4347 Filed 2-12-76;8:45 am]

NATIONAL COMMISSION FOR MANPOWER POLICY

MANPOWER RESEARCH AND POLICY

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463; 86 Stat. 770) notice is hereby given that the National Commission for Manpower Policy (NCMP) and the National Council on Employment Policy (NCEP) will jointly sponsor an informal working conference on manpower research and policy on February 26 and 27, 1976. The conference will be held in Rooms 402-404 of the George Washington University Faculty Club, 800 21st Street, NW, Washington, D.C. The conference will begin at 4:15 p.m. and adjourn at 9:30 p.m., February 26. On February 27 the conference will begin at 9:15 a.m. and end at about 4:30 p.m.

The National Commission for Manpower Policy was established pursuant to Title V of the Comprehensive Employment and Training Act of 1973 (Pub. L. 93-203). The Act charges the Commission with the broad responsibility of advising the Congress, the President, the Secretary of Labor, and other Federal agency heads on national manpower issues. The Commission is specifically charged with reporting annually to the President and the Congress on its findings and recommendations with respect to the nation's manpower policies and programs.

The National Council on Employment Policy is a private nonprofit organization of academicians who have a special interest and expertise in employment and training programs and policies. Its major purpose is to support research on manpower problems and to provide an assessment of related policy issues.

The major agenda items to be covered during the conference include:

The relationship between manpower research and policy.

Key macro analysis, local manpower planning and administrative control of research that would improve the information base for policymaking.

Manpower research priorities.

Policy decision making in a limited knowledge environment.

The working conference's objective is to develop information to guide the Commission's staff work for possible latter presentation of policy recommendations to the full Commission.

Members of the general public and other interested individuals may attend this NCMP-NCEP working conference. Members of the public desiring to submit written statements to the Commission that are germane to the agenda may do so, provided such statements are in reproducible form and are submitted to the Director no later than two days before or seven days after the meeting.

Additionally, members of the general public may request to make oral statements at the conference to the extent that the time available for the meeting permits. Such oral statements must be directly germane to the announced agenda items and written application to make an oral statement must be submitted to the Director of the Commission three days before the meeting. This application shall identify the following: the applicant; the subject of his or her presentation and its relationship to the agenda; the amount of time requested; the individual's qualifications to speak on the subject matter; and shall include a justifying statement as to why a written presentation would not suffice. The Chairman reserves the right to decide to what extent public oral presentation will be permitted at any meeting. Oral presentations shall be limited to statements of fact and views and shall not include any questions of Commission members or other participants unless these questions have been specifically approved by the Chairman.

Minutes of the meeting, working papers and other documents prepared for the meeting will be available for public inspection at the Commission's headquarters located at 1522 K Street, NW., Suite 300, Washington, D.C., five working days after the meeting.

Signed at Washington, D.C., this 10th day of February 1976.

ROBERT T. HALL,
Director, National Commission for Manpower Policy.

[FR Doc.76-4442 Filed 2-12-76;8:45 am]

YOUTH TRANSITION FROM SCHOOL TO WORK

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463; 86 Stat. 770) notice is hereby given that the National Commission for Manpower Policy will sponsor an informal working conference on Youth Transition from School to Work issues on February 25, 1976. The conference will be held in the Cumberland Rooms A and B of the Quality Inn, Downtown, Thomas Circle, NW., Washington, D.C. from 9:00 a.m. to 4:30 p.m.

The National Commission for Manpower Policy was established pursuant to Title V of the Comprehensive Employment and Training Act of 1973 (Pub. L. 93-203.) The Act charges the Commission with the broad responsibility of advising the Congress, the President, the Secretary of Labor, and other Federal agency heads on national manpower issues. The Commission is specifically charged with reporting annually to the President and the Congress on its findings and recommendations with respect to the Nation's manpower policies and programs.

The agenda for the conference will cover the problems as well as the program and policy implications associated with the transition of youth from school to work. Discussion sessions scheduled from 9:00 a.m. to 11:45 a.m. will be

organized around the following areas of concern:

(1) Dimensions of the youth employment problem.
(2) Training and work experience problems for youth.

At 12:30 p.m. there will be a speaker to discuss the policy issues associated with the transition process. Discussion sessions scheduled from 1:00 p.m. to 4:30 p.m. will address issues related to:

(1) The labor market experiences of youth.
(2) Community—youth interactions and policy implications.
(3) Overall policy issues and conclusions.

The working conference's objective is to develop information to guide the Commission's staff work for possible latter presentation of policy recommendations to the full Commission.

The working conference is open to the general public. Members of the public desiring to submit written statements to the Commission that are germane to the agenda may do so, provided such statements are in reproducible form and are submitted to the Director no later than two days before or seven days after the meeting.

Additionally, members of the general public may request to make oral statements to the Commission to the extent that the time available for the meeting permits. Such oral statements must be directly germane to the announced agenda items and written application to make an oral statement must be submitted to the Director of the Commission three days before the meeting. This application shall identify the following: the applicant, the subject of his or her presentation and its relationship to the agenda; the amount of time requested; the individuals qualifications to speak on the subject matter; and shall include a justifying statement as to why a written presentation would not suffice. The Chairman reserves the right to decide to what extent public oral presentation will be permitted at the meeting. Oral presentations shall be limited to statements of fact and views and shall not include any questions of Commission members or other participants unless these questions have been specifically approved by the Chairman.

Minutes of the meeting, working papers and other documents prepared for the meeting will be available for public inspection five working days after the meeting at the Commissions headquarters located at 1522 K Street, NW., Suite 300, Washington, D.C.

Signed at Washington, D.C. this 10th day of February 1976.

ROBERT T. HALL,
Director National Commission for Manpower Policy.

[FR Doc.76-4443 Filed 2-12-76;8:45 am]

NATIONAL FIRE PREVENTION AND CONTROL ADMINISTRATION

NATIONAL ACADEMY FOR FIRE PREVENTION AND CONTROL SITE SELECTION BOARD

Open Meetings and Solicitation of Site Proposals

The National Academy for Fire Prevention and Control Site Selection Board was established on July 25, 1975 (40 FR 27711, July 1, 1975) to advise the Secretary of Commerce, through the Administrator, National Fire Prevention and Control Administration, as to the site upon which the National Academy should be located. The Site Selection Board shall survey the most suitable sites for the location of the Academy after giving consideration to the training and facility needs of the Academy, environmental effects, the possibility of using a surplus government facility, and such other factors as are deemed important and relevant.

The meetings and their agenda are as follows:

Dates and places:
March 22 and 23, 1976, Room 6802, Department of Commerce, 14th Street between Constitution and E Street NW., Washington, D.C.
March 25 and 26, 1976, Ballroom, Holiday Inn Civic Center, 50 Eighth Street, San Francisco, California.

Time: 9 a.m.–12 noon; 1:30–5 p.m.

Proposed agenda:
9 a.m.–12 noon: 1. Statement of mission and programs of National Fire Academy; 2. Description of site selection process; 3. Discussion of Academy training and facility needs; 4. Presentation of oral comments and proposals (limited to 15 minutes per commentor or proposal).
1:30–5 p.m.: Presentation of oral comments and proposals.

Dates and Place: April 26–30, 1976, Room 320, NFPCA, 2400 M Street, NW., Washington, D.C.

Time: 9 a.m.–12 noon; 1:30–5 p.m.

Proposed agenda:
9 a.m.–12 noon: Evaluation of sites for Academy in relation to training and facility needs and such other factors deemed important and relevant.
1:30–5 p.m.: Evaluation of sites (continued).

Dates and Place: June 24–25, 1976, Room 320, NFPCA, 2400 M Street, NW., Washington, D.C.

Time: 9 a.m.–12 noon; 1:30–5 p.m.

Proposed agenda:
9 a.m.–12 noon: Final evaluation, recommendation and development of report.
1:30–5 p.m.: Continuation of evaluation, recommendation and development of report.

Interested persons, organizations or jurisdictions may submit written proposals to the Site Selection Board for their consideration. All proposals must be postmarked no later than April 25, 1976, and addressed to the Chairman, Site Selection Board, National Fire Prevention and Control Administration, P.O. Box 19518, Washington, D.C. 20036. The Site Selection Board shall not be limited to considering only those proposals submitted to it but may also consider those sites identified by its own initiative. The public may file written statements with the Board concerning any matter pertaining to the Board's responsibilities at any time before or after any meeting.

Each site proposal submitted for the Site Selection Board's consideration shall be in writing and include the following basic information which shall appear in the forepart of the proposal documentation in the sequence shown:

1. Name and address of proposer(s). Name, address and telephone number of contact person for proposer(s).
2. Name, location and legal owner of proposed site. Name, address and telephone number of contact person for owner.
3. General description of proposed site, including:
a. Acreage, topography and natural features.
b. Size, type, number, utility and physical condition of existing buildings and equipment.
c. Statement of zoning or land use restrictions for site.
d. Description of surrounding land use and continguous environment.
e. Description of natural or man-made barriers to expansion.
4. Statement of availability and approximate cost of the site and the improvements thereon.
5. Description of nearby training and education institutions and respositories of knowledge and information.
6. Description of nearby fire research and testing facilities.
7. Description of nearby "hands on" firefighting training facilities, fire service organizations and allied professions.
8. Description of the proximity of public transportation services and highways.
9. Description of surrounding or nearby communities with respect to health facilities, public education, religious and cultural opportunities, family housing and transient residential services (hotels, motels).
10. Description of community support or interest in serving as the Academy location.
11. Description of local climate and environmental characteristics.
12. Description of availability of local vendors and other support services.
13. Description of the availability of water, utilities and sewer facilities.

The above information shall be submitted for each site proposed. However, proposers are encouraged to furnish the Site Selection Board with such further and additional documentation which would assist the Board in determining the desirability of the site with respect to the functional needs of the National Academy for Fire Prevention and Control.

The meeting on March 22 and 23 in Washington, D.C. and the March 25 and 26 meeting in San Francisco will be primarily for the purpose of receiving written and/or oral comments including discussion of proposals from interested persons, organizations or jurisdictions concerning the identification and selection of potential Academy sites. Attendance and participation shall be on a first-

come, first-served basis. Oral presentations shall be limited to 15 minutes per comment or proposal with additional time being allowed by the Chairman at his discretion if time permits. Advanced scheduling of presentations is encouraged and may be made by writing: Chairman, Site Selection Board, National Fire Prevention and Control Administration, P.O. Box 19518, Washington, D.C. 20036. A transcript of all meetings will be prepared by the Board and will be available for public viewing in Room 302, National Fire Prevention and Control Administration, 2400 M Street, NW., Washington, D.C.

The National Academy for Fire Prevention and Control Site Selection Board will conduct its activities in accordance with the following schedule of activities and meetings. All Board metings will be open to the public.

Date: March 22 & 23, 1976.
Place: Conference Room 6802, Department of Commerce, 14th Street between Constitution Avenue and E Street, NW., Washington, D.C. (Seating capacity: 60).
Purpose: Receipt of oral comments and proposals for site.
Date: March 25 & 26, 1976.
Place: Ballroom, Holiday Inn Civic Center, 50 Eighth Street, San Francisco, California (Seating capacity: 150).
Purpose: Receipt of oral comments and proposals for site.
Date: Postmarked no later than April 25, 1976.
Place: National Fire Prevention and Control Administration, P.O. Box 19518, Washington, D.C. 20036 (not a Board meeting).
Purpose: Last date proposals will be received.
Date: April 26–30, 1976.
Place: NFPCA, Room 320, 2400 M Street, NW., Washington, D.C. (Seating capacity: 50).
Purpose: Evaluation and screening of proposals.
Date: May 10–21, 1976.
Place: Site visit to most suitable sites meeting Academy training and facility needs (not a Board meeting).
Purpose: Visits to most suitable sites for final evaluation.
Date: June 24 & 25, 1976.
Place: NPFCA, Room 320, 2400 M Street, NW., Washington, D.C. (Seating capacity: 50).
Purpose: Final evaluation, recommendation and development of report.
Date: June 30, 1976.
Place: Department of Commerce, Washington, D.C. (not a Board meeting).
Purpose: Delivery of report to Secretary of Commerce.
Date: Sept. 30–Oct. 29, 1976.
Place: Department of Commerce, Washington, D.C. (not a Board meeting).
Purpose: Secretary announces site selection.

Dated: February 10, 1976.

HOWARD D. TIPTON,
Administrator, National Fire Prevention and Control Administration.

[FR Doc.76–4226 Filed 2–12–76;8:45 am]

NATIONAL SCIENCE FOUNDATION

ADVISORY PANEL FOR METABOLIC BIOLOGY

Meeting

In accordance with the Federal Advisory Committee Act, Pub.L. 92–463, the National Science Foundation announces the following meeting:

Name: Advisory Panel for Metabolic Biology.
Date: March 4 and 5, 1976.
Time: 9 a.m. each day.
Place: Rm. 338, National Science Foundation, 1800 G Street, NW., Washington, D.C.
Type of meeting: Closed.
Contact person: Dr. Elijah Romanoff, Program Director for Metabolic Biology, Rm. 321, National Science Foundation, Washington, D.C. 20550, telephone 202/632–4312.
Purpose of Advisory Panel: To provide advice and recommendations concerning support for research in Metabolic Biology.
Agenda: To review, discuss, and evaluate individual research proposals.
Reason for closing: The proposals being reviewed contain information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals.
Authority to close meeting: These matters are within the exemptions of 5 U.S.C. 552(b), (4), (5), and (6). The closing of this meeting is in accordance with the determination by the Director of the National Science Foundation, dated February 21, 1975, pursuant to the provisions of section 10(d) of Pub. L. 92–463.

GAIL A. MCHENRY,
Acting Committee Management Officer.

FEBRUARY 9, 1976.

[FR Doc.76–4290 Filed 2–12–76;8:45 am]

ADVISORY PANEL FOR SOCIOLOGY

Meeting

In accordance with the Federal Advisory Committee Act, P.L. 92–463, the National Science Foundation announces the following meeting:

Name: Advisory Panel for Sociology.
Date: March 4 and 5, 1976.
Time: 9 a.m. each day.
Place: Rm. 511, National Science Foundation, 1800 G Street, NW., Washington, D.C.
Type of meeting: Closed.
Contact person: Dr. Garry Wallace, Assistant Program Director for Sociology, Rm. 206, National Science Foundation, Washington, D.C. 20550, telephone 202/632–4204.
Purpose of advisory panel: To provide advice and recommendations concerning support for research in sociology.
Agenda: To review and evaluate individual research proposals.
Reason for closing: The proposals being reviewed contain information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals.
Authority to close meeting: These matters are within the exemptions of 5 U.S.C. 552(b), (4), (5) and (6). The closing of this meeting is in accordance with the determination by the Director of the National Science Foundation, dated February 21, 1975, pursuant to the provisions of section 10(d) of Pub. L. 92–463.

GAIL A. MCHENRY,
Acting Committee Management Officer.

FEBRUARY 9, 1976.

[FR Doc.76–4289 Filed 2–12–76;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

Lists of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on February 10, 1976 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice thru this release.

Further information about the items on this daily list may be obtained from the clearance office, Office of Management and Budget, Washington, D.C. 20503, (202–395–4529), or from the reviewer listed.

NEW FORMS

DEPARTMENT OF DEFENSE

Department of the Army (excl. def civil preparedness agcy), survey-flood damage reduction, single-time, households and businesses in flood plain, Harry B. Sheftel, 395–5870.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Departmental and other application by Indian housing authority for Indian low income housing program, on occasion, Indian housing authority, community and veterans affairs division, 395–3532.

DEPARTMENT OF LABOR

Bureau of international labor affairs, questionnaire for producers of certain gloves, ILAB–59, single-time, firms manufacturing certain types of gloves, Evinger, S.K., 395–3710.

REVISIONS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the secretary: Study of family economics: basic questionnaire and wives questionnaire, OS–3–76, annually, National sample of households, Sunderhauf, M.B., 395–6140.

Health resources administration: Spanish-surnamed physician and medical student study in the U.S., O, single-time, Hispanic physicians and medical students, human resources division, Sunderhauf, M.B., 395–3532.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Community planning and development, Community development block grant, application for federal assistance, HUD 7015.8, 7015.9, 7015.10, and 7015.11, annually, units of general local governments, community and veterans affairs division, Sunderhauf, M.B., 395–3532.

DEPARTMENT OF JUSTICE

Departmental and other application for action grant, LEAA4402/1, annually, state criminal justice planning agencies, Lowry, R.L., 395–3772.

EXTENSIONS

DEPARTMENT OF DEFENSE

Department of the Air Force: Industrial construction progress reports, 113–2506, on occasion, defense aerospace contractors, Marsha Traynham, 395–4529.

Department of the Air Force: Industrial Facilities Program (Applications by Contractors for Use), AFP116, on occasion, Defense Aerospace Contractors, Marsha Traynham, 395–4529.

DEPARTMENT OF LABOR

Bureau of Labor Statistics, Labor Requirements for College Housing Construction, BLS 2652.06, other (see SF–83), Construction Contractors and Subcontractors in 48 States, Laverne V. Collins, 395–5867.

PHILIP D. LARSEN,
Budget and Management Officer.

[FR Doc.76–4484 Filed 2–12–76;8:45 am]

CLEARANCE OF REPORTS

Lists of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on February 9, 1976 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice thru this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202–395–4529), or from the reviewer listed.

NEW FORMS

U.S. CIVIL SERVICE COMMISSION

Architect Supplemental Form: CSC 1264, on occasion, applicants for Federal employment, Caywood, D.P., 395–3443.

Interior Designer Supplemental Form: CSC 1265, on occasion, applicants for Federal employment, Caywood, D.P., 395–3443.

Landscape Architect Supplemental Form: CSC 1266, on occasion, applicants for Federal employment, Caywood, D.P., 395–3443.

Application Form—Architect, Interior Designer, Landscape Architect; CSC 1263, on occasion, Applicants for Federal Employment, Caywood, D. P., 395–3443.

UNITED STATES INTERNATIONAL TRADE COMMISSION

Stainless Steel Wire Producers' Questionnaire and Importers' Questionnaire, single-time, Stainless Steel Producers and Importers, Evinger, S. K., 395–3710.

ENVIRONMENTAL PROTECTION AGENCY

Hazardous Waste Survey (To Be Used By States Under Federal Grants), single-time, Facilities Generating or Receiving Hazardous Wastes, Lowry, R. L., 395–3772.

DEPARTMENT OF HEALTH EDUCATION, AND WELFARE

Social Security Administration: Continuation of Marriage Statement, SSA–3250, on occasion, Individual Claimants, Caywood, D. P., 395–3443.

Health Resources Administration: Program Characteristics—Nurse Practitioner and Physician Assistant Training Programs, Hrachsr 1114, single-time, Training Program Director, Human Resources Division, Reese, B. F., 395–3532.

REVISIONS

U.S. CIVIL SERVICE COMMISSION

Housing Cost Questionnaire (Federal Employees), 689, annually, Married Federal Employees, Caywood, D. P., 395–3443.

EXTENSIONS

U.S. CIVIL SERVICE COMMISSION

Availability Statement For Steno-Typist: WA318–A, on occasion, Applicants for Federal Employment, Marsha Traynham, 395–4529.

Supplemental Experience Statement for Maintenance and Service Worker: WA302, on occasion, Job Applicants, Marsha Traynham, 395–4529.

Evaluation Form—Jr. Fellowship Program: WA338, on occasion, High School Teachers, Marsha Traynham, 395–4529.

Continuation Sheet for Jr. Fellowship Program: WA339, on occasion, High School Teachers, Marsha Traynham, 395–4529.

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration, Data Documentation Form, NOAA 24–13, on occasion, Academic and Research Institutions, Marsha Traynham, 395–4529.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.76–4485 Filed 2–12–76;8:45 am]

PRIVACY PROTECTION STUDY COMMISSION

FEDERAL TAX RETURN CONFIDENTIALITY

Draft Recommendations

FEBRUARY 8, 1976.

The Privacy Protection Study Commission is required by Section 5(c)(2)(B)(ii) of the Privacy Act of 1974 to report to the President and the Congress on:

Whether the Internal Revenue Service should be prohibited from transferring individually identifiable data to other Federal agencies and to agencies of State governments.

At its January 22–23, 1976, meeting, the Commission adopted draft recommendations for the purpose of eliciting public comment on the extent to which individually identifiable data submitted to the Internal Revenue Service by or on behalf of an individual should be disclosed to other Federal agencies and to agencies of State government without the individual's consent. These draft recommendations, set forth below, are hereby being circulated for written comment. The Commission will also hold a hearing to obtain public testimony on them on March 11–12, 1976 in Washington, D.C.

The definition of "return" used in framing the draft recommendations includes, in addition to Forms 1040, 1040A, 706, and 709 (income, estate, and gift tax returns), information returns, schedules, lists, and other written statements that are designed to be supplemental to or to become a part of such returns. Thus, in commenting on the draft recommendations, it is important to note that they apply only to the specified types of returns and related material that are submitted to the Internal Revenue Service *by or on behalf of the taxpayer himself*. Pending further study of the kinds and sources of information collected and maintained by the IRS, the Commission has deferred consideration of the disclosure policies that should apply to information the Service obtains from sources other than the taxpayer.

Commentors should also note that the draft recommendations apply only to information about people, *i.e.*, information about individual taxpayers as opposed to information about partnerships and other types of legal entities. The Commission currently takes no position on the disclosure of the latter type of information.

Finally, the recommendations do not deal with the disclosure of tax returns to the President and the Congress.

All written comments on the draft recommendations should be addressed to:

Executive Director, Privacy Protection Study Commission, 2120 L Street, N.W., Suite 424, Washington, D.C. 20506.

Written comments should be submitted no later than the close of business on February 27, 1976.

DRAFT RECOMMENDATIONS

I. Section 6103 of the Internal Revenue Code should be amended to provide that, except as expressly authorized by statute, the Internal Revenue Service may disclose returns[1] to other Federal and State agencies only with the prior written consent of the individual taxpayer, provided, however, that the following disclosures to such agencies without the consent of the taxpayer shall be authorized:

A. To the Bureau of the Census, for statistical purposes only;

B. To a State agency responsible for tax administration, for the sole purpose of determining, validating, or enforcing the taxpayer's income, estate, or gift tax liability under a law of the State (including locating or communicating with the taxpayer whose State tax liability is to be determined, validated, or enforced),

Provided, that: 1. Only that portion of the information on a return that di-

[1] The term "return" as used here includes, in addition to the Forms 1040, 1040A, 706, and 709, information returns, schedules, lists, and other written statements that are designed to be supplemental to or to become a part of those types of returns and that are filed with the Internal Revenue Service *by or on behalf of the individual taxpayer*.

rectly relates to the taxpayer's liability under an income, gift, or estate tax law of the State is disclosed;

2. The disclosure is in response to a request filed with the Internal Revenue Service by the principal tax official of the State;

3. The State has in force administrative, technical, and physical safeguards satisfactory to the IRS to prevent the disclosure or use of any Federal return or information contained therein for any purpose other than determining, validating, or enforcing, an individual's income, gift, or estate tax liability under a law of the State;

4. The State has enacted a statute with penalties comparable to those found in Section 7213 of the Internal Revenue Code for unauthorized disclosure by any State employee of:

a. a return or information contained therein obtained from the IRS, and

b. information submitted by a taxpayer to the State which is a copy of, or has been required to be taken directly from, the taxpayer's Federal return;

And provided further, That:

5. The Internal Revenue Service is authorized by Section 6103 of the Internal Revenue Code to review the legal, administrative, technical, and physical safeguards established by a State and to suspend a State's access to Federal returns or information contained therein if an unauthorized disclosure is made or if the safeguard procedures in force are determined to be inadequate;

C. To the Department of Justice for use in preparing for or conducting civil or criminal litigation that is directly related to the administration of the Internal Revenue Code, provided that the tax returns disclosed are pertinent to the facts in litigation;

D. To the Department of Justice and to other Federal agencies, for use in the investigation and prosecution of criminal violations of non-tax laws, provided that the agency has obtained a judicial warrant consistent with the Federal Rules of Criminal Procedure;

E. To the Department of Health, Education and Welfare, for the purpose of verifying information used in administering Title II (Federal Old-Age, Survivors, and Disability Insurance Benefits) of the Social Security Act.

II. Section 6103 of the Internal Revenue Code should be amended to make it unlawful for any Federal, State, or local government agency to deny any individual any right, benefit, or privilege provided by law because of such individual's refusal to provide the agency with a copy of his Federal tax return or to copy any information directly therefrom unless the provision of such return or copying of information directly therefrom is:

A. Expressly required by Federal statute; or

B. Expressly required by a State statute for the purpose of determining, validating, or enforcing the individual's liability under an income, estate, or gift tax law of the State, and provided further that the State statute specifies the items of information that are required to be submitted or copied.

III. Section 7213 of the Internal Revenue Code should be amended to extend its penalties for unauthorized disclosure to former as well as current employees of Federal and State governments.

DAVID F. LINOWES,
Chairman.

CAROLE W. PARSONS,
Executive Director.

[FR Doc.76-4364 Filed 2-12-76;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-12071; File No. SR-Amex 76-4]

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 January 28, 1976 the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The American Stock Exchange, Inc. ("Amex") has established a new administrative procedure to dispose of minor infractions of regulations governing the standard of decorum which is to be maintained on the Amex Trading Floor. The policy is as follows:

The Board of Governors has authorized simplified procedures for handling minor infractions of Floor policies and practices.

Minimum fines have been established for minor Floor infractions as follows:

1st offense	$50
2d offense within a 6-month period	100

If a person commits more than two offenses within a six-month period, charges will be preferred against him and a hearing thereon will be conducted before the Disciplinary Committee in accordance with Article V, Section 1(c) of the Constitution.

Persons guilty of minor Floor infractions may pay the minimum fines to the Secretary of the Exchange and thereby waive a hearing before the Disciplinary Committee. Failure to promptly pay a fine shall result in the preferring of charges before the Disciplinary Committee.

The penalties prescribed above are minimum fines only and any person found guilty of an offense in a proceeding before the Disciplinary Committee may be fined in such amount as the Committee shall determine, up to $2,500.

Minor Floor infractions include any act or omission tending to disrupt the orderly conduct of business on the floor or which causes serious interference with the personal comfort or safety of other persons on the floor, and also the failure of any person to perform his designated functions in accordance with established floor procedures and requirements.

Floor Governors and Exchange Officials have the authority to assess minimum fines or, if contested by the person accused, to direct that charges be preferred against such person before the Disciplinary Committee.

The foregoing rule has become effective, pursuant to Section 19(b)(3)(A) of the Securities Exchange Act of 1934. At any time within sixty days of the filing of such proposed rule change, the Commission may summarily abrogate such rules change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before March 15, 1976.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

FEBRUARY 5, 1976.

[FR Doc.76-4258 Filed 2-12-76;8:45 am]

[Release No. 34-12074 File No. SR-DSE-76-1]

DETROIT STOCK EXCHANGE

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 January 23, 1976, the above mentioned self-regulatory organization filed with the Securities & Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

Amendment to the Detroit Stock Exchange Constitution to allow the Governing Committee to fix the number of its members at not less than seven nor more than eleven.

STATEMENT OF BASIS AND PURPOSE

The proposed amendments were adopted by the Governing Committee,

and approved by the membership, to insure a responsive and flexible government for the Exchange.

The proposed amendments were approved by the Governing Committee and a vote of the membership and would allow for fair representation of the membership in the selection of Governors, as specified in Section 6(b) of the Act.

Comments on these proposed amendments were not solicited from members, partners or others, and no unsolicited comments were received. The amendments were, however, approved by a majority vote of the membership of the Exchange.

The implementation of the amendments specified herein [1] would have no effect on competition.

On or before March 19, 1976, or within such longer period as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reason for so finding or as to which the above-mentioned self-regulatory agency 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 above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before March 9, 1976.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

FEBRUARY 6, 1976.

[FR Doc.76-4259 Filed 2-12-76;8:45 am]

[File No. SR-MSTC-75-4]

MIDWEST SECURITIES TRUST CO.

Order Approving Rule Change Submitted by the Midwest Securities Trust Company Providing for the Establishment of a Depository Input Satellite System

In the Matter of Midwest Securities Trust Co., 120 South LaSalle Street, Chicago, Illinois 60603.

On November 24, 1975, the Midwest Securities Trust Company ("MSTC"), a wholly-owned subsidiary of the Midwest Stock Exchange, Inc., submitted a proposed rule change pursuant to Rule 19b-4 under the Securities Exchange Act of 1934 (the "Act") to enable MSTC to establish a depository input satellite system ("DIS System") which would allow MSTC participants to deposit securities with banks acting as agents of MSTC and to receive credit for the deposits at MSTC prior to the actual physical delivery of securities from the banks to 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 (40 F.R. 59790, December 30, 1975), and the public was invited to submit comments until January 20, 1976. Notice of the filing and an invitation for comments also appeared in Securities Exchange Act Release No. 34-11937, December 18, 1975. No letters of comment were received.

In connection with its review of the submission, the Commission requested representations from MSTC concerning the operation of the DIS System. The representations were made in a letter from MSTC dated January 28, 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 the 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-75-4 be, and hereby is, approved.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-4256 Filed 2-12-76;8:45 am]

[Release No. 34-12073; File No. SR-PSE-76-4]

PACIFIC STOCK EXCHANGE INC.

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 January 27, 1976 the above-mentioned self-regulatory organizations filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The Pacific Stock Exchange Incorporated ("the Exchange") proposes to amend its Constitution and certain of its Rules in connection with its responsibilities under Rule 19b-3 of the Securities Exchange Act of 1934 ("the Act") prohibiting the fixing of commission rates by national securities exchanges. Pursuant to the changes, Article XIII of the Exchange's Constitution will be deleted and Rules I, III, VIII, XIII, XIV and XV will be amended. The text of the amended rules is set forth in Attachment A [1] to this Notice. All the changes have been, as a matter of practice, observed since May 1, 1975, the effective date of the changes and the effective date of Rule 19b-3 as to public rates. These changes complete the changes to the Exchange's Constitution and Rules made as a result of the operation of Rule 19b-3.

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

The proposed changes are intended to bring all the provisions of the Constitution and Rules of the Exchange in compliance with Rule 19b-3 of the Act.

The proposed changes were mandated by the enactment of Rule 19b-3, prohibiting the fixing of commission rates by national securities exchanges. The proposed changes, then, relate to the Exchange's capacity to enforce compliance by its members, and persons associated with its members, with the Act and the rules and regulations promulgated thereunder. The changes should promote just and equitable principles of trade, and should aid in removing impediments to a free and open market. As such, the changes are clearly in the public interest.

No comments were solicited of Exchange members or participants and none were received.

The proposed changes, by eliminating fixed commission rates, should serve to foster competition.

On or before March 19, 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 Ex-

[1] Copy of the proposed amendment is filed as part of the original document.

[1] Filed as part of the original document.

change Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection in the Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before March 9, 1976.

For the Commission by the Division of Market Regulations, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

FEBRUARY 6, 1976.

[FR Doc.76-4260 Filed 2-12-76;8:45 am]

SEALASKA CORP. ET AL.

Proposal To Terminate Registrations of Certain Investment Companies

Notice is hereby given that the Commission proposes, pursuant to section 8 (f) of the Investment Company Act of 1940 ("Act"), to declare by order upon its own motion that certain investment companies, the names of which appear in the attached Appendix below, have ceased to be investment companies as defined in the Act.

All of the registered investment companies listed in the attached Appendix are among the more than 200 corporations that were organized pursuant to the Alaska Native Claims Settlement Act of 1971 ("ANCSA Corporations" and "Settlement Act," respectively).[1] Rule 6c-2 (T) under the Act (Investment Company Act Release No. 8251, February 26, 1974) exempted ANCSA Corporations registering pursuant to section 8(a) of the Act (ANCSA Registrants") from all provisions of the Act except sections 8(a), 9, 17, 36 and 37.

On January 2, 1976, the Settlement Act was amended to exempt ANCSA Corporations from all provisions of the Act, as well as all provisions of the Securities Act of 1933 and the Securities Exchange Act of 1934.[2] The Division represents that, as a practical matter, this amendment makes registration under the Act by an ANCSA Corporation both unnecessary and inappropriate—unnecessary because an ANCSA Corporation desiring the exemptive relief provided by Rule 6c-2(T) (which is being rescinded) is now statutorily exempt from all provisions of the Act—and inappropriate because ANCSA Corporations no longer can be deemed investment companies within the meaning of the Act.

Section 8(f) of the Act provides, in pertinent part, that when the Commission on its own motion, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the effectiveness of such order, which may be issued upon the Commission's own motion where appropriate, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than April 6, 1976, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, 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 (air mail if the persons being served are located more than 500 miles from the point of mailing) upon the ANCSA Corporations listed in the Appendix below at their respective addresses. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the matter will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice at 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.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

APPENDIX

Name and address:	File No.
1. Sealaska Corp., 127 South Franklin St., Juneau, Alaska 99801. Agent for service: John Barbridge, Jr., cc: John M. Fedders, Esq., Arnold & Porter, 1229 19th St. NW., Washington, D.C. 20036	824-1
2. Koniag, Inc., Donnelly Bldg., P.O. Box 746, Kodiak, Alaska 99615. Agent for service: Jacob Wick, Jr., cc: John B. Murdock, Esq., Wyman, Bautzer, Rothman & Kuchel, 9601 Wilshire Blvd., Suite 726, Beverly Hills, Calif. 90210	824-2
3. Arctic Slope Regional Corp., Tulugak Bldg., P.O. Box 565, Barrow, Alaska 99723. Agent for service: Joseph Upicksoun, cc: William G. Pusch, Esq., 4200 Seattle-First National Bank Bldg., Seattle, Wash. 98154	824-3
4. Nana Regional Corp., Inc., Box 49, Kotzebue, Alaska 99752. Agent for service: Robert Newlin, cc: Foster De Reitzes, Esq., Wilkinson, Cragun & Barker, The Octagon Bldg., 1735 New York Ave. NW., Washington, D.C. 20006	824-4
5. Shaan-Seet Inc., P.O. Box 81, Craig, Alaska 99921. Agent for service: Glenn O. Charles, cc: John M. Fedders, Esq., Arnold & Porter, 1229 19th St. NW., Washington, D.C. 20036	824-5
6. Yak-Tat Kwaan Inc., P.O. Box 17, Yakutat, Alaska 99689. Agent for service: Sam L. Demmert, cc: John M. Fedders, Esq., Arnold & Porter, 1229 19th St. NW., Washington, D.C. 20036	824-6
7. Cape Fox Corp., P.O. Box 223, Ketchian, Alaska 99901. Agent for service: Eugene H. Trout, cc: John M. Fedders, Esq., Arnold & Porter, 1229 19th St. NW., Washington, D.C. 20036	824-7
8. Kavilco Inc., P.O. Box 745, Ward Cove, Alaska 99928. Agent for service: Willard L. Jones, cc: John M. Fedders, Esq., Arnold & Porter, 1229 19th St. NW., Washington, D.C. 20036	824-8
9. Kake Tribal Corp., P.O. Box 321, Kake, Alaska 99830. Agent for service: Albert Davis, cc: John M. Fedders, Esq., Arnold & Porter, 1229 19th St. NW., Washington, D.C. 20036	824-9
10. Kootznoowoo Inc., P.O. Box 139, Angoon, Alaska 99820. Agent for service: Daniel G. Johnson, cc: John M. Fedders, Esq., Arnold & Porter, 1229 19th St. NW., Washington, D.C. 20036	824-10
11. Doyon, Ltd., 527 3d Ave., Fairbanks, Alaska 99701. Agent for service: John C. Sackett, cc: Arthur Lazarus, Jr., Fried, Frank, Harris, Shriver & Kampelman, Suite 1000, The Watergate 600, 600 New Hampshire Ave. NW., Washington, D.C. 20037	824-11
12. Cook Inlet Region, Inc., 1211 West 27th St., Anchorage, Alaska 99503. Agent for service: John Colberg, Jr.	824-12
13. Tazlina, Inc., P.O. Box 32, Copper Center, Alaska 99573. Agent for service: Herbert Smelcer	824-13
14. Sta-Keh Corp., Bulkana Village, Gakona, Alaska 99586. Agent for service: Harding Ewan	824-14
15. Kluti-Kaah Corp., Drawer G, Copper Center, Alaska 99573. Agent for service: Raymond Craig	824-15
16. Chitina Native Corp., P.O. Box 206, Glennallen, Alaska 99588. Agent for service: Henry T. Bell	824-16
17. Ahtna Inc., Drawer G, Copper Center, Alaska 99573. Agent for service: Henry T. Bell, cc: Peter Van N. Lockwood Esq., Caplin & Drysdale, 1101 17th St. NW., Washington, D.C. 20036	824-17
18. Ukpeagvik Inupiat Corp., P.O. Box 427, Barrow, Alaska 99723. Agent for service: Arthur Panigeo, cc: William G. Pusch, Esq., Davis, Wright, Todd, Riese & Jones, 4200 Seattle-First National Bank Bldg.	824-18

[1] 85 Stat. 688.
[2] Pub. L. 94-204.

Name and address:	File No.
19. Kikiktagruk Inupiat Corp., Nu-Luk-Vik, Kotzebue, Alaska 99752. Agent for service: Tommy Sheldon, Sr	824-19
20. Bering Straits Native Corp., P.O. Box 1008, Nome, Alaska 99762. Agent for service: Jerome Trigg, P.O. Box 894, Nome, Alaska 99762	824-20
21. Calista Corp., 516 Denali St., Anchorage, Alaska 99501	824-21
22. Bristol Bay Native Corp., P.O. Box 237, Dillingham, Alaska. Agent for service: Harold H. Samuelsen	824-22
23. Natives of Afognak, Inc., P.O. Box 14, Kodiak, Alaska 99615. Agent for service: Iver E. Malutin	824-23
24. Klawock Heenya Corp., P.O. Box 25, Klawock, Alaska 99925	824-24
25. Ouzinkie Native Corp., Box 89, Ouzinkie, Alaska 99644. Agent for service: Arthur Haakanson, Jr	824-25
26. Chugach Natives, Inc., 912 East 15th Ave., Anchorage, Alaska. Agent for service: Cecil Barnes	824-26
27. Shishmaref Native Corp., Shishmaref, Alaska 99772. Agent for service: Not available	824-27
28. Teller Native Corp., General Delivery, Teller, Alaska 99778. Agent for service: Frank Topsikok	824-28
29. St. Michael Native Corp., General Delivery, St. Michael, Alaska 99659. Agent for service: Clyde W. Acoman	824-29
30. Golovin Native Corp., Golovin, Alaska. Agent for service: Martin L. Oleon	824-30
31. Mary's Igloo Native Corp., Teller, Alaska. Agent for service: Maggie Foster	824-31
32. Koyuk Native Corp., General Delivery, Koyuk, Alaska 99753. Agent for service: Henry Kavaisfuak	824-32
33. King Island Native Corp., Nome, Alaska 99762. Agent for service: Not available	824-33
34. Diomede Native Corp., Diomede, Alaska 99762. Agent for service: Orville Alikinga	824-34
35. Council Native Corp., Box 1051, Nome, Alaska 99762. Agent for service: Max Gray	824-35

[FR Doc.76-4261 Filed 2-12-76;8:45 am]

[File No. 500-1]

STELBER INDUSTRIES, INC.

Suspension of Trading

FEBRUARY 5, 1976.

The common stock of Stelber Industries, Inc. being traded on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Stelber Industries, Inc. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 12(k) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from 3:40 p.m. (e.s.t.) on February 5, 1976 through February 14, 1976.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-4257 Filed 2-12-76;8:45 am]

SEC REPORT COORDINATING GROUP (ADVISORY)

Public Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Pub. L. 92-463, 86 Stat. 770, the Securities and Exchange Commission announces a public advisory committee meeting.

The Commission's Report Coordinating Group (Advisory), will hold a meeting on March 1, 1976 at 1735 K St., NW., Third Floor Conference Room, Washington, D.C. The meeting will commence at 10:00 a.m. local time and will be for the purpose of discussing the FOCUS Report of financial and operational information and development of simplified trading forms, registration forms, and assessment procedures.

The Group's meetings are open to the public. Any interested person may attend and appear before or file statements with the advisory committee. Said statements, if in written form, may be filed before or after the meeting. Oral statements shall be made at the time and in the manner permitted by the Report Coordinating Group.

The Report Coordinating Group was formed to assist the Commission in developing a coherent, industry-wide coordinated reporting system. In carrying out this objective, the Report Coordinating Group is to review all reports, forms and similar materials required of broker-dealers by the Commission, the self-regulatory community and others. The Group is advising the Commission on such matters as eliminating unnecessary duplication in reporting, reducing reporting requirements where feasible, and implementing the FOCUS Report of financial and operational information. (Securities Exchange Act Release No. 10612; Securities Exchange Act Release No. 10959; Securities Exchange Act Release No. 11140; Securities Exchange Act Release No. 11149; Securities Exchange Act Release No. 11748; Securities Exchange Act Release No. 11935.)

Information concerning the meeting, including the procedures for submitting statements to the Group, may be obtained by contacting: Mr. Daniel J. Pilla-ro II, Secretary, SEC Report Coordinating Group, Securities and Exchange Commission, Washington, D.C. 20549.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

FEBRUARY 6, 1976.

[FR Doc.76-4262 Filed 2-12-76;8:45 am]

[Release No. 34-12038; File No. SR-NYSE-75-21]

NEW YORK STOCK EXCHANGE, INC.

Self-Regulatory Organizations; Proposed Rule Changes

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on November 25, 1975, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission proposed rule changes as follows:

STATEMENT OF THE PROPOSED RULE CHANGES

Amend the first paragraph of Rule 6 to read as follows:

The Corporation, acting in accordance with duly authorized instructions from the Participant or Participants and the Pledgee or Pledgees, if any, having an interest in the transaction, shall accept Eligible Securities from Participants for deposit with the Corporation; *shall credit the amount of a Participant with the securities it deposits with the Corporation prior to such time as the registration of the transfer thereof into the name of the Corporation's nominee is effected unless (i) the Corporation rejects the deposit due to its determination, in its sole discretion, that the securities deposited are not in proper form for registration of transfer or (ii) the securities are part of an issue in respect of which the Corporation, by reason of the historical transfer performance of the issuer thereof or the transfer agent therefor, shall have at least 10 business days prior to the day of the deposit given notice to Participants that it will not credit the account of a Participant which deposits securities of such issue until such time as it determines that the registration of the transfer thereof into the name of the Corporation's nominee has been effected, in which event such credit shall be effected upon the Corporation's determination that such registration of transfer has been effected;* effect transfers by a Participant of its Deposited Securities to another Participant or Participants; effect pledges by a Participant of its Deposited Securities to a Pledgee or Pledgees and effect the release of such pledges; deliver to a Participant or its designee a Participant's Deposited Securities [[(i) registered [(i)] in the name of and endorsed by the Corporation's nominee, *(ii) endorsed to the Corporation's nominee and endorsed by the Corporation's nominee,* or [(ii)] *(iii) registered* in the name of such Participant or its designee]][1]; deliver dividends, distributions, rights, securities, proxy material and other property or documents received by the Corporation in respect of a Participant's Deposited Securities or Pledged Securities, *except as provided below in this Rule 6 or in the Procedures;* disburse money to, and re-

[1] Notations appearing within the double bracket reflect modifications of an amendment proposed in SR-NYSE-75-7 but not yet approved or disapproved by the Securities and Exchange Commission.

ceive money from, Participants and Pledgees on behalf of other Participants or Pledgees in connection with related securities transactions; and acting on its own or by appropriate instruction, provide to Participants and Pledgees information and statements of account regarding their business with the Corporation. Such transactions shall be effected in accordance with the By-Laws, these Rules and the Procedures.

Amend Rule 6 by adding the following final paragraph:

If the Corporation (a) receives notice that an issuer of an Eligible Security has declared a stock or cash dividend on such security or has authorized a stock split or combination or a distribution of rights or other property or any other transaction with respect to such security (a "transaction") prior to the record date for the transaction or (b) receives notice of a proposed meeting of holders of an Eligible Security or other occasion for the exercise of voting rights or the giving of consents ("voting rights") prior to the record date for the voting rights, the Corporation may (i) assign a cut-off date for the transaction or the voting rights or (ii) if such notice is received after the time which the Corporation, in its sole discretion, deems to be the proper cut-off date for such transaction or voting rights, notify Participants that it will not assign a cut-off date for the transaction or the voting rights. If the Corporation assigns a cut-off date for the transaction or the voting rights and a Participant deposits a security subject to the transaction or the voting rights after the cut-off date, the Corporation shall not credit the proceeds of the transaction to the account of the Participant or provide for the exercise of voting rights by the Participant. In the case of a transaction, if an equivalent quantity of the securities do not remain in the Participant's account on the record date for the transaction, the Corporation shall have the right to deduct from the Participant's account the proceeds of the transaction in respect of the quantity not remaining in the account. In the case of voting rights, if an equivalent quantity of securities do not remain in the Participant's account on the record date for the voting rights, the Corporation shall have the right to claim from the Participant, and the Participant shall be obligated to use its best efforts to obtain for the Corporation, appropriate proxies or voting rights from the registered owner of the securities on record date in respect of the quantity not remaining in the account. The Corporation will use its best efforts to effect the transfer of all certificates held by the Corporation representing such security into the name of the Corporation's nominee. On or immediately after a record date for the exercise of voting rights, the Corporation will use its best efforts to permit Participants to exercise voting rights in accordance with this Rule and the Procedures. The Corporation shall have no responsibility or obligation to Participants or others in respect of the exercise of voting rights except to use its best efforts to act in accordance with this Rule and the Procedures. Without limiting the generality of the foregoing, the Corporation shall have no responsibility in the event that (i) the Corporation receives insufficient notice of a proposed meeting to permit action in accordance with this paragraph, (ii) the Corporation is unable to effect transfer of all certificates into the name of the Corporation's nominee prior to record date or (iii) no record date for a transaction or the exercise of voting rights is established.

Amend Section B of the Operating Procedures by adding the following first paragraph:

The granting of credit to a Participant with respect to Deposited Securities shall be subject to the provisions of Rule 6.

Amend Section D of the Operating Procedures by substituting the following for the first sentence in the first paragraph:

A Participant for bona fide business needs may withdraw securities which are either registered in the name of and endorsed by Cede & Co. or, as provided in Rule 6, endorsed to, and then by, Cede & Co.

Amend Section F of the Operating Procedures by adding the following new first paragraph:

The provisions of Section F with respect to cash dividends, stock dividends, rights, stock distributions, dividend claims and proxies and any other provision of the Operating Procedures relating to transactions or voting rights as such terms are defined in Rule 6 shall be subject to the provisions of Rule 6 regarding cut-off dates.

Amend the subparagraph entitled "Major Stock Distributions on Pledged Securities" of Section G of the Operating Procedures by adding the following introductory clause:

Subject to the first paragraph of Section F, [w]*hen* * * *

Amend Section I of the Operating Procedures by adding the following first paragraph:

The Interface Service shall be subject to the first paragraph of Section F.

Amend Section J of the Operating Procedures by adding the following new paragraph before the subparagraph entitled "Reorganizations":

The provisions of this Section J shall be subject to the first paragraph of Section F.

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule changes is as follows:

3. *Purpose of Proposed Rule Changes*

The purpose of the proposed changes in the Rules (Rules) and Operating Procedures (Procedures) of The Depository Trust Company (DTC), a subsidiary of the New York Stock Exchange, Inc. (Exchange), is to address operational problems associated with the addition of certain issues of securities to the list of Eligible Securities as such term is defined in the Rules and subsequent processing thereof. The changes in the Rules and Procedures result in the limitation of the services DTC would offer in respect of certain securities, if deemed necessary.

It is believed that DTC Participants which today hold such securities in "street name" are now subject to "service" limitations similar to those which would result from the proposed solutions. Accordingly, Participants should not be adversely affected by the proposed solutions and would obtain certain benefits as a result of DTC's clarification of the procedures relating to the specified services.

The first amendment to paragraph 1 of Rule 6 would permit DTC to deny credit to a depositing Participant if the Deposited Securities were not in proper form for registration of transfer or until such time as the Deposited Securities were registered in the name of DTC's nominee where such securities are part of an issue in respect to which DTC, by reason of the historical transfer performance of the issuer or transfer agent (e.g. a transfer agent's turnaround time for reregistration exceeds a reasonable number of days), shall have at least 10 business days prior to the day of the deposit given notice to Participants that it will not credit the account of a Participant which deposits securities of such issue thereby enabling DTC to avoid short positions in a Participant's account resulting from the use of Deposited Securities by the Participant prior to a determination that registration of transfer can be effected.

The second amendment to paragraph 1 of Rule 6 makes clear that securities withdrawn from DTC may be in the form of a certificate first endorsed to, and then by, DTC's nominee.

The third amendment to paragraph 1 of Rule 6 refers to the changes made in the new final paragraph of Rule 6.

The new final paragraph of Rule 6 deals with the operational problems resulting from the inability of DTC to reregister deposited securities in time for DTC's nominee to be "of record" on the record date for a dividend, idstribution or other transaction or for the exercise of voting rights by allowing DTC to establish cut-off dates for the deposit of securities and to take specified action in the case of deposits after such cut-off date.

National Clearing Corporation (NCC) has commented upon the desirability of coordination between DTC and NCC with respect to establishing cut-off dates. Inasmuch as the independent establishment of cut-off dates by DTC might require program changes by NCC and since it is anticipated that NCC will during the first half of 1976 become part of a consolidated New York clearing system consisting of NCC, Stock Clearing Corporation and American Stock Exchange Clearing Corporation, DTC will conform to NCC's cut-off dates during this period.

The Procedures have been amended to conform with the amendments proposed with respect to Rule 6.

4. *Basis under the Act for Adopting the Proposed Rule Changes*

(a) Not Applicable.

(b) The proposed changes in the Rules and Procedures relate to the Exchange's subsidiary, DTC. The changes in the Rules and Procedures relate to DTC's carrying out the purposes of Section 17A of the Securities Exchange Act of 1934 (Act) in that the changes permit an increase in the number of issues of securities which may qualify as DTC Eligible Securities thereby permitting Participants to deposit such securities in DTC and avoid the necessity for physical delivery of such securities in the settlement of securities transactions.

(c) Not Applicable.

5. *Comments Received from Members, Participants or Others on Proposed Rule Changes*

No comments have been solicited.

6. *Burden on Competition*

None.

On or before March 19, 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 abovementioned self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule changes, or

(B) institute proceedings to determine whether the proposed rule changes should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection in the Public Reference Room, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number reference in the caption above and should be submitted on or before March 5, 1976.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

JANUARY 23, 1976.

[FR Doc.76-4345 Filed 2-12-76;8:45 am]

DEPARTMENT OF LABOR

Employment and Training Administration

FEDERAL SUPPLEMENTAL BENEFITS (EMERGENCY UNEMPLOYMENT COMPENSATION)

Availability of Federal Supplemental Benefits in the State of Minnesota

This notice announces the beginning of a new Federal Supplemental Benefit Period in the State of Minnesota, effective on February 8, 1976.

The Emergency Unemployment Compensation Act of 1974 (Pub. L. 93-572, enacted December 31, 1974) (the Act) created a temporary program of supplementary unemployment benefits (referred to as Federal Supplemental Benefits) for unemployed individuals who have exhausted their rights to regular and extended benefits under State and Federal unemployment compensation laws. Federal Supplemental Benefits are payable during a Federal Supplemental Benefit Period in a State which has entered into an Agreement under the Act with the United States Secretary of Labor. A Federal Supplemental Benefit Period is triggered on in a State when unemployment in the State or in the State and the Nation reaches the high levels set in the Act. During a Federal Supplemental Benefit Period the maximum amount of Federal Supplemental Benefits which are payable to eligible individuals will be up to 13 weeks or 26 weeks, depending upon the level of the rate of insured unemployment in the State.

There is a Federal Supplemental Benefit "on" indicator in a State for a week if the United States Secretary of Labor determines with respect to the State that, (a) there is a State or National "on" indicator for the week, as determined for the purposes of payment of extended benefits under the Federal-State Extended Unemployment Compensation Act of 1970, as amended, and (b) the employment security agency of the State has determined that the average rate of insured unemployment in the State for the period consisting of that week and the immediately preceding twelve weeks equalled or exceeded 5.0 percent. The Federal Supplemental Benefit Period actually begins with the third week following the week for which there is an "on" indicator, and lasts for a minimum period of not less than 26 weeks.

Similarly, an "off" indicator ending a Federal Supplemental Benefit Period occurs in a week when the Secretary of Labor determines that the average rate of insured unemployment (as determined by the State employment security agency) for the period consisting of that week and the immediately preceding twelve weeks is less than 5.0 percent. The Federal Supplemental Benefit Period actually ends with the third week after the week in which there is an "off" indicator, but not earlier than the end of the twenty-sixth week of the period.

The Secretary of Labor has determined under section 203(d) of the Federal-State Extended Unemployment Compensation Act of 1970, as amended, that there is a National "on" indicator in effect which is applicable to every State, as announced in the notice published in the FEDERAL REGISTER on February 21, 1975, at 40 FR 7722. The employment security agency of the State of Minnesota has determined under the Act and 20 CFR 618.19(a)(2) (published in the FEDERAL REGISTER on December 11, 1975, at 40 FR 57765, 57772) that the average rate of insured unemployment in the State for the period consisting of the week ending on January 24, 1976 and the immediately preceding twelve weeks equalled or exceeded 5.0 percent.

Therefore, I have determined in accordance with the Act and 20 CFR 618.19(a), and as authorized by the Secretary of Labor's Order 4-75, dated April 16, 1975 (published in the FEDERAL REGISTER on April 28, 1975, at 40 FR 18515), that there was a Federal Supplemental Benefit "on" indicator in the State of Minnesota for the week ending on January 24, 1976, and that a Federal Supplemental Benefit Period therefore commenced in that State with the week beginning on February 8, 1976.

There will be a 5-per centum period in effect in the new Federal Supplemental Benefit Period, commencing at the beginning of the new period. During the 5-per centum period an individual who is eligible for Federal Supplemental Benefits will be entitled to a maximum amount of up to 13 times the individual's weekly benefit amount, or, if less, the balance in the individual's Federal Supplemental Benefit Account.

In the event that a 6-per centum period subsequently takes effect in the new Federal Supplemental Benefit Period, because the rate of insured unemployment in the State has risen to an average of 6.0 percent or more over a period of thirteen weeks, the maximum amount of Federal Supplemental Benefits payable to an eligible individual will increase. In that event an eligible individual will be entitled to a maximum amount of Federal Supplemental Benefits of up to 26 times the individual's weekly benefit amount, or, if less, the balance in the individual's Federal Supplemental Benefit Account.

The State employment security agency will furnish a written notice of potential entitlement to Federal Supplemental Benefits to each individual who is an "exhaustee" (as defined in the Act and 20 CFR 618.5) of regular and extended benefits payable under State and Federal unemployment compensation laws, and to each individual who had a previously established Federal Supplemental Benefit Account in which there is any balance as of the beginning of the new Federal Supplemental Benefit Period. The State employment security agency also will furnish a written notice to each individual for whom a Federal Supplemental Benefit Account has been established, of the beginning or ending of a 6-per centum period in the new Federal Supplemental Benefit Period, and its effect on the individual's entitlement to Federal Supplemental Benefits.

There was a prior Federal Supplemental Benefit Period in Minnesota which terminated with the week ending on January 3, 1976, as announced in the notice published in the FEDERAL REGISTER on January 7, 1976, at 41 FR 1341. Immediately following the end of the prior Federal Supplemental Benefit Period, there was an additional eligibility period for each individual who qualified, which was to last for 13 weeks unless terminated sooner by reason of the beginning of a new Federal Supplemental Benefit Period Accordingly, the individual additional eligibility periods terminate on February 7, 1976, immediately preceding

the beginning of the new Federal Supplemental Benefit Period. Any individual who qualified for an additional eligibility period will be entitled to Federal Supplemental Benefits in the new Federal Supplemental Benefit Period, if there is any balance left in the individual's Federal Supplemental Benefit Account as of the beginning of the new period. The maximum amount payable to any of those individuals will be governed, as stated above, by whether a 5-per centum or 6-per centum period is in effect and by the balance in each individual's Federal Supplemental Benefit Account.

Persons who believe they may be entitled to Federal Supplemental Benefits in the State of Minnesota, or who wish to inquire about their rights under this program, should contact the nearest employment security office of the Minnesota Department of Employment Services in their locality.

Signed at Washington, D.C. this 5th day of February, 1976.

BEN BURDETSKY,
Acting Assistant Secretary for Employment and Training.

[FR Doc.76-3931 Filed 2-12-76;8:45 am]

FEDERAL SUPPLEMENTAL BENEFITS (EMERGENCY UNEMPLOYMENT COMPENSATION)

Availability of Federal Supplemental Benefits in the State of Utah

This notice announces the beginning of a new Federal Supplemental Benefit Period in the State of Utah, effective on February 8, 1976.

The Emergency Unemployment Compensation Act of 1974 (Pub. L. 93-572, enacted December 31, 1974) (the Act) created a temporary program of supplementary unemployment benefits (referred to as Federal Supplemental Benefits) for unemployed individuals who have exhausted their rights to regular and extended benefits under State and Federal unemployment compensation laws. Federal Supplemental Benefits are payable during a Federal Supplemental Benefit Period in a State which has entered into an Agreement under the Act with the United States Secretary of Labor. A Federal Supplemental Benefit Period is triggered on in a State when unemployment in the State or in the State and the Nation reaches the high levels set in the Act. During a Federal Supplemental Benefit Period the maximum amount of Federal Supplemental Benefits whch are payable to eligible individuals will be up to 13 weeks or 26 weeks, depending upon the level of the rate of insured unemployment in the State.

There is a Federal Supplemental Benefit "on" indicator in a State for a week if the United States Secretary of Labor determines with respect to the State that, (a) there is a State or National "on" indicator for the week, as determined for the purposes of payment of extended benefits under the Federal-State Extended Unemployment Compensation Act of 1970, as amended, and (b) the employment security agency of the State has determined that the average rate of insured unemployment in the State for the period consisting of that week and the immediately preceding twelve weeks equalled or exceeded 5.0 percent. The Federal Supplemental Benefit Period actually begins with the third week following the week for which there is an "on" indicator, and lasts for a minimum period of not less than 26 weeks.

Similarly, an "off" indicator ending a Federal Supplemental Benefit Period occurs in a week when the Secretary of Labor determines that the average rate of insured unemployment (as determined by the State employment security agency) for the period consisting of that week and the immediately preceding twelve weeks is less than 5.0 percent. The Federal Supplemental Benefit Period actually ends with the third week after the week in which there is an "off" indicator, but not earlier than the end of the twenty-sixth week of the period.

The Secretary of Labor has determined under section 203(d) of the Federal-State Extended Unemployment Compensation Act of 1970, as amended, that there is a National "on" indicator in effect which is applicable to every State, as announced in the notice published in the FEDERAL REGISTER on February 21, 1975, at 40 FR 7722. The employment security agency of the State of Utah has determined under the Act and 20 CFR 618.19(a)(2) (published in the FEDERAL REGISTER on December 11, 1975, at 40 FR 57765, 57772) that the average rate of insured unemployment in the State for the period consisting of the week ending on January 24, 1976 and the immediately preceding twelve weeks equalled or exceeded 5.0 percent.

Therefore, I have determined in accordance with the Act and 20 CFR 618.19(a), and as authorized by the Secretary of Labor's Order 4-75, dated April 16, 1975 (published in the FEDERAL REGISTER on April 28, 1975, at 40 FR 18515), that there was a Federal Supplemental Benefit "on" indicator in the State of Utah for the week ending on January 24, and that a Federal Supplemental Benefit Period therefore commenced in that State with the week beginning on February 8, 1976.

There will be a 5-per centum period in effect in the new Federal Supplemental Benefit Period, commencing at the beginning of the new period. During the 5-per centum period an individual who is eligible for Federal Supplemental Benefits will be entitled to a maximum amount of up to 13 times the individual's weekly benefit amount, or, if less, the balance in the individual's Federal Supplemental Benefit Account.

In the event that a 6-per centum period subsequently takes effect in the new Federal Supplemental Benefit Period because the rate of insured unemployment in the State has risen to an average of 6.0 percent or more over a period of thirteen weeks, the maximum amount of Federal Supplemental Benefits payable to an eligible individual will increase. In that event an eligible individual will be entitled to a maximum amount of Federal Supplemental Benefits of up to 26 times the individual's weekly benefit amount, or, if less, the balance in the individual's Federal Supplemental Benefit Account.

The State employment security agency will furnish a written notice of potential entitlement to Federal Supplemental Benefits to each individual who is an "exhaustee" (as defined in the Act and 20 CFR 618.5) of regular and extended benefits payable under State and Federal unemployment compensation laws, and to each individual who has a previously established Federal Supplemental Benefit Account in which there is any balance as of the beginning of the new Federal Supplemental Benefit Period. The State employment security agency also will furnish a written notice to each individual for whom a Federal Supplemental Benefit Account has been established, of the beginning or ending of a 6-per centum period in the new Federal Supplemental Benefit Period, and its effect on the individual's entitlement to Federal Supplemental Benefits.

There was a prior Federal Supplemental Benefit Period in Utah which terminated with the week ending on January 3, 1976, as announced in the notice published in the FEDERAL REGISTER on January 7, 1976, at 41 FR 1341. Immediately following the end of the prior Federal Supplemental Benefit Period, there was an additional eligibility period for each individual who qualified, which was to last for 13 weeks unless terminated sooner by reason of the beginning of a new Federal Supplemental Benefit Period. Accordingly, the individual additional eligibility periods terminate on February 7, 1976, immediately preceding the beginning of the new Federal Supplemental Benefit Period. Any individual who qualified for an additional eligibility period will be entitled to Federal Supplemental Benefits in the new Federal Supplemental Benefit Period, if there is any balance left in the individual's Federal Supplemental Benefit Account as of the beginning of the new period. The maximum amount payable to any of those individuals will be governed, as stated above, by whether a 5-per centum or 6-per centum period is in effect and by the balance in each individual's Federal Supplemental Benefit Account.

Persons who believe they may be entitled to Federal Supplemental Benefits in the State of Utah, or who wish to inquire about their rights under this program, should contact the nearest employment security office of the Utah Industrial Commission in their locality.

Signed at Washington, D.C., this 5th day of February 1976.

BEN BURDETSKY,
Acting Assistant Secretary for Employment and Training.

[FR Doc.76-3930 Filed 2-12-76;8:45 am]

Office of the Secretary

[TA-W-357]

AIRCO VACUUM METALS

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-357: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on November 25, 1975, in response to a worker petition received on November 25, 1975 which was filed by the Oil, Chemical and Atomic Workers on behalf of workers and former workers producing stainless steel (E-Brite 26-1) at the Berkeley plant of Airco Vacuum Metals.

The notice of investigation was published in the FEDERAL REGISTER on December 12, 1975 (40 FR 57875). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Airco Vacuum Metals, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant total or partial separations.—The Airco plant located in Berkeley, California closed in November 1975 and all workers were laid off.

Sales or production, or both, have decreased absolutely.—Sales at Airco Vacuum Metals increased 220 percent in value in 1974 compared to 1973. Sales increased 16 percent in value in the first 11 months of 1975 compared to the like period in 1974.

Production at Airco Vacuum Metals increased 13 percent in tonnage in 1974 compared to 1973. Production increased 23 percent in the first 11 motnhs of 1975 compared to the like period in 1974.

Increased imports contributed importantly.—Imports of articles like or directly competitive with those produced at the Berkeley plant decreased from 8.7 thousand tons in the first 9 months 1974 to 6.7 thousand tons in the first 9 months of 1975. The ratios of imports to domestic consumption indicated that Airco had been producing stainless steel for inventory. Throughout 1974, the inventory level was usually less than twice the current sales level. In 1975, the inventory level began to approach three times the current sales level. Company officials indicated that a decision was made to cease production until the inventory level was adjusted. The Berkeley plant closed in November 1975 and all production workers were laid off.

Conclusion.—After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with stainless steel ingots and slabs produced at the Airco Vacuum Metals' plant located in Berkeley, California did not contribute importantly to the total or partial separations of the workers at such plant.

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

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.76-4314 Filed 2-12-76;8:45 am]

[TA-W-572]

AMERICAN CAN CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On January 30, 1976, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the International Association of Machinists and Aerospace Workers, on behalf of the workers and former workers of the Geneva, New York plant of the American Can Company, Greenwich, Connecticut (TA-W-572).

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with metal containers and can closing equipment produced by American Can 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 Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than 23 Feb. 1976.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 30th day of January 1976.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.76-4315 Filed 2-12-76;8:45 am]

[TA-W-582]

AMERICAN COAT PAD CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On January 30, 1976, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing Workers of America, on behalf of the workers and former workers of The American Coat Pad Company, Baltimore, Maryland (TA-W-582).

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with coat fronts for suits and sport coats produced by The American Coat Pad 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 peti-

tioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than Feb. 23, 1976.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 30th day of January 1976.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.76-4316 Filed 2-12-76;8:45 am]

[TA-W-252]

AMERICAN SAFETY EQUIPMENT CO.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA W252: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on October 15, 1975, in response to a worker petition received on October 15, 1975, Textile Workers Union of America on behalf of workers and former workers of the Medina, Ohio plant of American Safety Equipment Company, Encino, California.

The notice of investigation was published in the Federal Register on October 28, 1975 (40 FR 50162). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of American Safety Equipment Company, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant total or partial separations.—The average number of direct manufacturing employees at the Medina plant fell nineteen percent from 1973 to 1974 and 91 percent in the first quarter of 1975 from the same quarter previous year. Indirect manufacturing employment fell two percent from 1973 to 1974. A small number of indirect manufacturing employees were maintained for clean up operations after the plant closed in February. The average number of indirect manufacturing employees fell 84 percent in the first three quarters of 1975 from the first three quarters of 1974. Salaried employment fell 12 percent from 1973 to 1974 and 15 percent in the first quarter of 1975 from the first quarter of 1974.

Sales or production, or both have decreased absolutely.—Sales of seat belts from the Medina plant fell three percent from 1973 to 1974 and 72 percent in the first quarter of 1975 from the first quarter of 1974. The Medina plant closed in February 1975.

Sales of polycarbonate helmets decreased 22 percent from 1973 to 1974. After the closing of the Medina plant ASE continued to sell polycarbonate helmets from inventories. Sales of these helmets dropped 63 percent in the first three quarters of 1975 compared to the like period in 1974.

Production data were not available for the Medina plant.

Increased imports contributed importantly.—Imports of seat belts like or directly competitive with those produced at the Medina plant decreased in value from 1.4 million dollars in 1973 to 1.1 million dollars in 1974. The ratios of imports to domestic consumption and production fell from .63 and .59 respectively in 1973 to .56 and .53 in 1974. In the first ten months of 1975, the import/consumption (I/C) and import production (I/P) ratios fell to .25 and .24 respectively from .31 and .60 in the like period of 1974. Company imports of seat belts declined fifteen percent from 1973 to 1974 and 42 percent in the first three quarters of 1975 from the first three quarters of 1974.

Evidence developed by the Department of Labor during the course of the investigation reveals that the decline in sales of seat belts is attributable to declining automobile production. Automobile production fell 24 percent from 1973 to 1974. Sales of seat belts constituted about 80 percent of the Medina plant's total sales. Due to the sharp decline in the U.S. auto industry in 1974, ASE made plans to consolidate its seat belt production in its Fresno, California facility. ASE subsequently transferred all its seat belt production to Fresno after the Medina plant closed.

Customers of ASE for seat belts decreased purchases as a result of adverse conditions in the auto industry. After the Medina plant closed, one customer bought on a temporary basis from Canadian ASE, while ASE shifted its domestic seat belt production to its Fresno facility.

Imports of crash helmets like or directly competitive with those produced at the Medina plant decreased in value from .6 million dollars in the first ten months of 1974 to .4 million dollars in the first ten months of 1975. The ratios of imports to domestic consumption and production fell from 7.60 and 7.85 in the first ten months of 1974 to 6.69 and 6.45 in the first ten months of 1975. Company imports of crash helmets from the Mexican facility of ASE declined twenty percent in the first three quarters of 1975 from the first three quarters of 1974.

Sales of helmets have dropped due to changing consumer demand. Industry officials stated that interest in motorcycles reached a peak in 1973 and early 1974, and then dropped off sharply in late 1974 and 1975. As a result, ASE was faced in 1974 with a sharply declining domestic market for its polycarbonate helmets in a very competitive market situation. All of ASE's polycarbonate helmets were produced at its Medina plant and constituted 85 percent of ASE total helmet sales in 1974. Because of increased domestic competitive pressures in the low priced helmet market, ASE decided to phase out polycarbonate helmet production completely.

Most customers of ASE surveyed reduced purchases of polycarbonate and fiberglass helmets because of declining demand and a shift to other domestic manufacturers.

Conclusion.—After careful review of the facts in the investigation, I conclude that increases of imports like or directly competitive with seat belts and crash helmets produced at the Medina, Ohio plant of American Safety Equipment Company did not contribute importantly to the total or partial separations of the workers at such plant.

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

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.76-4317 Filed 2-12-76;8:45 am]

[TA-W-257]

BERGMAN TOOL MANUFACTURING CO., INC.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-257; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on October 20, 1975, in response to a worker petition received on that date which was filed on behalf of workers and former workers producing battery service tools

at the Bergman Tool Manufacturing Company, Incorporated, Buffalo, New York.

The notice of investigation was published in the Federal Register on October 29, 1975 (40 FR 50334). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Bergman Tool Manufacturing Company, Incorporated; its major marketing representatives; Mr. Eugene Stewart, Special Counsel for the Hand Tools Institute; the U.S. Department of Commerce; the U.S. International Trade Commission; the U.S. Customs Service; the U.S. General Services Administration; industry analysts; and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant total or partial seperations.—The average number of production workers at the Bergman Tool Company decreased 16 percent from 1973 to 1974 and fell 26 percent in the first ten months of 1975 compared to the same period in 1974. Average weekly hours increased nine percent from 1973 to 1974 and dropped three precent in the first ten months of 1975 compared to the like period in 1974.

Sales or production, or both, have decreased absolutely.—Unit sales of battery service tools declined 13 percent from 1973 to 1974 and fell 35 percent in the first ten months of 1975 compared to the same period in 1974.

Increased imports contributed importantly.—Specific production and import information on battery service tools is not available. A survey of independent marketing representatives indicated that the Bergman Tool Company had lost battery service tool sales over the past several years because wholesalers and retailers had shifted purchases to lower priced imports. These marketing representatives reported that in the past year the general economic recession had hurt sales of domestically-made tools more severely than sales of less expensive imports.

In October 1975 the U.S. Treasury Department found that imports of battery terminal lifters from Japan were being sold at less than fair value in the U.S. market. Industry analysts estimated that battery terminal lifters represent about 20 to 23 percent of total battery service tool production. Price competition with imports and the general economic recession caused declining sales and increased inventories of battery service tools at the Bergman Tool Company. This situation lead to temporary plant shutdowns and to significant layoffs during 1975.

Conclusion.—After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with the battery service tools produced at the Bergman Tool Manufacturing Company, Incorporated, contributed importantly to the total or partial separations of the workers at such plant. In accordance with the provisions of the Act, I make the following certification:

"All hourly, piecework, and salaried workers engaged in employment related to the production of battery service tools at the Bergman Tool Manufacturing Company, Incorporated, Buffalo, New York who became totally or partially separated from employment on or after October 10, 1974 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974."

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

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.76-4322 Filed 2-12-76;8:45 am]

[TA-W-303]

BROOKFIELD CLOTHES, INC.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-303: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on November 4, 1975 in response to a worker petition received on November 4, 1975 which was filed by the Amalgamated Clothing Workers of America on behalf of workers and former workers producing men's suits and sportcoats at Brookfield Clothes, Incorporated, Long Island City, New York.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 53641) on November 19, 1975. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Brookfield Clothes, Inc., its customers, the Clothing Manufacturers Association of the U.S.A., the U.S. Department of Commerce, the U.S. International Trade Commission, and Department Files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) that a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) that sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) that increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant total or partial separations.—The average number of production workers at Brookfield Clothes, Inc. declined 9 percent in 1974 compared to 1973. The average number of production workers declined 33 percent in the first nine months of 1975 compared to the first nine months of 1974.

Sales or production, or both, have decreased absolutely.—Sales and production at Brookfield declined 14 percent and 28 percent, respectively, in 1974 compared to 1973. Sales and production declined 4 percent and 3 percent, respectively, in the first nine months of 1975 compared to the first nine months of 1974.

Increased imports contributed importantly.—Imports of men's and boys' suits produced at Brookfield Clothes increased from 1.4 million units in 1970 to 1.9 million units in 1974. The ratios of imports to domestic consumption and production increased from 8.6 percent and 9.4 percent, respectively; in 1972 to 9.0 percent and 9.9 percent, respectively, in 1974. The imports to production ratio rose from 7.7 percent in the first seven months of 1974 to 22.1 percent in the first seven months of 1975.

Imports of men's and boys' sport coats increased from 4.2 million units in 1972 to 4.8 million units in 1974. The ratios of imports to consumption and production increased from 14.6 percent and 17.1 percent, respectively, in 1972 to 18.2 percent and 22.3 percent, respectively, in 1974. The imports to production ratio increased from 24.5 percent in the first seven months of 1974 to 36.7 percent in the first seven months of 1975.

Imports of men's leisure suits are not separately identified in Tariff Schedules of the United States. They are included with the aggregate data on imports of men's and boys' suits. The data show that imports of men's suits increased both absolutely and relatively in the first seven months of 1975 compared to the first seven months of 1974. In addition a sur-

vey of major retail clothing chains conducted by the Office of Trade Adjustment Assistance indicates that they substantially increased purchases of imported leisure suits in 1974 and 1975.

The evidence developed during the Department's investigation indicates that employment and production at Brookfield has been adversely affected by increased imports of men's clothing. Brookfield Clothes, until the fall of 1974, was a division of a large domestic manufacturer of men's clothing. Brookfield produced its parent firm's least expensive line of suits and sportcoats. This parent firm, which sold all of Brookfield's clothing through its large group of retail stores, found that consumers of less expensive clothing have increasingly shifted to less expensive imported clothing offered both by its own stores and by major competitors. In the fall of 1974, Brookfield was sold by the parent firm and became an independent corporation with access to the same retail stores. These retail stores, however, have continued to purchase imported men's clothing.

Conclusion.—After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with men's suits and sport coats produced by Brookfield Clothers, Inc. contributed importantly to the total or partial separation of the workers of that plant. In accordance with the provision of the Act, I make the following certification:

"All hourly and piecework employees at Brookfield Clothes, Incorporated, Long Island City, New York who became totally or partially separated from employment on or after October 20, 1974 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974."

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

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.76-4318 Filed 2-12-76;8:45 am]

[TA-W-254]

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-254; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on October 15, 1975 in response to a worker petition received on October 10, 1975 which was filed by the United Steelworkers of America, AFL-CIO on behalf of workers formerly producing women's leather footwear at the Murphysboro, Illinois plant of the Brown Shoe Company, St. Louis, Missouri.

The notice of investigation was published in the FEDERAL REGISTER on October 28, 1975 (40 FR 50162). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of The Brown Shoe Company, its customers, the American Footwear Industries 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 of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) that sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) that increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant total or partial separations.—The average number of production workers declined 5 percent from 1973 to 1974 and 20 percent in the first nine months of 1975 compared to the like period in 1974. Average weekly hours declined 6 percent from 1973 to 1974 and 6 percent in the first nine months of 1975 compared to the like period in 1974.

Sales or production, or both, have decreased absolutely.—Sales at the Murphysboro plant declined 12 percent from 1973 to 1974 and 30 percent in the first nine months of 1975 compared to the first nine months of 1974. Production declined 13 percent in 1974 from 1973 to 32 percent in the first nine months of 1975 compared to the first nine months of 1974.

Increased imports contributed importantly.—Imports of articles like or directly competitive with those produced at Murphysboro increased from 73 million pairs in 1970 to 76 million pairs in 1974.

The ratios of imports to domestic consumption and production increased from 29.08 percent and 41.01 percent, respectively in 1970 to 46.64 percent and 68.47 percent in 1974. The I/C and I/P ratios increased from 40.08 percent and 66.88 percent respectively in the first six months of 1974 to 47.26 percent and 89.6 percent in the first six months of 1975.

Customers surveyed are importing women's shoes that are competitive with those made at the Sullivan plant of The Brown Shoe Company.

The evidence developed by the Department's investigation indicates that the separation of workers engaged in employment related to the production of women's shoes at the Murphysboro, Illinois plant of The Brown Shoe Company was caused by the increase of competitive imports.

Reduced sales of women's footwear by The Brown Shoe Company led to declining production at the Murphysboro, Illinois plant in late 1974 and the first nine months of 1975. The company responded to reduced sales and production by reducing the workforce in the latter part of 1974 and the first three quarters of 1975. The plant closed on September 30, 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 leather shoes produced at the Murphysboro, Illinois plant of The Brown Shoe Company contributed importantly to the total or partial separation of the workers of that plant. In accordance with the provisions of the Act, I make the following certification:

"All workers engaged in employment related to the production of women's shoes at the Murphysboro, Illinois plant of The Brown Shoe Company, St. Louis, Missouri who became totally or partially separated from employment on or after October 6, 1974 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974."

Signed at Washington, D.C. this 31st day of January 1976.

HERBERT N. BLACKMAN,
Associate Deputy Under Secretary for Trade and Adjustment Policy.

[FR Doc.76-4321 Filed 2-12-76;8:45 am]

[TA-W-270]

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-270; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on October 30, 1975 in response to a worker petition received on October 30, 1975 which was filed by The United Shoe Workers of America on behalf of workers formerly producing women's leather footwear at the Sullivan Illinois plant of The Brown Shoe Company, St. Louis, Missouri.

The notice of investigation was published in the FEDERAL REGISTER on November 11, 1975 (40 FR 52676). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of The Brown Shoe Company, its customers, the American Footwear Industries Association, the U.S. Department of Commerce, the U.S. In-

ternational 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 of proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) that sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) that increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant total or partial separations.—The average number of production workers declined 7 percent from 1973 to 1974 and 18 percent in the first nine months of 1975 compared to the like period in 1974. Average weekly hours declined 7 percent from 1973 to 1974 and 4 percent in the first nine months of 1975 compared to the like period in 1974.

Sales or production, or both, have decreased absolutely.—Sales at the Sullivan plant declined 12 percent from 1973 to 1974 and 32 percent in the first nine months of 1975 compared to the first nine months of 1974. Production declined 13 percent from 1973 to 1974 and 33 percent in the first nine months of 1975 compared to the first nine months of 1974.

Increased imports contributed importantly.—Imports of articles like or directly competitive with those produced at Sullivan increased from 73 million pairs in 1970 to 76 million pairs in 1974.

The ratios of imports to domestic consumption and production increased from 29.08 percent and 41.01 percent, respectively in 1970 to 40.64 percent and 68.47 percent in 1974. The I/C and I/P ratios increased from 40.08 percent and 66.88 percent respectively in the first six months of 1974 to 47.26 percent and 89.6 percent in the first six months of 1975.

Customers surveyed are importing women's shoes that are competitive with those made at the Sullivan plant of The Brown Shoe Company.

The evidence developed by the Department's investigation indicates that the separation of workers engaged in employment related to the production of women's shoes at the Sullivan, Illinois plant of The Brown Shoe Company was caused by the increase of competitive imports.

Reduced sales of women's footwear by The Brown Shoe Company led to declining production at the Sullivan, Illinois plant in late 1974 and the first nine months of 1975. The company responded to reduced sales and production by reducing the workforce in the latter part of 1974 and in the first three quarters of 1975. The plant closed on September 30, 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 leather shoes produced at the Sullivan, Illinois plant of The Brown Shoe Company contributed importantly to the total or partial separation of the workers of that plant. In accordance with the provisions of the Act, I make the following certification:

"All workers engaged in employment related to the production of women's shoes at the Sullivan, Illinois plant of The Brown Shoe Company, St. Louis, Missouri, who became totally or partially separated from employment on or after October 21, 1974 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974."

Signed at Washington, D.C. this 31st day of January 1976.

HERBERT N. BLACKMAN,
Associate Deputy Under Secretary for Trade and Adjustment Policy.

[FR Doc.76-4323 Filed 2-12-76;8:45 am]

[TA-W-570]

COLUMBIAN ROPE CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On January 30, 1976, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the Textile Workers Union of America, AFL-CIO, on behalf of the workers and former workers of Columbian Rope Company, Auburn, New York (TA-W-570).

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with manila rope produced by Columbian Rope 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 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 certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than February 23, 1976.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 30th day of January 1976.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.76-4319 Filed 2-12-76;8:45 am]

[TA-W-263]

DELUCA SPORTSWEAR & 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-263: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on October 24, 1975 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 sportswear at DeLuca Sportswear & Company, Philadelphia, Pennsylvania.

The notice of investigation was published in the FEDERAL REGISTER on November 5, 1975 (40 FR 51520). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of DeLuca Sportswear & Company, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) that a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) that sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) that increases of imports of articles like or directly competitive with ar-

ticles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant total or partial separations.—The average number of production workers at DeLuca Sportswear declined 12 percent in 1974 compared to 1973 and declined 27 percent in the first ten months of 1975 compared to the same period in 1974. Employees of DeLuca worked interchangeably on all articles produced by the firm.

Sales or production, or both, have decreased absolutely.—DeLuca produced men's sportcoats, car coats, rainwear, leisure suits, and vests during the 1973–1975 period. Total production by the firm declined 29 percent in 1974 from 1973. Production then increased 33 percent in the first ten months of 1975 compared to the same period in 1974. Production of sportcoats, which comprised 75 percent of DeLuca's output in 1973, declined 46 percent in 1974 and declined 76 percent in the first ten months of 1975 compared to the first ten months of 1974.

Increased imports contributed importantly.—Imports of men's and boys' sportcoats increased their share of the domestic market in each year from 1972 to 1974. The ratio of imports to domestic production and consumption increased from 17.1 percent and 14.6 percent respectively in 1972 to 22.3 percent and 18.2 percent respectively in 1974. The ratio of imports to domestic production increased from 24.5 percent in the first seven months of 1974 to 36.7 percent in the first seven months of 1975.

The evidence developed in the Department's investigation of DeLuca Sportswear indicates that employment declines experienced by the firm in 1974 were due primarily to a reduction in the firm's sportcoat operations. Sportcoats as a percentage of DeLuca's total output declined from 75 percent in 1973 to 57 percent in 1974 and 15 percent in the first ten months of 1975. One customer of DeLuca, who was accountable for approximately 80 percent of DeLuca's output of sportcoats, terminated all purchases from DeLuca in 1974 citing increased import competition as a reason for its decision to leave the men's sportcoat market. Employment declines related to reduced output of sportcoats at DeLuca occurred throughout the second half of 1974. With the loss of its major customer for sportcoats, DeLuca increased production of leisure suits and vests in an attempt to remain profitable. Since production of leisure suits and vests, which now comprise most of DeLuca's output, requires fewer manhours per unit than production of sportcoats, average employment at DeLuca in the first ten months of 1975 remains 28 percent below employment in the first ten months of 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 sportcoats produced by DeLuca Sportswear & Company contributed importantly to the total or partial separation of the workers of that firm. In accordance with the provisions of the Act, I make the following certification:

"All hourly piecework, and salaried employees of DeLuca Sportswear & Company, Philadelphia, Pennsylvania who became totally or partially separated from employment on or after October 14, 1974 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974."

Signed at Washington, D.C. this 31st day of January 1976.

HERBERT N. BLACKMAN,
Associate Deputy Under Secretary for Trade and Adjustment Policy.

[FR Doc.76-4324 Filed 2-12-76;8:45 am]

[TA-W-272]

GENERAL ELECTRIC 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-272: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on October 30, 1975 in response to a worker petition received on October 30, 1975 which was filed by the Allied Industrial Workers Local #783 on behalf of workers and former workers producing electronic receiving tubes and mounts at the Owensboro, Kentucky plant of General Electric Company.

The notice of investigation was published in the Federal Register on November 11, 1975, (40 FR 52676-52677). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of General Electric Company, its customers, U.S. Department of Commerce, U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) that a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) that sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) that increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant total or partial separations.—The average number of production workers at the Owensboro plant declined 42 percent in the first ten months of 1975 compared to the same period in 1974.

Sales or production, or both, have decreased aboslutely.—Production of electronic receiving tubes and amounts declined 22.2 percent in the first ten months of 1975 compared to the first ten months of 1974.

Increased imports contributed importantly.—Imports of electronic receiving tubes and mounts increased from 47 million units in 1970 to 56 million units in 1974. The ratios of imports to production and consumption rose from 24.9 percent and 21.1 percent, respectively, in 1970 to 56.6 percent and 36.4 percent, respectively, in 1974. The ratios of production and consumption rose from 54.2 percent and 37.5 percent, respectively, in the first eight months of 1974 to 85.0 percent and 49.3 percent, respectively, in the same period of 1975.

According to company officials, the importation of tube mounts and finished tubes from competitive plants in low-wage countries forced the company to establish its offshore manufacturing facility in Singapore for the production of electronic tube mounts. Company officials stated that if the offshore facility had not been established, General Electric's pricing would have become noncompetitive with other domestic producers because of higher domestic production costs.

Investigations by the Tariff Commission and Department of Labor in 1974 revealed that the transfer by General Electric of tube mount production to Singapore resulted in decreased production and separations of hourly and salaried personnel in the domestic manufacturing facility at Owensboro, Kentucky beginning in May 1971. A certification was issued by the Department of Labor on February 11, 1974 allowing all hourly and salaried employees at the plant to apply for adjustment assistance.

The Department's current investigation has revealed that imports from General Electric's Singapore plant have continued to have an adverse impact on production and employment at the Owensboro, Kentucky plant. Company imports of electric tube mounts rose substantially in 1974 compared to 1973 and in the first ten months of 1975 compared to the first ten months of 1974.

Conclusion.—After careful review of the facts obtained in the investigation,

I conclude that increases of imports like or directly competitive with the electronic receiving tubes and mounts produced at the Owensboro, Kentucky plant of General Electric Company contributed importantly to the total or partial separations of the workers at that plant. In accordance with the provisions of the Act, I make the following certification:

"All hourly and salaried employees of the Owensboro, Kentucky plant of General Electric Company engaged in employment related to the production of electronic receiving tubes and mounts who became totally or partially separated from employment on or after February 11, 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 31st day of January 1976.

HERBERT N. BLACKMAN,
Associate Deputy Under Secretary for Trade and Adjustment Policy.

[FR Doc.76-4325 Filed 2-12-76;8:45 am]

[TA-W-307]

GROSSMAN CLOTHING CO., INC.

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-307; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on November 4, 1975, in response to a worker petition received on November 4, 1975, which was filed by the Amalgamated Clothing Workers of America on behalf of workers and former workers producing men's suits and sportcoats at Grossman Clothing Co., Inc., New York, New York.

The notice of investigation was published in the Federal Register on November 19, 1975 (40 FR 53642). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Grossman Clothing Company, Inc., its customers, the Clothing Manufacturers Association of the U.S.A., the Department of Commerce, the International Trade Commission, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in 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, production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant total or partial separations.—The average number of production workers at Grossman Clothing Company, Inc., declined 20 percent in 1974 compared to 1973. The average number of production workers declined 25 percent in the first nine months of 1975 compared to the first nine months of 1974.

Sales or production, or both, have decreased absolutely. — Production at Grossman Clothing Company, Inc., declined 24 percent in 1974 compared to 1973. Production declined 28 percent in the first nine months of 1975 compared to the first nine months of 1974.

Increased import contributed importantly.—Imports of boys' and men's suits increased from 1.4 million units in 1970 to 1.9 million units in 1974. The ratios of imports to domestic consumption and production increased from 8.6 percent and 9.4 percent, respectively in 1972 to 9.0 percent and 9.9 percent respectively in 1974. The imports to production ratios rose from 7.7 percent in the first seven months of 1974 to 22.1 percent in the first seven months of 1975.

Imports of men's and boys' sportcoats increased from 4.2 million units in 1972 to 4.8 million units in 1974. The ratios of imports to consumption and production increased from 14.6 percent and 17.1 percent, respectively in 1972 to 18.2 percent and 22.3 percent, respectively in 1974. The imports to production ratios increased from 24.5 percent in the first seven months of 1974 to 36.7 percent in the first seven months of 1975.

The evidence developed during the Department's investigation indicates that domestic producers of men's clothing including men's suits and sportcoats have been adversely affected by a number of factors including increased imports, changing styles and generally poor economic conditions. Not all manufacturers have been affected by the same factors or in the same magnitude.

Major customers of Grossman Clothing have reduced purchases of their men's suits and sportcoats because of poor domestic sales conditions or because they have switched to other domestic manufacturers.

Conclusion.—After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with men's suit coats and sportcoats produced by Grossman Clothing Company, Inc., New York, New York did not contribute importantly to the total or partial separations of the workers of that firm.

Signed at Washington, D.C., this 16th day of January 1976.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.76-4320 Filed 2-12-76;8:45 am]

[TA-W-574]

HASPEL BROTHERS, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On January 30, 1976, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing Workers of America, on behalf of the workers and former workers of Haspel Brothers, Inc., New Orleans, Louisiana (TA-W-574).

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with men's suits and sportcoats produced by Haspel Brothers, 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 Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than February 23, 1976.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 30th day of January 1976.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.76-4327 Filed 2-12-76;8:45 am]

[TA-W-575]

HASPEL INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On January 30, 1976, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing Workers of America, on behalf of the workers and former workers of Haspel Incorporated, Tylertown, Mississippi, a subsidiary of Haspel Brothers, Inc., New Orleans, Louisiana (TA-W-575).

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with men's suits and sportcoats produced by Haspel Incorporated, or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than _____

The petition filed in this case is available for inspection a the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 30th day of January 1976.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.76-4326 Filed 2-12-76;8:45 am]

[TA-W-295]

HOWARD CLOTHES CORP.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-295; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on November 4, 1975, 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 suits, sportcoats, and trousers at the Howard Clothes Corporation, Brooklyn, New York.

