

register Federal

FRIDAY, MARCH 11, 1977



highlights

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

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

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

Monday	Tuesday	Wednesday	Thursday	Friday
NRC	USDA/ASCS		NRC	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/NHTSA	USDA/FNS		DOT/NHTSA	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/OHMO	CSC		DOT/OHMO	CSC
DOT/OPSO	LABOR		DOT/OPSO	LABOR
	HEW/FDA			HEW/FDA

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

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

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

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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.

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

Title 5—Administrative Personnel CHAPTER I—CIVIL SERVICE COMMISSION PART 213—EXCEPTED SERVICE

Entire Executive Civil Service

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: This amendment extends the expiration date for new appointments of persons paid out of funds allocated under title X of the Public Works and Economic Development Act of 1965, as amended, from February 28, 1977, to February 28, 1978. This extension is granted in order to ensure that an adequate number of employees are available to complete projects already initiated by Federal agencies involved in the program.

EFFECTIVE DATE: March 11, 1977.

FOR FURTHER INFORMATION CONTACT:

Bill Bohling, 202-632-4533

Accordingly, 5 CFR 213.3102(r) is amended to read as follows:

§ 213.3102 Entire Executive Civil Service.

(r) All positions of a project nature when filled by individuals the salaries of whom are paid out of (1) funds allocated by the President under authority of Pub. L. 87-658, approved September 14, 1962, the Public Works Acceleration Act of 1962, or (2) funds allocated by the Secretary of Commerce under authority of title X of the Public Works and Economic Development Act of 1965, as amended. Employment under this authority shall be for a temporary period not to exceed 1 year. No new appointments of persons paid out of funds allocated under title X of the Public Works and Economic Development Act of 1965, as amended, may be made after February 28, 1978.

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

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

[FR Doc.77-7298 Filed 3-10-77;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: Part 213 is amended to show that one position of Personal Assistant

to the Secretary (Special Activities) is excepted under Schedule C because it is confidential in nature.

EFFECTIVE DATE: March 11, 1977.

FOR FURTHER INFORMATION CONTACT:

Bill Bohling, 202-632-4533

Accordingly, 5 CFR 213.3316 (a) (7) is added to read as follows:

§ 213.3316 Department of Health, Education, and Welfare.

(a) *Office of the Secretary.* * * *
(7) One Personal Assistant to the Secretary (Special Activities).

(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.77-7300 Filed 3-10-77;8:45 am]

PART 213—EXCEPTED SERVICE

General Services Administration

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: This amendment excepts from the competitive service under Schedule C one position of Confidential Assistant to the Administrator because the position is confidential in nature.

EFFECTIVE DATE: March 11, 1977.

FOR FURTHER INFORMATION CONTACT:

James R. Edman, 202-632-4533

Accordingly, 5 CFR 213.3337(a) (7) is added as follows:

§ 213.3337 General Services Administration.

(a) *Office of the Administrator.* * * *
(7) One Confidential Assistant to the Administrator.

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

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

[FR Doc.77-7299 Filed 3-10-77;8:45 am]

Title 7—Agriculture

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

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Pink Bollworm; Miscellaneous Amendments to Regulated Areas

Purpose: To amend list of Federal Pink Bollworm Quarantine regulated areas (7 CFR 301.52-2a).

This document amends the supplemental regulation which lists regulated areas for purposes of the Federal Pink Bollworm Quarantine by—

1. removing from the suppressive regulated areas all or parts of the following previously regulated counties or parishes: Clay, Craighead, Crittenden, Greene, Independence, Jackson, Johnson, Lawrence, Poinsett, Pope, Randolph, and Woodruff Counties in Arkansas; and Bienville, Catahoula, Grant, and Webster Parishes in Louisiana;

2. extending the suppressive regulated area in the previously regulated counties of Greene and Lincoln in Arkansas; and extending the generally infested regulated area in the previously regulated counties of Inyo, Los Angeles, and San Bernardino in California;

3. adding previously nonregulated counties as follows: Orange County, California, to the generally infested regulated area, and Clark, Faulkner, and Hempstead Counties in Arkansas to the suppressive regulated area.

In regard to areas removed from regulations, the provisions of the regulations with respect to the interstate movement of regulated articles from regulated areas in quarantined States will not apply to the interstate movement of such articles from the specified areas, but the provisions with respect to the interstate movement of regulated articles from nonregulated areas in the quarantined States will be applicable.

Pursuant to the provisions of sections 8 and 9 of the Plant Quarantine Act of August 20, 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee), and § 301.52-2 of the Pink Bollworm Quarantine regulations, 7 CFR 301.52-2, as amended, a supplemental regulation designating regulated areas, 7 CFR 301.52-2a, is hereby amended to read as follows:

§ 301.52-2a Regulated areas; suppressive and generally infested areas.

The civil divisions and parts of civil divisions described below are designated as pink bollworm regulated areas within the meaning of the provisions of this subpart; and such regulated areas are hereby divided into generally infested

areas or suppressive areas as indicated below.

ARIZONA

- (1) *Generally infested area.* Entire State.
 (2) *Suppressive area.* None.

ARKANSAS

- (1) *Generally infested area.* None.
 (2) *Suppressive area.*
Clark County. The entire county.
Conway County. The entire county.
Faulkner County. The entire county.
Franklin County. The entire county.
Greene County. That portion of the county lying south of State Highway 25.
Hempstead County. The entire county.
Jefferson County. The entire county.
Lafayette County. The entire county.
Lincoln County. The entire county.
Little Power County. The entire county.
Logan County. The entire county.
Lonoke County. The entire county.
Miller County. The entire county.
Mississippi County. That portion of the county lying north of State Highway 118, east of State Highway 77, south of State Highway 158, and west of the Mississippi River, and that portion of the county lying south of State Highway 118, and west of State Highway 77.
Pulaski County. The entire county.
Washington County. The entire county.
Yell County. The entire county.

CALIFORNIA

- (1) *Generally infested area.*
Imperial County. The entire county.
Inyo County. The entire county.
Los Angeles County. The entire county.
Orange County. The entire county.
Riverside County. The entire county.
San Bernardino County. The entire county.
San Diego County. The entire county.
 (2) *Suppressive area.*
Fresno County. The entire county.
Kern County. The entire county.
Kings County. The entire county.
Madera County. The entire county.
Merced County. The entire county.
San Benito County. The entire county.
Tulare County. The entire county.

LOUISIANA

- (1) *Generally infested area.* None.
 (2) *Suppressive area.*
Bossier Parish. The entire parish.
Caddo Parish. The entire parish.
De Soto Parish. The entire parish.
Natchitoches Parish. The entire parish.
Rapides Parish. The entire parish.
Red River Parish. The entire parish.

NEVADA

- (1) *Generally infested area.*
Clark County. The entire county.
Nye County. The entire county.
 (2) *Suppressive area.* None.

NEW MEXICO

- (1) *Generally infested area.* Entire State.
 (2) *Suppressive area.* None.

OKLAHOMA

- (1) *Generally infested area.* Entire State.
 (2) *Suppressive area.* None.

TEXAS

- (1) *Generally infested area.* Entire State.
 (2) *Suppressive area.* None.

(Secs. 8, 9, 37 Stat. 318, as amended, sec. 106, 71 Stat. 33; 7 U.S.C. 161, 162, 150ee); 37 FR 28464, 28477; 38 FR 19141; 7 CFR 301.52-2.)

The Deputy Administrator of the Plant Protection and Quarantine Programs has determined that the pink bollworm has been found or there is reason to believe

it is present in the civil divisions and parts of civil divisions listed above as regulated areas, or that it is necessary to regulate such areas because of their proximity to pink bollworm infestation or their inseparability for quarantine enforcement purposes from pink bollworm infested localities. The Deputy Administrator has determined that the areas designated as suppressive and generally infested areas are eligible for such designation under § 301.52-1, as amended.

The Deputy Administrator has also determined that each of the quarantined States, wherein only portions of the State have been designated as regulated areas, has adopted and is enforcing a quarantine or regulation which imposes restrictions on intrastate movement of the regulated articles which are substantially the same as the restrictions on interstate movement of such articles imposed by the quarantine and regulations in this subpart, and that designation of less than the entire State as a regulated area will otherwise be adequate to prevent the interstate spread of the pink bollworm. Therefore, such civil divisions and parts of civil divisions listed above are designated as pink bollworm regulated areas.

This document imposes restrictions that are necessary in order to prevent the spread of the pink bollworm and should be made effective promptly to accomplish its purpose in the public interest. Accordingly, it is found upon good cause under the administrative procedure provisions of 5 U.S.C. 553, that further notice and other public procedure with respect to this revision are impracticable and unnecessary, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Effective date: This amendment will become effective upon publication in the FEDERAL REGISTER March 11, 1977.

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

Done at Washington, D.C., this 4th day of March 1977.

JAMES O. LEE, JR.,
 Deputy Administrator, Plant
 Protection and Quarantine
 Programs, Animal and Plant
 Health Inspection Service.

[FR Doc.77-7150 Filed 3-10-77;8:45 am]

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

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 7]

PART 731—CLOSING DATES FOR TRANSFER, AND FOR RELEASE AND REAPPORTIONMENT

Cotton, Peanuts, Rice, and Tobacco

This amendment is issued pursuant to the Agricultural Adjustment Act of 1938,

as amended (7 U.S.C. 1281 et seq.). The purpose of this amendment is to delete 7 CFR Part 731 in order to eliminate closing dates for transfer and for release and reapportionment of cotton, peanuts, rice, and tobacco (except burley and flue-cured) effective as to the 1977 and subsequent crops. The applicable commodity regulations now provide that the State ASC committee shall set and publicize such dates. However, Part 731 shall remain effective with respect to the 1972 through 1976 crop years.

Since farmers and local State and county ASC committees need to know the provisions of the program for the 1977 crop as soon as possible, it is hereby found and determined that compliance with the notice, public participation procedure, and effective date provisions of 5 U.S.C. 553 is impracticable and contrary to the public interest. Accordingly, this amendment shall become effective without compliance with such procedure.

The regulations for establishing closing dates for transfer and for release and reapportionment, 7 CFR Part 731, are hereby deleted.

(Secs. 313, 316, 318, 319, 344, 344a, 347, 352, 353, 358, 358a, 375, 378, 52 Stat. 47, as amended, 75 Stat. 469, as amended, 81 Stat. 120, as amended, 85 Stat. 23, 52 Stat. 57, as amended, 79 Stat. 1197, as amended, 52 Stat. 39, as amended, 52 Stat. 69, as amended, 52 Stat. 61, as amended, 55 Stat. 83, as amended, 81 Stat. 856, as amended, 52 Stat. 66, as amended, 72 Stat. 995, as amended; Sec. 101, 90 Stat. 181 (7 U.S.C. 1313, 1314b, 1314d, 1314e, 1344, 1344b, 1347, 1352, 1353, 1358, 1358a, 1375, 1378).)

Effective date: March 10, 1977.

Signed at Washington, D.C., on March 3, 1977.

VICTOR A. SENECHAL,
 Acting Administrator, Agricultural
 Stabilization and Conservation
 Service.

[FR Doc.77-7076 Filed 3-10-77;8:45 am]

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

[Lemon Reg. 83]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

This regulation fixes the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period March 13-19, 1977. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 910. The quantity of lemons so fixed was arrived at after consideration of the total available supply of lemons, the quantity of lemons currently available for market, the fresh market demand for lemons, lemon prices, and the relationship of season average returns to the parity price for lemons.

§ 910.383 Lemon Regulation 83.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and

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

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

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

Average f.o.b. price was \$5.01 per carton the week ended March 5, 1977, compared to \$5.00 per carton the previous week.

Track and rolling supplies at 120 cars were down 20 cars from last week.

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

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

time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 8, 1977.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period March 13, 1977, through March 19, 1977, is hereby fixed at 225,000 cartons.

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

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

Dated: March 10, 1977.

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

[FR Doc. 77-7552 Filed 3-10-77; 11:32 am]

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER C—EXPORT PROGRAMS

PART 1488—FINANCING OF SALES OF AGRICULTURAL COMMODITIES

Financing of Export Sales of Agricultural Commodities From Private Stocks Under CCC Export Credit Sales Program (GSM-5)

CROSS REFERENCE: For a correction to the Proposed Rule which was published at 42 FR 3849, January 21, 1977, and subsequently adopted at 42 FR 10999, February 25, 1977, see the Proposed Rules Section of this issue.

PART 1488—FINANCING OF SALES OF AGRICULTURAL COMMODITIES

Financing of Export Sales of Agricultural Commodities From Private Stocks Under CCC Export Credit Sales Program (GSM-5)

Correction

In FR Doc. 77-5960, appearing at page 10999 in the issue of Friday, February 25, 1977, the following changes should be made:

1. In the middle column on page 11006, under "A. Additional Definitions", in paragraph 1.(c), in the fifth line, the word "asest" should read "as set".
2. In the middle column on page 11007, under the heading "Exhibit I to Supplement II", "1. Calf—(6 to 12 months)" should appear directly under the heading "Age "".

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER K—PROPERTY MANAGEMENT

PART 1955—REAL ESTATE AND CHATTEL PROPERTIES

Subpart C—Disposal of Acquired Property

RRH CREDIT SALES TO ELIGIBLE APPLICANTS

Section 1955.117 (d) (1) of Subpart C of Part 1955, Title 7, Code of Federal Regulations (41 FR 32698) is amended to provide RRH credit sales to eligible applicants to be made for up to 100 percent of the current market value of the security less any prior lien. It is the general policy of the Department of Agriculture to allow time for interested parties to take part in the rulemaking process; However, since such notice would cause continued delays in the transfer of FmHA inventory properties, and therefore would delay the provision of housing for eligible tenants and would be contrary to the public interest, it is being published without notice of proposed rulemaking.

In accordance with the spirit of that policy, interested parties may submit written comments, suggestions, data or arguments to the Office of the Chief, Directives Management Branch, Farmers Home Administration, U.S. Department of Agriculture, Room 6316, South Building, Washington, D.C. 20250, on or before April 11, 1977. Material thus submitted will be evaluated and acted upon in the same manner as if this document were a proposal. However, this section of Subpart C of Part 1955, as amended, will remain effective until it is further amended. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Chief, Directives Management Branch, Farmers Home Administration, during regular business hours (8:15 a.m.—4:45 p.m.).

As amended, § 1955.117 (d) (1) reads as follows:

§ 1955.117 Sale of real estate that secured Rural Housing RH loans.

(d) * * *

(1) The FmHA subpart pertaining to the type of loan being made will be followed in making credit sales to eligible applicants. All RRH credit sales may be made for up to 100 percent of the current market value of the security less any prior lien.

(7 U.S.C. 1989; 42 U.S.C. 1480; 42 U.S.C. 2942; 5 U.S.C. 301; sec. 10 Pub. L. 93-357, 88 Stat. 392; delegation of authority by the Sec. of Agri., 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 7 CFR 2.70; delegations of authority by Dir., OEO 29 FR 14764, 33 FR 9850.)

Effective date. This amendment shall become effective on March 11, 1977.

Dated: March 3, 1977.

FRANK W. NAYLOR, Jr.,
Acting Administrator,
Farmers Home Administration.

[FR Doc. 77-7310 Filed 3-10-77; 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 78—BRUCELLOSIS

Interstate Movement of Cattle

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: The purpose of this amendment is to provide for a waiver of the 30-day negative brucellosis testing requirement for cattle from herds not known to be affected with brucellosis moved interstate from Modified Certified Brucellosis Areas for other than immediate slaughter or to other than a quarantined feedlot if such herds are tested negative within 12 months prior to movement and no change of ownership of the herd is involved from the date when the herd has tested negative to the date when such interstate movement is completed.

This action is needed to provide herd owners whose normal ranching operations are conducted in more than one State, a means of moving their cattle interstate without undue hardship, and under controlled conditions which will still restrict the dissemination of brucellosis.

EFFECTIVE DATE: March 11, 1977.

FOR FURTHER INFORMATION CONTACT:

Dr. A. D. Robb, USDA, APHIS, Veterinary Services, Room 805, Federal Building, Hyattsville, MD 20782. (301-436-8711).

SUPPLEMENTARY INFORMATION: Because of improved transportation facilities, present day ranching operations often cover wide areas in more than one State. Also, the rotation or cropping of separate parcels of forage frequently results in the cattle owner moving his cattle interstate to his various grazing parcels. Additionally, in some range States, members of grazing associations lease pastures from the U.S. Department of Interior or the U.S. Department of Agriculture. Members of the grazing associations are allotted grazing rights on these pastures for a restricted number of cattle and for a specified time. Consequently, this results in the cattle having to be frequently moved. Since State lines often bisect such ranges, herd owners may be involved in the interstate movement of the same cattle several times each year.

Cattle in herds not known to be affected with brucellosis in Modified Certified Brucellosis Areas that have had an official test for brucellosis and were found negative within the 12 months before interstate movement and which do not change ownership from the date of such a negative test to the date of the completion of such movement will be allowed to move interstate in normal ranching operations. However, the waiver of the 30 day testing requirement for such cattle will not be applicable if such cattle are commingled with cattle described in § 78.9(b)(3)(ii) of the regulations, namely beef breeds under 24 months of age and other breeds under 20 months of age which are not parturient (springers) or postparturient, and if the other cattle have not been officially tested and found negative for brucellosis within 12 months prior to the date the cattle are commingled. The Animal and Plant Health Inspection Service has determined that the risk of the spread of brucellosis by movements of such cattle is no greater than that associated with cattle presently required to be tested individually within the 30 days immediately prior to their interstate movement. Further, where all the herds of a grazing association have passed a negative brucellosis herd test within 12 months of the date of the interstate movement the risk that brucellosis might be spread would be similar to that of a single herd.

Accordingly, Part 78, Title 9, Code of Federal Regulations, is amended as follows:

In § 78.9, paragraph (b)(3)(iii) is amended to read:

§ 78.9 Cattle from herds not known to be affected with brucellosis.

- (b) * * *

(3) * * *

(iii) Other such cattle may be so moved if they are accompanied by a certificate, are subjected to an official test for brucellosis and found negative within 30 days prior to such interstate movement and the certificate shows in addition to items required under § 78.1(u), the test dates and results of the official tests; except that cattle moved directly from a farm of origin to a specifically approved stockyard shall be accompanied by an owner's statement, or other document, and the shipper shall cause such cattle to be subjected to an official test for brucellosis upon arrival and prior to losing identity with the herd of origin; and except that, such cattle originating in herds which have been officially tested and found negative for brucellosis within the 12 months immediately preceding the date of the interstate movement and which have not changed ownership from the date of such a negative test to the date when such interstate movement has been completed, need not be so tested and found negative for brucellosis within the 30 days prior to such movement; *Provided, however,* That this exception shall not apply if any such cattle are commingled with any other cattle of the

breeds described in paragraph (b)(3)(ii) of this section which have not been officially tested and found negative for brucellosis within 12 months prior to the date the cattle are commingled.

(Secs. 4-7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791-792, as amended; sec. 3, 33 Stat. 1265, as amended; sec. 2, 65 Stat. 693; and secs. 3 and 11, 76 Stat. 130, 132; (21 U.S.C. 111-113, 114a-1, 115, 117, 120, 121, 125, 134b, 134f); 37 FR 28464, 28477; 38 FR 19141)

The amendment relieves certain restrictions with respect to the movement of cattle interstate by modifying brucellosis testing requirements no longer deemed necessary for such cattle. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to this Department which would alter the decision in this matter. Further, the grazing season for cattle herds will begin shortly, and to be of maximum benefit to affected persons, this amendment should be made effective promptly.

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

Done at Washington, DC, this 7th day of March 1977.

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

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

[FR Doc. 77-7151 Filed 3-10-77; 8:45 am]

PART 82—EXOTIC NEWCASTLE DISEASE;
AND PSITTACOSIS OR ORNITHOSIS IN
POULTRY

Area Quarantined

This amendment quarantines a portion of Medina County in Ohio because of the existence of exotic Newcastle disease. Therefore, the restrictions pertaining to the interstate movement of poultry, mynah, and psittacine birds, and birds of all other species under any form of confinement, and their carcasses and parts thereof, and certain other articles, from quarantined areas, as contained in 9 CFR Part 82, as amended, will apply to the quarantined area.

Accordingly, Part 82, Title 9, Code of Federal Regulations, is hereby amended in the following respect:

In § 82.3, the introductory portion of paragraph (a) is amended by adding thereto the name of the State of Ohio before the reference to "Virginia" and a new paragraph (a)(4) relating to the State of Ohio is added to read:

§ 82.3 Areas quarantined.

(a) * * *

* * * * *

(4) *Ohio*. The premises of Bill Saraniti, The Bird House, 27 West 130th Street, Hinckley, in Medina County.

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

Effective date: The foregoing amendment shall become effective on March 4, 1977.

The amendment imposes certain restrictions necessary to prevent the interstate spread of exotic Newcastle disease, a communicable disease of poultry, 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 the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, DC, this 4th day of March 1977.

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

G. V. PEACOCK,
*Acting Deputy
Administrator, Veterinary Services.*
[FR Doc.77-7152 Filed 3-10-77; 8:45 am]

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

PART 381—POULTRY PRODUCTS INSPECTION REGULATIONS

Designation of the State of New York

AGENCY: Animal and Plant Health Inspection Service, Meat and Poultry Inspection, USDA.

ACTION: Final Rule.

SUMMARY: The Secretary of Agriculture hereby designates the State of New York as required under section 5(c)(3) of the Poultry Products Inspection Act. A representative of the Governor of the State of New York has advised this Department that the State of New York is no longer in a position to continue administering the State poultry inspection program after April 9, 1977.

EFFECTIVE DATE: March 10, 1977.

FOR FURTHER INFORMATION CONTACT:

Dr. James K. Payne, Director, Federal-State Relations, Field Operations, Meat and Poultry Inspection Program, Animal and Plant Health Inspection Service, U.S. Department of Agriculture,

Washington, D.C. 20250. (202-447-6313).

SUPPLEMENTARY INFORMATION: A representative of the Governor of the State of New York has advised this Department that the State of New York is no longer in a position to continue administering the State poultry inspection program after April 9, 1977, and has requested the Department to assume the responsibility for carrying out the provisions of sections 1-4, 6-10, and 12-22 of the Poultry Products Inspection Act with respect to establishments within the State at which poultry are slaughtered or poultry products are processed for use as human food, solely for distribution within such State, and with respect to intrastate operations and transactions concerning products and other articles and animals subject to the Poultry Products Inspection Act, and persons, firms, and corporations engaged therein.

The Secretary heretofore determined that the State of New York had developed and activated requirements at least equal to the requirements under sections 1-4, 6-10, and 12-22 of the Poultry Products Inspection Act. However, such sections contemplate continuous, ongoing programs, and in view of the termination date now applicable to the New York program, it is hereby determined that New York is not effectively enforcing requirements at least equal to those imposed under section 1-4, 6-10, and 12-22 of the Poultry Products Inspection Act. Therefore, notice is hereby given that the Secretary of Agriculture designates said State under section 5(c)(3) of the Poultry Products Inspection Act.

On April 10, 1977, the provisions of sections 1-4, 6-10, and 12-22 of the Poultry Products Inspection Act shall apply to intrastate operations and transactions in said State and to persons, firms, and corporations engaged therein, to the same extent and in the same manner as if such operations and transactions were conducted in or for "commerce," within the meaning of the Poultry Products Inspection Act, and any establishment in the State of New York which conducts any slaughtering or processing of poultry or poultry products must have Federal inspection or cease its operations, unless it qualifies for an exemption under section 15 or 5(c)(2) of the Poultry Products Inspection Act.

Therefore, the operator of each such establishment who desires to continue any such operations after April 9, 1977, should immediately communicate with the Regional Director for Meat and Poultry Inspection, as listed below, for information concerning the requirements and exemptions under the Act and application for inspection and survey of the establishment:

Dr. M. J. Hatter, Director, Northeastern Region, Meat and Poultry Inspection Program, Seventh Floor, 1421 Cherry Street, Philadelphia, PA 19102. (Telephone: 215-597-4219).

§ 381.221 [Amended]

Accordingly, the table in § 381.221 of the poultry products inspection regula-

tions (9 CFR 381.221) is amended as follows:

1. In the "State" column, "New York" is added immediately below "New Jersey."
2. In the "Effective date of application of Federal provisions" column, "April 10, 1977" is added on the line with "New York."

(Secs. 5(c) and 14, 71 Stat. 441, as amended, 21 U.S.C. 454(c), 463; 37 FR 28464, 28477.)

These amendments of the Federal poultry products inspection regulations are necessary to reflect the determination of the Secretary of Agriculture under section 5(c) of the Poultry Products Inspection Act. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Secretary. Therefore, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that such public procedure is impracticable and unnecessary.

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

Done at Washington, D.C. on March 7, 1977.

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

[FR Doc.77-7213 Filed 3-9-77; 8:45 am]

**Title 13—Business Credit and Assistance
CHAPTER I—SMALL BUSINESS ADMINISTRATION**

[Amdt. 3]

PART 112—NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS OF SMALL BUSINESS ADMINISTRATION—EFFECTUATION OF TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

Addition of an Appendix A to Part 112 Which Lists the Types of Federal Financial Assistance Which Are Covered by This Part

On January 12, 1977, there was published in the FEDERAL REGISTER a notice that the Small Business Administration proposed to change its procedures involving nondiscrimination in Financial Assistance Programs by amending 13 CFR Part 112. Interested parties were given until February 11, 1977, to submit comments, suggestions or objections regarding the proposed amendment. Following publication, a comment was received and the proposed amendment was changed accordingly. Part 112 of Chapter 1 of Title 13 CFR is hereby amended by:

§ 112.2 [Amended]

1. Changing § 112.2(a) to read:
 - (a) This part applies to all recipients of assistance under programs administered by the Small Business Administration. (See Appendix A)

2. Delete § 112.2(a) (1), (2), (3), (4), (5), (6), and (7).

3. Changing § 112.2(b) to read:

§ 112.2 Application of this part.

(b) This part does not apply to fin-

ancial assistance extended by way of insurance or guarantee.¹

4. Adding an Appendix to the end of Part 112.

¹See note at the end of Appendix.

APPENDIX A

Name of program	Authority
Regular business loans.....	Small Business Act, section 7(a).
Economic opportunity loans.....	Small Business Act, section 7(l) (formerly title IV of the Economic Opportunity Act).
Revocable revolving line of credit.....	Small Business Act, section 7(a) and 7(l) (guaranty plan only not covered by title VI, but covered by 13 CFR 113).
Pool loans.....	Small Business Act, section 7(a) (5).
Displaced business loans.....	Small Business Act, section 7(b) (3).
Handicapped assistance loans.....	Small Business Act, section 7(h).
State development company loans (501).....	Small Business Investment Act, section 501.
Local development company loans (502).....	Small Business Investment Act, section 502.
Disaster loans (physical, including riot).....	Small Business Act, section 7(b)(1), as amended by sections 231, 234, and 237 of the Disaster Relief Act of 1970, Public Law 92-385, Public Law 93-24, and Public Law 94-68.
Disaster loans (economic injury).....	Small Business Act, section 7(b)(2) as amended by sections 231 and 234 of the Disaster Relief Act of 1970, Public Law 92-385, Public Law 93-24 and Public Law 94-68.
Disaster loans (product disaster).....	Small Business Act, section 7(b)(4); Public Law 92-385, Public Law 93-24, and Public Law 94-68.
Disaster loans—coal mine health and safety loans.....	Small Business Act, section 7(b)(5).
Disaster loans—consumer protection.....	Small Business Act, section 7(b)(5).
Disaster loans—occupational safety and health.....	Small Business Act, section 7(b)(5).
Disaster loans—other regulatory.....	Small Business Act, section 7(b)(5).
Disaster loans—strategic arms economic injury loans.....	Small Business Act, section 7(b)(6).
Air pollution control loans.....	Small Business Act, section 7(b)(5).
Disaster loans—base closing economic injury.....	Small Business Act, section 7(b)(7).
Water pollution control loans.....	Small Business Act, section 7(g)(1).
Emergency energy shortage economic injury.....	Small Business Act, section 7(b)(8).
Lease guarantees ²	Small Business Investment Act, title IV.
Surety bond guarantees ¹	Small Business Act, title IV, part B.

¹Not covered by this part, but covered by part 113 of title 13 of the Code of Federal Regulations as are all other programs involving financial assistance administered by the Small Business Administration. Part 113 prohibits discrimination based on race, color, religion, sex, marital status or national origin. In addition those matters covered by the Equal Credit Opportunity Act, beginning March 1977, will also prohibit such discrimination based on age, source of income, or because of complaints made under the Consumer Protection Act.

Effective date: March 11, 1977.

Dated: March 3, 1977.

MITCHELL P. KOBELINSKI,
Administrator.

[FR Doc. 77-7188 Filed 3-10-77; 8:45 am]

Title 16—Commercial Practices
CHAPTER I—FEDERAL TRADE COMMISSION
SUBCHAPTER A—PROCEDURES AND RULES OF PRACTICE

IMPLEMENTATION OF GOVERNMENT IN THE SUNSHINE ACT

AGENCY: Federal Trade Commission.

ACTION: Final rules.

SUMMARY: These rules implement the open meeting provisions of the Sunshine Act, Pub. L. 94-409.

EFFECTIVE DATE: March 12, 1977.

FOR FURTHER INFORMATION CONTACT:

Jay C. Shaffer, Esquire, Office of the General Counsel, Federal Trade Commission, 6th St. & Pennsylvania Ave., N.W., Washington, D.C. 20580, (202) 523-3802

SUPPLEMENTARY INFORMATION:

The Government in the Sunshine Act, Pub. L. 94-409, requires certain agencies, including the Federal Trade Commission, to publish proposed regulations implementing the Act and to allow at least thirty days for comment by any person. See 5 U.S.C. 552b(g). Accordingly, the Commission published a notice of proposed rulemaking at 41 FR 55885 (December 23, 1976), followed by a notice of corrections at 42 FR 2079 (January

10, 1977). Comments were received from six individuals and organizations. The Commission is now promulgating its final rules, which incorporate some substantive changes suggested by the comments, as well as some changes in wording to improve clarity.

The principal differences between the final rules and the proposed rules are as follows:

Section 4.9(b) is amended by adding two new subsections providing that (a) meeting announcements required by the Sunshine Act and (b) summaries of matters to be considered at open meetings, are part of the public records of the Commission.

Proposed § 4.14 is amended by adding a sentence providing that no Commissioner may delegate the authority to determine his or her vote in any matter requiring Commission action, but that authority to report a Commissioner's vote on a particular matter resolved either by written circulation, or at a meeting held in the Commissioner's absence, may be vested in a member of the Commissioner's staff.

Proposed §§ 4.15 (a) (2), (a) (3), (b) (1) and (c) are revised for greater clarity.

Proposed § 4.15(a) is amended by adding a new subsection specifying the manner in which meeting announcements will be disseminated.

Proposed § 4.15(b) (2) is amended to provide that requests to close meetings shall be filed "at the earliest practicable time" rather than "promptly after the Commission's announcement of an open meeting."

Proposed § 4.15(c) (1) is amended to specify which members of the Commission's staff may attend non-adjudicative and adjudicative portions, respectively, of closed meetings.

DISCUSSION OF MAJOR COMMENTS

LIMIT THE USE OF WRITTEN CIRCULATIONS

Section 4.14(c) acknowledges the Commission's practice of resolving some of its business by written circulation. One comment expresses concern over the possibility that the Commission may use this method to avoid public observation of its deliberations, and therefore suggests that the use of written circulations be limited by rule to routine, non-controversial matters; public notice be given within five days of all matters disposed of by written circulation; and members of the public be permitted to request that such decisions be reconsidered at open meetings.

The Commission has determined not to adopt these suggestions. The possible disruption of business that could be caused by allowing challenges to the propriety of each use by the Commission of a written circulation procedure outweighs any advantages that such a rule might have. The Commission notes that, (a) as a practical matter, disposition of business by written circulation is in fact limited to non-controversial matters and matters discussed at prior meetings, (b) any Commissioner may direct that a

matter presented for consideration be placed on the agenda of a Commission meeting (see § 4.14(a)), (c) the Commission's existing policy is to disclose determinations made by written circulation in the same manner and in the same circumstances as determinations made at meetings, through the Office of Public Information and the Office of Public Records, and this policy will be continued, and (d) Congress specifically recognized and approved the use of written circulations as an important tool in expediting agency business. See, e.g., S. Rep. No. 94-1178, 94th Cong., 2d Sess. 11 (1976); 122 Cong. Rec. H. 7863, 7871 (July 28, 1976).

WHY NOT RELEASE STAFF MEMORANDA RELATING TO ITEMS SCHEDULED FOR DISCUSSION AT AN OPEN MEETING?

One comment notes that the purpose of the Sunshine Act may be defeated if Commissioners speaking at open meetings refer to staff memoranda that are not available to the public. The Commission recognizes that this problem arises under the Act itself. Although routine duplication of all memoranda to the Commission is not justified, both because of cost and of certain remaining requirements of confidentiality, the Commission has determined to make available before open meetings summaries of matters on the agenda in order to facilitate the public's understanding of open discussions.

HOW WILL THE PUBLIC RECEIVE NOTICE OF COMMISSION MEETINGS?

The proposed rules provide for one week's advance notice of Commission meetings (with certain exceptions permitted by the Act). Comments were received suggesting that the rules specify the means by which announcements will be communicated to the public, and that they include posting the notices on an agency bulletin board, mailing notices to persons who express an interest in receiving them and to the media, and establishing a toll-free telephone message device.

The Commission agrees that a rule explaining how members of the general public can obtain announcements of Commission meetings would be helpful. Accordingly, the Commission has determined to include most of the above suggestions in its new rule § 4.15(a)(5). The suggestion that the telephone message device be "toll-free" has not been adopted because of potential cost.

As a related matter, one comment suggested that the Commission issue public announcements ten days before meetings rather than just one week. The Commission believes that one week's advance notice, as specified in the Sunshine Act, is adequate, and that increasing the amount of advance notice would result in more changes in announcements. The Commission therefore has determined not to alter its rules in this respect.

ALLOW REQUESTS TO OPEN MEETINGS

Section 4.15(b)(2) allows interested persons to request that scheduled meetings be closed. One comment suggested

that we provide a rule permitting requests to open meetings as well. The Commission has determined not to adopt this suggestion because of the potential for delay. In addition, because decisions to close meetings will have been examined by the General Counsel and voted on by the Commission, and will be founded on specific expectations that exempt material will be discussed, it is unlikely that a meeting will ever be closed without full consideration.

DISCUSSION OF MISCELLANEOUS COMMENTS

(1) *Include names of Commission employees and consultants in lists of persons expected to attend closed meetings.* While the Commission remains convinced that its proposed rule § 4.15(c)(1) complies with the requirements of the Sunshine Act, the rule is being modified to provide affirmatively that any staff member may attend non-adjudicative meetings, and that certain specified staff members may attend adjudicative meetings, except to the extent that the notice of a particular closed meeting otherwise specifically provides.

(2) *Open all oral arguments in Commission adjudications.* Proposed § 3.52(f) states that oral arguments will be public "unless otherwise ordered by the Commission * * *." One comment suggested that since section (1) of the Sunshine Act (5 U.S.C. 552b(1)) does not authorize the closing of any meeting required by any other provision of law to be open, the proposed rule incorrectly implies that the Commission has the authority to close oral arguments. This argument apparently assumes that section 5 of the FTC Act requires oral arguments to be open. This is not the case. Nevertheless, the Commission has favored openness in its proceedings, see "H. P. Hood & Sons, Inc.," 58 F.T.C. 1184, 1186 (1961), and expects that oral arguments will rarely, if ever, be closed.

(3) *Deletions of information from transcripts of closed meetings the disclosure of which "is likely to" have certain effects.* Proposed § 4.10(b) permits the agency to make deletions of information from transcripts where disclosure "is likely to" have any of the effects described in 5 U.S.C. 552b (c)(5), (c)(9), or (c)(10). One comment suggests that since the nature of the information disclosed in transcripts is certain, deletions should be made only where disclosure will have the enumerated effects, and not merely where it is "likely to." The Commission believes this analysis is incorrect since it is never possible to know for certain in advance what effects will result from disclosure of information. The Commission therefore has determined that its rule need not be revised. Cf. 120 Cong. Rec. S 9337 (May 30, 1974) (letter of Senator Hart).

(4) *Certification of General Counsel required before meeting may be closed.* One comment suggests that proposed rule § 4.15(c)(1) be amended to make clear that the General Counsel's certification of the propriety of closing a scheduled meeting must be made before

the meeting is closed. The Commission agrees that the determination regarding certification must be made in advance, and has appropriately amended the proposed rule.

Another comment states the opinion that the Commission is barred from holding a closed meeting if the General Counsel declines to certify. The Commission does not agree. Public disclosure of the General Counsel's refusal to certify should be sufficient to conform with Congressional intent. The legality of closing any given meeting depends on the matters to be discussed at the meeting, not on the procedures followed. While the Commission expects generally to follow the advice of its General Counsel as reflected in his decision whether or not to certify, the Commission does not believe that Congress intended the General Counsel, an advisor to the Commission, to have veto authority over the decisions of Presidential appointees who are ultimately accountable to Congress and the public.

(5) *The Commission should reconsider whether it may invoke the modified closing procedures under 5 U.S.C. 552b(d) (4) for meetings falling within exemption 10 of the Act, 5 U.S.C. 552b(c)(10).* One comment suggests that in determining whether a majority of the Commission's meetings would fall within sections (c)(4), (c)(8), (c)(9)(A) and (c)(10) of the Act (5 U.S.C. 552b (c)(4), (c)(8), (c)(9)(A), (c)(10)), we should consider each item of each meeting agenda as a separate meeting. The Commission has found nothing in the Act or its legislative history compelling that procedure and believe that each meeting of the Commission may be counted as one "meeting" for purposes of determining our eligibility to invoke subsection (d)(4).

(6) *Allow requests to close meetings prior to the meeting announcement.* Proposed § 4.15(b)(2) originally provided that requests to close meetings must be filed "promptly after the Commission's announcement of an open meeting." One comment suggests that this should be changed to allow requests to be filed even before the announcement. While the Commission does not expect that members of the public will normally know of scheduled open meetings before the announcements are disseminated, intended § 4.15(b)(2) has been revised to make it clear that requests may be filed even before meeting announcements, when that is the earliest practicable time.

COMMENTS BEYOND SCOPE OF THE NOTICE

A number of comments have been received that do not relate to matters covered by the rules. The Commission agrees in principle with the substance of some of these comments, and will bear them in mind in undertaking its responsibilities under the Act. They include:

1. Limiting delegations of the Commissioners' authority;
2. Opening budget discussions to the public;
3. Closing meetings concerning geological and geophysical information and data, including maps, concerning wells,

only to the extent they concern trade secrets and confidential or privileged commercial or financial information;

4. Avoiding delay in issuing public announcements of Commission action;

5. Avoiding narrow interpretations of what constitutes a "meeting" under the Act;

6. Avoiding broad application of Sunshine Act exemptions;

7. Holding meetings for the convenience of the public;

8. Undertaking a public education program about the requirements of the Sunshine Act.

DISCUSSION OF OTHER REVISION

The Commission's final rule contains one significant revision not addressed in the public comments: Section 4.14(c) is amended to provide that no Commissioner may delegate the authority to determine his or her vote in any matter requiring Commission action, but that authority to report a Commissioner's vote on a particular matter resolved either by written circulation, or at a meeting held in the Commissioner's absence, may be vested in a member of the Commissioner's staff. This provision is added to emphasize that the Commission intends not only to comply with the "no proxies" requirement of section (d)(1) of the Sunshine Act (5 U.S.C. 552b(d)(1)), but will continue to observe a "no proxies" rule with respect to all other matters as well. The allowance for votes to be reported pursuant to instructions does not conflict with the "no proxies" rule because it leaves each Commissioner ultimately responsible for determining his or her vote.

In consideration of the foregoing, 16 CFR Chapter I is amended as follows:

PART 0—ORGANIZATION

§§ 0.5 and 0.6 [Deleted]

1. By deleting §§ 0.5 and 0.6.

PART 2—NONADJUDICATIVE PROCEDURES

2. By revising § 2.14(c) to read as follows:

§ 2.14 Disposition.

(c) The Commission has delegated to the Directors, Deputy Directors, and Assistant Directors of the Bureaus of Competition and Consumer Protection, without power of redelegation, limited authority to close investigations. The closing action of a Bureau Director, Deputy Bureau Director or Assistant Bureau Director does not become effective until the files have been sent to the Secretary of the Commission and he shall have advised the Commission of the closing action and, within five (5) working days after receiving the notice to close from the Secretary, no Commissioner has directed that the matter be placed on a meeting agenda or otherwise stayed for further consideration. Thereupon, the Secretary shall enter upon the records of the Commission the closing of the matter and take such other action as is required.

PART 3—RULES OF PRACTICE FOR ADJUDICATIVE PROCEEDINGS

3. By adding the following sentence at the beginning of § 3.52(f):

§ 3.52 Appeal from initial decision.

(f) *Oral argument.* All oral arguments shall be public unless otherwise ordered by the Commission. * * *

4. By revising § 3.61(b) to read as follows:

§ 3.61 Reports of compliance.

(b) The Commission has delegated to the Directors of the Bureaus of Competition and Consumer Protection, without power of redelegation, the authority to approve compliance reports, reject compliance reports, and to close compliance investigations. This delegation does not apply to compliance with orders involving section 7 of the Clayton Act, to any matter which has received previous Commission consideration as to compliance or in which the Commission or any Commissioner has expressed an interest, any matter proposed to be closed by reason of expense of investigation or testing, or any matter involving substantial questions as to the public interest, Commission policy or statutory construction, in each of which type of case a report with recommendation will be made to the Commission. The approvals, rejections, and closings shall not be effective until the file relating to the subject matter has been transmitted to the Secretary and he shall have advised the Commission of the Bureau Director's determination and, within five (5) working days after receiving notice of the determination from the Secretary, no Commissioner has directed that the matter be placed on a meeting agenda or otherwise stayed for further consideration. Thereupon, the Secretary shall enter upon the records of the Commission the determination of the matter and take such other action as is required.

PART 4—MISCELLANEOUS RULES

5. By revising § 4.9(b)(4), and by renumbering §§ 4.9(b)(23), (24), and (25) as §§ 4.9(b)(26), (27) and (28), respectively, and by adding new §§ 4.9(b)(23), (24), and (25) to read as follows:

§ 4.9 Public records.

(b) * * *

(4) The pleadings and prehearing conferences (to the extent made available under § 3.21(c) of this chapter), motions, certifications, orders, and the transcripts of hearings, including public conferences, testimony, oral arguments, and other material made a part thereof, and exhibits and all documents received in evidence or made a part of the record in adjudicative proceedings (except matters heard or filed in camera).

(23) Portions of transcripts of closed meetings required to be made available under 5 U.S.C. 552b(f)(2);

(24) Announcements of Commission meetings required under 5 U.S.C. 552b;

(25) Summaries of matters to be considered at open meetings held pursuant to § 4.15(b);

(26) Every amendment, revision, or repeal of any of the foregoing;

(27) Releases from time to time through the Commission's Office of Public Information supplying additional information concerning the activities of the Commission, copies of which may be obtained upon request to the Office of Public Information or the Secretary of the Commission, and

(28) Reprints of the principal laws under which the Commission exercises enforcement or administrative responsibilities, which may be obtained upon request to the Secretary of the Commission.

6. By amending § 4.10(a) and revising § 4.10(b) to read as follows:

§ 4.10 Confidential information.

(a) Except as provided in paragraph (b) of this section, the following records of the Commission are exempt from availability for public inspection and copying pursuant to 5 U.S.C. 552; however, records exempt from disclosure by the provisions of this section may be made available to a requestor for inspection and copying upon request for records under the procedures set forth in § 4.11, or by the Commission upon its own motion: * * *

(b) With respect to information contained in transcripts of Commission meetings, the exemptions contained in paragraph (a) of this section, except for (a)(3) and (a)(7), shall apply; in addition, such information will not be made available if it is likely to have any of the effects described in 5 U.S.C. 552b(c)(5), (c)(9), or (c)(10).

7. By adding § 4.14 and § 4.15, to read as follows:

§ 4.14 Conduct of business.

(a) Matters before the Commission for consideration may be resolved either at a meeting under § 4.15 or by written circulation. Any Commissioner may direct that a matter presented for consideration be placed on the agenda of a Commission meeting.

(b) *Quorum.* A majority of the members of the Commission, duly appointed and confirmed, constitutes a quorum for the transaction of business.

(c) Any Commission action, either at a meeting or by written circulation, may be taken only with the affirmative concurrence of a majority of the participating Commissioners, except where a greater majority is required by statute or rule or where the action is taken pursuant to a valid delegation of authority. No Commissioner may delegate the authority to determine his or her vote in any matter requiring Commission action.

but authority to report a Commissioner's vote on a particular matter resolved either by written circulation, or at a meeting held in the Commissioner's absence, may be vested in a member of the Commissioner's staff.

§ 4.15 Commission meetings.

(a) *In general.* (1) Meetings of the Commission, as defined in 5 U.S.C. 552b (a) (2), are held at the principal office of the Commission, unless otherwise directed.

(2) *Initial announcements of meetings.* For each meeting, the Commission shall announce: (i) The time, place and subject matter of the meeting, (ii) whether the meeting will be open or closed to the public, and (iii) the name and phone number of the official who will respond to requests for information about the meeting. Such announcement shall be made at least one week before the meeting except that where the agency determines pursuant to 5 U.S.C. 552b(e) (1) to call the meeting on less than one week's notice, or where the agency determines to close the meeting pursuant to paragraph (c) (2) of this section, the announcement shall be made at the earliest practicable time.

(3) *Announcements of changes in meetings.* Following the announcement of a meeting, any change in the time, place or subject matter will be announced at the earliest practicable time, and, except with respect to meetings closed under paragraph (c) (2) of this section, any change in the subject matter or decision to open or close a meeting shall be made only as provided in 5 U.S.C. 552(e) (2).

(4) *Deletions from announcements.* The requirements of paragraphs (a) (2) and (a) (3) of this section do not require the disclosure of any information pertaining to a portion of a closed meeting where such disclosure is likely to concern a matter within the scope of 5 U.S.C. 552b(c).

(5) *Dissemination of notices.* Notices required under paragraphs (a) (2) and (a) (3) of this section will be posted at the principal office of the Commission, recorded on a telephone message device, and, except as to notices of meetings closed under paragraph (c) (2) of this section, submitted to the FEDERAL REGISTER for publication. In addition, notices issued under paragraph (a) (2) of this section one week in advance of the meeting will be sent to all persons and organizations who have requested inclusion on a meeting notice mailing list, and will be issued as a press release to interested media.

(b) *Open meetings.* (1) Commission meetings shall be open to public observation unless the Commission determines that portions may be closed pursuant to 5 U.S.C. 552b(c).

(2) Any person whose interest may be directly affected if a portion of a meeting is open, may request that the Commission close that portion for any of the reasons described in 5 U.S.C. 552b(c). The Commission shall vote on such requests if at least one member desires to do so.

Such requests shall be in writing, filed at the earliest practicable time, and describe how the matters to be discussed will have any of the effects enumerated in 5 U.S.C. 552b(c). Requests shall be addressed as follows:

Closed Meeting Request, Office of the General Counsel, Federal Trade Commission, 6th Street and Pennsylvania Avenue N.W., Washington, D.C. 20580.

(c) *Closed meetings.* (1) Whenever the Commission votes to close a meeting or series of meetings under these rules, it shall make publicly available within one day notices both of such vote and the General Counsel's determination regarding certification under 5 U.S.C. 552b(f) (1). Such determination by the General Counsel shall be made prior to the Commission vote to close a meeting or series of meetings. Further, except with respect to meetings closed under paragraph (c) (2) of this section, the Commission shall make publicly available within one day a full written explanation of its action in closing any meeting, and a list specifying the names and affiliations of all persons expected to attend, except Commission employees and consultants. All Commission employees and consultants may attend non-adjudicative portions of any closed meeting and members of Commissioners' personal staffs, the General Counsel and his staff, and the Secretary and his staff may attend the adjudicative portions of any closed meeting except to the extent the notice of a particular closed meeting otherwise specifically provides.

(2) If a Commission meeting, or portions thereof, may be closed pursuant to 5 U.S.C. 552(c) (10), the Commission may, by vote recorded at the beginning of the meeting, or portion thereof, close the portion or portions of the meeting so exempt.

(d) The presiding officer shall be responsible for preserving order and decorum at meetings and shall have all powers necessary to that end.

PART 14—ADMINISTRATIVE INTERPRETATIONS, GENERAL POLICY STATEMENTS, AND ENFORCEMENT POLICY STATEMENTS

§ 14.10 [Deleted]

9. By deleting § 14.10.

(Sec. 6, 38 Stat. 721 (15 U.S.C. 46); 90 Stat. 1244-45 (5 U.S.C. 552b).)

By direction of the Commission dated March 9, 1977.

JOHN F. DUGAN,
Acting Secretary.

[FR Doc. 77-7373 Filed 3-10-77; 8:45 am]

Title 18—Conservation of Power, Water Resources

CHAPTER III—DELAWARE RIVER BASIN COMMISSION

PART 415—BASIN REGULATIONS—FLOOD PLAIN REGULATIONS

Minimum Standards of Flood Plain Use on Non-Tidal Sections of Delaware River

On November 10, 1976, the Delaware River Basin Commission amended its

Administrative Manual, Part III, Basin Regulations, by the addition thereto of a new Part 415, "Flood Plain Regulations," 18 CFR Part 415. The new regulations follow generally the recommendations of the Commission's Flood Plain Regulation Advisory Committee submitted and publicized in July 1975. The new regulations establish minimum standards of flood plain use on the non-tidal sections of the Delaware River and its major tributaries in New York, Pennsylvania, New Jersey and Delaware. The regulations contain definitions of various component lands, graded according to the severity of the damage threat, and suggested allowable and prohibited uses for each. The standards apply to projects subject to review by the Commission. Minimum basin-wide standards can be supplemented by more stringent regulations by states and local units of government.

Public hearings on the proposed flood plain regulations were held by the Commission on July 7, 1976, in Trenton, New Jersey. The regulations became effective January 1, 1977.

GENERALLY

- 415.1 Short title.
- 415.2 Definitions.
- 415.3 Purpose and findings.

TYPES OF PROJECTS AND JURISDICTION

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- 415.43 Mapped and unmapped delineations.

ENFORCEMENT

- 415.50 General conditions.
- 415.51 Prior non-confirming structures.
- 415.52 Violations.

AUTHORITY: Pub. L. 87-328 (75 Stat. 688).

GENERALLY

§ 415.1 Short title.

This Part shall be known and may be cited as the "Flood Plain Regulations."

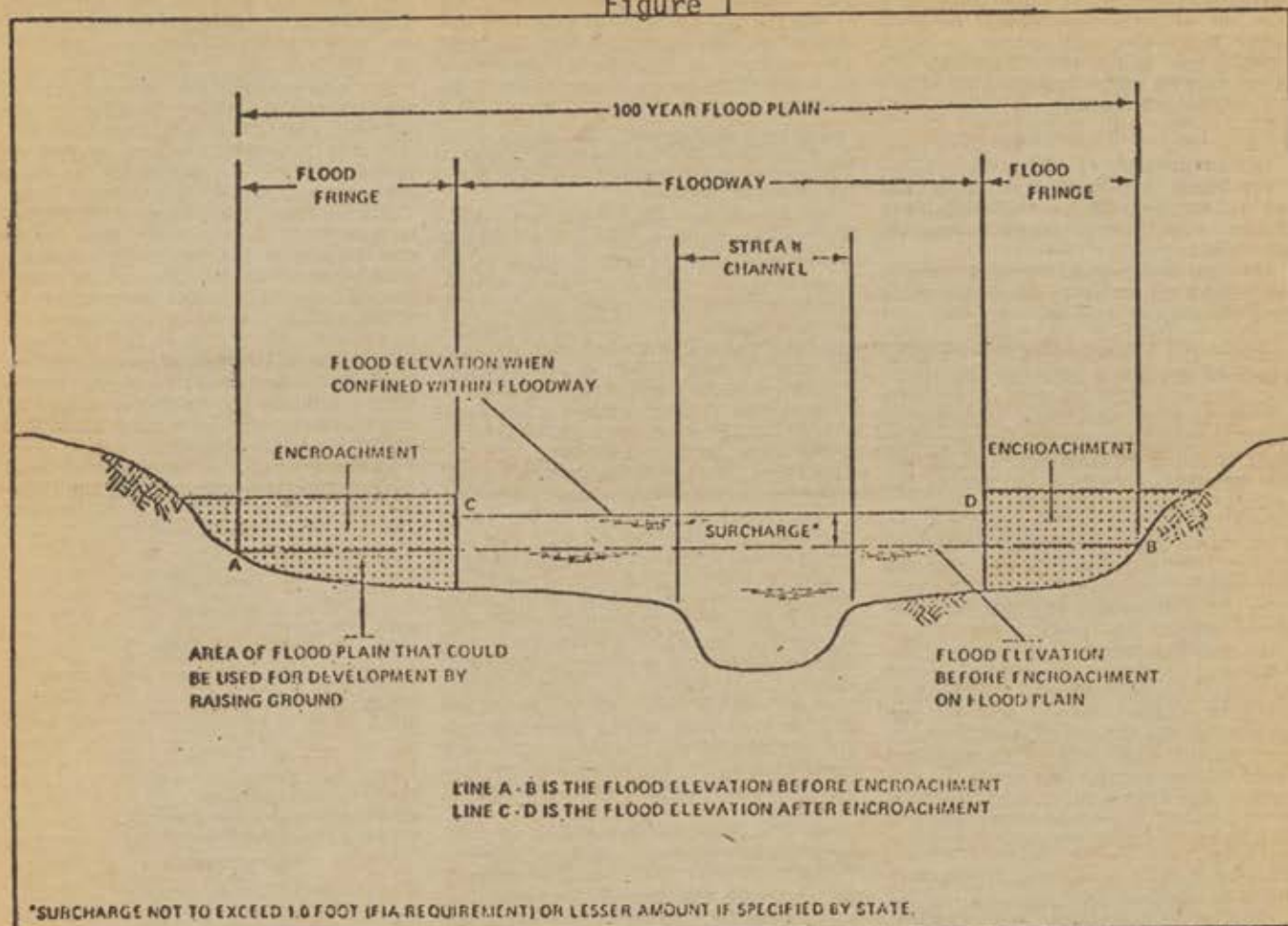
§ 415.2 Definitions.

For the purposes of this Part, except as otherwise required by the context:

"Project" means the same word as defined by section 1.2(g) of the Delaware River Basin Compact.

"Floodway" means the channel of the watercourse and those portions of the adjoining flood plains which are reasonably required to carry and discharge the regulatory flood. For this purpose the limit of the floodway shall be established by allowing not more than a one-foot rise of the water surface elevation of the regulatory flood as a result of encroachment. Wherever practical, equal conveyance reduction from each side of the flood plain shall be used. (See Figure 1)

Figure 1



"Flood fringe" means that portion of the flood hazard area outside the floodway.

"Flood hazard area" means the area inundated by the regulatory flood.

"Flood plain" means the area adjoining the channel of a stream which has been or hereafter may be covered by flood water.

"Floodproofing" means any combination of structural and nonstructural additions, changes, or adjustments to properties and structures which reduce or eliminate flood damage to lands, water and sanitary facilities, structures, and contents of buildings.

"Flood protection elevation" means one foot above the elevation of the flood that has a one percent chance of occurring in any one year. (The 100-year flood.)

"Major tributary" means the mainstem of the following streams:

PENNSYLVANIA

- | | |
|--------------------|------------|
| Brandywine Creek | Lehigh |
| Brodhead Creek | Schuylkill |
| Big Bushkill Creek | Neshaminy |
| Lackawaxen | |

DELAWARE

- | | |
|------------------|-----------|
| Brandywine Creek | Christina |
|------------------|-----------|

- | | |
|-------------------------------------|-----------------------|
| NEW YORK | |
| East Branch Mongaup | Neversink West Branch |
| NEW JERSEY | |
| Assunpink Musconetcong Paulins Kill | Rancocas Pequest |

"Official flood plain map" means a map showing the flood plain area of a community prepared pursuant to the National Flood Insurance Act, or a map recognized by the Executive Director as meeting equivalent hydraulic or engineering criteria.

"Regulatory flood" means the flood which has a one percent chance of occurring in any one year. (The 100-year flood).

"Structure" means any assembly of material above or below the surface of land or water, including but not limited to, buildings, dams, fills, levees, bulkheads, dikes, jetties, embankments, causeways, culverts, roads, railroads and bridges.

§ 415.3 Purpose and findings.

(a) The Commission hereby finds and determines that the use of flood plains is affected with a public interest due to:

- (1) The danger to life and property due to increased flood heights or velocities caused by encroachments.
- (2) The danger that materials may be swept onto other lands or downstream to the injury of others.
- (3) The requirements of a facility for a waterfront location.
 - (b) In order to protect the public interest, the following principles and goals have been determined:
 - (1) The overall goal is prudent land use within the physical and environmental constraints of the site.
 - (2) The principle of equal and uniform treatment shall apply to all flood plain users who are similarly situated.
 - (3) Flood plain use shall not result in nuisance to other properties.
 - (4) Flood plain use shall not threaten public safety, health and general welfare.
 - (5) Future land uses in private flood plains shall not result in public expense to protect the property and associated public services from flood damage.
 - (6) All future public and private flood plain users shall bear the full direct and indirect costs attributable to their use and actions.

(7) Restrictions on flood plain use, and flood hazard information shall be widely publicized.

(8) Land and water use regulations of responsible units of government shall not impair or conflict with the flood plain use standards duly adopted for the basin, except as provided for in Section 415.42(a) hereof.

(9) Plans for land and water use adopted by responsible agencies shall not impair or conflict with these flood plain use standards.

(10) No action of any unit of government shall impair or conflict with these flood plain use standards.

TYPES OF PROJECTS AND JURISDICTION

§ 415.20 Class I Projects.

Projects described in sub-paragraphs A and B below shall be subject to review by the Commission under standards provided by this Section and in accordance with the provisions of §§ 415.30 through 415.33 hereof, as follows:

(a) All projects subject to review by the Commission under Section 3.8 of the Compact and the regulations thereunder.

(b) State and local standards of flood plain regulation.

§ 415.21 Class II Projects.

Class II projects, subject to review in accordance with §§ 415.40 through 415.43 hereof, include all projects other than Class I projects, in non-tidal areas of the basin, which involve either:

(a) A development of land, either residential or non-residential within a flood hazard area which:

(1) Includes one or more structures covering a total land area in excess of 50,000 square feet; or

(2) Contains in excess of 25 residential building lots or 25 dwelling units as part of an integrated development plan whether or not such development is included in a single application; or

(b) A development of land in the flood hazard area to mine, manufacture, process, store or dispose of materials which, if flooded, would pollute the waters of the basin or threaten damage to off-site areas, including, without limitation thereto, materials which are poisonous, radioactive, biologically undesirable or floatable.

STANDARDS

§ 415.30 Regulations generally.

The uses of land within a flood hazard area shall be subject to regulation within one of the following categories:

- (a) Prohibited uses;
- (b) Permitted uses generally;
- (c) Uses by special permit.

§ 415.31 Prohibited uses.

(a) Within the floodway, except as permitted by special permit, the following uses are prohibited:

(1) Erection of any structure for occupancy at any time by humans or animals.

(2) Placing, or depositing, or dumping any spoil, fill or solid waste.

(3) Stockpiling or disposal of pesticides, domestic or industrial waste,

radioactive materials, petroleum products or hazardous material which, if flooded, would pollute the waters of the basin.

(4) The storage of equipment or of buoyant materials, except for purposes of public safety.

(b) Within the flood fringe, except as permitted by special permit, the following uses are prohibited:

(1) Stockpiling or disposal of pesticides, domestic or industrial waste, radioactive materials, petroleum products or hazardous material which, if flooded, would pollute the waters of the basin.

(2) Any use which will adversely affect the capacity of channels or floodways of any tributary to the main stream, drainage ditch, or any other drainage facility.

§ 415.32 Permitted uses generally.

(a) Within the floodway, the following uses are permitted to the extent that they do not require structures, fill or storage of materials or permanently installed equipment, and do not adversely affect the capacity of the floodway:

(1) Agricultural uses such as general farming, livestock and dairy farming, horticulture, truck farming, sod farming, forestry, wild crop harvesting, and normal operating practices associated therewith.

(2) Industrial-commercial uses such as loading areas, parking areas and airport landing strips.

(3) Private and public recreational uses such as golf courses, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, hiking and horseback riding trails.

(4) Uses such as lawns, gardens, parking areas and play areas.

(b) Within the flood fringe, the following uses are permitted:

(1) Any use permitted in the floodway.

(2) Residences and other structures constructed so that the first floor, including basement, is above the Flood Protection Elevation. When fill is used the finished fill elevation shall be no lower than the Flood Protection Elevation for the particular area and shall extend at least 15 feet beyond the limits of any structure or building erected thereon.

§ 415.33 Uses by special permit.

(a) Within the floodway the following uses by special permit may be authorized under the standards hereinafter provided:

(1) Uses or structures accessory to open space use.

(2) Circuses, carnivals and similar transient enterprises.

(3) Drive-in theaters, signs and billboards.

(4) Extraction of sand, gravel and other non-toxic materials.

(5) Marinas, boat liveries, docks, piers, wharves and water control structures.

(6) Fish hatcheries.

(7) Railroads, streets, bridges, utility transmission lines and pipelines.

(b) Within the flood fringe the following uses by special permit may be authorized under standards hereinafter provided:

(1) *Non-residential uses generally.* Structures other than residences shall ordinarily be elevated as herein provided but may in special circumstances be otherwise flood proofed to a point above the Flood Protection Elevation.

(2) *Commercial uses.* Commercial structures shall be elevated so that no first floor or basement floor is below the Flood Protection Elevation; or such structures may be flood proofed to the Flood Protection Elevation. Accessory land uses, such as yards, railroad tracks and parking lots may be at lower elevations. However, a permit for such facilities to be used by the general public shall not be granted in the absence of a flood warning system, if the area is inundated to a depth greater than two feet or subject to flood velocities greater than four feet per second upon the occurrence of the Regulatory Flood.

(3) *Manufacturing and industrial uses.* Manufacturing and industrial buildings, structures, and appurtenant works shall be elevated so that no first floor or basement floor is below the Flood Protection Elevation; or such structures may be flood proofed to the Flood Protection Elevation. Measures shall be taken to minimize flood water interference with normal plant operations especially for streams having protracted flood durations. Certain accessory land uses as yards and parking lots may have lesser protection subject to the flood warning requirements set out in 2 above.

(4) *Utilities, railroad tracks, streets and bridges.* Public utility facilities, roads, railroad tracks and bridges shall be designed to minimize increases in flood elevations and shall be compatible with local comprehensive flood plain development plans to the extent applicable. Protection to the Flood Protection Elevation shall be provided where failure or interruption of these public facilities would result in danger to the public health or safety, or where such facilities are essential to the orderly functioning of the area. Where failure or interruption of service would not endanger life or health, a lesser degree of protection may be provided for minor or auxiliary roads, railroads or utilities.

(5) *Water supply and waste treatment.* No new construction, addition or modification of a water supply or waste treatment facility shall be permitted unless the lowest operating floor of such facility is above the Flood Protection Elevation, or the facility is flood proofed according to plans approved by the Commission, nor unless emergency plans and procedures for action to be taken in the event of flooding are prepared. Plans shall be filed with the Delaware River Basin Commission and the concerned state or states. The emergency plans and procedures shall provide for measures to prevent introduction of any pollutant or toxic material into the flood water or the introduction of flood waters into potable supplies.

ADMINISTRATION

§ 415.40 Administrative agency.

(a) Class I projects as defined by § 415.20 hereof shall be subject to review and approval by the Commission.

(b) Class II projects as defined by § 415.21 shall be subject to review and approval by a duly empowered state or local agency; and if there be no such state or local agency at any time on and after January 1, 1978, and only during such time, the Commission may review any such project which has been identified by the Executive Director as having special flood hazards, and: (1) is located along the mainstem Delaware River or a major tributary thereof, or (2) an agency of a signatory party requests such review.

§ 415.41 Special permits.

A special permit may be granted, or granted on stated conditions, provided:

(a) There is a clear balance in favor of the public interest in terms of the following environmental criteria:

(1) The importance of a facility to the community.

(2) The availability of alternative locations not subject to flooding for the proposed use.

(3) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.

(4) The relationship of the proposed use to any applicable comprehensive plan or flood plain management program for the area.

(5) The safety of access to the property in times of flood for ordinary and emergency vehicles.

(6) The expected heights, velocity, duration, rate of rise and sediment transport of the flood water expected at the site.

(7) The degree to which the proposed activity would alter natural water flow or water temperature.

(8) The degree to which archaeological or historic sites and structures, endangered or rare species of animals or plants, high quality wildlife habitats, scarce vegetation types, and other irreplaceable land types would be degraded or destroyed.

(9) The degree to which the natural, scenic and aesthetic values at the proposed activity site could be retained.

(b) The project shall not:

(1) Endanger human life.

(2) Have high flood damage potential.

(3) Obstruct flood flows nor increase flood heights or velocities unduly whether acting alone or in combination with other uses.

(4) Degrade significantly the water carrying capacity of any delineated floodway or channel.

(5) Increase significantly the rate of local runoff, erosion, or sedimentation.

(6) Degrade significantly the quality of surface water or the quality or quantity of ground water.

(7) Be susceptible to flotation.

(8) Have service facilities installed below the elevation of the regulatory flood without being adequately flood proofed.

§ 415.42 Technical standards.

(a) Standards used by state and local governments shall conform in principle to Commission standards but may vary in detail provided that resulting flood plain use will not be less restrictive than would result from the application of Commission standards. The Commission will review proposed state and local flood plain regulations to determine their compliance with Commission standards.

(b) Because of the variety and diversity of presently recognized hydrologic procedures, no one procedure or method is prescribed for determining the peak flow in cubic feet per second for the 100-year storm (Q 100) on which profiles for the delineation of flood hazard areas are based. The following may be used:

(1) A uniform Technique for Determining Flood Flow Frequencies—Bulletin No. 15—Water Resources Council, December 1967.

(2) Basin-Wide Program for Flood Plain Delineation—Delaware River Basin Commission—Anderson-Nichols & Co., Inc., June 1973.

(3) Magnitude and Frequency of Floods in New Jersey with Effects of Urbanization—Special Report 38 U.S.G.S.—New Jersey Department of Environmental Protection, 1974.

(4) Guidelines for Determining Flood Flow Frequency—Bulletin No. 17—Water Resources Council, March 1976.

State and local agencies may use methods resulting in Q 100s which are in reasonable agreement with those of the Commission. Any significant difference shall be reviewed with and subject to approval by the Executive Director.

(c) Methods and procedures shall be uniform, so far as practicable, within sub-basins which have a major effect on the larger basins of which they are a part. To assist in achieving this objective the Commission staff will periodically provide to the various interested governmental agencies and others Q 100 data as developed by the Delaware River Basin Commission Hydrology Coordinating Committee for key locations in the Delaware River Basin. These will be based on a Log Pearson Type 3 analysis of data from the U.S.G.S. gaging stations using station skew, regional skew, or weighted skew, depending on the scope of data at each station.

§ 415.43 Mapped and unmapped delineations.

(a) Whenever an official flood plain map providing the pertinent information is available with respect to a given project, the map shall be used for the delineation of the flood hazard area, floodway, flood fringe and determination of flood protection elevation.

(b) Whenever an official flood plain map providing the required information is not available with respect to a given project, the administrative agency shall require the project landowner to submit details concerning the proposed uses as needed to determine the floodway and flood fringe limits at the proposed site, including: cross-sections of the stream channel and overbanks, stream profile, and factors involved in determining ob-

structions to flow. From the data submitted, soil surveys, historic flood maps, high water marks and other empirical data, the applicant, subject to verification by the administrative agency, shall calculate flood hazard areas and establish the flood protection elevation for the particular site.

(c) Pending the preparation and completion of flood plain mapping, a "general flood plain" area shall be prescribed by the administrative agency to delineate for public guidance the areal limits of site locations which are required to be submitted for review under this regulation.

ENFORCEMENT

§ 415.50 General conditions.

On and after January 1, 1978, where:

(a) the flood hazard at the site is clear, present and significant, or the local government having jurisdiction has special flood hazard areas identified pursuant to the National Flood Insurance Act; and

(b) the site is not subject to an approved state or municipal regulatory system having the same or similar effect on the flood hazard as this regulation, the Commission may condition its approval on any local governmental project under Section 3.8 of the Compact upon the adoption and enforcement of flood plain regulations, approved hereunder, by the state or local government having jurisdiction.

§ 415.51 Prior non-conforming structures.

A structure which was lawful before the adoption of this regulation but which is not in conformity with the provisions hereof, shall be subject to the following conditions (to be enforced by the appropriate authority as to Class I and Class II projects, respectively, under §§ 415.40 through 415.43 hereof):

(a) A non-conforming structure in the floodway may not be expanded, except that it may be modified, altered or repaired to incorporate flood proofing measures provided such measures do not raise the level of the 100-year flood.

(b) A non-conforming structure in the floodway which is destroyed or damaged by any means, including a flood, to the extent of 50 percent or more of its market value at that time may not be restored, repaired, reconstructed or improved except in conformity with the provisions of these regulations.

§ 415.52 Violations.

Any violation of this regulation shall be subject to penalties imposed by the Compact.

W. BRINTON WHITALL,
Secretary,

Delaware River Basin Commission.

[FR Doc. 77-7043 Filed 3-10-77; 8:45 am]

PART 420—BASIN REGULATIONS—
WATER SUPPLY CHARGESSystem of Charges for Certain Surface
Water Withdrawals

On May 22, 1974, the Delaware River Basin Commission amended its Administrative Manual, Part III—Basin Regu-

lations by the addition thereto of a new Part 420 "Water Supply Charges", 18 CFR, Part 420. The new Part 420 establishes a system of charges for certain surface water withdrawals in the Delaware River Basin region of New York, Pennsylvania, New Jersey and Delaware, to be used to reimburse the Federal Government for the cost of water supply storage space at federal reservoir projects. The water supply program implements the water pricing policy amendments to the Commission's Comprehensive Plan adopted in Resolution No. 71-4 on April 7, 1971.

Public hearings were held by the Commission on the proposed water supply charges regulations on February 28, 1973, and March 26, 1974, in Philadelphia, Pa. The regulations became effective upon adoption on May 22, 1974.

GENERAL

420.1 Definitions.

WATER SUPPLY POLICY

- 420.21 Policy.
- 420.22 Prohibition; sanctions.
- 420.23 Exempt uses under the Compact.
- 420.24 Effective use of rates.

ENTITLEMENT; MEASUREMENT; BILLING

- 420.31 Certificate of entitlement.
- 420.32 Measurement and billing of water taken.
- 420.33 Payment of bills.

CHARGES; EXEMPTIONS

- 420.41 Schedule of water charges.
- 420.42 Contracts; minimum charge.
- 420.43 Exempt use.
- 420.44 Cooling water.
- 420.45 Historical use.

AUTHORITY: Pub. L. 87-328 (75 Stat. 688).

GENERAL

§ 420.1 Definitions.

For the purposes of this Part 420, except as otherwise required by the context:

"Person" means any person, corporation, partnership, association, trust, or other entity, public or private.

"Water user" means any person who uses, takes, withdraws or diverts surface waters within the Delaware River Basin.

"Executive Director" means the Executive Director of the Delaware River Basin Commission.

"Consumptive use" means the water lost due to transpiration from vegetation in the building of plant tissue, incorporated into products during their manufacture, lost to the atmosphere from cooling devices, evaporated from water surfaces, exported from the Delaware River Basin, or any other water use for which the water withdrawn is not returned to the surface waters of the basin undiminished in quantity.

WATER SUPPLY POLICY

§ 420.21 Policy.

The provisions of this Part 420 implement Commission Resolution No. 71-4 (Comprehensive Plan) relating to water supply charges.

§ 420.22 Prohibition; Sanctions.

Any person, firm, corporation or other entity, including a public corporation, body or agency, who shall use, withdraw or divert surface waters of the basin, shall pay such charges therefor as may be required by this resolution. Any violation of this resolution shall be subject to penalty as prescribed under Article 14.17 of the Compact. The Commission may also recover the value (according to the established water pricing schedules of the Commission) of any such use, withdrawal or diversion, and invoke the jurisdiction of the courts to enjoin any further use, withdrawal or diversion, unless all charges under this resolution are paid in full when due.

§ 420.23 Exempt uses under the Compact.

(a) Section 15.1(b) of the Delaware River Basin Compact provides that "no provision of section 3.7 of the Compact shall be deemed to authorize the Commission to impose any charge for water withdrawals or diversions from the basin if such withdrawals or diversions could lawfully have been made without charge on the effective date of the Compact; * * *" In compliance with this provision: There shall be no charge for water withdrawn or diverted in quantities not exceeding the legal entitlement of the user, determined as of October 27, 1961. Each water user may submit proof satisfactory to the Commission of the factors constituting legal entitlement, as defined in paragraph (b) hereof. In the absence of such proof of these conditions as of October 27, 1961, the quantity of water exempt from charge to each user will be the legal entitlement of the user determined as of March 31, 1971.

(b) For the purposes of paragraph (a) of this section:

(1) "Legal entitlement" means the quantity or volume of water expressed in million gallons per month determined by the lesser of the following conditions:

(i) a valid and subsisting permit, issued under the authority of one of the signatory parties, if such permit was required as of October 27, 1961, or thereafter;

(ii) physical capability as required for such taking; or

(iii) the total allocable flow without augmentation by the Commission, using a seven-day, ten-year, low-flow criterion measured at the point of withdrawal or diversion.

(2) "Physical capability" means the capacity of pumps, water lines and appurtenances installed and operable, determined according to sound engineering principles. The physical capability specifically includes plant facilities actually using water, but excludes facilities which may have been installed in anticipation of future plant expansion not yet realized.

(c) Whenever adequate records of legal entitlement for agricultural irrigation purposes are not available to the Commission, such legal entitlement shall be

measured by the maximum number of acres under irrigation by the water user at any time during the year ending March 31, 1971, allowing one acre-foot of surface water annually per acre irrigated.

(d) Notwithstanding the provisions of (a), (b) and (c), there shall be no charge for water made available from storage where: (1) the cost of the storage facility has or will be otherwise paid for by the user, (2) such storage controls a drainage area, and (3) the use does not exceed the yield of such storage without augmentation from other surface water of the basin.

§ 420.24 Effective date of rates.

Rates and charges shall apply to all water users not exempt hereunder on and after the date of the first impoundment of water for water supply purposes at the Beltzville Reservoir (February 8, 1971), or the effective date hereof, whichever is later.

ENTITLEMENT; MEASUREMENT; BILLING

§ 420.31 Certificate of entitlement.

(a) The Executive Director will issue to each known water user a certificate of entitlement within 30 days after the effective date of these regulations subject to the provisions of paragraph (b). In addition, any other water user may apply for a certificate of entitlement at any time. A preliminary notice of entitlement shall be issued to each user. Such entitlement shall become final and take effect, unless the user shall file with the Commission, within 20 days after the service of the notice of entitlement, a request for hearing by the Commission. At such hearing the water user may show cause why the proposed entitlement shall not take effect.

(b) The Executive Director shall schedule a hearing to be held not less than ten days after receipt of a request for a hearing by the Commission. Hearings shall be conducted and the results thereof subject to review in accordance with Article 5 of the Commission's rules of practice and procedure.

(c) A final certificate of entitlement will be issued either upon expiration of the time to request a hearing, where there has been no request, or in accordance with the determination of a hearing where one is held.

(d) A certificate of entitlement is not transferable, except as provided in paragraphs (e) and (f) below.

(e) Whenever ownership or possession of land in agricultural use is transferred, a certificate of entitlement with respect to such land shall be deemed to run with the land, so long as the water use continues to be for agricultural irrigation. Upon any such land transfer, the Executive Director will reissue a certificate of entitlement to the new user.

(f) A certificate of entitlement may be transferred in connection with a corporate reorganization within any of the following categories:

(1) Whenever property is transferred to a corporation by one or more persons

solely in exchange for stock or securities of the same corporation, provided that immediately after the exchange the same person or persons are in control of the transferee corporation, that is, they own 80 percent of the voting stock and 80 percent of all other stock of the corporation.

(2) Whenever the transfer is an incident of a statutory merger or consolidation pursuant to the corporation laws of any state, the District of Columbia or the United States.

(3) Whenever the transfer is included in a transfer by a corporate holder of a certificate of entitlement of all or a part of its assets to another corporation if immediately after the transfer, the transferor or one or more of its stockholders, or any combination thereof, are in control of the corporation to which the assets are transferred, and such transfer is in exchange solely for stocks or securities of the transferee corporation as a party to a reorganization within the meaning of section 354 or section 361 of the Internal Revenue Code.

(4) Where such transfer is required merely as a result of a change of the name, identity, form or place of organization of a corporate holder of a certificate of entitlement.

§ 420.32 Measurement and billing of water taken.

(a) The quantity and volume of waters used by each person shall be determined by meters, or other methods approved by the Commission, installed, maintained and read by or on behalf of the taker. Meters or other methods of measurement shall be subject to approval and inspection by the Commission as to installation, maintenance and reading.

(b) Each user of surface water who is not exceeding the quantity specified in his "certificate of entitlement" shall annually, on or before January 31, file with the Commission, on a form to be prescribed by the Executive Director, a report of the user's physical capability, as defined, permit limitations, and the volume of water used during the preceding year.

(c) Each user of surface water who is taking a quantity of water greater than the amount specified in his "certificate of entitlement" shall report his usage to the Commission on or before April 30, July 31, October 31 and January 31, of each year covering the next preceding calendar quarter, respectively, on forms to be prescribed by the Executive Director. The amount due for water usage in excess of the legal entitlement for each of the first three quarters of a calendar year shall be computed and paid by the user, together with the report.

(d) The Commission will render a statement of the net amount due based on the fourth quarter report, including a negative or positive adjustment, so that the net total billing and payment for four quarters will equal the total water used during the four quarters less the user's legal entitlement, if any.

§ 420.33 Payment of bills.

The amount due for each quarter shall bear interest at the rate of 1 percent per

month for each day it is unpaid beginning 30 days after the due date of the quarterly report for the first three quarters and 30 days after the bill is rendered for the fourth quarter.

CHARGES; EXEMPTIONS

§ 420.41 Schedule of water charges.

The Commission will from time to time, after public notice and hearing, make, amend and revise a schedule of water charges. Until changed, the charge for water shall be as follows:

(a) Four cents per thousand gallons for consumptive use; and

(b) Four-tenths of a mill per thousand gallons for non-consumptive use.

§ 420.42 Contracts; minimum charge.

Subject to the exclusions for certificates of entitlement and exempt uses, the Executive Director may require contracts for any taking, use, withdrawal or diversion of waters of the basin. Each contract shall provide for a minimum annual payment in accordance with an estimated annual demand schedule, regardless of use, withdrawal or diversion. The failure of any person to execute a contract under this section shall not affect the application of other requirements of this resolution.

§ 420.43 Exempt use.

The following uses shall be exempt from charge:

(a) Non-consumptive uses of less than 1,000 gallons during any day, and less than 100,000 gallons during any quarter.

(b) Ballast water used for shipping purposes.

(c) Water taken, withdrawn or diverted from streams tributary to the river master's gauging station at Montague.

(d) Water taken, withdrawn or diverted below R.M. 38 (the mouth of the Cohansey River) and such proportion of waters taken, diverted or withdrawn above R.M. 38 and below R.M. 92.4 (the mouth of the Schuylkill River) as the Executive Director may determine, on the basis of hydrologic studies, would have no discernible effect upon the maintenance of the salt front below the mouth of the Schuylkill River.

§ 420.44 Cooling water.

Water used exclusively for cooling purposes which is returned to the stream in compliance with the effluent requirements of applicable water quality standards, shall be charged at the non-consumptive use rate except that losses due to in-stream evaporation caused by cooling uses will be charged as consumptive use.

§ 420.45 Historical use.

A person who or which could not for any reason use, take, withdraw or divert waters of the basin from the place in question on March 31, 1971, shall not be entitled to a certificate of entitlement.

W. BRINTON WHITALL,
Secretary,

Delaware River Basin Commission.

[FR Doc. 77-7042 Filed 3-10-77; 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. 76N-0070]

PART 121—FOOD ADDITIVES

Acrylonitrile Copolymer Beverage Containers; Stay of Regulations

AGENCY: Food and Drug Administration, HEW.

ACTION: Stay of regulations.

SUMMARY: The Food and Drug Administration (FDA) is staying those food additive regulations or portions thereof that permit acrylonitrile copolymers to be used to fabricate beverage containers.

DATES: This stay is effective March 11, 1977.

FOR FURTHER INFORMATION CONTACT:

Thomas C. Brown, Division of Food and Color Additives, (HFF-334), Bureau of Foods, Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: The Commissioner of Food and Drugs is staying those food additive regulations or portions thereof that permit acrylonitrile copolymers to be used to fabricate beverage containers. This stay will remain in effect until further notice.

Elsewhere in this issue of the FEDERAL REGISTER, FDA is proposing to amend the interim food additive regulation for those acrylonitrile copolymers (21 CFR 121.2010 and 121.4010) permitted for food-contact use to lower the amount of acrylonitrile monomer permitted to migrate from acrylonitrile copolymers from the currently permitted level of 0.3 part per million (ppm) to 0.05 ppm (50 parts per billion (ppb)).

Acrylonitrile copolymers have been used in a variety of food-contact applications for approximately 30 years. These uses include margarine tubs, food-packaging films, vegetable oil bottles and, most recently, beverage containers. Some uses of acrylonitrile copolymers in food-contact applications were sanctioned by FDA before 1958; these prior sanctions were based on analytical data available at that time which indicated that there was no significant migration of acrylonitrile monomer to food under ordinary conditions of use. Since 1958, FDA has approved additional food-contact uses of acrylonitrile copolymers through issuance of food additive regulations in 21 CFR Part 121. These include the following regulations which permit acrylonitrile copolymers to be used to fabricate beverage containers: 21 CFR 121.2614, 121.2625, 121.2627, 121.2629, and 121.2633.

In a petition (FAP 3B2926) filed by E. I. du Pont de Nemours & Co., Wilmington, DE 19898, notice of which was published in the FEDERAL REGISTER of September 7, 1973 (38 FR 24391), a delayed extraction problem with acrylonitrile copolymer bottles stored at elevated tem-

peratures for an extended period of time was reported. As noted, prior sanctions and food additive regulations for acrylonitrile copolymers had been issued on the belief that there was no significant migration of acrylonitrile monomer to food. The recognition of delayed extraction problems, coupled with the development of improved analytical procedures for measuring acrylonitrile in food-simulating solvents, a process which continues today, led in 1974 to a complete review by FDA of all safety data available on acrylonitrile.

As migration into the contents of acrylonitrile containers seemed more probable, the safety issue loomed larger. The Commissioner thereupon concluded that additional toxicological studies should be conducted on acrylonitrile, that further restrictions should be imposed on the amount of acrylonitrile monomer that could be extracted to food-simulating solvents, and that continued use of acrylonitrile copolymers on an interim basis would be permitted only if the necessary toxicological studies were undertaken. To implement these conclusions, the Commissioner proposed in the FEDERAL REGISTER of November 4, 1974 (39 FR 38907) to establish an interim food additive regulation for acrylonitrile. The final interim food additive regulation (21 CFR 121.4010) was promulgated in the FEDERAL REGISTER of June 14, 1976 (41 FR 23940), and included a 0.3 ppm limit on the amount of acrylonitrile permitted to migrate from acrylonitrile copolymers to food-simulating solvents under the test conditions specified in 21 CFR 121.4010.

Toxicological studies, including mutagenicity tests, teratology tests, and short-term and chronic toxicity tests, have been undertaken in accordance with the requirements of the interim food additive regulation. Additionally, FDA, and others including the Monsanto Corporation, the manufacturer of the acrylonitrile copolymer beverage container being used by the Coca-Cola Company, have undertaken further extraction tests on acrylonitrile copolymers using food-simulating solvents and the best available analytical methodology.

Within the past few months, FDA has received reports—some preliminary and some final—on these toxicity studies and has continued to accumulate data on acrylonitrile monomer migration. These recently acquired data, and the additional considerations discussed below, form the basis for this stay. The results of the toxicity studies and the state-of-the-art with respect to the analytical methodology for measuring acrylonitrile monomer in food-simulating solvents are discussed in detail in the preamble to the proposed amendments to the interim food additive regulation for acrylonitrile copolymers, published elsewhere in this issue of the FEDERAL REGISTER. The significant aspects of those results are, however, also briefly summarized in this notice.

On November 9, 1976, the Manufacturing Chemists Association (MCA) submitted to FDA a final report of its testing of acrylonitrile monomer for terato-

genic effects. These tests, performed by gavage introduction of acrylonitrile monomer into 4 groups of rats at dosages of 0, 10, 25, and 65 milligrams/kilogram (mg/kg) of body weight, showed some teratogenic responses at dose levels of 25 and 65 mg/kg of body weight of the test animals. The dose level of 10 mg/kg showed no evidence of teratogenicity to either the mother or her developing embryo or fetus. A copy of this report is on file with, and available to the public from, the Hearing Clerk, Food and Drug Administration.

On January 14, 1976, the MCA submitted to FDA a 13-month interim report on an ongoing 2-year study in which acrylonitrile monomer is incorporated into the drinking water of rats at concentrations of 0, 35, 100, and 300 ppm. This study began in November 1975 and will be completed in November 1977. The final report is expected in early 1978. The MCA reported that "administration of AN [acrylonitrile monomer] under the condition of this study has significantly lowered body weight, produced pathologic changes in the gastric epithelium, increased the incidence of masses of the ear duct and produced proliferative lesions in the central nervous system of rats." The MCA also reported a higher incidence of subcutaneous masses in the mammary region of the test animals. The interim report is also on file with, and available to the public from, the Hearing Clerk, Food and Drug Administration.

Since 1975, FDA has been actively involved in reviewing and refining the analytical methodology for acrylonitrile monomer. This methodology is used by FDA to measure the amount of acrylonitrile monomer that migrates from acrylonitrile copolymer to food-simulating solvents under specified test conditions.

The need for precise and sensitive analytical methodology to measure the amount of acrylonitrile monomer that may reasonably be expected to migrate from the acrylonitrile copolymer is derived from the definition of a "food additive" in section 201(s) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(s)). Section 201(s) defines a food additive, in pertinent part, as:

* * * any substance the intended use of which results or may reasonably be expected to result, directly or indirectly, in its becoming a component or otherwise affecting the characteristics of any food * * *.

Indirect food additives include those that "may reasonably be expected" to become a component of food through migration from the food-contact surface to food. The procedure ordinarily used to determine if migration may reasonably be expected to occur and, if so, to measure the amount of migration, is to place the food-contact surface (e.g., an acrylonitrile copolymer beverage container) into contact with food-simulating solvents. These food-simulating solvents—water, 3 percent acetic acid, 8 or 50 percent ethanol, and *n*-heptane or an appropriate oil or fat—are used to approximate the actual conditions of use

of the food-contact surface with different categories of food (e.g., oils, acidic substances, alcoholic beverages).

Extraction studies with the food-contact article and the food-simulating solvents are ordinarily conducted until the equilibrium point—the point of maximum migration—is reached. The extraction studies are ordinarily conducted under conditions more extreme than ordinary conditions of use of the food-contact substance to ensure that an adequate margin of safety exists for consumers. Thus, the amount of a substance extracted during these tests represents the maximum amount likely to migrate during actual use.

The results of the toxicological studies have been evaluated by FDA scientists and, on the basis of those evaluations, the Commissioner concludes that the amount of acrylonitrile monomer permitted to migrate to food-simulating solvents should be substantially reduced for all acrylonitrile copolymer food-contact applications. A proposal to implement this conclusion is published elsewhere in this issue of the FEDERAL REGISTER. The preamble to that proposal discusses the basis for the Commissioner's determination that use of acrylonitrile copolymers can safely be continued with a 0.05 ppm (50ppb) limit on acrylonitrile monomer migration during this interim period until the studies are completed and evaluated.

This conclusion does not, however, apply to the use of acrylonitrile copolymers for beverage containers. The beverage containers, in the Commissioner's judgment, present a somewhat different set of considerations from those applicable to other food-contact applications; those considerations make necessary a stay of the food additive regulations or portions thereof permitting use of the beverage containers.

First, data generated during recent FDA extraction studies on acrylonitrile copolymer beverage containers establish that some migration of acrylonitrile monomer occurs. These data also indicate that the containers may not currently meet the proposed 0.05 ppm (50 ppb) limit on acrylonitrile monomer migration. Conclusive proof that the beverage containers do not meet the proposed limit is not possible at this time, in part because the analytical methodology for determining monomer migration to food-simulating solvents is still being developed. Nevertheless, the sophisticated analytical methodology employed by FDA in determining acrylonitrile monomer migration has every indication of being a reliable and accurate procedure. Furthermore, the Commissioner believes that it would be inappropriate to risk additional exposure of the public to acrylonitrile monomer from beverage containers, pending further refinement and validation of the analytical method. The failure of the beverage containers tested to meet the proposed limit increases the possibility that acrylonitrile monomer will migrate in significant amounts to the beverages. A report of FDA's extraction studies on the acrylo-

nitrile beverage containers is on file with, and available to the public from, the Hearing Clerk, Food and Drug Administration.

