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

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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 (See 41 FR 5453). The participating agencies and the days assigned are as follows:

Monday	Tuesday	Wednesday	Thursday	Friday
NRC	USDA/ASCS		NRC	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
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	CSC			CSC
	LABOR			LABOR

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

Comments on this trial program are invited 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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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.

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Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Commission on Civil Rights

Section 213.3156 is amended to show that, after March 31, 1976, new appointments to positions in the Commission on Civil Rights which are engaged in collecting, studying, and appraising civil rights information as provided by Pub. L. 88–352 may no longer be made under Schedule A. The section is further amended to remove the expiration date of June 30, 1978 for service under Schedule A of employees appointed prior to March 31, 1976.

Effective on March 5, 1976, § 213.3156 (a) is amended as set out below:

§ 213.3156 Commission on Civil Rights.

(a) Twenty-five positions at grade GS–11 and above of employees who collect, study, and appraise civil rights information to carry out the national clearinghouse responsibilities of the Commission under Pub. L. 88–352, as amended. No new appointments may be made under this authority after March 31, 1976.

* * * * *

(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.76–6283 Filed 3–4–76;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Housing and Urban Development

Section 213.3384 is amended to show that one position of Executive Assistant to the Secretary is excepted under Schedule C.

Effective on March 5, 1976, § 213.3384 (a) (3) is added as set out below:

§ 213.3384 Department of Housing and Urban Development.

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

(3) One Executive Assistant to the Secretary.

* * * * *

(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.76–6284 Filed 3–4–76;8:45 am]

Title 7—Agriculture

CHAPTER II—FOOD AND NUTRITION SERVICE, DEPARTMENT OF AGRICULTURE

PART 215—SPECIAL MILK PROGRAM FOR CHILDREN

Apportionment of Special Milk Program Funds Pursuant to Child Nutrition Act of 1966, Fiscal Year 1976

Correction

In FR Doc. 76–4861, appearing on page 7752, in the issue for Friday, February 20, 1976, make the following change; in the paragraph under the table, the last line should read "$40,000,000 proposed for rescission."

PART 225—SUMMER FOOD SERVICE PROGRAM FOR CHILDREN

On January 6, 1976, there was published in the FEDERAL REGISTER (41 FR 1078) a notice of proposed regulations for the Summer Food Service Program for Children, established by section 13 of the National School Lunch Act, as amended by Pub. L. 94–105, enacted October 7, 1975. Interested persons were given 40 days in which to submit comments, suggestions, or objections regarding the proposed regulations.

Numerous communications were received. The comments, suggestions, and objections made in such communications have been considered and a number of changes from the proposed regulations have been made.

In order that the revisions of the regulations may become effective as soon as possible, they are hereby issued without an analysis of the comments, suggestions and objections received. Such an analysis will be issued and published at a later date.

Chapter II of Title 7 of the Code of Federal Regulations is amended by revising Part 225, regulations for the Summer Food Service Program for Children, as follows:

Subpart A—General

Sec.
225.1 General purpose and scope.
225.2 Definitions.
225.3 Administration.

Subpart B—State Agency and Regional Office Provisions

225.4 Criteria for approval of service institutions.
225.5 Responsibilities of State agencies and FNSROs.
225.6 Payments to State agencies and use of Program funds.
225.7 Distribution and use of State administrative funds.
225.8 Program management and administration plan.

Subpart C—Service Institution Provisions

225.9 Requirements for participation.
225.10 Meal requirements.
225.11 Food service management companies.
225.12 Reimbursement payments.
225.13 Reimbursement procedures.

Subpart D—Miscellaneous Provisions

225.14 Claims against service institutions.
225.15 Management evaluations and audits.
225.16 Prohibitions.
225.17 Other provisions.
225.18 Program information.

AUTHORITY: Sec. 13, Pub. L. 94–105, 89 Stat. 515 (42 U.S.C. 1761).

Subpart A—General

§ 225.1 General purpose and scope.

This part announces the policies and prescribes the regulations under which the Secretary will carry out a program to assist States through grants-in-aid and other means, to initiate, maintain, and expand nonprofit food service programs for children in service institutions, as defined herein, during the summer months and at other approved times. Payments will be made by States to service institutions to reimburse them in connection with the cost of operating a food service program, or if any State is unable to disburse funds to any service institution in the State, payments will be made by the Department to all service institutions in the State.

§ 225.2 Definitions.

(a) "Act" means the National School Lunch Act, as amended.

(b) "Administrative costs" means operating costs related to planning, organizing, and supervising a good service under the Program (excluding interest costs).

(c) "Area" means the geographic area from which a site draws its attendance.

(d) "Areas in which poor economic conditions exist" means areas in which at least 33⅓ percent of the children are eligible for free and reduced price school meals under the National School Lunch Program and the School Breakfast Program.

(e) "CND" means the Child Nutrition Division, Food and Nutrition Service of the Department.

(f) "Children" means persons 18 years of age or under.

(g) "Cost of obtaining food" means operating costs related to the cost of obtaining agricultural commodities and other food for consumption by children. Such costs may include, in addition to the purchase price of agricultural commodities and other food, the cost of processing, distributing, transporting, storing, or handling any food purchased for, or donated to, the Program.

(h) "Continuous school calendar" means a situation in which all or part of the student body of a school or school district are on a vacation for periods of 15 continuous school days or more during the period October through April.

(i) "Department" means the U.S. Department of Agriculture.

(j) "Fiscal year" means the period beginning July 1, 1975 and ending September 30, 1976, and the period beginning October 1, 1976 and October 1 of each year thereafter and ending with September 30 of the following year.

(k) "FNS" means the Food and Nutrition Service of the Department.

(l) "FNSRO" means the appropriate Food and Nutrition Service Regional Office of the Food and Nutrition Service of the Department.

(m) "Income accruing to the Program" means all Federal payments; all monies, other than Federal payments, received from State, intermediate, or local governments; interest earned, if any, on Federal payments, including advance payments and start-up funds; income, if any, from food sales to adults; other income, including cash donations or grants from benevolent organizations or individuals.

(n) "Meals" means food which is served to children during their attendance at a service institution and which meets the nutritional requirements set out in this part.

(o) "Milk" means fluid types of unflavored or unflavored whole milk, lowfat milk, skim milk, or cultured buttermilk which meet State and local standards for such milk. In Alaska, Hawaii, American Samoa, Guam, Puerto Rico, the Trust Territory of the Pacific Islands, and the Virgin Islands, if a sufficient supply of such types of fluid milk cannot be obtained, reconstituted or recombined milk may be used.

(p) "Needy children" means children from families whose income is not above the Secretary's income poverty guideline.

(q) "OA" means the Office of Audit of the Department.

(r) "OI" means the Office of Investigation of the Department.

(s) "Operating costs" means costs of obtaining, preparing, and serving food under the Program, including administrative costs and the rental and use allowances of equipment and space, but excluding costs of the purchase of land, acquisition or construction of buildings, or alterations of existing buildings.

(t) "Private nonprofit" means tax exempt under the Internal Revenue Code of 1954.

(u) "Program" means the Summer Food Service Program for Children authorized by section 13 of the Act.

(v) "Reimbursement" means financial assistance paid or payable to service institutions participating in the Program for meals meeting the requirements of this part served to eligible children. The term "reimbursement" also includes financial assistance made available through advances or payment of start-up funds to service institutions.

(w) "Secretary" means the Secretary of Agriculture.

(x) "Service institution" means a nonresidential public or private nonprofit institution or a public or private nonprofit residential summer camp that develops, during the months of May through September, for children from areas in which poor economic conditions exist, a food service similar to the National School Lunch Program or School Breakfast Program. The term "service institution" shall also include a public or private nonprofit residential camp that provides during the months May through September such a food service and in which at least one-third of the children enrolled are from families meeting the State family-size income standards for free or reduced price school meals.

(y) "Start-up funds" means funds made available to a service institution to enable it to effectively plan a food service under this part and to establish efficient management procedures therefor.

(z) "State" means any of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

(aa) "State agency" means the State educational agency or any other State agency that has been designated by the Governor or other appropriate executive or legislative authority of the State and approved by the Department to administer the Program.

(bb) "State educational agency" means, as the State legislature may determine, the chief State school officer (such as the State superintendent of public instruction, Commissioner of Education, or similar officer) or a board of education controlling the State department of education.

§ 225.3 Administration.

(a) Within the Department, FNS shall act on behalf of the Department in the administration of the Program. Within FNS, CND shall be responsible for Program administration. The Secretary shall publish proposed regulations relating to the implementation of the Program by January 1 of each year, and shall publish final regulations, guidelines, applications, and handbooks not later than March 1 of each year.

(b) Within the States, responsibility for the administration of the Program shall be in the State agency, except that FNSRO shall administer the Program in any State where the State agency is not permitted by law or is otherwise unable to disburse Federal funds paid to it under the Program to any service institution in the State. References in this part to "FNSRO where applicable" are to FNSRO as the agency administering the Program within a State.

(c) Each State agency desiring to take part in the Program shall enter into a written agreement with the Department for the administration of the Program in the State in accordance with the provisions of this part. Such agreements shall cover the operation of the Program during the period specified therein and may be extended at the option of the Department.

Subpart B—State Agency and Regional Office Provisions

§ 225.4 Criteria for approval of service institutions.

(a) The State agency, or FNSRO where applicable, shall use the following minimum criteria for approval of service institutions. No eligible service institution shall be approved unless it:

(1) Accepts final financial and administrative responsibility for total Program operations at all sites at which it plans to conduct a food service;

(2) Has adequate supervisory and operational personnel for overall monitoring and management of each food service operation, including adequate personnel to visit all food service sites at least once in the first 4 weeks of operation under the Program and to promptly take such actions as are necessary to correct deficiencies found at the time of the initial visit, and thereafter to maintain a reasonable level of site monitoring;

(3) Provides an organized recreational activity or food service and a regularly scheduled Program operation during school vacation for children attending each site. The State agency, or FNSRO where applicable, shall assess the maximum number of meals to be served at each site, and the maximum number of sites that the service institution can reasonably expect to administer effectively;

(4) Agrees to maintain children on site while meals are consumed;

(5) Certifies that all sites where it plans to conduct a food service have been visited and have the capability and the facilities for the meal service planned for the number of children anticipated to be served;

(6) Has tax exempt status under the Internal Revenue Code of 1954 or is a public entity;

(7) Documents that its activity or food service serves an area in which poor economic conditions exist or, if applicable, documents that at least one-third of the children enrolled in each session of its operation are eligible for free or reduced price school meals;

(8) Agrees to hold training sessions for its own personnel and site personnel with regard to Program duties and responsibilities;

(9) Agrees to provide for an audit to be performed on its food service if it will receive over $30,000 in reimbursement payments under any Program agreement and to submit a copy of the contract with an accounting firm or individual to provide the audit.

(b) The State agency, or FNSRO where applicable, shall develop, in accordance with the requirements of this part and such other guidance as may be furnished by the Department, a site information sheet, on which service in-

stitutions shall provide, for each site at which a food service is planned, information to demonstrate or describe:

(1) An organized and supervised system for serving meals to attending children;

(2) The types of meals to be served;

(3) Arrangements, within acceptable standards prescribed by the State or local health authorities, for delivery and holding of meals until time of service, and, if there are excess meals, arrangements for storing them until they are served;

(4) Arrangements for food service during periods of inclement weather;

(5) Access to a means of communication for making daily adjustments in the number of meals delivered in accordance with the number of children attending daily at each site;

(6) The extent to which the site draws attendance from an area in which poor economic conditions exist or, if applicable, that at least one-third of the children enrolled in each session of operation are eligible for free or reduced price school meals.

(c) The State agency, or FNSRO where applicable, shall review available data on the areas from which the proposed sites will draw attendance, including the number of needy children from such areas in relation to the capacity of the service institutions, so as to minimize the number of service institutions which may be approved in the same area.

(d) The State agency, or FNSRO where applicable, shall work closely with the service institution in developing its food service to assure that school food service facilities are utilized as fully as feasible in the preparation, service and delivery of meals served as part of the Program.

(e) The State agency, or FNSRO where applicable, shall not approve the service of more than one meal per day unless facilities capable of holding hot or cold meals within the temperatures required by State or local health regulations are available at each food service site or arrangements have been made for separate meal delivery to each site within one hour of the meal service. Three hours shall elapse between the beginning of one meal service and the beginning of another, except that four hours shall elapse between the service of a lunch and a supper when no other meal is served between lunch and supper. No service institution shall be approved for more than two supplements a day.

(f) The State agency, or FNSRO where applicable, shall not approve an application from a service institution which is unable to demonstrate that it will be able to comply with the requirements contained in this part.

(g) The State agency, or FNSRO where applicable, may immediately restrict to one meal service per day any site found to be in violation of the provisions of paragraph (e) of this section.

§ 225.5 Responsibilities of State agencies and FNSROs.

(a) *Program assistance.* Each State agency, shall provide Program assistance as follows:

(1) Each State agency shall provide consultive, technical, and managerial personnel to administer the Program and monitor performance and to measure progress towards achieving Program goals;

(2) Program assistance shall include visits prior to the approval of the application, to all service institutions which plan to operate 25 or more sites, and reviews, during the first 4 weeks of operation, of all service institutions which operate 10 or more sites, to ensure compliance with Program regulations and with the Department's nondiscrimination regulations (Part 15 of this title), issued under Title VI of the Civil Rights Act of 1964. In addition, 80 percent of the remaining service institutions and 10 percent of the food service sites of such remaining service institutions must be reviewed at least once during the period of the Program agreement.

(3) Documentation of such assistance shall be maintained on file by the State agency.

(b) *Accounting procedures for service institutions.* Each State agency shall establish accounting practices under which service institutions shall report the information required in this part. The system shall be such as to permit determination of the operating balances available to service institutions.

(c) *Payment of claims.* A State agency may make full or partial reimbursement upon receipt of a Claim for Reimbursement, but shall make any necessary adjustments in payments following the administrative approval of such Claim. With regard to the use of advances, if the State agency has reason to believe, through monitoring and audit activities, or on the basis of prior years' performance, that a service institution will not be able to submit a valid Claim for Reimbursement, the next month's advance payment shall be withheld until such a time as a valid Claim has been received.

(d) *Approval of agreements with service institutions.* A subsequent agreement with a service institution may not be approved until all the Claims for Reimbursement under the prior agreement have been received.

(e) *Plentiful foods.* State agencies shall provide service institutions with information on foods available in plentiful supply, including those so designated by the Department.

(f) *Records and reports.* (1) Each State agency shall submit information on Program operations on a form provided by FNS. Each State agency shall maintain current accounting records of Program operations which will adequately identify funds authorizations, obligations, unobligated balances, assets, liabilities, outlays, income, and expenditures for operating costs. The records may be kept in their original form or on microfilm, and shall be retained for a period of three years after the date of submission of the final Financial Status Report, except that, if audit findings have not been resolved, the records shall be retained beyond the three-year period as long as required for the resolution of the issues raised by the audit.

(2) Each State agency shall report information on the use of Program funds to FNS on a form provided by FNS, as instructed by FNS.

(g) *Investigations.* Each State agency shall promptly investigate complaints received or irregularities noted in connection with the operation of the Program, and shall take appropriate action to correct any irregularities. State agencies shall maintain on file evidence of such investigations and actions. FNS or OI shall make investigations at the request of the State agency or where FNS or OI determines investigations are appropriate.

(h) *Commodity distribution information.* If the State agency is other than the agency of the State which handles the distribution of food commodities donated by the Department, a list of service institutions which are to receive food commodities, with accompanying information on the average daily number of meals to be served in such service institutions, shall be prepared not later than June 1 of each year by the State agency. This information shall be forwarded to the agency of the State which handles the distribution of donated commodities. The State agency shall be responsible for promptly revising the information to reflect additions or deletions of service institutions and for providing such adjustments in participation data as are determined necessary by the State agency. Availability of commodities for use by service institutions shall be summarized and announced by the State agency at an early date prior to the development of menu cycles.

(i) *Training.* The State agency shall offer training to the supervisory personnel of all service institutions approved for participation in the Program, at locations convenient to the areas of operation, prior to the opening of the Program.

(j) *Audit.* The State agency shall provide service institutions whose total Claims for Reimbursement will exceed $30,000 with audit guidance to enable them to comply with the requirements set out in § 225.9(d).

(k) *Compliance.* State agencies shall require service institutions to comply with applicable provisions of this part.

(l) *FNSRO responsibilities.* FNSRO shall, in the States in which it administers the Program, assume all of the responsibilities of State agencies set forth in this section.

§ 225.6 Payments to State agencies and use of Program funds.

(a) No later than March 15 of each year, the Secretary shall make available to each State agency by Letter of Credit, funds to be used by the State to pay start-up funds to service institutions.

(b) Not later than May 1, June 1 and July 1 of each year, the Secretary shall make available to each State agency by Letter of Credit an advance payment for meals to be served under the Program in the following month in an amount no less than the total payment made to the State agency for meals served in the same calendar month of the preceding calendar year or 65 per centum of the

amount estimated by the State agency, on the basis of approved applications, to be needed to reimburse service institutions for meals to be served in the following month, whichever is the greater. Notwithstanding the above, for State agencies which administer the Program in institutions which operate under a continuous school calendar, advance payments of 65 per centum of the amount estimated to be needed by such institutions shall be made available by Letter of Credit on the first day of the month prior to the month during which the food service will be conducted. The Secretary shall make available any remaining payments due no later than 60 days following receipt of valid claims. Any funds withdrawn by a State agency for which valid claims have not been established within 180 days shall be deducted from the next monthly advance payment unless the claimant requests a hearing with the Secretary prior to the 180th day.

(c) Federal funds made available under the Program shall be used by State agencies, or FNSROs where applicable, to reimburse or make advance payment to service institutions in connection with meals served to children in accordance with the provisions of this part.

(d) The State agency shall release to FNS any Program funds which are unobligated as of September 30, 1976 and at the end of each fiscal year thereafter. Release of funds by the State agency shall be made as soon as practicable, but in no event later than 30 days following demand by FNSRO, and shall be reflected by a related adjustment in the State agency's Letter of Credit.

§ 225.7 Distribution and use of State administrative funds.

(a) For each fiscal year, the Secretary shall pay to each State agency for administrative costs incurred in the Program, an amount equal to 2 percent of the total Program funds disbursed to the State: *Provided, however,* That no State shall receive less than $10,000 each fiscal year unless the funds distributed to that State total less than $50,000 for such fiscal year.

(b) Administrative funds paid to any State shall be used by State agencies to employ personnel, including travel and related expenses, and to supervise and give technical assistance to service institutions in their initiation, expansion, and conduct of any food service for which Program funds are made available. State agencies may also use administrative funds, in an amount approved by FNS, for their administrative costs in connection with the Program.

(c) Not later than February 20, 1976 and not later than October 1 of each fiscal year thereafter, the Secretary shall make available to each State agency by Letter of Credit an initial allocation of administrative funds in an amount not to exceed one-third of 2 percent of the Federal funds properly payable to such State agency for a summer food service in the previous fiscal year, or in a previous calendar year under the summer portion of the Special Food Service Program for Children, or one-third of $10,000, whichever is applicable. For States which did not receive any Federal funds the previous year, the initial amount to be made available as of February 20, 1976 and October 1 of each year thereafter shall be determined by the Department.

(d) For each fiscal year an additional amount of administrative funds shall be released upon the receipt and approval by FNS of the State's Program management and administration plan provided for in this part. The amount of such funds, plus the initial allocation, shall not exceed two-thirds of 2 percent of the Program funds estimated to be needed for reimbursement payments, or two-thirds of $10,000, whichever is applicable. The balance of the administrative funds needed by a State for any fiscal year, not to exceed 2 percent of the Program funds paid or estimated to be payable to the State for that fiscal year, or $10,000 whichever is applicable, shall be paid to the State not later than July 15 of each year.

(e) Each State agency shall report to the Department information on the use of Program funds and administrative funds for personnel and for general administrative expenses, on a form provided by FNS, not later than November 30 of each year. The Department will then make any adjustments necessary prior to the next payment of administrative funds.

§ 225.8 Program management and administration plan.

(a) Not later than March 15, 1976 and not later than February 15 of each fiscal year thereafter, each State agency shall submit to FNS for approval, a Program management and administration plan for the current fiscal year. Approval of the plan by FNS shall be a prerequisite to the payment of Program funds, or to the donation by the Department of any commodities for use in the Program. The plan shall include as a minimum:

(1) How the State plans to use Program funds and funds from within the State to the maximum extent practicable to reach needy children.

(2) Estimated number of service institutions eligible to participate and estimated number of sites and average daily attendance.

(3) Estimated number of service institutions expected to participate, and estimated number of sites and average daily attendance.

(4) Estimated number of eligible service institutions operating 25 or more sites and average daily attendance.

(5) Estimated amount of Program funds by month needed for reimbursement payments.

(6) Estimated amount of State funds needed to operate the Program.

(7) Number of service institution training sessions planned and number of reviews planned.

(8) The State agency budget by month on the use of program and State administrative funds including, but not limited to, staffing (part-time and full-time), salaries, travel, and per diem.

(9) The actions to be taken by the State agency to maximize the use of school food service facilities.

(10) The actions to be taken by the State to ensure that Program sites serve areas of economic need.

(11) The actions to be taken by the State to ensure compliance with the requirements of the Department's regulations respecting nondiscrimination (7 CFR Part 15).

(12) The State's plan for meeting its audit and monitoring responsibilities.

(13) For fiscal year 1977, data for the period March 1, 1976 through September 30, 1976, and for subsequent fiscal years, data for the prior fiscal year on the number of service institutions which participated and number of reviews and audits performed as well as a detailed breakdown of how the administrative funds were spent.

(b) The State agency shall give the Governor, or his delegated agency, the opportunity to comment on the relationship of the plan to comprehensive and other State plans and programs to those of affected areawide or local jurisdictions. A period of 45 days from the date of receipt of the plan shall be afforded to make such comments.

Subpart C—Service Institution Provisions

§ 225.9 Requirements for participation.

(a) Service institutions shall annually make written application 30 days prior to anticipated opening date of their food service to the State agency, or FNSRO where applicable, for participation in the Program. The State agency, or FNSRO where applicable, may at its option approve applications received less than 30 days prior to anticipated opening of the food service. The service institution shall serve all meals free and shall make no discrimination against any child because of race, color or national origin, and a statement to this effect shall be made available to the local news media. The service institution shall submit, in addition to the application, a site information sheet, as developed by the State agency, or FNSRO where applicable, for each site where a food service operation will be held.

(b) Applications shall include information in sufficient detail to enable the State agency, or FNSRO where applicable, to determine whether the service institution meets the requirements for participation in the Program and extent of the need for Program payments, and shall include information on each site where food service is planned. In addition, all service institutions which plan to operate 10 or more food service sites must include a management plan for review and approval by the State agency, or FNSRO where applicable. Such a plan shall include the service institution's budget and staffing plan. Residential summer camps must also include in the application, income information which documents that at least one-third of all children enrolled in each session are eligible for free or reduced price school meals, or, if applicable, documentation that the children enrolled are from an

area in which poor economic conditions exist. Information on each session must be submitted at least 14 calendar days prior to the opening of the session.

(c) Service institutions selected for participation in the Program shall enter into written agreements with the State agency, or in those States in which FNSRO administers the Program, service institutions shall enter into written agreements with the Department. Such agreements shall provide that the service institution shall:

(1) Operate a nonprofit food service;

(2) Serve meals which meet the minimum requirements prescribed in § 225.10 of this part during a period designated as the attendance period by the service institution;

(3) Supply meals without cost to all children at sites approved for participation in the Program;

(4) Make no discrimination against any child because of race, color or national origin;

(5) Claim reimbursement only for the type or types of meals specified in the agreement;

(6) Submit Claims for Reimbursement in accordance with procedures established by the State agency, or FNSRO where applicable;

(7) Maintain, in the storage, preparation and service of food, proper sanitation or health standards in conformance with all applicable State and local laws and regulations;

(8) Purchase, in as large quantities as may be efficiently utilized in the Program, foods designated as plentiful by the State agency, or the Department;

(9) Accept and use, in as large quantities as may be efficiently utilized in the Program, such foods as may be offered as a donation by the Department;

(10) Have access to facilities necessary for storing, preparing and serving food;

(11) Maintain a financial management system as prescribed by the State agency, or FNSRO where applicable;

(12) Maintain on file documentation of site visits.

(13) Upon request, make all accounts and records pertaining to the Program available to the State agency and to FNS for audit or administrative review, at a reasonable time and place. Such records shall be retained for a period of three years after the end of the fiscal year to which they pertain, except that, if audit findings have not been resolved, the records shall be retained beyond the three-year period as long as required for the resolution of the issues raised by the audit.

(d) Each service institution whose total Claims for Reimbursement under any Program agreement will exceed $30,000 shall be responsible for providing that an audit be conducted of its Program Claims and the supporting documentation of those Claims by an independent Certified Public Accountant or State licensed public accountant. The Claim for Reimbursement for the last month of operations under the agreement will not be eligible for reimbursement until the audit has been completed and the results have been reviewed by the State agency, or FNSRO where applicable. The cost of the audit may be considered an administrative cost.

(e) Any otherwise eligible service institution participating in the program under Parts 210, 215, 220, 226, 246, or 250 of this chapter may also participate in the Program, provided that separate Claims for Reimbursement are maintained for each program.

(f) A service institution may utilize existing school food service facilities or obtain meals from a school food service facility, and the pertinent requirements of this part shall be embodied in a written agreement between the service institution and the school. In the event the school is receiving Federal assistance for its food service under Parts 210, 215, 220, or 250 of this chapter, the agreement shall also provide that payments made under the Program shall be credited to the school's nonprofit food service account and all expenditures made by the school in connection with such agreement shall be paid from such account.

(g) Service institutions approved for participation shall operate their food service in accordance with the provisions of this part and any instructions and handbooks issued by FNS or the State agency which are not inconsistent with the provisions of this part.

§ 225.10 Meal requirements.

(a) Each service institution participating in the Program shall serve one or more of the following types of meals, as provided in its approved application:

(1) Breakfast;

(2) Lunch;

(3) Supper;

(4) Supplemental food served between such other meals, except that supplemental food shall not be approved if the service institution also participates in the Special Milk Program for Children (7 CFR Part 215).

(b) Except as otherwise provided in this section and any appendices to this part, each meal served in the Program shall contain, as a minimum, the indicated food components:

(1) A breakfast shall contain:

(i) One-half pint (1 cup) of milk as a beverage or on cereal or used in part for each purpose

(ii) One-half cup of fruit or full strength fruit or vegetable juice

(iii) One slice of whole-grain or enriched bread; or an equivalent quantity of cornbread, biscuits, rolls, muffins, etc., made of whole-grain or enriched meal or flour; or three-fourths cup (volume) or one ounce (weight), whichever is less, of whole-grain or enriched or fortified cereal, or an equivalent quantity of any combination of these foods.

(2) Lunch or supper shall contain:

(i) One-half pint (1 cup) of milk as a beverage

(ii) Two ounces (edible portion as served) of cooked lean meat, poultry or fish; or two ounces of cheese; or one egg; or one-half cup of cooked dry beans or peas; or four tablespoons of peanut butter; or an equivalent quantity of any combination of the above-listed foods.

(iii) A three-fourths cup serving consisting of two or more vegetables or fruit or both. Full-strength vegetable or fruit juice may be counted to meet not more than one-fourth cup of this requirement.

(iv) One slice of whole-grain or enriched bread, or an equivalent quantity of cornbread, biscuits, rolls, muffins, etc., made of whole-grain or enriched meal or flour.

(3) Supplemental food shall include:

(i) One-half pint (1 cup) of milk or 8 fluid ounces of full-strength fruit or vegetable juice or 1 cup of fruit or vegetable, or an equivalent quantity of any combination of these foods.

(ii) One slice of whole-grain or enriched bread, or an equivalent quantity of cornbread, biscuits, rolls, muffins, etc., made of whole-grain or enriched meal or flour; or three-fourths cup (volume) or one ounce (weight), whichever is less, of whole-grain or enriched or fortified cereal, or an equivalent quantity of any combination of these foods.

(c) The quantities of food specified in subparagraphs (1) and (2) of paragraph (b) are approximate amounts of food to serve 10 to 12 year-old boys and girls. Greater or lesser amounts of these foods may be served if participating children are older or younger.

(d) If emergency conditions prevent a service institution normally having a supply of milk from temporarily obtaining delivery thereof, the State agency, or FNSRO where applicable, may approve the service of breakfasts, lunches, suppers or supplemental food without milk during the emergency period.

(e) The inability of a service institution to obtain a supply of milk on a continuing basis shall not bar it from participation in the Program. In such cases the State agency, or FNSRO where applicable, may approve the service of meals without milk, provided that an equivalent amount of canned, whole dry, or nonfat dry milk is used in the preparation of the components of all meals.

(f) In American Samoa, Guam, Puerto Rico, the Virgin Islands, and the Trust Territory of the Pacific Islands the following variations from the meal requirements are authorized: A serving of a starchy vegetable, such as ufi, tanniers, yams, plantains, sweet potatoes, or a serving of enriched rice or enriched or whole-grain cereal products such as macaroni, dumplings or noodles may be substituted for the bread requirement.

(g) Substitutions may be made in paragraphs (a), (1), (2), and (3) and in paragraph (b) of this section if individual participating children are unable, because of medical or other special dietary needs, to consume such food. Such substitutions shall be made only when supported by a statement from a recognized medical authority which includes recommended alternate foods.

(h) FNS may approve variations in the food components of the meals on an experimental or a continuing basis in any service institution where there is evidence that such variations are nutritionally sound and are necessary to meet

ethnic, religious, economic, or physical needs.

§ 225.11 Food service management companies.

(a) Any service institution may contract with a food service management company (or other commercial enterprise) for the preparation of unitized meals, with or without milk. Any service institution may employ a food service management company to operate its entire food service. A service institution that so employs a food service management company shall remain responsible for seeing that the feeding program operation is in conformity with its agreement with the State agency, or FNSRO where applicable. Any service institution whose total reimbursement under a Program agreement will exceed $10,000 shall use a competitive bid procedure in the selection of a food service management company. Any public service institution shall follow applicable State or local laws governing bid procedures. In the absence of any applicable State or local laws, any public or private service institution which is required to use a bid procedure shall, at a minimum, adhere to the following requirements:

(1) The proposed contract must be publicly announced at least 14 days prior to the opening of the bids;

(2) The bids must be publicly opened;

(3) The invitation to bid may not specify a minimum price;

(4) The service institution shall make available to the State agency, or FNSRO where applicable, the reason for selecting the food service management company chosen.

(b) The service institution and the food service management company shall enter into a written contract which shall expressly provide that:

(1) The service institution shall provide the food service management company with a list of approved food service sites and shall update the list as needed;

(2) The food service management company shall maintain such records (supported by invoices, receipts, or other evidence) as the service institutions will need to meet its responsibilities under this part, and shall report thereon to the service institution promptly at the end of each month;

(3) The food service management company shall have State or local health certification and shall ensure that all health and sanitation requirements are met at all times;

(4) Any federally donated commodities received by the service institution and made available to the food service management company shall enure only to the benefit of the service institution's feeding operation, and shall be utilized therein;

(5) The books and records of the food service management company pertaining to the service institution's feeding operation shall be available for a period of 3 years from the date of submission of the final Claim for Reimbursement for inspection and audit by representatives of the State agency, of the Department, and the United States General Accounting Office at any reasonable time and place;

(6) The requirements of § 225.10 of this part shall be met for all meals;

(7) Unitized meals or meal components shall be delivered in accordance with a delivery schedule prescribed in the contract;

(8) Increases and decreases in the number of meal orders may be made by the service institution daily within a period of prior notice mutually agreed upon;

(9) No payment shall be made for meals that do not meet nutritional requirements, are spoiled or unwholesome at time of delivery, or do not otherwise meet the requirements of the contract;

(10) The food service management company's charge to the service institution shall be reduced to reflect the full volume of all federally donated foods at the time they are delivered to the food service management company. The full value of federally donated food shall include the distributing agency's established value of USDA donated foods, and all the service institution's cost of obtaining such foods.

(11) Menus meeting the meal requirements specified in § 225.10 of this part shall be an integral part of each contract;

(12) Remedies for nonperformance shall be stipulated in each contract.

(c) The State agency, or FNSRO where applicable, may review and approve any contract between a service institution and a food service management company.

(d) Each State agency, or FNSRO where applicable, shall notify all applicant service institutions of the contract requirements specified in this section, and contract requirement, when applicable, shall be made part of the agreement between the State agency, or FNSRO where applicable, and the service institution.

(e) Nothing in this section shall prohibit a service institution from contracting for the preparation and delivery of individual meal components.

§ 225.12 Reimbursement payments.

(a) Reimbursement payments shall be made only to service institutions operating under an agreement with the State agency or the Department, and shall be made only after execution of and in accordance with the terms of the agreement. Payments may include reimbursement in connection with meals served in accordance with provisions of the Program in the calendar month preceding the calendar month in which the agreement is executed if both months are in the same fiscal year: *Provided, however:* That no reimbursement shall be made for meals served at a food service site before the service institution has received written notification of approval for said food service site from the State agency, or FNSRO where applicable.

(b) Reimbursement to any service institution shall be whichever is the lesser: The total cash expenditures for operating costs of the food service less cash income to the Program, or 87.25 cents for a lunch or supper, of which 6.5 cents may be used only for administrative costs, 48.25 cents for a breakfast, of which 3.25 cents may be used only for administrative costs, and 22.75 cents for supplemental food, of which 1.5 cents may be used only for administrative costs. In no event may reimbursement be made for administrative costs in excess of 6.5 cents for a lunch or supper, 3.25 cents for a breakfast or 1.5 cents for supplemental food. Reimbursement shall be made on the basis of the number of meals, by types, served to children times the above rates. The last claim at the end of the service institution's food operation may be paid at rates in excess of the aforementioned rates: *Provided however,* That the total reimbursement paid to a service institution does not exceed the lesser of (1) rates times total meals served during the Program operation or (2) the total cash expenditures for operating costs of the food service less cash income to the Program operation.

(c) The Secretary shall prescribe by March 1 of each year, an annual adjustment to the nearest one-fourth cent in the reimbursement rates set forth in paragraph (b) of this section, to reflect changes for the year ending January 31 in the series for food away from home of the Consumer Price Index published by the Bureau of Labor Statistics of the Department of Labor.

(d) Service institutions who wish to claim only for food costs shall maintain accurate records to justify their food costs. In no instance shall the reimbursement for food costs exceed the per meal reimbursement rates, minus the amount set aside for administrative costs.

(e) Reimbursement to eligible service institutions operating under a continuous school calendar may be made only for meals served to children on a school vacation.

§ 225.13 Reimbursement procedures.

(a) To be entitled to reimbursement under this part, each service institution shall submit to the State agency, or FNSRO where applicable, a monthly Claim for Reimbursement. Claims for Reimbursement may be submitted more frequently, at the discretion of the State agency or FNSRO. Any Claim for Reimbursement not received by the State agency, or FNSRO where applicable, within 90 days after the close of the service institution's food service operations may be disqualified from payment, except where the State agency, or FNSRO where applicable, considers that a Claim for Reimbursement has been filed late because of circumstances beyond the control of the service institution. If the service institution's total reimbursement under any Program agreement will exceed $30,000, the last Claim for Reimbursement shall not be paid until an audit has been performed on its food service operations by an independent Certified Public Accountant or State licensed public accountant.

(b) Service institutions which have executed an agreement may, at the discretion of the State agency, or FNSRO

where applicable, receive start-up funds not earlier than 2 months before beginning food service operations. For service institutions which received Federal funds for a summer food service during the preceding summer, start-up funds shall not exceed 1 per centum of the amount received. For service institutions which did not receive Federal funds for a summer food service during the preceding year, start-up funds shall not exceed 1 per centum of the amount estimated by the State agency, or FNSRO where applicable, to be needed for Program operations. Start-up funds shall be deducted from subsequent payments made to the service institution for allowable administrative costs.

(c) No later than June 1, July 1, and August 1 of each year, or in the case of service institutions which operate under a continuous school calendar, the first day of the month of operation, the State Agency, or FNSRO where applicable, shall forward advance payments to each participating service institution with which it has a signed agreement: *Provided, however*, That (1) the State agency, or FNSRO where applicable, shall not release the first month's advance to any service institution which has not certified that it has held training sessions for its own personnel and the site personnel with regard to Program duties and responsibilities; and (2) no advance payment shall be made for any month in which the service institution operates for less than 2 weeks. Each month's advance shall be in an amount no less than the total payment for meals served in the same calendar month of the preceding calendar year or 65 per centum of the amount estimated by the State agency, or FNSRO where applicable, to be needed by the service institution for meals to be served in the month for which the advance is made, whichever is greater. If the State agency, or FNSRO where applicable, has reason to believe through monitoring and audit activities, that a service institution will not be able to submit a valid Claim for Reimbursement, the subsequent month's advance payment shall be withheld until such time as the State agency, or FNSRO where applicable, has received a valid Claim. The service institution may elect not to receive advance funding. Any interest earned on advance or start-up funds shall be considered Program income.

(d) Claims for Reimbursement shall include data in sufficient detail to justify the reimbursement claimed and to enable the State agency to provide the required information for Program reports. Claims for Reimbursement shall be filed with the State agency, or FNSRO where applicable, by the 10th of the month following the month covered. Not more than 10 days of the beginning or ending month of the service institution's food service operation in a fiscal year may be combined on a Claim for Reimbursement with the operations of the month immediately following the beginning month, or preceding the ending month. Claims for Reimbursement may not combine months from different fiscal years.

(e) In submitting a Claim for Reimbursement, each service institution shall certify that the Claim is true and correct and that records are available to support the Claim.

(f) In no event shall service institutions claim reimbursement under the Program for any meal for which reimbursement is requested under the National School Lunch Program (7 CFR Part 210), the School Breakfast Program (7 CFR Part 220), or the Child Care Food Program (7 CFR Part 226).

(g) Funds advanced to service institutions which are not subsequently deducted from a valid Claim for Reimbursement must be repaid to the State agency, or FNSRO where applicable.

Subpart D—Miscellaneous Provisions

§ 225.14 Claims against service institutions.

(a) State agencies shall disallow any portion of a Claim for Reimbursement and recover any payments, including start-up costs, made to a service institution that were not properly payable under this part. State agencies shall use their own procedure to disallow Claims and recover overpayments already made. If, in the determination of CND, a State agency has acted in conformity with the provisions of this part and has attempted to recover any overpayment, the State agency shall not be liable for failure to collect such overpayment.

(b) The State agency shall maintain all records pertaining to action taken under this section. Such records shall be retained for a period of three years after the date of the submission of a final Financial Status Report, except that, if audit fundings have not been resolved, the records shall be retained beyond the three-year period as long as required for the resolution of the issues raised in the audit.

(c) The amounts recovered by the State agency from service institutions may be utilized, first, to make payments to service institutions for the period for which the funds were initially available, and second, to repay any State funds expended in the payment of Claims for Reimbursement under the Program not otherwise repaid. Any amounts recovered which are not so utilized shall be returned to FNS in accordance with the requirements of this part.

(d) When FNSRO administers the Program with respect to service institutions, and disallows a Claim for Reimbursement or a portion of a Claim, or makes a demand for refund of an alleged overpayment, it shall notify the service institution of the reasons for such disallowance or demand, and the service institution shall have full opportunity to submit evidence or to resubmit a Claim for any amount disallowed or demanded.

(e) In the event that the State agency, or FNSRO where applicable, finds that a service institution is failing to meet the meal requirements of § 225.10 of this part, the State agency, or FNSRO where applicable, need not disallow payment or collect an overpayment arising out of such failure, if the State agency, or FNSRO where applicable, takes such other action as, in its opinion, will have a corrective effect.

§ 225.15 Management evaluations and audits.

(a) Each State agency shall ensure that the requirements of § 225.9(d) are met and shall provide to service institutions an audit guide for use by the accounting firm or individual with whom the service institution has a contract to perform the audit.

(b) Each State agency shall provide for audits of all service institutions not covered under § 225.9(d) to be made with reasonable frequency, but beginning in fiscal year 1978 once every two years. The audits may be made by State agency internal auditors, by State Auditors General, by State controllers, or other comparable State audit groups, or by Certified Public Accountants or State licensed public accountants.

(c) Each State agency shall coordinate its monitoring review findings under § 225.5(a)(2) and the audit reports provided for under § 225.9(d).

(d) While OA shall reply to the fullest extent feasible upon State sponsored audits, it shall, whenever considered necessary, (1) make audits on a statewide basis, (2) perform on-site test audits, and (3) review audit reports and related working papers of audits performed by or for State agencies.

(e) State agencies shall provide FNS and OA with full opportunity to conduct management evaluations (including visits to service institutions) and audits of all operations of the State agency under this part. Each State agency shall make available its records including records of the receipt and expenditure of funds, upon a reasonable request by FNS or OA. OA shall also have the right to made audits of the records and operations of any service institution.

(f) Use of audit guides available from OA is encouraged. When these guides are utilized, OA will coordinate its audits with State sponsored audits to form a network of intergovernmental audit systems.

(g) In making management evaluations or audits for any fiscal year, the State agency, FNS, or OA, may disregard any overpayment which does not exceed $35 or, in the case of State agency administered programs, does not exceed the amount established under State law, regulations or procedure as a minimum for which claims will be made for State losses generally. No overpayment shall be disregarded, however, where there are unpaid claims of the same fiscal year from which the overpayment can be deducted, or where there is substantial evidence of violation of criminal law or civil fraud statutes.

§ 225.16 Prohibitions.

(a) The value of assistance to children under the Program shall not be considered to be income or resources for any purposes under any Federal or State laws, including, but not limited to, laws relating to taxation, welfare, and public assistance programs.

(b) Expenditure of funds from State and local sources for the maintenance of food programs for children shall not be diminished as a result of funds received under the Act.

§ 225.17 Other provisions.

(a) *Grant closeout procedures.* Grant closeout procedures for the Program shall be in accordance with Attachment L of Federal Management Circular 74–7 (34 CFR Part 256).

(b) *Termination for cause.* FNS may terminate a State agency's participation in the Program in whole, or in part, whenever it is determined that the State agency has failed to comply with the conditions of the Program. FNS shall promptly notify the State agency in writing of the termination and the reasons for the termination, together with the effective date. A State agency, or FNSRO where applicable shall terminate a service institution's participation in the Program by written notice whenever it is determined by FNS or the State agency that the service institution has failed to comply with the conditions of the Program. When a Program has been terminated for cause, any payments made to the State agency or any recoveries by FNS from the State agency shall be in accordance with the legal rights and liabilities of the parties.

(c) *Termination for convenience.* FNS and the State agency may terminate the State agency's participation in the Program in whole, or in part, when both parties agree that the continuation of the Program would not produce beneficial results commensurate with the further expenditure of funds. The two parties shall agree upon the termination conditions, including the effective date and, in the case of partial termination, the portion to be terminated. The State agency shall not incur new obligations for the terminated portion after the effective date, and shall cancel as many outstanding obligations as possible. FNS shall allow full credit to the State agency for the Federal share of the noncancellable obligations, properly incurred by the State agency prior to termination. A State agency, or FNSRO where applicable, may terminate an institution's participation in accordance with these provisions.

(d) *State requirements.* Nothing contained in this part shall prevent a State agency from imposing additional operating requirements which are not inconsistent with the provisions of this part.

§ 225.18 Program information.

Service institutions desiring information concerning the Program should write to the appropriate Regional office of FNS as indicated below:

(a) In the States of Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont: New England Regional Office; FNS; U.S. Department of Agriculture; 34 Third Avenue; Burlington, Massachusetts 01803.

(b) In the States of Delaware, District of Columbia, Maryland, New Jersey, New York, Pennsylvania, Puerto Rico, Virginia, Virgin Islands, and West Virginia; Mid-Atlantic Regional Office; FNS; U.S. Department of Agriculture; 729 Alexander Road; Princeton, New Jersey 08540.

(c) In the States of Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee: Southeast Regional Office; FNS; U.S. Department of Agriculture; 1100 Spring Street, N.W.; Atlanta, Georgia 30309.

(d) In the States of Illinois, Indiana, souri, Nebraska, Ohio, and Wisconsin: Midwest Regional Office; FNS; U.S. Department of Agriculture; 536 South Clark Street, Chicago, Illionis 60605.

(e) In the States of Arkansas, Colorado, Louisiana, Montana, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Utah, and Wyoming: West-Central Regional Office; FNS; U.S. Department of Agriculture; 1100 Commerce Street, Room 5–D–22; Dallas, Texas 75202.

(f) In the States of Alaska, American Samoa, Arizona, California, Guam, Hawaii, Idaho, Nevada, Oregon, Trust Territory of the Pacific Islands, and Washington: Western Regional Office; FNS; U.S. Department of Agriculture; 550 Kearny Street; Room 400; San Francisco, California 94108.

Effective date. This part becomes effective as of March 1, 1976.

(Catalog of Federal Domestic Assistance Program No. National Archives Reference Services.

NOTE.—The reporting and/or recordkeeping requirements contained herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

Dated: March 3, 1976.

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc.76–6472 Filed 3–4–76;8:45 am]

CHAPTER VII—AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE (AGRICULTURAL ADJUSTMENT), DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 2]

PART 722—COTTON

Subpart—Upland Cotton Program for 1974 and Succeeding Crops

1976 CROP ESTABLISHED PRICE AND DISASTER PAYMENT RATE

On July 18, 1975, a notice of proposed rulemaking regarding certain determinations with respect to the 1976 crop of upland cotton was published in the FEDERAL REGISTER (40 FR 30274). Interested persons were invited to submit written data, views, and recommendations regarding the determinations. No comments were received regarding the established price.

This amendment is issued pursuant to the Agricultural Act of 1949, as amended by the Agricultural Act of 1970 (Pub. L. 91–524, 84 Stat. 1358) and the Agriculture and Consumer Protection Act of 1973 (Pub. L. 93–86, 87 Stat. 233). The purposes of this amendment are to determine and announce the established price and the disaster payment rate for the 1976 crop of upland cotton.

Section 103(e)(2) of the Agricultural Act of 1949, as amended, requires that the established price for the 1976 crop of upland cotton be 38 cents per pound adjusted to reflect any change during the calendar year 1975 in the index of prices paid by farmers for production items, interest, taxes, and wage rates (herein referred to as the PPI); *Provided*, that any increase that would otherwise be made in the established price to reflect a change in the PPI shall be further adjusted to reflect any changes in the national average yield per acre of cotton for the three calendar years 1973–75 over the national average yield for the three calendar years 1972–74.

In determining the change in the PPI during calendar year 1975, the average of the monthly PPI's for the 1975 calendar year was compared with the average of the monthly PPI's for the 1974 calendar year. The 1975 average was 677 and the 1974 average was 620. Thus, the adjustment resulting from the increase in the PPI during calendar year 1975 is 9.19 percent.

The 1973–75 average yield per acre of cotton was 467 pounds. The 1972–74 average was 489 pounds. The 1973–75 average is 4.50 percent below the 1972–74 average.

The total adjustment is, therefore, 13.69 percent [9.19—(—4.50)]. Thus, the established price for the 1976 crop of upland cotton is 43.20 cents per pound (38.00 cents times 1.1369).

Since farmers need to know the established price for the 1976 crop as soon as possible so that they may make plans for their 1976 farming operations, it is hereby found and determined that compliance with the 30-day effective date requirement of 5 U.S.C. 553 is impracticable and contrary to the public interest. Accordingly, this amendment shall be effective upon filing this document with the Director, Office of the Federal Register.

Section 722.805 of the Upland Cotton Program for 1974 and Succeeding Crops Regulations, 7 C.F.R. §§ 722.801–722.819, is amended by adding a new sentence at the end of paragraph (b)(1) and by revising paragraph (b)(2), to read as follows:

§ 722.805 Farm yield and payment rates.

* * * * *

(b) * * *

(1) * * * The established price for the 1976 crop is 43.20 cents per pound.

(2) *Disaster payment rate.* The per pound rate for upland cotton shall be equal to the larger of the deficiency payment rate or one-third of the established price. Disaster payment rate for: (i) 1974 is 12.7 cents per pound, (ii) 1975 is 12.7

cents per pound, and (iii) 1976 is 14.4 cents per pound.

* * * * *

(Sec. 103, 84 Stat. 1374, 87 Stat. 233 (7 U.S.C. 1444)).

Effective date: This amendment become effective on March 4, 1976.

Signed at Washington, D.C. on February 27, 1976.

E. J. PERSON,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.76-6286 Filed 3-4-76;8:45 am]

[Amdt. 1]

PART 728—WHEAT

Subpart—Wheat Program for Crop Years 1975–1977

1976 CROP ESTABLISHED PRICE AND DISASTER PAYMENT RATE

This amendment is issued pursuant to the Agricultural Act of 1949, as amended by the Agricultural Act of 1970, Public Law 91-524, 84 Stat. 1358, by the Agriculture and Consumer Protection Act of 1973, Public Law 93-86, 87 Stat. 224, and by Public Law 93-228, 87 Stat. 944. The purposes of this amendment are to determine and announce the established price and the disaster payment rate for the 1976 crop of wheat.

Section 107(c) of the Agricultural Act of 1949, as amended, requires that the established price for the 1976 crop of wheat be $2.05 per bushel adjusted to reflect any change during the calendar year 1975 in the index of prices paid by farmers for production items, interest, taxes, and wage rates (herein referred to as the PPI); *Provided*, That any increase that would otherwise be made in the established price to reflect a change in the PPI shall be further adjusted to reflect any change in the national average yield per acre of wheat for the three calendar years 1973–1975 over the national average yield for the three calendar years 1972–1974.

In determining the change in the PPI during calendar year 1975, the average of the monthly PPI's for the 1975 calendar year was compared with the average of the monthly PPI's for the 1974 calendar year. The 1975 average was 677 and the 1974 average was 620. Thus, the adjustment resulting from the increase in the PPI during calendar year 1975 is 9.19 percent.

The 1973–1975 average yield per acre of wheat was 29.9 bushels. The 1972–1974 average was 30.6 bushels. The 1973–1975 average is 2.29 percent below the 1972–1974 average.

The total adjustment is, therefore, 11.48 percent (9.19–(–2.29)). Thus, the established price for the 1976 crop of wheat is $2.29 per bushel ($2.05 times 1.1148).

Since farmers need to know the established price for the 1976 crop as soon as possible so that they may make plans for their 1976 farming operations, it is hereby found and determined that compliance with the notice and public procedure provisions of 5 U.S.C. 553 is impracticable and contrary to the public interest. Accordingly, this amendment shall be effective March 4, 1976.

Section 728.10 of the Wheat Program for Crop Years 1975–1977, 7 C.F.R. 728.1–728.26, is amended to read as follows:

§ 728.10 Payment rates.

Payment rates shall be established separately for deficiency payments and for disaster payments.

(a) *Deficiency payment rates.* The per bushel deficiency payment rate for each crop of wheat shall be the amount by which the higher of

(1) The national weighted average market price received by farmers for wheat during the first five months of the marketing year for such crop beginning July 1 or

(2) The national average loan rate established for such crops is less than the established price of $2.05 per bushel in the case of the 1975 crop, $2.29 per bushel in the case of the 1976 crop, $2.29 per bushel adjusted to reflect any change during the calendar year 1976 in the index of prices paid by farmers for production items, interest, taxes, and wage rates in the case of the 1977 crop: *Provided*, That any increase that would otherwise be made in the established price for the 1977 crop to reflect a change in the index of prices paid by farmers shall be adjusted to reflect any change in:

(i) The national average yield per acre of wheat for the three calendar years preceding the year for which the determination is made, over

(ii) The national average yield per acre of wheat for the three calendar years preceding the year previous to the one for which the determination is made.

(b) *Disaster payment rates.* The per bushel disaster payment rate shall be equal to the larger of the deficiency payment rate or one-third of the established price. The disaster payment rate for the 1975 program year is $.68 per bushel. The disaster payment rate for the 1976 program year is not less than $.76 per bushel.

(Sec. 107, 84 Stat. 1358, 87 Stat. 224, 87 Stat. 944 (7 U.S.C. 1445a))

Effective date: This amendment becomes effective on March 4, 1976.

Signed at Washington, D.C. on February 27, 1976.

E. J. PERSON,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.76-6287 Filed 3-4-76;8:45 am]

SUBCHAPTER C—SPECIAL PROGRAMS

[Amdt. 1]

PART 775—FEED GRAINS

Subpart—Feed Grain Program for Crop Years 1975–1977

1976 CROP ESTABLISHED PRICES AND DISASTER PAYMENT RATES

This amendment is issued pursuant to the Agricultural Act of 1949, as amended by the Agricultural Act of 1970, Public Law 91-524, 84 Stat. 1358, by the Agriculture and Consumer Protection Act of 1973, Public Law 93-86, 87 Stat. 230, and by Public Law 93-228, 87 Stat. 944. The purposes of this amendment are to determine and announce the established prices and the disaster payment rates for the 1976 crop of corn, grain sorghum and barley.

Section 105(b) of the Agricultural Act of 1949, as amended, requires that the established price for the 1976 crop of corn be $1.38 per bushel adjusted to reflect any change during the calendar year 1975 in the index of prices paid by farmers for production items, interest, taxes, and wage rates (herein referred to as the PPI); *Provided*, That any increase that would otherwise be made in the established price to reflect a change in the PPI shall be further adjusted to reflect any change in the national average yield per acre of feed grains for the three calendar years 1973–1975 over the national average yield for the three calendar years 1972–1974.

In determining the change in the PPI during calendar year 1975, the average of the monthly PPI's for the 1975 calendar year was compared with the average of the monthly PPI's for the 1974 calendar year. The 1975 average was 677 and the 1974 average was 620. Thus, the adjustment resulting from the increase in the PPI during calendar year 1975 is 9.19 percent.

The 1973–1975 average yield per acre of corn was 82.9 bushels. The 1972–1974 average was 86.6 bushels. The 1973–1975 average is 4.27 percent below the 1972–1974 average.

The total adjustment is, therefore, 13.46 percent (9.19–(–4.27)). Thus, the established price for the 1976 crop of corn is $1.57 per bushel ($1.38 times 1.1346).

Section 105(b) of the Agricultural Act of 1949, as amended, requires that the payment rate for grain sorghums and, if designated by the Secretary, barley, shall be such rate as the Secretary determines fair and reasonable in relation to the rate at which payments are made available for corn.

The established price for the 1976 crop of grain sorghum is $1.49 per bushel and for barley $1.28 per bushel determined on the basis of the feeding value relationship to corn of 95 percent. (Sorghum, $1.57×.95; barley, $1.57×.95÷56 pounds corn per bushel×48 pounds barley per bushel.)

Since farmers need to know the established price for the 1976 crop as soon as possible so that they may make plans for their 1976 farming operations, it is hereby found and determined that compliance with the notice and public procedure provisions of 5 U.S.C. 553 is impracticable and contrary to the public interest. Accordingly, the amendment shall be effective on March 4, 1976.

Section 775.10 of the Feed Grain Program for Crop Years 1975–1977 Regulations, 7 C.F.R. § 775.1–775.26, is amended to read as follows:

§ 775.10 Payment rates.

Payment rates shall be established separately for deficiency payments and for disaster payments.

(a) *Deficiency payment rates.* The per bushel deficiency payment rate for each crop of corn shall be the amount by which the higher of

(1) The national weighted average market price received by farmers for corn during the first five months of the marketing year for such crop beginning October 1 or

(2) The national average loan rate established for such crop is less than the established price of $1.38 per bushel in the case of the 1975 crop, $1.57 per bushel in the case of the 1976 crop, and $1.57 per bushel adjusted to reflect any change during the calendar year 1976 in the index of prices paid by farmers for production items, interest, taxes, and wage rates in the case of the 1977 crop: *Provided,* That any increase that would otherwise be made in the established price for the 1977 crop to reflect a change in the index of prices paid by farmers shall be adjusted to reflect any change in

(i) The national average yield per acre of feed grains for the three calendar years preceding the year for which the determination is made, over

(ii) The national average yield per acre of feed grains for the three calendar years preceding the year previous to the one for which the determination is made.

Per bushel rates shall be established in like manner for grain sorghum and barley based on marketing years beginning October 1 for grain sorghum and July 1 for barley, and on the established prices determined each program year. The established prices for grain sorghum and barley are based on a feeding value relationship to corn of 95 percent. The established prices for the 1975 program year are $1.31 per bushel for grain sorghum and $1.13 per bushel for barley. The established prices for the 1976 program year are $1.49 per bushel for grain sorghum and $1.28 per bushel for barley.

(b) *Disaster payment rates.* The per bushel disaster payment rate for each feed grain shall be equal to the larger of the deficiency payment rate or one-third of the established price. Disaster payment rates for the 1975 program year are $.46 per bushel for corn, $.44 per bushel for grain sorghums, and $.38 per bushel for barley. Disaster payment rates for the 1976 program year are $.52 per bushel for corn, $.50 per bushel for grain sorghum and $.43 per bushel for barley.

(Sec. 107, 84 Stat. 1358, 87 Stat. 230, 87 Stat. 944 (7 U.S.C. 1441))

Effective date: This amendment becomes effective on March 4, 1976.

Signed at Washington, D.C. on February 27, 1976.

E. J. PERSON,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.76-6288 Filed 3-4-76;8:45 am]

Title 9—Animals and Animal Products

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

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

PART 73—SCABIES IN CATTLE

Area Quarantined

This amendment quarantines a portion of Hart County in Georgia because of the existence of cattle scabies. The restrictions pertaining to the interstate movement of cattle from quarantined areas as contained in 9 CFR Part 73, as amended, will apply to the area quarantined.

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

In § 73.1a, a new paragraph (c) relating to the State of Georgia is added to read:

§ 73.1a Notice of quarantine.

* * * * *

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

That portion of *Hart County* bounded by a line beginning at the junction of Georgia Highway 8 and the Hart-Franklin County line; thence, following Georgia Highway 8 in an easterly direction to Highway S-986; thence, following Highway S-986 in a south-southeasterly direction to Highway 172; thence, following Highway 172 in a southwesterly direction to the Elbert-Hart County line; thence, following the Elbert-Hart County line in a westerly direction to Georgia Highway 17; thence, following Georgia Highway 17 in a northwesterly direction to the Franklin-Hart County line; thence, following the Franklin-Hart County line in a northeasterly, then northerly direction to its junction with Georgia Highway 8.

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

Effective date. The foregoing amendment shall become effective February 27, 1976.

The amendment imposes certain further restrictions necessary to prevent the interstate spread of cattle scabies and must be made effective immediately to accomplish its purpose in the public interest. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

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

R. P. JONES,
Acting Deputy Administrator, Veterinary Services.

[FR Doc.76-6157 Filed 3-4-76;8:45 am]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

These amendments quarantine the entire States of New Jersey and Rhode Island and all of Bristol, Norfolk, and Plymouth Counties in the State of Massachusetts because of the existence of the contagion of hog cholera. This action is deemed necessary to prevent further spread of the disease. The restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will apply to the quarantined areas.

Accordingly, Part 76, Title 9, Code of Federal Regulations, as amended, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

§ 76.2 [Amended]

In § 76.2, paragraph (e) is amended to read:

* * * * *

(e) Notice of quarantine: Notice is hereby given that because of the existence of the contagion of hog cholera and the nature and extent of such contagion or the existence of vectors, the following areas are quarantined:

(1) *New Jersey.* The entire State.

(2) *Rhode Island.* The entire State.

(3) *Massachusetts.* All of Bristol, Norfolk, and Plymouth Counties.

* * * * *

(Secs. 4-7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791-792, as amended; secs. 1-4, 33 Stat. 1264, 1265, as amended; sec. 1, 75 Stat. 481; secs. 3 and 11, 76 Stat. 130, 132; (21 U.S.C. 111-113, 114g, 115, 117, 120, 121, 123-126, 134b, 134f); 37 FR 28464, 28477; 38 FR 19141).

Effective date. The foregoing amendments shall become effective March 2, 1976.

These amendments impose certain further restrictions necessary to prevent the interstate spread of hog cholera, and must be made effective immediately to

accomplish their purpose in the public interest. It does not appear that public participation in the rulemaking proceeding would make additional relevant information available to the Department.

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

Done at Washington, D.C., this 2d day of March, 1976.

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

[FR Doc.76-6345 Filed 3-4-76;8:45 am]

Title 21—Food and Drugs

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

[Docket No. 75F-0289]

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

FORMALDEHYDE

The Food and Drug Administration is amending the food additive regulations in Part 121 (21 CFR Part 121) to provide for the safe use of formaldehyde to improve the handling characteristics of animal fat in combination with certain oilseed meals intended for use as a component of cattle feed; effective March 5, 1976; objections by April 5, 1976.

Notice was given by publication in the FEDERAL REGISTER of December 17, 1975 (40 FR 58484) that a food additive petition (FAP MF 3638) had been filed by Alta Lipids (USA) Ltd., PO Box 1187, Boise, ID 83701, proposing that Part 121, Subpart C, be amended to provide for the safe use of the additive in the feed of beef and nonlactating dairy cattle.

The Commissioner of Food and Drugs having evaluated the data in the food additive petition and other relevant material, concludes that the regulations should be amended to provide for the safe use of the additive as described 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), Part 121, Subpart C, is amended by adding the following new section:

§ 121.329 **Formaldehyde.**

The food additive formaldehyde may be safely used in the manufacture of animal feeds in accordance with the following conditions:

(a) The additive is used, or intended for use, to improve the handling characteristics of animal fat in combination with certain oilseed meals by producing therefrom a dry, free-flowing product as follows:

(1) An aqueous blend of soybean and sunflower meals in a ratio of 3:1, respectively, is mixed with animal fat such that the oilseed meals and animal fat are in a ratio of 3:2. The feed ingredients are those defined by the "Official Publication" of the Association of American Feed Control Officials, Inc., 1976 ed., pages 86, 103, and 109.[1]

(2) Formaldehyde (37 percent solution) is added to the mixture at a level of 4 percent of the dry matter weight of the oilseed meals and animal fat. This mixture, upon drying, contains not more than 1 percent formaldehyde and not more than 12 percent moisture.

(b) The dried mixture described in paragraph (a) of this section is used, or intended for use, as a component of dry, nonpelleted feeds for beef and nonlactating dairy cattle.

(c) To assure safe use of the additive, in addition to the other information required by the act, the label and labeling of the dried mixture described in paragraph (a) of this section shall bear:

(1) The name of the additive.

(2) Adequate directions for use providing that feed as consumed is not to contain more than 25 percent of the mixture.

Any person who will be adversely affected by the foregoing order may at any time on or before April 5, 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 March 5, 1976.

(Sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1)))

Dated: March 1, 1976.

NOTE: Incorporation by reference provisions approved by the Director of the Federal Register, February 5, 1976.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.76-6331 Filed 3-4-76;8:45 am]

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[1] Copies may be obtained from: Ernest A. Epps, Jr., Treasurer, Division of Agricultural Chemistry, P.O. Box 16390-A, Baton Rouge, LA 70803.

[Docket No. 76F-0015]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

RESINOUS AND POLYMERIC COATINGS

The Food and Drug Administration is amending the food additive regulations in § 121.2514 *Resinous and polymeric coatings* (21 CFR 121.2514) to provide for the safe use of vinyl chloride-vinylidene chloride-2,3-epoxypropyl methacrylate copolymers as components of coatings intended to contact food; effective March 5, 1976; objections by April 5, 1976.

Notice was given by publication in the FEDERAL REGISTER of May 9, 1975 (40 FR 20337) that a petition (FAP 5B3049) had been filed by Union Carbide Corp., River Rd., Bound Brook, NJ 08805, proposing that § 121.2514 be amended to provide for the safe use of vinyl chloride-vinylidene chloride-2,3-epoxypropyl methacrylate copolymers as components of coatings intended to contact food.

The Commissioner of Food and Drugs issued a notice of proposed rule making published in the FEDERAL REGISTER of September 3, 1975 (40 FR 40529) to restrict the use of vinyl chloride polymers in contact with food. The proposed regulations would prohibit the use of vinyl chloride homopolymers and copolymers in food-contact articles except (1) in coatings, gaskets, cap liners, flexible tubing, and plasticized film or (2) if such use was specifically permitted in Part 121 (21 CFR Part 121).

Since the petitioner is seeking use as a coating, such use is approvable under the proposed rules. This petition is therefore being approved conditionally, subject to change if the final regulation on vinyl chloride polymers establishes conditions for use different from those adopted in this regulation. Any such change will be subject to objection and request for hearing.

The Commissioner, having evaluated data in the petition and other relevant material concludes that § 121.2514 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 2120), § 121.2514 (b)(3)(xv) is amended by alphabetically inserting in the list of substances a new item, to read as follows:

§ 121.2514 **Resinous and polymeric coatings.**

* * * * * *

(b) * * *

(3) * * *

(xv) * * *

* * * * * *

Vinyl chloride-vinylidene chloride-2,3-epoxypropyl methacrylate copolymers containing not more than 10 weight percent of total polymer units derived from 2,3-epoxypropyl methacrylate and not more than 0.05 weight percent of unreacted 2,3-epoxypropyl methacrylate monomer based

on polymer solids for use only in coatings for containers intended for contact with foods under conditions B, C, D, E, F, G, or H described in Table 2 of paragraph (d) of this section.

* * * * *

Any person who will be adversely affected by the foregoing order may at any time on or before April 5, 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.

(Sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1)))

Dated: February 27, 1976.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.76-6332 Filed 3-4-76;8:45 am]

[Docket No. 75F-0351]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

POLYETHYLENE PHTHALATE POLYMERS

The Commissioner of Food and Drugs is amending § 121.2524 *Polyethylene phthalate polymers* (21 CFR 121.2524) to provide for the use of spunbonded polyethylene phthalate nonwoven fabric, effective March 5, 1976; objections by April 5, 1976.

Notice was given by publication in the FEDERAL REGISTER of November 25, 1974 (39 FR 41194), that a petition (FAP 5B3039) had been filed by E. I. duPont de Nemours and Co., 1007 Market St., Wilmington, DE 19898, proposing that the food additive regulations (21 CFR Part 121) be amended to provide for safe use of spunbonded polyester nonwoven fabric consisting of ethylene terephthalate polymer and ethylene terephthlate-isophthalate copolymer as articles or components of articles intended to contact food.

The Commissioner, having evaluated data in the petition and other relevant material, concludes that the food additive regulations 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), Part 121 is amended in § 121.2524 by revising the introductory text and paragraphs (c) and (d), and by adding new paragraph (i) to read as follows:

§ 121.2524 Polyethylene phthalate polymers.

Polyethylene phthalate polymers identified in this section may be safely used as, or components of plastics (films, articles, or fabric) intended for use in contact with food in accordance with the following prescribed conditions:

* * * * *

(c) (1) Polyethylene phthalate spunbonded nonwoven fabric consists of continuous filaments of ethylene terephthalate polymer and ethylene terephthalate-isophthalate copolymer to which may have been added optional adjuvant substances required in their preparation and finishing.

(2) The ethylene terephthalate-isophthalate copolymer component of the fabric shall not exceed 25 percent by weight. The filaments may be blended with other fibers regulated for the specific use and the spunbonded fabric may be further bonded by application of heat and/or pressure.

(3) The fabric shall be used only in accordance with paragraph (i) of this section.

(d) The quantity of any optional substance employed in the production of polyethylene phthalate plastics does not exceed the amount reasonably required to accomplish the intended physical or technical effect or any limitation further provided. Any substance employed in the production of polyethylene phthalate plastics that is the subject of a regulation in Subpart F of this part conforms with any specification in such regulation.

* * * * *

(i) Polyethylene phthalate fabric, identified in paragraph (c) of this section and conforming with the specifications prescribed in paragraph (i)(1) of this section, is used only as provided in paragraph (i)(2) of this section.

(1) *Specifications.* Chloroform-soluble extractives shall not exceed 0.2 milligram/inch^2 of food-contact surface when exposed to the following solvents at temperatures and times indicated:

(i) Distilled water at 212° F for 2 hours.

(ii) *n*-Heptane at 150° F for 2 hours.

(iii) 50 percent ethyl alcohol at 120° F for 24 hours.

(2) *Conditions of use.* The plastics are intended for:

(i) Dry food contact.

(ii) Bulk food (excluding alcoholic beverages) repeated use applications, including filtration, at temperatures not exceeding 212° F.

(iii) Filtration of bulk alcoholic beverages, not exceeding 50 percent alcohol by volume, at temperatures not exceeding 120° F.

Any person who will be adversely affected by the foregoing order may at any time on or before April 5, 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 March 5, 1976.

Dated: February 27, 1976.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.76-6333 Filed 3-4-76;8:45 am]

[Docket No. 75F-0218]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

EMULSIFIERS AND/OR SURFACE-ACTIVE AGENTS

The Commissioner of Food and Drugs is amending the food additive regulations in § 121.2541 *Emulsifiers and/or surface-active agents* (21 CFR 121.2541) to provide for specification change in sodium monoalkylphenoxybenzenedisulfonate and sodium dialkylphenoxybenzenedisulfonate mixtures for use as emulsifiers and/or surface active agents in the manufacture of articles intended to contact food; effective March 5, 1976; objections by April 5, 1976.

Notice was given by publication in the FEDERAL REGISTER of September 17, 1975 (40 FR 42912) that a petition (FAP 5B3088) had been filed by Dow Chemical Co., 2030 Dow Center, Midland, MI 48640, proposing that § 121.2541 be amended to provide for specification changes in sodium monoalkylphenoxybenzenedisulfonate and sodium dialkylphenoxybenzenedisulfonate mixtures intended for use as emulsifiers and/or surface-active agents in the manufacture of articles intended to contact food. The specification change would expand the compound to include alkyl groups in the range of C_8–C_{16} as compared to the currently regulated range of C_8–C_{12}.

The Commissioner, having evaluated data in the petition and other relevant material, concludes that § 121.2541 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), § 121.2541 is amended in paragraph (c) to provide for revised specifications for the additive, to read as follows:

§ 121.2541 Emulsifiers and/or surface active agents.

* * * * *

(c) * * *

List of substances:	*Limitations*
* * *	* * *
Sodium monoalkylphenoxybenzenedisulfonate and sodium dialkylphenoxybenzenedisulfonate mixtures containing not less than 70 percent of the monoalkylated product where the alkyl group is C_8–C_{16}.	

* * * * *

Any person who will be adversely affected by the foregoing order may at any time on or before April 5, 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 March 5, 1976.

(Sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1)))

Dated: February 27, 1976.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.76-6323 Filed 3-4-76;8:45 am]

[Docket No. 75F-0264]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

ULTRA-FILTRATION MEMBRANES

The Commissioner of Food and Drugs is adding § 121.2634 (21 CFR 121.2634) to provide for safe use of ultra-filtration membranes formed from vinyl chloride-acrylonitrile copolymers supported on sheets of paper impregnated with cured phenol-formaldehyde resin in the processing of liquid bulk foods, effective March 5, 1976.

The Commissioner issued, in the FEDERAL REGISTER of November 4, 1974 (39 FR 38907), a proposal dealing with a previously unknown migration problem of acrylonitrile monomer. (The migration problem may be common to many food-contact articles containing acrylonitrile copolymers.) The proposal also acknowledged the absence of toxicological data to establish a definitive "no-effect" level for acrylonitrile monomer. The proposal would define the prior sanctions for acrylonitrile copolymers under a new § 121.2010 (21 CFR 121.2010), and it would establish an interim food additive regulation § 121.4010 (21 CFR 121.4010) for such copolymers to allow their continued use while the questions raised are being resolved by further study. Proposed §§ 121.2010 and 121.4010 provide for a tolerance of 0.3 part per million (ppm) as the maximum amount of acrylonitrile monomer that can migrate from the food-contact article; proposed § 121.4010 requires submission of certain chemical and toxicological data to the Food and Drug Administration. Proposed § 121.4010 is intended to apply to all food additive uses of acrylonitrile copolymers.

The Commissioner, having evaluated the data in a petition (FAP 4B2974) filed by Dorr-Oliver, Inc., 77 Havemeyer Lane, Stamford, CT 06904, notice of which was published in the FEDERAL REGISTER of January 21, 1974 (39 FR 2392), and other relevant material, concludes that the food additive regulations (21 CFR Part 121) should be amended as set forth in § 121.2634 below, to provide for safe use of the ultra-filtration membranes mentioned above. Furthermore, the Commissioner concludes that the copolymers described in § 121.2634 will meet the 0.3 ppm acrylonitrile monomer extractives limitation of proposed § 121.4010 when used within the prescribed restrictions. Upon adoption of proposed § 121.4010, § 121.2634 will be amended to cross-reference the requirements of § 121.4010.

The Commissioner issued a notice of proposed rulemaking, published in the FEDERAL REGISTER of September 3, 1975, to restrict the use of vinyl chloride polymers in contact with food (40 FR 40529). The proposed regulations would prohibit the use of vinyl chloride homopolymers and copolymers in food-contact articles except (1) in coatings, gaskets, cap liners, flexible tubing, and plasticized film or (2) if such use was specifically permitted in Part 121. The proposal would also amend a number of food additive regulations consistent with the proposed restrictions. The Commissioner has concluded that the use of vinyl chloride polymers provided by the new § 121.2634 is similar to that for microporous polymeric filters in § 121.2631 which was described in the preamble of the September 3d proposal as being permissible. Data were presented in the petition that the level of residual vinyl chloride in the resin used to produce the ultra-filtration membranes is less than 1.5 ppm. The subsequent production of the membranes and the pre-use treatment required by the regulation would result in a reduction of any remaining vinyl chloride to the point that the Commissioner concludes that the use of the ultra-filtration membranes would not reasonably be expected to result in vinyl chloride becoming a component of food. This petition is therefore being approved conditionally, subject to change if the final regulation on vinyl chloride polymers establishes conditions for use different from those adopted in this regulation. Any such change will be subject to objection and request for hearing.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 402, 409, 701(a), 52 Stat. 1046–1047 as amended, 1055, 72 Stat. 1784–1788 (21 U.S.C. 321(s), 342, 348, 371(a))) and under authority delegated to the Commissioner (21 CFR 2.120), Part 121 is amended by adding § 121.2634 to Subpart F, to read as follows:

§ 121.2634 Ultra-filtration membranes

Ultra-filtration membranes identified in paragraph (a) of this section may be safely used in the processing of food, under the following prescribed conditions:

(a) The ultra-filtration membrane consists of paper impregnated with cured phenol-formaldeyhyde resin, which is used as a support and is coated with a vinyl chloride-acrylonitrile copolymer.

(b) Any substance employed in the production of ultra-filtration membranes that is the subject of a regulation in this Subpart F of Part 121 conforms with the specifications of such regulation.

(c) Ultra-filtration membranes are used in the physical separation of dissolved or colloidally suspended varying molecular size components of liquids during the commercial processing of bulk quantities of food.

(d) Ultra-filtration membranes shall be maintained in a sanitary manner in accordance with good manufacturing practice so as to prevent potential microbial adulteration of the food.

(e) To assure safe use of the ultra-filtration membranes, the label or labeling shall include adequate directions for a pre-use treatment, consisting of conditioning and washing with a minimum of 8 gallons of potable water prior to their first use in contact with food.

Any person who will be adversely affected by the foregoing order may at any time on or before April 5, 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 March 5, 1976.

(Secs. 201(s), 402, 409, 701(a), 52 Stat. 1046–1047 as amended, 1055, 72 Stat. 1784–1788 (21 U.S.C. 321(s), 342, 348, 371(a)))

Dated: February 27, 1976.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.76-6322 Filed 3-4-76;8:45 am]

SUBCHAPTER D—DRUGS FOR HUMAN USE

[Docket No. 75N-0325]

PART 310—APPROVED NEW DRUGS THAT REQUIRE CONTINUATION OF LONG-TERM STUDIES, RECORDS, AND REPORTS

Revocation of Listing of Levodopa

The Food and Drug Administration is revoking the listing of levodopa in § 310.304(a) (21 CFR 310.304(a)), which required continuation of long-term studies, records, and reports after marketing approval, effective April 5, 1976. The proposed revocation was published in the FEDERAL REGISTER of November 21, 1975 (40 FR 54252). Interested persons were invited to submit comments on the proposal within 60 days. No comments were received, and the revocation is adopted as proposed.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 505(j), 701(a), 52 Stat. 1055, 76 Stat. 782–783 (21 U.S.C. 355(j), 371(a))) and under authority delegated to the Commissioner (21 CFR 2.120), Part 310 is amended in § 310.304 *Drugs that are subjects of approved new-drug applications and that require special studies, records, and reports* by revoking and reserving paragraph (a).

Effective date. This regulation shall be effective April 5, 1976.

(Secs. 505(j), 701(a), 52 Stat. 1055, 76 Stat. 782–783 (21 U.S.C. 355(j), 371(a)))

Dated: February 27, 1976.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.76-6324 Filed 3-4-76;8:45 am]

CHAPTER II—DRUG ENFORCEMENT ADMINISTRATION, DEPARTMENT OF JUSTICE

PART 1301—REGISTRATION OF MANUFACTURERS, DISTRIBUTORS, AND DISPENSERS OF CONTROLLED SUBSTANCES

Authorization To Purchase Controlled Substances for Vessels

On September 29, 1975, the Acting Administrator issued a proposal (40 FR 47514, October 9, 1975) to revise § 1301.28(d) of Title 21 of the Code of Federal Regulations regarding procedures for the acquisition of controlled substances by ocean vessels. That notice invited all interested parties to submit their comments or objections to the proposed revision on or before November 10, 1975. No such comments or objections have been received.

Therefore, under the authority vested in the Attorney General by sections 301 and 501(b) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 821 and 871(b)), and delegated to the Administrator of the Drug Enforcement Administration by § 0.100 of Title 28 of the Code of Federal Regulations, the Administrator hereby orders that Title 21 of the Code of Federal Regulations be revised to read as follows:

§ 1301.28 Registration regarding ocean vessels.

* * * * *

(d) If no medical officer is employed by the owner or operator of a vessel, or in the event such medical officer is not accessible and the acquisition of controlled substances is required, the master of the vessel, who shall not be registered under the Act, may purchase controlled substances only with the approval of and upon special order form (HSA–590, Authorization to Purchase Controlled Substances for Vessels, formerly HSM–590) provided by a medical officer of the United States Public Health Service. Upon issuance, a copy of each Form HSA–590 will be immediately submitted by the USPHS facility where issued to the Drug Enforcement Administration Regional Office covering the area in which the facility is located. Blank or presigned Form HSA–590 may not be furnished to ships or shipping companies by USPHS.

* * * * *

This order shall become effective on March 5, 1976.

PETER B. BENSINGER,
Administrator,
Drug Enforcement Administration.

FEBRUARY 27, 1976.

[FR Doc.76-6442 Filed 3-4-76;8:45 am]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER A—INCOME TAX

[T.D. 7408]

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

Interest Deductions of Mortgagors in Case of Certain Assistance Payments

By a notice of proposed rule making appearing in the FEDERAL REGISTER for Wednesday, June 18, 1975 (40 FR 25679), an amendment to the Income Tax Regulations (26 CFR Part 1) under section 163 of the Internal Revenue Code of 1954 (relating to the deduction for interest) was proposed to clarify the income tax effects of assistance payments made by the Department of Housing and Urban Development under section 235 of the National Housing Act (12 U.S.C. 1715z), as amended. After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the amendment of the regulations as proposed is adopted by this document without change.

Section 235 of the National Housing Act provides that, if a homeowner and his mortgage satisfy certain specified requirements, the Department of Housing and Urban Development may make assistance payments to the mortgagee. These payments are to be in an amount up to the lesser of (1) the excess of the monthly payment for principal, interest, taxes, insurance and mortgage insurance premium over 20 percent of the mortgagor's income, or (2) the difference between the amount of the monthly payment for principal, interest, and mortgage insurance premium and the amount which would be due for principal and interest if the mortgage bore interest at the rate of one percent.

The Congressional committee reports relating to section 235 indicate that the intent of Congress in enacting the section was to "authorize a new program of interest subsidies to low and moderate income families to purchase new or existing homes which they could not otherwise afford."

Accordingly, the amendment to the regulations provides that a taxpayer is not entitled to deduct interest on an indebtedness to the extent of assistance payments that are made with respect to the indebtedness by the Department of Housing and Urban Development. No portion of the assistance payments would reduce other deductions, such as the deduction for taxes. The amendment is effective for taxable years beginning after December 31, 1974.

Rev. Rul. 75–271, 1975§28 I.R.B. 8, states that payments to a mortgagee under section 235 are not includible in the gross income of the mortgagor.

Adoption of amendment to the regulation. On Wednesday, June 18, 1975, notice of proposed rulemaking with respect to the amendment of the Income Tax Regulations (26 CFR Part 1) under section 163 of the Internal Revenue Code of 1954, in order to clarify the income tax effects of assistance payments made by the Department of Housing and Urban Development under section 235 of the National Housing Act (12 U.S.C. 1715z), as amended, was published in the FEDERAL REGISTER (40 FR 25679). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the amendment of the regulations is hereby adopted as proposed.

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

DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

Approved: March 1, 1976.

CHARLES M. WALKER,
Assistant Secretary of the Treasury.

§ 1.163–1 Interest deduction in general.

* * * * *

(d) To the extent of assistance payments made in respect of an indebtedness of the taxpayer during the taxable year by the Department of Housing and Urban Development under section 235 of the National Housing Act (12 U.S.C. § 1715z), as amended, no deduction shall be allowed under section 163 and this section for interest paid or accrued with respect to such indebtedness. However, such payments shall not affect the amount of any deduction under any section of the Code other than section 163. The provisions of this paragraph shall apply to taxable years beginning after December 31, 1974.

[FR Doc.76–6439 Filed 3–4–76;8:45 am]

Title 29—Labor

CHAPTER XVII—OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR

PART 1952—APPROVED STATE PLANS FOR ENFORCEMENT OF STATE STANDARDS

Approval of South Carolina State Poster

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations, prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter referred to as the Act) for review of changes and progress in the development and implementation of State plans which have been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On December 6, 1972, notice was published in the FEDERAL REGISTER (37 FR 25932) of the approval of the South Carolina Plan and adoption of Subpart C of Part 1952 containing the decision and describing the plan. On October 20, 1975, South Carolina submitted a supplement to the plan involving a developmental change. (See Subpart B, 29 CFR Part 1953.) The supplement contains the South Carolina Safety and Health Poster for private and public employees which is to be posted at all covered workplaces in the State.

2. *Description of the poster.* The South Carolina Safety and Health Poster for private and public (State and local government) employees contains, among other things, provisions notifying employees of their obligations and protections under South Carolina Occupational Safety and Health Act (§ 40–257.1 through 40–274, South Carolina Code of Laws, 1962, amended 1973); their right to request inspections and their right to remain anonymous as a result; their right to participate in inspections; their protection against discharge or discrimination under both Federal and State laws (public employees are covered only by State law); and their right to file complaints about the administration of the State program with the Occupational Safety and Health Administration. The poster also contains provisions for sanctions and for prompt notice to employers and employees when alleged violations occur.

3. *Location of the plan and its supplements for inspection and copying.* A copy of this supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Associate Assistant Secretary for Regional Programs, Occupational Safety and Health Administration, Room N–3112, 200 Constitution Avenue, N.W., Washington, D.C. 20210; Office of the Regional Administrator, Occupational Safety and Health Administration, Suite 587, 1375 Peachtree Street, N.E., Atlanta, Georgia 30309; and Office of the Commissioner of Labor, South Carolina Department of Labor, 3600 Forest Drive, Columbia, South Carolina 29206.

4. *Public Participation.* Under § 1953.2 (c) of this chapter the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) may prescribe alternative procedures to expedite the review process or for any other good cause which may be consistent with applicable law. The Assistant Secretary finds that the South Carolina Safety and Health Poster incorporates all of the provisions required under 29 CFR 1952.10(a)(5) and 29 CFR 1903.2(a)(3) (39 FR 39036). Accordingly, it is determined that further opportunity for public comment and notice is unnecessary.

5. *Decision.* After consideration, the South Carolina Safety and Health Poster described above is approved under Part 1953. This decision incorporates the requirements of the Act and implementing regulations applicable to State plans generally. In accordance with the provisions of 29 CFR 1903.2(a)(2), posting of the South Carolina poster by employers covered by the State plan shall constitute compliance with the posting requirements of section 8(c)(1) of the Act. In addition 29 CFR 1952.104 is hereby amended to reflect completion of a developmental step.

Section 1952.104(f) is added as follows:

§ 1952.104 Completed developmental steps.

* * * * *

(f) In accordance with the requirements of § 1952.10 the South Carolina Safety and Health Poster for private and public employees was approved by the Assistant Secretary on February 19, 1976.

(Sec. 18, Pub. L. 91–596, 84 Stat. 1608 (29 U.S.C. 667))

Signed at Washington, D.C. this 19th day of February 1976.

MORTON CORN,
Assistant Secretary of Labor.

[FR Doc.76–6034 Filed 3–4–76;8:45 am]

Title 40—Protection of the Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

[FRL 498–7]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Subpart SS—Texas

SUSPENSION OF COMPLIANCE DATES: SHIP AND BARGE VAPOR RECOVERY; STAGE I VAPOR RECOVERY

On November 6, 1973, the Administrator promulgated a number of regulations designed to reduce hydrocarbon emissions and thereby to assist in attainment and maintenance of the national ambient air quality standard for photochemical oxidants in several air quality control regions in Texas. One of these regulations required recovery of vapors emitted during loading and unloading of gasoline and other volatile compounds from ships and barges in the Houston-Galveston Intrastate Air Quality Control Region. 40 CFR 52.2287 (38 FR 30633). Another regulation promulgated on the same date required the recovery of vapors emitted during the filling of storage vessels in the Houston-Galveston, Dallas-Ft. Worth and San Antonio Intrastate Air Quality Control Regions in Texas (Stage I vapor recovery) 40 CFR 52.2285 (38 FR 30643).

These regulations were challenged by the State of Texas and by various companies that would be subject to the regulations. The ship and barge regulation and the Stage I vapor recovery requirement as applicable in the Houston-Galveston and San Antonio AQCR's were held "valid and enforceable" by the U.S. Court of Appeals for the Fifth Circuit on August 7, 1974. State of Texas et al. v. EPA, 499 F.2d 289. Petitions for rehearing were filed, but were denied by the Court. Petitioners filed with the U.S. Supreme Court motions for stay of mandate pending applications for writ of certiorari. The motions were denied on April 28, 1975. The mandate was issued by the Fifth Circuit on April 30, 1975. Petitions for writ of certiorari with regard to the ship and barge regulation alone were filed on August 31, 1975, by several of the original petitioners. The Court has not responded to those petitions.

Since this litigation, EPA has been jointly engaged with the Texas Air Control Board in an extensive reexamination of the Texas oxidant control plan. Implementation of the plan, for the most part, has been held in abeyance pending the outcome of the joint study. As a result of this study, it is now anticipated that proposed amendments to the Texas oxidant control plan will be published in the FEDERAL REGISTER within the near future.

The Stage I vapor recovery regulation as now written requires installation of emission control equipment or process modification to be complete no later than March 31, 1976, and final compliance to be achieved no later than May 31, 1976. Although the regulation was held by the Court to be valid and enforceable in the Houston-Galveston and San Antonio AQCR's, there has been a reconsideration of the necessity for the regulation as a result of the study being conducted by EPA and TACB. It has now been reaffirmed that Stage I vapor recovery will be necessary to attain the national ambient air quality standards in the Houston-Galveston and San Antonio AQCR's. It is anticipated, however, that the reduction requirement will be necessary in an area smaller than the entire AQCR's. At this time the agency is considering limiting the requirements for Stage I vapor recovery to Harris, Galveston, Brazoria, Fort Bend, Waller, Montgomery, Liberty, Chambers and Matagorda Counties in the Houston-Galveston AQCR and Bexar, Comal, and Guadalupe Counties in the San Antonio AQCR. In the near future these changes will be formally proposed in the FEDERAL REGISTER as amendments to the present Stage I vapor recovery requirement, with an opportunity for public comment. Because it is unlikely, however, that these amendments can be finalized in advance of the final compliance date, the Agency finds good cause for temporarily suspending the March 31, 1976 date for installation of equipment and the May 31, 1976 date for final compliance. Therefore, the date required for installation of equipment as set forth at 40 CFR 52.2285(e)(3) is hereby suspended until June 30, 1976; and the final compliance date as set forth at 40 CFR 52.2285(e)(4) is hereby suspended until August 31, 1976. Any subsequent final amendment to the compliance date provisions of 40 CFR 52.2285 will supersede this notice.

The owner or operator of any source subject to the requirements of 40 CFR 52.2285 and that is believed to be unable to meet either the June 30, 1976 date for installation of equipment or the August 31, 1976 final compliance date should notify the Director, Enforcement Division, Environmental Protection Agency, Region VI, 1600 Patterson Street, Dallas, Texas 75201 by June 1, 1976.

Interim and final compliance dates for the ship and barge regulation have been suspended on earlier occasions. On April 25, 1975, the Administrator suspended interim compliance dates contained within the regulation and which has already passed, namely 40 CFR 52.2287(c)(1), (2) and (3). (40 FR 18437). That notice, however, did not suspend the final compliance date of May 31, 1975. 40 CFR 52.2287(c)(4). On May 30, 1975, the Administrator suspended the final compliance date until October 1, 1975. The EPA was at that time engaged in evaluation of pertinent information for the development of proposed amendments to the ship and barge regulation. Thus, the final compliance date was again suspended until March 1, 1976, or until final publication of amendments to the regulation, whichever occurred earlier. 40 FR 47765. Evaluation of the regulation has been completed and proposed amendments are expected to be published in the near future along with other proposed amendments to the Texas oxidant control plan. It does not appear, however, that final amendments to the regulation can be published prior to March 1, 1976. Since this date is now imminent and cannot be met, the Agency finds there is good cause for suspending the final compliance date. The final compliance date for the ship and barge regulation is thus hereby suspended until May 31, 1977. The forthcoming proposed amendments to the plan will set forth substantive amendments, as well as a new compliance schedule.

(Sec. 301, Clean Air Act (42 U.S.C. 1857g))

Dated: March 1, 1976.

JOHN QUARLES,
Acting Administrator.

[FR Doc.76-6451 Filed 3-4-76;8:45 am]

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5574; DR-14182]

OREGON

Cancellation of Public Land Order No. 5770; Powersite Restoration No. 734; Partial Revocation of Waterpower Designation No. 10, and Revocation of Powersite Reserve No. 621

By virtue of the authority vested in the President by section 1 of the Act of June 25, 1910, 43 U.S.C. 141 (1970), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), and the determination of the Federal Power Commission in DA-553, issued November 25, 1974, it is ordered as follows:

1. Public Land Order No. 5570 of February 17, 1976, FR No. 76-5098, appearing at pages 8039-8040 in the February 24, 1976, issue of the FEDERAL REGISTER is hereby canceled. The actions taken in said public land order are covered in the following paragraphs of this order.

2. The Departmental Order of April 27, 1917, creating Waterpower Designation No. 10 and Executive Order of April 28, 1917, creating Powersite Reserve No. 621, are hereby revoked so far as they affect the following described lands:

WILLIAMETTE MERIDIAN

T. 35 S., R. 6 W.,
Sec. 19, NW¼NW¼.

The area described contains 39.94 acres in Josephine County.

The land is located along Jumpoff Joe Creek, a tributary to the Rogue River and approximately ten miles northwest of Grants Pass.

3. At 10 a.m. on April 2, 1976, the land will be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on April 2, 1976, shall be considered simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

The land has been and continues to be open to the filing of applications and offers under the mineral leasing laws and to location and entry under the United States mining laws.

Inquiries concerning the land should be addressed to Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, Portland, Oregon 97208.

JACK O. HORTON,
Assistant Secretary of the Interior.

FEBRUARY 27, 1976.

[FR Doc.76-6305 Filed 3-4-76;8:45 am]

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5575; WYO 44866]

WYOMING

Cancellation of Public Land Order No. 5771; Modification of Executive Order No. 5327 and Public Land Order No. 4522

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), it is ordered as follows:

1. Public Land Order No. 5571 of February 18, 1976, FR No. 76-5144, appearing at page 8040 in the February 24, 1976, issue of the FEDERAL REGISTER is hereby canceled. The actions taken in the said public land order are covered in paragraph 2 of this order.

2. Executive Order No. 5327 of April 15, 1930, and Public Land Order No. 4522 of September 13, 1968, are hereby modified to the extent necessary to permit selection and conveyance to the State of Wyoming of the following described public lands under the provisions of Section 8(c) of the Act of June 28, 1934, 43 U.S.C. 315g (1970):

SIXTH PRINCIPAL MERIDIAN

T. 21 N., R. 117 W.,
Sec. 17, W½NE¼, NW¼, N½SW¼, SW¼SW¼;
Sec. 18, lots 7 and 8, SE¼SW¼, SW¼SE¼, E½E½.

The area described contains 678.20 acres in Lincoln County.

JACK O. HORTON,
Assistant Secretary of the Interior.

FEBRUARY 27, 1976.

[FR Doc.76-6306 Filed 3-4-76;8:45 am]

Title 46—Shipping

CHAPTER IV—FEDERAL MARITIME COMMISSION

SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

[GENERAL ORDER 4 (REV.) AMDT. 3]

PART 510—LICENSING OF INDEPENDENT OCEAN FREIGHT FORWARDERS

Approval of Reporting Requirement

Pursuant to section 3512 of 44 U.S.C. this Commission has received clearance from the U.S. General Accounting Office

of an extension without change of the recordkeeping requirement and application form (FMC Form 18) contained in Part 510—Licensing of Independent Ocean Freight Forwarders (General Order 4 (Rev.)).

Section 10.12, *Notification of General Accounting Office Action*, Title 4 CFR requires that notice of such clearance appear in the agency's regulations and forms. Accordingly, Subpart A and Subpart B of Part 510 of Title 46 CFR are amended by adding the following new sentence to Authority:

The recordkeeping requirement contained herein has been approved by the U.S. General Accounting Office under number B-180233 (R0146).

Notice, public procedure and delayed effective date are not necessary for the promulgation of this amendment because of its nonsubstantive nature. Accordingly, this amendment shall be effective March 5, 1976.

By the Commission February 26, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-6438 Filed 3-4-76;8:45 am]

[General Order 14, Amdt. 5]

PART 527—SHIPPERS' REQUESTS AND COMPLAINTS

Approval of Reporting Requirement

Pursuant to section 3512 of 44 U.S.C. this Commission has received clearance from the U.S. General Accounting Office of an extension without change of a reporting requirement contained in Part 527—Shippers' Requests and Complaints (General Order 14).

Section 10.12, *Notification of General Accounting Office Action*, Title 4 CFR requires that notice of such clearance appear in the agency's regulations. Accordingly, Part 527 of Title 46 CFR is amended by adding the following new sentence to its Authority:

The reporting requirement contained herein has been approved by the U.S. General Accounting Office under number B-180233 (R0190).

Notice, public procedure and delayed effective date are not necessary for the promulgation of this amendment because of its nonsubstantive nature. Accordingly, this amendment shall be effective March 5, 1976.

By the Commission February 26, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-6435 Filed 3-4-76;8:45 am]

[General Order 18, Amdt. 5]

PART 537—CONFERENCE AGREEMENT PROVISIONS RELATING TO CONCERTED ACTIVITIES

Approval of Reporting Requirement

Pursuant to section 3512 of 44 U.S.C. this Commission has received clearance from the U.S. General Accounting Office of an extension without change of the reporting and recordkeeping requirements contained in General Order 18, 46 CFR Part 537, Conference Agreement Provisions Relating to Concerted Activities.

Section 10.12, *Notification of General Accounting Office Action*, Title 4 CFR requires that notice of such clearance appear in the agency's regulations and forms. Accordingly, Part 537 of Title 46 CFR is amended by adding the following new sentence to its Authority:

The reporting and recordkeeping requirements contained herein have been approved by the U.S. General Accounting Office under number B-180233 (R0340).

Notice, public procedure and delayed effective date are not necessary for the promulgation of this amendment because of its nonsubstantive nature. Accordingly, this amendment shall be effective March 5, 1976.

By the Commission February 26, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-6436 Filed 3-4-76;8:45 am]

[General Order 20, Amdt. 5]

PART 540—SECURITY FOR THE PROTECTION OF THE PUBLIC

Approval of Reporting Requirement

Pursuant to section 3512 of 44 U.S.C. this Commission has received clearance from the U.S. General Accounting Office of an extension without change of the reporting requirements contained in Part 540—Security for the Protection of the Public (General Order 20).

Section 10.12, *Notification of General Accounting Office Action*, Title 4 CFR requires that notice of such clearance appear in the agency's regulations and forms. Accordingly, Part 540 of Title 46 CFR is amended by striking the present note at the end of § 540.36 which reads:

NOTE.—The reporting requirements contained herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

and substituting therefore the following new language:

The reporting requirements contained herein have been approved by the U.S. General Accounting Office under number B-180233 (R0316).

Notice, public procedure and delayed effective date are not necessary for the promulgation of this amendment because of its nonsubstantive nature. Accordingly, this amendment shall be effective March 5, 1976.

By the Commission February 26, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-6437 Filed 3-4-76;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

PART 0—COMMISSION ORGANIZATION

FIELD OFFICES

Addresses

In the Matter of Editorial Amendment of § 0.121 of the Commission's rules and regulations.

1. Editorial changes will be made to the Rules and Regulations to reflect the correct addresses of the Federal Communications Commission field offices.

2. Section 0.121(c) is amended as follows:

(a) Delete reference to the Ambrose Monitoring Station located in Denison, Texas, to reflect the closing of that installation;

(b) Amend address of Laurel Monitoring Station from "Post Office Box 40" to "7435 Oakland Mills Road, P.O. Box B, Laurel, Maryland, 30810."

3. Since the amendment is editorial in nature the prior notice and effective date provisions of the Administrative Procedure Act are not applicable. Authority for the promulgation of this amendment is contained in section 4(i) and 5(d) of the Communications Act of 1934, as amended, and § 0.231(d) of the rules.

4. Accordingly, it is ordered, effective March 9, 1976, § 0.121 of the rules and regulations is amended as set forth below.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; 47 U.S.C. 154, 155, 303.)

Adopted: February 23, 1976.

Released: February 26, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
RICHARD D. LICHTWARDT,
Executive Director.

In Chapter I of Title 47 of the Code of Federal Regulations, Part O is amended as follows:

§ 0.121 Location of Field Installations.

(a) Field offices and suboffices are located at the following addresses:

* * * * *

Field offices	Address of the engineer in charge	Territory within district	
		States	Counties
1	1600 Customhouse, 165 State St., Boston, Mass. 02109	* * *	* * *
*	* * * * *	*	*
4	819 Federal Bldg., 31 Hopkins Plaza, Baltimore, Md. 21201	* * *	* * *
*	* * * * *	*	*
6	Room 440, 1365 Peachtree St. NE., Atlanta, Ga. 30309. Suboffice: P.O. Box 8004, Room 238, Federal Bldg. and Courthouse, 125 Bull St., Savannah, Ga. 31402.	* * *	* * *
*	* * * * *	*	*
10	Earle Cabell Federal Bldg., U.S. Courthouse, Room 13E7, 1100 Commerce St., Dallas, Tex. 75242.	* * *	* * *
11	Suite 501, 3711 Long Beach Blvd., Los Angeles, Calif. 90807. Suboffice: * * *.	* * *	* * *
*	* * * * *	*	*
15	Suite 2925, The Executive Tower, 1405 Curtis St., Denver, Colo. 80202.	* * *	* * *
16	691 Federal Bldg., and U.S. Courthouse, 316 North Robert St., St. Paul, Minn. 55101.	* * *	* * *
*	* * * * *	*	*
21	502 Federal Bldg., P.O. Box 1021, 335 Merchant St., Honolulu, Hawaii 96808.	* * *	* * *
*	* * * * *	*	*

(c) Monitoring stations are located at the following addresses:

(Allegan) * * *

(Ambrose) [Deleted]

* * * * *

(Laurel)—Amend address to read as follows:

Federal Communications Commission,
Laurel Monitoring Station,
7435 Oakland Mills Rd.,
P.O. Box B,
Laurel, Maryland 20810

(Livermore) * * *

* * * * *

[FR Doc.76-6402 Filed 3-4-76;8:45 am]

[FCC 76-158; RM-2547]

PART 1—PRACTICE AND PROCEDURE

Motions for Extension of Time

1. A petition for rule making initiating this proceeding was filed by Joseph F. Hennessey, an attorney practicing before the Commission, on April 25, 1975. Public notice of the filing of the petition was given on May 13, 1975. No statements supporting or opposing the petition have been received.

2. Petitioner asks that the following language be inserted at the end of § 1.276 (a) of the Rules:

Any request for extension of time for filing of exceptions must be filed not less than 10 days before the exceptions are due. Where any request for extension of time for filing exceptions is filed fewer than ten days before due date said request will be dismissed unless the moving party files a separate pleading requesting waiver of this rule showing why said extension request could not have been submitted ten days before the due date.

3. As a matter of good practice and to avoid prejudice to other parties, parties and counsel should estimate their need for an extension of time sufficiently far in advance of the filing date to permit orderly action on the motion and adequate notice to other parties when an extension is granted or denied. Generally, seven days will suffice for this purpose. This principle is applicable to all motions for extensions of time and not only to those which relate to filing of exceptions to initial decisions. We are nevertheless reluctant to adopt the specific proposal advanced by petitioner. If the showing of cause is very liberally construed, it is unlikely to be effective. If it is not very liberally construed, we fear that it will produce an increase in the number of motions for extension of time; parties who are uncertain concerning their need for an extension may file early to avoid the possibility of dismissal, and extensions may be granted which prove not be needed.

4. In lieu of petitioner's proposal, we are amending the rules to expedite action on motions for extension of time filed less than seven days prior to the day for filing the papers to which the motion relates and to minimize prejudice to parties. (The rule will apply to all such motions, including those which relate to papers for which the filing period is less than seven days.) The party filing such a motion (in addition to serving it on other parties) will be required to orally notify other parties, and Commission staff personnel responsible for acting on the motion, that the motion has been (or is being) filed. If time does not permit issuance of an order granting or denying the motion and timely notice to the parties, they will nevertheless be in a position to inquire concerning the action to be taken before filing their pleadings.

5. Accordingly, it is ordered, effective March 4, 1976. That § 1.46 is amended as set out in the below; that the petition for rule making is denied; and that this proceeding is terminated. Authority for the amendment is set out in sections 4 (i) and (j) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154 (i) and (j) and 303(r). Because the amendment involves a matter of procedure, the prior notice and effective date requirements of 5 U.S.C. 553 are inapplicable.

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

Adopted: February 19, 1976.

Released: February 25, 1976.

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

In Part 1 of Chapter I of Title 47 of the Code of Federal Regulations, Section 1.46(c) is added, to read as follows:

§ 1.46 Motions for extension of time.

* * * * *

(c) If a motion for extension of time in which to file papers in proceedings other than notice and comment rule making proceedings is filed less than 7 days prior to the day for filing the papers, the party filing the motion shall (in addition to serving the motion on other

parties) orally notify other parties and Commission staff personnel responsible for acting on the motion that the motion has been (or is being) filed.

[FR Doc.76-6403 Filed 3-4-76;8:45 am]

[FCC 76-151]

PART 76—CABLE TELEVISION SERVICES

Service and Public Notice Requirements

In the Matter of Amendment of Part 76, Subpart B of the Commission's rules and regulations Concerning the Service Requirements of § 76.27 and the Public Notice Requirements of § 76.25.

1. In recent months we have cause to consider deficiencies in two areas of the Commission's Rules and Regulations involving the service of replies to objections to applications for certificates of compliance pursuant to § 76.27 and the public notice requirements of § 76.25 as they relate to the deletion of requests to carry inconsistent television broadcast signals. The deficiencies, essentially editorial in nature, are the result of inadvertent oversight at the time the original Rules were adopted. We have concluded that amendments to the present procedures contained in these Sections of the Commission's Rules will lighten not only the Commission's administrative burdens but also those of applicants and other interested parties and are in order.

2. Section 76.27 specifies, in part, which parties must be served with copies of replies to objections to applications for certificates of compliance. As the rule is presently worded, all pleadings, including replies to objections, must be served on all the parties specified in § 76.13. Because parties, except under special circumstances, are not expected to enter the administrative arena after the thirty day waiting period specified in § 76.27 and entry at such a late date is unlikely to result from the service of a reply to an objection where the original application or subsequent objections did not elicit a response, this requirement constitutes an unnecessary administrative burden on both the applicants and the Commission. The amendment to § 76.27 will drop this requirement and will, instead, require service, similar to the present requirement in § 76.7(e), of replies to objections only on persons who have previously filed pleadings in the instant case.

3. Section 76.25 specifies, in part, the public notice requirements for amendments to applications for certificates of compliance which request the deletion of television broadcast signals. As the rule is presently worded amendments to delete the carriage of television broadcast signals which would normally be inconsistent with our Rules, must be placed on public notice and thirty days must pass before the Commission may take any action on the amended applications. Such amendments are often the result of the inconsistency being noted by the Commission or a third party opposition and the deletion corrects the signal carriage problem. Consequently, the additional thirty day public notice is an unnecessary delay to the certificating process. As this was never the Commission's intent when the rule was originally adopted and since no parties of interest will be deprived of a fair notice of pending actions, § 76.25 is amended to include a note specifying that amendments to delete inconsistent television broadcast signals need not be placed on public notice.

4. In addition, the last sentence of § 76.27 is being amended to clarify the Commission's intent that petitions concerning carriage (Subpart D) and network program nonduplication protection (§ 76.92) will be treated in the certificating process if raised within the thirty day public notice period and will be treated as petitions for special relief filed pursuant to § 76.7 if raised subsequently.

5. Since these amendments are either editorial or relate to Commission organization, procedures, or practice, or restate existing requirements, the prior notice and effective date provisions of section 4 of the Administrative Procedure Act, 5 U.S.C. 553, do not apply.

Authority for the rule amendments adopted herein is contained in sections 2, 3, 4 (i) and (j), 301, 303, 307, 308 and 309 of the Communications Act of 1934, as amended.

Accordingly, it is ordered, That effective March 4, 1976, Part 76 of the Commission's rules and regulations is amended as set forth below.

(Secs. 2, 3, 4, 5, 301, 303, 307, 308, 309, 48 Stat., as amended, 1064, 1065, 1066, 1068, 1081, 1082, 1083, 1084, 1085; 47 U.S.C. 152, 153, 154, 155, 301, 303, 307, 308, 309.)

Adopted: February 18, 1976.

Released: February 25, 1976.

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

Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

1. Section 76.25 is amended as follows:

§ 76.25 Public notice.

The Commission will give public notice of the filing of applications for certificates of compliance and of amendments thereto that add or delete television signals. A certificate will not be issued sooner than thirty (30) days from the date of public notice.

NOTE: The public notice requirements of this section will not apply to amendments which request the deletion of television broadcast signals which are inconsistent with the signal carriage requirements of Subpart D of this Part.

2. Section 76.27 is amended as follows:

§ 76.27 Objections to applications; related matters.

An objection to an application for certificate of compliance or an amendment thereto shall be filed within thirty (30) days of the public notice described in § 76.25. A reply may be filed within twenty (20) days after an objection is filed. Factual allegations shall be supported by affidavit of a person or persons with actual knowledge of the facts, and exhibits shall be verified by the person who prepares them. All objections shall be served on the persons specified in § 76.13, the cable television system, the franchising authority, and any other interested person. Replies to objections shall be served on all persons who have filed pleadings. Controversies concerning carriage (Subpart D) and network program nonduplication protection (§ 76.92) will be acted on in connection with the certificating process if raised within thirty (30) days of the public notice; otherwise such objections will be treated as petitions for special relief filed pursuant to § 76.7.

[FR Doc.76-6404 Filed 3-4-76;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Ex Parte No. MC-19 (Sub-No. 20)]

PART 1056—TRANSPORTATION OF HOUSEHOLD GOODS IN INTERSTATE OR FOREIGN COMMERCE

Practices of Motor Common Carriers of Household Goods; Limitations of Liability

• Purpose: The purpose of this notice is to inform the public that the Interstate Commerce Commission (1) has adopted new rules relative to the liability limitations of motor common carriers of household goods, and (2) is inviting public comment relative to the adoption of proposed uniform documents for use by the household goods carrier industry •

The Interstate Commerce Commission in the above-entitled proceeding has adopted new rules relative to the liability limitations of motor common carriers of household goods. The new rules are designed to clarify certain of the carriers' rights and obligations insofar as liability limitation is concerned. The new § 1056.16(c) specifies those situations, in addition to those historically provided under the common law, wherein a carrier need not assume liability. The new § 1056.16(d) clarifies the method by which carriers are to determine the measure of the current actual value of a lost or damaged item made the subject of loss or damage claim. The new § 1056.-16(c) concerns the requirement for notice to the shipper of the carriers' obligations insofar as storage-in-transit is concerned.

One of the more complex matters involved in this proceeding pertains to the "articles of extraordinary value" provision contained in the general rules governing the tariffs of most household goods carriers. Under this tariff provision, a carrier will not assume liability for specified items, including articles of extraordinary value, unless such items are specifically listed on the bill of lading. Many ambiguities surround the current application of what is an item of extraordinary value. It is applied after the shipment has been completed, and is often interpreted against the shipper. In

view of these circumstances, the Commission concluded that the public interest would best be served by the requirement that household goods carriers be fully liable for all items accepted for shipment, except in those instances specified in the new § 1056.16(c).

The new § 1056.16(e) requires household goods carriers, when holding goods for storage-in-transit (S.I.T) to give the shipper proper notification as to the date of conversion and the rights and duties of shipper and carrier upon said conversion date.

Finally, the Commission held open the above-entitled proceeding for the sole purpose of giving further consideration to the adoption of uniform shipping documents for use by the household goods moving industry as proposed in appendix C to the interim report entered in this proceeding March 28, 1975. See *Practices of Motor Common Carriers of Household Goods*, 121 M.C.C. 347. The Commission is of the view that uniform shipping documents for household goods carriers will alleviate shipper confusion. The proposed uniform documents are a composite of existing forms. The Commission believes that the prescribed documents will not be unduly restrictive, but will effectively eliminate those provisions which violate the provisions of section 20(11) of the act and the newly adopted regulations governing liability limitations discussed above. Comments (an original and 15 copies when possible) are invited on the proposed uniform forms and should be filed with the Commission on or before May 3, 1976.

Additionally, and in the meantime, motor common carriers of household goods have been ordered to amend their bills of lading and appropriate tariffs within 60 days of this notice to reflect only those defenses allowed by common law and by the provisions of 49 CFR 1056.16, in accordance with the discussion set forth in the report in this proceeding.

The rule is issued under the authority of 49 U.S.C. 20, 304, 316, 317, and 319, and 5 U.S.C. 553 and 559.

Issued in Washington, D.C.

[SEAL] ROBERT L. OSWALD,
Secretary.

Accordingly, this action supplements 49 CFR 1056.16 so that it now includes the following:

§ 1056.16 Liability of carriers.

* * * * *

(c) *Limitations of liability.* A common carrier by motor vehicle of household goods shall be liable for loss of or damage to any articles caused by it while being transported or while being held for storage-in-transit, including incidental pickup or delivery, and including liability for loss of or damage to any article or appliance resulting from the servicing of said article or appliance by a third person engaged by the carrier to perform such service, to the extent provided in the outstanding released rates order; except that the carrier may exempt its liability in the following instance:

(1) No liability need be assumed for perishable articles included in the shipment without the knowledge of the carrier; and a carrier accepting for shipment perishable articles may impose reasonable conditions necessary to insure the safe transportation of such commodities.

(d) *Claims.* When settling a claim for loss or damage, a common carrier by motor vehicle of household goods shall use the replacement costs of the lost or damaged item as a base to apply a depreciation factor to arrive at the current actual value of the lost or damaged item; *Provided*, That where an item cannot be replaced or no suitable replacement is obtainable, the proper measure of damages shall be the original costs, augmented by a factor derived from a consumer price index, and adjusted downward to reflect depreciation over average useful life.

(e) *Storage-in-transit.* A common carrier by motor vehicle of household goods holding goods for storage-in-transit (S.I.T.) shall, no less than 10 days prior to the expiration of either the specified period of time during which the goods are to be held in such storage or the maximum period of time provided in the carrier's tariff for storage-in-transit, notify the shipper in writing (1) of the date of conversion to permanent storage, (2) of the existence of a 9-month period subsequent to the date of conversion to permanent storage during which shipper may file claims against the carrier for loss and/or damage which occurred to the goods in transit or during the S.I.T. period, and (3) of the fact that on the date of conversion, the liability of the carrier shall terminate and the property shall be subject to the rules, regulations, and charges of the warehouseman. Said notification shall be certified mail, return receipt requested. A common carrier by motor vehicle of household goods holding goods for storage-in-transit for a period of time less than 10 days shall, no less than 1 day prior to the expiration of the specified time during which the goods are to be held in such storage, give notification to the shipper of the information specified in paragraph (e) (1), (2), and (3) of this section, and maintain a record thereof as part of its record of the shipment. Failure or refusal of a carrier to notify the shipper in accordance with the foregoing shall automatically effect a continuance of carrier liability pursuant to the applicable tariff provisions with respect to S.I.T., until the end of the day following the date upon which notice is given.

[FR Doc.76-6429 Filed 3-4-76;8:45 am]

Title 17—Commodities and Securities Exchange

CHAPTER I—COMMODITY FUTURES TRADING COMMISSION

PART 2—OFFICIAL SEAL

Adoption of Rules

The Commodity Futures Trading Commission has adopted an Official Seal and rules relating thereto. These rules comprise a new Part 2 of Title 17 of the Code of Federal Regulations. The following rules describe the Commission's Seal, designate those persons authorized to affix the Seal and establish prohibitions against its misuse. In addition, § 2.1 contains an illustration of the Seal.

Accordingly, the Commission hereby adopts the following Part 2 of Chapter I, Title 17 of the Code of Federal Regulations pursuant to section 2(a)(10) of the Commodity Exchange Act, as amended, 7 U.S.C. 4(i).

Sec.
2.1 Description.
2.2 Authority to affix seal.
2.3 Prohibitions against misuse of seal.

AUTHORITY: Sec. 2(a)(10) of the Commodity Exchange Act, as amended, 7 U.S.C. 4(i).

§ 2.1 Description.

Pursuant to section 2(a)(10) of the Commodity Exchange Act, as amended, 7 U.S.C. 4(i), the Commodity Futures Trading Commission has adopted an official seal (the "Seal"), the description of which is as follows:

(a) An American bald eagle in black and white holding the scales of balanced interests over a black and white wheel of commerce and a farmer's plow, also in black and white. These symbols are enclosed with an inner red octagon and a blue outer octagon representing traditional futures contract trading pits. Around the outside of the octagons are the words "Commodity Futures Trading Commission" separated by two stars from the year "1975," the first year of the Commission's existence.

(b) The Seal of the Commodity Futures Trading Commission is illustrated as follows:



§ 2.2 Authority to affix seal.

(a) The following officials of the Commodity Futures Trading Commission are authorized to affix the Seal to appropriate documents and other materials of the Commission for all purposes including those authorized by 28 U.S.C. 1733(b) (relating to authenticated copies of agency documents used as evidence): The Chairman and all Commissioners, the General Counsel, the Executive Director, the Directors of Divisions, and the Secretariat.

(b) The officials, named in paragraph (a) of this section, except the Secretariat, may redelegate, and authorize redelegation of this authority.

§ 2.3 Prohibitions against misuse of seal.

(a) Fraudulently or wrongfully affixing or impressing the Seal to or upon any certificate, instrument, document or paper or with knowledge of its fraudulent character, or with wrongful or fraudulent intent, using, buying, procuring, selling or transferring to another any such paper is punishable under Section 1017 of Title 18, United States Code.

(b) Falsely making, forging, counterfeiting, mutilating, or altering the Seal, or knowingly using a fraudulent or altered Seal or possessing any such Seal knowingly is punishable under Section 506 of Title 18, United States Code.

The foregoing rules shall be effective immediately. The Commission finds that the foregoing action relates solely to agency practice and procedure and that the public procedures and publication prior to the effective date of the rules, in accordance with the Administrative Procedures Act, as codified, 5 U.S.C. 553, are not required.

Issued in Washington, D.C. on February 27, 1976.

By the Commission.

WILLIAM T. BAGLEY,
Chairman, Commodity Futures Trading Commission.

[FR Doc.76-6319 Filed 3-4-76;8:45 am]

Title 36—Parks, Forests, and Public Property

CHAPTER I—NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

PART 2—PUBLIC USE AND RECREATION

Powerless Flight, Restrictions on Launching and Landing

A proposal was published on page 57694 of the FEDERAL REGISTER of December 11, 1975, to amend Part 2 of Title 36 of the Code of Federal Regulations by the addition of a new § 2.36. This regulation is needed in order to provide authority and guidance for park Superintendents in controlling various powerless flight activities in units of the National Park System.

Interested persons were given until January 12, 1976 to submit written comments, suggestions, or objections with respect to the proposed amendment. A total of 219 individual comments was received during this period. After evaluation of these comments and further evaluation of a larger number of public comments which were made on a powerless flight regulation proposed earlier (August 20, 1975, 40 FR 36378), the National Park Service had determined that the regulation proposed December 11, 1975 should be adopted without change. The regulation being adopted is set forth below.

A majority of those persons commenting upon this proposal objected to its adoption, but these persons expressed two very different points of view. The larger group, consisting of 117 individual comments, generally stated that hang gliding, the most prevalent of the powerless flight activities to be controlled by the regulation, should be prohibited entirely in park areas in the natural and historical categories. Seventy-six (76) comments objected to the proposed regulation on the basis that powerless flight activities should not be controlled by the National Park Service or should be subject to less restrictive controls than those proposed. Comments supporting the proposed regulation or suggesting relatively minor changes in it were received from 26 individuals.

A. Persons objecting to the granting of any permission to hang glide in park areas based their objections on a number of points. The principal reasons cited by these persons are listed below, with National Park Service views following each point.

1. *Hang gliding is not dependent upon the unique natural and scenic resources of the parks.* The degree to which most visitor activities can be considered to be dependent upon park resources varies a great deal among individuals and can seldom be precisely determined. It has been pointed out, however, that a hang glider is totally dependent upon the topography and natural air currents of a flight location, both of which are integral portions of the natural environment of the parks.

2. *Adequate opportunities to engage in powerless flight exist outside the parks.* The number of sites which offer the requisite conditions for hang gliding is relatively limited. In a number of localities, units of the National Park System offer the best or the only sites for safe flights, due to the establishment of parks to preserve unique topography and associated features. While it is true that parks do not offer the only opportunities for hang gliding, the same is also true of even such traditional park activities as hiking and canoeing. All can be enhanced by experiencing them in the natural setting of a park.

3. *These activities are engaged in for thrills or amusement or as spectator sports.* The National Park Service does not believe that the motivation for a particular person's visit to a park area can be used as a basis for judging the validity of that person's use of the park. The judgment must be based upon the effects of that use. In natural and historical parks, the staging of powerless flight spectator events is prohibited by the regulation in order to prevent the crowding which could result from such events.

4. *Hang gliding will contribute to overcrowding of the parks.* The number of actual participants who are likely to use the parks for flights is fairly limited and would seldom have a discernable effect on park use. Limitations on the numbers of flights are authorized by the regulation, in order to provide a control measure for any instances where crowding might pose a problem. Spectator events are prohibited in the natural and historical parks, where crowding is most significant.

5. *Powerless flight craft detract from the enjoyment of the parks by others.* It is acknowledged that this is a legitimate concern since a number of persons have specifically stated this as a personal view. However, control measures included in the regulation are considered adequate to minimize this conflict, since they specifically recognize the rights of other park visitors and provide for this to be a consideration in the granting of permits.

6. *Hang gliding control activities will overburden parks which are already understaffed.* The determination of standards for flight permits and the issuance of individual permits will not involve inordinate amounts of time in the majority of cases. This is the type of function which is routinely performed in parks requiring permits for backcountry use, vehicle use, or similar activities. Experience with these functions has shown that the amount of time involved is generally less than that required to either allow uncontrolled use or enforce prohibitions.

7. *An environmental impact statement or assessment on this action should be prepared.* As noted in the proposal, an environmental review on this action was conducted in order to determine whether or not a statement or assessment was necessary. It was determined that the promulgation of this regulation is not a major Federal action with significant environmental impacts. The regulation is intended to permit powerless flight only where it is consistent with current management policies for the particular area affected. Consideration will be given in each park to potential environmental effects of the implementation of a specific hang gliding or other powerless flight program, with an assessment or statement being prepared if called for by the situation.

B. The following objections to the regulation were the principal points raised by persons favoring hang gliding in the parks but opposing this regulation.

1. *Organizations of hang gliding participants were not consulted prior to formulation of the proposal.* This regulation is based, to a very large extent, on the controlled hang gliding program conducted at Yosemite National Park over the past two years. The program there was developed by the National Park Service with extensive consultation with hang gliding clubs. In addition, there was a great deal of constructive comment from hang gliding organizations when the earlier regulation was proposed and this input was considered in the development of the more recent regulation. The National Park Service has been made fully aware of the concerns and needs of the hang gliding community. This regulation represents a balance between these needs and those of other park management concerns.

2. *Hang gliding has no potential for adverse impact on the parks and should not be subject to any limitations.* The

passage of hang gliders through the air may have negligible impact, but launching and landing sites may require protection from overuse and there is a known potential for unlimited flights to interfere with other activities. National Park Service responsibilities for park preservation and use require that a reasonable degree of control be exercised over hang gliding.

3. *Park Superintendents will have too much power to arbitrarily exclude hang gliding from a park.* This activity is being accorded the same status as other park uses which are locally controlled. In this instance, Superintendents must be guided by existing management policies of the National Park Service and by criteria included in the regulation. Management decisions made with full knowledge of local conditions are far less likely to be arbitrary than those made at higher levels.

4. *The regulation is unnecessary because the National Park Service already has adequate authority to impose any necessary controls.* Existing regulations do not provide specific enough authority to deal effectively with many powerless flight activities. A specific regulation provides for much greater uniformity of treatment than would differing interpretation of potentially inapplicable regulations.

5. *Fliers should be permitted to regulate themselves without interference by the National Park Service.* This point of view does not take into account the likelihood that unaffiliated fliers may wish to use park sites and could not be compelled by other fliers to meet standards to which they might not subscribe. Also, this would place the National Park Service in the position of delegating to outside organizations its responsibility for park management, a violation of statutory requirements.

C. Suggestions for changes in the proposed regulation made by persons responding to the proposal were as follows:

1. *An appeals procedure should be provided for instances when flight permits are denied.* While no formal appeals procedure is specified in the regulation, informal appeals from decisions of park Superintendents are available by requesting a review of a particular decision by the Regional Director. This is in keeping with National Park Service policy on regulations, whereby formal appeals procedures are not enumerated in each regulation. In the event of any criminal charge arising from a flight without a permit, appeals procedures within the Federal court system are available.

2. *Organizations of fliers should be given greater participation in the development of permit standards for each park.* As stated in the preamble to the proposal, the National Park Service intends that these organizations be consulted during the development of standards. Also, subparagraph (b)(2)(ii) of the regulation specifically recognizes the value of safety and equipment standards endorsed by the flight organizations.

3. *The regulation should deal only with non-aircraft powerless flight vehicles, with aircraft governed only by Federal Aviation Administration regulations.* Both aircraft and non-aircraft vehicles were deliberately included in this regulation due to similarities in their operations and their impact on a park environment. With respect to aircraft, this regulation neither infringes upon nor replaces applicable FAA regulations but rather supplements them where launching or landing on park lands is involved.

4. *Flight restrictions should be removed to avoid potential liability for the National Park Service for accidents.* Personal safety remains primarily the responsibility of individual fliers, and the imposition of safety standards by the National Park Service does not materially increase its potential liability. Restrictions relating to both safety and park impact are essential in these activities in order to discharge the responsibilities of the National Park Service.

Accordingly, 36 CFR Part 2 is amended by the addition of a new § 2.36, as set forth below.

Effective date: This regulation shall become effective on April 5, 1976.

§ 2.36 Powerless flight.

(a) Except as provided in § 2.2 of this Part, the launching or landing of sailplanes, gliders, balloons, body kites, hang gliders, and other devices designed to carry persons or objects through the air in powerless flight is prohibited without a written permit from the Superintendent specifying the conditions under which such launching or landing is to be conducted; *Provided, however,* That in recreational areas the Superintendent may, by the posting of signs, designate locations where this type of use may be conducted without a permit.

(b) The granting of permits for powerless flight activities shall be accordance with standards developed for each park and available, upon request, for public review. Permit standards shall be based upon the following criteria:

(1) The number, time, and location of flights shall be controlled so as to avoid:

(i) Infringement upon the enjoyment and rights of other park visitors.

(ii) Traffic or pedestrian congestion or disruption of normal park operations.

(iii) Injury to nonparticipants and damage to public or private property.

(iv) Damage to natural or historic resources of the park.

(v) Detraction from the primitive character of designated wilderness areas.

(vi) Unwarranted risk to participants due to inadequate equipment, lack of qualifications, weather, or other factors.

(2) Permitted flights shall be compatible with and subject to:

(i) Applicable laws or regulations imposed by appropriate Federal or other governmental agencies.

(ii) Applicable safety and equipment standards endorsed by responsible sanctioning organizations.

(3) Except in recreational areas, flights shall not be conducted as competitive events or primarily for the benefit of spectators.

(4) Additional permit standards necessary to meet conditions in an individual park area shall be established by the Superintendent, as necessary to protect park resources.

GARY EVERHARDT,
Director,
National Park Service.

[FR Doc.76-6571 Filed 3-4-76;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

Customs Service

[19 CFR Part 24]

CUSTOMS FINANCIAL AND ACCOUNTING PROCEDURE

Administrative Overhead for Reimbursable and Overtime Services

Notice is hereby given that under the authority of R.S. 251, as amended (19 U.S.C. 66), section 624, 46 Stat. 759 (19 U.S.C. 1624), and section 501 of the Independent Offices Appropriation Act, 1952, 65 Stat. 290 (31 U.S.C. 483a, the so-called "User Charges Statute"), it is proposed to amend Part 24 of the Customs Regulations (19 CFR Part 24) by adding a new § 24.21 pertaining to Customs charges for administrative overhead for reimbursable and overtime services.

The User Charges Statute provides, in part, that any service provided by any Federal agency to or for any person shall be self-sustaining to the full extent possible. This statute authorizes the head of each Federal agency to prescribe by regulation a fee for such service which he shall determine, in case none exists, or redetermine, in case of an existing one, to be fair and equitable, taking into consideration direct and indirect cost to the government, value to the recipient, public policy or interest served, and other pertinent facts. The User Charges Statute contains the proviso that nothing contained in it shall repeal or modify existing statutes prohibiting the collection, fixing the amount or directing the disposition of any fee, charge or price. Furthermore, this statute contains the additional proviso that nothing contained in it shall repeal or modify existing statutes prescribing bases for calculation of any fee, charge or price.

Office of Management and Budget (then Bureau of the Budget) Circular No. A–25, September 23, 1959, contains policy guidelines implementing 31 U.S.C. 483a. Circular No. A–25 states that where a service (or privilege) provides special benefits to an identifiable recipient above and beyond those which accrue to the public at large, a charge should be imposed to recover the full cost to the Federal Government of rendering that service. Circular No. A–25 states that the cost of this charge shall be determined or estimated from the best available records in the agency. New cost accounting systems are not to be established solely to determine this cost. Circular No. A–25 states that the cost computation shall cover the direct and indirect costs to the Government of carrying out the activity and shall include, among other things, a proportional share of the agency's management and supervisory costs.

In the Decision of the Comptroller General of the United States on the matter of user charges for administrative costs of special and overtime Customs services (55 Comp. Gen. ——, November 13, 1975) the Comptroller General stated his opinion that Customs generally has authority under 31 U.S.C. 483a to impose user charges (for administrative overhead) for reimbursable and overtime services provided by Customs.

The provisos to 31 U.S.C. 483a were deemed by the Comptroller General to preclude the imposition of additional user charges under 31 U.S.C. 483a only to the extent that another statute expressly or by clear design constitutes the only source of assessments for a service.

The Department of the Treasury has recommended that, in the absence of a formal accounting system for determining the cost of the charge for administrative overhead, Department bureaus use the figure of 15 percent of the identified costs of providing the service. Customs has no formal accounting system for determining the cost of the charge for administrative overhead for reimbursable and overtime services.

It is proposed to amend Part 24 of the Customs Regulations by adding a new § 24.21 entitled "Administrative overhead for reimbursable and overtime services." The proposed new § 24.21 provides that an additional charge for administrative overhead costs shall be collected from parties-in-interest who are required to reimburse Customs for compensation and/or expenses of Customs officers performing reimbursable and overtime services for the benefit of such parties unless the imposition of such a charge is precluded by law. The covered services are those which provide special benefits to an identifiable recipient above and beyond those which accrue to the public at large. The proposed new § 24.21 includes, but is not limited to, the following examples of reimbursable and overtime services: (1) Overtime services of Customs officers and employees for which compensation is provided by section 5 of the Act of February 13, 1911, as amended (19 U.S.C. 267), and (2) services of Customs warehouse officers or employees temporarily assigned to act as Customs warehouse officers for which compensation is provided by section 555, Tariff Act of 1930, as amended (19 U.S.C. 1555). The proposed new § 24.21 provides that the cost of the charge for administrative overhead shall be 15 percent of the compensation and/or expenses of the Customs officers performing the service, with certain exceptions set forth in that section.

Accordingly, it is proposed to amend Part 24 of the Customs Regulations (19 CFR Part 24) in the manner set forth below:

It is proposed to amend Part 24 by adding a new § 24.21 to read as follows:

§ 24.21 Administrative overhead for reimbursable and overtime services.

(a) An additional charge for administrative overhead costs shall be collected from parties-in-interest who are required to reimburse Customs for compensation and/or expenses of Customs officers performing reimbursable and overtime services for the benefit of such parties unless the imposition of such a charge is precluded by law. Such services provide special benefits to an identifiable recipient above and beyond those which accrue to the public at large. Examples of these services include, but are not limited to: (1) Overtime services of Customs officers and employees for which compensation is provided by section 5 of the Act of February 13, 1911, as amended (19 U.S.C. 267), and (2) services of Customs warehouse officers or employees temporarily assigned to act as Customs warehouse officers for which compensation is provided by section 555, Tariff Act of 1930, as amended (19 U.S.C. 1555).

(b) The cost of the charge for administrative overhead shall be 15 percent of the compensation and/or expenses of the Customs officers performing the service unless: (1) There is a formal accounting system for determining administrative overhead for the service, in which case that system shall be used for determining the cost of the charge for administrative overhead, or (2) the charge for administrative overhead for the service is specifically provided for elsewhere in this chapter.

Consideration will be given to relevant data, views, or arguments pertaining to the proposed amendment which are submitted in writing to the Commissioner of Customs, Attention: Regulations Division, Washington, D.C. 20229, and received on or before March 22, 1976.

Written material or suggestions submitted will be available for public inspection in accordance with § 103.8(b) of the Customs Regulations (19 CFR 103.8(b)), at the Regulations Division, Headquarters, United States Customs Service, Washington, D.C., during regular business hours.

Approved: March 3, 1976.

[SEAL] LEONARD LEHMAN,
Acting Commissioner of Customs.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.76-6538 Filed 3-4-76;8:45 am]

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

[7 CFR Part 1701]

ELECTRIC DISTRIBUTION PLANT

Specifications for Rural Distribution Transformers (Overhead Type)

Notice is hereby given that, pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et seq.), REA proposes to amend REA Specification D–10, "Specifications for Rural Distribution Transformers" (Overhead Type) to provide for the issuance of revised specifications for distribution transformers for electric distribution plants.

Persons interested in the revised specifications may submit written comments, data, or views to the Director, Power Supply, Management and Engineering Standards Division, Room 3313, South Building, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250, not later than April 5, 1976. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Director, Power Supply, Management and Engineering Standards Division during regular business hours. A copy of the proposed revision of REA Specification D–10 may be secured in person or by written request from the Director, Power Supply, Management and Engineering Standards Division.

The proposed revision of REA Specification D–10 is as follows:

REA SPECIFICATION D–10

REA SPECIFICATIONS FOR RURAL DISTRIBUTION TRANSFORMERS (OVERHEAD TYPE)

I. *Scope.* A. *General:* These performance specifications cover pole type distribution transformers for use on rural electric distribution systems. The transformers covered by these specifications shall be 60 hertz, 65°C rise, single-phase and of the outdoor, direct pole mounting, oil-immersed, self-cooled type, with cover mounted high voltage bushings, tank-wall mounted low voltage stud type bushings and all standard ANSI accessories.

II. *Rating:* A. *Capacity:* These specifications are intended to apply to single-phase, pole type, distribution transformers of the following kVA ratings:

5	15	37½
10	25	50

B. *High Voltage:* The nominal high voltage rating shall be one of the following:

SINGLE BUSHING (CONVENTIONAL OR SELF-PROTECTED)

High voltage rating	*With or without taps*
12470 GRD Y/7200	24900 GRD Y/1440
13200 GRD Y/7600	
12470 GRD Y/7200 by 24940 GRD Y/14400 [1]	
13200 GRD Y/7620 by 24940 GRD Y/1440 [1]	

TWO BUSHING (CONVENTIONAL ONLY)

7200/12470 Y 7620/13200 Y 14400/24900 Y

7200/12470 Y by 14400/24940 GRD Y [1]
7620/13200 Y by 14400/24940 GRD Y [1]

[1] Taps in highest voltage connection only.

C. *Low voltage:* The nominal law voltage rating shall be 120/240 volts.

D. *Insulation levels:* BIL's shall be:

	kilovolt
Secondary line terminals	30
Primary line terminals:	
Single voltage transformers:	
For use on 7.2/12.5 kV systems	95
For use on 7.62/13.2 kV systems	95
For use on 14.4/24.9 kV systems	125
Dual voltage transformers—BIL applies to both voltage ranges	125

III. *Applicable standards:* Transformers shall comply with American National Standard Requirements for Overhead-Type Distribution Transformers 67,000 Volts and below, 500 kVA and smaller, ANSI No. C57.12.20–1974 except where it conflicts with the specific requirements of these specifications.

IV. *Special provisions and exceptions to applicable standards:*

1. The kVA rating shall be legibly and durably stenciled on the tank in numerals not less than 2½ inches high. Single bushing transformers shall be stenciled on two sides, one stencil being located beneath the secondary bushings and the other located diametrically opposite. Two bushing transformers shall have a single stencil located beneath the secondary bushings. The words "REA CO–OP" or other identifying letters or symbols may be added if specified by the purchaser.

2. Single bushing transformers shall have two sets of mounting brackets located on opposite sides of the tank and 90° from the secondary bushings.

3. Single bushing transformers shall have two complete grounding terminals of the solderless connector type mounted on the lower portion of the tank below the secondary terminals and adjacent to the support brackets.

4. On the single bushing transformers, the high voltage bushing shall be located 180° from the secondary neutral bushing.

5. On single bushing transformers, the nameplate shall be visible when facing the secondary terminals and mounted on the lower support lug in segment two.

6. All transformers shall be equipped with an automatic pressure relief device located above the 140°C top oil line in segment four. On single bushing transformers, the device shall be between the support lug and the primary bushing. The pressure relief device shall meet the following requirements:

Inlet port	¼" NPT or larger.
Cracking pressure.	10±2 PSIG.
Reseal pressure	6±2 PSIG.
Remain sealed to.	—8 PSIG.
Capacity	40 SCFM MIN @15 PSIG.

All parts of the pressure relief device are to be weather and corrosion resistant. The device is to be manually operable by hookstick.

7. Connectors and terminals shall be so designed as to accommodate either aluminum or copper conductors.

8. Tap changers on dual-voltage transformers shall position positively in all tap positions and shall latch in each position. Two operations (minimum) shall be required to change taps.

9. Measurements for telephone influence factor (TIF) shall be made in accordance with the 1960 weighting network, when measured with Western Electric 3A or 4A or Northeast Electronics TTS 37B Noise Measuring Sets, or equivalent. The measurements shall show an I.T. product not exceeding 15 per kVA of the transformer rating when made at rated voltage and not exceeding 45 per kVA of the transformer rating when made at 10 percent above rated voltage. These measurements shall be made on a 120 volt section of the low voltage winding with a source voltage TIF not exceeding 10.[2]

10. The radio influence voltage shall not exceed 100 micro-volts (average measurement) at 1000 kHz when measured at 110 percent of rated voltage in accordance with the methods outlined in ASA Publication C63.2, 1950, Appendix A, Figure 5. Dual voltage transformers shall be tested on the highest voltage connection.

[1] Taps in highest voltage connection only.

[2] A test method for measuring TIF may be found in "Recommended Practice for Voice-Frequency Electric Noise Tests of Distribution Transformers", IEEE Transactions on Communications Vol Com 21 No 12 Dec 1973 page 1448. (Copies available from REA on request).

Dated: February 26, 1976.

RICHARD F. RICHTER,
Assistant Administrator-Electric.

[FR Doc.76–6153 Filed 3–4–76;8:45 am]

[7 CFR Part 1701]

ELECTRIC DISTRIBUTION PLANT

Specifications for Pad-Mounted Transformers (Single and Three Phase)

Notice is hereby given that, pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et seq.), REA proposes to amend REA Specification U–5, "Specifications for Pad-Mounted Transformers" (Single and Three Phase) to provide for the issuance of revised specifications for pad-mounted transformers for electric distribution plants.

Persons interested in the revised specifications may submit written comments, data, or views to the Director, Power Suply, Management and Engineering Standards Division, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250, not later than April 5, 1976. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Director, Power Supply, Management and Engineering Standards Division during regular business hours. A Copy of the proposed revision of REA Specification U–5 may be secured in person or by written request from the Director, Power Supply, Management and Engineering Standards Division.

The proposed revision of REA Specification U–5 is as follows:

REA SPECIFICATION U–5

REA SPECIFICATIONS FOR PAD-MOUNTED TRANSFORMERS (SINGLE AND THREE-PHASE)

1. All single-phase, pad-mounted transformers are to conform to the requirements of ANSI C57.12.25–1975 except as otherwise noted. All three-phase, pad-mounted transformers are to conform to the requirements of ANSI C57.12.26–1975 except as otherwise noted.

2. Bushing arrangements of three-phase pad-mounted transformers shall meet the requirements of figures 7, 8 and either 5 or 6 of ANSI C57.12.26–1975.

3. Measurements for TIF shall be made in accordance with REA Specification D–10 item *IV* 9.

4. In addition to the regular locking provisions, all access doors shall be secured by a recessed, captive, pentahead bolt equivalent to that shown in REA Drawing A3759. The inside diameter of the recess shall be as small as possible and not over 1.25 inches. The depth of the recess shall be not less than .625 inches and as shown in the detail. The recess is to be nonrotating. If all doors may be secured with a single bolt, one bolt will be sufficient.

5. The secondary phase terminals for pad-mounted transformers 167 kVA and smaller single phase and 500 kVA and smaller three-phase shall conform to one of the following:

a. Figure 3c of ANSI C57.12.25–1975 for single-phase transformers or Figure 9c of ANSI C57.12.26–1975 for three-phase transformers.

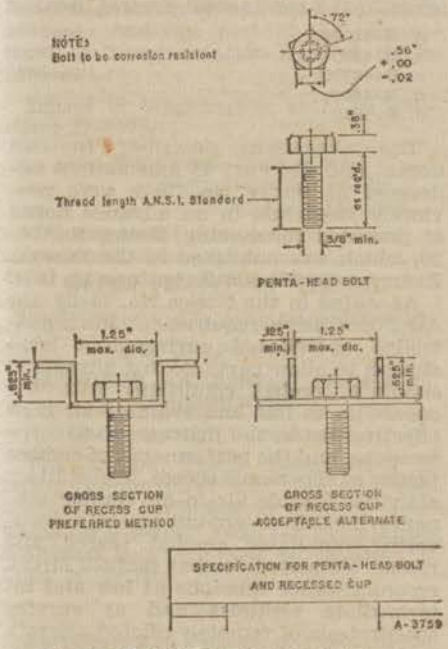
b. Premounted dead-front secondary connectors or cable leads when accepted by the REA Standards Committee.

6. Unit residential transformers shall meet the requirements of 3, 4 and 5 above and the safety and electrical requirements of ANSI C57.12.25. Unit residential transformers are pad-mounted transformers 25 kVA and below intended for use on a single residence.

7. REA Drawing A3759 (attached) is a part of this specification.

Dated: February 26, 1976.

RICHARD F. RICHTER,
Assistant Administrator—Electric.



[FR Doc.76–6156 Filed 3–4–76;8:45 am]

[7 CFR Part 1701]

QUALITY CONTROL AND INSPECTION OF TIMBER PRODUCTS

Revised REA Bulletin

Notice is hereby given that, pursuant to the Rural Electrification Act, as amended (7 USC 901 et seq.), REA proposes to issue revised REA Bulletin 44–4:345–9, "Quality Control and Inspection of Timber Products." This bulletin describes procedure for verifying the quality and treatment of treated timber products purchased by or for REA borrowers.

Persons interested in the provisions of revised REA Bulletin 44–4: 345–9 may submit written data, views or comments to the Director, Power Supply, Management and Engineering Standards Division, Room 3313, South Building, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 30 days from the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Director, Power Supply, Management and Engineering Standards Division, during regular business hours.

A copy of the proposed revision of the REA bulletin may be secured in person or by written request from the Director, Power Supply, Management and Engineering Standards Division.

A summary of the proposed changes in the revised bulletin is as follows:

1. Qualification of laminators by AITC is stated.

2. Responsibilities of the producer and his designate, the Quality Control Supervisor, are outlined in accordance with AWPA Standard M3–70.

3. Responsibilities of the inspection agency and the employees assigned to inspection and verification of conformance to specification requirements are to be in accordance with AWPA Standard M2–74.

4. The licensing of producers by AITC is described and daily quality control and inspection in accordance with AITC 200–3 have been added.

5. Lot and sample size are detailed.

6. Penetration sampling of poles is changed to conform to revision of REA Specification DT–50.

7. Reference to sampling of laminated products has been added to crossarms.

8. Worksheet describing analytical procedures and wood assay methods for all standard preservatives.

9. Procedure for acid cleaning of glassware.

Dated: February 26, 1976.

DAVID H. ASKEGAARD,
Acting Administrator.

[FR Doc.76–6155 Filed 3–4–76; 8:45 am]

[7 CFR Part 1701]

WOOD POLES, STUBS AND ANCHOR LOGS, AND FOR PRESERVATIVE TREATMENT OF THESE MATERIALS

Revised REA Bulletin

Notice is hereby given that, purusant to the Rural Electrification Act, as amended (7 USC 901 et seq.), REA proposes to issue revised REA Bulletin 44–2:345–1 which includes REA Specification DT–5C:PE–9, Wood Poles, Stubs and Anchor Logs, and for Preservative Treatment of These Materials. This specification describes the minimum acceptable quality of wood poles, stubs and anchor logs (hereinafter called poles except where specifically referred to as stubs) purchased by or for REA borrowers and the alternate plans of procurement under which they may be purchased.

Persons interested in the provisions of revised REA Bulletin 44–2: 345–1 may submit written data, views or comments to the Director, Power Supply, Management and Engineering Standards Division, Room 3313, South Building, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 30 days from the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Director, Power Supply, Management and Engineering Standards Division, during regular business hours.

A copy of the proposed revision of the REA bulletin and attachment may be secured in person or by written request from the Director, Power Supply, Management and Engineering Standards Division.

A summary of the proposed changes in the revised bulletin is as follows:

1. The Insured Warranty provision for procurement has been revised to include quality control checks at both the point of manufacture and at destination.

2. ACA and CCA (salt) treatments have been included in the body of the specification.

3. Additional requirements for LPG treatment have been included in the body of the specification.

4. Other treatment requirements have been revised to reflect changes in AWPA standards.

5. Penetration sampling of poles has been revised to permit a sample of distribution poles to be used instead of 100 percent boring.

6. Larger poles (transmission sizes) are to be bored twice.

7. Quality Control and Independent Inspection provisions have been revised to reflect proposed changes in Bulletin 44–4.

8. ANSI 05 provisions have been adopted. Some paragraphs have been revised in anticipation of official ANSI action. These are primarily directed towards defining and restricting handling damage. H-sized poles (large transmission sizes) have been included.

9. Tolerances for bolt hole locations have been placed on framing drawings.

Dated: February 26, 1976.

DAVID H. ASKEGAARD,
Acting Administrator.

[FR Doc.76–6154 Filed 3–4–76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 201, 207, 210, 211, and 229]

[Docket No. 75N–0339]

HUMAN AND VETERINARY DRUGS

Current Good Manufacturing Practice in Manufacture, Processing, Packing or Holding

Correction

In FR Doc. 76–4113, appearing at page 6878, in the issue for Friday, February 13, 1976, make the following changes in the table on page 6879:

1. In the first column headed proposed, change the 76th entry from the top to read, 211.82(b).

2. In the second column headed Mar. 27, 1975, recodification, change the 9th line to read, 211.40(j)(1).

3. In the Third column headed 1974 Code of Federal Regulations, change the 14th line to read, 133.1(d)(4).

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Parts 71 and 73]

[Airspace Docket No. 75-WA-21]

RESTRICTED AREAS

Proposed Alteration

The Federal Aviation Administration (FAA) is considering amendments to Parts 71 and 73 of the Federal Aviation Regulations that would: (1) redefine Restricted Areas R-4807 Tonopah, Nev., R-4808 Las Vegas, Nev., and R-4809 Tonopah, Nev.; (2) designate a new Restricted Area R-4817 Tonopah, Nev.; (3) designate the redefined segments of R-4807, R-4809 and R-4817 as joint use restricted areas; and (4) included the R-4807 segments, R-4809 and R-4817 in the Continental Control Area. Docket No. 13817, Notice No. 76-5 issued concurrently herewith proposes a related amendment of Part 93 that would establish special air traffic rules for operating areas located adjacent to Nellis Air Force Base (AFB) and the aforementioned restricted areas.

Interested pesrons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 15000 Aviation Boulevard, P.O. Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. All communications received on or before June 2, 1976 will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue, S.W., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief. Requests for copies of this Notice of Proposed Rule Making should be addressed to the Federal Aviation Administration, Office of Information Services, Attention: Public Information Center, AIS-230, 800 Independence Avenue, S.W., Washington, D.C. 20591.

The proposed amendments would:

1. Redefine R-4807 Tonopah, Nev., as follows:

R-4807A TONOPAH, NEV.

Boundaries. Beginning at Lat. 37°53'00''N., Long. 116°30'00''W.; to Lat. 37°53'00''N., Long. 116°11'00''W.; to Lat. 37°42'00''N., Long. 116°11'00''W.; to Lat. 37°42'00''N., Long. 115°53'00''W.; to Lat. 37°33'00''N., Long. 115°53'00''W.; to Lat. 37°33'00''N., Long. 116°30'00''W.; to point of beginning.

Designated altitudes. Unlimited.

Time of designation. Continuous.

Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.

Using agency. USAF Tactical Fighter Weapons Center, Nellis AFB, Nev.

R-4807B TONOPAH, NEV.

Boundaries. Beginning at Lat. 37°33'00''N., Long. 116°00'00''W.; to Lat. 37°16'00''N., Long. 116°00'00''W.; to Lat. 37°16'00''N., Long. 116°30'00''W.; to Lat. 37°33'00''N., Long. 116°30'00''W.; to point of beginning.

Designated altitudes. Unlimited.

Time of designation. Continuous.

Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.

Using agency. USAF Tactical Fighter Weapons Center, Nellis AFB, Nev.

R-4807C TONOPAH, NEV.

Boundaries. Beginning at Lat. 37°33'-00'' N., Long. 116°30'00''W.; to Lat. 36°51'00''N., Long. 116°30'00''W.; to Lat. 36°51'00'' N., Long. 116°33'30'' W.; to Lat. 37°26'30''N., Long. 117°04'30''W.; to Lat. 37°33'00''N., Long. 117°04'40''W.; to point of beginning.

Designated altitudes. Unlimited.

Time of designation. Continuous.

Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.

Using agency. USAF Tactical Fighter Weapons Center, Nellis AFB, Nev.

2. Redefine R-4808 Las Vegas, Nev., as follows:

Boundaries. Beginning at Lat. 36°41'-00'' N., Long. 115°56'00'' W.; to Lat. 36°-41'00'' N., Long. 116°26'30'' W.; to Lat. 36°51'00'' N., Long. 116°26'30'' W.; to Lat. 36°51'00'' N., Long. 116°30'00'' W.; to Lat. 37°16'00'' N., Long. 116°30'00'' W.; to Lat. 37°16'00'' N., Long. 116°00'-00'' W. to Lat. 37°33'00'' N., Long. 116°00'00'' W.; to Lat. 37°33'00'' N., Long. 115°35'00'' W.; to Lat. 37°06'00'' N., Long. 115°35'00'' W.; to Lat. 37°06'00'' N., Long. 115°56'00'' W.; to point of beginning.

Designated altitudes. Unlimited.

Time of designation. Continuous.

Using agency. Manager, Energy Research and Development Administration, Las Vegas, Nev.

3. Redefine R-4809 Tonopah, Nev., as follows:

Boundaries. Beginning at Lat. 37°53'-00''N., Long. 116°30'00''W.; to Lat. 37°33'00''N., Long. 116°30'00''W.; to Lat. 37°33'00''N., Long. 117°03'40''W.; to Lat. 37°53'00''N., Long. 117°01'00''W.; to point of beginning.

Designated altitudes. Unlimited.

Time of designation. Continuous.

Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.

Using agency. Manager, Energy Research and Development Administration, Albuquerque, N. Mex.

4. Designate the following new restricted area:

R-4817 TONOPAH, NEV.

Boundaries. Beginning at Lat. 37°17'-00''N., Long. 115°18'00''W.; to Lat. 37°-17'00''N., Long. 115°35'00''W.; to Lat. 37°33'00''N., Long. 115°35'00''W.; to Lat. 37°33'00''N., Long. 115°53'00''W.; to Lat. 37°42'00''N., Long. 115°53'00''W.; to Lat. 37°42'00''N., Long. 116°11'00''W.; to Lat. 37°53'00''N., Long. 116°11'00''W.; to Lat. 37°53'25''N., Long. 116°38'20''W.; to Lat. 37°59'55''N., Long. 116°38'10''W.; to Lat. 38°00'10''N., Long. 116°33'30''W.; to Lat. 38°00'30''N., Long. 116°33'45''W.; to Lat. 38°01'50''N., Long. 116°19'45''W.; to Lat. 38°01'40''N., Long. 115°58'00''W.; to Lat. 38°06'00''N., Long. 115°28'00''W.; to Lat. 38°07'00''N., Long. 115°18'00''W.; to point of beginning.

Designated altitudes. 200 feet AGL to but not including FL 180.

Time of designation. Continuous.

Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.

Using agency. USAF Tactical Fighter Weapons Center, Nellis AFB, Nev.

5. Include the following restricted areas in the continental control area:

a. R-4807A
b. R-4807B
c. R-4807C
d. R-4809
e. R-4817

The alterations described in this docket and the Part 93 amendment addressed in Notice No. 76-5 were previously publicized in an advance notice of proposed rulemaking, Notice No. 74-20, which was published in the FEDERAL REGISTER (39 FR 20612) on June 12, 1974.

As stated in the Notice No. 74-20, the Air Force has a requirement for a controlled operational environment large enough to allow participating aircraft to simulate combat conditions with the capability to test and evaluate air crew effectiveness in the delivery of airborne weapons, and the performance of combat tactics at supersonic speeds. The military activities include air-to-air combat maneuvering, air-to-ground attack maneuvering, simulated combat search and rescue, simulated combat tactical airlift, reconnaissance missions at low and intermediate altitudes and at varying speeds, tests of remotely piloted aircraft, and simulated strategic bombing missions. These missions would be flown by individual aircraft, small formations and, on occasion, as large scale exercises. The maneuvers would involve flights at very high speeds, subsonic flights at low altitude, and vertical movement tactics. To accommodate this activity with safety, an area with low densities of population and air traffic is desired. The operating areas proposed for special air traffic rules in Notice No. 76-5 would provide a controlled environment for some of the operations; however, restricted

airspace would also be needed where positive control cannot be provided and where the activities would create a hazard for nonparticipating aircraft. The alterations described in this docket would satisfy the restricted airspace requirement.

As proposed herein, R–4807, R–4809 and R–4817 would be designated for joint use. This would permit their temporary return to public use when the using agency has no requirement for them. Furthermore, subdividing R–4807 and redefining R–4808 and R–4809 would simplify the measures required to effect the return by aligning the area boundaries more closely to the airspace actually used for specific testing or training operations.

The Air Force has stated that it will recommend revocation of R–4817 as soon as equipment necessary to control aircraft activities within that airspace has been installed. The R–4817 airspace would then be combined with one or both of the operating areas proposed in Notice No. 76–5 so that flight through the area can be made, subject to the special air traffic rules proposed in the notice. Current Air Force planning indicates that equipment installation will be completed within two years.

These amendments are proposed under the authority of Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on February 27, 1976.

WILLIAM E. BROADWATER,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.76–6291 Filed 3–3–76;8:45 am]

DEPARTMENT OF LABOR

Employment and Training Administration

[20 CFR Part 640]

STANDARD FOR BENEFIT PAYMENT PROMPTNESS

Unemployment Compensation

The United States Department of Labor, Employment and Training Administration, proposes to adopt a regulation for a Benefit Payment Promptness Standard, in a new Part 640 of Title 20, Code of Federal Regulations.

BACKGROUND

The State and Federal partners in the Federal-State unemployment compensation program share responsibility for ensuring that the system is geared to provide the payment of unemployment compensation to eligible individuals as promptly as possible. Prompt payment of unemployment compensation is vital to achieve the basic purposes of the program. Section 303(a)(1) of the Social Security Act requires, as a condition for the certification of payment of administrative grants to a State, that the Secretary of Labor find that the State unemployment compensation law includes provision for "such methods of administration * * * as are found by the Secretary of Labor to be reasonably calculated to insure full payment of unemployment compensation when due." (Emphasis added.)

All State laws either explicitly contain a corresponding provision or are construed as containing this requirement. Unless some precise interpretation of the phrase "when due" is established, however, there exists no measure of satisfactory performance. The Department of Labor has long considered the prompt payment of unemployment compensation to eligible individuals to be a key element in achieving the major purposes of the program. The Department has issued promptness guidelines over the years, providing States with specific performance objectives.

The interpretation given the phrase "when due" by the United States Supreme Court in "California Department of Human Resources Development v. Java," 402 U.S. 121 (1971), offers no specific test of required promptness. It is clear, however, that the Court, like the Department, considered the prompt payment of unemployment compensation to be of crucial importance. According to the Court, the Congressional intent in establishing the statutory framework of the program was to get "money into the pocket of the unemployed worker at the earliest point that is administratively feasible." The unmistakable thrust of the decision is that payment must be made promptly if the purposes of the program are to be met.

Unemployment Insurance Program Letter No. 1145, issued November 12, 1971, contains guides for implementing the "Java" decision's requirements, but none that specifically require the prompt payment of unemployment compensation.

Payment guidelines, however, had been issued earlier, beginning in 1967, representing the Department's recommendations to the State agencies of specific payment promptness objectives.

The most recent revision of those guidelines, contained in General Administration Letter No. 1504, issued February 7, 1974, recommended that 86 percent of intrastate first payments be made within 14 days of the end of the first compensable week, and that 67 percent of interstate first payments be made within 14 days. These guidelines were issued for State agencies to use in self-appraisal of their performance, along with the prescription that a State should study the reasons for its poor performance and develop a corrective plan of action when performance is more than 20 percent below the specified guidelines.

It seems clear that the fact that the guidelines for prompt benefit payments are recommendations only, and the failure to spell out clearly that promptness in making payments is a Federal law requirement, have been major elements leading to inadequate understanding of the emphasis and priority that must be assigned in the operation of the program to prompt benefit payments. Unusually heavy work loads and budget constraints have been contributing factors to inadequate performance in recent years.

A number of recent suits in State and Federal courts, brought by claimants who were aggrieved by delays in benefit payments, have highlighted the lack of clear-cut Federal direction in the application of the Federal law to achieve promptness in the payment of unemployment benefits. The actions of the courts in these cases reinforce the Department's view that specific criteria of performance are needed as a basis for determining compliance with the "when due" requirement of section 303(a)(1).

PROPOSED STANDARD

Following the pattern set by the Appeals Promptness Standard established in 1972, a standard is proposed requiring that States provide such administration of the benefit payment process as will reasonably insure payment of unemployment compensation to eligible individuals with the greatest promptness that is administratively feasible.

Criteria for first payments are established which, if met by a State, will constitute substantial compliance with the standard. Any State not meeting the criteria will be required to develop an annual plan of action identifying existing obstacles to promptness, showing how the State will operate during the following year to meet the established criteria, and what changes will be made in processing methods to accomplish its goal. Monitoring of the States' performance, however, will be on a continuing basis to assure that States whose performance does not meet the criteria are taking the steps necessary to improve their performance to the required level.

It is important that the relationship between the standard and the established criteria be fully understood. The standard is a simple requirement of the greatest promptness that is administratively feasible. The criteria serve the purpose of defining what will be accepted as satisfying the standard. A State that meets the criteria will be considered to be satisfying the standard, and, accordingly, be in substantial compliance with the requirement of section 303(a)(1).

If a State fails to meet the criteria, this does not necessarily mean it has failed to satisfy the standard. If the failure is attributable to factors reasonably beyond the State's control and, in light of those factors, the State has done as well as is administratively possible, it will be considered that the standard has been met. If, however, the reasons were not beyond the State's control, remedial action will be sought. The reasons for and the nature of the failure will be evaluated and recommendations will be made for correction and improvement. Notice of and opportunity for a hearing on the withholding of certification of payment of granted funds would be undertaken in the event of failure or refusal to take necessary corrective actions.

PERFORMANCE CRITERIA

The performance criteria being proposed at this time are interim criteria that will be reviewed during the next several months, with changes to be published by March 1977, effective for fiscal year 1978.

The criteria proposed now are less stringent than the performance objectives incorporated in the 1974 guidelines. The latter were based on experience in the 1960's during periods when workloads were relatively light. In contrast, the proposed standard would be inaugurated during a period when workloads are not at unprecedented levels and are likely to continue unusually high for a protracted period. The proposed criteria, necessarily based on the best judgment available as to what level of performance is realistically attainable, appear more realistic in light of current economic conditions than those described in the 1974 guidelines.

The proposed criteria of substantial compliance with section 303(a)(1) are: 80 percent of intrastate first payments to be issued within 14 days following the end of the first compensable week; 60 percent of interstate first payments to be issued within 14 days of the end of the first compensable week.

First payments mean payments based on initial claims and claims for the first compensable week. The data reported on Form ES–213 provide the data base for determining whether the criteria are met. The report is submitted monthly and is due in the national office of the Employment and Training Administration on the fifteenth of the month following the month to which it relates. The criteria apply to a cumulative percentage for a 12-month fiscal year. The reporting definitions and instructions for the report would not be affected.

The criteria proposed are limited to first payments at this time, although the standard itself will be applicable to all benefit payments. Past studies have shown that the States' performance with respect to first payments is indicative of their performance with respect to subsequent payments. As indicated above, however, the criteria as proposed will be reassessed during the next several months. By then there will have been sufficient opportunity to determine potential State capacity and to consider the impact on time lapse of a number of relevant factors that vary from State to State. At that time a determination will be made of the feasibility of establishing criteria for payment of continued claims as well as payment of first claims. In addition, consideration will be given to determining not only what specific percentages of intrastate and interstate first payments should be made within specified time frames, but also within what time limits greater percentages of first payments can reasonably be expected to be made. The Standard for Appeals Promptness, for example, prescribes one time frame for a given percentage of decisions issued, and a wider time frame for a greater percentage.

Unlike the Appeals Promptness Standard, the proposed Benefit Payment Promptness Standard establishes less stringent criteria for first payments on interstate claims than apply to intrastate claims. This takes into account the fact that, unlike interstate benefit appeals which are heard and decided in the States by the same referees as intrastate appeals, interstate claims are processed and determined by separate organizational units in the States from those that process intrastate claims. It also recognizes the large volume of interstate claims which, historically, have uneven distribution, and have taken a substantially longer time to process than intrastate claims.

PERFORMANCE PLANS OF ACTION

The Standard is designed also to aid in identifying the precise cause of delay in the benefit payment processes and in determining the amount and type of resources and assistance that will be required to meet and maintain the required levels of performance. It requires submittal by a State, which has not met the criteria, of an annual performance plan showing how the State will operate so as to achieve the levels established by the criteria. Information concerning the structure and content of such plans will be contained in instructions issued after the standard takes effect.

COMMENTS ON PROPOSAL

Interested persons are invited to submit written data, views, or arguments on the proposal in this document, to the U.S. Department of Labor, Employment and Training Administration, Room 7000, Patrick Henry Building, 601 "D" Street, NW., Washington, D.C. 20213. All comments received on or before April 5, 1976, will be considered before taking action on the proposal. All comments received in response to this invitation will be available for public inspection during normal business hours at the foregoing address.

AUTHORITY FOR ISSUANCE

The amendment in this document is proposed under the authority of section 1102 of the Social Security Act (42 U.S.C. 1302) and Secretary's Order No. 4–75, dated April 16, 1975.

PROPOSED REGULATION

In consideration of the foregoing, it is proposed that a new Part 640 be added to Chapter V of Title 20, Code of Federal Regulations, to read as follows:

PART 640—STANDARD FOR BENEFIT PAYMENT PROMPTNESS—UNEMPLOYMENT COMPENSATION

Sec.

640.1 Purpose and scope of the standard.
640.2 Federal law requirements.
640.3 Secretary's interpretation of Federal law requirements.
640.4 Secretary's Standard.
640.5 Criteria for State compliance.
640.6 Review of State compliance.
640.7 Annual Benefit Payment Performance Plan.

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) and 303(b)(2) of the Social Security Act (42 U.S.C. 503(a)(1), 503(b)(2))

§ 640.1 Purpose and scope of the standard.

(a) *Purpose.* This Standard is responsive to the overriding concern of the United States Supreme Court in "California Department of Human Resources Development v. Java", 402 U.S. 121 (1971), and that of other courts with delays in the payment of unemployment compensation to eligible individuals. The Standard in this Part seeks to insure that unemployment compensation is paid to eligible individuals with the greatest promptness that is administratively feasible.

(b) *Scope.* The Standard specified in § 640.4 applies to all claims for unemployment compensation. The criteria for State compliance in §§ 640.5 apply to first payments of unemployment compensation to eligible claimants following the filing of initial claims and first compensable claims.

§ 640.2 Federal law requirements.

(a) *Conformity.* Section 303(a)(1) of the Social Security Act requires that a State unemployment compensation law include provision for—

> Such methods of administration * * * as are found by the Secretary of Labor to be reasonably calculated to insure full payment of unemployment compensation when due.

(b) *Compliance.* Section 303(b)(2) of the Social Security Act provides that:

> Whenever the Secretary of Labor, after reasonable notice and opportunity for hearing to the State agency charged with the administration of the State law, finds that in the administration of the law there is—
> (1) * * *
> (2) a failure to comply substantially with any provision specified in subsection (a) of this section;
>
> the Secretary of Labor shall notify such State agency that further payments will not be made to the State until the Secretary of Labor is satisfied that there is no longer any such denial or failure to comply. Until he is so satisfied, he shall make no further certification to the Secretary of the Treasury with respect to such State * * *.

§ 640.3 Secretary's interpretation of Federal law requirements.

(a) *Section 303(a)(1).* The Secretary interprets section 303(a)(1) of the Social Security Act to require that a State law include provision for such methods of administration as will reasonably insure the full payment of unemployment compensation to eligible claimants with the greatest promptness that is administratively feasible.

(b) *Section 303(b)(2).* The Secretary interprets section 303(b)(2) of the Social Security Act to require a State to comply substantially with the provision required by section 303(a)(1), as specified in paragraph (a) of this section.

§ 640.4 Secretary's Standard.

A State law will satisfy the requirement of section 303(a)(1), as specified in § 640.3(a), if, after September 30, 1976, it contains a provision requiring, or is construed to require, such methods of administration as will reasonably insure the full payment of unemployment compensation to eligible claimants with the greatest promptness that is administratively feasible.

§ 640.5 Criteria for State compliance.

A State will be deemed to comply substantially with the requirement set forth in § 640.4 if, for the fiscal year 1977, and for each fiscal year thereafter—

(a) It has issued 80 percent of first benefit payments on all intrastate claims within 14 days after the end of the first compensable week, and

(b) It has issued 60 percent of first benefit payments on all interstate claims within 14 days after the end of the first compensable week.

§ 640.6 Review of State compliance.

A State's compliance will be assessed for each fiscal year on a cumulative monthly basis from data reported monthly as required by sections 2600–2699, Part III, "Employment Security Manual."

§ 640.7 Annual Benefit Payment Performance Plan.

(a) *Fiscal year 1977.* Every State that has not, for the 12-month period ending on June 30, 1976, met the criteria specified in § 640.5, shall submit, no later than September 30, 1976, an Annual Benefit Payment Performance Plan of action showing how it will operate so as to meet those criteria beginning with the first quarter of fiscal year 1977.

(b) *Subsequent fiscal years.* No later than September 30, 1977, and the 30th day of September of each ensuing year, each State that has not, for the 12-month period ending the preceding June 30, met the criteria specified in § 640.5, shall submit an Annual Benefit Payment Performance Plan of action showing how it will operate so as to meet those criteria beginning with the next ensuing fiscal year.

Signed at Washington, D.C., on March 1, 1976.

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

[FR Doc.76-6249 Filed 3-4-76;8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

[Petition No. PP 74-30]

[16 CFR Part 1700]

HUMAN PRESCRIPTION DRUGS IN ORAL DOSAGE FORMS

Proposed Exemption of Luride Drops (Sodium Fluoride) From Child-Protection Packaging Requirements

The purpose of this document is to propose exempting Luride Drops, an aqueous solution preparation containing sodium fluoride, described below, from the provisions of 16 CFR 1700.14(a)(10) requiring child protection packaging for human prescription drugs in oral dosage forms.

BACKGROUND

In the FEDERAL REGISTER of April 16, 1973 (38 FR 9431), and under provisions of the Poison Prevention Packaging Act of 1970, the Commissioner of the Food and Drug Administration promulgated a regulation (21 CFR 295.2(a)(10)) establishing child protection packaging requirements for human prescription drugs in oral dosage forms, effective April 16, 1974.

In the document's preamble, the Commissioner announced that he would consider requests for exemptions from the packaging requirements and, if reasonable grounds were furnished, would publish proposed exemptions in the FEDERAL REGISTER.

Effective May 14, 1973, section 30(a) of the Consumer Product Safety Act (Pub. L. 92–573, 86 Stat. 1231; 15 U.S.C. 2079(a)) transferred functions under the Poison Prevention Packaging Act of 1970 to the Consumer Product Safety Commission.

Subsequently, on August 7, 1973 (38 FR 21247), the Consumer Product Safety Commission revised and transferred the regulations under the Poison Prevention Packaging Act of 1970 (21 CFR Part 295 became 16 CFR Part 1700). Accordingly, the amendment proposed below involves 16 CFR 1700.14(a)(10) instead of 21 CFR 295.2(a)(10).

EXEMPTION PETITION

On October 29, 1973, the Consumer Product Safety Commission received a petition (dated October 22, 1973) from the Davies Rose Hoyt Pharmaceutical Division of the Kendall Company, 633 Highland Avenue, Needham, Mass. 02194, requesting exemption of two of its human prescription drug products, Luride Drops and Thera-Flur Gel-Drops, from the child protection packaging requirements of 16 CFR 1700.14(a)(10).

Thera-Flur Gel-Drops is an aqueous solution containing 5 milligrams per milliliter of fluoride ion (from sodium fluoride) plus phosphate. For protection against dental caries, it is applied to the teeth by means of a custom-fitted plastic mouthpiece lined with 5 to 10 drops of the preparation. After treatment, the applicator is removed and the mouth thoroughly rinsed out. Since Thera-Flur is topically applied, the Commission finds that it is not a drug in a dosage form intended for oral administration and therefore is not subject to the packaging requirements of 16 CFR 1700.14(a)(10). Accordingly, exempting the product is not in question.

The product, Luride Drops, is an aqueous solution containing 3 milligrams per milliliter of fluoride ion (from sodium fluoride) plus coloring and flavoring agents. For protection against dental caries, the product is intended for ingestion. Accordingly, it is a human prescription drug intended for oral administration and the question of its exemption from 16 CFR 1700.14(a)(10) is relevant.

GROUNDS FOR EXEMPTION

The petitioner states that the product, Luride Drops, is packaged in a plastic squeeze bottle with a special plug designed for drop-by-drop delivery each time the bottle is actuated. The content of each bottle is 40 milliliters containing 120 milligrams of fluoride ion from 264 milligrams of sodium fluoride. This conforms with the safety recommendation of the American Dental Association that no more than 264 milligrams of sodium fluoride be dispensed at one time. The petitioner also points out that Luride has been safely marketed for 14 years.

Responding to a CPSC request, the Food and Drug Administration has reviewed the petition and recommends exempting Luride Drops from the child protection packaging requirements. FDA bases its recommendation largely on the absence of injury reports despite an extensive marketing history of Luride Drops. Also, FDA states that the 264 milligrams of sodium fluoride in a bottle of Luride Drops is appreciably less than what scientific literature indicates is an acutely toxic dose.

CONCLUSION AND PROPOSAL

Having considered the petition, human experience data from the National Clearinghouse of Poison Control Centers, and other available information, and having consulted, pursuant to section 3, with the Technical Advisory Committee on Poison Prevention Packaging established in accordance with section 6 of the Poison Prevention Packaging Act of 1970, the Consumer Product Safety Commission concludes that an exemption covering Luride Drops in 40-milliliter bottles designed for drop-by-drop delivery should be proposed as set forth below.

The Commission's decision to propose the exemption is based principally on (1) the absence of reports of serious personal injury or serious illness involving the preparation which has been marketed for 14 years and (2) scientific literature's indication that accidental ingestion of 264 milligrams of sodium fluoride, the amount in a bottle of the preparation, would be less than a toxic or harmful amount for a 25-pound child.

Accordingly, pursuant to provisions of the Poison Prevention Packaging Act of 1970 (Pub. L. 91–601, secs. 2(4), 3, 5, 84 Stat. 1670–72; 15 U.S.C. 1471(4), 1472, 1474) and under authority vested in the Commission by the Consumer Product Safety Act (Pub. L. 92–573, sec. 30(a), 86 Stat. 1231; 15 U.S.C. 2079(a)), the Commission proposes that 16 CFR 1700.14 be amended by adding a new paragraph (a)(10)(vii) as follows:

§ 1700.14 Substances requiring special packaging.

(a) * * *

(10) *Prescription drugs.* Any drug for human use that is in a dosage form intended for oral administration and that is required by Federal law to be dis-

pensed only by or upon an oral or written prescription of a practitioner licensed by law to administer such drug shall be packaged in accordance with the provisions of § 1700.15 (a), (b), and (c), except for the following:

* * * * *

(vii) Luride Drops as an aqueous solution containing no more than 264 milligrams of sodium fluoride in 40-milliliter bottles designed for drop-by-drop dispensation.

* * * * *

Since the subject petition was received prior to the effective date (April 16, 1974) of the regulation establishing child protection packaging requirements for human prescription drugs in oral dosage forms, publication of this proposal shall have the effect of suspending the effective date of 16 CFR 1700.14(a)(10) only as it applies to the drug described by this proposed exemption, pending review of comments and promulgation of the amendment. This proposal shall in no way abrogate or restrict the prescription drug regulation with regard to other prescription drugs subject thereto.

Interested persons are invited to submit, on or before May 4, 1976, written comments regarding this proposal. Comments and any accompanying data or material should be submitted, preferably in five copies, addressed to the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the Office of the Secretary, 10th floor, 1750 K Street NW., Washington, D.C., during working hours Monday through Friday. Any comments received after the closing date will be considered to the extent practicable.

Dated: March 2, 1976.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

[FR Doc. 76-6423 Filed 3-4-76;8:45 am]

COST ACCOUNTING STANDARDS BOARD

[4 CFR Part 414]

COST OF MONEY AS AN ELEMENT OF THE COST OF FACILITIES CAPITAL

Proposed Standard

Notice is hereby given that the Cost Accounting Standards Board is considering the promulgation of a Standard on Cost of Money as an Element of the Cost of Facilities Capital. The proposed Standard is designed to implement further the requirements of Section 719 of the Defense Production Act of 1950, as amended (50 U.S.C. App. 2168).