The notice of investigation was published in the FEDERAL REGISTER on November 19, 1975 (40 FR 53643). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Howard Clothes Corporation, the Clothing Manufacturers Association of the U.S.A., the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant total or partial separations.—The average number of production workers at the Brooklyn plant declined 24 percent from 1973 to 1974 and fell 28 percent from January–September 1973 to the like period in 1975. Average weekly hours decreased four percent from 1973 to 1974 and dropped four percent from January–September 1973 to to the same period in 1975.

Sales or production or both, have decreased absolutely.—Production at the Brooklyn plant declined 38 percent from 1973 to 1974 and fell 27 percent from January–September 1973 to the same period in 1975.

Increased imports contributed importantly.—Imports of men's and boys' suits have increased relative to domestic consumption and production in each year from 1971 through 1973. While imports of men's and boys' suits fell slightly in 1974 compared to 1973, the ratios of imports to domestic production and consumption in 1974 of 9.9 percent and 9.0 percent respectively were well above the 1971–1973 average of 8.6 percent and 7.9 percent, respectively. In the first 7 months of 1975 imports of men's and boys' suits increased 131 percent compared to the first 7 months of 1974. The ratio of imports to domestic production increased from 7.7 percent in the first seven months of 1974 to 22.1 percent in the first seven months of 1975.

Imports of men's and boys' sportcoats increased their relative share of the domestic market each year from 1972 through 1974. The ratio of imports to domestic production increased from 24.5 percent in the first seven months of 1974 to 36.7 percent in the first seven months of 1975.

Imports of men's and boys' tailored trousers decreased their relative share of domestic production and consumption from 1973 to 1974. In the first seven months of 1975 imports of men's and boys' tailored trousers increased 29 percent compared to the first seven months of 1974.

The Department's investigation has indicated that employment and production at Howard has been subject to the adverse impact of competition from imported men's clothing.

Howard sells virtually all the clothing it produces in its own retail outlet. During 1973 and 1974 about half of these retail outlets were closed due to poor sales. Customers of men's clothing in the price range sold by Howard Clothes are especially sensitive to price changes in men's clothing. Major retail chains which are competitve with Howard Clothes and sell men's clothing in the same price range have increased imports of less expensive mens' clothing. As a result customers have decreased purchases from Howard Clothes in favor of less expensive imported clothing at these retail chains.

Conclusion.—After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with men's suits, sportcoats and slacks produced by Howard Clothes contributed importantly to the total or partial separation of the workers of that firm. In accordance with the provisions of the Act, I make the following certification:

"All hourly, piecework, and salaried workers at Howard Clothes, Brooklyn, New York who became toally or partially separated from employment on or after October 3, 1974, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974."

Signed at Washington, D.C., this 5th day of February 1976.

HERBERT N. BLACKMAN,
Associate Deputy Under Secretary for Trade and Adjustment Policy.

[FR Doc.76-4378 Filed 2-12-76;8:45 am]

[TA-W-286]

IMPERIAL PANTS COMPANY, INC.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-286: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on November 4, 1975, in response to a worker petition received on November 4, 1975, which was filed by the Amalgamated Clothing Workers of America on behalf of workers and former workers producing men's suit pants at the Imperial Pants Company, Inc., Brooklyn, New York. The notice of investigation was published in the Federal Register on November 17, 1975 (40 FR 53328). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Imperial Pants Company, Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, the Clothing Manufacturers Association of the U.S.A., and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant total or partial separations.—The average number of production workers at the Imperial Pants Company declined 21 percent in 1974 compared to 1973. In the fourth quarter of 1974, average quarterly employment was 32 percent below levels for the same quarter of 1973. The average number of production workers declined 35 percent in the first nine months of 1975 compared to the first nine months of 1974.

Sales or production, or both, have decreased absolutely.—Production at Imperial Pants Company declined 11 percent in 1974 compared to 1973. Production declined 26 percent in the first nine months of 1975 compared to the first nine months of 1974.

Increased imports contributed importantly.—Imports to articles like or directly competitve with boys' and men's suit pants produced at Imperial Pants Company increased relative to domestic consumption and production in each year from 1971 through 1973, then declined slightly in 1974. In the first seven months of 1975, imports increased 131 percent compared to the same period in 1974. The imports to production ratio rose from 7.7 percent in the first seven months of 1974 to 22.1 percent in the first seven months of 1975.

The evidence developed during the Department's investigation indicates that employment and production at Imperial Pants Company has been adversely affected by increased imports. Customers of the clothing manufacturer for whom Imperial sews suit pants have in the last year reduced purchases from that manufacturer and replaced the suits with imported garments. The imported suits offer comparable styling to suits produced domestically, at a substantially reduced price.

Thus it is concluded that increases of imports like or directly competitive with goods produced at the Imperial Pants Company, Inc., contributed importantly to the total or partial separations at that firm.

Conclusion.—After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with men's suit-pants produced by Imperial Pants Company, Inc., Brooklyn, New York, contributed importantly to the total or partial separations of the workers at such plant. In accordance with the provision of the Act, I make the following certification:

"All hourly and piecework employees engaged in employment related to the production of men's suit pants at the Imperial Pants Company, Inc., Brooklyn, New York who became totally or partially separated from employment on or after October 14, 1974, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974."

Signed at Washington, D.C., this 27th day of January 1976.

GLORIA G. PRATT,
Director, Office of Foreign Economic Policy.

[FR Doc.76-4330 Filed 2-12-76;8:45 am]

[TA-W-250]

INFANTA KNITTING MILLS, INC.

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-250: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on October 18, 1975, in response to a worker petition received on that date which was filed by the International Ladies' Garment Workers Union on behalf of workers and former workers producing children's knit sportswear at Infanta Knitting Mills, Inc., Rockledge, Pennsylvania.

The notice of investigation was published in the Federal Register on October 28, 1975 (40 FR 50163). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Infanta Knitting Mills, Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant total or partial separations.—The average number of production workers at Infanta declined 22 percent in the first nine months of 1975 compared to the first nine months of 1974.

Sales or production, or both, have decreased absolutely.—Infanta's sales increased 2 percent in quantity and 3 percent in value in 1974 compared to 1973. Sales declined 2 percent in quantity and value in the first ten months of 1975 compared to the like period in 1974.

Increased imports contributed importantly.—Comparing like periods in 1974 and 1975, imports of women's, children's and infants' knit dresses decreased 2 percent; imports of women's misses' juniors', and infants' knit shirts increased 18 percent; imports of women's, misses', girls' and infants' sweaters increased 15 percent; imports of women's, girls' and infants' knit skirts increased 45 percent; and imports of women's, girls', and infants' knit slacks and shorts increased 17 percent.

The Department's investigation revealed that Infanta's customers buy only domestic children's clothing in the high fashion, high quality category. Customers that reduced purchases of Infanta's goods did so because of poor gen-

eral sales conditions or because of a desire to offer styles that Infanta did not produce.

Company officials indicated that layoffs resulted from a decision to increase reliance on contractors for various phases of the production process and to reduce a large stock of inventory that had accumulated in 1974.

Conclusion.—After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with children's knit sportswear produced at Infanta Knitting Mills, Inc., located in Rockledge, Pennsylvania did not contribute importantly to the total or partial separations of the workers at such plant.

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

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.76-4329 Filed 2-12-76;8:45 am]

[TA-W-271]

LEVERENZ 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-271: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on October 30, 1975, in response to a worker petition received on October 28, 1975, which was filed on behalf of former workers producing men's footwear at the Sheboygan, Wisconsin plant of the Leverenz Shoe Company.

The notice of investigation was published in the Federal Register on November 11, 1975 (40 FR 52677). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Leverenz Shoe Company, its customers, the American Footwear Industries Association, the Department of Commerce, the International Trade Commission and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in 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, production, or both, or such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant total or partial separations.—The average number of production workers declined nine percent from 1973 to 1974. Average quarterly employment fell 15 and 35 percent respectively in the third and fourth quarter of 1974 from the same quarter previous year. The plant closed in February 1975.

Average weekly hours dropped 15 percent from 1973 to 1974 and 33 percent in the first two months of 1975 from the like period in 1974. In the fourth quarter of 1974, average weekly hours worked fell 29 percent from the same quarter previous year.

Sales or production, or both, have decreased absolutely.—Sales at the Sheboygan plant of Leverenz Shoe Company declined 20 percent from 1973 to 1974. Leverenz Shoe continued to sell from existing inventories after the plant closed in February 1975. Sales declined 77 percent in the first six months of 1975 compared to the first six months of 1974.

Production at the Sheboygan plant dropped 20 percent from 1973 to 1974. Production fell 53 percent in the last quarter of 1974 from the last quarter of 1973. All production ceased in December 1974.

Increased imports contributed importantly.—Imports of articles like or directly competitive with men's footwear produced at the Sheboygan plant increased from 56.7 million pairs in 1972 to 65.4 million pairs in 1974. The ratios of imports to domestic consumption and production increased from 38.3 percent and 62.2 percent, respectively in 1972 to 43.9 percent and 78.1 percent respectively in 1974. In the first seven months of 1975, the ratios of imports to domestic consumption and production rose to 46.9 and 88.2 respectively from 43.2 and 75.9 in the first seven months of 1974.

Shoe manufacturing is a labor intensive industry. Imports from countries with low wage structures offer a price advantage over domestic footwear. Most customers surveyed have reduced purchases of Leverenz footwear relative to purchases of imports. Reduced sales of the type of men's footwear produced at Sheboygan resulted in the decision by Leverenz to terminate production at the Sheboygan plant.

Conclusion.—After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with men's footwear produced at the Sheboygan plant contributed importantly to the total or partial separation of the workers of that plant. In accordance with the provision of the Act, I make the following certification:

"All hourly, piecework, and salaried workers engaged in employment related to the production of men's footwear at the Sheboygan, Wisconsin plant of Leverenz Shoe Company, Sheboygan, Wisconsin who became totally or partially separated from employment on or after October 20, 1974 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974."

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

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.76-4331 Filed 2-12-76;8:45 am]

[TA-W-580]

MODERN JUNIOR

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On January 0, 976, the Department of Labor received a petition 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 Modern Junior, Matewan, New Jersey, a division of Jonathan Logan, North Bergen, New Jersey (TA-W-580).

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with sportswear and bathing suits produced by Modern Junior, 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 Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than February 23, 1976.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C., this 30th day of January 1976.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.76-4332 Filed 2-12-76;8:45 am]

[TA-W-283]

PRIMO COAT CORP.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-283: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on November 4, 1975, in response to a worker petition received on November 4, 1975, which was filed by the Amalgamated Clothing Workers of America on behalf of workers and former workers producing men's suit coats and sportcoats at Primo Coat Corporation, New York, New York.

The notice of investigation was published in the Federal Register on November 17, 1975 (40 FR 53329). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Primo Coat Corporation, its customers, the Clothing Manufacturers Association of the U.S.A., 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 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant total or partial separations.—The average number of production workers at Primo Coat declined 29 percent from 1973 to 1974. Average employment decreased 29 percent in the first three quarters of 1975 compared to the first three quarters of 1974.

Sales or production, or both, have decreased absolutely.—Production at Primo Coat Corporation declined 38 percent from 1973 to 1974. Production declined 21 percent in the first three quarters of 1975 compared to the like period of 1974.

Increased imports contributed importantly.—Imports of boys' and men's suits increased relative to domestic consumption and production in each year from 1971 through 1973, then declined slightly in 1974. In the first seven months of 1975, imports increased 131 percent compared to the same period in 1974. The imports to production ratio rose from 7.7 percent in the first seven months of 1974 to 22.1 percent in the first seven months of 1975.

Imports of men's and boys' sportcoats increased from 4.2 million units in 1972 to 4.8 million units in 1974. The ratios of imports to consumption and production increased from 14.6 percent and 17.1 percent, respectively, in 1972 to 18.2 percent and 22.3 percent, respectively, in 1974. The imports to production ratio increased from 24.5 percent in the first seven months of 1974 to 36.7 percent in the first seven months of 1975.

The evidence developed during the Department's investigation indicates that production of men's clothing by domestic clothing manufacturers and their contractors, including the production of men's suits and sportcoats, has been adversely affected by increased imports from low wage areas. Primo Coat Corp. sews suit coats and sportcoats for clothing manufacturers. Primo Coat's major customer, a manufacturer which accounted for over 50 percent of production, markets all of its clothing at its own retail outlets. Sales at these retail outlets have been adversely affected by increased competition from less expensive imports, and as a result the manufacturer has substantially reduced purchases from Primo Coat.

Conclusion.—After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with men's suit coats and sportcoats produced by the Primo Coat Corporation, New York, New York contributed importantly to the total or partial separations of the workers at that firm. In accordance with the provisions of the Act, I make the following certification:

"All hourly, salaried and piecework employees at Primo Coat Corporation, New York, New York who became totally or partially separated from employment on or after October 14, 1974 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974."

Signed at Washington, D.C., this 29th day of January 1976.

GLORIA G. PRATT,
Director, Office of Foreign Economic Policy.

[FR Doc.76-4333 Filed 2-12-76;8:45 am]

[TA-W-578]

RAYMOND METAL PRODUCTS CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On January 30, 1976, the Department of Labor received a petition 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 Raymond Metal Products Company, Sparrows Point, Maryland, a division of Raymond International, Houston, Texas (TA-W-578).

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with steel piling produced by Raymond Metal Products 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 Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than February 23, 1976.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 30th day of January 1976.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.76-4334 Filed 2-12-76;8:45 am]

[TA-W-576]

RCA CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On January 30, 1976, the Department of Labor received a petition 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 Camden, New Jersey Plant of RCA Corporation, New York, New York (TA-W-576).

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative

increases of imports of articles like or directly competitive with electronic tubes produced 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 relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than February 23, 1976.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 30th day of January 1976.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.76-4335 Filed 2-12-76;8:45 am]

[TA-W-579]

REXNORD INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On January 30, 1976 the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of Rexnord, Inc., Springfield, Massachusetts (TA-W-5 79).

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with machinery chains produced by Rexnord, Incorporated or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart P of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than February 23, 1976.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 30th day of January 1976.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.76-4336 Filed 2-12-76;8:45 am]

[TA-W-573]

SARKES TARZIAN INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On January 30, 1976, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of the Bloomington, Indiana; Jasper, Indiana, and Brownsville, Tennessee plants of Sarkes Tarzian Incorporated, Bloomington, Indiana (TA-W-573).

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with Television tuners produced by Sarkes Tarzian Incorporated, or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than February 23, 1976.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 30th day of January 1976.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.76-4337 Filed 2-12-76;8:45 am]

[TA-W-581]

SUPERIOR COAT PAD CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On January 30, 1976, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing Workers of America, on behalf of the workers and former workers of Superior Coat Pad Company, Baltimore, Maryland (TA-W-581).

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with coat fronts for suits and sport coats produced by Superior Coat Pad 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 Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than February 23, 1976.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 30th day of January 1976.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-4339 Filed 2-12-76;8:45 am]

[TA-W-402]

TRIANGLE KNITTING MILLS, INC.

Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on December 12, 1975 in response to a worker petition received on that date which was filed by the International Ladies' Garment Workers of America on behalf of former workers producing men's, ladies' and boys' sweaters at Triangle Knitting Mills, Incorporated, Pennsauken, New Jersey.

Notice of the investigation was published in the Federal Register on January 5, 1976 (41 FR 850). No public hearing was requested and none was held.

During the course of the investigation, it was established that the most recent involuntary separations at Triangle Knitting Mills, Incorporated occurred in October 1974. Section 223(b)(1) of the Trade Act of 1974 states that a certification under this section 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 twelve months before the date of filing under Title II, Chapter 2 of the Trade Act of 1974.

The date of the petition in this case is November 28, 1975 and, thus, workers terminated prior to November 28, 1974 are not eligible for program benefits under Titile II, Chapter 2, Subchapter B of the Trade Act of 1974. Therefore, this investigation has been terminated.

Signed at Washington, D.C. this 30th day of January 1976.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.76-4340 Filed 2-12-76;8:45 am]

[TA-W-583]

WEISS MARBLE WORKS, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On January 30, 1976, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of Weiss Marble Works, Inc., a subsidiary of Joseph Weiss and Sons, Inc., Brooklyn, New York (TA-W-583).

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with marble and granite produced by Weiss Marble Works, 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 Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than February 23, 1976.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 30th day of January 1976.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.76-4341 Filed 2-12-76;8:45 am]

[TA-W-232]

W. SEITCHIK AND SONS, INC.

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-232: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on October 14, 1975 in response to a worker petition received on the same date which was filed by the Amalgamated Clothing Workers of America on behalf of workers and former workers producing men's suits, sportcoats and trousers at W. Seitchik and Sons, Inc., Philadelphia, Pennsylvania.

The notice of investigation was published in the FEDERAL REGISTER on October 24, 1975 (40 FR 49830). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of W. Seitchik and Sons, Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, the National Cotton Council of America, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) that a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) that sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) that increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant total or partial separations.—The average number of production workers employed at W. Seitchik decreased 5 percent from 1973 to 1974 and fell 3 percent in the first nine months of 1975 compared to the like period in 1974. Average weekly hours declined 3 percent from 1973 to 1974 and declined 4 percent in the first nine months of 1975 compared to the like period in 1974.

Sales or productions, or both, have decreased absolutely.—Total company sales increased 6 percent in quantity from 1973 to 1974 and then decreased 15 percent in the first nine months of 1975 compared to the like period in 1974. Total production declined 5 percent in quantity from 1973 to 1974 and declined 11 percent in the first nine months of 1975 compared to the like period in 1974. Men's suits, including leisure suits since July 1975, account for more than half of sales and production, followed in descending order by men's sportcoats and trousers.

Increased imports contributed importantly.—Imports of men's and boys' suits increased relative to domestic consumption and production in each year from 1971 to 1973. While imports of men's and boys' suits fell slightly in 1974 compared to 1973, the ratios of imports to domestic production and consumption in 1974 of 9.9 percent and 9.0 percent,

respectively, were well above the 1971–1973 averages of 8.6 percent and 7.9 percent, respectively. In the first seven months of 1975 imports of men's and boys' suits increased 131 percent compared to the first seven months of 1974. The ratio of imports to domestic production increased from 7.7 percent in the first seven months of 1974 to 22.1 percent in the first seven months of 1975.

Imports of men's and boys' sportcoats increased their share of the domestic market each year from 1972 to 1974. The ratios of imports to domestic production and consumption increased from 17.1 percent and 14.6 percent, respectively, in 1972 to 22.3 percent and 18.2 percent, respectively, in 1974. The ratio of imports to domestic production increased from 24.5 percent in the first seven months of 1974 to 36.7 percent in the first seven months of 1975.

Imports of men's and boys' tailored trousers decreased their relative share of domestic production and consumption from 25.7 percent and 20.5 percent, respectively, in 1972 to 19.7 percent and 16.4 percent, respectively, in 1974. In the first seven months of 1975 imports of men's and boys' tailored trousers increased 29 percent compared to the first seven months of 1974.

The evidence developed during the Department's investigation indicates that the firm's customers either increased purchases from W. Seitchik and Sons, Inc., or reduced purchases without shifting to imports. None of the firm's major customers that were surveyed whom had reduced purchases from Seitchik in the last two years purchased any imports subsequent to their reduction of purchases from Seitchik.

Conclusion.—After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with men's suits, sportcoats and trousers produced at W. Seitchik and Sons, Inc., Philadelphia, Pennsylvania, did not contribute importantly to the total or partial separation of the workers of that firm.

Signed at Washington, D.C. this 31st day of January 1976.

HERBERT N. BLACKMAN,
Associate Deputy Under Secretary for Trade and Adjustment Policy.

[FR Doc.76-4338 Filed 2-12-76;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 975]

ASSIGNMENT OF HEARINGS

FEBRUARY 10, 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.

AB 1 (Sub-No. 21), Chicago and North Western Transportation Company Abandonment Between Hortonville and Larsen In Outagamie and Winnebago Counties, Wisconsin, now assigned March 16, 1976, at Appleton, Wis., will be held at the City Counsel, City Hall, 225 N. Oneida Street.

MC-C-8577, William T. Fleming (Maude E. Fleming and Dorothy M. Ivin, Executrices)—Revocation of Permits, now assigned March 8, 1976, at Philadelphia, Pa., will be held at the William J. Green, Jr. Federal Building, 600 Arch Street.

MC 129759 (Sub-No. 5), Triangle Trucking Company, now assigned March 9, 1976, at Philadelphia, Pa., will be held at the William J. Green, Jr. Federal Building, 600 Arch Street.

AB 1 Sub-12, Chicago and North Western Transportation Company, Abandonment between Albert Lea, Minnesota, And Lake Mills, Iowa in Freborn County, Minnesota, And Winnebago And Worth Counties, Iowa, Now assigned March 4, 1976, at Albert Lea, Minn., will be held the Council Chamber, Main Floor, City Hall, 221 East Clark.

MC 124211 Sub-262, Hilt Truck Line, Inc., now assigned March 8, 1976, at Omaha, Nebraska, will be held in Room 616 Union Pacific Plaza, 110 North 14th Street, 14th & Dodge.

MC-F-12464, Curtis, Inc.—Purchase (Portion)—Hilt Truck Line, Inc. and MC 113678 Sub-586, Curtis, Inc., now assigned March 10, 1976 at Omaha, Nebraska, will be held in Room 616 Union Pacific Plaza 110 North 14th Street, 14th & Dodge.

AB 1 Sub-31, Chicago and North Western Transportation Company Abandonment Between Bingham Lake And Currie, in Cottonwood and Murray Counties, Minnesota, now assigned March 9, 1976, at Windom, Minnesota, will be held at Cottenwood County Courthouse.

MC 44735 Sub-24, Kissick Truck Lines, Inc., and MC 107295 Sub-765, Pre-Fab Transit Co., now assigned March 12, 1976, at Kansas City, Minnesota, will be held in Room 609, Federal Office Bldg., 911 Walnut Street.

MC 51146 Sub-444, Schneider Transport, Inc., now assigned March 15, 1976, at Kansas City, Mo. will be held in Room 609, Federal Office Bldg., 911 Wlanut St.

MC 140704 Sub-1, Oklahoma Asphalt Company, now assigned March 16, 1976, at Kansas City, Mo., Room 609, Federal Office Bldg., 911 Walnut Street.

MC 136786 Sub-79—ROBCO TRANSPORTATION, INC. now being assigned April 6, 1976, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 21866 Sub-80—West Motor Freight, Inc. now being assigned April 28, 1976, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 111729 Sub-543—Purolator Courier Corp. now being assigned March 30, 1976, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 138469 Sub-17, Donco Carriers, Inc., now assigned March 18, 1976, at Kansas City, Mo., will be held in Room 609, Federal Office Bldg. 911 Walnut Street.

MC 134755 (Sub-No. 54), Charter Express, Inc., now assigned February 18, 1976, at Boston, Mass., is postponed to March 8, 1976, (2 days), at Boston, Mass., Fifth Floor, 150 Causeway.

FF 61 (Sub-No. 1), Sheldon Forwarding Co., now assigned March 2, 1976, at Boston, Mass., is canceled and application dismissed.

MC 124679 (Sub-No. 67), C. R. England and Sons, Inc., now assigned March 10, 1976, at Philadelphia, Pa., is canceled and application dismissed.

AB 26 Sub-5, Georgia Northern Railway Company Abandonment of Operations Between Albany And Cordele, In Dougherty, Lee Worth And Crisp Counties, Georgia, now being assigned April 1, 1976 (2 days), at Cordele, Georgia, in a hearing room to be later designated.

MC 119777 Sub-321, Ligon Specialized Hauler, Inc., now being assigned April 5, 1976 (2 days), at Atlanta, Georgia, in a hearing room to be later designated.

MC 30280 Sub-67, Watkins Carolina Express, Inc., now being assigned April 7, 1976 (3 days), at Atlanta, Georgia, in a hearing room to be later designated.

AB-1 Sub-16, Chicago and North Western Transportation Company Abandonment between St. Charles and Sycamore, In Kane and DeKalb Counties, Illinois, now being assigned April 1, 1976 (2 days), at Sycamore, Illinois, in a hearing room to be later designated.

MC 135797 Sub-42, J.B. Hunt Transport, Inc., Lowell, Arkansas, now being assigned April 5, 1976 (1 day), at Chicago, Illinois, in a hearing room to be later designated.

MC 134599 (Sub-No. 122), Interstate Contract Carrier Corporation, now assigned March 4, 1976, at Boston, Mass., will be held on the Fifth Floor, 150 Causeway.

MC 139973 (Sub-No. 2), J. H. Ware Trucking, Inc., now assigned March 8, 1976, at Boston, Mass., will be held on the Fifth Floor, 150 Causeway.

MC-F-12437, Crouch Freight Systems, Inc.—Purchase—Mills Transfer Company, et al., MC-F-12448, Crouch Freight Systems, Inc.—Purchase—World Freight Carriers Corp., MC-F-12505 Crouch Freight Systems, Inc.—Purchase—Bolack's Express, Inc. and MC-F-12602, Takin Bros. Freight Lines, Inc.—Purchase (Portion)—Crouch Freight System, Inc., now assigned March 10, 1976, at Boston, Mass., will be held on the Fifth Floor, 150 Causeway.

MC-F-12489, Yellowstone Molasses Service, Inc.—Purchase—Parish Truck Lines and MC 133646 (Sub-No. 19), Yellowstone Molasses Service, Inc., now assigned March 8, 1976, at Billings, Mont., will be held in Room 5000, Federal Building, 316 North 26th Street.

AB 57 (Sub-No. 1), Soo Line Railroad Co. Abandonment between Rapid River and Eben Junction, in Delta and Algar Counties, Michigan, now asigned March 11, 1976, at Escanaba, Mich., will be held at the Civic Center, 221 North 20th Street.

MC 120788 (Sub-No. 2), Fulsang's Motor Service, Inc., now assigned March 15, 1976, at Chicago, Ill., will be held in Room 244-A, Everett McKinley Dirksen Building, 219 S. Dearborn Street.

MC-F-12581, Transcon Lines—Purchase—Illinois Express, Inc. and MC 110325 (Sub-No. 68), Transcon Lines, now assigned March 17, 1976, at Chicago, Ill., will be held in Room 244-A, Everett McKinley Dirksen Building, 219 S. Dearborn St.

MC 104104 (Sub-No. 12), George A. Fetzer, Inc. application dismissed.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76-4375 Filed 2-12-76;8:45 am]

[Notice No. 109]

TEMPORARY AUTHORITY TERMINATION

The temporary authorities granted in the dockets listed below have expired as a result of final action either granting or denying the issuance of a Certificate or Permit in a corresponding application for permanent authority, on the date indicated below:

Temporary authority application	Final action or certificate or permit	Date of action
Hofer, Inc., MC-128007-56	MC-128007-59	Nov. 17, 1975
McKee Lines, Inc., MC-129307, 32	MC-136004 Sub-8	Apr. 6, 1975
Robert F. Kallmour, MC-138003, 5	MC-138003 Sub-4	Nov. 18, 1975
D.b.a. West Michigan Trucking Services, MC-140022 Sub-1	MC-140022 Sub 2	Nov. 21, 1975
Jack B. Kelley, MC-123392 Sub-64	MC-123392 Sub 59 and Sub 61.	Dec. 4, 1975

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76-4376 Filed 2-12-76;8:45 am]

[Notice No. 110]

TEMPORARY AUTHORITY TERMINATION

The temporary authorities granted in the dockets listed below have expired as a result of final action either granting or denying the issuance of a Certificate or Permit in a corresponding application for permanent authority, on the date indicated below:

Temporary authority application	Final action or certificate or permit	Date of action
Bralley-Willett Tank Lines, Inc., MC-2368, 48	MC-2368, 49	Jan. 30, 1976
Jackson Distribution Corp., MC-18529, 3	MC-18259, 3	Jan. 9, 1973
Schneider Transport, Inc., MC-51146, 354	MC-51146, 372	Jan. 30, 1976
Graves Truck Line, Inc., MC-53965, 94	MC-53965, 102	Do.
Refrigerated Transport Co., Inc., MC-107515-894	MC-107515, 938	Do.
Refrigerated Transport Co., Inc., MC-107515, 931	MC-107515, 932	Do.
Roy Bros., Inc., MC-112963, 50, 51, 52	MC-107515-54	Do.
Trans-Cold Express, Inc., MC-114045, 402	MC-114045-405	Feb. 4, 1976
Sawyer Transport, Inc., MC-123407, 191	MC-123407, 182	Do.
Sawyer Transport, Inc., MC-123407, 258	MC-123407, 171	Do.
May Trucking Co., MC-128527, 46	MC-128527, 47	Jan. 27, 1976
Yellowstone Molasses Service, Inc., MC-133646, 16	MC-133646, 15	Nov. 18, 1975
D. M. Bowman, Inc., MC-138438, 6	MC-138438, 5	Dec. 25, 1975
Lambert & Banks, Inc., MC-139278, 1	MC-139278	Feb. 4, 1976
Fisher Trucking Co., Inc., MC-139424, 1	MC-139424, 2	Jan. 27, 1976
Fisher Trucking Co., Inc., MC-139424, 3	MC-139424, 2, 5	Do.
Federal Armored Express, Inc., MC-139566, 1	MC-139566, 2	Do.
D.b.a. K. & K. Stewart Trucking, Co., MC-140448	MC-140448, 1	Do.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76-4377 Filed 2-12-76;8:45 am]

federal register

FRIDAY, FEBRUARY 13, 1976



PART II:

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

Food and Drug Administration

■

HUMAN AND VETERINARY DRUGS

Current Good Manufacturing Practice in Manufacture, Processing, Packing, or Holding

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 201, 207, 210, 211, 229]

[Docket No. 75N-0339]

HUMAN AND VETERINARY DRUGS

Current Good Manufacturing Practice In Manufacture, Processing, Packing, or Holding

The Commissioner of Food and Drugs proposes to revise the current good manufacturing practice (CGMP) regulations for human and veterinary drugs (21 CFR Parts 210 and 211) to update them in light of current technology and to adopt more specific requirements better to assure the quality of finished drug products. Interested persons have until June 14, 1976, to submit comments.

Over the past several years the Commissioner has directed a review of the CGMP regulations. These regulations, which establish requirements for current good manufacturing practice for finished pharmaceuticals, were originally published in the FEDERAL REGISTER of June 20, 1963 (28 FR 6385) and were last substantially revised in the FEDERAL REGISTER of January 15, 1971 (36 FR 601).

In considering the revisions being proposed at this time, the Commissioner has relied on the Food and Drug Administration's (FDA) experience, gained during the last 12 years through inspectional and compliance activities and numerous discussions with the drug industry and drug trade associations at various meetings, seminars, and workshops, to provide the background and information that serve as a basis for the proposed improvements.

Another important consideration leading to this proposal came from the findings of separate studies, conducted in 1973 by the Office of Management and Budget (OMB) and the General Accounting Office (GAO), of Federal procurement of medical and nonperishable subsistence supplies. The GAO published its conclusions in a report of December 6, 1973, entitled, "How to Improve the Procurement and Supply of Drugs in the Federal Government," in which it recommended that FDA be the single Federal agency responsible for drug quality assurance. The OMB report dated January 4, 1974, entitled, "Study of an Optimum Procurement and Distribution System(s) for Medical and Non-Perishable Subsistence Items," identified duplication and inefficiency in Federal procurement of medical items. Copies of these studies have been placed on file in the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852. As a result of these reports, on June 4, 1974, the OMB requested the Secretary of Health, Education, and Welfare to assume full responsibility for developing an executive branch plan to consolidate government-wide quality assurance programs for drugs. The FDA, in cooperation with the Department of Defense (DOD), Veterans Administration (VA), and Health Services Administration (HSA), has developed an executive branch plan making FDA responsible for quality assurance for all drugs and biologics purchased, stored, and distributed by the purchasing agencies. An agreement has been reached with HSA regarding the responsibility of FDA to provide quality assurance for drugs, biologics, chemicals and reagents that HSA procures, stores, and distributes.

A memorandum of understanding concerning this agreement was published in the FEDERAL REGISTER of July 8, 1975 (40 FR 28656). Also, an interagency agreement with the Veterans Administration was published in the FEDERAL REGISTER of August 22, 1975 (40 FR 36787). A similar formal agreement with DOD was published in the FEDERAL REGISTER of January 27, 1976 (41 FR 3887); thus FDA has assumed responsibility for quality assurance of all drugs, including biologics, that are procured, stored, and distributed by Federal agencies. In reviewing the need for revised CGMP regulations at this time, the Commissioner took into consideration the requirements of these Federal purchasing agencies to be certain that uniform and appropriate criteria are being proposed.

In addition to FDA's own recognition of the need for updating the CGMP regulations and the OMB request for a single CGMP standard for all drugs procured by government agencies, the Office of Technology Assessment (OTA), Congress of the United States, recently established a panel to study problems of drug bioequivalence. The panel reported that the CGMP regulations were too general and therefore may be subject to wide differences in interpretation, and that they do not insure quality and uniform bioavailability for drug products.

The Commissioner has studied the panel's recommendations extensively and finds a number of their comments pertinent to current good manufacturing practice. The proposed revisions in the regulations include several changes reflecting suggestions made by OTA. An example is the requirement that manufacturers give increased attention to statistical sampling and monitoring of intermediate production steps. These proposed regulations are not designed to provide the final assurance of the bioavailability of a drug, although the in-process and finished drug product controls proposed should contribute measurably to resolving a problem of bioavailability where identifiable manufacturing deficiencies are responsible for such a problem. The bioavailability and bioequivalence requirements for drug products have been addressed in separate FEDERAL REGISTER proposals published in the FEDERAL REGISTER of June 20, 1975 (40 FR 26157 and 26164). Until a bioavailability or bioequivalence standard is identified for a drug, quality control procedures to assure compliance with the appropriate standards cannot be established. Further CGMP requirements will be specified for drug products, either by class or for individual products, as the need is determined.

The Commissioner intends for CGMP regulations to become binding specific requirements that must be complied with; failure to do so shall render a drug product adulterated under section 501(a)(2)(B) of the Federal Food, Drug, and Cosmetic Act. Section 701(a) of the act empowers the Commissioner to promulgate substantive rules to facilitate enforcement of the act's other provisions. "National Nutritional Foods Ass'n. v. Weinberger," 512 F. 2d 688 (2d Cir. 1975); "Weinberger v. Hynson, Westcott & Dunning, Inc.," 412 U.S. 609 (1973); "CIBA Corp. v. Weinberger," 412 U.S. 640 (1973); "Weinberger v. Bentex Pharm. Inc.," 412 U.S. 645 (1973). Publication of proposed specific regulations regarding current good manufacturing practice will allow all members of the industry an opportunity to participate in their preparation and to note the level of performance expected of them. Binding regulations will also serve to inform courts of FDA's expert judgments regarding current good manufacturing practice for drugs in the United States; this will expedite and assist enforcement proceedings to assure compliance with section 501(a)(2)(B) of the act. The legal status of the CGMP regulations is set forth in proposed § 210.1.

Because of the definitive nature of these proposed regulations, the Commissioner urges interested persons to review them carefully, to identify any areas that require clarification or modification, and to submit reasoned comments that, wherever possible, suggest precise alternative language. Ordinarily 60 days is provided for comment on a proposal, although the Commissioner can reduce or extend this time period for good cause. Because of the nature and extent of revisions being proposed, the Commissioner has concluded that 120 days should be allowed for public comment. In the absence of extraordinary circumstances, no extension of time for comment will be granted.

The Commissioner emphasizes that, although some of the proposed revisions represent requirements not specifically included in the existing CGMP regulations, in many instances such revisions are practices that have been considered implicit in the regulations or are at least considered by most manufacturers to be desirable requirements for their own operations. Where significant new requirements are being proposed, a detailed discussion of them will appear in this preamble. The new proposed format for the CGMP regulations will provide the user with requirements that are easier to locate and to read. The proposed format will also provide the necessary expansion needed for future CGMP regulations for specific classes of drugs or manufacturing processes.

To aid the reader, the following table is provided to show the relationship of the proposed CGMP regulations to existing ones under the 1974 Code of Federal Regulations (Part 133) designation and the 1975 recodification designation published in the FEDERAL REGISTER of March 27, 1975 (40 FR 14024). The reader is encouraged to make a line-by-line comparison of the revised sections with the existing CGMP regulations to identify every proposed change.

Proposed	Mar. 27, 1975, recodification	1974 Code of Federal Regulations	Nature of text change
210.1(a)	211.1(a)	133.2(a)	Revised.
210.1(b)	211.1(a)	133.2(a)	Do.
210.2	New	New	New.
210.3(b)(1)	210.3(a)	133.1(a)	Revised.
210.3(b)(2)	210.3(d)(2)	133.1(d)(2)	No change.
210.3(b)(3)	210.3(d)(1)	133.1(d)(1)	Revised.
210.3(b)(4)	New	New	New.
210.3(b)(5)	211.40(j)(1)	133.8(j)(1)	Revised.
210.3(b)(6)	211.40(f)(1)	133.8(j)(1)	Do.
210.3(b)(7)	210.3(d)(5)	133.1(d)(5)	Do.
210.3(b)(8)	210.3(d)(6)	133.1(d)(6)	Do.
210.3(b)(9)	New	New	New.
210.3(b)(10)	210.3(d)(3)	133.1(d)(3)	Revised.
210.3(b)(11)	210.3(d)(4)	131.1(d)(4)	Do.
210.3(b)(12)	New	New	New.
210.3(b)(13)	210.3(c)(1)	133.1(c)(1)	Revised.
210.3(b)(14)	210.3(c)(2)	133.1(c)(2)	Do.
210.3(b)(15)	210.3(d)(7)	133.1(d)(7)	Do.
210.3(b)(16)	210.3(d)(8)	133.1(d)(8)	Do.
210.3(b)(17)	New	New	New.
210.3(b)(18)	New	New	New.
210.3(b)(19)	New	New	New.
210.3(b)(20)	210.3(b)	133.1(b)	Revised.
210.3(b) (21)–(24)	New	New	New.
211.1(a)	New	New	New.
211.1(b)	New	New	New.
211.2(a)	211.1(b)	133.2(b)	Revised.
211.2(b)	211.1(b)	133.2(b)	Do.
211.3	New	New	New.
211.22 (a)–(d)	New	New	New.
211.25 (a)–(c)	211.10(a)	133.5(a)	Revised.
211.28 (a)–(c)	New	New	New.
211.28(d)	211.10(b)	133.5(b)	Revised.
211.34	New	New	New.
211.42(a)	211.20	133.3	Revised.
211.42(b)	211.20(a)(1)	133.3(a)(1)	Do.
211.42(c)	New	New	New.
211.42(c)(1)	211.20(a)(2)	133.3(a)(2)	Revised.
211.42(c)(2)	211.20(a)(3)	133.3(a)(3)	Do.
211.42(c)(3)	211.20(a)(4)	133.3(a)(4)	Do.
211.42(c)(4)	New	New	New.
211.42(c)(5)	211.20(a)(5)	133.3(a)(5)	No change.
211.42(c)(6)	211.20(a)(6)	133.3(a)(6)	Do.
211.42(c)(7)	211.20(a)(7)	133.3(a)(7)	Revised.
211.42(c)(8)	211.20(a)(7)	133.3(a)(7)	Do.
211.42(c)(9)	211.20(a)(8)	133.3(a)(8)	Do.
211.42(c)(10)	New	New	New.
211.42(d)	New	New	New.
211.44	211.20(b)	133.3(b)	Revised.
211.46(a)	211.20(b)	133.3(b)	Do.
211.46(b)	211.20(b)	133.3(b)	Do.
211.46 (c)–(e)	New	New	New.
211.48(a)	211.20(d)	133.3(d)	Revised.
211.48(b)	211.20(d)	133.3(d)	Do.
211.50	211.20(f)	133.3(f)	Do.
211.52	211.20(c)	133.3(c)	Do.
211.54	211.20(e)	133.3(e)	Do.
211.56 (a)–(d)	New	New	New.
211.58	New	New	New.
211.63	211.30	133.4	Revised.
211.65(a)	211.30(a)	133.4(a)	Do.
211.65(b)	211.30(b)	133.4(b)	Do.
211.67(a)	211.30	133.4	Do.
211.67(b)	New	New	New.
211.67(c)	New	New	New.
211.68(a)	211.1(b)	133.2(b)	Revised.
211.68(b)	New	New	New.
211.72(a)	211.40(j)(1)	133.8(j)(1)	Revised.
211.72(b)	211.40(j)(2)	133.8(j)(2)	Do.
211.72(c)	211.40(j)(3)	133.8(j)(3)	Do.
211.80(a)	New	New	New.
211.80(b)	211.42(f)(1)	133.6(f)(1)	Revised.
211.80(c)	New	New	New.
211.80(d)	211.42	133.6	Revised.
211.82(a)	211.42(a)	133.6(a)	Do.
211.92(b)	New	New	New.
211.84(a)	211.42	133.6	Revised.
211.84(b)	New	New	New.
211.84(c) (1)–(6)	New	New	New.
211.84(d) (1)–(3)	New	New	New.
211.84(d)(4)	211.42(e)	133.6(e)	Revised.
211.84(d)(5)	211.42(e)	133.6(e)	Do.
211.84(e)	New	New	New.
211.86	211.42(f)(2)	133.6(f)(2)	Revised.
211.87	211.42(f)	133.6(f)	Do.
211.88	211.42(f)	133.6(f)	Do.
211.89	211.42(f)(3)	133.6(f)(3)	Do.
211.94(a)	211.55	133.9	Do.
211.94(b)	211.55	133.9	Do.
211.94(c)	211.55	133.9	Do.
211.94(d)	New	New	New.
211.94(e)	New	New	New.
211.96	New	New	New
211.100(a)	New	New	New.
211.100(b)	New	New	New.
211.101	New	New	New.
211.101(a)	New	New	New.
211.101(b)	New	New	New.
211.101 (c)–(d)	211.40(a)	133.8(a)	Revised.
211.102	New	New	New.
211.103	211.40(a)	133.8(a)	Revised.
211.105(a)	211.40(b)	133.8(b)	Do.
211.105(b)	New	New	New.
211.110(a)	211.40(f)	133.8(f)	Revised.
211.110(b)	New	New	New.
211.111	New	New	New.

Proposed	Mar. 27, 1975, recodification	1974 Code of Federal Regulations	Nature of text change
211.112(a)	211.40(c)	133.8(c)	Revised.
211.112(b)	211.40(e)	133.8(e)	Do.
211.113(a)	211.40(d)	133.8(d)	Do.
211.113(b)	211.40(d)	133.8(d)	Do.
211.115(a)	211.40(j)	133.8(l)	Do.
211.115(b)	New	New	New.
211.122(a)	211.80(c)(1)	133.10(c)(1)	Revised.
211.122(b)	211.80(c)(1)	133.10(c)(1)	Do.
211.122(c)	New	New	New.
211.122(d)	211.80(c) (2) and (4)	133.10(c) (2) and (4)	Revised.
211.122(e)	211.80(c)(3)	133.10(c)(3)	Do.
211.122(f)	211.80(c)(5)	133.10(c)(5)	Do.
211.122(g)	New	New	New.
211.125 (a)–(d)	211.80(d)	133.10(d)	Revised.
211.125(e)	New	New	New.
211.125(f)	211.80(d)	133.10(d)	Revised.
211.125(g)	New	New	New.
211.130	211.80	133.10	Revised.
211.130(a)	211.80(a)	133.10(a)	Do.
211.130(b)	211.80	133.10	Do.
211.130(c)	211.80	133.10	Do.
211.130(d)	211.80	133.10	Do.
211.130(e)	211.80(b)	133.10(b)	Do.
211.130(f)	New	New	New.
211.134(a)	New	New	New.
211.134(b)	211.80(e)	133.10(e)	Revised.
211.134(c)	New	New	New.
211.137(a)	211.62	133.14	Revised.
211.137(b)	211.62(a)	133.14(a)	Do.
211.137(c)	211.62(b)	133.14(b)	Do.
211.137(d)	211.62(c)	133.14(c)	Do.
211.137(e)	New	New	New.
211.142	New	New	New.
211.142(a)	New	New	New.
211.142(b)	New	New	New.
211.150	New	New	New.
211.150(a)	211.110(b)	133.12(b)	Revised.
211.150(b)	211.110(a)	133.12(a)	Do.
211.160(a)	New	New	New.
211.160(b)	211.58	133.11	Revised.
211.160(b)(1)	211.58(a)	133.11(a)	Do.
211.160(b)(2)	211.58(c)	133.11(c)	Do.
211.160(b)(3)	211.58(d)	133.11(d)	Do.
211.160(b)(4)	New	New	New.
211.165(a)	211.58(e)	133.11(e)	Revised.
211.165(b)	211.58(e)(1)	133.11(e)(1)	Do.
211.165(c)	New	New	New.
211.165(d)	New	New	New.
211.165(e)	New	New	New.
211.165(f)	211.58(f)	133.11(f)	Revised.
211.165(g)	New	New	New.
211.166(a)	New	New	New.
211.166(a) (1)–(2)	New	New	New.
211.166(a)(3)	211.60(a)	133.13(a)	Revised.
211.166(a)(4)	211.60(b)	133.13(b)	Do.
211.166(a)(5)	211.60(c)	133.13(c)	Do.
211.166(b)	211.60(d)	133.13(d)	Do.
211.167(a)	211.58(e) (1)–(2)	133.11(e) (1)–(2	Do.
211.167(b)	211.58(e)(3)	133.11(e)(3)	Do.
211.167(c)	211.58(e)(4)	133.11(e)(4)	Do.
211.170(a)	211.42(h)	133.6(h)	Do.
211.170(b)	211.58(g)	133.11(g)	Do.
211.173	211.58(f)	133.11(f)	Do.
211.176	211.58(j)	133.11(j)	Do.
211.180(a)	211.101(b)	133.7(b), 133.11(h), and 133.12 (a).	Do.
211.180(b)	New	New	New.
211.180(c)	New	New	New.
211.180(d)	New	New	New.
211.180(e)	New	New	New.
211.182	New	New	New.
211.184(a)	211.42(g)(1)	133.6(g)(1)	Revised.
211.184(b)	211.42(g)(2)	133.6(g)(2)	Do.
211.184(c)	211.42(g)(3)	133.6(g)(3)	Do.
211.184(d)	New	New	New.
211.186(a)	211.101(a)	133.7(a)	Revised.
211.186(b)(1)	211.101(a)(1)	133.7(a)(1)	Do.
211.186(b)(2)	211.101(a)(2)	133.7(a)(2)	Do.
211.186(b) (3)–(7)	211.101(a)(3)	133.7(a)(3)	Do.
211.186(b)(8)	211.101(a)(4)	133.7(a)(4)	Do.
211.186(b)(9)	211.101(a)(5)	133.7(a)(5)	Do.
211.188	211.101(b)	133.7(b)	Do.
211.188(a)	211.101(b)(1)	133.7(b)(1)	Do.
211.188(b) (1)–(5)	211.101(b)(2)	133.7(b)(2)	Revised.
211.188(b) (6)–(10)	New	New	New.
211.188(b)(11)	211.101(b)(2)	133.7(b)(2)	Revised.
211.188(b)(12)	211.101(b)(4)	133.7(b)(4)	Do.
211.188(b)(13)	New	New	New.
211.192	211.40(h)	133.8(h)	Revised.
211.194(a) (1)–(9)	New	New	New.
211.194 (b)–(d)	New	New	New.
211.196	211.110(a)	133.12(a)	Revised.
211.198(a)	211.115	133.15	Do.
211.198(b)	211.115	133.15	Do.
211.204	211.40(l)	133.8(l)	Do.
211.208	New	New	New.
Deleted	210.3(d)(8)(ii)	133.1(d)(8)(ii)	Deleted.

A number of the revisions constitute new or expanded requirements. As discussed earlier, the Commissioner believes that many of these requirements are already a part of most manufacturers' operations. Other requirements may be new to many firms, but are necessary to assure drug product quality. Changes proposed in the existing CGMP regulations include the following:

DEFINITIONS

1. In proposed § 210.3 the statutory references have been updated.

2. In proposed § 210.3(b)(4) "drug product" has been defined. This term is used and defined in the proposed Bioavailability and Bioequivalence Requirements published in the FEDERAL REGISTER of June 20, 1975 (40 FR 26164). To assure consistency of use, the term is also defined here.

3. In proposed § 210.3(b)(9) "in-process materials" has been defined.

4. In proposed § 210.3(b)(10) "lot" has been redefined to remove any reference to lot number.

5. In proposed § 210.3(b)(11) "lot number," "control number," or "batch number" have been defined.

6. In proposed § 210.3(b)(12) a paragraph has been added to define "manufacture, processing, packing, or holding of a drug product." This change provides for consistency throughout the CGMP regulations.

7. In proposed § 210.3(b)(15) "materials approval unit" has been replaced by "quality control unit" and redefined. The latter term appears to be of more common usage in the industry.

8. In proposed § 210.3(b)(17), (18), and (19) "theoretical yield," "actual yield," and "percentage of theoretical yield" have been defined.

9. In proposed § 210.3(b)(21), (22), (23), and (24) "acceptance criteria," "acceptable quality level (AQL)," "unacceptable quality level (UQL)," and "representative sample," which relate specifically to statistical evaluation, have been defined.

GENERAL PROVISIONS

1. Proposed § 211.1(b) clarifies the applicability of the CGMP regulations to all drug products and provides that where other requirements appear elsewhere in the regulations, the more specific provisions shall apply over the more general. The Commissioner intends to propose at future times CGMP regulations for specific classes of drug products such as large volume parenterals, medical gases, and radiopharmaceuticals, and regulations for certain kinds of manufacturing activities such as the manufacturing of bulk drug components, repacking, or relabeling.

2. Proposed § 211.2(b) permits the use of computers in the manufacture, processing, packing, and holding of drug products, with a requirement that hard copy backup files be maintained of computerized records and that changes in those records be made only by authorized personnel.

ORGANIZATION AND PERSONNEL

1. Proposed § 211.22 clarifies the requirement for a quality control unit and outlines its responsibilities, including authority for approving or rejecting components, drug product containers, closures, in-process materials, packaging materials, labeling, and drug products. This does not, however, relieve other units from the responsibility of verifying and reviewing the correctness of their own work.

Also, this proposed section requires that adequate laboratory facilities be available to the quality control unit. This requirement is designed to assure that the quality control unit will have necessary access to laboratory facilities, when needed, to perform their quality control functions.

2. Proposed § 211.25 is designed to assure that each employee involved in drug manufacturing and control is properly trained and familiar with the CGMP regulations as they relate to his functions. Many manufacturers already have such programs of instruction. The attitude and approach to training that a manufacturer presents to employees reflect his view of the importance of CGMP regulations and determine the degree to which the employee will consider it necessary to conform to standard operating procedures. The emphasis on CGMP regulations through regularly conducted training or through formal courses, either on the premises or at another location, should result in more appreciation and understanding of the responsibility and importance of the employee's role. The extent and frequency of training needed will depend on the scope of the employee's activities and experience. However, there are times when instruction would be needed such as orientation for new employee or employees engaging in new activities, when new company or drug standards have been adopted or revisions in the CGMP regulations have been published, and when new equipment or a new process is to be used.

3. Proposed § 211.28 includes specific requirements for employee garb and work habits. For example, it requires covering the hair on the head and face when necessary to prevent drug contamination. This section specifically states that only authorized personnel shall enter limited-access areas.

4. Proposed § 211.34 specifically requires that consultants have sufficient education and experience to advise on the subject for which they are retained and that records be maintained that state the consultant's name, address, qualifications, and the type of consulting service he provides for a drug firm. Consultants have not been mentioned previously in the CGMP regulations, but FDA's interpretation of the personnel requirements has always been that consultants must be appropriately qualified.

BUILDINGS AND FACILITIES

1. In proposed § 211.42(b) and in a number of other paragraphs, the word "prevent" has replaced the word "minimize." The Commissioner finds that the requirement to "minimize" the risk of creating a particular undesirable condition has not conveyed, in the past, the intention of the FDA and has resulted in confusion as to what must be accomplished. The purpose of requiring the orderly placement of equipment and materials, for example, is to "prevent" a situation or condition in which the placement could contribute to mixups between different drugs or different labeling.

2. In proposed § 211.42(c) a new requirement has been added to specify that an aseptic processing area be provided when appropriate for the type of operations performed by the manufacturer. The current regulations require that, generally, adequate space be provided for manufacturing and control functions. The Commissioner believes this requirement must be updated to require separate areas for quarantining unreleased raw materials and materials at other specific stages of use.

3. Proposed § 211.42(d) requires that penicillin operations be performed in facilities separate from those used for non-penicillin drug products. Current regulations do not require this. Based on FDA experience, the Commissioner finds that where common equipment or facilities are used for drug production, there is likely to be contamination of non-penicillin drug products with penicillin. While some of these contaminated drug products are within the current allowable tolerance for penicillin contamination, the Commissioner proposes in § 211.176, discussed later in this preamble, to delete the allowable tolerance for penicillin cross-contamination of non-penicillin-containing drugs. The Commissioner finds that the current good manufacturing practice in the industry has, to a large extent, eliminated penicillin cross-contamination by producing penicillin products in a separate building or a separate area that has an air-handling system independent of other production areas, and is effectively sealed off from other parts of the building to prevent contamination of areas handling non-penicillin products.

4. In proposed § 211.46, new, more specific requirements are included for in-plant air filtration systems to improve air quality in production areas and reduce the potential for air-borne contamination. While high efficiency particulate air filters are certainly necessary for aseptic processing areas, and would be desirable in any manufacturing situation, this section does not require such filters in a non-sterile processing area.

5. Proposed § 211.56 is a new section entitled "Sanitation." It expands on the previous requirements for sanitation, including specific prohibitions against misusing insecticides and rodenticides, and it requires a written sanitation program.

The proposed revision in this section and in a number of other sections of the CGMP regulations (§§ 211.22, 211.56, 211.67, 211.80, 211.94, 211.100, 211.101,

211.110, 211.112, 211.113, 211.115, 211.122, 211.125, 211.130, 211.142, 211.150, 211.160, 211.165, 211.166, 211.167, 211.186) includes a requirement for written procedures to describe specific manufacturing and control operations. This requirement will provide additional assurance for reliable continuation of a firm's established policies and procedures and will assure that appropriate information is conveyed from management to production line personnel. Written procedures, frequently termed "standard operating procedures," are already a part of the daily operations of many firms. The essence of good standard operating procedures is not only that the procedures themselves are adequate to assure drug product quality but that they are available to, and understood by, all persons to whom they are intended to apply. The substantive requirements in these CGMP regulations should be considered as a basis for standard operating procedures.

EQUIPMENT

Proposed § 211.68 is another of the many new sections that formalizes a practice that has long been considered current good manufacturing practice—in this case, the periodic calibration of scales and balances, with written documentation of semiannual calibration checks.

CONTROL OF COMPONENTS, DRUG PRODUCT CONTAINERS, CLOSURES AND IN-PROCESS MATERIALS

1. Proposed § 211.80 includes a number of revisions. Many are already part of most manufacturers' operations, either because they are understood to be part of the existing CGMP regulations or because they are logical extensions of the existing requirements. The basic concept in this section is to assure that only the correct component, drug product container, and closure is received and used by the manufacturer. To accomplish this, the manufacturer must take certain precautions to prevent improper components, drug product containers, and closures from becoming a part of the inventory system. Proper examination, including testing, where appropriate, of components, in-process materials, drug product containers, and closures, and proper control of these materials throughout their use, will provide added confidence in the drug product. Specific revisions include:

a. In proposed § 211.80(a) a specific requirement is added for written procedures to be established and followed for the control of components, drug product containers, and closures.

b. Proposed § 211.80(d) requires that an identifying code be assigned and used for containers of components, drug product containers, and closures in order to provide a system for monitoring their disposition.

2. Proposed § 211.82(a) is reworded to clarify that the receiving firm shall visually examine the container of each component, drug product container, and closure upon receipt and before acceptance.

3. In proposed § 211.82(b) the requirement for a quarantine area for untested and unreleased components, drug product containers, and closures is unequivocally stated here and supports § 211.42 (c), which requires separate areas for certain manufacturing and control functions.

4. Proposed § 211.84 (b) and (c) deal with a new set of requirements that include specific controls to assure that representative samples are collected and that contamination during the act of sampling is unlikely. Representative samples are to be collected at random following a sampling schedule based on appropriate statistical criteria.

5. Proposed § 211.84(d) (2) extends the requirement for testing components for conformance to specifications to include all ingredients, both active and inactive. In lieu of such testing, the supplier's report of analysis will be accepted under stated specified conditions.

PRODUCTION AND PROCESS CONTROLS

1. In proposed § 211.101 a series of requirements are specified for identifying component containers after the material is removed from the original bulk containers, and for weighing components for dispensing to manufacturing. Specifically, the proposed regulation clarifies the information that must appear on component containers for dispensing to manufacturing. There is a requirement to examine component containers dispensed to manufacturing to assure that the component is properly released for use, the weight or measure is correct, and the containers are properly identified as outlined in this section. Also, the Commissioner proposes to formalize a long-standing policy of FDA and most drug manufacturers to require each batch to be formulated with the intent to provide not less than 100 percent of the labeled amount of the active ingredient.

2. Proposed § 211.105(b) includes a minor revision intended to clarify that it is only major equipment used during production that must be identified. This revision does not change the intent of the existing CGMP regulations but merely recognizes the impracticality of identifying every piece of equipment used during a production period, as, for example, portable equipment such as hand-held implements.

3. Proposed §§ 211.110 and 211.165(d) include revisions to specify acceptable procedures for sampling and testing. FDA recognizes that there may be variability for a given attribute between different classes of drugs, between similar drug products of different manufacturers, and even between different dosage units of the same drug product from a single manufacturing cycle. Therefore, no single sampling and acceptance plan may be adequate for a firm's entire production. No sampling plan for components, in-process materials, or drug products can assure complete freedom from the risk of accepting a batch of the drug product that contains some units not meeting established chemical or physical specifications. It is possible, however, through appropriate application of statistical methodology, to devise sampling plans that will provide a high probability that lots with unacceptable percentages of defective units in components, in-process materials, or drug products will be rejected.

For in-process material, and for the drug product during production, the proposal requires that valid in-process specifications for appropriate characteristics be established. Such in-process specifications shall be consistent with established specifications for the finished drug product and shall be derived from previous acceptable process average and process variability estimates determined by the application of suitable statistical procedures. Examination and testing of samples taken during production shall be adequate to assure that the drug product and in-process materials conform to appropriate in-process specifications.

The proposal further requires that acceptance criteria that include appropriate specifications and statistical quality control criteria be developed for each drug product. Statistical quality control criteria, including an Acceptable Quality Level (AQL) and an Unacceptable Quality Level (UQL), shall be assigned to specifications that require multiple examination or testing of dosage units such as the weight variation, content uniformity, disintegration, and dissolution of drug products. Manufacturers will be required to establish sampling and testing procedures to assure that there is no greater than a 5 percent probability of acceptance for batches whose percent of defective units exceeds the UQL for each appropriate characteristic. For those product quality characteristics requiring multiple testing and examination, this requirement may be satisfied through the utilization of drug product testing, statistical quality control data developed and recorded during the processing of the batch, and statistical data derived from validation studies conducted to determine the variability of the manufacturing processes. The establishment of an AQL and UQL is not required for testing procedures for characteristics such as batch potency (which is based on a composite sample), identification, and pH, where a single determination is a requirement and in-process procedures are properly validated and controlled. Although statistical quality assurance is relatively new to some manufacturers, these procedures are currently used by many manufactuers as a basis for the sampling and acceptance of components, in-process materials, and drug products.

FDA recognizes that there are differing conceptual and statistical approaches to the general problem of estimating with a high probability of correctness the extent to which individual units in a given batch meet all appropriate specifications. The agency also recognizes that careful attention both to in-process controls and testing and to end-product testing is

necessary for adequate quality assurance and believes that regulations requiring such controls and testing are appropriate. Articulating such requirements, however, has proven to be a difficult problem in drafting these proposed regulations, and controversy over the approach and language proposed herein is anticipated. The Commissioner reemphasizes that the intent of the good manufacturing practice regulations is to provide clear, unambiguous standards that are scientifically appropriate, necessary for assurance of the quality of drug products, and enforceable. He specifically requests all interested persons to review this section of the regulations to assure that the proposed regulations meet these important objectives. He also requests that those who disagree with this proposed section, and/or the corresponding definitions, provide not only their criticisms but also reasoned alternative approaches and clear alternative language.

4. Proposed § 211.111 requires that, when appropriate, time limits for the completion of each stage of production be established so that the quality of the drug product is not reduced. It is well recognized that the in-process time of particular drug products can create certain manufacturing difficulties. For example, there may be problems associated with processes used for the production of sterile products, drug products containing hygroscopic ingredients, and drug products containing highly volatile components. Manufacturers must establish procedures to eliminate any undue delays in the production of products susceptible to a quality reduction as a result of processing time.

PACKAGING AND LABELING CONTROL

1. In proposed § 211.122 the general requirements for labeling include specific reference to all packaging materials rather than just to the labels. Because mixups in packaging materials can affect the identity or integrity of the packaged drug product, all packaging materials must be controlled to assure that only the correct materials are used. This section also requires storage of labels for different products, strengths, dosage forms, and quantity of contents in separate compartments and requires control over on-line printing devices.

2. Proposed § 211.125(c) expands the former requirement for reconciling labels issued and used; it includes a requirement that any labels returned to label storage be reconciled.

3. Proposed § 211.125(e) requires control over labels returned to storage after a packaging and labeling operation to prevent mixups.

4. Proposed § 211.130(f) requires removal of packaging and labeling materials from the finishing areas after completion of operations to prevent mixups with subsequent operations.

5. Proposed § 211.134(a) requires the examination of packaged and labeled drug products during finishing operations to provide assurance that every container and package in a lot has the correct labeling. The Commissioner finds that most recalls involving packaging or labeling operation deficiencies could have been avoided if each drug product container and package had been adequately examined for the correct label and for the proper container in the package carton. The examination of drug products may be mechanical, electronic, or visual.

6. In proposed § 211.137 the expiration dating is revised to require expiration dating for all drug products. Consumers of pharmaceuticals have a vital interest in having those products maintain the identity, strength, quality, and purity essential to render them safe and effective for use. The stability of a drug product during the period of time between its manufacture and its delivery to the patient can have a major influence on such identity, strength, quality, and purity. Many factors affect drug product stability. These include the stability of the active ingredients, the interaction of active and inactive ingredients, the manufacturing process, the storage conditions, the dosage form, the container closure system, the conditions under which the drug product is shipped, stored, and handled by wholesalers and retailers, and the length of time between initial manufacture and final use. Although some of these factors are not within the direct control of the manufacturer, the use of expiration dating by the manufacturer will encourage the removal of outdated or aged stocks.

This matter was the subject of a conference on dating pharmaceuticals held in 1965 at the University of Wisconsin. (The proceedings were published in 1970; a copy has been placed on display in the office of the Hearing Clerk, Food and Drug Administration.) At the conference, a number of papers were presented regarding various aspects of drug expiration dating, including criteria and methods for statistically validating expiration dates and actual experiences of drug manufacturers regarding current drug dating programs. At that time, several drug manufacturers had concluded that drug expiration dating for all pharmaceuticals is desirable, and voluntary expiration dating for all their drug products had been initiated. Several major pharmaceutical manufacturers suggested that a 5-year dating period would be appropriate, based on their experiences with respect to the period of time drug products are likely to remain in the distribution system, and as an approximate endpoint at which they feel a replacement of the aged stock should be made.

Many drug products, such as antibiotics, biologics, and drugs liable to deterioration, already are required to bear expiration dates based on appropriate stability studies. In addition, the "United States Pharmacopeia" (USP), XIX, at page 9, and the "National Formulary" (NF), XIV, at page 17, require, in the absence of a specific requirement in the individual monograph for a dosage form, that the label bear an expiration date assigned for the particular formulation and package of the article. Originally the effective date for this requirement was July 1, 1975. However, the USP Convention, Inc., in the First Interim Revision Announcement pertaining to USP XIX and NF XIV, deferred the effective date of that requirement to January 1, 1976. Also, as previously mentioned, a number of manufacturers are voluntarily establishing expiration dating for most or all of their drug products.

Therefore, to assure that a drug product meets its standards at the time of use, the Commissioner proposes to extend the requirement for expiration dating to all drug products. Because of the many factors affecting drug stability, the appropriate expiration date for each drug product must be determined by suitable stability studies. While an arbitrary expiration date of 5 years for those drug products not requiring a shorter period has been adopted by a number of drug manufacturers, the Commissioner does not have sufficient information at this time to conclude that setting a specific maximum expiration dating period is suitable or even desirable for all drug establishments and for all drug products. Further, there is little data to support the view that the individual consumer will be better served by a maximum expiration date such as 5 years, compared to a longer expiration date that is fully supported by stability data for the specific drug product. Recognizing the interest of some manufacturers in a specific, if arbitrary, maximum expiration dating period because of the apparent marketing advantages, the Commissioner requests information and data showing that the establishment of an arbitrary date (5 years or any other time period) is in the interest of the consumer. The regulation, as proposed in § 211.137, would in no way prohibit individual drug firms from adopting a uniform maximum 5-year dating period for their own drug products, provided stability data demonstrates that the 5-year dating period is valid. Also, the proposed regulation would not prohibit individual drug firms from extending the expiration date for their own drug products at any time prior to the original expiration date. However, any extension of an expiration date must be fully supported by stability data for the specific drug product, and the labeling thereon must be revised to comply with the requirements of § 201.17 (21 CFR 201.17).

Because of the addition of proposed § 211.137, it has been necessary to propose a revision of § 201.17 of the labeling regulations. Proposed § 201.17 requires that the expiration date of a drug product appear on the immediate drug product container, the outer retail package labeling, and the shipping carton. However, when single-dose containers are packed in individual cartons, the expiration date may properly appear on such cartons rather than on the immediate drug product containers.

HOLDING AND DISTRIBUTION

1. Proposed § 211.142 establishes minimum storage requirements for drug products before and after release for distribution by the quality control unit.

2. Proposed § 211.150 is revised to require a written procedure by which distribution of each lot of a drug product can be determined.

LABORATORY CONTROLS

1. Proposed § 211.160 requires that laboratory controls include the establishment of scientifically sound and appropriate specifications, standards, and test procedures to assure that components, drug product containers, closures, in-process materials, and drug products conform to appropriate standards of identity, strength, quality, and purity.

2. Proposed § 211.165(f) requires that laboratory reference standards be properly stored and tested to assure their conformance to appropriate specifications. They must be properly identified and retested when necessary. Although this requirement has always been considered current good manufacturing practice, it was not previously explicit in the regulations.

3. In proposed § 211.170 a reserve sample of essentially all components is required. Previously, only reserve samples of active ingredients were required. Any ingredient, even though not pharmacologically active, may affect the drug product and should be retained for any necessary followup investigation. Samples of components such as solvents that do not appear in the finished dosage form, compressed gases, and water need not be retained.

4. Proposed § 211.176 revises the regulations to delete any allowance for penicillin contamination of non-penicillin products. The tolerance for penicillin contamination was based on evidence of cross-contamination of drug products in plants where penicillin products were manufactured using common facilities and equipment and on the public health hazard that this presented. A review of the data for non-penicillin drug products for the past several years indicates that almost all of the samples analyzed have been free from penicillin contamination. Based on these data, the Commissioner concludes that penicillin cross-contamination is completely avoidable by practical manufacturing means.

RECORDS AND REPORTS

1. Proposed § 211.180(a), which covers all production, control, and distribution records, specifies that all records required by the regulations that are batch-related must be retained for at least 2 years after the expirtation date of the batch.

2. Proposed § 211.180(c) requires that all records or copies of such records under Subpart I of the proposal be available for inspection during the retention period at the establishment where the activities described in such records occurred. The Commissioner concludes that there is a need for this requirement since FDA has experienced some difficulty in obtaining and reviewing records that were not kept at the manufacturing site. This includes manufacturing and control records, distribution records, and complaint files.

3. Proposed § 211.180(d) provides that certain information required to be maintained by manufacturers be compiled and evaluated on a regular basis. The Commissioner recognizes that most manufacturers periodically review historical data such as production, quality control, and analytical data, as well as complaint and distribution records, to identify product variance and to update quality standards. Since this kind of drug product data analysis is being accomplished in various ways, the Commissioner proposes that a summary of such information and evaluation be prepared and maintained for review at least annually by the manufacturer. Such information shall be available for review by FDA during establishment inspections.

4. Proposed § 211.180(e) requires that procedures be established to assure that responsible corporate officials of a firm are notified in writing of possible drug product defects and other CGMP-related matters such as reports of inspectional observations issued by FDA and regulatory actions. The Commissioner finds it essential for appropriate responsible management personnel to be aware of possible failures of drug products to meet established specifications.

5. Proposed § 211.182 requires that equipment logs chronologically documenting the use and cleaning of the equipment be maintained. The Commissioner finds that this practice has been extremely useful in quickly identifying batches that need to be investigated to determine the extent of a mixup or other problem. Maintaining this log is considered a good manufacturing practice and is therefore required in these proposed regulations.

6. Proposed § 211.184(a) expands the existing requirements for component records to include more information regarding the component and the name and location of the prime manufacturer of the component, if different from the supplier, and if known.

7. Proposed § 211.184(d) requires documentation of inspection of labeling materials. Currently, documentation is not specifically required in the regulations.

8. Proposed § 211.186(a) deletes the requirement that the master production and control records be initialed and instead requires that such records contain the full signature, handwritten. The Commissioner finds that a requirement for a handwritten full signature, rather than initials as currently required, will add emphasis to the importance of this procedure and will permit ready identification of those persons who have performed such duties.

9. Proposed § 211.186(b)(7) requires manufacturers to establish tolerances for deviation from the theoretical yield and to investigate any deviation exceeding the tolerance.

10. Proposed § 211.188(b) specifies certain information that must be a part of the batch production and control records. Required information being proposed includes: (1) Proof that the packaging and labeling area was inspected before and after use; (2) a statement of percentage of theoretical yield at all major stages of processing; (3) labeling-control records, including labeling specimens; and (4) any sampling performed.

11. Proposed § 211.194 specifies those records that are to be maintained in documenting the work performed in the laboratory. While there has always been a requirement that complete laboratory records be maintained on each batch of drug produced, there are other data generated by the laboratory that are not batch-related and that need to be recorded and maintained. Furthermore, the revision more precisely defines specific information generated by the laboratory (both batch-related and non-batch-related) that must be retained so that laboratory operations are documented and can thereby be considered complete. The Commissioner finds that the recordkeeping requirements proposed in the revision currently are being widely practiced in the drug industry. Additionally, the Commissioner wishes to identify the basic laboratory data that are of primary importance. This parallels the identification of basic production operations that previously have been indicated in the CGMP regulations. The Commissioner believes that such statements of specific requirements are of particular importance to firms that provide ancillary services to drug manufacturers. In this proposal, laboratory records are required to contain, among other things, the following data:

a. The source, quantity, and identity of the sample received for testing.

b. The identity of the methods used in each analysis or test, including any modification thereof.

c. The amount of sample used in each analysis or test.

d. The data obtained during each analysis or test.

e. All calculations performed in connection with each analysis or test.

f. A full explanation of, and justification for, any modification of established methods of assay.

g. The results of each analysis or test performed.

h. The identity of the persons performing and reviewing each test, and related data including the date each was performed.

12. Proposed § 211.198 specifies more clearly how complaints regarding drug products are to be handled. The Commissioner recognizes that it is not possible to foresee and identify every possible type of complaint that could be made regarding a drug product. Many complaints may involve a possible product defect and will require an investigation with laboratory testing. Other complaints may require followup by medical professionals. For still others, neither laboratory nor medical investigation may be appropriate. Therefore, the Commissioner proposes to require that all written and oral complaints be reviewed and that a determination be made whether an investigation is necessary. In the case of a

possible failure of a drug product to meet any of its specifications, an investigation under the procedures described in § 211.192 is required. Written records of the investigation are required, and where an evaluation of the complaint results in a decision that no investigation is necessary, the records must show the reason and the name of the person making that determination.

RETURNED AND SALVAGED DRUG PRODUCTS

Proposed § 211.208 was previously proposed in the FEDERAL REGISTER of January 16, 1975 (40 FR 2822). This proposal also included a revision of paragraph (b) and the addition of a new paragraph (k) to § 207.3 in Subpart A of Part 207 (21 CFR Part 207) and a revision of paragraph (a) of § 207.20 in Subpart B of Part 207. The 27 comments received regarding that proposal are currently under review. The Commissioner has concluded that this proposal should be reproposed herein, with minor revisions in order that interested persons may comment in light of the revision of the entire CGMP regulations. The Commissioner will reply to those comments already received on the January 16, 1975 proposal at the time the final regulation on this proposed revision of the CGMP regulations is published in the FEDERAL REGISTER. There is no need to resubmit comments already filed.

In reviewing the CGMP regulations, the Commissioner finds that § 229.25 is no longer necessary because of amendments to section 351 of the Public Health Service Act on October 30, 1970 (Pub. L. 91–515, 84 Stat. 1308 (42 U.S.C. 262)) and because the regulation of all biologics for human use is now the responsibility of FDA. Thus, the statutory language of the Public Health Service Act, the Federal Food, Drug, and Cosmetic Act, and regulations promulgated under each act clearly regulate the manufacturing practice of biologics, including whole blood, red blood cells, and allergenic products. Therefore, the Commissioner proposes to revoke § 229.25.

The Commissioner intends that the regulations proposed in Parts 201, 207, 210, and 211 shall become effective 6 months after the date of publication of the final regulation in the FEDERAL REGISTER. The proposal, as it applies to Part 229, would become effective 30 days after the date of publication of the final regulation in the FEDERAL REGISTER.

The Commissioner advises that publication of this proposal to revise the CGMP regulations in no way affects the applicability or eneforcement of those CGMP regulations presently in effect under Parts 210 and 211 (21 CFR Parts 210 and 211). The Commissioner particularly advises that the regulation on asbestos-form particles in drugs for parenteral injection, published in the FEDERAL REGISTER of March 14, 1975 (40 FR 11865), remains in full force and effect, and that the compliance dates stated therein remain unchanged.

The Commissioner has carefully considered the inflation impact of the proposed regulation and no major inflation impact has been found, as defined in Executive Order 11821, OMB Circular A–107, and interim guidelines issued April 1, 1975 by the Department of Health, Education, and Welfare. A copy of the FDA inflation impact assessment and other pertinent background data on which the Commissioner relies in proposing this regulation is on file with the Hearing Clerk, Food and Drug Administration.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 501, 502, 505, 506, 507, 510, 701, 52 Stat. 1049–1052 as amended, 1055–1056 as amended, 76 Stat. 794 as amended (21 U.S.C. 351, 352, 355, 356, 357, 360, 371)) and the Drug Listing Act of 1972 (Pub. L. 92–387; 86 Stat. 559–562) and under the authority delegated to him (21 CFR 2.120), the Commissioner of Food and Drugs proposes that Parts 201, 207, 210, 211, and 229 be amended as follows:

PART 201—LABELING

1. By revising § 201.17 in Part 201 to read as follows:

§ 201.17 Drugs; location of expiration date.

The expiration date of a drug product, required by § 211.137 of this chapter, shall appear on the immediate drug product container, the outer retail package labeling, and the shipping carton. However, when single-dose containers are packed in individual cartons, the expiration date may properly appear on the individual carton instead of the immediate product container.

PART 207—REGISTRATION OF PRODUCERS OF DRUGS AND LISTING OF DRUGS IN COMMERCIAL DISTRIBUTION

2. By revising paragraph (b) and adding a new paragraph (k) in § 207.3 in Part 207 to read as follows:

§ 207.3 Definitions.

* * * * *

(b) "Establishment" means a place of business under one management at one general physical location. The term includes, among others, independent laboratories that engage in control activities for registered drug establishments, e.g., "consulting" laboratories, manufacturers of medicated feeds and of vitamin products that are "drugs" within the meaning of section 201(g) of the act, human blood donor centers, animal facilities used for the production or control testing of licensed biologicals, and establishments engaged in the salvaging of drug products.

* * * * *

(k) "Drug product salvaging" is the act of segregating drug products that may have been subjected to prolonged or improper storage or to abnormal environmental conditions such as extremes of temperature, humidity, smoke, fumes, pressure, age, or radiation for the purpose of returning some or all of the products to the marketplace.

§ 207.20 [Amended]

3. By amending § 207.20 in Subpart B of Part 207 by adding a comma and the phrase "nor is drug listing required for establishments engaged in the salvaging of drug products" before the period at the end of paragraph (a).

PART 210—CURRENT GOOD MANUFACTURING PRACTICE IN MANUFACTURING, PROCESSING, PACKING, OR HOLDING OF DRUGS: GENERAL

4. By revising Part 210 to read as follows:

Sec.
210.1 Status of current good manufacturing practice regulations.
210.2 Applicability of current good manufacturing practice regulations.
210.3 Definitions.

AUTHORITY: Secs. 501, 701, 52 Stat. 1049–1050 as amended, 1055–1056 as amended (21 U.S.C. 351, 371).

§ 210.1 Status of current good manufacturing practice regulations.

(a) The regulations set forth in Parts 210 through 229 of this chapter contain the minimum current good manufacturing practice for methods to be used in, and the facilities or controls to be used for, the manufacture, processing, packing, or holding of a drug product to assure that such drug product meets the requirements of the act as to safety, and has the identity and strength and meets the quality and purity characteristics that it purports or is represented to possess.

(b) The failure to comply with any regulation set forth in Parts 210 through 229 of this chapter in the manufacture, processing, packing, or holding of a drug product shall render such drug product to be adulterated under section 501(a)(2)(B) of the act and such drug, as well as the person who is responsible for the failure to comply, shall be subject to regulatory action.

§ 210.2 Applicability of current good manufacturing practice regulations.

The regulations in this part and in Parts 211 through 229 of this chapter as they may pertain to drug products, and in Parts 600 through 680 of this chapter as they may pertain to biological drug products, shall be considered to supplement, not supersede, each other, unless the regulations explicitly provide otherwise. In the event that it is impossible to comply with all applicable regulations in these parts, the regulations specifically applicable to the drug product in question shall supersede the more general.

§ 210.3 Definitions.

(a) The following definitions of terms apply to Parts 210 through 229 of this chapter.

(b) The terms are as follows:

(1) "Act" means the Federal Food, Drug, and Cosmetic Act, as amended (21 U.S.C. 301).

(2) "Batch" means a specific quantity of a drug that has uniform character and quality, within specified limits, and is produced according to a single manufacturing order during the same cycle of manufacture.

(3) "Component" means any ingredient intended for use in the manufacture of a drug product, including those that may not appear in such drug product.

(4) "Drug product" means a finished dosage form, e.g., tablet, capsule, solution, etc., that contains the active drug ingredient generally, but not necessarily, in association with inactive ingredients.

(5) "Fiber" means any particle with a length at least three times greater than its width.

(6) "Non-fiber-releasing filter" means any filter, which after any apropriate pretreatment such as washing or flushing, will not release fibers into the component or drug product that is being filtered. All filters composed of asbestos or glass fibers are deemed to be fiber-releasing filters.

(7) "Active ingredient" means any component that is intended to furnish pharmacological activity or other direct effect in the diagnosis, cure, mitigation, treatment, or prevention of diseases, or to affect the structure or any function of the body of man or other animals. The term includes those components that may undergo chemical change in the manufacture of the drug product and be present in the drug product in a modified form intended to furnish the specified activity or effect.

(8) "Inactive ingredient" means any ingredient other than an "active ingredient" present in a drug product.

(9) "In-process materials" include any materials fabricated, compounded, blended or derived by chemical reaction that are subsequently used in the preparation of the drug product.

(10) "Lot" means a batch, or a specific identified portion of a batch, having uniform character and quality within specified limits; or, in the case of a drug product produced by continuous process, it is a specific identified amount produced in a unit of time or quantity in a manner that assures its having uniform character and quality within specified limits.

(11) "Lot number, control number, or batch number" means any distinctive combination of letters or numbers, or both, from which the complete history of the manufacture, processing, packing, holding, and distribution of a batch or lot of drug product can be determined.

(12) "Manufacture, processing, packing, or holding of a drug product" includes packaging and labeling operations, testing, and quality control of drug products.

(13) "Medicated feed" means any "complete feed," "feed additive supplement," or "feed additive concentrate" as defined in § 121.200 of this chapter and is a feed that contains one or more drugs as defined in section 201(g) of the act. Medicated feeds are subject to Part 225 of this chapter.

(14) "Medicated premix" means a substance that meets the definition in § 121.-200 of this chapter for a "feed additive premix," except that it contains one or more drugs as defined in section 201(g) of the act and is intended for manufacturing use in the production of a medicated feed. Medicated premixes are subject to Part 226 of this chapter.

(15) "Quality control unit" means any person or organizational element designated by the firm to perform the duties relating to quality control.

(16) "Strength" means:

(i) The concentration of the drug substance (e.g., weight/weight, weight/volume, or unit dose/volume basis), and/or

(ii) The potency, i.e., the therapeutic activity of the drug product as indicated by appropriate laboratory tests or by adequately developed and controlled clinical data (expressed, for example, in terms of units by reference to a standard).

(17) "Theoretical yield" means the quantity that would be produced at any stage of manufacture, processing or packing of a particular drug product, based upon the quantity of components to be used, in the absence of any loss or error in actual production.

(18) "Actual yield" means the quantity that is actually produced at any stage of manufacture, processing, or packing of a particular drug product.

(19) "Percentage of theoretical yield" means the ratio of the actual yield (at any stage of manufacture, processing, or packing of a particular drug product) to the theoretical yield (at the same stage), stated as a percentage.

(20) The definitions and interpretations contained in section 201 of the act shall be applicable to such terms when used in the regulations in Parts 210 through 229 of this chapter.

(21) "Acceptance criteria" means the product specifications and the associated sampling plan that are necessary for making a decision to accept or reject a lot or batch (or any other convenient subgroups of manufactured units).

(22) "Acceptable quality level (AQL)" means, in a sampling plan, the highest percent of defective units for each appropriate product characteristic that is acceptable as a process average. It is the lot or batch quality level associated with a high probability of acceptance, usually 95 percent.

(23) "Unacceptable quality level (UQL)" means, in a sampling plan, that percent of defective units for which there is a defined low probability of acceptance for a lot or batch. The term UQL is synonymous with the trade term Lot Tolerance Percent Defective (LTPD).

(24) "Representative sample" means a sample that consists of a number of units drawn at random from each part of a lot or batch to assure that the sample accurately represents the lot or batch.

PART 211—CURRENT GOOD MANUFACTURING PRACTICE FOR DRUG PRODUCTS

5. By revising Part 211 to read as follows:

Subpart A—General Provisions

Sec.
211.1 Scope of Part 211.
211.2 Drug products, manufacturing practice.
211.3 Definitions.

Subpart B—Organization and Personnel

211.22 Responsibility of quality control unit.
211.25 Personnel qualifications.
211.28 Personnel responsibilities.
211.34 Consultants.

Subpart C—Buildings and Facilities

211.42 Design and construction features.
211.44 Lighting.
211.46 Ventilation, air filtration, air heating and cooling.
211.48 Plumbing.
211.50 Sewage and refuse.
211.52 Washing and toilet facilities.
211.54 Animal facilities.
211.56 Sanitation.
211.58 Maintenance.

Subpart D—Equipment

211.63 Equipment design, size, and location.
211.65 Equipment construction.
211.67 Equipment cleaning and maintenance.
211.68 Equipment calibration.
211.72 Filters.

Subpart E—Control of Components, Drug Product Containers, Closures, and In-process Materials

211.80 General requirements.
211.82 Receipt and storage of untested components, drug product containers, and closures.
211.84 Testing and approval or rejection of components, drug product containers, and closures.
211.86 Use of approved components, drug product containers, and closures.
211.87 Retesting of approved components, drug product containers and closures.
211.88 Testing of in-process materials.
211.89 Rejected components, drug product containers, closures, and in-process materials.
211.94 Drug product containers and closures.
211.96 Documentation of controls.

Subpart F—Production and Process Controls

211.100 Written procedures; deviations.
211.101 Charge-in of components.
211.102 Manufacturing instructions.
211.103 Calculation of yield.
211.105 Equipment identification.
211.110 Sampling of in-process materials and drug products.
211.111 Time limitations on production.
211.112 Sanitation of equipment.
211.113 Prevention of microbiological contamination.
211.115 Reprocessing.

Subpart G—Packaging and Labeling Control

211.122 Materials examination and usage criteria.
211.125 Labeling issuance.
211.130 Packaging and labeling operations.
211.134 Drug product inspection.
211.137 Expiration dating.

Subpart H—Holding and Distribution

211.142 Warehousing procedures.
211.150 Distribution procedures.

Subpart I—Laboratory Controls

211.160 General requirements.
211.165 Testing and release for marketing.
211.166 Stability testing.
211.167 Special testing requirements.
211.170 Reserve samples.

Sec.
211.173 Laboratory animals.
211.176 Penicillin contamination.

Subpart J—Records and Reports

211.180 General requirements.
211.182 Equipment cleaning and use log.
211.184 Component, drug product container, closure, and labeling records.
211.186 Master production and control records.
211.188 Batch production and control records.
211.192 Production record review.
211.194 Laboratory records.
211.196 Distribution records.
211.198 Complaint files.

Subpart K—Returned and Salvaged Drug Products

211.204 Returned drug products.
211.208 Drug product salvaging.

AUTHORITY: Secs. 501, 701, 52 Stat. 1049–1050 as amended, 1055–1056 as amended (21 U.S.C. 351, 371).

Subpart A—General Provisions

§ 211.1 Scope of Part 211.

(a) The regulations in this part contain the minimum current good manufacturing practice for preparation of any drug product for administration to humans or animals.

(b) The current good manufacturing practice regulations in Subchapter C of this chapter, as they pertain to drug products, and in Parts 600 through 680 of this chapter, as they pertain to biological drug products, shall be considered to supplement, not supersede, the regulations in this part unless the regulations explicitly provide otherwise. In the event it is impossible to comply with applicable regulations both in this part and in other parts of Subchapter C of this chapter or in Parts 600 through 680 of this chapter, the regulation specifically applicable to the drug product in question shall supersede the regulation in this part.

§ 211.2 Drug products; manufacturing practice.

(a) The regulations in this part permit the use of precision automatic, mechanical, or electronic equipment in the manufacture, processing, packing, and holding of drug products.

(b) Use of computers in the manufacture, processing, packing, and holding of drug products is also permitted. Appropriate controls shall be exercised over computer operations to assure that changes in master production and control records or other records are instituted only by authorized personnel. Reproductions of formulas or other records or data from the computer shall be checked for accuracy. A backup file of hard copy data entered into the computer shall be maintained except where certain hard copy, such as calculations performed in connection with laboratory analysis, are eliminated by computerization or other automated processes. In such instances a written record of the program shall be maintained along with appropriate validation data. Hard data to be retained in case of accidental erasure of the information stored in a computer shall include:

(1) Master formulas;

(2) Specifications;

(3) Test data;

(4) Other master production or control records;

(5) Batch production or control records, or programs for calculations.

§ 211.3 Definitions.

The definitions set forth in § 210.3 of this chapter apply in this part.

Subpart B—Organization and Personnel

§ 211.22 Responsibilities of quality control unit.

(a) There shall be a quality control unit that shall have the responsibility and authority to approve or reject all components, drug product containers, closures, in-process materials, packaging material, labeling, and drug products, and the authority to review production records to assure that no errors have occurred or, if errors have occurred, that they have been fully investigated. The quality contol unit shall be responsible for approving or rejecting drug products manufactured, processed, packed, or held under contract by another company.

(b) Adequate laboratory facilities for the testing and approval (or rejection) of components, drug product containers, closures, packaging materials, in-process materials, and drug products (e.g., determining compliance with a bioequivalence standard) shall be available to the quality control unit.

(c) The quality control unit shall have the responsibility for approving or rejecting all procedures or specifications impacting on the identity, strength, quality, and purity of the drug product.

(d) The responsibilities and procedures applicable to the quality control unit shall be in writing.

§ 211.25 Personnel qualifications.

(a) Each person engaged in the manufacture, processing, packing, or holding of a drug product shall have education, training, and experience to enable that person to perform the assigned functions. Training shall be in the particular operations that the employee performs and in current good manufacturing practices (including the current good manufacturing practice regulations in Subchapter C of this chapter and written procedures required by these regulations) as they relate to the employee's functions. Training in current good manufacturing practice shall be conducted on a continuing basis by well-qualified individuals.

(b) Each person responsible for supervising the manufacture, processing, packing, or holding of a drug product shall have the education, training, and experience, or combination thereof, to perform assigned functions in such a manner as to provide assurance that the drug product has the safety, identity, strength, quality, and purity that it purports or is represented to possess.

(c) There shall be an adequate number of personnel to perform and supervise the manufacture, processing, packing, or holding of each drug product.

§ 211.28 Personnel responsibilities.

(a) Personnel engaged in the manufacture, processing, packing, or holding of a drug product shall wear clean clothing appropriate for the duties they perform. They shall wear appropriate head coverings, as necessary, including facial hair coverings, to prevent contamination of drug products. Their arms and hands shall be covered when necessary to protect the drug product being handled.

(b) Employees shall practice good sanitation and health habits.

(c) Only authorized personnel shall enter those areas of the buildings and facilities designated as limited-access areas.

(d) Any person shown at any time (either by medical examination or supervisory observation) to have an apparent illness or open lesions that may adversely affect the safety or quality of drug products shall be excluded from direct contact with components, drug product containers, closures, in-process materials, and drug products until the condition is corrected. All employees shall be instructed to report to supervisory personnel any conditions that they consider may have an adverse effect on drug products.

§ 211.34 Consultants.

Consultants shall have sufficient education and experience to advise on the subject for which they are retained. Records shall be maintained stating the name, address, and qualifications of any consultants and the type of service they provide.

Subpart C—Buildings and Facilities

§ 211.42 Design and construction features.

(a) Any building or buildings used in the manufacture, processing, packing, or holding of a drug product shall be of suitable size, construction and location to facilitate cleaning, maintenance, and proper operations.

(b) Any such building shall have adequate space for the orderly placement of equipment and materials to prevent mixups between different components, drug product containers, closures, labeling, in-process materials, or drug products, and to prevent contamination. The flow of components, drug product containers, closures, labeling, in-process materials, and drug products through the building or buildings shall be designed to eliminate unnecessary traffic, particularly movement back through areas in which these materials had previously been processed or held.