Shortly after FDA announced in the FEDERAL REGISTER of February 15, 1977 (42 FR 9227) its intention to stay the food additive regulations that permit acrylonitrile copolymers to be used to fabricate beverage containers, the Monsanto Company requested, and was given, the opportunity to submit data to FDA regarding migration of acrylonitrile monomer from its acrylonitrile copolymer bottle. Those data were reviewed by FDA and, in the view of the agency, do not establish that the bottles can currently meet the proposed 0.05 ppm limit on acrylonitrile monomer migration. It is worth noting also that the methodology used by Monsanto to measure the migration is essentially identical to that used by FDA.

This stay is also made necessary by the magnitude of the anticipated exposure of consumers to acrylonitrile monomer from the beverage containers, if those containers were permitted to be introduced further into the marketplace. Recent reports indicate that, in those areas in which the beverage containers—particularly soft drink bottles—have been marketed, they are being accepted by consumers, and their share of the market is increasing and may be expected to continue to increase. A stay at this time will prevent further introduction into the market place of the containers while the safety of the acrylonitrile monomer is studied further and while the studies of acrylonitrile monomer migration continue. This stay applies to all food additive regulations that permit acrylonitrile copolymers to be used to fabricate beverage containers, although it should be noted that at least two of those regulations are not being used at present as authority to market acrylonitrile beverage containers.

The possibility of exposure of consumers to acrylonitrile monomer migrating from acrylonitrile copolymer beverage containers can reasonably be projected to be considerably greater than from other acrylonitrile copolymer food-contact uses. Consumers ingest beverages in much greater quantities and more frequently, than, for example, margarine or vegetable oils. The World Health Organization (WHO) reports that in 1973, the last year for which data are available, per capita consumption of soft drinks in the United States was 110.1 liters per year.¹ Obviously, no individual would consume an amount approaching that amount of margarine or vegetable oil. Thus, acrylonitrile copolymer beverage containers are a potentially significant source of acrylonitrile monomer migration, particularly if use of the containers were to increase, as present trends indicate. Suspending fur-

ther use of the containers at this time is an effective way of minimizing the potential exposure.

To summarize, the Commissioner concludes that the food additive regulations for acrylonitrile copolymers should be stayed, effective immediately, insofar as they permit acrylonitrile copolymers to be used to fabricate beverage containers. The regulations are stayed pending full review of the objections and requests for hearing filed by the Natural Resources Defense Council (NRDC) on 21 CFR 121.2627 and 121.2633, and on the interim food additive regulation, 21 CFR 121.4010. The NRDC objection to the interim food additive regulation, 21 CFR 121.4010 (which is the current legal basis for all food contact uses of acrylonitrile), which explicitly seeks a stay of the food additive regulations permitting acrylonitrile copolymers to be used in contact with food, and the other objections received on the interim food additive regulation, are being reviewed in conjunction with the data from the recently completed and ongoing toxicity studies on acrylonitrile monomer.

The NRDC objections raise a number of issues regarding the safety of acrylonitrile copolymers in food-contact applications, and especially as beverage containers. The issues raised in the objections are substantial. The Commissioner anticipates, therefore, that when the chronic feeding study is complete or possibly sooner it will be appropriate to convene an evidentiary hearing under section 409 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 348) to resolve those factual issues. If the Commissioner decides that a hearing should be convened or, less likely, that the requests for hearing should be denied, a notice would be issued in the FEDERAL REGISTER setting forth the Commissioner's conclusions. However, the Commissioner concludes that the request of NRDC to stay certain acrylonitrile copolymer food additive regulations should be granted with respect to the use of acrylonitrile copolymers to fabricate beverage containers. The Commissioner concludes that it is in the public interest to act prudently, albeit not definitively, at this time on the acrylonitrile copolymer beverage containers.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 409, 701, 52 Stat. 1055-1056 as amended, 72 Stat. 1785-1788 as amended (21 U.S.C. 348, 371)) and under authority delegated to him (21 CFR 5.1), the Commissioner hereby stays, pending completion of the studies required under 21 CFR 121.4010 and evaluation of the results of those studies, and until further notice, the following food additive regulations under Subpart F of Part 121:

1. In § 121.2614 *Nitrile rubber modified acrylonitrile-methyl acrylate copolymers* insofar as it permits a nitrile rubber modified acrylonitrile-methyl acrylate copolymer to be used to fabricate beverage containers;
2. In § 121.2625 *Acrylonitrile/styrene copolymer modified with butadiene/*

styrene elastomer insofar as it permits an acrylonitrile/styrene copolymer modified with butadiene/styrene elastomer to be used to fabricate beverage containers;

3. In § 121.2627 *Acrylonitrile/butadiene/styrene/methyl methacrylate copolymer* insofar as it permits an acrylonitrile / butadiene / styrene / methyl methacrylate copolymer to be used to fabricate beverage containers;

4. In § 121.2629 *Acrylonitrile/styrene copolymer* insofar as it permits an acrylonitrile/styrene copolymer to be used to fabricate beverage containers; and

5. In § 121.2633 *Acrylonitrile/butadiene/styrene copolymer* insofar as it permits an acrylonitrile/butadiene/styrene copolymer to be used to fabricate beverage containers.

The Commissioner concludes that the protection of the public health does not require the recall from the market of beverages packaged in acrylonitrile copolymer containers. The bottles are currently on the market only in limited areas and because of this stay will not be introduced further into interstate commerce. Moreover, the potential exposure to the acrylonitrile monomer from beverage containers already on the market is limited; therefore, the Commissioner concludes that permitting the beverage containers already in interstate commerce to be sold will not present a hazard to the public health.

Effective date: This stay is effective March 11, 1977. No acrylonitrile copolymer beverage containers may be shipped in interstate commerce after March 11, 1977.

Dated: March 4, 1977.

SHERWIN GARDNER,
Acting Commissioner
of Food and Drugs.

[FR Doc. 77-7046 Filed 3-7-77; 10:30 am]

SUBCHAPTER E—ANIMAL DRUGS, FEEDS, AND RELATED PRODUCTS

PART 510—NEW ANIMAL DRUGS

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Sponsors of Approved Applications; General Provisions; Diamond Shamrock Corp.; Change of Firm Name and Address.

The Food and Drug Administration is amending the animal drug regulations to reflect a change in corporate name and address; effective March 11, 1977.

(Sec. 512(i), (82 Stat. 347 (21 U.S.C. 360(b)(1))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1.)

Parts 510 and 558 are amended as follows:

1. In Part 510, § 510.600 is amended in paragraph (c)(1) by deleting the firm name and address for Diamond Shamrock Chemical Co. and inserting in its place the name and address for Diamond Shamrock Corp., and in paragraph (c)(2) in the entry No. 025001 by deleting the firm name and address for Diamond Shamrock Chemical Co., and inserting in

¹Joint FAO/WHO Food Standards Programme, Codex Committee on Food Additives, 10th Sess., The Hague, 2-7 June 1975, "Food Additives in Soft Drinks."

its place the firm name and address for Diamond Shamrock Corp., as follows:

§ 510.600 Names, addresses, and code numbers of sponsors of approved applications.

(c) * * *	
(1) * * *	
Firm name and address:	Drug Listing No.
Diamond Shamrock Corp., Nutrition & Animal Health Div., 1100 Superior Ave., Cleveland, Ohio 44114.	025001

(2) * * *	
Drug Listing No.	Firm name and address
025001	Diamond Shamrock Corp., Nutrition & Animal Health Div., 1100 Superior Ave., Cleveland, Ohio 44114.

§ 558.15 [Amended]

2. In Part 558, § 558.15, *Antibiotic, nitrofurans, and sulfonamide drugs in the feed of animals* is amended in paragraph (g) (1) in the table, by changing "Diamond Shamrock Chemical Co." in the three places it appears to "Diamond Shamrock Corp."; and in paragraph (g) (2) in the table, by changing "Diamond Shamrock Chemical Co." to "Diamond Shamrock Corp." in the single entry therefor.

Effective date. This amendment becomes effective March 11, 1977.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(1)).)

Dated: March 7, 1977.

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

[FR Doc.77-7374 Filed 3-10-77;8:45 am]

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

Cephalexin Capsules and Powder for Oral Suspension

The Food and Drug Administration approves two new animal drug applications (NADA's 101-146V, 101-147V) filed by Elanco Products Co., Division of Eli Lilly & Co., P.O. Box 1750, Indianapolis, IN 46206, proposing the safe and effective use of cephalexin capsules for treating dogs and cats and cephalexin powder for oral suspension for treating dogs for bacterial infections of the respiratory, urogenital, and gastrointestinal tracts and soft tissue caused by cephalexin-sensitive organisms.

The approvals are effective March 11, 1977.

The Commissioner of Food and Drugs is amending Part 520 (21 CFR Part 520) to reflect these approvals.

In accordance with § 514.11(e) (2) (ii) (21 CFR 514.11(e) (2) (ii)) of the animal drug regulations, summaries of the safety and effectiveness data and information submitted to support the approvals of these applications are released publicly. The summaries are available for public examination at the office of the Hearing Clerk, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857, Monday through Friday, from 9 a.m. to 4 p.m., except on Federal legal holidays.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360(i))), under authority delegated to the Commissioner (21 CFR 5.1), Part 520 is amended by adding new §§ 520.316, 520.316a, and 520.316b to read as follows:

§ 520.316 Cephalexin oral dosage forms.

§ 520.316a Cephalexin capsules.

(a) *Specifications.* Each capsule contains 250 or 500 milligrams of cephalexin as cephalexin monohydrate.

(b) *Sponsors.* See No. 000986 in § 510.600(c) of this chapter.

(c) *Conditions of use.* (1) (i) Dogs: For the treatment of bacterial infection of the respiratory, urogenital, and gastrointestinal tracts and soft tissue caused by cephalexin-sensitive organisms.

(ii) Cats: For the treatment of bacterial infections of the respiratory, urinary, and gastrointestinal tracts and soft tissue caused by cephalexin-sensitive organisms.

(2) It is administered orally every 12 hours at a dosage level of 12 to 18 milligrams per pound of body weight. If no improvement is observed after 7 days, diagnosis and therapy should be reevaluated.

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

§ 520.316b Cephalexin for oral suspension.

(a) *Specifications.* Cephalexin (as cephalexin monohydrate) is a powder which when reconstituted with water contains 125 milligrams of cephalexin per 5 milliliters.

(b) *Sponsor.* See No. 000986 in § 510.600(c) of this chapter.

(c) *Conditions of use.* (1) Dogs: For the treatment of bacterial infections of the respiratory, urogenital, and gastrointestinal tracts and soft tissue caused by cephalexin-sensitive organisms.

(2) After reconstitution with water to form a suspension, it is administered orally every 12 hours at a dosage of 12 to 18 milligrams per pound of body weight. If no improvement is observed after 7 days, diagnosis and therapy should be reevaluated.

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

Effective date: This regulation becomes effective March 11, 1977.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(1)).)

Dated: March 4, 1977.

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

[FR Doc.77-7169 Filed 3-10-77;8:45 am]

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

Pyrimamine Maleate Injection

The Food and Drug Administration approves a new animal drug application (NADA 46-288V) filed by Burns-Biotec Laboratories Division, Chromalloy Pharmaceuticals, Inc., 7711 Oakport St., Oakland, CA 94621, proposing safe and effective use of pyrimamine maleate injection for the antihistaminic treatment of horses. The approval is effective March 11, 1977.

The Commissioner of Food and Drugs is amending Part 522 (21 CFR Part 522) to reflect this approval. In addition, the regulations are editorially revised to delete certain nonsubstantive information.

In accordance with § 514.11(e) (2) (ii) (21 CFR 514.11(e) (2) (ii)) of the animal drug regulations, a summary of the safety and effectiveness data and information submitted to support the approval of this application is released publicly. The summary is available for public examination at the office of the Hearing Clerk, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857, between the hours of 9 a.m. and 4 p.m., Monday through Friday.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(1))) and under authority delegated to the Commissioner (21 CFR 5.1), Part 522 is amended in § 522.2063 by revising paragraphs (b) and (c) (1) to read as follows:

§ 522.2063 Pyrimamine maleate injection.

(b) *Sponsor.* See No. 000845 and 011519 in § 510.600(c) of this chapter.

(c) *Conditions of use.* (1) It is intended for treating horses in conditions in which antihistaminic therapy may be expected to lead to alleviation of some signs of disease.

Effective date: This amendment becomes effective March 11, 1977.

(Sec. 512(i), 82 Stat. 247 (21 U.S.C. 360b(1)).)

Dated: March 4, 1977.

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

[FR Doc.77-7170 Filed 3-10-77;8:45 am]

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Ipronidazole, Sulfadimethoxine, and Ormetoprim

The Food and Drug Administration approves a supplemental new animal drug application (NADA 40-209V, 47-089V) filed by Hoffmann-LaRoche, Inc., 340 Kingsland St., Nutley, NJ 07110, proposing that the safe and effective use of sulfadimethoxine with ormetoprim in the feed of chickens and turkeys as an aid in the prevention of coccidiosis and certain other bacterial infections require a 5-day withdrawal period. The approval is effective March 11, 1977.

The firm has submitted a new and improved method of analysis for the detection of sulfadimethoxine residues in the tissues of chickens and turkeys. The new method has greater sensitivity than the one available when the application was originally approved. Residue data obtained using the new method have demonstrated that 4 days are required for the depletion of tissue residues to the negligible level of 0.1 part per million established in § 556.640 (21 CFR 556.640). Therefore, the labeling for use of the drug when used with ormetoprim or with ormetoprim in combination with ipronidazole is being amended to require a 5-day withdrawal period after use of these drugs. This will provide additional assurance that edible products of treated animals are safe for consumption.

Any labeling previously approved for use in the manufacture of sulfadimethoxine-containing medicated feeds and currently providing for less than 5-days withdrawal period must be revised to provide for a withdrawal period of 5 days. Such revised labeling shall be placed into effect at the earliest possible time, but in no case later than April 11, 1977. Supplemental applications that include copies of revised labeling shall be submitted to the Food and Drug Administration, HFV-16, at the time the revised labeling is placed into effect. The supplement will be filed with the original application, and the agency will issue no response unless the revised labeling is unsatisfactory.

The Commissioner of Food and Drugs is amending Part 558 (21 CFR Part 558) to reflect this approval. The Commissioner is also revising the regulations to provide reference to the tolerance for sulfadimethoxine and to correct the name of one of the *Eimeria* organisms.

Approval of this supplemental NADA has not required a reevaluation of the parent NADA and does not constitute a reaffirmation of the drug's safety and effectiveness.

In accordance with § 514.11(e) (2) (ii) (21 CFR 514.11(e) (2) (ii)) of the animal drug regulations, a summary of the safety and effectiveness data and information submitted to support the approval of this application is released publicly. The summary is available for

public examination at the office of the Hearing Clerk, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857, between the hours of 9 a.m. and 4 p.m., Monday through Friday.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner (21 CFR 5.1) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)), Part 558 is amended as follows:

1. In § 558.305, by revising paragraph (f) (2) (ii) to read as follows:

§ 558.305 Ipronidazole.

- (f) * * *
- (2) * * *

(ii) *Limitations.* Withdraw 5 days before slaughter. Do not feed to turkeys producing eggs for food.

2. In § 558.575, by revising paragraphs (d), (e) (1) (i) (b), (e) (2) (iii), (e) (3) (i) (a) and (b), and (e) (3) (ii) (b) to read as follows:

§ 558.575 Sulfadimethoxine, ormetoprim.

(d) *Related tolerances.* See §§ 556.490 and 556.640 of this chapter.

- (e) * * *
- (1) * * *
- (i) * * *

(b) *Limitations.* Feed as sole ration; withdraw 5 days before slaughter.

(2) * * *

(iii) *Limitations.* Feed as sole ration; do not feed to chickens over 16 weeks (112 days) of age; withdraw 5 days before slaughter.

- (3) * * *
- (i) * * *

(a) *Indications for use.* As an aid in the prevention of coccidiosis caused by all *Eimeria* species known to be pathogenic to turkeys, namely, *E. adenoides*, *E. gallopavonis*, and *E. meleagrimitis* and bacterial infection due to *P. multocida* (fowl cholera).

(b) *Limitations.* Do not feed to turkeys producing eggs for food; withdraw 5 days before slaughter.

(ii) * * *

(b) *Limitations.* Do not feed to turkeys producing eggs for food; withdraw 5 days before slaughter.

Effective date: This amendment shall be effective March 11, 1977.

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

Dated: March 4, 1977.

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

[FR Doc. 77-7047 Filed 3-10-77; 8:45 am]

Title 29—Labor

CHAPTER I—NATIONAL LABOR RELATIONS BOARD

PART 102—RULES AND REGULATIONS, SERIES 8

Subpart S—Open Meetings

AGENCY: National Labor Relations Board.

ACTION: Promulgation of Final Rules—Pursuant to its authority under section 6 of the National Labor Relations Act, as amended (49 Stat. 452; 29 U.S.C. 156) and in accordance with section 3(a) (section 552b(g)) of the Government in the Sunshine Act, Pub. L. 94-409, September 11, 1976, 5 U.S.C. 552b(g), the National Labor Relations Board hereby promulgates a new Subpart S of its rules and regulations, §§ 102.137 through 102.142, which reads as set forth below.

SUMMARY: Subpart S of the Rules and Regulations of the National Labor Relations Board implements the open meeting requirements of the Government in the Sunshine Act, Pub. L. 94-409, September 11, 1976. The rules were proposed and published in the FEDERAL REGISTER, 42 FR 5105, January 27, 1977 for public comment. They establish the circumstances under which Board meetings will be open to public observation, the Agency's procedures for public announcement of time, place and subject matter of Board meetings, and provisions for the maintenance of minutes, transcripts or recordings of such meetings.

DATES: These rules will become effective March 12, 1977.

FOR FURTHER INFORMATION CONTACT:

John C. Truesdale, Esquire, Executive Secretary, National Labor Relations Board, 1717 Pennsylvania Avenue NW., Washington, D.C. 20570.

SUPPLEMENTAL INFORMATION: The rules in their final form as here published are the same as those proposed and published for comment, except for two minor revisions. Section 102.140 (a) and (b) have been modified to make clear that at each vote on whether to close a meeting the Board will separately consider whether there is a public interest which requires that a meeting which may properly be closed should nevertheless to open. Also, § 102.140(e) has been clarified to assure that the solicitor's certification concerning the propriety of closing the meeting is made prior to the closing of the meeting.

Subpart S—Open Meetings

- 102.137 Public observation of Board meetings.
- 102.138 Definition of meeting.
- 102.139 Closing of meetings; reasons therefor.
- 102.140 Action necessary to close meeting; record of votes.
- 102.141 Notice of meetings; public announcement and publication.

102.142 Transcripts, recordings or minutes of closed meetings; public availability; retention.

AUTHORITY: Sec. 6, National Labor Relations Act, as amended (49 Stat. 452; 29 U.S.C. 156) and sec. 3(a), Government in the Sunshine Act, Pub. L. 94-409, Sept. 13, 1976, 5 U.S.C. 552b(g).

Subpart S—Open Meetings

§ 102.137 Public observation of Board meetings.

Every portion of every meeting of the Board shall be open to public observation, except as provided in § 102.139 of these rules, and Board members shall not jointly conduct or dispose of agency business other than in accordance with the provisions of this subpart.

§ 102.138 Definition of meeting.

For purposes of this subpart, "meeting" shall mean the deliberations of at least three members of the full Board, or the deliberations of at least two members of any group of three Board members to whom the Board has delegated powers which it may itself exercise, where such deliberations determine or result in the joint conduct or disposition of official agency business, but does not include deliberations to determine whether a meeting should be closed to public observation in accordance with the provisions of this subpart.

§ 102.139 Closing of meetings; reasons therefor.

(a) Except where the Board determines that the public interest requires otherwise, meetings, or portions thereof, shall not be open to public observation where the deliberations concern the issuance of a subpoena, the Board's participation in a civil action or proceeding or an arbitration, or the initiation, conduct or disposition by the Board of particular representation or unfair labor practice proceedings under sections 8, 9, or 10 of the act, or any court proceedings collateral or ancillary thereto.

(b) Meetings, or portions thereof, may also be closed by the Board, except where it determines that the public interest requires otherwise, when the deliberations concern matters or information falling within the reasons for closing meetings specified in 5 U.S.C. section 552b (c) (1) (secret matters concerning national defense or foreign policy); (c) (2) (internal personnel rules and practices); (c) (3) (matters specifically exempted from disclosure by statute); (c) (4) (privileged or confidential trade secrets and commercial or financial information); (c) (5) (matters of alleged criminal conduct or formal censure); (c) (6) (personal information where disclosure would cause a clearly unwarranted invasion of personal privacy); (c) (7) (certain materials or information from investigatory files compiled for law enforcement purposes); or (c) (9) (B) (disclosure would significantly frustrate implementation of a proposed agency action).

§ 102.140 Action necessary to close meeting; record of votes.

A meeting shall be closed to public observation under § 102.139, only when a majority of the members of the Board who will participate in the meeting vote to take such action.

(a) When the meeting deliberations concern matters specified in § 102.139 (a), the Board members shall vote at the beginning of the meeting, or portion thereof, on whether to close such meeting, or portion thereof, to public observation, and on whether the public interest requires that a meeting which may properly be closed should nevertheless be open to public observation. A record of such vote, reflecting the vote of each member of the Board, shall be kept and made available to the public at the earliest practicable time.

(b) When the meeting deliberations concern matters specified in § 102.139 (b), the Board shall vote on whether to close such meeting, or portion thereof, to public observation, and on whether there is a public interest which requires that a meeting which may properly be closed should nevertheless be open to public observation. The vote shall be taken at a time sufficient to permit inclusion of information concerning the open or closed status of the meeting in the public announcement thereof. A single vote may be taken with respect to a series of meetings at which the deliberations will concern the same particular matters where such subsequent meetings are scheduled to be held within thirty days after the initial meeting. A record of such vote, reflecting the vote of each member of the Board, shall be kept and made available to the public within one day after the vote is taken.

(c) Whenever any person whose interests may be directly affected by deliberations during a meeting, or a portion thereof, requests that the Board close that meeting, or portion thereof, to public observation for any of the reasons specified in 5 U.S.C. section 552b(c) (5) (matters of alleged criminal conduct or formal censure), (c) (6) (personal information where disclosure would cause a clearly unwarranted invasion of personal privacy), or (c) (7) (certain materials or information from investigatory files compiled for law enforcement purposes), the Board members participating in the meeting, upon request of any one of its members, shall vote on whether to close such meeting, or a portion thereof, for that reason. A record of such vote, reflecting the vote of each member of the Board participating in the meeting shall be kept and made available to the public within one day after the vote is taken.

(d) After public announcement of a meeting as provided in § 102.141 of this part, a meeting, or portion thereof, announced as closed may be opened, or a meeting, or portion thereof, announced as open may be closed, only if a majority of the members of the Board who will

participate in the meeting determine by a recorded vote that Board business so requires and that an earlier announcement of the change was not possible. The change made and the vote of each member on the change shall be announced publicly at the earliest practicable time.

(e) Before a meeting may be closed pursuant to § 102.139, the solicitor of the Board shall certify that in his or her opinion the meeting may properly be closed to public observation. The certification shall set forth each applicable exemptive provision for such closing. Such certification shall be retained by the agency and made publicly available as soon as practicable.

§ 102.141 Notice of meetings; public announcement and publication.

(a) A public announcement setting forth the time, place and subject matter of meetings or portions thereof closed to public observation pursuant to the provisions of § 102.139(a) of this part, shall be made at the earliest practicable time.

(b) Except for meetings closed to public observation pursuant to the provisions of § 102.139(a) of this part, the agency shall make public announcement of each meeting to be held at least 7 days before the scheduled date of the meeting. The announcement shall specify the time, place and subject matter of the meeting, whether it is to be open to public observation or closed, and the name, address, and phone number of an agency official designated to respond to requests for information about the meeting. The 7 day period for advance notice may be shortened only upon a determination by a majority of the members of the Board who will participate in the meeting that agency business requires that such meeting be called at an earlier date, in which event the public announcements shall be made at the earliest practicable time. A record of the vote to schedule a meeting at an earlier date shall be kept and made available to the public.

(c) Within one day after a vote to close a meeting, or any portion thereof, pursuant to the provisions of § 102.139 (b) of this part, the agency shall make publicly available a full written explanation of its action closing the meeting, or portion thereof, together with a list of all persons expected to attend the meeting and their affiliation.

(d) If after public announcement required by paragraph (b) of this section has been made, the time and place of the meeting are changed, a public announcement shall be made at the earliest practicable time. The subject matter of the meeting may be changed after the public announcement only if a majority of the members of the Board who will participate in the meeting determine that agency business so requires and that no earlier announcement of the change was possible. When such a change in subject matter is approved a public announcement of the change shall be made at the earliest practicable time. A record

of the vote to change the subject matter of the meeting shall be kept and made available to the public.

(e) All announcements or changes thereto issued pursuant to the provisions of paragraphs (b) and (d) of this section, or pursuant to the provisions of § 102.140(d), shall be submitted for publication in the FEDERAL REGISTER immediately following their release to the public.

(f) Announcements of meetings made pursuant to the provisions of this section shall be made publicly available by the executive secretary.

§ 102.142 Transcripts, recordings or minutes of closed meeting; public availability; retention.

(a) For every meeting or portion thereof closed under the provisions of § 102.139 of this part, the presiding officer shall prepare a statement setting forth the time and place of the meeting and the persons present, which statement shall be retained by the agency. For each such meeting or portion thereof there shall also be maintained a complete transcript or electronic recording of the proceedings, except that for meetings closed pursuant to § 102.139 (a) the Board may, in lieu of a transcript or electronic recording, maintain a set of minutes fully and accurately summarizing any action taken, the reasons therefor and views thereon, documents considered, and the members' vote on each roll call vote.

(b) The agency shall make promptly available to the public copies of transcripts, recordings or minutes maintained as provided in accordance with paragraph (a) of this section, except to the extent the items therein contain information which the agency determines may be withheld pursuant to the provisions of 5 U.S.C. section 552b(c). Copies of transcripts or minutes, or transcriptions of electronic recordings including the identification of speakers, shall, to the extent determined to be publicly available, be furnished to any person, subject to the payment of duplication costs in accordance with the schedule of fees set forth in § 102.117(c) (2) (iv), and the actual cost of transcription.

(c) The agency shall maintain a complete verbatim copy of the transcript, a complete electronic recording, or a complete set of the minutes for each meeting or portion thereof closed to the public, for a period of at least one year after the close of the agency proceeding of which the meeting was a part, but in no event for a period of less than two years after such meeting.

Dated, Washington, D.C., March 7, 1977.

By direction of the Board.

JOHN C. TRUESDALE,
Executive Secretary.

[FR Doc.77-7156 Filed 3-10-77;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 51—COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

PRIORITY FOR SERVICES

On November 29, 1976 notice was published in the FEDERAL REGISTER (41 FR 52323) proposing changes in the Committee Regulations (41 CFR Part 51), which were required by the termination on December 31, 1976, of the priority for services given to blind workshops. These changes delete reference to priority for blind workshops for services.

In addition, it was proposed to:

(1) Revise § 51-5.1-1(b) to clarify the procedures when a procuring agency with centralized procurement responsibility authorizes another agency to procure items on the Procurement List;

(2) Revise § 51-3.2(i) to require Committee authorization for a central nonprofit agency to enter into contracts with the Government for furnishing commodities or services under Pub. L. 92-28;

(3) Add paragraph (e) to § 51-5.2 to clarify the authority of the Committee to grant purchase exceptions; and

(4) Revise § 51-5.8 to clarify the procedures for resolving disputes between central nonprofit agencies and procuring agencies regarding performance under the Act.

Comments were received proposing clarification of wording and are incorporated below.

Additionally, § 51-3.3, on assignment of commodity or service has been revised. The revised wording has been coordinated with Federal Prison Industries, Inc., National Industries for the Severely Handicapped and National Industries for the Blind, the only agencies concerned.

In consideration of the foregoing, 41 CFR Chapter 51 is amended as follows.

Effective date: March 11, 1977.

By the Committee.

C. W. FLETCHER,
Executive Director.

PART 51-1—GENERAL

1. Section 51-1.3 is revised to read as follows:

§ 51-1.3 Priorities.

(a) The Federal Prison Industries, Inc. has priority, under the provisions of section 4124 of title 18, United States Code, over workshops for the blind and other severely handicapped in the production of commodities for sale to the Government. All or a portion of the Government's requirement for a commodity for which Federal Prison Industries, Inc. has exercised its priority may be added to the Procurement List. However, such addition is made with the understanding that procurement under the Act shall be limited to that portion of the Government's requirement for the

commodity which is not available from the Federal Prison Industries, Inc.

(b) The Committee, in the assignment of commodities for procurement under the Act, shall accord priority to commodities, including military resale commodities, produced and offered for sale by workshops for the blind.

PART 51-2—COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

2. Paragraph (e) of § 51-2.3 is revised to read as follows:

§ 51-2.3 Duties and powers.

(e) To assure that workshops for the blind will have priority over workshops for the other severely handicapped in the production of commodities.

PART 51-3—CENTRAL NONPROFIT AGENCIES

3. Paragraph (i) of § 51-3.2 is revised to read as follows:

§ 51-3.2 Responsibilities.

(i) When authorized by the Committee, enter into contracts with Federal procuring activities for the furnishing of commodities and services provided by its workshops.

4. Section 51-3.3 is revised to read as follows:

§ 51-3.3 Assignment of commodity or service.

(a) The central nonprofit agency first proposing a service for possible addition to the Procurement List shall be assigned the service.

(b) Within 60 days after notification by the Committee that a commodity has been proposed for possible addition to the Procurement List, the Federal Prison Industries, Inc., and the National Industries for the Blind (for commodities proposed by the National Industries for the Severely Handicapped) shall notify the Committee of their decisions regarding the exercise or waiver of priority on the proposed commodity.

(c) When the Federal Prison Industries, Inc. exercises its priority for a commodity proposed by the National Industries for the Blind or the National Industries for the Severely Handicapped for possible addition to the Procurement List, the commodity may be assigned to the National Industries for the Blind or the National Industries for the Severely Handicapped in accordance with paragraph (d) or (e) of this section.

(d) When the National Industries for the Blind proposes a commodity for possible addition to the Procurement List, it shall be assigned to the National Industries for the Blind.

(e) When the National Industries for the Severely Handicapped proposes a commodity for possible addition to the Procurement List, it shall be assigned to the National Industries for the Severely Handicapped, unless the National Industries for the Blind exercises the priority accorded to the workshops for the blind, in which case the commodity shall be assigned to the National Industries for the Blind.

(f) When the National Industries for the Blind exercises the priority of the workshops for the blind for a commodity which was initially proposed by the National Industries for the Severely Handicapped, the National Industries for the Blind shall complete the essential steps to place the commodity on the Procurement List within nine months after assignment. If the National Industries for the Blind has not completed these steps within that time period, the Committee shall reassign the commodity to the National Industries for the Severely Handicapped. However, the nine-month period may be extended for a reasonable period of time when the National Industries for the Blind has been delayed by conditions beyond its control.

PART 51-5—PROCUREMENT REQUIREMENTS AND PROCEDURES

5. Paragraph (b) of § 51-5.1-1 is revised to read as follows:

§ 51-5.1-1 General.

(b) When a commodity is identified on the Procurement List as being available through DSA or from GSA supply distribution facilities, it shall be obtained in accordance with the requisitioning procedures of the supplying agency. If the supplying agency cannot supply such a commodity, it shall inform the ordering office that the commodity must be procured in accordance with the provisions of this part.

6. Section 51-5.2 is amended by adding paragraph (e):

§ 51-5.2 Purchase exceptions.

(e) The Committee shall grant a purchase exception when it deems such action is appropriate.

7. Section 51-5.8 is amended by adding the following sentence:

§ 51-5.8 Correspondence and inquiries.

*** In those instances where the problem cannot be resolved by the central nonprofit agency and the procuring activity involved, the procuring activity or central nonprofit agency shall notify the Committee of the problem so that action can be taken by the Committee to resolve it.

[FR Doc.77-7257 Filed 3-10-77;8:45 am]

Title 45—Public Welfare

CHAPTER XVII—NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

PART 1703—GOVERNMENT IN THE SUNSHINE ACT

Pursuant to provisions of the "Government in the Sunshine Act" (Pub. L. 94-409; 5 U.S.C. 552b, September 13, 1976) the Commission published in the FEDERAL REGISTER (43 FR 3667, January 19, 1977) it proposed regulations implementing the Act. Interested parties were encouraged to submit comments on these proposed regulations. In accordance with comments received, we have adopted appropriate modifications as follows:

(1) Subpart A, § 1703.102(a), we have amended to read:

"Meeting" means the deliberations of a majority of the Commission members who have been appointed by the President and confirmed by the Senate where such deliberations determine or result in the joint conduct of official Commission business.

(2) Section 1703.103, amending first sentence to read: "This part applies to deliberations of a majority of the Commission members who have been appointed by the President and confirmed by the Senate."

(3) Subpart B, § 1703.202(a) (9), amending to read: "Disclose information the premature disclosure of which would be likely to significantly frustrate implementation of a proposed agency action, except that this paragraph shall not apply in any instance where the agency has already disclosed to the public the content or nature of its proposed action, or where the agency is required by law to make such disclosure on its own initiative prior to taking final agency action on such proposals";

(4) Subpart B, § 1703.302(b), amending to add following after first sentence: "The Commission will determine whether the discussion comes within one of the specific exemptions. If the discussion is determined to be exempt, the Commission will consider and determine whether the public interest nevertheless requires that the meeting be open."

(5) Subpart B, § 1703.203 (a), amending the first two sentences to read: "Commission members may decide before the meeting to close to public observation a meeting or a portion or portions thereof, or to withhold information pertaining to such meeting, only if a majority of the members vote on the record to take such action. No proxy votes on this action shall be allowed."

(6) Subpart B, § 1703.206, amending to read: "Individuals or organizations interested in obtaining copies of information available in accordance with § 1703.204 may request same under provisions set forth in §§ 1703.402 and 1703.404. Individuals or organizations having a special interest in activities of the Commission may request the Execu-

tive Director to the Commissioners to place them on a mailing list for receipt of information available under § 1703.205. The Commission shall provide information to publications whose readers are likely to have a special interest in the work of the Commission."

(6) Section 1703.207 (b), delete.

(7) Subpart C, § 1703.301, amending to read: "Meetings will be held in meeting rooms designated in the public announcement. Whenever the number of observers is greater than can be accommodated in the meeting room designated, every reasonable effort will be made to provide alternative facilities."

(8) Subpart C, § 1703.302, Beginning with third sentence amending to read: "Such participation or attempted participation shall be cause for removal of any person so engaged at the discretion of the presiding member of the Commission. When meetings are partially closed, observers will leave the meeting room promptly upon request so that discussion, of matters exempt under provisions of Subpart B, § 1703.202, may take place expeditiously."

(9) Section D, § 1703.401, amending last sentence to read: "The record of any portion of a meeting closed to the public shall be a transcript or electronic recording."

Subpart A—General Provisions

Sec.	
1703.101	Purpose.
1703.102	Definitions.
1703.103	Applicability and scope.
1703.104	Open meeting policy.

Subpart B—Procedures Governing Decisions About Meetings

1703.201	Decision to hold meetings.
1703.202	Provisions under which a meeting may be closed.
1703.203	Decision to close meeting.
1703.204	Public availability of recorded vote to close meeting.
1703.205	Public announcement of meeting.
1703.206	Providing information to the public.
1703.207	Change in meeting plans after public announcement.
1703.208	Meetings for extraordinary agency business.
1703.209	Notice of meeting in FEDERAL REGISTER.

Subpart C—Conduct of Meetings

1703.301	Meeting place.
1703.302	Role of observers.

Subpart D—Maintenance of Meeting Records

1703.401	Requirements for maintaining records.
1703.402	Availability of records to the public.
1703.403	Requests for records under Freedom of Information and Privacy Acts.
1703.404	Copying and transcription charges.

Subpart E—Administrative Review

1703.501	Administrative review.
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Subpart F—Judicial Review

1703.601	Judicial review.
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AUTHORITY: 5 U.S.C. 552b.

Subpart A—General Provisions**§ 1703.101 Purpose.**

This part sets forth the regulations under which the Commission shall engage in public decision-making processes, make public announcement of meetings at which a quorum of or all Commission members consider and determine official Commission action, and inform the public of which meetings they are entitled to observe.

§ 1703.102 Definitions.

In this part:

(a) "Meeting" means the deliberations of a majority of the Commission members who have been appointed by the President and confirmed by the Senate where such deliberations determine or result in the joint conduct of official Commission business.

(b) "Member" means one of the Commissioners of the National Commission on Libraries and Information Science (NCLIS) who is appointed to that position by the President with the advice and consent of the Senate.

§ 1703.103 Applicability and scope.

This part applies to deliberations of a majority of the Commission members who have been appointed by the President and confirmed by the Senate. Excluded from coverage of this part are deliberations of interagency committees whose composition includes Commission members and deliberations of Commission officials who are not members; individual member's consideration of official agency business circulated to the members in writing for disposition or notation; and deliberations by the agency in determining whether or not to close a portion or portions of a meeting or series of meetings as provided in § 1703.202.

§ 1703.104 Open meeting policy.

The public is entitled to the fullest practicable information regarding the decision-making processes of the Commission. Commission meetings involving deliberations which determine or result in the joint conduct or disposition of official Commission business are presumptively open to the public. It is the intent of these regulations to open such meetings to public observation while protecting individuals' rights and the Commission's ability to carry out its responsibilities. Meetings or portions of meetings may be closed to public observation only if closure can be justified under one of the provisions set forth in § 1703.202.

Subpart B—Procedures Governing Decisions About Meetings**§ 1703.201 Decision to hold meeting.**

When Commission members make a decision to hold a meeting, the proposed meeting will ordinarily be scheduled for a date no earlier than eight days after the decision to allow sufficient time to give appropriate public notice. At the time a decision is made to hold a meeting, the time, place, and subject matter

of the meeting will be determined, as well as whether the meeting is to be open or closed to the public.

§ 1703.202 Provisions under which a meeting may be closed.

(a) A meeting or portion thereof may be closed to public observation, and information pertaining to such meeting may be withheld from the public, where the Commission determines that such portion or portions of its meeting or disclosure of such information is likely to:

(1) Disclose matters that are (i) specifically authorized under criteria established by an Executive order to be kept secret in the interests of national defense or foreign policy and (ii) in fact properly classified pursuant to such Executive order;

(2) Relate solely to the internal personnel rules and practices of an agency;

(3) Disclose matters specifically exempted from disclosure by statute (other than section 552 of this title). Provided that such statute (i) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (ii) establishes particular criteria for withholding or refers to particular types of matters to be withheld;

(4) Disclose trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(5) Involve accusing any person of a crime, or formally censuring any person;

(6) Disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

(7) Disclose investigatory records compiled for law enforcement purposes, or information which if written would be contained in such records, but only to the extent that the production of such records or information would (i) interfere with enforcement proceedings, (ii) deprive a person of a right to a fair trial or an impartial adjudication, (iii) constitute an unwarranted invasion of personal privacy, (iv) disclose the identity of a confidential source and, in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source, (v) disclose investigative techniques and procedures, or (vi) endanger the life or physical safety of law enforcement personnel;

(8) Disclose information contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions;

(9) Disclose information the premature disclosure of which would be likely to significantly frustrate implementation of a proposed agency action, except this subparagraph shall not apply in any instance where the agency has already disclosed to the public the content or nature of its proposed action, or where the

agency is required by law to make such disclosure on its own initiative prior to taking final agency action on such proposal; or

(10) Specifically concern the agency's issuance of a subpoena, or the agency's participation in a civil action or proceeding, an action in a foreign court or international tribunal, or an arbitration, or the initiation, conduct, or disposition by the agency of a particular case of formal agency adjudication pursuant to the procedures in section 554 of this title or otherwise involving a determination on the record after opportunity for a hearing.

(b) The Commission may exercise its authority to open to public observation a meeting which could be closed under one of the provisions of § 1703.202(a), if it would be in the public interest to do so. The Commission will determine whether the discussion comes within one of the specific exemptions. If the discussion is determined to be exempt, the Commission will consider and determine whether the public interest nevertheless requires that the meeting be open.

§ 1703.203 Decision to close meeting.

(a) Commission members may decide before the meeting to close to public observation a meeting or portion or portions thereof, or to withhold information pertaining to such meeting, only if a majority of the members vote on the record to take such action. No proxy votes on this action shall be allowed. A single vote may be taken with respect to a series of meetings, a portion or portions of which are proposed to be closed to the public, or with respect to any information concerning such series of meetings, so long as each meeting in such series involves the same particular matters and is scheduled to be held no more than thirty days after the initial meeting in such series. If a decision is made to close a portion or portions of a meeting or a series of meetings, the Commission shall prepare a full written explanation of the closure action together with a list naming all persons expected to attend the meeting and identifying their affiliation.

(b) For every meeting or portion thereof which Commission members have voted to close, the Chairman of NCLIS shall certify that, in his or her opinion, the meeting may properly be closed to the public. In addition, the Chairman shall state each relevant exemptive provision as set forth in § 1703.202(a). A copy of the Chairman's certification, together with a statement from the Chairman setting forth the time and place of the meeting and listing the persons present, shall be retained by the Commission.

(c) Whenever any person whose interests may be directly affected by a portion of a meeting requests that the Commission close such portion to the public for any of the reasons referred to in § 1703.202(a), (5), (6), or (7), the Commission members, upon request of any of the Commissioners, shall decide by recorded vote whether to close such portion. If a

closure decision is made, the Commission shall prepare a full written explanation of the closure action together with a list naming all persons expected to attend the meeting and identifying their affiliation.

§ 1703.204 Public availability of recorded vote to close meeting.

Within one day of any vote taken on a proposal to close a meeting, the Commission shall make publicly available a record reflecting the vote of each member on the question. In addition, within one day of any vote which closes a portion or portions of a meeting to the public, the Commission shall make publicly available a full written explanation of its closure action together with a list naming all persons expected to attend and identifying their affiliation, unless such disclosure would reveal the information that the meeting itself was closed to protect.

§ 1703.205 Public announcement of meeting.

(a) Except as provided in §§ 1703.207 and 1703.208, the Commission shall make a public announcement at least one week before the scheduled meeting, to include the following:

(1) Time, place, and subject matter of the meeting;

(2) Whether the meeting is to be open or closed; and

(3) Name and telephone number of agency official who will respond to requests for information about the meeting.

(b) If announcement of the subject matter of a closed meeting would reveal the information that the meeting was closed to protect, the subject matter shall not be announced.

§ 1703.206 Providing information to the public.

Individuals or organizations interested in obtaining copies of information available in accordance with § 1703.204 may request same under provisions set forth in §§ 1703.402 and 1704.404. Individuals or organizations having a special interest in activities of the Commission may request the Executive Director to the Commissioners to place them on a mailing list for receipt of information available under § 1703.205. The Commission shall provide information to publications whose readers are likely to have a special interest in the work of the Commission.

§ 1703.207 Change in meeting plans after public announcement.

(a) Following public announcement of a meeting, the time or place of a meeting may be changed only if the change is announced publicly at the earliest practicable time.

§ 1703.208 Meetings for extraordinary agency business.

Where agency business so requires, Commission members may decide by majority, recorded vote to schedule a meeting for a date earlier than eight days after the decision. Such a decision would obviate the general requirement for a public announcement at least one week

before the scheduled meeting. At the earliest practicable time, however, the Commission will announce publicly the time, place, and subject matter of the meeting, whether the meeting is to be open or closed, and the name and telephone number of an agency official who will respond to requests for information about the meeting.

§ 1703.209 Notice of meeting in Federal Register.

Immediately following each public announcement required by this subpart, the following information, as applicable, shall be submitted for publication in the FEDERAL REGISTER:

(a) Notice of the time, place, and subject matter of a meeting;

(b) Whether the meeting is open or closed;

(c) Any change in one of the preceding; and

(d) The name and telephone number of an agency official who will respond to requests for information about the meeting.

Subpart C—Conduct of Meetings

§ 1703.301 Meeting place.

Meeting will be held in meeting rooms designated in the public announcement. Whenever the number of observers is greater than can be accommodated in the meeting room designated, every reasonable effort will be made to provide alternative facilities.

§ 1703.302 Role of observers.

The public may attend open meetings for the sole purpose of observation and may not record any of the discussions by means of electronic or other devices or cameras unless approved in advance by the Executive Committee of the Commission. Observers may not participate in meetings unless expressly invited or create distractions to interfere with the conduct and disposition of Commission business. Such participation or attempted participation shall be cause for removal of any person so engaged at the discretion of the presiding member of the Commission. When meetings are partially closed, observers will leave the meeting room promptly upon request so that discussion, of matters exempt under provisions of Subpart B of this part, § 1703.202, may take place expeditiously.

Subpart D—Maintenance of Meeting Records

§ 1703.401 Requirements for maintaining records of closed meetings.

(a) A record of each meeting or portion thereof which is closed to the public must be made and retained for two years or for one year after the conclusion of the Commission proceeding involved in the meeting. The record of any portion of a meeting closed to the public shall be a transcript or electronic recording.

(b) When minutes are produced, such minutes shall fully and clearly describe all matters discussed, and will provide a full and accurate summary of any ac-

tions taken and the reasons expressed therefor. The minutes must also reflect the vote of each member on any roll call vote taken during the proceedings and identify all documents produced at the meeting.

(c) The following documents produced under provisions of paragraph (b) of this section shall be retained by the agency as part of the minutes of the meeting:

(1) Certification by the Chairman that the meeting may properly be closed; and

(2) Statement from the presiding officer of the meeting setting forth the date, time and place of the meeting and listing the persons present.

§ 1703.402 Availability of records to the public.

(a) The Commission shall make promptly available to the public the minutes maintained as a record of a closed meeting, except for such information as may be withheld under one of the provisions of § 1703.202(a) of this report. Copies of such minutes, disclosing the identity of each speaker, shall be furnished to any person at the actual cost of duplication or transcription.

(b) The nonexempt part of the minutes shall be in the official custody of the Executive Director of the Commission. Appropriate facilities will be made available to any persons who makes a request to review these records.

(c) Requests for copies of nonexempt parts of minutes, shall be directed to the Executive Director of the Commission. Such requests shall identify the records being sought and include a statement that whatever costs are involved in furnishing the records will be acceptable or, alternatively, that costs will be acceptable up to a specified amount.

§ 1703.403 Requests for records under Freedom of Information and Privacy Acts.

Requests to review or obtain copies of records other than the minutes of a meeting will be processed under the Freedom of Information Act (5 U.S.C. 552) or, where applicable, the Privacy Act (5 U.S.C. 552a).

§ 1703.404 Copying and transcription charges.

(a) The Commission will charge fees for furnishing records at the rate of ten cents per page for photocopies and at the actual cost of transcription. When the anticipated charges exceed \$50, a deposit of 20 percent of the amount anticipated must be made within 30 days. Requested information will not be released until the deposit is received. Fees shall be paid by check or money order made payable to the National Commission on Libraries and Information Science.

(b) The Executive Director of the Commission has the discretion to waive charges whenever release of the copies is determined to be in the public interest.

Subpart E—Administrative Review**§ 1703.501 Administrative Review.**

Any person who believes a Commission action governed by this part to be contrary to the provisions of this part may file an objection in writing with the Executive Director to the Commissioners. Wherever possible, the Executive Director will respond within two working days to objections concerning decisions to close meetings or portions thereof. Responses to objections concerning mat-

ters other than closed meetings will be made within ten working days.

Subpart F—Judicial Review**§ 1703.01 Judicial review.**

Any person may bring an action in a United States District Court to challenge or enforce the provisions of this part or the manner of their implementation. Such action may be brought prior to or within sixty days after the meeting in question, except that if proper public announcement of the meeting is not

made, the action may be instituted at any time within sixty days after such announcement is made. An action may be brought where the Commission meeting was or is to be held or in the District of Columbia.

Effective date: These regulations shall be effective as of March 12, 1977.

By the Commission.

ALPHONSE F. TREZZA,
Executive Director.

[FR Doc.77-7312 Filed 3-10-77; 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 AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 918]

[Docket No. AO-162-A5]

FRESH PEACHES GROWN IN GEORGIA

Recommended Decision and Opportunity To File Written Exceptions to Proposed Further Amendment of Marketing Agreement and Order

Notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed further amendment of the marketing agreement, as amended, and Order No. 918, as amended (7 CFR Part 918) regulating the handling of fresh peaches grown in Georgia, hereinafter referred to collectively as the "order".

Interested persons may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D.C. 20250, by March 30, 1977. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The above notice of filing of the decision and of opportunity to file exceptions thereto is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

Preliminary statement. This proposed amendment of the marketing agreement, as amended, and order, as amended, was formulated on the record of a public hearing held at Fort Valley, Georgia, on December 9, 1976. Notice of the hearing was published in the November 24, 1976, issue of the FEDERAL REGISTER (41 FR 51818). The proposals contained in the notice of hearing were submitted by the Industry Committee.

Material issues. The material issues of record are as follows:

- (1) Redefine the term "Secretary".
- (2) Update the section pertaining to districts.
- (3) Provide for addition of a public member and alternate on the Industry Committee.
- (4) Update the section pertaining to apportionment of committee members among districts.
- (5) Delete provisions relating to selection of initial committee members.

(6) Delete the provision for compensating committee members for attending committee meetings.

(7) Delete all provisions relating to the Distributors' Advisory Committee.

(8) Change the provisions on expenses and assessments to conform with the language of the act.

(9) Provide that the committee may establish a reserve fund.

(10) Delete provisions providing for a biennial referendum and provide that a referendum be conducted upon request of growers meeting specified conditions.

(11) Make conforming changes.

Findings and conclusions. The following findings and conclusions on the material issues are based on the record of the hearing:

1. The term "Secretary" contained in the order should be amended, as hereinafter set forth, to bring it into conformity with more recent definition of such term, and to recognize change in the titles of positions below that of Secretary. The current definition of "Secretary" in the order contains a reference to the "Under Secretary." The title of that position has been changed to "Deputy Secretary." Hence the definition of such term is incorrect. The term "Secretary" is defined in more recent orders in a manner which avoids the use of titles of position below that of Secretary such as "Secretary means the Secretary of the United States Department of Agriculture, or any officer or employee of the Department of Agriculture to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated to act in his stead." Such definition avoids the necessity for redefinition each time the title of a delegatee is changed. Hence, the term "Secretary" should be revised as hereinafter set forth.

2. The order should be amended, as hereinafter set forth, to revise the term "District" to conform with the realignment previously effected in the rules and regulations (§ 918.111) under the order. The districts subdivide Georgia into geographical areas for purposes of allocating membership on the committee. The districts hereinafter defined provide an appropriate basis for the allocation of committee representation.

3. The order should be amended, as hereinafter set forth, to provide for the nomination and selection of a public member and alternate to serve on the Industry Committee.

The public interest is to be observed in actions taken under marketing orders, hence, the interests of all groups including growers, handlers, and consumers should be considered. Although meetings

of the committee are open to the public, there has been little participation by consumers.

Consumers have petitioned the government for a voice in actions which affect them. Both government agencies and private organizations now actively solicit the participation of consumers in their deliberations and decision-making processes. A public representative on the Industry Committee would be in a position to contribute the views of the public, other than that of the industry, to the development of recommendations for regulation designed to serve the interest of both the industry and the public generally. Therefore, it is concluded that the order should provide a position of public member on the Industry Committee with the provisions that persons filling such position shall have the same rights and privileges as other members of the committee. While the public member and alternate should not be involved in the growing and marketing of peaches or have a financial interest in the industry, such persons should reside within the production area so as to be in a position to gain an understanding of the industry's problems. This too would help assure that the travel and other expenses incurred in carrying out duties under the order could be kept within reasonable limits, and that such persons would be available when actions are being considered by the committee.

Provisions of member and alternate member positions on the Industry Committee would increase the number of positions for each from 8 to 9. Nominees to fill public member positions should be nominated by the 8 grower members selected to represent the districts. Such district grower representatives should meet as soon as practicable after their selection, make such nominations and promptly submit the names of such nominees, together with their qualifications, to the Secretary. The provisions of the order relative to term of office, selection, vacancies, qualification, alternates serving for members, reimbursement of expenses and similar provisions should apply to public members and alternates the same as to other members and alternates.

Criteria which the Industry Committee should use in considering nominees to fill the public member and alternate positions should include the following: The nominees should not grow or handle peaches; they should reside in Georgia; they should be interested in the peach industry; they should be able to devote sufficient time to committee activities; they should be willing to attend Industry

Committee meetings; and they should indicate a willingness to familiarize themselves with the background, practices, and economics of the peach industry. Membership in consumer organizations, while desirable, should not be an absolute requirement for filling the public member position on the Industry Committee. Persons who should be eligible to serve as public members on the Industry Committee should include Agricultural and Home Economists and Consumer Specialists, as well as those involved in consumer groups.

4. Section 918.16 of the order should be amended, as hereinafter set forth, to bring the district representation of Industry Committee members specified in that section into conformity with the current representation by districts previously effected in the rules and regulations (§ 918.110) issued under the order. Such representation and districts currently are appropriate to the current situation in the peach industry.

5. The order should be amended, as hereinafter set forth, to delete § 918.17. The provisions of that section specify the manner in which the selection of the initial members of the Industry Committee were to be selected. The initial members were selected in 1942, and the section no longer serves any useful purpose. As a conforming change, in § 918.18 the words "after the year 1942" should be deleted from the first sentence and the title of that section revised to read: "Nomination of Members of Industry Committee". Likewise, the reference in § 918.26 to initial members and alternates should be deleted.

6. The order should be amended, as hereinafter set forth, to delete provisions in § 918.27 which allow the Industry Committee to compensate members and alternates up to \$5.00 per day when attending committee meetings and other committee functions. This provision is no longer appropriate to program operation. Members and alternate members are concerned about the welfare of the peach industry and attend and participate at industry meetings in the interest of the industry as a whole. Hence compensation is not appropriate or necessary. Provisions of this section which provide for reimbursement of members and alternate members expenses should remain in effect.

7. The order should be amended, as hereinafter set forth, by deleting §§ 918.32, 918.33, 918.34, 918.35, 918.36, 918.37, and 918.38, all which pertain to the Distributors' Advisory Committee, and revising § 918.29 to eliminate provisions relating to such committee. The record indicates that the Distributors' Advisory Committee is no longer essential to the operation of the order and authority for its establishment should be deleted.

Provision for the Distributors' Advisory Committee which is composed of seven handlers and their alternates was included in the order to recognize that an Industry Committee made up of growers solely engaged in the production of peaches needed assistance in the devel-

opment of recommendations for grade and size regulations. The advice of handlers who marketed the growers' peaches was then made available through a Distributors' Advisory Committee because these handlers could provide information in regard to the grade and size of peaches considered marketable. Since the order has been in effect, the peach industry has changed substantially. In recent years more and more members of the Industry Committee have been growers involved in marketing their own peaches and in some instances in the marketing of peaches of other growers. This development has brought to the Industry Committee a shipper experience and viewpoint. Hence, the need for the Distributors' Advisory Committee under the order has been reduced considerably if not eliminated. Abolishing the Distributors' Advisory Committee will not deprive the Industry Committee of needed information and it should facilitate more timely action in handling matters under the marketing order.

Moreover, the Industry Committee could continue to request advice from shippers, or such advice may be offered at Industry Committee meetings which are open to the public and in the past have been well attended by all segments of the industry, including shippers. Also, information is now available from agencies such as the Crop Reporting Board, the Market News Service, and the Agricultural Extension Service, and such information is readily available to the Industry Committee. In addition, Industry Committee meetings are open to the public as well as to growers and handlers. Notice of such meetings is well publicized throughout Georgia. All persons present at these meetings are invited to participate in the discussion. All views expressed at these meetings are considered by the Industry Committee when it makes decisions affecting the peach industry and the public.

8. The order should be amended, as hereinafter set forth, to conform the provisions contained in the section pertaining to expenses and assessments to the Agricultural Marketing Agreement Act of 1937, as amended. The current language in the Act pertaining to committee expenses and assessments uses the words "reasonable and likely" rather than "reasonable and necessary" in specifying expenses which may be incurred and it is appropriate whenever possible that provisions of the order use the language of the Act.

9. The order should be amended, as hereinafter set forth, to authorize the Industry Committee to carry over into subsequent fiscal periods excess assessment funds remaining at the end of any fiscal period as a reserve. Currently, assessments not used during a fiscal period are carried over into the next fiscal period as handler credits, which are available to finance marketing order operations early in the season prior to the collection of assessments. However, the order requires refund of such assessments on request of handlers, in which case the fund is not

available to finance such early season operations.

Peaches grown in Georgia are not shipped in volume until the end of April or the beginning of May, about two months after the start of the fiscal period. The period prior to the shipping season is one of considerable activity. During such period the Industry Committee must survey the crop and market condition; develop a marketing policy and budget for the coming season; and hold meetings to consider regulations for the ensuing season. Without an operating reserve, the committee may find it necessary to either borrow funds or bill assessments in advance of shipment of the peaches to cover expenses prior to the time assessment income is available for such purpose. In addition, if the peach crop is overestimated or the crop unexpectedly reduced, the committee assessment income may not be sufficient and this may necessitate a retroactive increase in the assessment rate to cover the deficit. This is objectionable and could be avoided through the establishment of a reserve fund.

Such a reserve fund should be available to the Industry Committee to defray expenses incurred early in the season before assessment income is received; to cover deficits incurred during any season when crop failure reduces assessment income; to cover expenses when assessment income for the fiscal period is insufficient; to defray expenses when a budget deficit is deliberately incurred to reduce the size of the reserve; to defray costs incurred during any period of suspension of part or all of the marketing order; to cover any expenses authorized by the order; and to cover expenses incurred in terminating the order.

The records indicate that the reserve fund should not exceed approximately \$20,000, and the reserve should be accumulated in such manner that producers and handlers will not be unduly burdened. To keep the fund within the specified limit, if the amount approaches \$20,000, the assessment rate for the next fiscal period should be fixed at a level which would likely result in a deficit. Reserve funds should be used to cover any such deficit.

Establishment of a reserve fund would be equitable to all concerned. Most growers and handlers under the order consider the growing and handling of peaches to be a lifetime pursuit, and production of peaches is a long term investment. Thus, there are few changes in the composition of the industry over time. Hence, those handlers whose assessments are transferred into the reserve fund should benefit from the later expenditure of these funds.

Establishing an adequate reserve fund should minimize the need to borrow funds, and enable the Industry Committee to avoid the expense of returning excess assessments. Also, such establishment should enable a more stable assessment rate from year to year as the rate would not need to reflect the size of the peach crop. The reserve fund should provide funds to defray the costs of liq-

liquidation should the order be terminated, and this would relieve handlers of the need to pay additional assessments to cover such liquidation costs. Similarly, the reserve fund could be used to cover necessary expenses in the event of a temporary suspension of the order.

If the order is terminated, reserve funds not needed for liquidation should be returned on a pro rata basis to those handlers who contributed such funds; used in a way which would benefit the Georgia peach industry, such as peach research; or disposed of in a manner deemed appropriate by the Secretary.

10. The order contains a provision which requires the conduct of a referendum every other year to ascertain if growers wish to continue the order in effect. This provision has been observed during the past 34 years and each time growers have favored retention of the order.

The conduct of referenda is time consuming and disrupts normal activities. It was advanced without opposition that unless conditions arise which indicate that growers are questioning the desirability of continuing the order that a referendum is unwarranted. It was indicated that growers will request a referendum if it is felt one should be held. It is therefore concluded that the provisions in the order which require a biennial referendum to ascertain grower sentiment with respect to continuance should be deleted. It is further concluded that it is undesirable to eliminate provision for a referendum altogether, and that an optional provision should be provided whereby growers can obtain a referendum upon request. To assure that such request is concurred in by a reasonable proportion of the industry, such a provision should require that the request be supported by at least 6 growers who produced 10 percent of the inspected peaches shipped in the previous season. Furthermore, it should require that such a request be tendered no later than December 1, so that the committee and the Department can take action on it and have the action completed before the start of the following season. Therefore, the order should be amended consistent with the foregoing, as hereinafter set forth.

11. A number of conforming changes were found to be necessary. Most changes were covered in the discussion of material issues numbered 1-10, and appropriate changes made in the affected sections of the order, as hereinafter specified. The following additional changes should be made to conform to the order to the recommended amendment:

(a) In § 918.19 the first sentence thereof should be revised to read: "At each meeting held to elect nominees for grower member and alternate grower member positions on the Industry Committee, the growers eligible to participate therein shall select a chairman and secretary therefor". This will make it clear that the meetings alluded to are not applicable to the nomination of individuals for the public member positions.

(b) In § 918.21 the phrase "subsequent to the initial members and alternates" should be deleted, and the section number 918.38 appearing in the text changed to 918.26.

(c) In § 918.22 the section number 918.38 appearing in the text should be changed to 918.26.

Rulings on briefs of interested persons. At the conclusion of the hearing, the Administrative Law Judge fixed January 17, 1977, as the final date for interested persons to file proposed findings and conclusions, and written arguments or briefs, based upon the evidence received at the hearing. No briefs were filed.

General findings. Upon the basis of the record, it is found that:

(1) The findings hereinafter set forth are supplementary, and in addition, to the previous findings and determinations which were made in connection with the issuance of the marketing agreement and order and each previously issued amendment thereof. Except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein, all of said prior findings and determinations are hereby ratified and affirmed;

(2) The marketing agreement and order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(3) The marketing agreement and order, as amended, and as hereby proposed to be further amended, regulate the handling of peaches grown in the production area in the same manner as, and are applicable only to persons in the respective classes of commercial and industrial activity specified in, the marketing agreement and order upon hearings have been held;

(4) The marketing agreement and order, as amended, and as hereby proposed to be further amended, are limited in their application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(5) The marketing agreement and order prescribe, so far as practicable, such different terms applicable to different parts of the production area as are necessary to give due recognition to the difference in the production and marketing of peaches grown in the production area; and

(6) All handling of peaches grown in the production area as defined in the marketing agreement and order, as amended, and as hereby proposed to be further amended, is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

Recommended amendment of the marketing agreement and order. The following amendment of the marketing agree-

ment and order, as amended, is recommended as the detailed means by which the foregoing conclusions may be carried out:

1. Section 918.1 is revised to read as follows:

§ 918.1 Secretary.

"Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

2. Section 918.10 is revised to read as follows:

§ 918.10 District.

"District" means the applicable one of the following described geographical subdivisions of the area:

(a) "South Georgia District" shall include the counties of Quitman, Coffee, Miller, Jeff Davis, Baker, Toombs, Terrell, Ware, Mitchell, Pierce, Worth, Evans, Brooks, Liberty, Turner, Glynn, Irwin, Echols, Atkinson, Early, Wheeler, Decatur, Montgomery, Randolph, Bacon, Dougherty, Wayne, Crisp, Charlton, Thomas, Bryan, Tift, McIntosh, Ben Hill, Berrien, Lanier, Clay, Telfair, Seminole, Clinch, Calhoun, Appling, Lee, Tattnall, Grady, Brantley, Colquitt, Long, Cook, Chatham, Wilcox, Camden, Lowndes, Stewart, Pulaski, Webster, Dodge, Sumter and Dooly;

(b) "Central Georgia District" shall include the counties of Muscogee, Bleckley, Marion, Laurens, Schley, Johnson, Macon, Candler, Houston, Glascock, Bullock, Twiggs, Wilkinson, Taylor, Washington, Crawford, Emanuel, Peach, Jefferson, Burke, Effingham, Chatahoochee, Treutlen, Bibb, Jenkins, and Screven; and

(c) "North Georgia District" shall include the counties of Harris, Talbot, Upson, Monroe, Jones, Baldwin, Hancock, Warren, McDuffie, Polk, Troup, Gwinnett, Lamar, Jackson, Fayette, Forsyth, Jasper, Franklin, Douglas, Gordon, Henry, Dade, Greene, Whitfield, Lincoln, Haralson, Paulding, Cobb, De Kalb, Rockdale, Walton, Oconee, Oglethorpe, Floyd, Richmond, Cherokee, Pike, Clarke, Coweta, Elbert, Butts, Banks, Carroll, Chattooga, Clayton, Dawson, Morgan, Catoosa, Wilkes, Gilmer, Fannin, Lumpkin, Union, White, Towns, Haversham, Stephens, Rabun, Columbia, Bartow, Meriwether, Barrow, Heard, Madison, Spalding, Hall, Putnam, Hart, Fulton, Pickens, Newton, Walker, Tallahassee, and Murray.

3. Section 918.15 is revised to read as follows:

§ 918.15 Establishment of Industry Committee.

An Industry Committee, consisting of nine members, and alternates is hereby established to administer the terms and provisions of this part. Eight members and alternates shall be growers of peaches and one member and alternate shall be individuals who are neither growers nor handlers of peaches. The

8 members who shall be growers shall be known as "grower members" and the remaining member shall be known as a "public member". The members of said Industry Committee, and their respective alternates, shall be selected in accordance with the provisions of this part.

4. Section 918.18 is revised to read as follows:

§ 918.18 Nomination of members of Industry Committee.

(a) The Industry Committee shall hold or cause to be held prior to January 31 of each year a meeting or meetings of growers in each of the districts designated in § 918.10, or as redesignated pursuant to § 918.29(k), for the purpose of designating nominees for grower member and alternate member positions on the Industry Committee. The committee shall give adequate notice of any such meeting or meetings to all growers in the respective district. (b) Members of the committee, selected pursuant to § 918.21, may nominate individuals for the public member and alternate member positions on the Industry Committee, and promptly send the names of these nominees, along with their qualifications, to the Secretary.

5. Section 918.25 is revised to read as follows:

§ 918.25 Eligibility for membership on Industry Committee.

Any person nominated or selected to serve as a member or as an alternate member of the Industry Committee, except for the public member and alternate, shall be an individual grower of peaches in the respective district for which selected, or an officer, employee, or agent of a corporate grower or corporate growers in such district. The public member and alternate shall reside in Georgia, but neither person shall be a grower or handler of peaches.

6. Section 918.16 is revised to read as follows:

§ 918.16 Representation by grower members by districts on Industry Committee.

(a) Two members of the Industry Committee shall be selected from among growers in the South Georgia District.

(b) Four members of the Industry Committee shall be selected from among growers in the Central Georgia District.

(c) Two members of the Industry Committee shall be selected from among growers in the North Georgia District.

§ 918.17 [Deleted]

7. Section 918.17 is deleted.

8. Section 918.26 is revised to read as follows:

§ 918.26 Term of office.

The members of the Industry Committee and their respective alternates shall serve for the fiscal period for which they have been selected and if their successors have not been selected and qualified prior to the end of the respective fiscal period, each such member or alternate shall continue to serve until his

respective successor shall have been selected and qualified.

9. Section 918.27 is revised to read as follows:

§ 918.27 Reimbursement for expense.

Each member of the Industry Committee and each alternate member when acting for a member or when designated by the committee to attend, may be reimbursed for expenses incurred while attending committee meetings; while attending to committee business authorized by the committee; and while attending each consultation or conference with any committee, or representatives thereof, established under any marketing agreement and order program pursuant to the act, with respect to the handling of peaches grown in Georgia or in any other State.

§ 918.29 [Amended]

10. In § 918.29 paragraph (q) is deleted; paragraph (h) is amended by deleting the words "and to authorize members and alternate members of the Distributors' Advisory Committee to attend such conferences and consultations;"; paragraph (r) is redesignated as paragraph (q).

§ 918.32 [Revoked]

§ 918.33 [Revoked]

§ 918.34 [Revoked]

§ 918.35 [Revoked]

§ 918.36 [Revoked]

§ 918.37 [Revoked]

§ 918.38 [Revoked]

11. Sections 918.32 through 918.38 are deleted.

12. Sections 918.40 and 918.41 are revised to read as follows:

§ 918.40 Expenses.

The Industry Committee is authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred by the committee for its maintenance and functioning and to enable it to exercise its powers and perform its duties in accordance with the provisions of this part during each fiscal period. The funds to cover such expenses shall be acquired by the levying of assessments as prescribed in § 918.41.

§ 918.41 Assessments.

Each handler who first ships peaches shall pay upon demand, to the Industry Committee, such handler's pro rata share of the expenses which the Secretary finds are reasonable and likely to be incurred by the committee for its maintenance and functioning during each fiscal period: *Provided*, That no assessment shall be levied against peaches that are exempt from regulation pursuant to § 918.71 or against peaches that are exempt from inspection pursuant to § 918.64. Such handler's pro rata share of such expenses shall be equal to the ratio between the total assessable quantity of peaches shipped by such handler as the first shipper thereof, during the

applicable fiscal period, and the total assessable quantity of peaches shipped by all handlers as the first shippers thereof during the same fiscal period.

13. Section 918.44 is revised to read as follows:

§ 918.44 Accounting.

If at the end of a fiscal period the assessments collected are in excess of expenses incurred, the Industry Committee, with the approval of the Secretary, may carry over such excess into subsequent fiscal periods as a reserve up to an amount of \$20,000. Such reserve funds may be used to cover any expenses authorized by this part and to cover necessary expenses of liquidation in the event of termination of this part. If any such excess is not retained in a reserve, each handler entitled to a proportionate refund shall be credited with such refund against the operations of the following fiscal period or be paid such refund. Upon termination of this part, any funds not required to defray the necessary expenses of liquidation shall be disposed of in such manner as the Secretary may determine to be appropriate: *Provided*, That, to the extent practical, such funds shall be returned pro rata to the persons from whom such funds were collected.

14. Section 918.81 is revised to read as follows:

§ 918.81 Termination.

(a) The Secretary shall terminate or suspend the operation of this part or any provision thereof whenever he finds that the part or any provision thereof does not tend to effectuate the declared policy of the act.

(b) The Secretary shall terminate the provisions of this part whenever he finds by referendum or otherwise that such termination is favored by the majority of the growers: *Provided*, That such majority has, during the current marketing season, produced more than 50 percent of the peaches which were produced for market within the area. Such termination shall become effective on the last day of February following the announcement thereof by the Secretary.

(c) The Secretary shall conduct a referendum among growers to ascertain whether continuance of this part is favored by growers, when requested to do so by the committee, or upon the request of 6 or more growers who produced 10 percent or more of the inspected peaches shipped during the then current fiscal period: *Provided*, That such request is received prior to December 1.

(d) The provisions of this part shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

§ 918.19 Conduct of nomination meetings.

At each meeting held to elect nominees for grower member and alternate grower member positions on the Industry Committee, the growers eligible to participate therein shall select a chairman and sec-

retary therefor. The chairman of each meeting shall announce at such meeting the name of each person for whom a vote has been cast, whether as member or alternate member, and the number of votes cast for each such person, and the chairman or the secretary of the meeting shall forthwith transmit such information to the Secretary or the designated representative of the Secretary. At each such meeting at least two nominees shall be designated for each position as member and at least two nominees shall be designated for each position as alternate member on the committee as representative or representatives of the respective district.

16. Section 918.21 is revised to read as follows:

§ 918.21 Selection of members of Industry Committee.

The Secretary may select the members of the Industry Committee and their respective alternates from nominations made by growers as provided in §§ 918.15 through 918.26 or the Secretary may select such members and alternates from among other persons.

17. Section 918.22 is revised to read as follows:

§ 918.22 Vacancies.

In the event nominations are not made for membership on the Industry Committee, pursuant to the provisions of §§ 918.15 through 918.26 by February 15 of the respective fiscal period, the Secretary may select such members and their respective alternates without waiting for nominees to be designated. To fill any vacancy occasioned by the failure of any person, selected as a member of the Industry Committee or as an alternate member thereof, to qualify, or in the event of the death, removal, resignation, or disqualification of any qualified member or alternate, a successor for his unexpired term shall be selected by the Secretary.

Signed at Washington, D.C. on March 7, 1977.

WILLIAM T. MANLEY,
Deputy Administrator,
Program Operations.

[FR Doc. 77-7214 Filed 3-10-77; 8:45 am]

**Commodity Credit Corporation
[7 CFR Part 1488]**

**FINANCING OF SALES OF
AGRICULTURAL COMMODITIES**

Financing of Export Sales of Agricultural Commodities From Private Stocks Under CCC Export Credit Sales Program (GSM-5)

Correction

In FR Doc. 77-1841 appearing at page 3849 in the issue of Friday, January 21, 1977, in the first column on page 3853, the last sentence of paragraph (f) should read as follows:

"For the advised amount, CCC will not hold the U.S. bank or the branch bank

liable for commercial or political risks. CCC will hold the foreign bank liable without regard to risks for all amounts not recovered from the U.S. or branch bank."

**SMALL BUSINESS
ADMINISTRATION**

[13 CFR Part 107]

**SMALL BUSINESS INVESTMENT
COMPANIES**

Notice of Proposed Rulemaking

AGENCY: Small Business Administration.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The major proposal deals with SBA control over increases in compensation to officers, directors, and employees of small business investment companies leveraged by SBA. It would modify the present requirement for SBA approval of individual salary increases (of persons receiving more than \$10,000 per year) so that approval would be needed only if the aggregate increase for all SBIC personnel exceeded the overall amount previously fixed by SBA. Another proposal relates to the remuneration of persons employed by a corporation wholly owned by a section 301 (d) Licensee. Their compensation would be deemed paid by the parent Licensee, as in the case of similarly situated regular Licensees.

DATES: On or before April 11, 1977 for submission of written comments, in triplicate, to the Associate Administrator for Finance and Investment, Small Business Administration, Washington, D.C. 20416.

FOR FURTHER INFORMATION CONTACT:

Peter McNeish, Office of Investment, Small Business Administration, Washington, D.C. 20416. 202-653-6584.

SUPPLEMENTARY INFORMATION: SBA proposes to amend its Regulation to modify the present restriction against increasing, without prior SBA approval, the compensation of individual officers, directors, and employees of a regular Licensee (§ 107.203(b)(3)(iii)) or a debtor section 301(d) Licensee (§ 107.205(b)) so that it would apply to the aggregate compensation of all officers, directors, and employees, as distinguished from increases affecting each such individual.

Section 107.203(b)(3)(iii) governing regular Licensees provides that the compensation of officers, directors, and employees of corporations wholly-owned by such Licensees shall be deemed paid by them. It is proposed to amend § 107.205(b) to bring it into line with this provision so that the compensation of personnel employed by a corporation wholly-owned by a section 301(d) Licensee shall likewise be deemed paid by such Licensee.

Accordingly, notice is hereby given that pursuant to the authority contained in section 308 of the Small Business In-

vestment Act of 1958, 15 U.S.C. 661, et seq., it is proposed to amend, as set forth below, §§ 107.203(b)(3)(iii) and 107.205(b) of Part 107, Chapter I, Title 13 of the Code of Federal Regulations.

1. Section 107.203(b)(3)(iii) would be amended to read as follows:

§ 107.203 SBA purchase, sale, or guaranty of securities evidencing Leverage: events of default.

(b) * * * (3) Except with the prior written consent of SBA, Licensee will not:

(iii) Increase the aggregate amount of salaries or other compensation of officers, directors, or employees beyond the amount previously approved by SBA. In applying this provision, compensation to officers, directors, or employees of a wholly-owned corporation shall be deemed paid by the Licensee.

2. Section 107.205(b) would be amended to read as follows:

§ 107.205 Leverage for section 107.301 (d) Licensees.

(b) *SBA approval required to increase salaries.* Without prior written SBA approval, a Debtor Section 301(d) Licensee may not increase the aggregate amount of salaries or other compensation of officers, directors, or employees beyond the amount previously approved by SBA. In applying this provision, compensation to officers, directors, or employees of a wholly-owned corporation shall be deemed paid by Licensee.

(Catalog of Federal Domestic Assistance Program No. 59.0111 Small Business Investment Companies.)

Dated: March 3, 1977.

MITCHELL P. KOBELINSKI,
Administrator.

[FR Doc. 77-7187 Filed 3-10-77; 8:45 am]

FEDERAL POWER COMMISSION

[18 CFR Part 270]

[Docket No. RM77-9]

FEDERAL PROJECT RATES

Filing of Schedules; Proposed Rulemaking; Extension of Time

MARCH 7, 1977.

On February 4, 1977, the Commission issued a Notice of Proposed Rulemaking in Docket No. RM77-9 (published February 14, 1977, 42 FR 9032), calling for comments by March 4, 1977. On February 23, 1977, the Intercompany Pool member companies (Puget Sound Power and Light Company, Portland General Electric Company, Pacific Power and Light Company, the Washington Water Power Company, Utah Power and Light Company and The Montana Power Company) filed a motion for an extension of time within which comments may be filed.

Upon consideration, notice is hereby given that the time for filing comments

in the above-designated rulemaking proceeding is extended to and including April 4, 1977.

KENNETH F. PLUMS,
Secretary.

[FR Doc. 77-7273 Filed 3-10-77; 8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

[Docket No. 77N-0078]

ACRYLONITRILE COPOLYMERS INTENDED FOR USE IN CONTACT WITH FOOD

Proposed Rule Making

AGENCY: Food and Drug Administration, HEW.

ACTION: Proposed rule making.

SUMMARY: The Food and Drug Administration (FDA) is proposing to amend the interim food additive regulation for acrylonitrile copolymers (1) to reduce the amount of acrylonitrile monomer that may migrate from acrylonitrile copolymers from the currently permitted maximum level of 0.3 part per million (ppm) to a maximum level of 0.05 ppm, (2) to delete duplicative requirements for submission of extraction data on repeated-use articles, (3) to delete the surface-to-volume ratio criteria for single-use articles, (4) to require higher test temperatures if needed to simulate actual use conditions, and (5) to require additional teratogenic tests for acrylonitrile monomer.

DATES: Comments by June 9, 1977.

ADDRESS: Written comments on this proposal may be sent (preferably in quintuplicate) to the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT:

John J. McAuliffe, Division of Food and Color Additives (HFF-334), Bureau of Foods, Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, DC 20204, (202) 472-5690.

SUPPLEMENTARY INFORMATION: In the FEDERAL REGISTER of February 15, 1977 (42 FR 9227), the Commissioner gave notice of his determination, upon consideration of the environmental impact of plastic bottles for carbonated beverages and beer, to take no action at this time based upon his authority under the National Environmental Policy Act, to limit or terminate their use. Elsewhere in this issue of the FEDERAL REGISTER, however, FDA is announcing a stay of certain acrylonitrile copolymer food additive regulations or portions thereof. The stay is limited to the use of acrylonitrile copolymers to fabricate beverage containers.

This is a proposal to amend an interim food additive regulation. Substances having a history of use in food or in food-contact surfaces may, at any time, have their safety brought into

question by new information that in itself is not conclusive. Interim regulations are designed for those situations. The provisions of § 121.4000 (21 CFR 121.4000) permit the establishment of an interim food additive regulation for the use of a substance whose safety is brought into question, subject to whatever limitations are deemed appropriate under the circumstances, for a limited period of time while the questions raised are being resolved by further study. In the case of prior-sanctioned substances, § 121.2000(b) (21 CFR 121.2000(b)) provides that based on scientific data or information showing that use of a prior-sanctioned substance may be injurious to health, and thus in violation of section 402 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 342), an applicable regulation will be established to impose whatever limitations or conditions are necessary for safe use of the substance or to prohibit its use.

In the FEDERAL REGISTER of November 4, 1974 (39 FR 38907), FDA proposed such an interim regulation (21 CFR 121.2010 and 121.4010) for acrylonitrile copolymers. The final interim regulation was published in the FEDERAL REGISTER of June 14, 1976 (41 CFR 23940).

Both prior sanctions and food additive regulations permitting the use of acrylonitrile copolymers had been issued on the belief that there was no significant migration of acrylonitrile to food. For situations involving insignificant migration of acrylonitrile monomer, the available toxicological studies were considered adequate. The development of improved analytical procedures for measuring acrylonitrile monomer in food-simulating solvents and the recognition of delayed extraction problems caused by the formation of reversible complexes in certain acrylonitrile formulations led, in 1974, to a complete review by FDA of all safety data then available on acrylonitrile. The review indicated that previous studies no longer formed an entirely adequate basis for determining the safety of acrylonitrile monomer and demonstrated the need for additional toxicological studies on acrylonitrile monomer.

The interim food additive regulation established safe conditions of use for acrylonitrile and specifically restricted the amount of acrylonitrile monomer that could be extracted by food-simulating solvents to 0.3 ppm. The interim regulation conditioned further use of acrylonitrile copolymers in all food-contact applications on the undertaking of specified scientific studies. Furthermore, the interim regulation specified in paragraph (e) that:

On or before September 13, 1976, any interested person shall satisfy the Commissioner of Food and Drugs that toxicological feeding studies adequate and appropriate to establish safe conditions for the use of acrylonitrile copolymers have been, or soon will be, undertaken. Toxicity studies of acrylonitrile monomer shall include (1) lifetime feeding studies with a mammalian species, preferably with animals exposed in utero to the chemical,

(2) studies of multigeneration reproduction with oral administration of the test material, (3) assessment of teratogenic and mutagenic potentials, (4) subchronic oral administration in a nonrodent mammal, (5) tests to determine any synergistic toxic effects between acrylonitrile monomer and cyanide ion, and (6) a literature search on the effects of chronic ingestion of hydrogen cyanide. Data on levels of acrylamide extractable from acrylonitrile copolymers shall also be submitted. Protocols of testing should be submitted for review to the Food and Drug Administration * * *.

Before publication of the final interim regulation, toxicological studies were begun, and reports were and continue to be submitted on these studies and more recent studies. Also, analytical data have been submitted, and work continues by both manufacturers and FDA to establish analytical methodology for acrylonitrile monomer appropriate for regulatory purposes.

TOXICOLOGY

The reports of toxicity studies performed in response to the interim regulation requirements and submitted to FDA to date are summarized below. The full reports are on file with the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857.

1. *A 6-month oral toxicity study incorporating acrylonitrile in the drinking water of purebred beagle dogs.* Toxicology Research Laboratory, Health and Environmental Research, Dow Chemical Co., dated June 6, 1975 and submitted December 15, 1975. Dogs in four groups were fed acrylonitrile at levels of 0, 100, 200, and 300 ppm in their drinking water over a period of 6 months. The resulting data indicate a no-effect level below 100 ppm. The effect at this level was a slight lag in growth, and microscopic changes in the esophagus, with increased thickening of the epithelium of the tongue. At higher doses, namely, 200 and 300 ppm, there were indications of dose-related effects in terms of lag in growth, mortality, hematology parameters, liver function, and possibly on the weight of testes of the male animals.

2. *A 90-day oral toxicity study incorporating acrylonitrile in the drinking water of rats.* Toxicology Research Laboratory, Health and Environmental Research, Dow Chemical U.S.A., dated January 1975 and submitted December 15, 1975. Rats were fed acrylonitrile via drinking water at levels of 0, 4, 10, 25, and 60 mg/kg of body weight/day for a period of 90 days. This study suggests that a level of 8 to 10 mg/kg/day (or 85 ppm in water) of acrylonitrile is a no-effect level. Effects noted at higher levels reflect a dose response and consisted of a lag in growth pattern, decreased water and food intake, increased blood urea nitrogen and alkaline phosphatase, and increased liver and kidney weights.

3. *Synergism between acrylonitrile and cyanide ion.* Younger Laboratories, dated May 27, 1975 and submitted April 19, 1976. Solutions of acrylonitrile and po-

tassium cyanide were simultaneously administered to rats. The investigator concluded that there was no synergistic effect on acute toxicity.

Results of studies conducted by three different laboratories on the mutagenicity and cytogenicity of acrylonitrile monomer were submitted October 13, 1976:

4a. *In vitro* microbial mutagenicity studies of acrylonitrile, E. I. duPont de Nemours & Co.: Haskell Laboratory for Toxicology and Industrial Medicine, dated June 20, 1975. Acrylonitrile monomer was tested with various strains of *Salmonella typhimurium* (Ames test). This report cited a small amount of mutagenic activity in one of several salmonella strains tested.

b. *In vitro* microbiological mutagenicity studies of Dow Chemical Company compounds, Stanford Research Institute, interim report dated January 1976. This report concluded there was no mutagenicity indicated in the salmonella strains tested.

c. *Mutagenic evaluation of Compound MCA 73 (acrylonitrile)*, Litton Bionetics, Inc., dated August 16, 1975. This report concluded there was no mutagenicity indicated in the salmonella nor in the yeast strains tested. This report was supplemented by another under the same title, dated February 19, 1976, which concluded there was no indication that acrylonitrile is mutagenic based upon an assay of mouse lymphoma.

5. *Teratogenic evaluation of acrylonitrile monomer given to rats by gavage*. Toxicology Research Laboratory, Health and Environmental Research, Dow Chemical Co., dated November 3, 1976, submitted November 9, 1976. This report assessed a study of the teratogenic effects of acrylonitrile monomer when administered by gavage into four groups of rats at dosages of 0, 10, 25, and 65 mg acrylonitrile/kg of body weight, on days 6 to 15 of gestation. The investigator found that administration of 65 mg/kg/day, a dose level which caused significant maternal toxicity, produced an increased incidence of fetal malformations; these included loss of or shortened tail, shortened trunk, missing vertebrae, and right-sided aortic arch. Other signs of embryotoxicity or fetotoxicity seen at this dose level were increased frequency of early resorption sites detected by sodium sulfide stain, decreased fetal body weight and crown-rump length, and increased incidences of some minor skeletal variants. At 25 mg acrylonitrile/kg/day, less maternal toxicity was noted, but a low incidence of the same anomalies seen at 65 mg/kg/day was observed, suggesting a possible effect on the incidence of malformations at this dose level also. No other evidence of embryotoxicity was noted at 25 mg/kg/day. At the lowest level, 10 mg acrylonitrile/kg/day, there was no evidence of toxicity to either the mother or her developing embryo or fetus.

6. *Status Report on the 2-Year Study Incorporating Acrylonitrile in the Drinking Water of Rats*, Toxicology Research

Laboratory, Health and Environmental Research, Dow Chemical Co., dated January 12, 1977 and submitted January 14, 1977. This report was a 13-month progress report on an ongoing 2-year study incorporating acrylonitrile monomer in the drinking water of rats at concentrations of 0, 35, 100, and 300 ppm. This study was begun in November 1975 and will be completed in November 1977. A final report is expected in early 1978. The Manufacturing Chemists Association, which is conducting this study, reported the following:

As of thirteen months into the study, there is a higher incidence of subcutaneous masses in the mammary region of females at all concentrations of AN (acrylonitrile monomer), and masses of the ear canal among both sexes at the highest concentration, and among females, only, at the intermediate concentration.

Gross pathologic examination of some of the rats dying spontaneously and in those rats sacrificed after one year of administration of AN revealed focal areas of hyperplasia and/or polyp formation in the nonglandular portion of the stomach of a number of animals at the two higher concentrations. No gross pathologic changes were observed in the stomachs of the animals at the lowest concentration.

Microscopic examination of the brain of the animals sacrificed at the 12-month interim kill revealed proliferative lesions, not observed on gross examination, in rats on the 300 and 100 ppm concentrations. A similar lesion was seen in the spinal cord of one rat on the 100 ppm concentration.

It is concluded in the status report that administration of AN under the condition of this study has significantly lowered body weight, produced pathologic changes in the gastric epithelium, increased the incidence of masses of the ear duct and produced proliferative lesions in the central nervous system of rats. The significance of the higher incidence of subcutaneous masses in the mammary region of the rats is less clear, and its resolution will have to await further progress of the study.

CHEMISTRY

In 1975 FDA began a critical review of the analytical methodology for acrylonitrile submitted by the petitioners for the approval of food additive regulations for acrylonitrile copolymers. Most of the earlier methods were designed to determine acrylonitrile monomer at levels somewhat lower than 0.3 ppm; while the more recent methods are claimed to detect levels of 0.05 ppm and lower. The methods may be grouped into four categories: (1) Gas-liquid chromatography (GLC) with flame ionization detection, (2) polarography, (3) GLC with nitrogen-phosphorous detection, and (4) GLC with mass spectrometry detection.

None of the methods yet submitted meet FDA's requirements for a regulatory method for determination of acrylonitrile monomer. Such a method must

be capable of accurate measurement of acrylonitrile monomer in various food simulants at the proposed tolerance level of 0.05 ppm, and a different physicochemical procedure than that used for the determinative analysis must be available to confirm it.

FDA's Indirect Additives Laboratory (IAL) is developing its own analytical methodology for acrylonitrile monomer. This method is a modification of a duPont GLC procedure utilizing a nitrogen-phosphorous detector. It appears capable of determining levels at least as low as 0.04 ppm. Results of testing with this method have been confirmed by mass spectrometry and validated by repetition, and efforts are continuing to improve its detection capability. The IAL is working to refine the confirmatory procedure at 0.05 ppm and below.

The procedures for extraction testing utilized by the IAL have been those established in the present interim regulation. The Commissioner is aware that the testing criteria established, as for all indirect food additives, are rigorous and more exaggerated than ordinary conditions of use. In the case of acrylonitrile copolymers, testing at 120° F, as required by the interim regulation, is a more severe situation than would be encountered in normal actual use. The rate of acrylonitrile monomer migration, and degradation of the reversible acrylonitrile/mercaptan complexes where present, increases as the temperature increases. Testing at temperatures higher than would normally be encountered is required to determine the characteristics of the acrylonitrile complex and to provide data from which the migration expected under many use conditions can be extrapolated by use of Arrhenius statistical plots. The Commissioner concludes that a conservative judgment about acrylonitrile copolymers is appropriate at this time because of the safety questions and the rapidly expanding use of acrylonitrile copolymers.

The results of extraction tests on acrylonitrile copolymer carbonated beverage bottles are discussed in the stay for acrylonitrile copolymer beverage containers published elsewhere in this issue of the FEDERAL REGISTER.