The proposed Standard, if adopted, would be one of a series of Cost Accounting Standards which the Board is promulgating "to achieve uniformity and consistency in the cost accounting principles followed by defense contractors and subcontractors under Federal contracts." (See Section 719(g) of the Defense Production Act, as amended.)

The Board's beginning research was in both the area of inflation impact and the area of the cost of capital as a cost of contract performance. On October 9, 1975, the Board published a proposed Cost Accounting Standard No. 413, on Adjustment of Historical Depreciation Costs for Inflation. Both that earlier proposal and the one being published today deal with the recognition, as a part of contract cost, of imputed costs of capital investment which have not been explicitly treated under the generally accepted accounting principles applicable to external financial reporting. The costs dealt with under these two proposals, furthermore, have not been considered in determining contract costs under Government procurement regulations.

The Board, in its October 9, 1975, proposal for Standard No. 413, pointed out that it might be appropriate to "include recognition of the impact of inflation in a provision for capital cost recognition," but it indicated its tentative choice to proceed with the separate development of two proposals.

The Board received over 90 comments on the October 9, 1975 proposal. The Board takes this opportunity to thank the individual companies, Government agencies, professional accounting associations, industry associations, public accounting firms, universities, and others who have provided helpful comments on that publication.

Many of these comments raised substantial questions about the specific details and form of proposed Standard No. 413. Some comments questioned the need for the Standard at all. Commentators urged the Board to combine that topic with the topic of cost of money as an element of the cost of facilities capital. In the staff research work which preceded today's publication of the proposal on cost of money, consideration was given to the rate to be used. The Board's research found that a semiannual rate established by the Secretary of the Treasury under Public Law 92-41, requires that the current private commercial rates of interest for new loans maturing in approximately five years, be taken into account. The impact of future inflation would be clearly reflected in the rate so established.

The Board is persuaded that its cost of money proposal relating to facilities capital should use a rate reasonably representing the cost which can be imputed to all contractors, except for consideration of the differences among them as to specific risk and efficiency evaluations which influence the various rates they actually face.

The Board believes that the proposed Cost Accounting Standard being published today will provide reasonable recognition for the cost of a contractor's investment in facilities, by using the semiannual interest rate established under Public Law 92-41, which also includes a factor for the risk of inflation. The Board is therefore withdrawing its proposed Standard No. 413 on Adjustment of Historical Depreciation Costs for Inflation.

Since various proposals for accounting for inflation are under study by accounting bodies, and those studies are incomplete, the Board believes it should proceed at this time to deal with the inflation problem through a single Standard on the cost of facilities capital. The Board will, however, continue to observe efforts by other authoritative accounting bodies to develop appropriate techniques to deal in a practical manner with the impact of inflation.

The proposal being published today deals with investments in facilities. The Board recognizes that some contractors also have significant investments in working capital. The Board's staff has, indeed, engaged in preliminary research related to techniques for measuring the costs allocable to contracts because of such working capital investments. The Board will continue to study the issues related to the cost of these commitments of working capital with a view toward developing a possible Cost Accounting Standard covering the cost of these investments.

The Board solicits comments on the proposed Cost Accounting Standard on the Cost of Money as an Element of the Cost of Facilities Capital. Interested persons should submit written materials which will assist the Board in its consideration of the proposal. Views and data should be submitted to the Cost Accounting Standards Board, 441 G Street, N.W., Washington, D.C. 20548.

To be given consideration by the Board in its determination relative to final promulgation of the Cost Accounting Standard covered by this Notice, written submissions must be made to arrive no later than April 19, 1976.

NOTE: All written submissions made pursuant to this Notice will be made available for public inspection at the Board's office during regular business hours.

PART 414—COST OF MONEY AS AN ELEMENT OF THE COST OF FACILITIES CAPITAL

Sec.
414.10 General applicability.
414.20 Purpose.
414.30 Definitions.
414.40 Fundamental requirement.
414.50 Technique for application.
414.60 Illustrations.
414.70 Exemptions.
414.80 Effective date.

AUTHORITY: Sec. 719 of the Defense Production Act of 1950, as amended, Public Law 91-379, 50 U.S.C. App. 2168.

§ 414.10 General applicability.

General applicability of this Cost Accounting Standard is established by § 331.30 of the Board's regulations on applicability, exemption, and waiver of the requirement to include the Cost Accounting Standards contract clause in negotiated defense prime contracts and subcontracts (4 CFR 331.30).

§ 414.20 Purpose.

The purpose of this Cost Accounting Standard is to establish criteria covering the explicit recognition of the cost of

money for facilities capital as an element of contract cost. Consistent application of these criteria will improve cost measurement by providing for allocation of cost of contractor investment to negotiated contracts.

§ 414.30 Definitions.

(a) *Business unit.* Any segment of an organization, or an entire business organization which is not divided into segments.

(b) *Facilities capital.* The net book value of tangible capital assets and those intangible capital assets that are subject to amortization.

(c) *General and Administrative (G&A) Expense.* Any management, financial, and other expense which is incurred by or allocated to a business unit and which is for the general management and administration of the business unit as a whole. G&A expense does not include those management expenses whose beneficial or causal relationship to cost objectives can be more directly measured by a base other than a cost input base representing the total activity of a business unit during a cost accounting period.

(d) *Intangible capital asset.* An asset which has no physical substance, has more than minimal value, and is expected to be held by an enterprise for continued use of possession beyond the current accounting period.

(e) *Tangible capital asset.* An asset that has physical substance, more than minimal value, and is expected to be held by an enterprise for continued use of possession beyond the current accounting period for the services it yields.

§ 414.40 Fundamental requirement.

(a) The cost of contractor's capital investment shall be measured and allocated to contracts in accordance with the criteria set forth in this Standard.

(b) The cost of money rate to be used in this Standard shall be based on the interest rate determined by the Secretary of the Treasury (pursuant to P.L. 92–41, 85 Stat. 97) computed in accordance with the terms of this Standard.

(c) The cost of money for facilities capital shall be separately computed for each contract for each cost accounting period.

§ 414.50 Techniques for application.

(a) The investment base used in computing the cost of money for facilities capital shall be computed from accounting data used for contract cost purposes. The form and instructions stipulated in this Standard shall be used to make the computation.

(b) The cost of money rate for any cost accounting period shall be the arithmetic mean of the interest rates specified by the Secretary of the Treasury pursuant to P.L. 92–41 (85 Stat. 97). Where the cost of money must be determined on a prospective basis the cost of money rate shall be based on the most recent available rate published by the Secretary of the Treasury.

(c) (1) A facilities capital cost of money factor shall be determined for each overhead, G&A, or other indirect cost pool (e.g., service center) which is used to allocate indirect costs to final cost objectives.

(2) The facilities capital cost of money factor for an indirect cost pool shall be determined in accordance with Form CASB–CMF, and its instructions which are set forth in Appendix A. One form will serve for all the indirect cost pools of a business unit.

(3) For each CAS-covered contract, the applicable facilities-related cost of money for a given cost accounting period is the sum of the products obtained by multiplying the amount of allocation base units (such as direct labor hours, or dollars of total cost input) identified with the contract for the cost accounting period by the facilities capital cost of money factor for the corresponding indirect cost pool.

§ 414.60 Illustrations.

The use of Form CASB–CMF and other types of computations anticipated for this Cost Accounting Standard are illustrated in Appendix B.

§ 414.70 Exemption.

This Standard shall not apply to any prime contract or subcontract if (i) the date of award of such prime contract or subcontract, or (ii) the date of final agreement on price as shown on a contractor's signed certificate of current cost or pricing data, precedes the effective date of this Standard.

The provisions of § 414.50(c) of this Standard and the requirement of § 414.40(c) to compute cost of money for facilities capital shall not apply where compensation for the use of tangible capital assets is based on use allowances as provided by the provisions of Federal Management Circular 73–8 (Cost Principles for Educational Institutions), Federal Management Circular 74–4 (Principles for Determining Costs Applicable to Grants and Contracts with State and Local Governments), or other appropriate Federal procurement regulations.

§ 414.80 Effective date.

The effective date of this Cost Accounting Standard is [Reserved].

APPENDIX A

FACILITIES CAPITAL COST OF MONEY FACTORS COMPUTATION

BUSINESS UNIT FACILITIES CAPITAL					Contractor: Business Unit:		Address:	
COST ACCOUNTING PERIOD:		1. Applicable Cost of Money Rate ___%	2. Accumulation & Direct Distribution of N.B.V.	3. Allocation of Undistributed	4. Total Net Book Value	5. Cost of Money for the Cost Accounting Period	6. Overhead or G&A Allocation for the Period	7. Facilities Capital Cost of Money Factors
BUSINESS UNIT FACILITIES CAPITAL	Recorded			Basis of Allocation	Col's 2 + 3	Col's 1 x 4	In Unit(s) of Measure	Col's 5 ÷ 6
	Leased Property							
	Corporate or Group							
	Total							
	Undistributed							
	Distributed							
OVERHEAD POOLS								
G&A EXPENSE POOLS								
TOTAL							//////////	//////////

CASB-CMF

APPENDIX A

INSTRUCTIONS FOR FORM CASB–CMF

Purpose. The purpose of this form is to (a) accumulate total Facilities Capital net book values allocated to each Business Unit for the contractor cost accounting period and (b) convert those values to Facilities Capital cost of money factors applicable to each overhead or G&A expense allocation base employed within a business unit. Only those facilities capital items used in the regular business activity of the business unit should be used for the purpose of this computation.

Basis. All data pertain to the cost accounting period for which the contractor prepares overhead and G&A expense allocations. The cost of money computations should be compatible with those allocation procedures. More specifically, facilities capital values used should be the same values that are used to generate depreciation or amortization that are allowed for Federal Government contract costing purposes.

Applicable Cost of Money Rate (Col 1). Enter here the percent of the average periodic cost of money rate as computed in accordance with § 414.50(b).

Accumulation and Direct Distribution of Net Book Value (Col. 2). *Recorded, Leased Property, Coporate*—The Net Book Value of Facilities Capital items in this column shall represent the average balances outstanding during the cost accounting period. This applies both to items that are subject to periodic depreciation or amortization and also to such items as land that are not subject to periodic write-offs. Unless there is a major fluctuation, it will be adequate to ascertain the net book value of these assets at the beginning and end of each cost accounting period, and to compute an arithmetic average of those two sets of figures. "Recorded" facilities are the normal Facilities Capital items owned by the contractor and carried on the books of the Business Unit. "Leased Property" is the capitalized value of leases for which constructive costs of ownership have been allowed in lieu of rental costs under Government procurement regulations. Corporate or group facilities are the Business Unit's allocable share of corporate-owned and leased

facilities. The net book value of general purpose items of Facilities Capital which are held or controlled by the Home Office shall be allocated to the Business Unit on a basis consistent with the Home Office expense allocation.

Distributed and Undistributed. All facilities capital items that are identified in the contractor's records as solely applicable to an organizational unit corresponding to a specific overhead or G&A expense pool, are listed against the applicable Overhead or G&A expense pool, are listed against the applicable Overhead or G&A expense pools and are classified as "Distributed." "Undistributed" is the remainder of the Business Unit's facilities capital. The sum of "Distributed" and "Undistributed" must also correspond to the amount shown on the "Total" line.

Allocation of Distributed. List in the narrative column all the overhead and G&A expense pools to which "Distributed" facilities capital items have been allocated. Enter the corresponding amounts in (Col. 2). The sum of all the amounts shown against specific overhead and G&A expense pools must correspond to the amount shown on the "Distributed" line.

Allocation of Undistributed. (Col 3) Business Unit "Undistributed" facilities are allocated to overhead and the G&A expense pools on any reasonable basis that approximates the actual absorption of depreciation and the related costs of such facilities. The basis of allocation of undistributed assets in each Business Unit between, e.g., engineering overhead pool and the manufacturing overhead pool, should be related to the manner in which the expenses generated by these assets are absorbed in the two overhead rates. The choice of the basis for allocation is up to the contractor within the limits stated above. Thus, the basis for allocation of undistributed assets assumes an analysis was made of overhead distribution. The net book value of "service center" facilities capital items appropriately allocated should be included in this column. The sum of the entires in Column 3 is equal to the entry in the undistributed line, Column 2.

A supporting work-sheet of this allocation should be prepared if there is a multiplicity of "service centers" or other similar "intermediate" cost objectives involved in the reallocation process.

As an alternative to the detailed allocation process outlined above, the undistributed assets may be allocated in total to the G&A expense pool. Thus the resulting cost of money related to these undistributed assets will be distributed to all final cost objectives on the basis that is used to allocate the G&A expense to these final cost objectives. This alternative procedure may be adopted only where the contracting parties agree that the results are not likely to differ materially from those which would be produced under the procedure described in the preceding two paragraphs.

Total Net Book Value. (Col 4) The sum of Columns 2 and 3. The total of this column should agree with the Business Unit's Total shown in Column 2.

Cost of Money for the Cost Accounting Period. (Col 5) Multiply the amounts in Column 4 by the percentage rate in Column 1.

Overhead or G&A Allocation Base. (Col 6) Show here the total units of measure used to allocate overhead and G&A expense pools (e.g., DL$, DLH, DMS, M–H, etc.). Include "service centers" that make charges to final cost objectives. Identify each base unit-of-measure, which must be compatible with the bases used for applying overhead in the Federal Government contract cost computation.

The total base unit of measure used for allocation in this column refers to all work done in an organizational unit associated with the indirect cost pool and not to Government work alone.

Facilities Capital Cost of Money Factors. (Col 7) The quotients of cost of money for the cost accounting period (Col 5) separately divided by the corresponding overhead or G&A expense allocation bases (Col 6). Carry each computation to five decimal places. This factor represents the cost of money applicable to Facilities Capital allocated to each unit of meausre of the Overhead or G&A expenses allocation base.

APPENDIX B

EXAMPLE—ABC CORPORATION

ABC Corporation has a home office that controls three operating divisions (Business Units A, B & C). The home office includes an administrative computer center whose costs are allocated separately to the business units. The separate allocation conforms to the requirements specified in the Cost Accounting Standard No. 403. Tables I through VI deal with home office expense allocations to business units.

The A Division, falling within the scope of a business unit as defined by CASB, has two overhead pools used for charging overhead to final cost objectives: the engineering and the manufacturing overhead pools. In addition to the two overhead pools, the indirect cost allocation process also uses two "service centers" with their own indirect cost pools: occupancy and technical computer center.

The costs accumulated in the occupancy pool are allocated among manufacturing overhead, engineering overhead, and the technical computer center on the basis of floor space occupied. The costs accumulated in the technical computer center cost pool are allocated to users on the basis of a CPU hourly rate. Some of these allocations are made to engineering or manufacturing overhead while others are allocated direct to final cost objectives.

At the business unit level, all the indirect expense incurred is regarded either as an engineering or manufacturing expense. Thus the sole item that enters into the business unit G&A expense pool is the allocation received by the A Division from the home office.

Operating results for the A Division are given in Table VII. Facilities capital items for the division are given in Table IX.

The example is based on a single set of contract cost data given in Table VIII. However, it has been assumed that this could be either a cost reimbursement contract or fixed price contract where some progress payments are made. Since two methods have been made available for computing cost of money on facilities capital items two different results, as shown in Table XIII, become possible.

Throughout the example, where appropriate, cross references have been made to the text of the relevant parts of the Standard.

TABLE I.—*Net book value of home office facilities capital*

[In thousands]

	Dec. 31, 1974	Dec. 31, 1975
Administrative computer center	$550	$450
Other home office assets	420	380
Total	970	830

The depreciable assets in the above table generate allowable depreciation as explained in instructions for form CASB–CMF. Thus they should be included in the asset base for cost of money computation.

TABLE II.—*Home office facilities capital, annual average balances*

[In thousands]

Administrative computer center facilities capital	$500
Other home office facilities capital items	400
Total	900

The above averages are based on data in table I computed in accordance with the criteria in instructions for form CASB–CMF.

$970,000+$830,000=$1,800,000÷2=$900,000

TABLE III.—*Home office depreciation for 1975*

Administrative computer center facilities capital	$100
Other home office facilities capital items	40
Total	140

TABLE IV.—*Allocation of ABC home office expenses to divisions (business units)*

[In thousands]

	Total expense	Allocation to business units		
		A	B	C
Administration computer center facilities capital	$1,800	$900	$900	
Other home office facilities capital items	4,800	2,400	1,200	1,200
Total	6,600	3,300	2,100	1,200

The above allocation is carried out in accordance with standard 403.

The expense allocated to individual business units above is then used as a basis for allocating depreciation to these same units in table V.

TABLE V.—*Depreciation component of ABC home office expense*

[In thousands]

	Total depreciation expense	Allocation to business units		
		A	B	C
Administration computer center facilities capital	$100	$50	$50	
Other home office facilities capital items	40	20	10	$10
Total	140	70	60	10

TABLE VI.—*Allocation of home office facilities capital to business units*

(a) Depreciation allocation in table V converted to percentages.

[In percent]

	Total depreciation expense	Allocation to business units		
		A	B	C
Administration computer center facilities capital	100	50	50	
Other home office facilities capital items	100	50	25	25

(b) Application of percentages in (a) to average net book values in table II, in accordance with criteria in instructions for form CASB–CMF.

[In thousands]

	Total net book value	Allocation to business units		
		A	B	C
Administration computer center facilities capital	$500	$250	$250	
Other home office facilities capital items	400	200	100	$100
Total	900	450	350	100

TABLE VII.—*Division A 1975 operating results*

[In thousands]

	Total cost input and general and administrative	Fixed price cost accounting standard-covered contracts	Cost reimburse cost accounting standard-covered contracts	Commercial and other work
Direct material:				
Purchased parts	$2,000	$100	$100	$1,800
Subcontract items	21,530	11,750	7,205	2,575
Total	23,530	11,850	7,305	4,375
Direct labor:				
Engineering labor	2,000	1,500	500	
Engineering overhead (80 pct of direct engineering labor)	1,600	1,200	400	
Manufacturing labor	3,000	1,200	200	1,600
Manufacturing overhead (200 pct of direct manufacturing labor)	6,000	2,400	400	3,200
Other direct charges:				
Technical computer center direct charge—2,280 h at $250/h	570	200	370	
Total cost input	36,700	18,350	9,175	9,175
General and administrative (8.99 pct of cost input)	3,300	1,650	825	825
Total	40,000	20,000	10,000	10,000

TABLE VIII.—*Cost data for the contract*

Purchased parts	$85
Subcontract items	990
Technical computer time 280 h at $250/h	70
Engineering labor	330
Engineering overhead at 80 pct	264
Manufacturing labor	1,210
Manufacturing overhead at 200 pct	2,420
Total cost input	5,369
General and administrative at 8.99 pct	483
Total cost input and general and administrative	5,852
Total profit or fee	425

TABLE IX.—*Division A facilities capital*

Average net book values are computed in accordance with instructions to form CASB–CMF. Average figures only are given, the underlying beginning and ending balances for 1975 have not been reproduced.

[In thousands]

Name of indirect cost pool, the asset is associated with—	Average net book value	Annual depreciation
Engineering overhead	$320	$40
Manufacturing overhead	4,500	900
Technical computer center	450	90
Occupancy	3,000	200
Facilities capital recorded by division A. (See form CASB-CMF instructions for description of "recorded.")	8,270	1,230
Allocated from home office, table VI	450	
Total division A	8,720	

TABLE X.—*Allocation of undistributed facilities capital*

(a) Reallocation of the occupancy pool assets: Total occupancy pool expenses are assumed to be $1,000,000 of which $200,000 is depreciation per table IX. Allocation of the $3,000,000 net book value of assets per table IX is performed on the basis of floor space utilization.

Indirect cost pool	Occupancy expense and depreciation allocation	Percent of total floor space utilized	Asset allocation
Manufacturing	750,000	75	2,250,000
Engineering	200,000	20	600,000
Technical computer	50,000	5	150,000
Total	1,000,000	100	3,000,000

(b) Reallocation of technical computer center assets: Total technical computer center expenses for the year are assumed to be $770,000 including $90,000 depreciation per table IX and $50,000 charge from the occupancy pool per (a) above. A charging rate of $250/h is computed assuming a total of 3,080 chargeable central processing unit hours per annum. The net book value of assets amounting to $600,000 ($450,000 per table IX, plus the $150,000 allocated per (a) above) is allocated on the basis of estimated utilization of the central processing unit hours.

TABLE X.—*Allocation of undistributed facilities capital*—Continued

Overhead pool or cost objective	Hours charged	Amount charged	Percent	Asset allocation
Fixed price contracts—table VII	800	$200,000	26	$156,000
Cost reimbursement contracts—table VII	1,480	370,000	48	288,000
Engineering overhead pool	800	200,000	26	156,000
Total	3,080	770,000	100	600,000

(c) Summary of undistributed facilities capital allocation: Undistributed (per instructions to form CASB–CMF assets per table IX).

[In thousands]

Technical computer center	$450
Occupancy	3,000
Total	3,450

Distribution per (a) or (b) above of balances to overhead pools that result in charges direct to final cost objectives.

[In thousands]

Overhead pool	(a)	(b)	Total
Manufacturing	$2,250		$2,250
Engineering	600	$156	756
Technical computer center (direct charge part only)		444	444
Total	2,850	600	3,450

TABLE XI

FACILITIES CAPITAL COST OF MONEY FACTORS COMPUTATION
("Regular" Method)

BUSINESS UNIT FACILITIES CAPITAL					Contractor: Business Unit:		Address:	
COST ACCOUNTING PERIOD: Y.E. 12/31/75		1. Applicable Cost of Money Rate 8 %	2. Accumulation & Distribution of N.B.V.	3. Allocation of Undistributed	4. Total Net Book Value	5. Cost of Money for the Cost Accounting Period	6. Overhead or G&A Allocation for the Period	7. Facilities Capital Cost of Money Factors
BUSINESS UNIT FACILITIES CAPITAL	Recorded	Table IX	8,270,000	Basis of Allocation	Col's 2 + 3	Col's 1 x 4	In Unit(s) of Measure	Col's 5 ÷ 6
	Leased Property							
	Corporate or Group	Table VI	450,000	Worksheet Table X				
	Total		8,720,000					
	Undistributed		3,450,000				Table VII	
	Distributed		5,270,000					
OVERHEAD POOLS	Engineering	Table IX	320,000	756,000	1,076,000	86,080	$2,000,000	.04304
	Manufacturing	Table IX	4,500,000	2,250,000	6,750,000	540,000	$3,000,000	.18
	Technical Computer			444,000	444,000	35,520	2,280hr	15.57895
G&A EXPENSE POOLS	G&A Expense	Table VI	450,000		450,000	36,000	$36,700,000	.00098
TOTAL				3,450,000	8,720,000	697,600	//////////	//////////

CASB-CMF

TABLE XII

FACILITIES CAPITAL COST OF MONEY FACTORS COMPUTATION
("Alternative" Method)

BUSINESS UNIT FACILITIES CAPITAL					Contractor: Business Unit:		Address:	
COST ACCOUNTING PERIOD: Y.E. 12/31/75		1. Applicable Cost of Money Rate 8 %	2. Accumulation & Distribution of N.B.V.	3. Allocation of Undistributed	4. Total Net Book Value	5. Cost of Money for the Cost Accounting Period	6. Overhead or G&A Allocation for the Period	7. Facilities Capital Cost of Money Factors
BUSINESS UNIT FACILITIES CAPITAL	Recorded	Table IX	8,270,000	Basis of Allocation	Col's 2 + 3	Col's 1 x 4	In Unit(s) of Measure	Col's 5 ÷ 6
	Leased Property							
	Corporate or Group	Table VI	450,000	All to G&A Expense Pool				
	Total		8,720,000				Table VII	
	Undistributed		3,450,000					
	Distributed		5,270,000					
OVERHEAD POOLS	Engineering	Table IX	320,000		320,000	25,600	$2,000,000	.0128
	Manufacturing	Table IX	4,500,000		4,500,000	360,000	$3,000,000	.12
	Technical Computer							
G&A EXPENSE POOLS	G&A Expense	Table VI	450,000	3,450,000	3,900,000	312,000	$36,700,000	.0085
TOTAL				3,450,000	8,720,000	697,600	//////////	//////////

CASB-CMF

TABLE XIII.—*Summary of cost of money computation on facilities capital*

Overhead or general and administrative expense allocation base	Allocated to contract, table VIII	Regular facilities capital cost of money factor, table XI	Amount	Alternative facilities capital cost of money factor, table XII	Amount
Engineering labor	$330,000	0.04304	$14,203	0.0128	$4,224
Manufacturing labor	1,210,000	.18	217,800	.12	145,200
Technical computer time, 280 h		15.57895	4,326		
Cost input	5,360,000	.00098	5,621	.0085	45,636
Total imputed interest on facilities capital			240,626		195,060

ARTHUR SCHOENHAUT,
Executive Secretary.

[FR Doc.76-6344 Filed 3-4-76;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 20729]

FM BROADCAST STATIONS IN KERNVILLE, CALIFORNIA

Table of Assignments

In the Matter of amendment of § 73.202(b), *Table of assignments*, FM Broadcast Stations (Kernville, California), Docket No. 20729, RM-2648.

1. The Commission has before it a petition to reinstate FM Channel 272A to Kernville, California, filed January 2, 1976, by Kern River Broadcasting Company ("KRB"). The channel was originally assigned to Kernville on May 9, 1973,[1] and was recently deleted by the Commission.[2] The Commission deleted the FM channel without prior public notice in view of the fact that no one had come forward to apply for the channel in the more than two years that it had remained assigned and unused, KRB states that it has been preparing an application for a construction permit to build an FM facility on Channel 272A at Kernville for the past six months and that its application is virtually ready for filing.

2. In addition, KRB says that while Kernville is very small, it is surrounded by other communities, including Lake Isabella, Weldon, Wofford Heights, and Bodfish. The total population in the area of service, states KRB, approaches 10,000. KRB states that an FM signal could reach nearly all of these people, and meet a need of the community. KRB says that if Channel 272A is assigned to Kernville, it is ready to construct an FM facility immediately upon receipt of a construction permit.

3. The reasons for assigning Channel 272A to Kernville originally have been revived by KRB's assurance to the Commmission that it intends to apply for a construction permit for Channel 272A if reassigned to Kernville. It appears the channel can be reassigned and meet our spacing requirements, and that reinstatement of the channel would provide Kernville with its first FM service. Since this would be in the public interest, we invite comments on proposed assignment of Channel 272A to Kernville.

4. Petitioner and other interested parties should submit a statement of intent to apply for a construction permit if the channel is assigned.

5. In view of the foregoing, the Commission invites comments on the following amendment to the FM Table of Assignments, § 73.202(b) of its rules, with respect to the community listed below:

City	Channel No. Present	Channel No. Proposed
Kernville, Calif.		272A

6. The Commission's authority to institute rulemaking proceedings, showings required, cut-off procedures, and filing requirements are contained in below and are incorporated herein.

7. Interested parties may file comments on or before April 12, 1976, and reply comments on or before May 3, 1976.

Adopted: February 25, 1976.

Released: March 1, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of

[1] Second Report and Order, 40 F.C.C. 2d 310 (1973).

[2] Memorandum Opinion and Order, 40 F.R. 55644, adopted November 17, 1975, effective December 1, 1975.

the Commission's rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in the notice of proposed rulemaking.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the notice of proposed rulemaking to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission rules.)

(b) With respect to petitions for rulemaking which conflict with the proposal(s) in this notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the notice of proposed rulemaking. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comcents shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission rules.)

5. *Number of copies.* In accordance with the provisions of Section 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc.76-6406 Filed 3-4-76;8:45 am]

[47 CFR Part 73]

[Docket No. 20727]

TELEVISION BROADCAST STATIONS IN CERTAIN CITIES IN CALIF.

Table of Assignments

In the Matter of amendment of § 73.606(b), *Table of assignments*, Television Broadcast Stations. (Riverside and Santa Ana, California), Docket No. 20727, RM-2557.

1. The Commission, by the Chief, Broadcast Bureau, has before it for consideration a petition for rule making filed by International Panorama T.V., Inc., licensee of UHF Station KLXA-TV (Channel 40), Fontana, California.[1] Petitioner seeks amendment of the Television Table of Assignments (§ 73.606(b) of the Commission's rules and regulations) by proposing that Channel 40, assigned to Riverside, California, be deleted and reassigned to Santa Ana. Modification of the license for Channel 40 to specify the new community is also requested.

2. Santa Ana, California (pop. 155,762),[2] the seat of Orange County (pop. 1,420,676), is located approximately 33 miles southeast of Los Angeles and 90 miles north of San Diego. Santa Ana has one TV assignment, Channel 50 (reserved for noncommercial educational use), occupied by Station KOCE-TV and licensed to serve Huntington Beach, California. Orange County has one other TV assignment, Channel 56, assigned at Anaheim, and presently unoccupied.[3]

3. Petitioner requests the reassignment of Channel 40 from Riverside to Santa Ana in order to conform to the channel's actual use and to provide a first local commercial TV service to Santa Ana.[4] Petitioner asserts that Santa Ana is the 10th largest city in California and 88th largest in the United States. Santa Ana is also a major manufacturing, agricultural and retail sales center, as related by information in attached exhibits. Orange County is the second most populous county in California and is the 2nd largest retail trade center in California, according to petitioner. Petitioner notes that since the TV Table of Assignments was originally adopted in 1952, Santa Ana's population has tripled from 45,533 (1950 Census) to 155,762 (1970 Census). Petitioner further states that Orange County, although contiguous to Los Angeles County, is independent from it economically, socially, and governmentally.

4. Petitioner argues that the requested reassignment of Channel 40 will have minimal effect on the city of Riverside since that channel has never been used there and that no compelling need for a television service, in addition to what is presently available, has been shown to exist in Riverside.[5] Moreover, we are told that perhaps due to its population of 20,479, Fontana, the community of license for Station KLXA-TV, has not provided sufficient financial support for the station. Petitioner also makes reference to a recently adopted Report and Order in Docket No. 19742, 40 FR 51038, November 3, 1975, in which the Commission denied a proposal to assign Channel 62 to either San Bernardino or Riverside, California because of a failure by any interested party to provide an adequate showing of need for an additional channel in that area. In view of the demographic information provided by petitioner and the past history of TV assignments in the Riverside area, we feel that an appropriate showing has been made to warrant further exploration of the instant proposal in a rule making proceeding.

5. With respect to petitioner's request that we modify its license to conform to the station's actual use at Santa Ana, we believe that a modification of license under section 316 of the Communications Act of 1934, as amended, would not be proper under the circumstances. Although petitioner was granted temporary authority to move its main studio to Santa Ana, it was not obligated to provide service to the new community under that grant. Station KLXA-TV remains a Fontana station under petitioner's outstanding license and petitioner is still responsible for providing service for the needs of that community. By virtue of the proposed reassignment, Channel 40 would become available for the first time to a new community, Santa Ana,[6] and we would require the filing of an application to operate a new station under section 309(a) of the Communications Act of 1934, as amended. If more than one

[1] Channel 40 is assigned to Riverside, California, and licensed to serve Fontana under § 73.607(b) of the Commission's Rules which provide that a license may be issued to specify an unlisted community which is located within 15 miles of a community listed in the TV Table of Assignments, § 73.606(b).

[2] All population data are taken from the 1970 U.S. Census, as corrected.

[3] The application of Golden Orange Broadcasting Company for a construction permit was granted on November 15, 1975.

[4] We are told by petitioner that it was granted a construction permit in 1965 to operate in Fontana pursuant to § 73.607(b) of the Commission's Rules (see footnote 1, *supra*) and that permission to locate the main studio in North Hollywood was granted on November 10, 1972. The present petition was filed as a response to a Commission letter, dated March 26, 1975, which temporarily authorized operation of studio facilities at Santa Ana as the main studio for a period of 180 days on condition that within 30 days of receipt of the letter a petition to reassign Channel 40 from Riverside to Santa Ana would be filed. The temporary authorization was granted after a forfeiture of $5,000 was imposed upon the licensee for moving to Santa Ana without Commission approval pursuant to § 73.613(b). See International Panorama TV, Inc., 52 F.C.C. 2d 258 (1975).

[5] We note that Channel 46, assigned to Riverside, is licensed to serve Guasti, California (Station KBSA), pursuant to § 73.607 (b) of the Commission's rules.

[6] See Community Telecasting Co. v. F.C.C., 255 F. 2d 891 (D.C. Cir. 1958); Community Broadcasting Co. v. F.C.C., 274 F. 2d 753 (D.C. Cir. 1960); see also Rhode Island Television Corp. v. F.C.C., 320 F. 2d 762 (D.C. Cir. 1963) and Louisiana Television Broadcasting Corp. v. F.C.C., 347 F. 2d 808 (D.C. Cir. 1965).

application is filed, the Commission can determine on a comparative basis the qualifications of the various applicants in serving the needs of the new community.[7] We request, therefore, that petitioner or any interested person state in its comments whether it intends to file an application for the proposed assignment of Channel 40 to Santa Ana.

6. With respect to the technical feasibility of the proposed reassignment, we note that no existing stations will be affected since petitioner does not propose to change its transmitter location.

7. Mexican concurrence in the proposal to reassign Channel 40 from Riverside to Santa Ana will be necessary.

8. Accordingly, pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules and regulations, it is proposed to amend § 73.606(b) of the Commission's rules, the Television Table of Assignments, regarding the cities listed below as follows:

City	Channel No.	
	Present	Proposed
Santa Ana, Calif.	*50-	40, *50-
Riverside, Calif.	40, 46	46

9. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained below and are incorporated by reference herein.

10. Interested parties may file comments on or before April 8, 1976, and reply comments on or before April 28, 1976.

Adopted: February 23, 1976.

Released: February 26, 1976.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, it is proposed to amend the TV Table of Assignments, § 73.606(b) of the Commission's rules and regulations, as set forth in the notice of proposed rulemaking.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the notice of proposed rulemaking. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420 (d) of Commission rules.)

(b) With respect to petitions for rulemaking which conflict with the proposal(s) in this notice, they well be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the notice of proposed rulemaking. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission rules.)

5. *Number of copies.* In accordance with the provisions of § 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc.76-6407 Filed 3-4-76;8:45 am]

[7] Ashbacker Radio Corp. v. F.C.C., 326 U.S. 327 (1945); Peoples Broadcasting Co. v. U.S., 209 F. 2d 286 (D.C. Cir. 1953).

FEDERAL POWER COMMISSION

[18 CFR Parts 35, 101, 104, 154, 201, 204]

[Docket No. RM75-13]

UNIFORM SYSTEMS OF ACCOUNTS FOR PUBLIC UTILITIES AND LICENSEES AND FOR NATURAL GAS COMPANIES

Inclusion of Construction Work in Progress in Rate Base; Order Denying Motions

FEBRUARY 26, 1976.

Amendments to Uniform Systems of Accounts for Public Utilities and Licensees and for Natural Gas Companies (Classes A, B, C, and D) and to Regulations Under the Federal Power Act and the Natural Gas Act, to Provide for Inclusion of Construction Work in Progress in Rate Base.

The Commission issued on January 23, 1975, 41 FR 4605, a notice of oral argument in this rulemaking which proposes to include construction work in progress in the rate bases of electric utilities and natural gas companies. The argument is scheduled for March 8, 1976, in New York, New York.

On February 9, 1976, *Municipal Electric Utilities of Wisconsin, et al.* (Municipal)[1] filed a motion with the Commission in this docket to conduct regional hearings at locations throughout the United States and, in the alternative, to reschedule the oral argument at a later date to a more central location in the Midwest such as Kansas City, St. Louis, Chicago or Denver. The American Public Power Association by motion filed February 17, 1976, joined in Municipal's motion.

On February 12, 1976, Arkansas Community Organizations for Reform Now, *et al.* (ACORN)[2] also moved for an extention of time and for the scheduling of additional hearing sites.[3]

Municipals submit that by conducting the hearing in New York it is impractical for small municipal systems to attend due to the financial burden and that conducting the hearing in a place where there may be support for the proposal from stockbrokers and investment bankers is improper. APPA suggests regional arguments or centrally located argument would allow increased access by small municipal and cooperative electric power systems and the general public.

Upon consideration, we will deny the motions.

We do not believe the financial burden on the parties of traveling to New York varies significantly, if any, from that of traveling to Washington, D.C. In fact, it is of benefit to a portion of the public and interested parties located in or near New York or in New England. Nor do we find that regional hearings are necessary to provide us views or arguments not already presented to the Commission by the 160 parties commenting or which will be presented at the oral argument.

Movants fail to note that parties other than bankers and stockbrokers, such as

[1] The additional parties are Cities of Algoma, *et al.* Intervenors in Docket ER76-150; *cities of Cedarburg, et al.* Intervenors in Docket ER76-303; *cities of Bangor, et al.*, Intervenors in Docket ER76-305; and *Municipal Wholesale Power Group*, Intervenor in Docket ER76-331.

[2] The additional parties are Arkansas Consumer Research, Carolina Action, Citizens Association for Sound Energy (CASE), Citizens Energy Coalition, Citizens for a Better Environment, Environmental Action Foundation, Massachusetts Fair Share, Massachusetts Public Interest Research Group, Movement for Economic Justice, Mountain Plains Congress of Senior Citizens, Oregon Student Public Interest Research Group, North Carolina Public Interest Research Group, TEA Party, Toward Utility Rate Normalization (TURN), and Utility Consumers of Missouri. Each of the groups is a non-partisan research and advocacy organization established to protect the interests of consumers before various governmental agencies.

[3] On February 23, 1976, a letter request for "Regional Hearings" was received from the Maine Public Interest Research Group and another letter was received from the River Electric Association of Minnesota and Shakopee Public Utilities Commission of the City of Shakopee, Minnesota, requesting oral argument at a "more central location."

electric utilities and private groups are located in or near New York. In any event, we know of no requirement in law that suggests it is improper to conduct hearings in a location where interested parties are located, nor that hearings be held near the location of each interested party.

ACORN suggests the financial climate is changing and that interested parties need additional time to analyze the changes. The notice of argument was issued January 23, 1976, over six weeks prior to argument. We do not believe six weeks to be an insufficient time to prepare for argument.

ACORN also contends it is geographical discrimination to hold the argument in New York. This contention could be made wherever the hearings were held, even if held in Washington, D.C. As stated above, there is no requirement that oral argument or hearings be held at any particular locality.

Finally, ACORN contends the Commission has failed to provide proper notice. Natice of this rulemaking and of the oral argument were published in the Federal Register. Over 160 comments were received on the rulemaking from all segments of the industry and diverse groups. Over 55 participants of all persuasions have requested time for oral argument. These facts indicate the extensive public participation in these proceedings.

The Commission finds: The Motions set forth above should be denied.

The Commission orders: The Motions of *Municipal Electric Utilities of Wisconsin, et al.* (Municipal), the American Public Power Association and Arkansas Community Organizations for Reform Now, *et al.* (ACORN), for regional hearings, rescheduling of oral argument, or relocating the oral argument are hereby denied.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.76-6395 Filed 3-4-76;8:45 am]

GENERAL ACCOUNTING OFFICE

[4 CFR Part 10]

REGULATORY AGENCIES

Clearance of Information Collection Proposals

Notice is hereby given that the General Accounting Office has under consideration a proposal to amend various sections of 4 CFR Part 10 concerning the requirements to be fulfilled prior to submission of a proposal for clearance.

Final regulations were promulgated on July 2, 1974, by the General Accounting Office (GAO) at 4 CFR Part 10 and amended on August 20, 1975, (40 FR 36295) to implement its function under 44 U.S.C. 3512 (Suppl. III, 1973) concerning clearance of proposals by independent Federal regulatory agencies to conduct or sponsor the collection of information.

Each agency must, as a matter of general good management, assume initial direct responsibility for planning, controlling, and developing its information-collection activities with a view toward the important objectives of the Federal Reports Act. Careful attention to these objectives at the agency level will be to the advantage of the agencies both in obtaining clearance from GAO in an expeditious manner and also in terms of the ultimate quality and utility of its information-collection proposals.

Some independent Federal regulatory agencies are doing a poor job in soliciting and considering the comments of potential respondents and other interested parties before proposed forms are submitted to GAO for clearance. When an agency fails to adequately solicit and consider comments on a proposed form, GAO is deluged with requests for copies of the form, questions about the content of the form, and comments complaining about the form. It is not GAO's responsibility to consider and resolve all of the comments raised by potential respondents and other interested parties. Rather it is the sponsoring agency's responsibility to consider such comments and either resolve them or explain why they cannot be resolved. Experience has demonstrated that respondents and other interested parties can make significant contributions toward improving an agency's collection effort and reducing the reporting burden. Therefore, it is proposed to amend §§ 10.3(b)(3) and 10.10(c)(5) of the regulations to ensure that independent Federal regulatory agencies consult with respondents and other interested parties prior to submitting report forms to GAO for clearance.

Good management practices dictate that, when an agency develops an information-gathering proposal, the cost and other burden to the respondents of providing the information should be weighed against the expected benefits. However, experience has shown that this is not done in many cases. Agencies often put little thought into computing respondent burden and are inclined to underestimate it. Therefore, it is proposed to amend § 10.10(c)(6) of the regulations to ensure that independent Federal regulatory agencies give greater emphasis to this important management practice. The proposed amendment states in more specific terms the types of actions which GAO requires agencies to take before submission of their proposals to GAO for clearance.

Comments on the proposed amendments by any interested party should carry the control number B-180224 and should be submitted to the Comptroller General of the United States, Attention: Director, Office of Special Programs, Room 5015A, Chester Arthur Building, 425 I Street, NW, Washington, D.C. 20548. All comments received on or before April 5, 1976, will be considered. Comments and other materials submitted will be available for public inspection in room 5216, Chester Arthur Building, 425 I Street, NW., Washnigton, D.C.

Accordingly, the following miscellaneous amendments are proposed in Part 10 as follows:

1. Section 10.3 is amended as follows:

(A) Paragraph (b)(2) is amended;

(B) Paragraphs (b)(3) and (b)(4) are renumbered as (b)(5) and (b)(6) respectively.

(C) New paragraphs (b)(3) and (b)(4) are inserted; As amended § 10.3(b)(2), (3) and (4) reads as follows:

§ 10.3 General policies and responsibilities.

* * * * *

(b) * * *

(2) Each agency is directly responsible for planning and conducting its information collection activities, including establishing procedures for managing such activities, in a manner consistent with the policies of 44 U.S.C. 3512, as stated in paragraph (a) of this section. Accordingly, prior to submitting proposals for clearance by GAO, each agency shall take all necessary and appropriate measures to insure to the best of its capabilities that proposed plans and report forms comply with the requirements and policies of 44 U.S.C. 3512, including all reasonable efforts to avoid seeking unneeded or marginally useful information; to ascertain whether information sought is already available from another source and, if so, to arrange for use of such information; and to minimize both substantive and procedural burdens imposed upon respondents.

(3) Each agency will solicit and consider the views of persons who would be affected by the proposed plan or report form, including respondents, business and trade associations, and other concerned organizations. Also to ensure that information is tabulated in a manner to maximize its usefulness, agencies will consult with organizations and entities, including Federal agencies other than independent Federal regulatory agencies, which are likely to be significant users of the information to be collected. For example, agencies planning to conduct or sponsor the collection of statistical information involving financial statements and operating data should consult with the Bureau of Economic Analysis of the Social and Economic Statistics Administration, Department of Commerce.

(4) Agencies should use all available means to obtain the views and suggestions of interested parties. At a minimum, agencies are to publish a notice in the FEDERAL REGISTER soliciting comments on a proposed form. This notice shall be published allowing sufficient time for receipt and analysis of any resulting comments prior to submission of the form to GAO for clearance.

* * * * *

2. Section 10.10 is amended as follows:

(A) Paragraph (c)(1)(iii) is deleted in its entirety.

(B) Paragraphs (c)(5) and (c)(6) are deleted in their entirety.

(C) Paragraphs (c)(7), (c)(8), and (c)(9) are renumbered (c)(8), (c)(9), and (c)(10), respectively.

(D) New paragraphs (c)(5), (c)(6), and (c)(7) are inserted; as amended § 10.10(c)(5), (6) and (7) reads as follows:

§ 10.10 New plans or report forms.

* * * * *

(C) * * *

(1) * * *

(iii) [Deleted]

* * * * *

(5) Consultations within the Federal Government. When data is tabulated, it is to be done in a manner that will maximize its usefulness to other government agencies. Also, sponsoring agencies are responsible for ensuring that the data they collect does not unnecessarily duplicate data already available in the Federal Government. A showing must be made that other Federal agencies (whether or not subject to this part) which collect similar data have been contacted (other than through the FEDERAL REGISTER Notice) and were given the opportunity to comment on the proposed plan or report form.

(i) Give the names and positions of the representatives of other Federal agencies with whom the plan or report form was discussed and state the comments made and the disposition of the comments.

(ii) Indicate specifically any similar data already available in the subject field and why it cannot be used for this purpose.

(iii) The agency will maintain and make available for GAO review copies of written comments, formal or informal, of other Federal agencies.

(6) Consultations outside the Federal Government. Potential respondents and other interested parties must have been given the opportunity to comment on the proposed plan or report form prior to its submission to GAO for clearance. As a minimum, an opportunity for interested parties to comment must be given through a FEDERAL REGISTER Notice.

(i) Give names of persons and their companies, organizations, or associations, who commented on the proposed plan or report form. Summarize the comments received and the disposition of those comments. Particular emphasis must be given to explaining why comments cannot be adopted.

(ii) The agency will maintain and make available for GAO review copies of written comments from respondents and other interested parties.

(7) Estimation of compliance burden. To minimize the compliance burden on persons affected and to improve governmental efficiency, each agency will consider and determine, in connection with each plan or report form submitted, whether the proposed plan or report form exceeds the limits of reasonable needs or practical utility, with respect to the number of respondents, frequency of collection or difficulty of the items and whether all items of information to be furnished or recorded are essential to the central purpose of such plan or report form. Special consideration will be given to the burden on individuals, small business, and other organizations with limited clerical, financial management and statistical staffs. The level of detail supporting the estimate of burden should correspond to the complexity and burdensomeness of the proposed plan or report form.

(i) Evidence must be presented that sufficient attention has been given to weighing respondent burden against agency need. Quantify to the extent possible the benefits that will result from the information collection. Specify the efforts that have been made to minimize respondent burden.

(ii) Explain the basis used in developing the figure shown in item 15e "Estimated average number of man-hours required per person" of Standard Form 83. Estimates should be based on the most reliable information available including experience gained from a pretest or use of related forms and estimates offered by interested parties. If there are significant differences between the estimates contained on the Form 83 and the estimates provided by interested parties, particularly potential respondents, these differences must be explained.

(iii) In developing an estimate of compliance burden, all factors affecting the burden must be taken into account. Provide a detailed explanation of what is involved in completing the proposed report form, including a discussion of the availability of the data, the time needed to gather and compile the data, and the clerical time needed to complete the form.

(iv) Where the compliance burden is expected to vary considerably because of respondent size or complexity, a range of such estimated burden must be shown, with an explanation of the variation and an estimate of the average time per response included.

* * * * *

(44 U.S.C. 3512(f), added by sec. 409(b), 87 Stat. 593. Interpret or apply (44 U.S.C. 3512 (a), (c), (d)))

[SEAL] ELMER B. STAATS,
Comptroller General of the United States.

[FR Doc.76-6450 Filed 3-4-76;8:45 am]

LEGAL SERVICES CORPORATION

[45 CFR Part 1600]

RESTRICTIONS ON CERTAIN ACTIVITIES

Picketing, Boycotts, Strikes, Illegal Activities; Legislative and Administrative Representation

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93-355, 88 Stat. 378, 42 U.S.C. 2996-2996l ("the Act").

Temporary regulations regarding picketing, boycotts, strikes, illegal activities; legislative and administrative representation, were published September 12, 1975 (40 FR 42362) and became effective October 14, 1975.

Pursuant to Section 1008(e) of the Act, the Corporation hereby affords notice and publishes for comment the following proposed regulations regarding picketing, boycotts, strikes, illegal activities; legislative and administrative representation, which revise the temporary regulations.

Section 1600.2 has a new definition of eligible client which refers to the Act.

The provisions of Section 1006(b)(5) of the Act, which prohibit employees of the Corporation or of any recipient from engaging in or encouraging others to engage in certain activities "while carrying out legal assistance activities under the Act," are the subject of these proposed regulations. Employees, including attorneys, are deemed to be carrying out legal assistance activities under the Act at all times during the employee's working hours or while utilizing resources provided by the Corporation or recipient. An attorney's duties to his clients cannot be confined to the working hours of the normal business day. Accordingly, the legal services attorney is deemed to be carrying out legal assistance activities under the Act whenever the attorney is providing legal advice or representation to an eligible client with whom the attorney has established an attorney-client relationship or whenever the attorney could reasonably be expected to provide such advice or representation to an eligible client with whom the attorney has established an attorney-client relationship. It is of the highest importance that attorneys retain their ability to render legal advice and representation to clients with the detached judgment that is undermined when an attorney becomes enmeshed in the very matters about which a client seeks or may need to seek legal counsel. Thus attorneys must avoid all situations in which their ability to provide effective advice and representation is compromised. The organization of clients' public demonstrations or picketing, strikes or boycotts by an attorney is a specific form of this problem that was of special concern to Congress in enacting the Act.

Section 1600.3(a)(2) reaffirms that the prohibition against "encouraging" others to engage in prohibited activities does not extend to an attorney's providing legal advice and representation for an eligible client with respect to such client's legal rights and responsibilities, or otherwise qualify the professional responsibilities of an attorney to his clients.

There are no changes in § 1600.4 legislative and administrative representation.

New language is found in § 1600.5 providing for appropriate procedures to be established for the enforcement of §§ 1600.3 and 1600.4.

Public comment will be received by the Corporation at its headquarters offices, 733-15th Street, NW., Suite 700, Washington, D.C. 20005 on or before April 5, 1976. Comments may be accompanied by memorandum or brief in support thereof. Received comments may be seen at the above offices during business hours Monday through Friday.

Final regulations will be issued by the Corporation after the Board of Directors has reviewed and considered public comment pursuant to this notice.

Sec.
1600.1 Purpose and scope.
1600.2 Definitions.
1600.3 Picketing, boycotts, strikes, illegal activities.
1600.4 Legislative and administrative representation.
1600.5 Enforcement.

AUTHORITY: Secs. 1006(b)(5), 1011, 1008(e), P.L. 93-355, 83 Stat. 378, 382, 387, (42 U.S.C. 299e(b)(5), 2996j, 2996g)

§ 1600.0 Purpose and scope.

The purpose of these proposed regulations is to implement and enforce provisions of sections 1006(b)(5), 1007(a)(5), and 1011 of the Act. Unless otherwise indicated, they shall apply to the Corporation, its employees, its recipients, and the employees of its recipients. Nothing contained herein shall affect the applicability of the other provisions of the Act, including the rights, duties and restrictions contained therein, to the Corporation, its directors, officers and employees, and to the recipients, and the employees and staff attorneys of the recipients.

§ 1600.2 Definitions.

(a) "Act" means the Legal Services Corporation Act of 1974, Pub. L. 93-355, 83 Stat. 378, 42 U.S.C. 2996-2996*l*, 2971e, 2996b note;

(b) "Board" means the Board of Directors of the Legal Services Corporation;

(c) "Corporation" means the Legal Services Corporation estabilshed under the Act;

(d) "Eligible client" means an eligible client as defined in Section 1002(3) of the Act;

(e) "legal assistance" means the provision of any legal services consistent with the purposes and provisions of the Act;

(f) "recipient" means any grantee, contractee, or recipient of financial assistance described in clause (A) of section 1006(a)(1) of the Act; and

(g) "staff attorney" means an attorney who receives more than one-half of his annual professional income from a recipient organized solely for the provision of legal assistance to eligible clients under the Act.

§ 1600.3 Public demonstrations or picketing, boycotts, strikes and activities.

(a) No employee of the Corporation or of any recipient (except as permitted by law in conection with such employee's own employment situation), while carrying out legal assistance activities under the Act, shall engage in or encourage others to engage in, any public demonstration or picketing, boycott or strike.

(1) For the purposes of this regulation, an employee of the Corporation or of any recipient is deemed to be "carrying out legal assistance activities under the Act."

(i) During the employee's working hours; or

(ii) When the employee utilizes resources provided by the Corporation or a recipient, including (but not limited to) office supplies, secretarial assistance, staff assistance, telephone and office space; or

(iii) At all times, if the employee is an attorney, during which the attorney is providing or could reasonably be expected to provide legal advice or representation to an eligible client with whom the attorney has established an attorney-client relationship.

(2) For the purposes of this regulation, the prohibition against "encouraging" others to engage in any public demonstration or picketing, boycott or strike while carrying out legal assistance activities under the Act does not prohibit an attorney from providing legal advice or representation to an eligible client regarding the client's legal rights and responsibilities with respect to such activities, nor does it prohibit the attorney from performing acts necessary to carry out his professional responsibilities to an eligible client such as the following:

(i) Fully informing and advising the client of the existence of available alternatives, including public demonstrations or picketing, boycotts or strikes, and how the client may lawfully engage in such alternatives;

(ii) Advising, recommending and counseling the client concerning the effectiveness of available alternatives, including public demonstrations or picketing, boycotts or strikes;

(iii) Being present at a public demonstration or picketing, boycott or strike for the purpose of providing legal advice or representation to a client;

(3) An attorney may not, while carrying out legal assistance activities under the Act, do acts such as the following:

(i) Organize or assist in the organization of a public demonstration or picketing, a boycott or strike;

(ii) Coerce, direct or otherwise usurp an eligible client's rightful authority to determine which alternatives, including public demonstrations or picketing, boycotts or strikes, should be adopted.

(b) No employee of the Corporation or of any recipient shall, at any time engage in or encourage others to engage in those activities prohibited by section 1006(b)(5)(B) of the Act. *Provided, however,* That nothing in this subsection of the regulations shall be interpreted to mean that the prohibition against "encouraging" others to engage in the specified activities prohibits an attorney from providing legal advice or representation to an eligible client regarding the client's legal rights and responsibilities with respect to such activities.

§ 1600.4 Legislative and administrative representation.

No funds made available to recipients by the Corporation shall be used at any time, directly or indirectly, to influence the issuance, or revocation of any executive order or similar promulgation by a Federal, State, or local agency, or to undertake to influence the passage or defeat of any legislation by the Congress of the United States, or by any State or local legislative bodies, except where:

(a) Representation by an attorney as an attorney for any eligible client is necessary to the provision of legal advice and representation with respect to such clients legal rights and responsibilities (which shall not be construed to permit a recipient or an attorney to solicit a client for the purpose of making such representation possible, or to solicit a group with respect to matters of general concern to a broad class of persons as distinguished from acting on behalf of any particular client); or

(b) A governmental agency, a legislative body, a committee, or a member thereof requests personnel of any recipient to make representations thereto.

§ 1600.5 Enforcement.

(a) The Corporation shall have authority, in accordance with procedures set forth at § 1067.1-4(b) of this title (relating to suspension) or §§ 1067.1-5 through 1067.1-11 of this title (relating to termination):

(1) To suspend or terminate the employment of any employee of the Corporation who violates the provisions of § 1600.3 of this title; and

(2) To suspend or terminate financial assistance to any recipient which fails to prohibit activities proscribed by the Act or by §§ 1600.3 and 1600.4 of this title; *Provided,* That (i) no suspension of employment or financial assistance shall be continued for longer than 30 days unless the recipient or employee of the Corporation is provided notice and an opportunity for a hearing in accordance with the procedures set forth in §§ 1067.1-5 through 1067.1-11 of this title, and (ii) the term "OEO" in the above-referenced regulations shall mean the Corporation and the term "responsible OEO official" shall mean the President of the Corporation, or, if no President is in office, the Chairman of the Board or his designee.

(b) Recipients shall establish and utilize procedures for the enforcement of §§ 1600.3 and 1600.4 of this title, including the following:

(1) Advice to employees with respect to their responsibilities under §§ 1600.3 and 1600.4;

(2) Procedures, consistent with the notice and hearing requirements of Section 1011 of the Act, for determining whether an employee has violated the provisions of Sections 1600.3 or 1600.4, and for determining the appropriate sanction to be imposed for such violations, including:

(i) Administrative reprimands if such violations are found to be minor and unintentional, or otherwise affected by mitigating circumstances;

(ii) Suspension and termination of employment; and

(iii) Other procedures appropriate for the enforcement of this regulation.

E. CLINTON BAMBERGER, Jr.,
Executive Vice-President
Legal Services Corporation.

[FR Doc.76-6307 Filed 3-4-76;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

[Public Notice CM-6/25]

SHIPPING COORDINATING COMMITTEE; SUBCOMMITTEE ON SAFETY OF LIFE AT SEA

Meeting

The working group on subdivision and stability of the Subcommittee on Safety of Life at Sea, a subcommittee of the Shipping Coordinating Committee, will hold an open meeting on Wednesday, March 31, 1976, at 9:30 a.m. in Room 8236 of the Department of Transportation, 400 Seventh Street, SW., Washington, D.C.

The purpose of the meeting will be to discuss:

Relationship between the Regulation 44 of the Load Line Convention and the Timber Deck Code;

Effect of external forces on the intact stability of ships;

Technical questions resulting from the 1969 Tonnage Measurement Convention;

Interpretations of the 1966 Load Line Convention.

Requests for further information on the meeting should be directed to Mr. Edward H. Middleton, United States Coast Guard. He may be reached by telephone on (area code 202) 426-2170.

The Chairman will entertain comments from the public as time permits.

RICHARD K. BANK,
Chairman,
Shipping Coordinating Committee.

FEBRUARY 25, 1976.

[FR Doc.76-6308 Filed 3-4-76;8:45 am]

[Public Notice CM-6/26]

SHIPPING COORDINATING COMMITTEE

Meeting

The Shipping Coordinating Committee will hold an open meeting on Thursday, April 29, 1976, in Room 7200 of the Department of Transportation, 400 Seventh Street SW., Washington, D.C. The meeting will be at 9:30 a.m.

The purpose of the meeting is to finalize preparations for the Thirty-fourth Session of the Maritime Safety Committee, a committee of the Intergovernmental Maritime Consultative Organization (IMCO) scheduled to meet in London May 3-7, 1976. In particular, the Shipping Coordinating Committee will discuss development of U.S. positions dealing with, inter alia, the following topics:

Reports by various IMCO MSC subcommittees and working groups;

Regional harmonization of buoyage systems;

Classification of persons transported by offshore supply vessels to or from drilling units;

Treatment of ballast spaces of segregated ballast tankers in respect of tonnage;

Procedures for control of ships;

Matters related to the Convention on Tonnage Measurement.

Requests for further information on the meeting should be directed to Captain Donald C. Hintze, United States Coast Guard. He may be reached by telephone on (area code 202) 426-2280.

The Chairman will entertain comments from the public as time permits.

RICHARD K. BANK,
Chairman,
Shipping Coordinating Committee.

FEBRUARY 25, 1976.

[FR Doc.76-6309 Filed 3-4-76;8:45 am]

[Public Notice CM-6/27]

SHIPPING COORDINATING COMMITTEE; UNITED STATES NATIONAL COMMITTEE FOR THE PREVENTION OF MARINE POLLUTION

Meeting

The United States National Committee for the Prevention of Marine Pollution, a subcommittee of the Shipping Coordinating Comittee, will hold an open meeting at 9:30 a.m. on Friday, May 14, 1976, in Room 7200 of the Department of Transportation, 400 Seventh Street SW., Washington, D.C.

The purpose of the meeting is to prepare position documents for the Fifth Session of the Marine Environment Protection Committee (MEPC) of the Intergovernmental Maritime Consultative Organization (IMCO) scheduled to meet May 24-28, 1976, in London. In particular, the Committee will discuss the following topics:

Technical assistance in the field of marine pollution;

Segregated ballast on existing tankers;

Sewage treatment plants for ships;

Identification of the source of spilled oil;

Provisions of reception facilities for oily waste, sewage and garbage;

Comprehensive anti-pollution manual;

Outline of a comprehensive plan for protecting the marine environment from ship pollution.

Requests for further information on the meeting should be directed to Captain Donald C. Hintze, United States Coast Guard. He may be reached by telephone on (area code 202) 426-2280.

The Chairman will entertain comments from the public as time permits.

RICHARD K. BANK,
Chairman,
Shipping Coordinating Committee.

FEBRUARY 25, 1976.

[FR Doc.76-6310 Filed 3-4-76;8:45 am]

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

[Notice No. 291]

COMMERCE IN EXPLOSIVES

List of Explosive Materials

Pursuant to the provisions of Section 841(d) of Title 18, United States Code, and 27 CFR 181.23, the Director, Bureau of Alcohol, Tobacco and Firearms, must publish and revise at least annually in the FEDERAL REGISTER a list of explosives determined to be within the coverage of 18 U.S.C., Chapter 40, Importation, Manufacture, Distribution and Storage of Explosive Materials. This Chapter covers not only explosives, but also blasting agents and detonators, all of which are defined as explosive materials in Section 841(c) of Title 18, United States Code.

Accordingly, the following is the 1976 List of Explosive Materials subject to regulation under 18 U.S.C. Chapter 40, which includes both the list of explosives (including detonators) required to be published in the FEDERAL REGISTER and blasting agents. The list is intended to also include any and all mixtures containing any of the materials in the list. Materials constituting blasting agents are marked by an asterisk. While the list is comprehensive, it is *not* all inclusive. The fact that an explosive material may not be on the list does not mean that it is not within the coverage of the law if it otherwise meets the statutory definitions in Section 841 of Title 18, United States Code. Explosive materials are listed alphabetically by their common names followed by chemical names and synonyms in brackets. This revised list supersedes the Explosives List dated April 21, 1975 (40 F.R. 17602).

LIST OF EXPLOSIVE MATERIALS

A

Acetylides of heavy metals.

Aluminum containing polymeric propellant.

Aluminum ophorite explosive.

Amatex-20 [40% TNT, 20% RDX, 40% ammonium nitrate].

Amatex-30 [40% TNT, 30% RDX, 30% ammonium nitrate].

Amatex-40 [40% TNT, 40% RDX, 20% ammonium nitrate].
Ammonal.
Amatol.
Ammonium nitrate explosive mixtures (cap sensitive).
Ammonium nitrate explosive mixtures (not cap sensitive).*
Aromatic nitro-explosive mixture.
Ammonium perchlorate having particle size less than 15 microns.
Ammonium perchlorate composite propellant.
Ammonium picrate [picrate of ammonia].
Ammonium salt lattice with isomorphously substituted inorganic salts.
ANFO [Ammonium nitrate-fuel oil].*

B

Baratol [67% barium nitrate, 33% TNT].
Baronal [50% barium nitrate, 35% TNT, 15% aluminum].
BEAF [1,2-bis(2,2-difluoro-2-nitroacetoxyethane)].
Black powder.
Blasting agents, nitro-carbo-nitrates, including non cap sensitive slurry and water-gel explosives.*
Blasting caps.
Blasting gelatin.
Blasting powder.
BTNEC [bis(trinitroethyl)carbonate].
BTNEN [bis(trinitroethyl)nitramine].
BTTN [1,2,4 butanetriol trinitrate].
Butyl tetryl.

C

Calcium nitrate explosive mixture.
Cellulose hexanitrate explosive mixture.
Chlorates and red phosphorus mixture.
Chlorates and sulphur mixture.
Composition A-3 [91% RDX, 9% wax].
Composition B [40% TNT, 60% RDX].
Composition C-4 [94% RDX, 9% plasticizer].
Copper acetylide.
Crystalline picrate with lead azide explosive mixture.
Cyanuric triazide.
Cyclotrimethylenetrinitramine [RDX].
Cyclotetramethylenetetranitramine [HMX].
Cyclotol [75% RDX, 25% TNT].

D

DATB [diaminotrinitrotetramethylene tetranitramine].
DATNB [diaminotrinitrobenzene].
DDNP [diazodinitrophenol].
DEGDN [diethyleneglycol dinitrate].
Delay powders.*
Detonating cord.
Detonators.
Dimethylol dimethyl methane dinitrate composition.
Dinitroethyleneurea.
Dinitroglycerine.
Dinitrophenol.
Dinitrophenolates.
Dinitrophenyl hydrazine.
Dinitroresorcinol.
Dinitrotoluene-sodium nitrate explosive mixtures.
Dipicryl sulfone.
Dipicrylamine.
DNDP [dinitropentano nitrile].
DNPA [2,2-dinitropropyl acrylate]
Dynamite.

E

EDNP [ethyl 4,4-dinitropentanoate].
Erythritol tetranitrate explosives.
Esters of nitro-substituted alcohols.
EGDN [ethylene glycol dinitrate].
Ethyl-tetryl.
Explosive conitrates.
Explosive gelatins.
Explosive mixtures containing oxygen releasing inorganic salts and hydrocarbons.
Explosive mixtures containing oxygen releasing inorganic salts and nitro bodies.
Explosive mixtures containing oxygen releasing inorganic salts and water insoluble fuels.
Explosive mixtures containing oxygen releasing inorganic salts and water soluble fuels.
Explosive mixtures containing sensitized nitromethane.
Explosive nitro compounds of aromatic hydrocarbons.
Explosive oranic nitrate mitures.
Explosive liquids.
Explosive powders.

F

Fulminate of mercury.
Fulminate of silver.
Fulminating gold.
Fulminating mercury.
Fulminating platinum.
Fulminating silver.

G

Gelatinized nitrocellulose.
gem-dinitro aliphatic explosive mixtures.
Guanyl nitrosamino guanyl tetrazene.
Guanyl nitrosamino guanylidene hydrazine.
Guncotton.

H

Heavy metal azides.
Hexanite.
Hexanitrodiphenylamine.
Hexanitrostilbene.
Hexogene or octogene and a nitrated N-methylaniline.
Hexolites.
HMX [cyclo-1,3,5,7-tetramethylene-2,4,6,8-tetranitramine; Octogen].
Hydrazinium nitrate/hydrazine/aluminum explosive system.
Hydrazoic acid.

I

Igniter cord.
Igniters.

K

KDNBF [potassium dinitrobenzo-furoxane].

L

Lead azide.
Lead mannite.
Lead mononitroresorcinate.
Lead picrate.
Lead salts, explosive.
Lead styphnate [styphnate of lead, lead trinitroresorcinate].
Liquid nitrated polyol and trimethylolethane.
Liquid oxygen explosives.

M

Magnesium ophorite explosives.
Mannitol hexanitrate.
MDNP[methyl 4,4-dinitropentanoate].
Mercuric fulminate.
Mercury oxalate.
Mercury tartrate.
Minol-2 [40% TNT, 40% ammonium nitrate, 20% aluminum].
Mononitrotoluene-nitroglycerin mixture.
Monopropellants.

N

NIBTN [nitroisobutametriol trinitrate].
Nitrate sensitized with gelled nitroparaffin.
Nitrated carbohydrate explosive.
Nitrated glucoside explosive.
Nitrated polyhydric alcohol explosives.
Nitrates of soda explosive mixtures.
Nitric acid and a nitro aromatic compound explosive.
Nitric acid and carboxylic fuel explosive.
Nitric acid explosive mixtures.
Nitro aromatic explosive mixtures.
Nitro compounds of furane explosive mixtures.
Nitrocellulose explosive.
Nitroderivative of urea explosive mixture.
Nitrogelatin explosive.
Nitrogen trichloride.
Nitrogen tri-iodide.
Nitroglycerine [NG, RNG, nitro, glyceryl trinitrate, trinitroglycerine].
Nitroglycide.
Nitroglycol (ethylene glycol dinitrate, EGDN)
Nitroguanidine explosives.
Nitroparaffins and ammonium nitrate mixtures.
Nitronium perchlorate propellant mixtures.
Nitrostarch.
Nitro-substituted carboxylic acids.
Nitrourea.

O

Octogen [HMX].
Octol [75 percent HMX, 25 percent TNT].
Organic amine nitrates.
Organic nitramines.
Organic peroxides.

P

Pellet powder.
Penthrinite composition.
Pentolite.
Perchlorate explosive mixtures.
Peroxide based explosive mixtures.
PETN [nitropentaerythrite, pentaerythrite tetranitrate, pentaerythritol tetranitrate].
Picramic acid and its salts.
Picramide.
Picrate of potassium explosive mixtures.
Picratol.
Picric acid.
Picryl chloride.
Picryl fluoride.
PLX [95% nitromethane, 5% ethylenediamine].
Polynirto aliphatic compounds.
Polyolpolynitrate-nitrocellulose explosive gels.
Potassium chlorate and lead sulfocyanate explosive.
Potassium nitroaminotetrazole.

R

RDX [cyclonite, hexogen, T4, cyclo-1,3,5,-trimethylene-2,4,6-trinitramine; hexahydro-1,3,5-trinitro-5-triazine].

S

Safety fuse.
Salts of organic amino sulfonic acid explosive mixture.
Silver acetylide.
Silver azide.
Silver fulminate.
Silver oxalate explosive mixtures.
Silver styphnate.
Silver tartrate explosive mixtures.
Silver tetrazene.
Slurried explosive mixtures of water, inorganic oxidizing salt, gelling agent, fuel and sensitizer (cap sensitive).
Smokeless powder.
Sodatol.
Sodium amatol.
Sodium dinitro-ortho-cresolate.
Sodium nitrate-potassium nitrate explosive mixture.
Sodium picramate.
Squibs.
Styphnic acid.

T

Tacot [tetranitro-2,3,5,6-dibenzo-1,3a,4,6a-tetrazapentalene].
TATNB [triaminotrinitrobenzene].
TEGDN [triethylene glycol dinitrate].
Tetrazene [tetracene, tetrazine, 1(5-tetrazolyl)-4-guanyl tetrazene hydrate].
Tetranitrocarbazole.
Tetranitromethane explosive mixtures.
Tetryl [2,4,6 tetranitro-N-methylaniline].
Tetrytol.
Thickened inorganic oxidizer salt slurried explosive mixture.
TMETN (trimethylolethane trinitrate).
TNEF [trinitroethyl formal].
TNEOC [trinitroethylorthocarbonate].
TNEOF [trinitroethyl orthoformate].
TNT [trinitrotoluene, trotyl, trilite, triton].

Torpex.
Tridite.
Trimethylol ethyl methane trinitrate composition.
Trimethylolthane trinitrate-nitrocellulose.
Trimonite.
Trinitroanisole.
Trinitrobenzene.
Trinitrobenzoic acid.
Trinitrocresol.
Trinitro-meta-cresol.
Trinitronaphthalene.
Trinitrophenetol.
Trinitrophloroglucinol.
Trinitroresorcinol.
Tritonal.

U

Urea nitrate.

W

Water bearing explosives having salts of oxidizing acids and nitrogen bases, sulfates, or sulfamates (cap sensitive).

X

Xanthamonas hydrophilic colloid explosive mixture.

Signed February 26, 1976.

REX D. DAVIS,
Director.

[FR Doc.76-6496 Filed 3-4-76;8:45 am]

Customs Service

[T.D. 76-68]

FOREIGN CURRENCIES

Certification of Rates

The Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372 (c)), has certified the following rates of exchange which varied by 5 per centum or more from the quarterly rate published in Treasury Decision 76-30 for the following countries. Therefore, as to entries covering merchandise exported on the dates listed, whenever it is necessary for Customs purposes to convert such currency into currency of the United States, conversion shall be at the following daily rates:

Italy lira:	
Feb. 16, 1976	Holiday
Feb. 17, 1976	$0.001303
Feb. 18, 1976	.001301
Feb. 19, 1976	.001298
Feb. 20, 1976	.001286
Spain peseta:	
Feb. 16, 1976	Holiday
Feb. 17, 1976	$0.015060
Feb. 18, 1976	.015075
Feb. 19, 1976	.015090
Feb. 20, 1976	.015080

JAMES D. COLEMAN,
Acting Director,
Duty Assessment Division.

[FR Doc.76-6360 Filed 3-4-76;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Army

WHITE SANDS MISSILE RANGE, WHITE SANDS, NEW MEXICO

Filing of Final Environmental Impact Statement

In compliance with the National Environmental Policy Act of 1969, the Army, on 27 February 1976, filed with the Council on Environmental Quality, a final environmental impact statement concerning White Sands Missile Range with the White Sands National Monument.

Copies of the Statement have been forwarded to concerned Federal, State, and local agencies. Interested organizations or individuals may obtain copies from the Commander, White Sands Missile Range, New Mexico, ATTN: Facilities Engineering Directorate (phone: (915) 678-4427).

In the Washington area inspection copies may be seen, during normal duty hours, in the Environmental Office, Office of the Assistant Chief of Engineers, Room 1E676, Pentagon, Washington, DC 20310 (phone: (202) 694-1163).

BRUCE A. HILDEBRAND,
Deputy For Environmental Affairs, Office of the Assistant Secretary of the Army (Civil Works).

[FR Doc.76-6304 Filed 3-4-76;8:45 am]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

MANUFACTURE OF CONTROLLED SUBSTANCES

Application

Section 303(a)(1) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 823(a)(1)) states:

The Attorney General shall register an applicant to manufacture controlled substances in schedule I or II if he determines that such registration is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on the effective date of this part. In determining the public interest, the following factors shall be considered:

(1) Maintenance of effective controls against diversion of particular controlled substances and any controlled substance in schedule I or II compounded therefrom into other than legitimate medical, scientific, research, or industrial channels, by limiting the importation and bulk manufacture of such controlled substances to a number of establishments which can produce an adequate and uninterrupted supply of these substances under adequately competitive conditions for legitimate medical, scientific, research, and industrial purposes;

Pursuant to § 1301.43 of Title 21 of the Code of Federal Regulations (CFR), notice is hereby given that the following manufacturers made application to the Drug Enforcement Administration to be registered as bulk manufacturers of the basic class of controlled substances listed below:

Wyeth Laboratories, Inc., 611 E. Nield Street, West Chester, PA 19380 (December 15, 1975):

Drug:	Schedule
Pethidine	II

M.B.H. Chemical Corporation, 377 Crane Street, Orange, NJ 07051 (January 15, 1976):

Drug:	Schedule
Methylphenidate	II

Pursuant to section 301 of the Controlled Substances Act (21 U.S.C. 821), and in accordance with § 1301.43(a) of Title 21 of the Code of Federal Regulations, notice is hereby given that the above persons have made application to the Drug Enforcement Administration to be registered as bulk manufacturers of the basic class of controlled substances indicated, and any other such person, and any existing registered bulk manufacturer of any of the above basic class of controlled substances, may file written comments on or objections to the issuance of such registrations and may, at the same time, file a written request for a hearing on the applications in accordance with 21 CFR 1301.54 in such form as prescribed by 21 CFR 1316.47. Such comments, objections and requests for a hearing may be filed no later than April 12, 1976.

Comments and objections may be addressed to the DEA Federal Register Representative, Office of Chief Counsel, Drug Enforcement Administration, Room 1203, 1405 Eye Street, NW., Washington, D.C. 20537.

Dated: February 27, 1976.

PETER B. BENSINGER,
Administrator,
Drug Enforcement Administration.

[FR Doc.76-6440 Filed 3-4-76;8:45 am]

MANUFACTURE OF CONTROLLED SUBSTANCES

Registration

By Notice dated January 6, 1976, and published in the FEDERAL REGISTER on January 15, 1976 (40 FR 2265), Knoll Pharmaceutical Company, Production Dept., 30 North Jefferson Road, Whippany, NJ 07981, made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of hydromorphone, a basic class controlled substance listed in schedule II.

No comments or objections having been received, and pursuant to section 303 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 and 21 CFR 1301.54(e), the Administrator hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of hydromorphone is granted.

Dated: February 27, 1976.

PETER B. BENSINGER,
Administrator,
Drug Enforcement Administration.

[FR Doc.76-6441 Filed 3-4-76;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

COLORADO RIVER BASIN SALINITY CONTROL ADVISORY COUNCIL

Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), announcement is made of the initial meeting of the re-

cently formed Colorado River Basin Salinity Control Advisory Council:

Name: Colorado River Basin Salinity Control Advisory Council.

Date: March 23, 1976.

Place: Broadway Arms Room, Cosmopolitan Hotel, Denver, Colorado.

Time: 10:45 a.m.–12 Noon; 1:30–5 p.m.

Proposed Agenda: 10:45 a.m.–12 Noon: Organizational Matters. 1:30–3 p.m.: Interagency Status reports on Title II of Public Law 93-320—Colorado River Basin Salinity Control Project and Colorado River Water Quality Improvement Program. 3–5 p.m.: Comment and recommendations on program by Advisory Council Members.

Purpose of meeting: This will be the initial meeting of the recently formed Council and will be utilized to resolve organizational matters and to brief Council members on the status of activities under the Colorado River Basin Salinity Control Project and the Colorado River Water Quality Improvement Program. It will also serve as a forum for the Council members to discuss those activities and provide recommendations on the program.

Meeting of the Advisory Council is open to the public.

Any member of the public may file a written statement with the Council before, during, or after the meeting. To the extent that time permits, the Council Chairman may allow public presentation of oral statements at the meeting.

All communications regarding this Advisory Council should be addressed to Mr. John Maletic, Water Quality Officer, Bureau of Reclamation, Engineering and Research Center, P.O. Box 25007, Denver, Colorado 80225.

GILBERT G. STAMM,
Commissioner of Reclamation.

[FR Doc.76-6461 Filed 3-4-76;8:45 am]

Fish and Wildlife Service

ENDANGERED SPECIES PERMITS

Official Action

Notice is hereby given that the U.S. Fish and Wildlife Service has taken the following action with regard to permit applications received under section 10 of the Endangered Species Act of 1973, 16 U.S.C. 1539. Each permit was issued only after it was determined that it was applied for in good faith; that by granting the permit it will not be to the disadvantage of the endangered species; and that it will be consistent with the purposes and policy set forth in the Endangered Species Act of 1973.

NOTICE OF APPLICATION PUBLISHED IN "FEDERAL REGISTER" AUGUST 29, 1975 (40 FR 39907-08)

Applicant. David R. Blankinship, 721 Pine, Rockport, Texas 78382.

Official Action. Issued permit November 3, 1975: "May band nestling EASTERN BROWN PELICANS (*Pelecanus occidentalis*), and apply auxiliary markers only as authorized by a valid Migratory Bird Marking and Salvage Permit."

NOTICE OF APPLICATION PUBLISHED IN "FEDERAL REGISTER" JULY 17, 1975 (40 FR 30143-44)

Applicant. E. A. Jones Elementary School, 1800-5th Street, Missouri City, Texas 77459. Mr. Glenn Robb, Principal.

Official Action. Issued permit November 10, 1975: "May receive and possess one AMERICAN ALLIGATOR (*Alligator mississipiensis*) taken from the wild."

NOTICE OF APPLICATION PUBLISHED IN "FEDERAL REGISTER" AUGUST 7, 1975 (40 FR 33255-56)

Applicant. Atlanta Zoological Park, 800 Cherokee Avenue SE., Atlanta, Georgia 30316. R. Howard Hunt, Curator, Reptiles.

Official Action. Issued permit November 10, 1975: "May export from the Atlanta Zoological Park, Atlanta, Georgia, through the port shown in Block 10 (Miami, Florida), twenty-four (24) captive bred MORELET'S CROCODILES (*Crocodylus moreletii*) for shipment to Dr. Bernardo Villa-Ramirez, Instituto de Biologia Laboratory de Mastozoologia, Apartado Postal 70-153, Mexico 20, D.F., for release into a controlled environment."

NOTICE OF APPLICATION PUBLISHED IN "FEDERAL REGISTER" AUGUST 5, 1975 (40 FR 32849)

Applicant. Regional Director, U.S. Fish and Wildlife Service, Albuquerque, New Mexico 87103.

Official Action. Issued permit November 10, 1975: "May take and transport young and not to exceed 50 adult COLORADO RIVER SQUAWFISH (*Ptychocheilus lucius*) for purposes of scientific research and propagation."

NOTICE OF APPLICATION PUBLISHED IN "FEDERAL REGISTER" JULY 17, 1975 (40 FR 30141-42-43)

Applicant. William S. Clark, 7800 Dassett Court, Annandale, Virginia 22003.

Official Action. Issued permit November 10, 1975: "Authorized to capture and band, not to exceed eight (8) PEREGRINE FALCONS (*Falco peregrinus tundrius*) each year, at Cape May Point, New Jersey, during the months of September, October and November."

NOTICE OF APPLICATION PUBLISHED IN "FEDERAL REGISTER" SEPTEMBER 12, 1975 (40 FR 42382-83-84)

Applicant. Myrna E. Watanabe, 141 Columbia Heights, Brooklyn, New York 11201.

Official Action. Issued permit November 19, 1975: "Permittee may capture, tag and disturb AMERICAN ALLIGATORS (*Alligator mississipiensis*), in the areas authorized in Block 10 (States of North Carolina, South Carolina, Georgia and Florida), for scientific research."

NOTICE OF APPLICATION PUBLISHED IN "FEDERAL REGISTER" AUGUST 14, 1975 (40 FR 34170-71)----

Applicant. Audubon Park Commission, Audubon Park Zoo, New Orleans, Louisiana 70118, Mr. John A. Moore, Director.

Official Action. Issued permit November 20, 1975: "Authorized to receive in interstate commerce from the National Zoological Park, Washington, D.C., eight (8) WHITE-NECKED ROCK FOWL (*Picathartes gymnocephalus*) for the purpose of propagation."

NOTICE OF APPLICATION PUBLISHED IN "FEDERAL REGISTER" SEPTEMBER 22, 1975 (40 FR 43520-21)

Applicant. Director, Milwaukee County Zoological Park, W. Bluemound Road, Milwaukee, Wisconsin 53226.

Official Action. Issued permit November 20, 1975: "Authorized to transport in interstate commerce, one (1) male, and one (1) female, RINGTAIL LEMUR (*Lemur catta*), as designated in Block 10 (from the San Diego Zoo to the Milwaukee County Zoo) for the purposes of propagation and public display."

NOTICE OF APPLICATION PUBLISHED IN "FEDERAL REGISTER" OCTOBER 10, 1975 (40 FR 47808-09)

Applicant. Abilene Zoological Society, 188 E.S. 11th Street, Abilene, Texas 79604. Mr. Daniel M. Watson, Executive Director.

Official Action. Issued permit November 20, 1975: "May export one female TIGER (*Panthera tigris*), to the Zoo de la Casa de Campo, Madrid, Spain." (To enhance the propagation or survival of endangered species.)

NOTICE OF APPLICATION PUBLISHED IN "FEDERAL REGISTER" OCTOBER 8, 1975 (40 FR 47157-58)

Applicant. San Diego Zoo, San Diego Zoological Society, Balboa Park San Diego, California 92112. K. C. Lint, Curator.

Official Action. Issued permit November 20, 1975: "Authorized to receive in interstate commerce, from the National Zoological Park, Washington, D.C., two (2) male, and two (2) female, WHITE-NECKED ROCK FOWL (*Picathartes gymnocephalus*) for the purposes of propagation and public display."

NOTICE OF APPLICATION PUBLISHED IN "FEDERAL REGISTER" SEPTEMBER 12, 1975 (40 FR 42381-82)

Applicant. Minnesota Department of Natural Resources, Forest Wildlife Population and Research Group, 501 S. Pokegama Avenue, Grand Rapids, Minnesota 55744. Patrick D. Karns, Group Leader.

Official Action. Issued permit November 21, 1975: "Authorized to capture for the purpose of scientific research, EASTERN TIMBER WOLVES. All individuals are to be returned to the wild in the same general area where captured immediately after marking, affixing radio collars, and/or taking blood specimens."

NOTICE OF APPLICATION PUBLISHED IN "FEDERAL REGISTER" JULY 22, 1975 (40 FR 30726-27)

Applicant. Utah Division of Wildlife Resources, 1596 West North Temple, Salt Lake City, Utah 84116. John E. Phelps, Director.

Official Action. Issued permit November 24, 1975: "Authorized to conduct the following activities with PEREGRINE FALCONS (*Falco peregrinus anatum*), for the purposes of scientific research and propagation." (Activities authorized include banding; auxiliary color marking; collecting addled eggs and shell fragments; taking viable eggs; holding salvaged birds for rehabilitation purposes; and placing captive produced young and eggs in wild nests.)

NOTICE OF APPLICATION PUBLISHED IN "FEDERAL REGISTER" AUGUST 29, 1975 (40 FR 39910)

Applicant. David Michael Turner, Box 1364, Kealakekua, Hawaii 96750.

Official action. Issued permit November 24, 1975: "Authorized to collect at the location designated in Block 10 (Kau District and Kona District, County of Hawaii, Hawaii), by the use of mist nets, not to exceed 50 adult HAWAIIAN HOARY BATS (*Lasiurus cinereus semotus*), for the purpose of scientific research."

Each permit is available for public inspection during normal business hours at the U.S. Fish and Wildlife Service's office in Suite 600, 1612 K Street, NW., Washington, D.C.

Dated: February 26, 1976.

C. R. BAVIN,
Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.76-6453 Filed 3-4-76;8:45 am]

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

[Designation Number A299]

IOWA

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in certain Iowa Counties as a result of various adverse weather conditions shown in the following chart:

Adair—drought conditions June 26, 1975, to August 24, 1975.
Adams—drought conditions June 20, 1975, to August 20, 1975.
Chickasaw—drought conditions July 31, 1975, to August 20, 1975.
Clarke—drought conditions June 27, 1975, to September 1, 1975.
Decatur—drought conditions July 1, 1975, through August 15, 1975.
Guthrie—drought conditions July 1, 1975, to August 24, 1975.
Hancock—drought conditions July 1, 1975, to August 24, 1975.
Lucas—drought conditions July 1, 1975, to August 24, 1975.
Madison—drought conditions June 28, 1975, to August 25, 1975.
Mitchell—drought conditions July 1, 1975, to August 24, 1975.
Monroe—drought conditions June 20, 1975, through August 20, 1975.
Plymouth—drought conditions July 1, 1975, to August 24, 1975.
Ringgold—drought conditions June 23, 1975, to August 25, 1975.
Sioux—drought conditions July 1, 1975, through August 24, 1975.
Taylor—drought conditions June 24, 1975, to August 20, 1975.
Union—drought conditions June 24, 1975, to August 25, 1975.

Therefore, the Secretary has designated these areas as eligible for Emergency loans pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Public Law 94–68, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Robert D. Ray that such designation be made.

Applications for Emergency loans must be received by this Department no later than April 9, 1976, for physical losses and November 9, 1976, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

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

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.76–6347 Filed 3–4–76;8:45 am]

[Designation Number A306]

IOWA

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in Warren County, Iowa, as a result of drought June 27 through August 26, 1975.

Therefore, the Secretary has designated this area as eligible for Emergency loans pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Public Law 94–68, and the provisions of 7 CFR 1832.3 (b) including the recommendation of Governor Robert D. Ray that such designation be made.

Applications for Emergency loans must be received by this Department no later than April 12, 1976, for physical losses and November 10, 1976, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans.

The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

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

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.76–6348 Filed 3–4–76;8:45 am]

[Designation Number A300]

LOUISIANA

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in the following Louisiana Parishes as a result of the following:

Madison—continuous excessive rainfall January 1, 1975, through July 30, 1975.
La Salle—(Extension of incidence period): continuous heavy rainfall and flooding May 17, 1975, to August 31, 1975.

La Salle Parish was declared a *major disaster* area on June 5, 1975, by President Ford because of heavy rains, flooding and tornadoes beginning on or about March 14, 1975. The incidence period is March 14, 1975, through May 16, 1975. Therefore, the incidence period for this parish will commence on March 14, 1975.

Therefore, the Secretary has designated these areas as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Public Law 94–68, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Edwin Edwards that such designation be made.

Applications for Emergency loans must be received by this Department no later than April 9, 1976, for physical losses and November 9, 1976, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

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

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.76–6349 Filed 3–4–76;8:45 am]

[Designation Number A298]

NORTH DAKOTA

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in Sioux County, North Dakota, as a result of a snowstorm, blizzard and prolonged (wet) weather beginning March 22 through April 30, 1975.

Therefore, the Secretary has designated this area as eligible for Emergency loans pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Public Law 94–68, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Arthur A. Link that such designation be made.

Applications for Emergency loans must be received by this Department no later than April 5, 1976, for physical losses and November 5, 1976, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

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

FRANK B. ELLIOT,
Administrator,
Farmers Home Administration.

[FR Doc.76–6350 Filed 3–4–76;8:45 am]

[Designation Number A309]

WISCONSIN

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in certain Wisconsin Counties as a result of various adverse weather conditions shown in the following chart:

Adams—winterkill January 1, 1975, to April 20, 1975, and drought July 3, 1975, through August 20, 1975.
Bayfield—drought July 1, 1975, to September 1, 1975.
Douglas—drought July 15, 1975, through August 26, 1975.
Green Lake—winterkill January 3 to January 15, 1975; excessive rainfall June 1, 1975, to July 10, 1975; and drought July 11, 1975, to August 28, 1975.
Marquette—drought June 1, 1975, to August 15, 1975.
Portage—drought June 15, 1975, through August 20, 1975; and hail on July 11, 1975.
Trempealeau—severe drought July 5, 1975, through August 20, 1975.
Waupaca—drought June 24, 1975, to August 21, 1975.
Waushara—drought June 20, 1975, to August 20, 1975; winterkill January 1 to January 31, 1975.

Therefore, the Secretary has designated these areas as eligible for Emergency loans pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Public Law 94–68, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Patrick J. Lucey that such designation be made.

Applications for Emergency loans must be received by this Department no later than April 12, 1976, for physical losses and November 12, 1976, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

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

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.76–6351 Filed 3–4–76;8:45 am]

Food and Nutrition Service

DONATED FOODS TO NUTRITION PROGRAMS FOR THE ELDERLY

Level of Assistance

Notice is hereby given that pursuant to section 707(a)(4) of the Older Americans Act of 1965, as amended (42 U.S.C. 3045f), the level of assistance in food commodities or, where applicable, cash in lieu thereof, to be provided by the Secretary of Agriculture to recipients of grants or contracts under title VII of the Act will be increased for the period July 1, 1975 through September 30, 1976, to 16.5 cents per meal. The legislation requires the Secretary, in donating foods to nutrition programs for the elderly funded under title VII, to maintain a minimum level of assistance during that period of not less than 15 cents per meal, adjusted to the nearest one-fourth cent to reflect changes in the series for food away from home of the Consumer Price Index published by the Bureau of Labor Statistics (BLS) of the Department of Labor. The minimum level of assistance at 16.5 cents per meal includes such an adjustment and reflects a 9.99 percent increase in that series as reported by BLS for the period May 1974 to May 1975.

Effective date: This notice shall become effective as of July 1, 1975.

Dated: February 27, 1976.

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc.76–6289 Filed 3–4–76;8:45 am]

Forest Service

KLAMATH NATIONAL FOREST GRAZING ADVISORY BOARD

Meeting

The Klamath National Forest Grazing Advisory Board will meet at 7:00 p.m., March 25, 1976, in the Forest Supervisors Office, 1215 South Main Street, Yreka, California.

The purpose of this meeting is to discuss waiver of term grazing permits, controlled burning, possible impacts of the Pacific Crest Trail on grazing, statement of objection to severity of scheduled increases in annual grazing fees, allocation of a portion of grazing fees towards improvement of ranges, use of M–44 for predator control, grazing of commercial livestock in the Marble Mountain Wilderness and other items related to grazing on the Klamath National Forest.

The meeting will be open to the public. Persons who wish to attend should notify Dan B. Abraham, 1215 South Main Street, Yreka, California 96097, telephone 916–842–2741. Written statements may be filed with the Committee before or after the meeting.

The Committee has established the following rule for public participation: Public persons may speak-up at the meeting after the regular board meeting is completed.

WILLIAM H. COVEY,
Deputy Forest Supervisor.

[FR Doc.76–6355 Filed 3–4–76;8:45 am]

Office of the Secretary

ADVISORY COMMITTEE ON POULTRY HEALTH

Cancellation of Meeting

On July 23, 1975, there was published in the FEDERAL REGISTER (40 FR 30856) a notice of the Secretary of Agriculture's intent to establish an Advisory Committee on Poultry Health for a 2-year period, and on January 21, 1976 (41 FR 3110) notice was given of an organizational meeting of this Committee to be held March 25 and 26, 1976, to define poultry health problems facing the poultry industry and the effect they have on the public as consumers.

The purpose of this notice is to cancel until further notice the organizational meeting of the Advisory Committee on Poultry Health which was scheduled to be held at 9:00 a.m. on March 25 and 26, 1976, in Room 218–A, Administration Building, United States Department of Agriculture, Washington, D.C.

Dated: March 2, 1976.

F. J. MULHERN,
Vice Chairman.

[FR Doc.76–6346 Filed 3–4–76;8:45 am]

Packers and Stockyards Administration

WHITE LIVESTOCK COMMISSION CO., INC.

Proposed Posting of Stockyards

The Chief, Registrations, Bonds, and Reports Branch, Packers and Stockyards Administration, United States Department of Agriculture, has information that the livestock markets named below are stockyards as defined in Section 302 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 202), and should be made subject to the provisions of the Act.

AL–160 ----	White Livestock Commission Company, Inc., Leighton, Alabama.
CA–170 ----	Bangor Auction, Bangor, California.
CA–169 ----	John & Joan B. Lewis Auction Yard, Elk Grove, California.
CA–171 ----	Ramona Auction Barn, Ramona, California.
CO–145 ----	Hotchkiss Sales Yard, Hotchkiss, Colorado.
SC–127 ----	Springfield Stockyard, Inc., Neeses, South. Carolina.
VA–149 ----	Amherst County Livestock Market, Inc., Amherst, Virginia.

Notice is hereby given, therefore, that the said Chief, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the Act as provided in Section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule, may do so by filing them with the Chief, Registrations, Bonds, and Reports Branch, Packers and Stockyards Administration, United States Department of Agriculture, Washington, D.C. 20250, by March 22, 1976.

All written submissions made pursuant to this notice shall be made available for public inspection at such times and places in a manner convenient to the public business (7 U.S.C. 1.27(b)).

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

EDWARD L. THOMPSON,
Chief, Registrations, Bonds, and Reports Branch, Livestock Marketing Division.

[FR Doc.76–6352 Filed 3–4–76;8:45 am]

LOGAN COUNTY LIVESTOCK AUCTION MAGAZINE, ET AL.

Posted Stockyards

Pursuant to the authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. et seq.), it was ascertained that the livestock markets named below were stockyards within the definition of that term contained in section 302 of the Act, as amended (7 U.S.C. 202), and notice was given to the owners and to the public by posting notices at the stockyards as required by said section 302, on the respective dates specified below.

Facility number, name, and location of stockyard and date of posting

ARKANSAS

AR-153 Logan County Livestock Auction, Magazine, January 12, 1976.

IOWA

IA-252 Beemer Livestock Auction, Gravity, February 12, 1976.

MISSOURI

MO-241 Olean Livestock Market, Inc., Eldon, November 19, 1975.

NEW YORK

NY-155 Tyrell's Livestock Market, Utica, January 14, 1976.

PENNSYLVANIA

PA-150 Sarah E. Fisher's Sales, McVeytown, November 21, 1975.

UTAH

UT-115 Richfield Auction Co., Monroe, February 11, 1976.

WISCONSIN

WI-133 Beetown Livestock Exchange, Beetown, February 4, 1976.

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

EDWARD L. THOMPSON,
Chief, Registrations, Bonds, and Reports Branch, Livestock Marketing Division.

[FR Doc.76-6353 Filed 3-4-76;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

MICHIGAN CANCER FOUNDATION

Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (40 F.R. 12253 et seq, 15 CFR 701, 1975).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 74-00306-33-77040. Applicant: Michigan Cancer Foundation, 110 E. Warren Avenue, Detroit, Michigan 48201. Article: Mass Spectrometer System, Model JMS-01SG-2. Manufacturer: JEOL Ltd., Japan. Intended use of article: The foreign article is intended for the following applications: (1) pharmacological studies and drug metabolism in concert with cancer chemotherapy programs, (2) studies of metabolism of pharmacological levels of estrogens in blood and urine in the treatment of recurrent breast cancer and (3) routine applications in synthetic organic chemistry. Application (1) will be initiated with studies of mitomycin C in 5-fluorouracil in which plasma levels and renal excretion of the two compounds will be determined as a function of time in patients with proven solid tumors and demonstrating normal renal function and application (2) will be determined in patients receiving estrone sulfate in the treatment of recurrent breast cancer, and possibly in tumor tissue also; in each case, both before and after the tumor ceases to respond to the estrogen.

Comments: No comments have been received with respect to this application. A letter dated April 28, 1975 was received from Nuclide Corporation (Nuclide) which alleged inter alia that it manufactured instruments of equivalent scientific value to the foreign article. This letter, which was received after expiration of the comment period, is being treated as an offer to provide additional information in accordance with Subsection 301.10 of the regulations.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, could have been made available to the applicant without excessive delay, within the meaning of subsection 301.11(c) of the regulations, at the time the foreign article was ordered (July 25, 1973). Reasons: Excessive delivery time is described in subsection 301.11(c) of the regulations as follows:

Excessive delivery time. Duty-free entry of the article shall be considered justified without regard to whether there is being manufactured in the United States an instrument, apparatus, or accessory of equivalent scientific value for the purposes described in response to question 7 of the application form, if the delay in obtaining such domestic instrument, apparatus, or accessory (as indicated by the difference between the delivery times quoted by domestic manufacturer and foreign manufacturer) will seriously impair the accomplishment of the purposes. In determining whether the difference in delivery times is excessive, the Deputy Assistant Secretary shall take into account the relevancy of the applicant's program to other research programs with respect to timing, the applicant's need to have such instrument, apparatus, or accessory available at the scheduled time for the course(s) in which the article is intended to be used, and other relevant circumstances.

The applicant sent a request for quote to two domestic firms, Nuclide and Dupont Instrument Products, Scientific and Process Division (Dupont) as well as the foreign manufacturer. The applicant requires a mass spectrometer with a computer and a complete soft ware package for both low and high resolution on line studies employing both electrical and photoplate detection. The foreign article was quoted with the above specifications and with a 7¼ month delivery time. Dupont offered its 21-490 series without photoplate detection with a computer system. Dupont also offered a Model 21-110C mass spectrometer with a photoplate detection system but without a computer system. The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated January 6, 1974 that a complete system providing all of the characteristics of the article described above is pertinent to the applicant's intended purposes and that the instruments offered by Dupont did not provide all the pertinent specifications. Nuclide took no exceptions to the applicant's request for quotation in its Quote dated July 3, 1973 but Nuclide's quoted delivery time was 12±3 months. The applicant claims in response to Question 8.d. that the article's intended use will require the monitoring of various drugs in the human body, which could dictate adjustment of dosage levels or a change in therapy to substantially prolong the lives of current patients. The applicant also claims that the difference in delivery times of the total system is just too long for this type of work. HEW concurs with the applicant and advises that Nuclide quoted an excessive delivery time for its instrument system.

For these reasons, we find that the instrument systems quoted by DuPont are not of equivalent scientific value to the foreign article for the applicant's intended use and that the difference between the delivery time of the article and the instrument system quoted by Nuclide is excessive within the meaning of Subsection 301.11(c) of the regulations at the time the article was 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.76-6334 Filed 3-4-76;8:45 am]

UNIVERSITY OF PENNSYLVANIA

Applications for Duty-Free Entry of Electron Microscopes

The following is a consolidated decision on applications for duty-free entry of electron microscopes 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 F.R. 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 Im-

port Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 76-00191-33-46040. Applicant: University of Pennsylvania, School of Veterinary Medicine, 3800 Spruce Street, Philadelphia, Pennsylvania 19174. Article: Electron Microscope, Model EM 9S-2. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used for the following research on degenerative retinal diseases in animals as models for similar diseases in man: (1) Studies on early stages of hemeralopia in dogs, (2) studies on rod-cone degenerative in the dog and (3) rod disc turnover in the rod-cone dysplastic retina of the dog. In all of these projects the ultrastructure of the retina and retinal pigment epithelium which has been studied electrophysiologically, is investigated. The article will also be used for a teaching program in ophthalmology. Application received by Commissioner of Customs: October 30, 1975. Advice submitted by the Department of Health, Education, and Welfare on: February 13, 1976. Article ordered: May 29, 1975.

Docket number: 76-00207-33-46040. Applicant: Amherst College, Amherst, MA 01002. Article: Electron Microscope, Model EM 9S-2 and accessories. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used for research in embryology in which the development of the heart, the lateral line, and olfactory organs of frog and salamander embryos will be studied in order to gain an understanding of the cellular and subcellular mechanisms and structures involved in the formation of these organs. Another line of research will be in the field of neurobiology, specifically studies of the pattern of connections between and among nerve cells in the brain, particularly between the nerves from the eye and the brain cells with which they make contact. The article will also be used for educational purposes by enhancing student interest in biology, expanding the areas of biology in which undergraduate students can do research (thus enhancing students involvement with research and their sophistication about research), and by preparing students for further professional training. A summer program of training in techniques of electron microscopy is planned. Application received by Commissioner of Customs: November 12, 1975. Advice submitted by the Department of Health, Education, and Welfare on: February 13, 1976. Article ordered: September 30, 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 relatively simple, easy to operate, medium resolution electron microscope designed for confident use by beginning students with a minimum of detailed programming. Each article provides 7 Angstroms point to point resolution, an accelerating voltage of 60 kilovolts (KV), and low distortion magnifications from 140–60,000X (Magnifications of 140 to 1000X are within the normal, light microscopic range). Thus each article covers the range of light and electron microscopy. The domestic instrument available at the time the articles were ordered was Adam David Company's (AD) Model EMU-4C, a more complex instrument (designed for the use of an experienced operator) which provides low distortion magnification at 500X and higher. The Department of Health, Education and Welfare (HEW) advises in the respectively cited memoranda that the best low magnification capabilities available specifically in the optical range at 140X, as well as, simplicity and ease of operation are pertinent to the purposes for which each foreign article is intended to be used. HEW also advises that the EMU-4C did not have equivalent low magnification and is too complex. Furthermore, HEW advises that AD's Model PA-1 was in a development stage at the time each article was ordered. In this regard, it is noted that a prototype of the PA-1 was first shown by AD in November, 1974. Neither the Department of Commerce nor its consultants have been able to determine or verify the capabilities of the PA-1 as of the date of this decision. Thus, the Department does not have a sufficient basis for ruling that AD was able to supply the PA-1 within a normal delivery time at the time the foreign articles were ordered.

We, therefore, find that the Model EMU-4C was not 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 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 was 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.76-6335 Filed 3-4-76;8:45 am]

UNIV. OF PENNSYLVANIA

Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (40 F.R. 12253, et seq., 15 CFR 701, 1975).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 76-00151-33-46040. Applicant: University of Pennsylvania, G5, Philadelphia, Pa. 19174. Article: Electron Microscope, Model JEM 100S and accessories. Manufacturer: JEOL, Japan. Intended use of article: The article is intended to be used for examination of biological tissues after they have been fixed, dehydrated, embedded in plastic, and sectioned. Some of the tissues to be examined will be muscle specimens from animals, with or without previous experimental treatment for the study of the mechanisms of control of muscle activity, muscle tissues from normal and diseased human biopsies, and other tissues in a variety of studies in basic cell biology. The experiments to be conducted will be aimed at obtaining information both qualitative and quantitative, on the structure of muscle and other biological tissues of different types (comparative morphology) and under different physiological states (experimental morphology) and in different disease states (pathology). The article will also be used in the course Biology/Biochemistry 530, Electron Microcopy Techniques, an introductory course as well as for informal teaching of undergraduate and graduate students.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (May 30, 1975). Reasons: The foreign article provides distortion free micrographs over a magnification range 100 to 200,000x without a pole-piece change. The most closely comparable domestic instrument available is the Model EMU-4C electron microscope currently supplied by the Adam David Company (Adam David). When the article was ordered the Model EMU-4C with its standard pole-piece, had a specified range from 1,400 to 240,000 magnifications. For survey and scanning, the lower end of this range could be reduced to 400 magnifications or less. But the continued reduction of magnification induced an increasingly greater distortion. The domestic manufacturer suggests in its literature on the Model EMU-4C that for highest quality, low magnification electron micrographs, an optional low magnification pole-piece providing 500–70,000x should be used. It is noted that changing the pole-piece on the Model EMU-4C requires a break in the vacuum of the column that induces the danger of contamination which would very likely lead to the failure of the experiment.

The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated February 13, 1976 that the article's full range of magnifications, without a pole-piece change as described

above is pertinent to the applicant's purposes. HEW also advises that the magnification range without pole piece change of the domestic Model EMU–4C is not scientifically equivalent to that of the foreign article for the applicant's intended use. We, therefore, find that the Model EMU–4C is not of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the article was 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.76–6336 Filed 3–4–76;8:45 am]

UNIVERSITY OF VERMONT

Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (40 FR 12253 et seq. 15 CFR 701, 1975).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 75–00544–01–77030. Applicant: University of Vermont, Burlington, Vermont 05401. Article: NMR Spectrometer, Model JNM–C–60–HL. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for the following research projects:

(1) Phosphorus-nitrogen chemistry. Structure and bonding from ^{19}F and ^{31}p nmr.

(2) Structural chemistry via ^{13}C nmr with proton noise decoupling.

(3) Use of ^{13}C chemical shifts in aryl cyclotriphosphazene derivatives to probe phosphorus/aryl conjugative interactions.

(4) 60 MHz proton nmr experiments which include the following:

(a) Synthesis of enamines and applications to organic synthesis especially alkaloid synthesis.

(b) Analysis of reaction mixtures from photolyses of small ring hydrocarbons especially thione derivatives.

(c) Structure assignments of organosulfur compounds and hydrazo and azobenzenes.

(d) Structure of organmetallic cyclopropane complexes.

(e) Cis-dicyanoethylene-1, 2-dithiolato complexes of In, Tl and Pb organometallics studied by proton nmr spectroscopy.

(5) Organic stereochemistry by ^{19}F nmr of induced—CF_3 groups.

(6) Stereochemistry of complexes of the type $((CF_3)_2C_2S_2)_3Sn^{x+}$ by ^{19}F nmr.

The article will also be used for educational purposes in chemistry course for postdoctoral, graduate and undergraduate students.

COMMENTS: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (April 3, 1971). Reasons: This application is a resubmission of Docket Numbers 71–00622–01–77030 and 73–00205–01–77030 which were denied without prejudice to resubmission on August 11, 1972 and March 5, 1975, respectively, for informational deficiencies.

The foreign article provides 60 megahertz (MHz) spectra and the capabilities for 19 Fluorine, 31 Phosphorous, and 13 carbon probes with variable temperature operation. The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated August 21, 1975 that the applicant's need for comparison of both 60 and 100 MHz proton spectra will require a high field 100 MHz spectrometer for high volume routine proton work and the capabilities of the article described above is pertinent to the applicant's intended uses. The applicant has a 100 MHz instrument. HEW advises that the most closely comparable domestic instrument is the Model T–60 manufactured by Varian Associates (Varian). The T–60 does not provide all the extra nuclear and temperature features found pertinent in the article. HEW also advises that the use of a 100 MHz instrument (such as the Varian Model XL–100) and T–60 (with the 100 MHz being used for the high field spectra and the three other nuclei of interest) would provide suitable data but the large volume of work to be done routinely on the 100 MHz instrument would leave insufficient time for the applicant's studies involving other nuclei and temperature variation on the same instrument.

For the foregoing reasons, we find that the Model T–60 was not of equivalent scientific value to the foreign article for the applicant's intended purposes at the time the article was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the article was 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.76–6337 Filed 3–4–76;8:45 am]

VIRGINIA INSTITUTE OF MARINE SCIENCE, ET AL.

Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to Section 6 (c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, within 20 calendar days after the date on which this notice of application is published in the FEDERAL REGISTER.

Amended regulations issued under cited Act (40 FR 12253 et seq., 15 CFR 701, 1975) prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C. 20230.

Docket number: 76–00291. Applicant: Virginia Institute of Marine Science, Route 17, Gloucester Point, Virginia 23062. Article: Turbidity Monitor. Manufacturer: Spectrum Electric Ltd., Canada. Intended use of article: The article is intended to be used for measuring the suspended sediment of thick fluid mud on the floor of estuaries and rivers which is discharged from dredge pipes. A study will be undertaken to determine the extent, thickness and rate of movement of the fluid mud which is detrimental to ecology. The unit would be deployed both for time-series measurements and for vertical profiles near the bed. Application received by Commissioner of Customs: February 6, 1976.

Docket number: 76–00292. Applicant: University of North Carolina at Charlotte, Department of Biology, UNCC Station, Charlotte, North Carolina 28223. Article: Electron Microscope, Model EM 201C. Manufacturer: Philips Electronics Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used for educational purposes in the following courses:

Biology 231: Cell Biology—The structural, functional, and genetic aspects of cells as well as the principles underlying living systems.

Biology 474: Virology—The fundamental aspects of some submicroscopic organisms including methods of study, identification and classification, replicative cycles and selected topics in viral genetics.

Biology 395C: Advanced Microbiology—A highly laboratory oriented course designed to follow general microbiology. Emphasis is on application of techniques and planning and execution of an individual research project.

Biology 497: Investigations in Biology—Individual research projects.

Non-credit: Short course in Electron Microscope Technique—Intensive instruction in scope operation, maintenance, and photographic technique.

Application received by Commissioner of Customs: February 1976.

(Catalog of Federal Domestic Assistance Programs No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Special Import Programs Division.

[FR Doc.76-6338 Filed 3-4-76;8:45 am]

WELLESLEY COLLEGE

Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (40 F.R. 12253 et seq., 15 CFR 701, 1975).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 76-00154-99-46040. Applicant: Wellesley College, Wellesley, Massachusetts 02181. Article: Electron Microscope, Model EM9S-2. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used for educating undergraduate students in electron microscopy using a variety of animal and plant tissues in the following biological science courses:

Biology 319—Biology Ultrastructure—emphasizing a refinement of thin-sectioning particularly of mammalian tissues.

Biology 370 and 350—Honors Thesis and Independent Research Biology 211 Development Plant Anatomy—concerned with the cells and tissues that make up the plant body.

Biology 313—Cytology and Physiology of Microorganisms—Identification of fractional cell components such as plastids, mitochondria, and other organelles.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (November 26, 1974). REASONS: The foreign article is a relatively simple, easy to operate, medium resolution electron microscope designed for confident use by beginning students with a minimum of detailed programming. The article provides 7 Angstroms point to point resolution, an accelerating voltage of 60 kilovolts (KV), and low distortion magnifications from 140-60,000 × (Magnifications of 140 to 1000 × are within the normal, light microscopic range). Thus the article covers the range of light and electron microscopy. The domestic instrument available at the time the article was ordered was Adam David Company's (AD) Model EMU-4C, a more complex instrument (designed for the use of an experienced operator) which provides low distortion magnification at 500 × and higher. The Department of Health, Education and Welfare (HEW) advises in its memorandum dated February 13, 1976 respectively cited that simplicity and ease of operation are pertinent to the purposes for which the foreign article is intended to be used. HEW also advises that the EMU-4C is too complex. Furthermore, HEW advises that AD's Model PA-1 was in a development stage at the time the article was ordered. In this regard, it is noted that a prototype of the PA-1 was first shown by AD in November, 1974. Neither the Department of Commerce nor its consultants have been able to determine or verify the capabilities of the PA-1 as of the date of this decision. Thus, the Department does not have a sufficient basis for ruling that AD was able to supply the PA-1 within a normal delivery time at the time the foreign article was ordered.

We, therefore, find that the Model EMU-4C was not of equivalent scientific value to the foreign article for such purposes as this article was to be used at the time the article was ordered. The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the article was 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.76-6339 Filed 3-4-76;8:45 am]

Maritime Administration

[Docket No. S-495]

CHARLES KURZ & CO., INC. ET AL.

Multiple Applications

Notice is hereby given that Charles Kurz & Co., Inc. (Kurz), Keystone Shipping Co. (Keystone) and Keystone Tankship Corporation (Tankship) have filed applications dated January 12, 1976, as supplemented by letter of February 3, 1976, to amend the written permissions previously granted under section 805(a) of the Merchant Marine Act, 1936, as amended, to Kurz on August 13, 1973, and to Keystone and Tankship on October 17, 1973, and their affiliates, to operate up to a total of 31 U.S. flag vessels in the transport of liquid bulk cargoes within and between the following U.S. coastal areas, with free interchange of vessels among these areas, and with the maximum number of vessels to be employed in the areas at any one time specified:

	Vessels
U.S. Gulf-Atlantic Coastwise	17
U.S. Gulf-Atlantic-Puerto Rico	2
U.S. Atlantic-Gulf-Intercoastal (including Alaska and Hawaii)	5
Pacific Coast-Alaska-Hawaii	10

Keystone on behalf of the applicants (Kurtz, Tankships, and itself), now requests that the following adjustment be made to the foregoing list in the maximum number of vessels indicated in the last two designated trades, with no alteration of the maximum numbers indicated in the first two designated trades:

	Vessels
U.S. Atlantic-Gulf Intercoastal (including Alaska and Hawaii)	10
Pacific Coastal-Alaska-Hawaii	15

The following U.S. flag tankers are owned, managed, or operated by Kurtz, Keystone, Tankships or their affiliated or associated companies:

Chancellorsville	*Spirit of Liberty*
Perryville	*Keytanker*
USNS *Potomac* (ex-*Shenandoah*)	*Keystoner*
Fort Fetterman	*Valley Forge*
Julesburg	*Golden Gate*
Birch Coulie	*Edgar M. Queeny*
Santa Clara	*Sinclair Texas*
Gaines Mill	*David E. Day*
Tullahoma	*Mobilgas*
Meadowbrook	*Mobil Power*
Monmouth	*Mobil Fuel*
	Baldbutte

Any person, firm, or corporation having interest (within the meaning of section 805(a)) in such applications and desiring to be heard on issues pertinent to section 805(a) and desiring to submit comments or views concerning the applications must, by close of business on March 19, 1976 file same with the Secretary, Maritime Subsidy Board/Maritime Administration, in writing, in triplicate, together with petition for leave to intervene which shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief.

If no petitions for leave to intervene are received within the specified time or if it is determined that petitions filed do not demonstrate sufficient interest to warrant a hearing, the Maritime Administration will take such action as may be deemed appropriate.

In the event petitions regarding the relevant section 805(a) issues are received from parties with standing to be heard, a hearing will be held, the purpose of which will be to receive evidence under section 805(a) relative to whether the proposed operation (a) could result in unfair competition to any person, firm, or corporation operating exclusively in the coastwise or intercoastal services, or (b) would be prejudicial to the objects and policy of the Act relative to domestic trade operations.

(Catalog of Federal Domestic Assistance Program No. 11.504, Operating-Differential Subsidies (ODS))

Dated: March 3, 1976.

By order of the Assistant Secretary for Maritime Affairs.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.76-6590 Filed 3-4-76;8:45 am]

National Oceanic and Atmospheric Administration

EVALUATION OF FISHERY MARKET NEWS REPORTS

Request for Comments

On July 1, 1975, the National Marine Fisheries Service (NMFS), a component of National Oceanic and Atmospheric Administration, made the Fishery Market News Reports available by paid subscription. The reports are issued from offices in Boston, New York, New Orleans, Terminal Island, and Seattle. Each office issues a report on Monday, Wednesday, and Friday. In addition to the daily information, the Friday report contains a summary of information for the week. For each office report, a subscription for the daily and weekly summary combined costs $35 per year and the weekly summary $15 per year. The FEDERAL REGISTER notice that announced this subscription plan stated that after 6 months of operation under this system the Market News program would be evaluated and, at that time, comments would be solicited from the public. The NMFS is now making that evaluation. Comments on the Fishery Market News program are being solicited from the public for use in the evaluation. Of particular interest to the NMFS is the public's evaluation of the following aspects of the Market News program:

Contents of the reports issued three times per week and the weekly summary;

Organization or arrangement of material;

Frequency and timeliness of the reports.

Comments, submitted in writing, should be sent to one of the following NMFS Regional Directors by March 19, 1976.

NEW YORK AND BOSTON REPORTS

Mr. William G. Gordon, Regional Director, Northeast Region, National Marine Fisheries Service, 14 Elm Street, Gloucester, Massachusetts 01930.

NEW ORLEANS REPORT

Mr. William H. Stevenson, Regional Director, Southeast Region, National Marine Fisheries Service, Duval Building, 9450 Gandy Blvd., N., St. Petersburg, Florida 33702.

TERMINAL ISLAND REPORT

Mr. Gerald V. Howard, Regional Director, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, California 90731.

SEATTLE REPORT

Mr. Donald R. Johnson, Regional Director, Northwest Region, National Marine Fisheries Service, 1700 Westlake Avenue North, Seattle, Washington 98109.

All comments will be considered.

Dated: March 1, 1976.

ROBERT M. WHITE,
Administrator.

[FR Doc.76-6303 Filed 3-4-76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Center for Disease Control

IMMUNIZATION PRACTICES ADVISORY COMMITTEE

Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), the Center for Disease Control announces the following Committee meeting:

Name: Immunization Practices Advisory Committee.

Dates: March 10, 1976.

Place: Room 207, Building 1, Center for Disease Control, 1600 Clifton Road, N.E., Atlanta, Georgia 30333.

Time: 9:00 a.m.-4:00 p.m.

Type of Meeting: Open.

Contact Person: David J. Sencer, M.D., Chairman of Committee, Building 1, Room 2104, Center for Disease Control, 1600 Clifton Road, N.E., Atlanta, Georgia 30333, Phone: 283-3291 (FTS) or 404-633-3311, ext. 3291.

Purpose: The Committee is charged with advising on the appropriate uses of immunizing agents for public health practice.

Agenda: The Committee will consider influenza.

The usual requirement for 15 days' advance notice of this emergency meeting is impossible to meet due to recent, rapid developments in influenza.

The meeting is open to the public for observation and participation. A roster of members and other relevant information regarding the meeting may be obtained from the contact person listed above.

Dated: March 2, 1976.

WILLIAM C. WATSON, Jr.,
Director,
Center for Disease Control.

[FR Doc.76-6460 Filed 3-4-76;8:45 am]

Food and Drug Administration

[Docket No. 75N-0008]

INTERMAMMARY INFUSION PRODUCTS FOR TREATING MASTITIS

Final Order on Objections and Requests for a Hearing Regarding Withdrawal of Approval of New Animal Drug Application

Correction

In FR Doc. 76-4411, appearing at page 7141 in the issue for Tuesday, February 17, 1976, make the following changes:

1. On page 7143, in the third column the paragraph beginning "The numerous deficiencies * * *" in the third line change "the" to "and".

2. On page 7145 in the last paragraph in the third column, change the word "to" to read "of".

3. On page 7147, in the first column, in the paragraph beginning "This combination of data * * *" change the 8th line from the bottom to read "CFR 514.-11(a)(5)(ii)(b)). For these".

[Docket No. 76N-0001]

SAFETY OF CERTAIN FOOD INGREDIENTS

Opportunity for Public Hearing

Correction

In FR Doc. 76-4105, appearing at page 6787, in the issue for Friday, February 13, 1976, in the table on page 6788, in the column headed Animal study report order No. and cost, the entry beginning Mutagenic evaluation of * * * should appear opposite entry d. of the column headed Other Information.

[Docket No. 76F-0041]

AMERICAN CYANAMID CO.

Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 6B3165) has been filed by American Cyanamid Co., Wayne, NJ 07470, proposing that § 121.2566 *Antioxidants and/or stabilizers for polymers* (21 CFR 121.2566) be amended to provide for the safe use of octadecyl 3,5-di-*tert*-butyl-4-hydroxyhydrocinnamate in rigid acrylic and modified acrylic plastics intended for food-contact use.

The environmental impact analysis report and other relevant material have been reviewed, and it has been determined that the proposed use of the additive will not have a significant environmental impact. Copies of the environmental impact analysis report may be seen in the office of the Assistant Commissioner for Public Affairs, Rm. 15B-42 or the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, during working hours, Monday through Friday.

Dated: February 23, 1976.

HOWARD R. ROBERTS,
Acting Director, Bureau of Foods.

[FR Doc.76-6328 Filed 3-4-76;8:45 am]

[Docket No. 76F-0042]

GLIDDEN-DURKEE DIVISION, SCM CORP.

Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 4A2946) has been filed by Glidden-Durkee Division, SCM Corp., 900 Union Commerce Building, Cleveland, OH 44115, proposing that § 121.1164 *Synthetic flavoring substances and adjuvants* (21 CFR 121.1164) be amended to provide for the safe use in food of the following substances as synthetic flavoring substances: 2-butanol; 2-isobutylthiazole;

2 - methyl - 3-buten-2-ol; 6-methyl-3,5-heptadien - 2 - one; and 6 - methyl - 5-hepten-2-ol.

The environmental impact analysis report and other relevant material have been reviewed, and it has been determined that the proposed use of the additive will not have a significant environmental impact. Copies of the Environmental impact analysis report may be seen in the office of the Assistant Commissioner for Public Affairs, Rm. 15B-42, or the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, during working hours, Monday through Friday.

Dated: February 23, 1976.

HOWARD R. ROBERTS,
Acting Director, Bureau of Foods.

[FR Doc.76-6330 Filed 3-4-76;8:45 am]

[Docket No. 76F-0036]

PFIZER INC.

Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786 (21 U.S.C. 348 (b)(5))), notice is given that a petition (FAP 6A3168) has filed by Pfizer Inc., 235 East 42d St., New York, NY 10017, proposing that the food additive regulations (21 CFR Part 121) be amended in Subpart D to provide for the safe use of *Candida guilliermondii* for the fermentative production of food grade citric acid from an aqueous carbohydrate substrate where the components of the substrate consist of substances permitted in carbohydrate substrates used in the conventional enzymatic production of citric acid.

The environmental impact analysis report and other relevant material have been reviewed, and it has been determined that the proposed use of the additive will not have a significant environmental impact. Copies of the environmental impact analysis report may be seen in the office of the Assistant Commissioner for Public Affairs, Rm. 15B-42 or the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, during working hours, Monday through Friday.

Dated: February 20, 1976.

HOWARD R. ROBERTS,
Acting Director, Bureau of Foods.

[FR Doc.76-6329 Filed 3-4-76;8:45 am]

[Docket No. 76C-0043]

COSMETIC, TOILETRY AND FRAGRANCE ASSOCIATION, INC., ET AL.

Amendment of Filing of Petitions for Color Additives

Under the Federal Food, Drug, and Cosmetic Act (sec. 706(d), 74 Stat. 402 (21 U.S.C. 376(d))), notice was given in the FEDERAL REGISTER of November 20, 1968 (33 FR 17205), that a number of color additive petitions (CAP's) had been filed by The Toilet Goods Association, Inc., (now The Cosmetic, Toiletry and Fragrance Association, 1133 15th St. NW., Washington, DC 20005); the Pharmaceutical Manufacturers Association (now the Pharmaceutical Manufacturers Association, 1155 15th St. NW., Washington, DC 20005); and the Certified Color Industry Committee (now the Certified Color Manufacturers Association, 900 17th St. NW., Washington, DC 20006), c/o Hazleton Laboratories, Inc., P.O. Box 30, Falls Church, VA 22046. These petitions were filed to propose issuance of color additive regulations for the safe use and certification of various color additives including:

CAP No.	Color additives	Uses
57	D. & C. Blue No. 6.	In drugs, cosmetics, and surgical sutures.
58	D. & C. Red No. 30.	In drugs, lipsticks, and externally applied cosmetics.
62	D. & C. Yellow No. 10.	In drugs and cosmetics.
65	F.D. & C. Green No. 3.	In foods, drugs, lipsticks, and externally applied cosmetics.
66	F.D. & C. Yellow No. 6.	In foods, drugs, and cosmetics.
84	D. & C. Green No. 5.	In drugs and cosmetics.
85	D. & C. Green No. 6.	Do.
86	D. & C. Red No. 33.	Do.

Notice is hereby given that these petitions have been amended to include the additional use of the above color additives in cosmetics intended for use in the area of the eye. CAP's 58 and 65 have also been amended to include use of the color additives in all types of cosmetics that are subject to ingestion.

Dated: February 23, 1976.

HOWARD R. ROBERTS,
Acting Director, Bureau of Foods.

[FR Doc.76-6325 Filed 3-4-76;8:45 am]

[Docket No. 76C-0044]

COSMETIC, TOILETRY AND FRAGRANCE ASSOCIATION, INC.

Amendment of Filing of Petitions for Color Additives

Under the Federal Food, Drug, and Cosmetic Act (sec. 706(d), 74 Stat. 402 (21 U.S.C. 376(d))), notice was given in the FEDERAL REGISTER of August 6, 1973 (38 FR 21199), that a number of color additive petitions (CAP's) had been filed by The Cosmetic, Toiletry, and Fragrance Association, Inc., % Hazelton Laboratories, Inc., P.O. Box 30, Falls Church, VA 22406 (now The Cosmetic, Toiletry and Fragrance Association, Inc., 1133 15th St. NW., Washington, D.C. 20005), proposing issuance of color additive regulations for the sale use and certification of various color additives including:

CAP No.	Color additives	Uses
5C0028	D. & C. Red No. 9.	In drugs and cosmetics.
5C0029	D. & C. Red No. 10.	Do.
5C0040	D. & C. Red No. 7.	Do.
6C0042	D. & C. Orange No. 10.	Do.
6C0044	D. & C. Red No. 27.	Do.
9C0089	D. & C. Red No. 36.	Do.
9C0090	D. & C. Orange No. 17.	Do.
9C0095	F.D. & C. Blue No. 1.	In externally applied drugs and cosmetics, including lipsticks.
9C0096	F.D. & C. Red No. 3.	Do.

Notice is hereby given that these petitions have been amended to include the additional use of the above color additives in cosmetics intended for use in the area of eye. Color additive petition number 9C0095 has been amended to include the use of FD&C Blue No. 1 in all types of cosmetics that are subject to ingestion and the use of D&C Blue No. 4 in externally applied drugs and cosmetics. Color additive petition number 9C0096 has been amended to include the use of FD&C Red No. 3 in all types of cosmetics that are subject to ingestion.

Dated: February 23, 1976.

HOWARD R. ROBERTS,
Acting Director, Bureau of Foods.

[FR Doc.76-6326 Filed 3-4-76;8:45 am]

[Docket No. 76C-0045]

COSMETIC, TOILETRY AND FRAGRANCE ASSOCIATION, INC.

Amendment of Filing of Petitions for Color Additives

Under the Federal Food, Drug, and Cosmetic Act (sec. 706(d), 74 Stat. 402 (21 U.S.C. 376(d))), notice was given in the FEDERAL REGISTER of August 6, 1973 (38 FR 21200), that a number of color additive petitions (CAP's) had been filed by The Cosmetic, Toiletry and Fragrance Association, Inc., c/o Hazelton Laboratories, Inc., P.O. Box 30, Falls Church, VA 22406 (now The Cosmetic, Toiletry and Fragrance Association, Inc., 1133 15th St. NW., Washington, DC 20005), proposing issuance of color additive regulations for the safe use and exemption from certification of various color additives including:

CAP No.	Color additives	Uses
8C0071	Aluminum stearate, calcium stearate, lithium stearate, magnesium stearate, zinc stearate.	In externally applied cosmetics, including those for use in the area of the eye, and, with the exception of lithium stearate, in lipsticks.
8C0074	Natural pearl essence.	In externally applied cosmetics, including lipsticks and those intended for use in the area of the eye.
8C0076	Mica	Do.
8C0078	Bentonite, kaolin, magnesium aluminum silicate (Veegum).	Do.
8C0083	Bronze powder	Do.
9C0088	Iron oxides	Do.

Notice is hereby given that these petitions have been amended to include the additional use of the above color additives, with the exception of lithium stearate, in all types of cosmetics subject to ingestion.

Dated: February 23, 1976.

HOWARD R. ROBERTS,
Acting Director, Bureau of Foods.

[FR Doc.76-6327 Filed 3-4-76;8:45 am]

National Institute of Education

NATIONAL COUNCIL ON EDUCATIONAL RESEARCH

Meeting

Notice is hereby given that the next meeting of the National Council on Educational Research will be held on March 26, 1976, at the National Institute of Education, 1200-19th Street, N.W., Washington, D.C., in Room 823. The meeting will convene at 9:30 a.m. and adjourn at 3:30 p.m.

The National Council on Educational Research is established under Section 405(b) of the General Education Provisions Act (20 U.S.C. 1221e(b)). Its statutory duties include:

(a) Establishing general policies for, and reviewing the conduct of the Institute;

(b) Advising the Assistant Secretary for Education and the Director of the Institute on development of programs to be carried out by the Institute;

(c) Recommending to the Assistant Secretary and the Director ways to strengthen educational research, to improve the collection and dissemination of research findings, and to insure the implementation of educational renewal and reform based upon the findings of educational research.

The entire meeting will be open to the public. The tentative agenda is as follows:

9:30-10:00—General Council Business and Director's Report.

10:00-10:15—Discussion of NCER Relationship with the Federal Advisory Committee Act.

10:15-10:45—Report on Status of Legislation and Appropriations.

10:45-11:15—Report on NIE Relationships with Educational Laboratories and Centers: NCER Resolution 18.

11:15-12:45—Reports on NCER-Mandated Studies: NCER Resolution 19.

12:45-1:15—Lunch.

1:15-2:30—Discussion of Ideas for NIE Program Activities in Post-Seconday Education.

2:30-3:30—Discussion of FY 1978 Planning Guidance.

Members of the public are invited to attend the sessions. Written statements relevant to an agenda item (or to any other item considered of interest to the Institute) may be submitted at any time and should be sent to the Chairman and the Executive Secretary of the Council at the address shown below.

Requests to address the Council meeting should be submitted in writing to the Chairman and the Executive Secretary at least ten days in advance of the meeting. The Chairman will determine whether a presentation should be scheduled.

In accordance with Council policy (NCER Resolution No. 013074-8) copies of Council resolutions and minutes of Council meetings can be obtained by contacting the Executive Secretary. Resolutions are available shortly after the particular meeting at which adopted. Because minutes require approval by the Council at a subsequent meeting, they are usually available approximately four to six weeks after the date of the meeting to which they refer.

In order to verify the tentative agenda, assure adequate seating arrangements, or to obtain summaries of this meeting and copies of any resolutions adopted by the Council at this meeting, interested persons are requested to contact the Executive Secretary, National Council on Educational Research, whose address and telephone number are listed below:

National Council on Educational Research, National Institute of Education, Washington, D.C. 20208, Telephone: 202-254-7900.

Dated: March 2, 1976.

HAROLD L. HODGKINSON,
Director,
National Institute of Education.

[FR Doc.76-6473 Filed 3-4-76;8:45 am]

National Institutes of Health

NATIONAL COMMISSION ON ARTHRITIS AND RELATED MUSCULOSKELETAL DISEASES

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of a meeting of the National Commission on Arthritis and Related Musculoskeletal Diseases on April 12, 1976 (times below), in the Pacific Ballroom of the Seattle-Hilton Hotel, 6th and University, Seattle, Washington.

The entire meeting, which will be open to the public from 9:00 a.m. to 2 p.m. on April 12 at the above address, is to hear testimony from interested members of the public. Attendance by the public will be limited to space available.

Members of the public who wish to appear before the Commission during the above time when the Commission is prepared to receive public testimony shall file a written statement or detailed summary of remarks with the Commission before 5:00 p.m. on April 2, 1976. Statements or summaries shall be sent or delivered to the Office of Scientific and Technical Reports, address below.

The time allotted to each participant will be determined by the Commission Chairman based upon the number of individuals who request an opportunity to make presentations.

Messrs. James N. Fordham or Leo E. Treacy, Office of Scientific and Technical Reports, NIAMDD, National Institutes of Health, Building 31, Room 9A04, Bethesda, Maryland 20014, (301) 496-3583, will provide summaries of the meeting and rosters of the committee members.

(Catalog of Federal Domestic Assistance Program No. 13.846, National Institutes of Health)

Dated: March 1, 1976.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.76-6427 Filed 3-4-76;8:45 am]

Office of Education

NATIONAL ADVISORY COUNCIL ON EDUCATION PROFESSIONS DEVELOPMENT

Meeting

Reference is made to the notice appearing in the FEDERAL REGISTER of Wednesday, February 18, 1976 which stated that the March 1976 meeting of the National Advisory Council on Education Professions Development would take place at the Statler Hilton Hotel, Washington, D.C.

Notice is hereby given that the location of the meeting (to be held on Wednesday, March 3, 1976, 9 a.m. to 5 p.m. and Thursday, March 4, 1976, 9 a.m. to 5 p.m.) has been changed to the Gelman Building, 2120 L Street, NW., Washington, D.C. (Lower level).

Signed at Washington, D.C., on March 2, 1976.

GEORGE E. ARNSTEIN,
Executive Director.

[FR Doc.76-6359 Filed 3-4-76;8:45 am]

Office of Secretary

PRESIDENT'S BIOMEDICAL RESEARCH PANEL

Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the President's Biomedical Research Panel on March 29 and 30, 1976, in Suite 3100, 2401 E Street, N.W., Washington, D.C. 20506.

The meeting will be open to the public from 9:00 a.m. to 12:00 noon and from 2:00 p.m. to 5:00 p.m. on March 29 and from 9:00 a.m. to 4:00 p.m. on March 30. Attendance by the public will be limited to space available. The agenda will be a discussion a draft of the Final Report to the President and the Congress.

Substantive program information will be provided by Dr. Charles Lowe, Executive Director of the Panel (202-634-1907), Suite 3100, 2401 E Street, N.W., Washington, D.C. 20506.

All requests for information should be directed to Ms. Rosemarie Lazo at the above address.

Dated: February 26, 1976.

CHARLES U. LOWE, M.D.,
Executive Director.

[FR Doc.76-6420 Filed 3-4-76;8:45 am]

[Contract No. HEW-100-76-0073]

ANALYSIS OF THE GARY INCOME MAINTENANCE EXPERIMENT

Notice of Contract Award

This agency announces the award of Contract No. HEW-100-76-0073 to

Mathematica, Inc., P.O. Box 2392, Princeton, New Jersey 08540 for a research project entitled, "Analysis of the Gary Income Maintenance Experiment." The project is funded under Section 1110 of the Social Security Act. The full set of data collected during the course of the Gary Income Maintenance Experiment will be analyzed in order to determine the behavioral and societal effects of alternative income maintenance policies, with particular emphasis on the labor supply or work incentive effects of such policies. A second major purpose of the project is to produce and make available a public use file of the Gary data so that others may make use of this unique longitudinal data set. The estimated cost of this contract is $3,910,067 and the intended completion date is December 18, 1977.

Dated: March 1, 1976.

WILLIAM A. MORRILL,
Assistant Secretary for Planning and Evaluation.

[FR Doc.76-6421 Filed 3-4-76;8:45 am]

AMERICAN REVOLUTION BICENTENNIAL ADMINISTRATION

AMERICAN REVOLUTION BICENTENNIAL ADVISORY COMMITTEE ON RACIAL, ETHNIC AND NATIVE AMERICAN PARTICIPATION IN THE BICENTENNIAL

Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act, (Pub. L. 92-463), notice is hereby given that a meeting of the American Revolution Bicentennial Committee on Racial, Ethnic and Native American Participation in the Bicentennial will be held on March 27, 1976, at The Elma Lewis School, 122 Elmhill Avenue, Roxbury, Massachusetts. The meeting will begin at 8:30 a.m.

The tentative agenda includes the evaluation of the BERC Forum meeting, which is scheduled for March 26th, at the State House in Boston, Massachusetts.

The meeting will be open to the public on a space available basis. Further information can be obtained from Doris Robertson, Ethnic Racial Program Office, American Revolution Bicentennial Administration, 2401 E Street N.W., Washington, D.C. 20276, Telephone (202) 64-1767.

JOHN W. WARNER,
Administrator.

[FR Doc.76-6356 Filed 3-4-76;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 28196]

CALIFORNIA-ALBERTA ROUTE PROCEEDING

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in this proceeding will be held on April 13, 1976, at 9:30 a.m. (local time), in Room 13216C, Federal Building, 450 Golden Gate Ave., San Francisco, Cal. 94102, before the undersigned.

For information concerning the issues involved and other details, interested persons are referred to the prehearing conference report served November 6, 1975, and other documents in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., March 2, 1976.

[SEAL] HENRY WHITEHOUSE,
Administrative Law Judge.

[FR Doc.76-6428 Filed 3-4-76;8:45 am]

CIVIL SERVICE COMMISSION

DEPARTMENT OF TRANSPORTATION

Grant of Authority To Make a Noncareer Executive Assignment

Under authority of section 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Transportation to fill by noncareer executive assignment in the excepted service the position of Director of Intergovernmental Affairs, Office of Intergovernmental Affairs, Office of the Assistant Secretary for Congressional and Intergovernmental Affairs, Office of the Secretary.

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

[FR Doc.76-6285 Filed 3-4-76;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COTTON TEXTILES AND COTTON TEXTILE PRODUCTS FROM BRAZIL

Export Visas

MARCH 2, 1976.

On July 8, 1972, there was published in the FEDERAL REGISTER (37 FR 13498) a letter dated June 29, 1972, from the Chairman, Committee for the Implementation of Textile Agreements, to the Commissioner of Customs, establishing an administrative mechanism intended to preclude circumvention of the licensing system for exports to the United States of cotton textiles and cotton textile products, produced or manufactured in the Federative Republic of Brazil. One of the requirements is that the visa accompanying such shipments include the signature of a Brazilian official authorized to issue visas. The Government of the Federative Republic of Brazil has requested, and the Government of the United States has acceded to the request, that Mr. Antonio Carlos Bastos Junior be authorized to issue visas in addition to those previously designated on January 25, 1974 (39 FR 3997) and November 7, 1974 (39 FR 39906).

Accordingly, there is published below a letter of March 2, 1976 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs further amending the directive of June 29, 1972, effective on March 3, 1976, to include the name of the aforementioned official.

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance, Department of Comerce.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS,
March 2, 1976.

COMMISSIONER OF CUSTOMS,
DEPARTMENT OF THE TREASURY,
Washington, D.C. 20229

DEAR MR. COMMISSIONER: This directive further amends, but does not cancel, the directive of June 29, 1972 from the Chairman, Committee for the Implementation of Textile Agreements, that directed you to prohibit, under certain specified conditions, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 1 through 64, produced or manufactured in the Federative Republic of Brazil, for which that Government had not issued an appropriate export visa. One of the requirements is that each visa include the signature of a Brazilian official authorized to issue visas.

Pursuant to the provisions of the Bilateral Cotton Textile Agreement of October 26, 1970, as amended, between the Governments of the United States and the Federative Republic of Brazil, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, the directive of June 29, 1972 is further amended, effective on March 3, 1976, to authorize Mr. Antonio Carlos Bastos Junior to issue visas, in addition to those previously designated in our letters of January 25, and November 7, 1974. A complete list of authorized officials is enclosed.

The actions taken with respect to the Government of the Federative Republic of Brazil and with respect to imports of cotton textiles and cotton textile products from Brazil have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the Federal Register.

Sincerely,

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance, U.S. Department of Commerce.

Officials of the Government of the Federative Republic of Brazil Authorized to Issue Export Visas:

Francisco Sampaio de Araujo, Jose Carlos de Araujo, Eduardo Jose Ferreira Barnes, Antonio Carlos Bastos Junior, Octavio de Andrade Ribeiro Dantas, Antonio Bezerra de Figueiredo, Publio Jackson Furiatti, Darcy Mattos Fonseca, Jose Eymard de Arruda Furtado, Antonio Lins, Jose Francisco Reboucas Lins, Clidenor Jacob Medeiros, Arnaldo Nogueria Junior, Renato de Arruda Penteado Junior, Elmo Pignatano, Luiz Ramina, Darcy Furtado Rocha, Lair Passos Saraiva, Flavio Scottini, Nestor de Almeida e Silva, Nilo Augusto Borges Teixeira, Ernio Antonio Thimmig, Armando Vulcano.

[FR Doc.76-6397 Filed 3-4-76;8:45 am]

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

PRIVACY ACT

Change in System of Records

In the FEDERAL REGISTER of January 16, 1976 (41 FR 2429), the Committee for Purchase from the Blind and Other Severely Handicapped published notice of a change to its system of records as defined by the Privacy Act of 1974. No comments were received as a result of this publication. Notice is hereby given that the following routine use statement will apply to all Committee systems of records listed in the FEDERAL REGISTER (40 FR 44759).

ROUTINE USE—CONGRESSIONAL INQUIRIES

A record from this system of records may be disclosed as a routine use to a Member of Congress or to a congressional staff member in response to an inquiry of the congressional office made at the request of the individual about whom the record is maintained.

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc.76-6426 Filed 3-4-76;8:45 am]

COMMODITY FUTURES TRADING COMMISSION

FLOOR BROKERS AND FUTURES COMMISSION MERCHANTS

Dual Trading

On January 22, 1976, the Commodity Futures Trading Commission ("Commission") announced that it had determined to hold an oral hearing on dual trading by floor brokers and futures commission merchants for the purpose of assisting the Commission in exercising its rulemaking function in the development of the specific regulations proposed on December 12, 1975, and in the development of both short term and long term policy by the Commission. That public rulemaking hearing will commence at 10:00 a.m. on March 15, 1976, at room 2008 in the New Executive Office Building, Washington, D.C.

As previously announced, the inquiry by the Commission will deal with matters such as the regulations on dual trading proposed by the Commission on December 12, 1975, and dual trading in general.[1] The Commission is interested in the views of both proponents and opponents of dual trading, as well as supporting factual data for those views. The Commission is particularly interested in data concerning the contention that dual trading promotes liquidity. In addition, the Commission seeks illustrations of how regulatory standards can be enforced without some method of reconstructing the sequence of transactions on each contract market.

Participants in the hearing may be accompanied by persons of his or her own choosing, who may advise or assist the speaker in responding to questions or otherwise assuring that full information is developed for the use of the Commission. During and subsequent to any person's oral presentation, questions may be asked either by members of the Commission or the Commission staff. The Commission recognizes that members of the public may have questions; therefore, provision will be made for persons having questions to submit those questions in informal written form to a member of the Commission staff who may in his or her discretion ask such questions. In addition, interested persons will be permitted, for 20 days after the last day of the oral hearing, to submit written comments on all matters presented at the hearings or any other topic, including written rebuttals to oral presentations.

While the Commission's release of January 22, 1976, indicated that oral presentations would be limited to 30 minutes, it is still uncertain at this time how many persons intend to make oral presentations at the hearing and the length and substance of their presentation. Therefore, the Commission has not made a determination as to precisely how much time will be allocated to each individual participant in the hearings. However, a schedule of the hearings will be published at the earliest possible date.

Issued in Washington, D.C. on March 1, 1976.

WILLIAM T. BAGLEY,
Chairman, Commodity Futures Trading Commission.

[FR Doc.76-6320 Filed 3-4-76;8:45 am]

[1] The Commission's proposed standards on dual trading were published at 40 FR 58660 (December 18, 1975). Those standards would require all contract markets that wish to permit dual trading by floor brokers and futures commission merchants after June 30, 1976, to adopt, and obtain Commission approval of, certain rules to regulate dual trading, including enforcement procedures. The announcement of the Commission's hearing was published at 41 FR 3338 (January 22, 1976). That release advised interested persons of the procedure required if they wished to participate in the hearing.

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS

Availability

Environmental impact statements received by the Council on Environmental Quality from February 23–February 27, 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 (April 19, 1976). The thirty (30) day period for each final statement begins on the day the statement is made available to the Council and to commenting parties.

Copies of individual statements are available for review from the originating agency. Back copies will also be available at cost from the Environmental Law Institute, 1346 Connecticut Avenue, Washington, D.C. 20036.

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

Draft

Selway-Bitterroot Wilderness Fire Management, Montana and Idaho, February 23: This statement discusses a proposal to allow some fires in the Selway-Bitterroot Wilderness (SBW) to go unsuppressed so that fire may more nearly play a natural role in shaping, maintaining, and directing ecosystem development in the SBW. The proposal will directly affect Bitterroot, Clearwater Lolo, and Nezperce National Forest personnel who have administrative responsibility in the SBW. The potential exists for adverse impacts on airshed and the social system including SBW users, permittees, and adjacent and included landowners. (ELR Order No. 60265.)

Final

Alaska Lumber & Pulp Co., Timber Sale, Alaska, February 27: The statement concerns the harvesting of approximately 668 million board feet of mature Sitka spruce, western hemlock, and Alaska cedar by the Alaska Lumber and Pulp Company during the operating period 1976–1981. The proposed action will modify 267 400 acres of Tongass National Forest to the degree that it will no longer qualify for consideration for inclusion into the Wilderness Preservation System. Areas where permanent roads, quarries, camps, and log landings are constructed will be removed from timber production for an indefinite time. Comments made by: AHP, HUD, DOC, DOI, state agencies, conservation groups, and individuals. (ELR Order No. 60282.)

Mineral King Development, Sequoia National Forest, Tulare County, Calif., February 26: Proposed is the development of Mineral King, a 16,000 acre area of valley and surrounding mountainous terrain in the Sequoia National Forest, for intensified yearround recreational use. A "multi-modal" transportation system along the East Fork Kaweak River is also proposed in order to provide improved access. A village providing service facilities will be located along Monarch Creek. A multitiered, 35 acre parking lot will provide capacity for 3,600 vehicles at Oak Grove. The statement discusses both "natural" and "social" impacts of the proposal. Comments made by: COE, DOI, EPA, FEA, FBC, HEW USDA, DOT, state and local agencies and private groups. (ELR Order No. 60281.)

SOIL CONSERVATION SERVICE

Draft

Hall-Flat Creek Watershed, Dubois County, Indiana, February 23: Proposed is the Hall-Flat Creek Watershed Plan for watershed protection and flood prevention in Dubois County Indiana. The plan consists of land treatment on 18,025 acres and 22 single purpose flood retarding structures. Adverse effects include elimination of agricultural use of 141 acres in cropland, 66 acres pastureland and 76 acres in forest land. Local area reductions in the amount of wildlife habitat available will result. (ELR Order No. 60269.)

Bailey-Cox-Newtson Watershed, Starke County, Indiana, February 26: Proposed is the Bailey-Cox-Newtson Project for watershed protection, flood prevention, and drainage. Project plans include channel work and construction of water control structures and one pumping station. Conservation land measures will be installed on 8,250 acres to adequately treat the land for use within its capabilities. Adverse effects include destruction of vegetation on banks and channel

bottom. Noise, air, and water pollution will be increased during construction. (ELR Order No. 60278.)

Final

Anderson River Watershed, several counties in Indiana, February 23: The statement concerns a project for watershed protection, flood prevention, municipal and industrial water supply, and recreation in Crawford Dubois, Perry and Spencer Counties, Indiana. The project will eliminate agricultural use of 560 acres of cropland and pastureland and 714 acres of forest land, in dam, emergency spillway and permanent pool areas of planned reservoirs. Terrestrial wildlife use on 623 acres of land in reservoir flood pools will be periodically disrupted. Comments made by: USA, EPA, DOI AHP, USCG, HEW, and one state agency. (ELR Order No. 60268.)

DEPARTMENT OF COMMERCE

Contact: Dr. Sidney R. Galler, Deputy Assistant Secretary for Environmental Affairs, Department of Commerce, Washington, D.C. 20230, 202–967–4335.

ECONOMIC DEVELOPMENT ADMINISTRATION

Draft

Vallejo Waterfront Development Project, Solano County, Calif., February 27: The statement concerns a proposal to provide infrastructural components for a 54-acre section of a 207-acre industrial park and municipal marina in Vallejo. The construction would include fill and compaction, streets, storm sewers, water lines, sewer lines, street lighting, traffic signals, and landscaping. Impacts caused by the construction and operation of the industrial park include aggravation of existing air, water, and noise pollution; energy consumption; probable land use shifts adjacent to the site; and generation of traffic, solid, and liquid wastes. There will also be adverse impacts of the area's marine biology. (ELR Order No. 60286.)

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Draft

Waiver of Alaska Marine Mammal Moratorium, Alaska, February 26: The Marine Mammal Protection Act of 1972 imposed a moratorium on the taking and importing of marine mammals and marine mammal products and preempted the authority of States to manage marine mammals within their jurisdiction effective December 21, 1972. The State of Alaska has since requested the Secretary of Commerce and the Secretary of Interior to waive the moratorium and return management to the state. This statement discusses the various facets of the above request. (ELR Order No. 60280.)

DEPARTMENT OF DEFENSE

ARMY

Contact: Mr. George A. Cunney, Jr., Acting Chief, Environmental Office, Directorate of Installations, Office of the Deputy Chief of Staff for Logistics, Washington, D.C. 20310, 202–OX 4–4269.

Final

Rocket Disposal, Dugway Proving Ground, Utah, February 27: The statement concerns the disposal of approximately 569 M55 rockets containing the lethal chemical agent GB, and some burster explosive. The proposed operation consists of neutralizing the GB by placing those residue items containing the agent in tanks of caustic solution which will dissolve the aluminum warhead and then react with and neutralize the GB. The statement indicates no adverse environmental impact or controversy concerning the project. Comments made by: HEW, EPA, DOI, and state agencies. (ERL Order No. 60285.)

ARMY CORPS

Contact: Dr. C. Grant Ash, Office of Environmental Policy Development, Attn: DAEN–CWR–P, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue, S.W., Washington, D.C. 20314, 202–693–6795.

Draft

Cleveland Harbor Navigation Project, Cuyahoga County, Ohio, February 27: Proposed is the Cleveland Harbor Navigation Project, Cleveland, Ohio. Project plans involve widening and deepening the East Basin, and creating an East Basin Lake approach and entrance channel. Adverse effects include disturbance of benthic habitat and associated biota resulting from dredging new navigation channels and deepening existing channels (Buffalo District). (ELR Order No. 60287.)

Final

Ft. Howard Paper Co., Pulp and Paper Mill, Muskogee County, Okla., February 25: Proposed is the construction on and in the Arkansas River, in the area of Muckogee Co., Oklahoma, of a barge loading dock and intake and outlet facilities for a process water system which is directly related to the recycled-deinked pulp and paper mill. Adverse effects include destruction or modification of existing ground cover and significant impact on wildlife habitat. Water intake would adversely affect plankton, fish, fish eggs, and larvae carried into the system (Tulsa District). Comments made by: EPA, DOI, USDA, AHP, USCG, DOT, HUD, HEW, and state and local agencies. (ELR Order No. 60274.)

FEDERAL POWER COMMISSION

Contact: Dr. Jack M. Heinemann, Acting Assistant Director for Environmental Quality, 441 G Street, N.W., Washington, D.C. 20426, 202–275–4791.

Final

Transcontinental Gas Pipeline Corp., Curtailment, February 23: The action consists of FPC's analysis of two permanent curtailment plans for the Transcontinental Gas Pipe Line Corporation. Environmental impacts resulting from curtailment are the increased use of coal and oil to replace the curtailed natural gas and the associated cost increases and increased pollution in the form of sulfur dioxide and particulates. Reference is made to the fact that rate structure and deregulation are not included as alternatives to curtailment. Comments made by various gas companies. (ELR Order No. 60270.)

DEPARTMENT OF THE INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 7260, Department of the Interior, Washington, D.C. 20240, 202–343–3891.

BUREAU OF SPORTS FISHERIES AND WILDLIFE

Draft

National Fishery Research and Development Center, Tioga County, Pa., February 27: Proposed is the construction of a National Fishery Research and Development Center in Wellsboro, Pennsylvania. The multipurpoes center would study and develop means of meeting demands for more and improved sport and commercial fish production. A 60-acre tract has been purchased by the Fish and Wildlife service for construction of the center. Adverse effects include elevated nutrient levels in Marsh Creek caused by waste water leaving the area. Effluents may at times contain dilute quantities of chemicals and drugs used in fish culture operations. (ELR Order No. 60284.)

NUCLEAR REGULATORY COMMISSION

Contact: Mr. Bernard Rersche, Director of Division of Reactor Licensing, P–722, NRC, Washington, D.C. 20555, 301–492–7373.

Draft

Marble Hill Nuclear Generating Station, Units 1 and 2, Jefferson County, Indiana, February 27: The proposed action is the issuance of construction permits to the Public Service Company of Indiana, Inc., for the construction of the Marble Hill Nuclear Generating Station, Units 1 and 2. The MH 1&2 station will employ two pressurized water reactors to produce up to 3425 MWt and 2360 MWe each. The exhaust steam will be cooled by mechanical draft cooling towers with make-up water obtained from and discharged to the Ohio River. Construction of the plant will disturb 250 acres of forest and cropland, and transmission lines constructed by the applicant will require about 3475 acres of land for the corridors. (ELR Order No. 60283.)

Indian Point Unit No. 2, Westchester County, N.Y., February 23: The proposed action is the issuance of an amendment to the Facility Operating License held by Consolidated Edison Company of New York for Indian Point Unit No. 2. Under conditions of the operating license, the licensee is required to terminate once-through cooling at Unit No. 2 by May 1, 1979 and to operate thereafter with a closed cycle cooling system. This statement considers the information developed by the staff in making its independent evaluation and analysis of alternative closed cycle cooling systems. (ELR Order No. 60271.)

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

Tulsa International Airport Development, Oklahoma, February 26: Proposed are airport improvements at Tulsa International Airport, Oklahoma. Project plans involve the purchase of land for airport purposes, the extension of two runways, and the installation of an Instrument Landing System and Approach Light System. Adverse effects include the temporary disturbance of natural vegetation and the displacement of some wildlife due to the destruction of habitat. Project implementation will result in the relocation of 399 families. (ELR Order No. 60279.)

FEDERAL HIGHWAY ADMINISTRATION

Draft

State Route 3, Noble, Mobile and De Kalb Counties, Indiana, February 26: Proposed is a highway improvement which would upgrade Indiana State Route 3 from the existing divided dual-lane roadway near the Allen-De Kalb County line to a point approximately one mile south of Kendallville. Depending on the alternate selected, the improvement would have a length of approximately 11.9 miles to 12.2 miles. Adverse effects include alteration of land use patterns, destruction of some wildlife habitat, and displacement of several residents. (ELR Order No. 60277.)

U.S. Route 202 Relocation, Cheshire County, N.H., February 25: Proposed is a 3.64 mile relocation project for U.S. Route 202, New Hampshire. The new 2-lane alignment would begin at U.S. Route 202 at the Massachusetts State Line and terminate at N.H. Route

119 in West Rindge. Adverse effects include the acquisition of approximately 150 acres of land, of which 15 acres are wetland. Three residences, one business and one combination residence-business will be forced to relocate. (ELR Order No. 60273.)

Final

U.S. 78, Appalachee River to U.S. 29, Oconee and Clarke Counties, Ga., February 24: The proposed project consists of the upgrading of U.S. 78 to a four-lane facility between U.S. 29 in Clarke County and the Monroe Bypass in Walton County. The project commences on U.S. 78 approximately 2,400 feet east of the Appalachee River and extends 6.5 miles northeasterly to the junction of U.S. 78 and U.S. 29. Adverse effects include increases in traffic generated noise and air pollution adjacent to the highway. Eleven owner-occupied residences, five tenant-occupied residences, and eleven businesses will be displaced. Comments made by: DOC, EPA, HUD, USDA, HEW, and DOI. (ELR Order No. 60272.)

James Island Expressway, Charleston County, S.C., February 23: Proposed is the construction of the James Island Expressway and S.C. Connector at Charleston, South Carolina. The project would extend from S.C. Route 171 on James Island across the Intracoastal Waterway and the Ashley River to Lockwood Boulevard on the Charleston peninsula, a total distance of about 4.3 miles. Adverse effects of project implementation include the displacement of nine businesses. The highway facility would also encroach on property of the City of Charleston Municipal Marina. Comments made by: DOT, HUD, COE, DOI, EPA, USCG, HEW, and State agencies. (ELR Order No. 60266.)

S.T.H. 19, Waterloo to Watertown Road, Dodge and Jefferson Counties, Wis., February 26: The highway section discussed in this EIS extends along STH 19 from Waterloo to Watertown. The proposed action is designed to improve the safety features of the existing facility through an upgrading of the alignment and structural characteristics. The project is approximately 6.3 miles in length beginning near the intersection with Highway 89 in the city of Waterloo and extending easterly along the existing roadway to the intersection of Highway "G" and Highway 19 in the unincorporated village of Hubbleton. Adverse effects include the acquisition of 59 acres. Comments made by: DOT, DOI, EPA, HEW, and State agencies. (ELR Order No. 60275.)

VETERANS ADMINISTRATION

Contact: For Medical Facilities: Mr. Arthur W. Farmer, Assistant Chief, Medical Director for Administration and Facilities, Veterans Administration, 810 Vermont Avenue N.W., Washington, D.C. 20420; For Housing: Mr. R. C. Coon, Director, Loan Guarantee Service, Veterans Administration, 810 Vermont Avenue, NW., Washington, D.C. 20420, 202-389-2332.

Final

VA Hospital, 420-Bed Replacement, Augusta, Richmond County, Ga., February 23: Proposed is the construction of a 420-Bed Replacement Veterans Hospital within the Urban Renewal Medical Center complex of Augusta. Adverse impacts include construction disruption and increased traffic in the area. Comments made by: USDA, HEW, HUD, DOI, GSA, AHP, and State and local agencies. (ELR Order No. 60267.)

GARY L. WIDMAN,
General Counsel.

[FR Doc.76-6535 Filed 3-4-76;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 76-174]

WORLD COMMUNICATIONS INC. ET AL.

FINAL POLICY STATEMENT

By the Commission:

In the matter of International record carriers' scope of operations in the continental United States, including possible revisions to the formula prescribed under section 222 of the Communications Act. [Docket No. 19660, RM-690]

In re applications of ITT World Communications Inc. for authorization to utilize 15 additional cities, including Miami, Florida and New Orleans, Louisiana as gateways for Public Message, telex and leased channel service. [File No. T-C-2433]

RCA Global Communications, Inc. for authorization to utilize 18 additional cities, including Miami, Florida and New Orleans Louisiana as gateways for public message, telex and leased channel services. [File No. T-C-2449]

Western Union International, Inc. for authorization to utilize 21 additional cities, including Miami, Florida and New Orleans, Louisiana as gateways for public message, telex and leased channel services. [File No. I-T-C-2617]

TRT Telecommunications Corp. for authorization to utilize New York, New York as a gateway for leased channel services. [File Nos. T-C-2498; I-T-C-2605, I-T-C-2498-1, I-T-C-249-2, I-T-C-2498-3]

PROCEEDING BACKGROUND

1. By Memorandum Opinion and Order in Docket No. 19660, 54 FCC 2d 909 (1975), we issued a Tentative Statement of Policy favoring expanded use of the existing gateway cities for international record traffic. In response to our Statement, comments were filed by ITT World Communications Inc. (ITT), RCA Global Communications, Inc. (RCA), TRT Telecommunications Corp. (TRT), Western Union International, Inc. (WUI) and The Western Union Telegraph Company (WU). We herein confirm our tentative findings and conclude that a policy permitting each international record carrier (IRC) to provide all its authorized services at each gateway would enable more efficient traffic handling and encourage greater responsiveness to customer needs at lower cost. However, we are not here acting on the merits of any particular application. Pending applications will be processed in the normal course of Commission business.

2. The policy we are considering herein is one aspect of the broad reexamination of the domestic handling of international record traffic we instituted by Notice of Inquiry and Proposed Rulemaking 38 FCC 2d 543 (1972) (Docket No. 19660), which is intended to review the relationship between WU and the IRCs. Throughout the proceeding, we have separated various aspects of our Inquiry as we recognized the need for additional information and as each aspect became ripe for determination. In our Tentative Statment we asked that responsive comments address only our proposal to permit the IRCs to provide authorized services at each of the existing gateways. By Further Notice of Inquiry and Proposed Rulemaking in Docket No. 19660, 54 FCC 2d 532 (1975), also released August 6, 1975, we instituted a separate proceeding to consider the IRC's requests for Commission approval of additional cities as IRC gateways.

THE APPLICATIONS

3. We developed the tentative policy in response to applications by various IRCs for approval of additional gateway cities and to provide additional services in their existing gateways.[1] ITT requested authorization to offer international message telegraph, telex and leased-channel services directly to the public within the metropolitan areas of Miami, Florida and New Orleans, Louisiana, the existing TRT gateways, as well as authorization to offer those services at 13 additional cities not presently gateways for any carrier.[2] RCA requested authorization to reestablish operations at New Orleans, to add international message telegraph and telex services to the services it offers at its Miami gateway and to offer those as well as leased-channel services at 18 additional gateway cities.[3] WUI requested authorization to offer all its regularly-authorized services within the metropolitan areas of Miami and New Orleans, expand the geographical boundaries of its New York, Washington and San Francisco gateways and offer services in the metropolitan areas of 20 additional cities.[4] All these applicants asserted that a grant of their applications would benefit the public by giving customers an economically-realistic alternative to the WU networks which would increase competition in the new gateways and thus lead to greater responsiveness to customer needs. Addi-

[1] At present, ITT, RCA, WUI and TRT in combination provide authorized record services at New York, New York; Washington, D.C.; San Francisco, California; Miami, Florida; New Orleans, Louisiana. ITT, RCA and WUI are authorized to provide all record services from New York, San Francisco and Washington, D.C., and leased-channel services from Miami. TRT may provide all authorized services at Miami and New Orleans.

[2] See ITT Application File No. T-C-2433. We address in this proceeding only those portions of the IRC applications dealing with the existing gateway cities. The balance of the requests will be considered in our Inquiry into the need for additional gateway cities.

[3] See RCA Application File No. T-C-2449.

[4] See WUI Application File No. I-T-C-2617. All the applicants sought to expand the boundaries of both their existing and the additional gateways to include the metropolitan area, as defined in each application, of a given city. At present, the gateways are limited to the corporate limits of the approved cities. Whether to enlarge the area of the gateway raises issues similar to those involved in the question of new gateway cities and will be considered in connection therewith.

tionally, TRT filed two applications, one seeking authorization to offer all its services at New York, Washington and San Francisco [5] and the other seeking similar authorization in 16 additional cities.[6] TRT asserted that a grant of its application would benefit the public by allowing it to develop innovative rates and services which would offer economies to the public.

COMMENTS ON THE TENTATIVE STATEMENT OF POLICY

4. It appears that ITT and RCA foresaw benefits arising to themselves and to the public only from the authorization of additional gateway cities, for each now proposes that we delay affirmance of our Tentative Statement until we complete our Inquiry concerning additional gateways. WUI and TRT, however, support our findings and urge a speedy conclusion of this phase of Docket No. 19660. WU commented that it would not oppose the additional grants of authority contemplated herein, but that it "does not necessarily concur in the Commission's tentative views." Since WUI and TRT support our position and WU has assumed a neutral posture, we will give further elaboration only to the comments of ITT and RCA.

5. ITT characterizes our tentative policy as "a sort of an equitable quid pro quo" aimed at authorizing TRT to offer service at New York, Washington, D.C., and San Francisco in exchange for authorization of ITT, RCA and WUI to provide full service at Miami and New Orleans. It claims that such action is contrary to the Act, conflicts with the rationale we applied in authorizing TRT to serve certain European points, and overrides basic fairness in order to promote a single carrier. ITT points out that an authorization based solely on our approval of expanded gateway service pursuant to Section 222 of the Act would be defective for failing to consider the criteria set forth in Section 214 of the Act.[7] In support of its argument, ITT argues that we have previously concluded that "[s]inoe gateway expansions by definition involve an extension of service into an area not previously directly served, [Section 214] comes into play and provides statutorily-authorized procedures which are implicitly incorporated into Section 222(a)(5)." Citing International Record Carriers', 40 FCC 2d 1082, at para. 9. ITT argues that our Tentative Statement did not satisfy Section 214 criteria, since it asserts that we are creating new competition solely to equalize opportunity among the carriers. ITT also alleges that we failed to comply with the standards set forth in Section 63.01 of the Commission's Rules, 47 C.F.R. § 63.01 (1975) which requires a finding that there is a public need for the proposed facilities and that existing facilities are inadequate.

6. ITT further argues that additional gateway authorizations to TRT would squarely conflict with the rationale of our recent authorization of TRT to serve various European destinations via Miami. See Tropical Radio Telegraph Co., 35 FCC 2d 950 (1972), TRT Telecommunications Corp., 46 FCC 2d 10 (1974), TRT Telecommunications Corp., 55 FCC 2d 648 (1975). ITT argues that we based our decision in those matters on a desire to alleviate congestion in the New York gateway and provide access to a carrier directly serving points other than Latin America. To now "bootstrap" gateway authorizations, based on the unusual circumstances calling for the TRT European authorizations is, according to ITT, contrary to established policy concerning TRT's activities. ITT concludes by arguing that fairness requires resolution of the instant proceeding in conjunction with our rulemaking, supra, examining whether the approval of additional gateways will benefit the public.

7. RCA also characterizes our tentative policy as an attempt to expedite TRT's entrance into all existing gateways and argues that we acted with undue haste by separating this aspect of Docket No. 19660 from the new gateway proceeding without first resolving the underlying applications for expansion of service. To restore fairness to the proceeding, RCA urges that we defer action in this matter until resolution of the new gateway Inquiry. Should we determine to go forward at this time, however, RCA states that we must first investigate whether an additional full service IRC is necessary. Such an investigation, RCA argues, would show that competition is so active that introduction of a new competitor would be detrimental to the public interest. RCA points out that the carriers have been providing service without rate increases despite the present inflationary spiral and alleges that telegraph and leased-channel services fail to yield a fair return and that the rate of growth in the telex service is declining. Unless we evaluate the extent of adverse impact on the carriers and the public beforehand, RCA argues that we are risking serious market fragmentation which may cause a disastrous impact on service to the public.

8. RCA concurs with ITT's arguments concerning alleged inequities arising from our separate treatment of this aspect of the proceeding. RCA points out that Miami and New Orleans, the gateways where RCA has requested authority to begin service, offer less potential revenue than does New York, where TRT seeks to operate. Similarly, RCA argues that TRT authorization to serve certain European points is insufficient to justify an authorization to TRT to operate in New York, Washington, D.C. and San Francisco. Finally, RCA argues that adoption of the proposed policy and grant of gateway authorizations to TRT would syphon away revenues needed by the other carriers to continue providing quality service. To support this argument RCA summarizes present market conditions and trends for each major service. RCA estimated expansion of TRT's gateway authority would cause the diversion of a considerable number of message telegrams originating on the WU system which would lead to a further decline in marginal profits from this service. Since the message telegraph service incurs little incremental operating cost per message from WU, RCA argues that the expected loss of volume cannot be offset by an across the board cost reduction. Thus, RCA argues that the message telegraph service cannot withstand the diversion which would follow from additional competition and that service to the public would be adversely affected. Regarding the leased-channel market, RCA claims that additional competition is neither reasonably feasible nor beneficial to the public. RCA contends that leased-channel service earnings are probably lower now than in 1970–72 period when our "rough calculation" indicated leased-channel earnings of approximately six percent. See 45 FCC 2d 755, at para. 4 (1974). Finally, RCA states that the growth rate of the international telex market has declined ten percent since 1974.

DISCUSSION

THE GATEWAYS

9. After reviewing the arguments of the parties, we conclude that our tentative policy concerning the existing gateway cities should be affirmed. We believe that the public interest will be served by a policy of authorizing all IRCs to operate in each of the existing gateway cities. In this way, we will remove artificial economic barriers which have impeded users in choosing the IRC which they believe can provide them the best mix of price and service. This policy will also permit more efficient use of facilities which, we believe, will improve service quality and reduce the costs of providing international record service. This in turn will help reduce the cost of such service to the public. For the reasons set forth below, we find that this policy is dictated by present conditions in the industry, that it is reasonably feasible, and that it will yield benefits to the public. Accordingly, we will deny the oppositions of ITT and RCA and will make final our Tentative Policy Statement.

10. Under Section 222(a)(5) of the Communications Act, a gateway is a city which constitutes a point of entry into or exit from the continental United States where the IRCs may pick up or deliver telegraph messages which either

[6] See TRT Application File No. I–T–C–2498–3.

[6] See TRT Application File No. I–T–C–2498–2. This application will be considered in the separate proceeding concerning additional gateways.

[7] Section 214 in pertinent part provides that: (a) No carrier shall undertake the construction of a new line or of an extension of any line, or shall acquire or operate any line, or extension thereof, or shall engage in transmission over or by means of such additional or extended line, unless and until there shall first have been obtained from the Commission a certificate that the present or future public convenience and necessity require or will require the construction, or operation, or construction and operation, of such additional or extended line * * *."

originate or terminate at a point outside the continental United States. An IRC authorized to use a particular gateway may operate public offices for the pick-up and delivery of record communications directly from the public within the corporate limits of that city. The IRCs provide service to other customers located in the 48 contiguous states (the hinterland) only through connections with the domestic networks. WU, American Telephone & Telegraph Company (AT&T), and other domestic carriers connect with the IRCs in the various gateways for through international record service.

11. The concept of a gateway as a term of art predates enactment of Section 222 of the Act. At that time it merely denoted the location of the IRCs' offices, and where they interconnected with the domestic carriers, and had no independent legal significance. Section 222(a)(5) was enacted to preserve to the IRCs their prior pattern of direct public operations. The applications discussed above represent the first major attempt to depart from the historical pattern of gateway authorization. The present gateways were generally determined by the historical factors which prompted the IRCs to begin operations in particular cities—concerns of physical proximity to the termini of overseas transmission facilities and the fact that the IRCs, or their affiliates, had commercial operations in those cities.

TECHNOLOGICAL AND OPERATING CHANGES SINCE ENACTMENT OF SECTION 222 OF THE COMMUNICATIONS ACT

12. Enactment of Section 222(a)(5), however, fundamentally altered the legal significance of the carriers' gateways. By this provision, Congress gave the Commission responsibility to review and approve the extent of IRC operations in the continental United States. In fulfilling this responsibility, we are not bound by the historical gateway pattern; nor are we limited to a review of requests by the IRCs for authorization of particular points. Rather, Congress gave us great flexibility to review present patterns and to develop a gateway policy which will be responsive to developments in the international record industry. Pursuant to our statutory mandate, we promulgated the tentative policy statement under consideration herein.

13. The starting point for our policy was a consideration of the present significance of gateway cities. Section 222 states only that gateways shall be designated by the Commission as points of entrance into or exit from the United States. The concept was defined in terms of then existing IRC operating patterns. A gateway merely denotes a place where overseas record communications enters or leaves the international networks.[8] Recently, in TRT Telecommunications Corporation 52 FCC 2d 1053 (1975), we had occasion to reflect on the meaning of gateways. In this connection we stated, at pp. 1060–1, that

> [a]uthorizing an IRC to establish a general gateway in a given city permits that carrier to perform two basic activities: (a) the pick-up and delivery of traffic within the limits of that city; and (b) the acceptance or delivery of overseas traffic originating or terminating in the hinterland through interconnection with a domestic carrier in that city.[9]

We believe this succinctly sets forth the operational definition of a gateway.[10]

14. We believe that while the present pattern of gateway authorizations may have been appropriate in 1943, it is no longer relevant to the conditions in the industry. At the time Section 222 was enacted, the record industry was in financial difficulty which threatened its continued viability. Since then, however, the industry has grown rapidly both in volume and the mix of services offered. Message telegraph, which represented nearly all of the IRC business in 1943, has declined in importance over the years until, today, it represents only approximately 20–25% of the carriers' revenues. Telex, which was not offered by the IRCs in 1943, has grown since its introduction until it represents nearly 40% of the carriers' business. International leased-channel services existed in 1943, but were a minor part of the carrier operations until the late 1960's. Since that time, this service has become the second largest (after telex) IRC revenue producer. Together the three services account for more than 80% of the industry's revenues. Thus, the present gateways, which arose in connection with message telegraph service are not necessarily well-suited to the types of service being provided today.

15. Additionally, there has been a technological revolution in the media used for overseas transmission. The undersea telegraph cables and HF and LF radio transmitter which were the media for overseas transmission in 1943 have been virtually completely replaced by the high-volume voice-grade cables and satellite facilities. This development has eliminated one of the major reasons for selection of the present gateways—close proximity to coastal areas. The early cables were landed at a time when the United States landline system was not highly developed. Therefore, it was important for carriers to locate their operations near the cable-head so as to avoid long connecting facilities. Similarly, early radio technology required that transmitters be located in coastal areas to reduce the distance over which messages needed to be transmitted. Today, however, the development of the undersea voice cable, fed by a complex network of landline facilities, coupled with the fact that carriers share common facilities rather than operating their own individual cables, has obviated the need for physical proximity. Replacement of most HF operations by satellite transmission has had a similar effect.