(c) Operations shall be performed within specifically defined areas of adequate size. To prevent contamination or mixups, there shall be separate or defined areas for:

(1) Receipt, identification, storage, and withholding from use of components, drug product containers, closures, and labeling, pending the appropriate sampling, testing, or examination by the quality control unit before release for manufacturing or packaging;

(2) Holding rejected components, drug product containers, closures and labeling before disposition to prevent their use in operations for which they are unsuitable;

(3) Storage of released components, drug product containers, closures, and labeling;

(4) Storage of in-process materials;

(5) Any manufacturing and processing operations;

(6) Any packaging and labeling operations;

(7) Quarantine storage before release of drug products;

(8) Storage of drug products after release;

(9) Control and laboratory operations;

(10) Aseptic processing, when appropriate, which includes:

(i) Floors, walls, and ceilings of smooth, hard surfaces that are easily cleanable;

(ii) Temperature and humidity controls;

(iii) An air supply filtered through high-efficiency particulate air filters under positive pressure, regardless of whether flow is laminar or nonlaminar;

(iv) A system for monitoring environmental conditions;

(v) A system for cleaning and disinfecting the room and equipment to produce aseptic conditions;

(vi) A system for maintaining any equipment used to control the aseptic conditions.

(d) Penicillin production operations shall be performed in facilities separate from those used for other drug products.

§ 211.44 Lighting.

Adequate lighting shall be provided in all areas.

§ 211.46 Ventilation, air filtration, air heating and cooling.

(a) Adequate ventilation shall be provided.

(b) Equipment for adequate control over air pressure, microorganisms, dust, humidity, and temperature shall be provided when necessary for the manufacture, processing, packing, or holding of a drug product.

(c) Air filtration systems, including prefilters and appropriate particulate matter air filters, shall be used on air supplies to production areas. If air is recirculated to production areas, appropriate filtration shall be used to prevent recirculation of dust from production. In areas where air contamination occurs during production, there shall be a system to provide frequent air changes with exhaust to the outside of the building.

(d) There shall be exhaust systems adjacent to dusty operations to remove dust.

(e) Air-handling systems for penicillin production shall be completely separate from those for other drug products.

§ 211.48 Plumbing.

(a) Potable water shall be supplied under continuous positive pressure in a plumbing system free of defects that could contribute contamination to any drug product. Potable water shall meet the standards prescribed in the Public Health Service Drinking Water Standards set forth in Subpart J of 42 CFR Part 72. Water not meeting such standards shall not be permitted in the plumbing system.

(b) Drains shall be of adequate size and, where connected directly to a sewer, shall be equipped with traps to prevent back-siphonage.

§ 211.50 Sewage and refuse.

Sewage, trash, and other refuse in and from the building and immediate premises shall be disposed of in a safe and sanitary manner.

§ 211.52 Washing and toilet facilities.

Adequate washing facilities shall be provided, including hot and cold water, soap or detergent, air driers or single-service towels, and clean toilet facilities easily accessible to working areas.

§ 211.54 Animal facilities.

There shall be suitable housing and space for the care of laboratory animals.

§ 211.56 Sanitation.

(a) Any building used in the manufacture, processing, packing, or holding of a drug product shall be maintained in a clean and sanitary condition. Any such building shall be kept free of rodents, birds, insects, and other vermin, (other than laboratory animals), and of trash and decaying organic matter.

(b) There shall be written procedures assigning responsibility for sanitation and describing in detail the cleaning schedules, methods, equipment, and materials to be used in cleaning the buildings and facilities; such written procedures shall be followed.

(c) Rodenticides, insecticides, fungicides, fumigating agents, and other cleaning and sanitizing materials shall be used only if the person engaged in the manufacture, processing, packing, or holding of a drug product has evidence that use of such materials will not contaminate equipment, components, drug product containers, closures, packaging or labeling materials, in-process materials, or drug products. Rodenticides, insecticides, and fungicides shall not be used unless registered in accordance with the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 135).

(d) Sanitation procedures shall apply to work performed by contractors or temporary employees as well as work performed by full-time employees during the ordinary course of operations.

§ 211.58 Maintenance.

Any building used in the manufacture, processing, packing, or holding of a drug product shall be maintained in a good state of repair.

Subpart D—Equipment

§ 211.63 Equipment design, size, and location.

Equipment used in the manufacture, processing, packing, or holding of a drug product shall be of appropriate design, adequate size, and suitable location to facilitate operations for its intended use as well as for its cleaning and maintenance.

§ 211.65 Equipment construction.

(a) Equipment shall be constructed so that surfaces coming into contact with drug products or in-process materials shall not be reactive, additive, or absorptive.

(b) Any substances required for operation such as lubricants or coolants, shall not come into contact with drug components drug product containers, closures, in-process materials, or drug products so as to alter the safety, identity, strength, quality, or purity of the drug product.

§ 211.67 Equipment cleaning and maintenance.

(a) Equipment shall be cleaned and maintained regularly to prevent malfunctions or contamination that would alter the safety, identity, strength, quality, or purity of the drug product.

(b) There shall be written procedures assigning responsibility for cleaning and maintenance and describing in detail the maintenance and cleaning schedules, the methods, equipment and materials to be used and the methods of disassembling and reassembling, for all equipment used in the manufacture, processing, packing, or holding of a drug product; such written procedures shall be followed.

(c) Records shall be kept of maintenance and cleaning operations, as specified in § 211.182.

§ 211.68 Equipment calibration.

(a) When precision automatic, mechanical, or electronic equipment is used in the manufacture, processing, packing, and holding of a drug product, it shall be routinely calibrated, inspected, or checked according to a written program that assures proper performance. Written records of those calibration checks and inspections shall be maintained.

(b) Scales and balances used for testing or production operations shall be accurate. Calibration checks shall be made at least once every 6 months and written records of those calibration checks shall be maintained.

§ 211.72 Filters.

(a) Filters used in the manufacture, processing, or packing of injectable drug products intended for human use shall not release fibers into such products. Fiber-releasing filters may not be used in the manufacture, processing, or packing of these drug products unless it is not possible to manufacture such drug products without the use of such a filter.

(b) If use of a fiber-releasing filter is necessary, an additional non-fiber-releasing filter of 0.22 micron maximum mean porosity (0.45 micron if the manufacturing conditions so dictate) shall subsequently be used to reduce the content of particles in the drug product. Use of an asbestos-containing filter, with or without subsequent use of a specific non-fiber-releasing filter, is permissible only upon submission of proof to the appropriate bureau of the Food and Drug Administration that use of a non-fiber-re-

leasing filter will, or is likely to, compromise the safety or effectiveness of the drug product.

(c) Substitution for a fiber-releasing filter shall be achieved on or before September 14, 1976. If such substitution is not achieved on or before March 14, 1976, manufacturers shall submit monthly progress reports to the appropriate bureau of the Food and Drug Administration. Such substitution shall be shown to have been effected without loss of safety or effectiveness of the drug product.

Subpart E—Control of Components, Drug Product Containers, Closures, and In-process Materials

§ 211.80 General requirements.

(a) There shall be written procedures describing in detail the receipt, identification, storage, handling, sampling, testing, and approval or rejection of components, drug product containers, and closures; such written procedures shall be followed.

(b) Components, drug product containers and closures shall at all times be handled and stored in a manner to prevent contamination of, or by, other components, in-process materials, or drug products.

(c) Bagged and boxed components, drug product containers, or closures shall be stored on pallets or free-standing shelves off the floor and at least 2 feet away from walls.

(d) Each container of components, drug product containers, or closures shall be identified with a distinctive code for each lot in each shipment received. This code shall be used in recording the disposition of each lot. Each lot shall be appropriately identified as to its status (i.e., quarantined, approved, or rejected) and as to whether (and when) it has been opened and sampled.

§ 211.82 Receipt and storage of untested components, drug product containers, and closures.

(a) Upon receipt and before acceptance, each container of components, drug product containers, and closures shall be examined visually for appropriate labeling as to contents, container damage or broken seals, and contamination.

(b) Components, drug product containers, and closures shall be stored under quarantine until they have been tested and released. Storage within the area shall conform to the requirements of § 211.80.

§ 211.84 Testing and approval or rejection of components, drug product containers, and closures.

(a) Each lot of components, drug product containers, and closures shall be withheld from use until their containers have been identified and the lot sampled, tested, and released for use by the quality control unit.

(b) Representative samples of each shipment of each lot shall be collected for testing or examination. The number of containers to be sampled, and the amount of material to be taken from each container, shall be based upon appropriate statistical criteria (such as component variability, confidence levels, and degree of precision desired), the past quality history of the supplier, and the quantity needed for analysis and reserve.

(c) Samples shall be collected in accordance with the following procedures:

(1) The containers of components selected shall be cleaned by wiping or vacuuming.

(2) The containers shall be opened, sampled, and resealed in a suitable area where there is no potential for contamination of other containers of components, drug product containers, or closures.

(3) Sterile equipment and aseptic sampling techniques shall be used when necessary.

(4) If it is necessary to sample a component from the top, middle, and bottom of its container, such sample subdivisions shall not be composited for testing.

(5) Sample containers shall be identified with the name of the material sampled, the lot number, the container from which the sample was taken, the date on which the sample was taken, and the name and signature of the person who collected the sample.

(6) Containers from which samples are taken shall be carefully closed to prevent contamination or deterioration.

(d) Samples shall be examined and tested as follows:

(1) At least one identity test shall be conducted that is specific for each active and inactive ingredient.

(2) Each active and inactive ingredient shall be tested for conformity with all appropriate written specifications for purity, strength, and quality. In lieu of such testing by the manufacturer, a complete report of analysis may be accepted from the supplier of a component, provided that at least one specific identity test is conducted on such component by the manufacturer, and provided that the manufacturer establishes the reliability of the supplier's analysis through appropriate validation of the supplier's test results.

(3) When appropriate, components shall be microscopically examined.

(4) Any component, drug product container, or closure that is liable to contamination with filth, insect infestation, or other extraneous adulterant shall be examined for such contamination. Any such lot of components, drug product containers, or closures that does not meet established specifications shall be rejected.

(5) Any component, drug product container, or closure that is liable to microbiological contamination that is objectionable in view of its intended use shall be subjected to microbiological tests before use. Any such lot of components, drug product containers, or closures that contain microorganisms that are objectionable in view of its intended use shall be rejected.

(e) Any lot of components, drug product containers, or closures that meets the appropriate written specifications of identity, strength, quality, and purity and related tests under paragraph (d) of this section may be approved and released for use. Any such material that does not meet such specifications shall be rejected.

§ 211.86 Use of approved components, drug product containers, and closures.

Components, drug product containers, and closures approved for use shall be rotated so that the oldest approved stock is used first.

§ 211.87 Retesting of approved components, drug product containers, and closures.

Components, drug product containers, and closures shall be retested for identity, strength, quality, and purity and approved or rejected by the quality control unit in accordance with § 211.84 as necessary, e.g., after storage for long periods or after exposure to air, heat or other conditions that might affect the component, drug product container, or closure.

§ 211.88 Testing of in-process materials.

In-process materials shall be tested for identity, strength, quality, and purity and approved or rejected by the quality control unit, pursuant to procedures in § 211.84, as appropriate during the production process, e.g., at commencement or completion of significant stages, or after storage for long periods.

§ 211.89 Rejected components, drug product containers, closures, and in-process materials.

Rejected components, drug product containers, closures, and in-process materials shall be identified and quarantined to prevent their use in manufacturing or processing operations for which they are unsuitable.

§ 211.94 Drug product containers and closures.

(a) Containers for the holding of a drug product, including closure systems, shall not be reactive, additive, or absorptive so as to alter the safety, identity, strength, quality, or purity of the drug beyond the official or established requirements.

(b) Container closure systems shall provide adequate protection against external factors in storage and use that can cause deterioration or contamination of the drug product.

(c) Containers for the holding of a drug product, including closure systems, shall be cleaned and, where indicated by the nature of the drug, sterilized and depyrogenated to assure that they are suitable for their intended use. Containers for injectable drug products intended for human use, or components of such products, shall be cleansed with water that has been filtered through a nonfiber-releasing filter equivalent to that indicated in § 211.72.

(d) Procedures, standards or specifications, and methods for testing, cleaning, sterilizing and depyrogenating containers, closure systems, and other parts shall be written and followed.

(e) Containers, closure systems, and other parts that do not comply with the requirements of paragraphs (a) through (d) of this section shall not be used for the holding of a drug product.

§ 211.96 Documentation of controls.

Records shall be maintained for each shipment received of components, drug product containers, and closures indicating receipt, sampling, testing, or examination and disposition (including dates and personnel involved), as specified in § 211.184.

Subpart F—Production and Process Controls

§ 211.100 Written procedures; deviations.

(a) There shall be written procedures for manufacturing and quality control to assure that the drug products have the identity, strength, quality, and purity they purport or are represented to possess. Such procedures shall include all requirements in this subpart. These written procedures, including any changes, shall be drafted and approved by the appropriate organizational unit and reviewed and approved by the quality control unit.

(b) Written manufacturing and quality control procedures shall be followed in the execution of the various manufacturing and quality control functions and shall be documented at the time of performance. Any deviation from the written procedures shall be recorded and justified.

§ 211.101 Charge-in of components.

Written production and control procedures shall include the following to assure that the drug products produced have the identity, strength, quality, and purity they purport or are represented to possess:

(a) The batch shall be formulated with the intent to provide not less than 100 percent of the labeled amount of active ingredient.

(b) Components shall be subdivided, weighed, or measured before dispensing to manufacturing. If a component is removed from the original container to another, the new container shall be identified with the following information:

(1) Component name or item code;

(2) Receiving or control number;

(3) Weight or measure in new container;

(4) Batch for which component was dispensed, including product name, strength, and lot number.

(c) Weighing, measuring, or subdividing operations for components shall be closely supervised. Each container of component dispensed to manufacturing shall be examined by a second person to assure that:

(1) The component was released by the quality control unit;

(2) The weight or measure is correct as stated in the batch production records;

(3) The containers are properly identified.

(d) Each component shall be added to the batch by one person and verified by a second person.

§ 211.102 Manufacturing instructions.

The manufacturing instructions in the batch production records shall be strictly followed.

§ 211.103 Calculation of yield.

Actual yields and percentages of theoretical yield shall be determined at the conclusion of each distinct phase of manufacturing, processing, packaging or holding of the drug product. Such calculations shall be performed by one person and independently verified by a second person.

§ 211.105 Equipment identification.

(a) All compounding and storage containers, processing lines, and major equipment used during the production of a batch of a drug product shall be properly identified at all times to accurately indicate their contents and, when necessary, the stage of processing of the batch.

(b) Each major piece of equipment shall bear a distinctive identification number or code that shall be recorded in the batch production record to show the specific equipment used in the manufacture of each batch of a drug product.

§ 211.110 Sampling of in-process materials and drug products.

(a) To assure batch uniformity and integrity of drug products, written procedures shall be established and followed that describe the in-process controls, tests, or examinations to be conducted on appropriate samples of in-process materials of each batch. Such control procedures shall be established to monitor the output and to validate the performance of those manufacturing processes that may be responsible for causing variability in the characteristics of in-process material and the drug product. Such control procedures shall include, but are not limited to, the following:

(1) Tablet or capsule weight variation;

(2) Disintegration time;

(3) Adequacy of mixing to assure uniformity and homogeneity;

(4) Dissolution time and rate, where appropriate;

(5) Clarity, completeness, or pH of solutions.

(b) Valid in-process specifications for such characteristics shall be consistent with finished drug product specifications and shall be derived from previous acceptable process average and process variability estimates determined by the application of suitable statistical procedures. Examination and testing of samples shall assure that the drug product and in-process material conform to process average and variability requirements established by in-process specifications. In-process sampling, examination, and testing shall be conducted in accordance with written procedures.

§ 211.111 Time limitations on production.

When appropriate, time limits for the completion of each stage of production shall be established to assure the quality of the drug product.

§ 211.112 Sanitation of equipment.

(a) Written procedures shall be established and followed for cleaning and/or sanitizing all equipment, utensils, and containers to prevent contamination and mixups. These procedures shall include, but are not necessarily limited to, the following:

(1) Removal or obliteration of previous batch identification;

(2) Method of cleaning and the agents and equipment to be employed;

(3) Cleaning and/or sanitizing schedules;

(4) Protection of cleaned articles or facilities from contamination prior to use;

(5) Inspection of articles and facilities for cleanliness immediately before use;

(6) Documentation of cleaning, sanitizing, and inspection as specified in §§ 211.180 and 211.182.

(b) Appropriate written procedures shall be established and followed prescribing precautions designed to prevent cross-contamination of drug products during manufacturing and storage.

§ 211.113 Prevention of microbiological contamination.

(a) Appropriate written procedures shall be established and followed prescribing precautons to be taken to prevent the presence of objectionable microorganisms in drug products not required to be sterile.

(b) Appropriate written procedures shall be established and followed prescribing precautions to prevent microbiological contamination in the production of drug products purporting to be sterile. These precautions shall include validation of any sterilizing process.

§ 211.115 Reprocessing.

(a) A written procedure shall be established and followed prescribing the handling of batches that do not conform to standards or specifications and the steps to be taken to ensure that, if they are reprocessed, the reprocessed batches will conform with all established standards, specifications, and characteristics.

(b) Reprocessing shall not be performed without the review and approval of the quality control unit.

Subpart G—Packaging and Labeling Control

§ 211.122 Materials examination and usage criteria.

(a) There shall be written procedures describing in detail the receipt, identification, storage, handling, examination and/or testing of labeling and packaging materials; such written procedures shall

be followed. All labeling and packaging materials shall, upon receipt and before use in packaging or labeling of a drug product, be examined or tested and approved or rejected by the quality control unit.

(b) Any labeling or packaging materials meeting appropriate written specifications may be approved and released for use. Any labeling or packaging materials that do not meet such specifications shall be rejected to prevent their use in operations for which they are unsuitable.

(c) Records shall be maintained for each shipment received of each different labeling and packaging material indicating receipt, examination or testing, and disposition (including dates and personnel involved), as specified in § 211.184.

(d) Labeling and other packaging materials for each different drug product, strength, dosage form, or quantity of contents shall be stored in separate compartments with suitable identification. Access to the storage area shall be limited to authorized personnel only.

(e) Rejected and outdated labels, labeling, and other packaging materials shall be destroyed.

(f) Gang printing of labeling to be used for different drug products or different strengths of the same drug product (or labeling of the same size and identical or similar format and/or color schemes) shall be minimized. If gang printing is employed, packaging and labeling operations shall provide for special control procedures, taking into consideration sheet layout, stacking, cutting, and handling during and after printing.

(g) Printing devices on, or associated with, manufacturing lines used to imprint labeling upon the drug product unit label or case shall be monitored to assure that all imprinting conforms to the print specified in the batch production record. Any excess printed drug product containers, labels, or labeling bearing lot or control numbers shall be destroyed.

§ 211.125 Labeling issuance.

(a) Strict control shall be exercised over labeling issued for use in drug product labeling operations.

(b) Labeling materials issued for a batch shall be carefully examined for identity and conformity to the labeling specified in the master production records.

(c) Control procedures shall be utilized to reconcile the quantities of labeling issued, used, and returned, and shall require evaluation of any discrepancies found between the quantity of drug product finished and the quantity of labeling issued.

(d) All excess labeling bearing lot or control numbers shall be destroyed.

(e) Returned labeling shall be maintained and stored in a manner to prevent mixups and provide proper identification.

(f) Any significant unexplained discrepancy shall be investigated in accordance with § 211.192.

(g) Procedures shall be written describing in detail the control procedures employed for the issuance of labeling; such written procedures shall be followed.

§ 211.130 Packaging and labeling operations.

There shall be written procedures that specify packaging and labeling operations to assure that correct labels, labeling, and packaging materials are used for the drug products; such written procedures shall be followed. These procedures shall incorporate the following features:

(a) Prevention of mixups and cross-contamination by a physical separation from operations on other drugs;

(b) Identification of the drug product with a lot or control number that permits determination of the history of the manufacture and control of the batch.

(c) Examination of packaging and labeling materials for correctness before packaging operations, and documentation of such examination in the batch production record.

(d) Inspection of the packaging and labeling facilities immediately before use to assure that all drug products and previously used packaging and labeling materials have been removed. Written results of the inspection shall be documented in the batch production records.

(e) Removal of packaging and labeling materials from the finishing area after completion of operations and prior to starting the next run.

§ 211.134 Drug product inspection.

(a) Packaged and labeled products shall be examined during finishing operations to assure that every container and package in the lot has the correct label.

(b) A representative sample of units selected at random shall be collected at the completion of finishing operations and shall be visually examined for correct labeling.

(c) Results of these examinations shall be recorded in the batch production records.

§ 211.137 Expiration dating.

(a) To assure that a drug product meets appropriate standards of identity, strength, quality, and purity at the time of use, if shall bear a statistically validated expiration date determined by appropriate stability tests.

(b) Expiration dates appearing on the drug labeling shall be supported by appropriate statistical analysis of readily available data from stability studies described in § 211.166.

(c) Expiration dates shall be related to appropriate storage conditions stated on the labeling, as determined by stability studies described in § 211.166.

(d) If the drug product is to be reconstituted at the time of dispensing, its labeling shall bear expiration information for both the reconstituted and unreconstituted drug products.

(e) Expiration dates shall appear on labeling in accordance with the requirements of § 201.17 of this chapter.

Subpart H—Holding and Distribution

§ 211.142 Warehousing procedures.

Written procedures describing the warehousing of drug products shall be established and followed. They shall include:

(a) Quarantine of drug products before release by the quality control unit.

(b) Storage of drug products under appropriate conditions of temperature, humidity, and light so that the identity, strength, quality, and purity of the drug products are not affected.

§ 211.150 Distribution procedures.

Written procedures shall be established, and followed, describing the distribution of drug products. They shall include:

(a) A procedure whereby the oldest approved stock of a drug product is distributed first whenever possible.

(b) A system by which the distribution of each lot of drug product can be readily determined to facilitate its recall if necessary.

Subpart I—Laboratory Controls

§ 211.160 General requirements.

(a) The establishment of any specifications, standards, sampling plans, test procedures, or other laboratory control mechanisms required by this subpart, including any change in such specifications, standards, sampling plans, test procedures, or other laboratory control mechanisms, shall be drafted by the appropriate organizational unit and reviewed and approved by the quality control unit. These requirements shall be followed in the execution of the various laboratory control functions and shall be documented at the time of performance. Any deviation from the written specifications, standards, sampling plans, test procedures, or other laboratory control mechanisms shall be recorded and justified.

(b) Laboratory controls shall include the establishment of scientifically sound and appropriate specifications, standards, sampling plans, and test procedures to assure that components, drug product containers, closures, in-process materials, labeling, and drug products conform to appropriate standards of identity, strength, quality, and purity. Laboratory controls shall include:

(1) Determination of conformance to appropriate written specifications for the acceptance of each lot within each shipment of components, drug product containers, closures, and labeling used in the manufacture, processing, packing, or holding of drug products. The specifications shall include a description of the sampling and testing procedures used. Samples shall be representative and adequately identified. Such procedures shall also require appropriate retesting of any component, drug product container, or closure that is subject to deterioration.

(2) Determination of conformance to written specifications and a description of sampling and testing procedures for in-process materials. Such samples shall be representative and properly identified.

(3) Determination of conformance to written descriptions of sampling procedures and appropriate specifications for drug products. Such samples shall be representative and properly identified.

(4) The calibration of instruments, apparatus, gages, and recording devices at suitable intervals in accordance with an established written program containing specific directions, schedules, limits for accuracy and precision, and provisions for remedial action in the event accuracy and/or precision limits are not met.

§ 211.165 Testing and release for marketing.

(a) For each batch of drug product, there shall be appropriate laboratory determination of satisfactory conformance to all appropriate finished drug product specifications, including the identity and strength of each active ingredient, prior to release.

(b) There shall be appropriate laboratory testing, as necessary, of each batch of drug product required to be free of objectionable microorganisms.

(c) Any sampling and testing plans shall be described in a written procedure that shall include the method of sampling and the number of units per batch to be tested; such written procedure shall be followed.

(d) Acceptance criteria for the sampling and testing conducted by the quality control unit shall be adequate to assure that batches of drug products meet each appropriate specification and appropriate statistical quality control criteria as a condition for their approval and release.

(1) The statistical quality control criteria shall include an appropriate Acceptable Quality Level (AQL) and an appropriate Unacceptable Quality Level (UQL) that shall be assigned to percents of defective units for drug product specifications that require multiple examination or testing of individual dosage units to determine if the product meets its specifications (e.g., content uniformity, weight variation, dissolution, etc.) based on the significance of the defect. The determination of conformance to appropriate specifications and statistical quality control criteria for those product quality characteristics requiring multiple testing or examination may be satisfied through the utilization of drug product testing, statistical quality control data developed and recorded during the processing of the batch, and statistical data derived from validation studies conducted to determine the variability of the manufacturing processes.

(2) When a maximum allowable percent of defective units for a quality control specification is indicated, such as a new drug application commitment or as an official compendial requirement, this allowable maximum percent of defective units for this characteristic, expressed as a percentage (i.e., the maximum allowable number of defectives of a specified characteristic in a sample divided by the number of units in the sample multiplied by 100), shall be considered as the maximum UQL for the quality characteristic tested. Quality control procedures shall ensure that there is no greater than a 5 percent probability of acceptance of batches whose percentage of defective units exceeds the UQL for that particular quality characteristic. The establishment of AQL's and UQL's is not suitable in the design of all sampling plans for characteristics such as sterility or pyrogenicity of drugs since the number of tests and examinations required to satisfy a UQL of 0 percent defective would require destructive testing of every unit in the batch.

(e) The accuracy, sensitivity, specificity, and reproducibility of tests methods employed by the firm shall be established and documented.

(f) Laboratory reference standards shall be properly stored and tested to assure their conformance to appropriate specifications. They shall be identified as to source, lot, or other similar reference number, date of receipt, and last date of testing. They shall be retested, as necessary, to assure that they remain suitable for use.

(g) Components, drug product containers, closures, in-process materials, labeling, or drug products failing to meet established standards or specifications and statistical and any other relevant quality control criteria, shall be rejected. Reprocessing may be performed provided there is assurance that the reprocessed material will meet appropriate standards, specifications, and characteristics.

§ 211.166 Stability testing.

(a) There shall be a written testing program designed to assess the stability characteristics of drug products and used to establish storage conditions and expiration dates; such program shall be followed. It shall include:

(1) Statistical criteria, including sample size and test intervals, for each attribute examined to assure statistically valid estimates of stability;

(2) Storage conditions for samples tested;

(3) Reliable, meaningful, and specific test methods;

(4) Testing of the drug product in the same container-closure system as that in which the drug product is marketed;

(5) Testing of drug products for reconstitution at the time of dispensing (as directed in the labeling) as well as after they are reconstituted.

(b) An adequate number of batches of each drug product shall be tested to determine an appropriate expiration date and a record of such data shall be maintained. Accelerated studies, combined with basic stability information on the components, drug products, and container-closure system, may be used to support tentative expiration dates provided adequate shelf life studies are not available and are being conducted. Where data from accelerated studies are used to project a tentative expiration date that is beyond a date supported by actual shelf life studies, there must be stability studies conducted, including drug product testing at appropriate intervals, until the tentative expiration date is verified or the appropriate expiration date determined.

§ 211.167 Special testing requirements.

(a) For each batch of drug product purporting to be sterile and/or pyrogen-free, there shall be appropriate laboratory testing to determine conformance to such requirements. The test procedures shall be in writing and shall be followed.

(b) For each batch of ophthalmic ointments, there shall be appropriate laboratory testing to determine conformance to specifications regarding the presence of foreign particles and harsh or abrasive substances. The test procedures shall be in writing and shall be followed.

(c) For each batch of controlled-release dosage forms, there shall be appropriate laboratory testing to determine conformance to the specifications for the rate of release of each active ingredient. The test procedures shall be in writing and shall be followed.

§ 211.170 Reserve samples.

(a) An appropriately identified reserve sample selected at random from each lot in each shipment of each component shall be retained for at least 2 years after the expiration date of the last lot of the drug product containing the component. It shall consist of at least twice the quantity necessary for all tests required to determine whether the component meets its established specifications, except those for sterility and pyrogens. Samples of components that do not appear in the finished dosage form, such as solvents, compressed gases, and water, need not be retained.

(b) A properly identified reserve sample of units selected at random from each lot or batch of drug product shall be stored under conditions consistent with product labeling and shall be retained for at least 2 years after the expiration date of the drug product. The sample shall be stored in the same immediate container-closure system in which the drug is marketed and shall consist of at least twice the quantity necessary to perform all the required tests, except those for sterility and pyrogens. Such samples shall be inspected annually for evidence of deterioration and the results shall be recorded and maintained with other stability data on the drug product.

§ 211.173 Laboratory animals.

Animals used in testing a component, in-process material, or drug product for compliance with its established specifications shall be maintained and controlled in a manner that assures their suitability for their intended use. They shall be identified, and adequate records shall be maintained showing the history of their use.

§ 211.176 Penicillin contamination.

If the possibility exists that a nonpenicillin drug product has been exposed to cross-contamination with penicillin, the non-penicillin drug product shall be tested for the presence of penicillin. Such product shall not be marketed if de-

tectable levels are found when tested according to procedures specified in "Procedures for Detecting and Measuring Penicillin Contamination in Drugs." [1] Division of Antibiotics and Insulin Certification, Food and Drug Administration, Washington, DC 20204, October 1965.

Subpart J—Records and Reports

§ 211.180 General requirements.

(a) Any production, control, or distribution record that is maintained in compliance with this part and is specifically associated with a batch of a drug product shall be retained for at least 2 years after the expiration date of the batch.

(b) Records shall be maintained for all components, drug product containers, closures, and labeling for at least 2 years after the expiration date of the last lot of drug product incorporating the component or using the container, closure, or labeling.

(c) All records, or copies of records, shall be readily available for inspection during the retention period at the establishment where the activities described in such records occurred.

(d) Written records required by this part shall be maintained so that data therein can be used to produce a written summary covering every batch for each drug product. These summaries shall be prepared and maintained to provide the capability for review on a product-by-product basis so that a profile can be established for each drug product to assist in the updating of quality standards.

(1) Summaries described in this paragraph shall be prepared and evaluated on at least an annual basis and shall be retained for at least 2 years after the expiration date of the last batch of drug product manufactured, whether or not the batch was accepted, rejected, offered for sale, or distributed.

(2) The written summaries and evaluations shall be available for review during establishment inspections.

(e) Procedures shall be established to assure that the responsible corporate officials of the firm are notified in writing of any investigations conducted under §§ 211.198, 211.204, or 211.208 of these regulations, of any recalls, reports of inspectional observations issued by the Food and Drug Administration, or any regulatory actions relating to good manufacturing practices brought by the Food and Drug Administration. These procedures shall specify, among other things, that a routine written report shall be issued at least quarterly summarizing all such matters and the status of corporate actions being taken to resolve outstanding problems.

§ 211.182 Equipment cleaning and use log.

A written record of equipment cleaning, maintenance, and use shall be included in individual equipment logs that show the date, time, product, strength, and lot number of each batch processed. The persons performing and double-checking the cleaning and maintenance shall date and sign the log indicating the work performed. Entries in the log shall be in chronological order.

§ 211.184 Component, drug product, container, closure, and labeling records.

These records shall include the following:

(a) The identity and quantity of each shipment of each lot of components, drug product containers, closures, and labeling; the name of the supplier; the supplier's lot number(s); the receiving code as specified in § 211.80; and the date of receipt. The name and location of the prime manufacturer, if different from the supplier, shall be listed if known.

(b) The results of any test or examination performed (including those performed as required by § 211.82(a), § 211.84(d), or § 211.122(a)) and the conclusions derived therefrom.

(c) An individual inventory record, including reconciliation of the use of each lot of each component, drug product container, and closure.

(d) Documentation of all inspection and review of labels and labeling for conformity with established specifications.

§ 211.186 Master production and control records.

(a) To assure uniformity from batch to batch, master production and control records for each drug product, including each batch size thereof, shall be prepared, dated, and signed (full signature, handwritten) by one person and independently checked, dated, and signed by a second person. The preparation of master production and control records shall be described in a written procedure and such written procedure shall be followed.

(b) Such records shall include:

(1) The name and strength of the product and a description of the dosage form;

(2) The name and weight or measure of each active ingredient per dosage unit or per unit of weight or measure of the drug product, and a statement of the total weight or measure of any dosage unit;

(3) A complete list of components designated by names or codes sufficiently specific to indicate any special quality characteristic;

(4) An accurate statement of the weight or measure, using the same weight system (metric, avoirdupois, or apothecary) of each component. Reasonable variations may be permitted, however, in the amount of components necessary for the preparation in the dosage form, provided they are justified in the master production and control records;

(5) A statement concerning any calculated excess of component;

(6) A statement of theoretical weight or measure at various stages of processing;

(7) A statement of theoretical yield, including the maximum and minimum percentages of theoretical yield beyond which investigation according to § 211.192 is required;

(8) A description of the drug product containers, closures, and packaging and finishing materials, including a specimen or copy of each label and all other labeling signed and dated by the person or persons responsible for approval of such labeling;

(9) Complete manufacturing and control instructions, sampling and testing procedures, specifications, special notations, and precautions to be followed.

§ 211.188 Batch production and control records.

Batch production and control records shall be prepared for each batch of drug product produced and shall include complete information relating to the production and control of each batch. These records shall include:

(a) An accurate reproduction of the appropriate master production or control record, checked for accuracy, dated, and signed;

(b) Proof that each significant step in the manufacture, processing, packing, or holding of the batch was accomplished, including:

(1) Dates;

(2) Identity of individual major equipment and lines used;

(3) Specific identification of each batch of component or in-process material used;

(4) Weights and measures of components used in the course of processing;

(5) In-process and laboratory control results;

(6) Inspection of the packaging and labeling area before and after use;

(7) A statement of percentage of theoretical yield at all major stages of processing;

(8) Complete labeling control records, including specimens of all labeling used;

(9) Description of drug product containers and closures;

(10) Any sampling performed;

(11) Identification of the persons performing and supervising each significant step in the operation;

(12) Any investigation made according to § 211.192.

(13) Results of examinations made in accordance with § 211.134.

§ 211.192 Production record review.

All production and control records, including those for packaging and labeling, shall be reviewed and approved by the quality control unit to determine compliance with all established, approved written procedures before a batch is released or distributed. Any unexplained discrepancy (including a percentage of theoretical yield exceeding the maximum or minimum percentages established in master production and control records) or the failure or a batch or any of its components to meet any of its specifications shall be thoroughly investigated whether or not the batch has already been distributed. The investigation shall extend to other batches of the same drug product and other drug products that may have been associated with the spe-

[1] Copies may be obtained from: Director, NCAA (HFD-430), Food and Drug Administration, 200 "C" St., SW., Washington, DC 20204.

cific failure or discrepancy. A written record of the investigation shall be made and shall include the conclusions and followup.

§ 211.194 Laboratory records.

(a) Laboratory records shall include complete data derived from all tests, examinations, and assays as follows:

(1) A description of the sample received for analysis or testing with identification of source, quantity, lot number, and date of receipt.

(2) A statement of each analytical method used in the analysis of the sample. The statement shall indicate the location of data from the tests to show that the methods used in the analysis of the sample meet proper standards of accuracy and reliability as applied to the product tested. (If the method employed is in the current revision of the "United States Pharmacopeia," National Formulary," "Association of Official Analytical Chemists, Book of Methods," [2] or in other recognized standard references, or is detailed in an approved new drug application and the referenced method is not modified, a statement indicating the method and reference will suffice). The suitability of all analytical methods used for control purposes must be verified under actual conditions of use.

(3) A statement of the weight or measure of sample taken for each analysis or test.

(4) A full record of all data secured in the course of each assay examination or test, including all graphs, charts, and spectra from laboratory instrumentation, properly identified to show the specific component, drug product container, closure, in-process material, or drug product, and lot tested.

(5) A record of all calculations performed in connection with the analysis, including units of measure, conversion factors, and equivalency factors.

(6) A full description of any modifications of established methods employed in the analysis of the sample, together with the reason therefor and data to show that the modification produces results that are accurate and reliable for the material examined.

(7) A statement of the results of analysis and how the results compare with established standards of identity, strength, quality, and purity for the component, drug product container, closure, inprocess material, or drug product tested.

(8) The signature of the person who performs each assay or test and the date(s) the tests were performed.

(9) The endorsement of a second person showing that the original records have been reviewed for accuracy, completeness, and compliance with established standards.

(b) Complete records shall be maintained of the testing and standardization of laboratory reference standards required by § 211.165(g).

[2] Copies may be obtained from: Association of Official Analytical Chemists, P.O. Box 540, Benjamin Franklin Station, Washington, D.C. 20044.

(c) Complete records shall be maintained of the periodic calibration of laboratory instruments, apparatus, gauges, and recording devices required by § 211.160(b).

(d) Complete records shall be maintained of all stability testing performed on all components, in-process materials, and drug products.

§ 211.196 Distribution records.

Distribution records shall contain the name and address of the consignee, date and quantity shipped, and lot or control number of the drug product.

§ 211.198 Complaint files.

(a) All written and oral complaints regarding a drug product shall be reviewed by the quality control unit and a determination made as to whether or not an investigation is necessary. Any complaint involving the possible failure of a drug product to meet any of its specifications shall be investigated in accordance with § 211.192.

(b) A written record of each complaint and investigation shall be maintained in a file designated for drug product complaints. The written record shall include the name and strength of the drug product, lot number, name of complainant, nature of complaint, and reply to complainant. Where an investigation is made, the record shall include the findings of the investigation and followup. Where no investigation is made, the record shall include the reason that an investigation was unnecessary and the name of the responsible person making such a determination. The record shall be maintained for at least 2 years after the expiration date of the drug product. Companies that have more than one establishment shall maintain a copy of each complaint record at the establishment where the drug product involved was manufactured, processed, or packed (but not necessarily at every establishment where held only).

Subpart K—Returned and Salvaged Drug Products

§ 211.204 Returned drug products.

Returned drug products shall be identified as such and held. If the conditions under which returned drug products have been held, stored, or shipped before or during their return, or if the condition of the drug product, its container, carton, or labeling, as a result of storage or shipping, cast doubt on the safety, identity, strength, quality, or purity of the drug product or its bioavailability, the returned drug product shall be destroyed unless examination, testing, or other investigations prove the drug product meets appropriate standards of safety, identity, strength, quality, or purity. If the drug product is not destroyed, it may be reprocessed provided the subsequent drug product meets appropriate standards, specifications, and characteristics. Records of returned drug products shall be maintained and shall include the name and label potency of the drug product dosage form, lot number (or control number or batch number), quantity returned, date of disposition, and ultimate disposition of the returned drug product. If the reason for a drug product being returned implicates associated batches, an appropriate investigation shall be conducted in accordance with the requirements of § 211.192. Procedures for the holding, testing, and reprocessing of returned drug products shall be in writing and shall be followed.

§ 211.208 Drug products salvaging.

Drug products that have been subjected to prolonged or improper storage or to abnormal environmental conditions such as extremes in temperature, humidity, smoke, fumes, pressure, age, or radiation due to natural disasters, fires, accidents, or equipment failures shall not be salvaged and returned to the marketplace. Whenever there is a question that drug products may have been subjected to such conditions, salvaging operations may be conducted only if there is (a) evidence from laboratory tests and assays (including animal feeding studies where applicable) that the drug product meets all applicable standards of identity, strength, quality, and purity and (b) evidence from inspection of the premises that the drug products and their associated packaging were not subjected to prolonged or improper storage or abnormal environmental conditions as a result of the disaster or accident. Organoleptic examinations shall be acceptable only as supplemental evidence that the drug products have maintained their original identity, strength, quality, and purity.

PART 229—CURRENT GOOD MANUFACTURING PRACTICE FOR CERTAIN OTHER DRUG PRODUCTS

§ 229.25 [Revoked]

6. By revoking § 229.25.

Interested persons may, on or before June 14, 1976, submit to the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate and identified with the Hearing Clerk docket number found in brackets in the heading of this document) regarding this proposal. Received comments may be seen in the above office during working hours, Monday through Friday. Ordinarily 60 days is provided for comment on a proposal, although the Commissioner can reduce or extend this time period for good cause. Because of the nature and extent of revisions being proposed, the Commissioner has concluded that 120 days should be allowed for public comment. In the absence of extraordinary circumstances, no extension of time for comment will be granted.

NOTE: It is hereby certified that the economic and inflationary effects of this proposal have been carefully evaluated in accordance with Executive Order No. 11821.

Dated: February 3, 1976.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.76-4113 Filed 2-12-76;8:45 am]

federal register

FRIDAY, FEBRUARY 13, 1976



PART III:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

MEDICAL DEVICES

Reorganization, Republication and Recodification

Title 21—Food and Drugs

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

[Recodification Docket No. 11]

SUBCHAPTER H—MEDICAL DEVICES

REORGANIZATION AND REPUBLICATION

The Commissioner of Food and Drugs, for the purposes of establishing an orderly development of informative regulations for the Food and Drug Administration, furnishing ample room for expansion of such regulations in years ahead, and providing the public and affected industries with regulations that are easy to find, read, and understand, has initiated a recodification program for Chapter I of Title 21 of the Code of Federal Regulations.

This is the eleventh document in a series of recodification documents that will eventually include all regulations administered by the Food and Drug Administration.

In this document, the medical device regulations formerly found under Subchapters A, C, and D of Chapter I, Title 21, have been centralized under a new Subchapter H—Medical Devices, Parts 800–899.

Sections dealing exclusively with medical devices are transferred from Parts 3 (§§ 3.49, 3.96), 201 (§§ 201.109, 201.405, 201.410), 328 (§§ 328.3 through 328.35), and 369 (§ 369.30) to Subchapter H. There were some sections under Part 201 (indicated with an asterisk in the conversion table below) that combined medical device regulations with drug regulations. Portions applicable to devices in these sections are recodified in this document under Part 801, and the language in these sections applicable to drugs remains in the existing locations as set out in the cross-referencing document published elsewhere in this issue of the FEDERAL REGISTER.

The following table shows the relationship of the former CFR section numbers under Subchapters C and D to their redesignation reflected in Parts 801 and 809:

Old section	*New section*
3.49	801.408
3.96	801.415
201.1*	801.1
201.5*	801.5
201.6*	801.6
201.15*	801.15
201.16*	801.16
201.60*	801.60
201.61*	801.61
201.62*	801.62
201.109	801.109
201.110*	801.110
201.116*	801.116
201.119*	801.119
201.122*	801.122
201.125*	801.125
201.127*	801.127
201.128*	801.4
201.150*	801.150
201.405	801.405
201.410	801.410
328.3	809.3
328.4	809.4
328.10	809.10
328.20	809.20
328.30	809.30
328.34	809.34
328.35	809.35
369.30	801.403

The changes being made are nonsubstantive in nature and for this reason notice and public procedure are not prerequisites to this promulgation. For the convenience of the user, the entire text of Parts 801 and 809 of Subchapter H are set forth below.

Dated: February 9, 1976.

SAM D. FINE,
Associate Commissioner for Compliance.

Therefore 21 CFR is amended by redesignating §§ 3.49 and 3.96, portions of Part 201 of Subchapter C, Part 328 of Subchapter D, and § 369.30 as Parts 801 and 809 of Subchapter H—Medical Devices, republished to read as follows:

SUBCHAPTER H—MEDICAL DEVICES

Part

801 Labeling.
809 In Vitro Diagnostic Products for Human Use.

PART 801—LABELING

Subpart A—General Labeling Provisions

Sec.
801.1 Medical devices; name and place of business of manufacturer, packer or distributor.
801.4 Meaning of "intended uses."
801.5 Medical devices; adequate directions for use.
801.6 Medical devices; misleading statements.
801.15 Medical devices; prominence of required label statements.
801.16 Medical devices; Spanish-language version of certain required statements.

Subpart B—[Reserved]

Subpart C—Labeling Requirements for Over-the-Counter Devices

801.60 Principal display panel.
801.61 Statement of identity.
801.62 Declaration of net quantity of contents.

Subpart D—Exemptions From Adequate Directions for Use

801.109 Prescription devices.
801.110 Retail exemption for prescription devices.
801.116 Medical devices having commonly known directions.
801.119 In vitro diagnostic products.
801.122 Medical devices for processing, repacking, or manufacturing.
801.125 Medical devices for use in teaching, law enforcement, research, and analysis.
801.127 Medical devices; expiration of exemptions.

Subpart E—Other Exemptions

801.150 Medical devices; processing, labeling, or repacking.

Subpart F—[Reserved]

Subpart G—[Reserved]

Subpart H—Special Requirements for Specific Devices

801.403 Specific medical devices; recommended warning and caution statements.
801.405 Labeling of articles intended for lay use in the repairing and/or refitting of dentures.
801.408 Pessaries for intracervical and intrauterine use.
801.410 Use of impact-resistant lenses in eyeglasses and sunglasses.
801.415 Maximum acceptable level of ozone.

AUTHORITY: Sec. 701, 52 Stat. 1055–1056 as amended (21 U.S.C. 371) unless otherwise noted.

Subpart A—General Labeling Provisions

§ 801.1 Medical devices; name and place of business of manufacturer, packer or distributor.

(a) The label of a device in package form shall specify conspicuously the name and place of business of the manufacturer, packer, or distributor.

(b) The requirement for declaration of the name of the manufacturer, packer, or distributor shall be deemed to be satisfied, in the case of a corporation, only by the actual corporate name which may be preceded or followed by the name of the particular division of the corporation. Abbreviations for "Company," "Incorporated," etc., may be used and "The" may be omitted. In the case of an individual, partnership, or association, the name under which the business is conducted shall be used.

(c) Where a device is not manufactured by the person whose name appears on the label, the name shall be qualified by a phrase that reveals the connection such person has with such device; such as, "Manufactured for _____", "Distributed by _____", or any other wording that expresses the facts.

(d) The statement of the place of business shall include the street address, city, State, and ZIP Code; however, the street address may be omitted if it is shown in a current city directory or telephone directory. The requirement for inclusion of the ZIP Code shall apply only to consumer commodity labels developed or revised after the effective date of this section. In the case of nonconsumer packages, the ZIP Code shall appear on either the label or the labeling (including the invoice).

(e) If a person manufactures, packs, or distributes a device at a place other than his principal place of business, the label may state the principal place of business in lieu of the actual place where such device was manufactured or packed or is to be distributed, unless such statement would be misleading.

§ 801.4 Meaning of "intended uses."

The words "intended uses" or words of similar import in §§ 801.5, 801.119, and 801.122 refer to the objective intent of the persons legally responsible for the labeling of devices. The intent is determined by such persons' expressions or may be shown by the circumstances surrounding the distribution of the article. This objective intent may, for example, be shown by labeling claims, advertising matter, or oral or written statements by such persons or their representatives. It may be shown by the circumstances that the article is, with the knowledge of such persons or their representatives, offered and used for a purpose for which it is neither labeled nor advertised. The intended uses of an article may change after it has

been introduced into interstate commerce by its manufacturer. If, for example, a packer, distributor, or seller intends an article for different uses than those intended by the person from whom he received the devices, such packer, distributor, or seller is required to supply adequate labeling in accordance with the new intended uses. But if a manufacturer knows, or has knowledge of facts that would give him notice that a device introduced into interstate commerce by him is to be used for conditions, purposes, or uses other than the ones for which he offers it, he is required to provide adequate labeling for such a device which accords with such other uses to which the article is to be put.

§ 801.5 Medical devices; adequate directions for use.

"Adequate directions for use" means directions under which the layman can use a device safely and for the purposes for which it is intended. Section 801.4 defines "intended use." Directions for use may be inadequate because, among other reasons, of omission, in whole or in part, or incorrect specification of:

(a) Statements of all conditions, purposes, or uses for which such device is intended, including conditions, purposes, or uses for which it is prescribed, recommended, or suggested in its oral, written, printed, or graphic advertising, and conditions, purposes, or uses for which the device is commonly used; except that such statements shall not refer to conditions, uses, or purposes for which the device can be safely used only under the supervision of a practitioner licensed by law and for which it is advertised solely to such practitioner.

(b) Quantity of dose, including usual quantities for each of the uses for which it is intended and usual quantities for persons of different ages and different physical conditions.

(c) Frequency of administration or application.

(d) Duration of administration or application.

(e) Time of administration or application, in relation to time of meals, time of onset of symptoms, or other time factors.

(f) Route or method of administration or application.

(g) Preparation for use, i.e., adjustment of temperature, or other manipulation or process.

§ 801.6 Medical devices; misleading statements.

Among representations in the labeling of a device which render such drug misbranded is a false or misleading representation with respect to another device or a drug or food or cosmetic.

§ 801.15 Medical devices; prominence of required label statements.

(a) A word, statement, or other information required by or under authority of the act to appear on the label may lack that prominence and conspicuousness required by section 502(c) of the act by reason, among other reasons, of:

(1) The failure of such word, statement, or information to appear on the part or panel of the label which is presented or displayed under customary conditions of purchase;

(2) The failure of such word, statement, or information to appear on two or more parts or panels of the label, each of which has sufficient space therefor, and each of which is so designed as to render it likely to be, under customary conditions of purchase, the part or panel displayed;

(3) The failure of the label to extend over the area of the container or package available for such extension, so as to provide sufficient label space for the prominent placing of such word, statement, or information;

(4) Insufficiency of label space for the prominent placing of such word, statement, or information, resulting from the use of label space for any word, statement, design, or device which is not required by or under authority of the act to appear on the label;

(5) Insufficiency of label space for the prominent placing of such word, statement, or information, resulting from the use of label space to give materially greater conspicuousness to any other word, statement, or information, or to any design or device; or

(6) Smallness or style of type in which such word, statement, or information appears, insufficient background contrast, obscuring designs or vignettes, or crowding with other written, printed, or graphic matter.

(b) No exemption depending on insufficiency of label space, as prescribed in regulations promulgated under section 502(b) of the act, shall apply if such insufficiency is caused by:

(1) The use of label space for any word, statement, design, or device which is not required by or under authority of the act to appear on the label;

(2) The use of label space to give greater conspicuousness to any word, statement, or other information than is required by section 502(c) of the act; or

(3) The use of label space for any representation in a foreign language.

(c)(1) All words, statements, and other information required by or under authority of the act to appear on the label or labeling shall appear thereon in the English language: *Provided, however,* That in the case of articles distributed solely in the Commonwealth of Puerto Rico or in a Territory where the predominant language is one other than English, the predominant language may be substituted for English.

(2) If the label contains any representation in a foreign language, all words, statements, and other information required by or under authority of the act to appear on the label shall appear thereon in the foreign language.

(3) If the labeling contains any representation in a foreign language, all words, statements, and other information required by or under authority of the act to appear on the label or labeling shall appear on the labeling in the foreign language.

§ 801.16 Medical devices; Spanish-language version of certain required statements.

If devices restricted to prescription use only are labeled solely in Spanish for distribution in the Commonwealth of Puerto Rico where Spanish is the predominant language, such labeling is authorized under § 801.15(c).

Subpart B—[Reserved]

Subpart C—Labeling Requirements for Over-the-Counter Devices

§ 801.60 Principal display panel.

The term "principal display panel," as it applies to over-the-counter devices in package form and as used in this part, means the part of a label that is most likely to be displayed, presented, shown, or examined under customary conditions of display for retail sale. The principal display panel shall be large enough to accommodate all the mandatory label information required to be placed thereon by this part with clarity and conspicuousness and without obscuring designs, vignettes, or crowding. Where packages bear alternate principal display panels, information required to be placed on the principal display panel shall be duplicated on each principal display panel. For the purpose of obtaining uniform type size in declaring the quantity of contents for all packages of substantially the same size, the term "area of the principal display panel" means the area of the side or surface that bears the principal display panel, which area shall be:

(a) In the case of a rectangular package where one entire side properly can be considered to be the principal display panel side, the product of the height times the width of that side;

(b) In the case of a cylindrical or nearly cylindrical container, 40 percent of the product of the height of the container times the circumference; and

(c) In the case of any other shape of container, 40 percent of the total surface of the container: *Provided, however,* That where such container presents an obvious "principal display panel" such as the top of a triangular or circular package, the area shall consist of the entire top surface.

In determining the area of the principal display panel, exclude tops, bottoms, flanges at the tops and bottoms of cans, and shoulders and necks of bottles or jars. In the case of cylindrical or nearly cylindrical containers, information required by this part to appear on the principal display panel shall appear within that 40 percent of the circumference which is most likely to be displayed, presented, shown, or examined under customary conditions of display for retail sale.

§ 801.61 Statement of identity.

(a) The principal display panel of an over-the-counter device in package form shall bear as one of its principal features a statement of the identity of the commodity.

(b) Such statement of identity shall be in terms of the common name of the device followed by an accurate statement of the principal intended action(s) of the device. Such statement shall be placed in direct conjunction with the most prominent display of the name and shall employ terms descriptive of the principal intended action(s). The indications for use shall be included in the directions for use of the device, as required by section 502(f)(1) of the act and by the regulations in this part.

(c) The statement of identity shall be presented in bold face type on the principal display panel, shall be in a size reasonably related to the most prominent printed matter on such panel, and shall be in lines generally parallel to the base on which the package rests as it is designed to be displayed.

§ 801.62 Declaration of net quantity of contents.

(a) The label of an over-the-counter device in package form shall bear a declaration of the net quantity of contents. This shall be expressed in the terms of weight, measure, numerical count, or a combination of numerical count and weight, measure, or size: *Provided*, That:

(1) In the case of a firmly established general consumer usage and trade custom of declaring the quantity of a device in terms of linear measure or measure of area, such respective term may be used. Such term shall be augmented when necessary for accuracy of information by a statement of the weight, measure, or size of the individual units or of the entire device.

(2) If the declaration of contents for a device by numerical count does not give accurate information as to the quantity of the device in the package, it shall be augmented by such statement of weight, measure, or size of the individual units or of the total weight, measure, or size of the device as will give such information; for example, "100 tongue depressors, adult size", "1 rectal syringe, adult size", etc. Whenever the Commissioner determines for a specific packaged device that an existing practice of declaring net quantity of contents by weight, measure, numerical count, or a combination of these does not facilitate value comparisons by consumers, he shall by regulation designate the appropriate term or terms to be used for such article.

(b) Statements of weight of the contents shall be expressed in terms of avoirdupois pound and ounce. A statement of liquid measure of the contents shall be expressed in terms of the U.S. gallon of 231 cubic inches and quart, pint, and fluid-ounce subdivisions thereof, and shall express the volume at 68° F (20° C). See also paragraph (p) of this section.

(c) The declaration may contain common or decimal fractions. A common fraction shall be in terms of halves, quarters, eighths, sixteenths, or thirty-seconds; except that if there exists a firmly established, general consumer usage and trade custom of employing different common fractions in the net quantity declaration of a particular commodity, they may be employed. A common fraction shall be reduced to its lowest terms; a decimal fraction shall not be carried out to more than two places. A statement that includes small fractions of an ounce shall be deemed to permit smaller variations than one which does not include such fractions.

(d) The declaration shall be located on the principal display panel of the label, and with respect to packages bearing alternate principal panels it shall be duplicated on each principal display panel.

(e) The declaration shall appear as a distinct item on the principal display panel, shall be separated, by at least a space equal to the height of the lettering used in the declaration, from other printed label information appearing above or below the declaration and, by at least a space equal to twice the width of the letter "N" of the style of type used in the quantity of contents statement, from other printed label information appearing to the left or right of the declaration. It shall not include any term qualifying a unit of weight, measure, or count, such as "giant pint" and "full quart", that tends to exaggerate. It shall be placed on the principal display panel within the bottom 30 percent of the area of the label panel in lines generally parallel to the base on which the package rests as it is designed to be displayed: *Provided*, That:

(1) On packages having a principal display panel of 5 square inches or less the requirement for placement within the bottom 30 percent of the area of the label panel shall not apply when the declaration of net quantity of contents meets the other requirements of this part; and

(2) In the case of a device that is marketed with both outer and inner retail containers bearing the mandatory label information required by this part and the inner container is not intended to be sold separately, the net quantity of contents placement requirement of this section applicable to such inner container is waived.

(3) The principal display panel of a device marketed on a display card to which the immediate container is affixed may be considered to be the display panel of the card, and the type size of the net quantity of contents statement is governed by the dimensions of the display card.

(f) The declaration shall accurately reveal the quantity of device in the package exclusive of wrappers and other material packed therewith.

(g) The declaration shall appear in conspicuous and easily legible boldface print or type in distinct contrast (by typography, layout, color, embossing, or molding) to other matter on the package; except that a declaration of net quantity blown, embossed, or molded on a glass or plastic surface is permissible when all label information is so formed on the surface. Requirements of conspicuousness and legibility shall include the specifications that:

(1) The ratio of height to width of the letter shall not exceed a differential of 3 units to 1 unit, i.e., no more than 3 times as high as it is wide.

(2) Letter heights pertain to upper case or capital letters. When upper and lower case or all lower case letters are used, it is the lower case letter "o" or its equivalent that shall meet the minimum standards.

(3) When fractions are used, each component numeral shall meet one-half the minimum height standards.

(h) The declaration shall be in letters and numerals in a type size established in relationship to the area of the principal display panel of the package and shall be uniform for all packages of substantially the same size by complying with the following type specifications:

(1) Not less than one-sixteenth inch in height on packages the principal display panel of which has an area of 5 square inches or less.

(2) Not less than one-eighth inch in height on packages the principal display panel of which has an area of more than 5 but not more than 25 square inches.

(3) Not less than three-sixteenths inch in height on packages the principal display panel of which has an area of more than 25 but not more than 100 square inches.

(4) Not less than one-fourth inch in height on packages the principal display panel of which has an area of more than 100 square inches, except not less than one-half inch in height if the area is more than 400 square inches.

Where the declaration is blown, embossed, or molded on a glass or plastic surface rather than by printing, typing, or coloring, the lettering sizes specified in paragraphs (h)(1) through (4) of this section shall be increased by one-sixteenth of an inch.

(i) On packages containing less than 4 pounds or 1 gallon and labeled in terms of weight or fluid measure:

(1) The declaration shall be expressed both in ounces, with identification by weight or by liquid measure and, if applicable (1 pound or 1 pint or more) followed in parentheses by a declaration in pounds for weight units, with any remainder in terms of ounces or common or decimal fractions of the pound (see examples set forth in paragraph (k)(1) and (2) of this section), or in the case of liquid measure, in the largest whole units (quarts, quarts and pints, or pints, as appropriate) with any remainder in terms of fluid ounces or common or decimal fractions of the pint or quart (see examples set forth in paragraph (k)(3) and (4) of this section). If the net weight of the package is less than 1 ounce avoirdupois or the net fluid measure is less than 1 fluid ounce, the declaration shall be in terms of common or decimal fractions of the respective ounce and not in terms of drams.

(2) The declaration may appear in more than one line. The term "net weight" shall be used when stating the net quantity of contents in terms of

weight. Use of the terms "net" or "net contents" in terms of fluid measure or numerical count is optional. It is sufficient to distinguish avoirdupois ounce from fluid ounce through association of terms; for example, "Net wt. 6 oz" or "6 oz net wt.," and "6 fl oz" or "net contents 6 fl oz."

(j) On packages containing 4 pounds or 1 gallon or more and labeled in terms of weight or fluid measure, the declaration shall be expressed in pounds for weight units with any remainder in terms of ounces or common or decimal fractions of the pound; in the case of fluid measure, it shall be expressed in the largest whole unit, i.e., gallons, followed by common or decimal fractions of a gallon or by the next smaller whole unit or units (quarts or quarts and pints), with any remainder in terms of fluid ounces or common or decimal fractions of the pint or quart; see paragraph (k)(5) of this section.

(k) Examples:

(1) A declaration of 1½ pounds weight shall be expressed as "Net wt. 24 oz (1 lb 8 oz)," or "Net wt. 24 oz (1½ lb)" or "Net wt. 24 oz (1.5 lb)."

(2) A declaration of three-fourths pound avoirdupois weight shall be expressed as "Net wt. 12 oz".

(3) A declaration of 1 quart liquid measure shall be expressed as "Net contents 32 fl oz (1 qt)" or "32 fl oz (1 qt)."

(4) A declaration of 1¾ quarts liquid measure shall be expressed as, "Net contents 56 fl oz (1 qt 1 pt 8 oz)" or "Net contents 56 fl oz (1 qt 1.5 pt)," but not in terms of quart and ounce such as "Net contents 56 fl oz (1 qt 24 oz)."

(5) A declaration of 2½ gallons liquid measure shall be expressed as "Net contents 2 gal 2 qt", "Net contents 2.5 gallons," or "Net contents 2½ gal" but not as "2 gal 4 pt".

(l) For quantities, the following abbreviations and none other may be employed. Periods and plural forms are optional:

gallon gal	milliliter ml
quart qt	cubic centimeter cc
pint pt	yard yd
ounce oz	feet or foot ft
pound lb	inch in
grain gr	meter m
kilogram kg	centimeter cm
gram g	millimeter mm
milligram mg	fluid fl
microgram mcg	square sq
liter l	weight wt

(m) On packages labeled in terms of linear measure, the declaration shall be expressed both in terms of inches and, if applicable (1 foot or more), the largest whole units (yards, yards and feet, feet). The declaration in terms of the largest whole units shall be in parentheses following the declaration in terms of inches and any remainder shall be in terms of inches or common or decimal fractions of the foot or yard; if applicable, as in the case of adhesive tape, the initial declaration in linear inches shall be preceded by a statement of the width. Examples of linear measure are "86 inches (2 yd 1 ft 2 in)", "90 inches (2½ yd)", "30 inches (2.5 ft)", "¾ inch by 36 in (1 yd)", etc.

(n) On packages labeled in terms of area measure, the declaration shall be expressed both in terms of square inches and, if applicable (1 square foot or more), the largest whole square unit (square yards, square yards and square feet, square feet). The declaration in terms of the largest whole units shall be in parentheses following the declaration in terms of square inches and any remainder shall be in terms of square inches or common or decimal fractions of the square foot or square yard; for example, "158 sq inches (1 sq ft 14 sq in)".

(o) Nothing in this section shall prohibit supplemental statements at locations other than the principal display panel(s) describing in nondeceptive terms the net quantity of contents, provided that such supplemental statements of net quantity of contents shall not include any term qualifying a unit of weight, measure, or count that tends to exaggerate the amount of the device contained in the package; for example, "giant pint" and "full quart". Dual or combination declarations of net quantity of contents as provided for in paragraphs (a) and (i) of this section are not regarded as supplemental net quantity statements and shall be located on the principal display panel.

(p) A separate statement of net quantity of contents in terms of the metric system of weight or measure is not regarded as a supplemental statement and an accurate statement of the net quantity of contents in terms of the metric system of weight or measure may also appear on the principal display panel or on other panels.

(q) The declaration of net quantity of contents shall express an accurate statement of the quantity of contents of the package. Reasonable variations caused by loss or gain of moisture during the course of good distribution practice or by unavoidable deviations in good manufacturing practice will be recognized. Variations from stated quantity of contents shall not be unreasonably large.

Subpart D—Exemptions From Adequate Directions for Use

§ 801.109 Prescription devices.

A device which, because of any potentiality for harmful effect, or the method of its use, or the collateral measures necessary to its use is not safe except under the supervision of a practitioner licensed by law to direct the use of such device, and hence for which "adequate directions for use" cannot be prepared, shall be exempt from section 502(f)(1) of the act if all the following conditions are met:

(a) The device is:

(1)(i) In the possession of a person, or his agents or employees, regularly and lawfully engaged in the manufacture, transportation, storage, or wholesale or retail distribution of such device; or

(ii) In the possession of a practitioner, such as physicians, dentists, and veterinarians, licensed by law to use or order the use of such device; and

(2) Is to be sold only to or on the prescription or other order of such practitioner for use in the course of his professional practice.

(b) The label of the device, other than surgical instruments, bears:

(1) The statement "Caution: Federal law restricts this device to sale by or on the order of a _____", the blank to be filled with the word "physician", "dentist", "veterinarian", or with the descriptive designation of any other practitioner licensed by the law of the State in which he practices to use or order the use of the device; and

(2) The method of its application or use.

(c) Labeling on or within the package from which the device is to be dispensed bears information for use, including indications, effects, routes, methods, and frequency and duration of administration, and any relevant hazards, contraindications, side effects, and precautions under which practitioners licensed by law to administer the device can use the device safely and for the purpose for which it is intended, including all purposes for which it is advertised or represented: *Provided, however*, That such information may be omitted from the dispensing package if, but only if, the article is a device for which directions, hazards, warnings, and other information are commonly known to practitioners licensed by law to use the device. Upon written request, stating reasonable grounds therefor, the Commissioner will offer an opinion on a proposal to omit such information from the dispensing package under this proviso.

(d) Any labeling, as defined in section 201(m) of the act, whether or not it is on or within a package from which the device is to be dispensed, distributed by or on behalf of the manufacturer, packer, or distributor of the device, that furnishes or purports to furnish information for use of the device contains adequate information for such use, including indications, effects, routes, methods, and frequency and duration of administration and any relevant hazards, contraindications, side effects, and precautions, under which practitioners licensed by law to employ the device can use the device safely and for the purposes for which it is intended, including all purposes for which it is advertised or represented. This information will not be required on so-called reminder-piece labeling which calls attention to the name of the device but does not include indications or other use information.

(e) All labeling, except labels and cartons, bearing information for use of the device also bears the date of the issuance or the date of the latest revision of such labeling.

§ 801.110 Retail exemption for prescription devices.

A device subject to § 801.109 shall be exempt at the time of delivery to the ultimate purchaser or user from sec-

tion 502(f)(1) of the act if it is delivered by a licensed practitioner in the course of his professional practice or upon a prescription or other order lawfully issued in the course of his professional practice, with labeling bearing the name and address of such licensed practitioner and the directions for use and cautionary statements, if any, contained in such order.

§ 801.116 Medical devices having commonly known directions.

A device shall be exempt from section 502(f)(1) of the act insofar as adequate directions for common uses thereof are known to the ordinary individual.

§ 801.119 In vitro diagnostic products.

A product intended for use in the diagnosis of disease and which is an in vitro diagnostic product as defined in § 809.3(a) of this chapter shall be deemed to be in compliance with the requirements of this section and section 502(f)(1) of the act if it meets the requirements of § 809.10 of this chapter.

§ 801.122 Medical devices for processing, repacking, or manufacturing.

A device intended for processing, repacking, or use in the manufacture of another drug or device shall be exempt from section 502(f)(1) of the act if its label bears the statement "Caution: For manufacturing, processing, or repacking".

§ 801.125 Medical devices for use in teaching, law enforcement, research, and analysis.

A device subject to § 801.109 shall be exempt from section 502(f)(1) of the act if shipped or sold to, or in the possession of, persons regularly and lawfully engaged in instruction in pharmacy, chemistry, or medicine not involving clinical use, or engaged in law enforcement, or in research not involving clinical use, or in chemical analysis, or physical testing, and is to be used only for such instruction, law enforcement, research, analysis, or testing.

§ 801.127 Medical devices; expiration of exemptions.

(a) If a shipment or delivery, or any part thereof, of a device which is exempt under the regulations in this section is made to a person in whose possession the article is not exempt, or is made for any purpose other than those specified, such exemption shall expire, with respect to such shipment or delivery or part thereof, at the beginning of that shipment or delivery. The causing of an exemption to expire shall be considered an act which results in such device being misbranded unless it is disposed of under circumstances in which it ceases to be a drug or device.

(b) The exemptions conferred by §§ 801.119, 801.122, and 801.125 shall continue until the devices are used for the purposes for which they are exempted, or until they are relabeled to comply with section 502(f)(1) of the act. If, however, the device is converted, or manufactured into a form limited to prescription dispensing, no exemption shall thereafter apply to the article unless the device is labeled as required by § 801.109.

Subpart E—Other Exemptions

§ 801.150 Medical devices; processing, labeling, or repacking.

(a) Except as provided by paragraphs (b) and (c) of this section, a shipment or other delivery of a device which is, in accordance with the practice of the trade, to be processed, labeled, or repacked in substantial quantity at an establishment other than that where originally processed or packed, shall be exempt, during the time of introduction into and movement in interstate commerce and the time of holding in such establishment, from compliance with the labeling and packaging requirements of section 502 (b) and (f) of the act if:

(1) The person who introduced such shipment or delivery into interstate commerce is the operator of the establishment where such device is to be processed, labeled, or repacked; or

(2) In case such person is not such operator, such shipment or delivery is made to such establishment under a written agreement, signed by and containing the post-office addresses of such person and such operator, and containing such specifications for the processing, labeling, or repacking, as the case may be, of such device in such establishment as will insure, if such specifications are followed, that such device will not be adulterated or misbranded within the meaning of the act upon completion of such processing, labeling, or repacking. Such person and such operator shall each keep a copy of such agreement until 2 years after the final shipment or delivery of such device from such establishment, and shall make such copies available for inspection at any reasonable hour to any officer or employee of the Department who requests them.

(b) An exemption of a shipment or other delivery of a device under paragraph (a)(1) of this section shall, at the beginning of the act of removing such shipment or delivery, or any part thereof, from such establishment, become void ab initio if the device comprising such shipment, delivery, or part is adulterated or misbranded within the meaning of the act when so removed.

(c) An exemption of a shipment or other delivery of a device under paragraph (a)(2) of this section shall become void ab initio with respect to the person who introduced such shipment or delivery into interstate commerce upon refusal by such person to make available for inspection a copy of the agreement, as required by such paragraph (a)(2).

(d) An exemption of a shipment or other delivery of a device under paragraph (a)(2) of this section shall expire:

(1) At the beginning of the act of removing such shipment or delivery, or any part thereof, from such establishment if the device comprising such shipment, delivery, or part is adulterated or misbranded within the meaning of the act when so removed; or

(2) Upon refusal by the operator of the establishment where such device is to be processed, labeled, or repacked, to make available for inspection a copy of the agreement, as required by such clause.

(e) As it is a common industry practice to manufacture and/or assemble, package, and fully label a device as sterile at one establishment and then ship such device in interstate commerce to another establishment or to a contract sterilizer for sterilization, the Food and Drug Administration will initiate no regulatory action against the device as misbranded or adulterated when the nonsterile device is labeled sterile, provided all the following conditions are met:

(1) There is in effect a written agreement which:

(i) Contains the names and post office addresses of the firms involved and is signed by the person authorizing such shipment and the operator or person in charge of the establishment receiving the devices for sterilization.

(ii) Provides instructions for maintaining proper records or otherwise accounting for the number of units in each shipment to insure that the number of units shipped is the same as the number received and sterilized.

(iii) Acknowledges that the device is nonsterile and is being shipped for further processing, and

(iv) States in detail the sterilization process, the gaseous mixture or other media, the equipment, and the testing method or quality controls to be used by the contract sterilizer to assure that the device will be brought into full compliance with the Federal Food, Drug, and Cosmetic Act.

(2) Each pallet, carton, or other designated unit is conspicuously marked to show its nonsterile nature when it is introduced into and is moving in interstate commerce, and while it is being held prior to sterilization. Following sterilization, and until such time as it is established that the device is sterile and can be released from quarantine, each pallet, carton, or other designated unit is conspicuously marked to show that it has not been released from quarantine, e.g., "sterilized—awaiting test results" or an equivalent designation.

Subpart F—[Reserved]

Subpart G—[Reserved]

Subpart H—Special Requirements for Specific Devices

§ 801.403 Specific medical devices; recommended warning and caution statements.

DENTURE RELINERS, PADS, AND CUSHIONS.

Warning—For temporary use only. Long term use of this product may lead to faster bone loss, continuing irritation, sores, and tumors. For Use Only Until A Dentist Can Be Seen.

DENTURE REPAIR KITS.

Warning—For emergency repairs only. Long term use of home-repaired dentures may cause faster bone loss, continuing irritation, sores, and tumors. This

kit for emergency use only. See Dentist Without Delay.

INFRARED GENERATORS (INCLUDING HEATING PADS).

Warning—Use carefully. May cause serious burns. Do not use over insensitive skin areas or in the presence of poor circulation. The unattended use of infrared heat by children or incapacitated persons may be dangerous.

INSULIN SYRINGES.

Warning—For patients who mix two types of insulin: Do not change: (a) The order of mixing that the physician has prescribed or (b) the model and brand of the syringe or needle without first consulting your physician or pharmacist. Failure to heed this warning can result in dosage error.

MECHANICAL MASSAGERS AND VIBRATORS.

Warning—This device should not be used over swollen or inflamed areas or skin eruptions. Do not use in unexplained calf pain. Consult physician.

STEAM OR TURKISH BATH.

Warning—Elderly persons or those suffering from heart disease or high blood pressure should not use this device unless directed by physician.

ULTRAVIOLET GENERATORS.

Warning—Wear protective goggles during use to avoid eye injury. Serious burns may be caused by exposure in excess of recommended dosage. Do not use over skin eruptions unless directed by physician.

Effective date. The labeling of all individual insulin syringes introduced into interstate commerce after July 6, 1976, shall comply with this regulation.

§ 801.405 Labeling of articles intended for lay use in the repairing and/or refitting of dentures.

(a) The American Dental Association and leading dental authorities have advised the Food and Drug Administration of their concern regarding the safety of denture reliners, repair kits, pads, cushions, and other articles marketed and labeled for lay use in the repairing, refitting, or cushioning of ill-fitting, broken, or irritating dentures. It is the opinion of dental authorities and the Food and Drug Administration that to properly repair and properly refit dentures a person must have professional knowledge and specialized technical skill. Laymen cannot be expected to maintain the original vertical dimension of occlusion and the centric relation essential in the proper repairing or refitting of dentures. The continued wearing of improperly repaired or refitted dentures may cause acceleration of bone resorption, soft tissue hyperplasia, and other irreparable damage to the oral cavity. Such articles designed for lay use should be limited to emergency or temporary situations pending the services of a licensed dentist.

(b) The Food and Drug Administration therefore regards such articles as unsafe and misbranded under the Federal Food, Drug, and Cosmetic Act, unless the labeling:

(1) (i) Limits directions for use for denture repair kits to emergency repairing pending unavoidable delay in obtaining professional reconstruction of the denture;

(ii) Limits directions for use for denture reliners, pads, and cushions to temporary refitting pending unavoidable delay in obtaining professional reconstruction of the denture;

(2) Contains in a conspicuous manner the word "emergency" preceding and modifying each indication-for-use statement for denture repair kits and the word "temporary" preceding and modifying each indication-for-use statement for reliners, pads, and cushions; and

(3) Includes a conspicuous warning statement to the effect:

(i) For denture repair kits: *"Warning—For emergency repairs only.* Long term use of home-repaired dentures may cause faster bone loss, continuing irritation, sores, and tumors. This kit for emergency use only. See Dentist Without Delay."

(ii) For denture reliners, pads, and cushions: *"Warning—For temporary use only.* Longterm use of this product may lead to faster bone loss, continuing irritation, sores, and tumors. For Use Only Until a Dentist Can Be Seen."

(c) Adequate directions for use require full information of the temporary and emergency use recommended in order for the layman to understand the limitations of usefulness, the reasons therefor, and the importance of adhering to the warnings. Accordingly, the labeling should contain substantially the following information:

(1) For denture repair kits: Special training and tools are needed to repair dentures to fit properly. Home-repaired dentures may cause irritation to the gums and discomfort and tiredness while eating. Long term use may lead to more troubles, even permanent changes in bones, teeth, and gums, which may make it impossible to wear dentures in the future. For these reasons, dentures repaired with this kit should be used only in an emergency until a dentist can be seen. Dentures that don't fit properly cause irritation and injury to the gums and faster bone loss, which is permanent. Dentures that don't fit properly cause gum changes that may require surgery for correction. Continuing irritation and injury may lead to cancer in the mouth. You must see your dentist as soon as possible.

(2) For denture reliners, pads, and cushions: Use of these preparations or devices may temporarily decrease the discomfort; however, their use will not make the denture fit properly. Special training and tools are needed to repair a denture to fit properly. Dentures that do not fit properly cause irritation and injury to the gums and faster bone loss, which is permanent and may require a completely new denture. Changes in the gums caused by dentures that do not fit properly may require surgery for correction. Continuing irritation and injury may lead to cancer in the mouth. You must see your dentist as soon as possible.

(3) If the denture relining or repairing material forms a permanent bond with the denture, a warning statement to the following effect should be included: "This reliner becomes fixed to the denture and a completely new denture may be required because of its use."

(d) Labeling claims exaggerating the usefulness or the safety of the material or failing to disclose all facts relevant to the claims of usefulness will be regarded as false and misleading under sections 201(n) and 502(a) of the Federal Food, Drug, and Cosmetic Act.

(e) Regulatory action may be initiated with respect to any article found within the jurisdiction of the act contrary to the provisions of this policy statement after 90 days following the date of publication of this section in the FEDERAL REGISTER.

§ 801.408 Pessaries for intracervical and intrauterine use.

(a) Because of the limited evidence previously available concerning the hazards attending the use of intracervical and intrauterine pessaries, the shipment of such devices within the jurisdiction of the Federal Food, Drug, and Cosmetic Act with labeling limiting them to sale only on prescription, has not been subjected to regulatory proceedings. A recent survey shows that it is now the consensus of medical opinion among experts qualified by scientific training and experience to evaluate the safety of such devices that stem-type and wing-type intercervical and intrauterine pessaries are too dangerous for use under any form of labeling and serve no useful purpose. This opinion is particularly applicable to pessaries offered or intended for contraceptive use. These views do not apply to those pessaries, made with hollow tubes, intended solely for use when necessary to maintain drainage from the uterine cavity.

(b) On the basis of this consensus of expert opinion and the supporting evidence of many known injuries, the Food and Drug Administration concludes that stem-type and wing-type intracervical and intrauterine pessaries are dangerous to health, and regardless of their labeling, may be shown to be misbranded within the meaning of sections 502(f)(1) and (2) and 502(j) of the Federal Food, Drug, and Cosmetic Act. It is recommended that distributors of these devices remove them from the interstate market at once. Regulatory action may be instituted in connection with any such devices found within the jurisdiction of the act.

§ 801.410 Use of impact-resistant lenses in eyeglasses and sunglasses.

(a) Examination of data available on the frequency of eye injuries resulting from the shattering of ordinary crown glass lenses indicate that the use of such lenses constitutes an avoidable hazard to the eye of the wearer.

(b) The consensus of the ophthalmic community is that the number of eye injuries would be substantially reduced

by the use in eyeglasses and sunglasses of either plastic lenses, heat-treated crown glass lenses, or lenses made impact-resistant by other methods.

(c) To protect the public more adequately from potential eye injury, eyeglasses and sunglasses must be fitted with impact-resistant lenses, except in those cases where the physician or optometrist finds that such lenses will not fulfill the visual requirements of the particular patient, directs in writing the use of other lenses and gives written notification thereof to the patient.

(d) The physician or optometrist shall have the option of ordering heat-treated glass lenses, plastic lenses, laminated glass lenses, or glass lenses made impact resistant by other methods; however, all such lenses must be capable of withstanding an impact test in which a 5/8-inch steel ball weighing approximately 0.56 ounces is dropped from a height of 50 inches upon the horizontal upper surface of the lens. The ball shall strike within a 5/8-inch diameter circle located at the geometric center of the lens. The ball may be guided, but not restricted, in its fall by being dropped through a tube extending to within approximately 4 inches of the lens. In order to pass the test, the lens must not fracture; for the purpose of this section, a lens will be considered to have fractured if it cracks through its entire thickness, including a laminar layer, if any, and across a complete diameter into two or more separate pieces or if any lens material visible to the naked eye becomes detached from the ocular surface. The test shall be conducted with the lens supported by a tube (1-inch inside diameter, 1¼-inch outside diameter, and approximately 1-inch high) affixed to a rigid iron or steel base plate. The total weight of the base plate and its rigidly attached fixtures shall be not less than 27 pounds. For lenses of small minimum diameter, a support tube having an outside diameter of less than 1¼ inches may be used. The support tube shall be made of rigid acrylic plastic, steel or other suitable substance and shall have securely bonded on the top edge a 1/8- by 1/8-inch neoprene gasket having a hardness of 40±5, as determined by ASTM Method D 1415 [1]; a minimum tensile strength of 1,200 pounds, as determined by ASTM Method D 412 [1]; and a minimum ultimate elongation of 400 percent, as determined by ASTM Method D 412. The diameter and/or contour of the lens support may be modified as necessary so that the 1/8- by 1/8-inch neoprence gasket supports the lens at its periphery. Each finished impact-resistant glass lens for prescription use shall be subjected to the impact test prescribed by this paragraph. Raised ledge multifocal lenses must be impact-resistant but need not be tested beyond initial design testing. To demonstrate that all other types of impact-resistant lenses, including impact-resistant laminated glass lenses, are capable of withstanding this impact test, the manufacturer of such lenses shall subject to the impact test a statistically significant sampling of lenses from each production batch, and the lenses so tested shall be representative of the finished forms as worn by the wearer, including finished forms that are of minimal lens thickness and have been subjected to any treatment used to impart impact resistance. Plastic prescription and all nonprescription lenses, tested on the basis of statistical significance, may be tested in uncut finished or semifinished form at the point of original manufacture. This statement of policy will be appropriately amended to provide for use of alternate methods of testing the impact resistance of lenses if it can be shown that the alternate method is equal to or superior to the method prescribed in this paragraph.

(e) Copies of invoice(s), shipping document(s), and records of sale or distribution of all impact resistant lenses, including finished eyeglasses and sunglasses, shall be kept and maintained for a period of 3 years; however, the names and addresses of individuals purchasing nonprescription eyeglasses and sunglasses at the retail level need not be kept and maintained by the retailer. The records kept in compliance with this paragraph shall be made available upon request at all reasonable hours by any officer or employee of the Food and Drug Administration or by any other officer or employee acting on behalf of the Secretary of Health, Education, and Welfare and such officer or employee shall be permitted to inspect and copy such records, to make such inventories of stock as he deems necessary, and otherwise to check the correctness of such inventories.

(f) In addition, those persons conducting impact tests in accordance with paragraph (d) of this section, shall keep and maintain the results thereof for a period of 3 years. Such records and results shall be made available, upon request at all reasonable hours by any officer or employee acting on behalf of the Secretary of Health, Education, and Welfare and shall permit such officer or employee to inspect and copy such records, to make such inventories of stock as he deems necessary, and otherwise to check the correctness of such inventories.

(g) For the purpose of this section, the term "manufacturer" includes an importer for resale. Such importer may have the tests required by paragraph (d) of this section conducted in the country of origin but must make the results thereof available, upon request, to the Food and Drug Administration, as soon as practicable.

(h) All lenses must be impact-resistant except when the physician or optometrist finds that impact-resistant lenses will not fulfill the visual requirements for a particular patient.

(i) This statement of policy does not apply to contact lenses.

§ 801.415 Maximum acceptable level of ozone.

(a) Ozone is a toxic gas with no known useful medical application in specific, adjunctive, or preventive therapy. In order for ozone to be effective as a germicide, it must be present in a concentration far greater than that which can be safely tolerated by man and animals.

(b) Although undesirable physiological effects on the central nervous system, heart, and vision have been reported, the predominant physiological effect of ozone is primary irritation of the mucous membranes. Inhalation of ozone can cause sufficient irritation to the lungs to result in pulmonary edema. The onset of pulmonary edema is usually delayed for some hours after exposure; thus, symptomatic response is not a reliable warning of exposure to toxic concentrations of ozone. Since olfactory fatigue develops readily, the odor of ozone is not a reliable index of atmospheric ozone concentration.

(c) A number of devices currently on the market generate ozone by design or as a byproduct. Since exposure to ozone above a certain concentration can be injurious to health, any such device will be considered adulterated and/or misbranded within the meaning of sections 501 and 502 of the act if it is used or intended for use under the following conditions:

(1) In such a manner that it generates ozone at a level in excess of 0.05 part per million by volume of air circulating through the device or causes an accumulation of ozone in excess of 0.05 part per million by volume of air (when measured under standard conditions at 25° C (77° F) and 760 millimeters of mercury) in the atmosphere of enclosed space intended to be occupied by people for extended periods of time, e.g., houses, apartments, hospitals, and offices. This applies to any such device, whether portable or permanent or part of any system, which generates ozone by design or as an inadvertent or incidental product.

(2) To generate ozone and release it into the atmosphere in hospitals or other establishments occupied by the ill or infirm.

(3) To generate ozone and release it into the atmosphere and does not indicate in its labeling the maximum acceptable concentration of ozone which may be generated (not to exceed 0.05 part per million by volume of air circulating through the device) as established herein and the smallest area in which such device can be used so as not to produce an ozone accumulation in excess of 0.05 part per million.

(4) In any medical condition for which there is no proof of safety and effectiveness.

(5) To generate ozone at a level less than 0.05 part per million by volume of air circulating through the device and it is labeled for use as a germicide or deodorizer.

(d) This section does not affect the present threshold limit value of 0.10 part per million (0.2 milligram per cubic meter) of ozone exposure for an 8-hour-day exposure of industrial workers as recommended by the American Conference of Governmental Industrial Hygienists.

[1] Copies may be obtained from: American Society for Testing Materials (ASTM), 1916 Race St., Philadelphia, PA 19103.

(e) The method and apparatus specified in 40 CFR Part 50, or any other equally sensitive and accurate method, may be employed in measuring ozone pursuant to this section.

PART 809—IN VITRO DIAGNOSTIC PRODUCTS FOR HUMAN USE

Subpart A—General Provisions

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AUTHORITY: Sec. 701, 52 Stat. 1055–1056 as amended (21 U.S.C. 371) unless otherwise noted.

Subpart A—General Provisions

§ 809.3 Definitions.

(a) "In vitro diagnostic products" are those reagents, instruments and systems intended for use in the diagnosis of disease or in the determination of the state of health in order to cure, mitigate, treat, or prevent disease or its sequelae. Such products are intended for use in the collection, preparation and examination of specimens taken from the human body. These products are drugs or devices as defined in section 201(g) and 201(h), respectively, of the Federal Food, Drug, and Cosmetic Act (the act) or are a combination of drugs and devices, and may also be a biological product subject to section 351 of the Public Health Service Act.

(b) A "product class" is all those products intended for use for a particular determination or for a related group of determinations or products with common or related characteristics or those intended for common or related uses. A class may be further divided into subclasses when appropriate.

(c) A "product class standard" is a statement describing performance requirements necessary to assure accuracy and reliability of results, specific labeling requirements necessary for the proper use of a particular class, and procedures for testing the product to assure its satisfactory performance.

(d) "Act" means the Federal Food, Drug, and Cosmetic Act.

§ 809.4 Confidentiality of submitted information.

(a) Data and information submitted pursuant to the provisions of § 809.30 or § 809.10(c) and falling within the confidentiality provisions of 18 U.S.C. 1905 or 21 U.S.C. 331(j) shall be treated as confidential by the Food and Drug Administration and any consultant to whom it is referred. Confidentiality of information will be determined in accordance with the provisions of Part 4 of this chapter.

(b) Data and information submitted pursuant to § 809.30 in connection with the establishment, amendment or repeal of a product class standard will be made publicly available at the office of the Hearing Clerk of the Food and Drug Administration 30 days after publication of a proposed product class standard, except for the identity of inactive ingredients, any quality control or other manufacturing data or information, or other data and information to the extent that the person submitting it has demonstrated that it falls within the confidentiality provisions of 18 U.S.C. 1905 or 21 U.S.C. 331(j).

Subpart B—Labeling

§ 809.10 Labeling for in vitro diagnostic products.

(a) The label for an in vitro diagnostic product shall state the following information, except where such information is not applicable, or as otherwise specified in a standard for a particular product class. Section 201(k) of the act provides that "a requirement made by or under authority of this act that any word, statement, or other information appear on the label shall not be considered to be complied with unless such word, statement, or other information also appears on the outside container or wrapper, if any there be, of the retail package of such article, or is easily legible through the outside container or wrapper."

(1) The proprietary name and established name (common or usual name), if any.

(2) The intended use or uses of the product.

(3) For a reagent, a declaration of the established name (common or usual name), if any, and quantity, proportion or concentration of each reactive ingredient; and for a reagent derived from biological material, the source and a measure of its activity. The quantity, proportion, concentration, or activity shall be stated in the system generally used and recognized by the intended user, e.g., metric, international units, etc.

(4) A statement of warnings or precautions for users as established in the regulations contained in 16 CFR Part 1500 and any other warnings appropriate to the hazard presented by the product; and a statement "For In Vitro Diagnostic Use" and any other limiting statements appropriate to the intended use of the product.

(5) For a reagent, appropriate storage instructions adequate to protect the stability of the product. When applicable, these instructions shall include such information as conditions of temperature, light, humidity, and other pertinent factors. For products requiring manipulation, such as reconstitution and/or mixing before use, appropriate storage instructions shall be provided for the reconstituted or mixed product which is to be stored in the original container. The basis for such instructions shall be determined by reliable, meaningful, and specific test methods such as those described in § 211.60 of this chapter.

(6) For a reagent, a means by which the user may be assured that the product meets appropriate standards of identity, strength, quality and purity at the time of use. This shall be provided, both for the product as provided and for any resultant reconstituted or mixed product, by including on the label one or more of the following:

(i) An expiration date based upon the stated storage instructions.

(ii) A statement of an observable indication of an alteration of the product, e.g., turbidity, color change, precipitate, beyond its appropriate standards.

(iii) Instructions for a simple method by which the user can reasonably determine that the product meets its appropriate standards.

(7) For a reagent, a declaration of the net quantity of contents, expressed in terms of weight or volume, numerical count, or any combination of these or other terms which accurately reflect the contents of the package. The use of metric designations is encouraged, wherever appropriate. If more than a single determination may be performed using the product, any statement of the number of tests shall be consistent with instructions for use and amount of material provided.

(8) Name and place of business of manufacturer, packer, or distributor.

(9) A lot or control number, identified as such, from which it is possible to determine the complete manufacturing history of the product.

(i) If it is a multiple unit product, the lot or control number shall permit tracing the identity of the individual units.

(ii) For an instrument, the lot or control number shall permit tracing the identity of all functional subassemblies.

(iii) For multiple unit products which require the use of included units together as a system, all units should bear the same lot or control number, if appropriate, or other suitable uniform identification should be used.