A more detailed report on current acrylonitrile copolymer analytical methodology, including IAL's testing, is contained in a Bureau of Foods memorandum, *Acrylonitrile Copolymer—Status Report*, dated February 11, 1977. This memorandum is on file with the FDA Hearing Clerk.

CONCLUSIONS

The Food and Drug Administration has evaluated the toxicological studies discussed previously. The Commissioner concludes that they raise further questions about the safety of acrylonitrile copolymers used under various food-contact conditions and warrant further reductions in the amount of acrylonitrile monomer permitted to migrate to food. Specifically, the teratogenic testing indicates that a high level of intake of acry-

lonitrile monomer has teratogenic effects on rats. In the ongoing 2-year study, similar levels ingested by rats over a longer period of time have resulted in some unusual masses and lesions in the rats which, although not yet classified pathologically, are cause for concern.

On the basis of these recent studies on acrylonitrile, the Commissioner proposes to lower the amount of acrylonitrile monomer permitted to migrate to food for all single-use or repeated-use acrylonitrile copolymer food-contact articles, under the proposed revision of §§ 121.2010(b) and 121.4010(a), from the current maximum level of 0.3 ppm to a level of 0.05 ppm, pending the final evaluation of all required testing.

The Commissioner has determined, on the basis of exposure potentials for various uses and other factors, that there is no longer an adequate basis for providing safe conditions of use for acrylonitrile copolymer beverage containers under the interim regulation. Elsewhere in this issue of the FEDERAL REGISTER is notice of the Commissioner's stay of the food additive regulations providing for that use of acrylonitrile copolymers. That notice discusses more fully the basis for the stay.

The Commissioner concludes further that the continued use of acrylonitrile copolymers, other than for beverage containers under the conditions prescribed in the interim regulation and for the limited period for the required tests to be completed, will not present a hazard to public health.

The Commissioner acknowledges that a regulatory method of measuring acrylonitrile monomer at levels of 0.05 ppm and below has not yet been established. However, interested persons outside FDA have advised the agency that they are reasonably close to establishing appropriate confirmed analytical testing procedures. The Commissioner is, therefore, providing until the end of the comment period for this proposal (90 days) for submission of detailed information on such procedures. If FDA's laboratories establish an appropriate analytical procedure before receipt of a submitted one, FDA's procedure will be used as the regulatory methodology.

The proposed amendment to the interim regulation to reduce the amount of acrylonitrile monomer that may migrate to food and the continued use of articles governed by it are dependent upon the development of analytical methodology capable of detecting acrylonitrile migration from those articles at or below 0.05 ppm under the test conditions prescribed. This method must be confirmed by a different physio-chemical method.

As cited in the preamble to the June 14, 1976 publication of the present interim regulation at 41 FR 23942, margarine tubs currently in use have been marketed on the assumption that they were exempt from treatment as food additives because they were sanctioned prior to the enactment of the Food Additives Amendment of 1958. The manufacturers of the margarine tub resins were given notice in the interim regulation that there were

no documentable "prior sanctions" for these materials. The manufacturers were required to, and did submit food additive petitions for the use of these resins within the 180-day limitation set by § 121.4010. The proposed reduction of the tolerance level for acrylonitrile monomer to 0.05 ppm—which applies to the margarine tubs—may require revisions in the submitted petitions. The FDA will notify the petitioners if their petitions are inadequate under the changing requirements, and will set standard test conditions for these petitioners.

The Commissioner also proposes that § 121.2010(b), and § 121.4010(a), which are identical, be modified by deleting the surface-to-volume ratio distinction between single-use articles and providing a single paragraph (proposed paragraphs (b) (1) and (a) (1), respectively) covering all single-use articles. The surface-to-volume formula currently specified proved to be too difficult and complex for regulatory purposes. The proposed paragraphs will also require higher testing temperatures when necessary to ensure simulation of actual use conditions.

The Commissioner also proposes that § 121.4010(c) regarding repeated-use articles, be deleted because it is a duplicative and unnecessary provision; paragraph (a) contains provisions to ensure that repeated-use articles do not exhibit significant levels of acrylonitrile monomer migration. The Commissioner proposes that the reference to paragraph (c) in paragraph (d) be deleted, that paragraph (d) become new paragraph (c), and that new paragraph (d) recite the new requirement for additional teratological studies.

The Commissioner has received a number of objections to the acrylonitrile interim regulation. Some of those objections relate to changes proposed in this notice. The Commissioner's specific responses to the objections and his determination on the requests for a hearing will be the subject of a notice to be published in the FEDERAL REGISTER in the future.

The Commissioner has carefully considered the environmental effects of the proposed regulation and, because the proposed action will not significantly affect the quality of the human environment, has concluded that an environmental impact statement is not required to supplement that made available on October 8, 1976 by notice published in the FEDERAL REGISTER of October 5, 1976 (41 FR 43944), relating to plastic bottles for carbonated beverages and beer. A copy of the environmental impact assessment is on file with the Hearing Clerk, Food and Drug Administration.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 402, 409, and 701(a), 52 Stat. 1046-1047 as amended, 1055, 72 Stat. 1784-1788 as amended (21 U.S.C. 321(s), 342, 348, 371 (a))) and under authority delegated to him (21 CFR 5.1), the Commissioner proposes that Part 121 be amended as follows:

1. In § 121.2010 by revising paragraph (b) to read as follows:

§ 121.2010 Acrylonitrile copolymers and resins.

(b) Limitations for acrylonitrile monomer extraction for finished food-contact articles, determined by using methods of analysis available upon request from the Food and Drug Administration, Bureau of Foods, Division of Food and Color Additives, 200 C St. SW., Washington, DC 20204, are as follows:

(1) In the case of single-use articles intended for food contact, 0.05 ppm acrylonitrile monomer in the extractant, calculated on the basis of the volume held by the container when extracted to equilibrium at 120° F. Where conditions of use involve filling or holding containers at temperatures above 120° F, the test containers should be filled with an appropriate food-simulating solvent and held at the higher temperature for the period of time equalling or slightly exceeding the maximum time of the actual filling or holding conditions. The containers are then to be extracted to equilibrium at 120° F. The articles shall be extracted with food-simulating solvents appropriate to the intended conditions of use.

(2) In the case of repeated-use articles, 0.05 ppm acrylonitrile monomer, to be determined from acrylonitrile monomer equilibrium extraction levels (using food-simulating solvents and temperatures appropriate to the use) as related to food volumes contacted during initial batch usage. The food-simulating solvents shall include, where applicable, distilled water, 8 percent or 50 percent ethanol, 3 percent acetic acid, and either *n*-heptane or an appropriate oil or fat.

2. In § 121.4010 by revising the introductory text, by revising paragraph (a), by deleting paragraph (c), by revising paragraph (d) and redesignating it paragraph (c), and by adding new paragraph (d) to read as follows:

§ 121.4010 Acrylonitrile copolymers.

Acrylonitrile copolymers may be safely used on an interim basis as articles or components of articles intended for use in contact with food in accordance with the following prescribed conditions:

(a) Limitations for acrylonitrile monomer extraction for finished food-contact articles, determined by using methods of analysis available upon request from the Food and Drug Administration, Bureau of Foods, Division of Food and Color Additives, 200 C St. SW., Washington, DC 20204, are as follows:

(1) In the case of single-use articles intended for food contact, 0.05 ppm acrylonitrile monomer in the extractant calculated on the basis of the volume held by the container when extracted to equilibrium at 120° F. Where conditions of use involve filling or holding containers at temperatures above 120° F, the test containers should be filled with an appropriate food-simulating solvent and held at the higher temperature for the period of time equalling or slightly exceeding the maximum time of the actual

filling or holding conditions. The containers are then to be extracted to equilibrium at 120° F. The articles shall be extracted with food-simulating solvents appropriate to the intended conditions of use.

(2) In the case of repeated-use articles, 0.05 ppm acrylonitrile monomer, to be determined from acrylonitrile monomer equilibrium extraction levels (using food-simulating solvents and temperatures appropriate to the use) as related to food volumes contacted during initial batch usage. The food-simulating solvents shall include, where applicable, distilled water, 8 percent or 50 percent ethanol, 3 percent acetic acid, and either n-heptane or an appropriate oil or fat.

(c) Where acrylonitrile copolymers represent only a minor component of a polymer system, calculations based on 100 percent migration of the acrylonitrile component may be substituted in lieu of the requirements of paragraphs (a) and (b) of this section in support of the continued safe use of acrylonitrile copolymers.

(d) On or before June 9, 1977 any interested persons shall satisfy the Commissioner of Food and Drugs that studies will be undertaken to provide an assessment of the teratogenic potential of acrylonitrile monomer in at least one relevant species of animal other than the rat.

Interested persons may, on or before June 9, 1977, submit to the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857, written comments (preferably in quintuplicate and identified with the Hearing Clerk docket number found in brackets in the heading of this document) regarding this proposal. Received comments may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

The Food and Drug Administration has determined that this document does not contain a major proposal requiring preparation of an inflation impact statement under Executive Order 11821 and OMB Circular A-107. A copy of the inflation impact assessment is on file with the Hearing Clerk, Food and Drug Administration.

Dated: March 4, 1977.

SHERWIN GARDNER,
Acting Commissioner
of Food and Drugs.

[FR Doc.77-7045 Filed 3-7-77; 10:30 am]

DEPARTMENT OF AGRICULTURE

Forest Service

[36 CFR Part 231]

GRAZING LIVESTOCK ON NATIONAL FOREST SYSTEM LANDS

Public Meeting

On December 27, 1976, the Forest Service published in the FEDERAL REGISTER

an advance notice of proposed rulemaking, on page 56210. In this notice the public was advised that amendments to the grazing regulations were necessary to incorporate direction given to the Secretary of Agriculture in the Federal Land Policy and Management Act of 1976 (90 Stat. 2743).

In order to give interested individuals and organizations an opportunity to offer their views and suggestions on the proposed regulations, a meeting has been scheduled for April 8, 1977, at the Howard Johnson Motor Lodge, 122 West South Temple, Salt Lake City, Utah, at 9 a.m. A discussion draft proposal of regulations will be reviewed at the meeting. Areas to be covered during the meeting include:

1. Authorities and definitions.
2. Management of the range environment.
3. Issuance and reissuance of grazing permits:
 - a. 10-year term permits;
 - b. Compensation for permittee interest in authorized permanent improvements; and
4. Rangeland betterment funds for range improvement.
- c. Cancellation of term grazing permits.
5. Grazing advisory boards.

Rulemaking covering grazing fees and the use of helicopters and motor vehicles in the management of wild free-roaming horses and burros is being handled separately and will not be subjects of discussion at this meeting. Other notices have been published which invite comment and participation related to these areas of rulemaking.

The Bureau of Land Management of the Department of the Interior is cosponsoring the April 8 meeting with the Forest Service. The Bureau of Land Management is also in the process of amending regulations concerned with grazing administration. A document similar to this one is being issued by the Director of the Bureau of Land Management as their public notice of the meeting.

JOHN R. MCGUIRE,
Chief.

[FR Doc.77-7403 Filed 3-10-77; 8:45 am]

POSTAL SERVICE

[39 CFR Part 111]

SPACE AVAILABLE AIRLIFT OF MAIL-ORDER CATALOGS

Proposed Ineligibility of Mail-Order Catalogs for Air Transportation to Military Post Offices Overseas as Space Available Mail

AGENCY: U.S. Postal Service.

ACTION: Proposed Rule.

SUMMARY: This proposed rule would change Postal Service regulations to make mail-order catalogs mailed to or from Armed Forces post offices overseas ineligible for carriage overseas by air as space available mail. The cost of airlift for such mail is presently paid by the Department of Defense. If this regulation change is adopted, mailers or mail-order catalogs desiring airlift of their publica-

tions would be required to pay for such air transportation.

DATES: Comments must be received on or before April 11, 1977.

ADDRESSES: Written comments should be directed to the Director, Office of Mail Classification, Rates and Classification Department, U.S. Postal Service, Washington, D.C. 20260.

FOR FURTHER INFORMATION CONTACT:

Roger P. Craig, (202)-245-4635.

SUPPLEMENTARY INFORMATION: Under the provisions of 39 CFR 111.3 the Postal Service is proposing to accomplish the above-described rule change by amending section 126.2 of the Postal Service Manual, Chapter I of which has been incorporated by reference in the FEDERAL REGISTER, see 39 CFR 111.1.

Existing law provides that certain correspondence, parcels, and publications mailed to or from Armed Forces post offices may be carried overseas by air on a space available basis. 39 U.S.C. 3401 (b) (1). The cost of airlift for such space available mail is reimbursed to the Postal Service by the Department of Defense (DOD).

On July 2, 1976, the General Accounting Office (GAO) issued a report that concluded that the Postal Service "has not abused its discretion under 39 U.S.C. 3401(b)(1)(B) by issuing regulations pursuant thereto under which mail-order catalogs are not excluded from entitlement to the special service accorded parcels." By the same token, GAO found "a congressional intent to alleviate burdensome mailing costs for personal items and * * * substantial doubts that the purpose of the legislation was for the benefit of private firms." GAO concluded that "[t]he Postal Service should amend its regulations to exclude mail-order catalogs from the application of 39 U.S.C. 3401(b)(1)(B)."

It is proposed to amend section 126.2 of the Postal Service Manual so as to make clear that mail-order catalogs will no longer be entitled to the space available treatment accorded under 39 U.S.C. 3401(b), the so-called SAM statute that was the focus of the GAO report. We propose, moreover, as recommended by DOD, to exclude mail-order catalogs as well from the parcel air lift treatment accorded under 39 U.S.C. 3401(c), the so-called PAL statute, since the SAM and PAL statutes appear to have similar legislative purposes and each involves space available air lift overseas, for which DOD reimburses the Postal Service. (The Postal Service collects a special fee for PAL Service to the gateway.)

Accordingly, although exempt from the requirements of the Administrative Procedure Act (5 U.S.C. 553(b), (c)) regarding proposed rulemaking by 39 U.S.C. 410(a), the Postal Service hereby invites comment on the following proposed revision of the Postal Service Manual.

PART 126—MAIL ADDRESSED TO MILITARY
POST OFFICES OVERSEAS

126.2 [AMENDED]

In section 126.2 of the Postal Service Manual: add two asterisks immediately following the caption; and add a new footnote at the end of the footnotes provided in such section reading as follows: "No mail-order catalogs may be mailed as SAM or PAL."

An appropriate amendment to 39 CFR 111.3 to reflect this change will be published if the proposal is adopted.

ROGER P. CRAIG,
Deputy General Counsel.

[FR Doc. 77-7192 Filed 3-10-77; 8:45 am]

ENVIRONMENTAL PROTECTION
AGENCY

[40 CFR Part 55]

[FRL 697-2]

ENERGY-RELATED AUTHORITY

New Hampshire: Proposed Revocation of
Compliance Date Extension

The purpose of this FEDERAL REGISTER notice is for the Environmental Protection Agency (EPA) to announce proposed revocation of its compliance date extension for the Public Service Company of New Hampshire, Schiller Station, Units 4 and 5, Portsmouth, New Hampshire ("Schiller Station"). The compliance date extension was promulgated by EPA under the authority of sections 110 and 119 of the Clean Air Act on September 1, 1976 (41 FR 36810).

On March 9, 1976, (41 FR 10071) pursuant to sections 119 and 309 of the Clean Air Act, as amended (42 U.S.C. 1857c-10 and 1857g) the Regional Administrator proposed the issuance of a compliance date extension to Schiller Station, Units 4 and 5. After appropriate public notice, a public hearing was held on April 22, 1976, in Portsmouth, New Hampshire. After responding to statements entered into the hearing record by interested parties, the Administrator promulgated a compliance date extension (CDE) for the Schiller Station on September 1, 1976 (41 FR 36810).

Section 2 of the Energy Supply and Environmental Coordination Act of 1974 (ESECA), as amended by the Energy Policy and Conservation Act, authorizes the Administrator of the Federal Energy Administration (FEA) to issue orders to certain power plants and major fuel burning installations prohibiting such facilities from burning natural gas or petroleum products as their primary energy source. Section 3 of ESECA added a new Section 119 to the Clean Air Act which requires the Administrator of the EPA to issue compliance date extensions for meeting certain air pollution requirements to facilities issued FEA prohibition orders whenever certain eligibility criteria are satisfied.

One such eligibility criterion is the requirement of section 119(c)(2)(C) of the Clean Air Act that facilities receiving compliance date extensions must achieve

the most stringent degree of emission reduction required under an applicable implementation plan as soon as practicable, but no later than December 31, 1978. In addition, section 2 of ESECA and section 119(d)(1)(B) of the Clean Air Act require the EPA Administrator to notify the FEA whether a facility that has been issued a FEA prohibition order will be able to burn coal and comply with all applicable air pollution requirements without an EPA compliance date extension.

If compliance without an extension is not possible, the prohibition on oil and natural gas use contained in an FEA prohibition order may not become effective any earlier than either:

(a) The date EPA certifies to FEA as the earliest date that certain conditions and limitations on the EPA compliance date extension can be met, or

(b) For facilities which are ineligible for compliance date extensions, the earliest date on which the facility will be able to burn coal in compliance with all applicable air pollution requirements. FEA plans to make its prohibition orders effective, after receipt of EPA's notifications or certification, by service of Notices of Effectiveness which will set forth the dates after which burning of natural gas or petroleum products as a primary energy source will be prohibited.

On June 30, 1975, FEA issued prohibition orders Nos. OFU-050, 051 to Schiller Station, Units 4 and 5. On March 9, 1976, at 41 FR 10071 EPA proposed to issue a compliance date extension under section 119 of the Clean Air Act to this facility. The CDE was promulgated September 1, 1976 (41 FR 36810). Issuance of the CDE reflected EPA's finding that final compliance with the New Hampshire State Implementation Plan requirements for control of particulate matter and sulfur dioxide emissions while burning coal at these Units will take 820 days from the date of service by FEA of the Notices of Effectiveness of its prohibition orders.

A schedule based on this time frame was set out as part of the compliance date extension promulgated by EPA September 1, 1976, for the subject facility. Since the date of EPA's promulgation of the compliance date extension, FEA became unable to issue its Notices of Effectiveness by a date 820 days before December 31, 1978. Consequently, the proposed EPA compliance schedule would extend past December 31, 1978, thereby making this facility ineligible for a compliance date extension under section 119 of the Clean Air Act.

Therefore, EPA is proposing to revoke its compliance date extension for Schiller Station, Units 4 and 5. To discharge its responsibilities under section 119(d)(1)(B) of the Clean Air Act, EPA will certify to FEA the earliest date at which this facility will be able to burn coal and comply with all applicable air pollution requirements. The prohibition contained in FEA's order may not become effective any earlier than the date so certified by EPA.

The FEA prohibition orders issued to Schiller Station, Units 4 and 5 are not affected by this action except insofar

as the projected date of effectiveness of the prohibition contained in the FEA orders may be adjusted to take account of the time needed for achieving compliance with applicable air pollution requirements in connection with the FEA prohibition orders or Notices of Effectiveness to the facility in question.

The Regional Administrator hereby invites the public to comment on this proposal to revoke the CDE promulgated for Schiller Station on September 1, 1976. Interested persons may participate in this rulemaking by submitting written comments, preferably in triplicate to the Regional Administrator, U.S. E.P.A., JFK Federal Building, Room 2203, Boston, MA 02203. Relevant comments received on or before April 11, 1977 will be considered and acknowledged. Comments received will be available during normal working hours at the EPA, Region I office.

(Secs. 110, 119 and 301 of the Clean Air Act, as amended, (42 U.S.C. 1857c-5, 1857c-10 and 1857g).)

Dated: January 31, 1977.

JOHN A.S. MCGLENNON,
Regional Administrator.

Part 55 of Chapter 1, Title 40 of the Code of Federal Regulations is amended by adding a new Subpart EE as follows:

Subpart EE—New Hampshire

Section 55.1520 is revoked.

§ 55.1520 [Revoked]

Section 55.1520 Compliance Date Extension.

FR Doc. 77-7157 Filed 3-10-77; 8:45 am

[40 CFR Part 60]

[FRL 697-4]

GRAIN ELEVATORS

Standards of Performance for New Stationary Sources; Extension of Comment Period

On January 13, 1977, the Environmental Protection Agency (EPA) published a notice of proposed rulemaking under section 111 of the Clean Air Act, as amended (42 FR 2842). The proposed regulation would establish standards of performance for new, modified or reconstructed grain elevators. The comment period for this proposed regulation ends March 14, 1977.

EPA has been requested by the Governor of Kansas to extend the comment period 60 days in order to allow the Kansas Secretary of Health and Environment, representatives of the State's grain industry, and other interested parties additional time to compile, assemble and submit comments. Since it appears that a number of persons would like additional time to submit comments, the comment period is being extended 60 days for all parties who may wish to participate in this rulemaking. All comments postmarked by May 14, 1977, will be considered and should be submitted (in triplicate) to the Emission Standards and Engineering Division (MD-13), U.S.

Environmental Protection Agency, Research Triangle Park, North Carolina 27711, Attention: Mr. Don R. Goodwin.

Dated: March 7, 1977.

EDWARD P. TUERK,
Acting Assistant Administrator
for Air and Waste Management.
[FR Doc.77-7359 Filed 3-10-77;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Part 3800]

SURFACE MANAGEMENT OF PUBLIC LAND UNDER U.S. MINING LAWS

Public Meetings

Notice is hereby given of a public meeting to obtain public comment pursuant to the publication of the proposed rulemaking on Surface Mining Regulations in the FEDERAL REGISTER, December 6, 1976, 41 FR 53428. The Secretary of the Interior has extended the public comment period to April 5, 1977 in an effort to allow additional public involvement and comment.

The public meeting is scheduled for March 24, 1977, 2 p.m. to 5 p.m., Maricopa County Board of Supervisors auditorium, 205 W. Jefferson, Phoenix, Arizona.

Comments from the public will be taken orally or in writing at the above address during the specified time period. In addition to the above meeting, written comments may be submitted to the Director (210), Bureau of Land Management, Washington, D.C. by April 5, 1977.

ROBERT O. BUFFINGTON,
State Director.

MARCH 4, 1977.

[FR Doc.77-7264 Filed 3-10-77;8:45 am]

[43 CFR Parts 4100, 4200, 4300, 4700, 9230]

RANGE MANAGEMENT AND TECHNICAL SERVICES

Grazing Administration and Trespass; Public Meeting

On July 28, 1976, the Bureau of Land Management (BLM) published proposed regulations concerned with the administration of grazing on the public lands (FR, Vol. 41, No. 146, 41 FR 31504). These proposed regulations must be further reviewed and amended to incorporate direction given to the Secretary of the Interior in the Federal Land Policy and Management Act of 1976 (90 Stat. 2743).

In order to give interested individuals and organizations an opportunity to offer their views and suggestions on the proposed regulations, a meeting has been scheduled for April 8, 1977, at the Howard Johnson Motor Lodge, 122 West South Temple, Salt Lake City, Utah, at 9 a.m. A discussion draft proposal of regulations will be reviewed at the meeting. Areas to be covered during the meeting include:

1. Multiple-use management of the public lands.
2. Base property.
3. Allotment management plans.
4. Term grazing permits and leases.
5. Cancellation of term permits and leases.
6. Range betterment funds for range improvements.
7. Compensation for permittee and lessee interest in authorized permanent improvements.
8. Grazing advisory boards.

Rulemaking covering grazing fees and the use of helicopters and motor vehicles in the management of wild free-roaming horses and burros is being handled separately and will not be subjects of discussion at this meeting. Other notices have been published which invite comment and participation related to these areas of rulemaking.

The Forest Service of the Department of Agriculture is cosponsoring the April 8 meeting with the Bureau of Land Management. The Forest Service is also in the process of amending regulations concerned with grazing livestock on National Forest System lands. A document similar to this one is being issued by the Chief, Forest Service, as their public notice of the meeting.

GEORGE L. TURCOTT,
Associate Director.

MARCH 8, 1977.

[FR Doc.77-7375 Filed 3-10-77;8:45 am]

Fish and Wildlife Service

[50 CFR Part 17]

ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Proposed Threatened Status and Critical Habitat for the Black Toad

The Director, U.S. Fish and Wildlife Service (hereinafter, the Director and the Service, respectively), hereby issues a proposed rulemaking, pursuant to sections 4 and 7 of the Endangered Species Act of 1973 (16 U.S.C. 1531-1543, 87 Stat. 884; hereinafter the Act), which would determine the black toad (*Bufo exsul*) to be a Threatened Species and which would determine Critical Habitat for that species. This species occurs only in Deep Springs Valley, Inyo County, California.

BACKGROUND

Section 4(a) of the Act states:

General.—(1) The Secretary shall by regulation determine whether any species is an endangered species or a threatened species because of any of the following factors:

- (1) The present or threatened destruction, modification, or curtailment of its habitat or range;
- (2) Overutilization for commercial, sporting, scientific, or educational purposes;
- (3) Disease or predation;
- (4) The inadequacy of existing regulatory mechanisms; or
- (5) Other natural or manmade factors affecting its continued existence.

This authority has been delegated to the Director.

The black toad is endemic to Deep Springs Valley, Inyo County, California.

Known only from the vicinity of Antelope Springs and Buckhorn Springs, the range of this species covers only 9300 square meters. Like other endemics of the desert Southwest, this toad is threatened primarily by man's need for water, on which it must rely.

SUMMARY OF FACTORS AFFECTING THE SPECIES

These findings are summarized herein under each of the five criteria of section 4(a) of the Act. These factors, and their application to the black toad are as follows:

1. *The present or threatened destruction, modification, or curtailment of its habitat or range.* The stream channels at Buckhorn Spring are periodically recanalized to provide water for livestock and irrigation. When stream modification occurs after oviposition, the marsh area dries before the tadpoles metamorphose to miniature toads, and recruitment to the adult population is seriously affected. In the past, livestock has been permitted to graze in the marshlands, thus resulting in some habitat destruction; this practice has been stopped by officials at Deep Springs College.

The lowering of water tables in the vicinity of Antelope and Buckhorn Springs by pumping could seriously alter the limited habitat of the black toad.

2. *Overutilization for commercial, sporting, scientific, or educational purposes.* Because of its restricted range and attractive coloration, the black toad has been a favorite of amphibian collectors. Between 1962 and 1971, the easternmost toad area of Buckhorn Springs, the area most accessible to collectors, experienced a noticeable decline in numbers of adults, ostensibly because of overcollecting. Deep Springs College now restricts access to the Buckhorn Springs toad areas; the Antelope Springs population is still readily accessible to collectors.

3. *Disease or predation.* Not applicable for this species.

4. *The inadequacy of existing regulatory mechanisms.* This species is protected by the state of California against take, possession, and sale. Addition to the Endangered and Threatened Wildlife list would provide additional discouragement to collectors.

5. *Other natural or manmade factors affecting its continued existence.* None.

CRITICAL HABITAT

Section 7 of the Act, entitled "Inter-agency Cooperation", states:

The Secretary shall review other programs administered by him and utilize such programs in furtherance of the purposes of this Act. All other Federal departments and agencies shall, in consultation with and with the assistance of the Secretary, utilize their authorities in furtherance of the purposes of this Act by carrying out programs for the conservation of Endangered species and Threatened species listed pursuant to section 4 of this Act and by taking such action necessary to insure that actions authorized, funded, or carried out by them do not jeopardize the continued existence of such endangered species and threatened species or re-

sult in the destruction or modification of habitat of such species which is determined by the Secretary, after consultation as appropriate with the affected States, to be critical.

An interpretation of the term Critical Habitat was published by Fish and Wildlife Service and the National Marine Fisheries Service in the FEDERAL REGISTER of April 22, 1975 (40 FR 17764-17765).

The areas delineated below do not necessarily include the entire Critical Habitat of the black toad and modifications to Critical Habitat descriptions may be proposed in the future. In accordance with section 7 of the Act, all Federal departments and agencies would be required to insure that actions authorized, funded, or carried out by them do not result in the destruction or modification of the Critical Habitat of the black toad found within the areas delineated below.

Until the promulgation of section 7 regulations, all Federal departments and agencies should, in accordance with section 7 of the Act, consult with the Secretary of the Interior with respect to any action which is considered likely to affect Critical Habitat within the delineated areas. Consultation pursuant to section 7 should be carried out using the procedures contained in the "Guidelines to Assist the Federal Agencies in Complying with section 7 of the Endangered Species Act of 1973" which have been made available to the Federal agencies by the Service.

CRITICAL HABITAT DETERMINATION

Based upon literature reviews, Critical Habitat for the black toad includes the following areas (exclusive of those existing manmade structures or settlements which are not necessary to the survival or recovery of the species):

- I. Section 4 T8SR36E Inyo County
- II. Section 5 T8SR36E Inyo County
- III. Section 8 T8SR36E Inyo County
- IV. Section 9 T8SR36E Inyo County
- V. SW¼ Section 3 T8SR36E Inyo County
- VI. NW¼ Section 16 T8SR36E Inyo County
- VII. Section 13 T7SR35E Inyo County

EFFECT OF THE RULEMAKING

The effects of these determinations and this rulemaking include, but are not necessarily limited to, those discussed below.

Endangered Species regulations already published in Title 50 of the Code of Federal Regulations set forth a series of general prohibitions and exceptions which apply to all Endangered Species. All of those prohibitions and exceptions also apply to any Threatened Species unless a Special Rule pertaining to that Threatened Species has been published and indicates otherwise. The regulations referred to above, which pertain to Endangered Species, are found at § 17.21 of Title 50 and, for the convenience of the reader, are reprinted below.

§ 17.21 Prohibitions.

(a) Except as provided in Subpart A of this part, or under permits issued pursuant to § 17.22 or § 17.23, it is unlawful for any person subject to the jurisdiction of the United States to commit, to attempt to commit, to solicit another to commit or to cause to be

committed, any of the acts described in paragraphs (b) through (f) of this section in regard to any endangered wildlife.

(b) *Import or export.* It is unlawful to import or to export any endangered wildlife. Any shipment in transit through the United States is an importation and an exportation, whether or not it has entered the country for customs purposes.

(c) *Take.* (1) It is unlawful to take endangered wildlife within the United States, within the territorial sea of the United States, or upon the high seas. The high seas shall be all waters seaward of the territorial sea of the United States, except waters officially recognized by the United States as the territorial sea of another country, under international law.

(2) Notwithstanding paragraph (c)(1) of this section, any person may take endangered wildlife in defense of his own life or the lives of others.

(3) Notwithstanding paragraph (c)(1) of this section, any employee or agent of the Service, any other Federal land management agency, the National Marine Fisheries Service, or a State conservation agency, who is designated by his agency for such purposes, may, when acting in the course of his official duties, take endangered wildlife without a permit if such action is necessary to:

- (i) Aid a sick, injured or orphaned specimen; or
- (ii) Dispose of a dead specimen; or
- (iii) Salvage a dead specimen which may be useful for scientific study; or
- (iv) Remove specimens which constitute a demonstrable but nonimmediate threat to human safety, provided that the taking is done in a humane manner; the taking may involve killing or injuring only if it has not been reasonably possible to eliminate such threat by live-capturing and releasing the specimen unharmed, in a remote area.

(4) Any taking pursuant to paragraphs (c)(2) and (3) of this section must be reported in writing to the United States Fish and Wildlife Service, Division of Law Enforcement, P.O. Box 19183, Washington, D.C. 20036, within 5 days. The specimen may only be retained, disposed of, or salvaged in accordance with directions from the Service.

(d) *Possession and other acts with unlawfully taken wildlife.* (1) It is unlawful to possess, sell, deliver, carry, transport, or ship, by any means whatsoever, any endangered wildlife which was taken in violation of paragraph (c) of this section.

Example. A person captures a whooping crane in Texas and gives it to a second person, who puts it in a closed van and drives thirty miles, to another location in Texas. The second person then gives the whooping crane to a third person, who is apprehended with the bird in his possession. All three have violated the law—the first by illegally taking the whooping crane; the second by transporting an illegally taken whooping crane; and the third by possessing an illegally taken whooping crane.

(2) Notwithstanding paragraph (d)(1) of this section, Federal and State law enforcement officers may possess, deliver, carry, transport or ship any endangered wildlife taken in violation of the Act as necessary in performing their official duties.

(e) *Interstate or foreign commerce.* It is unlawful to deliver, receive, carry, transport, or ship in interstate or foreign commerce, by any means whatsoever, and in the course of a commercial activity, any endangered wildlife.

(f) *Sale or offer for sale.* (1) It is unlawful to sell or to offer for sale in interstate or foreign commerce any endangered wildlife.

(2) An advertisement for the sale of endangered wildlife which carries a warning

to the effect that no sale may be consummated until a permit has been obtained from the U.S. Fish and Wildlife Service shall not be considered an offer for sale within the meaning of this subsection.

(5) Notwithstanding paragraph (c)(1) of this section, any qualified employee or agent of a State Conservation Agency which is a party to a Cooperative Agreement with the Service in accordance with section 6(c) of the Act, who is designated by his agency for such purposes, may, when acting in the course of his official duties take Endangered Species, for conservation programs in accordance with the Cooperative Agreement, provided that such taking is not reasonably anticipated to result in: (i) the death or permanent disabling of the specimen; (ii) the removal of the specimen from the State where the taking occurred; (iii) the introduction of the specimen so taken, or of any progeny derived from such a specimen, into an area beyond the historical range of the species; or (iv) the holding of the specimen in captivity for a period of more than 45 consecutive days."

Regulations published in the FEDERAL REGISTER of September 26, 1975 (40 FR 44112) provided for the issuance of permits to carry out otherwise prohibited activities involving Endangered or Threatened Species under certain circumstances. Such permits involving Endangered Species are available for scientific purposes or to enhance the propagation or survival of the species. In some instances, permits may be issued during a specified period of time to relieve undue economic hardship which would be suffered if such relief were not available.

Pursuant to section 4(b) of the Act, the Director will notify the Governor of California with respect to this proposal and request his comments and recommendations before making final determinations.

PUBLIC COMMENTS SOLICITED

The Director intends that the rules finally adopted will be as accurate and effective in the conservation of any Endangered or Threatened species as possible. Therefore, any comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry, private interests or any aspect of these proposed rules are hereby solicited. Comment particularly are sought concerning:

(1) Biological or other relevant data concerning any threat (or the lack thereof) to the black toad;

(2) The location of and reasons why any habitat of the black toad should or should not be determined to be "Critical Habitat" as provided for by Section 7 of the Act;

(3) Additional information concerning the range and distribution of the black toad.

Final promulgation of the regulations on the black toad will take into consideration the comments and any additional information received by the Director and such communications may lead him to adopt final regulations that differ from this proposal.

An environmental assessment has been prepared in conjunction with this proposal. It is on file in the Service's Office

of Endangered Species, 1612 K Street NW., Washington, D.C. 20240, and may be examined during regular business hours. A determination will be made at the time of final rulemaking as to whether this is a major Federal action which would significantly affect the quality of the human environment within the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969.

SUBMITTAL OF WRITTEN COMMENTS

Interested persons may participate in this rulemaking by submitting written

comments and other documents, preferably in triplicate, to Director (FWS/WPO), U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. All relevant comments and materials received no later than May 13, 1977, will be considered. Comments and materials received will be available for public inspection during normal business hours at the Service's Office in Room 514, 1717 H Street NW., Washington, D.C.

This proposed rulemaking is issued under the authority contained in the Endangered Species Act of 1973 (16 U.S.C. 1531-1543; 87 Stat. 884).

This proposed rulemaking was prepared by Dr. C. Kenneth Dodd, Jr., Office of Endangered Species.

Dated: February 15, 1977.

LYNN G. GREENWALT,
Director,
Fish and Wildlife Service.

Accordingly, it is hereby proposed to amend Part 17, Subchapter B of Chapter 1, Title 50 of the Code of Federal Regulations, as set forth below:

It is proposed to amend § 17.11:

1. By adding in alphabetical order the following to the list of animals:

§ 17.11 Endangered and threatened wildlife.

Species			Range		Status	When listed	Special rules
Common name	Scientific name	Population	Known distribution	Portion of range where threatened or endangered			
(a) AMPHIBIANS							
Toad, black	<i>Bufo exsul</i>	N/A	U.S.A. (California)	Entire	T		NA

2. By amending the table of sections for Subpart I of Part 17 to read as follows:

Subpart I—Interagency Cooperation

Sec. 17.95. Critical habitat.

3. By adding new § 17.95(d) (4) reading as follows:

(d) *Amphibians.*—

(4) *Black toad.* (i) The following area (exclusive of those existing manmade structures or settlements which are not necessary to the survival or recovery of the species) is Critical Habitat for the black toad (*Bufo exsul*):

- (A) Section 4 T8SR36E, Inyo County.
- (B) Section 5 T8SR36E, Inyo County.
- (C) Section 8 T8SR36E, Inyo County.
- (D) Section 9 T8SR36E, Inyo County.
- (E) SW ¼ Section 3 T8SR36E, Inyo County.
- (F) NW ¼ Section 16 T8SR36E, Inyo County.
- (G) Section 13 T7SR35E, Inyo County.



[FR Doc.77-7190 Filed 3-10-77;8:45 am]

[50 CFR Part 17]

ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Proposed Determination of Critical Habitat for the Palila; Correction

In the FEDERAL REGISTER of December 22, 1976 (41 FR 55729-55732), the U.S. Fish and Wildlife Service proposed determination of Critical Habitat for the palila, an Endangered Hawaiian bird. On page 55730, column 3, under "Submittal of Written Comments," it was stated that the Service would consider comments received no later than April 18, 1977. The date should have read February 18, 1977, as it has been the policy of the Service to provide a public comment period of approximately 60 days for proposals of this nature. The Service must soon close the comment period to facilitate finalization of the Critical Habitat determination, but, because of any confusion resulting from this error, will continue to accept comments on the palila proposal until March 16, 1977.

Dated: March 3, 1977.

GEORGE W. MELIAS,
Acting Director,
Fish and Wildlife Service.

[FR Doc.77-7282 Filed 3-10-77;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Federal Grain Inspection Service

GRAIN STANDARDS

Illinois Grain Inspection Point

Statement of considerations. The Galesburg Grain Inspection Department, Galesburg, Illinois, has requested that, effective May 4, 1977, its designation under section 7(f) of the U.S. Grain Standards Act (7 U.S.C. 79(f)) to operate as an official agency at Galesburg, Illinois, be canceled because of lack of sufficient demand for inspection services. Accordingly, the Federal Grain Inspection Service proposes to cancel the designation of Galesburg Grain Inspection Department to operate as an official agency at Galesburg.

Other interested persons are hereby given opportunity to make application for designation to operate as an official agency at Galesburg, Illinois, pursuant to the requirements in § 26.96 of the regulations (7 CFR 26.96) under the U.S. Grain Standards Act.

NOTE.—Section 7(f) of the Act (7 U.S.C. 79(f)) generally provides that not more than one official agency shall be operative at any one time for any one city, town, or other area.

Any interested persons who wish to submit views and comments are requested to include the name of the person or agency which they recommend to be designated to operate as an official agency at Galesburg, Illinois.

All such views and comments should be submitted in writing to the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250. All materials should be in duplicate and mailed to the Hearing Clerk not later than April 11, 1977. All materials submitted pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)). Consideration will be given to the views and comments so filed with the Hearing Clerk and to all other information available to the U.S. Department of Agriculture before final determination is made with respect to this matter.

Done in Washington, D.C., on March 8, 1977.

WILLIAM T. MANLEY,
Interim Administrator.

[FR Doc. 77-7309 Filed 3-10-77; 8:45 am]

Forest Service

UMPQUA NATIONAL FOREST 10-YEAR TIMBER MANAGEMENT PLAN

Availability of Draft Environmental
Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement on the 10-year Timber Management Plan for the Umpqua National Forest, USDA-FS-R6-DES (Adm)-77-8.

The environmental statement concerns a proposed ten-year Timber Management Plan to replace an extended 1961 plan which is currently in effect. The new plan proposal incorporates new data, sophisticated calculation methods, and policy changes, and deals with the intensity and type of timber management opportunities on the Umpqua National Forest, located in the southwestern portion of the State of Oregon.

The draft environmental statement was transmitted to CEQ on March 4, 1977.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3210, 12th St. & Independence Ave., S.W., Washington, D.C. 20250.

USDA, Forest Service, Pacific Northwest Region, 319 S.W. Pine Street, Portland, Oregon 97204.

USDA, Forest Service, Umpqua National Forest, 704 S.E. Cass Street, Roseburg, Oregon 97470.

A limited number of single copies are available upon request to:

Forest Supervisor, Umpqua National Forest, 704 S.E. Cass Street, Roseburg, Oregon 97470.

Copies of the environmental statement have been sent to various Federal, state, and local agencies as outlined in the CEQ guidelines.

Comments are invited from the public, and from state and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional infor-

mation should be addressed to Forest Supervisor, Umpqua National Forest, 704 S.E. Cass Street, Roseburg, Oregon 97470. Comments must be received by June 2, 1977 in order to be considered in the preparation of the final environmental statement.

ROBERT R. TYRREL,
Director, Planning,
Programming and Budgeting.

MARCH 4, 1977.

[FR Doc. 77-7171 Filed 3-10-77; 8:45 am]

[Region 2]

SPEARFISH DISTRICT GRAZING ADVISORY BOARD

Meeting

The Spearfish District Grazing Advisory Board will meet at 7:30 p.m., April 15, 1977 at the Hospitality Room, First National Bank, Spearfish, South Dakota. The purpose of this meeting is to discuss the following:

1. The National Forest Management Act of 1976
2. Federal Land Policy and Management Act of 1976
3. Northern Hills Land Management Plan
4. Public land grazing issues and concerns

The meeting will be open to the public. Persons who wish to attend should notify Oliver Swanson, RR 1, Spearfish, South Dakota, 605/642-2225. Written statements may be filed with the committee before or after the meeting.

Dated: February 28, 1977.

JAMES C. OVERBAY,
Forest Supervisor.

[FR Doc. 77-7172 Filed 3-10-77; 8:45 am]

BEAVER CREEK WILDERNESS; MINERAL PROSPECTING

Availability of Draft Environmental
Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for Mineral Prospecting in the Beaver Creek Wilderness, Daniel Boone National Forest, USDA-FS-R8-DES (ADM.) 77-03.

The Forest Service proposes to conditionally approve with prescribed modifi-

cations a prospecting plan submitted by the Greenwood Land and Mining Company of Parker's Lake, Kentucky. The concerns of the Forest Service are to resolve conflict between public and private rights in the management of the Beaver Creek Wilderness.

This draft environmental statement was transmitted to CEQ February 23, 1977. Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Rm. 3230, 12th St. & Independence Ave., S.W., Washington, D.C. 20250.
USDA, Forest Service, 1720 Peachtree Rd., N.W., Rm. 804, Atlanta, Georgia 30309.
U.S. Forest Service, Daniel Boone National Forest, 100 Vaught Road, Winchester, Kentucky 40391.

A limited number of single copies are available upon request to Forest Supervisor, Daniel Boone National Forest, 100 Vaught Road, Winchester, Kentucky 40391.

Comments are invited from the public, and from State and Local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Forest Supervisor, Daniel Boone National Forest, 100 Vaught Road, Winchester, Kentucky 40391. Comments must be received by April 24, 1977 in order to be considered in the preparation of the final environmental statement.

Dated: February 23, 1977.

ROBERT F. WILLIAMS,
*Regional
Environmental Coordinator.*

[FR Doc. 77-7262 Filed 3-10-77; 8:45 am]

CHEROKEE NATIONAL FOREST; TIMBER MANAGEMENT PLAN

Availability of Final Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for a Timber Management Plan, Cherokee National Forest, Southern Region, USDA-FS-R8-PES (ADM.) 76-16.

The Cherokee National Forest is located in Carter, Cocke, Greene, Johnson, McMinn, Monroe, Polk, Sullivan, Unicoi, and Washington counties, Tennessee and Ashe county, North Carolina. The environmental statement concerns the implementation of a 10-year Timber Management Plan for the Cherokee National Forest. Major actions are commercial harvest and intermediate cuts, silvicultural treatments including site preparation measures, non-commercial thinning, release, planting and seeding.

The final environmental statement was transmitted to CEQ on March 3, 1977. Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3230, 12th St. & Independence Ave., S.W., Washington, D.C. 20250.
USDA, Forest Service, 1720 Peachtree Rd., N.W., Room 804, Atlanta, Georgia 30309.
USDA, Forest Service, Forest Supervisor, Cherokee National Forest, 2321 N. Ocoee Street, N.W., Box 400, Cleveland, Tennessee 37311.

A limited number of single copies are available upon request to Forest Supervisor, Cherokee National Forest, 2321 N. Ocoee Street, N.W., Box 400, Cleveland, Tennessee 37311.

Copies of the environmental statement have been sent to various Federal, State and Local agencies as outlined in the CEQ guidelines.

Dated: March 3, 1977.

ROBERT F. WILLIAMS,
*Regional
Environmental Coordinator.*

[FR Doc. 77-7263 Filed 3-10-77; 8:45 am]

CIVIL AERONAUTICS BOARD

[Docket 30549; Order 77-3-35]

BRITISH AIRWAYS

Order of Suspension and Investigation Regarding Transatlantic Specific Commodity Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 25th day of February, 1977.

On February 4, 1977 British Airways filed tariff revisions proposing to reduce the specific commodity rates (SCR's) on Item 7119 (Books, N.E.S.) from the United Kingdom to the United States effective March 9, 1977.¹ The British Airways filing was made pursuant to a U.K. government order, and would reduce these rates from London, Manchester, or Glasgow, presently at 36 U.K. pence per kg. to New York and 37 pence per kg. to Philadelphia, to 27 pence and 28 pence per kg. respectively.

No justification has been offered for this proposal. Complaints requesting suspension pending investigation, however, have been filed by Seaboard World Airlines, Inc. (Seaboard), Trans World Airlines, Inc. (TWA), and Pan American World Airways, Inc. (Pan American). The complainants generally assert that the proposed rates are grossly uneconomic and would not even cover the U.S. carriers' cost per available ton-mile (ATM) much less the costs per revenue ton-mile (RTM);² that there has been

¹ John M. Sampson, Agent, Tariff CAB No. 19.

² The yields under the proposed rates would range from about 12.07 to 13.20 cents per RTM using current rates of exchange, and Pan American indicates even lower yields after considering prorated dilution on carriage other than from London. The U.S. carriers' costs per ATM for North Atlantic

no demonstration by British Airways that the proposed rate reductions are cost-related or would generate new traffic; that the rates are at or below the level of similar SCR's previously filed by British Airways and suspended by the Board in Order 77-1-6, December 23, 1976;³ and that the British Airways filing is in opposition to the Board's long-standing policy of urging the carriers to reduce reliance on discounted SCR's.

Seaboard adds that the new filing files directly in the face of the Board's admonition in Order 77-1-6 that rates at such low levels be accompanied by the most convincing economic justification; and that in any event British Airways is not likely to be dissuaded from implementing the rates regardless of whatever action the Board takes.

British Airways, in a consolidated answer to the complaints, alleges that the complainants fail to realize that the proposed rates, while stated in U.S. units, represent a conversion from the U.K. units and, at 27 and 28 U.K. pence to New York and Philadelphia, respectively, actually reflect an increase from the current rates of 25 and 26 U.K. pence "as expressed by the Civil Aviation Authority." The carrier contends further that a rate lower than the IATA-agreed rate approved by the Board is necessary given the unusually high density of this traffic.

Upon full consideration of the tariff filing, the complaints, the answer and all other relevant factors, the Board finds the proposed rates may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful and should be investigated. The Board further concludes that the proposed rates should be suspended pending investigation. First, we cannot agree that the proposal actually represents an increase in terms of U.K. pounds over present rates; regardless of what the rates are "as expressed by the U.K. Civil Aviation Authority," the present rate from London to New York, for example, in British Airways' official tariff on file with the Board is 36 U.K. pence per kg., 33 percent higher than the proposed rate of 27 U.K. pence.⁴ The proposed rates, like British Airways' similar SCR filing considered in Order 77-1-6, are so low as to appear uneconomic on their face (see fn. 2). Order 77-1-6 indicated that such low rates could be accepted only upon the most convincing showing that they offered a real potential for generating substantial new traffic with little possibility of diversion from existing rates. British Airways has offered no meaningful explanation or justification for the proposed reduction

freighter operations during the year ended June 30, 1976 ranged from 15.06 to 19.38 cents per ATM. Seaboard, with the best load factor at 65 percent, had a cost per RTM of 23.15 cents.

³ Items 2102 (Cloth), 6807 (Plastic Foil and/or Sheets), and 7047 (Decals).

⁴ Roughly equivalent to \$0.6142 and \$0.4606 per kg., respectively.

in this rate. In fact, its sole support is a U.K. government order, which in turn carried no explanation or rationale.²

The British Airways' proposal runs directly counter to the Board's long-standing policy of encouraging a reduced reliance on discounted specific commodity rates to move so large a portion of international freight traffic. Considering this oft-repeated policy as well as the Board's recent suspension of similar U.K.-U.S. SCR's, British Airways and the U.K. government must have been aware that the proposed Item 7119 rates would surely be suspended, and we are frankly at a loss to understand what serious purpose was served by the instant filing.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 102, 204(a), 403, 404, 801, and 1002(j) thereof,

It is ordered, That:

1. An investigation be instituted to determine whether the rates and provisions for (1) Item No. 7119, subject to Note "B", and the addition of Note "C" in connection with Item No. 7119 from Glasgow, Scotland, London, England, and Manchester, England, to New York, New York; and (2) Item No. 7119 from Glasgow, Scotland, London, England, and Manchester, England, to Philadelphia, Pa. on 18th Revised Page 130, 22nd Revised Page 134, 11th Revised Page 135, and 25th Revised Page 136-A of Tariff C.A.B. No. 19, issued by John M. Sampson, Agent, and rules, regulations, or practices affecting such rates and provisions, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and, if found to be unlawful, to take appropriate action to prevent the use of such rates and provisions and rules, regulations, or practices;

2. Pending hearing and decision by the Board, the tariff rates and provisions specified in ordering paragraph 1 above are suspended and their use deferred from March 9, 1977, to and including March 8, 1978, unless otherwise ordered by the Board and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. This order shall be submitted to the President³ and shall become effective on March 9, 1977;

4. The investigation ordered herein be assigned for hearing before an adminis-

² We are not persuaded by British Airways' argument, in its answer, that the proposed rates are justified by the alleged "unusually high density" of this traffic. The IATA-agreed, Board-approved commodity rates for "Books, N.E.S." are already much lower than the general run of SCR's between London and New York. Further, similar goods such as Items 7103 (Books, Postcards, Calendars, etc.), 7107 (Daily Newspapers) and 7113 (Weekly Periodicals) which may be assumed to have densities comparable to Item 7119, have rates similar though slightly higher than Item 7119; yet British Airways did not feel compelled to propose a reduction from IATA-agreed levels for those items.

³ This order was submitted to the President on February 25, 1977.

trative law judge of the Board at a time and place hereafter to be designated;

5. Except to the extent granted herein, the complaints of Pan American World Airways, Inc., Seaboard World Airlines, Inc., and Trans World Airlines, Inc., in Dockets 30500, 30473, and 30474, respectively, be and hereby are dismissed;

6. The motion of Pan American World Airways, Inc. to file an unauthorized document in Docket 30500 be and hereby is granted; and

7. Copies of this order be filed in the aforesaid tariff and be served upon British Airways, Pan American World Airways, Inc., Seaboard World Airlines, Inc., and Trans World Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS F. KAYLOR,
Secretary.

[FR Doc.77-7292 Filed 3-10-77; 8:45 am]

[Docket No. 30565]

DEUTSCHES REISEBURO GMBH (GERMANY) FOREIGN AIR CARRIER PERMIT

Prehearing Conference

Notice is hereby given that a prehearing conference in this proceeding is assigned to be held on April 4, 1977, at 9:30 a.m. (local time) in Room 1003, Hearing Room C, Universal North Building, 1875 Connecticut Avenue NW., Washington, D.C., before Administrative Law Judge Janet D. Saxon.

Dated at Washington, D.C., March 7, 1977.

HENRY M. SWITKAY,
Acting Chief
Administrative Law Judge.

[FR Doc.77-7295 Filed 3-10-77; 8:45 am]

MEETING

The CAB will meet:
TIME AND DATE: 10 a.m.—March 15, 1977.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: Docket 27530, Big Bear Cartage, Inc. Petition for Reconsideration of Board Order 76-6-116 which denied Big Bear's request that the Board issue a declaratory order or institute a rulemaking proceeding to resolve certain difficulties it was experiencing with the Interstate Commerce Commission.

STATUS: Open.

PERSON TO CONTACT:

Phyllis T. Kaylor, Office of the Secretary (202) 673-5068.

SUPPLEMENTARY INFORMATION: The Board has not yet issued final regulations implementing the open meeting provisions of the Government in the Sunshine Act.

However, so that the public will have the required notice for all meetings held after the effective date of the Sunshine Act (March 12, 1977), the Board will follow the announcement procedures set

forth in § 310b.4 (PDR-44) of its proposed rules until final rules have been adopted.

[FR Doc.77-7296 Filed 3-10-77; 8:45 am]

[Docket No. 30570]

SERVICE TO BRUNSWICK AND SAVANNAH CASE

Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on April 26, 1977, at 9:30 a.m. (local time), in Room 1003, Hearing Room D, Universal North Building, 1825 Connecticut Ave. NW., Washington, D.C. before Administrative Law Judge Janet D. Saxon.

In order to facilitate the conduct of the conference, parties are instructed to submit one copy to each party and six copies to the Judge of (1) proposed statements of issues; (2) proposed stipulations; (3) proposed requests for information and for evidence; (4) statements of positions; and (5) proposed procedural dates. The Bureau of Operating Rights will circulate its material on or before April 11, 1977, and the other parties on or before April 19, 1977. The submissions of the other parties shall be limited to points on which they differ with the Bureau, and shall follow the numbering and lettering used by the Bureau to facilitate cross-referencing.

HENRY M. SWITKAY,
Acting Chief
Administrative Law Judge.

[FR Doc.77-7293 Filed 3-10-77; 8:45 am]

[Docket No. 29606]

TRANSPORTES AEREOS AND PORTUGUESES S.A.R.L. (TAP)

Hearing

In the matter of Transportes Aereos Portugueses S.A.R.L. (TAP) proposed U.S.-Portugal nonaffinity group fares.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on April 12, 1977 at 9:30 a.m. (local time), in Room 1003, Hearing Room B, Universal North Building, 1875 Connecticut Avenue, Washington, D.C. 20428, before the undersigned.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the prehearing conference report served February 3, 1977, the supplemental prehearing conference report served February 25, 1977, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., March 7, 1977.

BURTON S. KOLKO,
Administrative Law Judge.

[FR Doc.77-7294 Filed 3-10-77; 8:45 am]

**COMMISSION OF FINE ARTS
MEETING**

MARCH 2, 1977.

The Commission of Fine Arts will meet in open session on Tuesday, April 5, 1977, at 10:00 a.m. in the Commission offices at 708 Jackson Place, N.W., Washington, D.C. 20006 to discuss various projects affecting the appearance of Washington.

Inquiries about the agenda and/or requests to submit written or oral statements should be addressed to Charles H. Atherton, Secretary, Commission of Fine Arts, at the above address.

This notice amends the notice of meetings published in the FEDERAL REGISTER on January 11, 1977 (42 FR 2337).

CHARLES H. ATHERTON,
Secretary.

[FR Doc.77-7173 Filed 3-10-77;8:45 am]

**COMMISSION ON CIVIL RIGHTS
ARIZONA ADVISORY COMMITTEE
Amendment to Notice of Meeting**

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights that a press conference of the Arizona Advisory Committee (SAC) of the Commission scheduled for March 17, 1977, a notice previously published in the FEDERAL REGISTER on Thursday, March 3, 1977, on page 12230 (FR Doc. 77-6355) is hereby amended to change the address from 1800 W. 18th Avenue, Phoenix, Arizona to 1700 West Washington, Phoenix, Arizona. Time and date of the Conference will remain the same.

Dated at Washington, D.C., March 7, 1977.

JOHN I. BINKLEY,
*Advisory Committee Management
Officer.*

[FR Doc.77-7174 Filed 3-10-77;8:45 am]

**CONNECTICUT ADVISORY COMMITTEE
Agenda and Notice of Open Meeting**

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Connecticut Advisory Committee (SAC) of the Commission will convene at 7:30 p.m. and end at 11:00 p.m. on April 7, 1977, at 5 Long Lane, Middletown, Connecticut.

Persons wishing to attend this open meeting should contact the committee Chairperson, or the Northeastern Regional Office of the Commission, 26 Federal Plaza, Room 1639, New York, New York 10007.

The purpose of this meeting is to discuss next steps on domestic violence subcommittee and other matters of general interest.

This meeting will be conducted pursuant to the provisions of the Rules and Regulation of the Commission.

Dated at Washington, D.C., March 7, 1977.

JOHN I. BINKLEY,
*Advisory Committee
Management Officer.*

[FR Doc.77-7175 Filed 3-10-77;8:45 am]

**DISTRICT OF COLUMBIA ADVISORY
COMMITTEE**

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights that a fact-finding meeting of the District of Columbia Advisory Committee (SAC) of the Commission will convene at 9:30 a.m. and end at 7:30 p.m., on March 31, 1977, at the Alcoholic Beverage Control Board, Room 201, District Building, 1350 E Street, N.W., Washington, D.C. 20001.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Mid-Atlantic Regional Office of the Commission, 2120 L Street, N.W., Room 510, Washington, D.C. 20037.

The purpose of this meeting is a public hearing of the housing issue identified at the D.C. Forum on Civil Rights Issues, whether or to what extent citizens in the District of Columbia who are minority and poor are denied an opportunity to share in the revitalization of the center city.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., March 7, 1977.

JOHN I. BINKLEY,
*Advisory Committee
Management Officer.*

[FR Doc.77-7176 Filed 3-10-77;8:45 am]

**KENTUCKY ADVISORY COMMITTEE
Agenda and Notice of Open Meeting**

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Kentucky Advisory Committee (SAC) of the Commission will convene at 3:00 and end at 5:00 p.m. on March 29, 1977, at the Hilton Inn, 1338, Stanton Way, Conference Room, Lexington, Kentucky 40505.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Southern Regional Office of the Commission, Citizens Trust Bank Building, Room 362, 75 Piedmont Avenue, NE., Atlanta, Georgia 30303.

The purpose of this meeting is to continue plans for the Kentucky State Police Study, review of background information and report on meeting held with State Police Commissioner Benndenburg.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., March 7, 1977.

JOHN I. BINKLEY,
*Advisory Committee
Management Officer.*

[FR Doc.77-7177 Filed 3-10-77;8:45 am]

**MASSACHUSETTS ADVISORY
COMMITTEE**

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Massachusetts Advisory Committee (SAC) of the Commission will convene at 12:00 noon and will end at 5:00 p.m. on April 12, 1977, at the Jewish Labor Committee, 27 School Street, Boston, Mass.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Northeastern Regional Office of the Commission, 26 Federal Plaza, Room 1639, New York, New York 10007.

The purpose of this meeting is to discuss Affirmative Action and State and Local Human Rights Agencies subcommittees and to discuss next steps to be undertaken.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., March 7, 1977.

JOHN I. BINKLEY,
*Advisory Committee
Management Officer.*

[FR Doc.77-7178 Filed 3-10-77;8:45 am]

**NEW HAMPSHIRE ADVISORY
COMMITTEE**

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the New Hampshire Advisory Committee (SAC) of the Commission will convene at 7:30 p.m. and end at 11:00 p.m. on April 19, 1977, at the New Hampshire Highway Hotel, Concord, New Hampshire.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Northeastern Regional Office of the Commission, 26 Federal Plaza, Room 1639, New York, New York 10007.

The purpose of this meeting is to discuss status of subcommittee.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., March 7, 1977.

JOHN I. BINKLEY,
*Advisory Committee
Management Officer.*

[FR Doc.77-7179 Filed 3-10-77;8:45 am]

RHODE ISLAND ADVISORY COMMITTEE**Agenda and Notice of Open Meeting**

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Rhode Island Advisory Committee (SAC) of the Commission will convene at 4:00 p.m. and end at 7:00 p.m. on April 26, 1977, at the Central Congregational Church, Providence, Rhode Island 02906.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Northeast Regional Office of the Commission, 26 Federal Plaza, Room 1639, New York, New York 10007.

The purpose of this meeting is to discuss projects for the coming year.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., March 7, 1977.

JOHN I. BINKLEY,
Advisory Committee
Management Officer.

[FR Doc.77-7181 Filed 3-10-77;8:45 am]

VERMONT ADVISORY COMMITTEE**Agenda and Notice of Open Meeting**

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Vermont Advisory Committee (SAC) of the Commission will convene at 7:30 p.m. and end at 11:00 p.m. on April 18, 1977, at the Tavern Motor Inn, Montpelier, Vermont.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Northeastern Regional Office of the Commission, 26 Federal Plaza, Room 1639, New York, New York 10007.

The purpose of this meeting is to discuss program on all subcommittees.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., March 7, 1977.

JOHN I. BINKLEY,
Advisory Committee
Management Officer.

[FR Doc.77-7182 Filed 3-10-77;8:45 am]

GOVERNMENT IN THE SUNSHINE ACT**Meeting**

AGENCY: U.S. Commission on Civil Rights.

DATE AND TIME: March 14 and 15, 1977, at 9:00 a.m.

PLACE: Patio Room, Los Angeles Hilton Hotel, Los Angeles, California.

STATUS: Open to public observation; after completion of the open portion of the meeting, the remainder of the meeting will be closed.

SUBJECT MATTER: Matters to be considered in open session on March 14, 1977:

1. Approval of Agenda.
2. Approval of Minutes of Last Meeting.
3. Staff Director's Report: (A) Status of Funds; (B) Personnel Report; (C) Correspondence; (D) Office Directors' Reports.
4. Decision regarding Interim Appointments to Iowa and Florida Advisory Committees.
5. Review of HR 3504, Civil Rights Amendments Act of 1977.
6. Review of Staff memorandum on Colorado Advisory Committee Report on Access to the Legal Profession.
7. Proposed Technical and Jurisdictional Amendments to the Commission's Statute (42 U.S.C. 1975).
8. Review of Fiscal Year 1977 Commission Program.
9. Monthly Review of Relevant News Articles.

Matters to be considered in closed session on March 14, 1977 and March 15, 1977, if necessary:

1. The issuance of enforcement of Commission subpoenas arising out of the scheduled Commission hearing in Los Angeles, California on March 16, 1977.

CONTACT PERSON FOR FURTHER INFORMATION:

Barbara Brooks or Mimi Hartley, Public Affairs Unit, (202) 254-6697 or (213) 688-3437.

[FR Doc.77-7280 Filed 3-10-77;8:45 am]

GOVERNMENT IN THE SUNSHINE ACT**Notice of Meeting (Hearing)**

AGENCY: U.S. Commission on Civil Rights.

DATE AND TIME: March 16, 1977 at 9:00 a.m.

PLACE: Federal Building, Room 8544, 300 North Los Angeles Street, Los Angeles, California.

STATUS: Open to public observation; limited portions may be closed.

SUBJECT MATTER: The meeting is a hearing during which the Commission will question subpoenaed witnesses regarding equal employment opportunities in the motion picture industry. Deliberations may occur during the hearing which concern the issuance or enforcement of the Commission's subpoenas for the hearing, or the taking of testimony which may tend to defame, degrade or incriminate any persons. Such deliberations will be closed.

CONTACT PERSON FOR FURTHER INFORMATION:

Barbara Brooks or Mimi Hartley, Public Affairs Unit, (202) 254-6697 or (213) 688-3437.

[FR Doc.77-7281 Filed 3-10-77;8:45 am]

CIVIL SERVICE COMMISSION
ENVIRONMENTAL PROTECTION AGENCY
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 Environmental Protection Agency to fill by noncareer executive assignment in the excepted service the position of Special Assistant to the Administrator, Office of the Administrator.

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

[FR Doc.77-7212 Filed 3-10-77;8:45 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

PORPOISE**Methodology for Estimation of Porpoise Mortality**

On October 4, 1976, the National Marine Fisheries Service published in the FEDERAL REGISTER (41 FR 43726) the adopted methodology by which NMFS will determine the date for prohibiting further setting on the various species/stocks of porpoise if this become necessary to comply with quota regulations. The methodology has been reviewed us-stocks of porpoise if this become necessary 1976 observer data and revisions where determined necessary to avoid difficulties encountered with the adopted methodology. Comments on the revised methodology are hereby requested. All comments should be submitted to the Director, National Marine Fisheries Service, Washington, D.C. 20235, on or before March 31, 1977.

Methodology for Estimation of Porpoise Mortality and Projection of the Date when Porpoise Stock Quotas will be Reached.

I. *Definitions.* The following definitions are for terminology used in the methodology.

Area Under Consideration. The estimate is to be based on porpoise kill by stock in the course of tuna fishing only in the area bounded by 40° N. latitude, 40° S. latitude, 160° W. longitude and the coastline of the North and South American continents.

Days at sea. Days at sea are defined as the sum of the day of departure (or January 1 if departure occurred prior to that date), day of return and days in between, minus any days spent in foreign ports due to seizure by a foreign country. In the case of a vessel that is forced to spend time in a foreign port, the day the vessel was brought into port and the day that it left are counted as days at sea.

Vessel trips—Open trip.—(1) *Open season trip:* A U.S. vessel is on an open

season trip if it departs prior to the closure of the open season as defined by the IATTC; (2) *Last free trip*: A U.S. vessel is on a last free trip if it was in port prior to the closure of the open season and left port within 30 days of closure.

Regulated trip. (1) *Regulated inside trip*: A U.S. vessel is on a regulated inside trip if it is fishing inside the IATTC regulatory area (CYRA) after the closure of the open season and does not qualify for a last free trip; (2) *Regulated outside trip*: A U.S. vessel is on a regulated outside trip if it is fishing west of the CYRA after the closure of the open season.

Week. A week starts on or after Monday and extends through the following Sunday.

II. Data Sources. Data on number of trips and days at sea for the U.S. purse-seine fleet will be compiled from the records maintained by the Southwest Regional Office of the National Marine Fisheries Service.

Data on porpoise kill-per-day-at-sea will be obtained from NMFS observer reports for completed trips. Data from trips at sea will be obtained through radio reporting from vessels with observers aboard. Porpoises of "unknown" status will be prorated on a species basis to the categories of live, dead, and injured based on the proportions of these categories among animals of known status for completed trips in 1977. For trips still at sea in 1977, only data involving known dead will be obtained by radio. A proration factor will be determined by the ratio-of-averages method from data of completed trips in 1977 and applied to data from trips at sea in 1977.

III. Allocation of the Observed Vessels. The observer program for the 1977 yellowfin tuna fishing season requires each of the vessels (400 tons carrying capacity or greater) to carry an observer on at least one trip. The allocation of the number of observed vessels on a monthly basis was determined based on the distribution of vessel trips and the variation of the kill through the year of 1976. For each month, a predetermined number of vessels will be randomly selected from the vessels in port. Any vessel which previously had an observer on board during the year will be eliminated from the selection.

The allocation by month may be modified as the season progresses, depending on the seasonal distribution of the fishing effort.

IV. Statistical Methodology. The statistical methodology is used to estimate the porpoise mortality by stock on a real-time basis. The proposed 1977 regulations require every purse seiner to be equipped with 1 1/4" mesh porpoise safety panels in 1977. Because not all the vessels will receive the 1 1/4" mesh webbing in time, some vessels will still use the conventional (2" mesh) gear. The vessels with fine mesh systems are expected to have lower kill rates. Thus the whole fleet will be classified into vessels with conventional gear and fine mesh gear. In each of these two gear categories, each of the vessels will be classified in one of

the vessel classes: *Class I* (vessels with capacity ≤400 tons); *Class II* (vessels with carrying capacity >400 tons built before 1961); and *Class III* (vessels with carrying capacity >400 tons built after 1960). The porpoise mortality rate for each of the vessel classes is different. The kill contributed by Class I has decreased from 26% to 0.03% in 1976 of the total kill. Class II vessels are more variable with 28% in 1975 and 0.97% in 1976. Class III contributed about 99% of the total mortality in 1976.

In addition, the Class III vessel trips will be stratified according to the time of

fishing and the locality of fishing (i.e., inside or outside the CYRA).

Trip 1: The trips with days at sea on or after January 1 through the end of the week containing the closure date set by IATTC.

Trip 2: The trips with days at sea on or after the first week following Trip 1 through July 3.

Trip 3: Trips with days at sea on or after July 4 through the rest of the year.

Within each trip type, the Class III vessels will be further stratified as open trips or regulated trips (Table 1).

Table 1

The layout of the strata for vessel trips (within a gear category) for 1977

Trip 1	Trip 2	Trip 3
Jan 1 ~ the end of week containing the closure date by IATTC	The first week following Trip 1 ~ July 3rd	July 4th ~ December 31
◀	Class I (1)	▶
◀	Class II (2)	▶
	Class III	
Open (3)	Open (4) Regulated (5)	Open (6) Regulated (7)

(): Stratum Number

If a stratum has data missing, then strata will be pooled within vessel size class.

The mortality of each stock will be estimated by gear-type for each stratum using kill-per-day statistics from the observed vessels, multiplied by the total days at sea for all U.S. vessels with certificate holders aboard at the end of each week: For the *i*th stratum, *i*=1, . . . , 14,

let N_i = total number of vessel trips (completed or still at sea).

n_i = number of observed trips.

D_i = total number of days at sea for all U.S. vessels with certificate holders aboard.

X_{ijk} = the total kill for the *j*th stock by the *k*th observed vessel.

$d_{i,k}$ = the number of days at sea for the *k*th observed vessel $k=1, 2, \dots, n_i$.

Y_{ij} = the sample kill-per-day for the *j*th stock.

\hat{T}_{ij} = the estimated total kill for the *j*th stock.

$\hat{T}_{.j}$ = the estimated total kill for the *j*th stock for the whole fleet.

We have:

$$Y_{ij} = \frac{\sum_{k=1}^{n_i} X_{ijk}}{\sum_{k=1}^{n_i} d_{i,k}}$$

With variance

$$s^2 Y_{ij} = \frac{N_i - n_i}{N_i} \frac{Y_{ij}^2}{n_i}$$

$$\left(\frac{s^2 X_{ij}}{X_{ij}^2} + \frac{s^2 d_{i,k}}{d_{i,k}^2} - 2 \frac{\text{cov}(X_{ij}, d_{i,k})}{X_{ij} \cdot d_{i,k}} \right)$$

Where

$$\bar{X}_{ij} = \frac{\sum_{k=1}^{n_i} X_{ijk}}{n_i}$$

$$\bar{d}_{i,k} = \frac{\sum_{k=1}^{n_i} d_{i,k}}{n_i}$$

$$s^2 X_{ij} = \frac{\sum_k (X_{ijk} - \bar{X}_{ij})^2}{n_i - 1}$$

$$s^2 d_{i,k} = \frac{\sum_k (d_{i,k} - \bar{d}_{i,k})^2}{n_i - 1}$$

and

$$\text{cov}(X_{ij}, d_{i,k}) = \frac{\sum_k (X_{ijk} - \bar{X}_{ij})(d_{i,k} - \bar{d}_{i,k})}{n_i - 1}$$

$$\hat{T}_{ij} = D_i Y_{ij}$$

With variance

$$s^2 \hat{T}_{ij} = D_i^2 s^2 Y_{ij}$$

and

$$\hat{T}_{.i} = \sum_{j=1}^{14} \hat{T}_{ij}$$

With variance

$$s^2 \hat{T}_{.i} = \sum_{j=1}^{14} s^2 \hat{T}_{ij}$$

The total mortality will be estimated weekly or by some other period depending on the amount of fishing on porpoise or on the number of porpoise killed relative to the level of the quota. At the end of each calculation period, the date on which the quota will be reached will be projected. The projection will be computed by multiplying the kill-per-ton of yellowfin tuna for each stock by the historical average monthly catch of yellowfin tuna taken in association with porpoise (from IATTC records 1972-1975 or 1972-1976 when 1976 data become available). The historical catch will be adjusted for the current regulations regarding the setting on porpoise school types (pure or mixed) of certain stocks. Interpolation will be used to estimate the day of the month when the quota for each stock will be reached.

Results of each calculation will be available to the public in the latter part of the following week. The effective date when the fishing on porpoise of certain stocks will be prohibited will be published in the FEDERAL REGISTER.

WINFRED H. MEIBOHM,
Associate Director,
National Marine Fisheries Service.

MARCH 4, 1977.

[FR Doc.77-7200 Filed 3-10-77;8:45 am]

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST 1977

Proposed Additions

Notice is hereby given pursuant to Section 2(a)(2) of Public Law 92-28; 85 Stat. 77, of the proposed addition of the following commodities to Procurement List 1977, November 18, 1976 (41 FR 50975).

Class 3990

Pallet, Wood, 3990-00-555-0458, Sharpe Army Depot, Lathrop, California, Stockton, California, 3990-00-018-4214.

Military Resale Items and Numbers Cellulose Sponges

- #976—1 ea., 5 1/2 x 3 3/8 x 1 1/8.
- #976—1 ea., 7 3/8 x 4 x 1 3/8.
- #977—2 ea., 5 1/2 x 3 3/8 x 1.
- #978—4 ea., 5 1/2 x 3 3/8 x 1.
- #971—Toilet Bowl Deodorizers.
- #972—Room Air Fresheners.

If the Committee approves the proposed additions, all entities of the Gov-

ernment will be required to procure the above commodities from workshops for the blind or other severely handicapped.

Comments and views regarding the proposed additions may be filed with the Committee on or before April 14, 1977. Communications should be addressed to the Executive Director, Committee for Purchase from the Blind and Other Severely Handicapped, 2009 Fourteenth Street North, Suite 610, Arlington, Virginia 22201.

This notice is automatically cancelled six months from the date of this FEDERAL REGISTER.

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc.77-7256 Filed 3-10-77;8:45 am]

PROCUREMENT LIST 1977

Proposed Addition; Amendment

The item appearing in F.R. Doc 77-6536 appearing on page 12456 in the FEDERAL REGISTER on Friday, March 4, 1977 is amended to read as follows:

Class 8115

Box Wood, Household Goods, 8115-00-537-6681 for GSA Depot, Edison, New Jersey; Naval Supply Depot, Williamsburg, Virginia and New Cumberland Army Depot, New Cumberland, Pennsylvania only.

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc.77-7255 Filed 3-10-77;8:45 am]

PROCUREMENT LIST 1977

Addition

Notice of proposed addition to Procurement List 1977, November 18, 1976 (41 FR 50975) of the military resale item listed below was published in the FEDERAL REGISTER on January 7, 1977 (42 FR 1501).

After consideration of all the relevant data presented, the Committee has determined that the military resale item listed below is suitable for procurement by the Government under Public Law 92-28, 85 Stat. 77. Accordingly, it is hereby added to the Procurement List.

Military Resale Item and Number

#901—Broom, Mixed Fiber.

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc.77-7254 Filed 3-10-77;8:45 am]

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS RECEIVED FROM FEBRUARY 28 THROUGH MARCH 4, 1977

Environmental impact statements received by the Council on Environmental Quality from February 28 through March 4, 1977. The date of receipt for each statement is noted in the statement sum-

mary. 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 25, 1977) 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 10 cents per page from the Environmental Law Institute, 1346 Connecticut Avenue, Washington, D.C. 20036.

DEPARTMENT OF AGRICULTURE

Contact: Coordinator of Environmental Quality Activities, Office of the Secretary, U.S. Department of Agriculture, Room 359-A, Washington, D.C. 20250, 202-447-3965.

FOREST SERVICE

Draft

Aquaculture Facilities, Hidden Falls Lake/Sandy Bay, Alaska, February 28: Proposed is the granting of two Special Use Permits that grant permission to use National Forest lands for salmon hatchery building sites. Both sites are located on Baranof Island, a major island in southeast Alaska. The Tlingit and Haida Fisheries Development Corporation has requested to build its hatchery in Sandy Bay; the Alaska Department of Fish and Game has requested the use of Kaanyku Bay. The hatcheries are expected to contribute to the rebuilding of Southeast Alaska salmon stocks, thereby increasing harvest by 5 to 10 percent. (ELR Order No. 70281.)

Beaver Creek Wilderness, Mineral Prospect, McCreary County, Ky., February 28: Proposed is the conditional approval, with prescribed modifications, of a prospecting plan submitted by the Greenwood Land and Mining Company of Parkers Lake, Kentucky. The Company claims to own mineral rights beneath and around the Beaver Creek Wilderness, and proposes to use motorized equipment to prospect for coal at 22 sites. It also intends to deep and surface mine in the Wilderness, based on information gathered by prospecting. Approximately 11 acres of land surface will be cleared, excavated, regraded and revegetated at 17 prospecting sites within the Wilderness. (ELR Order No. 70274.)

Final

Warm Spring-Medicine Tree Unit, Bitterroot National Forest Ravalli County, Mont. March 3: Proposed is a revised land use plan for the Warm Springs-Medicine Tree Planning Unit, Sula Ranger District, Bitterroot, N.F. The 48,985-acre unit is divided into 6 management units of similar resource potential, use patterns, and management limitations. Adverse effects include air pollution due to site preparation, soil erosion as a result of road construction, and loss of 6,660 acres of roadless area to other uses. Comments made by: USDA, HEW, FPC, FEA, COE, EPA, DOI, State and local agencies, local groups and persons. (ELR Order No. 70288.)

Santa Rosa Unit, Humboldt National Forest Humboldt County, Nev., March 4: Proposed is a land use plan for the Santa Rosa Unit designed to improve management of the resources by constructing water developments and fences and by manipulating the vegetation so as to develop further the rangeland. Few major adverse effects are anticipated though some impact on soil, water quality, vegetation, and wildlife will result. Com-

ments made by: AHP, EPA, USDA. (ELR Order No. 70292.)

SOIL CONSERVATION SERVICE

Draft

Dynne Creek Watershed Plan, Cleburne County, Ala., February 28: Proposed is the Dynne Creek Watershed Plan for watershed protection, flood prevention, municipal and industrial (M&I) water supply, and water-based recreation. Conservation land treatment practices are planned to provide watershed protection; two single-purpose structures and one multipurpose structure will provide M&I and recreational water storage. Basic recreational facilities are also planned at structure No. 4. Loss of 161 acres of wildlife habitat and the clearing of 47 acres of flood plain forest land will result from project installation. (ELR Order No. 70277.)

DEPARTMENT OF COMMERCE

Contact: Dr. Sidney R. Galler, Deputy Assistant Secretary for Environmental Affairs, Department of Commerce, Washington, D.C. 20230, (202)-967-4335.

ECONOMIC DEVELOPMENT ADMINISTRATION

Final

1980 Olympic Games, Lake Placid, Essex County, N.Y., February 28: This statement relates to the 1980 Olympic Games, proposed to be conducted in February 1980 in the Village of Lake Placid and the towns of North Elba and Wilmington, and vicinity. The proposed action consists of two levels of activity attendant to the 1980 Olympics. The first level is the Overall Program, which includes scheduling of specific events, support activities, attendance estimates, and housing. The second level consists of the specific facilities to be constructed or utilized to accommodate Olympic-related activity. Facilities provided for the 1980 Winter Games will thereafter serve as a winter sports training center for U.S. athletes. Comments made by: USDA, HEW, HUD, DOI, DLAB, EPA, State and local agencies, concerned citizens. (ELR Order No. 70270.)

DEPARTMENT OF DEFENSE

ARMY CORPS

Contact: Dr. C. Grant Ash, Office of Environmental Policy Development, Attention: DAEN-CWR-P, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue SW., Washington, D.C. 20314, 202-693-6795.

Draft

Puerto Rico Aquatic Plant Control, March 4: Proposed is implementation of a program to control water hyacinth and other nuisance vegetation in the major watersheds of Puerto Rico. Methods of control will be chemical, biological and mechanical. The only chemical approved by EPA for aquatic use is 2,4-Dichlorophenoxy acetic acid (2,4-D) in the dimethylamine salt formulation. Biological agents will be employed after securing research results on relevant species, and mechanical harvesting will be used where economically practical. The killed plants will promote reduction of dissolved oxygen concentration in reservoirs. (Jacksonville District.) (ELR Order No. 70291.)

Monoosnoc Brook, Leominster Protection Project, Worcester County, Mass., February 28: Proposed is the construction of a tunnel approximately 32,000 feet long and 12 feet in diameter, from Rockwell Pond to Monoosnoc Brook. In addition, the Monoosnoc Brook's channel will be modified and approximately 3 acres of stream bank will be graded to allow for better drainage. The action is designed to protect the downtown portion of Leominster, Massachusetts from

severe flooding. Major impacts resulting from the building and maintaining of the diversion tunnel involve the disposing of excavated materials from the tunnel and the retaining of water in the tunnel between diversions. (New England Division.) (ELR Order No. 70278.)

Final

Teche-Vermilion Basin Projects, O & M, St. Mary County, La., February 28: Proposed is the continued operation and maintenance dredging of the Bayou Teche, Vermilion River, and Freshwater Bayou, Louisiana projects. Continued dredging would have the following adverse effects: permanent changes in the composition of floodplain forest might occur; deposition of dredged material in existing forested areas would destroy both the trees and dependent fauna; and disturbance of some archeological or historical sites by dredging or deposition would occur. (New Orleans District.) Comments made by: DOI, EPA, DOC, USDA, DOT, HEW, FPC, AHP, State and local agencies, concerned groups and persons. (ELR Order No. 70273.)

Calcasieu River Channels, O&M, several counties in Louisiana, February 28: The proposed navigation projects provide for maintenance of shipping channels in the Calcasieu River, including channels at Coon Island and Devel's Elbow. The action consists principally of maintenance dredging and clearing and snagging operations of the aforementioned waterways. In addition, the projects include the operation of a salt water barrier to prevent salt water intrusion into the Calcasieu River above Lake Charles, Louisiana. Adverse effects include destruction of benthic communities in the estimated 4,200 acres of channel bottom. (New Orleans District.) Comments made by: USDA, DOT, HUD, HEW, DOI, EPA, AHP, DOC, State and local agencies, concerned citizens. (ELR Order No. 70275.)

Flood Control Project at Point Place, Toledo, Lucas County, Ohio, February 28: The statement involves a local flood protection project for Point Place, a subdivision of Toledo, Ohio. The project consists of a system of levees and flood walls with necessary interior drainage works to prevent inundation. Protective structures along both Lake Erie and the Ottawa River will be built to an elevation which will protect the area against a ninety-year flood. Construction will produce noise, dust, disruption of traffic and in-water turbidity. Other adverse impacts are the taking of 9.5 acres of land for the structure and the impaired aesthetic value of nearby property. Comments made by: FPC, USCG, USDA, DOC, DOI, EPA, State and local agencies, concerned citizens. (ELR Order No. 70271.)

Supplement

Cedar River, Waterloo Local Protection Project, Black Hawk County, Iowa, February 28: Proposed is the remaining construction of approximately 5 miles of levee averaging 15 feet high, 1.8 miles of concrete floodwall, and a 375-acre storm water detention basin on Virden Creek. The completion of this system will provide 100-year flood protection to 4,200 acres of residential, commercial, and industrial property within Waterloo, Iowa. Borrow of approximately 1,500,000 cubic yards of material for levee and dam construction and the commitment of approximately 130 acres for construction and right-of-way purposes will result. (Rock Island District.) (ELR Order No. 70283.)

Three Rivers Local Flood Protection (S-2), Live Oak County, Tex., February 28: Proposed is the construction of a levee system to protect the city of Three Rivers, Texas, from flooding of the Frio and Nueces Rivers.

The 4.6-mile long levee and three borrow areas will involve about 178.7 acres of land. Adverse effects include localized increases in air, water, and noise pollution during construction. Eight family units will be relocated. (Fort Worth District.) (ELR Order No. 70284.)

ENVIRONMENTAL PROTECTION AGENCY

Contact: Please refer to the separate notice published by EPA in this issue of the FEDERAL REGISTER for the appropriate EPA contact.

Draft

Grand Strand Region Wastewater System, Horry County, Ga., March 2: Proposed is the construction of regional wastewater facilities to service the Grand Strand 201 area in South Carolina. The project consists of 3 wastewater treatment facilities with accompanying outfall lines and interceptor systems. Plant A will be a 6.0 MGD facility discharging into the Intracoastal Waterway. Plants G and C will have capacities of 6.0 MGD and 2.4 MGD respectively discharging into the Waccama River. Adverse impacts include soil erosion and a decrease in biological productivity of the floodplain. (Region IV.) (ELR Order No. 70286.)

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Contact: Mr. Richard H. Broun, Director, Office of Environmental Quality, Room 7258, 451 7th Street SW., Washington, D.C. 20410, 202-755-6308.

SECTION 104 (h)

The following are Community Development Block Grant statements prepared and circulated directly by applicants pursuant to section 104(h) of the 1974 Housing and Community Development Act. Copies may be obtained from the office of the appropriate local chief executive. (Copies are not available from HUD.)

Draft

Castleberry, Ala., water systems improvement, Conecuh County, Ala., March 1: Proposed is the granting of a HUD funds for replacement of an existing water system in the town of Castleberry. Project plans include construction of a new 250 gallon per minute well in the north-central section of town and an additional elevated water storage tank in the northwestern portion of the community. Short run impacts will be an increase in noise and dust, as well as the occurrence of soil erosion. (ELR Order No. 70285.)

INTERSTATE COMMERCE COMMISSION

Contact: Mr. Richard I. Chais, Chief, Section of Energy and Environment, Interstate Commerce Commission, Rm. 3373, 12th and Constitution Ave. NW., Washington, D.C. 20423, 202-275-7692.

Final

South Bend-Chicago RR Abandonment, Indiana, Illinois, March 4: Proposed is the granting of authority to the Chicago, South Shore and South Bend Railroad (South Shore) to discontinue its passenger train service between South Bend, Indiana, and Chicago, Illinois, a distance of 88 miles. Authority is also requested to abandon track-ages rights over a portion of the Illinois Central Gulf Railroad between Kensington Station and Randolph Street, a distance of approximately 14.2 miles in Chicago. Discontinuation of all passenger train service would cause approximately 6,200 weekday and 3,100 weekend riders to seek other modes of transportation. Comments made by: EPA, DOI,

State and local agencies, and concerned groups. (ELR Order No. 70293.)

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

Final

Rhineland-Oneida Co. Airport, Oneida County, Wis., February 28: Proposed is the acquisition of 565 acres of land and easement and special use permits on 105 acres for the construction of a new runway, new taxiway, parking spaces, and terminal building for the Rhineland-Oneida County Airport. Also included in the project would be the erection of security fences and the installation of an instrument landing system for the new runway. The project will result in the loss of approximately 565 acres of woods and wildlife habitat, relocation of eight households, increased noise pollution, and increased air pollution.

Comments made by: DOT, USDA, DOI, AHP, EPA, State and local agencies, and concerned citizens. (ELR Order No. 70282.)

FEDERAL HIGHWAY ADMINISTRATION

Draft

Arden Bar Park/C.M. Goethe Park Land Use, Sacramento County, Calif., March 4: Proposed is a land use plan for Goethe Park and Arden Bar Park in Sacramento's 5,400-acre American River Parkway, California. Project plans call for the construction of a trail system bridge to link the trails of the parks and to complete the 23-mile National Recreation Trail system. Recreation and support facilities will be upgraded in both parks and safety conditions will be improved. Short-term construction-related impacts will occur during implementation of the project. (ELR Order No. 70290.)

F.A. I-265 Interchange, I-265 and State St., Floyd County, Ind., February 28: Proposed is the construction of a complete 4-way interchange on I-265 at State St. (Old U.S. 150) in New Albany, Indiana. The facility will be designed in line with current standards to include single-lane, separated access and egress ramps, medians, and traffic control installations in two quadrants of the intersection with left-turns permitted at grade on State Street. Speed change lanes will be provided alongside traffic lanes at I-265. The proposed interchange will require the acquisition of some wooded land, wildlife habitat, and the relocation of some family residences. (Region 5) (ELR Order No. 70279.)

NC 24-27 (Albemarle Rd.), SR 3128-NC 51, Mecklenburg County, N.C., February 28: Proposed is the improvement of the existing two-lane NC 24-27 (Albemarle Road) to a multilane facility from SR 3128 (Lawyers Road) to NC 51 (Blair Road). The proposed project is approximately 6.3 miles in length. Subject to the alternate selected, project implementation will require the relocation of 8-32 families and 2-14 businesses, and the land uses which are presently within the 70 dBA contour will experience a 3 to 7 dBA increase from the projected traffic noise. (Region 4.) (ELR Order No. 70280.)

Dawson/McDowell/Cabarrus Sts.—U.S. 70-401, Wake County, N.C., March 2: The proposed action is the improvement of traffic service in the south central portion of the Raleigh, North Carolina urban area. The 3.4-mile project extends from the intersections of Dawson and McDowell Streets with Cabarrus Street south to U.S. 70-401, and between Saunders Street on the west and Wilmington Street on the east. Three alternatives are proposed to alleviate the existing traffic con-

gestion and to accommodate traffic demand to the year 2000. Adverse impacts include increased noise and carbon monoxide levels, stream modification, and residential and business displacement. (Region 4.) (ELR Order No. 70287.)

Vine St. Expressway, I-76—I-95, Philadelphia County, Pa., March 3: Proposed is the construction of the Vine Street Expressway (I-676), a 1.5-mile limited access, divided urban freeway with frontage roads located in Philadelphia's central business district. The project would serve as a link between the Schuylkill Expressway (I-76), and the intersection of I-95 and the Benjamin Franklin Bridge. Access ramps along the expressway would be located at 22d, 16th, 11th, 10th, 7th, 6th, and 4th Streets. Chinatown would be the area most affected by the expressway and community cohesion may be adversely impacted (Region 3.) ELR (Order No. 70289.)