16. The most fundamental change, however, lies in the pattern of IRC operations. Communications with overseas points may be divided into three general areas: Atlantic, Pacific and Latin America. Generally, communications with each of these areas was begun by a different entity. Thus, at the beginning, most such carriers specialized in serving one region. Therefore, their locus of United States operations was determined by the need for physical proximity to the facilities and commercial centers associated with each region. Over the years, however, through a combination of merger and expension of operations, the concept of the regional carrier has become obsolete. Today, all the IRCs serve points around the world. Therefore, gateway authorizations tied to a carriers' original service area fail to reflect the change in their operations.[11]

EFFECT ON PUBLIC OF EXISTING GATEWAY POLICY

17. A concomitant of these changes has been a gradual change in the make-up of overseas traffic. In the early years of the industry, the bulk of such traffic originated in the gateway cities; but, increasingly, hinterland-originated traffic has become a substantial part of total traffic. Thus, there has been an evolutionary decline in the relative importance of the present gateways. To understand the impact of the present gateway policy, it is important to emphasize that gateway authorizations do not limit the number of customers an IRC may serve; only those it may serve directly.[12] Be-

[8] From the legislative history of Section 222, it is clear that the Washington gateway was within the intent of Congress in enacting the provision. Washington was never a terminal for overseas facilities. Rather, prior to as well as after the WU-Postal merger, Washington was connected directly to the New York gateway by dedicated channels. Additionally, TRT had a New York gateway at the time Section 222 was enacted which was connected to its transmitter at the Boston gateway.

[9] In that case, we held that TRT needed authorization to use New York as a gateway to terminate a circuit to the United Kingdom at the AT&T Technical Control Facility. (TCF). TRT had argued that because its application did not contemplate opening a public office in New York, Section 222(a)(5) did not apply.

[10] This is consistent with our ruling in International Record Carriers', 40 FCC 2d 1082 (1973) where the Commission rejected the free direct access tariffs on the grounds that they amounted in fact to direct operations beyond the limits of the gateways and rejected the proposed distinction between free direct access and gateway operations which would focus on physical penetration into the hinterland.

[11] Evidence of these changes can be seen in the IRC applications for additional gateway cities which allege a need to respond to the shift in patterns of demand for overseas service.

[12] The argument that opening up the existing gateways will cause a further fractionalization of traffic will not withstand scrutiny. Our action does not introduce any new competitors into the market rather it merely makes it simpler and less costly in certain instances for a carrier to serve the public. It is true that such action will stimulate more competition but as ITT and RCA have admitted this serves the public by bringing it lower rates and better service. (See paragraph 3 above.)

cause all IRCs are not equally accessible to users, however, the present gateway policy has had an adverse affect on the public in two ways. First, the backhauling of communications required by present gateway authorizations places an extra burden on the domestic networks and increases the carriers' cost of providing service. This has indirectly resulted in increased customer usage charges. Second, in the case of leased-channel service, the present authorizations require a customer to incur increased charges for domestic connecting facilities to use a carrier whose gateway is more distant from the customer than other carriers. By increasing his costs of using a particular carrier, this has inhibited the customer's real choice in picking an IRC to carry his traffic.

18. As we noted in our Tentative Statement, the IRCs' present gateway authorizations require significant backhauling of communications which increases the costs of providing service. Irrespective of the gateways a carrier is authorized to use, cable traffic to Europe generally transits New York to the cable heads and satellite traffic must go through the Etam, West Virginia or Andover, Maine earth stations. Pacific-bound traffic must go through San Francisco (cable) or the Jamesburg, California earth station (satellite). Latin American traffic must go through New York or Jacksonville, Florida (cable) or the Etam or Andover earth stations (satellite). Therefore, in all cases connecting circuits must extend from the IRC switches to the appropriate facilities terminals. Beyond this, however, it is necessary to bring communications from the customer's premises to the IRC's switches. It is on this link that the backhauling occurs. Backhauling refers to the necessity to carry traffic from the customer to the IRC's gateway and then back to the overseas transmission facility. Because of present gateway authorizations, it is sometimes necessary to carry traffic a considerable distance to a particular IRC's gateway and then essentially to retrace the route back near the starting point to reach the overseas facility. For example, for a customer in New York sending communications to Europe via TRT, the message must be carried to TRT's office in Fort Lauderdale, Florida where it is switched back to New York to the cable head or to the satellite earth station. A similar situation exists with respect to the New York carriers for a customer near Miami or New Orleans. If all carriers were authorized to use all gateway cities, much of this backhauling would be eliminated, since it would be necessary to carry traffic only to the gateway most convenient to the particular overseas facility. For message telegraph and telex, there is no extra charge to the customer for backhauling—since these services are charged on a flat country-to-country rate. However, for these services the IRCs incur increased expenses for use of the domestic system which they must pass on to the customer.

19. By denying each carriers' customers the opportunity to route traffic to the gateway nearest the individual customer's location, the existing policy fosters inefficient routing. In the telex and leased-channel services unnecessary transmissions to a gateway merely to "touch base" and the rerouting or backhauling of that message to the appropriate international transmission facility cause a duplication and inefficient use of domestic channels.

20. We believe that we can ameliorate these problems significantly by authorizing operations by all carriers in the existing gateways. By permitting customers and WU to route communications directly to a carrier's gateway which is most appropriate to the desired overseas point, the incidence of backhauling will be reduced.[13] This will permit the carriers more efficient operations and reduced costs which they can pass on to their customers in the form of lower rates. Our policy will also remove the present penalty which leased-channel customers must incur in order to use the services of a particular IRC, by making all carriers equally accessible by all customers.

21. In the case of message telegraph service, we believe that the open gateway policy will have the further benefit of encouraging IRC identification among users and will spur the IRCs to greater customer responsiveness. In a Report and Order and Notice of Proposed Rulemaking in Docket No. 19660, FCC 75-1430, ____ FCC 2d ____, released January 7, 1976, we called for comments on the implications of distributing among the IRCs outbound message telegram traffic on the basis of required customer routing. We noted therein the apparent unfamiliarity of users with the IRCs or their respective merits, and stated our belief that the IRCs have not effectively sought to reach a substantial number of message telegraph users. We adopted in that matter a policy of encouraging the IRCs to seek the business of these customers. By the open access gateway policy, we believe that this goal will be advanced, since the IRCs will be able to reach all customers equally and will be motivated to provide rapid, efficient service.

22. A final benefit to the public of establishing a policy of open access to the gateways may be the lowering of rates to international points. On January 2, 1976, TRT filed tariff revisions which became effective February 1, 1976 reducing its rates for all telex calls from the United States to the United Kingdom from $2.55 per minute to $2.00 per minute. Despite the filing of opposition by the other IRCs, each filed tariff revisions which match TRT's reduction. On January 30, 1976, we issued an Order permitting implementation of the new rate. We look forward to further reductions in charges for international record service and we expect that adoption of the open gateway policy may help stimulate further reductions to the benefit of users. We caution, however, that we will examine such tariff revisions closely to ensure that proposed rate changes are justified.

[13] We are dealing here only with unnecessary backhauling occasioned by artificial gateway restraints. We recognize, however, that there still may be valid operational reasons, such as more efficient circuit loading, etc., which would make backhauling reasonable.

IMPACT OF THE OPEN ACCESS POLICY ON THE CARRIERS

23. Under Section One of the Act, we have a duty to assure all users a rapid and efficient communications system with adequate facilities at reasonable charges. While experience has shown that competition is one particularly effective way to secure those goals, it is not sufficient to say that the Commission can fulfill its duty merely by expanding competition. We cannot assume that competition will always lead to public benefits. FCC v. RCA Communications, Inc., 346 U.S. 86, 96–7 (1953). A possible danger from competition is that available traffic may become so diluted that no carrier is able to earn a fair rate of return. This could result in a weakening of the carriers' ability to make necessary investment in facilities, and consequent deterioration in service to the public.

24. In assessing the economic impact of our policy on the carriers, it is noted that we are not changing the overseas authorizations of any carrier. All IRCs will continue to serve the same points over the same overseas facilities as at present. The change will occur only as to the points where traffic enters the various international networks. However we cannot, at ITTWC and RCAGC suggest, limit our analysis of competitive feasibility solely to the gateway cities. The IRCs do not compete only in the gateways. Rather, a significant portion of the IRCs' overseas traffic comes from the hinterland. Accordingly, we believe that competitive feasibility must be measured where competition occurs—for the United States market as a whole. Thus, for our analysis, we will look to data for all outbound traffic, irrespective of its geographical source.

25. As we view the question, our task is to determine whether overall traffic between the United States and foreign points is sufficient that opening up the existing gateways to all carriers will not lead to deterioration of service to the public. Traditionally, this task is accomplished by analyzing past operating experience and projecting the results of that analysis into probable future experience. Necessarily, such a task is not capable of precise verification. In the present matter, the question of whether competition is reasonably feasible is not sharply defined by the pleadings. ITT and RCA have alleged that introduction of a new carrier's service to existing gateways will result in deterioration of service.[14] Neither, however, has supported this premise with any statistical data. In this event, we will rely for our analyses

[14] However, both have taken contrary views on the question of new gateways.

on historical trends in international record traffic as reflected in the IRC's responses under Section 43.61 of our Rules and Regulations, 47 CFR § 43.61 (1975).

26. To afford a basis for analysis we have chosen traffic and revenue data submitted by the IRCs during the years 1971 through 1974, and separated this data into three charts showing revenues and volume in the message telegraph and telex services and revenues in the leased-channel services attached as appendices A through C. As demonstrated by the foregoing appendices, the international record industry has exhibited substantial overall growth during this period. However, since the growth characteristics of all classes of international services are not identical, it is necessary to analyze the impact of our proposed action on each major class of service individually.

27. As shown by Appendix A, since 1971 the volume of international telegraph messages has remained relatively static, exhibiting an average annual decline of 1.7 percent. However, while the volume of telegraph messages has declined slightly, carrier revenues from this service have increased 1.6 percent annually on the average. There is nothing before us which suggests that the growth pattern for this service is likely to exhibit major changes in either a plus or minus direction. We believe that this level of traffic is sufficient to sustain the additional competition which will follow from implementation of our open access policy. But in any event, we do not foresee any major change in existing patterns of competition in message service. As indicated previously, all IRCs compete for traffic in the hinterland. Since message telegrams are priced on the basis of a country-to-country rate with the same outbound charges applicable regardless of origin in the 48 contiguous states, hinterland customers who file their messages with WU pay the same per word charges as those who file directly with the IRCs in the gateways. Therefore, hinterland customers can reach any IRC through the WU network without incurring an economic penalty. This permits all IRCs equal opportunity to seek the business of all customers including those in gateways they are not presently authorized to use. Implementation of our policy will not alter this situation; it will only permit the IRCs to reduce inefficient backhauling and secure the benefits to the using public noted above. With respect to the gateway cities themselves, we do forsee possible alteration in present competitive patterns. Introduction of direct service by additional carriers in the existing gateways may increase the effectiveness of these carriers within those cities. However, as we have noted, we believe that traffic levels are sufficient to sustain any additional competition which is likely to result from increasing the number of IRCs providing direct service in the gateways.

28. Turning to international telex service, Appendix B illustrates that both volume and revenues from this service increased dramatically between 1971 and 1974. The total industry volume of telex calls increased an average of 31.4 percent per year and revenues 26.1 percent. Such a strong growth trend suggests that telex can easily support additional competition. We note that during this period the major change in industry competitive patterns was the entry of TRT into world geographical areas not previously directly served by it. From the charts, it is readily apparent that TRT has enjoyed a rapid growth rate. Also readily apparent is the fact that TRT's increase has not had a deleterious effect on the growth rates of its competitors. This suggests to us that this service in particular can certainly support any change.

29. With respect to leased-channel services, we recognize that our policy is likely to lead to changes in existing competitive patterns. Unlike message and telex service, the domestic links are not included in the IRC tariff rates. All customers, gateway as well as hinterland, must pay additional charges for connecting facilities between their services and the IRCs gateway operating offices. These changes vary according to the length of such facilities. Consequently, there is a cost incentive for a user to select an IRC having the nearest gateway capable of providing service to the desired overseas point. Permitting all IRCs to offer service at all existing gateways will make all IRCs equally accessible to customers. Implementation of our policy, therefore, appears likely to result in increased competition in some areas of the country. However, the policy will increase customer choice among IRCs which will encourage them to be responsive to customer needs and will reduce overall costs to customers.

30. In any event, as Appendix C illustrates, leased-channel service has also exhibited a strong growth pattern. We believe that this pattern is likely to continue in the future. Charges for the service have declined steadily and substantially over the years. Based on past experience, it appears likely that rates will continue to decrease and that this will stimulate further growth. From these trends, we conclude that this service can support substantial increased competition.

31. In performing our regulatory functions, we are required to balance the legitimate interests of the carriers against the legitimate interests of communications users. On the one hand, we must regulate to keep usage charges as low as reasonably possible, but on the other, we must take no action which will endanger the financial integrity of the carriers to the point this impacts on service to the public. See, e.g., Federal Power Commission v. Hope Natural Gas Co., 320 U.S. 591 (1944). This duty applies whether we are dealing with the setting of rates, as in Hope, or when taking other action such as the present one which would potentially adversely affect the carriers. To the extent that an open access policy will increase competition, we believe that the financial stability of the industry is such that no adverse impact on service will follow. Besides the tariff figures considered above, we find another indication of the strong financial conditions of the carriers in their respective rates of return. Based on figures supplied by the IRCs in their Annual Reports, Forms O and R, filed pursuant to Section 43.21 of our Rules and Regulations, 47 CFR § 43.21 (1975), we have calculated rates of return for each carrier in recent years.[15] These calculations are set forth in the attached Appendix D.[16] From these figures, it is evident that despite increasing competition and rising costs, the carriers have generally enjoyed a substantial rate of return during the period studied and that this profitability appears to be increasing rather than decreasing.[17] We therefore conclude that the small increase in competition which may result from the open access policy is not likely to impair the carrier's profitability.

32. Thus, we are satisfied that elimination of these outdated gateway restrictions will carry with it no consequence jeopardizing adequate service to the public. In view of this and the benefits we foresee to the public, we shall go forward with our disposition of the various gateway applications. RCA's and ITT's characterization as unfair in our separate treatment of existing and proposed gateway policy matters is misplaced. Our obligation is to the public. We have found herein that expanded carrier operations within the existing gateways will alleviate the burden on the domestic network, will allow the carriers to reduce their costs, and will provide more efficient and rapid service to the public by the elimination of unnecessary message diversion and backhauling. Indeed, we foresee greater responsiveness by the IRC's to customer needs arising from the greater opportunity of users to select a carrier. Since our examination of the new gateways raises complex questions not relevant to this proceeding, we find no reason to postpone, until those matters are resolved, the benefits of improved record communication efficiently offered by the expansion of service contemplated herein. Finally, we reject the argument that our rationale for TRT European authorizations in any way precludes this

[15] Because its revenues are not large enough to meet the criteria of our Rules, French Cable does not file an Annual Report.

[16] The figures were computed using a traditional utility original cost rate base. Operating taxes are not completely separated from nonoperating taxes in the report. Therefore, an estimated separation was made for computation of these figures.

[17] The major exception to this trend is TRT, whose calculated rate of return fluctuates widely. We note that declining profitability was one of the reasons TRT cited for seeking entry into areas (particularly the lucrative European market) it did not previously serve. Since TRT supports our open access policy, it must not believe that entry of new carriers into Miami and New Orleans will adversely affect it. We have no information before us which would incline us not to accept TRT's views.

Commission from taking measures designed to foster the availability of more efficient, low cost international communications to the public. Our authorizations to TRT concerned only the narrow question of whether the present and future public interest would be served by granting applications for authority to serve specific international points. In those actions we did not consider modification of our gateway policy. We find, however, that our rationale here is consistent with the underlying rationale of our recent TRT actions. In each we acted to eliminate congestion by attempting to lessen the inefficient use of facilities.

33. We emphasize that we find only that Section 222 of the Act presents no barrier to permitting a carrier to operate in any gateway. The carriers still need 214 authorizations for the specific facilities needed to effectuate this policy. We contemplate authorization of each carrier pursuant to Section 214 of the Act and Section 63.01 of the Rules, based on its individual merits.[18]

34. In view of the foregoing, we find that adoption of a policy permitting each international record carrier to serve the public from each approved international gateway would serve the public interest, convenience, and necessity.

35. Accordingly, IT IS ORDERED, That our Tentative Statement of Policy issued August 6, 1975, IS ADOPTED as a Final Statement of Policy.

Adopted: February 13, 1976.

Released: February 26, 1976.

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

[18] This is consistent with ITT's argument that the question of authorization of new carrier service in the gateways must be determined by criteria set forth in Section 214 of the Act and Section 63.01 of the Rules.

APPENDIX A

Telegraph Messages Combined

Chart I (In Thousands)

CARRIER	1971	SHARE	GROWTH	1972	SHARE	GROWTH	1973	SHARE	GROWTH	1974	SHARE	AVERAGE GROWTH
FR CAB	356	1.4	-16.4	298	1.3	-3.6	287	1.2	-12.7	251	1.1	-11.1
ITT	9034	36.7	-13.4	7825	33.8	-1.4	7713	32.5	- 5.0	7325	31.3	- 6.8
RCA	8611	35.0	- 1.5	8480	36.6	4.6	8868	37.3	- 0.8	8795	37.6	0.7
TRT	726	3.0	10.1	800	3.5	10.9	887	3.7	17.8	1045	4.5	12.9
WUI	5746	23.4	1.7	5849	24.4	5.6	5964	25.1	- 0.2	5954	25.5	1.2
US LIB	13	0.1	3.6	12	0.1	18.4	14	0.1	100.0	0	0.	0.
WU	101	0.4	22.7	78	0.3	-64.5	28	0.1	100.0	0	0.	0.
TOTALS	24587	100.0	- 5.9	23142	100.0	2.7	23761	100.0	- 1.7	23369	100.0	- 1.7

Telegraph Revenues Combined

Chart II (In Thousands)

FR CAB	$ 702	1.4	-21.4	$ 552	1.2	5.9	$ 584	1.2	- 3.4	$ 565	1.1	- 7.0
ITT	15322	31.1	-12.8	13356	29.7	3.5	13825	28.4	3.1	14251	27.6	- 2.4
RCA	19310	39.1	- 2.9	18754	41.7	9.5	20501	42.1	0.8	20661	40.0	2.3
TRT	1880	3.8	- 5.0	1765	4.0	7.2	1914	3.9	11.4	2132	4.1	4.3
WUI	12052	24.4	-13.1	10476	23.3	12.7	11803	24.2	19.3	14076	27.2	5.3
US LIB	74	0.2	1.1	75	0.2	32.4	100	0.2	- 100.0	0	0.	0.
TOTALS	49340	100.0	- 8.8	44999	100.0	8.4	48727	100.0	6.1	51685	100.0	1.6

Detailed elements may not add to totals due to rounding factor.

APPENDIX B

Telex Messages Combined

Chart I (In Thousands)

CARRIER	1971	SHARE	GROWTH	1972	SHARE	GROWTH	1973	SHARE	GROWTH	1974	SHARE	AVERAGE GROWTH
FR CAB	87	0.4	-12.4	76	0.3	-32.2	52	0.1	115.3	111	0.2	8.6
ITT	8430	38.4	31.4	11077	39.1	26.4	14003	37.0	25.0	17500	35.1	27.6
RCA	7791	35.5	27.3	9918	35.0	45.5	14428	38.1	32.6	19125	38.3	34.9
TRT	98	0.4	108.2	204	0.7	126.6	463	1.2	83.6	850	1.7	105.4
WUI	5567	25.3	26.8	7059	24.9	26.6	8935	23.6	37.6	12296	24.6	30.2
TOTALS	21973	100.0	28.9	28334	100.0	33.7	37881	100.0	31.7	49883	100.0	31.4

Telex Revenues Combined

Chart II (In Thousands)

FR CAB	$ 333	0.4	- 8.7	$ 304	0.3	10.2	$ 335	0.2	40.2	$ 469	0.3	12.1
ITT	34077	39.6	23.3	42001	40.3	25.4	52679	38.5	25.2	65979	38.3	24.6
RCA	31172	36.3	18.7	37007	35.5	39.6	51668	37.8	20.2	62123	36.0	25.8
TRT	594	0.7	81.8	1080	1.0	97.7	2134	1.6	67.2	3569	2.1	81.8
WUI	19789	23.0	21.0	23936	22.9	25.3	29986	21.9	34.3	40277	23.4	26.7
TOTALS	85964	100.0	21.4	104327	100.0	31.1	136802	100.0	26.0	172412	100.0	26.1

Detailed elements may not add to totals due to rounding factor.

APPENDIX C.—*Leased channel revenues*

[In thousands]

Carrier	1971	1972	1973	1974
ITT	$15,849	$17,641	$19,613	$21,170
RCA	26,593	27,494	29,833	29,503
TRT	558	582	647	859
WUI	8,744	11,653	12,402	12,241
Total	51,744	57,370	62,495	63,773

APPENDIX D.—*Rates of return*

[Percent]

	ITT World Communications, Inc.	RCA Global Communications, Inc.	Tropical Radio Telegraph Co.	Western Union International, Inc.
Year				
1964	7.16	9.38	30.89	17.92
1965	8.34	11.65	22.20	13.86
1966	9.63	12.71	22.79	19.75
1967	8.21	9.49	15.06	17.76
1968	9.87	9.36	9.59	15.64
1969	11.01	9.28	14.75	13.88
1970	11.76	8.41	15.01	15.92
1971	13.78	9.29	12.39	7.73
1972	15.24	10.36	(3.66)	10.86
1973	17.33	13.02	3.65	11.16
1974	16.99	10.82	(4.45)	12.99

[FR Doc.76-6089 Filed 3-4-76;8:45 am]

[Docket No. 20732; FCC 76-191]

AMERICAN TELEPHONE AND TELEGRAPH CO.

Memorandum Opinion and Order Instituting Investigation

In the matter of American Telephone and Telegraph Company, Revisions of Tariffs F.C.C. Nos. 259, 260, 263, 264 and 267, Transmittal No. 12497, Docket No. 20732.

1. On February 5, 1976, after a full hearing this Commission issued a Memorandum Opinion and Order (FCC 76-100) in Docket No. 20376, Charges for Interstate Telephone Service, permitting the American Telephone and Telegraph Company (AT&T) to increase its overall rate of return on interstate operations to 9.5 percent. The above-captioned tariff revisions, purportedly designed to yield this rate of return, were filed by AT&T on January 29, 1976. Because we found it "imperative to permit AT&T to realize this rate of return as soon as possible,"[1] and since the public had the benefit of more than a year—since January, 1975 filing—to review basic structural changes in the tariff, we granted permission[2] for these tariff revisions to be filed on thirty days' notice rather than the sixty days normally required by § 61.58 of the Commission's rules, 47 CFR 61.58. The instant revisions are thus scheduled to become effective February 28, 1976. The rate revisions would provide for generally increased rates on intra-United States mainland Message Telecommunications Service (MTS) in the lower mileage bands and decreases in the highest mileage bands for dial station-to-station calls, with proportion-

[1] FCC 76-100 at para. 49.
[2] Special Permission No. 7853.

ately greater increases for calls requiring operator assistance. MTS rates to Alaska and Hawaii were revised resulting in generally reduced rates. The United States to Canada and United States to Mexico MTS schedules were changed in a manner similar to the intra-United States mainland schedule to result in generally increased charges for the lower and middle mileage band dial calls and greater increases for calls requiring operator assistance. The filing increases VHF, Coastal Harbor and Air-Ground MTS by approximately 5 percent. Domestic private line services in AT&T Tariff F.C.C. No. 260 and Dataphone Digital Service in Tariff F.C.C. No. 267 are increased 3 percent with the exception of the rates for (1) Series 1000 channels, (2) Short Haul Series 2000 and 3000 channels,[3] (3) Series 7000 services and (4) any items that were filed to become effective after January 1, 1976. Changes in Wide Area Telecommunications Service (WATS) generally would result in increased charges for service of short distances and relatively constant or reduced charges for longer distance service, with all other rates and charges (e.g., extension station monthly rates and installation charges) increased by 3 percent.

2. We now have received a series of petitions regarding these tariff revisions.[4] UPI, ANPA, AP, CNS and the Executive Agencies petition for an investigation into all the tariff revisions, accompanied by a three month suspension and an accounting order. RAM petitions for suspension and investigation of only those revisions to AT&T's Tariff FCC No. 263 (Long Distance Message Telecommunications Service — MTS) which pertain to air-fround communications. ARINC petitions for a three month suspension of the revisions to AT&T's Tariff FCC No. 260 (Private Line Service) and an investigation of those revisions to be joined with Docket No. 18128 (AT&T Private Line Case), with an accounting order to follow the suspension. National Data petitions for a three month suspension, followed by an accounting order and an investigation into the revisions of AT&T's Tariff FCC No. 259 (Wide Area Telecommunications Service–WATS). MCI requests a three month suspension and an investigation into those revisions of AT&T's Tariffs FCC Nos. 259, 260, 263, 264 and 267 which constitute rate decreases.

3. The primary arguments advanced by the parties in support of their requests for investigation, suspension and an accounting order are: (1) That the effective date of the tariff revisions should be postponed pending final disposition of some ongoing Commission investigation which would have a direct bearing on these revisions,[5] and that, until their disposition, an accounting order is necessary; (2) that the revisions are unjust and unreasonable in that they do not give preferential rates to the press; (3) that the structural changes made in AT&T's Tariffs FCC Nos. 259 (WATS) and 263 (MTS) make the revisions to those tariffs unjust, unreasonable and discriminatory; (4) that the revisions are supported by insufficient economic and cost data and are partially based on PLIAC models [6] found not justified in another context by this Commission; (5) that the revisions fail to make adequate changes in the rate structure of air-ground communications; (6) that the rate decreases in the tariff revisions are wholly unjustified and are unjust and unreasonable; and (7) that the interrelationship of the revisions of AT&T's Tariffs FCC Nos. 259, 260 and 263 constitute unlawful anticompetitive prices.

4. In reply to these contentions AT&T argues that suspension of the revisions would be contrary to our finding that its need for increased revenues is urgent, that adequate and extensive economic data was submitted in support of the revisions, that the changes are essentially the same as those made by AT&T in March, 1975, when we refused an accounting order because of the expense involved, that adding issues to the above-named pending proceedings would be inefficient and counterproductive by needlessly complicating and delaying those proceedings, and that the lack of structural changes to the provisions of AT&T's Tariff FCC No 263 pertaining to air-ground communications is not germane to the lawfulness of the revised rates.

5. On consideration of these pleadings we cannot find the economic material filed in support of the tariff revisions inadequate or erroneous. In fact, the supporting data was quite extensive. Although our decision in *Hi-Lo* [7] found the use of the PLIAC model to be inadequately supported in the record of that case it did not reject the PLIAC methodology *per se*.

6. We agree with AT&T that RAM's contention that the failure to make changes to AT&T's Tariff FCC No. 263 as it pertains to air-ground communications is misplaced. RAM's argument is not that the revised tariff rates are unlawful; instead RAM contends that further structural changes in the tariff are needed. That RAM believes additional revisions are necessary is not a basis for finding the instant revisions unlawful. If RAM believes we should prescribe structural changes to this service, it should file an appropriate petition to this effect outside of the context of the present tariff filing.

7. As the petitioners point out the present filing raises questions which are similar to those presently under investigation. Among those are the structural changes made in AT&T's Tariffs FCC Nos. 259 and 263, including decreases in certain rates within those tariffs, and the interrelationship of the revisions to AT&T's Tariff FCC Nos. 259, 260 and 263. Other questions include whether the reduction in longer mileage WATS and MTS rates and increase in shorter mileage rates are unlawfully discriminatory; whether any of these rate reductions are justified by costs; whether the interrelationship of the revisions to Tariff Nos. 259, 260 and 263 constitute unfair competition; and whether the rate increases in AT&T's Tariff FCC No. 260 are deficient or excessive in relation to the rate increases in its Tariffs FCC Nos. 259 and 263.

8. The questions that have been raised herein are presently under investigation in the Private Line Rate case (Docket No. 18128), the AT&T Investigation—Phase II (Docket No. 19129), WATS (Docket No. 19989) and Dataphone Digital Service—DDS (Docket No. 20288). When AT&T's rate increases of March, 1975, raised similar questions in regard to MTS and WATS we did not find it necessary to institute a new hearing on their lawfulness because it was possible to add those issues to Docket Nos. 19129 and 19989, respectively.[8] Because the records in those proceedings now are closed, however, we find it necessary to institute a separate hearing into the instant tariff revisions to insure that they are in conformity with the principles and policies to be established in these pending proceedings. This hearing will be held in abeyance pending the outcome of each of the four named investigations. As the issues therein are resolved, we shall determine to what extent the policies and conclusions established impact upon the present tariff filing. We shall then open the investigation in order to determine the appropriate rates, charges and practices consistent with our policy determinations. "ATT v. FCC," 487 F. 2d 864, 880–881 (2d Cir., 1973).

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[3] Recently filed increases in Series 1000 and Short Haul will be treated in later orders.

[4] Petitions requesting suspension and investigation of all or part of the tariff revisions were filed by: United Press International, Inc. (UPI); Aeronautical Radio, Inc. (ARINC); National Data Corporation (National Data); American Newspaper Publishers Association (ANPA); The Associated Press (AP); Commodity News Services (CNS); RAM Broadcasting of Florida, Inc., RAM Broadcasting of Nevada, Inc., RAM Broadcasting of New Mexico, Inc., RAM Broadcasting of South Carolina, Inc., RAM Broadcasting of Texas, Inc. (collectively RAM); the Executive Agencies of the United States Government (Executive Agencies); and MCI Telecommunications Corporation (MCI). AT&T has filed a reply and the separated trial staff of our Common Carrier Bureau in Docket No. 20667 (Preferential Press Rates) has submitted comments.

[5] Those investigations said to have a significant bearing on the instant tariff revisions include the Private Line Rate case (Docket No. 18128), the Preferential Press Rates case (Docket No. 20667), the AT&T Investigation–Phase II (Docket No. 19129), WATS (Docket No. 19989) and Equal Life Groups Depreciation (Docket No. 20188).

[6] ATT&T's Private Line Incremental Annual Cost model is a computer model intended to derive projected incremental costs for certain competitive services.

[7] 55 FCC 2d 224 (1975), FCC 76–39 (released January 22, 1976).

[8] 52 FCC 2d 155 (1975).

9. The Preferential Press Rates case (Docket 20667) is not included as one of the proceedings which will have a bearing on these tariff revisions because the press will not be entitled to special rates until they have justified the necessity for such rates. "Copley News v. FCC," 444 F. 2d 984 (D.C. Cir., 1971). The press will, of course, receive the same benefits from the hearing instituted herein as any and all customers of the affected services receive, but no retrospective preference will be given.

10. While we have, in our Decision in Docket No. 20376, *supra*, prescribed a rate of return for AT&T, numerous other issues remain which control the individual rates which AT&T may charge for specific services and the expenses and rate base upon which the rate of return is calculated. As the United States Court of Appeals for the District of Columbia recently found, these issues include whether:

(1) the utility's investment is properly calculated and efficiently incurred; (2) the level of cash expenses is honestly, efficiently, and economically incurred; (3) the level of noncash expenses such as depreciation and other accruals is properly reflected in the rate calculation; and (4) the rates proposed or in effect actually cover these costs and produce a fair rate of return * * *. Additionally, the Commission must see that the rates themselves are not unjustly or unreasonably discriminatory.

Nader v. FCC, 520 F. 2d 182, 207–8 (D.C. Cir., 1975).

11. These issues, among others, are presently being investigated in other proceedings, and the outcome of such proceedings will help determine the lawfulness of the present filing. Among the tariff revisions which have been questioned are the structural changes made within the MTS and WATS offerings and the relative earnings levels of the various services.

12. Several of the parties have asked us to suspend the tariff revisions for the full 3 month period permitted under Section 204 of the Act. We decline to do so. After a full hearing and an oral argument *en banc* in Docket No. 20376, we found it "imperative to permit AT&T to realize this rate of return so soon as possible." FCC 76–100, para. 49. Any lengthy suspension would subvert this conclusion and AT&T's opportunity to earn the fair rate of return which we have prescribed. See "FPC v. Hope Natural Gas Co.", 320 U.S. 591, 603 (1944). Therefore we shall limit the period of suspension to one day.

13. In order fully to protect the public, we shall require that AT&T maintain an accounting of the revenues derived under these revised tariffs, for possible refund upon resolution of the lawfulness thereof. However, while we have customarily required that such accounting be by individual account, we believe that the public interest will be better served through adoption of a different method of accounting and refund. In major rate cases such as this, involving large segments of the general public and a variety of service offerings, we have found the imposition of individual accounting requirements to be a costly, inefficient, and largely ineffective means of protecting the public interest. The administrative costs of such a program are exceedingly high and ultimately borne by the consumer, and to a large extent offset any refunds which may subsequently be ordered. Additionally, such orders place a difficult burden on the small independent telephone companies. Furthermore, many individual accounts are never settled due to the increasing mobility of the public. "See FPC v. Tenn. Gas Transmission Co.", 371 U.S. 145, 154–155 (1962); "FPC v. Hunt", 376 U.S. 515, 524–525 (1964).

14. For the reasons indicated we shall order AT&T to maintain accounts by service classes and subclasses, in the aggregate, specifying the amounts of all increases and the service classification for which such amounts are accounted. Classifications for which AT&T must keep accounts are as follows: (1) Private line services, by series; (2) MTS and WATS, insofar as rates have been increased, and for each classification of service (e.g., dial station, operator-assisted, inward WATS, outward WATS, etc.); (3) DDS; and (4) all other services. Within 30 days of the release of this Order AT&T shall submit a complete list of all classifications it intends to use for this accounting.

15. This action is taken pursuant to sections 204, 4(i) and 4(j) of the Communications Act, 47 U.S.C. 204, 154(i), 154(j), and our discretionary authority thereunder.[9]

16. *Accordingly, it is ordered*, That the tariff pages filed with AT&T's Transmittal No. 12497 are suspended for one day.

17. *It is further ordered*, That an investigation is instituted, pursuant to sections 4(i), 4(j), 204, 205 and 403 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 154(j), 204, 205 and 403, into the lawfulness of the above-captioned tariff filing, to be held at the offices of the Federal Communications Commission in Washington, D.C. at a time and under procedures to be specified by subsequent order. Such hearing will be held in abeyance as provided herein.

18. *It is further ordered*, That AT&T is required to keep accounts, until further order of this Commission, as provided in paragraph 14 herein.

19. *It is further ordered*, That the petitions filed herein are granted insofar as they are consistent with this Memorandum Opinion and Order and are otherwise denied.

Adopted: February 26, 1976.

Released: March 1, 1976.

FEDERAL COMMUNICATIONS COMMISSION,[10]
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.76-6408 Filed 3-4-76;8:45 am]

[9] For a thorough discussion of the Commission's discretionary authority to adopt new or modified procedures to deal with special or changed circumstances, see Permian Basin Area Rate Cases, 390 U.S. 747 (1968); Nader v. Federal Communications Commission, 520 F. 2d 182 (D.C. Cir., 1975); Natural Gas Pipeline Co. v. Federal Power Commission, 120 F. 2d 625 (7th Cir., 1941), rev'd on other grounds 315 U.S. 575 (1942); cf. Bebchick v. P.U.C., 318 F. 2d 187 (D.C. Cir., 1963).

[Docket Nos. 20568–20569; FCC 76R–54]

ALEXANDER S. KLEIN, JR., ET AL.

Memorandum Opinion and Order; Enlarging Issues

In regards to applications of: Alexander S. Klein, Jr., Media, Pennsylvania, Docket No. 20567, File No. BPH–8905; Greater Media Radio Company, Media, Pennsylvania, Docket No. 20568, File No. BPH–9011; Roberts Broadcasting Corporation, Media, Pennsylvania, Docket No. 20569, File No. BPH–9156; for construction permits.

1. The Review Board has before it for consideration a petition to enlarge issues, filed September 12, 1975, by Alexander S. Klein, Jr. (Klein) which seeks the addition of: (1) Financial; (2) trafficking; (3) misrepresentation; (4) Rule 1.65/1.514 and misrepresentation;[1] (5) cross-ownership and concentration of control; (6) certification, transmitter site and Rule 1.513;[2] (7) ascertainment; and (8) undisclosed principal issues against Roberts Broadcasting Corporation (Roberts).[3]

2. On September 12, 1975, Klein filed a motion with the Review Board seeking to dismiss Roberts' application on the grounds that Roberts' January 24, 1975 amendment providing community ascertainment material and specifying a new transmitter site was a nullity, having been signed by an officer of Roberts but left undated; Klein concluded therefrom that Roberts' application provided no transmitter site and must be dismissed, citing Valley Broadcasting, Inc., 10 FCC

[10] Commissioners Hooks and Quello absent.

[1] Rule 1.514 requires each application to include all information called for by the particular form on which the application is filed. Rule 1.65 requires applicants to report within 30 days any substantial and significant changes in their applications.

[2] Rule 1.513 sets forth requirements regarding who shall sign applications and amendments thereto submitted to the Commission.

[3] Also before the Board are the following related pleadings: (a) Partial opposition to petition to enlarge, filed October 6, 1975, by the Broadcast Bureau; (b) opposition, filed October 8, 1975, by Roberts; (c) reply, filed October 16, 1975, by Klein; (d) request for late acceptance, filed September 12, 1975, by Klein; and (e) opposition to (d), filed October 8, 1975, by Roberts. Klein has pleaded good cause for acceptance of his late-filed petition and, in any event, we believe the seriousness of the allegations raised warrants treatment of the merits of the petition. The Edgefield-Saluda Radio Co., 5 FCC 2d 148, 8 RR 2d 611 (Rev. Bd. 1966).

2d 475, 11 RR 2d 635 (1967). In response, contending that the Review Board lacks jurisdiction over the subject matter, Roberts moved to dismiss Klein's motion on October 8, 1975, citing §§ 0.341(a) and 0.365(d) of the Commission's Rules.[4] The Bureau also opposed Klein's motion to dismiss.[5] Subsequently, by Order, FCC 75M–1830, released October 24, 1975, the Presiding Judge granted Roberts' October 8, 1975 petition for acceptance of an amendment nunc pro tunc in order to reflect that the January 24th amendment was undated through oversight, and to correct the error. In light of the Judge's Order, supra, we will dismiss as moot Klein's motion to dismiss. The correction and acceptance of Roberts' amendment also resolves the questions raised by Klein's allegations in support of the requested certification, transmitter site and Rule 1.513 issues.[6] Therefore, the allegations pertaining to those requests will not be discussed in this document.

FINANCIAL ISSUE

3. Klein alleges that Roberts' majority stockholder, Suzanne F. Roberts, has not submitted a balance sheet or financial statement to demonstrate her ability to meet her commitment: (1) To purchase 25,500 shares of subscribed stock in Roberts as a cost of $1.00 per share; or (2) to obtain a $4,000 bank loan for Blayne and Kathlyn Butcher, minority stockholders, to use to purchase their 3,000 subscribed shares in the corporation. In light of Mrs. Roberts' uncontroverted affidavit submitted with Roberts' opposition pleading stating that both she and the Butchers have already actually purchased the subscribed stock, an inquiry into this matter is unwarranted.[7]

TRAFFICKING AND MISREPRESENTATION ISSUES

4. In support of its request for a trafficking issue, Klein asserts that the activities of Roberts' minority stockholders, Blayne and Kathlyn Butcher, establish a pattern of involvement in the FM market in Media which raises a question of their ultimate intent in the pending application. Specifically, Klein states that Blayne Butcher was instrumental in the formation of Brandywine Broadcasting Corporation, subsequently Brandywine-Main Line Radio, Inc. (Brandywine), licensee of Stations WXUR–AM and FM, Media, Pennsylvania, in 1960–1962, and that Butcher was given 50 shares in Brandywine without charge for his promotional work and a five-year management contract.[8] Next, Klein asserts that, contrary to the Commission's finding in granting the 1965 transfer of Brandywine to Faith Theological Seminary,[9] Brandywine was composed of "inexperienced broadcasters unsuccessful in their first broadcast venture * * *" who would withdraw with no profit, Butcher had 30 years of broadcast experience and profited from his participation in Brandywine. With respect to the instant application, Klein asserts that a "memorandum of understanding" reflects that Suzanne Roberts would obtain a bank loan for the Butchers to meet their stock commitment and pay the expenses incurred by the Butchers with respect to a prior proposal to apply for the former WXUR–FM facilities, and that Roberts would assume $3,300 in indebtedness for services rendered by the Butchers in connection with the prior proposal. Furthermore, Klein states, the Butchers have the right under the memorandum to "put" their shares in the corporation to Suzanne Roberts at a profit and are granted paid managerial positions with the station. In support of his request for a misrepresentation issue, Klein asserts, first, that in the Roberts application Butcher states that he held a 5% interest in WGH, Newport News, Virginia, in 1935, while the initial FM application filed by Brandywine makes no mention of this interest. Next, Klein asserts that the 1960 Ownership Report for WXUR–FM states that Butcher was granted 50 shares in Brandywine at no cost while the 1962 Ownership Report signed by Butcher states that he and his wife paid $5,800 for their 58 shares.[10] Movant concludes that the discrepancies require the addition of a misrepresentation issue.

5. Roberts denies the trafficking charge leveled against the Butchers and, in support, attaches an affidavit from Blayne Butcher. Butcher avers that he resigned as a director and general manager of WXUR and WXUR–FM early in 1963, which, to the best of his knowledge, was about 18 months prior to "any effort to file with the FCC for sale of either station * * *." Accordingly, Roberts asserts that bad faith cannot be attributed to the Butchers on these facts, and further, that it is unreasonable to argue that Butcher could have anticipated the demise of WXUR–FM.[11] Regarding his interest in WGH, Butcher avers that he had invested $300 in the station in 1931, but held his interest for only three months, after which he returned the stock for $300. Butcher further avers that the representations concerning inexperienced broadcasters in Brandywine's transfer application were made over a year after the Butchers had ended their association with Brandywine.[12] Accordingly, Roberts submits, the Butchers had no responsibility for Brandywine's representations.

6. The Bureau opposes the requested trafficking issue, noting that Klein has neither alleged nor shown that the Butchers acquired their interests in WXUR and WXUR–FM in order to dispose of them for a profit and that the allegations concerning the Butchers' ultimate intentions vis-a-vis the Roberts application are pure speculation. The Bureau rejects, as not decisionally significant, the fact of Blayne Butcher's small interest in WGH. Finally, the Bureau states that the discrepancy in the 1960 and 1962 Ownership Reports filed by Brandywine does not constitute misrepresentation because: (1) Butcher did not profit from his transfer of stock; and (2) WXUR was losing money. Thus, the Bureau concludes, Klein has shown no nexus between the discrepancy and the Commission's grant of Brandywine's transfer application in 1965 and no motive for misrepresenting the information.

7. The requested issues will be denied. Trafficking, i.e., the acquisition and/or operation of a broadcast station primarily for the purpose of selling or otherwise disposing of it at a profit, rather than for serving the public interest, has long

[4] These provisions set forth the jurisdictional authority of the Administrative Law Judges and the Review Board.

[5] The Bureau's opposition was filed on October 6, 1975. Klein responded to Roberts' motion and the Bureau's opposition on October 10, 1975. Roberts replied on October 23, 1975.

[6] We do not believe that the inadvertent omission of the date on the amendment is significant enough to warrant an issue.

[7] Klein and the Bureau also submit that an issue is required because: (1) Roberts' June 25, 1974 bank loan commitment letter has expired; (2) principal repayment terms different than those outlined in the commitment letter may subsequently be imposed on the basis of cash flow projections to be done by an expert in the field, whose identity and evaluation standards have not been stated; (3) additional compensation may be required by the bank based on the expert's analysis; (4) a commitment fee will be required by the bank but has not been provided for in Roberts' application; and (5) it is unclear what security the bank contemplates for the loan. Additionally, the Bureau questions whether Roberts will be able to operate on a continuing basis in light of the susbtantial deferral of principal repayment under the terms of the bank letter. The Board notes that essentially the same matters were disposed of in our Memorandum Opinion and Order, FCC 76R–29, released January 29, 1976, and they will not be considered further in this document.

[8] Klein further asserts that the stock had a par value of $100 per share, and that the management contract was binding upon any assignee or transferee of the stations.

[9] See FCC 65–207, 4 RR 2d 697, released March 19, 1965.

[10] In pertinent part, Brandywine's 1960 Ownership Report shows that Blayne and Kathlyn Butcher purchased five and three shares, respectively, at a cost of $100 per share, and that Blayne Butcher, by corporate resolution, was given, without charge, 50 additional shares "for services rendered" the corporation "well above the average stockholder." The relevant portion of the January 1962 report, signed by Blayne Butcher as Brandywine's secretary treasurer, reports that the Butchers paid an aggregate of $5,800 for their 58 shares.

[11] Roberts concedes that Butcher became interested again in the facility when the Commission announced in 1973 that the license for WXUR–FM had been deleted, but Roberts argues that the memorandum of understanding makes full disclosure of the $3,300 in expenses to be absorbed by Roberts and of Mrs. Roberts' assistance in obtaining financing for the Butchers.

[12] In his affidavit, Butcher avers that he was principally responsible for the organization of Brandywine and that, as new principals, officers, and directors were added to the corporation in order to infuse needed capital, it became increasingly difficult for him to implement his programming proposals in his position as general manager. Thus, he states, he resigned as a director and terminated his employment as general manager on February 28, 1963 (see FCC Form 323, filed March 25, 1963—about 18 months prior to Brandywine's filing of the assignment application to Faith Theological Seminary.

been of concern to the Commission.[13] In order to raise a question of trafficking, three elements must be considered: (1) intent to profit; (2) time—disposition generally within three years of the issuance of a license; and (3) price—the realization of a profit. Phil D. Jackson, 33 FCC 2d 928, 23 RR 2d 1023 (Rev. Bd. 1972).

8. Turning first to the trafficking allegations relating to WGH and Brandywine, we find that Klein has failed to establish on the part of the Butchers a history of selling permits or licenses for profit prior to the filing of the Roberts application. We note that over a 40-plus year period prior to the Roberts application, Blayne Butcher is alleged to have held minor ownership interests in only two licenses or permittees: a $300, 5 percent interest in WGH, Newport News, Virginia, in 1931, and a total of 58 shares of Brandywine stock—Kathlyn Butcher owned three of the shares. Butcher's explanation of his short ownership of WGH stock is uncontroverted and establishes that he returned the stock for the amount of his original investment. With regard to Butcher's 50 shares in Brandywine and his management contract with that licensee, we note that the shares were given Butcher "for services rendered" the corporation, note 10 supra, and that Butcher actually served as the licensee's general manager for a period of time. These facts negate Klein's assumption that the stock and contract are evidence of speculation by Butcher. Furthermore, we find reasonable and uncontradicted Butcher's explanation for terminating his stock and management relationship with Brandywine.[14] See note 12, supra. Moreover, Klein has made no showing that the interests in either WGH or Brandywine were held by Butcher with the intent to sell them for a profit. Turning to the pending application, we find that the memorandum of understanding between Mrs. Roberts and the Butchers does not support the trafficking allegations since: (1) The Butchers' management contracts with Roberts are for services to be rendered by the Butchers to the corporation; (2) the $4,000 loan arranged for by Mrs. Roberts is to be repaid by the Butchers; (3) the $3,300 indebtedness assumed by the corporation constitutes reimbursement for expenses which have been itemized; and (4) the Butchers' right to "put" their shares to Mrs. Roberts for $6,000, for a profit of $3,000, is an internal corporate transaction only and does not constitute the sale of a construction permit or license for profit.[15] Therefore, we conclude that the facts alleged by Klein regarding trafficking by the Butchers in WGH, Brandywine, and Roberts constitute mere speculation and do not raise a substantial question whether the Butchers' primary intent was or is to sell broadcast properties for a profit rather than to operate them in the public interest.

9. Turning to Klein's request for a misrepresentation issue based upon a discrepancy between the 1960 and 1962 Brandywine Ownership Reports (FCC Form 323), we note that Klein has shown neither the significance of the disparity, nor any motive on the Butchers' part to misrepresent the consideration paid for the stock. Similarly, we find that the failure of the Brandywine application to mention Butcher's brief interest in WGH in 1931 is not decisionally significant to this proceeding. In the absence of additional allegations, the Board is of the view that these matters do not raise a substantial question of misrepresentation.

RULE 1.65/1.514 AND MISREPRESENTATION ISSUES

10. Klein's request for Rule 1.65/1.514 and misrepresentation issues is based on exhibit 4 of Roberts' application, which responds to Section II, paragraph 19 of FCC Form 301.[16] According to Klein, the exhibit states that Suzanne Roberts, the majority stockholder of the applicant, owns 16.7 percent of International Equity Corporation (IEC), which owns 39.8 percent of Comcast Corporation, the owner of several CATV systems and franchises. Although the exhibit lists the locations of Comcast's CATV interests, Klein contends that Roberts has failed to include in the list the names of Comcast's franchisees. Klein next asserts that Roberts failed to report that Ralph Roberts, Suzanne Roberts' husband, owns 57.2 percent of IEC, that Comcast has an outstanding certificate of compliance application pending before the Commission, and that the U.S. Court of Appeals for the District of Columbia Circuit "recently upheld" a Commission grant to Comcast of a certificate of compliance to build a CATV system in Philadelphia. Klein further contends that the activities of the "Comcast Music Network and Merchandising Divisions", referred to in the 1974 Comcast annual report, and the fact of terminated merger discussions with Vikoa, Inc. are not detailed in the Roberts application.

11. Both Roberts and the Bureau oppose the request. Roberts argues that there is no requirement that the interests in question be reported in Section II, paragraph 19 of Form 301, and that Klein has failed to show that Roberts engaged in wilful deception in withholding required information.[17] For its part, the Bureau argues that Klein has failed to comply with the pleading requirements of § 1.229(c) of the rules, and has failed to demonstrate why information relating to Ralph Roberts should have been reported. The Bureau also maintains that Form 301 does not require the listing of the names of CATV system owners or franchisees, that Klein has failed to specify when the court "recently upheld an FCC decision" relating to Comcast's Philadelphia system (and points out that Philadelphia was listed as a franchise location by Roberts in exhibit 4), and that the decisional significance of the nondisclosures has not been established by Klein.

12. The requested issues will be denied. First, we find that Klein has not demonstrated the decisional significance of the fact that Roberts has listed in its application the locations but not the names of its principal stockholder's derivative interest in Comcast's cable franchisees, and we do not find that the significance of the omission is evident on its face. In the absence of either of these two factors, the addition of an issue is unwarranted. "KOKA Broadcasting Co.," 56 FCC 2d 191, 35 RR 2d 384 (Rev. Bd. 1975). Secondly, we agree with the Bureau that Klein has failed to establish any reason why Roberts should have reported the business interests of Ralph Roberts, a non-principal, or the material contained in Comcast's annual report.

CROSS-OWNERSHIP AND CONCENTRATION OF CONTROL ISSUES

13. In support of his request for cross-ownership and concentration of control issues, Klein refers to a National Association of Broadcasters (NAB) petition for rulemaking on the impact of CATV carriage of radio signals on broadcast stations, filed July 18, 1975, and notes that Comcast has interests in CATV systems and franchises in communities within the 1 mV/m contour of the proposed FM station.[18] Klein also refers to activities listed in Comcast's annual report to its stockholders (see para. 10, supra), not filed or reported in Roberts' application, as aggravating the anti-competitive aspect of Comcast's CATV ownership on broadcast stations in the Media area. Finally, Klein asserts that while the cross-ownership of CATV and radio broadcast facilities is not now prohibited by the Commission, where there

[13] Prairieland Broadcasters, 49 FCC 2d 1377, 32 RR 2d 78 (Rev. Bd. 1974); Harriman Broadcasting Co., (WXXL), 9 FCC 2d 731, 10 RR 2d 981 (1967), affirmed, 399 F. 2d 569, 13 RR 2d 2073 (D.C. Cir. 1968).

[14] In light of Butcher's affidavit, in which he avers that he terminated his stock and management interests in Brandywine about 18 months prior to Brandywine's filing of the assignment application, there is no basis for petitioner's allegation that a misrepresentation was made to the Commission in that application and that such misrepresentation was attributable to the Butchers.

[15] Cf. Mesabi Communications Systems, Inc., FCC 76R-24, released January 26, 1976.

[16] Paragraph 19, Section II of Form 301 requires an applicant to list any interest of the applicant or a party to the application in broadcast properties or applications.

[17] Nevertheless, Roberts submitted, and the Presiding Judge accepted, by Order, FCC 75M-1829, released October 24, 1975, an amendment to reflect the award of a CATV franchise in Paducah, Kentucky to Comcast and the pendency of a certificate of compliance before the Commission for that system.

[18] According to Klein, these include portions of Philadelphia, Abington, Upper Darby, and Cheltenham, Pennsylvania. Petitioner submits that Comcast could carry Roberts' FM signal over these systems to the exclusion of all other Philadelphia area FM signals. Additionally, Klein argues that Comcast could also transmit Roberts' FM signal to its Maryland and Western Pennsylvania CATV systems through the use of FM translators.

is a potential for anti-competitive conduct, an issue is warranted.

14. Klein's request is without merit and will be denied. With regard to cross-ownership, as Klein concedes, the Commission's television/CATV cross-ownership rule, § 76.501, does not prohibit the carriage of signals of a radio broadcast station over the commonly owned CATV system. Further, the NAB's petition for rulemaking does not in itself constitute a basis for the specification of the requested issues. We must also reject as totally unsupported, Klein's conclusion that there is a potential anti-competitive impact here which must be explored even though the cross-ownership rule does not apply. Klein's allegations that Comcast could carry Roberts' FM signal over its CATV systems within the 1 mV/m contour of the proposed station to the exclusion of other area FM stations is speculative and does not establish the potential of anti-competitive conduct. Finally, we note that the concentration of control portion of Klein's request has not been accompanied by sufficient factual allegations to support the addition of an issue[19] and therefore, we conclude that the request is also without merit. See § 1.229(c) of the Commission's rules; cf. Post-Newsweek Stations, Florida, Inc., 52 FCC 2d 887, 33 RR 997 (Rev. Bd. 1975). However, we note that, as pointed out by the Bureau, Roberts' media interests may be weighed under the standard comparative issue. "William R. Gaston," 35 FCC 2d 624, 24 RR 2d 779 (Rev. Bd. 1972).

ASCERTAINMENT (SUBURBAN) ISSUE

15. Klein's requested ascertainment issue is based on the Preliminary Statement of Roberts' ascertainment survey, exhibit 9, which, in pertinent part, states that the community leader survey was conducted by principals of Roberts, "including Suzanne Roberts, Blayne Butcher, and Kathlyn Butcher", and that the general public survey consists of over 150 contacts by Roberts and the Butchers with individuals "selected at random through the community * * *." First, Klein submits that this language may imply that principals other than those listed may have participated in the leader survey. Further, Klein argues that it is not possible to determine from the Statement the methodology employed in selecting the general public interviewees and whether a random cross-section of the general public was interviewed. Finally, Klein submits that Roberts has not shown whether and to what extent community leader and general public survey responses differed. The Bureau supports the addition of an ascertainment issue.

16. In opposition, Roberts submits affidavits from Suzanne Roberts and Blayne Butcher in which they aver that all of the community leader and general public surveys were conducted either by Mrs. Roberts or by one of the Butchers. Blayne Butcher's affidavit also concludes that the general public survey was a random sampling of Media and, in support, he avers that: (1) Mrs. Roberts and the Butchers have been residents of Media for more than 14 years; (2) Media has a population of approximately 6,600 people; (3) approximately 7,000 persons per week pass through the Butchers' store in Media; (4) Kathlyn Butcher ran for Borough Council in 1973 and visited every home in Media during a three month period; (5) the Butchers know about 2,200 persons in the Media area; and (6) the general public interviews were conducted during daily contacts in Media with neighbors, acquaintances, store customers, and strangers. Butcher also claims that no perceptible differences were noted in the results of the community leader and general public surveys.

17. The Board will add a limited ascertainment issue. With reference to the community leader interviews, the Board is satisfied that the uncontroverted affidavits submitted by Roberts clarify the identity of the principals who conducted Roberts' community leader survey. No issue is required, therefore, on this aspect of Roberts' ascertainment effort. An inquiry is required, however, into Roberts' general public survey. In our view, the methodology outlined by Butcher in his affidavit—the interviews were conducted during the principals' daily contacts with neighbors, acquaintances, store customers, and strangers—is clearly "haphazard" and provides no assurance that the general public survey resulted in the genuine random sample required by the Primer, Q. & A. 13(b). See Bud's Broadcasting Co., 51 FCC 2d 238, 32 RR 2d 1290 (Rev. Bd. 1975); Media, Inc., 41 FCC 2d 30, 27 RR 2d 1077 (Rev. Bd. 1973);[20] cf., WAVV Communications, Inc., 48 FCC 2d 1113, 31 RR 2d 749 (Rev. Bd. 1974); (Robert Cowan Wagner, 38 FCC 2d 403, 25 RR 1095 (Rev. Bd. 1972).[21]

UNDISCLOSED PRINCIPAL ISSUE

18. Klein's final request is for an undisclosed principal issued based upon the assertion that Roberts' bank commitment letter contains several provisions which are "contrary to recognized and established banking practices."[22] Klein asserts that these circumstances give rise to the possibility that unspecified security may have been promised the bank and undisclosed principals are involved. Klein also maintains that the presence of other principals may be inferred from the language employed in Roberts' ascertainment showing that community leader surveys were conducted by principals of Roberts "including" Mrs. Roberts and the Butchers. Roberts and the Bureau oppose the requested issue.

19. The Board will deny the requested issue. First, Klein has made totally speculative and unsupported allegations that undisclosed principals may be involved in connection with Roberts' proposed bank loan.[23] Such allegations are clearly inadequate to support the addition of an issue. Second, Mrs. Roberts' affidavit, which identifies the principals who conducted Roberts' community leader survey (see para. 16, supra), is dispositive of Klein's remaining allegation in support of his request.

20. *Accordingly, it is ordered,* That the Request for Late Acceptance, filed September 12, 1975, by Alexander S. Klein, Jr., is granted; and

21. *It is further ordered,* That the Motion to Dismiss Klein's Motion to Dismiss Application, filed October 8, 1975, by Roberts Broadcasting Corporation is granted; and the Motion to Dismiss Application, filed September 12, 1975, by Alexander S. Klein, Jr., is dismissed; and

22. *It is further ordered,* That the petition to Enlarge Issues, filed September 12, 1975, by Alexander S. Klein, Jr., is granted to the extent indicated herein, and is denied in all other respects; and

23. *It is further ordered,* That the issues in this proceeding are enlarged to include the following issue:

To determine whether the general public survey conducted by Roberts Broadcasting Corporation complies with the requirements set forth in the Commission's Primer.

24. *It is further ordered,* That the burden of proceeding with the introduction of evidence and the burden of proof under the issue added herein shall be on Roberts Broadcasting Corporation.

Adopted: February 11, 1976.

Released: February 24, 1976.

FEDERAL COMMUNICATIONS COMMISSION,[24]
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.76-6409 Filed 3-4-76;8:45 am]

[19] Thus, Klein has failed to supply information relative to areas and populations of localities allegedly affected and has failed to mention other media outlets in those localities. Cf. CBS Inc. (WCAU-TV), 49 FCC 2d 743, 31 RR 2d 1467 (Rev. Bd. 1974).

[20] In Bud's Broadcasting Co., supra, the Board held that no significant weight would be attached to a general public survey which consisted merely of passing out survey forms to persons who visited the principal's jewelry store since that method provided no assurance that a random sample was obtained. 51 FCC 2d at 240, 32 RR 2d at 1292-93. Similarly, in Media, Inc., supra, we attached no substantial weight to a general public survey which was conducted by two employees of the principal. There, the employees interviewed 222 CATV subscribers who came into the office to pay their CATV bills. While a substantial number of people were contacted, the method was not tantamount to a random sample.

[21] The Board does not agree with Klein's assertion that an issue is warranted to determine "whether and to what extent" the general public and community leader survey results differed. In his affidavit, Butcher states that no real differences were noted, and petitioner has supplied no basis for not accepting this statement.

[22] Klein submits that (1) no liens would be required; (2) Roberts' financial projections envision substantial initial losses; and (3) the repayment schedule is to be determined at a later date.

[23] As noted at para. 3, supra, our Memorandum Opinion and Order, FCC 76R-29, released January 29, 1976, deals with questions relating to Roberts' financial qualifications.

[24] Board Member Kessler not participating.

[Report No. 795]

COMMON CARRIER SERVICES INFORMATION

Applications Accepted for Filing

MARCH 1, 1976.

The applications listed herein have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any of these applications, if upon further examination, it is determined they are defective and not in conformance with the Commission's rules and regulations or its policies.

Final action will not be taken on any of these applications earlier than 31 days following the date of this notice, except for radio applications not requiring a 30 day notice period (see section 309(c) of the Communications Act of 1934) or as otherwise noted. Unless specified to the contrary, comments or petitions may be filed concerning any of these applications within 30 days of the date of this notice.

In order for an application filed under Part 21 of the Commission's rules (Domestic Public Radio Services) to be considered mutually exclusive with any other such application appearing herein, it must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which the subsequent application is in conflict) as having been accepted for filing. In common carrier radio services other than those listed under Part 21, the cut-off date for filing a mutually exclusive application is the close of business one business day preceding the day on which the previously filed application is designated for hearing. With limited exceptions, an application which is subsequently amended by a major change will be considered as a newly filed application for purposes of the cut-off rule. (See § 1.227(b)(3) and 21.30(b) of the Commission's rules.)

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

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

21460–CD–P–76, Beep Communication Systems, Inc. (KEK287), C.P. to change antenna system operating on 454.225 MHz at Loc. #1: North Tower, World Trade Center, New York, New York.

21461–CD–P–76, The Chesapeake & Potomac Telephone Company of Maryland (KGA587), C.P. to replace transmitter and relocate test facilities operating on 157.77 157.89 158.01 158.07 MHz to be located at Southwest corner of Baltimore and Light Streets, Baltimore, Maryland.

21462–CD–P–(2)–76, Project Mutual Telephone Cooperative Association, Inc. (New), C.P. for a new station to operate on 454.375 & 454.425 MHz to be located 15 miles NW of Rupert, Kimama Butte, Idaho.

21463–CD–MP–76, Farmers Telephone Cooperative, Inc. (KIJ355), C.P. to replace transmitter operating on 152.57 MHz located at corner of 3rd Avenue and U.S. Route No. 52, Kingstree, South Carolina.

21464–CD–P–(2)–76, Dodge City Mobilphone, Inc. (KUO578), C.P. to replace transmitter and change antenna system operating on 454.35 MHz located 5 miles West of Ensign, on West side of Highway K–23 approx. 1 mile North of US–50, Gray, Kansas, Loc. #1.

21466–CD–P–76, John Rugar d.b.a. Vegas Instant Page (KRH634), C.P. to replace transmitter and relocate facilities operating on 152.24 MHz to be located at 300 South 4th Street, Las Vegas, Nevada, Loc. #1.

21467–CD–TC–(2)–76, West Jersey Telephone Company. Consent to Transfer of Control from West Jersey Telephone Company, Transferor to United Telecommunications, Inc., Transferee. Stations: (KEC942 & KUO562, Belvidere, New Jersey).

21468–CD–AL–(2)–76, Phenix Communications Co., Inc. Consent to Assignment of License from Phenix Communications Co., Inc., Assignor to Opelika-Auburn Communications, Inc., Assignee. Stations: KRS661, Opelika, Alabama and KLF555, Mountain Springs, Alabama.

21469–CD–P–76, Protectowire Pacific Company, Inc. (KFL919), C.P. to relocate facilities operating on 152.15 MHz to be located on Rainer Hill, 4.4 miles South of Longview, Ranier Hill, Oregon, Loc. #1.

21470–CD–P–76, Dodge County Telephone Company (KWH346), C.P. to add antenna Location #3 to operate on 158.10 MHz to be located at Rt. 23, 2 miles East of Fond du Lac, Wisconsin.

21471–CD–AL–76, All Service, Inc. Consent to Assignment of License from All Service, Inc., Assignor to Telpage of South Carolina, Assignee. Station: KSV905, Charleston, South Carolina.

21472–CD–P–76, Stockbridge and Sherwood Telephone Company (New), C.P. for a new 1-way station to operate on 158.10 MHz to be located 6 miles West of Tisch Mills, Wisconsin.

21473–CD–P–(7)–76, South Central Bell Telephone Company (KKI448), C.P. to change antenna system operating on 152.57 MHz at Loc. #2 and to relocate facilities operating on 152.51 MHz from Loc. #3 to Loc. #2: Along La. Hwy. #384, 9.5 miles SSW of Lake Charles, Louisiana; and for additional facilities to operate on 454.400, 454.450, 454.575, 454.625 & 454.650 MHz at Loc. #3: 315 Division Street, Lake Charles, Louisiana.

21474–CD–P–76, Byron W. White d.b.a. Band Communications (KWT921), C.P. to replace transmitter operating on 152.21 MHz located at Glover Street, Sulphur Springs, Texas.

21475–CD–P–76, John A. Bearden d.b.a. Mobilphone of Paris (KUC921), C.P. to replace transmitter operating on 152.18 MHz located at 265 South Main Street, Paris, Texas.

21476–CD–MP–76, Bonduel Telephone Company (KUS279), M.P. for additional facilities to operate on 158.10 MHz at a new site described as Loc. #2: Port Plaza Inn, Green Bay, Wisconsin.

21477–CD–P–(4)–76, Souris River Telephone Mutual Aid Corporation (KAI930), C.P. to relocate facilities operating on 152.75, 152.72, 152.69 & 152.63 MHz to be located 13.3 miles South of Minot, North Dakota.

21478–CD–TC–(3)–76, Mobile Telephone Company of New Jersey. Consent to Transfer of Control from Robert L. Starer, Transferor to Robert L. Starer and Merle A. Starer, Transferees. Stations: KRS620, Westmont, New Jersey; KUS377, Egg Harbor City, New Jersey; and KWH317, Trenton, New Jersey.

21479–CD–TC–(2)–76, Vineland Mobile Telephone Company. Consent to Transfer of Control from Merle Ann Starer, Transferor to Merle Ann Starer and Robert L. Starer, Transferees. Stations: KSW209, Stone Creek Township, New Jersey; and KUO632, Vineland, New Jersey.

21480–CD–TC–(2)–76, Delaware Mobile Telephone Company. Consent to Transfer of Control from Robert L. Starer, Transferor to Robert L. Starer and Merle A. Starer, Transferees, Stations: KWU230, Woodside, Delaware; and KWU291, Newark, Delaware.

21481–CD–TC–76, Pennsylvania Radio Telephone Corp. Consent to Transfer of Control from Robert L. Starer, Transferor to Robert L. Starer and Merle A. Starer, Transferee, Station: KGA808, Top of Mt. Penn, Pennsylvania.

CORRECTION

21384–CD–P–(6)–76, South Central Bell Telephone Company (KIC344), Correct file number to read 21384–CD–P–(7)–76 and add C.P. for additional test frequencies to operation 459.600 and 459.625 MHz. All other particulars to remain as reported on PN #794 dated February 23, 1976.

RURAL RADIO SERVICE

60275–CR–P–76, The Mountain States Telephone and Telegraph Company (New), C.P. for a new rural subscriber station to operate on 157.89 MHz to be located 4 miles North of Mancos, Colorado.

60276–CR–P/L–76, The Mountain States Telephone and Telegraph Company (New), C.P. for a new rural subscriber station to operate on 157.86 MHz to be located 12.4 miles SSE of Shoshoni, Wyoming.

60277–CR–TC–76, West Jersey Telephone Company. Consent to Transfer of Control from West Jersey Telephone Company, Transferor to United Telecommunications, Inc., Transferee. Station: KEL63, Temp-fixed.

POINT-TO-POINT MICROWAVE RADIO SERVICE

1887–CF–P–76, South Central Bell Telephone Company (KGG21), 204 Back Street, Thibodaux, Louisiana. Lat. 29°47'10" N., Long. 90°49'16" W. C.P. to change coordinates and add a point of communication on frequency 6286.2H MHz toward a new station at Houma, Louisiana on azimuth 159.9°.

1888–CF–P–76, Same, (New), 0.6 mile West of Houma, Louisiana. Lat. 29°35'26" N., Long. 90°44'21" W. C.P. for a new station on frequency 6034.2V MHz toward Thibodaux, Louisiana on azimuth 339.9°.

1889–CF–P–76, The Mountain States Telephone and Telegraph Company (New), 2 miles NNE. of Rincon, New Mexico. Lat. 32°41'44" N., Long. 107°03'51" W. C.P. for a new station on frequency 2178H MHz toward a new station at Hatch, New Mexico on azimuth 248.8°.

1890–CF–P–76, Same, (New), Davis Street, Hatch, New Mexico. Lat. 32°39'58" N., Long. 107°09'13" W. C.P. for a new station on frequency 2128H MHz toward a new station at Rincon, New Mexico on azimuth 68.7°.

1899–CF–P–76, The Pacific Telephone and Telegraph Company (KMX57), 308 West Cypress Street, Santa Maria, California. Lat. 34°57'02" N., Long. 120°26'19" W. C.P. to change polarization from Horizontal to Vertical on frequencies 3770, 3850, 3930, 4010, 40490, 4170 MHz, and from Vertical to Horizontal on 4070 MHz toward Tassajera, California on azimuth 333.5°.

1900–CF–P–76, Same, (KMZ71), Tassajera, 5.5. miles West of Santa Margarita, California. Lat. 35°23'37'' N., Long. 120°42'29'' W. C.P. to change polarization from Horizontal to Vertical on frequencies 3730, 3810, 3890, 3970, 4050, 4130 MHz, and from Vertical to Horizontal on 4030 MHz toward Santa Maria, California on azimuth 161.4°.

1891–CF–P–76, Southern Pacific Communications Company (WOF28), 610 South Main Street, Los Angeles, California. Lat. 34°02'-43'' N., Long. 118°14'56'' W. C.P. to add 6315.9H toward Holiday Hill, California on azimuth 57.2°.

1892–CF–P–76, Same, (WOF27), 2 miles SW. of Wrightwood, California. Lat. 34°21'04'' N., Long. 117°40'26'' W. C.P. to add 5945.2V towards Los Angeles, California on azimuth 237.5° and 6123.1V towards Running Springs, California on azimuth 108.6°.

1893–CF–P–76, Same, (WQO41), 1.5 miles SE. of Running Springs, California. Lat. 34°11'19'' Long. 117°05'56'' W. C.P. to add 6375.2H towards Holiday Hill, California on azimuth 289.0° and 11625H towards Mt. Davis, California on azimuth 162.9°.

1894–CF–P–76, Same, (WLJ62), 1.3 miles SW. of Beaumont, California. Lat. 33°54'49'' N., Long. 116°59'50'' W. C.P. to add 11015V towards Running Springs, California on azimuth 342.9°, and 6152.8H towards Whitewater, California on azimuth 88.2°.

1895–CF–P–76, Same, (WQO40), SP Building, Whitewater Hill, California. Lat. 33°55'23'' N., Long. 116°36'58'' W. C.P. to add 6404.8V toward Mt. Davis, California on azimuth 268.4° and 11225H towards Indio, California on azimuth 120.9°.

1896–CF–P–76, Same, (WQO39), SP Yard, Indio, California. Lat. 33°43'07'' N., Long. 116°12'31''. C.P. to add 10935V towards Whitewater, California on azimuth 301.1°, and 10735H towards Cactus, California on azimuth 108.8°.

1897–CF–P–76, Same, (WQO38), 2.3 miles SW. of Cactus City, California. Lat. 33°39'-23'' N., Long. 115°59'27'' W. C.P. to add 11505V towards Indio, California on azimuth 288.9° and 6404.8V towards Superstition Mountain, California on azimuth 167.2°.

1898–CF–P–76, Same, (WLJ66), SP Building, Superstition Mountain, California. Lat. 32°56'42'' N., Long. 115°47'57'' W. C.P. to add 5152.8H towards Cactus, California on azimuth 347.3°.

1906–CF–P–76, United Video, Inc. (WAH548), 5 miles West of Waleska on Pine, Waleska, Georgia. Lat. 34°19'14'' N., Long. 84°38'14'' W. C.P. to reinstate expired construction permits for frequencies 6197.2V and 6256.5V twds. Snow Hill, Tennessee on azimuth 339°.

1907–CF–P–76, Same, (WAH550), Busombe Peak, Snow Hill, Tennessee. Lat. 35°08'59'' N., Long. 85°01'24'' W. C.P. to reinstate expired construction permit for frequencies 10715H and 10875H towards Cleveland, Tennessee on azimuth 84°; 10715H and 10875H towards Chattanooga, Tennessee on azimuth 234°.

1947–CF–P–76, Tower Communications Systems, Corp. (WAH460), 4.0 miles East of Middletown, Ohio. Lat. 39°31'13'' N., Long. 84°19'25'' W. C.P. to add 10855V towards Blanchester, Ohio on azimuth 127.4°.

1948–CF–P–76, Same, (WAH461), 1.7 miles ENE of Blanchester, Ohio. Lat. 39°18'09'' N., Long. 83°57'33'' W. C.P. to add 11305V towards Hillsboro, Ohio on azimuth 100.0°.

1949–CF–P–76, Same, (WSL41), 3.0 miles North of Hillsboro, Ohio. Lat. 39°15'14'' N., Long. 83°36'30'' W. C.P. to add 11135H towards Ball Knob, Ohio on azimuth 94.4°.

1950–CF–P–76, Same, (KWA36), 9.0 miles SW of Chillicothe, Ohio. Lat. 39°13'15,, N., Long. 83°04'40'' W. C.P. to replace transmitter and to add 11585H towards Stoutsville, Ohio on azimuth 30.8°.

1951–CF–P–76, Same, (WPF49), 3.2 miles ENE of Stoutsville, Ohio. Lat. 39°36'56'' N., Long. 82°46'20'' W. C.P. to add, via power split 10815B towards Lancaster, Ohio on azimuth 49.7°; 10815H towards Columbus, Ohio on azimuth 346.5°, and 10815V towards Circleville, Ohio on azimuth 247.3°.

1952–CF–P–76, Same, (WBA774), 1.5 miles NE of Lancaster, Ohio. Lat. 39°43'53'' N., Long. 82°35'42'' W. C.P. to add 11175H towards Newark, Ohio on azimuth 30.5°.

1961–CF–P–76, PilotButte Transmission Co. (KPK28), 6.0 miles NE of Evanston, Wyoming. Lat. 41°21'09'' Long. 110°54'26'' W. C.P. to add, via power split, 5965H; 6025H; 6085H; 6145H and 6256.5H towards Evanston, Wyoming on azimuth 207.8°.

[FR Doc.76–6416 Filed 3–4–76;8:45 am]

[Report No. I–210]

COMMON CARRIER SERVICES INFORMATION

International and Sateilite Radio Applications Accepted for Filing

MARCH 1, 1976.

The applications listed herein have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any of these applications if, upon further examination, it is determined they are defective and not in conformance with the Commission's rules and regulations or its policies. Final action will not be taken on any of these applications earlier than 31 days following the date of this notice. Section 309(d)(1).

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

SATELLITE COMMUNICATIONS SERVICE

178–DSE–P/L–76: Teleprompter Corp., Pocatello, Idaho. For authority to construct, own and operate a Domestic Communications Receive-Only earth station. Lat. 42°49'02'', Long. 112°28'07''. Rec. freq: 3700–4200 MHz. Emission 36000F9 using a 10 meter antenna.

179–DES–P/L–76: Teleprompter Corp., Lewiston, Idaho. For authority to construct, own and operate a Domestic Communications Receive-Only earth Station. Lat. 46°20'29'', Long. 116°52'30''. Rec. freq: 3700–4200 MHz. Emission 36000F9 using a 10 meter antenna.

180–DSE–P/L–76: Teleprompter Corp., Reno, Nev. For authority to construct, own and operate a Domestic Communications Receive-Only earth station. Lat. 39°34'14'', Long. 119°45'00''. Rec. freq: 3700–4200 MHz. Emission 36000F9 using a 10 meter antenna.

181–DSE–P/L–76: Teleprompter Corp., Huntsville, Ala. For authority to construct, own and operate a Domestic Communications Receive-Only earth station. Lat. 39°42'07'', Long. 86°31'02''. Rec. freq: 3700–4200 MHz. Emission 36000F9 using a 10 meter antenna.

182–DSE–P–76: First Television Corp., Maple Lake, Minn. For authority to construct, own and operate a Domestic Communications Receive-Only earth station. Lat. 45°16'02'', Long. 93°54'04''. Rec. freq: 3700–4200 MHz. Emission 36000F9 using a 10 meter antenna.

[FR Doc.76–6414 Filed 3–4–76;8:45 am]

DOMESTIC LAND MOBILE RADIO ADVISORY COMMITTEE 1979 WORLD ADMINISTRATIVE RADIO CONFERENCE

Meeting

MARCH 1, 1976.

The next meeting of the Common Carrier Domestic Land Mobile Radio Advisory Committee in preparation for the 1979 World Administrative Radio Conference will be held on Wednesday, March 31, 1976, at 10:00 a.m. in Room A–205, 1229 20th Street, NW., Washington, D.C. The same room will be available in the afternoon for task group meetings.

The meeting will be open to the public and any member of the public is invited to participate and present oral or written statements of relevance to the agenda upon recognition by the Chairman.

The meeting will be conducted in accordance with the following agenda:

1. Committee Chairman's opening remarks.
2. Reports from Chairman of Fact-Finding Task Group.
3. Discussion of Supporting material for final submission of spectrum requirements.
4. Establish timetable for submission of final Committee report.
5. Set date for next meeting.
6. Further business.
7. Adjournment.

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

[FR Doc.76–6413 Filed 3–4–76;8:45 am]

[Docket No. 19687; FCC 76R–61]

RADIO RIDGEFIELD INC.

Memorandum Opinion and Order Enlarging Issues

In reference application of Radio Ridgefield, Inc., Ridgefield, Connecticut, Docket No. 19687, File No. BP–18494, for construction permit.

1. This proceeding involves the application of Radio Ridgefield, Inc. (Radio Ridgefield) for authorization to construct a new standard broadcast station at Ridgefield, Connecticut. The Review Board now has before it a "third-motion to enlarge issues,"[1] filed June 13, 1975, by Westport Broadcasting Company (Westport),[2] requesting that the record be reopened and that site availability and Rule 1.65 issues be added against Radio Ridgefield. Also before the Board

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[1] By Memorandum Opinion and Order, 41 FCC 2d 982, 27 RR 2d 1637 (1973), the Board denied a request by Westport for, *inter alia*, site availability and site suitability issues Opinion and Order, 47 FCC 2d 106, 30 RR 2d 447 (1974), the Board again denied a request against Radio Ridgefield. By Memorandum by Westport for a site availability/suitability issue, a Rule 1.514 and/or 1.65 issue, and a misrepresentation issue against Radio Ridgefield.

[2] By Order, FCC 73M–469, released April 17, 1973, Westport was granted leave to intervene.

is a petition for leave to amend, filed September 26, 1975, by Radio Ridgefield.[3]

2. In support of its motion to enlarge issues, Westport alleges that a May 1975 resolution of the Ridgefield Board of Selectmen rescinded its April 1974 resolution which, according to Westport, was the basis of Radio Ridgefield's claim of assurance of transmitter and antenna site availability.[4] It appears that on April 6, 1974, the Selectmen adopted a resolution which provided that if the State of Connecticut were to make certain lands (constituting a portion of Radio Ridgefield's proposed site) available to the Town of Ridgefield, then the town would lease that property to Radio Ridgefield for use as a transmitter site at a nominal rate. Radio Ridgefield relied upon this resolution in opposing Westport's earlier attempt to add a site availability issue in this proceeding.[5] Westport now alleges that in May 1975 the Ridgefield Board of Selectmen rescinded the April 1974 resolution, and argues that Radio Ridgefield therefore no longer has reasonable assurance of the availability of its proposed site. Westport maintains further that, by failing to report to the Commission the May 1975 action of the Selectmen, Radio Ridgefield has violated Rule 1.65; this failure, petitioner asserts, also raises a question of Radio Ridgefield's candor with respect to its representations as to site availability.

3. In opposition, Radio Ridgefield argues that it had no obligation under Rule 1.65 to report the May 1975 action since it allegedly had been advised by Louis J. Fossi, First Selectman of the Town of Ridgefield, that the May action would itself be rescinded at a subsequent meeting. The applicant submits an affidavit of its president, Bartholomew T. Salerno, who states that:

After the May, 1975 Action of the Board of Selectmen, re Radio Ridgefield, Inc., and before the June, 1975 Action re Radio Ridgefield, Inc., I was advised by Mr. Lewis J. Fossi, that the May, 1975 Action was to be rescinded at the June meeting, at which time a new resolution was to be substituted.

Radio Ridgefield also submits an affidavit and a letter of Fossi,[6] which Radio Ridgefield claims show that the May action was in fact rescinded by the Selectmen at the meeting of June 7, 1975.[7] The applicant contends that the May and June 1975 actions of the Board of Selectmen were related to the concurrent consideration by the Planning and Zoning Commission, over a period of several months, of plans for a proposed by-pass road, which might, Radio Ridgefield asserts, prevent it from utilizing its proposed transmitter and antenna site. According to Radio Ridgefield, it has repeatedly informed the FCC of developments with respects to the by-pass road,[8] as well as the probability that the road, if built, would preclude use of the applicant's proposed site. Radio Ridgefield asserts that the availability of the proposed site depends on whether the road is to be built, and that it is "actively seeking a site which will not be subject to the cloud of the proposed by-pass road."[9]

4. We have taken account of the fact that the motion before us is procedurally imperfect, since it is based upon a newspaper article concerning the May 1975 action of the Board of Selectmen rather than a copy of the Board's action, or other more formal evidence. We have also noted that although the newspaper article was published on May 8, 1975 the motion was not filed until June 13, 1975. However, Radio Ridgefield has not disputed Westport's characterization of the May 1975 action and we believe that the question raised is so substantial that it must be considered despite Westport's apparent lack of diligence. Although we are reluctant to reopen the record in this matter at this late date, for the reasons which follow we believe that further inquiry in the hearing process is warranted with respect to Radio Ridgefield's failure to advise the Commission in a timely fashion of the May 1975 action.[10]

5. It is clear, as Westport contends, that Radio Ridgefield did rely substantially upon the April 6, 1974 resolution of the Board of Selectmen as an assurance that the town would cooperate in making the proposed site available. It also is uncontested that early in May 1975 the Board of Selectmen voted to rescind the April 1974 resolution. At that point, Radio Ridgefield had a clear responsibility under § 1.65 of the Commission's rules to advise the Commission of this development "as promptly as possible and in any event within 30 days," in the absence of good cause. Radio Ridgefield urges that it had good cause to withhold notification because it was advised by Mr. Fossi that the May 1975 action would be rescinded at the next meeting of the Selectmen. Indeed, in its opposition to the motion to enlarge the issues, Radio Ridgefield claims that the affidavit of Mr. Fossi and Mr. Fossi's letter to Mr. Salerno, referred to in footnote 6, *supra*, show that the Selectmen's action in May 1975 was in fact rescinded at the Selectmen's meeting on June 7, 1975. We cannot accept this characterization as accurate. Accepting Mr. Fossi's statement that the purpose of the June 7 action was to rescind the May action, we note his further statement in his affidavit that the purpose was also to substitute a new resolution rescinding the action of April 6, 1974. On the face of the June 7, 1975 resolution, this in fact is what was done. The Board of Selectmen on June 7, 1975 again voted to rescind the action of

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[3] The Board also has before it the following releated pleadings: (a) Opposition to motion to enlarge issues, filed June 26, 1975, by the Broadcast Bureau; (b) opposition to motion to enlarge issues, filed July 11, 1975, by Radio Ridgefield; (c) reply to (a) and (b), filed August 13, 1975, by Westport; (d) opposition to petition for leave to amend, filed October 22, 1975, by Westport; (e) comments on petition for leave to amend, filed October 22, 1975, by the Broadcast Bureau; (f) petition for leave to supplement petition for leave to amend, filed November 6, 1975, by Radio Ridgefield; (g) engineering supplement, field November 6, 1975, by Radio Ridgefield; (h) petition for leave to reply to (d) and reply, filed December 17, 1975, by Radio Ridgefield; (i) petition for leave to supplement amendment, filed January 8, 1976, by Radio Ridgefield; (j) motion to strike, filed January 12, 1976, by Westport; (k) opposition to (j), filed January 20, 1976, by Radio Ridgefield; (e) opposition to (j), filed January 20, 1976, by the Broadcast Bureau; and (m) reply to (k) and (l), filed January 23, 1976, by Westport.

[4] Petitioner alleges that good cause exists for the late filing of the motion to enlarge because it did not learn of the May 1975 action of the Selectmen until receipt of a May 8, 1975 newspaper article. A copy of the article from the Ridgefield Press is attached to the motion to enlarge.

[5] See footnote 1, supra.

[6] Fossi's affidavit reads as follows:

The purpose and intent of the Action, re Radio Ridgefield, Inc., taken by the Selectman at their regular June 7th, 1975 meeting, was to abrogate and rescind the Action of the Selectman, re Radio Ridgefield, Inc. taken at the regular May, 1975 meeting, and to substitute the Resolution recinding the Action re Radio Ridgefield, Inc., taken at the regular meeting of the Selectman on April 6th, 1974, for the express purpose of complying with the Planning and Zoning Commission, South Street—By Pass Proposal.

Even though our Action of June 7th, 1975 did not refer to, or expressly rescind our Action, at the May, 1975 meeting concerning the same matter, there is no question that the intent was to rescind the May, 1975 Action and to substitute the Action taken at the June meeting.

Fossie's letter to Salerno, dated June 12, 1975, reads as follows:

At a regular meeting of the Board of Selectmen held June 7, 1975, it was voted to rescind the motion adopted by the Board of Selectmen at its meeting held April 6, 1974 re Radio, Ridgefield, Incorporated, to comply with the Planning & Zoning Commission's proposed South Street by pass and that the Selectmen adopt the proposed regulations subject to Planning & Zoning Commission public hearing scheduled for June 1975.

[7] The minutes of the meeting of June 7, 1975 show the following: "It was voted to rescind the motion adopted by the Board of Selectmen at its regular meeting held on April 6, 1974 re Radio Ridgefield, Inc. to comply with the Planning & Zoning Commission's proposed South Street by pass and that we adopt the proposed regulations subject to Planning & Zoning public hearing scheduled for June 1975." We note that the text of the June resolution does not mention the May action at all, but rather seems to confirm the rescission of the April 1974 resolution.

[8] As early as January 17, 1975, Radio Ridgefield had indicated in a petition filed with the Administrative Law Judge that the proposed by-pass road might necessitate amendment of its site proposal. This matter was discussed at a conference on February 4, 1975 and mentioned in letters from Radio Ridgefield's counsel to the Presiding Judge on February 21, March 13, and March 17, 1975.

[9] Subsequent to the filing of Radio Ridgefield's opposition, the applicant petitioned the Review Board for leave to amend its application to change its site proposal.

[10] Wesport's motion warrants the reopening of the record since it was supported by newly discovered evidence, the facts relied upon could not with due diligence have been known or discovered at the time of hearing and the new evidence, if found to be true, could affect the decision. "The News-Sun Broadcasting Co.", 27 FCC 2d 61, 20 RR 2d 1084 (1971).

April 6, 1974, thereby confirming the action taken the preceding month. See note 7, *supra*. Therefore, grave doubt is cast upon Radio Ridgefield's explanation that there was no need to advise the Commission of the May 1975 action because its negative impact on the applicant's site availability was expected to be removed the next month.[11] Furthermore, in light of the previous attempts of Westport to obtain a site availability issue and Radio Ridgefield's attempts to change transmitter site, this apparent violation of Section 1.65 of the Rules has a significance it might otherwise not have had. The issue of Radio Ridgefield's site had been a subject of dispute for some time, and any occurrence affecting it should have been treated with considered care. We find a substantial question as to whether there was good cause for Radio Ridgefield's failure to report the May 1975 action of the Ridgefield Board of Selectmen.[12] Finally, in light of the present situation, we believe there should also be a contingent issue on site availability, subject to a ruling by the Administrative Law Judge on Radio Ridgefield's petition for leave to amend its application to specify a new transmitter site, which petition is remanded to him for disposition.

6. *Accordingly, it is ordered*, That the petition for leave to amend filed September 26, 1975 by Radio Ridgefield, Inc., the petition for leave to supplement petition for leave to amend filed November 6, 1975 by Radio Ridgefield, Inc., and the petition for leave to supplement amendment filed January 8, 1976 by Radio Ridgefield, Inc., are remanded to the Presiding Law Judge for his consideration; and

7. *It is further ordered*, That the petition for leave to reply to opposition and reply filed December 17, 1975 by Radio Ridgefield, Inc., is denied; and

8. *It is furtherer ordered*, That the motion to strike filed January 12, 1976 by Westport Broadcasting Company, is granted; and

9. *It is further ordered*, That the third motion to enlarge issues filed on June 13, 1975 by Westport Broadcasting Company, is granted to the extent indicated herein and is denied in all other respects; and

10. *It is further ordered*, That the issues herein are enlarged to include the following:

(a) To determine, in the event the petition filed on September 26, 1975 by Radio Ridgefield, Inc. for leave to amend its application is denied, whether the applicant has reasonable assurance that its proposed antenna site is available.

(b) To determine whether Radio Ridgefield, Inc. complied with § 1.65 of the Commission's rules and regulations with respect to an action of May 1975 of the Board of Selectmen of the Town of Ridgefield; and

11. *It is further ordered*, That the burden of proceeding under issue (a) shall be on Radio Ridgefield, Inc., that the burden of proceeding under issue (b) shall be on Westport Broadcasting Company, and that the burden of proof under both issues shall be on Radio Ridgefield, Inc.

Adopted: February 25, 1976.

Released: March 3, 1976.

FEDERAL COMMUNICATIONS COMMISSION,[13]
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.76-6410 Filed 3-4-76;8:45 am]

[Docket No. 20723; FCC 76-173]

TALTON BROADCASTING CO.

Memorandum Opinion and Order Designating Application for Hearing on Stated Issues

In reference application of Talton Broadcasting Company, Docket No. 20723, File No. BR-872, for renewal of license of Station WHBB, Selma, Alabama.

1. The Commission has before it: (i) The above-captioned application of Talton Broadcasting Company for renewal of license of Station WHBB, Selma, Alabama, filed January 2, 1973; (ii) a timely-filed petition to deny that application from the Dallas County Progressive Movement for Human Rights;[1] (iii) licensee's opposition filed August 8, 1973; (iv) petitioners' reply of September 19, 1973; and (v) various related and responsive pleadings.

2. Petitioners' allegations are threefold: that WHBB has failed to perform as promised in its 1970 renewal application; that during the past license period the station did not adequately serve community needs and interests ascertained in 1970; and that WHBB has not adequately ascertained the needs of its community nor proposed programming responsive to those needs. For the reasons set out below, we shall designate this application for hearing.

PROMISE VS. PERFORMANCE

3. Petitioners assert that in its 1970 renewal application, licensee promised to devote a minimum of five hours (3.7 percent) of its 131-hour broadcast week to public affairs programming, but the composite week in WHBB's 1973 renewal application shows that it devoted just 54 minutes (0.7 percent) of its broadcast time to such programming. They note that this reduction prompted an April 2, 1973 inquiry from the Commission asking the licensee to explain the deviation. In response to that inquiry, the applicant explained that it lost its host for the talk-show, Contact, which was aired for 15 months during 1969 and 1970, and as subsequent hosts were unable to continue the audience appeal of the show, WHBB discontinued the program. The licensee claims, however, that a new program, Viewpoint, was initiated on January 2, 1973. Petitioners contend further that the composite week logs for the 1970–1973 period reflect only 93 public service announcements (PSA's) per week, rather than the minimum 200 promised in its 1970 proposal, a reduction of 53.3 percent.

4. In opposition, WHBB claims that its five-hour public affairs proposal was based on the continuance of Contact, which had to be cancelled. Licensee admits that "as a matter of hind-sight it would have been well-advised" to inform the Commission of this reduction in public affairs programming, but as it did not retain counsel, it was unaware of any obligation to do so. WHBB contends that it has devoted nearly 37 hours (28.1%) of its broadcast week to news, public affairs, and other programming, exceeding its news and "other" commitments by three hours each. The station listed a number of programs demonstrating that it met its public affairs requirement: Viewpoint, a telephone talk show; ABC's "Issues and Answers; Senator Allen Reports; Senator Sparkman Reports"; ABC's "Speaking of Everything (Howard Cosell); Station Editorials; Veterans Column of the Air; and Social Security," local program dealing with Social Security problems. WHBB claims that it programmed 75 minutes per week of public affairs in early 1972 and six hours per week in the first quarter of 1973, as well as covering public issues in its news, religious, and "other" programs.

5. According to WHBB, its problem is "not a paucity of public affairs programming, but rather a chronic misclassification thereof." It cites the following examples of such errors in classification: "Gospel Jubilee," logged as entertainment and religious instead of religious; "Station Editorials," as editorial instead of public affairs/editorial; "Bargain Counter," as entertainment or public affairs rather than as "other"; "What's For Lunch," as public affairs instead of "other"; "Spiritual Hour," as entertainment and religious instead of religious; "Newscast," as public affairs and news instead of news; "Scoreboard," as public affairs instead of sports; and "Morning Farm Reports," as agricul-

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[11] We note in this connection the absence of any indication in Mr. Fossi's affidavit that he led Radio Ridgefield to believe the effect of the May 1975 resolution would be ameliorated at the June meeting.

[12] The facts in this case are different from those in Colorado West Broadcasting, Inc., 56 FCC 2d 583, 35 RR 2d 798 (1975), the case now being reargued by the concurring Board Member. In Colorado West, the Board majority concluded that there was no extended period of time when the applicant understood that it had actually lost the right to construct on its specified site. There was in that case uncontradicted testimony that the lessor of the proposed site immediately agreed to reconsider his decision to withdraw his consent to its use. Subsequently, when a firm decision was made not to lease the site, the applicant promptly purchased it.

[13] Board member Kessler concurring with a separate statement, which is filed as part of the original document. Board member Zias dissenting.

[1] The petition was filed on June 11, 1973 pursuant to extensions of time granted by the Commission as a result of the licensee's failure to complete its renewal application until March 6, 1973.

tural/public affairs instead of agricultural. Licensee asserts that "if the amount of time devoted to the programs incorrectly classified as public affairs were counted as such, WHBB would likely have exceeded the five hours it promised." The station contends that its problems also stem from "the circular non-definition" of public affairs the Commission uses and claims that the adequacy of its programming is a question of "semantics."[2]

6. Regarding its PSA's, WHBB argues that it normally broadcasts over 200 per week, but many of its announcements were included in program segments rather than logged separately as PSA's. It submits affidavits from four persons who state that they made such announcements during their programs, which licensee claims, brings its total to over 200 per week.

7. In reply, petitioners complain of WHBB's "careless, negligent, and inept conduct in the running of the facility and in the preparation of the documents it submits to the Commission." Petitioners point out that WHBB does not show how it computed the percentages of public affairs, news, or other programming it claims to have aired, whether on the basis of the previously incorrectly classified programs or on a new proper classification. Further, news broadcasts are sometimes logged "N" (news) and sometimes "N/PA" (news/public affairs) with no distinction between the two types of seemingly identical programs. They claim also that the same program will be logged differently on the same day, or on different days. For example, "Henry Smiley", logged as both "R" and "N" on October 17, 1971; "American Heritage", "R" on August 10, 1972 and "E" on April 28, 1972; "Alabama Livestock Auction", "A" on December 1, 1971 and "N" on August 10, 1972; "Scoreboard", listed as "PA" on December 1, 1971 and "Sp" on April 28, 1972. Additionally, they claim that most of the programming on November 11, 1972, was logged without any classification at all. Moreover, petitioners contend that WHBB's composite week logs do not reflect 54 minutes of public affairs programs, since "Alabama News, Alabama Weather, and Scoreboard"—amounting to 15 minutes of questionable public affairs—are apparently included in the station's computations.

8. The Commission is concerned with the showing that WHBB has logged certain programs inconsistently and not logged some programming at all. We stated in "Kanawa Broadcasting Co.", 3 RR 1977, 1986 (1948):

> In the great bulk of its action the Commission must act upon the basis of written representations made by applicants, licensee or their counsel, and as a practical matter it is only through reliance upon such representations that the Commission is enabled to discharge properly its statutory duties.

We are particularly concerned where we cannot rely upon a licensee's own records of its past programming, for it is, after all, that record upon which a station must "run" when seeking renewal of its broadcast license. See, "Office of Communication of the United Church of Christ v. FCC", 359 F. 2d 994, 1007 (D.C. Cir. 1966).

9. Here, we have licensee's admission that it made a number of errors in classifying programs in its logs and application. In WHBB's renewal application, as originally filed, Bargain Counter, classified as "P.S.",[3] was the only program listed as responding to community problems in the twelve months preceding the filing of the application. In its amendment of March 6, the applicant also incorrectly classified Community Announcements and What's For Lunch as public affairs. Further, the composite week logs show numerous instances of conflicting and incorrect logging of programs. We further note that in its October 1, 1973 amendment to its application, WHBB still insists on classifying "Bargain Counter" as "PA", even after being told to the contrary by the Commission by letter on April 2, 1973.[4] The Commission cannot condone a pattern of carelessness or inadvertence in preparing applications and pleadings filed with the Commission, nor will we countenance indifference to the Commission's rules. "Beamon Advertising, Inc.", 1 RR 2d 285, 289 (1963). Further, due to these and other such mistakes, the Commission is unable to tell exactly what types of programs were broadcast and how the licensee's estimate of its public affairs and other performance was computed. This consistent inability to properly log its programming, and thereby provide the Commission with adequate information on which we can rely in determining whether renewal of this license will serve the public interest, raises a serious question as to whether WHBB should continue to be entrusted with a license. Thus, we propose to inquire further into this matter in an evidentiary hearing to determine exactly what WHBB programmed and upon what basis it made its representations to the Commission as to the amount of public affairs and other types of programming it performed. Accordingly, an appropriate issue will be specified herein.

10. Although WHBB's logging practices obscure the issue somewhat, we remain greatly concerned with the apparent discrepancy between the amount of public affairs programming promised and that actually performed by the station. The Commission has long held that we consider programming to be the essence of broadcast service. "Report and Statement of Policy Re: Commission En Banc Programming Inquiry," 44 FCC 2303, 25 Fed. Reg. 7291, 7294 (1960). Also, we consider public affairs programming to go to the very heart of meeting the problems, needs and interests of the particular community of service. "Primer on Ascertainment of Community Problems by Broadcast Applicants (Renewal)," 41 FR 1372 (1975) (*Primer II*); see also "Primer on Ascertainment of Community Problems by Broadcast Applicants," 27 FCC 2d 650 (1971) (*Primer I*). Therefore, we give particular scrutiny to any marked diminution in such service performed from that promised, especially so when the discrepancy appears to be as great as that suggested here.

11. As noted, the station promised a minimum of five hours of public affairs programming during a normal week in its 1970 renewal application. As originally filed, WHBB's renewal application reported that only 54 minutes of public affairs programming was performed during the composite week, and petitioners argue that only 40 minutes of that programming was properly logged as public affairs. In an amendment to the renewal application filed in October, 1973, the station claimed that 67 minutes of public affairs was performed during the composite week, and in its opposition pleading the licensee contended that it normally performed 75 minutes per week during 1972. The previously noted condition of the licensee's program logs makes it impossible to determine the exact amount of public affairs programming presented, but even assuming, arguendo, the accuracy of WHBB's claims to have broadcast 75 minutes of public affairs per week in 1972 and 67 minutes during the composite week, the station's performance in this important program category remains far short of that promised in 1970. See "Rust Communications Group, Inc. (WHAM)," 53 FCC 2d 355 (1975).

12. Moreover, we are unpersuaded by the applicant's explanation of the loss of the contact program. Certainly the licensee could have taken some steps to replace the only public affairs program proposed in response to ascertained community needs, amounting to approximately 80 percent of the station's total public affairs commitment. Further, WHBB's September 10, 1975 response to a Commission inquiry shows that Contact was discontinued on April 17, 1970, approximately two weeks after grant of its 1970 renewal application but its replacement, Viewpoint, was not introduced until January 2, 1973, at the time for filing its 1973 renewal application. Thus, virtually no public affairs programming was provided during 141 of the 156 weeks of the license term, and the Commission was not informed of that loss until the filing of the present application. The claim that the applicant did not retain counsel and therefore was unaware of any obligation to inform us of any substantive change in its programming does not excuse its behavior and,

[2] The applicable program classification rule is § 73.112, 47 CFR 73.112. A new definition has been proposed for public affairs, Broadcast Station License Renewal Form, 40 FR 16968, 16970 (1975), but the pendency of this inquiry does not suspend a licensee's obligation to abide by our current classifications to the fullest extent possible.

[3] "P.S." apparently was intended to stand for "public service" programming, which is not one of the accepted classifications in § 73.112 of our rules.

[4] See para. 3, supra.

in fact, seriously questions its ability to meet its obligations under our rules and standards. WHBB affirmed, in response to Question 29 of Section IV–A, of its 1970 renewal application, that it would remain abreast of our rules. Also, this licensee is not new to broadcasting, having participated in different broadcasting capacities since 1946 and having "personally managed" WHBB since 1962. It should be abundantly familiar with the Commission's Rules and the need for keeping informed of them.

13. The licensee filed an amendment to its renewal application on August 8, 1973, noting programs broadcast in response to community problems.[5] Of the 32 programs listed, eight appear to be properly classified as public affairs: "Viewpoint, Issues and Answers, Speaking of Everything, Senator Allen Reports, Senator Sparkman Reports, Veterans Column of the Air, Probe, and Editorials." Because of the variance between this and prior licensee showings, we requested further information on the starting dates of the various programs by letter of July 23, 1975. On September 10, 1975, WHBB responded that: Viewpoint, accounting for five hours per week, began January 2, 1973; Probe, 30 minutes per week began March 18, 1973; "stepped up" editorials commenced in January, 1973; and "Speaking of Everything," 25 minutes per week, started January 21, 1973. Thus, only "Veterans Column of the Air, Issues and Answers, and Senator Sparkman Reports," were aired throughout the entire license period.[6]

14. Also, although licensee affirmed in Section IV–A, paragraph 3B of its application, that its composite week logs "adequately reflect its past programming," in its opposition, WHBB asserts that it has performed substantially more in the area of public affairs that its logs indicate. In judging programming performance at renewal time, it is the composite week showing of a licensee to which the Commission attaches considerable significance by comparison with supplemental showings of its performance selected by the licensee itself. This is because the composite week is chosen and designated by the Commission after expiration of the dates making up each week. Thus, an applicant cannot intentionally tailor its programming for the purpose of enhancing its record of performance. Nor can an applicant pick and choose from its programming that which it considers most favorable to its cause, as may be done in the compilation of a supplemental showing or amended application. "L. B. Wilson, Inc.," 3 RR 2d 61, 72 (1964). Moreover, the best this licensee could do was point to an alleged 75 minutes of public affairs programming per week during 1972 and to the public affairs programs initiated at the time of or shortly after the firing of its renewal application on January 2, 1973.

15. A renewal applicant "must literally run on its record." "Office of Communication of United Church of Christ, supra." Therefore, we will not allow a licensee to disregard its proposals in the hope that it will simply be permited to "upgrade" its performance when called to account. "KORD, Inc.," 31 FCC 85 (1961). We further find the licensee's reliance on the "Mahoning Valley Broadcasting Corp." case, (39 FCC 2d 52 (1972)) is misplaced. There the station performed twelve hours (9.4 percent of its broadcast time) of public affairs programming, substantially more than has been performed by WHBB during the bulk of its license term. Accordingly, in light of all of the above, the Commission feels that we are unable to bestow the degree of confidence in WHBB's fulfillment of past promises that would allow renewal of its license.[7] Thus, an appropriate issue will be designated herein.

16. While we note that WHBB did have a drop in the number of PSA's it proposed to offer, and that this reduction may have been obscured by incorrect logging of them, we do not find the reduction to be sufficiently substantial and material so as to warrant further inquiry; there was no allegation that any individuals or groups requesting such messages were ignored or their PSA's excluded. However, we caution the station that a pattern of failure to provide this service —if it continues to be proposed—could adversely affect any subsequent license renewal.

PAST PROGRAMMING

17. A further question is raised by petitioners as to whether the applicant's programming in the past license term adequately served the problems, needs, and interests ascertained by WHBB in 1970. In its 1970 application, WHBB stated that it had ascertained, interalia, the following needs: lack of adequate housing, better racial communication, ethnic representation in civic and governmental bodies, improvements in the school system, more industry, more local jobs, and better communication between the mass media and law enforcement agencies. Petitioners state that the applicant proposed two programs, besides news coverage, to respond to these needs, Bargain Counter and Contact. However, they allege that only Bargain Counter was broadcast throughout the license term and that program was inadequate to meet ascertained problems.

18. In opposition, WHBB points out that its amended application lists thirty programs responsive to community problems to be broadcast in the coming license period, which had also been aired in the 1970–1973 license period.[8] The station also asserts that it met its public service burden by airing 36 one-minute newscasts and 48–60 three-minute newscasts each week. The licensee further contends that it responded to ascertained problems on its "Probe and Viewpoint" programs; made time available on its "Spiritual Hour" and other religious programs, and broadcast sports events from black schools to meet the need of better racial communication; for a year and a half ran "Alabama Employment Service" weekly to assist in the concern for more local jobs; and had its reporters visit the police station and talk with police officers in order to facilitate better communication between the mass media and law enforcement agencies. WHBB asserts that it met other significant needs by airing the "Miles Hardy" show to meet the community's interest in agriculture and several religious programs to meet the "abiding interest in matters of religion."

19. Based upon the materials before us, we are unable to determine whether WHBB has adequately programmed to meet the problems, needs, and interests ascertained and listed in its 1970 application. In order to qualify for renewal, an applicant must show that it has been responsive to community needs throughout its license term. KORD, Inc., supra. While news programming, and public service announcements may be used to meet community needs, they cannot be relied upon exclusively. Primer I, supra. News programming and station editorials can be useful in meeting some community needs; however, "the applicant's obligation is greater than providing information on community problems." Here, the programs licensee points to in its opposition as having met community needs, Viewpoint and Probe, were not broadcast until the final three months of its license term. Its efforts through the Miles Hardy Show and religious programs to meet the community's interest in agricultural matters and its "abiding interest in matters of religion" are commendable, but neither agriculture nor religion were listed as problems, needs or interests ascertained in 1970.[9] The programs appearing in

[5] The amendment ostensibly reported programs broadcast during the twelve months preceding the filing of the renewal application, and claimed that all listed programs were currently being broadcast.

[6] The station also presented Lifeline until August 31, 1971 when it "became unavailable."

[7] The station claims to have exceeded its proposed minimums in the "news" and "All Other" categories, but our review of the composite week logs indicates that where WHBB promised a minimum of 17 hours per week of news, it performed 17 hours 20 minutes, and where it promised a minimum of 13 hours per week in the All Other category, it performed 11 hours 9 minutes. In light of the previously noted logging problems such computations may not be totally reliable, but they serve to demonstrate that the licensee apparently has not presented "substantially" more news and other programming as claimed.

[8] The amendment referred to was filed August 8, 1973, concurrent with the filing of the applicant's opposition pleading. See also discussion of this amendment in paragraph 13, supra.

[9] An agricultural or religious program, of course, may meet needs other than those labelled "agricultural" or "religious," e.g., hypothetically, a "need" for more farm loan funds or a "problem" of religious discrimination arising from misinformation and misunderstanding. However, licensee has not demonstrated any such problem-program link.

WHBB's composite week—Veterans Column of the Air, Issues and Answers, Senator Sparkman Reports, and Lifeline—because they are apparently focused at the national or state level, also seem less than responsive to the various uniquely local problems ascertained in 1970 and we have no indication as to how they might have addressed those problems or other community problems as ascertained during the license term. Thus, we are unable to determine that licensee's programming during the entire license period was responsive to the community's needs, and an appropriate issue will be designated herein.

ASCERTAINMENT

20. Petitioners allege that the applicant has inadequately ascertained the problems, needs, and interests of its community by interviewing only 27 leaders, none truly representing agricultural or educational interests. More specifically, they assert that: of the four persons listed as representing agricultural interests, none derives his or her principal income from farming; even though Mr. Talton, the owner of WHBB, is on the local School Board, that is not sufficient contact with educational problems; and only six of the 27 persons interviewed (22.2 percent) were black in a county where blacks constitute 52.3 percent of the population. Petitioners further allege that of the 112 persons identified by the Dallas County Chamber of Commerce as leaders of the community's major organizations, only four were interviewed by WHBB. They also argue that contact with only one military leader was insufficient where the local Air Force base accounts for $30 million per year to the local economy and employs some 3,000 of the approximately 20,000 persons in the area's workforce.

21. Petitioners challenge the licensee's general public survey, contending that WHBB failed to indicate that the survey was randomly conducted to reach a fair cross-section of the community, and that contact with only 15 members of the general public was too small to yield a fair sampling of public opinion in the community. Petitioners further allege that none of those consulted were farmers, members of the military, or students, and only two (13.3 percent) were black in a community with black population of over 50 percent. Petitioners also contend that the licensee may have misrepresented the status of two alleged students contacted in its surveys. Petitioners point out that one was a part-time student and the second was initially identified by the licensee as a store employee.

22. Regarding its ascertainment effort, the applicant states that it interviewed 27 community leaders and 15 members of the general public and ascertained 38 needs. Further, WHBB claims that its leader and general public surveys resulted in contacts with a representative cross-section of the community, including eight blacks and four representatives of the agricultural community. As its president and general manager is a member of the Selma School Board, the licensee believed that it was fully aware of all problems relative to the operation of the city school system. However, WHBB did conduct a supplemental ascertainment, submitted August 8, 1973, covering 80 community leaders, including 26 blacks, and a random survey of 115 members of the general public, 42.6 percent black, and 47.8 percent women.

23. In reply, petitioners argue that WHBB's behavior in amending its ascertainment several months after it reasonably should have been on notice that it was under scrutiny from both the Commission and the public raises an issue as to the carelessness or lack of candor of the station. They claim that WHBB has done as little as possible to meet the Commission's basic requirements "with a minimum of effort."

24. Initially, we note that as originally filed on January 2, 1973, WHBB's renewal application contained no information on the licensee's efforts to ascertain the problems of its community. The ascertainment against which petitioners' allegations were directed was filed as an amendment to the application on March 6, 1973. Questions regarding the adequacy of that submission were raised by the Commission's inquiry of April 2, 1973, and the station responded to that letter by amendment dated April 30, 1973. WHBB's ascertainment was again amended, concurrent with the filing of the licensee's opposition pleading, on August 8, 1973. The station's ascertainment efforts reflected in its application prior to August 8, 1973 were arguably inadequate under Primer I, supra, although we do not reach that question here. However, any faults appear to have been corrected in the applicant's amendment of August 8, 1973.

25. We are concerned by the inadequacy of WHBB's original submission and the fact that it had to labor through a series of amendments in order to perfect its ascertainment. Section 1.522 of the Commission's Rules provides, in pertinent part, that "* * * any application may be amended as a matter of right prior to the adoption date of an order designating such application for hearing." Moreover, the courts have stated:

> (I)t was not harmful to the public interest to allow a licensee to submit an amendment to its prospective ascertainment findings, even after a Petition to Deny has been filed. Stone v. FCC 466 F. 2d 316 at 331 (D.C. Cir. 1972) reh. denied, 466 F. 2d 331 (1972).

Petitioners "must show instead that even after the amendment a substantial and material question of fact still existed." Id. at 324. This, petitioners have failed to demonstrate. Ascertainment is a prospective effort, and petitioners here seem to have succeeded in ensuring that WHBB conduct an adequate ascertainment of its community. See Stone v. FCC, supra. In this regard, WHBB has sufficiently contacted a representative cross-section of its community of service to ascertain problems, needs, and interests, and proposed programming to meet a number of those problems. CBS, Inc., 46 FCC 2d 903, 907 (1974). Accordingly, we find no question requiring hearing raised on this issue.

PROPOSED PROGRAMMING

26. Petitioners charge that the licensee's 1973 renewal application does not show how its proposed programs will meet ascertained community needs, claiming that the station's programming proposals are inadequately specific in stating which ascertained needs the proposed programs are intended to serve. They contend that to meet 36 of the 38 needs listed by WHBB, the station proposes only four categories of programs. For these four categories—local news, telephone talk shows (Viewpoint), editorials "when determined necessary," and Probe—petitioners claim that no information is given to indicate specifically how they will meet all of the 36 ascertained needs. Other proposed programs, taken from WHBB's 1973 renewal application, include: five ABC network programs; five-minute weekly reports from Alabama's two United States Senators; five agricultural programs totalling fifty minutes per week; classified ads; a daily school lunch program; sports telecasts; weather; and a veterans' show. Petitioners argue that this listing of general programs fails to meet the Primer's requirements of proposing programs specifically designed to meet community needs, and to indicate specific needs to be served by individual programs. They further claim that none of the programs proposed will in any way meet the two major needs listed—improving black news reporting and bettering race relations.

27. WHBB's renewal application, as amended, on August 8, 1973 proposes programming in response to specifically enumerated community problems. The licensee's program proposals, as set forth in that amendment, appear to be reasonably attuned to the problems ascertained. In reaching this conclusion, we are mindful of WHBB's previously discussed performance during the 1970–1973 license term. Therefore, in spite of its supplemental showing of December 1, 1975 indicating that the station has performed as promised since 1973, we remain cautious in bestowing our confidence in this licensee. Nevertheless, the facts presented in this case establish no substantial or material questions regarding proposed programming, and a hearing on that issue is therefore not required. See "New Mexico Broadcasting (KGGM–TV)," 54 FCC 2d 126, 142–43 (1975).

28. When the past performance of a licensee seems to be in conflict with the public interest, a very heavy burden rests on the applicant to show how renewal can be reconciled with the public interest. A renewal applicant must literally "run on his record." "Office of Communication of United Church of Christ v. FCC, supra." Thus, in light of the above, the Commission finds that an evidentiary hearing is required to resolve the issues raised.

29. *Accordingly, it is ordered,* That, pursuant to section 309(e) of the Com-

munications Act of 1934, as amended, the application of Talton Broadcasting Company as supplemented on December 1, 1975 is designated for hearing at a time and place to be specified in a subsequent Order, upon the following issues:

(1) To determine whether Talton Broadcasting Company mislogged programs in violation of § 73.112 of the Commission's rules, or was otherwise careless or inadvertent in preparing programming materials for submission to the Commission in conjunction with its application for renewal of license of WHBB;

(2) To determine whether Talton Broadcasting Company made reasonable and good faith efforts to carry out its Public Affairs programming proposals set forth in its 1970 application for renewal of license of Station WHBB during the 1970–73 license term;

(3) To determine whether Talton Broadcasting Company's non-entertainment programming (i.e., News, Public Affairs, and Other) of Station WHBB was reasonably responsive to the community problems, needs and interests during the 1970–73 license term;

(4) To determine, in light of the evidence adduced under the above issues, whether Talton Broadcasting Company has the requisite qualification to be or remain a Commission licensee, and whether a grant of the application would serve the public interest, convenience and necessity.

30. *It is further ordered,* That the Dallas County Progressive Movement for Human Rights is made a party respondent to this proceeding.

31. *It is further ordered,* That in accordance with section 309(e) of the Communications Act of 1934, as amended, the burden of proceeding with the introduction of evidence shall be on the Dallas County Progressive Movement for Human Rights as to Issues (1) through (3), since it raised these questions initially and since it appears that the information upon which it will rely is not inaccessible to it. The burden of proof with respect to all Issues herein shall be upon Talton Broadcasting Company.

32. *It is further ordered,* That, to avail themselves of the opportunity to be heard, Talton Broadcasting Company and the party respondent, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall within twenty (20) days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

33. *It is further ordered,* That Talton Broadcasting Company shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing within the time and manner prescribed in such rules, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: February 19, 1976.

Released: March 4, 1976.

FEDERAL COMMUNICATIONS COMMISSION,[10]
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.76-6411 Filed 3-4-76;8:45 am]

TV TRANSLATOR APPLICATIONS READY AND AVAILABLE FOR PROCESSING

Notice is hereby given pursuant to sections 1.572(c) and 1.573(d) of the Commission's rules, that on April 13, 1976, the TV translator applications listed in the attached Appendix will be considered as ready and available for processing. Pursuant to section 1.227(b) and section 1.591(b) of the Commission's rules, an application, in order to be considered with any application appearing on the attached list or with any other application on file by the close of business on April 12, 1976, which involves a conflict necessitating a hearing with any application on this list, must be substantially complete and submitted for filing at the offices of the Commission in Washington, D.C., by the close of business on April 12, 1976.

The attention of any party in interest desiring to file pleadings concerning any pending TV translator application, pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, is directed to section 1.580(i) of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

Adopted: February 25, 1976.

Released: March 1, 1976.

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

UHF TV TRANSLATOR APPLICATIONS

BPTT-2964: K76AU, Wheeler County, Tex. Wheeler County Translator System, Inc. Req: To change primary TV station to KFDA-TV, Ch-10, Amarillo, Tex.

BPTT-2965: K81AR, Cheyenne and Reydon, Okla. Roger Mills Translator System. Req: To change primary TV station to KFDA-TV, Ch-10, Amarillo, Tex.

VHF TV TRANSLATOR APPLICATIONS

BPTTV-5478: K11LH, Tierra Amarilla, N. Mex., KOAT Television, Inc. Req: To add Chama, Brazos, and Parkview, N. Mex., to present principal community.

BPTTV-5479: New, Douglas/Juneau, Alaska, Midnight Sun Broadcasters, Inc. Req: Channel 13, 10 watts., Primary: KINY-TV, Juneau, Alaska.

BPTTV-5480: New, Lund and Preston, Nev., White Pine Television District No. 1. Req: Channel 3, 10 watts. Primary: KLAS-TV, Las Vegas, Nev.

BPTTV-5481: New, Lund and Preston, Nev., White Pine Television District No. 1. Req: Channel 6, 10 watts. Primary: KLVX(TV), Las Vegas, Nev.

BPTTV-5482: New, Upper Grasshopper Valley and Polaris, Mont., Grasshopper TV Association. Req: Channel 9, .25 watt. Primary: KAVM(TV), Missoula, Mont.

BPTTV-5483: New, Highlands, N.C., Wometco Skyway Broadcasting Co., Req: Channel 10, 1.0 watt. Primary: WLOS-TV, Asheville, N.C.

BPTTV-5502: New, Sourdough Pipeline Camp, Alaska, Northern TV Inc. Req: Channel 7, 10 watts. Primary: KFAR and KTVF, Fairbanks, Alaska.

BPTTV-5503: New, Atlantic, Richfield Co. Base Camp and Prudhoe Bay, Alaska, Northern TV Inc. Req: Channel 10, 10 watts. Primary: KENI and KTVA, Anchorage, Alaska.

BPTTV-5506: New, Camp Lonely, Alaska, Northern TV Inc. Req: Channel 7, 10 watts. Primary: KENI and KTVA, Anchorage, Alaska.

[FR Doc.76-6415 Filed 3-4-76;8:45 am]

WAIVER TO PERMIT AMATEUR TV REPEATERS

The Commission, by Chief, Safety and Special Radio Services Bureau, has waived § 97.61(c) of the Commission's rules for a period of 1 year to permit operation of fast-scan amateur television repeater stations outside of the subbands normally reserved for repeater operations in the 450 MHz amateur band.

On January 25, 1974, the Commission issued a six month Special Temporary Authorization which waived § 97.61(c) of the Rules governing the Amateur Radio Service to permit operation of fast-scan television repeater station WR4AAG in the 450 MHz band. The station is used to retransmit television signals of other amateur television stations throughout the Washington, D.C., area, for the purpose of gathering experimental data concerning the feasibility of fast-scan television repeater operations at 450 MHz. The Special Temporary Authority waiving § 97.61(c) was renewed several times subsequent to its issuance, with the most recent renewal set to expire on March 3, 1976. A petition for rulemaking to allow regular operation of this station, RM-2507, was filed on January 16, 1975. The Commission now has that petition under consideration, as well as several other requests of a similar nature. Pending formal consideration of these petitions, and pending implementation of a formal frequency coordinating mechanism within the Amateur Radio Service which would oversee the frequency selections of all repeater stations, the Commission is waiving § 97.61(c) for a period of 1 year to permit continued experimentation in this mode of operation. Any licensed amateur repeater station operating in the 450 MHz band may conduct such tests without prior Commission approval. This waiver is effective February 27, 1976. Authority

[10] Commissioners Wiley, Chairman; and Quello concurring in the result.

for this waiver is contained in § 0.331 of the Commission's Rules.

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

[FR Doc.76-6412 Filed 3-4-76;8:45 am]

WORLD ADMINISTRATIVE RADIO CONFERENCE (WARC) ADVISORY COMMITTEE FOR THE CITIZENS RADIO SERVICE

Meeting

In preparation for the 1979 World Administrative Radio Conference (WARC), the next meeting of the WARC Advisory Committee for the Citizens Radio Service will be held in Conference Room 8210, Federal Communications Commission, 2025 M Street, NW., Washington, D.C. 20554 on March 15, 1976 at 10 a.m. All individuals interested in the work of this WARC Advisory Committee are invited to attend.

The agenda for the March 15, 1976 meeting will be as follows:

1. Call of the Agenda
2. Opening Remarks by the Chairman
3. Task Force Progress Reports
4. Discussion of Formal Frequency Requirements and Justification Reports
5. Assignment of Tasks for Preparation of Formal Working Group Report
6. Other business
7. Adjournment

OMB Circular A-63 requires that public notice of all Advisory Committee meetings be given at least 15 days in advance of the meeting. The Federal Communications Commission is aware that less than 15 days advance notice is being given of the March 15, 1976 meeting of the Citizens Radio Service Advisory Committee. However, because of the protracted illness of the Committee's Chairman, the requirement that 15 days advance notice of all meetings be given could not be met in this instance.

The March 15, 1976 date for this meeting of the Citizens Radio Service Advisory Committee was set by the Committee at its last meeting, on January 13, 1976. Most Committee members, including the chairman of all three task forces, occupy positions which have required them to make arrangements for attending the March 15, 1976 meeting many weeks in advance. In addition, because the deadline for submission of the final Committee report is approaching rapidly, it is absolutely essential that the March 15, 1976 meeting be held as scheduled. Accordingly, in view of the foregoing, the Commission's Advisory Committee Management Officer has determined that an emergency situation exists and that the public interest will be best served by permitting the Citizens Radio Service Advisory Committee to meet as scheduled on March 15, 1976.

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

[FR Doc.76-6401 Filed 3-4-76;8:45 am]

FEDERAL HOME LOAN BANK BOARD

MEETING

MARCH 2, 1976.

Pursuant to Section 10(a) of Public Law 92-463, entitled the Federal Advisory Committee Act, notice is hereby given of the meeting of the Federal Savings and Loan Advisory Council on Monday, Tuesday, and Wednesday, March 29, 30, 31, 1976. The meeting will commence at 9 a.m. on March 29, at 9:00 a.m. on March 30, and at 9 a.m. on March 31 at the Madison Hotel, 15th & M Streets, N.W., Washington, D.C., in the Arlington Room.

MONDAY, MARCH 29

9:30 a.m.— GNMA pass through securities eligibility for liquidity.
Debt limitations for first and second tier service corporations.
Joint venture debt limitation vis-a-vis limited partnership.
Sales of loans with recourse.

2 p.m.— Federal Home Loan Bank Board objectives for 1976.
Federal Home Loan Bank System relationship to community development.
Impact of inflation on savings and loan industry, part 7.
Proposed amendment relating to satellite offices.
Merger policy.
FASB accounting standards for distressed real estate.
Condominium and apartment valuation.
Construction loan terms.

TUESDAY, MARCH 30

9 a.m.— Continued discussion of Monday afternoon topics.

2 p.m.— General discussion.

WEDNESDAY, MARCH 31

General discussion.

GARTH MARSTON,
Acting Chairman.

[FR Doc.76-6433 Filed 3-4-76;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. ER76-445]

BOSTON EDISON CO.

Order Accepting for Filing and Suspending Revised Fuel Adjustment Clause

FEBRUARY 27, 1976.

On January 2, 1976 as completed on January 30, 1976, Boston Edison Company (Edison) tendered for filing certain revised tariff sheets[1] which contained a new fuel adjustment clause for certain of Edison's all requirements customers.[2] The new fuel adjustment clause (FAC) is in purported compliance with Section 35.14 of the Commission's Rules and Regulations as amended by Order No. 517.[3] The new FAC uses a new base cost of fuel and bills on estimated fuel costs in the current month (adjusted to actual costs in latter months). The old FAC billed customers for fuel costs based upon a two month lag. Edison alleges that these two changes require a change in the basic energy charge to these customers and a surcharge designed to collect fuel costs which Edison alleges will not otherwise be recovered. Edison states that in changing from a two month lag FAC to a current month FAC it loses the opportunity to collect increases in fuel costs during the last two month lag period. Accordingly, Edison seeks to recover those alleged costs through the use of the surcharge.

Notice of the filing was issued January 14, 1976. Concord, Norwood, and Wellesley filed a response to the pleading in which they urge that Edison's filing be rejected and further that Edison ordered to "file a straight forward complying fuel clause pursuant to the express dictates of Order No. 517." However, they do not petition to intervene. Reading does. Reading also protests the filing and requests that it be rejected or moves for summary disposition.

Customers have alleged that the filing amounts to an unsupported rate increase in the guise of a FAC filing. Further they object to the form of the clause in that it uses current estimated costs rather than actual costs on a lag basis. Customers assert that such use of estimated costs is a violation of Section 35.14 of the Commission's Regulations. The surcharge is attacked as a form of retroactive ratemaking. Finally, questions are raised concerning the validity of Edison's computations of base costs and amounts in the deferred fuel account.

The Commission will accept Edison's filing and assign to it a proposed effective date of February 29, 1976 (30 days after filing). Due to the issues of fact and law raised by the filing which require an evidentiary hearing, Readings' motion to reject and for summary disposition shall be denied. The Commission will suspend the effectiveness of Edison's filing until March 1, 1976 and order hearings upon the justness and reasonableness of the revised tariff sheets.

The Commission finds: (1) Edison's filing should be accepted for filing and suspended until March 1, 1976, to become effective subject to refund.

(2) Reading's motion for rejection or summary disposition should be denied.

The Commission orders: (A) Edison's filing is hereby accepted for filing and suspended until March 1, 1976, to become effective subject to refund.

[1] Third Revised Sheet Nos. 11, 12, and 13 to Rate Schedule FPC Nos. 47, 48, 49 and 51.

[2] The customers are the Towns of Concord, Norwood, Reading, and Wellesley (collectively, Customers).

[3] Issued November 13, 1974.

(B) Reading's motions to reject or for summary disposition are hereby denied.

(C) Edison shall file its direct case in support of the revised tariff sheets filed herein on April 1, 1976.

(D) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at an initial conference in this proceeding on April 20, 1976 at 10:00 A.M., in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426. Said Presiding Administrative Law Judge is hereby authorized to establish all procedural dates for this proceeding and to rule upon all motions (except petitions to intervene, motions to consolidate and sever, and motions to dismiss, as provided for in the Rules of Practice and Procedure).

(E) The above-mentioned petitioners are hereby permitted to intervene in this proceeding, subject to the Rules and Regulations of the Commission; *Provided, however,* that the participation of such intervenors shall be limited to matters affecting the rights and interests specifically set forth in the respective petitions to intervene; and *Provided, further,* that the admission of such intervenors shall not be construed as recognition that they or any of them might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(F) Nothing contained herein shall be construed as limiting the rights of parties to this proceeding regarding the convening of conferences or offers of settlement pursuant to Section 1.18 of the Commission's Rules of Practice and Procedure.

(G) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.76-6366 Filed 3-4-76;8:45 am]

[Docket No. ER76-495]

CAROLINA POWER & LIGHT CO.

Order Accepting for Filing and Suspending Proposed Rate Changes

FEBRUARY 27, 1976.

On January 30, 1976, Carolina Power & Light Company (CP&L) tendered for filing proposed changes in its FPC Electric Tariff Original Volume No. 1[1] for its wholesale customers[2] consisting of a proposed Resale Service Schedule RS-11, a proposed Resale Fuel Adjustment Clause Rider No. 2, which CP&L states conforms to Section 35.14 of the Commission's Regulations, a proposed Resale Temporary Rider No. 3, and a revised Index of Purchasers.

CP&L's proposed Resale Service Schedule RS-11 would increase the monthly charges now being collected under Resale Service Schedule RS-10[3] by the following amounts: an increase of $35 in Customer Charge, an increase of $2.15 per kW in the Demand Charge for the first 45,000 kW and an increase of $2.30 per kW in the Demand Charge for excess demand, and an increase in the Energy Charge of 0.46¢ per kWh.

In addition to these revised changes, CP&L proposes, under Resale Temporary Rider No. 3 to proposed Rate Schedule RS-11, to place into effect a temporary surcharge of .088¢ per kWh to defray what CP&L describes as "deferred fuel expense attributable to system resale operations as of the effective date of Rate Schedule RS-11." CP&L estimates that this Temporary Rider No. 3 will apply for a period no longer than 12 months.

The fuel adjustment clause tendered by CP&L is designed to supersede the fuel adjustment rider which was filed in Docket No. ER76-338.

CP&L's proposed rates would increase revenues for the 12-month test period ending December 31, 1976 by approximately $33,568,882, or 34.0%. CP&L requests an effective date of March 1, 1976 for the proposed charges.

Notice of CP&L's January 30, 1976 filing in this docket was issued on February 11, 1976 with all comments, protests or petitions to intervene due on or before February 25, 1976. On February 23, 1976, a Protest, Petition to Intervene and Motion To Reject was filed on behalf of the ElectriCities of North Carolina and the Cities of Bennetsville and Camden, South Carolina (ElectriCities). A Protest, Petition to Intervene and Motion To Reject in Part was also filed on that day on behalf of the North Carolina Electric Membership Corporation (NC.EMC) and Four County Electric Membership Corporation (Four County EMC).

The ElectriCities, in their petition, request that CP&L's filing be rejected on the ground that the filing does not comply with Section 35.13(b) of the Commission's Regulations. The ElectriCities allege that CP&L's filing does not provide the monthly system peaks as is required to be provided in Statement M of Period II. Our review of CP&L's filing reveals that while the necessary monthly system peak data is not included in Statement M, the data has been included in CP&L's Workpapers filed in support of its application.[4] We shall therefore deny the motion to reject for failure to supply the system monthly peak data.

The ElectriCities additionally state as grounds for rejection of CP&L's filing the following bases: (a) that the proposed rates are predicated on improper billing demand revenues due to a failure to use actual historic ratcheted demands; (b) that the proposed rates are predicated on changes in depreciation rates which have not been authorized by the Commission; (c) that the filing provides for an illegal retroactive rate increase resulting from the fuel deferral surcharge which would reach back into a moratorium period; and (d) that the filing reflects comprehensive interperiod tax normalization without providing any of the justification required by Opinion No. 530-A. These latter three contentions have also been cited on behalf of the EMC's as bases to reject CP&L's filing.

With respect to the issue of CP&L's increased depreciation rates reflected in its filing both the ElectriCities and the EMC's content that Section 302 of the Federal Power Act requires than an increase in depreciation must be approved prior to the time it may be reflected in a company's rate filing and that the rate may only be permitted to be utilized prospectively from the Commission's finding. It is our view that the intervenors' reading of Section 302 of the Federal Power Act is too restrictive. Nothing in that section prohibits rates utilizing an increased depreciation rate from being permitted to become effective subject to refund. On the contrary, the suspension of such rates permits this Commission, after a hearing to prescribe the proper depreciation level and afford the ratepayers protection from excess depreciation charges by requiring appropriate refunds. We shall not therefore reject CP&L's rate filing on the ground that it incorporates an increased depreciation rate but rather set the issue of the proper depreciation level as an issue to be tried in this proceeding.

With respect to the propriety of CP&L's inclusion of Resale Temporary Rider No. 3 to its proposed rate schedule which would place into effect a temporary surcharge to recover deferred fuel expense, both the ElectriCities and the EMC's contend the Rider to be unlawful. The intervenors point out that in Opinion No. 717[5] the Commision found that CP&L had not made a showing of an emergency which would justify the lifting of the rate moratorium in effect until January 1, 1975 to permit its proposed fuel adjustment clause to become effective. The intervenors contend that the effect of the present Rider would permit CP&L to collect through its surcharge fuel costs attributable to the period protected from rate increases by the rate moratorium. Our review of the proposed surcharge as well as the Company's testimony on this issue does not [conclusively] establish that the proposed surcharge will operate so as to permit the recovery of costs incurred in 1974. We note that the surcharge would become effective concurrently with the effective date of Rate Schedule RS-11 and would purportedly operate to collect deferred fuel costs associated with the two months prior to this effective

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[1] Revised Sheet Nos. 5-8, Original Sheet No. 8a, and Revised Sheet Nos. 21-24 of FPC Electric Tariff Original Volume No. 1.

[2] The wholesale customers consist of 18 rural electric cooperatives, 24 municipal and 2 private electric system sales-for-resale customers.

[3] These rates are presently being collected subject to refund in Docket No. E-8884.

[4] See Volume V of CP&L's filing containing Workpapers for Period II—1976, 3rd Section—Operating Expenses 1976, pp. 19-22.

[5] *Carolina Power & Light Company,* Docket No. E-8881, issued December 17, 1974.

date. The intervenors have not shown that costs incurred more than a year prior to the effective date of the surcharge will be recovered through its operation. We find therefore that the proposed surcharge and its operation to be a proper subject for investigation in an evidentiary proceeding rather than summary rejection.

On the issue of CP&L's utilization of comprehensive interperiod tax allocation our review of CP&L's filing indicates that the Company has normalized the tax effect of a class of items covered by Order No. 530 without making the requisite showing that a tax deferral rather than a tax saving would result from normalization. Such a showing is necessary to sustain the requested treatment. As was stated in Order No. 530–A:[6]

[W]e of course would require a showing by the utility requesting normalization of the tax effect of a class of items covered by Order No. 530 (such as differences between tax and book lives of property) that a tax deferral rather than a tax savings would occur and that tax normalization, with respect to that class of items, is therefore appropriate. Thus, prior to receiving normalized rate treatment with respect to a class of items, a showing of tax deferral must be made with respect to that class of items. (Slip Opinion at 6)

In view of this failure of CP&L to show that the normalization will result in a tax deferral, we shall grant the intervenors' request to summarily dispose of this issue and require C&PL to file, within thirty days of the issuance of this order, revised tariff sheets reflecting the elimination of normalization of taxes for those items wherein CP&L utilized this treatment.

The intervenors in their pleadings have additionally pointed out several basis for their conclusions that CP&L's proposed rates are unjust and unreasonable and seek, in the event the Commission does not reject the filing, a five-month suspension period.[7] With the exception of the "price squeeze" issue[8] it is our opinion that the allegations are proper items for an evidentiary hearing.

Our review of CP&L's filing and the pleadings filed on behalf of the intervenors indicates that the proposed rate levels have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or otherwise unlawful. Accordingly, we shall accept CP&L's proposed changes for filing, suspend their use for two months to become effective May 1, 1976, subject to refund. and we shall establish hearing procedures to determine the justness and reasonableness of CP&L's filing.

The Commission finds: (1) It is necessary and proper in the public interest and to aid in the enforcement of the Federal Power Act that the Commission enter upon a hearing concerning the lawfulness of the proposed changes tendered for filing by CP&L on January 30, 1976 and that such proposed changes be accepted for filing and suspended as hereinafter ordered.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the Federal Power Act that CP&L be required to file, within 30 days of the issuance of this order, revised tariff sheets reflecting the elimination of normalization of taxes utilized in its filing.

(3) Good cause has been shown to grant the petitions to intervene filed on behalf of the ElectriCities and the EMC's.

(4) Good cause has not been shown to grant intervenors' motion to reject CP&L's January 30, 1976 filing.

The Commission orders: (A) Pending a hearing and a final decision thereon, CP&L's proposed changes in its FPC Electric Tariff Original Volume No. 1 tendered on January 30, 1976 are hereby accepted for filing, suspended for two months, and the use thereof deferred until May 1, 1976, when the proposed changes shall become effective subject to refund.

(B) An initial conference in this proceeding will be held at 10:00 A.M., April 22, 1976, at the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)) shall preside at the hearing in this proceeding, with authority to establish and change all procedural dates, and to rule on all motions (with the sole exception of petitions to intervene, motions to consolidate and sever, and motions to dismiss, as provided for in the Rules of Practice and Procedure).

(C) CP&L shall file, within 30 days of the issuance of this order, revised tariff sheets reflecting the elimination of normalization of taxes utilized in its filing.

(D) The ElectriCities and the EMC's are hereby permitted to intervene in this proceeding, subject to the Rules and Regulations of the Commission; *Provided, however*, that participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in their petition to intervene; and *Provided, further*, that the admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(E) The intervenors' motion to reject CP&L's filing is hereby denied.

(F) Nothing contained herein shall be construed as limiting the rights of parties to this proceeding regarding the convening of conferences or offers of settlement pursuant to Section 1.18 of the Commission's Rules of Practice and Procedure.

(G) The Secretary shall cause prompt publication of this order to be made in the Federal Register.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.76-6368 Filed 3-4-76;8:45 am]

[6] Issued January 19, 1976.

[7] Comments were filed by Honorable Walter Jones, M.C., on February 23, 1976, requesting the Commission suspend the rate increase for 5 months.

[8] We note that this Commission has consistently held that it must utilize a cost plus fair return standard for establishing the justness and reasonableness of wholesale rates and does not have authority under the Federal Power Act to set wholesale rates on the basis of retail rates over which it has no jurisdiction. We shall therefore limit this proceeding so as to exclude consideration of the "price squeeze" issue. We are aware of the decision in *Conway Corporation* v. *F.P.C.*, 510 F. 2d 1264 (1975). The Court in *Conway*, however, stayed its mandate pending appeal by the Commission, and our petition for writ of certiorari was granted by the Supreme Court, *F.P.C.* v. *Conway Corp.*, —— U.S. ——, 44 U.S.L.W. 3270 (1975).

[Docket Nos. RP73-65; PGA76-3]

COLUMBIA GAS TRANSMISSION CORP.

Order Accepting for Filing and Suspending Proposed Purchase Gas Cost Adjustment, Subject to Conditions, Etc.

FEBRUARY 27, 1976.

On January 15, 1976, Columbia Gas Transmission Corporation (Columbia) tendered for filing a proposed PGA rate adjustment[1] to become effective March 1, 1976, to reflect (1) an increase of 2.2¢ per Mcf or $23.7 million annually in the cost of gas purchased from pipeline and producer suppliers and (2) revised surcharges to amortize the negative balance of $1.8 million in the Unrecovered Purchased Gas Cost Account.

Public notice of Columbia's filing was issued on January 21, 1976, with protests or petitions to intervene due on or before February 10, 1976.

We note that this filing contains producer purchases by Columbia in Ohio which are alleged to be intrastate. By order issued February 28, 1975, in Docket Nos. RP73–65 (PGA75–5), we ordered an investigation to determine the propriety of including such purchases in Columbia's PGA rate adjustments. Accordingly, we shall make the determination of that issue in this proceeding subject to the outcome of that issue in Docket Nos. RP-73–65 (PGA75–5).

We further note that the proposed tariff sheets reflect purchases from Transcontinental Gas Pipe Line Corporation (Transco) at rates which have been, in part, disallowed by our order issued on January 30, 1976, in Docket Nos. RP75–75 (AP76–5). Accordingly, we shall direct Columbia to file within 20 days of the issuance of this order revised tariff sheets reflecting the proper Transco rates.

Our review of Columbia's filing indicates that the rates included therein are based in part on small producer and 60 day emergency purchases in excess of the rate levels prescribed in Opinion Nos. 742

[1] Designated: Twenty-Seventh Revised Sheet No. 16 and Eleventh Revised Sheet No. 64A to FPC Gas Tariff, Original Volume No. 1.

and 699–H, respectively. Therefore the proposed rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or otherwise unlawful. Accordingly, we shall accept the proposed tariff sheets for filing and suspend their effectiveness for one day until March 2, 1976, when they shall become effective subject to refund, as hereinafter ordered and conditioned.

With regard to the issue of the small producer purchases described above other than those small producer purchases made pursuant to the Commission's emergency sales regulations, we shall defer establishing a hearing schedule for this matter pending Commission action on rehearing of Opinion No. 742 [2] and the proposed rulemaking in Docket No. RM76–5.[3]

Notwithstanding our deferral of a procedural schedule on the small producer issue, Columbia shall file within 15 days of the date of this order, a list of the small producers, other than small producers making emergency sales, reflected in the instant filing in excess of the "130% formula" rates.

With regard to the 60-day emergency purchases the Commission noted in Opinion No. 699–B [4] that a pipeline would be entitled to include in its purchased gas costs a rate for such purchases "which a reasonably prudent pipeline purchaser would pay for gas under the same or similar circumstances." To assist in Commission review of the 60-day emergency purchases and in determining whether a public hearing is necessary thereon, Columbia shall be required to file and serve on all its customers and interested state commissions within thirty days of the issuance hereof the following information: (1) the pipeline's need for the gas, (2) the availability of other gas supplies, (3) the amount of gas purchased under each 60-day transaction, (4) a comparison of each emergency purchase price with appropriate market prices in the same or nearby areas, and (5) the relationship between the purchaser and the seller. Upon receipt of this information, it will be duly noticed for receipt of comments with respect thereto. If upon review of the information filed and any comments related thereto we find the criterion set forth in Opinion No. 699–B has been met the Commission shall terminate the proceedings and relieve Columbia of its refund obligation. Should our review of the information and any comments related thereto indicate that further proceedings are required as to any or all of the 60-day emergency purchases they would be established by subsequent order. Our review of Columbia's claimed increased purchased gas costs indicates that they comply with the standards set forth in Docket No. R–406 with the exception of: (1) those claimed increased costs associated with that portion of small producer and emergency purchaser in excess of the rate levels prescribed by the "130% formula" and Opinion 699–H, as applicable and; (2) those costs associated with the Ohio "intrastate" purchases. Accordingly, we shall permit Columbia to file revised tariff sheets, to become effective March 1, 1976, reflecting elimination of the costs discussed in (1) and (2) above, as hereinafter ordered and conditioned.

The Commission finds:

(1) It is necessary and appropriate to aid in the enforcement of the Natural Gas Act that hearing procedures on the issue of small producer purchases other than those small producer purchases made pursuant to the Commission's 60-day emergency sales regulation be deferred pending further Commission order, and that the revised tariff sheets listed in footnote 1 be accepted for filing and suspended for one day, to become effective March 2, 1976, subject to refund, and subject to the condition in Finding Paragraph (2) below.

(2) Good cause exists to require Columbia to file within 20 days of the issuance of this order revised tariff sheets reflecting the proper supplier rates for Transco.

(3) It is necessary and appropriate to aid in the enforcement of the Natural Gas Act that Columbia be permitted to file, to become effective March 1, 1976, revised tariff sheets reflecting the elimination of (a) purchased gas costs associated with that portion of small producer and emergency purchases in excess of the rate levels established in Opinion Nos. 742 and 699–H, as appropriate and (b) those costs associated with Ohio "intrastate" purchases and reflecting the current supplier rates from Transco.

(4) With the exceptions noted in Finding Paragraphs (2) and (3) above, the claimed increased costs, have been reviewed and found to be in compliance with the standards set forth in Docket No. R–406.

The Commission orders:

(A) Subject to the condition of Ordering Paragraph (B), Columbia's revised tariff sheets listed in footnote 1 are hereby accepted for filing and suspended for one day, until March 2, 1976, when they shall become effective, subject to refund.

(B) Columbia shall file within 20 days of the issuance of this order revised tariff sheets reflecting the proper supplier rates for Transco.

(C) The hearing procedures on the issue of small producer purchases, other than small producer purchases made pursuant to the Commission's 60-day emergency sales regulation, in excess of the rate levels prescribed by Opinion No. 742, are hereby deferred pending further Commission order.

(D) Within 20 days of the date of this order, Columbia shall file with the Commission a list, including addresses, of the small producers other than small producers making 60-day emergency sales, from whom it purchased at rates in excess of the rate level provided for by Opinion No. 742.

(E) Within 20 days of the date of issuance of this order, Columbia may file revised tariff sheets to become effective March 1, 1976, whch reflect the proper supplier rates from Transco and those claimed increased purchased gas costs contained in its PGA adjustment other than (a) those claimed increased costs associated with that portion of small producer purchases in excess of the rate levels resulting from the "130% formula" prescribed by Opinion 742, (b) that portion of the 60-day emergency purchases from producers other than small producers and in excess of the rate levels prescribed in Opinion 699–H, and (c) those costs associated with Ohio "intrastate" purchases.

(F) To assist in Commission review of the 60-day emergency purchases and in determining whether a public hearing is necessary thereon, Columbia shall file and serve on all its customers and interested state commissions within thirty days of the issuance hereof the following information: (1) the pipeline's need for the gas, (2) the availability of other gas supplies, (3) the amount of gas purchased under each 60-day transaction, (4) a comparison of each emergency purchase price with appropriate market prices in the same or nearby areas, and (5) the relationship between the purchaser and the seller. Upon receipt of this information, it will be duly noticed for receipt of comments with respect thereto. Should our review indicate that the information filed and the comments related thereto meet the criterion set forth in Opinion No. 699–B, we shall terminate the proceedings and relieve Columbia of its refund obligation. Should our review of the information and any comments related thereto indicate that further proceedings are required as to any or all of the 60-day emergency purchases they would be established by subsequent order.

(G) The issue of the propriety of including costs associated with Ohio "intrastate" purchases in the instant PGA filing is hereby made subject to the determination of that issue in Docket Nos. RP73–65 (PGA75–5).

(H) The Secretary shall cause prompt publication of this order to be issued in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.76–6369 Filed 3–4–76;8:45 am]

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[2] ____ FPC ____ issued August 28, 1975, in Docket No. R–393.

[3] Small Producers, Docket No. RM76–5, Notice of Proposed Rulemaking, issued August 28, 1975.

[4] —— FPC —— issued September 9, 1975, in Docket No. R–389–B.

[Docket No. RP76-59]

EL PASO NATURAL GAS CO.

Order Accepting for Filing and Suspending Proposed Tariff Sheets, etc.

FEBRUARY 27, 1976.

On January 30, 1976, El Paso Natural Gas Company (El Paso) tendered for filing several revised tariff sheets [1] providing for rates to its jurisdictional customers which would increase the company's annual revenues by approximately $50 million, based on actual costs for the 12 months ended September 30, 1975, adjusted for known changes through June 30, 1976, with the exception of royalty and tax expenses to be incurred on July 1, 1976. El Paso proposed an effective date of March 1, 1976. Notice of this filing was issued on February 10, 1976, with comments due on or before February 23, 1976. To date, no comments, protests, or petitions to intervene have been received.

The proposed rates reflect, inter alia., increases in each item of cost, inclusion of $5 million of cost associated with construction work in progress in rate base, an increased rate of return, increased depreciation expense, and a proposal to "restore the deficiency" in Account 282, which includes deferred income taxes related to the use of liberalized depreciation. The proposed rates also reflect increases in the amounts payable as royalty and tax expenses with respect to certain of company-owned production which will occur on July 1, 1976, one day after the test period ends. El Paso states that this adjustment was necesitated by the issuance of Opinion No. 749 [2] which would allow an increase in the flowing gas rate as of July 1, 1976. El Paso requests waiver of Section 154.63(e)(2)(i) of the Regulations to permit the inclusion of these costs in its proposed rates. El Paso also filed alternatives revised tariff sheets [3] eliminating these royalty and tax costs for Commission acceptance in the event the Commission does not grant its requested waiver.

We find that good cause exists to grant waiver of Section 154.63(e)(2)(i) of the Commission's Regulations to permit El Paso to include in its proposed increased rates, subject to refund, regular royalty and tax expense associated with that portion of its company-owned production which is subject to the flowing gas rate in Opinion 749, as noted above. Opinion 749 provides for an increase in rates for *inter alia*. certain company-owned production as of July 1, 1976, which is one day after the close of El Paso's test period. Accordingly, we shall permit El Paso to collect these costs, subject to refund, as hereinafter ordered and conditioned.

We find that the inclusion of approximately $5 million in costs associated with construction work in progress (CWIP) is in contravention to Section 154.63(f) of the Commission's Regulations. The inclusion of these costs was apparently in reliance upon our Notice of Proposed Rulemaking in Docket No. RM75-13.[4] Although the proposed rulemaking is undergoing Commission review, our present Regulations specifically exclude plant under construction from rate base. Accordingly, El Paso shall be required to file substitute tariff sheets reflecting the elimination from rate base of any plant which is not certificated and in service at the date El Paso's proposed rates are permitted to become effective, subject to refund.

Our review of El Paso's proposed rate increase indicates that certain issues are raised therein which may require development in an evidentiary proceeding. The proposed changes have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful. Accordingly, we accept the tendered tariff sheets listed in footnote (1), but shall suspend their use for five months, or until August 1, 1976, when they shall become effective, subject to refund, as hereinafter ordered and conditioned. In light of this we shall take no action regarding El Paso's alternate sheets listed in footnote (2) above.

The Commission finds:

(1) It is necessary and appropriate to aid in the enforcement of the Natural Gas Act that El Paso's revised tariff sheets as listed in footnote (1) be accepted for filing and suspended for five months, or until August 1, 1976, subject to refund, as hereinafter ordered and conditioned and that the Commission enter upon a hearing concerning the lawfulness of the increased rates and charges proposed by El Paso in the instant docket.

(2) Waiver of Section 154.63(e)(2)(i) of the Commission's Regulations should be granted.

The Commission orders:

(A) El Paso's revised tariff sheets as listed in footnote (1) are hereby accepted for filing and suspended until August 1, 1976, subject to refund, subject to Ordering Paragraph (C) below.

(B) Waiver of Section 154.63(e)(2)(i) of the Commission's Regulations is hereby granted.

(C) Prior to August 1, 1976, El Paso shall file substitute tariff sheets reflecting the elimination of costs included in the proposed rates associated with facilities which have not been certificated and placed in service by August 1, 1976.

(D) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at an initial conference in this proceeding on March 26, 1976, at 9:30 A.M. in a hearing room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. Said Presiding Administrative Law Judge is hereby authorized to establish all procedural dates for this proceeding and to rule upon all motions, except petitions to intervene, motions for consolidate and sever, and motions to dismiss, as provided in the Commission's Rules of Practice and Procedure.

(E) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.76-6367 Filed 3-4-76;8:45 am]

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[1] Seventeenth Rev. Sh. No. 3-B, Fourth Rev. Sheet No. 63-C.5 to Original Vol. No. 1; Seventh Rev. Sheet No. 1-D. Fourth Rev. Sheet No. 1.-M5 to Third Rev. Vol. No. 2 and Ninth Rev. Sheet No. 1-C, and 7-MM.5 to Original Vol. No. 2A.

[2] ____ FPC ____ issued December 31, 1975, in Docket No. R-478.

[3] Seventeenth Rev. Sheet. No. 3-B to Original Vol. No. 1, Seventh Revised Sheet No. 1-D to Third Revised Volume No. 2 and Ninth Revised Sheet No. 1-C to Original Vol. No. 2A.

[4] Notice issued November 14, 1974.

[Docket Nos. ER76-492 and ER76-209]

METROPOLITAN EDISON CO.

Order Accepting for Filing and Suspending Proposed Fuel Adjustment Surcharge, Denying Waiver, etc.

FEBRUARY 27, 1976.

On January 28, 1976, Metropolitan Edison Company (Met-Ed) tendered for filing rate schedule revisions [1] providing for a temporary surcharge to recover fuel costs which it contends are otherwise unrecoverable for all-requirements service to Hershey Electric Company and the Boroughs of Kutztown, Goldsboro, Lewisberry and Royalton, Pennsylvania, and partial-requirements service to Allegheny Electric Cooperative, Inc. (Allegheny). Met-Ed states that iits filing is designed to recover fuel costs incurred during the last four months of 1975 which would have been recovered in 1976 under the terms of Met-Ed's fuel adjustment clause but for its being superseded by a revised clause made effective January 1, 1976, pursuant to Commission Order of November 25, 1975, in Docket No. ER76-209.

Met-Ed states that the amounts to be recovered by the surcharge are $435,307 for service to its all-requirements customers and $84,419 for service to Allegheny. The surcharge will be applied at the rate of 1.5 mills per kilowatt hour, until the above amounts plus applicable gross receipts taxes paid by Met-Ed are recovered.

Met-Ed has requested waiver of our thirty day notice requirement to permit a retroactive effective date of January 1, 1976, the date its most recent rate increase, including a revised fuel adjustment clause, became effective, subject to refund. As a condition to an effective date of January 1, 1976, Met-Ed states it would agree to refunds "of any part of the surcharge finally determined to be unlawful after hearing (if one is ordered)".

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[1] Designated as: Metropolitan Edison Company:

(1) Original Sheet No. 18 to FPC Electric Tariff. Original Volume No. 1.

(2) Supplement No. 1 to Supplement No. 11 to Rate Schedule FPC No. 43.

Notice of the filing was issued February 6, 1976, with responses due on or before February 18, 1976.

On February 18, 1976, Allegheny Electric Cooperative, Inc. (Allegheny) filed a protest and petition to intervene, wherein Allegheny also requests that the Commission reject Met-Ed's rate schedule revisions providing for a temporary surcharge. Allegheny contends that Met-Ed is not entitled to any surcharge. It argues that the currently effective rates are identical with what Met-Ed would have collected under the base rate and fuel adjustment clause which were in effect prior to January 1, 1976. Allegheny believes that if Met-Ed is permitted to collect the requested surcharge, it would be collecting twice what it is entitled to recover for fuel for the last four months of 1975. Allegheny requests that the Commission reject summarily the surcharge in that they believe Met-Ed could not make a showing of its reasonableness at a hearing. Allegheny adds that Order No. 517 does not provide for surcharges, and that even if the facts showed that the company never did recover the added cost of fuel for the last four months of 1975, it would be improper to permit the surcharge because to do so would approve an increase in rates to become effective retroactively.

On February 18, 1976, Hershey Electric Company filed a petition to intervene and protest in the above-referenced docket. Hershey claims that the surcharge proposed by Met-Ed, which would recover $384,142 from Hershey, should be rejected for being a deficient filing. According to Hershey, the derivation of the amounts of the 1975 fuel costs to be collected from these customers is not shown in the instant filing and cannot be determined by reference to the data submitted in Docket No. ER76–209, which contains Met-Ed's fuel cost adjustment clause made effective January 1, 1976. Hershey contends that the calculation upon which the surcharge is based necessarily depends upon assumed kWh sales to Hershey in the early months of 1976, but which are not known beyond January. Yet the surcharge, Hershey argues, makes no adjustment of the total amount to be collected. Moreover, Hershey contends that the data submitted in support of the proposed surcharge, when considered in conjunction with the data filed in Docket No. ER76–209, do not disclose whether the fuel costs which would be recovered under the surcharge have been included in the cost of service which the currently effective rates have been designed to recover. If there has been such an inclusion, Met-Ed would realize double-recovery of those costs. Hershey states that it cannot be determined until the investigation in Docket No. ER76–209 is resolved whether or not Met-Ed is entitled to recover anything under the proposed surcharge. Moreover, the instant filing is insufficient by itself and should not be accepted for filing as a submission outside the pending proceeding. Hershey requests that in the event the filing is not rejected, that waiver of the 30-day notice requirement and a retroactive application of the surcharge as of January 1, 1976, not be permitted, but that it be suspended for the full statutory period under Section 205. Hershey states that it would suffer an irretrievable loss of revenues from those of its retail customers whose billings have been calculated and rendered on the basis of the rates already in effect as of January 1, 1976. In addition, Hershey seeks to be made an intervenor in any proceeding which may be established.

On February 18, 1976, the Boroughs of Kutztown, Goldsboro and Lewisberry, Pennsylvania (Boroughs) filed a protest of the January 28, 1976 filing made by Met-Ed in this docket, a petition for leave to intervene in the proceeding, a motion for summary dismissal of the filing, or, in the alternative, rejection of the filing, or, in the event neither those motions is granted, a request that the Commission suspend the proposed tariff revisions for the full statutory period. The Boroughs characterize Met-Ed's proposed surcharge as an unlawful attempt to achieve double compensation for fuel costs incurred by Met-Ed during the last four months of 1975. The Boroughs argue that the new basic rate and fuel adjustment clause, contained in Met-Ed's filing in Docket No. ER76–209, in combination will still recover all fuel costs incurred in the last four months of 1975. In addition, because both the old and the new clauses are designed with a two-month lag period in determining current per kWh costs, the revision of the base cost has absolutely no revenue effect on Met-Ed. The new rates and fuel clause which became effective January 1, 1976, change the relationship of the base cost and the fuel adjustment clause, but the total revenue produced would be exactly the same, the Boroughs argue. Similarly, Met-Ed's use of deferred expense accounting during the 1975 months at issue does not justify the surcharge since total revenues collected by Met-Ed to cover fuel costs under the old and the current fuel clauses and basic rates remain unchanged. Moreover, the Boroughs contend that Met-Ed's case is not at all comparable to those filings made by companies which were proposing to change the basis for computing current costs from a lag period basis to an estimated basis. In this instance, Met-Ed has continued the two-month lag embodied in the previous clause so that no months remain uncovered by the combination of the base rate and the fuel clause. In fact, Met-Ed's proposed surcharge would provide for recovery twice for those costs.

Aside from its being unjustified, the Boroughs argue that the proposed surcharge is unlawful on its face because it would constitute a retroactive rate increase. They allege it is an attempt to recover past operating expenses in future charges, a prohibited practice under the Federal Power Act. Met-Ed, the Boroughs contend, must bear the responsibility and risks of establishing its own forward-looking rates and may not recover its losses retroactively. Therefore, Met-Ed's filing is unlawful on its face for being an attempt to effect a retroactive rate increase, according to the Boroughs, and should be dismissed on its merits.

The Boroughs also believe that the instant submittal should be rejected for its failure to comply with the Commission's Regulations with respect to the filing requirements contained in Section 35.13, in the event the Commission does not dismiss it on the merits.

On February 20, 1976, Met-Ed filed an answer to the customers' motions for leave to intervene and for rejection or five months' suspension of the proposed surcharge. Met-Ed submits that there is no basis for rejection of the filing and that it should not be suspended for more than a one day period. Met-Ed specifically responds that the surcharge would recover only fuel costs that are not otherwise recoverable and would cause no double recovery. Under the previous fuel clause, Met-Ed states, fuel costs above base for the last four months of 1975 would not be fully recoverable until April 1976. The revised rates in Docket No. ER76–209, however, terminated the effectiveness of that clause and do not provide for recovery of the unbilled fuel costs. The revised fuel clause, although it provides for the same billing lag as the previous clause, would not, because of the increase in base costs, however, recover the 1975 costs the surcharge is intended to recover. Met-Ed adds that the revised base rates provide only for current month recovery of fuel costs incurred after December 31, 1975 and do not recover the fuel costs that the surcharge would recover. Hence, Met-Ed believes there is no possibility of double rcovry. Moreover, Met-Ed adds that it does not base its request for the surcharge on its use of deferred expense accounting, as the Boroughs suggest. Met-Ed also believes that its filing is comparable to those of other utilities which have filed to recover year end fuel costs and that the issue of whether fuel costs for certain months are overlooked because of elimination of billing lag in the fuel clause or by updating the base rates and fuel clause is immaterial to the question of whether a surchange is needed.

In response to Hershey's claim that the proposed surcharge would result in double recovery in combination with the rates made effective January 1, 1976, Met-Ed states that it did not seek to recover in those revised rates the fuel costs sought through the surcharge. The new base rates and fuel clause base cost are set at the level of Period II fuel costs and do not provide for recovery of any deferred fuel expense. Met-Ed attached tables to its answer purportedly in satisfaction of Hershey's allegation that Met-Ed's filing was deficient with respect to the appropriate calculations of the fuel costs sought to be collected through the surcharge.

Finally, Met-Ed avers that the instant submittal is not an unlawful retroactive rate increase but simply provides for recovery of fuel costs that would have been

recoverable in 1976 under the old fuel clause. Further, the surcharge could not be proposed until 1976 because the fuel cost and sales data needed to develop the amounts to be recovered were not available until the completion of calendar year 1975. In addition, Met-Ed argues, it is not an attempt to recover past losses, in that it was authorized to recover these fuel costs under the previous clause. The surcharge merely provides for their full recovery.

Our review of Met-Ed's filing in this docket indicates that there is reason for not granting the waiver of the notice requirement requested by Met-Ed. A waiver of the notice requirement would constitute a retroactive increase in the rate charged to Met-Ed's customers and cause them to under recover revenues for the increase they are passing on. In addition, Met-Ed's proposed fuel adjustment surcharge has not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential or otherwise unlawful. Accordingly, we shall accept for filing and suspend for one day Met-Ed's proposed surcharge to become effective as of February 29, 1976, subject to refund, and establish hearing procedures as hereinafter ordered. In addition, because the instant filing presents common issues of fact and law with those filings made in Docket No. ER76–209, we shall consolidate this proceeding with the proceeding previously established in Docket No. ER76–209 for the purposes of hearing and decision.

The Commission finds:

(1) Good cause has not been shown to waive the thirty day notice requirement with respect to Met-Ed's proposed fuel adjustment surcharge.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the Federal Power Act that Met-Ed's proposed tariff sheet as tendered on January 28, 1976, be accepted for filing and suspended for one day until February 29, 1976, at which time it shall become effective, subject to refund, and that the Commission enter upon a hearing to determine the lawfulness of the rate proposed in said tariff sheet.

(3) It is desirable and in the public interest to allow the above-named petitioners to intervene.

(4) Good cause exists to consolidate the proceeding hereinafter ordered with the proceeding previously established in Docket No. ER76–209.

(5) The above-mentioned motions to reject and for summary dismissal of the filing should be denied.

The Commission orders:

(A) Pending a hearing and final decision thereon, Met-Ed's proposed change in rates as filed on January 28, 1976, is accepted for filing and suspended for one day and the use deferred until February 29, 1976, when the proposed tariff sheet shall become effective, subject to refund.

(B) Met-Ed's request for waiver of the thirty-day notice requirement is hereby denied.

(C) Met-Ed's January 28, 1976, filing is hereby consolidated with the proceeding previously established in Docket No. ER76–209 for the purposes of hearing and decision thereon.

(D) The above-named petitioners are hereby permitted to intervene in these proceedings subject to the rules and regulations of the Commission; *Provided, however,* That participation of such intervenor shall be limited to matters affecting asserted rights and interests as specifically set forth in the petition to intervene; and *Provided, further,* that the admission of such intervenor shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(E) The above-mentioned motions to reject and for summary dismissal of the filing are hereby denied.

(F) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.76–6372 Filed 3–4–76;8:45 am]

[Docket Nos. ER76–304, ER76–317, and ER76–498]

NEW ENGLAND POWER CO.

Order Accepting Proposed Tariff Sheet for Filing, Suspending Use Thereof, Etc.

FEBRUARY 27, 1976.

On January 30, 1976, New England Power Company (NEPCO) tendered for filing proposed changes in its Service Agreement for Primary Service for Resale with the Narragansett Electric Company (Narragansett) for service under its FPC Electric Tariff, Original Volume No. 1.[1] On February 6, 1976, public notice of NEPCO's proposed tariff changes was issued with protests or petitions to intervene due on or before February 20, 1976.

NEPCO states that for many years the companies have had in effect an integrated facilities arrangement under which Narragansett's generation and transmission facilities are made available to NEPCO and are paid for by NEPCO by means of monthly credits (G&T Credits) on the purchased power bill which NEPCO renders to Narragansett. According to NEPCO the companies review their integrated facilities contract arrangements annually based upon the annual costs incurred by Narragansett in connection with the facilities used by NEPCO, and, upon a substantial change in circumstances, the companies revise the G&T Credits. NEPCO states that proposed changes in its tariff would increase the G&T Credits allowed Narragansett on its purchased power billing by NEPCO in the amount of $867,264 annually, based upon the twelve month period ending December 31, 1976. According to NEPCO the proposed revision is due primarily to a substantial increase in the Federal Income Tax requirement associated with the excess book depreciation on Narragansett's production facilities. NEPCO states that the proposed change reflects calendar year 1976 facilities use and costs, and that only NEPCO and Narragansett are affected. NEPCO therefore requests a retroactive effective date of January 1, 1976 for the tendered changes.

On February 20, 1976, the NEPCO Customer Rate Committee and various customers of NEPCO[2] (Customers) filed a joint pleading in which they (1) protested the proposed changes; (2) requested the Commission to deny NEPCO's petition for a retroactive effective date; (3) requested a five month suspension of the proposed changes; (4) asked that hearings be held on the propriety of the changes; (5) petitioned to intervene in Docket No. ER76–498; and (6) requested the Commission to consolidate Docket No. ER76–498 with Docket Nos. ER76–304 and ER76–317. On February 23, 1976, NEPCO filed its response to the Customers' pleading.

Our review of NEPCO's proposed tariff changes in Docket No. ER76–498 leads us to conclude that they should be accepted for filing. Nevertheless, we note that there may be issues which require development in an evidentiary hearing. Moreover, the proposed changes have not been shown to be just and reasonable and may be unjust, unreasonable, or otherwise unlawful. We shall therefore suspend the proposed changes for one day until March 1, 1976,[3] and shall direct that a hearing be held on the justness and reasonableness of the proposed changes.

We note that the G&T Credit to Narragansett is an item in the cost-of-service filed by NEPCO in support of its R–10 and R–10/CD rate increases filed in Docket Nos. ER76–304 and ER76–317, respectively; and that the G&T Credit cost support submitted by NEPCO is based upon the 9.48% rate of return (14.60% return on equity) as filed in those latter dockets. By order issued December 31,

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[1] Designated as: (1) New England Power Company, 2nd Revised Sheet No. 4, Superseding 1st Revised Sheet No. 4 to Service Agreement under FPC Electric Tariff Vol. No. 1, Schedule No. IV.

(2) Narragensett Electric Company, Supplement No. 2 to Rate Schedule FPC No. 38 (Supersedes Supplement No. 1 to FPC No. 38) (concurs in (1) above).

[2] Included in this group are the Electrical Departments and Plants of the Massachusetts Towns and Cities of Ashburnham, Boylston, Danvers, Georgetown, Groton, Hingham, Holden, Hudson, Hull, Ipswich, Littleton, Mansfield, Marblehead, Merrimac, Middleton, North Attleboro, Paxton, Peabody, Princeton, Shrewsbury, Sterling, Templeton, Wakefield, and West Boylston, together with Littleton, New Hampshire, and the Manchester Electric Company, and the New Hampshire Electric Cooperative, Inc.

[3] The March 1, 1976 effective date in Docket No. ER76–498 is consistent with the effective date of NEPCO's proposed general rate increases in Docket Nos. ER76–304 and ER76–317. As hereinafter ordered, we will consolidate these three dockets.

1975, the Commission accepted proposed rates R–10 and R–10/CD for filing in Docket Nos. ER76–304 and ER76–317; suspended their operation until March 1, 1976; consolidated the proceedings in those two dockets; ordered that a hearing be held on the lawfulness of the proposed rates; and directed that a prehearing conference be held on January 23, 1976.

In view of the apparent connection between Docket Nos. ER76–304, ER76–317 and ER76–498, we will consolidate these dockets for hearing and for all other purposes. In view of the further fact that a prehearing conference has already been held in Docket Nos. ER76–304 and ER76–317 we conclude that the Presiding Administrative Law Judge should be permitted to convene any further prehearing conferences that may be necessary in view of our consolidation of Docket No. ER76–498 with these earlier dockets.

The Commission further finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the Federal Power Act that the Commission enter upon a hearing concerning the lawfulness of NEPCO's proposed tariff changes filed in Docket No. ER76–498, and that such changes be accepted for filing, suspended and the use thereof deferred as hereinafter ordered.

(2) Participation in Docket No. ER76–498 by Customers may be in the public interest.

(3) It is necessary and proper in the public interest and to aid in the enforcement of the Federal Power Act that the Commission consolidate Docket No. ER76–498 with Docket Nos. ER76–304 and ER76–317 for hearing and for all other purposes.

The Commission orders:

(A) Pending a hearing and decision thereon, NEPCO's filing in Docket No. ER76–498 is accepted for filing and suspended for one day until March 1, 1976, when it will be permitted to become effective, subject to refund.

(B) Customers are hereby permitted to intervene in Docket No. ER76–498, *Provided, however,* that participation by Customers shall be limited to matters affecting asserted rights and interests as specifically set forth in their respective petitions to intervene; and *Provided, further,* that the admission of Customers shall not be construed as recognition by the Commission that Customers might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(C) Docket No. ER76–498 is hereby consolidated with Docket Nos. ER76–304 and ER76–317 for hearing and for all other purposes.

(D) The Presiding Administrative Law Judge in these proceedings is hereby authorized to convene any further prehearing conferences that may be necessary in view of the consolidation of Docket No. ER76–498 with Docket Nos. ER76–304 and ER76–317. Said Presiding Law Judge is hereby authorized to establish and change all procedural dates, and to rule on all motions (with the sole exception of petitions to intervene, motions to consolidate and sever, and motions to dismiss as provided for in the Rules of Practice and Procedure).

(E) Nothing contained herein shall be construed as limiting the rights of parties to this proceeding regarding the convening of conferences or offers of settlement pursuant to Section 1.18 of the Commission's Rules of Practice and Procedure.

(F) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.76-6371 Filed 3-4-76;8:45 am]

[Docket Nos. RP76–53 and RP76–60]

SOUTH TEXAS NATURAL GAS GATHERING CO.

Order Denying Special Relief, Instituting Section 5 Proceeding, Etc.

FEBRUARY 27, 1976.

On January 30, 1976, South Texas Natural Gas Gathering Company (South Texas) tendered for filing, pursuant to Section 4(d) of the Natural Gas Act (Act), a request for a rate increase for sales to Natural Gas Pipeline Company of American (Natural) under South Texas' FPC Gas Rate Schedule No. 1. South Texas propose to increase its rate to Natural from 22.58 cents per Mcf to 33.67 cents per Mcf, effective March 1, 1976. A purchased gas cost adjustment provision is also proposed. South Texas states that Natural purchases gas from South Texas under a fixe-rate producer-type contract. South Texas therefore seeks Natural's concurrence in its application for rate increase. In the event Natural does not concur, South Texas petitions the Commission for a grant of special relief to allow an increase in rates pursuant to Sections 2.76 and 2.56B(h) of the Commission's Regulations. In the alternative, South Texas petitions for an investigation under Section 5 of the Act to determine a just, reasonable and nondiscriminatory lawful rate for South Texas' sale to Natural, such rate to be fixed pursuant to *FPC* v. *Sierra Pacific Power Company*, 350 U.S. 348 (1956).

Notice of South Texas' filing was issued February 6, 1976, with comments, protests and petitions to intervene due on or before February 20, 1976. No responses have been received.

Article Twelfth of South Texas' FPC Gas Rate Schedule No. 1, dated November 1, 1958, states in pertinent part:

> It is recognized that the prices provided in this contract are presently subject to Federal Power Commission regulations. In the event the Commission shall at any time order a change in the contract prices herein, then Pipeline agrees that Seller may subsequently, in the light of economic conditions then, prevailing, invoke the contract provisions of Article Ninth herein and agrees to the filing by Seller with the Commission of the appropriate contract price as agreed to by Pipeline.

In its filing South Texas identifies this language as possibly delineating a fixed-rate contract, under which any unilateral rate filing should be rejected pursuant to the *Mobile-Sierra* doctrine. In *Mobile*,[1] the Supreme Court held that a jurisdictional company may not escape a contract obligation to provide service at a single specified price for a term of years by unilaterally filing an increased rate schedule under Section 4(d) of the Act. However, South Texas avers that the language in Article Twelfth of its Tariff "parallels" the *Memphis*[2] clause, under which most natural gas pipelines file for rate increases subject only to review by this Commission.