(10) Except that for items in paragraph (a) (1) through (9) of this section: (i) In the case of immediate containers too small or otherwise unable to accommodate a label with sufficient space to bear all such information and which are packaged within an outer container from which they are removed for use, the information required by paragraph (a)(2), (3), (4), (5), (6)(ii)(iii) and (7) of this section may appear in the outer container labeling only.

(ii) In any case in which the presence of this information on the immediate container will interfere with the test, the information may appear on the outside container or wrapper rather than on the immediate container label.

(b) Labeling accompanying each product, e.g., a package insert, shall state in one place the following information in the format and order specified below, except where such information is not applicable, or as specified in a standard for a particular product class. The label-

ing for a multiple-purpose instrument used for diagnostic purposes, and not committed to specific diagnostic procedures or systems, may bear only the information indicated in paragraph (b) (1), (2), (6), (14), and (15) of this section. The labeling for a reagent intended for use as a replacement in a diagnostic system may be limited to that information necessary to identify the reagent adequately and to describe its proper use in the system.

(1) The proprietary name and established name, i.e., common or usual name, if any.

(2) The intended use or uses of the product and the type of procedure, e.g., qualitative or quantitative.

(3) Summary and explanation of the test. Include a short history of the methodology, with pertinent references and a balanced statement of the special merits and limitations of this method or product. If the product labeling refers to any other procedure, appropriate literature citations shall be included and the labeling shall explain the nature of any differences from the original and their effect on the results.

(4) The chemical, physical, physiological, or biological principles of the procedure. Explain concisely, with chemical reactions and techniques involved, if applicable.

(5) Reagents. (i) A declaration of the established name (common or usual name), if any, and quantity, proportion or concentration or each reactive ingredient; and for biological material, the source and a measure of its activity. The quantity, proportion, concentration or activity shall be stated in the system generally used and recognized by the intended user, e.g., metric, international units, etc. A statement indicating the presence of and characterizing any catalytic or nonreactive ingredients, e.g., buffers, preservatives, stabilizers.

(ii) A statement of warnings or precautions for users as established in the regulations contained in 16 CFR Part 1500 and any other warnings appropriate to the hazard presented by the product; and a statement "For In Vitro Diagnostic Use" and any other limiting statements appropriate to the intended use of the product.

(iii) Adequate instructions for reconstitution, mixing, dilution, etc.

(iv) Appropriate storage instructions adequate to protect the stability of the product. When applicable, these instructions shall include such information as conditions of temperature, light, humidity, and other pertinent factors. For products requiring manipulation, such as reconstitution and/or mixing before use, appropriate storage instructions shall be provided for the reconstituted or mixed product. The basis for such instructions shall be determined by reliable, meaningful, and specific test methods such as those described in § 211.60 of this chapter.

(v) A statement of any purification or treatment required for use.

(vi) Physical, biological, or chemical indications of instability or deterioration.

(6) Instruments: (i) Use or function.

(ii) Installation procedures and special requirements.

(iii) Principles of operation.

(iv) Performance characteristics and specifications.

(v) Operating instructions.

(vi) Calibration procedures including materials and/or equipment to be used.

(vii) Operational precautions and limitations.

(viii) Hazards.

(ix) Service and maintenance information.

(7) Specimen collection and preparation for analysis, including a description of: (i) Special precautions regarding specimen collection including special preparation of the patient as it bears on the validity of the test.

(ii) Additives, preservatives, etc., necessary to maintain the integrity of the specimen.

(iii) Known interfering substances.

(iv) Recommended storage, handling or shipping instructions for the protection and maintenance of stability of the specimen.

(8) Procedure: A step-by-step outline of recommended procedures from reception of the specimen to obtaining results. List any points that may be useful in improving precision and accuracy. (i) A list of all materials provided, e.g., reagents, instruments and equipment, with instructions for their use.

(ii) A list of all materials required but not provided. Include such details as sizes, numbers, types, and quality.

(iii) A description of the amounts of reagents necessary, times required for specific steps, proper temperatures, wavelengths, etc.

(iv) A statement describing the stability of the final reaction material to be measured and the time within which it shall be measured to assure accurate results.

(v) Details of calibration: Identify reference material. Describe preparation of reference sample(s), use of blanks, preparation of the standard curve, etc. The description of the range of calibration should include the highest and the lowest values measurable by the procedure.

(vi) Details of kinds of quality control procedures and materials required. If there is need for both positive and negative controls; this should be stated. State what are considered satisfactory limits of performance.

(9) Results: Explain the procedure for calculating the value of the unknown. Give an explanation for each component of the formula used for the calculation of the unknown. Include a sample calculation, step-by-step, explaining the answer. The values shall be expressed to the appropriate number of significant figures. If the test provides other than quantitative results, provide an adequate description of expected results.

(10) Limitation of the procedure: Include a statement of limitations of the procedure. State known extrinsic factors or interfering substances affecting results. If further testing, either more specific or more sensitive, is indicated in all cases where certain results are obtained, the need for the additional test shall be stated.

(11) Expected values: State the range(s) of expected values as obtained with the product from studies of various populations. Indicate how the range(s) was established and identify the population(s) on which it was established.

(12) Specific performance characteristics: Include, as appropriate, information describing such things as accuracy, precision, specificity, and sensitivity. These shall be related to a generally accepted method using biological specimens from normal and abnormal populations. Include a statement summarizing the data upon which the specific performance characteristics are based.

(13) Bibliography: Include pertinent references keyed to the text.

(14) Name and place of business of manufacturer, packer, or distributor.

(15) Date of issuance of the last revision of the labeling identified as such.

(c) A shipment or other delivery of an in vitro diagnostic product shall be exempt from the requirements of paragraphs (a) and (b) of this section and from a standard promulgated pursuant to this part provided the following conditions are met:

(1) For a product in the laboratory research phase of development, and not represented as an effective in vitro diagnostic product, all labeling bears the statement, prominently placed: "For Research Use Only. Not for use in diagnostic procedures."

(2) For a product being shipped or delivered for product testing prior to full commercial marketing (e.g., for use on specimens derived from humans to compare the usefulness of the product with other products or procedures which are in current use or recognized as useful), all labeling bears the statement, prominently placed: "For Investigational Use Only. The performance characteristics of this product have not been established."

(3) The person making a shipment or delivery under paragraph (c)(2) of this section shall submit to the FDA a notification that such shipments are being made.

(4) Within 30 days after the first commercial shipment of an in vitro diagnostic product, the person making such shipment shall submit the information required by the Drug Listing Act as provided in § 207.25 of this chapter.

(d) The labeling of general purpose laboratory reagents (e.g., hydrochloric acid) and equipment (e.g., test tubes and pipettes) whose uses are generally known by persons trained in their use need not bear the directions for use required by § 809.10 (a) and (b), if their labeling meets the requirements of this paragraph.

(1) The label of a reagent shall bear the following information:

(i) The proprietary name and established name (common or usual name), if any, of the reagent.

(ii) A declaration of the established name (common or usual name), if any, and quantity, proportion or concentration of the reagent ingredient (e.g., hydrochloric acid: Formula weight 36.46, assay 37.9 percent, specific gravity 1.192 at 60° F); and for a reagent derived from biological material, the source and where applicable a measure of its activity. The quantity, proportion, concentration or activity shall be stated in the system generally used and recognized by the intended user, e.g., metric, international units, etc.

(iii) A statement of the purity and quality of the reagent, including a quantitative declaration of any impurities present. The requirement for this information may be met by a statement of conformity with a generally recognized and generally available standard which contains the same information, e.g., those established by the American Chemical Society, U.S. Pharmacopeia, National Formulary, National Research Council.

(iv) A statement of warnings or precautions for users as established in the regulations contained in 16 CFR Part 1500 and any other warnings appropriate to the hazard presented by the product; and a statement "For Laboratory Use."

(v) Appropriate storage instructions adequate to protect the stability of the product. When applicable, these instructions shall include such information as conditions of temperature, light, humidity, and other pertinent factors. The basis for such information shall be determined by reliable, meaningful, and specific test methods such as those described in § 211.60 of this chapter.

(vi) A declaration of the net quantity of contents, expressed in terms of weight or volume, numerical count, or any combination of these or other terms which accurately reflect the contents of the package. The use of metric designations is encouraged, wherever appropriate.

(vii) Name and place of business of manufacturer, packer, or distributor.

(viii) A lot or control number, identified as such, from which it is possible to determine the complete manufacturing history of the product.

(ix) In the case of immediate containers too small or otherwise unable to accommodate a label with sufficient space to bear all such information, and which are packaged within an outer container from which they are removed for use, the information required by paragraph (d)(1) (ii), (iii), (iv), (v), and (vi) of this section may appear in the outer container labeling only.

(2) The label of general purpose laboratory equipment, e.g., a beaker or a pipette, shall bear a statement adequately describing the product, its composition, and physical characteristics if necessary for its proper use.

EFFECTIVE DATE: The effective date for paragraphs (a) and (b) of this section (formerly § 328.10), as applied to licensed blood grouping serum, was stayed. See 39 FR 2089, Jan. 17, 1974.

Subpart C—Requirements for Manufacturers and Producers

§ 809.20 General requirements for manufacturers and producers of in vitro diagnostic products.

(a) *Registration and product listing.* Any person who owns or operates any establishment engaged in the manufacture, preparation, compounding, or processing of an in vitro diagnostic product should register such establishment and list such product(s) in accordance with the procedures established under Part 207 of this chapter, except that registration and listing is not required or requested at this time for general purpose laboratory reagents and equipment for which labeling requirements are specified in § 809.10(d). Any such establishment not currently registered should register within 30 days of the effective date of this regulation. Any such establishment currently registered as a drug establishment shall at the next period for registration use the appropriate registration form indicating that it is a producer of in vitro diagnostic products. Registration forms may be obtained from the Department of Health, Education, and Welfare, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20852, or at any Food and Drug Administration district office. Registration and listing do not constitute an admission or agreement or determination that a product is a "drug" within the meaning of section 201(g) of the act.

(b) *Compliance with good manufacturing practices.* In vitro diagnostic products shall be manufactured in accordance with current good manufacturing practices. The principles established in Parts 210, 211, 225, 226 and 229 of this chapter should be followed as a guideline.

Subpart D—Administrative Procedures

§ 809.30 Procedure for establishing, amending or repealing standards.

(a) *Basis for standards and available approaches to developing standards.* Whenever in the judgment of the Commissioner the establishment of a product class standard is necessary to reduce or eliminate unreasonable risk of illness or injury associated with exposure to or use of an in vitro diagnostic product and there are no other more practicable means to protect the public from such risk, he may propose such a standard. In proposing a product class standard he shall consider, and publish in the FEDERAL REGISTER findings on, the degree of risk or injury associated with the use of the product, the availability of information relating to the sciences upon which the products or their uses are based, the approximate number of products subject to the standard, the medical need for the products, and the probable effect of the standard upon the utility, cost, or availability of the product, and available means of achieving the objective of the standard with a minimal disruption of supply and of reasonable manufacturing and other commercial practices. Three procedures are available for developing product class standards and may be proposed on the initiative of the Commissioner or by petition of interested persons: (1) An existing standard may be utilized, (2) interested persons outside of the Food and Drug Administration may develop a proposed standard or (3) the Food and Drug Administration may develop the standard. If a petition is filed by an interested person, it shall be in the form prescribed in § 2.65 of this chapter with the number of copies specified therein.

(b) *Advisory committee.* An advisory committee of qualified experts shall be appointed to advise the Food and Drug Administration on the priorities for establishing product class standards, the scientific basis for in vitro diagnostic products, the selection of reference methodologies and reference materials, the adequacy and reasonableness of proposed standards and other related matters as determined by the Commissioner.

(c) *Request for information and comment.* Whenever a new standard is to be developed, the Commissioner will publish a notice in the FEDERAL REGISTER requesting the submission of all information, data, and views relevant to a specific product class for review and evaluation. Any interested person may submit comments and views on any matter relevant to the development of the standard, including the factors required by paragraph (a) of this section, to be considered by the Commissioner. The format for such submission may be determined by the nature of the information to be submitted. Any product performance information submitted shall relate to the performance of that product as marketed or intended for marketing. For information submitted by a manufacturer of a product which will be affected by the standard, the specific product information requested and the format for submission shall be as described below unless changed in the FEDERAL REGISTER notice. The time allotted for submission will ordinarily be 90 days. Four copies of the information and data on any product within the designated class shall be submitted, indexed, and bound.

(1) Name of product class and date of FEDERAL REGISTER statement.

(2) Proprietary name of product.

(3) Name of person responsible for submission.

(4) Intended use or uses of the product.

(5) A statement categorizing the procedure, e.g., qualitative or quantitative.

(6) Copies of label and all other labeling under which product is currently marketed or, for a proposed product, the label and all other labeling under which marketing is intended.

(7) Description of the product, as appropriate: For example, if the product is or includes a reagent, state the proprietary name and established name, common or usual name, if any, and quantity, proportion, or concentration of each reactive, catalytic, or inactive ingredient. If the product is a biological

material, list the source and a measure of its activity. Include a statement of any purification or treatment required for use. If the product is or includes an instrument or equipment, describe as appropriate its use or functions, installation procedures and any special requirements, principle of operating instructions, calibration procedures including materials and/or equipment to be used, operation precautions and limitations, hazards, and service and maintenance instructions.

(8) Stability information: A description of, and data derived from, studies of the stability of the product. For any product that requires manipulation (e.g., reconstitution or mixing), stability data shall be described for the reconstituted or mixed product. Describe the means by which the information was developed. The data shall be for the product in the container in which it is marketed to assure, among other things, that the container is not reactive, additive, or absorptive to an extent that alters the product or its performance. Include any expiration period data which supports any expiration date which appears in the labeling of the product. Describe the storage conditions necessary for the product, such as temperature, light, humidity.

(9) Hazards to user: A statement of the principal hazards associated with the product. Include the result of tests conducted to determine the applicability of hazard warnings or cautions, including those established in the regulations contained in 16 CFR Part 1500.

(10) History of methodology: A brief history of the methodology, with pertinent references. All references to reports of adverse or unfavorable experience with the product or the procedure on which it is based shall be included. If the product procedure is the same as one which has been published, cite the reference. If the product is based on a modification of a published procedure, cite the reference, state the reason for and the nature of the modification and the effect such modification may have on the results of the procedure as compared to the original. Include data illustrating the comparison of the modified procedure to the original procedure.

(11) Principle of test: An explanation of the test procedure including the chemical, physical, physiological, or biological principle of the procedure with chemical reactions and techniques involved, if applicable.

(12) Specimen collection and preparation: A description of the specimen to be subjected to analysis: (i) Special precautions regarding specimen collections, including special preparation of the patient as it bears on the validity of the test.

(ii) Additives, preservatives, etc., necessary to maintain the integrity of the specimen.

(iii) Known interfering substances and their effect on the procedure and results.

(iv) Appropriate storage, handling or shipping instructions.

(13) Procedure: A detailed, step-by-step description of the test procedure from reception of the specimen to obtaining of results, including any points that may be useful in improving precision and accuracy. Give the exact details of calibration. Identify reference material. Describe preparation of reference sample, use of blanks, etc. Include a description of methods to be used in determining the standard curve.

(14) Results: Explain the procedure for calculating the value of the unknown. Give an explanation of each component of the formula used for the calculation of the unknown. Include a sample calculation, step-by-step, explaining the answer. Values should be expressed to the appropriate number of significant figures. Provide the basis for evaluation of nonquantitative test results.

(15) Limitation of the procedure: Include a statement of the limitations of the procedure and an explanation of extrinsic factors, if any, that may affect the results. Include statements regarding minimum training needed by the user, special precautions, interfering substances, likelihood of obtaining false positive or false negative results, etc. Position data showing a lack of interference by commonly occurring substances shall be supplied. If a more specific or more sensitive laboratory test is indicated in certain instances, the indication for the additional test shall be stated and data submitted to support its value.

(16) Support of claims: Include all available data, published or unpublished, which supports or is critical of the product or its procedure. Include data for both normal and abnormal subjects and a description of the population or populations studies. State, for each claim:

(i) Labeling claim.

(ii) Background documentation: Provide a bibliography and reprints of all pertinent references.

(iii) Procedure used for collecting evidence for claim.

(iv) Description of statistical protocol.

(v) Description of sampling procedure.

(vi) Summary of raw results in tabular form.

(vii) Analysis of results.

(viii) Statement of interpretation of results.

(17) Summary of scientific basis of procedure: A summary of the data and views setting forth the scientific rationale and purpose of the product, and the scientific basis for the conclusion that the product has or has not been proven accurate and reliable for its intended uses. If there is an absence of controlled studies in the material submitted, an explanation as to why such studies are not considered necessary shall be included.

(18) If the submission is by a manufacturer, a statement signed by the person responsible for such submission, that to the best of his knowledge it includes unfavorable information as well as any favorable information, known to him pertinent to an evaluation of the performance of the product. Thus, if any type of scientific data is submitted, a balanced submission of favorable and unfavorable data must be submitted. The same would be true of any other pertinent data or information submitted, such as consumer surveys or marketing results.

(d) *Review and evaluation.* Any existing standard or petition for a product class standard, together with any information and comments submitted pursuant to a published notice, will be reviewed and evaluated by the Food and Drug Administration in consultation with its advisory committee and the Center for Disease Control.

(e) *Proposed product class standard.* When the Commissioner has concluded that the criteria in paragraph (a) of this section are met and the information available has been reviewed and found to justify the establishment of a product class standard, he shall publish in the FEDERAL REGISTER a proposed product class standard establishing conditions under which the products in the class are safe and effective and not adulterated or misbranded. The standard shall include a statement of the performance requirements necessary to assure accuracy and reliability of results, specific labeling requirements for the proper use of the products in the class, and procedures for testing the products to assure satisfactory performance at the time of marketing. The standard may include, where necessary to assure the accuracy and reliability of results, individual lot testing by or at the direction of the Food and Drug Administration, in addition to that normally required of the manufacturer; except that the Commissioner shall exempt any particular product from such a requirement upon a showing that the manufacturer has demonstrated such consistency in the production of that product, in compliance with the regulations, as is adequate to insure the accuracy and reliability of results, and the Commissioner shall revoke the requirement of individual lot testing under the standard when it is no longer necessary to the accuracy and reliability of the results of the product class covered by the standard. Any interested person may, within 60 days after publication of the proposed standard in the FEDERAL REGISTER, file written comments on the proposal, in quintuplicate, with the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852. Comments may be accompanied by a memorandum or brief in support thereof. All comments may be reviewed at the office of the Hearing Clerk during regular working hours, Monday through Friday.

(f) *Referral to an independent advisory committee.* The Commissioner may, in his discretion, refer a proposal under paragraph (e) of this section to an independent advisory committee of experts qualified in the subject matter at issue, for a report and recommendations with respect to any matter involved in such proposal which involves the exercise of scientific judgment. The

Commissioner shall designate the chairman of each panel. The independent advisory committee may consult any person in connection with the matter referred to it. Any interested person may request, in writing, an opportunity to present oral views to the committee. Any interested person may present written data and views which shall be considered by the committee. The full report(s) of the committee and summary minutes of its meetings shall be made available upon request after submission of the report(s) to the Commissioner.

(g) *Final product class standard.* After reviewing all comments received in response to the proposal and considering all available relevant information, the Food and Drug Administration, in consultation with its advisory committee and the Center for Disease Control, and after consideration of any report of an independent advisory committee if the matter involved has been so referred, will publish in the FEDERAL REGISTER a final order containing a product class standard. This order shall state the reasons for promulgating the product class standard and the date the standard will become effective.

(h) *Petition to amend or repeal standards.* The Commissioner may propose to amend or repeal any standard established pursuant to this procedure or any interested person may petition the Commissioner for such action. A petition shall set forth the action requested and a detailed statement in support of the action. After review of the petition, the Commissioner may deny the petition if he finds a lack of reasonable support or he may publish a proposed amendment of or proposed repeal of the established standard in the FEDERAL REGISTER if adequate support has been presented. The petition shall be in the form specified in § 2.65 of this chapter with the number of copies and other information as specified therein. A new drug application submitted for an in vitro diagnostic product which does not comply with an applicable effective product class standard will be considered as a petition to amend the standard. Petitions for repeal or amendment for which reasonable support has been furnished will be handled pursuant to the procedures established in paragraphs (e) through (g) of this section.

§ 809.34 Court appeal.

The product class standard promulgated in the final order represents final agency action from which appeal lies to the courts. The Food and Drug Administration will request consolidation of all appeals in a single court. Upon court appeal, the Commissioner, at his discretion, may stay the effective date for part or all of the standard pending appeal and final court adjudication, and may establish a new effective date after final court adjudication.

§ 809.35 Regulatory action.

Any in vitro diagnostic product is subject to regulatory action if it fails to conform to an applicable product class standard or the general labeling requirements of § 809.10. If the product is a device, it is adulterated in violation of section 501 and it is misbranded in violation of section 502 of the act. If the product is a drug, it is in violation of section 505 as well as sections 501 and 502 of the act. If the product is a biologic, it is in violation of sections 501, 502, and 505 of the Federal Food, Drug, and Cosmetic Act and section 351 of the Public Health Service Act. Deviations from an established standard may be justified only by an amendment to the standard. Compliance with this part shall be deemed to constitute compliance with the labeling and new drug requirements of the act and with the labeling and licensing requirements of section 351 of the Public Health Service Act, unless the Commissioner otherwise informs the manufacturer or distributor of an in vitro diagnostic product of additional requirements imposed pursuant to either statute in order to protect the public health.

NOTE: Material incorporated by reference approved by the Director, Office of the Federal Register, February 5, 1976, and on file in the Federal Register library.

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RECODIFICATION EDITORIAL AND CROSS-REFERENCE AMENDMENTS

The Food and Drug Administration is in the process of recodifying all of Chapter I of Title 21 of the Code of Federal Regulations, for the purposes of providing orderly development of such regulations, furnishing ample room for expansion in the years ahead, and providing the public and affected industries with regulations that are easy to find, read and understand.

The eleventh in a series of recodification documents, which reorganizes and recodifies regulations on medical devices having general applicability, is published elsewhere in this issue of the FEDERAL REGISTER. These regulations, now appearing in Subchapter H—Medical Devices, consist of sections transferred in their entirety from Subchapters A, C, and D, as well as portions of sections from Part 201 applicable to devices.

To provide uniformity and continuity during the recodification, the Commissioner concludes that the portions applicable to drugs of certain sections of Part 201 (remaining after extraction of device regulatory material) should be republished herein in their existing locations and the sections containing references to the recodified material should be amended at this time.

For the convenience of the user the following list shows the CFR sections formerly containing drug and device regulatory language which have been modified in their present locations to apply to drugs only:

201.1	201.119(a) = former 328.3(a)
201.5	201.119(b) = former 201.119
201.6	201.122
201.15	201.125
201.16	201.127
201.60	201.128
201.61	201.129
201.62	201.150
201.110	
201.116	

Due to the complexity and volume of cross-references involved in the recodification of these regulations, if necessary, supplemental documents will be issued at a later date.

Therefore, Chapter I of Title 21 of the Code of Federal Regulations is amended as follows:

PART 1—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT AND THE FAIR PACKAGING AND LABELING ACT

§ 1.1 [Amended]

1. Section 1.1(c) is amended by changing the references to "§§ 1.7, 201.60, and 701.10", "§§ 1.8b(f), 201.62(e), and 701.13(f)", "§§ 1.8b(i), 201.62(h), and 701.13(i)", "§§ 1.8b (j) and (m), 201.62 (i) and (k), and 701.13 (j) and (m)", "§§ 201.62(m) and 701.13(o)", "§§ 201.62(n) and 701.13(p)" and "§§ 1.8b(o), 201.62(o) and 701.13(q)" to read "§§ 1.7, 201.60, 701.10, and 801.60", "§§ 1.8b(f), 201.62(e), 701.13(f), and 801.62(e)", "§§ 1.8b(i), 201.62(h), 701.13(i), and 801.62(h)", "§§ 1.8b (j) and (m), 201.62 (i) and (k), 701.13 (j) and (m), and 801.62 (i) and (k)", "§§ 201.62(m), 701.13(o) and 801.62(m)", "§§ 201.62(n), 701.13(p) and 801.62(n)" and "§§ 1.8b(o), 201.62(o), 701.13(q) and 801.62(o)", respectively.

PART 4—PUBLIC INFORMATION

§ 4.100 [Amended]

2. Section 4.100(c)(18) is amended by changing the reference to "§ 328.4" to read "§ 809.4".

PART 201—LABELING

3. Sections 201.1, 201.5, 201.6, 201.15, 201.16, 201.60, 201.61, 201.62, 201.110, 201.116, 201.119, 201.122, 201.125, 201.127, 201.128, 201.129, and 201.150 are revised as follows:

§ 201.1 Drugs name and place of business of manufacturer, packer or distributor.

(a) The label of a drug in package form shall specify conspicuously the name and place of business of the manufacturer, packer, or distributor.

(b) The requirement for declaration of the name of the manufacturer, packer, or distributor shall be deemed to be satisfied, in the case of a corporation, only by the actual corporate name which may be preceded or followed by the name of the particular division of the corporation. Abbreviations for "Company," "Incorporated," etc., may be used and "The" may be omitted. In the case of an individual, partnership, or association, the name under which the business is conducted shall be used.

(c) Where a drug is not manufactured by the person whose name appears on the label, the name shall be qualified by a phrase that reveals the connection such person has with such drug; such as, "Manufactured for _____", "Distributed by _____", or any other wording that expresses the facts.

(d) The statement of the place of business shall include the street address,

city, State, and ZIP Code; however, the street address may be omitted if it is shown in a current city directory or telephone directory. The requirement for inclusion of the ZIP Code shall apply only to consumer commodity labels developed or revised after the effective date of this section. In the case of nonconsumer packages, the ZIP Code shall appear either on the label or the labeling (including the invoice).

(e) If a person manufactures, packs, or distributes a drug at a place other than his principal place of business, the label may state the principal place of business in lieu of the actual place where such drug was manufactured or packed or is to be distributed, unless such statement would be misleading.

§ 201.5 Drugs; adequate directions for use.

"Adequate directions for use" means directions under which the layman can use a drug safely and for the purposes for which it is intended. (Section 201.128 defines "intended use.") Directions for use may be inadequate because, among other reasons, of omission, in whole or in part, or incorrect specification of:

(a) Statements of all conditions, purposes, or uses for which such drug is intended, including conditions, purposes, or uses for which it is prescribed, recommended, or suggested in its oral, written, printed, or graphic advertising, and conditions, purposes, or uses for which the drug is commonly used; except that such statements shall not refer to conditions, uses, or purposes for which the drug can be safely used only under the supervision of a practitioner licensed by law and for which it is advertised solely to such practitioner.

(b) Quantity of dose, including usual quantities for each of the uses for which it is intended and usual quantities for persons of different ages and different physical conditions.

(c) Frequency of administration or application.

(d) Duration of administration or application.

(e) Time of administration or application (in relation to time of meals, time of onset of symptoms, or other time factors).

(f) Route or method of administration or application.

(g) Preparation for use, i.e., shaking, dilution, adjustment of temperature, or, other manipulation or process.

§ 201.6 Drugs; misleading statements.

(a) Among representations in the labeling of a drug which render such drug misbranded is a false or misleading representation with respect to another drug or a device or a food or cosmetic.

(b) The labeling of a drug which contains two or more ingredients may be misleading by reason, among other reasons, of the designation of such drug in such labeling by a name which includes or suggests the name of one or more but not all such ingredients, even though the names of all such ingredients are stated elsewhere in the labeling.

§ 201.15 Drugs; prominence of required label statements.

(a) A word, statement, or other information required by or under authority of the act to appear on the label may lack that prominence and conspicuousness required by section 502(c) of the act by reason, among other reasons, of:

(1) The failure of such word, statement, or information to appear on the part or panel of the label which is presented or displayed under customary conditions of purchase;

(2) The failure of such word, statement, or information to appear on two or more parts or panels of the label, each of which has sufficient space therefor, and each of which is so designed as to render it likely to be, under customary conditions of purchase, the part or panel displayed;

(3) The failure of the label to extend over the area of the container or package available for such extension, so as to provide sufficient label space for the prominent placing of such word, statement, or information;

(4) Insufficiency of label space for the prominent placing of such word, statement, or information, resulting from the use of label space for any word, statement, design, or device which is not required by or under authority of the act to appear on the label;

(5) Insufficiency of label space for the prominent placing of such word, statement, or information, resulting from the use of label space to give materially greater conspicuousness to any other word, statement, or information, or to any design or device; or

(6) Smallness or style of type in which such word, statement, or information appears, insufficient background contrast, obscuring designs or vignettes, or crowding with other written, printed, or graphic matter.

(b) No exemption depending on insufficiency of label space, as prescribed in regulations promulgated under section 502 (b) or (e) of the act, shall apply if such insufficiency is caused by:

(1) The use of label space for any word, statement, design, or device which is not required by or under authority of the act to appear on the label;

(2) The use of label space to give greater conspicuousness to any word, statement, or other information than is required by section 502(c) of the act; or

(3) The use of label space for any representation in a foreign language.

(c)(1) All words, statements, and other information required by or under authority of the act to appear on the label or labeling shall appear thereon in the English language: *Provided, however*, That in the case of articles distributed solely in the Commonwealth of Puerto Rico or in a Territory where the predominant language is one other than English, the predominant language may be substituted for English.

(2) If the label contains any representation in a foreign language, all words, statements, and other information required by or under authority of the act to appear on the label shall appear thereon in the foreign language.

(3) If the labeling contains any representation in a foreign language, all words, statements, and other information required by or under authority of the act to appear on the label or labeling shall appear on the labeling in the foreign language.

§ 201.16 Drugs; Spanish-language version of certain required statements.

An increasing number of medications restricted to prescription use only are being labeled solely in Spanish for distribution in the Commonwealth of Puerto Rico where Spanish is the predominant language. Such labeling is authorized under § 201.15(c). Two required warnings, the wording of which is fixed by law in the English language, are presently being translated in various ways, from literal translation to loose interpretation. The statutory nature of these two statements requires that the translation must convey the meaning properly, in order to avoid confusion and dilution of the purposes of the warnings. The Commissioner of Food and Drugs hereby adopts the following Spanish-language versions as the accepted equivalents of the English wording of the following:

(a) Section 503(b)(4) of the Federal Food, Drug, and Cosmetic Act requires the statement "Caution: Federal law prohibits dispensing without prescription." The Spanish version of this shall be: "Precaucion: La ley Federal prohibe su despacho sin prescripcion facultativa."

(b) Section 502(d) of the Federal Food, Drug, and Cosmetic Act requires the statement "Warning—May be habit forming" on habit-forming drugs. The Spanish version of this shall be: "Aviso—Puede formar habito o vicio."

§ 201.60 Principal display panel.

The term "principal display panel," as it applies to over-the-counter drugs in package form and as used in this part, means the part of a label that is most likely to be displayed, presented, shown, or examined under customary conditions of display for retail sale. The principal display panel shall be large enough to accommodate all the mandatory label information required to be placed thereon by this part with clarity and conspicuousness and without obscuring designs, vignettes, or crowding. Where packages bear alternate principal display panels, information required to be placed on the principal display panel shall be duplicated on each principal display panel. For the purpose of obtaining uniform type size in declaring the quantity of contents for all packages of substantially the same size, the term "area of the principal display panel" means the area of the side or surface that bears the principal display panel, which area shall be:

(a) In the case of a rectangular package where one entire side properly can be considered to be the principal display panel side, the product of the height times the width of that side;

(b) In the case of a cylindrical or nearly cylindrical container, 40 percent

of the product of the height of the container times the circumference; and

(c) In the case of any other shape of container, 40 percent of the total surface of the container: *Provided, however,* That where such container presents an obvious "principal display panel" such as the top of a triangular or circular package, the area shall consist of the entire top surface.

In determining the area of the principal display panel, exclude tops, bottoms, flanges at the tops and bottoms of cans, and shoulders and necks of bottles or jars. In the case of cylindrical or nearly cylindrical containers, information required by this part to appear on the principal display panel shall appear within that 40 percent of the circumference which is most likely to be displayed, presented, shown, or examined under customary conditions of display for retail sale.

§ 201.61 Statement of identity.

(a) The principal display panel of an over-the-counter drug in package form shall bear as one of its principal features a statement of the identity of the commodity.

(b) Such statement of identity shall be in terms of the established name of the drug, if any there be, followed by an accurate statement of the general pharmacological category(ies) of the drug or the principal intended action(s) of the drug. In the case of an over-the-counter drug that is a mixture and that has no established name, this requirement shall be deemed to be satisfied by a prominent and conspicuous statement of the general pharmacological action(s) of the mixture or of its principal intended action(s) in terms that are meaningful to the layman. Such statements shall be placed in direct conjunction with the most prominent display of the proprietary name or designation and shall employ terms descriptive of general pharmacological category(ies) or principal intended action(s); for example, "antacid," "analgesic," "decongestant," "antihistaminic," etc. The indications for use shall be included in the directions for use of the drug, as required by section 502(f)(1) of the act and by the regulations in this part.

(c) The statement of identity shall be presented in bold face type on the principal display panel, shall be in a size reasonably related to the most prominent printed matter on such panel, and shall be in lines generally parallel to the base on which the package rests as it is designed to be displayed.

§ 201.62 Declaration of net quantity of contents.

(a) The label of an over-the-counter drug in package form shall bear a declaration of the net quantity of contents. This shall be expressed in the terms of weight, measure, numerical count, or a combination or numerical count and weight, measure, or size. The statement of quantity of drugs in tablet, capsule, ampule, or other unit form and the quantity of devices shall be expressed in terms of numerical count; the statement of quantity for drugs in other dosage forms shall be in terms of weight if the drug is solid, semisolid, or viscous, or in terms of fluid measure if the drug is liquid. The drug quantity statement shall be augmented when necessary to give accurate information as to the strength of such drug in the package; for example, to differentiate between several strengths of the same drug "100 tablets, 5 grains each" or "100 capsules, 125 milligrams each" or "100 capsules, 250 milligrams each": *Provided,* That:

(1) In the case of a firmly established, general consumer usage and trade custom of declaring the quantity of a drug in terms of linear measure or measure of area, such respective term may be used. Such term shall be augmented when necessary for accuracy of information by a statement of the weight, measure, or size of the individual units or of the entire drug; for example, the net quantity of adhesive tape in package form shall be expressed in terms of linear measure augmented by a statement of its width.

(2) Whenever the Commissioner determines for a specific packaged drug that an existing practice of declaring net quantity of contents by weight, measure, numerical count, or a combination of these does not facilitate value comparisons by consumers, he shall by regulation designate the appropriate term or terms to be used for such article.

(b) Statements of weight of the contents shall be expressed in terms of avoirdupois pound and ounce. A statement of liquid measure of the contents shall be expressed in terms of the U.S. gallon of 231 cubic inches and quart, pint, and fluid-ounce subdivisions thereof, and shall express the volume at 68° F (20° C). See also paragraph (p) of this section.

(c) The declaration may contain common or decimal fractions. A common fraction shall be in terms of halves, quarters, eighths, sixteenths, or thirty-seconds; except that if there exists a firmly established, general consumer usage and trade custom of employing different common fractions in the net quantity declaration of a particular commodity, they may be employed. A common fraction shall be reduced to its lowest terms; a decimal fraction shall not be carried out to more than two places. A statement that includes small fractions of an ounce shall be deemed to permit smaller variations than one which does not include such fractions.

(d) The declaration shall be located on the principal display panel of the label, and with respect to packages bearing alternate principal panels it shall be duplicated on each principal display panel.

(e) The declaration shall appear as a distinct item on the principal display panel, shall be separated, by at least a space equal to the height of the lettering used in the declaration, from other printed label information appearing above or below the declaration and, by at least a space equal to twice the width of the letter "N" of the style of type used in the quantity of contents statement, from other printed label information appearing to the left or right of the declaration. It shall not include any term qualifying a unit of weight, measure, or count, such as "giant pint" and "full quart", that tends to exaggerate the amount of the drug in the container. It shall be placed on the principal display panel within the bottom 30 percent of the area of the label panel in lines generally parallel to the base on which the package rests as it is designed to be displayed: *Provided,* That:

(1) On packages having a principal display panel of 5 square inches or less the requirement for placement within the bottom 30 percent of the area of the label panel shall not apply when the declaration of net quantity of contents meets the other requirements of this part; and

(2) In the case of a drug that is marketed with both outer and inner retail containers bearing the mandatory label information required by this part and the inner container is not intended to be sold separately, the net quantity of contents placement requirement of this section applicable to such inner container is waived.

(3) The principal display panel of a drug marketed on a display card to which the immediate container is affixed may be considered to be the display panel of the card, and the type size of the net quantity of contents statement is governed by the dimensions of the display card.

(f) The declaration shall accurately reveal the quantity of drug or device in the package exclusive of wrappers and other material packed therewith: *Provided,* That in the case of drugs packed in containers designed to deliver the drug under pressure, the declaration shall state the net quantity of the contents that will be expelled when the instructions for use as shown on the container are followed. The propellant is included in the net quantity declaration.

(g) The declaration shall appear in conspicuous and easily legible boldface print or type in distinct contrast (by typography, layout, color, embossing, or molding) to other matter on the package; except that a declaration of net quantity blown, embossed, or molded on a glass or plastic surface is permissible when all label information is so formed on the surface. Requirements of conspicuousness and legibility shall include the specifications that:

(1) The ratio of height to width of the letter shall not exceed a differential of 3 units to 1 unit, i.e., no more than 3 times as high as it is wide.

(2) Letter heights pertain to upper case or capital letters. When upper and lower case or all lower case letters are used, it is the lower case letter "o" or its equivalent that shall meet the minimum standards.

(3) When fractions are used, each component numeral shall meet one-half the minimum height standards.

(h) The declaration shall be in letters and numerals in a type size established in relationship to the area of the prin-

cipal display panel of the package and shall be uniform for all packages of substantially the same size by complying with the following type specifications:

(1) Not less than one-sixteenth inch in height on packages the principal display panel of which has an area of 5 square inches or less.

(2) Not less than one-eighth inch in height on packages the principal display panel of which has an area of more than five but not more than 25 square inches.

(3) Not less than three-sixteenths inch in height on packages the principal display panel of which has an area of more than 25 but not more than 100 square inches.

(4) Not less than one-fourth inch in height on packages the principal display panel of which has an area of more than 100 square inches, except not less than one-half inch in height if the area is more than 400 square inches.

Where the declaration is blown, embossed, or molded on a glass or plastic surface rather than by printing, typing, or coloring, the lettering sizes specified in paragraphs (h) (1) through (4) of this section shall be increased by one-sixteenth of an inch.

(i) On packages containing less than 4 pounds or 1 gallon and labeled in terms of weight or fluid measure:

(1) The declaration shall be expressed both in ounces, with identification by weight or by liquid measure and, if applicable (1 pound or 1 pint or more) followed in parentheses by a declaration in pounds for weight units, with any remainder in terms of ounces or common or decimal fractions of the pound (see examples set forth in paragraph (k) (1) and (2) of this section), or in the case of liquid measure, in the largest whole units (quarts, quarts and pints, or pints, as appropriate) with any remainder in terms of fluid ounces or common or decimal fractions of the pint or quart (see examples set forth in paragraph (k) (3) and (4) of this section). If the net weight of the package is less than 1 ounce avoirdupois or the net fluid measure is less than 1 fluid ounce, the declaration shall be in terms of common or decimal fractions of the respective ounce and not in terms of drams.

(2) The declaration may appear in more than one line. The term "net weight" shall be used when stating the net quantity of contents in terms of weight. Use of the terms "net" or "net contents" in terms of fluid measure or numerical count is optional. It is sufficient to distinguish avoirdupois ounce from fluid ounce through association of terms; for example, "Net wt. 6 oz" or "6 oz net wt.," and "6 fl oz" or "net contents 6 fl oz".

(j) On packages containing 4 pounds or 1 gallon or more and labeled in terms of weight or fluid measure, the declaration shall be expressed in pounds for weight units with any remainder in terms of ounces or common or decimal fractions of the pound; in the case of fluid measure, it shall be expressed in the largest whole unit (gallons, followed by common or decimal fractions of a gallon or by the next smaller whole unit or units (quarts or quarts and pints)) with any remainder in terms of fluid ounces or common or decimal fractions of the pint or quart; see paragraph (k) (5) of this section.

(k) Examples:

(1) A declaration of 1½ pounds weight shall be expressed as "Net wt. 24 oz (1 lb 8 oz)," or "Net wt. 24 oz (1½ lb)" or "Net wt. 24 oz (1.5 lb)".

(2) A declaration of three-fourths pound avoirdupois weight shall be expressed as "Net wt. 12 oz".

(3) A declaration of 1 quart liquid measure shall be expressed as "Net contents 32 fl oz (1 qt)" or "32 fl oz (1 qt)".

(4) A declaration of 1¾ quarts liquid measure shall be expressed as "Net contents 56 fl oz (1 qt 1 pt 8 oz)" or "Net contents 56 fl oz (1 qt 1.5 pt)," but not in terms of quart and ounce such as "Net 56 fl oz (1 qt 24 oz)."

(5) A declaration of 2½ gallons liquid measure shall be expressed as "Net contents 2 gal 2 qt," "Net contents 2.5 gallons," or "Net contents 2½ gal" but not as "2 gal 4 pt".

(l) For quantities, the following abbreviations and none other may be employed. Periods and plural forms are optional:

Gallon gal	milliliter ml
quart qt	cubic centimeter cc
pint pt	yard yd
ounce oz	feet or foot ft
pound lb	inch in
grain gr	meter m
kilogram kg	centimeter cm
gram g	millimeter mm
milligram mg	fluid fl
microgram mcg	square sq
liter l	weight wt

(m) On packages labeled in terms of linear measure, the declaration shall be expressed both in terms of inches and, if applicable (1 foot or more), the largest whole units (yards, yards and feet, feet). The declaration in terms of the largest whole units shall be in parentheses following the declaration in terms of inches and any remainder shall be in terms of inches or common or decimal fractions of the foot or yard; if applicable, as in the case of adhesive tape, the initial declaration in linear inches shall be preceded by a statement of the width. Examples of linear measure are "86 inches (2 yd 1 ft 2 in)," "90 inches (2½ yd)," "30 inches (2.5 ft)," "¾ inch by 36 in (1 yd)," etc.

(n) On packages labeled in terms of area measure, the declaration shall be expressed both in terms of square inches and, if applicable (1 square foot or more), the largest whole square unit (square yards, square yards and square feet, square feet). The declaration in terms of the largest whole units shall be in parentheses following the declaration in terms of square inches and any remainder shall be in terms of square inches or common or decimal fractions of the square foot or square yard; for example, "158 sq inches (1 sq ft 14 sq in)."

(o) Nothing in this section shall prohibit supplemental statements at locations other than the principal display panel(s) describing in nondeceptive terms the net quantity of contents, provided that such supplemental statements of net quantity of contents shall not include any term qualifying a unit of weight, measure, or count that tends to exaggerate the amount of the drug contained in the package; for example, "giant pint" and "full quart." Dual or combination declarations of net quantity of contents as provided for in paragraphs (a) and (i) of this section are not regarded as supplemental net quantity statements and shall be located on the principal display panel.

(p) A separate statement of net quantity of contents in terms of the metric system of weight or measure is not regarded as a supplemental statement and an accurate statement of the net quantity of contents in terms of the metric system of weight or measure may also appear on the principal display panel or on other panels.

(q) The declaration of net quantity of contents shall express an accurate statement of the quantity of contents of the package. Reasonable variations caused by loss or gain of moisture during the course of good distribution practice or by unavoidable deviations in good manufacturing practice will be recognized. Variations from stated quantity of contents shall not be unreasonably large.

(r) A drug shall be exempt from compliance with the net quantity declaration required by this section if it is an ointment labeled "sample," "physician's sample," or a substantially similar statement and the contents of the package do not exceed 8 grams.

§ 201.110 Retail exemption for veterinary drugs.

A drug subject to § 201.105 shall be exempt at the time of delivery to the ultimate purchaser or user from section 502(f)(1) of the act if it is delivered by a licensed practitioner in the course of his professional practice or upon a prescription or other order lawfully issued in the course of his professional practice, with labeling bearing the name and address of such licensed practitioner and the directions for use and cautionary statements, if any, contained in such order.

§ 201.116 Drugs having commonly known directions.

A drug shall be exempt from section 502(f)(1) of the act insofar as adequate directions for common uses thereof are known to the ordinary individual.

§ 201.119 In vitro diagnostic products.

(a) "In vitro diagnostic products" are those reagents, instruments and systems intended for use in the diagnosis of disease or in the determination of the state of health in order to cure, mitigate, treat, or prevent disease or its sequelae. Such products are intended for use in the collection, preparation and examination of specimens taken from the human body. These products are drugs or devices as defined in section 201(g) and 201(h), respectively, of the Federal Food, Drug, and Cosmetic Act (the act) or are a combina-

tion of drugs and devices, and may also be a biological product subject to section 351 of the Public Health Service Act.

(b) A product intended for use in the diagnosis of disease and which is an in vitro diagnostic product as defined in paragraph (a) of this section shall be deemed to be in compliance with the requirements of this section and section 502(f)(1) of the act if it meets the requirements of § 809.10 of this chapter.

§ 201.122 Drugs for processing, repacking, or manufacturing.

A drug in a bulk package, except tablets, capsules, or other dosage unit forms, intended for processing, repacking, or use in the manufacture of another drug shall be exempt from section 502(f)(1) of the act if its label bears the statement "Caution: For manufacturing, processing, or repacking"; and, if in substantially all dosage forms in which it may be dispensed it is subject to section 503(b)(1), the statement "Caution: Federal law prohibits dispensing without prescription". This exemption and the exemption under § 201.120 may be claimed for the same article. But the exemption shall not apply to a substance intended for a use in manufacture, processing, or repacking which causes the finished article to be a new drug, unless:

(a) An approved new-drug application or new animal drug application held by the person preparing the dosage form or drug for dispensing covers the production and delivery to him of such substance; or

(b) If no application is approved with respect to such new drug or new animal drug, the label statement "Caution: For manufacturing, processing, or repacking" is immediately supplemented by the words "in the preparation of a new drug or new animal drug limited by Federal law to investigational use", and the delivery is made for use only in the manufacture of such new drug or new animal drug limited to investigational use as provided in § 312.1 or § 511.1 of this chapter.

§ 201.125 Drugs for use in teaching, law enforcement, research, and analysis.

A drug subject to §§ 201.100, or 201.105, shall be exempt from section 502(f)(1) of the act if shipped or sold to, or in the possession of, persons regularly and lawfully engaged in instruction in pharmacy, chemistry, or medicine not involving clinical use, or engaged in law enforcement, or in research not involving clinical use, or in chemical analysis, or physical testing, and is to be used only for such instruction, law enforcement, research, analysis, or testing.

§ 201.127 Drugs; expiration of exemptions.

(a) If a shipment or delivery, or any part thereof, of a drug which is exempt under the regulations in this section is made to a person in whose possession the article is not exempt, or is made for any purpose other than those specified, such exemption shall expire, with respect to such shipment or delivery or part thereof, at the beginning of that shipment or delivery. The causing of an exemption to expire shall be considered an act which results in such drug being misbranded unless it is disposed of under circumstances in which it ceases to be a drug or device.

(b) The exemptions conferred by §§ 201.117, 201.119, 201.120, 201.122, and 201.125 shall continue until the drugs are used for the purposes for which they are exempted, or until they are relabeled to comply with section 502(f)(1) of the act. If, however, the drug is converted, compounded, or manufactured into a dosage form limited to prescription dispensing, no exemption shall thereafter apply to the article unless the dosage form is labeled as required by section 503(b) and §§ 201.100 or 201.105.

§ 201.128 Meaning of "intended uses".

The words "intended uses" or words of similar import in §§ 201.5, 201.115, 201.117, 201.119, 201.120, and 201.122 refer to the objective intent of the persons legally responsible for the labeling of drugs. The intent is determined by such persons' expressions or may be shown by the circumstances surrounding the distribution of the article. This objective intent may, for example, be shown by labeling claims, advertising matter, or oral or written statements by such persons or their representatives. It may be shown by the circumstances that the article is, with the knowledge of such persons or their representatives, offered and used for a purpose for which it is neither labeled nor advertised. The intended uses of an article may change after it has been introduced into interstate commerce by its manufacturer. If, for example, a packer, distributor, or seller intends an article for different uses than those intended by the person from whom he received the drug, such packer, distributor, or seller is required to supply adequate labeling in accordance with the new intended uses. But if a manufacturer knows, or has knowledge of facts that would give him notice, that a drug introduced into interstate commerce by him is to be used for conditions, purposes, or uses other than the ones for which he offers it, he is required to provide adequate labeling for such a drug which accords with such other uses to which the article is to be put.

§ 201.129 Drugs; exemption for radioactive drugs for research use.

A radioactive drug intended for administration to human research subjects during the course of a research project intended to obtain basic research information regarding metabolism (including kinetics, distribution, and localization) of a radioactively labeled drug or regarding human physiology, pathophysiology, or biochemistry (but not intended for immediate therapeutic, diagnostic, or similar purposes), under the conditions set forth in § 361.1 of this chapter, shall be exempt from section 502(f)(1) of the act if the packaging, label, and labeling are in compliance with § 361.1(f) of this chapter.

§ 201.150 Drugs; processing, labeling, or repacking.

(a) Except as provided by paragraphs (b) and (c) of this section, a shipment or other delivery of a drug which is, in accordance with the practice of the trade, to be processed, labeled, or repacked in substantial quantity at an establishment other than that where originally processed or packed, shall be exempt, during the time of introduction into and movement in interstate commerce and the time of holding in such establishment, from compliance with the labeling and packaging requirements of sections 501(b) and 502(b), (d), (e), (f), and (g) of the act if:

(1) The person who introduced such shipment or delivery into interstate commerce is the operator of the establishment where such drug is to be processed, labeled, or repacked; or

(2) In case such person is not such operator, such shipment or delivery is made to such establishment under a written agreement, signed by and containing the post-office addresses of such person and such operator, and containing such specifications for the processing, labeling, or repacking, as the case may be, of such drug in such establishment as will insure, if such specifications are followed, that such drug will not be adulterated or misbranded within the meaning of the act upon completion of such processing, labeling, or repacking. Such person and such operator shall each keep a copy of such agreement until 2 years after the final shipment or delivery of such drug from such establishment, and shall make such copies available for inspection at any reasonable hour to any officer or employee of the Department who requests them.

(b) An exemption of a shipment or other delivery of a drug under paragraph (a)(1) of this section shall, at the beginning of the act of removing such shipment or delivery, or any part thereof, from such establishment, become void ab initio if the drug comprising such shipment, delivery, or part is adulterated or misbranded within the meaning of the act when so removed.

(c) An exemption of a shipment or other delivery of a drug under paragraph (a)(2) of this section shall become void ab initio with respect to the person who introduced such shipment or delivery into interstate commerce upon refusal by such person to make available for inspection a copy of the agreement, as required by such paragraph (a)(2).

(d) An exemption of a shipment or other delivery of a drug under paragraph (a)(2) of this section shall expire:

(1) At the beginning of the act of removing such shipment or delivery, or any part thereof, from such establishment if the drug comprising such shipment, delivery, or part is adulterated or misbranded within the meaning of the act when so removed; or

(2) Upon refusal by the operator of the establishment where such drug is to be processed, labeled, or repacked, to make available for inspection a copy of

the agreement, as required by such clause.

(e) Except as provided in paragraphs (g) and (h) of this section, a shipment or other delivery of a drug which is subject to section 507 of the act and which is, in accordance with the practice of the trade, to be processed or repacked in a substantial quantity at an establishment other than that where originally processed or packed shall be exempt from compliance with the labeling requirements of section 502(f) of the act during the time such drug is also exempt from the requirements of section 502(1) of the act or, in the case of a new animal drug, is exempt from certification under section 512(n) of the act under the provisions of § 433.15 or § 433.16 of this chapter.

(f) Except as provided by paragraphs (g) and (h) of this section, a shipment or other delivery of a drug which is subject to section 507 of the act and which is, in accordance with the practice of the trade, to be labeled in substantial quantity at an establishment other than that where originally processed or packed shall be exempt from compliance with the labeling requirements of section 502(b), (e) and (f) of the act during the time such drug is also exempt from the requirements of section 502(1) of the act or, in the case of a new animal drug, is exempt from certification under section 512(n) of the act under § 433.12 of this chapter, if the words, statements, and other information required by section 502 (b) and (e) of the act appear on each shipping container of such drug.

(g) In case the person who introduced such shipment or other delivery into interstate commerce is the operator of the establishment where such drug is to be processed, labeled, or repacked, an exemption of such shipment or delivery under paragraph (e) or (f) of this section shall become void at the beginning of the act of removing such shipment or delivery or any part thereof from such establishment if the drug comprising such shipment, delivery, or part is adulterated or misbranded within the meaning of the act when so removed.

(h) In case the person who introduced such shipment or delivery into interstate commerce is not the operator of the establishment where such drug is to be processed, labeled, or repacked, an exemption of a shipment or other delivery of such drug under paragraph (e) or (f) of this section shall expire at the beginning of the act of removing such shipment or delivery or any part thereof from such establishment if the drug comprising such shipment, delivery, or part is adulterated or misbranded within the meaning of the act when so removed.

PART 207—REGISTRATION OF PRODUCERS OF DRUGS AND LISTING OF DRUGS IN COMMERCIAL DISTRIBUTION

§ 207.65 [Amended]

4. Section 207.65(i) is amended by changing the reference to "§ 328.10(d)" to read "§ 809.10(d)".

PART 314—NEW DRUG APPLICATIONS

§ 314.121 [Amended]

5. Section 314.121(b) is amended by changing the reference to "Part 328" to read "Part 809".

PART 328—IN VITRO DIAGNOSTIC PRODUCTS FOR HUMAN USE

6. Section 328.3(a) is transferred and redesignated as § 201.119(a) and set out in paragraph (a) of the revised § 201.119 in amendment 3 above.

PART 429—DRUGS COMPOSED WHOLLY OR PARTLY OF INSULIN

§ 429.11 [Amended]

7. The footnote to § 429.11(h)(1) is amended by inserting the reference ", § 801.16" after the phrase "see §§ 201.16(a)".

PART 610—GENERAL BIOLOGICAL PRODUCTS STANDARDS

§ 610.40 [Amended]

8. Section 610.40(d)(3) is amended by changing the reference to "§ 328.10(a)(4)" to read "§ 809.10(a)(4)".

Dated: February 9, 1976.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.76-4286 Filed 2-12-76;8:45 am]

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FRIDAY, FEBRUARY 13, 1976



PART IV:

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

■

ENGINEERING AND TRAFFIC OPERATIONS; CERTIFICATION ACCEPTANCE

Interim Regulations

Title 23—Highways

CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER G—ENGINEERING AND TRAFFIC OPERATIONS

[Docket No. 76-1]

PART 640—CERTIFICATION ACCEPTANCE

Interim Regulations

● Purpose. The purpose of this document is to revise current procedures implementing section 117 of title 23, U.S.C., and to issue these revised procedures as interim regulations. ●

Certification acceptance (CA) regulations interpreting and implementing section 116 of the Federal-Aid Highway Act of 1973 (23 U.S.C. 117) were promulgated by the Federal Highway Administration (FHWA) on May 15, 1974 (39 FR 17309), and codified as 23 CFR Part 640. These regulations established rules of alternative agency organization, procedure and practice for administering certain highway projects to be undertaken with Federal-aid highway funds under title 23, U.S.C. The regulations were amended on November 19, 1975 (40 FR 53728), by the addition of previously unpublished portions of the existing FHWA directive on certification acceptance. This action was taken in compliance with an order of the United States District Court for the District of Columbia in *National Wildlife Federation* v. *Brinegar*, Civil Action No. 1269–73 (August 22, 1975).

Certification acceptance was designed to permit States to assume a greater share of responsibility in the Federal-aid highway program. Under CA the Federal Highway Administrator (the Administrator) is permitted to discharge many of his responsibilities under title 23, U.S.C., by accepting a State Certification of procedures relative to projects on all Federal-aid systems except the Interstate System. The Administrator acts upon the request of any State if he finds that such projects will be carried out in accordance with State laws, regulations, directives and standards establishing requirements at least equivalent to those contained in, or issued pursuant to, title 23, U.S.C. CA provides States with the option of developing and relying upon their own laws and procedures to achieve both State and Federal goals and objectives with a corresponding reduction in step-by-step Federal reviews and approvals during project development and construction.

To date seven State Certifications have been approved by the Administrator—Georgia, Pennsylvania, Virginia, Kentucky, Maryland, Nevada, and Tennessee. The Kentucky State Certification covers all eligible projects but is limited to the design stage. The Tennessee State Certification is limited to eligible safety projects and projects on the Federal-aid secondary system. Each of the five remaining certifications covers all eligible projects and includes procedures for the location, design and construction stages. All States except Georgia elected to adopt existing Federal laws, regulations, directives and standards in lieu of developing their own provisions. Several other States have either submitted certifications for review or are in the process of preparing them.

The CA regulations are being revised at this time for the following reasons:

1. Since the majority of State submissions to date have adopted Federal provisions rather than developing their own, the regulations should provide for an optional method and format to simplify the submission of a satisfactory State Certification document in this situation. A sample "short-form" or "simplified format" certification distributed to FHWA field offices for guidance in June, 1974, has proven useful in this regard and is being formally adopted for use at this time (Appendix B). Section 640.5(a) is being revised to reflect the availability of this procedure. The simplified format is not mandatory and is not intended to discourage any State from requesting certification on the basis of its own statutes, regulations, etc. Indeed in keeping with the original concept of certification acceptance, the FHWA continues to encourage State initiatives in this regard.

2. Paragraphs (b) and (d) of § 640.5 have been revised to eliminate certain off-system projects and programs from CA in strict accordance with 23 U.S.C. 117.

3. Section 640.5(j) has been added to formally provide for a proper transition from the Secondary Road Plan (23 CFR Part 642) established by Congress under section 1 of the Federal-Aid Highway Act of 1954 (68 Stat. 70) to State certifications covering the Federal-aid secondary system. The Secondary Road Plan provides for State assumption of responsibility and a correspondingly abbreviated Federal procedure for processing individual projects on the secondary system. The legislative history of the CA concept indicates that it was viewed as a logical successor to and expansion of the Secondary Road Plan. Indeed it was recognized as an extension of the Secondary Road Plan concept to other Federal-aid systems (excluding the Interstate System).

The FHWA has encouraged an orderly transition form Secondary Road Plan projects to the processing of projects on the secondary system under approved State Certifications. In order to further this goal existing Secondary Road Plan agreements made between States and the Federal Government have been administratively extended since May, 1974. A large number of States have not yet submitted CA requests but have indicated that they favor further extension of the Secondary Road Plan agreements. Congress is currently considering legislation to continue the Secondary Road Plan for secondary projects.

In view of the foregoing, § 640.5(j) has been added, in the interim, to continue the acceptability of existing Secondary Road Plan agreements until satisfactory State Certifications covering the Federal-aid secondary system are submitted and approved. Projects on the secondary system will, however, be subject to the more stringent review requirements of the CA regulations. Section 640.5(j) brings attention to the fact that FHWA regulations and directives issued to implement statutes other than title 23 must be applied to all Federal-aid highway projects including those administered under this regulation. FHWA field offices are being instructed to make evaluations of State operations in administering projects on the Federal-aid secondary system in accordance with the guidelines contained in § 640.15. Section 640.5(j) also urges States to expedite the preparation of satisfactory State Certifications and precludes modifications to existing Secondary Road Plan agreements.

4. Section 640.11(a) has been revised so as to be consistent with the provisions of 23 CFR Part 630, Subpart A, Federal-Aid Programs Approval and Authorization (40 FR 57799, December 12, 1975).

5. Minor errors which appeared in the original regulation and the recent amendment have been corrected and certain revisions of a primarily technical nature have been made throughout the regulations as appropriate.

These regulations are being issued on an interim basis to permit the revised provisions to take effect at the earliest possible time while recognizing the temporary status of these provisions in light of ongoing Congressional activity in this area. Enactment of new highway legislation in the next few months may well require further revisions. It is also hoped that comments will be received which will be helpful in developing a final regulation.

The entire Part 640 is being revised and reissued at this time to facilitate review and comment and to emphasize the temporary nature of existing procedures. It is also hoped that the publication of the revised regulations *in toto* will remedy any confusion created by the previous amendments of November 19, 1975. The amendments made on that date did not modify then existing policies or procedures in any respect but merely represented publication of certain explanatory portions of the CA directive contained in the Federal-Aid Highway Program Manual (Volume 6, Chapter 5, Section 2) and in effect since May, 1974. As previously noted these provisions were published in compliance with an order of the United States District Court for the District of Columbia. The explanation of the legal basis for publication was inadvertently omitted from the subject amendments.

Although the subject matter of the CA regulations is limited to the administrative relationship between the States and FHWA in processing Federal-aid highway grants, the preamble to the original CA regulations invited comments and suggestions from the public to be submitted after issuance of the regulation (FHWA Docket No. 74–4) and stated that material thus submitted would be considered and evaluated in determining any changes to the regulations (40 FR 17310). The Center for Auto Safety (hereinafter the Center), an independ-

ent, non-profit public interest organization, responded to this invitation and requested a 30-day extension of time for its submission. Following the granting of the extension the Center submitted detailed comments. The Center's response was the only one received.

Much of the Center's submission addresses the CA concept itself rather than specific aspects of the regulations. Based upon its own analysis of State highway operations, the Center expressed the view that the CA procedure allows the States an excessive degree of discretion and flexibility. Having worked closely with the States and watched over their Federal-aid activities for more than 50 years, the FHWA firmly believes that the State highway agencies have in fact reached a level of maturity which is compatible with the CA concept. The agency recognizes, however, that the CA program represents an expression of the will of Congress and is based upon that body's evaluation of and respect for the capabilities of State highway agencies. Accordingly any misgivings which the Center may have in this regard would be more appropriately directed through the legislative process.

The Center also addressed the manner in which the regulation was developed and promulgated. Since this is the subject of ongoing litigation it would be inappropriate to respond to those comments at this time.

Finally the Center commented on several substantive provisions of the regulations and expressed particular concern with the overall safety consequences of the regulations and CA. There follows an analysis of these substantive comments.

1. The Center criticized the provisions of § 640.5, Effect of State Certification Approval, that would permit State Action Plans developed under 23 CFR Part 795 to be submitted as a description of the procedures to be used for all preconstruction activities covered by the Action Plans. The comments also expressed concern that Action Plans would be submitted to satisfy the requirements of § 640.9(d) which asks for "an outline or flow chart indicating steps in project development and assignments of responsibility." Inclusion of Action Plans in State Certifications was viewed as exhibiting an unjustified degree of trust in "untested" State policies and procedures.

Although the primary purpose of the FHWA's Action Plan requirement was not for use in the CA program but rather to meet the social, economic and environmental requirements of 23 U.S.C. 109(h), approved Action Plans do represent official State policies and procedures developed in the public forum. Consequently FHWA sees no basis for precluding their use as a part of a State Certification. Section 640.5(e) clearly limits the use of each Action Plan, for CA purposes, to those activities specifically covered in the document. The fact that full implementation of the Action Plan concept was only begun within the last 2–3 years is not seen as a deterrent to inclusion of Action Plans in State Certifications. A State's operations under its Action Plan are subject to the review requirements of 23 CFR 795.6 whether or not the State has elected to operate under CA. Section 640.5(e) as amended by the addition of previously unpublished explanatory language further delineates the relationship between CA and Action Plans.

2. Section 640.7, Finding of Equivalency Basis for Approval, was criticized for lack of specific criteria and processes by which FHWA determines the equivalency requirement of 23 U.S.C. 117(a). The FHWA believes that § 640.7 discusses the concept of equivalency with as much specificity as possible and that the items listed in paragraphs (b) and (c) of § 640.7 provide further guidance in this regard. A previously unpublished paragraph discussing the relationship between 23 U.S.C. 117 and 23 U.S.C. 302 and the significance attached to a State's past performance in the administration of Federal-aid projects has been added to the regulations as paragraph (d) of § 640.7. The FHWA believes that the judgment and experience of its professional staff members who have worked with and reviewed the work of State highway agencies over the years is an important factor in the determination of a State's capability to carry out projects in accordance with applicable State laws and regulation, and § 640.7(d) expresses this view.

3. The Center questioned the adequacy of the items listed and the details required in § 640.9, Content of State Certification. Particular concern was expressed over paragraph (f) which calls for a statement of the design and construction standards applicable to projects carried out under CA procedures. The Center felt that actual design and construction manuals should be a part of a State's Submission. Paragraph (e) of § 640.9 does in fact require submission of all such manuals where a State has a formal directives system and/or procedural manuals. In evaluating the Georgia State Certification, manuals comprising thousands of pages were reviewed by dozens of professionals at all levels of FHWA. Indeed the Center for Auto Safety was permitted to review these same documents during the spring of 1974 and again in February, 1975. Paragraph (f) of § 640.9 addresses the very specific item of design and construction standards, which may or may not be incorporated in State manuals. Finally the FHWA believes that the items included in § 640.9 provide for a most comprehensive and thorough evaluation of a State's CA proposal and run the gamut of a State's Federal-aid highway operations.

4. Discussing § 640.13, Final Inspection and Acceptance, the Center expressed the view that the final inspection made by FHWA of each physical construction project must be a great deal more than "cursory" and that adequate criteria should be provided for same. The FHWA prefers to emphasize the "process review" approach to evaluation of a State's ongoing operations rather than requiring an exhaustive inspection of highway facilities once all work has been completed. The agency believes that this ongoing periodic review provided for by § 640.15 will result in a more comprehensive "inspection" of individual projects as well as a State's implementation of policies and procedures under CA particularly in the critical area of highway safety. The process review approach is also in keeping with the overall concept of CA. Section 640.11 permits extensive review by FHWA at both the individual project and program levels, and § 640.9 (h) requires the States to make all projects available for Federal review at any time. The addition of previously unpublished explanatory language to § 640.15 gives additional guidance as to the review procedures that comprise the process approach.

5. The Center commented that § 640.17, Effect of State's Noncompliance, and § 640.19, Rescission, contain no criteria by which the Administrator may make a determination of noncompliance. Reading Part 640 as a whole, it is clear that any determination of noncompliance or any rescission of approval would be based upon a violation or violations of the State or Federal laws and regulations governing a State's operations under CA. Such violations could be brought to the Administrator's attention through the § 640.15 review process or as the result of information received from members of the public. Section 640.13(b)(1) places the burden on the States to establish compliance, and § 640.17(a) provides that a final judgment rendered against the State highway agency by a State court for noncompliance with State law with respect to projects administered under CA will be considered prima facie evidence of noncompliance with the CA regulations.

The Center also urged that greater opportunity should be afforded for public participation in determinations of noncompliance. Although FHWA remains receptive to complaints and inquiries from the public, highway users and nonusers alike, the agency does not believe that it would further the interests of good government to expand public participation in an area as remote and specialized as determinations of noncompliance by States under the alternative certification acceptance procedure. The determination of noncompliance with complex statutes, regulations, directives and standards is one vested in the Administrator and is best left to those charged with the responsibility for administering the CA program. This is particularly true in the case of a primarily procedural and administrative program such as certification acceptance. The public continues to enjoy the opportunity for extensive participation in decisionmaking at the individual project level (see, e.g., 23 CFR Parts 771, 790 and 795).

For the reasons set forth herein, certification acceptance policies and procedures are hereby promulgated in the form of interim regulations and will appear in Title 23, Chapter I, Subchapter G of the Code of Federal Regulations as Part 640.

Interested parties and government agencies are encouraged to submit written comments, views and suggestions

concerning these regulations. All comments should refer to Docket No. 76–1 and should be submitted in three copies to the Federal Highway Administration, 400 7th Street, SW., Room 4230, Washington, D.C. 20590. All submissions received on or before March 31, 1976, will be considered prior to the promulgation of final regulations. Copies of all written communications received will be available for examination during normal business hours (7:45 am–4:15 pm) at the foregoing address.

This revision of Title 23, CFR, is made under the authority of 23 U.S.C. 101 (e), 117 and 315 and the delegation of authority by the Secretary of Transportation at 49 CFR 1.48(b).

Effective date. These regulations take effect on March 15, 1976.

Issued on: February 10, 1976.

NORBERT T. TIEMANN,
Federal Highway Administrator.

The regulations on Certification Acceptance, 23 CFR Part 640, are revised to read as follows:

Sec.
640.1 Purpose.
640.3 Definitions for use in this part.
640.5 Effect of State Certification approval.
640.7 Finding of equivalency basis for approval.
640.9 Content of State Certification.
640.11 Systems actions, program and project approval and authorization.
640.13 Final inspection and acceptance.
640.15 Evaluation of State's operation.
640.17 Effect of State's noncompliance.
640.19 Rescission.
Appendix A—List of Suggested Phases To Be Evaluated.
Appendix B—Sample Simplified Format for State Certification.

AUTHORITY: 23 U.S.C. 101(e), 117 and 315; 49 CFR 1.48(b).

§ 640.1 Purpose.

The purpose of this part is to establish rules of alternative agency organization, procedure and practice for administering certain highway projects to be constructed with Federal fund participation in lieu of the detailed Federal Highway Administration (FHWA) procedure provided for in 23 U.S.C. 101, et seq., and regulations issued pursuant thereto which requires FHWA review and approval at various stages of individual project development.

§ 640.3 Definitions for use in this part.

(a) "Administrator" means Federal Highway Administrator.

(b) "Certification Acceptance (CA)" is the alternative procedure which may be used for administering certain highway projects involving Federal funds pursuant to 23 U.S.C. 117.

(c) A "State highway agency" is that department, commission, board, or official of any State charged by its laws with the responsibility for highway construction. The term "State" should be considered equivalent to "State highway agency" if the context so implies.

(d) A "State Certification" is a written statement prepared by a State highway agency, signed by its chief administrative officer and aproved by the Federal Highway Administrator, setting forth the State's organization and capability and the laws, regulations, directives and standards it will use, or cause to be used, in the administration of certain highway projects.

(e) A "project" is an undertaking by a State highway agency for highway construction, or if the context so implies, the particular portion of a highway so constructed.

(f) "Construction" is as defined in 23 U.S.C. 101.

§ 640.5 Effect of State Certification approval.

(a) Approval of a State Certification relieves the State of compliance with Title 23, United States Code (hereinafter Title 23), and those requirements issued pursuant thereto with respect to all construction projects under CA except as otherwise provided in this part. States may adopt, by reference, any appropriate FHWA regulations or directives in lieu of detailing their own procedures, if they so elect. If a State chooses to adopt FH WA regulations and directives to satisfy the "equivalency" requirement of 23 U.S.C. 117 and to minimize the effort required to prepare a satisfactory State Certification, Appendix B titled "Simplified Format for State Certification" is an example of how this may be accomplished.

(b) Forest Highways, Public Lands, and Emergency Relief projects, all projects included under sections 131, 136, 151 (except projects not located on a Federal-aid system) 152, 153, 155 (except projects not located on a Federal-aid system), and 319(b) of Title 23 and all projects constructed under the provisions of section 203 of the Federal-Aid Highway Act of 1973 (Pub. L. 93–87, 87 Stat. 250) may be included in a State Certification and processed under the regulations in this part.

(c) A State may include all or part of its eligible programs or projects in the Certification submitted for approval. Program areas or projects not included or ineligible for inclusion under the CA procedure will continue to be administered by FHWA and the State in accordance with Title 23 and the regulations and directives issued pursuant thereto.

(d) The CA procedure shall not apply to transportation planning and research (23 U.S.C. 134 and 307), highway safety (Chapter 4, Title 23), those public transportation projects proposed pursuant to sections 142(a)(2), 142(c), and 103(e)(4) of Title 23, Off System Road Program projects (23 U.S.C. 219), and projects on the Interstate System, except as otherwise provided in this part.

(e) Approved Action Plans will serve to satisfy the requirements of CA for such preconstruction activities as are covered in the Action Plan. State Action Plans prepared by the States in accordance with the Process Guidelines (23 CFR Part 795), requires States to outline certain procedures in a manner that is consistent with the concept behind certification acceptance. Under the Process Guidelines, States have freedom in determining their own procedures to achieve certain given objectives as outlined in the Process Guidelines; objectives which derive from section 109(h) of Title 23 and sections 102(2)(A) and (B) of the National Environmental Policy Act of 1969.

(f) Approval of a State Certification does not constitute commitment or obligation of Federal funds.

(g) Certification acceptance is an alternative procedure which replaces detailed FHWA procedures with inspection and monitoring of a State's operations under State laws and procedures, which must assure that adequate consideration is given to proposed highway projects and that the decisions on such projects are made in the best overall public interest. The alternative procedure recognizes the unique situation of each State and does not prescribe specific organizations or procedures. Certification approval endorses the adequacy of a State's processes for achieving Federal objectives but does not constitute approval of individual projects.

(h) Certification acceptance as an alternative procedure does not replace the fundamental provisions of law in Title 23 with respect to the basic structure of the Federal-aid highway program, such as the authorization of funds (23 U.S.C. 102), Federal-aid systems (23 U.S.C. 103), apportionment (23 U.S.C. 104), programs (23 U.S.C. 105), designation of urbanized area boundaries (23 U.S.C. 101(a)), allocation of urban system funds (23 U.S.C. 150), Federal share payable (23 U.S.C. 120), and toll roads and bridges (23 U.S.C. 129). Nor are provisions of Title 23 conferring a benefit or privilege abrogated by the approval of a State Certification. Certain provisions of Title 23, such as the sections on the bridge replacement program, rail-highway crossings, high-hazard locations and the elimination of roadside obstacles which require the conduct and maintenance of inventories, surveys, etc., are similarly not abrogated by the approval of a State Certification.

(i) Nothing in this part shall affect or discharge any responsibility or obligation of the FHWA Administrator under any Federal law, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321, et seq.), section 4(f) of the Department of Transportation Act (49 U.S.C. 1653(f)), Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000(d), et seq.), Title VIII of the Act of April 11, 1968 (Pub. L. 90–284, 42 U.S.C. 3601, et seq.), and the Uniform Relocation Assistance and Land Acquisition Policies Act of 1970 (42 U.S.C. 4601, et seq.), other than the laws in Title 23. The cited laws and other Federal laws, as well as Executive Orders, shall be implemented in accordance with Federal regulations and FHWA directives and standards which have been issued pursuant thereto.

(j) Until such time as a State desiring to administer projects under these alternative CA procedures submits a satisfactory State Certification and it is approved, FHWA will accept the existing Secondary Road Plan agreement be-

tween the State and FHWA in lieu of a State Certification for projects on the Federal-aid secondary system. The FHWA will not consider proposals to modify or change Secondary Road Plan agreements. States are used to expedite the writing of satisfactory State Certifications and to incorporate any needed modifications of the Secondary Road Plan agreements into the State Certifications. Regulations and directives which have been issued to implement non-Title 23 statutes shall apply to all Federal-aid projects, and include the following statutes: the National Environmental Policy Act of 1969, Section 4 (f) of the Department of Transportation Act, Title VI of the Civil Rights Act of 1964, Title VIII of the Act of April 11, 1968, and the Uniform Relocation Assistance and Land Acquisition Act of 1970.

§ 640.7 Finding of equivalency basis for approval.

(a) Approval of a State Certification will be based upon a finding by FHWA that the State laws regulations, directives, and standards establish requirements at least equivalent to those contained in, or issued pursuant to Title 23. The statutory phrase "State laws, regulations, directives, and standards establishing requirements at least equivalent to those contained in, or issued pursuant to * * * (Title 23)" means State laws, etc., that, collectively, will achieve the Federal objectives in Title 23. The statutory phrase does not mean State laws, etc., the same as or exactly like or identical to those in Title 23 and issued pursuant thereto.

(b) Equivalency of State laws, regulations, directives, and standards with Title 23 provisions and requirements issued pursuant thereto shall be determined by finding that the State has laws or regulations or directives or standards each of which contain requirements separately and/or all of which contain requirements collectively on:

(1) Construction and design,

(2) Competitive bidding,

(3) Payment of prevailing wages as determined in accordance with the Davis Bacon Act (40 U.S.C. 267a),

(4) Prohibition of convict labor unless the labor is performed by convicts on parole or on probation,

(5) Maintenance,

(6) Relocation of utilities,

(7) Public hearings,

(8) Construction and maintenance of ferry boats where applicable,

(9) Safeguarding the State and Federal interest in instances of irregularities,

(10) Equal employment opportunity,

(11) Control of outdoor advertising, and

(12) Control of junkyards.

(c) Equivalency of State laws, regulations, directives, and standards with Title 23 provisions and requirements issued pursuant thereto shall also be determined by finding that the State laws, etc., in the subject areas listed in § 640.7(b) will achieve the following Federal objectives of having Federal-aid and Federal highways constructed in a manner that will:

(1) Meet existing and probable future traffic needs,

(2) Be conducive to safety, durability, economy of maintenance and utilization by elderly and handicapped persons,

(3) Conform to the particular needs of each locality,

(4) Provide all-weather service,

(5) Provide uniform informational, regulatory and warning signs, markings and signals that will promote the safe and efficient utilization of the highways,

(6) Provide proper safety protective devices at railroad grade crossings and drawbriges,

(7) Minimize soil erosion,

(8) Assure that possible adverse economic, social, environmental effects relating to any proposed project on any Federal-aid system have been fully considered in developing such project, and that the final decisions on the project are made in the best overall public interest, taking into consideration the need for fast, safe and efficient transportation, public services, and the costs of eliminating or minimizing such adverse effects and the following:

(i) Air, noise, and water pollution,

(ii) Destruction or disruption of manmade and natural resources, aesthetic values, community cohesion and the availability of public facilities and services,

(iii) Adverse employment effects, and tax and property value losses,

(iv) Injurious displacement of people, businesses and farms, and

(v) Disruption of desirable community and regional growth.

(9) Provide for public participation in the development of projects in the location and design stages,

(10) Provide for competitive bidding that will effectively secure competition and punish fraud, bribery, collusion, conspiracy or other serious offense involving violation of State or Federal criminal statutes,

(11) Provide for an equal employment opportunity program including highway construction training and skill improvement programs, and

(12) Preserve natural beauty.

(d) It is not the intent that the States must completely document compliance with 23 U.S.C. 302 as if the State—FHWA relationship was beginning anew. Certain basic information must be furnished, however—either physically in the certification or incorporated by reference—to demonstrate that the State can carry out the objectives of Title 23. All State certifications need not have the same format and content. Flexibility is intended and in FHWA's review of the State's proposed certification much reliance will be placed on the past performance of the State in the administration of Federal-aid projects. States may adopt by reference any appropriate FHWA regulations or directives in lieu of detailing their own procedure, if they so elect.

§ 640.9 Content of State Certification.

The State Certification shall include the following:

(a) The name of the State highway agency and the legal authority which permits such agency to comply with Title 23, U.S.C., and other applicable Federal statutes and Executive Orders.

(b) A positive statement that projects administered under CA will comply with all applicable Federal statutes and Executive Orders. By such statement, the Federal laws and Executive Orders so applicable are incorporated by reference. Compliance with such laws and Executive Orders will include providing in appropriate contracts those applicable provisions which describe the contractor's responsibilities for assuring equal opportunity (including selection of labor, employment practices, selection of subcontractors, procurement of materials, and leasing of equipment) and non-discrimination, providing nonsegregated facilities, paying predetermined minimum wages, furnishing payroll information and certificates, assuring occupational health and safety as required by State and Federal statutes, posting warnings against false statements, termination of contracts, and economic stabilization (both with regard to wages and prices and to reduction of wages and salaries caused by action of the Construction Industry Stabilization Committee), as well as other requirements outside of Title 23. Many required contract provisions currently in use have been developed in cooperation with the Department of Labor or other Federal agencies and any proposed revisions to these existing provisions shall be similarly treated.

(c) A statement of the systems, programs, phases of work and classes of projects or combinations thereof that the State is including in the Certification being submitted for approval.

(d) A decription or a table of organization of the State highway agency and an outline or flow chart indicating steps in project development and assignments of responsibility.

(e) A description of the methods and control procedures the State will follow to assure compliance with State and Federal requirements in the administration of projects covered by the State Certification, including the management, operational, and financial systems within the State's organization that insure the proper control of highway construction activities, accountability of Federal highway funds and the presentation of legitimate and correct claims to FHWA. Where the State has a formal directives system and/or procedural manual covering all or part of its operation, the description may make appropriate references to the applicable State directives system and/or procedural manuals rather than reiterate the methods and control procedures. At least two copies of such documents should be furnished with the initial submission. Where such documents have previously been furnished the FHWA division and regional offices and are current, additional copies need not be furnished. Procedures shall also be included for consulting with local, State, and Federal air pollution control agencies, as appropriate, and for assur-

ing that decisions on highways are consistent with aproved State Implementation Plans and that adequate consideration is given to preservation and enhancement of air quality. Existing assurances and formal agreements between the State and FHWA with respect to equal employment opportunity, current billing, and control of outdoor advertising will continue in full force and effect and similarly may be incorporated by reference.

(f) A statement of the design and construction standards applicable to CA procedure projects. Where the Certification refers to American Association of State Highway and Transportation Officials (AASHTO), American Society of Testing Materials (ASTM), or other published standards and procedures, or incorporates any FHWA or other Federal publication or directive, these need not be submitted.

(g) A description of the State's methods for assuring local government knowledge of and compliance with State and Federal requirements where they perform services on projects to be administered under this alternative procedure.

(h) A statement that all projects under CA shall be available for review by FHWA at any time and that all project documents shall be retained and available for inspection during the plan development and construction stages and for a 3-year period after submission of the final voucher for the project.

(i) State Certifications are to be signed by the Chief Administrative Officer of the State highway agency or the official or officials of the State charged by its laws with the responsibility for highway construction and submitted to FHWA through the FHWA Division Administrator by letter. If parts of the State Certification are found to be inadequate, the Administrator may (1) grant conditional approval, (2) approve it only for certain systems, classes of projects, or phases of work or (3) return the submission to the State highway agency for further consideration.

§ 640.11 Systems actions, program and project approval and authorization.

(a) (1) Federal-aid highway system actions and program approval shall be administered in compliance with applicable Title 23 requirements and in accordance with applicable current FHWA regulations and directives issued pursuant thereto.

(2) When coordination of a project with another Federal agency is required, FHWA is to assist in providing this coordination to the extent the FHWA Division Administrator and the State find necessary. Some examples are: (i) transfers of Federal land with the affected agency, (ii) bridge navigational clearances with the U.S. Coast Guard, (iii) highway improvements in the vicinity of airports with FAA or military airport authorities, (iv) projects in National Forests with the U.S. Forest Service, (v) Appalachia projects, and (vi) defense access projects.

(3) When a proposed project is not of the type or scope normally anticipated in the State Certification, or contains experimental features, or is not similar to previous Federal-aid projects in the State, the State should consult with the FHWA Division Administrator. The State shall submit such preliminary plans or advance information to FHWA for review as the Division Administrator may request. Examples of this are very expensive and/or complex railroad or utility adjustments; flood plain encroachments; complex drainage facilities; complex bridges; tunnels; sophisticated traffic control systems; and multipurpose or joint development projects.

(4) Unless exceptions are stated and approved in the program documents, it will be understood that each project approved in a program will be administered in full compliance with the State Certification. Exceptions may be made in unusual circumstances when prior approval is obtained. Exceptions to the procedures and standards promulgated by this regulation may be approved by FHWA Headquarters. Exceptions to the agreed procedures contained in the State Certification may be approved by the Regional Federal Highway Administrator. Exceptions to the standards contained or referenced in the State Certification, provided under § 640.9, or exceptions excluding a specific project or phase of the work normally covered by the State Certification may be approved by the FHWA Division Administrator.

(b) Authorization to proceed with the project or any phase of the work shall be in response to a State request and may be concurrent with or subsequent to program approval. A project agreement is to be executed on each project.

(c) During the progress of the authorized project, the State highway agency shall furnish FHWA such information as the Administrator determines necessary in administering the Federal-aid highway program under CA.

§ 640.13 Final inspection and acceptance.

(a) FHWA shall make an inspection of each physical construction project upon its completion.

(b) (1) The State shall furnish in respect to each construction project, as soon as practicable after project completion, a confirmation that the project was completed as programed and in accordance with the procedures and standards contained in the State Certification, with a request for final acceptance by the FHWA 1446C [1] shall be submitted by the assurance that all applicable State and Federal laws have been complied with and shall be signed by the appropriate State official. The burden shall be upon the State to show compliance and the State shall furnish, upon request, all project documents and any other information pertaining to the project as necessary for final acceptance. Form FHWA 14460 [1] shall be submitted by the State highway agency. The form may be modified as appropriate for preliminary engineering projects.

(2) Should the State be unable to confirm that the project has been completed as programed and in accordance with the State Certification, the State shall notify the FHWA Division Administrator in writing which shall include explanation and effect of any variations, along with a recommendation for FHWA participation in the final cost of the project. The FHWA Division Administrator may approve such variations or seek the advice of the Regional Federal Highway Administrator.

(3) When the FHWA Division Administrator has made a final inspection of the project, has received a satisfactory confirmation of completion (form FHWA 1446C) from the State, and is satisfied that the project has been completed as programed (or when variations from the program and/or certification have been resolved), Form FHWA 1446C shall be completed to indicate final acceptance by FHWA. The form may be modified as appropriate for preliminary engineering projects.

§ 640.15 Evaluation of State's operation.

(a) (1) Evaluations of the State's operation under the CA procedure shall be made by FHWA. The objective of the evaluation will be to ascertain whether or not a State's procedures are effective in assuring that projects covered by the State Certification are administered in accordance with the State Certification and if not, to arrange for the necessary corrective actions to be taken promptly. Selected phases of the State's operations are to be reviewed each year. The phases will be selected with the objective of reviewing each major phase at least once over a maximum period of 3 years. Nothing in this section shall preclude more frequent reviews of selected phases if the need becomes apparent. Recognizing the variations which exist among the several State highway agencies in administering projects, the Division Administrator is to prepare, and annually update, a listing of the major phases of the State's operations that are included under CA. Appendix A lists major phases and parts of phases which should be considered by the Division Administrator in preparing his list.

(2) Prior to commencement of each calendar year, the Division Administrator is to select the phases which are to be reviewed during the coming year. He is to also advise the State of the phases to be inspected during the year. Phases to be selected and reviewed are to cover those matters which are required as a prerequisite for Federal participation in any project, as well as those items of work in which there is Federal participation in the cost thereof. Phases or projects may be selected on the basis of identified or potential weaknesses. Projects selected for review should provide for statewide geographic distribution. Review teams will consist of personnel from the division office and may consist of personnel from the regional and Head-

[1] This document is available for inspection and copying as prescribed in 49 CFR Part 7, App. D.

quarters offices in whatever disciplines as may be appropriate for the particular phase being reviewed. The Division Administrator will prepare review guidelines for each phase. Regional Federal Highway Administrators shall determine the need of the regional office for copies of the list of review phases and review guidelines.

(3) Procedural and/or project deficiencies noted during the reviews are to be discussed with the State, and agreement reached on corrective action to be taken. Follow-up reviews are to be made when necessary. Where the deficiency is other than an isolated case and/or is considered major in scope, the Regional Federal Highway Administrator is to be notified of the details of the finding along with the recommended action to be taken. The Regional Federal Highway Administrator shall make a determination as to the course of action to follow and so notify the Division Administrator.

(4) Where deficiencies are found which violate State and/or Federal laws carrying out the objectives of Title 23, the review should be pursued to determine the scope and magnitude of the problem. Details of the finding and review are to be provided to the Administrator along with the recommendations of the Regional Federal Highway Administrator. The Administrator shall make a determination in accordance with § 640.17.

(b) As a part of the annual evaluation, the existing State Certification is to be reviewed to determine its adequacy in light of this part, the statutes in effect at the time of the review and the operational reviews made by FHWA in the past year. Prior to January 30 of the succeeding year a summary report of the reviews made during the year, along with the actions taken or to be taken to correct deficiencies, and an evaluation of the State's operation under the CA procedure including the adequacy of the State Certification is to be submitted to the Regional Federal Highway Administrator. The State Certification is to be revised or amended as found necessary, and approved in accordance with subparagraph 61 of Volume 6, Chapter 5, Section 2 of the Federal-Aid Highway Program Manual.[2]

§ 640.17 Effort of State's noncompliance.

(a) The Administrator shall determine whether a State has failed to comply with State and Federal law in implementing CA, and the decision shall be administratively final. A final judgment rendered against the State highway agency by a State court for noncompliance with State law in this respect will be prima facie evidence of a State's failure to comply with this part.

(b) Failure to comply with Federal or State laws may be remedial and reparable or non-remedial and irreparable. In the event the noncompliance is remedial, corrective action shall be required to protect the Federal interest. If the noncompliance cannot be remedied or corrected, the Administrator will determine the action to be taken.

§ 640.19 Rescission.

(a) The Administrator's approval of a State Certification may be rescinded at any time if, in the Administrator's opinion, it is necessary to do so. The rescission may be applied to all or part of the programs or projects approved in the State Certification.

(b) In the event that approval of a State Certification is rescinded, the provisions of Title 23 and the regulations issued pursuant thereto are immediately applicable. All required approvals must be obtained on projects which have not been processed beyond the obligation stage. Projects upon which FHWA has given authorization to proceed and obligation of the Federal share has occurred shall not be affected by rescission except in unusual cases where such action is necessary to protect the Federal interest.

(c) The Administrator shall provide the State with a written notice stating the reasons for his intention to rescind approval of a State Certification and the State shall have the opportunity to respond orally or in writing before a final decision is made. The Administrator's decision to rescind approval of a State Certification shall be administratively final.

APPENDIX A—LIST OF SUGGESTED PHASES TO BE EVALUATED

The following listing is intended to guide the Division Administrator in the selection of phases to be evaluated over a 3-year period. Phases not applicable to the particular State's operations should not be included. (Lettered items are major phases)

A. EVALUATION OF STATE HIGHWAY AGENCY

1. Organization and functions (as related to operations under CA).

B. IMPLEMENTATION OF SPECIAL PROGRAMS (SAFETY IMPROVEMENT INCLUDING BRIDGE REPLACEMENT AND RR GRADE CROSSING PROTECTION, TOPICS, BILLBOARD CONTROL, JUNKYARD CONTROL, ETC.)