Final

US 90, I-10 to SH 146, Harris and Liberty Counties, Tex., February 28: The proposed action is construction of a controlled access freeway in northeast Harris County and consists of the relocation and improvement of US Highway 90, with a total length of approximately 21.5 miles. Four main lanes in each direction are proposed between LH 10 and Beltway 8 East with a 28-ft. median and 2-lane, two frontage roads flanking the main lanes in each direction. Adverse impacts include the taking of forest and grasslands for right-of-way, and the displacement of 89 families and 13 businesses. (Region 6.) Comments made by: EPA, DOT, HUD, USDA, DOI, COE, State and local agencies, and concerned citizens. (ELR Order No. 70276.)

S.T.H. 35, River Falls-Hudson Road, Pierce and St. Croix Counties, Wis., February 28: Proposed are two separate, but contiguous STH 35 projects, the River Falls Bypass, or Southern Section, and STH 65 to I-94 Road, or Northern Section. The Bypass or Southern Section consists of the relocation of STH 35 beginning 1.25 miles south of its intersection with STH 29, and proceeding northerly around the east side of the city of River Falls, rejoining existing STH 35 approximately 0.5 mile north of STH 65. The Northern Section consists of STH 35 being located along or adjacent to existing STH 35 from the north end of the Bypass to I-94. Adverse effects include displacement of 10 dwelling units and traversal through farmland, woodlands, and stream bottoms. Comments made by: DOT, DOI, EPA, State and local agencies, and concerned citizens. (ELR Order No. 70272.)

DAVID W. TUNDERMANN,
Acting General Counsel.

[FR Doc. 77-7245 Filed 3-10-77; 8:45 am]

DEPARTMENT OF DEFENSE

Office of the Secretary of Defense DEFENSE INTELLIGENCE SCHOOL BOARD OF VISITORS

Partially Closed Meeting: Correction

Pursuant to the provisions of Subsection (d) section 10 of Pub. L. 92-463, as amended by Public Law 94-409, this corrects the notice appearing in the FEDERAL REGISTER dated February 24, 1977, 42 FR 10886, that a partially closed meeting of the Defense Intelligence School Board of Visitors will be held on-site at the School in Washington, D.C. on 6, 7, and 8 April 1977.

Notice is hereby given that the morning sessions on 6, 7, and 8 April 1977 will

be devoted to the discussion of classified information as defined in section 552(b)(1), Title 5 of the U.S. Code and will therefore be closed to the public. Subject matter will be concerned with specialized instructional requirements and related curricula content.

MAURICE W. ROCHE,
Director, Correspondence and
Directives, Office of the As-
sistant Secretary of Defense
(Comptroller).

MARCH 8, 1977.

[FR Doc. 77-7286 Filed 3-10-77; 8:45 am]

MEDICAL CARE OF U.S. EMPLOYEES OVERSEAS AND THEIR DEPENDENTS

Chargeable Outpatient Visits

On November 19, 1976, the Office of the Secretary of Defense published in the FEDERAL REGISTER (41 FR 51061) notice on revised special reimbursement rates for medical care of U.S. employees overseas and their dependents.

The following detailed definitions regarding the charge for an outpatient visit have been developed in cooperation with the Surgeons General, and will be effective April 1, 1977.

The charge for an outpatient visit is basically a per diem charge rather than an individual charge for each procedure, examination, test, diagnosis, treatment, prescription, evaluation, or consultation. All services ancillary to a chargeable visit such as filling of prescriptions, injections of medicine, chest X-ray surveys and examinations are included in the single chargeable outpatient visit. Further, the charge is not dependent on the professional level or the number of the members of the health care team that provide the care.

For example, a patient seen in a primary care clinic and one or more specialty clinics on the same day will be charged for one visit. If, however, such patient cannot be seen in one day by the specialty clinics because of the time constraints of the medical facility, the patient will be charged for only one visit even though the patient must return on another day for treatment. Further, if a patient visits a clinic for a follow-up visit requiring services similar to those listed below, the patient will not be charged for another visit.

The following are not chargeable as separate outpatient visits:

- Check-in at "sick call" to make an appointment for a visit on a subsequent day.
- Prescription refills.
- Consultation and advice on the results of tests, such as TINE tests and PAP smears, and vaccinations.
- Physical therapy treatments.
- Telephone discussions.
- Weight checks.
- Blood pressure checks when requested by the physician as a follow-up on treatment.
- Checks of bandages, casts, etc.
- Removal of sutures.
- Preemployment physicals.
- Vision tests for drivers' licenses.
- Verification of physical profile series.

Dependent school children's visits to public health nurses who are located at the school and who are employees of the medical facility.

The following are special cases:

Dental care is generally not available except in emergencies, but when available, each sitting, not each procedure, is a chargeable visit. Patients should not be charged for follow-up visits when required solely for post operative treatment to include occlusal adjustments, denture adjustments, tissue conditioning treatments, and treatments following surgical, periodontal, and endodontic procedures to promote healing or to verify recovery.

When immunizations are the only service given, the immunization rate is \$1.00 per dose or shot. When immunizations are given in conjunction with a chargeable outpatient visit, no extra charge will be made for each shot or dose. Smallpox and other vaccinations, therapeutic or desensitization (allergy) injections and TINE tests for tuberculosis are considered immunizations. Special determinations will be made for mass immunization programs.

Group treatments or evaluations in schools, community centers, isolated locations, or in the medical facility are not chargeable as individual outpatient visits. Such treatment or evaluations include:

School, sports, and other like examinations. Group activity counseling such as prospective parents' classes, group instruction in first aid, dental/oral hygiene classes, etc.

(Group rates will be calculated to cover the actual costs of services rendered.)

Services provided under the Occupational Health Services Program for U.S. employees will be supported without charge to the individual employee.

Workers' compensation cases will be handled without charge to the worker.

MAURICE W. ROCHE,
Director, Correspondence and
Directives Office of the As-
sistant Secretary of Defense
(Comptroller).

MARCH 8, 1977.

[FR Doc. 77-7287 Filed 3-10-77; 8:45 am]

UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES, BOARD OF REGENTS

Meeting

Interested members of the public are invited to attend and observe the meetings of the Board of Regents and the Education and Administrative Affairs Committees of the Board, Uniformed Services University of the Health Sciences, to be held on March 21, 1977, beginning at 8:15 a.m., in Meeting Rooms of Building 141, Naval School Health Care Administration, on the grounds of the National Naval Medical Center, Bethesda, Maryland. The Committees and the Board of Regents plan to consider the following agenda items in open session:

8:15 MEETING—EDUCATION AFFAIRS COMMITTEE, NSHCA AUDITORIUM

(PRESIDING: DR. ODEGAARD)

Chairman's Remarks; Dean's Report—Dr. Sanford; (1) Report: Faculty Status; (2) Action: Proposed New Faculty; (3) Report: Applications Process, Class 1981.

Discussion.

Adjourn Educational Affairs Committee Meeting for Board Meeting.

8:15 MEETING—ADMINISTRATIVE AFFAIRS COMMITTEE, NSHCA CLASSROOM

(PRESIDING: GENERAL HEATON)

Chairman's Remarks; (1) Report: USUHS MILCON Monthly Cost Summary: Mr. Reynolds; (2) Report: Construction Update; Mr. Reynolds; (3) Report: USUHS Funds Obligation Status FY77: Mr. Reynolds.

Discussions.

Adjourn Administrative Affairs Committee Meeting for Board Meeting.

MEETING—BOARD OF REGENTS, NSHCA AUDITORIUM

(PRESIDING: MR. PACKARD)

Chairman's Remarks: Educational Affairs Committee Report—Dr. Odegaard (Chairman).

Administrative Affairs Committee Report—General Heaton (Chairman).

President's (Acting) Report—Mr. Packard:

(1) Information: USUHS School of Nursing Feasibility Committee; (2) PBD 333, dated 19 Feb. 1977; Termination of USUHS; (3) Student Placement Plan: Dr. Sanford; (4) Termination Plan: Mr. Reynolds.

New Business.

Scheduled Meeting: June 13, 1977.

Adjourn.

If you have any questions concerning the agenda for the above meeting, please contact the Executive Secretary of the Board, 301-227-1987. Public access to any documents considered by the Board at the meeting may be obtained under the provisions of Part 286 of this Chapter (32 CFR 286.1-286.14).

Any person who believes their privacy interests may be directly affected by holding a portion of the Board of Committee meetings in public may request that the Board or Committee close such portion to public observation. Such request should be communicated to the Executive Secretary of the Board.

By order of the Board of Regents.

Issued: March 7, 1977

STEPHEN BARCHET,
Captain, MC USN,
Executive Secretary.

MAURICE W. ROCHE,
Director, Correspondence and
Directives, Office of the As-
sistant Secretary of Defense
(Comptroller).

MARCH 8, 1977.

[FR Doc. 77-7285 Filed 3-10-77; 8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 697-1; OPP-66028]

PESTICIDE PROGRAMS

Cancellation of Registration of Pesticide Products Containing Sodium Arsenite

On February 8, 1977, Chapman Chemical Co., P.O. Box 9158, Memphis TN 38109 requested that the Environmental Protection Agency (EPA) cancel its registrations for Chapman Narsite 40 (EPA Registration No. 1022-109) and Chapman Narsite 60 (EPA Registration No. 1022-414) both of which contain the active ingredient sodium arsenite.

Cancellation shall be effective April 11, 1977, unless the registrant, or an interested person with the concurrence of the registrant, requests that the registrations be continued in effect.

Requests concurred in by the registrant that the registration of these products be continued, and any comments concerning this action, may be submitted in triplicate to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, Environmental Protection Agency, East Tower, Rm. 401, 401 M St. SW., Washington, D.C. 20460. Any such submissions should bear a notation indicating both the subject and the OPP document control number (OPP-66028). Any comments or other documents filed regarding this notice of cancellation will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4 p.m. Monday through Friday.

(Section 6(a)(1), Federal Insecticide, Fungicide, and Rodenticide Act, as amended (86 Stat. 973, 89 Stat. 751, 7 U.S.C. 136(a) et seq.)

Dated: March 7, 1977.

EDWIN L. JOHNSON,
Deputy Assistant Administrator
for Pesticide Programs.

[FR Doc. 77-7159 Filed 3-10-77; 8:45 am]

[FRL 687-7]

TOXIC SUBSTANCES CONTROL ACT

Notice of Intent to Develop Regulations and Guidance Regarding Records, Health and Safety Studies, and Notices of Substantial Risk

Sections 8(c) and 8(d) of the Toxic Substances Control Act (TSCA) authorize the Administrator to require manufacturers, processors, and distributors of chemical substances to keep records of significant adverse reactions to health or the environment ascribed to the chemical, and to submit health and safety studies as he may specify. Section 8(e), effective January 1, 1977, requires manufacturers, processors, and distributors of chemical substances to immediately notify the Administrator of any information, of which he is not already informed, indicating that the chemical may pose a substantial risk to health or the environment.

The importance of cost-effective acquisition of information on chemical risks to health or the environment suggest the importance of establishing rules and guidelines for complying with sections 8(c) through 8(e). Interim guidance will be provided by early April 1977 on the self-actuating notification requirements of section 8e(). Proposed regulations and guidance under 8(c) through 8(e) are expected to be published in the FEDERAL REGISTER in October 1977.

Issues to be addressed in the process, upon which opinion is solicited, include:

1. Which categories of health and safety studies should be submitted, and which should be exempt from submission requirements?
2. What studies (in addition to those conducted by, initiated by, or known to manufacturers, processors and distributors of chemical substances) are "reasonably ascertainable" and therefore must be submitted?
3. How can the requirement to keep records and submit health and safety studies be reconciled with individual privacy?
4. How can the Administrator's prior "actual knowledge" of information, under 8(e), be determined or verified?

The Project Officer for this rulemaking is Edward M. Brooks. Written views and comments should bear the document control number OTS-080002 and should be submitted by April 30, 1977 to the U.S. Environmental Protection Agency, Office of Toxic Substances (WH-557), 401 M Street, SW, Washington, DC 20460, Attention: Vickie Briggs.

Dated: March 4, 1977.

JOHN QUARLES,
Acting Administrator.

[FR Doc.77-1158 Filed 3-10-77;8:45 am]

[FRL 697-7; OPP-42027A]

DISTRICT OF COLUMBIA

Approval of District State Plan for Certification of Commercial and Private Applicators of Restricted Use Pesticides

Section 4(a)(2) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), and the implementing regulations of 40 CFR Part 171 require each State desiring to certify applicators to submit a plan for its certification program. Any State certification program under this section shall be maintained in accordance with the State Plan approved under this section.

On August 27, 1976, notice was published in the FEDERAL REGISTER (41 FR 36249) of the intent of the Regional Administrator, Environmental Protection Agency (EPA) Region III, to approve, on a contingency basis, the District of Columbia State Plan for Certification of Commercial and Private Applicators of Restricted Use Pesticides (District of Columbia State Plan). Contingency approval was requested by the District of Columbia pending enactment of enabling legislation and the promulgation of implementing regulations. Complete copies of the District of Columbia State Plan were made available for public inspection at the District's Department of Environ-

mental Services, Washington, D.C.; Pesticides Branch, Air and Hazardous Materials Division, EPA Region III, Philadelphia; and the Federal Register Section, Technical Services Division, Office of Pesticide Programs, EPA Headquarters, Washington, D.C.

Written comments were received from Orkin Exterminating Company, Inc., offices in Richmond, Virginia and Atlanta, Georgia. These comments were carefully reviewed and evaluated by EPA and by the District's Department of Environmental Services, which has been designated as the State lead agency responsible for implementing the District of Columbia State Plan.

Orkin Exterminating Company questioned the requirement that commercial applicators submit records for all pesticides used. Those commercial applicators who are defined in Section 3(25)(2) of the proposed Act will be required to keep records for restricted pesticide use only. These individuals include the owners or managers of commercial firms, businesses, corporations, or private institutions, who directly or through their employees use restricted use pesticides on property owned, managed, or leased by such commercial firms, businesses, corporations, or private institutions. The District of Columbia intends to require all other commercial applicators, including commercial applicators "for hire" such as Orkin, to keep records of all pesticides used.

Orkin also expressed concern over the District's proposal to inspect application equipment and observe routine application practices. EPA State plan regulations, 40 CFR 171.7, require that a State have certain basic legal authorities in place in order to receive State plan approval. One of these required authorities is a provision authorizing right-of-entry by appropriate State officials at reasonable times for sampling, inspection, and observation purposes. Thus, the District of Columbia's intent to observe routine application practices and inspect application equipment is consistent with Federal regulations.

Under the District of Columbia State Plan, Category VII, Industrial, Institutional, and Structural Pest Control has been divided into 5 subcategories. The Orkin Exterminating Company recommends that subcategory one (1) "General Pest Control" and subcategory five (5) "Rodent Control" be combined into one subcategory. In addition, Orkin Exterminating Company questions the term "practical" as pertains to practical examination for commercial applicators. Also, they disagree with the provision that the Mayor be able to restrict or prohibit the use of certain pesticides.

It is the Agency's position that Section 4 of the amended FIFRA establishes a coordinated State/Federal program for certifying applicators with Section 4(a)(1) making EPA responsible for prescribing applicator certification standards. Under Section 4 of FIFRA, the States are given a great deal of flexibility in developing their individual programs provided those programs meet the prescribed

standards. The District of Columbia's intent to require records of all pesticides used by certain commercial applicators, the proposed subcategorization, the use of practical examinations, and the provision that the Mayor be able to restrict or prohibit the use of certain pesticides are matters of a discretionary nature which the District of Columbia may institute under their regulatory program. Since these comments were pertinent to the specifics of the District of Columbia State Plan, the Agency has forwarded the comments to the District's Department of Environmental Services for its consideration.

The District of Columbia State Plan will remain available for public inspection at Room 711, Department of Environmental Services, 801 N. Capitol Street NE., Washington, D.C.

It has been determined that the District of Columbia State Plan will satisfy the requirements of Section 4(a)(2) of the amended FIFRA and of 40 CFR Part 171 when necessary enabling legislation is enacted and implementing regulations are promulgated. Accordingly, the District of Columbia State Plan is approved contingent upon enactment of enabling legislation and upon promulgation of implementing regulations in accordance with and as prescribed in the District State Plan.

This contingency approval shall expire on October 21, 1977 if these terms and conditions are not satisfied by that time. On or before the expiration of the period of contingency approval, a notice shall be published in the FEDERAL REGISTER concerning the extent to which these terms and conditions have been satisfied and the approval status of the District of Columbia plan as a result thereof.

Effective date: Pursuant to Section 4(d) of the Administrative Procedure Act, 5 U.S.C. 553(d), the Agency finds that there is good cause for providing that the contingency approval granted herein to the District of Columbia plan shall be effective immediately. Neither the District of Columbia plan itself nor the Agency's contingency approval of the plan create any direct or immediate obligations on pesticide applicators or other persons in the District of Columbia. Delays in starting the work necessary to implement the plan, such as may be occasioned by providing some later effective date for this contingency approval, are inconsistent with the public interest. Accordingly, this contingent approval shall become effective immediately.

Dated: February 22, 1977.

A. R. MORRIS,
Acting Regional Administrator,
U.S. Environmental Protection Agency—Region III.

[FR Doc.7-7362 Filed 3-10-77;8:45 am]

[FRL 698-3; PP-50280]

MOBIL CHEMICAL CO., ET AL.

Issuance of Experimental Use Permits

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide

Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; 7 U.S.C. 136(a) et seq.), experimental use permits have been issued to the following applicants. Such permits are in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

No. 2224-EUP-14. Mobil Chemical Company, Richmond, Virginia 23261. This experimental use permit allows the use of 64 pounds of the herbicide bifenoxy on flue-cured and burley tobacco to evaluate control of broadleaf weeds. A total of 32 acres is involved; the program is authorized only in the States of Florida, Georgia, Kentucky, North Carolina, Ohio, Pennsylvania, Tennessee, and Virginia. The experimental use permit is effective from March 1, 1977, to March 1, 1978.

No. 476-EUP-80. Stauffer Chemical Company, Richmond, California 94804. This experimental use permit allows the use of 338 pounds of the insecticide O,O-dimethyl-O-(4-nitro-m-tolyl) phosphorothioate on alfalfa to evaluate control of alfalfa weevils, Egyptian alfalfa weevil larvae and adults, pea aphids, potato leafhoppers, and meadow spittlebugs. A total of 389 acres is involved; the program is authorized only in the States of California, Idaho, Maryland, Michigan, Mississippi, Missouri, Montana, New Hampshire, New York, Ohio, Oregon, Pennsylvania, Utah, Vermont, Virginia, Washington, West Virginia, and Wyoming. The experimental use permit is effective from February 16, 1977, to February 16, 1978. This experimental use permit is issued under the conditions that all of the treated crop will be destroyed or used for research purposes only.

Interested parties wishing to review the experimental use permits are referred to Room E-315, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St. SW., Washington, D.C. 20460. It is suggested that such interested persons call 202/755-4851 before visiting the EPA Headquarters Office, so that the appropriate permits may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: March 7, 1977.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

[FR Doc.77-7366 Filed 3-10-77; 8:45 am]

Office of Water and Hazardous Materials
[FRL 697-6]

STATE-FEDERAL WATER PROGRAMS
ADVISORY COMMITTEE

Open Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463) announcement is made of the following subcommittee meeting

of the State-Federal Water Program Advisory Committee:

Name: Nonpoint Source Strategy Subcommittee.

Date: March 21 and 22, 1977.

Place: Environmental Protection Agency, Regional Office (Region VIII), 1990 Lincoln Street, Denver, Colorado.

Time: 8:30 a.m. each morning.

Agenda: Discussion of the major issues of the Nonpoint Source Strategy.

These meetings are open to the public. Any member of the public may file a written statement with the Committee before, during or after the meeting. All communication regarding these meetings should be addressed to: R. Taylor Adams, State-Federal Water Programs Advisory Committee, Office of Water and Hazardous Materials (WH-556), Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460. Anyone wishing to have their name placed on the mailing list for any Committee reports, meeting announcements and minutes of all meetings should contact R. Taylor Adams, either in writing or by telephone—202-755-0405.

Dated: March 8, 1977.

ANDREW W. BREIDENBACH,
Assistant Administrator for
Water and Hazardous Materials.

[FR Doc.77-7361 Filed 3-10-77; 8:45 am]

[FRL 697-3; OPP-40003]

PESTICIDE PROGRAMS

Intent To Develop a Regulation Regarding the Classification of Restricted Use Pesticides

Section 4(c)(2) of the Federal Environmental Pesticide Control Act (FEPCA) requires the Administrator of EPA to classify and reregister all previously registered pesticides by October 21, 1977. The reregistration process has been delayed due to problems such as the validity of data and trade secrets. While resolution of these problems is underway, current projections for the completion of reregistration extend well beyond the October 1977 date.

This notice is to announce that EPA is considering promulgating a regulation that will enable EPA to classify most restricted use pesticides without reregistering the particular pesticide products by the October legislative mandate.

In Section 4(c)(4) FEPCA also set October 21, 1977 as the deadline for implementing the state certification of applicators program. Only certified applicators or persons under their direct supervision may apply restricted use pesticides. Thus, States have been actively pursuing approval of their state plans in order that there be certified applicators available to apply restricted use pesticides. However, the lack of restricted use pesticides on October 21, 1977 will seriously hamper the ability of the States to justify adequate legislative support for the continuation of their certification programs. It is vital to the exercise of EPA's responsibility to reduce

hazard and to retain the confidence of pesticide users who have completed training or been certified that the actual classification of restricted use pesticides be accomplished reasonably near the October, 1977 date anticipated by FEPCA. In view of the extended time required for reregistration it would be in the interests of the Agency, the States, and the agricultural community alike to proceed with classification separate from the reregistration process, so that the benefits of the effort and resources expended for applicator certification can be realized in 1977.

This regulation will set forth a list of many restricted use pesticides. The most potentially hazardous pesticide uses will be considered first beginning with a list already identified by the Office of Pesticide Programs as "Candidate Chemicals for Restricted Use." This list was published in a news release dated December 21, 1976. The Agency requests comments on the suitability and completeness of this list. The list is available from and written comments should be addressed to: U.S. Environmental Protection Agency, Office of Pesticide Programs (WH-569), 401 M Street, SW., Washington, D.C. 20460. Attention: Federal Register Unit. Written comments should be submitted by (30 days from publication).

After careful consideration of the comments received, the criteria used to make the restricted use classification and draft lists which indicate the chemical uses and/or formulations to be restricted will then be published as a proposed regulation in the FEDERAL REGISTER. Following an appropriate comment period, a final regulation will be developed which will instruct manufacturers of products coming within the criterion established by regulation to label their products accordingly.

Those interested in participating in the classification process or for further information contact: Project Leader, U.S. Environmental Protection Agency, (WH-570) 401 M Street SW., Washington, D.C. 20460.

Dated: March 4, 1977.

JOHN QUARLES,
Acting Administrator.

[FR Doc.77-7367 Filed 3-10-77; 8:45 am]

[FRL 698-2, OPP-5028]

STAUFFER CHEMICAL CO.

Issuance of Experimental Use Permits

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; 7 U.S.C. 136(a) et seq.), experimental use permits have been issued to the following applicants. Such permits are in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect

to the use of pesticides for experimental purposes.

No. 476-EUP-69. Stauffer Chemical Company, Richmond, California 94804. This experimental use permit allows the use of 204 pounds of the herbicide S-propyl butylethylthiocarbamate and 51 pounds of the herbicide 2-(alpha-naphthoxy) - N,N - diethylpropionamide on transplanted tobacco to evaluate control of annual grasses and broadleaf and perennial weeds. A total of 102 acres is involved; the program is authorized only in the States of Florida, Georgia, North Carolina, South Carolina, Tennessee, and Wisconsin. The experimental use permit is effective from February 11, 1977, to March 28, 1978.

No. 476-EUP-70. Stauffer Chemical Company, Richmond, California 94804. This experimental use permit allows the use of tank mixtures totaling 210 pounds of the herbicide S-propyl butylethylthiocarbamate and 51 pounds of the herbicide 2-(alpha-naphthoxy) - N,N - diethylpropionamide on tobacco to evaluate control of annual grasses and broadleaf and perennial weeds. A total of 102 acres is involved; the program is authorized only in the States of Florida, Georgia, North Carolina, South Carolina, Tennessee, and Wisconsin. The experimental use permit is effective from February 11, 1977, to March 26, 1978.

No. 476-EUP-83. Stauffer Chemical Company, Richmond, California 94804. This experimental use permit allows the use of a mixture totaling 92 pounds of the insecticide O-Ethyl S-phenyl ethylphosphonodithioate and petroleum hydrocarbon solvent on corn to evaluate control of mites and aphids. A total of 100 acres is involved; the program is authorized only in the States of Colorado, Kansas, and Nebraska. The experimental use permit is effective from February 11, 1977, to February 11, 1978. A permanent tolerance for residues of the active ingredient in or on corn has been established (40 CFR 180.221).

Interested parties wishing to review the experimental use permits are referred to Room E-315, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St. SW., Washington, D.C. 20460. It is suggested that such interested persons call 202/755-4851 before visiting the EPA Headquarters Office, so that the appropriate permits may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4 p.m. Monday through Friday.

Dated: March 7, 1977.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

[PR Doc.77-7366 Filed 3-10-77;8:45 am]

[FRL 697-5]

WASTEWATER TREATMENT FACILITIES FOR GRAND STRAND REGION SOUTH CAROLINA

Availability of Draft Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of

1969, the Environmental Protection Agency has prepared a draft environmental impact statement (DEIS) for the Grand Strand Region, South Carolina Wastewater Treatment Facilities.

The proposed action is awarding grant funds to the Grand Strand Water and Sewer Authority for the purpose of developing a system to service the Grand Strand Region. The project consists of the necessary facilities to process and treat approximately 14.4 million gallons per day of wastewater.

To receive additional public comments, the Environmental Protection Agency, Region 4, will hold an open public hearing on this DEIS on April 11, 1977 at 7:30 p.m. at the South Carolina Public Service Authority Auditorium, Oak Street, Myrtle Beach, South Carolina. Registration will begin at 6:30 p.m. All interested persons are invited to express their views at this hearing. To ensure the accuracy of the record, oral statements should be accompanied by a written statement. Oral statements should summarize extensive written materials to allow time for all interested persons to be heard.

This DEIS was transmitted to the Council on Environmental Quality (CEQ) on March 3, 1977. In accordance with CEQ's notice of availability, comments are due on April 29, 1977. Copies of the DEIS are available for review and comment from:

Mr. John Hagan, III, Chief, EIS Branch, Environmental Protection Agency, Region 4, 345 Courtland Street NE., Atlanta, Georgia 30308. (Telephone 404-881-7458 or FTS 8-257-7458).

Copies of the DEIS are available for public inspection at the following locations:

Environmental Protection Agency, Region IV, 345 Courtland Street NE., Atlanta, Georgia 30308.

Chapin Memorial Library, Myrtle Beach, South Carolina.

Environmental Protection Agency, Public Information Reference Unit, Room 2922, Waterside Mall, 401 M Street SW., Washington, D.C. 20460.

Horry County Memorial Library, Conway, South Carolina.

Horry Georgetown Technical College Library, Highway 501, Conway, South Carolina.

Information copies of the DEIS are available at cost (10 cents/page) from the Environmental Law Institute, 1346 Connecticut Avenue, NW, Washington, DC 20036. Please reference ELR No. 70286.

Copies of the DEIS have been sent to various Federal, State, and local agencies, and interested individuals as outlined in the CEQ Guidelines.

Dated: March 8, 1977.

PETER L. COOK,
Acting Director,
Office of Federal Activities.

[PR Doc.77-7360 Filed 3-10-77;8:45 am]

FEDERAL DEPOSIT INSURANCE CORPORATION

[26400]

AGENCY MEETING

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Board of Directors of the Federal Deposit Insurance Corporation will meet in open session at 11:00 a.m. on Tuesday, March 15, 1977, to consider the following matters:

REQUEST BY THE COMPTROLLER OF THE CURRENCY FOR A REPORT ON THE COMPETITIVE FACTORS INVOLVED IN A PROPOSED MERGER

The Russell National Bank, Lewistown, Mifflin County, Pennsylvania, and The Reedsville National Bank, Reedsville, Mifflin County, Pennsylvania.

RECOMMENDATIONS REGARDING LIQUIDATION OF A BANK'S ASSETS ACQUIRED BY THE CORPORATION IN ITS CAPACITY AS RECEIVER, LIQUIDATOR, OR LIQUIDATING AGENT OF THOSE ASSETS

Case No. 42,973-L—Bank of Woodmoor, Woodmoor (P.O. Mounment), Colorado, Asset Nos. S-37, S-38 and S-39, Woodmoor at Breckenridge Water and Sanitation District Co. Bonds

RECOMMENDATIONS WITH RESPECT TO PAYMENT FOR LEGAL SERVICES RENDERED AND EXPENSES INCURRED IN CONNECTION WITH RECEIVERSHIP AND LIQUIDATION ACTIVITIES

Eppert & Delevie, Los Angeles, California, in connection with the receivership of the United States National Bank, San Diego, California.

Stone, Pigman, Walther, Wittman & Hutchinson, New Orleans, Louisiana, in connection with the liquidation of the International City Bank & Trust Company, New Orleans, Louisiana.

Schneider, Smeltz, Huston & Bissell, Cleveland, Ohio, in connection with the liquidation of the Northern Ohio Bank, Cleveland, Ohio.

RECOMMENDATIONS WITH RESPECT TO THE AMENDMENT OF REGULATIONS AND ADDITIONAL DELEGATIONS OF AUTHORITY

Memorandum and resolution proposing amendments to Part 309 of the Corporation's rules and regulations, entitled "Disclosure of Information," to simplify and update the procedures followed by the Corporation in disclosing the records it maintains and to provide greater authority at the divisional level for disclosures which presently require the authorization of the Chairman of the Corporation's Board of Directors.

Memorandum and resolution proposing the delegation to the Corporation's General Counsel or his designee of authority on behalf of the Board of Directors to select private attorneys or law firms to perform legal services for and provide legal counsel to the Corporation in connection with matters involving or affecting the Corporation or its personnel and in connection with the Corporation's activities as receiver or liquidator of closed insured banks.

RECOMMENDATION WITH RESPECT TO THE IMPOSITION OF FINES AGAINST CERTAIN INSURED STATE NONMEMBER BANKS FOR THE LATE SUBMISSION OF THEIR DECEMBER 31, 1976 REPORTS OF CONDITION OR REPORTS OF INCOME

REPORTS OF COMMITTEES AND OFFICERS

Reports of applications or requests approved by the Director of the Division of Bank Supervision and the various Regional Directors pursuant to authority delegated by the Board of Directors.

Report of the Division of Liquidation with respect to the status of the Deposit Insurance National Bank of the Virgin Islands, Charlotte Amalie, St. Thomas, Virgin Islands, as of January 31, 1977.

Report of the Division of Liquidation with respect to funds disbursed in connection with the liquidation of the Franklin National Bank, New York, New York, pursuant to authority delegated by the Board of Directors.

Reports with respect to security transactions authorized by the Chairman.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street NW., Washington, D.C. 20429.

Requests for information concerning the meeting may be directed to Mr. Alan R. Miller, Executive Secretary of the Corporation, at (202) 389-4446.

By direction of the Board of Directors, March 8, 1977.

FEDERAL DEPOSIT INSURANCE CORPORATION,
ALAN R. MILLER,
Executive Secretary.

[FR Doc.77-7268 Filed 3-10-77;8:45 am]

[26399]

AGENCY MEETING

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 11:30 a.m. on Tuesday, March 15, 1977, the Federal Deposit Insurance Corporation's Board of Directors will meet in closed session, by unanimous vote of the Board of Directors pursuant to sections 552b(d) (1), 552b(c) (6), and 552b(c) (9) (B) (ii) of title 5, United States Code, to consider the following matters:

APPLICATIONS OR REQUESTS PURSUANT TO SECTION 19 OF THE FEDERAL DEPOSIT INSURANCE ACT FOR THE CORPORATION'S CONSENT TO SERVICE OF PERSONS CONVICTED OF OFFENSES INVOLVING DISHONESTY OR A BREACH OF TRUST AS DIRECTORS, OFFICERS, OR EMPLOYEES OF INSURED BANKS (3)

Names of persons and of banks authorized to be exempt from disclosure pursuant to the provisions of section 552(b) (c) (6) of title 5, United States Code.

RECOMMENDATIONS REGARDING LIQUIDATION OF A BANK'S ASSETS ACQUIRED BY THE CORPORATION IN ITS CAPACITY AS RECEIVER, LIQUIDATOR, OR LIQUIDATING AGENT OF THOSE ASSETS

Case No. 42,960-SR—Sharpstown State Bank, Houston, Texas.

Case No. 42,962-SR—American Bank & Trust Company, New York, New York.

Case No. 42,970-SR—Citizens State Bank, Carrizo Springs, Texas.

Case No. 42,975-NR—United States National Bank, San Diego, California.

REPORTS OF COMMITTEES AND OFFICERS

Minutes of the actions approved by the Committee on Liquidations, Loans and Purchases of Assets pursuant to authority delegated by the Board of Directors.

PERSONNEL ACTIONS REGARDING APPOINTMENTS, PROMOTIONS, ADMINISTRATIVE PAY INCREASES, REASSIGNMENTS, RETIREMENTS, SEPARATIONS, ETC.

Names of employees authorized to be exempt from disclosure pursuant to the provisions of section 552b(c) (6) of title 5, United States Code.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street NW., Washington, D.C. 20429.

Requests for information concerning the meeting may be directed to Mr. Alan R. Miller, Executive Secretary of the Corporation, at (202) 389-4446.

By direction of the Board of Directors, March 8, 1977.

FEDERAL DEPOSIT INSURANCE CORPORATION,
ALAN R. MILLER,
Executive Secretary.

[FR Doc.77-7269 Filed 3-10-77;8:45 am]

[26398]

AGENCY MEETING

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 11:45 a.m. on Tuesday, March 15, 1977, the Board of Directors of the Federal Deposit Insurance Corporation will meet in closed session, pursuant to sections 552b (d) (4) and 552b(c) (8), (9) (A) (ii), and (10) of title 5, United States Code, to consider the following matters:

APPLICATIONS FOR FEDERAL DEPOSIT INSURANCE

First Security Bank (proposed new bank), to be located at the north side of 175th Street, 133 feet west of Kedzie Avenue, Hazel Crest, Cook County, Illinois.

Family Bank (proposed new bank), to be located at 21 HARRISVILLE ROAD, Ogden, Weber County, Utah.

Union Bank (proposed new bank), to be located at 505 South 700 East, Salt Lake City, Salt Lake County, Utah.

APPLICATIONS FOR CONSENT TO ESTABLISH BRANCHES

Jefferson Bank of Missouri, Jefferson City, Cole County, Missouri, on Highway 50, St. Martins, Cole County, Missouri.

Provident Savings Bank, Jersey City, Hudson County, New Jersey, at 636 Arnold Avenue, Point Pleasant Beach, Ocean County, New Jersey.

APPLICATION FOR CONSENT TO MOVE MAIN OFFICE

First State Bank, Hearne, Robertson County, Texas, from 215 Cedar Street, Hearne, Robertson County, Texas, to 1501 Texas Avenue, College Station, Brazos County, Texas.

REQUEST FOR AN EXTENSION OF TIME WITHIN WHICH TO ESTABLISH A BRANCH

Middletown Valley Bank, Middletown, Frederick County, Maryland, for an extension of time to February 17, 1978, within which to establish a branch in the proposed Middletown Valley Shopping Center, north side of U.S. Route 40A, east of the corporate limits of Middletown, Maryland.

REQUEST FOR CONSENT TO ADD SUBORDINATED CAPITAL DEBENTURES TO THE BANK'S CAPITAL STRUCTURE

First Security Bank of Deer Lodge, Deer Lodge, Powell County, Montana.

APPLICATION FOR CONSENT TO ACQUIRE ASSETS AND ASSUME LIABILITIES AND ESTABLISH ONE BRANCH

The State Central Savings Bank, Keokuk, Lee County, Iowa, an insured State non-member bank, for consent to acquire the assets of and assume the liability to pay deposits made in the Iowa State Bank, Stockport, Van Buren County, Iowa, also an insured State non-member bank, and for consent to establish the sole office of the Iowa State Bank as a branch of the resultant bank.

RECOMMENDATIONS REGARDING LIQUIDATION OF A BANK'S ASSETS ACQUIRED BY THE CORPORATION IN ITS CAPACITY AS RECEIVER, LIQUIDATING AGENT OF THOSE ASSETS

Case No. 42,961-L—International City Bank and Trust Company New Orleans, Louisiana.

Case No. 42,964-L—The Hamilton National Bank of Chattanooga, Chattanooga, Tennessee.

RECOMMENDATIONS WITH RESPECT TO PAYMENT FOR LEGAL SERVICES RENDERED AND EXPENSES INCURRED IN CONNECTION WITH RECEIVERSHIP AND LIQUIDATION ACTIVITIES

Ross & Stevens, S.C., Madison, Wisconsin, in connection with the liquidation of the Algoma Bank, Algoma, Wisconsin.

RECOMMENDATIONS WITH RESPECT TO THE INITIATION OF CEASE-AND-DESIST PROCEEDINGS AGAINST TWO INSURED STATE NONMEMBER BANKS

Names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of sections 552b(c) (9) (A) (ii) and 552b(d) (4) of title 5, United States Code.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street NW., Washington, D.C. 20429.

Requests for information concerning the meeting may be directed to Mr. Alan R. Miller, Executive Secretary of the Corporation, at (202) 389-4446.

By direction of the Board of Directors, March 8, 1977.

FEDERAL DEPOSIT INSURANCE CORPORATION,
ALAN R. MILLER,
Executive Secretary.

[FR Doc.77-7270 Filed 3-10-77;8:45 am]

MEETING

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 11:30 a.m. on Tuesday, March 15, 1977, the Federal Deposit Insurance Corporation's Board of Directors will meet in closed session, by unanimous vote of the Board of Directors pursuant to sections 552b(d) (1), 552b(c) (6), and 552b (c) (9) (B) (ii) of title 5, United States Code, to consider the following matters:

APPLICATIONS OR REQUESTS PURSUANT TO SECTION 19 OF THE FEDERAL DEPOSIT INSURANCE ACT FOR THE CORPORATION'S CONSENT TO SERVICE OF PERSONS CONVICTED OF OFFENSES INVOLVING DISHONESTY OR A BREACH OF TRUST AS DIRECTORS, OFFICERS, OR EMPLOYEES OF INSURED BANKS (3)

Names of persons and of banks authorized to be exempt from disclosure pursuant to the provisions of section 552b(c)(6) of title 5, United States Code.

RECOMMENDATIONS REGARDING LIQUIDATION OF A BANK'S ASSETS ACQUIRED BY THE CORPORATION IN ITS CAPACITY AS RECEIVER, LIQUIDATOR, OR LIQUIDATING AGENT OF THOSE ASSETS

- Case No. 42,960-SR—Sharpstown State Bank, Houston, Texas.
 Case No. 42,962-SR—American Bank & Trust Company, New York, New York.
 Case No. 42,970-SR—Citizens State Bank, Carrizo Springs, Texas.
 Case No. 42,975-NR—United States National Bank, San Diego, California.

REPORTS OF COMMITTEES AND OFFICERS

Minutes of the actions approved by the Committee on Liquidations, Loans and Purchases of Assets pursuant to authority delegated by the Board of Directors.

PERSONNEL ACTIONS REGARDING APPOINTMENTS, PROMOTIONS, ADMINISTRATIVE PAY INCREASES, REASSIGNMENTS, RETIREMENTS, SEPARATIONS, ETC.

Names of employees authorized to be exempt from disclosure pursuant to the provisions of section 552b(c)(6) of title 5, United States Code.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street NW., Washington, D.C. 20429.

Requests for information concerning the meeting may be directed to Mr. Alan R. Miller, Executive Secretary of the Corporation, at (202) 389-4446.

By direction of the Board of Directors, March 8, 1977.

FEDERAL DEPOSIT INSURANCE CORPORATION,
 ALAN R. MILLER,
 Executive Secretary.

[FR Doc. 77-7284 Filed 3-10-77; 8:45 am]

FEDERAL ENERGY ADMINISTRATION

PRIVACY ACT OF 1974

Proposed New System of Records

The Privacy Act of 1974 (5 U.S.C. 552a(e)(4)) requires that all agencies publish in the FEDERAL REGISTER, at least annually, a notice of the existence and character of their systems of records. Accordingly, the Federal Energy Administration published a notice of its inventory of such personal records on September 16, 1976 (41 FR 40076). For identification purposes, those systems of records were and are designated as systems "FEA-1" through "FEA-20."

Notice is hereby given that the Federal Energy Administration is now proposing to add an additional system of records, to be designated as "FEA-21, Electric Rate Demonstration Data Base." In accordance with the provisions of 5 U.S.C. 552a(o) of the Privacy Act and the Office of Management and Budget Circular No. A-108 and the transmittal memoranda thereto, a report on this system of records has been filed, concurrent with this publication, with the Di-

rector of the Office of Management and Budget, the Speaker of the House of Representatives, the President of the Senate and the Privacy Protection Study Commission.

As provided by section 3(e)(11) of the Privacy Act of 1974 (5 U.S.C. 552a(e)(11)), interested persons are invited to submit written data, views or arguments related to this proposal, to Executive Communications, Federal Energy Administration, Box KW, Washington, D.C. 20461. Handcarried comments may be delivered to Room 3309, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C., between the hours of 8:00 a.m. to 4:30 p.m., Monday through Friday, except on legal public holidays.

Comments should be identified on the outside of the envelope and on the documents submitted to FEA Executive Communications with the designation "Privacy Act System of Records/FEA-21." Ten copies should be submitted. All comments received on or before April 11, 1977, and all other relevant information, will be considered by FEA before the new system is adopted.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing, one copy only. The FEA reserves the right to determine the confidential status of the information or data and to treat it according to that determination.

It is the intent of the Federal Energy Administration to operate the proposed system of records at the expiration of the advance notice period if no comments to the contrary are received.

(Privacy Act of 1974 (5 U.S.C. 552a); Federal Energy Administration Act of 1974 (15 U.S.C. 761 et seq.), as amended by Pub. L. 94-385; E.O. 11790 (39 FR 23185, June 27, 1974).)

Issued in Washington, D.C., March 8, 1977.

ERIC J. FYGI,
 Acting General Counsel,
 Federal Energy Administration.

NARRATIVE STATEMENT, AS REQUIRED BY THE PRIVACY ACT OF 1974 AND OMB CIRCULAR NO. A-108

ELECTRIC RATE DEMONSTRATION PROGRAM

Background. Electric utilities alone account for roughly 26 percent of the Nation's total consumption of fossil fuels. There are substantial energy inefficiencies in this sector, not only in the generation of electricity, but also in its transmission, local distribution and end use. Electric utilities and their customers are also being adversely affected by the rising costs of generator fuels and deteriorating load factors. (Load factor is the ratio of average demand load to peak demand load, and is one of several indices reflecting the relative efficiency of operation). The load factor problem is particularly important because capital requirements are determined by peak loads, whereas revenues are derived from total load. This situation forces utilities to retain older, inefficient generators to

meet peak loads, or to acquire relatively inexpensive new peaking generators, typically simple cycle turbines, that use large quantities of scarce fossil fuels. It is believed that it would be valuable to develop and experiment with proposals for the improvement of electric utility rate design. In this way, rate structures could more equitably reflect energy use and, to a certain extent, encourage a more economical and efficient use of energy by consumers. At the same time, a working knowledge of electricity use under such rate structures would better enable utilities to implement more efficient load management techniques.

Program Overview. Pursuant to section 13 of the Federal Energy Administration Act of 1974 (Pub. L. 93-275), as amended by Pub. L. 94-385, Executive Order 11790 and section 204 of the Energy Conservation and Production Act (Pub. L. 94-385), the Federal Energy Administration's ("FEA") Office of Energy Conservation and Environment has undertaken fifteen electric power rate demonstration projects, in conjunction with State and local regulatory commissions and individual utility systems, to assess the consumer response to innovative rate structures, to evaluate load management practices and technologies, and to promote the conservation of electricity. The FEA, the sponsoring local agencies, and the participating utilities will each bear a portion of the total cost burden involved in implementing these projects. The fifteen projects being funded by FEA are located in Arizona, Arkansas, California (two projects), Connecticut, New Jersey, New York, North Carolina, Ohio, Oklahoma, Puerto Rico, Rhode Island, Vermont, Washington, and Wisconsin.

Note.—There is an additional project in Michigan, with Detroit Edison as the participating utility, but all customers participating are industrial concerns, so that there are no consequences under the Privacy Act of 1974.

Each project involves a cooperative agreement between the FEA and a local sponsoring agency. The projects are funded by FEA through the sponsoring local agencies which in turn subcontract with the participating utilities. (In three instances, involving the Edmond (Oklahoma) Municipal Electric Company, the Los Angeles Department of Power and Water, and the Puerto Rico Water Resources Authority, the sponsoring local agencies are also the participating utilities.)

The participating utilities will charge certain of their customers in accordance with an experimental billing rate structure. The results of such billings are then to be analyzed by the utilities, the sponsoring local agencies, the FEA, and the Electric Power Research Institute.

The number of utility company customers participating in any project will vary depending on the design of the individual project. The State of California will provide the largest group of customers (approximately 7,500), followed by the City of Los Angeles (2,000) and New Jersey (1,000), while all other projec-

involve between 20 to 300 customers. The sponsoring local agencies and their participating utilities are:

- Arizona—Solar Research Commission: Arizona Public Service Company.
 Arkansas—Public Service Commission: Arkansas Power & Light Company.
 California—Energy Resources Conservation & Development Commission and Public Utilities Commission: Pacific Gas & Electric Company; San Diego Gas & Electric Company; Southern California Edison Company; Sacramento Municipal Utility District.
 Connecticut—Public Utilities Commission: Connecticut Light & Power Company.
 New Jersey—State Energy Office: Jersey Central Power & Light Company.
 New York—Public Service Commission: Consolidated Edison.
 North Carolina—Utilities Commission: Carolina Power & Light Company; Blue Ridge Electric Membership Corporation.
 Ohio—Public Utilities Commission: Dayton Power & Light Company; Toledo Edison Company; Buckeye Power Company.
 Rhode Island—Public Utilities Commission: Blackstone Valley Electric Company.
 Vermont—Public Service Board: Green Mountain Power Company.
 Washington—State Energy Office: Seattle City Light (Department of Lighting, City of Seattle); Clark County Public Utilities District; Puget Sound Power & Light Company.
 Wisconsin—Public Service Commission: Wisconsin Public Service Corporation.
 Puerto Rico—Commonwealth of Puerto Rico: Puerto Rico Water Resources Authority.
 Edmond (Oklahoma)—City of Edmond: Edmond Municipal Electric Company.
 Los Angeles—City of Los Angeles: Los Angeles Department of Water & Power.

The real value of the demonstration program involves the detailed assessment of customer response to non-traditional rate structures. Presently, only very limited data is available regarding electricity usage patterns under rate forms other than the declining block rate structures in common use today. Valid analysis of non-traditional rate forms requires the development of a body of empirical data. Without these data it is not possible to assess the implications of proposed rate reforms.

To perform these various analyses, demographic and related information concerning customer characteristics will be solicited from participating customers, in addition to simple usage data under the experimental rate structure. (See supporting documentation). This information will be in each instance collected by the participating utility, under the auspices of the local public agency sponsoring the study. No customer will be required to provide information other than voluntarily and any customer may refuse to answer specific questions. All customers will be advised of the purposes of the study and the routine uses to be made of the information collected.

ACCESS TO COLLECTED INFORMATION—
ROUTINE USERS

The participating utilities.—The names of experimental rate users are known to the participating local utilities because, in the routine conduct of their business,

customer name and address files are maintained for billing purposes.

Local utilities will continue to access their lists of experimental rate users for ordinary billing purposes. Further, the utilities will conduct their own studies and analyses based upon the empirical data generated. To prevent any potential abuse, the FEA will contractually prohibit all study sponsors and their subcontracting utilities from using any of the information gathered in the conduct of the projects for any purpose other than those explicitly stated in the project plans (i.e., the analysis of non-traditional rate forms and load management techniques).

The FEA. The FEA has requested each participating utility to provide FEA with the information collected about each consumer that is being sold electricity in accordance with an experimental rate, in order to enable the above-referenced analyses. The FEA has no need for, will not request, and will not receive from any project any data that would allow reference back to a participant as a specific individual. Names and addresses will not be present in any of the data requested or received by the FEA. Each participant will be identified by an access code known only to the participating utility, but unknown to the FEA. The agency's exclusive interest is in data analysis, which in turn, requires a means to correlate usage with customer characteristics, but does not require a specific identification of the customer beyond a code sufficient to enable differentiation between various participants in the study. (See supporting documentation for categories of records in the system.)

The Sponsoring Local Agencies. The sponsoring local agencies will have access to the records, including the name and addresses of individuals, of their respective subcontracting utilities. The local agencies require this access both to enable the above-referenced analyses re-

garding the results under the nontraditional rate structures and for the purpose of handling any complaints from participating individual customers.

The Electric Power Research Institute (EPRI). EPRI is an organization whose members are investor-owned, publicly-owned, and rural electric utilities. It is a technical organization, interested in research and development. Funding is derived from tariffs assessed on the member utilities; the size of any tariff is a function of the assessed utility's size. EPRI has requested that participating utilities provide it with information similar to that being provided the FEA, i.e., information not including individual customer names and addresses. Like FEA, EPRI's exclusive interest is in data analysis, as referenced above.

The Participating Utilities' Parent Companies. Although not all of the participating utilities have parent companies, as regards those that do, the parent companies have requested access to information similar to that being provided the FEA and the EPRI, i.e., information not including individual customer names and addresses. Like FEA and EPRI, the exclusive interest of the participating utilities' parent companies is in data analysis, as referenced above.

Safeguards. Additionally to minimize the risk of unauthorized access to the system of records, each cooperative agreement between the FEA and a participating state or locality stipulates that the provisions of the Privacy Act of 1974 will apply, that the participating utilities will exercise diligence in controlling access to their computer facilities and that only authorized members of the project team will be allowed to use the data.

The implementation of this system of records will not require any change to FEA's Privacy Act regulations (10 CFR Part 206) as published in the FEDERAL REGISTER on October 2, 1975 (40 FR 45609).

	A
FEA-21.	B
Electric rate demonstration data base.	C
Unclassified.	D
As broken out by project, the records will be located at the following participating utilities:	
<i>Participating locality and agency</i>	<i>Participating utilities</i>
(a) Arizona—Solar Research Commission.	Arizona Public Service Co.
(b) Arkansas—Public Service Commission.	Arkansas Power & Light Co.
(c) California—Energy Resources Conservation and Development Commission and Public Utilities Commission.	Pacific Gas & Electric Co.; San Diego Gas & Electric Co.; Southern California Edison Co.; Sacramento Municipal Utility District.
(d) Connecticut—Public Utilities Commission.	Connecticut Light & Power Co.
(e) New Jersey—State Energy Office.	Jersey Central Power & Light Co.
(f) New York—Public Service Commission.	Consolidated Edison.
(g) North Carolina—Utilities Commission.	Carolina Power & Light Co.; Blue Ridge Electric Membership Corp.
(h) Ohio—Public Utilities Commission.	Dayton Power & Light Co.; Toledo Edison Co.; Buckeye Power Co.
(i) Rhode Island—Public Utilities Commission.	Blackstone Valley Electric Co.

- (j) Vermont—Public Service Board..... Green Mountain Power Co.
 (k) Washington—State Energy Office..... Seattle City Light (Department of Lighting, city of Seattle); Clark County Public Utilities District; Puget Sound Power & Light Co.
 (l) Wisconsin—Public Service Commission..... Wisconsin Public Service Corp.
 (m) Puerto Rico—Commonwealth of Puerto Rico..... Puerto Rico Water Resources Authority.
 (n) Edmond, Okla.—city of Edmond..... Edmond Municipal Electric Co.
 (o) Los Angeles—city of Los Angeles..... Los Angeles Department of Water & Power.

For the FEA National Office, the location of the records is Optimum Systems, Inc., 5615 Fishers Lane, Rockville, Maryland 20852. There are no records at any of the FEA regional offices.

E

All consumers of electricity participating in FEA-sponsored rate demonstration projects.

F

Consumer identification number, rate code, historical data on past year's energy consumption, hourly current electrical consumption, household information (including age distribution and income), dwelling characteristics, fuel use information, water heating characteristics, and appliance inventory. The records maintained by the FEA and the EPRI will not contain name or other identifying particulars.

G

Section 13 of the Federal Energy Administration Act of 1974 (Pub. L. 93-275), as amended by Pub. L. 94-385; Executive Order 11790; section 204 of the Energy Conservation and Production Act (Pub. L. 94-385).

H

The participating utilities will use the records maintained for the following purposes: Measurement of price elasticity under various non-traditional rate forms, correlation of demographic characteristics with demand and usage patterns,

analysis of shifts in usage patterns under various rate forms and at different times of day and seasons of the year, and determination of changes in load and capacity factors attributable to experimental rates and/or load management techniques. The records maintained by the participating utilities will also be made available to the participating utilities' parent companies, the sponsoring state and local agencies, the FEA, and the Electric Power Research Institute, so that these parties can do analyses of the data similar to those contemplated by the utilities. As previously noted, the records made available to the participating utilities' parent companies, the FEA and to EPRI will not contain name or other identifying particulars. The sponsoring state and local agencies will also use the records to deal with any complaints brought by participating consumers of electricity.

I

J

Machine readable only.

K

Machine readable records are retrievable by any data element (except by name for EPRI and National Office FEA records).

L

The contracts with the utilities stipulate that the utility will exercise all diligence in controlling access to their computer facility and that only authorized members of the project team and other routine users will be allowed to use the data. At the FEA National Office, physical, technical and administrative security is maintained with all storage areas locked when not in use. Admittance when open, is restricted to authorized personnel only. All personnel that handle or process the data are instructed and cautioned as to the confidentiality of the data and its proper disposition. Remote terminal users need special access code.

M

At the participating utilities and the EPRI; three years after the completion of the test on the utility's system. At the FEA National Office; records will be destroyed within two years of completion of the last project.

N

FOR RECORDS AT THE PARTICIPATING UTILITIES

<i>Utility</i>	<i>Address</i>
(a) Arizona Public Service Co.....	411 North Central Ave., Phoenix, Ariz. 85004.
(b) Arkansas Power & Light Co.....	Box 551, Little Rock, Ark. 72203.
(c) Blackstone Valley Electric Co.....	Washington Highway, Box 1111, Lincoln, R.I. 02865.
(d) Blue Ridge Electric Membership Corp.....	1216 Blowing Rock Blvd. NE, Lenoir, N.C. 28645.
(e) Buckeye Power Co.....	4302 Indianola Ave., Columbus, Ohio 43214.
(f) Carolina Power & Light.....	Box 551, Raleigh, N.C. 27602.
(g) Clark County Public Utilities District.....	1200 Fort Vancouver Way, Box 1626, Vancouver, Wash. 98663.
(h) Connecticut Light & Power Co.....	P.O. Box 270, Hartford, Conn. 06101.
(i) Consolidated Edison.....	4 Irving Place, New York, N.Y. 10003.

Utility	Address
(j) Dayton Power and Light Co.....	25 North Main St., Dayton, Ohio 45401.
(k) Edmond Municipal Electric Co.....	Edmond, Okla. 73034.
(l) Green Mountain Power Co.....	1 Main St., Burlington, Vt. 05401.
(m) Jersey Central Power & Light Co.....	Madison Ave. and Punch Bowl Rd., Morristown, N.J. 07960.
(n) Los Angeles Department of Water and Power.	Box 111, Los Angeles, Calif. 90051.
(o) Pacific Gas & Electric Co.....	77 Beale St., San Francisco, Calif. 94106.
(p) Puerto Rico Water Resources Authority.	Planning and Engineering, San Juan, P.R.
(q) Puget Sound Power & Light Co.....	600 116th Street, NE., Bellevue, Wash. 98009.
(r) Sacramento Municipal Utility District.	6201 South St., P.O. Box 15830, Sacramento, Calif. 95813.
(s) San Diego Gas & Electric Co.....	P.O. Box 800, San Diego, Calif. 92112.
(t) Seattle City Light (department of lighting, city of Seattle).	1015 Third Ave., Seattle, Wash. 98104.
(u) Southern California Edison Co.....	P.O. Box 1831, Rosemead, Calif. 91770.
(v) Toledo Edison Co.....	300 Madison Ave., Toledo, Ohio 43652.
(w) Wisconsin Public Service Corp.....	700 North Adams Ave., Green Bay, Wis. 54301.

For records at the FEA National Office: Electricity Utility Demonstration Program Manager, Regulatory Institutions Programs, National Programs, Energy Conservation and Environment, Federal Energy Administration, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20461.

O

Requests by an individual to determine if a system of records contains information about him should be directed to the Privacy Act Officer, Federal Energy Administration, Washington, D.C. 20461 in accordance with FEA's Privacy Act Regulations (10 CFR 206.2, 40 FR 45610 (October 10, 1975)). The requests will in turn be forwarded to the appropriate participating utility maintaining the complete record pertaining to the individual.

P

Requests by an individual for access to a system of records that contains information about him should be directed to the Privacy Act Officer, Federal Energy Administration, Washington, D.C. FEA's Privacy Act Regulations (10 CFR 206.3, 40 FR 45610 (October 2, 1975)). Requests will in turn be forwarded to the appropriate participating utility maintaining the complete record pertaining to the individual.

Q

Requests by an individual to correct or amend the content of a record containing information about him should be directed to the Privacy Act Officer, Federal Energy Administration, Washington, D.C. 20461 in accordance with FEA's Privacy Act Regulations (10 CFR 206.7, 40 FR 45613 (October 2, 1975)). Requests will in turn be forwarded to the appropriate participating utility maintaining the complete record pertaining to the individual.

R

Utilities participating in the electric rate demonstration project and individuals providing information.

S

None.

[FR Doc.77-7356 Filed 3-8-77;12:34 pm]

By Order of the Federal Maritime Commission.

Dated: March 8, 1977.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.77-7314 Filed 3-10-77;8:45 am]

FEDERAL POWER COMMISSION

[Project No. 382]

SOUTHERN CALIFORNIA EDISON CO.

Conference

MARCH 4, 1977.

Public notice is hereby given that a public conference will be held on April 7, 1977, at 10:00 a.m. in Room 5200 of the Federal Power Commission, 825 North Capitol Street, Washington, D.C. 20426, with the Commission Staff concerning Southern California Edison Company's Borel Project No. 382 located in Kern County, California. The conference is being held pursuant to the Commission's By Direction Letter of November 26, 1976, to Congressman William M. Ketchum concerning a number of inquiries respecting the operation of the Borel Project.

The conference will involve a discussion of the public safety considerations associated with the Borel Project No. 382, and any impacts the operation of the Borel Canal may have on recreation at Lake Isabella. The following entities have been notified regarding the pending conference: Southern California Edison Company, the U.S. Corps of Engineers and other interested Federal, State, and local entities.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-7160 Filed 3-10-77;8:45 am]

[Docket No. CP77-268]

CNG TRANSMISSION CO.

Application

MARCH 7, 1977.

Take notice that on February 28, 1977, CNG Transmission Company (Applicant), 200 S. Third Street, Richmond, Virginia 23218, filed in Docket No. CP77-268 an application pursuant to Section 1(c) of the Natural Gas Act for exemption from the provisions of the Natural Gas Act, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it is a Virginia public utility corporation and is successor, assignee and transferee through reorganization of the natural gas pipeline system, facilities, properties and related assets of Commonwealth Natural Gas Corporation which had been declared exempt from the provisions of the Natural Gas Act by Commission order issued September 7, 1954, in Docket No. G-2500 (13 FPC 1363). Applicant asserts that it buys approximately 75 percent of its natural gas supplies from Columbia Gas

FEDERAL MARITIME COMMISSION

NORTH ATLANTIC WEST BOUND
FREIGHT ASSOCIATION

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before April 4, 1977. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Howard A. Levy, Esquire, Suite 727, 17 Battery Place, New York, New York 10004.

Agreement No. 5850-34, among the members of the abovenamed association, amends Article 7 of the basic agreement by adding a new paragraph to articulate the authority of the NAWFA members to prepare relevant statistical data relating to rate applications, shipper requests and other Conference business.

Transmission Corporation at a point near Stanardsville, Virginia, and 25 percent of its supplies from Transcontinental Gas Pipe Line Corporation at points near Lignum and Emporia, Virginia, and sells such gas to five distributor customers for resale in Virginia and to one direct industrial customer in Hopewell, Virginia. It is further asserted that all of the gas purchased by Applicant from its interstate suppliers is consumed within Virginia. Applicant also states that it operates a substitute natural gas plant and a liquefied natural gas storage facility both of which are located in Chesapeake, Virginia, and that all of the gas forthcoming from these facilities is also consumed within Virginia.

Applicant states that its natural gas rates, service and facilities are subject to the jurisdiction of the Virginia State Corporation Commission (SCC) and that the SCC is exercising such jurisdiction.

Any person desiring to be heard or to make any protest with reference to said application should be on before March 29, 1977, 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). 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.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-7225 Filed 3-10-77;8:45 am]

[Docket No. ER77-216]

CENTRAL MAINE POWER CO.

Contract Filing

MARCH 7, 1977.

Take notice that February 28, 1977, Central Maine Power Company (Company) filed with the Commission six (6) copies of its Contract to provide wholesale electric service to Fox Islands Electric Cooperative (Customer) under the Company's Tariff Schedule W-1 as previously filed with the Commission. The Company stated that it began providing service to the Customer on January 11, 1977 under the Tariff Schedule W-1 and that a formal contract for service was entered into on August 11, 1976.

The Company is of the opinion that the information which the Commission's Regulations require to be submitted with the filing of this contract is contained in the Company's rate filing to revise Tariff Schedule W-1 (i.e. Docket No. ER77-217). To avoid unnecessary duplication of this information, the Company requests that the Commission waive any requirements of Section 35.12 with respect to the Customer's Contract.

Any person desiring to be heard or to make any protest with reference to this filing should, on or before March 21, 1977, file with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, petitions to intervene or protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests 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 the filing and supporting documents are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-7222 Filed 3-10-77;8:45 am]

[Docket No. ER77-217]

CENTRAL MAINE POWER CO.

Tariff Change

MARCH 7, 1977.

Take notice that Central Maine Power Company (Company), on February 28, 1977, tendered for filing proposed changes in its FPC Electric Tariff W-1.

The Company states that the proposed changes would increase revenues from jurisdictional sales and service by \$338,761 based on the 12 month period ending September 30, 1976. The wholesale customers affected by the proposed changes are:

1. Kennebunk Light and Power District (Kennebunk, Maine 04043).
2. Carrabassett Light and Power Company (North Anson, Maine 04958).
3. Madison Electric Works (Madison, Maine 04950).

According to the Company, the reason for this change is to raise the Rate of Return from this class of customers to a level that is just and reasonable. The Company has requested that the proposed rate changes become effective April 1, 1977.

Any person desiring to be heard or to make any protest with reference to this filing should, on or before March 21, 1977, file with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, petitions to intervene or protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All 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 the filing and supporting documents are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-7229 Filed 3-10-77;8:45 am]

[Docket No. RP77-30]

CONSOLIDATED GAS SUPPLY CORP.

Proposed Changes in FPC Gas Tariff

MARCH 7, 1977.

Take notice that Consolidated Gas Supply Corporation (Consolidated) on February 25, 1977, tendered for filing as proposed changes to its FPC Gas Tariff, Second Revised Volume No. 1, the following tariff sheets:

Original Sheet No. 9-A
Original Sheet No. 24-A
Original Sheet No. 24-B
Original Sheet No. 24-C
Original Sheet No. 24-D
Original Sheet No. 57-A
Original Sheet No. 57-B
Original Sheet No. 57-C
Original Sheet No. 57-D

The above tariff sheets set forth initial rates and related terms and conditions under a new Rate Schedule T, together with a form of service agreement, required to implement the transportation of gas by Consolidated for industrial and commercial customer who are purchasers of natural gas from Consolidated's jurisdictional customers. The tendered sheets conform to the Commission's Policy set forth in its Order Nos. 533 and 533-A in Docket No. RM75-25 which encouraged the transportation of gas by pipeline companies for high-priority industrial and commercial customers of a pipeline company's jurisdictional customers who are being curtailed. The tariff sheets are proposed to become effective on February 12, 1977, the date on which the Commission issued a temporary certificate to Consolidated authorizing it to transport gas for American Cyanamid Company, Willow Island, West Virginia, at the rate and on the terms and conditions set forth in the proposed rate schedule.

Copies of the filing were served upon Consolidated's jurisdictional customers and interested state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with 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 18, 1977. 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.77-7220 Filed 3-10-77;8:45 am]

[Docket No. CP75-158]

CONSOLIDATED GAS SUPPLY CORP.**Petition To Amend**

MARCH 4, 1977.

Take notice that on February 24, 1977, Consolidated Gas Supply Corporation (Petitioner), 445 West Main Street, Clarksburg, West Virginia 26301, filed in Docket No. CP75-158 a petition to amend the Commission's order of May 29, 1975 (53 FPC ____), as amended on August 18, 1976 (56 FPC ____), issued in the instant docket pursuant to Section 7(c) of the Natural Gas Act so as to authorize (1) the construction and operation of the facilities necessary to incorporate a portion of Line No. TL-265 into its wet-gas system, (2) the construction and operation of the Yellow Creek compressor station, and (3) the deferral, for one year, of the projects previously approved for the years 1977-1979, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that it was authorized by the Commission's order issued May 29, 1975, to construct, during the years 1975 through 1979, and operate approximately 119 miles of pipeline and certain compressor facilities which were designed to replace effectively Petitioner's existing West Virginia wet gas transmission system.

Petitioner further states that it was authorized by the Commission's order issued August 18, 1976, to defer the completion of all 1976 projects for one year in order to determine the feasibility of reclassifying from dry-gas to wet-gas service approximately 24 miles of existing 20-inch Line No. TL-265.

It is stated that Petitioner has determined that this reclassification is feasible and estimates that the cost of the tie-in of TL-265 to the wet-gas system would be approximately \$322,000 in lieu of constructing 24.4 miles of new 24-inch Line No. TL-418 at a cost of \$5.4 million.

Petitioner states that as to projects originally scheduled for completion in 1977, it now proposes (1) to construct and operate an 880 horsepower compressor station near Yellow Creek in Calhoun County, West Virginia, in lieu of the 1,320 horsepower Burnt House station previously authorized, and (2) to defer all other projects scheduled for 1977-79 by one year, pending further studies of its West Virginia wet and dry gas transmission systems.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before March 29, 1977, 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 pro-

ceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-7243 Filed 3-10-77;8:45 am]

[Docket No. CP77-257]

CONSOLIDATED GAS SUPPLY CORP.**Application**

MARCH 4, 1977.

Take notice that on February 24, 1977, Consolidated Gas Supply Corporation (Applicant), 445 West Main Street, Clarksburg, West Virginia 26301, filed in Docket No. CP77-257 an application pursuant to section 7 of the Natural Gas Act for permission and approval to abandon certain transmission facilities and for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas pipeline facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate approximately 20.0 miles of 24-inch pipeline from near its Tonkin compressor station in Doddridge County to Hastings, Wetzel County, West Virginia, and to abandon equivalent lengths of its 12-inch Line No. H-192 and its 14-16-inch Line No. TL-264. Applicant states that this proposal represents the second year of a six-year plan to replace its West Virginia dry gas transmission system extending from its Cornwell compressor station in Kanawha County to Hastings. Applicant further states that the estimated cost of the proposed facilities, \$5,059,296, would be financed from funds on hand and from funds to be obtained from Applicant's parent, Consolidated Natural Gas Company.

It is stated that Applicant has discovered extensive corrosion in a significant portion of Line Nos. H-192 and TL-264 which were constructed in 1936 and 1947-49, respectively. It is further stated that the pipeline has been utilized to transport approximately 235,000 Mcf of gas per day of 255,000 Mcf per day which Applicant purchases from Tennessee Gas Pipeline Company, a Division of Tenneco, Inc., which amount represents a substantial portion of Applicant's total authorized pipeline supply of natural gas. It is asserted that the proposed pipeline would have sufficient capacity to permit Applicant to reclassify approximately 23.9 miles of its 20-inch Line No. TL-265 from dry gas transmission service to wet gas service which would obviate the necessity of constructing approximately 24.4 miles of 24-inch pipeline at an estimated cost of \$5.4 million.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 28, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in ac-

cordance 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 section 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-7232 Filed 3-10-77;8:45 am]

[Docket No. ER76-45]

CONSUMERS POWER CO.**Order Approving Settlement**

MARCH 7, 1977.

On December 16, 1976, the Presiding Administrative Law Judge in this proceeding certified to the Commission a proposed Settlement Agreement together with the evidentiary record and certain exhibits and testimony not introduced in the formal proceedings. The Commission finds that the Settlement Agreement is in the public interest and accepts and approves it as hereinafter ordered and conditioned.

Proceedings were initiated on July 30, 1975 when Consumers Power Company (Consumers) submitted for filing proposed rate increases under eighteen FPC rate schedules totaling \$5,065,568. By order issued August 29, 1975, the Commission accepted the proposed rate increases for filing, suspended them for one month, and permitted them to become effective September 30, 1975. The Commission instituted a separate proceeding under this docket designated as Phase II to investigate allegations by an intervenor, Publicly Owned Systems (Systems), of certain anti-competitive practices of Consumers concerning pooling and arrangements of interchange and coordination. Phase I concerned the law-

fulness and reasonableness of the rates and charges proposed in the filing.

As a result of a formal settlement conference held on June 3, 1976 and other discussions between the parties, an uncontested settlement agreement was reached. The settlement is proposed to dispose of issues in both Phase I and Phase II of this proceeding. The settlement rate would provide a rate increase of \$4,058 million.

Consumers is presently a party to anti-trust proceedings at the Nuclear Regulatory Commission with regard to its application to construct Midland Nuclear Units 1 and 2 (Docket Nos. 50-329A and 330A). Under the proposed settlement, Consumers agrees not to request stay of a final order of the NRC in the Midland antitrust proceeding. Consumers so agrees subject to certain provisions, among them, that in the event that the NRC license conditions require Consumers to file new agreements with the FPC, these filings will contain provisions to automatically terminate should they be deemed unlawful on appeal.

Public notice of certification of the proposed agreement was issued on December 29, 1976 with responses due on or before January 12, 1977. Staff and Systems filed comments in support of the proposed settlement.

Based on our review of the record in these proceedings, including the settlement agreement itself, we conclude that the settlement agreement represents a reasonable resolution of the issues in the proceedings in the public interest. Accordingly, the settlement should be approved.

The Commission finds: The settlement agreement certified by the Presiding Judge to the Commission in this docket should be approved and made effective, as hereinafter ordered.

The Commission orders: (A) The settlement agreement certified by the Presiding Judge in this docket on December 16, 1976, is hereby approved and made effective, and is incorporated herein by reference.

(B) Within 30 days from the date of this order, Consumers shall file with the Commission revised tariff sheets in conformance with the settlement agreement.

(C) Within 30 days after the settlement tariff sheets are accepted for filing, Consumers shall refund amounts collected in excess of the settlement rates based on service rendered after September 20, 1975, together with simple interest computed at 9% per annum.

(D) Within 20 days after refunds have been made, Consumers shall file with the Commission a compliance report showing monthly billing determinants and revenues under prior, present and settlement rates; the monthly settlement rate increase; the monthly rate refund; and the monthly interest computation, together with a summary of such information for the total refund period. A copy of such report shall also be furnished to each State Commission within whose jurisdiction the wholesale customers distribute and sell electric energy at retail.

(E) Consumers shall file with the

Commission increases to rates resulting from application of the tax adjustment provision of Rate "WR", together with computation showing the basis for the changes in rates, pursuant to appropriate Commission Regulations.

(F) In the event that filings are made with the Commission as a result of NRC orders arising from the Midland antitrust proceeding (Docket Nos. 50-329A and 330A) and that the automatic termination provisions of such filings are invoked, Consumers shall promptly notify the Commission as to the date on which the termination provisions of the filings became effective.

(G) This order is without prejudice to any findings or orders which have been made or which will hereafter be made by the Commission, and is without prejudice to any claims or contentions which may be made by the Commission, its staff, or any party or person affected by this order in any proceedings now pending or hereafter instituted by or against Consumers or any other person or party.

(H) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 77-7239 Filed 3-10-77; 8:45 am]

[Project No. 2740]

**DUKE POWER CO.; SOUTH CAROLINA
(BAD CREEK PUMPED STORAGE
PROJECT)**

**Availability of Environmental Impact
Statement for Inspection**

Notice is hereby given that on or about March 14, 1977, as required by the Commission Rules and Regulations under Order 415-C, issued December 18, 1972, a final environmental impact statement prepared by the Commission's staff pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969 (Public Law 91-100) was placed in the public files of the Federal Power Commission. This statement deals with the environmental impact of the issuance of a Federal Power Commission license to Duke Power Company which would authorize the construction of the proposed Bad Creek Pumped Storage Project. The proposed project would be located on Bad and West Bad Creeks in Oconee County, South Carolina. Essentially, the proposed project would consist of dams across Bad and West Bad Creeks which would impound a 318 acre upper reservoir, utilization of existing Lake Jocassee as a lower reservoir, a tunnel which would connect the two reservoirs, an underground powerhouse containing 4 reversible pumping-generating units totaling 1,000 MW of generating capacity, and a 525-kV transmission line approximately 18 miles in length using new and existing right-of-way. This statement is available for public inspection in the Commission's Office of Public Information, Room 1000, 825 North Capitol Street NE., Washington, D.C.

20426 and its Atlanta Regional Office located at 730 Peachtree Building, Room 500, Atlanta, Georgia 30308. Copies may be ordered from the Commission's Office of Public Information, Washington, D.C. 20426.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 77-7216 Filed 3-10-77; 8:45 am]

[Docket No. ES77-7]

EL PASO ELECTRIC CO.

Application

MARCH 4, 1977.

Take notice that on February 18, 1977, El Paso Electric Company (Applicant), filed an application with the Federal Power Commission (the "Commission") seeking authority pursuant to Section 204 of Federal Power Act to issue \$25,000,000 principal amount of First Mortgage Bonds and \$10,000,000 of Cumulative Preferred Stock, no par value.

The Applicant is incorporated under the laws of Texas with its principal business office at El Paso, Texas, and is engaged in the electric utility business in Texas and New Mexico in an area in the Rio Grande Valley extending approximately 110 miles northwesterly from El Paso to the Caballo Dam in New Mexico and approximately 120 miles southeasterly from El Paso to Van Horn, Texas, with a population of approximately 480,000 of whom 365,000 reside in metropolitan El Paso.

The Applicant proposes to issue \$25,000,000 principal amount of First Mortgage Bonds, 7% Series due 2007, which will be secured by the Applicant's Indenture of Mortgage dated as of October 1, 1946, with State Street Trust Company (now known as State Street Bank and Trust Company) of Boston, Massachusetts, as Trustee, as supplemented and modified and to be further supplemented by a Fourteenth Supplemental Indenture, and \$10,000,000 of Cumulative Preferred Stock, no par value.

The Applicant proposes to sell the New Bonds and New Preferred Stock at competitive bidding in accordance with the Commission's Regulations. The Applicant expects to invite bids on or about April 12, 1977. The New Bonds which will mature on April 1, 2007, and prior to April 1, 1982, none of the New Bonds may be redeemed through certain refunding operations. The New Bonds will be dated April 1, 1977, and will bear interest at the rate determined by the competitive bidding. The New Preferred Stock has no maturity and prior to April 1, 1982, none of the shares of the New Preferred Stock may be redeemed through certain refunding operations. The New Preferred Stock will bear a dividend rate which is to be determined by the competitive bidding.

The proceeds from the sale of the New Bonds and New Preferred Stock will be used to reduce outstanding short-term debt incurred for construction purposes. The short-term debt is expected to aggregate \$37,000,000 at the time of such sale and before the application of the

proceeds. The Applicant's construction program during the period from 1977 through 1979 will require approximately \$240,000,000 in cash expenditures.

Any person desiring to be heard or to make any protest with reference to said application should, on or before March 22, 1977, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). The Application is on file and available for public inspection.

KENNETH F. PLUMS,
Secretary.

[FR Doc.77-7244 Filed 3-10-77;8:45 am]

[Docket No. E77-50]

EMERGENCY NATURAL GAS ACT OF 1977

Emergency Order Pursuant to Section 6 of Pub. L. 95-2

On March 7, 1977, Texas Eastern Transmission Corporation (Texas Eastern) filed, pursuant to section 6 of the Emergency Natural Gas Act of 1977 (Act), Pub. L. 95-2 (91 Stat. 4 (1977)), an application for authorization to purchase up to 7 Bcf of natural gas at a rate not to exceed 50,000 Mcfd from Houston Pipe Line Company (Houston). For the reasons set forth below, I find the terms and conditions of the subject agreement between Houston and Texas Eastern to be fair and equitable and (i) authorize and approve the same, (ii) authorize, approve, and order the transportation and delivery of the subject gas to Texas Eastern, and (iii) authorize and approve the construction and operation of any facilities necessary to transport and deliver these gas supplies to Texas Eastern.

Texas Eastern will purchase these supplies at a price of \$2.20 per MMBtu inclusive of all state and local taxes and other adjustments. I find this price to be fair and equitable in accordance with Order No. 2.

Houston will deliver this gas to Transcontinental Gas Pipe Line Corporation (Transco) at a mutually agreeable point in Fort Bend County, Texas. Transco will deliver the gas to Texas Eastern at an existing interconnection near St. Francisville, Louisiana, or at other mutually agreeable points of interconnection between the two pipelines. Transco may be required to construct or cause to be constructed certain measuring facilities in order to receive this gas from Houston.

Texas Eastern advises and I find that the gas made available by Houston will result in commingling of interstate natural gas with Houston's normal intrastate system gas supply and with volumes of gas owned by other parties. The contractual provisions between Houston and its producers, transporters and other suppliers of gas prohibit the sale of natural gas in interstate commerce and the commingling of their intrastate pipeline system gas supplies with gas moving in interstate commerce. The sale, transportation and delivery of gas for which Texas Eastern seeks approval may result

in some commingling of interstate natural gas with Houston's normal intrastate gas supplies and with gas owned by other third parties. This order shall be considered as applying to all such commingled gas. Under the provisions of § 9(b), (c) of Pub. L. 95-2 (91 Stat. at 9), the suppliers of such gas, which is so commingled, may not terminate existing contracts with Houston or such other parties or require a redetermination of the prices provided in such contracts by reason of this transaction. Contractual termination, prohibition or redetermination provisions in any such contracts referred to above are not enforceable by reason of Section 9 of Public Law 95-2 since Houston is selling, delivering and transporting gas for Texas Eastern pursuant to Section 6(a) of that Act. Houston and any third person whose gas is commingled with Texas Eastern's gas shall refer all relevant information concerning any attempt to terminate existing contracts or require a redetermination of prices to the Administrator for appropriate action.

According to the official files of the Federal Power Commission, Houston is not classified as a natural gas company within the meaning of the Natural Gas Act. Section 6(b) (1) (A) of the Act provides in part that "(t)he provisions of the Natural Gas Act shall not apply * * * to any sale to an interstate pipeline * * * under the authority of subsection (a) or to any transportation by an intrastate pipeline in connection with such sale * * *." 91 Stat. at 8. In addition, § 6(c) (2) provides:

Compliance by any pipeline with any order under this subsection shall not subject such pipeline to regulation under the Natural Gas Act or to regulation as a common carrier under any provision of state law.

Thus, the sale of this gas will not subject Houston or any person supplying gas to Houston to the provisions of the Natural Gas Act or to regulation as a common carrier under state law.

In its contract with Houston, Texas Eastern certified that it is (i) not serving directly or indirectly any natural gas for uses specified in Priorities 4 through 9 (18 CFR 2.78(a) (1) (iv)-(ix)) and (ii) eligible to purchase gas under Order Nos. 6 and 6-A. I find that Texas Eastern has complied with Order No. 6.

Texas Eastern shall submit weekly reports as required by Order No. 4 and shall also submit all relevant information regarding transportation charges to be paid to Transco.

Pursuant to Section 6(a) of the Act, I hereby authorize Houston to sell to Texas Eastern up to a total of 7 Bcf (at a rate not to exceed 50,000 Mcfd) of natural gas on the terms and conditions set forth in Texas Eastern's filing in this proceeding and the March 4, 1977 agreement between Houston and Texas Eastern. Pursuant to Section 6(c) (1) of the Act, I hereby authorize and order (i) Transco to transport gas for Texas Eastern, (ii) Transco to construct, and recover the costs of such construction, any metering facilities necessary to receive

this gas from Houston, and (iii) Texas Eastern to pay the agreed upon charges.

This order is issued pursuant to the authority delegated to me by the President in Executive Order No. 11969 (February 2, 1977), and shall be served upon Texas Eastern, Houston and Transco. This order shall also be published in the FEDERAL REGISTER.

This order and authorization granted herein are subject to the continuing authority of the Administrator under Pub. L. 95-2 and the rules and regulations which may be issued thereunder.

RICHARD L. DUNHAM,
Administrator.

MARCH 7, 1977.

[FR Doc.77-7215 Filed 3-10-77;8:45 am]

[Docket No. CP77-230]

FLORIDA GAS TRANSMISSION CO. AND UNITED GAS PIPE LINE CO.

Application

MARCH 4, 1977.

Take notice that on February 16, 1977, Florida Gas Transmission Company (Florida Gas), P.O. Box 44, Winter Park, Florida 32790, and United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP77-230 a joint 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 between Florida Gas and United and the construction and operation of a new and additional delivery point to effectuate such exchange, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Pursuant to an agreement dated December 14, 1976, Florida Gas proposes to deliver up to 750 Mcf of gas per day to United, and United proposes simultaneously to redeliver equivalent quantities to Florida Gas at presently authorized and existing interconnections between the two systems. It is stated that Florida Gas would cause such gas to be delivered to United at a new and additional delivery point located on United's 8-inch lateral in Sec. 108, T. 17S., R.15E., Terrebonne Parish, Louisiana. It is further stated that the required facilities would consist of a metering and regulation station and approximately 5,800 feet of 2½-inch pipeline, and that such facilities would be constructed by Florida Gas under its currently effective gas purchase budget-type certificate issued on March 8, 1976, in Docket No. CP76-289 (55 FPC ----).

It is asserted that such gas has been contracted for by Florida Gas from Perry R. Bass and is to be produced from the Wilson #1 Well in Terrebonne Parish, Louisiana.

United states that the above-described facilities would also be utilized by it to transport up to 1,000 Mcf of gas per day from the Wilson #1 Well for its own account.

Florida Gas and United state that the proposed exchange of natural gas would provide added flexibility of operation and continuity of service in the event of an emergency, and further, that it is the most economical efficient means of delivering natural gas to their customers.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 28, 1977, 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 Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[PR Doc. 77-7231 Filed 3-10-77; 8:45 am]

[Docket No. RI77-30]

KARIS OIL COMPANY, INC.
Petition for Special Relief

MARCH 4, 1977.

Take notice that on December 20, 1976, Karis Oil Company, Inc., 6607 Orchid Lane, Dallas, Texas 75230, filed a petition for special relief pursuant to Section 2.56a(g) of the Commission's General Policy and Interpretations (18 CFR 2.56a(g)).

Petitioner seeks authorization to charge \$1.80 per Mcf for the sale of gas to Northwest Pipeline Company in consideration for the completion of remedial work on the Government No. 1 Well located in Rio Blanco, Colorado. The subject well was drilled and completed in 1972, but the gas produced therefrom has not as yet been sold in interstate commerce.

Any person desiring to be heard or to make any protest with reference to said petition should on or before March 25, 1977, 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). 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 party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[PR Doc. 77-7240 Filed 3-10-77; 8:45 am]

[Docket No. ER77-221]

KENTUCKY UTILITIES CO.

Tariff Change

MARCH 7, 1977.

Take notice that on March 1, 1977, Kentucky Utilities Company (KU) tendered for filing a change in the demand charge for Unit Power included in Service Schedule B of the Kentucky-Indiana Pool Planning and Operating Agreement, designated as KU's Rate Schedule FPC No. 89. The Agreement is between KU, East Kentucky Power Cooperative, Inc., Indianapolis Power & Light Company, and Public Service Company of Indiana.

The Unit Power Demand Charges are determined by using plant cost per kilowatt, fixed charge rate and annual plant O & M expense. The change in the demand charge results from recalculations of these three figures.

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 25, 1977. 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.

[PR Doc. 77-7221 Filed 3-10-77; 8:45 am]

[Docket No. ER76-678]

**MAINE ELECTRIC POWER COMPANY,
INC.**

Order Granting Late Intervention

MARCH 7, 1977.

On December 23, 1976, the Shrewsbury, Massachusetts ('Mass.') Light

Plant, the Feabody, Mass. Municipal Light Plant, the Danvers, Mass. Electric Department, the Wakefield, Mass. Municipal Light Department, the Marblehead, Mass. Municipal Light Department, the Middleboro, Mass. Gas & Electric Department, the Municipal Lighting Plant of the Town of West Boylston, Mass. and the Middleton, Mass. Light Department (Municipal Systems), and the NEPCO Customer Rate Committee (Rate Committee), which is comprised of Representatives of the Municipal Systems, filed an untimely petition to intervene in the instant proceeding. For the reasons set forth hereinafter the Commission will grant the petition to intervene.

Municipal Systems state that they have entitlements in power purchased by Maine Electric Power Company, Inc. (MEPCO) from the New Brunswick Electric Power Commission (New Brunswick) pursuant to the Power Purchase and Transmission Agreement dated December 1, 1971, which has been filed by MEPCO in this docket, and thereby each has an interest in the outcome of this proceeding. Pursuant to the Power Purchase and Transmission Agreement, Municipal Systems and certain other New England Utilities has agreed to purchase from New Brunswick, pursuant to a Unit Participation Agreement dated November 15, 1971, which has also been filed in this docket.

By order issued September 15, 1976, the Commission, inter alia, instituted an investigation and hearing regarding the aforementioned agreements. By motion dated November 4, 1976, New England Power Company (NEP) requested that the Presiding Administrative Law Judge proceed to establish procedural dates regarding the aforementioned investigation and hearing to determine appropriate conditions, if any, to be imposed by the Commission upon the importation of MEPCO of power from New Brunswick and upon the resale of such power to purchasers under the Power Purchase and Transmission Agreement.

As purchasers under the Power Purchase and Transmission Agreement, Municipal Systems state that they may be adversely affected by the Commission's imposition of any condition upon the importation and resale by MEPCO of New Brunswick power. Furthermore, the Municipal Systems state that their interests cannot be adequately represented by any of the existing parties and that they may be bound by the Commission's action in this proceeding. The Municipal Systems also state that they became aware that an active effort had been undertaken to impose conditions on the importation of New Brunswick Power only upon receipt of NEP's November 4 motion.

Pursuant to a formal Prehearing Conference held on November 9, 1976, in this docket, the Presiding Administrative Law Judge issued a notice dated November 11, 1976, of the contents of NEP's motion to all the signatory parties to the Power Purchase and Transmission Agreement in order to give these parties the opportunity to take such action as they deemed appropriate. A similar no-

tice was published by the Commission in the FEDERAL REGISTER on November 24, 1976.

In light of the foregoing, the Commission concludes that the Municipal Systems and the Rate Committee should be permitted to intervene in this proceeding.

The Commission finds: Participation in this proceeding by the Municipal Systems and the Rate Committee is in the public interest.

The Commission orders: (A) The Municipal Systems and the Rate Committee are hereby permitted to intervene in this proceeding subject to the rules and regulations of the Commission; *Provided, however*, That participation of these parties 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 these parties 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.

(B) The intervention granted herein shall not be the basis for delaying or deferring any procedural schedules heretofore established for the orderly and expeditious disposition of this proceeding.

(C) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission,

KENNETH F. PLUMB,
Secretary.

[FR Doc. 77-7242 Filed 3-10-77; 8:45 am]

[Docket No. CP76-511]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Order Providing Formal Hearing in Limited Term Transportation Application

MARCH 4, 1977.

On September 1, 1976, Natural Gas Pipeline Company of America (Natural) filed in Docket No. CP76-511 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the limited-term transportation and delivery of up to 50,000 Mcf per day of natural gas for United Gas Pipe Line Company (United), and the permanent retention and operation of facilities required to effectuate said transportation service.

Natural proposes to transport for one year gas received from Producer's Gas Company (Producer) for United's account from the points of delivery in Dewey and Woodward Counties, Oklahoma, to a point of interconnection of United's and Natural's lines in Vermilion Parish, Louisiana. Natural also seeks authority to retain in place facilities costing \$24,950 installed to permit the 60-day emergency exchange of gas with United which was initiated on May 20, 1976, and expired on July 17, 1976, pursuant to Section 157.22 of the Commis-

sion's Regulations. The facilities consist of a tap connection at the Woodward County point and a tap connection and measuring facility at the Dewey County point and are to be financed from funds on hand. Natural's Limited Term Gas Transportation Agreement dated August 10, 1976, with United provides for deliveries by United to Natural of up to 50,000 Mcf per day. United has advised that it would deliver an average of 35,000 Mcf per day to Natural.

By order issued October 19, 1976, Producers was granted a limited term certificate in Docket No. CI76-597 authorizing the sale for resale of the aforementioned volumes of gas to United. By the same order, Natural was granted a temporary certificate of public convenience and necessity in the instant docket to transport for the account of United the gas to be purchased by United from Producers in Oklahoma to the point of interconnection of United's line with that of Natural in Vermilion Parish.