South Texas' arguments are not persuasive. South Texas' contract provides that South Texas shall charge on the basis of Schedule No. 1 or such revised price schedule as the Federal Power Commission shall *order*. Nowhere does South Texas' contract state, nor may we infer, that the parties contemplated unilateral *filings* as provided for in Section 4 of the Act. By contrast, the contract language in *Memphis*, where the Court held the parties had by contract agreed to unilateral filings, stated that the rate was to be "any effective superseding rate schedules, on file with the Federal Power Commission." The words "shall at any time order" do not contemplate a unilateral filing which may be made effective merely by Commission acceptance, but rather those words contemplate a rate to be fixed by the Commission. In comparable electric rate cases governed by *Mobile's* companion case, *Sierra*,[3] the Commission has consistently held that phrases such as "ordered",[4] "approved",[5] "authorized"[6] and "prescribed"[7] . . . "by the Commission" . . . while not permitting unilateral filings, under Section 205 of the Federal Power Act, do permit applications pursuant to Section 206 of the Federal Power Act to set the just and reasonable rate prospectively, without the need to meet the Sierra test, which requires as a pre-

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[1] *United Gas Pipe Line Co.* v. *Mobile Gas Service Corp.* 350 U.S. 332 (1956).

[2] *United Gas Pipe Line Co.* v. *Memphis Light, Gas & Water Division*, 358 U.S. 103 (1958).

[3] *F.P.C.* v. *Sierra Pacific Power Company*, 350 U.S. 348 (1956).

[4] *Public Service Company of New Mexico*, "Order Instituting Section 206(a) Proceeding", issued July 21, 1975, Docket No. E–9454; *Indiana and Michigan Electric Company* 51 FPC 1752 (1974); reh denied —— FPC —— issued August 2, 1974, in Docket No. E–7740; aff'd *Indiana Michigan, et al.* v. *F.P.C.* —— F.2d —— (Case No. 74–1844, CADC, decided February 12, 1976).

[5] *Detroit Edison Company*, "Order Instituting Section 206 Investigation" issued July 2, 1975, Docket No. E–9294.

[6] *Kansas Power and Light Company*, "Order Denying Motion to Reject, Amending Prior Order, Establishing Section 206(a) Proceedings and Consolidating Proceedings", issued December 22, 1975 Docket No. ER76–39.

[7] *Southern California Edison Company*, —— FPC —— issued January 23, 1975, in Docket No. E–8176; *reh. den.*, —— FPC —— issued March 21, 1975.

requisite to any change in rate a showing that the utility's existing rates are so low as to adversely affect the public interest. Accordingly, it is hereby determined that the contract at issue herein does not permit South Texas to file to unilaterally change the rates charged by it to Natural by the amount requested by South Texas.[8]

As to the issue of whether or not it is appropriate to institute an investigation under Section 5 of the Natural Gas Act,[9] it should be noted that South Texas has petitioned in the alternative for the initiation of an investigation pursuant to Section 5 of the Act to determine a just, reasonable and nondiscriminatory lawful rate for South Texas' sale to Natural. In support thereof, South Texas avers that its contractually entitled rate is so low as to impair its ability economically to continue service to Natural, and that the contract rate is unduly discriminatory. South Texas argues that changed conditions subsequent to execution of the contract in 1958 require a re-evaluation of the contract provisions in the public interest. South Texas states that, when negotiating its contract with Natural, it could not have anticipated the Commission's establishment of minimum rates applicable to producers in area rate decisions nor the inordinate increase in gathering costs. The Company cites Opinion No. 749, applicable to producers selling to South Texas, in which we established a minimum rate applicable to gas flowing in interstate commerce prior to January 1, 1973. The Company argues that this will cause South Texas' purchased gas costs to increase without any similar increase to the Company to recover its gathering costs above the 18.0 cents per Mcf minimum rate. The result, states the Company, is to add substantially to South Texas' losses on its sale to Natural.

South Texas also alleges unlawful discrimination in the rate charges to its only two customers Natural and Transcontinental Gas Pipe Line Corporation (Transco). South Texas' contract with Transco under its Rate Schedule No. 2 provides, pursuant to a 1972 amendment, for a price equal to the sum of the average purchased gas cost and a gathering charge as determined by this Commission from time to time on a cost basis. South Texas argues that its contract with Natural, under Rate Schedule No. 1, is on its face unduly discriminatory, because the rate is fixed and allows for no increase due to increased purchased gas and gathering costs.

As indicated previously, the rule of *Mobile-Sierra* dictates that we disallow South Texas' filing under Section 4(d). Accordingly, we shall not treat South Texas' filing as to Natural, including the proposed purchased gas cost adjustment provision, as a unilateral filing under Section 4(d) of the Natural Gas Act. However, we shall institute a Section 5(a) proceeding to determine the just and reasonable rate for South Texas' service to Natural, any change to be prospective in application. South Texas' filing as to Natural shall represent its case-in-chief in this proceeding. By Order issued February 10, 1976, we accepted for filing South Texas' proposed rates in Docket No. RP76–53 and suspended their effectiveness for five months until July 12, 1976. We note that the supporting cost of service data filed in the instant docket is essentially identical to that filed in support of South Texas' proposed rate increase for sales to Natural and Transco filed in Docket No. RP76–53. We will therefore consolidate these two dockets for purposes of the hearing hereafter ordered and for all other purposes. We note that a prehearing conference in Docket No. RP76–53 has already been scheduled for March 17, 1976. This same prehearing conference shall also consider matters raised by the filing in Docket No. RP76–60.

As to South Texas' request for special relief pursuant to Sections 2.76 and 2.56B(h) of the Commission's Regulations, it is noted these sections provide relief from area or national rate ceilings for costing or sales by independent or pipeline-affiliated producers. These relief provisions do not apply to sales by a pipeline, and South Texas admits that technically it is an interstate pipeline (See January 30, 1976 filing, page 3, footnote 4). Accordingly, South Texas' petition for relief under Section 2.76 and 2.56B(h) should be denied.

The Commission finds: (1) South Texas' request to treat its January 30, 1976 filing as a unilateral filing under Section 4(d) of the Natural Gas Act should be denied. However, a proceeding should be instituted under Section 5 of the Natural Gas Act to determine the just and reasonable rate to be charged Natural. Such proceeding should use the material submitted in South Texas' filing of January 30, 1976.

(2) South Texas' petition for special relief under Sections 2.76 and 2.56B(h) of the Commission's Regulations should be denied.

(3) Good cause exists to consolidate Docket Nos. RP76–53 and RP76–60 for purposes of hearing and decision.

The Commission orders: (A) South Texas' request to treat its January 30, 1976 filing as a unilateral filing under Section 4(d) of the Natural Gas Act is hereby denied. South Texas' alternative petition for the institution of an investigation pursuant to Section 5 of the Natural Gas Act to determine the just and reasonable rate is hereby granted, as hereinfater provided.

(B) South Texas' petition for special relief under Sections 2.76 and 2.56B(h) of the Commission's Regulations is hereby denied.

(C) Pursuant to the authority of the Natural Gas Act, particularly Section 5 thereof, and the Commission's Rules and Regulations, and the Regulations under the Natural Gas Act, a public hearing shall be held to determine the just and reasonable rate to be charged Natural. Docket Nos. RP76–53 and RP76–60 are hereby consolidated for purposes of hearing and decision, and the consolidated proceedings shall be governed by the procedures which have been established in Docket No. RP76–53.

(D) The Secretary shall cause prompt publication of this order to be made in the Federal Register.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.76–6374 Filed 3–4–76;8:45 am]

[8] The contract in Article Ninth, does provide for periodic 1¢ per Mcf escalations in price. However, South Texas, in Docket No. RP76–53, has already exercised that election, and the instant increase is in excess of that 1¢ escalation.

[9] Section 5 of the Natural Gas Act is parallel to Section 206 of the Federal Power Act.

[Docket No. RP75–75; AP76–6]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Order Accepting for Filing and Making Effective, Subject to Refund, Advance Payments Tracking Filing, Subject to Condition, and Establishing Procedures

FEBRUARY 27, 1976.

On January 15, 1976, Transcontinental Gas Pipe Line Corporation (Transco) tendered for filing certain revised tariff sheets [1] which would increase Transco's rates by $4,801,845 on an annual basis. The increased rates reflect advance payments and are proposed to become effective March 1, 1976. The filing is made in accordance with the terms of the Settlement Agreement in Docket No. RP75–75 approved subject to condition January 30, 1976.

Transco's filing reflects costs related to:

(I) $21,802,387 of advances proposed in Transco's last proposed tracking filing in Docket Nos. RP75–75 (AP76–5) plus $6,503,541 in additional advances made pursuant to contracts [2] which were found by order issued January 30, 1976, in Docket Nos. RP75–75 (AP76–5), not to conform to the requirements of Order Nos. 529 and 529–A.[3] The January 30, 1976 order in Docket Nos. RP75–75 (AP76–5) rejected the proposed tariff sheet containing those advances without prejudice to Transco's filing a revised tariff sheet reflecting, *inter alia.*, elimination of costs related to the advances which were found not to conform to Order 529 and 529–A.

(II) $4,490,000 in advance payments made pursuant to two new advance payments contracts; one with Amoco Production Company ($1,361,000), and one

[1] See Appendix A.

[2] The contracts are with Transco Exploration Company. (McMoran Exploration Co.—Operator), 8–15–75, $161,436; Transco Exploration Co. (James L. Stroupe—Operator), 8–15–75, $951; and Skelly Oil Company, 10–30–75, $21,640,000.

[3] Issued June 17, 1975, and August 15, 1975, respectively, in Docket No. RM75–6.

with Mesa Petroleum Company ($13,129,000).

(III) $22,375,780 in additional advance payments (less payments received) made pursuant to contracts under which advance payments reflected in presently effective rates have already been made. The rate treatment of these advances has been reserved for future disposition in Docket Nos. RP75–75 (Advance Payments.)

Our review of the advance payments discussed in Category I above indicates that they should be eliminated from Transco's rates because they were made pursuant to contracts which were found by our January 30, 1976, order in Docket Nos. RP75–75 (AP76–5) not to conform with the requirements of Order 529 and 529–A. Our review of the advances contained in Category II above which were made pursuant to two new advance payment contracts indicates that they have not been shown to be reasonable and appropriate under Order No. 499 in that they be in excess of costs for exploration, development, and production incurred by the producer within a reasonable time from the date such advances are proposed to be included in Transco's rate base. Accordingly, we shall make these advances effective, subject to refund,[4] and establish hearing procedures to determine the reasonableness and appropriateness of these advances, as hereinafter ordered and conditioned. Our review of the advances discussed in Category III above indicates that costs related to such advances in the instant filing should be made effective, subject to refund, pending final resolution of the proceedings in Docket No. RP75–75 (Advance Payments), as hereinafter ordered and conditioned.

In light of the above, we shall accept Transco's filing to become effective as of March 1, 1976, subject to refund, upon condition that Transco file, within 15 days of the date of issuance of this order, substitute tariff sheets reflecting elimination of costs related to the advances discussed in Category I.

The Commission finds: (1) Transco's January 15, 1976, filing herein should be accepted for filing and made effective, subject to refund, as of March 1, 1976, as hereinafter ordered and conditioned.

(2) It is necessary and appropriate that hearing procedures be established under the provisions of the Natural Gas Act, particularly Section 4 and 5 thereof, and the Commission's Rules of Practice and Procedure, to determine the reasonableness and appropriateness of the advance payments discussed in Category II above, as hereinafter ordered and conditioned.

The Commission orders: (A) Transco's January 15, 1976, filing herein is accepted for filing and made effective, subject to refund, as of March 1, 1976, upon condition that Transco file, within 15 days of the date of issuance of this order, substitute tariff sheets to become effective, subject to refund, as of March 1, 1976, reflecting elimination of costs related to the advances discussed in Category I in the body of this order.

(B) Pursuant to the authority of the Natural Gas Act, particularly Sections 4 and 5 thereof, and the Commission's Rules and Regulations, a public hearing shall be held to determine the reasonableness and appropriateness of the advances discussed in Category II above.

(C) Transco shall file its direct evidence in this proceeding on or before March 30, 1976.

(D) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose, (See Delegation of Authority, 18 CFR 3.5(d), shall preside at the hearing in this proceeding, with authority to establish and change all procedural dates, and to rule on all motions (with the exception of petitions to intervene, motions to consolidate and sever, and motions to dismiss, as provided for in the Rules of Practice and Procedure).

(E) The Presiding Administrative Law Judge shall preside at the initial conference in this proceeding to be held on April 15, 1976, at 9:30 a.m., at the offices of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426.

(F) Costs related to the advances discussed in Category III in the body of this order shall be collected, subject to refund, pending the outcome of the proceedings in Docket No. RP75–75 (Advance Payments).

(G) The Secretary shall cause prompt publication of this order to be made in the Federal Power Register.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.76–6365 Filed 3–4–76;8:45 am]

[Docket Nos. RP72–99 and RP75–75; EPGA No. 76–2]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Order Accepting for Filing and Suspending Proposed EPGA Rate Adjustment, Subject to Condition

FEBRUARY 27, 1976.

On January 30, 1976, Transcontinental Gas Pipe Line Corporation (Transco) tendered for filing revised tariff sheets which reflect a 0.3¢ per Mcf rate decrease[1] pursuant to its Emergency Purchase Gas Adjustment Clause (EPGAC).[2] According to Transco, the adjustment reflects a net reduction in Transco's overall rates of 0.3¢ per Mcf because of the lowering of the EPGA average cost of gas as a result of the volumes and price of an additional 60-day emergency purchase being reflected in the instant filing[3] in addition to the 60-day emergency purchases reflected in the EPGA adjustment made effective, subject to refund, as of February 2, 1976. Transco proposes the adjustment be made effective as of March 1, 1976.

Notice of the filing was issued on February 5, 1976, with comments due on or before February 20, 1976. No responses have been received.

Our review of the filing indicates that it is based, in part, on a 60-day emergency purchase from Oklahoma Natural Gas Company in excess of the rate levels prescribed in Opinion No. 699–H. Therefore, the proposed rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, or otherwise unlawful. Accordingly, we shall accept for filing the tariff sheets, which reflect the increase as applied to the adjusted settlement rates approved in Docket No. RP75–75[4] and suspend them for one day until March 2, 1976, when they shall become effective, subject to refund[5] as hereinafter conditioned. Further, in light of our disposition of the settlement agreement in Docket No. RP75–75, it is not necessary to act on the alternate substitute tariff sheets listed in Footnote 6.[6] Since the settlement has been accepted by the Commission they shall be deemed withdrawn.

With regard to the 60-day emergency purchase the Commission noted in Opinion No. 699–B[7] that a pipeline would be entitled to include in its purchased gas costs a rate for such purchases "which a reasonably prudent pipeline purchaser would pay for gas under the same or similar circumstances." To assist in Commission review of the 60-day emergency purchase and in determining whether a public hearing is necessary thereon, Transco shall be required to file and serve on all its customers and interested state commissions within thirty days of the issuance hereof the following information: (1) the pipeline's need for the gas, (2) the availability of other gas supplies, (3) the amount of gas purchased under the 60-day transaction, (4) a comparison of the emergency purchase price with appropriate market prices in the same or nearby areas, and (5) the relationship between the purchaser and

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[4] Transco's settlement agreement advance payment tracking provisions in Docket No. RP75–75 does not provide for suspension of challenged advance payments, but provides that challenged amounts may be made effective subject to refund on the proposed effective date and set for hearing.

[1] Difference between present EPGA adjustment of 1.7¢ per Mcf and proposed EPGA adjustment of 1.4¢ per Mcf.

[2] Transco's EPGAC was made effective as of November 16, 1975, by order issued November 28, 1975, in Docket No. RP72–99.

[3] Oklahoma Natural Gas Company—$1.50/Mcf (or 1,450,000 Mcf for $2,175,000).

[4] The settlement agreement was approved by the Commission by order issued January 30, 1976, in Docket No. RP75–75.

[5] Sixth Substitute Sixteenth Revised Sheet No. 5 and Fifth Substitute Twelfth Revised Sheet No. 6 to First Revised Volume No. 1.

[6] Second Alternate Substitute Sixteenth Revised Sheet No. 5 and Second Alternate Twelfth Revised Sheet No. 6 to First Revised Volume No. 1.

[7] —— FPC —— issued September 9, 1975, in Docket No. R–389–B.

the seller. Upon receipt of this information, it will be duly noticed for receipt of comments with respect thereto. Should our review indicate that the information filed, and any comments related thereto, meet the criterion set forth in Opinion No. 699–B, we shall terminate the proceedings and relieve Transco of its refund obligation. Should our review of the information and any comments related thereto indicate that further proceedings are required as to the 60-day emergency purchase, they would be established by subsequent order.

The Commission finds: It is necessary and appropriate in the public interest and to aid in the enforcement of the Natural Gas Act that Transco's Sixth Substitute Sixteenth Revised Sheet No. 5 and Fifth Substitute Twelfth Revised Sheet No. 6 to First Revised Volume No. 1 of its FPC Gas Tariff tendered in this docket on January 30, 1976, be accepted for filing, suspended for one day, and permitted to become effective March 2, 1976, subject to refund and subject to the rate being adjusted to reflect revisions to the underlying rates as a result of our action taken with respect to Transco's advance payment tracking filing of January 15, 1973, in Docket No. RP75–75 (AP76–6).

The Commission orders: (A) Transco's proposed Sixth Substitute Sixteenth Revised Sheet No. 5 and Fifth Substitute Twelfth Revised Sheet No. 6 to First Revised Volume No. 1 of its FPC Gas Tariff tendered in this docket on January 30, 1976, are hereby accepted for filing and suspended for one day, until March 2, 1976, when they shall become effective, subject to refund, upon condition that Transco file, within 15 days of the date of issuance of this order, substitute tariff sheets to become effective March 2, 1976, subject to refund, which reflects the elimination from Transco's underlying rates of certain advance payments, as required by our order issued February 27, 1976, in Docket No. RP75–75 (AP76–6).

(B) To assist in Commission review of the 60-day emergency purchase contained in Transco's filing and in determining whether a public hearing is necessary thereon, Transco shall file and serve on all its customers and interested state commissions within thirty days of the issuance hereof the following information: (1) the pipeline's need for the gas, (2) the availability of other gas supplies, (3) the amount of gas purchased under the 60-day transaction, (4) a comparison of the emergency purchase price with appropriate market prices in the same or nearby areas, and (5) the relationship between the purchaser and the seller. Upon receipt of this information, it will be duly noticed for receipt of comments with respect thereto. Should our review indicate that the information filed, and any comments related thereto, meets the criterion set forth in Opinion No. 699–B, we shall terminate the proceedings and relieve Transco of its refund obligation. Should our review of the information and any comments related thereto indicate that further proceedings are required as to the 60-day emergency purchase that would be established by subsequent order.

(C) The Secretary shall cause prompt publication of this order to be issued in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–6370 Filed 3–4–76;8:45 am]

[Docket No. RP74–52; PGA76–1]

TRANSWESTERN PIPELINE CO.

Order Dismissing Small Producers as Parties Respondents With Respect to Their 60 Day Emergency Sales

FEBRUARY 27, 1976.

By order issued November 10, 1975, we made respondents of those small producers making sales in excess of the Opinion No. 742[1] rate levels as reported to us by Transwestern Pipeline Company (Transwestern). Included in that list of small producers were Joseph I. O'Neill, Jr. (O'Neill) and C & K Petroleum, Inc. (C&K). In a telegram received by the Commission on December 3, 1975, O'Neill requested that we dismiss him as a party respondent. Notwithstanding the fact that this telegram does not comply with the formal requirements of Sections 1.15, 1.16 and 1.17 of our Rules of Practice and Procedure, 18 CFR 1.15, 1.16 and 1.17, we will treat it as a motion to dismiss. While we do not rely upon the grounds asserted by O'Neill, we shall nevertheless grant his motion, but only insofar as it covers his 60 day emergency sale to Transwestern. On January 16, 1976, C&K also filed a motion for dismissal as a party respondent in these proceedings. For the reasons set forth hereinafter we will grant this motion but, again, only with respect to C&K's 60 day emergency sale. Finally, we shall on our own motion dismiss as parties respondent those remaining small producers who have made 60 day emergency sales, but only with respect to such emergency sales.

In his motion O'Neill states that his sales to Transwestern involve only minimal volumes and revenues. We decline to dismiss O'Neill on these grounds. The factual and legal questions O'Neill is attempting to raise in his motion are, we believe, more properly considered in the proceedings we have ordered in the instant docket. We note, however, that one of the two O'Neill sales reported to us by Transwestern is a 60 day emergency sale. As we stated in our December 31 order in this proceeding (Mimeo, p. 3):

> We see no reason for treating small producers making 60 day emergency sales differently than we have treated other sellers making 60 day emergency sales. In both cases it would be pointless to institute a Section 5 proceeding. In both cases, we believe it is the pipeline and not the sellers that should bear the responsibility for justifying the rate level.

We will therefore grant O'Neill's motion to dismiss, but only insofar as it relates to his 60 day emergency purchase. With respect to this purchase it is Transwestern that will be required to justify the rate level at which the purchase was made. However, with respect to the other sale made by O'Neill in excess of the Opinion No. 742 level, we decline to dismiss O'Neill as a party respondent.

In its motion C&K cites our December 31 order in which we dismissed as parties respondent several small producers from whom Transwestern made 60 day emergency purchases. C&K alleges that the purchase reported by Transwestern in the instant docket is a 60 day emergency purchase from C&K's Vandiver #1 Well, S/2 of Section 18, T–18–S, R–26–E, Eddy County, New Mexico, and that under the terms of its December 31 order C&K should be dismissed as a party respondent. We agree that C&K should be dismissed as a party respondent with respect to this 60 day purchase. However, we note that Transwestern has reported a further purchase from C&K which is not listed as a 60 day emergency purchase. This purchase is identified as a sale by C&K from Eddy County, New Mexico under Transwestern contract number 2805 dated January 15, 1975. Transwestern reported that the rate for this purchase was slightly in excess of $0.76 per Mcf, which is higher than the 130% ceiling prescribed in Opinion No. 742. With respect to this purchase, we shall not dismiss C&K as a party respondent.

Finally, we recognize that the reasons for granting O'Neill's and C&K's motions, insofar as their 60 day emergency purchases are involved, are equally applicable to the other small producers that were made respondents in our November 10 order. These small producers are Hanson Oil Corporation; Yates Petroleum Corporation; and Harvey E. Yates Co., Inc. We note, however, that, as reported to us by Transwestern, Transwestern made purchases in addition to 60 day emergency purchases from each of these small producers. We will therefore dismiss each of these producers, but, as in the case of O'Neill and C&K, only with respect to their 60 day emergency purchases. With respect to each of those emergency purchases, it is Transwestern, and not the producers, that will be required to justify the rate at which those purchases were made.

Since each of the producers named herein is a small producer, Transwestern will be required to justify only that portion of the rate level for its 60 day emergency purchases which is in excess of the rate levels prescribed in Opinion No. 742. With respect to the standard we shall use in determining whether Transwestern should be allowed to recover the rates it has paid for 60 day emergency purchases, we note that the Commission

[1] Opinion No. 742, *Small Producer Regulation*, FPC Docket No. R–393 (issued August 28, 1975).

in Opinion No. 699–B [2] stated that a pipeline would be entitled to include in its purchased gas costs a rate for such purchases "which a reasonably prudent pipeline purchaser would pay for gas under the same or similar circumstances."

Moreover, we have concluded that in view of several recent developments it would be appropriate to modify the procedures previously established in the instant docket. By order issued February 19, 1976,[3] we stayed further proceedings in the instant docket insofar as they pertained to certain small producer rates and related pipeline refund issues pending further Commission action in Docket No. R–393 and RM76–5. However, we expressly exempted proceedings on the rates paid by pipelines to small producers for emergency purchases, including 60 day emergency purchases, from the operation of the stay. Thus, the proceedings on small producer 60 day emergency purchases, in addition to the proceedings on 60 day emergency purchases by other than small producers, were to continue to move forward. Under the procedural schedule approved by the Commission on February 2, 1976,[4] Transwestern would be required to serve its evidence in support of the 60 day emergency purchase rates on or before March 5, 1976, with Staff and Intervenor evidence to be served on or before April 5, 1976; and any company rebuttal testimony to be served on or before April 12, 1976. A hearing was scheduled to begin on April 19, 1976. While we believe that the proceedings on Transwestern's 60 day emergency purchases should go forward, we have decided that the procedures should be modified somewhat to conform to the procedures established recently in several other pipeline PGA cases.[5] Accordingly, we will require Transwestern to file with the Commission and to serve on all its customers and interested state commissions within 30 days of the issuance of this order the following information with respect to its 60 day emergency purchases: (1) the pipeline's need for the gas, (2) the availability of other gas supplies, (3) the amount of gas purchased under each 60 day transaction, (4) a comparison of each emergency purchase price with appropriate market prices in the same or nearby areas, and (5) the relationship between the purchaser and the seller. Upon receipt of this information, it will be duly noticed for the receipt of comments. Should our review indicate that the information filed, as well as any comments filed with respect thereto, meets the criterion set forth in Opinion No. 699–B, we shall terminate the proceedings and relieve Transwestern of its refund obligation. Should our review of the information and any comments related thereto indicate that further proceedings are required as to any or all of the 60-day emergency purchases they would be established by subsequent order. We shall defer the procedural dates prescribed in the February 2, 1976. Notice in this docket pending the results of the revised procedures prescribed in this order with respect to 60 day emergency purchases.[6]

The Commission further finds: (1) Good cause exists for dismissing Joseph I. O'Neill, Jr., C&K Petroleum, Inc.; Hanson Oil Corporation; Yates Petroleum Corporation; and Harvey E. Yates Co., Inc. as parties respondent, but only with respect to the 60 day emergency purchases made from them by Transwestern.

(2) Good cause exists for modifying the procedures previously established in the instant docket for reviewing Transwestern's 60 day emergency purchases, as hereinafter ordered and conditioned.

The Commission orders: (A) Joseph I. O'Neill, Jr.; C&K Petroleum Inc.; Hanson Oil Corporation; Yates Petroleum Corporation; and Harvey E. Yates Co., Inc. are hereby dismissed as parties respondent, but only with respect to the 60 day emergency purchases made from them by Transwestern.

(B) The procedural dates prescribed in the Commission's February 2, 1976, Notice in this proceeding are hereby deferred pending the results of the revised procedures set forth in Ordering Paragraph (C) below.

(C) To assist the Commission in reviewing Transwestern's 60 day emergency purchases and in determining whether a public hearing is necessary thereon, Transwestern shall within thirty days of the issuance of this order file with the Commission and serve upon all its customers and interested state commissions the following information: (1) the pipeline's need for the gas; (2) the availability of other gas supplies; (3) the amount of gas purchased under each 60 day transaction; (4) a comparison of each emergency purchase price with appropriate market prices in the same or nearby areas; and (5) the relationship between the purchaser and the seller. Upon receipt of this information it will be duly noticed for the receipt of comments. Should our review indicate that the information filed, as well as any comments filed with respect thereto, meets the criterion set forth in Opinion No. 699–B, we shall terminate the proceedings and relieve Transwestern of its refund obligation with respect to these purchases. Should our review of the information submitted and any comments related thereto indicate that further proceedings are required as to any or all of the 60 day emergency purchases, they will be established by subsequent order.

(D) The Secretary shall cause prompt publication of this order to be made in the Federal Register.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.76–6373 Filed 3–4–76;8:45 am]

[Docket No. ER76–387]

CENTRAL MAINE POWER CO.

Filing of Revised Fuel Clause

FEBRUARY 27, 1976.

Take notice that on February 20, 1976, Central Maine Power Company (Central Maine) tendered for filing a revised fuel clause to be applicable to service to Central Maine's five wholesale customers. Central Maine states that the revised fuel clause is in conformance with the requirements of Section 35.14 of the Commission's Regulations, 18 C.F.R., as amended by Order No. 517, issued November 13, 1974 in Docket No. R–479. A retroactive effective date of January 1, 1976 is requested.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Paragraphs 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 15, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any persons wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–6387 Filed 3–4–76;8:45 am]

[Docket No. CP76–268]

CITIES SERVICE GAS CO.

Application

FEBRUARY 27, 1976.

Take notice that on February 18, 1976, Cities Service Gas Company (Applicant), P.O. Box 25128, Oklahoma City, Oklahoma 73115, filed in Docket No. CP76–268 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the delivery of natural gas for direct sale to four right-of-way grantors pursuant to the terms of the

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[2] ——FPC—— (order issued September 9, 1975, in Docket No. R–389–B).

[3] Order Staying Proceedings With Respect To Small Producer Purchases, *United Gas Pipe Line Company*, Docket Nos. RP72–133 (PGA76–1), *et al.*

[4] Notice of Extension of Procedural Dates, *Transwestern Pipeline Company*, Docket No. RP74–52 (PGA76–1).

[5] *Mid Louisiana Gas Company*, Docket Nos. RP73–43, RP75–68 (PGA76–1) order issued January 30, 1976; *Transcontinental Gas Pipeline Corporation*, Docket Nos. RP72–99 and RP75–75 (EPGA No. 76–1) order issued January 30, 1976; and *Panhandle Eastern Pipe Line Company*, Docket No. RP73–36 (PGA No. 76–1 and DCA No. 76–1) order issued January 30, 1976.

[6] We note again that the portion of the instant filing related to small producer purchases, other than small producer purchases made pursuant to the Commission's 60 day emergency sales regulations, was stayed by order issued February 19, 1976.

right-of-way easements and agreements between Applicant and the grantors, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that right-of-way grantors have requested rural domestic and irrigation service for which Applicant proposes to construct and operate the following facilities:

(1) A tap on Applicant's Kansas-Hugoton Field 6-inch gathering pipeline in Stanton County, Kansas, and measuring, regulating and appurtenant facilities at the Vincent Youngren direct field sale meter site;

(2) A tap on Applicant's Kansas-Hugoton 26-inch transmission pipeline in Ford County, Kansas, and measuring, regulating and appurtenant facilities at the Lawrence E. Winger direct sale meter site;

(3) A tap on Applicant's Kansas-Hugoton 26-inch transmission pipeline in Ford County, Kansas, and measuring, regulating and appurtenant facilities at the James Faulds direct sale meter site; and

(4) A tap on Applicant's Kansas-Hugoton 26-inch transmission pipeline in Reno County, Kansas, and measuring regulating and appurtenant facilities at the J. Eugene Horton direct sale meter site.

Applicant estimates that the total cost of the proposed facilities would be approximately $4,160, which costs Applicant would finance from treasury funds. Applicant estimates that the gas required annually by each right-of-way grantor for domestic and irrigation purposes would be approximately 2,070 Mcf.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 22, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-6378 Filed 3-4-76;8:45 am]

[Docket No. ER76-494]

DELMARVA POWER & LIGHT CO. AND SUBSIDIARIES

Order Accepting for Filing and Suspending Proposed Increased Rates and Establishing Initial Conference

FEBRUARY 27, 1976.

On January 30, 1976, Delmarva Power & Light Company and its subsidiaries, Delmarva Power and Light Company of Maryland and Delmarva Power and Light Company of Virginia (jointly, "Delmarva") filed proposed tariff revisions[1] which would increase revenues from jurisdictional sales and service by $4,145,349, or 12.93%, based on the twelve month period ending December 31, 1976. Delmarva also filed a proposed revision of its existing fuel clause which was intended to make the clause comply with Commission Order No. 517. Delmarva proposed that the instant submittal become effective on March 1, 1976.

Public notice of the Companies' filing was issued on February 9, 1976, with protests or petitions to intervene due on or before February 23, 1976.

Under its present tariff applicable to municipals and private companies, Delmarva serves eight Delaware municipals, three Maryland municipals and one Maryland private company. Under a separate tariff, Delmarva serves the Delaware Electric Cooperative, Choptank Electric Cooperative and the Accomack/Northampton Electric Cooperative located in Delaware, Maryland and Virginia, respectively. The present tariffs consist of blocked demand charges and flat energy rates. The proposed tariffs eliminate the blocked demand charges and increase both the demand and energy rates.

Delmarva states that increased revenue is necessary to offset increased operating expenses and to provide sufficient earnings to permit it to earn a just and reasonable return on its electric business so that the Companies may provide their customers with adequate and dependable electric service.

The Commission has previously recognized the need of the electric industry as a whole to attract the capital necessary to provide adequate service to the consuming public,[2] and we have stated that a utility's need to increase its revenues so as to be able to satisfy its capital requirements may be a sufficient justification for a rate increase.[3] Our review of the Delmarva's filing indicates, however, that the proposed rate increase has not been shown to be just and reasonable and that it may be unjust, unreasonable, unduly discriminatory, preferential or otherwise unlawful.

Accordingly, pursuant to Section 205 of the Federal Power Act, we shall accept Delmarva's submittal for filing, and suspend the use thereof for one month until April 1, 1976, when the rates will be permitted to become effective, subject to refund. In addition, we shall establish hearing procedures to determine the justness and reasonableness of Delmarva's filing. For the reasons hereinafter set forth, we shall condition acceptance of the proposed rate increase on the filing of a revised fuel clause by Delmarva.

Delmarva's proposed fuel adjustment clause contains the following section with reference to the recovery, of costs of certain energy purchases:

"1. . . . (ii) plus the sum of the energy cost, excluding all capacity and demand costs, of direct purchases and economy energy purchases.

Delmarva has a contractual arrangement with Getty Oil whereby two Delmarva units are dedicated to serving Getty, but Delmarva buys back all excess energy available from the units. Delmarva pays for this excess energy not on a cost basis but on an imputed cost basis, hour by hour. Thus, Delmarva pays for the excess energy at the rate Delmarva is charging other utilities for economy energy at the time of purchase from Getty, or Delmarva pays at the rate it is being charged by other utilities for economy energy, depending on whether Delmarva is buying or selling economy energy at the time of purchase from Getty.

We conclude that the Getty transaction is energy purchased for reasons other than to substitute for Delmarva's own higher cost energy. Such purchases should therefore be included in the fuel adjustment clause in a manner which reflects actual identifiable fuel costs. Further, we believe that the wording found in Section 35.14(a)(2)(ii) and 35.-14(a)(2)(iii) of our Regulations instead of the language from the proposed clause quoted above should be used in Delmarva's fuel clause.

The Commission finds: (1) It is necessary and proper in the public interest and to aid in the enforcement of the Federal Power Act that Delmarva's proposed tariff sheets as tendered on January 30, 1976, be accepted for filing and suspended for one month until April 1, 1976, at which time they shall become effective subject to refund and that the Commission enter upon a hearing to

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[1] See Appendix A for Designations.

[2] *See, e.g., Wisconsin Electric Power Company and Wisconsin Michigan Power Company,* Docket No. ER76-303, order issued December 31, 1975, mimeo ed., p. 3, and *Delmarva Power and Light Company,* Docket No. ER76-151, order issued October 31, 1975, mimeo ed., p. 3.

[3] *Ibid.; see also, Nevada Power Company,* Docket No. ER76-40, issued October 15, 1975, mimeo ed., p. 2.

determine the lawfulness of the rates proposed in said tariff sheets.

(2) Good cause exists to condition acceptance of the proposed fuel clause for filing upon Delmarva's filing within thirty days of issuance of this order a fuel clause with language conforming to that found in Section 35.14(a)(2)(ii) and Section 35.14(a)(2)(iii) of the Commission's Regulations.

The Commission orders: (A) Pending a hearing and final decision thereon, Delmarva's proposed changes in the rates, charges, and conditions of service as filed on January 30, 1976, are accepted for filing and suspended for one month and the use deferred until April 1, 1976, when the proposed tariff sheets shall become effective, subject to refund.

(B) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge (See Delegation of Authority, 18 CFR 3.5(d)) shall preside at an initial conference in this proceeding at 9:30 A.M., March 18, 1976, at the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. Said Presiding Administrative Law Judge is hereby authorized to establish all procedural dates for this proceeding.

(C) Acceptance of the proposed fuel clause for filing is hereby conditioned on Delmarva's filing within thirty days of issuance of this order a fuel clause with language conforming to that found in Section 35.14(a)(2)(ii) and Section 35.14(a)(2)(iii) of the Commission's Regulations.

(D) Nothing contained herein shall be construed as limiting the rights of parties to this proceeding regarding the convening of conferences or offers of settlement pursuant to Section 1.18 of the Commission's Rules of Practice and Procedure.

(E) Delmarva shall file monthly with the Commission the report on billing determinants and revenues collected under the presently effective rates and the proposed increased rates filed herein, as required by Section 35.19a of the Commission Regulations, 18 CFR § 35.19a, and as hereafter ordered and conditioned.

(F) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

APPENDIX A.—DELMARVA POWER & LIGHT COMPANY AND SUBSIDIARIES

RATE SCHEDULE DESIGNATIONS (DOCKET NO. ER76-494 FILING DATE: JANUARY 30, 1976

(1) Tariff changes for municipal customers and private company:

Delmarva Power & Light Company FPC Electric Tariff Volume No. 6 (supersedes FPC Electric Tariff Volume No. 4)

Delmarva Power & Light Company of Maryland FPC Electric Tariff Volume No. 6 (supersedes FPC Electric Tariff Volume No. 4)

(2) Tariff changes for Cooperative Customers:

Delmarva Power & Light Company FPC Electric Tariff Volume No. 7 (supersedes FPC Electric Tariff Volume No. 5)

Delmarva Power & Light Company of Maryland FPC Electric Tariff Volume No. 7 (supersedes FPC Electric Tariff Volume No. 5)

Delmarva Power & Light Company of Virginia FPC Electric Tariff Volume No. 3 (supersedes FPC Electric Tariff Volume No. 2)

[FR Doc.76-6393 Filed 3-4-76;8:45 am]

[Docket Nos. RP72-155 and RP75-39; (PGA76-2)]

EL PASO NATURAL GAS CO.

Proposed Change in Rate Pursuant to Purchased Gas Cost Adjustments

FEBRUARY 27, 1976.

Take notice that El Paso Natural Gas Company (El Paso) on February 23, 1976, tendered for filing a notice of a change in rates for jurisdictional gas service rendered to customers served by its interstate gas system. Such service is rendered under rate schedules affected by and subject to Article 19, Purchased Gas Cost Adjustment Provision (PGAC), contained in the General Terms and Conditions applicable to El Paso's FPC Gas Tariff, Original Volume No. 1, Third Revised Volume No. 2 and Original Volume No. 2A, and under rate schedules affected by and subject to the PGAC—Clean High Pressure Gas Provision (PGAC-CHPG) contained in El Paso's FPC Gas Tariff, Original Volume No. 2A.

El Paso states the instant notice of change in rates is occasioned solely by, and will compensate El Paso only for, increases in the cost of purchased gas (including gas produced from leases acquired after October 7, 1969) which will become effective on or before March 31, 1976, applied to volumes purchased for the twelve (12) month period ending December 31, 1975.

According to El Paso, the annualized increase in purchased gas costs as to the PGAC adjustments applicable to all rate schedules contained in El Paso's Original Volume No. 1 tariff and those special rate schedules contained in El Paso's Third Revised Volume No. 2 and Original Volume No. 2A[1] is $49,987,102 based upon adjusted purchased gas volumes for the twelve (12) month period ending December 31, 1975. When applied to El Paso's interstate system total volumes for the same period, the purchased gas cost increase equates to 4.20¢ per Mcf.

In addition, El Paso states that its Account 191, Unrecoverable Purchased Gas Cost, contains a balance of $19,943,933, applicable to increases in purchased gas cost, as of December 31, 1975. Such costs, when applied to El Paso's jurisdictional sales volumes for the same period, produce an additional adjustment in rates of 3.55¢ per Mcf to be applied as a surcharge to all rate schedules affected by such PGAC. El Paso further states that the net adjustment to the currently effective rates affected by the PGAC is an increase of 3.53¢ per Mcf.

El Paso states that the Account 191 balance includes excess amounts attributable to small producer and emergency purchases made during the six month period ending December 31, 1975, at rate levels above the Commission's Opinion Nos. 699-H, 742 and 749 rate levels in the amount of $2,412,328. Further, El Paso states that the portion of small producer and emergency purchases above such rate level included in El Paso's PGAC adjustment is $3,924,763.

El Paso states that it is also submitting, as a part of the instant filing its Report of Revenues Collected by Amortization Charge authorized to be collected at Docket No. RP73-104,[2] which report also reflects a remaining balance of $26,941.41 to be collected by El Paso from its customers. El Paso has included such undercollection as an adjustment to the December 31, 1975, balance in Account 191, in determining the surcharge adjustment reflected in the instant PGAC notice of change in rates and requests that its proposed method of collection of the remaining balance authorized be approved herein.

El Paso states the current adjustment applicable to those Original Volume No. 2A special rate schedules affected by the PGAC-CHPG[3] is an increase of 16.6118¢ per Mcf. Such current adjustment is comprised of an increase in the weighted average purchased cost of clean, high-pressure gas equating to 7.4061¢ per Mcf and a surcharge adjustment of 9.2057¢ per Mcf, representing the unrecovered purchased gas cost balance contained in Account 191 as of December 31, 1975. Based upon sales volumes under such special rate schedules for the twelve months ended December 31, 1975, said increase of 7.4061¢ per Mcf will increase revenues by $73,705 and based upon the gas sales volumes under the special rate schedules subject to the PGAC-CHPG for the six months period ending December 31, 1975, the surcharge adjustment of 9.2057¢ per Mcf will recover during the six month period subsequent to April 1, 1976, $38,416 of the unrecovered purchased gas cost recorded in Account 191. El Paso states that the net adjustment to the currently effective rates ap-

[1] The special rate schedules subject as to this PGAC adjustment are Rate Schedules X-7, X-14, X-25, X-30, X-33 and X-35 of El Paso's FPC Gas Tariff, Third Revised Volume No. 2, and Rate Schedules FS-25, FS-26, FS-27, FS-28, FS-30, FS-35 and FS-45 of El Paso's FPC Gas Tariff, Original Volume No. 2A.

[2] By order issued February 24, 1975, at Docket Nos. RP73-104, *et al.*, as amendel by order issued March 19, 1975, at Docket Nos. RP73-104, *et al.*, and order issued March 31, 1975, at Dicket Nos. RP72-155, *et al.*, the Commission, *inter alia*, permitted El Paso to collect, during the period April 2, 1975, through September 30, 1975, an amortization charge attributable to increased special overriding royalty costs incurred for the period July 10, 1974, through December 1, 1974.

[3] The special rate schedules subject to PGAC-CHPG are Rate Schedules FS-3, FS-6, FS-7, FS-10, and FS-32.

plicable to the affected special rate schedules is an increase of 12.2978¢ per Mcf.

El Paso states that the Account 191 balance applicable to PGAC-CHPG amounts attributable to small producer purchases made during the six month period ending December 31, 1975, at rate levels above the Commission's Opinion Nos. 699-H and 742 rate levels in the amount of $2,442. Further, El Paso states that the portion of small producer and emergency purchases above such rate level included in El Paso's PGAC-CHPG adjustment is $363,066.

El Paso has requested waiver of all applicable rules and regulations of the Commission as may be necessary to permit the tendered tariff sheets to become effective on April 1, 1976.

El Paso states copies of the filing and attachments have been served upon all parties of record in Docket No. RP72-155 and RP75-39, and, otherwise, upon all affected customers and interested state regulatory commissions.

Any person desiring to be heard or to make any protest with reference to said tariff filing should, on or before March 15, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations Under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the approximate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-6390 Filed 3-4-76;8:45 am]

[Docket No. ID-1417]

FORTUNE, ROBERT R.

Application

FEBRUARY 27, 1976.

Take notice that on February 17, 1976, Robert R. Fortune, (Applicant) filed an application with the Federal Power Commission. Pursuant to Section 305(b) of the Federal Power Act, Applicant seeks authority to hold the following position:

Director and Executive Vice President-Financial, Pennsylvania Power & Light Company, Public Utility.

Pennsylvania Power & Light Company has its principal office at Two North Ninth Street, Allentown, Pennsylvania 18101. The public utility is an operating company with about 6,695 employees. It derives about 99% of its operating revenues from supplying electric service, the balance from supplying steam heating service. The Company serves a 10,000 square mile territory in 29 counties of Central Eastern Pennsylvania with a population of approximately 2.4 million. This service area, which has extensive agricultural and industrial sections, includes the cities of Allentown, Bethlehem, Harrisburg, Hazleton, Lancaster, Scranton, Wilkes-Barre and Williamsport.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 15, 1976, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.6384 Filed 3-4-76;8:45 am]

[Docket No. ER76-275]

HARTFORD ELECTRIC LIGHT CO.

Tender of Supplemental Data

FEBRUARY 27, 1976.

Take notice that on February 20, 1976, The Hartford Electric Light Company tendered supplemental data intended to make complete its original filing of November 21, 1975. This action is in response to a deficiency letter issued by the Secretary of the Federal Power Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 16, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-6388 Filed 3-4-76;8:45 am]

[Docket Nos. RP75-19(AP76-1)]

TEXAS GAS TRANSMISSION CORP.

Deferring Procedural Dates

FEBRUARY 27, 1976.

On February 24, 1976, Texas Gas Transmission Corporation (Texas Gas), filed a motion to defer the procedural dates in Docket No. RP75-19 (AP76-1), as set by order issued January 30, 1976.

Upon consideration, notice is hereby given that the procedural dates in the above-designated docket are deferred pending action by the Commission on the Application for Rehearing filed by Texas Gas on February 20, 1976.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-6389 Filed 3-4-76;8:45 am]

[Docket No. C176-90]

HURLEY PETROLEUM CORP.

Order Adding Additional Necessary Parties Respondent to Show Cause Proceeding

MARCH 1, 1976.

This proceeding arose by the filing on August 4, 1975, by Hurley Petroleum Corporation (Hurley) of an application under Section 7(b) of the Natural Gas Act to abandon sales of natural gas to Mississippi River Transmission Corporation (MRT) from 664 acres comprising the Cocke-Jobe Unit in the Sarah Reynolds Survey, Waskom Field, Harrison County, Texas. By the Commission's order of November 18, 1975, Hurley was directed to show cause why it should not be held in violation of Section 7(b) of the Natural Gas Act for not having obtained authorization before abandoning jurisdictional sales of natural gas and related facilities.

In accordance with the order of November 18, 1975, a hearing was held on January 13, 1976, before Presiding Administrative Law Judge Israel Convisser, at which evidence indicated that one of the two leases from which Hurley had been making sales of natural gas to MRT was no longer in Hurley's possession. Testimony indicates that Hurley is lessee of only the Bookout Lease the other lease, the Cocke-Jobe Lease, is owned by Cleve B. Jobe, Hazel Cocke Jobe, and Margie W. Trammell, and is currently let to Ernest F. Smith and Sam B. Hall, Jr.

On February 2, 1976, Commission Staff filed a motion with the Administrative Law Judge requesting that he certify the record to the Commission for a ruling on Staff's motion to add the current mineral interest owners and lessees of the Cocke-Jobe Lease to the show cause proceeding as necessary parties to the issues surrounding the abandonment application for the Cocke-Jobe Lease. The Administrative Law Judge certified the motion to the Commission on February 3, 1976.

In Opinion No. 737, issued on July 11, 1975, the Commission determined that owners of reversionary interests in gas reserves were subject to the dedications made by the leaseholders for the sale of gas in interstate commerce. Upon termination of the leases the owners could not sell the dedicated gas in intrastate commerce without first obtaining abandonment authority.

On the basis of this record, as certified to us, and our holding in Opinion No. 737, we believe the reversionary interest owners and the current lessees

should be added as necessary parties to this proceeding. These parties will be afforded the opportunity to file evidence bearing on all the issues presented in this docket.

The Commission finds:

(1) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that further public hearings be held on the matters involved and the issues presented in these proceedings.

(2) Inasmuch as the participation of Cleve B. Jobe, Hazel Cocke Jobe, Margie W. Trammell, Ernest F. Smith and Sam B. Hall, Jr. is necessary to a complete determination of the issues pending in the instant proceeding and that their addition as necessary parties will not result in prejudice to any party, good cause exists to add the persons herein named as necessary party respondents to the instant show cause proceeding.

The Commission orders:

(A) That Cleve B. Jobe, Hazel Cocke Jobe, Margie W. Trammell, Ernest F. Smith, and Sam B. Hall, Jr., be, and hereby are added as necessary party respondents to the above-captioned proceeding.

(B) A further public hearing concerning the matters involved and the issues presented in these proceedings as hereinbefore set forth will be held in a hearing room of the Federal Power Commission, Washington, D.C. on a date to be fixed by the Administrative Law Judge. The respondents listed in (A) above shall file with the Secretary of the Commission and serve upon the Presiding Administrative Law Judge, the Commission Staff and all other parties any testimony or written response with respect to the issues raised herein on a date to be fixed by the Administrative Law Judge.

(C) The Administrative Law Judge is delegated authority to establish further procedural dates and to rule on all motions subject to review by the Commission except for granting or denying petitions to intervene.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.76-6376 Filed 3-4-76;8:45 am]

[Docket No. ER76-518]

KANSAS GAS AND ELECTRIC CO.

Filing

FEBRUARY 27, 1976.

Take notice that on February 18, 1976, the Kansas Gas and Electric Company (Kansas) tendered for filing Schedule RE, Replacement Energy, an agreement dated January 1, 1976, between Kansas and The Empire District Electric Company (Empire) providing for the purchase and sale of energy between the two companies. Kansas states that this filing supplements its Agreement for Interchange of Power, FPC Rate Schedule No. 83, and that it cancels and supersedes Supplement No. 13 dated November 15, 1970. A Certificate of Concurrence dated February 2, 1976 and signed by Empire accompanied the filing.

Kansas states that the only change in this Service Schedule over the superseded one is the add-on portion of the rate when energy being supplied by Kansas is purchased from another supplier and passes through Kansas' system to Empire.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 15, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-6377 Filed 3-4-76;8:45 am]

[Docket No. ER76-519]

KANSAS GAS AND ELECTRIC CO.

Filing

FEBRUARY 27, 1976.

Take notice that on February 18, 1976, the Kansas Gas and Electric Company (Kansas) tendered for filing Schedule RE, Replacement Energy, an agreement dated January 1, 1976 between Kansas and the Public Service Company of Oklahoma (PSO), providing for the purchase and sale of energy between the two companies. Kansas states that this filing supplements its Agreement for Interchange of Power, F.P.C. Rate Schedule No. 97, and that it cancels and supersedes Supplement No. 10 dated November 16, 1970. A Certificate of Concurrence dated February 5, 1976 and signed by PSO accompanied the filing.

Kansas states that the only change in this Service Schedule over the superseded one is the add-on portion of the rate when energy being supplied by Kansas is purchased from another supplier and passes through Kansas' system to PSO.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 15, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-6383 Filed 3-4-76;8:45 am]

[Docket No. ID-1768]

LLOYD, JACK

Application

FEBRUARY 27, 1976.

Take notice that on February 10, 1976, Jack Lloyd, (Applicant) filed an application with the Federal Power Commission. Pursuant to Section 305(b) of the Federal Power Act, Applicant seeks authority to hold the following positions:

Vice President, Director, Appalachian Power Company, Kanawha Valley Power Company, Electric Public Utility, Electric Utility.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 15, 1976, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-6385 Filed 3-4-76;8:45 am]

[Docket No. ER76-526]

LOUISVILLE GAS AND ELECTRIC CO.

Tariff Change

FEBRUARY 27, 1976.

Take notice Louisville Gas and Electric Company (Louisville) on February 20, 1976, tendered for filing proposed changes in its Interconnection Agreement between Louisville and Big Rivers Electric Corporation (Big Rivers) designated FPC Rate Schedule No. 27.

The purpose of this filing is to revise Service Schedule C—Short Term Power, and to provide for the addition of a new Service Schedule E—Fuel Conservation Power and Energy. The demand charge for Short Term Power is proposed to be increased from 40¢ per kilowatt per week to 45¢ per kilowatt per week and the basis for determining "out-of-pocket" cost of energy is revised to provide for the use of replacement cost of fuel. Also, the "adder" to out-of-pocket cost of energy purchased from a third party is proposed to be increased from 10% to 15%. The new Service Schedule E pro-

vides for the exchange of fuel conservation power and energy during such periods and at such rates as set forth in the service schedule. These proposed revisions and additions reflect a desire on the part of both parties to attain the optimum benefit from the interconnection of their systems.

Louisville states that a copy of the filing was served upon Big Rivers Electric Corporation.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 15, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-6386 Filed 3-4-76;8:45 am]

[Docket No. CP76-264]

MICHIGAN WISCONSIN PIPE LINE CO.

Application

FEBRUARY 27, 1976.

Take notice that on February 17, 1976, Michigan Wisconsin Pipe Line Company (Applicant), One Woodward Avenue, Detroit, Michigan 48226, filed in Docket No. CP76-264 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange of natural gas with Phillips Petroleum Company (Phillips) and the construction and operation of facilities therefor, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that pursuant to a gas exchange agreement between itself and Phillips dated December 5, 1975, Applicant has agreed to deliver up to 4,000 Mcf of natural gas to Phillips at a point in Hansford County, Texas, for redelivery of thermally equivalent gas by Phillips to Applicant at the outlet of Phillips' Sherman Plant in Hansford County. Applicant would retain for its own use 5 percent of the natural gas delivered to it by Phillips as compensation for the costs of compression and as makeup fuel and shrinkage gas. Phillips is said by Applicant to require the gas for fuel for a number of internal combustion engines for the compression and pumping of natural gas in field installations.

Applicant would provide a tap on its pipeline for the delivery of natural gas at the proposed point of delivery to Phillips at an estimated cost of $7,210 to be reimbursed by Phillips.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 24, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-6380 Filed 3-4-76;8:45 am]

[Docket No. RP72-149; (PGA76-7)]

MISSISSIPPI RIVER TRANSMISSION CORP.

Proposed Change in Rates

FEBRUARY 27, 1976.

Take notice that Mississippi River Transmission Corporation (Mississippi) on February 17, 1976, submitted for filing Thirty-Ninth Revised Sheet No. 3A to its FPC Gas Tariff, First Revised Volume No. 1, to become effective April 1, 1976.

The instant filing is made pursuant to the provisions of Mississippi's purchased gas cost adjustment clause to its tariff to reflect a change in Mississippi's defered gas cost adjustment.

Mississippi states that it currently has pending before the Commission a Stipulation and Agreement in the rate proceeding at Docket No. RP75-20 which provides for changes in the provisions relating to the PGCA, as well as other changes with respect to Mississippi's prospective rates. If the Stipulation and Agreement is approved and becomes final prior to the proposed effective date of the instant filing, Mississippi would submit revised tariff sheets implementing the provisions of the Stipulation and Agreement, including the modified PGCA provisions, and would request that such new filings be substituted for the instant filing.

Mississippi submitted schedules containing computations supporting the rate changes to be effective April 1, 1976. Mississippi states that copies of its filing were served on Mississippi's jurisdictional customers and the State Commissions of Arkansas, Illinois and Missouri.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 15, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene unless such petition has previously been filed. Copies of the filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-6382 Filed 3-4-76;8:45 am]

[Docket Nos. ER76-149 and E-9537]

PUBLIC SERVICE COMPANY OF INDIANA, INC.

Order Denying Motion To Reduce Suspension Period and Request for Initiation of an Investigation

MARCH 1, 1976.

On September 23, 1975, Public Service Company of Indiana, Inc. (PSCI) tendered for filing a wholesale rate increase amounting to $9,713,394 docketed as ER76-149.

By order issued November 28, 1975, the Commission, *inter alia*, accepted the proposed rate increase for filing as of November 30, 1975, and suspended it until March 31, 1976, when it will be permitted to go into effect subject to refund. The Commission rejected the proposed rate increase to certain interconnection customers, the Cities of Crawfordsville, Logansport, Peru and Washington, Indiana, because their service agreements are fixed rate within the *Mobile-Sierra*[1] doctrine[2]. The Commission did not institute a Section 206(a) investigation with respect to these customers.

On December 29, 1975, PSCI filed a Petition For Rehearing And Stay of the Commission's November 28, 1975, order. Therein, PSCI sought rehearing of the Commission's order issued November 28,

[1] *United Gas Pipe Line Co.* v. *Mobile Gas Service Corp.*, 350 U.S. 332 (1956); *Federal Power Commission* v. *Sierra Pacific Power Co.*, 350 U.S. 348 (1956).

[2] The Commission pointed out at mimeo p. 7 that this action was consistent with its order issued March 7, 1974, in Docket Nos. E-8586 and E-8587, involving PSCI's prior wholesale rate increase.

1975, to permit its increased rates to become effective October 24, 1975, but did not request a reduction of the suspension period to two months, nor did it request the Commission to institute a Section 206(a) investigation with respect to the interconnection customers. We denied PSCI's Petition For Rehearing And Stay by order issued January 26, 1976.

On January 26, 1976, PSCI filed a pleading entitled "MOTIONS TO RECONSIDER AND MODIFY SUSPENSION PERIOD AND EXPEDITE RESPONSES AND DECISION."[3] PSCI requested that the Commission reduce the suspension period specified in the November 28, 1975, order to two months or to the date of action by the Commission on the pleading. IMEA Cities filed a response in opposition to the reduction in the suspension period.

On February 6, 1976, PSCI filed a request that the Commission on its own motion institute a Section 206(a) proceeding to allow PSCI to make the showing required under the *Mobile-Sierra* doctrine to raise the fixed rates for its service to the four interconnection customers named, supra, as the Commission did in PSCI's last wholesale rate case in Docket Nos. E-8586 and E-8587, by order issued March 7, 1974.

In its petition for rehearing of the November 28, 1975, order, PSCI did not request reduction of the suspension period to two months, nor did it request the Commission to institute a Section 206(a) investigation with respect to the interconnection customers. Such requests by PSCI at this time constitute a collateral attack on our November 28, 1975, order and do not lie under Section 313 of the Federal Power Act and Section 1.34 of the Commission's Rules of Practice and Procedure.

Moreover, we exercised our independent judgment and concluded that a suspension until March 31, 1976, based upon the record in this proceeding was proper and sufficient to protect the public interest and the parties to this proceeding. With respect to the other proceedings cited by PSCI at mimeo p. 3 of its January 26, 1976, pleading, we determined that based upon the record of each proceeding a different suspension period was warranted. The period of suspension is a matter of agency discretion. *Municipal Light Boards* v. *F.P.C.*, 450 F.2d 1341, 1352 (1971).

Furthermore, we have already instituted a Section 206(a) proceeding to allow PSCI to make the showing required under the *Mobile-Sierra* doctrine to raise the fixed rates for its service to the four interconnection customers named, supra, by order issued March 7, 1974, in Docket Nos. E-8586 and E-8587. That proceeding is currently pending before the Administrative Law Judge for decision. Any relief under Section 206(a) would be prospective only. Therefore, no purpose would be served by instituting a separate Section 206(a) proceeding.

Accordingly, we will deny both PSCI's request for a reduction in the suspension period and for the Commission to institute a Section 206(a) proceeding with respect to the named interconnection customers.

The Commission finds:

Good cause exists to deny PSCI's motions filed January 26, 1976, and request filed February 6, 1976.

The Commission orders:

(A) PSCI's motions filed January 26, 1976, and request filed February 6, 1976, are hereby denied.

(B) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.76-6375 Filed 3-4-76;8:45 am]

[3] PSCI requested that the Commission reduce the 15 day period provided in our Regulations for filing responses to the pleading to three days. Intervenors, Indian Municipal Electric Association, et al. (IMEA Cities) and the Rural Electric Membership Corporations and Hoosier Cooperative Energy Division, Indiana Statewide Rural Electric Cooperative, Inc. (REMCs and Hoosier) filed responses opposing the reduction of the answer period to three days. We do not believe that PSCI has presented sufficient grounds to waive Section 1.12(c) of our Regulations in face of the opposition.

[Docket No. CP76-258]

MONTANA-DAKOTA UTILITIES CO.

Application

FEBRUARY 27, 1976.

Take notice that on February 12, 1976, Montana-Dakota Utilities Co. (Applicant), 400 North Fourth Street, Bismark, North Dakota 58501, filed in Docket No. CP76-258 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the continued operation of approximately 1,314 feet of 8⅝-inch pipeline in Montana, including an underwater crossing of the Yellowstone River, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that it purchased from Continental Oil Company (Conoco) approximately 910 feet of 8⅝-inch pipeline, including an underwater crossing of the Yellowstone River, Yellowstone County, Montana, which pipeline is indicated to have cost $15,000. Applicant states further that it then removed and relocated 108 feet of the pipeline from the south bank to the north bank of the Yellowstone to tie the purchased facilities into Applicant's existing pipeline and constructed 404 feet of 8⅝-inch pipeline on the south bank to tie the purchased pipeline into Applicant's existing pipeline. The total cost of the facilities is estimated by Applicant to have been approximately $21,600, which costs Applicant financed through internally generated funds.

The stated purpose of the proposed pipeline, which Applicant proposes to retain and continue operating is to protect the Billings and Laurel, Montana, customers from interruption of service that Applicant believes may occur due to the break up a concrete apron, approximately 30 feet by 100 feet, poured in 1961 for the protection of Applicant's two existing 10-inch pipelines crossing the Yellowstone River. Applicant avers that the existing pipelines are suspended off the river bottom for a distance of approximately 40 to 50 feet and are exposed for approximately 8 to 10 feet.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 23, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-6379 Filed 3-4-76;8:45 am]

[Docket No. ER76-523]

NIAGARA MOHAWK POWER CORP.

Tariff Filing

FEBRUARY 27, 1976.

Take notice that Niagara Mohawk Power Corporation (Niagara) on February 19, 1976, tendered for filing as a rate schedule, an agreement between Niagara Mohawk Power Corporation and the Power Authority of the State of New York, dated July 28, 1975. Niagara requests that the prior notice requirements be waived so as to permit an effective date of July 28, 1975.

The above agreement is basically for the sale, transmission and distribution of power from the Power Authority's James A. FitzPatrick Nuclear Generating Plant (FitzPatrick) to Niagara. Two sections of the agreement are as follows:

1. Article J., Page 5 of the agreement provides for Niagara to make available transmission capacity to the Power Authority in an amount required to transmit FitzPatrick power and energy to high load factor manufacturers and priority customers supplied by the Power Authority, where such customers can be supplied from Niagara's system.

2. Section I, Page 13 of the agreement calls for the sale of power by Niagara to the Power Authority in certain instances.

Copies of the filing were served upon the following:

Power Authority of the State of New York, 10 Columbus Circle, New York, NY 10019.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 15, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-6381 Filed 3-4-76;8:45 am]

[Docket No. RP72-98; (PGA 76-3)]

TEXAS EASTERN TRANSMISSION CORP.

Proposed Changes in FPC Gas Tariff

FEBRUARY 27, 1976.

Take notice that Texas Eastern Transmission Corporation on February 17, 1976, tendered for filing proposed changes in its FPC Gas Tariff, Fourth Revised Volume No. 1, the following sheets:

Eighteenth Revised Sheet No. 14
Eighteenth Revised Sheet No. 14A
Eighteenth Revised Sheet No. 14B
Eighteenth Revised Sheet No. 14C
Eighteenth Revised Sheet No. 14D

These sheets are being issued pursuant to the Purchased Gas Cost Adjustment provision contained in Section 23 of the General Terms and Conditions of Texas Eastern's FPC Gas Tariff. The increase in rates proposed by this filing reflects a cost of gas adjustment due to an increase in purchased gas cost from one of Texas Eastern's pipeline suppliers, Texas Gas Transmission Corporation. The proposed effective date of the above sheets is April 1, 1976.

Copies of the filing were served upon the company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, DC 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 15, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-6391 Filed 3-4-76;8:45 am]

[Docket Nos. RP72-133, (PGA76-1) et al]

UNITED GAS PIPE LINE CO. ET AL.

Order Deferring Proceedings in Part and Establishing Revised Procedures

FEBRUARY 27, 1976.

On January 30, 1975, the Commission issued orders in *Mid Louisiana Gas Company*, Docket Nos. RP73-43, RP75-68 (PGA76-1); *Transcontinental Gas Pipeline Corporation*, Docket Nos. RP72-99, RP75-75 (EPGA76-1); and *Panhandle Eastern Pipe Line Company*, Docket Nos. RP73-36 (PGA76-1) et al., which set forth revised procedures for the determination of whether certain 60-day emergency purchases by natural gas pipelines were purchases "which a reasonably prudent pipeline purchaser would pay for gas under the same or similar circumstances."[1] It is necessary and appropriate that this Commission adopt these same procedures with respect to the 60-day emergency purchases set for hearing in the individual proceedings listed in the caption of this order,[2] in order to expeditiously resolve the issues raised with respect to these 60-day emergency purchases. Accordingly, we shall defer the procedural dates prescribed in the individual proceedings listed in the caption of this order insofar as those proceedings relate to: (1) 60-day emergency purchases by pipelines from small producers at rates in excess of the rates prescribed in Opinion No. 742; (2) 60-day emergency purchases by pipelines from parties other than small producers at rates in excess of the rate levels prescribed in Opinion No. 699-H; and (3) related pipeline refund issues.

With regard to 60-day emergency purchases, the Commission noted in Opinion No. 699-B supra, that a pipeline would be entitled to include in its purchased gas costs a rate for such purchases "which a reasonably prudent pipeline purchaser would pay for gas under the same or similar circumstances." To assist in Commission review of the 60-day emergency purchases and in determining whether a public hearing is necessary thereon, the pipelines whose rates are under suspension in the captioned proceedings shall be required to file and serve on all their customers and interested state commissions within thirty days of issuance hereof the following information in their respective proceedings: (1) the pipeline's need for the gas, (2) the availability of other gas supplies, (3) the amount of gas purchased under each 60 day transaction, (4) a comparison of each emergency purchase price with appropriate market prices in the same or nearby areas, and (5) the relationship between the purchaser and the seller. Upon receipt of this information, it will be duly noticed for receipt of comments with respect thereto. Should our review indicate that the information, and any comments related thereto, meet the criterion set forth in Opinion No. 699-B, we shall terminate the proceedings with respect to the 60-day emergency purchases and relieve the pipelines of their refund obligation with respect thereto. Should our review of the information and any comments related thereto indicate that further proceedings are required as to any or all of the 60-day emergency purchases, they would be established by subsequent order. Each of the respective proceedings listed in the caption of this order, and in Appendix A hereto, will be handled individually and are not consolidated under the terms and conditions of this order.

We note that the issues in the captioned proceedings which relate to the proper rate levels for certain small producer sales were stayed by order issued February 19, 1976, pending Commission action on rehearing of Opinion No. 742 in Docket No. R-393 and in RM76-5. However, a few of the individual proceedings designated in the caption of this order involve issues that are distinct from the small producer issues covered by the February 19, 1976, order, and distinct from the issues raised concerning the 60-day emergency purchases covered in the instant order. The reasons for ordering a stay of existing procedures in the February 19, 1976, order and the instant order do not apply to those other issues, and the hearings previously initiated with respect thereto should proceed in accordance with existing procedural schedules.

The Commission finds:

It is necessary and proper in the public interest that the procedural dates prescribed in the individual proceedings designated in the caption of this order, be deferred, insofar as they relate to: (1) 60-day emergency purchases by pipelines from small producers at rates in excess of the rate levels prescribed in Opinion No. 742; (2) 60-day emergency purchases by the pipelines from parties other than small producers at rates in excess of the rate levels prescribed in Opinion No. 699-H; and (3) pipeline refund issues related thereto.

The Commission orders:

(A) The procedural dates prescribed in the proceedings designated in the cap-

[1] Opinion 699-B, ____ FPC ____ issued September 9, 1975, in Docket No. R-389-B.

[2] See Appendix A for listing of applicable Commission orders.

tion of this order, and listed in Appendix A hereto, are hereby deferred insofar as those proceedings relate to: (1) 60-day emergency purchases by pipelines from small producers at rates in excess of the rate levels prescribed in Opinion No. 742; (2) 60-day emergency purchases by pipelines from parties other than small producers at rates in excess of the rate levels prescribed in Opinion No. 699–H; and (3) pipeline refund issues related thereto.

(B) In all other respects the existing procedural schedules of the captioned proceedings should be observed.

(C) To assist in Commission review of the 60-day emergency purchases and in determining whether a public hearing is necessary thereon, the respective pipelines whose rates are under suspension in the captioned proceedings shall file and serve on all their customers and interested state commissions within thirty days of the issuance hereof in their respective proceedings the following information: (1) the pipeline's need for the gas, (2) the availability of other gas supplies, (3) the amount of gas purchased under each 60 day transaction, (4) a comparison of each emergency purchase price with appropriate market prices in the same or nearby areas, and (5) the relationship between the purchaser and the seller. Upon receipt of this information, it will be duly noticed for receipt of comments with respect thereto. Should our review indicate that the information filed, and any comments related thereto, meet the criterion set forth in Opinion No. 699–B, we shall terminate the proceedings with respect to the 60-day emergency purchases issues and relieve the respective pipelines of their refund obligation with respect thereto. Should our review of the information and any comments related thereto indicate that further proceedings are required as to any or all of the 60-day emergency purchases, they would be established by subsequent order. Each of the respective proceedings listed in the caption of this order, and in Appendix A hereto, will be handled individually and are not consolidated under the terms and conditions of this order.

(D) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

APPENDIX A.—*60-d emergency cases subject to this order*

Company	Docket	Date of order
United Gas Pipe Line Co.	RP72–133 (PGA76–1).	Dec. 31, 1975
Transcontinental Gas Pipeline Corp.	RP73–3 et al. (PGA76–1).	Oct. 31, 1975
Texas Eastern Transmission Corp.	RP74–41 (PGA76–1).	Dec. 31, 1975
Northern Natural Gas Co.	RP71–107 (Phase II) (PGA76–1).	Do.
Natural Gas Pipeline Co of America.	RP71–125 (PGA76–3).	Nov. 28, 1975

[FR Doc.76–6392 Filed 3–4–76;8:45 am]

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Receipt of Report Proposals

The following requests for clearance of reports intended for use in collecting information from the public were received by the Regulatory Reports Review Staff, GAO, on February 27, 1976 (FPC), and March 1, 1976 (NRC). See 44 U.S.C. 3512 (c) & (d). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public of such receipt.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed FPC and NRC forms are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed forms, comments (in triplicate) must be received on or before March 23, 1976, and should be addressed to Mr. Carl F. Bogar, Assistant Director, Office of Special Programs United States General Accounting Office, Room 5216, 425 I Street, NW., Washington, D.C. 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202–376–5425.

FEDERAL POWER COMMISSION

FPC requests clearance of a new reporting requirement to update data supplied to FPC in 1966 on Form 38 "Electric Generating Station and Substation Data in a Computer Printout Format." The FPC is cooperating with the Federal Prepardness Agency (FPA) and the Defense Electric Power Administration (DEPA) in certain civil defense activities to include damage assessments of electric facilities. The data is furnished under provision of Executive Order 11490. The data is solicited from electric generating stations of 25 MW or greater and substations of 10 MW or greater. FPC estimates that the number of Electric Generating respondents is 1,000 and that approximately 4 hours per response are estimated to be required for updating the computer printout.

NUCLEAR REGULATORY COMMISSION

NRC requests an extension no change clearance of Form 7 "Application for License to Export Byproduct, Source or Special Nuclear Material." The export of byproduct, source, or special nuclear material is subject to the licensing requirements of the Atomic Energy Act of 1954, as amended, and the regulations of the NRC. The information furnished by the applicant on Form 7 is evaluated by the NRC staff pursuant to criteria set out in the NRC's regulations, to determine whether an export license should be issued to the applicant. Respondents are primarily business firms. Approximately 340 applications are filed annually and NRC estimates the respondent burden to be one-fourth hour per response.

Request for an extension no change clearance of recordkeeping requirement in 10 CFR 40.61, and reporting requirements in 10 CFR 40.23 (a) and (e), 40.64 (b) and 40.64(c). Potential respondents are NRC source material licensees. Export declarations received pursuant to §§ 40.23 (a) and (e) are reviewed by the NRC staff to monitor the number of exports made under the general licenses and to determine that the exports fall within the scope of the general licenses. The records of receipt, transfer, export, and disposal of source material maintained pursuant to § 40.61 are subject to inspection by NRC inspectors to determine that the licensee's activities are in compliance with NRC regulations and license conditions. The statement of inventory of source material which certain licensees must submit to the NRC annually pursuant to § 40.64(b) reflects current information as to the quantity and location of source material possessed by licensees. The reporting requirement of § 40.64(c) serves to inform the NRC of substantive incidents involving possible thefts or diversions of source material. Total annual burden for all respondents as estimated by NRC is 33 hours for § 40.23; 333 hours for § 40.61; 360 hours for § 40.64(b); and 10 hours for § 40.64(c).

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc.76–6449 Filed 3–4–76;8:45 am]

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–6]

CERTAIN EYE TESTING INSTRUMENTS INCORPORATING REFRACTIVE PRINCIPLES

Procedure for Commission Action

Notice is hereby given that: 1. On Wednesday, February 25, 1976, Commissioner Ablondi (Presiding Officer) issued his Recommendation in this proceeding, recommending that the Commission grant complainant's motion that the Commission terminate investigation 337–TA–6. Copies of Commissioner Ablondi's Recommendation, which has been served on all parties of record, are available for inspection to the public during official working hours at the Office of the Secretary, United States International Trade Commission, 701 E Street NW., Washington, D.C. 20436.

2. Not later than the close of business Monday, March 8, 1976, any party to this proceeding, or any person with a substantial interest in the outcome of this proceeding, may file exceptions to Commissioner Ablondi's Recommendation and submit alternative recommendations. Documents setting forth such exceptions and alternatives shall be in form and number as set forth in § 201.8 of the Commission's rules of practice and procedure, 19 CFR 201.8.

3. Briefs filed concerning exceptions to and alternatives for Commissioner Ablondi's Recommendation shall be in form and number as set forth in § 201.8 of the Commission's rules of practice and

procedure, 19 CFR 201.8, and in addition, be of no more than 25 pages. Such briefs shall be filed no later than March 15, 1976.

Issued: February 27, 1976.

By order of the Commission.

[SEAL] KENNETH R. MASON, *Secretary.*

[FR Doc.76-6447 Filed 3-4-76;8:45 am]

CERTAIN STAINLESS STEEL TABLE FLATWARE

Report to the President; Investigation Results

MARCH 1, 1976.

To the President: In accordance with section 201(d)(1) of the Trade Act of 1974 (88 Stat. 1978), the United States International Trade Commission herein reports the results of an investigation made under section 201(b)(1) of that act, relating to certain stainless steel table flatware.

The investigation to which this report relates was undertaken to determine whether—knives, forks, and spoons, all the foregoing not over 10.2 inches in overall length, with stainless steel handles or with such handles plated, inlaid, overlaid, or otherwise decorated or embellished with other base metals, plastics, or other materials (except precious metals), of the types provided for in items 650.08, 650.09, 650.10, 650.12, 650.21, 650.38, 650.39, 650.40, 650.42, 650.49, 650.54, 650.55, and 650.56, and, if included in sets, 651.75 of the Tariff Schedules of the United States, are being imported into the United States in such increased quantities as to be a substantial cause of serious injury, or threat thereof, to the domestic industry producing an article like or directly competitive with the imported article.

The investigation was instituted on September 16, 1975, upon receipt of a petition filed on August 28, 1975, by the Stainless Steel Flatware Manufacturers Association.

Notice of the investigation and hearing were duly given by publishing the original notice in the FEDERAL REGISTER of September 22, 1975 (40 FR 43560).

A public hearing in connection with the investigation was conducted on December 9 and 10, 1975, in the Commission's hearing room in Washington, D.C. All interested parties were afforded an opportunity to be present, to produce evidence, and to be heard. A transcript of the hearing and copies of briefs submitted by interested parties in connection with the investigation are attached.

The information contained in this report was obtained from fieldwork, from questionnaires sent to domestic manufacturers, importers, and distributors, and from the Commission's files, other Government agencies, and evidence presented at the hearing and in briefs filed by interested parties.

There were no significant imports of stainless steel table flatware from countries whose imports are presently subject to the rates of duty set forth in column 2 of the TSUS. The import relief recommended herein, therefore, is not addressed to imports from such countries. Certain recommended relief measures would involve the imposition of rates of duty on imports from countries whose imports are currently subject to rates of duties in column 1 which are higher than the rates set forth in column 2. Should such recommended, or any other, rates of duty higher than the column 2 rates be proclaimed by the President, it would be necessary for him to conform column 2 by proclaiming rates therefor that are the same as those proclaimed for column 1.

DETERMINATIONS, FINDINGS, AND RECOMMENDATIONS OF THE COMMISSION

On the basis of its investigation, the Commission determines (Commissioner Minchew dissenting) that knives, forks, and spoons, all the foregoing not over 10.2 inches in overall length, with stainless steel handles or with such handles plated, inlaid, overlaid, or otherwise decorated or embellished with other base metals, plastics, or other materials (except precious metals), of the types provided for in items 650.08, 650.09, 650.10, 650.12, 650.38, 650.39, 650.40, 650.42, 650.54, and 650.55, and, if included in sets, 651.75 of the Tariff Schedules of the United States, are being imported into the United States in such increased quantities as to be a substantial cause of serious injury, or threat thereof,[1] to the domestic industry producing an article like or directly competitive with the imported article.

The Commission determines (Commissioner Leonard dissenting) that knives, forks, and spoons, all the foregoing not over 10.2 inches in overall length, with stainless steel handles or with such handles plated, inlaid, overlaid, or otherwise decorated or embellished with other base metals, plastics, or other materials (except precious metals), of the types provided for in items 650.21, 650.49, and 650.56 of the Tariff Schedules of the United States, are not being imported into the United States in such increased quantities as to be a substantial cause of serious injury, or threat thereof, to the domestic industry producing an article like or directly competitive with the imported article.

[1] Commissioner Leonard determines that there is serious injury to the domesitc industry; therefore, he makes no determination with respect to the threat of serious injury.

FINDINGS AND RECOMMENDATIONS OF COMMISSIONERS MOORE, BEDELL, AND PARKER

We find and recommend that, to prevent or remedy the injury described in section 201(b) of the Trade Act, it is necessary to impose a tariff-rate quota system for the ensuing 5-year period applying to the knives, forks, and spoons the subject of our affirmative determination, with the existing rates of duty applying to imports of knives, forks, and spoons within the tariff quotas, and rates of duty herein specified applying to such imports outside the tariff quotas, and with the tariff quotas established and allocated to countries subject to rates of duty provided for in rate of duty column numbered 1 of the TSUS as hereinafter specified:

The proposed tariff-rate quota rates of duty are as follows:

	Within quota	Outside quota
Knives and forks:		
Under 25¢ each:		
Item 650.08, 650.38	1¢ each plus 12.5 pct	1¢ each plus 55 pct.
Items 650.10, 650.40	1¢ each plus 17.5 pct	1¢ each plus 55 pct.
25¢ and over each:		
Items 650.09, 650.39	0.5¢ each plus 6 pct	0.5¢ each plus 35 pct
Items 650.12, 650.42	0.5¢ each plus 8.5 pct	0.5¢ each plus 35 pct.
Spoons:		
Under 25¢ each: Item 650.54	17 pct	55 pct.
25¢ and over each: Item 650.55	8.5 pct	35 pct.

The within-quota imports entered in any calendar quarter should be established and allocated as follows:

Country	*Aggregate quota by calendar quarter (single units)*
Japan	34,980,000
Republic of China	6,678,000
Republic of Korea	5,088,000
Hong Kong	1,590,000
European Economic Community	1,590,000
United Kingdom	636,000
Other	954,000
Total	51,516,000

FINDINGS AND RECOMMENDATIONS OF COMMISSIONERS LEONARD AND MINCHEW

Commissioners Leonard and Minchew determine, pursuant to section 201(d)(1) of the Trade Act, that adjustment assistance as provided for in Title II, Chapters 2, 3, and 4 of that act can effectively remedy the serious injury to the domestic industry and recommend the provision of such assistance.

FINDINGS AND RECOMMENDATIONS OF COMMISSIONER ABLONDI

Commissioner Ablondi finds and recommends that it is necessary to continue the existing tariff rate quota system for the ensuing 5-year period applying to the knives, forks, and spoons the subject of this affirmative determination, with the existing rates of duty applying to imports of knives, forks, and spoons within the quotas and with rates of duty herein specified applying to such imports outside the quotas, and with the quotas established subject to the existing rates of duty provided for in rate-of-duty column 1 of the TSUS.

Imports entered within the specified quotas should be entered on a first-come basis without regard to the country of origin, with no more than 25 percent of any 1 year's quota to enter in any calendar quarter.

All imports outside the specified quotas quantities should be assessed with rates of duty as follows (exactly as is done now):

Knives and forks (items 650.08, 650.09, 650.10, 650.12, 650.38, 650.39, 650.40, and 650.42)	2 cents each + 45% ad val.
Spoons (items 650.54 and 650.55)	40% ad val.

Issued: March 2, 1976.

By order of the Commission.

[SEAL] KENNETH R. MASON, *Secretary.*

[FR Doc.76-6448 Filed 3-4-76;8:45 am]

[337-TA-17]

RECORD PLAYERS INCORPORATING STRAIGHT LINE TRACKING SYSTEMS

Order Terminating Investigation

Based upon the motion filed with the United States International Trade Commission by Harman-Kardon, Inc., and Jacob Rabinow on November 25, 1975, with accompanying agreement and stipulated settlement entered into with respondents Bang & Olufsen of America, Inc., Bang & Olufsen a/s, and High Fidelity House, and based upon the submission of the Commission investigative attorney, the United States International Trade Commission hereby gives notice of and orders the termination of the above-captioned investigation.

This termination is founded upon the Commission's determination that there is no violation of section 337, Tariff Act of 1930, as amended (88 Stat. 2053). The agreement and stipulated settlement entered into between Harmon-Kardon, Inc., and Jacob Rabinow (complainants), and Bang & Olufsen of America, Inc., Bang & Olufsen a/s, and High Fidelity House (respondents), which agreement and stipulated settlement cover United States Letters Patent 2,915,315, the patent in issue, have the effect of obviating any unfair methods of competition and unfair acts in the importation or sale of the articles which are the subject of the complaint on which this investigation was based. No determination has been made by the Commission as to whether there have been unfair methods of competition and unfair acts with respect to the subject articles.

Any objection and request for reconsideration of this action must be filed on or before March 15, 1976. Such objection and request for reconsideration shall be accompanied by a statement setting forth the facts relied upon in support of such objection and request and shall be served on the other parties to this investigation.

Notice of the institution of the investigation, based upon the receipt of a complaint filed by Harman-Kardon, Inc., and Jacob Rabinow was published in the FEDERAL REGISTER on July 24, 1975 (40 F.R. 31042).

Issued: March 1, 1976.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.76-6446 Filed 3-4-76;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 76-19]

NASA RESEARCH AND TECHNOLOGY ADVISORY COUNCIL

Meeting

The NASA Research and Technology Advisory Council Committee on Guidance, Control and Information Systems will meet on March 29–30, 1976 at the Dryden Flight Research Center, Edwards, California 93523. The meeting will be held in Conference Room 2088 of Building 4800. Members of the public will be admitted on a first-come, first-served basis, up to the seating capacity of the room, which is about 75 persons. All visitors must report to the Dryden Flight Research Center receptionist in Building 4800.

The NASA Research and Technology Advisory Council Committee on Guidance, Control and Information Systems serves in an advisory capacity only. The current Chairman is Dr. Barry W. Boehm. There are 11 members. The following list sets forth the approved agenda and schedule for the March 29–30, 1976 meeting of the Guidance, Control and Information Systems Committee. For further information, please contact Dr. Peter R. Kurzhals, Area Code 202, 755-2360.

MAR. 29, 1976

Time	*Topic*
8:45 a.m.	Report of the Chairman. (Purpose: To inform committee members of actions taken at the Council meeting held in November 1975.)
9:15 a.m.	Report of the Executive Secretary. (Purpose: To brief the committee on program activities since its last meeting, NASA response to past committee recommendations and planned fiscal year 1977 program emphases.)
10 a.m.	Outlook for aeronautics briefing. (Purpose: To provide the committee a summary of the Outlook for Aeronautics study and its results.)
11:15 a.m.	Avionics program overview. (Purpose: To obtain committee comments and recommendations on the adequacy of NASA programs in avionics research and development.)
1:30 p.m.	Digital fly-by-wire program briefing. (Purpose: To describe NASA programs for development of digital fly-by-wire flight control and obtain committee comments and recommendations.)
3 p.m.	Avionics goals review. (Purpose: To discuss long-range goals of avionics research and development efforts and obtain committee advice and recommendations.)
4 p.m.	Long-range planning process review. (Purpose: To inform the committee of long-range planning activities in the Office of Aeronautics and Space Technology and obtain their comments and recommendations.)

MAR. 30, 1976

8:30 a.m.	Review of new initiatives. (Purpose: To obtain committee advice and recommendations on new or augmented technical activities proposed for initiation in fiscal year 1978.)
10:30 a.m.	Center of excellence discussions. (Purpose: To obtain committee views of NASA capabilities and deficiencies in Guidance, Control, and Information Systems discipline.)
11:30 a.m.	Committee deliberations. (Purpose: To summarize discussions of agenda items and develop official committee positions and recommendations for NASA consideration.)
1 p.m.	Adjourn.

Dated: March 2, 1976.

WILLIAM W. SNAVELY,
Assistant Administrator for DoD and Interagency Affairs, National Aeronautics and Space Administration.

[FR Doc.76-6424 Filed 3-4-76;8:45 am]

[Notice 76-20]

SPACE PROGRAM ADVISORY COUNCIL

Meeting

The Space Systems Committee of the NASA Space Program Advisory Council will meet on May 3-4, 1976, at the NASA Michoud Assembly Facility, Building 102, in the Management Information Center, 13800 Gentilly Road, New Orleans, Louisiana, with a side trip to the National Space Technology Laboratories (NSTL) in Bay St. Louis, Mississippi, to review the Space Shuttle Main Engine. The meeting is open to members of the public from 8:30 a.m. to 5:30 p.m. on May 3, 1976, and from 9:00 a.m. to 1:00 p.m. on May 4, 1976, on a first-come, first-served basis to about forty-five (45) which is the seating capacity of the room. Visitors will be requested to sign a visitor's register.

The NASA Space Systems Committee serves in an advisory capacity only. It is concerned with the development of space transportation systems and multi-disciplinary space-based systems including consideration of the man machine interface. The group also considers the interrelationships between such systems and their payloads in support of space flight missions. The current chairman is Professor Courtland D. Perkins. There are presently seven (7) members.

For further information regarding the meeting, please contact Mr. Daniel Nebrig, Executive Secretary to the Space Systems Committee or Ms. Rose M. Lovelace, 202/755-2453.

The agenda for the meeting is as follows:

May 3, 1976	*Topic*
8:30 to 8:45 a.m.	Opening remarks. (Purpose: Introductory remarks.)
8:45 to 10:00 a.m.	Spacelab. (Purpose: To brief the committee on the nature and status of the Spacelab program including NASA/European Space Agency interface.)
10 to 10:30 a.m.	Space Shuttle program overview. (Purpose: To present the committee a current overview of the Space Shuttle program.)
10:30 to 11:15 a.m.	Solid rocket motor (SRM) stress corrosion. (Purpose: To update the committee on SRM stress corrosion.)
11:15 to 12 noon	Space Shuttle main engine (SSME) overview including hazard analysis. (Purpose: To review status of SSME and hazard analysis.)
12:45 to 1:45 p.m.	Drive to National Space Technology Laboratories (NSTL) in Bay St. Louis, Miss. (Purpose: The SSME is located at NSTL.)
1:45 to 5:30 p.m.	Continuation of review of SSME and tour of facilities at NSTL. (Purpose: For the committee to physically observe and review the SSME and its associated hardware for a more complete understanding of the SSME and to tour the NSTL facilities.)
5:30 p.m.	Adjourn and return to Michoud.
May 4, 1976	*Topics*
9 to 10:30 a.m.	Tour Michoud facility and review external tank (ET). (Purpose: To observe and review the ET and hardware and to tour the Michoud facilities.)
10:30 to 12 noon	Computer software review. (Purpose: To review computer software with the committee.)
12 noon to 1 p.m.	General discussion. (Purpose: To review issues discussed during the meeting.)
1 p.m.	Adjourn.

Dated: March 2, 1976.

WILLIAM W. SNAVELY,
Assistant Administrator for DOD and Interagency Affairs.

[FR Doc.76-6425 Filed 3-4-76;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

EQUITY FUNDING CORPORATION OF AMERICA

Suspension of Trading

MARCH 1, 1976.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, warrants to purchase the stock, 9½% debentures due 1990, 5½% convertible subordinated debentures due 1991, and all other securities of Equity Funding Corporation of America being traded 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 otherwise than on a national securities exchange is suspended, for the period from March 2, 1976 through March 11, 1976.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-6340 Filed 3-4-76;8:45 am]

[811-1625, Rel. No. 9181]

FIRST CALIFORNIA FUND, INC.

Notice of Filing of Application

FEBRUARY 27, 1976.

In the Matter of FIRST CALIFORNIA FUND, INC., % Rives, Bonyhadi & Drummond, 920 Southwest Sixth Avenue, Portland, Oregon 97204.

Notice is hereby given that First California Fund, Inc., an Oregon corporation formerly known as the Decathlon Fund, Inc., which is an open-end, diversified management company registered under the Investment Company Act of 1940 ("Act"), has filed an application on November 24, 1975, and an amendment thereto on February 17, 1976, for an order of the Commission declaring that the Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that on October 9, 1974, its shareholders approved a Plan of Dissolution and Complete Liquidation ("Plan"). It further states that after establishing approximately $30,000 as a reserve for expenses, Applicant's initial liquidating distribution was paid to its shareholders in December, 1974.

Applicant further represents that it has filed a certain legal action ("litigation") which its counsel has advised is based upon good causes of action and in which at least some of the defendants appear to have sufficient assets to pay a judgment.

Applicant states that its present assets are cash and the contingent asset represented by the litigation and that it now exists solely to pursue the litigation. It further states that it will pay a final liquidating distribution after termination of the litigation in the event that money, including any proceeds of the litigation, is available for such distribution, and that such distribution will be made for the benefit of all shareholders who had not redeemed their shares prior to the commencement of the initial liquidating distribution on December 20, 1974. Applicant represents that under the terms of the Plan, funds held for the accounts of shareholders who do not tender their shares will, under Oregon Law, eventually be deemed abandoned and turned over to the Division of State Lands of the State of Oregon.

Applicant further represents that it is not nor does it hold itself out as being engaged primarily, or proposing to be engaged primarily, in the business of in-

vesting, re-investing, or trading in securities; neither is it engaged nor does it propose to engage in the business of investing, re-investing, loaning, holding, or trading in securities; nor does it own or propose to acquire investment securities having a total value exceeding 40% of the value of its total assets.

Section 8(f) of the Act provides in part that when the Commission upon application 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, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than March 23, 1976, at 5:30 p.m., submit to the Commission in writing a request for a hearing on this matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission 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 person being served is located more than 500 miles from the point of mailing) upon Applicant at the address set forth above. Proof of such service (by affidavit or, in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76–6341 Filed 3–4–76;8:45 am]

[70–5804; Rel. No. 19408]

MAINE YANKEE ATOMIC POWER CO.

Order Authorizing Proposed Issue and Sale of Demand Notes to Banks

Maine Yankee Atomic Power Company ("Maine Yankee"), Augusta, Maine 04330, an electric utility subsidiary company of both New England Electric System and Northeast Utilities, both registered holding companies, has filed an application and amendments thereto with this Commission pursuant to Section 6(b) of the Public Utility Holding Company Act of 1935 ("Act") and Rule 50(a)(2) promulgated hereunder regarding the following proposed transaction.

Maine Yankee proposes to issue and sell up to $21,000,000 aggregate principal amount of notes ("notes") to three banks, as follows: The First National Bank of Boston, $11,000,000; New England Merchants National Bank, $5,000,000 and Manufacturers Hanover Trust Company, $5,000,000. Proceeds from the sale of the notes are to be used to (i) pay at maturity $15,000,000 aggregate principal amount of Maine Yankee's 7¼% debentures, Series A, Due March 1, 1976, and (ii) provide working capital for other specified purposes. Maine Yankee has amended its original application to reduce its request from $23,000,000 to $21,000,000.

Borrowings from The First National Bank of Boston will bear interest at the prime rate in effect at that bank from time to time plus a 15% compensating balance. Borrowings from the New England Merchants National Bank will bear interest at that bank's prime rate plus a compensating balance requirement of 10% of the line of credit plus 10% of the amount borrowed under the line of credit from time to time. Borrowings from Manufacturers Hanover Trust Company will bear interest at 125% of that bank's prime rate of interest in effect from time to time, with no compensating balance requirement. The notes are to be demand notes and may be paid at any time without premium or penalty. Assuming a 6½% prime rate, the effective borrowing cost from each of the three banks would be 7.65%, 8.125% and 8.125% per annum, respectively.

No state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Due notice of the filing of said application has been given in the manner prescribed in Rule 23 promulgated under the Act (HCAR No. 19373), and no hearing has been requested of or ordered by the Commission. Upon the basis of the facts in the record, it is hereby found that the applicable standards of the Act and the rules thereunder are satisfied and that no adverse findings are necessary; and that it is appropriate in the public interest and in the interest of investors and consumers that said application, as amended, be granted:

It is ordered, pursuant to the applicable provisions of the Act and rules thereunder, that said application, as amended, be, and it hereby is, granted, subject to the terms and conditions prescribed in Rule 24 promulgated under the Act.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76–6342 Filed 3–4–76;8:45 am]

[Release 34–12150; File No. SR–NASD–76–3]

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

Self-Regulatory Organizations

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 on February 26, 1976 the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

NASD'S STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

1. (a) *Text of Proposed Rule Change.*—The following is the full text of the proposed rule change to Schedule D under Article XVI of the By-Laws:

PART I C(3)(a)

Paragraph (a) will be removed and paragraphs (b) through (e) redesignated.

[(a) Financial capability. A registered market maker must continually maintain a net capital of $50,000 or a net capital of $5,000 for each security in which it is registered as a market maker, whichever is less. Net capital shall be determined as provided in paragraph (c)(2) of Commission Rule 15c–3–1. Further, the registered market maker must furnish such additional financial information as may be requested by the Corporation.]

PART I C(3)(d)(i)

Paragraph (d)(i) in accordance with the above will be redesignated paragraph (c)(1).

i) Daily—The registered market maker shall report to the System each business day its daily volume reports relating to securities in which it is a registered market maker in the System or in which it is a market maker entering a stabilizing bid in the manner and method the Association prescribes. *The registered market maker shall report to the System each business day the number of its transactions of 10,000 shares or more executed at a price of $1.00 per share or more.* The registered market maker shall also report to the System each business day all other data relating to securities quoted in the System as the Association shall require.

PART II A

A. Introduction.—Paragraphs B.1 and C.1 define an eligible pool of securities which may be authorized for NASDAQ. Generally, this pool contains any security which is registered under the Ex-

change Act.[1] This means securities listed on national securities exchanges and a variety of over-the-counter stocks, warrants, rights and convertibles (which the Act defines as "equity" securities), and bank securities (registered not with the SEC but with the Federal Reserve System, FDIC, or the Comptroller). Beyond these registered securities, also included in the pool are certain insurance company and [closed-end] investment company securities, plus foreign securities and ADRs where specified information is available in the United States. And, finally, under paragraph B.2, a new domestic issue may go into the pool immediately upon its registration being declared effective by the Securities and Exchange Commission, in which case it shall be eligible to be an authorized security on the same day that its registration is declared effective.

Securities from the eligible pool will be authorized if certain other criteria—set out in paragraphs B.3 or C.2 of the Rules—are met. Generally, there will have to be at least two market makers for domestic securities or three market makers for foreign securities and American Depositary Receipts, public distribution of at least 100,000 shares, a minimum capital and surplus of $500,000, and compliance with certain disclosure standards. In the case of foreign securities, the number of shares publicly held in the United States is generally not available. Therefore, foreign securities or American Depositary Receipts, providing they satisfy those standards set forth in Section C, will first receive a provisional authorization for a period of 90 calendar days. If the average daily volume reported by market makers during the 90-day provisional period is less than 500 shares per day, the authorization will be suspended. A foreign security or American Depositary Receipt so suspended will not be reconsidered for authorization for at least 90 days following the suspension. For suspension of authorization the same disclosure *and* public distribution [, and market maker] criteria as for initial authorization apply, plus $500,000-assets, and $250,000-capital-and-surplus tests. Depending on the circumstances of each case the Corporation may make exceptions from these criteria or apply additional or more stringent criteria.

PART II B(1) (d)

1. A security shall be eligible to be an authorized security if it is:

d. [registered under the Securities Act and issued by a closed-end management investment company registered under Section 8 of the Investment Company Act.]

d. issued by an investment company registered under the Investment Company Act of 1940, provided that the issuer or underwriter of, or any dealer in, the security is not currently engaged in a distribution of such security which subjects such issuer, underwriter, or dealer to the provisions of Section 22(d) of that Act, and provided further that transactions in such shares, other than redemptions or repurchases by or on behalf of the issuer, are exempted from or not subject to Rule 22c–1 adopted under the Act.

PART II B(3) (g)

g. in the case of a security not yet authorized, there shall be fewer than two market makers *registered,* one of which may be a market maker entering a stabilizing bid; [registered in the security;] *in the case of an authorized security there shall be fewer than one market maker registered.*

PART II C(2) (e)

e. in the case of a security not yet authorized, there shall be fewer than three market makers registered; [in the security;] *in the case of an authorized security there shall be fewer than one market maker registered.*

PART IV A

A. Level I Service.—The charge to be paid by the subscriber for each terminal capable of receiving this service is $20 per month. Where more than one terminal *from a distributor* serves a single subscriber and where all of the terminals are on the same premises, the charge for the second and each additional terminal *from the same distributor* shall be $10 per terminal per month.

PART I C(7) (a) AND (b)

Paragraph (a) will be deleted leaving only modified paragraph (b).

[a) Suspension. In extraordinary circumstances and where required to promote just and equitable principles of trade, the Corporation, upon notice, may suspend a registered market marker's authority to enter quotes into the System for up to two consecutive business days following the Corporation's action. If the Corporation is engaged in an investigation of the registered market maker's activities in connection with the suspension of quotes, and such investigation has not been completed by the end of the suspension period, the Corporation may extend the suspension for an additional two consecutive business days.]

[b) Termination.] The Corporation may, pursuant to the procedures set out in [paragraph] *Parts VI, VII, or VIII* below, suspend, condition, *limit, prohibit,* or terminate the registered market maker's authority to enter quotes on one or more authorized securities for violations of the applicable standards of this Schedule "D" *or if the Corporation makes a determination as provided in Part VIII A.*

Parts VI and VII remain unchanged. New Part VIII is added. Old Part VII is redesignated Part IX and modified below.

NEW PART VIII—PROCEDURES ON LIMITATION OF ACCESS TO THE NASDAQ SYSTEM

A. Summary Action.—1. The Corporation may summarily limit or prohibit the authority of a market maker to display on or enter quotations into the NASDAQ System if:

a. Such market maker has been and is expelled or suspended from being associated with a member of any self-regulatory organization, or

b. Such market maker is in such financial or operating difficulty that the Corporation determines and no notifies the Securities and Exchange Commission that such market maker cannot be permitted to display on or enter quotations into the NASDAQ System with safety to investors, creditors, other members, or the Corporation.

2. The Corporation may summarily limit or prohibit the authorization of a security to have its quotations displayed on or entered into the NASDAQ System if the Corporation determines that such security does not meet the qualification requirements for authorized securities and such security cannot be permitted to continue to have its quotations displayed on or entered into the NASDAQ System with safety to investors, creditors, members, or the Corporation.

B. Written Notification.—Any market maker or issuer which the Corporation takes summary action against pursuant to paragraph A above shall be notified in writing of such action and such notification shall contain a statement of the specific grounds on which such action is taken. Such summary action shall be effective on the date of written notification.

C. Request for Hearing.—Any market maker or issuer which the Corporation takes summary action against may request an opportunity for a hearing within ten (10) days of the date of notification pursuant to paragraph B above. Such hearing shall be held within five (5) days of such request. A request for a hearing shall not operate as a stay of the summary action.

D. Hearing.—If a hearing is requested pursuant to paragraph C above, it shall be held before a person or persons delegated by the Board of Governors. Such market maker or issuer shall be entitled to be heard in person and by counsel and to submit any relevant matter which they may desire to present. Counsel for the Corporation or other designated Corporation personnel may participate in such hearing and be entitled to submit any relevant matter which they may desire to present. In any such proceeding, a record shall be kept.

E. Decision.—A written decision shall be issued within five (5) days of the date of the hearing, and a copy shall be sent to the market maker or issuer. A written decision shall contain the reasons supporting the action taken.

F. Review by Board.—1. If the market maker or issuer does not request an opportunity for a hearing pursuant to paragraph C above, the notification of summary action shall be subject to review by the Board of Governors on its own motion

[1] The Exchange Act requires registration if an "equity" security has 500 or more holders of record and the issuer's total assets exceed $1,000,000. However, an issuer may voluntarily register under the Exchange Act even though it does not meet these requirements. For a security to be eligible to be an authorized security, it must register with the SEC under the Exchange Act and must have 300 or more holders of record and the issuer's total assets must exceed $1,000,000.

within thirty (30) days of the date of the notification.

2. The written decision issued pursuant to paragraph E above shall be subject to review by the Board of Governors upon application of the market maker or issuer, filed within fifteen (15) days after issuance. Any such decision shall also be subject to review by the Board of Governors on its own motion within thirty (30) days after issuance.

3. The institution of review, whether by application or on the initiative of the Board, shall not operate as a stay of the summary action.

G. Findings of Board on Review.—Upon consideration of the record and after further hearings as the Board of Governors shall order, if the Board shall find that the notification or written decision is inconsistent with the grounds for authorization of summary action contained in paragraph A above, the Board shall, in writing, modify, amend, abrogate such notification or decision, or remand the matter for further proceedings consistent with its instructions. The Board shall set forth specific grounds upon which its determination is based.

H. Procedures on Limitation of Access.—The Procedures on Limitation of Access to the NASDAQ System are not intended to foreclose action by the Corporation under Schedule D or by the District Business Conduct Committee of the district in which the market maker is located under the Code of Procedure for Handling Trade Practice Complaints where a violation of the Rules of Fair Practice may be involved.

I. Application to Commission for Stay of Summary Action.—Any market maker or issuer aggrieved by summary action taken by the Corporation may apply to the Securities and Exchange Commission for a stay of such summary action as permitted by Section 15A of the Securities Exchange Act of 1934 as amended.

J. Application to Commission for Review.—In any case where a market maker or issuer feels aggrieved by any action taken or approved by the Board of Governors, such person or member may make application for review to the Securities and Exchange Commission in accordance with Section 19 of the Securities and Exchange Act of 1934 as amended.

PART VIII

[VIII] IX—STANDARDS FOR DETERMINATIONS UNDER GRIEVANCE AND COMPLAINT PROCEDURES

In all proceedings under the provisions of paragraph V, [and] VI, *VII, and VIII* hereof, all determinations and findings shall be based upon interpretations and standards set forth and in accord with the meaning and intent of Section 15A of the Securities Exchange Act of 1934 and all rules and regulations duly adopted thereunder.

Current Part IX will be redesignated Part X.

Purpose of Proposed Rule Change.—The deleting of Part I C(3)(a) of Schedule D would eliminate the NASDAQ net capital requirement. The recently adopted amendments to SEC Rule 15c3–1 (uniform net capital rule) contain net capital requirements for market makers, and the Board feels that such capital requirements are adequate for the protection of investors and consequently that the NASDAQ net capital requirements are no longer necessary.

The amendment to Part I C(3)(d)(i) would require daily reporting of the total number of block transactions executed for all issues in which a firm is a registered NASDAQ market maker. A block would consist of a transaction of 10,000 shares or more at a price of $1.00 per share or more. The Board believes that such information is beneficial for regulatory purposes and to the public. The aggregate number of block transactions for all NASDAQ market makers would be released to the news media for publication on a daily basis.

The amendments to Part II A and Part II B(1)(d) would permit inclusion in the system of securities issued by investment companies registered under the Investment Company Act of 1940 provided that the company, underwriter, or dealer is not engaged in a distribution of the security which would subject the company, underwriter, or dealer to the provisions of Section 22(d) of the Investment Company Act. Furthermore, with specific exceptions all transactions in these shares must be exempted or not subject to the provisions of Rule 22c–1 of the ICA. Generally, these are the securities of open-end investment companies which are not making a continuous offering of their shares and/or are not making a similar offering through an underwriter. The Board believes that it is in the interest of the investing public to provide widespread dissemination of quotations in such shares.

The amendments to Part IIA, Part IIB (3)(g) and Part II C(2)(e) would provide that if an authorized security had only one registered NASDAQ market maker it would not be suspended from the system. Part I A(1) of Schedule D which requires two registered NASDAQ market makers in an authorized security before quotations are disseminated to Level I subscribers, however, would remain unchanged. The impact of these amendments, therefore, would be that quotations of a security having only one registered NASDAQ market maker would appear only on Level II and III terminals.

The amendment to Part IV A provides that a reduced charge for additional Level I terminals will be available to a subscriber only when the additional terminals are from the same distributor. This was the intent of the paragraph when originally adopted, and the amendment is for clarification purposes only.

The amendments to the present Part VIII (redesignated Part IX), Part I C(7), and new Part VIII provide a procedure for the Association to summarily limit or prohibit access of a market maker or issuer to the NASDAQ System. The 1975 amendments to the Securities Exchange Act give the Association the authority to take this summary action against its members and other persons, and the amendments to Schedule D outline the procedures the Association must follow when such action is taken.

Basis Under the Act for Proposed Rule Change.—Section 15A(b)(1) of the Securities Exchange Act of 1934, as amended, provides that an association of brokers and dealers shall not be registered as a national securities association unless the Commission determines that "the rules of the Association include provisions governing the form and content of quotations relating to securities sold otherwise than on a national securities exchange which may be distributed or published by any member or person associated with a member, and the persons to whom such quotations may be supplied. Such rules relating to quotations shall be designed to produce fair and informative quotations, to prevent fictitious or misleading quotations, and to promote orderly procedures for collecting, distributing, and publishing quotations."

Section 15A(h)(3) of the Securities Exchange Act states "a registered securities association may summarily (A) suspend a member or person associated with a member who has been and is expelled or suspended from any self-regulatory organization or barred or suspended from being associated with a member of any self-regulatory organization (B) suspend a member who is in such financial or operating difficulty that the association determines and so notifies the Commission that the member cannot be permitted to continue to do business as a member with safety to investors, creditors, other members, or the association, or (C) limit or prohibit any person with respect to access to services offered by the association if subparagraph (a) or (B) of this paragraph is applicable to such person or, in the case of a person who is not a member, if the association determines that such person does not meet the qualification requirements or other prerequisites for such access and such person cannot be permitted to continue to have such access with safety to investors, creditors, members, or the association. Any person aggrieved by any such summary action shall be promptly afforded an opportunity for a hearing by the association in accordance with the provisions of paragraph (1) and (2) of this subsection."

The amendments to Schedule D provide a procedure for implementing the authority contained in Section 15A(h)(3).

Comments Received from Members, Participants, or Others on Proposed Rule Change.—Because Article XVI of the By-Laws authorizes the Board of Governors alone to adopt, alter, amend, supplement, or modify the provisions of Schedule D, comments of the membership were not solicited or received.

Burden on Competition.—The amendments proposed to Schedule D of the By-

Laws are the direct result of the stautory authorizations contained in Sections 15 A(b)(1) and 15A(h)(3) of the Securities Exchange Act, and represent the Association's assumption of the responsibility imposed upon it by statute.

To the extent that any regulatory proposal may burden competition if it restricts or requires activity or establishes standards of conduct where previously there were none, the decision to allow the Association to burden competition to that extent was considered and approved by Congress. Consequently, while it is believed that no burden on competition arises from these proposals, should any be deemed to exist, they are necessary and in furtherance of the purposes of the Act.

Within 35 days of the date of publication of this notice in the FEDERAL REGISTER, or within such longer period (i) as the Commission may designate up to ninety (90) days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(a) by order approve such proposed rule change, or

(b) institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file six (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, 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 April 5, 1976.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

FEBRUARY 27, 1976.

[FR Doc.76-6343 Filed 3-4-76;8:45 am]

DEPARTMENT OF LABOR

Employment and Training Administration

EMPLOYMENT TRANSFER AND BUSINESS COMPETITION DETERMINATIONS UNDER THE RURAL DEVELOPMENT ACT

Applications

The organizations listed in the attachment have applied to the Secretary of Agriculture for financial assistance in the form of grants, loans, or loan guarantees in order to establish or improve facilities at the locations listed for the purposes given in the attached list. The financial assistance would be authorized by the Consolidated Farm and Rural Development Act, as amended, 7 USC 1924(b), 1932, or 1942(b).

The Act requires the Secretary of Labor to determine whether such Federal assistance is calculated to or is likely to result in the transfer from one area to another of any employment or business activity provided by operations of the applicant. It is permissible to assist the establishment of a new branch, affiliate or subsidiary, only if this will not result in increased unemployment in the place of present operations and there is no reason to believe the new facility is being established with the intention of closing down an operating facility.

The Act also prohibits such assistance if the Secretary of Labor determines that it is calculated to or is likely to result in an increase in the production of goods, materials, or commodities, or the availability of services or facilities in the area, when there is not sufficient demand for such goods, materials, commodities, services, or facilities to employ the efficient capacity of existing competitive commercial or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area.

The Secretary of Labor's review and certification procedures are set forth at 29 CFR Part 75, published January 29, 1975 (40 FR 4393). In determining whether the applications should be approved or denied, the Secretary will take into consideration the following factors:

1. The overall employment and unemployment situation in the local area in which the proposed facility will be located.

2. Employment trends in the same industry in the local area.

3. The potential effect of the new facility upon the local labor market, with particular emphasis upon its potential impact upon competitive enterprises in the same area.

4. The competitive effect upon other facilities in the same industry located in other areas (where such competition is a factor).

5. In the case of applications involving the establishment of branch plants or facilities, the potential effect of such new facilities on other existing plants or facilities operated by the applicant.

All persons wishing to bring to the attention of the Secretary of Labor any information pertinent to the determinations which must be made regarding these applications are invited to submit such information in writing within two weeks of publication of this notice to: Deputy Assistant Secretary for Employment and Training, 601 D St., NW., Washington, D.C. 20213.

Signed at Washington, D.C. this 1st day of March, 1976.

BEN BURDETSKY,
Deputy Assistant Secretary for Employment and Training.

Applications received during the week ending, Feb. 27, 1976

Name of applicant	Location of enterprise	Principal product or activity
Bates Fabrics, Inc	Lewiston, Maine	Textile manufacturer of woven bedspreads
Thomas Big Key Market	Terra Alta, W. Va	Retail food merchandise.
Sigler Enterprises, Inc	Princeton, Ky	New and used vehicle sales.
Georgia Nitrogen, Inc	Gordon, Ga	Production-anhydrous ammonia.
East Coast Limestone, Inc	Maple Hill, N.C	Mining, processing, and marketing, calcium for use in poultry and livestock feed.
Trail-Et, Inc	Manawa, Wis	Manufacture horse and livestock trailers.
Ullrich Drug Store, Inc	Lawrenceburg, Ind	Pharmacy.
Empire Equipment Co	Geneseo, Ill	Sales and service of agricultural equipment; lawn and garden care products.
Stark County Nursing Home Trust	Toulon, Ill	Nursing home care and services.
Roy Michael Tubesing	Pleasant Hill, Ill	Lumber, millwork, and building materials.
The Regatta Inn	South Haven, Mich	Motel and restaurant.
Josephson Nursing Home, Inc	Ironwood, Mich	Nursing home.
Goldsamt, Robert Steven	Aspen, Colo	Recreational center.
Elars Bioresearch Laboratories	Fort Collins, Colo	Research and development animal drug industry.
Gregory J. Hamblin	Queen Creek, Ariz	Tastee-freeze, laundromat, car wash, and a self-service gas station.
Stage Grill, Inc., d.b.a. Picacho Motel & Restaurant.	Picacho, Ariz	Motel, restaurant, and gas station.
Blackfield Hawaii Corp	Oahu, Hawaii	Space for lease to merchants, food and beverage operators.
WeldCraft Steel & Marine, Inc	Bellingham, Wash	Repair and maintain fishing fleet.

[FR Doc.76-6422 Filed 3-4-76;8:45 am]

[V-76-2]

Occupational Safety and Health Administration

FIRESTONE PLASTICS CO.

Application for Temporary Variance and Interim Order; Denial of Interim Order

I. *Notice of Application.* Notice is hereby given that Firestone Plastics Company, a Division of Firestone Tire and Rubber Company, P.O. Box 699, Pottstown, Pennsylvania 19464 has made application, pursuant to section 6(b)(6)(A) of the Occupational Safety and Health Act of 1970 (84 Stat. 1594; 29 U.S.C. 655) and 29 CFR 1905.10 for a temporary variance, and interim order pending a decision on the application for the temporary variance, from 29 CFR 1910.1017(g)(1) which, effective April 1, 1976, requires employers to provide and assure the use of respirators for each employee exposed to vinyl chloride in excess of the permissible exposure limit.

The places of employment affected by the application are the applicant's Pottstown, Pennsylvania and Perryville, Maryland facilities which manufacture polyvinyl chloride resins.

The applicant certifies that all employees who would be affected by the

temporary variance have been notified of the application by giving a copy of it to their respective authorized representatives; by posting a copy of it in those areas where employee notices are normally posted; and by verbally advising the employee representatives and designated employees of this application. In addition, employees and their representatives have been notified of their right to petition the Assistant Secretary for a hearing.

Section 1910.1017(c) establishes a maximum permissible employee exposure limit to vinyl chloride of 1 ppm for an 8-hour time weighted average and a 5 ppm ceiling. Employers are required by § 1910.1017(f) to reduce employee exposures to or below the permissible exposure limit, or to the greatest extent feasible solely by means of engineering and work practice controls. Where such controls are insufficient to reduce employee exposure to or below the permissible exposure limit, they must be supplemented by the use of certain respirators. However, until April 1, 1976, use of respirators is at the discretion of each employee for exposures not in excess of 25 ppm. The Applicant seeks an extension until September 30, 1976, of the provision for the discretionary use of respirators.

The Applicant contends that its plants will be in substantial compliance with the permissible exposure limit solely through the use of engineering and work practice controls by September 30, 1976. However, because of the difficulties involved in determining the appropriate means to reduce exposures, and because of delays in delivery of equipment and controls, until September 30 virtually all of the ambient air in its plants frequently will be in excess of the permissible exposure limit. Thus the standard effectively requires all employees to wear respirators virtually on a full-time basis between April 1 and September 30, 1976.

The Applicant also states that the plants will be closed when major construction work and equipment installation is performed because of the explosiveness of vinyl chloride. Preliminary construction work, certain mechanical and piping work and other modifications could be safely performed while the plants are operating. However, it is neither practical nor safe for such preliminary work to be performed while wearing respirators. Consequently, if the variance is not granted, the Applicant contends that none of the scheduled engineering projects can be implemented without shutting down the Pottstown facility for an indeterminate period, beginning on April 1, and intermittently shutting down the Perryville plant. As a result, substantial economic hardships to Firestone, its employees and customers would result. If the variance is granted, the shutdown period at both plants would be materially reduced, thus materially reducing the economic hardship.

The Applicant further states that it is taking all available and appropriate steps to safeguard its employees by continuing to implement its program which has and will continue to reduce employee exposure to vinyl chloride.

A copy of the application will be made available for inspection and copying upon request at the Office of Compliance Programming, U.S. Department of Labor, 2nd and Constitution Avenue NW., Room N3603, Washington, D.C. 20210, and at the following Regional and Area offices:

U.S. Department of Labor, Occupational Safety and Health Administration, Gateway Building, Suite 15220, 3535 Market Street, Philadelphia, Pennsylvania 19104.

U.S. Department of Labor, Occupational Safety and Health Administration, Federal Building, Room 1110A, Charles Center, 31 Hopkins Plaza, Baltimore, Maryland 21201.

U.S. Department of Labor, Occupational Safety and Health Administration, Room 4456, William J. Green Jr. Federal Building, 600 Arch Street, Philadelphia, Pennsylvania 19106.

All interested persons, including employers and employees, who believe they would be affected by the grant or denial of the application for a variance are invited to submit written data, views and arguments relating to the pertinent application no later than April 5, 1976. In addition, employers and employees who believe they would be affected by a grant or denial of the variance may request a hearing on the application no later than April 5, 1976, in conformity with the requirements of 29 CFR 1905.15. Submission of written comments and requests for a hearing should be in quadruplicate, and must be addressed to the Office of Compliance Programming at the above address.

II. *Denial of Interim Order.* The Applicant has also requested an interim order to allow the continued optional use of respirators in vinyl optional atmospheres under 25 ppm, until a decision is made on the application for a variance.

Section 1910.1017(g)(1) requires that as of April 1, 1976, employers shall provide and assure the use of respirators for all employees exposed to vinyl chloride above the permissible limit. Prior to April 1, 1976, use of respirators for exposure up to 25 ppm is at the discretion of the employee.

The applicant states that without this variance all employees, including those involved in installing the new engineering controls, will be required to wear respirators after April 1, 1976. It further states that much work which could otherwise be done while the plants were in production could not be done while wearing respirators. This would, therefore, necessitate prolonged shutdowns at both facilities.

Section 6(b)(6)(A) of the Act and the regulations concerning temporary variances contained in 29 CFR 1905.10 authorize the granting of temporary variances only if the applicant can show an unavailability of materials or personnel needed to comply with the standard, and that all available steps are being taken to safeguard the employees. It appears from the information contained in the application, that the applicant's request is not based upon unavailability of respirators, but rather on the economic impact resulting from the difficulty of performing work while wearing them. In addition, there is no statement in the application of the steps which would be taken, in lieu of the wearing of respirators, to protect the employees against the hazards covered by this standard while the work is being performed.

Moreover, the applicant's request that the optional use of respirators be extended to allow time to complete engineering and construction work is not consistent with the intent of the optional use provision in the standard, which is to allow the employees time to be trained and to adjust to respirator use (See preamble at 40 FR 36894).

For these reasons, it does not appear at this time that the application meets the requirements of section 6(b)(6)(A) of the Act. Since it appears unlikely that the variance request will be granted, and since, in the absence of compliance with the standard, employees will be exposed to a significant health hazard, the request for an interim order is, pursuant to section 6(b)(6)(A) of the Act and 29 CFR 1905.10(c)(2), hereby denied without prejudice to the application for a temporary variance.

Signed at Washington, D.C., this 1st day of March 1976.

MORTON CORN,
Assistant Secretary of Labor.

[FR Doc.76-6252 Filed 3-4-76;8:45 am]

NATIONAL ADVISORY COMMITTEE ON OCCUPATIONAL SAFETY AND HEALTH

Meeting

Notice is hereby given that the Subgroup on Budget of the National Advisory Committee on Occupational Safety and Health will meet on March 30, 1976 in Room S-4215, Department of Labor Building, 3rd Street and Constitution Avenue, NW., Washington, D.C. 20210.

The meeting will begin at 9:00 a.m. The public is invited to attend. The purpose of the meeting is to discuss budget planning for the Occupational Safety and Health Administration and the National Institute for Occupational Safety and Health for FY 78; the adequacy of budget items for FY 77; and the possibility of reprogramming for FY 76.

Anyone wishing to submit written data or views concerning these agenda items should submit them along with 20 duplicate copies to the Committee's Executive Secretary one week prior to the meeting date. These documents will be presented to the Subgroup and included in the official record of the meeting. Anyone wishing to request an oral presentation should contact the Committee's Executive Secretary at least one week prior to the meeting. The request should state the amount of time desired, the capacity in which the person will appear, and a brief outline of the content of the presentation. Oral presentations will be scheduled at the discretion of the Subgroup chairman.

Please address all communications to the Executive Secretary as follows:

J. Goodell, Executive Secretary, National Advisory Committee on Occupational Safety and Health, Room N-3635, 3rd Street and Constitution Avenue, NW., Washington, D.C. 20210

Official records of the meeting will be available for public inspection at the above address.

Signed at Washington, D.C. this 1st day of March 1976.

J. GOODELL,
Executive Secretary.

[FR Doc.76-6443 Filed 3-4-76;8:45 am]

NATIONAL ADVISORY COMMITTEE ON OCCUPATIONAL SAFETY AND HEALTH

Meeting

Notice is hereby given that the Subgroup on Standards of the National Advisory Committee on Occupational Safety and Health will meet on April 14, 1976, in Room S-4215, Department of Labor Building, 3rd Street and Constitution Avenue, NW., Washington, D.C. 20210.

The meeting will begin at 9:00 a.m. The public is invited to attend. The purpose of the meeting is to discuss the meaning of numbers (i.e. the action level, the permissible limit) in health standards and the relationship between the National Institute for Occupational Safety and Health's criteria development and the Occupational Safety and Health Administration's health standards development.

Anyone wishing to submit written data or views concerning these agenda items should submit them along with 20 duplicate copies to the Committee's Executive Secretary one week prior to the meeting date. These documents will be presented to the Subgroup and included in the official record of the meeting. Anyone wishing to request an oral presentation should contact the Committee's Executive Secretary at least one week prior to the meeting. The request should state the amount of time desired, the capacity in which the person will appear, and a brief outline of the content of the presentation. Oral presentations will be scheduled at the discretion of the Subgroup chairman.

Please address all communications to the Executive Secretary as follows:

J. Goodell, Executive Secretary, National Advisory Committee on Occupational Safety and Health, Room N-3635, NDOL, 3rd Street and Constitution Avenue, NW., Washington, D.C. 20210.

Official records of the meeting will be available for public inspection at the above address.

Signed at Washington, D.C. this 1st day of March 1976.

J. GOODELL,
Executive Secretary.

[FR Doc.76-6444 Filed 3-4-76;8:45 am]

Office of the Secretary

[TA-W-336]

AIR PRODUCTS AND CHEMICALS, INC., WILKES-BARRE, PENNSYLVANIA

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-336: 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 14, 1975 in response to a worker petition received on November 14, 1975 which was filed by the International Association of Machinists on behalf of workers and former workers producing cryogenic tanks at the Wilkes-Barre, Pennsylvania plant of Air Products and Chemicals, Inc.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 54889) on November 26, 1975. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Air Products and Chemicals, Incorporated, 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 Wilkes-Barre plant increased 39 percent from 1973 to 1974 and increased 7.2 percent in the first ten months of 1975 compared to the like period in 1974.

Sales or Production, or Both, Have Decreased Absolutely. Production at the Wilkes-Barre plant declined 27.7 percent from 1973 to 1974. In the first nine months of 1975, production increased 53.1 percent compared to the first nine months of 1974.

Increased Imports Contributed Importantly. Imports of articles like or directly competitive with those produced at the Wilkes-Barre, Pennsylvania plant of Air Products and Chemicals increased from 2,925 units in 1973 to 3,442 units in 1974. Imports of fabricated metal storage tanks declined from 1,691 units in the first six months of 1974 to 990 units in the first six months of 1975. The ratios of imports to domestic consumption and production increased from only 0.22 percent and .22 percent, respectively, in 1973 to 0.28 percent and 0.35 percent, respectively, in 1974. The ratios of imports to domestic production and consumption increased from 0.18 percent and 0.18 percent, respectively, in the first six months of 1974 to 0.29 percent and 0.31 percent, respectively, in the first six months of 1975.

Air Products does not sell the cryogenic tanks produced at the Wilkes-Barre plant. All production is for its customers that purchase liquefied gas. Air Products fulfills virtually 100 percent of its cryogenic tank requirements from its Wilkes-Barre plant. For a short period during 1974, Air Products utilized a small number of tanks from its overseas plant but this amounted to less than ten percent of the Wilkes-Barre plant's annual production.

The evidence developed during the course of the investigation indicates that imports of cryogenic tanks like or directly competitive with those produced at the Wilkes-Barre, Pennsylvania plant of Air Products and Chemicals, Incorporated did not contribute importantly to the total or partial separation of workers at that plant.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with cryogenic tanks produced at the Wilkes-Barre, Pennsylvania plant of Air Products and Chemicals, Incorporated did not contribute importantly to the total or partial separation of the workers of that firm.

Signed at Washington, D.C., this 22nd day of February 1976.

HERBERT N. BLACKMAN,
Associate Deputy Under Secretary for Trade and Adjustment Policy.

[FR Doc.76-6042 Filed 3-4-76;8:45 am]

[TA-W-334]

THE ARROW CO., CORINTH, NEW YORK

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-334; 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 14, 1975, in response to a worker petition received on November 14, 1975 which was filed by the Amalgamated Clothing Workers of America on behalf of workers and former workers producing fancy dress shirts for men at the Corinth, New York plant of the Arrow Company.

The notice of investigation was published in the FEDERAL REGISTER on November 26, 1975 (40 FR 54889). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from the U.S. International Trade Commissioner, the U.S. Department of Commerce, The National Cotton Council, The Arrow Company and its customers, 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 9 percent in 1974 compared to 1973.

Sales or Production, or Both, Have Decreased Absolutely. Sales records were not tabulated for shirts produced at the Corinth plant. Total company-wide sales of men's dress shirts declined 3 percent in value in 1974 compared to 1973. Production at the Corinth plant declined 17 percent in quantity in 1974 compared to 1973. The plant closed in March 1975.

Increased Imports Contributed Importantly. Imports of articles like or directly competitive with those produced at the Corinth plant decreased from 10.4 million dozens in 1973 to 7.5 million dozens in 1974.

The ratios of imports to domestic consumption and production decreased from 39.2 percent and 63.3 percent, respectively in 1973 to 36.6 percent and 55.5 percent in 1974.

The Office of Trade Adjustment Assistance conducted a survey of major apparel distributors including retail chains in the United States concerning the purchases of domestic and imported men's and boys' knitted dress shirts. The aggregate results of this survey showed the ratio of imports to total sales declined from 10.5 percent in 1973 to 6.5 percent in 1974.

Most customers indicated that their purchases of Arrow dress shirts declined in 1974 compared to 1973. Most customers gave the economic recession as the reason for decreased purchases from Arrow. Most customers did not buy imported woven men's and boys' dress shirts. Among a group of major chain stores that were questioned, none indicated that they had increased their purchases of imported woven men's and boys' dress shirts in 1974 compared to 1973.

Arrow Company officials indicated that sales declines for their men's dress shirts in 1974 were attributed to the depressed state of the economy. Arrow officials did not believe that imports contributed to sales declines in 1974 and 1975.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with fancy dress shirts for men produced at the Cornith, New York plant of The Arrow Company did not contribute importantly to the total or partial separations of the workers at such plant.

Signed at Washington, D.C., this 22nd day of February 1976.

HERBERT N. BLACKMAN,
Associate Deputy Under Secretary for Trade and Adjustment Policy.

[FR Doc.76-6043 Filed 3-4-76;8:45 am]

[TA-W-528]

DYNAMIC INTERNATIONAL CORP., LAJAS, PUERTO RICO

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-528: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on December 31, 1975 in response to a worker petition received on November 10, 1975 which was filed on behalf of workers and former workers producing AC adapters at Dynamic International Corporation, Lajas, Puerto Rico, a subsidiary of the Dynamic Instument Corporation, Hauppauge, New York. The Department's investigation was expanded to include another subsidiary Dynamic Instrument of Puerto Rico, Lajas, Puerto Rico.

The notice of investigation was published in the FEDERAL REGISTER on January 12, 1976 (41 FR 1829). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Dynamic Instrument Corporation, its customers, the U.S. Department of Commerce, the International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in 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 annual average employment of production workers declined 47 percent in 1975 compared to the like period in 1974. Average quarterly employment of production workers declined 23 percent in the fourth quarter of 1974 compared to the same quarter in 1973, and further declined in each quarter of 1975 compared to the like quarter in 1974.

Sales or Production, or Both, Have Decreased Absolutely. Annual sales declined 47.9 percent from 1974 to 1975. Sales declined 24.2 percent in the fourth quarter of 1974 compared to the fourth quarter of 1973 and continued to decline in each quarter of 1975 compared to the like quarter of 1974.

Increased Imports Contributed Importantly. Imports of static power supplies, including AC adapters, increased each year from 1971 through 1974. In the first nine months of 1975 imports of static power supplies increased 17.8 percent compared to the same period in 1974.

The evidence developed by the Department's investigation indicated that AC adapters are intermediate products sold to original equipment manufacturers for use in a myriad of end products, primarily calculators. Original Equipment Manufacturers in seeking to minimize costs have fostered intense price competition among AC adapter manufacturers by comparative shopping to obtain the lowest price. In addition some OEM's have established foreign subsidiaries and imported AC adapters for use in their end products.

Customers of Dynamic Instrument Corporation have either shifted to foreign sources for AC adapters or have established foreign subsidiaries to produce AC adapters. Some customers have gone out of business or have discontinued manufacturing products requiring AC adapters.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with AC adapters produced at the Lajas, Puerto Rico plants

of Dynamic Instrument Corporation contributed importantly to the total or partial separation of the workers at those plants. In accordance with the provisions of the Act, I make the following certification:

"All employees at Dynamic International Corporation and Dynamic Instrument of Puerto Rico, Lajas, Puerto Rico who became totally or partially separated from employment on or after October 24, 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 22nd day of February 1976.

HERBERT N. BLACKMAN,
Associate Deputy Under Secretary for Trade and Adjustment Policy.

[FR Doc.76-6036 Filed 3-4-76;8:45 am]

[TA-W-351]

E. L. BRUCE COMPANY, INC., COVINGTON, TENNESSEE

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-351; 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 21, 1975 in response to a worker petition received on November 21, 1975 which was filed by the Carpenters and Joiners Union on behalf of workers and former workers producing prefinished hardwood plywood (paneling) and wood molding at the Covington, Tennessee plant of E. L. Bruce Company, Memphis, Tennessee.

The notice of investigation was published in the FEDERAL REGISTER on December 4, 1975 (40 FR 56746). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the E. L. Bruce Company its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements off 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 decreased 45 percent in the fourth quarter of 1974 compared to the same quarter of 1973 and dropped 38 percent in 1975 compared to 1974. Workers were used interchangeably on all products at the Covington, Tennessee plant. The plant closed in December 1975.

Sales or Production, or Both, Have Decreased Absolutely. Production of both prefinished hardwood plywood (paneling) and wood molding declined in every year from 1973 through 1975 measured in either value or quantity. The value of hardwood paneling produced dropped 43 percent in the last quarter of 1974 compared to the same quarter of 1973 and declined 29 percent in the first 11 months of 1975 compared to the same period in 1974. The value of wood molding produced declined 44 percent in the last quarter of 1974 compared to the same quarter of 1973 and dropped 11 percent in the first 11 months of 1975 compared to the same period in 1974. Production of prefinished hardwood plywood comprised 71 percent of the total production at the Covington plant in 1974.

Increased Imports Contributed Importantly. Imports of prefinished hardwood plywood increased absolutely from 78,257 MSF in 1970 to 140,390 MSF in 1974. In 1974 the import to consumption and import to production ratios were greater than the average for those ratios from 1970 through 1973. In the first nine months of 1975 imports of prefinished hardwood plywood increased 28.6 percent compared to the like period in 1974.

Company imports of prefinished hardwood plywood in 1974 increased 255 percent compared to 1973 and such imports in 1975 were 166 percent above those for 1973.

Major customers of E. L. Bruce Company have either stopped their purchases of prefinished hardwood plywood and wood molding from E. L. Bruce and purchased imported hardwood plywood and wood molding or are increasing their purchases of these imported products at the expense of E. L. Bruce because of the cheaper price of the imports.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with prefinished hardwood plywood and wood molding produced at the Covington, Tennessee plant of E. L. Bruce 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 employed at the Covington, Tennessee plant of E. L. Bruce Company who became totally or partially separated from employment on or after November 8, 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 23rd day of February 1976.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.76-6035 Filed 3-4-76;8:45 am]

[TA-W-526]

INTERNATIONAL HAT CO., ORAN, MISSOURI

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-526: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on December 19, 1975 in reseponse to a worker petition received on December 19, 1975 which was filed by workers and former workers producing hat caps, tennis hats, mode hats, and roll hats at the Oran, Missouri plant of the International Hat Company, St. Louis, Missouri.

The notice of investigation was published in the FEDERAL REGISTER on January 12, 1976 (41 FR 1830). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the International Hat Company, 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 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 Oran, Missouri plant of the International Hat Company declined 2 percent in 1974 compared to 1973 and declined 9 percent in 1975 compared to 1974.

Average weekly employment began to decline in May 1975 and remained low throughout the remainder of the year.

In July 1975 the plant went from a 5 to a 4 day work week and remained at that level throughout the remainder of 1975.

Sales or Production, or Both, Have Decreased Absolutely. Production at the Oran, Missouri plant of the International Hat Company declined 11 percent in 1975 compared to 1974.

Increased Imports Contributed Importantly. Imports of hats and caps, excluding millinery, declined 5 percent from 1973 to 1974. The ratio of imports to domestic production declined from 67 percent in 1973 to 65 percent in 1974 while the ratio of imports to domestic consumption increased from 45.8 percent in 1973 to 47.4 percent in 1974. Imports increased 7 percent in the first three quarters of 1975 from the same period in 1974.

The evidence developed during the Department's investigation indicated that production and employment at the Oran, Missouri plant of the International Hat Company have been adversely affected by imports. Customers that decreased their purchases from International did so because they were able to purchase less expensive imported goods.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with hat caps, tennis hats, mode hats, and roll hats produced by the Oran, Missouri plant of the International Hat Company 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 employees at the Oran, Missouri plant of the International Hat Company, St. Louis, Missouri who became totally or partially separated from employment on or after March 9, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974."

Signed at Washington, D.C., this 23rd day of February 1976.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.76-6037 Filed 3-4-76;8:45 am]

[TA-W-384]

THERMATOMIC CARBON CO., STERLINGTON, LOUISIANA

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-384: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on December 5, 1975 in response to a worker petition received on December 5, 1975 which was filed by the Oil, Chemical and Atomic Workers on behalf of workers and former workers producing carbon black at the Thermatomic Carbon Company, Sterlington, Louisiana.

The notice of investigation was published in the FEDERAL REGISTER on December 22, 1975 (40 FR 59277). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Thermatomic Carbon Company, its customers, the Department of Commerce, the International Trade Commission, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in 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 declined 35 percent in 1975 compared to 1974. The average number of production workers declined two percent in the last quarter of 1974 compared to the same period in 1973. Workers are used interchangeably on all grades of carbon blacks.

Sales or Production, or Both, Have Decreased Absolutely. Sales of carbon black declined 44 percent in 1975 compared to 1974 and 38 percent in the last quarter of 1974 compared to the same quarter in 1973.

Increased Imports Contributed Importantly. Imports of carbon black like or directly competitive with the carbon black produced by the Thermatomic Carbon Company showed an absolute increase of 18,000 percent from 1970 to 1974 and an absolute increase of six percent in the first nine months of 1975 compared to the same period in 1974. Imports of carbon black increased from 169.0 thousand pounds in 1970 to about 30.0 million pounds in 1974. Imports of carbon black increased from 22.1 million pounds in the first nine months of 1974 to 23.4 million pounds for the same period in 1975.

Decreased employment and sales of carbon black by the Thermatomic Carbon Company are attributable to the opening of a new sister plant in Canada in 1973. Thermatomic Carbon Company's sole customer switched a major part of its purchases of carbon black to the Canadian firm because of lower prices.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with carbon black produced by the Thermatomic Carbon Company, Sterlington, Louisiana 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 carbon black at the Sterlington, Louisiana plant of the Thermatomic Carbon Company who became totally or partially separated from employment on or after December 2, 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 22nd day of February 1976.

HERBERT N. BLACKMAN,
Associate Deputy Under Secretary for Trade and Adjustment Policy.

[FR Doc.76-6038 Filed 3-4-76;8:45 am]

[TA-W-380]

UNIVERSAL-CYCLOPS SPECIALTY STEEL DIVISION OF CYCLOPS CORP., ALIQUIPPA, PENNSYLVANIA

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-380: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on December 5, 1975 in response to a worker petition received on that date which was filed by the United Steel Workers of America on behalf of workers and former workers at the Aliquippa, Pa. plant of Universal-Cyclops Specialty Steel Division of Cyclops Corporation.

The notice of investigation was published in the FEDERAL REGISTER on December 22, 1975 (40 FR 59278). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Universal-Cyclops, the U.S. Department of Commerce, the U.S. International Trade Commission, the Iron and Steel Institute, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in 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 the 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 Separation. The average number of production workers decreased 56.5 percent in 1975 compared to 1974. Average weekly hours decreased 25.5 percent in 1975 compared to 1974.

Sales or Production, or Both, Have Decreased Absolutely. Production at the Aliquippa plant declined 52.4 percent in 1975 compared to 1974.

Increased Imports Contributed Importantly. Imports of articles like or directly competitive with those produced at the Aliquippa plant increased from 120.9 thousand tons in the first 3 quarters of 1974 to 142.9 thousand tons in the first three quarters of 1975.

The ratios of imports to domestic consumption and production increased from 11.0 percent and 10.8 percent, respectively in the first three quarters of 1974 to 20.3 percent and 23.2 percent in the first three quarters of 1975.

Major customers indicated that in 1975 they reduced their purchases of specialty steel from Universal-Cyclops and switched to imported specialty steel. Imports of specialty steel enjoyed a price advantage compared to the domestic product and it was this competitive advantage that caused customers to alter their preferences from Universal-Cyclops' product to the lower-priced imported product.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with specialty steel produced at the Aliquippa plant contributed importantly to the total or partial separation of the workers at that firm. In accordance with the provisions of the Act, I make the following certification:

"All hourly, piecework, and salaried workers engaged in employment related to the production of specialty steel at Universal-Cyclops Specialty Steel Division of Cyclops Corporation, Aliquippa plant, located in Aliquippa, Pennsylvania who became totally or partially separated from employment on or after March 3, 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 22nd day of February 1976.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.76-6040 Filed 3-4-76;8:45 am]

[TA-W-379]

UNIVERSAL-CYCLOPS SPECIALTY STEEL DIVISION OF CYCLOPS CORP., PITTSBURGH, PENNSYLVANIA

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-379: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on December 5, 1975 in response to a worker petition received on December 5, 1975 which was filed by United Steel Workers of America on behalf of workers and former workers producing specialty steel at the Pittsburgh plant of Universal-Cyclops Specialty Steel Division of Cyclops Corporation, Pittsburgh, Pennsylvania.

The notice of investigation was published in the FEDERAL REGISTER on December 22, 1975 (40 FR 59278). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from publications and officials of the U.S. Department of Commerce, the Iron and Steel Institute, the U.S. International Trade Commission, Universal-Cyclops, 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 purpose 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 Pittsburgh plant of Universal-Cyclops declined 38 percent in 1975 compared to 1974.

Sales or Production, or Both, Have Decreased Absolutely. Sales at the Pittsburgh plant of Universal-Cyclops declined 39 percent in guantity in 1975 compared to 1974. Production declined 36 percent in quantity in 1975 compared to 1974.

Increased Imports Contributed Importantly. Imports of articles like or directly competitive with those produced at the Pittsburgh plant increased 198.9 percent from the second quarter of 1974 to the fourth quarter of 1974. The ratios of imports to domestic consumption and shipments increased from 7.6 percent and 7.4 percent, respectively in the second quarter of 1974 to 27.6 percent and 33.3 percent in the fourth quarter of 1974.

Imports of articles like or directly competitive with those produced at the Pittsburgh plant increased from 120.9 thousand tons in the first three quarters of 1974 to 142.9 thousand tons in the first three quarters of 1975.

The ratios of imports to domestic consumption and shipments increased from 11.0 percent and 10.8 percent, respectively in the first three quarters of 1974 to 20.3 percent and 23.2 percent in the first three quarters of 1975.

Major customers indicated that in 1975 they reduced their purchases of specialty steel from Universal-Cyclops and switched to imported specialty steel. Imports of specialty steel enjoyed a price advantage compared to the domestic product and it was this competitive advantage that caused customers to alter their preferences from Universal-Cyclops' product to the lower-priced imported product.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with specialty steel produced at the Pittsburgh plant of Universal-Cyclops 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 hourly, piecework, and salaried workers engaged in employment related to the production of specialty steel at the Universal-Cyclops Specialty Steel Division of Cyclops Corporation, Pittsburgh plant located in Pittsburgh, Pennsylvania, who became totally or partially separated from employment on or after November 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 22nd day of February 1976.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.76-6039 Filed 3-4-76;8:45 am]

[TA-W-382]

UNIVERSAL-CYCLOPS SPECIALTY STEEL DIVISION OF CYCLOPS CORP., TITUSVILLE, PENNSYLVANIA

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-382: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on December 5, 1975 in response to a worker petition received on December 5, 1975

which was filed by the United Steel Workers of America on behalf of workers and former workers producing specialty steel at the Titusville Plant of Universal-Cyclops Specialty Steel Division, Titusville, Pennsylvania.

The Notice of investigation was published in the FEDERAL REGISTER on December 22, 1975 (40 FR 59279). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Universal-Cyclops Corporation, the Iron and Steel Institutes, the Department of Commerce, the International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of such workers' firm or an appropriate subdivision of the firm have 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 the Titusville plant declined 42 percent in 1975 compared to 1974.

Sales, Production, or Both, Have Decreased Absolutely. Production at the Titusville plant declined 33 percent in 1975 compared to 1974.

Increased Imports Contributed Importantly. Imports of articles like or directly competitive with those produced at the Titusville plant increased from 120.9 thousand tons in the first 3 quarters of 1974 to 142.9 thousand tons in the first 3 quarters of 1975. The ratios of imports to domestic consumption and shipments increased from 11.0 percent and 10.8 percent in the first 3 quarters of 1974 to 20.3 percent and 23.2 percent respectively in the first 3 quarters of 1975.

Major customers indicated that in 1975 they reduced their purchases of specialty steel from Universal-Cyclops and switched to imported specialty steel. Imports of specialty steel enjoyed a price advantage compared to the domestic product and it was this competitive advantage that caused customers to alter their preferences from Universal-Cyclops' product to the lower-priced imported product.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with specialty steel produced by the Titusville Plant of Universal-Cyclops Specialty Steel Division 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 hourly, piecework and salaried workers engaged in employment related to the production of specialty steel at Universal-Cyclops Specialty Steel Division of Cyclops Corporation, Titusville plant located in Titusville, Pennsylvania who became totally or partially separated from employment on or after January 20, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 22nd day of February 1976.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[TA-W-322]

WAYNE-GOSSARD CORP., JACKSON, MISSOURI

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-332: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 223 of the Act.

The investigation was initiated on November 7, 1975, in response to a worker petition received on that date, which was filed on behalf of workers and former workers producing ladies hosiery and panty stockings, at the Jackson, Missouri, Hosiery Mill of the Wayne-Gossard Corporation. During the course of the Department's investigation, it was found that the workers and former workers manufactured greige goods, which are an integral element (the seamless tubes) in the production of hosiery and panty stockings at the Wayne-Gossard Corporation. The hosiery is completed at another plant within the corporation and sold under the Belle Sharmeer label.

The notice of investigation was published in the FEDERAL REGISTER on November 21, 1975 (40 FR 54319). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Wayne-Gossard Corporation, its customers, the National Association of Hosiery Manufacturers, the U.S. Department of Commerce, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibilty 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,

(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 Separation. Employment at the Jackson Hosiery Mill declined 18.7 percent in 1974 compared to 1973 and declined 69.3 percent in the first eleven months of 1975, compared to the similar period in 1974.

Sales or Production, or Both, Have Declined Absolutely. Production at the Jackson Hosiery Mill increased 8 percent in 1974 over 1973 due primarily to the consolidation of two greige mills, plus an over estimate of anticipated 1974 sales. Production declined 55.4 percent in the first ten months of 1975, compared to the like period in 1974.

Increased Imports Contributed Importantly. Imports of all categories of men's and women's hosiery, like or directly completitive with that produced by The Wayne-Gossard Corporation declined 7.7 percent in absolute quantity in the first ten months of 1975 compared to the like period in 1974. Imports of panty hose, the only hose separately identifiable as women's, which constitutes approximately one third of the hosiery market, declined 33.5 percent during the same period. In 1974 the import/production ratio was 5.5 percent for panty hose but dropped to 3.6 percent in the first ten months of 1975. The import/production ratio for all hosiery was 2.1 percent in 1974 and 1.8 percent in the first ten months of 1975.

The evidence developed in the Department's investigation indicated that the Jackson Hosiery Mill is a subsidiary of the Wayne-Gossard Corporation for which it produces greige goods, an essential element in the production of women's stockings and panty hose.

None of the surveyed customers purchasing Belle Sharmeer hosiery from the Wayne-Gossard Corporation, have shifted to imports. Decreased purchases from Wayne-Gossard resulted from changes in consumer preferences, in particular the increased popularity of pants as opposed to dresses allowing women to buy less expensive, lower quality hosiery. This in turn caused a shift in the marketing of hoisery from department and fashion stores to drug and food chains. Wayne-Gossard was unable to compete effectively with other domestic mass merchandizers in this new market area.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with the hosiery produced at the Jackson, Missouri Hosiery Mill of the Wayne-Gossard Corporation did not contribute importantly to the total or partial separations of the workers at such plant.

Signed at Washington, D.C. this 23rd day of February 1976.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.76-6044 Filed 3-4-76;8:45 am]

[TA-W-361]

GULANT AND MASLIN, 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-361; 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 28, 1975 in response to a worker petition received on that date which was filed by the Amalagamated Clothing Workers of America on behalf of workers and former workers producing men's suit coats and sportcoats at Gulant and Maslin, Incorporated, Brooklyn, New York.

The notice of investigation was published in the FEDERAL REGISTER on December 12, 1975 (40 FR 57880). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from information and publications of Gulant and Maslin, Incorporated, 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 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 decreased 16 percent from January–September 1975 compared to the like period in 1974. Average weekly hours per production worker declined two percent from January–September 1975 compared to the same period in 1974.

Sales or production, or both, have decreased absolutely. Production of men's suit coats and sportcoats declined 28 percent from January–September 1975 compared to the same period in 1974. Dollar sales decreased 19 percent from January–September 1975 compared to the like period in 1974.

Increased imports contributed importantly. Imports of men's and boys' suits increased relative to domestic production and consumption 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 average of 8.6 percent and 7.8 percent, respectively. In the first 9 months of 1975, imports of men's and boys' suits increased 86 percent compared to the first 9 months of 1974. The ratio of imports to domestic production increased from 8.7 percent in the first 9 months of 1974 to 19.9 percent in the first 9 months of 1975.

Imports of men's and boys' tailored sportcoats increased relative to domestic production and consumption in each year from 1971 through 1974. The ratios of imports to production and consumption increased from 24.6 percent and 19.7 percent, respectively, in January–September 1974 to 41.9 percent and 29.5 percent, respectively, in the same period of 1975.

The evidence developed in the Department's investigation indicated that production and employment at Gulant and Maslin has been adversely affected by increased imports. Gulant and Maslin is a stitching contractor for men's clothing manufacturers. Retail customers surveyed have reduced purchases from these clothing manufacturers and have switched to less expensive imported 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 suit coats and sportcoats produced at Gulant and Maslin 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 hourly, piecework, and salaried workers engaged in employment related to the production of men's suit coats and sportcoats at the Brooklyn, New York plant of Gulant and Maslin, Incorporated, who became totally or partially separated from employment on or after November 18, 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 19th day of February 1976.

GLORIA G. PRATT,
Director, Office of Foreign Economic Policy.

[FR Doc.76-6250 Filed 3-4-76;8:45 am]

[TA-W-321]

UNITED STATES STEEL CORP.

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-321; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on November 7, 1975 in response to a worker petition received on November 7 which was filed by the Local 1066 of the United Steelworkers of America, AFL-CIO on behalf of workers and former workers producing carbon steel sheet and strip, stainless steel sheet and strip, and tin mill products at the Gary Sheet and Tin Mill of the Gary Works; Gary, Indiana of the United States Steel Corporation, Pittsburgh, Pennsylvania.

The notice of investigation was published in the FEDERAL REGISTER on November 21, 1975 (40 FR 54320). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of United States Steel Corporation, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) that a significant number or proportion of the workers in 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 about 30 percent in the first nine months of 1975 compared to the same period in 1974.

Sales or production, or both, have decreased absolutely. Sales of the Gary Sheet and Tin Mill declined 38 percent in the first three quarters of 1975 compared to the first three quarters of 1974.

Increased imports contributed importantly. Imports of carbon steel sheet and

strip decreased from 7.65 million net tons in 1971 to 4.41 million net tons in 1974. The ratios of imports to domestic consumption and shipments decreased from 18.7 percent and 22.4 percent respectively in 1971 to 9.7 percent and 10.4 percent respectively in 1974. Imports of carbon steel sheet and strip decreased from 2.50 million net tons in the first three quarters of 1974 to 2.45 million net tons in the first three quarters of 1975. The ratios of imports to domestic consumption and shipments increased from 7.3 percent and 7.6 respectively in the first three quarters of 1974 to 10.2 percent and 11.2 percent respectively in the first three quarters of 1975.

Imports of tin mill products declined from 568.7 thousand net tons in 1972 to 355.5 thousand net tons in 1974. The ratios of imports to domestic consumption and shipments declined from 8.9 percent and 9.3 percent respectively in 1972 to 4.9 percent and 4.7 percent in 1974. Imports of Tin Mill products increased from 260.9 thousand net tons in the first three quarters of 1974 to 393.1 thousand net tons in the first three quarters of 1975. The ratios of imports to domestic consumption and shipments increased from 4.5 percent and 4.4 percent respectively in the first three quarters of 1974 to 8.7 percent and 9.1 percent respectively in the first three quarters of 1975.

Stainless steel sheet and strip has not exceeded 2 percent of the output (in quantity) of the Gary Sheet and Tin Mill for any quarter between January, 1973 and the third quarter of 1975.

The evidence developed in the department's investigation indicated that the major customers of Gary's carbon sheet and strip are automobile companies. These companies reduced purchases of sheet and strip products due to declining automobile sales. They did not increase the proportion of imports among total purchases of such products. The major customers of tin mill products indicated that they either do not purchase imports or that imports amounted to about three percent of tin mill products purchased in 1974 and 1975.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with carbon steel sheet and strip, stainless steel sheet and strip and tin mill products produced at the Gary Sheet and Tin Mill of the Gary Works of United States Steel Corporation did not contribute importantly to the total or partial separation of the workers of that plant.

Signed at Washington, D.C., this 17th day of February 1976.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.76-6251 Filed 3-4-76;8:45 am]

FEDERAL ASSISTANCE UNDER THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

Financial Assistance and Request for Preapplication

Title I. Pursuant to Title I of the Comprehensive Employment and Training Act of 1973 (hereafter referred to as the Act), the Secretary of Labor provides comprehensive manpower services throughout the United States with Fiscal Year 1977 funds. The program includes the development and creation of job opportunities and the training, education, and other services needed to enable individuals to secure and retain employment at their maximum capacity. This comprehensive manpower program will be carried out by qualified prime sponsors through financial assistance to be made available by the Secretary of Labor. Although many prime sponsors were designated in Fiscal Year 1976, each year eligible existing prime sponsors and those wishing to become prime sponsors must submit a preapplication for Federal assistance to be considered for the subsequent fiscal year funds. Eligibility criteria and procedures for preapplication are described below:

Prime Sponsors. In order to be eligible to receive financial assistance under Title I of the Act, a prime sponsor must be:

(a) A State;

(b) A unit of a general local government which has a population of 100,000 or more on the basis of the most satisfactory current data available to the Secretary;

(c) Any combination of units of general local government which includes any units of general local government qualifying under paragraph (b) above;

(d) Any unit of general local government or any combination of such units, without regard to population, which in exceptional circumstances, is determined by the Secretary of Labor:

(1) (i) To serve a substantial portion of a functioning labor market area, or

(ii) To be a rural area having a high level of unemployment; and

(2) To have demonstrated (i) that it has the capability for adequately carrying out programs under this act, and (ii) that there is a special need for services within the area to be served, and (iii) that it will carry out such programs and services in such areas as effectively as the State; or

(e) A limited number of existing concentrated employment program grantees serving rural areas having a high level of unemployment which the Secretary determines have demonstrated special capabilities for carrying out programs in such areas and are designated by him for that purpose.

Procedures for applying for prime sponsorship. In accordance with section 102(c)(1) of the Act, and in order to be considered eligible for prime sponsorship under Title I, the Secretary of Labor hereby informs all potentially eligible applicants that they must submit a preapplication for Federal assistance no later than April 1, 1976.

The preapplication must be submitted to the appropriate Regional Administrator, Employment and Training Administration (ETA), the Governor, and appropriate State and areawide clearinghouses (see OMB Circular A-95 as revised and published in the FEDERAL REGISTER on January 13, 1976).

The preapplication will consist of Standard Form SF 424, prescribed by Federal Management Circular No. 74-7 (formerly OMB Circular A-102) as revised and published in the FEDERAL REGISTER on November 21, 1975, with an attachment giving the following information:

(a) Geographical area(s) to be served;

(b) Population of area(s) to be served;

(c) Certification that application, except for CEP and consortia prime sponsors, has the required general government authority, as defined in § 94.4;

(d) Name of any ineligible unit of general local government, located within the prime sponsor applicant's jurisdiction, that has informed the prime sponsor applicant that it will not be participating in the prime sponsor applicant's plan.

(e) Certification that the development of the applicant's plan will be in accordance with the requirements of the Act and regulations (e.g., involvement of local elected officials of the areas to be served); and

(f) The signature of the chief elected official(s) or chief executive officer(s), as appropriate, of each applicant. For a newly formed consortium, and for a consortium in which one or more members have joined or withdrawn, the signature of the chief elected official or chief executive officer of each consortium member is required. In the case of an established consortium with no membership changes, the preapplication may, with the consent of all consortium members, be signed by the consortium's chief executive officer.

Special procedures for: (a) *Independently eligible prime sponsors.* Attachment 1 is a list of those jurisdictions which may be eligible to be prime sponsors under section 102(a) (1) and (2) and section 103(a)(2)(D) of the Act. The list includes: (1) all jurisdictions which have a population of 100,000 or more according to 1974 Census data furnished by the U.S. Bureau of the Census; (2) all States; and, (3) Guam, the Virgin Islands, American Samoa and the Trust Territory of the Pacific Islands.

The list does not contain the names of those jurisdictions, currently serving as prime sponsors, whose populations have fallen below 100,000 according to 1974 Census data. These jurisdictions may apply either as "exceptional circum-

stance" prime sponsors, as specified in (b) below, or will become part of the county or State's application.

(b) *Units of government which have less than 100,000 population desiring to be prime sopnsors because of exceptional circumstances.* Any unit of general local government which does not have a population of 100,000, but wishes to be named a prime sponsor because of exceptional circumstances under the provisions of section 102(a)(4), should submit a preapplication according to procedures set forth above. In addition, the preapplication should include information relative to:

(1) The labor market areas in which the unit of general local government is located;

(2) The proportion of the labor market area population which resides within the the jurisdiction of the unit of general local government;

(3) The unit of general local government's administrative and organizational capability for adequately carrying out programs under the Act;

(4) The unit of general local government's ability to carry out the program as effectively as the State, e.g., past experience in operating manpower or manpower-type programs, effective linkages with community-based organizations and programs, administrative efficiency in terms of costs, and existence and effective operation of an Operational Planning Grant, a Public Employment Program or other manpower delivery services; and

(5) The special need for services within the area to be served, e.g., a high proportion of groups within the population such as disadvantaged youth, offenders, high school dropouts, a high unemployment rate, substantial outmigration, or unique commuting problems.

(c) *Rural concentrated employment program grantees.* Any of the existing four Concentrated Employment Program (CEP) prime sponsors serving a rural area having a high level of unemployment and desiring to serve as a prime sponsor again should submit a preapplication according to the procedures set forth above. In addition, such a CEP must cite whatever special capabilities it has demonstrated in carrying out manpower programs.

(d) *Consortia.* Combinations of units of general local government may form a consortium to plan and operate a comprehensive manpower program. The nature of consortia arrangements and agreements are set forth in detail in §§ 95.3 (a)(3) and (a)(4) of the regulations for Titles I and II of the Comprehensive Employment and Training Act of 1973, published in the FEDERAL REGISTER on May 23, 1975.

In order to encourage consortia which comprise substantial portions (e.g., 75 percent) of labor market areas, the Secretary may use up to 5 percent of the funds available for Title I of the Act to provide additional funding for such consortia.

Consortia which do not serve such areas shall not be eligible for additional funds. Prior to making decisions concerning these funds, the Regional Administrator, ETA, shall consult with the Governors of the appropriate States and afford them an opportunity to make recommendations.

A consortiu must submit a preapplication according to the procedures set forth above. In addition, each consortium shall submit a formal agreement including all items required by § 95.11(b) of the May 23, 1975, regulations to the Act to the appropriate Regional Administrator, ETA, by May 15, 1976. An established consortium which submitted a formal written agreement last year may attest in writing that the agreement is the same or specify amendments to the agreement. The formal agreement or attestation must be signed by the chief elected official or chief executive officer of each consortium member.

List of manpower regional offices. All preapplication information and consortia agreements (described above) must be submitted to the appropriate Regional Administrator, ETA. The names, addresses and areas of responsibility of the Regional Administrators are listed on Attachment No. 2.

Title II. Eligible Applicants. In order to be eligible to receive financial assistance under Title II of the Act, eligible applicants must be prime sponsors under Title I of the Act or Indian tribes on Federal and State reservations and must include areas of substantial unemployment, as defined in section 94.4(d) of the May 23, 1975, CETA regulations. All potentially eligible Title I prime sponsors which currently have Title II programs as well as those which believe they contain areas which should qualify them for Title II funds in Fiscal Year 1977 should submit a preapplication.

Procedures for submitting Preapplications. In accordance with section 96.11 of the May 23, 1975, regulations, all potentially eligible applicants, including consortia formed under section 95.11 of the regulations, are hereby informed that they must submit a preapplication for Federal assistance no later than April 1, 1976. All eligible applicants, with the exception of Indian eligible applicants, shall follow all the procedures detailed herein for Title I prime sponsors.

Indians. Indian tribes on Federal and State reservations which contain areas of substantial unemployment, as specified in sections 94.4 (d)(2) and (dd) and 96.41(c) of the May 23, 1975, regulations, are eligible for funding under Title II. Eligible tribes which are currently Title II prime sponsors or feel they will be eligible for Title II funds in Fiscal Year 1977 should submit their preapplications to the Director, Division of Indian and Native American Programs, 601 D Street, NW., Washington, D.C. 20213, in accordance with the procedures found in section 97.111 of the regulations published in the FEDERAL REGISTER on October 9, 1975, titled Special Federal Programs and Responsibilities under the Comprehensive Employment and Training Act (CETA) of 1973, as amended, Indian Manpower Programs.

Consortia. Consortia formed under Title I must also operate any Title II programs within the consortia's boundaries. Consortia may submit one agreement (see the consortia section under Title I procedures herein) covering programs funded under Titles I and II. As indicated in the Title I procedures for consortia, this agreement shall be submitted to the appropriate Regional Administrator by May 15, 1976.

IMPLEMENTATION SCHEDULE

Titles I and II grants for Fiscal Year 1977 will be executed by October 1, 1976. Revised Titles I and II regulations will be published initially about April 1, 1976, and in final form about June 1, 1976. Planning estimates for Titles I and II will be released about June 1, 1976. Prime sponsors will be expected to submit their grant applications to the appropriate Regional Administrator by September 2, 1976.

A more detailed CETA grant process schedule for Fiscal Year 1977 is found in the FEDERAL REGISTER of January 21, 1976.

Signed at Washington, D.C., this 1st day of March, 1976.

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

LISTING OF JURISDICTIONS OF 100,000 OR MORE POPULATION FOR COMPREHENSIVE EMPLOYMENT AND TRAINING ACT OF 1973

ALABAMA

Birmingham	Jefferson County
Huntsville	Mobile County
Mobile	Tuscaloosa County
Montgomery	Balance Alabama
Calhoun County	

ALASKA

Municipality of Anchorage	Balance Alaska

ARIZONA

Phoenix	Maricopa County
Tucson	Balance Arizona

ARKANSAS

	Little Rock
	Pulaski County
	Balance Arkansas

CALIFORNIA

Anaheim	Kern County
Berkeley	Los Angeles County
Fremont	Marin County
Fresno	Merced County
Garden Grove	Monterey County
Glendale	Orange County
Huntington Beach	Riverside County
Long Beach	Sacramento County
Los Angeles	San Bernardino County
Oakland	San Diego County
Pasadena	San Joaquin County
Riverside	San Luis Obispo County
Sacramento	San Mateo County
San Bernardino	Santa Barbara County
San Diego	Santa Clara County
San Francisco City/County	Santa Cruz County
San Jose	Solano County
Santa Ana	Sonoma County
Stockton	Stanislaus County
Sunnyvale	Tulare County
Torrance	Ventura County
Alameda County	Yolo County
Butte County	Balance California
Contra Costa County	
Fresno County	
Humboldt County	

COLORADO

Aurora
Colorado Springs
Denver City/County
Lakewood
Pueblo
Adams County
Arapahoe County
Boulder County
El Paso County
Jefferson County
Larimer County
Weld County
Balance Colorado

CONNECTICUT

Bridgeport
Hartford City
New Haven City
Stamford City
Waterbury City
Balance Connecticut

DELAWARE

New Castle County
Balance Delaware

DISTRICT OF COLUMBIA

FLORIDA

Ft. Lauderdale
Hialeah
Hollywood
Jacksonville City/ Duval County
Miami
Orlando
St. Petersburg
Tampa
Alachua County
Brevard County
Broward County
Dade County
Escambia County
Hillsborough County
Lee County
Leon County
Manatee County
Orange County
Palm Beach County
Pasco County
Pinellas County
Polk County
Sarasota County
Seminole County
Volusia County
Balance Florida

GEORGIA

Atlanta
Columbus City/ Muscogee County
Macon
Savannah
Clayton County
Cobb County
De Kalb County
Fulton County
Gwinnett County
Richmond County
Balance Georgia

HAWAII

Honolulu City/ Honolulu County
Balance Hawaii

IDAHO

Ada County
Balance Idaho

ILLINOIS

Chicago
Peoria
Rockford
Champaign County
Cook County
Du Page County
Kane County
Sangamon County
St. Clair County
Tazewell County
La Salle County
Lake County
Macon County
Madison County
McHenry County
McLean County
Rock Island County
Will County
Balance Illinois

INDIANA

Evansville
Ft. Wayne
Gary
Hammond
Allen County
Delaware County
Elkhart County
La Porte County
Lake County
Indianapolis City/ Marion County
South Bend
St. Joseph County
Madison County
Tippecanoe oCunty
Vigo County
Balance Indiana

IOWA

Cedar Rapids
Des Moines
Black Hawk County
Scott County
Woodbury County
Balance Iowa

KANSAS

Kansas City
Topeka
Wichita
Johnson County
Balance Kansas

KENTUCKY

Lexington City/ Fayette County
Louisville
Jefferson County
Kenton County
Balance Kentucky

LOUISIANA

Baton Rge. City/E. Baton Rge. Par.
New Orleans City/ Parish
Shreveport
Calcasieu Parish
Jefferson Parish
Lafayette Parish
Ouachita Parish
Rapides Parish
Balance Louisiana

MAINE

Cumberland County
Kennebec County [1]
Penobscot County
York County [1]
Balance Maine

MARYLAND

Baltimore
Anne Arundel County
Baltimore County
Harford County
Montgomery County
Prince Georges County
Washington County
Balance Maryland

MASSACHUSETTS

Boston City
Cambridge
New Bedford
Springfield
Worcester
Balance Massachusetts

MICHIGAN

Ann Arbor
Detroit
Flint
Grand Rapids
Lansing
Livonia
Warren
Bay County
Berrien County
Oakland County
Ottawa County
Saginaw County
St. Clair County
Calhoun County
Genesee County
Ingham County
Jackson County
Kalamazoo County
Kent County
Macomb County
Monroe County
Muskegon County
Washtenaw County
Wayne County
Balance Michigan

MINNESOTA

Minneapolis
St. Paul
Anoka County
Dakota County
Hennepin County
Ramsey County
St. Louis County
Stearns County
Balance Minnesota

MISSISSIPPI

Jackson
Harrison County
Jackson County
Balance Mississippi

MISSOURI

Independence City
Kansas City
Springfield City
St. Louis City
Jackson County
Jefferson County
St. Charles County
St. Louis County
Balance Missouri

MONTANA

NEBRASKA

Lincoln City
Omaha City
Balance Nebraska

NEVADA

Las Vegas City
Clark County
Washoe County
Balance Nevada

NEW HAMPSHIRE

Hillsborough County
Rockingham County
Balance New Hampshire

[1] Pending legal determination of general governmental authority.

NEW JERSEY

Elizabeth City
Jersey City
Newark City
Paterson City
Trenton City
Atlantic County
Bergen County
Burlington County
Camden County
Cumberland County
Essex County
Gloucester County
Hudson County
Mercer County
Middlessex County
Monmouth County
Morris County
Ocean County
Passaic County
Somerset County
Union County
Balance New Jersey

NEW MEXICO

Albuquerque City
Balance New Mexico

NEW YORK

Albany City
Buffalo City
New York City
Rochester City
Syracuse City
Town of Cheektowaga
Town of Tonawanda
Yonkers City
Town of Babylon
Town of Brookhaven
Town of Huntington
Town of Islip
Town of Smithtown
Town of Hempstead
North Hempstead Twp.
Oyster Bay Twp.
Albany County
Broome County
Chautauqua County
Dutchess County
Erie County
Monroe County
Niagara County
Oneida County
Onondaga County
Orange County
Oswego County
Rensselaer County
Rockland County
Saratoga County
Schenectady County
St. Lawarence County
Steuben County
Ulster County
Westchester County
Balance New York

NORTH CAROLINA

Charlotte City
Greensboro
Davidson County
Durham City
Raleigh City
Winston-Salem City
Buncombe County
Cumberland County
Gaston County
Guilford County
Wake County
Balance North Carolina

NORTH DAKOTA

OHIO

Akron City
Canton City
Cincinnati City
Cleveland City
Columbus City
Dayton City
Parma City
Toledo City
Youngstown City
Allen County
Butler County
Clark County
Clermont County
Columbiana County
Cuyahoga County
Franklin County
Greene County
Hamilton County
Lake County
Licking County
Lorain County
Lucas County
Mahoning County
Montgomery County
Portage County
Richland County
Stark County
Summitt County
Trumbull County
Wood County
Balance Ohio

OKLAHOMA

Oklahoma City
Tulsa City
Cleveland County
Comanche County
Oklahoma County
Balance Oklahoma

OREGON

Portland City
Clackamas County
Jackson County
Lane County
Marion County
Multnomah County
Washington County
Balance Oregon

PENNSYLVANIA

Allentown City	Lackawanna County
Erie City	Lancaster County
Philadelphia City/ County	Lawrence County
Pittsburgh City	Lebanon County
Allegheny County	Lehigh County
Beaver County	Luzerne County
Berks County	Lycoming County
Blair County	Mercer County
Bucks County	Montgomery County
Butler County	Northampton County
Cambria County	Northumberland County
Centre County	Schuylkill County
Chester County	Washington County
Cumberland County	Westmoreland County
Dauphin County	York County
Delaware County	Balance Pennsylvania
Erie County	
Fayette County	
Franklin County	

PUERTO RICO

Bayamon Mun.	Ponce Municipio
Caguas Mun.	San Juan Mun.
Carolina Mun.	Balance Puerto Rico

RHODE ISLAND

Providence City	
Balance of Rhode Island	

SOUTH CAROLINA

Columbia City	Richland County
Anderson County	Spartanburg County
Charleston County	Balance South Carolina
Greenville County	
Lexington County	

SOUTH DAKOTA

TENNESSEE

Chattanooga City	Hamilton County
Knoxville City	Knox County
Memphis City	Sullivan County
Nashville City/ Davidson County	Balance Tennessee

TEXAS

Amarillo City	Bexar County
Arlington	Brazoria County
Austin City	Cameron County
Beaumont City	Dallas County
Corpus Christi City	Galveston County
Dallas City	Harris County
El Paso City	Hidalgo County
Fort Worth City	Jefferson County
Garland	McLennan County
Houston City	Smith County
Irving	Tarrant County
Lubbock City	Taylor County
Pasadena	Wichita County
San Antonio City	Balance Texas
Bell County	

UTAH

Salt Lake City	Utah County
Davis County	Weber County
Salt Lake County	Balance Utah

VERMONT

Chittenden County	Balance Vermont

VIRGINIA

Alexandria City	Virginia Beach City
Chesapeake City	Arlington County
Hampton City	Fairfax County
Newport News City	Henrico County
Norfolk City	Prince William County
Portsmouth City	
Richmond City	Balance Virginia

WASHINGTON

Seattle City	Pierce County
Spokane City	Snohomish County
Tacoma City	Spokane County
Clark County	Yakima County
King County	Balance Washington
Kitsap County	

WEST VIRGINIA

Cabell County	Balance West Virginia
Kanawha County	

WISCONSIN

Madison City	Outagamie County
Milwaukee City	Racine County
Brown County	Rock County
Dane County	Sheboygan County
Kenosha County	Waukesha County
Marathon County	Winnebago County
Milwaukee County	Balance Wisconsin

WYOMING

VIRGIN ISLANDS

AMERICAN SAMOA

GUAM

TRUST TERRITORIES

NOTE: Any jurisdiction whose name does not appear on this list which has documentation to support the fact that its population has increased to 100,000 should submit such documentation along with a preapplication according to the procedures contained herein.

ATTACHMENT 2—REGIONAL ADMINISTRATORS FOR EMPLOYMENT AND TRAINING ADMINISTRATION

	States in regions
Region I, Boston: Luis Sepulveda, Acting Regional Administrator, ETA, U.S. Department of Labor, J. F. Kennedy Bldg., Room 1703, Boston, Massachusetts 02203.	Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont.
Region II, New York: Lawrence W. Rogers, Regional Administrator, ETA, U.S. Department of Labor, 1515 Broadway, Room 3713, New York, New York 10036.	New Jersey, New York, Puerto Rico, the Virgin Islands.
Region III, Philadelphia: J. Terrell Whitsitt, Regional Administrator, ETA, U.S. Department of Labor, P.O. Box 8796, Philadelphia, Pennsylvania 19101.	Delaware, Maryland, Pennsylvania, Virginia, West Virginia, District of Columbia.
Region IV, Atlanta: William U. Norwood, Jr., Regional Administrator, ETA, U.S. Department of Labor, 1371 Peachtree Street, N.E., Room 405, Atlanta, Georgia 30309.	Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee.
Region V, Chicago: Richard C. Gilliland, Regional Administrator, ETA, U.S. Department of Labor, 230 South Dearborn Street, Sixth Floor, Chicago, Illinois 60606.	Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin.
Region VI, Dallas: William S. Harris, Regional Administrator, ETA, U.S. Department of Labor, 555 Griffin Square Bldg., Room 316, Dallas, Texas 75202.	Arkansas, Louisiana, New Mexico, Oklahoma, Texas.
Region VII, Kansas City: Richard G. Miskimins, Regional Administrator, ETA, U.S. Department of Labor, Federal Building, Room 1000, Kansas City, Missouri 64106.	Iowa, Kansas, Missouri, Nebraska.
Region VIII, Denver: Robert J. Brown, Regional Administrator, U.S. Department of Labor, 16122 Federal Office Bldg., 1961 Stout Street, Denver, Colorado 80202.	Colorado, Montana, North Dakota, Utah, South Dakota, Wyoming.
Region IX, San Francisco: William J. Haltigan, Regional Administrator, ETA, U.S. Department of Labor, 450 Golden Gate Avenue, Box 36084, San Francisco, California 94102.	Arizona, California, Nevada, Guam, Hawaii, American Samoa, Trust Terirtory of the Pacific Islands.
Region X, Seattle: Jess C. Ramaker, Regional Administrator, ETA, U.S. Department of Labor, Federal Office Building, Room 1145, 909 First Avenue, Seattle, Washington 98174.	Alaska, Idaho, Oregon, Washington.

[FR Doc.76-6445 Filed 3-4-76;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 992]

ASSIGNMENT OF HEARINGS

MARCH 2, 1976.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 76036 (Sub 6), Canadian Freightways Eastern Limited, now being assigned continued hearing on March 30, 1976, in Birmingham, Michigan, at the Village Motor Inn, 300 North Hunter Boulevard.

MC 106775 (Sub 38), Atlas Truck Line, Inc., application dismissed.

MC 139495 Sub 102, National Carriers, Inc., application dismissed.

MC 140818, Gray Line of Seattle, Inc., now being assigned March 15, 1976, in Seattle, Washington, and will be held in the San Juan Room, Roosevelt Hotel, 7th & Pine Street.

MC 113678 Sub 599, Curtis, Inc., application dismissed.

MC 94201 Sub 132, Bowman Transportation, Inc., hearing now assigned March 10, 1976, at Atlanta, Ga., has been advanced to March 8, 1976, at Atlanta, Ga. Hearing room remains the same.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.76-6430 Filed 3-4-76;8:45 am]

[Notice No. 26]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

FEBRUARY 2, 1976.