1. Project selection procedures.
2. Project evaluation procedures.

C. LOCATION

1. Cooperation with other State, Federal and local agencies.
2. Public hearings.
3. Location approvals.

D. DESIGN

1. Structural and geometric standards, including pavements.
2. Adequacy of right-of-way.
3. Contract time.
4. Plan development and preparation of specifications and contract provisions.
5. Plan approval procedures.
6. Engineering estimate.
7. Safety provisions.
8. Prevention and abatement of water pollution.
9. Flood hazards and hydraulic design.
10. Approval and processing of substandard conditions.
11. Traffic control.
12. Design approvals.

E. UTILITIES AND RAILROADS

1. Agreements.
2. Permits.
3. Plans.

F. CONSTRUCTION

1. Qualifying bidders and licensing contractors.
2. Advertising and award of contract.
3. Contract documents.
4. Construction supervision and control.
5. Materials.
6. Quality control.
7. Records and documentation.
8. Equal employment opportunity program.
9. Labor standards and wage rates (including OSHA).
10. Change and extra work orders.
11. Subcontracting.
12. Time charges and extensions.
13. Traffic control and maintenance of traffic.
14. Pollution and erosion control.

G. EMPLOYMENT OF CONSULTANTS

1. Selection procedures.
2. Agreements.
3. Administration of consultant's activi?ties.

H. BILLBOARD REMOVAL

I. JUNKYARD REMOVAL

J. OTHER

The Division Administrator is to determine other phases which he deems appropriate for his State.

NOTE.—Review of the States' procedures under their Action Plans will cover the environmental requirements of Title 23 and will be handled as a statewide review involving all types of Federal-aid projects.

APPENDIX B—SAMPLE SIMPLIFIED FORMAT FOR STATE CERTIFICATION

MR. _____
Federal Highway Administrator,
Washington, D.C. 20590.

(Through Mr. _____, *FHWA Division Administrator*).

DEAR MR. _____: The _____
(name of State highway agency)
(hereinafter "State Highway Agency") hereby requests the acceptance by the Federal Highway Administrator of the certification set forth below which will authorize the State Highway Agency to administer certain Federal-aid highway projects under the certification acceptance procedure as provided for in 23 U.S.C. 117, and Volume 6, Chapter 5, Section 2, of the Federal-Aid Highway Program Manual on a limited basis. It is understood that projects and project documents will be available for inspection by representatives of the Federal Highway Administration as necessary to evaluate the certification acceptance process.

CERTIFICATION

This is to certify that the State Highway Agency will administer projects under the certification acceptance procedure in compliance with all applicable Federal statutes and Executive Orders. In addition, the State Highway Agency agrees to comply with the provisions of Title 23, U.S.C., and all Federal Highway Administration regulations, directives and standards in connection with the below listed Federal-aid systems or classes of projects, to the same extent as if such statutory provisions, regulations, directives and standards had been enacted or promulgated pursuant to the laws of the State.

[2] This document is available for inspection and copying as prescribed in 49 CFR Part 7, App. D.

The Federal-aid system(s) or classes of projects to which this certification applies shall be as follows: (list Federal-aid system or classes of projects here, e.g., "all Federal-aid highway projects except those on the Interstate System"; "all Federal-aid projects on the Federal-aid secondary system," etc.)

Pursuant to the provisions of 23 U.S.C. 117, the State Highway Agency will perform the responsibilities of the Federal Highway Administration related to the following specific project transactions:

(1) Approval of project plans, specifications and estimates.

(2) Granting of authorization to advertise for bids.

(3) Approval of individual utility, railroad and consulting engineer agreements.

(4) Concurrence in the award of contracts for construction work.

(5) Approval of change orders and extra work orders.

(6) (*Other specific approval or authorization to be excepted*).

Attached and made a part of this certification are:

(1) A description or table of organization of the State Highway Agency.

(2) An outline or flow chart of project activities with assignment of approval authority identified for the specific project transactions listed above.

(3) A description of the methods and control procedures which will be followed to assure compliance with State and Federal requirements insofar as they will be affected by the specific project transacitons listed above.

(4) A statement of, or reference to, standards which will apply to design, preparation of plans and specifications and construction.

(5) A description of the State Highway Agency's methods for assuring local government knowledge of, and compliance with, State and Federal requirements where such local governments will perform work or services.

This certification will take effect on the first day of the month following the month of your approval.

Sincerely yours,

(Signature)
Chief Executive Officer of the State Highway Agency.

Accepted:

Federal Highway Administrator (*Date*)

[FR Doc.76-4344 Filed 2-12-76:8:45 am]

federal register

FRIDAY, FEBRUARY 13, 1976



PART V:

FEDERAL ELECTION COMMISSION

■

INTERIM GUIDELINES, PROPOSED REGULATIONS, ADVISORY OPINION REQUESTS, AND ADVISORY OPINIONS

Index

FEDERAL ELECTION COMMISSION

[Notice 1976–17]

INTERIM GUIDELINES, PROPOSED REGULATIONS, ADVISORY OPINION REQUESTS AND ADVISORY OPINIONS

Index of Notices Published in the Federal Register

Today, the Federal Election Commission publishes an index for all interim guidelines, proposed regulations, advisory opinion requests, and advisory opinions which have been published by the Commission through February 2, 1976. This index includes numerical, subject matter, and publication date notation for each published item. In every case, the FEDERAL REGISTER notice number will be the common reference to each entry.

For a full text of any of the entries included in this index, you may write to the Information Office, Federal Election Commission, 1325 K Street NW., Washington, D.C. 20463, or call Area Code (202) 382–4733. When ordering any of these items, please specify and order only by the FEDERAL REGISTER notice number.

To follow regularly the activities of the Commission, you may refer directly to the FEDERAL REGISTER. With this index every item published by the Commission can be located by FEDERAL REGISTER notice number in the FEDERAL REGISTER for the appropriate date. The FEDERAL REGISTER is available for inspection at any Public Library which is also a Federal depository, or by subscription through the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

This is the second publication of this index. It will be published monthly. Its purpose is to assist those who have a current need to be up to date on Federal election campaign laws and policies issued by the Commission. The Commission welcomes comments on the format and contents of this index, and any suggestions for change to make it more beneficial to its users.

Dated: February 6, 1976.

JOAN D. AIKENS,
Commissioner,
Federal Election Commission.

KEY TO DATES OF PUBLICATION IN THE FEDERAL REGISTER FOR FEDERAL ELECTION COMMISSION ADVISORY OPINIONS AND ADVISORY OPINION REQUESTS-1975

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FOR FEDERAL ELECTION COMMISSION
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federal register

FRIDAY, FEBRUARY 13, 1976



PART VI:

DEPARTMENT OF LABOR

Employment Standards Administration

■

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

General Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, (37 FR 21138) and of Secretary of Labor's Orders, 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General Wage Determination Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

MODIFICATIONS AND SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

Modifications and Supersedeas Decisions to General Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedeas Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, (37 FR 21138) and of Secretary of Labor's Orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing General Wage Determination Decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedeas Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule-making procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Wage Determination Decision.

NEW GENERAL WAGE DETERMINATION DECISION

North Carolina:	NC76–1024

MODIFICATIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State.

California:	
CA75–5148; CA75–5149	Dec. 12, 1975.
CA75–5151; CA75–5152	Jan. 5, 1976.
Colorado:	
CO75–5143; CO75–5144; CO 75–5145; CO75–5146; CO 75–5147	Dec. 19, 1975.
Minnesota:	
MN76–2001	Jan. 16, 1976.
New Jersey:	
NJ75–3049	June 20, 1975.
New York:	
NY76–3119	Dec. 12, 1975.
NY76–3131; NY76–3137; NY 76–3139	Jan. 23, 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 decisions being superseded.

Georgia:	
AR–4034 (GA76–1023)	Dec. 6, 1974.
GA75–1092 (GA76–1024)	Sept. 12, 1975.
Idaho:	
ID75–5010 (ID76–5016)	Jan. 23, 1976.
Illinois:	
IL75–2041 (IL76–2012)	Feb. 21, 1975.
IL75–2099 (IL76–2014)	Aug. 1, 1975.
Maryland:	
MD75–3064 (MD75–3142)	June 27, 1975.
Minnesota:	
MN75–2068 (MN76–2013)	May 5, 1975.
Missouri:	
MO75–4142 (MO76–4024); MO75–4143 (MO76–4015)	Aug. 1, 1975.
Nebraska:	
AR–92 (NE76–4025)	Dec. 12, 1974.
NE75–4085 (NE76–4026)	May 9, 1975.
Texas:	
TX75–4003 (TX76–4029); TX75–4004 (TX76–4030); TX75–4005 (TX76–4038); TX75–4010 (TX76–4039); TX75–4011 (TX76–4043)	Jan. 17, 1975.
TX75–4103 (TX76–4042)	May 23, 1975.
TX75–4161 (TX76–4028)	Oct. 17, 1975.
TX75–4164 (TX76–4032); TX75–4165 (TX76–4033); TX75–4166 (TX76–4034); TX75–4167 (TX76–4035); TX75–4168 (TX76–4036)	Oct. 24, 1975.
TX75–4182 (TX76–4040)	Oct. 31, 1975.
TX75–4183 (TX76–4027); TX75–4184 (TX76–4044)	Nov. 7, 1975.
TX75–4195 (TX76–4037)	Nov. 21, 1975.
TX75–4203 (TX76–4041)	Dec. 19, 1975.
TX76–4009 (TX76–4031)	Jan. 23, 1976.
Utah:	
UT75–5107 (UT75–5017)	Aug. 22, 1975.

Signed at Washington, D.C., this 6th day of February 1976.

RAY J. DOLAN,
Assistant Administrator,
Wage and Hour Division.

NEW DECISION

STATE: North Carolina COUNTY: Cumberland
DECISION NUMBER: NC76-1024 DATE: Date of Publication
DESCRIPTION OF WORK: Building construction (excluding single family homes and garden type apartments up to and including four stories).

26-NC-1-G

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos workers	6.50				
Boilermakers	6.25				
Bricklayers	6.00				
Carpenters:					
Carpenters	6.05				
Millwrights	6.50				
Cement masons	5.25				
Electricians	6.50				
Glaziers	4.39				
Ironworkers, structural & reinforcing	6.50				
Laborers:					
Laborers	3.02				
Mason tenders	3.10				
Mortar mixers	3.00				
Pipelayers	3.72				
Plasterer tenders	3.25				
Lathers	5.00				
Painters, brush	4.75				
Painters, spray	5.00				
Plasterers	5.85				
Plumbers & pipefitters	6.50				
Roofers	5.00				
Sheet metal workers	4.82				
Sprinkler fitters	6.07				
Soft floor layers	4.32				
Terrazzo workers	4.63				
Tile setters	5.28				
Truck drivers	3.02				
POWER EQUIPMENT OPERATORS:					
Bulldozer	4.00				
Crane, derrick, dragline	5.53				
Forklift	4.40				
Front end loader	3.37				
Grader	3.90				
Mechanic	5.95				
Motor grader	3.98				
Roller, asphalt	3.45				
Saw operator	4.00				
Scraper	3.75				

MODIFICATION P. 1

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. CA75-5148 - Mod. #2 (40 FR 58016 -December 12, 1975) Imperial, Inyo, Kern, Los Angeles, Mono, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura Counties, California					
Change:					
Electricians:					
Kern (China Lake Naval Ordnance Test Station, Edwards AFB)					
Electricians; Technicians	$ 13.30	.70	1% +$1.25		.15
Cable Splicers	14.63	.70	1% + 1.25		.15
Kern County (Remainder of County)					
Electricians; Technicians	10.80	.70	1% + 1.25		.15
Cable Splicers	11.88	.70	1% + 1.25		.15
Los Angeles County					
Electricians; Technicians	11.44	.80	1% + 1.55		.02
Cable Splicers	11.74	.80	1% + 1.55		.02
Traffic Signal & Street Lighting:					
Electricians	11.44	.80	1% + 1.55		.02
Utility Technician No. 1	8.58	.80	1% + 1.55		.02
Utility Technician No. 2	8.01	.80	1% + 1.55		.02
Tunnel:					
Electricians	12.58	.80	1% + 1.55		.02
Cable Splicers	12.88	.80	1% + 1.55		.02
Sound Technicians:					
Sound Technicians (on new building construction)	11.07	.50	1%		
Sound Technicians (on modification of existing buildings	8.71	.50	1%		
Riverside County					
Electricians	10.71	.60	1% + 1,25		.04
Cable Splicers	11.01	.60	1% + 1.25		.04

MODIFICATION P. 2

DECISION NO. CA75-5148 (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Electricians: (Cont'd)					
San Luis Obispo County					
Electricians	$ 10.98	.88	1% + 1.15		.03
Cable Splicers	12.08	.88	1% + 1.15		.03
Ventura County					
Electricians	11.78	.84	1% + .80		.02
Cable Splicers	12.96	.84	1% + .80		.02
Ironworkers:					
Fence Erectors	9.64	$ 1.03	$1.65	$ 1.10	.03
Reinforcing	10.53	1.03	1.65	1.10	.03
Ornamental, Structural	10.53	1.03	1.65	1.10	.03
Line Construction:					
Los Angeles County:					
Groundmen	8.83	.71	1%		
Linemen	11.77	.71	1%		
Cable Splicers	12.07	.71	1%		
Riverside County:					
Groundmen	8.05	.60	1% + 1.25		.04
Linemen; Line Equipment Operators	10.73	.60	1% + 1.25		.04
Cable Splicers	11.03	.60	1% + 1.25		.04
Painters:					
Imperial, Orange, Riverside, Los Angeles (Pomona Area), San Bernardino (excluding Western portion)					
Brush; Paint burners	9.82	.74	1.10	.75	.07
Paperhangers; Iron, steel and bridge (swing stage); Sheetrock tapers	10.32	.74	1.10	.75	.07
Brush (swing stage); Spray	10.57	.74	1.10	.75	.07
Steeplejack	11.22	.74	1.10	.75	.07
Inyo, Kern (Lancaster), Mojave, Palmdale, China Lake Naval Ordnance Test Station and Edwards AFB), Los Angeles (except Pomona Area), Mono, San Bernardino (West of a line North in Trono incl. China Lake Area, Johannesburg, Boron South					

DECISION NO. CA75-5148 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Painters: (Cont'd)					
including the Wrightwood Area)					
Brush	$ 10.27	.41	.50	.50	.01
Structural steel & bridge; Paint burner	10.39	.41	.50	.50	.01
Tapers	10.72	.41	.50	.50	.01
Brush (swing stage (13 stories or less); Paper hangers; Sandblasters; Spray	10.52	.41	.50	.50	.01
Brush (swing stage) over 13 stories	10.64	.41	.50	.50	.01
Structural steel & bridge, swing (13 stories or less)	10.67	.41	.50	.50	.01
Spray sandblaster swing stage (13 stories or less); Paste machine; Special coatings, spray	10.77	.41	.50	.50	.01
Steeplejack	11.52	.41	.50	.50	.01
Parking Lot Striping Work and/or Highway Markers:					
Inyo and Mono Counties					
Striper	9.37	.45	.30	b	
Striper Helper	7.87	.45	.30	b	
Traffic Delineating Device Applicator; Wheel Stop Installer; Traffic Surface Sandblaster	8.27	.45	.30	b	
Helper (traffic delineating device applicator, wheel stop installer, traffic surface sandblaster)	7.37	.45	.30	b	
Remaining Counties					
Traffic Delineating Device Applicator	8.27	.45	.30	b	
Striper; Wheel Stop Installer; Traffic Surface Sandblaster	7.88	.45	.30	b	

DECISION NO. CA75-5148 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Helper (striper, wheel stop installer, traffic surface sandblaster)	$6.48	.45	.30	b	
Plumbers; Steamfitters:					
Inyo, Kern (Except East of Los Angeles Aqueduct) and Mono Counties	10.53	.95	1.60	1.00	.17
Kern County (East of the Los Angeles Aqueduct)	13.03	.95	1.60	1.00	.17
Sheet Metal Workers:					
San Luis Obispo, Santa Barbara and Ventura Counties	11.00	.94	1.60		
Imperial County	11.25	.94	1.90		
Sprinkler Fitters:					
Los Angeles (Los Angeles City and area within 25 miles and Pomona), Orange (Santa Ana), San Bernardino (Ontario) and Ventura (Santa Paula, Point Mugu and Port Hueneme)	13.86	.56	.80		.09
Tile Setters:					
Los Angeles, Orange and Ventura Counties	10.79	.695	.80		.06
Add:					
Parking Lot Striping and/or Highway Markers - Inyo and Mono Counties:					
Slurry Seal Operation					
Mixer Operator	8.27	.45	.30	b	
Squeegee Man	7.77	.45	.30	b	
Applicator Operator	7.37	.45	.30	b	
Shuttleman	6.30	.45	.30	b	
Top Man	5.87	.45	.30	b	

DECISION NO. CA75-5148 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Remaining Counties:					
Slurry Seal Operation					
Mixer Operator	$7.88	.45	.30	b	
Squeegee Man	6.88	.45	.30	b	
Applicator Operator	6.48	.45	.30	b	
Shuttleman	6.30	.45	.30	b	
Top Man	5.48	.45	.30	b	

Footnote:

b. Employer contributes $.21 per hour to Holiday Fund plus $.12 per hour to Vacation Fund for the first year of employment, 1 year but less than 5 years $.32 per hour to Vacation Fund, 5 years but less than 10 years $.42 per hour to Vacation Fund; over 10 years $.52 per hour to Vacation Fund.

DECISION NO. CA75-5149 - Mod. #1 (40 FR 58026-December 12, 1975)

Imperial, Kern, Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura Counties, California

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Electricians:					
Kern (China Lake Naval Ordnance Test Station, Edwards AFB):					
Electricians; Technicians	$13.30	.70	1%+1.25		.15
Cable Splicers	14.63	.70	1%+1.25		.15
Kern County (Remainder of County):					
Electricians; Technicians	10.80	.70	1%+1.25		.15
Cable Splicers	11.88	.70	1%+1.25		.15
Los Angeles County:					
Electricians; Technicians	11.44	.80	1%+1.55		.02
Cable Splicers	11.74	.80	1%+1.55		.02
Riverside County:					
Electricians	10.71	.60	1%+1.25		.04
Cable Splicers	11.01	.60	1%+1.25		.04
San Luis Obispo County:					
Electricians	10.98	.88	1%+1.15		.03
Cable Splicers	12.08	.88	1%+1.15		.03
Ventura County:					
Electricians	11.78	.84	1%+.80		.02
Cable Splicers	12.96	.84	1%+.80		.02
Ironworkers:					
Fence Erectors	9.64	1.03	1.65	1.10	.03
Reinforcing	10.53	1.03	1.65	1.10	.03
Ornamental; Structural	10.53	1.03	1.65	1.10	.03
Painters:					
Imperial, Orange, Riverside, Los Angeles (Pomona Area), San Bernardino (excluding Western portion):					
Brush; Paint Burners	9.82	.74	1.10	.75	.07

DECISION NO. CA75-5149 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Paperhangers; Iron, Steel and Bridge (swing stage ; Sheetrock Tapers	$10.32	.74	1.10	.75	.07
Brush (swing stage; Spray)	10.57	.74	1.10	.75	.07
Steeplejack	11.22	.74	1.10	.75	.07
Kern (Lancaster, Mojave, Palmdale, China Lake Naval Ordnance Test Station and Edwards AFB), Los Angeles (except Pomona Area), San Bernardino (West of a line North in Trono including China Lake, Area Johannesburg, Boron, South including the Wrightwood Area)					
Brush	10.27	.41	.50	.50	.01
Structural steel and bridge; Paint burner	10.39	.41	.50	.50	.01
Tapers	10.72	.41	.50	.50	.01
Brush, swing stage (13 stories or less); Paperhangers; Sandblasters; Spray	10.52	.41	.50	.50	.01
Brush, swing stage (over 13 stories)	10.64	.41	.50	.50	.01
Structural steel and bridge, swing (13 stories or less)	10,67	.41	.50	.50	.01
Spray sandblaster, swing stage (13 stories or less); Paste Machine; Special coating, spray	10.77	.41	.50	.50	.01
Steeplejack	11.52	.41	.50	.50	.01
Plumbers; Steamfitters:					
Kern County (except East of Los Angeles Aqueduct)	10.53	.95	1.60	1.00	.17
Kern County (East of Los Angeles Aqueduct)	13.03	.95	1.60	1.00	.17

DECISION NO. CA75-5149 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Sheet Metal Workers:					
San Luis Obispo, Santa Barbara and Ventura Cos.	$11.00	.94	1.60		
Imperial County	11.25	.94	1.90		
Sprinkler Fitters:					
Los Angeles (Los Angeles City and area within 25 miles and Pomona), Orange (Santa Ana), San Bernardino (Ontario), and Ventura (Santa Paula, Point Mugu and Port Hueneme)	13.86	.56	.80		.09
Tile Setters:					
Los Angeles, Orange and Ventura Counties	10.79	.695	.80		.06

DECISION NO. CA75-5151 - Mod. #3
(41 FR 935 - January 5, 1976)
Alameda, Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, El Dorado, Fresno, Glenn, Humboldt, Kings, Lake, Lassen, Madera, Marin, Mariposa, Mendocino, Merced, Modoc, Monterey, Napa, Nevada, Plumas, Placer, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Yolo and Yuba Counties, California

Change:
Building and Heavy Construction - Tow Boats (Work on self-propelled Vessels)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Boat Operators	$10.20	.66	$1.36	$1.00	

Footnotes:
Four Centers designated: City Halls of Oakland, San Francisco, Sacramento and Stockton, California

Area 1 - Up to 20 road miles from said Centers.
Area 2 - More than 20 road miles to and including 30 road miles from said Centers
Area 3 - Outside of 30 road miles from said Centers.
Area 4 - An area extending 25 road miles from shoreline of Lake Tahoe.

DECISION NO. CA75-5152 - Mod. #1
(41 FR 952 - January 5, 1976)
Alameda, Alpine, Amador, Calaveras, Contra Costa, Del Norte, El Dorado, Fresno, Humboldt, Marin, Mariposa, Merced, Monterey, Napa, Nevada, Placer, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Shasta, Solano, Sonoma, Sutter, Tehama, Tuolumne, Yolo and Yuba Counties, California

Change:
Electricians:
Fresno County

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Electricians (3 - 4 stories) Electricians	$ 11.01	.60	1% + .95		.05

DECISION NO. CO75-5143 - Mod. #1
(40 FR 59104-December 19, 1975)
Adams, Arapahoe, Bounder, Clear Creek, Denver, Douglas, Eagle, Elbert, Gilpin, Grand, Jefferson, Lake, Larimer, Morgan, Park, Summit and Weld Counties, Colorado

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Asbestos Workers	$9.81	.38	.90		
Glaziers	9.55				
Roofers:					
Remaining Counties including Northern portions of Lake, Park, Jefferson, Douglas and Elbert Counties	9.00	.65	.11		.08
Sheet Metal Workers	10.02	.30	1.50		.07
Cement Masons (Heavy Constr.)	7.14	.44	1.10	.30	.08
Power Equipment Operators:					
(Other than for work in Tunnels, Shafts and Raises):					
Group 1	6.75	.40	.69	.30	.06
Group 2	7.10	.40	.69	.30	.06
Group 3	7.45	.40	.69	.30	.06
Group 4	7.60	.40	.69	.30	.06
Group 5	7.75	.40	.69	.30	.06
Group 6	7.90	.40	.69	.30	.06
(For work in Tunnels, Shafts, and Raises)					
Group 1	6.90	.40	.69	.30	.06
Group 2	7.25	.40	.69	.30	.06
Group 3	7.35	.40	.69	.30	.06
Group 4	7.60	.40	.69	.30	.06
Group 5	7.75	.40	.69	.30	.06
Group 6	8.15	.40	.69	.30	.06

DECISION NO. CO75-5144 - Mod. #1
(40 FR 59112-December 19, 1975)
El Paso County, Colorado

Change:					
Asbestos Workers	$9.81	.38	.90		
Bricklayers; Stonemasons	9.10	.50	.60		.04
Cement Masons (Heavy Constr.)	7.14	.44	1.10	.30	.08

DECISION NO. CO75-5144 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Glaziers	$9.55				
Marble Setters	8.36	.50	.50		
Roofers	8.54	.42	.20		
Sheet Metal Workers	10.02	.30	1.50		.07
Tile Setters	8.36	.50	.50		
Power Equipment Operators:					
(Other than for work in Tunnels, Shafts and Raises)					
Group 1	6.75	.40	.69	.30	.06
Group 2	7.10	.40	.69	.30	.06
Group 3	7.45	.40	.69	.30	.06
Group 4	7.60	.40	.69	.30	.06
Group 5	7.75	.40	.69	.30	.06
Group 6	7.90	.40	.69	.30	.06
(For work in Tunnels, Shafts, and Raises)					
Group 1	6.90	.40	.69	.30	.06
Group 2	7.25	.40	.69	.30	.06
Group 3	7.35	.40	.69	.30	.06
Group 4	7.60	.40	.69	.30	.06
Group 5	7.75	.40	.69	.30	.06
Group 6	8.15	.40	.69	.30	.06

CISION NO. CO75-5145 - Mod. #1
(40 FR 59117 December 19, 1975)
Las Animas, Otero and Pueblo Counties, Colorado

Change:					
Asbestos Workers	$9.81	.38	.90		
Cement Masons (Heavy Constr.)	7.14	.44	1.10	.30	.08
Glaziers	9.55				
Sheet Metal Workers	10.02	.30	1.50		.07

DECISION NO. CO75-5145 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Power Equipment Operators: (Other than for work in Tunnels, Shafts and Raises)					
Group 1	$6.75	.40	.69	.30	.06
Group 2	7.10	.40	.69	.30	.06
Group 3	7.45	.40	.69	.30	.06
Group 4	7.60	.40	.69	.30	.06
Group 5	7.75	.40	.69	.30	.06
Group 6	7.90	.40	.69	.30	.06
(For work in Tunnels, Shafts and Raises)					
Group 1	6.90	.40	.69	.30	.06
Group 2	7.25	.40	.69	.30	.06
Group 3	7.35	.40	.69	.30	.06
Group 4	7.60	.40	.69	.30	.06
Group 5	7.75	.40	.69	.30	.06
Group 6	8.15	.40	.69	.30	.06

DECISION NO. CO75-5146 - Mod. #1
(40 FR 59124-December 19, 1975)
Delta, Garfield, Gunnison, Mesa, Montrose and Pitkin Counties, Colorado

Change:

Asbestos Workers	$9.81	.38	.90		
Cement Masons (Heavy Constr.):					
Gunnison and Pitkin Counties	7.64	.44	1.10	.30	.08
Remaining Counties	7.14	.44	1.10	.30	.08
Glaziers	9.55				
Sheet Metal Workers	10.02	.30	1.50		.07
Power Equipment Operators: (Other than for work in Tunnels, Shafts and Raises)					
Group 1	6.75	.40	.69	.30	.06
Group 2	7.10	.40	.69	.30	.06
Group 3	7.45	.40	.69	.30	.06
Group 4	7.60	.40	.69	.30	.06
Group 5	7.75	.40	.69	.30	.06
Group 6	7.90	.40	.69	.30	.06

DECISION NO. CO75-5146 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
(For work in Tunnels, Shafts and Raises)					
Group 1	$6.90	.40	.69	.30	.06
Group 2	7.25	.40	.69	.30	.06
Group 3	7.35	.40	.69	.30	.06
Group 4	7.60	.40	.69	.30	.06
Group 5	7.75	.40	.69	.30	.06
Group 6	8.15	.40	.69	.30	.06

DECISION NO. CO75-5147 - Mod. #1
(40 FR 59131-December 19, 1975)
Statewide, Colorado

Change:

Cement Masons:					
*Zone I	$7.14	.44	1.10	.30	.08
*Zone II	7.64	.44	1.10	.30	.08
Power Equipment Operators: (Other than for work in Tunnels, Shafts and Raises)					
Group 1	6.75	.40	.69	.30	.06
Group 2	7.10	.40	.69	.30	.06
Group 3	7.45	.40	.69	.30	.06
Group 4	7.60	.40	.69	.30	.06
Group 5	7.75	.40	.69	.30	.06
Group 6	7.90	.40	.69	.30	.06
(For work in Tunnels, Shafts and Raises)					
Group 1	6.90	.40	.69	.30	.06
Group 2	7.25	.40	.69	.30	.06
Group 3	7.35	.40	.69	.30	.06
Group 4	7.60	.40	.96	.30	.06
Group 5	7.75	.40	.69	.30	.06
Group 6	8.15	.40	.69	.30	.06

DECISION #MN76-2001 - Mod. #2
(41 FR 2551 - January 16, 1976)
Anoka, Carver, Hennepin, Scott, Dakota, Ramsey & Washington Counties, Minnesota

CHANGE:
Laborers:
Building Construction

MINN-27-LAB-1

LABORERS: BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS 1	$ 7.35	.40	.45	.40	
CLASS 2	7.40	.40	.45	.40	
CLASS 3	7.45	.40	.45	.40	
CLASS 4	7.50	.40	.45	.40	
CLASS 5	7.60	.40	.45	.40	
CLASS 6	7.65	.40	.45	.40	
CLASS 7	7.70	.40	.45	.40	
CLASS 8	7.75	.40	.45	.40	
CLASS 9	8.055	.40	.45	.40	

CLASS 1 - Common Laborer; Steel joist handler (erection); Power Buggy Operator; Carpenter Tender; Earth Dumpman; Flagman
CLASS 2 - Reinforced Steel Handler
CLASS 3 - Men handling cement 2 hours per day (Bulk or Sack; exoluding Mortar Mixer; Mason Tender; Concrete Joint Saw Operator; Demolition & Wrecking Laborer.
CLASS 4 - Hot tar caulker & corker; Laborers on swing stage line scaffold (excl. "patent" scaffolding); Automatic Tamper Operator; Chipping Hammer Operator; Paving Buster; Mortar; Concrete Vibrator Operator; Sheeting Setter & Driver on Heavy Building; Excavation; Jackhammer Men.
CLASS 5 - Underground Work
CLASS 6 - Pipelayer
CLASS 7 - Caisson Work; Underpinning
CLASS 8 - Nozzlemen
CLASS 9 - Dynamite Men; Power for Blasting purposes

DECISION #NJ75-3049 - Mod. #6
(40 FR 26219 - June 20, 1975)
Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Mercer, Monmouth, Ocean & Salem Counties, New Jersey

Change:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Carpenters, Millwrights & Insulators:					
Zone 2					
Carpenters & Insulators	$10.22	7%	7%		.2 of 1%
Millwrights	10.47	7%	7%		.2 of 1%

MODIFICATION P. 17

DECISION NO. NY75-3115 - Mod. #1 (40 FR 58048 - December 12, 1975) Bronx, Kings, Queens, New York and Richmond County, New York	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Cement and concrete workers	$ 7.70	.7025	1.2025	1.20	

MODIFICATION P. 18

Decision No. NY76-3131 Mod. # 1
(41 FR3653 January 23, 1976)
Rensselaer County, New York

Change:

LABORERS: HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS A	$7.24	.60	.75	a	
CLASS B	7.44	.60	.75	a	
CLASS C	7.64	.60	.75	a	
CLASS D	7.84	.60	.75	a	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; E-Christmas Day.

FOOTNOTE:
a. Paid Holidays A through F, provided the employee has worked the day before and after the holiday.

LABORERS: HEAVY AND HIGHWAY CONSTRUCTION:

CLASS A
Laborers, drill helper, flagmen, outboard and hand boats.

CLASS B
Bull float, chain saw, concrete aggregate, bin, concrete bootman, gin buggy, hand or machine vibrator, jackhammer, mason tender, mortar mixer, pavement breaker, handlers of all steel mesh, small generators for laborers' tools, installation of bridge drainage pipe, pipelayers, vibrator type rollers, tamper, drill doctor, tail or screw op. on asphalt paver, water pump op. (1½" and single diaphragm), nozzle (asphalt, gunnite, seeding and sand blasting), laborers on chain link fence erection, rock splitter and power unit, pusher type concrete saw and all other gas, electric, oil and air tool operators, wrecking laborer.

CLASS C
All rock or drilling machine operators (except quarry master and similar type), acetylene torch op., asphalt raker, powderman.

CLASS D
Blasters, form setters, stone or granite curb setters.

DECISION NO. NY76-3131 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Laborers, Building: Pipelayers, hod carriers, morter mixers (hand or machine), jackhammer op., well pointing, air or gas hammers, and drills, electric hammers 50 lbs.	$8.35	.60	.75		.02

Decision No. NY76-3137 Mod. #1
(41 FR3677 January 23, 1976)
Suffolk County, New York

Change:

HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LABORERS:					
Concrete and curb form setters, Asphalt rakers	$7.50	10%	13%	.75+a	
Asphalt workers and roller boys, Asphalt top shovelers and smoothers, Asphalt tampers	7.30	10%	13%	.75+a	
Jackhammers, and drill men, Hoppermen, Carpenters' tenders, Pipe jointers and setters, Concrete laborers (structures), Stone spreading laborers, Trackmen, Grading and excavating laborers, Yard laborers, Puddlers on concrete pavement, Laborers (other than above) on concrete pavement, Landscape laborers, Asphalt plant (batcher and hopper men)	6.90	10%	13%	.75+a	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Holidays: A through F, Columbus Day, Lincoln's Birthday, Washington's Birthday, Veterans' Day; Election Day, provided employee works or shapes up the scheduled day before and the schedule day after the holiday.

Decision No. NY76-3139 Mod. #1
(41 FR3689 January 23, 1976)
Nassau County, New York

Change:

HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LABORERS:					
Concrete and curb form setters, Asphalt rakers	$7.50	10%	13%	.75+a	
Asphalt workers and roller boys, Asphalt top shovelers and smoothers, Asphalt tampers	7.30	10%	13%	.75+a	
Jackhammers, and drill men, Hoppermen, Carpenters' tenders, Pipe jointers and setters, Concrete laborers (structures), Stone spreading laborers, Trackmen, Grading and excavating laborers, Yard laborers, Puddlers on concrete pavement, Laborers (other than above) on concrete pavement, Landscape laborers, Asphalt plant (batcher and hopper men)	6.90	10%	13%	.75+a	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Holidays: A through F, Columbus Day, Lincoln's Birthday, Washington's Birthday, Veterans' Day; Election Day, provided employee works or shapes up the scheduled day before and the schedule day after the holiday.

Change:
Decision No. on page 5 to
Decision No. NY76-3139

SUPERSEDEAS DECISION

STATE: Georgia
COUNTY: Chatham
DECISION NUMBER: GA76-1023
DATE: Date of Publication
Supersedes Decision No. AR-4064 dated December 6, 1974 in 39 FR 42817.
DESCRIPTION OF WORK: Building Construction

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos workers	$8.34	.35	.40		
Boilermakers	9.00	.50	.76		.02
Bricklayers:					
Bricklayers and stonemasons	7.25	.20	.20		
Marble masons, terrazzo workers, and tile setters	5.00				
Carpenters:					
Carpenters and soft floor layers	7.65	.50			
Millwrights	8.15	.50			
Piledrivermen	7.90	.50			
Cement masons	6.75				
Electricians:					
Electricians	8.50	.40	.40 + 1%		.2%
Cable splicers	8.75	.40	.40 + 1%		.2%
Elevator constructors	7.06	.395	.26	2% +a+b	.005
Elevator constructors' helpers	4.94	.395	.26	2% +a+b	.005
Elevator constructors' helpers (probationary)	3.53				
Glaziers	6.35				
Ironworkers:					
Structural and sheeter	8.45	.45	.50		.03
Ornamental and reinforcing	8.45	.45	.50		.03
Lathers	6.85				
Painters:					
Brush	6.85				
Rollers	6.85				
Steel, brush	7.35				
Tapers	7.10				
Stage work and window jack work	7.35				
Paperhangers	7.10				
Paint burners	7.10				
Spray painting and sandblasting	7.60				
Plasterers	4.875	.25			
Plumbers and pipefitters	8.75	.35	.50		.02
Roofers	5.50				
Sheet metal workers	6.65				
Sprinkler fitters	8.20	.40	.60	.15	.07

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Truck drivers:					
Pick-up and all other trucks up to and including 2½ tons tractor-farm type	4.20				
Trucks from 2½ tons up to and including 5 tons. All lowboys and other trailers pulled by tractor with rating up to and including 5 tons (except farm type tractors) forklift	4.30				
Truck over 5 tons including all Euclids up to and including 10 tons	4.55				
Euclids over 10 tons	4.60				
Welders - receive rate prescribed for craft performing operation to which welding is incidental.					

PAID HOLIDAYS:
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. 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.

25-LAB-1-C

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LABORERS:					
GROUP A:					
General laborers	3.75	.15	.10		
GROUP B:					
Air tool vibrator operator, operators of jackhammer, tamp, paving breaker, chipper hammer, spade, chain saw, motorized buggies. Mason tenders, cement mason tenders, terrazzo helpers, railroad or track laborers, walk behind compactor or roller plasterer and carpenter tenders	3.90	.15	.10		
GROUP C:					
Mortar mixers, (hand or machine) pipelayers	4.00	.15	.10		
GROUP D:					
Burner (torch)on demolition work, track or wagon drills used in blasting	4.25	.15	.10		
GROUP E:					
Powderman or blaster	4.75	.15	.10		

GA-2-PEO-1-N

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS:					
GROUP I:					
Cranes, Derricks, Draglines, Sidebooms, Cherry Pickers, Mechanics, Piledrivers, Crawlers, Backhoe, (3/4 cy. & up), Concrete Pumps, Clam Shell, Drill Operators, Concrete Mixers Plant Locomotive, Two Drum Hoist, Shovels, Generators, (250 kw & up), and Hydraulic Cranes over 10 tons.	7.98	.45	.40		.02
GROUP II:					
Bulldozers, Hydraulic Boom Truck 10 tons and under, Scrapers, Endloaders, Fork Tractors, One Drum Hoist, Air Compressors 600 FM & over, Motor Graders, Tuggers, Rollers, Plain Tractors, Fireman, Rubber Tired Backhoe less than 3/4 cv., Push Dozer, Trenching Machine:	7.13	.45	.40		.02
GROUP III:					
Oiler, Pump Operator (over 4" Dia.) Small Backhoe, Air Compressors under 600 CFM:	6.62	.45	.40		.02
GROUP IV:					
Mechanics Helpers, Serving Welding Machines, Pumps up to 4" in Dia.	4.89	.45	.40		.02

STATE: Georgia

COUNTIES: Clayton, Cobb, Fulton & DeKalb

DECISION NUMBER: GA76-1025

DATE: Date of Publication

Supersedes Decision No.: GA75-1092 dated September 12, 1975 in 40 FR 42495.

DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos workers	$8.90	.45	.40		.05
Boilermakers	8.20	.60	.90		.06
Bricklayers:					
Bricklayers & stonemasons	8.75	.40	.40		.05
Marble masons, terrazzo workers and ceramic tile setters	8.45	.55	.40		
Carpenters:					
Carpenters & resilient layers	8.45	.40	.45		.02
Carpet layers	6.50	.40	.45		.02
Millwrights	8.85	.45			.05
Piledrivermen	8.60	.40	.45		.02
Cement masons	8.10	.40	.55		
Electricians	9.75	8%	1% + 8%		½ of 1%
Elevator constructors	8.465	.445	.29	3%+a&b	.02
Elevator constructors' helpers	5.925	.445	.29	3%+a&b	.02
Elevator constructors' helpers (probationary)	4.23				
Glaziers	8.40	.50	.33		.105
Ironworkers:					
Structural, ornamental & reinforcing	8.45	.40	.47		.07
Lathers	8.05	.40	.35		.05
Leadburners	7.80	.30		c	.01
Painters:					
Brush	8.40	.45	.55		.04
Spray and sandblasting	9.40	.45	.55		.04
Paperhanging	8.65	.45	.55		.04
Plasterers	8.27	.40	.55		
Plumbers and steamfitters	9.80	.45	.50		.11
Roofers:					
Roofers and weatherproofers	6.50	.30	.20		
Slate, tile and asbestos shingle	6.75	.30	.20		
Helpers	4.90	.30	.20		
Sheet metal workers	9.10	.50	.66		.06
Sprinkler fitters	9.35	.50	.80		.08
Welders - receive rate prescribed for craft performing operation to which welding is incidental.					

GA76-1025 (cont'd)

PAID HOLIDAYS:

A-New Year's; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:

a. Holidays: A through F

b. Employer contributes 1% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to Vacation Pay Credit for employee who has worked in business less than 5 years.

c. Holidays: A through F; Washington's Brithday, 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 holidays.

LABORERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP A	$5.60	.20	.25		.05
GROUP B	5.72	.20	.25		.05
GROUP C	5.82	.20	.25		.05
GROUP D	5.90	.20	.25		.05
GROUP E	6.10	.20	.25		.05
GROUP F	6.50	.20	.25		.05
GROUP G	6.35	.20	.25		.05
GROUP H (25¢ above rate for classification under which employed).					

GROUP A: Batch plant men, buggy rollers (Ga.,), cleaners (brick or lumber), clearing of right of way and building site (hand tools), concrete curer-sealer and liquid hardner, conveyer operator (used by tenders of plasterers and bricklayers), electrician laborer, excavator, backfiller grader (hand), forklift operator, walk type tending bricklayers and plasterers, form oiler, form stripper, metal pan handler, plumber-laborer, pipe doper, precast slab layer (floors, roofs, walks, curbs), concrete puddler, rail porter, railroad track laborer, reinforcing steel handler, scaffolds and staging for masons and plasterers, erecting and removing scarifyer, concrete (mechanical and hand), sheeting and shoring laborers, steam jennies (used in cleaning equipment), tenders (all crafts), truck spotter dumper, winch handler (manual), wrecking buildings and miscellaneous structures.

GROUP B: Bucket-dumpman (concrete), mixer-mortar, grout clay, etc, (hand or machine), power post hole digger, power cleaning machine operator, power wheel-barrow, mortar mixer-hose for gypsum roofs, plastering, asbestos fiber sound proofing, etc.

GROUP C: Burner-demolition, chain saw operator, power concrete saw operator, steel form setter, sewer pipe layer, yarner, wiper, potman, slip form raiser (steel or wood), jack or screw type.

GROUP D: Wagon drill operator (track or wheel type) and like used in drilling for blasting.

GROUP E: Powderman-helper

GROUP F: Powderman, nozzleman (concrete pneumatic)

GROUP G: Caisson holeman

GROUP H: Chimney or stacks isolated

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP A	8.50	.40	.25		.07
GROUP B	8.15	.40	.25		.07
GROUP C	6.48	.40	.25		.07
GROUP D	6.83	.40	.25		.07
GROUP E	5.93	.40	.25		.07
GROUP F	6.28	.40	.25		.07
GROUP G	5.26	.40	.25		.07

GROUP A: Backhoe operators, clamshell operator, conc. mix operator, cent, mix plant, conc. pump operator-Ridley or similar type, crane operator (truck, tower, crawler, or locomotive), derrick operator, dragline operator, drill operator-caisson foundation type, elevating grader operator, forklift operator that comes within the jurisdiction of the Operating Engineers hoisting engine operator, locomotive operator, mechanics-heavy duty, oilers on cranes with earth boring drill attached with a separate power source, concrete paving mixer operator, pile driver operator, rock crusher operator, shovel operator, trenching machine operator over 6 ft. depth capacity, well point system operator (including the operation of all pumps on project operated by the contractor) generator operator-75 K. VA. and over, tugger hoist operator, winch truck operator, hoistin material, air compressor operator, 365 C.F.M. and over furnishing air simultaneously for more than one contractor.

GROUP B: Bulldozer operator, dozer shovel operator, drill operator-Quarry master type, firemen-sationary or portable, motor grader operator, motor scraper operator (pans), pusher dozer operator, self-propelled compactor operator with blade, trac or operator with special equipment, trenching machine operator up to and including 6 ft. depth capacity.

GROUP C: Air compressor operator 600 cu. ft. and over, air compressor operator batt, of two, 300 cu. ft. and over, hydrohammer operator, concrete batch plant operator.

GROUP D: Oiler-truck or locomotive cranes

GROUP E: Oiler-unspecified, pump operator over 4" up to batteries of 4, welding machine operator, batteries of two 300 amps and over.

GROUP F: Concrete mixer operator skip types except paving mixers, concrete finishing machine operator, concrete paving machine operator, roller operator well drill operator

GROUP G: Air compressor operator up to and including 300 cu. ft. or one machine over 300 but less than 600 cu. ft. conveyor operator, belt type, sand blasting machine operator, water pump operator 4" or less. water pump operator over 4" (one only), welding machine operator 300 amps and over.

GA76-1025 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Truck Drivers:					
Trucks up to and including 2½ tons, tractor farm types	5.75	.15			
Trucks from 2½ tons up to and including 5 tons all low-boys and other trailer pulled by tractors except farm type tractor with ratings up to and including 5 tons.	5.85	.15			
Trucks over 5 tons including all euclids up to and including 10 tons.	6.10	.15			
Euclids over 10 tons	6.15	.15			

SUPERSEDEAS DECISION

STATE: Idaho COUNTIES: Statewide
DECISION NUMBER: ID76-5016 DATE: Date of Publication
Supersedes Decision No. ID76-5010 dated January 23, 1976, in 41 FR 3591
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:					
Benewah, Bonner, Boundary, Clearwater, Northern half of Idaho, Kootenai, Latah, Lewis, Nez Perce, Shoshone Counties	$10.80	.51	.90		
Remainder of Counties and Southern half of Idaho County	10.16	.50	.87		
BOILERMAKERS	9.80	.65	1.00	.50	.02
BRICKLAYERS; Stonemasons:					
Blaine, Camas, Cassia, Gooding, Jerome, Lincoln, Minidoka, Twin Falls Counties	8.90	.35	.40		
Bingham (South half), Bannock, Bear Lake, Caribou, Franklin, Oneida, Power Counties	8.75	.30	.50		
Ada, Adams, Boise, Canyon, Elmore, Gem, Owyhee, Payette, Valley, Washington Counties	8.80	.40	.40		
Idaho, Clearwater, Latah, Lewis, Nez Perce Counties	9.41	.55	.50		
Benewah, Bonner, Boundary, Kootenai, Shoshone Counties	9.75				
CARPENTERS:					
Benewah, Bonner, Boundary, Clearwater, Idaho (North of the Northern boundary of Township 29 North), Kootenai, Latah, Lewis Nez Perce, Shoshone Counties					
Carpenters	9.04	.55	.55		.045
Piledrivermen; Sawfilers; Stationary Power Woodworking Tool Operator; Floor Layer; Floor Finisher; Floor Sander	9.19	.55	.55		.045
Shingler (wood and composition)	9.24	.55	.55		.045
Carpenters (burned, charred, creosoted or similarly treated material); Boom Man	9.29	.55	.55		.045
Millwrights and Machine Erector	9.54	.55	.55		.045
Piledriver (creosoted material)	9.44	.55	.55		.045

DECISION NO. ID76-5016

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS:—(Cont'd)					
Remainder of Counties and Idaho County (South of the Northern boundary of Township 29 North)					
Carpenters; Floor Layer; Shingler; Drywall Applicator and Installer	$8.49	.52	.40	.40	.10
Saw Filer; Piledriverman; Bridgeman and Wharf Builders	8.66	.52	.40	.40	.10
Millwrights; Machine Erectors; Piledriverman's Boom Man	8.78	.52	.40	.40	.10
CEMENT MASONS:					
Benewah, Bonner, Boundary, Clearwater, Idaho (North of 46th Parallel), Kootenai, Latah, Lewis, Nez Perce, Shoshone Counties					
Cement Masons	8.93	.50	.65		.04
Gunnite; Power Machine; Power Tools; Power Troweling Machine; Troweling Magnesite or other material with oxichloride base	9.08	.50	.65		.04
Remainder of Counties and Idaho County (South of the 46th Parallel)					
Cement Masons	8.32	.45	.40	.35	.10
Power Trowel; Power Grinder; Gunnite and Composition Floor Layer	8.52	.45	.40	.35	.10
ELECTRICIANS:					
Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce, Shoshone Counties					
Electricians	10.75	.35	1%+.40		.02
Cable Splicers	11.15	.35	1%+.40		.02

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS: (Cont'd)					
Ada, Adams, Boise, Canyon, Elmore, Gem, Owyhee, Payette Valley and Washington Counties					
Electricians	$9.45	.45	1%+.25		1%
Cable Splicers	10.395	.45	1%+.25		1%
Remaining Counties					
Electricians - Technicians	9.20	.45	1%+.25		1%
Cable Splicers	10.12	.45	1%+.25		1%
ELEVATOR CONSTRUCTORS:					
Benewah, Bonner, Boundary, Clearwater, Idaho (North of 46th Parallel), Kootenai, Latah, Lewis, Nez Perce, and Shoshone Counties					
Elevator Constructors	10.51	.495	.32	3%+a	.02
Elevator Constructors' Helpers	70%JR	.495	.32	3%+a	.02
Elevator Constructors' Helpers (Prob.)	50%JR				
Remainder of Counties and Idaho County (South of the 46th Parallel)					
Elevator Constructors	8.23	.445	.29	3%+a	.02
Elevator Constructors' Helpers	70%JR	.445	.29	3%+a	.02
Elevator Constructors' Helpers (Prob.)	50%JR				
GLAZIERS:					
Bonner, Boundary, Kootenai and Shoshone Counties	7.455	.31	.10	.545	
Benewah, Clearwater, Idaho (North of the 46th Parallel), Latah, Lewis, Nez Perce Cos.	7.28	.31	.25	.28+b	
Ada, Adams, Boise, Canyon, Elmore, (except Mt. Home AFB), Gem, Gooding, (Western part of County from a line running north and south through the eastern limits of Bliss), Idaho (Southern part of County from a line running east and west through the North limits of Elk City), Owyhee, Payette, Valley and Washington Counties	6.14	.25	.30	.23	

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GLAZIERS: (Cont'd)					
Remaining Counties	$6.62	.21		b	
IRONWORKERS (Ornamental - Structural - Reinforcing):					
Adams (North of the Weiser-Gibbonsville Line), Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lemhi (North of the Weiser-Gibbonsville Line), Lewis, Nez Perce, Shoshone, Valley (North of the Weiser-Gibbonsville Line), Washington (North of the Weiser-Gibbonsville Line) Counties	9.15	.48	.80		.05
Remaining Counties and Adams, Lemhi, Valley, Washington Counties South of the Weiser-Gibbonsville Line	9.39	.55	.85		.02
LATHERS:					
Ada, Adams, Boise, Canyon, Elmore, Gem, Owyhee, Payette, Valley, Washington and Idaho County (South of the 46th Parallel)	6.65				
Benewah, Bonner, Boundary, Clearwater, Idaho (North of the 46th Parallel), Kootenai, Latah, Lewis, Nez Perce, and Shoshone Counties	8.88	.45			
MARBLE SETTERS:					
Clearwater, Idaho, Latah, Lewis, Nez Perce Counties	9.41	.55	.50		
Blaine, Camas, Cassia, Gooding, Jerome, Lincoln, Minnidoka, and Twin Fall Counties	7.40	.25			

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS:					
Bannock, Bear Lake, Bingham, Blaine, Bonneville, Butte, Camas, Caribou, Cassia, Clark, Custer, Franklin, Fremont, Gooding (except Bliss and Western 1/3 of County), Jefferson, Jerome, Lemhi, Lincoln, Madison, Minnidoka, Oneida, Power, Teton and Twin Falls Counties					
Brush; Roller, Perfataper	$7.71	.35	.10		
Structural Steel; Swing Stage; Spray	8.16	.35	.10		
Ada, Adams, Boise, Canyon, Elmore, (except Mt. Home AFB), Gem, Gooding, (Western 1.3 of County including Bliss), Owyhee, Payette, Idaho (Sputh of the 46th Parallel), Valley and Washington Cos.					
Painters and Tapers	7.80	.40	.30		.02
Elmore (Mt. Home AFB)					
Painters and Tapers	8.80	.40	.30		.02
Benewah, Bonner, Boundary, Clearwater, Idaho (North of the 46th Parallel), Kootenai, Latah, Lewis, Nez Perce, and Shoshone Counties					
Brush	9.02	.40	.70		.02
Spray; Steel; Steam Cleaning; Rollers (over 9" or 10" handle), Finish Drywall Taper	9.27	.40	.70		.02
Swing Stage and over 30 ft. high	9.37	.40	.70		.02
Bitumastic; Sand Blast; Bridges; Towers; Stacks; Steeples; Tanks on legs	9.42	.40	.70		.02

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLASTERERS:					
Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce and Shoshone Counties	$8.88	.45			
Remaining Counties	8.00	.32	.20	.20	
PLUMBERS:					
Benewah, Bonner, Boundary, Clearwater, Idaho (North of the 46th Parallel), Kootenai, Latah, Lewis, Nez Perce and Shoshone Counties	10.72	.65	1.10	1.00	.11
Remaining Counties and Idaho County (South of the 46th Parallel)					
Plumbers	9.49	.47	.50		.10
Utility Helpers	70%JR	.47	.50		.10
ROOFERS:					
Blaine, Camas, Cassia, Gooding, Jerome, Lincoln, Minnidoka, Twin Falls Counties					
Roofers and Kettlemen	6.90		.10		
Bannock, Bear Lake, Bingham, Bonneville, Butte, Caribou, Clark, Franklin, Fremont, Jefferson, Madison, Oneida, Power and Teton Counties	8.50		.40		
Ada, Adams, Boise, Camas, Canyon, Custer, Elmore, Gem, Idaho (South of the 46th Parallel), Lemhi, Owyhee, Payette, Valley and Washington Counties					
Roofers; Kettlemen	8.05	.33	.20		
Roofers working with coal tar and pitch products	9.55	.33	.20		
Benewah, Bonner, Boundary, Kootenai, and Shoshone Cos.					
Roofers	8.29	.55	.40		.01
Clearwater, Idaho (North of the 46th Parallel), Latah, Lewis, Nez Perce Counties					
Roofers; Kettlemen; Waterproofers	9.25				

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
SHEET METAL WORKERS:					
Benewah, Bonner, Boundary, Clearwater, Kootenai, Latah, Lewis, Nez Perce, Shoshone Counties	$11.10	.52	.90		.05
Bannock, Bear Lake, Bingham, Blaine, Bonneville, Butte, Caribou, Clark, Franklin, Fremont, Jefferson, Madison, Oneida, Power and Teton Counties	8.63	.37	.20+3%		.06
Remaining Counties	9.46	.57	.50		.14
SOFT FLOOR LAYERS:					
Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce and Shoshone Counties	7.89	.25	.40	.31	
Ada, Adams, Boise, Canyon, Elmore (except Mt. Home AFB), Gem, Gooding (western 1/3 of County including Bliss), Owyhee, Payette, Idaho (South of the 46th Parallel), Valley, and Washington Counties	6.50	.25	.10		.10
SPRINKLER FITTERS	10.30	.50	.80		.08
TERRAZZO WORKERS and TILE SETTERS:					
Ada, Adams, Boise, Canyon, Elmore, Gem, Owyhee, Payette, Valley and Washington Counties	7.65	.40	.40		
Bannock, Bear Lake, Bingham, (southern half), Caribou, Franklin, Oneida and Power Counties	7.95	.30	.50		
Benewah, Bonner, Boundary, Kootenai, Shoshone Counties	9.50				

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TERRAZZO WORKERS' and TILE SETTERS' HELPERS:					
Benewah, Bonner, Boundaty, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce and Shoshone Counties					
Tile Setters' and Terrazzo Workers' Helpers	6.10				
Finisher Helper	6.55				
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 credits 4% basic hourly rate of employee with over 5 years' service, 2% basic hourly rate for 6 months to 5 years' service to Vacation Plan. Six Paid Holidays: A through F.

b. All employees who have been employed for a period of one year shall have two weeks vacation with pay. Also 7 paid holidays: A through F plus Washington's Birthday.

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LINE CONSTRUCTION (AREA 1) (Benewah, Bonner, Boundary, Clearwater, Kootenai, Idaho, Latah, Lewis, Nez Perce and Shoshone Counties)					
Cable Splicers; Leadman Pole Sprayer	$11.12	.35	1%	.10	1/2%
Lineman; Pole Sprayer; Heavy Line Equipment Man; Certified Lineman Welder	10.04	.35	1%	.10	1/2%
Tree Trimmer	9.06	.35	1%	.10	1/2%
Line Equipment Man	8.65	.35	1%	.10	1/2%
Head Groundman (chipper); Head Groundman; Powderman; Jackhammer Man	7.56	.35	1%	.10	1/2%
Groundman; Tree Trimmer Helper	7.12	.35	1%	.10	1/2%
LINE CONSTRUCTION (AREA 2) (Remaining Counties)					
All work over 34.5 KV and all work on steel towers and/or multiple wood structures and all sub-stations of 1,000 KVA or greater capacity, all communications, underground work, 34.5 KV, street and highway lighting and motor traffic controls:					
Groundman	6.40	.35	1%		3/4%
Equipment Operators	7.74	.35	1%		3/4%
Lineman	8.50	.35	1%		3/4%
Cable Splicer	9.35	.35	1%		3/4%
All power construction of 34.5 KV and under when performed for an operating utility. Street lighting when performed for an operating utility or municipality					
Groundman	6.16	.35	1%		3/4%
Equipment Operator	7.22	.35	1%		3/4%
Lineman	8.02	.35	1%		3/4%

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS (AREA 1) (Benewah, Bonner, Boundary, Clearwater, Kootenai, Latah, Lewis, Nez Perce, Shoshone and that portion of Idaho County North of the 46th Parallel)					
Group 1	$7.50	.50	.70		.02
Group 2	7.65	.50	.70		.02
Group 3	7.75	.50	.70		.02
Group 4	7.80	.50	.70		.02
Group 5	7.85	.50	.70		.02
Group 6	7.90	.50	.70		.02
Group 7	7.95	.50	.70		.02
Group 8	8.15	.50	.70		.02
Group 9:					
Class A	7.55	.50	.70		.02
Class B	7.60	.50	.70		.02
Class C	8.00	.50	.70		.02
Class D	8.05	.50	.70		.02
LABORERS (AREA 2) (Remaining Counties and that portion of Idaho County South of the 46th Parallel)					
Group 1	6.62	.50	.55	.20	.10
Group 2	6.72	.50	.55	.20	.10
Group 3	6.82	.50	.55	.20	.10
Group 4	6.92	.50	.55	.20	.10
Group 5	7.22	.50	.55	.20	.10
Group 6	7.47	.50	.55	.20	.10
Group 7		.50	.55	.20	.10
UNDERGROUND WORK					
Group 8	6.77	.50	.55	.20	.10
Group 9	6.92	.50	.55	.20	.10
Group 10	7.22	.50	.55	.20	.10

POWER EQUIPMENT OPERATORS: (Area 1)
(Benewah, Bonner, Boundary, Clearwater, Kootenai, Latah, Lewis, Nez Perce, Shoshone, and that portion of Idaho County North of the 46th Parallel)

	ZONE 1*	ZONE 2*	ZONE 3*	Fringe Benefits Payments			
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$8.05	$8.55	$9.00	.75	.85		.03
Group 2	8.35	8.85	9.30	.75	.85		.03
Group 3	8.90	9.40	9.85	.75	.85		.03
Group 4	9.05	9.55	10.00	.75	.85		.03
Group 5	9.20	9.70	10.15	.75	.85		.03
Group 6	9.45	9.95	10.40	.75	.85		.03
Group 7	9.70	10.20	10.65	.75	.85		.03

*ZONE 1: Within a 15 mile radius from the center of the following Cities: Coeur d' Alene and Lewiston, Idaho; and Spokane, Washington.
*ZONE 2: From a 15 to 45 mile radius from the center of the aboved named Cities.
*ZONE 3: Over a 45 mile radius from the center of the above named Cities.

POWER EQUIPMENT OPERATORS (Area 2)
(Remaining Counties and that portion of Idaho County South of the 46th Parallel)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$7.92	.60	.65		.10
Group 2	8.08	.60	.65		.10
Group 3	8.40	.60	.65		.10
Group 4	8.71	.60	.65		.10
Group 5	8.88	.60	.65		.10
Group 6	9.06	.60	.65		.10
Group 7	9.47	.60	.65		.10
Group 8	9.70	.60	.65		.10
Group 9	9.93	.60	.65		.10
Group 10	10.17	.60	.65		.10

TRUCK DRIVERS (AREA 1)
(Benewah, Bonner, Boundary, Clearwater, Kootenai, Latah, Lewis, Nez Perce, Shoshone and that portion of Idaho County North of the 46th Parallel)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$8.48	.92	.75		
Group 2	8.53				
Group 3	8.58	.92	.75		
Group 4	8.68	.92	.75		
Group 5	8.88	.92	.75		
Group 6	8.93	.92	.75		
Group 7	8.98	.92	.75		
Group 8	9.03	.92	.75		
Group 9	9.13	.92	.75		
Group 10	9.18	.92	.75		
Group 11	9.48	.92	.75		
Group 12	9.63	.92	.75		
Group 13	9.78	.92	.75		
Group 14	9.93	.92	.75		

TRUCK DRIVERS (AREA 2)
(Remaining Counties and that portion of Idaho County South of the 46th Parallel)

Group 1	7.67	.60	.65	.20	.10
Group 2	7.73	.60	.65	.20	.10
Group 3	7.79	.60	.65	.20	.10
Group 4	7.85	.60	.65	.20	.10
Group 5	7.90	.60	.65	.20	.10
Group 6	8.11	.60	.65	.20	.10
Group 7	8.17	.60	.65	.20	.10
Group 8	8.23	.60	.65	.20	.10
Group 9	8.34	.60	.65	.20	.10
Group 10	8.40	.60	.65	.20	.10
Group 11	8.46	.60	.65	.20	.10
Group 12	8.52	.60	.65	.20	.10
Group 13:					
Class A	8.00	.60	.65	.20	.10
Class B	8.11	.60	.65	.20	.10
Class C	8.34	.60	.65	.20	.10
Class D	8.52	.60	.65	.20	.10
Class E	8.63	.60	.65	.20	.10
Class F	8.75	.60	.65	.20	.10
Class G	9.08	.60	.65	.20	.10
Class H	9.31	.60	.65	.20	.10
Class I	9.54	.60	.65	.20	.10
Group 14	8.96	.60	.65	.20	.10

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LABORERS (AREA 1)

Benewah, Bonner, Boundary, Clearwater, Kootenai, Latah, Lewis, Nez Perce, Shoshone and that portion of Idaho County North of the 46th Parallel

Group 1: Brush Hog Feeder; Carpenter Tender; Concrete Crewman (to including stripping of forms, hand operating jacks on slip form construction, application of concrete curing compounds, pumpcrete machine, handling the nozzle of squeezecrete or similar machine - 6" and smaller); Concrete Signalman; Crusher Feeder; Demolition (to include clean-up, burning, loading, wrecking and salvage of all material); Driller Helper; Dumpman; Fence Erector (to include guard rails, guide and reference posts, sign posts, and right-of-way markers); General Laborer; Grout Machine Header Tender; Nipper; Rip-rap Man; Scaleman; Stake Jumper; Structural Mover (to include separating foundation preparation, cribbing, shoring, jacking and unloading of structure); Tailhoseman (water nozzle); Track Laborer (RR); Truck Loader; Timber, Bucker and Faller (by hand); Window Cleaner (prior to completion of construction)

Group 2: Cement Finisher Tender; Cement Handler; Demolition Torch; Dope Pot Fireman, non-mechanical; Form Cleaning Machine - Feeder, Stacker; Form Setter, paving; Driller Helper (when required to move and position machine); Nozzleman, water and air or steam; Pipe Layer, corrugated metal culvert; Pipewrapper; Pot Tender; Powderman Helper; Power Tool Operator, gas, electric, pneumatic; Sandblast Tailhoseman; Scaffold Erector, wood or steel; Railroad Equipment, power driven, except dual mobile power spiker or puller; Rodder and Spreader; Wheelbarrow, power driven; Well-point Man; Vibrator up to 4"

Group 3: Asphalt Raker; Asphalt Roller, walking; Chain Saw Operator with attachments; Concrete Saw walking; Grade Checker, using level; Jackhammer Operator; Multi-section Pipe Layer; Nozzleman (to include squeeze and flowcrete nozzle); Pavement Breaker; Power Buggy Operator; Railroad Power Spiker or Puller, dual mobile; Tamper (to include operation of Barco, Essex and similar tamper and pavement breakers); Trencher, Shawnee; Water Pipe Liner; Wagon Drills

Group 4: Chain Saw (faller); Laser Beam Operator; Pipe Layer (Caulker, Colarman, Jointer, Mortarman, Rigger, Jacker, Shoere and Lagger but not including laying corrugated metal culvert pipe)

Group 5: Concrete Stack; Mortar Mixer

Group 6: Caisson Worker, free air; High Scaler

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LABORERS (AREA 1) (Cont'd)

Benewah, Bonner, Boundary, Clearwater, Kooteani, Latah, Lewis, Nez Perce, Shoshone and that portion of Idaho County North of the 46th Parallel

Group 7: Brush Machine (to include Horizontal Construction Joint Clean-up Brush Machine, power propelled); Drills (to include Down-the-hole Drilles with 3½ inch piston or larger and Out-of-the hole Drills with 4½ inch piston or larger); Gunnite (to include operation of machine and nozzle); Hod Carrier; Monitor Operator, Air Track or similar mounting; Nozzleman (to include Jet Blasting Nozzleman over 1,200 pounds, Jet Blast Machine, power propelled, Sand Blast Nozzle); Vibrator, 4 inches and over

Group 8: Air Track Drills with Dual Masts and Drills; Powderman

TUNNEL AND SHAFT, FREE AIR

Group 9:

Class A: Bull Gang, Pump Crete Crewman including distributing pipe, assembling and dismantle and nipper

Class B: Brakeman, Dumpman

Class C: Miner and Nozzleman for concrete and Laser Beam Operator on tunnels

Class D: Raise and Shaft Miner and Laser Beam Operator on raises and shafts

LABORERS (AREA 2)

Remaining Counties and that portion of Idaho County South of the 46th Parallel

Group 1: General Laborers Sloper, Clearing and Grading; Form Stripper; Concrete Crew; Concrete Curing Crew; Carpenter Tender; Asphalt Laborer; Hopper Tender; Flagman, (including Pilot Car), Watchman, Heater Tender; Stake Jumper, Choker Setter; Spreader and Weighman; Power Wheelbarrow; Scouring Concrete; Rip Rap Man (hand placed); Fence Erector and Installer - manual or mechanical (includes the installation and erection of fences, guard rails, median rails, reference posts, guide posts and right-of-way markers); Crusher Helper; Cribbing and Shoring (in open ditches); Machinery and Parts Cleaner; Leverman - manual or mechanical; Demolition - salvage; Landscaper; Tool Room Man; Janitor

LABORERS (AREA 2) (Cont'd)

Remaining Counties and that portion of Idaho County South of the 46th Parallel

Group 2: Chuck Tender; Driller Helper; Air Tampers; Gunite Nozzleman Tender; Pipewrapper Tar Pot Tender; Concrete Sawyer; Signalman, handling cement; Dumpman; Steam Nozzleman; Air and Water Nozzleman (Green Cutter, concrete); Vibrator (less than 4"); Pumpcrete and Grout Pump Crew; Hydraulic Monitor

Group 3: Pipelayer, including sewer, drainage, sprinkler systems and water lines; Free Air Caisson; Jackhammer; Paving Breaker; Powderman Helper; Asphalt Raker, Gasoline Powered Tamper; Electric Ballast Tamper; Sand Blasting Form Setter - airport paving; Gunman (gunite); Manhole Setter; Hand Guided Machines, such as Roto Tillers, Trenchers, Post Hole Diggers, Walking Garden Tractors, etc.; Form Setter (highway curb and gutter); Vibrator (4" and over); Timber Faller and Bucker; Metal Pan Installer

Group 4: Hod Carrier; Mason Tender; Plaster Tender; Mason Tender (concrete); Terrazzo-Tile Tender

Group 5: Highscaler; Wagon Drill; Grade Checker; Gunite Nozzleman; Diamond Drillers on Drills

Group 6: Drill with Manufacturers' rating 3" or over

Group 7: Powderman

UNDERGROUND WORK

Group 8: Reboundman; Chucktender; Nipper; Dumpman; Vibrator (less than 4"); Brakeman; Muckers; Bull Gang

Group 9: Form Setter and Mover

Group 10: Miners; Machinemen; Timbermen; Steelmen; Drill Doctors; Spaders and Tuggers; Spiling and/or Caisson Workers, Vibrator (on 4")

POWER EQUIPMENT OPERATORS (AREA 1)

Benewah, Bonner, Boundary, Clearwater, Kootenai, Latah, Lewis, Nez Perce, Shoshone and that portion of Idaho County North of the 46th Parallel

Group 1: Bit Grinders; Bolt Threading Machine; Compressors, under 2,000 cu. ft. per minute gas, diesel or electric power; Crusher Feeder (mechanical); Deckhand; Drillers' Helper; Fireman and Heater Tender; Grade Checker; Helper (mechanic or welder, H.D.); Oiler; Oiler and Cable Tender, Mucking Machine; Pumpman; Rollers, all type on subgrade (farm type, Case, John Deere and similar - or compacting or vibrator) except when pulled by dozer with operable blade; Steam Cleaner; Welding Machine

POWER EQUIPMENT OPERATORS (AREA 1) (Cont'd)

Benewah, Bonner, Boundary, Clearwater, Kootenai, Latah, Lewis, Nez Perce, Shoshone and that portion of Idaho County North of the 46th Parallel

Group 2: A-Frame Truck (single-drum); Assistant Refrigeration Plant (under 1,000 tons); Assistant Plant Operator, Fireman or Pugmixer (asphalt); Bagley or Stationary Scraper; Batch Plant and Wet Mix Operator, single unit (concrete); Belt Finishing Machine; Bending Machine (pipeline); Blower Operator (cement); Cement Hog; Compressor (2,000 cu. ft. or over, 2 or more - gas, diesel or electric power); Concrete Saw (multiple cut); Distributor Leverman; Elevator Hoisting materials; Dope Pots (power agitated); Fork Lift or Lumber Stacker, Hydra-lift and similar; Gin Trucks (pipeline); Hoist, single drum; Loader (Bucket Elevators and Conveyors); Longitudinal Float; Mixer (portable-concrete); Pavement Breaker (Hydra-hammer and similar); Post Hole Auger or Punch; Power Broom; Railroad Ballast Regulation Operator, (self-propelled); Railroad Power Tamper Operator, (self-propelled); Railroad Power Tamper Jack Operator, (self-propelled); Spray Curing Machine (concrete); Spreader Box (self-propelled); Straddle Buggy (Ross and similar on construction job site); Tractor (farm type R/T with attachments except Backhoe); Tugger Operator; Ditch Witch or similar

Group 3: A-Frame Truck (2 or more drums); Assistant Refrigeration Plant and Chiller Operator (over 1,000 tons); Backfillers (Cleveland and similar); Belt-crete Conveyors with Power Pack or similar; Belt Loader (Kocal or similar); Blade operator (motor patrol and attachments); Boat Operators; Boom Cats (side); Boring Machine (earth); Boring Machine (rock under 8" bit)(Quarry Master, Joy or similar); Bump Cutter (Wayne, Saginaw or similar); Canal Linning Machine (Concrete); Chipper (without crane); Cleaning and Doping Machine (pipeline); Concrete Pumps (squeeze-crete, flow-crete, pumpcrete, Whitman and similar); Drills (Churn, Core, Calyx, or Diamond); Elevating Belt-type Loader (Euclid, Barber Greene or similar) Elevating Grader-type Loader (Dumor, Adams or similar); Equipment Serviceman, Greaser and Oiler; Generator Plant Engineers (diesel, electric); Gunite Combination Mixer and Compressor; Hoist (2 or more drums or tower hoist); Loaders (overhead and front-end under 4 yards, R/T); Locomotive Engineer; Mixer-mobile; Mucking Machines; Power or Curb Extruder (asphalt and concrete); Pump (Grout or Jet); Rollerman (finishing pavement); Rubber-tired Scraper (one motor with one scraper, under 40 yards); Screed Operator; Soil Stabilizer (P & H or similar); Spreader Machine; Tractor (Crawler including Dozer, Scraper, Drills, Booms, Rollers, etc.); Traverse Finishing Machine; Trenching Machines (under 7 feet depth capacity); Turnhead Operator; Vacuum Drill (reverse circulation drill, under 8")

POWER EQUIPMENT OPERATORS (AREA 1) (Cont'd)

Benewah, Bonner, Boundary, Clearwater, Kootenai, Latah, Lewis, Nez Perce, Shoshone and that portion of Idaho County North of the 46th Parallel

Group 4: Asphalt Plant Operator; Crusher, Grizzle and Screening Plant Operator; H. D. Mechanic; H. D. Welder; Refrigeration Plant Engineer (under 1,000 ton); Rubber-tired Scraper, Multi-engine power, with one scraper (Euclid, TS-24 and similar); Rubber-tired Scrapers, one motor with one scraper (40 yards and over); Surface Heater and Planer Machine; Turnhead (with re-screening)

Group 5: Automatic Subgrader (ditches and trimmers) (Autograde, ABC, R.A. Hansen and similar on grade wire); Backhoes (under 3 uards); Batch and Wet Mix Operator - multiple units (2 and including 4); Chipper (with crane); Clamshell Operator (under 3 yards); Concrete Slip Form Paver; Cranes all (under 65 tons); Derricks and Stifflegs (under 65 tons); Draglines (under 3 yards); Drilling Equipment (8" bit and over)(Robbin's Reverse Circulation and similar); Loader Operator (Front End and Overhead 4 yards to 8 yards); Piledriving Engineers; Paver (dual drum); Quad-track or similar equipment; Railroad Track Liner Operator (self-propelled); Rubber-tired Scrapers, multi-engine, power with one scraper (Euclid, TS-24 and similar); Push Pull or Help Mate in use; Rubber-tired scrapers, multiple engines with two scrapers; Shovels (under 3 yards); Refrigeration Plant Engineer (1,000 tons and over); Signalmen (Whirleys, Highline Hammerheads or similar); Trenching Machines (7 feet depth and over); Multiple Dozer units with single blade

Group 6: Backhoes (3 yards and over); Batch Plant (over 4 units); Cableway Controller - Dispatcher; Cableway Operator; Clamshell Operator (3 yards and over); Cranes, all - 65 tons and over; Derricks and Stifflegs (65 tons and over); Draglines (3 yards and over); Elevating Belt (Holland type); Loader (360 degrees revolving Koehring Scooper or similar); Loaders (overhead and front-end over 8 or 12 yards); Rubber-tired Scrapers (multiple engine with treee or more scrapers); Shovels (3 yards and over); Tower Crane; Whirleys and Hammerheads (all)

Group 7: Helicopter Pilot; Loaders (overhead and front-end - over 12 yards)

POWER EQUIPMENT OPERATORS (AREA 2)

Remaining Counties and that portion of Idaho County, South of the 46th Parallel

Group 1: Brakemen; Crusher; Plant Feeder (mechanical); Deckhand; Drill Helpers; Grade Checkers; Heater Tender; Land Plane; Oilers; Pumpman; Rear Chainman

POWER EQUIPMENT OPERATORS (AREA 2) (Cont'd)

Remaining Counties and that portion of Idaho County, South of the 46th Parallel

Group 2: Air Compressor; Assistant Refrigeration Plant Operator; Bell Boy; Bit Grinder Operator; Blower Operator (cement); Bolt Threader Machine Operator; Broom; Cement Hog; Concrete Mixer; Concrete Saw - Multiple Cut; Discing - Harrowing or Mulching (regardless of motive power); Distributor Leverman; Drill Steel Threader Machine Operator; Fireman - all; Heavy Duty Mechanic Helper or Welder Helper; Head Chainman; Hoist - single drum; Hydraulic Monitor Operator - skid mounted; Oiler (single piece of equipment); Pugmixer - box or screed Operator; Spray Curing Machine; Tractor - rubber tired farm type using attachments

Group 3: A-Frame Truck (Hydra Lift, Swedish Cranes, Ross Carrier, Hyster on construction jobs); Battery Tunnel Locomotive; Belt Finishing Machine; Cable Tenders (underground); Chip Spreader Machine (self-propelled); Hoist 2 or more crums or Tower Hoist; Hydralift - Fork Lift and similar (when hoisting); Oilers (underground); Power Loader (Bucket Elevator, Conveyors); Rodman; Road Roller (regardless of motive power)

Group 4: Boring Machine (earth of rock) Quarry Master - Joy - Tractor mounted; Drills: Churn - Core - Calyx or Diamond, Front End and Overhead Loaders and similar machines - (up to and including 4 yards) -(Rubber-tired); Grout Pump; Hydra-hammer; Instrument Man; Locomotive Engineer; Longitudinal Float Machine, Mixermobile; Spreader Machine; Tractor - Rubber-tired - using Backhoe, Transverse Finishing Machine, Trenching Machines, Waggoner Compactor and similar, Asphalt Spreaders

Group 5: Concrete Plant Operator; Concrete Road Paver (dual); Elevating Grader Operator; Euclid Elevating Loader; Generator Plant Operator - Mechanic (diesel electric) ; Post Hole Auger or Punch Operator; Power Shovels and Draglines - under 1 yard; Pump-crete; Refrigeration Plant Operator; Road Roller (Finishing High Type Pavement); Skidder - rubber-tired; Subgrader; Multiple Station Beltline Operator (Teton Dam Project only); Service Oiler

Group 6: Asphalt Pavers - self-propelled; Asphalt Plant Operator; Blade Operator (motor patrol); Concrete Slip Form Paver; Cranes - up toaand including 50 ton; Crusher Plant Operator; Derrick Operator; Drilling Equipment (Bit under 8 inches) (Robbins Reverse Circulation and similar); Front End and Overhead Loaders and similar Machines (over 4 yards to and including 7 yards); Koehring Scooper; Heavy Duty Mechanic or Welder; Mucking Machine (underground); Multi-batch Concrete Plant Operator; Piledriver Engineer; Power Shovels and Draglines (1 yard to and including 3½ yards); Tower Crane Operator; Tractor - Crawler type - including all attachments; Refrigeration Plant Operator (over 1,000 tons); Trimmer Machine Operator; Tournapulls - Euclid and similar-to and including 40 yards

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POWER EQUIPMENT OPERATORS (AREA 2) (Cont'd)

Remaining Counties and that portion of Idaho County South of the 46th Parallel

Group 7: Cableway Operator; Continuous Excavator (Barber Greene WL-50); Cranes - over 50 ton, Dredges; Drilling Equipment (Bit 8 inches and over); (Robbins Reverse Circulation and similar); Fine Grader - CMI or Equivalent; Front End and Overhead Loaders and similar Machines - (over 7 yards); Power Shovels and Draglines over 3½ yards; Quad type Tractors with all attachments, Tournapulls - Euclid and similar - over 40 yards to and including 50 yards; Multipel Scraper Units

Group 8: Tournapulls - Euclid and similar - over 50 yards to and including 75 yards

Group 9: Tournapulls - Euclid and similar - over 75 yards to and including 100 yards

Group 10: Tournapulls - Euclid and similar - over 100 yards

TRUCK DRIVERS (AREA 1)

Benewah, Bonner, Boundary, Clearwater, Kootenai, Latah, Lewis, Nez Perce, Shoshone and that portion of Idaho County North of the 46th Parallel

Group 1: Flat Bed Truck, Single rear axle; Escort Driver; Fish Truck; Fork Lift, 3,000 pounds and under; Fuel Truck Driver (steam cleaner and washer); (Helper and Swamper; Leverperson loading trucks at bunkers; Pickup hauling material; Seeder and Mulcher; Stationary Fuel Operator; Team Driver; Tractor (small rubber tired pulling trailer or similar equipment); Water Tank Truck 1,800 gallons

Group 2: Bus Driver or Employeehaul Driver; Flat Bed Truck, dual rear axle; Power Boat hauling employees or material; Tireperson No. 1; Warehouseperson

Group 3: Buggy Mobile and similar; Bulk Cement Tanker; Oil Tank Driver; Power Operated Sweeper; Semi-trailer, Low Bed, Truck and Trailer; Straddle Carrier (Ross, Hyster and similar); Transit Mixers and Trucks hauling concrete (3 yards and under); Trucks, side, end, and bottom dump (under 6 yards); Water Tank Truck (1,801 - 4,000 gallons)

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TRUCK DRIVERS (AREA 1) (Cont'd)

Benewah, Bonner, Boundary, Clearwater, Kootenai, Latah, Lewis, Nez Perce, Shoshone and that portion of Idaho County North of the 46th Parallel

Group 4: Auto Crane - 2,000 pounds capacity; Bulk Cement Spreader; Dumptor (6 yards and under); Flaherty Spreader, Box Driver; Flat Bed Truck (using power take off); Fork Lift (over 3,000 pounds); Oil Distributor Driver (road, bootperson, leverperson helper); Rubbertired Tunnel Jumbo; Scissor Truck; Slurry Truck Driver; Transit Mixers and Trucks hauling concrete (over 3 yards to 6 yards); Water Tank Truck (4,001 - 6,000 gallons); Wrecker and tow trucks

Group 5: Low Boy (under 50 tons); Service Greaser Tireperson No. 2; Truck, side, end, and bottom dump (over 6 yards to 12 yards)

Group 6: A-Frame (Swedish Crane, Iowa 3,000, Hydrolift); Water Tank Truck (over 6,001 - 8,000 gallons)

Group 7: Dumptor (over 6 yards); Transit Mixers and Trucks hauling concrete (6 yards to 10 yards); Trucks, side, end, and bottom dump (over 12 yards including 20 yards)

Group 8: Low Boy (over 50 tons); Water tank truck (8,001 - 10,000 gallons)

Group 9: Transit Mixers and Trucks hauling concrete, (10 yards to 15 yards); Trucks, side, end and bottom dump (over 20 yards including 30 yards); Water Tank Trucks (10,001 - 12,000 gallons)

Group 10: Mechanic, field

Group 11: Tournarocker, D.W.'s and similar, with 2 or 4 wheel power tractor with trailer, gallonage or yardage scale, which is greater; Transit mixers and Trucks hauling concrete (15 yards to 20 yards); Trucks, side, end and bottom dump (over 30 yards to 40 yards); Water Tank Truck (12,001 - 14,000 gallons)

Group 12: Transit Mixers and Trucks hauling concrete (over 20 yards); Trucks, side, end and bottom dump (over 40 yards to 50 yards)

Group 13: Truck, side, end and bottom dumps, (over 50 yards to 100 yards)

Group 14: Helicopter Pilot hauling employees or material; Trucks, side, end, and bottom dump (over 100 yards)

TRUCK DRIVERS (AREA 2)

Remaining Counties and that portion of Idaho County South of the 46th Parallel

Group 1: Leverman loading at bunkers; Pilot Car or Escort Driver

Group 2: Flat Bed - 2 axle and pickup hauling material; Water Tank Truck (1,800 gallons and under); Fork Lift (3,000 and under)

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TRUCK DRIVERS (AREA 2) (Cont'd)

Remaining Counties and that portion of Idaho County South of the 46th Parallel

Group 3: Flat Bed - 3 axle, Fuel Truck (1,000 gallons and under); Greaser; Tireman; Serviceman; Buggymobile; Man Haul (Shuttle Truck or Bus)

Group 4: Transit Mix Truck - 3 yards and under; Warehouseman; Truck Helpers; Slurry or concrete pumping truck

Group 5: Flat Bed using power takeoff; Water Tank Truck (over 1,800 - 4,000 gallons); Semi-trailer - Low Boy - up to 96,000 lbs. GVW, Bulk cement tanker - up to 69,000 lbs. GVW; Fork Lift - over 3,000 lbs. (Bull lift, Hydro lift); Ross, Hyster and similar straddle equipment; "A" Frame truck (Swedish Crane, Iowa 3,000, Hydro-lift)

Group 6: Transit Mix Truck, over 3 yds. - 6 yds.

Group 7: Water Tank Truck - over 4,000 gallons; Fuel Truck - over 1,000 gallons; Distributor or Spreader Truck

Group 8: Transit Mix Truck - over 6 yds. - 8 yds.; Dumptors; Field Tireman; Serviceman

Group 9: Transit Mix Truck - over 8 yds. - 10 yds.; Snow Plow (Truck mounted)

Group 10: Low Boy - 96,000 lbs. GVW and over; Bulk Cement Tanker - 96,000 lbs. GVW and over

Group 11: Transit Mix Truck - over 10 yds.

Group 12: Turnarocker and similar equipment

Group 13: Truck - side, end and bottom dump
Class A: 6 yards and under
Class B: Over 6 yards - including 12 yards
Class C: Over 12 yards - including 20 yards
Class D: Over 20 yards - including 30 yards
Class E: Over 30 yards - including 40 yards
Class F: Over 40 yards - including 50 yards
Class G: Over 50 yards - including 75 yards
Class H: Over 75 yards - including 100 yards
Class I: Over 100 yards

Group 14: Truck Mechanic

STATE: Illinois

COUNTIES: Christian, DeWitt, Macon, Moultrie, Piatt & Shelby

DECISION NUMBER: IL76-2012

DATE: Date of Publication

Supersedes Decision No. IL75-2041 dated February 21, 1975, in 40 FR 7769.

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$11.38	.45	.62		
BOILERMAKERS:					
DeWitt County	10.15	.65	.85		.03
Remainder of Counties	10.05	.65	1.10		.03
BRICKLAYERS & STONEMASONS:					
Christian County	9.00		.25		
DeWitt County	9.20	.45	.30		
Piatt County	8.90	.40	.50		.02
Macon, Moultrie & Shelby Cos.	9.50	.325	.50		.005
CARPENTERS:					
Carpenters; Soft Floor Layers; Millwrights & Piledrivermen:					
Shelby Co., Remainder of Moultrie Co., Christian Co: (Millerville, Rosamond, Radford & Pana & Vicinity)					
Carpenters & Soft Floor Layers	9.65	.45	.30		.07
Millwrights & Piledrivermen	10.15	.45	.30		.07
Remainder of Christian County:					
Carpenters, Piledrivermen & Soft Floor Layers	6.90	.40	.30		
Millwrights	7.40	.40	.30		
DeWitt County:					
Carpenters & Soft Floor Layers	9.36	.40	.40		.05
Millwrights & Piledrivermen	9.86	.40	.40		.05
Macon Co; Moultrie Co:(Bethany, Okaw River, Lovington, Williamsbury, Lake City & All Areas north; Piatt Co:(Cisco, Allerton Park, Bement & All Areas south thereof:					
Carpenters; Piledrivermen & Floor Layer	9.65	.325	.475		.02
Millwrights	9.96	.325	.475		.02
Remainder of Piatt County:					
Carpenters & Soft Floor	9.565	.30	.70		.08
Millwrights & Piledrivermen	9.915	.30	.70		.08

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CEMENT MASONS:					
Macon Co., Christian Co:(Northern part-south to a line running east & west established north of Humphrey & including Stonington); Shelby Co:(Northern part including Moweaqua); Moultrie Co:(Northeastern part including Lovington); Piatt Co: (Southern portion) DeWitt Co: (Southern ½ of Co., including Clinton	$9.65	.325	.275		
Remainder of DeWitt County	9.73	.40			.10
Remainder of Moultrie & Shelby	9.35				
Remainder of Christian County	8.75	.30	.35		.02
Northern ½ of Piatt County	9.275	.30			.025
ELECTRICIANS:					
Macon & Christian Cos., DeWitt Co:(Twps. of Wapella, Barnett, Clintonia, Harp, DeWitt, Turnbridge, Texas, Creek & Nixon); Piatt Co: (Goose Creek, Willow Branch, Cerro Gordo, Bement & Unity); Shelby Co:(Twps. of Moweaqua, Penn, Flat Branch, Pickaway, Todds Point, Rural, Ridge, Okaw, Tower Hill, Rose, Shelbyville, Oconee, Cold Spring, Lakewood, Clarkburg, Herrick, Dry Point & Holland); Moultrie Co:(Twps. of Dora, Lovington, Marrowbone & Sullivan at the Ill. Masonic Home & Farm in East Nelson	10.19	.40	1%+.35		.0035%
Remainder of Moultrie & Shelby	9.90	.40	1%+.20		.2%
Remainder of DeWitt County	9.65	.40	1%+.30		.2%
Remainder of Piatt County	10.20	.40	1%+.20		.3%
IRONWORKERS:					
Moultrie; Piatt; DeWitt(Eastern ½ of Co.,) Macon(East of Decatur) Shelby(Eastern ½ of Co.)	9.55	.40	.60		.08

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Christian; DeWitt(Western ½ of Co.) Macon(Remainder of County) Shelby(Western ½ of County)	$9.50	.55	.70		.05
LATHERS:					
Macon & DeWitt Counties	8.95	.325			
Christian County	9.10				
Piatt County	9.29	.30	.20		.01
MARBLE-TILE-TERRAZZO WORKERS:					
Macon & Shelby Counties	8.85	.325	.50		
Christian County	9.00		.25		
DeWitt County	9.20	.45	.30		
Piatt County	9.95				
PLASTERERS:					
Macon Co., Christian Co:(Northern part-south to a line running east & west established north of Humphrey & including Stonington); Shelby Co:(Northern part including Moweaqua) Moultrie Co:(Northeastern part including Lovington) Piatt Co: (Southern portion) DeWitt Co: (Southern ½ including Clinton)	9.87	.325	.325		.01
Remainder of Moultrie & Shelby	8.85				.01
Southern ½ of Christian	8.75	.30	.35		.02
Northern ½ of Piatt County	8.715	.30			.025
Remainder of DeWitt County	10.25				.01
PLUMBERS & STEAMFITTERS:					
Macon; DeWitt; Moultrie; Twps. of Pana, Assumption & Radford in Christian Co., West of Rt. #105 in Piatt County	10.26	.35	.50		.11
Shelby Co; East of Rt. #105 in Piatt County	9.75	.35	.80		.12
Remainder of Christian County	9.91	.35	.55		
ROOFERS:	—	—	—	—	—
Macon; Shelby; Moultrie; DeWitt Co:(Southern ½ of Co., incl. Clinton) Christian Co:(Twps. of Assumption, Pinkle, Dollville,					

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS (Cont'd)					
Mt. Auburn, Millersville, Oshbernville, Owaneea, Pana, Radford, Rosamond, Stonington, Velma, Vanderville, Willeys)	$9.48	.20	.20		
Piatt County	9.90	.35	.30		
SHEET METAL WORKERS:					
Macon; Christian, DeWitt Cos.	10.05	.35	.40		.05
Moultrie; Piatt; Shelby Cos.	9.605	.45	.325		.12
SPRINKLER FITTERS	10.55	.50	.80		.08
Welder-Receive rate prescribed for craft performing operation to which welding is incidental.					