In the Commission order issued October 9, 1977, the issue presented herein was succinctly posed:

Natural proposes transportation charge of 15.0¢ per Mcf or 2.5¢ per 100 miles for the approximate 600 miles distance between the points of receipt of the gas in the Oklahoma Panhandle Area and the point of delivery in Southern Louisiana. However, the flow of gas in Natural's pipelines from Oklahoma is in a northerly direction to its markets in Chicago, Illinois, and the flow of gas in Natural's pipelines from Louisiana is also in a northerly direction to Chicago. Natural does not have any facilities connecting the point of receipt of the gas in Oklahoma with the point of delivery in Louisiana. Therefore, no gas is physically transported between the two points and it appears that Natural is merely charging 15.0¢ per Mcf for an exchange of gas. Additionally, during the 60-day emergency exchange of gas, the gas was exchanged on a gas for gas basis and no charges were made by Natural to United.

Our analysis indicates that Natural's proposed 2.5¢ rate per 100 miles appears to be related to the overall cost of transporting gas for its entire system based on actual cost figures and the actual cost of doing business.¹ Since no transportation service per se is rendered by Natural for United's account, and no costs other than the operation of the taps and metering facilities incident thereto are incurred by Natural, the charge herein may be inappropriate and not cost justified, as is well-established by W. C. Feazel, et al., Docket No. G-515 (4 FPC 323). Further, it would appear that in all the other exchange or transportation agreements with other pipelines, no charge has ever before been levied by Natural for displacement.

Despite a request by the Secretary's letter dated September 21, 1976, for cost data justifying the charge, none has been received. For such reasons, we therefore

¹ Docket No. RP76-106.

find that it would be most appropriate to set the matter for formal hearing.

After due notice of the application by publication in the FEDERAL REGISTER on September 29, 1976 (48 F.R. 42980), United filed a timely petition to intervene in support of the application. No interventions or petitions have been filed in opposition to Natural's application.

The Commission finds: (1) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that a public hearing be held on the matters involved and the issues presented in these proceedings as hereinbefore described.

(2) Participation in these proceedings by aforementioned intervenor may be in the public interest.

The Commission orders: (A) The proceeding in Docket No. CP76-511 is hereby set for hearing and disposition.

(B) Pursuant to the Natural Gas Act, particularly Sections 4, 5, and 15 thereof, the Commission's Rules of Practice and Procedure (18 C.F.R. Part 1), and the Regulations under the Natural Gas Act (18 C.F.R. Chapter I, Subchapter E), and a prehearing conference shall be held on April 18, 1977, commencing at 10:00 a.m. in a hearing room of the Federal Power Commission, 825 North Capitol Street, Washington, D.C. 20426, to discuss procedural issues and the clarification of issues.

(C) An administrative Law Judge, to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 C.F.R. § 3.5(d)), shall preside at the prehearing conference in this proceeding, with authority to establish and change all procedural dates, and to rule on all motions (with the sole exceptions of petitions to intervene, motions to consolidate or sever, and motions to dismiss), as provided for in the Rules of Practice and Procedure.

(D) The direct case of Natural, including testimony on the issues raised by this order, shall be filed and served on all parties, the Presiding Administrative Law Judge, and the Commission Staff on or before March 28, 1977. All supporting intervenors shall file testimony and exhibits comprising their cases in chief on or before April 4, 1977. Similarly, opposing intervenors and Staff may file their testimony on or before April 11, 1977, and should said filing give rise to the need for Natural or supporting intervenors to file in rebuttal, the same shall be done on or before April 14, 1977.

(E) United is permitted to intervene in the instant proceeding 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 ag-

grieved because of any order of the Commission entered in the proceeding.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 77-7237 Filed 3-10-77; 8:45 am]

[Docket No. CP77-226]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Filing Initial Rate Schedule

MARCH 4, 1977.

Take notice that on February 24, 1977, Natural Gas Pipeline Company of America (Natural) tendered for filing initial Rate Schedule X-81 consisting of Original Sheet Nos. 861-876 to be part of Natural's FPC Gas Tariff, Second Revised Volume No. 2.

Rate Schedule X-81 relates to a Gas Exchange Agreement between Natural and United Gas Pipe Line Company (United), dated February 9, 1977. This agreement is the subject of a Joint Abbreviated Application for Certificate of Public Convenience and Necessity and Request for Temporary Certificate filed by Natural on February 16, 1977, at Docket No. CP77-226.

Natural asked for waiver of the regulations to the extent necessary to permit the filing to become effective on the date certificate authorization is granted by the Commission.

Any person desiring to be heard or to make any protest with reference to said application, on or before March 22, 1977, should 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). 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.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 77-7234 Filed 3-10-77; 8:45 am]

[Docket No. CP77-263]

NORTHWEST PIPELINE CORPORATION
Application

MARCH 4, 1977.

Take notice that on February 28, 1977, Northwest Pipeline Corporation (Applicant), P.O. Box 1526, Salt Lake City, Utah 84110, filed in Docket No. CP77-263 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale to and the exchange of natural gas with RMNG Gathering Company (RMNG), all as more fully

set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that pursuant to a gas purchase contract dated January 25, 1977, between it and Palmer Oil and Gas Company (Palmer), it has acquired a new source of gas supply in the Bar-X Field area of Garfield County, Colorado, which is remote from Applicant's existing transmission system. Applicant further states that in order to make the volumes of gas to be purchased from Palmer available to its transmission system at the least possible investment, it has entered into a gas purchase, transportation and exchange agreement with RMNG dated February 2, 1977. It is stated that Applicant would deliver the volumes purchased from Palmer to RMNG at a mutually agreeable point on RMNG's gathering facilities in or near Sec. 23, T.7S., R.104W., Garfield County, Colorado, and RMNG would redeliver such volumes, subject to RMNG's right to purchase up to 25 percent of the volumes delivered for exchange, at an existing point of interconnection between the facilities of Applicant and RMNG in or near Sec. 29, T.8S., R.103W., Mesa County, Colorado.

It is asserted that the volumes to be delivered to RMNG would be gathered by Applicant and transported to the facilities of RMNG. It is further asserted that Applicant proposes to construct the necessary gathering facilities pursuant to its budget-type authorization issued on October 19, 1976, in Docket No. CP76-459 (56 FPC _____).

Applicant states that the agreement with RMNG is for a primary term of ten years commencing on the first day of the month following the initiation of deliveries thereunder and on a year to year basis thereafter. Applicant estimates that initially the total volumes of gas to be delivered to RMNG would be approximately 260 Mcf per day.

It is stated that RMNG has a continuing option to purchase from Applicant up to 25 percent of the volumes of natural gas delivered to RMNG for a price equal to the purchase gas cost paid by Applicant to Palmer, which cost is currently \$1.44 per Mcf. It is further stated that Applicant has agreed to pay RMNG a transportation charge of 8.0 cents per Mcf, and RMNG reserves the right to change the transportation charge to reflect changes in its cost-of-service.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 29, 1977, 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. 77-7227 Filed 3-10-77; 8:45 am]

[Docket No. ER77-215]

OKLAHOMA GAS AND ELECTRIC CO.
Filing of Wholesale Electric Service Agreements

MARCH 4, 1977.

Take notice that Oklahoma Gas and Electric Company, on February 28, 1977, tendered for filing Electric Service Agreements for the Cities of Tecumseh and Wynnewood and the Towns of Manchester and Orlando, Oklahoma. The proposed Electric Service Agreements cancel and supersede contracts for Tecumseh, Wynnewood, Manchester and Orlando dated March 8, 1960, April 4, 1960, March 30, 1960, and April 18, 1960, respectively. The proposed effective dates are April 1, 1977 for Tecumseh and Manchester, April 4, 1977 for Wynnewood and April 18, 1977 for Orlando.

The proposed rates are identical to those presently on file and permitted to become effective on April 1, 1977, subject to refund, in Federal Power Commission Tariff, Original Volume No. 1—Municipalities.

OG&E states that copies of the proposed Electric Service Agreements have been mailed to Tecumseh, Wynnewood, Manchester and Orlando and to the Corporation Commission of the State of Oklahoma.

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 24, 1977. 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. 77-7230 Filed 3-10-77; 8:45 am]

[Project No. 2781]

PACIFIC GAS AND ELECTRIC CO.
Application for Transmission Line
License

MARCH 7, 1977.

Public notice is hereby given that an application for license was filed on October 22, 1976, under the Federal Power Act, 16 U.S.C. §§ 791a-825r, by Pacific Gas and Electric Company (Correspondence to: Mr. W. M. Gallavan, Vice President-Rates and Valuation, Pacific Gas and Electric Company, 77 Beale Street, San Francisco, CA 94106) to construct, operate, and maintain a transmission line designated P.P.C. Project No. 2781, to be located in Calaveras, Tuolumne, and Stanislaus Counties, California, partially on lands of the United States administered by the Corps of Engineers, Department of the Army.

The proposed development consists of a 23-mile long 230-kV transmission line extending from the New Melones Switchyard to the Applicant's existing Bellota-Herdon 230-kV line in the vicinity of the Warnerville Substation. The proposed three-phase double circuit 230-kV line would be supported on steel lattice towers, and would carry power generated at the U.S. Bureau of Reclamation's New Melones Powerhouse.

Any person desiring to be heard or to make protest with reference to said application should on or before May 23, 1977, 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 § 1.18 or § 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and available for public inspection.

Take further notice that, pursuant to the authority contained in and conferred upon the Federal Power Commission by Sections 308 and 309 of the Federal Power Act (16 U.S.C. § 825g, § 825h) and the Commission's Rules of Practice and Procedure, specifically Section 1.32(b) (18 CFR § 1.32(b)), as amended by Order No. 518, a hearing may be held without further notice be-

fore the Commission on this matter if requested by the Applicant and if no issue of substance is raised by any request to be heard, protest or petition filed subsequent to this notice within the time required herein. If an issue of substance is so raised, further notice or hearing will be given. Under this shortened procedure, unless otherwise advised, it would be unnecessary for the Applicant to appear or be represented at the hearing before the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 77-7233 Filed 3-10-77; 8:45 am]

[Project No. 2784]

PACIFIC GAS AND ELECTRIC CO.
Application for Transmission Line
License

MARCH 4, 1977.

Public notice is hereby given that application was filed on December 6, 1976, under the Federal Power Act (16 U.S.C. 791a-825r) by Pacific Gas and Electric Company (Correspondence to: Mr. W. M. Gallavan, Vice President-Rates and Valuation, Pacific Gas and Electric Company, 77 Beale Street, San Francisco, California 94106) for license to construct, operate, and maintain a 60-kV wood pole transmission line. The proposed Rollins Transmission Line would extend approximately 3,800 feet from Nevada Irrigation District's proposed Rollins Power Plant to Pacific Gas and Electric Company's existing Colfax Junction-Grass Valley 60-kV line. The proposed Rollins Power Plant would be located at the existing Rollins Dam (part of Yuba-Bear Project No. 2266) on the Bear River in Placer and Nevada Counties, California.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 15, 1977, 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). 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. The application is on file with the Commission and is available for public inspection.

Take further notice that, pursuant to the authority contained in and conferred upon the Federal Power Commission by Sections 308 and 309 of the Federal Power Act (16 U.S.C. § 825g, § 825h) and the Commission's Rules of Practice and Procedure, specifically Section 1.32(b) (18 CFR § 1.32(b)), as amended by Order No. 518, a hearing may be held without further notice before the Com-

mission on this application if no issue of substance is raised by any request to be heard, protest or petition filed subsequent to this notice within the time required herein and if the applicant or initial pleader requests that the shortened procedure of § 1.32(b) be used. If an issue of substance is so raised or applicant or initial pleader fails to request the shortened procedure, further notice of hearing will be given.

Under the shortened procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant or initial pleader to appear or be represented at the hearing before the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 77-7235 Filed 3-10-77; 8:45 am]

[Docket No. ER76-820]

**PUBLIC SERVICE COMPANY OF
OKLAHOMA**

Order Establishing 206 Proceeding, Permitting Intervention, Denying Motion for Summary Disposition and Setting Procedural Dates

MARCH 7, 1977.

On July 30, 1976, the Public Service Company of Oklahoma (PSCO) tendered for filing a complaint requesting the Commission to institute an investigation under Section 206(a) of the Federal Power Act of the Company's present wholesale rate to Grand River Dam Authority (GRDA), known as the Markham Ferry Coordination Agreement¹ (Agreement). The Agreement is a fixed rate, long-term contract providing for limited contract rate adjustments with an initial term of 35 years ending May 1, 1999, or until final payment of the indebtedness represented by bonds issued by GRDA for construction of the Markham Ferry Project, with an additional term not to extend beyond 50 years from the effective date of the Agreement (2004) unless cancelled by two years' prior written notice by either party. PSCO's filing also included a proposed increase in rates which would produce additional revenue in the amount of \$9,055,158 (46.5%) based on a test period consisting of twelve months ending December 31, 1976.

PSCO's complaint alleges that the presently effective contract rates are unjust, unreasonable, and contrary to the public interest in that the rates are confiscatory, impair PSCO's ability to serve all customers, grant an undue preference to GRDA, promote waste of natural gas and create an undue business risk affecting PSCO and its other customers. In support of the allegations, PSCO states that the intent of the Agreement was to provide mutual rights and obligations under which either party could from time to time be a buyer or a seller of power or energy. PSCO asserts that since

¹ Dated August 5, 1957 and filed with the Commission with an effective date of May 1, 1964, designated PSCO-FPC Rate Schedule No. 162.

GRDA refused to install sufficient firm and peaking capacity to provide for its own system needs, GRDA is becoming only a buyer of capacity, and thus vitiating the Agreement's balance of benefits and burdens. PSCO contends that the present situation encourages waste of natural gas consumed in the operation of its facilities to provide substitute firm and peaking power to GRDA.

PSCO further supports its allegations by stating that the periodic rate adjustments provided for in the Agreement have a built-in lag of one year for energy rates and five years for demand rates, and are thus, wholly inadequate to reflect the cost of service to GRDA. The company's cost of service submitted with the complaint shows PSCO earning a negative 7.16 percent rate of return on sales to GRDA during 1975, and that absent the rate relief requested, the company will experience a negative 5.23 percent rate of return on such sales in 1976. Such a condition, PSCO claims, is against the public interest since PSCO would be forced either to forego construction necessary to meet service requirements, to obtain the necessary funds at substantially increased financing costs to all its customers or to seek to recoup the deficit on GRDA service from its other customers.

Notice of PSCO's complaint was issued on August 10, 1976, with a due date for comments on or before August 17, 1976. On August 16, 1976, GRDA filed a motion for extension of time to file responses and petition to intervene. On August 17, 1976, KAMO Electric Cooperative, Inc. (KAMO), the largest customer of GRDA, filed a petition to intervene. On August 23, 1976, a notice was issued extending the time within which to file protests and petitions to intervene to September 9, 1976. On August 27, 1976, PSCO filed a response to KAMO's petition to intervene stating that it had no objection to the intervention. On September 8, 1976, GRDA filed a protest, petition to intervene and a motion for summary disposition. On October 6, 1976, after PSCO filed a motion for extension of time to answer the protest, petition to intervene and motion for summary disposition filed by GRDA, PSCO filed its answer to GRDA's filing before the October 8 deadline. GRDA filed a reply to PSCO's answer on October 27, 1976, and PSCO filed an objection to consideration of GRDA's reply on November 4, 1976, followed by a response on November 10, 1976 by GRDA to PSCO's objection to consideration of GRDA's reply. Protests were filed by numerous GRDA customers. For the reasons hereinafter stated, the Commission shall institute a section 206(a) investigation, permit intervention by GRDA and KAMO, deny the motion for summary disposition and set procedural dates.

GRDA's initial answer to PSCO's complaint, entitled "Protest, Petition to Intervene and Motion for Summary Disposition", requested that the Commission dismiss the complaint of PSCO for failure to meet the burden of proof required

in *Sierra Mobile cases*¹ citing in support of the motion, Carolina Power & Light Company,² Appalachian Power Company,³ Metropolitan Edison Company,⁴ and Transcontinental Gas Pipe Line Corp.⁵ If the motion for summary disposition was not granted, GRDA requested in the alternative, to be allowed to intervene. PSCO completely denied the allegations by GRDA in its answer dated October 16, 1976, distinguishing the cases cited by GRDA for the proposition that summary disposition of PSCO's case-in-chief is proper, by noting that the cases cited by GRDA (discussed above) were summarily disposed of only after a full evidentiary hearing or as in Transcontinental Gas Pipe Line Corp. where the company as a matter of then current Commission policy could not possibly justify its position at a formal hearing.⁶

GRDA replied to PSCO's answer on October 27, reasserting the arguments used in its initial answer. On November 4, PSCO objected to GRDA's reply on the procedural basis that the Commission's Rules of Practice and procedure, Section 1.12, concerning motion practice, does not provide for filing of replies nor does Section 1.9, dealing with answers, unless the defendants seek affirmative relief,⁷ which PSCO alleged, GRDA did not. GRDA responded to PSCO's allegations on November 10, 1976 by reasserting the allegations in its initial answer to PSCO and further asserting that the motion for summary disposition was a request for affirmative relief.

On January 26, 1977, PSCO tendered for filing a superseding supplement to its rate schedule, FPC No. 162, intended to revise energy rates pursuant to contractually allowed yearly adjustment. PSCO stated that the filing, designated FPC Docket No. ER77-170 would increase revenues to PSCO by \$10,144,715.

Our review of the complaint, protests, petitions to intervene and the pleadings on the motion for summary disposition indicates that PSCO has raised issues which require development in an evidentiary proceeding. We need not rule on PSCO's objection to consideration of the reply of GRDA dated November 4, since GRDA's reply merely reasserts the arguments in the initial answer. Further, we determine that Grand River Dam Authority and KAMO Electric Cooperative Inc. have standing to intervene in this docket.

We conclude that a Section 206 investigation of PSCO's FPC Rate Schedule

¹ *United Gas Pipe Line Co. v. Mobile Gas Service Corp.*, 350 U.S. 332, and *FPC v. Sierra Pacific Power Co.*, 350 U.S. 348 (1956).

² Opinion No. 717, issued December 17, 1974.

³ Docket No. E-7775, Order on Rehearing issued June 9, 1975; ALJ Decision on Rates, issued November 13, 1974.

⁴ Docket No. E-8852, Opinion No. 764, issued June 1, 1976, Initial Decision issued September 2, 1975.

⁵ Docket No. RP 75-75, Order Granting Staff Motion for Summary Disposition issued September 9, 1975, p. 3.

⁶ Docket No. RP75-75 (September 29, 1975).

⁷ 18 CFR Section 1.9(f).

No. 162 is necessary to determine whether a sufficient showing can be made so as to satisfy the test enunciated by the Supreme Court in the *Sierra case*⁸.

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 into an investigation under Section 206 of the Federal Power Act concerning the lawfulness of PSCO's fixed rate contract with GRDA.

(2) Good cause exists to deny GRDA's motion for summary disposition.

(3) GRDA and KAMO should be allowed to intervene in the proceeding herein instituted.

(4) PSCO should amend its Cost of Service Study to reflect revenues from the annual rate change to GRDA in Docket No. ER77-170.

The Commission Orders: (A) Pursuant to the authority of the Federal Power Act particularly Section 206 thereof, and the Commission's Rules and Regulations and the Regulations under the Federal Power Act, a public hearing shall be held on August 8, 1977, at 10:00 a.m., in a public hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, concerning the lawfulness and reasonableness of PSCO's fixed rate contract with GRDA. A Presiding Administrative Law Judge is hereby authorized to establish all procedural dates and to rule upon all motions (with the exceptions of petitions to intervene, motions to consolidate and sever and motions to dismiss), as provided for in the Rules of Practice and Procedure.

(B) GRDA & KAMO are hereby permitted to intervene in the proceeding herein instituted.

(C) GRDA's motion for summary disposition is hereby denied.

(D) Within 30 days of the issuance of this order, PSCO shall amend its Cost of Service Study filed with us in the present docket to reflect additional revenues that would be generated by the annual rate change to GRDA, filed in Docket No. ER77-170.

(E) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 77-7228 Filed 3-10-77; 8:45 am]

[Project No. 67]

SOUTHERN CALIFORNIA EDISON CO.
Issuance of Annual License

MARCH 4, 1977.

On February 12, 1970, Southern California Edison Company, Licensee for the Big Creek No. 2A and No. 8 Project No. 67, located in Fresno County, California,

⁸ *Federal Power Commission v. Sierra Pacific Power Company* 350 U.S. 348 (1956).

on the San Joaquin River, filed an application for a new license pursuant to the Federal Power Act and Commission Regulations thereunder.

The license for Project No. 67 was issued effective March 3, 1921, for a period ending March 2, 1971. Since expiration of the original license, the project has been maintained and operated under annual licenses, the most recent of which will expire on March 2, 1977. In order to authorize the continued operation and maintenance of the project, pending Commission action on Licensee's application, it is appropriate and in the public interest to issue an annual license to the Southern California Edison Company.

Take notice that an annual license is issued to the Southern California Edison Company for the period March 3, 1977, to March 2, 1978, or until Federal takeover, or until the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Big Creek No. 2A and No. 8 Project No. 67 subject to the terms and conditions of the original license. Take further notice that if Federal takeover or issuance of a new license does not take place on or before March 2, 1978, a new annual license will be issued each year thereafter, effective March 3 of each year, until such time as Federal takeover takes place or a new license is issued, without further notice being given by the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 77-7224 Filed 3-10-77; 8:45 am]

[Docket No. ER76-20]

SUPERIOR WATER, LIGHT, AND POWER CO.

Filing of Settlement Agreement

(MARCH 7, 1977).

Take notice that on February 13, 1977, the Superior Water, Light and Power Company submitted a Settlement Agreement in the above named docket.

On February 25, 1977, the Presiding Administrative Law Judge certified the offer of settlement in this contested proceeding to the Commission for its consideration and ruling.

The proposed settlement provides for an increase in Superior's rates for service to Dahlberg Light and Power Company of \$19,845, plus any increase in the cost of power purchased by Superior from Minnesota Power and Light Company under the rates finally approved by the Federal Power Commission in Docket No. E-9502. It also provides for a refund of sums collected by Superior, subject to refund, in excess of the amounts determined to be the appropriate rate.

The proposed settlement further provides that in the event the Commission, upon a final order in Docket No. E-8494, reduces the ratchet on demand contained in Minnesota Power and Light Company's proposed Rate Schedule No. 90, Superior will reduce the ratchet on

demand contained in its proposed Rate Schedule W-4 (revised).

Any person wishing to do so may submit comments in writing concerning the proposed Settlement Agreement to the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before April 11, 1977. The Settlement Agreement is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 77-7223 Filed 3-10-77; 8:45 am]

TENNESSEE GAS TRANSMISSION CO. ET AL.

Proceeding for Disbursement of Escrowed Funds

MARCH 4, 1977.

Tennessee Gas Transmission Company, Continental Oil Company, Mobil Oil Corporation (successor to Magnolia Petroleum Company), Newmont Oil Company, Continental Oil Company, Atlantic Richfield Company (successor to Atlantic Refining Company), Cities Service Oil Company, Getty Oil Company (successor to Tidewater Oil Company).

Take Notice that: On September 30, 1976, the above-captioned producers (Applicants) submitted a joint petition in the above-captioned dockets for orders directing disbursement of escrowed funds.

The petition states the following: By various orders heretofore entered in the above-referenced dockets the Commission issued permanent certificates of public convenience and necessity for the sale of natural gas by Applicants to Tennessee Gas Transmission Company (Tennessee). All the sales so certificated involved deliveries from properties situated in the Southern Louisiana Area as designated by the Commission and more particularly within the so-called "Disputed Zone." The afore-said orders approved settlement proposals filed in each of the referenced dockets. All of the settlements provided for a price of 20.625 cents per Mcf and for a moratorium on rate increases for a period of five years and for a term ending June 30, 1967. Each of the orders was without prejudice to the outcome of area rate proceedings under Section 5 of the Natural Gas Act.

In accordance with the settlement proposals, the Commission ordered 1.625 cent per Mcf escrowed by Tennessee in the case of the MCN certificate applications, *Mobil Oil Corporation*, Docket No. G-13827, *Continental Oil Company*, Docket No. G-13680, and *Newmont Oil Company*, Docket No. G-13948; and 1.0 cent per Mcf escrowed by Tennessee in the case of the CAGC certificate applications, *Continental Oil Company*, Docket No. G-19855, *Atlantic Richfield Company*, Docket No. G-19580, *Getty Oil Company*, Docket No. G-19900, and *Cities Service Oil Company*, Docket No. G-19851.

Tennessee entered into an Escrow Agreement dated September 24, 1965, with Tennessee Bank and Trust Company, Houston, Texas, relating to the MCN applications. Pursuant thereto 1.625 cents for each Mcf of gas delivered from the subject MCN properties was escrowed until December 1970, after which Tennessee stopped such Escrow payments.

Tennessee entered into an Escrow Agreement dated June 18, 1963, with Tennessee Bank and Trust Company relating to the CAGC applications. Pursuant thereto 1.0 cents for each Mcf of gas delivered from the subject CAGC properties was escrowed until December 1970, after which Tennessee stopped such escrow payments.

Tennessee further states that as of July 2, 1976, the invested funds in the MCN-Tennessee account was valued at \$1,119,810.15 and the invested funds in the CAGC-TGT account was valued at \$721,644.50.

APPLICANTS' REQUEST

Applicants' request: (1) That the Commission effect release of the escrowed funds and interest to Applicants severally in the amounts of their interest and (2) that the Commission authorize and order the disbursement of such escrow funds in a manner similar to that set forth in the Commission's Order Conditionally Accepting Settlement Proposal, issued October 29, 1974, in *Kerr-McGee Corporation, et al.*, Docket No. CI67-1594, et al. The most salient feature of the Kerr-McGee settlement was that the escrowed funds (also relating to sales from the Disputed Zone in Southern Louisiana) were disbursed to the producers involved for utilization in an exploration and development program designed to obtain natural gas for the pipeline purchaser's system. It was provided that the program was to be funded by \$3.00 of new money to be furnished by the producers for every \$2.00 of the refund money.

Any person desiring to be heard or to make any protest with reference to said petition should on or before March 25, 1977, 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). 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 party 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.

Tennessee and Applicants are already parties to this proceeding and need not request intervention.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 77-7241 Filed 3-10-77; 8:45 am]

[Docket No. RP77-38]

TEXAS GAS TRANSMISSION CORP.

Filing Transportation Rate Schedule

MARCH 7, 1977.

Take notice that on February 24, 1977, Texas Gas Transmission Corporation (Texas Gas) submitted for filing as part of its FPC Gas Tariff, Third Revised Volume No. 1, the below listed tariff sheets proposed to be effective on February 24, 1977:

Original Sheet No. 7-A
Original Sheet Nos. 41 through 45
Original Sheet Nos. 133 through 140
First Revised Sheet No. 78

Texas Gas states the purpose of the filing is in response to the Federal Power Commission's (Commission) Administrative Order No. 164, wherein the Commission found it appropriate for a regulated pipeline to include a transportation rate schedule in its tariff on file with the Commission in order to help expedite the disposition of service requests for relief of existing or contemplated curtailment.

In view of the need for expedition, Texas Gas has requested waiver of the Commission's Regulations to the extent necessary so as to permit the tariff sheets to become effective on February 24, 1977.

Texas Gas states that copies of the filing have been mailed to each of its jurisdictional customers and interested state commissions.

Any persons 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 18, 1977. 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 inspections.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-7219 Filed 3-10-77;8:45 am]

[Docket No. CP74-33]

TRANSCONTINENTAL GAS PIPE LINE
CORP.

Petition To Amend

MARCH 7, 1977.

Take notice that on March 1, 1977, Transcontinental Gas Pipe Line Corporation (Petitioner), P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP74-33 a petition to amend the Com-

mission's order issued pursuant to Section 7(c) of the Natural Gas Act on February 26, 1975 (53 FPC ----), as amended on August 31, 1976 (56 FPC ----), in the instant docket so as to authorize an increase in the top capacity of the Washington Storage Field and an additional storage service to its customers, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

It is stated that on February 26, 1975, the Commission authorized Petitioner to acquire the Washington Field for gas storage purposes, to construct and operate facilities, and to render storage service from the field to customers which had subscribed for such service. Petitioner states that it was authorized to develop top storage capacity of 30,000,000 Mcf, which development was to be reached in three stages so that the full 30,000,000 Mcf of withdrawal inventory would be achieved by the 1978-79 winter season.

It is further stated that the Commission in its amending order issued August 31, 1976, authorized Petitioner to render additional storage service within the authorized top storage capacity of 30,000,000 Mcf, to increase permanent compression, and to modify field piping.

Petitioner proposes to amend further the Commission's order of February 26, 1975, by increasing the top capacity of the Washington Storage Field to 40,000,000 Mcf and by rendering additional storage service to its customers. Petitioner states that it has secured commitments from its customers for an additional 9,300,000 Mcf of top gas capacity, which level of service is to be reached by the 1977-78 withdrawal season. Petitioner further states that the remaining 700,000 Mcf of proposed top capacity would be subscribed in the near future.

It is asserted that the additional 10,000,000 Mcf of top storage capacity can be developed without the necessity for additional injected base gas in excess of the approximately 29,000,000 Mcf of injected base gas required for the 30,000,000 Mcf of top storage capacity presently authorized for the 1977-78 withdrawal season. It is further asserted that the only additional facilities required to effectuate the proposed expansion of storage capacity are an additional 200,000 Mcf per day gas dehydration train and appurtenant facilities, which are estimated to cost \$785,000. Petitioner states that the proposed facilities would be financed initially from short-term loans and available cash, and permanent financing would be undertaken as a part of an overall financing program at a later date.

Petitioner states that the commitments secured from its customers for additional storage service are as follows:

Customer	Proposed additional quantity (in dekatherms)	Revised total allocated quantities (in dekatherms)
Atlanta Gas Light Co.		2,222,000
The Brooklyn Union Gas Co.	1,201,800	11,493,500
Carolina Pipeline Co.	489,375	1,000,000
Clinton-Newberry Natural Gas Authority		400,000
Consolidated Edison Co., of New York, Inc.		4,171,405
City of Danville, Va.	100,000	153,735
Delmarva Power & Light Co.	1,000,000	1,113,345
Eastern Shore Natural Gas Co.	22,600	70,000
Elizabethtown Gas Co.	451,810	1,807,235
City of Laurens, S.C.	25,000	41,200
Long Island Lighting Co.		1,308,425
North Carolina Gas Service		250,000
North Carolina Natural Gas Corp.	1,000,000	2,141,720
Owens-Corning Fiberglas Corp.	1,000,000	1,020,080
Pennsylvania Gas & Water Co.	720,000	720,000
Philadelphia Electric Co.		2,144,000
Philadelphia Gas Works	110,000	440,355
Piedmont Natural Gas Co., Inc.	1,000,000	3,424,550
Public Service Co. of North Carolina, Inc.	400,000	1,713,235
City of Shelby, N.C.		11,000
South Jersey Gas Co.	1,000,000	1,257,135
UGI Corp.		125,000
Union Gas Co.	250,505	300,000
United Cities Gas Co.—Georgia Division	50,000	216,735
United Cities Gas Co.—North Carolina and South Carolina Division	50,000	220,485
Virginia Pipe Line Co.	120,000	120,000
Washington Gas Light Co.	371,300	1,485,040
Total	9,371,500	39,371,500

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before March 28, 1977, 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.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-7217 Filed 3-10-77;8:45 am]

[Docket No. CP76-279]

TRANSCONTINENTAL GAS PIPE LINE
CORP.

Withdrawal and Cancellation of Hearing

MARCH 4, 1977.

On March 3, 1977, Transcontinental Gas Pipe Line Corporation (Transco) filed a withdrawal of its application filed February 3, 1977, to amend the initial application in the above-docketed proceeding to add Burlington, Industries' offices

at Rockleigh, New Jersey to its transportation arrangement. Transco also filed a withdrawal of that portion of its February 11, 1977, application to further amend which sought to add, among others, Burlington's facilities in Stokesdale, North Carolina and Reidsville, North Carolina. Transco states that these facilities would utilize the gas to be transported for boiler fuel, contrary to Transco's policy with respect to Order No. 533 transportation services. The Commission's order of February 25, 1977 set the applications to amend for hearing on the issue of boiler fuel use in an application under Section 2.79 of the Commission's General Policy and Interpretations.

Notice is hereby given that pursuant to Section 1.11(d) of the Commission's Rules of Practice and Procedure, the withdrawals of the amended applications as described above shall become effective April 4, 1977. Since the hearing scheduled for March 7, 1977, would appear to be mooted by such withdrawals, said hearing is cancelled subject to further review by the Commission of Transco's amended applications.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-7236 Filed 3-10-77;8:45 am]

[Docket No. ER77-218]

TUCSON GAS & ELECTRIC CO.

Filing of Sale Agreement

MARCH 7, 1977.

Take notice that Tucson Gas & Electric Company ("TGE") on February 28, 1977 tendered for filing a PNM-TGE 1978-1979 Power Sale Agreement (the "Agreement") dated February 15, 1977 between TGE and Public Service Company of New Mexico ("PNM"). TGE states that the rate schedule applicable to this Agreement is submitted for filing as an initial rate schedule between TGE and PNM.

TGE and PNM request, in accordance with Section 35.3(b) of the Commission's Regulations, that the Commission accept the Agreement for filing in advance of ninety days prior to the stated effective date of May 1, 1978.

TGE states that copies of the filing were served upon PNM.

Any person desiring to be heard or to protest said Agreement 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 21, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this Agreement are on file with the Commission

and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-7226 Filed 3-10-77;8:45 am]

[Docket No. RP71-29, et al. (Phase II)]

UNITED GAS PIPE LINE CO.

Further Extension of Procedural Dates

MARCH 4, 1977.

On February 24, 1977, General Motors filed a motion to further extend the hearing date fixed by order issued January 25, 1977, as most recently modified by notice issued February 18, 1977, in the above-designated proceeding.

Upon consideration, notice is hereby given that the hearing date in the above proceeding is extended to March 30, 1977 (10:00, EST).

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-7238 Filed 3-10-77;8:45 am]

[Docket No. RP71-122]

ARKANSAS LOUISIANA GAS CO.

Order Accepting Settlement Proposal on Storage Injection

MARCH 7, 1977.

On June 2, 1976, the Commission issued an order, which directed inter alia, that hearings be held to determine the appropriate method of classifying storage injection gas under the Arkansas Louisiana Gas Company (Arkla) curtailment plan. A pre-hearing conference was commenced on July 13, 1976, before Administrative Law Judge Samuel Kanel whereupon Arkla requested a two week interval to prepare an offer of settlement. On July 27, 1976, an offer of settlement was tendered. Six (6) questions were posed by the Commission Staff (Staff) on the record, to clarify the proposal and answers were submitted on September 27, 1976. The offer of settlement was designated Exhibit A and the responses to the questions were designated Exhibit B. A letter dated September 28, 1976, from the Commission Staff was received as Exhibit C. The letter stated the answers contained in Exhibit B were satisfactory. On September 30, 1976, the Presiding Administrative Law Judge certified the transcript of the proceedings and the Exhibits to the Commission. None of the parties to this proceeding or the Commission Staff oppose the acceptance of the Settlement Proposal.

The evidence in this proceeding indicated Arkla makes only one large contract sale for resale. Cities Service Gas Company (Cities) is the only customer on Arkla's system making use of Arkla gas for storage injection requirements.

¹ Order Affirming In Part, and Modifying In Part, The Initial Decision and Establishing Procedures.

Cities and Arkla are in agreement as to the treatment of storage and this agreement is contained in the three (3) revised tariff sheets to Arkla's EPC Gas Tariff, First Revised Volume No. 1, filed with the Commission on July 13, 1976.² The methodology reflected in Arkla's tariff sheets includes the concept of netting and averaging storage injections and withdrawals during the three year base period established by the Commission in Opinion Nos. 643 and 643-A, which net average requirements are then accorded Priority 2 status. A portion of Cities total net storage injection volumes is then assigned to Priority 2 under Arkla's curtailment plan. The factor used to arrive at the reduced volumes is the same 10 percent factor that the Commission determined was justified in assigning Cities' systemwide operational requirements to priority 1 under Arkla's Part, and Modifying in Part, the Initial Decision and Establishing procedures issued June 2, 1976, p. 19).

The Commission finds: (1) The presentation made and offer of settlement tendered by Arkla comply with the instructions of the Arkansas Power & Light Company,³ and the Commission's order setting this matter for hearing.

(2) The settlement of this proceeding on the basis proposed and agreed to by the parties as summarized above and as more specifically set forth in the Offer of Settlement certified on September 30, 1976, is reasonable, proper and in the public interest and should be approved.

The Commission orders: The settlement of this proceeding on the basis of the terms contained in the Offer of Settlement certified on September 30, 1976 is approved.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-7278 Filed 3-10-77;8:45 am]

[Docket No. E-7740]

INDIANA & MICHIGAN ELECTRIC CO.

Filing of Motion for Approval of a Negotiated Settlement and for Approval of an Offer of Settlement; Correction

MARCH 7, 1977.

There were certain errors in the notice issued February 9, 1977 and published in the FEDERAL REGISTER on February 16, 1977, 42 FR 9423 which are corrected by this notice.

Take notice that on January 14, 1977, the Indiana & Michigan Electric Company transmitted to the office of the Secretary of the Federal Power Commis-

² Third Revised Sheet No. 3A, Superseding Second Revised Sheet No. 3A; Third Revised Sheet No. 3B, Superseding Second Revised Sheet No. 3B; and Third Revised Sheet No. 3C Superseding Second Revised Sheet No. 3C and Superseding First Revised Sheet No. 3D.

³ Arkansas Power & Light Company, et al. v. F.P.C., et al., 517 F. 2d 1223 (D.C. Cir. 1975).

sion a motion for approval of a Negotiated Settlement and for approval of an Offer of Settlement of the captioned docket. An opportunity is hereby provided for comments thereon by all interested persons.

The Negotiated Settlement now pending before the Commission would resolve the issues in the captioned docket as to twelve of Indiana & Michigan Electric Company's municipal wholesale customers, collectively known as the Indiana & Michigan Municipal Distributors Association (IMMDA), by providing for a refund of a portion of the amounts collected under the filing made by Indiana & Michigan Electric Company in the captioned docket. The Offer of Settlement would offer the same terms to the cities of Anderson, Auburn and Fort Wayne, Indiana. Copies of the Negotiated Settlement and Offer of Settlement are on file for the inspection of any interested persons.

Any person desiring to comment upon any of the matters contained in the Offer of Settlement above described should file such comments with the Federal Power Commission, 825 North Capitol Street, Washington, D.C. 20426 on or before March 24, 1977. Comments will be considered by the Commission in determining the appropriate action to be taken.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-7276 Filed 3-10-77;8:45 am]

[Docket No. ER77-159]

IOWA PUBLIC SERVICE CO.

Termination of Agreement

MARCH 7, 1977.

Take notice that on January 18, 1977, the Iowa Public Service Company (Company) informed the Commission that, effective as of 12:00 noon on February 18, 1977, the Service Agreement (Iowa Public Service Company F.P.C. Electric Tariff Original Volume D) between the City of Dunkerton, Iowa and Iowa Service Company dated February 4, 1974, will be terminated.

The Company states that by Agreement dated January 12, 1977, the City of Dunkerton contracted to sell to the Company its distribution facilities, franchises, rights-of-way and inventory.

Any person desiring to be heard or to make any protest with reference to this filing should, on or before March 28, 1977, file with the Federal Power Commission, 825 North Capitol Street, N.E., 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 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 the filing and supporting documents are on file with the Com-

mission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-7279 Filed 3-10-77;8:45 am]

[Docket No. ES77-17]

KENTUCKY UTILITIES CO.

Application for Acquisition of Securities

MARCH 7, 1977.

Take notice that Kentucky Utilities Company (Kentucky Utilities) on February 25, 1977, applied for authority pursuant to Section 203 of the Federal Power Act, to acquire from time to time during the year 1977 unsecured promissory notes of its wholly-owned subsidiary, Old Dominion Power Company (Old Dominion) (a) in amounts not to exceed \$1,500,000, in the aggregate at any time unpaid and (b) in such additional amounts not exceeding \$1,750,000 upon the retirement of an outstanding note of Old Dominion.

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 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 28, 1977. 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.77-7275 Filed 3-10-77;8:45 am]

[Docket No. ER77-161]

NEW ENGLAND POWER CO.

Notice of Filing

MARCH 7, 1977.

Take notice that on January 21, 1977, New England Power Company (NEP) tendered for filing as an initial rate schedule a Transmission Contract between NEP and Fitchburg Gas and Electric Light Company.

The Transmission Contract provides for NEP's transmission across its system of Fitchburg's purchase from Maine Electric Power Company (MEPCO) of an entitlement to the power MEPCO receives under a Unit Participation Agreement dated November 15, 1971 between the New Brunswick Electric Power Commission and MEPCO.

NEP requests waiver of the notice requirements so as to permit the Transmission Contract to become effective as of May 24, 1976 in accordance with its terms.

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 25, 1977. 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.77-7274 Filed 3-10-77;8:45 am]

[Project No. 137]

PACIFIC GAS AND ELECTRIC CO.

Extension of Time

MARCH 7, 1977.

On February 28, 1977, Pacific Gas and Electric Company filed a motion requesting an extension of time for filing responses to comments filed upon its application for a new license.

Upon consideration, notice is hereby given that an extension of time is granted to and including June 1, 1977, within which responses to the comments shall be filed.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-7277 Filed 3-10-77;8:45 am]

[Docket No. E77-5]

SOUTHERN NATURAL GAS CO.

Emergency Natural Gas Act of 1977; Supplemental Emergency Order

By order issued February 20, 1977, I authorized Southern Natural Gas Company (Southern) to purchase an average of 100,000 Mcfd of natural gas from Pacific Gas and Electric Company (PG&E) and approved the prices paid for such supplies and the transportation charges paid by Southern to receive such supplies. That order also approved Southern's purchase of approximately 50,000 Mcfd from PG&E for the period from February 2 through February 20, 1977. That order did not make any finding with respect to the transportation charges paid to receive such gas since Southern submitted no information regarding such charges. By application filed March 7, 1977 Southern submitted information regarding such transportation charges and requested approval of the same for the period from January 29 through February 20, 1977. For the reasons set forth below, I approve such charges for the period February 2 through February 20, 1977.

According to Southern, approximately 25,000 Mcfd of the 50,000 Mcfd was delivered to Southern by El Paso Natural Gas Company (El Paso) diverting deliveries from PG&E at the California-Arizona border and delivering the gas to Transwestern Pipeline Company (Transwestern) at an existing point of interconnection in Winkler County, Texas. Transwestern delivered such volumes to Natural Gas Pipeline Company (Natural) at an existing point of interconnection in Eddy County, New Mexico. Natural delivered the gas by displacement to Transcontinental Gas Pipe Line Corporation (Transco) at the LaGloria Plant in Brooks County, Texas. Transco then delivered said volumes to Atlanta Gas Light Company at the existing interconnection at Jonesboro, Georgia, for Southern's account. Southern incurred the following charges with respect to this transportation arrangement: El Paso—1 cent per Mcf; Transwestern—19.86 cents per Mcf plus 4 percent of the volumes transported for fuel and company use; Natural, 17.5 cents per Mcf plus 9 percent of the volumes transported for fuel and company use; Transco—26.6 cents per Mcf plus 2 percent of the volumes transported for fuel and company use pursuant to Transco's X-47 Rate Schedule.

The remaining 25,000 Mcfd was transported by El Paso by diverting deliveries from PG&E at the California-Arizona border and delivering the gas to Transwestern at the existing point of interconnection in Winkler County, Texas. Transwestern delivered the volumes of gas to Natural at an existing point of interconnection in Eddy County, New Mexico, and Natural delivered the gas by displacement to Texas Eastern Transmission Company (Texas Eastern) at an existing point of interconnection in Kennedy County, Texas. Texas Eastern then delivered the gas to United Gas Pipe Line Company (United) at Kosciusko, Mississippi for delivery by displacement to Southern at Kosciusko. Southern incurred the following charges as a result of this transportation arrangement: El Paso—1 cent per Mcf; Transwestern—19.86 cents per Mcf plus 4 percent of the volumes transported for fuel and company use; Natural—14 cents per Mcf plus 9 percent of the volumes transported for fuel and company use and Texas Eastern—22.58 cents per Mcf plus 3 percent of the volumes transported for fuel and company use. United has indicated that no transportation charges or reduction in volumes delivered for fuel and company use will be required.

Pursuant to section 6(c) of the Act, since the parties have agreed upon such matters, I find no basis to fix other transportation rates and charges and I hereby approve such transportation arrangement. This approval is limited to volumes delivered on and after February 2, 1977, the effective date of Pub. L. 95-2. Prior to that date, the terms and conditions of the transportation are subject to and governed by the Rules and Regulations of the Federal Power Commission.

This order is issued pursuant to the authority delegated to me by the President in Executive Order No. 11969 (February 2, 1977), and shall be served upon Southern, PG&E, El Paso, United, Transco, Transwestern, Texas Eastern, Natural and all other persons listed in the February 20, 1977 order in this proceeding. This order shall also be published in the FEDERAL REGISTER.

This order and authorization granted herein are subject to the continuing authority of the Administrator under Pub. L. 95-2 and the rules and regulations which may be issued thereunder.

RICHARD L. DUNHAM,
Administrator.

MARCH 8, 1977.

[FR Doc.77-7272 Filed 3-10-77;8:45 am]

[Docket No. ER77-204]

NEVADA POWER CO.

Interconnection Agreement

MARCH 8, 1977.

Take notice that on February 17, 1977, Nevada Power Company (Nevada) tendered for filing an Interconnection Agreement between it and the City of Burbank (Burbank) dated January 14, 1977. Nevada states the primary purpose of this Interconnection Agreement is to provide for the exchange of generating capacity and energy between the electric systems of the parties.

Nevada states that service may be provided under three Service Schedules:

1. Service Schedule A—Emergency Assistance
2. Service Schedule B—Economy Energy Interchange
3. Service Schedule C—Banked Energy

Nevada requests an effective date of January 14, 1977, for this Agreement with an initial term of one year.

Copies of this filing were served upon Nevada's jurisdictional customer, the California-Pacific Utilities Company, and upon the Public Service Commission of Nevada and the Public Utilities Commission of the State of California.

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 Section 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 14, 1977. 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.77-7455 Filed 3-11-77;8:45 am]

[Doc. No. ER77-207]

ARIZONA PUBLIC SERVICE CO.

Filing of Initial Rate Schedule

MARCH 7, 1977.

Take notice that on February 18, 1977, Arizona Public Service Company (APS) tendered for filing as an initial rate Schedule an Agreement for Sale and Interchange of Energy between The Department of Water and Power of the City of Los Angeles (Los Angeles) and Arizona Public Service Company dated November 24, 1976.

APS requested waiver of provisions of § 35.11 so that service could be commenced on February 16, 1977.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 15, 1977. 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.77-7523 Filed 3-10-77;10:09 am]

FEDERAL RESERVE SYSTEM FIRST SECURITY CORP.

Proposed Retention of Simco Industrial Mortgage Company

First Security Corporation, Salt Lake City, Utah, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to retain, through its wholly-owned subsidiary, Securities Intermountain, Inc., Portland, Oregon, voting shares of Simco Industrial Mortgage Company, San Jose, California.

Notice of the application was published on the following dates and in the following newspapers circulated in their respective communities in the State of California: on January 7, 1977, in the "Contra Costa Times", Contra Costa County; on January 10, 1977, in the "Daily Republic", Solano County, in "The Modesto Bee", Stanislaus County, in the "San Francisco Chronicle", San Francisco County, in "The Fresno Bee", "The Republican", Fresno County, in the "Oakland Tribune", Alameda County, in "The Sacramento Bee", Sacramento County, in the "San Jose Mercury", Santa Clara County, and in the "San Mateo Times and Daily News Leader", San Mateo County; on January 11, 1977, in "The Press Democrat", Sonoma County; on

January 12, 1977, in the "San Diego Union," San Diego County, in "The Register," Orange County, in "The Sun-Telegram" and "The Evening Index", San Bernardino County, in "The Daily Enterprise", Riverside County; on January 21, 1977, in "The Stockton Record", San Joaquin County; and on February 21, 1977, in the "Los Angeles Times", Los Angeles County.

Applicant states that the proposed subsidiary would continue to engage in the activities of an industrial mortgage loan company in the manner authorized by the laws of the State of California. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of San Francisco.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than April 1, 1977.

Board of Governors of the Federal Reserve System, March 4, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 77-7259 Filed 3-10-77; 8:45 am]

MANUFACTURERS NATIONAL CORP.

Acquisition of Bank

Manufacturers National Corporation, Detroit, Michigan, has applied for the Board's approval under section 3(a) (3) of the Bank Holding Company Act (12 U.S.C. 1842(a) (3)) to acquire 100 percent of the voting shares of Manufacturers Bank of St. Clair Shores, St. Clair Shores, Michigan, a proposed new bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than April 4, 1977.

Board of Governors of the Federal Reserve System, March 7, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 77-7260 Filed 3-10-77; 8:45 am]

VALLEY BANCORP.

Acquisition of Bank

Valley Bancorporation, Appleton, Wisconsin, has applied for the Board's approval under section 3(a) (3) of the Bank Holding Company Act (12 U.S.C. 1842(a) (3)) to acquire 80 percent or more (less director's qualifying shares) of the voting shares of The Brownsville State Bank, Brownsville, Wisconsin. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than April 4, 1977.

Board of Governors of the Federal Reserve System, March 7, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 77-7261 Filed 3-10-77; 8:45 am]

FEDERAL TRADE COMMISSION

[File No. 712 3685]

RYDER SYSTEM, INC.

Consent Agreement With Analysis to Aid Public Comment

Correction

In FR Doc. 77-5090, appearing in the issue of Friday, February 18, 1977 on page 10047, the following corrections should be made:

1. On page 10049, in the 2nd paragraph, numbered (7), the 3rd line should read, " * * * if such acceptance is not subsequently * * * ".

2. On page 10055, the first column, the 2nd paragraph should be corrected as follows:

EARNINGS INFORMATION REPORTED BY GRADUATES FROM RYDER'S NATIONAL PROFESSIONAL TRUCK DRIVER TRAINING COURSE

	January/ June 1974
Graduates beginning at hourly rates between \$3.00 and \$3.99	3
Graduates beginning at hourly rates between \$4.00 and \$4.99	4
Graduates beginning at hourly rates between \$5.00 and \$5.99	7
Graduates responding to inquiry about employment but declining to disclose earnings	16

3. On page 10055, in the 1st column, the last paragraph should read as follows:

Please return the filled out, signed and notarized affidavit questionnaire in the en-

closed stamped, self-addressed envelope. Mail it early enough to reach us by (the date set forth in part III, paragraph 9(d) of this order). If you should misplace the enclosed envelope, please mail the affidavit questionnaire to the (name and address on the return envelope).

Thank you for your cooperation.

Sincerely,

JAMES M. HERRON,
Vice President and Secretary,
Ryder System, Inc.

Enclosure.

4. On page 10055, the 3rd column, paragraph 4 (b) and (c) should read:

(b) Did you then have a job in some other field?

Yes No

What field?

[Give the field in which you then had a job]

What job did you hold?

[Give the job which you held]

(c) Were you employed?

Yes No

5. On page 10058, in the middle column, paragraph 8A, the 3rd question should read:

Why did you get that refund or refunds?...

[Give a full explanation of the refund or refunds.]

6. On page 10061, in the middle column, paragraph number III, the 19th line should read:

* * * respondent is inconsistent with Part III, para- * * *.

7. On page 10062, in the 3rd column, after the signature, a notation was inadvertently omitted and should be corrected to read as follows:

JAMES M. HERRON,
Vice President and Secretary,
Ryder System, Inc.

[This is the end of the appendices to the consent agreement.]

GOVERNMENT PRINTING OFFICE

DEPOSITORY LIBRARY COUNCIL TO THE PUBLIC PRINTER

Meeting

The Depository Library Council to the Public Printer will meet on April 25 and 26, 1977, at the College Inn, Conference Center, University of Colorado campus, 1729 Athens Street, Boulder, Colorado.

The purpose of this meeting is to discuss the Depository Library Program.

The meeting will be open to the public. Any member of the public who wishes to attend shall notify Mr. J. D. Livsey, Head, Library and Statutory Distribution Service, Government Printing Office, Washington, D.C. 20401 (Telephone Area Code 703-557-2050).

General participation by members of the public, or questioning of Council members or other participants, shall be

permitted with approval of the Chairman.

Dated: March 1, 1977.

T. F. McCORMICK,
Public Printer.

[FR Doc.77-7193 Filed 3-10-77;8:45 am]

GENERAL SERVICES ADMINISTRATION

REGIONAL PUBLIC ADVISORY PANEL ON ARCHITECTURAL AND ENGINEERING SERVICES

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of a meeting of the Regional Public Advisory Panel on Architectural and Engineering Services, Region 1; March 28, 1977, from 10:30 a.m. to 4:30 p.m.; and March 29, 1977, from 9:00 a.m. to 4:30 p.m.; Room 208, J. W. McCormack Post Office and Courthouse, Post Office Square, Boston, Massachusetts 02109.

The meeting will be devoted to the initial step of the procedures for screening and evaluating the qualifications of architect-engineers under consideration for selection to furnish professional services for the following proposed projects:

Feasibility Study—Energy Conservation Retrofit Analysis, J. F. Kennedy Federal Building, Boston, Massachusetts.

Basement Waterproofing and Marble Restoration, U.S. Custom House, Boston, Massachusetts.

Building Modernization, John E. Fogarty Federal Building, Providence, Rhode Island.

The meeting will be open to the public.

ALBERT A. GAMMAL, Jr.,
Regional Administrator.

[FR Doc.77-7510 Filed 3-10-77;10:34 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Alcohol, Drug Abuse, and Mental Health Administration

MINORITY ADVISORY COMMITTEE, ADAMHA Renewal

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (5 U.S.C. Appendix I), the Alcohol, Drug Abuse, and Mental Health Administration announces the renewal by the Secretary, Department of Health, Education, and Welfare, with the concurrence of the Office of Management and Budget Committee Management Secretariat, of the Minority Advisory Committee, ADAMHA.

Authority for this committee will expire February 10, 1979, unless the Secretary formally determines that continuation is in the public interest.

Dated March 4, 1977.

FRANCIS N. WALDROP,
Acting Administrator, Alcohol,
Drug Abuse, and Mental
Health Administration.

[FR Doc.77-7186 Filed 3-10-77;8:45 am]

National Institutes of Health NATIONAL ADVISORY EYE COUNCIL

Meeting

Pursuant to Public Law 92-463 notice is hereby given of the meeting of the National Advisory Eye Council, National Eye Institute, on Tuesday, April 12, 1977, National Institutes of Health, Building 31, Conference Room No. 10, Bethesda, Maryland.

This meeting will convene at 9:00 a.m. and will be open to the public until adjournment, approximately 5:00 p.m. The meeting will be devoted to a review of the final draft version of the Council's report on program planning and vision research.

Mr. Julian Morris, Head, Scientific Reports and Program Planning Coordination, National Eye Institute, National Institutes of Health, Building 31, Room 6A-27, Bethesda, Maryland 20014, telephone (301) 496-5248, will furnish summary minutes of the meeting and a roster of committee members.

Substantive program information may be obtained from Dr. William F. Raub, Associate Director for Extramural and Collaborative Programs, National Eye Institute, Building 31, Room 6A-04, National Institutes of Health, Bethesda, Maryland 20014, telephone (301) 496-4903.

Dated: March 4, 1977.

SUZANNE L. FREMEAUX,
Committee Management Officer,
National Institutes of Health.

[FR Doc.77-7252 Filed 3-10-77;8:45 am]

CARDIOLOGY ADVISORY COMMITTEE Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Cardiology Advisory Committee, National Heart, Lung, and Blood Institute, May 2-3, 1977, National Institutes of Health, Building 31, Conference Room 8.

The entire meeting will be open to the public from 8:30 a.m. to 5:00 p.m. The main topic will be a discussion of possible initiatives for the forthcoming year, including such possible topics as Ischemic Heart Disease Specialized Centers of Research, Sudden Cardiac Death, Protecting Ischemic Myocardium, the Left Ventricular Assist Device, Afterload Reduction, Cardiomyopathies, and Biomaterials. Final action will probably be taken upon the Artificial Heart Report. Attendance by the public will be limited to space available.

Mr. York Onnen, Chief, Public Inquiries and Reports Branch, National Heart, Lung, and Blood Institute, Building 31, Room 5A03, National Institutes of Health, Bethesda, Maryland 20014, phone 301-496-4236, will provide summaries of the meeting and rosters of the Committee members.

Peter L. Frommer, M.D., Associate Director for Cardiology, Division of Heart and Vascular Diseases, National Heart, Lung, and Blood Institute, Landow Building, Room A922, Bethesda,

Maryland 20014, phone 301-496-5421, will furnish substantive program information.

Dated: March 4, 1977.

SUZANNE L. FREMEAUX,
Committee Management Officer,
National Institutes of Health.

[FR Doc.77-7253 Filed 3-10-77;8:45 am]

ADVISORY COMMITTEES

Meetings

Pursuant to Pub. L. 92-463, notice is hereby given of the meetings of committees advisory to the National Cancer Institute.

These meetings will be open to the public to discuss administrative details or other issues relating to committee business as indicated in the notice. Attendance by the public will be limited to space available.

These meetings will be closed to the public as indicated below in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, for the review, discussion and evaluation of individual contract proposals and grant applications, as indicated. These proposals and applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the proposals and applications.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 4B43, National Institutes of Health, Bethesda, Maryland 20014 (301/496-5708) will furnish summaries of the meetings and rosters of committee members, upon request. Other information pertaining to the meeting can be obtained from the Executive Secretary indicated. Meetings will be held at the National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20014, unless otherwise stated.

DRUG DEVELOPMENT COMMITTEE

Dates and time: April 6, 1977; 9 a.m.

Place: Building 31C, Conference Room 8, National Institutes of Health.

Type of meeting: Open: April 6, 9:00 a.m.-9:45 a.m.; Closed: April 6, 9:45 a.m.—adjournment.

Closure Reason: To review research contract proposals.

Executive Secretary: Mrs. Naomi T. Fitz-Gibbon, Blair Building, Room 5A09, National Institutes of Health. Phone: 301-427-7263.

(Catalog of Federal Domestic Assistance Number 13.395, National Institutes of Health.)

COMMITTEE ON CYTOLOGY AUTOMATION

Dates and time: April 6-7, 1977; 8:30 a.m.

Place: Building 31C, Conference Room 7, National Institutes of Health.

Type of meeting: Open: April 6, 8:30 a.m.-9:30 a.m.; Closed: April 6, 9:30 a.m.-5 p.m.; Closed: April 7, 8:30 a.m.—adjournment.

Closure Reason: To review research contract proposals.

Executive Secretary: Dr. Bill Bunnag, Building 10, Room 1A21, National Institutes of Health. Phone: 301-496-5282.
(Catalog of Federal Domestic Assistance Number 13.394, National Institutes of Health.)

BREAST CANCER EXPERIMENTAL BIOLOGY COMMITTEE

Date and time: April 11, 1977; 8:30 a.m.
Place: Building 31C, Conference Room 7, National Institutes of Health.
Type of meeting: Open: April 11, 8:30 a.m.-9:30 a.m.; Closed: April 11, 9:30 a.m.-adjournment.
Closure reason: To review research contract proposals.
Executive Secretary: Mr. Chester V. Piczak, Landow Building, Room A418, National Institutes of Health. Phone: 301-496-6718.
(Catalog of Federal Domestic Assistance Number 13.396, National Institutes of Health.)

COMMITTEE ON CANCER IMMUNODIAGNOSIS

Date: April 11, 1977; 1:00 p.m.
Place: Building 10, Room 4B14, National Institutes of Health.
Type of meeting: Open: April 11, 1 p.m.-1:30 p.m.; Closed: April 11, 1:30 p.m.-adjournment.
Closure reason: To review research contract proposals.
Executive Secretary: Mrs. Judith M. Whalen, Building 10, Room 4B17, National Institutes of Health. Phone: 301-496-1791.
(Catalog of Federal Domestic Assistance Number 13.394, National Institutes of Health.)

DIAGNOSTIC RESEARCH ADVISORY GROUP

Date: April 12, 1977; 8:30 a.m.
Place: Building 31C, Conference Room 7, National Institutes of Health.
Type of meeting: Open: April 12, 8:30 a.m.-10:30 a.m.; Agenda/Open portion: General business related to the diagnosis program; Closed: April 12, 10:30 a.m.-adjournment.
Closure Reason: To review research contract proposals.
Executive Secretary: Mr. Louis P. Greenberg, Building 31, Room 3A10, National Institutes of Health. Phone: 301-496-1591.
(Catalog of Federal Domestic Assistance Number 13.394, National Institutes of Health.)

JOINT MEETING OF THE DIAGNOSTIC RESEARCH ADVISORY GROUP AND THE DIAGNOSTIC RADIOLOGY COMMITTEE

Date: April 13, 1977; 8:30 a.m.
Place: Building 31C, Conference Room 6, National Institutes of Health.
Type of meeting: Open: April 13, 8:30 a.m.-3:00 p.m.; Agenda/Open portion: Discussion of present contract research program and presentation of work by contractor; Closed: April 13, 3:00 p.m.-adjournment.
Closure Reason: To review research contract proposals.
Executive Secretary: Mr. Louis P. Greenberg, Dr. R. Quentin Blackwell, Building 31A, Room 3A10, National Institutes of Health. Phone: 301-496-1591.
(Catalog of Federal Domestic Assistance Number 13.394, National Institutes of Health.)

CARCINOGENESIS PROGRAM SCIENTIFIC REVIEW COMMITTEE B

Date and time: April 13, 1977; 9:00 a.m.
Place: Marriott Hotel, Dulles International Airport, Chantilly, Virginia.
Type of meeting: Open April 13, 9:00 a.m.-9:30 a.m.; Closed April 13, 9:30 a.m.-adjournment.

Closure reason: To review research contract proposals.

Executive Secretary: Dr. David G. Longfellow, Landow Building, Room A306, National Institutes of Health. Phone: 301-496-5471.

(Catalog of Federal Domestic Assistance Number 13.393, National Institutes of Health.)

VIRUS CANCER PROGRAM SCIENTIFIC REVIEW COMMITTEE B

Date and time: April 13-15, 1977; 8:30 a.m.
Place: Building 37, Room 1B04, National Institutes of Health.
Type of meeting: Open: April 13, 8:30 a.m.-9:00 a.m.; Closed: April 13, 9:00 a.m.-5:00 p.m.; Closed: April 14, 8:30 a.m.-5:00 p.m.; Closed: April 15, 8:30 a.m.-adjournment.
Closure reason: To review research contract proposals.
Executive Secretary: Dr. Wilna A. Woods, Acting, Landow Building, Room C306, National Institutes of Health. Phone: 301-496-4533.

(Catalog of Federal Domestic Assistance Number 13.393, National Institutes of Health.)

COMMITTEE ON CANCER IMMUNOTHERAPY

Date and time: April 14, 1977; 1:15 p.m.
Place: Building 10, Room 4B14, National Institutes of Health.
Type of meeting: Open: April 14, 1:15 p.m.-1:45 p.m.; Closed: April 14, 1:45 p.m.-adjournment.
Closure reason: To review research contract proposals.
Executive Secretary: Dr. George M. Steinberg, Building 10, Room 4B09, National Institutes of Health. Phone: 301-496-1791.
(Catalog of Federal Domestic Assistance Number 13.395, National Institutes of Health.)

DIAGNOSTIC RADIOLOGY COMMITTEE

Date and time: April 14, 1977; 8:30 a.m.
Place: Building 31C, Conference Room 7, National Institutes of Health.
Type of meeting: Open: April 14, 8:30 a.m.-9:00 a.m.; Closed: April 14, 9:00 a.m.-adjournment.
Closure reason: To review research contract proposals.
Executive Secretary: Dr. R. Quentin Blackwell, Building 31, Room 3A10, National Institutes of Health. Phone: 301-496-1591.
(Catalog of Federal Domestic Assistance Number 13.394, National Institutes of Health.)

(Catalog of Federal Domestic Assistance Number 13.394, National Institutes of Health.)

CARCINOGENESIS PROGRAM SCIENTIFIC REVIEW COMMITTEE A

Dates and time: April 14-15, 1977; 9:00 a.m.
Place: Marriott Hotel, Dulles International Airport, Chantilly, Virginia.
Type of meeting: Open: April 14, 9:00 a.m.-9:30 a.m.; Open: April 15, 9:00 a.m.-9:30 a.m.; Closed: April 14, 9:30 a.m.-5:00 p.m.; Closed: April 15, 9:30 a.m.-adjournment.
Closure reason: To review research contract proposals.
Executive Secretary: Dr. Carl E. Smith, Landow Building, Room A306, National Institutes of Health. Phone: 301-496-5471.

(Catalog of Federal Domestic Assistance Number 13.393, National Institutes of Health.)

CLINICAL CANCER PROGRAM PROJECT REVIEW COMMITTEE

Dates and time: April 21-23, 1977; 9:00 a.m.
Place: Building 31C, Conference Room 8, National Institutes of Health.

Type of meeting: Open: April 21, 9:00 a.m.-10:30 a.m.; Closed: April 21, 10:30 a.m.-5:30 p.m.; Closed: April 22, 9:00 a.m.-5:30 p.m.; Closed: April 23, 8:30 a.m.-adjournment.

Closure reason: To review research grant applications.

Executive Secretary: Dr. Louise G. Thomson, Room 809, Westwood Building, National Institutes of Health. Phone: 301-496-7565.

(Catalog of Federal Domestic Assistance Number 13.397, National Institutes of Health.)

VIRUS CANCER PROGRAM SCIENTIFIC REVIEW COMMITTEE A

Date and time: April 25-26, 1977; 9:00 a.m.
Place: Building 37, Room 1B04, National Institutes of Health.
Types of meeting: Open: April 25, 9:00 a.m.-9:30 a.m.; Closed: April 25, 9:30 a.m.-5:00 p.m.; Closed: April 26, 9:00 a.m.-adjournment.
Closure reason: To review research contract proposals.
Executive Secretary: Dr. Clarice Gaylord, Acting, Landow Building, Room C306, National Institutes of Health. Phone: 301-496-4533.

(Catalog of Federal Domestic Assistance Number 13.393, National Institutes of Health.)

NATIONAL PANCREATIC CANCER PROJECT WORKING CADRE

Date and time: April 26-27, 1977; 8:30 a.m.
Place: Building 31C, Conference Room 9, National Institutes of Health.
Type of meeting: Open: April 26, 9:00 a.m.-11:00 a.m.; Closed: April 26, 11:00 a.m.-5:00 p.m.; Closed: April 27, 9:00 a.m.-adjournment.
Closure reason: To review research grant applications.
Executive Secretary: Dr. William Stralle, Westwood Building, Room 853, National Institutes of Health. Phone: 301-496-7194.

(Catalog of Federal Domestic Assistance Numbers 13.393, 13.394, 13.395, National Institutes of Health.)

DEVELOPMENTAL THERAPEUTICS COMMITTEE

Date and time: April 28, 1977; 9:00 a.m.
Place: Blair Building, Room 110, 8300 Colesville Road, Silver Spring, Maryland.
Type of meeting: Open: April 28, 9:00 a.m.-11:00 a.m.; Agenda/open portion: General discussion of ongoing contracts involving drug metabolism, toxicology, pharmacology and tumor cell biology; Closed: April 28, 11:00 a.m.-adjournment.
Closure reason: To review research contract proposals.
Executive Secretary: Dr. J. A. R. Mead, Blair Building, Room 5A03A, National Institutes of Health. Phone: 301-427-7263.

(Catalog of Federal Domestic Assistance Number 13.395, National Institutes of Health.)

Dated: March 2, 1977.

SUZANNE L. FREMEAUX,
Committee Management Officer,
National Institutes of Health.

[FR Doc. 77-7251 Filed 3-10-77; 8:45 am]

COMMITTEE ON CANCER IMMUNOTHERAPY

Amended Notice of Meeting

Notice is hereby given of a change in the meeting of March 17, 1977, 1:15 p.m. at the Clinical Center, Conference Room

4B-14, of the Committee on Cancer Immunotherapy, National Cancer Institute, which was published in the FEDERAL REGISTER on February 24, 1977 (42 FR 10898).

This committee was to have convened at 1:15 p.m. on March 17, 1977, but has been changed to 12 noon March 17, 1977 at the Clinical Center, Conference Room 4B-14.

The meeting will be open to the public on March 17, 1977 from 12 noon to 12:30 p.m. and closed from 12:30 p.m. to adjournment. Attendance by the public will be limited to space available.

Dated: March 2, 1977.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.77-7248 Filed 3-10-77;8:45 am]

COMMITTEE ON CANCER IMMUNOTHERAPY

Amended Notice of Meeting

Notice is hereby given of a change in the meeting of March 31, 1977, 1:15 p.m. at the Clinical Center, Conference Room 4B-14, of the Committee on Cancer Immunotherapy, National Cancer Institute, which was published in the FEDERAL REGISTER on February 24, 1977 (42 FR 10898).

This committee was to have convened at 1:15 p.m. on March 31, 1977, but has been changed to 12 noon March 31, 1977 at the Clinical Center, Conference Room 4B-14.

The meeting will be open to the public on March 31, 1977 from 12 noon to 12:30 p.m. and closed from 12:30 p.m. to adjournment. Attendance by the public will be limited to space available.

Dated: March 2, 1977.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.77-7250 Filed 3-10-77;8:45 am]

DENTAL RESEARCH INSTITUTES AND SPECIAL PROGRAMS ADVISORY COM- MITTEE

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Dental Research Institutes and Special Programs Advisory Committee, National Institute of Dental Research, on March 29, 1977, Conference Room 6, Building 31-C, National Institutes of Health, Bethesda, Md. This meeting will be open to the public to discuss administrative details relating to Committee business for one hour at the beginning of the meeting. Attendance by the public will be limited to space available.

In accordance with provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public from 10:00 a.m. to adjournment for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable

material, and personal information concerning individuals associated with the applications.

Dr. Emil L. Rigg, Special Assistant for Institutes and Centers, National Institute of Dental Research, National Institutes of Health, Westwood Building, Room 507, Bethesda, Maryland 20014 (Phone 301-496-7748) will provide summaries of meetings, rosters of committee members, and substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.845, National Institutes of Health.)

Dated: March 7, 1977.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.77-7249 Filed 3-10-77;8:45 am]

NATIONAL ADVISORY COUNCIL ON EX- TENSION AND CONTINUING EDUCATION

Meeting

AGENCY: National Advisory Council on Extension and Continuing Education.

ACTION: Notice.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the National Advisory Council on Extension and Continuing Education. It also describes the functions of the Council. Notice of this meeting is required under the Federal Advisory Committee Act (5 U.S.C. Appendix 1, 10(a)(2)). This document is intended to notify the general public of their opportunity to attend.

DATES: Meetings: April 6, 1977, from 9:00 a.m. to 5:00 p.m.; April 7, 1977, from 9:00 a.m. to 1:00 p.m., followed by site visitations.

ADDRESS: University of Houston Hotel, 4800 Calhoun Street, Houston, Texas 77004.

FOR FURTHER INFORMATION CON- TACT:

James A. Turman, Executive Director, National Advisory Council on Extension and Continuing Education, 425 13th Street, NW.; Suite 529, Washington, D.C. 20004. (202) 376-8888.

The National Advisory Council on Extension and Continuing Education is authorized under Pub. L. 89-329. The Council is required to report annually to the President, the Congress, the Secretary of HEW, and the Commissioner of Education in the preparation of general regulations and respect to policy matters arising in the administration of Part A of Title I (HEA), including policies and procedures governing the approval of State plans under section 105; and to advise the Assistant Secretary of HEW on Part B (Lifelong Learning activities) of the title. The Council is required to review the administration and effectiveness of all Federally supported extension and continuing education programs.

The meeting of the Council will be open to the public beginning at 9:00 a.m. on April 6, 1977, and ending 5:00 p.m.;

and beginning at 9:00 a.m. on April 7, 1977, ending at 1:00 p.m. Site visitations will follow the meeting. This meeting will be held at the University of Houston Hotel, 4800 Calhoun Street, Houston, Texas 77004.

The proposed agenda includes:

- (1) Executive Director's Report.
- (2) Action on previous meeting minutes.
- (3) Title I Report.
- (4) Review of Congressional and Administration budget and appropriations actions regarding Title I program.
- (5) Review of provisions for the new Lifelong Learning program.
- (6) Testimony from administrators of Texas State Title I projects and from other persons within HEW Region VI.
- (7) Committee discussions and reports.
- (8) Review of draft document containing compilation and analysis of Federal programs of continuing education and lifelong learning.
- (9) Review of Council's special analyses of successful Title I projects ("community service and continuing education").
- (10) Review of final recommendations to be included in Council's eleventh annual report.

All records of Council proceedings are available for public inspection at the Council's staff office, located in Suite 529, 425 13th Street, NW., Washington, D.C.

Dated: March 4, 1977.

JAMES A. TURMAN,
Executive Director.

[FR Doc.77-7265 Filed 3-10-77;8:45 am]

Office of Education

NATIONAL ADVISORY COUNCIL ON EQUALITY OF EDUCATIONAL OPPOR- TUNITY

Meeting

AGENCY: National Advisory Council on Equality of Educational Opportunity.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the proposed agenda of the forthcoming meeting of the Nonmajority/Minority Task Force. It also describes the functions of the Council. Notice of this meeting is required under the Federal Advisory Committee Act (5 U.S.C., Appendix 1, 10(a)(2)). This document is intended to notify the general public of their opportunity to attend.

DATE OF MEETING: March 26, 1977.

ADDRESS: Old Town Holiday Inn, 480 King Street, Alexandria, Virginia, 22314. Phone: (703) 549-6080.

FOR FURTHER INFORMATION CON- TACT:

Leo A. Lorenzo, 1325 G Street NW., Suite 710, Washington, D.C. 20005. Phone: (202) 382-7985.

The National Advisory Council on Equality of Educational Opportunity is established under Section 716 of the Emergency School Aid Act (Pub. L. 92-318, Title VII, as amended by Pub. L. 93-380 and Pub. L. 94-482). The Council is established to: (1) advise the Assistant

Secretary for Education with respect to the operation of the program authorized under the Emergency School Aid Act (ESAA), including the preparation of regulations and the development of criteria for the approval of applications; and (2) review the operation of the program with respect to its effectiveness in achieving its purpose as stated in the Act and with respect to the Assistant Secretary's conduct in the administration of the program.

The meeting, which is open to the public, will convene at 10:00 a.m. until 4:00 p.m. It will be the first planning meeting of the Task Force on Nonmajority/Minority and the agenda will consist primarily of reviewing what data is available from the U.S. Office of Education concerning the number of minorities affected under the ESAA program, to develop a plan of action for further data gathering and analysis, and selection of possible regional site visitations. As this is a planning meeting, there is no set time for discussion on each of the particular topics nor will there be any formal presentations made. In the event that the tentative agenda is completed prior to the projected time, the Task Force will adjourn the meeting.

Records of all meetings are kept at NACEEO headquarters, 1325 G Street NW., Suite 710, Washington, D.C. 20005, and are available for public inspection.

Signed at Washington, D.C. on March 9, 1977.

LEO A. LORENZO,
Executive Director.

[FR Doc. 77-7444 Filed 3-10-77; 8:45 am]

Office of the Secretary

CONSULTING GROUP ON WELFARE REFORM Meetings

Notice was given of the establishment of the Consulting Group on Welfare Reform and the dates for the Group's first six meetings in the February 8, 1977 Federal Register (Vol. 42, No. 26, Pages 8007-8008). The purpose of this notice is to announce two additional meetings and to provide information on the subjects to be discussed by the Group at those meetings.

The additional meetings will be held on March 25 and April 1, 1977, from 9 a.m. to 11 a.m. in the first floor Auditorium, South Portal Building, 200 Independence Avenue SW., Washington, D.C. The Group's discussions are now centering on alternative general approaches to welfare reform. General approaches remaining to be considered, and to be discussed at these meetings, are:

Curtailment approach: tighten eligibility, reduce benefits, improve administration, and reduce costs within the context of the existing programs.

Management approach: emphasize good management of existing programs; modest expansion in some programs, with some curtailment where judged appropriate.

Incremental approach: retain existing classification—primarily the aged, blind, and disabled, the single parent families, and the remainder of the population—but make some major structural changes in the ways these groups are assisted; possible changes include: addition of a universal housing allowance or a children's allowance; expansion of earnings supplements; wage subsidies, or public employment; initiation of guaranteed jobs.

Triple-track cash approach: replace current programs with three-part cash income support system; special extended unemployment benefits for those without jobs, expanded earnings supplement for the working poor, and a new cash assistance program for those households without an employable adult.

Revenue sharing approach: retain Federal responsibilities for the aged, blind, and disabled; collapse all other income assistance programs into a flexible block grant program.

Discussions of each general approach will include a description of the diversity of specific proposals within each classification, a general evaluation relative to the criteria discussed in previous Group papers, and estimates of likely impacts on costs and coverage.

Further information about these meetings and the proceedings of the Group may be obtained by writing to: Mr. Bob Heim, Executive Director, Room 410-E South Portal Building, 200 Independence Avenue SW., Washington, D.C. 20201.

Dated: March 7, 1977.

BOB HEIM,
Executive Director.

[FR Doc. 77-7413 Filed 3-10-77; 8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[M 34079]

MONTANA

Application

MARCH 3, 1977.

Notice is hereby given that, pursuant to Section 23 of the Mineral Leasing Act of 1920, as amended, 30 U.S.C. 185 (1970 Supplement V), Kansas-Nebraska Natural Gas Company, Inc., has applied for a right-of-way for a natural gas gathering system across the following Federal lands:

PRINCIPAL MERIDIAN, MONTANA

- T. 35 N., R. 30 E.,
Sec. 1, SW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 2, Lots 3 and 4;
Sec. 12, SW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, and S $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 13, E $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, and SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 14, N $\frac{1}{2}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 24, E $\frac{1}{2}$ SW $\frac{1}{4}$; and
Sec. 25, E $\frac{1}{2}$ NW $\frac{1}{4}$.
T. 37 N., R. 30 E.,
Sec. 25, S $\frac{1}{2}$ NW $\frac{1}{4}$ and W $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 26, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 32, SW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, and N $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 33, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, and S $\frac{1}{2}$ SE $\frac{1}{4}$;

- Sec. 34, SE $\frac{1}{4}$ NE $\frac{1}{4}$; and
Sec. 35, N $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, and S $\frac{1}{2}$ NW $\frac{1}{4}$.
T. 34 N., R. 31 E.,
Sec. 13, SE $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 24, NW $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ NW $\frac{1}{4}$.
T. 35 N., R. 31 E.,
Sec. 3, Lots 3 and 4, and SE $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 4, Lot 3, SE $\frac{1}{4}$ NW $\frac{1}{4}$, and NE $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 9, N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, and SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 21, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, and SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 22, NW $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 24, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, and SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 25, N $\frac{1}{2}$ NW $\frac{1}{4}$ and SE $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 26, SE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, and SW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 27, SW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, and SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 34, N $\frac{1}{2}$ NE $\frac{1}{4}$ and E $\frac{1}{2}$ NW $\frac{1}{4}$; and
Sec. 35, NE $\frac{1}{4}$ SW $\frac{1}{4}$.
T. 36 N., R. 31 E.,
Sec. 4, Lot 3 and E $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 7, SE $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 8, E $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 9, E $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 15, NW $\frac{1}{4}$;
Sec. 17, N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, and E $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 18, Lots 2 and 3, and E $\frac{1}{2}$ W $\frac{1}{2}$;
Sec. 19, W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, and E $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 20, E $\frac{1}{2}$ NW $\frac{1}{4}$ and SW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 22, E $\frac{1}{2}$ NW $\frac{1}{4}$;
Sec. 25, S $\frac{1}{2}$ NW $\frac{1}{4}$ and E $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 26, S $\frac{1}{2}$ N $\frac{1}{2}$;
Sec. 27, SE $\frac{1}{4}$ NE $\frac{1}{4}$ and E $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 29, N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, and W $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 33, SW $\frac{1}{4}$ NE $\frac{1}{4}$ and SE $\frac{1}{4}$;
Sec. 34, NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ N $\frac{1}{2}$, and W $\frac{1}{2}$ SW $\frac{1}{4}$; and
Sec. 35, N $\frac{1}{2}$ NW $\frac{1}{4}$ and SW $\frac{1}{4}$ NW $\frac{1}{4}$.
T. 33 N., R. 32 E.,
Sec. 26, S $\frac{1}{2}$ SW $\frac{1}{4}$.
T. 34 N., R. 32 E.,
Sec. 31, S $\frac{1}{2}$ SE $\frac{1}{4}$.

The system will consist of pipe of various sizes, three compressor sites, and a delivery site. It will be used to gather natural gas from wells in Phillips County, Montana, and convey it to an existing transmission line.

The purpose of this notice is to inform the public that the Bureau will proceed with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, Drawer 1160, Lewistown, Montana 59457.

ROLAND F. LEE,
Chief, Branch of Lands
and Minerals Operations.

[FR Doc. 77-7183 Filed 3-10-77; 8:45 am]

[OR 9057]

OREGON

Order Providing for Opening of Public Lands

MARCH 3, 1977.

1. In an exchange of lands made under the provisions of section 8 of the Act of June 28, 1934, 48 Stat. 1269, 1272,

as amended and supplemented, 43 U.S.C. 315g (1970), the following lands have been reconveyed to the United States:

WILLAMETTE MERIDIAN

- T. 13 S., R. 43 E.,
 Sec. 26, SW $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 27, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 34, NE $\frac{1}{4}$ NE $\frac{1}{4}$;
 Sec. 35, W $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, and NW $\frac{1}{4}$ SE $\frac{1}{4}$.
 T. 14 S., R. 43 E.,
 Sec. 1, NW $\frac{1}{4}$ SE $\frac{1}{4}$.
 T. 14 S., R. 44 E.,
 Sec. 17, NW $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ NW $\frac{1}{4}$.
 The areas described aggregate 440 acres in Baker County.

2. All the minerals in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 17, T. 14 S., R. 44 E., W.M., were and continue to be in United States ownership and open to operation of the mining laws (Ch. 2, Title 30 U.S.C.) and the mineral leasing laws.

3. The subject lands are located in the extreme southern part of Baker County approximately 35 miles southeast of the City of Baker. Elevation ranges from 3,200 to 4,700 feet above sea level, and the topography is generally rolling and moderately steep. Vegetation consists primarily of native grasses and sagebrush. In the past, the lands have been used for livestock grazing purposes, and they will be managed, together with adjoining natural resource land, for multiple use.

4. Subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the lands described in paragraph 1 hereof are hereby open (except as already provided in paragraph 2 hereof) to operation of the public land laws, including the mining laws (Ch. 2, Title 30 U.S.C.) and the mineral leasing laws. All valid applications received at or prior to 10:00 a.m. April 8, 1977, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

5. Inquiries concerning the lands should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

HAROLD A. BERENDS,
 Chief, Branch of Lands
 and Minerals Operations.

[PR Doc.77-7184 Filed 3-10-77;8:45 am]

[M 141]

SOUTH DAKOTA

Transfer of Submarginal Lands Rosebud Indian Reservation

MARCH 2, 1977.

1. Pursuant to Public Law 94-114 (89 Stat. 577) and Sec. 2 there of, the land described in paragraph 3 of this notice, together with all minerals underlying this land, whether acquired or otherwise owned by the United States, are hereby declared to be held by the United States in trust for the use and benefit of the Rosebud Sioux Tribe of South Dakota. The land shall be a part of the established Rosebud Indian Res-

ervation. These lands were submarginal lands acquired under Title II of the National Industrial Recovery Act of June 16, 1933 (48 Stat. 200), the Emergency Relief Appropriation Act of April 8, 1935 (49 Stat. 115), and Sec. 55 of the Act of August 24, 1935 (49 Stat. 750, 781). This notice is issued under the authority delegated to me by Bureau Order No. 701, dated July 23, 1946, as amended.

2. All existing mineral leases, including oil and gas leases, which have been issued on this land will remain in force and effect in accordance with the terms and provisions of the Act under which the leases were issued. The lease files will be transferred to the Office of the Area Director, Bureau of Indian Affairs, Aberdeen, South Dakota. Future rentals for these leases will be paid to and collected by that office. Jurisdiction of these mineral leases is transferred from the Bureau of Land Management to the Bureau of Indian Affairs in trust for the Rosebud Sioux Tribe.

3. SIXTH PRINCIPAL MERIDIAN,
SOUTH DAKOTA

- T. 35 N., R. 25 W.,
 Sec. 12, NW $\frac{1}{4}$; and
 Sec. 19, Lots 2 and 3, SE $\frac{1}{4}$ NW $\frac{1}{4}$, and E $\frac{1}{2}$ SW $\frac{1}{4}$.
 T. 37 N., R. 25 W.,
 Sec. 8, E $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 15, E $\frac{1}{2}$; and
 Sec. 18, All.
 T. 39 N., R. 25 W.,
 Sec. 3, Lots 3 and 4, and S $\frac{1}{2}$ NW $\frac{1}{4}$;
 Sec. 13, NW $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, and SW $\frac{1}{4}$ SE $\frac{1}{4}$; and
 Sec. 27, S $\frac{1}{2}$.
 T. 39 N., R. 25 W.,
 Sec. 6, Lot 6 and NE $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 13, NW $\frac{1}{4}$;
 Sec. 15, S $\frac{1}{2}$;
 Sec. 25, NW $\frac{1}{4}$; and
 Sec. 28, W $\frac{1}{2}$.
 T. 37 N., R. 26 W.,
 Sec. 2, SW $\frac{1}{4}$;
 Sec. 12, NW $\frac{1}{4}$;
 Sec. 13, NW $\frac{1}{4}$;
 Sec. 14, SW $\frac{1}{4}$; and
 Sec. 36, S $\frac{1}{2}$ NW $\frac{1}{4}$ and N $\frac{1}{2}$ SW $\frac{1}{4}$.
 T. 38 N., R. 26 W.,
 Sec. 16, NE $\frac{1}{4}$;
 Sec. 22, NE $\frac{1}{4}$; and
 Sec. 29, NW $\frac{1}{4}$.
 T. 39 N., R. 26 W.,
 Sec. 5, SW $\frac{1}{4}$;
 Sec. 17, NE $\frac{1}{4}$; and
 Sec. 23, NW $\frac{1}{4}$.
 T. 37 N., R. 27 W.,
 Sec. 23, NE $\frac{1}{4}$.
 T. 38 N., R. 27 W.,
 Sec. 21, NE $\frac{1}{4}$.
 T. 39 N., R. 27 W.,
 Sec. 14, S $\frac{1}{2}$;
 Sec. 27, SW $\frac{1}{4}$; and
 Sec. 28, S $\frac{1}{2}$.
 T. 36 N., R. 28 W.,
 Sec. 35, E $\frac{1}{2}$ and NW $\frac{1}{4}$.
 T. 37 N., R. 28 W.,
 Sec. 16, NE $\frac{1}{4}$; and
 Sec. 20, NW $\frac{1}{4}$.
 T. 38 N., R. 28 W.,
 Sec. 17, W $\frac{1}{2}$ W $\frac{1}{2}$;
 Sec. 21, NE $\frac{1}{4}$;
 Sec. 27, N $\frac{1}{2}$;
 Sec. 34, NE $\frac{1}{4}$; and
 Sec. 35, NW $\frac{1}{4}$.
 T. 39 N., R. 28 W.,
 Sec. 5, SW $\frac{1}{4}$;
 Sec. 6, SE $\frac{1}{4}$;
 Sec. 14, N $\frac{1}{2}$;
 Sec. 19, SE $\frac{1}{4}$; and
 Sec. 20, NE $\frac{1}{4}$;
 T. 37 N., R. 29 W.,
 Sec. 18, Lots 1, 2, 3, and 4, NE $\frac{1}{4}$, and E $\frac{1}{2}$ W $\frac{1}{2}$;
 Sec. 24, NE $\frac{1}{4}$; and
 Sec. 30, Lots 3 and 4, and E $\frac{1}{2}$ SW $\frac{1}{4}$.
 T. 38 N., R. 29 W.,
 Sec. 2, Lots 1 and 2, and S $\frac{1}{2}$ NE $\frac{1}{4}$.
 T. 39 N., R. 29 W.,
 Sec. 11, NW $\frac{1}{4}$;
 Sec. 18, NE $\frac{1}{4}$; and
 Sec. 27, SE $\frac{1}{4}$.
 T. 36 N., R. 30 W.,
 Sec. 17, S $\frac{1}{2}$.
 T. 37 N., R. 30 W.,
 Sec. 9, NE $\frac{1}{4}$; and
 Sec. 13, SE $\frac{1}{4}$.
 T. 38 N., R. 30 W.,
 Sec. 2, SE $\frac{1}{4}$;
 Sec. 4, S $\frac{1}{2}$;
 Sec. 8, N $\frac{1}{2}$;
 Sec. 11, NE $\frac{1}{4}$;
 Sec. 12, NE $\frac{1}{4}$ and S $\frac{1}{2}$ S $\frac{1}{2}$;
 Sec. 13, E $\frac{1}{2}$ NE $\frac{1}{4}$; and
 Sec. 29, N $\frac{1}{2}$.
 T. 39 N., R. 30 W.,
 Sec. 20, S $\frac{1}{2}$;
 Sec. 22, SE $\frac{1}{4}$;
 Sec. 27, NE $\frac{1}{4}$; and
 Sec. 33, S $\frac{1}{2}$.
 T. 36 N., R. 31 W.,
 Sec. 9, E $\frac{1}{2}$;
 Sec. 16, NE $\frac{1}{4}$;
 Sec. 23, SE $\frac{1}{4}$;
 Sec. 26, NW $\frac{1}{4}$;
 Sec. 28, E $\frac{1}{2}$;
 Sec. 29, W $\frac{1}{2}$;
 Sec. 30, Lots 1 and 2, NE $\frac{1}{4}$, and E $\frac{1}{2}$ NW $\frac{1}{4}$; and
 Sec. 36, SE $\frac{1}{4}$.
 T. 37 N., R. 31 W.,
 Sec. 10, W $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 15, SW $\frac{1}{4}$ NE $\frac{1}{4}$ and SE $\frac{1}{4}$ NW $\frac{1}{4}$;
 Sec. 25, W $\frac{1}{2}$;
 Sec. 31, NE $\frac{1}{4}$ SE $\frac{1}{4}$; and
 Sec. 34, Lots 1, 2, 3, and 4, NE $\frac{1}{4}$, and N $\frac{1}{2}$ S $\frac{1}{2}$.
 T. 38 N., R. 31 W.,
 Sec. 8, NW $\frac{1}{4}$;
 Sec. 9, SW $\frac{1}{4}$;
 Sec. 15, All;
 Sec. 17, NE $\frac{1}{4}$;
 Sec. 18, NW $\frac{1}{4}$;
 Sec. 19, S $\frac{1}{2}$;
 Sec. 21, NW $\frac{1}{4}$; and
 Sec. 31, NE $\frac{1}{4}$.
 T. 39 N., R. 31 W.,
 Sec. 5, Lots 1 and 2, S $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, and SW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 9, NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, and NE $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 17, E $\frac{1}{2}$;
 Sec. 29, NW $\frac{1}{4}$; and
 Sec. 35, W $\frac{1}{2}$.
 T. 36 N., R. 32 W.,
 Sec. 19, SE $\frac{1}{4}$;
 Sec. 20, SE $\frac{1}{4}$;
 Sec. 29, N $\frac{1}{2}$; and
 Sec. 30, NE $\frac{1}{4}$.
 T. 37 N., R. 32 W.,
 Sec. 3, Lots 3 and 4, and S $\frac{1}{2}$ NW $\frac{1}{4}$;
 Sec. 6, Lots 6 and 7, and E $\frac{1}{2}$ SW $\frac{1}{4}$;
 Sec. 14, N $\frac{1}{2}$;
 Sec. 15, SW $\frac{1}{4}$;
 Sec. 16, SW $\frac{1}{4}$;
 Sec. 18, Lots 3 and 4, and E $\frac{1}{2}$ NW $\frac{1}{4}$;
 Sec. 21, W $\frac{1}{2}$;
 Sec. 28, NE $\frac{1}{4}$;
 Sec. 30, Lots 1 and 2, and E $\frac{1}{2}$ NW $\frac{1}{4}$; and
 Sec. 32, S $\frac{1}{2}$.
 T. 38 N., R. 32 W.,
 Sec. 3, SW $\frac{1}{4}$;
 Sec. 4, Lots 1 and 2, S $\frac{1}{2}$ NE $\frac{1}{4}$, and SE $\frac{1}{4}$;
 Sec. 8, SE $\frac{1}{4}$;
 Sec. 20, All; and
 Sec. 23, NE $\frac{1}{4}$.