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate

Commerce Act provided for under the provisions of 49 CFR § 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the I.C.C. Field Office to which protests are to be transmitted.

No. MC 2368 (Sub-No. 55TA), filed February 12, 1976. Applicant: BRALLEY-WILLETT TANK LINES, INC., 2212 Deepwater Terminal Road, P.O. Box 495, Richmond, Va. 23204. Applicant's representative: William T. Marshburn (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oil*, in bulk, in tank vehicles, from Fayetteville, N.C., to points in Virginia south of a line beginning at the Virginia-West Virginia state line and extending along U.S. Highway 250 to Richmond, Va., thence along U.S. Highway 360 to the Chesapeake Bay, for 180 days. Applicant has also filed an ETA seeking two successive extensions up to 90 days of operating authority. Supporting shipper(s): Cargill Incorporated, J. R. Doyle, Traffic Manager, River Road, Fayetteville, N.C. 28302. Send protests to: District Supervisor, Paul D. Collins, Bureau of Operations, Interstate Commerce Commission, Room 10–502, Federal Bldg., 400 North 8th St., Richmond, Va. 23240.

No. MC 103926 (Sub-No. 48TA), filed February 19, 1976. Applicant: W. T. MAYFIELD SONS TRUCKING CO., 1038 West Peachtree St., NW., Atlanta, Ga. 30309. Applicant's representative: William H. Driskell, P.O. Box 947, Mableton, Ga. 30059. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Concrete cooling towers and sections thereof*, and *accessories and supplies* handled incidental to the erection and completion of concrete cooling towers when moving on the same vehicle with concrete cooling towers and sections thereof, from the plantsite facilities of Ecodyne Cooling Products Division at or near Stockbridge, Ga., to the jobsite at or near Daisy, Tenn., (2) *jigs, tools, equipment, material, and supplies* used in the jobsite erection, installation, or construction of items in (1) above (except commodities in bulk, and cement in bags), from the plantsite facilities of Ecodyne Cooling Products Division at or near Stockbridge, Ga., to the jobsite at or near Daisy, Tenn., (3) *jigs, tools, and equipment* defined in (2) above, from the jobsite at or near Daisy, Tenn., to the plantsite facilities of Ecodyne Cooling Products Division at or near Stockbridge, Ga., for 180 days. Supporting shipper(s): Ecodyne Cooling Products Division, P.O. Box 1267, Santa Rosa, Calif. 95403. Send protests to: Mr. William L. Scroggs, District Supervisor, Interstate Commerce Commission, 1252 W. Peachtree St. NW., Room 546, Atlanta, Ga. 30309.

No. MC 107403 (Sub-No. 963TA), filed February 18, 1976. Applicant: MATLACK, INC., 10 West Baltimore Ave., Landsdowne, Pa. 19050. Applicant's representative: John Nelson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed additives, feed ingredients* for live stock feed and fertilizer, in bulk, in tank vehicles, from Montgomery, Ala., to Jacksonville and Tampa, Fla.; Bainbridge and Macon, Ga.; Soso and Vicksburg, Miss., and Nashville and Chattanooga, Tenn., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): International Minerals and Chemicals Corp., 1695 Parallel Street, Montgomery, Ala. Send protests to: Monica A. Blodgett, Transportation Assistant, Interstate Commerce Commission, 600 Arch Street, Room 3238, Philadelphia, Pa. 19106.

No. MC 108297 (Sub-No. 24TA), filed February 23, 1976. Applicant: FOX TRANSPORT SYSTEM, 21 S. Fifth Street, Philadelphia, Pa. 19106. Applicant's representative: Frederick W. Fox, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cable, scrap, lead covered copper and reels, cable, electric*, on vehicles with specialized equipment for loading and unloading, between points in Brunswick, Charles City, Chesterfield, Dinwiddie, Lunenburg, Mecklenburg, and Prince George Counties, Va., on the one hand, and, on the other, Kearny, N.J., and Tottenville (S.I.), N.Y., for 180 days. Applicant has also filed underlying ETA seeking up to 90 days of operating authority. Supporting shipper: American Telephone and Telegraph Company, 5554 Port Royal Road, Springfield, Va. Send protests to: Monica A. Blodgett, Transportation Assistant, Interstate Commerce Commission, 600 Arch Street, Room 3238, Philadelphia, Pa. 19106.

No. MC 111729 (Sub-No. 610TA), filed February 17, 1976. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Road, New Hyde Park, N.Y. 11040. Applicant's representative: Elizabeth L. Henoch (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Emergency repair and replacement parts, and related business papers, records, and audit and accounting media*, restricted against the transportation of packages or articles weighing in excess of 100 pounds in the aggregate, between Wise, Va., on the one hand, and, on the other, Beckley and Charleston, W. Va.; (2) *repair and replacement automotive parts and related accessories*, restricted against the transportation of packages or articles weighing in excess of 50 pounds per package or article, and 125 pounds in the aggregate, from one consignor to one consignee on any one day, between Warrendale, Pa., on the one hand, and, on the other, Ashland, Ky.; Cumberland and Oakland, Md.; Big Stone Gap, Gate City, and Grundy, Va.; and points in New York, Ohio, and West Virginia; (3) *proofs, copy, manuscripts, and related printed matter*, from Indianapolis and Plainfield, Ind., to Roanoke, Va.; Charleston, Huntington, and Parkersburg, W. Va.; Eaton, Franklin, Gallipolis, Hamilton, Marietta, Middleton, Norwood and Toledo, Ohio; and Bloomington, Canton, Centralia, Champaign, Danville, Decatur, Joliet, Kankakee, Peoria, Rockford, Rock Island, Springfield, and Woodstock, Ill., for 180 days. Supporting shipper(s): (1) Lee-Norse Company, Box 1438, Wise, Va., (2) American Motors Corp., 2959 Hart Drive, Franklin, Ill., (3) Foto Labs, Inc., 335 N. East Street, Plainfield, Ind. Send protests to: Anthony D. Giaimo, District Supervisor, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 112123 (Sub-No. 12TA), filed February 19, 1976. Applicant: BEST-WAY TRANSPORTATION, 1624 South Central Avenue, Phoenix, Ariz. 85004. Applicant's representative: Raymond A. Greene, Jr., Handler, Baker & Greene, 100 Pine Street, San Francisco, Calif. 94111. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as described by the Commission, commodities in bulk and commodities requiring special equipment. Kingman, Ariz., and Mineral Park, Ariz., over U.S. Highway 93 and unnumbered county road, and return over the same route. Proposes to tack with MC 112123 Sub 7. Proposes to interline with another carrier at Davis Dam, Phoenix, Tucson, Ehreberg and Yuma, Ariz., all currently held in Sub 7, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Du-

val Mines, Mineral Park, Ariz. 86401. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Room 3427 Federal Bldg., 230 North First Ave., Phoenix, Ariz. 85025.

No. MC 116254 (Sub-No. 154TA), filed February 18, 1976. Applicant: CHEM-HAULERS, INC., P.O. Box 245, Sheffield, Ala. 35660. Applicant's representative: Douglas O. Logue (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Columbia, Miss., to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Tennessee (except Carter, Greene, Hamblen, Hawkins, Johnson, Sullivan, Unicoi, and Washington Counties) and Texas (except dry chemicals to Chambers, Montgomery, Paris, Fort Ben, Galveston, Liberty, and Brazoria Counties, Tex.), for 180 days. Supporting shipper(s): Reichhold Chemicals, Inc., Tuscaloosa, Ala. 35401. Send protests to: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 1616, 2121 Building, Birmingham, Ala. 35203.

No. MC 116474 (Sub-No. 37TA), filed February 13, 1976. Applicant: LEAVITS FREIGHT SERVICE, INC., 3855 Marcola Road, Springfield, Oreg. 97477. Applicant's representative: Earle V. White, 2400 S.W. Fourth Avenue, Portland, Oreg. 97201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Laminated wood products, prefabricated wood timbers, trusses, and beams*, from Saginaw, Oreg., to points in California, Nevada, and Washington, under a continuing contract with Bohemia, Inc., for 180 days. Supporting shipper: Bohemia, Inc., 2280 Oakmont Way, Eugene, Oreg. 97401. Send protests to: District Supervisor A. E. Odoms, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, 555 S.W. Yamhill Street, Portland, Oreg. 97204.

No. MC 121751 (Sub-No. 1TA), filed February 11, 1976. Applicant: ABLE TRANSPORT, INC., 1930 W. Broadway, Phoenix, Ariz. 85019. Applicant's representative: Phil B. Hammond, 10th Floor, 111 West Monroe, Phoenix, Ariz. 85019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Rock, stone, and cast stone*, from points in Arizona to points in Washington, Oregon, and California; (2) *Lumber, lumber products, wood products, plywood, laminated beams, and unassembled furniture and storage units*, from points in Washington, Oregon, and California to points in Arizona and New Mexico; and (3) *Lumber, lumber products, wood products, plywood*, and *laminated beams*, from points in Arizona, Colorado, and Utah, to points in Washington, Oregon, and California, for 180 days. Supporting shippers: (1) Harley Gray Stone Company, P.O. Box 323, Paluben, Ariz. 86334; (2) Apache Stone & Supply, 2631 E. Indian School Road, Phoenix, Ariz. 85016; (3) American Forest Products Corporation, 3601 N. 34th Avenue, Phoenix, Ariz. 85017; (4) Specialty Forest Products, Inc., 1817 W. Indian School Road, Phoenix, Ariz. 85015. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Room 3427, Federal Bldg., 230 N. First Avenue, Phoenix, Ariz. 85025.

No. MC 128527 (Sub-No. 59TA), filed February 18, 1976. Applicant: MAY TRUCKING COMPANY, P.O. Box 398, Payette, Idaho 83661. Applicant's representative: C. Marvin May (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat by-products, and articles distributed by meat packinghouses* as described in sections A and C of Appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the facilities of Columbia Foods, Inc., at or near Wallula, Wash., to points in California, for 180 days. Applicant has also filed underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Columbia Foods, Inc., P.O. Box 926, Pasco, Wash. 99301. Send protests to: Barney L. Hardin, Interstate Commerce Commission, 550 W. Fort, Box 07, Boise, Idaho 83724.

No. MC 135982 (Sub-No. 11TA), filed February 18, 1976. Applicant: S. L. HARRIS, doing business as P. B. I., P. O. Box 7130, Longview, Tex 75601. Applicant's representative: Lawrence A. Winkle, Winkle and Wells, 4645 N. Central Expressway, Dallas, Tex. 75205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers, semi-trailers, trailer chassis* (other than those designed to be drawn by passenger automobiles) and *parts and equipment and accessories* therefor, in initial movements, from the plantsite and storage facilities of Great Dane Trailers of Indiana, Inc., at or near Brazil, Ind., to all points in the United States (including Alaska but excluding Hawaii), for 180 days. Supporting shipper(s): Great Dane Trailers of Indiana, Inc., P.O. Box 350, Brazil, Ind. 47834. Send protests to: Opal M. Jones, Transportation Assistant, Interstate Commerce Commission, 1100 Commerce Street, Room 13C12, Dallas, Tex. 75242.

No. MC 136228 (Sub-No. 15TA) (Correction), filed January 27, 1976, published in the FEDERAL REGISTER issue of February 17, 1976, republished as corrected this issue. Applicant: LUISI TRUCK LINES, INC., P.O. Box 606, New Walla Walla Highway, Milton-Freewater, Oreg. 97214. Applicant's representative: Philip Skofstad, 3076 E. Burnside, Portland, Oreg. 97214. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat poducts and meat by-products* from Yakima, Wash., to points in San Francisco, Alameda, Santa Clara, San Mateo, Marin, Contra Costa, Solano, Los Angeles, Orange, San Bernadino, and Riverside Counties, Calif., for 180 days. Applicant has also filed underlying ETA seeking up to 90 days of operating authority. Supporting shipper: H. & H. Packing Co., A Division of Swift & Company, 155 W. Jackson Blvd., Chicago, Ill., 60604. Send protests to: W. J. Huetig, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, Oreg. 97204.

NOTE.—The purpose of this republication is to correct the territorial description.

No. MC 136343 (Sub-No. 75TA), filed January 28, 1976. Applicant: MILTON TRANSPORTATION, INC., R.D. 1, Milton, Pa. 17847. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Woodpulp board, wrapping paper and woodpulp*, from the facilities of the Chesapeake Corporation of Virginia at West Point, Va., to Newark, Yorklyn, Del.; Adams, Charelmont, Dalton, Fitchburg, Holyoke, Housatonic, Irving, Lawrence, Lee, Millers Falls, Monroe Bridge, Northboro, Pepperell, Turners Falls, and Whitman, Mass.; Bennington and Claremont Center, N.H.; Amsterdam, Beaver Falls, Binghamton, Buffalo, Carthage, Cohoes, Fulton, Glens Falls, Hudson Falls, Limes Falls, Little Falls, Newton Falls, North Tonawanda, Pulaski, Rochester, and Syracuse, N.Y.; Caledonia, Cleveland, Pequa, North Randall, and Toledo, Ohio; Gettysburg, Hanover, Latrobe, New Oxford, Oakmont, Scranton, Tyrone, and York, Pa., for 180 days. Applicant has also filed underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Chesapeake Corporation of Virginia, Box 311, West Point, Va. 23181. Send protests to: Robert P. Amerine, District Supervisor, Interstate Commerce Commission, 278 Federal Building, Post Office Box 869, Harrisburg, Pa. 17108.

No. MC 136982 (Sub-No. 1TA), filed February 6, 1976. Applicant: PORT TERMINAL and WAREHOUSING COMPANY, INC., P.O. Box 3306, Savannah, Ga. 31403. Applicant's representative: John Allen McKinney (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, (1) between points and places within Chatham County; and (2) between points and places in Chatham County, Ga., on the one hand, and points and places in Jasper County, S.C., on the other hand, for 180 days. Supporting shippers: There are approximately 8 statements of support attached to the application which may be examined at the field office named below. Send protests to: District Supervisor, G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, Fla. 32202.

No. MC 139193 (Sub-No. 33TA), filed February 18, 1976. Applicant: ROBERTS & OAKS, INC., 208 S. LaSalle Street, Chicago, Ill. 60604. Applicant's representative: Jacob P. Billig, 1126 Sixteenth Street, N.W., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meat, meat products, meat by-products, and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plantsite and facilities utilized by John Morrell & Co., at Shreveport, La., to points in Illinois, Iowa, and South Dakota. (2) *Such commodities* as are used by meat packers in conduct of their business (except hides and commodities in bulk, in tank vehicles), from points in Illinois, Iowa, and South Dakota to Shreveport, La., under continuing contract with John Morrell & Co., for 180 days. Supporting shipper(s): John Morrell & Co., Robert W. Stehle, Manager/Rates & Services, 208 S. LaSalle Street, Chicago, Ill. 60604. Send protests to: Transportation Assistant Patricia A. Roscoe, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 S. Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 139193 (Sub-No. 34TA), filed February 20, 1976. Applicant: ROBERTS & OAKE, INC., 208 S. La Salle Street, Chicago, Ill. 60604. Applicant's representative: Jacob P. Billig, 1126 Sixteenth Street, N.W., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meat, meat products, and meat by-products*, as defined by the Commission in Sections A and C of Appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and liquid commodities in bulk), from the plantsite and facilities utilized by John Morrell & Co. at El Paso, Tex., and Lubbock, Tex., to points in Illinois, Massachusetts, Michigan, New Jersey, New York, and Ohio, and (2) *Such commodities* as are used by meat packers in the conduct of their business (except hides and liquid commodities in bulk, in tank vehicles), from points in Illinois, Massachusetts, Michigan, New Jersey, New York, and Ohio to El Paso and Lubbock, Tex., under a continuing contract with John Morrell & Co., for 180 days. Applicant has also filed underlying ETA seeking up to 90 days of operating authority. Supporting shipper: John Morrell & Co., 208 S. La Salle Street, Chicago, Ill. 60604. Send protests to: Transportation Assistant Patricia A. Roscoe, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 S. Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 140024 (Sub-No. 63TA), filed February 17, 1976. Applicant: J. B. MONTGOMERY, INC., 5565 East 52nd St., P.O. Box 16279, Stockyards Station, Commerce City, Colo. 80022. Applicant's representative: John F. DeCock (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, except frozen foods and commodities in bulk, in mixed shipments with cleaning and bleaching compounds, animal litter, and cooking oils, except commodities in bulk, from Kansas City, Mo., to points in Colorado and Kansas (except Topeka, Manhatten, Pauline, Lawrence, Leavenworth, and Elwood, Kans.). Restriction: Restricted to the transportation of shipments originating at the facilities of The Clorox Company at Kansas City, Mo., and destined to the above-named destination points, for 180 days. Supporting shipper(s): The Clorox Company, 7901 Oakport Street, Oakland, Calif. 94621. Send protests to: Roger L. Buchanan, District Supervisor, Interstate Commerce Commission, 1961 Stout Street, 2022 Federal Building, Denver, Colo. 80202.

No. MC 141254 (Sub-No. 3TA) filed February 19, 1976. Applicant: R. WALKER TRUCKING, INC., 1409 East 19th, The Dalles, Oreg. 97058. Applicant's representative: Douglas A. Wilson, 303 East "D" Street, Yakima, Wash. 98901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic expanded foam, cellular, nested trays and cartons*, from Yakima, Wash., and Fresno, Calif., to points in Washington, Oregon, California, and Idaho, and to Malvern, Ark., Salt Lake City, Utah, and Denver, Colo.; and from Malvern, Ark., to Salt Lake City, Utah; Denver, Colo., and Fresno, Calif., for 180 days. Applicant has also filed underlying ETA seeking up to 90 days operating authority. Supporting shipper: Western Foam Pak, Inc. 5370 E. Home Avenue, Fresno, Calif. 93727. Send protests to: District Supervisor W. J. Huetig, Bureau of Operations, Commerce Commission, 114 Pioneer Courthouse, Portland, Oreg. 97204.

No. MC 141534 (Sub-No. 2TA), filed February 23, 1976. Applicant: IREDELL MILK TRANSPORTATION, INC., Route 3, Box 368, Mooresville, N.C. 28115. Applicant's representative: George W. Clapp, P.O. Box 836, Taylors, S.C. 29687. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Orange juice*, in bulk, in tank vehicles, from Longwood, Orlando, and Winter Haven, Fla., to the plaintside of Gerber Products Company located at or near Asheville, N.C., under a continuing contract with Gerber Products Company, for 180 days. Applicant has also filed underling ETA seeking up to 90 days of operating authority. Supporting shipper: Gerber Products Company, P.O. Box 2689, Asheville, N.C. 28802. Send protests to: Terrell Price, District Supervisor, 800 Briar Creek Road, Suite CC516, Charlotte, N.C. 28205.

No. MC 141617TA (Correction), filed December 19, 1976, published in the FEDERAL REGISTER issue of January 9, 1976, republished as corrected this issue. Applicant: McDONALD TRUCKING, Box 94, Selby, S. Dak. 57472. Applicant's representative: William P. Fuller, 310 South First Ave., Sioux Falls, S. Dak. 57102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Scrap metal*, from points in South Dakota, to Chicago, Ill.; St. Louis, Mo.; Little Rock, Ark.; Omaha, Nebr.; Dallas, Tex.; New York, N.Y.; Denver, Colo.; and Seattle, Wash.; from Valentine, Nebr.; Mandan, N. Dak.; Minot, N. Dak.; Idaho Falls, Idaho; St. Louis, Mo.; Dallas, Tex.; Chicago, Ill.; Omaha, Nebr.; Sioux City, Iowa; Dunn Center, N. Dak.; New York, N.Y.; Little Rock, Ark.; Glasgow, Mont., and Cheyenne, Wyo.; to points in South Dakota, (2) *Furs*, from points in South Dakota, to New York, N.Y., under a continuing contract with Mardians, Inc., for 180 days. Supporting shipper: Mardians, Inc., P.O. Box 168, Mobridge, S. Dak. 57601. Send protests to: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 369, Federal Bldg., Pierre, S. Dak. 57501.

NOTE.—The purpose of this republication is to correct the territorial description.

No. MC 141791TA, filed February 12, 1976. Applicant: ARTHUR G. MONTGOMERY, doing business as MONTGOMERY TRUCKING, Route 93, Wellston, Ohio 45692. Applicant's representative: Paul F. Beery, 8 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* dealt in by manufacturers and builders of coal processing plants, from the plantsite of the McNally Pittsburgh Manufacturing Corporation located in Wellston, Ohio, to points in Illinois, Alabama, Indiana, Kansas, Kentucky, New York, Michigan, Pennsylvania, Tennessee, Virginia, and West Virginia, under continuing contract with McNally Pittsburgh Manufacturing Corporation, for 180 days. Applicant has also filed an ETA seeking up to 90 days of operating authority. Supporting shipper(s): McNally Pittsburgh Mfg. Corp., P.O. Box 228, Wellston, Ohio 45692, Att.: Daniel Coll, Asst. Treasurer. Send protests to: H. R. White, District Supervisor, Interstate Commerce Commission, 3108 Federal Bldg., 500 Quarrier St., Charleston, West Va. 25301.

No. MC 141795TA, filed February 13, 1976. Applicant: A & B EXPRESS CO., INC., 200 Riser Road, Little Ferry, N.J. 07643. Applicant's representative: A. David Millner, 744 Broad St., Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wines and liquors* (except in bulk, in tank vehicles), between points in New York and New Jersey, under continuing contract with Monsieur Henri Wines, Ltd., and Hudson Valley Wine Co., for 180 days. Supporting shippers: (1) Monsieur Henri Wines, Ltd., (2) Hudson Val-

ley Wine Company, Inc. Send protests to: District Supervisor, Joel Morrows, Interstate Commerce Commission, 9 Clinton St., Newark, N.J. 07102.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.76-6431 Filed 3-4-76;8:45 am]

[Notice No. 197]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

MARCH 5, 1976.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to Sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before March 25, 1976. Pursuant to Section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–76248. By order of February 26, 1976, the Motor Carrier Board approved the transfer to Summit Associates, Inc., Newark, N.J., of the operating rights in Certificate No. MC–73535 issued September 25, 1950, to Federal Storage Warehouses, a corporation, Newark, N.J., authorizing the transportation of household goods, as defined by the Commission between points in Bergen, Hudson, Essex, Union, Hunterdon, Monmouth, Passaic, Middlesex, Morris, and Camden Counties, N.J., on the one hand, and, on the other, points in New York, New Jersey, Pennsylvania, Connecticut, Delaware, Massachusetts, Rhode Island, Maryland, and the District of Columbia. Edward F. Nowes, 744 Broad St., Newark, N.J. 07102; attorney for applicants.

No. MC–FC–76351. By order of February 26, 1976, the Motor Carrier Board approved the transfer to Verley Transfer Inc., St. Paul, Nebraska, of Certificate of Registration No. MC–99394 (Sub-No. 1), issued January 12, 1967, to Stanley K. Verley, doing business as Verley Transfer, evidencing a right to engage in transportation in interstate commerce corresponding in scope to certificate of public convenience and necessity No. M–10490 Supplement No. 1 dated April 6, 1960, issued by the Nebraska State Railway Commission; and of Certificate No. MC–99394 (Sub-No. 2), issued November 9, 1973, authorizing the transportation of various specified commodities between specified points in the State of Nebraska. Stanley K. Verley, P.O. Box 91, St. Paul, Nebraska, 68873, representative for applicants.

No. MC–FC–76382. By order of February 24, 1976, the Motor Carrier Board approved the transfer to Walter Watson, doing business as McKnight Transfer & Storage Company, Grove City, Pa., of the operating rights in Certificates No. MC–109715 issued December 16, 1949, to William Perry McKnight and Thomas W. McKnight, Jr., a partnership, doing business as McKnight Brothers Transfer and Storage Company, Grove City, Pa., authorizing the transportation of general commodities, with exceptions, between Grove City, Pa., and Annandale, Pa., subject to certain restrictions, and household goods between Grove City, Pa., and points in Pennsylvania within 15 miles thereof, on the one hand, and, on the other, points in New York, Ohio, West Virginia, and Maryland. M. L. McBride, Jr., 211 South Center St., Grove City, Pa. 16127, attorney for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.76-6432 Filed 3-4-76;8:45 am]

federal register

FRIDAY, MARCH 5, 1976



PART II:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Assistant Secretary for Housing Production and Mortgage Credit

■

Section 8 Housing Assistance Payments Program—New Construction

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Assistant Secretary for Housing Production and Mortgage Credit

[24 CFR Part 880]

[Docket No. R-76-380]

HOUSING ASSISTANCE PAYMENTS PROGRAM

New Construction

On April 29, 1975, the Department published in the FEDERAL REGISTER (40 FR 18682) and made effective final regulations for the Section 8 Housing Assistance Payments Program—New Construction, 24 CFR Part 880, under Section 8 of the United States Housing Act of 1937.

Notice is hereby given that the Department is proposing to amend these regulations by revising Secs. 880.201 through 880.209 and by adding a new Subpart C, Project Development Through Modified Procedures.

The purpose of the proposed amendment is to encourage the submission of more Proposals which are likely to be acceptable and responsive to the program requirements of the areas and to facilitate the expeditious processing of Proposals which are submitted. Several alternative methods of obtaining and processing Proposals would be authorized, and the field offices would determine which methods to use.

Since the proposed revision is based upon information and experience already gained under this program and because a full 30 day comment period at this time would not, in the Department's view, contribute measurably to the administrative basis for taking this action, but would only delay much needed changes in Part 880 as it is now being used, it is necessary and in the public interest to limit the period for public comment to 15 days. All comments received on or before March 22, 1976 will be considered before adopting a final rule in this matter.

Submittals should refer to the above Docket Number and be addressed to the Rules Docket Clerk, Office of the General Counsel, Room 10245, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410. A copy of each communication will be available for public inspection during regular business hours at the above address.

A description of the principal features of these proposed amendments to Part 880 is set forth below.

1. In Sec. 880.202, "Determination of Number and Types of Units to be Assisted; New Construction Program," a new paragraph (b) would be added to provide that each field office will determine for each allocation area or part thereof whether to: advertise for Preliminary Proposals, invite Preliminary Proposals for preapproved sites, authorize local governing bodies to invite Proposals, or use the modified procedures set forth in Subpart C. The field office director is to base this determination on his evaluation of which of the alternative procedures will achieve the qualitative and quantitative objectives of Part 880. Comments are specifically invited as to the desirability of establishing more specific criteria for the field office director to consider in making the determination, including suggestions of what these criteria should be.

2. Sec. 880.203(b), "Contests of Invitation," would be modified to require a statement in the Invitation that an Owner may submit simultaneously with a Preliminary Proposal, or at any time prior to selection thereof, a Final Proposal or a Final Proposal and the architect's certification.

3. Sec. 880.203(d), "Preapproved Sites," would be modified in a number of respects. Under the revised paragraph, in the case of a site that has been preapproved by HUD as meeting the site and neighborhood standards of this Part, HUD may, at the request of the unit of general local government: invite Preliminary Proposals for the site; authorize the local government to advertise, evaluate and submit to HUD a Preliminary Proposal(s) for the site; or, in the case of a site in an urban renewal area, authorize approval of a developer who has been or will be selected under urban renewal procedures. The provisions of paragraph (d) may not be used where an Invitation for Preliminary Proposals or a Notification of Fund Availability using the same allocation has been published until the selection process is over and it is determined that sufficient funds remain in the allocation.

4. A new Sec. 880.203(e), "Invitations by Local Governing Bodies," would be added to provide a method whereby the field office director may authorize certain local governing bodies (i.e., those with approved Housing Assistance Plans which indicate goals for Section 8 new construction) to advertise for, receive, and evaluate Proposals and submit these Proposals to the field office. In such cases, the local governing body would initiate section 213 and A-95 Clearinghouse reviews.

5. Sec. 880.204 "Contents of Developer's Packet," would be modified in a number of respects.

(a) Paragraphs (b) (1) and (2) would be clarified, and modified to delete any reference to size of units.

(b) Paragraph (b)(6) would be modified to include in the packet a statement of any preferences set forth in any Local Housing Assistance Plan.

(c) Paragraph (b)(7) would be modified to delete any statement of any HUD-required utility combination and to state that the field office may request the Owner to modify his proposed utility combination if it is not the most desirable or economical one or to submit a comparative analysis supporting the proposed utilities.

(d) The provision in Paragraph (b)(8) which includes in the packet a statement by HUD of the specific management and maintenance services required to be provided would be changed to a statement that the Owner is required to provide all the services typically provided in the area for the type of housing contemplated, and that if any such services are not included the Contract Rents will be reduced accordingly.

(e) Paragraph (c)(1) concerning equal opportunity requirements would be clarified, and modified so that Section 3 requirements must also be covered by a certification of compliance.

(f) A paragraph (d)(1) would be added to include a statement that proposed Contract Rents must be reasonable in relation to certain specified factors and that proposed rents are subject to reduction if determined not to be reasonable.

(g) A paragraph (d)(3) would be added to include a statement that information in or relating to any Proposal will be held confidential by HUD as provided in Sec. 880.206(b).

(h) A paragraph (d)(5) would be added to include a statement that the field office may accept late Proposals in certain specified situations.

6. Sec. 880.205, Contents of Preliminary Proposals," would be modified in several respects.

(a) Paragraph (b) concerning the Owner's legal control of the site would be clarified.

(b) A new paragraph (h) would be added requiring the submission of evidence that the proposed construction is permissible under the applicable zoning regulations, or a statement of the proposed action to make it permissible and the basis for relief that the action will be successfully completed prior to submission of the required architect's certification.

(c) Paragraph (i) concerning relocation requirements would be modified to specify the required contents of the relocation plan.

(d) Paragraph (j) concerning equal opportunity would require the submission of certifications, including a certification that if the project is within the area of a Local Housing Assistance Plan, the Owner will take affirmative action to provide opportunities to apply for units in the proposed project to persons expected to reside in the community as a result of current or planned employment.

(e) Paragraph (m) would be modified to require that the proposed method and terms of financing be submitted with the Preliminary Proposal, together with a letter of intent from a lender or similar evidence that financing is available.

7. A new Sec. 880.206(b), "Confidentiality of Information," would be added to provide that Proposal information shall be held confidential until selection. Thereafter, information would be released only in response to official inquiries or in connection with official actions.

8. In Sec. 880.207, "Preliminary Proposals Indicating HUD-FHA Mortgage Insurance," would be modified by replacing the detailed statement concerning the marketability test with a statement that the commitment of Section 8 assistance will be taken into account when measuring the absorption component of marketability (see Sec. 880.207(b)(1)). Paragraph (b)(2) would be modified to state

that after selection of a Preliminary Proposal which involves HUD–FHA mortgage insurance, the Owner will be required to submit promptly (if not previously submitted) an application for Site Appraisal and Market Analysis (SAMA) Letter with the required fee if he is requesting that the Proposal be eligible for Government National Mortgage Association (GNMA) commitment.

9. Sec. 880.208, "Preliminary Evaluation and Processing of Preliminary Proposals," would be modified in a number of respects.

(a) The process of initial screening provided would be replaced by a more complete process of preliminary review, called Preliminary Evaluation, designed to identify and exclude those Proposals in which it is clear even without field investigation that the Proposal is deficient with respect to one or more of the requirements.

(b) Paragraph (a), "Preliminary Evaluation," provides for evaluation of Preliminary Proposals to begin immediately upon receipt.

(c) Paragraph (b), "Action on Proposals Found to be Deficient," provides for the Owner to be notified if his Proposal is deficient and authorizes the field office to reject the Proposal, or to give the Owner an opportunity to correct the deficiencies if the field office determines that further consideration of the Proposal would help to meet the objectives of the regulation.

(d) Paragraph (c), "Technical Processing," sets forth the processing steps for Proposals which are determined to be eligible for such processing on the basis of the Preliminary Evaluation. Standards for selection, including the evaluation of the terms, conditions, and likelihood of financing, and procedures for section 213 and A–95 Clearinghouse reviews are set forth.

(e) Paragraph (d), (e), (f), and (g) provide for ranking and selection of approvable Proposals and notifications of selection or nonselection. The priority in § 880.104(a) for projects of more than 50 units of non-elderly housing which indicate that assistance will be limited to 20 percent would be deleted. Paragraph (f)(1) would be modified to permit the Owner to request reconsideration of any modifications requested by HUD in its notification of selection.

(f) Paragraph (h), "Use of Residual Units," would be modified to specify the alternatives available to the field office for the use of residual units. These alternatives include: consideration of Proposals which were found not approvable or were not selected, if the Owner remedies the deficiencies, including site deficiencies or, where necessary, proposes another site; use of the other procedures set forth in Subpart B (see § 880.203); use of the procedure set forth in Subpart C; or reallocation of the unused contract authority to another allocation area.

10. Sec. 880.209, "Final Proposals," would be modified consistent with changes made in the contents of Preliminary Proposals. Paragraph (a)(7) specifies examples of actions the Owner may take to provide opportunities to persons expected to reside in the community as a result of current or planned employment, as indicated in the Local Housing Assistance Plan.

11. A new Subpart C would be added to provide an alternative procedure which is to be used when the field office director determines that the quantitative and qualitative objectives of the program can best be met in this way (see § 880.301). The principal features of this procedure are as follows:

(a) A Notification of Fund Availability is published by the field office and various groups are notified in a similar manner as with Invitations pursuant to Subpart B. The Notification states that an Owner may submit a Preliminary Proposal, or at his option a Final Proposal, within a stated deadline (except that the deadline does not apply to projects located in non-metropolitan areas or to projects in which the number of assisted units is limited to 20 percent). The Notification also states the area or areas in which the specified amount of contract authority is available and the number of units (by type) that this amount of contract authority is expected to assist. The field office may choose to use other appropriate means of notification for new communities projects and PHA–Owner projects. (see § 880.302.)

(b) An Owner may request an interview with the field office to receive program information and forms.

(c) The field office conducts Preliminary Evaluations of Proposals to determine acceptability for Technical Processing in a manner similar to the procedure in § 880.208(a). This Preliminary Evaluation will include a preliminary analysis to determine the tentative approvable mortgage amount. Evaluation may commence upon receipt of the first Proposal. Proposals must be evaluated in the order in which they are received. Each Proposal will have been date and time stamped at the time of receipt (see § 880.303(b)).

(d) When sufficient Proposals have been placed in Technical Processing to use the available contract authority, an Owner who had previously requested program information will be informed that no further Proposals will be received or that further Proposals will only be processed if contract authority remains available after completion of technical processing of the previously accepted Proposals.

(e) The Technical Processing is similar to that in § 880.208(c), except that because the number of Proposals has been limited to the amount of available contract authority, ranking procedures do not apply.

A Finding of Inapplicability respecting the National Environmental Policy Act of 1969 has been made in accordance with HUD procedures. A copy of this Finding of Inapplicability will be available for public inspection during regular business hours at the address set forth in the preceding paragraph.

It is therefore proposed that 24 CFR, Part 880, be amended as follows:

§ 880.104 [Amended]

1. Delete § 880.104(a).

2. Revise §§ 880.201 through 880.209, including the table of sections for Subpart A and add a new Subpart C as further set forth below:

PART 880—SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM—NEW CONSTRUCTION

Subpart A—Applicability, Scope and Basic Policies

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Subpart B—Project Development and Operation

880.201 Allocations of contract authority to field offices.
880.202 Determination of number and types of units to be assisted; new construction program.
880.203 Invitation for preliminary proposals.
880.204 Contents of developer's packet.
880.205 Contents of preliminary proposals.
880.206 Submission of preliminary proposals.
880.207 Preliminary proposals indicating HUD–FHA mortgage insurance.
880.208 Preliminary evaluation and processing of preliminary proposals.
880.209 Final proposals.
880.210 Evaluation of final proposals.
880.211 Owner's acceptance of notification and submission of architect's certification.
880.212 Annual contributions contract and agreement (private-owner/PHA projects).
880.213 Submission of estimates of required Annual Contributions (Private-Owner/PHA Projects).
880.214 Preparation and execution of Agreement (private-owner and PHA-owner projects).
880.215 Construction period.
880.216 Project completion.
880.217 Execution of housing assistance payments contract.
880.218 Marketing.
880.219 Lease requirements.
880.220 Termination of tenancy.
880.221 Maintenance, operation and inspections.
880.222 Reexamination of family income, composition, and extent of exceptional medical or other unusual expenses.
880.223 Overcrowded and underoccupied units.
880.224 Adjustment of allowance for utilities and other services.
880.225 Continued family participation.
880.226 Inapplicability of low-rent public housing—model lease and grievance procedures.
880.227 Reduction of number of contract units for failure to lease to eligible families.
880.228 HUD review of contract compliance.
880.229 PHA reporting requirements. [Reserved]

Subpart C—Project Development Through Modified Procedures

880.301 Applicability and scope.
880.302 Notification of fund availability.
880.303 Submission of proposal.
880.304 Obtaining program information.
880.305 Preliminary evaluation.
880.306 Preliminary analysis as to approvable FHA mortgage amount.
880.307 Limitation on accepting proposals.
880.308 Technical processing.
880.309 HUD determination and notification.
880.310 Use of residual units.

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AUTHORITY: Sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)); sec. 5(b) of the United States Housing Act of 1937 (42 U.S.C. 1437c (b)); sec. 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f).

Subpart B—Project Development and Operation

§ 880.201 Allocations of contract authority to field offices.

HUD will allocate to field offices contract authority for the Section 8 Housing Assistance Payments Program for metropolitan areas and for nonmetropolitan areas in conformance with section 213 (d) of the HCD Act.

§ 880.202 Determination of number and types of units to be assisted; new construction program.

(a) *Number and types of units to be assisted.* Each field office shall, after considering the contents of any Local Housing Assistance Plans and any other pertinent information which it has or which is brought to its attention in relation to the factors set forth in section 213(d) of the HCD Act, determine the number and types of units to be made available for new construction, substantial rehabilitation, and existing housing in the geographic areas established for the purpose of allocating funds (herein called "allocation areas").

(b) *New construction program.* With respect to new construction, the field office will determine for each allocation area or part thereof whether to: advertise for Preliminary Proposals pursuant to § 880.203 (a) through (c); invite Preliminary Proposals for preapproved sites pursuant to § 880.203(d); authorize local governing bodies to invite proposals pursuant to § 880.203(e); or utilize the modified procedures set forth in Subpart C. The field office will also determine an appropriate schedule for implementing its new construction program. The field office director will evaluate, for each allocation area or part thereof, including any allocation area for which Proposals were invited prior to the effective date of these proposed amendments, the alternative procedures available to achieve the qualitative and quantitative objectives of this Part. Based upon his evaluation, the director will determine which procedure is best suited and will be used to achieve the objectives of this Part for each allocation area or part thereof.

§ 880.203 Invitation for preliminary proposals.

(a) *Publication.* Where the field office has determined to advertise, Invitations for Preliminary Proposals shall be published in accordance with the schedule established by the field office. Such publications shall be at least once a week for two consecutive weeks in a newspaper(s) of general circulation serving the area(s) for which Proposals are desired. As promptly as possible, the field office shall also notify minority media, business concerns included in HUD's registry of section 3 businesses for the applicable political jurisdictions, minority organizations involved in housing and community development, and fair housing groups. In addition, to the extent feasible, the field office may notify appropriate PHAs, the chief executive officer of the appropriate unit(s) of general local government, trade journals, and other nonminority media. Copies of each Invitation shall be made available in the HUD field office.

(b) *Contents of invitation.* The invitation shall state:

(1) The geographic area or areas in which the housing is to be constructed;

(2) The maximum number of units expected to be approved in each area;

(3) The deadline (date and time) for receipt of Preliminary Proposals by HUD;

(4) That HUD may determine not to select or approve any or all Proposals submitted;

(5) That detailed information, guidelines, standards and procedures are contained in a Developer's Packet which may be obtained by interested parties from HUD;

(6) That Preliminary Proposals may be submitted by private Owners or PHA Owners for direct contracting with HUD, or by PHAs on behalf of private Owners with whom the PHA proposes to contract pursuant to an Annual Contributions Contract with HUD;

(7) That an Owner may submit simultaneously with the submission of a Preliminary Proposal, or at any time prior to notification of selection or nonselection, a Final Proposal or a Final Proposal and the architect's certification in accordance with § 880.211(b); and

(8) Such other basic information as the field office may wish to specify.

(c) *Deadline for receipt for preliminary proposals.* The deadline for receipt of Preliminary Proposals by HUD shall allow a reasonable time but, in any event, no less than 35 calendar days after the date of the first publication in a newspaper of general circulation (see, however, § 880.204(d)(5)).

(d) *Preapproved sites.* (1) Notwithstanding the foregoing provisions of this section, in the case of a site that has been preapproved by HUD as meeting the site and neighborhood standards of this Part, HUD may, at the request of the unit of general local government:

(i) Invite Preliminary Proposals for that site; or,

(ii) Authorize the unit of general local government to advertise for Preliminary Proposals for that site. Under this method the unit of general local government will receive and evaluate Proposals including A–95 comments pertaining thereto; will submit for field office approval the Proposal(s) it believes represents the best combination of the pertinent elements (rents, site, design, previous experience of the proposed Owner and other key participants in development and management, and terms, conditions, and likelihood of financing), all in accordance with the requirements of this Subpart B; and will accompany the submission by a letter from the chief executive officer of the unit of general local government stating that the Proposal(s) is consistent with the Local Housing Assistance Plan for that area; or,

(iii) Authorize, in the case of a site in an urban renewal area previously approved by HUD for housing, the approval of a developer who has been or will be selected under the applicable urban renewal procedures (i.e. with no advertisement pursuant to this Subpart).

(2) The provisions of paragraph (d) of this section may not be used where an Invitation for Preliminary Proposals under paragraph (a) or a Notification of Fund Availability under Subpart C, using the same allocation, has been published, until the process of selection has been completed and a determination has been made that sufficient funds remain in the allocation.

(e) *Invitations by local governing bodies.* (1) As an alternative to the publication of an invitation by the field office in accordance with Sec. 880.203(a), the field office director may authorize local governing bodies with approved Housing Assistance Plans which indicate goals for Section 8 new construction, to advertise for, receive, and evaluate Proposals, and submit for field office approval the Proposal(s) it believes represents the best combination of the pertinent elements (rents, site, design, previous experience of the proposed Owner and other key participants in development and management, and terms, conditions, and likelihood of financing), all in accordance with the requirements of this Subpart B. The submission of the Proposal(s) to the field office shall be accompanied by a letter from the chief executive officer of the unit of general local government stating that the Proposal(s) is consistent with the Local Housing Assistance Plan for that area.

(2) Where this alternative is used, the field office shall make appropriate changes in the Invitation and Developer's Packet to state that the local governing body, not HUD, will receive Preliminary Proposals.

(3) The local governing body shall notify the field office at least one week prior to the first publication date so that the office may notify the entities referred to in § 880.203(a).

(4) Promptly upon the local governing body's determination that a Preliminary Proposal meets the requirements of the Invitation and Developer's Packet, the local governing body shall submit the Proposal to the appropriate A–95 Clearinghouse for review.

(5) Copies of notifications of field office determinations with respect to Proposals shall be furnished to the local governing body.

(6) The provisions of paragraph (e) of this section may not be used where an Invitation for Preliminary Proposals under paragraph (a) or a Notification of Fund Availability under Subpart C, using the same allocation, has been published, until the process of selection has been completed and a determination has been made that sufficient funds remain in the allocation.

§ 880.204 Contents of developer's packet.

The Developer's Packet shall:

(a) Include a copy of the applicable regulations, required HUD forms, and HUD standards. Where the field office determines that mobile homes are appropriate and that there is an interest on the part of developers to utilize mobile homes, the Developer's Packet shall indicate any modifications of the HUD requirements and procedures under this Part, including those relating to the site and site improvements, the type or types of units, and the special Fair Market Rents published for the area involved.

(b) Include the following information for each geographic area specified in the Invitation:

(1) The maximum number of units specially designed for elderly or handicapped occupancy expected to be approved, and the maximum number of units for occupancy by other than the elderly and the handicapped expected to be approved.

(2) The fact that a Preliminary Proposal may be for any number of units up to the maximum amount in each category.

(3) The type of housing, if any, which is unacceptable (e.g., high-rise elevator structures for Families with children, mobile homes where HUD has determined that such housing is inappropriate).

(4) Special requirements, if any, as to location, density, and site planning; in the case of New Communities, identification of the proposed site, including location map, dimensions, unusual site features, if any, zoning, and the minimum price for the site.

(5) Reference to any special requirements for housing for the elderly and the handicapped pursuant to section 209 of the HCD Act, and any special requirements for the handicapped pursuant to the standards published by HUD under Pub. L. 90–480.

(6) Special requirements or restrictions that may be necessary for compliance with provisions of the Local Housing Assistance Plan, if any, preferences set forth therein, if any, and the name, address, and title of the official of the unit of general local government to whom inquiries may be made concerning such Plan.

(7) The fact that if HUD determines that the proposed utility combination (the specific types of utilities and methods of distribution) is not the most desirable or economical and that a change to a different combination is feasible, the Owner will be requested to modify his Proposal or submit a comparative analysis of utility costs that will support to HUD's satisfaction the proposed combination included in the Proposal.

(8) The fact that the Owner is required to provide all management and maintenance services typically provided in the area for the type of housing contemplated and that, if any such services are not included, the Contract Rents will be reduced accordingly.

(9) The appropriate Fair Market Rents for newly constructed rental housing.

(10) The initial term of the Contract and number of renewal options.

(11) Other requirements which the field office determines to be necessary.

(c) Include a statement that the Owner will be required to comply with the following:

(1) The equal opportunity requirements, which include the submission of an Affirmative Fair Housing Marketing Plan (if the Proposal is for five (5) or more units), and certification of compliance with Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968, Executive Order 11063, Executive Order 11246, and Section 3 of the Housing and Urban Development Act of 1968 and regulations and guidelines pursuant thereto.

(2) HUD relocation requirements.

(3) Governmental requirements implementing the Clean Air Act and Federal Water Pollution Control Act.

(4) HUD requirements implementing the Flood Disaster Protection Act of 1973.

(5) The requirement, if a project will contain nine or more Contract units, that all laborers and mechanics employed in the development of the project shall be paid not less than the wages prevailing in the locality as predetermined by the Secretary of Labor pursuant to the Davis-Bacon Act.

(6) The requirement for submission of the prescribed HUD form showing the identity of the Owner, the developer, the builder, and the managing agent (if any), and the names of officials and principals members shareholders and investors, and other parties having substantial interest; and the requirement for submission of a narrative giving the qualifications and experience of the identified Owner, developer, builder, and managing agent, if any, and the identity, experience and qualifications of the architect.

(7) The requirement that the Owner submit evidence of capability to provide the proposed management and maintenance services or, if the proposal is for 15 or more units, evidence of management capability, a proposed management plan and a certification by the managing agent, if any, in a format acceptable to HUD.

(8) The requirement that, if the Owner intends to pledge or offer the Agreement or Contract as security for any loan or obligation, he is responsible for submitting to HUD a request for approval of such pledge or offer in sufficient time before he needs the financing to permit review of the method and terms of the financing and the instrument of pledge, offer or other assignment; and that if the request is made after approval of the Final Proposal, the Contract Rents may be reduced to reflect savings resulting from the method and terms of financing (see §§ 880.115 and 880.108(b)).

(9) Other requirements which the field office determines to be necessary.

(d) Include statements:

(1) That Contract Rents must be reasonable in relation to the quality, location and amenities, and management and maintenance services of the project and that proposed Contract Rents are subject to reduction if determined by HUD not to be reasonable;

(2) That prior to notification of selection of Preliminary Proposals HUD will comply with the applicable NEPA requirements;

(3) That information in or relating to any Proposal he submits will be held confidential by HUD in the manner and to the extent provided in § 880.206(b);

(4) That upon request the Owner may obtain additional information about any of the requirements specified in the Developer's Packet;

(5) That the field office may, in its discretion, accept a Preliminary Proposal submitted after the deadline if no Proposals were received on or before the deadline, or if it determines that there are justifiable reasons for the delay and that its acceptance of the Proposal is in the best interests of the Government and the field office director makes such determinations in writing;

(6) Where copies of HUD Minimum Property Standards and any other applicable standards, guidelines and criteria may be obtained; and

(7) As to the number of copies of the Preliminary Proposal to be submitted to HUD.

§ 880.205 Contents of preliminary proposals.

Each Preliminary Proposal shall include or indicate the following:

(a) Identification of the proposed site, including a map showing the location of the site and the racial composition of the neighborhood, sketch of site plan, dimensions, unusual site features, if any, and zoning (however, only a sketch of the site plan is required for a New Communities project).

(b) Documentary evidence that the Owner has title to the site or a copy of a contract(s) of sale, if any, with respect to the site, or a copy of the site option agreement(s) or other legal commitment for the site (however, only the proposed price is required for a New Communities project).

(c) A description of the proposed housing including number and type of structures, number of stories, structural system, exterior finish, heating-air conditioning system, number of units by size (number of bedrooms), living area and composition for each size of unit, and special amenities or features, if any; and sketches of the building and unit plans.

(d) The Contract Rent per unit, by size and structure type.

(e) The equipment to be included in the Contract Rent.

(f) The utilities and services to be included in the Contract Rent and those utilities and services not so included. For each utility and service not included in the Contract Rent, an estimate of the average monthly cost (for the first year

of occupancy) to the occupants by unit size and structure type.

(g) A showing that the Proposal meets any special requirements or restrictions necessary for compliance with the provisions of the Local Housing Assistance Plan, if any.

(h) Evidence that the proposed construction is permissible under applicable zoning ordinances or regulations, or a statement of the proposed action to make the construction permissible and the basis for belief that such action will be successfully completed prior to submission of the architect's certification pursuant to § 880.211(b).

(i) Whether the proposed project will displace site occupants. If so, the Proposal shall state the number of families, individuals and business concerns to be displaced (identified by race or minority group status, and whether they are owners or renters), and shall demonstrate that there is a feasible plan for relocation including adequacy and availability of replacement housing, adequate procedures for notification to occupants, adequate plans for provision of assistance on a nondiscriminatory basis, and a statement as to how necessary relocation payments, if any, will be funded.

(j) Signed certification of the Owner's intention to comply with Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968, Executive Order 11063, Executive Order 11246, and Section 3 of the Housing and Urban Development Act of 1968. If the proposed project is to be located within the area of a Local Housing Assistance Plan, include certification that the Owner will take affirmative action to provide opportunities to apply for units in the proposed project to persons expected to reside in the community as a result of current or planned employment, as indicated in the Local Housing Assistance Plan.

(k) The identity of the Owner, developer, builder (if known), and architect (if known); the qualifications and experience of each; and the names of officials and principal members, shareholders and investors, and other parties having substantial interest, and the prior participation of each in HUD programs, using the prescribed form.

(l) Whether the Owner intends to provide management services or to contract with a managing agent. In the latter case, provide the identity of the managing agent, if known, and the other information as specified in paragraph (k) of this section.

(m) The proposed method (e.g. conventional mortgage, FHA insured mortgage, bonds, etc.) and terms (e.g., interest rates, discounts, amortization period, etc.) of financing, together with a letter of intent from a lender or similar evidence that financing is available (if the Owner proposes to utilize FHA mortgage insurance (see § 880.207), such evidence is not required, but the prescribed FHA form shall be completed and submitted with the Preliminary Proposal). A statement shall be included in all Proposals as to whether the Owner intends to pledge or offer the Agreement and/or Contract as security for any loan or obligation (see § 880.115(b)).

§ 880.206 Submission of preliminary proposals.

(a) *Submission requirements.* Preliminary Proposals shall be submitted to the field office on or before the published deadline in the number of copies specified in the Developer's Packet. The Preliminary Proposal shall be addressed to the HUD field office, and be clearly and distinctively marked "Section 8 Housing Assistance Payments Program—New Construction Preliminary Proposal." Submission of Preliminary Proposals shall be by hand delivery or certified mail. Any Proposal received by the field office after the deadline and not accepted by the field office (see § 880.204(d)(5)) shall be returned.

(b) *Confidentiality of information.* Except for the provisions of §§ 880.208(c)(1) and (2), all information in or specifically relating to any submitted Proposal shall be held confidential by HUD, in the same manner as bids before award of a contract, until after notifications of selection or nonselection have been sent pursuant to §§ 880.208 (c), (f), and (g). Thereafter, release of information of the contents of or actions taken with respect to any Proposals shall be limited to responses to official inquiries or in connection with official actions.

§ 880.207 Preliminary proposals indicating HUD-FHA mortgage insurance.

(a) *Advance mortgage insurance processing.* This paragraph (a) applies to Owners who apply for HUD–FHA mortgage insurance prior to the submission of a Preliminary Proposal under this Part. Such an Owner may apply for a Site Appraisal and Market Analysis Letter (SAMA Letter), a Conditional Commitment, or a Firm Commitment for mortgage insurance by submitting an Application on the prescribed form with supporting exhibits and the required fee. Such an Application shall meet all applicable mortgage insurance criteria and underwriting standards without modification and without reliance upon housing assistance payments under this Part, or, in the alternative, approval for mortgage insurance shall be conditioned upon subsequent approval of a Section 8 Proposal for the same project. If a SAMA Letter, Conditional Commitment, or Firm Commitment, whichever is applicable, is issued, and if prior to expiration thereof the Owner submits a Preliminary Proposal under this Part which is consistent with the Proposal as approved for mortgage insurance, such Proposal will nevertheless be subject to review and evaluation in accordance with the procedures under this Part; however, if the Preliminary Proposal is acceptable in accordance with the procedures under this Part, further processing will be coordinated in accordance with paragraph (b) of this section to the extent applicable, and the rents which may be approved for such a Preliminary Proposal will not be less than the previously approved rents which were used in processing the mortgage insurance application, provided that they are otherwise approvable in accordance with this Part.

(b) *Concurrent processing.* (1) The provisions of paragraph (b) of this section apply where the Preliminary Proposal indicates an intention to finance a project with a HUD–FHA insured mortgage. Such a Proposal will not be approvable under this Part unless it meets the market and site acceptability criteria of the applicable mortgage insurance program. However, the commitment of Section 8 housing assistance will be taken into account when measuring the market absorption component of marketability. The processing of such a Proposal for mortgage insurance will be integrated with the Section 8 review and evaluation process. Such a Preliminary Proposal will be approved only where HUD has also determined that the Proposal will qualify for mortgage insurance subject to a satisfactory demonstration by the Owner of his capability to complete the project, and subject to subsequent determinations of site value, the loan amount and credit approval.

(2) After selection of a Preliminary Proposal which involves HUD–FHA mortgage insurance, the Owner will be required to submit promptly (if not previously submitted) an application for Site Appraisal and Market Analysis (SAMA) Letter with the required fee if he is requesting that the Proposal be eligible for Government National Mortgage Association (GNMA) commitment. An Application for HUD–FHA Conditional or Firm Commitment with the required fee under the applicable mortgage insurance program shall be submitted by the Owner with the Final Proposal. Such Final Proposals will not be approved under Section 8 unless they also qualify for issuance of a HUD–FHA Conditional or Firm Commitment under the applicable mortgage insurance program. The HUD notification of approval of the Final Proposal will be accompanied by a HUD–FHA Conditional or Firm Commitment for HUD–FHA mortgage insurance. The Owner's acceptance of HUD's notification of approval of the Final Proposal will constitute concurrent acceptance of the conditions and terms of the HUD–FHA Conditional or Firm Commitment for mortgage insurance. The Owner will be required to obtain a Firm Commitment prior to the execution of the Agreement.

(c) *Delayed mortgage insurance processing.* Where an Owner does not indicate in his Preliminary Proposal that he intends to utilize HUD–FHA mortgage insurance and applies for HUD–FHA mortgage insurance after selection by HUD of the Preliminary Proposal under this Part, he risks (1) having his Preliminary Proposal rejected for HUD–FHA mortgage insurance and (2) having lower rents approved under the mortgage insurance program than the rents set forth in the approved Proposal under this Part.

§ 880.208 Preliminary evaluation and processing of preliminary proposals.

(a) *Preliminary evaluation.* In order to determine whether a Preliminary Proposal is complete and acceptable for processing, the field office may begin its preliminary evaluation immediately upon receipt of the proposal. Such preliminary evaluation shall consist of a review to ascertain whether it is clear even without field investigation, that:

(1) The Proposal is lacking any of the required submissions and forms, properly completed;

(2) The site does not meet standards set forth in § 880.112;

(3) The Proposal is inconsistent with any applicable Local Housing Assistance Plan;

(4) The proposed Gross Rents exceed the applicable Fair Market Rent Limitations (see § 880.108(a));

(5) The sizes and types of units are not suitable for the type of occupancy intended;

(6) The developer, builder and/or Owner lack the ability to construct the project or to carry out the proposed management and maintenance services;

(7) The Proposal fails to comply with one or more requirements of the Invitation, the Developer's Packet or this Part 880.

(b) *Action on proposals found to be deficient.* If a proposal is incomplete or if a deficiency is found with respect to any item set forth in paragraph (a), the Owner shall be sent a notification specifying the deficiencies and stating: (1) that the Proposal is rejected, or (2) if the field office determines that further consideration of the Proposal would assist in meeting the qualitative and quantitative objectives of this Part, that amendments or modifications to correct the deficiencies will be accepted if they are received on or before a specified date.

(c) *Technical Processing.* After the deadline specified in the Invitation and any extension pursuant to paragraph (b) of this section, the field office shall determine which Proposals are eligible for technical processing. For those Proposals found ineligible, the field office shall so notify the Owners. The field office shall begin technical processing for Proposals which are eligible to receive such processing, but no final selection shall be made until the response periods of paragraphs (c)(1) and (2) of this section have ended. Processing shall consist of the following:

(1) For each Preliminary Proposal which is determined to be subject to A–95 clearance, the field office shall send a copy (if not previously submitted by the Owner, or by the local governing body pursuant to Sec. 880.203 (d) or (e)) to the appropriate A–95 Clearinghouse for review, inviting a response within 34 calendar days from the date of the letter of transmittal.

(2) For purposes of compliance with section 213 of the HCD Act, the field office shall forward (if not previously submitted by the Owner, or unless comments have been provided by the local governing body pursuant to § 880.203 (d) or (e)) a copy of the Proposal to the chief executive officer (or such designee as that officer may designate) of the unit of general local government in which the proposed housing is to be located. The letter shall invite a response within 30 calendar days from the date the letter and the copy of the Proposal are received.

(3) The field office shall evaluate each Proposal on the basis of all pertinent factors under this Part 880, including, but not limited to: rents; site; design; previous experience of the Owner and other key participants in development and management; terms, conditions, and likelihood of financing; and any comments received during the response periods from the appropriate A–95 Clearinghouse and from the unit of general local government. The field office shall also complete, prior to notification of selection, an environmental review pursuant to HUD NEPA requirements. If the field office finds deficiencies which, in its judgment, are correctable within a reasonable time, it may grant such additional time as it deems appropriate to enable the Owner to correct such deficiencies.

(4) Based on the factors set forth in paragraph (c)(3) of this section, the field office shall determine for each geographic area the Preliminary Proposals which, in its judgment, can be developed into Final Proposals.

(d) *Selection where approvable proposals do not exceed number of units advertised.* If the number of units covered by approvable Preliminary Proposals can all be accommodated by the number of units specified in the Invitation, Owners shall be notified of selection in accord with paragraph (f); Provided, however, that if the field office determines that selection of such Proposals would result in an undue concentration of assisted persons in an area containing a high proportion of low income persons, the field office shall determine which Proposal(s) will not be approved, and may utilize any of the alternatives specified in paragraph (h) of this section with respect to the use of residual units.

(e) *Selection where approvable proposals exceed number of units advertised.* If the number of units covered by acceptable Preliminary Proposals cannot all be accommodated by the number of units specified in the Invitation, the field office shall proceed as follows:

(1) Proposals consisting of projects to be developed entirely or predominantly for the elderly and/or the handicapped shall be listed in rank order and a separate rank listing shall be established for projects to be developed entirely or predominantly for other than the elderly and/or the handicapped. Rank orders shall be based on the field office's assessment of which Proposals have the best combination of rents; site; design; previous experience of the proposed Owner and other key participants in development and management; terms; conditions and likelihood of financing; and comments, if any, received from the appropriate A–95 Clearinghouse and from the unit of general local government.

(2) With respect to each listing, the field office shall identify for selection the highest ranking proposals in descending order which will most nearly provide the number of units called for in the Invitation.

(3) The field office shall determine whether the combined results of the tentative selections from both listings would exceed the number of units called for in the Invitation or would result in an undue concentration of assisted persons in an area containing a high proportion of low income persons. If so, the field office shall make such revisions in the total number of units to be approved and/or the tentative selections as it may determine to be necessary. If residual units remain, the field office may utilize any of the alternatives specified in paragraph (h) of this section.

(f) *Notification of selection.* (1) With respect to those Preliminary Proposals selected in accordance with this section, the field office shall notify the Owners in writing and request them to submit within a reasonable time (to be specified in the notification) a Final Proposal (if not previously submitted) meeting the requirements of § 880.209. The notification shall specify or include:

(i) The Contract Rents that will be acceptable to HUD and, where these are lower than the Contract Rents proposed by the Owner, the reason for the reduction;

(ii) The estimate of the amount of relocation payments, where applicable;

(iii) Other special conditions or requirements, if any;

(iv) A date by which the Owner is required to return a copy of the notification with either an indication of his acceptance of the notification including the modifications, if any, requested by HUD, or his request for reconsideration of such modifications.

(v) If the Owner has already submitted a Final Proposal, a statement that upon acceptance of the notification by the Owner, the field office will evaluate the Final Proposal in accordance with § 880.210.

(2) If the notification contains modifications, and the Owner requests their reconsideration, the field office shall notify the Owner of the date by which he is to furnish his documentation in support of his request for reconsideration.

(3) If the Owner does not accept the notification by the date specified, or if the Owner requested reconsideration of modification and the field office and the Owner are unable to reach agreement with respect thereto, the field office shall notify the Owner that its previous approval of his Proposal is rescinded.

(g) *Notification of nonselection.* Owners whose Preliminary Proposals were placed in technical processing but were not selected by the field office shall be sent a letter notifying them of such determination.

(h) *Use of residual units.* Where the selected Proposals are insufficient to utilize fully the contract authority available for an allocation area, the field office may: (1) give further considera-

tion to Proposals which were either not approved for technical processing, or as a result of such processing were found not approvable, or were found approvable but were not selected as a result of the ranking, and afford the Owners an opportunity to remedy any deficiencies, including site deficiencies or, where necessary, propose another site; (2) utilize the other procedures set forth in this Subpart; (3) proceed in accordance with the provisions of Subpart C; or (4) reallocate the unused contract authority to another allocation area.

§ 880.209 Final proposals.

(a) *Contents of final proposal.* Each Final Proposal shall indicate or include the following:

(1) A copy of the documentary evidence that the Owner has title to the site or a copy of a contract(s) of sale, if any, with respect to the site, or a copy of the site option agreement(s) or other legal commitment for the site (however, only the proposed price is required for a New Communities project).

(2) A description of the proposed housing together with preliminary drawings and plans, and the outline specifications on the prescribed form. Preliminary drawings and plans shall include: Site layout based on the topographical information available from existing records and the known subsurface soil conditions; landscape plans; unit plans, at the scale of ¼ inch per foot; and general floor plans, and elevation drawings for each typical building, at the scale of ⅛ inch per foot.

(3) The Contract Rent per unit, by size and structure type.

(4) The equipment to be included in the Contract Rent.

(5) The utilities and services to be included in the Contract Rent and those utilities and services not so included. For each utility and service not so included, an estimate of the average monthly cost (for the first year of occupancy) to the occupants by unit size and structure type.

(6) In the case of a PHA-Owner Project, a statement that the PHA undertakes liability for (i) the provisions of relocation payments and assistance as prescribed in sections 202, 203, and 204 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970; (ii) the provision of relocation assistance programs offering the services described in section 205 of the Act; (iii) assuring that within a reasonable period of time prior to displacement, Decent, Safe, and Sanitary replacement dwellings will be available to displaced persons; and (iv) full funding of the required relocation payments and assistance unless other commitments, satisfactory to HUD, have been made for the funding of such payments and assistance. In the latter case, the PHA shall specify such other commitments. (In the case of a Private-Owner Project or a Private-Owner/PHA Project, the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 is inapplicable.)

(7) Submission of an Affirmative Fair Housing Marketing Plan if the Proposal is for five (5) or more units together with a statement of the affirmative actions the Owner intends to take to provide opportunities to apply for units in the proposed project to persons expected to reside in the community as a result of current or planned employment, as indicated in the Local Housing Assistance Plan. Examples of such efforts include: participation in regional or semi-regional application pools; establishment of a referral system with PHAs and other Section 8 Owners/managers in surrounding jurisdictions; contacts with and provision of information about the project to local industries and their employees.

(8) Submissions as required by HUD regulations and other requirements pursuant to section 3 of the Housing and Urban Development Act of 1968.

(9) The identity of the Owner, developer, builder, architect, and managing agent (if any); the qualifications and experience of each; and the names of officials and principal members, shareholders and investors, and other parties having substantial interest, and the prior participation of each in HUD programs, using the prescribed form.

(10) Submission of evidence of management capability and a proposed management plan and a certification by the managing agent, if any, in a format acceptable to HUD; or, if the proposal is for less than 15 units, evidence of capability of providing the required management and maintenance services. If the Owner proposes to contract with another entity, including a PHA, for management and/or maintenance services for the project, he shall include a copy of the proposed contract(s).

(11) Submission of the form of Lease the Owner proposes to use which shall be in accordance with § 880.219.

(12) A statement of any changes in the proposed method and terms of financing and other related information which the Owner submitted as part of the Preliminary Proposal (see Sec. 880.205(m)), or a statement that there has not been any change. If the Owner intends to use FHA mortgage insurance, and application for a Conditional or Firm Commitment on the prescribed form shall be completed and submitted with the prescribed fee with the Final Proposal unless this was previously done.

(13) Evidence that the proposed construction is permissible under the applicable zoning ordinances or regulations; or a statement of the proposed action to make the construction permissible and the basis for belief that such action will be successfully completed prior to submission of the architect's certification pursuant to § 880.211(b).

(14) The anticipated time required for completion of the project after the Agreement is signed (if the project is to be completed in stages, identification of the units comprising each stage and the estimated dates for commencement and completion of each stage).

(b) *Consistency with preliminary proposal.* The Final Proposal shall be consistent with the Preliminary Proposal. Any material deviations from the Preliminary Proposal in the Final Proposal will cause reconsideration by HUD of such Final proposal and may result in its rejection.

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Subpart C—Project Development Through Modified Procedures

§ 880.301 Applicability and scope.

The modified procedures set forth in this Subpart shall be utilized when the Field Office Director determines that these procedures will best meet the quantitative and qualitative objectives of this part.

§ 880.302 Notifications of fund availability.

(a) *Publication.* After allocation of contract authority to field offices pursuant to Sec. 880.201, determination of number and types of units to be assisted and the determination to utilize the modified procedures contained in this Subpart pursuant to § 880.202, the field offices shall publish Notifications of Fund Availability in those allocation areas in which these modified procedures are to be used in accordance with the schedule established by the field office in accordance with Sec. 880.202(b). Such Notifications shall be published in a newspaper(s) of general circulation serving the area(s) in which the housing is desired at least once a week for two consecutive weeks.

(b) *Notification to minority media and others.* As promptly as possible, the field office shall also notify minority media, business concerns included in HUD's registry of Section 3 businesses for the applicable political jurisdictions, minority organizations involved in housing and community development, and fair housing groups. In addition, to the extent feasible, the field office may notify appropriate PHAs, the chief executive officer of the appropriate unit(s) of general local government, trade journals, and other nonminority media.

(c) *The notification shall state:* (1) The geographic area or areas in which the housing is to be constructed;

(2) The amount of Section 8 contract authority available for the development of new construction projects designed for the elderly and handicapped and the approximate number of units this amount will assist;

(3) The amount of Section 8 contract authority available for the development of new construction projects for other than the elderly or handicapped and the approximate number of units that this amount will assist;

(4) That, until a specified deadline date (generally 45 calendar days, beginning with the date of the first publication), the field office will accept Preliminary Proposals, or, at the Owner's option, a Final Proposal; Provided, however, in the case of Proposals for projects to be located in non-metropolitan areas and Proposals where the Owner proposes to limit the number of assisted units to

20 percent of the dwelling units in the project, the deadline shall not apply.

(5) That Proposals may be submitted by private Owners or PHA Owners for direct contracting with HUD, or by PHAs on behalf of private Owners with whom the PHA proposes to contract pursuant t aon Annual Contributions Contract with HUD;

(6) That appropriate instructions, forms, and other program information may be obtained at the field office;

(7) Such other basic information as the field office may specify.

(d) *Notifications for new communities and PHA owner proposals.* (1) In the case of projects in new communities when authorized by the New Communities Administration, the field office may utilize the procedures set forth in this Subpart, except that § 880.302(a) through (c) shall not be applicable. Other appropriate means of notification as determined by the field office and the New Communities Administration may be used.

(2) In the case of PHA Owner Proposals utilizing any special set-aside established for PHA Owner Projects, the field office may utilize the procedures set forth in this Subpart, except that § 880.-302(a) through (c) shall not be applicable. Other appropriate means of notification as determined by the field office may be used.

(e) *Availability of notifications.* Copies of each Notificatin shall be available in the field office.

§ 880.303 Submission of proposal.

(a) The Owner may submit either (1) a Preliminary Proposal as described in § 880.205, or (2) a final proposal as described in § 880.209, except that a final proposal shall also include a map showing the location of the site and the racial composition of the neighborhood, and the information or statements as described in §§ 880.205 (g), (i), and (m).

(b) The field office shall date and time stamp each proposal upon receipt.

§ 880.304 Obtaining program information.

Upon request, the field office may meet with any Owner to provide appropriate instructions, forms, and other program information.

§ 880.305 Preliminary evaluation.

(a) Until Proposals, sufficient to utilize fully the available contract authority, have been placed in technical processing, the field office shall conduct a preliminary evaluation to determine whether the Proposals would qualify for technical processing under §880.308. This evaluation may commence upon receipt of the first Proposal. Proposals shall be evaluated in the order in which they are received. The evaluation shall consist of a review to ascertain whether it is clear, even without field investigation, that:

(1) The proposal is lacking any of the required submissions and forms, properly completed;

(2) The site does not meet standards set forth in § 880.112:

(3) The Proposal is inconsistent with any applicable Local Housing Assistance Plan;

(4) The proposed Gross Rents exceed the applicable Fair Market Rent limitations (see § 880.108(a));

(5) The sizes and types of units are not suitable for the type of occupancy intended;

(6) The developer, builder and/or Owner lack the ability to construct the project or to carry out the proposed management and maintenance services;

(7) The Proposal fails to comply with one or more requirements of this Part 880.

(b) If the Proposal is incomplete, or if it is deficient with respect to the factors listed in paragraph (a) of this section or § 880.306, or if the field office determines that the selection of the Proposal would result in an undue concentration of assisted persons in an area containing a high proportion of low-income persons, the proposal shall be returned to the Owner with a cover letter notifying him of the deficiencies and whether and by what time a corrected proposal will be accepted for consideration.

§ 880.306 Preliminary analysis as to approvable FHA mortgage amount.

As part of the preliminary evaluation of Proposals involving FHA mortgage insurance, the field office shall make a preliminary debt service analysis to determine the tentative approvable mortgage amount and maximum supportable cost based on the field office's estimate of market rentals, operating expenses and taxes for the proposed project. If the field office is unable to approve the mortgage amount requested, it shall notify the Owner, in the notification of deficiency in accordance with § 880.305 (b), of the maximum mortgage amount which is tentatively approvable and shall advise the Owner to inform the field office within the specified time whether he wishes processing of the proposal to proceed based on the revised mortgage amount.

§ 880.307 Limitation on accepting proposals.

When the field office has determined that a sufficient number of Proposals are acceptable for technical processing to utilize fully the available contract authority, and the time limit for submission of Proposals has not yet passed, it shall so notify all those who have requested program information in response to the Notification and inform them either (1) that no further Proposals will be accepted for processing, or (2) that although further Proposals will be accepted such Proposals will be processed only if any contract authority remains available after completion of the technical processing of the previously accepted proposals.

§ 880.308 Technical processing.

After completing its preliminary evaluation, the field office shall conduct technical processing of Proposals determined to be acceptable for such processing, as follows:

(a) For each Proposal which is determined to be subject to A–95 clearance, the field office shall send a copy (if not previously submitted by the Owner) to the appropriate A–95 Clearinghouse for review, inviting a response within 34 days from the date of the letter of transmittal.

(b) For purposes of compliance with section 213 of the HCD Act, the field office shall forward a copy of the Proposal (if not previously submitted by the Owner) to the chief executive officer (or such designee as that officer may designate in writing to the field office) of the unit of general local government in which the proposed housing is to be located. The letter shall invite a response within 30 calendar days from the date the letter and the copy of the Proposal are received.

(c) The field office shall evaluate the Proposal on the basis of all pertinent factors under this Part 880, including, but not limited to: rents; site; design; previous experience of the proposed Owner and other key participants in development and management; terms, conditions and likelihood of financing; overall feasibility; and any comments received during the response periods from the appropriate A–95 Clearinghouse and unit of general local government. The field office shall also complete, prior to notification, an environmental review pursuant to HUD NEPA requirements. For Proposals involving HUD–FHA mortgage insurance the provisions of § 880.207(b) shall also apply.

§ 880.309 HUD determination and notification.

(a) With respect to those Proposals which have been determined approvable in accordance with § 880.308(c), the field office shall notify the Owners in writing and request them to submit within a reasonable time (to be specified in the notification) a Final Proposal (if not previously submitted) meeting the requirements of § 880.209. The notification shall specify or include:

(1) The Contract Rents that will be acceptable to HUD and, where these are lower than the Contract Rents proposed by the Owner, the reason for the reduction;

(2) The estimate of the amount of relocation payments, where applicable;

(3) Other special conditions or requirements by HUD, if any;

(4) A date by which the Owner is required to return a copy of the notification with either an indication of his acceptance of the notification including the modifications, if any, requested by HUD, or his request for reconsideration of such modifications.

(b) If the notification contains modifications, and the Owner requests their reconsideration, the field office shall notify the Owner of the date by which he is to furnish his documentation in support of his request for reconsideration.

(c) If the Owner submitted a Final Proposal in lieu of a Preliminary Proposal, the notification shall request him to submit within a reasonable time (to be specified in the notification) the

architect's certification and working drawings and specifications in accordance with § 880.211. The field office shall review such submission and conduct further processing in accordance with Subparts A and B.

(d) The appropriate A–95 Clearinghouse and the unit of general local government shall be notified by the field office of final action taken on each Proposal.

§ 880.310 Use of residual units.

If the number of units covered by approvable Proposals is insufficient to utilize fully all units included in the Notification of Fund Availability, the field office may conduct preliminary evaluation and final processing of Proposals accepted but not processed, if any (see § 880.307), or may utilize any of the alternatives specified in 880.208(h).

(It is hereby certified that the economic and inflationary impacts of this interim amendment have been carefully evaluated in accordance with OMB Circular A–107.)

DAVID S. COOK,
Assistant Secretary for Housing Production and Mortgage Credit–FHA Commissioner.

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FRIDAY, MARCH 5, 1976



PART III:

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

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ASSISTANCE TO STATES AND PERSONS IN THE NORTHEAST AND MIDWEST REGION FOR LOCAL RAIL SERVICES UNDER SECTION 402 OF THE REGIONAL RAIL REORGANIZATION ACT OF 1973

Procedures and Requirements Regarding Applications and Disbursements

Title 49—Transportation

CHAPTER II—FEDERAL RAILROAD ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[FRA Economic Docket No. 3, Notice No. 4]

PART 255—ASSISTANCE TO STATES AND PERSONS IN THE NORTHEAST AND MIDWEST REGION FOR LOCAL RAIL SERVICES UNDER SECTION 402 OF THE REGIONAL RAIL REORGANIZATION ACT OF 1973

Procedures and Requirements Regarding Applications and Disbursements

On January 28, 1975, Procedures and Requirements Regarding Applications and Disbursements under Section 402 of the Regional Rail Reorganization Act of 1973 ("Act") (45 U.S.C. § 701 et seq.) as then in effect, were published in the FEDERAL REGISTER (40 FR 4232) as Part 255 of Title 49 of the Code of Federal Regulations. On January 16, 1976, Additional Procedures and Requirements Regarding Applications and Disbursements under Section 402, and Procedures and Requirements for the Filing of Applications and Disbursement of Acquisition and Modernization Loan Assistance under Section 403, were published (41 FR 2524) as Part 257 of Title 49 of the Code of Federal Regulations. At that latter time, it was advised that appropriate changes would be made in these regulations where necessary to comply with the changes then pending before Congress. The changes referred to have now been enacted into law by the Railroad Revitalization and Regulatory Reform Act of 1976 (P.L. 94-210, Feb. 5, 1976, 90 Stat. 31) ("new Act"). Accordingly, Part 255 is hereby amended to conform to those newly enacted changes in the law.

Section 402 of the Act established a program, whereby the Secretary of Transportation or his delegate ("Secretary"), in accordance with regulations issued by the Secretary, provides financial assistance to a State or a person (including a local or regional transportation authority) in the northeast and midwest region of the United States for the continuation of local rail services. The new Act has made a number of changes in Section 402. In addition, it has added a new Section 5 to the Department of Transportation ("DOT") Act (49 U.S.C. 1651, *et seq.*), which would, in part, authorize a similar local rail services program in the remaining States outside the region, and has amended applicable portions of the Interstate Commerce Act to prohibit discontinuances of rail service where there is an offer of subsidy. The national program authorized under section 5 of the DOT Act is to commence on July 1, 1976, and extend for a 5-year period. Regulations will be promulgated with respect to it within the near future. The regional program continues for two years, as originally envisioned. At its expiration, the States in the region are included in the national program.

The changes in the regional program were sufficiently comprehensive that the Federal Railroad Administration ("FRA") concluded that the regulations, as revised, should be reissued in their entirety rather than attempting to issue only amendments to those portions affected by the new Act. However, because of the immediate need to issue those changes necessary to enable States and other applicants to apply for funds and negotiate operating agreements under section 304 of the Act, we have not attempted to cover all changes in this notice. For example, since the Federal share during the first year of the program is 100 percent, standards and procedures under which the State share may be provided through in-kind benefits are not needed during this period and will be addressed later. In addition, section 402(a)(2) of the Act provides FRA with a one year period in which to develop these standards and procedures.

As revised by the new Act (all further references to section 402 are as revised unless otherwise indicated), section 402 provides that the Secretary shall provide financial assistance to assist in the provision of rail service continuation payments, the acquisition or modernization of rail properties, including the preservation of rights of way for future rail freight service, the construction or improvement of facilities necessary to accommodate the transportation of freight previously moved by rail service, and rail planning activities. The Federal share of the costs of assistance shall be 100 percent for the 12-month period beginning April 1, 1976, and 90 percent for the 12-month period beginning April 1, 1977.

Section 402 also provides that the Secretary shall, in cooperation with the Secretary of Labor, the United States Railway Association ("USRA"), and the Interstate Commerce Commission ("ICC"), assist States and localities in negotiating initial operating and lease agreements, and shall report to the Congress not later than 30 days after the date of enactment of the new Act on the progress of the negotiations. In addition, the Secretary is authorized, with the concurrence of a State, to enter directly into operating or lease agreements with railroads designated to provide service under Section 304(d) of the Act, or with trustees of railroads in reorganization, to assure uninterrupted service after conveyance date. Such agreements may be made only during the period of 100 percent Federal subsidy and payments are to be made from funds to which a State would otherwise be entitled under the Act.

The Federal Railroad Administrator ("Administrator") is the delegate of the Secretary for all purposes under section 402 of the Act. The Administrator and FRA staff have been working closely with the States, USRA, the ICC through the Rail Services Planning Office ("Office"), the Consolidated Rail Corporation established pursuant to Section 301 of the Act, and the various trustees. Draft operating and lease agreements are being developed in cooperation with these parties. It is essential that FRA be advised immediately of any breakdowns, or potential breakdowns, in negotiations between States and others offering subsidies under Section 304 of the Act, and operators and trustees. Because of limited time and staff, the Administrator cannot participate in all negotiations regardless of need. Accordingly, it is expected that parties will recognize that they have the primary responsibility to finalize negotiations. Moreover, in situations where the Administrator enters directly into operating or lease agreements, the Administrator will be utilizing agreement provisions comparable to those offered by States, and the standards issued by the Office will apply with equal force to the Administrator under these circumstances. Where necessary, the provisions of Section 304(d)(3) with respect to the enforcement of common carrier duties against trustees, and the use of directed service orders under Section 1(16)(b) of the Interstate Commerce Act, may be appropriate.

Each State in the region that is eligible to receive assistance is entitled to a portion of the appropriated funds in proportion to its share of mileage in the region eligible for assistance, except that the minimum entitlement for each State shall not be less than 3 percent of such funds. Such mileage is to be measured by the Administrator in consultation with the ICC. That consultation has occurred and the mileage is contained in Appendix B. The mileage which has been used in determining the formula is that related to rail freight services eligible for rail service continuation assistance as of February 25, 1976. The mileage set forth in Appendix B is considered accurate but is subject to minor adjustment as a result of completion of documentation relating to public investments. A line-by-line breakdown of the eligible mileage determinations is being provided to the eligible States for their review.

The criteria for allocation of funds are as follows: Where a State does not have rail mileage eligible for assistance and does not submit a State Rail Plan, it does not participate in the program and the formula is computed without it. Where a State does have eligible mileage, but has not qualified under section 402(c)(1) of the Act, it will be included in the formula allocation and afforded an opportunity to qualify. If the State qualifies, it receives its entitlement. Funds not granted a State because (1) its entitlement exceeds its needs, or (2) it cannot qualify and the funds provided persons in the State are less than the entitlement, or (3) it cannot qualify and there is no participating person, will be reallocated immediately, to the extent practicable, to the remaining States in accordance with section 402(b)(1) of the Act and § 255.7(d) of these regulations. For purposes of reallocation, FRA will add a percentage of the State's estimated funding needs as a contingency against actual costs exceeding the estimates.

Where a State is ineligible, but has eligible mileage, it will be included in the formula (see § 255.7 below) to enable persons eligible under section 402(b)(2) of the Act to participate in the program. Section 402(b)(2) permits assistance, for

a period of one year after conveyance date, to persons determined to be financially responsible who enter into appropriate operating and lease agreements under Section 304(d) of the Act to protect service when the State cannot become eligible under section 402(c) of the Act.

It should be noted that all funds under section 402 are distributed or redistributed pursuant to the formula. The discretionary program which formerly existed under section 402(b)(2) of the Act has been eliminated.

Section 402 of the Act provides that a State in the region is eligible to receive financial assistance if:

1. the State has established a State Rail Plan for rail transportation and local rail services which is administered or coordinated by a designated State agency and such plan includes a suitable process for updating and revising such plan and provides for the equitable distribution of such financial assistance among State, local, and regional transportation authorities;

2. the State agency (i) has authority and administrative jurisdiction to develop, promote, supervise, and support safe, adequate, and efficient rail services, (ii) employs or will employ, directly or indirectly, sufficient trained and qualified personnel, and (iii) maintains or will maintain adequate programs of investigation, research, promotion, and development with provision for public participation;

3. the State provides satisfactory assurance that such fiscal control and fund accounting procedures will be adopted as may be necessary to assure proper disbursement of and accounting for Federal funds paid under Title IV of the Act to the State; and

4. the State complies with the regulations of the Secretary issued under section 402.

Rail freight services eligible for rail service continuation assistance pursuant to section 402 of the Act and this part are:

(A) those rail services of railroads in reorganization in the region, or persons leased, operated or controlled by any such railroad, which the final system plan does not designate to be continued;

(B) those rail services on rail properties referred to in section 304(a)(2) of the Act;

(C) those rail services in the region which have been at any time during the 5 year period prior to the date of enactment of the Act, or which are subsequent to the date of enactment of the Act, owned, leased, or operated by a State agency or a local or regional transportation authority or with respect to which a State, a political subdivision thereof or a local or regional transportation authority has invested at any time during the 5 year period prior to the date of enactment of the Act, or invests subsequent to the date of enactment of the Act, substantial sums for improvement or maintenance of rail service; and

(D) those rail services in the region with respect to which the Commission authorizes the discontinuance of rail services or the abandonment of rail properties, effective on or after the date of enactment of the Act.

The rail freight properties that are eligible to be acquired or modernized with financial assistance pursuant to this part are those rail properties that are used for services eligible for rail service continuation assistance under § 255.7(b)(2) of these regulations, including properties identified in the State rail plan as having potential for future use for rail freight service.

The facilities which are eligible to be constructed or improved with assistance under this part are those alternate facilities in the region (including intermodal terminals, highways or bridges) which are needed to provide rail freight service which will no longer be available because of the discontinuance of rail freight service under section 304 of the Act or other lawful authority. However, assistance hereunder may not be used to pay a State's share of a highway project under Title 23, United States Code.

Additionally, rail properties are eligible to be acquired with financial assistance under this part if (1) they are to be used for intercity or commuter rail passenger service, and (2) they pertain to a line in the region (other than rail properties designated in accordance with section 206(c)(1)(C) of the Act) which, if so acquired (A) would enable the National Railroad Passenger Corporation to serve, more efficiently, a route which it operated on November 1, 1975, (B) would provide intercity rail passenger service designated by the Secretary under Title II of the Rail Passenger Service Act, or (C) would provide such service over a route designated for service pursuant to section 403(c) of the Rail Passenger Service Act (45 U.S.C. 563(c)).

Section 402 also provides assistance, for a one-year period after conveyance date only, for the cost of operating and maintaining rail service facilities, such as yards, shops, and docks, which are useful in facilitating and maintaining mainline or local rail services and which are contained in each State's rail plan required under section 402(c)(1)(A) of the Act. The one-year limitation with respect to the program for yards, shops, and docks should not be construed as a limitation on a ferry service which is part of a light density line service excluded from the final system plan issued by USRA under section 207 of the Act.

Assistance may be provided under this part to cover expenditures made at any time on or after January 2, 1973, for acquisition, rehabilitation, or modernization of rail facilities on which rail freight service would have been curtailed or abandoned but for such expenditures.

In connection with the amendments published January 16, 1976 (41 F.R. 2524), a new section was added dealing with environmental impact statements. That section advised that the Administrator had determined that the program does not significantly affect the quality of the human environment and that, therefore, applications need not contain environmental assessments. The new legislation has added authority to construct or improve alternate facilities (including intermodal facilities, highways and bridges) in connection with substitute freight service. Any such projects that involve construction of new facilities will require environmental assessments. The type of assessment that would be required on similar projects funded by the Federal Highway Administration will satisfy this requirement and should enable completion of a satisfactory environmental impact statement or a negative declaration, in accordance with DOT Order No. 5610.1B (39 F.R. 35234, September 30, 1974).

The new Act also requires that the State Rail Plan be updated. Section 255.9(e) reflects this requirement and provides for an annual updating of the State Rail Plan by August 1 of each year. In addition, we have added a requirement that States develop a certified program of projects in accordance with the State Rail Plan and which will be used with approved applications for determining a State's needs for reallocation purposes.

Persons, organizations, and governmental entities may submit written data, views, or comments to the Office of Chief Counsel, Federal Railroad Administration, Room 5101, Department of Transportation Headquarters (Nassif) Building, 400 Seventh Street SW., Washington, D.C. 20590. These materials will be available for examination by interested persons between 8:30 a.m. and 5:00 p.m., Monday through Friday except Federal holidays. The materials must be received on or before March 19, 1976. Materials thus submitted will be evaluated and acted upon in the same manner as if this document were a proposal. Until such time as further changes are made, however, these revised regulations shall remain in effect, thus permitting the public business to proceed more expeditiously.

Accordingly, under the authority contained in section 402(d) of the Act and the delegation of authority from the Secretary (49 C.F.R. 1.49(q)), these revised regulations are hereby issued regarding the filing of applications for and disbursement of assistance under section 402(b) of the Act to enable States and others to preserve local rail services, to acquire and modernize rail properties, and to engage in certain alternate facility construction and improvements in connection with substitute service. Since the material contained herein relates to a grant program of the Federal Railroad Administration, the provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, opportunity for public participation, and delay in effective date are inapplicable.

In consideration of the foregoing, Part 255 of Chapter II of Title 49 of the Code of Federal Regulations, is amended to read as follows:

Sec.
255.1 Definitions.
255.3 Applicability.
255.5 Eligibility.
255.7 Rail Service Continuation Assistance.
255.9 Requirements for State Rail Plan for Rail Transportation and Local Rail Services.
255.11 Certified Program of Projects.
255.13 Applications.
255.15 Environmental Impact Statement.
255.17 Disbursement of Rail Service Continuation Assistance.
255.19 Record, Audit, and Examination.
255.21 Waivers and Modifications.

APPENDIX A—CONTIGUOUS ZONES

APPENDIX B—MILEAGE ALLOCATION

APPENDIX C—CERTIFICATE

AUTHORITY: Regional Rail Reorganization Act of 1973, as amended, 45 U.S.C. 701 *et*

seq.; the Department of Transportation Act, as amended, 49 U.S.C. 1651 *et seq.*; Regulations of the Office of the Secretary of Transportation, 49 C.F.R. 1.49(q).

§ 255.1 Definitions.

As used in this part—

(a) "Acquisition" means the purchase of rail properties under § 255.7(b) of this part.

(b) "Act" means the Regional Rail Reorganization Act of 1973, as amended.

(c) "Administrator" means the Federal Railroad Administrator or the Deputy Administrator or his or her delegate.

(d) "Alternate facilities" means facilities (including intermodal terminals, highways, and bridges) needed to provide freight service which will no longer be available because of the discontinuance of rail freight service under section 304 of the Act or other lawful authority, provided, however, that no funds provided for such facilities may be used to pay the State share of any highway projects under Title 23, United States Code.

(e) "Applicant" means the designated State agency of a State in the region or a person in an ineligible State meeting the requirements of § 255.5 of this part.

(f) "Association" means the United States Railway Association.

(g) "Entitlement funds" means each State's share of the appropriated sums allocated to the States under section 402 of the Act.

(h) "Commission" means the Interstate Commerce Commission.

(i) "Designated State agency" means the State agency designated in the State Rail Plan to administer or coordinate that plan under section 402(c)(1)(A) of the Act and paragraph (a) of § 255.5 of this part.

(j) "Final System Plan" means the plan of reorganization for the restructuring, rehabilitation, and modernization of railroads in reorganization prepared under section 206 and approved under section 208 of the Act.

(k) "Local or regional transportation authority" includes a political subdivision of a State.

(l) "Modernization" or "rehabilitation" means replacing ties, and other track and structural materials, sufficient functionally to restore the existing track structure to the level necessary to enable safe and efficient rail transportation over such properties.

(m) "Office" means the Rail Services Planning Office established in the Commission under section 205(a) of the Act.

(n) "Rail banking" means the acquisition of those rail freight properties which are eligible for assistance and are identified in the applicable State Rail Plan as having potential for future use for rail freight service.

(o) "Rail Properties" means assets or rights owned, leased, or otherwise controlled by a railroad (or a person owned, leased, or otherwise controlled by a railroad) which are used or useful in rail transportation service; except that the term, when used in conjunction with the phrase "railroad leased, operated, or controlled by a railroad in reorganization", may not include assets or rights owned, leased, or otherwise controlled by a Class I railroad which is not wholly owned, operated, or leased by a railroad in reorganization but is controlled by a railroad in reorganization.

(p) "Railroad in reorganization" means a railroad which is subject to a bankruptcy proceeding and which has not been determined by a court to be reorganizable or not subject to reorganization pursuant to the Act as prescribed in section 207(b) of the Act. A bankruptcy proceeding includes a proceeding under section 77 of the Bankruptcy Act (11 U.S.C. 205) and an equity receivership or equivalent proceeding.

(q) "Rail service continuation assistance" means assistance provided for the purposes enumerated in section 402(a)(1) of the Act and § 255.7 of this part and includes expenditures made by a State (or local or regional transportation authority), at any time on or after January 2, 1973, for acquisition, rehabilitation, or modernization of rail properties on which rail freight services eligible under section 402(c)(2) of the Act would have been curtailed or abandoned but for such expenditures.

(r) "Rail service continuation payments" means payments designed to cover the difference between the revenue attributable to rail properties and the avoidable costs of providing rail service on such properties, together with a reasonable return on the value of such properties, and a reasonable management fee, all as determined pursuant to the Standards for Determining Rail Service Continuation Subsidies promulgated by the Office pursuant to Section 205(d)(6) of the Act, except that where a service is permitted to be discontinued under Section 1a of the Interstate Commerce Act and is subject to the provisions of subsections (6), (7) and (10) thereof, the payment will be calculated pursuant to such subsections.

(s) "Region" means the States of Connecticut, Delaware, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia; and those portions of contiguous States in which are located rail properties owned or operated by railroads doing business primarily in those jurisdictions (as determined by the Commission by order, set out in Appendix A).

(t) "State" means any State or the District of Columbia.

(u) "State Rail Plan" means the plan required under section 402(c)(1)(A) of the Act and § 255.5 of this part.

§ 255.3 Applicability.

The provisions of this part apply to the procedures and requirements regarding applications for and disbursement of financial assistance for the continuation of local rail freight services and for the acquisition or modernization of properties or facilities under section 402 of Title IV of the Act. Compliance with the provisions of this part is a prerequisite for the receipt of such financial assistance.

§ 255.5 Eligibility.

(a) *Requirements for State Eligibility.* A State in the region is eligible to receive rail service continuation assistance under section 402(b)(1) of the Act and § 255.7 of this part if:

(1) the State has established a State Rail Plan for rail transportation and local rail services which (i) meets the requirements of § 255.9 of this part; (ii) is administered or coordinated by a designated State agency; (iii) includes a suitable process for updating, revising, and amending such plan; and (iv) provides for the equitable distribution of such financial assistance among State, local, and regional transportation authorities;

(2) the State agency (i) has authority and administrative jurisdiction to develop, promote, supervise, and support safe, adequate, and efficient rail services, (ii) employs or will employ, directly or indirectly, sufficient trained and qualified personnel; and (iii) maintains or will maintain adequate programs of investigation, research, promotion, and development with provision for public participation;

(3) the State provides satisfactory assurance that such fiscal control and fund accounting procedures will be adopted as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid under this part to the State; and

(4) the State complies with the requirements of this part and with the terms and conditions included in the grant of assistance.

(b) *Requirements for eligibility of persons.* A person is eligible to receive financial assistance for the continuation of local rail services under section 402(b)(2) of the Act and § 255.7 of this part if:

(1) the State within which the service is located, and which would otherwise be entitled to the financial assistance being requested, is unable to become eligible for such assistance, and the Attorney General of such State has rendered his opinion to the Administrator that such State is unable to become eligible. However, the application must be by the applicant identified in the State Rail Plan and in accordance with the priorities developed in such Plan.

(2) such person has been determined by the Administrator to be financially responsible on the basis of the ability of such person to (i) administer and comply with the grant of assistance hereunder, (ii) secure necessity bonding or other sureties, and (iii) provide adequate fiscal control and fund accounting procedures to assure proper disbursement of and accounting for Federal funds granted to such person;

(3) such person makes an offer of subsidy pursuant to section 304(c)(2)(A) of the Act, designates the operator of such service pursuant to section 304(d) of the Act, and enters into satisfactory operating and lease agreements with

appropriate parties pursuant to section 304(d) of the Act; and

(4) such person is directly served by such local rail service or is a local or regional transportation authority within whose jurisdiction such local rail service line is located.

§ 255.7 Rail Service Continuation Assistance.

(a) *Entitlement Funds.* (1) Entitlement funds are to be allocated to each State in the region in the ratio which such State's eligible rail mileage under section 402(c)(2) of the Act bears to the total eligible rail mileage in all of the States in the region except that no State shall get less than three (3) percent of such funds. Section 402(b)(2) of the Act authorizes the provision of assistance for a one-year period to persons determined financially responsible by the Administrator for the continuation of local rail services. Such assistance is to be provided from the funds to which a State would otherwise be entitled. Accordingly, all States in the region with eligible mileage will be included in the formula for the initial allocation regardless of the final determination of eligibility of States under section 402(c)(1) of the Act and § 255.5 of this part. However, where a State, as of the date of the formula allocation hereunder, has no eligible mileage and has not submitted a State Rail Plan, such State will not be included in the formula allocation and will not be entitled to funds from such allocation. This will not bar such State from subsequently complying with the requirements of the Act and these regulations and becoming entitled to funds from future allocations and reallocations. Where a State has eligible mileage, has filed a State Rail Plan, and has, as of the date of the formula allocation, failed to qualify under the Act and these regulations but is attempting to do so, such State will be included in the formula allocation and afforded a reasonable time to qualify. If necessary, the State will be afforded an opportunity, after reasonable notice, for a hearing under section 402(g) of the Act. If the Administrator determines and so advises the State in writing that he is unable to approve the State as eligible, he will immediately proceed, to the extent practicable, to reallocate the funds in accordance with the requirements of section 402(b)(1) of the Act unless a person determined to be financially responsible enters into appropriate agreements under section 304(d) of the Act and requests assistance to preserve service. However, any funds not provided such person will be available for immediate reallocation.

(2) The Administrator, in consultation with the Office, has determined that the initial allocation of funds is to be based on rail mileage eligible as of February 25, 1976 and that the allocation of funds for subsequent Federal fiscal years will be based on rail mileage eligible under section 402(c)(2) of the Act as of August 1 preceding such Fiscal Year. The mileage allocation is contained in Appendix B.

(3) The Federal share of the costs of providing rail service continuation assistance under section 402(b) of the Act will be as follows:

(i) 100 percent for the 12 month period beginning April 1, 1976; and

(ii) 90 percent of the 12-month period beginning April 1, 1977. The balance of such costs shall be provided by the State and the State share may not be augmented by any Federal funds, directly or indirectly, unless the funds are provided through a Federal program which specifically authorizes the augmentation of a non-Federal share of a federally-subsidized program with such funds.

(b) *Purposes.* In addition to the Program Operation Costs allowable under paragraph (c) of this section, rail service continuation assistance may be expended for the following purposes:

(1) To enable an eligible applicant to pay allowable planning costs expended in developing its State Rail Plan, provided that the State Rail Plan is approved by the Administrator and provided further that this assistance in the aggregate shall be limited to five percent of the State's entitlement under this section;

(2) To enable an eligible applicant to provide rail service continuation payments, in accordance with the Standards for Determining Rail Service Continuation Subsidies (49 C.F.R. Part 1125) established by the Office under section 205(d)(6) of the Act, to those rail freight services which are eligible under section 402(c)(2) of the Act. Such services are:

(i) Those rail freight services of railroads in reorganization in the region, or persons leased, operated, or controlled by any such railroad, which the final system plan does not designate to be continued;

(ii) Those rail freight services on rail properties referred to in section 304(a)(2) of the Act which are eligible for assistance pursuant to the final system plan as a result of an arrangement for joint use or operation of rail properties (under section 206(g) of the Act) or as part of a coordination project (under sections 206 (c) and (g) of the Act);

(iii) Those rail freight services in the region which have been at any time during a 5-year period prior to the date of enactment of the Act, or which are, subsequent to the date of enactment of the Act, owned, leased, or operated by a State agency or by a local or regional transportation authority or with respect to which a State, a political subdivision thereof, or a local or regional transportation authority has invested at any time during the 5-year period prior to the date of enactment of the Act, or invests subsequent to the date of enactment of the Act, substantial sums for improvement or maintenance of rail service which would otherwise have been curtailed or abandoned but for such expenditures; and

(iv) Those rail freight services in the region with respect to which the Commission authorizes the discontinuance of rail services or the abandonment of rail properties, effective on or after January 2, 1974;

(3) To enable an eligible applicant to acquire or modernize rail freight properties which are used for services eligible for rail service continuation assistance under paragraph (b)(2) of this section, including those rail freight properties which are identified in the applicable State Rail Plan as having potential for future use for rail freight service;

(4) To assist an eligible applicant in the construction or improvement of alternate facilities (including intermodal terminals, highways, and bridges) needed to provide freight service which will no longer be available because of the discontinuance of rail freight service under section 304 of the Act or other lawful authority, provided, however, that funds provided for such facilities may not be used to pay the State share of any highway projects under Title 23, United States Code;

(5) To enable an eligible applicant to acquire rail properties if (i) they are to be used for intercity or commuter rail passenger service; and (ii) they pertain to a line in a region (other than rail properties designated in accordance with section 206(c)(1)(C) of the Act) which, if so acquired (A) would enable the National Railroad Passenger Corporation to serve, more efficiently, a route which it operated on November 1, 1975, (B) would provide intercity rail passenger service designated by the Secretary of Transportation under title II of the Rail Passenger Service Act, or (C) would provide such service over a route designated for service pursuant to section 403(c) of the Rail Passenger Service Act (45 U.S.C. 563(c)); and

(6) To enable an eligible applicant to pay, for a period not exceeding 12 months following the date rail properties are conveyed under section 303(b)(1) of the Act, the cost of operating and maintaining rail service facilities such as yards, shops, and docks which are useful in facilitating and maintaining mainline or local rail services and which are contained in the State Rail Plan.

(c) *Program Operation Costs.* Assistance may include such program operation costs as are allowable in accordance with Federal Management Circular 74-4 (34 C.F.R. Part 255). The Federal share of such costs shall be the same as for the other program elements except that such share shall not exceed five (5) percent of the aggregate funds otherwise received by the State under section 402 of the Act.

(d) *Reallocation of funds.* (1) After the initial apportionment of funds under paragraph (a) of this section, the funds which will be available for reallocation are those in excess of the amounts (i) needed in eligible States or (ii) provided to persons determined to be financially responsible in ineligible States.

(2) All funds remaining available for obligation will be reallocated on June 1, 1976, December 1, 1976 and December 1, 1977.

(3) The amount available for reallocation on June 1, 1976 will be that in excess of the total estimated need of approved applications through September 30, 1976 plus the States anticipated additional needs for the period through September 30, 1976 as contained in the latest certified program of projects, approved by the Administrator, which lead to specific applications in accordance with § 255.11. The amount available for reallocation on December 1, 1976 and December 1, 1977 will be the amount of the new appropriation and the balance of unobligated funds from the prior year in excess of the funds needed by the States to maintain their programs for each Federal fiscal year.

§ 255.9 Requirements for State Rail Plan for Rail Transportation and Local Rail Services.

(a) *State planning process.* Consistent with the purposes of the Act, the State Rail Plan required under § 255.5(a) of this part shall be based upon a comprehensive, coordinated and continuing planning process for the provision of rail transportation services in the State which are essential to meet the economic, environmental and energy needs of the citizens of that State, and to provide for the development of a coordinated and balanced transportation system within the State or the affected portion thereof. This plan shall be developed with opportunity for participation by public and private agencies having authority and responsibility for rail activity in the State and adjacent States where appropriate. Provision shall be made for affording interested persons, such as users of rail transportation, labor organizations, local governments, environmental groups, and the public generally, timely opportunity to express their views in the development of the State Rail Plan. As part of the planning process, the designated State agency shall establish procedures whereby local and regional transportation authorities may review and comment on appropriate elements of the State Rail Plan. Provision shall also be made for updating, revising, and amending the State Rail Plan.

(b) *Contents of the State Rail Plan.* The State Rail Plan for rail transportation and local rail services shall be submitted to the Administrator in two phases.

(1) As Phase I of the State Rail Plan, a State shall submit a design of the State planning process which is consistent with the purposes of the Act and shall include:

(i) An identification of the data to be acquired on the rail network and rail services in the State (see § 255.9(b)(2)(iv) of this part), the sources of this data, and the methodology to be employed in data collection. In considering the scope of data collection activities and subsequent analysis, it is anticipated that time constraints and limitations of the state-of-the-art will require that the State provide a broad overview of all rail services in the State while concentrating most of its efforts on the services for which it expects to require assistance in the immediate future.

(ii) Methodology to be used in the planning process, including that to be used in selecting essential lines to be considered for assistance and indicating consideration of the advisory criteria published by the Office under subsection 205(d)(3) of the Act.

(iii) Criteria for setting priorities for rail services or properties to be considered for assistance. In determining which rail services or properties will receive assistance, a State should give first consideration to eligible rail freight services to be discontinued as a result of implementation of the Final System Plan.

(iv) An explanation of the goals or philosophical framework to be used in guiding the development of the State Rail Plan. Part of this explanation should be specifically devoted to the expectations of the State for the future of rail services which receive a subsidy subsequent to the expiration of the rail service continuation payment under the Act including such considerations as likelihood of profitability, continued State or local subsidy, acquisition, substitution of alternate modes, and other long-term alternatives.

(v) Description of the methods by which the State will involve local and regional transportation authorities in its rail planning process, including its methods of providing for the equitable distribution of financial assistance among State, local and regional transportation authorities.

(vi) A management plan for the development of the State Rail Plan which shall include an identification of responsible individuals and a flow chart of activities with milestones.

(2) Phase II of the State Rail Plan shall: (i) Contain general information with respect to the physical plant, traffic, and service characteristics of the existing rail system within the State;

(ii) Describe the planning process utilized in the development of the State Rail Plan, specifying the particulars as to data sources, assumptions, and special problems or conditions which may be essential to the understanding of the setting in which the State Rail Plan was developed;

(iii) Classify the rail system within the State into the following categories:

(A) Rail Services in the Final System Plan;

(B) Rail Services of railroads which are not railroads in reorganization which are continuing in operation;

(C) Rail services of railroads in reorganization which are not included in the Final System Plan;

(D) Rail services of railroads in reorganization for which a State does not wish to receive assistance; and

(E) Rail services or properties for which a State wishes to receive assistance (continuation payments, acquisition, modernization, rail banking, and construction of alternate facilities) ranked in descending order of service priority as determined by the specific application of the methodology, criteria, and goals described in Phase I of the State Rail Plan and the relevant social, economic, environmental, and energy considerations, including an estimate of the amount of the Federal share of the assistance required for these services or properties. These may include rail services or properties not yet eligible for Federal assistance but expected to become eligible during the ensuing year;

(iv) Contain detailed and specific knowledge of each service or property for which assistance is requested, including: the anticipated amount of funds to be obligated and disbursed for the service or property during the term of the section 402 program, including a quarterly breakdown of needs for the ensuing Federal fiscal year; traffic density of the line; pertinent costs and revenues; a survey of the condition of the plant, equipment, and facilities; an economic and operational analysis of present and future rail freight service needs; the potential for moving rail traffic by alternate modes; the relative economic, social, and environmental costs and benefits involved in the use of alternate modes, including costs resulting from lost jobs, energy shortages, and the degradation of the environment; the competitive or other effects on or by profitable railroads; methods of achieving economies in the cost of rail system operations including consolidation, pooling, and joint use or operation of lines, facilities, and operating equipment; analysis of the potentials for rehabilitation and modernization of equipment, track, and other facilities; and an analysis of the effects of abandonment with respect to the transportation needs of the State;

(v) Include a statement of the long-term strategy that the State will apply to each rail service or property to receive assistance, including such considerations as: subsidy; acquisition; modernization; termination of service; and the provision of substitute services and the anticipated funding needs with respect to the services or properties for the next five years; and

(vi) Include a statement for each rail service to be acquired which describes the conditions and requirements of these services, such as the rolling stock and the track improvements needed to provide minimum service.

(c) *Adoption of State Rail Plan.* An original and nine (9) copies of each Phase of the State Rail Plan, and any amendments thereto, shall be submitted with a certification by the Governor, or by his or her delegate, that the submission constitutes the State Rail Plan or portion thereof established by the State as provided in section 402(c)(1) of the Act.

(d) *Submission and Review of State Rail Plan.* Phase I shall be submitted by May 15, 1975, to the Administrator for review. Phase II shall be submitted to the Administrator for review within 30 days after the date of approval of the Final System Plan by Congress. If the Administrator determines that the State Rail

Plan is not in accordance with this part, he will notify the State setting forth his reasons for such determination and afford the State an opportunity for a hearing and to amend its State Rail Plan to bring it into compliance with the Act and this part. Where hearings in accordance with subsection 402(g) of the Act are necessary, they will be conducted on an expedited basis to afford the State maximum opportunity to submit an acceptable State Rail Plan on a timely basis.

(e) *Revisions and Amendments of the State Rail Plan.* State Rail Plans are to be updated including revisions and amendments at least on an annual basis but may be done more frequently at the discretion of the State. The annual update shall be submitted to FRA no later than August 1 of each year. All such updates, revisions, or amendments shall be subject to the same review and approval procedures as the original State Rail Plan.

§ 255.11 Certified Program of Projects.

(a) *Contents.* Except as provided in paragraph (b) of this section, a State shall submit an annual program of projects based on the State Rail Plan, which will lead to specific project applications and which has been certified by the chief executive officer of the State. The program shall (1) cover the period of October through September of each year, (2) list all projects for which applications will be submitted during such period, (3) provide the anticipated timing of such applications and a written statement by the chief executive officer that the State intends to file such applications during the period, and (4) include the anticipated amount of funds to be obligated and disbursed for each service and property during the term of the section 402 program, including a quarterly breakdown of needs for the ensuing year. The chief executive officer shall certify that these costs represent the State's best estimate of costs for the period. The program shall also be the result of the planning process required by section 255.9 (b)(2).

(b) *Submission.* The program shall be submitted to the Administrator for review and approval no later than November 1 except that the first program shall cover the period from April 1, 1976 through September 30, 1976, and shall be submitted no later than May 1, 1976. When the Administrator has approved a program or a portion thereof, he will notify the State in writing.

§ 255.13 Applications.

(a) *Submission.* When the State is eligible for rail service continuation assistance, applications for assistance shall be submitted by the designated State agency. When the State is not eligible for rail service continuation assistance, applications may be submitted by persons determined to be financially responsible by the Administrator. All applications, whether those of the State or of such persons within ineligible States, shall be consistent with the current State Rail Plan. Therefore, applications shall be submitted only for those eligible services, rail properties, or improvements specifically identified in the current State Rail Plan, including where appropriate revisions and amendments thereto.

(b) *Contents.* All applications for assistance shall include:

(1) Full and correct name and principal business address of applicant;

(2) Name, title, and address of the person to whom correspondence regarding the application should be addressed;

(3) Detailed description of the services or properties for which assistance is sought, together with a map of those rail services or properties, and certification as to their inclusion in the State Rail Plan;

(4) Evidence of review and coordination within the State in accordance with the applicable sections of the approved State Rail Plan as provided in paragraphs (a) and (b) of Section 255.9 of this part;

(5) Estimate of the total amount of assistance required for the services or properties during the term of the section 402 program;

(6) For applications after the first year following conveyance date, evidence of applicant's ability and intent to furnish its share of the total assistance;

(7 Assurance by the applicant that the Federal funds provided under the Act will be used solely for the purpose for which the assistance is sought and in conformance with the limitations on the expenditures allowed under the Act and applicable regulations;

(8) Evidence that the applicant has established such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid to the applicant under title IV of the Act;

(9) Evidence that the applicant, if a State agency, has the statutory authority and administrative jurisdiction to develop, promote, supervise, and support safe, adequate, and efficient rail services; that it employs or will employ, directly or indirectly, sufficient trained and qualified personnel; that it maintains or will maintain adequate programs of investigation, research, promotion, and development with provision for public participation; and that it has the statutory and other authority to perform its obligations under the Act and the regulations under this part; or if the applicant is a person, evidence that it has the ability to administer and comply with the grant of assistance in accordance with § 255.5 of this part;

(10) An opinion of the legal counsel to applicant showing that he or she is familiar with the corporate or other organizational powers of the applicant, that the applicant is authorized to make the application, and that the applicant has the requisite authority to carry out actions proposed in the application and to assume the responsibilities and obligations created thereby;

(11) Certification that the applicant is in compliance and agrees to comply with title VI of the Civil Rights Act of 1964, (78 Stat. 252, 42 U.S.C. 2000d *et seq.*) ("Civil Rights Act"), Section 905 of the Railroad Revitalization and Regulatory Reform Act of 1976, (February 5, 1976, P.L. 94–210, 90 Stat. 31) ("RRRR Act"), and all requirements imposed by Title 49, Code of Federal Regulations, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation ("Civil Rights Regulations"), and other pertinent directives, and that, in accordance with the Civil Rights Act, the RRRR Act, the Civil Rights Regulations, and other pertinent directives, no person in the United States shall, on the grounds of race, color, national origin, or sex, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the applicant receives assistance from the Federal Railroad Administration, and the applicant will promptly take any measures necessary to effectuate this agreement; and

(12) Such other information as the Administrator may require.

(c) *Applications for Rail Service Continuation Payments.* In addition to meeting the requirements of paragraphs (a) and (b) of this section, each application for rail service continuation payments, including any necessary rehabilitation or modernization, shall include the following:

(1) The amount of the required rail service continuation payment for each service. Where applicable, this amount shall be calculated utilizing the standards for determining "revenue attributable to the rail properties", "avoidable costs of providing service", "reasonable return on the value", and a "reasonable management fee" as established by the Office under subsection 205(d)(6) of the Act. (These standards are set out in Sections 1125.4, 1125.5, and 1125.7 of 49 C.F.R. Part 1125.).

(2) Description of the arrangements which the applicant has made for operation of the rail services to be subsidized including copies of the proposed operating agreements, leases or other compensation agreements under which the service is to be provided.

(3) If rehabilitation or modernization to or above FRA Class II Track Safety Standards is proposed, a description of the steps necessary, and the cost and timing thereof, for necessary rehabilitation or modernization of rail properties for the current calendar year and each succeeding year until completion.

(4) If rehabilitation or modernization to or above FRA Class II Track Safety Standards is proposed, the long range plans of the State for operation of the line, accompanied by an evaluation of the merit of attaining the higher track safety standard and an economic analysis of the benefits to be achieved by the higher standard within the State's proposed minimum period of operation of the line, including:

(i) evidence that the applicant has considered the costs and benefits of al-

ternatives including use of alternate modes of transportaiton and alternate facilities, acquisition, discontinuance, and abandonment of service, and other pertinent alternatives in accordance with § 255.9(b)(2)(iv) of this part;

(ii) projected financial statements identifying the anticipated revenues and expenses over the proposed minimum operation period including a comparison of the revenues and expenses associated with the proposed level of rehabilitation and those associated with rehabilitation only up to FRA Class I Track Safety Standards; and

(iii) any additional financial or supporting data as requested by FRA.

(d) *Applications for acquisition.* In addition to meeting the requirements of paragraphs (a) and (b) of this section, each application for acquisition and any necessary rehabilitation or modernization, including for the preservation of future rail freight service, shall include, to the extent applicable, the following:

(1) Copies of the offer to purchase, the proposed contract of sale, and the basis for the proposed acquisition price including valuation appraisals by two qualified and certified independent appraisers. If the offer of purchase was made under subsection 304(c)(2)(C) of the Act, a copy of the offer of a rail service continuation payment as required by subsection 304(d) of the Act.

(2) A description of the steps necessary, and the cost and timing thereof, for the acquisition and necessary rehabilitation or modernization of the rail properties for the current calendar year and each succeeding year until completion.

(3) If rehabilitation or modernization to FRA Class II Track Safety Standards or above is proposed, the long range plans of the State for operation of the line, accompanied by an evaluation of the merit of attaining the higher track safety standard and an economic analysis of the benefits to be achieved by the higher standard within the State's proposed minimum period of operation of the line, including: (i) evidence that the applicant has considered the costs and benefits of alternatives including use of alternate modes of transportation and alternate facilities, acquisition, discontinuance, and abandonment of service, and other pertinent alternatives in accordance with § 255.9(b)(2)(iv) of this part; (ii) projected financial statements identifying the anticipated revenues and expenses over the proposed minimum operation period including a comparison of the revenues and expenses associated with the proposed level of rehabilitation and those associated with rehabilitation only up to FRA Class I Track Safety Standards; (iii) the proposed method of financing the operation of such rail services; and (iv) any additional financial or supporting data as requested by FRA.

(4) A description of the proposed method of repayment of assistance if the properties are abandoned or sold including an itemization of revenue sources from which repayment will be made and indication of any revenue authority granted to the applicant.

(5) For applications regarding rail banking, evidence that the properties for which the assistance is requested have potential for future use for rail freight service, such as plans for development of an industrial park or existence of fossil fuel reserves, including analysis of alternate mode potential or alternate rail service.

(e) *Applications for Modernization.* In addition to meeting the requirements of paragraphs (a) and (b) of this section, all applications for modernization assistance, when rail service continuation payments or acquisition assistance is not requested for the property to be modernized, shall include the applicable requirements of § 255.13(c) with respect to modernization or rehabilitation.

(f) *Applications for Construction or Improvement of Alternate Facilities.* In addition to meeting the requirements of paragraphs (a) and (b) of this section and of § 255.15 of this part, all applications for assistance for construction or improvement of alternate facilities shall include:

(1) A description of the steps necessary, and the cost and timing thereof, for the construction or improvement for the current calendar year and each succeeding year until completion.

(2) A detailed description of the construction or improvement program which the applicant plans to accomplish including (i) the goals and related objectives which the program is designed to achieve; (ii) the criteria and priorities (and their application to the analysis of alternatives) which the applicant used in making determinations with respect to the program and a description of the alternatives which the applicant considered, including subsidy, discontinuance, and abandonment of service; acquisition or modernization of rail properties; and other pertinent alternatives; (iii) an analysis of the alternatives evaluated by the applicant including explicit consideration of those factors listed in § 255.9(b)(2)(iv) of this part; (iv) the proposed method of repayment of assistance if the properties are abandoned or sold, including an itemization of revenue sources from which repayment will be made and an indication of any revenue authority granted to the applicant; and (v) any additional financial or supporting data requested by FRA.

(3) Assurance that the rail freight service which the alternate facility is designed to replace will be discontinued and that further Federal assistance will not be requested after the alternate facility construction is completed.

(4) Assurance that funds provided for highway or bridge construction will not be used to pay the State share of any highway projects under Title 23, United States Code.

(5) Evidence that the construction or improvement is limited to that necessary to replace the rail service being discontinued.

(g) *Execution and Filing of Application.* (1) Each original application shall bear the date of execution and be signed by the Chief Executive Officer of the applicant. Each person required to execute the application will execute a certificate in the form of Appendix C to this part.

(2) Each original application and certificate, and nine copies thereof, shall be filed with the Federal Railroad Administrator, Department of Transportation, 400 Seventh Street, SW., Washington, D.C. 20590. Each copy shall show the dates and signatures that appear in the original and shall be complete in itself.

(3) Exhibits previously filed with the State Rail Plan or pursuant to an application under this part need not be refiled except that such prior filing shall be appropriately referenced.

(h) *Review and Approval of Applications.* Applications for rail service continuation assistance shall be submitted to the Administrator for review and approval. When the Administrator has approved an application he will notify the applicant in writing.

§ 255.15 Environmental Impact Statement.

The Administrator has determined that assistance provided for the purposes of rail service continuation payments, acquisition, or modernization does not significantly affect the quality of the human environment. Therefore, applicants for financial assistance for these purposes are not required to prepare or submit an environmental assessment. When applicants request assistance for the construction or improvement of alternate facilities in the region (including intermodal terminals or highways or bridges), an environmental assessment shall be submitted with the application. Highway or highway-related facilities shall be subject to the applicable Federal Highway Administration regulations on environmental assessments.

§ 255.15 Disbursement of Rail Service Continuation Assistance.

(a) *Rail Service Continuation Payments.* (1) After receipt, review and approval of an application meeting the requirements of § 255.13 of this part, the Administrator will enter into a grant agreement with a grantee for the Federal share of the estimated amount of subsidy necessary to continue the service described in the application. When the grantee is the State such payments may be made either in an advance by a letter-of-credit or a Treasury check, or by reimbursement. When the grantee is a person determined to be financially responsible, such payments shall be made directly to the operator providing the rail service unless special circumstances make it necessary to provide the payments to the grantee. When payment is made directly to the operator, persons determined to be financially responsible need not fulfill the bonding and fiscal control and fund accounting requirements of § 255.5(b)(1) of this part to the extent such requirements are needed for Federal fiscal control purposes.

(2) To be eligible for advance payments, the grantee must demonstrate to the satisfaction of the Administrator a

willingness and an ability to establish procedures that will minimize the time elapsing between the receipt of funds by the grantee and their disbursement. In addition, the financial management system of the recipient must provide for effective control over and accountability for all Federal funds. If the grantee is not eligible for advance payments or elects not to receive such payments, the grantee will be reimbursed for eligible expenditures at the end of each fiscal quarter.

(3) A letter-of-credit will be used when the rail service continuation assistance is expected to be provided by FRA for a minimum of one (1) year, and involves or is expected to involve annual advances aggregating at least $250,000. Otherwise, advances will be made only by Treasury check.

(4) The grant agreement referred to in paragraph (a)(1) of this section and the estimated amount of subsidy required in § 255.13(b)(5) of this part may be revised to reflect information provided in the "Financial Status Report" filed in accordance with section 1125.8(f) of this title entitled "Standards for Determining Rail Service Continuation Subsidies".

(5) Grant agreements for operating assistance will be limited to the period for which the Federal appropriations have been provided for such assistance, except that operating assistance provided a financially responsible person under section 402(b)(2) of the Act shall be available only for the 1-year period following the date on which rail properties are conveyed pursuant to section 303(b)(1) of the Act.

(6) The settlement under the grant agreement shall be made on the basis of a Federal audit which has determined the actual revenues and costs, over the entire term of the agreement: *Provided however*, That any additional payments of Federal assistance may not be made unless (i) the Administrator determines that the grantee has fulfilled its responsibilities for ensuring the proper and efficient administration of its subsidy program; (ii) the required State share is available; (iii) the necessary Federal funds are available; and (iv) the parties execute a grant agreement or grant agreement amendment for the additional funds determined due. A Federal audit may also establish that a portion of the grant assistance received by the grantee shall be refunded to FRA. Such refunds shall be made as part of the settlement process.

(b) *Acquisition and modernization assistance.* After receipt, review, and approval of an application for assistance for acquisition, modernization, or construction or improvement of alternate facilities, which meets the applicable requirements of § 255.13 of this part, the Administrator will enter into a grant agreement for the appropriate Federal share of the allowable costs of acquisition or modernization or both as determined by the Administrator. The terms of payment of the Federal share will be set forth in the grant agreement which may be in the form of either advance payments or reimbursements, in accordance with paragraph (a) of this section.

§ 255.19 Record, Audit, and Examination.

(a) Each recipient of financial assistance under this section, whether in the form of grants, subgrants, contracts, subcontracts, or other arrangements, shall keep such records as the Administrator shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance was given or used, the amount of that portion of the cost of the project supplied by other sources, and such other records as will facilitate an effective audit.

(b) The Administrator or any of his duly authorized representatives shall, until the expiration of three (3) years after completion of the project or undertaking referred to in paargraph (a) of this section, have access for the purpose of audit and examination to any books, documents, papers, and records of such receipts which in the opinion of the Administrator may be related or pertinent to the grants, contracts, or other arrangements referred to in such paragraph.

§ 255.21 Waivers and Modifications.

The Administrator may, with respect to individual requests, upon good cause shown, waive or modify any requirement of this part not required by law or make any additional requirements he deems necessary.

APPENDIX A—CONTIGUOUS ZONES

By order dated January 23, and supplemental order dated May 23, 1974, [Ex Parte No. 293, and Northeastern Railroad Investigation (Definition of the Midwest and Northeast Region)] the Commission has included, in addition to the jurisdictions specifically named, the following: (1) Points in Kentucky in the Louisville, Kentucky, Standard Metropolitan Statistical Area as used in the latest national census; (2) Points in Missouri in the St. Louis, Missouri, Standard Metropolitan Statistical Area as used in the latest national census; and (3) Kewaunee and Manitowoc, and the Port of Milwaukee, Wisconsin.

APPENDIX B—MILEAGE ALLOCATION

The Administrator, in consultation with the Office, has determined that effective February 25, 1976, the total eligible mileage of all the States in the region is 7371.9 miles; and that the eligible mileage in each State in the region and its ratio to the total eligible track mileage in the region are as follows:

State	Total eligible miles in the State	State percent of total eligible miles in the region	Percent of entitlement
Connecticut	85.5	1.16	3
Delaware	67.8	.92	3
District of Columbia [1]	0	0	0
Illinois	350.2	4.75	3.63
Indiana	753.1	10.22	7.82
Kentucky [1 3]	0	0	0
Maine	[2] 43.2	.59	3
Maryland	292.4	3.97	3.04
Massachusetts	125.3	1.70	3
Michigan	1,248.2	16.93	12.96
Missouri [1 3]	0	0	0
New Hampshire	77.8	1.05	3
New Jersey	175.0	2.37	3
New York	1,423.8	19.31	14.79
Ohio	1,003.7	13.62	10.42
Pennsylvania	1,380.7	18.73	14.34
Rhode Island	11.0	.15	3
Vermont	[2] 97.9	1.32	3
Virginia	140.4	1.90	3
West Virginia	20.3	.28	3
Wisconsin [3]	75.6	1.03	3

[1] These States have no eligible mileage and have not submitted a State rail plan.
[2] Tentative, pending completion of review of documentation. Any adjustments in mileage will not affect allocation of funds.
[3] Contiguous zones.

APPENDIX C—CERTIFICATE

The following is the form of the certificate to be made by each person signing an application.

_____ certifies
(Name of Agency)
that he or she is the chief executive officer of _____ that he or she
(Name of Agency)
is authorized to sign and file with the Federal Railroad Administrator this application; that he or she has carefully examined all of the statements contained in the application relating to _____; that
(Name of Agency)
he or she has knowledge of the matters set forth therein and that all statements made and matters set forth therein are true and correct to the best of his or her knowledge, information and belief.

_____ _____
(Date) (Signature)

Subscribed and sworn to before me this ____ day of _____, 19____.

Issued in Washington, D.C. on March 2, 1976.

BRUCE M. FLOHR,
Deputy Administrator.

[FR Doc.76-6497 Filed 3-4-76;8:45 am]

federal register

FRIDAY, MARCH 5, 1976



PART IV:

DEPARTMENT OF LABOR

Employment Standards Administration

■

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions; Correction

DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

Correction

In FR Doc. 76-5318, appearing at page 8622 in the issue for Friday, February 27, 1976, the following pages were illegible and are reprinted for the convenience of the reader.

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DECISION NO. NJ76-3127

CLASSIFICATION DEFINITIONS
LABORERS, HEAVY & HIGHWAY CONSTRUCTION - ZONE 1

Group 1 - Blasters

Group 2 - Finisher, Rammers, Pavers, Gunnite Nozzle Men, Stone Cutters & Form Setters

Group 3 - Timbermen

Group 4 - Wagon Drill Operator, Drill Master, Jack Hammers, Chipping Hammers, Pavement Breakers, Power Buggy, Concrete Cutters, Asphalt Cutters, Sheet Hammer & Tree Cutter Operators, Sandblasting, Cutting, Burning & such other power tools used to perform work usually done manually by Laborers

Group 5 - Sewer Pipe, Laser Men, Conduit and Duct Line Layers

Group 6 - Wagon drill operator helpers, Drill Master Helpers, Power Carrier and Magazine Tenders

Group 7 - Wrapping and Coating of all pipes

Group 8 - Common Laborers, Landscape Laborers, Railroad Track Laborers, Flagmen, Traffic Directors, Salamander Tenders, Pitmen and Dumpmen, Waterproofing, Rakers & Tampers on Cold Patch Work

LABORERS, HEAVY & HIGHWAY CONSTRUCTION - ZONE 2

Group 1 - Blasters

Group 2 - Finishers, Rammers, Pavers, Gunnite Nozzle Men And Stonecutters

Group 3 - Timbermen

Group 4 - Form Setters

Group 5 - Wagon Drill Operators, Drill Maters, Jack Hammers, Chipping Hammers, Pavement Breakers, Power Buggy, Concrete Cutters, Asphalt Cutters, Sheet Hammers and Tree Cutter Operators, Sandblasting, Cutting, Burning and Such other power tools used to perform work usually done manually by laborers

Group 6 - Sewer Pipe, Laser Men, Conduit and Duct Line Layers

Group 7 - Wagon Drill Operator Helpers, Drill Master Helpers, Powder Carriers and Magazine Tenders

Group 8 - Wrapping and Coating of all Pipe

Group 9 - Common Laborers, Landscape Laborers, Railroad Track Laborers, Flagmen, Traffic Directors, Salamander Tenders, Pitmen and Dumpmen, Water-Proofing, Rakers and Tampers on Cold Patch Work

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LABORERS - FREE AIR TUNNEL JOBS

Group 1 - Blasters

Group 2 - Skilled Men (including Miners, Drill Runners, Iron Men, Maintenance Men, Conveyor Men, Safety Miners, Riggers, Block Layers, Cement Finishers, Rod Men, Caulkers, Powder Carriers, All other Skilled Men)

Group 3 - Semi-skilled men (including Miner's Helpers, Chuck Tenders, Track Men, Nippers, Brake Men, Derail Men, Cable Men, Hose Men, Grout Men, Gravel Men, Form Men, Bell or Signal Men (top or bottom), Form Workers and Movers, Concrete Workers, Shaft Men, Tunnel Laborers, Caulkers' Helpers, All other Semi-skilled Men)

Group 4 - All others (including Powder Watchmen, change house attendants, Top Laborers)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LABORERS, ASPHALT CONSTRUCTION:					
STREET:					
Head Rakers	$ 7.40	.60	.95	d	
Rakers & Screed Men	7.25	.60	.95	d	
Tampers, Smoothers, Kettlemen, Painters, Shovelers & Roller Boys	7.00	.60	.95	d	
PLANT:					
Scale Mixer & Burner Men	7.25	.60	.95	d	
Feeders & Dust Men	7.00	.60	.95	d	
LATHERS:					
Zone 1	9.55	.50	.25		.02
Zone 2	7.85		.15		.01

AREA COVERED BY LATHERS ZONES

Zone 1 - Burlington, Camden, Cumberland, Gloucester, Mercer, Monmouth, Ocean and Salem Counties

Zone 2 - Atlantic & Cape May Counties

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS:					
Zone 1					
Base Rates:					
Paperhanding, Painting & Allied Work	$ 8.55		.50		
Spraying & Sandblasting	9.45		.50		
Middle Rates:					
Work performed 25' or more above the finished floor & from swinging scaffolds three stories or less in height	8.85		.50		
Spraying & Sandblasting under these conditions	9.75		.50		
Premium Rates:					
Work on Tanks, Stacks, Bridges, Radio & T.V. Towers, Water Towers, Open Structural Steel & all work above 3 stories on the exterior of all structures	9.20		.50		
Spraying & Sandblasting under these conditions	10.10		.50		
Zone 2					
Painters on New Construction and Major Alterations	8.90	.55	.50	.15	.05
Painters on Repaint Work	8.50	.55	.50	.15	.05
Spraying or application of hazardous or dangerous materials on Repaint Work	9.10	.55	.50	.15	.05
Exterior work exceeding 3 stories in height for painting of open structural steel and tanks under 3 stories in height except flat tanks on the ground and on interior work which requires painting higher than 20' above the ground or floor (this shall not be applicable to machinery or equipment located therein)	9.05	.55	.50	.15	.05

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PAINTERS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Repaint Work as described above	$ 8.65	.55	.50	.15	.05
On Bridges, Televison and Radio Towers, Structural Steel and Tanks above 3 stories in height (30' or over), Smoke Stacks, Water Towers, Sandblasting, Steam-cleaning, Spraying or application of hazardous materials	9.50	.55	.50	.15	.05
Zone 3					
Commercial Brush or Roller	9.25	.50	.50		
Brushing Steel or Working Swing or Bosun Chair	10.00	.50	.50		
Commercial Spray or Dipping	10.00	.50	.50		
Spraying or Rolling on Steel or Tanks, Sandblasting or Power Tools	10.65	.50	.50		
Commercial Brushing or Rolling or Spraying of Special Material	10.65	.50	.50		
Zone 4					
Brush or Roller, Paperhanging & Vinyl-Wall Covering	9.00	.45	.45		
Structural Steel, Tanks, Flag Poles, Spray, Swing, Sand-blasting & Stripping of Lines by Mechanical Machines & Hazardous Material	10.00	.45	.45		
Zone 5					
Brush	7.20				
Brush-Steel & Swing	7.45				
Sandblasting, Spray & Roller	7.80				
Brush - Steel & Swing over 70'	7.85				
Spray & Roller - Steel & Swing; Sandblasting - Steel & Swing	8.05				
Spray & Roller - Exotic Material	8.80				
Exotic Material - Steel	9.05				
Exotic Material - Steel over 70'	9.45				

DECISION NO. NJ76-3127

AREA COVERED BY PAINTERS ZONES

Zone 1 - Monmouth & Ocean (northern half of County) Counties

Zone 2 - Mercer County

Zone 3 - Burlington, Camden, Gloucester & Salem (the northern portion of County north of Salem Bridge) Counties

Zone 4 - Atlantic, Cape May & Ocean (remainder of County) Counties

Zone 5 - Cumberland & Salem (remainder of County) Counties

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PLUMBERS & PIPEFITTERS					
Zone 1	$11.40	.46	.46		.025
Zone 2	10.40	.52	1.00	1.00	.05
Zone 3	9.95	.74	.77	1.10	.09
Zone 4	11.14	.67	.85		.05
Zone 5	10.92	5%	.75		.05
Zone 6	10.36	.41	.70	1.00	.20

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS:					
Zone 1					
Composition, Rollermen and Kettlemen	$ 9.90	.50	.60		
Slate, Tile and Damproofing	10.15	.50	.60		
Helpers	4.60	.50	.60		
Zone 2					
Composition	10.36	1.65	.82	g	
Journeyman Assistant	5.20	1.65	.82	g	
Slate, Tile and Asbestos	10.00	1.00	.50		
Asphalt Shingle	8.54	1.00	.50		
Zone 3					
Composition, Damp and Waterproofing	10.25	.55	.50		
Slate and Tile	10.375	.55	.50		
Slate and Tile Helpers	9.25	.55	.50		
Zone 4					
Composition, Waterproofing, Slate and Asphalt Shingle	10.15	.50	.60		

AREA COVERED BY ROOFERS ZONES

Zone 1 - Atlantic, Cape May and Cumberland Counties

Zone 2 - Burlington (Beverly, Charleston, Rancocas, Lumberton, Medford, Fairview, Medford Lakes, Smalls, Atsion and areas inclusive to the Camden County Line), Camden, Gloucester and Salem Counties

Zone 3 - Monmouth (the entire county except the southwest corner which includes Perrineville and the towns west there of) and Ocean (from the county line southward to Cassville, Lakehurst, Whitings,Wheatland and Cedar Bridge inclusive) Counties

Zone 4 - Burlington (remainder of County), Mercer, Monmouth (remainder of county) and Ocean (remainder of County) Counties

DECISION NO NJ76-3127

TRUCK DRIVERS - ZONE 2

Group 1 - Ten wheel dump truck driver and trailer dump driver off site

Group 2 - Straight truck driver (helper)

Group 3 - Warehousemen, fork lift truck and part men

Group 4 - Straight truck driver including all "dual purpose" trucks, (straight), transit mix trucks, fuel trucks, Seeding trucks, fertilizing trucks, dumpcrete trucks, mulching trucks, "A" frame (when transporting material), water sprinkler trucks, tanks, straight trucks with mechanical tailgates, asphalt distributor trucks, batch trucks and similar type of equipment and mechanics (helper), Pick-up trucks (only when transporting material), & Flat Bed trucks.

Group 5 - All truck towing

Group 6 - Winch straight tractor and trailor truck driver and Euclid trailer dump (not self-loading), fuel truck drivers and asphalt oil distributors on dumpcrete trucks, transit - mixers, flat bed trucks, low bed trucks, tanks, water tanks, fuel tanks, euclid water sprinkler, Asphalt distributor, pole trailor, winch trailor, I beam trucks, euclids (all), and similar type equipment

Group 7 - Mechanics

TRUCK DRIVERS - ZONE 3

Group 1 - Mechanic Helper

Group 2 - Drivers on the following type vehicles: Straight dumps, Flats, Floats, Pick-ups, container haulers, Fuel, Water Sprinkler, Road Oil, Stringer, Bead, Hot Pass, Bus, Dumpcrete, Transit Mixers, Agitator Mixer, Half truck, Winch Truck, Side-O-Matic, Dynamite, Powder, X-Ray, Welding, Skid, Jeep, Station Wagon, Stringer, A-Frame, All dual purpose trucks, Trucks with mechanical tailgates, Asphalt distributor, batch trucks, Seeding, Mulching, Fertilizer, Air Compressor Trucks (intransit), parts chaser, escort, scissor, Hi-lift, telescope, concrete breaker, gin pole, stone, sand, Asphalt distributor and spreader, Nipper, fuel trucks (drivers on fuel trucks including handling of unit), Skid truck (debris container - entire unit), concrete mobile trucks (entire unit), Expediter (parts chaser), Beltcrete trucks, Pumpcrete trucks, Line truck, Reel truck, Wreckers, Utility trucks, Tack trucks, Warehousemen, Warehouse Parts-men, Yardmen, Lift truck in warehouse, Helper when required on lift truck in warehouse, Warehouse clerk, Parts man, Material checkers, Receivers, Shippers, Binning men (materials), Cardex man; Helper when required on Broyhill coal tar epoxy truck and asphalt and bituminous distributor truck; Drivers on the following type vehicles: Broyhill Coal tar epoxy trucks, Little-Ford Bituminous distributor, Slurry seal truck or vehicle, Thiokol trackmaster pick-up (swamp cat pickup), Bucket loader dump truck and any rubber tired tractor used in pulling and towing farm wagons and trailers of any description, similar type vehicles; Off-site and on-site repair shop, Team Drivers, Vacuum or Vac-all

DECISION NO NJ76-3127

FOOTNOTES: (Cont'd)

e. Paid Holidays: A through F, plus Washington's Birthday, Good Friday, Christmas Eve, providing the employee has worked 45 full days for the employer during the 120 calendar days immediately prior to the holiday, and the employee works his regular scheduled work days immediately preceeding and following the holiday.

f. Paid Holidays: A through F, plus Washington's Birthday, Presidential Election Day and Veterans Day provided the employee works any of the 3 days in the 5 work days preceeding the holiday and the first work day after the recognized holiday.

g. $1.00 per week employer contribution to Life Insurance Fund per employee.

h. Employer contributes $2.30 per day per employee to Health and Welfare Funds.

i. Employer contributes $1.60 per day per employee to the Pension Fund.

j. One week vacation after one year's work; two weeks vacation after 3 year's work.

k. Paid Holidays: A through F, plus Washington's Birthday, Veterans' Day and Presidential Election Day provided the employee works 3 days in the week in which the holiday falls.

l. Employer contributes $2.70 per day per employee to Health and Welfare Fund.

m. Employer contributes $2.20 per day per employee to Pension Fund.

n. Employee who has worked or received pay for 90 days within a year prior to his anniversary date shall receive 56 hours straight time vaction pay; for 3 years but less than 8 years of service he will receive 100 hours of straight time vacation pay; more than 8 years but less than 15 years he will receive 125 hours of straight time vacation pay; 15 years or more he will receive 165 hours of straight time vacation pay.

o. Paid Holidays: A through F, plus Washington's Birthday, Presidential Election Day and Veterans' Day provided the employee is available for work on at least 2 days in the week in which the holiday falls.

DECISION NO. NJ76-3128

AREA COVERED BY ELECTRICIANS & CABLE SPLICERS ZONES (Cont'd)

ZONE 9 - Hunterdon (Tewksbury Township and Califon Boro) and Somerset (that portion north of a line following Mountain Ave. from the Union County Line west to Hillcrest Ave. in Union Village north on Hillcrest Ave. to and west on the Passaic River, west on the Dead River, west on Allen Rd, North on Somerville Rd., west on Howell Rd. southwest on Mount Prospect Rd., west on Martinsville-Pluckemin Rd., west on Klines Mill Rd., North on John Kane Rd., west on Whitney Rd., west on Stillwell Rd., and west on Hall's Bridge Rd., to the Hunterdon County Line) Counties.

ZONE 10 - Somerset (remainder of county) County.

ZONE 11 - Middlesex (that portion south and west of a line extending east from the Raritan River along the Philadelphia and Reading Railroad to Stelton Road, south on Stelton Rd. to Lincoln Highway, along Lincoln Highway to Vineyard Road to Old Post Road, along Old Post Road to Mill Road, along Mill Road to the Raritan River along the Raritan River to the South River, along the South River to the sourthern boundary of the Borough of South River, along this boundary to the Cranbury South River Turnpike, along this road and continuing on to the Washington Road and Maplewood Avenue in Cranbury to Scott Avenue, along Scott Avenue to Main Street, on Main Street and the Turnpike to the Millstone River) County.

ZONE 12 - Middlesex (that portion north and west of a line following the Philadelphia and Reading Railroad east from the Raritan River to Dismal Rd., northeast on Dismal Rd. to Park Ave., north on Park Ave. to the Lehigh Valley Railroad, and northeast along that railroad to the Union County Line) County.

ZONE 13 - Middlesex (remainder of county) County.

ZONE 14 - Warren (from Pahaquarry, Blairstown, Knowlton, Hope, Liberty, White, Oxford, Washington, Harmony, Franklin, Lopatcong, Greenwich, Pohatcong Townships, and that portion of Mainsfield Township west of Line following the Point Mt. - Port Murray Rd. to Independence Township) County.

ZONE 15 - Warren (remainder of county) County.

DECISION NO. NJ76-3128

LINE CONSTRUCTION: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ZONE 3					
Linemen, Cable Splicers, Equipment Operators & Groundmen	$11.92	5%	6%+.58		½ of1%
ZONE 4					
Linemen, Cable Splicers, Line Equipment Operators & Groundmen	11.90	4% + .28	4%		½ of1%
ZONE 5					
Linemen, Cable Splicers, Line Equipment Operators & Groundmen	11.90	4%	1%+.42		½ of 1%
ZONE 6					
Linemen, Cable Splicers, Line Equipment Operators & Groundmen	11.90	4%	1%+.50		½ of1%
ZONE 7					
Linemen & Equipment Operators	11.52	4%	1%+.50		½ of1%
Groundmen & Line Truck Operator	9.97	4%	1%+.50		½ of1%
ZONE 8					
Linemen & Equipment Operators	11.95	4%	1%+.42		½ of1%
Groundmen & Winch Operators	10.09	4%	1%+.42		½ of1%
ZONE 9					
Linemen & Equipment Operators	11.95	4%	1%+.50		½ of1%
Groundmen & Line Truck Operator	10.09	4%	1%+.50		½ of1%
ZONE 10					
Linemen & Equipment Operators	12.20	4%	1%+.50		½ of1%
Groundmen & Winch Operators	11.35	4%	1%+.50		½ of1%
ZONE 11					
Linemen & Equipment Operators	12.20	4%	1%+.42		½ of1%
Groundmen & Winch Operators	11.35	4%	1%+.42		½ of1%
ZONE 12					
Linemen & Equipment Operators	12.05	4%+1	3.75%		½ of1%
Groundmen & Winch Operators	11.20	4%+1	3.75%		½ of1%
ZONE 13					
Linemen, Line Truck Operators, Equipment Operators & Cable Splicers	10.80	4%	1%+.25		½ of1%
Groundmen	6.47	4%	1%+.25		½ of1%

DECISION NO. NJ76-3128

AREA COVERED BY LINE CONSTRUCTION ZONES (Cont'd)

ZONE 9 - Hunterdon (remainder of county) and Somerset (remainder of county) Counties.

ZONE 10 - Middlesex (that portion south and west of a line, extending east from the Raritan River along the Philadelphia and Reading Railroad to Stelton Road, south on Stelton Rd. - Lincoln Hwy., along Lincoln Hwy. to Vinyard Rd. to Old Post Rd., along Old Post Rd. to Mill Rd, along Mill Rd. to the Raritan River, along the Raritan River to the South River, along the South River to the southern Boundary of the Borough of South River, along this boundary to the Cranbury South River Turnpike, along this road and continuing onto the Washington Rd. and Maplewood Ave. in Cranbury to Scott Ave., along Scott Ave. to Main St., on Main St. and the Turnpike to the Millstone River) County.

ZONE 11 - Middlesex (that portion north and west of a line following the Philadelphia and Reading Railroad east from the Raritan River to Dismal Rd., northeast on Dismal Rd. to Park Ave., north on Park Ave., to the Lehigh Valley Railroad, and northeast along that railroad to the Union County Line) County.

ZONE 12 - Middlesex (remainder of county) County.

ZONE 13 - Warren (from Pahaquarry, Blairstown, Knowlton, Hope, Liberty, White, Oxford, Washington, Harmony, Franklin, Lopatcong, Greenwich, Pohatcong Twps. and that portion of Mansfield Twp. west of line following the Point Mt. - Port Murray Rd. to Independence Twp.) County.

ZONE 14 - Warren (remainder of county) County.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
MARBLESETTERS, TERRAZZO WORKERS & TILESETTERS:					
ZONE 1	$10.44	.45	.45		.02
ZONE 2					
Marble Setters	7.80	.78	.94	g	
Terrazzo Workers	9.10	1.09	1.50		
Tile Setters	8.50	.80	2.10		

AREA COVERED BY MARBLESETTERS, TERRAZZO WORKERS & TILESETTERS ZONES

ZONE 1 - Hunterdon (remainder of county), Morris (Stephensburg, Pleasant Grove, Middle Valley and Parker Twps.), Sussex (Branchville, Flatbrookville, Swartswood, Halsey, Newton and Stillwater Twps.) and Warren County.

ZONE 2 - Bergen, Essex, Hudson, Hunterdon (Wertsville, Reaville, Flemington, Hamden, Clinton, Penwell and cities east thereof to the County Line), Middlesex, Morris (remainder of county), Passaic, Somerset, Sussex (remainder of county) and Union Counties.

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AREA COVERED BY SPRINKLER FITTERS ZONES

ZONE 1 - Bergen, Essex, Hudson, Middlesex (New Brunswick, Milltown, Old Bridge, Browntown & North thereof), Morris, Passaic, Somerset (Bernardsville, Basking Ridge, Mine Brook, Far Hills, Lyons, Mt. Bethel, Watchung, North Plainfield, Martinville & Somerville) & Union Counties.

ZONE 2 - Hunterdon, Middlesex (remainder of county), Somerset (remainder of county), Sussex & Warren Counties.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS:					
ZONE 1					
GROUP 1	$ 7.27	.68	.75	j&k	
GROUP 2	7.50	.68	.75	j&k	
GROUP 3	7.55	.68	.75	j&k	
GROUP 4	7.65	.68	.75	j&k	
GROUP 5	7.75	.68	.75	j&k	
ZONE 2					
GROUP 1	7.27	1	.81	j&k	
GROUP 2	7.50	1	.81	j&k	
GROUP 3	7.55	1	.81	j&k	
GROUP 4	7.65	1	.81	j&k	
GROUP 5	7.75	1	.81	j&k	

DECISION NO. NJ76-3128

AREA COVERED BY TRUCK DRIVERS ZONES

ZONE 1 - Bergen, Hudson, Hunterdon, Middlesex, Passaic, Somerset, Union (up to Woods Ave. south of Cranford) & Warren Counties.

ZONE 2 - Essex, Morris, Sussex & Union (remainder of county) Counties.

WELDERS - Receive rate prescribed for craft performing operation to which welding is incidental

PAID HOLIDAYS:
A-New Year s Day; B-Memorial Day; C-Independence Day· D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes $8.00 per day per employee to an Annuity Fund.

b. Paid Holidays: A through F; plus Lincoln's Birthday, Washington's Birthday, Columbus Day, Election Day & Armistice Day.

c. Employees with 6 months of service but less than 5 years of service receive 2 weeks vacation; 5 or more years of service receive 3 weeks vacation.

d. Employees with 6 months of service but less than 5 years of service receive 2 weeks vacation; 5 years but less than 15 years of service receive 3 weeks; 15 or more years of service receive 4 weeks.

e. Paid Holidays: A through F, plus Washington's Birthday, Veterans' Day and Presidential Election Day providing the employee works on 3 days for the same Employer within a period of 10 working days, consisting of 5 working days before and 5 working days after the day upon which the holiday falls or is observed as such.

f. Paid Holidays: A through F, plus Washington's Birthday, Good Friday and Christmas Eve, providing the employee has worked 45 full days for the employer during the 120 calendar days immediately prior to the holiday, and the employee works his regularly scheduled work days immediately preceeding and following the holiday.

g. Paid Holiday: St. Patrick's Day

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DECISION NO. NY76-3144

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS, BUILDING:					
LABORERS	8.20	.60	.75		.02
PIPELAYERS (2 MAN TEAM), HOD CARRIERS, MORTAR MIXERS (HAND OR MACHINE), JACK-HAMMER OPERATOR, WELL POINTING, ALL AIR OR GAS DRIVEN TOOLS, CONCRETE VIBRATORS, POWER DRIVEN BUGGIES	8.35	.60	.75		.02
FORM SETTERS (CURB)	8.375	.60	.75		.02
WAGON DRILL OPERATOR	8.425	.60	.75		.02
ACELYTENE BURNERS	8.475	.60	.75		.02
DEMOLITION	8.45	.60	.75		.02
BLASTERS	8.675	.60	.75		.02
LEAD BURNERS	9.25	.35		d	.01
LATHERS	9.11	.70	.20		.01
LINE CONSTRUCTION:					
LINEMAN	10.40	.65	1%+.60	e	½%
CABLE SPLICER	11.44	.65	1%+.60	e	½%
GROUNDMAN DIGGING MACHINE OPERATOR	9.36	.65	1%+.60	e	½%
GROUNDMAN MOBILE EQUIPMENT OPERATOR	8.32	.65	1%+.60	e	½%
GROUNDMAN TRUCK DRIVER	7.90	.65	1%+.60	e	½%
GROUNDMAN DYNAMITE MAN AND MECHANIC	8.32	.65	1%+.60	e	½%
PAINTERS: ALBANY COUNTY, RENSSELAER COUNTY, AND SCHENECTADY COUNTY					
BRUSH	8.92		.35		
STRUCTURAL STEEL & BRIDGE	9.67		.35		
SPRAY	10.02		.35		
SWING SCAFFOLD, BOSUN CHAIR, WATER TOWERS, FLAGPOLES, AND WINDOW JACKS	9.42		.35		
PAINTERS: SARATOGA COUNTY TWPS. OF CLIFTON PARK, HALF MOON, MALTA, CHARLTON, GALWAY, MILTON & WEST MILTON					
BRUSH	8.92		.35		
STRUCTURAL STEEL & BRIDGE	9.67		.35		
SPRAY	10.02		.35		
SWING SCAFFOLD, BOSUN CHAIR, WATER TOWERS, FLAGPOLES, AND WINDOW JACKS	9.42		.35		

DECISION NO. NY76-3144 PAGE 11

POWER EQUIPMENT OPERATORS: HEAVY AND HIGHWAY CONSTRUCTION CONT'D.

Group III - A-frame truck, compressors (4 not to exceed 2000 C.F.M. combined capacity or 3 or less with more than 1200 C.F.M. but not to exceed 2000 C.F.M.), compressors (any size but subject to other provisions for compressors), dust collectors, generators, pumps, welding machines (4 of any type of combination), concrete pavement spreaders and finishers, conveyor, drill-core, drill-well, electric pumps used in conjunction with well point system, farm tractor with accessories, fine grade machine, fork lift (under 15 ft.), gunite machine, hammers (hydraulic-self-propelled), post hole digger and post driver, power sweeper, roller (grade and fill), submersible electric pump (when used in lieu of well point system), tractor with towed accessories, vibratory compactor, vibro tamp, well point.

Group IV - Aggregate plant, boiler (used in conjunction with production), cement and bin operator, compressors (3 or less not to exceed 1200 C.F.M. combined capacity), compressor (any size, but subject to other provisions for compressors) dust collectors, generator pumps, welding machines (3 or less of any type or combination), concrete paver or mixer (16S and under), concrete saw (self-propelled), fireman, form tamper, hydraulic pump (jacking system), lighting plants, mulching machine, oiler parapet- (concrete or pavement grinder), power broom (towed), power heaterman, revinius widener, shell winder, steam cleaner, tractor.

federal register

FRIDAY, MARCH 5, 1976



PART V:

DEPARTMENT OF LABOR

Employment Standards Administration

■

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions, Modifications and Supersedeas Decisions; Index

DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

General Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the 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.

MODIFICATIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State.

Alaska:	
AK76–5011	Jan. 30, 1976.
Indiana:	
IN75–2131; IN75–2132; IN 75–2133.	Dec. 19, 1975.
IN76–2005	Jan. 23, 1976.
Louisiana:	
LA76–4013	Jan. 30, 1976.
Montana:	
MT76–5006	Jan. 16, 1976.
North Carolina:	
NC75–1115	Dec. 19, 1975.
Pennsylvania:	
PA75–3082; PA75–3073; PA 75–3084; PA75–3085; PA 75–3086; PA75–3088.	Aug. 22, 1975.
OA75–3087	Aug. 29, 1975.
Texas:	
TX76–4031; TX75–4037; TX 76–4040; TX76–4041.	Feb. 13, 1976.
Wisconsin:	
WIS 75–2048	Mar. 14, 1975.

SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being superseded and their dates of publication in the FEDERAL REGISTER are listed with each State. Supersedeas Decision numbers are in parentheses following the numbers of the decision being superseded.

California:	
CA75–5151 (CA76–5019); CA75–5152 (CA76–5020).	Jan. 5, 1976.
Florida:	
FL75–1009 (FL76–1036)	Jan. 24, 1975.
Georgia:	
AQ–4058 (GA76–1034)	Jan. 25, 1974.
AQ–4086 (GA76–1035)	Mar. 8, 1974.
Illinois:	
IL75–2080 (IL76–2023); IL 75–2081 (IL76–2024).	June 13, 1975.
IL75–2082 (IL76–2025); IL 75–2083 (IL76–2026).	June 20, 1975.
IL75–2084 (IL76–2028)	June 27, 1975.
IL75–2086 (IL76–2022)	July 3, 1975.
IL75–2100 (IL76–2027)	Aug. 1, 1975.
Iowa:	
IA75–4178 (IA76–4065)	Oct. 31, 1975.
Missouri:	
MO75–4015 (MO76–4066); MO75–4024 (MO76–4067).	Feb. 13, 1976.
Ohio:	
AP–583 (OH76–2030)	May 25, 1973.
South Carolina:	
AR–4004 (SC76–1037)	July 5, 1974.
Wyoming:	
WY75–5011 (WY76–5021)	Jan. 31, 1975.

Signed at Washington, D.C., this 27th day of February 1976.

RAY J. NOLAN,
Assistant Administrator,
Wage and Hour Division.

DECISION NO. AK76-5011 - Mod. #1
(41 FR 4743 - January 30, 1976)
Statewide, Alaska

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Change:					
CARPENTERS:					
Area I					
Piledrivermen	$13.60	.60	1.50		.15
IRONWORKERS:					
Bender Operator, Bridge, Fence Erector, Machinery Mover, Ornamental, Reinforcing, Structural	14.30	.80	1.75		.18

DECISION NO. IN75-2131 - Mod. #3
(40 FR 59137 - December 19, 1975)
Allen, Bartholomew, Benton, Dearborn, Delaware, Grant, Marion, Monroe, Tippecanoe, Vanderburgh, & Vigo Counties, Indiana

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Cement masons:					
Marion County	$8.96	.50			.04
Painters:					
Benton & Tippecanoe Cos.:					
Brush; Roller	8.45				
Structural steel	8.70				
Sandblasting	9.50				
Spray	11.72				
Plumbers; Steamfitters:					
Grant County	10.15	.40	.55		.05
Sheet metal workers:					
Benton & Tippecanoe Cos.	9.63	.40	.30		.06

DECISION NO. IN75-2132 - Mod. #2
(40 FR 59147 - December 19, 1975)
Lake, LaPorte, Porter, & St. Joseph Counties, Indiana

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Cement masons:					
Highway, Bridge, & Airport Construction:					
Lake County (Hammond Area)	10.10	.60	.55		.01
Lake County (Remainder of Co.)	10.00	.60	.65		.01
LaPorte County	9.42	.60	.90		.03

DECISION NO. IN75-2133 - Mod. #2
(40 FR 59155 - December 19, 1975)
Statewide, except Lake, LaPorte, Porter, & St. Joseph Counties, Indiana

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Cement masons:					
Boone, Hamilton (southern ½ of Co., north to the new Rte. Indiana Hwy #32 incl. Noblesville), Hancock (southern & western part, north to but not incl. Wilkinson & east to, but not incl. Fortville), Hendricks, Johnson, Marion & Morgan (northern ½ of Co.) Cos.	$8.96	.50			.04
Painters:					
Benton, Clinton, Fountain, Montgomery, Putnam (excl. Greencastle), Tippecanoe, & Warren Cos.:					
Brush; Roller	8.45				
Structural steel	8.70				
Sandblasting	9.50				
Spray	11.72				

DECISION NO. IN76-2005 - Mod. #1
(41 FR 3602 - January 23, 1976)
Marion County, Indiana

Add:
Welders: Receive rate prescribed for craft performing operation to which welding is incidental.

DECISION #IA76-4013 - Mod. #2
(41 FR 4760 - January 30, 1976)
Statewide Louisiana

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Cement masons (Highway Construction):					
Zone 3	$ 6.60	.30			
Zone 4	7.40				
Glaziers:					
Zone 1	7.55				
Zone 5	6.75		.20		
Laborers (Highway Construction):					
Group 1 - Zone 4	5.25	.15	.20		.05
Group 2 - Zone 4	5.35	.15	.20		.05
Group 3 - Zone 4	5.80	.15	.20		.05
Group 4 - Zone 4	6.05	.15	.20		.05
Power Equipment Operators (Highway Construction):					
Group 1 - Zone 4	8.53	.25	.48		.05
Group 2 - Zone 4	8.78	.25	.48		.05
Group 3 - Zone 4	8.28	.25	.48		.05
Group 4 - Zone 4	7.15	.25	.48		.05
Group 5 - Zone 4	6.59	.25	.48		.05
Group 6 - Zone 4	5.94	.25	.48		.05
Group 7 - Zone 4	5.53	.25	.48		.05
Group 8 - Zone 4	7.15	.25	.48		.05
Group 9 - Zone 4	7.40	.25	.48		.05
Group 10 - Zone 4	5.78	.25	.48		.05
Truck drivers (Highway Construction):					
Group 1 - Zone 4	5.90				
Group 2 - Zone 4	6.02				
Group 3 - Zone 4	6.07				
Group 4 - Zone 4	6.14				
Group 5 - Zone 4	6.31				

DECISION NO. MT76-5006 - Mod. #2
(41 FR 2555 - January 16, 1976)
Statewide, Montana

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Cement Masons:					
Carter, Custer, Dawson, Fallon, Powder River, Prairie Richland, Rosebud and Wibaux Counties	$7.50	.50	.25		
Laborers:					
Big Horn, Carbon, Golden Valley, Musselshell, Rosebud, Stillwater, Treasure and Yellowstone Counties					
Group 1	6.69	.47	.37		.03
Group 2	6.91	.47	.37		.03
Group 3	6.94	.47	.37		.03
Carter, Custer, Dawson, Fallon, Powder River, Prairie and Wibaux Cos.					
Group 1	6.54	.47	.37		.03
Group 2	6.76	.47	.37		.03
Group 3	6.94	.47	.37		.03
Plasterers:					
Carter, Custer, Dawson, Fallon, Powder River, Prairie, Richland, Rosebud and Wibaux Counties	7.50	.50	.25		
Sheet Metal Workers:					
Big Horn, Carbon, Carter, Custer, Daniels, Dawson, Fallon, Fergus, Gallatin, Garfield, Golden Valley, McCone, Musselshell, Petroleum, Phillips, Powder River, Park, Prairie, Richland, Roosevelt, Rosebud, Sheridan, Still-Water, Sweetgrass, Valley, Wheatland, Wibaux, Treasure, and Yellowstone Counties	9.56	.62	.25		.07
Blaine, Cascade, Chouteau, Glacier, Hill, Judith-Basin, Liberty, Pondera, Teton and Toole Counties	8.91	.35	.25		.02

DECISION #NC75-1115 - Mod. #1
(40 FR 59177 - December 19, 1975)
Mecklenburg County, North Carolina

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Add:					
Sprinkler Fitters	$7.50				

DECISION #PA-75-3082 - Mod. #3
(40 FR 36972 - August 22, 1975)
Bucks County, Pennsylvania

Change:					
Asbestos Workers:					
Remainder of County	$11.17	.60	.60		.06
Cement Masons	9.40	1.04	1.25		
Landscaping:					
Landscape Laborers	6.95	.80	.45	h	
Farm Tractor Drivers	7.45	.80	.45	h	
Hydroseeder Nozzlemen	7.45	.80	.45	h	
Mulcher Nozzlemen	7.45	.80	.45	h	
Truck Drivers:					
Class I	7.67	.5675	.55	f+g	
Class II	7.77	.5675	.55	f+g	
Class III	7.97	.5675	.55	f+g	

DECISION #PA-75-3083 - Mod. #5
(40 FR 36980 - August 22, 1975)
Chester County, Pennsylvania

Change:					
Asbestos Workers	11.17	.60	.60		.06
Cement Masons:					
Remainder of County	9.40	1.04	1.25		
Bricklayers & Stonemasons	10.00	.95	.78		.01
Landscaping:					
Landscape Laborers	6.95	.80	.45	a	
Farm Tractor Driver	7.45	.80	.45	a	
Hydroseeder Nozzleman	7.45	.80	.45	a	
Mulcher Nozzlemen	7.45	.80	.45	a	
Truck Drivers:					
Class I	7.67	.5675	.55	a+b	
Class II	7.77	.5675	.55	a+b	
Class III	7.97	.5675	.55	a+b	

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #PA75-3084 - Mod. #6 (40 FR 36983 - August 22, 1975) Delaware County, Pennsylvania					
Change:					
Asbestos Workers	$11.17	.60	.60		.06
Cement Masons	9.40	1.04	1.25		
Bricklayers:					
Radner and Haverford Twps	10.00	.95	.78		.01
Remainder of County	10.21	.62	1.00		.01
Landscaping:					
Landscape Laborers	6.95	.80	.45	a	
Farm Tractor Driver	7.45	.80	.45	a	
Hydroseeder Nozzlemen	7.45	.80	.45	a	
Mulcher Nozzleman	7.45	.80	.45	a	
Truck Drivers:					
Class I	7.67	.5675	.55	a+b	
Class II	7.77	.5675	.55	a+b	
Class III	7.97	.5675	.55	a+b	
DECISION #75-PA-3085 - Mod. #5 (40 FR 36986 - August 22, 1975) Montgomery County, Pennsylvania					
Change:					
Asbestos Workers	$11.17	.60	.60		.06
Bricklayers:					
Lower Marion, Abington, Upper Moreland and Cheltenhan	10.00	.95	.78		.01
Cement Masons:					
Remainder of County	9.40	1.04	1.25		
Electricians:					
Pottsgrove, Upper Pottsgrove, Douglas and Pottstown	11.55	4.4%	1%+2.6%		1.5%
Ironworkers:					
Structural & Ornamental	10.90	.79	1.11		.04
Reinforcing	10.65	.79	1.36		.01
Landscaping:					
Landscape Laborers	6.95	.80	.45	a	
Farm Tractor Driver	7.45	.80	.45	a	

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #PA-75-3085 (Cont'd)					
Change (Cont'd)					
Hydroseeder Nozzlemen	$ 7.45	.80	.45	a	
Mulcher Nozzlemen	7.45	.80	.45	a	
Painters:					
Remainder of County					
Brush	8.84	.50	.50	.50	
Steel	9.59	.50	.50	.50	
DECISION #PA-75-3086 - Mod. #4 (40 FR 36989 - August 22, 1975) Philadelphia County, Pennsylvania					
Change:					
Asbestos Workers	11.17	.60	.60		.06
Bricklayers	10.00	.95	.78		.01
Cement Masons	9.40	1.04	1.25		
Landscaping:					
Landscape Laborers	6.95	.80	.45	f	
Farm Tractor Driver	7.45	.80	.45	f	
Hydroseeder Nozzleman	7.45	.80	.45	f	
Mulcher Nozzlemen	7.45	.80	.45	f	
Ironworkers:					
Structural	10.90	.79	1.11		.04
Ornamental	10.90	.79	1.11		.04
Reinforcing	10.65	.79	1.36		.01
Sprinkler Fitters	11.41	.50	.80		.10
Truck Drivers:					
Class I	7.67	.5675	.55	a+b	
Class II	7.77	.5675	.55	a+b	
Class III	7.97	.5675	.55	a+b	

DECISION #PA75-3087 - Mod. #3
(40 FR 40031 - August 29, 1975)
Bucks, Chester, Delaware, Montgomery and Philadelphia Counties, Pennsylvania

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Asbestos Workers	$11.11	.60	.60		.06
Bricklayers	10.00	.95	.78		.01
Cement Masons	9.40	1.04	1.25		
Landscape:					
Landscape Laborers	6.95	.80	.45	g	
Farm Tractor Driver	7.45	.80	.45	g	
Hydroseeder Nozzlemen	7.45	.80	.45	g	
Mulcher Nozzleman	7.45	.80	.45	g	
Ironworkers:					
Structural	10.90	.71	1.11		.04
Ornamental	10.90	.79	1.11		.04
Reinforcing	10.65	.79	1.36		.01
Sprinkler Fitters	11.41	.50	.80		.10
Truck Drivers:					
Class I	7.67	.5675	.55	a+b	
Class II	7.77	.5675	.55	a+b	
Class III	7.97	.5675	.55	a+b	

DECISION #PA75-3088 - Mod. #1
(40 FR 36992 - August 22, 1975)
Buck, Chester, Delaware, Montgomery, & Philadelphia Counties, Pennsylvania

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Truck Drivers:					
Class I	$ 7.52	.5675	.55	a+b	
Class II	7.62	.5675	.55	a+b	
Class III	7.82	.5675	.55	a+b	
Add:					
Landscaping:					
Landscape Laborers	6.95	.80	.45	c	
Farm Tractor Driver	7.45	.80	.45	c	
Hydroseeder Nozzleman	7.45	.80	.45	c	
Mulcher Nozzleman	7.45	.80	.45	c	

Footnote:
Paid Holidays: July 4th, Labor Day; and Thanksgiving Day.

MODIFICATIONS P. 11

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #TX76-4031 - Mod. #2 (41 FR 7040 - February 13, 1976) Bell, Bosque, Coryell, Falls, Hill & McLennan Counties, Texas					
Change:					
Building Construction:					
Sheet metal workers:					
Zone 1	$ 8.51				.05
Zone 2	9.01				.05
Zone 3	9.51				.05
DECISION #TX76-4037 - Mod. #1 (41 FR 7033 - February 13, 1976) Collin, Dallas, Denton, Ellis, Grayson, Hood, Hunt, Johnson, Kaufman, Palo Pinto, Rockwall, Tarrant & Wise Counties, Texas					
Change:					
Bricklayers & stonemasons:					
Zone 2	8.85	.40	.50		.04
DECISION #TX76-4040 - Mod. #1 (41 FR 7026 - February 13, 1976) El Paso County, Texas					
Change:					
Asbestos workers	7.61	.50	1.02 (a)		.03
DECISION #TX76-4041 - Mod. #1 (41 FR 7037 - Febryary 13, 1976) Galveston & Harris Cos., Texas					
Change:					
Marble masons:					
Galveston County	8.41				
Terrazzo workers:					
Galveston County	8.41				
Tile setters:					
Galveston County	8.41				

MODIFICATIONS P.12

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION # WIS75-2048 - Mod. #1 (40 FR 12059 - March 14, 1975) Statewide, Wisconsin					
Change:					
Line Construction:					
Cable Splicer	$ 9.65	.35	1%		.5%
Lineman	8.84	.35	1%		.5%
Equipment Operator (Digging machine tractor operator, Crawler and "H" frame setting rigs)	7.33	.35	1%		.5%
Truck drivers (truck with boom or digger or tractor or 5th wheel)	6.09	.35	1%		.5%
Truck Driver	5.81	.35	1%		.5%

SUPERSEDEAS DECISION

STATE: California

COUNTIES: Alameda, Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, El Dorado, Fresno, Glenn, Humboldt, Kings, Lake, Lassen, Madera, Marin, Mariposa, Mendocino, Merced, Modoc, Monterey, Napa, Nevada, Placer, Plumas, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Yolo and Yuba Counties, California

DECISION NUMBER: CA76-5019

DATE: Date of Publication

Supersedes Decision No. CA75-5151 dated January 5, 1976, in 41 FR 935.

DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction and dredging.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$ 12.15	.90	.87	$ 1.07	.06
BOILERMAKERS	10.85	.65	$ 1.00	.50	.02
BRICKLAYERS; Stonemasons:					
Del Norte, Humboldt, Lake, Marin, Mendocino, Napa, San Francisco, San Mateo, Siskiyou, Solano, Sonoma and Trinity Cos.	10.02	.90	.58	1.00	
Alameda and Contra Costa Cos.	11.15	.95	.95		.20
Fresno, Kings, Madera, Mariposa, and Merced Cos.	10.24	.66	1.00		
Butte, Colusa, El Dorado, Glenn, Lassen, Modoc, Nevada, Placer, Plumas, Sacramento, Shasta, Sierra, Sutter, Tehama, Yolo and Yuba Cos.	10.85	.73	.92		.22
Monterey and Santa Cruz Cos.	10.75	.93	1.10	.75	
San Benito and Santa Clara Cos.	10.15	.85	.95		.15
Alpine, Amador, Calaveras, San Joaquin, Stanislaus and Tuolumne Cos.	10.30	.55	.60	1.00	
Tulare County	9.30	.70	1.00		.07
BRICK TENDERS:					
Alpine, Amador, El Dorado, Nevada, Placer, Sacramento, Sierra and Yolo Counties	8.80	.80	1.40		
Alameda and Contra Costa Cos.	7.70	.55	.95		
Marin County	6.90	.65	.50	.65	
Napa County	5.90	.65	1.35	.80	
San Benito, Santa Clara and Santa Cruz Counties	8.61	.70	.90		
Lassen, Modoc, Shasta, Siskiyou, Tehama and Trinity Counties	5.65	.65	1.35	.80	
Stanislaus and Tuolumne Cos.	5.75	.65	1.35	.80	
San Francisco and San Mateo Cos.	10.00	.65	.80		
Fresno, Kings, Madera and Tulare Cos.	8.60	.80	1.40		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS:					
Carpenters	$ 11.00	.84	$ 1.26	$ .75	.06
Hardwood floor layers; Power saw operator; Saw filers; Shinglers; Steel scaffold erectors and/or steel shoring erectors	11.15	.84	1.26	.75	.06
Millwrights	11.50	.84	1.26	.75	.06
Piledrivermen, bridge, wharf and Dock builders	11.13	.82	1.26	.75	.06
CEMENT MASONS:					
Cement Masons	9.46	1.02	1.35	1.25	.05
Mastic; Magnesite; All comp. masons	9.71	1.02	1.35	1.25	.05
Men working from swinging or slip form scaffolds	9.71	1.02	1.35	1.25	.05
DRYWALL INSTALLERS	11.27	.84	1.26	.75	.07
ELECTRICIANS:					
Alameda County					
Electricians	11.41	.70	1% + .50		.03
Cable Splicers	12.84	.70	1% + .50		.03
Amador, Colusa, Sacramento, Sutter, Yolo, Yuba and those portions of Alpine, El Dorado, Nevada, Placer and Sierra Counties West of the Main Sierra Mountain Watershed					
Electricians	11.21	.73	1% + .75		.045
Cable Splicers	12.33	.73	1% + .75		.045
Tunnel:					
Electricians	11.34	.73	1% + .75		.045
Cable Splicers	12.47	.73	1% + .75		.045
Lake Tahoe Area					
Electricians	10.34	.53	1% + .55		.03
Cable Splicers	11.37	.53	1% + .55		.03
Butte, Glenn, Lassen, Modoc, Plumas, Shasta, Siskiyou, Tehama and Trinity Counties					
Electricians	11.07	.75	1% + .505		.02
Cable Splicers	12.18	.75	1% + .505		.02

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS (Cont'd)					
Tunnel:					
Electricians; Cable Splicers' helpers	$ 10.33	.60	1% + .40		.005
Cable Splicers	11.37	.60	1% + .40		.005
Calaveras and San Joaquin Cos.					
Electricians; Technicians	11.00	.78	1% + .89		1%
Cable Splicers	12.38	.78	1% + .89		1%
Contra Costa County					
Electricians	11.95	.70	1% + .50		
Cable Splicers	13.20	.70	1% + .50		
Del Norte and Humboldt Counties					
Electricians	9.50	.47	1% + 1.35		.02
Cable Splicers	10.26	.47	1% + 1.35		.02
Fresno, Kings, Madera and Tulare Counties					
Electricians	11.01	.60	1% + .95		.05
Cable Splicers	11.41	.60	1% + .95		.05
Lake, Marin, Mendocino and Sonoma Counties					
Electricians	11.75	.61	1% + .30		.02
Cable Splicers	12.93	.61	1% + .30		.02
Mariposa, Merced, Stanislaus and Tuolumne Counties					
Electricians	9.83	.62	1%		1%
Cable Splicers	10.81	.62	1%		1%
Monterey County					
Electricians	12.50	.70	1%		.01
Cable Splicers	13.81	.70	1%		.01
Napa and Solano Counties					
Electricians	9.67	.58	1% + .60		.04
Cable Splicers	10.17	.58	1% + .60		.04
San Benito, Santa Clara and Santa Cruz Counties					
Electricians	12.10	.62	1% + .60		.05
Cable Splicers	13.61	.62	1% + .60		.05
San Francisco County					
Electricians	10.67	.705	1% + .50		.04
Cable Splicers	12.00	.705	1% + .50		.04
San Mateo County					
Electricians	11.77	.82	1% + .50		.03

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELEVATOR CONSTRUCTORS	$ 10.70	.445	$ .29	3% + a	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.445	.29	3% + a	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS:					
Alameda, Contra Costa, Lake, Marin, Mendocino (Southern half of County from North of Ft. Bragg), Monterey, Napa, San Benito, San Francisco, San Mateo, Santa Clara, Santa Cruz, Solano, (S.W. from E. to Fairfield) and Sonoma Counties	10.47	.77	1.13		.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
LATHERS:					
Alameda and Contra Costa Counties	9.81	.74	.715		.025
Butte, Colusa, Glenn, Humboldt, Lake, (That portion of County from Lakeport up to County Line) Nevada, Placer, Plumas, Shasta, Sierra, Tehama and Trinity Cos.	10.10	.48	.50		.01
Calaveras and San Joaquin Cos.	9.90	.58	.55		.01
Lake (from City of Lakeport down to County Line), Marin, Mendocino and Sonoma Counties	9.01	.87	.85	1.00	1/8¢
Monterey and Santa Cruz Counties	10.37	.58	.50	.95	.01
Napa and Solano Counties	8.88	.65	.40		.01
San Francisco and N. 1/2 of San Mateo County	11.63	.46	.65	1.00	.01
San Benito and Santa Clara Cos.	10.14	.73	.75		
Fresno County	10.83	.35	.45		
Mariposa, Merced, Stanislaus and Tuolumne Counties	9.75				.01
Amador, El Dorado, Sacramento and Yolo Counties	8.40	.40	.95	1.00	
Southern Half of San Mateo Co.	10.03	.32	1.00		

LINE CONSTRUCTION:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Contra Costa County					
Groundmen	$ 8.96	.70	1% + .50		
Line Equipment Operators	10.75	.70	1% + .50		
Linemen	11.95	.70	1% + .50		
Cable Splicers	13.20	.70	1% + .50		
Del Norte, Modoc and Siskiyou Counties					
Tree trimmer helper; Groundman	7.12	.35	1%	.10	1/2%
Head groundman; Headgroundman (Chipper); Powdermen; Jackhammermen	7.56	.35	1%	.10	1/2%
Line equipment men	8.65	.35	1%	.10	1/2%
Linemen Polesprayer; Heavy line equipment men; Certified lineman; Welder	10.04	.35	1%	.10	1/2%
Tree trimmer	9.06	.35	1%	.10	1/2%
Cable splicer; Leadman; Pole sprayer	11.12	.35	1%	.10	1/2%
Fresno, Kings, Madera and Tulare Counties					
Line equipment operators	9.86	.50	1% + .70		.05
Linemen	9.86	.50	1% + .70		.05
Cable splicers	10.26	.50	1% + .70		.05
Mariposa, Merced, Stanislaus and Tuolumne Counties					
Linemen	9.83	.62	1%		1%
Cable Splicers	10.81	.62	1%		1%
Monterey County					
Groundmen	9.38	.70	1%		.01
Linemen; Technicians	12.51	.70	1%		.01
Cable Splicers	13.82	.70	1%		.01
Napa and Solano Counties					
Linemen	9.67	.58	1% + .60		.03
Cable Splicers	10.17	.58	1% + .60		.03
Alameda County					
Groundmen	8.56	.70	1% + .50		.03
Linemen	11.41	.70	1% + .50		.03
Line Equipment Operators	10.27	.70	1% + .50		.03
Cable Splicers	12.24	.70	1% + .50		.03

LINE CONSTRUCTION: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Amador, Colusa, Sacramento, Sutter, Yolo, Yuba and those portions of Alpine, El Dorado, Nevada, Placer and Sierra Counties West of the Main Sierra Mountain Watershed					
Groundmen	$ 8.97	.73	1% + .75		.045
Linemen	11.21	.73	1% + .75		.045
Cable Splicers	12.33	.73	1% + .75		.045
Humboldt County					
Groundmen	7.60	.47	1% + 1.35		.01
Linemen	9.50	.47	1% + 1.35		.01
Cable Splicers	10.26	.47	1% + 1.35		.01
San Francisco County					
Groundmen	9.07	.705	1% + .50		.04
Linemen	10.67	.705	1% + .50		.04
Cable Splicers	12.00	.705	1% + .50		.04
MARBLE SETTERS	9.26	.81	.51	1.03	
PAINTERS:					
Alpine, Amador, Calaveras and San Joaquin Counties					
Brush	8.92	.70	1.45	1.00	
Spray; Sheetrock taper; Swingstage; Scaffold, sandblaster; Structural steel	9.32	.70	1.45	1.00	
Fresno, Kings, Madera and Tulare Counties					
Brush; Tapers	10.22	.40	.20		
Spray; Structural steel	10.47	.40	.20		
Monterey, San Benito, San Mateo, Santa Clara and Santa Cruz Counties (excluding portions of Counties in the Lake Tahoe Area)					
Brush	10.75	.89	.90	.80	.03
Spray	11.00	.89	.90	.80	.03
Tapers	11.30	.89	.90	.80	.03
Lake Tahoe Area					
Brush	10.50	.70	.20		
Spray; Structural steel; Tapers	10.75	.70	.20		
Lake, Marin, Mendocino, San Francisco and Sonoma Counties					
Brush	10.50	.89	.90	.80	.03
Spray	10.75	.89	.90	.80	.03
Tapers	11.45	.89	.90	.80	.03

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS: (Cont'd)					
Lassen County (that portion that lies Eastward of Hwy. #395, Northward to and including Honey Lake)					
Brush	$ 10.50	.70	.20		
Spray; Structural steel; Tapers	10.75	.70	.20		
Alameda, Contra Costa, El Dorado, Napa, Nevada, Placer, Sacramento, Sierra, Solano and Yolo Counties (excluding portions of Counties in the Lake Tahoe Area)					
Brush	10.65	.89	.90	.80	.03
Spray	10.90	.89	.90	.80	.03
Tapers	11.45	.89	.90	.80	.03
PAINTERS:					
Parking Lot Striping Work and/or Highway Markers:					
Fresno, Kings and Tulare Cos.					
Traffic Delineating Device Applicator	8.27	.45	.30	b	
Wheel Stop Installer; Traffic Surface Sandblaster; Striper	7.88	.45	.30	b	
Helper (wheel stop installer, traffic surface sandblaster, striper)	6.48	.45	.30	b	
Slurry Seal Operation					
Mixer Operator	7.88	.45	.30	b	
Squeegee Man	6.88	.45	.30	b	
Applicator Operator	6.48	.45	.30	b	
Shuttleman	6.30	.45	.30	b	
Top Man	5.48	.45	.30	b	
Remaining Counties:					
Traffic Delineating Device Applicator; Wheel Stop Installer; Traffic Surface Sandblaster	8.27	.45	.30	b	
Helper (traffic delineating device applicator, wheel stop installer, traffic surface sandblaster)	7.37	.45	.30	b	
Striper	9.37	.45	.30	b	
Helper (striper)	7.87	.45	.30	b	
Slurry Seal Operation					
Mixer Operator	8.27	.45	.30	b	
Squeegee Man	7.77	.45	.30	b	
Applicator Operator	7.37	.45	.30	b	
Shuttleman	6.30	.45	.30	b	
Top Man	5.87	.45	.30	b	

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLASTERERS:					
Alameda and Contra Costa Cos.	$ 10.10	.745	$ 1.05		.03
Butte, Colusa, Glenn, Lassen (Southeastern half of Lassen County), Plumas, Sierra, Sutter and Yuba Counties	9.79	.56	1.00		
Monterey County	10.60	.71	.35		.01
Fresno, Kings, Madera and Tulare Counties	8.99	.76	1.25	$ 1.00	.01
El Dorado, Nevada, Placer, Sacramento and Yolo Counties	9.79	.56	1.00		
San Francisco County	11.20	.75	1.60		.03
San Mateo County	7.72	.48	.90	1.50	.025
Del Norte, Humboldt, Lassen (Northwestern half), Marin, Modoc, Napa, Shasta, Siskiyou, Solano, Sonoma, Tehama and Trinity Counties	9.35	.73	.50	1.00	.01
Mariposa, Merced, Stanislaus and Tuolumne Counties	8.50	.70	1.40	1.00	
PLASTERERS' TENDERS:					
Alameda and Contra Costa Counties	8.87	.60	1.10		
Fresno, Kings and Madera Counties	8.65	.80	1.40		
Napa County	7.95	.80		.90	
Alpine, Amador, El Dorado, Nevada, Placer, Sacramento, Sierra and Yolo Counties	7.455	.455	1.40	.80	
Calaveras and San Joaquin Cos.	8.43	.80	1.40	.90	
Monterey County	8.90	.80	1.40		
PLUMBERS:					
Alameda County	13.10	.83	1.55		.12
Contra Costa County	12.72	.90	1.72		.20
Del Norte and Humboldt Counties	11.49	.61	1.12		.05
PLUMBERS; Steamfitters:					
Amador (Northern half of County), Sacramento, Yolo, El Dorado, Nevada, Placer and Sierra Counties (excluding Lake Tahoe Area)	12.58	.92	1.35		.11
Lake Tahoe Area	10.99	.58	.60	1.95	.10
Marin, Mendocino, San Francisco and Sonoma Counties	11.015	$ 1.70	1.15	1.11	.15

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLUMBERS; Steamfitters: (Cont'd)					
San Benito and Santa Clara Cos.	$ 13.03	$ .82	$ 1.65		.14
San Mateo County	11.04	.95	1.65	$ 1.20	.25
Alpine, Amador (Southern portion of County), Butte, Calaveras, Colusa, Fresno, Glenn, Kings, Lassen, Madera, Mariposa, Merced, Modoc, Monterey, Plumas, San Joaquin, Santa Cruz, Shasta, Sierra, Siskiyou, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne and Yuba Counties	12.10	1.15	1.74		.10
Lake, Napa and Solano Counties	11.85	.77	1.40		.12
ROOFERS:					
Alameda and Contra Costa Cos.					
Roofers	10.19	.92	1.10	.60	.04
Mastic workers; Kettlemen (2 Kettles w/o pumps)	10.44	.92	1.10	.60	.04
Bitumastic; Enamelers; Pipe-wrappers; Coal tar built up	11.19	.92	1.10	.60	.04
Alpine, Calaveras, Mariposa, Merced, San Joaquin, Stanislaus and Tuolumne Counties					
Roofers (slate, tile composition and built up)	10.29	.85	.55		
Felt machine operator	10.44	.85	.55		
Butte, Colusa, El Dorado, Glenn, Lassen, Modoc, Placer, Plumas, Shasta, Sierra, Siskiyou, Sutter, Tehama, Trinity and Yuba Counties					
Roofers	10.14	.95	.40		
Fresno, Kings, Madera and Tulare Counties					
Roofers	10.60	.50	.50		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS: (Cont'd)					
Lake, Marin, Mendocino, Napa, Solano and Sonoma Counties					
Roofers	$ 9.63	.65	$ 1.10	$ 1.43	.04
Mastic workers; Kettlemen (2 Kettles w/o pumps)	9.88	.65	1.10	1.43	.04
Bitumastic; Enamelers; Pipe-wrappers; Coal tar pitch	10.63	.65	1.10	1.43	.04
Del Norte and Humboldt Counties					
Roofers	9.32	.40	.75	.35	
Monterey and Santa Cruz Counties					
Roofers	9.05	.60	.80	1.00	
San Francisco and San Mateo Cos.					
Roofers	10.23	.50	1.10	.95	.04
Mastic workers and kettlemen (2 kettles) without pumps	10.48	.50	1.10	.95	.04
Bitumastic; Enamelers; Pipe-wrappers; Coal tar	11.23	.50	1.10	.95	.04
Amador, Sacramento and Yolo Cos.					
Roofers (slate, tile and composition)	9.36	.82	1.10	1.00	.04
Enameler and pitch	10.36	.82	1.10	1.00	.04
San Benito and Santa Clara Cos.					
Roofers; Kettlemen (1 kettle)	8.51	.61	1.03		
SHEET METAL WORKERS:					
Alameda, Contra Costa, Napa and Solano Counties	10.84	.60	1.60	12%	.04
Alpine, Calaveras and San Joaquin Counties	11.13	.60	1.10		.02
Amador, Butte, Colusa, El Dorado, Glenn, Lassen, Nevada, Placer, Plumas, Sacramento, Shasta, Sierra, Sutter, Tehama, Yolo and Yuba Counties	10.33	.60	1.30		.09
Fresno, Kings, Madera and Tulare Counties	8.05	.38	.69	.80	.07
Mariposa, Merced, Stanislaus and Tuolumne Counties	11.14	.60	1.10		.06
Monterey, San Benito, Santa Clara and Santa Cruz Counties	10.60	.60	1.66	1.06	
Del Norte, Humboldt, Lake, Marin, Mendocino, San Francisco, Sonoma and Trinity Counties	11.98	.61	1.50		10%

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
SHEET METAL WORKERS: (Cont'd)					
San Mateo County	$ 11.76	.48	$ 1.61		.12
Modoc and Siskiyou Counties	8.67	.42	.34		.005
SOFT FLOOR LAYERS:					
Alpine, Amador, Butte, Calaveras, Colusa, Glenn, Lassen (excluding Honey Lake Area), Merced, (east of San Joaquin River), Plumas, San Joaquin, Shasta, Sacramento, Stanislaus, Sutter, Tehama, Trinity, Tuolumne, Yolo and Yuba Counties and those portions of El Dorado, Nevada, Placer and Sierra Counties (excluding Lake Tahoe Area)	9.44	.64	1.00	$ 1.00	.09
Honey Lake Area and Lake Tahoe Area	10.05	.70	.20		
SPRINKLER FITTERS:					
Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano and Sonoma Counties	14.56	.50	.80		.09
Remaining Counties	13.72	.50	.80		.08
STEAMFITTERS:					
Alameda and Contra Costa Cos.	12.95	.90	1.75		.155
Del Norte and Humboldt Counties	11.80	.61	1.12	1.06	.05
TERRAZZO WORKERS:					
Alameda, Contra Costa, Del Norte, Humboldt, Lake, Marin, Mendocino, Napa, San Francisco, San Mateo, Siskiyou, Solano, Sonoma and Trinity Counties	8.78	.85	.58	1.00	
Butte, Colusa, El Dorado, Glenn, Lassen, Modoc, Nevada, Placer, Plumas, Sacramento, Shasta, Sierra, Sutter, Tehama, Yolo and Yuba Counties	10.85	.73	.92		.22

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TILE SETTERS:					
Alameda, Butte, Colusa, Contra Costa, Del Norte, El Dorado, Glenn, Humboldt, Lake, Lassen, Marin, Mendocino, Modoc, Napa, Nevada, Placer, Plumas, Sacramento, San Benito, San Francisco, San Mateo, Santa Clara, Shasta, Sierra, Siskiyou, Solano, Sonoma, Sutter, Tehama, Trinity, Yolo and Yuba Counties	$ 10.10	.78	.90	.90	.025
Alpine, Amador, Calaveras, San Joaquin, Stanislaus and Tuolumne Counties	9.17	.55	.30	1.00	
Fresno, Kings, Madera, Mariposa, Merced and Tulare Counties	9.77	.40	.35		
Monterey and Santa Cruz Counties	9.72	.845	.73	.87	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes 4% of basic hourly rate for over 5 years' service, and 2% of basic hourly rate for 6 months to 5 years as Vacation Pay Credit. Six Paid Holidays: A through F.

b. Employer contributes $.21 per hour to Holiday Fund plus $.12 per hour to Vacation Fund for the first year of employment; 1 year but less than 5 years $.32 per hour to Vacation Fund; 5 years but less than 10 years $.42 per hour to Vacation Fund; over 10 years $.52 per hour to Vacation Fund.

DECISION NO. CA76-5019

POWER EQUIPMENT OPERATORS: DREDGING SCHEDULE I CLAMSHELL AND DIPPER DREDGING (New Construction)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1					
Bargeman; Deckhand; Fireman; Oiler					
Area 1	$8.29	$1.07*	$1.78	.80	.14
Area 2	9.13	1.07*	1.78	.80	.14
Area 3	9.41	1.07*	1.78	.80	.14
Area 4	9.69	1.07*	1.78	.80	.14
Group 2					
Deck Engineers; Deck Mate					
Area 1	9.91	1.07*	1.78	.80	.14
Area 2	10.76	1.07*	1.78	.80	.14
Area 3	11.03	1.07*	1.78	.80	.14
Area 4	11.31	1.07*	1.78	.80	.14
Group 3					
Welder; Mechanic Welder; Watch Engineer					
Area 1	10.31	1.07*	1.78	.80	.14
Area 2	11.15	1.07*	1.78	.80	.14
Area 3	11.43	1.07*	1.78	.80	.14
Area 4	11.71	1.07*	1.78	.80	.14
Group 4					
Clamshell Operator (up to and including 7 cu. yds. m.r.c.) (Long Boom Pay)					
Area 1	11.01	1.07*	1.78	.80	.14
Area 2	11.86	1.07*	1.78	.80	.14
Area 3	12.14	1.07*	1.78	.80	.14
Area 4	12.41	1.07*	1.78	.80	.14
Group 4-A					
Clamshell Operator (over 7 cu. yds. m.r.c.) (Long Boom Pay)					
Area 1	12.08	1.07*	1.78	.80	.14
Area 2	12.93	1.07*	1.78	.80	.14
Area 3	13.21	1.07*	1.78	.80	.14
Area 4	13.48	1.07*	1.78	.80	.14

DECISION NO. CA76-5019

POWER EQUIPMENT OPERATORS (Cont'd) DREDGING SCHEDULE II HYDRAULIC SUCTION DREDGING AND ALL OTHER CLAMSHELL AND DIPPER DREDGING	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group A-1					
Bargeman; Deckhand; Leveehand; Fireman; Oiler					
Area 1	$8.27	$1.07*	$1.78	.80	.14
Area 2	9.11	1.07*	1.78	.80	.14
Area 3	9.39	1.07*	1.78	.80	.14
Area 4	9.67	1.07*	1.78	.80	.14
Group A-2					
Winchman (stern winch on dredge); Deckmate; Deck Engineer					
Area 1	9.20	1.07*	1.78	.80	.14
Area 2	10.05	1.07*	1.78	.80	.14
Area 3	10.33	1.07*	1.78	.80	.14
Area 4	10.60	1.07*	1.78	.80	.14
Group A-3					
Watch Engineer; Welder; Welder Mechanic					
Area 1	9.85	1.07*	1.78	.80	.14
Area 2	10.70	1.07*	1.78	.80	.14
Area 3	10.98	1.07*	1.78	.80	.14
Area 4	11.25	1.07*	1.78	.80	.14
Group A-4					
Leverman; Clamshell Operator					
Area 1	10.69	1.07*	1.78	.80	.14
Area 2	11.54	1.07*	1.78	.80	.14
Area 3	11.82	1.07*	1.78	.80	.14
Area 4	12.09	1.07*	1.78	.80	.14

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Tow Boats (Dredging): Work on self-propelled vessels (except skiffs powered by outboard motors) engaged in towing and shifting of barges, vessels and water born craft or in the transportation by water of personnel, materials, equipment and supplies					
Deckhand/Mechanic					
Area 1	$9.15	.64	$1.36	$1.08	
Area 2	9.65	.64	1.36	1.08	
Area 3	9.90	.64	1.36	1.08	
Area 4	10.15	.64	1.36	1.08	
Deckhand/Mechanic (Continuous Service Vessels)					
Area 1	8.13	.64	1.24	1.00	
Area 2	8.63	.64	1.24	1.00	
Area 3	8.88	.64	1.24	1.00	
Area 4	9.13	.64	1.24	1.00	
Operator/Mechanic; Watch Engineer					
Area 1	10.20	.66	1.36	1.00	
Area 2	10.70	.66	1.36	1.00	
Area 3	10.95	.66	1.36	1.00	
Area 4	11.20	.66	1.36	1.00	
Operator/Mechanic; Watch Engineer (Continuous Service Vessels)					
Area 1	9.03	.57	1.36	1.00	
Area 2	9.53	.57	1.36	1.00	
Area 3	9.78	.57	1.36	1.00	
Area 4	10.03	.57	1.36	1.00	
Deckhands					
Area 1	7.15	.52	.84	1.00	
Area 2	7.68	.52	.84	1.00	
Area 3	7.93	.52	.84	1.00	
Area 4	8.18	.52	.84	1.00	

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS: (Cont'd)					
Building and Heavy Construction Tow Boats (Work on self-propelled vessels)					
Boat Operators	$10.20	.66	$1.36	$1.00	

FOOTNOTES:

Four Centers designated: City Halls of Oakland, San Francisco, Sacramento and Stockton, California.

Area 1 - Up to 20 road miles from said Centers.
Area 2 - More than 20 road miles to and including 30 road miles from said Centers.
Area 3 - Outside of 30 road miles from said Centers.
Area 4 - An area extending 25 road miles from shoreline of Lake Tahoe.

*Includes $.20 per hour to Pensioned Health and Welfare Fund.

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
BULK CEMENT SPREADER (w/wo auger, under 4 yds. water level); Bus or manhaul driver, Concrete pump machine; Concrete pump truck (when flat rack truck is used appropriate flat rack rate shall apply), Dump (under 4 yds. water level); Dumpcrete truck (under 4 yds. water level); Dumpster (under 4 yds. water level); Escort or pilot car driver; Nipper truck (when flat rack truck is used appropriate flat rack rate shall apply); Pickups; Skids (debris box, under 4 yds. water level); Team drivers; Trucks (dry pre-batch concrete mix, under 4 yds. water level); Helpers; Warehousemen	$ 7.795	1.195	.65	1.00	
BULK CEMENT SPREADER (w/wo auger, 4 yds. and under 6 yds. water level); Dump (4 yds. & under 6 yds. water Level); Dumpcrete (4 yds. & under 6 yds. water level); Dumpster (4 yds. & under 6 yds. water level); Skids (debris box, 4 yds. & under 6 yds. water level); Single unit flat rack (2 axle unit) Industrial Lift Truck (Mechanical Tailgate) Trucks (dry pre-batch concrete mix, 4 yds. & under 6 yds. water level)	7.89	1.195	.65	1.00	
JETTING TRUCK & WATER TRUCK (under 2,500 gals.)	7.905	1.195	.65	1.00	
LIFT JITNEYS, Fork lift	7.925	1.195	.65	1.00	
TRANSIT MIX, AGITATOR (under 6 yds.)	7.945	1.195	.65	1.00	
TRUCK REPAIRMAN HELPER	7.965	1.195	.65	1.00	

TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
VACUUM TRUCK (UNDER 3,500 gals)	$ 7.975	1.195	.65	1.00	
SCISSOR TRUCK; Single unit flat rack (3 axle unit); Industrial Lift Truck (Mechanical Tailgate); Small rubber tired tractor (when used within teamsters' jurisdiction)	7.99	1.195	.65	1.00	
JETTING TRUCK & WATER TRUCK (2,500 gals. under 4,000 gals.)	8.005	1.195	.65	1.00	
COMBINATION WINCH TRUCK WITH HOIST; Transit mix, agitator (6 yds. & under 8 yds.)	8.045	1.195	.65	1.00	
VACUUM TRUCK (3,500 gals. & under 5,500 gals.)	8.055	1.195	.65	1.00	
RUBBER-TIRED MUCK CAR (not self-loaded)	8.065	1.195	.65	1.00	
BULK CEMENT SPREADER (w/wo auger, 6 yds. & under 8 yds. water level) Dump (6 yds. & under 8 yds. water level); Dumpcrete (6 yds. & under 8 yds. water level); Dumpster (6 yds. & under 8 yds. water level); Skids (debris box, 6 yds. & under 8 yds. water level); Trucks (dry pre-batch concrete mix, 6 yds. & under 8 yds. water level)	8.09	1.195	.65	1.00	
A-FRAME, WINCH TRUCKS; Buggymobile Hydro-lift, Swedish crane type (jetting); Jetting & water truck (4,000 gals. & under 5,000 gals.); Rubber tired jumbo	8.105	1.195	.65	1.00	
HEAVY DUTY TRANSPORT (high bed)	8.11	1.195	.65	1.00	

TRUCK DRIVERS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ROSS HYSTER and SIMILAR STRADDLE CARRIER	$8.135	1.195	.65	1.00	
TRANSIT MIX AGITATOR (8 yds. through 10 yds.)	8.145	1.195	.65	1.00	
VACUUM TRUCK (5,500 gals. and under 7,500 gals.)	8.155	1.195	.65	1.00	
JETTING TRUCK and WATER TRUCK (5,000 gals. & under 7,000 gals.)	8.205	1.195	.65	1.00	
TRANSIT MIX AGITATOR (over 10 yds. through 12 yds.)	8.245	1.195	.65	1.00	
BULK CEMENT SPREADER (w/wo auger, 8 yds. and incl. 12 yds. water level); Dump (8 yds. and incl. 12 yds. water level); Dumpcrete (8 yds. and incl. 12 yds. water level); Self-propelled street sweeper with self-contained refuse bin; Skids (debris box, 8 yds. and incl. 12 yds. water level); Snow go and/or snow plow; Truck (dry pre-batch concrete mix, 8 yds. and incl. 12 yds. water level); Dumpster (8 yds. and incl. 12 yds. water level)	8.33	1.195	.65	1.00	
HEAVY DUTY TRANSPORT (gooseneck lowbed)	8.34	1.195	.65	1.00	
TRANSIT MIX AGITATOR (over 12 yds. through 14 yds.)	8.345	1.195	.65	1.00	
BULK CEMENT SPREADER (w/wo auger, over 12 yds. and incl. 18 yds. water level); Dump (over 12 yds. and incl. 18 yds. water level); Dumpcrete (over 12 yds. and incl. 18 yds. water level); Dumpster (over 12 yds. and incl. 18 yds. water level); Skids (debris box, over 12 yds. and incl. 18 yds. water level); Trucks (dry pre-batch concrete mix, over 12 yds. and incl. 18 yds. water level)	8.37	1.195	.65	1.00	

TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
P. B. OR SIMILAR TYPE SELF-LOADING TRUCK	$ 8.43	1.195	.65	1.00	
TRUCK REPAIRMAN	8.465	1.195	.65	1.00	
BULK CEMENT SPREADER (w/wo auger, over 18 yds. & incl. 24 yds. water level); Combination dump & dump trailer; Dump (over 18 yds. & incl. 24 yds. water level); Dumpcrete (over 18 yds. & incl. 24 yds. water level); Dumpster (over 18 yds. & incl. 24 yds. water level); Skid (debris box, over 18 yds. & incl. 24 yds. water level); Transit mix agitator (over 14 yds. through 16 yds.); Trucks (dry pre-batch concrete mix, over 17 yds. & incl. 24 yds. water level)	8.475	1.195	.65	1.00	
BULK CEMENT SPREADER (w/wo auger, over 24 yds. & incl. 35 yds. water level); Dump (over 24 yds. & incl. 35 yds. water level); Dumpcrete (over 24 yds. & incl. 35 yds. water level); Dumpster (over 24 yds. & incl. 35 yds. water level); DW 10's, 20's, 21's & other similar cat type, Terra Cobra, LeTourneau-puls, Tournorocker, Euclid & similar type equipment when pulling Aqua/Pak or water tank trailers & fuel and/or grease tank trailers or other misc. trailers; Skids (debris box, over 24 yds. & incl. 35 yds. water level); Truck (dry pre-batch concrete mix, over 24 yds. & incl. 35 yds. water level)	8.53	1.195	.65	1.00	

TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
BULK CEMENT SPREADER (w/wo auger, over 35 yds. & incl. 50 yds. water level); Dump (over 35 yds. & incl. 50 yds. water level); Dumpcrete (over 35 yds. & incl. 50 yds. water level); Dumpster (over 35 yds. & incl. 50 yds. water level); Skids (debris box, over 35 yds. & incl. 50 yds. water level); Trucks (dry pre-batch concrete mix, over 35 yds. & incl. 50 yds. water level)	$ 8.68	1.195	.65	1.00	
BULK CEMENT SPREADER (w/wo auger, over 50 yds. & under 65 yds. water level); Dump (over 50 yds. & under 65 yds. water level); Dumpcrete (over 50 yds. & under 65 yds. water level); Dumpster (over 50 yds. & under 65 yds. water level); Helicopter pilot (when transporting men or materials); Skids (debris box, over 50 yds. & under 65 yds. water level); Trucks (dry pre-batch concrete mix, over 50 yds. & under 65 yds. water level)	8.83	1.195	.65	1.00	
BULK CEMENT SPREADER (w/wo auger, over 65 yds. & incl. 80 yds. water level); Dump (65 yds. & incl. 80 yds. water level); Dumpcrete (65 yds. & incl. 80 yds. water level); Dumpster (65 yds. & incl. 80 yds. water level); Skids (debris box, 65 yds. & incl. 80 yds. water level); Trucks (dry pre-batch concrete mix, 65 yds. & incl. 80 yds. water level)	8.98	1.195	.65	1.00	
BULK CEMENT SPREADER (w/wo auger, over 80 yds. & incl. 95 yds. water level); Dump (over 80 yds. & incl. 95 yds. water level), Dumpcrete (over 80 yds. & incl. 95 yds. water level); Dumpster (over 80 yds. & incl. 95 yds. water level);					

TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Skids (debris box, over 80 yds. & incl. 95 yds. water level); Trucks (dry pre-batch concrete mix, over 80 yds. & incl. 95 yds. water level)	$9.13	1.195	.65	1.00	

LABORERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1:	$7.795	.80	$1.40	.90	.10
Group 1(a):	8.02	.80	1.40	.90	.10
Group 1(b):	7.845	.80	1.40	.90	.10
Group 1(c):	8.345	.80	1.40	.90	.10
Group 1(d):	7.995	.80	1.40	.90	.10
Group 2:	7.645	.80	1.40	.90	.10
Group 3:	7.545	.80	1.40	.90	.14
LABORERS (Gunnite)					
Group 1: Nozzleman (including Gunman; Potman); Rodman; Groundman	8.255	.80	1.40	.90	.10
Group 2: Reboundman	7.665	.80	1.40	.90	.10
Group 3: General Laborer	7.545	.80	1.40	.90	.10
LABORERS (Tunnel & Shaft Work)					
Group 1:	9.365	.80	1.40	.90	.10
Group 2:	9.055	.80	1.40	.90	.10
Group 3:	8.875	.80	1.40	.90	.10
Group 4:	8.755	.80	1.40	.90	.10
LABORERS (Wrecking Work)					
Group 1:	7.795	.80	1.40	.90	.10
Group 2:	7.645	.80	1.40	.90	.10
Group 3:	7.545	.80	1.40	.90	.10
POWER EQUIPMENT OPERATORS (Piledriving)					
Group 1:	8.38	$1.07*	1.78	.80	.24
Group 1(a):	8.71	1.07*	1.78	.80	.24
Group 1(b):	8.86	1.07*	1.78	.80	.24
Group 2:	9.49	1.07*	1.78	.80	.24
Group 2(a):	9.70	1.07*	1.78	.80	.24
Group 3:	10.00	1.07*	1.78	.80	.24
Group 3(a):	10.38	1.07*	1.78	.30	.24
Group 4:	10.93	1.07*	1.78	.80	.24
Group 5:	11.08	1.07*	1.78	.80	.24

*Includes $.20 per hour to Pensioned Health and Welfare Fund.

LABORERS

GROUP 1: Asphalt ironers and rakers; Barko, wacker and similar type tampers; Buggymobile; Chainsaw, faller, logloader and bucker; Compactors of all types; Concrete and magnesite mixer 1/2 yd. and under; Concrete pan work; Concrete saw; Concrete sander; Cribber and/or shoring; Cut granite curb setter; Form raisers; slip forms; Green cutters, Headerboardmen, hubsetters, aligners; Jackhammer Ops.; Jacking of pipe over 12 in.; Jackson and similar type compactors; Kettlemen, potmen and men applying asphalt, lay-Kold, creosote, lime, caustic and similar type materials; Lagging, sheeting, whaling, bracing, trench-jacking, hand-guided lagging hammer; Magnesite, epoxyresin, fiberglass, and mastic workers (wet or dry); Pavement breakers and spaders, incl. tool grinder; Pipelayers, caulkers, banders, pipewrappers, conduit layers, plastic pipelayers; Post hole diggers - air, gas and electric; Power broom sweepers; Power tampers of all types (except as shown in Group 2); Ram set gun and stud gun; Riprap-stonepaver and rock-slinger, incl. placing of sacked concrete and/or sand (wet or dry); Rotary scarifier, multiple head concrete chipper; Davis Trencher - 300 or similar type (and all small trenchers); Roto and ditch witch; Roto-tiller; Sandblasters, potman, gunman, nozzleman; Signalling and rigging; Tank cleaners; Tree climbers; Vibra-screed - bull float in connection with laborers' work; Vibrators; Dri-pak-it machine; High pressures blow pipe (1 1/2" or over, 100 lbs. pressure or over); Hydro seeder and similar type; Laser beam in connection with laborers' work

GROUP 1(a): Joy drill Model TWM-2A; Gardener-Denver Model DH143 and similar type drills; Track drillers; Jack Leg drillers; Diamond drillers; Wagon drillers; Mechanical drillers - all types regardless of type or method of power; Multiple unit drills; Blasters and powdermen; All work of loading, placing and blasting of all powder and explosives of whatever type regardless of method used for such loading and placing; High scalers (incl. drilling of same); Tree topper; Bit grinder

GROUP 1(b): Burning and Welding

GROUP 1(c): Laborers on general construction work on or in bell hole footings and shaft

GROUP 1(d): Contra Costa County Only: Pipelayers, Caulkers, Banders, Pipewrappers, Conduit Layers and Plastic pipelayers; Pressure pipe tester, no joint pipe & stripping of same, incl. repair of voids, Precast manhole setters, cast in place, manhole form setters

GROUP 2: Asphalt Shovelers; Cement dumpers and handling dry cement or gypsum; Choke-setter and rigger (clearing work); Concrete bucket dumper and chuteman; Concrete chipping and grinding; Concrete Laborers (wet or dry); Driller's helper; Chuck Tender; Nipper; Guinea Chaser (Stakeman); Grout Crew; High Pressure Nozzleman, adductors; Hydraulic Monitor (over 100 lbs. pressure); Loading and unloading, carrying and handling of all rods and materials for use in reinforcing concrete

LABORERS (Cont'd)

construction; Pittsburgh Chipper, and similar type brush shredders; Sloper; Singlefoot, hand held, pneumatic tamper; All pneumatic, air, gas, and electric tools; Jacking of pipe under 12 in.

GROUP 3: All cleanup work of debris, grounds and buildings incl. but not limited to street cleaners; Cleaning and washing windows; Construction Laborers incl. bridge and general laborers; Dumpman, load spotter; Fire watcher; Street cleaners; Gardeners, horticultural and landscape laborers; Jetting; Limbers; Brush loaders; Pilers, Maintenance landscape laborers on new construction; Maintenance, repair trackmen and road beds; Streetcar and railroad construction track laborers; Temporary air and water lines, Victaulic or similar; Tool room attendant; Fence erectors; Guardrail erectors; Pavement markers (button setters)

LABORERS (Tunnel and Shaft Work)

GROUP 1: Diamond Driller; Groundmen; Gunite or Shotcrete Nozzlemen; Rodmen; Shaft Work and Raise (below actual or excavated ground level)

GROUP 2: Bit Grinder; Blaster, Drillers, Powdermen-heading; Cherry Pickermen - where car is lifted; Concrete Finisher in Tunnel; Concrete Screed man; Grout Pumpman and Potman; Gunite and Shotcrete Gunmen and Potmen; Headermen; High Pressure Nozzleman; Miners - Tunnel, including top and bottom man on shaft and raise work; Nipper Nozzleman on slick line; Sandblaster-potman (work assignment interchangeable) Steel Form Raisers and Setters; Timberman, Retimberman - wood or steel or substitute materials therefore; Tugger

GROUP 3: Cabletender; Chucktender; Powderman-primer house; Vibratormen, Pavement Breakers

GROUP 4: Bull Gang - Muckers, Trackmen; Concrete Crew - includes rodding and spreading; Dumpmen (any method); Grout Crew; Reboundmen; Swamper

LABORERS (Wrecking Work)

GROUP 1: Skilled wrecker (Removing and salvaging of sash, windows, doors, plumbing and electric fixtures

GROUP 2: Semi-skilled wrecker (Salvaging of other building materials)

GROUP 3: General laborer (Includes all cleanup work, loading, lumber, loading and burning of debris)

POWER EQUIPMENT OPERATORS
(Piledriving)

GROUP 1: Assistant to Engineer (Fireman, Oiler, Deckhand)

GROUP 1-A: Compressor Operator

GROUP 1-B: Truck Crane Oiler

GROUP 2: Tugger Hoist (Hoisting Material Only)

GROUP 2-A: Compressor Operator (2-7); Generator (100 K.W. or Over); Pump (2-7); Welding Machine (2-7) (Powered Other Than By Electricity)

GROUP 3: Deck Engineer; Fork Lift; A-Frame; Self-propelled Boom Type Lifting Device

GROUP 3-A: Heavy Duty Repairman and/or Welder

GROUP 4: Operating Engineer in lieu of Assistant to Engineer Tending Boiler or Compressor Attached to Crane Piledriver; Operator of Piledriving Rigs, Skid or Floating and Derrick Barges; Operator of Diesel or Gasoline Powered Crane Piledriver (w/o boiler) up to and incl. 1 cu. yd.; Truck Crane, up to and incl. 25 tons hoisting material only

GROUP 5: Operator of Diesel or Gasoline Powered Crane Piledriver (w/o boiler) over 1 cu. yd.; Operator of Crane (w/steam, flash boiler, pump or compressor attached); Operator of Steam Powered Crawler or Universal Type Driver (Raymond or Similar Type); Truck Crane, over 25 tons hoisting material or performing piledriving work

POWER EQUIPMENT OPERATORS (Except Piledriving and Steel Erection)	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments				
			H & W	Pensions	Vacation	App. Tr.	Other
	AREA 1	AREA 2					
GROUP 1 :	$ 8.30	$ 9.70	$ 1.07*	$ 1.78	.80	.24	
GROUP 2 :	8.65	10.05	1.07*	1.78	.80	.24	
GROUP 3 :	8.86	10.26	1.07*	1.78	.80	.24	
GROUP 4 :	9.41	10.81	1.07*	1.78	.80	.24	
GROUP 5 :	9.62	11.02	1.07*	1.78	.80	.24	
GROUP 6 :	9.77	11.17	1.07*	1.78	.80	.24	
GROUP 7 :	9.92	11.32	1.07*	1.78	.80	.24	
GROUP 8 :	10.32	11.72	1.07*	1.78	.80	.24	
GROUP 9 :	10.54	11.94	1.07*	1.78	.80	.24	
GROUP 10 :	10.74	12.14	1.07*	1.78	.80	.24	
GROUP 10-A:	10.85	12.25	1.07*	1.78	.80	.24	
GROUP 11 :	11.02	12.42	1.07*	1.78	.80	.24	
GROUP 11-A:	12.09	13.49	1.07*	1.78	.80	.24	
GROUP 11-B:	12.37	13.77	1.07*	1.78	.80	.24	
GROUP 11-C:	12.66	14.06	1.07*	1.78	.80	.24	

* Includes $.20 per hour to Pensioned Health and Welfare Fund.

POWER EQUIPMENT OPERATORS (AREAS I & II)
(Except Piledriving and Steel Erection)

GROUP 1: Assistants to Engineers (Brakeman; Fireman; Heavy Duty Repairman Helper; Oiler; Deckhand; Signalman; Switchman; Tar Pot Fireman); Partsman (Heavy Duty Repair shop parts room)

GROUP 2: Compressor Op.; Concrete Mixer (up to and incl. 1 yd.); Conveyor Belt Operator (tunnel); Fireman Hot Plant; Hydraulic; Monitor; Mechanical Conveyor (handling building materials); Mixer Box Op. (concrete plant); Pump Operator; Spreader Boxman (with screeds); Tar Pot Fireman (power agitated)

GROUP 3: Box Operator (bunker); Helicopter Radioman (signalman); Motorman; Locomotive; Oiler; Rodman or Chainman; Ross Carrier (construction job site); Rotomist Operator; Screedman (except asphaltic concrete paving); Self-propelled, automatically applied concrete curing machine (on streets, highways, airports and canals); Trenching Machine (Maximum digging capacity 3 ft. depth); Tugger Hoist, single drum; Truck Crane Oiler

GROUP 4: Ballast Jack Tamper; Ballast Regulator; Ballast Tamper Multi-purpose; Boxman (asphalt plant); Elevator Op. (inside); Fork Lift or Lumber Stacker (construction job site); Line Master; Lubrication and Service Engineer (mobile and grease rack); Material Hoist (1 drum); Shuttlecar; Tie Spacer; Towermobile

GROUP 5: Compressor Op. (2 to 7); Concrete Mixers (over 1 yd.); Concrete Pumps or Pumpcrete Guns; Generators (100 K.W. or over); Grouting Machine; Press-weld (air-operated); Pumps (2 to 7); Welding Machines (powered other than by electricity) (2 to 7)

GROUP 6: BLH Lima Road Pactor or similar; Boom Truck or Dual Purpose A-Frame Truck; Concrete Batch Plants (wet or dry); Concrete Saws (self-propelled unit) on streets, highways, airports and canals; Drilling and Boring Machinery, vertical and horizontal (not to apply to waterliners, wagon drills or jack-hammers); Gradesetter, Grade Checker (mechanical or otherwise); Highline Cableway Signalman; Locomotives (steam or over 30 tons) Maginnis Internal Full Slab Vibrator (on airports, highways, canals and warehouses); Mechanical Finishers (concrete) (Clary, Johnson, Bidwell Bridge Deck or similar types); Mechanical Burm, Curb and/or Curb and Gutter Machine, concrete or asphalt; Portable Crusher; Post Driver (M-1500 and similar); Power Jumbo Operator (setting slip forms, etc. in tunnels); Roller; Screedman (Barber-Greene and similar) (asphaltic concrete paving); Self-propelled Compactor (single engine); Self-propelled Pipeline Wrapping Machine, Perault, CRC, or similar types); Slip Forms Pumps (lifting device for concrete forms); Small Rubber Tired Tractors; Surface Heater

GROUP 7: Concrete Conveyor or Concrete Pump, Truck or Equipment mounted (boom length to apply); Concrete Conveyor, building site; Deck Engineers; Dual Drum Mixer; Fuller Kenyon Pump and similar types; Gantry Rider (or similar); Hydra-Hammer (or similar); Instrument Man; Material Hoist (2 or more drums); Mechanical Finishers or Spreader Machine (asphalt, Barber-Greene and similar; Mine or Shaft Hoist; Mixermobile; Pavement Breaker with or without Compressor Combination; Pavement Breaker, Truck mounted with Compressor Combination; Pipe Bending Machine (pipelines only); Pipe Cleaning Machine (tractor propelled and supported); Pipe Wrapping Machine (tractor propelled and supported); Refrigeration Plant; Roller Operator (finish asphalt); Self-propelled boom type lifting device (center mount) (10 tons or less M.R.C); Self-propelled Elevating Grade Plane; Slusher Op.; Small Tractor (with boom) Soil Tester; Truck type Loader

GROUP 8: Amor-Coater (or similar); Asphalt Plant Engineer; Cast-in-place Pipe Laying Machine; Combination Slusher and Motor Op.; Concrete Batch Plant (multiple units); Dozer; Heading Shield Op.; Heavy Duty Repairman and/or Welder; Ken Seal Machine (or similar); Kolman Loader; Loader (up to 2 yds.); Mechanical Trench Shield; Portable Crushing and Screening Plants; Push Cat; Rubber Tired Earth-moving Equipment (up to and incl. 45 cu. yds. "struck" m.r.c., Euclids, T-Pulls, DW-10, 20, 21, and similar; Rubber Tired Dozer; Self-propelled Compactor with Dozer; Sheepfoot; Timber Skidder (Rubber tired or similar equipment); Tractor drawn Scraper; Tractor Trenching Machine; Tri-Batch Paver; Tunnel Mole Boring Machine; Welder; Woods-mixer (and other similar Pugmill equipment)

GROUP 9: Canal Finger Drain Digger; Chicago Boom; Combination Mixer and Compressor (gunite); Combination Slurry Mixer and/or Cleaner; Highline Cableway (5 tons and under); Lull Hi-Lift or similar (20 ft. or over); Mucking Machine (rubber tire, rail or track type); Tractor (with boom) (D-6 or larger and similar)

GROUP 10: Boom-type Backfilling Machine; Bridge Crane; Cary-Lift (or similar); Chemical Grouting Machine; Chief of Party; Combination Backhoe and Loader (up to and incl. 1/2 cu. yd. m.r.c.); Derrick (2 ops. required when swing engine remote from hoist); Derrick Barges (except excavation work); Do-Mor Loader; Adams Elegrader; Elevating Grader; Heavy Duty Rotary Drill Rig (incl. Caisson foundation work and Robbins type drills); Koehring Skooper (or similar); Lift Slab Machine (Vagtborg and similar types); Loader (2 yds. up to and incl. 4 yds.); Locomotive (over 100 tons) (single or multiple units); Multiple Engine Earthmoving Machine (Euclids, Dozers, etc.) (no tandem scraper); Pre-Stress Wire Wrapping Machine; Reservoir-Debris Tug (self-propelled floating); Rubber-tired Scraper, Self-loading(Paddle wheels, etc.); Shuttle Car (reclaim station); Single Engine Scraper over 45 yds.; Soil Stabilizer (P & H or equal); Sub-grader (Gurries or other automatic type); Tractor, Compressor Drill Combination; Track laying type earth moving machine (single engine with tandem scrapers); Train loading station; Vacuum Cooling Plant; Whirley Crane (up to and incl. 25 tons)

GROUP 10-A: Backhoe (hydraulic) (up to and incl. 1 cu. yd. m.r.c.); Backhoe (cable) (up to and incl. 1 cu. yd. m.r.c.); Combination Backhoe and Loader (over 1/2 cu. yd. m.r.c.); Continuous Flight Tie Back Auger (up to and incl. 1 cu. yd.) (crane attached); Cranes (not over 25 tons, hammerhead and gantry); Grade-alls (up to and incl. 1 cu. yd.); Power Shovels, Clamshells, Draglines, (up to and incl. 1 cu. yd. m.r.c.); Power Blade (single engine); Self-propelled Boom-type Lifting Device (center mount) (over 10 tons); Self-propelled Boom-type Lifting Device (center mount) (over 15 tons)

GROUP 11: Automatic Concrete Slip Form Paver; Automatic Railroad Car Dumper; Canal Finger Drain Backfiller; Canal Trimmer; Canal Trimmer w/ ditching attachments; Cranes (over 25 tons up to and incl. 125 tons); Continuous Flight Tie Back Auger over 1 cu. yd. (incl. crane); Drott Travelift 650-A-1 or similar (45 tons or over); Highline Cableway (Over 5 tons); Loader (over 4 yds., up to and incl. 12 cu. yds.); Power Blade (multi-engine); Power Shovels, Clamshells, Draglines, Backhoes, Grade-alls (over 1 yd. and up to and incl. 7 cu. yds. m.r.c.); Rubber-tired earth moving machines (multiple propulsion power units and two or more scrapers) (up to and incl. 75 cu. yds. "struck" m.r.c.); Self-propelled Compactor (with multiple propulsion power units); Single engine Rubber-tired Earthmoving Machines (with tandem scrapers); Slip Form Paver (concrete or asphalt); Tandem Cats; Tower Cranes Mobile; Trencher (pulling attached shield); Universal Liebher and Tower Cranes (and similar types); Wheel Excavator (up to and incl. 750 cu. yd. per hour); Whirley Crane (over 25 tons

GROUP 11-A: Band Wagons (in conjunction with Wheel Excavator); Cranes (over 125 tons); Loader (over 12 cu. yds.; up to and incl. 18 cu. yds.); Power Shovels and Draglines (over 7 cu. yds., m.r.c.); Rubber Tired Multi-Purpose Earth Moving Machines (2 units over 75 cu. yds. "struck" m.r.c.); Wheel excavator (over 750 cu. yds. per hour)

GROUP 11-B: Loader (over 18 cu. yds.)

GROUP 11-C: Operator of Helicopter (when used in erection work); Remote controlled earthmoving equipment

CALIFORNIA
AREA DEFINITIONS for
POWER EQUIPMENT OPERATORS

**AREA 2: All areas not included within Area 1 as defined below.

*AREA 1: All areas included in the description defined below which is based upon township and range lines of Areas 1 and 2.

Commencing in the Pacific Ocean on the extension of the Southerly line of Township 19S.
Thence Easterly along the Southerly line of Township 19S, crossing the Mt. Diablo meridian to the S.W. corner of township 19S, range 6E, Mt. Daiblo base line and meridian,
Thence Southerly to the S.W. corner of township 20S, range 6E,
Thence Easterly to the S.W. corner of township 20S, range 13E,
Thence Southerly to the S.W. corner of township 21S, range 13E,
Thence Easterly to the S.W. corner of township 21S, range 17E,
Thence Southerly to the S.W. corner of township 22S, range 17E,
Thence Easterly to the S.E. corner of township 22S, range 17E,
Thence Southerly to the S.W. corner of township 23S, range 18E,
Thence Easterly to the S.E. corner of township 23S, range 18E,
Thence Southerly to the S.W. corner of township 24S, range 19E, falling on the Southerly line of Kings County, thence Easterly along the Southerly boundary of Kings County and the Southerly boundary of Tulare County, to the S.E. corner of township 24S, range 29E,
Thence Northerly to the N.E. corner of township 21S, range 29E,
Thence Westerly to the N.W. corner of township 21S, range 29E,
Thence Northerly to the N.E. corner of township 13S, range 28E,
Thence Westerly to the N.W. corner of township 13S, range 28E,
Thence Northerly to the N.E. corner of township 11S, range 27E,
Thence Westerly to the N.W. corner of township 11S, range 27E,
Thence Northerly to the N.E. corner of township 10S, range 26E,
Thence Westerly to the N.W. corner of township 10S, range 26E,
Thence Northerly to the N.E. corner of township 9S, range 25E,
Thence Westerly to the N.W. corner of township 9S, range 25E,
Thence Northerly to the N.E. corner of township 8S, range 24E,
Thence Westerly to the N.W. corner of township 8S, range 24E,
Thence Northerly to the N.E. corner of township 6S, range 23E,
Thence Westerly to the S.E. corner of township 5S, range 19E,
Thence Northerly to the N.E. corner of township 5S, range 19E,
Thence Westerly to the N.W. corner of township 5S, range 19E,
Thence Northerly to the N.E. corner of township 3S, range 18E,
Thence Westerly to the N.W. corner of township 3S, range 18E,
Thence Northerly to the N.E. corner of township 2S, range 17E,
Thence Westerly to the N.W. corner of township 2S, range 17E,
Thence Northerly crosing the Mt. Diablo baseline to the N.E. corner of township 2N, range 16E,
Thence Westerly to the N.W. corner of township 2N, range 16E,
Thence Northerly to the N.E. corner of township 3N, range 15E,
Thence Westerly to the N.W. corner of township 3N, range 15E,
Thence Northerly to the N.E. corner of township 4N, range 14E,

CALIFORNIA
AREA DEFINITIONS for
POWER EQUIPMENT OPERATORS (cont'd)

*Area 1 (cont'd):
Thence Westerly to the N.W. corner of township 4N, range 14E,
Thence Northerly to the N.E. corner of township 5N, range 13E,
Thence Westerly to the N.W. corner of township 5N, range 13E,
Thence Northerly to the N.E. corner of township 10N, range 12E,
Thence Easterly to the S.E. corner of township 11N, range 14E,
Thence Northerly to the N.E. corner of township 11N, range 14E,
Thence Westerly to the N.E. corner of township 11N, range 10E,
Thence Northerly to the N.E. corner of township 15N, range 10E,
Thence Easterly to the S.E. cotner of township 16N, range 11E,
Thence Northerly to the N.E. corner of township 16N, range 11E,
Thence Easterly to the S.E. corner of township 17N, range 14E,
Thence Southerly to the S.W. corner of township 14N, range 15E,
Thence Easterly to the S.E. corner of township 14N, range 15E,
Thence Southerly to the S.W. corner of township 13N, range 16E,
Thence Easterly to the S.E. corner of township 13N, range 16E,
Thence Southerly to the S.W. corner of township 12N, range 17E,
Thence Easterly along the Southern line of township 12N to the Eastern boundary of the state of California,
Thence Northwesterly, thence Northerly along the Eastern boundary of the state of California to the N.E. corner of township 17N, range 18E,
Thence Westerly to the N.W. corner of township 17N, range 11E,
Thence Northerly to the N.E. corner of township 20N, range 10E,
Thence Westerly to the N.W. corner of township 20N, range 10E,
Thence Northerly to the N.E. corner of township 21N, range 9E,
Thence Westerly to the N.W. corner of township 21N, range 9E,
Thence Northerly to the N.E. corner of township 22N, range 8E,
Thence Westerly to the N.W. corner of township 22N, range 8E,
Thence Northerly to the S.W. corner of township 27N, range 8E,
Thence Easterly to the S.E. corner of township 27N, range 8E,
Thence Northerly to the N.E. corner of township 28N, range 8E,
Thence Westerly to the N.W. corner of township 28N, range 7E,
Thence Northerly to the N.E. corner ot township 30N, range 6E,
Thence Westerly to the N.W. corner of township 30N, range 1E,
Thence Northerly along the Mt. Diablo meridian to the N.E. corner of township 34N, range 1W,
Thence Westerly to the N.W. corner of township 34N, range 6W,
Thence Southerly to the N.E. corner of township 32N. range 7W,
Thence Westerly to the N.W. corner of township 32N, range 7W,
Thence Southerly to the S.W.corner of township 30N, range 7W,
Thence Easterly to the S.E. corner of township 30N, range 7W,
Thence Southerly to the S.W. corner of township 16N, range 6W,
Thence Easterly to the S.E. corner of township 16N, range 6W,
Thence Southerly to the S.W. corner of township 14N, range 5W,
Thence Westerly to the S.E. corner of township 14N, range 7W,
Thence Northerly to the N.E. corner of township 14N, range 7W,
Thence Westerly to the N.W. corner of township 14N, range 7W,
Thence Northerly to the N.E. corner of township 15N, range 8W,

CALIFORNIA
AREA DEFINITIONS for
POWER EQUIPMENT OPERATORS (cont'd)

*Area 1 (cont'd)
Thence Westerly to the S.E. corner of township 16N, range 12W,
Thence Northerly to the N.E. corner of township 16N, range 12W,
Thence Westerly to the N.W. corner of township 16N, range 12W,
Thence Northerly to the N.E. corner of township 18N, range 13W,
Thence Westerly to the N.W. corner of township 18N, range 14W,
Thence Southerly to the S.W. corner of township 18N, range 14W,
Thence Easterly to the S.E. corner of township 18N, range 14W,
Thence Southerly to the S.W. corner of township 16N, range 13W,
Thence Westerly to the N.W. corner of township 15N, range 14W,
Thence Southerly to the S.W. corner of township 14N, range 14W,
Thence Easterly to the S.E. corner of township 14N, range 14W,
Thence Southerly to the S.W. corner of township 13N, range 13W,
Thence Easterly to the S.E. corner of township 13N, range 13W,
Thence Southerly to the S.W. corner of township 11N, range 12W,
Thence Easterly to the S.E. corner of township 11N, range 12W,
Thence Southerly along the Eastern line of range 12W to the Pacific Ocean excluding that portion of Northern California within Santa Clara County included within the following line:
Commencing at the N.W. corner of township 6S, range 3E, Mt. Diablo baseline and Meridian:
Thence in a Southerly direction to the S.W. corner of township 7S, range 3E,
Thence in a Easterly direction to the S.E. corner of township 7S, range 4E,
Thence in a Northerly direction to the N.E. corner of township 6S, range 4E,
Thence in a Westerly direction to the N.W. corner of township 6S, range 3E, to the point of beginning which portion is a part of Area 2.
Area 1 also includes that portion of Northern California within the following lines:
Commencing in the Pacific Ocean on an extension of the Southerly line of township 2N, Humboldt baseline and meridian:
Thence Easterly along the Southerly line of township 2N to the S.W. corner of township 2N, range 1W,
Thence Southerly to the S.W. corner of township 1N, range 1W,
Thence Easterly along the Humboldt baseline to the S.W. corner of township 1N, range 2E,
Thence Southerly to the S.W. corner of township 2S, range 2E,
Thence Easterly to the S.E corner of township 2S, range 2E,
Thence Southerly to the S.W. corner of township 4S, range 3E,
Thence Easterly to the S.E. corner of township 4S, range 3E,
Thence Northerly to the N.E. corner of township 2S, range 3E,
Thence Westerly to the N.W. corner of township 2S, range 3E,
Thence Northerly crossing the Humboldt baseline to the S.W. corner of township 1N, range 3E,
Thence Easterly along the Humboldt baseline to the S.E. corner of township 1N, range 3E,
Thence Northerly to the N.E. corner of township 9N, range 3E,
Thence Westerly to the N.W. corner of township 9N, range 2E,
Thence Northerly to the N.E. corner of township 10N, 1E,

CALIFORNIA
AREA DEFINITIONS for
POWER EQUIPMENT OPERATORS (Cont'd)

*Area 1: (Cont'd)
Thence Westerly along the Northerly line to township 10N, into the Pacific Ocean.
Area 1 also includes that portion of Northern California included within the following line:
Commencing at the Northerly boundary of the State of California at the N.W. corner of township 48N, range 7W, Mt. Diablo baseline and meridian:
Thence Southerly to the S.W. corner of township 44N, range 7W,
Thence Easterly to the S.E. corner of township 44N, range 7W,
Thence Southerly to the S.W. corner of township 43N, range 6W,
Thence Easterly to the S.E. corner of township 43N, range 5W,
Thence Northerly to the N.E. corner of township 48N, range 5W, on the Northerly boundary of the State of California,
Thence Westerly along the Northerly boundary of the State of California to the point of beginning.

SUPERSEDEAS DECISION

STATE: California

COUNTIES: Alameda, Alpine, Amador, Calaveras, Contra Costa, Del Norte, El Dorado, Fresno, Humboldt, Marin, Mariposa, Merced, Monterey, Napa, Nevada, Placer, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Shasta, Solano, Sonoma, Sutter, Tehama, Tuolumne, Yolo and Yuba

DECISION NUMBER: CA76-5020

DATE: Date of Publication

Supersedes Decision No. CA75-5152 dated January 5, 1976, in 41 FR 952.

DESCRIPTION OF WORK: Residential Construction consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$ 12.15	.90	.87	$ 1.07	.06
BOILERMAKERS	10.85	.65	$ 1.00	.50	.02
BRICKLAYERS; Stonemasons:					
Del Norte, Humboldt, Marin, Napa, San Francisco, San Mateo, Solano and Sonoma Counties	10.02	.90	.58	1.00	
Alameda and Contra Costa Cos.	11.15	.95	.95		.20
Fresno, Mariposa and Merced Cos.	10.24	.66	1.00		
El Dorado, Nevada, Placer, Sacramento, Shasta, Sutter, Tehama, Yolo and Yuba Counties	10.85	.73	.92		.22
Monterey and Santa Cruz Counties	10.75	.93	1.10	.75	
San Benito and Santa Clara Cos.	10.15	.85	.95		.15
Alpine, Amador, Calaveras, San Joaquin and Tuolumne Counties	10.30	.55	.60	1.00	
BRICK TENDERS:					
Alameda and Contra Costa Cos.	7.70	.55	.95		.10
Marin County	6.90	.65	.50	.65	
Napa County	5.90	.65	1.35	.80	
San Benito, Santa Clara and Santa Cruz Counties	8.61	.70	.90		
San Francisco and San Mateo Cos.	10.00	.50	.65		
Shasta and Tehama Counties	5.65	.65	1.35	.80	
Alpine, Amador, El Dorado, Nevada, Placer, Sacramento and Yolo Counties	8.80	.80	1.40		
Fresno County	8.60	.80	1.40		
CARPENTERS:					
Carpenters	11.00	.84	1.26	.75	.06
Hardwood Floor Layers; Power Saw Operators; Saw Filers; Shinglers; Steel Scaffold Erectors and/or Steel Shoring Erectors	11.15	.84	1.26	.75	.06
Millwrights	11.50	.84	1.26	.75	.06
Piledrivermen, bridge, wharf and dock builders	11.13	.82	1.26	.75	.06

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CEMENT MASONS:					
Cement Masons	$9.46	1.02	1.35	1.25	.05
Mastic; Magnesite; All Composition Masons	9.71	1.02	1.35	1.25	.05
Men Working from swinging or slip form scaffolds	9.71	1.02	1.35	1.25	.05
DRYWALL INSTALLERS	11.27	.84	1.26	.75	.07
ELECTRICIANS:					
Alameda County					
Electricians	11.41	.70	1%+.50		.03
Cable Splicers	12.84	.70	1%+.50		.03
Amador, Sacramento, Sutter, Yolo, Yuba and those portions of Alpine, El Dorado, Nevada and Placer Counties West of the Main Sierra Mountain Watershed					
Electricians	11.21	.73	1%+.75		.045
Cable Splicers	12.33	.73	1%+.75		.045
Lake Tahoe Area					
Electricians	10.34	.53	1%+.55		.03
Cable Splicers	11.37	.53	1%+.55		.03
Shasta and Tehama Counties					
Electricians (Family residences, limited to 3 stories)	7.08	.60	1%+.40		.005
Electricians (4 stories):					
Electricians	11.07	.75	1%+.505		.02
Cable Splicers	12.18	.75	1%+.505		.02
Calaveras and San Joaquin Cos.					
Electricians	11.00	.78	1%+.89		1%
Cable Splicers	12.38	.78	1%+.89		1%
Contra Costa County					
Electricians	11.95	.70	1%+.50		
Cable Splicers	13.20	.70	1%+.50		
Del Norte and Humboldt Counties					
Electricians	9.50	.47	1%+1.35		.02
Cable Splicers	10.26	.47	1%+1.35		.02

DECISION NO. CA76-5020

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS: (Cont'd)					
Fresno County					
Electricians (Family residences, not to exceed 2 stories)	$7.75	.60	1%+.95		.05
Electricians (3-4 stories):					
Electricians	10.01	.60	1%+.95		.05
Cable Splicers	11.41	.60	1%+.95		.05
Marin and Sonoma Counties					
Electricians	11.75	.61	1%+.30		.02
Cable Splicers	12.93	.61	1%+.30		.02
Mariposa, Merced and Tuolumne Counties					
Electricians	9.83	.62	1%		1%
Cable Splicers	10.81	.62	1%		1%
Monterey County					
Electricians	12.50	.70	1%		.01
Cable Splicers	13.81	.70	1%		.01
Napa and Solano Counties					
Electricians	9.67	.58	1%+.60		.04
Cable Splicers	10.17	.58	1%+.60		.04
San Benito, Santa Clara and Santa Cruz Counties					
Electricians	12.10	.62	1%+.60		.05
Cable Splicers	13.61	.62	1%+.60		.05
San Francisco County					
Electricians	10.67	.705	1%+.50		.04
Cable Splicers	12.00	.705	1%+.50		.04
San Mateo County					
Electricians	11.77	.82	1%+.50		.03
ELEVATOR CONSTRUCTORS	10.70	.445	.29	3%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.445	.29	3%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS:					
Alameda, Contra Costs, Marin, Monterey, Napa, San Benito, San Francisco, San Mateo, Santa Clara, Santa Cruz, Solano, (SW from E of Fairfield), Sonoma Counties	10.47	.77	1.13		.02

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
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
LATHERS:					
Alameda and Contra Costa Cos.	9.81	.74	.715		.025
Humboldt, Nevada, Placer, Shasta and Tehama Counties	10.10	.48	.50		.01
Amador, El Dorado, Sacramento and Yolo Counties	8.40	.40	.95	1.00	
Calaveras and San Joaquin Cos.	9.90	.58	.55		.01
Marin and Sonoma Counties	9.01	.87	.85	1.00	1/8c
Monterey and Santa Cruz Counties	10.37	.58	.50	.95	.01
Napa and Solano Counties	8.88	.65	.40		.01
San Francisco and N 1/2 of San Mateo County	11.63	.46	.65	1.00	.01
San Benito and Santa Clara Cos.	10.14	.73	.75		
Fresno County	10.83	.35	.45		
Mariposa, Merced and Tuolumne Counties	9.75				.01
Southern half of San Mateo Co.	10.03	.32	1.00		
PAINTERS:					
Alpine, Amador, Calaveras and San Joaquin Counties					
Brush	8.92	.70	1.45	1.00	
Spray; Sheetrock Tapers; Swing Stage; Scaffold; Sandblaster; Structural Steel	9.32	.70	1.45	1.00	
Fresno County					
Brush; Tapers	10.22	.40	.20		
Spray; Structural Steel	10.47	.40	.20		
Monterey, San Benito, San Mateo, Santa Clara and Santa Cruz Cos. (excluding portions of the Lake Tahoe Area)					
Brush	10.75	.89	.90	.80	.03
Spray	11.00	.89	.90	.80	.03
Tapers	11.30	.89	.90	.80	.03

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS: (Cont'd)					
Lake Tahoe Area					
Brush	$10.50	.70	.20		
Spray; Structural Steel; Tapers	10.75	.70	.20		
Marin, San Francisco and Sonoma Counties					
Brush	10.50	.89	.90	.80	.03
Spray	10.75	.89	.90	.80	.03
Tapers	11.45	.89	.90	.80	.03
Alameda, Contra Costa, El Dorado Napa, Nevada, Placer, Sacramento Solano and Yolo Counties (excluding portions of Counties in the Lake Tahoe Area)					
Brush	10.65	.89	.90	.80	.03
Spray	10.90	.89	.90	.80	.03
Tapers	11.45	.89	.90	.80	.03
PLASTERERS:					
Alameda and Contra Costa Counties	10.10	.745	1.05		.03
Sutter and Yuba Counties	9.79	.56	1.00		
Fresno County	8.99	.76	1.25	1.00	.01
Monterey County	10.60	.71	.35		.01
El Dorado, Nevada, Placer, Sacramento, and Yolo Counties	9.79	.56	1.00		
San Francisco County	11.20	.75	1.60		.03
San Mateo County	7.72	.48	.90	1.50	.025
Del Norte, Humboldt, Marin, Napa, Shasta, Solano, Sonoma and Tehama Counties	9.35	.73	.50	1.00	.01
Mariposa, Merced and Tuolumne Counties	8.50	.70	1.40	1.00	
PLASTERERS' TENDERS:					
Alameda and Contra Costa Counties	8.87	.60	1.10		
Fresno County	8.65	.80	1.40		
Marin County	6.66	.65	.65	1.00	
Napa County	7.95	.80		.90	
Alpine, Amador, El Dorado, Nevada, Placer, Sacramento and Yolo Counties	7.455	.455	1.40	.80	
Calaveras and San Joaquin Cos.	8.43	.80	1.40	.90	

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLASTERERS' TENDERS: (Cont'd)					
Monterey County	$ 8.90	.80	1.40		
PLUMBERS:					
Alameda County	13.10	.83	1.55		.12
Contra Costa County	12.72	.90	1.72		.20
Del Norte and Humboldt Counties	11.49	.61	1.12		.05
PLUMBERS; Steamfitters:					
Amador (Northen half of County), El Dorado, Sacramento, Yolo, Nevada, Placer (excluding Lake Tahoe Area)	12.58	.92	1.35		.11
Lake Tahoe Area	10.99	.58	.60	1.95	.10
Marin, San Francisco and Sonoma Counties	11.015	1.70	1.15	1.11	.15
San Benito and Santa Clara Cos.	13.03	.82	1.65		.14
San Mateo County	11.04	.95	1.65	1.20	.25
Alpine, Amador (Southern portion of County), Calaveras, Fresno, Mariposa, Merced, Monterey, San Joaquin, Santa Cruz, Shasta, Sutter, Tehama, Tuolumne and Yuba Counties	12.10	1.15	1.74		.10
Napa and Solano Counties	11.85	.77	1.40		.12
ROOFERS:					
Alameda and Contra Costa Counties					
Roofers	10.19	.92	1.10	.60	.04
Mastic workers; Kettlemen (2 kettles w/o pumps)	10.44	.92	1.10	.60	.04
Bitumastic; Enamelers; Pipe-wrapper; Coal tar built up	11.19	.92	1.10	.60	.04
Alpine, Calaveras, Mariposa, Merced, San Joaquin and Tuolumne Counties					
Roofers (slate, tile composition and built up)	10.29	.85	.55		
Felt Machine Operator	10.44	.85	.55		
El Dorado, Placer, Shasta, Sutter and Yuba Counties					
Roofers	10.14	.95	.40		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS (CONT'd):					
Fresno County					
Roofers	$10.60	.50	.50		
Marin, Napa, Solano and Sonoma Counties					
Roofers	9.63	.65	1.10	1.43	.04
Mastic Workers; Kettlemen (2 kettles w/o pump)	9.88	.65	1.10	1.43	.04
Bitumastic;Enamelers; Pipe-wrappers; Coal Tar Pitch	10.63	.65	1.10	1.43	.04
Del Norte and Humboldt Counties					
Roofers	9.32	.40	.75	.35	
Monterey and Santa Cruz Counties					
Roofers	9.05	.60	.80	1.00	
San Francisco and San Mateo Cos.					
Roofers	10.23	.50	1.10	.95	.04
Mastic Workers and Kettmen (2 kettles) w/o pumps	10.48	.50	1.10	.95	.04
Bitumastic; Enamelers; Pipe-wrappers; Coal Tar	11.23	.50	1.10	.95	.04
Amador, Sacramento and Yolo Cos.					
Roofers	9.36	.82	1.10	1.00	.04
Enamelers and Pitch	10.36	.82	1.10	1.00	.04
San Benito and Santa Clara Cos.					
Roofers; Kettleman (1 kettle)	8.51	.61	1.03		
SHEET METAL WORKERS:					
Alameda, Contra Costa, Napa and Solano Counties	10.84	1.60	1.40	12%	.04
Alpine, Calaveras and San Joaquin Counties	11.13	.60	1.10		.02
Amador, Eldorado, Nevada, Placer, Sacramento, Shasta, Sutter, Tehama, Yolo and Yuba Counties	10.33	.60	1.30		.09
Fresno County	8.05	.38	.69	.80	.07
Mariposa, Merced and Tuolumne Counties	11.14	.60	1.10		.06
Monterey, San Benito, Santa Clara and Santa Cruz Counties	10.60	.60	1.66	1.06	
San Mateo County	11.76	.48	1.61		.12
Del Norte, Humboldt, Marin, San Francisco and Sonoma Counties	11.98	.61	1.50		10%

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
SOFT FLOOR LAYERS:					
Alpine, Amador, Calaveras, Merced (East of the San Joaquin River), San Joaquin, Shasta, Sacramento, Sutter, Tehama, Tuolumne, Yolo and Yuba Counties; and those portions of El Dorado, Nevada and Placer Counties (excluding Lake Tahoe Area)	$9.44	.64	1.00	1.00	.09
Lake Tahoe Area	$10.05	.70	.20		
SPRINKLER FITTERS:					
Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano and Sonoma Counties	14.56	.50	.80		.09
Remaining Counties	13.72	.50	.80		.08
STEAMFITTERS:					
Alameda and Contra Costa Counties	12.95	.90	1.75		.12
Del Norte and Humboldt Counties	11.80	.61	1.12	1.06	.05
TERRAZZO WORKERS:					
Alameda, Contra Costa, Del Norte, Humboldt, Marin, Napa, San Francisco, San Mateo, Solano and Sonoma Counties	8.78	.85	.58	1.00	
El Dorado, Nevada, Placer, Sacramento, Shasta, Sutter, Tehama, Yolo and Yuba Counties	10.85	.73	.92		.22
TILE SETTERS:					
Alameda, Contra Costa, Del Norte, El Dorado, Humboldt, Marin, Napa, Nevada, Placer, Sacramento, San Benito, San Francisco, San Mateo, Santa Clara, Shasta, Solano, Sonoma, Sutter, Tehama, Yolo and Yuba Counties	10.10	.78	.90	.90	.025
Alpine, Amador, Calaveras, San Joaquin and Tuolumne Counties	9.17	.55	.30	1.00	
Fresno, Mariposa and Merced Cos.	9.77	.40	.35		
Monterey and Santa Cruz Counties	9.72	.845	.73	.87	

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTE:

a. Employer contributes 4% of basic hourly rate for over 5 years' service and 2% of basic hourly rate for 6 months to 5 years as Vacation Pay Credit. Six Paid Holidays: A through F.

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
BULK CEMENT SPREADER (w/wo auger, under 4 yds. water level); Bus or manhaul driver, Concrete pump machine; Concrete pump truck (when flat rack truck is used appropriate flat rack rate shall apply); Dump (under 4 yds. water level); Dumpcrete truck (under 4 yds. water level); Dumpster (under 4 yds. water level); Escort or pilot car driver; Nipper truck (when flat rack truck is used appropriate flat rack rate shall apply); Pickups; Skids (debris box, under 4 yds. water level); Team drivers; Trucks (dry pre-batch concrete mix, under 4 yds. water level); Helpers; Warehousemen	$ 7.795	1.195	.65	1.00	
BULK CEMENT SPREADER (w/wo auger, 4 yds. and under 6 yds. water level); Dump (4 yds. & under 6 yds. water level); Dumpcrete (4 yds. & under 6 yds. water level); Dumpster (4 yds. & under 6 yds. water level); Skids (debris box, 4 yds. & under 6 yds. water level); Single unit flat rack (2 axle unit) Industrial Lift Truck (Mechanical Tailgate) Trucks (dry pre-batch concrete mix, 4 yds. & under 6 yds. water level)	7.89	1.195	.65	1.00	
JETTING TRUCK & WATER TRUCK (under 2,500 gals.)	7.905	1.195	.65	1.00	
LIFT JITNEYS, Fork lift	7.925	1.195	.65	1.00	
TRANSIT MIX, AGITATOR (under 6 yds.)	7.945	1.195	.65	1.00	
TRUCK REPAIRMAN HELPER	7.965	1.195	.65	1.00	

TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
VACUUM TRUCK (UNDER 3,500 gals)	7.975	1.195	.65	1.00	
SCISSOR TRUCK; Single unit flat rack (3 axle unit); Industrial Lift Truck (Mechanical Tailgate); Small rubber tired tractor (when used within teamsters' jurisdiction)	7.99	1.195	.65	1.00	
JETTING TRUCK & WATER TRUCK (2,500 gals. under 4,000 gals.)	8.005	1.195	.65	1.00	
COMBINATION WINCH TRUCK WITH HOIST; Transit mix, agitator (6 yds. & under 8 yds.)	8.045	1.195	.65	1.00	
VACUUM TRUCK (3,500 gals. & under 5,500 gals.)	8.055	1.195	.65	1.00	
RUBBER-TIRED MUCK CAR (not self-loaded)	8.065	1.195	.65	1.00	
BULK CEMENT SPREADER (w/wo auger, 6 yds. & under 8 yds. water level); Dump (6 yds. & under 8 yds. water level); Dumpcrete (6 yds. & under 8 yds. water level); Dumpster (6 yds. & under 8 yds. water level); Skids (debris box, 6 yds. & under 8 yds. water level); Trucks (dry pre-batch concrete mix, 6 yds. & under 8 yds. water level)	8.09	1.195	.65	1.00	
A-FRAME, WINCH TRUCKS; Buggymobile Hydro-lift, Swedish crane type (jetting); Jetting & water truck (4,000 gals. & under 5,000 gals.); Rubber tired jumbo	8.105	1.195	.65	1.00	
HEAVY DUTY TRANSPORT (high bed)	8.11	1.195	.65	1.00	

TRUCK DRIVERS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ROSS HYSTER and SIMILAR STRADDLE CARRIER	$8.135	1.195	.65	1.00	
TRANSIT MIX AGITATOR (8 yds. through 10 yds.)	8.145	1.195	.65	1.00	
VACUUM TRUCK (5,500 gals. and under 7,500 gals.)	8.155	1.195	.65	1.00	
JETTING TRUCK and WATER TRUCK (5,000 gals. & under 7,000 gals.)	8.205	1.195	.65	1.00	
TRANSIT MIX AGITATOR (over 10 yds. through 12 yds.)	8.245	1.195	.65	1.00	
BULK CEMENT SPREADER (w/wo auger, 8 yds. and incl. 12 yds. water level); Dump (8 yds. and incl. 12 yds. water level); Dumpcrete (8 yds. and incl. 12 yds. water level); Self-propelled street sweeper with self-contained refuse bin; Skids (debris box, 8 yds. and incl. 12 yds. water level); Snow go and/or snow plow; Truck (dry pre-batch concrete mix, 8 yds. and incl. 12 yds. water level); Dumpster (8 yds. and incl. 12 yds. water level)	8.33	1.195	.65	1.00	
HEAVY DUTY TRANSPORT (gooseneck lowbed)	8.34	1.195	.65	1.00	
TRANSIT MIX AGITATOR (over 12 yds. through 14 yds.)	8.345	1.195	.65	1.00	
BULK CEMENT SPREADER (w/wo auger, over 12 yds. and incl. 18 yds. water level); Dump (over 12 yds. and incl. 18 yds. water level); Dumpcrete (over 12 yds. and incl. 18 yds. water level); Dumpster (over 12 yds. and incl. 18 yds. water level); Skids (debris box, over 12 yds. and incl. 18 yds. water level); Trucks (dry pre-batch concrete mix, over 12 yds. and incl. 18 yds. water level)	8.37	1.195	.65	1.00	

TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
P. B. OR SIMILAR TYPE SELF-LOADING TRUCK	$ 8.43	1.195	.65	1.00	
TRUCK REPAIRMAN	8.465	1.195	.65	1.00	
BULK CEMENT SPREADER (w/wo auger, over 18 yds. & incl. 24 yds. water level); Combination dump & dump trailer; Dump (over 18 yds. & incl. 24 yds. water level); Dumpcrete (over 18 yds. & incl. 24 yds. water level); Dumpster (over 18 yds. & incl. 24 yds. water level); Skid (debris box, over 18 yds. & incl. 24 yds. water level); Transit mix agitator (over 14 yds. through 16 yds.); Trucks (dry pre-batch concrete mix, over 17 yds. & incl. 24 yds. water level)	8.475	1.195	.65	1.00	
BULK CEMENT SPREADER (w/wo auger, over 24 yds. & incl. 35 yds. water level); Dump (over 24 yds. & incl. 35 yds. water level); Dumpcrete (over 24 yds. & incl. 35 yds. water level); Dumpster (over 24 yds. & incl. 35 yds. water level); DW 10's, 20's, 21's & other similar cat type, Terra Cobra, LeTourneau-puls, Tournorocker, Euclid & similar type equipment when pulling Aqua/Pak or water tank trailers & fuel and/or grease tank trailers or other misc. trailers; Skids (debris box, over 24 yds. & incl. 35 yds. water level); Truck (dry pre-batch concrete mix, over 24 yds. & incl. 35 yds. water level)	8.53	1.195	.65	1.00	

TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
BULK CEMENT SPREADER (w/wo auger, over 35 yds. & incl. 50 yds. water level); Dump (over 35 yds. & incl. 50 yds. water level); Dumpcrete (over 35 yds. & incl. 50 yds. water level); Dumpster (over 35 yds. & incl. 50 yds. water level); Skids (debris box, over 35 yds. & incl. 50 yds. water level); Trucks (dry pre-batch concrete mix, over 35 yds. & incl. 50 yds. water level)	$ 8.68	1.195	.65	1.00	
BULK CEMENT SPREADER (w/wo auger, over 50 yds. & under 65 yds. water level); Dump (over 50 yds. & under 65 yds. water level); Dumpcrete (over 50 yds. & under 65 yds. water level); Dumpster (over 50 yds. & under 65 yds. water level); Helicopter pilot (when transporting men or materials); Skids (debris box, over 50 yds. & under 65 yds. water level); Trucks (dry pre-batch concrete mix, over 50 yds. & under 65 yds. water level)	8.83	1.195	.65	1.00	
BULK CEMENT SPREADER (w/wo auger, over 65 yds. & incl. 80 yds. water level); Dump (65 yds. & incl. 80 yds. water level); Dumpcrete (65 yds. & incl. 80 yds. water level); Dumpster (65 yds. & incl. 80 yds. water level); Skids (debris box, 65 yds. & incl. 80 yds. water level); Trucks (dry pre-batch concrete mix, 65 yds. & incl. 80 yds. water level)	8.98	1.195	.65	1.00	
BULK CEMENT SPREADER (w/wo auger, over 80 yds. & incl. 95 yds. water level); Dump (over 80 yds. & incl. 95 yds. water level), Dumpcrete (over 80 yds. & incl. 95 yds. water level); Dumpster (over 80 yds. & incl. 95 yds. water level);					

TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Skids (debris box, over 80 yds. & incl. 95 yds. water level); Trucks (dry pre-batch concrete mix, over 80 yds. & incl. 95 yds. water level)	$9.13	1.195	.65	1.00	

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS					
GROUP 1:	$7.795	.80	1.40	.90	.10
GROUP 1(a):	8.02	.80	1.40	.90	.10
GROUP 1(b):	7.845	.80	1.40	.90	.10
GROUP 1(c):	8.345	.80	1.40	.90	.10
GROUP 1(d):	7.995	.80	1.40	.90	.10
GROUP 2:	7.645	.80	1.40	.90	.10
GROUP 3:	7.545	.80	1.40	.90	.10
LABORERS (Gunite)					
GROUP 1:	8.255	.80	1.40	.90	.10
GROUP 2:	7.665	.80	1.40	.90	.10
GROUP 3:	7.545	.80	1.40	.90	.10

LABORERS

GROUP 1: Asphalt ironers and rakers; Barko, wacker and similar type tampers; Buggymobile; Chainsaw, faller, logloader and bucker; Compactors of all types; Concrete and magnesite mixer 1/2 yd. and under; Concrete pan work; Concrete saw; Concrete sander; Cribber and/or shoring; Cut granite curb setter; Form raisers; slip forms; Green cutters, Headerboardmen, hubsetters, aligners; Jackhammer Ops.; Jacking of pipe over 12 in.; Jackson and similar type compactors; Kettlemen, potmen and men applying asphalt, lay-Kold, creosote, lime, caustic and similar type materials; Lagging, sheeting, whaling, bracing, trench-jacking, hand-guided lagging hammer; Magnesite, epoxyresin, fiberglass, and mastic workers (wet or dry); Pavement breakers and spaders, incl. tool grinder; Pipelayers, caulkers, banders, pipewrappers, conduit layers, plastic pipelayers; Post hole diggers - air, gas and electric; Power broom sweepers; Power tampers of all types (except as shown in Group 2); Ram set gun and stud gun; Riprap-stonepaver and rock-slinger, incl. placing of sacked concrete and/or sand (wet or dry); Rotary scarifier, multiple head concrete chipper; Davis Trencher - 300 or similar type (and all small trenchers); Roto and ditch witch; Rototiller; Sandblasters, potman, gunman, nozzleman; Signalling and rigging; Tank cleaners; Tree climbers; Vibra-screed - bull float in connection with laborers' work; Vibrators; Dri-pak-it machine; High pressures blow pipe (1 1/2" or over, 100 lbs. pressure or over); Hydro seeder and similar type; Laser beam in connection with laborers' work

GROUP 1(a): Joy drill Model TWM-2A; Gardener-Denver Model DH143 and similar type drills; Track drillers; Jack Leg drillers; Diamond drillers; Wagon drillers; Mechanical drillers - all types regardless of type or method of power; Multiple unit drills; Blasters and powdermen; All work of loading, placing and blasting of all powder and explosives of whatever type regardless of method used for such loading and placing; High scalers (incl. drilling of same); Tree topper; Bit grinder

GROUP 1(b): Burning and Welding

GROUP 1(c): Laborers on general construction work on or in bell hole footings and shaft

GROUP 1(d): Contra Costa County Only: Pipelayers, Caulkers, Banders, Pipewrappers, Conduit Layers and Plastic pipelayers; Pressure pipe tester, no joint pipe & stripping of same, incl. repair of voids, Precast manhole setters, cast in place, manhole form setters

GROUP 2: Asphalt Shovelers; Cement dumpers and handling dry cement or gypsum; Choke-setter and rigger (clearing work); Concrete bucket dumper and chuteman; Concrete chipping and grinding; Concrete Laborers (wet or dry); Driller's helper; Chuck Tender; Nipper; Guinea Chaser (Stakeman); Grout Crew; High Pressure Nozzleman, adductors; Hydraulic Monitor (over 100 lbs. pressure); Loading and unloading, carrying and handling of all rods and materials for use in reinforcing concrete

LABORERS (Cont'd)

construction; Pittsburgh Chipper, and similar type brush shredders; Sloper; Singlefoot, hand held, pneumatic tamper; All pneumatic, air, gas, and electric tools; Jacking of pipe under 12 in.

GROUP 3: All cleanup work of debris, grounds and buildings incl. but not limited to street cleaners; Cleaning and washing windows; Construction laborers incl. bridge and general laborers; Dumpman, load spotter; Fire watcher; Street cleaners; Gardeners, horticultural and landscape laborers; Jetting; Limbers; Brush loaders; Pilers, maintenance landscape laborers on new construction; Maintenance, repair trackmen and road beds; Streetcar and railroad construction track laborers; Temporary air and water lines, Victaulic or similar; Tool room attendant; Fence erectors; Guardrail erectors; Pavement markers (button setters)

LABORERS (Gunite)

GROUP 1: Nozzleman (incl. Gunman, Potman); Rodmen; Groundman.

GROUP 2: Reboundman

GROUP 3: General laborers

POWER EQUIPMENT OPERATORS (Except Piledriving and Steel Erection)	Basic Hourly Rates AREA 1	Basic Hourly Rates AREA 2	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Group 1:	$8.30	$9.70	$1.07*	$1.78	.80	.24
Group 2:	8.65	10.05	1.07*	1.78	.80	.24
Group 3:	8.86	10.26	1.07*	1.78	.80	.24
Group 4:	9.41	10.81	1.07*	1.78	.80	.24
Group 5:	9.62	11.02	1.07*	1.78	.80	.24
Group 6:	9.77	11.17	1.07*	1.78	.80	.24
Group 7:	9.92	11.32	1.07*	1.78	.80	.24
Group 8:	10.32	11.72	1.07*	1.78	.80	.24
Group 9:	10.54	11.94	1.07*	1.78	.80	.24
Group 10:	10.74	12.14	1.07*	1.78	.80	.24
Group 10-A:	10.85	12.25	1.07*	1.78	.80	.24
Group 11:	11.02	12.42	1.07*	1.78	.80	.24
Group 11-A:	12.09	13.49	1.07*	1.78	.80	.24
Group 11-B:	12.37	13.77	1.07*	1.78	.80	.24
Group 11-C:	12.66	14.06	1.07*	1.78	.80	.24

*Includes $.20 per hour to Pensioned Health and Welfare Fund.

POWER EQUIPMENT OPERATORS (AREAS I & II)
(Except Piledriving and Steel Erection)

GROUP 1: Assistants to Engineers (Brakeman; Fireman; Heavy Duty Repairman Helper; Oiler; Deckhand; Signalman; Switchman; Tar Pot Fireman); Partsman (Heavy Duty Repair shop parts room)

GROUP 2: Compressor Op.; Concrete Mixer (up to and incl. 1 yd.); Conveyor Belt Operator (tunnel); Fireman Hot Plant; Hydraulic; Monitor; Mechanical Conveyor (handling building materials); Mixer Box Op. (concrete plant); Pump Operator; Spreader Boxman (with screeds); Tar Pot Fireman (power agitated)

GROUP 3: Box Operator (bunker); Helicopter Radioman (signalman); Motorman; Locomotive; Oiler; Rodman or Chainman; Ross Carrier (construction job site); Rotomist Operator; Screedman (except asphaltic concrete paving); Self-propelled, automatically applied concrete curing machine (on streets, highways, airports and canals); Trenching Machine (Maximum digging capacity 3 ft. depth); Tugger Hoist, single drum; Truck Crane Oiler

GROUP 4: Ballast Jack Tamper; Ballast Regulator; Ballast Tamper Multi-purpose; Boxman (asphalt plant); Elevator Op. (inside); Fork Lift or Lumber Stacker (construction job site); Line Master; Lubrication and Service Engineer (mobile and grease rack); Material Hoist (1 drum); Shuttlecar; Tie Spacer; Towermobile

GROUP 5: Compressor Op. (2 to 7); Concrete Mixers (over 1 yd.); Concrete Pumps or Pumpcrete Guns; Generators (100 K.W. or over); Grouting Machine; Press-weld (air-operated); Pumps (2 to 7); Welding Machines (powered other than by electricity) (2 to 7)

GROUP 6: BLH Lima Road Pactor or similar; Boom Truck or Dual Purpose A-Frame Truck; Concrete Batch Plants (wet or dry); Concrete Saws (self-propelled unit) on streets, highways, airports and canals; Drilling and Boring Machinery, vertical and horizontal (not to apply to waterliners, wagon drills or jack-hammers); Gradesetter, Grade Checker (mechanical or otherwise); Highline Cableway Signalman; Locomotives (steam or over 30 tons) Maginnis Internal Full Slab Vibrator (on airports, highways, canals and warehouses); Mechanical Finishers (concrete) (Clary, Johnson, Bidwell Bridge Deck or similar types); Mechanical Burm, Curb and/or Curb and Gutter Machine, concrete or asphalt; Portable Crusher; Post Driver (M-1500 and similar); Power Jumbo Operator (setting slip forms, etc. in tunnels); Roller; Screedman (Barber-Greene and similar) (asphaltic concrete paving); Self-propelled Compactor (single engine); Self-propelled Pipeline Wrapping Machine, Perault, CRC, or similar types); Slip Forms Pumps (lifting device for concrete forms); Small Rubber Tired Tractors; Surface Heater

POWER EQUIPMENT OPERATORS (AREAS I & II) (CONT'D)
(Except Piledriving and Steel Erection)

GROUP 7: Concrete Conveyor or Concrete Pump, Truck or Equipment mounted (boom length to apply); Concrete Conveyor, building site; Deck Engineers; Dual Drum Mixer; Fuller Kenyon Pump and similar types; Gantry Rider (or similar); Hydra-Hammer (or similar); Instrument Man; Material Hoist (2 or more drums); Mechanical Finishers or Spreader Machine (asphalt, Barber-Greene and similar; Mine or Shaft Hoist; Mixermobile; Pavement Breaker with or without Compressor Combination; Pavement Breaker, Truck mounted with Compressor Combination; Pipe Bending Machine (pipelines only); Pipe Cleaning Machine (tractor propelled and supported); Pipe Wrapping Machine (tractor propelled and supported); Refrigeration Plant; Roller Operator (finish asphalt); Self-propelled boom type lifting device (center mount) (10 tons or less M.R.C); Self-propelled Elevating Grade Plane; Slusher Op.; Small Tractor (with boom) Soil Tester; Truck type Loader

GROUP 8: Amor-Coater (or similar); Asphalt Plant Engineer; Cast-in-place Pipe Laying Machine; Combination Slusher and Motor Op.; Concrete Batch Plant (multiple units); Dozer; Heading Shield Op.; Heavy Duty Repairman and/or Welder; Ken Seal Machine (or similar); Kolman Loader; Loader (up to 2 yds.); Mechanical Trench Shield; Portable Crushing and Screening Plants; Push Cat; Rubber Tired Earth-moving Equipment (up to and incl. 45 cu. yds. "struck" m.r.c., Euclids, T-Pulls, DW-10, 20, 21, and similar; Rubber Tired Dozer; Self-propelled Compactor with Dozer; Sheepfoot; Timber Skidder (Rubber tired or similar equipment); Tractor drawn Scraper; Tractor Trenching Machine; Tri-Batch Paver; Tunnel Mole Boring Machine; Welder; Woods-mixer (and other similar Pugmill equipment)

GROUP 9: Canal Finger Drain Digger; Chicago Boom; Combination Mixer and Compressor (gunite); Combination Slurry Mixer and/or Cleaner; Highline Cableway (5 tons and under); Lull Hi-Lift or similar (20 ft. or over); Mucking Machine (rubber tire, rail or track type); Tractor (with boom) (D-6 or larger and similar)

GROUP 10: Boom-type Backfilling Machine; Bridge Crane; Cary-Lift (or similar); Chemical Grouting Machine; Chief of Party; Combination Backhoe and Loader (up to and incl. 1/2 cu. yd. m.r.c.); Derrick (2 ops. required when swing engine remote from hoist); Derrick Barges (except excavation work); Do-Mor Loader; Adams Elegrader; Elevating Grader; Heavy Duty Rotary Drill Rig (incl. Caisson foundation work and Robbins type drills); Koehring Skooper (or similar); Lift Slab Machine (Vagtborg and similar types); Loader (2 yds. up to and incl. 4 yds.); Locomotive (over 100 tons) (single or multiple units); Multiple Engine Earthmoving Machine (Euclids, Dozers, etc.) (no tandem scraper); Pre-Stress Wire Wrapping Machine; Reservoir-Debris Tug (self-propelled floating); Rubber-tired Scraper, Self-loading(Paddle wheels, etc.); Shuttle Car (reclaim station); Single Engine Scraper over 45 yds.; Soil Stabilizer (P & H or equal); Sub-grader (Gurries or other automatic type); Tractor, Compressor Drill Combination; Track laying type earth moving machine (single engine with tandem scrapers); Train loading station; Vacuum Cooling Plant; Whirley Crane (up to and incl. 25 tons)

POWER EQUIPMENT OPERATORS (AREAS I & II) (cont'd)
(Except Piledriving and Steel Erection)

GROUP 10-A: Backhoe (hydraulic) (up to and incl. 1 cu. yd. m.r.c.); Backhoe (cable) (up to and incl. 1 cu. yd. m.r.c.); Combination Backhoe and Loader over 1/2 cu. yd. m.r.c.); Continuous Flight Tie Back Auger (up to and incl. 1 cu. yd.) (crane attached); Cranes (not over 25 tons, hammerhead and gantry); Grade-alls (up to and incl. 1 cu. yd.); Power Shovels, Clamshells, Draglines, (up to and incl. 1 cu. yd. m.r.c.); Power Blade (single engine); Self-propelled Boom-type Lifting Device (center mount) (over 10 tons); Self-propelled Boom-type Lifting Device (center mount) (over 15 tons)

GROUP 11: Automatic Concrete Slip Form Paver; Automatic Railroad Car Dumper; Canal Finger Drain Backfiller; Canal Trimmer; Canal Trimmer w/ ditching attachments; Cranes (over 25 tons up to and incl. 125 tons); Continuous Flight Tie Back Auger over 1 cu. yd. (incl. crane); Drott Travelift 650-A-1 or similar (45 tons or over); Highline Cableway (Over 5 tons); Loader (over 4 yds., up to and incl. 12 cu. yds.); Power Blade (multi-engine); Power Shovels, Clamshells, Draglines, Backhoes, Grade-alls (over 1 yd. and up to and incl. 7 cu. yds. m.r.c.); Rubber-tired earth moving machines (multiple propulsion power units and two or more scrapers) (up to and incl. 75 cu. yds. "struck" m.r.c.); Self-propelled Compactor (with multiple propulsion power units); Single engine Rubber-tired Earthmoving Machines (with tandem scrapers); Slip Form Paver (concrete or asphalt); Tandem Cats; Tower Cranes Mobile; Trencher (pulling attached shield); Universal Liebher and Tower Cranes (and similar types); Wheel Excavator (up to and incl. 750 cu. yd. per hour); Whirley Crane (over 25 tons

GROUP 11-A: Band Wagons (in conjunction with Wheel Excavator); Cranes (over 125 tons); Loader (over 12 cu. yds.; up to and incl. 18 cu. yds.); Power Shovels and Draglines (over 7 cu. yds., m.r.c.); Rubber Tired Multi-Purpose Earth Moving Machines (2 units over 75 cu. yds. "struck" m.r.c.); Wheel excavator (over 750 cu. yds. per hour)

GROUP 11-B: Loader (over 18 cu. yds.)

GROUP 11-C: Operator of Helicopter (when used in erection work); Remote controlled earthmoving equipment

CALIFORNIA
AREA DEFINITIONS for
POWER EQUIPMENT OPERATORS

**AREA 2: All areas not included within Area 1 as defined below.

*AREA 1: All areas included in the description defined below which is based upon township and range lines of Areas 1 and 2.

Commencing in the Pacific Ocean on the extension of the Southerly line of Township 19S.
Thence Easterly along the Southerly line of Township 19S, crossing the Mt. Diablo meridian to the S.W. corner of township 19S, range 6E, Mt. Daiblo base line and meridian,
Thence Southerly to the S.W. corner of township 20S, range 6E,
Thence Easterly to the S.W. corner of township 20S, range 13E,
Thence Southerly to the S.W. corner of township 21S, range 13E,
Thence Easterly to the S.W. corner of township 21S, range 17E,
Thence Southerly to the S.W. corner of township 22S, range 17E,
Thence Easterly to the S.E. corner of township 22S, range 17E,
Thence Southerly to the S.W. corner of township 23S, range 18E,
Thence Easterly to the S.E. corner of township 23S, range 18E,
Thence Southerly to the S.W. corner of township 24S, range 19E, falling on the Southerly line of Kings County, thence Easterly along the Southerly boundary of Kings
County and the Southerly boundary of Tulare County, to the S.E. corner of township 24S, range 29E,
Thence Northerly to the N.E. corner of township 21S, range 29E,
Thence Westerly to the N.W. corner of township 21S, range 29E,
Thence Northerly to the N.E. corner of township 13S, range 28E,
Thence Westerly to the N.W. corner of township 13S, range 28E,
Thence Northerly to the N.E. corner of township 11S, range 27E,
Thence Westerly to the N.W. corner of township 11S, range 27E,
Thence Northerly to the N.E. corner of township 10S, range 26E,
Thence Westerly to the N.W. corner of township 10S, range 26E,
Thence Northerly to the N.E. corner of township 9S, range 25E,
Thence Westerly to the N.W. corner of township 9S, range 25E,
Thence Northerly to the N.E. corner of township 8S, range 24E,
Thence Westerly to the N.W. corner of township 8S, range 24E,
Thence Northerly to the N.E. corner of township 6S, range 23E,
Thence Westerly to the S.E. corner of township 5S, range 19E,
Thence Northerly to the N.E. corner of township 5S, range 19E,
Thence Westerly to the N.W. corner of township 5S, range 19E,
Thence Northerly to the N.E. corner of township 3S, range 18E,
Thence Westerly to the N.W. corner of township 3S, range 18E,
Thence Northerly to the N.E. corner of township 2S, range 17E,
Thence Westerly to the N.W. corner of township 2S, range 17E,
Thence Northerly crosing the Mt. Diablo baseline to the N.E. corner of township 2N, range 16E,
Thence Westerly to the N.W. corner of township 2N, range 16E,
Thence Northerly to the N.E. corner of township 3N, range 15E,
Thence Westerly to the N.W. corner of township 3N, range 15E,
Thence Northerly to the N.E. corner of township 4N, range 14E,

CALIFORNIA
AREA DEFINITIONS for
POWER EQUIPMENT OPERATORS (cont'd)

*Area 1 (cont'd):
Thence Westerly to the N.W. corner of township 4N, range 14E,
Thence Northerly to the N.E. corner of township 5N, range 13E,
Thence Westerly to the N.W. corner of township 5N, range 13E,
Thence Northerly to the N.E. corner of township 10N, range 12E,
Thence Easterly to the S.E. corner of township 11N, range 14E,
Thence Northerly to the N.E. corner of township 11N, range 14E,
Thence Westerly to the N.E. corner of township 11N, range 10E,
Thence Northerly to the N.E. corner of township 15N, range 10E,
Thence Easterly to the S.E. cotner of township 16N, range 11E,
Thence Northerly to the N.E. corner of township 16N, range 11E,
Thence Easterly to the S.E. corner of township 17N, range 14E,
Thence Southerly to the S.W. corner of township 14N, range 15E,
Thence Easterly to the S.E. corner of township 14N, range 15E,
Thence Southerly to the S.W. corner of township 13N, range 16E,
Thence Easterly to the S.E. corner of township 13N, range 16E,
Thence Southerly to the S.W. corner of township 12N, range 17E,
Thence Easterly along the Southern line of township 12N to the Eastern boundary of the state of California,
Thence Northwesterly, thence Northerly along the Eastern boundary of the state of California to the N.E. corner of township 17N, range 18E,
Thence Westerly to the N.W. corner of township 17N, range 11E,
Thence Northerly to the N.E. corner of township 20N, range 10E,
Thence Westerly to the N.W. corner of township 20N, range 10E,
Thence Northerly to the N.E. corner of township 21N, range 9E,
Thence Westerly to the N.W. corner of township 21N, range 9E,
Thence Northerly to the N.E. corner of township 22N, range 8E,
Thence Westerly to the N.W. corner of township 22N, range 8E,
Thence Northerly to the S.W. corner of township 27N, range 8E,
Thence Easterly to the S.E. corner of township 27N, range 8E,
Thence Northerly to the N.E. corner of township 28N, range 8E,
Thence Westerly to the N.W. corner of township 28N, range 7E,
Thence Northerly to the N.E. corner ot township 30N, range 6E,
Thence Westerly to the N.W. corner of township 30N, range 1E,
Thence Northerly along the Mt. Diablo meridian to the N.E. corner of township 34N, range 1W,
Thence Westerly to the N.W. corner of township 34N, range 6W,
Thence Southerly to the N.E. corner of township 32N. range 7W,
Thence Westerly to the N.W. corner of township 32N, range 7W,
Thence Southerly to the S.W.corner of township 30N, range 7W,
Thence Easterly to the S.E. corner of township 30N, range 7W,
Thence Southerly to the S.W. corner of township 16N, range 6W,
Thence Easterly to the S.E. corner of township 16N, range 6W,
Thence Southerly to the S.W. corner of township 14N, range 5W,
Thence Westerly to the S.E. corner of township 14N, range 7W,
Thence Northerly to the N.E. corner of township 14N, range 7W,
Thence Westerly to the N.W. corner of township 14N, range 7W,
Thence Northerly to the N.E. corner of township 15N, range 8W,

CALIFORNIA
AREA DEFINITIONS for
POWER EQUIPMENT OPERATORS (cont'd)

*Area 1 (cont'd)
Thence Westerly to the S.E. corner of township 16N, range 12W,
Thence Northerly to the N.E. corner of township 16N, range 12W,
Thence Westerly to the N.W. corner of township 16N, range 12W,
Thence Northerly to the N.E. corner of township 18N, range 13W,
Thence Westerly to the N.W. corner of township 18N, range 14W,
Thence Southerly to the S.W. corner of township 18N, range 14W,
Thence Easterly to the S.E. corner of township 18N, range 14W,
Thence Southerly to the S.W. corner of township 16N, range 13W,
Thence Westerly to the N.W. corner of township 15N, range 14W,
Thence Southerly to the S.W. corner of township 14N, range 14W,
Thence Easterly to the S.E. corner of township 14N, range 14W,
Thence Southerly to the S.W. corner of township 13N, range 13W,
Thence Easterly to the S.E. corner of township 13N, range 13W,
Thence Southerly to the S.W. corner of township 11N, range 12W,
Thence Easterly to the S.E. corner of township 11N, range 12W,
Thence Southerly along the Eastern line of range 12W to the Pacific Ocean excluding that portion of Northern California within Santa Clara County included within the following line:
Commencing at the N.W. corner of township 6S, range 3E, Mt. Diablo baseline and Meridian:
Thence in a Southerly direction to the S.W. corner of township 7S, range 3E,
Thence in a Easterly direction to the S.E. corner of township 7S, range 4E,
Thence in a Northerly direction to the N.E. corner of township 6S, range 4E,
Thence in a Westerly direction to the N.W. corner of township 6S, range 3E, to the point of beginning which portion is a part of Area 2.
Area 1 also includes that portion of Northern California within the following lines:
Commencing in the Pacific Ocean on an extension of the Southerly line of township 2N, Humboldt baseline and meridian:
Thence Easterly along the Southerly line of township 2N to the S.W. corner of township 2N, range 1W,
Thence Southerly to the S.W. corner of township 1N, range 1W,
Thence Easterly along the Humboldt baseline to the S.W. corner of township 1N, range 2E,
Thence Southerly to the S.W. corner of township 2S, range 2E,
Thence Easterly to the S.E corner of township 2S, range 2E,
Thence Southerly to the S.W. corner of township 4S, range 3E,
Thence Easterly to the S.E. corner of township 4S, range 3E,
Thence Northerly to the N.E. corner of township 2S, range 3E,
Thence Westerly to the N.W. corner of township 2S, range 3E,
Thence Northerly crossing the Humboldt baseline to the S.W. corner of township 1N, range 3E,
Thence Easterly along the Humboldt baseline to the S.E. corner of township 1N, range 3E,
Thence Northerly to the N.E. corner of township 9N, range 3E,
Thence Westerly to the N.W. corner of township 9N, range 2E,
Thence Northerly to the N.E. corner of township 10N, 1E,

CALIFORNIA
AREA DEFINITIONS for
POWER EQUIPMENT OPERATORS (cont'd)

*Area 1 (cont'd)
Thence Westerly along the Northerly line to township 10N, into the Pacific Ocena.
Area 1 also includes that portion of Northern California included within the following line:
Commencing at the Northerly boundary of the state of California at the N.W. corner of township 48N, range 7W, Mt. Diablo baseline and meridian:
Thence Southerly to the S.W. corner of township 44N, range 7W,
Thence Easterly to the S.E. corner of township 44N, range 7W,
Thence Southerly to the S.W. corner of township 43N, range 6W,
Thence Easterly to the S. E. corner of township 43N, range 5W,
Thence Northerly to the N.E. corner of township 48N, range 5W, on the Northerly boundary of the state of California,
Thence Westerly along the Northerly boundary of the state of California to the point of beginning.

STATE: Florida COUNTY: Orange
DECISION NUMBER: FL76-1036 DATE: Date of Publication
Supersedes Decision No.: FL75-1009 dated January 24, 1975 in 40 FR 3882
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	8.91	.35	.35		.06
Boilermakers	8.20	.60	.90		.01
Bricklayers:					
Bricklayers	8.05	.35	.30		.02
Stonemasons	8.05	.35	.30		.02
Marble masons	8.05	.35	.30		.02
Plasterers	8.05	.35	.30		.02
Cement masons	8.00	.35	.30		.02
Carpenters:					
Carpenters	8.25	.50	.25		.05
Piledrivermen	8.55	.50	.25		.05
Soft floor layers	8.25	.50	.25		.05
Electricians:					
Electrical contracts less than $20,000.00	7.50	.40	1%		½ of 1%
All other work	9.45	.40	1%		½ of 1%
Elevator constructors	7.355	.395	.26	2%+a&b	.02
Elevator constructors' helper	70%JR	.395	.26	2%+a&b	.02
Elevator constructors' helpers (prob.)	50%JR				
Glaziers	6.40	.25	.20		.01
Ironworkers:					
Structural & Ornamental	8.90	.55	.50	.63	.05
Reinforcing	8.90	.55	.50	.63	.05
Laborers:					
Air tool operator	5.45	.20	.10		
Laborers	5.30	.20	.10		
Mason tenders	5.45	.20	.10		
Mortar mixers	5.45	.20	.10		
Pipelayers (concrete & clay)	5.45	.20	.10		
Plasterers tenders	5.45	.20	.10		
Lathers	7.90	.35	.25		.15
Linemen:					
Linemen	7.46	.25	1%		¼ of 1%
Cable splicers	7.96	.25	1%		¼ of 1%
Groundmen					
Up to 1 year experience	3.02	.25	1%		¼ of 1%
Over 1 year experience	4.26	.25	1%		¼ of 1%

FL76-1036 - (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Linemen (Cont'd)					
Heavy equipment operator	7.46	.25	1%		¼ of 1%
Winch truck operator	5.89	.25	1%		¼ of 1%
Pick up or flat bed operator	4.28	.25	1%		¼ of 1%
Painters:					
Brush	7.25	.30	.40		.06
Spray	7.50	.30	.46		.06
Paperhangers	7.60	.30	.46		.06
Sandblasters	7.75	.30	.46		.06
Structural steel	7.60	.30	.46		.06
Plumbers	8.78	.35	.40	.50	.10
Roofers:					
Roofers	6.95	.35	.25		.15
Kettlemen	5.50	.35	.25		.15
Roofers' helpers	4.85	.35	.25		.15
Sheet metal workers	9.34	.30	.30	.50	.04
Sprinkler fitters	9.31	.50	.70		.10
Steamfitters	8.33	.35	.40	.50	.10
Terrazzo workers	8.05		.25		.02
Tile setters	8.05		.25		.02
Welders - receive rate prescribed for craft performing operation to which welding is incidental.					

FOOTNOTES:

a. Six paid 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.

PAID HOLIDAYS (WHERE APPLICABLE)

A-New Year's Day B-Memorial Day C-Independence Day D-Labor Day
E-Thanksgiving Day E-Christmas Day.

FL76-1036 - (Cont'd)

POWER EQUIPMNET OPERATORS

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I	8.03	.40	.35		.05
GROUP II	5.96	.40	.35		.05
GROUP III	6.12	.40	.35		.05
GROUP IV	5.04	.40	.35		.05

GROUP I: Cranes, derricks. clam shells, draglines, piledriver (including auger & boring machines for drilling in piling), backhoes, hydra cranes, grade all, shovels, patrols, cableways, tug boat captain (150 H.P. or more), multi-bowl operator (similar to R.G. LeTourneau Model L-60 2 or 3 twenty cu. yd. scrapers), front end loaders, (over 4 cy cap.), side boom cats, multi-drum hoist (for rigging), mechanic (heavy equip.) tower crane (stationary, climbing & traveling), gantry cranes, locomotive cranes, bridge cranes (over 20 tons cap.), concrete pump with boom (mobile), high lift or fork lift (second floor & higher) Locomotive engineer (jobs not covered by railroad unions)

GROUP II: Bulldozers. bridge cranes (20 tons & under), highlift or fork-lift (up to 2nd floor), straddle buggys, hoists (other than rigging) including winch truck not mobile & used as a hoist, front end loader (over 2 cy & up to & incl.. 4 cy cap.), trenching machine (ladder & wheel type) over 6' cut & over 24' width. concrete paver & scrapers

GROUP III: Concrete pumps, front end loader (2cy or less not used as hoist) mobile winch trucks, self-propelled sub-grader asphalt paving machine concrete mixer, tractors, air compressor plant (2 or more compressors on a common manifold), lubricating engineer (mobile plant), pavement breakers street sweeping machines

GROUP IV: Tractor operated sweeper. trenching machine (ladder & wheel type maximum cut 6' & maximum width 24"), firemen, self-propelled rollers, wellpoint pump, asphalt distributor, water truck drivers, motor boat operator, oiler, mechanics' helpers. pumpman (other than well point up to & incl., 5 pumps within 300 ft. radius), self-propelled sweepers., combination pump, compressor & combustion type welding machine, conveyor (motor operated), welding machine op (3 or more combustion type, pulver mixer, compressor (1 to and including 3 compressors within 3 cu. ft. radius).

SUPERSEDEAS DECISION

STATE: Georgia
COUNTIES: *See below
DECISION NUMBER: GA76-1034
DATE: Date of Publication
Supersedes Decision No.: AQ-4058 dated January 25, 1974 in 39 FR-3394
DESCRIPTION OF WORK: Reisdential construction consisting of single family homes and garden type apartments up to and including 4 stories.

*Counties: Bulloch, Bryan, Chatham, Effingham, Evans, Liberty, & Long.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Air conditioning mehcanic	4.09				
Bricklayers	6.14				
Carpenters	4.76				
Cement masons	5.00				
Drywall finishers	4.50				
Drywall hangers	4.00				
Electricians	5.00				
Ironworkers, Ornamental & Structural	4.00				
Laborers:					
Laborers	2.71				
Mason tenders	2.75				
Pipelayers	4.00				
Painters:					
Brush	4.32				
Spray	4.50				
Plumbers & Pipefitters	6.00				
Roofers	3.39				
Sheet metal workers	4.50				
Soft floor layers	3.00				
Tile setters	5.54				
Truck drivers	3.30				
POWER EQUIPMENT OPERATORS:					
Asphalt roller	4.99				
Asphalt mixer	5.18				
Bulldozers	4.20				
Cranes, derricks draglines	4.425				
Graders	6.08				
Front end loaders	4.47				
Tractor, farm type	4.00				

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SUPERSEDEAS DECISION

STATE: Georgia COUNTIES: *See below
DECISION NO.: GA76-1035 DATE: Date of Publication
Supersedes Decision No.: AQ-4086 dated March 8, 1974 in 39 FR 9334
DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

*Counties: Chattahoochee, Harris, Macon, Marion, Meriwether, Muscogee, Schley, Stewart, Sumter, Talbot, Taylor, Troup, & Webster, Georgia

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Air conditioning mechanic	3.75				
Bricklayers	5.44				
Carpenters	4.25				
Cement masons	4.02				
Drywall finisher	5.00				
Drywall hanger	4.18				
Electricians	3.50				
Glaziers	2.58				
Ironworkers, Structural Ornamental	3.50				
Laborers:					
Asphalt raker	2.90				
Laborers	2.50				
Mortar mixers	2.75				
Painters, brush	4.01				
Plasterers	4.83				
Plumbers & Pipefitters	4.43				
Roofers	3.60				
Sheet metal workers	3.58				
Soft floor layers	3.50				
Tile setters	4.75				
Truck drivers	2.50				
Welders - rate for craft.					
POWER EQUIPMENT OPERATORS:					
Asphalt spreader	3.275				
Backhoe	3.00				
Bulldozer	4.00				
Fork lift	2.88				
Front end loader	3.35				
Motor grader	2.75				
Pan scraper	3.50				
Tractor operator	3.50				

SUPERSEDEAS DECISION

STATE: Illinois COUNTIES: See Below
DECISION NUMBER: IL76-2022 DATE: Date of Publication
Supersedes Decision No. IL75-2086, dated July 3, 1975, in 40 FR 28333
DESCTIPTION OF WORK: Heavy and Highway Construction

COUNTIES: Ford Grundy, Iroquois, Kankakee, LaSalle, Livingston, McLean, Marshall, Putnam & Woodford

ILL-III-3

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS:					
Iroquois & Kankakee Cos; (N. of Garver & Guthrie) in Ford County	$ 9.99	.50	.50		
Remainder of Ford County	9.565	.30	.70		.08
Woodford County	9.36	.40	.40		.05
Marshall & Putnam Cos; (Peru, Ottawa & Streator & Vicinities in LaSalle County	9.93	.45	.35		.03
Grundy Co; Marseilles & Vicinity in LaSalle County	10.645	.35	.53		.05
McLean County	9.36	.40	.40		.05
Livingston County	9.25	.40	.30		.05
CEMENT MASONS:					
LaSalle & Putnam Counties	9.60		.70		
Livingston & McLean Counties; E. of Roanoke in Woodford Co.	9.73	.40			.10
Marshall Co., & Remainder of Woodford County	9.25	.45	.50		.05
Iroquois & Kankakee Counties	10.00	.45			
Ford County	9.125	.30			.025
Grundy County	10.22	.50	1.00		.05
ELECTRICIANS:					
Grundy County	11.87	.50	1%+.40		.2%
Twps. of Fountain Creek, Love Joy & Prairie Green in Iroquois Co.	9.97	.40	1%+.30		.25%
Area south of Roberts Twp. in in Ford Co; Twps. of Artesia, Pigeon Grove & Loda in Iroquous County	10.20	.40	1%+.20		.3%
Kankakee Co; Remainder of Ford & Iroquois Counties	9.65	.40	1%+.30	5%	3/8of1%
Northern ½ of Central Southern part of LaSalle Co; Walnut, Ohio, LaMoille, Clarion, Bureau, Dover, Berlin & Westville Twps. in Bureau County	11.87	.50	1%+.40		.2%

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	Basic Hourl Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS (CONT'D)					
Vicinity of LaSalle S.W. Part of County; Remainder of Putnam Co; Twps. of Arispe, Concord, Fairfield, Gold, Greenville, Hall, Indiantown, Leepertown, Macon, Manilus, Milo, Mineral, Neponset, Princeton, Selby, Wheatland & Wyanet in Bureau County	$10.25	.40	1%+.30		.25%
Areas west of Bell Plaine & Roberts Twps. in Marshall Co; Area West of but not including Linn, Kansas, Palestine, Roanole, Cazenovis & Metamora Twps. in Woodford Co.	$ 9.87	.40	1%+.40		1%
Livingston Co; Vic. of Streator S.E. part of county South of Eden in LaSalle Co; Magnolia Twps. in Putnam Co; Area east of Cazenovia & Metromora Twps. including Linn, Clayton, Minak Roanoke, Green & Panola Twps. in Woodford	10.20	.40	1%+.20		.3%
McLena County; Twps of Elpaso, Kansas & Palestine-SE Corner of Woodford County	9.65	.40	1%+.30		.2%
IRONWORKERS:					
Iroquois & Kankakee Counties	9.70	.50	.50		.03
Grundy County	9..	2.50	.325		
Ford Co; Livingston Co; Eastern part of McLean County	9.55	.40	.60		.08
Woodford Co; S.W. Corner of Marshall County	9.925	.40	.475		
LaSalle & Putnam Cos; Remainder of Marshall County	10.84	.50	.375		.02
LINEMEN:					
Iroquois County:					
Linemen, Groundman Equip. Opr.	9.77	.40	1%+.30		½of1%
Groundman Truck Driver:					
W/Winch	8.03	.40	1%+.30		½of1%
WO/Winch	7.51	.40	1%+.30		½of1%
Groundman	7.14	.40	1%+.30		½of1%

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LINEMEN (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Kankakee County:					
Linemen, Equipment Operators	$10.75	5%	4%	8½%	½%
Groundman	8.50	5%	4%	8½%	½%
Grundy County:					
Linemen & Equipment Operators	11.87	.50	1%+.40		.½%
Cable Splicer	11.78	.50	1%+.40		.½%
Groundmen	10.38	.50	1%+.40		.½%
Ford, LaSalle, Livingston, McLean, Marshall, Putnam, & Woodford Counties:					
Linemen	9.66	.35	1%		.25%
Groundman Equip. Opr. Class I	9.01				
Groundman Truck Drivers:					
W/Winch	6.74	.35	1%		.25%
WO/Winch	6.42	.35	1%		.25%
Groundman Class "A"	6.13	.35	1%		.25%
PAINTERS:					
Putnam Co; Twps. of Mendota, Ogelsby, Utica & Peru in LaSalle County:					
Industrial & Structural Steel					
Brush	7.65	.40	.30		
Spray & Sandblasting	8.65	.40	.30		
Remainder of LaSalle County:					
Industrial; Structural Steel & Bridges					
Brush	8.80	.45	.15		
Spray	9.80	.45	.15		
Grundy County:					
Bridges W/Butt Plates & Hand Rails Only	9.20	.42	.35		.03
Bridges W/O Superstructures	9.70	.42	.35		.03
Bridges W/Superstructures & Lift Type	10.20	.42	.35		.03
Kankakee & Iroquois Counties:					
Brush & Roller	8.80	.45	.40		
Spray	10.30	.45	.40		

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PAINTERS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Marshall & Woodford Counties:					
Brush	$ 8.80	.45	.30		.03
Strucutral Steel, Bridge & Spray	9.30	.45	.30		.03
TRUCK DRIVERS:					
Kankakee & Iroquois Counties					
2-3 Axle Trucks	8.15	a21.50	a22.00		
4-Axle Trucks	8.35	a21.50	a22.00		
5-Axle Trucks	8.55	a21.50	a22.00		
6-Axle Trucks	8.70	a21.50	a22.00		
Grundy County; Remainder of Livingston & Woodford CountiesL					
2-3 Axle Trucks	8.30	a20.00	a24.00		
4-Axle Trucks	8.45	a20.00	a24.00		
5-Axle Trucks	8.65	a20.00	a24.00		
6-Axle Trucks	8.85	a20.00	a24.00		

FOOTNOTE: A-Per Week Per Employee

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ILL-50A-LAB-2-3

LABORERS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LaSalle and Putnam Counties:					
Unskilled	$8.07	.35	.30		.035
Semi-skilled	8.27	.35	.30		.035
Skilled	8.47	.35	.30		.035
Ford, Livingston, Iroquois, Kankakee, Marshall and Woodford Counties:					
Unskilled	7.98	.35	.30		.035
Semi-skilled	8.18	.35	.30		.035
Skilled	8.38	.35	.30		.035
McLean County:					
Unskilled	7.93	.40	.30		.035
Semi-skilled	8.13	.40	.30		.035
Skilled	8.33	.40	.30		.035

UNSKILLED: Common Laborer; Carpenter Tenders; Tool Cribmen; Firemen or Salamander Tenders; Flagmen; Gravel Box Men; Dumpmen and Spotters; Form Handlers; Material Handlers; Fencing Laborers; Cleaning Lumber; Pit Men; Material Checkers; Dispatchers; Landscapers; Unloading explosives; Laying of sod; Planting of trees; Asphalt Plant Laborers; Wrecking Laborers; Writer of scale tickets; Fire Shop Laborers; Fireproofing Laborers; Janitors; Wrecking-dismantling buildings; Wallmen and Housemovers; Driving of stakes; Stringlines for all machinery

SEMI-SKILLED: Handling of materials treated with oil, creosote, asphalt or and other foreign material, Track Laborers; Cement Handlers; Chloride Handlers; the Unloading and Laborers w/steel workers and rebars; Concrete Workers (wet); Tunnel Helpers in free air; Batch Dumpers; Mason and Plasterer Tenders and Material Wheelers; Kettlemen and Tarmen; Tank Cleaners; Plastic Installers; Scaffold Workers; Motorized Buggies or Motorized Units used for wet concrete or handling of building materials; Laborers w/dewatering systems; All sewer workers plus depth; Rod and Chainmen with Land Surveyors; Vibrator Operators; Mortar Mixer Operator; Cement Silica, clay, fly ash, lime and plasters; Handlers (bulk or bag); Cofferdam Workers plus depth; (on concrete paving) placing, cutting and trying or reinforcing; Deck Hand; Dredge Hand and Shore Laborers; Bankmen on floating plant; Asphalt Workers w/machine; Asphalt Raker; Grade Checker

SKILLED: Dynamite Man or Blasters; Caisson Workers plus depth; Gunnite Nozzle Men; Leadman on sewer work; Welders; Cutters; Burners; Torchmen; Chain Saw Operator; Jackhammer and Drill Operators; Layout man; Steel Form Setters (street and highway); Air Tamping Hammerman; Signal Man on crane, concrete saw operator; Screenman on asphalt pavers; Laborers tending Masons w/hot materials are used; Multiple Concrete Duct-Leadmen; Lutemen; Curb Asphalt Machine Operator; Ready-mix Scalemen; Portable or temporary plant; Laborers handling masterplate or similar materials; Laser Beam Operator; Coring Machine Operator

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ILL-9-LAB-1-2-3

LABORERS: GRUNDY COUNTY	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Common Laborers; Plasterers Laborers; Pumps for Dewatering & other Unclassified Laborers	$ 7.20	.57	1.10		
Cement Gun Laborers	7.275	.57	1.10		
Scaffold Laborers & Chimney Laborers over 40'	7.30	.57	1.10		
Windlass & Cement Gun Nozzle Laborers - Gunnite	7.35	.57	1.10		
Stone Handlers & Derrickmen	7.40	.57	1.10		
Jackhammermen	7.425	.57	1.10		
Concrete Vibrator; Plumbers Laborer & Chain Saw Operator	7.45	.57	1.10		
Firebrick & Boiler Setters' Laborers	7.525	.57	1.10		
Chimney Laborers on Firebrick; Caisson Diggers & Well Point System Men	7.55	.57	1.10		
Jackhammermen on Firebrick Only	7.775	.57	1.10		

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ILL-10-PEO-2-3

POWER EQUIPMENT OPERATORS: LASALLE, GRUNDY, KANKAKEE, LIVINGSTON COS., E. OF THE ILL. RIVER IN PUTNAM CO.	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS I	$ .20	.65	.85	.40	.05
CLASS II	9.65	.65	.85	.40	.05
CLASS III	8.90	.65	.85	.40	.05
CLASS IV	7.80	.65	.85	.40	.05
CLASS V	6.80	.65	.85	.40	.05

POWER EQUIPMENT OPERATORS:

CLASS I Asphalt plant, asphalt heater & planer combination, asphalt spreader, autograde, belt loader, caisson rigs, central redimix plant, concrete breaker (truck mounted), concrete conveyor, concrete paver over 27E cu. ft., concrete placer, concrete tube float, cranes, all attachments, cranes, Linden, Peco & machines of a like nature, derricks, traveling, dredges, euclid loader, elevating type, gradall, & machines of a like nature, derricks, all, derrick boats, derricks, travelling, dredges, euclid loader, elevating type, gradall, and machines of a like nature, grader, elevating hoists, 1,2 & 3 drum, locomotives, all, mucking machine, 1 cu. yd. & over, mucking machine, under 1 cu. yd., piledrivers & skid rig, pre-stress machine, pump cretes dual ram (requiring frequent lubrication & water), rock drill crane type, slip form paver, straddle buggies, tractor w/boom, tractaire w/ attachments, trenching machine, underground boring &/or mining machine under 5 ft., wheel exactor widener (Apsco)

CLASS II Mechanic-welder, batch plant, bituminous mixer, bulldozer, combination backhoe front endloader machine, concrete breaker or hydro-hammer, concrete grinding machine, concrete mixer or paver 7S Series to & including 27 cu. ft., concrete spreader, concrete curing machine, burlap machine, belting machine & sealing machine, finishing machine, concrete grader, motor patrol auto patrol, form grader, pull grader, subgrader, highlift shovels or front endloader, hydraulic boom trucks (all attachments), locomotives, dinky, pump cretes; Squeeze cretes; screw type pumps Gypsum bulker & pump, rock drill (self-propelled), roto-tiller, seaman, etc. self-propelled scoops; tractor drawn, self-propelled compactor, spreader, chipstone, etc., scraper, tank car heater, tractor, push, pulling sheeps foot, disc., compactor, etc. tug boats

DECISION NO IL76-2022

POWER EQUIPMENT OPERATORS (CONT'D)

CLASS III Boilers, boiler & throttle valve, brooms, all power propelled, cement supply tendor, compressor & throttle valve, concrete mixer (2 bags & over) conveyor, portable, fireman on boiler, forklift trucks, greaser engineer, grouting machine hoists, automatic, hoists, all elevators, hoists, tugger, single drum, jeep diggers, pipe power saw, concrete, power-driven, pug mills, rollers, all, steam generators, stone crushers, stump machine, winch trucks with "A" frame, work boats, tamper, form motor driven

CLASS IV Air Compressors, all, generators, heaters, mechanical, light plants, all (1 through 5), pumps, all, pumps well points, tractaire, welding machines (2 through 6)

CLASS V Oilers

TRUCK DRIVERS:

ILL-82-TD-1-2-3

LASALLE, MCLEAN, FORD, PUTNAM COS., LONG POINT, NEWTON, READING & SUNBURY TOWNSHIPS IN LIVINGSTON COUNTY	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 axle 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.

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POWER EQUIPMENT OPERATORS:
MARSHALL, PUTNAM & WOODFORD COS:
REMAINDER OF PUTNAM COUNTY

ILL-20-PEO-2-3

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Group 1	$9.645	.45	.55		.05
Group 2	9.445	.45	.55		.05
Group 3	9.07	.45	.55		.05
Group 4	8.795	.45	.55		.05
Group 5	8.185	.45	.55		.05

POWER EQUIPMENT OPERATORS:

Group 1: Crane, hydro crane, shovels, crane type backfiller, tower cranes-mobile and crawler and stationary derricks and hoist (3-drum); Dragline, Dragline, Drott Yumbo and similar types considered as cranes, backhoe, derrick boats, pile driver and skid rigs, clam shells, locomotive cranes, road pavers - single drum, dual drum and tri batcher, motor patrols and power blades - Dumore, elevating similar types, mechanics central concrete mixing plant operator, blacktop plant operators and plant engineers, grad-all, caisson rigs - requires oiler, skimmerscoopkerhing scooper, dredges (all types) hop-toe-crane type (require oiler), Escalated rate on crane and derricks booms, $.01 per hour, per ft., over 80' including jib all cherry pickers, cherry pickers (over 15 tons require oiler), work boat, Ross carrier, helicopter, dozen and tournadozer

Group 2: Asphalt heater and planter combination (used to plant streets), trench machines, pump crete - belt crete - seqeeze crete - screw type pumps and gysum, bulker and pump, dinkeys, tournapulls-all, and similar types, multiple unit earth movers, $.25 per hour for each scoop over one scoops (all sizes), pushcats, endloaders (all types), side booms, P-H one-pass soil cement machines and similar types, wheel tractors (industrial or farm-type with dozer hoe - end loader or other attachments, backfillers, asphalt surfacing machines euclid loader, fork lifts, formless finishings, jeep w/ditching machine or other attachments, tuneluger, rock crusher, automatic cement and gravel batching mobile drills (soil testing) and similar types, pugmill with pump, flaherty spreader or similar types (require oiler), heavy equipment greaser (top greaser on spread), power launches, boring machine, C.M.I. and similar types (require oiler), all (1) and (2) drum hoists, dewatering system, straw blower, hydro-seeder, boring machine, hydro-boom, starting engineer on pipeline, F.W.D. and similar types

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POWER EQUIPMENT OPERATORS:-(CONT'D)

Group 3: Apsco spreader or similar types, tractors (track-type) without power units pulling rollers, rollers on asphalt - breck or macadam, concrete breakers, concrete spreaders, center stripper, cement finishing machines, vibro tampers (all similar types) self-propelled, mechanical bull floats, mixers over three bag to 27E, winch and boom trucks, tractor pulling power blade or elevating grader, Porter Rex rail, Clary screed, mule pulling rollers, pugmill without pump, Barber Greene or similar loaders, track-type tractors with power unit attached (minimum fireman, screed man on laydown machine, and spray machine on paving

Group 4: Power subgrader, oil distributor, straight tractor, tract-air (without attachments), curb machines, paver ditch machines, truck crane oiler, and truck type hoptoe oilers

Group 5: Herman Nelson Heater, Dravo, Warner, Silent glo and similar types, one engineer will operate 1-5 and after 5, two operators will be required, self-propelled concrete saws, assistant heavy equipment greaser crawler crane and skid oilers, rollers 5 ton and under on earth and gravel, form graders, pump (1) or (2), light plant (1) or (2), generator (1) or (2), conveyor (1) or (2), welding machine (1) or (2) mixer 3 bags and under, and bulk cement plant

SUPERSEDEAS DECISION

STATE: Illinois COUNTIES: See Below
DECISION NO: IL76-2023 DATE: Date of Publication
Supersedes Decision No. IL75-2080, dated June 13, 1975, in 40 FR 25389
DESCRIPTION OF WORK: Heavy and Highway Construction

ILL-HH-4

COUNTIES: Fulton, Hancock, Henderson, Knox, McDonough, Mercer, Peoria, Stark, Tazewell & Warren	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS & PILEDRIVERMEN:					
Henderson & Warren Cos; Western 2/3 of Hancock County:					
Carpenters	$8.45	.45	.40		.02
Piledrivermen	9.13	.45	.40		.02
McDonough County & the Eastern 1/3 of Hancock County:					
Carpenters	9.175	.30	.25		.05
Piledrivermen	9.675	.30	.25		.05
Knox County:					
Carpenters & Piledrivermen	8.76	.40	.40		.05
Mercer County:					
Carpenters	9.485	.35	.50		.02
Piledrivermen	9.31	.35	.50		.04
Stark Co; Peoria Co., excluding area south of Rt. #116, west of US Rt. #24, & East Peoria in Tazewell County:					
Carpenters	9.36	.40	.40		.05
Piledrivermen	9.86	.40	.40		.05
Fulton County & Peoria County south of Rt. #116 & west of US #24; Remainder of Tazewell Co:					
Carpenters	9.26	.40	.40		.05
Piledrivermen	9.76	.40	.40		.05
CEMENT MASONS:					
Fulton, Peoria & Tazewell Cos.	9.25	.45	.50		.05
Hancock & McDonough Counties	9.95				
Mercer Co., Northern ½ of Henderson County	8.77	.40	.60		
Southern ½ of Henderson County	8.05				
Knox & Warren Counties	9.00	.35	.25		
Stark County	9.69		.20		
ELECTRICIANS:					
Peoria & Tazewell Cos; Twps. of Essex Valley & W. Jersey in Stark Co., Remainder of Fulton County	9.87	.40	1%+.40		1%
Remainder of Stark County	10.25	.40	1%+.30		.25%

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS (CONT'D)					
Knox, Warren & Henderson Cos., Twps. of Ohio Grove, Suez & N. Henderson in Mercer Co; Twps. of Blandinsville, Prarie City, Emmet, Tennessee, Scotland, Sciota, Bushnell, Macomb, Colchester, New Salem, Walnut Grove, Hire, Mound & Chalmers in McDonough Co., Twps. of Union, Lee, Cass, Ellisville, Deerfield, Young, Hickory & Harris in Fulton County	$9.35	.40	1%+.30		.25%
Hancock Co., & Twps. of Lamoine, Bethel, Industry & Eldorado in McDonough County	9.60	.40	1%		.2%
Remainder of Mercer County	10.30	.45	5.5%		.03
IRONWORKERS:					
Fulton Co., Vic. of Astoria, Marbleton & Summum	9.50	.55	.70		.05
Knox Co., within Galesburg & all area north of city	10.50	.50	.375		.07
Peoria, Stark & Tazewell Cos; Remainder of Fulton, Knox Cos.	9.925	.40	.475		
Hancock, Henderson, McDonough, Mercer & Warren Cos; all area W. & SW of Galesburg in Knox County	9.45	.40	.30		
LABORERS:					
Hancock, Henderson, Knox, Stark, McDonough & Warren Counties:					
Unskilled	7.98	.35	.30		.035
Semi-Skilled	8.18	.35	.30		.035
Skilled	8.38	.35	.30		.035
Peoria Co; & City of E. Peoria in Tazewell County:					
Roads, Driveways & Alley Bricklayer, Carpenter & Cement Mason Tenders; All other Excavating Work & Labor curing all Concrete by hand method	8.40	.40	.35		.035

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LABORERS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Stripping Concrete Forms with composite Crew of Carpenters & Laborers; Rig Men; Jackhammer & Drill Opr., (Open) All power operated tools; Asphalt Kettlemen & Carriers; Powdermen Helper	$8.525	.40	.35		.035
Power Wheelbarrow or Buggies	8.675	.40	.35		.035
Gunnite Pumpman; Puddlers; Vibrator man; Asphalt Raker; Bricksetters; Gunnite Nozzleman; Powderman; Rip-Rapping	8.775	.40	.35		.035
Tunnel & Subways (Free Air):					
Top Laborer	8.40	.40	.35		.035
Bell Men (Top & Bottom) All Laborers in Tunnel	8.525	.40	.35		.035
Drill & Powdermen; Muckers	8.775	.40	.35		.035
Tunnel Miners	8.875	.40	.35		.035
Caisson (Free Air):					
Caisson Top Man Helper	8.40	.40	.35		.035
Caisson Top Man	8.525	.40	.35		.035
Caisson Miners & Muckers	8.875	.40	.35		.035
Open Sewer & Trenches:					
Top Man & all other Excavating	8.40	.40	.35		.035
Bottom Man who does immediate grading	8.525	.40	.35		.035
Tile Layer & Caulker	8.775	.40	.35		.035
Cribbing, Jackman & Hydraulic Jackman in Trench	8.875	.40	.35		.035
Levee & Heavy Grading:					
All other Laborers	8.40	.40	.35		.035
Spotters; Dump Man; Cutman	8.525	.40	.35		.035
Pipeline:					
All other Laborers; Rollers; Scalers & Spotters	8.40	.40	.35		.035
Signal Men on Rigs; Rig Men; Kettlemen & Carriers; Men Handling Hot Stuff; Men who do immediate grading for laying of Pipe or digging Bell Holes	8.525	.40	.35		.035

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LABORERS: (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Fulton County & Remainder of Tazewell County:					
Unskilled Laborers; Carpenter Tenders, Mason Tenders, Tunnel Laborer(Free Air) Landscapers, Wrecking Laborers, Plasterer Tenders	$8.35	.40	.40		.035
Semi-Skilled Laborers; Cement Handlers; Kettle & Tarmen; Sewer Workers (excluding Pipelayer & Helper; Vibrator Oprs; Mortar Mixer Opr; Plaster Handlers (Bulk of Bag) Coffer-dam Workers; Work on Concrete Paving, Placing, Cutting & Tying of Reinforcing; Jackhammer & Drill Oprs; Chain Saw Oprs; Caisson Top Man	8.55	.40	.40		.035
Skilled Laborers; Caisson or Tunnel Miners & Muckers; Gunnite Nozzlemen; Tile & Pipelayers; Steel Form Setters (Street & Highway) Concrete Saw Opr; Asphalt Pavers; Underpinning & Shoring of Buildings; Cribbing & Jackman in Trench & Hydraulic Jackman	8.75	.40	.40		.035
LINEMEN:					
Peoria, Tazewell, Stark, Fulton, Hancock, Henderson, Knox, McDonough & Warren Cos; Twps. of North Henderson & Suez in Mercer County:					
Linemen	9.66	.35	1%		.25%
Groundman Equip. Opr.-Class 1	9.01	.35	1%		.25%
Groundman Truck Driver:					
W/Winch	6.74	.35	1%		.25%
WO/Winch	6.42	.35	1%		.25%
Groundman Class "A"	6.13	.35	1%		.25%

DECISION NO. IL76-2023

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINEMEN (CONT'D)					
Remainder of Mercer County:					
Linemen & Technicians	$8.50	.35	1%		½ of 1%
Cable Splicers	8.56	.35	1%		½ of 1%
Dynamiter	7.26	.35	1%		½ of 1%
Groundman Truck Driver:					
W/Winch	6.10	.35	1%		½ of 1%
WO/Winch	5.90	.35	1%		½ of 1%
Groundman:					
Over 6 Months	5.90	.35	1%		½ of 1%
Less Than 6 Months	4.51	.35	1%		½ of 1%
PAINTERS					
Peoria, Stark, Taazewell & Fulton Counties:					
Brush	8.80	.45	.30		.03
Bridge Work & Spray	9.30	.45	.30		.03
Warren & Mercer Counties:					
Brush & Roller	8.22	.45	.40		.09
Structural Steel & Spray	8.47	.45	.40		.09
Bridges	9.22	.45	.40		.09
Knox & Henderson Counties:					
Brush	6.38	.25	.15		
Structural Steel	6.63	.25	.15		
McDonough & Hancock Counties:					
Brush & Structural Steel	7.00				
Spray	7.35				

DECISION NO. IL76-2023

ILL-81-LAB-1-2-3

LABORERS: MERCER COUNTY	Basic Hourly Ra'	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
UNSKILLED	$7.82	.40	.50		.035
SEMI-SKILLED	8.07	.40	.50		.035
SKILLED	8.32	.40	.50		.035

LABORERS:

UNSKILLED Common Laborer; Carpenter Tender; Rod & Chain Man; Flagman; Gravel Box Men; Dumpmen & Spotters; Form Handlers; Material Handlers; Fencing Laborers; Cleaning Lumber; Material Checkers; Dispatchers; Landscapers; Unloading Explosives; Laying of Sod; Planting of Trees, Removal of Trees, Asphalt Plant Laborers; Wrecking Laborers; Writers of Scale Ticket, Scaleman (Permanent-Portable or Temporary Plant); Deck Hand

SEMI-SKILLED Laying & Jointing of Telephone Conduit; Darco & Jackhammer Operator; Operator on Power Tools used under the jurisdiction of Laborers; Cement Jumper; Puddler; Form setter Helper; Power & Hand Saw (when clearing timber); Center Strip; Reinforcing in Concrete ; Wire Mesh; Concrete Saw; Mortar Mixer; Prime Mover or any mechanical devise taking the place of concrete buggy or wheelbarrow; Sand Point Setter; Asphalt Kettleman; Mastic Asphalt Mixerman or other preparations used on joints; Sheeting hammer Drivers (2-Men) Backup Man or Joint Man with Pipelayer; Laborer in ditch or tunnel on sewer and water main & telephone conduit Gas Distribution Men; Pipe Setter on Laterals, Drain Tiles, Culvert Pipe, & Storm Sewer Connections to Catch Basins, Manholes or Maine Line; Handling of Materials treated with oil, creosote, asphalt and/or any foreign material harmfull to skin or clothing Chloride Handlers; the Unloading & Laborers w/steel Workers and Re-Bars; Tunnel Helpers in Free Air; Batch Dumpers; Tank Cleaners; Cofferdam Workers; Bankmen on Floating Plant

SKILLED String or Wireline (1 man); Head Form Setter; Dynamite Men; Asphalt Raker; Tunnel Miner; Pipelayer on Sewer & Water Main; Gunnite Nozzle Man; Welders; Cutters; Burners and Torchman; Screedman on Asphalt Pavers; Lutemen; Curb Asphalt Machine Operator; Laser Beam Operator; Concrete Burning Machine Operator; Coring Machine Operator; Head Grade Man

DECISION NO IL76-2023

ILL-15-PEO-1-2-3

POWER EQUIPMENT OPERATORS: MERCER COUNTY	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS 1	$ 9.45	.40	.50		.08
CLASS 2	9.45	.40	.50		.08
CLASS 3	8.05	.40	.50		.08
CLASS 4	8.05	.40	.50		.08
CLASS 5	7.00	.40	.50		.08

CLASS 1 - Crane, shovel, clamshell, dragline, backhoe, derrick, tower crane, cableway, concrete spreader (servicing two pavers), asphalt spreader, asphalt mixer plant engineer, dipper operator, dipper dredge craneman, dual purpose truck (boom or winch), leverman or engineman (Hydraulic dredge), mechanic, paving mixer with tower attached (two operators required), pile driver, boom tractor, stationary, portable or floating mixing plant, trenching machine, cleaning and priming machine, endloader (one half cubic yard or over, on basement excavation work), backfiller (throw bucket), locomotive engineer, Qualified welder, tow or push boat concrete paver, seaman Trav-L- Plant or similar machines, CMI autograder or similar machine, slip form paver, caisson augering machine, mucking, asphalt heater-planer unit hydraulic cranes, Mine hoists

CLASS 2 - Athey, Barber-Green, euclid or hasis loader, asphalt pug mill, fireman and drier, concrete pump, concrete spreader (servicing one paver), bulldozer, endloader (other than mentioned above), forklift, elevating grader, group equipment greaser, letourneapull and similar machine, DW-10, straddle carrier, hyster winch and similar machines, motor patrol, power blade push cat, tractor pulling elevating grader or power blade, tractor operating scoop or scraper, tractor with power attachment, roller on asphalt or blacktop, single drum hoist, Jaeger mix and place machine, pipe bending machine, welding machines (3or4), fuller kenyon cement pump or similar machines, automatic cement and gravel batch plants (one stop set-up), Seaman pulvi-mixer or similar machines, propelled sheep foot roller or compactor (used in conjunction with a grading spread), asphalt spreader screed operator apsco spreader or similar machine, slusher, forklift (over 6,000 lb. cap. or working at heights above 28 ft.) conveyors

DECISION NO IL76-2023

POWER EQUIPMENT OPERATORS: (CONT'D)

CLASS 3 - Asphalt booster, fireman and pump operator at asphalt plant, compressor (500 cu. ft. and over), concrete finishing machine, form grader with roller on earth, mixers (3 bag to 16E), power operated bull float, tractor without power attachment, Dope pot (agitating motor), Dope chop machine, distributor (back end), Flexplane or similar machines, portable machine fireman, Hydrohammer, power winch on paving work, self-propelled roller or compactor (other than provided for above), pump operator crusher operator, trench machine (40 H. P. and under), power sub grader (on forms), or similar machines, Forklift (6000 or less cap.) Gypsum pump, conveyor over 20 H. P.

CLASS 4 - Air compressor (275 c.f.m. or over) driver on truck crane or similar machines, light plant, mixers (1 or 2 bags), power batching machine (cement auger or conveyor), boiler (engineer or fireman, water pumps, welding machine, mechanical broom, automatic cement and gravel batch plants (two or three stop set-up), small backhoes or endloaders0 self-propelled curing machine

CLASS 5 - Oiler, mechanic's helper, water pump (pumping water to paver), mechanical heater (other than steam boiler) belt machine, small putboard motor boat

DECISION NO. IL76-2023

ILL-20-PEO-2-3

POWER EQUIPMENT OPERATORS REMAINDER OF COUNTIES	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Group 1	$9.645	.45	.55		.05
Group 2	9.445	.45	.55		.05
Group 3	9.07	.45	.55		.05
Group 4	8.795	.45	.55		.05
Group 5	8.185	.45	.55		.05

POWER EQUIPMENT OPERATORS:

Group 1: Crane, hydro crane, shovels, crane type backfiller, tower cranes-mobile and crawler and stationary derricks and hoist (3-drum); Dragline, Dragline, Drott Yumbo and similar types considered as cranes, backhoe, derrick boats, pile driver and skid rigs, clam shells, locomotive cranes, road pavers - single drum, dual drum and tri batcher, motor patrols and power blades - Dumore, elevating similar types, mechanics central concrete mixing plant operator, blacktop plant operators and plant engineers, grad-all, caisson rigs - requires oiler, skimmerscoopkerhing scooper, dredges (all types) hop-toe-crane type (require oiler), Escalated rate on crane and derricks booms, $.01 per hour, per ft., over 80' including jib all cherry pickers, cherry pickers (over 15 tons require oiler), work boat, Ross carrier, helicopter, dozen and tournadozer

Group 2: Asphalt heater and planter combination (used to plant streets), trench machines, pump crete - belt crete - seqeeze crete - screw type pumps and gysum, bulker and pump, dinkeys, tournapulls-all, and similar types, multiple unit earth movers, $.25 per hour for each scoop over one scoops (all sizes), pushcats, endloaders (all types), side booms, P-H one-pass soil cement machines and similar types, wheel tractors (industrial or farm-type with dozer hoe - end loader or other attachments, backfillers, asphalt surfacing machines euclid loader, fork lifts, formless finishings, jeep w/ditching machine or other attachments, tuneluger, rock crusher, automatic cement and gravel batching mobile drills (soil testing) and similar types, pugmill with pump, flaherty spreader or similar types (require oiler), heavy equipment greaser (top greaser on spread), power launches, boring machine, C.M.I. and similar types (require oiler), all (1) and (2) drum hoists, dewatering system, straw blower, hydro-seeder, boring machine, hydro-boom, starting engineer on pipeline, F.W.D. and similar types

DECISION NO. IL76-2023

POWER EQUIPMENT OPERATORS: (CONT'D)

Group 3: Apsco spreader or similar types, tractors (track-type) without power units pulling rollers, rollers on asphalt - breck or macadam, concrete breakers, concrete spreaders, center stripper, cement finishing machines, vibro tampers (all similar types) self-propelled, mechanical bull floats, mixers over three bag to 27E, winch and boom trucks, tractor pulling power blade or elevating grader, Porter Rex rail, Clary screed, mule pulling rollers, pugmill without pump, Barber Greene or similar loaders, track-type tractors with power unit attached (minimum fireman, screed man on laydown machine, and spray machine on paving

Group 4: Power subgrader, oil distributor, straight tractor, tract-air (without attachments), curb machines, paver ditch machines, truck crane oiler, and truck type hoptoe oilers

Group 5: Herman Nelson Heater, Dravo, Warner, Silent glo and similar types, one engineer will operate 1-5 and after 5, two operators will be required, self-propelled concrete saws, assistant heavy equipment greaser crawler crane and skid oilers, rollers 5 ton and under on earth and gravel, form graders, pump (1) or (2), light plant (1) or (2), generator (1) or (2), conveyor (1) or (2), welding machine (1) or (2) mixer 3 bags and under, and bulk cement plant

DECISION NO. IL76-7023

ILL-82-TD-1-2-3

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 axle 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.

SUPERSEDEAS DECISION

STATE: Illinois
COUNTIES: See Below
DECISION NO: IL76-2024
DATE: Date of Publication
Supersedes Decision No. IL75-2081, dated June 13, 1975, in 40 FR 25395
DESCRIPTION OF WORK: Heavy and Highway Construction

ILL-III-5

COUNTIES: Champaign, Clark, Coles, Cumberland, DeWitt, Douglas, Edgar, Macon, Moultrie, Piatt, Shelby & Vermilion	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS & PILEDRIVERMEN:					
Champaign County, NE ½ of Piatt County, N. of US Rt. #36 in Douglas County	$9.565	.30	.70		.08
Macon Co; SW ½ of Piatt Co; N. of Rt. #133 in Moultrie Co; Moweaqua & N. thereof in Shelby County	9.65	.325	.475		.02
Clark, Cumberland, Coles, Edgar & Remainder of Moultrie & Shelby Counties	9.65	.45	.30		.07
Vermilion County	9.49	.50	.35		.02
DeWitt County	9.36	.40	.40		.05
CEMENT MASONS:					
Macon Co; Clinton & S. thereof in DeWitt County, S. of Monticello in Piatt Co; NE Cor. of Moultrie Co; Lovington, Bethany & Moweaqua in Shelby County	8.825	.325	.275		
Champaign, Douglas, Clark, Coles, Cumberland, Edgar & Vermilion Cos., Monticello & N. thereof in Piatt County, Remainder of Shelby & Moultrie Counties	9.125	.30			.025
ELECTRICIANS:					
Clark & Edgar Counties	9.75	.30	1%+.40		.02
Vermilion County	9.97	.40	1%+.30		.25%
Twps. of Waynesville, Wilson & Rutledge in DeWitt County	9.65	.40	1%+.30		.2%
Cumberland, Coles & Douglas Cos., Twps. of Bowdie, Burbon, Arcola & Sargent in Moultrie Co; Twps. of Lowe, Jonathan Creek, Whitley & E. Nelson in Shelby County	9.90	.40	1%+.20		.2%
Champaign Co; N. ½ of Douglas Co; Twps. of Blue Ridge, Sangamon & Monticello in DeWitt County	10.20	.40	1%+.20		.3%

DECISION NO. IL76-2024

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS (CONT'D)					
Macon Co; Twps. of Wapella, Barnett, Clintonia, Harp, DeWitt, Turnbridge, Texas Creek & Nixon in DeWitt Co; Twps. of Goose Creek, Willow Branch, Cerro Gordo, Bement & Unity in Piatt Co; Twps. of Garret & that portion of Tuscola lying west of the city of Tuscola & the Ill. Central Railroad tracks in Douglas Co; Twps. of Moweaqua, Penn, Flat Branch, Pickaway, Todds Point, Rural, Ridge, Okaw, Tower Hill, Rose, Shelbyville, Oconee, Cold Springs, Lakewood, Clarkburg, Herrick, Dry Point & Holland in Shelby Co; Twps. of Dora, Lovington, Marrowbone & Sullivan at the Ill. Masonic Home & Farm in E. Nelson in Moultrie County	$10.19	.40	1%+.35		.0035%
IRONWORKERS:					
Champaign, Coles, Cumberland, Douglas, Edgar, Moultrie, Piatt, Vermilion & E. ½ of Dewitt Co.	9.55	.40	.60		.08
Western ½ of DeWitt Co; W. ½ of Shelby Co; Decatur & West thereof in Macon County	9.50	.55	.70		
Clark County	8.15	.25	.25		
LINEMEN:					
Champaign, DeWitt, Douglas, Macon, Piatt, Edgar & Shelby Counties; Twps. of E. Oakland, Humboldt, Morgan, N. Okaw & Seven Hickory in Coles County; Remainder of Moultrie County:					
Linemen	9.66	.35	1%		.25%
Groundman-Equip. Opr.-Class 1	9.01	.35	1%		.25%
Groundman Truck Driver:					
W/Winch	6.74	.35	1%		.25%
WO/Winch	6.42	.35	1%		.25%
Groundman Class "A"	6.13	.35	1%		.25%

DECISION NO. IL76-2024

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINEMEN: (CONT'D)					
Vermilion County:					
Linemen & Groundman Equip. Opr.	$9.77	.40	1%+.30		½ of 1%
Groundman Truck Driver:					
W/Winch	8.03	.40	1%+.30		½ of 1%
WO/Winch	7.51	.40	1%+.30		½ of 1%
Groundman	7.14	.40	1%+.30		½ of 1%
Cumberland & Clark Counties; Whitley Twp. in Moultrie Co; & Remainder of Coles County:					
Linemen & Digging Machine Opr.	9.77	.35	1%		.25%
Groundman Equipment Operator:					
Class 1	8.34	.35	1%		.25%
Class 2	6.83	.35	1%		.25%
Groundman:					
Class 1	6.23	.35	1%		.25%
1st 6 Months	5.95	.35	1%		.25%
PAINTERS:					
Champaign, Coles & Douglas Cos:					
Brush	9.27	.45	.20		.03
Bridges	10.27	.45	.20		
Macon, Shelby, Moultrie & Piatt Counties:					
Brush	8.50	.40	.30		
Spray	9.25	.40	.30		
Structures over 50'-Radio-TV & Towers	9.50	.40	.30		
Edgar & Clark Counties:					
Brush	6.15				
Rollers	6.50				
Spray	7.15				
Vermilion County:					
Brush	8.80				
Spray	9.80				
DeWitt County:					
Brush	8.30	.45			.06
Roller, Spray & Struct. Steel	8.80	.45			.06

DECISION NO. IL76-2024

ILL-IH-5-LAB

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS:					
Champaign County					
Unskilled	$8.45	.30	.30		.035
Semi-Skilled	8.65	.30	.30		.035
Skilled	8.80	.30	.30		.035
Coles & Cumberland Counties					
Unskilled	8.35	.40	.30		.035
Semi-Skilled	8.55	.40	.30		.035
Skilled	8.70	.40	.30		.035
Douglas Co; S. ½ of Piatt Co.					
Unskilled	8.35	.35	.35		.035
Semi-Skilled	8.55	.35	.35		.035
Skilled	8.70	.35	.35		.035
Clark & Edgar Counties					
Unskilled	8.35	.35	.35		.035
Semi-Skilled	8.55	.35	.35		.035
Skilled	8.70	.35	.35		.035
Western ½ of Moultrie County					
Unskilled	8.30	.35	.40		.035
Semi-Skilled	8.50	.35	.40		.035
Skilled	8.65	.35	.40		.035
Eastern ½ of Moultrie County					
Unskilled	8.35	.35	.35		.035
Semi-Skilled	8.55	.35	.35		.035
Skilled	8.70	.35	.35		.035
Northern ½ of Piatt County					
Unskilled	8.45	.30	.30		.035
Semi-Skilled	8.65	.30	.30		.035
Skilled	8.80	.30	.30		.035

DECISION NO. IL76-2024

ILL-III-5-LAB

LABORERS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Shelby County					
Unskilled	$8.40	.35	.30		.035
Semi-Skilled	8.60	.35	.30		.035
Skilled	8.75	.35	.30		.035
DeWitt County					
Unskilled	8.45	.30	.30		.035
Semi-Skilled	8.65	.30	.30		.035
Skilled	8.80	.30	.30		.035
Macon County					
Unskilled	8.30	.35	.40		.035
Semi-Skilled	8.50	.35	.40		.035
Skilled	8.65	.35	.40		.035
Vermilion County					
Unskilled	8.15	.40	.50		.035
Semi-Skilled	8.35	.40	.50		.035
Skilled	8.50	.40	.50		.035

DECISION NO. IL76-2024

ILL-5-PEO-1-2-3

POWER EQUIPMENT OPERATORS:
DEWITT, MACON, PIATT & SHELBY COUNTIES

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS I	8.75	.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, Acpco concrete spreaders, Asphalt pavers, Asphalt rollers on bituminous concrete, athey loaders, backfillers, crane type, backhoes, cableways, cherry pickers, claim shell, C.M.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 OF 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. IL76-2024

ILL-21-PEO-2-3

POWER EQUIPMENT OPERATORS: REMAINDER OF COUNTIES	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS I	$10.00	.40	.50		.07
CLASS II	9.00	.40	.50		.07
CLASS III	6.90	.40	.50		.07

POWER EQUIPMENT OPERATORS:

CLASS I: Power cranes, draglines, derrick, shovels, gradalls, mechanics, tractor highlift, tournadozer, concrete mixers with skep, tournamixer, two drum machine, one drum hoist with tower or boom, cable ways, tower machines, motor patrol, boom tractor, boom or winch truck, winch or hydraulic boom truck, truck crane, tournapull, tractor operating scoops, bulldozer, push tractor, finishing machine on asphalt, large rollers on earth, rollers on asphalt mix, ross carrier or similar machine, gravel processing machine, asphalt farm tractor with half yard bucket and/or hoe attachment, dredging equipment, or dredge operator, central mix plant engineer, CMI or similar type machine, concrete pump, truck or skid mounted, tower crane, engine or rock crusher plant, concrete plant engineer, ditching machine with dual attachment, tractor mounted loaders, cherry picker, hydro crane, air compressor 600 feet or over, standard or dinkey locomotives, scoormobiles, euclid loader, soil cement machine, back filler, elevating machine, power blade, drilling machines including well testing, caissons, shaft or any similar type drilling machines, motor driven paint machine, pipe cleaning machine, pipe wrapping machine, pipe bending machine, apsco paver, boring machine, (Head Equipment Greaser), barber greene loaders, formless paver, (well point system) concrete spreader

CLASS II: Power Sub grader, bull float, form grader, finishing machine, concrete mixers w/o skips, self propelled pavement breaker, rock crusher, ditching machine under 6", curbing machine, truck crane oiler-driver, one drum machines without tower or boom air tugger, self-propelled concrete saw, machine mounted post hole digger, 2 to 4 generators, water pumps, or welding machines, or air compressor 300 cu. ft. or under, within 400 ft., rollers on aggregate and seal coat surfaces, fork lift, concrete and black top curb machine, farm tractor with less than half yard bucket

CLASS III: One water pump, oilers, air valves or steam valves, one welding machine, truck jack, mud jack, air compressor less than 300 cu. ft., gunite machine, house elevators when used for hoisting materials, engine tenders, fireman, wagon drill, flex plane, conveyors, siphons and pulsometer switchman, fireman on paint pots, fireman on asphalt plants distributor operator on trucks, tampers self-propelled power broom, striping machine (motor driven), form tamper seaman tiller, bulk cement plant equipment greaser, deck hand

DECISION NO. IL76-2024

ILL-82-TD-1-2-3

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 axle 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 COUNTIES: See Below
DECISION NO: IL76-2025 DATE: Date of Publication
Supersedes Decision No. IL75-2082, dated June 20, 1975 in 40 FR 26190
DESCRIPTION OF WORK: Heavy and Highway Construction

DECISION NO IL76-2025

COUNTIES: Adams, Brown, Cass, Christian, Logan, Mason, Menard, Morgan, Pike, Sangamon, Schuyler & Scott

ILL-HH-6

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS & PILEDRIVERMEN:					
Sangamon County (illiopolis & Vicinity)	$ 9.565	.30	.70		.08
Remainder of District #6	9.20	.45	.45		.06
CEMENT MASONS:					
Adams & Logan Counties	10.10				.01
Remainder of District #6	9.45	.40	.25		.01
ELECTRICIANS:					
Christian County	10.19	.40	1%+.25		.0035%
Adams, Brown, Pike & Schuyler Counties	9.60	.40	1%		.2%
Sangamon, Logan, Menard, Cass, Morgan, & Scott Counties; Twps of Lynchburg, Bath, Kilbourne, Crane, Creek, Salt, Creek, & Mason in Mason County	9.87	.40	1%+.30		.2%
Remainder of Mason County	9.87	.40	1%+.40		1%
IRONWORKERS:					
Brown, Cass, Christian, Logan, Mason, Menard, Morgan, Pike, Sangamon, Scott Counties Kingston & Vicinity in Adams County; Eastern ½ of Schuyler County	9.50	.55	.70		.05
Remainder of Adams & Schuyler Cos.	8.54	.40	.30		
LINEMEN:					
Sangamon Co., City of Springfield:					
Linemen	9.66	.35	1%		½ of 1%
Groundman Equip. Opr.-Class I	9.01	.35	1%		½ of 1%
Groundman Truck Driver:					
W/Winch	6.94	.35	1%		½ of 1%
WO/Winch	6.42	.35	1%		½ of 1%
Groundman Class "A"	6.13	.35	1%		½ of 1%
Remainder of Counties:					
Linemen	9.66	.35	1%		.25%
Groundman Equip. Opr.-Class I	9.01	.35	1%		.25%
Groundman Truck Driver:		—			
W/Winch	6.74	.35	1%		.25%
Groundman Class "A"	6.13	.35	1%		.25%

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS:					
Sangamon, Cass, Menard, Morgan, Christian, Scott & Logan Cos:					
Brush & Roller	$ 8.20	.45	.15		
Spray	8.70	.45	.15		
Pike County:					
Industrial	9.78	.45	.15		
Bridges	10.03	.45	.15		
Mason County:					
Brush	8.80	.45	.30		.03
Bridge Work & Spray	9.30	.45	.30		.03
Schuyler County:					
Brush & Structural Steel	7.00				
Spray	7.35				
Adams & Brown Counties:					
Brush	7.00				

DECISION NO IL76-2025 ILL-III-6-LAB

LABORERS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Adams & Christian Cos.					
Unskilled	$ 7.71	.30	.30		.035
Semi-Skilled	7.91	.30	.30		.035
Skilled	8.06	.30	.30		.035
Logan, Menard & Sangamon Cos.:					
Unskilled	7.61	.35	.35		.035
Semi-Skilled	7.81	.35	.35		.035
Skilled	7.96	.35	.35		.035
Morgan, Brown, Cass, Mason, Pike Scot & Schuyler	7.76	.25	.30		.035
Unskilled	7.96	.25	.30		.035
Semi-Skilled	7.96	.25	.30		.035
Skilled	8.11	.25	.30		.035

LABORERS:

Unskilled Common Laborers

Semi-Skilled Blade Grade Operators; Concrete Saw Operators, Asphalt Saw Oprs; Chain Saw Oprs; Form Tampers, Sandblasting; Form Setters other than Highway Paving Forms; Rubbing of Concrete; Sewer Tile & Pipe Layers; Shoring & Bracing in Sewer & Tunnels;Hopper Men. Power Tools Oprs; Spotters & Dumpmen on Dry Batch Concrete Trucks; Hot Tar & Kettle Men; Puddlers behind Paving Mixers and on walls over ten (10) feet high; Setting & making of joints for wellpoints on dewatering systems; Pipe Wrapper; Taper Coater & Torchmen on Pipeline;Stringline men & Batter Board Setters on Sewers; Hydraulic Trench Jacks

Skilled Paving Breakers & Air Tampers; Asphalt Rakers; Cement & Rock Dust Handlers; Handling Creosote; Hot Dope Men; Vibrator Men; Cutters & Burners on Wrecking Jobs or Torchmen; Concrete Burners; Men Working in Caissons below water level; Boring Machine.

DECISION NO. IL76-2025 ILL-20-PEO-2-3

POWER EQUIPMENT OPERATORS MASON COUNTY	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Group 1	$9.645	.45	.55		.05
Group 2	9.445	.45	.55		.05
Group 3	9.07	.45	.55		.05
Group 4	8.795	.45	.55		.05
Group 5	8.185	.45	.55		.05

POWER EQUIPMENT OPERATORS:

Group 1: Crane, hydro crane, shovels, crane type backfiller, tower cranes-mobile and crawler and stationary derricks and hoist (3-drum); Dragline, Dragline, Drott Yumbo and similar types considered as cranes, backhoe, derrick boats, pile driver and skid rigs, clam shells, locomotive cranes, road pavers - single drum, dual drum and tri batcher, motor patrols and power blades - Dumore, elevating similar types, mechanics central concrete mixing plant operator, blacktop plant operators and plant engineers, grad-all, caisson rigs - requires oiler, skimmerscoopkerhing scooper, dredges (all types) hop-toe-crane type (require oiler), Escalated rate on crane and derricks booms, $.01 per hour, per ft., over 80' including jib all cherry pickers, cherry pickers (over 15 tons require oiler), work boat, Ross carrier, helicopter, dozen and tournadozer

Group 2: Asphalt heater and planter combination (used to plant streets), trench machines, pump crete - belt crete - seqeeze crete - screw type pumps and gysum, bulker and pump, dinkeys, tournapulls-all, and similar types, multiple unit earth movers, $.25 per hour for each scoop over one scoops (all sizes), pushcats, endloaders (all types), side booms, P-H one-pass soil cement machines and similar types, wheel tractors (industrial or farm-type with dozer hoe - end loader or other attachments, backfillers, asphalt surfacing machines euclid loader, fork lifts, formless finishings, jeep w/ditching machine or other attachments, tuneluger, rock crusher, automatic cement and gravel batching mobile drills (soil testing) and similar types, pugmill with pump, flaherty spreader or-similar types (require oiler), heavy equipment greaser (top greaser on spread), power launches, boring machine, C.M.I. and similar types (require oiler), all (1) and (2) drum hoists, dewatering system, straw blower, hydro-seeder, boring machine, hydro-boom, starting engineer on pipeline, F.W.D. and similar types

DECISION NO. IL76-2025

POWER EQUIPMENT OPERATORS: (CONT'D)

Group 3: Apsco spreader or similar types, tractors (track-type) without power units pulling rollers, rollers on asphalt - breck or macadam, concrete breakers, concrete spreaders, center stripper, cement finishing machines, vibro tampers (all similar types) self-propelled, mechanical bull floats, mixers over three bag to 27E, winch and boom trucks, tractor pulling power blade or elevating grader, Porter Rex rail, Clary screed, mule pulling rollers, pugmill without pump, Barber Greene or similar loaders, track-type tractors with power unit attached (minimum fireman, screed man on laydown machine, and spray machine on paving

Group 4: Power subgrader, oil distributor, straight tractor, tract-air (without attachments), curb machines, paver ditch machines, truck crane oiler, and truck type hoptoe oilers

Group 5: Herman Nelson Heater, Dravo, Warner, Silent glo and similar types, one engineer will operate 1-5 and after 5, two operators will be required, self-propelled concrete saws, assistant heavy equipment greaser crawler crane and skid oilers, rollers 5 ton and under on earth and gravel, form graders, pump (1) or (2), light plant (1) or (2), generator (1) or (2), conveyor (1) or (2), welding machine (1) or (2) mixer 3 bags and under, and bulk cement plant

DECISION NO. IL76-2025

ILL-5-PEO-1-2-3

POWER EQUIPMENT OPERATORS: REMAINDER OF COUNTIES	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, Aspco concrete spreaders, Asphalt pavers, Asphalt rollers on bituminous concrete, athey loaders, backfillers, crane type, backhoes, cableways, cherry pickers, claim shell, C.M.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, treck 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 OF 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. IL76-2025

ILL-82-TD-1-2-3

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 axle 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 NO: IL76-2026
COUNTIES: *See below
DATE: Date of Publication
Supersedes Decision No.: IL75-2083, dated June 20, 1975 in 40 FR 26194
DESCRIPTION OF WORK: Heavy and Highway Construction

*COUNTIES: Clay, Crawford, Edwards, Effingham, Fayette, Hamilton, Jasper, Jefferson, Lawrence, Marion, Richland, Wabash, Wayne & White

ILL-III-7

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS & PILEDRIVERMEN:	8.17	.45	.50		.02
CEMENT MASONS:					
Southern portion of Jefferson Co., Northern ½ of Hamilton Co., & the Southeastern portion of Wayne County: Marion County (Salem & Centralia)	9.20	.30			
Crawford, Clay, Edwards, Effingham, Fayette, Jasper, Lawrence Richland, Wabash & White Cos., & Remainder of Hamilton, Jefferson, Wayne & Marion Counties					
ELECTRICIANS:					
Wabash County	10.00	.30	1%		½%
Crawford, Jasper, Lawrence & Richland Counties	9.75	.30	1%+.40		.02
Twps. of Bishop, Douglas, Lucas Moccasin, St. Francis, Summit & Teutopolis in Effingham Co.	9.90	.40	1%+.20		.2%
Banner & Liberty Twps. in Effingham County: Twps. of Hurricane, S. Hurricane, Ramsey, Bowling Green, Carson & Louden in Fayette County	10.19	.40	1%+.35		.0035%
Edwards, Hamilton, Jefferson, Marion, Clay, Wayne & White Cos., Remainder of Effingham & Fayette Counties	10.80	.40	1%+.65		¼ of 1%
IRONWORKERS:					
Edwards, Hamilton, Wabash, Wayne & White Cos: Louisville south thereof in Clay Co.: E. of Mt. Vernon in Jefferson Co., & Lawrenceville & south thereof in Lawrence Co., Olney & south thereof in Richland County	8.15	.25	.25		

DECISION NO IL76-2026

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
IRONWORKERS: (CONT'D)					
Crawford, Jasper Cos: N. of Olney in Richland Co., Dexter & East thereof in Effingham Co., North of Lawrenceville in Lawrence Co., & Remainder of Clay County	9.35	.55	1.30		
Marion County Brown & S. thereof in Fayette Co., & Mt. Vernon & west thereof in Lawrence County	10.00	.55	.75		
Effingham Co., West of Dexter & Avena & North thereof in Fayette County	9.50	.55	.70		.05
LABORERS	7.30		.30		.035
LINEMEN:					
Portion north of Avena, Bear Grove, Sefton & Sharon Twps. in Fayette County:					
Linemen	9.66	.35	1%		.25%
Groundmen Equipment Opr. Class 1	9.01	.35	1%		.25%
Groundmen Truck Driver:					
W/Winch	6.74	.35	1%		.25%
WO/Winch	6.42	.35	1%		.25%
Groundmen Class "A"	6.13	.35	1%		.25%
District #7 & Remainder of Fayette County:					
Linemen & Digging Machine Opr.	9.77	.35	1%		.25%
Groundmen Equipment Opr. Class 1	8.34	.35	1%		.25%
Groundmen Equipment Opr. Class 2	6.83	.35	1%		.25%
Groundman:					
Class "A"	6.23	.35	1%		.25%
1st 6 Months	5.95	.35	1%		.25%

DECISION NO IL76-2026

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS:					
Clay Co: Salem & Vic. in Marion County:					
Brush	7.00				
Structural Steel & Spray	8.25				
Wabash Co: Centralia & Vic. in Marion County:					
Brush, Roller & Structural Steel	7.30				
Spray	8.30				
Jefferson, Wayne, Edwards & Hamilton Counties:					
Brush & Roller	5.55				
Spray	5.80				
Jasper & Effingham Counties:					
Brush	9.27	.45	.20		.03
Bridges	10.27	.45	.20		.03
Richland & Lawrence Counties:					
Industrial	6.65				
Spray	7.65				
White County:					
Brush	6.85	.45	.20		
Bridges:					
Brush	8.00	.45	.20		
Spray	8.75	.45	.20		
Crawford County:					
Brush	8.05	.45	.20		
Fayette County:					
Industrial	9.78	.45	.15		
Bridges	10.03	.45	.15		

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POWER EQUIPMENT OPERATORS: FAYETTE, JEFFERSON & MARION COS.	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 spreador 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

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POWER EQUIPMENT OPERATORS HAMILTON & WHITE COUNTIES	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Class 1	$9.00	.40	.60		.035
Class 2	8.25	.40	.60		.035
Class 3	8.00	.40	.60		.035
Class 4	7.70	.40	.60		.035
Class 5	7.30	.40	.60		.035
Class 6	8.25	.40	.60		.035
Class 7	8.00	.40	.60		.035
Class 8	7.50	.40	.60		.035
Class 9	7.45	.40	.60		.035
Class 10	7.20	.40	.60		.035
RIVER WORK and LEVEE WORK ON MISSISSIPPI and OHIO RIVERS					
Class 11	8.90	.40	.60		.035
Class 12	7.70	.40	.60		.035

POWER EQUIPMENT OPERATORS:

Class 1: Apsco or equal spreading machine; Backhoe; Backfiller; Boom or which cat; Bituminous mixplace machine; Backsmith; Bituminous surfacing machine; Bulldozer; Crane; Shovel; Dragline; Truck crane; Piledriver; Concrete finishing machine or spreader machine; Concrete breaker; Concrete or pumpcrete pumps; Dinky or standard locomotive; Drill well; Elevating grader; Forklifts; Rubber-tired; Flex-plane; Gradall; Hi-lift, handblade, power; Hoists, tugger type; Hoist, (2 drums) or over one; Guy-derrick; Hyster mechanic; Motor patrol; Mixer 21 cu. ft. or over; Push cat; Pulls and scrapers; Pumps; 2 well points; P&H pulverizer or pulverizer equal to pugmill; Rubber-tired farm type tractor with bull-dozer or hi-lift (over 1/2 yd.), Rubber-tired tractor w/auger; Skimmer scoops; Seaman tiller; Spreader, Jersey; Tract-air used w/drill or Hi-lift; Trenching machine, or ditching machine; Wood chipper with tractor; Self-propelled roller w/10 ft. blade; Concrete pumps; Equipment greader

Class 2: Roller, self-propelled, Power subgrader; Elevator operator

Class 3: Rubber-tired farm type tractor w/bull dozer or hi-lift (1/2 yd. or less)

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POWER EQUIPMENT OPERATORS (Cont'd)

Class 4: Pump, one well point; All tract type tractors, pulling any type roller or disc.