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LABORERS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Dewitt County:					
Unskilled	$7.55	.30	.30		.035
Semi-skilled	7.75	.30	.30		.035
Skilled	7.90	.30	.30		.035
Shelby County:					
Unskilled	8.10	.35	.30		.035
Semi-skilled	8.30	.35	.30		.035
Skilled	8.40	.35	.30		.035

LABORERS:

COMMON LABORERS: All sewer workers plus depth pay; Asphalt Plant Laborers; Bankmen on Floating Plant; Batch Dumpers; Carpenters Tenders, Cleaning Lumber; Cofferdam workers plus depth pay, Deck Hand, Dredge Hand and shore laborer; Dispatchers; Driving of Stakes, Stringlines for all machinery; Fencing Laborers; Firemen or Salamander Tenders; Fireproofing Laborers; Fire Shop Laborers; Flagman; Form Handlers; Gravel Box Men, Dumpmen and Spotters; Janitors; Laborers with De-Watering Systems; Landscapers; Laying of Sod; Material Checkers; Material Handlers; Pit Men; Plastic Installers Planting of Trees; Removal of Trees; Rip Rap Men; Rod and Chairmen; Scaffold Workers; Tool Cribmen; Track Laborers; Unloading Explosives; Unloading and Carrying Lath; Unloading and Carrying of re-bars; Wrecking, Dismantling Building, Wallmen and Housemovers; Wrecking Laborers; Writer of Scale Tickets;

SEMI-SKILLED: Asphalt Workers with machine, Asphalt Raker and Layers; Cement Handlers; Cement Silica, Clay, Fly Ash, Line and Plasterers, Handler (Bulk or Bag) Chain Saw;Chloride Handlers; Concrete Workers (wet); Grade Checker; Handling of materials treated with oil, creosote, asphalt and/or any foreign material harmful to skin or clothing; Kettle and Tar men; Mason Tenders; Mortar Mixer Operator; Motorized Buggies or Motorized Unit used for Wet concrete or handling of Building Materials; On Concrete paving, Placing, Cutting and Typing of Reinforcing; Signal Man on Crane Tank Cleaning Tunnel Helpers in free air; Vibrator Operators

SKILLED: Air Tamping Hammerman; Ciasson Workers Plus Depth; Concrete Burning Machine Operator; Concrete Saw Operator; Corning Machine Operator; Gunnite Nozzle Men; Jackhammer and Drill Operators; Loaders handling masterplace or similar materials; Laborers Tending Masons with hot material or where foreign materials are used; Laser Beam Operator; Layout Man and/or Tile Layer Leadman on sewer work Luteman; Multiple Concrete Duct - Leadman; Plasterer Tenders; Ready Mix Scalemen, Portable or temporary plant; Screenman on Asphalt Pavers; Steel Form Setters - Street and Highway Welders, Cutters, Burners, and Torchmen

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LABORERS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Macon County and the Western ½ of Moultrie County					
Unskilled	$8.00	.35	.40		.035
Semi-skilled	8.20	.35	.40		.035
Skilled	8.35	.35	.40		.035
Christian County					
Unskilled	7.2[illegible]	.30	.30		.035
Semi-skilled	7.[illegible]4	.30	.30		.035
Skilled	.59	.30	.30		.035

CLASSIFICATIONS

UNSKILLED: All sewer workers plus depth pay; Asphalt Plant Laborers; Bankmen on Floating Plant; Batch Dumpers; Carpenters Tenders, Cleaning Lumber; Cofferdam workers plus depth pay, Deck Hand, Dredge Hand and Shore Laborer; Dispatchers; Driving of stakes, Stringlines for all machinery; Fencing Laborers; Firemen or Salamander Tenders; Fireproofing Laborers; Fire Shop Laborers; Flagman; Form Handlers; Gravel Box Men, Dumpmen and Spotters; Janitors; Laborers with De-watering systems; Landscapers; Laying of Sod; Material Checkers; Material Material Handlers; Pit Men; Plaster Installers; Planting of Trees; Removal of Trees; Rip Rap Men; Rod and Chairmen; Scaffold Workers; Tool Cribmen; Track Laborers; Unloading explosives; Unloading and carrying Lath; Unloading and carrying or Re-bars; Wrecking, Dismantling Building, Wallmen and Housemovers; Wrecking Laborers; Wreter or Scale Tickets.

SEMI-SKILLED: Asphalt Workers with machine, Asphalt Raker and Layers; Cement Handlers; Cement Silica, Clay, Fly Ash, Lime and Plasters, Handler (Bulk or Bag) Chain Saw; Chloride Handlers; Concrete Workers (wet); Grade Checker; Handling or materials treated with oil, creosote, asphalt and/or any foreign material harmful to skin or clothing; Kettle and Tar Men; Mason Tenders; Mortar Mixer Operators; Motorized Buggies or Motorized Unionused for wer concrete or handling of building materials; On concrete paving, placing, cutting and typing or Reinforcing; Signal man on Crane Tank cleaning tunnel helpers in free air; Vibrator Operators

SKILLED: Air Tamping Hammerman; Caisson workers plus depth; Concrete Burning Machine Operator; Concrete Saw Operator; Corning Machine Operator; Gunnite Nozzlemen; Jackhammer and Drill Operators; Laborers handling masterplate or similar materials; Laborers Tending Masons with hot material or where foreign materials are used; Laser Beam Operator; Layout Man and/or Tile Layer Leadman on sewer work Luteman; Multiple Concrete Duct - Leadman; Plasterer Tenders; Ready Mix Scalemen, Portable or temporary plant; Screenman on Asphalt Pavers; Steel Form Setters - street and highway; Welders, Cutters, Burners, and Torchmen

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LABORERS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Ivesdale and South thereof in Piatt County and all area East of Route #21 in Moultrie County					
Unskilled	$8.05	.35	.35		.035
Semi-skilled	8.25	.35	.35		.035
Skilled	8.40	35	.35		.035
Remainder of Piatt County					
Unskilled	8.15	.30	.30		.035
Semi-skilled	8.35	.30	.30		.035
Skilled	8.50	.30	.30		.035

CLASSIFICATIONS

UNSKILLED: All sewer workers plus depth pay; Asphalt Plant Laborers; Bankmen on Floating Plant; Batch Dumpers; Carpenters Tenders, Cleaning Lumber; Cofferdam workers plus depth pay, Deck Hand, Dredge Hand and Shore Laborer; Dispatchers; Driving of stakes, Stringlines for all machinery; Fencing Laborers; Firemen or Salamander Tenders; Fireproofing Laborers; Fire Shop Laborers; Flagman; Form Handlers; Gravel Box Men, Dumpmen and Spotters; Janitors; Laborers with De-watering systems; Landscapers; Laying of Sod; Material Checkers; Material Material Handlers; Pit Men; Plaster Installers; Planting of Trees; Removal of Trees; Rip Rap Men; Rod and Chairmen; Scaffold Workers; Tool Cribmen; Track Laborers; Unloading explosives; Unloading and carrying Lath; Unloading and carrying or Re-bars; Wrecking, Dismantling Building, Wallmen and Housemovers; Wrecking Laborers; Wreter or Scale Tickets.

SEMI-SKILLED: Asphalt Workers with machine, Asphalt Raker and Layers; Cement Handlers; Cement Silica, Clay, Fly Ash, Lime and Plasters, Handler (Bulk or Bag) Chain Saw; Chloride Handlers; Concrete Workers (wet); Grade Checker; Handling or materials treated with oil, creosote, asphalt and/or any foreign material harmful to skin or clothing; Kettle and Tar Men; Mason Tenders; Mortar Mixer Operators; Motorized Buggies or Motorized Unionused for wer concrete or handling of building materials; On concrete paving, placing, cutting and typing or Reinforcing; Signal man on Crane Tank cleaning tunnel helpers in free air; Vibrator Operators

SKILLED: Air Tamping Hammerman; Caisson workers plus depth; Concrete Burning Machine Operator; Concrete Saw Operator; Corning Machine Operator; Gunnite Nozzlemen; Jackhammer and Drill Operators; Laborers handling masterplate or similar materials; Laborers Tending Masons with hot material or where foreign materials are used; Laser Beam Operator; Layout Man and/or Tile Layer Leadman on sewer work Lutcman; Multiple Concrete Duct - Leadman; Plasterer Tenders; Ready Mix Scalemen, Portable or temporary plant; Screenman on Asphalt Pavers; Steel Form Setters - street and highway; Welders, Cutters, Burners, and Torchmen

DECISION NO. IL76-2012

ILL-1-PEO-1

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
MOULTRIE COUNTY					
CLASS I	$ 9.55	.40	.50		.05
CLASS II	9.45	.40	.50		.05
CLASS III	9.25	.40	.50		.05
CLASS IV	7.00	.40	.50		.05

POWER EQUIPMENT OPERATORS:

CLASS I: Master Mechanic

CLASS II: Utility Operator

CLASS III: Power cranes, Draglines, Electric overhead cranes, Shovels, Gradall, Mechanics, Repair and Maintenance of all equipment, Tractor highlift shovel, Forklifts, Tournamixer, 2 drums machine or 2 cage hoist, Cableways, Tower machines, Motor Patrol, Boom tractor, Boom or winch truck, Truck Crane, Tournapull, Tractor operating scoops, Bulldozer, Push Tractor, Finishing machine on Asphalt, Large rollers & rollers on asphalt, Gravel Macadam & Brick surface, Ross carrier or similar machine, Asphalt Plant Engineer or Pug Mill, Two (2) air compressors, Hetherington paver operator, Farm tractor with ½ yard bucket and/or backhoe attachment, Trench machines cutting over 24," Dredging equipment, Central mix plant engineer, concrete spreader, Air compressors 200 cu. ft. or over, Standard or Dinkey locomotives, Scoopmobiles, Euclid loader, Soil cement machine, Mixers 14S capacity or less, Trench Machine cutting 24" & under, Backfiller, Elevating machine, Power Blade, Asphalt Plant Engineer, Well drilling Machines, Paint Machine,Pipe Cleaning Machine, Pipe wraaping machine, Pipe Bending Machine, Apsco paver, Boring Machine, w/o winch, Head equipment, Greasers, Barber Green Loaders, Formless paver, Farm Tractor with less than half-yard bucket and other attachments except backhoe, Well Point System

CLASS IV: Power Sub-Grader, Bull Float, Form Grader, Finishing machine, Pavement breaker, Rock Crushers, One drum machine, air compressor less than 20 cu. ft. capacity, Concrete pump, Gunnite machine, Air Tuggers, Truck crane drivers, House Elevators when used for temporary heat, Small rollers on earth, Engine tenders, Fireman on pain pots, Fireman, Wagon Drill, Flexaplane, Conveyor, 2 to 4 Water Pumps, Siphon & Pulsometer, Switchman, Fireman on Asphalt plants, Distrbutor operator on trucks, Tampers, Power Broom, Post Hole Digger, Self Propelled Concrete Saw, Striping Machine (Motor Driven), Form Tamper, Seaman Tiller, Bulk Cement Plant Equipment Greaser

DECISION NO. IL76-2012

POWER EQUIPMENT OPERATORS:
MACON, PIATT, SHELBY, CHRISTIAN, & DEWITT

ILL-5-PEO-1-2-3

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS I	$ 9.75	.30	.40		.05
CLASS II	8.775	.30	.40		.05
CLASS III	8.15	.30	.40		.05

POWER EQUIPMENT OPERATORS:

CLASS I - Asphalt screed man, Aspoo concrete spreaders, Asphalt pavers, Asphalt rollers on bituminous concrete, athey loaders, backfillers, crane type, backhoes, cableways, cherry pickers, claim shell, C.N.E. & similar type autograde formless paver, autograde placer & finisher, concrete breakers, concrete plant operators, concrete pumps, cranes, derrick, derrick boats, draglines, earth augeror boring machines, levating graders eingeers on dredge, gravel processing machines, high list or fork lists, hoist w/two drums or two or more loadlines locomotives (all) mechanics, motar graders or auto patrols, operators or levelman on dredges, operators power boat, operators pug mill (asphalt plants), orange peels, overhead cranes, paving mixers, piledrivers, pipe wrapping & painting machines, push dozers, or push cats, rock crushers, ross carriers or similar machines, scoops, skimmer, 2 cu. yd. capacity & under, sheep foot foller (self propelled) shovels, skimmer scoops, test holedrilling machines, tower cranes, tower machines, tower mixers, track type and loaders, track type fork lists or high lifts, track jacks & tamper, tractor, sideboom, trenching machine, ditching machine, tunnelluggers, wheel type end loaders, winch cat, scoops, all or tournapull.

CLASS II - Asphalt boosters & heaters, asphalt distributors, asphalt plant fireman, oiler on 2 paving mixers when used in tandem boom or winch truck, building elevator, bull floats or flexplanes, concrete finishing machines, concrete saws, self propeller, concrete saws, self propeller, concrete spreader machines, gravel or stone spreader, power operated, head equipment greaser, hoist automatic, hoist w/1 drum & 1 load line, mud jacks, post holediggers, mechanical, road or street sweeper-self propelled, seaman tiller, straw machine, vibratory compactor, well drill machines scissors hoist.

CLASS III - Air compressor*, air compressors, track or self-propelled, asphalt plant engineers, bulk cement batching plants, conveyors,* concrete mixers (except plant, paver, tower) firemen, generators*, greasers, helper on single paving mixer, light plants*, mechanic helpers, mechanical heaters*, oilers, power from graders, power sub-graders, pug mills, when used for other than asphalt operation, rollers (except bituminous concrete) tractors w/o power attachments regardless of size of type) truck crane oiler & driver 1 (man), water pumps*, welding machines (one 300 amp. or over*)* welding machines*

*COMBINATIONS OR ONE TO FIVE OF ANY AIR COMPRESSORS, CONVEYORS, WELDING MACHINES, WATER PUMPS, LIGHT PLANTS OR GENERATORS SHALL BE IN BATTERIES OR WITHIN 300 FT.

DECISION NO. IL76-2012

TRUCK DRIVERS

ILL-82-TD-1-2-3

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I	$8.85	.50	a14.00		
GROUP II	9.25	.50	a14.00		
GROUP III	9.45	.50	a14.00		

TRUCK DRIVERS

GROUP I:
Drivers on 2 axle trucks hauling less than 9 tons, air compressor and welding machine including those pulled by separate units, truck driver helpers, warehouseman, mechanic helpers, greasers & tiremen, pick-up trucks when hauling materials, tools, or men to and from and on the jobs site; Fork lifts up to 6,000 lbs., capacity.

GROUP II:
2 or 3 exle trucks hauling more than 9 ton, but hauling less than 16 tons; A-frame winch trucks, hydrolifts trucks, or similar equipment when used for tranportation purposes: Fork lifts over 6,000 lb. capacity; winch trucks; 4-axle combination units; ticket writers

GROUP III:
2-3 or 4 axle trucks hauling 16 ton or more, drivers on oil distributors, water pulls, mechanics & working foreman; 5-axle or more combination units; dispatchers.

FOOTNOTES:
a.-Per Week Per Employee.

SUPERSEDEAS DECISION

STATE: Illinois
DECISION NUMBER: IL76-2014
COUNTIES: Madison and St. Clair
DATE: Date of Publication
Supersedes Decision No. IL75-2099 dated August 1, 1975, in 40 FR 32559
DESCRIPTION OF WORK: Building (Including Residential), Construction.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$11.38	.45	.62		
BOILERMAKERS	10.05	.65	1.10		.01
BRICKLAYERS:					
Madison County					
Alton; Wood River and Vicinities					
Bricklayers; Stonemasons; Tile-Terrazzo-Marble Workers	10.40	.30	.50		
Edwardsville; Marine; Highline; Troy	10.20	.50	.75	1.00	
Granite City and Vicinity					
Bricklayers; Stonemasons					
Building	9.05		.75	1.00	
Residential	8.50		.75	1.00	
St. Clair County					
East St. Louis and Vicinity					
Bricklayers; Marble-Tile-Terrazzo Workers; Stonemasons	10.20	.50	.75	1.00	
Belleville and Vicinity					
Bricklayers; Stonemasons	9.75		.75	1.00	
CARPENTERS:					
Madison County					
Carpenters; Millwrights; Piledrivermen; Soft Floor Layers					
Building	10.935	.50	.50		
Residential-up to 4 family apts.	9.935	.50	.50		
St. Clair County					
Carpenters; Millwrights; Piledrivermen; Soft Floor Layers	10.235	.40	.75		
CEMENT MASONS	10.025	.60	.50		
ELECTRICIANS:					
Alton and Vicinity in Madison Co.	10.99	.40	1%	6%	½ of 1%
St. Clair County and the Remainder of Madison County	10.28	4%	1%+.65	6%	.25%
ELEVATOR CONSTRUCTORS	9.24	.445	.29	2%+a&b	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.445	.29	2%+a&b	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
IRONWORKERS	10.00	.55	.75		
	-			-	

DECISION NO. IL76-2014

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LABORERS: (Madison County)					
Alton:					
Common Laborer	$9.15	.35	.30		.035
Laying sewer and all sewer work	9.25	.35	.30		.035
Well digging gunnite machine and nozzle operator on gunnite; Sandblasting, rip/rapping work	9.40	.35	.30		.035
Wood River:					
Common Laborer	9.30	.35	.50		.035
Laying sewer and all sewer work	9.40	.35	.50		.035
Well digging, machine and nozzle operator on gunnite	9.55	.35	.50		.035
Granite City, Madison, Venice, Nameoki and Mitchell:					
Common Laborers	8.85	.40	.55		.035
Open Well	9.35	.40	.55		.035
Cutting, burning and welding	9.125	.40	.55		.035
Plasterers' and Brickmasons' Tenders	9.35	.40	.55		.035
Dynamite and powdermen	10.375	.40	.55		.035
Dynamite and powdermen helpers	9.375	.40	.55		.035
Collinsville:					
Common Laborers	9.60		.20		.035
Burning and cutting w/torch (2-men); Raking and luting asphalt and power saw	9.85		.20		.035
Mason and plasterer tenders	10.10		.20		.035
Dynamite Men	10.90		.20		.035
Edwardsville:					
Common Laborer	9.55		.25		.035
Men working in main sewer ditch	9.80		.25		.035
Plaster and mason tenders	10.05		.25		.035
Dynamite and powder men	11.075		.25		.035
Dynamite and powder men helpers	10.075		.25		.035
Glen Carbon:					
Common Laborer	9.45		.35		.035
Mason and plasterer tenders	9.95		.35		.035
Dynamite men	11.05		.35		.035
	-				
	-				

DECISION NO. IL76-2014

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LABORERS: (Cont'd)					
Highland:					
Common Laborers	$9.30		.40		.035
Mason and Plasterers Tenders	9.80		.40		.035
Workmen cutting and burning w/torch	9.55		.40		.035
Livingston:					
Common Laborers	9.50		.20		.035
Working on the bottom of sewer	9.75		.20		.035
Mason and Plasterer Tenders	10.00		.20		.035
Marine:					
Common Laborer	9.50		.20		.035
Mason and Plasterer Tenders	10.00		.20		.035
Working on the bottom of sewer	9.75		.20		.035
Troy:					
Common Laborer	9.40		.30		.035
Mason and Plasterer Tenders	9.90		.30		.035
Working on the bottom of sewer	9.65		.30		.035
St. Jacob:					
Common Laborer	9.20		.40		.035
Mason and Plasterer Tenders	9.70		.40		.035
Working in sewer trenches	9.45		.40		.035
LABORERS: (St. Clair County)					
East of St. Louis and Vicinity					
Laborers	8.85	.40	.55		.035
Bottom Men on sewer work	9.11	.40	.55		.035
Dynamite Men	10.375	.40	.55		.035
Hod Carriers:					
Plastering	7.75	.25	.35		.035
Masonry	8.15	.20	.20		.035
Belleville and Vicinity:					
Laborers	9.10	.30	.40		.035
Bottom Men on sewer work	9.35	.30	.40		.035
Dynamite Men and Powder Men	10.60	.30	.40		.035
Hod Carriers	10.05		.20	1.20	
Plasterers' Tenders	10.05		.20	1.20	
O'Fallon, Mascoutah, Scott AFB, Shilo anf Lebannon and Vicinity:					
Laborers	9.40		.40		.035
Bottom Men on sewer work	9.65		.40		.035
Brickmason Tenders	9.85		.40		.035
Plasterers' Tenders	9.90		.40		.035
Mortar Mixers	9.85		.40		.035

DECISION NO. IL76-2014

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LABORERS (Cont'd)					
Freeburg and Vicinity:					
Laborers	$9.25	.25	.20		.035
All sewer work	9.50	.25	.20		.035
Mason Tenders and Plaster Tenders	9.75	.25	.20		.035
Dynamite Men	10.85	.25	.20		.035
New Athens and Vicinity:					
Laborers	9.15	.25	.30		.035
Bottom Men on sewer work	9.40	.25	.30		.035
Mason and Plaster Tenders	9.65	.25	.30		.035
LATHERS	10.735			.65	.01
LEADBURNERS	9.25	.35		c	.01
PAINTERS:					
Residential; Commercial	9.53	.45	.15		
Industrial	9.78	.45	.15		
Bridges; Grain Elevators; Water-Radio and TV Towers; Stacks	10.03	.45	.15		
Stacks; Boatswain Chairs; Picks; Scaffolds supported by ropers or cables; Rollers; Wool of Felt Applicators - additional $.25 per hour					
Rollers; Wool or Felt Applicators on Industrial work - additional $.50 per hour					
Spray; Sand and water blasting; Steam cleaning - additional $1.00 per hour					
PLASTERERS	10.685				.01
PLUMBERS and Steamfitters:					
Alton and Northern part of Madison County; North of Mitchell	11.50	.46	.92	.37	
Granite City; Southern ½ of Madison County and East St. Louis and Vicinity in St. Clair County	10.25	.52	.62	.52	
Belleville and Vicinity	10.18	.32	1.00		
ROOFERS:					
Composition; Slate; Tile	8.50	.32	.30	.75	.03
Kettlemen	6.30	.32	.30	.75	.03
SHEET METAL WORKERS	9.93	.25	.25	6%	.02
SPRINKLER FITTERS	10.55	.50	.80		.08
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

DECISION NO. IL76-2014

PAID HOLIDAYS (Where Applicable)
A-New Year's Day; B-Memorial Day; C-Independence Day; F-Labor Day;
E-Thanksgiving Day; F-Christmas Day

FOOTNOTE:
a. Employer contributes 4% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years and 2% of regular hourly rate for employee who has worked in business more than 5 years.

b. Six Paid Holidays: A through F.

c. Nine paid 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 regular scheduled work day immediately preceding and following the holiday.

ILL-82-TD

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I	$8.85	.50	a14.00		
GROUP II	9.25	.50	a14.00		
GROUP III	9.45	.50	a14.00		

TRUCK DRIVERS

GROUP I:
Drivers on 2 axle trucks hauling less than 9 tons, air compressor and welding machine including those pulled by separate units, truck driver helpers, warehouseman, mechanic helpers, greasers & tiremen, pick-up trucks when hauling materials, tools, or men to and from and on the jobs site; Fork lifts up to 6,000 lbs., capacity.

GROUP II:
2 or 3 exle trucks hauling more than 9 ton, but hauling less than 16 tons; A-frame winch trucks, hydrolifts trucks, or similar equipment when used for transportation purposes; Fork lifts over 6,000 lb. capacity; winch trucks; 4-axle combination units; ticket writers

GROUP III:
2-3 or 4 axle trucks hauling 16 ton or more, drivers on oil distributors, water pulls, mechanics & working foreman; 5-axle or more combination units; dispatchers.

FOOTNOTES:
a.-Per Week Per Employee.

DECISION NO. IL76-2014

ILL-2-PEO-1-2-3

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I	$10.33	.42	.90		.05
GROUP II	9.50	.42	.90		.05
GROUP III	8.85	.42	.90		.05
GROUP IV	8.75	.42	.90		.05
GROUP V	8.50	.42	.90		.05
GROUP VI					
a.	12.48	.42	.90		.05
b.	12.78	.42	.90		.05
c.	10.60	.42	.90		.05
d.	11.10	.42	.90		.05

POWER EQUIPMENT OPERATORS:

GROUP I Cranes, draglines, shovels, skimmer scoops, clamshells or derrick boats, pile drivers, crane-type backhoes, asphalt plant opers. plant opers., ditching machines or backfillers (requiring oilers), dredges, asphalt spreading machines, heavy duty mechanic, ass't. master mechanic, all locomotives, cableways or tower machines, hoists 2 drum or more (where oiler or fireman is required), hoists-2 drum or more (where oiler or firemen is not required) Hydrualic backhoes, ditching machines or backfiller (not requiring oilers) Cherry pickers, overhead cranes, roller (Steam or gas) concrete pavers, excavators, concrete breakers, concrete pumps, bulk cement plants, cement pumps, derrick-type drills, mixers (over 3 bags) and boad oprs., (25' & over), Motor graders or pushcats, scoops or tournapulls, Bulldozers, endloaders or fork-lifts, power blade or elevating graders, winch cats, boom tractors, and pipe wrapping or painting machines, Drills (other than derrick type) 1-dum-hoists, mud jacks, mixers (2 or 3 bags), conveyors (2), air compressors (2), water pumps regardless of size (2), welding machines (2) siphons or jets (2), winch heads or apparatuses (2) and light plants (2), Mixers (under 2 bags),all tractors regardless of size (Stright tractor only), firemen on stationary boilers, automatic elevators, form grading machines, finishing machines, power-sub-grader or ribbon machine, longitudinal floats, boats oprs., (under 25', conveyors (1), distribution pors., on trucks, siphones or jets (1) winch heads or apparatuses (1), light plant (1) mixers (under 2 bags)

GROUP II Air Compressor (1), water pumps regardless of size (1) welding machines (1)

GROUP III Firemen and asphalt spreader oilers

GROUP IV Heavy equipment oilers (truck cranes, dredges, monigans, large cranes, etc.

GROUP V Oilers

GROUP VI
a. Engineers operating under air pressure
b. Engineers operating in air over 10 lbs pressure
c. Oilers operating under air pressure
d. Oilers operating in iar over 10 lbs pressure

SUPERSEDEAS DECISION

STATE: Maryland

COUNTIES: Baltimore, Harford, Howard and Baltimore City

DECISION NO.: MD76-3142

DATE: Date of Publication

Supersedes Decision No. MD75 3064 dated June 27, 1975 in 40 FR 27431

DESCRIPTION OF WORK: Building Construction (excluding single family house and garden type apartments up to and including 4-stories), Heavy Construction (excluding sewer and water lines).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Asbestos Workers	$ 7.90	.60	.75		.02
Boilermakers	9.40	.60	.90		.02
Bricklayers	9.25	.40	.50		.07
Carpenters	9.00	.65	.59		.05
Cement Masons	8.62	.25	.30		
Electricians:					
Zone 1 - From Baltimore City Hall to 25 Miles	9.60	.60	1%+.60		½%
Zone 2 - Over 25 Miles to 45 Miles from Baltimore City Hall	9.85	.60	1%+.60		½%
Zone 3 - Over 45 Miles from Baltimore City Hall	10.10	.60	1%+.60		½%
Elevator Constructors	8.725	.445	.29	3%+a&b	.02
Elevator Constructors' Helpers	6.11	.445	.29	3%+a&b	.02
Elevator Constructors' Helpers (probationary)	4.36				
Glaziers:					
Glaziers	7.90	.25	.40		
Swinging Scaffold or Bosun's Chair	8.15	.25	.40		
Ironworkers:					
Ironworkers, finishers, rodmen, pre-cast & pre-stress erectors	9.07	.70	1.35		.04
Sheeters	9.32	.70	1.35		.04
Fence erectors	8.72	.70	1.35		.04
Laborers:					
Laborers	6.35	.30	.40		.075
Hod carriers	6.75	.30	.40		.075
Plasterers' laborers	6.50	.30	.40		.075
Power tool operators	6.45	.30	.40		.075
Pipelayers (concrete & clay)	6.55	.30	.40		.075
Wagon drill operators	6.60	.30	.40		.075
Mason tenders	6.65	.30	.50		.075
Scaffold builders	6.85	.30	.50		.075
Lathers	9.09		.35		.01
Lead Burners	9.25	.35		c	.01

DECISION NO. MD76-3142

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Linemen & Cable Splicers:					
Zone 1 - From Baltimore City Hall to 25 Miles	$ 10.45	.35	1%		½%
Zone 2 - Over 25 Miles to 45 Miles from Baltimore City Hall	10.70	.35	1%		½%
Zone 3 - Over 45 Miles from Baltimore City Hall	10.95	.35	1%		½%
Marble Setters	9.00	.40	.50		.07
Marble, Tile & Terrazzo Workers' Helpers	6.50	.30	.20		
Millwrights	9.10	.65	.59		.05
Painters:					
Brush	8.30	.85	.50		.06
Structural Steel, Spray (Steel), Steamcleaning & Sandblasting	8.80	.85	.50		.06
Spackling, Taping & Wall Coverings	8.45	.85	.50		.06
Piledrivermen	9.00	.65	.59		.05
Plasterers	8.80	.35	.30		
Plumbers	9.93	.50	.45		.10
Roofers:					
Roofers, Damp & Waterproof Workers	7.15	.35	.40		.05
Slate, Tile, Asbestos & Asphalt Shingle	7.60	.35	.40		.05
Precast Slab & Woodblock Layer	8.15	.35	.40		.05
Sheet Metal Workers	8.17	.55	.50		.05
Soft Floor Layers - Resilient Floor Layers	9.00	.65	.59		.05
Sprinkler Fitters:					
Baltimore City including a 10-mile radius beyond the City Limits	10.00	.50	.80		.10
Harford & Howard Counties and the remainder of Baltimore County	10.25	.50	.80		.08
Steamfitters	10.01	.45	.60		.12
Stone Masons	9.00	.40	.50		.07
Tile & Terrazzo Workers	7.46	.40	.50		.04

DECISION NO. MD76-3142

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Truck Drivers:					
Goose-necks, drop frame trailers	$ 8.35	.65	.45	f&g	
All "A" Frames, winch trucks, fork lifts & trailers	8.15	.65	.45	f&g	
Flat beds & pick-ups	7.40	.65	.45	f&g	
Euclid wagons & dumpsters	7.20	.65	.45	f&g	
Dump trucks	6.89	.65	.45	f&g	
Truck Drivers (Excavation):					
Dump truck	6.89	.65	.45	h&j	
Euclid Wagons & Dumpsters	7.20	.65	.45	h&j	
Drop-Frame, Goose-Neck & Trailers	7.09	.65	.45	h&j	
Pick-Ups	6.71	.65	.45	h&j	
Welders - receive rates 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 basic hourly rate for 5 years or more of service as vacation pay credit.
c. Holidays: A through F plus Washington's Birthday, Good Friday and Christmas Eve (provided employee has worked at least 45 full days during the 120 calendar days prior to the holiday and the regular scheduled work days immediately preceding and following the holiday.
f. Employee with 1 year of service - 1 week's paid vacation; 2 years of service - 2 weeks paid vacation; 10 years of service - 3 weeks paid vacation, provided the employee has worked 125 days in the previous contract year.
g. Holidays: A through F plus the employee's birthday; the day after Thanksgiving Day and Christmas Eve (provided the employee has worked one day and has been available for work during holiday week).
h. Employee with 1 year of service - 1 week's paid vacation; 2 years of service - 2 weeks paid vacation; 10 years of service - 3 weeks paid vacation, provided employee has worked 100 days in the contract year.
j. Holidays A through F plus the employee' birthday, Good Friday and Christmas Eve (providing the employee has worked one day and has been available for work during the holiday week).

DECISION NO. MD76-3142

POWER EQUIPMENT OPERATORS
Building and Heavy Construction

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Group 1	$9.43	.65	.50	a	.10
Group 2:	8.93	.65	.50	a	.10
Group 3	8.38	.65	.50	a	.10
Group 4	7.93	.65	.50	a	.10
Group 5	6.93	.65	.50	a	.10
Group 6:					
a	9.33	.65	.50	a	.10
b	9.53	.65	.50	a	.10
c	9.73	.65	.50	a	.10
d	9.93	.65	.50	a	.10
e	10.18	.65	.50	a	.10

FOOTNOTE:
a. Paid Holidays - New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

Group 1: Operators handling or setting steel, stone, prestressed concrete or machinery. Tower Cranes.

Group 2: Backfiller, backhoe, batching plants, boat captain, cableway, Case type hoe (with a front end bucket over 1½ yds.), concrete mixing plants, concrete paver, derrick boat, double concrete pump, dragline, Eimco type overhead loader, elevating grader, excavating scoop (25 yds. and over), front end loader (1-3/4 yds. and over), gradall, grader, hoist (2 active drums or more), multiple conveyor, pile driving machine, power shovel, repair mechanic, shield, standard gauge locomotive, trenching machine, tunnel mucking machine, twin engine scraper, welder, whirley rig.

Group 3: Asphalt spreader, bulldozer, bull float, crane type backhoe (with a front end bucket 1½ yds. and under), concrete mixer (with skip), Concrete pump, concrete spreader, excavating scoop (under 25 yds.), finishing machine, front end tractor loader (under 1-3/4 yds.), Hi-lift fork lift, longitudinal float, narrow gauge locomotive, one drum hoist, power roller, screeding machine, stone crusher, stone sprader, sub-grader, tractor with attachments (2 or more provided both attachments are being used.

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POWER EQUIPMENT OPERATORS
(Building and Heavy Construction)

Group 4: Caterpillar type tractor, compressors, elevator operator, Firemen, fuel truck, grease truck, grout pump, light plant, mighty midget with compressor, single conveyor, space heaters, welding machines, well-drill, well point system.

Group 5: Deck hands, oilers (all types)

Group 6: Long boom cranes, including jibs and on piledriver machines with leads: when working with piledrivermen or ironworker

Group 6a: 130" to 169"

Group 6b: 170' to 209'

Group 6c: 210' to 249'

Group 6d: 250' to 299'

Group 6e: 300' and over

SUPERSEDEAS DECISION

STATE: Minnesota
DECISION NUMBER: MN76-2013
COUNTIES: See Below
DATE: Date of Publication
Supersedes Decision No. MN75-2068, dated May 2, 1975, in 40 FR 19349
DESCRIPTION OF WORK: Heavy and Highway Construction

COUNTIES

Aitken	Crow Wing	Houston	Martin	Olmsted	Stearns
Anoka	Dakota	Isanti	Meeker	Pine	Steele
Benton	Dodge	Itaska	McLeod	Ramsey	St. Louis
Blue Earth	Fairbault	Jackson	Mille Lacs	Rice	Wabasha
Carlton	Fillmore	Kanabec	Morrision	Rock	Waseca
Carver	Freeborn	Koochiching	Mower	Scott	Washington
Chisago	Goodhue	Lake	Nicollet	Sherburne	Winona
Cook	Hennepin	LeSueur	Nobles	Sibley	Wright

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CARPENTERS & PILEDRIVERMEN:					
Counties of Anoka, Carver, Chisago, Dakota, Hennepin, Isanti, Ramsey, Scott & Washington, Sherburne County (North of the Northern Boundry of T-34-N or West of the Western Boundry of R-27), & Wright County east of and including Minnesota Highway #25	$8.21	.40	.30	.50	.02
Counties of Aitkin, Cook, Itaska, Kanabec, Lake, Mille Lacs, St. Louis & Pine County south of Hinkley, Barry, Arlone & Clover Townships	8.28	.30		.30	
Carlton County & the Remainder of Pine County	8.58	.30			
Benton County, The Remainder of Sherburne & Wright Counties, Stearns County east of a north-south line drawn from the Intersection of Stearns, Todd and Morrison Counties	7.47			.75	
Blue Earth County(entire County except N.W. corner including cities of Butternut, Judson & Cambria), LeSueur County (West 2/3 of county including Cities of New Sweden, Nicollet, Norseland, North Mankato & St. Peter), Waseca County (N.W. Corner including City of Smithmill), & Sibley County(S.E. Corner incl. Cities of Henderson & Rush River	7.32	.30			

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CARPENTERS & PILEDRIVERMEN (CON'T)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Rice County, Dodge County (NW portion including Cities of Clermont & West Concord), Goodhue County (Along west boarder including Cities of Keyon, Dennison, Skyburg, Sogn, Stanton & Wangs), Steele County (Entire County except along south border including Cities of Blooming prairie & Ellendale), Waseca County(Entire County except Smithmill in NW corner & along the South border including the cities of matawan & New Richland) & the Remainder of LeSueur Co.	$8.08	.40			
Olmsted County, Fillmore County The vicinity of the Cities of Borne, Concord, Dodge Center, Kasson, Danesville, Eden, Materville & Wasioja), Mower County (N.W. Corner including the City of Racine & Wabasha County (in the vicinity of the Cities of Elgin, Hammond, Millville, Plainview, Conseption, Dunfries, Jarret, South Troy & Theilman)	7.88	.40	.20		
Counties of Fairbault, Freeborn, Houston & Winona & the remainder of Dodge, Fillmore, Goodhue, Mower, Steele, Wabasha & Waseca Counties	8.48				
Koochiching County	7.32	.30			
Meeker County & McLeod County (NW Corner including the Cities of Biscay, Heatwole & Hutchinson)	7.32	.30			
Counties of Crow Wing, Jackson, Martin Morrison, Nobles & Rock, Remainder of McLeod, Sibley & Stearns Counties	7.62				

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CEMENT MASONS:					
Counties of Anoka, Carver, Chisago, Dakota, Hennepin, Isanti, Kanabec, McLeod, Mille Lacs, Ramsey, Scott, Sherburne, Sibley, Washington, Wright & Pine County south of T-43-N	$ 9.28	.40	.40		
Counties of Aitkin, Carlton, Cook, Lake & Pine Co. North of T-55-N	9.63	.30			
Itaska County & St. Louis Co. north of T-54-N	8.95	.30			
Countis of Crow Wing & Koochiching	9.10	.40	.15		
Morrison County	8.85		.15		
Counties of Benton & Stearns	8.35				
Meeker County	7.90			.35	
Counties of Blue Earth & Nicollet, LeSueur Co. (East ½ including the Cities of Cleveland, Elysian, Kasato, LeCenter, LeSueur, Lexington, Ottawa, & St. Thomas), Waseca County (East ½ including the Cities of Alma City, Janesville, Smithmill & Waldorf)	8.95				
Counties of Jackson, Martin Nobles & Rock	8.25				
Fairbault County & Freeborn County (West of a line running north & south from Genevia to Gordansville)	7.70	.35	.25		
Counties of Rice & Steele, the Remainder of LeSueur & Waseca Counties & Dodge County West of Highway #56	8.95				
Olmsted County, Dodge County (east of Highway #56), & Fillmore Co. east of a line drawn north & south established east of the City of Dodge Center	9.20				
Counties of Houston & Winona & the Remainder of Fillmore Co.	8.95				

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CEMENT MASONS (CONT'D)					
Counties of Goodhue & Wabasha	$ 8.62	.35	.23		
Mower County & the Remainder of Freeborn	7.20	.35	.25	.50	
IRONWORKERS:					
Counties of Anoka, Benton, Blue Earth, Carver, Chisago, Dakota Dodge, Fairbault, Fillmore, Freeborn, Goodhue, Hennepin, Houston, Isanti, LeSueur, McLeod, Martin, Meeker, Morrison, Mower, Nicollet, Olmsted, Ramsey, Rice, Scott, Sherburne, Sibley, Stearns, Steele, Wabasha, Waseca, Washington, Winona & Wright; Crow Wing County (the SW corner incl. the cities of Crow Wing, Fort Ripley & Shepard), Kanabec Co., (excluding north 1/3 of County including cities of Warman, Kruschel & Woodland), Mille Lacs County (excluding NE Cor. including Cities of Bayview, Opstead, Isle, Wahkun Cove & Vineland), & Pine County (the SW corner including the cities of Pine City, Henriette, Greely, Rock Creek & West Rock)	9.60	.55	.55		.02
Counties of Aitkin, Carlton, Cook, Itaska, Koochiching, Lake, St. Louis & the Remainder of Crow Wing, Kanabec, Mill Lacs & Pine Counties	9.75	.30	.55	.10	.02
Jackson, Nobles & Rock Counties	8.96	.30	.25		.01
LINEMEN:					
Counties of Aitkin, Carlton, Cook, Crow Wing, Lake Morrison, Itaska County that portion South of T-55 R-27, Bass Rock, Grand Rapids, Trout Lake, T-55 R-23 & that portion of Goodland Township					

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LINEMEN (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
south of Ault, Ellsburg, Lavell, T-55 R-14, T-55 R-15, T-55 R-18 & T-55 R-21 Townships, Kanabec County north of Ann Lake, Knife Lake & Whited Townships; Mille Lacs county north of Baily and Mudgett Townships & Pine County North of Brook Park, Crosby, Mission Creek & Munch Townships	$ 9.54	1%	6%	11%	1½%
Koochiching County & the Remainder of Itaska & St. Louis Cos.	9.74	1%	1%	11%	1½%
Counties of Chisago, Dakota, Isanti, Ramsey, Rice & Washington; Remainder of Kanabec, Mille Lacs & Pine Counties; Anoka County (Entire County except Anoka, Fridely, Grow & Ramsey Townships), Goodhue County (Entire County except Pine Island, Minneola, Roscoe & Zumbrota Townships), LeSueur County (that portion east of Cleveland, Sharon, Tyrone & Washington Townships); Sherburne County (that portion east of Becker & Santiago Townships; & Wabasha County (Entire County except Elgin & Plainview Townships)	9.68	6½%	3%	10½%	1%
Counties of Benton, Blue Earth Carver, Fairbault, Hennepin, Jackson, McLeod, Martin, Meeker, Nicollet, Scoot, Sibley, Stearns, Waseca, Wright & the Remainder of Anoka, LeSueur & Sherburne Counties	9.60	6½%	1%	9%	1½%
Counties of Dodge, Fillmore, Freeborn, Mower, Olmsted, Steele & the Remainder of Goodhue and Wabasha	8.31	.35	1%		.04

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LINEMEN (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Houston & winona Counties	$ 8.84	.35	1%		.5%
Noble & Rock Counties	9.05	.35	1%		½%
PAINTERS:					
Counties of Carlton, Cook, Lake, Koochiching, St. Louis & Itasca; Pine Co: to Town of Hinckley					
Brush	9.03	.30	.20		.05
Structural Steel	9.53	.30	.20		.05
Counties of Chisago, Dakota, Ramsey, Washington & Pine County (South of State Route #48):					
Brush	8.43	.45	.25		.06
Structural Steel	8.93	.45	.25		.06
Counties of Anoka, Carver, Hennepin, Isanti, Kanabec, McLeod, Scott & the eastern 2/3 of Sherburne & Wright Counties:					
Brush	8.98	.35	.25		.07
Strucutral Steel	9.48	.35	.25		.07
Counties of Benton, Mille Lacs, Meeker, & Stearns (the western 1/3 of Sherburne & Wright Counties) & the southern ½ of Morrison County:					
Brush	5.90				.02
Structural Steel	6.40				.02
Spray	6.90				.02
Counties of Aitkin, Crow Wing & the Southern ½ of Morrison County:					
Brush	8.00				
Structural Steel	8.25				
Counties of Dodge, Fairbault, Fillmore, Freeborn, Goodhue, Houston, Mower, Olmsted, Wabasha & Winona:					
Brush	8.30	.37	.25		.08
Spray	8.80	.37	.25		.08

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PAINTERS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Counties of Blue Earth, Jackson Martin, Nicollet, Nobles, Rock & Sibley, Rice, Lesueur, Steele & Waseca					
Brush	8.23	.40	.10		.03
Spray & Structural Steel	8.73	.40	.10		.03
WELL DRILLING:					
(Construction or Repair of water wells and aprurtenances)					
Metropolitan Area					
Hennipin, Ramsey, Washington Anoak, Carver, Scott & Dakota Counties; That part of Wright County East of T.H.25 Sherburne County South of T-34N & East of R-27W & that Part of Chisago County South of T-35N					
Field Work					
Driller - Pumpman	7.25				
General - Helper	5.75				
Mechanic - Welder	6.65				
Driver or Service Man	5.75				
Rural Area					
Remainder of Counties					
Field Work					
Driller - Pumpman	6.50				
General Helper	4.70				
Mechanic - Welder	5.90				
Driver or Service Man	5.30				

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MINN-9-LAB

LABORERS: Counties of Anoka, Carver, Chisago, Dakota, Hennepin, Isanti, Pine, Ramsey, Scott, Sherburne, Washington & Wright	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS 1	$ 7.30	.40	.45	.40	
CLASS 2	7.40	.40	.45	.40	
CLASS 3	7.45	.40	.45	.40	
CLASS 4	7.55	.40	.45	.40	
CLASS 5	7.60	.40	.45	.40	
CLASS 6	7.65	.40	.45	.40	
CLASS 7	7.70	.40	.45	.40	
CLASS 8	7.73	.40	.45	.40	
CLASS 9	7.75	.40	.45	.40	
CLASS 10	7.93	.40	.45	.40	
CLASS 11	7.98	.40	.45	.40	

CLASS 1 Unskilled Laborer; Drill Runner Helper; Landscape Gardener, Sod Layer & Surseryman; Powder Monkey; Rein. Steel Lab., Rein. Steel Setter Salamander Heater & Blower Tender Carpenter Tender; Winch Handler

CLASS 2 Laborer, Wrecking & Demolition; Bit Batcherman (Stationary Plant); Bit Shoveler; Blacksmith Helper; Bottom Man (sewer, Water or Gas Trench); Bricklayer Tender; Cement Handler; Cement Coverman (Batch Trucks); Compaction Equip. Shoveler; Batchermen Conc., Conc. Vibrator Tamper & Puddler (Paving) Conc. Longitudinal Floatmen; Conduit Layer (w.o. wiring); Chipping Hammer; Curb Setter (Stone or Precast Conc.) Kettleman (Bit. or lead); Service connection maker; Power Buggy; Joint Sawer; Sqeege man (Bit. Brick or Block); Stabilizing batchermen (Stationary Plant); Stonemason tender; Drill Runner (Heavy, including Churn Drill)

CLASS 3 Chainsaw Man; Conc. Mixer (1 bag); Jackhammer Man & Paving Buster; Mortar Mixer; Pipe Handler; Pipe Derrickman (Triped, manual)

CLASS 4 Bottom Man (Sewer, Water or Gas Trench, more than 8' below starting level of manual work); Tunnel Laborer (atmospheric pressure) Underpinning Work; Caisson Work; Other work more than 8' below level of manual work; Open Ditch Work

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LABORERS: (CONT'D)

LABORERS: Counties of Anoka, Carver, Chisago, Dakota, Hennepin, Isanti, Pine, Ramsey, Scott, Sherburne, Washington & Wright

CLASS 5 Bituminous Tamper; Pipelayer; Sand Cushion & Bedmaker
CLASS 6 Cement Gun (1½ & over); Leadman
CLASS 7 Nozzlemen (Gunnite)
CLASS 8 Brick or Block Paving Setter
CLASS 9 Bituminous Raker, Floater & Utility Man
CLASS 10 Tunnel Man (Air Pressure); Tunnel Miner
CLASS 11 Powderman

MINN-10-LAB

LABORERS: Counties of Itaska and St. Louis Counties North of T-55	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS I	$ 7.63	.20	.15	.25	
CLASS II	7.73	.20	.15	.25	
CLASS III	7.88	.20	.15	.25	
CLASS IV	7.93	.20	.15	.25	
CLASS V	7.98	.20	.15	.25	
CLASS VI	8.03	.20	.15	.25	
CLASS VII	8.13	.20	.15	.25	
CLASS VIII	8.23	.20	.15	.25	

CLASS I Unskilled Laborers, Laborers; wrecking & demolition; Bricklayer tender; Drill runner helper; Landscape gardner; Sod layer & nurseryman Pipehandler (water, gas, cast iron); Salamander heater & blower tender; Carpenter tender; Stonemason tender
CLASS II Bituminous Shoveler; Bottom man (sewer, water or gas trench); Cement handler (bulk or bag); Chain saw man; Compaction equipment (hand operated); Concrete mixer operator (1 bag); Concrete Shoveler, tamper & puddler (paving) Concrete Vibrator; Conduit layers (w/o wiring); Dumper (wagon, truck, etc.); Formsetter (municipal type curb & side walk) Formsetter (pavement); Jackhammer man & paving busters; Kettleman (Bituminous or lead); Mortar mixer; Power buggy; Joint drawer; tunnel Laborer (Atmospheric pressure)
CLASS III Bituminous Tamper; Cofferdam work; Caisson work
CLASS IV Drill Runner (heavy, including churndrill
CLASS V Bituminous Raker, Floater & Utility Man; Pipelayer (sewer, water, gas); Leadman
CLASS VI Nozzleman (Gunite)
CLASS VII Powederman
CLASS VIII Tunnel Miner

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MINN-14-LAB

LABORERS: Counties of Carlton, Cook, Lake, & St. Louis - South of T-55	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS I	$ 7.18	.30	.35	.40	
CLASS II	7.28	.30	.35	.40	
CLASS III	7.43	.30	.35	.40	
CLASS IV	7.48	.30	.35	.40	
CLASS V	7.53	.30	.35	.40	
CLASS VI	7.58	.30	.35	.40	
CLASS VII	7.68	.30	.35	.40	
CLASS VIII	7.78	.30	.35	.40	

CLASS I - Unskilled Laborer; Laborer wrecking and demolition; Bricklayer Tender; Drill Runner Helper; Landscape Gardner; Sod Layer & Nurseryman; Pipe Handler (water, gas or cast iron) Salamander Heater & Blower Tender; Stone Mason Tender
CLASS II Bituminous Shovler; Bottom Man (sewer, water or gas trench) Cement Handler (Bulk or Bag) Cement Coverman (Batch Truck) Chain Saw Man; Compaction Equipment (Hand Operated) Concrete Mixer Operator (1 Bag Capacity); Concrete Shoveler; Tamper & Puddler (Paving); Concrete Vibrator Operator; Conduit Layer (Without Wiring) Dumper (Wagon Truck); Form Setter (Municipal Type curb and sidewalk) Form Setter (Paving) Jackhammer Man; Paving Buster; Kettleman (Bituminous or Lead); Mortar Mixer: Power Buggy Operator; Joint Sawer; Tunnel Laborer (Atmospheric Pressure)
CLASS III Bituminous Tamper; Cofferdam Work; Caisson Work
CLASS IV Drill Runner (heavy, including Churn Drill)
CLASS V Bituminous Raker, Floater & Utility Man; Pipelayer (sewer, water & gas); Leadman
CLASS VI Nozzleman
CLASS VII Powderman
CLASS VIII Tunnel Miner

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MINN-11-LAB

LABORERS: COUNTIES OF BENTON, KANABEC, MILLE LACS & STEARNS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS 1	$ 6.75	.40	.35	.40	
CLASS 2	6.80	.40	.35	.40	
CLASS 3	6.85	.40	.35	.40	
CLASS 4	6.90	.40	.35	.40	
CLASS 5	7.10	.40	.35	.40	
CLASS 6	7.15	.40	.35	.40	
CLASS 7	7.28	.40	.35	.40	
CLASS 8	7.25	.40	.35	.40	

CLASS 1 - Bricklayer Tender; Carpenter Tender; Drill Runner Helper; Laborers Wrecking & Demolition; Lanscape Gardner; Pipe Handler (Water, Gas & Cast Iron); Salamander Heater & Blower Tender; Sod Layer & Nurseryman: Stonemason Tenders; Unskilled Laborers

CLASS 2 - Form setter (Municipal Type curb & sidewalk, Form setter (Pavement)

CLASS 3 - Bituminous Shoveler; Bottom Man (Sewer, Water or Gas Trench); Cement coverman (Batch Trucks); Cement Handler (Bulk or Bag); Chain saw Man; Compaction equipment (Hand operated); Concrete Mixer (1 Bag); Concrete Shoveler Tamper & Puddler (Paving); Concrete Vibrator; Conduit Layers (w/o wiring); Drill Runner (Wagon, Truck, etc.); Jackhammerman; Joint Sawer; Kettleman Bituminous or Lead); Mortar Mixers; Paving Buster; Power Buggy; Tunnel Laborer (Atmospheric pressure).

CLASS 4 - Bituminous Raker, Floater & Utility Man; Caisson work; cofferdam

CLASS 5 - Leadman

CLASS 6 - Nozzleman (Gunnite)

CLASS 7 - Pipelayer (Sewer, Water & Gas)

CLASS 8 - Powderman; Tunnel Miner

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MINN-12-LAB

LABORERS: Counties of Blue Earth, Dodge, Fairbault, Fillmore, Freeborn, Goodhue, Houston, LeSueur, Mower, Nicholett, Olmsted, Rice, Steele, Wabasha & Winona	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS 1	$ 7.55	.20	.15		
CLASS 2	7.65	.20	.15		
CLASS 3	7.70	.20	.15		
CLASS 4	7.80	.20	.15		
CLASS 5	7.90	.20	.15		
CLASS 6	7.95	.20	.15		
CLASS 7	8.00	.20	.15		
CLASS 8	8.00	.20	.15		

CLASS 1 - Unskilled Laborers; Bricklayer & Carpenter Tenders; Drill Runner Helper; Laborers-Wrecking & Demolition; Landscape Gardener; Pipe Handler (Water, Gas, Cast Iron); Salamander Heater & Blower Tender; Sod Layer & Nurseryman; Stonemason Tender

CLASS 2 - Bituminous Shoveler; Bottom Man (sewer, Water of Gas Trench); Cement Coverman (Batch Trucks); Cement Handler (Bulk or Bag) Chain Saw Man;Compaction Equipment (Hand Operated) Concrete Mixer (1 Bag); Concrete Shoveler; Tamper & Puddler (Paving); Concrete Virbrator; Conduit Layers (w/o wiring); Drill Runner (Heavy, incl. Churn Drill) Dumper (Wagon, Truck, etc.); Form Setter (Municipal Type Curb & Sidewalk); Formsetter (Pavement); Jackhammerman; Joint Sawer; Kettlemen (Bituminous or Lead); Mortar Mixers; Paving Buster; Power Buggy; Tunnel Laborer (Atmospheric Pressure)

CLASS 3 - Bituminous Tamper

CLASS 4 - Bituminous Raker; Floater & UtilityMan: Caisson Work; Cofferdam

CLASS 5 - Leadman

CLASS 6 - Nozzleman (Gunnite)

CLASS 7 - Pipelayer (Sewer, Water & Gas)

CLASS 8 - Powderman

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MINN-13-LAB

LABORERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Counties of Aitkin, Crow Wing, Jackson, Koochiching, McLeod, Martin, Meeker, Morrison, Nobles, Rock & Sibley					
CLASS 1	$ 6.35	.20	.15		
CLASS 2	6.45	.20	.15		
CLASS 3	6.60	.20	.15		
CLASS 4	6.70	.20	.15		
CLASS 5	6.75	.20	.15		
CLASS 6	6.80	.20	.15		
CLASS 7	6.85	.20	.15		
CLASS 8	6.50	.20	.15		

CLASS 1 - Skilled Laborers, Bricklayer & Carpenter Tenders; Drill Runner Helper; Laborers Wrecking & Demolition; Landscape Gardener; Pipe Handler (Water, Gas, Cast Iron); Salamander Heater & Blower Tender; Sod Layer & Nurseryman; Stonemason tender

CLASS 2 - Bituminous Shoveler; Bottom Man (Sewer, Water or Gas Trench); Cement Coverman (Batch Trucks); Cement Handler (Bulk or bag); Chain Saw Man; Compaction Equipment (Hand Operated); Concrete Mixer (1Bag); Concrete Shoveler, Tamper & Puddler (Paving); Concrete Vibrator; Conduit Layers (w/o wiring); Drill Runner (Heavy, incl. Churn Driver Dumper (wagon Truck, etc.); Jackhammer man; Joint Sawer; Kettleman (Bituminous or Lead); Mortar Mixer Paving Buster; Power Buggy; Tunnel Laborer (atmospheric pressure)

CLASS 3 - Bituminous Tamper, Caisson and Cofferdam

CLASS 4 - Bituminous raker floater & utility man, caisson work

CLASS 5 - Nozzleman (Gunnite)

CLASS 6 - Pipelayer (sewer, water & gas)

CLASS 7 - Powderman; Tunnel Miner

CLASS 8 - For setter (Municipal type curb & sidewalk) Form setter (pavement)

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MINN-7M-PEO

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Counties of Anoka, Carver, Cook Dakota, Hennepin, Lake, Ramsey, St. Louis, Scott & Washington, Sherburne County south of the northern boundary of T-33-N and east of the western boundary of R-27-W, Wright County east of and including Highway #25, Chisago County south of the northern boundary of T-34-N and that part consisting substantially of the Cities of Thompson, Colquet, Scanlon & Carlton					
GROUP 1	$12.95	.45	.35		
GROUP 2	9.66	.45	.35		
GROUP 3	9.40	.45	.35		
GROUP 4	9.27	.45	.35		
GROUP 5	9.18	.45	.35		
GROUP 6	8.50	.45	.35		
GROUP 7	8.20	.45	.35		

GROUP 1 Helicopter Pilot

GROUP 2 Crane with over 135' Boom, excluding jib, Dragline and/or other similar equipment w/shovel type controls 3 cu. yds. & over Mfg. rated capacity

GROUP 3 Cableway Op., Concrete Mixer, Stationary Plant over 34E, Derrick, Dragline and/or other similar equipment with shovel type controls up to 3 cu. yds. Mfg. rated capcity, Dredge Operator or Engineer, Dredge Operator (power) & Engineer, Front End Loader Op., 5 cu. yds. & over, Grader or Motor Patrol, Finishing earthwork & bituminous, Locomotive Crane Operator, Master Mechanic, Mixer (Paving) Concrete Paving Op., Road Mole Op., incl. power supply, Mucking Mach., incl. mucking operations Conway or similar type, Refrigeration Plant Engineer, Tandem Scraper, Tractor Op. (Boom Type), Truck Crane Op., Tugboat Op. 100 HP & over

GROUP 4 Dual Tractor Op., Elevating Grader Op., Pumpcrete Op., Scraper., Struck Capacity 32 cu. yd. & over, Self-Propelled. Traveling Soil Stabilizer

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POWER EQUIPMENT OPERATORS (CONT'D)

Counties of Anoka, Carver, Cook, Dakota, Hennepin, Lake, Ramsey, St. Louis, Scott, & Washington, Sherburne County south of the northern boundry of T-33-N and wast of the western boundary of R-27-W, Wright County east of and including Highway #25, Chisago County South of the northern boundry of T-34-N and that part consisting substantially of the Cities of Thompson, Colquet, Scanlon & Carlton

GROUP 5 Air track Rock Drill, Asphalt Bituminous Stabilizer Plant Op., Crushing Plant Op., or Gravel Washing, Crushing and Screening Plant Op., Dope Machine Op., Drill Rigs, Heavy Rotary or Churn or Cable Drill, Engineer in charge of Plant requiring First Class License, Fork Lift or Straddle Carrier Op., Fork Lift or Lumber Stacker, Front End Loader Op., Loader Op., over 1 cu. yds., Hoist Engineer, Hydraulic Tree Planter, Launcherman, Locomotive, all types, Mechanic or Welder, Multiple Machines, such as Air Compressors, Welding Machines, Generators, Pumps or Crane Oilers, Paving Breaker or Tamping Machines Op., (power driven - Mighty Mite or similar type, Pick-up Sweeper, 1 cu. yd. & over Hopper capacity, Pipeline Wrapping, Cleaning or Bending Machine Actuated Horizontal Boring Mach., over 6" Op., Pugmill Op., Roller, 8 tons & over, Rubber Tired Farm Tractor, Backhoe Att., Sheep Foot Op., Tie Tamper & Ballast Mach. Op., Tractor Op., over D2, TD6 or similar HP with power take-off, Tractor Op., over 50 HP without power take-off, Trenching Machine Op., (sewer, water, gas) Turnapull Op., (or similar type) Well Point Installation, Dismatling or Repair Mechanic

GROUP 6 Air Compressor Op. 375 CFR or over, Bituminous Spreader and Bituminous Finishing Machine Op., Concrete Dist. and Spreader Op., Finishing machine Longitudinal Float Op., Joint Mach. Op., Spray Op., Concrete Mixer Op. 14S and under, Concrete Op. (Mult. Blade), Curb Mach. Op., Fine Grade Op., Form Trench Digger, Front End Loader Op. (up to & incl. 1 cu. yd.), Grader Op. (Motar Patrol), Gunite Op. Gunall, Lead Greaser on truck or rack, Loader Op., Power Actuated Augars and Boring Mach. Op. Power Actuated Jacks Op., Pump Op., Toller Op., Self-propelled Chip Spreader, Shouldering Mach. Op., Stump Chipper Op., Tractor Op. (D2, TD6 or similar HP with power take-off

GROUP 7 Brakeman, Switchman, Conveyor Op., Deckhand, Fireman, Tank Car Heater Op., Gravel Screening Plant Op., Greaser Leverman, Mech. Helper, Mech. Space Heater, Oiler, Self-Prop. Vib. Packer Op., Sheep foot roller, Tractor Op. 50 HP or less w/o Power take-off, Truck Crane Oiler

DECISION NO. MN76-2013

MINN-7-PEO

POWER EQUIPMENT OPERATORS: Counties of Jackson, Nobles & Rock & the Remainder of Benton, Crow Wing, Itaska, Koochiching, McLeod, Martin, Meeker, Morrison, Nicollet, Sibley & Stearns	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I	$12.50	.45	.35		
GROUP II	8.32	.45	.35		
GROUP III	8.07	.45	.35		
GROUP IV	7.93	.45	.35		
GROUP V	7.85	.45	.35		
GROUP VI	7.32	.45	.35		
GROUP VII	6.92	.45	.35		

POWER EQUIPMENT OPERATORS: Counties of Jackson, Nobles & Rock & the Remainder of Benton, Crow Wing, Itaska, Koochiching, McLeod, Martin, Meeker, Morrison, Nicollet, Sibley & Stearns

GROUP I Helicopter Pilot

GROUP II Crane with over 135 ' Boom, excluding jib, Dragline and/or other similar equipment w/shovel type controls 3 cu. yds. & over Mfg. rated capacity

GROUP III Cableway Op., Concrete Mixer, Stationary Plant over 34E, Derrick, Dragline and/or other similar equipment with shovel type controls up to 3 cu. yds. Mfg. rated capacity , Dredge Operator or Engineer, Dredge Operator (power) & Engineer, Front End Loader Op., 5 cu. yds. & over, Grader or Motor Patrol, finishing earthwork & bituminous, Locomotive Crane Operator, Master Mechanic, Mixer (paving) Concrete Paving Op., Road Mile Op., incl. power supply, Mucking Mach., inc. mucking operations conway or similar type, refrigeration plant engineer, Tandem Scraper, Tractor Op. (Boom Type). Truck Crane Op., Tugboat Op. 100 HP & over

GROUP IV Dual Tractor Op., Elevating Grader Op., Pumperete Op., Scraper Op., Struck Capacity 32 cu yd. & over, Self Prop. Trvaeling Soil Stabilizer

GROUP V Air Track Rock Drill, Asphalt Bituminous Stabilizer Plant Op., Crushing Plant Op., or Gravel Washing, Crushing and Screening Plant Op., Dope Machine., Drill Rigs, Heavy Rotary or Churn or Cable Drill, Engineer in Charge of Plant requiring Firt Class License, Fork lift or Straddle Carrier Op., Fork Lift or Lumber Stacker, Front End Loader Op., over 1 cu. yds., Hoist Engineer, Hydraulic Tree Planter Launcherman, Locomotive, all types, Mechanic or Welder, Multiple Machines, such as Air Compressors, Welding Machines, Generators, Pumps or Crane Oilers, Paving Breaker or Tamping Machine Op., (power driven) Mighty Mite or similar type, Pick-up Sweeper, 1 cu. yd. & over Hopper capacity, Pipeline Wrapping, Cleaning or Bending Machine Op., Power Plant Engineer, Power Actuated Horizontal Boring Mach. over 6" op.,

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POWER EQUIPMENT OPERATORS: (CONT'D)

Counties of Jackson, Nobles & Rock & the Remainder of Benton, Crow Wing, Istaska, Koochiching, McLeod, Martin, Meeker, Morrison, Nicollet, Sibley & Stearns

GROUP V (CONT'D)
Pugmill Op., Roller Op., 8 tons & over, Rubber Tired Farm Tractor, Backhoe Att., Sheep Foot Op., Tie Tamper & ballas Mach. Op., Tractor Op. over D2, TD6 or similar HP with power take-off, Tractor Op., over 50 HP without power take-off, Trenching Machine Op., (sewer, water, gas) Turnapull Op., (or similar type)well Point Installation, Dismantling or Repair Mechanic

GROUP VI Air Compressor Op. 375 CFM or over, Bituminous Spreader and Bituminous Finishing Machine Op., Concrete Dist. and Spreader Op., Finishing Mach. Longitudinal Float Op., Joint Mach. Op., Spray Op., Concrete Mixer Op. 14S and under, concrete saw op. (multi. Blade), Curb Mach. Op., Fine Grade Op., Form Trench Digger. Front End Loader Op. (up to & incl. 1 cu. yd.), Grader op. (Motor Patrol), Gunnite op. Gunall, Lead Greaser on Truck or rak, Loader Op., Power Actuated Augars and Boring Mach. Op., Power Actuated Jacks op., Pumps op., Roller., Self-propelled Chip Spreader, Shouldering Mach. op., Stump Chipper., Tractor Op. (D2, TD6 or similar HP with power take-off

GROUP VII Brakeman, Switchman, Conveyor op., Deckhand, Fireman, Tank Car Heater Op., Gravel Screening Plant Op., Greaser, Leverman, Mech. Helpers, Mech. Space Heater, Oiler, Self-Prop. Vib. Packer Op., Sheep foot roller, tractor Op. 50 HP or less w/o Power take-off, Truck Crane Oiler

DECISION NO. MN76-2013

MINN-6-PEO

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Counties of Aitkin, Blue Earth, Carlton, Dodge, Fairbault, Fillmore, Freeborn, Goodhue, Houston, Isanti, Kanabec, Lesueur, Mille Lacs, Mower, Olmsted, Pine, Steele, Wabasha, Waseca, Winona & Washington; The remainder of Chisago, Sherburne, & Wright Counties; Koochiching County East of a North-South Line From the Canadian Boarder to Pelland-The Western Right-of Way of U. S. Hwy. 71 from Pelland to Big Falls & Minn. Hwy. #6; Itaska County East of the Western-Right-of-way of Minn. Hwy. #6; Crow Wing County East of the Western Right-of-way of U.S. Hwy. #371; Morrison County East of the Western Right-of-way of U. S. Hwy. #371 & U. S. Hwy #10 from Little Falls to the Morrison Benton County lines; Benton Co. East of The Western Right-of-Way of U. S. Hwy #10; and in McLeod, Martin, Meeker, Nicollet, Sibley & Stearn Counties, East of the Western Right-of-Wat of Minn. Hwy #15. In every case the entire corporate limits of cities, towns & villages located on the boundaried described as highways shall be included in this area					
GROUP I	$12.65	.45	.35		
GROUP II	9.36	.45	.35		
GROUP III	9.10	.45	.35		
GROUP IV	-8.98	.45	.35		
GROUP V	8.88	.45	.35		
GROUP VI	8.20	.45	.35		
GROUP VII	7.90	.45	.35		

DECISION NO MN76-2013

POWER EQUIPMENT OPERATORS: (CONT'D)

Counties of Aitkin, Blue Earth, Carlton, Dodge, Fairbault, Fillmore, Freeborn, Goodhue, Houston, Isanti, Kanabec, Lesueur, Mille Lacs, Mower, Olmsted, Pine, Rice, Steele, Wabasha, Waseca, Winona & Washington; The remainder of Chisago, Sherburne, & Wright Counties; Koochiching County East of a North-South Line from the Canadian Boarder to Pelland - The Western Right-of-Way of U.S. Hwy. 71 from Pelland to Big Falls & Minn. Hwy. #6; Itaska County East of the Western Right-of-Way of Minn. Hwy. #6; Crow Wing County East of the Western Right-of-Way of U. S. Hwy #371; Morrison County East of the Western Right-of-Way of U. S. Hwy. #371 & U.S. Hwy. #10 from Little Falls to the Morrison-Benton County lines; Benton County East of the Western Right-of-Way of U. S. Hwy. #10; and in McLeod, Martin, Meeker, Nicollet, Sibley & Stearns Counties Counties, East of the Western Right-of-Way of Minn. Hwy #15. In Every case the entire corporate limits of cities,towns & villages located on the boundaries described as Highways shall be included in this area.

GROUP I Helicopter Pilot

GROUP II Crane with over 135' boom, excluding jib, dragline and/or other similar equipment w/shovel type controls 3 cu. yards. & over Mfg. rates capacity

GROUP III Cableway Op., Concrete Mixer, Stationary Plant over 34E, Derrick, Dragline and/or other similar equipment with shovel type controls up to 3 cu. yds. Mfg. rates capacity, Dredge Operator or Engineer, Dredge Operator (power) & yds. & over, Crader or Motor Patrol Finishing earthwork & bituminous, Locomotive Crane Operator, Master Mehcanic, Mixing (Paving) Concrete Paving Op., Road Mile Op., Incl. power supply, Mucking Mach., incl. mucking operations Conway or similar type, Refrigeration Plant Engineer, Tandem, Scraper, Tractor, Op. (Boom Type), Truck Crane Op., Tugboat Op. 100 HP & over

GROUP IV Dual Tractor Op., Elevating Grader Op., Pumperete Op., Scraper Op., Struck Capacity 32 cu. yd. & over, Self-Prop. Traveling Soil Stabilizer

GROUP V Air track Rock Drill, Asphalt Bituminous Stabilizer Plant Op., Crushing Plant Op., or Gravel Washing, Crushing and Screening Plant Op., Dope Machine Op., Drill Rigs, Heavy Rotary of Churn or Cable Drill, Engineer in Charge of Plant requiring First Class License, Fork Lift of Lumber Stacker, Front End Loader Op., over 1 cu yds. Hoists Engineer, Hydraulic Tree Planter, Launcherman, Locomotive,all types, Mechanic or Welder, Multiple Machines, such was Air Compressors, Welding Machines, Generators, Pumps or Crane Oilers, Paving Breaker or Tamping Machine Op., (power driven) Mighty Mite or similar type, Pick-up Sweeper 1 cu. yd. & over Hopper capacity, Pipeline Wrapping, cleaning or Bening Machine Op., Power Plant Engineer, Power Actuated Horizontal Boring Mach., over 6" Op., Pugmill Op., Roller Op., 8 tons & over, Rubber Tird Farm Tractor, Backhoe Att., Sheep Foot Op., Tie Tamper & Ballast Mach. Op., Tractor Op., over D2, TD6 or similar HP with power take-off, Tractor Op., over 50 HP without power Take-off, trenching Machine Op., (sewer

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POWER EQUIPMENT OPERATORS (CONT'D)

GROUP V (CONT'D)

water, gas), Turnapull Co., (or similar type) Well Point Installtion, Dismantling or Repair Mechanic

GROUP VI Air compressor Op. 373 CFM or over, Bituminous Spreader and Bituminous Finishing Machine Op., Concrete Dist. Spreader Op., Finshing Machine, Longitudinal Float Op., Joint Mach. Op., Spray Op., Concrete Mixer Op. 14S and under, Concrete saw op. (Mult. Blade), Curb Mach. Op., Fine Grade Op., Form Trench Digger, Front End Loader Op. (up to & include 1 cu. yd.), Grader Op. (Motor Patrol), Gunite Op. Gunall, Lead Greader on truck or rack, Loader Op., Power Actuated Augard and Boring Mach. Op., Power Actuated Jacks Op., Pump Op., Roller Op., Self-propelled Chip Spreader, Shouldering Mach. Op., Stump Chipper Op., Tractor Op. (D2, TD6 or similar HP with power take-off

GROUP VII Brakeman, Switchman, Conveyor Op., Deckhand, Fireman, Tank Car Heater Op., Gravel Screening Plant Op., Greaser, Leverman, Mech. Helper, Mech. Soacer Heater, Oiler, Self-prop. Vib Packer Op., Sheep Foot toller, Tractor Op. 50 HP or less w/o Power take-off, Truck Crane Oiler

DECISION NO MN76-2013

MINN-62-TD

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS: Areas 1 and 2					
Twin City & Duluth Metro Area					
Counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, Washington, Wright, Chisago South of T-34-N, Carlton, Cook, Lake, St. Louis & Itasca Co., East of T-H-6					
GROUP 1	$ 8.25	.35	.45		
GROUP 2	7.95	.35	.45		
GROUP 3	7.85	.35	.45		
GROUP 4	7.65	.35	.45		

GROUP 1 Driver (Hauling machinery for employer's own use, including operation of hand and power operated winches); Truck Train Mechanic, Welder, Tractor-Trailer; Off Road Truck

GROUP 2 Tri-axle (Including 4 axles); Dump Dry Batch Hauler; Tank Truck (Gas, oil, Road Oil and Water); Boom & "A" Frame; Ready Mix Concrete Slurry Driver

GROUP 3 Bituminous Distributor Driver; Bituminous Distributor (1-man operation); Tandem Axle

GROUP 4 Bituminous Distributor Spray (Rear-end Oiler); Dump man Greaser and Truck Servicemen; Tank Helpers (Gas, oil, road oil & water) Teamster & Stableman; Tractor Operator (Wheel type used for any purpose) Pilot car driver; Self propelled packer; Slurry operator; Single axle Trucks

DECISION NO MN76-2013

MINN-55-TD

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS: Area 3					
Southeastern Area					
Counties of Dodge, Fillmore, Freeborn, Good Hue, Mower, Olmsted, Rice, Steele & Wabasha					
GROUP 1	$ 8.15	.35	.45		
GROUP 2	7.85	.35	.45		
GROUP 3	7.75	.35	.45		
GROUP 4	7.55	.35	.45		

GROUP 1 Driver (Hauling machinery for employer's won use, including operation of hand and power operated winches); Truck Train Mechanic, Welder, Tractor-Trailer; Off Road Truck

GROUP 2 Tri-axle (Including 4 axles); Dump Dry Batch Hauler; Tank Truck (Gas, oil, Road Oil and Water); Boom & "A" Frame, Ready Mix Concrete; Slurry Driver

GROUP 3 Bituminous Distributor Driver, Bituminous Distributor (1-man operation); Tandme Axle

GROUP 4 Bituminous Distributor Spray (Rear End Oiler); Dump man Greaser and Truck Servicemen; Tank Truck Helpers (Gas, Oil, road oil & water) Teamster & Stableman; Tractor Operator (WHeel type used for any purpose) Pilot car driver; Self propelled packer; Slurry operator; Single axle Trucks

MINN-7-TD

DECISION NO MN76-2013

TRUCK DRIVERS: Area 4 Mankato Area	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Counties of Blue Earth, Lesueur, Nicollet, Waseca					
GROUP 1	$ 7.62	.35	.45		
GROUP 2	7.32	.35	.45		
GROUP 3	7.22	.35	.45		
GROUP 4	7.02	.35	.45		

GROUP 1 Driver (Hauling machinery for employer's own use, including operation of hand and power operated winches); Truck Train Mechanic, Welder, Tractor-Trailer; Off Road Truck

GROUP 2 Tri-axle (Including 4 axles); Dump Dry Batch Hauler; Tank Truck (Gas, oil, Road Oil and Water); Boom & "A" Frame; Ready Mix Concrete; Slurry Driver

GROUP 3 Bituminous Distributor Driver; Bituminous Distributor (1-man operation); Tandem Axle

GROUP 4 Bituminous Distributor Spray (Rear-End Oiler); Dump man Greaser and Truck Servicemen; Tank Helpers (Gas, oil, road oil & water) Teamster & Stableman; Tractor Operator (Wheel type used for any purpose) Pilot car driver; self propelled packer; Slurry operator Single axle Trucks

MINN-5-TD

DECISION NO MN76-2013

TRUCK DRIVERS - Area 5 Western Area	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Counties of Aitkin, Benton, Crow Wing, Fairbault, Isanti, Jackson, Kanabec, Koochoching, Lesueur, McLeod, Martin, Meeker, Mille Lacs, Morrison, Nobles, Pine, Rock, Sibley, Stearns, Remainder of Chisago & Itasca Counties					
GROUP 1	7.42	.35	.45		
GROUP 2	8.12	.35	.45		
GROUP 3	7.02	.35	.45		
GROUP 4	6.82	.35	.45		

GROUP 1 Driver (Hauling machinery for employer's own use, including operation of hand and power operated winches); Truck Train Mechanic, Welder, Tractor-Trailer; Off Road Truck

GROUP 2 Tri-axle (Including 4 axles); Dump Dry Batch Hauler; Tank Truck (Gas, oil, Road oil and Water); Boom & "A" Frame; Ready Mix Concrete; Slurry Driver

GROUP 3 Bituminous Distributor Driver; Bituminous Distributor (1-man operation); Tandem Axle

GROUP 4 Bituminous Distributor Spray (Rear-End Oiler); Dump man Greaser and Truck Servicemen; Tank Helpers (Gas, oil, road oil & water) Teamster & Stableman; Tractor Operator (Wheel type used for any purpose) Pilot car driver; Self propelled packer; Slurry operator Single axle Trucks

STATE: Missouri

COUNTIES: Franklin, Jefferson, Lincoln, St. Charles, Warren & City & County of St. Louis

DECISION NO.: MO76-4015

DATE: Date of Publication

Supersedes Decision No. MO75-4143, dated August 1, 1975 in 40 FR 32608

DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS:					
Asbestos workers	$10.48	.45	.62		
Swing stage of bosun's chair	10.73	.45	.62		
Asbestos workers requiring spray in application	10.73	.45	.62		
BOILERMAKERS	9.60	.70	1.00		.02
BRICKLAYERS; STONEMASONS	8.25	.52	.70	.65	.02
CARPENTERS; MILLWRIGHTS; PILE-DRIVERMEN:					
ZONE 1 - St. Louis City &County	9.86	.45	.60		
CARPENTERS:					
ZONE 2 - Franklin County:					
Contracts $200,000.00 & under	8.20	.45	.60		
Contracts over $200,000.00	9.86	.45	.60		
ZONE 3 - Jefferson County:					
Contracts $25,000.00 & under	9.18	.45	.60		
Contracts over $25,000.00	9.86	.45	.60		
ZONE 4 - St. Charles County:					
Contracts under $200,000.00	9.10	.45	.60		
Contracts $200,000.00 or more	9.86	.45	.60		
ZONE 5 - Lincoln & Warren COUNTIES:					
Contracts $200,000.00 & under	8.55	.45	.60		
Contracts over $200,000.00	9.86	.45	.60		
CEMENT MASONS:					
ZONE 1 - Jefferson & St. Charles Counties and St. Louis City & County	9.60	.90	.85		
ZONE 2 - Franklin, Lincoln & Warren Counties:					
Project less than $100,000.00	8.90	.90	.85		
Project $100,000.00 & over	9.60	.90	.85		
ELECTRICIANS	9.64	5%	1%+5½%	15½%	1%
ELEVATOR CONSTRUCTORS	9.465	.445	.29	3%+a+b	.02
ELEVATOR CONSTRUCTORS HELPERS	70%JR	.445	.29	3%+a+b	.02
ELEVATOR CONSTRUCTORS HELPERS(PROB)	50%JR				

FOOTNOTES:

a-Employer contributes 4% of basic hourly rate for over 5 years' service and 2% of basic hourly rate for 6 months to 5 years as vacation Pay Credit.

b-Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Friday After Thanksgiving Day; Christmas Day.

DECISION NO. MO76-4015

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GLAZIERS	$10.04	.45	1.03	8%+c	.01
FOOTNOTE: c-Paid Holidays: New Year's Day; Washington's Birthday; Memorial Day; Independence Day; Labor Day; Columbus Day; Veterans Day; Thanksgiving Day; Friday After Thanksgiving Day; Christmas Day; Employees Birthday.					
IRONWORKERS	9.825	.55	.70		.05
LABORERS:					
ZONE 1- City & County of St. Louis					
General laborer	8.675	.40	.90		.03
Wrecking	8.55	.40	.90		.03
Plumber laborer	9.05	.40	.90		.03
Dynamiter or powderman	9.175	.40	.90		.03
Mason tenders (hod carriers)	8.25	.40	.60		
ZONE 2 - Franklin County:					
Contracts $250,000.00 or less:					
General laborer	6.25	.50	.40		
Mason tenders, plumber laborer, plaster tender	6.45	.50	.40		
Contracts over $250,000.00:					
General laborer	7.75	.50	.40		
Mason tenders, plumber laborer, plaster tender	7.95	.50	.40		
ZONE 3 - Jefferson County:					
Laborers	7.15	.50	.30		
Powderman, mason tenders, plaster tender	7.65	.50	.30		
ZONE 4 - St. Charles County:					
General laborer	8.825	.50	.50		
Dynamiter or powdermen	9.325	.50	.50		
Plumbers laborer	9.30	.50	.50		
ZONE 5 - Lincoln & Warren Counties:					
General laborer	8.325	.50	.50		
Dynamiter or powderman	8.825	.50	.50		
Plumber laborer	8.80	.50	.50		
LATHERS	10.225				.01
MARBLE SETTERS	9.59	.325	.50		
MARBLE SETTERS HELPERS	9.28				
PAINTERS:					
ZONE 1 - Lincoln County:					
Brush	6.55				
Spray	6.95				

DECISION NO. M076-4015

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PAINTERS (contd):					
ZONE 2 - Franklin, Jefferson, St. Charles, Warren Counties, & City & County of St. Louis					
Brush	$9.46	.30	.30	.21	
Spray	10.96	.30	.30	.21	
PIPEFITTERS:					
ZONE 1 - Light commerical work & on jobs within the boundaries of the City of St. Louis & St. Louis County	9.65	2.775	.90		
ZONE 2 - Other construction & jobs within twenty miles beyond the boundary line of St. Louis County	10.03	2.775	.90		
ZONE 3 - Other construction & jobs more than twenty miles beyond the boundary line of St. Louis County	10.21	2.775	.90		
PLASTERERS	9.70	.325	.80		.03
PLUMBERS	9.755	.60	.60	.80	
PLUMBERS (Lincoln County)	10.21	2.775	.90		
POWER EQUIPMENT OPERATORS:					
ZONE 1 - St. Louis County:					
Group 1	8.52	.35	.40		
Group 2	7.97	.35	.40		
Group 3	7.52	.35	.40		
Group 4:					
(a)	9.32	.35	.40		
(b)	10.07	.35	.40		
(c)	10.52	.35	.40		
(d)	11.27	.35	.40		
(e)	9.02	.35	.40		
(f)	8.02	.35	.40		
(g)	8.52	.35	.40		

DECISION NO. M076-4015

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS (ZONE 1)

Group 1 - Backhoe; cableway; crane, crawler or truck; crane, hydraulic-truck or cruiser mounted-16 tons & over; crane, locomotive; derrick, steam; derrick car & derrick boat; dragline; dredge; gradall, crawler or tire mounted; locomotive, gas, steam & other powers; pile driver, land or floating; scoop, skimmer; shovel, power(steam, gas, electric or other powers); switch boat; whirley; air tugger w/air compressor; anchor placing barge; asphalt spreader; athey force feed loader (self-propelled); backfilling machine; boat operator-push boat or tow boat (job site); boiler, high pressure breaking in period; boom truck, placing or erecting; boring machine, footing foundation; bullfloat; cherry picker; combination concrete hoist & mixer such as mixermobile; compressors, two, not more than 20 ft. apart; compressors, not more than 5 ft. apart; compressor-welder combination; concrete breaker (truck or tractor mounted); concrete pump, such as pumpcrete machine; concrete spreader; conveyor, large (not self-propelled) hoisting or moving brick and concrete into, or into and on floor level, one or both; crane, hydraulic-rough terrain, self-propelled; crane hydraulic-truck or cruiser mounted-under 16 tons; drilling machines, self-powered, used for earth or rock drilling or boring (wagon drills and any hand drills obtaining power from other sources including concrete breakers, jack-hammers and barco equipment no engineer required); elevating grader; engine man, dredge; excavator or powerbelt machine; finishing machine, self-propelled oscillating screed; forklift; grader, road with power blade; highlift; hoist, concrete and brick (brick cages on concrete skips operating in or on tower, towermobile, or similar equipment); hoist, stack; hydro-hammer; lad-avator, hoisting brick or concrete; loading machine (such as barber-greene); mixer-mobile; mucking machine; pipe cleaning machine; pipe wrapping machine; plant, asphalt; plant, concrete producing or ready-mix-job site; plant, heating-job site; plant-mixing-job site; plant, power, generating-job site; pump, self- powered, over 2" (one operator will operate two); pumps, electric submersible, one through three, over 4"; quad-track; roller, asphalt, top or subgrade; scoop tractor drawn; spreader box; subgrader; tie tamper; tractor-crawler, or wheel type with or without power unit, power take-offs, and attachments regardless of size; tranching machine; tunnel boring machine; vibrating machine, automatic, automatic propelled; welding machines (gasoline or diesel) more than one but not over four (regardless of size); well drilling machine.

Group 2 - Air tugger w/plant air; boiler, for power or heating on construction projects; boiler, temporary; compressor, air-one; compressor, air (mounted on truck); concrete saw, self-propelled; conveyor, large (not self-propelled); conveyor, large (not self-propelled) moving brick and concrete (distributing) on floor level; curb finishing machine; ditch paving machine; elevator (building construction or alteration); endless chain hoist; fireman; form grader; generator, one over 30 KW or any number developing over 30 KW; greaser; hoist, one drum regardless of size (except brick or concrete); lad-a-vator, other hoisting; manlift; mixer, asphalt, over 8 cu. ft. capacity; mixer, if two or more mixers of one bag capacity or less are used by one employer on job, an operator is required; mixer, without side loader, 2 bag capacity or more; mixer, with side loader, regardless of size, not paver; oiler on dredge; oiler on truck crane; pug mill operator; pump, sump-self-powered, automatic controlled over 2" during use in connection with construction work; sweeper, street; welding machine, one over 400 amp.; winch, operating from truck.

Group 3 - Boat operator-outboard motor (job site); conveyor (such as con-vay-it), regardless of how used, oiler, sweeper, floor

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS (CONTD.):

Group 4 - (a)Air pressure; oiler engineer operating under ten pounds. (b)Air pressure, oiler engineer operating over ten pounds. (c)Air pressure engineer operating under ten pounds. (d)Air pressure engineer operating over tend pounds. (e)Crane-pile driving with leads, crane using rock socket tool, dragline-7 cu. yds. & over, shovel, power-7 cu. yds. and over, crane, climbing (such as linden), derrick, diesel, gas, electric hoisting material and erecting steel 150' or more above ground, hoist, three or more drums, scoop, tandem, tractor, tandem crawler. (f)Heater. (g)Mud jack (where mud jack is used in conjunction with an air compressor, operator).

Crane, with boom (including jib) over 100' from pin to pin (add 1¢ per foot to maximum of 75¢) above basic rate for crane.

Work in tunnel or tunnel shaft, .25¢ above base rate.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS:					
ZONE 2 - Franklin, Jefferson, Lincoln, St. Charles and Warren Counties:					
Group 1	$8.50	.35	.40		.02
Group 2	8.30	.35	.40		.02
Group 3	8.10	.35	.40		.02
Group 4:					
(a)	7.50	.35	.40		.02
(b)	8.75	.35	.40		.02
(c)	9.25	.35	.40		.02
(d)	9.00	.35	.40		.02

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS (ZONE 2):

Group 1 - Asphalt finishing machine & trench widening spreader; asphalt plant console operator; autograder; automatic slipform paver; backhoe; blade operator-all types; boat operator-tow; boiler-2; central mix concrete plant operator; clamshell operator; concrete mixer paver; crane operator; derrick, or derrick trucks; ditching machine; dozer operator; dragline operator; dredge booster pump; dredge engineman; dredge operator; drill cat with compressor mounted on cat; drilling or boring machine, rotary, self-propelled; highloader; hoisting engine-2 active drums; lauchhammer wheel; locomotive operator-standard gauge; mechanics and welders; mucking machine; piledriver operator; pitman crane operator; push cat operator; quad trac; scoop operator-all types; shovel operator; sideboom cats; skimmer scoop operator; trenching machine operator; truck crane.

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS (ZONE 2 CONTD.):

Group 2 - A-frame; asphalt hot-mix silo; asphalt plant fireman (drum or boiler); asphalt plant man; asphalt plant mixer operator; asplant roller operator; backfiller operator; barber-greene loader; boat operator (bridges & dams); chip spreader; compressor maintenance operator-2; concrete mixer operator-skip loader; concrete plant operator; concrete pump operator; crusher operator; dredge oiler; elevating grader operator; fork lift; greaser-fleet; hoisting engine-1; locomotive operator narrow gauge; multiple compactor; pavement breaker; powerbroom, self-propelled; power shield; rooter; side discharge concrete spreader; slip form finishing machine; stumpcutter machine; throttle man; tractor operator (over 50 hp); welding machine maintenance operator-2; winch truck.

Group 3 - Boilers-1; chip spreader (front man); churn drill operator; clef plane operator; compressor maintenance operator-1; concrete saw operator (self-propelled); conveyor operator; curb finishing machine; distributor operator; finishing machine operator; firemaa-rig; flex plane operator; float operator; form grader operator; generator-maintenance operator; light plant-maintenance operator; maintenance operator; oiler driver; pugmill operator; pump maintenance operator (other than dredge); roller operator, other than high type asphalt; screening & washing plant operator; siphons & jets; sub-grading machine operator; spreader box operator, self-propelled (not asphalt); tank car heater operator (combination boiler & booster); tractor operator (50 hp or less); ulmac, ulric or similar spreader; vibrating machine operator, not hand; welding machine maintenance operator-1.