T. 39 N., R. 32 W.,
 Sec. 2, SW $\frac{1}{4}$;
 Sec. 6, Lots 3, 4, 5, 6, and 7, SE $\frac{1}{4}$ NW $\frac{1}{4}$, and
 E $\frac{1}{2}$ SW $\frac{1}{4}$;
 Sec. 18, E $\frac{1}{2}$;
 Sec. 19, Lots 1 and 2, NE $\frac{1}{4}$, and E $\frac{1}{2}$ NW $\frac{1}{4}$;
 Sec. 20, SW $\frac{1}{4}$;
 Sec. 21, SW $\frac{1}{4}$;
 Sec. 29, NW $\frac{1}{4}$; and
 Sec. 33, NE $\frac{1}{4}$.

T. 37 N., R. 33 W.,

Sec. 3, Lots 3 and 4, and S $\frac{1}{2}$ NW $\frac{1}{4}$;
 Sec. 9, Lots 5 and 8, and E $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 10, SW $\frac{1}{4}$;
 Sec. 11, SW $\frac{1}{4}$; and
 Sec. 14, SE $\frac{1}{4}$.

T. 38 N., R. 33 W.,

Sec. 10, N $\frac{1}{2}$;
 Sec. 22, NW $\frac{1}{4}$; and
 Sec. 34, NE $\frac{1}{4}$.

T. 39 N., R. 33 W.,

Sec. 2, SW $\frac{1}{4}$;
 Sec. 3, Lots 1 and 2, S $\frac{1}{2}$ NE $\frac{1}{4}$, and SE $\frac{1}{4}$;
 Sec. 15, SW $\frac{1}{4}$;
 Sec. 24, SW $\frac{1}{4}$;
 Sec. 26, NE $\frac{1}{4}$;
 Sec. 28, Lots 1, 4, 5, and 8, and E $\frac{1}{2}$ E $\frac{1}{2}$; and
 Sec. 36, NW $\frac{1}{4}$ and S $\frac{1}{2}$.

The areas described aggregate 29,734.50 acres.

EDWIN ZAJDLICZ,
 State Director.

[FR Doc. 77-7191 Filed 3-10-77; 8:45 am]

Office of the Secretary

COMMITTEE ON FUTURE ENERGY PROSPECTS, NATIONAL PETROLEUM COUNCIL

Meeting

Notice is hereby given for the following meeting:

The National Petroleum Council's Committee on Future Energy Prospects will meet on Monday, March 28, 1977, at 1:30 p.m., in the Ballroom of the Dulles-Marrriott Hotel, Dulles International Airport, Virginia. The meeting will continue on the morning of Tuesday, March 29, and on the morning of Friday, April 1, if such continuances are necessary to complete the business of the meeting.

The agenda includes the following items for discussion:

1. Review and discuss progress on completion of individual discussion papers.
2. Discuss development of Summary Report covering the content of the individual discussion papers.
3. Discuss overall plans and timetable for completion of study.
4. Discuss any other matters pertinent to the overall assignment of the Committee.

The purpose of the National Petroleum Council is to provide to the Secretary of the Interior, upon request, advice, information, and recommendations upon any matter relating to petroleum or the petroleum industry.

The meeting will be open to the public to the extent that space and facilities permit. Any member of the public may file a written statement with the Council either before or after the meeting. Interested persons who wish to speak at the meeting must apply to the Council and obtain approval in accordance with its established procedures.

Further information about the meeting may be obtained from Ben Tafoya, Office of the Assistant Secretary—Energy and Minerals, Department of the Interior, Washington, D.C. (telephone: 343-6226).

Dated: March 8, 1977.

ROBERT L. PRESLEY,
 Emergency Coordinator, Office
 of the Assistant Secretary—
 Energy and Minerals.

[FR Doc. 77-7267 Filed 3-10-77; 8:45 am]

OIL SHALE LEASE MAJOR MODIFICATION TO DETAILED DEVELOPMENT PLAN

Public Hearing

Pursuant to section 10(a) of the U.S. Department of the Interior Oil Shale Lease, the Department announces the availability of a major modification to the Detailed Development Plan submitted February 9, 1976 for Oil Shale Tract C-b, Serial No. Colorado 20341.

Prior to commencing any question under the Detailed Development Plan as modified, the lessee must obtain the approval of the Area Oil Shale Supervisor.

Notice is hereby given that public hearings will be held for the purpose of receiving comments relating to the major modification to the Tract C-b Detailed Development Plan on the following date and at the following location:

APRIL 19, 1977

Freeman Fairfield Square, 200 Block Main Street, Meeker, Colorado 81641.

The hearing will be held 1-5 p.m. and 7-10 p.m. Interested individuals, representatives of organizations and public officials wishing to appear at the hearings should contact the Office of the Area Oil Shale Supervisor, U.S. Geological Survey, 131 North 6th Street, Grand Junction, Colorado, no later than April 15, 1977. Written comments from those unable to attend and from those wishing to supplement their oral presentations at the hearing should be received by the Office of the Area Oil Shale Supervisor, 131 North 6th Street, Grand Junction, Colorado on or before April 29, 1977.

All written statements received pursuant to this notice will be included in the hearing record. Oral statements at the hearing will be limited to a period of ten minutes. To the extent that time is available after presentation of oral statements by those who have given advance notice, the hearings officer will give others present an opportunity to be heard.

Notice is also given that copies of the modification of the Tract C-b Detailed Development Plan and related reports are available for public inspection during regular business hours at the following locations:

Area Oil Shale Office, Mesa Federal Savings & Loan Bldg., Grand Junction, Colo.
 U.S. Geological Survey, Conservation Division, Central Region, Villa Italia, Denver, Colo.

U.S. Geological Survey, Conservation Division, Reston, Va.

Oil Shale Environmental Advisory Panel, Bldg., 67, Denver, Federal Center, Denver, Colo.

Mesa College Library, Grand Junction, Colo.
 Mesa County Public Library, Grand Junction, Colo.

Montrose Regional Library, Montrose, Colo.

Delta Library, Delta, Colo.

Library, Dept. of the Interior, Main Interior Bldg., Washington, D.C.

Rangely Public Library, Rangely, Colo.

Colorado Northwestern Community Library, Rangely, Colo.

Meeker Public Library, Meeker, Colo.

Moffat County Library, Craig, Colo.

Garfield County Library, New Castle, Colo.

Colorado Mountain College Library, Glenwood Springs, Colo.

Glenwood Springs Public Library, Glenwood Springs, Colo.

Utah County Public Library, Vernal, Utah
 Rifle Public Library, Rifle, Colo.

Denver Public Library, Conservation Library, Denver, Colo.

Bureau of Land Management, 455 Emerson Dr., Craig, Colo.

Bureau of Land Management, Colorado State Office, Colorado State Bank Bldg., 1600 Broadway, Denver, Colo.

Bureau of Land Management, Wyoming State Office, Federal Center, 2120 Capitol Avenue, Cheyenne, Wyo.

Bureau of Land Management, Utah State Office, University Club Bldg., 136 East South Temple, Salt Lake City, Utah 84111.
 Salt Lake City Public Library, Salt Lake City, Utah.

Colorado State Library, 1326 Lincoln, Denver, Colo.

CHRIS FARRAND,
 Acting Assistant.

MARCH 4, 1977.

[FR Doc. 77-7266 Filed 3-10-77; 8:45 am]

[Int. FES 77-6]

BONNEVILLE POWER ADMINISTRATION

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Bonneville Power Administration has prepared a final environmental statement covering its Fiscal Year 1978 Proposed Program.

Copies of the final environmental statement are available for inspection in the library of the Headquarters Office of BPA, 1002 N.E. Holladay Street, Portland, Oregon 97232; the Washington, D.C., Office in the Interior Building, Room 5600; and in the following area and district offices: Idaho Falls District Office, 531 Lomax Street, Idaho Falls, Idaho 83401; Portland Area Office, Lloyd Plaza Bldg., 919 N.E. 19th Avenue, Room 201, Portland, Oregon 97232; Seattle Area Office, 415-1st Avenue North, Room 250, Seattle, Washington 98109; Spokane Area Office, Room 561, U.S. Court House, W. 920 Riverside Avenue, Spokane, Washington 99201; Walla Walla Area Office, West 101 Poplar, Walla Walla, Washington 99362; Eugene District Office, U.S. Federal Bldg., Room 260, 211 East 7th Street, Eugene, Oregon 97401; Kalispell District Office (five miles east of Kalispell on Highway 2), P.O. Box 758, Kalispell, Montana 59901; and the

Wenatchee District Office, Room 314, U.S. Federal Bldg., 301 Yakima Street, P.O. Drawer 741, Wenatchee, Washington 98801.

Copies are also available for inspection at the following Government Depository Libraries:

GOVERNMENT DEPOSITORY LIBRARIES

Boise Public Library, Reference Dept., 715 Capitol Blvd., Boise, ID 83709.
 University of Idaho Library, U.S. Documents, Moscow, ID 83843.
 Documents Division, Idaho State University Library, Pocatello, ID 83209.
 Documents Librarian, Montana State University Library, Bozeman, MT 59715.
 University of Montana Library, Documents Division, Missoula, MT 59801.
 Southern Oregon State College Library, Documents Section, Ashland, OR 97520.
 Documents Division, William Jasper Kerr Library, Oregon State University, Corvallis, OR 97331.
 University of Oregon Library, Documents Section, Eugene, OR 97403.
 Harvey W. Scott Memorial Library, Pacific University, Forest Grove, OR 97116.
 Eastern Oregon State College Library, Eighth at K, La Grande, OR 97850.
 Eric V. Hauser Memorial Library, Reed College, 3203 S.E. Woodstock, Portland, OR 97202.
 Aubrey R. Watzek Library, Lewis and Clark College, ATTN: Reference Department, 0615 S.W. Palatine Hill Road, Portland, OR 97219.
 Oregon State Library, State Library Building, Salem, OR 97301.
 Willamette University Library, 900 State Street, Salem, OR 97301.
 Documents Division, Mabel Zoe Wilson Library, Western Washington State College, 516 High Street, Bellingham, WA 98225.
 Documents Department, Victor J. Bouillon Library, Central Washington State College, Ellensburg, WA 98926.
 Everett Community College Library, 801 Wetmore Avenue, Everett, WA 98201.
 Documents Center, Washington State Library, Olympia, WA 98504.
 Washington State University Library, Serial-Record Section, Pullman, WA 99163.
 Northus Library, Linfield College, McMinnville, OR 97128.
 Library Association of Portland, 801 S.W. Tenth Avenue, Portland, OR 97205.
 Documents Librarian, Portland State University Library, P.O. Box 1151, Portland, OR 97207.
 Oregon College of Education, Library, Monmouth, OR 97361.
 Boise State College Library, Boise, ID 83725.
 Idaho State Library, 325 W. State Street, Boise, ID 83702.
 Ricks College, David O. McKay Library, Rexburg, ID 83440.
 University of Puget Sound, Everitt S. Collins Memorial Library, Tacoma, WA 98416.
 Eastern Washington State College Library, John F. Kennedy Memorial Library, Cheney, WA 99004.
 Evergreen State College, Daniel J. Evans Library, Olympia, WA 98505.
 Seattle Public Library, 1000 Fourth Ave., Seattle, WA 98104.
 Fort Vancouver Regional Library, Attn.: Reference Librarian, 1007 E. Mill Plain Blvd., Vancouver, WA 98663.
 Northwest Collection, Penrose Memorial Library, Whitman College, Walla Walla, WA 99362.
 Henry Suzzallo Memorial Library, University of Washington, Seattle, WA 98195.
 Oregon Supreme Court Library, 12th and State Streets, Salem, OR 97310.

Idaho State Law Library, Documents Librarian, Pocatello, ID 83201.

College of Idaho, Terteling Library, 2112 Cleveland Blvd., Caldwell, ID 83605.

College of Southern Idaho, Documents Librarian, Box 1238, 315 Falls Ave., Twin Falls, ID 83301.

Tacoma Public Library, 1102 Tacoma Ave. S., Tacoma, WA 98402.

Everett Public Library, 2702 Hoyt Ave., Everett, WA 98201.

North Olympic Library System, Library Service Center, 2210 S. Peabody, Port Angeles, WA 98362.

University of Washington, School of Law Library, 300 Condon Hall, Seattle, WA 98105.
 Spokane Public Library, Comstock Bldg., W. 906 Main Ave., Spokane, WA 99201.

A limited number of single copies are available and may be obtained by writing to the Environmental Manager, Bonneville Power Administration, P.O. Box 3621, Portland, Oregon 97208, or to the area and district offices mentioned above.

Dated: March 8, 1977.

STANLEY D. DOREMUS,
 Deputy Assistant
 Secretary of the Interior.

[FR Doc. 77-7304 Filed 3-10-77; 8:45 am]

[INT FES 77-5]

IMPROVEMENT OF SCOGGINS VALLEY ROAD, TUALATIN PROJECT, OREGON

Availability of Supplement to Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a Supplement to the Final Environmental Statement on the Tualatin Project (FES 72-8). The Supplement concerns the improvement of approximately 3 miles of the Scoggins Valley Road which provides recreation access to Henry Hagg-Lake, Tualatin Project, Oregon, and regular transportation access to local residents and businesses. Essentially, the actions covered are the completion of necessary road improvements and extensions to provide safe and adequate access. The impacts discussed are essentially of the same magnitude as those discussed in FES 72-8, so no official draft supplement will be circulated. The statement has been reviewed informally by the local agencies primarily concerned.

Copies are available for inspection at the following locations:

Office of Assistant to the Commissioner—Ecology, Room 7622, Bureau of Reclamation, Department of the Interior, Washington, D.C. 20240. Telephone 202-343-4991.

Office of Regional Director, Bureau of Reclamation, P.O. Box 043, 550 W. Fort Street, Boise, Idaho 83724. Telephone 208-384-1908.

Tualatin Project Office, Bureau of Reclamation, P.O. Box 98, Forest Grove, Oregon 97116. Telephone 503-357-3168.

Division of Engineering Support, Technical Services and Publications Branch, Engineering and Research Center, Denver Federal Center, Denver, Colorado 80225. Telephone 303-234-3006.

Single copies of the Supplement may be obtained on request to the Commissioner

of Reclamation or the Regional Director. Copies will also be available for inspection in libraries in western Oregon. Please refer to the statement number above.

Dated: March 8, 1977.

STANLEY D. DOREMUS,
 Deputy Assistant Secretary
 of the Interior.

[FR Doc. 77-7303 Filed 3-10-77; 8:45 am]

[INT DES 77-0]

SALE OF FORT MOHAVE LANDS TO STATE OF NEVADA

Availability of Draft Supplement to Final Environmental Statement

In accordance with section 102(2)(C) of the National Environmental Policy Act of 1969, the Bureau of Land Management (BLM) has prepared a draft supplement to the final environmental statement on the proposed sale of Fort Mohave lands to the State of Nevada.

The draft supplement provides detailed and updated information in response to comments and concerns expressed by various groups reviewing the January 23, 1975, final environmental statement. Supplement information pertains primarily to: Existing habitat and limiting factors of possible endangered or threatened wildlife species, possible presence of endangered or threatened plants, flood hazard evaluation, and cultural resources on the Fort Mohave lands.

Written comments will be accepted by the Nevada State Director (N-911), Bureau of Land Management, 300 Booth Street, Reno, Nevada 89509 on or before April 11, 1977. While most environmental statements have a 45-day review period, 30 days of review time is being allowed, because it is a supplement.

Limited copies of the draft supplement to the environmental statement are available at the above address and at the Las Vegas District Office, P.O. Box 5400, 4765 Vegas Drive, Las Vegas, Nevada 89102. Copies may also be obtained by writing the Director (130), Bureau of Land Management, Department of the Interior, Washington, D.C. 20240.

In addition, reading copies are available at the Las Vegas City Library and at the University of Nevada libraries in Las Vegas and Reno.

Dated: March 8, 1977.

STANLEY D. DOREMUS,
 Deputy Assistant Secretary
 of the Interior.

[FR Doc. 77-7305 Filed 3-10-77; 8:45 am]

INTERNATIONAL TRADE COMMISSION

[TA-201-20]

LOW CARBON FERROCHROMIUM

Date and Site of Public Hearing

Notice is hereby given that the public hearing in this matter will be held beginning on Tuesday, April 5, 1977, in Pittsburgh, Pennsylvania, at a time and place to be announced later.

Notice of the investigation and hearing was published in the **FEDERAL REGISTER** of February 2, 1977 (42 FR 6432).

Issued: March 8, 1977.

By order of the Commission.

KENNETH R. MASON,
Secretary.

[FR Doc. 77-7372 Filed 3-10-77; 8:45 am]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 76-11]

MORTON I. GERSHENFELD T/A SCHOOL PHARMACY

Denial of Application

On November 25, 1975, in the United States District Court for the Eastern District of Pennsylvania, Morton I. Gershenfeld pleaded guilty to four counts of knowingly and intentionally distributing Schedule II controlled substances in violation of Title 21, United States Code, Section 841. Gershenfeld also pleaded guilty to one count of conspiring with another to distribute Schedule II controlled substances illegally.

Following issuance by DEA of an order to show cause as to why the application for registration submitted on or about January 30, 1976, by Gershenfeld trading as School Pharmacy, Media, Pennsylvania, should not be denied, an administrative hearing was held on September 30, 1976.

The Administrator has reviewed the record of that hearing and has carefully considered the findings of fact, conclusions of law, and recommended ruling of the administrative law judge.

The record fully substantiates the conclusions of the administrative law judge that:

1. "There is no question but that Respondent flagrantly violated the controlled substances law. He willingly sold even Schedule II controlled substances in large quantities."

2. "He (Gershenfeld) was more than willing to join in a scheme whereby, during the next ensuing summer, enormous quantities of controlled substances would be sold unlawfully to teenagers."

3. "Clearly in the instant case, Morton Gershenfeld knowingly and freely intended to sell controlled substances or dangerous drugs in large quantities contrary to law and with no apparent concern for the consequences of his acts."

There is no evidence in the record even tending to counter the facts upon which the conclusions of the administrative law judge are based. Counsel for Gershenfeld admitted "we do not contend that we have any legal basis for defense here" (transcript of hearing, page 6.). Rather, Gershenfeld contends that the application for registration should be granted because he supports his aged parents. The administrative law judge perceives some merit in this position. The Administrator finds none. Gershenfeld's appeal to compassion would be better aimed had Gershenfeld, himself, demonstrated even

a scintilla of sympathy for the teenagers he was quite prepared to devastate with dangerous drugs or for their parents.

Nothing in this record indicates that Gershenfeld can be trusted to handle controlled substances. The basis for denial of the application herein rests on the federal conviction. The refusal to exercise discretion rests on the total record.

Accordingly, pursuant to the authority vested in the Administrator of the Drug Enforcement Administration, the Administrator orders that the application of Morton I. Gershenfeld trading as School Pharmacy be, and it hereby is, denied.

Dated: March 7, 1977.

PETER B. BENSINGER,
Administrator,
Drug Enforcement Administration.

[FR Doc. 77-7258 Filed 3-10-77; 8:45 am]

DEPARTMENT OF LABOR

Employment and Training Administration

EMPLOYMENT TRANSFER AND BUSINESS COMPETITION DETERMINATIONS UNDER THE RURAL DEVELOPMENT ACT

Notice of Applications

The organizations listed in the attachment have applied to the Secretary of Agriculture for financial assistance in the form of grants, loans, or loan guarantees in order to establish or improve facilities at the locations listed for the purposes given in the attached list. The financial assistance would be authorized by the Consolidated Farm and Rural Development Act, as amended, 7 U.S.C. 1924(b), 1932, or 1942(b).

The Act requires the Secretary of Labor to determine whether such Federal assistance is calculated to or is likely to result in the transfer from one area to another of any employment or business activity provided by operations of the applicant. It is permissible to assist the establishment of a new branch, affiliate or subsidiary, only if this will not result in increased unemployment in the place of present operations and there is no reason to believe the new facility is being established with the intention of closing down an operating facility.

Applications received during the week ending March 4, 1977

Name of applicant	Location of enterprise	Principal product or activity
Samoset Associates	Rockport, Maine	Convention center, recreation facilities, and homes for retired vacationer.
Texapol Corp.	Wescosville, Pa.	Manufacture of proprietary nylon products.
New River Venture	Webster County, W. Va.	Mining of metallurgical coal.
Robert O. Billmyre	Port Ashby, W. Va.	Nursing and personal care facilities.
Kaj'n Homes, Inc.	Ramer, Tenn.	Manufacture of mobile homes.
Whitley, Inc.	Callaway, Fla.	Retail and wholesale sales of sod and grass seeds.
Biloxi Freezing Co., Inc.	Biloxi, Miss.	Freezing and cold storage; shrimp processing, packing, and manufacturing of ice and sales of same and sale of diesel fuel on limited basis.
G. A. Funderburk Co., Inc.	Jefferson, S.C.	Dealer in farm products and supplies.
Watson Tire Co.	Toccoa, Ga.	Wholesale and retail tire sales.
Southern Chemicals, Inc.	Sanford, Fla.	Manufacture and distribution of agricultural chemicals and soluble fertilizers.
Barnum Storage Co.	Rocky Mount, N.C.	Process and market unmanufactured leaf tobacco.
Alpine Laboratories, Inc.	Minette, Ala.	Manufacture of chemical industries.
Plains Convalescent Home, Inc.	Plains, Ga.	Health care services to the aged and infirm, and caring for those patients unable to care for themselves.
Baldwin Industries, Inc.	Foley, Ala.	Highway points, signs, and other marking products to include thermoplastics (100 percent solids).
Pitt Convalescent Center	Greenville, N.C.	Nursing home.
Harvey B. Hole Mack, Inc.	Versailles, Ohio	Sale of new Mack trucks and used trucks of all makes, and a service machine shop.
Charles R. Barous, partner Blossom Center.	Alliance, Ohio	Skilled nursing facility.

The Act also prohibits such assistance if the Secretary of Labor determines that it is calculated to or is likely to result in an increase in the production of goods, materials, or commodities, or the availability of services or facilities in the area, when there is not sufficient demand for such goods, materials, commodities, services, or facilities to employ the efficient capacity of existing competitive commercial or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area.

The Secretary of Labor's review and certification procedures are set forth at 29 CFR Part 75. In determining whether the applications should be approved or denied, the Secretary will take into consideration the following factors.

1. The overall employment and unemployment situation in the local area in which the proposed facility will be located.

2. Employment trends in the same industry in the local area.

3. The potential effect of the new facility upon the local labor market, with particular emphasis upon its potential impact upon competitive enterprises in the same area.

4. The competitive effect upon other facilities in the same industry located in other areas (where such competition is a factor).

5. In the case of applications involving the establishment of branch 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 Seventh day of March, 1977.

ROBERT J. MCCONNOR,
Deputy Assistant Secretary for
Employment and Training.

Name of applicant	Location of enterprise	Principal product of activity
Wood Design, Inc.	French Lick, Ind.	Manufacture of furniture, office wood desks, and related case goods.
Coastal Warehouse Division of Prairie City Industries	Wharton, Tex.	Grain storage.
Cookrell & Gibbs ENT, Inc.	Temple, Tex.	Construct and lease building to recreation enterprise.
Belco Bowlerama, Inc.	do.	Operate bowling alley and skating rink.
Chandler Expanded Metals Corp. (tenant to the city of Chandler)	Chandler, Okla.	Manufacture of metal.
Littlefield Feeders, Inc.	Littlefield, Tex.	Custom cattle feeding operation.
Cassville Industrial Development Corp.	Cassville, Mo.	Manufacture of aluminum extruded products and fabricated products.
Beaver Valley Canning Co. and its wholly owned subsidiaries.	Grimes, Iowa.	Canned vegetables.

[FR Doc.77-7306 Filed 3-10-77; 8:45 am]

FEDERAL SUPPLEMENTAL BENEFITS (EMERGENCY UNEMPLOYMENT COMPENSATION)

Availability of Federal Supplemental Benefits in the State of New Mexico

This notice announces the beginning of a new Federal Supplemental Benefit Period in the State of New Mexico effective March 6, 1977.

BACKGROUND

The Emergency Unemployment Compensation Act of 1974 (Public Law 93-572, enacted December 31, 1974) (the Act) created a temporary program of supplementary unemployment benefits (referred to as Federal Supplemental Benefits) for unemployed individuals who have exhausted their rights to regular and extended benefits under State and Federal unemployment compensation laws. Federal Supplemental Benefits are payable during a Federal Supplemental Benefit Period in a State which has entered into an Agreement under the Act with the United States Secretary of Labor. A Federal Supplemental Benefit Period is triggered on in a State when unemployment in the State or in the State and the nation reaches the high levels set in the Act. During a Federal Supplemental Benefit Period the maximum amount of Federal Supplemental Benefits which are payable to eligible individuals will be up to 13 weeks or 26 weeks, depending upon the level of the rate of insured unemployment in the State.

There is a Federal Supplemental Benefit "on" indicator in a State for a week if the United States Secretary of Labor determines with respect to the State that, (a) there is a State or National "on" indicator for the week, as determined for the purposes of payment of extended benefits under the Federal-State Extended Unemployment Compensation Act of 1970, as amended, and (b) the employment security agency of the State has determined that the average rate of insured unemployment in the State for the period consisting of that week and the immediately preceding twelve weeks equalled or exceeded 5.0 percent. The Federal Supplemental Benefit Period actually begins with the third week following the week for which there is an "on"

indicator, and lasts for a minimum period of not less than 26 weeks.

Similarly, an "off" indicator ending a Federal Supplemental Benefit Period occurs in a week when the Secretary of Labor determines that the average rate of insured unemployment (as determined by the State employment security agency) for the period consisting of that week and the immediately preceding twelve weeks is less than 5.0 percent. The Federal Supplemental Benefit Period actually ends with the third week after the week in which there is an "off" indicator, but not earlier than the end of the twenty-sixth week of the period.

DETERMINATION OF "ON" INDICATOR

The Secretary of Labor has determined under section 203(d) of the Federal-State Extended Unemployment Compensation Act of 1970, as amended, and 20 CFR 615.13(a), (Title 20 of the Code of Federal Regulations, section 615.13(a)), that there is a National "on" indicator in effect which is applicable to every State, as announced in the notice published in the FEDERAL REGISTER on February 21, 1975, at 40 FR 7722. The employment security agency of the State of New Mexico has determined under the Act and 20 CFR 618.19(a)(2) (published in the FEDERAL REGISTER on March 23, 1976, at 41 FR 12151, 12157) that the average rate of insured unemployment in the State for the period consisting of the week ending on February 19, 1977, and the immediately preceding twelve weeks equalled or exceeded 5.0 percent.

Therefore, I have determined in accordance with the Act and 20 CFR 618.19(a), and as authorized by the Secretary of Labor's Order 4-75, dated April 1, 1975 (published in the FEDERAL REGISTER on April 28, 1975, at 40 FR 18515), that there was a Federal Supplemental Benefit "on" indicator in the State of New Mexico for the week ending on February 19, 1977, and that a Federal Supplemental Benefit Period therefore commenced in that State with the week beginning on March 6, 1977.

INFORMATION FOR CLAIMANTS

There will be a 5-per centum period in effect in the new Federal Supplemental Benefit Period, commencing at the beginning of the new period. During the 5-per centum period an individual who is eligible for Federal Supplemental Bene-

fits will be entitled to a maximum amount of up to 13 times the individual's weekly benefit amount, or, if less, the balance in the individual's Federal Supplemental Benefit Account.

In the event that a 6-per centum period subsequently takes effect in the new Federal Supplemental Benefit Period, because the rate of insured unemployment in the State has risen to an average of 6.0 percent or more over a period of thirteen weeks, the maximum amount of Federal Supplemental Benefits payable to an eligible individual will increase. In that event, as the Act now provides, an eligible individual will be entitled to a maximum amount of Federal Supplemental Benefits of up to 26 times the individual's weekly benefit amount, or, if less, the balance in the individual's Federal Supplemental Benefit Account.

The State employment security agency will furnish a written notice of potential entitlement to Federal Supplemental Benefits to each individual who is an "exhaustee" (as defined in the Act and 20 CFR 618.5) of regular and extended benefits payable under State and Federal unemployment compensation laws, and to each individual who has a previously established Federal Supplemental Benefit Account in which there is any balance as of the beginning of the new Federal Supplemental Benefit Period. The State employment security agency also will furnish a written notice to each individual for whom a Federal Supplemental Benefit Account has been established, of the beginning or ending of a 6-per centum period in the new Federal Supplemental Benefit Period, and its effect on the individual's entitlement to Federal Supplemental Benefits.

The Act now provides that the program will expire with the last week which ends before April 1, 1977, at which time the Federal Supplemental Benefit Period will terminate. If the program is extended, individuals who may be entitled to Federal Supplemental Benefits will be notified by the State employment security agency.

Persons who believe they may be entitled to Federal Supplemental Benefits in the State of New Mexico, or who wish to inquire about their rights under this program, should contact the nearest State Employment Office of the New Mexico Employment Security Commission in their locality.

Signed at Washington, D.C. on March 7, 1977.

ROBERT J. MCCONNOR,
Acting Assistant Secretary
for Employment and Training.

[FR Doc.77-7316 Filed 3-10-77; 8:45 am]

Occupational Safety and Health Administration

NATIONAL ADVISORY COMMITTEE ON OCCUPATIONAL SAFETY AND HEALTH, SUBGROUP ON POLICY/BUDGET

Meeting

Notice is hereby given that the Subgroup on Policy/Budget of the National

Advisory Committee on Occupational Safety and Health (NACOSH) will meet on April 6, 1977 in Room N-4437, Department of Labor Building, 3rd Street and Constitution Avenue NW., Washington, D.C. 20210.

The National Advisory Committee was established under section 7(a) of the Occupational Safety and Health Act of 1970 to advise the Secretary of Labor and the Secretary of Health, Education, and Welfare on matters relating to the administration of the Act.

The meeting will begin at 9:00 a.m. The public is invited to attend. The Subgroup will continue its discussion of state plans, the OSHA-NIOSH interface, and economic impact assessments.

For additional information contact:

J. Goodell, Committee Management Office, Occupational Safety and Health Administration, Department of Labor, Room N-3635, Third Street and Constitution Avenue NW., Washington, D.C. 20210, Phone 202-523-8024.

Any written data or views concerning these agenda items or suggestions for future agenda items which are received by the Committee Management Office before the meeting, preferably with 20 copies, will be presented to the Subgroup and included in the official record of the meeting.

Anyone wishing to make an oral presentation should notify the Committee Management Office before the meeting. The request should state the amount of time desired, the capacity in which the person will appear, and a brief outline of the content of the presentation. Oral presentations will be scheduled at the discretion of the Subgroup Chairman, depending on the extent of which time permits.

Official records of the meeting will be available for public inspection at the above address.

Signed at Washington, D.C., this 8th day of March 1977.

J. GOODSELL,
Executive Secretary.

[FR Doc. 77-7317 Filed 3-10-77; 8:45 am]

CALIFORNIA STATE STANDARDS

Notice of Approval

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 (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health, (hereinafter called the Regional Administrator) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On May 1, 1973, a no-

tice was published in the FEDERAL REGISTER (38 FR 10717) of the approval of the California plan and the adoption of Subpart K to Part 1952 containing the decision.

The California plan provides for the adoption of State standards which are at least as effective as comparable Federal standards promulgated under section 6 of the Act. State standards comparable to 29 CFR Part 1910 except for the temporary labor camp standards of § 1910.142, 29 CFR Parts 1915, 1916, 1917, 1918, 1919 and 1926 were approved on September 17, 1976 in the Federal Register (41 FR 40241). However, there have been changes to the Federal standards and some State initiated changes to revise and update the California code. Accordingly, California has revised these standards and promulgated them in accordance with applicable State procedures. By a letter dated January 7, 1977 from Steven A. Jablonsky, Program Manager, California Occupational Safety and Health Administration to Gabriel J. Gilloiti, Regional Administrator, and incorporated as part of the plan, the State submitted proof documents concerning amendments to standards equivalent to Federal amendments to the storage and handling of liquified petroleum gas standards of 29 CFR 1910.110(b) (6), 1910.110(d) (4) (ii) (c), 1910.110(d) (7) (ii) (a) and 1910.110(h) (12), the storage and handling of anhydrous ammonia standard of 29 CFR 1910.111(c) (5) (ii), the overhead and gantry crane standard of 29 CFR 1910.179(a) (20), the steel erection flooring requirement standard of 29 CFR 1926.750(b) (1) (iii) and rollover protective structure standard of 29 CFR 1926.1000. These standards, which are contained in Title 8, Chapter 4 of the California Administrative Code, were promulgated by the State after public hearings which were held at various times between April 29, 1976 and November 18, 1976 and became effective on various dates between August 20, 1976 and December 20, 1976.

2. *Decision.* Having reviewed the State submission in comparison with the Federal standards, it has been determined that the State standards are at least as effective as the comparable Federal standards. The State standards are more specific in several areas, particularly, with respect to Subpart H, 29 CFR 1910.110, Storage and Handling of Liquified Gases and Subpart W, 29 CFR 1926.1000 Rollover Protective Structure; Overhead Protection. The detailed standards comparison is available at the locations specified below.

3. *Location of supplement for inspection and copying.* A copy of the standards comparison supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Regional Administrator, Occupational Safety and Health Administration, 450 Golden Gate Avenue, Room 9470, San Francisco, California 94102; California Occupational Safety and Health Administration, Room 3052, 455 Golden Gate

Avenue, San Francisco, California 94102; and the Technical Data Center, Occupational Safety and Health Administration, Room N-3620, 200 Constitution Avenue NW., Washington, D.C. 20210.

4. *Public participation.* Under § 1953.2(c) of this chapter, the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the California plan as a proposed change and making the OSHA Regional Administrator's approval effective upon publication for the following reason:

The standards were adopted in accordance with the procedural requirement of State law which included public comment and further public participation would be repetitious.

This decision is effective March 11, 1977.

(Sec. 18, Pub. L. 91-956, 84 Stat. 1608 (29 U.S.C. 667).)

Signed at San Francisco, California this 17th day of January 1977.

GABRIEL J. GILLOITI,
Regional Administrator, Occupational Safety and Health Administration.

[FR Doc. 77-7318 Filed 3-10-77; 8:45 am]

VIRGIN ISLANDS STANDARDS

Notice of Approval

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 (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called the Regional Administrator) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) (29 CFR 1953.4), will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On September 11, 1974, notice was published in the FEDERAL REGISTER (38 FR 24896) of the approval of the Virgin Islands plan and adoption of Subpart S to Part 1952 containing the decision.

The Virgin Islands plan provides for the adoption of Federal standards as Virgin Island standards by reference without publishing such regulations in full, provided that such regulations shall be clearly identified in the adopting regulation, and that copies of the FEDERAL REGISTER containing such regulations shall be maintained in the Office of the Lieutenant Governor, available for inspection by the public. On November 5, 1974, notice was published in the FEDERAL REGISTER approving the adoption by reference on March 21, 1974 of Federal Standards 29 CFR Parts 1910.

1918 and 1926, as Virgin Islands rules and regulations, 24 V.I.R.R. 36(b) 1, 2, and 3.

The Virgin Islands approved plan excludes Subpart D of 29 CFR part 1926 (Occupational Health and Environmental Control), Subpart G of 29 CFR part 1910 (Occupational Health and Environmental Control) and §§ 1910.13 (Ship repairing), and 1910.14 (Shipbuilding), 1910.15 (Shipbreaking), and 1910.16 (Longshoring), which reference Parts 1915, 1916, 1917 and 1918 of 29 CFR. In addition, § 1910.19 (Asbestos Dust) of Part 1910 and Part 1919 (Gear Certification) are excluded by the scope of the Virgin Islands 18(b) plan. Notwithstanding the exclusion of Longshoring, 29 CFR part 1918 has been adopted by reference since § 1926.605 (Marine Operations and Equipment) references 29 CFR part 1918.

Section 1953.20 of 29 CFR provides that where "any alteration in the Federal program could have an adverse impact on the 'at least as effective as' status of the State program, a program change supplement to a State plan shall be required." In response to Federal standards changes, the State has submitted by a letter dated December 15, 1976 from Mr. Jean D. Larsen, Assistant Commissioner of the Virgin Islands Department of Labor and Director of the Division of Occupational Safety and Health, to Mr. Alfred Barden, Regional Administrator, and incorporated as a part of the plan. State certification documenting promulgation of regulations (November 30, 1976) adopting 29 CFR part 1928 as V.I.R.R. 36(b) 4, and all changes and additions to 29 CFR parts 1910, 1918, 1926, as 24 V.I.R.R. 36(b) 1, 2, 3, up to and including November 30, 1976.

The authority to adopt such standards is contained in Title 3, Section 940, of the Virgin Islands Code. The adopting regulations were issued by the Commissioner of Labor of the Virgin Islands Department of Labor and were approved and promulgated by the Governor of the Virgin Islands.

2. *Decision.* Having reviewed the Virgin Islands Regulations providing for the adoption of Federal standards by reference, it has been determined that Virgin Islands Regulations are identical to Federal standards and are hereby approved.

3. *Location of supplement for inspection and copying.* A copy of the standards supplement, along with the approved plan, may be inspected and copied during the normal business hours at the following locations: Office of the Regional Administrator, Region II, 1515 Broadway, Room 3445, New York, New York 10036; Office of the Director for Federal Compliance and State Programs, Room N-3605, 200 Constitution Avenue NW., Washington, D.C. 20210; Department of Labor, Government of the Virgin Islands, Dronigans Gade, Charlotte Amalie, St. Thomas, V.I. 00801, and at Hospital Street, Christiansted, St. Croix, V.I. 00820.

4. *Public participation.* Under 29 CFR 1953.2(c), the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the Virgin Islands plan as a proposed change and making the Regional Administrator's approval effective upon publication for the following reasons:

(1) The standards are identical to the Federal standards and are therefore deemed to be at least as effective.

(2) The standards were adopted in accordance with the procedural requirements of State law and further participation would be unnecessary.

This decision is effective March 11, 1977.

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

Signed at New York, New York, this 16th day of February 1977.

ALFRED BARDEN,
Regional Administrator,
Occupational Safety and Health.

[FR Doc.77-7319 Filed 3-10-77;8:45 am]

Office of the Secretary

[TA-W-1,684]

PORT FISHERIES

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On February 10, 1977 the Department of Labor received a petition dated February 1, 1977 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of Port Fisheries, Port Isabel, Texas (TA-W-1,684). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with the providing of services for shrimp boats by Port Fisheries or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than March 18, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than March 18, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 24th day of February 1977.

MARVIN M. FOOKS,
Director, Office of
Trade Adjustment Assistance.

[FR Doc.77-7123 Filed 3-10-77;8:45 am]

[TA-W-1,676]

SPORN DRESS CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On February 17, 1977 the Department of Labor received a petition dated February 14, 1977 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of Sporn Dress Company, Freehold, New Jersey (TA-W-1,676). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with women's dresses produced by Sporn Dress Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a

substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than March 21, 1977.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than March 21, 1977.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 24th day of February 1977.

MARVIN M. FOOKS,
Director, Office of
Trade Adjustment Assistance.

[FR Doc. 77-7124 Filed 3-10-77; 8:45 am]

[TA-W-1284]

CRESCENDOE GLOVES, 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-1284; 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 16, 1976 in response to a worker petition received on November 16, 1976 which was filed by the Amalgamated Clothing and Textile Workers Union on behalf of workers formerly producing ladies dress gloves at the Johnstown, New York plant of Crescendoe Gloves, Incorporated. The investigation revealed that the Johnstown, New York plant produced fabric dress gloves. The investigation was expanded to include workers at the St. Johnsbury, Vermont plant of Crescendoe Gloves.

The Notice of Investigation was published in the FEDERAL REGISTER on December 3, 1976 (41 FR 53086). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Crescendoe Gloves, Inc., the U.S. Department of Commerce, the U.S. International Trade Commission, the National Association of Glove Manufacturers and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all four of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Average employment of workers at the Johnstown plant declined 5.6 percent in the first eleven months of 1976 compared to the same period in 1975.

Average employment of workers at the St. Johnsbury plant declined 31.6 percent from 1974 to 1975 and 23.1 percent in the first ten months of 1976 compared to 1975. All workers were separated from the St. Johnsbury plant by the end of 1976.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales of fabric dress gloves by quantity decreased 44.1 percent from 1974 to 1975 and 17.1 percent in the first eleven months of 1976 compared to the same period in 1975.

The quantity of fabric dress gloves produced declined 52.7 percent in 1975 compared to 1974 and 27.8 percent in the first two months of 1976 compared to the same period in 1975. All production of fabric dress gloves was phased out beginning in July, 1976. Since production was terminated, sales have been made from existing inventories.

INCREASED IMPORTS

Imports of fabric dress gloves increased every year from 1971 through 1975. In 1975, 2,680 thousand dozen pairs of fabric dress gloves were imported into the United States compared to 1,440 thousand dozen pairs in 1971, an increase over the period of 86.1 percent. In the first three quarters of 1976 imports were 3,084 thousand dozen pairs compared to 2,213 thousand dozen pairs in the same period of 1975, an increase of 39.4 percent. The ratio of imports to domestic production increased from 249.1 percent in 1971 to 516.4 percent in 1975 and then increased to 943.1 percent in the first three quarters of 1976.

CONTRIBUTED IMPORTANTLY

Crescendoe Gloves, Incorporated was engaged in the production of fabric dress gloves until July, 1976. Over 99 percent

of the fabric dress gloves sold by Crescendoe were for women. Gloves were cut at the Johnstown plant, shipped to the St. Johnsbury plant for sewing and then shipped back to the Johnstown plant for packaging and sale to customers.

Customers of Crescendoe reduced their purchases of women's fabric dress gloves from Crescendoe in order to purchase a women's fabric dress glove imported by another domestic manufacturer.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with fabric dress gloves produced at the Johnstown, New York and St. Johnsbury, Vermont plants of Crescendoe Gloves, Incorporated contributed importantly to the total or partial separations of the workers of those plants. In accordance with the provisions of the Trade Act of 1974, I make the following certification:

All workers engaged in employment related to the production of fabric dress gloves at the Johnstown, New York and St. Johnsbury, Vermont plants of Crescendoe Gloves, Incorporated who became totally or partially separated from employment on or after November 1, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 28th day of February 1977.

JAMES F. TAYLOR,
Director, Office of Management,
Administration and Planning.

[FR Doc. 77-7335 Filed 3-10-77; 8:45 am]

[TA-W-1597]

COVINGTON BROTHERS WHOLESALE GROCERIES

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-1597; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on January 25, 1977 in response to a worker petition received on January 25, 1977 which was filed on behalf of workers and former workers performing wholesale grocery activities at Covington Brothers Wholesale Groceries, Mayfield, Kentucky.

The notice of investigation was published in the FEDERAL REGISTER on February 8, 1977 (42 FR 8016). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from counsel representing Covington Brothers Wholesale Groceries and Department files.

In order to make an affirmative determination and issue a certification of

eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

If any of the above criteria is not satisfied, a negative determination must be made.

Covington Brothers operated one warehouse in Mayfield, Kentucky. The company's employees were engaged in employment related to the wholesale distribution of groceries and performed no production functions. The company became insolvent and discontinued its operations in March, 1976.

Covington Brothers does not produce an article within the meaning of Section 222(3) of the Act and this Department has already determined that the performance of services are not covered by the adjustment assistance program. See Notice of Determination in Pan American World Airways, Incorporated (TA-W-153, 40 FR 54639). Covington Brothers performed a service, the wholesale distribution of groceries.

CONCLUSION

After careful review of the issues, I have determined that services of the kind provided by Covington Brothers Wholesale Groceries at Mayfield, Kentucky are not "articles" within the meaning of Section 222(3) of the Trade Act of 1974. The petition for trade adjustment assistance is, therefore, denied.

Signed at Washington, D.C. this 28th day of February 1977.

JAMES F. TAYLOR,
Director, Office of Management,
Administration and Planning.

[FR Doc. 77-7334 Filed 3-10-77; 8:45 am]

[TA-W-1195]

DEL LEE DRESS CO., PHILADELPHIA, PA.
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-1195: investigation regarding certification of eligibility to apply for worker

adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on October 19, 1976 in response to a worker petition received on that date which was filed by the International Ladies' Garment Workers' Union on behalf of workers and former workers producing dresses at the Philadelphia, Pennsylvania plant of Del Lee Dress Company.

Notice of the investigation was published in the FEDERAL REGISTER on November 5, 1976 (41 FR 48806). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Del Lee Dress Company, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, criteria (4) has not been met.

The Del Lee Dress Company started operations in Philadelphia, Pennsylvania in 1935. The company is a contractor producing dresses primarily for one manufacturer. The primary manufacturer has reduced the number of its contractors while its sales increased 15.0 and 7.9 when compared to the immediate previous years. Production for the primary manufacturer increased 24.1 and 3.2 percent in 1975 and 1976, respectively when compared to the immediate previous years.

Customers of the Primary manufacturer have not switched their purchases from the manufacturer to off-shore suppliers.

CONCLUSION

It is concluded that imports of articles like or directly competitive with misses' dresses produced at the Del Lee Dress Company in Philadelphia, Pennsylvania have not contributed importantly to the total or partial separations of workers at the plant as required for certification under Section 222 of the Trade Act of 1974.

Signed at Washington, D.C. this 3rd day of March 1977.

JAMES F. TAYLOR,
Director, Office of Management,
Administration and Planning.

[FR Doc. 77-7336 Filed 3-10-77; 8:45 am]

[TA-W-1585]

DIXON VALVE AND COUPLING CO.

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1585: 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 1, 1976 in response to a worker petition received on December 1, 1976 which was filed by the United Steelworkers of America on behalf of workers and former workers producing nipples, clamps, and valves at the Chestertown, Maryland plant of Dixon Valve and Coupling Company.

The notice of investigation was published in the FEDERAL REGISTER on February 4, 1977 (42 FR 6940). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Dixon Valve and Coupling Company, 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 the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any other criteria have been met, criterion (1) has not been met.

Evidence developed by the Department's investigation reveals that no layoffs or reduced work weeks ever occurred at the Chestertown, Maryland plant.

The Chestertown, Maryland plant was opened in 1976 and employment increased there throughout the year. There

have not been any employment declines at this plant.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that a significant number or proportion of the workers at the Chestertown, Maryland plant of the Dixon Valve and Coupling Company have not become totally or partially separated as required in Section 222 of the Trade Act of 1974.

Signed at Washington, D.C. this 28th day of February 1977.

JAMES F. TAYLOR,

Director, Office of Management,
Administration and Planning.

[FR Doc. 77-7338 Filed 3-10-77; 8:45 am]

[TA-W-1342]

DIXON VALVE AND COUPLING CO.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1342: 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 1, 1976 in response to a worker petition received on December 1, 1976 which was filed by the United Steelworkers of America on behalf of workers and former workers producing nipples, clamps and valves at the Philadelphia, Pennsylvania plant of Dixon Valve and Coupling Company.

The notice of investigation was published in the FEDERAL REGISTER (41 FR 55603) on December 21, 1976. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Dixon Valve and Coupling Company, its customers, the U.S. International Trade Commission, the U.S. Department of Commerce, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales

or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that although the first three criteria have been met, the fourth criterion has not been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Average annual employment of production workers at the Philadelphia, Pennsylvania plant of Dixon Valve and Coupling Company declined 35 percent in 1976 compared to 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Annual sales of the Dixon Valve and Coupling Company increased 10.9 percent in value in 1975 compared to 1974. Sales declined 7.2 percent in value in the first 9 months of 1976 compared to the first 9 months of 1975.

Production data was not available.

INCREASED IMPORTS

The absolute value of imports of valves and similar devices rose 192.2 percent from \$56.5 million in 1971 to \$165.1 million in 1975. They rose an additional 5.2 percent to \$134.2 million in the first three quarters of 1976 compared to the first three quarters of 1975.

CONTRIBUTED IMPORTANTLY

Customers of the Dixon Valve and Coupling Company did not switch to imports. In a survey conducted by the Office of Trade Adjustment Assistance, none of the customers contacted indicated they purchased imports competitive with Dixon's products.

The evidence developed during the Department's investigation revealed that the reduction in employment at the Philadelphia plant resulted principally from a shift in production to the Chestertown, Maryland plant of Dixon Valve and Coupling Company. As a consequence of the shift a majority of the employees of the Philadelphia plant have been separated from employment while employment at the Chestertown plant has increased. The total workforce of the two plants increased about 12 percent in 1976 compared to 1975.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with nipples, clamps, and valves produced at the Philadelphia, Pennsylvania plant of the Dixon Valve and Coupling Company, did not contribute importantly to the total or partial separations of workers at that plant.

Signed at Washington, D.C. this 28th day of February 1977.

JAMES F. TAYLOR,

Director, Office of Management,
Administration and Planning.

[FR Doc. 77-7337 Filed 3-10-77; 8:45 am]

[TA-W-1507]

EMPIRE COKE CO.

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1507: 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 15, 1976 in response to a worker petition received on December 15, 1976 which was filed by the United Steelworkers of America on behalf of workers and former workers producing coke at the Holt, Alabama plant of Empire Coke Company, a division of McWane Incorporated.

The notice of investigation was published in the Federal Register on January 11, 1977 (42 FR 2371). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Empire Coke Company, the United Steelworkers of America and U.S. Department of Commerce publications.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any other criteria have been met, criterion (3) has not been met.

Evidence developed by the Department's investigation reveals that imports of metallurgical coke have decreased absolutely and relative to domestic production from 1974 through November 1976, the latest date of published aggregate import statistics.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that imports of metallurgical coke like or directly competitive with coke produced at the Holt, Alabama plant of Empire Coke Company have not increased

as required in Section 222 of the Trade Act of 1974.

Signed at Washington, D.C., this 28th day of February 1977.

JAMES F. TAYLOR,
Director, Office of Management,
Administration and Planning.

[FR Doc.77-7339 Filed 3-10-77;8:45 am]

[TA-W-1179]

FAIRCHILD CAMERA AND INSTRUMENT CORP.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1179: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on October 19, 1976 in response to a worker petition received on that date which was filed on behalf of workers and former workers producing digital integrated circuits at the South Portland, Maine plant of Fairchild Camera and Instrument Corporation.

The notice of investigation was published in the Federal Register on November 5, 1976 (41 FR 48807). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Fairchild Camera and Instrument Corporation, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatening to become totally or partially separated.

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely.

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production, and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Average employment of production workers at the South Portland, Maine plant of Fairchild increased 24 percent

in 1974 from 1973 and decreased 41 percent in 1975 from 1974 and 16 percent in the first 9 months of 1976 from the first 9 months of 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales by the DIC Division of Fairchild decreased 46 percent in value in 1975 from 1974 and increased 8 percent in the first 9 months of 1976 from the first 9 months of 1975.

INCREASED IMPORTS

Imports of monolithic integrated circuits increased in quantity in 1972, 1973 and 1974 from the previous year and decreased in 1975 from 1974. Imports increased 91 percent in the first 9 months of 1976 from the same period of 1975. Relative to domestic production, imports increased in 1972 from 1971, decreased in 1973 from 1972, and increased in 1974 and 1975. In the first 9 months of 1976 imports were 121.7 percent of domestic production compared to 70.2 percent in the first 9 months of 1975.

CONTRIBUTED IMPORTANTLY

Fairchild has shifted some of the production process from its South Portland plant to offshore facilities. In the first quarter of 1975, the total product cost at Fairchild's offshore facilities was 56 percent of the product cost at the South Portland plant. This percentage increased in each quarter of 1975 except the third and in each quarter of 1976. In the third quarter of 1976 the offshore product cost was 131 percent of the South Portland product cost.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with digital integrated circuit's produced at the South Portland Maine plant of Fairchild Camera and Instrument Corporation, contributed importantly to the total or partial separation of the workers of that plant. In accordance with the provisions of the Act, I make the following certification:

All workers at the South Portland, Maine plant of Fairchild Camera and Instrument Corporation who became totally or partially separated from employment on or after September 27, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 28th day of February 1977.

JAMES F. TAYLOR,
Director, Office of Management,
Administration and Planning.

[FR Doc.77-7340 Filed 3-10-77;8:45 am]

[TA-W-1551]

HANSEN SEAWAY SERVICE LTD.

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 La-

bor herein presents the results of TA-W-1551: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on January 2, 1977 in response to a worker petition received on January 2, 1977 was filed on behalf of workers and former workers of Hansen Seaway Service Limited, Milwaukee, Wisconsin.

The notice of investigation was published in the FEDERAL REGISTER on January 28, 1977 (42 FR 5451). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Hansen Seaway Service Limited and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number of proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

If any of the above criteria is not satisfied, a negative determination must be made.

The Department of Labor has already determined that the performance of services is not included within the term "articles" as used in Section 222(3) of the Act. See Notice of Negative Determination in Pan American Airways, Incorporated (TA-W-153; 40 FR 54639).

Hansen Seaway Service Limited is a stevedore contractor and terminal operator engaged in the storage of products and the loading and unloading of products to and from trucks, railcars and ships. Hansen does not own any production facilities nor does it manufacture any of the products it handles. All items handled by Hansen Seaway are brought directly from manufacturers or their representatives to be loaded onto the appropriate means of transportation that will take them to their final destination. The company is not involved in the production of "articles" within the meaning of Section 222(3) of the Act.

CONCLUSION

After careful review of the issues, I have determined that services of the kind provided by Hansen Seaway Service Lim-

ited, Milwaukee, Wisconsin are not "articles" within the meaning of Section 222 (3) of the Trade Act of 1974.

Signed at Washington, D.C. this 28th day of February 1977.

JAMES F. TAYLOR,
Director, Office of Management,
Administration and Planning.

[FR Doc. 77-7341 Filed 3-10-77; 8:45 am]

[TA-W-1309]

THE IRON WOOD PRODUCTS CORP.

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1309: 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 29, 1976 in response to a worker petition received on November 29, 1976 which was filed by the United Steelworkers of America on behalf of workers and former workers producing prefinished paneling and hardwood plywood at the Bessemer, Michigan plant of the Iron Wood Products Corporation.

The notice of investigation was published in the FEDERAL REGISTER on December 14, 1976, (41 FR 54559). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of The Iron Wood Products Corporation, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

- (1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;
- (2) That sales or production, or both, of such firm or subdivision have decreased absolutely;
- (3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and
- (4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any other criteria have been met criterion (4) has not been met.

The Iron Wood Products Corporation located in Bessemer, Michigan is a one

plant company producing prefinished paneling and hardwood plywood.

The Department's investigation revealed that sales of prefinished paneling increased 60.7 percent in 1976 compared to 1975. Production is equal to sales. Hardwood plywood accounted for seven percent of sales in 1976.

The Department's survey of customers of The Iron Wood Products Corporation indicated that their two major customers increased their purchases of prefinished paneling from The Iron Wood Products Corporation and did not import. The remaining customers increased their purchases of prefinished paneling from The Iron Wood Products Corporation while their import purchases of prefinished paneling either remained the same or declined.

CONCLUSION

It is concluded that imports of articles like or directly competitive with the prefinished paneling manufactured at the Bessemer, Michigan plant of The Iron Wood Products Corporation did not contribute importantly to the total or partial separations of the workers at The Iron Wood Products Corporation as required for certification under Section 222 of the Trade Act of 1974.

Signed at Washington, D.C. this 28th day of February 1977.

JAMES F. TAYLOR,
Director, Office of Management,
Administration and Planning.

[FR Doc. 77-7342 Filed 3-10-77; 8:45 am]

[TA-W-1374]

JENKINS BROTHERS

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-1374: 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 1, 1976 in response to a worker petition received December 1, 1976 which was filed by the United Steelworkers of America on behalf of workers and former workers producing valves at the Bridgeport, Connecticut plant of Jenkins Brothers.

The notice of investigation was published in the FEDERAL REGISTER on January 4, 1977 (42 FR 886). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Jenkins Brothers, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that although the first three criteria have been met, criterion four (4) has not been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of hourly workers at the Bridgeport plant declined 11.8 percent in 1975 compared to 1974. In the first 11 months of 1976, the average number of hourly workers declined 11.9 percent compared to the first 11 months of 1975.

SALES, PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Total sales by Jenkins Brothers declined 25.3 percent in value from 1974 to 1975. Sales declined 1.5 percent and 12.9 percent, respectively, in the first and second quarters of 1976 compared to the like periods in 1975.

Production of all valves by Jenkins Brothers declined 56.7 percent in quantity in 1975 compared to 1974. Production declined 14.4 percent in the first quarter of 1976 compared to the like period in 1975.

INCREASED IMPORTS

Imports of valves, hand-operated and check, made from copper including bronze increased from \$10.4 million in 1971 to \$16.6 million in 1972, then declined in 1973 to \$15.0 million. Imports increased in 1974 to \$18.4 million and declined in 1975 to \$14.1 million. Imports increased 52.7 percent in value in the first nine months of 1976 compared to the like period in 1975, from \$11.0 million to \$16.8 million.

CONTRIBUTED IMPORTANTLY

The Department conducted a survey of customers of Jenkins Brothers. Most customers indicated that they did not purchase any imported valves. None of the customers contacted indicated that they had decreased purchases of valves from Jenkins Brothers and switched to imported valves.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with valves produced at the Bridgeport, Connecticut

plant of Jenkins Brothers did not contribute importantly to the total or partial separation of workers at that plant.

Signed at Washington, D.C. this 28th day of February 1977.

JAMES F. TAYLOR,
*Director, Office of Management,
Administration and Planning.*

[FR Doc.77-7343 Filed 3-10-77;8:45 am]

[TA-W-1375]

JENKINS BROTHERS

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-1371: 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 1, 1976 in response to a worker petition received December 1, 1976 which was filed by the United Steelworkers of America on behalf of workers and former workers handling valves at the Bridgeport, Connecticut warehouse of Jenkins Brothers.

The notice of investigation was published in the FEDERAL REGISTER on January 4, 1977 (42 FR 886). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Jenkins Brothers, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that although the first three criteria have been met, criterion four (4) has not been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of hourly workers at the Bridgeport plant declined 10.8 percent in 1976.

SALES, PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Jenkins Brothers produces valves at their Bridgeport, Connecticut plant. The Fairfield, Connecticut warehouse handles valves produced at Bridgeport.

Total sales by the Bridgeport plant declined 25.3 percent in value from 1974 to 1975. Sales declined 1.5 percent and 12.9 percent, respectively, in the first and second quarters of 1976 compared to the like periods in 1975.

Production of all valves by Jenkins Brothers declined 56.7 percent in quantity in 1975 compared to 1974. Production declined 14.4 percent in the first quarter of 1976 compared to the like period in 1975.

INCREASED IMPORTS

Imports of valves, hand-operated and check, made from copper including bronze increased from \$10.4 million in 1971 to \$16.8 million in 1972, then declined in 1973 to \$15.0 million. Imports increased in 1974 to \$18.4 million and declined in 1975 to \$14.1 million. Imports increased 52.7 percent in value in the first nine months of 1976 compared to the like period in 1975, from \$11.0 million to \$16.8 million.

CONTRIBUTED IMPORTANTLY

The Department conducted a survey of customers of Jenkins Brothers. Most customers indicated that they did not purchase any imported valves. None of the customers contacted indicated that they had decreased purchases of valves from Jenkins Brothers and switched to imported valves.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with valves produced by Jenkins Brothers and handled at the Fairfield, Connecticut warehouse did not contribute importantly to the total or partial separation of workers at that plant.

Signed at Washington, D.C. this 28th day of February 1977.

JAMES F. TAYLOR,
*Director, Office of Management,
Administration and Planning.*

[FR Doc.77-7344 Filed 3-10-77;8:45 am]

[TA-W-103T]

KEYSTONE CARBON COMPANY

Notice of Revised Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223(d) of the Trade Act of 1974 the Department of

Labor herein presents the results of TA-W-103T: investigation regarding termination of certification of eligibility to apply for worker adjustment assistance as prescribed in Section 223(d) of the Act.

On September 29, 1975 workers engaged in employment related to the production of thermistors at the St. Marys, Pennsylvania plant of the Keystone Carbon Company were certified as eligible to apply for trade adjustment assistance. The Notice of Determination was published in the Federal Register on October 6, 1975 (40 FR 46166).

The investigation regarding termination of certification was initiated on May 27, 1976 to determine whether the group of workers specified above continue to meet the group eligibility requirements of Section 222 of the Act. The Notice of Investigation was published in the FEDERAL REGISTER (41 FR 26296) on June 25, 1976. No public hearing was requested and none was held.

During the course of the investigation information was obtained from officials of the Keystone Carbon Company, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met.

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Whenever it becomes evident that any of the above criteria are no longer met, the certification as issued must be revised to include a termination date. The termination date would apply only with respect to total or partial separations occurring after this date as specified in the revised certification.

Without regard as to whether the other criteria are satisfied, the investigation reveals that the first and second criteria are no longer met with respect to workers at the St. Marys, Pennsylvania plant of the Keystone Carbon Company.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Subsequent to the September 29, 1975 finding, the average number of production workers engaged in the manufac-

ture of thermistors at the St. Marys, Pennsylvania plant of the Keystone Carbon Company decreased 42 percent from 1974 to 1975, and then increased 47 percent from 1975 to 1976. Employment increased in each quarter of 1976 when compared to the same quarter in 1975. Average hours worked increased 8 percent from 1974 to 1975, and increased 7 percent from 1975 to 1976.

Employment of salaried workers at the St. Marys, Pennsylvania plant of the Keystone Carbon Company remained constant from 1975 to 1976. Labor turnover data for the St. Marys, Pennsylvania plant of Keystone Carbon Company indicates that no layoffs occurred in 1976.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Subsequent to the September 29, 1975 finding, sales of thermistors at the St. Marys, Pennsylvania plant of the Keystone Carbon Company decreased 21 percent in value from 1974 to 1975, and then increased 38 percent in value from 1975 to 1976. Sales increased in each quarter of 1976 when compared to the same quarter of 1975.

Subsequent to the September 29, 1975 finding, production of thermistors at the St. Marys, Pennsylvania plant of the Keystone Carbon Company decreased 38 percent in quantity from 1974 to 1975, and then increased 84 percent in quantity from 1975 to 1976. Production increased in each quarter of 1976 compared to the same quarter in 1975.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that total or partial separations of workers engaged in employment related to the production of thermistors at the St. Marys, Pennsylvania plant of the Keystone Carbon Company are no longer attributable to the conditions specified in Section 222 of the Trade Act of 1974. In accordance with the provisions of the Act, I hereby revise the certification of September 29, 1975 to read as follows:

That all workers of the St. Marys, Pennsylvania plant of the Keystone Carbon Company (TA-W-103) who became totally or partially separated from employment related to the production of thermistors on or after October 3, 1974 and before April 15, 1977 be certified eligible to apply for trade adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974. All employees who became or will become totally or partially separated from employment on or after April 15, 1977 are denied certification of eligibility to apply for adjustment assistance.

Signed at Washington, D.C. this 3rd day of March 1977.

JAMES F. TAYLOR,
*Director, Office of Management,
Administration and Planning.*

[FR Doc.77-7345 Filed 3-10-77;8:45 am]

[TA-W-1468]

KOPPERS COMPANY, INC., DIVISION OF ORGANIC MATERIALS

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-1466: 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 15, 1976 in response to a worker petition received on December 15, 1976 which was filed by the United Steelworkers of America on behalf of workers producing coke at the Woodward, Alabama plant of Organic Materials Division of Koppers Company, Incorporated.

The notice of investigation was published in the Federal Register on January 7, 1977 (42 FR 1536). No public hearing was requested and none was held.

The information upon which the determination was made was obtained from the United Steelworkers of America, officials of Koppers Company, Incorporated and publications of the U.S. Department of Commerce.

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;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations or threat thereof; and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, criterion (3) has not been met.

Evidence developed in the Department's investigation reveals that imports of metallurgical coke like or directly competitive with coke produced at the Woodward, Alabama plant of the Organic Materials Division of the Koppers Company, Incorporated have decreased from 1974 through November 1976, the latest date of published aggregate data.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that imports of metallurgical coke like

or directly competitive with coke produced at the Woodward, Alabama plant of the Organic Materials Division of the Koppers Company, Incorporated as required in Section 222 of the Trade Act of 1974.

Signed at Washington, D.C. this 28th day of February 1977.

JAMES F. TAYLOR,
*Director, Office of Management,
Administration and Planning.*

[FR Doc.77-7346 Filed 3-10-77;8:45 am]

[TA-W-1594]

LIGHT STEEL PRODUCTS PLANT, KAISER STEEL CORP.

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1594: 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 10, 1976 in response to a worker petition received on that date which was filed by the United Steelworkers of America on behalf of workers and former workers producing light steel products at the Fontana, California Light Steel Products plant of Kaiser Steel Corporation.

The Notice of Investigation was published in the FEDERAL REGISTER on February 8, 1977 (42 FR 8022). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Kaiser Steel Corporation, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, criterion (2) has not been met.

All production at the plant is to customer order, therefore production equals sales.

Sales at the plant increased 37 percent in value in the fourth quarter of 1975 from the third quarter of 1975 and 52 percent in the fourth quarter of 1975 from the fourth quarter of 1974. Sales at the plant increased 28 percent in the first 11 months of 1976 compared to the first 11 months of 1975.

Sales were higher in each of the first three quarters of 1976 than in the corresponding quarters of 1975 and sales were higher in October and November 1976 than the same months of 1975.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that sales or production at the Fontana, California Light Steel Products Plant of Kaiser Steel Corporation have not declined as required for certification under Section 222 of the Trade Act of 1974.

Signed at Washington, D.C. this 28th day of February 1977.

JAMES F. TAYLOR,
Director, Office of Management,
Administration and Planning.

[FR Doc. 77-7347 Filed 3-10-77; 8:45 am]

[TA-W-1274]

M. BELL CO.

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1274: 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 15, 1976 in response to a worker petition received on that date which was filed by the International Ladies' Garment Workers' Union on behalf of workers and former workers producing dresses at the Philadelphia, Pennsylvania plant of M. Bell Company.

The Notice of Investigation was published in the FEDERAL REGISTER on December 3, 1976 (41 FR 53093). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of M. Bell Company, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, criteria (2) and (4) have not been met.

The M. Bell Company started operations in Philadelphia, Pennsylvania in 1946. The company is a contractor producing misses' and juniors' dresses primarily for Bleeker Street, Incorporated of Philadelphia. Bleeker Street utilizes the production facilities of several contractors and since mid-1975 has been reducing the number of contractors they deal with in their operation. During the period in question, Bleeker Street sales increased 15.0 percent in quantity in 1975 compared to 1974 and increased 7.9 percent in quantity in 1976 compared to 1975. Production increased 24.1 percent in quantity in 1975 compared to 1974 and increased 3.2 percent in quantity in 1976 compared to 1975. Bleeker Street does not import the items produced by the contractors and a survey of their customers indicated that customers did not switch purchases from Bleeker Street to imports.

M. Bell sales are equal to production. Company sales increased 87.1 percent in quantity and 76.8 percent in value in 1975 over 1974 and further increased 1.2 percent in quantity and 2.3 percent in value in the first nine months of 1976 compared to the like period in 1975.

CONCLUSION

It is concluded that sales and production have not decreased and that imports of articles like or directly competitive with misses' and juniors' dresses produced at the M. Bell Company in Philadelphia, Pennsylvania have not contributed importantly to the total or partial separations of workers at that plant as required for certification under Section 222 of the Trade Act of 1974.

Signed at Washington, D.C., this 28th day of February 1977.

JAMES F. TAYLOR,
Director, Office of Management,
Administration and Planning.

[FR Doc. 77-7348 Filed 3-10-77; 8:45 am]

NONRUBBER FOOTWEAR

On February 8, 1977, the International Trade Commission determined that in-

creased imports of nonrubber footwear are a substantial cause of serious injury to the domestic industry for purposes of the import relief provisions of the Trade Act of 1974 (42 FR 9065).

Section 224 of the Trade Act directs the Secretary of Labor to initiate an industry study whenever the ITC begins an investigation under the import relief provisions of the Act. The purpose of the study is to determine the number of workers in the domestic industry petitioning for relief who have been or are likely to be certified as eligible for adjustment assistance and the extent to which existing programs can facilitate the adjustment of such workers to import competition. The Secretary is required to make a report of this study to the President and also make the report public (with the exception of information which the Secretary determines to be confidential).

The Department of Labor has concluded its report on nonrubber footwear. The report found as follows:

1. Since April 3, 1975, the effective date of the adjustment assistance program, the Department of Labor has issued determinations in 127 cases involving an estimated 21,241 workers in the nonrubber footwear industry. Of this total, 90 cases resulted in certification for approximately 16,061 workers to apply for trade adjustment assistance. As of January 31, 1977, there were 12 cases involving an estimated 841 workers pending a decision.

2. In spite of the upturn in production and employment in the nonrubber footwear industry in 1976, employment is still below the 1974 average level. If the tariff-rate quota remedy being recommended to the President is adopted, employment in the industry is likely to increase, and petitions for adjustment assistance will probably be filed at a slower rate than in the past. If no remedy is adopted, petitions will probably be filed at the same rate as in the past.

3. In spite of employment gains in the first three quarters of 1976 in most of the States which experienced declines in the 1974-75 period, employment in the nonrubber footwear industry is still below 1974 levels in most of them. These States include Massachusetts, New York, Pennsylvania, Illinois, Wisconsin and Missouri. The 1976 employment gains in both Maine and New Hampshire have more than offset the losses in 1975; however, the average employment level in both States for the first three quarters of 1976 was below the 1973 level for each State. Preliminary October 1976 production statistics for nonrubber footwear indicate declines in most categories, both from the previous month and from October of 1975. This may be indicative of a return to the historical declining trend beginning in the late 1960s. Employment opportunities both within the footwear industry and elsewhere appear favorable in most of the States which experienced employment declines in the 1974-5 period. In the first three quarters of 1976, recalls have exceeded layoffs by approximately 20 percent in this industry, indicating less need for training assistance than in the past. It does not seem likely that a large percentage of the displaced workers will be considering relocation, since many of the workers in this industry are not primary wage earners.

4. Most of the Comprehensive Employment and Training Act (CETA) programs in these States are operating within planned enroll-

ment levels. It appears that most of the existing programs are capable of meeting the needs of the displaced workers. However, in terms of the funding available, it may be possible for many of them to operate with some overenrollment. In addition, The Employment and Training Administration, through its State Employment Service, has the authority to purchase additional training when CETA funds are not available.

Copies of the Department report containing nonconfidential information developed in the course of the 6-month investigation may be purchased by contacting the Office of Trade Adjustment Assistance, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210 (phone 202-523-7665).

Signed at Washington, D.C. this 7th day of March 1977.

HERBERT N. BLACKMAN,
*Acting Deputy Under Secretary,
International Affairs.*

[FR Doc.77-7321 Filed 3-10-77;8:45 am]

[TA-W-1262]

PARK AVENUE INDUSTRIES, 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-1262: 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 11, 1976 in response to a worker petition received on November 11, 1976 which was filed on behalf of workers formerly producing ladies' sweaters and knit tops at the Brooklyn, New York plant of Park Avenue Industries, Inc. The petition was expanded to include Pakmi Processing, Inc. and Better Fashions, Inc., wholly owned subsidiaries of Park Avenue Industries, Inc. Production is integrated among the three companies and they are located at the same address.

The notice of investigation was published in the FEDERAL REGISTER on December 3, 1976 (41 FR 53094). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Park Avenue Industries, Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, the Opportunity Development Association of New York, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The Department's investigation revealed that all four criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Employment data was not available. All employment was terminated in September 1976 when the company closed.

SALES, PRODUCTION, OR BOTH DECREASED ABSOLUTELY

Production was integrated among Pakmi Processing, Better Fashions and Park Avenue Industries. Sales data represented sales of the finished garments.

Sales increased 8 percent in the first nine months of 1974 compared to the first nine months of 1973. Data was not available for the fourth quarter of 1974 or for the first nine months of 1975. Sales declined 47 percent in the first nine months of 1976 compared to the first nine months of 1974.

All sales and production at Park Avenue Industries including Pakmi Processing and Better Fashions ceased in September 1976.

INCREASED IMPORTS

Imports of women's misses', and children's sweaters declined absolutely and relatively from 1971 to 1972 and from 1972 to 1973. Imports increased absolutely and relatively from 1973 to 1974. Imports increased absolutely from 1974 to 1975, and in the first nine months of 1976 compared to the first nine months of 1975. The ratio of imports to domestic production declined from 104.9 percent in 1974 to 94.6 percent in 1975.

Imports of women's, misses', and children's knit blouses and shirts increased absolutely in each year from 1971 through 1975 and in the first nine months of 1976. The ratio of imports to domestic production increased from 69.6 percent in 1974 to 81.6 percent in 1975.

CONTRIBUTED IMPORTANTLY

The Department's investigation revealed that customers of Park Avenue Industries who were surveyed, also purchased imported ladies' sweaters and knit tops. Fifty percent of the customers surveyed increased purchases of imports and reduced purchases from Park Avenue Industries from 1975 to 1976.

CONCLUSION

After careful review of the facts obtained in the investigation I conclude that increases of imports like or directly competitive with ladies' sweaters and

knit tops produced at the Brooklyn, New York plant of Park Avenue Industries, Inc. including Pakmi Processing Inc., and Better Fashions, Inc. contributed importantly to the total or partial separation of the workers of that plant. In accordance with the provisions of the Act, I make the following certification:

All workers at the Brooklyn, New York plant of Park Avenue Industries, Incorporated, including Pakmi Processing, Inc. and Better Fashions, Inc. who became totally or partially separated from employment on or after November 4, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Trade Act of 1974.

Signed at Washington, D.C. this 3rd day of March 1977.

JAMES F. TAYLOR,
*Director, Office of Management,
Administration and Planning.*

[FR Doc.77-7349 Filed 3-10-77;8:45 am]

[TA-W-852]

RUSSELL, BURDSALL AND WARD, INC.

Revised Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor issued a Notice of Negative Determination on August 24, 1976 and published in the Federal Register on September 3, 1976 (41 FR 37430) regarding eligibility to apply for adjustment assistance applicable to workers and former workers producing metal fasteners at the Rock Falls, Illinois plant of Russell, Burdsall, and Ward, Inc.

At the request of the United Steelworkers of America, a review investigation was instituted. The review investigation reexamined the case history and additional information submitted by the petitioners and officials of Russell, Burdsall, and Ward, Inc. (R.B. and W.), concerning the Rock Falls, Illinois plant of R.B. and W. and the Des Plaines, Illinois warehouse, which stores and distributes the metal fasteners produced at Rock Falls.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation reveals that all of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Due to a strike by production workers at the Rock Falls plant from May 1, 1975 to November 17, 1975, employment data for the plant in 1976 has been compared to data for pre-strike levels in 1974, as well as to data for 1975.

Employment of production workers at the Rock Falls, Illinois plant of Russell, Burdsall and Ward (R.B. and W.) increased 5 percent from 1973 to 1974 and then declined 32 percent from 1974 to 1975. A strike by production workers occurred from May 1, 1975 through November 17, 1975. Subsequent to the strike, workers engaged in employment related to standard nut production were laid off, as a result of a corporate decision to terminate production of standard nuts. Additionally, employment cutbacks occurred in the production of other types of standard metal fasteners. Numbers of production workers declined 37 percent in the first four months of 1976 from the same period in 1975. When compared to the first six months of 1974, employment dropped 48 percent in the first six months of 1976.

Average weekly hours worked declined one percent from 1973 to 1974 and fell 22 percent from 1974 to 1975. In the first four months of 1976, average weekly hours worked increased 12 percent when compared to the same period in 1975. When compared to the first six months of 1974, average weekly hours worked dropped 5 percent in the first six months of 1976.

Employment of hourly workers at the Des Plaines, Illinois warehouse of R.B. and W. remained constant from 1973 to 1974 and from 1974 to 1975. In the first six months of 1976, employment of hourly workers fell 33 percent from the same period in 1975.

Salaried employment increased one percent from 1973 to 1974 and increased two percent from 1974 to 1975. In the first six months of 1976, salaried employment fell 13 percent from the same period in 1975. Employment of salaried workers declined 21 percent in the first six months of 1976 when compared to the first six months of 1974.

Labor turnover data for the Rock Falls, Illinois plant indicates that layoffs occurred in January, February, March and December of 1975. Total layoffs in 1975 equalled 65 percent of average annual employment for production workers in 1975. Layoffs occurred at the Des Plaines, Illinois warehouse in February 1976.

SALES OR PRODUCTION OR BOTH HAVE DECREASED

Due to the above mentioned strike, sales and production data for the plant in 1976 have been compared to pre-strike levels in 1974 as well as to data for 1975.

Sales of metal fasteners, including both standard and specialty, by the Rock Falls, Illinois plant of Russell, Burdsall and Ward declined 13 percent in quan-

tity from 1973 to 1974 and declined 60 percent from 1974 to 1975. In the first six months of 1976, sales declined eight percent from the same period in 1975. Sales declined 57 percent in the first six months of 1976, when compared to the first six months of 1974.

Sales of standard fasteners by the Rock Falls plant of R.B. and W. declined 6 percent in quantity from 1973 to 1974 and declined 81 percent from 1974 to 1975. In the first six months of 1976, sales of standard fasteners declined 18 percent compared to the same period in 1975. Sales declined 66 percent in the first six months of 1976 when compared to the first six months of 1974.

Production of all metal fasteners at the Rock Falls, Illinois plant of Russell, Burdsall and Ward, Inc. fell 2 percent in quantity from 1973 to 1974 and fell 68 percent from 1974 to 1975. All standard nut production was terminated on October 13, 1975. In the first six months of 1976, production increased 5 percent when compared to the same period in 1975. Production fell 55 percent in the first six months of 1976 when compared to the same period in 1974.

INCREASED IMPORTS

U.S. imports of bolts of iron and steel increased absolutely in each year from 1971 through 1974 and then fell absolutely from 1974 to 1975. Imports increased relative to domestic production from 1971 to 1972 and then fell relatively from 1972 to 1973. Imports increased relatively from 1973 to 1974 and then remained constant from 1974 to 1975. In the first nine months of 1976, imports of bolts increased absolutely and relatively when compared to the first nine months of 1975. The ratio of imports to domestic production and consumption increased from 19.3 percent and 17.9 percent, respectively, in the first nine months of 1975 to 19.9 percent and 18.1 percent, respectively, in the first nine months of 1976.

U.S. imports of nuts of iron or steel increased absolutely and relatively in each year from 1971 through 1974 and then declined absolutely and relatively from 1974 to 1975. In the first nine months of 1976, imports increased absolutely to 182,906,000 pounds from 160,823,000 pounds in the first nine months of 1975. The ratio of imports to domestic production and consumption declined from 95.1 percent and 54.2 percent, respectively, in the first nine months of 1975 to 74.0 percent and 46.6 percent, respectively, in the first nine months of 1976.

U.S. imports of screws of iron or steel increased absolutely in each year from 1971 through 1974 and then declined absolutely from 1974 to 1975. Imports increased relative to domestic production and consumption in each year from 1971 through 1975. In the first nine months of 1976, imports increased absolutely and relatively when compared to the same period in 1975. The ratio of imports to domestic production and consumption increased from 40.4 percent and 31.0 percent, respectively, in the first nine

months of 1975 to 42.6 percent and 32.0 percent in the first nine months of 1976.

CONTRIBUTED IMPORTANTLY

Evidence developed during the Department's investigation indicates that customers of the Rock Falls, Illinois plant of Russell, Burdsall, and Ward, Inc. decreased purchases of standard fasteners from the subject firm and increased purchases of imported fasteners. These customers cited the lower price of imports as the reason for the shift in purchasing patterns.

R.B. and W. officials stated that cutbacks in production and employment were planned for its Rock Falls plant and would have occurred regardless of the strike from May 1, 1975 to November 17, 1975. These officials stated that import competition forced the company to cut back production and employment. The company eliminated over 25 percent of its work force after the cessation of the strike because of the termination of nut production and the cutbacks in the production of other standard fasteners.

CONCLUSION

After careful review of the facts obtained in the reinvestigation of TA-W-352, Russell, Burdsall and Ward, Inc., Rock Falls, Illinois plant, I conclude that increases in imports of standard fasteners like or directly competitive with the standard fasteners produced at the Rock Falls, Illinois plant of Russell, Burdsall and Ward, Inc. contributed importantly to the total or partial separations of the workers of that firm. In accordance with the provisions of the Act, I hereby issue the following revised determination:

All workers at the Rock Falls, Illinois plant of Russell, Burdsall, and Ward, Inc. and the Des Plaines, Illinois warehouse of R.B. and W. who became totally or partially separated from employment related to the production of standard fasteners on or after November 17, 1975 are eligible to apply for adjustment assistance benefits under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 3rd day of March 1977.

JAMES F. TAYLOR,
Director, Office of Management,
Administration and Planning.

[FR Doc. 77-7350 Filed 3-10-77; 8:45 am]

[TA-W-1369]

SARCO CO.

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1369: investigations regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on December 1, 1976 in response to a worker petition received on December 1, 1976 which was filed by the United Steel workers of America on behalf of workers and former workers producing steam and

hot water controls at the Allentown, Pennsylvania plant of the Sarco Company.

The Notice of Investigation was published in the FEDERAL REGISTER on January 4, 1977 (42 FR 896). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Sarco Company, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that the first three criteria have been met but criterion (4) has not been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Average annual employment of production workers at the Sarco Company in Allentown, Pennsylvania declined 5.3 percent in the first 11 months of 1976 compared to the first 11 months of 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales of steam and hot water controls at Sarco Company declined 18.2 percent in quantity in the 4th quarter of 1975 compared to the same quarter in 1974. Sales declined 6.5 percent in quantity in the 2nd quarter of 1976 compared to the same quarter of 1975. Sales increased 0.5 percent in the first eleven months of 1976 compared to the same period in 1975.

Production data was not made available.

INCREASED IMPORTS

Imports of valves and similar devices in terms of value increased each year from \$56.5 million in 1971 to \$165.1 million in 1975. Imports further increased from \$127.6 million in the first nine months of 1975 to \$134.2 million in the first nine months of 1976.

The ratio of imports to domestic production increased from 4.0 percent in the 1974 to 4.7 percent in 1975. The ratio of

imports to production decreased from 4.9 percent in the first nine months of 1975 to 4.5 percent in the first nine months of 1976.

CONTRIBUTED IMPORTANTLY

The Department's investigation revealed that customers of the Sarco Company did not switch purchases from Sarco to imported products. None of the customers surveyed purchased any imported steam and hot water controls.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increased imports of articles like or directly competitive with steam and hot water controls produced at the Allentown, Pennsylvania plant of Sarco Company did not contribute importantly to the total or partial separation of workers at the plant.

Signed at Washington, D.C. this 28th day of February 1977.

JAMES F. TAYLOR,
Director, Office of Management,
Administration and Planning.

[FR Doc. 77-7351 Filed 3-10-77; 8:45 am]

[TA-W-1370]

SARCO CO.

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-13703: investigations regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on December 1, 1976 in response to a worker petition received on December 1, 1976 which was filed by the United Steelworkers of America on behalf of clerical workers and former workers at the Allentown, Pennsylvania plant of the Sarco Company. The Allentown plant produces steam and hot water controls.

The Notice of Investigation was published in the FEDERAL REGISTER on January 11, 1977 (42 FR 2382). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Sarco Company, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that the first three criteria have been met but criterion (4) has not been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Average annual employment of production workers at the Sarco Company in Allentown, Pennsylvania declined 5.3 percent in the first 11 months of 1976 compared to the first 11 months of 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales of steam and hot water controls at Sarco Company declined 18.2 percent in quantity in the 4th quarter of 1975 compared to the same quarter in 1974. Sales declined 6.5 percent in quantity in the 2nd quarter of 1976 compared to the same quarter of 1975. Sales increased 0.5 percent in the first eleven months of 1976 compared to the same period in 1975.

Production data was not made available.

INCREASED IMPORTS

Imports of valves and similar devices in terms of value increased each year from \$56.5 million in 1971 to \$165.1 million in 1975. Imports further increased from \$127.6 million in the first nine months of 1975 to \$134.2 million in the first nine months of 1976.

The ratio of imports to domestic production increased from 4.0 percent in 1974 to 4.7 percent in 1975. The ratio of imports to production decreased from 4.9 percent in the first nine months of 1975 to 4.5 percent in the first nine months of 1976.

CONTRIBUTED IMPORTANTLY

The Department's investigation revealed that customers of the Sarco Company did not switch purchases from Sarco to imported products. None of the customers surveyed purchased any imported steam and hot water controls.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increased imports of articles like or directly competitive with steam and hot water controls produced at the Allentown, Pennsylvania plant of Sarco Company did not contribute importantly to the total or partial separation of workers at the plant.

Signed at Washington, D.C. this 28th day of February 1977.

JAMES F. TAYLOR,
Director, Office of Management,
Administration and Planning.

[FR Doc. 77-7352 Filed 3-10-77; 8:45 am]

[TA-W-102T and TA-W-150T]

STACKPOLE CARBON

Notice of Completion of Termination Investigation Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223(d) of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-102T and TA-W-150T: investigation regarding termination of certification of eligibility to apply for worker adjustment assistance as prescribed in Section 223(d) of the Act.

On October 1, 1975, workers producing fixed composition resistors and ferrites at the St. Marys and Kane, Pennsylvania plants of the Stackpole Carbon Company were certified as eligible to apply for trade adjustment assistance. All workers engaged in employment related to the production of brushes and anodes at the St. Marys, Pennsylvania plant were denied certification of eligibility to apply for adjustment assistance. The Notice of Determination was published in the Federal Register on October 16, 1975 (40 FR 48559).

The investigation regarding termination of certification was initiated on May 27, 1976 to determine whether the group of workers specified above continue to meet the group eligibility requirements of Section 222 of the Trade Act. The Notice of Investigation was published in the Federal Register (41 FR 27803) on July 6, 1976. No public hearing was requested and none was held.

During the course of the investigation, information was obtained from officials of the Stackpole Carbon Company, its customers, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number of proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Whenever it becomes evident that any of the above criteria are no longer met, the certification as issued must be revised to include a termination date. The termination date would apply only with respect to total or partial separations occurring after this date as specified in the revised certification.

The investigation reveals that all four criteria continue to be met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Due to a strike by production workers at the St. Marys and Kane, Pennsylvania plants of Stackpole from March 21, 1975 through July 31, 1975, employment data for the two plants in 1976 has been compared to pre-strike levels in 1974 as well as to data for 1975.