Class 5: Oiler; All wheel type tractors, Oiler on 30 Hp ditches and over; Oiler, Hydra-crane with 15 ton lifting capacity or more and cranes similar to Hydra-crane w/15 ton capacity and more

Class 6: Air compressor w/valve driving piling air compressors, two (220 cu. ft. capacity or over); Air track drills, air track drill w/compressor; Automatic bins scales w/compressor or generator; Pipeline boring machine; Bulk cement plant w/separate compressor bulk float power operator; Concrete saws, (two); Hydra-lift (single motor); Straw mulcher blower w/spout

Class 7: Backend man on bituminous surfacing machine; Boom or winch truck; Cat wagon w/or without dump; Conveyors, two; Chip spreader, self-propelled concrete saw, on self-propelled; Form grader; Heaters, (motor driven); Hoist, 1 drum; Truck crane oiler; Vibrator, self-propelled.

Class 8: Air track drill (one); Belt drag machine, Power boom, Mechanical; Plasterer applicator; Tract-air

Class 9: Air compressor (220 cu. ft. capacity or over), one; Air compressor under (220 cu. ft.) two; Automatic bins, bulk cement plant w/built in compressor, running of same motor or electric motor; Firemen or switchmen; Form tamper, self-propelled; Light plants (two); Welding machine (two); Pumps (two); or combination or 2 pumps, Light plants, welding machines, air compressor (under 200 cu. ft.); Mud jacks or wood chipper; Mixers, less than 21 cu. ft., Motor mixer w/skip or pump; Pipeline track jack

Class 10: Air compressor, under 220 cu. ft. capacity (one); Conveyor (one); Conveyor operator on self-propelled chip spreader; Heater (one); Motor driven; Light plant (one) pump (one); Welding machine (one) Ulmac or equal spreader

RIVER WORK and LEVEE WORK on MISSISSIPPI and OHIO RIVERS

Class 11: Crane, shovel, dragline 4 yards or more, scraper, 18 yards, struck or over, dredge, derrick and piledriver, push boat operator, mechanic or 4 yards machine or over, Engine man on dredge, Levee man on dredge

Class 12: Oiler on crane, dragline, shovel, 4 yard machine or over; Oiler on dredge

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POWER EQUIPMENT OPERATORS: REMAINDER OF COUNTIES	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS I	$10.00	.40	.50		.07
CLASS II	9.00	.40	.50		.07
CLASS III	6.90	.40	.50		.07

POWER EQUIPMENT OPERATORS:

CLASS I: Power cranes, draglines, derrick, shovels, gradalls, mechanics, tractor highlift, tournadozer, concrete mixers with skep, tournamixer, two drum machine, one drum hoist with tower or boom, cable ways, tower machines, motor patrol, boom tractor, boom or winch truck, winch or hydraulic boom truck, truck crane, tournapull, tractor operating scoops, bulldozer, push tractor, finishing machine on asphalt, large rollers on earth, rollers on asphalt mix, ross carrier or similar machine, gravel processing machine, asphalt farm tractor with half yard bucket and/or hoe attachment, dredging equipment, or dredge operator, central mix plant engineer, CMI or similar type machine, concrete pump, truck or skid mounted, tower crane, engine or rock crusher plant, concrete plant engineer, ditching machine with dual attachment, tractor mounted loaders, cherry picker, hydro crane, air compressor 600 feet or over, standard or dinkey locomotives, scoopmobiles, euclid loader, soil cement machine, back filler, elevating machine, power blade, drilling machines including well testing, caissons, shaft or any similar type drilling machines, motor driven paint machine, pipe cleaning machine, pipe wrapping machine, pipe bending machine, apsco paver, boring machine, (Head Equipment Greaser), barber greene loaders, formless paver, (well point system) concrete spreader

CLASS II: Power Sub grader, bull float, form grader, finishing machine, concrete mixers w/o skips, self propelled pavement breaker, rock crusher, ditching machine under 6", curbing machine, truck crane oiler-driver, one drum machines without tower or boom air tugger, self-propelled concrete saw, machine mounted post hole dig[illegible], 2 to 4 generators, water pumps, or welding machines, or air compressor 300 cu. ft. or under, within 400 ft., rollers on aggregate and seal coat surfaces, fork lift, concrete and black top curb machine, farm tractor with less than half yard bucket

CLASS III: One water pump, oilers, air valves or steam valves, one welding machine, truck jack, mud jack, air compressor less than 300 cu. ft., gunite machine, house elevators when used for hoisting materials, engine tenders, fireman, wagon drill, flex plane, conveyors, siphons and pulsometer switchman, fireman on paint pots, fireman on asphalt plants distributor operator on trucks, tampers self-propelled power broom, striping machine (motor driven), form tamper seaman tiller, bulk cement plant equipment greaser, deck hand

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ILL-82-TD-1-2-3

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 axle 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 | COUNTIES: See Below
DECISION NUMBER: IL76-2027 | DATE: Date of Publication
Supersedes Decision No. IL752100, dated August 1, 1975, 40 FR 32562
DESCRIPTION OF WORK: Heavy and Highway Construction.

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ILL-HH-8

COUNTIES: Bond, Calhoun, Clinton, Greene, Jersey, Macoupin, Madison, Monroe, Montgomery, St. Clair & Washington	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS & PILEDRIVERMEN:					
Bond, Calhoun, Greene, Jersey & Madison Counties	$10.935	.50	.50		
Clinton, Monroe, St. Clair & Washington Counties	10.235	.40	.75		
Macoupin and Montgomery Counties	10.035	.50	.50		
CEMENT MASONS:					
Calhoun, Jersey, St. Clair, Washington & Monroe Counties; Western ½ of Clinton County, East to but not including Carlyle; Southern part of Bond County, north to & including Smithboro; Remainder of Madison County	11.125				
Greene, Macoupin & Montgomery Counties; Eastern ½ of Clinton County including Carlyle; the Northern part of Bond County & the Northeastern section of Madison County	10.025	.50	.35		
ELECTRICIANS:					
Portion wast of Butler Grove, Grisham, Hillsboro & Raymond Twp. in Montgomery County	10.19	.40	1%+.35		.0035%
Athensville, Scottville, Girard & Areas north thereof in Macoupin Co; N.W. part of Montgomery Co. including Bois D' Arc, Harvel & Pittman Twps.	9.87	.40	1%+.30		.2%
Calhoun, Greene & Jersey Cos; Alton & Vicinity in Madison Co	10.99	.40	1%	6%	½of1%
Eastern ½ of Bond County, Huey, Hoffmen & Vicinity in Clinton County & Remainder of Washington County	10.80	.40	1%+.65		½of1%
Monroe & St. Clair Cos; Western ½ of Bond Co., Vendy Twp. in Washington Co., & Remainder of Clinton, Madison & Mongomery Counties	10.28	4%	1%+.65	6%	.35%

IRONWORKERS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Bond, Calhoun, Clinton, Jersey, Madison, Monroe, St. Clair & Washington Cos; Summerville & south thereof in Macoupin Co., & Litchfield, Hillsboro & south thereof in Montgomery County	$10.00	.55	.75		
Greene; Macoupin Co., north of Summerville & north of Litchfield & Hillsboro in Montgomery County	9.50	.55	.70		.05
LINEMEN:					
Eastern ½ of Bond Co. & Remainder of Washington County:					
Linemen & Digging Operator	9.77	.35	1%		.25%
Groundman Equipment Operator:					
Class I	8.34	.35	1%		.25%
Class II	6.83	.35	1%		.25%
Groundman:					
Class "A"	6.23	.35	1%		.25%
1st 6 Months	5.95	.35	1%		.25%
Northern 1/3 of Macoupin County & Remainder of Montgomery Co:					
Linemen	9.66	.35	1%		½of1%
Groundman Equip. Opr.-Class I	9.01	.35	1%		½of1%
Groundman Truck Driver-W/Winch	6.74	.35	1%		½of1%
Groundman Truck Drover-WO/ Winch	6.42	.35	1%		½of1%
Groundman Class "A"	6.13	.35	1%		½of1%
Calhoun, Greene & Jersey Cos; S. W. corner of Macoupin Co; Alton, E. Alton, Wood River & Hartford in Madison County:					
Linemen	10.99	.40	1%	6%	½of1%
Groundman Truck Driver -W/ Winch	10.09	.40	1%	6%	½of1%
Groundman & Groundman Truck Driver	9.79	.40	1%	6%	½of1%
Clinton, Monroe & St. Clair Cos. Vendy Twp. in Washington County		—			
Western ½ of Bond County & Butler Grove, Grisham, Hillsboro, North Litchfield, Raymond, S. Litchfield, Walshville & Zanesville Twps. in Montgomery Cos., & Remainder of Macoupin County:					

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINEMEN (CONT'D)					
Linemen	$ 9.72	1%	1%		.25%
Groundmen Equipment Operator	8.44	1%	1%		.25%
Groundmen Truck Drivers:					
W/Winch	6.86	1%	1%		.25%
WO/Winch	6.86	1%	1%		.25%
Pick-Up-Jeeps	6.40	1%	1%		.25%
Groundmen	6.36	1%	1%		.25%
PAINTERS:					
Brush	9.53	.45	.15		
Industrial	9.78	.45	.15		
Bridges	10.03	.45	.15		

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HEAVY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LABORERS:					
St. Clair County - New Athens:					
Laborers	$9.15	.25	.30		.035
Brick and Plaster Mason Tenders	9.65	.25	.30		.035
Workmen cutting and burning w/a Torch and Men working on the bottom of sewer, etc.	9.40	.25	.30		.035
Dynamite Men	10.75	.25	.30		.035
Greene County - Roodhouse:					
Laborers	9.20		.50		.035
Brick and Plaster Mason Tenders	9.70		.50		.035
Workmen cutting and burning w/a torch and men working on the bottom of sewer, etc.	9.45		.50		.035
Dynamite Men	10.80		.50		.035
St. Clair County - Freeburg:					
Laborers	9.25	.25	.20		.035
Brick and Plaster Mason Tenders	9.75	.25	.20		.035
Workmen cuttin and burning w/a troch and men working on the bottom of sewer, etc.	9.50	.25	.20		.035
Dynamite Men	10.85	.25	.20		.035
Macoupin County - Gillespie;					
Madison County - Highland:					
Laborers	9.30		.40		.035
Brick and Plaster Mason Tenders	9.80		.40		.035
Workmen cutting and burning w/a torch and Men working on the bottom of sewer, etc.	9.55		.40		.035
Dynamite Men	10.90		.40		.035
Madison County - St. Jacob:					
Laborers	9.20		.40		.035
Brick and Plaster Mason Tenders	9.70		.40		.035
Workmen cutting and burning w/a torch and Men working on the bottom of sewer, etc.	9.45		.40		.035
Dynamite Men	10.80		.40		.035

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LABORERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Washington County - Nashville; Macoupin County - Staunton; Clinton County - Trenton; Madison County - Troy:					
Laborers	$9.40		.30		.035
Brick and Plaster Mason Tenders	9.90		.30		.035
Workmen cutting and burning w/a torch and Men working on the bottom of sewer, etc.	10.15		.30		.035
Dynamite Men	11.00		.30		.035
Randolph County - Chester					
Laborers	9.20		.50		.035
Brick and Plaster Mason Tenders	9.70		.50		.035
Workmen cutting and burning w/a torch and Men working on the bottom of sewer, etc.	9.45		.50		.035
Dynamite Men	10.80		.50		.035
Madison County - Glen Carbon					
Laborers	9.45		.35		.035
Brick and Plaster Mason Tenders	9.95		.35		.035
Workmen cutting and burning w/a torch and Men working on the bottom of sewer, etc.	9.70		.35		.035
Dynamite Men	11.05		.35		.035
Washington County - Okawville; Macoupin County - Carlinville; Clinton County; Carlyle; Bond County - Greenville, Pocahotas, Sorento; Calhoun County - Hardin; Montgomery County - Litchfield, Hillsboro; Jersey County - Jerseyville; Madison County - Livingston, Marine; Randolph County - Sparta:					
Laborers	9.50		.20		.035
Brick and Plaster Mason Tenders	10.00		.20		.035
Workmen cutting and burning w/a torch and Men working on the bottom of sewer, etc.	9.75		.20		.035
Dynamite Men	10.10	—	.20		.035
Monroe County:					
Common Laborers	9.80	.25			
Air Tool Operator, cooking mastic, Laying or Caulking of Sewer Pipe	10.05	.25			
Manon & Plasterer Tenders	10.30	.25			

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HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Zone I					
Area 1: Madison County - Alton					
Laborers	$9.15	.35	.30		.035
Asphalt Raker, etc.	9.25	.35	.30		.035
Brick Mason Tenders	9.65	.35	.30		.035
Men working on the bottom, etc.	9.40	.35	.30		.035
Dynamite Men	10.675	.35	.30		.035
Area 2: St. Clair Co. - New Athens					
Laborers	9.25	.25	.30		.035
Asphalt Raker, etc.	9.36	.25	.30		.035
Brick Mason Tenders	9.75	.25	.30		.035
Men working on the bottom, etc.	9.50	.25	.30		.035
Dynamite Men	10.775	.25	.30		.035
Area 3: St. Clair County - East St. Louis, Madison County-Granite City					
Laborers	8.85	.40	.55		.035
Asphalt Raker, etc.	8.75	.40	.55		.035
Brick Mason Tenders	9.35	.40	.55		.035
Men working on the bottom, etc.	9.10	.40	.55		.035
Dynamite Men	10.375	.40	.55		.035
Area 4: Madison County-Edwardsville					
Laborers	9.50		.25		.035
Asphalt Raker, etc.	9.65		.25		.035
Brick Mason Tenders	10.05		.25		.035
Men working on the bottom, etc.	9.80		.25		.035
Dynamite Men	11.075		.25		.035
Area 5: Madison County - Wood River					
Laborers	9.30		.50		.035
Asphalt Raker, etc.	9.40		.50		.035
Brick Mason Tenders	9.80		.50		.035
Men working on the bottom, etc.	9.55		.50		.035
Dynamite Men	10.825		.50		.035

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ZONE II	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Area 1: Washington County - Ashley and Okawville; Macoupin County - Mt. Olive, Shipman and Carlinville; St. Clair County - Mascoutah, O'Fallon and Collinsville; Madison County - Marine and Livingston; Clinton County - Carlyle; Randolph County - Sparta Bond County - Greenville, Pocahontas and Serento; Calhoun County - Hardin; Montgomery County - Hillsboro and Litchfield					
Laborers	$9.60		.20		.035
Asphalt Raker, etc.	9.70		.20		.035
Brick mason tenders	10.10		.20		.035
Men working on the bottom, etc.	9.85		.20		.035
Dynamite Mne	11.125		.20		.035
Area 2: Washington County - Nashville; Macoupin County - Staunton; Clinton County - Trenton; Madison County - Troy					
Laborers	9.50		.30		.035
Asphalt Raker, etc.	9.60		.30		.035
Brick Masons Tenders	10.00		.30		.035
Men working on the bottom, etc.	9.75		.30		.035
Dynamite Men	11.025		.30		.035
Area 3: St. Clair Co. - Belleville					
Laborers	9.10	.30	.40		.035
Asphalt Raker, etc.	9.20	.30	.40		.035
Brick Masons Tenders	9.60	.30	.40		.035
Men working on the bottom, etc.	9.35	.30	.40		.035
Dynamite Men	10.625	.30	.40		.035
Area 4: Madison County - Glen Carbon					
Laborers	9.45		.35		.035
Asphalt Raker, etc.	9.55		.35		.035
Brick Mason Tenders	9.95		.35		.035
Men working on the bottom, etc.	9.70		.35		.035
Dynamite Men	10.975		.35		.035

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ZONE	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Area 5: Randolph County - Chester					
Laborers	$9.30		.50		.035
Asphalt Raker, etc.	9.40		.50		.035
Brick Mason Tenders	9.80		.50		.035
Men working on the bottom, etc.	9.55		.50		.035
Dynamite Men	10.825		.50		.035
ZONE					
Area 6: Green County - Roodhouse					
Laborers	9.30		.50		.035
Asphalt Raker, etc.	9.40		.50		.035
Brick Mason Tenders	9.80		.50		.035
Men working on the bottom, etc.	9.55		.50		.035
Dynamite Men	10.825		.50		.035
Area 7: Madison County - Highland; Macoupin County - Gillespie					
Laborers	9.40		.40		.035
Asphalt Raker, etc.	9.50		.40		.035
Brick Mason Tenders	9.90		.40		.035
Men working on the bottom, etc.	9.65		.40		.035
Dynamite Men	10.925		.40		.035
Area 8: Monroe County - Columbia	9.55				
Laborers	9.65		.25		.035
Asphalt Rakers, etc.	10.05		.25		.035
Brick Mason Tenders	9.80		.25		.035
Men working on the bottom, etc.	11.075		.25		.035
Dynamite Men			.25		.035
Area 9: St Clair Co. - Freeburg					
Laborers	9.35	.25	.20		.035
Asphalt Raker, etc.	9.45	.25	.20		.035
Brick Mason Tenders	9.85	.25	.20		.035
Men working on the bottom, etc.	9.60	.25	.20		.035
Dynamite Men	10.875	.25	.20		.035
Area 10: Madison County - St. Jacob					
Laborers	9.30		.50		.035
Asphalt Raker, etc.	9.40		.50		.035
Brick Mason Tenders	9.80		.50		.035
Men working on the bottom, etc.	9.55		.50		.035
Dynamite Men	10.825		.50		.035

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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	3.50	.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) Hydraulic 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

DECISION NO. IL76-2027

ILL-82-TD-1-2-3

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I	.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.

SUPERSEDEAS DECISION

STATE: Illinois COUNTIES: See Below
DECISION NO: IL76-2028 DATE: Date of Publication
Supersedes Decision No. IL75-2084, dated June 27, 1975 40 FR 27419
DESCRIPTION OF WORK: Heavy and Highway Construction

COUNTIES: Alexander, Franklin, Gallatin, Hardin, Jackson, Johnson, Massac, Perry, Pope, Pulaski, Randolph, Saline, Union and Williamson

ILL-HH-9

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS & PILEDRIVERMEN:					
Randolph County	$10.235	.40	.75		
Remainder of District #9	8.00	.45	.35		.02
CEMENT MASONS	7.85				
ELECTRICIANS:					
Red Bud Township in Randolph Co.	10.28	4%	1%+.65	6%	.25%
Remainder of Randolph Co. & Dist. #9	10.80	.40	1%+.65		½of1%
IRONWORKERS:					
Alexander, Franklin, Gallatin, Hardin, Jackson, Johnson, Massac, Pope, Pulaski, Union, Williamson, Saline (SW of Eldorado)	8.45	.45	.50		.02
Saline County (Eldorado & Northeast therof)	8.15	.25	.25		
Perry & Randolph Counties	10.00	.55	.75		
LABORERS:					
Randolph County:					
Heavy	9.20		.50		.035
Highway	9.60		.20		.035
Remainder of District #9	7.30		.30		.035
LINEMEN:					
Red Bud Township in Randolph Co:					
Linemen	9.72	4%	1%		.25%
Groundmen Equipment Operator	8.44	4%	1%		.25%
Groundmen-Truck Drivers With & Without Winch	6.86	4%	1%		.25%
Pick-Up-Jeeps	6.40	4%	1%		.25%
Remainder of Randolph County & District #9:					
Linemen & Digging Machine Opr.	9.77	.35	1%		.25%
Groundman Equipment Operator:					
Class 1	8.34	.35	1%		.25%
Class 2	6.83	.35	1%		.25%
Groundman:					
Class "A"	6.23	.35	1%		.25%
1st 6 Months	5.95	.35	1%		.25%

DECISION NO IL76-2028

	Basic Hourl. Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS:					
Franklin County; Williamson Co. (Marion & Vicinity):					
Brush	$ 6.95				
Industrial	7.20				
Williamson Co., (Herrin & Vicinity:					
Brush & Roller	4.70				
Bridges	5.20				
Spray	5.75				
Alexander, Johnson & Pulaski Cos:					
Brush	5.75				
Bridges; Brush & Spray	6.90				
Saline, Gallatin, Hardin & Pope Counties:					
Brush	5.15				
Structural Steel	5.40				
Jackson, Perry & Randolph Cos:					
Brush & Roller	7.90				
Industrial	8.45				
Union County:					
Brush	7.25				
Industrial	7.75				
Massac County:					
Brush & Roller	6.35	.25			
Bridges; Brush & Spray	8.50	.25			

DECISION NO. IL76-2028

ILL-2-PEO-1-2-3

POWER EQUIPMENT OPERATORS: PERRY & RANDOLPH COUNTIES	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 floata, 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

DECISION NO. IL76-2028

ILL-17-PEO-1-2-3

POWER EQUIPMENT OPERATORS REMAINDER OF COUNTIES	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Class 1	$9.00	.40	.60		.035
Class 2	8.25	.40	.60		.035
Class 3	8.00	.40	.60		.035
Class 4	7.70	.40	.60		.035
Class 5	7.30	.40	.60		.035
Class 6	8.25	.40	.60		.035
Class 7	8.00	.40	.60		.035
Class 8	7.50	.40	.60		.035
Class 9	7.45	.40	.60		.035
Class 10	7.20	.40	.60		.035
RIVER WORK and LEVEE WORK ON MISSISSIPPI and OHIO RIVERS					
Class 11	8.90	.40	.60		.035
Class 12	7.70	.40	.60		.035

POWER EQUIPMENT OPERATORS:

Class 1: Apsco or equal spreading machine; Backhoe; Backfiller; Boom or which cat; Bituminous mixplace machine; Backsmith; Bituminous surfacing machine; Bulldozer; Crane; Shovel; Dragline; Truck crane; Piledriver; Concrete finishing machine or spreader machine; Concrete breaker; Concrete or pumpcrete pumps; Dinky or standard locomotive; Drill well; Elevating grader; Forklifts; Rubber-tired; Flex-plane; Gradall; Hi-lift, handblade, power; Hoists, tugger type; Hoist, (2 drums) or over one; Guy-derrick; Hyster mechanic; Motor patrol; Mixer 21 cu. ft. or over; Push cat; Pulls and scrapers; Pumps; 2 well points; P&H pulverizer or pulverizer equal to pugmill; Rubber-tired farm type tractor with bull-dozer or hi-lift (over 1/2 yd.), Rubber-tired tractor w/auger; Skimmer scoops; Seaman tiller; Spreader, Jersey; Tract-air used w/drill or Hi-lift; Trenching machine, or ditching machine; Wood chipper with tractor; Self-propelled roller w/10 ft. blade; Concrete pumps; Equipment greader

Class 2: Roller, self-propelled, Power subgrader; Elevator operator

Class 3: Rubber-tired farm type tractor w/bull dozer or hi-lift (1/2 yd. or less)

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POWER EQUIPMENT OPERATORS (Cont'd)

Class 4: Pump, one well point; All tract type tractors, pulling any type roller or disc.

Class 5: Oiler; All wheel type tractors, Oiler on 30 Hp ditches and over; Oiler, Hydra-crane with 15 ton lifting capacity or more and cranes similar to Hydra-crane w/15 ton capacity and more

Class 6: Air compressor w/valve driving piling air compressors, two (220 cu. ft. capacity or over); Air track drills, air track drill w/compressor; Automatic bins scales w/compressor or generator; Pipeline boring machine; Bulk cement plant w/separate compressor bulk float power operator; Concrete saws, (two); Hydra-lift (single motor); Straw mulcher blower w/spout

Class 7: Backend man on bituminous surfacing machine; Boom or winch truck; Cat wagon w/or without dump; Conveyors, two; Chip spreader, self-propelled concrete saw, on self-propelled; Form grader; Heaters, (motor driven); Hoist, 1 drum; Truck crane oiler; Vibrator, self-propelled.

Class 8: Air track drill (one); Belt drag machine, Power boom, Mechanical; Plasterer applicator; Tract-air

Class 9: Air compressor (220 cu. ft. capacity or over), one; Air compressor under (220 cu. ft.) two; Automatic bins, bulk cement plant w/built in compressor, running of same motor or electric motor; Firemen or switchmen; Form tamper, self-propelled; Light plants (two); Welding machine (two); Pumps (two); or combination or 2 pumps, Light plants, welding machines, air compressor (under 200 cu. ft.); Mud jacks or wood chipper; Mixers, less than 21 cu. ft., Motor mixer w/skip or pump; Pipeline track jack

Class 10: Air compressor, under 220 cu. ft. capacity (one); Conveyor (one); Conveyor operator on self-propelled chip spreader; Heater (one); Motor driven; Light plant (one) pump (one); Welding machine (one) Ulmac or equal spreader

RIVER WORK and LEVEE WORK on MISSISSIPPI and OHIO RIVERS

Class 11: Crane, shovel, dragline 4 yards or more, scraper, 18 yards, struck or over, dredge, derrick and piledriver, push boat operator, mechanic or 4 yards machine or over, Engine man on dredge, Levee man on dredge

Class 12: Oiler on crane, dragline, shovel, 4 yard machine or over; Oiler on dredge

DECISION NO. IL76-2028

ILL-82-TD-1-2-3

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 axle 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.

STATE: Iowa COUNTY: Scott
DECISION NO.: IA76-4065 DATE: Date of Publication
Supersedes Decision No. IA75-4178, dated October 31, 1975, in 40 FR 50894.
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories), Heavy and Highway Construction.

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$ 9.75	.30	.50		.10
BOILERMAKERS	9.45	.70	1.00		.02
BRICKLAYERS & STONEMASONS	9.40	.35	.50		.03
CARPENTERS:					
Carpenters	9.06	.35	.50		.04
Piledrivermen	9.31	.35	.50		.04
Millwrights	9.30	6%	7%		4%
CEMENT MASONS	8.77	.40	.60		
ELECTRICIANS:					
Electricians	10.05	.45	5.5%		.03
Cable splicers	10.30	.45	5.5%		.03
ELEVATOR CONSTRUCTORS	8.985	.445	.29	3%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.445	.29	3%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	8.05	.50	1.00		
IRONWORKERS	10.50	.50	.375		.07
LABORERS:					
GROUP 1 - Carpenter tenders; Common laborers; mason tenders	7.82	.40	.50		.035
GROUP 2 - Concrete saw; Pipesetters; Plumber-laborer; Power tools (barco-vibrator-mortar mixers-dynamite handlers-burner, on dismantling work to be junked); Prime movers; Sand points	8.07	.40	.50		.035
GROUP 3 - Caissons, after 6' depth; Dynamite men; Tunnel miners	8.32	.40	.50		.035
MARBLE SETTERS	9.20		.50		
PAINTERS:					
Brush, rollers	8.07	.45	.55		.09
Spray; structural steel	8.32	.45	.55		.09
PLASTERERS	10.00				
PLUMBERS & STEAMFITTERS	9.85	.40	.60		.10
ROOFERS	10.35		.40		
SHEET METAL WORKERS	9.25	.45	.40		.10
SOFT FLOOR LAYERS	9.06	.35	.50		.04
SPRINKLER FITTERS	10.40	.50	.80		.08

DECISION NO. IA76-4065

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TERRAZZO WORKERS	$ 9.20		.50		
TILE SETTERS	9.20		.50		
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental					

FOOTNOTE:
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 service as Vacation Pay Credit. Six 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. IA76-4065

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS					
GROUP 1	$ 9.45	.40	.50		.08
GROUP 2	8.05	.40	.50		.08
GROUP 3	7.00	.40	.50		.08

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - All hoists or steel erecting equipment; Crane, Shovel, Clamshell, Dragline, Backhoe, Derrick, Tower Crane, Cableway, Concrete Spreader (servicing 2 pavers), Asphalt Spreader, Asphalt Mixer Plant Engineer, Dipper Dredge Operator, Dipper Dredge Cranaman, Dual Purpose Truck (boom or winch), Leverman or Engineman (hydraulic dredge), Mechanic, Paving Mixer with tower attached (2 operators required), Pile Driver, Boom Tractor, Stationary, Portable or Floating Mixing Plane, Trenching Machine (over 40 HP), Building Hoist (2 drums), Hot Paint Wrapping Machine Cleaning & Priming Machine, Backfiller (throw bucket), Locomotive Engineer, Qualified Welder, Tow or Push Boat, Concrete Paver, Seaman Trav-L-Plant or similar machines, CMI Autograder or similar machines, Slip Form Paver, Caisson Augering Machine, Asphalt Heater-Planer Unit, Hydraulic Cranes, Mine Hoists; Athey, Barber-Green, Euclid or Haiss Loader, Asphalt Pug Mill, Fireman and Drier, Concrete Pump, Concrete Spreader (servicing 1 Paver), Bulldozer, Endloader, Log Chippers or similar machines, Elevating Grader, Group Equipment Greaser, LeTourneaupull & similar machines, DW-10, Hyster Winch & similar machines, Motor Patrol, Power Blade, Push Cat, Tractor Pulling Elevating Grader or Power Blade, Tractor Operating Scoop or Scraper, Tractor with Power Attachments, Roller on Asphalt or Blacktop, Single Drum Hoist, Jaeger Mix & Place Machine, Pipe Bending Machine, Flexaplane or similar machines, Automatic Curbing Machines, Automatic Cement & Gravel Batch Plants (1 stop set-up), Seaman Pulvi-Mixer or similar machines, Blastholer Self-propelled Rotary Drill or similar machines, Work Boat, Combination Concrete Finishing Machine & Float, Self-Propelled Sheep Foot Roller or Compactor (used on conjunction with a Grading Spread) Asphalt Spreader Screed Operator, Apsco Spreader or similar machines, Slusher, Forklift (over 6000 lbs. cap. or working at heights above 28 ft.), Concrete Conveyors

GROUP 2 - Asphalt Rooster, Fireman & Pump Operator at Asphalt Plant, Mud Jack, Underground Boring Machine, Concrete Finishing Machine, Form Grader with Roller on Earth, Mixers (3 bag to 16E), Power Operated Bull Float, Tractor without Power Attachments, Dope Pot agitating motor), Dope Chop Machine, Distributor (back end), Straddle Carrier, Portable Machine Fireman, Hydro-Hammer, Power Winch on Paving Work, Self-propelled Roller or Compactor (other than provided for above), Pump Operator (more than 1 well point pump), Portable Crusher Operator, Trench Machine (under 40 HP), Power Subgrader (on forms) or similar machines, Forklift (6000 lbs. or less cap.), Gypsum Pump, Conveyor over 20 HP, Fuller Kenyon Cement Pump or similar machines; Air Compressor (275 cfm or over), Driver on Truck Crane or similar machines, Light Plant, Mixers (1 or 2 bag), Power Batching Machine (Cement Auger or Conveyor), Boiler (Engineer or Fireman), Water Pumps, Mechanical Broom, Automatic Cement and Gravel Batch Plants (2 or 3 stop set-up), Small Rubber-tired Tractors (not including backhoes or end loaders), Self-propelled curing machine

GROUP 3 - Oiler, Mechanic's Helper, Mechanical Heater (other than steam boiler), Belt Machine, Small Outboard Motor Boat, Engine Driven Welding Machine

DECISION NO. IA76-4065

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS					
GROUP 1	$ 6.35	.35	10.00p/w		
GROUP 2	6.55	.35	10.00p/w		
GROUP 3	6.75	.35	10.00p/w		
GROUP 4	6.95	.35	10.00p/w		

TRUCK DRIVERS CLASSIFICATION DEFINITIONS

GROUP 1 - Drivers on 4-wheel trucks, dumpcretes, scoopmobile 5 cu. yds. & under or less than 7½ tons, mixer trucks 3 cu. yds. & under, air compressors & welding machines, including those pulled by separate units, batch trucks, wet or dry, 2-34E batches or less, truck drivers' helpers, warehousemen, mechanics' helpers, greasers, truck drivers on dumpsters or similar dumpsters, mounted on 4-wheel trucks, rates 2 cu. yds. or less, and small pallet type fork lift operator and driver on pilot trucks

GROUP 2 - Drivers on 4-wheel trucks over 5 cu. yds. or more than 7½ tons, 6-wheel trucks, Koehring or similar dumpsters, track trucks, euclids, tournapulls, hug-bottom dumps, tournatrailers, tournarockers or similar equipment when used for transportation purposes under 9 cu. yds. or less than 13½ tons, tandems & semi-trailer service trucks, mixer trucks over 3 cu. yds. & including 6½ cu. yds. fork lift, 4-wheel A-frame trucks when used for transportation purposes, 4-wheel winch trucks, pavement breakers, batch trucks wet or dry - over 2 up to & including 4-34E batches

GROUP 3 - Drivers on heavy equipment 9 cu. yds. or 13½ tons and/or trucks licensed for 50,000 lbs. gross up to & including 16 cu. yds. or 24 ton, such as Koehring or similar dumpsters, track trucks, semitrailer water trucks, euclids, hug-bottom dumps, tournatrailers, tournarockers, tractor-trailers, tandem A-frames, Tandem winch trucks, hydro-lift trucks or similar equipment when used for transportation purposes, mixers over 6½ cu. yds., batch trucks wet or dry over 4-34E batches, single axle lowboy trailers, 6-wheel pole trailers & two-man oil distributors

GROUP 4 - Drivers on heavy equipment over 16 cu. yds. or 24 tons, such as Koehring or similar dumpsters, track trucks, euclids, hug-bottom dumps, tournapulls, tournarockers or similar equipment when used for transportation purposes and drivers on oil distributors, 1 man operation pole trailers over 6-wheels, water pulls, lowboy trailers, tandem axles or more no weight limitation, diesel and/or heavy equipment mechanics

DECISION NO. IA76-4065

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS	$ 9.18	.35	.50		.02
CEMENT MASONS	8.77	.40	.60		
LABORERS:					
GROUP 1	7.82	.40	.50		.035
GROUP 2	8.07	.40	.50		.035
GROUP 3	8.32	.40	.50		.035

LABORERS CLASSIFICATION DEFINITIONS

GROUP 1 - Common laborers; Carpenter tenders; Rod and Chain Man; Flagman; Gravel Box Men, Dumpmen and spotters; Form Handlers; Material Handlers; Fencing Laborers; Cleaning Lumber Material Checkers; Dispatchers; Unloading explosives; Laying of Sod; Planting of Trees; Removal of Trees; Asphalt Plant Laborers; Wrecking Laborers; Writer of Scale Tickets, Scalemen, Permanent, Portable or Temporary Plant; Deck Hand

GROUP 2 - Laying and jointing of telephone conduit; Barco and Jackhammer Operator; Mechanical tamper and air spade; Wagon and Hand Drill; Vibrator Operator; Operator on Power Tools used under the jurisdiction of Laborers; Cement Dumpers; Puddler; Form setter helper; Power and Hand Saw (when cleaning timber); Center strip; Reinforcing in concrete; Wire mesh; Concrete Saw; Mortar Mixer; Prime mover or any mechanical device taking the place of concrete buggy or wheelbarrow, Sand Point Setter; Asphalt Kettleman; Mastic Asphalt Mixerman or other preparations used on joints; Sheeting Hammer Drivers (2 men); Back-up Man or Joint Man with Pipelayer, Laborers in ditch or tunnel on sewer and water main and telephone conduit; Gas Distribution Men; Pipe setter on Laterals, Drain Tiles, Culvert Pipe, and Storm Sewer Connections to Catch Basins, Manholes or Main Line, Handling of materials treated with oil, creosote asphalt and/or any foreign material harmful to skin or clothing; Chloride Handlers; The unloading and Laborers with steel workers and re-bars; Tunnel Helpers in free air; Batch Dumpers; Tank Cleaners; Cofferdam Workers; Bankmen on Floating Plant

GROUP 3 - String or Wireline (1 man); Head Form Setter; Dynamite Man; Asphalt Raker; Tunnel Miner; Pipelayer on sewer and water main; Gunnite Nozzleman; Welders, Cutters, Burners and Torchman; Screedman on Asphalt Pavers; Luteman; Curb Asphalt Machine Operator; Laser Beam Operator; Concrete Burning Machine Operator; Coving Machine Operator; Head Grade Man

SUPERSEDEAS DECISION

STATE: Missouri — COUNTIES: Franklin, Jefferson, Lincoln, St. Charles, Warren & City & County of St. Louis

DECISION NO.: MO76-4066 — DATE: Date of Publication

Supersedes Decision No. MO76-4015 dated February 13, 1976, in 40 FR 6995.

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.

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GLAZIERS	$10.04	.45	1.03	8%+c	.01
FOOTNOTE: c-Paid Holidays: New Year's Day; Washington's Birthday; Memorial Day; Independence Day; Labor Day; Columbus Day; Veterans Day; Thanksgiving Day; Friday After Thanksgiving Day; Christmas Day; Employees Birthday.					
IRONWORKERS	9.825	.55	.70		.05
LABORERS:					
ZONE 1- City & County of St. Louis					
General laborer	8.675	.40	.90		.03
Wrecking	8.55	.40	.90		.03
Plumber laborer	9.05	.40	.90		.03
Dynamiter or powderman	9.175	.40	.90		.03
Mason tenders (hod carriers)	8.25	.40	.60		
ZONE 2 - Franklin County:					
Contracts $250,000.00 or less:					
General laborer	6.25	.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				

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PAINTERS (contd):					
ZONE 2 - Franklin, Jefferson, St. Charles, Warren Counties, & City & County of St. Louis					
Brush	$9.46	.30	.30	.21	
Spray	10.96	.30	.30	.21	
PIPEFITTERS:					
ZONE 1 - Light commerical work & on jobs within the boundaries of the City of St. Louis & St. Louis County	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		

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CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS (ZONE 1)

Group 1 - Backhoe; cableway; crane, crawler or truck; crane, hydraulic-truck or cruiser mounted-16 tons & over; crane, locomotive; derrick, steam; derrick car & derrick boat; dragline; dredge; gradall, crawler or tire mounted; locomotive, gas, steam & other powers; pile driver, land or floating; scoop, skimmer; shovel, power(steam, gas, electric or other powers); switch boat; whirley; air tugger w/air compressor; anchor placing barge; asphalt spreader; athey force feed loader (self-propelled); backfilling machine; boat operator-push boat or tow boat (job site); boiler, high pressure breaking in period; boom truck, placing or erecting; boring machine, footing foundation; bullfloat; cherry picker; combination concrete hoist & mixer such as mixermobile; compressors, two, not more than 20 ft. apart; compressors, not more than 5 ft. apart; compressor-welder combination; concrete breaker (truck or tractor mounted); concrete pump, such as pumpcrete machine; concrete spreader; conveyor, large (not self-propelled) hoisting or moving brick and concrete into, or into and on floor level, one or both; crane, hydraulic-rough terrain, self-propelled; crane hydraulic-truck or cruiser mounted-under 16 tons; drilling machines, self-powered, used for earth or rock drilling or boring (wagon drills and any hand drills obtaining power from other sources including concrete breakers, jack-hammers and barco equipment no engineer required); elevating grader; engine man, dredge; excavator or powerbelt machine; finishing machine, self-propelled oscillating screed; forklift; grader, road with power blade; highlift; hoist, concrete and brick (brick cages on concrete skips operating in or on tower, towermobile, or similar equipment); hoist, stack; hydro-hammer; lad-avator, hoisting brick or concrete; loading machine (such as barber-greene); mixer-mobile; mucking machine; pipe cleaning machine; pipe wrapping machine; plant, asphalt; plant, concrete producing or ready-mix-job site; plant, heating-job site; plant-mixing-job site; plant, power, generating-job site; pump, self- powered, over 2" (one operator will operate two); pumps, electric submersible, one through three, over 4"; quad-track; roller, asphalt, top or subgrade; scoop tractor drawn; spreader box; subgrader; tie tamper; tractor-crawler, or wheel type with or without power unit, power take-offs, and attachments regardless of size; trenching machine; tunnel boring machine; vibrating machine, automatic, automatic propelled; welding machines (gasoline or diesel) more than one but not over four (regardless of size); well drilling machine.

Group 2 - Air tugger w/plant air; boiler, for power or heating on construction projects; boiler, temporary; compressor, air-one; compressor, air (mounted on truck); concrete saw, self-propelled; conveyor, large (not self-propelled); conveyor, large (not self-propelled) moving brick and concrete (distributing) on floor level; curb finishing machine; ditch paving machine; elevator (building construction or alteration); endless chain hoist; fireman; form grader; generator, one over 30 KW or any number developing over 30 KW; greaser; hoist, one drum regardless of size (except brick or concrete); lad-avator, other hoisting; manlift; mixer, asphalt, over 8 cu. ft. capacity; mixer, if two or more mixers of one bag capacity or less are used by one employer on job, an operator is required; mixer, without side loader, 2 bag capacity or more; mixer, with side loader, regardless of size, not paver; oiler on dredge; oiler on truck crane; pug mill operator; pump, sump-self-powered, automatic controlled over 2" during use in connection with construction work; sweeper, street; welding machine, one over 400 amp.; winch, operating from truck.

Group 3 - Boat operator-outboard motor (job site); conveyor (such as con-vay-it), regardless of how used, oiler, sweeper, floor

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS (CONTD.):

Group 4 - (a)Air pressure; oiler engineer operating under ten pounds. (b)Air pressure, oiler engineer operating over ten pounds. (c)Air pressure engineer operating under ten pounds. (d)Air pressure engineer operating over tend pounds. (e)Crane-pile driving with leads, crane using rock socket tool, dragline-7 cu. yds. & over, shovel, power-7 cu. yds. and over, crane, climbing (such as linden), derrick, diesel, gas, electric hoisting material and erecting steel 150' or more above ground, hoist, three or more drums, scoop, tandem, tractor, tandem crawler. (f)Heater. (g)Mud jack (where mud jack is used in conjunction with an air compressor, operator).

Crane, with boom (including jib, over 100' from pin to pin (add 1¢ per foot to maximum of 75¢) above basic rate for crane.

Work in tunnel or tunnel shaft, .25¢ above base rate.

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ZONE 2 - Franklin, Jefferson, Lincoln, St. Charles and Warren Counties:					
Group 1	$8.50	.35	.40		.02
Group 2	8.30	.35	.40		.02
Group 3	8.10	.35	.40		.02
Group 4:					
(a)	7.50	.35	.40		.02
(b)	8.75	.35	.40		.02
(c)	9.25	.35	.40		.02
(d)	9.00	.35	.40		.02

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS (ZONE 2):

Group 1 - Asphalt finishing machine & trench widening spreader; asphalt plant console operator; autograder; automatic slipform paver; backhoe; blade operator-all types; boat operator-tow; boiler-2; central mix concrete plant operator; clamshell operator; concrete mixer paver; crane operator; derrick, or derrick trucks; ditching machine; dozer operator; dragline operator; dredge booster pump; dredge engineman; dredge operator; drill cat with compressor mounted on cat; drilling or boring machine, rotary, self-propelled; highloader; hoisting engine-2 active drums; lauchhammer wheel; locomotive operator-standard gauge; mechanics and welders; mucking machine; piledriver operator; pitman crane operator; push cat operator; quad trac; scoop operator-all types; shovel operator; sideboom cats; skimmer scoop operator; trenching machine operator; truck crane.

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
TRUCK DRIVERS:					
Truck or trailers of a water level capacity of 11.99 cu. yds. or less, fork lift trucks, job site ambulances, pick-up trucks, flatbed trucks	$6.99	d	e	f&g	
Truck or trailers of a water level capacity of 12.0 cu. yds. up to 22.0 cu. yds. including euclids, speedace & similar equipment of same capacity	7.19	d	e	f&g	
Truck or trailers of a water level capacity of 22.0 cu. yds. & over including euclids, speedace & all floats, flat bed trailers & boom trucks & similar equipment of same capacity	7.29	d	e	f&g	

FOOTNOES: d-Employer contribution of $12.50 per week; e-Employer contribution of $12.00 per week; f-Paid Holidays: New Year's Day; Memorial Day; Indepencence Day; Labor Day; Veterans Day; Thanksgiving Day; Friday After Thanksgiving Day; Christmas Day; g-Paid vacation of 3 days for 600 hours of service in any one contract year, 4 days paid vacation for 800 hours of service in any one contract year, 5 days paid vacation for 1,000 hours of service in any one contract year.

WELDERS-receive rate prescribed for craft performing operation to which welding is incidental.

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	.48+3%	.66	.77	.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		

SUPERSEDEAS DECISION

STATE: Missouri

COUNTIES: Franklin, Jefferson, Lincoln, St. Charles, and Warren and St. Louis City and County

DECISION NO.: MO76- 4067

DATE: Date of Publication

Supersedes Decision No. MO76-4024 dated February 13, 1976, in 40 FR 6999

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	9.48	.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				
GLAZIERS	10.04	.45	1.03	8%+c	.01
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

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.

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 Cay; Christmas Day.

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LABORERS (CONTD):					
Zone 2 - 2 stories and under (St. Louis City and County)	$6.775	.40	.60		
Zone 3 - Lincoln, Warren and St. Charles Counties	8.275	.50	.50		
Zone 4 - Jefferson County:					
Laborers	7.15	.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		

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PIPEFITTERS(CONTD.):					
Zone 2 - Other construction and jobs within twenty miles beyond the boundary line of St. Louis County	$10.03	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;

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CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS(ZONE 1) CONTD:

Group 1 - powered, used for earth or rock drilling or boring (wagon drills and any hand rills obtaining power from other sources including concrete breakers, jackhammers and barco equipment no engineer required); elevating grader; engine man, dredge; excavator or powerbelt machine; finishing machine, self-propelled oscillating screed; forklift; grader, road with power blade; highlift; hoist, concrete and brick (brick cages on concrete skips operating in or on tower, towermobile, or similar equipment); hoist, towermobile, or similar equipment); hoist, stack; hydro-hammer; lad-a-vator, hoisting brick or concrete; loading machine (such as barber-greene); mixermobile; mucking machine; pipe cleaning machine; pipe wrapping machine; plant, asphalt; plant, concrete producing or ready-mix-job site; plant, heating-job site; plant-mixing-job site; plant, power, generating-job site; pump, self-powered, over 2" (one operator will operate two); pumps, electric submersible, one through three, over 4"; quad-track; roller, asphalt, top or subgrade; scoop tractor drawn; spreader box; subgrader; tie tamper; tractor-crawler, or wheel type with or without power unit, power take-offs, and attachments regardless of size; trenching machine; tunnel boring machine; vibrating machine, automatic, automatic propelled; welding machines (gasoline or diesel) more than one but not over four (regardless of size); well drilling machine;

Group 2 - Air tugger w/plant air; boiler, for power or heating on construction projects; boiler, temporary; compressor, air-one; compressor, air (mounted on truck); concrete saw, self-propelled; conveyor, large (not self-propelled); conveyor, large (not self-propelled) moving brick and concrete (distributing) on floor level; curb finishing machine; ditch paving machine; elevator (building construction or alteration); endless chain hoist; fireman; form grader; generator, one over 30 KW or any number developing over 30 KW; greaser; hoist, one drum regardless of size (except brick or concrete); lad-a-vator, other hoisting; manlift; mixer, asphalt, over 8 cu. ft. capacity; mixer, if two or more mixers of one bag capacity or less are used by one employer on job, an operator is required; mixer, without side loader, 2 bag capacity or more; mixer, with side loader, regardless of size, not paver; oiler on dredge; oiler on truck crane; pug mill operator; pump, sump-self-powered, automatic controlled over 2" during use in connection with construction work; sweeper, street; welding machine, one over 400 amp.; winch, operating from truck.

Group 3 - Boat operator-outboard motor (job site); conveyor (such as con-vay-it), regardless of how used, oiler, sweeper, floor

Group 4 - (a)Air pressure; oiler engineer operating under ten pounds. (b)Air pressure, oiler engineer operating over ten pounds, (c)Air pressure engineer operating under ten pounds. (d)Air pressure engineer operating over ten pounds. (e)Crane-pile driving with leads, crane using rock socket tool, dragline 7 cu. yds. & over, shovel, power 7 cu. yds. and over, crane, climbing (such as linden), derrick, diesel, gas, electric hoisting material and erecting steel 150' or more above ground, hoist, three or more drums, scoop, tandem, tractor, 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 1c per foot to maximum of 75c) above basic rate for crane.

Work in tunnel or tunnel shaft, .25c above base rate.

DECISION NO. MO76-4067

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	.48+3%	.66	.77	.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.

SUPERSEDEAS DECISION

STATE: Ohio COUNTIES: Butler and Warren
DECISION NO. OH76-2030 DATE: Date of Publication
Supersedes Decision No. AP-683, dated May 25, 1973 in 38 FR 14049
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	$ 5.25				
BRICKLAYERS	6.75				
CARPENTERS	4.97				
CEMENT MASONS	4.95				
ELECTRICIANS	5.64				
LABORERS	3.74				
PAINTERS	4.00				
PLUMBERS	5.75				
SHEET METAL WORKERS	6.46				
TILE SETTERS	5.25				
DRYWALL HANGERS	5.00				

STATE: South Carolina COUNTIES: Lexington & Richland
DECISION NUMBER: SC76-1037 DATE: Date of Publication
Supersedeas Decision No.: AR-4004 dated July 5, 1974 in 39 FR-24779
DECSRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories.)

PAID HOLIDAYS: (Where applicable)
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Holidays: A through F.

b. Employer contributes 4% basic hourly rate to employee with 5 or more years of service or 2% basic hourly rate to employee with 6 months to 5 years of service as Vacation Pay Credit.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos workers	6.50				
Bricklayers	6.00				
Carpenters	5.00				
Cement masons	4.13				
Electricians	5.02				
Elevator Constructors	5.89	.395	.26	2%+a&b	
Elevator Constructors helpers'	4.12	.395	.26	2%+a&b	
Elevator Constructors helpers' (prob.)	2.945				
Glaziers	4.27				
Iroworkers	6.50				
Laborers	2.71				
Lathers	5.50				
Millwrights	6.50				
Painters, brush	3.74				
Piledrivermen	6.00				
Plasterers	5.25				
Plumbers & steamfitters	6.80				
Roofers	3.50				
Sheet Metal Workers	6.25	.30	.15		.02
Sprinkler Fitters	8.52	.50	.80		.08
Truck Drivers	2.71				
Welders - rate for craft.					
POWER EQUIPMENT OPERATORS:					
Asphalt distributor	3.65				
Asphalt paving machine	3.28				
Asphalt raker	2.98				
Backhoe	4.25				
Bulldozer	3.76				
Concrete, pumping machine	4.50				
Cranes, derricks, draglines	5.00				
Front end loaders	3.57				
Hoist	3.63				
Motor grader	3.45				
Roller operators:					
Asphalt	3.23				
Base	2.75				
Pan operator	3.75				

SUPERSEDEAS DECISION

STATE: Wyoming COUNTY: Statewide
DECISION NUMBER: WY76-5021 DATE: Date of Publication
Supersedes Decision No. WY75-5011 dated January 31, 1975 in 40 FR 4879
DESCRIPTION OF WORK: Highway Construction

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS	$ 6.66				
CEMENT MASONS	6.61				
ELECTRICIANS	8.25	.42	1%		.06
IRONWORKERS:					
Structural	5.18				
Reinforcing	4.75				
LINE CONSTRUCTION:					
All work over 34.5 KV, all work on steel towers and/or multiple wood structures, all cross country underground communications work, and all motor traffic controlling, street and highway lighting:					
Cable Splicer	8.86	.35	1%		3/4%
Lineman	8.15	.35	1%		3/4%
Equipment Operators	7.36	.35	1%		3/4%
Groundman	6.05	.35	1%		3/4%
All work 34.5 KV and under:					
Lineman	8.15	.35	1%		3/4%
Line Equipment Operator	7.05	.35	1%		3/4%
Experienced Groundman (2 years)	6.05	.35	1%		3/4%
PAINTERS:					
Brush & Spray	6.95				
LABORERS:					
Asphalt Raker & Tamper	4.38				
Cement Finisher (Helper & Tender)	6.10				
Dumpman	6.80				
General Laborers	4.36				
Material Handler	5.00				
Pipe Setter (Metallic Type)	4.80				
Powderman and Blaster	6.60				
POWER EQUIPMENT OPERATORS:					
Auger Machine Operator	5.51	.19	.30		.01
Asphalt Plant Operator	6.80	.19	.30		.01
Bituminous lay Down Machine	6.17	.19	.30		.01
Boom (Self-Propelled)	6.235	.19	.30		.01
Crusher	6.92	.19	.30		.01
Crusher-Oiler	6.27	.19	.30		.01
Drilling Machine (integrated)	6.16	.19	.30		.01

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS: (Cont.)					
Farm Tractor, Crawler 60 HSP	$ 5.73	.19	.30		.01
Fireman	6.08	.19	.30		.01
Front End Loader 1.5 cy.	5.90	.19	.30		.01
Front End Loader 1.5 + cy.	6.80	.19	.30		.01
Mechanic (Heavy Duty)	7.05	.19	.30		.01
Mechanics' Helper	6.07	.19	.30		.01
Mechanic (Welder)	6.94	.19	.30		.01
Motor Patrol	5.98	.19	.30		.01
Motor Patrol (Finish)	6.65	.19	.30		.01
Mulching Machine	5.14	.19	.30		.01
Oil Distributor	6.10	.19	.30		.01
Oiler (Lead Utility)	6.36	.19	.30		.01
Oiler (Utility)	6.15	.19	.30		.01
Roller (Self-Propelled)	6.18	.19	.30		.01
Roller (Tandem Steel Wheel)	6.80	.19	.30		.01
Scraper Equipment (All Types)	6.59	.19	.30		.01
Screed Operator	6.80	.19	.30		.01
Shovels and Cranes (3.5 cy.)	6.21	.19	.30		.01
Tractor with Power Attachments	6.92	.19	.30		.01
TRUCK DRIVERS:					
Dump 7 cy.	5.14				
Dump 7 cy. to 10 cy.	5.14				
Dump 10 + cy. to 13 Cy.	5.36	.50	.30		
Dump 13 cy. to 20 cy.	5.66	.50	.30		
Dump 20 + cy. to 25 cy.	5.40	.50	.30		
Dump 25 cy. to 30 cy.	6.60				
Dump 30 + cy. to 35 cy.	6.37				
Dump 45 cy.	6.35	.50	.30		
Euclids (Heavy Duty or Similar)	5.64				
Flat Rack Material (2 tons)	4.97				
Flat Rack Material (5 tons)	4.40				
Fuel Truck	5.16	.50	.30		
Pick-ups	5.16	.50	.30		
Water Truck 2500 Gallon or STR	5.16	.50	.30		
Water Truck 2500 Gal. to 3600 Gal.	5.97				
" " 3600 Gallon or STR	5.39				
" " 3600 Gallon or Semi	5.56	.50	.30		

[FR Doc.76-6061 Filed 3-4-76;8:45 am]

INDEX TO GENERAL WAGE DETERMINATION DECISIONS AND MODIFICATIONS AS OF FEBRUARY 6, 1976

There is set forth below an index to general wage determination decisions and modifications as published in the FEDERAL REGISTER pursuant to the Davis-Bacon and related Acts. The index lists general wage determination decisions and modifications by State and County. An updated index is published on the first Friday of each month.

The index is published for the convenience of the public and the Department of Labor will endeavor to keep it accurate and up to date. In the event the data in the index and published general decisions do not coincide, the published general decisions shall control.

ABBREVIATIONS

(B)—Building Construction
(D)—Dredging
(F)—Flood Control Construction
(H)—Heavy Construction
(Hw)—Highway Construction
(R)—Residential Construction
Mod.—Modification
(HE)—Heavy Engineering
(LE)—Light Engineering
(U)—Utility
(W&S)—Water and Sewer

Signed at Washington, D.C., this 27th day of February 1976.

RAY J. DOLAN,
Assistant Administrator,
Wage and Hour Division.

ALABAMA

STATEWIDE
Decision #AL75-5131 (D)
40 FR 49947 - 10/24/75
Decision #AL75-1112 (Hw)(Excluding Airport Construction)
40 FR 55620 - 11/28/75
Mod. #1 - 40 FR 58013 - 12/12/75
AUTAUGA COUNTY
(D,Hw) - See Statewide
BALDWIN COUNTY
Decision #AL76-1009 (R)
41 FR 2540 - 1/16/76
(Hw) - See Statewide
BARBOUR COUNTY
(D,Hw) - See Statewide
BIBB COUNTY
(D,Hw) - See Statewide
BLOUNT COUNTY
Decision #AL75-1047 (R)
40 FR 17474 - 4/18/75
(D,Hw) - See Statewide
BULLOCK COUNTY
(D,Hw) - See Statewide
BUTLER COUNTY
(D,Hw) - See Statewide
CALHOUN COUNTY
(D,Hw) - See Statewide
CHAMBERS COUNTY
(D,Hw) - See Statewide
CHEROKEE COUNTY
(D,Hw) - See Statewide
CHILTON COUNTY
(D,Hw) - See Statewide
CHOCTAW COUNTY
(D,Hw) - See Statewide
CLARKE COUNTY
(D,Hw) - See Statewide

ALABAMA (Cont'd.

CLAY COUNTY
(D,Hw) - See Statewide
CLEBURNE COUNTY
(D,Hw) - See Statewide
COFFEE COUNTY
(D,Hw) - See Statewide
COLBERT COUNTY
Decision #AL75-1046 (R)
40 FR 17451 - 4/18/75
Decision #AL76-1011 (B)
41 FR 4741 - 1/30/76
(D,Hw) - See Statewide
CONECUH COUNTY
(D,Hw) - See Statewide
(R) - See Baldwin County
COOSA COUNTY
(D,Hw) - See Statewide
COVINGTON COUNTY
(D,Hw) - See Statewide
CRENSHAW COUNTY
(D,Hw) - See Statewide
CULLMAN COUNTY
(D,Hw) - See Statewide
DALE COUNTY
(D,Hw) - See Statewide
DALLAS COUNTY
(D,Hw)- See Statewide
DE KALB COUNTY
(D,Hw) - See Statewide
ELMORE COUNTY
(D,Hw)- See Statewide
ESCAMBIA COUNTY
(D,Hw) - See Statewide
(R) - See Baldwin County
ETOWAH COUNTY
(D,Hw)-See Statewide

ALABAMA (Cont'd.

FAYETTE COUNTY
(D,Hw) - See Statewide
FRANKLIN COUNTY
(D,Hw) - See Statewide
(R) - See Colbert County
GENEVA COUNTY
(D,Hw) - See Statewide
GREENE COUNTY
(D,Hw) - See Statewide
HALE COUNTY
(D,Hw) - See Statewide
HENRY COUNTY
(D,Hw) - See Statewide
HOUSTON COUNTY
(D,Hw) - See Statewide
JACKSON COUNTY
(D,Hw) - See Statewide
JEFFERSON COUNTY
Decision #AL75-1086 (B)
40 FR 44447 - 9/26/75
Mod. #1 - 40 FR 52241 - 11/7/75
Mod. #2 - 40 FR 54383 - 11/21/75
Mod. #3 - 40 FR 59651 - 12/29/75
(D) - See Statewide
(R) - See Blount County
(Hw) - See Statewide
LAMAR COUNTY
(D,Hw) - See Statewide
LAUDERDALE COUNTY
(B,R) - See Colbert County
(D,Hw) - See Statewide
LAWRENCE COUNTY
Decision #AL75-1027 (B)
40 FR 8701 - 2/28/75
Mod. #1 - 40 FR 27403 - 6/27/75
Mod. #2 - 40 FR 29439 - 7/11/75
Mod. #3 - 40 FR 40003 - 8/29/75
(D,Hw) - See Statewide
(R) - See Colbert County
LEE COUNTY
(D,Hw) - See Statewide
LIMESTONE COUNTY
(B) - See Lawrence County
(D,Hw) - See Statewide

ALABAMA (cont'd)

LOWNDES COUNTY
(D,Hw) - See Statewide
MACON COUNTY
(D,Hw) - See Statewide
MADISON COUNTY
Decision #AL75-1063 (B)
40 FR 26188 - 6/20/75
Mod. #1 - 40 FR 29440 - 7/11/75
Mod. #2 - 40 FR 40003 - 8/29/75
Mod. #3 - 40 FR 52241 - 11/7/75
Mod. #4 - 41 FR 5521 - 2/6/76
(D,Hw) - See Statewide
MARENGO COUNTY
(D,Hw) - See Statewide
MARION COUNTY
(R) - See Colbert County
(D,Hw) - See Statewide
MARSHALL COUNTY
(D,Hw) - See Statewide
MOBILE COUNTY
Decision #AL75-1111 (B)
40 FR 55617 - 11/28/75
(D,Hw) - See Statewide
(R) - See Baldwin County
MONROE COUNTY
(D,Hw) - See Statewide
MONTGOMERY COUNTY
Decision #AL76-1002 (R)
41 FR 1693 - 1/9/76
Decision #AL75-1073 (B)
40 FR 33580 - 8/8/75
Mod. #1 - 40 FR 42483 - 9/12/75
Mod. #2 - 40 FR 52241 - 11/7/75
MORGAN COUNTY
(B) - See Lawrence County
(D,Hw) - See Statewide
PERRY COUNTY
(D,Hw) - See Statewide
PICKENS COUNTY
(D,Hw) - See Statewide

ALABAMA (Cont'd)

PIKE COUNTY
(D,Hw) - See Statewide
RANDOLPH COUNTY
(D,Hw) - See Statewide
RUSSELL COUNTY
(D,Hw) - See Statewide
SAINT CLAIR COUNTY
(D,Hw) - See Statewide
(R) - See Blount County
SHELBY COUNTY
(B) - See Jefferson County
(D,Hw) - See Statewide
(R) - See Blount County
SUMTER COUNTY
(D,Hw) - See Statewide
TALLADEGA COUNTY
(D,Hw) - See Statewide
(R) - See Blount County
TALLAPOOSA COUNTY
(D,Hw) - See Statewide
TUSCALOOSA COUNTY
Decision #AL75-1048 (B)
40 FR 17475 - 4/18/75
Mod. #1 - 40 FR 27403 - 6/27/75
Mod. #2 - 40 FR 57070 - 12/5/75
(D,Hw) - See Statewide
WALKER COUNTY
(D,Hw) - See Statewide
(R) - See Blount County
WASHINGTON COUNTY
(D,Hw) - See Statewide
(R) - See Baldwin County
WILCOX COUNTY
(D,Hw) - See Statewide
WINSTON COUNTY
(D,Hw) - See Statewide
(R) - See Colbert County

ALASKA

STATEWIDE
Decision #AK76-5011 (B,H,Hw,R,D)
41 FR 4743 - 1/30/76

ARIZONA

STATEWIDE
Decision #AZ76-5007 (B,H,Hw)
41 FR 3568 - 1/23/76
APACHE COUNTY
Decision #AZ75-5003 (R)
(Navajo and Hopi Indian Reservations in Apache, Coconino, Navajo Cos.)
40 FR 3868 - 1/24/75
(B,H,Hw) - See Statewide
COCHISE COUNTY
(B,H,Hw) - See Statewide
(R) - See Apache County
COCONINO COUNTY
(B,H,Hw) - See Statewide
(R) - See Apache County
GILA COUNTY
(B,H,Hw) - See Statewide
GRAHAM COUNTY
(B,H,Hw) - See Statewide
GREENLEE COUNTY
(B,H,Hw) - See Statewide
MARICOPA COUNTY
(B,H,Hw) - See Statewide
Decision #AZ76-5008 (R)
41 FR 3577 - 1/23/76
MOHAVE COUNTY
(B,H,Hw) - See Statewide
NAVAJO COUNTY
(B,H,Hw) - See Statewide
(R) - See Apache County
PIMA COUNTY
(B,H,Hw) - See Statewide
Decision #AZ76-5009 (R)
41 FR 3583 - 1/23/76
PINAL COUNTY
(B,H,Hw) - See Statewide
SANTA CRUZ COUNTY
(B,H,Hw) - See Statewide
YAVAPAI COUNTY
(B,H,Hw) - See Statewide
YUMA COUNTY
(B,H,Hw) - See Statewide

ARKANSAS

STATEWIDE
Decision #AR-71 (Construction, Alteration, and/or repair of streets, highways, runways, and water & sewer utilities)
39 FR 40409 - 11/15/74
Decision #AL75-5131 (D)
40 FR 49947 - 10/24/75
ARKANSAS COUNTY
(D,H,Hw) - See Statewide
Decision #AR75-5074 (F)
40 FR 26189 - 6/20/75
Mod. #1 - 41 FR 2533 - 1/16/76
ASHLEY COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
BAXTER COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
BENTON COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
BOONE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
BRADLEY COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CALHOUN COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CARROLL COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CHICOT COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County

ARKANSAS (Cont'd.

CLARK COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CLAY COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CLEBURNE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CLEVELAND COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
COLUMBIA COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CONWAY COUNTY
Decision #AR76-4003 (B)
41 FR 2541 - 1/16/76
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CRAIGHEAD COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CRAWFORD COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
Decision #AR76-4005 (B)
41 FR 2545 - 1/16/76
CRITTENDEN COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
CROSS COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
DALLAS COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
DESHA COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County

ARKANSAS (Cont'd)

DREW COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
FAULKNER COUNTY
(B) - See Conway County
(D,H,Hw) - See Statewide
(F) - See Arkansas County
FRANKLIN COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
FULTON COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
GARLAND COUNTY
Decision #AR76-4007 (B)
41 FR 2547 - 1/16/76
(D,H,Hw) - See Statewide
(F) - See Arkansas County
GRANT COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
GREENE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
HEMPSTEAD COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
HOT SPRING COUNTY
(B) - See Garland County
(D,H,Hw) - See Statewide
(F) - See Arkansas County
HOWARD COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
INDEPENDENCE COUNTY
(H,Hw) (D) - See Statewide
(F) - See Arkansas County
IZARD COUNTY
(H,Hw) (D) - See Statewide
(F) - See Arkansas County

ARKANSAS (Cont'd.)

JACKSON COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
JEFFERSON COUNTY
(D,H,Hw) - See Statewide
(F)- See Arkansas County
JOHNSON COUNTY
(D,Hw,H) - See Statewide
(F) - See Arkansas County
LAFAYETTE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
LAWRENCE COUNTY
(D,Hw,H) - See Statewide
(F) - See Arkansas County
LEE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
LINCOLN COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
LITTLE RIVER COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
LOGAN COUNTY
(D,Hw,H) - See Statewide
(F) - See Arkansas County
LENOKE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
MADISON COUNTY
(D,Hw,H) - See Statewide
(F) - See Arkansas County
MARION COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County

ARKANSAS (Cont'd)

MILLER COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
MISSISSIPPI COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
MONROE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
MONTGOMERY COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
NEVADA COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
NEWTON COUNTY
(D,H,Hw) - See Statewide
(F) - Arkansas County
OUACHITA COUNTY
(B) - See Union County
(D,H,Hw) - See Statewide
(F) - See Arkansas County
PERRY COUNTY
(B) - See Conway County
(D,H,Hw) - See Statewide
(F) - See Arkansas County
PHILLIPS COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
PIKE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
POINSETT COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
POLK COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
POPE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County

ARKANSAS (CONT'D)

PRAIRIE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
PULASKI COUNTY
(D,H,Hw)- See Statewide
(F) - See Arkansas County
Decision #AR76-4004 (B)
41 FR 2543 - 1/16/76
Decision #AR75-4068 (R)
40 FR 14218 - 3/28/75
RANDOLPH COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
ST. FRANCIS COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
SALINE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
SCOTT COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
SEARCY COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
SEBASTIAN COUNTY
(F) - See Arkansas County
(D,H,Hw) - See Statewide
(B) - See Crawford County
SEVIER COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
SHARP COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County

ARKANSAS (CONT'D)

STONE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
UNION COUNTY
Decision #AR76-4006 (B)
41 FR 2549 - 1/16/76
(F) - See Arkansas County
(D,H,Hw) - See Statewide
VAN BUREN COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
WASHINGTON COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
WHITE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
WOODRUFF COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
YELL COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County

CALIFORNIA

ALAMEDA COUNTY
Decision #CA75-5151 (B,H,Hw,D)
41 FR 935 - 1/5/76
Mod. #1 - 41 FR 2533 - 1/16/76
Mod. #2 - 41 FR 3561 - 1/23/76
Decision #CA75-5152 (R)
41 FR 952 - 1/5/76
ALPINE COUNTY
(B,D,H,Hw,R) - See Alameda County
AMADOR COUNTY
(B,D,H,Hw,R) - See Alameda County
BUTTE COUNTY
(B,H,Hw,D) - See Alameda County
CALAVERAS COUNTY
(B,H,Hw,D,R) - See Alameda County
COLUSA COUNTY
(B,H,Hw,D,R) - See Alameda County
CONTRA COSTA COUNTY
(B,D,H,Hw,R) - See Alameda County
DELNORTE COUNTY
(B,D,H,Hw,R) - See Alameda County
ELDORADO COUNTY
(B,D,H,Hw,R) - See Alameda County
FRESNO COUNTY
(B,D,H,Hw,R) - See Alameda County
GLENN COUNTY
(B,H,Hw,D) - See Alameda County
HUMBOLDT COUNTY
(B,D,H,Hw,R) - See Alameda County
IMPERIAL COUNTY
Decision #CA75-5148 (B,D,H,Hw)
40 FR 58016 - 12/12/75
Mod. #1 - 40 FR 59651 - 12/29/75
Decision #CA75-5149 (R)
40 FR 58026 - 12/12/75
INYO COUNTY
(B,H,Hw,D) - See Imperial County
KERN COUNTY
(B,D,H,Hw,R) - See Imperial County

CALIFORNIA (Cont'd)

KING COUNTY
(B,H,Hw,D) - See Alameda County
LAKE COUNTY
(B,H,Hw,D) - See Alameda County
LASSEN COUNTY
(B,H,Hw,D) - See Alameda County
LOS ANGELES COUNTY
(B,D,H,Hw,R) - See Imperial County
MADERA COUNTY
(B,H,Hw,D) - See Alameda County
MARIN COUNTY
(B,H,Hw,D,R) - See Alameda County
MARIPOSA COUNTY
(B,D,H,Hw,R) - See Alameda County
MENDOCINO COUNTY
(B,H,Hw, D) - See Alameda County
MERCED COUNTY
(B,D,H,Hw,R) - See Alameda County
MODOC COUNTY
(B,H,Hw,D) - See Alameda County
MONO COUNTY
(B,H,Hw,D) - See Imperial County
MONTEREY COUNTY
(B,D,H,Hw,R) - See Alameda County
NAPA COUNTY
(B,D,H,Hw,R) - See Alameda County
NEVADA COUNTY
(B,D,H,Hw,R) - See Alameda County
ORANGE COUNTY
(B,D,H,Hw,R) - See Imperial County
PLACER COUNTY
(B,D,H,Hw,R)- See Alameda County
PLUMAS COUNTY
(B,H,Hw,D) - See Alameda County
RIVERSIDE COUNTY
(B,D,H,Hw,R) - See Imperial County
SACRAMENTO COUNTY
(B,D,H,Hw,R) - See Alameda County
SAN BENITO COUNTY
(B,H,Hw,D,R) - See Alameda County
SAN BERNARDINO COUNTY
(B,D,H,Hw,R) - See Imperial County
SAN DIEGO COUNTY
Decision #CA75-5141 (B,H,Hw,D)
40 FR 57079 - 12/5/75
Mod. #1 - 41 FR 3559 - 1/23/76

CALIFORNIA (Cont'd.)

SAN DIEGO COUNTY (Cont'd.)
Decision #CA75-5142 (R)
40 FR 57085 - 12/5/75
Mod. #1 - 41 FR 3560 - 1/23/76
SAN FRANCISCO COUNTY
(B,D,Hw,H,R) - See Alameda County
SAN JOAQUIN COUNTY
(B,D,H,Hw,R) - See Alameda County
SAN LUIS OBISPO COUNTY
(B,D,H,Hw,R) - See Imperial County
SAN MATEO COUNTY
(B,D,H,Hw,R) - See Alameda County
SANTA BARBARA COUNTY
(B,D,H,Hw,R) - See Imperial County
SANTA CLARA COUNTY
(B,D,H,Hw,R) - See Alameda County
SANTA CRUZ COUNTY
(B,D,H,Hw,R) - See Alameda County
SHASTA COUNTY
(B,D,H,Hw,R) - See Alameda County
SIERRA COUNTY
(B,D,H,Hw) - See Alameda County
SISKIYOU COUNTY
(B,H,Hw,D) - See Alameda County
SOLANO COUNTY
(B,D,H,Hw,R) - See Alameda County
SONOMA COUNTY
(B,D,H,Hw,R) - See Alameda County
STANISLAUS COUNTY
(B,H,Hw,D) - See Alameda County
SUTTER COUNTY
(B,D,H,Hw,R) - See Alameda County
TEHAMA COUNTY
(B,D,H,Hw,R) - See Alameda County
TRINITY COUNTY
(B,H,Hw,D) - See Alameda County
TULARE COUNTY
(B,H,Hw,D) - See Alameda County
TUOLUMNE COUNTY
(B,D,H,Hw,R) - See Alameda County
VENTURA COUNTY
(B,D,H,Hw,R) - See Imperial County
YOLO COUNTY
(B,H,Hw,D,R) - See Alameda County
YUBA COUNTY
(B,H,Hw,D,R))- See Alameda County

COLORADO

STATEWIDE
Decision #CO75-5147 (Hw)
40 FR 59131 - 12/19/75
ADAMS COUNTY
Decision #CO75-5143 (B,H)
40 FR 59104 - 12/19/75
(Hw) - See Statewide
Decision #CO75-5061 (R)
40 FR 22744 - 5/23/75
(Hw) - See Statewide
ALAMOSA COUNTY
(Hw) - See Statewide
ARAPAHOE COUNTY
(Hw) - See Statewide
(B,H,R) - See Adams County
ARCHULETA COUNTY
(Hw) - See Statewide
BACA COUNTY
(Hw) - See Statewide
BENT COUNTY
(Hw) - See Statewide
BOULDER COUNTY
(Hw) - See Statewide
(B,H) - See Adams County
CHAFFEE COUNTY
(Hw) - See Statewide
CHEYENNE COUNTY
(Hw) - See Statewide

COLORADO (cont'd)

CLEAR CREEK
(B,H) - See Adams County
(Hw) - See Statewide
CONEJOS COUNTY
(Hw) - See Statewide
COSTILLA COUNTY
(Hw) - See Statewide
CROWLEY COUNTY
(Hw) - See Statewide
CUSTER COUNTY
(Hw) - See Statewide
DELTA COUNTY
Decision #CO75-5146 (B,H)
40 FR 59124 - 12/19/75
(Hw) - See Statewide
DENVER COUNTY
(Hw) - See Statewide
(B,H,R) - See Adams County
DOLORES COUNTY
(Hw) - See Statewide
DOUGLAS COUNTY
(Hw) - See Statewide
(B,H) - See Adams County
EAGLE COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
ELBERT COUNTY
(Hw) - See Statewide
(B,H) - See Adams County
EL PASO COUNTY
Decision #CO75-5144 (B,H)
40 FR 59112 - 12/19/75
(Hw) - See Statewide
FREMONT COUNTY
(Hw) - See Statewide
GARFIELD COUNTY
(B,H) - See Delta County
(Hw) - See Statewide
GILPIN COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
GRAND COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
GUNNISON COUNTY
(B,H) - See Delta County
(Hw) - See Statewide
HINDSDALE COUNTY
(Hw) - See Statewide
HUERFANO COUNTY
(Hw) - See Statewide
JACKSON COUNTY
(Hw) - See Statewide

COLORADO (Cont'd.)

JEFFERSON COUNTY
(Hw) - See Statewide
(B,H,R) - See Adams County
KIOWA COUNTY
(Hw) - See Statewide
KIT CARSON COUNTY
(Hw) - See Statewide
LAKE COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
LA PLATA COUNTY
(Hw) - See Statewide
LARIMER COUNTY
(B,H) - See AdamsCounty
(Hw) - See Statewide
LAS ANIMAS COUNTY
Decision #CO75-5145 (B,H)
40 FR 59117 - 12/19/75
(Hw) - See Statewide
LINCOLN COUNTY
(Hw) - See Statewide
LOGAN COUNTY
(Hw) - See Statewide
MESA COUNTY
(B,H) - See Delta County
(Hw) - See Statewide
MINERAL COUNTY
(Hw) - See Statewide
MOFFAT COUNTY
(Hw) - See Statewide
MONTEZUMA COUNTY
(Hw) - See Statewide
MONTROSE COUNTY
(B,H) - See Delta County
(Hw) - See Statewide
MORGAN COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
OTERO COUNTY
(B,H) - See Las Animas County
(Hw) - See Statewide
OURAY COUNTY
(Hw) - See Statewide
PARK COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
PHILLIPS COUNTY
(Hw) - See Statewide
PITKIN COUNTY
(B,H) - See Delta County
(Hw) - See Statewide
PROWERS COUNTY
(Hw) - See Statewide
PUEBLO COUNTY
(Hw) - See Statewide
(B,H) - See Las Animas County

COLORADO (Cont'd)

RIO BLANCO COUNTY
(Hw) - See Statewide
RIO GRANDE COUNTY
(Hw) - See Statewide
ROUTT COUNTY
(Hw) - See Statewide
SAGUACHE COUNTY
(Hw) - See Statewide
SAN JUAN COUNTY
(Hw) - See Statewide
SAN MIGUEL COUNTY
(Hw) - See Statewide
SEDGWICK COUNTY
(Hw) - See Statewide
SUMMIT COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
TELLER COUNTY
(Hw) - See Statewide
WASHINGTON COUNTY
(Hw) - See Statewide
WELD COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
YUMA COUNTY
(Hw) - See Statewide

CONNECTICUT

FAIRFIELD COUNTY
Decision #CT75-2113 (B,H,Hw,R)
40 FR 45962 - 10/3/75
Mod. #1 - 40 FR 55605 - 11/28/75
Mod. #2 - 40 FR 58013 - 12/12/75
Mod. #3 - 41 FR 3561 - 1/23/76
Decision #CT75-5139 (D)
40 FR 55621 - 11/28/75
HARTFORD COUNTY
Decision #CT75-2114 (B,H,Hw)
40 FR 45970 - 10/3/75
Mod. #1 - 40 FR 55607 - 11/28/75
Mod. #2 - 40 FR 58014 - 12/12/75
Mod. #3 - 41 FR 1691 - 1/9/76
Mod. #4 - 41 FR 3562 - 1/23/76
Decision #CT75-2067 (R)
40 FR 18304 - 4/25/75
LITCHFIELD COUNTY
(B,H,Hw,R) - See Fairfield County
MIDDLESEX COUNTY
(B,H,Hw) - See Hartford County
(D) - See Fairfield County
NEW HAVEN COUNTY
(B,H,Hw) - See Hartford County
(D) - See Fairfield County
NEW LONDON COUNTY
(B,H,Hw,D,R) - See Fairfield County
TOLLAND COUNTY
(B,H,Hw) - See Hartford County
WINDHAM COUNTY
(B,H,Hw,D,R) - See Fairfield County

DELAWARE

STATEWIDE
Decision #CT75-5139 (D)
40 FR 55621 - 11/28/75
Decision #DE75-3092 (B,H,Hw)
40 FR 36903 - 8/-2/75
Mod. #1 - 40 FR 34539 - 8/15/75
Mod. #2 - 40 FR 42483 - 9/12/75
Mod. #3 - 40 FR 54386 - 11/21/75
KENT COUNTY
(B,H,Hw,D) - See Statewide
NEW CASTLE COUNTY
(B,H,Hw,D) - See Statewide
SUSSEX COUNTY
(B,H,Hw,D) - See Statewide

FLORIDA

ALACHUA COUNTY
Decision #FL75-1089 (B)
40 FR 42489 - 9/12/75
(Hw) - See Bay County
BAKER COUNTY
Decision #FL75-1081 (Hw)
40 FR 41359 - 9/5/75
BAY COUNTY
Decision #FL75-1012 (B)
40 FR 4805 - 1/31/75
Decision #AL75-5131 (D)
40 FR 49947 - 10/24/75
Decision #FL76-1021 (Hw)
41 FR 4749 - 1/30/76

FLORIDA (Cont'd.)

BRADFORD COUNTY
(Hw) - See Alachua County
BREVARD COUNTY (Cape Kennedy Kennedy Space Flight Center & Patrick AFB only)
Decision #FL75-1087 (B,H,Hw)
40 FR 41364 - 9/5/75
Mod. #1 - 40 FR 59093 - 12/19/75
Mod. #2 - 40 FR 59651 - 12/29/75
Decision #FL75-5138 (D)
40 FR 55628 - 11/28/75
(Remainder of County)
Decision #FL75-1082 (Hw)
40 FR 41360 - 9/5/75
BROWARD COUNTY
Decision #FL75-1084 (Hw)
40 FR 41362 - 9/5/75
Mod. #1 - 40 FR 53168 - 11/14/75
Decision #FL75-1011 (B,H)
40 FR 3886 - 1/24/75
Mod. #1 - 40 FR 8694 - 2/28/75
Mod. #2 - 40 FR 12952 - 3/21/75
(D) - See Brevard County
CALHOUN COUNTY
(Hw) - See Bay County
CHARLOTTE COUNTY
(Hw) - See DeSoto County
(D) - See Brevard County
CITRUS COUNTY
Decision #FL75-1104 (R)
40 FR 49949 - 10/24/75
(Hw) - See Bay County
(D) - See Brevard County
CLAY COUNTY
(Hw) - See Baker County
COLLIER COUNTY
(D) - See Brevard County
(Hw) - See Charlotte County
COLUMBIA COUNTY
(B) - See Alachua County
DADE COUNTY
Decision #FL75-1090 (B)
40 FR 42491 - 9/12/75
Decision #AR-4050 (R)
39 FR 38077 - 10/25/74
Mod. #1 - 39 FR 40404 - 11/15/74
(D) - See Brevard County
(Hw) - See Broward County

FLORIDA (cont'd)

DESOTO COUNTY
Decision #AR-4065 (R)
40 FR 43468 - 12/13/74
Decision #FL75-1083 (Hw)
40 FR 41361 - 9/5/75
Mod. #1 - 40 FR 53168 - 11/14/75
DIXIE COUNTY
(D) - See Brevard County
DUVAL COUNTY
Decision #FL76-1022 (B)
41 FR 5529 - 2/6/76
(D) - See Brevard County
(Hw) - See Baker County
ESCAMBIA COUNTY
Decision #FL75-1024 (B)
40 FR 7801 - 2/21/75
Mod. #1 - 40 FR 12953 - 3/21/75
Mod. #2 - 40 FR 18275 - 4/25/75
Mod. #3 - 40 FR 25324 - 6/13/75
Decision #FL76-1017 (R)
41 FR 3589 - 1/23/76

(Hw) - See Bay County
(D) - See Bay County
FLAGLER COUNTY
(D) - See Brevard County
(Hw) - See Baker County
FRANKLIN COUNTY
(D) - See Bay County
(Hw) - See Bay County
GADSDEN COUNTY
Decision #FL76-1018 (R)
41 FR 3590 - 1/23/76
(Hw) - See Bay County
GILCHRIST COUNTY

GLADES COUNTY
(Hw) - See Charlotte County
GULF COUNTY
(D) - See Bay County
(Hw) - See Bay County
HAMILTON COUNTY

HARDEE COUNTY
(Hw, R) - See DeSoto County
HENDRY COUNTY
(Hw) - See Charlotte County
HERNANDO COUNTY
(D) - See Brevard County
(Hw, R) - See Citrus County

FLORIDA (cont'd)

HIGHLANDS COUNTY
(R) - See Citrus County
(Hw) - See De Soto County
HILLSBOROUGH COUNTY
Decision #FL76-1014 (B)
41 FR 3587 - 1/23/76
(Hw) - See Brevard County
(D) - See Brevard County
(R) - See Citrus County
HOLMES COUNTY
(Hw) - See Bay County
INDIAN RIVER COUNTY
(D) - See Brevard County
(Hw) - See Brevard Co. (Remainder of Co.)
JACKSON COUNTY
(Hw) - See Bay County
JEFFERSON COUNTY
(D,Hw) - See Bay County
(R) - See Gadsden County
LAFAYETTE COUNTY
(H) See Alachua County
LAKE COUNTY
Decision #FL75-1066 (R)
40 FR 28332 - 7/3/75
(Hw) - See Brevard Co. (Remainder of Co.)
LEE COUNTY
(D) - See Brevard County
(Hw) - See Charlotte County
LEON COUNTY
Decision #FL75-1036 (B)
40 FR 14221 - 3/28/75
Mod. #1 - 40 FR 32551 - 8/1/75
(Hw) - See Bay County
(R) - See Gadsden County
LEVY COUNTY
(D) - See Brevard County
(Hw) - See Citrus County
LIBERTY COUNTY
(Hw) - See Bay County
MADISON COUNTY
(R) - See Gadsden County
MANATEE COUNTY
(D) - See Brevard County
(Hw) - See Hillsborough County
MARION COUNTY
(Hw) - See Citrus County
MARTIN COUNTY
Decision #FL75-1033 (B)
40 FR 14219 - 3/28/75
Mod. #1 - 40 FR 19327 - 5/2/75
Mod. #2 - 40 FR 25342 - 6/13/75
Mod. #3 - 40 FR 32551 - 8/1/75
(D) - See Brevard County
(Hw) - See Broward County

FLORIDA (cont'd)

MONROE COUNTY
(D) - See Brevard County
(Hw) - See Broward County
NASSAU COUNTY
(D) - See Brevard County
(Hw) - See Baker County
OKALOOSA COUNTY
(B) - See Escambia County
(D) - See Bay County
(Hw) - See Bay County
Decision #FL76-1016 (R)
41 FR 3589 - 1/23/76
OKEECHOBEE COUNTY
(Hw) - See DeSoto County
ORANGE COUNTY
Decision #FL75-1009 (B)
40 FR 3882 - 1/24/75
Mod. #1 - 40 FR 12952 - 3/21/75
Mod. #2 - 40 FR 25324 - 6/13/75
Mod. #3 - 40 FR 59093 - 12/19/75
(Hw) - See Brevard Co. (Remainder of Co.)
(R) - See Lake County
OSCEOLA COUNTY
(Hw) - See Brevard Co. (Remainder of Co.)
(R) - See Lake County
PALM BEACH COUNTY
(D) - See Brevard County
(B) - See Martin County
(Hw) - See Broward County
PASCO COUNTY
(D) - See Brevard County
(Hw) - See Hillsborough County
(R) - See Citrus County
PINELLAS COUNTY
Decision #FL75-1034 (B)
40 FR 12970 - 3/21/75
Mod. #1 - 40 FR 16477 - 4/11/75
Mod. #2 - 40 FR 25324 - 6/13/75
Mod. #3 - 40 FR 32551 - 8/1/75
(R) - See Citrus County
(D) - See Brevard County
(Hw) - See Hillsborough County
POLK COUNTY
(Hw) - See DeSoto County
(R) - See DeSoto County
PUTNAM COUNTY
(Hw) - See Baker County
ST. JOHNS COUNTY
(D) - See Brevard County
(Hw) - See Baker County
ST. LUCIE COUNTY
(D) - See Brevard County
(Hw) - See Broward County
SANTA ROSA COUNTY
(B) - See Escambia County
(D,Hw) - See Bay County
(R) - See Okaloosa County

FLORIDA (Cont'd)

SARASOTA COUNTY
(D) - See Brevard County
(Hw) - See Hillsborough County
SEMINOLE COUNTY
(Hw) - See Brevard Co. (Remainder of Co.)
(R) - See Lake County
SUMTER COUNTY
(Hw, R) - See Citrus County
SUWANNEE COUNTY

TAYLOR COUNTY
(D) - See Brevard County
(R) - See Gadsden County
UNION COUNTY

VOLUSIA COUNTY (Except Cape Kennedy, Kennedy Space Flight Center & Patrick Air Force Base only and including Melabar Radar Site)
Decision #FL75-1040 (B)
40 FR 14223 - 3/28/75
Mod. #1 - 40 FR 25325 - 6/13/75
Mod. #2 - 40 FR 59093 - 12/19/75
(B,H,Hw) - See Brevard Co. (Cape Kennedy,Etc)
(D) - See Brevard County
(Hw) - See Brevard County (Remainder of Co.)
WAKULLA COUNTY
(D) - See Bay County
(Hw) - See Bay County
WALTON COUNTY
(B) - See Escambia County
(D,Hw) - See Bay County
(R) - See Okaloosa County
WASHINGTON COUNTY
(Hw) - See Bay County

GEORGIA

STATEWIDE
Decision #AR-4038 (Hw)
39 FR 34984 - 9/27/74
Mod. #1 - 39 FR 36711 - 10/11/74
Mod. #2 - 40 FR 23629 - 5/30/75
APPLING COUNTY
(Hw) - See Statewide
ATKINSON COUNTY
(Hw) - See Statewide
BACON COUNTY
(Hw) - See Statewide

GEORGIA (Cont'd.)

BAKER COUNTY
Decision #AQ-4089 (R)
39 FR 10067 - 3/15/74
Mod. #1 - 40 FR 3083 - 1/17/75
(Hw) - See Statewide
BALDWIN COUNTY
(Hw) - See Statewide
BANKS COUNTY
(Hw) - See Statewide
BARROW COUNTY
Decision #AQ-4108 (R)
39 FR 14841 - 4/26/74
(Hw) - See Statewide
BARTOW COUNTY
(Hw) - See Statewide
BEN HILL COUNTY
(Hw) - See Statewide
BERRIEN COUNTY
(Hw) - See Statewide
BIBB COUNTY
(Hw) - See Statewide
BLECKLEY COUNTY
(Hw) - See Statewide
BRANTLEY COUNTY
(Hw) - See Statewide
BROOKS COUNTY
(Hw) - See Statewide
BRYAN COUNTY
(Hw) - See Statewide
Decision #AQ-4058 (R)
39 FR 3394 - 1/25/74
Decision #MD75-3008 (D)
40 FR 3094 - 1/17/75
Mod. #1 - 40 FR 14204 - 3/28/75
BULLOCH COUNTY
(R) - See Bryan County
(Hw) - See Statewide
BURKE COUNTY
Decision #GA76-1015 (R)
41 FR 3590 - 1/23/76
(Hw) - See Statewide
BUTTS COUNTY
(Hw) - See Statewide
CALHOUN COUNTY
(Hw) - See Statewide
(R) - See Baker County
CAMDEN COUNTY
(D) - See Bryan County
(Hw) - See Statewide
CANDLER COUNTY
(Hw) - See Statewide
CARROLL COUNTY
(Hw) - See Statewide
CATOOSA COUNTY
(Hw) - See Statewide
CHARLTON COUNTY
Decision #AR-4037 (R)
39 FR 33919 - 9/20/74
Mod. #1 - 40 FR 3088 - 1/17/75
(Hw) - See Statewide

GEORGIA (Cont'd.

CHATHAM COUNTY
Decision #AR-4064 (B)
39 FR 42817 - 12/6/74
Mod. #1 - 40 FR 16478 - 4/11/75
Mod. #2 - 40 FR 25325 - 6/13/75
Mod. #3 - 40 FR 32552 - 8/1/75
Mod. #4 - 40 FR 34539 - 8/15/75
(D,R) - See Bryan County
CHATTAHOOCHEE COUNTY
Decision #GA75-1039 (B)
40 FR 16471 - 4/11/75
Mod. #1 - 40 FR 24455 - 6/6/75
Mod. #2 - 40 FR 49942 - 10/27/75
Decision #AQ-4086 (R)
39 FR 9334 - 3/8/74
Mod. #1 - 40 FR 3083 - 1/17/75
(Hw) - See Statewide
CHATTOOGA COUNTY
(Hw) - See Statewide
CHEROKEE COUNTY
(Hw) - See Statewide
CLARKE COUNTY
(Hw) - See Statewide
(R) - See Barrow County
CLAY COUNTY
(R) - See Baker County
(Hw) - See Statewide
CLAYTON COUNTY
Decision #GA75-1092 (B)
40 FR 42495 - 9/12/75
Decision #AQ-4052 (R)
39 FR 2328 - 1/18/74
Mod. #1 - 40 FR 3861 - 1/24/75
(B) - See Fulton County
(Hw) - See Statewide
CLINCH COUNTY
(Hw) - See Statewide
COBB COUNTY
(B,R) - See Fulton County
(Hw) - See Statewide
COFFEE COUNTY
(Hw) - See Statewide
COLQUITT COUNTY
(Hw) - See Statewide
COLUMBIA COUNTY
(R) - See Burke County
(Hw) - See Statewide
COOK COUNTY
(Hw) - See Statewide
COWETA COUNTY
(Hw) - See Statewide
CRAWFORD COUNTY
(Hw) - See Statewide
CRISP COUNTY
(Hw) - See Statewide
DECATUR COUNTY
(R) - See Baker County
(Hw) - See Statewide

GEORGIA (Cont'd.

DEKALB COUNTY
(B,R) - See Clayton County
(Hw) - See Statewide
DODGE COUNTY
(Hw) - See Statewide
DOOLY COUNTY
(Hw) - See Statewide
DOUGHERTY COUNTY
(Hw) - See Statewide
(R) - See BAker County
DOUGLAS COUNTY
(Hw) - See Statewide
EARLY COUNTY
(Hw) - See Statewide
(R) - See Baker County
ECHOLS COUNTY
(Hw) - See Statewide
EFFINGHAM COUNTY
(R) - See Bryan County
(Hw) - See Statewide
ELBERT COUNTY
(Hw) - See Statewide
(R) - See Barrow County
EMANUEL COUNTY
(Hw) - See Statewide
EVANS COUNTY
(R) - See Bryan County
(Hw) - See Statewide
FANNIN COUNTY
(Hw) - See Statewide
FAYETTE COUNTY
(Hw) - See Statewide
FLOYD COUNTY
(Hw) - See Statewide
FORSYTH COUNTY
(Hw) - See Statewide
FRANKLIN COUNTY
(Hw) - See Statewide
FULTON COUNTY
(Hw) - See Statewide
(B,R) - See Clayton County
GILMER COUNTY
(Hw) - See Statewide
GLASCOCK COUNTY
(Hw) - See Statewide
(R) - See Burke County
GLYNN COUNTY
(D) - See Bryan County
(Hw) - See Statewide
GORDON COUNTY
(Hw) - See Statewide
GRADY COUNTY
(Hw) - See Statewide
(R) - See Baker County
GREENE COUNTY
(R) - See Barrow County
(Hw) - See Statewide

GEORGIA (Cont'd.)

GWINNETT COUNTY
(R) - See Clayton County
(Hw) - See Statewide
HABERSHAM COUNTY
(Hw) - See Statewide
HALL COUNTY
Decision #GA75-1025 (B)
40 FR 8691 - 2/28/75
Mod. #1 - 40 FR 12003 - 3/14/75
Mod. #2 - 40 FR 49942 - 10/24/75
(Hw) - See Statewide
HANCOCK COUNTY
(Hw) - See Statewide
(R) - See Burke County
HARALSON COUNTY
(Hw) - See Statewide
HARRIS COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
HART COUNTY
(Hw) - See Statewide
(R) - See Barrow County
HEARD COUNTY
(Hw) - See Statewide
HENRY COUNTY
(Hw) - See Statewide
HOUSTON COUNTY
(Hw) - See Statewide
IRWIN COUNTY
(Hw) - See Statewide
JACKSON COUNTY
(Hw) - See Statewide
(R) - See Barrow County
JASPER COUNTY
(Hw) - See Statewide
JEFF DAVIS COUNTY
(Hw) - See Statewide
JEFFERSON COUNTY
(Hw) - See Statewide
(R) - See Burke County
JENKINS COUNTY
(Hw) - See Statewide
(R) - See Burke County
JOHNSON COUNTY
(Hw) - See Statewide
JONES COUNTY
(Hw) - See Statewide
LAMAR COUNTY
(Hw) - See Statewide
LANIER COUNTY
(Hw) - See Statewide
LAURENS COUNTY
Decision #AQ-4124 (B)
39 FR 20912 - 6/14/74
(Hw) - See Statewide
LEE COUNTY
(Hw) - See Statewide
(R) - See Baker County

GEORGIA (Cont'd.)

LIBERTY COUNTY
(D,R) - See Bryan County
(Hw) - See Statewide
LINCOLN COUNTY
(Hw) - See Statewide
(R) - See Burke County
LONG COUNTY
(Hw) - See Statewide
(R) - See Bryan County
LOWNDES COUNTY
(Hw) - See Statewide
LUMPKIN COUNTY
(Hw) - See Statewide
MCDUFFIE COUNTY
(Hw) - See Statewide
(R) - See Burke County
McINTOSH COUNTY
(D) - See Bryan County
(Hw) - See Statewide
MACON COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
MADISON COUNTY
(Hw) - See Statewid3e
(R) - See Barrow County
MARION COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
MERIWETHER COUNTY
(R) - See Chattahoochee County
(Hw) - See Statewide
MILLER COUNTY
(Hw) - See Statewide
(R) - See Baker County
MITCHELL COUNTY
(Hw) - See Statewide
(R) - See Baker County
MONROE COUNTY
(Hw) - See Statewide
MONTGOMERY COUNTY
(Hw) - See Statewide
MORGAN COUNTY
(Hw) - See Statewide
(R) - See Barrow County
MURRAY COUNTY
(Hw) - See Statewide
MUSCOGEE COUNTY
(B,R) - See Chattahoochee County
(Hw) - See Statewide
NEWTON COUNTY
(Hw) - See Statewide
(R) - See Barrow County
OCONEE COUNTY
(Hw) - See Statewide
(R) - See Barrow County
OGLETHORPE COUNTY
(Hw) - See Statewide
(R) - See Barrow County

GEORGIA (Cont'd.)

PAULDING COUNTY
(Hw) - See Statewide
PEACH COUNTY
(Hw) - See Statewide
PICKENS COUNTY
(Hw) - See Statewide
PIERCE COUNTY
(Hw) - See Statewide
(R) - See Charlton County
PIKE COUNTY
(Hw) - See Statewide
POLK COUNTY
(Hw) - See Statewide
PULASKI COUNTY
(Hw) - See Statewide
PUTNAM COUNTY
(Hw) - See Statewide
QUITMAN COUNTY
(Hw) - See Statewide
(R) - See Baker County
RABUN COUNTY
(Hw) - See Statewide
RANDOLPH COUNTY
(Hw) - See Statewide
(R) - See Baker County
RICHMOND COUNTY
Decision #GA75-1005 (B)
40 FR 3091 - 1/17/75
Mod. #1 - 40 FR 6900 - 2/14/75
Mod. #2 - 40 FR 19328 - 5/2/75
Mod. #3 - 40 FR 28305 - 7/3/75
Mod. #4 - 40 FR 48844 - 10/17/75
Mod. #5 - 40 FR 53169 - 11/14/75
Mod. #6 - 41 FR 3521 - 2/6/76
(Hw) - See Statewide
(R) - See Burke County
ROCKDALE COUNTY
(Hw) - See Statewide
SCHLEY COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
SCREVEN COUNTY
(Hw) - See Statewide
SEMINOLE COUNTY
(Hw) - See Statewide
(R) - See Baker County
SPALDING COUNTY
(Hw) - See Statewide
STEPHENS COUNTY
(Hw) - See Statewide
STEWART COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
SUMTER COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
TALBOT COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
TALIAFERRO COUNTY
(Hw) - See Statewide
(R) - See Burke County
TATTNALL COUNTY
(Hw) - See Statewide
TAYLOR COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
TELFAIR COUNTY
(Hw) - See Statewide

GEORGIA (Cont'd.)

TERRELL COUNTY
(Hw) - See Statewide
(R) - See Baker County
THOMAS COUNTY
(Hw) - See Statewide
TIFT COUNTY
(Hw) - See Statewide
TOOMBS COUNTY
(Hw) - See Statewide
TOWNS COUNTY
(Hw) - See Statewide
TREUTLEN COUNTY
(Hw) - See Statewide
TROUP COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
TURNER COUNTY
(Hw) - See Statewide
TWIGGS COUNTY
(Hw) - See Statewide
UNION COUNTY
(Hw) - See Statewide
UPSON COUNTY
(Hw) - See Statewide
WALKER COUNTY
(Hw) - See Statewide
WALTON COUNTY
(Hw) - See Statewide
(R) - See Barron County
WARE COUNTY
Decision #GA75-1113 (B)
40 FR 58035 - 12/12/75
(R) - See Charlton County
(Hw) - See Statewide
WARREN COUNTY
(Hw) - See Statewide
(R) - See Burke County
WASHINGTON COUNTY
(Hw) - See Statewide
(R) - See Burke County
WAYNE COUNTY
(Hw) - See Statewide
WEBSTER COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
WHEELER COUNTY
(Hw) - See Statewide
WHITE COUNTY
(Hw) - See Statewide
WHITEFIELD COUNTY
(Hw) - See Statewide
WILCOX COUNTY
(Hw) - See Statewide
WILKES COUNTY
(R) - See Burke County
(Hw) - See Statewide
WILKINSON COUNTY
(Hw) - See Statewide
WORTH COUNTY
(Hw) - See Statewide

GUAM

GUAM
Decision #AR-1029 (B,H,Hw,R)
39 FR 32448 - 9/6/74

HAWAII

STATEWIDE
Decision #HI75-5013 (B,H,Hw,D,R)
41 FR 4750 - 1/30/76

IDAHO

STATEWIDE
Decision #ID76-5010 (B,H,Hw)
41 FR 3591 - 1/23/76
ADA COUNTY
Decision #AQ-1029 (R)
38 FR 24513 - 9/7/73
Mod. #1 - 38 FR 26543 - 9/21/73
(B,H,Hw) - See Statewide
ADAMS COUNTY
(B,H,Hw) - See Statewide
BANNOCK COUNTY
(B,H,Hw) - See Statewide
BEAR LAKE COUNTY
(B,H,Hw) - See Statewide
BENEWAH COUNTY
(B,H,Hw) - See Statewide
BINGHAM COUNTY
(B,H,Hw) - See Statewide
BLAINE COUNTY
(B,H,Hw) - See Statewide
BOISE COUNTY
(B,H,Hw) - See Statewide
BONNER COUNTY
(B,H,Hw) - See Statewide
BONNEVILLE COUNTY
(B,H,Hw) - See Statewide
BOUNDARY COUNTY
(B,H,Hw) - See Statewide
BUTTE COUNTY
(B,H,Hw) - See Statewide
CAMAS COUNTY
(B,H,Hw) - See Statewide
CANYON COUNTY
(B,H,Hw) - See Statewide
CARIBOU COUNTY
(B,H,Hw) - See Statewide
CASSIA COUNTY
(B,H,Hw) - See Statewide
CLARK COUNTY
(B,H,Hw) - See Statewide
CLEARWATER COUNTY
(B,H,Hw) - See Statewide
CUSTER COUNTY
(B,H,Hw) - See Statewide
ELMORE COUNTY
(B,H,Hw) - See Statewide
FRANKLIN COUNTY
(B,H,Hw) - See Statewide
FREMONT COUNTY
(B,H,Hw) - See Statewide
GEM COUNTY
(B,H,Hw) - See Statewide
GOODING COUNTY
(B,H,Hw) - See Statewide
IDAHO COUNTY
(B,H,Hw) - See Statewide
JEFFERSON COUNTY
(B,H,Hw) - See Statewide
JEROME COUNTY
(B,H,Hw) - See Statewide

IDAHO (Cont'd.)

KOOTENAI COUNTY
(B,H,Hw) - See Statewide
LATAH COUNTY
(B,H,Hw) - See Statewide
LEMHI COUNTY
(B,H,Hw) - See Statewide
LEWIS COUNTY
(B,H,Hw) - See Statewide
LINCOLN COUNTY
(B,H,Hw) - See Statewide
MADISON COUNTY
(B,H,Hw) - See Statewide
MINIDOKA COUNTY
(B,H,Hw) - See Statewide
NEZ PERCE COUNTY
(B,H,Hw) - See Statewide
ONEIDA COUNTY
(B,H,Hw) - See Statewide
OWYHEE COUNTY
(B,H,Hw) - See Statewide
PAYETTE COUNTY
(B,H,Hw) - See Statewide
POWER COUNTY
(B,H,Hw) - See Statewide
SHOSHONE COUNTY
(B,H,Hw) - See Statewide
TETON COUNTY
(B,H,Hw) - See Statewide
TWIN FALLS COUNTY
(B,H,Hw) - See Statewide
VALLEY COUNTY
(B,H,Hw) - See Statewide
WASHINGTON COUNTY
(B,H,Hw) - See Statewide

ILLINOIS

ADAMS COUNTY
Decision #IL76-2006 (B)
41 FR 4754 - 1/30/76
Decision #IL75-2082 (H,Hw)
40 FR 26190 - 6/20/75
ALEXANDER COUNTY
Decision #IL75-2084 (H,Hw)
40 FR 27419 - 6/27/75
Mod. #1 - 40 FR 29445 - 7/11/75
Decision #IL75-2036 (D)
40 FR 6023 - 2/7/75
BOND COUNTY
Decision #IL75-2100 (H,Hw)
40 FR 32562 - 8/1/75
Mod. #1 - 40 FR 34539 - 8/15/75
Mod. #2 - 40 FR 36894 - 8/22/75
BOONE COUNTY
Decision #IL75-2044 (B)
40 FR 10893 - 3/7/75
Mod. #1 - 40 FR 31436 - 7/25/75

ILLINOIS (Cont'd.)

BOONE COUNTY (Cont'd.)
Decision #IL75-2078 (H,Hw)
40 FR 23637 - 5/30/75
Mod. #1 - 40 FR 26182 - 6/20/75
Mod. #2 - 40 FR 29444 - 7/11/75
Mod. #3 - 40 FR 31437 - 7/25/75
BROWN COUNTY
(D,H,Hw) - See Adams County
(D) - See Alexander County
BUREAU COUNTY
Decision #IL76-2011 (B)
41 FR 5541 - 2/6/76
Decision #IL75-2079 (H,Hw)
40 FR 25382 - 6/13/75
Mod. #1 - 40 FR 27403 - 6/27/75
Mod. #2 - 40 FR 29445 - 7/11/75
Mod. #3 - 40 FR 31437 - 7/25/75
Mod. #4 - 40 FR 43419 - 9/19/75
CALHOUN COUNTY
(H,Hw) - See Bond County
(D) - See Alexander County
CARROLL COUNTY
(H,Hw) - See Bureau County
CASS COUNTY
(H,Hw) - See Adams County
(D) - See Alexander County
CHAMPAIGN COUNTY
Decision #IL76-2007 (B)
41 FR 4757 - 1/30/76
Decision #IL75-2081 (H,Hw)
40 FR 25395 - 6/13/75
CHRISTIAN COUNTY
(H,Hw) - See Adams County
Decision #IL75-2041 (B)
40 FR 7769 - 2/21/75
Mod. #1 - 40 FR 29444 - 7/11/75
CLARK COUNTY
(H,Hw) - See Champaign County
CLAY COUNTY
Decision #IL75-2083 (H,Hw)
40 FR 26194 - 6/20/75
CLINTON COUNTY
(H,Hw) - See Bond County
COLES COUNTY
(H,Hw) - See Champaign County
COOK COUNTY
Decision #IL76-2008 (B,H,Hw,R)
41 FR 5531 - 2/7/76
Decision #IL75-5051 (D)
40 FR 16529 - 4/11/75

ILLINOIS (Cont'd.)

CRAWFORD COUNTY
(H,Hw) - See Clay County
CUMBERLAND COUNTY
(H,Hw) - See Champaign County
DEKALB COUNTY
(H,Hw) - See Boone County
DEWITT COUNTY
(B) - See Christian County
(H,Hw) - See Champaign County
DOUGLAS COUNTY
(H,Hw) - See Champaign County
DU PAGE COUNTY
Decision #IL76-2009 (B,R)
41 FR 5534 - 2/6/76
(H,Hw) - See Boone County
EDGAR COUNTY
(H,Hw) - See Champaign County
EDWARDS COUNTY
(H,Hw) - See Clay County
EFFINGHAM COUNTY
(H,Hw) - See Clay County
FAYETTE COUNTY
(H,Hw) - See Clay County
FORD COUNTY
Decision #IL76-2010 (B)
41 FR 5537 - 2/6/76
Decision #IL75-2086 (H,Hw)
40 FR 28333 - 7/3/75
Mod. #1 - 40 FR 30355 - 7/18/75
Mod. #2 - 40 FR 31437 - 7/25/75
FRANKLIN COUNTY
(H,Hw) - See Alexander County
FULTON COUNTY
Decision #IL75-2080 (H,Hw)
40 FR 25389 - 6/13/75
Mod. #1 - 40 FR 27404 - 6/27/75
Mod. #2 - 40 FR 29445 - 7/11/75
Mod. #3 - 40 FR 30385 - 7/18/75
GALLATIN COUNTY
(H,Hw) - See Alexander County
(D) - See Alexander County
GREENE COUNTY
(H,Hw) - See Bond County
(D) - See Alexander County
GRUNDY COUNTY
(H,Hw) - See Ford County
HAMILTON COUNTY
(H,Hw) - See Clay County
HANCOCK COUNTY
(H,Hw) - See Fulton County
HARDIN COUNTY
(H,Hw) - See Alexander County
(D) - See Alexander County
HENDERSON COUNTY
(H,Hw) - See Fulton County

ILLINOIS (Cont'd)

HENRY COUNTY
(H,Hw) - See Bureau County
IROQUOIS COUNTY
(B,H,Hw) - See Ford County
JACKSON COUNTY
(H,Hw) - See Alexander County
(D) - See Alexander County
JASPER COUNTY
(H,Hw) - See Clay County
JEFFERSON COUNTY
(H,Hw) - See Clay County
JERSEY COUNTY
(H,Hw) - See Bond County
(D) - See Alexander County
JO DAVIESS COUNTY
(H,Hw) - See Bureau County
JOHNSON COUNTY
(H,Hw) - See Alexander County
KANE COUNTY
(B,R) - See Du Page County
(H,Hw) - See Boone County
KANKAKEE COUNTY
(B,H,Hw) - See Ford County
KENDALL COUNTY
(H,Hw) - See Boone County
KNOX COUNTY
(H,Hw) - See Fulton County
LAKE COUNTY
(B,R) - See Du Page County
(D) - See Cook County
(H,Hw) - See Boone County
LA SALLE COUNTY
(B) - See Bureau County
(H,Hw) - See Ford County
LAWRENCE COUNTY
(H,Hw) - See Clay County
LEE COUNTY
(H,Hw) - See Bureau County
LIVINGSTON COUNTY
(B) - See Bureau County
(H,Hw) - See Ford County
LOGAN COUNTY
(H,Hw) - See Adams County
MCDONOUGH COUNTY
(H,Hw) - See Fulton County
MCHENRY COUNTY
(H,Hw) - See Fulton County
Mc LEAN COUNTY
(H,Hw) - See Ford County
MACON COUNTY
(B) - See Christian County
(H,Hw) - See Champaign County
MACOUPIN COUNTY
(H,Hw) - See Bond County
MADISON COUNTY
Decision #IL75-2099 (B,R)
40 FR 32559 - 8/1/75
(H,Hw) - See Bond County

ILLINOIS (Cont'd)

MARION COUNTY
(H,Hw) - See Clay County
MARSHALL COUNTY
(B) - See Bureau County
(H,Hw) - See Ford County
MASON COUNTY
(H,Hw) - See Adams County
MASSAC COUNTY
(H,Hw) - See Alexander County
MENARD COUNTY
(H,Hw) - See Adams County
MERCER COUNTY
(H,Hw) - See Fulton County
MONROE COUNTY
(H,Hw) - See Bond County
(D) - See Alexander County
MONTGOMERY COUNTY
(H,Hw) - See Bond County
MORGAN COUNTY
(H,Hw) - See Adams County
(D) - See Alexander County
MOULTRIE COUNTY
(B) - See Christian County
(H,Hw) - See Champaign County
OGLE COUNTY
(H,Hw) - See Bureau County
PEORIA COUNTY
Decision #IL75-2106 (B,R,D)
40 FR 40010 - 8/29/75
(H,Hw) - See Fulton County
PERRY COUNTY
(H,Hw) - See Alexander County
PIATT COUNTY
(B) - See Christian County
(H,Hw) - See Champaign County
PIKE COUNTY
(B,H,Hw) - See Adams County
(D) - See Alexander County
POPE COUNTY
(H,Hw,D) - See Alexander County
PULASKI COUNTY
(H,Hw,D) - See Alexander County
PUTNAM COUNTY
(B) - See Bureau County
(H,Hw) - See Ford County
RANDOLPH COUNTY
(H,Hw,D) - See Alexander County
RICHLAND COUNTY
(H,Hw) - See Clay County
ROCK ISLAND COUNTY
Decision #IL75-2051 (B)
40 FR 12976 - 3/21/75
Mod. #1 - 40 FR 29443 - 7/11/75
Mod. #2 - 40 FR 52242 - 11/7/75
(H,Hw) - See Bureau County
SAINT CLAIR COUNTY
(B,R) - See Madison County
(H,Hw) - See Bond County
(D) - See Alexander County

ILLINOIS (Cont'd)

SALINE COUNTY
(H,Hw) - See Alexander County
SANGAMON COUNTY
Decision #IL75-2107 (B,R)
40 FR 40014 - 8/29/75
(H,Hw) - See Adams County
SCHUYLER COUNTY
(H,Hw) - See Adams County
SCOTT COUNTY
(H,Hw) - See Adams County
(D) - See Alexander County
SHELBY COUNTY
(B) - See Christian County
(H,Hw) - See Champaign County
STARK COUNTY
(H,Hw) - See Fulton County
STEPHENSON COUNTY
(H,Hw) - See Bureau County
TAZEWELL COUNTY
(B,R,D) - See Peoria County
(H,Hw) - See Fulton County
UNION COUNTY
(H,Hw,D) - See Alexander County
VERMILLION COUNTY
(H,Hw) - See Champaign County
(B) - See Champaign County
WABASH COUNTY
(H,Hw) - See Clay County
WARREN COUNTY
(H,Hw) - See Fulton County
WASHINGTON COUNTY
(H,Hw) - See Bond County
WAYNE COUNTY
(H,Hw) - See Clay County
WHITE COUNTY
(H,Hw) - See Clay County
WHITESIDE COUNTY
(H,Hw) - See Bureau County
WILL COUNTY
(B,R) - See Du Page County
(H,Hw) - See Boone County
WILLIAMSON COUNTY
Decision #IL75-2043 (B)
40 FR 8736 - 2/28/75
Mod. #1 - 40 FR 18276 - 4/25/75
(H,Hw) - See Alexander County
WINNEBAGO COUNTY
(B) - See Boone County
(H,Hw) - See Bureau County
WOODFORD COUNTY
(B) - See Bureau County
(H,Hw) - See Ford County

INDIANA

STATEWIDE
Decision #IN75-2133 (H,Hw)
40 FR 59155 - 12/19/75
Mod. #1 - 41 FR 4734 - 1/30/76
ADAMS COUNTY
(H,Hw) - See Statewide
ALLEN COUNTY
Decision #IN75-2131 (B)
40 FR 59137 - 12/19/75
Mod. #1 - 40 FR 934 - 1/5/76
Mod. #2 - 41 FR 4733 - 1/30/76
Decision #AQ-3000 (R)
38 FR 22341 - 8/17/73
(H,Hw) - See Statewide
BARTHOLOMEW COUNTY
(B) - See Allen County
(H,Hw) - See Statewide
BENTON COUNTY
(B) - See Allen County
(H,Hw) - See Statewide
BLACKFORD COUNTY
(H,Hw) - See Statewide
BOONE COUNTY

(H,Hw) - See Statewide
BROWN COUNTY
(H,Hw) - See Statewide
CARROLL COUNTY
(H,Hw) - See Statewide
CASS COUNTY
(H,Hw) - See Statewide
CLARK COUNTY
Decision #IL75-2036 (D)
40 FR 6023 - 2/7/75
(H,Hw) - See Statewide
CLAY COUNTY
(H,Hw) - See Statewide
CLINTON COUNTY
(H,Hw) - See Statewide
CRAWFORD COUNTY
(H,Hw) - See Statewide
(D) - See Clark County
DAVIESS COUNTY
(H,Hw) - See Statewide
DEARBORN COUNTY
(B) - See Allen County
(H,Hw) - See Statewide

INDIANA (Cont'd.

DECATUR COUNTY
(H,Hw) - See Statewide
DEKALB COUNTY
(H,Hw) - See Statewide
DELAWARE COUNTY
(B) - See Allen County
(H,Hw) - See Statewide
DUBOIS COUNTY
(H,Hw) - See Statewide
ELKHART COUNTY
(H,Hw) - See Statewide
FAYETTE COUNTY
(H,Hw) - See Statewide
FLOYD COUNTY
(D) - See Clark County
(H,Hw) - See Statewide
FOUNTAIN COUNTY
(H,Hw) - See Statewide
FRANKLIN COUNTY
(H,Hw) - See Statewide
FULTON COUNTY
(H,Hw) - See Statewide
GIBSON COUNTY
(H,Hw) - See Statewide
GRANT COUNTY
(B) - See Allen County
(H,Hw) - See Statewide
GREENE COUNTY
(H,Hw) - See Statewide
HAMILTON COUNTY
(H,Hw) - See Statewide

HANCOCK COUNTY
(H,Hw) - See Statewide

HARRISON COUNTY
(D) - See Clark County
(H,Hw) - See Statewide
HENDRICKS COUNTY
(H,Hw) - See Statewide

HENRY COUNTY
(H,Hw) - See Statewide
HOWARD COUNTY
(H,Hw) - See Statewide
HUNTINGTON COUNTY
(H,Hw) - See Statewide
JACKSON COUNTY
(H,Hw) - See Statewide
JASPER COUNTY
(H,Hw) - See Statewide
JAY COUNTY
(H,Hw) - See Statewide

INDIANA (Cont'd.

JEFFERSON COUNTY
(D) - See Clark County
(H,Hw) - See Statewide
JENNINGS COUNTY
(H,Hw) - See Statewide
JOHNSON COUNTY
(H,Hw) - See Statewide

KNOX COUNTY
(H,Hw) - See Statewide
KOSCIUSKO COUNTY
(H,Hw) - See Statewide
LAGRANGE COUNTY
(H,Hw) - See Statewide
LAKE COUNTY
Decision #IN75-2132 (B,H,Hw)
40 FR 59147 - 12/19/75
Mod. #1 - 41 FR 4733 - 1/30/76
Decision #AQ-3095 (D)
39 FR 5982 - 2/15/74
Mod. #1 - 39 FR 44161 - 12/20/74
LAPORTE COUNTY
(B,H,Hw) - See Lake County
(D) - See Lake County
LAWRENCE COUNTY
(H,Hw) - See Statewide
MADISON COUNTY
(H,Hw) - See Statewide
MARION COUNTY
(B) - See Allen County
(H,Hw) - See Statewide
Decision #IN76-2005 (R)
41 FR 3602 - 1/23/76
MARSHALL COUNTY
(H,Hw) - See Statewide
MARTIN COUNTY
(H,Hw) - See Statewide
MIAMI COUNTY
(H,Hw) - See Statewide
MONROE COUNTY
(B) - See Allen County
(H,Hw) - See Statewide
MONTGOMERY COUNTY
(H,Hw) - See Statewide
MORGAN COUNTY

(H,Hw) - See Statewide
NEWTON COUNTY
(H,Hw) - See Statewide
NOBLE COUNTY
(H,Hw) - See Statewide

INDIANA (Cont'd.)

OHIO COUNTY
(D) - See Clark County
(H,Hw) - See Statewide
ORANGE COUNTY
(H,Hw) - See Statewide
OWEN COUNTY
(H,Hw) - See Statewide
PARKE COUNTY
(H,Hw) - See Statewide
PERRY COUNTY
(D) - See Clark County
(H,Hw) - See Statewide
PIKE COUNTY
(H,Hw) - See Statewide
PORTER COUNTY
(B,H,Hw) - See Lake County
(D) - See Lake County
POSEY COUNTY
(D) - See Clark County
(H,Hw) - See Statewide
PULASKI COUNTY
(H,Hw) - See Statewide
PUTNAM COUNTY
(H,Hw) - See Statewide
RANDOLPH COUNTY
(H,Hw) - See Statewide
RIPLEY COUNTY
(H,Hw) - See Statewide
RUSH COUNTY
(H,Hw) - See Statewide
SAINT JOSEPH COUNTY
(B,H,Hw) - See Lake County
SCOTT COUNTY
(H,Hw) - See Statewide
SHELBY COUNTY

(H,Hw) - See Statewide
SPENCER COUNTY
(D) - See Clark County
(H,Hw) - See Statewide
STARKE COUNTY
(H,Hw) - See Statewide
STEUBEN COUNTY
(H,Hw) - See Statewide
SULLIVAN COUNTY
(H,Hw) - See Statewide
SWITZERLAND COUNTY
(D) - See Clark County
(H,Hw) - See Statewide

INDIANA (Cont'd)

TIPPECANOE COUNTY
(B) - See Allen County
(H,Hw) - See Statewide
TIPTON COUNTY
(H,Hw) - See Statewide
UNION COUNTY
(H,Hw) - See Statewide
VANDERBURGH COUNTY
(B) - See Allen County
(D) - See Clark County
(H,Hw) - See Statewide
VERMILLION COUNTY
(H,Hw) - See Statewide
VIGO COUNTY
(B) - See Allen County
(H,Hw) - See Statewide
WABASH COUNTY
(H,Hw) - See Statewide
WARREN COUNTY
(H,Hw) - See Statewide
WARRICK COUNTY
(D) - See Clark County
(H,Hw) - See Statewide
WASHINGTON COUNTY
(H,Hw) - See Statewide
WAYNE COUNTY
(H,Hw) - See Statewide
WELLS COUNTY
(H,Hw) - See Statewide
WHITE COUNTY
(H,Hw) - See Statewide
WHITLEY COUNTY
(H,Hw) - See Statewide

IOWA

ADAIR COUNTY
None
ADAMS COUNTY
None
ALLAMAKEE COUNTY
None
APPANOOSE COUNTY
(Decision #IA75-4192 (H,Hw)
40 FR 55629 - 11/28/75
AUDUBON COUNTY
None
BENTON COUNTY
Decision #IA75-4081 (Hw)
40 FR 17507 - 4/18/75
BLACK HAWK COUNTY
Decision #IA75-4170 (B,H,Hw)(City of Waterloo & abutting Municipalities
40 FR 50870 - 10/31/75
Mod. #1 40 FR 59094 - 12/19/75
Mod. #2 - 41 FR 931 - 1/5/76
BOONE COUNTY
None
BREMER COUNTY
None
BUCHANAN COUNTY
None
BUENA VISTA COUNTY
None
BUTLER COUNTY
None
CALHOUN COUNTY
None
CARROLL COUNTY
Decision #AM-6712 (H,Hw)
37 FR 7429 - 4/14/72
Mod. #1 - 39 FR 40404 - 11/15/74
Mod. #2 - 40 FR 52243 - 11/7/75
CASS COUNTY
(H,Hw) - See Carroll County
CEDAR COUNTY
None
CERRO GORDO COUNTY (MASON CITY)
Decision #IA75-4171 (B,H,Hw)
40 FR 50873 - 10/31/75
Mod. #1 - 40 FR 57070 - 12/5/75
Mod. #2 - 40 FR 59094 - 12/19/75

CHEROKEE COUNTY
None
CHICKASAW COUNTY
None
CLARKE COUNTY
None

IOWA (Cont'd)

CLAY COUNTY
(H,Hw) - See Carroll County
CLAYTON COUNTY
None
CLINTON COUNTY (City of Clinton and abbutting municipalities)
Decision #IA75-4172 (B,H,Hw)
40 FR 50876 - 10/31/75
Mod. #1 - 40 FR 57070 - 12/5/75
Mod. #2 - 41 FR 4735 - 1/30/ 76
CRAWFORD COUNTY
(H,Hw) - See Carroll County
DALLAS COUNTY
None
DAVIS COUNTY
(H,Hw) - See Appanoose County
DECATUR COUNTY
None
DELAWARE COUNTY
None
DES MOINES COUNTY (City of Burlington and Abutting Municipalities; and Burlington Ordnance Plant)
Decision #IA75-4173 (B,H,Hw)
40 FR 50879 - 10/31/75
Mod. #1 - 41 FR 4735 - 1/30/76
DICKINSON COUNTY
None
DUBUQUE COUNTY (City of Dubuque and abutting municipalities)
Decision #IA75-4174 (B,H,Hw)
40 FR 50882 - 10/31/75
Mod. #1 - 40 FR 55609 - 11/28/75
Mod. #2 - 40 FR 57070 - 12/5/75
Mod. #3 - 40 FR 59094 - 12/19/75
Mod. #4 - 41 FR 4735 - 1/30/76
EMMET COUNTY
None
FAYETTE COUNTY
None
FLOYD COUNTY
None
FRANKLIN COUNTY
None
FREMONT COUNTY
Decision #NE75-4054 (Channel Stabilization)
40 FR 8739 - 2/28/75
GREENE COUNTY
None
GRUNDY COUNTY
None

IOWA (Cont'd)

GUTHRIE COUNTY
None
HAMILTON COUNTY
None
HANCOCK COUNTY
None
HARDIN COUNTY
None
HARRISON COUNTY
(Chann. Stab.) - See Fremont Co.
HENRY COUNTY
None
HOWARD COUNTY
None
HUMBOLDT COUNTY
None
IDA COUNTY
None
IOWA COUNTY
(Hw) - See Benton County
JACKSON COUNTY
None
JASPER COUNTY
None
JEFFERSON COUNTY
(H,Hw) - See Appanoose County
JOHNSON COUNTY (City of Iowa City and abutting municipalities)
Decision #IA75-4175 (B,H,Hw)
40 FR 50885 - 10/31/75
Mod. #1 - 40 FR 59094 - 12/19/75
Mod. #2 - 41 FR 4735 - 1/30/76
(Hw) - See Benton County
JONES COUNTY
None
KEOKUK COUNTY
(Hw) - See Benton County
KOSSUTH COUNTY
None
LEE COUNTY
None
LINN COUNTY
Decision #IA75-4176 (B,H,Hw)
40 FR 50888 - 10/31/75
Mod. #1 - 40 FR 59095 - 12/19/75
Mod. #2 - 41 FR 4735 - 1/30/76

IOWA (Cont'd.)

LOUISA COUNTY
None
LUCAS COUNTY
None
LYON COUNTY
None
MADISON COUNTY
None
MAHASKA COUNTY
(Hw) - See Benton County
MARION COUNTY
None
MARSHALL COUNTY
None
MILLS COUNTY
(Channel Stab.) - See Freemont Co.
MITCHELL COUNTY
None
MONONA COUNTY
(Channel Stab.) - See Freemont Co.
MONROE COUNTY
None
MONTGOMERY COUNTY
None
MUSCATINE COUNTY
None
O'BRIEN COUNTY
(H,hw) - See Carroll County
OSCEOLA COUNTY
(H,Hw) - See Carroll County
PAGE COUNTY
None
PALO ALTO COUNTY
None
PLYMOUTH COUNTY
None
POCAHONTAS COUNTY
None
POLK COUNTY
Decision #IA75-4177 (B,H,Hw)
40 FR 50891 - 10/31/75
Mod. #1 - 40 FR 59095 - 12/19/75
Mod. #2 - 40 FR 59651 - 12/29/75
POTTAWATTAMIE COUNTY (City of Council Bluffs and the area within 3 miles from the City Limits)
Decision #IA75-4128 (B,H,Hw)
40 FR 34558 - 8/15/75
(Chann. Stab.) - See Freemont County

IOWA (Cont'd)

POWESHIEK COUNTY
(Hw) - See Benton County
RINGGOLD COUNTY
(H,Hw) - See Carroll County
SAC COUNTY
None
SCOTT COUNTY
Decision #IA75-4178 (B,H,Hw)
40 FR 50894 - 10/31/75
Mod. #1 - 41 FR 4736 - 1/30/76
SHELBY COUNTY
None
SIOUX COUNTY
None
STORY COUNTY (City of Ames and abutting municipalities)
Decision #IA75-4179 (B,H,Hw)
40 FR 50897 - 10/31/75
Mod. #1 - 40 FR 59095 - 12/19/75
Mod. #2 - 40 FR 59651 - 12/29/75
TAMA COUNTY
(Hw) - See Benton County
TAYLOR COUNTY
(H,Hw) - See Carroll County
UNION COUNTY
None
VAN BUREN COUNTY
(H,Hw) - See Appanoose County
WAPELLO COUNTY
(H,Hw) - See Appanoose County
WARREN COUNTY
None
WASHINGTON COUNTY
(Hw) - See Benton County
WAYNE COUNTY
None
WEBSTER COUNTY (City of Fort Dodge)
Decision #IA75-4180 (B,H,Hw)
40 FR 50900 - 10/31/75
Mod. #1 - 40 FR 59095 - 12/19/75
WINNEBAGO COUNTY
None
WINNESHIEK COUNTY
None

IOWA (Cont'd.)

WOODBURY COUNTY (City of Sioux City and abutting municipalities)
Decision #IA75-4190 (B)
40 FR 53180 - 11/14/75
Mod. #1 - 40 FR 55609 - 11/28/75
Mod. #2 - 40 FR 59095 - 12/19/75
(Chann. Stab.) - See Freemont Co.
WORTH COUNTY
None
WRIGHT COUNTY
None

KANSAS

ALLEN COUNTY
Decision #KS75-4197 (Hw,W&S)
40 FR 57091 - 12/5/75
ANDERSON COUNTY
(Hw, W&S) - See Allen County
ATCHISON COUNTY
Decision #MO75-4070 (D)
40 FR 14225 - 3/28/75
(Hw, W&S) - See Allen County
BARBER COUNTY
Decision #KS75-4198 (Hw, W&S)
40 FR 57090 - 12/5/75
BARTON COUNTY
(Hw, W&S) - See Barber County
BOURBON COUNTY
(Hw, W&S) - see Allen County
BROWN COUNTY
(Hw, W&S) - See Allen County
BUTLER COUNTY
(Hw, W&S) - See Allen County
CHASE COUNTY
(Hw, W&S) - See Allen County
CHAUTAUQUA COUNTY
(Hw, W&S) - See Allen County
CHEROKEE COUNTY
(Hw, W&S) - See Allen County
CHEYENNE COUNTY
(Hw, W&S) - See Barber County
CLARK COUNTY
(Hw, W&S) - See Barber County

KANSAS (Cont'd.)

CLAY COUNTY
(Hw, W&S) - See Allen County
CLOUD COUNTY
(Hw, W&S) - See Allen County
COFFEY COUNTY
(Hw, W&S) - See Allen County
COMANCHE COUNTY
(Hw, W&S) - See Barber County
COWLEY COUNTY
(Hw, W&S) - See Allen County
CRAWFORD COUNTY
(Hw, W&S) - See Allen County
DECATUR COUNTY
(Hw, W&S) - See Barber County
DICKINSON COUNTY
(Hw, W&S) - See Allen County
DONIPHAN COUNTY
(D) - See Atchison County
(Hw, W&S) - See Allen County
DOUGLAS COUNTY
Decision #KS75-4063 (Hw)
40 FR 12041 - 3/14/75
Mod. #1 - 40 FR 19326 - 5/2/75
EDWARDS COUNTY
(Hw, W&S) - See Barber County
ELK COUNTY
(HW, W&S) - See Allen County
ELLIS COUNTY
(Hw, W&S) - See Barber County
ELLSWORTH COUNTY
(Hw, W&S) - See Barber County
FINNEY COUNTY
(Hw, W&S) - See Barber County
FORD COUNTY
(Hw, W&S) - See Barber County
FRANKLIN COUNTY
(Hw, W&S) - See Allen County
GEARY COUNTY
Decision #AQ-88 (R)
38 FR 11791 - 3/29/74
(Hw, W&S) - See Allen County
GOVE COUNTY
(Hw, W&S) - See Barber County
GRAHAM COUNTY
(Hw, W&S) - See Barber County
GRANT COUNTY
(Hw, W&S) - See Barber County
GRAY COUNTY
(Hw, W&S) - See Barber County
GREELEY COUNTY
(Hw, W&S) - See Barber County
GREENWOOD COUNTY
(Hw, W&S) - See Allen County

KANSAS (Cont's.)

HAMILTON COUNTY
(Hw, W&S) - See Barber County
HARPER COUNTY
(Hw, W&S) - See Allen County
HARVEY COUNTY
(Hw, W&S) - See Allen County
HASKELL COUNTY
(Hw, W&S) - See Barber County
HODGEMAN COUNTY
(Hw, W&S) - See Barber County
JACKSON COUNTY
(Hw, W&S) - See Allen County
JEFFERSON COUNTY
(Hw) - See Douglas County
JEWELL COUNTY
(Hw, W&S) - See Barber County
JOHNSON COUNTY
Decision #MO75-4144 (B,H,Hw)
40 FR 32611 - 8/1/75
Mod. #1 - 40 FR 44442 - 9/26/75
Mod. #2 - 40 FR 59096 - 12/19/75
Decision #MO76-3008 (R)
41 FR 3620 - 1/23/76
KEARNY COUNTY
(Hw, W&S) - See Barber County
KINGMAN COUNTY
(Hw, W&S) - See Allen County
KIOWA COUNTY
(Hw, W&S) - See Barber County
LABETTE COUNTY
(Hw, W&S) - See Allen County
LANE COUNTY
(Hw, W&S) - See Barber County
LEAVENWORTH COUNTY
Decision #KS75-4191 (B)
40 FR 57096 - 12/5/75
(Hw) - See Douglas County
(D) - See Atchison County
LINCOLN COUNTY
(Hw, W&S) - See Barber County
LINN COUNTY
(Hw, W&S) - See Allen County
LOGAN COUNTY
(Hw, W&S) - See Barber County

KANSAS (Cont'd.)

LYON COUNTY
(Hw, W&S) - See Allen County
McPHERSON COUNTY
(Hw, W&S) - See Allen County
MARION COUNTY
(Hw, W&S) - See Allen County
MARHSALL COUNTY
(Hw, W&S) - See Allen County
MEADE COUNTY
(Hw, W&S) - See Barber County
MIAMI COUNTY
(Hw) - See Douglas County
MITCHELL COUNTY
(Hw, W&S) - See Barber County
MONTGOMERY COUNTY
(Hw, W&S) - See Allen County
MORRIS COUNTY
(Hw, W&S) - See Allen County
MORTON COUNTY
(Hw, W&S) - See Barber County
NEMAHA COUNTY
(Hw, W&S) - See Allen County
NEOSHO COUNTY
(Hw, W&S) - See Allen County
NESS COUNTY
(Hw, W&S) - See Barber County
NORTON COUNTY
(Hw, W&S) - See Barber County
OSAGE COUNTY
(Hw, W&S) - See Allen County
OSBORNE COUNTY
(Hw, W&S) - See Barber County
OTTAWA COUNTY
(Hw, W&S) - See Allen County
PAWNEE COUNTY
(Hw, W&S) - See Barber County
PHILLIPS COUNTY
(Hw, W&S) - See Barber County
POTTAWATOMIE COUNTY
(Hw, W&S) - See Allen County
PRATT COUNTY
(Hw, W&S) - See Barber County
RAWLINS COUNTY
(Hw, W&S) - See Barber County

KANSAS (Cont'd.)

RENO COUNTY
(Hw, W&S) - See Allen County
REPUBLIC COUNTY
(Hw, W&S) - See Allen County
RICE COUNTY
(Hw, W&S) - See Barber County
RILEY COUNTY
(Hw, W&S) - See Allen County
(R) - See Geary County
ROOKS COUNTY
(Hw, W&S) - See Barber County
RUSH COUNTY
(Hw, W&S) - See Barber County
RUSSELL COUNTY
(Hw, W&S) - See Barber County
SALINE COUNTY
(Hw, W&S) - See Allen County
SCOTT COUNTY
(Hw, W&S) - See Barber County
SEDGWICK COUNTY
Decision #AP-533 (R)
38 FR 16573 - 6/22/73
Decision #KS75-4199 (B)
40 FR 57100 - 12/5/75
Decision #KS75-4052 (Hw, W&S)
40 FR 6057 - 2/7/75
Mod. #1 - 40 FR 7775 - 2/21/75
SEWARD COUNTY
(Hw, W&S) - See Barber County
SHAWNEE COUNTY
Decision #KS75-4193 (B)
40 FR 54405 - 11/21/75
Decision #KS75-4194 (R)
40 FR 57093 - 12/5/75
(Hw) - See Douglas County

KANSAS (Cont'd.)

SHERIDAN COUNTY
(Hw, W&S) - See Barber County
SHERMAN COUNTY
(Hw, W&S) - See Barber County
SMITH COUNTY
(Hw, W&S) - See Barber County
STAFFARD COUNTY
(Hw, W&S) - See Barber County
STANTON COUNTY
(Hw, W&S) - See Barber County
STEVENS COUNTY
(Hw, W&S) - See Barber County
SUMNER COUNTY
(Hw, W&S) - See Allen County
THOMAS COUNTY
(Hw, W&S) - See Barber County
TREGO COUNTY
(Hw, W&S) - See Barber County
WABAUNSEE COUNTY
(Hw, W&S) - See Allen County
WALLACE COUNTY
(Hw, W&S) - See Barber County
WASHINGTON COUNTY
(Hw, W&S) - See Allen County
WICHITA COUNTY
(Hw, W&S) - See Barber County
WILSON COUNTY
(Hw, W&S) - See Allen County
WOODSON COUNTY
(Hw, W&S) - See Allen County
WYANDOTTE COUNTY
(B,H,Hw,R) - See Johnson County
(D) - See Atchison County

KENTUCKY

ADAIR COUNTY
Decision #KY75-1103 (H,Hw)
40 FR 48860 - 10/17/75
Mod. #1 - 40 FR 55609 - 11/28/75
ALLEN COUNTY
Decision #KY75-1093 (H,Hw)
40 FR 43456 - 9/19/75
ANDERSON COUNTY
Decision #KY75-1095 (H,Hw)
40 FR 43459 - 9/19/75
BALLARD COUNTY
Decision #AL75- 5131 (D)
40 FR 49947 - 10/24/75
(H,Hw) - See Allen County
BATH COUNTY
(H,Hw) - See Anderson County
Decision #KY75-1105 (R)
40 FR 49950 - 10/24/75
BELL COUNTY
(H,Hw) - See Adair County
Decision #AQ-4126 (B)
39 FR 22359 - 6/21/74
BOONE COUNTY
Decision #KY75-1096 (H,Hw)
40 FR 44457 - 9/26/75
Mod. #1 - 40 FR 49943 - 10/24/75
Decision #AR-4034 (B)
39 FR 33158 - 9/13/74
Mod. #1 - 40 FR 10877 - 3/7/75
Mod. #2 - 40 FR 25325 - 6/13/75
Decision #IL75-2036 (D)
40 FR 6923 - 2/7/75
BOURBON COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
BOYD COUNTY
Decision #KY75-1100 (B)
40 FR 4454 - 9/26/75
(H,Hw) - See Anderson County
(D) - See Boone County
BOYLE COUNTY
(H,Hw) - See Anderson County
BRACKEN COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County
BREATHITT COUNTY
(H,Hw) - See Adair County

KENTUCKY (Cont'd.)

BRECKINRIDGE COUNTY
Decision #AP-183 (R)
38 FR 11278 - 5/4/73
(H,Hw) - See Anderson County
(D) - See Boone County
BULLITT COUNTY
(D) - See Boone County
(H,Hw) - See Anderson County
(R) - See Breckinridge County
BUTLER COUNTY
(H,Hw) - See Allen County
CALDWELL COUNTY
(H,Hw) - See Allen County
CALLOWAY COUNTY
(H,Hw) - See Allen County
CAMPBELL COUNTY
(B,H,D,Hw) - See Boone County
CARLISLE COUNTY
(D) - See Ballard County
(H,Hw) - See Allen County
CARROLL COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County
CARTER COUNTY
(H,Hw) - See Anderson County
CASEY COUNTY
(H,Hw) - See Adair County
CHRISTIAN COUNTY
(H,Hw) - See Allen County
CLARK COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
CLAY COUNTY
(H,Hw) - See Adair County
CLINTON COUNTY
(H,Hw) - See Adair County
CRITTENDEN COUNTY
(H,Hw) - See Allen County
(D) - See Boone County
CUMBERLAND COUNTY
(H,Hw) - See Adair County
DAVIESS COUNTY
Decision #AQ-4122 (B)
39 FR 20281 - 6/7/74
(H,Hw) - See Allen County
(D) - See Boone County
EDMONSON COUNTY
(H,Hw) - See Allen County
ELLIOTT COUNTY
(H,Hw) - See Anderson County
ESTILL COUNTY
(H,Hw) - See Adair County

KENTUCKY (Cont'd)

FAYETTE COUNTY
Decision #KY75-1101 (B)
40 FR 48857 - 10/17/75
(H,Hw) - See Anderson County
(R) - See Bath County
FLEMING COUNTY
(H,Hw) - See Anderson County
FLOYD COUNTY
Decision #AR-4002 (B)
39 FR 24777 - 7/5/74
(H,Hw) - See Adair County
FRANKLIN COUNTY
Decision #AQ-4101 (B)
39 FR 14113 - 4/19/74
Mod. #1 - 39 FR 30665 - 8/23/74
Mod. #2 - 39 FR 38803 - 11/1/74
Mod. #3 - 40 FR 10879 - 3/7/75
Mod. #4 - 40 FR 34541 - 8/15/75
(H,Hw) - See Anderson County
FULTON COUNTY
(D) - See Ballard County
(H,Hw) - See Allen County
GALLATIN COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County
GARRARD COUNTY
(H,Hw) - See Adair County
GRANT COUNTY
(H,Hw) - See Anderson County
GRAVES COUNTY
(H,Hw) - See Allen County
GRAYSON COUNTY
(H,Hw) - See Anderson County
GREENE COUNTY
(H,Hw) - See Adair County
GREENUP COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County
HANCOCK COUNTY
(H,Hw) - See Allen County
(D) - See Boone County

KENTUCKY (Cont'd)

HARDIN COUNTY
(B) - See Jefferson County
(H,Hw) - See Anderson County
(R) - See Breckinridge County
(D) - See Boone County
HARLAN COUNTY
(H,Hw) - See Adair County
HARRISON COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
HART COUNTY
(H,Hw) - See Adair County
HENDERSON COUNTY
Decision #AR-4025 (B)
39 FR 31796 - 8/30/74
Mod. #1 - 40 FR 10877 - 3/7/75
Mod. #2 - 40 FR 31439 - 7/25/75
(H,Hw) - See Allen County
(D) - See Boone County
HENRY COUNTY
(H,Hw) - See Anderson County
HICKMAN COUNTY
(D) - See Ballard County
(H,Hw) - See Allen County
HOPKINS COUNTY
(H,Hw) - See Allen County
JACKSON COUNTY
(H,Hw) - See Adair County
JEFFERSON COUNTY
Decision #KY75-1102 (B)
40 FR 48863 - 10/17/75
(D) - See Boone County
(R) - See Breckinridge County
(H,Hw) - See Anderson County
JESSAMINE COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County

KENTUCKY (Cont'd)

JOHNSON COUNTY
(H,Hw) - See Anderson County
KENTON COUNTY
(B,H,Hw,D) - See Boone County
KNOTT COUNTY
(H,Hw) - See Adair County
KNOX COUNTY
(H,Hw) - See Adair County
LARUE COUNTY
(H,Hw) - See Anderson County
LAUREL COUNTY
(H,Hw) - See Adair County
LAWRENCE COUNTY
(H,Hw) - See Anderson County
LEE COUNTY
(H,Hw) - See Adair cOunty
LESLIE COUNTY
(H,Hw) - See Adair County
LETCHER COUNTY
(H,Hw) - See Adair County
LEWIS COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County
LINCOLN COUNTY
(H,Hw) - See Adair county
LIVINGSTON COUNTY
(H,Hw) - See Allen County
(D) - See Boone County
LOGAN COUNTY
(H,Hw) - See Allen County
LYON COUNTY
(H,Hw) - See Allen County
McCRACKEN COUNTY
Decision #KY75-1065 (B)
40 FR 26201 - 6/20/75
(D) - See Boone County
(H,Hw) - See Allen County

KENTUCKY (Cont'd)

McCREARY COUNTY
(H,Hw) - See Adair County
McLEAN COUNTY
(H,Hw) - See Allen County
MADISON COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
MAGOFFIN COUNTY
(H,Hw) - See Adair County
MARION COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County
MARSHALL COUNTY
(H,Hw) - See Allen County
MARTIN COUNTY
(H,Hw) - See Adair County
MASON COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County
MEADE COUNTY
(H,Hw) - See Anderson County
(B) - See Jefferson County
(R) - See Breckinridge County
(D) - See Boone County
MENIFEE COUNTY
(H,Hw) - See Adair County
MERCER COUNTY
(H,Hw) - See Anderson County
METCALFE COUNTY
(H,Hw) - See Adair County
MONROE COUNTY
(H,Hw) - See Adair County
MONTGOMERY COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
MORGAN COUNTY
(H,Hw) - See Anderson County
MUHLENBERG COUNTY
(H,Hw) - See Allen County

KENTUCKY (Cont'd)

NELSON COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County
NICHOLAS COUNTY
(H,Hw) - See Anderson County
OHIO COUNTY
(H,Hw) - See Allen County
OLDHAM COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County
(D) - See Boone County
OWEN COUNTY
(H,Hw) - See Anderson County
OWSLEY COUNTY
(H,Hw) - See Adair County
PENDLETON COUNTY
(B)(D) - See Boone County
(D) - See Boone County
PERRY COUNTY
(H,Hw) - See Adair County
PIKE COUNTY
(B) - See Floyd County
(H,Hw) - See Adair County
POWELL COUNTY
(H,Hw) - See Adair County
PULASKI COUNTY
(H,Hw) - See Adair County
ROBERTSON COUNTY
(H,Hw) - See Anderson County
ROCKCASTLE COUNTY
(H,Hw) - See Adair County
ROWAN COUNTY
(H,Hw) - See Anderson County
RUSSELL COUNTY
(H,Hw) - See Adair County
SCOTT COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
SHELBY COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County

KENTUCKY (Cont'd.)

SIMPSON COUNTY
(H,Hw) - See Allen County.
SPENCER COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County
TAYLOR COUNTY
(H,Hw) - See Allen County
TODD COUNTY
(H,Hw) - See Allen County
TRIGG COUNTY
(H,Hw) - See Allen County
TRIMBLE COUNTY
(D) - See Boone County
UNION COUNTY
(H,Hw) - See Allen County
(D) - See Boone County
WARREN COUNTY
Decision #AR-4023 (B)
39 FR 32449 - 9/6/74
Mod. #1 - 40 FR 10876 - 3/7/75
Mod. #2 - 40 FR 31438 - 7/25/75
(H,Hw) - See Allen County
WASHINGTON COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County
WAYNE COUNTY
(H,Hw) - See Adair County
WEBSTER COUNTY
(H,Hw) - See Allen County
WHITLEY COUNTY
(H,Hw) - See Adair County
WOLFE COUNTY
(H,Hw) - See Adair County
WOODFORD COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County

LOUISIANA

STATEWIDE
Decision #AL75-5131 (D)
40 FR 49947 - 10/24/75
Decision #LA76-4013 (B,Hw,R)
41 FR 4760 - 1/30/76
ACADIA PARISH
Decision #AR75-5074 (F)
40 FR 26189 - 6/20/75
Mod. #1 - 41 FR 2533 - 1/16/76
(B,D,Hw) - See Statewide
ALLEN PARISH
(F) - See Acadia Parish
(D,B,Hw) - See Statewide
ASCENSION PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
ASSUMPTION PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
AVOYELLES PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
BEAUREGARD PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
BIENVILLE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
BOSSIER PARISH
(F) - See Acadia Parish
(B,D,Hw,R) - See Statewide
CADDO PARISH
(B,D,Hw,R) - See Statewide
CALCASIEU PARISH
(F) - See Acadia Parish
(B,D,Hw,R) - See Statewide

LOUISIANA (Cont'd)

CALDWELL PARISH
(F) - See Acadia Parish
(B,D,Hw)- See Statewide
CAMERON PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
CATAHOULA PARISH
(F) - See Acadia Parish
(D,B,Hw) - See Statewide
CLAIBORNE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
CONCORDIA PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
DE SOTO PARISH
(F) - See Acadia Parish
(B,D,Hw)-See Statewide
EAST BATON ROUGE PARISH
(B,D,Hw) - See Statewide
EAST CARROLL PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
EAST FELICIANA PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
EVANGELINE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
FRANKLIN PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
GRANT PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
IBERIA PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide

LOUISIANA (Cont'd)

IBERVILLE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
JACKSON COUNTY
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
JEFFERSON PARISH
Decision #AR-3 (R)
39 FR 25777 - 7/12/74
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
JEFFERSON DAVIS PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
LAFAYETTE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
LAFOURCHE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
LA SALLE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
LINCOLN PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
LIVINGSTON PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
MADISON PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
MOREHOUSE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
NATCHITOCHES PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
ORLEANS PARISH
(B,D,Hw) - See Statewide
(R) - See Jefferson Parish
OUACHITA PARISH
Decision #AQ-116 (R)
39 FR 22397 - 6/21/74
(B,D,Hw) - See Statewide

LOUISIANA (Cont'd)

PLAQUEMINES PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
(R) - See Jefferson Parish
POINTE COUPEE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
RAPIDES PARISH
(B,D,Hw) - See Statewide
RED RIVER PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
RICHLAND PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
SABINE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
ST. BERNARD PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
(R) - See Jefferson Parish
ST. CHARLES PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
ST. HELENA PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
ST. JAMES PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
ST. JOHN THE BAPTIST PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
ST. LANDRY PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
ST. MARTIN PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
ST. MARY PARISH
(F) - See Acadia Parish
(B,D) - See Statewide

LOUISIANA (Cont'd)

ST. TAMMANY PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
TANGIPAHOA PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
TENSAS PARISH
(F) - See Acadia Parish
(B,Hw,D) - See Statewide
TERREBONNE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
UNION PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
VERMILION PARISH
(F) - See Acadia Parish
(D,B,Hw) - See Statewide
VERNON PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
WASHINGTON PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
WEBSTER PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
WEST BATON ROUGE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
WEST CARROLL PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
WEST FELICIANA PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
WINN PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide

MAINE

ANDROSCOGGIN COUNTY
None
AROOSTOOK COUNTY
None
CUMBERLAND COUNTY
Decision #CT75-5139 (D)
40 FR 55621 - 11/28/75
FRANKLIN COUNTY
None
HANCOCK COUNTY
(D) - See Cumberland County
KENNEBEC COUNTY
None
KNOX COUNTY
(D) - See Cumberland County
LINCOLN COUNTY
(D) - See Cumberland County
OXFORD COUNTY
None
PENOBSCOT COUNTY
None
PISCATAQUIS COUNTY
None
SAGADAHOC COUNTY
(D) - See Cumberland County
SOMERSET COUNTY
None
WALDO COUNTY
(D) - See Cumberland County
WASHINGTON COUNTY
(D) - See Cumberland County
YORK COUNTY
(D) - See Cumberland County

MARYLAND

ALLEGANY COUNTY
Decision #AR-2091 (B)
39 FR 41651 - 11/29/74
Mod. #1 - 40 FR 928 - 1/3/75
Decision #AR-2084 (H,Hw)
39 FR 41125 - 11/22/74
ANNE ARUNDEL COUNTY
Decision #MD75-3008 (D)
40 FR 3094 - 1/17/75
Mod. #1 - 40 FR 14204 - 3/28/75
Decision #AR-2086 (B,H)
39 FR 41127 - 11/22/74
Mod. #1 - 40 FR 925 - 1/3/75
Mod. #2 - 40 FR 14204 - 3/28/75
Mod. #3 - 40 FR 17460 - 4/18/75
Decision #MD75-3109 (Hw)
40 FR 50905 - 10/31/75
Mod. #1 - 40 FR 55609 - 11/28/75
BALTIMORE CITY
Decision #MD75-3110 (Hw)
40 FR 53182 - 11/14/75
Decision #MD75-3064 (B,H)
40 FR 27431 - 6/27/75
Mod. #1 - 40 FR 57070 - 12/5/75
Decision #AQ-2072 (R)
39 FR 8122 - 3/1/74
Decision #CT75-5139 (D)
40 FR 55621 - 11/28/75
BALTIMORE COUNTY
Decision #AR-2052 (Hw)
39 FR 34904 - 9/27/74
Mod. #1 - 40 FR 27405 - 6/27/75
(B,H,R) - See Baltimore City
CALVERT COUNTY
(D,Hw) - See Anne Arundel County
CAROLINE COUNTY
Decision #MD75-3052 (Hw)
40 FR 20555 - 5/9/75
(Hw) - See Anne Arundel County
CARROLL COUNTY
(Hw) - See Anne Arundel County
CECIL COUNTY
(Hw) - See Caroline County
(R) - See Baltimore County
CHARLES COUNTY
(D,Hw) - See Anne Arundel County
DORCHESTER COUNTY
(Hw) - See Caroline County
(D) - See Anne Arundel County
FREDERICK COUNTY
Decision #AQ-2076 (R)
39 FR 10069 - 3/15/74
Mod. #1 - 40 FR 15272 - 4/4/75
(Hw) - See Anne Arundel County
GARRETT COUNTY
(B,H,Hw) - See Allegany County

MARYLAND (Cont'd.)

HARFORD COUNTY
(B,H,R) - See Baltimore City
(Hw) - See Anne Arundel County
HOWARD COUNTY
(B,H) - See Baltimore City
(R) - See Baltimore County
(Hw) - See Anne Arundel City
KENT COUNTY
(Hw) - See Caroline County
(D) - See Arundel County
MONTGOMERY COUNTY
Decision #MD76-3140 (B)
41 FR 3602 - 1/23/76
(Hw) - See Anne Arundel County
PRINCE GEORGES COUNTY
(B) - See Montgomery County
(D,Hw) - See Anne Arundel County
QUEEN ANNES COUNTY
(Hw) - See Caroline County
(D) - See Anne Arundel County
ST. MARYS COUNTY
(D,Hw) - See Anne Arundel County
SOMERSET COUNTY
(Hw) - See Caroline County
(D) - See Anne Arundel County
TALBOT COUNTY
(Hw) - See Caroline County
(D) - See Anne Arundel County
WASHINGTON COUNTY
(Hw) - See Anne Arundel County
WICOMICO COUNTY
Decision #AQ-2075 (R)
39 FR 10068 - 3/15/74
Mod. #1 - 39 FR 14849 - 4/26/74
(D) - See Anne Arundel County
(Hw) - See Caroline County
WORCESTER COUNTY
(D) - See Baltimore County
(Hw) - See Caroline County
Decision #AR-2012 (B)
39 FR 27991 - 8/2/74

MASSACHUSETTS

BARNSTABLE COUNTY
Decision #MA75-2117 (B,H,Hw, & Marine)
40 FR 50906 - 10/31/75
Decision #CT75-5139 (D)
40 FR 55621 - 11/28/75
BERKSHIRE COUNTY
Decision #MA75-2118 (B,H,Hw)
40 FR 49951 - 10/24/75
BRISTOL COUNTY
Decision #MA75-2119 (B,H,Hw,R, & Marine)
40 FR 52254 - 11/7/75
(D) - See Barnstable County
DUKES COUNTY
(D) - See Barnstable County
ESSEX COUNTY
Decision #MA75-2121 (B,H,Hw, & Marine)
40 FR 52259 - 11/7/75
(D) - See Barnstable County
FRANKLIN COUNTY
Decision #MA75-2110 (B,H,Hw)
40 FR 42499 - 9/12/75
HAMPDEN COUNTY
Decision #MA75-2122 (B,H,Hw)
40 FR 52264 - 11/7/75
Decision #MA75-2134 (R)
40 FR 59166 - 12/19/75
HAMPSHIRE COUNTY
Decision #MA75-2123 (B,H,Hw)
40 FR 52268 - 11/7/75
MIDDLESEX COUNTY
Decision #MA75-2124 (B,H,Hw,R, & Marine)
40 FR 53184 - 11/14/75
(D) - See Barnstable County
NANTUCKET COUNTY
(D) - See Barnstable County

MASSACHUSETTS

NORFOLK COUNTY
Decision #MA75-2125 (B,H,Hw,R)
40 FR 53189 - 11/14/75
(D) - See Barnstable County
PLYMOUTH COUNTY
Decision #MA75-2126 (B,H,Hw,R)
40 FR 53193 - 11/14/75
SUFFOLK COUNTY
Decision #MA75-2130 (B,H,Hw,D,R)
40 FR 54408 - 11/21/75
WORCESTER COUNTY
Decision #MA75-2128 (B,H,Hw,R)
40 FR 53198 - 11/14/75

MICHIGAN

STATEWIDE
Decision #MI75-2098 (Hw, W&S)
40 FR 30415 - 7/18/75
ALCONA COUNTY
Decision #MI75-2103 (B,H)
40 FR 36928 - 8/22/75
Mod. #1 - 40 FR 57070 - 12/5/75
Decision #IL75-5079 (D)
40 FR 29490 - 7/11/75
Mod. #1 - 40 FR 32552 - 8/1/75
Mod. #2 - 40 FR 40006 - 8/29/75
Mod. #3 - 40 FR 50868 - 10/31/75
Mod. #4 - 40 FR 52242 - 11/7/75
(Hw, W&S) - See Statewide
ALGER COUNTY
Decision #MI75-2104 (B,H)
40 FR 36932 - 8/22/75
(D) - See Alcona County
(Hw, W&S) - See Statewide
ALLEGAN COUNTY
Decision #MI75-2108 (B,H)
40 FR 40016 - 8/29/75
Decision #AM-398 (R)
36 FR 15891 - 8/18/71
(Hw, W&S) - See Statewide
(D) - See Alcona County
ALPENA COUNTY
(B,H) - See Alcona County
(Hw, W&S) - See Statewide
ANTRIM COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
ARENAC COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
BARAGA COUNTY
(B,H) - See Alger County
(D) - See Alcona County
(Hw, W&S) - See Statewide
BARRY COUNTY
(Hw, W&S) - See Statewide
BAY COUNTY
Decision #MI75-2061 (B,H)
40 FR 17511 - 4/18/75
Mod. #1 - 40 FR 19328 - 5/2/75
(D) - See Alcona County
(Hw, W&S) - See Statewide
BENZIE COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide

MICHIGAN (Cont'd.)

BERRIEN COUNTY
(B,H) - See Allegan County
Decision #AM-399 (R)
36 FR 15892 - 8/18/71
(D) - See Alcona County
(Hw, W&S) - See Statewide
BRANCH COUNTY
Decision #AM-401 (R)
36 FR 15894 - 8/18/71
(Hw, W&S) - See Statewide
CALHOUN COUNTY
(B,H) - See Allegan County
Decision #AM-400 (R)
36 FR 15892 - 8/18/71
(Hw, W&S) - See Statewide
CASS COUNTY
(Hw, W&S) - See Statewide
(R) - See Branch County
CHARLEVOIX COUNTY
(B,H) - See Allegan County
(D) - See Alcona County
(Hw, W&S) - See Statewide
CHEBOYGAN COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
CHIPPEWA COUNTY
(B,H) - See Alger County
(D) - See Alcona County
(Hw, W&S) - See Statewide
CLARE COUNTY
(Hw, W&S) - See Statewide
CLINTON COUNTY
(B,H) - See Allegan County
(Hw, W&S) - See Statewide
CRAWFORD COUNTY
(Hw, W&S) - See Statewide

MICHIGAN (Cont'd.)

DELTA COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
DICKINSON COUNTY
(Hw, W&S) - See Statewide
EATON COUNTY
Decision #AM-8041 (R)
36 FR 24027 - 12/17/71
(B,H) - See Allegan County
(Hw, W&S) - See Statewide
EMMET COUNTY
(B,H) - See Charlevoix County
(D) - See Alcona County
(Hw, W&S) - See Statewide
GENESEE COUNTY
(B,H) - See Bay County
Decision #MI75-2062 (R)
40 FR 17515 - 4/18/75
Mod. #1 - 40 FR 47999 - 10/10/75
(Hw, W&S) - See Statewide
GLADWIN COUNTY
(Hw) - See Statewide
GOGEBIC COUNTY
(B,H) - See Alger County
(D) - See Alcona County
(Hw, W&S) - See Statewide
GRAND TRAVERSE COUNTY
(B,H) - See Alcona County
(D) - See Alcona County
(Hw, W&S) - See Statewide
GRATIOT COUNTY
(Hw, W&S) - See Statewide
HILLSDALE COUNTY
(Hw, W&S) - See Statewide
HOUGHTON COUNTY
(B,H) - See Alger County
(D) - See Alcona County
(Hw, W&S) - See Statewide
HURON COUNTY
(D) - See Alcona County
(Hw, W&S) - See Allegan County
INGHAM COUNTY
(B,H) - See Allegan County
(R) - See Eaton County
(Hw, W&S) - See Statewide

MICHIGAN (Cont'd.

IONIA COUNTY
(Hw, W&S) - See Statewide
IOSCO COUNTY
(Hw, W&S) - See Statewide
(D) - See Alcona County
IRON COUNTY
(Hw, W&S) - See Statewide
ISABELLA COUNTY
(Hw, W&S) - See Statewide
JACKSON COUNTY
(B,H) - See Allegan County
(Hw, W&S) - See Statewide
KALAMAZOO COUNTY
(B,H) - See Allegan County
(Hw, W&S) - See Statewide
(R) - See Branch County
KALKASKA COUNTY
(Hw, W&S) - See Statewide
KENT COUNTY
Decision #AR-3054 (B,H)
39 FR 25858 - 7/12/74
Mod. #1 - 39 FR 33155 - 9/13/74
Mod. #2 - 39 FR 34920 - 9/27/74
Mod. #3 - 40 FR 3862 - 1/24/75
Mod. #4 - 40 FR 59653 - 12/29/75
Decision #AM-402 (R)
36 FR 15895 - 8/18/71
(Hw, W&S) - See Statewide
KEWEENAW COUNTY
(B,H) - See Alger County
(Hw, W&S) - See Statewide
LAKE COUNTY
(R) - See Genesee County
LAPEER COUNTY
(R) - See Genesee County
(B,H) - See Bay County
(Hw, W&S) - See Statewide
LEELANAU COUNTY
(B,H) - See Grand Traverse County
(Hw, W&S) - See Statewide
LANAWEE COUNTY
(Hw, W&S) - See Statewide
LIVINGSTON COUNTY
(Hw, W&S) - See Statewide
LUCE COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
MACKINAC COUNTY
(B,H) - See Alger County
(Hw, W&S) - See Statewide
MACOMB COUNTY
Decision #MI75-2129 (B,H,R)
40 FR 53204 - 11/14/75
(D) - See Alcona County
(Hw, W&S) - See Statewide

MICHIGAN (Cont'd.)

MANISTEE COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
MARQUETTE COUNTY
Decision #AR-3178 (R)
39 FR 44166 - 12/20/74
Mod. #1 - 40 FR 22734 - 5/23/75
(B,H) - See Alger County
(D) - See Alcona County
(Hw, W&S) - See Statewide
MASON COUNTY
(B,H) - See Charlevoix County
(D) - See Alcona County
MECOSTA COUNTY
(Hw, W&S) - See Statewide
MENOMINEE COUNTY
(D) - See Alcona COunty
(Hw, W&S) - See Statewide
MIDLAND COUNTY
(Hw, W&S) - See Statewide
MISSAUKEE COUNTY
(Hw, W&S) - See Statewide
MONROE COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
MONTCALM COUNTY
(Hw, W&S) - See Statewide
(R) - See Kent County
MONTMORENCY COUNTY
(B,H) - See Alcona County
(Hw, W&S) - See Statewide
MUSKEGON COUNTY
Decision #MI75-2120 (R)
40 FR 49955 - 10/24/75
(B,H) - See Alconrn County
(D) - See Alcona County
(Hw, W&S) - See Statewide
NEWAYGO COUNTY
(Hw, W&S) - See Statewide
OAKLAND COUNTY
(B,H,R) - See Macomb County
(D) - See Alcona County
(Hw, W&S) - See Statewide
OCEANA COUNTY
(B,H,R) - See Alcorn County
(D) - See Alcona County
(Hw, W&S) - See Statewide
OGEMAW COUNTY
(Hw, W&S) - See Statewide
ONTONAGON COUNTY
(B,H) - See Alger County
(D) - See Alcona County
(Hw, W&S) - See Statewide

MICHIGAN (Cont'd.)

OSCEOLA COUNTY
(Hw, W&S) - See Statewide
OSCODA COUNTY
(B,H) - See Alcorn County
(Hw, W&S) - See Statewide
OTSEGO COUNTY
(Hw, W&S) - See Statewide
OTTAWA COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
(R) - See Allegan County
PRESQUE ISLE COUNTY
(B,H) - See Alcona County
(D) - See Alcona County
(Hw, W&S) - See Statewide
ROSOCOMMON COUNTY
(Hw, W&S) - See Statewide
SAGINAW COUNTY
(B,H) - See Bay County
(R) - See Genessee County
(Hw, W&S) - See Statewide
SAINT CLAIR COUNTY
(B,H) - See Bay County
(R) - See Genessee County
(Hw, W&S) - See Statewide
SAINT JOSEPH COUNTY
(Hw, W&S) - See Statewide
(R) - See Branch County
SANILAC COUNTY
(B,H) - See Bay County
(D) - See Alcona County
(Hw, W&S) - See Statewide
SCHOOLCRAFT COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
SHIAWASSEE COUNTY
(B,H) - See Bay County
(R) - See Genessee County
(Hw, W&S) - See Statewide
TUSCOLA COUNTY
(B,H) - See Bay County
(D) - See Alcona County
(Hw, W&S) - See Statewide
VAN BUREN COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
WASHTENAW COUNTY
(B,H,R) - See Macomb County
(Hw, W&S) - See Statewide
(D) - See Alcona County
WAYNE COUNTY
(B,H,R) - See Macomb County
(D) - See Alcona County
(Hw, W&S) - See Statewide
WEXFORD COUNTY
(Hw, W&S) - See Statewide

MINNESOTA

AITKIN COUNTY
Decision #MN75-2068 (H,Hw)
40 FR 19349 - 5/2/75
Mod. #1 - 40 FR 34547 - 8/15/75
ANOKA COUNTY
Decision #MN76-2001 (B,R)
41 FR 2551 - 1/16/76
Mod. #1 - 41 FR 5521 - 2/6/76
(H,Hw) - See Aitkin County
BECKER COUNTY
Decision #AQ-3104 (H,Hw)
39 FR 9369 - 3/8/74
BELTRAMI COUNTY
Decision #AR-3147 (H,Hw)
39 FR 36704 - 10/11/74
BENTON COUNTY
(H,Hw) - See Aitkin County
BIG STONE COUNTY
Decision #AQ-3105 (H,Hw)
39 FR 9370 - 3/8/74
BLUE EARTH COUNTY
(H,Hw) - See Aitkin County
BROWN COUNTY
None
CARLTON COUNTY
(H,Hw) - See Aitkin County
CARVER COUNTY
(B,R) - See Anoka County
(H,Hw) - See Aitkin County
CASS COUNTY
(Hw) - See Becker County
CHIPPEWA COUNTY
(Hw) - See Big Stone County
CHISAGO COUNTY
(H,Hw) - See Aitkin County
CLAY COUNTY
(Hw) - See Becker County
CLEAR WATER COUNTY
(H,Hw) - See Beltrami County
COOK COUNTY
Decision #IL75-5079 (D)
40 FR 29400 - 7/11/75
Mod. #1 - 40 FR 32552 - 8/1/75
Mod. #2 - 40 FR 40006 - 8/29/75
Mod. #3 - 40 FR 50868 - 10/31/75
Mod. #4 - 40 FR 52242 - 11/7/75
(H,Hw) - See Aitkin County
COTTONWOOD COUNTY
Decision #AQ-3124 (H,Hw)
39 FR 93583 - 3/8/74
CROW WING COUNTY
(H,Hw) - See Aitkin County
DAKOTA COUNTY
(B,R) - See Anoka County
(H,Hw) - See Aitkin County

MINNESOTA (Cont'd.)

DODGE COUNTY
(H,Hw) - See Aitkin County
DOUGLAS COUNTY
(H,Hw) - See Big Stone County
FAIRBAULT COUNTY
(H,Hw) - See Aitkin County
FILLMORE COUNTY
(H,Hw) - See Aitkin County
FREEBORN COUNTY
(H,Hw) - See Aitkin County
GOODHUE COUNTY
(H,Hw) - See Aitkin County
GRANT COUNTY
(H,Hw) - See Big Stone County
HENNEPIN COUNTY
(B,R) - See Anoka County
(H,Hw) - See Aitkin Count
HOUSTON COUNTY
(H,Hw) - See Aitkin County
HUBBARD COUNTY
(H,Hw) - See Becker County
ISANTI COUNTY
(H,Hw) - See Aitkin County
ITASKA COUNTY
(H,Hw) - See Aitkin County
JACKSON COUNTY
(H,Hw) - See Aitkin County
KANABEC COUNTY
(H,Hw) - See Aitkin County
KANDIYOHI COUNTY
(H,Hw) - See Big Stone County
KITTSON COUNTY
(H,Hw) - See Beltrami County
KOOCHICHING COUNTY
(H,Hw) - See Aitkin County
LAC QUI PARLE COUNTY
(H,Hw) - See Big Stone County
LAKE COUNTY
(H,Hw) - See Aitkin County
(D) - See Cook County
LAKE OF THE WOODS COUNTY
(H,Hw) - See Beltramie County
LE SHUEUR COUNTY
(H,Hw) - See Aitkin County
LINCOLN COUNTY
(H,Hw) - See Cottonwood County
LYON COUNTY
(H,Hw) - See Cottonwood County
MCLEOD COUNTY
(H,Hw) - See Aitkin County

MINNESOTA (Cont'd.

MAHNOMEN COUNTY
(H,Hw) - See Beltrami County
MARSHALL COUNTY
(H,Hw) - See Beltrami County
MARTIN COUNTY
(H,Hw) - See Aitkin County
MEEKER COUNTY
(H,Hw) - See Aitkin County
MILLE LACS COUNTY
(H,Hw) - See Aitkin County
MORRISON COUNTY
(H,Hw) - See Aitkin County
MOWER COUNTY
(H,Hw) - See Aitkin County
MURRAY COUNTY
(H,Hw) - See Cottonwood County
NICOLLET COUNTY
(H,Hw) - See Aitkin County
NOBLES COUNTY
(H,Hw) - See Aitkin County
NORMAN COUNTY
(H,Hw) - See Beltrami County
OLMSTEAD COUNTY
Decision #MN76-2002 (B,R)
41 FR 3607 - 1/23/76
(H,Hw) - See Aitkin Counth
OTTER TAIL COUNTY
(H,Hw) - See Becker County
PENNINGTON COUNTY
(H,Hw) - See Beltrami County
PINE COUNTY
(H,Hw) - See Aitkin County
PIPESTONE COUNTY
(H,Hw) - See Cottonwood County
POLK COUNTY
(H,Hw) - See Beltrami County
POPE COUNTY
(H,Hw) - See Big Stone County
RAMSEY COUNTY
(B,R) - See Anoka County
(H,Hw) - See Aitkin County
RED LAKE COUNTY
(H,Hw) - See Beltrami County
REDWOOD COUNTY
(H,Hw) - See Cottonwood County
RENVILLE COUNTY
None
RICE COUNTY
(H,Hw) - See Aitkin County
ROCK COUNTY
(H,Hw) - See Aitkin County

MINNESOTA (Cont'd.