Group 4 - (a)Oiler. (b)clamshells, 3 yds. capacity or over; crane, rigs or piledrivers 100 ft. of boom or over (including jib); draglines, 3 yds. capacity or over; hoists each additional active drum over 2 drums; shovels, 3 yds. capacity or over (c)crane, rigs or piledrivers 200 ft. of boom or over (including jib) (d)tandem scoop operator.

Work in tunnel or tunnel shafts (not air shafts or coffer dams) of 25 ft. or more in length or depth 50¢ per hour above basic rate.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ROOFERS:					
Composition; slate and tile	$8.50	.32	.30	.75	.03
Kettlemen	6.30	.32	.30	.75	.03
SHEET METAL WORKERS	9.64	5%	7%	8%	.04
SOFT FLOOR LAYERS	8.74	.58	.35	.50	.14
SPRINKLER FITTERS	10.51	.50	.70		.07
STONE DERRICKMAN (Jefferson, St. Charles & St. Louis Counties)	7.35	.50	.65		
TERRAZZO WORKERS	10.30				
TILE SETTERS	9.51	.325	.50		
TILE SETTERS HELPERS	6.98	.325	.40		

DECISION NO. M076-4015

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
TRUCK DRIVERS:					
Truck or trailers of a water level capacity of 11.99 cu. yds. or less, fork lift trucks, job site ambulances, pick-up trucks, flatbed trucks	$6.99	d	e	f&g	
Truck or trailers of a water level capacity of 12.0 cu. yds. up to 22.0 cu. yds. including euclids, speedace & similar equipment of same capacity	7.19	d	e	f&g	
Truck or trailers of a water level capacity of 22.0 cu. yds. & over including euclids, speedace & all floats, flat bed trailers & boom trucks & similar equipment of same capacity	7.29	d	e	f&g	

FOOTNOES: d-Employer contribution of $12.50 per week; e-Employer contribution of $12.00 per week; f-Paid Holidays: New Year's Day; Memorial Day; Indepencence Day; Labor Day; Veterans Day; Thanksgiving Day; Friday After Thanksgiving Day; Christmas Day; g-Paid vacation of 3 days for 600 hours of service in any one contract year, 4 days paid vacation for 800 hours of service in any one contract year, 5 days paid vacation for 1,000 hours of service in any one contract year.

WELDERS-receive rate prescribed for craft performing operation to which welding is incidental.

SUPERSEDEAS DECISION

STATE: Missouri

COUNTIES: Franklin, Jefferson, Lincoln, St. Charles, and Warren and St. Louis City and County

DECISION NO.: MO76-4024

DATE: Date of Publication

Supersedes Decision No. MO75-4142 dated August 1, 1975, in 40 FR 32605

DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$10.48	.45	.62		
BRICKLAYERS & STONEMASONS	8.25	.52	.70	.65	.02
CARPENTERS:					
Zone 1 - St. Louis City & County	9.86	.45	.60		
Zone 2 - St. Charles County	9.10	.45	.60		
Zone 3 - Lincoln and Warren Counties	8.55	.45	.60		
Zone 4 - Jefferson County	8.53	.45	.60		
Zone 5 - Franklin County	8.20	.45	.60		
CEMENT MASONS:					
Zone 1 - Franklin, Lincoln & Warren Counties:					
Projects less than $100,000.00	8.90	.90	.85		
Projects $100,000.00 or over	9.60	.90	.85		
Zone 2 - Jefferson, St. Charles Counties and St. Louis City & County	9.60	.90	.85		
ELECTRICIANS:					
Zone 1 - Franklin, Jefferson, Lincoln and Warren Counties	7.97	5%	1%+5½%	15½%	1%
Zone 2 - St. Charles County & St. Louis City & County	9.64	5%	1%+5½%	15½%	1%
ELEVATOR CONSTRUCTORS	9.465	.445	.29	3%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.445	.20	3%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				

FOOTNOTES: a-Employer contributes 4% of basic hourly rate for over 5 years' service and 2% of basic hourly rate for 6 months to 5 years as vacation Pay Credit; b-Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day.

GLAZIERS	10.04	.45	1.03	8%+c	.01

FOOTNOTE: c-Paid Holidays: New Year's Day; Washington's Birthday; Memorial Day; Independence Day; Labor Day; Columbus Day; Veterans Day; Thanksgiving Day; Friday After Thanksgiving Day; Christmas Day.

IRONWORKERS	9.825	.55	.70		.05
LABORERS:					
Zone 1 - 3 and 4 stories (St. Louis City and County):					
General laborer	8.675	.40	.90		.03
Wrecking	8.55	.40	.90		.03
Plumber laborers	9.05	.40	.90		.03
Dynamiter or powderman	9.175	.40	.90		.03

DECISION NO. MO76-4024

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LABORERS (CONTD):					
Zone 2 - 2 stories and under (St. Louis City and County)	$6.775	.40	.60		
Zone 3 - Lincoln, Warren and St. Charles Counties	8.275	.50	.50		
Zone 4 - Jefferson County:					
Laborers	7.15	.50	.30		
Powderman, Mason tenders, plaster tenders	7.65	.50	.30		
Zone 5 - Franklin County:					
Contracts $250,000.00 or less:					
General laborer	5.75	.50	.40		
Mason tenders, plumber laborers, plaster tenders	5.95	.50	.40		
Contracts over $250,000.00:					
General laborer	7.25	.50	.40		
Mason tenders, plumber laborers, plaster tenders	7.45	.50	.40		
LATHERS	10.225				.01
MARBLE SETTERS	8.79	.325	.50		
MARBLE SETTERS' HELPERS	8.48				
PAINTERS:					
Zone 1 - St. Charles County:					
Brush, paperhaners, drywall tapers	7.85	.30			
Spray, steel, sandblaster, pot tenders	9.03	.30			
Zone 2 - Franklin, Jefferson and Warren Counties and St. Louis City and County:					
Brush	9.46	.30	.30	.21	
Spray	10.96	.30	.30	.21	
Zone 3 - Lincoln County:					
Brush	4.60				
Spray	5.75				
PIPEFITTERS:					
Zone 1 - Light commercial work and on jobs within the boundaries of the City of St. Louis & St. Louis County	9.65	2.775	.90		

DECISION NO. M076-4024

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PIPEFITTERS(CONTD.):					
Zone 2 - Other construction and jobs within twenty miles beyond the boundary line of St. Louis County	$10.03	2.775	.90		
Zone 3 - Other construction and jobs more than twenty miles beyond the boundary line of St. Louis County	10.21	2.775	.90		
PLASTERERS	9.70	.325	.80		.03
PLUMBERS	9.755	.60	.60	.80	
PLUMBERS (Lincoln County)	10.21	2.775	.90		
POWER EQUIPMENT OPERATORS:					
Zone 1 - St. Louis County:					
Group 1	8.52	.35	.40		
Group 2	7.97	.35	.40		
Group 3	7.52	.35	.40		
Group 4:					
(a)	9.32	.35	.40		
(b)	10.07	.35	.40		
(c)	10.52	.35	.40		
(d)	11.27	.35	.40		
(e)	9.02	.35	.40		
(f)	8.02	.35	.40		
(g)	8.52	.35	.40		

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS (ZONE 1)

Group 1 - Backhoe; cableway; crane, crawler or truck; crane, hydraulic-truck or cruiser mounted-16 tons & over; crane, locomotive; derrick, steam; derrick car & derrick boat; dragline; dredge; gradall, crawler or tire mounted; locomotive, gas, steam & other powerspile driver, land or floating; scoop, skimmer; shovel, power(steam, gas, electric or other powers); switch boat; whirley; air tugger w/air compressor; anchor placing barge; asphalt spreader; athey force feed loader (self-propelled); backfilling machine; boat operator-push boat or tow boat (job site); boiler, high pressure breaking in period; boom truck, placing or erecting; boring machine, footing foundation; bullfloat; cherry picker; combination concrete hoist & mixer such as mixermobile; compressors, two, not more than 20 ft. apart; compressors, not more than 5 ft. apart; compressor-welder combination; concrete breaker (truck or tractor mounted); concrete pump, such as pumpcrete machine; concrete spreader; conveyor, large (not self-propelled) hoisting or moving brick and concrete into, or into and on floor level, one or both; crane, hydraulic-rough terrain, self-propelled;

DECISION NO. M076-4024

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS(ZONE 1) CONTD:

Group 1 - powered, used for earth or rock drilling or boring (wagon drills and any hand rills obtaining power from other sources including concrete breakers, jackhammers and barco equipment no engineer required); elevating grader; engine man, dredge; excavator or powerbelt machine; finishing machine, self-propelled oscillating screed; forklift; grader, road with power blade; highlift; hoist, concrete and brick (brick cages on concrete skips operating in or on tower, towermobile, or similar equipment); hoist, towermobile, or similar equipment); hoist, stack; hydro-hammer; lad-a-vator, hoisting brick or concrete; loading machine (such as barber-greene); mixermobile; mucking machine; pipe cleaning machine; pipe wrapping machine; plant, asphalt; plant, concrete producing or ready-mix-job site; plant, heating-job site; plant-mixing-job site; plant, power, generating-job site; pump, self-powered, over 2" (one operator will operate two); pumps, electric submersible, one through three, over 4"; quad-track; roller, asphalt, top or subgrade; scoop tractor drawn; spreader box; subgrader; tie tamper; tractor-crawler, or wheel type with or without power unit, power take-offs, and attachments regardless of size; trenching machine; tunnel boring machine; vibrating machine, automatic, automatic propelled; welding machines (gasoline or diesel) more than one but not over four (regardless of size); well drilling machine;

Group 2 - Air tugger w/plant air; boiler, for power or heating on construction projects; boiler, temporary; compressor, air-one; compressor, air (mounted on truck); concrete saw, self-propelled; conveyor, large (not self-propelled); conveyor, large (not self-propelled) moving brick and concrete (distributing) on floor level; curb finishing machine; ditch paving machine; elevator (building construction or alteration); endless chain hoist; fireman; form grader; generator, one over 30 KW or any number developing over 30 KW; greaser; hoist, one drum regardless of size (except brick or concrete); lad-a-vator, other hoisting; manlift; mixer, asphalt, over 8 cu. ft. capacity; mixer, if two or more mixers of one bag capacity or less are used by one employer on job, an operator is required; mixer, without side loader, 2 bag capacity or more; mixer, with side loader, regardless of size, not paver; oiler on dredge; oiler on truck crane; pug mill operator; pump, sump-self-powered, automatic controlled over 2" during use in connection with construction work; sweeper, street; welding machine, one over 400 amp.; winch, operating from truck.

Group 3 - Boat operator-outboard motor (job site); conveyor (such as con-vay-it), regardless of how used, oiler, sweeper, floor

Group 4 - (a)Air pressure; oiler engineer operating under ten pounds. (b)Air pressure, oiler engineer operating over ten pounds. (c)Air pressure engineer operating under ten pounds. (d)Air pressure engineer operating over ten pounds. (e)Crane-pile driving with leads, crane using rock socket tool, dragline 7 cu. yds. & over, shovel, power 7 cu. yds. and over, crane, climbing (such as linden), derrick, diesel, gas, electric hoisting material and erecting steel 150' or more above ground, hoist, three or more drums, scoop, tandem, tractor, tamdem crawler. (f)Heater. (g)Mud jack (where mud jack is used in conjunction with an air compressor, operator).

Crane, with boom(including jib) over 100' from pin to pin (add 1¢ per foot to maximum of 75¢) above basic rate for crane.

Work in tunnel or tunnel shaft, .25¢ above base rate.

DECISION NO. M076-4024

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Zone 2 - Franklin, Jefferson, Lincoln, St. Charles and Warren Counties:					
Group 1	8.50	.35	.40		.02
Group 2	8.30	.35	.40		.02
Group 3	8.10	.35	.40		.02
Group 4:					
(a)	7.50	.35	.40		.02
(b)	8.75	.35	.40		.02
(c)	9.25	.35	.40		.02
(d)	9.00	.35	.40		.02

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS (ZONE 2):

Group 1 - Asphalt finishing machine & trench widening spreader; asphalt plant console operator; autograder; automatic slip form paver; backhoe; blade operator-all types; boat operator-tow; boiler-2; central mix concrete plant operator; clamshell operator; concrete mixer paver; crane operator; derrick, or derrick trucks; ditching machine; dozer operator; dragline operator; dredge booster pump; dredge engineman; dredge operator; drill cat with compressor mounted on cat; drilling or boring machine, rotary, self-propelled; highloader; hoisting engine-2 active drums; lauch-hammer wheel; locomotive operator-standard gauge; mechanics and welders; mucking machine; piledriver operator; pitman crane operator; push cat operator; quad trac; scoop operator-all types; shovel operator; sideboom cats; skimmer scoop operator; trenching machine operator; truck crane.

Group 2 - A-frame; asphalt hot-mix silo; asphalt plant fireman (drum or boiler); asphalt plant man; asphalt plant mixer operator; asphalt roller operator; backfiller operator; barber-greene loader; boat operator (bridges & dams); chip spreader; compressor maintenance operator-2; concrete mixer operator-skip loader; concrete plant operator; concrete pump operator; crusher operator; dredge oiler; elevating grader operator; fork lift; greaser-fleet; hoisting engine-1; locomotive operator narrow gauge; multiple compactor; pavement breaker; powerbroom, self-propelled; power shield; rooter; side discharge concrete spreader; slip form finishing machine; stumpcutter machine; throttle man; tractor operator (over 50 hp); welding machine maintenance operator-2; winch truck.

Group 3 - Boilers-1; chip spreader (front man); churn drill operator; clef plane operator; compressor maintenance operator-1; concrete saw operator (self-propelled); conveyor operator; curb finishing machine; distributor operator; finishing machine operator; fireman-rig; flex plane operator; float operator; form grader operator; generator-maintenance operator; light plant-maintenance operator; maintenance operator; oiler driver; pugmill operator; pump maintenance operator (other than dredge); roller operator, other than high type asphalt; screening & washing plant operator; siphons & jets; sub-grading machine operator; spreader box operator, self-propelled (not asphalt); tank car heater operator (combination boiler & booster); tractor operator (50 hp or less); ulmac, ulric or similar spreader; vibrating machine operator, not hand; welding machine maintenance operator-1.

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS (ZONE 2 CONTD.):

Group 4 - (a)Oiler. (b)clamshells, 3 yds. capacity or over; crane, rigs or piledrivers 100 ft. of boom or over (including jib); draglines, 3 yds. capacity or over; hoists each additional active drum over 2 drums; shovels, 3 yds. capacity or over (c)crane, rigs or piledrivers 200 ft. of boom or over (including jib) (d)tandem scoop operator.

Work in tunnel or tunnel shafts (not air shafts (not air shafts or coffer dams) of 25 ft. or more in length or depth 50¢ per hour above basic rate.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ROOFERS:					
Composition, slate and tile	8.50	.32	.30	.75	.03
Kettlemen	6.30	.32	.30	.75	.03
SHEET METAL WORKERS	9.64	5%	7%	8%	.04
SOFT FLOOR LAYERS	8.74	.58	.35	.50	.14
SPRINKLER FITTERS	10.51	.50	.70		.07
TERRAZZO WORKERS	10.30				
TILE SETTERS	9.51	.325	.50		
TILE SETTERS HELPERS	6.98	.325	.40		
TRUCK DRIVERS:					
Truck or trailers of a water level capacity of 11.99 cu. yds. or less fork lift trucks, job site ambulances, pick-up trucks, flat bed trucks	6.99	d	e	f&g	
Truck or trailers of a water level capacity of 12.0 cu. yds. up to 22.0 cu. yds. including euclids, speedace & similar equipment of same capacity	7.19	d	e	f&g	
Truck or trailers of a water level of 22.0 cu. yds. & over including euclids, speedace & all floats, flat bed trailers & boom trucks & similar equipment of same capacity	7.29	d	e	f&g	

FOOTNOTES: d-Employer contribution of $12.50 per week; e-Employer contribution of $12.00 per week; f-Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Veterans Day, Thanksgiving Day, Friday After Thanksgiving Day, Christmas Day; g-Paid vacation of 3 days for 600 hours of service in any one contract year, 4 days paid vacation for 800 hours of service in any one contract year, 5 days paid vacation for 1,000 hours of service in any one contract year.

WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.

STATE: Nebraska

COUNTIES: Statewide (except Douglas, Cass, Sarpy, Washington and that portion of Saunders County East of Highway #109

DECISION NO.: NE76-4025

DATE: Date of Publication

Supersedes Decision No. AR-92 dated December 27, 1974 in 39 FR 44917

DESCRIPTION OF WORK: Heavy and Highway Construction (excluding bridges across navigable waterways).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Carpenter	$5.25				
Carpenter Helper	4.00				
Cement Finisher	4.80				
Concrete Saw Operator	4.60				
Form Setter (road)	4.55				
Form Setter (structures)	3.75				
Laborer	3.45				
Manhole Builder	4.25				
Painter	3.60				
Pile Driver Leadsman	3.60				
Power Equipment Operators:					
All Purpose Spreader	4.10				
Asphalt Distributor	4.00				
Asphalt Distributor Helper	3.75				
Asphalt Heaterman	3.80				
Asphalt Paving Machine	4.75				
Asphalt Paving Machine Screedman	4.25				
Stationary Pl. (base or stabilization	4.60				
Stationary Pl. (asphalt or concrete)	4.90				
Beginner Operator	4.25				
Bulldozer:					
Less than 115 Drawbar H. P.	4.65				
115 Drawbar H. P. and over	5.25				
Cement Handler	3.50				
Clamshell, Dragline, Backhoe, Crane, Pile Driver or Shovel	5.35				
Concrete Mixer	3.60				
Concrete Paver	4.45				
Slip Form Paver	5.25				
Concrete Finishing Machine and Spreader	4.80				
Conveyor	3.60				
Crusher (incl. those with integral screening plant)	4.65				
Dredge Pump Under 10"	4.00				
Dredge Pump 10" and Over	4.45				
Fireman (boiler)	3.80				
Front End Loader:					
3½ Cu. Yds. or Less	4.55				
Over 3½ Cu. Yds.	4.65				

DECISION NO. NE76-4025

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Mechanic	$5.35				
Mechanic Helper	4.60				
Motor Grader	5.15				
Oiler or Greaser	4.50				
Roller, Self-propelled (hot mix)	4.50				
Roller or Compactor, Self-propelled (other)	4.50				
Scraper, Under 16 cu. yds.	4.75				
Scraper 16 cu. yds. and Over	5.25				
Power Grade Machine (trimmer)	5.25				
Tractor:					
Farm type (towing)	3.65				
Farm type (with attachments)	3.95				
Less than 115 Drawbar H. P.	4.65				
115 Drawbar H. P. and Over	5.00				
Traveling Plant (stabilization)	4.60				
Traveling Plant Helper (stabilization)	3.90				
Trenching Machine	4.15				
Truck Driver:					
Single Axle	3.65				
Tandem Axle	3.75				
Semi-Trailer	3.85				
Transit Mix	3.85				
Lowboy	4.25				
Welder	4.95				

SUPERSEDEAS DECISION

STATE: Nebraska COUNTY: Lancaster

DECISION NO.: NE76-4026 DATE: Date of Publication

Supersedes Decision No. NE75-4085, dated May 9, 1975, in 40 FR 20599

DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories)

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$9.68	.40	.40	4½%	.03
BOILERMAKERS	8.35	.60	1.00		.02
BRICKLAYERS: Stonemasons	7.70	.30	.20		
CARPENTERS:					
Carpenters	7.25	.20	.20		
Piledrivermen	7.50	.20	.20		
CEMENT MASONS:					
Cement Masons	7.125	.30	.20		
Swing Stage	7.375	.30	.20		
ELECTRICIANS:					
Electricians:					
Zone A	9.26	.30	1%		.03
Zone B	9.56	.30	1%		.03
Zone C	9.86	.30	1%		.03
Zone D	10.26	.30	1%		.03
Cable Splicers:					
Zone A	9.51	.30	1%		.03
Zone B	9.81	.30	1%		.03
Zone C	10.11	.30	1%		.03
Zone D	10.51	.30	1%		.03

ELECTRICIANS-CABLE SPLICERS'ZONE DEFINITION

Electricians-Cable Splicers from the main Post Office in Lincoln, Nebraska:
Zone A - 0 to 15 miles
Zone B - 15 to 30 miles
Zone C - 30 to 75 miles
Zone D - Over 75 miles

ELEVATOR CONSTRUCTORS	$9.18	.445	.29	2½%+a&b	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.445	.29	2½%+a&b	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	8.45	.40	.35		.01
IRONWORKERS	8.10	.30	.20	.50	
LABORERS:					
Common Laborers	5.425	.20	.20		
Machine and air tool operators; Mason tenders	5.575	.20	.20		
Plasterer tenders	5.65	.20	.20		
LATHERS	7.62				.01
MARBLE MASONS	7.65		.25		
PAINTERS:					
Brush	6.525	.20	.10		
Spray; Steel; Swing stage	7.025	.20	.10		
Paperhangers; Taper	6.775	.20	.10		

DECISION NO. NE75-4085

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PLASTERERS	7.475	.30	.20		
PLUMBERS: Pipefitters	8.86	.58	.60		.10
ROOFERS:					
Composition	6.55				
Slate and Tile	6.80				
SHEET METAL WORKERS	7.26	.35	.20		.01
SOFT FLOOR LAYERS	8.00				
SPRINKLER FITTERS	9.40	.50	.70		.08
TERRAZZO WORKERS AND TILE SETTERS	7.65		.25		
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental					

FOOTNOTES:

a. Employer contributes 2% of the basic hourly rate for 6 months to 5 years' service and 4% of the basic hourly rate for over 5 years' service as Vacation Pay Credit.

b. The following paid holidays: A-New Year's Day; B- Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

DECISION NO. NE 75-4085

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LINE CONSTRUCTION:					
Linemen	$ 8.09	.35	1%		1/2%
Cable Splicers	8.49	.35	1%		1/2%
Truck Driver	5.86	.35	1%		1/2%
Equipment Operator	7.61	.35	1%		1/2%
GROUNDMEN:					
(Inexperienced) 1st 6 months	2.75	.35	1%		1/2%
(Inexperienced) 2nd 6 months	4.02	.35	1%		1/2%
Thereafter	5.31	.35	1%		1/2%
POWER EQUIPMENT OPERATORS:					
Group 1	5.75	.125	.10		
Group 2	5.875	.125	.10		
Group 3	5.90	.125	.10		
Group 4	6.075	.125	.10		
Group 5	6.225	.125	.10		
Group 6	6.325	.125	.10		
Group 7	6.35	.125	.10		
Group 8	6.40	.125	.10		
Group 9	6.50	.125	.10		
Group 10	6.75	.125	.10		

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATOR'S CLASSIFICATION DEFINITION

GROUP 1: Firemen Oilers; Greasers; Mechanic's Helpers; Industrial type tractor without attachments
GROUP 2: Pumps - 4 inches and over
GROUP 3: Industrial type tractor with attachments
GROUP 4: Forklift or similar type equipment
GROUP 5: Compressors - 300 cu. ft. or over, or a series of compressors equalling 300 cu. ft. or over
GROUP 6: Economobile
GROUP 7: Single drum trucks or boom hoists; wench trucks; concrete pumps
GROUP 8: One drum hoists; air tugger; mixer with capacity or 1 yard or more; Blade Graders; Bulldozers; front end loaders; hydraulic backhoe on industrial type tractor
GROUP 9: Rubber tired earth moving equipment; hydrocrane
GROUP 10: Two drum hoists; Mechanics; Cranes; Piledrivers; Shovels; Draglines; Clamshells; Orange Peel; Backhoe; All shovel type equipment; All derricks and cranes

DECISION NO. NE 75-4085

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
TRUCK DRIVERS:					
Single Axle	$5.825	.20	.25		
Tandem Axle	5.95	.20	.25		
Trailers and Lowboys	6.075	.20	.25		
Lumber Carriers	6.25	.20	.25		

DECISION NO. NE76-4026

SITE PREPARATION, EXCAVATING AND INCIDENTAL PAVING	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Carpenter	$5.25				
Carpenter helper	4.00				
Cement finisher	4.80				
Concrete saw operator	4.60				
Form setter (road)	4.55				
Form setter (structures)	3.75				
Laborer	3.45				
Manhole builder	4.25				
Painter	3.60				
Piledriver leadsman	3.60				
POWER EQUIPMENT OPERATORS:					
All purpose spreader	4.10				
Asphalt distributor	4.00				
Asphalt distributor helper	3.75				
Asphalt heaterman	3.80				
Asphalt paving machine	4.75				
Asphalt paving machine screedman	4.25				
Stationary Pl. (base of stabilization)	4.60				
Stationary Pl. (asphalt or concrete)	4.90				
Beginner Operator	4.25				
Bulldozer:					
Less than 115 drawbar H.P.	4.65				
115 drawbar H.P. and over	5.25				
Cement handler	3.50				
Clamshell, dragline, backhoe, crane, pile driver or shovel	5.35				
Concrete mixer	3.60				
Concrete paver	4.45				
Slip form paver	5.25				
Conveyor	3.60				
Crusher (including those with integral screening plant)	4.65				
Dredge pump under 10"	4.00				
Dredge pump 10" and over	4.45				

DECISION NO. NE76-4026

SITE PREPARATION, EXCAVATING AND INCIDENTAL PAVING (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS (Cont'd)					
Fireman (boiler)	$3.80				
Front End Loader:					
3½ cu. yds. or less	4.55				
over 3½ cu. yds.	4.65				
Mechanic	5.35				
Mechanic helper	4.60				
Motor grader	5.15				
Oiler or greaser	4.50				
Roller, self-propelled (hot mix)	4.50				
Roller or compactor, self-propelled (other)	4.50				
Scraper under 16 cu. yds.	4.75				
Scraper 16 cu. yds. and over	5.25				
Power grade machine (trimmer)	5.25				
TRACTOR:					
Farm type (towing)	3.65				
Farm type (with attachments)	3.95				
Less than 115 drawbar H.P.	4.65				
115 drawbar H.P. and over	5.00				
Traveling plant (stabilization)	4.60				
Traveling plant helper (stabilization)	3.90				
Concrete finishing machine and spreader	4.80				

SUPERSEDEAS DECISION

STATE: Texas

COUNTIES: Bailey, Cochran, Crosby, Floyd, Garza, Hale, Hockley, Lamb, Lubbock, Lynn, Terry & Yoakum

DECISION NO.: TX76-4029

DATE: Date of Publication

Supersedes Decision No. TX75-4003, dated January 17, 1975, in 40 FR 3158.

DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BRICKLAYERS	$ 4.93				
CARPENTERS	4.47				
CEMENT MASONS	4.00				
DRYWALL INSTALLERS	3.50				
ELECTRICIANS	6.35	.25	1%		
FENCE BUILDERS	2.30				
INSULATION INSTALLERS	3.00				
IRONWORKERS	2.50				
LABORERS	2.30				
PAINTERS, BRUSH	4.09				
PLUMBERS	4.66				
ROOFERS	3.52				
SHEET METAL WORKERS	4.13				
SOFT FLOOR LAYERS	5.00				
TAPE & BEDDERS	5.00				
TILE SETTERS	5.50				
TRUCK DRIVERS	2.50				

DECISION NO. TX76-4029

INCIDENTAL PAVING & UTILITIES & SITE PREPARATION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Air Tool Man	$ 2.60				
Asphalt Heaterman	2.65				
Asphalt Raker	2.75				
Asphalt Shoveler	2.30				
Batching Plant Scaleman	2.95				
Carpenter	3.50				
Carpenter Helper	3.25				
Concrete Finisher (Paving)	3.50				
Concrete Finisher (Structures)	3.35				
Concrete Finisher Helper (Structures)	3.00				
Form Builder (Structures)	3.25				
Form Builder Helper (Structures)	2.50				
Form Setter (Paving & Curb)	2.35				
Form Setter (Structures)	3.75				
Form Setter Helper (Structures)	2.50				
Laborer, Common	2.30				
Laborer, Utility Man	2.50				
Mechanic	3.05				
Oiler	2.80				
Serviceman	3.00				
Powderman	2.75				
Powderman Helper	2.50				
Spreader Box Man	2.80				
Swamper	2.50				
Power Equipment Operators:					
Asphalt Distributor	2.60				
Asphalt Paving Machine	3.00				
Broom or Sweeper Operator	2.30				
Bulldozer, 150 HP and Less	3.00				
Bulldozer, over 150 HP	3.50				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ CY)	3.40				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY and Over)	3.75				
Crusher or Screening Plant Op.	3.00				
Foundation Drill Operator (Truck Mounted)	3.75				
Front End Loader (2½ CY & Less)	3.00				
Front End Loader (Over 2½ CY)	3.10				
Motor Grader Operator, Fine Grade	4.10				

DECISION NO. TX76-4029

INCIDENTAL PAVING & UTILITIES & SITE PREPARATION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Power Equipment Operators (Cont'd):					
Motor Grader Operator	$ 3.50				
Roller, Steel Wheel (Plant-Mix Pavements)	2.50				
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	2.60				
Roller, Pneumatic (Self-Propelled)	2.30				
Scrapers, (17 CY and Less)	3.00				
Scrapers (Over 17 CY)	3.25				
Tractor (Crawler Type) 150 HP and Less	2.85				
Tractor (Crawler Type) over 150 HP	3.00				
Tractor (Pneumatic) 80 HP & Less	2.50				
Tractor (Pneumatic) over 80 HP	2.65				
Wagon Drill, Boring Machine or Post Hole Driller Operator	2.75				
Truck Drivers:					
Single Axle, Light	2.30				
Single Axle, Heavy	2.50				
Tandem Axle or Semitrailer	2.30				
Winch	2.60				
Weighman (Truck Scales)	2.30				
Welder	4.35				

SUPERSEDEAS DECISION

STATE: Texas

COUNTIES: Bee, Kleberg, Nueces & San Patricio

DECISION NO.: TX76-4030

DATE: Date of Publication

Supersedes Decision No. TX75-4004, dated January 17, 1975, in 40 FR 3160.

DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
AIR CONDITIONING MECHANICS	$ 3.50				
BRICKLAYERS	5.00				
CARPENTERS	5.14				
CEMENT MASONS	6.25				
ELECTRICIANS	6.96				
FIBERGLASS DUCT INSTALLERS	3.75				
FORM SETTERS	2.40				
INSULATION INSTALLERS	5.14				
IRONWORKERS, REINFORCING	2.50				
LABORERS	2.30				
PAINTERS, BRUSH	4.00				
PLUMBERS & PIPEFITTERS	5.74				
ROOFERS	4.50				
SHEETROCK FINISHERS	4.00				
SOFT FLOOR LAYERS	4.05				
TRUCK DRIVERS	2.50				
POWER EQUIPMENT OPERATORS:					
Backhoes	3.35				
Bulldozers	3.20				
Motor graders	3.35				

SUPERSEDEAS DECISION

STATE: Texas

COUNTIES: Crane, Ector, Loving, Midland, Pecos, Reeves, Upton, Ward & Winkler

DECISION NO.: TX76-4038

DATE: Date of Publication

Supersedes Decision No. TX75-4006, dated January 17, 1975, in 40 FR 3163.

DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BRICKLAYERS	$ 4.25				
CARPENTERS	3.80				
CEMENT FINISHERS	3.50				
ELECTRICIANS	5.10		1%		1/10%
LABORERS	2.30				
PAINTERS, BRUSH	3.50				
PLUMBERS	4.50				
ROOFERS	4.50				
SHEET METAL WORKERS	3.40				
TRUCK DRIVERS	2.30				

DECISION NO. TX76-4038

INCIDENTAL PAVING & UTILITIES & SITE PREPARATION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Air Tool Man	$ 2.40				
Asphalt Heaterman	2.50				
Asphalt Raker	2.35				
Asphalt Shoveler	2.65				
Batching Plant Scaleman	2.85				
Carpenter	3.50				
Carpenter Helper	2.50				
Concrete Finisher (Paving)	3.00				
Concrete Finisher (Structures)	3.30				
Concrete Finisher Helper (Structures)	2.50				
Electrician	5.70				
Form Builder (Structures)	3.25				
Form Builder Helper (Structures)	2.30				
Form Setter (Paving & Curb)	3.25				
Form Setter Helper (Paving & Curb)	2.90				
Form Setter (Structures)	3.15				
Form Setter Helper (Structures)	2.50				
Laborer, Common	2.30				
Laborer, Utility Man	2.50				
Mechanic	3.25				
Mechanic Helper	2.60				
Oiler	2.50				
Serviceman	3.10				
Painter (Structures)	4.75				
Painter Helper (Structures)	2.70				
Pipelayer	2.50				
Powderman	3.00				
Powderman Helper	2.45				
Reinforcing Steel Setter (Structures)	3.40				
Reinforcing Steel Setter Helper	2.45				
Spreader Box Man	2.60				
Power Equipment Operators:					
Asphalt Distributor	2.75				
Asphalt Paving Machine	3.00				
Bulldozer, 150 HP and Less	3.00				
Bulldozer, over 150 HP	3.25				
Concrete Paving Saw	2.50				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ CY)	3.25				

DECISION NO. TX76-4038

INCIDENTAL PAVING & UTILITIES & SITE PREPARATION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Power Equipment Operators (Cont'd):					
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY and Over)	$ 3.75				
Crusher or Screening Plant Op.	3.00				
Front End Loader (2½ CY & Less)	2.95				
Front End Loader (Over 2½ CY)	3.00				
Motor Grader Operator, Fine Grade	3.50				
Motor Grader Operator	3.25				
Roller, Steel Wheel (Plant-Mix Pavements)	2.60				
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	2.30				
Roller, Pneumatic (Self-Propelled)	2.30				
Scrapers (17 CY and Less)	3.00				
Scrapers (Over 17 CY)	3.25				
Tractor (Crawler Type) over 150 HP	3.00				
Tractor (Pneumatic) 80 HP and Less	2.30				
Tractor (Pneumaitc) over 80 HP	2.50				
Trenching Machine, Light	2.50				
Wagon Drill, Boring Machine or Post Hole Driller Operator	2.50				
Truck Drivers:					
Single Axle, Light	2.30				
Single Axle, Heavy	2.30				
Tandem Axle or Semitrailer	2.30				
Transit-Mix	2.60				
Weighman (Truck Scales)	2.30				
Welder	3.15				

STATE: Texas COUNTIES: Hood, Johnson, Palo Pinto, Parker & Wise

DECISION NO.: TX76-4043 DATE: Date of Publication

Supersedes Decision No. TX75-4011, dated January 17, 1975, in 40 FR 3173.

DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BRICKLAYERS	$ 4.96				
CARPENTERS	3.50				
CEMENT MASONS	4.00				
ELECTRICIANS	3.50				
LABORERS:					
Laborers	2.30				
PAINTERS, BRUSH	3.50				
PLUMBERS	4.50				
ROOFERS	2.95				
SHEET METAL WORKERS	3.00				
TILE SETTERS	4.75				
TRUCK DRIVERS	2.30				

DECISION NO. TX76-4043

INCIDENTAL PAVING & UTILITIES & SITE PREPARATION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Air Tool Man	$2.55				
Asphalt Heaterman	2.75				
Asphalt Raker	3.25				
Asphalt Shoveler	2.60				
Batching Plant Scaleman	3.00				
Carpenter	3.50				
Carpenter Helper	2.50				
Concrete Finisher (Paving)	3.50				
Concrete Finisher Helper (Paving)	2.85				
Concrete Finisher (Structures)	3.50				
Concrete Finisher Helper (Structures)	3.00				
Concrete Rubber	2.75				
Form Builder (Structures)	3.50				
Form Builder Helper (Structures)	2.50				
Form Liner (Paving & Curb)	3.50				
Form Setter (Paving & Curb)	3.25				
Form Setter Helper (Paving & Curb)	2.75				
Form Setter (Structures)	3.55				
Form Setter Helper (Structures)	2.75				
Laborer, Common	2.30				
Laborer, Utility Man	2.35				
Mechanic	3.50				
Mechanic Helper	2.75				
Oiler	3.00				
Serviceman	2.85				
Pipelayer	3.25				
Powderman	3.00				
Reinforcing Steel Setter (Paving)	2.30				
Reinforcing Steel Setter (Structures)	3.55				
Sign Erector	3.00				
Sign Erector Helper	2.50				
Spreader Box Man	3.25				
Power Equipment Operators:					
Asphalt Distributor	3.15				
Asphalt Paving Machine	3.50				
Bulldozer, 150 HP and Less	3.25				
Bulldozer, over 150 HP	3.50				
Concrete Paving Curing Machine	3.00				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ CY)	3.25				

DECISION NO. TX76-4043

INCIDENTAL PAVING & UTILITIES & SITE PREPARATION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Power Equipment Operators (Cont'd):					
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY & over)	$3.50				
Foundation Drill Operator (Truck Mounted)	4.05				
Foundation Drill Helper	3.00				
Front End Loader (2½ CY & Less)	3.25				
Front End Loader (Over 2½ CY)	3.50				
Motor Grader Operator, Fine Grade	3.50				
Motor Grader Operator	3.25				
Roller, Steel Wheel (Plant-Mix Pavements)	3.25				
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	2.50				
Roller, Pneumatic (Self-Propelled)	2.50				
Scrapers (17 CY and Less)	3.25				
Scrapers (Over 17 CY)	3.50				
Tractor (Crawler Type) 150 HP and Less	2.75				
Tractor (Crawler Type) over 150 HP	3.00				
Tractor (Pneumatic) 80 HP & Less	2.85				
Tractor (Pneumatic) over 80 HP	3.20				
Traveling Mixer	2.85				
Wagon Drill, Boring Machine or Post Hole Driller Operator	3.00				
Truck Drivers:					
Single Axle, Light	2.50				
Single Axle, Heavy	2.50				
Tandem Axle or Semitrailer	3.00				
Welder	3.35				

SUPERSEDEAS DECISION

STATE: Texas COUNTY: Harrison
DECISION NO.: TX76-4042 DATE: Date of Publication
Supersedes Decision No. TX75-4103, dated May 23, 1975, in 40 FR 22795.
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories). (See current heavy & highway general wage determination for Paving & Utilities Incidental to Building Construction).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$ 8.78	.30	.51		.025
BOILERMAKERS	8.00	.50	.76		.02
BRICKLAYERS & STONEMASONS	8.25		.25		
CARPENTERS	6.00				
CEMENT MASONS	7.00		.25		
ELECTRICIANS:					
Electricians	7.95	.40	1%		1/4%
Cable splicers	8.30	.40	1%		1/4%
GLAZIERS	5.00				
IRONWORKERS	7.65	.30	.35		.04
LABORERS:					
Laborers	3.08				
Mason tenders	3.25				
LATHERS	3.20				
PAINTERS:					
GROUP 1 - Journeymen painters, paperhangers, hand rollers & tools used for cleaning	5.50				
GROUP 2 - Window jack or window sill; Sand tape & floating	5.625				
GROUP 3 - Swing stage; Spray & sand blasting; Sign painting; Steel swing stage, boatswain's chair, brush	6.00				
GROUP 4 - Steam cleaning, buffing, burners and torches	7.25				
GROUP 5 - Steel brush	5.75				
GROUP 6 - Steel swing stage, boatswain's chair, spray & sandblasting	8.00				
PLASTERERS	8.25		.25		
PLUMBERS & PIPEFITTERS	7.20		.30		.02
ROOFERS	3.25				
SHEET METAL WORKERS	8.455	3%+.35	.50		.055
SPRINKLER FITTERS	10.10	.50	.80		.08
TERRAZZO WORKERS	6.00				
TILE SETTERS	6.00				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

DECISION NO. TX76-4042

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS					
GROUP 1	$ 7.065	.30	.50		.10
GROUP 2	7.85	.30	.50		.10
GROUP 3	8.25	.30	.50		.10

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - Oiler-Fireman
GROUP 2 -- Air Compressors, Pumps, Welding Machines, Throttle Valves, Light Plants; Conveyor; Wagon Drill; Elevators Building; Form Graders; Hoist, Single Drum; Ford Tractor including blade and mower on rear; Mixers, less than 14 cubic feet; Screening Plants; Crushing Plants; Fork Lifts (short, under 25 feet); Concrete Pumps (all types); Bobcat type equipment; All other equipment of similar nature coming under the Light Equipment Classification, when power operated
GROUP 3 - Ford Tractor or like with any attachment (except blade and mower on rear); Drilling Machine (all types); Scoopmobile; Hoists, two drum or more; Forklifts (over 25 ft.); Winch Truck; Six Wheel Truck, when used continuously for 5 days; Mixermobile; Locomotives; Mixers, 14 cubic ft. or over; Blade Graders, self-propelled; Cableways; Cranes-power operated to 100 ft.; Derricks, power operated (all types); Gradall; Hy-Ho; Hop-To; Paving Mixers (all types); Pile Drivers; Mobile Concrete Mixers over 14 cu. ft.; Bulldozers, Loaders, Tractovators; Scrapers and Pulls; Welders; Trenching Machines; Roller, ten tons or over; Air Compressor & Air Tugger; Boilers, two or more fired by one man; Heavy Duty Mechanic; All other equipment of similar nature coming under the Heavy Equipment Classification, when power operated

SUPERSEDEAS DECISION

STATE: Texas

COUNTIES: Dimmit, Jim Hogg, LaSalle, Maverick, Webb, Zapata & Zavala

DECISION NO.: TX76-4039

DATE: Date of Publication

Superseded Decision No. TX75-4010, dated January 17, 1975, in 40 FR 3172.

DESCRIPTION OF WORK: Building (including Residential) Construction

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
AIR CONDITIONING MECHANIC	$ 4.45				
BRICKLAYERS	4.85				
CARPENTERS	3.70				
CEMENT MASONS	3.20				
ELECTRICIANS	4.20				
GLAZIERS	3.14				
IRONWORKERS	2.60				
LABORERS:					
Laborers	2.30				
Asphalt rakers	2.30				
Mason tenders	2.70				
PAINTERS, BRUSH	4.30				
PLUMBERS & PIPEFITTERS	4.35				
ROOFERS:					
Roofers	4.00				
Kettlemen	2.90				
SHEET METAL WORKERS	4.33				
SOFT FLOOR LAYERS	4.30				
TRUCK DRIVERS	2.30				
POWER EQUIPMENT OPERATORS:					
Asphalt finishers	2.50				
Backhoes	2.50				
Bulldozers	2.50				
Cranes	2.70				
Front end loaders	2.50				
Motor graders	2.75				
Rollers	2.40				
Scrapers	3.00				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

STATE: Texas

COUNTIES: Armstrong, Carson, Castro, Childress, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Swisher & Wheeler

DECISION NO. TX76-4028

DATE: Date of Publication

Supersedes Decision No. TX75-4161, dated October 17, 1975, in 40 FR 48880.

DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BRICKLAYERS	$ 8.65		.20		
CARPENTERS	8.45				
CEMENT MASONS	7.80				
ELECTRICIANS	8.98	.40	1%		1/2%
LABORERS:					
Laborers	4.51	.30	.10		
Mason tenders	4.66	.30	.10		
PAINTERS	7.30		.30		
PLUMBERS	8.18	.35	.55	.60	
SHEET METAL WORKERS	5.08		.10		.04
TILE SETTERS	4.60				

DECISION NO. TX76-4028

INCIDENTAL PAVING & UTILITIES & SITE PREPARATION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asphalt Heaterman	$3.55				
Asphalt Raker	3.90				
Batching Plant Scaleman	4.35				
Carpenter	4.65				
Carpenter Helper	3.75				
Concrete Finisher (Paving)	4.75				
Concrete Finisher Helper (Paving)	3.40				
Concrete Finisher (Structures)	4.60				
Concrete Finisher Helper (Structures)	3.25				
Form Builder (Structures)	4.75				
Form Liner (Paving & Curb)	4.00				
Form Setter (Paving & Curb)	5.00				
Form Setter Helper (Paving & Curb)	3.50				
Form Setter (Structures)	4.80				
Form Setter Helper (Structures)	4.40				
Laborer, Common	2.75				
Laborer, Utility Man	3.00				
Manhole Builder, Brick	4.75				
Mechanic	4.50				
Mechanic Helper	3.85				
Oiler	3.85				
Serviceman	3.70				
Painter (Structures)	5.00				
Pipelayer	3.00				
Pipelayer Helper	2.75				
Powderman	4.20				
Reinforcing Steel Setter (Structures)	4.25				
Reinforcing Steel Setter Helper	3.25				
Sign Erector	3.25				
Spreader Box Man	3.75				
Swamper	3.10				
Power Equipment Operators:					
Asphalt Distributor	4.20				
Asphalt Paving Machine	4.60				
Broom or Sweeper Operator	3.00				
Bulldozer, 150 HP and Less	3.95				
Bulldozer, over 150 HP	4.20				
Concrete Paving Curing Machine	4.50				

DECISION NO. TX76-4028

INCIDENTAL PAVING & UTILITIES & SITE PREPARATION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Power Equipment Operators (Cont'd):					
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ CY)	$4.20				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY and Over)	4.80				
Crusher or Screening Plant Op.	4.15				
Foundation Drill Operator (Crawler Mounted)	3.75				
Foundation Drill Operator (Truck Mounted)	3.90				
Front End Loader (2½ CY and Less)	3.80				
Front End Loader (Over 2½ CY)	4.45				
Motor Grader Operator, Fine Grade	4.80				
Motor Grader Operator	4.45				
Roller, Steel Wheel (Plant-Mix Pavements)	3.50				
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	3.45				
Roller, Pneumatic (Self-Propelled)	3.25				
Scrapers (17 CY and Less)	3.90				
Scrapers (Over 17 CY)	4.20				
Tractor (Crawler Type) 150 HP and Less	3.45				
Tractor (Crawler Type) over 150 HP	3.85				
Tractor (Pneumatic) 80 HP & Less	3.15				
Tractor (Pneumatic) over 80 HP	3.65				
Traveling Mixer	3.75				
Trenching Machine, Light	3.25				
Trenching Machine, Heavy	3.50				
Wagon Drill, Boring Machine or Post Hole Driller Operator	3.55				
Truck Drivers:					
Single Axle, Light	3.00				
Single Axle, Heavy	3.45				
Tandem Axle or Semitrailer	3.00				
Lowboy-Float	3.50				
Transit-Mix	3.50				
Winch	3.75				
Vibrator Man (Hand Type)	3.05				
Weighman (Truck Scales)	2.90				
Welder	4.80				

SUPERSEDEAS DECISION

STATE: Texas COUNTY: Bexar
DECISION NO.: TX76-4032 DATE: Date of Publication
Supersedes Decision No. TX75-4164, dated October 24, 1975, in 40 FR 49969.
DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
AIR CONDITIONING INSTALLERS	$ 3.50				
BRICKLAYERS	7.27	.30	.30		.05
CARPENTERS	4.10				
CEMENT MASONS	7.02	.25			
DUCT INSTALLERS	3.45				
ELECTRICIANS:					
Single or multiple family dwellings or apartments up to and including 8 units not exceeding 2 stories	6.35	.30	1%		1/2%
Over 8 units or over 2 stories	9.23	.30	1%		1/2%
FORM SETTERS	3.29				
GLAZIERS	3.50				
INSULATION INSTALLERS	4.50				
IRONWORKERS	4.66				
LABORERS, UNSKILLED	2.34				
PAINTERS	3.675				
TAPE & FLOAT	4.00				
PLASTERERS	7.40				.01
PLUMBERS & PIPEFITTERS	7.13	.25	.35		.10
ROOFERS	3.10				
ROOFERS, SHINGLES	3.50				
SHEETROCK INSTALLER	4.00				
SOFT FLOOR LAYERS	3.71				
TILE SETTERS	5.18				
TRUCK DRIVERS	2.30				
T.V. ANTENNA INSTALLERS	3.50				
POWER EQUIPMENT OPERATORS:					
Fork lifts	2.75				
Foundation drill operator (crawler mounted)	5.85				
Front end loader	2.58				
Tractor	3.75				

DECISION NO. TX76-4032

INCIDENTAL PAVING & UTILITIES & SITE PREPARATION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Air Tool Man	$3.15				
Asphalt Heaterman	3.00				
Asphalt Raker	3.25				
Asphalt Shoveler	2.50				
Batching Plane Scaleman	3.60				
Batterboard Setter	2.50				
Carpenter	3.75				
Carpenter Helper	2.90				
Concrete Finisher (Paving)	3.75				
Concrete Finisher Helper (Paving)	3.00				
Concrete Finisher (Structures)	3.80				
Concrete Finisher Helper (Structures)	3.00				
Concrete Rubber	2.75				
Electrician	6.15				
Electrician Helper	4.00				
Form Builder (Structures)	3.80				
Form Builder Helper (Structures)	3.20				
Form Setter (Paving & Curb)	3.80				
Form Setter Helper (Paving & Curb)	3.00				
Form Setter (Structures)	3.70				
Form Setter Helper (Structures)	2.75				
Laborer, Common	2.30				
Laborer, Utility Man	2.50				
Manhole Builder, Brick	2.75				
Mechanic	4.05				
Mechanic Helper	3.15				
Oiler	2.90				
Serviceman	3.00				
Painter (Structures)	4.90				
Painter Helper (Structures)	3.00				
Piledrivermen	4.75				
Pipelayer	3.00				
Pipelayer Helper	2.75				
Pneumatic Mortarman	2.65				
Powderman	3.50				
Powderman Helper	2.50				
Reinforcing Steel Setter (Structures)	3.70				
Reinforcing Steel Setter Helper	2.90				
Steel Worker (Structural)	3.50				

DECISION NO. TX76-4032

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Sign Erector	$3.60				
Spreader Box Man	3.25				
Swamper	3.05				
Power Equipment Operators:					
Asphalt Distributor	3.50				
Asphalt Paving Machine	3.50				
Broom or Sweeper Operator	2.50				
Bulldozer, 150 HP and Less	3.40				
Bulldozer, over 150 HP	4.00				
Concrete Paving Mixer	3.25				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ CY)	3.50				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY and Over)	4.25				
Crusher or Screening Plant Op.	3.45				
Foundation Drill Operator (Crawler Mounted)	6.00				
Foundation Drill Operator (Truck Mounted)	5.05				
Foundation Drill Operator Helper	3.65				
Front End Loader (2½ CY & Less)	3.50				
Front End Loader (Over 2½ CY)	3.80				
Motor Grader Operator, Fine Grade	4.35				
Motor Grader Operator	3.75				
Roller, Steel Wheel (Plant-Mix Pavements)	2.75				
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	2.85				
Roller, Pneumatic (Self-Propelled)	2.75				
Scrapers (17 CY and Less)	3.25				
Scrapers (Over 17 CY)	3.50				
Tractor (Crawler Type) 150 HP and Less	2.50				
Tractor (Crawler Type) over 150 HP	3.25				
Tractor (Pneumatic) 80 HP & Less	2.50				
Tractor (Pneumatic) over 80 HP	3.25				
Traveling Mixer	2.80				
Trenching Machine, Light	3.50				
Trenching Machine, Heavy	3.50				
Wagon Drill, Boring Machine or Post Hole Driller Operator	$2.75				
Truck Drivers:					
Single Axle, Light	2.50				
Single Axle, Heavy	2.50				
Tandem Axle or Semitrailer	3.00				
Lowboy-Float	3.00				
Winch	3.25				
Welder	4.00				
Welder Helper	2.75				

SUPERSEDEAS DECISION

STATE: Texas COUNTY: Bowie
DECISION NO.: TX76-4033 DATE: Date of Publication
Supersedes Decision No. TX75-4165, dated October 24, 1975, in 40 FR 49965.
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories). (See current heavy & highway general wage determination for Paving & Utilities Incidental to Building Construction).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$ 8.78	.30	.51		.025
BOILERMAKERS	8.00	.50	.76		.02
BRICKLAYERS & STONEMASONS	8.25		.25		
CARPENTERS:					
Carpenters	7.20				.01
Millwrights	9.10				.04
Piledrivermen	7.80				.01
CEMENT MASONS	7.72	.25			.03
ELECTRICIANS	8.40	.40	1%		1/4%
ELEVATOR CONSTRUCTORS	8.21	.445	.29	3%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.445	.29	3%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
IRONWORKERS	8.95	.35	.35		.04
LABORERS, UNSKILLED	2.85				
LINE CONSTRUCTION:					
Lineman	8.80		1%		1/2%
Cable splicer	9.07		1%		1/2%
Hole digger operator, Heavy equipment operators (or pole cat equivalent); powderman	8.01		1%		1/2%
Line truck driver (winch operator)	7.22		1%		1/2%
Jackhammer man	6.60		1%		1/2%
Groundman	5.90		1%		1/2%
Groundman, 1st year	4.40		1%		1/2%
Truck driver (flat bed, ton & half & under)	6.25		1%		1/2%
PAINTERS:					
GROUP 1 - Brush	5.50				
GROUP 2 - Spray	6.90				
GROUP 3 - Brush structural steel, iron & galvanized pipe; Painters working from window jacks	6.60				
GROUP 4 - Brush structural steel, iron & galvanized pipe over 40 ft. up & down to ground; Brush swinging stage & chair work	6.95				
GROUP 5 - Brush swinging stage & chair work over 40 ft. up & down to ground	7.25				
GROUP 6 - Spray, sandblasters & power tools	7.50				

DECISION NO. TX76-4033

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS (CONT'D):					
GROUP 7 - Spray, sandblasters & power tools over 40 ft. up & down to ground	$ 7.75				
PLUMBERS & PIPEFITTERS	9.40		.50		.05
ROOFERS	4.50				
SHEET METAL WORKERS	8.455	3%+.35	.50		.055
SOFT FLOOR LAYERS	7.20				.01
SPRINKLER FITTERS	10.10	.50	.80		.08
TRUCK DRIVERS	2.45				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental					

FOOTNOTES:
a - 1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rate
b - Paid Holidays A thru F

PAID HOLIDAYS:
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

DECISION NO. TX76-4033

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS					
GROUP 1	$ 7.065	.30	.50		.10
GROUP 2	7.85	.30	.50		.10
GROUP 3	8.25	.30	.50		.10

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - Oiler-Fireman

GROUP 2 - Air Compressor, Pumps, Welding Machines, Throttle Valves, Light Plants; Conveyor; Wagon Drill; Elevators Building; Form Graders; Hoist, Single Drum; Ford Tractor including blade and mower on rear; Mixers, less than 14 cubic feet; Screening Plants; Crushing Plants; Fork Lifts (short, under 25 feet); Concrete Pumps (all types); Bobcat type equipment; All other equipment of similar nature coming under the Light Equipment Classification, when power operated

GROUP 3 - Ford Tractor or like with any attachment (except blade and mower on rear); Drilling Machine (all types); Scoopmobile; Hoists, two drums or more; Forklifts (over 25 ft.); Winch Truck; Six Wheel Truck, when used continuously for 5 days; Mixermobile; Locomotives; Mixers, 14 cubic ft. or over; Blade Graders, self-propelled; Cableways; Cranes-power operated to 100 ft.; Derricks, power operated (all types); Gradall; Hy-Ho; Hop-To; Paving Mixers (all types); Pile Drivers; Mobile Concrete Mixers over 14 cu. ft.; Bulldozers, Loaders, Tractovators; Scrapers and Pulls; Welders; Trenching Machines; Roller, ten tons or over; Air Compressor & Air Tugger; Boilers, two or more fired by one man; Heavy Duty Mechanic; All other equipment of similar nature coming under the Heavy Equipment Classification, when power operated

SUPERSEDEAS DECISION

STATE: Texas COUNTY: Brazos
DECISION NO.: TX76-4034 DATE: Date of Publication
Supersedes Decision No. TX75-4166, dated October 24, 1975, in 40 FR 49967
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories). (See current heavy & highway general wage determination for Paving & Utilities Incidental to Building Construction).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$ 8.95	.70	.70		.06
BOILERMAKERS	8.00	.50	.76		.02
BRICKLAYERS	9.21	.38	.40		.05
CARPENTERS	8.40				
CEMENT MASONS	8.32	.49	.42		.05
ELECTRICIANS	10.05	.40	3%		.04
ELEVATOR CONSTRUCTORS	8.21	.445	.29	3%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.445	.29	3%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	9.07	.50	.425		.01
IRONWORKERS	8.77	.55	.70		.075
LABORERS:					
GROUP 1	3.61	.28	.20		.02
GROUP 2	3.71	.28	.20		.02
GROUP 3	3.81	.28	.20		.02
GROUP 4	3.76	.28	.20		.02
GROUP 5	3.86	.28	.20		.02
GROUP 6	4.01	.28	.20		.02

LABORERS CLASSIFICATION DEFINITIONS

GROUP 1 - Construction labor, including excavation, concrete work, reinforcing, mason handler and wheeler (stock pile), asphalt ironer and raker, water proofing tender, pipe layer (non-metallic), pump crete pipe (handling and laying) and all building construction labor excepting that hereinafter classified; window washer, carpenters tender, cement mason tender, vibrator operator, other mechanic tender (except as otherwise classified); Dumper & spotter
GROUP 2 - Air tool operator
GROUP 3 - Well driller
GROUP 4 - Cutting torch man; mason tender; mason handler & wheelers handling material from first stock pile; concrete pipe (handling and laying); Sand blaster; power buggy operator; plasterer tender & hod carrier; lather tender; well driller tender
GROUP 5 - Tool room tender; mortar mixer (hoe and otherwise); Blaster, powder man; gunite worker
GROUP 6 - Gunite nozzleman

DECISION NO. TX76-4034

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION:					
Linemen & cable splicers	$10.22	.40	1%		1/2%
Groundman	5.94	.40	1%		1/2%
Groundman (1st year)	4.30	.40	1%		1/2%
MARBLE MASONS	8.66				
PAINTERS:					
Brush	4.75				
Spray	5.00				
Roller	4.50				
PLASTERERS	9.00	.42	.30		.02
PLUMBERS & PIPEFITTERS	8.21		.25		.03
SHEET METAL WORKERS	9.465	.225	.475	.20	.025
SOFT FLOOR LAYERS	8.42	.35	.20		.09
TERRAZZO WORKERS	8.66				
TILE SETTERS	8.66				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

FOOTNOTES:
a - 1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rate
b - Paid Holidays A thru F

PAID HOLIDAYS:
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

DECISION NO. TX76-4034

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS					
GROUP 1	$ 8.88	.35	.65		.06
GROUP 2	7.52	.35	.65		.06
GROUP 3	7.03	.35	.65		.06
GROUP 4	6.87	.35	.65		.06

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - Heavy Duty Mechanic; Blade Grader, Self-propelled; Bull Clam; Back Filler; Derrick-power operated (all types); Clam shell; Draglines; Push Cat Operator; Bull Dozer & all types Cat Tractors; Cable-Way; Backhoe; Shovel, power operated; Crane, power operated (all types); Elevating Grader, Self-propelled; Hoist, Motor-Driven, Two Drums or more; Mix Mobile; Water Well Drilling Machines, used on construction; Building Elevator, used on construction; Tug Boat Operator, assigned to construction; Winch Truck; Locomotive Crane; Concrete Mixer, 14 cubic feet or more; Paving Mixer (all types); Pile Driver; Scraper, heavy type, over 3 cubic yards; Trenching Machines (all sizes); Gradall; High-Lift; Foundation Boring Machine; Gasoline or Diesel-Driven Welding Machines, 7 or more; Pumpcrete Machine Operator; Turnapulls; DW-10 Caterpillar, S-18 Euclid and similar tractors; Asphalt Plant Mixer Operator on job; Crusher Operator on job; Scoopmobiles; Forklift used on construction (not including warehousing); Well Point Pump; Concrete Batch Plant Operator; Pneumatic Rollers, self-propelled; All other equipment of similar nature coming under the Heavy Equipment Class, when power operated

GROUP 2 - Air Compressors; Blade Grader, Towed; Flex Plane; Form Grader; Concrete Mixer, less than 14 cubic feet; Pumps; Pulsometer; Truck Crane Driver; Gasoline or diesel driven welding machines (on 3 or more, up to 6 machines); Hoist, Single Drum; Scraper, 3 cubic yards or less; Wagon Drill Operator; Conveyor; Generator, Gasoline or diesel driven, over 1500 watts; Rubber Tired Farm Tractor with attachments; A light equipment operator may run 1 or 2 105 cfm compressors; All other equipment of similar nature coming under the Light Equipment Class, when power operated

GROUP 3 - Fireman

GROUP 4 - Oiler

SUPERSEDEAS DECISION

STATE: Texas

COUNTIES: Cameron, Hidalgo, Starr & Willacy

DECISION NO.: TX76-4035

DATE: Date of Publication

Supersedes Decision No. TX75-4167, dated October 24, 1975, in 40 FR 49958.

DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories). (See current heavy & highway general wage determination for paving & Utilities Incidental to Building Construction).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$ 8.44	.35	.50		
BOILERMAKERS	8.00	.50	.76		.02
BRICKLAYERS	6.00				
CARPENTERS:					
Carpenters	5.00				.025
Piledrivermen	4.67				
CEMENT MASONS	3.50				
ELECTRICIANS:					
Electrical contracts under $300,000	6.21	.35	1%		1/2%
Electrical contracts $300,000 & over	7.85	.35	1%		1/2%
GLAZIERS	2.75				
LABORERS:					
Common laborers	2.30				
Mason tenders	2.30				
Pipelayers (concrete & clay)	2.30				
LINE CONSTRUCTION:					
Electrical contracts under $300,000:					
Lineman	6.95	.40	1%		1/2%
Groundman	3.93	.40	1%		1/2%
Groundman (1st year)	3.48	.40	1%		1/2%
Electrical contracts $300,000 & over:					
Lineman	8.40	.40	1%		1/2%
Groundman	4.62	.40	1%		1/2%
Groundman (1st year)	4.20	.40	1%		1/2%
PAINTERS:					
Brush	2.60				
PLASTERERS	5.00				
PLUMBERS & PIPEFITTERS	7.15	.25			.05
ROOFERS:					
Roofers	3.00				
Kettlemen	2.30				
SOFT FLOOR LAYERS	2.30				
SPRINKLER FITTERS	10.10	.50	.80		.08
TERRAZZO WORKERS	2.50				
TERRAZZO WORKERS' HELPERS	2.30				
TILE SETTERS	2.50				
TILE SETTERS' HELPERS	2.30				
TRUCK DRIVERS	2.30				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental					

SUPERSEDES DECISION

STATE: Texas COUNTIES: Cameron, Hidalgo, Starr & Willacy

DECISION NO.: TX76-4036 DATE: Date of Publication

Supersedes Decision No. TX75-4168, dated October 24, 1975, in 40 FR 49959.

DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BRICKLAYERS	$ 6.00				
CARPENTERS:					
Carpenters	5.00				.025
Piledrivermen	4.67				
CEMENT MASONS	3.50				
ELECTRICIANS:					
Electrical contracts under $300,000	6.21	.35	1%		1/2%
Electrical contracts $300,000 & over	7.85	.35	1%		1/2%
GLAZIERS	2.75				
LABORERS:					
Common laborers	2.30				
Mason tenders	2.30				
Pipelayers (concrete & clay)	2.30				
PAINTERS, BRUSH	2.60				
PLASTERERS	5.00				
PLUMBERS & PIPEFITTERS	7.15	.25			.05
ROOFERS:					
Roofers	3.00				
Kettlemen	2.30				
SOFT FLOOR LAYERS	2.30				
TERRAZZO WORKERS	2.50				
TERRAZZO WORKERS' HELPERS	2.30				
TILE SETTERS	2.50				
TILE SETTERS' HELPERS	2.30				
TRUCK DRIVERS	2.30				

DECISION NO. TX76-4036

INCIDENTAL PAVING & UTILITIES & SITE PREPARATION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Air Tool Man	$ 2.75				
Asphalt Heaterman	3.25				
Asphalt Raker	3.10				
Asphalt Shoveler	2.50				
Batching Plant Scaleman	3.40				
Carpenter	3.70				
Carpenter Helper	2.60				
Concrete Finisher (Paving)	2.75				
Concrete Finisher Helper (Paving)	2.30				
Concrete Finisher (Structures)	3.70				
Concrete Finisher Helper (Structures)	2.80				
Electrician	7.50				
Form Builder (Structures)	4.00				
Form Builder Helper (Structures)	3.00				
Form Liner (Paving & Curb)	3.00				
Form Setter (Paving & Curb)	3.00				
Form Setter Helper (Paving & Curb)	2.75				
Form Setter (Structures)	3.85				
Form Setter Helper (Structures)	3.15				
Laborer, Common	2.30				
Laborer, Utility Man	2.95				
Manhole Builder, Brick	3.50				
Mechanic	4.10				
Mechanic Helper	3.25				
Oiler	2.80				
Serviceman	2.50				
Piledrivermen	3.75				
Pipelayer	3.00				
Pipelayer Helper	2.60				
Reinforcing Steel Setter (Structures)	3.50				
Reinforcing Steel Setter Helper	3.05				
Spreader Box Man	3.25				
Power Equipment Operators:					
Asphalt Distributor	3.25				
Asphalt Paving Machine	3.50				
Broom or Sweeper Operator	2.85				
Bulldozer, 150 HP and Less	3.20				
Bulldozer, over 150 HP	3.80				

DECISION NO. TX76-4036

INCIDENTAL PAVING & UTILITIES & SITE PREPARATION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Power Equipment Operators (Cont'd):					
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ CY)	$ 3.50				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY and Over)	4.40				
Front End Loader (2½ CY & Less)	3.00				
Front End Loader (Over 2½ CY)	3.50				
Mixer (16 CF and Less)	3.00				
Motor Grader Operator, Fine Grade	4.25				
Motor Grader Operator	3.50				
Roller, Steel Wheel (Plant-Mix Pavements)	2.75				
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	2.65				
Roller, Pneumatic (Self-Propelled)	2.70				
Scrapers (17 CY and Less)	3.00				
Scrapers (Over 17 CY)	3.75				
Tractor (Crawler Type) 150 HP and Less	2.75				
Tractor (Crawler Type) over 150 HP	3.25				
Tractor (Pneumatic) 80 HP & Less	3.00				
Tractor (Pneumatic) over 80 HP	3.15				
Traveling Mixer	3.25				
Truck Drivers:					
Single Axle, Light	2.30				
Single Axle, Heavy	2.70				
Tandem Axle or Semitrailer	2.30				
Welder	3.75				

SUPERSEDEAS DECISION

STATE: Texas COUNTY: El Paso
DECISION NO.: TX76-4040 DATE: Date of Publication
Supersedes Decision No. TX75-4182, dated October 31, 1975, in 40 FR 50919.
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories). (See current heavy & highway general wage determination for Paving Incidental to Building Construction).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$ 7.66	.50	.97(a)		.03
BOILERMAKERS	8.00	.50	.76		.02
BRICKLAYERS; BLOCKLAYERS; ROCK MASONS; STONEMASONS	7.00	.48	.20		.04
CARPENTERS:					
Carpenters	6.83	.45			.02
Millwrights	7.22	.45			.02
Stationary radial arm power saw operator	6.96	.45			.02
Floor layers	6.83	.45			.02
CEMENT MASONS	5.66	.48			.03
ELECTRICIANS:					
Electricians	8.30	.25	1%		1/2%
Cable splicers	8.55	.25	1%		1/2%
ELEVATOR CONSTRUCTORS	6.88	.445	.29	3%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.445	.29	3%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	5.99	.30			.02
IRONWORKERS	7.25	.55	.60		.10
LABORERS:					
GROUP 1 - Powderman or blasterer	5.20	.34	.30		
GROUP 2 - Outside wagon drill; wagon drill tenders; miner	4.95	.34	.30		
GROUP 3 - Cement gun or gunite; mason tender; mortar mixer; machine man; track man; chuck tender	4.70	.34	.30		
GROUP 4 - Pipelayer, main sewer and drainage	4.58	.34	.30		
GROUP 5 - Jackhammer operator, asphalt raker; kettleman; asphalt or pot man	4.45	.34	.30		
GROUP 6 - Common	4.30	.34	.30		
LATHERS	7.38				.01

DECISION NO. TX76-4040

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION:					
Lineman-Technician; Equipment operators	$ 8.30	.25	1%		1/2%
Cable splicers	8.55	.25	1%		1/2%
Groundman	75%JR	.25	1%		1/2%
Groundman (less than 6 months)	50%JR	.25	1%		1/2%
MARBLE MASONS	6.98		.20		.04
PAINTERS:					
GROUP 1 - Brush; paperhangers; chipping & hand tools used for cleaning	6.08	.30			.02
GROUP 2 - Tapers, bedders, rollers 9" wide	6.08	.30			.02
GROUP 3 - Steel after erection, steam cleaning, buffing with power driven tools and torches	6.49	.30			.02
GROUP 4 - Spray, sandblasting, waterblasting, swing stage	6.785	.30			.02
GROUP 5 - Ames tools & taping machines	6.30	.30			.02
PLASTERERS	6.90	.48			.01
PLUMBERS & STEAMFITTERS	7.79	.38	.30		.05
ROOFERS:					
Roofers; Waterproofers; Pipewrappers	5.60				
SHEET METAL WORKERS	8.465	3%+.45	.30		.005
SOFT FLOOR LAYERS	5.93	.30			.02
SPRINKLER FITTERS	10.10	.50	.80		.08
TERRAZZO WORKERS	6.98		.20		.04
TERRAZZO WORKERS' HELPERS	4.30		.20		
TILE SETTERS	6.98		.20		.04
TILE SETTERS' HELPERS	4.30		.20		
TRUCK DRIVERS:					
GROUP 1 - Up to and including 2 tons	3.50	.26			
GROUP 2 - Flat bed dump trucks, mechanically	3.60	.26			
GROUP 3 - Tank trucks, up to 2500 gallons	3.50	.26			

DECISION NO. TX76-4040

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS (CONT'D):					
GROUP 4 - Standard dump trucks, up to and including 4 cu. yds.	$ 3.60	.26			
GROUP 5 - Dump trucks, over 4 cu. yds.	3.75	.26			
GROUP 6 - Trucks over 4 tons including transit mix, all semitruck, etc.	3.75	.26			
GROUP 7 - Lowboy	3.75	.26			
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

FOOTNOTES:
a - Includes $0.07 contribution to Occupational Health Fund
b - 1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rate
c - Paid Holidays A thru F

PAID HOLIDAYS:
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

DECISION NO. TX76-4040

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS:					
GROUP 1	$ 5.59	.35	.40		.10
GROUP 2	6.17	.35	.40		.10
GROUP 3	6.26	.35	.40		.10
GROUP 4	6.31	.35	.40		.10
GROUP 5	6.39	.35	.40		.10
GROUP 6	6.63	.35	.40		.10
GROUP 7	6.79	.35	.40		.10
GROUP 8	6.26	.35	.40		.10
GROUP 9	6.49	.35	.40		.10
GROUP 10	6.79	.35	.40		.10

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - Fireman, Oiler; Mechanic, Grease Truck and Welder's Helpers; Screedman, Pneumatic roller towed by farmtype tractor or truck; Scale Operator and such as bin-a-batch; Rubber-tired farm type tractors and tractors under 35 HP without attachments

GROUP 2 - Air Compressors, Power Plants, pumps and welding machines (an operating engineer will not be required for an air compressor under 315 cfm, a pump under 3" or a light plant generating 15 kilowatts or less, or 1 welding machine, if & when there is another operating engineer employed on the job who services the units); Concrete mixers, under 1 yd., & concrete batch plants, under 1 yd., gunnite & pumpcrete machines, mechanical bull floats, spreading & finishing machines. Screening Plants. Drilling machines, Diamond, rotary, core & cable drilling; Well under 6". Hoists, scoopmobiles, A-frame Air tugger; building hoist, 1 drum, hydrolift, Hydrocranes, winch truck. Loaders; Elevating, belt type loader, front end loader (under 2 yds.) & over head loaders; forklift & lumber staker on construction job site. Grease truck operator, (Head Oiler). Motor man & Industrial Locomotive. Tractors under 35 HP with attachments; & farm type tractor with back or shovel type attachments

GROUP 3 - Concrete mixers 1 yd. & over and batch plants 1 yd. & over, single drum paving machines, Crushing plant. Drilling Machine, 6" & over; Front end loaders, 2 yds. & over; Paving: Asphalt plants, boiler or retort heater, distributor, lay down machine, pug mill, breakdown & tandem rollers. Steam Engineer. Trenching Machines. Patrol, rough, not required to blue top or finish

GROUP 4 - Tractor Equipment: Athey & Barber Green Loader, Bulldozer, DW10, DW20, DW21, Dumor, Elevating Grader; Euclid, Highlander, Scraper, Traxcavator, Turnapull, Turnarocker & Tractors 35 HP & up

GROUP 5 - Concrete paving machines, double drum. Catcranes, Hysters, Cherry Picker, Attachment cranes, side & swing boom tractors, Building Hoist, 2 drums & up. Mechanic, Welder, Patrol, finish

GROUP 6 - Shovel, Backhoe, clam & dragline 3/4 yds & under; Cranes 25 tons & under

GROUP 7 - Guy & stiff leg derrick, Piledrivers; Crawler or skid rig, Shovel, Backhoe, clam & dragline over 3/4 yds.; Cranes over 25 tons

GROUP 8 - Refrigeration, slusher, Jumbo form operators

GROUP 9 - Mucking machines

GROUP 10 - Mine hoists

SUPERSEDEAS DECISION

STATE: Texas

COUNTIES: Armstrong, Carson, Castro, Childress, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Swisher & Wheeler

DECISION NO. TX76-4027

DECISION NO. TX76-4027 DATE: Date of Publication

Supersedes Decision No. TX75-4183, dated November 7, 1975, in 40 FR 52271.

DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories). (See current heavy & highway general wage determination for Paving & Utilities Incidental to Building Construction).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$ 9.50	.35	.30		.02
BOILERMAKERS	8.00	.50	.76		.02
BRICKLAYERS & STONEMASONS	8.65		.20		
CARPENTERS:					
ZONE 1 - Armstrong, Carson, Castro, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Swisher & Wheeler Counties:					
Carpenters	8.45				
Millwrights	8.80				
ZONE 2 - Childress County:					
Carpenters	8.30	.30	.40		.07
Millwrights	8.79	.30	.40		.07
CEMENT MASONS:					
Cement masons	7.80				
Machine operators	8.05				
ELECTRICIANS:					
ZONE 1 - Armstrong, Carson, Castro, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Swisher & Wheeler Counties					
Electricians	8.98	.40	1%		1/2%
Cable splicers	9.88	.40	1%		1/2%
ZONE 2 - Childress County:					
Electricians	9.25	.20	1%		1/4%
Cable splicers	9.50	.20	1%		1/4%
ELEVATOR CONSTRUCTORS	4.06	.175	.20	2%+a+b	
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.175	.20	2%+a+b	
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	$ 6.45			b	
IRONWORKERS	8.25	.55	.60		.10
LABORERS:					
GROUP 1 - Construction laborers, including excavation, pouring concrete, carpenter tenders, reinforcing, shoring, digging, loading & unloading materials, wrecking buildings & all structions & all unskilled laborers	4.51	.30	.10		
GROUP 2 - Air tool operator (jackhammer, tamper, brush hammer, chipping hammer, air or electric), sand blasterer, power buggy man, pipelayer (concrete & clay & all non-metallic pipe), & pipe wrappers; mortar mixers, mason tenders, plasterer tenders, cement finisher tenders, lather tenders, asphalt rakers, tampers, well drillers, bell hole men, dumpers, spotters	4.66	.30	.10		
LATHERS	8.55				.01
LINE CONSTRUCTION:					
ZONE 1 - Armstrong, Carson, Castro, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Swisher & Wheeler Counties:					
Lineman	8.98	.40	1%		1/2%
Cable splicer	9.88	.40	1%		1/2%
Groundman, more than 1 year experience	5.89	.40	1%		1/2%
Groundman, less than 1 year experience	5.15	.40	1%		1/2%
Operator-hole digger, line truck	6.83	.40	1%		1/2%
Flat bed truck driver	5.15	.40	1%		1/2%

DECISION NO. TX76-4027

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION (CONT'D):					
ZONE 2 - Childress County:					
Lineman; Operator	$10.26		1%		1/2%
Cable splicer	11.29		1%		1/2%
Groundman, 1st 6 months	6.16		1%		1/2%
Groundman, 2nd 6 months	6.67		1%		1/2%
Groundman, 1 year & over	7.18		1%		1/2%
MARBLE MASONS (EXTERIOR)	8.65		.20		
MARBLE MASONS (INTERIOR)	4.60				
PAINTERS:					
GROUP 1 - Brush & roller; paperhangers; perfa-tapers	7.30		.30		
GROUP 2 - Structural steel painters; swinging stage or chair below 50 ft.	7.42		.30		
GROUP 3 - Spray painters & sandblasters	8.05		.30		
GROUP 4 - Perfa-tape machine operator	7.55		.30		
PLASTERERS	8.55				.01
PLUMBERS & PIPEFITTERS:					
ZONE 1 - shall extend a distance of 25 road miles beyond the police station in Amarillo & Borger	8.18	.35	.55	.60	
ZONE 2 - shall extend a distance of 25 road miles beyond the outer perimeter of Zone 1	8.43	.35	.55	.60	
ZONE 3 - shall apply to all areas not within Zone 1 or 2	8.68	.35	.55	.60	
ROOFERS	4.50				
SHEET METAL WORKERS	9.15	.35	.20		.10
SPRINKLER FITTERS	10.10	.50	.80		.08
TERRAZZO WORKERS	4.60				
TILE SETTERS	4.60				

DECISION NO. TX76-4027

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS:					
1/2 ton to 3 tons	$ 2.88				
3 to 5 tons	3.13				
5 tons and over	3.38				
Ready mix concrete to 3 yds.	2.88				
Ready mix concrete over 3 yds.	3.13				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

FOOTNOTES:

a - 1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rate

b - Paid Holidays A thru F

PAID HOLIDAYS

A-New Years' Day; B-Memorial Day; C-Indenpendence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

DECISION NO. TX76-4027

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS					
GROUP 1	$ 8.10	.30	.50		.10
GROUP 2	7.60	.30	.50		.10
GROUP 3	6.40	.30	.50		.10

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - Blade Grader, self-propelled; Clam Shells; Cable Ways; Cranes, power operated (all types); Air Compressors, Pumps, Welding Machines & Light Plants (7 to 12 Machines); Derricks, power operated (all types); Draglines; Elevating Graders, self-propelled; Hoist, 2 drum or more; Locomotive; Mixermobiles; Paving Mixers, all types; Pile Drivers; Scrapers; Bulldozers; Side Boom; Cherry Pickers-12½ ton & over; Shovels; Heavy Duty Mechanics; All Welders; All tractors with power attachments; Ditching Machines-crawler type; Farm type Tractor (Loader, 1 yd. & over) with Backhoe; All other equipment of similar nature coming within the Heavy Equipment Classification, when power operated

GROUP 2 - Air Compressors, Pumps, Welding Machines, Throttle Valves, Light Plants (3 to 6 Machines); Cherry Pickers-under 12½ tons; Ditch Witch-J30 and under; Farm type Tractor (Loader under 1 yd.) with Backhoe; Go-Devil; Mixers, 14 cu. ft. or over; Rollers over 10 tons; Air Compressor and one Tugger; Boilers, 2 or more; Winch Trucks; Front End Scoopmobile, Loader and Payloader; Blade Grader, towed; Elevators, Building; Fork Lifts; Hoists, single drum or 1 line hoisting (1 tugger); Mixers, less than 15 cu. ft.; Rollers; Screening Plants; Crushing Plants; Tractors-Wheel type except when hauling material; All other equipment of similar nature coming within the Light Equipment Classification, when power operated

GROUP 3 - Oiler-Fireman-Greasers

STATE: Texas COUNTY: Howard
DECISION NO.: TX76-4044 DATE: Date of Publication
Supersedes Decision No. TX75-4184, dated November 7, 1975, in 40 FR 52273.
DESCRIPTION OF WORK: Building (including Residential) Construction. (See current heavy & highway general wage determination for Paving & Utilities Incidental to Building Construction).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BRICKLAYERS	$ 7.00				
CARPENTERS	6.10				
CEMENT MASONS	5.00				
ELECTRICIANS	7.40	.30	1%		1/10%
IRONWORKERS, STRUCTURAL & ORNAMENTAL	7.73	.55	.70		.10
LABORERS:					
Laborers	3.06				
Mason tenders	3.50				
PAINTERS	4.50				
PLUMBERS	4.26				
ROOFERS	4.00				
SHEET METAL WORKERS	5.25				
TILE SETTERS	4.00				
TRUCK DRIVERS	2.50				

DECISION NO. TX76-4044

INCIDENTAL PAVING & UTILITIES & SITE PREPARATION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Air Tool Man	$2.75				
Asphalt Heaterman	3.00				
Asphalt Raker	3.30				
Asphalt Shoveler	2.50				
Batching Plant Scaleman	3.50				
Batterboard Setter	3.65				
Carpenter	3.90				
Carpenter Helper	2.75				
Concrete Finisher (Paving)	4.10				
Concrete Finisher Helper (Paving)	3.00				
Concrete Finisher (Structures)	3.85				
Concrete Finisher Helper (Structures)	3.05				
Form Builder (Structures)	4.00				
Form Builder Helper (Structures)	2.75				
Form Setter (Paving & Curb)	3.50				
Form Setter Helper (Paving & Curb)	2.75				
Form Setter (Structures)	3.75				
Form Setter Helper (Structures)	2.75				
Laborer, Common	2.50				
Laborer, Utility Man	2.75				
Manhole Builder, Brick	3.00				
Mechanic	4.15				
Mechanic Helper	3.00				
Oiler	3.00				
Serviceman	3.40				
Painter (Structures)	3.50				
Pipelayer	3.50				
Pipelayer Helper	2.90				
Powderman	4.00				
Powderman Helper	3.25				
Reinforcing Steel Setter (Paving)	2.75				
Reinforcing Steel Setter (Structures)	3.90				
Reinforcing Steel Setter Helper	2.75				
Spreader Box Man	3.35				
Power Equipment Operators:					
Asphalt Distributor	3.50				
Asphalt Paving Machine	3.50				
Broom or Sweeper Operator	3.10				
Bulldozer, 150 HP and Less	3.50				
Bulldozer, over 150 HP	4.00				

DECISION NO. TX76-4044

INCIDENTAL PAVING & UTILITIES & SITE PREPARATION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Power Equipment Operators (Cont'd):					
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ CY)	$3.90				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY and Over)	4.45				
Crusher or Screening Plant Op.	3.50				
Elevating Grader	4.10				
Foundation Drill Operator (Truck Mounted)	5.50				
Front End Loader (2½ CY & Less)	3.30				
Front End Loader (Over 2½ CY)	3.85				
Motor Grader Op., Fine Grade	4.25				
Motor Grader Operator	4.00				
Roller, Steel Wheel (Plant-Mix Pavements)	3.50				
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	3.00				
Roller, Pneumatic (Self-Propelled)	2.85				
Scrapers (17 CY and Less)	3.50				
Scrapers (Over 17 CY)	3.75				
Side Boom	3.70				
Tractor (Crawler Type) over 150 HP	3.00				
Tractor (Pneumatic) 80 HP & Less	2.70				
Tractor (Pneumatic) over 80 HP	3.25				
Traveling Mixer	2.75				
Trenching Machine, Light	3.70				
Trenching Machine, Heavy	3.80				
Wagon Drill, Boring Machine or Post Hole Driller Operator	3.60				
Truck Drivers:					
Single Axle, Light	3.00				
Single Axle, Heavy	3.00				
Tandem Axle or Semitrailer	3.10				
Lowboy-Float	3.35				
Transit-Mix	2.65				
Winch	3.40				
Weighman (Truck Scales)	2.50				
Welder	4.00				

SUPERSEDEAS DECISION

STATE: Texas

COUNTIES: Collin, Dallas, Denton, Ellis, Grayson, Hood, Hunt, Johnson, Kaufman, Palo Pinto, Rockwall, Tarrant & Wise

DECISION NO.: TX76-4037

DATE: Date of Publication

Supersedes Decision No. TX75-4195, dated November 21, 1975, in 40 FR 54413.

DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories) and also excluding Dallas-Fort Worth Regional Airport. (See current heavy & highway general wage determination for Paving & Utilities Incidental to Building Construction).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$8.78	.30	.51		.025
BOILERMAKERS	8.00	.50	.76		.02
BRICKLAYERS & STONEMASONS:					
ZONE 1 - Grayson County	6.80				
ZONE 2 - Collin, Dallas, Denton, Ellis, Hood, Hunt, Johnson, Kaufman, Palo Pinto, Rockwall, Tarrant & Wise Counties	8.29	.30	.50		.04
CARPENTERS:					
ZONE 1 - Grayson County:					
Carpenters	8.625	.30	.30		.005
Millwrights	9.025	.30	.30		.005
Piledrivermen	9.125	.30	.30		.005
ZONE 2 - Collin, Dallas, Denton, Ellis, Hood, Hunt, Johnson, Kaufman, Palo Pinto, Rockwall, Tarrant & Wise Counties:					
Carpenters	8.61	.30	.30		.02
Stationary power saw operators	8.735	.30	.30		.02
Millwrights	9.24	.30			.02
CEMENT MASONS:					
ZONE 1 - Grayson County	6.16				
ZONE 2 - Denton, Hood, Johnson, Palo Pinto, Tarrant & Wise Counties	8.345	.25	.45		
ZONE 3 - Collin, Dallas, Ellis, Hunt, Kaufman & Rockwall Cos.	8.285	.40	.35		.01
ELECTRICIANS:					
ZONE 1 - Denton, Hood, Johnson, Palo Pinto, Tarrant & Wise Counties:					
Electricians	9.85	.40	1%		7/10%
Cable splicers	10.10	.40	1%		7/10%
ZONE 2 - Grayson County:					
Electricians	9.48	4%	5%		7/10%
Cable splicers	10.43	4%	5%		7/10%

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS (CONT'D):					
ZONE 3 - Collin, Dallas, Ellis, Hunt, Kaufman & Rockwall Cos.:					
AREA A - All work performed in Dallas County:					
Electricians	$9.48	4%	5%		7/10%
Cable splicers	10.43	4%	5%		7/10%
AREA B - All work performed outside of Dallas County up to a radius of 40 road miles from the City Hall in the City of Dallas:					
Electricians	9.73	4%	5%		7/10%
Cable splicers	10.70	4%	5%		7/10%
AREA C - All work performed outside of Area A and Area B:					
Electricians	9.98	4%	5%		7/10%
Cable splicers	10.98	4%	5%		7/10%
ELEVATOR CONSTRUCTORS	8.21	.445	.29	3%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.445	.29	3%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS:					
Collin, Dallas, Denton, Ellis, Hood, Hunt, Johnson, Kaufman, Palo Pinto, Rockwall, Tarrant & Wise Counties	7.39	.25	.25		.025
IRONWORKERS	7.925	.55	.60		.06
LABORERS:					
ZONE 1 - Grayson County:					
GROUP 1 - Unskilled laborers	5.62	.275	.30		
GROUP 2 - Air tool operator (jackhammer, vibrator), mason tenders & mortar mixers, pipelayers	5.87	.275	.30		
ZONE 2 - Collin, Dallas, Denton, Ellis, Hood, Hunt, Johnson, Kaufman, Palo Pinto, Rockwall, Tarrant & Wise Counties:					
GROUP 1	5.62	.275	.30		.02
GROUP 2	5.77	.275	.30		.02
GROUP 3	5.87	.275	.30		.02
GROUP 4	6.02	.275	.30		.02

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LABORERS CLASSIFICATION DEFINITIONS

GROUP 1 - All hand digging dirt work and backfilling; firing of salamanders, loading and unloading of materials to and from hoist or cages; loading and unloading of tools and equipment; wheeling, placing and pouring of concrete; all excavation; handling of lumber, steel, cement; distribution of all materials; miscellaneous job clean-up; wrecking and razing of buildings and all structures; cleaning and clearing of all debris; handling of broken concrete or other damaged or undamaged materials; removing, moving, handling and greasing of forms, wrecking forms; storing materials to storage place; slip form jacks, scaffold builders, checking materials and tools in and out of receiving lots and sheds; tool house men; landscaper; asphalt ironer and raker; waterproofing tender; dumper; spotter; concrete pumpcrete pipe (handling and laying); carpenter tender

GROUP 2 - All power tool and equipment operators (gas, electric or air); cutting torches man; concrete grademan; power buggy operator; wagon drill operator, well driller, drilling rig tender; cement finisher tender; metal pan and steel form men; handling creosoted materials; liquid acids or like materials when injurious to health, eyes, skin or clothes; all newly developed equipment which replaces wheelbarrows or buggies previously used by laborers, scale men on batch plants

GROUP 3 - Concrete and clay pipe (handling & laying); mason handler; scaffold builder; mason tender; hod carriers mortar mixers; lather tenders, plaster tenders; water pump operators up to four inches; cement mason tenders; mortar mixers; hod carriers; dry mixers; tank cleaning; all pipe doping, treating and wrapping, including all men working with dope, mortar and plaster mixing machines, grout machines; pump crete machines, gunite mixing machines, including placing and cleaning of pipe and conduits used in placing of concrete, handling and placing of gunite materials from stockpiles, screening sand, running sand dryer and loading and operating sand blaster, except nozzle, conveying, stocking and handling of all materials for brick masons, lathers, cement finishers, plasterers; ditch work over 6 feet and cleaning out drill piers

GROUP 4 - Sand blaster, blaster powderman; Gunite worker; gunite nozzle man and terrazzo grinder

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LATHERS:					
ZONE 1 - Collin, Dallas, Denton, Ellis, Grayson, Hunt, Kaufman & Rockwall Counties	$9.23				.04
ZONE 2 - Hood, Johnson, Palo Pinto, Tarrant & Wise Cos.	9.23				.04

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION:					
Linemen; Linemen operators	$10.26		1%		1/2%
Cable splicer	11.29		1%		1/2%
Groundman, 1st 6 months	6.16		1%		1/2%
Groundman, 2nd 6 months	6.67		1%		1/2%
Groundman, 1 year & over	7.18		1%		1/2%
MARBLE SETTERS:					
ZONE 1 - Collin, Dallas, Ellis, Hunt, Kaufman & Rockwall Cos.	7.90				
ZONE 2 - Denton, Hood, Johnson, Palo Pinto, Tarrant & Wise Cos.	8.30				
MARBLE SETTERS' HELPERS: Collin, Dallas, Ellis, Hunt, Kaufman & Rockwall Counties	6.90				
PAINTERS:					
ZONE 1 - Collin, Dallas, Denton, Ellis, Grayson, Hunt, Kaufman & Rockwall Counties:					
GROUP 1 - Brush	8.225	.35	.30		.04
GROUP 2 - All wall covering work; paper, fabric, sheeting, flexwood, etc.	8.475	.35	.30		.04
GROUP 3 - Ames tools operator	8.35	.35	.30		.04
GROUP 4 - Structural steel, stage work, bosun chair, spray gun, sandblasting and window jacks, fire escapes	8.60	.35	.30		.04
ZONE 2 - Hood, Johnson, Palo Pinto, Tarrant & Wise Counties:					
GROUP 1	8.695		.20		.02
GROUP 2	8.945		.20		.02
GROUP 3	8.695		.20		.02
GROUP 4	9.945		.20		.02

DECISION NO. TX76-4037

CLASSIFICATION DEFINITIONS

GROUP 1 - Brush
GROUP 2 - Spray; Wallcovering; Pressure roller; Sandblasting; Structural steel; Bosun chair, Window jack & window sill; Stage; Fire escape; Steel storage tanks; Stilts; Mittens; Ames tools; Drywall finishing
GROUP 3 - On jobs requiring less than six 250 feet rolls of joint tape, or less than eight man hours of bedding time the drywall finishing rate will be
GROUP 4 - Steeple jack rate (radio and TV towers, smoke stacks, chimneys and water towers, and similar facilities and flag poles atop buildings located closer to the edge of the building than the height of the pole); Toxic material rate (creosote, coal tar products or similar materials injurious to the skin)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLASTERERS:					
ZONE 1 - Grayson County	$6.05				
ZONE 2 - Collin, Dallas, Ellis, Hunt, Kaufman & Rockwall Cos.	7.885	.35		.50	.03
ZONE 3 - Denton, Hood, Johnson, Palo Pinto, Tarrant & Wise Cos.	9.26				.01
PLUMBERS & STEAMFITTERS	8.78	.38	.90		.10
ROOFERS:					
ZONE 1 - Collin, Dallas, Ellis, Grayson, Hunt, Kaufman & Rockwall Counties:					
GROUP 1 - Slate & tile	8.065				
GROUP 2 - Composition and built-up roofing, damp proofing & bituminous waterproofing	7.915				
ZONE 2 - Denton, Hood, Johnson, Palo Pinto, Tarrant & Wise Cos.:					
GROUP 1 - Slate, tile, asbestos roofing & siding	8.015				.05
GROUP 2 - Composition, built-up, damp & water proofing, kettlemen	7.865				.05
SHEET METAL WORKERS:					
ZONE 1 - Collin, Dallas, Ellis, Grayson, Hunt, Kaufman & Rockwall Counties	8.735	.35	.50		.055
ZONE 2 - Denton, Hood, Johnson, Palo Pinto, Tarrant & Wise Cos.	8.905	.45	.30		.055

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
SOFT FLOOR LAYERS	$7.93	.25	.20		.03
SPRINKLER FITTERS	10.10	.50	.80		.08
TERRAZZO WORKERS:					
ZONE 1 - Collin, Dallas, Ellis, Hunt, Kaufman & Rockwall Cos.	7.95				
ZONE 2 - Denton, Hood, Johnson, Palo Pinto, Tarrant & Wise Cos.	8.30				
TILE SETTERS:					
ZONE 1 - Collin, Dallas, Hunt, Kaufman & Rockwall Counties	8.60		.30		
ZONE 2 - Denton, Hood, Johnson, Palo Pinto, Tarrant & Wise Cos.	8.30				
TILE SETTERS' HELPERS: Collin, Dallas, Hunt, Kaufman & Rockwall Counties	6.90				
TRUCK DRIVERS:					
ZONE 1 - Collin, Dallas, Ellis, Hunt, Kaufman & Rockwall Cos.	4.25				
ZONE 2 - Denton, Hood, Johnson, Palo Pinto, Tarrant & Wise Cos.	4.00				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

FOOTNOTES:
a - 1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rate.
b - Paid Holidays A thru F

PAID HOLIDAYS:
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

DECISION NO. TX76-4037

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS:					
ZONE 1 - Dallas County:					
GROUP 1	$6.465	.30	.40		
GROUP 2	7.25½	.30	.40		
GROUP 3	7.65½	.30	.40		

POWER EQUIPMENT OPERATORS (ZONE 1) CLASSIFICATION DEFINITIONS

GROUP 1 - Oilers

GROUP 2 - Air compressors; Blade Grader, towed; Flex plane; Form grader; Concrete mixer, less than 14 cu. ft.; Water pumps - 2½" or over and 2 or more pumps; Pulsometer; Welding machines, gasoline or diesel driven (2 to 6 machines); Wagon drill operator; Conveyor; Hoist, single drum; Scraper, 3 cu. yd. or less; Generator, gasoline or diesel driven (over 1500 watts); Bob cat with loader; All other equipment of similar nature coming under the light equipment class, when power operated

GROUP 3 - Heavy duty mechanic; Asphalt mixer operator on job; Blade grader, self-propelled; Bull clam; Backfiller; Bulldozer & all cat type tractors; Backhoe; Concrete mixers, over 14 cu. ft.; Crusher operator on job; Concrete batch plant operator; Clam shell; Cranes (all types); Truck mounted on crawler requires oiler including groves (hydraulic) or similar type over 12½ ton capacity Escalated rate on crane and derricks booms; .01¢ per hour, per foot over 90' including jib; draglines; derricks, power operated (all types); IH-10 caterpillar, S-8 Euclid and similar tractors; Elevating grader, self-propelled; Foundation drilling machine (all); Forklifts, used in handling machinery on construction; Gradeall; Hoist, motor driven, 2 drums or more; Locomotive crane; Mixmobile; Paving mixers (all types); Pile drivers; Pumpcrete machines; Pneumatic rollers, self-propelled; Shovels, power operated; Scrapers, over 3 cu. yds.; Scoopmobile; Trenching machines, all types; Winch trucks, when pole and winch is used; Water well drilling machines, used on construction; Well point pumps; Welding machines (7 to 13 machines); All other equipment of similar nature coming under heavy equipment class, when power operated

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS (CONT'D):					
ZONE 2 - Collin, Denton, Ellis, Grayson, Hood, Hunt, Johnson, Kaufman, Palo Pinto, Rockwall, Tarrant & Wise Counties:					
GROUP 1	$7.065	.30	.50		.10
GROUP 2	7.85	.30	.50		.10
GROUP 3	8.25	.30	.50		.10

DECISION NO. TX76-4037

POWER EQUIPMENT OPERATORS (ZONE 2) CLASSIFICATION DEFINITIONS

GROUP 1 - Oiler-Fireman

GROUP 2 - Air Compressors, Pumps, Welding Machines, Throttle Valves, Light Plants; Conveyor; Wagon Drill; Elevators Building; Form Graders; Hoist, Single Drum; Ford Tractor including blade and mower on rear; Mixers less than 14 cubic feet; Screening Plants; Crushing Plants; Fork Lifts (short, under 25 feet); Concrete Pumps (all types); Bobcat type equipment; All other equipment of similar nature coming under the Light Equipment Classification, when power operated

GROUP 3 - Ford Tractor or like with any attachments (except blade and mower on rear); Drilling Machines (all types); Scoopmobiles; Hoists, two drums or more; Forklifts (over 25 ft.); Winch Truck; Six Wheel Truck, when used continuously for 5 days; Mixermobile; Locomotives; Mixers, 14 cubic ft. or over; Blade Graders, self-propelled; Cableways; Cranes-power operated to 100 ft.; Derricks, power operated (all types); Gradall; Hy-Ho; Hop-To; Paving Mixers (all types); Pile Drivers; Mobile Concrete Mixers over 14 cu. ft.; Bulldozers, Loaders, Tractovators; Scrapers and Pulls; Welders; Trenching Machines; Roller, ten tons or over; Air Compressor & Air Tugger; Boilers, two or more fired by one man; Heavy Duty Mechanic; All other equipment of similar nature coming under the Heavy Equipment Classification, when power operated

STATE: Texas COUNTIES: Galveston & Harris
DECISION NO.: TX76-4041 DATE: Date of Publication
Supersedes Decision No. TX75-4203, dated December 19, 1975, in 40 FR 59180.
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories). (See current heavy & highway general wage determination for Paving & Utilities Incidental to Building Construction).

DECISION NO. TX76-4041

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$ 8.95	.70	.70		.06
BOILERMAKERS	8.00	.50	.76		.02
BRICKLAYERS & STONEMASONS	9.21	.38	.40		.05
CARPENTERS:					
Carpenters	8.675	.50	.50		.05
Millwrights	9.005	.50	.50		.05
Piledrivermen	8.675	.50	.50		.05
CEMENT MASONS:					
Harris County	8.32	.49	.42		.05
Galveston County	8.32	.49	.42		
ELECTRICIANS:					
Harris County	10.05	.40	3%		.04
Galveston County	10.09	.40	1%+.40		.06
ELEVATOR CONSTRUCTORS	8.60	.495	.32	4%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.495	.32	4%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	9.07	.50	.425		.01
IRONWORKERS	8.77	.55	.70		.075
LABORERS:					
GROUP 1 - Common	6.21	.28	.40		.02
GROUP 2 - Air tool operator (jackhammer-vibrator); Mason tenders; Pipelayers (concrete & clay); Sandblasters; Power buggy operator	6.385	.28	.40		.02
GROUP 3 - Lather tender; Mortar mixers; Plaster tenders & hod carriers	6.485	.28	.40		.02
GROUP 4 - Well driller	6.76	.28	.40		.02
GROUP 5 - Well driller tender	6.335	.28	.40		.02
GROUP 6 - Blaster, powderman	6.635	.28	.40		.02
LATHERS (Harris County only)	8.87	.50	.35		.02
LINE CONSTRUCTION:					
Lineman & cable splicer	10.22	.40	1%		1/2%
Groundmen	5.94	.40	1%		1/2%
Groundmen (1st year)	4.30	.40	1%		1/2%
MARBLE MASONS:					
Harris County	$ 8.66				
Galveston County	7.80				
MARBLE MASONS' HELPERS	6.40				
PAINTERS:					
East Harris County:					
GROUP 1 - All brush painting, hand rolling and all other work other than that below	9.51				
GROUP 2 - All pneumatic and electric tools and steam cleaning	9.865				
GROUP 3 - All tape and float on drywall	9.635				
GROUP 4 - All paper and vinyl hanging	9.76				
GROUP 5 - All spray painting, sandblasting and waterblasting	9.905				
GROUP 6 - Steeple jack work, hot materials	10.165				
Remainder of Harris County:					
GROUP 1 - All brush painting, hand roller, steam cleaning, all pneumatic tools	8.345	.365	.35	.40	.04
GROUP 2 - All spray painting, sandblasting, waterblasting	8.72	.365	.35	.40	.04
GROUP 3 - Tape, float & drywall	8.47	.365	.35	.40	.04
GROUP 4 - Steeple jack work, hot materials	8.97	.365	.35	.40	.04
Galveston County:					
GROUP 1 - Painters on new work	8.02	.55	.45	.665	.02
GROUP 2 - Painters on swinging stage work or using materials injurious to the skin	8.27	.55	.45	.665	.02
GROUP 3 - Painters on rework & repaint	7.345	.55	.45	.665	.02
PIPEFITTERS:					
Harris County and that part of Galveston County west of the Trinity River	9.35	.40	.60		.045

DECISION NO. TX76-4041

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PIPEFITTERS (CONT'D):					
That part of Galveston County east of the Trinity River:					
Commercial work up to $50,000	$ 9.38	.375	.40		.03
Commercial work $50,000 & over	9.81	.375	.40		.03
PLASTERERS	9.00	.42	.30		.02
PLUMBERS:					
Harris County	9.61	.40	.56		.10
Galveston County:					
Commercial work up to $50,000	9.38	.375	.40		.03
Commercial work $50,000 & over	9.81	.375	.40		.03
ROOFERS:					
Roofers	7.89	.20	.25	.15	.03
Kettlemen	7.02	.20	.25	.15	.03
Helpers	5.08	.20	.25	.15	.03
SHEET METAL WORKERS:					
Harris County	9.465	.225	.475	.20	.025
Galveston County	8.75	.15	.25		.10
SOFT FLOOR LAYERS	8.42	.35	.20		.09
SPRINKLER FITTERS	10.10	.50	.80		.08
TERRAZZO WORKERS:					
Harris County	8.66				
Galveston County	7.80				
TERRAZZO WORKERS' HELPERS:					
Terrazzo workers' helpers	6.40				
Terrazzo floor machinemen	6.55				
Terrazzo base machinemen	6.70				
TILE SETTERS:					
Harris County	8.66				
Galveston County	7.80				
TILE SETTERS' HELPERS	6.40				
TRUCK DRIVERS:					
GROUP 1 - Under 1½ tons; wash, grease, tireman, furl pump operation when used on construction jobs	7.13				
GROUP 2 - 1½ thru 2½ tons; dump truck less than 7 yds.	7.48				
GROUP 3 - Over 2½ tons; farm tractors; fork lifts, floats	7.68				

DECISION NO. TX76-4041

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS (CONT'D):					
GROUP 4 - Euclids (not self-loading)	$ 7.83				
GROUP 5 - Warehousemen	7.36				
GROUP 6 - Material checkers; pick-up drivers	8.31				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

FOOTNOTES:

a - 1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rates

b - Paid Holidays: New Years' Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day

DECISION NO. TX76-4041

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS					
GROUP 1	$ 8.88	.35	.65		.06
GROUP 2	7.52	.35	.65		.06
GROUP 3	7.03	.35	.65		.06
GROUP 4	6.87	.35	.65		.06

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - Heavy Duty Mechanic; Blade Grader, Self-propelled; Bull Clam; Back Filler; Derrick - power operated (all types); Clam Shell; Draglines; Push Cat Operator; Bull Dozer & all types Cat Tractors; Cable-Way; Backhoe; Shovel, power operated; Crane, power operated (all types); Elevating Grader, Self-propelled; Hoist, Motor-Driven, Two Drums or more, Mix Mobile; Water Well Drilling Machines, Used on Construction; Building Elevator, used on Construction; Tug Boat Operator, Assigned to Construction; Winch Truck; Locomotive Crane; Concrete Mixer, 14 cu. ft. or more; Paving Mixer (all types); Pile Driver; Scraper, Heavy Type, over 3 cu. yds.; Trenching Machines (all sizes); Gradall; High-Lift; Foundation Boring Machine; Gasoline or Diesel Driven Welding Machines, 7 or more; Pumpcrete Machine Operator; Turnapulls; DW-10 Caterpillar, S-18 Euclid and similar Tractors; Asphalt Plant Mixer Operator on job; Crusher Operator on job; Scoopmobiles; Forklift used on construction (not including warehousing); Well Point Pump; Concrete Batch Plant Operator; Pneumatic Rollers, Self-propelled; All other equipment of similar nature coming under the Heavy Equipment Class, when power operated

GROUP 2 - Air Compressors; Blade Grader, Towed; Flex Plane; Form Grader, Concrete Mixer, less than 14 cu. ft.; Pumps; Pulsometer; Truck Crane Driver; Gasoline or diesel Driven Welding Machines (on 3 or more, up to 6 machines); Hoist, Single Drum; Scraper, 3 cu. yds. or less; Wagon Drill Operator; Conveyor; Generator, Gasoline or Diesel-driven, over 1500 watts; Rubber Tired Farm Tractor with attachments; A light Equipment Operator may run 1 or 2 105 cfm compressors; All other equipment of similar nature coming under the Light Equipment Class, when power operated

GROUP 3 - Fireman

GROUP 4 - Oiler

SUPERSEDEAS DECISION

STATE: Texas

COUNTIES: Bell, Bosque, Coryell, Falls, Hill & McLennan

DECISION NO.: TX76-4031

DATE: Date of Publication

Supersedes Decision No. TX76-4009, dated January 23, 1976, in 41 FR 3700.

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories). (See current heavy & highway general wage determination for Paving & Utilities Incidental to Building Construction in Bosque, Falls, Hill & McLennan Counties).

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS:					
ZONE 1 - Bell, Coryell & Falls Counties	$ 9.23	.35	.45		.08
ZONE 2 - Bosque, Hill & McLennan Counties	8.78	.30	.51		.025
BOILERMAKERS	8.00	.50	.76		.02
BRICKLAYERS	8.60		.55		.03
CARPENTERS:					
ZONE 1 - Bell & Coryell Counties:					
Carpenters	7.74				
Millwrights	7.99				
ZONE 2 - Bosque, Falls, Hill & McLennan Counties:					
Carpenters	7.97	.23			
Millwrights	8.37	.23			
CEMENT MASONS	7.59	.35	.20		
ELECTRICIANS:					
ZONE 1 - Bosque, Falls, Hill & McLennan Counties; Parts of Bell & Coryell Counties north of Cowhouse Creek	8.90		1%		1/4%
ZONE 2 - Parts of Bell & Coryell Counties south of Cowhouse Creek	9.80		1%		.8%
ELEVATOR CONSTRUCTORS	8.21	.445	.29	3%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.445	.29	3%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	6.30				
IRONWORKERS	8.44	.55	.60		.12
LABORERS:					
Unskilled	2.97				
Mason tenders	3.55				
Mortar mixers	3.55				
LATHERS	8.30			.80	.05
LINE CONSTRUCTION:					
Linemen; Linemen operators	10.26		1%		1/2%
Cable splicer	11.29		1%		1/2%
Groundman, 1st 6 months	6.16		1%		1/2%
Groundman, 2nd 6 months	6.67		1%		1/2%
Groundman, 1 year & over	7.18		1%		1/2%

DECISION NO. TX76-4031

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS:					
Brush	$ 6.10				
Boiler pipes & steel, structural steel, window jacks, roofs, stage work, smoke stack, water towers, boatswain chair	6.60				
Ames tools for dry walls	6.70				
Spray work & self feeding rollers	6.85				
Steam cleaning, sandblasting & hazardous work	7.20				
PLASTERERS	9.00	.25	.10		.01
PLUMBERS & PIPEFITTERS:					
ZONE 1 - Area within a 35 mile radius of Waco, including Temple, Marlin, Clifton & Hillsboro	7.80	.30	.30		.03
ZONE 2 - All other areas	8.20	.30	.30		.03
ROOFERS:					
GROUP 1 - Slate, tile, asbestos, roofing & siding	5.95				.03
GROUP 2 - Composition, built-up, damp & waterproofing	5.80				.03
SHEET METAL WORKERS:					
ZONE 1 - Within a radius of 20 miles from the McLennan County Courthouse, Waco	8.22				.05
ZONE 2 - Over 20 miles but less than 45 miles	8.72				.05
ZONE 3 - Over 45 miles	9.22				.05
SPRINKLER FITTERS	10.10	.50	.80		.08
TRUCK DRIVERS	2.80				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

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BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS					
GROUP 1	$ 8.63		.40		
GROUP 2	7.56		.40		
GROUP 3	6.34		.40		
GROUP 4	6.23		.40		

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - Heavy Duty Mechanic; Blade Grader - Self-propelled; Bull Clam; Back Filler; Derricks, power operated (all types); Dragline; Push Cat Operator; Euclid Operator; Bull Dozer and all types of Cat Tractors; Cable-Way; Back Hoe; Crane, Power Operated (all types); Elevating Grader, self-propelled; Hoist, Motor-Driven, two drums or more; Mix Mobile; High-Lifts & Loaders, over 1/3 cu. yd. capacity; Winch Truck; Locomotive; Mixer, 14 cu. ft. or over; Paving Mixer (all sizes); Scraper; Trenching Machine (all sizes); Gradall; Foundation Boring Machine; Scoopmobile; Shovel; power operated; Pump Crete Machine; Clam Shell Operator; Rock Crusher Operated on Job; Welding Machine, 6 to 12; Two 125 cu. ft. Compressors; Well points, including installations

GROUP 2 - Blade Grader, Towed; Flex Plane; Form Grader; Mixer, less than 14 cu. ft.; Pulsometer; Truck Crane Driver & Oiler, Combination man; Gasoline or Diesel Driven Welding Machine, 3 to 6; Hoist, Single Drum; Pump, 2½ in. or larger; Pneumatic Roller; High-Lifts & Loaders, 1/3 cu. yd. or less; Forklift, 1500 lbs. capacity or less; Air Compressors, anytime there are two or more attachments operating on a 125 cu. ft. compressor, a light equipment operator shall be employed. One 125 cu. ft. air compressor and one welding machine requires no operator. One 125 cu. ft. compressor and two welding machines or any 2 air compressors equivalent to a 125 cu. ft. air compressor requires a light equipment operator

GROUP 3 - Fireman

GROUP 4 - Oiler

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INCIDENTAL PAVING & UTILITIES (BELL & CORYELL COUNTIES)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Air Tool Man	$2.80				
Asphalt Heaterman	3.40				
Asphalt Raker	3.80				
Batching Plant Scaleman	3.75				
Carpenter	4.00				
Carpenter Helper	3.00				
Concrete Finisher (Paving)	4.35				
Concrete Finisher Helper (Paving)	3.25				
Concrete Finisher (Structures)	3.90				
Concrete Finisher Helper (Structures)	2.50				
Electricians	6.60				
Form Builder (Structures)	4.00				
Form Builder Helper (Structures)	3.25				
Form Setter (Paving & Curb)	3.65				
Form Setter (Structures)	4.00				
Form Setter Helper (Structures)	3.00				
Laborer, Common	2.50				
Laborer, Utility Man	3.00				
Mechanic	4.25				
Mechanic Helper	4.00				
Oiler	3.75				
Serviceman	3.50				
Painter (Structures)	5.25				
Pipelayer (Concrete & Clay)	3.25				
Pipelayer Helper (Concrete & Clay)	2.50				
Plumbers:					
Zone 1 - 35 miles of Waco, Texas including town of Temple	7.80	.30	.30		.03
Zone 2 - all area not included in Zone 1	8.20	.30	.30		.03
Powderman	4.00				
Reinforcing Steel Setter (Structures)	4.00				
Reinforcing Steel Setter Helper	3.00				
Sign Erector	3.55				
Spreader Box Man	3.65				
Swamper	3.30				
Power Equipment Operators:					
Asphalt Distributor	3.75				
Asphalt Paving Machine	3.80				

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INCIDENTAL PAVING & UTILITIES (BELL & CORYELL COUNTIES)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Power Equipment Operators (Cont'd):					
Broom or Sweeper Operator	$3.50				
Bulldozer, 150 HP and Less	3.50				
Bulldozer, over 150 HP	4.00				
Concrete Paving Curing Machine	3.50				
Concrete Paving Mixer	3.50				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ CY)	4.00				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY and Over)	4.25				
Crusher or Screening Plant Operator	3.75				
Foundation Drill Operator (Crawler Mounted)	3.50				
Foundation Drill Operator (Truck Mounted)	4.75				
Foundation Drill Operator Helper	3.50				
Front End Loader (2½ CY & Less)	3.60				
Front End Loader (Over 2½ CY)	4.00				
Motor Grader Operator, Fine Grade	4.50				
Motor Grader Operator	4.00				
Roller, Steel Wheel (Plant-Mix Pavements)	3.25				
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	3.00				
Roller, Pneumatic (Self-Propelled)	2.90				
Scrapers (17 CY and Less)	3.75				
Scrapers (Over 17 CY)	4.00				
Tractor (Crawler Type) 150 HP and Less	3.00				
Tractor (Crawler Type) over 150 HP	3.65				
Tractor (Pneumatic) 80 HP & Less	3.10				
Tractor (Pneumatic) over 80 HP	3.25				
Traveling Mixer	3.25				
Trenching Machine, Heavy	3.75				
Wagon Drill, Boring Machine or Post Hole Driller Operator	3.60				
Truck Drivers:					
Single Axle, Light	3.00				
Single Axle, Heavy	3.40				
Tandem Axle or Semitrailer	3.00				
Lowboy-Float	3.35				
Weighman (Truck Scales)	2.50				
Welder	4.00				
Welder Helper	3.25				

SUPERSEDEAS DECISION

STATE: Utah COUNTIES: Statewide
DECISION NUMBER: UT76-5017 DATE: Date of Publication
Supersedes Decision No. UT75-5107 dated August 22, 1975, in 40 FR 36998
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories) heavy and highway construction

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$ 10.16	.50	.87		
BOILERMAKERS	9.80	.65	1.00	.50	.02
BRICKLAYERS	9.76	.40	.42		.07
CARPENTERS:					
Zone 1: (40 road miles or less from Brigham City-Cedar City-Kanab-Logan-Ogden-Price-Provo-Richfield-Salt Lake City-Vernal-Moab-St. George-Monticello)	8.51	.50	.55	.25	.03
Zone 2: (Beyond 40 thru 50 road miles from Brigham City-Cedar City-Kanab-Logan-Ogden-Price-Provo-Richfield-Salt Lake City-Vernal-Moab-St. George-Monticello)	9.26	.50	.55	.25	.03
Zone 3: (Beyond 50 thru 60 road miles from Brigham City-Cedar City-Kanab-Logan-Ogden-Price-Provo-Richfield-Salt Lake City-Vernal-Moab-St. George-Monticello)	9.385	.50	.55	.25	.03
Zone 4: (Over 60 road miles from Brigham City-Cedar City-Kanab-Logan-Ogden-Price-Provo-Richfield-Salt Lake City-Vernal-Moab-St. George-Monticello)	10.51	.50	.55	.25	.03
Saw filers; Saw operators and Carpenters handling creosote materials:					
Zone 1	8.76	.50	.60	.25	.03
Zone 2	9.51	.50	.60	.25	.03
Zone 3	9.635	.50	.60	.25	.03
Zone 4	10.76	.50	.60	.25	.03
Millwrights (All Zones)	8.76	.50	.60	.25	.03
CEMENT MASONS:					
Cement Masons	8.28	.50	.60	.25	
Machine operator; Mastic floor materials; Swing scaffold; Swing stage	8.305	.50	.60	.25	

DECISION NO. UT76-5017

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DRYWALL INSTALLERS:					
Taping, finishing and texturing (hand or machine)	$7.96	.21	.20		.02
ELECTRICIANS:					
Zone 1: Cache-Davis Counties (North of 41st Parallel)-Weber County:					
Electricians	10.00	.45	1%+.50		1%
Cable Splicers	10.25	.45	1%+.50		1%
Zone 2: Box Elder County (east of 112.5° longitude)-Morgan County:					
Electricians	10.50	.45	1%+.50		1%
Cable Splicers	10.75	.45	1%+.50		1%
Zone 3: Box Elder County (west of 112.5° longitude)-Rich County:					
Electricians	12.00	.45	1%+.50		1%
Cable Splicers	12.25	.45	1%+.50		1%
In the above areas on any job or project not exceeding $35,000 electrical, labor and material including, Zone 1 rates shall apply.					
Zone 1: That portion of Davis Co. lying South of the 41st Parallel; all of Salt Lake County; that portion of Utah County lying north of the 40th Parallel; and 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 Co. 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 said Township 3 South, Range 4 West, then west to Longitude 112°30', thence north along the line of Longitude 112°30' to the north line of Tooele County					

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ELECTRICIANS: (Cont'd)					
AREA A - Ten miles either direction (east or west) from Interstate Highway 15, bounded on the north by the 41st Parallel and on the south by the 40th Parallel.					
Electricians	$10.00	.45	1% + .50		8/10%
Cable Splicers	10.25	.45	1% + .50		8/10%
AREA B - The balance of Zone 1 that lies in Davis, Salt Lake and Utah Counties.					
Electricians	10.75	.45	1% + .50		8/10%
Cable Splicers	11.00	.45	1% + .50		8/10%
AREA C - That portion of Zone 1 that lies in Tooele County.					
Electricians	11.50	.45	1% + .50		8/10%
Cable Splicers	11.75	.45	1% + .50		8/10%
Zone 5: Remainder Counties and all portions of Counties not included in Zone 1.					
Electricians	12.75	.45	1% + .50		8/10%
Cable Splicers	13.00	.45	1% + .50		8/10%
ELEVATOR CONSTRUCTORS	8.23	.445	.29	3%+a	
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.445	.29	3%+a	
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS:					
Weber and Davis (North of the 41st Parallel) Counties	8.03	.25		.61	
Davis (South of the 41st Parallel) and Remaining Cos.	7.05	.21		.74	
IRONWORKERS:					
Ornamental-Reinforcing-Fence Erector-Structural	9.35	.55	.85		.10
LATHERS	7.94	.45	.50		.01
MARBLE SETTERS	8.80	.20		.25	
PAINTERS:					
Area North of the 41st Parallel:					
Brush; Roller	7.46	.21	.18		.03
Spray; Sandblast; Steeple Jack	7.66	.21	.18		.03
Spray (swing stage); Sandblaster (Swing stage)	7.86	.21	.18		.03

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PAINTERS: (Cont'd)					
Remaining part of State:					
Brush; Roller	$7.72	.21	.18		.02
Brush (swing stage); Brush, (steel and bridge); Spray, Sandblaster; Steeple Jack; Wall covering hanger	8.02	.21	.18		.02
Spray (swing stage); Spray (steel and bridge); Sandblaster (swing stage)	8.27	.21	.18		.02
PILEDRIVERMEN:					
Bridge, Wharf and Dock Carpenters; Riggers, Boom Men	11.13	.50	.60	.25	.03
PLASTERERS	7.96	.45	.55		.01
PLUMBERS; Pipefitters:					
Zone 1 - 15 mile radius from center of each city, namely Salt Lake City, Ogden and Provo	9.15	.51	.75		.04
Zone 2 - Zone 1 plus 15 miles	9.45	.51	.75		.04
Zone 3 - Zone 2 plus 15 miles	9.80	.51	.75		.04
Zone 4 - Zone 3 plus 35 miles	11.15	.51	.75		.04
Zone 5 - All areas beyond Zone 4	11.65	.51	.75		.04
REFRIGERATION & AIR CONTITIONING:					
50 tons or over	9.15	.51	.75		.04
Under 50 tons	8.55	.51	.75		.04
ROOFERS	8.00	.20	.25		
SHEET METAL WORKERS	9.47	.46	.49		.07
SOFT FLOOR LAYERS	7.65	.21	.12		
SPRINKLER FITTERS	9.75	.50	.80		.08
TERRAZZO WORKERS	8.80	.20			
TILE SETTERS	8.80	.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.

FOOTNOTE:
a. Employer contributes 4% of basic hourly rate for 5 years' service and 2% basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. 6 Paid Holidays.

DECISION NO. UT76-5017

	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	App. Tr.
LABORERS*	AREA 1	AREA 2				
Group 1	$6.455	$7.455	.30	.35	.30	.04
Group 2	6.58	7.58	.30	.35	.30	.04
Group 3	6.705	7.705	.30	.35	.30	.04
Group 4	6.83	7.83	.30	.35	.30	.04
Group 5	7.18	8.18	3.0	.35	.30	.04
Group 6	7,68	8.68	.30	.35	.30	.04
LABORERS** (Tunnel and Shaft Work)						
Group 1	6.58	7.58	.30	.35	.30	.04
Group 2	6.68	7.68	.30	.35	.30	.04
Group 3	6.78	7.78	.30	.35	.30	.04
Group 5	6.88	7.88	.30	.35	.30	.04
Group 6	7.18	8.18	.30	.35	.30	.04
Group 6	7.33	8.33	.30	.35	.30	.04
POWER EQUIPMENT OPERATORS***						
Group 1	7.31	8.31	.69	1.475	.75	.10
Group 2	7.59	8.59	.69	1.475	.75	.10
Group 3	7.94	8.94	.69	1.475	.75	.10
Group 4	8.12	9.12	.69	1.475	.75	.10
Group 4-A	8.23	9.23	.69	1.475	.75	.10
Group 5	8.23	9.23	.69	1.475	.75	.10
Group 6	8.69	9.69	.69	1.475	.75	.10
Group 7	8.84	9.94	.69	1.475	.75	.10
Group 7-A	8.95	9.95	.69	1.475	.75	.10
Group 8	9.25	10.25	.69	1.475	.75	.10
Group 8-A	9.31	10.31	.69	1.475	.75	.10
Group 9	9.37	10.37	.69	1.475	.75	.10
Group 10	9.53	10.53	.69	1.475	.75	.10
Group 11	9.97	10.97	.69	1.475	.75	.10
Group 11-A	10.93	11.93	.69	1.475	.75	.10
Group 11-B	11.38	12.38	.69	1.475	.75	.10
Group 12	11.54	12.54	.69	1.475	.75	.10

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS (Piledriving)****					
Group 1-A	8.38	.69	1.475	.75	.10
Group 1-B	8.71	.69	1.475	.75	.10
Group 1-C	8.86	.69	1.475	.75	.10
Group 2-A	9.49	.69	1.475	.75	.10
Group 2-B	9.70	.69	1.475	.75	.10
Group 3	10.00	.69	1.475	.75	.10
Group 3-A	10.38	.69	1.475	.75	.10
Group 4	10.93	.69	1.475	.75	.10
Group 5	11.08	.69	1.475	.75	.10
Group 6	12.09	.69	1.475	.75	.10
POWER EQUIPMENT OPERATORS (Steel Erection)*****					
Group 1	8.82	.69	1.475	.75	.10
Group 2	9.20	.69	1.475	.75	.10
Group 3	10.21	.69	1.475	.75	.10
Group 4	10.35	.69	1.475	.75	.10
Group 4-A	10.64	.69	1.475	.75	.10
Group 5	11.12	.69	1.475	.75	.10
Group 6	11.53	.69	1.475	.75	.10
Group 6-A	12.09	.69	1.475	.75	.10
Group 7	13.07	.69	1.475	.75	.10
LINE CONSTRUCTION					
Lineman	8.21	.35	1%		3/4%
Cable Splicers	9.03	.35	1%		3/4%
Line Equipment Operators	7.40	.35	1%		3/4%
Groundman	6.11	.35	1%		3.4%
Line Equipment Mechanic	7.78	.35	1%		3/4%
Line Equipment Serviceman	7.28	.35	1%		3/4%

* LABORERS

GROUP I: Boxman; Carpenter Tender; Cement Finisher Helper; Chat Boxman; Choker Setter; Clearing and Grading; Cleaning of equipment and parts in connection with concrete; Concrete Crew; Dock-hand and Cleaning Man; Fence Erector and Installer (includes installation and erection of fences, guard rails, median rails, reference post, guide post, and right-of-way markers); Flagman; Form Stripper; Gardener Helper; General Laborer; Grizzley Op. (whether by power or hand); Group Pump Op.; Heater Tender; Helpers (all not herein separately classified); House Movers; Landscaping Helper; Laborers on Wrecking and Demolition; Nurseryman Helper; Prewaterman; Riprap man (hand placed); Sloper, Spreader and Weighman; Stake Jumper; Stripping and Cleaning of steel and pans; Tool Dispatcher and Checker (full time); Unloading and packing of reinforcing steel rods and mesh

GROUP II: Air-track Helper; Asphalt Rakers and Ironers; Dumpman; Gunnite Reboundman; Metal Form Setter (airport paving and highway); Pipe Wrapper; Pot Tender and Joint Maker; Rollers; Screen and Clean-up Man; Signal and Dumpman on Concrete Construction; Tunnel and Belt Man

GROUP III: Barko Vibratory Roller and similar type compacting machines; Concrete Cutting Torch; Hand and Chain Saw Op. (Bucking and Falling Timbers); High Pressure Water Nozzleman; J Tampers and similar type tampers; Jackhammer and Pavement Breaker; Mortar and Grout Mixer; Multi-plate Installer; Op. of pneumatic and electric tools and compressors and concrete saw; Op. of Power-Type Form Cleaner and Oiling Machine; Pipelayer; Powderman Helper; Power Type Buggies; Pumpcrete Op.; Refinery Tank and Vessel Cleaners; Sand-Blasters; Sandblaster Pot Tender; Vibrator Op.; Work of all type using cutting torches and tools needed in wrecking; Laser Beam Operator

GROUP IV: Air-track and Core Diamond Drillers; Drill Mechanic (on job site); High Scaler operating jackhammer or breaker; Mailn Vibrators and similar types 70 lbs.; Multiple Side Boom Driller; Wagon Driller

GROUP V: Gunnite Groundman; Gunnite Nozzleman; Gunnite Rodman;
GROUP VI: Powderman

** TUNNEL AND SHAFT WORK

GROUP I: Underground Laborers

GROUP II: Brakeman; Chucktender; Dumpman; Powderman Helper; Puddler

GROUP III: Nipper; Screedman; Vibrator; Tapman

GROUP IV: Cutting Machine Op.; Drill Doctor Finisher; Gunnite Gunman; Miners; Powder Make-up Man; Spader and Tuggers; Steelman; Timberman

GROUP V: Gunnite Groundman; Gunnite Nozzleman; Gunnite Rodman

GROUP VI: Shifter

*** POWER EQUIPMENT OPERATORS

GROUP 1: Repairman helper

GROUP 2: Asphalt Plant Fireman; Brakeman - Locomotive; Elevator Operator; Oiler, Boxman; Rear Chainman; Fireman; Hydraulic Monitor; Material Loader or Conveyor; Partsman - Field; Rodmen, Chainmen

GROUP 3: Air Compressor Operator; Concrete Mixer Operator (skip type); Concrete Pump or Pumpcrete Gun Operator; Engineer, Dinkey Operator; Generator (100 KW or over); Mixer Box Operator (Concrete or Asphalt Plant) (continuous mix or similar); Pump Operator; Self-propelled, automatically applied concrete curing machine (on streets, highways, airports and canals); Screedman; 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 c.y. Struck MRC; Hoist Operator 1 Drum; Line Master; Slip Form Pumps; Gradesetter

GROUP 4-A: Slurry Seal Machine or similar

GROUP 5: Air Compressor Operator (two or more Compressors); Batch Operator (Asphalt Plant); Motorman; Pavement Breaker Operator (Emsco & similar type); Signalman; Shuttlecar; Small Rubber Tired Tractors; Small Self-propelled Pneumatic Rollers; Towermobile Operator; Welding Machine (2 or more); Lube and Service Engineer (mobile and grease rack); Concrete Conveyor (Bldg. site); Slurry Seal machine or similar

GROUP 6: A-Frame Truck & Tugger Hoist; Concrete Saws (self-propelled unit on streets, highways, airports and canals); Engineer, Locomotive; Fork lift (construction job site); Kolman Loader (and similar); Maginnis Internal Full Slab Vibrator (on airports, highways, canals and warehouses); Mixermobile Operator; Pipe Bending Machine Operator; Pipe Cleaning Machine; Pipe Wrapping Machine; Road Mixing Machine Operator; Ross Carrier, or similar type; Small Rubber Tired Tractor (with attachments, including backhoe); Small Tractor with Boom; Surface Heater (self-propelled); Loader Operator (over 1 c.y. up to and including 2 c.y. struck MRC); Power Jumbo Operator (setting slip forms, etc., in tunnels); Small Rubber Tired Trenching Machine

GROUP 7: Bridge Crane; Chip Box Spreader (Flaherty type and similar); Concrete Mixer Operator (paving or batch plant); Deck Engineers (Marine); Drilling Machine Operator (well or diamond); Dual Drum Mixers; Elevating Grader Oper.; Fuller Kenyon Pump and similar types; Heavy Duty Rotary Drill Rigs (such as quarry master, joy drills or equal; Hoist Operator - 2 drums; Instrument Man; Mechanical Finisher Operator (Asphalt or concrete); Mine or Shaft Hoist; Pavement Breaker (Pavement Breaker with compressor combination); Pavement Breaker, Truck mounted, compressor combination; Refrigeration Plant; Self-propelled Pipeline, Wrapping Machine Perault, CRC, or similar types); Slusher Operator; Tractor Operator (Sheep's foot and compacting equipment); Trenching Machine; Tractor-Compressor Drill Combination; No-Joint Pipe Laying Machine; Lull High Lift (40 ft. or similar); Roller Operator or self-propelled compactor; concrete conveyor

POWER EQUIPMENT OPERATORS (Cont'd)

or concrete pump truck, or equipment mounted (Boom length to apply), mechanical burm, curb and/or curb 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; Asphalt Plant Engineer; Engineer Crushing Plant; Tractor Operator (Bulldozer, Scraper or drag-type shovel or boom attachment) (up to and including D-7 or similar); truck or equipment-mounted

GROUP 8: Do-Mor Loader and Adams Elegrader; Euclid Loader and similar types; Chicago Boom (including Stiff Leg and Sheer Pole); Chief of Party; Combination Slusher and Motor Operator; Concrete Batch Plant(Multiple unit); Koehring Skooper (or similar, up to 5 c.y. Struck MRC); Mucking Machine Operator; Saurman Type Dragline (under 5 c.y. Struck MRC); Self-propelled Elevating Grade Plane; Soil Stabilizer (P & H or equal); Subgrader (automatic subgrader - fine - grader); Self-propelled Boom Type lifting device; Mechanical Trench Shield; Rubber Tired Scraper (under 35 c.y. Struck MRC); Tri-Batch Paver; Tunnel (Mole or similar), combination backhoe and loader (3/4 yards or over MRC

GROUP 8-A: Heavy Duty Repairman or Welder; Tractor Operator Bulldozer, Scraper or Drag Type Shovel or Boom Attachment Larger than D-7 or similar

GROUP 9: Combination Mixer & Compressor (Gunnite); Highline Cableway Signalman; Motor Patrol; Tower Crane (Linden type or similar designs and capacity) (in the erection, dismantling and moving of equipment there shall be additional Operator Engineer)

GROUP 10: Highline Cableway Operator (Signalman required); Lift Slab Machine (Vagtborg and similar types) Locomotive (over 100 tons) (single or multiple units); Pre-Stress wire Wrapping Machine; Saurman type dragline (5 c.y. Struck MRC and over; Tractor Tandem Scrapers; DW 10, 20 etc. (Tandem Scraper); Universal Equipment Operator (shovel, backhoe, dragline, derrick, derrick barge, clamshell crane, gradeall, etc. (up to and including 5 c.y.) Struck MRC; Loader (over 5.c.y. up to and including 12 c.y. Struck MRC); self-propelled boom type lifting device (center mount) (over 10 tons)

GROUP 11: Automatic Concrete Slip Form Paver (Gradesetter, Screedman); Koehring Skooper (or similar) (5 cu. yds. and over Struck MRC); Multiple Propulsion Power Unit Earth Movers (up to and including 75 c.y. Struck MRC); Remote Controlled Cranes and Derricks; Power Equipment with shovel-type controls (over 5 cu. yds. up to and including 7 cu. yds. Struck MRC; Rubber Tired Scraper (35 cu. yds. and over Struck MRC); Self-propelled Compactor (with multiple propulsion power units); Slip Form Paver (Concrete or asphalt) (1 operator and 2 screedmen when required); Tandem Tractors; Tower Cranes Mobile

POWER EQUIPMENT OPERATORS (Cont'd)

GROUP 11-A: Multi-Purpose Earth Moving Machines; (two (2) or more scrapers (over 75 c.y. Struck MRC); Power Shovels and Draglines (over 7 c.y. Struck MRC; Loader, over 12 c.y. 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
(Piledriving)****

GROUP 1-A: Assistant to Engineer (Fireman, Oiler, Deckhand)

GROUP 1-B: Compressor Operator

GROUP 1-C: Truck Crane Oiler

GROUP 2-A: Operator of Tugger Hoist (hoisting materials only)

GROUP 2-B: Compressor Operator (over 2); Welding Machine Operator (Powered other than by electricity)

GROUP 3: "A" Frames; Deck Engineer; Fork Lift Operator; 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 Piledriving Rigs, Skid or Floating and Derrick Barges; Operator of Diesel or gasoline powered Crane Piledriver (w/o boiler) up to and including 1 c.y. rating; Truck trane Operator (up to and including 25 tons) (hoisting material only); Self-propelled boom type lifting device (center mount) (over 10 tons)

GROUP 5: Operator of diesel or gasoline powered Crane Piledriver (w/o boiler) over 1 c.y. rating; Operator of Crane (w/steam flash boiler, pump or compressor attached); (Group 4 Op. Engineer required); Operator of steam powered crawler or universal type driver (Raymond or similar type); Truck Crane Op.) over 25 tons); (Hoisting material or performing Piledriving work)

GROUP 6: Cranes (over 125 tons)

POWER EQUIPMENT OPERATORS
(Steel Erection)*****

GROUP 1: Assistant to Engineer (Oiler)

GROUP 2: Assistant to Engineer (Truck Crane Oiler); Compressor; Generator, gasoline or diesel driver (100 KW), Rodman, Chainman

GROUP 3: Compressors, Generators and/or Welding Machines or Combination (2 to 6); 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); Single Drum Hoist; Tugger Hoist; Chief of Party; Self-propelled Boom type lifting device center mount (10 ton capacity or less MRC)

GROUP 6: Crawler Cranes and Truck Cranes (over 15 tons MRC); Derricks (2 Operators required when swing engine remote from hoist); Highline Cableway (Signalman required); 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 in erection, dismantling and moving of equipment there shall be an additional Operating Engineer); Two or more drum hoist

TRUCK DRIVERS

	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	App. Tr.
DUMP TRUCKS - Water Level Capacity (Bottom, end or side) (including Dumpster Trucks, Euclid Type Trucks, Turnawagons, Turnarockers and Dumpcrete)	AREA I	AREA II				
Less than 8 yds.	$ 7.10	$ 8.10	.50	.40	.45	.10
8 yds. & less than 14 yds.	7.25	8.25	.50	.40	.45	.10
14 yds. & less than 35 yds.	7.40	8.40	.50	.40	.45	.10
35 yds. & less than 55 yds.	7.60	8.60	.50	.40	.45	.10
55 yds. & less than 75 yds.	7.80	8.80	.50	.40	.45	.10
75 yds. & less than 95 yds.	8.00	9.00	.50	.40	.45	.10
95 yds. & less than 105 yds.	8.20	9.20	.50	.40	.45	.10
Over 105 yds.	8.32	9.32	.50	.40	.45	.10
When doubles are used, the drivers will be paid under the appropriate yardage schedule as outlined plus 25¢ per hour.						
When three (3) or more trailers are put into operation, use the appropriate yardage rate as outlined above plus 25¢ per hour for the third (3rd) and each additional trailer which is pulled by one power unit.			—		—	
Whenever additional power units are used and operated by one driver, he shall receive an additional 50¢ per hour for operating such equipment.						
FLAT RACK TRUCKS, BULK Cement Trucks, Transport Trucks, Semi-trailer (carrying capacity);						
Pickup	6.925	7.925	.50	.40	.45	.10
Less than 10 tons	7.00	8.00	.50	.40	.45	.10
10 tons and less than 15 tons	7.15	8.15	.50	.40	.45	.10
15 tons and less than 20 tons	7.25	8.25	.50	.40	.45	.10
20 tons and over	7.40	8.40	.50	.40	.45	.10

TRUCK DRIVERS (Cont'd)

	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	App. Tr.
Employees driving any of the above on Flat Rack Trucks with Winch, Hoist Attachments or "A" Frames shall receive $.125 additional per hour when such winch hoist or "A" Frame are in use.	AREA I	AREA II				
When drivers load and unload s sack cement, explosives and/or railroad ties by hand they shall receive $.15 per hour additional for actual hours worked.						
TRANSIT MIX TRUCKS:						
4-1/2 yds. capacity and less	$ 7.125	$ 8.125	.50	.40	.45	.10
Over 4-1/2 yds. capacity to and including 6-1/2 yds.	7.225	8.225	.50	.40	.45	.10
Over 6-1/2 yds.	7.325	8.325	.50	.40	.45	.10
Concrete Pumping Trucks	7.325	8.325	.50	.40	.45	.10
WATER, FUEL & OIL TANK TRUCKS:						
0 to 1200 Gallons	6.975	7.975	.50	.40	.45	.10
1200 Gallons to 2500 Gallons	7.10	8.10	.50	.40	.45	.10
2500 Gallons to 4000 Gallons	7.25	8.25	.50	.40	.45	.10
4000 Gallons to 6000 Gallons	7.55	8.55	.50	.40	.45	.10
6000 Gallons to less than 10,000 Gallons	7.80	8.80	.50	.40	.45	.10
10,000 Gallons to less than 15,000 Gallons	8.05	9.05	.50	.40	.45	.10
15,000 Gallons to less than 20,000 Gallons	8.30	9.30	.50	.40	.45	.10
20,000 Gallons to less than 25,000 Gallons	8.55	9.55	.50	.40	.45	.10
Over 25,000 Gallons	8.80	9.80	.50	.40	.45	.10
Whenever two water tanks are pulled, driver will receive 25¢ per hour in addition to the combined water gallonage rates						
Oil Spreader Operator (on single man operation where boot man is not required)	7.80	8.80	.50	.40	.45	.10

TRUCK DRIVERS (Cont'd)

	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	App. Tr.
CONSTRUCTION JOB SERVICEMEN:	AREA I	AREA II				
Telescopic Manlift Truck	$ 7.30	$ 8.30	.50	.40	.45	.10
Fork Lift (under 6 tons) and Straddle Truck	7.30	8.30	.50	.40	.45	.10
Truck Driver Helper	6.875	7.875	.50	.40	.45	.10
Chauffeurs	6.875	7.875	.50	.40	.45	.10
Bunkers and Truck Loaders	7.00	8.00	.50	.40	.45	.10
Warehousemen (Counter Clerk)	7.05	8.05	.50	.40	.45	.10
Warehousemen	6.925	7.925	.50	.40	.45	.10
Washers, Greasers and Tiremen	7.075	8.075	.50	.40	.45	.10
Gas Station Attendants	6.925	7.925	.50	.40	.45	.10
Fork Lift (Over 6 tons)	7.40	8.40	.50	.40	.45	.10
Teamster Mechanic	8.11	9.11	.50	.40	.45	.10
Teamster Mechanic Helper	7.86	8.86	.50	.40	.45	.10
Teamster Welder	8.11	9.11	.50	.40	.45	.10
Teamster Driving Two Horses	7.875	8.875	.50	.40	.45	.10
Teamster Driving three or more Horses	7.975	8.975	.50	.40	.45	.10
Sweeper or Vacuum Truck	7.25	8.25	.50	.40	.45	.10

Power Equipment Operators and 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 northerly line of township 36S, thence easterly along the northerly lines of township 36S to the northeast corner of township 36S, range 17W;
Thence northerly to the N.W. corner of township 35S, range 16W;
Thence easterly to the N.E. corner of township 35S, range 16W;
Thence northerly to the N.W. corner of township 31S, range 15W;
Thence easterly to the N.E. corner of township 31S, range 15W;
Thence northerly to the N.W. corner of township 26S, range 14W;
Thence easterly to the N.E. corner of township 26S, range 14W;
Thence northerly to the N.W. corner of township 25S, range 13W;
Thence easterly to the N.E. corner of township 25S, range 13W;
Thence northerly to the N.W. corner of township 24S, range 12W;
Thence easterly to the N.E. corner of township 24S, range 12W;
Thence northerly to the N.W. corner of township 19S, range 11W;
Thence easterly to the N.E. corner of township 19S, range 11W;
Thence northerly to the N.W. corner of township 17S, range 10W;
Thence easterly to the N.E. corner of township 17S, range 10W;
Thence northerly to the N.W. corner of township 16S, range 9W;
Thence easterly to the N.E. corner of township 16S, range 9W;
Thence northerly to the N.W. corner of township 15S, range 8W;
Thence easterly to the N.E. corner of township 15S, range 8W;
Thence northerly to the S.W. corner of township 7S, range 7W;
Thence westerly to the S.W. corner of township 7S, range 10W;
Thence northerly crossing the Salt Lake Base Line to the N.W. corner of township 6N, range 10W;
Thence easterly to the N.W. corner of township 6N, range 8W;
Thence northerly to the N.W. corner of township 12N, range 8W;
Thence easterly to the N.E. corner of township 12N, range 8W;
Thence northerly along the westerly line of range 7W to the Utah-Idaho Border
Thence easterly along the Utah-Idaho Border crossing the Salt Lake Meridian to the intersection of the Utah-Idaho-Wyoming Borders
Thence southerly along the Utah-Wyoming Border
Thence easterly along the Utah-Wyoming Border to the easterly line of range 11E;
Thence southerly along the east line of range 11E, crossing the Salt Lake Base Line to the N.E. corner of township 4S, range 11E;
Thence easterly to the N.W. corner of township 4S, range 18E;
Thence northerly to the N.W. corner of township 1S, range 18E;
Thence easterly along the Salt Lake Base Line to the N.E. corner of township 1S, range 24E;
Thence southerly to the N.E. corner of township 3S, range 24E;
Thence easterly along the northern line of township 3S to the Utah-Colorado border;
Thence southerly along the Utah-Colorado Border, to the southerly line of township 6S;
Thence westerly to the N.E. corner of township 7S, range 23E;
Thence southerly to the S.E. corner of township 7S, range 23E;
Thence westerly to the S.W. corner of township 7S, range 20E;

Power Equipment Operators and Truck Drivers

AREA 1: (Cont'd)

Thence southerly to the S.E. corner of township 8S, range 19E;
Thence westerly to the S.E. corner of township 8S, range 16E;
Thence southerly to the S.E. corner of township 11S, range 16E;
Thence westerly to the S.E. corner of township 11S, range 14E;
Thence southerly to the S.E. corner of township 16S, range 14E;
Thence westerly to the S.E. corner of township 16S, range 12E;
Thence southerly to the S.E. corner of township 20S, range 12E;
Thence westerly to the S.E. corner of township 20S, range 8E;
Thence southerly to the S.E. corner of township 21S, range 8E;
Thence westerly to the S.E. corner of township 21S, range 6E;
Thence southerly to the S.E. corner of township 23S, range 6E;
Thence westerly to the S.E. corner of township 23S, range 5E;
Thence southerly to the N.E. corner of township 27S, range 5E;
Thence easterly to the N.E. corner of township 27S, range 7E;
Thence southerly to the S.E. corner of township 30S, range 7E;
Thence westerly to the S.E. corner of township 30S, range 4E;
Thence southerly to the S.E. corner of township 31S, range 4E;
Thence westerly to the S.W. corner of township 31S, range 4E;
Thence southerly to the S.E. corner of township 35S, range 3E;
Thence westerly to the S.W. corner of township 35S, range 3E;
Thence southerly to the S.E. corner of township 37S, range 2E;
Thence westerly to the S.W. corner of township 37S, range 2E;
Thence southerly to the S.E. corner of township 39S, range 1E;
Thence westerly crossing the Salt Lake Meridian to the S.E. corner of township 39S, range 2W;
Thence southerly to the S.E. corner of township 41S, range 2W;
Thence westerly to the S.E. corner of township 41S, range 4W;
Thence southerly along the easterly line of range 4W, to the Utah-Arizona Border;
Thence westerly along the Utah-Arizona Border to the S.W. corner of Utah;
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 34S,
Thence westerly to the S.W. corner of township 34S, range 21E;
Thence northerly to the S.W. corner of township 29S, range 21E;
Thence westerly to the S.W. corner of township 29S, range 19E;
Thence northerly to the N.W. corner of township 23S, range 19E;
Thence easterly to the N.W. corner of township 23S, range 22E;
Thence northerly to the N.W. corner of township 21S, range 22E;
Thence easterly to the N.E. corner of township 21S, range 24E;

AREA 2: All areas not included within Area 1 as defined above.

LABORERS

AREA 1: That area of Utah within 45 road miles of the County seats excluding Daggett County.

AREA 2: That area in Utah beyond 45 miles of the County Seats including Daggett County.

[FR Doc.76-3917 Filed 2-12-76;8:45 am]

federal register

FRIDAY, FEBRUARY 13, 1976



PART VII:

POSTAL SERVICE

■

PRIVACY ACT OF 1974

Systems of Records; Additional

POSTAL SERVICE

PRIVACY OF INFORMATION

Supplemental Notice of Additional System of Records

The purpose of this document is to list, as required by 5 U.S.C. 553a(e)(11), an additional system of records not previously mentioned in a published notice.

The Postal Service has identified a system of records in existence on September 27, 1975, which was omitted from the original Postal Service notice of systems of records published on August 28, 1975 (40 FR 39805), and from supplemental notices of systems of records published on October 8, 1975 (40 FR 47422), and on January 29, 1976 (41 FR 4504), due to administrative oversight. This system is designated:

USPS 080.030, Inspection Requirements—Vehicular Violations Record System

The Postal Service presents in this document an initial statement of the existence and character of this system.

Public comment is solicited regarding system USPS 080.030 and its uses. Any person may submit written comments on or before March 10, 1976, to the Records Officer, U.S. Postal Service, Washington, D.C. 20260. Final notice regarding this system will be given after the time for public comment has elasped.

The statement of existence and character follows.

Roger P. Craig
Deputy General Counsel

USPS 080.030

System name: Inspection Requirements—Vehicular Violations Record System, 080.030.

System location: USPS National Headquarters (Procurement and Supply Department, Washington, DC 20260; Planning and New Development Department, Rockville, MD 20852). Inspection Service, Special Investigations Division, Washington, DC 20260 and Rockville, MD 20852, Division Headquarters at Washington, DC 20013; Denver, CO 80201; Seattle, WA 98111; Atlanta, GA 30302.

Categories of individuals covered by the system: Persons who have been issued courtesy violation notices or violation notices by Security Police Officers.

Authority for maintenance of the system: 40 U.S.C. 318, annually made applicable to the Postal Service by general provisions of the Treasury, Postal Service, and General Government Appropriations Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Purpose—To provide USPS management with information necessary for appropriate administrative remedial action.

USE

1. To provide information to local, State, and Federal enforcement, prosecutive and judicial officials.

2. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

3. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: In original, typed, printed or handwritten form.

Retrievability: Records filed by name or violator in alphabetical order and by automobile license tage number.

Safeguards: Records maintained in limited access Security Force Control Centers manned 24 hours and in National Headquarters, in locked filing cabinets in Procurement and Supply Department and Planning and New Development Department under general scrutinizing of authorized personnel.

Retention and disposal: Records are maintained for two years and then destroyed. Some records may be retained longer when required for law enforcement investigations or court proceeding.

System manager(s) and address: Chief Postal Inspector, USPS Headquarters.

Notification procedure: Individuals wishing to know whether information about them is maintained in this system of records should furnish name and residence address as follows:

a. For National Headquarters: Inspector in Charge, Special Investigations Division, USPS, 474 L'Enfant Plaza West, SW Washington, DC 20260.

b. For the Field: Inspector in Charge, USPS, with appropriate field division title and address as listed above under "System Location."

Record access procedures: See "Notification" above.

Contesting record procedures: See "Notification" above.

Record source categories: Individual violators, Security Police Officers, personnel observation, State motor vehicle registration bureaus, USPS Personnel Department, supervisory personnel of tenant firms, USPS Parking Control Officer, prosecutive and judicial officials; motor vehicle operators' permits, vioator's personal identification cards, personnel locator listing and parking applications.

[FR Doc.76-4184 Filed 2-12-76;8:45 am]

federal register

FRIDAY, FEBRUARY 13, 1976



PART VIII:

OFFICE OF MANAGEMENT AND BUDGET

■

BUDGET RESCISSIONS AND DEFERRALS AS OF FEBRUARY 1976

OFFICE OF MANAGEMENT AND BUDGET

RESCISSIONS AND DEFERRALS, FEBRUARY 1976

This report is submitted in fulfillment of the requirements of Section 1014(e) of the Impoundment Control Act of 1974 (Pub. L. 93-344). Section 1014(e) provides for a monthly report listing all current year budget authority with respect to which, as of the first day of the month, a special message has been transmitted to the Congress.

This month's report gives the status as of February 1, 1976, of the 44 rescissions and 100 deferrals contained in the first ten special messages transmitted to the Congress for fiscal year 1976. These messages were transmitted to the Congress on July 1 and 25, September 10 and 24, October 3 and 20, November 18, December 1, 1975, and January 6 and 23, 1976.

RESCISSIONS (TABLE A, ATTACHMENT A)

Thirty six rescissions totaling $3,112.8 million in budget authority are presently pending before the Congress. Table A summarizes the status of rescissions proposed by the President as of February 1, 1976. Attachment A shows the history and status of each rescission proposed during the first seven months of fiscal year 1976.

DEFERRALS (TABLE B, ATTACHMENT B)

As of February 1, 1976, $5,302.5 million in 1976 budget authority was being deferred from obligation and another $96.5 million in 1976 obligations were being deferred from expenditure. Table B summarizes the status of deferrals reported by the President. Attachment B shows the history and status of each deferral proposed during the first seven months of fiscal year 1976.

INFORMATION FROM SPECIAL MESSAGES

The ten special messages containing information on each of the rescissions and deferrals covered by the cumulative report are contained in the FEDERAL REGISTERS of:

Wednesday, July 9, 1975 (Vol. 40, No. 132, Part V).
Wednesday, July 30, 1975 (Vol. 40, No. 147, Part II).
Monday, September 15, 1975 (Vol. 40, No. 179, Part V).
Monday, September 29, 1975 (Vol. 40, No. 189, Part V).
Wednesday, October 8, 1975 (Vol. 40, No. 196, Part VII).
Thursday, October 23, 1975 (Vol. 40, No. 206, Part III).
Thursday, November 20, 1975 (Vol. 40, No. 225, Part VI).
Thursday, December 4, 1975 (Vol. 40, No. 234, Part II).
Friday, January 9, 1976 (Vol. 41, No. 6, Part V).
Wednesday, January 28, 1976 (Vol. 41, No. 19, Part V).

PAUL H. O'NEILL,
Acting Director.

Table A

STATUS OF 1976 RESCISSION PROPOSALS

	Amount* (in millions of dollars)
Rescissions proposed by the President.....	3,326.7
Accepted by the Congress:	
Helium fund (R76-6).....	-47.5
Access highways to public recreation areas on certain lakes (R76-2) 1/.....	-15.0
Subtotal, rescissions accepted by the Congress.....	(-62.5)
Funds lapsed before required release date:	
Community Services Administration (R76-7,8).....	-10.0
Rescissions rejected by the Congress.....	-141.4
Rescissions pending before the Congress:....	3,112.8
Special Message #7 (transmitted Nov. 18, 1975).....	(1,289.1)
Special Message #8 (transmitted Dec. 1, 1975).....	(838.6)
Special Message #9 (transmitted Jan. 6, 1976).....	(60.7)
Special Message #10 (transmitted Jan. 23, 1976).....	(924.5)

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* Detail does not add to total due to rounding.

1/ The Department of Transportation and Related Agencies Appropriations Act (P.L. 94-134) rescinded $25 million under this head and appropriated $10 million under a separate section of Federal-Aid Highway Amendments of 1974 (23 U.S.C. 101).

Table B

STATUS OF 1976 DEFERRALS

	Amount* (in millions of dollars)
Deferrals proposed by the President	6,149.6
Routine Executive releases (-262.8) and adjustments (-253.5) 1/ through February 1, 1976	-516.3
Overturned by the Congress 2/	
Agriculture:	
Agricultural Research Service	
Construction (D76-68) (overturned Dec. 4, 1975)	-7.6
Animal and Plant Health Inspection Service	
Construction-Fleming Key animal import center (D76-69) (overturned Dec. 10, 1975)	-6.3
Agricultural Stabilization and Conservation Service	
Agriculture conservation program (D76-70) (overturned Dec. 19, 1975)	-90.0
Farmers Home Administration	
Rural water and waste disposal grants (D76-72) (overturned Dec. 19, 1975)	-50.0
Soil Conservation Service	
Watershed and flood prevention (D76-73) (overturned Dec. 19, 1975)	-22.5
Resource conservation and development (D76-74) (overturned Dec. 19, 1975)	-5.0
Interior:	
Bureau of Reclamation	
Construction and rehabilitation (D76-13) (overturned Dec. 4, 1975)	-1.0
EPA: (all overturned Dec. 19, 1975)	
Research and Development	
Air research (D76-79)	-2.0
Water research (D76-80)	-4.6
Abatement and Control	
Air control agency grants (D76-81)	-3.8
Water quality control agency grants (D76-82)	-10.0
Clean lakes grants (D76-83)	-15.0
Other Independent Agencies:	
Community Services Administration	
Emergency energy conservation (D76-49) (overturned Nov. 3, 1975)	-16.5
Total, deferrals overturned by the Congress 2/	(-234.2)
Currently before the Congress	5,399.0 3/

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* Detail does not add to total due to rounding.

1/ Adjustments include, for example, termination of agriculture and health, education, and welfare deferrals under the continuing resolution following the approval of associated appropriation acts. An amount equal to $681.9 million included in the "Adjustments" column of the report represents superseded deferrals. This amount is not included in the "adjustments" entry above because these adjustments are included in calculating the amount shown on the line "Deferrals proposed by the President."

2/ Does not include $10 million in funds reported as deferred by the General Accounting Office and overturned by the Congress on July 10, 1975.

3/ Includes $96.5 million of outlays in two Treasury deferrals--D76-25 and D76-67.

ATTACHMENT A

STATUS OF RESCISSIONS

FISCAL YEAR 1976
(Amounts in thousands of dollars)

As of February 1, 1976

Agency Bureau Account	Rescission Number	Amount Proposed for Rescission	Date Special Message Transmitted to Congress	Amount Rescinded	Date Rescission Act Signed	Amount Made Available	Date Made Available
Department of Agriculture							
Agriculture Research Service:							
Construction	R76-15	225	11-29-75				
Agriculture Stabilization and Conservation Service:							
Water Bank Act Program	R76-16	12,500	11-29-75				
Forestry Incentives Program	R76-17	[18,750]	11-29-75				
	R76-17A	18,750	01-23-76				
Farmers Home Administration:							
Rural Water and Waste Disposal Grants	R76-18	150,000	11-29-75				
Rural Development Grants	R76-19	[12,344]	11-29-75				
	R76-19A	12,344	01-23-76				
Rural Housing for Domestic farm labor	R76-20	9,375	11-29-75				
Mutual and self-help housing	R76-21	12,287	11-29-75				
Self-help housing land development fund	R76-22	1,498	11-29-75				
Rural housing insurance fund	R76-23	10,000	11-29-75				
	R76-29	500,000	01-23-76				
Rural community fire protection grants	R76-24	4,375	11-29-75				
Agriculture Marketing Service:							
Payments to States and possessions	R76-25	2,000	11-29-75				

Agency Bureau Account	Rescission Number	Amount Proposed for Rescission	Date Special Message Transmitted to Congress	Amount Rescinded	Date Rescission Act Signed	Amount Made Available	Date Made Available
Food and Nutrition Service.							
Special milk program	R76-30	40,000	01-23-76				
Forest Service:							
Forest Roads and Trails	R76-4	[25,723]	07-25-75			25,723	10-07-75
Department of Commerce							
Economic Development Administration:							
Economic development assistance programs	R76-31	4,000	01-23-76				
Department of Defense-Civil							
Corps of Engineers-Civil:							
Construction, general	R76-32	3,600	01-23-76				
Department of Health, Education, and Welfare							
Health Services Administration:							
Health Services	R76-33	127,804	01-23-76				
Indian health service	R76-34	5,294	01-23-76				
Center for Disease Control:							
Preventive health services	R76-35	7,690	01-23-76				
Alcohol, Drug Abuse and Mental Health Administration:							
Alcohol, drug abuse and mental health	R76-36	56,500	01-23-76				
Health Resources Administration:							
Health resources	R76-37	69,000	01-23-76				
Office of Education:							
Elementary and Secondary education	R76-9	[220,404]	11-18-75				
	R76-9A	210,404	01-23-76				
Indian education	R76-38	15,000	01-23-76				

Agency Bureau Account	Rescission Number	Amount Proposed for Rescission	Date Special Message Transmitted to Congress	Amount Rescinded	Date Rescission Act Signed	Amount Made Available	Date Made Available
School assistance in federally affected areas	R76-10	[220,968]	11-18-75				
	R76-10A	243,773	01-23-76				
Education for the Handicapped	R76-11	36,375	11-18-75				
Occupational, vocational, and adult education	R76-12	14,241	11-18-75				
Higher education	R76-13	768,140	11-18-75				
Library resources	R76-14	28,975	11-18-75				
Assistant Secretary for Human Development:							
Child Development and Head Start	R76-5	[7,000]	07-25-75			7,000	10-24-75
Grants for the developmentally disabled	R76-39	2,000	01-23-76				
Department of Housing and Urban Development							
Housing Production and Mortgage Credit:							
State Housing Finance and Development Agencies	R76-26	600,000 1/	11-29-75				
Community Planning and Development:							
Rehabilitation loan fund	R76-28	60,670	01-06-76				
Department of the Interior							
Bureau of Land Management:							
Public lands development roads and trails	R76-40	8,800 2/	01-23-76				
National Park Service:							
Road construction	R76-41	58,500 3/	01-23-76				
Bureau of Mines:							
Helium Fund	R76-6	[47,500]	07-25-75	47,500	10-13-75 4/		
Department of State							
Mutual educational and cultural exchange activities	R76-42	8,000	01-23-76				

Agency Bureau Account	Rescission Number	Amount Proposed for Rescission	Date Special Message Transmitted to Congress	Amount Rescinded	Date Rescission Act Signed	Amount Made Available	Date Made Available
Department of Transportation							
Federal Highway Administration:							
National Scenic and Recreational Highway	R76-1	[90,000]	07-01-75	5/	5/		
Access Highways to Public Recreation Areas on Lakes	R76-2	[25,000]	07-01-75	25,000 6/	11-24-75 6/	6/	11-24-75
Department of the Treasury							
Office of the Secretary:							
Construction, Federal Law Enforcement Training Center	R76-3	[8,665]	07-01-75			8,665	09-23-75
Other Independent Agencies							
Community Services Administration:							
Economic Opportunity Program:							
Research and Demonstration	R76-7	[2,500] 7/	07-25-75				
Community and Economic Development	R76-8	[7,500] 7/	07-25-75				
Community services program	R76-43	2,500	01-23-76				
Consumer Product Safety Commission:							
Salaries and expenses	R76-27	[5,225]	11-29-75				
	R76-27A	6,431	01-23-76				
Selective Service System:							
Salaries and expenses	R76-44	1,775	01-23-76				
TOTAL		3,112,826		22.500		41,388	

1/ For 1976, $15 million in contract authority and $15 million to liquidate that contract authority.
2/ See deferral D76-12.
3/ See deferral D76-18.
4/ P.L. 94-111.
5/ See House Report No. 94-496. Deferral of the $90 million was reported to the Congress on September 24, 1975, in D76-55.
6/ P.L. 94-134, signed November 24, 1975, rescinds the $25 million in R76-2 and makes new appropriations of $10 million.
7/ These funds, provided in P.L. 94-32, lapsed on September 30, 1975.

ATTACHMENT B

STATUS OF DEFERRALS

FISCAL YEAR 1976
(Amounts in thousands of dollars)

Agency: Department of Agriculture 1/

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 02-01-76
Agricultural Research Service									
Construction	D76-68		7,570	11-29-75					
				12-05-75		2/	-7,570 3/		0
Animal and Plant Inspection Service									
Construction	D76-69		6,314	11-29-75					
				12-15-75		4/	-6,314 5/		0
Foreign Agricultural Service									
Salaries and Expenses (Special Foreign Currency)	D76-1		2,232	07-01-75					2,232
Agricultural Stabilization and Conservation Service									
Commodity Credit Corporation Administrative Expenses	D76-71		2,787	11-29-75					
				12-18-75	-2,787				0
Agricultural Conservation Program	D76-28	[31,667]		07-25-75					
				09-10-75				-31,667 6/	
	D76-28A	[31,667]		09-10-75					
				10-03-75				-31,667 6/	
	D76-28B		63,333	10-03-75					
				10-21-75				-63,333 7/	0
	D76-70		90,000	11-29-75					
				12-24-75		-90,000 8/			0
Water Bank Act Program	D76-29	[536]		07-25-75					
				10-03-75				-536 6/	
	D76-29A		1,072	10-03-75					
				10-21-75				-1,072 7/	0
Forestry Incentives Program	D76-30	[3,750]		07-25-75					
				10-03-75				-3,750 6/	
	D76-30A		7,500	10-03-75					
				10-21-75				-7,500 7/	0

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	House	Senate	Adjustments	Amount Deferred as of 02-01-76
Farmers Home Administration									
Rural Water and Waste Disposal	D76-31	[37,500]		07-25-75					
				10-03-75				-37,500 6/	
	D76-31A		75,000	10-03-75					
				10-21-75				-75,000 7/	0
	D76-72		50,000	11-29-75					
				12-24-75		-50,000 9/			0
Rural Housing for Domestic Farm Labor Grants	D76-32	[1,250]		07-25-75					
				10-03-75				-1,250 6/	
	D76-32A		2,500	10-03-75					
				10-21-75				-2,500 7/	0
Mutual and Self-help Housing Grants	D76-33	[2,050]		07-25-75					
				10-03-75				-2,050 6/	
	D76-33A		3,300	10-03-75					
				10-21-75				-3,300 7/	0
Self-help Housing Land Development Fund	D76-34	[1,625]		07-25-75					
				10-03-75				-1,625 6/	
	D76-34A		1,625	10-03-75					
				10-21-75				-1,625 7/	0
Soil Conservation Service									
Watershed and flood prevention operations	D76-73		22,500	11-29-75					
				12-24-75		-22,500 10/			0
	D76-95		18,000	01-23-76					18,000
Resource conservation and development	D76-74		4,960	11-29-75					
				12-24-75		-4,960 11/			0
Agricultural Marketing Service									
Payments to States and Possessions	D76-35	[400]		07-25-75					
				10-03-75				-400 6/	
	D76-35A		800	10-03-75					
				10-21-75				-800	0

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 02-01-76
Forest Service									
Forest Roads and Trails	D76-36		280,000	07-25-75					278,657
				01-22-76	-1,343				
Expenses, Brush Disposal	D76-37		27,113	07-25-75					25,073
				01-22-76	-2,040				
Licensee Programs	D76-38		95	07-25-75					95
TOTAL		110,445	666,701		-6,170	-167,460	-13,884	-265,575	324,057

1/ On July 10, 1975, the Senate passed an impoundment resolution requiring release of Youth Conservation Corps funds reported two days earlier by the General Accounting Office as being deferred ($10 million). Funds were released on July 16, 1975.
2/ Impoundment resolution H. Res. 910 passed the House on December 19, 1975, expressing disapproval of this deferral. The funds were released on December 5, 1975, following Senate passage of S. Res. 313.
3/ Impoundment resolution S. Res. 313 passed the Senate on December 4, 1975, rejecting this deferral.
4/ Impoundment resolution H. Res. 911 passed the House on December 19, 1975, expressing disapproval of this deferral. The funds were released on December 15, 1975.
5/ Impoundment resolution, S. Res. 324, passed the Senate on December 10, 1975, rejecting this deferral.
6/ Subsequently incorporated in a supplementary report.
7/ Enactment of P.L. 94-122 (October 21, 1975) ended deferrals of funds provided by the continuing resolution.
8/ Impoundment resolution H. Res. 912 passed the House on December 19, 1975, rejecting this deferral.
9/ Impoundment resolution H. Res. 914 passed the House on December 19, 1975, rejecting this deferral.
10/ Impoundment resolution H. Res. 915 passed the House of December 19, 1975, rejecting this deferral.
11/ Impoundment resolution H. Res. 916 passed the House of December 19, 1975, rejecting this deferral.

Agency: Department of Commerce

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 02-01-76
National Oceanic and Atmospheric Administration									
Fisheries Loan Fund	D76-2		7,252	07-01-75 11-14-75				-769 1/	6,483
Promote and Develop Fishery Products	D76-3		1,355	07-01-75 12-30-75	-377			-173 1/	805
Fishermen's Guaranty Fund	D76-75		152	11-29-75					152
Office of the Assistant Secretary for Science and Technology									
Scientific and Technical research and services	D76-76		1,187	11-29-75					1,187
TOTAL			9,946		-377			-942	8,627

1/ Reflects a revised unobligated balance brought forward from FY 1975.

Agency: Department of Defense, Military

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 02-01-76
Shipbuilding and Conversion, Navy	D76-4		1,793,590	07-01-75					1,793,59
Military Construction, All Services	D76-5	[233,630]		07-01-75					
				06-27-75	-1,582				
				07-29-75	-1,752				
				08-25-75	-15,046				
				09-04-75	-5,515				
				10-06-75				245	
				10-15-75	-34,524				
				10-24-75	-16,415				
				11-03-75	-5				
				11-03-75				3,399	
				12-04-75	-32,798				
				12-09-75	-31,256				
				01-06-76				-98,381 1/	
	D76-86		596,074	01-06-76					596,07
TOTAL		233,630	2,389,664		-138,893			-94,737	2,389,66

1/ Subsequently incorporated in D76-86.

Agency: Department of Defense, Civil

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 02-01-76
Corps of Engineers-Civil Revolving fund	D76-96		700	01-23-76					700
Canal Zone Government Capital outlays	D76-87		155	01-06-76					155
Wildlife Conservation Military Reservations	D76-6		432	07-01-75					
				09-19-75				-13 1/2/	
				09-24-75				-31 1/	388
TOTAL			1,287					-44	1,243

1/ Reflects the actual unobligated balance carried forward July 1, which is a lesser amount than previously estimated.
2/ Reflects a decrease in anticipated receipts for the year.

Agency: Department of Health, Education, and Welfare

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 02-01-76
Health Services Administration									
Health Services	D76-57	[1,082]		10-20-75					
				01-06-76				-1,082 1/	0
	D76-57A		1,623	01-06-76					
				01-28-76				-1,623 2/	0
Indian Health Facilities	D76-39		1,000	07-25-75					1,000
	D76-97		13,908	01-06-76					13,908
National Institutes of Health									
National Cancer Institute	D76-58	[7,000]		10-20-75					
				01-06-76				-7,000 1/	0
	D76-58A		7,000	01-06-76					
				01-28-76				-7,000 2/	0
National Heart and Lung Institute	D76-59	[2,700]		10-20-75					
				01-06-76				-2,700 1/	0
	D76-59A		12,700	01-06-76					
				01-28-76				-12,700 2/	0
National Institutes of Dental Research	D76-60	[518]		10-20-75					
				01-06-76				-518 1/	0
	D76-60A		518	01-06-76					
				01-28-76				-518 2/	0
National Institute of Arthritis, Metabolism, and Digestive Diseases	D76-88		2,752	01-06-76					
				01-28-76				-2,752 2/	0
National Institute of Neurological and Communicative Disorders and Stroke	D76-61	[682]		10-20-75					
				01-06-76				-682 1/	0
	D76-61A		682	01-06-76					
				01-28-76				-682 2/	0
National Institutes of General Medical Sciences	D76-62	[2,318]		10-20-75					
				01-06-76				-2,318 1/	0
	D76-62A		5,812	01-06-76					
				01-28-76				-5,812 2/	0

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 02-01-76
National Institute of Child Health and Human Development	D76-63	[1,234]		10-20-75					
				01-06-76				-1,234 1/	0
	D76-63A		1,234	01-06-76					
				01-28-76				-1,234 2/	0
Division of Research Resources	D76-89		42,896	01-06-76					
				01-28-76				-42,896 2/	0
Buildings and Facilities	D76-7		2,164	07-01-75					
				09-22-75	-2,164				0
Office of the Director	D76-64	[572]		10-20-75					
				01-06-76				-572 1/	0
	D76-64A		884	01-06-76					
				01-28-76				-884 2/	0
Alcohol, Drug Abuse and Mental Health Administration									
Alcohol, Drug Abuse, and Mental Health	D76-40	[3,409]		07-25-75					
				10-03-75				-3,409 1/	0
	D76-40A	[2,426]		10-03-75					
				10-20-75				-2,426 1/	0
	D76-40B	[2,753]		10-20-75					
				01-06-76				-2,753 1/	0
	D76-40C		4,910	01-06-76					
				01-28-76				-4,910 2/	0
Health Resources Administration									
Health Resources	D76-41		22,000	07-25-75					
				07-25-75	-22,000				0
Office of the Assistant Secretary for Health									
Assistant Secretary for health	D76-65	[753]		11-18-75					
				01-06-76				-753 1/	0
	D76-65A		773	01-06-76					
				01-28-76				-773 2/	0

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 02-01-76
Scientific Activities Overseas (Special Foreign Currency)	D76-8		3,652	07-01-75					3,652
Office of Education									
Elementary and Secondary Education	D76-51		8,000	09-10-75					
				10-10-75	-8,000				
	D76-52		2,968	09-10-75					2,968
School Assistance in Federally Affected Areas	D76-42		68,350	07-25-75					
				09-10-75				-68,350 3/	0
Higher Education	D76-9		49,040	07-01-75					49,040
Higher Education	D76-43		9,500	07-25-75					
				09-10-75				-9,500 3/	0
Library Resources	D76-44		10,437	07-25-75					
				09-10-75				-10,437 3/	0
Social and Rehabilitative Service									
Public Assistance Child Welfare Services	D76-45	[1,000]		07-25-75					
				10-03-75				-1,000 1/	0
	D76-45A	[2,000]		10-03-75					
				01-06-76				-2,000 1/	0
	D76-45B		3,000	01-06-76					
				01-28-76				-3,000 2/	0
Social Security Administration									
Limitation on Construction	D76-54		14,910	09-24-75					14,910
Special Institutions									
Howard University	D76-10	[8,174]		07-01-75					
				11-18-75				-8,174 1/	
	D76-10A		12,225	11-18-75					12,225
Assistant Secretary for Human Development									
Research and Training Activities Overseas (Special Foreign Currency)	D76-11	[7,307]		07-01-75					
				07-25-75				-7,307 1/	0
	D76-11A	[8,307]		07-25-75					
				07-15-75	-3,665				
				11-06-75	-390			-4,252 1/	0

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 02-01-76
Research and Training Activities Overseas (Special Foreign Currency) (continued)	D76-11B		4,252	11-29-75 11-24-75	-558				3,694
TOTAL		52,235	307,190		-36,777			-221,251	101,397

1/ Subsequently incorporated in a supplementary report.
2/ Enactment of P.L. 94-206 (January 28, 1976) ended deferral of these funds provided by the Continuing Resolution.
3/ Enactment of P.L. 94-94 (September 10, 1975) ended deferral of these funds provided by the Continuing Resolution.

Agency: Department of the Interior

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 02-01-76
Bureau of Land Management									
Public Lands Development Roads and Trails	D76-12		25,847	07-01-75					
				01-20-76	-947			-8,800 1/	16,100
Bureau of Reclamation									
Construction and Rehabilitation	D76-13	[1,030]		07-01-75					
				07-25-75				-1,030 2/	0
	D76-13A		1,030	07-25-75					
				12-08-75			-1,030 3/		0
Upper Colorado River Storage Project	D76-14		1,150	07-01-75					
				01-19-76	-1,150				0
Bureau of Outdoor Recreation									
Land and Water Conservation Fund	D76-15		30,000	07-01-75					30,000
Fish and Wildlife Service									
Federal Aid in Fish Restoration and Management	D76-16		6,330	07-01-75					
				01-22-76	-1,212				5,118
Federal Aid in Wildlife Restoration	D76-17		21,470	07-01-75					
				01-22-76	-7,270				14,200
National Park Service									
Road Construction	D76-18		238,092	07-01-75					
				12-15-75	-1,000				
Geological Survey				01-20-76	-34,034			-58,500 4/	144,558
Payment from Proceeds, Sale of Water	D76-19		29	07-01-75					29
Bureau of Mines									
Drainage of Anthracite Mines	D76-46		3,375	07-25-75					3,375
Bureau of Indian Affairs									
Road Construction	D76-20		68,470	07-01-75					68,470
TOTAL		1,030	395,793		-45,613		-1,030	-68,330	281,850

1/ See rescission R76-40.
2/ Subsequently incorporated in a supplementary report.
3/ Impoundment resolution, S. Res. 226, passed by the Senate on December 4, 1975, rejecting this deferral.
4/ See rescission R76-41.

Agency: Department of Justice

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 02-01-76
Law Enforcement Assistance Administration									
Salaries and expenses	D76-98		15,000	01-23-76					15,000

Agency: Department of Labor

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 02-01-76
Employment and Training Administration									
Advances to the unemployment trust fund and other funds	D76-99		1,800,000	01-23-76					1,800,000
Departmental Management									
Working Capital Fund	D76-77		977	11-29-75 12-08-75	-977				0
Pension Benefit Guaranty Corporation									
Pension Guaranty Fund	D76-78		[1,431]*	11-29-75					[1,431]*
TOTAL			1,800,977		-977				1,800,000

* Annexed Budget item. Not included in totals. This deferral will not affect budgetary outlays because PBGC is an off-budget agency. However, it will result in reducing Treasury financing needs by $1,431 thousand for FY 1976.

Agency: Department of State

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 02-01-76
Acquisition, operation and maintenance of buildings abroad (special foreign currency)	D76-90		2,275	01-06-76					2,275
International Center, Washington, D. C.	D76-66		2,572	11-18-75					2,572
Refugee and Migration Affairs: Special Assistance to refugees from Cambodia and Vietnam	D76-85	[28,493]		11-29-75					
				01-23-76				-28,493 1/	0
	D76-85A		28,493	01-23-76					28,493
TOTAL		28,493	33,340					-28,493	33,340

1/ Subsequently incorporated in a supplementary report.

Agency: Department of Transportation

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 02-01-76
Coast Guard									
Acquisition, Construction and Improvements	D76-21	[707]		07-01-75					
				01-06-76				-707 1/	0
	D76-91		1,061	01-06-76					1,061
Federal Aviation Administration									
Construction, National Capitol Airports	D76-92		8,679	01-06-76					8,679
Civil Supersonic Aircraft Development Termination	D76-22	[7,686]		07-01-75					
				11-24-75				-6,000 2/	0
				01-06-76				-1,686 3/	
	D76-93		2,179	01-06-76					2,179
Facilities and Equipment (Airport and Airway Trust Fund)	D76-23		75,824	07-01-75					75,824
Federal Highway Administration									
National Scenic and Recreational Highway	D76-55		90,000	09-24-75					90,000
TOTAL		8,393	177,743					-8,393	177,743

1/Subsequently incorporated in D76-91.

2/P.L. 94-134, signed November 24, 1975, transferred $6 million from "Civil supersonic aircraft development termination" to FAA "Operations."

3/Subsequently incorporated in D76-93.

Agency: Department of the Treasury

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 02-01-76
Office of the Secretary									
State and Local Government Fiscal Assistance Trust Fund	D76-24		93,420	07-01-75					
				07-31-75	-246				
				08-11-75	-18				
				10-01-75	-3,145				
				11-01-75	-41				
				12-01-75	-164				
				01-01-76	-84				89,722
State and Local Government Fiscal Assistance Trust Fund	D76-25	[38,391] 1/		07-01-75					
				09-10-75				-38,391 1/2/	
	D76-25A	[57,587] 1/		09-10-75					
				10-20-75				-57,587 1/2/	
	D76-25B	[75,856] 1/		10-20-75					
				11-18-75				-75,856 1/2/	
	D76-25C	[75,856] 1/		11-18-75					
				01-23-76					
	D76-25D		95,017 1/	01-23-76				-75,856 1/2/	95,017 1/
	D76-67		11,833 1/	11-18-75					
				12-01-75	-9,409 1/				
				01-01-76	-693 1/				
				02-01-76	-203 1/				1,528 1/
Loans to the District of Columbia for Capital Outlay	D76-53		39,370	09-10-75					39,370
TOTAL			132,790 BA		-3,698 BA				129,092 BA
		247,690	106,850 O		-10,305 O			-247,690	96,545 O

1/ Outlays only.
2/ Subsequently incorporated in a supplementary report.

Agency: Environmental Protection Agency

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 02-01-76
Research and Development	D76-79		2,000	11-29-75					0
				12-22-75		-2,000 1/			
	D76-80		4,600	11-29-75					0
				12-22-75		-4,600 2/			
Abatement and Control	D76-47		4,000	07-25-75					
				07-23-75	-4,000				0
	D76-81		3,750	11-29-75					0
				12-22-75		-3,750 3/			
	D76-82		10,000	11-29-75					0
				12-22-75		-10,000 4/			
	D76-83		15,000	11-29-75					0
				12-22-75		-15,000 5/			
TOTAL			39,350		-4,000	-35,350			0

1/ Impoundment resolution H. Res. 920 passed the House on December 19, 1975, rejecting this deferral.
2/ Impoundment resolution H. Res. 921 passed the House on December 19, 1975, rejecting this deferral.
3/ Impoundment resolution H. Res. 922 passed the House on December 19, 1975, rejecting this deferral.
4/ Impoundment resolution H. Res. 923 passed the House on December 19, 1975, rejecting this deferral.
5/ Impoundment resolution H. Res. 924 passed the House on December 19, 1975, rejecting this deferral.

Agency: General Services Administration

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 02-01-76
Rare Silver Dollar Program	D76-48		1,790	07-25-75					1,790
TOTAL			1,790						1,790

Agency: National Aeronautics and Space Administration

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 02-01-76
Research and Program Management	D76-84		2,900	11-29-75					2,900
TOTAL			2,900						2,900

Agency: Other Independent Agencies

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 02-01-76
Community Services Administration									
Economic Opportunity Program									
Emergency Energy Conservation Services	D76-49		16,500	07-25-75					
				10-03-75			-16,500 1/		0
Community and Economic Development	D76-50		14,500	07-25-75					
				07-24-75	-14,500				0
Foreign Claims Settlement Commission									
Payment of Vietnam Prisoner of War Claims	D76-26		11,081	07-01-75					11,081
American Revolution Bicentennial Administration	D76-27		1,000	07-01-75					1,000
Interstate Commerce Commission									
Payment for directed rail services	D76-94		13,700	01-06-76					13,700
National Science Foundation									
Salaries and expenses	D76-100		10,000	01-23-76					10,000
National Commission on Productivity and Work Quality	D76-56		1,500	09-24-75					
				10-01-75	-600				
				12-09-75	-900				0
TOTAL			68,281		-16,000		-16,500		35,781
TOTAL, ALL DEFERRALS		434,226 BA 247,690 O	6,042,752 BA 106,850 O		-252,505 -10,305	-202,810	-31,414	-687,765 BA -247,690 O	5,302,484 BA 96,545 O

1/ Impoundment resolution S. Res. 267 passed the Senate October 3, 1975, rejecting this deferral.

[FR Doc.76-4527 Filed 2-12-76;11:02 am]

Just Released

CODE OF FEDERAL REGULATIONS

(Revised as of October 1, 1975)

Title 46—Shipping (Parts 41–69)---------- $4.40

Title 47—Telecommunication (Part 80-End)---------- 5.60

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