Subsequent to the October 1, 1975 finding, the average number of production workers engaged in the manufacture of carbon composition resistors and ferrites at the St. Marys and Kane, Pennsylvania plants of the Stackpole Carbon Company decreased 65 percent from 1974 to 1975, and then increased 148 percent in the first 9 months of 1976 compared to the like period of 1975. The average number of production workers decreased 34 percent in the first 9 months of 1976 compared to the like period in 1974.

Employment of salaried workers at the Stackpole Carbon Company increased 9 percent from 1974 to 1975, and then decreased 12 percent in the first 9 months of 1976 compared to the like period of 1975. Employment of salaried workers decreased 2 percent in the first 9 months of 1976 compared to the like period in 1974.

Labor turnover data for the two plants of the Stackpole Carbon Company indicates that layoffs occurred in the first, third, and fourth quarters of 1975, and in the first, second, and third quarters of 1976.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Due to the above mentioned strike at the St. Marys and Kane, Pennsylvania plants of Stackpole, production data for the plants in 1976 has been compared to pre-strike levels in 1974, as well as to data for 1975.

Sales of fixed composition resistors and ferrites at the St. Marys and Kane, Pennsylvania plants of the Stackpole Carbon Company are approximately equivalent to production, because the company produces according to orders received.

Subsequent to the October 1, 1975 finding, production of fixed composition resistors at the St. Marys and Kane, Pennsylvania plants of the Stackpole Carbon Company decreased 63 percent in value from 1974 to 1975, and then increased 177 percent in value in the first 9 months of 1976 compared to the like period in 1975. Production of fixed composition resistors decreased 27 percent in value in the first 9 months of 1976 compared to the like period in 1974.

Production of ferrites at the St. Marys and Kane, Pennsylvania plants of the Stackpole Carbon Company decreased 50 percent in value from 1974 to 1975, and then increased 120 percent in value in the first 9 months of 1976 compared to the like period of 1975. Production of ferrites decreased 23 percent in value in the first 9 months of 1976 compared to the like period in 1974.

INCREASED IMPORTS

Subsequent to the October 1, 1975 finding, imports of ferrites decreased absolutely but increased relative to domestic production from 1974 to 1975. Imports of ferrites increased absolutely and relatively in the first 9 months of 1976 compared to the like period in 1975. The ratio of imports to domestic production and consumption increased from 20.2 percent and 22.7 percent, respectively, in the first 9 months of 1975 to 29.0 percent and 27.7 percent, respectively, in the first 9 months of 1976.

Imports of fixed resistors decreased both absolutely and relatively from 1974 to 1975. Imports of fixed resistors increased absolutely and relatively in the first 9 months of 1976 compared to the like period in 1975. The ratio of imports to domestic production and consumption increased from 49.7 percent and 34.3 percent, respectively, in the first 9 months of 1975 to 71.1 percent and 42.3 percent, respectively, in the first 9 months of 1976.

CONTRIBUTED IMPORTANTLY

The evidence developed during the Department's investigation revealed that customers of Stackpole increased their purchases of imported carbon composition resistors and decreased their purchases of carbon composition resistors produced at the St. Marys and Kane, Pennsylvania plants of the Stackpole Carbon Company in the first 9 months of 1976 compared to the same period of the previous year.

Customers for ferrites increased their purchases of imported ferrites and decreased their purchases of ferrites produced at the St. Marys and Kane, Pennsylvania plants of the Stackpole Carbon Company in the first 9 months of 1976 compared to the same period of the previous year. Additionally, Stackpole began importing ferrites in the third quarter of 1975. Imports of ferrites by the Stackpole Carbon Company increased in the third quarter of 1976 compared to the like period in 1975.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that total or partial separations of workers engaged in employment related to the production of fixed composition resistors and ferrites at the St. Marys and Kane, Pennsylvania plants of the Stackpole Carbon Company continue to be attributable to the conditions specified in Section 222 of the Trade Act of 1974.

Therefore, the certification issued on October 1, 1975 for TA-W-102 and TA-

W-150, the St. Marys and Kane, Pennsylvania plants of the Stackpole Carbon Company is not revised to include a termination date of eligibility to apply for adjustment assistance.

Signed at Washington, D.C., this 3rd day of March 1977.

JAMES F. TAYLOR,
Director, Office of Management,
Administration and Planning.

[FR Doc. 77-7353 Filed 3-10-77; 8:45 am]

[TA-W-1286]

WINER MANUFACTURING COMPANY, INC.
Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1286: 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 16, 1976 in response to a worker petition received on that date which was filed on behalf of workers and former workers producing men's outerwear at Winer Manufacturing Company, Incorporated, Hammond, Indiana.

The Notice of Investigation was published in the FEDERAL REGISTER on December 3, 1976 (41 FR 53099). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Winer Manufacturing Company, Incorporated, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

- (1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;
- (2) That sales or production, or both, of such firm or subdivision have decreased absolutely;
- (3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and
- (4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that with respect to leather outercoats, criterion (2) has not been met; with respect to cloth outercoats, criterion (1) has not been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Employment of production workers at Winer Manufacturing Company, Incorporated declined 3 percent in 1975 from 1974 and increased 11 percent in 1976 from 1975. Employment of production workers at Winer increased compared to the same quarter of the previous year during each quarter from the fourth quarter of 1975 through the fourth quarter of 1976.

Average weekly hours for production workers increased or remained the same compared to the same quarter of the previous year in each quarter throughout 1975 and 1976.

Employment and weekly hours of workers producing leather outercoats at Winer both increased six percent in 1976 from 1975. Employment and weekly hours of workers producing cloth outercoats at Winer increased eight and nine percent respectively in 1976 from 1975. After declining less than two percent in the first quarter of 1976 compared to the first quarter of 1975, employment of workers producing cloth outercoats increased in the second, third, and fourth quarters of 1976 compared to the same quarters of 1975.

SALES OF PRODUCTION, OR BOTH, HAVE DECREASING ABSOLUTELY

Total sales by Winer Manufacturing Company, Incorporated increased 10 percent in quantity in 1975 from 1974 and increased 7 percent in 1976 from 1975. Total production at Winer declined 4 percent in 1975 from 1974 and increased 18 percent in 1976 from 1975.

Compared to the previous year, production of leather outercoats increased 60 percent in 1974, 31 percent in 1975, and 28 percent in 1976. Compared to the previous year, production of cloth outercoats declined 10 percent in 1975 and increased 16 percent in 1976. Compared to the same quarter of the previous year, production of cloth outercoats by Winer increased in the fourth quarter of 1975 and during each quarter of 1976.

INCREASED IMPORTS

Imports of leather outercoats increased from \$59.1 million in 1971 to \$154.3 million in 1975. Imports increased in the first three quarters of 1976 compared to the first three quarters of 1975. Imports relative to domestic production increased from 39.1 percent in 1971 to 67.1 percent in 1975.

Imports of men's and boys' textile outercoats and jackets increased from 15.8 million units in 1971 to 24.6 million units in 1973 and declined to 20.6 million units in 1975. Imports increased from 13.4 million units in the first nine months of 1975 to 16.1 million units in the first nine months of 1976. Imports increased relative to domestic production from 29.6 percent in 1971 to 36.0 percent in 1975.

CONTRIBUTED IMPORTANTLY

Production and sales of leather outercoats by Winer increased in both quantity and value in 1975 from 1974 and in 1976 from 1975. Employment of workers

producing cloth outercoats increased in four of five quarters compared to the previous quarter from the third quarter of 1975 to the fourth quarter of 1976.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that production or sales of leather coats have not decreased and that employees engaged in production of leather and cloth outercoats have not become totally or partially separated at Winer Manufacturing Company, Incorporated, Hammond, Indiana as required in Section 222 of the Trade Act of 1974.

Signed at Washington, D.C. this 28th day of February 1977.

JAMES F. TAYLOR,
Director, Office of Management,
Administration and Planning.

[FR Doc. 77-7354 Filed 3-10-77; 8:45 am]

[TA-W-1350]

ZURN INDUSTRIES, INCORPORATED, HYDROMECHANICS DIVISION

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-1350: 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 1, 1976 in response to a worker petition received on December 1, 1976 which was filed by the United Steelworkers of America on behalf of workers and former workers producing plumbing fixtures at the Erie, Pennsylvania plant of Zurn Industries, Hydromechanics Division.

The notice of investigation was published in the FEDERAL REGISTER on December 21, 1976 (41 FR 55611). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Zurn Industries, Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

- (1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;
- (2) That sales or production, or both, of such firm or subdivision have decreased absolutely;
- (3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased

quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, criterion (1) has not been met.

The Hydromechanics Division of Zurn Industries produces fixtures used in the plumbing systems of commercial and industrial establishments. These plumbing products are constructed of cast iron, brass, china, and metal alloys.

Pursuant to the requirements of 29 CFR 90.2 total separations must be the equivalent to a total unemployment of five percent or 50 workers, whichever is less. Evidence developed in the Department's investigation revealed that the total separations which occurred during the period of possible coverage amounted to less than five percent of the workforce employed at the Hydromechanics Division of Zurn. The total number of workers experiencing separations during the period November 1, 1975, one year prior to the signature date of the petition, to the present was less than 50 workers.

Pursuant to the requirements of 29 CFR 90.2, "partial separation" means, that the worker's hours of work have been reduced to 80 percent or less of the worker's average weekly hours at the firm or appropriate subdivision thereof. Evidence developed in the Department's investigation revealed that the worker's average weekly hours of work declined 14.3 percent in 1975 compared to 1974. The average weekly hours of work declined 10.7 percent in the first 10 months of 1976 compared to the like period in 1975.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that a significant number or proportion of workers at the Hydromechanics Division of Zurn Industries Incorporated, Erie, Pa. have not become totally or partially separated as required for certification in Section 222 of the Trade Act of 1974.

Signed at Washington, D.C. this 28th day of February 1977.

JAMES F. TAYLOR,
Director, Office of Management,
Administration and Planning.

[FR Doc.77-7355 Filed 3-10-77; 8:45 am]

AEGIS PRINT WORKS, ET AL.

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions,

the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than March 21, 1977.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than March 21, 1977.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 2nd day of March 1976.

MARVIN M. FOOKS,
Director, Office of
Trade Adjustment Assistance.

Appendix

Petitioner; union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Aegis Print Works (Machine Printers & Engravers Association).	Woodbridge, N.J.	Feb. 22, 1977	Feb. 17, 1977	TA-W-1,696	Textile printing on fabrics.
Beckerman Shoe Corp. (Boot & Shoe Workers Union).	Reading, Pa.	Feb. 2, 1977	Jan. 21, 1977	TA-W-1,694	Boy's shoes.
Faith Shoe Co. (company official).	Wilkes-Barre, Pa.	Feb. 22, 1977	Feb. 17, 1977	TA-W-1,695	Ladies' and children's shoes.
Miss Ruth Seafoods (workers).	Port Isabel, Tex.	do	do	TA-W-1,696	Catching and selling of shrimp.
Parra Print, Inc. (Machine Printers & Engravers Association).	Parsippany, N.J.	do	do	TA-W-1,697	Textile printing on fabrics.

[FR Doc.77-7322 Filed 3-10-77; 8:45 am]

AIRCO SPEER ELECTRONICS

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than March 21, 1977.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than March 21, 1977.

The petitions filed in this case are available for inspection at the Office of

the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 3rd day of March 1977.

MARVIN M. FOOKS,
Director, Office of
Trade Adjustment Assistance.

[TA-W-1235]

ARMCO 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-1235: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on October 31, 1976 in response to a worker petition received on that date which was filed by the Zanesville Armco Independent Organization, Inc. on behalf of workers and former workers producing silicon electrical steel, sheet and strip at the Zanesville, Ohio plant of the Armco Steel Corporation.

The notice of investigation was published in the FEDERAL REGISTER on November 23, 1976 (41 FR 51628). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Armco Steel Corporation, their customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof, have increased either actual, or relative to domestic production, and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met criteria (3) and (4) have not been met.

The Zanesville, Ohio plant of Armco Steel Corporation receives hot rolled silicon strip from the Butler plant and cold rolls it to make cold rolled strip. Silicon steel sheet and strip is used in the manufacture of electrical equipment such as generators, motors and transformers.

U.S. imports of silicon electrical steel, sheet and strip, declined from 13.3 thousand tons in the fourth quarter of 1974 to 4.8 thousand tons in the fourth quarter of 1975. Imports of silicon electrical steel declined from 8.9 thousand tons in the first quarter of 1975 to 6.6 thousand tons in the first quarter of 1976. U.S. im-

Appendix

Petitioner: union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Aircro Speer Electronics (workers).	Bradford, Pa.	Mar. 1, 1977	Feb. 28, 1977	TA-W-1,699	Fixed carbon composition and carbon film resistor components.
Aircro Speer Electronics (workers).	St. Marys, Pa.	do.	do.	TA-W-1,700	Do.
Al Mae Co. (ILGWU).	Croyden, Pa.	Feb. 28, 1977	Feb. 24, 1977	TA-W-1,701	Dresses.
Alper-Schwartz Co. (ILGWU).	Philadelphia, Pa.	do.	do.	TA-W-1,702	Women's dresses.
Ann Michele (ILGWU).	do.	do.	do.	TA-W-1,703	Dresses.
Beckley Manufacturing Corp. (IBEW).	Beckley, W. Va.	Mar. 3, 1977	Feb. 22, 1977	TA-W-1,704	Electronic components.
Belmont Manufacturing Co. (ILGWU).	Philadelphia, Pa.	Mar. 1, 1977	Feb. 28, 1977	TA-W-1,705	Blouses.
Birmingham Stove & Range Co. (U.S.A.).	Birmingham, Ala.	Mar. 2, 1977	Feb. 11, 1977	TA-W-1,706	Cast iron stoves and skillets and cast iron stove parts, fireplace gates.

[FR Doc.77-7324 Filed 3-10-77;8:45 am]

ALDONS, INC., ET AL.

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will

further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than March 21, 1977.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than March 21, 1977.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 1st day of March 1977.

MARVIN M. FOOKS,
Director, Office of
Trade Adjustment Assistance.

Appendix

Petitioner: union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Aldons, Inc. (ACTWU).	San Antonio, Tex.	Feb. 15, 1977	Feb. 11, 1977	TA-W-1,698	Men's knit shirts and knit sweaters.
Brown Shoe Co.	Potosi, Mo.	Feb. 14, 1977	Feb. 6, 1977	TA-W-1,689	Women's shoes.
Coastal Fisheries, Inc. (workers).	Brownsville, Tex.	Feb. 15, 1977	Jan. 31, 1977	TA-W-1,692	Catching and selling of shrimp.
Denison Cotton Mill Co. (workers).	Denison, Tex.	Feb. 22, 1977	Feb. 18, 1977	TA-W-1,688	Cotton duck (cotton canvas).
Kenosha Auto Transport Corp. (workers).	Kenosha, Wis.	Feb. 9, 1977	Feb. 8, 1977	TA-W-1,690	Receiving, inspecting, storing, and handling of American Motors products.
Medalist Sikeston (workers).	Sikeston, Mo.	Feb. 7, 1977	Feb. 1, 1977	TA-W-1,691	Headwear.

[FR Doc.77-7323 Filed 3-10-77;8:45 am]

ports declined from 15.4 thousand tons and 12.9 thousand tons, respectively, in the second and third quarters of 1975 to 7.6 thousand tons and 11.7 thousand tons, respectively, in the second and third quarters of 1976.

The ratio of imports of silicon electrical steel, sheet and strip, to domestic shipments declined from 5.0 percent in the first quarter of 1975 to 4.5 percent in the first quarter of 1976 and declined from 11.9 percent and 10.7 percent, respectively, in the second and third quarters of 1975 to 4.8 percent and 8.0 percent, respectively, in the second and third quarters of 1976.

Armco's Zanesville plant processed silicon steel produced by the Butler, Pennsylvania plant. Processing capacity became available at the Butler plant and in June 1975, Armco shifted some of this processing from Zanesville to Butler.

Customers of Armco indicated that they did not shift to imported silicon electrical steel in 1975 or 1976. The customers felt that reduced construction of electric generating plants; lower levels of production of electric equipment and the substitution of domestically produced carbon steel for silicon in some product designs contributed to a reduced demand for silicon steel sheet and strip.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that imports of silicon electrical steel, sheet and strip, have not increased as required by Section 222 of the Trade Act of 1974.

Signed at Washington, D.C., this 3rd day of March 1977.

JAMES F. TAYLOR,
Director, Office of Management,
Administration and Planning.

[FR Doc.77-7325 Filed 3-10-77; 8:45 am]

[TA-W-1299]

ASARCO, INC.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1299: 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 15, 1976 in response to a worker petition received on that date which was filed by the United Steelworkers of America on behalf of workers and former workers producing refined copper at the Perth Amboy, New Jersey plant of ASARCO, Inc.

The Notice of Investigation was published in the FEDERAL REGISTER on December 3, 1976 (41 FR 53082). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of ASARCO, Inc.,

its customers, the U.S. Department of the Interior, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility from officials of ASARCO, Inc., each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation revealed that although the first (3) criteria have been met, the fourth criterion has not been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of production workers at the Perth Amboy, New Jersey plant decreased 2 percent in 1974 compared to 1973 and decreased 21 percent in 1975 compared to 1974. Employment in the nine month January-September period in 1976 declined 56 percent compared to the like period in 1975.

SALES OR PRODUCTION OR BOTH, HAVE DECREASED ABSOLUTELY

Company sales (all refineries) of refined copper decreased in quantity 30 percent in 1974 compared to 1973 and decreased 22 percent in 1975 compared to 1974. Company production (all refineries) of refined copper decreased in quantity 13 percent in 1974 compared to 1973 and decreased 14 percent in 1975 compared to 1974. Company production in 1976 increased 15 percent compared to 1975.

Production of refined copper at the Perth Amboy, New Jersey refinery decreased in quantity 17 percent in 1974 compared to 1973, decreased 9 percent in 1975 compared to 1974, and decreased 88 percent in 1976 compared to 1975. After July 1976, no production of refined copper was recorded for the Perth Amboy refinery.

INCREASED IMPORTS

Imports of refined copper increased absolutely and relative to domestic production each year from 1972 through 1974 compared to the previous year. These imports decreased 53 percent in 1975 compared to 1974, then increased 291 percent in the first 9 months of 1976 compared to the like period of 1975. The ratio of imports to domestic production

decreased from 14.6 percent in 1974 to 8.2 percent in 1975, then increased from 6.0 percent in the first 9 months of 1975 to 22.6 percent in the like period of 1976.

CONTRIBUTED IMPORTANTLY

Customers who were surveyed stated that they have not switched purchases from ASARCO, Inc. to imports.

ASARCO, Inc. phased out production of refined copper at its Baltimore, Maryland refinery in 1975 and phased out production at its Perth Amboy, New Jersey refinery in 1976. Production at ASARCO's new refinery in Amarillo, Texas began in September, 1975. Total production at the Amarillo refinery in 1976 exceeded that of the Baltimore and Perth Amboy refineries combined in 1974, the last year before the phaseouts began. Total company production of refined copper in 1976 increased 15 percent compared to 1975, with the production at Amarillo accounting for 71 percent of the year's total.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that imports like or directly competitive with refined copper produced at the Perth Amboy, New Jersey plant of ASARCO, Inc., did not contribute importantly to the total or partial separations of the workers of that plant.

Signed at Washington, D.C., this 28th day of February 1977.

JAMES F. TAYLOR,
Director, Office of Management,
Administration and Planning.

[FR Doc.77-7326 Filed 3-10-77; 8:45 am]

[TA-W-1,566]

ATWATER THROWING CO., INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance; Correction

In FR Doc. 77-2854 appearing on page 5447 in the FEDERAL REGISTER of January 28, 1977, the 3rd column, 1st paragraph, 5th and 6th lines are corrected to read "Amalgamated Clothing and Textile Workers Union" instead of "United Textile Workers of America".

Signed at Washington, D.C., this 22nd day of February 1977.

MARVIN M. FOOKS,
Director, Office of
Trade Adjustment Assistance.

[FR Doc.77-7327 Filed 3-10-77; 8:45 am]

[TA-W-1,567]

ATWATER THROWING CO., INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance; Correction

In FR Doc. 77-2855 appearing on page 5448 in the FEDERAL REGISTER of January 28, 1977, the 1st column, 1st paragraph, 5th and 6th lines are corrected to read "Amalgamated Clothing and

Textile Workers Union" instead of "United Textile Workers of America".

Signed at Washington, D.C., this 22nd day of February 1977.

MARVIN M. FOOKS,
Director, Office of
Trade Adjustment Assistance.

[FR Doc.77-7328 Filed 3-10-77;8:45 am]

[TA-W-1201]

AUSZMANN, INC.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1201: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on October 26, 1976 in response to a worker petition received on that date which was filed on behalf of workers and former workers producing women's dresses at the Bridgeport and Pottstown, Pennsylvania plants of Auszmann, Incorporated.

The notice of investigation was published in the FEDERAL REGISTER on November 19, 1976 (41 FR 51135). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Auszmann, Incorporated, 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 the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;
- (2) That sales or production, or both, of such firm or subdivision have decreased absolutely;
- (3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and
- (4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that criterion four has not been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of workers at the Pottstown and Bridgeport, Pennsylvania plants of Auszmann, Incorporated increased 15.9 percent from 1974 to 1975

and declined 41.6 percent for the February through October period of 1976 compared to the same period in 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECLINED ABSOLUTELY

Company records for 1974 and prior were destroyed in a fire. Sales decreased 58.0 percent for the February through October period of 1976 compared to the same period in 1975.

Auszmann produces exclusively for one manufacturer. This manufacturer's sales of dresses increased 15.0 percent in quantity in 1975 compared to 1974 and 7.9 percent in quantity in 1976 compared to 1975.

INCREASED IMPORTS

Imports of women's, misses' and children's dresses declined in quantity from 2,524,000 dozens in 1971 to 1,578,000 dozens in 1974 before increasing to 1,655,000 dozens in 1975. Imports continued to increase from 1,186,000 dozens in the first three quarters of 1975 to 1,245,000 dozens in the like 1976 period.

CONTRIBUTED IMPORTANTLY

The only manufacturer for whom Auszmann, Incorporated produces dresses has reduced the number of its domestic manufacturers. Customers of dresses from this manufacturer report that they have not switched their purchases from the manufacturer to foreign suppliers.

CONCLUSION

After careful review of the facts obtained in the investigation, it is concluded that imports of articles like or directly competitive with the women's dresses produced at the Bridgeport and Pottstown, Pennsylvania plants of Auszmann, Incorporated have not contributed importantly to the separations and to the decrease in sales and production at the plant as required for certification under section 222 of the Trade Act of 1974.

Signed at Washington, D.C. this 28th day of February 1977.

JAMES F. TAYLOR,
Director, Office of Management,
Administration and Planning.

[FR Doc.77-7325 Filed 3-10-77;8:45 am]

[TA-W-1314]

BERGER INDUSTRIES, INC.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1314: 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 30, 1976 in response to a worker petition received on that date which was filed on behalf of workers and former workers producing welded steel tubing

at the Metuchen, New Jersey plant of Berger Industries, Inc.

The Notice of Investigation was published in the FEDERAL REGISTER on December 14, 1976 (41 FR 54553). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Berger Industries, Inc., the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

- (1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;
- (2) That sales or production, or both, of such firm or subdivision have decreased absolutely;
- (3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and
- (4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, criteria (1) and (2) have not been met.

Average employment of production workers at the Metuchen, New Jersey plant of Berger Industries Inc., was 8 percent higher in the fourth quarter of 1975 than the third quarter of 1975 and 18 percent higher in the fourth quarter of 1975 than in the fourth quarter of 1974. Average employment at the plant was 29 percent higher in 1976 than in 1975.

Production at that plant increased 1 percent in quantity in the fourth quarter of 1975 from the third quarter of 1975 and 3 percent in the fourth quarter of 1975 from the fourth quarter of 1974. Production at the plant increased 29 percent in 1976 from 1975. Production was higher in each quarter of 1976 than in the corresponding quarter of 1975.

Sales at the plant increased 5 percent in quantity and 7 percent in value in the fourth quarter of 1975 from the third quarter of 1975 and 1 percent in quantity and value in the fourth quarter of 1975 from the fourth quarter of 1974. Sales increased 29 percent in quantity and 27 percent in value in 1976 from 1975. Sales were higher in each quarter of 1976 than the corresponding quarter of 1975.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that employment, sales and production at the Metuchen, New Jersey plant of Berger Industries, Inc., have not declined

as required for certification under section 222 of the Trade Act of 1974.

Signed at Washington, D.C. this 28th day of February 1977.

JAMES F. TAYLOR,
Director, Office of Management,
Administration and Planning.

[FR Doc.77-7330 Filed 3-10-77; 8:45 am]

[TA-W-1264]

BLOOMBERG LEATHER GOODS

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-1264: 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 11, 1976 in response to a worker petition received on that date which was filed by the International Leather Goods, Plastics and Novelty Workers' Union on behalf of workers and former workers producing leather and leather/synthetic belts for men at Bloomberg Leather Goods, Menomonee Falls, Wisconsin. Bloomberg Leather Goods is operated by the Paris Division of Kayser-Roth Corporation.

The notice of investigation was published in the FEDERAL REGISTER on December 3, 1976 (41 FR 53083). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Paris Division of Kayser-Roth Corporation, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all four of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Employment of production workers at Bloomberg Leather Goods declined 57 percent in 1975 from 1974 and declined 30 percent in 1976 from 1975. Production-related employment was terminated by the end of December 1976. Officials of the Paris Division expect the plant to be completely closed by the end of March 1977.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Production at Bloomberg Leather Goods declined in quantity and value 50 percent and 44 percent respectively in 1975 from 1974 and 28 percent and 14 percent respectively in 1976 from 1975. Production at the Bloomberg plant was discontinued in December 1976.

INCREASED IMPORTS

Imports of leather belts increased relative to domestic production each year from 1972 to 1975. The value of imported leather belts amounted to 7.9 percent of the value of domestic production of domestic production of leather belts in 1974 and 10.3 percent in 1975. Imports increased absolutely in value from \$5.4 million during January-September 1975 to \$10.6 million during January-September 1976.

CONTRIBUTED IMPORTANTLY

The Paris Division of Kayser-Roth Corporation purchases belts from other domestic and foreign sources. The Paris Division's purchases of belts from foreign sources have increased each year since 1973. The Division's purchases of imported belts increased 167 percent in 1976 from 1975. Purchases of imported leather belts by the Paris Division increased relative to the Division's domestic output from 11 percent in 1974 to 18 percent in 1975 and 44 percent in 1976.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with leather and combination leather/synthetic belts produced at the Bloomberg Leather Goods Plant of the Paris Division of Kayser-Roth Corporation contributed importantly to the total or partial separations of the workers of that firm. In accordance with the provisions of the Trade Act of 1974, I make the following certification:

All workers of Bloomberg Leather Goods, Menomonee Falls, Wisconsin who became totally or partially separated from employment on or after October 20, 1976 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 28th day of February 1977.

JAMES F. TAYLOR,
Director, Office of Management,
Administration and Planning.

[FR Doc.77-7331 Filed 3-10-77; 8:45 am]

[TA-W-1393]

CABOT CORPORATION

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-1393: 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 13, 1976 in response to a worker petition received on December 13, 1976 which was filed by the United Steelworkers of America on behalf of workers producing super alloys at Cabot Corporation's Stellite Division in Kokomo, Indiana.

The notice of investigation was published in the FEDERAL REGISTER on January 4, 1977 (42 FR 873). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from the United Steelworkers of America, Cabot Corporation, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard as to whether any of the other criteria have been met, criterion (3) has not been met.

Cabot Corporation's Stellite Division in Kokomo, Indiana manufactures high performance nickel-based, cobalt-based and iron-based alloys (super alloys) designed to withstand extreme conditions of cold, heat, corrosion and wear. They are used mainly in gas turbine engines and chemical process equipment.

Evidence developed in the Department's investigation reveals that there are no imports of super alloys known to industry sources. Foreign producers have not penetrated the U.S. market for super alloys due to limited domestic demand, rigid customer specifications, narrow tol-

erance ranges, and high transportation costs.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that articles like or directly competitive with super alloys produced at Cabot Corporation's Stellite Division in Kokomo, Indiana are not being imported in increased quantities, either actual or relative to domestic production, as required for certification under Section 222 of the Trade Act of 1974.

Signed at Washington, D.C. this 28th day of February 1977.

JAMES F. TAYLOR,
Director, Office of Management,
Administration and Planning.

[FR Doc. 77-7332 Filed 3-10-77; 8:45 am]

[TA-W-1302]

JOSEPH P. CONROY, INC.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1302; 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 24, 1976 in response to a worker petition received on that date which was filed by the Amalgamated Clothing and Textile Workers Union on behalf of workers and former workers producing leather dress gloves and leather ski gloves and mittens at the Johnstown, New York plant of Joseph P. Conroy, Incorporated.

The Notice of Investigation was published in the FEDERAL REGISTER on December 21, 1976 (41 FR 55607). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Joseph P. Conroy, Inc., its customers, the National Association of Glove Manufacturers, 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 must be met:

- (1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;
- (2) That sales or production, or both, of such firm or subdivision have decreased absolutely;
- (3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that criteria (1) and (4) have not been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Average hourly employment increased 16.7 percent from 1974 to 1975 and 2.1 percent in the first ten months of 1976 compared to the same period in 1975.

Total hours worked increased 20.3 percent from 1974 to 1975 and 1.3 percent in the first ten months of 1976 compared to the same period in 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

The value of sales of dress gloves and ski gloves and mittens increased 57.0 percent from 1974 to 1975 and increased 0.8 percent in the first three quarters of 1976 compared to the same period in 1975.

The estimated value of production of dress gloves and ski gloves and mittens increased 86.3 percent from 1974 to 1975 and decreased 16.8 percent in the first three quarters of 1976 compared to the same period in 1975.

INCREASED IMPORTS

Imports of leather dress gloves declined absolutely and relative to domestic production each year from 1971 through 1975. In 1975, 208,000 dozen pairs of leather dress gloves were imported into the United States compared to 579,000 dozen pairs in 1971. This represented a decline in absolute imports over the period of 64.1 percent. In the first three quarters of 1976, imports of leather dress gloves were 127,000 dozen pairs compared to 144,000 dozen pairs in the first three quarters of 1975, a decline of 11.8 percent. The ratio of imports to domestic production declined from 118.4 percent in 1971 to 62.3 percent in 1975 and then dropped to 45.2 percent in the first three quarters of 1976.

Imports of knit and knit/leather combination gloves increased absolutely from 2,293,000 dozen pairs in 1971 to 3,883,000 dozen pairs in 1973 and then declined to 2,842,000 dozen pairs in 1974. In 1975 imports fell to 1,786,000 dozen pairs, a decline of 54.0 percent compared to the 1973 peak. In the first three quarters of 1976, imports of knit and knit/leather combination gloves were 1,295,000 dozen pairs compared to 1,328,000 dozen pairs in the first three quarters of 1975, a decline of 2.5 percent. The ratio of imports to domestic production declined from 260.6 percent in 1973 to 185.1 percent in 1975 and then dropped to 159.7 percent in the first three quarters of 1976.

Imports of ski gloves and mittens increased 41.8 percent from 1971 through 1973, reaching a peak of 12.07 million dollars. Imports declined from 12.07 million dollars in 1973 to 8.44 million

dollars in 1974 and then increased to 9.27 million dollars in 1975. In the first three quarters of 1976, imports were valued at 11.8 million dollars compared to 6.95 million dollars for the same period in 1975, an increase of 69.8 percent. The ratio of imports to domestic production increased from 1971 through 1973, declined to 251.9 percent in 1974 and increased to 272.6 percent in 1975. In the first three quarters of 1976, the ratio of imports to domestic production was 385.6 percent compared to 272.5 percent for the same period in 1975.

CONTRIBUTED IMPORTANTLY

Joseph P. Conroy, Incorporated is engaged in the manufacture of leather ski gloves and mittens and leather dress gloves. Sales of leather dress gloves represent approximately 25 percent of Joseph P. Conroy's total sales. Imports of leather dress gloves declined absolutely and relative to domestic production every year from 1971 through 1975 and in the first three quarters of 1976 compared to the same period in 1975.

The domestic all-leather dress glove industry has also been affected by trends in the knit and knit/leather combination dress glove industry. Imports of knit and knit/leather combination gloves declined absolutely and relative to domestic production every year from 1973 through 1975 and in the first three quarters of 1976 compared to the same period in 1975.

Imports of ski gloves and mittens, which constitute the remaining 75 percent of Joseph P. Conroy's sales increased absolutely and relative to domestic production since 1974.

Customers of ski gloves and mittens from Joseph P. Conroy who were interviewed increased their purchases from the firm in 1976 compared to 1975. At the same time, their purchases of imported ski gloves and mittens increased at a slower rate, remained stable, or declined.

Average employment of workers at Joseph P. Conroy increased from 1974 to 1975 and in the first ten months of 1976 compared to the same period in 1975. Total hours worked also increased from 1974 to 1975 and in the first ten months of 1976 compared to the same period in 1975. Average employment was above the same quarter in the previous year in six out of seven quarters from 1975 through the first three quarters of 1976.

Employment declines in the first quarter of 1976 occurred in conjunction with seasonal production cutbacks occurring in the first quarter every year.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that a significant number or proportion of the workers at the Johnstown, New York plant of Joseph P. Conroy, Inc., have not become totally or partially separated as required for certification under the Act.

Signed at Washington, D.C. this 28th day of February 1977.

JAMES F. TAYLOR,
Director, Office of Management,
Administration and Planning.

[FR Doc. 77-7333 Filed 3-10-77; 8:45 am]

Pension and Welfare Benefit Programs

[Prohibited Transaction Exemption 77-2]

EMPLOYEE BENEFIT PLANS

Exemption From Prohibitions Respecting a Transaction Involving the Iron Workers' Apprentice Fund

Notice is hereby given of the granting of an exemption under the authority of section 408(a) of the Employee Retirement Income Security Act of 1974 (the Act) relating to a proposed transaction involving the purchase by the Iron Workers' Apprentice Fund (the Plan) of one acre of unimproved real property from the Iron Workers' Local Union No. 84 (the Union).

Background. On December 28, 1976, notice was published in the FEDERAL REGISTER (41 FR 56412) of the pendency before the Department of Labor (the Department) of an exemption from the restrictions of sections 406(a) and 406(b)(2) of the Act for a transaction described in an application submitted by the Plan. The notice set forth a summary of the facts and representations contained in the application for exemption and referred interested persons to the application on file with the Department in Washington, D.C. for a complete statement of the facts and representations of the Plan. The notice also invited interested persons to submit comments on the requested exemption to be received on or before February 11, 1977 by the Department. In addition the notice stated that any interested person might submit a written request that a hearing be held relating to the exemption. Such written request had to be received by the Department on or before February 11, 1977. No public comments on the pending exemption and no request for a hearing relating to the exemption were received by the Department. Based upon the application filed by the Plan, the Department has decided to grant the requested exemption for the transaction described in the application. Notice of the pendency of an exemption as published in the FEDERAL REGISTER was given to the trustees of the Plan, to each of the associations of employers and employee representatives who created the Plan, and to all current participants in writing and delivered in person or by first class mail on December 30, 1976.

General information. (1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act does not relieve a fiduciary or other party in interest with respect to a plan to which the exemption is applicable from certain other provisions of the Act, including any prohibited transaction provisions to which the exemption

does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which, among other things, require a fiduciary to discharge his duties respecting the plan solely in the interest of the plan participants and beneficiaries and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act;

(2) The exemption contained herein does not extend to transactions prohibited under sections 406(b)(1) and (3) of the Act;

(3) The exemption set forth herein is supplemental to, and not in derogation of, any other provisions of the Act, including statutory exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is in fact a prohibited transaction.

Exemption. Pursuant to section 408(a) of the Act, and in accordance with the procedure set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975) and based upon the facts and representations contained in the application for exemption submitted by the Plan, the Department finds that it is administratively feasible, in the interests of the Plan and of its participants and beneficiaries, and protective of the rights of participants and beneficiaries of the Plan to grant, and does hereby grant, an exemption effective this date, so that the restrictions of sections 406(a) and 406(b)(2) of the Act shall not apply to the purchase by the Plan of one acre of unimproved real property from the Union, pursuant to the terms, conditions and representations set forth in the application.

The availability of this exemption is subject to the express conditions that the material facts and representations contained in the application are true and complete and that the application accurately describes all material terms of the transaction to be consummated pursuant to the exemption.

Signed at Washington, D.C., this 7th day of March 1977.

J. VERNON BALLARD,
Acting Administrator of Pension and Welfare Benefit Programs, U.S. Department of Labor.

[FR Doc. 77-7308 Filed 3-10-77; 8:45 am]

[Prohibited Transaction Exemption 77-1]

EMPLOYEE BENEFIT PLANS

Exemption From Prohibitions Respecting a Transaction Involving the Operating Engineers Journeyman and Apprentice Training Trust and Guy F. Atkinson Company

Notice is hereby given of the granting of an exemption under the authority of section 408(a) of the Employee Retirement Income Security Act of 1974 (the Act) relating to a proposed transaction involving the purchase by the Operating

Engineers Journeyman and Apprentice Training Trust (the Plan) of approximately 609 acres of land from Guy F. Atkinson Company (Atkinson), a party in interest with respect to the Plan.

Background. On October 5, 1976, notice was published in the FEDERAL REGISTER (41 FR 43976) of the pendency before the Department of Labor (the Department) of an exemption from the restrictions of section 406(a) of the Act for a transaction described in an application submitted by the trustees of the Plan. The notice set forth a summary of the facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The notice stated that in order to receive consideration, comments from interested persons had to be received by the Department on or before November 19, 1976. However, at the request of the trustees of the Plan, the Department, in a notice published in the FEDERAL REGISTER on December 3, 1976 (41 FR 53076), extended the date for submission of written comments regarding the proposed exemption until December 15, 1976. One letter of comment was received from a member of Operating Engineers Local Union No. 12. The letter objected to the granting of an exemption unless a reliable certification were obtained that no mortgage, option to purchase, or title of ownership on property adjoining the 643 acres owned by Atkinson is held by employees of the Plan, its administrator and/or Local Union No. 12 because the improvement of the land to be purchased by the Plan will enhance the value of adjoining property. The letter also objected on the grounds that Atkinson will benefit from the transaction as a result of retaining 34 acres at the entrance to the land which the Plan will purchase. The letter further objected because the transaction would contravene the requirements of section 404 regarding fiduciary duties. According to the letter, the transaction would not be for the exclusive purpose of providing benefits to participants and beneficiaries because it would disproportionately benefit Atkinson, and would not be prudent because the Plan already owns several other properties for this same purpose and there are apprentices who are unemployable because of high unemployment in the construction industry, particularly among operating engineers.

In response to the comment letter the trustees represented that, to their knowledge, no party in interest of the Plan, nor any relative of a party in interest, owns any mortgage, option to purchase, title of ownership, or any other interest in property adjoining the 643 acres owned by Atkinson. In addition, the trustees represented that the Plan presently owns no other land, either in the Riverside, California area or elsewhere. However, the Plan presently has a short-term lease on one training site in the Los Angeles area, and is negotiating for

the purchase of a permanent training site in the Los Angeles area. In Bakersfield the Plan is using a training site free of costs, pursuant to a previously granted exemption by the Department, and is looking for a site in San Diego.

The application and the comment submitted with respect thereto have been available for public inspection at the Department in Washington, D.C. Based upon the application filed by the trustees of the Plan, the consideration of the public comment and the additional representations submitted by the applicant, the Department has decided to grant the requested exemption for the transaction described in the application. It should be noted that, as indicated below, the exemption granted herein does not cover transactions prohibited under section 406(b) of the Act nor does it relieve a fiduciary from any of the provisions of section 404 of the Act. Notice of pendency of an exemption was given by publication of the notice of pendency as published in the *Federal Register* in the Union newspaper, *Engineers News-Record*, which was mailed on November 19, 1976, to all members of the Union. A copy of the notice of pendency of an exemption was mailed on November 122, 1976, to the employer associations which are signatories to the trust agreement creating the Plan.

General information. (1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act does not relieve a fiduciary or other party in interest with respect to a plan to which the exemption is applicable from certain other provisions of the Act, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things, require a fiduciary to discharge his duties respecting the plan solely in the interest of the Plan participants and beneficiaries and in a product fashion in accordance with section 404(a) (1) (B) of the Act;

(2) The exemption contained herein does not extend to transactions prohibited under section 406(b) of the Act;

(3) The exemption set forth herein, is supplemental to, and not in derogation of, any other provisions of the Act, including statutory exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is in fact a prohibited transaction.

Exemption. Pursuant to section 408(a) of the Act and in accordance with the procedure set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975) and based upon the facts and representations contained in the application for exemption submitted by the trustees of the Plan, the public comment received and the additional representations submitted by the trustees of the Plan, the Department finds that it is administratively feasible, in the interests of the

Plan and of its participants and beneficiaries, and protective of the Plan, to grant, and does hereby grant, an exemption, effective this date so that the restrictions of sections 406(a) of the Act shall not apply to the purchase by the Plan of approximately 609 acres of land from Atkinson pursuant to the terms, conditions and representations set forth in the application.

The availability of this exemption is subject to the express conditions that the material facts and representations contained in the application are true and complete and that the application accurately describes all material terms of the transaction to be consummated pursuant to the exemption.

Signed at Washington, D.C., this 7th day of March, 1977.

J. VERNON BALLARD,
Acting Administrator of Pension and Welfare Benefit Programs, U.S. Department of Labor.

[FR Doc.77-7307 Filed 3-10-77;8:45 am]

**Wage and Hour Division
ADVISORY COMMITTEE ON
SHELTERED WORKSHOPS**

Meeting

Pursuant to Public Law 92-463, notice is hereby given of a meeting of the Department of Labor's Advisory Committee to be held on March 29 and 30, 1977, beginning at 1:00 p.m. on March 29 and 8:30 a.m. on March 30 in Room S-5215 A & B of the New U.S. Department of Labor Building, 200 Constitution Avenue NW., Washington, D.C.

The Advisory Committee on Sheltered Workshops advises the Department of Labor with respect to the application of the Federal minimum wage laws to non-profit sheltered workshops, patient employment in hospitals and institutions and related matters.

The agenda for the meeting is as follows:

1. Report on outstanding recommendations made by the Advisory Committee on Sheltered Workshops at previous meetings.

2. Reconsideration of appeal from cancellation of a workshop certificate because of alleged failure to pay proper wages to the handicapped workers.

3. Consideration of the proposed criteria for determining employment relationship under the Fair Labor Standards Act of resident workers in group homes and other patient worker matters.

4. Report of the Subcommittee on Competitive Pricing and Other Matters:

a. Consideration of a cost estimating brochure to guide workshops in pricing competitively.

b. Recommendations on monitoring of workshops by peer groups to supplement the Wage and Hour Division's program.

c. Recommendations for interpreting the concepts of "in the vicinity" and "prevailing wage" as related to determination of workshop wage rates.

d. Recommendations on the Wage and Hour Division's guidelines for evaluating the adequacy of wage rates paid handicapped workers in workshops.

5. Consideration of the relevant recommendations of the General Accounting Office contained in its report on deinstitutionalization of the mentally disabled.

6. Consideration of the desirability of providing a limited exemption for sheltered workshops from Federal Service Contract Act wage determinations where the predecessor contractor operated under a collective bargaining agreement.

7. Report on the sheltered workshop study being conducted by the U.S. Department of Labor.

8. Miscellaneous items raised by members of the Advisory Committee and by the Wage and Hour Division Regional Offices.

The meetings are open to the public and a transcription will be made of the proceedings. Persons having questions about the meeting may contact Mr. Gordon Higgins, Wage and Hour Division, U.S. Department of Labor, Washington, D.C. 20210 (telephone: 202-523-8727).

Signed at Washington, D.C., this 3rd day of March, 1977.

WARREN D. LANDIS,
*Acting Administrator,
Wage and Hour Division.*

[FR Doc.77-7320 Filed 3-10-77;8:45 am]

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

WHITE HOUSE CONFERENCE ON LIBRARY AND INFORMATION SERVICES

Meeting

In accordance with the Federal Advisory Committee Act, Public Law 92-463, the National Commission on Libraries and Information Science announces the following meeting:

Name: White House Conference on Library and Information Services Advisory Committee.

Date: March 20, 1977, from 8:30 p.m. to 10:00 p.m.; March 21, 1977, from 9:00 a.m. to 4:30 p.m.

Place: Sheraton National Hotel, Arlington, Virginia.

Type of meeting: Open.

Contact person: Mr. Alphonse F. Trezza, Executive Director, National Commission on Libraries and Information Science; Telephone (202) 653-6252.

Purpose of the Meeting: Dr. Frederick Burkhardt, Chairman of the National Commission on Libraries and Information Science, will preside over the initial meeting of the White House Conference on Library and Information Services Advisory Committee. The twenty-eight member Advisory Committee appointed jointly by the President, the Congress, and the Chairman of the National Commission will meet for a background briefing on the planned White House Conference and the preliminary state and ter-

ritorial conferences. Areas of discussion will cover the overall planning schedule, support of the state conferences, and program content.

A total budget of \$3.5 million for the three-year period necessary to plan, hold and report on the Conference is expected to receive Congressional approval before the end of March, with final Presidential action, hopefully, in April. The target date for starting official planning and activities for the White House Conference is June 1, 1977.

ALPHONSE F. TREZZA,
Executive Director.

MARCH 8, 1977.

[FR Doc. 77-7313 Filed 3-10-77; 8:45 am]

NATIONAL RAILROAD PASSENGER CORPORATION

GOVERNMENT IN THE SUNSHINE ACT

Rules Governing Open Meetings; Amendment to By-Laws

Notice is hereby given that the National Railroad Passenger Corporation (hereinafter "Corporation") is adding an Appendix A to its corporate By-laws in order to implement sections (b) through (f) of the Government in the Sunshine Act (5 U.S.C. 552b) (hereinafter "Sunshine Act"). The rules contained in Appendix A were the subject of a Notice of Proposed Amendment to the Corporation's By-laws which was published in the FEDERAL REGISTER on February 16, 1977 (42 FR 9456).

In that notice the corporation described its statutory basis as a for-profit corporation, not an agency or establishment of the government, and the nature of its business operations as a competitor with other private business companies whose board meetings are not open to attendance by the public. Compliance with the Sunshine Act under Appendix A will be conducted in a manner consistent with the goals of the Rail Passenger Service Act of 1970 and will avoid situations that might frustrate achievement of the company's commercial competitive activities and goals, insofar as they involve the Corporation's ability to generate increased revenues and reduce losses (and subsidies). The notice also discussed the risk that compliance with the Sunshine Act tends to assimilate the Corporation to the form, character, and mold of a government agency engaged in the performance of government functions and, in so doing, might lend support to the legal argument now pending in the courts that a condemnation has occurred with respect to certain rail properties acquired by the Corporation on April 1, 1976. No comments have been received to date that dispute these views. Minor changes have been made in the language of rules 1 and 3.

Without prejudice to the considerations identified in the preamble to the Notice of Proposed Amendment to the Corporation's By-laws, the Corporation adopts the following rules, effective March 12, 1977, for the purpose of imple-

menting the open meeting provisions of the Sunshine Act to the extent the Corporation may be subject to them.

The rules as adopted will be reviewed in the light of any written comments received no later than March 18, 1977 in accordance with the original Notice published in the FEDERAL REGISTER on February 16, 1977. If the Corporation finds it necessary to amend the rules published herein because of any comments received, further publication will follow.

APPENDIX A (TO THE CORPORATION'S BY-LAWS)

RULES GOVERNING OPEN MEETINGS OF THE BOARD OF DIRECTORS OF THE CORPORATION PURSUANT TO 5 U.S.C. § 552b

Rule 1—The Purpose and Scope of this Appendix.

Rule 2—Definitions.

Rule 3—Preparation of Agenda in Advance of Meeting.

Rule 4—Public Announcements of Meetings; Subsequent Changes.

Rule 5—Open Meetings.

Rule 6—Closed Meetings.

Rule 7—Certification of General Counsel; Statement of Chairman.

Rule 8—Record of Meeting.

Rule 9—Report to Congress.

AUTHORITY. Subsection (g), Government in the Sunshine Act (5 U.S.C. 552b(g)); Article III of the Rail Passenger Service Act (45 U.S.C. 541-48); sections 29-904 and 29-909, District of Columbia Business Corporation Act; section 9.01 of Article IX, Corporation's By-laws.

THE RULES

RULE 1—THE PURPOSE AND SCOPE OF THIS APPENDIX

The Corporation fully endorses the principle of compliance with requirements of law regarding the availability to the public of information regarding the decision-making processes of the Board of Directors. It is the purpose of the rules contained in this Appendix to open the meetings of the Board of Directors to the public (except where such meetings may be closed by law and under these rules) while protecting the rights of individuals and the ability of the members of the Board of Directors to carry out their corporate and statutory responsibilities. The rules contained in this Appendix are promulgated as may be required pursuant to the provisions of subsection (g) of the Government in the Sunshine Act (5 U.S.C. 552b(g)) and specifically implement the spirit and intent of subsections (b) through (f) of that Act (5 U.S.C. 552b(b)-(f)). Public access to documents being considered at meetings of the Corporation's Board of Directors shall be obtained in the manner and to the extent as set forth in the Freedom of Information Act (5 U.S.C. 552).

RULE 2—DEFINITIONS

a. "Act" means the Government in the Sunshine Act (5 U.S.C. 552b).

b. "Chairman" and "Vice Chairman" means the Chairman or Vice Chairman of the Board of Directors or in their absence a chairman chosen by a majority of the members of the Board of Directors present to act as chairman of a meeting and to preside thereat;

c. "Corporation" means the National Railroad Passenger Corporation created under Title III of the Rail Passenger Service Act (45 U.S.C. 541-48) and incorporated pursuant to the District of Columbia Business Corporation Act (D.C. Code 29-901 et seq.);

d. "Meetings," or any portion thereof, means the deliberations of at least the number of members of the Board of Directors re-

quired to take action on behalf of the Corporation where such deliberations determine or result in the disposition of corporate business. The term includes both regular and special meetings of the Board of Directors.

The term "meeting," or any portion thereof, as used herein shall not include deliberations of a majority of the members of the Board of Directors for the purpose of (A) calling a meeting at a date earlier than the requisite public notice period, (B) determining whether to close a meeting or a series of meetings, or any portion thereof, to the public, or (C) changing the subject matter of a meeting which has already been publicly announced.

e. "Member of the Board of Directors" means an individual who has been selected as a member of the Corporation's Board of Directors pursuant to section 303 of the Rail Passenger Service Act (45 U.S.C. 543);

f. "Vote" means a poll taken at a meeting or by telephone (or by other means of communication), of which an immediate written record is made by the Secretary, indicating how each member of the Board of Directors voted with regard to a particular issue;

g. "Secretary" and "General Counsel" mean the Secretary and General Counsel of the Corporation and, in the absence or disability of any one or both of them, those duly authorized to act in such capacity, respectively, on behalf of the Corporation.

RULE 3—PREPARATION OF AGENDA IN ADVANCE OF MEETING

a. In order to assure that the public will receive proper advance notice of meetings and in order to facilitate the issuance by the Corporation of the public announcement of meetings required by law, the Secretary shall undertake to prepare the agenda for a meeting twelve days in advance of the scheduled meeting date.

b. The agenda for a future scheduled meeting shall be approved by the Chairman or Vice Chairman of the Board of Directors at least nine days prior to the future scheduled meeting date.

c. The Secretary shall respond to all inquiries concerning meeting agendas.

RULE 4—PUBLIC ANNOUNCEMENTS OF MEETINGS; SUBSEQUENT CHANGES

a. In the case of each meeting, the Corporation shall make an announcement to the public, at least one week before the meeting, which (A) states the time, place and date of the meeting, (B) sets forth the subject matter or agenda items to be discussed at the meeting, (C) states whether the meeting, or any portion thereof, is to be open or closed to the public, (D) gives the name and business telephone number of the Secretary.

b. The one week notice requirement contained in paragraph a. of this rule shall not apply where a majority of the members of the Board of Directors determines by a recorded vote that the business of the Corporation requires that such meeting be called at an earlier date, in which case the Corporation shall make an announcement to the public at the earliest practical time that contains the information required by paragraph a. of this rule.

c. The time or place of a meeting may be changed following the announcement to the public required by this rule only if the Corporation makes a subsequent announcement to the public at the earliest practical time that contains the information required by paragraph a. of this rule and that reflects the change in time or place.

d. The subject matter of a meeting, or the determination of the members of the Board of Directors to open or close a meeting, or any portion thereof, to the public, may be

changed following the announcement to the public required by this rule only if (A) a majority of the members of the Board of Directors determines by a recorded vote that the business of the Corporation so requires and that no earlier announcement of the change was possible, and (B) the Corporation makes a subsequent announcement to the public at the earlier practicable time that (i) contains the information required by paragraph a., (ii) reflects the change of subject matter or the determination to open or close a meeting, or any portion thereof, to the public, and (iii) includes the recorded vote of each member of the Board of Directors upon such change.

e. Subject to the requirements of paragraph d. of this rule, the Board of Directors expressly reserves the right during the course of a meeting to discuss and to vote on a matter not previously announced as an agenda item if its relevance to the meeting was not previously known.

f. The Secretary shall issue each announcement to the public required by this rule by immediately (A) releasing each such announcement to the press, (B) posting each such announcement on a bulletin board located at the Corporation's principal office in Washington, D.C., (C) making and maintaining copies thereof for interested members of the public and the staff, and (D) submitting each such announcement for publication in the *FEDERAL REGISTER*.

RULE 5—OPEN MEETINGS

a. All meetings shall be conducted in accordance with the provisions of the rules contained in this Appendix. Except as provided in rule 6, every portion of every meeting shall be open to attendance by the public. Such attendance does not include participation, orally or otherwise, in discussions or any conduct or activity other than the opportunity to be present and persons who fail to honor this privilege as set forth will be removed from the meeting. No signs, placards, distribution of leaflets or similar conduct, or the use of electronic or other recording devices or cameras by the public will be permitted.

b. Members of the Board of Directors shall not jointly conduct or dispose of the business of the Corporation other than in accordance with the provisions of these rules.

c. The Secretary shall be responsible for seeing that adequate space, sufficient seating and adequate acoustics are provided for public attendance of meetings. If the space available for the public proves insufficient to accommodate all persons wishing to attend, the Board of Directors shall limit admission to representatives of those persons seeking admission to the meeting.

RULE 6—CLOSED MEETINGS

a. Except in a case where the members of the Board of Directors find that the public interest requires otherwise, the second sentence of paragraph a. of rule 5 shall not apply to a meeting, or any portion thereof, and the requirements of rule 4 and paragraphs b., c. and d. of this rule shall not apply to any information pertaining to such meeting, or any portion thereof, otherwise required by the Act or the rules contained in this Appendix to be disclosed to the public, where the members of the Board of Directors properly determine that such meeting, or any portion thereof, or the disclosure of such information is likely to—

(1) Disclose matters that are (A) specifically authorized under criteria established by an Executive Order to be kept secret in the interests of national defense or foreign policy and (B) in fact properly classified pursuant to such Executive Order;

(2) Relate solely to the internal personnel rules and practices of the Corporation;

(3) Disclose matters specifically exempted from disclosure by statute (other than 5 U.S.C. § 552), provided that such statute A requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;

(4) Disclose trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(5) Involve accusing any person of a crime, or formally censuring any person;

(6) Disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

(7) Disclose investigatory records compiled for law enforcement purposes, or information which if written would be contained in such records, but only to the extent that the production of such records or information would (A) interfere with enforcement proceedings, (B) deprive a person of a right to a fair trial or an impartial adjudication, (C) constitute an unwarranted invasion of personal privacy, (D) disclose the identity of a confidential source and, in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, confidential information furnished only by the confidential source, (E) disclose investigative techniques and procedures, or (F) endanger the life or physical safety of law enforcement personnel;

(8) Disclose information contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions;

(9) Disclose information the premature disclosure of which would be likely to significantly frustrate implementation of a proposed action by the Corporation, except in any instance where the Corporation has already disclosed to the public the content or nature of its proposed action, or where the Corporation is required by law to make such disclosure on its own initiative prior to taking final corporate action on such proposal; or

(10) Specifically concern the Corporation's participation in a civil action or proceeding, an action in a foreign court or international tribunal, or an arbitration.

b. Action to close a meeting, a series of meetings, or any portion thereof, shall be taken only when a majority of the members of the Board of Directors votes to take such action. A separate vote of the members of the Board of Directors shall be taken with respect to each meeting a portion or portions of which are proposed to be closed to the public pursuant to paragraph a. of this rule, or with respect to any information which is proposed to be withheld thereunder. A single vote may be taken with respect to a series of meetings, so long as each meeting in such series involves the same particular matters and is scheduled to be held no more than thirty days after the initial meeting in such series. The vote of each member of the Board of Directors participating in such vote shall be recorded and no proxies shall be allowed.

c. Whenever any person whose interest may be directly affected by a portion of a meeting requests that the Board of Directors close such portion to the public for any of the reasons referred to in subparagraphs (5), (6), or (7) of paragraph a. of this rule, the Board of Directors, upon the request of any one of its members, shall vote by recorded vote whether to close such meeting.

d. Within one day of any vote taken pursuant to paragraphs b. and c. of this rule, the Corporation shall make publicly available a written copy of such vote reflecting the vote of each member of the Board of Directors on the question. If a portion of a meeting is to be closed to the public, the Corporation, shall, within one day of the vote taken pursuant to paragraphs b. and c. of this rule, make publicly available a full written explanation of its action closing the portion together with a list of all persons expected to attend the meeting and their affiliation.

e. Subject to the requirements of this rule, any meeting in progress may be closed forthwith and members of the public in attendance required to leave if the discussion begins to involve a matter exempted under subparagraphs (1) through (10) of paragraph a. of this rule and the discussion of the exempted matter was not anticipated in advance of the meeting.

RULE 7—CERTIFICATION OF GENERAL COUNSEL; STATEMENT OF CHAIRMAN

For every meeting closed pursuant to subparagraphs (1) through (10) of paragraph a. of rule 6, the General Counsel shall publicly certify that, his or her opinion the meeting may be closed to the public and shall state each relevant exemptive provision. A copy of such certification, together with a statement from the Chairman or Vice Chairman setting forth the time and place of the meeting, and the persons present, shall be retained by the Secretary.

RULE 8—RECORD OF MEETING

a. The Secretary shall maintain a complete transcript or electronic recording adequate to record fully the proceedings of each meeting, or any portion thereof, closed to the public, except that in the case of a meeting, or any portion thereof, closed to the public pursuant to subparagraphs (8) or (10) of paragraph a. of rule 6, the Secretary shall maintain either such a transcript or recording, or a set of minutes. Such minutes shall fully and clearly describe all matters discussed and shall provide a full and accurate summary of any action taken, and the reasons therefor, including a description of each of the views expressed on any item and the record of any rollcall vote (reflecting the vote of each member of the Board of Directors on the question). All documents considered in connection with any action shall be identified in such minutes.

b. With respect to any transcript, electronic recording, or minutes made pursuant to the requirements of paragraph a. of this rule, the Secretary shall make promptly available to the public, in a place easily accessible to the public, any portion thereof, including the discussion of any item on the agenda or the statement of any person attending the meeting, except for such item or items of such discussion or statement as the Secretary determines to contain information which may be withheld under rule 6.

c. The Secretary shall maintain a complete verbatim copy of the transcript, a complete copy of the minutes, or a complete electronic recording of each meeting, or any portion thereof, closed to the public, for a period of at least two years after such meeting, or until one year after the conclusion of any specific item of business of the Corporation with respect to which the meeting, or any portion thereof, was closed, whichever occurs later.

RULE 9—REPORT TO CONGRESS

The Secretary shall annually report to Congress regarding the Corporation's compliance with the requirements of the Act, including a tabulation of the total number of

meetings open to the public, the total number of meetings closed to the public, the reasons for closing such meetings, and a description of any litigation brought against the Corporation pursuant to the Act or these rules, including any costs assessed against the Corporation in such litigation (whether or not paid by the Corporation).

Signed this 9th day of March, 1977.

ELYSE G. WANDER,
Secretary, National Railroad
Passenger Corporation.

[FR Doc.77-7447 Filed 3-10-77;8:45 am]

NATIONAL SCIENCE FOUNDATION

ADVISORY PANEL FOR HUMAN GEOGRAPHY AND REGIONAL SCIENCE

Establishment

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), it is hereby determined that the establishment of the Advisory Panel for Human Geography and Regional Science is necessary, appropriate, and in the public interest in connection with the performance of duties imposed upon the Director, National Science Foundation (NSF) by the National Science Foundation Act of 1950, as amended, and other applicable law. This determination follows consultation with the Office of Management and Budget (OMB), pursuant to Section 9(a)(2) of the Federal Advisory Committee Act and OMB Circular No. A-63, Revised.

1. *Name of Group:* Advisory Panel for Human Geography and Regional Science.

2. *Purpose:* The purpose of the panel will be to provide advice and recommendations in the support of research in human geography and regional science and advise the Foundation of the impact of the program's research support on the scientific community conducting human geography and regional science research.

3. *Effective Date of Establishment and Duration:* The Advisory Panel for Human Geography and Regional Science is effective upon filing the charter with the Director, NSF and with the standing committees of Congress that have legislative jurisdiction of the National Science Foundation. The Panel will continue for two calendar years from the effective date.

4. *Membership:* The panel will consist of from five to six members. Membership will include both geographers and regional scientists interested in research in such areas as location theory, spatial analysis, urban studies, diffusion, environmental perception, etc. Suggestions for nominees for appointment will be solicited from scholars interested in geographic and regional science research. The panel will be selected from this list of nominees with the purpose of obtaining the most qualified individuals with background in human geography and regional science with reasonable balanced representation of women and ethnic minorities.

5. *Advisory Panel Operation:* The Advisory Panel for Human Geography and Regional Science will operate in accordance with the provisions of the Federal Advisory Committee Act (P.L. 92-463), Foundation policy and procedures, OMB Circular No. A-63, Revised, and other directives and instructions issued in implementation of the Act.

RICHARD C. ATKINSON,
Acting Director

MARCH 8, 1977.

[FR Doc.77-7301 Filed 3-10-77;8:45 am]

REVIEW TEAM FOR ELEMENTARY PARTICLE PHYSICS

Meeting

In accordance with the Federal Advisory Committee Act, P.L. 92-463, the National Science Foundation announces the following meeting:

Name: Review Team for Elementary Particle Physics of the Advisory Panel for Physics.
Dates and times: March 30-31, 1977; 9 a.m. to 4 p.m. each day.

Place: Room 341, National Science Foundation, 1800 G St. NW., Washington, D.C.
Type of meeting: Closed.

Contact person: Dr. Marcel Bardou, Deputy Division Director, Physics, Room 348, National Science Foundation, Washington, D.C. 20550, telephone (202) 632-4310.

Purpose of review team: To inspect program documentation on grants and declinations in the Elementary Particle Physics Program.

Agenda: To review declinations containing the names of applicant institutions and principal investigators and to review the peer review documentation pertaining to successful applicants. Further discussion of the information developed in this review will take place during the May meeting of the Advisory Panel for Physics.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 (U.S.C. 552b)(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Acting Director, NSF, on Feb. 18, 1977.

M. REBECCA WINKLER,
Acting Committee
Management Officer.

MARCH 8, 1977.

[FR Doc.77-7302 Filed 3-10-77;8:45 am]

SMALL BUSINESS ADMINISTRATION

[License No. 01/01-5286]

UNITED VENTURE CORPORATION, INC.

Filing of Application for Approval of Conflict of Interest Transaction

Notice is hereby given that United Venture Corporation, Inc., (United) 495 Shrewsbury Street, Worcester, Massa-

chusetts 01604 was licensed on October 29, 1976, to operate as a small business investment company pursuant to the provisions of Section 301(d) of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.).

On November 1, 1976, United provided financial assistance to Latin American Development Associates (LADA) 2341 Jefferson Davis Highway, Arlington, Virginia 22202 in the form of a 10-year Note in the principal amount of \$150,000, and bearing interest at the rate 10 percent per year. Part of the proceeds of this financing amounting to \$25,000 was contributed to Interamerican Marketing Association (IMA), a non-profit export-import association located at the same address as the small business concern. Mr. Antonio Sobral is associated with United as attorney-in-fact and is also associated with IMA as vice-president.

Mr. Edwin W. Baker is the principal stockholder and an officer and director of LADA. He was associated with IMA until August 27, 1976, when his resignation became effective. As the LADA financing was made on November 1, 1976, and the \$25,000 contribution made to IMA within six months from the date of Mr. Baker's resignation from IMA, Mr. Baker is considered to have been a director and an associate of IMA at the time of the financing by United and the \$25,000 contribution made by LADA under the provisions of § 107.3(g) of the SBA regulations. Accordingly, as a result of Mr. Sobral's association with United and with IMA, and Mr. Baker's association with LADA and IMA at the time these transactions took place, they fall within the purview of § 107.1004(b)(1) of the regulations.

Notice is hereby given that any person may submit to SBA written comments, no later than March 28, 1977, on this financing. Any such communication should be addressed to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416.

A copy of this notice shall be published by the licensee in a newspaper of general circulation in Arlington, Virginia.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies.)

Dated: March 7, 1977.

PETER F. McNEISH,
Deputy Associate
Administrator for Investment.

[FR Doc.77-7189 Filed 3-10-77;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on March 7, 1977 (44 U.S.C. 3509). The purpose of publishing this list

in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice thru this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529), or from the reviewer listed.

NEW FORMS

U.S. CIVIL SERVICE COMMISSION

Project Data Summary, IP-29, on occasion, Directors of IPA grant supported projects, Caywood, D. P., 395-3443.

UNITED STATES INTERNATIONAL TRADE COMMISSION

Cast-Iron Cookware, Retailer's Questionnaire, single time, retailers, Laverne V. Collins, 395-5867.

DEPARTMENT OF AGRICULTURE

Farmers Home Administration, Application and Promissory Note for Weatherization Loan, FMHA 444-29, on occasion, individuals, Warren Topelius, 395-5872.

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration, Interview Log—Atlantic Bluefin Tuna Sport Fish survey, NOAA 88-917, on occasion, bluefin tuna sport fishermen, Maria Gonzalez, 395-6132.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service, Hill-Burton Assurance Reporting Form, annually, federally-aided (Hill-Burton) medical facilities, budget review division, Lowry, R. L., 395-4775.

Food and Drug Administration, Survey on Systems for Post-Marketing Surveillance of Drugs, single time, knowledgeable in post-marketing surveillance of drugs, Caywood, D. P., 395-3443.

Center for Disease Control, Swine Flu Immunization Program—Survey of Estimated Costs, single time, State and local health agencies, Richard Eisinger, 395-6140.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary, Survey Form—Contractor, Survey Form—Indian/Alaska Native, single time, native workers on special HUD projects, authority directors, housing, veterans and labor division, C. Louis Kin-cannon, 395-3532.

Housing Management, Family and Financial Data to Support Special Forbearance or Request for Assignment of Mortgages, HUD-92068F, on occasion, delinquent mortgagors, housing, veterans and labor division, 395-3532.

REVISIONS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institutes of Health, Market Survey: Biomedical Manpower, NIH-OD-6, annually, employers and suppliers of biomedical scientists, Strasser, A. and Richard Eisinger, 395-5867.

EXTENSIONS

DEPARTMENT OF AGRICULTURE

Packers and Stockyards Administration Trust Fund Agreement—Special Report (Livestock buyers and Sellers), PSA-5, on occasion, livestock marketing agencies, dealers and packers, Marsha Traynham, 395-4529.

Agricultural Stabilization and Conservation Service, Farm Storage and Drying Equipment Loan Program Regulations, on occasion, vendors of storage structures and drying equipment, Marsha Traynham, 395-4529.

PHILLIP D. LARSEN,
Budget and Management Officer.

[PR Doc. 77-7420 Filed 3-10-77; 8:45 am]

[Circular No. A-63; Transmittal Memorandum No. 5]

REVIEW OF FEDERAL ADVISORY COMMITTEES

MARCH 7, 1977.

The President in his letter of February 25, 1977, expressed his concern about the number and usefulness of Federal advisory committees, and ordered a government-wide, zero-base review of all committees, with the presumption that all committees should be abolished except those (1) for which there is a compelling need; (2) which have truly balanced membership; and (3) which conduct their business as openly as possible consistent with the law and their mandate.

Section 7(b) of the Federal Advisory Committee Act (Pub. L. 92-463) requires the Director of the Office of Management and Budget (OMB) to conduct annually a comprehensive review of each advisory committee to determine:

- whether such committee is carrying out its purpose;
- whether, consistent with the provisions of applicable statutes, the responsibilities assigned to it should be revised;
- whether it should be merged with other advisory committees; or
- whether it should be abolished.

To meet the President's objectives, and the requirements of the Act, the following instructions, and reporting format,

are provided for the review of Federal advisory committees, and supersede Transmittal Memorandum No. 3, Circular No. A-63, September 3, 1975.

1. *Agency comprehensive review.* This review is to be a comprehensive, zero-base review of each advisory committee—regardless of the authority under which the committee was established, or when it was established or last renewed. The head of each agency, or a senior policy official designated by the agency head, should review the need for, and accomplishments of, even committee in terms of factors such as those enumerated in the attached review coversheet (Exhibit I), with particular attention to the "balance" of membership representation. The review should also take into consideration, and provide an opportunity for, public comments and recommendations concerning these advisory committees, to the maximum extent possible.

Based on this review, a determination should be made to continue, merge, terminate, or revise responsibilities of, as appropriate, each advisory committee established by the agency. Similar actions should be recommended for each committee established by statute or Presidential directive for which the agency has responsibility.

2. *Reports.* Following the agency's review, the following is to be submitted to the Committee Management Secretariat, OMB, not later than April 15, 1977, for OMB and Presidential review:

a. A review coversheet (Exhibit I) only, in duplicate, for each agency-established committee which is proposed to be terminated.

b. A review coversheet (Exhibit I) and brief explanatory statement, in duplicate, for each committee established by statute or Presidential directive, which is recommended for merger or termination.

c. A review coversheet (Exhibit I) and detailed justification, in duplicate, for each committee which is proposed to be continued.

d. A brief description of the process by which the agency provided an opportunity for public comment on the review, and recommendations for continuation, of advisory committees.

e. A letter of transmittal for the coversheets and accompanying statements, constituting a determination that the continuation of the committees proposed to be continued is in the public interest, signed by the agency head.

Inquiries should be directed to the Committee Management Secretariat, OMB, telephone 395-5193 (code 103).

BERT LANCE,
Director.

CIRCULAR NO. A-63
Transmittal Memorandum No. 5
EXHIBIT I

FEDERAL ADVISORY COMMITTEE
REVIEW COVERSHEET

1. Department or Agency: _____

2. Name of committee (and subcommittee, if appropriate): _____

3. Was this committee established after January 1, 1977?

Yes No

4. For closed or partially closed meetings, list for each meeting the date and number(s) of all FOIA exemptions used:

5. Agency recommendation for this committee:

a. Termination. If this is a committee established by statute, attach a brief explanatory statement for the recommendation and indicate whether legislation is required to carry out the recommendation and whether such legislation is contemplated or pending.

b. Continuation. Attach a justification statement describing what this committee does, why there is a compelling need for its continuation, and how it has a truly balanced membership. The statement should be on numbered bond sheets with the name of the agency and the committee on each. The justification should include details on the following and any other relevant factors:

(1) The number of times the committee has met in the past year and the relevance of that number to its continuation.

(2) The number of reports submitted by the committee in the past year.

(3) A description of how the committee's reports, recommendations, or advice have been used in agency policy formulation, program planning, decision-making, achieving economies, etc.

(4) An explanation of why the recommendations or information cannot be obtained from other sources, elsewhere within the agency, from other agencies or existing committees, public hearings, consultants, etc.

(5) An explanation of any degree of duplication of functions, purpose, etc., with other committees, or within the agency, or with other agencies.

(6) The relationship of the cost of the committee to the reports, recommendations, or information provided.

(7) In consideration of (a) the functions to be performed and (b) the points of view to be represented, specifically how the membership is balanced--the views, areas of expertise, etc., included.

AS A ZERO BASE REVIEW, THE JUSTIFICATION SHOULD BE BASED ON THE PREMISE THAT THE COMMITTEE IS NOT GOING TO BE CONTINUED.

[FR Doc.77-7446 Filed 3-10-77;8:45 am]

CLOSED MEETING—TUESDAY, MARCH 15,
1977—10 A.M.

The subject matter of this closed meeting will be:

1. Formal Orders of Investigation
2. Settlement of Injunctive Actions
3. Institution of Administrative Proceedings
4. Settlement of Administrative Proceedings
5. Simultaneous institution and settlement of Injunctive actions and/or Administrative Proceedings
6. Contempt proceedings
7. Subpoena Enforcement action
8. Opinion
9. Freedom of Information Act Appeal
10. Other litigation matters

The Commissioners, their legal assistants, the Secretary of the Commission and recording secretaries will attend the meeting. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission has certified that the above items may be considered at a closed meeting pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c) (4) (8) (9) A, and (10) and 17 CFR 200.402(a) (4) (8) (9) (i) and (10).

Chairman Hills, Commissioners Loomis, Evans and Pollack voted to hold the meeting in closed session.

CLOSED MEETING—WEDNESDAY, MARCH 16,
1977—10 A.M.

The subject matter of this closed meeting will be:

1. Institution of Injunctive Actions
2. Freedom of Information Act Appeals
3. Decisions in Administrative Proceedings
4. Institution of Administrative Proceedings

The Commissioners, their legal assistants, the Secretary of the Commission and recording secretaries will attend the meeting. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission has certified that the above items may be considered at a closed meeting pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c) (4) (8) (9) A, and (10) and 17 CFR 200.402(a) (4) (8) (9) (i) and (10).

Chairman Hills, Commissioners Loomis, Evans and Pollack voted to hold the meeting in closed session.

OPEN MEETINGS—THURSDAY, MARCH 17,
1977—10 A.M. AND 2 P.M.

1. Consideration of solicitations of public comments on certain proposed amendments to subparagraph (e) (3) of Rule 16b-3 under the Exchange Act to clarify the applicability of the conditions in subparagraph (e) (3) to the exercise of stock appreciation rights.

2. National Association of Securities Dealers request to postpone until October, 1977 its initial reporting of last sale options information to Option Price Reporting Authority in connection with the proposed listing of standardized options in the NASDAQ system.

3. Pacific Stock Exchange applications to delist its call options on NCR Corporation and United States Steel Corporation common stock.

SECURITIES AND EXCHANGE
COMMISSION
GOVERNMENT IN THE SUNSHINE ACT
Notice of Meetings

Notice is hereby given, pursuant to the provisions of the Government in the

Sunshine Act, Pub. L. 94-409, that the Securities and Exchange Commission will hold the following meetings during the week beginning March 14, 1977 in Room 825, 500 North Capitol Street, Washington, D.C., except that the open meeting scheduled for 2:00 p.m. on March 17, 1977 will be held in Room 776.

4. Section 11(a) of the Securities Exchange Act of 1934 relating to transactions by members of national securities exchanges; Commission rulemaking authority under Section 11(a).

5. Banner Redi-Resources Trust—Review of staff's denial of a no-action position with respect to a proposal whereby 50% of the advisory fee paid by a mutual fund would be reallocated to dealers who distribute shares of the fund.

6. G. T. Pacific Fund, Inc.—application by open-end investment company investing primarily in Japanese securities for an order which would permit it to (1) determine its net asset value for pricing purposes, as of the close of the Tokyo Stock Exchange rather than the New York Stock Exchange (2) suspend the right of redemption and to postpone payment upon redemption for more than seven days from any period during which the Tokyo Stock Exchange is closed or when trading on that exchange is restricted.

7. United States Guaranteed Assets, Inc.—requested exemption from the Investment Company Act to permit applicant to act as a warehousing bank for affiliated persons of it by loaning its assets, at the prime interest rate, to such persons.

8. Kansas Venture Capital, Inc.—Application for exemption from all the provisions of the Investment Company Act.

9. Montgomery Street Securities, Inc.—Application for exemption from Section 18(c) of Investment Company Act to permit lending of portfolio securities by investment company subject to enumerated conditions.

10. Freedom of Information Act Appeal of I. Walton Bader.

11. American Electric Power Company—Memorandum Opinion explaining Commission order on a dividend reinvestment plan.

2 p.m. Meeting Re "Dual Trading of Options" (Room 776).

Requests for information concerning the meetings should be directed to Vernon I Zvoleff (202-755-1387).

Dated: March 10, 1977.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-7550 Filed 3-10-77; 11:06 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 343]

ASSIGNMENT OF HEARINGS

MARCH 8, 1977.

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 noti-

fied of cancellation or postponements of hearings in which they are interested.

MC 109324 (Sub-No. 34), Garrison Motor Freight, Inc., now being assigned for continued hearing on May 10, 1977 (2 days), at Memphis, Tenn., Executive Plaza Inn, 1471 E. Brooks Road.

MC 142362, Hogan Trucking Co., Inc., now assigned March 9, 1977 at Washington, D.C., is cancelled, application dismissed.

MC 53965 (Sub-No. 122), Graves Truck Line, Inc., now assigned March 28, 1977, at Denver, Colo., is postponed to April 20, 1977 (8 days), at Denver, Colo., Tax Court, Room 587, U.S. Federal Building, 19th and Stout Streets.

MC 141172 (Sub-1), Retta Trucking Co., Inc., now assigned March 28, 1977 at New York, New York, has been postponed indefinitely.

MC 107295 (Sub 838), Pre-Fab Transit Co., now assigned March 22, 1977 at Denver, Colorado is cancelled, application dismissed.

No. 38467, Passenger Fare Increase, November 1976, Rockland Coaches, Inc., now being assigned May 2, 1977 (3 days), for continued hearing at New York, New York in a hearing room to be later designated.

MC 113678 (Sub-637), Curtis, Inc., now being assigned May 5, 1977 (2 days), at New York, New York in a hearing room to be later designated.

MC 138875 (Sub-37), Shoemaker Trucking Co., now being assigned June 15, 1977 (3 days), at Portland, Oregon, in a hearing room to be later designated.

MC 128527 (Sub-70), May Trucking Co., now being assigned June 13, 1977 (2 days) at Portland, Oregon, in a hearing room to be later designated.

MC 141867 (Sub-1), Specialized Trucking Service, Inc., now being assigned June 9, 1977 (3 days), for continued hearing at Seattle, Washington, in a hearing room to be later designated.

MC 138875 (Sub-32), Shoemaker Trucking Co., now being assigned June 7, 1977 (2 days), at Seattle, Washington, in a hearing room to be later designated.

MC 113678 (Sub-632), Curtis, Inc., now being assigned June 6, 1977 (1 day), at Seattle, Washington, in a hearing room to be later designated.

MC 107452 (Sub-7), R. D. Brown, d.b.a. Dan Brown Trucking now being assigned June 6, 1977 (3 days), at Billings, Montana, in a hearing room to be later designated.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-7371 Filed 3-10-77; 8:45 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

MARCH 8, 1977.

An application, as summarized below, has been filed requesting relief from the requirements of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

FSA No. 43331—*Joint Water-Rail Container Rates—American President Lines, Ltd.* Filed by American President Lines, Ltd., (No. 25), for itself and interested rail carriers. Rates on general commodities, from rail stations on the U.S. Atlantic and Gulf Seaboard, to Middle East ports west of Karachi and northeast of Aden (excluding Aden and Karachi).

Grounds for relief—Water competition.

Tariff—*American President Lines, Ltd.*, westbound tariff No. 18, I.C.C. No. 18, F.M.C. No. 72. Rates are published to become effective on April 3, 1977.

FSA No. 43332—*Joint Water-Rail Container Rates—Pacific Far East Lines, Inc.* Filed by Pacific Far East Lines, Inc. (No. 12), for itself and interested rail carriers. Rates on general commodities, from ports in the Republic of the Philippines to rail stations on the U.S. Atlantic and Gulf Seaboard.

Grounds for relief—Water competition.

FSA No. 43333—*Barley and Wheat from Points in Montana on the Soo Line Railroad Company.* Filed by Trans-Continental Freight Bureau, Agent (No. 517), for interested rail carriers. Rates on barley and wheat, in carloads, as described in the application, from specified points in Montana on the Soo Line Railroad Company, to points in California, Idaho, Montana, Oregon and Washington, also Alberta and British Columbia, Canada, on the BN, MILW, and UP RR, on domestic and export traffic.

Grounds for relief—Market competition.

Tariffs—Supplements 385 and 261 to Trans-Continental Freight Bureau, Agent, tariffs 29-O and 45-N, I.C.C. Nos. 1895 and 1850, respectively. Rates are published to become effective on April 3, 1977.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-7368 Filed 3-10-77; 8:45 am]

REROUTING TRAFFIC

I.C.C. Order No. 25 Under Service Order
No. 1252

MARCH 8, 1977.

To: The Chesapeake and Ohio Railway Company.

In the opinion of Joel E. Burns, Agent, The Chesapeake and Ohio Railway Company is unable to transport through traffic over its line between Chicago, Illinois, and Detroit, Michigan, via Grand Rapids, Michigan, because of congestion and car accumulation in its yards at Grand Rapids, Michigan, and New Buffalo, Michigan.

It is ordered, that:

(a) *Rerouting traffic.* The Chesapeake and Ohio Railway Company, being unable to transport through traffic over its line between Chicago, Illinois, and Detroit, Michigan, via Grand Rapids, Michigan, because of congestion and car accumulation in its yards at Grand Rapids, Michigan, and New Buffalo, Michigan, is hereby authorized to divert or reroute such traffic over any available

route to expedite the movement. Traffic necessarily diverted by authority of this order shall be rerouted so as to preserve as nearly as possible the participation and revenues of other carriers provided in the original routing.

(b) *Concurrence of receiving road to be obtained.* The Chesapeake and Ohio Railway Company, in rerouting cars in accordance with this order, shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) *Notification to shippers.* The Chesapeake and Ohio Railway Company, when rerouting cars in accordance with this order, shall notify each shipper at the time each shipment is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference

to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date:* This order shall become effective at 3:00 p.m., February 25, 1977.

(g) *Expiration date:* This order shall expire at 11:59 p.m., March 4, 1977, unless otherwise modified, changed or suspended.

It is further ordered, that this order shall be served upon the Association of American Railroads, Car Service Division, as Agent of all railroads, subscribing to the car service and car hire agreement under the terms of that agreement; and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., February 25, 1977.

INTERSTATE COMMERCE
COMMISSION,
JOEL E. BURNS,
Agent.

[FR Doc.77-7370 Filed 3-10-77;8:45 am]

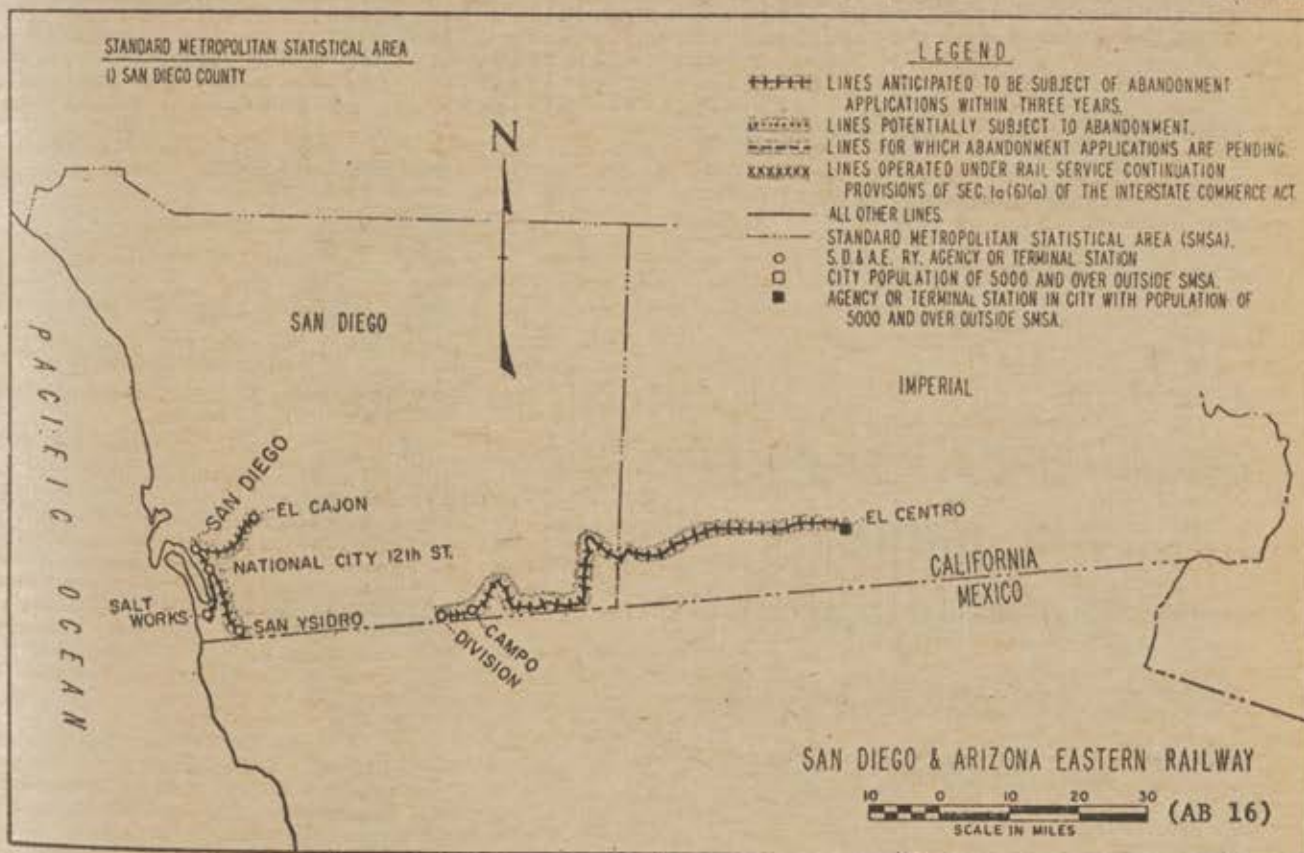
[AB 16 (SDM)]

SAN DIEGO AND ARIZONA EASTERN
RAILWAY COMPANY
System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, Part 1121.22, that the San Diego and Arizona Eastern Railway Company, has filed with the Commission its color-coded system diagram map in docket No. AB-16 (SDM). The maps reproduced here in black and white are reasonable reproductions of that system map and the Commission on February 28, 1977, received a certificate of publication as required by said regulation which is considered the effective date on which the system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB 16 (SDM).

ROBERT L. OSWALD,
Secretary.



**SAN DIEGO AND ARIZONA EASTERN RAILWAY
COMPANY**

DESCRIPTION OF LINES

Pursuant to the regulations of the Interstate Commerce Commission (49 CFR 1121.21), the following is a description of lines of the San Diego and Arizona Eastern Railway Company as shown on the system diagram map:

Lines Anticipated To Be Subject of Abandonment Applications Within Three Years in the State of California

- (1) (a) Designation of line: *Maine Line*.
(b) States in which located: *California*.
(c) Counties in which located: *San Diego, Imperial*.

(d) Milepost locations: 0.454 at or near San Diego to 15.566 at or near San Ysidro; and 59.94 at or near Division to 147.84 at or near El Centro.

(e) Agency or terminal stations: San Diego (milepost 1.1), San Ysidro (milepost 15.5), Division (milepost 60.3), Campo (milepost 65.8), El Centro (milepost 148.1).

- (2) (a) Designation of line: *La Mesa Branch*.

(b) States in which located: *California*.
(c) Counties in which located: *San Diego*.
(d) Milepost locations: 1.12 at or near San Diego to 17.22 at or near El Cajon.

(e) Agency or terminal stations: San Diego (milepost 1.1), El Cajon (milepost 16.8).

- (3) (a) Designation of line: *Coronado Branch*.

(b) States in which located: *California*.
(c) Counties in which located: *San Diego*.
(d) Milepost locations: 4.75 at or near National City 12th Street to 12.0 at or near Salt Works.

(e) Agency or terminal stations: *National City 12th Street (milepost 4.8), Salt Works (milepost 9.9)*.

[FR Doc.77-7133 Filed 3-10-77;8:45 am]

TEXAS AND PACIFIC RAILWAY CO. ET AL.

Abandonment of Railroad Services

JANUARY 31, 1977.

AB 20 (Sub-No. 1), Texas and Pacific Railway Company abandonment between Barnsdall and Pawhuska, in Osage County, Oklahoma. AB 52 (Sub-No. 7), Atchison, Topeka and Santa Fe Railway Company abandonment between Cushing and Shawnee in Payne, Lincoln, and Pottawatomie Counties, Oklahoma. AB 102, Missouri-Kansas-Texas Railroad Company abandonment between Barlesville and Oklahoma City, in Osage, Pawnee, Payne, Lincoln, Logan and Oklahoma. FD 28210, Missouri-Kansas-Texas Railroad Company Trackage Rights over Chicago, Rock Island, and Pacific Railroad Company between McAlester and Oklahoma City, Oklahoma.

SERVICE DATE: March 8, 1977.

The Interstate Commerce Commission hereby gives notice that comments received in response to the environmental threshold assessment survey (TAS) in the above-entitled proceedings has not caused the Commission's Section of Energy and Environment to modify its previous conclusion that these proceedings do not represent a major Federal action significantly affecting the quality of the human environment within the meaning

of the National Environmental Policy Act of 1969, 42 U.S.C. §§ 4321, et seq.