ROSEAU COUNTY
(H,Hw) - See Beltrami County
SAINT LOUIS COUNTY
(D) - See Cook County
(H,Hw) - See Aitkin County
Decision #MN76-2004 (B,R)
41 FR 3615 - 1/23/76
SCOTT COUNTY
(H,Hw) - See Aitkin County
(B,R) - See Anoka County
SHERBURNE COUNTY
(H,Hw) - See Aitkin County
SIBLEY COUNTY
(H,Hw) - See Aitkin County
STEARNS COUNTY
Decision #MN76-2003 (B,R)
41 FR 3610 - 1/23/76
(H,Hw) - See Aitkin County
STEELE COUNTY
(H,Hw) - See Aitkin County
STEVENS COUNTY
(H,Hw) - See Big Stone County
SWIFT COUNTY
(H,Hw) - See Big Stone County
TODD COUNTY
(Hw) - See Bekcer County
TRAVERSE COUNTY
(H,Hw) - See Big Stone County
WABASHA COUNTY
(H,Hw) - See Aitkin County
WADENA COUNTY
(H,Hw) - See Becker County
WASECA COUNTY
(H,Hw) - See Aitkin County
WASHINGTON COUNTY
(B,R) - See Anoka County
(H,Hw) - See Aitkin County
WATONWAN COUNTY
None
WILKIN COUNTY
(H,Hw) - See Becker County
WINONA COUNTY
(H,Hw) - See Aitkin County
WRIGHT COUNTY
(H,Hw) - See Aitkin County
YELLOW MEDICINE COUNTY
(H,Hw) - See Cottonwood County

MISSISSIPPI

STATEWIDE
Decision #AL75-5131 (D)
40 FR 49947 - 10/24/75
Decision #AR75-5074 (F)
40 FR 26189 - 6/20/75
Mod. #1 - 41 FR 2533 - 1/16/76
Decision #MS75-1114 (Hw, W&S)
40 FR 58045 - 12/12/75
Mod. #1 - 40 FR 59653 - 12/29/75
ADAMS COUNTY
(D,F,Hw, W&S) - See Statewide
ALCORN COUNTY
(D,F,Hw, W&S) - See Statewide
AMITE COUNTY
(D,F,Hw, W&S) - See Statewide
ATTALA COUNTY
(D,F,Hw, W&S) - See Statewide
BENTON COUNTY
(D,F,Hw, W&S) - See Statewide
BOLIVAR COUNTY
(D,F,Hw, W&S) - See Statewide
CALHOUN COUNTY
(D,F,Hw, W&S) - See Statewide
CARROLL COUNTY
(D,F,Hw, W&S) - See Statewide
CHICKASAW COUNTY
(D,F,Hw, W&S) - See Statewide
CHOCTAW COUNTY
(Hw, W&S) - See Statewide
CLAIBORNE COUNTY
(D,Hw,F, W&S) - See Statewide
CLARK COUNTY
(D,F,Hw, W&S) - See Statewide
CLAY COUNTY
(Hw, W&S) - See Statewide
COAHOMA COUNTY
Decision #MS76-1004 (R)
41 FR 1695 - 1/9/76
(D,F,Hw, W&S) - See Statewide
COPIAH COUNTY
Decision #AQ-4120 (R)
39 FR 20302 - 6/7/74
(D,F,Hw, W&S) - See Statewide
COVINGTON COUNTY
(D,Hw, F, W&S) - See Statewide

MISSISSIPPI (Cont'd.)

DE SOTO COUNTY
(D,F,Hw, W&S) - See Statewide
FORREST COUNTY
Decision #MS75-1076 (R)
40 FR 36935 - 8/22/75
Mod. #1 - 40 FR 55609 - 11/28/75
Decision #MS75-1020 (B)
40 FR 5966 - 2/7/75
Mod. #1 - 40 FR 7798 - 2/21/75
(D,F,Hw, W&S) - See Statewide
FRANKLIN COUNTY
(D,F,Hw, W&S) - See Statewide
GEORGE COUNTY
Decision #MS75-1077 (R)
40 FR 36935 - 8/22/75
(D,F,Hw, W&S) - See Statewide
GREENE COUNTY
(D,F,Hw, W&S) - See Statewide
GRENADA COUNTY
(D,F,Hw, W&S) - See Statewide
HANCOCK COUNTY
Decision #MS76-1020 (B,H,Hw, W&S)
41 FR 4780 - 1/30/76
(D,F) - See Statewide
(R) - See George County
HARRISON COUNTY
(B,H,Hw, W&S) - See Hancock County
(R) - See George County
(D,F) - See Statewide
HINDS COUNTY
Decision #MS75-1106 (B)
40 FR 50914 - 10/31/75
Mod. #1 - 40 FR 53176 - 11/14/75
Mod. #2 - 41 FR 4736 - 1/30/76
(D,F,Hw, W&S) - See Statewide
(R) - See Copiah County
HOLMES COUNTY
(D,F,Hw, W&S) - See Statewide
HUMPHREYS COUNTY
(D,F,Hw, W&S) - See Statewide
ISSAQUENA COUNTY
(D,F,Hw, W&S) - See Statewide
ITAWAMBA COUNTY
(D,F,Hw, W&S) - See Statewide
JACKSON COUNTY
(D,F) - See Statewide
(B,H,Hw, W&S) - See Hancock County
(R) - See George County

MISSISSIPPI (Cont'd.)

JASPER COUNTY
(D,F,Hw, W&S) - See Statewide
JEFFERSON COUNTY
(D,F,Hw, W&S) - See Statewide
JEFFERSON DAVIS COUNTY
(D,F,Hw, W&S) - See Statewide
JONES COUNTY
(D,F,Hw, W&S) - See Statewide
(R) - See Forest County
KEMPER COUNTY
(D,F,Hw, W&S) - See Statewide
LAFAYETTE COUNTY
(D,F,Hw, W&S) - See Statewide
LAMAR COUNTY
(D,F,Hw, W&S) - See Statewide
LAUDERDALE COUNTY
(D,F,Hw, W&S) - See Statewide
LAWRENCE COUNTY
(D,F,Hw, W&S) - See Statewide
LEAKE COUNTY
(D,F,Hw, W&S) - See Statewide
(R) - See Copiah County
LEE COUNTY
(D,F,Hw, W&S) - See Statewide
LEFLORE COUNTY
(D,F,Hw, W&S) - See Statewide
LINCOLN COUNTY
(D,F,Hw, W&S) - See Statewide
LOWNDES COUNTY
(D,F,Hw, W&S) - See Statewide
MADISON COUNTY
(D,F,Hw, W&S) - See Statewide
(R) - See Copiah County
MARION COUNTY
(D,F,Hw, W&S) - See Statewide
MARSHALL COUNTY
(D,F,Hw, W&S) - See Statewide
MONROE COUNTY
(D,F,Hw, W&S) - See Statewide
MONTGOMERY COUNTY
(D,F,Hw, W&S) - See Statewide
NESHOBA COUNTY
(D,F,Hw, W&S) - See Statewide
NEWTON COUNTY
(D,F,Hw, W&S) - See Statewide
NOXUBEE COUNTY
(D,F,Hw, W&S) - See Statewide
OKTIBBEHA COUNTY
(D,F,Hw, W&S) - See Statewide
PANOLA COUNTY
(D,F,Hw, W&S) - See Statewide
PEARL RIVER COUNTY
(D,F) - See Statewide
(B,H,Hw, W&S) - See Hancock County
(R) - See George County

MISSISSIPPI (Cont'd.)

PERRY COUNTY
(D,F,Hw, W&S) - See Statewide
PIKE COUNTY
(D,F,Hw, W&S) - See Statewide
PONTOTOC COUNTY
(D,F,Hw, W&S) - See Statewide
PRENTISS COUNTY
(D,F,Hw, W&S) - See Statewide
QUITMAN COUNTY
(D,F,Hw, W&S) - See Statewide
RANKIN COUNTY
(D,F,Hw, W&S) - See Statewide
(R) - See Copiah County
SCOTT COUNTY
(D,F,Hw, W&S) - See Statewide
(R) - See Copiah County
SHARKEY COUNTY
(D,F,Hw, W&S) - See Statewide
SIMPSON COUNTY
(D,F,Hw, W&S) - See Statewide
(R) - See Copiah County
SMITH COUNTY
(D,F,Hw, W&S) - See Statewide
(R) - See Copiah County
STONE COUNTY
(D,F,Hw, W&S) - See Statewide
(R) - See George County
SUNFLOWER COUNTY
(D,F,Hw, W&S) - See Statewide
(R) - See Coahoma County
TALLAHATCHIE COUNTY
(D,F,Hw, W&S) - See Statewide
TATE COUNTY
(D,F,Hw, W&S) - See Statewide
TIPPAH COUNTY
(D,F,Hw, W&S) - See Statewide
TISHOMINGO COUNTY
(D,F,Hw, W&S) - See Statewide
TUNICA COUNTY
(D,F,Hw, W&S) - See Statewide
UNION COUNTY
(D,F,Hw, W&S) - See Statewide
WALTHALL COUNTY
(D,F,Hw, W&S) - See Statewide
WARREN COUNTY
Decision #MS75-1109 (B)
40 FR 53208 - 11/14/75
Mod. #1 - 41 FR 4737 - 1/30/76
(D,F,Hw, W&S) - See Statewide
(R) - See Coahoma County
WASHINGTON COUNTY
Decision #MS76-1003 (B)
41 FR 1694 - 1/9/76
(D,F,Hw, W&S) - See Statewide
(R) - See Coahoma County

MISSISSIPPI (Cont'd.)

WAYNE COUNTY
(D,F,Hw, W&S) - See Statewide
WEBSTER COUNTY
(D,F,Hw, W&S) - See Statewide
WILKINSON COUNTY
(D,F,Hw, W&S) - See Statewide
WINSTON COUNTY
(D,F,Hw, W&S) - See Statewide
YALOBUSHALCOUNTY
(D,F,Hw, W&S) - See Statewide
YAZOO COUNTY
(D,F,Hw, W&S) - See Statewide
(R) - See Copiah County

MISSOURI

STATEWIDE
Decision #M076-4010 (H,Hw)
41 FR 4783 - 1/30/76
ADAIR COUNTY
(H,Hw) - See Statewide
ANDREW COUNTY
Decision #M075-4070 (D)
40 FR 14225 - 3/28/75
(H,Hw) - See Statewide
ATCHISON COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
AUDRAIN COUNTY
(H,Hw) - See Statewide
BARRY COUNTY
(Hw) - See Statewide
BARTON COUNTY
(H,Hw) - See Statewide
BATES COUNTY
(H,Hw) - See Statewide
BENTON COUNTY
(H,Hw) - See Statewide
BOLLINGER COUNTY
(H,Hw) - See Statewide
BOONE COUNTY
(H,Hw) - See Statewide
(D) - See Andrew County
BUCHANAN COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
BUTLER COUNTY
(Hw) - See Statewide
CALDWELL COUNTY
(H,Hw) - See Statewide
CALLAWAY COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
CAMDEN COUNTY
(H,Hw) - See Statewide
CAPE GIRARDEAU COUNTY
Decision #IL75-2036 (D)
40 FR 6023 - 2/7/75
(H,Hw) - See Statewide
CARROLL COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
CARTER COUNTY
(Hw) - See Statewide

MISSOURI (Cont'd)

CASS COUNTY
Decision #M075-4144 (B,H,Hw)
40 FR 32611 - 8/1/75
Mod. #1 - 40 FR 44442 - 9/26/75
Decision #M076-4008 (R)
41 FR 3620 - 1/23/76
(H,Hw) - See Statewide
CEDAR COUNTY
(H,Hw) - See Statewide
CHARITON COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
CHRISTIAN COUNTY
(Hw) - See Statewide
CLARK COUNTY
(H,Hw) - See Statewide
CLAY COUNTY
(B,R) - See Cass County
(D) - See Andrew County
(H,Hw) - See Statewide
CLINTON COUNTY
(H,Hw) - See Statewide
COLE COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
COOPER COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
CRAWFORD COUNTY
(H,Hw) - See Statewide
DADE COUNTY
(H,Hw) - See Statewide
DALLAS COUNTY
(H,Hw) - See Statewide
DAVIESS COUNTY
(H,Hw) - See Statewide
DE KALB COUNTY
(H,Hw) - See Statewide
DENT COUNTY
(Hw) - See Statewide
DOUGLAS COUNTY
(Hw) - See Statewide
DUNKLIN COUNTY
(Hw) - See Statewide
FRANKLIN COUNTY
Decision #M075-4143 (B)
40 FR 32608 - 8/1/75
Decision #M075-4142 (R)
40 FR 32605 - 8/1/75
(D) - See Andrew County
(H,Hw) - See Statewide
GASCONADE COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
GENTRY COUNTY
(H,Hw) - See Statewide
GREENE COUNTY
(H,Hw) - See Statewide

MISSOURI (Cont'd)

GRUNDY COUNTY
(H,Hw) - See Statewide
HARRISON COUNTY
(H,Hw) - See Statewide
HENRY COUNTY
(H,Hw) - See Statewide
HICKORY COUNTY
(H,Hw) - See Statewide
HOLT COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
HOWARD COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
HOWELL COUNTY
(Hw) - See Statewide
IRON COUNTY
(Hw) - See Statewide
JACKSON COUNTY
(B,R) - See Cass County
(D) - See Andrew County
(H,Hw) - See Statewide
JASPER COUNTY
None
JEFFERSON COUNTY
(D) - See Cape Girdeau County
(H,Hw) - See Statewide
JOHNSON COUNTY
(H,Hw) - See Statewide
KNOX COUNTY
(H,Hw) - See Statewide
LACLEDE COUNTY
(H,Hw) - See Statewide
LAFAYETTE COUNTY
(H,Hw) - See Statewide
(D) - See Andrew County
LAWRENCE COUNTY
(H,Hw) - See Statewide
LEWIS COUNTY
(H,Hw) - See Statewide
LINCOLN COUNTY
(B,R) - See Franklin County
(H,Hw) - See Statewide
LINN COUNTY
(H,Hw) - See Statewide
LIVINGSTON COUNTY
(H,Hw) - See Statewide
MC DONALD COUNTY
(H,Hw) - See Statewide
MACON COUNTY
(H,Hw) - See Statewide
MADISON COUNTY
(H,Hw) - See Statewide
MARIES COUNTY
(H,Hw) - See Statewide

MISSOURI (Cont'd)

MARION COUNTY
(H,Hw) - See Statewide
MERCER COUNTY
(H,Hw) - See Statewide
MILLER COUNTY
(H,Hw) - See Statewide
MISSISSIPPI COUNTY
(D) - See Cape Girardeau County
(Hw) - See Statewide
MONITEAU COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
MONROE COUNTY
(H,Hw) - See Statewide
MONTGOMERY COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
MORGAN COUNTY
(H,Hw) - See Statewide
NEW MADRID COUNTY
(Hw) - See Statewide
NEWTON COUNTY
(H,Hw) - See Statewide
NODAWAY COUNTY
(H,Hw) - See Statewide
OREGON COUNTY
(Hw) - See Statewide
OSAGE COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
OZARK COUNTY
(Hw) - See Statewide
PEMISCOT COUNTY
(Hw) - See Statewide
PERRY COUNTY
(D) - See Cape Girardeau County
(H,Hw) - See Statewide
PETTIS COUNTY
(H,Hw) - See Statewide
PHELPS COUNTY
(H,Hw) - See Statewide
PIKE COUNTY
(H,Hw) - See Statewide
PLATTE COUNTY
(B,R,H,Hw) - See Cass County
(D) - See Andrew County
POLK COUNTY
(H,Hw) - See Statewide

MISSOURI (Cont'd)

PULASKI COUNTY
(H,Hw) - See Statewide
PUTNAM COUNTY
(H,Hw) - See Statewide
RALLS COUNTY
(H,Hw) - See Statewide
RANDOLPH COUNTY
(H,Hw) - See Statewide
RAY COUNTY
(B,R) - See Cass County
(H,Hw) - See Statewide
(D) - See Andrew County
REYNOLDS COUNTY
(Hw) - See Statewide
RIPLEY COUNTY
(Hw) - See Statewide
ST. CHARLES COUNTY
(B,R) - See Franklin County
(D) - See Andrew County
(D) - See Cape Girardeau County
(H,Hw) - See Statewide
ST. CLAIR COUNTY
(H,Hw) - See Statewide
ST. FRANCOIS COUNTY
(H,Hw) - See Statewide
ST. LOUIS COUNTY
(B,R) - See Franklin County
(D) - See Cape Girardeau County
(D) - See Andrew County
(H,Hw) - See Statewide
STE. GENEVIEVE COUNTY
(D) - See Cape Girardeau County
(H,Hw) - See Statewide
SALINE COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
SCHUYLER COUNTY
(H,Hw) - See Statewide
SCOTLAND COUNTY
(H,Hw) - See Statewide
SCOTT COUNTY
(D) - See Cape Girardeau County
(H,Hw) - See Statewide
SHANNON COUNTY
(Hw) - See Statewide
SHELBY COUNTY
(H,Hw) - See Statewide
STODDARD COUNTY
(Hw) - See Statewide

MISSOURI (Cont'd)

STONE COUNTY
(Hw) - See Statewide
SULLIVAN COUNTY
(H,Hw) - See Statewide
TANEY COUNTY
(Hw) - See Statewide
TEXAS COUNTY
(Hw) - See Statewide
VERNON COUNTY
(H,Hw) - See Statewide
WARREN COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
WASHINGTON COUNTY
(H,Hw) - See Statewide
WAYNE COUNTY
(Hw) - See Statewide
WEBSTER COUNTY
(Hw) - See Statewide
WORTH COUNTY
(H,Hw) - See Statewide
WRIGHT COUNTY
(Hw) - See Statewide

MONTANA

STATEWIDE
Decision #MT76-5006 (B)
41 FR 2555 - 1/16/76
Mod. #1 - 41 FR 5521 - 2/6/76
Decision #MT75-5128 (H,Hw)
40 FR 48046 - 10/10/75
BEAVERHEAD COUNTY
(B,H,Hw) - See Statewide
BIG HORN COUNTY
(B,H,Hw) - See Statewide
BLAINE COUNTY
(B,H,Hw) - See Statewide
BROADWATER COUNTY
(B,H,Hw) - See Statewide
CARBON COUNTY
(B,H,Hw) - See Statewide
CARTER COUNTY
(B,H,Hw) - See Statewide
CASCADE COUNTY
Decision #MT75-5126 (R)
40 FR 48027 - 10/10/75
(B,H,Hw) - See Statewide
CHOUTEAU COUNTY
(B,H,Hw) - See Statewide
CUSTER COUNTY
(B,H,Hw) - See Statewide
DANIELS COUNTY
(B,H,Hw) - See Statewide
DAWSON COUNTY
(B,H,Hw) - See Statewide
DEER LODGE COUNTY
(B,H,Hw) - See Statewide
Decision #MT75-5127 (R)
40 FR 48038 - 10/10/75
FALLON COUNTY
(B,H,Hw) - See Statewide
FERGUS COUNTY
(B,H,Hw) - See Statewide
FLATHEAD COUNTY
(B,H,Hw) - See Statewide
(R) - See Cascade County

MONTANA (Cont'd.

GALLATIN COUNTY
(B,H,Hw) - See Statewide
(R) - See Deer Lodge County
GARFIELD COUNTY
(B,H,Hw) - See Statewide
GLACIER COUNTY
(R) - See Cascade County
(B,H,Hw) - See Statewide
GOLDEN VALLEY COUNTY
(B,H,Hw) - See Statewide
GRANITE COUNTY
(B,H,Hw) - See Statewide
HILL COUNTY
(B,H,Hw) - See Statewide
(R) - See Cascade County
JEFFERSON COUNTY
(B,H,Hw) - See Statewide
JUDITH BASIN COUNTY
(B,H,Hw) - See Statewide
LAKE COUNTY
(B,H,Hw) - See Statewide
LEWIS & CLARK COUNTY
(B,H,Hw) - See Statewide
LIBERTY COUNTY
(B,H,Hw) - See Statewide
LINCOLN COUNTY
(B,H,Hw) - See Statewide
MC CONE COUNTY
(B,H,Hw) - See Statewide
MADISON COUNTY
(B,H,Hw) - See Statewide
MEAGHER COUNTY
(B,H,Hw) - See Statewide
MINERAL COUNTY
(B,H,Hw) - See Statewide
MISSOULA COUNTY
(R) - See Cascade County
(B,H,Hw) - See Statewide
MUSSELSHELL COUNTY
(B,H,Hw) - See Statewide
PARK COUNTY
(B,H,Hw) - See Statewide
PETROLEUM COUNTY
(B,H,Hw) - See Statewide
PHILLIPS COUNTY
(B,H,Hw) - See Statewide
PONDERA COUNTY
(B,H,hw) - See Statewide
POWDER RIVER COUNTY
(B,H,Hw) - See Statewide
POWELL COUNTY
(B,H,Hw) - See Statewide
PRAIRIE COUNTY
(B,H,Hw) - See Statewide
RAVALLI COUNTY
(B,H,Hw) - See Statewide

MONTANA (Cont'd.)

RICHLAND COUNTY
(B,H,Hw) - See Statewide
ROOSEVELT COUNTY
(B,H,Hw) - See Statewide
ROSEBUD COUNTY
(B,H,Hw) - See Statewide
SANDERS COUNTY
(B,H,Hw) - See Statewide
(R) - See Cascade County
SHERIDAN COUNTY
(B,H,Hw) - See Statewide
SILVER BOW COUNTY
(R) - See Deer Lodge County
(B,H,Hw) - See Statewide
STILLWATER COUNTY
(B,H,Hw) - See Statewide
SWEET GRASS COUNTY
(B,H,Hw) - See Statewide
TETON COUNTY
(B,H,Hw) - See Statewide
TOOLE COUNTY
(B,H,Hw) - See Statewide
TREASURE COUNTY
(B,H,Hw) - See Statewide
VALLEY COUNTY
(B,H,Hw) - See Statewide
(R) - See Cascade County
WHEATLAND COUNTY
(B,H,Hw) - See Statewide
WIBAUX COUNTY
(B,H,Hw) - See Statewide
YELLOWSTONE COUNTY
(B,H,Hw) - See Statewide

NEBRASKA

ADAMS COUNTY
Decision #NE76-4025 (H,Hw)
41 FR 7002 - 2/13/76
ANTELOPE COUNTY
(H,Hw) - See Adams County
ARTHUR COUNTY
(H,Hw) - See Adams County
BANNER COUNTY
Decision #NE75-4113 (B)
40 FR 26218 - 6/20/75
(H,Hw) - See Adams County
BLAINE COUNTY
(H,Hw) - See Adams County
BOONE COUNTY
(H,Hw) - See Adams County
BOX BUTTE COUNTY
(B) - See Banner County
(H,Hw) - See Adams County
BOYD COUNTY
(H,Hw) - See Adams County
Decision #NE75-4054 (Channel Stabilization)
40 FR 8739 - 2/28/75
BROWN COUNTY
(H,Hw) - See Adams County
BUFFALO COUNTY
(H,Hw) - See Adams County
BURT COUNTY
(H,Hw) - See Adams County
(Chann. Stab.) - See Boyd County
BUTLER COUNTY
(H,Hw) - See Adams County
CASS COUNTY
(Chann. Stab.) - See Boyd County
Decision #NE75-4112 (H,Hw)
40 FR 25400 - 6/13/75
Mod. #1 - 40 FR 27416 - 6/27/75
Mod. #2 - 40 FR 32553 - 8/1/75
CEDAR COUNTY
Decision #NE75-4202 (B)
40 FR 58047 - 12/12/75
(H,Hw) - See Adams County
(Chann. Stab.) - See Boyd County
CHASE COUNTY
(H,Hw) - See Adams County
CHERRY COUNTY
(H,Hw) - See Adams County
CHEYENNE COUNTY
(B) - See Banner County
(H,Hw) - See Adams County
CLAY COUNTY
(H,Hw) - See Adams County
COLFAX COUNTY
(H,Hw) - See Adams County

NEBRASKA (Cont'd.)

CUMING COUNTY
(B) - See Cedar County
(H,Hw) - See Adams County
CUSTER COUNTY
(H,Hw) - See Adams County
DAKOTA COUNTY
(Chann. Stab.) - See Boyd County
(H,Hw) - See Adams County
DAWES COUNTY
(B) - See Banner County
(H,Hw) - See Adams County
DAWSON COUNTY
(H,Hw) - See Adams County
DEUEL COUNTY
(B) - See Banner County
(H,Hw) - See Adams County
DIXON COUNTY
(Chann. Stab.) - See Boyd County
(H,Hw) - See Adams County
DODGE COUNTY
(H,Hw) - See Adams County
DOUGLAS COUNTY
Decision #NE75-4111 (B,R)
40 FR 25399 - 6/13/75
(H,Hw) - See Cass County
(Chann. Stab.) - See Boyd County
DUNDY COUNTY
(H,Hw) - See Adams County
FILLMORE COUNTY
(H,Hw) - See Adams County
FRANKLIN COUNTY
(H,Hw) - See Adams County
FRONTIER COUNTY
(H,Hw) - See Adams County
FURNAS COUNTY
(H,Hw) - See Adams County
GAGE COUNTY
(H,Hw) - See Adams County
GARDEN COUNTY
(B) - See Banner County
(H,Hw) - See Adams County
GARFIELD COUNTY
(H,Hw) - See Adams County
GOSPER COUNTY
(H,Hw) - See Adams County
GRANT COUNTY
(H,Hw) - See Adams County
GREELEY COUNTY
(H,Hw) - See Adams County

NEBRASKA (Cont'd.)

HALL COUNTY
Decision #NE75-4155 (B)
40 FR 41366 - 9/5/75
(H,Hw) - See Adams County
HAMILTON COUNTY
(H,Hw) - See Adams County
HARLAN COUNTY
(H,Hw) - See Adams County
HAYES COUNTY
(H,Hw) - See Adams County
HITCHCOCK COUNTY
(H,Hw) - See Adams County
HOLT COUNTY
(H,Hw) - See Adams County
HOOKER COUNTY
(H,Hw) - See Adams County
HOWARD COUNTY
(H,Hw) - See Adams County
JEFFERSON COUNTY
(H,Hw) - See Adams County
JOHNSON COUNTY
(H,Hw) - See Adams County
KEARNEY COUNTY
(H,Hw) - See Adams County
KEITH COUNTY
(H,Hw) - See Adams County
KEYAPAHA COUNTY
(H,Hw) - See Adams County
KIMBALL COUNTY
(B) - See Banner County
(H,Hw) - See Adams County
KNOX COUNTY
(H,Hw) - See Adams County
(Chann. Stab.) - See Boyd County
LANCASTER COUNTY
Decision #NE76-4026 (B)
41 FR 7003 - 2/13/76
Decision #NE75-4157 (R)
40 FR 42502 - 9/12/75
(H,Hw) - See Adams County
LINCOLN COUNTY
(H,Hw) - See Adams County
LOGAN COUNTY
(H,Hw) - See Adams County
LOUP COUNTY
(H,Hw) - See Adams County
MC PHERSON COUNTY
(H,Hw) - See Adams County
MADISON COUNTY
(H,Hw) - See Adams County
MERRICK COUNTY
(H,Hw) - See Adams County

NEBRASKA (Cont'd.)

MORRILL COUNTY
(B) - See Banner County
(H,Hw) - See Adams County
NANCE COUNTY
(H,Hw) - See Adams County
NEMAHA COUNTY
Decision #M075-4070 (D)
40 FR 14225 - 3/28/75
(H,Hw) - See Adams County
(Chann. Stab.) - See Boyd County
NUCKOLLS COUNTY
(H,Hw) - See Adams County
OTOE COUNTY
(Chann. Stab.) - See Boyd County
(H,Hw) - See Adams County
PAWNEE COUNTY
(H,Hw) - See Adams County
PERKINS COUNTY
(H,Hw) - See Adams County
PHELPS COUNTY
(H,Hw) - See Adams County
PIERCE COUNTY
(B) - See Cedar County
(H,Hw) - See Adams County
PLATTE COUNTY
(H,Hw) - See Adams County
POLK COUNTY
(H,Hw) - See Adams County

RED WILLOW COUNTY
(H,Hw) - See Adams County
RICHARDSON COUNTY
(Chann. Stab.) - See Boyd County
(D) - See Nemaha County
(H,Hw) - See Adams County
ROCK COUNTY
(H,Hw) - See Adams County
SALINE COUNTY
(H,Hw) - See Adams County
SARPY COUNTY
(Chann. Stab.) - See Boyd County
(B,R) - See Douglas County
(H,Hw) - See Cass County
SAUNDERS COUNTY
(H,Hw) - See Adams County
(H,Hw) - See Cass County
SCOTTS BLUFF COUNTY
(B) - See Banner County
(H,Hw) - See Adams County
SEWARD COUNTY
(H,Hw) - See Adams County
SHERIDAN COUNTY
(B) - See Banner County
(H,Hw) - See Adams County

SHERMAN COUNTY
(H,Hw) - See Adams County

NEBRASKA (Cont'd)

SIOUX COUNTY
(B) - See Banner County
(H,Hw) - See Adams County
STANTON COUNTY
(B) - See Cedar County
(H,Hw) - See Adams County
THAYER COUNTY
(H,Hw) - See Adams County
THOMAS COUNTY
(H,Hw) - See Adams County
THURSTON COUNTY
(Chann. Stab.) - See Boyd County
(H,Hw) - See Adams County
VALLEY COUNTY
(H,Hw) - See Adams County
WASHINGTON COUNTY
(H,Hw) - See Cass County
(Chann. Stab.) - See Boyd County
WAYNE COUNTY
(B) - See Cedar County
(H,Hw) - See Adams County
WEBSTER COUNTY
(H,Hw) - See Adams County
WHEELER COUNTY
(H,Hw) - See Adams County
YORK COUNTY
(H,Hw) - See Adams County

NEVADA

STATEWIDE (Excluding the Nevada Test Site & Tonopah Test Range)
Decision #NV76-5002 (B,H,Hw)
41 FR 2580 - 1/16/76
CHURCHILL COUNTY
(B,H,Hw) - See Statewide
CLARK COUNTY
Decision #NV76-5003 (R)(Excluding the Nevada Test Site)
41 FR 2591 - 1/16/76
(B,H,Hw) - See Statewide
Decision #NV76-5005 (B,H,Hw)(Nevada Test Site including the Tonopah Test Range
41 FR 2601 - 1/16/76
DOUGLAS COUNTY
(B,H,Hw) - See Statewide
ELKO COUNTY
(B,H,Hw) - See Statewide
ESMERALDA COUNTY
(B,H,Hw) - See Statewide
EUREKA COUNTY
(B,H,Hw) - See Statewide
HUMBOLDT COUNTY
(B,H,Hw) - See Statewide
LANDER COUNTY
(B,H,Hw) - See Statewide
LINCOLN COUNTY
(B,H,Hw) - See Statewide
LYON COUNTY
(B,H,Hw) - See Statewide
MINERAL COUNTY
(B,H,Hw) - See Statewide
NYE COUNTY
(B,H,Hw) - See Clark Co. (Nevada Test Site)
(B,H,Hw) - See Statewide
ORMSBY COUNTY
(B,H,Hw) - See Statewide
PERSHING COUNTY
(B,H,Hw) - See Statewide
STOREY COUNTY
(B,H,Hw) - See Statewide
WASHOE COUNTY
Decision #NV76-5004 (R)
41 FR 2595 - 1/16/76
(B,H,Hw) - See Statewide
WHITE PINE COUNTY
(B,H,Hw) - See Statewide

NEW HAMPSHIRE

BELKNAP COUNTY
None
CARROLL COUNTY
None
CHESHIRE COUNTY
None
COOS COUNTY
None
GRAFTON COUNTY
None
HILLSBORO COUNTY
Decision #NH75-2096 (B,H,Hw,R)
40 FR 30419 - 7/18/75
Mod. #1 - 40 FR 36897 - 8/22/75
Mod. #2 - 41 FR 2534 - 1/16/76
MERRIMACK COUNTY
Decision #NH75-2097 (B,H,Hw, & Marine)
40 FR 30422 - 7/18/75
Mod. #1 - 40 FR 36898 - 8/22/75
Mod. #2 - 41 FR 2534 - 1/16/76
ROCKINGHAM COUNTY
Decision #CT75-5139 (D)
40 FR 55621 - 11/28/75
Decision #NH75-2098 (B,H,Hw,R, & Marine)
40 FR 30426 - 7/18/75
Mod. #1 - 40 FR 36898 - 8/22/75
Mod. #2 - 41 FR 2535 - 1/16/76
STRAFFORD COUNTY
Decision #NH75-2099 (B,H,Hw, & Marine)
40 FR 30430 - 7/18/75
Mod. #1 - 40 FR 36899 - 8/22/75
Mod. #2 - 41 FR 2535 - 1/16/76
SULLIVAN COUNTY
None

NEW JERSEY

ATLANTIC COUNTY
Decision #NJ75-3049 (B,H,Hw)
40 FR 26219 - 6/20/75
Mod. #1 - 40 FR 36899 - 8/22/75
Mod. #2 - 40 FR 44443 - 9/26/75
Mod. #3 - 40 FR 48000 - 10/10/75
Mod. #4 - 40 FR 55610 - 11/28/75
Mod. #5 - 40 FR 59654 - 12/29/75
Decision #CT75-5139 (D)
40 FR 55621 - 11/28/75
BERGEN COUNTY
Decision #NJ75-3098 (R)
40 FR 44433 - 9/26/75
Mod. #1 - 40 FR 48844 - 10/17/75
Mod. #2 - 40 FR 55610 - 11/28/75
Mod. #3 - 40 FR 59661 - 12/29/75
Decision #NJ75-3050 (B,H,Hw)
40 FR 29501 - 7/11/75
Mod. #1 - 40 FR 40007 - 8/29/75
Mod. #2 - 40 FR 44444 - 9/26/75
Mod. #3 - 40 FR 48001 - 10/10/75
Mod. #4 - 40 FR 50869 - 10/31/75
Mod. #5 - 40 FR 55610 - 11/28/75
Mod. #6 - 40 FR 59657 - 12/29/75
(D) - See Atlantic County

NEW JERSEY (Cont'd.)

BURLINGTON COUNTY
Decision #NJ75-3096 (R)
40 FR 43413 - 9/19/75
(B,H,Hw) - See Atlantic County
(D) - See Atlantic County
CAMDEN COUNTY
(B,H,Hw) - See Atlantic County
(D) - See Atlantic County
CAPE MAY COUNTY
Decision #NJ75-3068 (R)
40 FR 29437 - 7/11/75
(B,H,Hw,D) - See Atlantic County
CUMBERLAND COUNTY
(B,H,Hw) - See Atlantic County
(D) - See Atlantic County
ESSEX COUNTY
(B,H,Hw,R) - See Bergen County
(D) - See Atlantic County
GLOUCESTER COUNTY
(B,H,Hw) - See Atlantic County
(D) - See Atlantic County
HUDSON COUNTY
(B,H,Hw,R) - See Bergen County
(D) - See Atlantic County
HUNTERDON COUNTY
(B,H,Hw) - See Bergen County
(D) - See Atlantic County
MERCER COUNTY
(B,H,Hw) - See Atlantic County
MIDDLESEX COUNTY
(B,H,Hw) - See Bergen County
(D) - See Atlantic County
MONMOUTH COUNTY
(B,H,Hw) - See Atlantic County
(D) - See Atlantic County

NEW JERSEY (Cont'd.)

MORRIS COUNTY
(B,H,Hw) - See Bergen County
(D) - See Atlantic County
OCEAN COUNTY
(B,H,Hw) - See Atlantic County
(D) - See Atlantic County
PASSAIC COUNTY
(B,H,Hw,R) - See Bergen County
(D) - See Atlantic County
SALEM COUNTY
(B,H,Hw) - See Atlantic County
(D) - See Atlantic County
SOMERSET COUNTY
(B,H,Hw) - See Bergen County
(D) - See Atlantic County
SUSSEX COUNTY
(B,H,Hw) - See Bergen County
(D) - See Atlantic County
UNION COUNTY
Decision #NJ75-3097 (R)
40 FR 43414 - 9/19/75
(B,H,Hw) - See Bergen County
(D) - See Atlantic County
WARREN COUNTY
(B,H,Hw) - See Bergen County

NEW MEXICO

STATEWIDE
Decision #NM75-4137 (Streets, Highways, Utilities and Light Engineering Construction)
40 FR 32656 - 8/1/75
Mod. #1 - 40 FR 57073 - 12/5/75
Decision #NM75-4204 (Building, including residential in McKinley, Santa Fe, San Juan & Bernalillo Cos., but not on the Indian Reservation, and Heavy engineering construction.
40 FR 59167 - 12/19/75
BERNALILLO COUNTY
(B,H,Hw,R) - See Statewide
CATRON COUNTY
(B,H,Hw) - See Statewide
CHAVES COUNTY
(B,H,Hw) - See Statewide
COLFAX COUNTY
(B,H,Hw) - See Statewide
CURRY COUNTY
(B,H,Hw) - See Statewide
DE BACA COUNTY
(B,H,Hw) - See Statewide
DONA ANA COUNTY
(B,H,Hw) - See Statewide
Decision #NM75-4014 (R)
40 FR 3148 - 1/17/75
EDDY COUNTY
(B,H,Hw) - See Statewide
GRANT COUNTY
(B,H,Hw) - See Statewide
GUADALUPE COUNTY
(B,H,Hw) - See Statewide
HARDING COUNTY
(B,H,Hw) - See Statewide
HIDALGO COUNTY
(B,H,Hw) - See Statewide
LEA COUNTY
(B,H,Hw) - See Statewide
LINCOLN COUNTY
(B,H,Hw) - See Statewide
LOS ALAMOS COUNTY
(B,H,Hw) - See Statewide
LUNA COUNTY
(B,H,Hw) - See Statewide
McKINLEY COUNTY
(R) - See San Juan County
(B,H,Hw,R) - See Statewide
MORA COUNTY
(B,H,Hw) - See Statewide

NEW MEXICO (Cont'd.)

MORA COUNTY
(B,H,Hw) - See Statewide
OTERO COUNTY
(R) - See Dona Ana County
(B,H,Hw) - See Statewide
QUAY COUNTY
(B,H,Hw) - See Statewide
RIO ARRIBA COUNTY
(B,H,Hw) - See Statewide
ROOSEVELT COUNTY
(B,H,Hw) - See Statewide
SANDOVAL COUNTY
(B,H,Hw) - See Statewide
SAN JUAN COUNTY
Decision #NM75-5004 (R)(Navajo Indian Reservation)
40 FR 3921 - 1/24/75
(B,H,Hw,R) - See Statewide
SAN MIGUEL COUNTY
(B,H,Hw) - See Statewide
SANTE FE COUNTY
(B,H,Hw,R) - See Statewide
SIERRA COUNTY
(B,H,Hw) - See Statewide
SOCORRO COUNTY
(B,H,Hw) - See Statewide
TAOS COUNTY
(B,H,Hw) - See Statewide
TORRANCE COUNTY
(B,H,Hw) - See Statewide
UNION COUNTY
(B,H,Hw) - See Statewide
VALENCIA COUNTY
(B,H,Hw) - See Statewide

NEW YORK

ALBANY COUNTY
Decision #NY75-3124 (B,H,Hw)
40 FR 59681 - 12/29/75
Mod. #1 - 41 FR 3564 - 1/23/76
ALLEGANY COUNTY
None
BRONX COUNTY
Decision #NY75-3115 (B,H,Hw)
40 FR 58048 - 12/12/75
Decision #NY75-3016 (R)
40 FR 7852 - 2/21/75
Decision #CT75-5139 (D)
40 FR 55621 - 11/28/75
BROOME COUNTY
Decision #NY76-3135 (B,H,Hw)
41 FR 3666 - 1/23/76
CATTARAUGUS COUNTY
None
CAYUGA COUNTY
Decision #IL75-5079 (D)
40 FR 29400 - 7/11/75
Mod. #1 - 40 FR 32552 - 8/1/75
Mod. #2 - 40 FR 40006 - 8/29/75
Mod. #3 - 40 FR 50868 - 10/31/75
Mod. #4 - 40 FR 52242 - 11/7/75
CHAUTAUGUA COUNTY
Decision #NY75-3123 (D)
40 FR 59676 - 12/29/75
(D) - See Cayuga County
CHEMUNG COUNTY
None
CHENANGO COUNTY
None
CLINTON COUNTY
None
COLUMBIA COUNTY
None
CORTLAND COUNTY
None
DELAWARE COUNTY
None

NEW YORK (Cont'd)

DUTCHESS COUNTY
Decision #NY76-3138 (B,H,Hw)
41 FR 3682 - 1/23/76
Mod. #1 - 41 FR 5522 - 2/6/76
(D) - See Bronx County
ERIE COUNTY
Decision #NY75-3111 (B,H,Hw)
40 FR 57123 - 12/5/75
(D) - See Cayuga County
ESSEX COUNTY
None
FRANKLIN COUNTY
(D) - See Cayuga County
FULTON COUNTY
None
GENESEE COUNTY
None
GREENE COUNTY
None
HAMILTON COUNTY
None
HERKIMER COUNTY
None
JEFFERSON COUNTY
Decision #NY75-3122 (B,H,Hw)
40 FR 59671 - 12/29/75
(D) - See Cayuga County
KINGS COUNTY
(B,H,Hw,R,D) - See Bronx County
LEWIS COUNTY
None
LIVINGSTON COUNTY
None
MADISON COUNTY
None

NEW YORK (Cont'd)

MONROE COUNTY
Decision #NY76-3129 (B,H,Hw)
41 FR 3641 - 1/23/76
(D) - See Cayuga County
MONTGOMERY COUNTY
None
NASSAU COUNTY
Decision #NY76-3139 (B,H,Hw)
41 FR 3689 - 1/23/76
(D) - See Bronx County
NEW YORK COUNTY
(B,H,Hw,R,D) - See Bronx County
NIAGARA COUNTY
Decision #NY75-3121 (B,H,Hw)
40 FR 59667 - 12/29/75
(D) - See Cayuga County
ONIEDA COUNTY
Decision #NY75-3114 (B,H,Hw)
40 FR 57130 - 12/5/75
ONONDAGA COUNTY
Decision #NY76-3134 (B,H,Hw)
41 FR 3626 - 1/23/76
ONTARIO COUNTY
None
ORANGE COUNTY
Decision #NY76-3136 (B,H,Hw)
41 FR 3670 - 1/23/76
(D) - See Bronx County
ORLEANS COUNTY
(D) - See Cayuga County
OSWEGO COUNTY
(D) - See Cayuga County
OTSEGA COUNTY
None
PUTNAM COUNTY
None
QUEENS COUNTY
(B,H,Hw,R) - See Bronx County

NEW YORK (Cont'd)

RENSSELAER COUNTY
Decision #NY76-3131 (B,H,Hw)
41 FR 3653 - 1/23/76
RICHMOND COUNTY
(B,H,Hw,R,D) - See Bronx County
ROCKLAND COUNTY
(D) - See Bronx County
ST LAWRENCE COUNTY
(D) - See Cayuga County
SARATOGA COUNTY
Decision #NY76-3132 (B,H,Hw)
41 FR 3657 - 1/23/76
SCHENECTADY COUNTY
Decision #NY76-3133 (B,H,Hw)
41 FR 3662 - 1/23/76
SCHOHARIE COUNTY
None
SCHUYLER COUNTY
None
SENECA COUNTY
None
STEUBEN COUNTY
Decision #NY76-3130 (B,H,Hw)
41 FR 3647 - 1/23/76
SUFFOLK COUNTY
Decision #NY76-3137 (B,H,Hw)
41 FR 3677 - 1/23/76
(D) - See Bronx County
SULLIVAN COUNTY
None
TIOGA COUNTY
None

NEW YORK (Cont'd.)

TOMKINS COUNTY
None
ULSTER COUNTY
None
WWARRENCCOUNTY
None
WASHINGTON COUNTY
None
WAYNE COUNTY
Decision #NY76-3125 (B,H,Hw)
41 FR 3630 - 1/23/76
(D) - See Cayuga County
WESTCHESTER COUNTY
Decision #NY76-3126 (B,H,Hw)
41 FR 3636 - 1/23/76
(D) - See Bronx County
WYOMING COUNTY
None
YATES COUNTY
None

NORTH CAROLINA

STATEWIDE
Decision #NC75-1015 (H,Hw)
40 FR 4857 - 1/31/75
Mod. #1 - 40 FR 41351 - 9/5/75
Decision #NC75-1078 (Sewer & Water)
40 FR 41367 - 9/5/75
ALAMANCE COUNTY
Decision #AQ-4078 (R)
39 FR 7010 - 2/22/74
(Sewer & Water, H,Hw) - See Statewide
ALEXANDER COUNTY
(Sewer & Water, H,Hw) - See Statewide
ALLEGHANY COUNTY
(Sewer & Water, H,Hw) - See Statewide
ANSON COUNTY
(Sewer & Water, H,Hw) - See Statewide
ASHE COUNTY
(Sewer & Water, H,Hw) - See Statewide
AVERY COUNTY
Decision #AR-4017 (B)
39 FR 28739 - 8/9/74
Mod. #1 - 39 FR 43466 - 12/13/74
(Sewer & Water, H,Hw) - See Statewide

NORTH CAROLINA (Cont'd.)

BEAUFORT COUNTY
Decision #MD75-3008 (D)
40 FR 3094 (1/17/75
Mod. #1 - 40 FR 14204 - 3/28/75
(Sewer & Water, H,Hw) - See Statewide
BERTIE COUNTY
Decision #NC76-1006 (R)
41 FR 1697 - 1/9/76
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
BLADEN COUNTY
(Sewer & Water, H,Hw) - See Statewide
BRUNSWICK COUNTY
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
Decision #AR-4031 (R)
39 FR 32441 - 9/6/74
BUNCOMBE COUNTY°
Decision #AR-4005 (B)
39 FR 24778 - 7/5/74
Mod. #1 - 39 FR 43465 - 12/13/74
Decision #NC75-1014 (R)
40 FR 6111 - 2/7/75
(Sewer & Water, H,Hw) - See Statewide
BURKE COUNTY
Decision##AQ-4105 (B)
39 FR 14842 - 4/26/74
Decision #AQ-4117 (R)
39 FR 18397 - 5/24/74
(Sewer & Water, H,Hw) - See Statewide
CABARRUS COUNTY
(Sewer & Water, H,Hw) - See Statewide
CALDWELL COUNTY
(Sewer & Water, H,Hw) - See Statewide
CAMDEN COUNTY
(Sewer & Water, H,Hw) - See Statewide
CARTERET COUNTY
Decision #AQ-4083 (R)
39 FR 8101 - 3/1/74
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
CASWELL COUNTY
(Sewer & Water, H,Hw) - See Statewide
CATAWBA COUNTY
(R) - See Burke County
(Sewer & Water, H,Hw) - See Statewide
CHATHAM COUNTY
Decision #NC75-1049 (B)
40 FR 18273 - 4/25/75
Decision #NC76-1005 (R)
41 FR 1696 - 1/9/76
(Sewer & Water, H,Hw) - See Statewide
CHEROKEE COUNTY
(Sewer & Water, H,Hw) - See Statewide

NORTH CAROLINA (Cont'd.

CHOWAN COUNTY
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
(R) - See Bertie County
CLAY COUNTY
(Sewer & Water, H,Hw) - See Statewide
CLEVELAND COUNTY
(R) - See Burke County
(Sewer & Water, H,Hw) - See Statewide
COLUMBUS COUNTY
(Sewer & Water, H,Hw) - See Statewide
CRAVEN COUNTY
(R) - See CArteret County
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
CUMBERLAND COUNTY
(R) - See Chatham County
(Sewer & Water, H,Hw) - See Statewide
CURRICTUCK COUNTY
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
DARE COUNTY
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
DAVIDSON COUNTY
(Sewer & Water, H,Hw) - See Statewide
DAVIE COUNTY
(Sewer & Water, H,Hw) - See Statewide
DUPLIN COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Carteret County
DURHAM COUNTY
(Sewer & Water, H,Hw) - See Statewide
EDGECOMBE COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See BErtie County
FORSYTH COUNTY
'Decision #AR-4019 (R)
39 FR 29702 - 8/16/74
(Sewer & Water, H,Hw) - See Statewide
FRANKLIN COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
GASTON COUNTY
(Sewer & Water, H,Hw) - See Statewide
GATES COUNTY
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
GRAHAM COUNTY
(Sewer & Water, H,Hw) - See Statewide
GRANVILLE COUNTY
(Sewer & Water, H,Hw) - See Statewide
GREENE COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Carteret County

NORTH CAROLINA (Cont'd.

GUILFORD COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Alamance County
HALIFAX COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
HARNETT COUNTY
(B,R) - See Chatham County
(Sewer & Water, H,Hw) - See Statewide
HAYWOOD COUNTY
(R) - See Buncombe County
(R) - See Cumberland County
(Sewer & Water, H,Hw) - See Statewide
HENDERSON COUNTY
(R) - See Buncombe County
(Sewer & Water, H,Hw) -See Statewide
HERTFORD COUNTY
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
(R) - See Bertie County
HOKE COUNTY
(R) - See Chatham County
(Sewer & Water, H,Hw) - See STatewide
HYDE COUNTY
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
IREDELL COUNTY
(Sewer & Water, H,Hw) - See Statewide
JACKSON COUNTY
(R) - See Buncombe County
(Sewer & Water, H,Hw) - See Statewide
JOHNSON COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Carteret County
JONES COUNTY
(Sewer & Water, H,Hw) - See Statewide
LEE COUNTY
(B,R) - See Chatham County
(Sewer & Water, H,Hw) - See Statewide
LENOIR COUNTY
(Sewer & Water, H,hw) - See Statewide
(R) - See Carteret County
LINCOLN COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Burke County
MCDOWELL COUNTY
(R) - See Buncombe County
(Sewer & Water, H,Hw) - See Statewide
MACON COUNTY
(Sewer & Water, H,Hw) - See Statewide
MADISON COUNTY
(R) - See Buncombe County
(Sewer & Water, H,Hw) - See Statewide
MARTIN COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
MECKLENBURG COUNTY
Decision #NC75-1115 (B)
40 FR 59177 - 12/19/75
(Sewer & Water, H,Hw) - See Statewide
MITCHELL COUNTY
(Sewer & Water, H,Hw) - See STatewide
(B) - See Avery County

NORTH CAROLINA (Cont'd.)

MONTGOMERY COUNTY
(Sewer & Water, H,Hw) - See Statewide
MOORE COUNTY
) (B,R) - See Chatham County
(Sewer & Water, H,Hw) - See Statewide
NASH COUNTY
(Sewer & Water, H,Hw) - See Statewide
NEW HANOVER COUNTY
Decision #NC75-1054 (B)
40 FR 22723 - 5/23/75
Mod. #1 - 40 FR 43420 - 9/19/75
(R) - See Brunswick County
(D) - See Beaufort County
NORTHAMPTON COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
ONSLOW COUNTY
Decision #NC76-1019 (B)
41 FR 4796 - 1/30/76
(Sewer & Water, H,Hw) - See Statewide
(R) - See Brunswick County
ORANGE COUNTY
(Sewer & Water, H,Hw) - See Statewide
PAMILCO COUNTY
(D) - See Beaufor tCounty
(Sewer & Water, H,Hw) - See Statewide
(R) - See Carteret County
PASQUOTANK COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
PENDER COUNTY
(R) - See Brunswick County
(D) - See BeauforttCounty
(Sewer & Water, H,Hw) - See Statewide
PERQUIMANS COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
PERSONS COUNTY
(Sewer & Water, H,Hw) - See Statewide
PITT COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
POLK COUNTY
(R) - See Burke County
(Sewer & Water, H,Hw) - See Statewide
RANDOLPH COUNTY
(R) - See Alamance County
(Sewer & Water, H,Hw) - See Statewide
RICHMOND COUNTY
(Sewer & Water, H,Hw) - See Statewide
ROBESON COUNTY
(Sewer & Water, H,Hw) - See Statewide
ROCKINGHAM COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Alamance County
ROWAN COUNTY
(Sewer & Water, H,Hw) - See Statewide

NORTH CAROLINA (Cont'd)

RUTHERFORD COUNTY
(R) - See Burke County
(Sewer & Water, H,Hw) - See Statewide
SAMPSON COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Chatham County
SCOTLAND COUNTY
(Sewer & Water, H,Hw) - See Statewide
STANLY COUNTY
(Sewer & Water, H,Hw) - See Statewide
STOKES COUNTY
(Sewer & Water, H,Hw) - See Statewide
SURRY COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Forsyth County
SWAIN COUNTY
(Sewer & Water, H,Hw) - See Statewide
TRANSYLVANIA COUNTY
Decision #NC75-1097 (B)
40 FR 43462 - 9/19/75
(R) - See Buncombe County
(Sewer & Water, H,Hw) - See Statewide
TYRRELL County
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
UNION COUNTY
(Sewer & Water, H,Hw) - See Statewide
VANCE COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
WAKE COUNTY
Decision #AQ-4032 (B)
38 FR 31093 - 11/9/73
Mod. #1 - 39 FR 5066 - 2/8/74
(Sewer & Water, H,Hw) - See Statewide
WARREN COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
WASHINGTON COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
WATAUGA COUNTY
(B) - See Avery County
(Sewer & Water, H,Hw) - See Statewide
WAYNE COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Carteret County
WILKES COUNTY
Decision #AR-4063 (B)
39 FR 42803 - 12/6/74
Mod. #1 - 40 FR 3087 - 1/17/75
Mod. #2 - 40 FR 5984 - 2/7/75
(Sewer & Water, H,Hw) - See Statewide
WILSON COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
YADKIN COUNTY
(Sewer & Water, H,Hw) - See Statewide
YANCEY COUNTY
(Sewer & Water, H,Hw) - See Statewide

NORTH DAKOTA

STATEWIDE
Decision #ND75-5109 (Hw)
40 FR 40022 - 8/29/75
ADAMS COUNTY
(Hw) - See Statewide
BARNES COUNTY
(Hw) - See Statewide
BENSON COUNTY
(Hw) - See Statewide
BILLINGS COUNTY
(Hw) - See Statewide
BOTTINEAU COUNTY
(Hw) - See Statewide
BOWMAN COUNTY
(Hw) - See Statewide
BURKE COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
BURLEIGH COUNTY
Decision #ND75-5130 (B)
40 FR 48866 - 10/17/75
Mod. #1 - 40 FR 52244 - 11/7/75
Mod. #2 - 40 FR 57073 - 12/5/75
(Hw) - See Statewide
CASS COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
CAVALIER COUNTY
(Hw) - See Statewide
DICKEY COUNTY
(Hw) - See Statewide
DIVIDE COUNTY
(Hw) - See Statewide
DUNN COUNTY
(Hw) - See Statewide
EDDY COUNTY
(Hw) - See Statewide
EMMONS COUNTY
(Hw) - See Statewide
FOSTER COUNTY
(Hw) - See Statewide
GOLDEN VALLEY COUNTY
(Hw) - See Statewide

NORTH DAKOTA (Cont'd)

GRAND FORKS COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
GRANT COUNTY
(Hw) - See Statewide
GRIGGS COUNTY
(Hw) - See Statewide
HETTINGER COUNTY
(Hw) - See Statewide
KIDDER COUNTY
(Hw) - See Statewide
LA MOURE COUNTY
(Hw) - See Statewide
LOGAN COUNTY
(Hw) - See Statewide
McHENRY COUNTY
(Hw) - See Statewide
McINTOSH COUNTY
(Hw) - See Statewide
McKENZIE COUNTY
(Hw) - See Statewide
McLEAN COUNTY
(Hw) - See Statewide
MERCER COUNTY
(Hw) - See Statewide
MORTON COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
MOUNTRAIL COUNTY
(Hw) - See Statewide
NELSON COUNTY
(Hw) - See Statewide
OLIVER COUNTY
(Hw) - See Statewide
PEMBINA COUNTY
(Hw) - See Statewide
PIERCE COUNTY
(Hw) - See Statewide
RAMSEY COUNTY
(Hw) - See Statewide
RANSOM COUNTY
(Hw) - See Statewide
RENVILLE COUNTY
(Hw) - See Statewide
RICHLAND COUNTY
(Hw) - See Statewide
(B) - See Burleigh County

NORTH DAKOTA (Cont'd)

ROUETTE COUNTY
(Hw) - See Statewide
SARGENT COUNTY
(H,Hw) - See Statewide
SHERIDAN COUNTY
(Hw) - See Statewide
SIOUX COUNTY
(Hw) - See Statewide
SLOPE COUNTY
(Hw) - See Statewide
STARK COUNTY
(Hw) - See Statewide
STEELE COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
STUTSMAN COUNTY
(Hw) - See Statewide
TOWNER COUNTY
(Hw) - See Statewide
TRAILL COUNTY
(Hw) - See Statewide
WALSH COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
WARD COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
WELLS COUNTY
(Hw) - See Statewide
WILLIAMS COUNTY
(Hw) - See Statewide

OHIO

STATEWIDE
Decision #OH75-2055 (H,Hw)
40 FR 1530 - 4/4/75
Mod. #1 - 40 FR 18282 - 4/25/75
Mod. #2 - 40 FR 25328 - 6/13/75
Mod. #3 - 40 FR 49943 - 10/24/75
Mod. #4 - 41 FR 4737 - 1/30/76
ADAMS COUNTY
Decision #IL75-2036 (D)
40 FR 6023 - 2/7/75
(H,Hw) - See Statewide

OHIO (Cont'd.)

ALLEN COUNTY
Decision #OH75-2034 (B)
40 FR 5967 - 2/7/75
(H,Hw) - See Statewide
ASHLAND COUNTY
(H,Hw) - See Statewide
ASHTABULA COUNTY
Decision #AR-3169 (B,R)
39 FR 40401 - 11/15/74
Mod. #1 - 40 FR 14214 - 3/28/75
Decision #IL75-5075 (D)
40 FR 27418 - 6/27/75
(H,Hw) - See Statewide
ATHENS COUNTY
(D) - See Adams County
(H,Hw) - See Statewide
AUGLAIZE COUNTY
(B) - See Allen County
(H,Hw) - See Statewide
BELMONT COUNTY
(H,Hw) - See Statewide
BROWN COUNTY
(D) - See Adams County
(H,Hw) - See Statewide
BUTLER COUNTY
Decision #AR-3033 (B)
39 FR 30774 - 8/23/74
Mod. #1 - 40 FR 16492 - 4/11/75
Decision #AP-683 (R)
38 FR 14049 - 5/25/73
(H,Hw) - See Statewide
CARROLL COUNTY
(H,Hw) - See Statewide
CHAMPAIGN COUNTY
(H,Hw) - See Statewide
CLARK COUNTY
Decision #AR-3034 (B)
39 FR 30776 - 8/23/74
Mod. #1 - 40 FR 15274 - 4/4/75
Mod. #2 - 40 FR 57074 - 12/5/75
Decision #AP-684 (R)
38 FR 14049 - 5/25/73
(H,Hw) - See Statewide
CLERMONT COUNTY
Decision #AM-685 (R)
38 FR 14050 - 5/25/73
(B) - See Hamilton County
(D) - See Adams County
(H,Hw) - See Statewide
CLINTON COUNTY
(H,Hw) - See Statewide
COLUMBIANA COUNTY
(H,Hw) - See Statewide
COSHOCTON COUNTY
(H,Hw) - See Statewide
CRAWFORD COUNTY
(H,Hw) - See Statewide

OHIO (Cont'd.)

CUYAHOGA COUNTY
Decision #AR-3035 (B,R)
39 FR 30778 - 8/23/74
Mod. #1 - 40 FR 15274 - 4/4/75
Mod. #2 - 40 FR 54387 - 11/21/75
Mod. #3 - 40 FR 58015 - 12/12/75
(H,Hw) - See Statewide
DARKE COUNTY
(H,Hw) - See Statewide
DEFIANCE COUNTY
(H,Hw) - See Statewide
DELAWARE COUNTY
Decision #AM-420 (R)
36 FR 15963 - 8/18/71
Mod. #1 - 38 FR 4630 - 2/16/73
(H,Hw) - See Statewide
ERIE COUNTY
Decision #AR-3172 (B)
39 FR 41102 - 11/22/74
Mod. #1-40 FR 15276 - 4/4/75
(D) - See Ashtabula County
(H,Hw) - See Statewide
FAIRFIELD COUNTY
(R) - See Delaware County
(H,Hw) - See Statewide
FAYETTE COUNTY
(H,Hw) - See Statewide
FRANKLIN COUNTY
Decision #AR-3036 (B)
39 FR 30780 - 8/23/74
Mod. #1 - 40 FR 37330 - 10/18/74
Mod. #2 - 40 FR 15274 - 4/4/75
Mod. #3 - 40 FR 33578 - 8/8/75
Mod. #4 - 40 FR 50869 - 10/31/75
(R) - See Delaware County
(H,Hw) - See Statewide
FULTON COUNTY
(B) - See Lucas County
(H,Hw) - See Statewide
GALLIA COUNTY
(D) - See Adams County
(H,Hw) - See Statewide
GEAUGA COUNTY
(H,Hw) - See Statewide
GREENE COUNTY
Decision #AR-3037 (B)
39 FR 30782 - 8/23/74
Mod. #1 -40 FR 15275 - 4/4/75

Decision #OH75-2109 (R)
40 FR 42498 - 9/12/75
(H,Hw) - See Statewide
GUERNSEY COUNTY
(H,Hw) - See Statewide
HAMILTON COUNTY
Decision #AR-3038 (B)
39 FR 30784 - 8/23/74
Mod. #1 - 40 FR 15275 - 4/4/75
Mod. #2 - 41 FR 3564 - 1/23/76
(D) - See Adams County

OHIO (Cont'd)

HAMILTON COUNTY (Cont'd.)
(R) - See Clermont County
(H,Hw) - See Statewide
HANCOCK COUNTY
Decision #AR-3173 (B)
39 FR 41105 - 11/22/74
Mod. #1 - 40 FR 15276 - 4/4/75
(H,Hw) - See Statewide
HARDIN COUNTY
(H,Hw) - See Statewide
HARRISON COUNTY
(H,Hw) - See Statewide
HENRY COUNTY
(H,Hw) - See Statewide
HIGHLAND COUNTY
(H,Hw) - See Statewide
HOCKING COUNTY
(H,Hw) - See Statewide
HOLMES COUNTY
(H,Hw) - See Statewide
HURON COUNTY
(B) - See Erie County
(H,Hw) - See Statewide
JACKSON COUNTY
(H,Hw) - See Statewide
JEFFERSON COUNTY
(H,Hw) - See Statewide
KNOX COUNTY
(H,Hw) - See Statewide
LAKE COUNTY
(B,R) - See Cuyahoga County
(D) - See Ashtabula County
(H,Hw) - See Statewide
LAWRENCE COUNTY
(D) - See Adams County
(H,Hw) - See Statewide
LICKING COUNTY
Decision #AR-3039 (B)
39 FR 30786 - 8/23/74
Mod. #1-40 FR 16492 - 4/11/75
Mod. #2-40 FR 27416 - 6/27/75
(H,Hw) - See Statewide
(R) - See Delaware County
LOGAN COUNTY
(H,Hw) - See Statewide
LORAIN COUNTY
Decision #AR-3040 (B,R)
39 FR 30663 - 8/23/74
Mod. #1 - 40 FR 16493 - 4/11/75
(D) - See Ashtabula County
(H,Hw) - See Statewide
LUCAS COUNTY
Decision #OH75-2060 (B)
40 FR 17529 - 4/18/75
(D) - See Ashtabula County
(H,Hw) - See Statewide
MADISON COUNTY
(B) - See Franklin County
(R) - See Delaware County
(H,Hw) - See Statewide
MAHONING COUNTY
Decision #AR-3042 (B,R)
39 FR 30790 - 8/23/74

OHIO (Cont'd.)

MAHONING COUNTY (Cont'd.)
Mod. #1 - 40 FR 7799 - 2/21/75
Mod. #2 - 40 FR 16493 - 4/11/75
Mod. #3 - 40 FR 27416 - 6/27/75
Mod. #4 - 40 FR 29448 - 7/11/75
Mod. #5 - 40 FR 52244 - 11/7/75
(H,Hw) - See Statewide
MARION COUNTY
(H,Hw) - See Statewide
MEDINA COUNTY
(H,Hw) - See Statewide
MEIGS COUNTY
(D) - See Adams County
(H,Hw) - See Statewide
MERCER COUNTY
(B) - See Allen County
(H,Hw) - See Statewide
MIAMI COUNTY
(R) - See Greene County
(H,Hw) - See Statewide
MONROE COUNTY
(D) - See Adams County
(H,Hw) - See Statewide
MONTGOMERY COUNTY
(B) - See Greene County
(R) - See Greene County
(H,Hw) - See Statewide
MORGAN COUNTY
(H,Hw) - See Statewide
MORROW COUNTY
(H,Hw) - See Statewide
MUSKINGUM COUNTY
Decision #AR-3043 (B)
39 FR 30792 - 8/23/74
Mod. #1 - 40 FR 17462 - 4/18/75
(H,Hw) - See Statewide
NOBLE COUNTY
(H,Hw) - See Statewide
OTTAWA COUNTY
(R) - See Erie County
(D) - See Ashtabula County
(H,Hw) - See Statewide
PAULDING COUNTY
(H,Hw) - See Statewide
PERRY COUNTY
(H,Hw) - See Statewide
PICKAWAY COUNTY
(B) - See Franklin County
(R) - See Delaware County
(H,Hw) - See Statewide
PIKE COUNTY
Decision #AR-3176 (B)
39 FR 43451 - 12/13/74
Mod. #1 - 40 FR 3087 - 1/17/75
Mod. #2 - 40 FR 5985 - 2/7/75
Mod. #3 - 40 FR 17464 - 4/18/75
(H,Hw) - See Statewide
PORTAGE COUNTY
Decision #AR-3044 (B,R)
39 FR 30794 - 8/23/74
(H,Hw) - See Statewide

OHIO (Cont'd.)

PREBLE COUNTY
(R) - See Greene County
(H,Hw) - See Statewide
PUTNAM COUNTY
(H,Hw) - See Statewide
RICHLAND COUNTY
(H,Hw) - See Statewide
ROSS COUNTY
(B) - See Pike County
(H,Hw) - See Statewide
SANDUSKY COUNTY
(B) - See Erie County
(D) - See Ashtabula County
(H,Hw) - See Statewide
SCIOTO COUNTY
(B) - See Pike County
(D) - See Adams County
(H,Hw) - See Statewide
SENECA COUNTY
(H,Hw) - See Statewide
SHELBY COUNTY
(H,Hw) - See Statewide
STARK COUNTY
Decision #AR-3045 (B,R)
39 FR 30796 - 8/23/74
Mod. #1 - 40 FR 17463 - 4/18/75
Mod. #2 - 40 FR 33578 - 8/8/75
(H,Hw) - See Statewide
SUMMITT COUNTY
Decision #AR-3046 (B,R)
39 FR 30798 - 8/23/74
Mod. #1 - 39 FR 34927 - 9/27/74
Mod. #2 - 40 FR 17463 - 4/18/75
(H,Hw) - See Statewide
TRUMBULL COUNTY
Decision #AR-3047 (B,R)
39 FR 30800 - 8/23/74
Mod. #1 - 40 FR 17463 - 4/18/75
Mod. #2 - 40 FR 44445 - 9/26/75
(H,Hw) - See Statewide
TUSCARAWAS COUNTY
(H,Hw) - See Statewide
UNION COUNTY
(H,Hw) - See Statewide
VAN WERT COUNTY
(B) - See Allen County
(H,Hw) - See Statewide
VINTON COUNTY
(H,Hw) - See Statewide
WARREN COUNTY
(R) - See Butler County
(H,Hw) - See Statewide
WASHINGTON COUNTY
(D) - See Adams County
(H,Hw) - See Statewide
WAYNE COUNTY
(H,Hw) - See Statewide
WILLIAMS COUNTY
(H,Hw) - See Statewide
WOOD COUNTY
(H,Hw) - See Statewide
WYANDOT COUNTY
(H,Hw) - See Statewide

OKLAHOMA

STATEWIDE (Except the City of Muskogee)
Decision #OK76-4012 (Constr., alterations, and/or repair of streets, highways, runways, erosion control structures, well drilling, and water and sewer utilities)
41 FR 3697 - 1/23/76
ADAIR COUNTY
(B) - See Muskogee County
(H,Hw) - See Statewide
ALFALFA COUNTY
(H,Hw) - See Statewide
(H,Hw) - See Statewide
ATOKA COUNTY
(H,Hw) - See Statewide
BEAVER COUNTY
(H,Hw) - See Statewide
BECKHAM COUNTY
(H,Hw) - See Statewide
BLAINE COUNTY
(H,Hw) - See Statewide
BRYAN COUNTY
(H,Hw) - See Statewide
Decision #OK76-4001 (R)
41 FR 2604 - 1/16/76
CADDO COUNTY
(B) - See CAnadian County
(H,Hw) - See Statewide
CANADIAN COUNTY
(H,Hw) - See Statewide
Decision #OK76-4022 (B)
41 FR 5559 - 2/6/76
Decision #AP-304 (R)
37 FR 15789 - 8/4/72
Mod. #1 - 37 FR 28799 - 12/28/72
Mod. #2 - 38 FR 4078 - 2/9/73
CARTER COUNTY
(H,Hw) - See Statewide
CHEROKEE COUNTY
(B) - See Muskogee County
(H,Hw) - See Statewide
CHOCTAW COUNTY
(H,Hw) - See Statewide
CIMARRON COUNTY
(H,Hw) - See Statewide
CLEVELAND COUNTY
(H,Hw) - See Statewide
(B,R) - See Canadian County
COAL COUNTY
(H,Hw) - See Statewide
COMANCHE COUNTY
(H,Hw) - See Statewide
Decision #OK76-4002 (R)
41 FR 2604 - 1/16/76
Decision #OK76-4023 (B)
41 FR 5562 - 2/6/76
COTTON COUNTY
(H,Hw) - SEe Statewide

OKLAHOMA (cont'd)

CRAIG COUNTY
(H,Hw) - See Statewide
CREEK COUNTY
(B) - See Tulsa County
(H,Hw) - See Statewide
CUSTER COUNTY
(H,Hw) - See Statewide
DELAWARE COUNTY
(H,Hw) - See Statewide
DEWEY COUNTY
(H,Hw) - See Statewide
ELLIS COUNTY
(H,Hw) - See Statewide
GARFIELD COUNTY
Decision #OK76-4020 (B)
41 FR 5555 - 2/6/76
(H,Hw) - See Statewide
GARVIN COUNTY
(H,Hw) - See Statewide
GRADY COUNTY
(B) - See Canadian County
(H,Hw) - See Statewide
GRANT COUNTY
(H,Hw) - See Statewide
GREER COUNTY
(H,Hw) - See Statewide
HARMON COUNTY
(H,Hw) - See Statewide
HARPER COUNTY
(H,Hw) - See Statewide
HASKELL COUNTY
(H,Hw) - See Statewide
HUGHES COUNTY
(H,Hw) - See Statewide
JACKSON COUNTY
(H,Hw) - See Statewide
JEFFERSON COUNTY
(H,Hw) - See Statewide
JOHNSTON COUNTY
(H,Hw) - See Statewide
KAY COUNTY
(H,Hw) - See Statewide
KINGFISHER COUNTY
(B) - See Canadian County
(H,Hw) - See Statewide
KIOWA COUNTY
(H,Hw) - See Statewide
LATIMER COUNTY
(H,Hw) - See Statewide
LEFLORE COUNTY
(H,Hw) - See Statewide
LINCOLN COUNTY
(H,Hw) - See Statewide
(B,R) - See Canadian County
LOGAN COUNTY
(B) - See Canadian County
(H,Hw) - See Statewide
LOVE COUNTY
(H,Hw) - See Statewide

OKLAHOMA (cont'd)

McCLAIN COUNTY
(H,Hw) - See Statewide
(B) - See Canadian County
McCURTAIN COUNTY
(H,Hw) - See Statewide
MCINTOSH COUNTY
Decision #OK76-4019 (B)
41 FR 5553 - 2/6/76
(H,Hw) - See Statewide
MAJOR COUNTY
(H,Hw) - See Statewide
MARSHALL COUNTY
(H,Hw) - See Statewide
MAYES COUNTY
(H,Hw) - See Statewide
MURRAY COUNTY
(H,Hw) - See Statewide
MUSKOGEE COUNTY
Decision #OK76-4018 (B,H,Hw)
41 FR 5550 - 2/6/76
(H,Hw) - See Statewide
NOBLE COUNTY
(H,Hw) - See Statewide
NOWATA COUNTY
(H,Hw) - See Statewide
OKFUSKEE COUNTY
(H,Hw) - See Statewide
OKLAHOMA COUNTY
(B,R) - See Canadian County
(H,Hw) - See Statewide
OKMULGEE COUNTY
(H,Hw) - See Statewide
OSAGE COUNTY
(H,Hw) - See Statewide
(R) - See Tulsa County
OTTAWA COUNTY
(H,Hw) - See Statewide
PAWNEE COUNTY
(H,Hw) - See Statewide
PAYNE COUNTY
(H,Hw) - See Statewide
PITTSBURG COUNTY
Decision #OK76-4017 (B)
41 FR 5548 - 2/6/76
(H,Hw) - See Statewide
PONTOTOC COUNTY
(H,Hw) - See Statewide
POTTAWATOMIE COUNTY
(H,Hw) - See Statewide
(B,R) - See Canadian County
PUSHMATAHA COUNTY
(H,Hw) - See Statewide
ROGERS COUNTY
((H,Hw) - See Statewide

OKLAHOMA (Cont'd)

ROGERS MILLS COUNTY
(H,Hw) - See Statewide
SEMINOLE COUNTY
(B) - See Oklahoma County
(H,Hw) - See Statewide
SEQUOYAH COUNTY
(H,Hw) - See Statewide
STEPHENS COUNTY
(H,Hw) - See Statewide
TEXAS COUNTY
(H,Hw) - See Statewide
TILLMAN COUNTY
(H,Hw) - See Statewide
TULSA COUNTY
Decision #OK76-4021 (B)
41 FR 5557 - 2/6/76
(H,Hw) - See Statewide
Decision #OK75-4015 (R)
40 FR 3150 - 1/17/75
WAGONER COUNTY
Decision #OK76-4016 (B)
41 FR 5546 - 2/6/76
(H,Hw) - See Statewide
WASHINGTON COUNTY
(H,Hw) - See Statewide
WASHITA COUNTY
(H,Hw) - See Statewide
WOODS COUNTY
(H,Hw) - See Statewide
WOODWARD COUNTY
(H,Hw) - See Statewide

OREGON

STATEWIDE
Decision #OR76-5015 (B,H, Hw,D)
41 FR 5564 - 2/6/76
BAKER COUNTY
(B,H,Hw,D) - See Statewide
BENTON COUNTY
(B,H,Hw,D) - See Statewide
CLACKAMAS COUNTY
Decision #OR75-5042 (R)
40 FR 15312 - 4/4/75
Mod. #1 - 40 FR 48001 - 10/10/75
Mod. #2 - 40 FR 52244 - 11/7/75
(B,H,Hw,D) - See Statewide
CLATSOP COUNTY
(B,H,Hw,D) - See Statewide
COLUMBIA COUNTY
(B,H,Hw,D) - See Statewide
COOS COUNTY
(B,H,Hw,D) - See Statewide
CROOK COUNTY
(B,H,Hw,D) - See Statewide
CURRY COUNTY
(B,H,Hw,D) - See Statewide
DESCHUTES COUNTY
(B,H,Hw,D) - See Statewide
DOUGLAS COUNTY
(B,H,Hw,D) - See Statewide
GILLIAM COUNTY
(B,H,Hw,D) - See Statewide
GRANT COUNTY
(H,Hw,B,D) - See Statewide
HARNEY COUNTY
(B,H,Hw,D) - See Statewide
HOOD RIVER COUNTY
(H,Hw,B,D) - See Statewide
JACKSON COUNTY
(H,Hw,B,D) - See Statewide
JEFFERSON COUNTY
(B,H,Hw,D) - See Statewide
JOSEPHINE COUNTY
(B,H,Hw,D) - See Statewide
KLAMATH COUNTY
(B,H,Hw,D) - See Statewide
LAKE COUNTY
(B,H,Hw,D) - See Statewide
LANE COUNTY
Decision #OR75-5122 (R)
40 FR 45989 - 10/3/75
Mod. #1 - 40 FR 52244 - 11/7/75
(B,H,Hw,D) - See Statewide
LINCOLN COUNTY
(B,H,Hw,D) - See Statewide
LINN COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Lane County

OREGON (Cont'd.)

MALHEUR COUNTY
(B,H,Hw,D) - See Statewide
MARION COUNTY
(R) - See Lane County
(B,H,Hw,D) - See Statewide
MORROW COUNTY
(B,H,Hw,D) - See Statewide
MULTNOMAH COUNTY
(R) - See Clackamas County
(B,H,Hw,D) - See Statewide
POLK COUNTY
(B,H,Hw,D) - See Statewide
SHERMAN COUNTY
(B,H,Hw,D) - See Statewide
TILLAMOOK COUNTY
(B,H,Hw,D) - See Statewide
UMATILLA COUNTY
(B,H,Hw,D) - See Statewide
UNION COUNTY
(B,H,Hw,D) - See Statewide
WALLOWA COUNTY
(B,H,Hw,D) - See Statewide
WASCO COUNTY
(B,H,Hw,D) - See Statewide
WASHINGTON COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clackamas County
WHEELER COUNTY
(B,H,Hw,D) - See Statewide
YAMHILL COUNTY
(B,H,Hw,D) - See Statewide

PENNSYLVANIA

ADAMS COUNTY
Decision #PA75-3067 (H,Hw)
40 FR 29519 - 7/11/75
Decision #PA75-3113 (B)
40 FR 57137 - 12/5/75
Mod. #1 - 41 FR 4738 - 1/30/76
ALLEGHENY COUNTY
Decision #PA75-3071 (B)
40 FR 36936 - 8/22/75
Mod. #1 - 40 FR 59097 - 12/19/75
Decision #PA75-3070 (R)
40 FR 30433 - 7/18/75
Mod. #1 - 40 FR 34555 - 8/15/75
Mod. #2 - 41 FR 4738 - 1/30/76
(H,Hw) - See Beaver County
ARMSTRONG COUNTY
Decision #PA75-3029 (H,Hw)
40 FR 15318 - 4/4/75
Mod. #1 - 40 FR 17471 - 4/18/75
Mod. #2 - 40 FR 19332 - 5/2/75
Mod. #3 - 40 FR 31447 - 7/25/75
Mod. #4 - 40 FR 45960 - 10/3/75
Decision #PA75-3073 (B)
40 FR 36943 - 8/22/75
Mod. #1 - 40 FR 43421 - 9/19/75
Mod. #2 - 40 FR 55613 - 11/28/75
BEAVER COUNTY
Decision #PA75-3026 (H,Hw)
40 FR 14266 - 3/28/75
Mod. #1 - 40 FR 17467 - 4/18/75
Mod. #2 - 40 FR 31444 - 7/25/75
Mod. #3 - 40 FR 36900 - 8/22/75
Mod. #4 - 40 FR 45960 - 10/3/75
Decision #PA75-3074 (B)
40 FR 36946 - 8/22/75
Mod. #1 - 40 FR 43421 - 9/19/75
Mod. #2 - 40 FR 45961 - 10/3/75
Mod. #3 - 40 FR 55613 - 11/28/75
BEDFORD COUNTY
Decision #PA75-3028 (H,Hw)
40 FR 15313 - 4/4/75
Mod. #1 - 40 FR 17468 - 4/18/75
Mod. #2 - 40 FR 31445 - 7/25/75
Mod. #3 - 40 FR 45960 - 10/3/75
Decision #PA75-3072 (B)
40 FR 36940 - 8/22/75
Mod. #1 - 40 FR 45959 - 10/3/75
Mod. #2 - 40 FR 54389 - 11/21/75
Mod. #3 - 40 FR 55613 - 11/28/75
Mod. #4 - 41 FR 5523 - 2/6/76
BERKS COUNTY
Decision #PA75-3055 (B)
40 FR 27436 - 6/27/75
Mod. #1 - 40 FR 29452 - 7/11/75
Mod. #2 - 40 FR 48846 - 10/17/75
Mod. #3 - 40 FR 50869 - 10/31/75
Mod. #4 - 40 FR 55612 - 11/28/75
(H,Hw) - See Adams County

PENNSYLVANIA (Cont'd.)

BLAIR COUNTY
Decision #PA75-3057 (B)
40 FR 23686 - 5/30/75
Mod. #1 - 40 FR 31450 - 7/25/75
Mod. #2 - 40 FR 43421 - 9/19/75
Mod. #3 - 40 FR 45958 - 10/3/75
Mod. #4 - 40 FR 53177 - 11/14/75
Mod. #5 - 40 FR 55613 - 11/28/75
Mod. #6 - 41 FR 5522 - 2/6/76
(H,Hw) - See Armstrong County
BRADFORD COUNTY
(H,Hw) - See Adams County
BUCKS COUNTY
Decision #PA75-3082 (B)
40 FR 36976 - 8/22/75
Mod. #1 - 40 FR 48846 - 10/17/75
Mod. #2 - 41 FR 2536 - 1/16/76
Decision #PA75-3087 (R)
40 FR 40031 - 8/29/75
Mod. #1 - 40 FR 48847 - 10/17/75
Mod. #2 - 41 FR 2538 - 1/16/76
Decision #PA75-3088 (H,Hw)
40 FR 36992 - 8/22/75
BUTLER COUNTY
Decision #PA75-3080 - (B)
40 FR 36968 - 8/22/75
Mod. #1 - 40 FR 42487 - 9/12/75
Mod. #2 - 40 FR 54389 - 11/21/75
Decision #PA75-3051 (H,Hw)
40 FR 17583 - 4/18/75
Mod. #1 - 40 FR 31449 - 7/25/75
Mod. #2 - 40 FR 45951 - 10/3/75
CAMBRIA COUNTY
Decision #PA75-3059 (B)
40 FR 28361 - 7/3/75
Mod. #1 - 40 FR 31451 - 7/25/75
Mod. #2 - 40 FR 43421 - 9/19/75
Mod. #3 - 40 FR 54388 - 11/21/75
Mod. #4 - 40 FR 55613 - 11/28/75
Mod. #5 - 40 FR 59097 - 12/19/75
Mod. #6 - 41 FR 5522 - 2/6/76
(H,Hw) - See Butler County
CAMERON COUNTY
Decision #PA75-3093 (B)
40 FR 44462 - 9/26/75
Mod. #1 - 40 FR 54389 - 11/21/75
Mod. #2 - 41 FR 5524 - 2/6/76
(H,Hw) - See Armstrong County
CARBON COUNTY
(H,Hw) - See Adams County
CENTRE COUNTY
(H,Hw) - See Armstrong County
CHESTER COUNTY
(H,Hw,R) - See Bucks County

PENNSYLVANIA (Cont'd)

CHESTER COUNTY (Cont'd.)
Decision #PA75-3083 (B)
40 FR 36980 - 8/22/75
Mod. #1 - 40 FR 48846 - 10/17/75
Mod. #2 - 40 FR 55615 - 11/28/75
Mod. #3 - 40 FR 2536 - 1/16/76
CLARION COUNTY
(B) - See Cameron County
(H,Hw) - See Armstrong County
CLEARFIELD COUNTY
(B) - See Cameron County
(H,Hw) - See Armstrong County
CLINTON COUNTY
(H,Hw) - See Bedford County
COLUMBIA COUNTY
(H,Hw) - See Adams County
CRAWFORD COUNTY
Decision #AR-2098 (B)
39 FR 44928 - 12/27/74
Mod. #1 - 40 FR 15282 - 4/4/75
Mod. #2 - 40 FR 22740 - 5/23/75
Mod. #3 - 40 FR 31443 - 7/25/75
Mod. #4 - 40 FR 43421 - 9/19/75
Mod. #5 - 40 FR 55611 - 11/28/75
Mod. #6 - 41 FR 5522 - 2/6/76
(H,Hw) - See Armstrong County
CUMBERLAND COUNTY
Decision #PA75-3027 (B)
40 FR 14268 - 3/28/75
Mod. #1 - 40 FR 22741 - 5/23/75
Mod. #2 - 40 FR 29451 - 7/11/75
Mod. #3 - 40 FR 45959 - 10/3/75
Mod. #4 - 40 FR 49946 - 10/24/75
Mod. #5 - 40 FR 55611 - 11/28/75
(H,Hw) - See Adams County
DAUPHIN COUNTY
(B) - See Cumberland County
(H,Hw) - See Adams County
DELAWARE COUNTY
Decision #PA75-3084 (B)
40 FR 36983 - 8/22/75
Mod. #1 - 40 FR 48847 - 10/17/75
Mod. #2 - 40 FR 50869 - 10/31/75
Mod. #3 - 41 FR 2537 - 1/16/76
Mod. #4 - 41 FR 5524 - 2/6/76
(H,Hw,R) - See Bucks County
ELK COUNTY
Decision #PA75-3058 (B)
40 FR 28358 - 7/3/75
Mod. #1 - 40 FR 31449 - 7/25/75
Mod. #2 - 40 FR 43421 - 9/19/75
Mod. #3 - 40 FR 45959 - 10/3/75
Mod. #4 - 40 FR 54388 - 11/21/75
Mod. #5 - 41 FR 5522 - 2/6/76
(H,Hw) - See Bedford County
ERIE COUNTY
Decision #PA75-3054 (B)
40 FR 28355 - 7/3/75

PENNSYLVANIA (Cont'd.)

ERIE COUNTY (Cont'd)
Mod. #1 - 40 FR 31450 - 7/25/75
Mod. #2 - 40 FR 45960 - 10/3/75
Mod. #3 - 40 FR 55612 - 11/28/75
Mod. #4 - 40 FR 5523 - 2/6/76
(H,Hw) - See Butler County
FAYETTE COUNTY
(B) - See Butler County
(H,Hw) - See Butler County
FOREST COUNTY
Decision #PA75-3078 (B)
40 FR 36961 - 8/22/75
Mod. #1 - 40 FR 42437 - 9/12/75
Mod. #2 - 40 FR 43421 - 9/19/75
Mod. #3 - 40 FR 45961 - 10/3/75
Mod. #4 - 40 FR 55614 - 11/28/75
Mod. #5 - 41 FR 5523 - 2/6/76
FRANKLIN COUNTY
Decision #PA75-3060 (B)
40 FR 54412 - 11/21/75
(H,Hw) - See Bedford County
FULTON COUNTY
(H,Hw) - See Bedford County
GREENE COUNTY
(H,Hw) - See Armstrong County
HUNTINGDON COUNTY
(H,Hw) - See Bedford County
INDIANA COUNTY
Decision #PA75-3075 (B)
40 FR 36949 - 8/22/75
Mod. #1 - 40 FR 45321 - 9/19/75
Mod. #2 - 40 FR 45961 - 10/3/75
Mod. #3 - 40 FR 54389 - 11/21/75
Mod. #4 - 40 FR 55614 - 11/28/75
Mod. #5 - 40 FR 5523 - 2/6/76
(H,Hw) - See Adams County
JEFFERSON COUNTY
(B) - See Cameron County
(H,Hw) - See Bedford County
JUNIATA COUNTY
(B) - See Cumberland County
(H,Hw) - See Adams County
LACKAWANNA COUNTY
Decision #PA75-3102 (B)
40 FR 45993 - 10/3/75
Mod. #1 - 40 FR 49946 - 10/24/75
Mod. #2 - 40 FR 54388 - 11/21/75
Mod. #3 - 40 FR 55616 - 11/28/75
LANCASTER COUNTY
Decision #PA75-3112 (B)
40 FR 57317 - 12/5/75
Mod. #1 - 40 FR 59097 - 12/19/75
Mod. #2 - 40 FR 4738 - 1/30/76
(H,Hw) - See Adams County

PENNSYLVANIA (Cont'd.)

LAWRENCE COUNTY
Decision #AR-2045 (B)
39 FR 37345 - 10/18/74
Mod. #1 - 39 FR 44913 - 12/27/74
Mod. #2 - 40 FR 15280 - 4/4/75
Mod. #3 - 40 FR 28310 - 7/3/75
Mod. #4 - 40 FR 31441 - 7/25/75
Mod. #5 - 40 FR 45959 - 10/3/75
Mod. #6 - 41 FR 4738 - 1/30/76
(H,Hw) - See Butler County
LEBANON COUNTY
Decision #PA75-3053 (B)
40 FR 22782 - 5/23/75
Mod. #1 - 40 FR 29451 - 7/11/75
Mod. #2 - 40 FR 45959 - 10/3/75
Mod. #3 - 40 FR 48446 - 10/17/75
Mod. #4 - 40 FR 55612 - 11/28/75
LEHIGH COUNTY
Decision #PA75-3104 (B)
40 FR 45998 - 10/3/75
Mod. #1 - 40 FR 49946 - 10/24/75
Mod. #2 - 40 FR 55616 - 11/28/75
(H,Hw) - See Adams County
LUZERNE COUNTY
Decision #PA75-3025 (B)
40 FR 12982 - 3/21/75
Mod. #1 - 40 FR 25333 - 6/13/75
Mod. #2 - 40 FR 29450 - 7/11/75
Mod. #3 - 40 FR 45960 - 10/3/75
Mod. #4 - 40 FR 48846 - 10/17/75
Mod. #5 - 40 FR 55611 - 11/28/75
(H,Hw) - See Adams County
LYCOMING COUNTY
Decision #PA75-3065 (B)
40 FR 29517 - 7/11/75
Mod. #1 - 40 FR 45958 - 10/3/75
Mod. #2 - 40 FR 48846 - 10/17/75
Mod. #3 - 40 FR 55613 - 11/28/75
(H,Hw) - See Adams County
MC KEAN COUNTY
(H,Hw) - See Armstrong County
(B) - See Forest County
MERCER COUNTY
Decision #AR-2046 (B)
39 FR 37349 - 10/18/74
Mod. #1 - 39 FR 44913 - 12/27/74
Mod. #2 - 40 FR 15281 - 4/4/75
Mod. #3 - 40 FR 28310 - 7/3/75
Mod. #4 - 40 FR 31442 - 7/25/75
Mod. #5 - 40 FR 45959 - 10/3/75
Mod. #6 - 40 FR 54388 - 11/21/75
Mod. #7 - 41 FR 4738 - 1/30/76
Mod. #8 - 41 FR 5522 - 2/6/76
(H,Hw) - See Butler County
MIFFLIN COUNTY
(H,Hw) - See Bedford County
MONROE COUNTY
(H,Hw) - See Adams County

PENNSYLVANIA (Cont'd.)

MONTGOMERY COUNTY
Decision #PA75-3085 (B)
40 FR 36986 - 8/22/75
Mod. #1 - 40 FR 45958 - 10/3/75
Mod. #2 - 40 FR 48847 - 10/17/75
Mod. #3 - 40 FR 55615 - 11/28/75
Mod. #4 - 41 FR 2537 - 1/16/76
(H,Hw,R) - See Bucks County
MONTOUR COUNTY
(H,Hw) - See Adams County
NORTHAMPTON COUNTY
Decision #PA75-3101 (B)
40 FR 45990 - 10/3/75
Mod. #1 - 40 FR 49946 - 10/24/75
Mod. #2 - 40 FR 55616 - 11/28/75
(H,Hw) - See Adams County
NORTHUMBERLAND COUNTY
Decision #AR-2095 (B)
39 FR 43494 - 12/13/74
Mod. #1 - 40 FR 12016 - 3/14/75
Mod. #2 - 40 FR 22739 - 5/23/75
Mod. #3 - 40 FR 29449 - 7/11/75
Mod. #4 - 40 FR 45958 - 10/3/75
Mod. #5 - 40 FR 48845 - 10/17/75
Mod. #6 - 40 FR 55611 - 11/28/75
(H,Hw) - See Adams County
PERRY COUNTY
(H,hw) - See Adams County
PHILADELPHIA COUNTY
Decision #PA75-3035 (B)
40 FR 36989 - 8/22/75
Mod. #1 - 40 FR 41355 - 9/5/75
Mod. #2 - 40 FR 48847 - 10/17/75
Mod. #3 - 41 FR 2538 - 1/16/76
Decision #CT75-5139 (D)
40 FR 55621 - 11/28/75
(H,Hw,R) - See Bucks County
PIKE COUNTY
(H,Hw) - See Adams County
POTTER COUNTY
(H,Hw) - See Bedford County
SCHUYKILL COUNTY
Decision #PA75-3103 (B)
40 FR 45996 - 10/3/75
Mod. #1 - 40 FR 49946 - 10/24/75
Mod. #2 - 40 FR 55616 - 11/28/75
(H,Hw) - See Adams County
SNYDER COUNTY
(H,Hw) - See Adams County
SOMERSET COUNTY
(H,hw) - See Butler County
SULLIVAN COUNTY
Decision #PA75-3120 (B)
40 FR 59178 - 12/19/75
(H,Hw) - See Adams County

PENNSYLVANIA (Cont'd.)

SUSQUEHANNA COUNTY
(B) - See Lackawanna County
(H,Hw) - See Adams County
TIOGA COUNTY
(H,Hw) - See Adams County
UNION COUNTY
(H,Hw) - See Adams County
VENANGO COUNTY
Decision #PA75-3079 (B)
40 FR 36965 - 8/22/75
Mod. #1 - 40 FR 55615 - 11/28/75
Mod. #2 - 40 FR 59097 - 12/19/75
(H,Hw) - See Armstrong County
WARREN COUNTY
Decision #PA75-3077 (B)
40 FR 36957 - 8/22/75
Mod. #1 - 40 FR 42487 - 9/12/75
Mod. #2 - 40 FR 45960 - 10/3/75
Mod. #3 - 40 FR 55614 - 11/28/75
(H,Hw) - See Armstrong County
WASHINGTON COUNTY
Decision #PA75-3081 (B)
40 FR 36973 - 8/22/75
Mod. #1 - 40 FR 41355 - 9/5/75
Mod. #2 - 40 FR 54389 - 11/21/75
(H,Hw) - See Butler County
WAYNE COUNTY
(H,Hw) - See Adams County
WESTMORELAND COUNTY
Decision #PA75-3076 (B)
40 FR 36953 - 8/22/75
Mod. #1 - 40 FR 54389 - 11/21/75
Mod. #2 - 40 FR 55614 - 11/28/75
(H,Hw) - See Butler County
WYCOMING COUNTY
(H,Hw) - See Adams County
YORK COUNTY
(B,H,Hw) - See Adams County (Excluding New Cumberland Depot)
(B) - See Cumberland County (New Cumberland Depot)
(H,Hw) - See Adams County (New Cumberland Depot)
(B) - See Lackawanna County

PUERTO RICO

PUERTO RICO
Decision #PR75-3091 (R)
40 FR 33644 - 8/8/75
Mod. #1 - 40 FR 59664 - 12/29/75
Decision #PR75-3090 (B)
40 FR 33643 - 8/8/75
Mod. #1 - 40 FR 59664 - 12/29/75
Decision #PR75-3089 (H,Hw)
40 FR 33643 - 8/8/75

RHODE ISLAND

STATEWIDE
Decision #CT75-5139 (D)
40 FR 55621 - 11/28/75
BRISTOL COUNTY
Decision #RI75-2116 (B,H,Hw,R, & Marine)
40 FR 48066 - 10/10/75
Mod. #1 - 40 FR 59099 - 12/19/75
Mod. #2 - 40 FR 59666 - 12/29/75
(D) - See Statewide
KENT COUNTY
(B,H,Hw, & Marine) - See Bristol County
(D) - See Statewide
NEWPORT COUNTY
Decision #RI75-2111 (B,H,Hw,R, & Marine)
40 FR 44467 - 9/26/75
Mod. #1 - 40 FR 48001 - 10/10/75
Mod. #2 - 40 FR 59099 - 12/19/75
Mod. #3 - 40 FR 59666 - 12/29/75
(D) - See Statewide
PROVIDENCE COUNTY
(D) - See Statewide
(B,H,Hw,R, & Marine) - See Bristol County
WASHINGTON COUNTY
Decision #RI75-2112 (B,H,Hw, R, & Marine)
40 FR 44471 - 9/26/75
Mod. #1 - 40 FR 48001 - 10/10/75
Mod. #2 - 40 FR 59666 - 12/29/75
(D) - See Statewide

SOUTH CAROLINA

STATEWIDE
Decision #SC75-1031 (H,Hw)
40 FR 12058 - 3/14/75
Mod. #1 - 40 FR 41355 - 9/5/75
Decision #SC75-1079 (S&W, H)
40 FR 41380 - 9/5/75
ABBEVILLE COUNTY
Decision #AR-4003 (B)
39 FR 26554 - 7/19/74
(Sewer & Water, H,Hw) - See Statewide
AIKEN COUNTY
Decision #SC75-1029 (R)
40 FR 10900 - 3/7/75
Mod. #1 - 41 FR 1692 - 1/9/76
(Sewer & Water, H,Hw) - See Statewide
ALLENDALE COUNTY
Decision #SC75-1045 (R)
40 FR 16636 - 4/11/75
Mod. #1 - 41 FR 1692 - 1/9/76
(Sewer & Water, H,Hw) - See Statewide
ANDERSON COUNTY
Decision #SC75-1004 (R)
40 FR 3154 - 1/17/75
(Sewer & Water, H,Hw) - See Statewide
BAMBERG COUNTY
(R) - See Allendale County
(Sewer & Water, H,Hw) - See Statewide
BARNWELL COUNTY
(R) - See Aiken County
(Sewer & Water, H,Hw) - See Statewide
BEAUFORT COUNTY
Decision #SC75-1026 (B)
40 FR 8692 - 2/28/75
Mod. #1 - 40 FR 16496 - 4/11/75
Mod. #2 - 40 FR 27417 - 6/27/75
Decision #MD75-3008 (D)
40 FR 3094 - 1/17/75
Mod. #1 - 40 FR 14204 - 3/28/75
(Sewer & Water, H,Hw) - See Statewide
BERKELEY COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
Decision #SC75-1021 (R)
40 FR 7859 - 2/21/75
Decision #SC75-1055 (B)
40 FR 22785 - 5/23/75
Mod. #1 - 40 FR 25336 - 6/13/75
CALHOUN COUNTY
(R) - See Allendale County
(Sewer & Water, H,Hw) - See Statewide
CHARLESTON COUNTY
(B,R) - See Berkeley County
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
CHEROKEE COUNTY
Decision #SC75-1017 (R)
40 FR 4785 - 1/31/75
Mod. #1 - 40 FR 12017 - 3/14/85
(B) - See Abbeville County
(Sewer & Water, H,Hw) - See Statewide

SOUTH CAROLINA (Cont'd.)

CHESTER COUNTY
Decision #AR-4009 (B)
39 FR 25778 - 7/12/74
(Sewer & Water, H,Hw) - See Statewide
CHESTERFIELD COUNTY
(Sewer & Water, H,Hw) - See Statewide
CLARENDON COUNTY
Decision #SC76-1007 (R)
41 FR 1698 - 1/9/76
(Sewer & Water, H,Hw) - See Statewide
COLLETON COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
DARLINGTON COUNTY
Decision #SC75-1041 (B)
40 FR 14194 - 3/28/75
(R) - See Clarendon County
(Sewer & Water, H,Hw) - See Statewide
DILLON COUNTY
(R) - See Clarendon County
(Sewer & Water, H,Hw) - See Statewide
DORCHESTER COUNTY
(R) - See Berkeley County
EDGEFIELD COUNTY
(R) - See Aiken County
(Sewer & Water, H,Hw) - See Statewide
FAIRFIELD COUNTY
(B) - See Chester County
(Sewer & Water, H,Hw) - See Statewide
FLORENCE COUNTY
(R) - See Clarendon County
(Sewer & Water, H,Hw) - See Statewide
GEORGETOWN COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
GREENVILLE COUNTY
Decision #SC75-1038 (B)
40 FR 12951 - 3/21/75
Mod. #1 - 40 FR 16496 - 4/11/75
Mod. #2 - 40 FR 43422 - 9/19/75
(R) - See Anderson County
(Sewer & Water, H,Hw) - See Statewide
GREENWOOD COUNTY
(Sewer & Water, H,Hw) - See Statewide
HAMPTON COUNTY
(Sewer & Water, H,Hw) - See Statewide
HORRY COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
JASPER COUNTY
(D) - See Beaufort County
(Sewer & Water, H, Hw) - See Statewide
KERSHAW COUNTY
(Sewer & Water, H,Hw) - See Statewide

SOUTH CAROLINA (Cont'd.)

LANCASTER COUNTY
(B) - See Chester County
(Sewer & Water, H,Hw) - See Statewide
LAURENS COUNTY
(B) - See Abbeville County
(Sewer & Water, H,Hw) - See Statewide
LEE COUNTY
(R) - See Clarendon County
(Sewer & Water, H,Hw) - See Statewide
LEXINGTON COUNTY
Decision #AR-4004 (R)
39 FR 24779 - 7/7/75
Mod. #1 - 39 FR 43466 - 12/13/74
Decision #SC75-1042 (R)
40 FR 14271 - 3/28/75
(Sewer & Water, H,Hw) - See Statewide
McCORMICK COUNTY
(Sewer & Water, H,Hw) - See Statewide
MARION COUNTY
(R) - See Clarendon County
(Sewer & Water, H,Hw) - See Statewide
MARLBORO COUNTY
(R) - See Clarendon County
(Sewer & Water, H,Hw) - See Statewide
NEWBERRY COUNTY
(B) - See Abbeville County
(Sewer & Water, H,Hw) - See Statewide
OCONEE COUNTY
(R) - See Anderson County
(Sewer & Water, H,Hw) - See Statewide
ORANGEBURG COUNTY
(Sewer & Water, H,hw) - See Statewide
(R) - See Allendale County
PICKENS COUNTY
(R) - See Anderson County
(Sewer & Water, H,Hw) - See Statewide
RICHLAND COUNTY
(B,R) - See Lexington County
(Sewer & Water, H,Hw) - See Statewide
SALUDA COUNTY
(Sewer & Water, H,Hw) - See Statewide
SPARTANBURG COUNTY
(R) - See Cherokee County
(Sewer & Water, H,Hw) - See Statewide
SUMTER COUNTY
Decision #SC76-1008 (B)
41 FR 1699 - 1/9/76
(Sewer & Water, H,Hw) - See Statewide
(R) - See Clarendon County
UNION COUNTY
(R) - See Cherokee County
(Sewer & Water, H,Hw) - See Statewide
(B) - See Abbeville County
WILLIAMSBURG COUNTY
(R) - See Clarendon County
(Sewer & Water, H,Hw) - See Statewide
YORK COUNTY
(Sewer & Water, H,Hw) - See Statewide

SOUTH DAKOTA

STATEWIDE
Decision #SD75-5013 (H,Hw)
40 FR 4858 - 1/31/75
Mod. #1 - 40 FR 59665 - 12/29/75
Mod. #2 - 41 FR 4739 - 1/30/76
AURORA COUNTY
(H,Hw) - See Statewide
BEADLE COUNTY
(H,Hw) - See Statewide
BENNET COUNTY
(H,Hw) - See Statewide
BON HOMME COUNTY
(H,Hw) - See Statewide
BROOKINGS COUNTY
(H,Hw) - See Statewide
BROWN COUNTY
(H,Hw) - See Statewide
BRULE COUNTY
(H,Hw) - See Statewide
BUFFALO COUNTY
(H,Hw) - See Statewide
BUTTE COUNTY
(H,Hw) - See Statewide
CAMPBELL COUNTY
(H,Hw) - See Statewide
CLARK COUNTY
(H,Hw) - See Statewide
CLAY COUNTY
(H,Hw) - See Statewide
CODINGTON COUNTY
(H,Hw) - See Statewide
CORSON COUNTY
(H,Hw) - See Statewide
CUSTER COUNTY
(H,Hw) - See Statewide
DAVISON COUNTY
(H,Hw) - See Statewide
DAY COUNTY
(H,Hw) - See Statewide
DEUEL COUNTY
(H,Hw) - See Statewide
DEWEY COUNTY
(H,Hw) - See Statewide
DOUGLAS COUNTY
(H,Hw) - See Statewide
EDMUNDS COUNTY
(H,Hw) - See Statewide
FALL RIVER COUNTY
(H,Hw) - See Statewide
FAULK COUNTY
(H,Hw) - See Statewide
GRANT COUNTY
(H,Hw) - See Statewide

SOUTH DAKOTA (Cont'd.)

GREGORY COUNTY
(H,Hw) - See Statewide
HAAKON COUNTY
(H,Hw) - See Statewide
HAMLIN COUNTY
(H,Hw) - See Statewide
HAND COUNTY
(H,Hw) - See Statewide
HANSON COUNTY
(H,Hw) - See Statewide
HARDING COUNTY
(H,Hw) - See Statewide
HUGHES COUNTY
(H,Hw) - See Statewide
HUTCHINSON COUNTY
(H,Hw) - See Statewide
HYDE COUNTY
(H,Hw) - See Statewide
JACKSON COUNTY
(H,Hw) - See Statewide
JERAULD COUNTY
(H,Hw) - See Statewide
JONES COUNTY
(H,Hw) - See Statewide
KINGSBURY COUNTY
(H,Hw) - See Statewide
LAKE COUNTY
(H,Hw) - See Statewide
LAWRENCE COUNTY
(H,Hw) - See Statewide
LINCOLN COUNTY
(H,Hw) - See Statewide
LYMAN COUNTY
(H,Hw) - See Statewide

SOUTH DAKOTA (Cont'd)

MARSHALL COUNTY
(H,Hw) - See Statewide
Mc COOK COUNTY
(H,Hw) - See Statewide
Mc PHERSON COUNTY
(H,Hw) - See Statewide
MEADE COUNTY
Decision #SD75-5014 (B)
41 FR 4797 - 1/30/76
(H,Hw) - See Statewide
MELLETTE COUNTY
(H,Hw) - See Statewide
MINER COUNTY
(H,Hw) - See Statewide
MINNEHAHA COUNTY
Decision #SD75-5153 (B)
41 FR 1700 - 1/9/76
Mod. #1 - 41 FR 4739 - 1/30/76
(H,Hw) - See Statewide
Decision #AQ-1091 (R)
39 FR 8146 - 3/1/74
Mod. #1 - 39 FR 14856 - 4/26/74
(H,Hw) - See Statewide
MOODY COUNTY
(H,Hw) - See Statewide
PENNINGTON COUNTY
(B) - See Meade County
(H,Hw) - See Statewide
PERKINS COUNTY
(H,Hw) - See Statewide
POTTER COUNTY
(H,Hw) - See Statewide
ROBERTS COUNTY
(H,Hw) - See Statewide
SANBORN COUNTY
(H,Hw) - See Statewide
SHANNON COUNTY
(H,Hw) - See Statewide
SPINK COUNTY
(H,Hw) - See Statewide
STANLEY COUNTY
(H,Hw) - See Statewide
SULLY COUNTY
(H,Hw) - See Statewide

SOUTH DAKOTA (Cont'd.)

TODD COUNTY
(H,Hw) - See Statewide
TRIPP COUNTY
(H,Hw) - See Statewide
TURNER COUNTY
(H,Hw) - See Statewide
UNION COUNTY
(H,Hw) - See Statewide
WALWORTH COUNTY
(H,Hw) - See Statewide
WASHABAUGH COUNTY
(H,Hw) - See Statewide
YANKTON COUNTY
(H,Hw) - See Statewide
ZIEBACH COUNTY
(H,Hw) - See Statewide

TENNESSEE

STATEWIDE
Decision #AR75-5074 (F)
40 FR 26189 - 6/20/75
Mod. #1 - 41 FR 2533 - 1/16/76
Decision #TN76-1001 (Hw)
41 FR 965 - 1/5/76
ANDERSON COUNTY
Decision #TN75-1053 (B)(Oak Ridge, Energy Research Development Administration Only)
40 FR 24464 - 6/6/75
Mod. #1 - 40 FR 31452 - 7/25/75
(Hw) - See Statewide
(F) - See Statewide
BEDFORD COUNTY
(F,Hw) - See Statewide
BENTON COUNTY
(F,Hw) - See Statewide
BLEDSOE COUNTY
(F,Hw) - See Statewide
BLOUNT COUNTY
(F,Hw) - See Statewide
BRADLEY COUNTY
(F,Hw) - See Statewide
CAMPBELL COUNTY
(F,Hw) - See Statewide
CANNON COUNTY
(F,Hw) - See Statewide
CARROLL COUNTY
Decision #AL75-5131 (D)
40 FR 49947 - 10/24/75
(F,Hw) - See Statewide
CARTER COUNTY
Decision #TN75-1068 (B)
40 FR 30434 - 7/18/75
Decision #TN75-1098 (R)
40 FR 44476 - 9/26/75
(F,Hw) - See Statewide
CHEATHAM COUNTY
Decision #TN76-1010 (R)
41 FR 2614 - 1/16/76
(F,Hw) - See Statewide
CHESTER COUNTY
(F,Hw) - See Statewide
CLAIBORNE COUNTY
(F,Hw) - See Statewide

TENNESSEE (CONT'D.)

CLAY COUNTY
(F,Hw) - See Statewide
COCKE COUNTY
(F,Hw) - See Statewide
COFFEE COUNTY
(F,Hw) - See Statewide
CROCKETT COUNTY
(D) - See Carroll County
(F,Hw) - See Statewide
CUMBERLAND COUNTY
(F,Hw) - See Statewide
DAVIDSON COUNTY
Decision #TN75-1088 (B)
40 FR 42505 - 9/12/75
Mod. #1 - 40 FR 55616 - 11/28/75
(R) - See Cheatham County
(F,Hw) - See Statewide
DECATUR COUNTY
(F,Hw) - See Statewide
DEKALB COUNTY
(F,Hw) - See Statewide
DICKSON COUNTY
(F,Hw) - See Statewide
(R) - See Cheatham County
DYER COUNTY
Decision #TN75-1074 (R)
40 FR 33645 - 8/8/75
Decision #AQ-4073 (B)
39 FR 5947 - 2/15/74
Mod. #1 - 39 FR 9357 - 3/8/74
(F,Hw) - See Statewide
(D) - See Carroll County
FAYETTE COUNTY
(D) - See Carroll County
(F,Hw) - See Statewide
FENTRESS COUNTY
(F,Hw) - See Statewide
FRANKLIN COUNTY
(F,Hw) - See Statewide
GIBSON COUNTY
(D) - See Carroll County
(F,Hw) - See Statewide
(B,R) - See Dyer County

TENNESSEE (Cont'd)

GILES COUNTY
(F,Hw) - See Statewide
GRAINGER COUNTY
(F,Hw) - See Statewide
GREENE COUNTY
(F,Hw) - See Statewide
GRUNDY COUNTY
(F,Hw) - See Statewide
HAMBLEN COUNTY
(F,Hw) - See Statewide
HAMILTON COUNTY
Decision #TN75-1110 (B,H)
40 FR 55630 - 11/28/75
Mod. #1 - 40 FR 59666 - 12/29/75
(F,Hw) - See Statewide
HANCOCK COUNTY
(F,Hw) - See Statewide
HARDEMAN COUNTY
(D) - See Carroll County
(F,Hw) - See Statewide
HARDIN COUNTY
(F,Hw) - See Statewide
HAWKINS COUNTY
(F,Hw) - See Statewide
HAYWOOD COUNTY
(D) - See Carroll County
(F,Hw) - See Statewide
HENDERSON COUNTY
(F,Hw) - See Statewide
HENRY COUNTY
(D) - See Carroll County
(F,Hw) - See Statewide
HICKMAN COUNTY
(F,Hw) - See Statewide
HOUSTON COUNTY
(F,Hw) - See Statewide
HUMPHREYS COUNTY
(F,Hw) - See Statewide
JACKSON COUNTY
(F,Hw) - See Statewide

TENNESSEE (CONT'D)

JEFFERSON COUNTY
(F,Hw) - See Statewide
JOHNSON COUNTY
(F,Hw)- See Statewide
KNOX COUNTY
Decision #TN76-1013 (B)
41 FR 2618 - 1/16/76
Decision #AQ-4051 (R)
39 FR 2321 - 1/18/74
(F,Hw) - See Statewide
LAKE COUNTY
(R) - See Dyer County
(F,Hw) - See Statewide
LAUDERDALE COUNTY
(D) - See Carroll County
(F,Hw) - See Statewide
LAWRENCE COUNTY
(F,Hw) - See Statewide
(R) - See Cheatham County
LEWIS COUNTY
(F,Hw) - See Statewide
LINCOLN COUNTY
(F,Hw) - See Statewide
LOUDON COUNTY
(F,Hw) - See Statewide
MC MINN COUNTY
(F,Hw) - See Statewide
MC NAIRY COUNTY
(F,Hw) - See Statewide
MACON COUNTY
(F,Hw) - See Statewide
MADISON COUNTY
Decision #TN75-1051 (B)
40 FR 21666 - 5/16/75
Mod. #1 - 40 FR 57075 - 12/5/75
(D) - See Carroll County
(F,Hw) - See Statewide
MARION COUNTY
(D) - See Carroll County
(F,Hw) - See Statewide

TENNESSEE (Cont'd)

MARSHALL COUNTY
(F,Hw) - See Statewide
(R) - See Cheatham County
MAURY COUNTY
(F,Hw) - See Statewide
(R) - See Cheatham County
MEIGS COUNTY
(F,Hw) - See Statewide
MONROE COUNTY
(F,Hw) - See Statewide
MONTGOMERY COUNTY
(F,Hw) - See Statewide
MOORE COUNTY
(F,Hw) - See Statewide
MORGAN COUNTY
(F,Hw) - See Statewide
OBION COUNTY
(R) - See Dyer County
(D) - See Carroll County
(F,Hw) - See Statewide
OVERTON COUNTY
(F,Hw) - See Statewide
PERRY COUNTY
(F,Hw) - See Statewide
PICKETT COUNTY
(F,Hw) - See Statewide
POLK COUNTY
(F,Hw) - See Statewide
PUTNAM COUNTY
(F,Hw) - See Statewide
RHEA COUNTY
(F,Hw) - See Statewide
ROANE COUNTY
(B) - See Anderson Co. (Oak Ridge Energy Research Development Administration Only)
(F,Hw) - See Statewide
ROBERTSON COUNTY
(F,Hw) - See Statewide
(R) - See Cheatham County

TENNESSEE (Cont'd)

RUTHERFORD COUNTY
Decision #AQ-4114 (B)
39 FR 16980 - 5/10/74
Mod. #1 - 39 FR 28013 - 8/2/74
Mod. #2 - 39 FR 29726 - 8/16/74
Mod. #3 - 39 FR 31782 - 8/30/74
Mod. #4 - 40 FR 3088 - 1/17/75
(F,Hw) - See Statewide
(R) - See Cheatham County
SCOTT COUNTY
(F,Hw) - See Statewide
SEQUATCHIE COUNTY
(F,Hw) - See Statewide
SEVIER COUNTY
(F,Hw) - See Statewide
SHELBY COUNTY
Decision #TN76-1012 (W&S, B,H, & Utility)
41 FR 2615 - 1/16/76
Decision #AP-152 (R)
38 FR 4176 - 2/9/73
(D) - See Carroll County
(F,Hw) - See Statewide
SMITH COUNTY
(F,Hw) - See Statewide
STEWART COUNTY
(F,Hw) - See Statewide
SULLIVAN COUNTY
(B) - See Carter County
(F,Hw) - See Statewide
(R) - See Carter County
SUMNER COUNTY
(F,Hw) - See Statewide
(R) - See Cheatham County
TIPTON COUNTY
(D) - See Carroll County
(F,Hw) - See Statewide
TROUSDALE COUNTY
(F,Hw) - See Statewide
(R) - See Cheatham County

TENNESSEE (cont'd)

UNICOI COUNTY
(F,Hw) - See Statewide
UNION COUNTY
(F,Hw) - See Statewide
VAN BUREN COUNTY
(F,Hw) - See Statewide
WARREN COUNTY
(F,Hw) - See Statewide
WASHINGTON COUNTY
(B) - See Carter County
(F,Hw) - See Statewide
WAYNE COUNTY
(F,Hw) - See Statewide
WEAKLEY COUNTY
(D) - See Carroll County
(F,Hw) - See Statewide
(R) - See Dyer County
WHITE COUNTY
(F,Hw) - See Statewide
WILLIAMSON COUNTY
(F,Hw) - See Statewide
(R) - See Cheatham County
WILSON COUNTY
(F,Hw) - See Statewide
(R) - See Cheatham County

TEXAS

STATEWIDE (Excluding Dallas-Fort Worth Regional Airport)
Decision #TX76-4014 (H (Excluding tunnels and dams), Hw
Incidental shore work, and paving and utilities incidental to general building construction)
) 41 FR 4798 - 1/30/76
ANDERSON COUNTY
(H,Hw) - See Statewide
ANDREWS COUNTY
(H,Hw) - See Statewide
ANGELINA COUNTY
(H,Hw) - See Statewide
ARANSAS COUNTY
(H,Hw) - See Statewide
Decision #AL75-5131 (D)
40 FR 49947 - 10/24/75
ARCHER COUNTY
(H,Hw) - See Statewide
ARMSTRONG COUNTY
Decision #TX75-4183 (B)
40 FR 52271 - 11/7/75
Mod..#1 - 40 FR 54390 - 11/21/75
Mod. #2 - 40 FR 57076 - 12/5/76
Mod. #3 - 40 FR 59101 - 12/19/75
Mod. #4 - 41 FR 3565 - 1/23/76
Mod. #5 - 41 FR 5525 - 2/6/76
Decision #TX75-4161 (R)
40 FR 48880 - 10/17/75
Mod. #1 - 40 FR 57075 - 12/5/75
MMod.3#2 - 40 FR 59100 - 12/19/75
(H,Hw) - See Statewide
ATASCOSA COUNTY
(H,Hw) - See Statewide
AUSTIN COUNTY
(H,Hw) - See Statewide
BAILEY COUNTY
(H,Hw) - See Statewide
Decision #TX75-4003 (R)
40 FR 3158 - 1/17/75
Mod. #1 - 41 FR 931 - 1/5/76
BANDERA COUNTY
(H,Hw) - See Statewide
BASTROP COUNTY
Decision #AR-1 (R)
39 FR 24809 - 7/5/74
(H,Hw) - See Statewide
BAYLOR COUNTY
(H,Hw) - See Statewide
BEE COUNTY
Decision #TX75-4004 (R)
40 FR 3160 - 1/17/75
Mod. #1 - 41 FR 931 - 1/5/76
(H,Hw) - See Statewide
BELL COUNTY
(H,Hw) - See Statewide
Decision #TX76-4099 (B)
41 FR 3700 - 1/23/76
Mod. #1 - 41 FR 5526 - 2/6/76

TEXAS (Cont'd)

BEXAR COUNTY
Decision #TX75-4164 (R)
40 FR 49969 - 10/24/75
Mod. #1 - 40 FR 58015 - 12/12/75
Mod. #2 - 41 FR 932 - 1/5/76
(H,Hw) - See Statewide
Decision #TX75-4196 (B)
40 FR 54417 - 11/21/75
Mod. #1 - 40 FR 58015 - 12/12/75
Mod. #2 - 41 FR 3567 - 1/23/76
BLANCO COUNTY
(H,Hw) - See Statewide
(R) - See Bastrop County
BORDEN COUNTY
(H,Hw) - See Statewide
BOSQUE COUNTY
(B) - See Bell County
(H,Hw) - See Statewide
BOWIE COUNTY
Decision #TX75-4165 (B)
40 FR 49965 - 10/24/75
Mod. #1 - 40 FR 53178 - 11/14/75
Mod. #2 - 40 FR 59100 - 12/19/75
Mod. #3 - 41 FR 3565 - 1/23/76
Mod. #4 - 41 FR 5524 - 2/6/76
(H,Hw) - See Statewide
BRAZORIA COUNTY
(H,Hw) - See Statewide
Decision #AR-11 (R)
39 FR 29910 - 8/16/74
(D) - See Aransas County
BRAZOS COUNTY
Decision #TX75-4166 (B)
40 FR 49967 - 10/24/75
Mod. #1 - 40 FR 52246 - 11/7/75
Mod. #2 - 40 FR 57075 - 12/5/75
Mod. #3 - 40 FR 59100 - 12/19/75
Mod. #4 - 41 FR 3565 - 1/23/76
Mod. #5 - 41 FR 5525 - 2/6/76
(H,Hw) - See Statewide
BREWSTER COUNTY
(H,Hw) - See Statewide
BRISCOE COUNTY
(H,Hw) - See Statewide
BROOKS COUNTY
(H,Hw) - See Statewide
BROWN COUNTY
(H,Hw) - See Statewide
BURLESON COUNTY
(H,Hw) - See Statewide
BURNETT COUNTY
(H,Hw) - See Statewide
CALDWELL COUNTY
(H,Hw) - See Statewide
(R) - See Bastrop County
CALHOUN COUNTY
(H,Hw) - See Statewide
(D) - See Aransas County
CALLAHAN COUNTY
(H,Hw) - See Statewide

TEXAS (Cont'd)

CAMERON COUNTY
Decision #TX75-4167 (B)
40 FR 49958 - 10/24/75
Mod. #1 - 40 FR 57076 - 12/5/75
Mod. #2 - 41 FR 932 - 1/5/76
Mod. #3 - 41 FR 3565 - 1/23/76
(H,Hw) - See Statewide
Decision #TX75-4168 (R)
40 FR 49959 - 10/24/75
Mod. #1 - 41 FR 932 - 1/5/76
CAMP COUNTY
(H,Hw) - See Statewide
CARSON COUNTY
(B,R) - See Armstrong County
(H,Hw) - See Statewide
CASS COUNTY
(H,Hw) - See Statewide
CASTRO COUNTY
(B,R) - See Armstrong County
(H,Hw) - See Statewide
CHAMBERS COUNTY
(H,Hw) - See Statewide
(D) - See Aransas County
CHEROKEE COUNTY
(H,Hw) - See Statewide
CHILDRESS COUNTY
(B,R) - See Armstrong County
(H,Hw) - See Statewide
CLAY COUNTY
(H,Hw) - See Statewide
COCHRAN COUNTY
(H,Hw) - See Statewide
(R) - See Bailey County
COKE COUNTY
(H,Hw) - See Statewide
COLEMAN COUNTY
(H,Hw) - See Statewide
COLLIN COUNTY
Decision #AQ-87 (R)
39 FR 10106 - 3/15/74
DDecision##TX75-4195((B-excluding Dallas-Fort Worth Regional Airport)
40 FR 54413 - 11/21/75
Mod. #1 - 40 FR 59102 - 12/19/75
Mod. #2 - 41 FR 3567 - 1/23/76
Mod. #3 - 41 FR 5525 - 2/6/76
(H,Hw) - See Statewide
COLLINGSWORTH COUNTY
(B,R) - See Armstrong County
(H,Hw) - See Statewide
COLORADO COUNTY
(H,Hw) - See Statewide
COMAL COUNTY
(H,Hw) - See Statewide
COMANCHE COUNTY
(H,Hw) - See Statewide
CONCHO COUNTY
(H,Hw) - See Statewide
COOKE COUNTY
(H,Hw) - See Statewide

TEXAS (Cont'd)

CORYELL COUNTY
(B) - See Bell County
(H,Hw) - See Statewide
COTTLE COUNTY
(H,Hw) - See Statewide
CRANE COUNTY
(H,Hw) - See Statewide
Decision #TX75-4006 (R)
40 FR 3163 - 1/17/75
Mod. #1 - 41 FR 931 - 1/5/76
CROCKETT COUNTY
(H,Hw) - See Statewide
CROSBY COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
CULBERSON COUNTY
(H,Hw) - See Statewide
DALLAM COUNTY
(R)(B) - See Armstrong County
(H,Hw) - See Statewide
DALLAS COUNTY
(B,R) - See Collin County
(H,Hw) - See Statewide
DAWSON COUNTY
(H,Hw) - See Statewide
DEAF SMITH COUNTY
(B,R) - See Armstrong County
(H,Hw) - See Statewide
DELTA COUNTY
(H,Hw) - See Statewide
DENTON COUNTY
(B,R) - See Collin County
(H,Hw) - See Statewide
DE WITT COUNTY
(H,Hw) - See Statewide
DICKENS COUNTY
(H,Hw) - See Statewide
DIMMIT COUNTY
Decision #TX75-4010 (B,R)
40 FR 3172 - 1/17/75
Mod. #1 - 41 FR 931 - 1/5/76
(H,Hw) - See Statewide
DONLEY COUNTY
(B,R) - See Armstrong County
(H,Hw) - See Statewide
DUVAL COUNTY
(H,Hw) - See Statewide
EASTLAND COUNTY
(H,Hw) - See Statewide
ECTOR COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
EDWARDS COUNTY
(H,Hw) - See Statewide
ELLIS COUNTY
(B,R) - See Collin County
(H,Hw) - See Statewide
EL PASO COUNTY
Decision #TX75-4182 (B)
40 FR 50919 - 10/31/75
Mod. #1 - 40 FR 53178 - 11/14/75
Mod. #2 - 41 FR 5525 - 2/6/76
(H,Hw) - See Statewide
ERATH COUNTY
(H,Hw) - See Statewide

TEXAS (Cont'd)

FALLS COUNTY
(B) - See Bell County
(H,Hw) - See Statewide
FANNIN COUNTY
(H,Hw) - See Statewide
FAYETTE COUNTY
(H,Hw) - See Statewide
(R) - See Bastrop County
FISHER COUNTY
(H,Hw) - See Statewide
FLOYD COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
FOARD COUNTY
(H,Hw) - See Statewide
FORT BEND COUNTY
(R) - See Brazoria County
(H,Hw) - See Statewide
FRANKLIN COUNTY
(H,Hw) - See Statewide
FREESTONE COUNTY
(H,Hw) - See Statewide
FRIO COUNTY
(H,Hw) - See Statewide
GAINES COUNTY
(H,Hw) - See Statewide
GALVESTON COUNTY
(R) - See Brazoria County
(D) - See Aransas County
(H,Hw) - See Statewide
Decision #TX75-4203 (B)
40 FR 59180 - 12/19/75
Mod. #1 - 41 FR 3567 - 1/23/76
Mod. #2 - 41 FR 5525 - 2/6/76
GARZA COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
GILLESPIE COUNTY
(H,Hw) - See Statewide
GLASSCOCK COUNTY
(H,Hw) - See Statewide
GOLIAD COUNTY
(H,Hw) - See Statewide
GONZALES COUNTY
(H,Hw) - See Statewide
GRAY COUNTY
(R,B) - See Armstrong County
(H,Hw) - See Statewide
GRAYSON COUNTY
(B) - See Collin County
(H,Hw) - See Statewide
GREGG COUNTY
Decision #TX75-4092 (B)
40 FR 21682 - 5/16/75
(H,Hw) See Statewide

TEXAS (Cont'd)

GRIMES COUNTY
(H,Hw) - See Statewide
GUADALUPE COUNTY
(H,Hw) - See Statewide
HALE COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
HALL COUNTY
(H,Hw) - See Statewide
HAMILTON COUNTY
(H,Hw) - See Statewide
HANSFORD COUNTY
(R,B) - See Armstrong County
(H,Hw) - See Statewide
HARDEMAN COUNTY
(H,Hw) - See Statewide
HARDIN COUNTY
(H,Hw) - See Statewide
HARRIS COUNTY
(B) - See Galveston County
(R) - See Brazoria County
(D) - See Aransas County
(H,Hw) - See Statewide
HARRISON COUNTY
Decision #TX75-4103 (B)
40 FR 22795 - 5/23/75
Mod. #1 - 40 FR 30388 - 7/18/75
Mod. #2 - 40 FR 31452 - 7/25/75
Mod. #3 - 40 FR 52245 - 11/7/75
Mod. #4 - 40 FR 59100 - 12/19/75
Mod. #5 - 41 FR 5524 - 2/6/76
(H,Hw) - See Statewide
HARTLEY COUNTY
(R,B) - See Armstrong County
(H,Hw) - See Statewide
HASKELL COUNTY
(H,Hw) - See Statewide
HAYS COUNTY
(H,Hw) - See Statewide
(R) - See Bastrop County
HEMPHILL COUNTY
(R,B) - See Armstrong County
(H,Hw) - See Statewide
HENDERSON COUNTY
(H,Hw) - See Statewide
HIDALGO COUNTY
(R,B) - See Cameron County
(H,Hw) - See Statewide
HILL COUNTY
(B) - See Bell County
(H,Hw) - See Statewide
HOCKLEY COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
HOOD COUNTY
(B) - See Collin County
Decision #TX75-4011 (R)
40 FR 3173 - 1/17/75
Mod. #1 - 41 FR 932 - 1/5/76
(H,Hw) - See Statewide

TEXAS (Cont'd)

HOPKINS COUNTY
(H,Hw) - See Statewide
HOUSTON COUNTY
(H,Hw) - See Statewide
HOWARD COUNTY
Decision #TX75-4184 (B,R)
40 FR 52273 - 11/7/75
Mod. #1 - 41 FR 3565 - 1/23/76
(H,Hw) - See Statewide
HUDSPETH COUNTY
(H,Hw) - See Statewide
HUNT COUNTY
(R)(B) - See Collin County
(H,Hw) - See Statewide
HUTCHINSON COUNTY
(R)(B) - See Armstrong County
(H,Hw) - See Statewide
IRION COUNTY
(H,Hw) - See Statewide
JACK COUNTY
(H,Hw) - See Statewide
JACKSON COUNTY
(D) - See Aransas County
(H,Hw) - See Statewide
JASPER COUNTY
(H,Hw) - See Statewide
JEFF DAVIS COUNTY
(H,Hw) - See Statewide
JEFFERSON COUNTY
Decision #TX75-4201 (B,R)
40 FR 57139 - 12/5/75
Mod. #1 - 40 FR 59102 - 12/19/75
Mod. #2 - 41 FR 3567 - 1/23/76
(D) - See Aransas County
(Hw) - See Statewide
JIM HOGG COUNTY
(H,Hw) - See Statewide
(B,R) - See Dimmit County
JIM WELLS COUNTY
(H,Hw) - See Statewide
JOHNSON COUNTY
(B) - See Collin County
(H,Hw) - See Statewide
(R) - See Hood County
JONES COUNTY
(H,Hw) - See Statewide
KARNES COUNTY
(H,Hw) - See Statewide

TEXAS (Cont'd)

KAUFMAN COUNTY
(B,R) - See Collin County
(H,Hw) - See Statewide
KENDALL COUNTY
(H,Hw) - See Statewide
KENEDY COUNTY
(H,Hw) - See Statewide
(D) - See Aransas County
KENT COUNTY
(H,Hw) - See Statewide
KERR COUNTY
(H,Hw) - See Statewide
KIMBLE COUNTY
(H,Hw) - See Statewide
KING COUNTY
(H,Hw) - See Statewide
KINNEY COUNTY
(H,Hw) - See Statewide
KLEBERG COUNTY
Decision #TX75-4185 (B)
40 FR 52275 - 11/7/75
Mod. #1 - 40 FR 54390 - 11/21/75
Mod. #2 - 40 FR 59101 - 12/19/75
Mod. #3 - 41 FR 3566 - 1/23/76
(D) - See Aransas County
(H,Hw) - See Statewide
(R) - See Bee County
KNOX COUNTY
(H,Hw) - See Statewide
LAMAR COUNTY
(H,Hw) - See Statewide
LAMB COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
LAMPASAS COUNTY
(H,Hw) - See Statewide
LA SALLE COUNTY
(B,R) - See Dimmit County
(H,Hw) - See Statewide
LAVACA COUNTY
(H,Hw) - See Statewide
LEE COUNTY
(H,Hw) - See Statewide
(R) - See Bastrop County

TEXAS (Cont'd)

LEON COUNTY
(H,Hw) - See Statewide
LIBERTY COUNTY
(H,Hw) - See Statewide
LIMESTONE COUNTY
(H,Hw) - See Statewide
LIPSCOMB COUNTY
(H,Hw) - See Statewide
(B)(R) - See Armstrong County
LIVE OAK COUNTY
(H,Hw) - See Statewide
LLANO COUNTY
(H,Hw) - See Statewide
LOVING COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
LUBBOCK COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
Decision #TX75-4186 (B)
40 FR 52277 - 11/7/75
Mod. #1 - 40 FR 59101 - 12/19/75
Mod. #2 - 41 FR 3566 - 1/23/76
Mod. #3 - 41 FR 5525 - 2/6/76
LYNN COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
McCULLOCH COUNTY
(H,Hw) - See Statewide
McLENNAN COUNTY
(B) - See Bell County
(H,Hw) - See Statewide
McMULLEN COUNTY
(H,Hw) - See Statewide
MADISON COUNTY
(H,Hw) - See Statewide
MARION COUNTY
(H,Hw) - See Statewide
MARTIN COUNTY
(H,Hw) - See Statewide

TEXAS (Cont'd)

MASON COUNTY
(H,Hw) - See Statewide
MATAGORDA COUNTY
(R) - See Brazoria County
(H,Hw) - See Statewide
(D) - See Aransas County
MAVERICK COUNTY
(B,R) - See Dimmit County
(H,Hw) - See Statewide
MEDINA COUNTY
(H,Hw) - See Statewide
MENARD COUNTY
(H,Hw) - See Statewide
MIDLAND COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
MILAM COUNTY
(H,Hw) - See Statewide
MILLS COUNTY
(H,Hw) - See Statewide
MITCHELL COUNTY
(H,Hw) - See Statewide
MONTAGUE COUNTY
(H,Hw) - See Statewide
MONTGOMERY COUNTY
(R) - See Brazoria County
(H,Hw) - See Statewide
MOORE COUNTY
(R)(B) - See Armstrong County
(H,Hw) - See Statewide
MORRIS COUNTY
(H,Hw) - See Statewide
MOTLEY COUNTY
(H,Hw) - See Statewide
NACOGDOCHES COUNTY
(H,Hw) - See Statewide
NAVARRO COUNTY
(H,Hw) - See Statewide

TEXAS (Cont'd)

NEWTON COUNTY
(H,Hw) - See Statewide
NOLAN COUNTY
(H,Hw) - See Statewide
NUECES COUNTY
(B) - See Kleberg County
(D) - See Aransas County
(H,Hw) - See Statewide
(R) - See Bee County
OCHILTREE COUNTY
(R) (B) - See Armstrong County
(H,Hw) - See Statewide
OLDHAM COUNTY
(R)(B) - See Armstrong County
(H,Hw) - See Statewide
ORANGE COUNTY
(R)(B) - See Jefferson County
(Hw) - See Statewide
(D) - See Aransas County
PALO PINTO COUNTY
(B) - See Collin County
(H,Hw) - See Statewide
(R) - See Hood County
PANOLA COUNTY
(H,Hw) - See Statewide
PARKER COUNTY
(H,Hw) - See Statewide
(R) - See Hood County
PARMER COUNTY
(H,Hw) - See Statewide
PECOS COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
POLK COUNTY
(H,Hw) - See Statewide
POTTER COUNTY
(H,Hw) - See Statewide
(B) (R) - See Armstrong County
PRESIDIO COUNTY
(H,Hw) - See Statewide
RAINS COUNTY
(H,Hw) - See Statewide
RANDALL COUNTY
(H,Hw) - See Statewide
(B)(R) - See Armstrong County
REAGAN COUNTY
(H,Hw) - See Statewide
REAL COUNTY
(H,Hw) - See Statewide
RED RIVER COUNTY
(H,Hw) - See Statewide

TEXAS (Cont'd)

REEVES COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
REFUGIO COUNTY
(D) - See Aransas County
(H,Hw) - See Statewide
ROBERTS COUNTY
(H,Hw) - See Statewide
(B) (R) - See Armstrong County
ROBERTSON COUNTY
(H,Hw) - See Statewide
ROCKWALL COUNTY
(R)(B) - See Collin County
(H,Hw) - See Statewide
RUNNELS COUNTY
(H,Hw) - See Statewide
RUSK COUNTY
(H,Hw) - See Statewide
SABINE COUNTY
(H,Hw) - See Statewide
SAN AUGUSTINE COUNTY
(H,Hw) - See Statewide
SAN JACINTO COUNTY
(H,Hw) - See Statewide
SAN PATRICIO COUNTY
(R) - See Bee County
(D) - See Aransas County
(H,Hw) - See Statewide
SAN SABA COUNTY
(H,Hw) - See STatewide
SCHLEICHER COUNTY
(H,Hw) - See Statewide
SCURRY COUNTY
(H,Hw) - See Statewide
SHACKELFORD COUNTY
(H,Hw) - See Statewide
SHELBY COUNTY
(H,Hw) - See Statewide
SHERMAN COUNTY
(H,Hw) - See Statewide
(B)(R) - See Armstrong County
SMITH COUNTY
(H,Hw) - See Statewide
SOMERVELL COUNTY
(H,Hw) - See Statewide
STARR COUNTY
(H,Hw) - See Statewide
(B)(R) - See Cameron County
STEPHENS COUNTY
(H,Hw) - See Statewide
STERLING COUNTY
(H,Hw) - See Statewide
STONEWALL COUNTY
(H,Hw) - See Statewide

TEXAS (Cont'd)

SUTTON COUNTY
(H,Hw) - See Statewide
SWISHER COUNTY
(H,Hw) - See Statewide
(B)(R) - See Armstrong County
TARRANT COUNTY
(B) - See Collin County
(H,Hw) - See Statewide
Decision #AQ-117 (R)
39 FR 22400 - 6/21/74
TAYLOR COUNTY
Decision #TX75-4098 (B)
40 FR 22786 - 5/23/75
Mod. #1 - 40 FR 36901 - 8/22/75
Mod. #2 - 40 FR 52245 - 11/7/75
Mod. #3 - 40 FR 54390 - 11/21/75
Mod. #4 - 40 FR 59100 - 12/19/75
Mod. #5 - 41 FR 5524 - 2/6/76
(H,Hw) - See Statewide
TERRELL COUNTY
(H,Hw) - See Statewide
TERRY COUNTY
(H,Hw) - See Statewide
(R) - See Bailey County
THROCKMORTON COUNTY
(H,Hw) - See Statewide
TITUS COUNTY
(H,Hw) - See Statewide
TOM GREEN COUNTY
Decision #TX75-4088 (B)
40 FR 21677 - 5/16/75
Mod. #1 - 40 FR 33578 - 8/8/75
Mod. #2 - 40 FR 52245 - 11/7/75
Mod. #3 - 41 FR 3565 - 1/23/76
Mod. #4 - 41 FR 5524 - 2/6/76
(H,Hw) - See Statewide
TRAVIS COUNTY
Decision #TX75-4187 - (B)
40 FR 52279 - 11/7/75
Mod. #1 - 40 FR 59101 - 12/19/75
Mod. #2 - 41 FR 3566 - 1/23/76
Mod. #3 - 41 FR 5525 - 2/6/76
(R) - See Bastrop County
(H,Hw) - See Statewide
TRINITY COUNTY
(H,Hw) - See Statewide
TYLER COUNTY
(H,Hw) - See Statewide
UPSHUR COUNTY
(H,Hw) - See Statewide
UPTON COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
UVALDE COUNTY
(H,Hw) - See STatewide
VAL VERDE COUNTY
(H,Hw) - See Statewide
VAN ZANDT COUNTY
(H,Hw) - See Statewide
VICTORIA COUNTY
(H,Hw) - See Statewide
(D) - See Aransas County
(H,Hw) - See Statewide
WARD COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
WASHINGTON COUNTY
(H,Hw) - See Statewide
WEBB COUNTY
(B,R) - See Dimmit County
(H,Hw) - See STatewide
WHARTON COUNTY
(H,Hw) - See Statewide
WHEELER COUNTY
(R)(B) - See Armstrong County
(H,Hw) - See Statewide
WICHITA COUNTY
Decision #TX75-4189 (R)
40 FR 52283 -11/7/75
Mod. #1 - 40 FR 59101 - 12/19/75
Decision #TX75-4188 (B)
40 FR 52281 - 11/7/75
Mod. #1 - 40 FR 54390 - 11/21/75
Mod. #2 - 41 FR 932 - 1/5/76
Mod. #3 - 41 FR 3566 - 1/23/76
(H,Hw) - See Statewide
WILBARGER COUNTY
(H,Hw) - See Statewide
WILLACY COUNTY
(R)(B) - See Cameron County
(H,Hw) - See Statewide
(D) - See Aransas County
WILLIAMSON COUNTY
(H,Hw) - See Statewide
(R) - See Bastrop County
WILSON COUNTY
(H,Hw) - See Statewide
WINKLER COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
WISE COUNTY
(B) - See Collin County
(H,Hw) - See Statewide
(R) - See Hood County
WOOD COUNTY
(H,Hw) - See Statewide
YOAKUM COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
YOUNG COUNTY
(H,Hw) - See Statewide
ZAPATA COUNTY
(B,R) - See Dimmit County
(H,Hw) - See Statewide
ZAVALA COUNTY
(B,R) - See Dimmit County
(H,Hw) - See Statewide

UTAH

STATEWIDE
Decision #UT75-5107 (B,H,Hw)
40 FR 36998 - 8/22/75
BEAVER COUNTY
(B,H,Hw) - See Statewide
BOX ELDER COUNTY
(B,H,Hw) - See Statewide
CACHE COUNTY
(B,H,Hw) - See Statewide
CARBON COUNTY
(B,H,Hw) - See Statewide
DAGGETT COUNTY
(B,H,Hw) - See Statewide
DAVIS COUNTY
(B,H,Hw) - See Statewide
DUCHESNE COUNTY
(B,H,Hw) - See Statewide
EMERY COUNTY
(B,H,Hw) - See Statewide
GARFIELD COUNTY
(B,H,Hw) - See Statewide
GRAND COUNTY
(B,H,Hw) - See Statewide
IRON COUNTY
(B,H,Hw) - See Statewide
JUAB COUNTY
(B,H,Hw) - See Statewide
KANE COUNTY
(B,H,Hw) - See Statewide
MILLARD COUNTY
(B,H,Hw) - See Statewide
MORGAN COUNTY
(B,H,Hw) - See Statewide
PIUTE COUNTY
(B,H,Hw) - See Statewide
RICH COUNTY
(B,H,Hw) - See Statewide
SALT LAKE COUNTY
(B,H,Hw) - See Statewide
SAN JUAN COUNTY
(B,H,Hw) - See Statewide
SANPETE COUNTY
(B,H,Hw) - See Statewide
SEVIER COUNTY
(B,H,Hw) - See Statewide
SUMMIT COUNTY
(B,H,Hw) - See Statewide
TOOELE COUNTY
(B,H,Hw) - See Statewide
UINTAH COUNTY
(B,H,Hw) - See Statewide
UTAH COUNTY
(B,H,Hw) - See Statewide
WASATCH COUNTY
(B,H,Hw) - See Statewide
WASHINGTON COUNTY
(B,H,Hw) - See Statewide

UTAH (Cont'd)

WAYNE COUNTY
(B,H,Hw) - See Statewide
WEBER COUNTY
(B,H,Hw) - See Statewide

VERMONT

Statewide (Except Rutland County)
Decision #AQ-3184 (Hw)
39 FR 24203 - 6/28/74
Mod. #1 - 39 FR 27397 - 7/26/74
Mod. #2 - 40 FR 16497 - 4/11/75
Mod. #3 - 40 FR 21657 - 5/16/75
ADDISON COUNTY
(Hw) - See Statewide
BENNINGTON COUNTY
(Hw) - See Statewide
CALEDONIA COUNTY
(Hw) - See Statewide
CHITTENDEN COUNTY
(Hw) - See Statewide
ESSEX COUNTY
(Hw) - See Statewide
FRANKLIN COUNTY
(Hw) - See Statewide
GRAND ISLE COUNTY
(Hw) - See Statewide
LAMOILLE COUNTY
(Hw) - See Statewide
ORANGE COUNTY
(Hw) - See Statewide
ORLEANS COUNTY
(Hw) - See Statewide
RUTLAND COUNTY
None
WASHINGTON COUNTY
(Hw) - See Statewide
WINDHAM COUNTY
(Hw) - See Statewide
WINDSOR COUNTY
(Hw) - See Statewide

VIRGINIA

ACCOMACK COUNTY
Decision #AP-805 (Hw)
38 FR 11279 - 5/4/73
Mod. #1 - 38 FR 13127 - 5/18/73
Mod. #2 - 40 FR 15284 - 4/4/75
Mod. #3 - 40 FR 23631 - 5/30/75
Decision #MD75-3008 (D)
40 FR 3094 - 1/17/75
Mod. #1 - 40 FR 14204 - 3/28/75
ALBERMARLE COUNTY
DDecision##VA75-3094 (B)
40 FR 43415 - 9/19/75
Mod. #1 - 40 FR 48847 - 10/17/75
Decision #AM-1874 (Hw)
36 FR 16342 - 8/20/71
Mod. #1 - 40 FR 15284 - 4/4/75
ALEXANDRIA CITY
Decision #MD76-3140 (B)
41 FR 3603 - 1/23/76
Mod. #1 - 41 FR 5527 - 2/6/76
ALLEGHANY COUNTY
Decision #AM-1875 (Hw)
36 FR 16343 - 8/20/71
Mod. #1 - 37 FR 5169 - 3/10/72
Mod. #2 - 40 FR 15284 - 4/4/75
AMELIA COUNTY
Decision #AR-2032 (Hw)
39 FR 31871 - 8/30/74
AMHERST COUNTY
Decision #AQ-2032 (Hw)
38 FR 33259 - 11/30/73
APPOMATTOX COUNTY
(Hw) - See Amherst County
ARLINGTON COUNTY
(B) - See Alexandria City
(D) - See Accomack County
AUGUSTA COUNTY
Decision #AM-9320 (R)
37 FR 10267 - 5/19/72
Mod. #1 - 40 FR 15284 - 4/4/75
Mod. #2 - 41 FR 933 - 1/5/76
(Hw) - See Alleghany County
BATH COUNTY
(Hw) - See Alleghany County
BEDFORD CITY
(Hw) - See Bedford County
BEDFORD COUNTY
Decision #AQ-2021 (Hw)
38 FR 27744 - 10/5/73
BLAND COUNTY
Decision #AQ-2020 (Hw)
38 FR 27744 - 10/5/73
Mod. #1 - 40 FR 15285 - 4/4/75

VIRGINIA (Cont'd)

BOTEBOURT COUNTY
(Hw) - See Bedford County
BRISTOL CITY
(Hw) - See Bland County
BRUNSWICK COUNTY
(Hw) - See Amelia County
BUCHANAN COUNTY
(Hw) - See Bland County
BUCKINGHAM COUNTY
(Hw) - See Amherst County
BUENA VISTA CITY
(Hw) - See Allegheny County
CAMPBELL COUNTY
Decision #VA75-3095 (B)
40 FR 43416 - 9/19/75
(Hw) - See Amherst County
CAROLINE COUNTY
Decision #AQ-2031 (Hw)
38 FR 33258 - 11/30/73
CARROLL COUNTY
(Hw) - See Bedford County
CHARLES CITY COUNTY
(Hw) - See Amelia County
CHARLOTTE COUNTY
(Hw) - See Amherst County
CHARLOTTSVILLE CITY
(Hw) - See Albermarle County
CHESAPEAKE CITY
Decision #VA75-3118 (B)
40 FR 58057 - 12/12/75
Mod. #1 - 41 FR 5527 - 2/6/76
Decision #AP-494 (Hw)
38 FR 7693 - 3/23/73
Mod. #1 - 40 FR 44446 - 9/26/75
(D) - See Accomack County
CHESTERFIELD COUNTY
(Hw) - See Amelia County
CLARKE COUNTY
Decision #AP-406 (R)
37 FR 15234 - 7/28/72
Mod. #1 - 40 FR 15284 - 4/4/75
Mod. #2 - 41 FR 933 - 1/5/76
(Hw) - See Alleghany County
CLIFTON FORGE CITY
(Hw) - See Alleghany County
COLONIAL HEIGHTS CITY
(Hw) - See Amelia County
COVINGTON CITY
(Hw) - See Alleghany County
CRAIG COUNTY
(Hw) - See Bedford County

VIRGINIA (Cont'd)

CULPEPER COUNTY
(Hw) - See Albermarle County
CUMBERLAND COUNTY
(Hw) - See Amherst County
DANVILLE CITY
(Hw) - See Amherst County
DICKENSON COUNTY
(Hw) - See Bland County
DINWIDDIE COUNTY
(Hw) - See Amelia County
EMPORIA CITY
(Hw) - See Accomack County
ESSEX COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
FAIRFAX COUNTY
(B) - See Alexandria City
(D) - See Accomack County
FAIRFAX CITY
(B) - See Alexandria City
FALLS CHURCH CITY
(B) - See Alexandria City
FAUQUIER COUNTY
(Hw) - See Albermarle County
FLOYD COUNTY
(Hw) - See Bedford County
FLUVANNA COUNTY
(Hw) - See Albermarle County
FORT MONROE CITY
(Hw) - See Chesapeake City
(B,H,W&S) - See York County
FRANKLIN CITY
(Hw) - See Accomack County
FRANKLIN COUNTY
(Hw) - See Bedford County
FREDERICK COUNTY
(R) - See Clarke County
(Hw) - See Alleghany County

VIRGINIA (Cont'd)

FREDERICKSBURG CITY
(Hw) - See Caroline County
GALAX CITY
(Hw) - See Bedford County
GILES COUNTY
(Hw) - See Bedford County
GLOUCESTER COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
GOOCHLAND COUNTY
(Hw) - See Amelia County
GRAYSON COUNTY
(Hw) - See Bland County
GREENE COUNTY
(Hw) - See Albermarle County
GREENSVILLE COUNTY
(Hw) - See Accomack County
HALIFAX COUNTY
(Hw) - See Amherst County
HAMPTON CITY
Decision #AQ-2103 (R)
39 FR 14119 - 4/19/74
Mod. #1 - 15612 - 5/3/74
(B,H,W&S) - See York County
(Hw) - See Chesapeake City
(D) - See Accomack County
HANOVER COUNTY
(Hw) - See Amelia County
HARRISONBURG CITY
(Hw) - See Allegheny County
HENRICO COUNTY
Decision #VA75-3116 (B)
40 FR 58053 - 12/12/75
Mod. #1 - 41 FR 5526 - 2/6/76
(Hw) - See Amelia County

VIRGINIA (Cont'd.)

HENRY COUNTY
(Hw) - See Bedford County
HIGHLAND COUNTY
(Hw) - See Alleghany County
HOPEWELL CITY
(Hw) - See Amelia County
ISLE OF WIGHT COUNTY
(D,Hw) - See Accomack County
JAMES CITY COUNTY
Decision #AP-407 (R)
37 FR 15235 - 7/28/72
Mod. #1 - 41 FR 933 - 1/5/76
(D,Hw) - See Accomack County
KING AND QUEEN COUNTY
(Hw) - See Caroline County
KING GEORGE COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
KING WILLIAM COUNTY
(Hw) - See Caroline County
LANCASTER COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
LEE COUNTY
(Hw) - See Bland County
LOUDOUN COUNTY
(Hw) - See Albermarle County
LOUISA COUNTY
(Hw) - See Albermarle County
LUNENBURG COUNTY
(Hw) - See Amelia County
LYNCHBURG CITY
(Hw) - See Amherst County
MADISON COUNTY
(Hw) - See Alemarle County
MARTINSVILLE CITY
(Hw) - See Bedford County

VIRGINIA (Cont'd)

MATHEWS COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
MECKLENBURG COUNTY
(Hw) - See Amelia County
MIDDLESEX COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
MONTGOMERY COUNTY
(Hw) - See Bedford County
NANSEMOND COUNTY
(D,Hw) - See Accomack County
NELSON COUNTY
(Hw) - See Amherst County
NEW KENT COUNTY
(Hw) - See Amelia County
NEWPORT NEWS CITY
(B,H,W&S) - See York County
(Hw) - See Chesapeake City
(D) - See Accomack County
(R) - See Hampton City
NORFOLK CITY
(Hw,B) - See Chesapeake City
(D) - See Accomack County
NORTHAMPTON COUNTY
(D,Hw) - See Accomack County
NORTON CITY
(Hw) - See Bland County
NORTHUMBERLAND COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
NOTTOWAY COUNTY
(Hw) - See Amelia County
ORANGE COUNTY
(Hw) - See Albemarle County

VIRGINIA (Cont'd)

PAGE COUNTY
(Hw) - See Alleghany County
PATRICK COUNTY
(Hw) - See Bedford County
PETERSBURG CITY
(Hw) - See Amelia County
PITTSYLVANIA COUNTY
(Hw) - See Amherst County
PORTSMOUTH CITY
(Hw,B) - See Chesapeake City
(D) - See Accomack County
POWHATAN COUNTY
(Hw) - See Amelia County
PRINCE EDWARD COUNTY
(Hw) - See Amherst County
PRINCE GEORGE COUNTY
(Hw) - See Amelia County
PRINCE WILLIAM COUNTY
(Hw) - See Albermarle County
(D) - See Accomack County
PULASKI COUNTY
(Hw) - See Bedford County
RADFORD CITY
Decision #VA75-3119 (B)
40 FR 58059 - 12/12/75
(Hw) - See Bedford County
RAPPAHANNOCK COUNTY
(Hw) - See Albermarle County
RICHMOND CITY
(B) - See Henrico County
(Hw) - See Amelia County
RICHMOND COUNTY
(Hw) - See Caroline County
ROANOKE CITY
(Hw) - See Bedford County
ROANOKE COUNTY
(Hw) - See Bedford County
ROCKBRIDGE COUNTY
(Hw) - See Alleghany County
ROCKINGHAM COUNTY
(R) - See Clarke County
(Hw) - See Alleghany County
RUSSELL COUNTY
(Hw) - See Bland County
SALEM CITY
(Hw) - See Bedford County
SCOTT COUNTY
(Hw) - See Bland County
SHENANDOAH COUNTY
(Hw) - See Alleghany County
(R) - See Clarke County
SMYTH COUNTY
(Hw) - See Bland County
SOUTHAMPTON COUNTY
(Hw) - See Accomack County

VIRGINIA (Cont'd.)

SOUTH BOSTON CITY
(Hw) - See Amherst County
SPOTSYLVANIA COUNTY
(Hw) - See Caroline County
STAUNTON CITY
(Hw) - See Alleghany County
STAFFORD COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
SUFFOLK CITY
(Hw) - See Accomack County
SURRY COUNTY
(Hw) - See Accomack County
(D) - See Accomack County
SUSSEX COUNTY
(Hw) - See Accomack County
TAZEWELL COUNTY
(Hw) - See Bland County
VIRGINIA BEACH CITY
Decision #AH-9321 (R)
37 FR 10266 - 5/19/72
(Hw,B) - See Chesapeake City
(D) - See Accomack County
WARREN COUNTY
(R) - See Clarke County
(Hw) - See Alleghany County
WASHINGTON COUNTY
(Hw) - See Bland County
WAYNESBORO CITY
(Hw) - See Allegheny County
WESTMORELAND COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
WILLIAMSBURG CITY
(Hw) - See Accomack County
WINCHESTER CITY
(Hw) - See Alleghany County
WISE COUNTY
(Hw) - See Bland County
WYTHE COUNTY
(Hw) - See Bland County
YORK COUNTY
Decision #VA75-3117 (B,H,W&S)
40 FR 58054 - 12/12/75
Mod. #1 - 41 FR 5526 - 2/6/76
(R) - See James City
(D,Hw) - See Accomack County

WASHINGTON

STATEWIDE
Decision #WA75-5150 (B,H,Hw,D)
40 FR 59686 - 12/29/75
Mod. #1 - 41 FR 4739 - 1/30/76
ADAMS COUNTY
(B,H,Hw,D) - See Statewide
ASOTIN COUNTY
(B,H,Hw,D) - See Statewide
BENTON COUNTY
(B,H,Hw,D) - See Statewide
CHELAN COUNTY
(B,H,Hw,D) - See Statewide
CLALLAM COUNTY
Decision #WA75-5064 (R)
40 FR 23695 - 5/30/75
Mod. #1 - 40 FR 25335 - 6/13/75
Mod. #2 - 40 FR 29455 - 7/11/75
(B,H,Hw,D) - See Statewide
CLARK COUNTY
(B,H,Hw,D) - See Statewide
COLUMBIA COUNTY
(B,H,Hw,D) - See Statewide
COWLITZ COUNTY
(B,H,Hw,D) - See Statewide
DOUGLAS COUNTY
(B,H,Hw,D) - See Statewide
FERRY COUNTY
(B,H,Hw, D) - See Statewide
FRANKLIN COUNTY
(B,H,Hw,D) - See Statewide
GARFIELD COUNTY
(B,H,Hw,D) - See Statewide
GRANT COUNTY
(B,H,Hw,D) - See Statewide
GRAYS HARBOR COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
ISLAND COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
JEFFERSON COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
KING COUNTY
(R) - See Clallam County
(B,H,Hw,D) - See Statewide
KITSAP COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
KITTITAS COUNTY
(B,H,Hw,D) - See Statewide
KLICKITAT COUNTY
(B,H,Hw,D) - See Statewide

WASHINGTON (Cont'd)

LEWIS COUNTY
(B,H,Hw,D) - See Statewide
LINCOLN COUNTY
(B,H,Hw,D) - See Statewide
MASON COUNTY
(B,H,Hw,D) - See Statewide
(R)- See Clallam County
OKANOGAN COUNTY
(B,H,Hw,D) - See Statewide
PACIFIC COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
PEND OREILLE COUNTY
(B,H,Hw,D) - See Statewide
PIERCE COUNTY
(R) - See Clallam County
(B,H,Hw,D) - See Statewide
SAN JUAN COUNTY
(B,H,Hw,D) - See Statewide

SKAGIT COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
SKAMANIA COUNTY
(B,H,Hw,D) - See Statewide
SNOHOMISH COUNTY
(R) - See Clallam County
(B,H,Hw,D) - See Statewide
SPOKANE COUNTY
(B,H,Hw,D) - See Statewide
STEVENS COUNTY
(B,H,Hw,D) - See Statewide
THURSTON COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
WAHKIAKUM COUNTY
(B,H,Hw,D) - See Statewide
WALLA WALLA COUNTY
(B,H,Hw,D) - See Statewide
WHATCOM COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
WHITMAN COUNTY
(B,H,Hw,D) - See Statewide

YAKIMA COUNTY
Decision #AQ-1109 (R)
39 FR 18416 - 5/24/74
(B,H,Hw,D) - See Statewide

WASHINGTON, D. C.

WASHINGTON, D. C.
Decision #DC76-3000 (B,Hw, W&S)
41 FR 2620 - 1/16/76
Mod. #1 - 41 FR 5528 - 2/6/76
Decision #MD75-3008 (D)
40 FR 3094 - 1/17/75
Mod. #1 - 40 FR 14204 - 3/28/75

WEST VIRGINIA

STATEWIDE
Decision #WV75-3105 (H,Hw)
40 FR 48884 - 10/17/75
Mod. #1 - 40 FR 53178 - 11/14/75
BARBOUR COUNTY
Decision #WV75-3106 (B)
40 FR 58060 - 12/12/75
(H,Hw) - See Statewide
BERKELEY COUNTY
(H,Hw) - See Statewide
BOONE COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
BRAXTON COUNTY
Decision #WV75-3107 (B)
40 FR 57061 - 12.5/75
(H,Hw) - See Statewide
BROOKE COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
CABELL COUNTY
(B) - See Barbour County
Decision #IL75-2036 (D)
40 FR 6023 - 2/7/75
(H,Hw) - See Statewide
CALHOUN COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
CLAY COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
DODDRIDGE COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
FAYETTE COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
GILMER COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
GRANT COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
GREENBRIER COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
HAMPSHIRE COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
HANCOCK COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
HARDY COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
HARRISON COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide

WEST VIRGINIA (Cont'd)

JACKSON COUNTY
(D) - See Cabell County
(H,Hw) - See Statewide
(B) - See Barbour County
JEFFERSON COUNTY
(H,Hw) - See Statewide
KANAWHA COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
Decision #AR-2058 (R)
39 FR 35948 - 10/4/74
Mod. #1 - 39 FR 44913 - 12/27/74
(H,Hw) - See Statewide
LEWIS COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
LINCOLN COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
LOGAN COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
MC DOWELL COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
MARION COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
MARSHALL COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
MASON COUNTY
(B) - See Barbour County
(D) - See Cabell County
(H,Hw) - See Statewide
MERCER COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
MINERAL COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
MINGO COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
MONOGALIA COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
MONROE COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide

WEST VIRGINIA (Cont'd.)

MORGAN COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
NICHOLAS COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
OHIO COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
PENDLETON COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
PLEASANT COUNTY
(D) - See Cabell County
(H,Hw) - See Statewide
(B) - See Barbour County
POCAHONTAS COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
PRESTON COUNTY
(H,Hw) - See Statewide
PUTNAM COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
RALEIGH COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
RANDOLPH COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
RITCHIE COUNTY
(H,Hw) - See Statewide
(B) - See Barbour County
ROANE COUNTY
(H,Hw) - See Statewide
SUMMERS COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
TAYLOR COUNTY
(H,Hw) - See Statewide
TUCKER COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
TYLER COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
UPSHUR COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
WAYNE COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
WEBSTER COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
WETZEL COUNTY
(B) - See Barbour County
(D) - See Cabell County
(H,Hw) - See Statewide

WEST VIRGINIA (Cont'd.)

WIRT COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
WOOD COUNTY
(B) - See Barbour County
(D) - See Cabell County
(H,Hw) - See Statewide
WYOMING COUNTY
(H,Hw) - See Statewide
(B) - See Braxton County

WISCONSIN

STATEWIDE
Decision #WI75-2115 (Hw)
40 FR 48089 - 10/10/75
Decision #WI75-2048 (H, Sewer, Tunnel, & Water)
40 FR 12059 - 3/14/75
ADAMS COUNTY
(H,Hw,W&S) - See Statewide
ASHLAND COUNTY
Decision #IL75-5079 (D)
40 FR 29490 - 7/11/75
Mod. #1 - 40 FR 32552 - 8/1/75
Mod. #2 - 40 FR 40006 - 8/29/75
Mod. #3 - 40 FR 50868 - 10/31/75
Mod. #4 - 40 FR 52242 - 11/7/75
(H,Hw,W&S) - See Statewide
Decision #AR-3151 (B,R)
39 FR 36706 - 10/11/74
Mod. #1 - 40 FR 21657 - 5/16/75
BARRON COUNTY
(B) - See Polk County
(H,Hw,W&S) - See Statewide
BAYFIELD COUNTY
(B,R,D) - See Ashland County
(H,Hw,W&S) - See Statewide
BROWN COUNTY
Decision #AR-3153 (B)
39 FR 36825 - 10/11/74
Mod. #1 - 40 FR 21658 - 5/16/75
(D) - See Ashland County
(H,Hw,W&S) - See Statewide
BUFFALO COUNTY
(H,Hw,W&S) - See Statewide
BURNETT COUNTY
(H,Hw,W&S) - See Statewide
CALUMET COUNTY
(H,Hw,W&S) - See Statewide
CHIPPEWA COUNTY
(H,Hw,W&S) - See Statewide
(B,R) - See Eau Clair County
CLARK COUNTY
(H,Hw,W&S) - See Statewide
COLUMBIA COUNTY
(H,Hw,W&S) - See Statewide
CRAWFORD COUNTY
(H,Hw,W&S) - See Statewide
DANE COUNTY
(H,Hw,W&S) - See Statewide
Decision #AR-3155 (B,R)
39 FR 36829 - 10/11/74
Mod. #1 - 40 FR 18284- 4/25/75
DODGE COUNTY
(H,Hw,W&S) - See Statewide
DOOR COUNTY
(D) - See Ashland County
(H,Hw,W&S) - See Statewide
DOUGLAS COUNTY
(B,R) - See Ashland County
DUNN COUNTY
(B) - See Polk County
(H,Hw,W&S) - See Statewide
EAU CLAIR COUNTY
Decision #AR-3154 (B,R)
39 FR 36827 - 10/11/74
Mod. #1 - 40 FR 18284 - 4/25/75
(H,Hw,W&S) - See Statewide

WISCONSIN (Cont'd.)

FLORENCE COUNTY
(H,Hw,W&S) - See Statewide
FOND DU LAC COUNTY
(H,Hw,W&S) - See Statewide
FOREST COUNTY
(H,Hw,W&S) - See Statewide
GRANT COUNTY
(H,Hw,W&S) - See Statewide
GREEN COUNTY
(B) - See Rock County
(H,Hw,W&S) - See Statewide
GREEN LAKE COUNTY
(B) - See Winnebago County
(H,Hw,W&S) - See Statewide
IOWA COUNTY
(B) - See Dane County
(H,Hw,W&S) - See Statewide
IRON COUNTY
(D) - See Ashland County
(H,Hw,W&S) - See Statewide
JACKSON COUNTY
(H,Hw,W&S) - See Statewide
JEFFERSON COUNTY
(H,Hw,W&S) - See Statewide
JUNEAU COUNTY
(H,Hw,W&S) - See Statewide
Decision #AR-3158 (B)
39 FR 36835 - 10/11/74
Mod. #1 - 40 FR 18285 - 4/25/75
KENOSHA COUNTY
(H,Hw,W&S) - See Statewide
Decision #AR-3159 (B,R)
39 FR 36837 - 10/11/74
Mod. #1 - 39 FR 41662 - -1/29/74
KEWAUNEE COUNTY
(D) - See Ashland County
(H,Hw,W&S) - See Statewide
LA CROSSE COUNTY
Decision #AR-3160 (B,R)
39 FR 36839 - 10/11/74
Mod. #1 - 40 FR 18286 - 4/25/75
(H,Hw,W&S) - See Statewide
LA FAYETTE COUNTY
(H,Hw,W&S) - See Statewide
LANGLADE COUNTY
(B) - See Marathon County
(H,Hw,W&S) - See Statewide
LINCOLN COUNTY
(B) - See Marathon County
(H,Hw,W&S) - See Statewide
MANITOWOC COUNTY
(H,Hw,W&S) - See Statewide
MARATHON COUNTY
Decision #AR-3161 (B)
39 FR 36840 - 10/11/74
Mod. #1 - 40 FR 18286 - 4/25/75
(H,Hw,W&S) - See Statewide
MARINETTE COUNTY
(D) - See Ashland County

WISCONSIN (Cont'd.)

MARQUETTE COUNTY
(B) - See Winnebago County
(H,Hw,W&S) - See Statewide
MENOMINEE COUNTY
(H,Hw,W&S) - See Statewide
MILWAUKEE COUNTY
Decision #AR-3162 (B,R)
39 FR 36843 - 10/11/74
Mod. #1 - 40 FR 18287 - 4/25/75
(H,Hw,W&S) - See Statewide
MONROE COUNTY
(H,Hw,W&S) - See Statewide
OCONTO COUNTY
(D) - See Ashland County
(H,Hw,W&S) - See Statewide
ONEIDA COUNTY
(H,Hw,W&S) - See Statewide
OUTAGAMIE COUNTY
(H,Hw,W&S) - See Statewide
OZAUKEE COUNTY
(B,R) - See Milwaukee County
(D) - See Ashland County
(H,Hw,W&S) - See Statewide
PEPIN COUNTY
(B,R) - See Eau Clair County
(H,Hw,W&S) - See Statewide
PIERCE COUNTY
(H,Hw,W&S) - See Statewide
POLK COUNTY
Decision #AR-3152 (B)
39 FR 36823 - 10/11/74
Mod. #1 - 40 FR 18284 - 4/25/75
(H,Hw,W&S) - See Statewide
PORTAGE COUNTY
(H,Hw,W&S) - See Statewide
PRICE COUNTY
(H,Hw,W&S) - See Statewide
RACINE COUNTY
Decision #WI75-2064 (B,R)
40 FR 21691 - 5/16/75
(D) - See Ashland County
(H,Hw,W&S) - See Statewide
RICHLAND COUNTY
(H,Hw, W&S) - See Statewide
ROCK COUNTY
Decision #AR-3156 (B)
39 FR 36831 - 10/11/74
Mod. #1 - 40 FR 21658 - 5/16/75
(H,Hw,W&S) - See Statewide
RUSK COUNTY
(H,Hw,W&S) - See Statewide
SAINT CROIX COUNTY
(B) - See Polk County
(H,Hw,W&S) - See Statewide
SAUK COUNTY
(B) - See Dane County
(H,Hw,W&S) - See Statewide
SAWYER COUNTY
(H,Hw,W&S) - See Statewide

WISCONSIN (Cont'd.)

SHAWANO COUNTY
(H,Hw, W&S) - See Statewide
SHEBOYGAN COUNTY
(D) - See Ashland County
TAYLOR COUNTY
(H,Hw, W&S) - See Statewide
TREMPEALEAU COUNTY
(H,Hw, W&S) - See Statewide
VERNON COUNTY
(H,Hw, W&S) - See Statewide
VILAS COUNTY
(H,Hw, W&S) - See Statewide
WALWORTH COUNTY
(H,Hw, W&S) - See Statewide
WASHBURN COUNTY
(H,Hw, W&S) - See Statewide
WASHINGTON COUNTY
(B,R) - See Milwaukee County
(H,Hw) - See Statewide
WAUKESHA COUNTY
(B,R) - See Milwaukee County
(H,Hw) - See Statewide
WAUPACA COUNTY
(B) - See Winnebago County
(H,Hw, W&S) - See Statewide
WASHARA COUNTY
(B) - See Winnebago County
(H,Hw, W&S) - See Statewide
WINNEBAGO COUNTY
Decision #AR-3157 (B)
39 FR 36833 - 10/11/74
Mod. #1 - 40 FR 20562 - 5/9/75
(H,Hw, W&S) - See Statewide
WOOD COUNTY
(H,Hw, W&S) - See Statewide

WYOMING

STATEWIDE
Decision #WY75-5011 (Hw)
40 FR 4879 - 1/31/75
Mod. #1 - 40 FR 16497 - 4/11/75
Mod. #2 - 40 FR 25187 - 6/20/75
ALBANY COUNTY
(Hw) - See Statewide
BIG HORN COUNTY
(Hw) - See Statewide
CAMPBELL COUNTY
(Hw) - See Statewide
CARBON COUNTY
(Hw) - See Statewide
CONVERSE COUNTY
Decision #WY75-5106 (B,H)
40 FR 34578 - 8/15/75
(Hw) - See Statewide
CROOK COUNTY
(Hw) - See Statewide
FREMONT COUNTY
(Hw) - See Statewide
GOSHEN COUNTY
(B,H) - See Coverse County
(Hw) - See Statewide
HOT SPRINGS COUNTY
(Hw) - See Statewide
JOHNSON COUNTY
(Hw) - See Statewide
LARMIE COUNTY
(B,H) - See Converse County
(Hw) - See Statewide
LINCOLN COUNTY
(Hw) - See Statewide
NATRONA COUNTY
(B,H) - See Converse County
(Hw) - See Statewide
NIOBRARA COUNTY
(B,H) - See Converse County
(Hw) - See Statewide
PARK COUNTY
(Hw) - See Statewide
PLATTE COUNTY
(B,H) - See Converse County
(Hw) - See Statewide
SHERIDAN COUNTY
(Hw) - See Statewide
SUBLETTE COUNTY
(Hw) - See Statewide
SWEETWATER COUNTY
(Hw) - See Statewide
TETON COUNTY
(Hw) - See Statewide
UNITA COUNTY
(Hw) - See Statewide
WASHAKIE COUNTY
(Hw) - See Statewide
WESTON COUNTY
(Hw) - See Statewide
YELLOWSTONE NATIONAL PARK
(Hw) - See Statewide

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