Said comments have been responded to in an addendum to the TAS which is available upon request to the Office of Proceedings, Interstate Commerce Commission, Washington, D.C. 20423, telephone 202-275-7011.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-7369 Filed 3-10-77;8:45 am]

MEETING

The Commission's regular meeting, scheduled for Tuesday, March 15, 1977, will be held at 9:30 a.m.

On March 9, 1977, the Commission voted unanimously (Commissioners Gresham and MacFarland not participating, and Commissioner Brown absent and not participating) to hold conference on less than one week's notice to discuss implementation of the Sunshine procedures.

The meeting will be held at the Interstate Commerce Commission Building at the northwest corner of 12th and Constitution Avenue NW.

The Public Information Officer (telephone number 202-275-7252) is available to answer requests for information about the meeting.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-7560 Filed 3-10-77;11:58 am]

register
order
federal

FRIDAY, MARCH 11, 1977

PART II



**DEPARTMENT OF
LABOR**

**Employment and Training
Administration**



**FEDERAL ASSISTANCE
UNDER THE
COMPREHENSIVE
EMPLOYMENT AND
TRAINING ACT**

**Financial Assistance and Request For
Preapplication**

DEPARTMENT OF LABOR

Employment and Training Administration
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 1978 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 1977, 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, 1977.

The preapplication must be submitted to the appropriate Regional Administrator, Employment and Training Administration (ETA), the Governor, and appropriate State and areawide clearing-houses (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, as revised and published in the FEDERAL REGISTER on November 21, 1975, with an attachment giving the following information:

- (a) Population of area(s) to be served;
- (b) Certification that prime sponsor applicant, except for CEP and consortia prime sponsor applicants, has the required general government authority, as defined in § 94.4 of the June 25, 1976, regulations;
- (c) 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;
- (d) Certification that the development of the applicant's plan will be in accordance with the requirements of the Act and regulations;
- (e) 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 applicants. Attachment 1 is a list of those jurisdictions which the Secretary, on the basis of the most satisfactory current data, has determined 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 units of general local government which have a population of 100,000 or more according to a 1975 update of the 1970 official census as published by the U.S. Bureau of the Census; (2) those units of general local government which had a population of 100,000 or more according to the 1974 census update but which have fallen below 100,000 as of the latest census estimates; (3) all States; and, (4) Guam, the Virgin Islands, American Samoa and the Trust Territory of the Pacific Islands.

It is the intent of the Secretary that, effective with Fiscal Year 1978, a unit of general local government must fall below 100,000 in population for three years

consecutively, or below 90,000 in population for any one year, before being eliminated from the list of independently eligible applicants. This provision will be published as a proposed amendment to the CETA Title I regulations pursuant to appropriate rulemaking procedures including a period for public comment prior to the start of FY 1978.

(b) *Units of government which have less than 100,000 population desiring to be prime sponsors 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 area(s) in which the unit of general local government is located;
- (2) The proportion of the labor market area population which resides within 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 multicomponent employment and training 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 service employment program or other employment and training related 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 employment and training 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 is set forth in detail in § 95.3(a)(3) of the regulations for Titles I and II of the Act, published in the FEDERAL REGISTER on June 25, 1976.

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 consortium 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 June 25, 1976, regulations to the Act to the appropriate Regional Administrator, ETA, by May 11, 1977. 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.

(e) *States applying for Special Grants to Governors.* In accordance with § 95.52 (b) (1) of the June 25, 1976, regulations to the Act, preapplication is required for Special Grants to Governors. Governors should submit a separate preapplication using the same procedures as for independently eligible applicants.

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 § 94.4(d) of the June 25, 1976, 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 1978 should submit a preapplication.

Procedures for submitting preapplications. In accordance with § 96.11 of the June 25, 1976, regulations, all potentially eligible applicants, including consortia formed under § 95.11(b) of the regulations, are hereby informed that they must submit a preapplication for Federal assistance no later than April 1, 1977. 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 §§ 94.4(c) (2) and 94.4(c) and 96.41(c) of the June 25, 1976, 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 1978 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 § 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 11, 1977.

IMPLEMENTATION SCHEDULE

Titles I and II grants for Fiscal Year 1978 will be executed by October 1, 1977. Revised Titles I and II regulations will be published initially about April 1, 1977, and in final form about June 1, 1977. Planning estimates will be released about June 1, 1977, for title I and about August 1, 1977, for title II. Prime sponsors will be expected to submit their final grant applications to the appropriate Regional Administrator by September 1, 1977. A more detailed CETA grant cycle schedule for Fiscal Year 1978 is found in the FEDERAL REGISTER of January 4, 1977.

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
Cathoum County	
ALASKA	
Municipality of Anchorage	Balance Alaska
ARIZONA	
Phoenix	Maricopa County
Tucson	Balance Arizona
ARKANSAS	
Little Rock	Balance Arkansas
Pulaski County	
CALIFORNIA	
Anaheim	San Francisco City/County
Berkeley	San Jose
Fremont	Santa Ana
Fresno	Stockton
Garden Grove	Sunnyvale
Glendale	Torrance
Huntington Beach	Alameda County
Long Beach	Butte County
Los Angeles	Contra Costa County
Oakland	Fresno County
Pasadena	Humboldt County
Riverside	Kern County
Sacramento	Los Angeles County
San Bernardino	Marin County
San Diego	

CALIFORNIA—CONTINUED

Merced County	Santa Barbara County
Monterey County	Santa Clara County
Orange County	Santa Cruz County
Riverside County	Solano County
Sacramento County	Sonoma County
San Bernardino County	Stanislaus County
San Diego County	Tulare County
San Joaquin County	Ventura County
San Luis Obispo County	Yolo County
San Mateo County	Balance California

COLORADO

Aurora	Boulder County
Colorado Springs	El Paso County
Denver City/County	Jefferson County
Lakewood	Larimer County
Pueblo	Weid County
Adams County	Balance Colorado
Arapahoe County	

CONNECTICUT

Bridgeport	Stamford City
Hartford City	Waterbury City
New Haven City	Balance Connecticut

DELAWARE

New Castle County	Balance Delaware
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DISTRICT OF COLUMBIA

FLORIDA

Ft. Lauderdale	Hillsborough County
Hialeah	Lee County
Hollywood	Leon County
Jacksonville City/Duval County	Manatee County
Miami	Okaloosa County
Orlando	Orange County
St. Petersburg	Palm Beach County
Tampa	Pasco County
Alachua County	Pinellas County
Brevard County	Polk County
Broward County	Sarasota County
Dade County	Seminole County
Escambia County	Volusia County
	Balance Florida

GEORGIA

Atlanta	Cobb County
Columbus City/Muscogee County	De Kalb County
Macon	Fulton County
Savannah	Gwinnett County
Clayton County	Richmond County
	Balance Georgia

HAWAII

Honolulu City/Honolulu County	Balance Hawaii
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IDAHO

Ada County	Balance Idaho
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ILLINOIS

Chicago	La Salle County
Peoria	Lake County
Rockford	Macon County
Champaign County	Madison County
Cook County	McHenry County
Du Page County	McLean County
Kane County	Rock Island County
Sangamon County	Will County
St. Clair County	Balance Illinois
Tazewell County	

INDIANA

Evansville	Indianapolis City/Marion County
Ft. Wayne	South Bend
Gary	St. Joseph County
Hammond	Madison County
Allen County	Tippecanoe County
Delaware County	Vigo County
Elkhart County	Balance Indiana
LaPorte County	
Lake County	

NOTICES

IOWA		NEW JERSEY		PENNSYLVANIA—Continued	
Cedar Rapids	Scott County	Elizabeth City	Gloucester County	Blair County	Lehigh County
Des Moines	Woodbury County	Jersey City	Hudson County	Bucks County	Luzerne County
Black Hawk County	Balance Iowa	Newark City	Mercer County	Butler County	Lycoming County
KANSAS		Paterson City	Middlesex County	Cambria County	Mercer County
Kansas City	Johnson County	Trenton City	Monmouth County	Centre County	Montgomery County
Topeka	Balance Kansas	Atlantic County	Morris County	Chester County	Northampton County
Wichita		Bergen County	Ocean County	Cumberland County	Northumberland County
KENTUCKY		Burlington County	Passaic County	Dauphin County	Delaware County
Lexington City/	Jefferson County	Camden County	Somerset County	Delaware County	Erie County
Fayette County	Kenton County	Cumberland County	Union County	Fayette County	Franklin County
Louisville	Balance Kentucky	Essex County	Balance New Jersey	Lackawanna County	Lancaster County
LOUISIANA		Albuquerque City	Balance New Mexico	Lawrence County	Lebanon County
Baton Rouge City/	Calcasieu Parish	NEW MEXICO		PUERTO RICO	
E. Baton Rouge	Jefferson Parish	NEW YORK		Bayamon Mun.	Ponce Municipio
Parish	Lafayette Parish	Albany City	Chautauqua County	Caguas Mun.	San Juan Mun.
New Orleans City/	Ouachita Parish	Buffalo City	Chemung County	Carolina Mun.	Balance Puerto Rico
Parish	Rapides Parish	New York City	Dutchess County	RHODE ISLAND	
Shreveport	Balance Louisiana	Rochester City	Erie County	Providence City	Balance Rhode Island
MAINE		Syracuse City	Monroe County	SOUTH CAROLINA	
Cumberland County	York County	Town of Amherst	Niagara County	Columbia City	Richland County
Kennebec County	Balance Maine	Town of Cheek-towaga	Onondaga County	Anderson County	Spartanburg County
Penobscot County		Town of Tonawanda	Orange County	Charleston County	Balance South Carolina
MARYLAND		Yonkers City	Oswego County	Greenville County	
Baltimore	Montgomery County	Town of Babylon	Rensselaer County	Lexington County	
Anne Arundel County	Prince Georges County	Town of Brookhaven	Rockland County	SOUTH DAKOTA	
Baltimore County	Washington County	Town of Huntington	Saratoga County	TENNESSEE	
Hartford County	Balance Maryland	Town of Islip	Schenectady County	Chattanooga City	Hamilton County
MASSACHUSETTS		Town of Smithtown	St. Lawrence County	Knoxville City	Knox County
Boston City	Springfield	Town of Hempstead	Steuben County	Memphis City	Sullivan County
Cambridge	Worcester	North Hempstead Township	Ulster County	Nashville City/	Balance Tennessee
Fall River	Balance Massachusetts	Oyster Bay Township	Westchester County	Davidson County	
New Bedford		Albany County	Balance New York	TEXAS	
MICHIGAN		Broome County		Amarillo City	Bezar County
Ann Arbor	Calhoun County	NORTH CAROLINA		Arlington	Brazoria County
Detroit	Genesee County	Charlotte City	Cumberland County	Austin City	Cameron County
Flint	Ingham County	Greensboro	Gaston County	Beaumont City	Dallas County
Grand Rapids	Jackson County	Davidson County	Gulford County	Corpus Christi City	Galveston County
Lansing	Kalamazoo County	Durham City	Onslow County	Dallas City	Harris County
Livonia	Kent County	Raleigh City	Wake County	El Paso City	Hidalgo County
Warren	Macomb County	Winston-Salem City	Balance North Carolina	Fort Worth City	Jefferson County
Bay County	Monroe County	Buncombe County		Garland	McLennan County
Berrien County	Muskegon County	NORTH DAKOTA		Houston City	Smith County
Oakland County	Washtenaw County	OHIO		Irving	Tarrant County
Ottawa County	Wayne County	Akron City	Franklin County	Lubbock City	Taylor County
Saginaw County	Balance Michigan	Canton City	Greene County	Pasadena ¹	Wichita County
St. Clair County		Cincinnati City	Hamilton County	San Antonio City	Balance Texas
MINNESOTA		Cleveland City	Lake County	Bell County	
Minneapolis	Ramsey County	Columbus City	Licking County	UTAH	
St. Paul	St. Louis County	Dayton City	Lorain County	Salt Lake City	Utah County
Anoka County	Sterns County	Parma City ¹	Lucas County	Davis County	Weber County
Dakota County	Washington County	Toledo City	Mahoning County	Salt Lake County	Balance Utah
Hennepin County	Balance Minnesota	Youngstown City	Montgomery County	VERMONT	
MISSISSIPPI		Allen County	Portage County	Chittenden County	Balance Vermont
Jackson	Jackson County	Ashtabula County	Richland County	VIRGINIA	
Harrison County	Balance Mississippi	Butler County	Stark County	Alexandria City	Virginia Beach City
MISSOURI		Clark County	Summitt County	Chesapeake City	Arlington County
Independence City	Jefferson County	Clermont County	Trumbull County	Hampton City	Chesterfield County
Kansas City	St. Charles County	Columbiana County	Wood County	Newport News City	Fairfax County
Springfield City	St. Louis County	Cuyahoga County	Balance Ohio	Norfolk City	Henrico County
St. Louis City	Balance Missouri	OKLAHOMA		Portsmouth City	Prince William County
Jackson County		Oklahoma City	Comanche County	Richmond City	Balance Virginia
MONTANA		Tulsa City	Oklahoma County	Roanoke City	
Lincoln City	Balance Nebraska	Cleveland County ¹	Balance Oklahoma	WASHINGTON	
Omaha City		OREGON		Seattle City	Pierce County
NEBRASKA		Portland City	Marion County	Spokane City	Snohomish County
Lincoln City	Balance Nebraska	Clackamas County	Multnomah County	Tacoma City	Spokane County
Omaha City		Jackson County	Washington County	Clark County	Yakima County
NEVADA		Lane County	Balance Oregon	King County	Balance Washington
Las Vegas City	Washoe County	Allentown City	Pennsylvania	Kitap County	
Clark County	Balance Nevada	Erie City	Pittsburgh City		
NEW HAMPSHIRE		Philadelphia City/	Allegheny County		
Hillsborough County	Balance New Hampshire	County	Beaver County		
Rockingham County			Berks County		

¹ Population below 100,000 for the first time.

WEST VIRGINIA

Cabell County
Kanawha County

Balance West
Virginia

WISCONSIN

Madison City
Milwaukee City
Brown County
Dane County
Kenosha County
Marathon County
Milwaukee County

Outagamie County
Racine County
Rock County
Sheboygan County
Waukesha County
Winnebago 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.

REGIONAL ADMINISTRATORS—EMPLOYMENT AND TRAINING ADMINISTRATION

REGION I, BOSTON

Location

States in region

Luis Sepulveda, Regional Administrator, ETA,
U.S. Department of Labor, J. F. Kennedy
Bldg., room 1703, Boston, Mass. 02203.

Connecticut, Maine, Massachusetts, Ver-
mont, Rhode Island, New Hampshire.

REGION II, NEW YORK

Lawrence W. Rogers, Regional Administrator,
ETA, U.S. Department of Labor, 1515 Broad-
way, room 3713, New York, N.Y. 10036.

New York, Puerto Rico, New Jersey, Virgin
Islands, Canal Zone.

REGION III, PHILADELPHIA

J. Terrell Whittitt, Regional Administrator,
ETA, U.S. Department of Labor, P.O. Box
8796, Philadelphia, Pa. 19101.

Delaware, Virginia, Maryland, Pennsyl-
vania, West Virginia, District of Co-
lumbia.

REGION IV, ATLANTA

Julian O. Colquitt, Regional Administrator,
ETA, U.S. Department of Labor, 1371 Peach-
tree St. NE., room 405, Atlanta, Ga. 30309.

Alabama, Florida, Georgia, Mississippi,
Kentucky, North Carolina, South Caro-
lina, Tennessee.

REGION V, CHICAGO

Richard C. Gilliland, Regional Administrator,
ETA, U.S. Department of Labor, 230 South
Dearborn St., 6th floor, Chicago, Ill. 60604.

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, Tex. 75202.

Arkansas, Oklahoma, Texas, Louisiana,
New Mexico.

REGION VII, KANSAS CITY

Richard G. Miskimins, Regional Administrator,
ETA, U.S. Department of Labor, 911 Walnut
St., Federal Bldg., Kansas City, Mo. 64106.

Iowa, Missouri, Nebraska, Kansas.

REGION VIII, DENVER

Robert J. Brown, Regional Administrator,
ETA, U.S. Department of Labor, 16122 Fed-
eral Office Bldg., 1961 Stout St., Denver,
Colo. 80202.

Colorado, Utah, South Dakota, North
Dakota, Montana, Wyoming.

REGION IX, SAN FRANCISCO

William J. Haltigan, Regional Administrator,
ETA, U.S. Department of Labor, Box 36084,
San Francisco, Calif. 94102.

Arizona, California, Hawaii, Nevada,
Guam, American Samoa, Trust Territory
of the Pacific Islands.

REGION X, SEATTLE

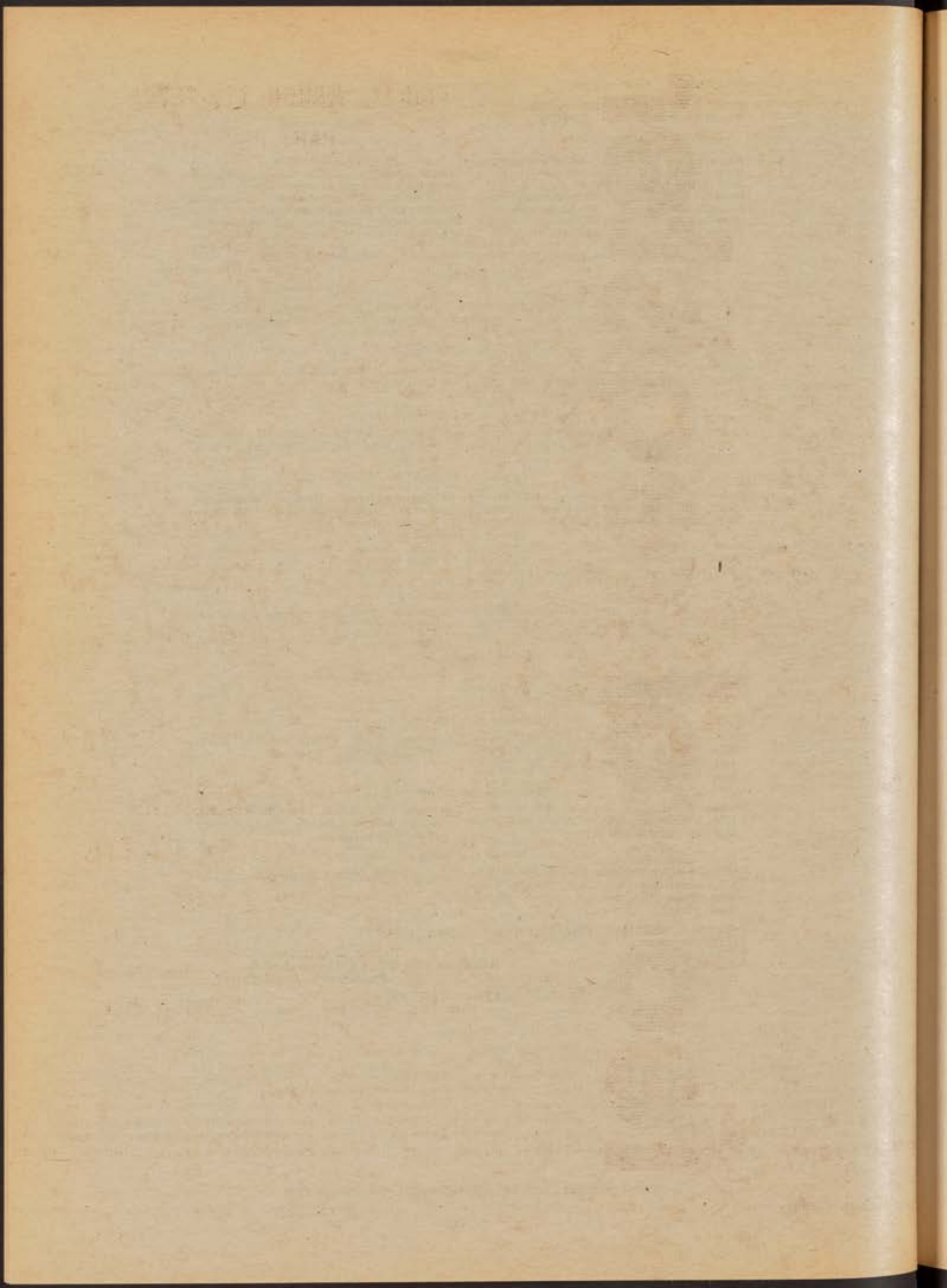
Jess C. Ramaker, Regional Administrator, ETA,
U.S. Department of Labor, Federal Office
Bldg., room 1145, 909 1st Avenue, Seattle,
Wash. 98174.

Alaska, Idaho, Oregon, Washington.

Signed at Washington, D.C. this 3d day of March 1977.

PIERCE A. QUINLAN,
Administrator, Office of Comprehensive
Employment Development.

[FR Doc. 77-7315 Filed 3-10-77; 8:45 am]



Register
Order

FRIDAY, MARCH 11, 1977

PART III



**COMMODITY
FUTURES TRADING
COMMISSION**

■

**OPEN COMMISSION
MEETINGS AND EX PARTE
COMMUNICATIONS**

Implementation of the Requirements of
the Government in the Sunshine Act

Title 17—Commodity and Securities
Exchanges

CHAPTER I—COMMODITY FUTURES
TRADING COMMISSION

OPEN COMMISSION MEETINGS, EX PARTE
COMMUNICATIONS

Implementation of the Requirements of the
Government in the Sunshine Act

The Commodity Futures Trading Commission has adopted regulations to implement the open meeting requirements and prohibitions against ex parte communications contained in the Government in the Sunshine Act, Pub. L. No. 94-409, which becomes effective on March 12, 1977. On February 2, 1977, the Commission published in the FEDERAL REGISTER, 42 FR 6558-6565, notice that it was considering adopting these rules and, in accordance with the requirement of Section 3(a) of the Government in the Sunshine Act, 5 U.S.C. 552b(g), afforded interested persons a thirty-day opportunity in which to submit written comments on them.

One letter of comment was received which contained two suggested amendments to the proposed open meeting rules, one of which has been adopted and is reflected in these rules. The other suggested amendment, however, has not been adopted for reasons that are discussed below.

With the exception of the one amendment in the proposed open meeting rules just noted, and one amendment made by the Commission to its proposed rules prohibiting ex parte communications, the Commission is aware of no reason why any of the rules as originally proposed should be modified. Accordingly, the rules have been adopted, with these two exceptions, in the form proposed to become effective on March 12, 1977. They comprise a new Part 147 of Title 17 of the Code of Federal Regulations to implement the open meeting requirements, and a revision of certain sections of the Commission's Rules of Practice, which comprise Part 10 of Title 17, and the Commission's Rules Relating to Reparation Proceedings, which comprise Part 12 of Title 17, to implement the prohibitions against ex parte communications.

A section-by-section explanation and the text of the Commission's rules are set forth below:

EX PARTE COMMUNICATIONS

Currently, the Commission has in effect a general prohibition against ex parte communications in proceedings conducted pursuant to its Rules of Practice, 17 CFR 10.10, and in reparation proceedings, 17 CFR 12.9. These rules have been revised in order to implement the specific prohibitions and sanctions against ex parte communications now contained in section 4 of the Government in the Sunshine Act. Therefore, each of these two rules has been superseded in a substantially identical manner by a new rule which prohibits and provides sanctions for the making of ex parte communications between certain persons outside the Commission and Commission decisional employees, in ac-

cordance with the requirements of the Government in the Sunshine Act.

Subsection (a) of the rule defines various terms used in the rule, including "Interested person" which includes parties and others who may have an interest in a proceeding. The definition of "Commission decisional employee" as proposed included all employees of the Commission who are or may reasonably be expected to be involved in the decision-making process in any proceeding including the Commission's General Counsel. The Commission has decided, however, to delete its General Counsel from this definition in recognition of the fact that individual cases may arise in which the General Counsel may not be involved in the Commission's decision-making process. In such cases, the Commission feels it may place an unnecessary burden on private counsel to prohibit communications with the General Counsel.

Subsection (b) states the general rule against ex parte communications by prohibiting any interested person outside the Commission from making or knowingly causing to be made to any Commissioner, Administrative Law Judge or Commission decisional employee an ex parte communication relevant to the merits of a proceeding. Commissioners, Administrative Law Judges and Commission decisional employees are likewise prohibited from making or knowingly causing to be made such ex parte communications to any interested person.

Subsection (c) of the rule establishes the procedure for handling ex parte communications that are made in violation of subsection (b). Any Commissioner, Administrative Law Judge or Commission decisional employee who receives, or makes or knowingly causes to be made, an ex parte communication shall place on the public record of the proceeding all such written communications, and memoranda summarizing the substance of all such oral communications, and all written responses and memoranda summarizing the substance of all oral responses thereto. In addition, written notice of all such communications and the responses thereto shall be given to all parties to the proceedings to which the communications or responses relate.

The sanctions for violating the prohibition against ex parte communications contained in subsection (b) are set forth in subsection (d) of the rule. Upon receipt of an ex parte communication knowingly made or knowingly caused to be made by a party to a proceeding, the Commission, Administrative Law Judge or Commission decisional employee presiding at the hearing is empowered, to the extent consistent with the interests of justice and the policy of the Commodity Exchange Act, as amended, 7 U.S.C. 1, et seq. (Supp. V, 1975), to require the party to show cause why his claim or interest in the proceeding should not be dismissed, denied or otherwise adversely affected on account of the making of the ex parte communication. Further, any attorney or accountant who knowingly makes or knowingly causes to be made, or who knowingly solicits or

knowingly causes the solicitation of, an ex parte communication prohibited by subsection (b) of the rule may be deemed to have violated, and be subject to discipline under, the Commission's Rules Relating to Suspension or Disbarment from Appearance and Practice, 17 CFR Part 14. In addition, any Commissioner, Administrative Law Judge or Commission decisional employee who knowingly makes or knowingly causes to be made, or who knowingly solicits or knowingly causes the solicitation of, an ex parte communication prohibited by subsection (b) of the rule may be deemed to have violated, and be subject to discipline under, the Commission's Code of Conduct for Commission members and employees, 17 CFR Part 140, Subpart C.

Finally, subpart (e) of the rule prescribes that the prohibitions of the rule shall apply to any person who has actual knowledge that a Commission proceeding has been or will be commenced and to all persons after public notice has been given that a proceeding has been or will be commenced. The prohibitions of the rule shall remain in effect until a final Commission order has been entered in the proceeding which is no longer subject to review or reconsideration by the Commission or any court. Subpart (e) also notes that nothing in the rule constitutes authority to withhold information from Congress.

Accordingly, 17 CFR 10.10 and 17 CFR 12.9 are hereby revised to read as follows:

PART 10—RULES OF PRACTICE

§ 10.10 Ex parte communications.

(a) *Definitions.* For purposes of this section:

(1) "Commission decisional employee" means employees of the Commission who are or may reasonably be expected to be involved in the decisionmaking process in any proceeding, including, but not limited to:

- (i) Members of the personal staffs of the Commissioners;
- (ii) Members of the staffs of the Administrative Law Judges;
- (iii) The Chief and members of the Opinions section;
- (iv) Members of the staff of the Office of Hearings and Appeals; and
- (v) Other Commission employees who may be assigned to hear or to participate in the decision of a particular matter;

(2) "Ex parte communication" means an oral or written communication not on the public record with respect to which reasonable prior notice to all parties is not given, but does not include requests for status reports on any matter or proceeding covered by this part;

(3) "Interested person" includes parties and other persons who might be adversely affected or aggrieved by the outcome of a proceeding; their officers, agents, employees, associates, affiliates, attorneys, accountants or other representatives; and any other person having a direct or indirect pecuniary or other interest in the outcome of a proceeding;

(4) "Party" includes a person or agency named or admitted as a party, or properly seeking and entitled as of right to

be admitted as a party, to a proceeding, and a person or agency permitted limited participation or to state views in a proceeding by the Commission.

(b) *Prohibitions against ex parte communications*—(1) No interested person outside the Commission shall make or knowingly cause to be made to any Commissioner, Administrative Law Judge or Commission decisional employee an ex parte communication relevant to the merits of a proceeding.

(2) No Commissioner, Administrative Law Judge or Commission decisional employee shall make or knowingly cause to be made to any interested person outside the Commission an ex parte communication relevant to the merits of a proceeding.

(c) *Procedures for handling ex parte communications*. A Commissioner, Administrative Law Judge or Commission decisional employee who receives, or who makes or knowingly causes to be made, an ex parte communication prohibited by paragraph (b) of this section shall:

(1) Place on the public record of the proceeding:

(i) All such written communications;

(ii) Memoranda stating the substance of all such oral communications; and

(iii) All written responses, and memoranda stating the substance of all oral responses, to the materials described in paragraphs (1)(i) and (1)(ii) of this subsection (c); and

(2) Promptly give written notice of such communication and responses thereto to all parties to the proceedings to which the communication or responses relate.

(d) *Sanctions*—(1) Upon receipt of an ex parte communication knowingly made or knowingly caused to be made by a party in violation of the prohibition contained in paragraph (b) (1) of this section, the Commission, Administrative Law Judge or other Commission employee presiding at the hearing may, to the extent consistent with the interests of justice and the policy of the Act, require the party to show cause why his claim or interest in the proceeding should not be dismissed, denied, disregarded, or otherwise adversely affected on account of such violation.

(2) Any attorney or accountant who knowingly makes or knowingly causes to be made, or who knowingly solicits or knowingly causes the solicitation of, an ex parte communication which violates the prohibitions contained in paragraph (b) of this section may, on that basis alone, be deemed to have engaged in unprofessional conduct of the type proscribed by 17 CFR 14.8(c).

(3) Any Commissioner, Administrative Law Judge or Commission decisional employee who knowingly makes or knowingly causes to be made, or who knowingly solicits or knowingly causes the solicitation of, an ex parte communication which violates the prohibitions contained in paragraph (b) of this section may, on that basis alone, be deemed to have engaged in conduct of the type proscribed by 17 CFR 140.735-3(b) (3).

(e) *Applicability of prohibitions and sanctions against ex parte communica-*

tions—(1) The prohibitions of this section against ex parte communications shall apply—

(i) To any person who has actual knowledge that a proceeding has been or will be commenced by order of the Commission; and

(ii) To all persons after public notice has been given that a proceeding has been or will be commenced by order of the Commission.

(2) The prohibitions of this section shall remain in effect until a final order has been entered in the proceeding which is no longer subject to review or reconsideration by the Commission or to review by any court.

(3) Nothing in this section shall constitute authority to withhold information from Congress.

PART 12—RULES RELATING TO REPARATION PROCEEDINGS

§ 12.9 Ex parte communications in reparation proceedings.

(a) *Definitions*. For purposes of this section:

(1) "Commission decisional employee" means employees of the Commission who are or may reasonably be expected to be involved in the decisionmaking process in any proceeding, including, but not limited to:

(i) Members of the personal staffs of the Commissioners;

(ii) Members of the staffs of the Administrative Law Judges;

(iii) The Chief and members of the Opinions section;

(iv) Members of the staff of the Office of Hearings and Appeals; and

(v) Other Commission employees who may be assigned to hear or to participate in the decision of a particular matter;

(2) "Ex parte communication" means an oral or written communication not on the public record with respect to which reasonable prior notice to all parties is not given, but does not include requests for status reports on any matter or proceeding covered by this part;

(3) "Interested person" includes parties and other persons who might be adversely affected or aggrieved by the outcome of a proceeding; their officers, agents, employees, associates, affiliates, attorneys, accountants or other representatives; and any other person having a direct or indirect pecuniary or other interest in the outcome of a proceeding;

(4) "Party" includes a complainant, respondent and any other person or agency named or admitted as a party, or properly seeking and entitled as of right to be admitted as a party, to a reparation proceeding, and a person or agency permitted limited participation or to state views in a reparation proceeding by the Commission.

(b) *Prohibitions against ex parte communications*. (1) No interested person outside the Commission shall make or knowingly cause to be made to any Commissioner, Administrative Law Judge or Commission decisional employee an ex parte communication relevant to the merits of a proceeding.

(2) No Commissioner, Administrative Law Judge or Commission decisional employee shall make or knowingly cause to be made to any interested person outside the Commission an ex parte communication relevant to the merits of a proceeding.

(c) *Procedures for handling ex parte communications*. A Commissioner, Administrative Law Judge or Commission decisional employee who receives, or who makes or knowingly causes to be made, an ex parte communication prohibited by paragraph (b) of this section shall:

(1) Place on the public record of the proceeding:

(i) All such written communications;

(ii) Memoranda stating the substance of all such oral communications; and

(iii) All written responses, and memoranda stating the substance of all oral responses, to the materials described in paragraphs (1)(i) and (1)(ii) of this subsection (c); and

(2) Promptly give written notice of such communication and responses thereto to all parties to the proceedings to which the communication or responses relate.

(d) *Sanctions*. (1) Upon receipt of an ex parte communication knowingly made or knowingly caused to be made by a party in violation of the prohibition contained in paragraph (b) (1) of this section, the Commission, Administrative Law Judge or other Commission employee presiding at the hearing may, to the extent consistent with the interests of justice and the policy of the Act, require the party to show cause why his claim or interest in the proceeding should not be dismissed, denied, disregarded, or otherwise adversely affected on account of such violation.

(2) Any attorney or accountant who knowingly makes or knowingly causes to be made, or who knowingly solicits or knowingly causes the solicitation of, an ex parte communication which violates the prohibitions contained in paragraph (b) of this section may, on that basis alone, be deemed to have engaged in unprofessional conduct of the type proscribed by 17 CFR 14.8(c).

(3) Any Commissioner, Administrative Law Judge or Commission decisional employee who knowingly makes or knowingly causes to be made, or who knowingly solicits or knowingly causes the solicitation of, an ex parte communication which violates the prohibitions contained in paragraph (b) of this section may, on that basis alone, be deemed to have engaged in conduct of the type proscribed by 17 CFR 140.735-3(b) (3).

(e) *Applicability of prohibitions and sanctions against ex parte communications*. (1) The prohibitions of this section against ex parte communications shall apply:

(i) To any person who has actual knowledge that a proceeding has been or will be commenced by order of the Commission; and

(ii) To all persons after public notice has been given that a proceeding has been or will be commenced by order of the Commission.

(2) The prohibitions of this section shall remain in effect until a final order

has been entered in the proceeding which is no longer subject to review or reconsideration by the Commission or to review by any court.

(3) Nothing in this section shall constitute authority to withhold information from Congress.

OPEN COMMISSION MEETINGS

GENERAL POLICY CONSIDERATIONS, PURPOSE AND SCOPE OF RULES; DEFINITIONS

Section 147.1 of Part 147 generally describes the purpose and scope of the rules and states the Commission's desire to inform the public of its activities and to conduct its business in an open manner to the fullest possible extent pursuant to the rules of Part 147. Section 147.2 defines various terms used in Part 147. Consistent with the Government in the Sunshine Act, the term "meeting" is broadly defined to mean the deliberations of a quorum of Commissioners that determine or result in the joint conduct or disposition of official Commission business. The Commission intends broadly to construe this definition to treat as a meeting subject to these regulations all deliberations by any group of Commissioners constituting a quorum that relate to the business of the Commission, whether or not any official action is taken or formal decision made as a result of those deliberations.

GENERAL REQUIREMENT OF OPEN MEETINGS; GROUNDS UPON WHICH MEETINGS MAY BE CLOSED

Section 147.3(a) states the general requirement that every portion of every meeting of the Commission shall be open to the public, and generally prohibits Commissioners from conducting or disposing of Commission business other than in accordance with the rules of Part 147. Meetings are also prohibited from being held in places which discriminate on the basis of race, color, creed, national origin, ancestry, religion or sex. So long as the orderly conduct of Commission business and effective operation of the Commission permit, the Commission will attempt to hold open meetings at times and in locations which maximize public convenience, and will allow persons in attendance at open meetings electronically to record or otherwise transcribe the proceedings. Of course, persons seeking to attend open meetings will not be burdened by any precondition to admittance; thus the Commission will not require that they identify themselves or whom they represent or disclose their purposes for wishing to attend.

Certain types of meetings or portions of meetings and certain information pertaining thereto are permitted to be treated as non-public pursuant to exemptions contained in section 3(a) of the Government in the Sunshine Act. Section 147.3(b) of the rules sets forth in detail these ten exemptions pursuant to which meetings may be closed to the public. It further states that the requirements of §§ 147.4, 147.5 and 147.6—which generally set forth the procedures for announcing and for closing meet-

ings—shall not apply to any information pertaining to closed meetings that would otherwise be required to be made public by the open meeting rules. The introductory language of § 147.3(b) emphasizes, however, that the Commission may determine that the public interest requires that any meeting or portion thereof, or any information related thereto, which the Commission might lawfully treat as non-public pursuant to § 147.3(b), should nevertheless be opened and made available to the public.

The first exemption from the general open meeting requirement is embodied in § 147.3(b)(1) and relates to matters the disclosure of which are specifically authorized by Executive order to be kept secret in the interests of national defense or foreign policy and which in fact have been properly classified under such an Executive order. The second exemption, contained in § 147.3(b)(2), encompasses matters that relate solely to internal personnel rules and practices of the Commission or any other Federal agency. Under the rules, the application of this exemption will expressly be limited to specific types of matters affecting agency personnel rules and practices; it will not be invoked to close meetings that concern the general operations of the Commission, including, for example, general Commission budgetary matters.¹

Section 147.3(b)(3) protects against disclosure of matters specifically exempted from disclosure by statute. This includes, but is not necessarily limited to, data and information obtained by the Commission pursuant to sections 8 and 16 of the Commodity Exchange Act, as amended, 7 U.S.C. 12 to 12-3 and 20. Meetings concerning or involving discussions of trade secrets and commercial or financial information obtained from a person and privileged or confidential are protected under § 147.3(b)(4).

The fifth exemption, § 147.3(b)(5), permits the Commission to discuss in confidence matters that involve accusing any person of a crime, or formally censuring any person. As subsection 147.3(b)(5)(ii) indicates, such matters would include consideration by the Commission of any administrative proceeding instituted or to be instituted against any person for a violation of the Commodity Exchange Act, as amended, or any rule, regulation or order thereunder.

It was suggested in a letter of comment that the Government in the Sunshine Act's fifth exemption to the general open meeting requirement upon which § 147.3(b)(5) is based can serve as a basis for closing meetings or portions thereof only when the violation of law in question may lead to the imposition of criminal sanctions. Therefore, the commenter suggested, proposed § 147.3(b)(5)(ii) must be limited accordingly.

¹Of course, when meetings concerning Commission operating priorities or budgetary considerations focus on certain specific kinds of problems, the Commission may find it necessary and appropriate to close a portion of a meeting to the public as permitted by other exemptions contained in § 147.3(b).

The Commission, however, can find no support for this interpretation of the fifth exemption in either the Government in the Sunshine Act or its legislative history. Indeed, the Senate Report on the Government in the Sunshine Act in its explanation of the application of this exemption notes that it could properly be applied to closed meetings involving discussions of such non-criminal sanctions as the censure by "[a]n agency regulating financial or security matters" of "a firm for failing to live up to its professional responsibilities," or the formal censure of "an attorney for his conduct in an agency proceeding." Accordingly, the Commission has determined to adopt § 147.3(b)(5) as proposed.

Section 147.3(b)(6), the sixth exemption from the general open meeting requirement, encompasses matters involving information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. Discussions involving certain investigatory records compiled for law enforcement purposes, or information which, if written, would be contained in such records are the subject of the seventh exemption, contained in § 147.3(b)(7). Section 147.3(b)(8) permits the Commission to hold a non-public meeting concerning information contained in or related to certain reports prepared by, on behalf of, or for the use of the Commission or any other agency responsible for regulating or supervising financial institutions, but only to the extent that premature disclosure of such information would be likely to have an adverse effect on commodities market conditions.

Exemption nine, § 147.3(b)(9), pertains to matters involving information the premature disclosure of which would be likely to lead to significant financial speculation in currencies, securities, or commodities, significantly endanger the stability of any financial institution, or, in general, frustrate significantly the implementation of a proposed Commission action. Finally, the tenth exemption, as set forth in § 147.3(b)(10), relates to matters which specifically concern the Commission's involvement in federal or state civil actions or similar legal proceedings, or formal adjudications by the Commission.

The Commission intends to construe these exemptions narrowly in light of the broad remedial purposes to be served by the open meeting requirements, although not so narrowly as to defeat the important competing policy considerations that Congress recognized by the adoption of the exemptive provisions. Thus, for example, the seventh and tenth exemptions, as incorporated in § 147.3(b)(7) and § 147.3(b)(10) respectively, will normally be invoked only to close meetings relating to specific investigative, enforcement or litigation matters (either existing or proposed); they will not be invoked as a basis for closing meetings which involve no more than generalized legal discussions or at which the Com-

²S. Rep. No. 94-364, 94th Cong., 1st Sess. 22 (1975).

mission receives legal or other advice of a general nature.

PROCEDURE FOR ANNOUNCING MEETINGS

Advance notice of all Commission meetings is required to be provided to the public by § 147.4(a). Generally, the advance notice must be made by a public announcement at least one week before the meeting. The notice will generally indicate the date, time, place and subject matter of the meeting, including which portions of the meeting shall be open or closed to the public, and designate an official of the Commission who may be contacted for further information about the meeting. However, when a majority of Commissioners determines by a recorded vote that Commission business requires the holding of a meeting upon less than a week's public notice, § 147.4(b) allows the Commission to make the public announcement required by § 147.4(a) at the earliest practicable time.

Section 147.4(c) provides that necessary changes in the time or place of a meeting for which a public announcement has previously been made shall be publicly announced at the earliest practicable time. A change in the subject matter of a previously announced meeting, or a change concerning which portion or portions of a previously announced meeting will be open or closed to the public, must be authorized by majority of Commissioners, determined by a recorded vote, and publicly announced at the earliest practicable time.

The methods by which meetings are to be publicly announced—as required by § 147.4 (a), (b) and (c)—are set forth in sections 147.4 (d) and (e), and include a public calendar to be printed and regularly distributed to interested persons, publication in the FEDERAL REGISTER of the public announcements, and direct public access to the Commission's Office of the Secretariat, which may be contacted during normal business hours for information about meetings.

GENERAL PROCEDURE FOR CLOSING MEETINGS

In accordance with the provisions of § 147.5, a Commission determination to close a meeting, as authorized pursuant to § 147.3(b), shall be made only upon the majority vote of all Commissioners. The vote of each Commissioner must be recorded and no proxies shall be allowed. While a separate recorded vote must be taken with respect to each meeting or portion of a meeting to be closed or with respect to any related information to be withheld, a single vote may be taken with respect to a series of meetings or with respect to related information when all meetings in the series involve the same matters and are scheduled to be held within a 30-day period.

To the extent that his interests may be directly affected, § 147.5(d) permits any person to petition the Commission in writing to close a portion of a meeting pursuant to any of three specific exemptive provisions contained in § 147.3(b). Upon request of any Commissioner,

the Commission shall cast a recorded vote whether to close that portion of the meeting.

Section 147.5(e) will permit any Commission employee to petition the Commission in writing to open a meeting or portion thereof which might otherwise be closed if that employee's appointment, employment or dismissal is the subject of the meeting or portion of the meeting. Upon receipt of a petition from such an employee, the Commission shall open the meeting or portion of the meeting to the public.

Within one day after any vote has been taken pursuant to § 147.5, the Commission is required by § 147.5(f) to make publicly available a written copy of the vote, as well as a full written explanation of the Commission's action closing any portion of any meeting—including a list of persons expected to attend the meeting and their affiliations.

As proposed, § 147.5(g) required that for every meeting or portion of a meeting closed to the public, the Commission's General Counsel certify publicly that, in his or her opinion, the meeting or portion thereof may be closed, stating each relevant exemptive provision contained in § 147.3(b).

Pursuant to a suggestion made in a letter of comment, and in keeping with the Congressional intent that this certification procedure be completed before a closed meeting or closed portion of a meeting may be held,² § 147.5(g) has been adopted in a form different from that proposed in order to make clear that the Commission's General Counsel will render his certification prior to the closed meeting or closed portion thereof for which the certification has been given.

Sections 147.5(h) and 147.5(i) require that the following shall be made available for public inspection in the Commission's Public Reference room: written copies of votes to close meetings; written explanations, pursuant to § 147.5 (f), of the Commission's action in closing portions of meetings; certifications of the Commission's General Counsel required by § 147.5(g); and a statement from the presiding officer at every meeting which is closed, in whole or in part, setting forth the time and place of the meeting and the persons present.

SPECIAL PROCEDURE FOR CLOSING CERTAIN MEETINGS

A special procedure for closing Commission meetings or portions of meetings that may properly be closed pursuant to any one or more of five specific exemptions found in § 147.3(b) is set forth in § 147.6.³ Section 147.6(a) provides that

² S. Rep. No. 94-1178, 94th Cong., 2d Sess. 10 (1976).

³ Section 3(a) of the Government in the Sunshine Act, 5 U.S.C. 552b(d)(4), provides that any agency, a majority of whose meetings may properly be closed to the public pursuant to one or another of these five exemptions, may adopt regulations implementing special procedures for closing meetings pursuant to these exemptions. In reviewing the agendas for Commission meetings held since the creation of the Commission in

any meeting or portion of a meeting may be closed pursuant to any of these five exemptions upon a majority vote of Commissioners cast at the beginning of a meeting or portion of a meeting. Section 147.6(b) states that the provisions of § 147.4 (relating to the announcement of meetings) and certain provisions of § 147.5 (relating to the general procedure for closing meetings) shall not apply to meetings or portions thereof to which § 147.6(a) is applied.

A written copy of all votes taken pursuant to § 147.6(a) is required by § 147.6(c) to be made publicly available in the Commission's Public Reference Room and the Commission is required to make the earliest practicable public announcement of the time, place and subject matter of any portion of a meeting to which § 147.6(a) is applied.

MAINTENANCE OF TRANSCRIPTS, RECORDINGS AND MINUTES OF CLOSED MEETINGS

As a general rule, § 147.7(a) requires the Commission to make a complete transcript or electronic recording of each meeting or portion of a meeting closed to the public. However, in the case of meetings or portions of meetings that may be closed pursuant to any one or more of four specific exemptions found in § 147.3 (b),⁴ § 147.7(b) allows the Commission merely to keep a set of minutes fully describing and summarizing all matters discussed and all actions taken.

PUBLIC AVAILABILITY OF AND REQUESTS FOR COPIES OF TRANSCRIPTS, RECORDINGS AND MINUTES OF CLOSED MEETINGS

The Commission is required by § 147.8 (a) promptly to make available in its Public Reference Room the transcript, electronic recording or set of minutes that § 147.7 requires to be kept with respect to each closed meeting or portion of a meeting, except that the Commission is not required to disclose any items of discussion or testimony that are determined to contain information which may be withheld under § 147.3(b). Pursuant to § 147.8(b), this determination will be made by the Director of the Commission's Office of Public Information after consultation with the Commission's General Counsel and the Director of any affected staff division; any person objecting to a determination may, by written petition, seek Commission review of that determination.

Under the provisions of § 147.8(c), the Commission is required to keep the transcript, electronic recording or set of minutes required to be made of a closed meeting or closed portion of a meeting for at least two years after the meeting, or until one year after the conclusion of

April 1975, the Commission has found that well in excess of a majority of agenda items comprise, and well in excess of a majority of Commission meeting time has been devoted to, matters that are encompassed by these five exemptions. Accordingly, the Commission has adopted § 147.6 to implement the special procedures set forth in 5 U.S.C. 552b (d) (4).

⁴ These exemptions can also serve as a basis for invoking the special procedure for closing meetings pursuant to § 147.6.

any Commission proceeding with respect to which the meeting or portion was held, whichever is longer.

Copies of transcripts, transcriptions of electronic recordings or sets of minutes publicly available under § 147.8(a), which disclose the identity of each speaker, are required by § 147.9 to be furnished upon request to any person at the actual cost of duplication or transcription. These costs shall be determined by reference to the schedule of fees incorporated in the Commission's rules implementing the Freedom of Information Act, 17 CFR 145b.

INTERPRETATION OF PART 147 WITH OTHER PROVISIONS OF LAW

Finally, § 147.10 makes clear that nothing in Part 147 shall otherwise expand or limit the present rights of any person under the Commission's rules implementing the Freedom of Information Act as set forth in Part 145 of Title 17, except that the exemptions to the general open meeting requirement that are set forth in § 147.3(b) shall apply to any request made under the Commission's Freedom of Information Act Rules (Part 145) for access to transcripts, recordings or sets of minutes described in Part 147. Further, § 147.10 notes that Part 147 does not authorize the Commission to withhold any record (including transcripts, recordings or sets of minutes required by Part 147) from any person which is otherwise available under the Commission's rules implementing the Privacy Act as set forth in Part 146 of Title 17, and that the provisions of Chapter 33 of Title 44 of the United States Code regarding the disposal of records shall not apply to the transcripts, recordings or sets of minutes described in Part 147.

Accordingly, Chapter I of Title 17 of the Code of Federal Regulations is amended by adding a new Part 147, reading as follows:

PART 147—OPEN COMMISSION MEETINGS

Sec.	
147.1	General policy considerations, purpose and scope of rules relating to open Commission meetings.
147.2	Definitions.
147.3	General requirement of open meetings; grounds upon which meetings may be closed.
147.4	Procedure for announcing meetings.
147.5	General procedure for closing meetings.
147.6	Special procedure for closing certain meetings.
147.7	Maintenance of transcripts, recordings and minutes of closed meetings.
147.8	Public availability of transcripts, recordings and minutes of closed meetings.
147.9	Requests for copies of transcripts, recordings or minutes of closed meetings.
147.10	Interpretation of this part with other provisions.

AUTHORITY: Sec. 3(a), Pub. L. 94-409, 90 Stat. 1241 (5 U.S.C. 552b); sec. 101(a)(11), Pub. L. 93-463, 88 Stat. 1391 (7 U.S.C. 4a(j) (Supp. V, 1975)).

§ 147.1 General policy considerations, purpose and scope of rules relating to open Commission meetings.

(a) This part contains the rules of the Commodity Futures Trading Commission implementing the open meeting requirements of the Government in the Sunshine Act (Pub. L. 94-409, 90 Stat. 1241, 5 U.S.C. 552b). These rules apply to all deliberations of a quorum of the Commission which determine or result in the conduct or disposition of official Commission business, with the exception of deliberations required or permitted by § 147.4, § 147.5 or § 147.6.

(b) Among the primary purposes of these rules is the Commission's desire to inform the public to the fullest extent possible of its activities as an aid to its properly carrying out its responsibility for administering and enforcing the Commodity Exchange Act, as amended, 7 U.S.C. 1, et. seq., and the Commission's belief that, in order to guarantee public confidence in the integrity of its decision-making, it must, to the fullest possible extent, conduct its business in an open manner.

§ 147.2 Definitions.

For purposes of this part:

(a) "Agency" includes the Commodity Futures Trading Commission;

(b) "Commission" means the Commodity Futures Trading Commission;

(c) "Commissioner" means a member of the Commodity Futures Trading Commission duly appointed as a Commissioner in accordance with section 2(a) (2) of the Commodity Exchange Act, as amended, 7 U.S.C. 4a(a);

(d) "Meeting" means the deliberations of a quorum of Commissioners that determine or result in the joint conduct or disposition of official Commission business, but does not include deliberations required or permitted by § 147.4, § 147.5 or § 147.6;

(e) "Person" includes an individual, partnership, corporation, association, exchange or other entity or organization;

(f) "Quorum" means at least the minimum number of Commissioners required to take action on behalf of the Commission.

§ 147.3 General requirement of open meetings; grounds upon which meetings may be closed.

(a) Commissioners shall not jointly conduct or dispose of agency business other than in accordance with the rules of this part, and meetings shall not be held in places which restrict membership or attendance or otherwise discriminate on the basis of race, color, creed, national origin, ancestry, religion or sex. Except as provided in paragraph (b) of this section, every portion of every meeting of the Commission shall be open to public observation.

(b) Except where the Commission finds that the public interest requires otherwise, meetings or portions of meetings shall not be open to public observation, and the requirements of § 147.4, § 147.5

and § 147.6 shall not apply to any information pertaining to such meetings or portions of meetings otherwise required by the rules of this part to be publicly disclosed, where the Commission determines that such meetings or portions of meetings or the disclosure of such information is likely to:

(1) Disclose matters that (i) are specifically authorized under criteria established by an Executive order to be kept secret in the interests of national defense or foreign policy, and (ii) are in fact properly classified pursuant to such Executive order;

(2) Relate solely to the internal personnel rules and personnel practices of the Commission or any other agency of the Government of the United States, including, but not limited to, operational rules, guidelines, and manuals of procedure for investigators, auditors, and other employees (other than those rules and practices which establish legal requirements to which members of the public are expected to conform);

(3) Disclose matters specifically exempted from disclosure by statute (other than the Freedom of Information Act, as amended, 5 U.S.C. 552), provided that such statute (i) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (ii) establishes particular criteria for withholding or refers to particular types of matters to be withheld. This includes, but is not limited to, data and information which would separately disclose the business transactions of any person and trade secrets or names of customers that have been obtained by the Commission in an investigation conducted pursuant to section 8 or section 16 of the Commodity Exchange Act, as amended, 7 U.S.C. 12 to 12-3 and 20, for the efficient execution of the provisions of that Act or in order to provide information for the use of Congress;

(4) Disclose trade secrets and commercial or financial information obtained from a person and privileged or confidential including, but not limited to:

(i) Information contained in any document submitted to or required to be filed with the Commission where the Commission has undertaken formally or informally to receive such submission or filing for its use or the use of specified persons only, and the information is of a kind not normally disclosed by the person from whom it was obtained including, but not limited to:

(A) Certain information on Form 1-FR required filed pursuant to 17 CFR 1.10 and schedules 1, 2, 4, 5, 6, 7, 8, and 9 thereto;

(B) Reports of stocks of grain, such as Forms 38, 38C, 38M and 38T, required to be filed pursuant to 17 CFR 1.44;

(C) Statements of reporting traders on Form 40 required to be filed pursuant to 17 CFR 18.04;

(D) Statements concerning special calls on positions required to be filed pursuant to 17 CFR 21.00;

(E) Statements concerning identification of special account on Form 102 required to be filed pursuant to 17 CFR 17.01; and

(F) Reports filed on forms in the 01, 03 and 04 series required to be filed pursuant to 17 CFR 17.00, 18.00 and 19.00;

(ii) Information contained in reports, summaries, analyses, transcripts, letters or memoranda arising out of, in anticipation of or in connection with an examination or inspection of the books and records of any person or any other formal or informal inquiry or investigation; and

(iii) Information for which confidential treatment has been requested and granted in accordance with 17 CFR 145.9;

(5) Involve accusing any person of a crime, or formally censuring any person, including but not limited to:

(i) Requests by the Commission that the Attorney General of the United States institute a criminal action against any person believed to have violated any provision of the Commodity Exchange Act, as amended, 7 U.S.C. 1, et seq., or any rule, regulation or order thereunder;

(ii) The consideration of any administrative proceeding instituted or to be instituted by the Commission against any person for a violation of the Commodity Exchange Act, as amended, 7 U.S.C. 1, et seq., or any rule, regulation or order thereunder;

(6) Disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy, including, but not limited to, information of that character contained in:

(i) Files concerning employees of the Commission;

(ii) Files concerning persons subject to regulation by the Commission, including files with respect to applications for registration as a futures commission merchant, an association person, a floor broker, a commodity pool operator, a commodity trading advisor, and biographical data forms submitted with such applications. Examples of the information on the applications or forms which may be protected are a person's home address, social security number, date and place of birth and, in appropriate cases, some of the information concerning prior arrests, indictments, criminal convictions or other sanctions imposed by state or federal courts or regulatory authorities; and

(iii) Files containing information for which confidential treatment has been requested and granted in accordance with 17 CFR 145.9;

(7) Disclose investigatory records compiled for law enforcement purposes, or information which if written would be contained in such records, to the extent that production of such records or information would (i) interfere with enforcement proceedings, (ii) deprive a person of a right to a fair trial or an impartial adjudication, (iii) constitute an unwarranted invasion of personal privacy, (iv) disclose the identity of a confidential source, (v) disclose investigative techniques and procedures, or (vi) endanger

the life or physical safety of law enforcement personnel. Investigatory records and information include all documents, records, transcripts, correspondence and related memoranda and work-product concerning examinations and other inquiries or investigations and related litigation as authorized by law, which pertain to or may disclose the possible violations by any person of any provision of law, including the Commodity Exchange Act, as amended, or of any rule or regulation adopted by the Commission or which pertain to the qualifications of any person registered or seeking registration under that Act or of any person affiliated with such person; and all written communications from or to any person who has confidentially complained or otherwise furnished information respecting such possible violations, as well as all correspondence and memoranda in connection with such confidential complaints or information;

(8) Disclose information contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of the Commission or any other agency responsible for the regulation or supervision of financial institutions when the premature disclosure of such information would be likely to have an adverse effect on commodities market conditions;

(9) Disclose information the premature disclosure of which would be likely to (i) lead to significant financial speculation in currencies, securities, or commodities, (ii) significantly endanger the stability of any financial institution, or (iii) frustrate significantly the implementation of a proposed Commission action, except where the Commission has already disclosed to the public the content or nature of its proposed action, or where the Commission is required by law to make such disclosure on its own initiative prior to taking final Commission action on such proposal; or

(10) Specifically concern the Commission's issuance of a subpoena, or the Commission's participation in a civil action or proceeding, an action in a foreign court or international tribunal, or an arbitration, or the initiation, conduct, or disposition by the Commission of a particular case of formal agency adjudication pursuant to the procedures in 5 U.S.C. 554 or otherwise involving a determination on the record after opportunity for a hearing.

§ 147.4 Procedure for announcing meetings.

(a) Advance notice of all meetings of the Commission shall be provided to the public. In the case of each meeting, except as provided in paragraph (b) of this section and in § 147.6, the Commission shall, except to the extent that such information is exempt from disclosure under the provisions of § 147.3(b), make a public announcement, at least one week before the date of the meeting of the time, place and subject matter of the meeting and which portions of the meeting shall be open or closed to the public, and shall indicate an official of the Commission who may be contacted at a des-

ignated telephone number for information about the meeting.

(b) When a majority of Commissioners determines by a recorded vote that Commission business requires a meeting be held upon public notice of less than one week as required by paragraph (a) of this section, the Commission shall, except to the extent that such information is exempt from disclosure under the provisions of § 147.3(b), make a public announcement, at the earliest practicable time, of the time, place and subject matter of the meeting and which portions of the meeting shall be open or closed to the public, and indicate an official of the Commission who may be contacted at a designated telephone number for information about the meeting.

(c) (1) When it becomes necessary to change the time or place of a meeting for which a public announcement has been made pursuant to paragraphs (a) or (b) of this section, the Commission shall publicly announce such change at the earliest practicable time.

(2) When it becomes necessary with respect to a meeting for which a public announcement has already been made pursuant to paragraphs (a), (b) or (c) (1) of this section to change the subject matter of a meeting, or change the Commission's determination as to which portions of a meeting shall be open or closed to the public, a majority of all Commissioners shall determine by a recorded vote that Commission business requires such a change and that no earlier announcement of the change was possible, and the Commission shall publicly announce such change and the vote of each Commissioner upon such change at the earliest practicable time.

(d) Public announcement of meetings, as required by this section, shall be provided as follows:

(1) A public calendar shall be printed and distributed by the Commission on a regular basis to interested persons to provide advance public notice of meetings as required by paragraph (a) of this section, and, to the extent practicable, as required by paragraphs (b) and (c) of this section. Upon request in writing to the Office of Public Information, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581, any person or organization will be sent the public calendar on a regular basis free of charge. Copies of the public calendar also will be publicly available in the Commission's Office of Public Information.

(2) Interested persons may contact the Commission's Office of the Secretariat during normal business hours to obtain information concerning future meetings.

(e) Immediately following each public announcement required by this section, the Commission shall submit for publication in the FEDERAL REGISTER, except to the extent that such information is exempt from disclosure under the provisions of § 147.3(b), notice of the time, place, and subject matter of a meeting, which portions of the meeting shall be open or closed to the public, any change in one of the preceding, and the name

and telephone number of an official of the Commission who may be contacted for information about the meeting.

§ 147.5 General procedure for closing meetings.

(a) The Commission shall determine that a meeting or portion of a meeting will be closed to public observation pursuant to § 147.3(b) only upon the majority vote of all Commissioners. The vote of each Commissioner shall be recorded, and the use of proxies shall be prohibited.

(b) A separate vote of Commissioners shall be taken with respect to each meeting a portion or portions of which are proposed to be closed to the public pursuant to § 147.3(b), or with respect to any information which is proposed to be withheld under § 147.3(b).

(c) A single vote of Commissioners may be taken with respect to a series of meetings, a portion or portions of which are proposed to be closed to the public, or with respect to any information concerning such series of meetings, when each meeting in such series involves the same particular matters and is scheduled to be held no more than thirty days after the initial meeting in such series.

(d) Whenever any person whose interests may be directly affected by a portion of a meeting requests in writing to the Commission that the Commission close such portion to the public for any of the reasons set forth in § 147.3(b) (5), § 147.3(b) (6) or § 147.3(b) (7), the Commission, upon the request of any Commissioner, shall vote by recorded vote whether to close that portion of the meeting.

(e) Whenever any Commission employee whose appointment, employment or dismissal is to be the subject of a meeting or portion of meeting closed to the public pursuant to § 147.3(b) requests in writing to the Commission that the Commission open that meeting or portion of meeting, the Commission shall open that meeting or portion of meeting to the public.

(f) Within one day of any vote taken pursuant to paragraphs (b), (c) or (d) of this section, the Commission shall make publicly available a written copy of that vote reflecting the vote of each Commissioner on the question. If the Commission determines by a vote taken pursuant to paragraphs (b), (c) or (d) of this section that a portion of a meeting is to be closed to the public, the Commission shall, within one day of such vote, make publicly available a full written explanation of its action closing the portion of the meeting together with a list of all persons expected to attend the meeting and their affiliations, except to the extent that such information is exempt from disclosure under the provisions of § 147.3(b).

(g) Before any meeting or portion of a meeting may be closed pursuant to § 147.3(b), the Commission's General Counsel shall publicly certify that, in his or her opinion, the meeting or portion of meeting may be closed to the public, and

shall state each relevant exemptive provision.

(h) Written copies of votes to close meetings and written explanations of Commission actions closing portions of meetings to the public required to be made publicly available by paragraph (f) of this section shall be available for public inspection in the Commission's Public Reference Room, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581.

(i) A copy of the certification of the Commission's General Counsel required by paragraph (g) of this section, together with a statement from the presiding officer at any meeting closed, in whole or in part, pursuant to § 147.3(b), setting forth the time and place of the meeting, and the persons present, shall be retained by the Commission and, except to the extent that such information is exempt from disclosure under the provisions of § 147.3(b), shall be available for public inspection in the Commission's Public Reference Room, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581.

§ 147.6 Special procedure for closing certain meetings.

(a) Any meeting or portion of meeting that may properly be closed to the public pursuant to § 147.3(b) (4), § 147.3(b) (8), § 147.3(b) (9) (i), § 147.3(b) (9) (ii) or § 147.3(b) (10), or any combination thereof, may be closed if a majority of Commissioners votes by recorded vote at the beginning of such meeting, or portion thereof, to close the exempt portion or portions of the meeting.

(b) The provisions of § 147.4, and of § 147.5(a), § 147.5(b), § 147.5(c), § 147.5(d), § 147.5(e), § 147.5(f) and § 147.5(h) shall not apply to any portion of a meeting to which paragraph (a) of this section is applied. The provisions of § 147.5(g) and § 147.5(i) shall apply to any such portions of meetings.

(c) A written copy of all votes taken pursuant to paragraph (a) of this section reflecting the vote of each Commissioner on the question shall be made available for public inspection in the Commission's Public Reference Room, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581.

(d) The Commission shall, except to the extent that such information is exempt from disclosure under the provisions of § 147.3(b), make public announcement at the earliest practicable time of the time, place, and subject matter of any portion of a meeting to which paragraph (a) of this section is applied. Such public announcement shall be provided, to the extent practicable, through the Commission's public calendar as described in § 147.4(d) (1), and by the Commission's Office of the Secretariat as set forth in § 147.4(d) (2).

§ 147.7 Maintenance of transcripts, recordings and minutes of closed meetings.

(a) The Commission shall make and maintain a complete transcript or elec-

tronic recording adequate to record fully the proceedings of each meeting or portion of meeting closed to the public, except as provided in paragraph (b) of this section.

(b) (1) In the case of each meeting or portion of meeting closed to the public pursuant to § 147.3(b) (8), § 147.3(b) (9) (i), § 147.3(b) (9) (ii) or § 147.3(b) (10), or any combination thereof, the Commission shall make and maintain either a complete transcript or recording as described in paragraph (a) of this section, or a set of minutes.

(2) When the Commission elects to keep minutes under paragraph (b) (1) of this section, the minutes shall fully and clearly describe all matters discussed at the closed meeting or closed portion thereof, and shall provide a full and accurate summary of any actions taken, and the reasons therefor, including a description of each of the views expressed on any item, and a record of any roll call vote taken which reflects the vote of each Commissioner on the question. All documents considered in connection with any actions taken shall be identified in such minutes.

§ 147.8 Public availability of transcripts, recordings and minutes of closed meetings.

(a) The Commission shall make promptly available to the public, in its Public Reference Room, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581, the transcript, electronic recording or set of minutes of the discussion of any item on the agenda of any closed meeting or closed portion thereof (as required by § 147.7), or of any item of the testimony of any witness received at such meeting or portion thereof, except for such item or items of such discussion or testimony that are determined, in accordance with the procedure set forth in paragraph (b) of this section, to contain information which may be withheld under § 147.3(b).

(b) (1) All determinations made pursuant to paragraph (a) of this section that items of discussion or testimony reflected in transcripts, recordings or sets of minutes of closed meetings or closed portions thereof are exempt from disclosure pursuant to § 147.3(b), shall be made by the Director of the Commission's Office of Public Information after due consultation with the Office of the Commission's General Counsel and the Director of any affected staff division.

(2) Any person who objects to any determination made pursuant to paragraph (b) (1) of this section may seek Commission review of that determination by filing with the Commission's Office of the Secretariat a brief written statement that that review is sought which contains a concise statement of the reasons why the determination should be set aside.

(c) The Commission shall maintain a complete verbatim copy of the transcript, a complete electronic recording or a complete copy of the minutes of each meeting or portion of a meeting closed to

the public, which are made in accordance with § 147.7(a) or § 147.7(b), for a period of at least two years after such meeting or portion of meeting, or until one year after the conclusion of any Commission proceeding with respect to which the meeting or portion thereof was held, whichever occurs later.

§ 147.9 Requests for copies of transcripts, recordings or minutes of closed meetings.

(a) Copies of a transcript transcription of an electronic recording or set of minutes disclosing the identity of each speaker, which are publicly available pursuant to § 147.8(a), shall be furnished to any person at the actual cost of duplication or transcription pursuant to the schedule of fees set forth in 17 CFR 145b (a) (3), (a) (4), (a) (5), (a) (7), (d) and (e).

(b) Requests for copies of transcripts, transcriptions of electronic recordings or sets of minutes as described in paragraph (a) of this section may be made either in person at, or by mail addressed to, the Commission's Office of Public Information, Commodity Futures Trading

Commission, 2033 K Street, NW., Washington, D.C. 20581.

§ 147.10 Interpretation of this part with other provisions.

(a) Nothing in this part shall be interpreted as: (1) Expanding or limiting the present rights of any person under Part 145 of this Title (implementing the provisions of the Freedom of Information Act, 5 U.S.C. 552), except that the exemptions set forth in § 147.3(b) of this part shall govern in the case of any request made pursuant to Part 145 to copy or inspect the transcripts, recordings or sets of minutes described in this part; or

(2) Authorizing the Commission to withhold from any person any record, including transcripts, recordings or sets of minutes required by this part, which is otherwise accessible to such individual under Part 146 of this Title (implementing the provisions of the Privacy Act, 5 U.S.C. 552a).

(b) The requirements of Chapter 33 of Title 44, United States Code (with respect to the disposal of records), shall not apply to the transcripts, recordings and minutes described in this part.

(Sec. 4, Pub. L. 94-409, 90 Stat. 1246, 1247 (5 U.S.C. 551(14), 556(d) and 557(d)); sec. 101 (a) (11), Pub. L. 93-463, 88 Stat. 1391 (7 U.S.C. 4a(j) (Supp. V, 1975)).)

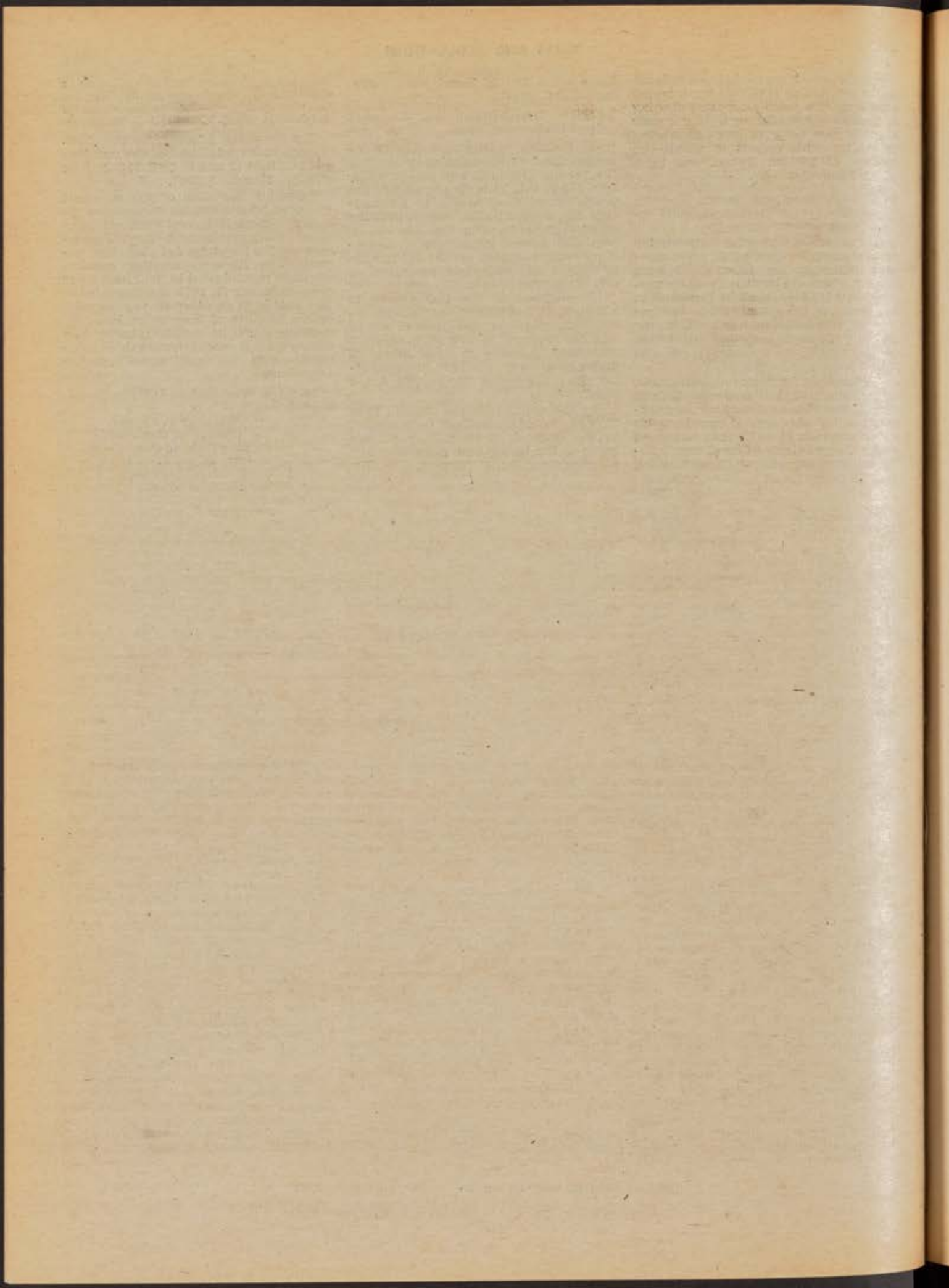
The foregoing adoption by the Commission of Part 147 and of the revisions of 17 CFR 10.10 and 17 CFR 12.9 shall be effective March 12, 1977.

Following the close of the comment period on these rules, the Commission received several letters of comment. Because of the requirement of the Government in the Sunshine Act that rules implementing its open meeting requirements be promulgated in final form on or prior to March 12, 1977, the Commission was unable to consider these comments before issuance of these rules. However, consistent with its customary policy, the Commission is now reviewing these comments with a view toward possible amendment.

Issued in Washington, D.C., on March 8, 1977.

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

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FRIDAY, MARCH 11, 1977

PART IV



DEPARTMENT OF LABOR

**Employment Standards
Administration**

■

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND
FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

General Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The 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.

Arkansas:		
AR76-4129; AR76-4133	July 13, 1976.	
AR77-4018	Feb. 4, 1977.	
California:		
CA76-5101; CA76-5102	Nov. 19, 1976.	
CA76-5116; CA76-5117	Dec. 10, 1976.	
CA76-5120; CA76-5121	Dec. 28, 1976.	

Florida:		
FL77-1021	Feb. 18, 1977.	
FL77-1023	Apr. 16, 1976.	
Idaho:		
ID77-5023	Feb. 25, 1977.	
Iowa:		
IA76-4145	Sept. 10, 1976.	
IA76-4172; IA77-4173	Oct. 15, 1976.	
Maryland:		
MD77-3017; MD77-3020	Jan. 14, 1977.	
Massachusetts:		
MA76-2098	Aug. 13, 1976.	
MA76-2102	Sept. 3, 1976.	
Missouri:		
MO77-4033	Feb. 18, 1977.	
Montana:		
MT76-5100	Oct. 29, 1976.	
North Dakota:		
ND75-5109	Aug. 29, 1975.	
ND77-5020	Feb. 18, 1977.	
Oklahoma:		
OK76-4137	July 30, 1976.	
OK76-4186	Nov. 19, 1976.	
OK76-4189	Nov. 26, 1976.	
Virginia:		
VD76-3285	Nov. 19, 1976.	
Washington:		
WA76-5119	Dec. 10, 1976.	
Washington, D.C.:		
DC76-3284	Nov. 19, 1976.	
West Virginia:		
WV77-3024; WV77-3027	Feb. 18, 1977.	
Wyoming:		
WY76-5070	Aug. 6, 1976.	

SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being superseded and their dates of publication in the FEDERAL REGISTER are listed with each State.

Supersedeas Decision numbers are in parentheses following the numbers of the decisions being superseded.

Arizona:		
AZ75-5003 (AZ77-5024)	Jan. 24, 1976.	
Arkansas:		
AR76-4130 (AR77-4061)	July 23, 1976.	
Colorado:		
CO76-5067 (CO77-5014)	July 30, 1976.	
CO76-5104 (CO77-5015);	Nov. 26, 1976.	
CO76-5105 (CO77-5016);		
CO76-5106 (CO77-5017);		
CO76-5107 (CO77-5018)	Dec. 3, 1976.	
Florida:		
FL76-5024 (GA77-5035)	Mar. 26, 1976.	
GA77-5005 (GA77-5035)	Jan. 4, 1977.	
Georgia:		
FL76-5024 (GA77-5035)	Mar. 26, 1976.	
GA77-5005 (GA77-5035)	Jan. 4, 1977.	
Guam:		
AR-1029 (GU77-5026)	Sept. 6, 1974.	
Illinois:		
IL76-5026 (IL77-5036)	Mar. 26, 1976.	
Indiana:		
IL76-5026 (IL77-5036)	Do.	
Kentucky:		
IL76-5026 (IL77-5036)	Do.	
Missouri:		
IL76-5026 (IL77-5036)	Do.	
MO76-4107 (MO77-4059);	July 2, 1976.	
MO76-4108 (MO77-4058)		
Montana:		
MT76-5099 (MT77-5034)	Oct. 29, 1976.	
New Mexico:		
NM75-5004 (NM77-5025)	Jan. 24, 1976.	
New York:		
NY76-3281 (NY77-3002)	Nov. 12, 1976.	
North Carolina:		
FL76-5024 (GA77-5035)	Mar. 26, 1976.	
GA77-5005 (GA77-5035)	Jan. 7, 1977.	
Ohio:		
IL76-5026 (IL77-5036)	Mar. 26, 1976.	
OH76-2069 (OH77-2037)	June 11, 1976.	
OH76-2089 (OH77-2037)	July 23, 1976.	
OH76-2090, OH76-2091	July 30, 1976.	
(OH77-2037)		

single family houses and garden type apartments up to and including 4-stories) and heavy construction projects (excluding sewer and water lines construction) pending in this location should utilize General Wage Determination decision No. MD77-3017. Projects pending at the D.C. Training School should utilize General Wage Determination decision No. MD76-3285. Contracts for which bids have been opened should not be affected by this notice and consistent with 29 CFR 1.7(b)(2), the incorporation of Decision No. MD77-3019 in contract specifications the opening of bids for which is within ten (10) days of this notice need not be affected.

Signed at Washington, D.C., this 4th day of March 1977.

RAY J. DOLAN,
Assistant Administrator,
Wage and Hour Division.

Washington, D.C.:
FL76-5024 (GAT7-5035) -- Mar. 23, 1976.
GA76-5005 (GAT7-5088) -- Jan. 4, 1977.
West Virginia:
IL76-5026 (IL77-5036) ---- Mar. 26, 1976.

CANCELLATION OF GENERAL WAGE DETERMINATION DECISION

General Wage Determination decision No. MD77-3019, Anne Arundel County, Maryland, is cancelled. Agencies with building construction projects (excluding

Oklahoma:
OK76-4002 (OK77-4000) -- Jan. 16, 1976.
OK76-4139 (OK77-4002) -- July 30, 1976.
OK77-4002 (OK77-4003) -- Jan. 14, 1977.
OK77-4035 (OK77-4060) -- Feb. 18, 1977.
South Carolina:
FL76-5024 (GAT7-5035) -- Mar. 26, 1976.
GA77-5005 (GAT7-5035) -- Jan. 4, 1977.

Tennessee:
TN76-1081 (TN77-1016) -- Aug. 16, 1976.
Virginia:
FL76-5024 (GAT7-5035) -- Mar. 26, 1976.
GA77-5005 (GAT7-5035) -- Jan. 4, 1977.

MODIFICATIONS P. 1

DECISION NO. AR76-4015 - Mod. #2
(42 FR 7040 - February 4, 1977)
Crawford, Sebastian and Washington Counties, Arkansas

CHANGE:
ELECTRICIANS:
Electricians
Cable splicers

DECISION NO. AR76-4129 - Mod. #3
(41 FR 30507 - July 23, 1976)
Union & Ouachita Counties, Arkansas

CHANGE:
SHEET METAL WORKERS

DECISION NO. AR76-4133 - Mod. #5
(41 FR 30513 - July 13, 1976)
Garland, Hot Springs and Clark Counties, Arkansas

CHANGE:
PLASTERERS

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$ 9.90 10.15	.35 .35	14+5.58 14+5.58		1/4% 1/4%
\$9.65	30+.40a	.25		.07b
\$8.60				.02

MODIFICATIONS P. 2

DECISION NO. CA76-5101 - Mod. #2
(41 FR 51235 - November 19, 1976)

Alameda, Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, El Dorado, Fresno, Glenn, Humboldt, Kings, Lake, Lassen, Madera, Marin, Mariposa, Mendocino, Merced, Modoc, Monterey, 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

CHANGE:
Boilermakers
Bricklayers; Stonemasons:
Butte, Colusa, El Dorado,
Glenn, Lassen, Modoc, Nevada
Placer, Plumas, Sacramento,
Shasta, Sierra, Sutter,
Tehama, Yolo and Yuba Cos.
Electricians:
Lake, Marin, Mendocino and
Sonoma Counties
Electricians
Cable Splicers
Lathers:
Fresno, Kings, Madera and
Tulare Counties
Lime Construction:
Butte, Glenn, Lassen, Plumas,
Shasta, Tehama and Trinity
Counties
Grounds
Linenmen; Equipment
Operators
Cable Splicers
Sheet Metal Workers:
San Mateo County
Soft Floor Layers:
Solano and Sonoma Counties

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$12.80	.75	\$1.00	.50	.02
11.90	.80	1.05		.25
12.65 13.91	.82 .82	14+.30 14+.30		.02 .02
12.03	.35	.45		
9.58	.87	14+.705		.02
11.98 13.18	.87 .87	14+.705 14+.705		.02 .02
12.62	.66	1.81		.12
11.30	.60	1.00	c	.10

MODIFICATIONS P. 4

DECISION NO. CA76-5116 - Mod. #2 (41 FR 54115-December 10, 1976) San Diego County, California	Fringe Benefits Payments				Basic Hourly Rates
	H & W	Pensions	Vacation	Education and/or App. Tr.	
Change:					
Asbestos Workers	.80	\$1.17		.06	13.10
Boilermakers	.75	1.00	.50	.02	12.80
Glaziers	.67	.60			10.90
Painters:					
Brush; Paint Burner	.99	1.18	.75	.07	10.99
Swing Stage, brush; Spray; Iron, steel and bridge painter (ground work)					11.24
Paperhanger; Spray, swing stage; Sandblaster; Iron, steel and bridge, swing stage; Iron, steel and bridge, spray (ground); Siggers, climbing steel; Brush, climbing steel and bridge	.99	1.18	.75	.07	11.49
Sandblaster, swing stage; Iron, steel and bridge, spray swing stage; Spray, climbing steel and bridge	.99	1.18	.75	.07	11.74
Steeplejack	.99	1.18	.75	.07	12.39
DECISION NO. CA76-5117 - Mod. #2 (41 FR 54122-December 10, 1976) San Diego County, California					
Change:					
Asbestos Workers	.80	\$1.17		.06	13.10
Boilermakers	.75	1.00	.50	.02	12.80
Glaziers	.67	.60			10.90
Painters:					
Brush	.99	1.18	.75	.07	10.99
Spray; Swing Stage, Brush Paperhangers; Spray, swing stage; Sandblaster	.99	1.18	.75	.07	11.24
	.99	1.18	.75	.07	11.49

MODIFICATIONS P. 3

DECISION NO. CA76-5102 - Mod. #2 (41 FR 51272 - November 19, 1976) Alameda, Alpine, Mendocino, Calaveras, Contra Costa, Del Norte, El Dorado, Fresno, Humboldt, Marin, Mariposa, Nevada, Nye, Placer, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Solano, Sonoma, Sutter, Tehama, Tuolumne, Yolo and Yuba Counties California	Fringe Benefits Payments				Basic Hourly Rates
	H & W	Pensions	Vacation	Education and/or App. Tr.	
Change:					
Boilermakers	.75	\$1.00	.50	.02	12.80
Bricklayers; Stonemasons; Electricians; Nevada, Placer, Sacramento, Sutter, Tehama, Yolo and Yuba Counties	.80	1.05		.05	11.90
Electricians:					
Marin and Sonoma Counties	.81	1.14	.30	.02	12.65
Electricians	.81	1.14	.30	.02	13.91
Cable Splicers	.35	.45			11.43
Lathers:					
Fresno County	1.25	2.29		.12	13.19
Plumbers:	.71	1.12		.05	13.33
Alameda County	.66	1.81		.12	12.62
Del Norte and Humboldt Cos.	.60	1.00	b	.10	11.30
Sheet Metal Workers:					
San Mateo County					
Soft Floor Layers:					
Solano and Sonoma Counties					

MODIFICATIONS P. 6

DECISION NO. CAYO-5120 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
Sheet Metal Workers: Riverside and San Bernardino Counties	10.10	\$1.04	\$1.80		.08
Kern County (China Lake Naval Ordnance Test Station and Edwards AFB)	13.67	1.04	1.80		.02
Kern County (Remainder of County & all of Inyo & Mono Counties; Los Angeles County (that portion north of a straight line drawn between Gorman and Big Pines)) Soft Floor Layers: Los Angeles, Orange, Riverside, Santa Barbara, San Luis Obispo, San Bernardino and Ventura Counties	11.17	1.04	1.80		.02
Kern County including that portion lying East of the Los Angeles Aqueduct and that portion of Inyo County included within the Inyo-Kern Naval Reservation	10.32	.70	.60	.78	.07
9.72	.70	.60	.78	.07	

Add:
Line Construction:
Inyo, Mono and San Bernardino Counties
Groomsmen
Linemen
Cable Splicers

MODIFICATIONS P. 5

DECISION NO. CAYO-5120 - Mod. 83 (41 FR 56556-December 28, 1976)

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
Imperial, Inyo, Kern, Los Angeles, Mono, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura Counties, California	\$13.10 12.80	.80 .75	\$1.17 1.00	.50	.06 .02
Imperial County	10.90	.67	.90		
Painters: Imperial, Orange, Riverside, Los Angeles (Pomona Area), San Bernardino (excluding Western portion) Brush; Paint Burners Paperhangers; Iron, steel and bridge (swing stage); Sheet rock tapper Brush (swing stage); Spry Steeplejack San Luis Obispo, Santa Barbara, and Ventura Counties	10.99 11.49 11.24 12.39	.99 .99 .99 .99	1.18 1.18 1.18 1.81	.75 .75 .75 .75	.07 .07 .07 .07
Brush Iron and steel; Paperhangers; Pest Machine Operator; Sandblaster Spraymen Steeplejack Tappers, sheet rock Refrigeration & Air Conditioning: Riverside and San Bernardino Counties	11.51 11.76 12.01 12.76 12.11	.75 .75 .75 .75 .75	.60 .60 .60 .60 .60	.90	.03 .03 .03 .03 .03
9.85	.96	.70	.90	.05	
Roofers: Inyo, Kern and Mono Counties San Luis Obispo and Santa Barbara Counties	9.70 10.43	.60 .535	.60 .34		.0025

DECISION 8CA76-5121 - Mod. #3

(41 FR 50566-December 28, 1976)
 Imperial, Kern, Los Angeles,
 Orange, Riverside, San
 Bernardino, San Luis Obispo,
 Santa Barbara and Ventura
 Counties, California

Change:
 Asbestos Workers
 Boilermakers
 Glassblowers
 Imperial County
 Painters:
 Imperial, Orange, Riverside,
 Los Angeles (Pomona Area);
 San Bernardino (excluding
 Western portion)
 Brush; Paint Burners
 Paperhangers: Iron, steel
 and bridge (swing stage);
 Sheet Rock Tapers
 Brush (swing stage); Spray
 Steeplejack
 San Luis Obispo, Santa
 Barbara and Ventura Counties
 Brush
 Iron and steel; Paperhangers;
 Paste Machine Operator;
 Sandblaster
 Tapers, Sheetrock
 Spraymen
 Steeplejack
 Refrigeration & Air Conditioning:
 Riverside and San Bernardino
 Counties
 Roofers:
 Kern County
 San Luis Obispo and Santa
 Barbara Counties

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$13.10	.80	\$1.17		.06
12.80	.75	1.00	.50	.02
10.90	.67	.90		
10.99	.99	1.18	.75	.07
11.49	.99	1.18	.75	.07
11.24	.99	1.18	.75	.07
12.39	.99	1.18	.75	.07
11.51	.75	.60		.03
11.76	.75	.60		.03
12.11	.75	.60		.03
12.01	.75	.60		.03
12.76	.75	.60		.03
9.85	.96	.70	.90	.05
9.70	.60	.60		
10.43	.535	.34		.0025

DECISION NO. CA76-5122 (Cont'd)

Sheet Metal Workers:
 Riverside and San Bernardino
 Counties
 Kern County (China Lake Naval
 Ordnance Test Station and
 Edwards AFB)
 Kern County (Remainder of
 County and Los Angeles
 County (That portion North
 of a straight line drawn
 between Cosman and Big
 Flies))
 Soft Floor Layers:
 Los Angeles, Orange,
 Riverside, Santa Barbara,
 San Luis Obispo, San
 Bernardino and Ventura
 Counties
 Kern County

Basic Hourly Rates	H & W	Fringe Benefits Payments		Education and/or Appr. Tr.
		Pensions	Vacation	
\$10.10	\$1.04	\$1.80		.02
13.67	1.04	1.80		.02
13.17	1.04	1.80		.02
10.32	.70	.60	.78	.07
9.72	.70	.60	.78	.07

MODIFICATIONS P. 9

Decision No. / Description	Fringe Benefits Payments				Education and/or Appr. Tr.
	Basic Hourly Rates	H & W	Pensions	Vacation	
Decision No. FULT-1021 - Mod. #1 (41 FR-10227 - February 18, 1977) Doral County, Florida Change: Asbestos workers	10.76	.45	.55		.04
Decision # PCT7-1023 - Mod. # 1 (41 FR-16360 - April 16, 1976) Breward and Volusia (Cape Kennedy, Kennedy Space Flight Center, Patrick AFB, & Melihar Radar Site only), Counties Florida.					
Add: Plumbers, pipefitters, steamfitters Industrial	10.52	.57	.56	.60	.05

MODIFICATIONS P. 10

Decision # / Description	Fringe Benefits Payments				Education and/or Appr. Tr.
	Basic Hourly Rates	H & W	Pensions	Vacation	
(42 FR 11195 - February 25, 1977) Statavide Idaho Change: Bricklayers; Stonemasons: Ada, Adams, Boise, Canyon, Elmore, Gem, Owyhee, Payette, Valley, Washington Counties Glasiors: Benewah, Clearwater, Idaho County (north of 46th Parallel), Latah, Lewis, Nez Perce Counties Marble Setters: Ada, Adams, Boise, Canyon, Elmore, Gem, Owyhee, Payette, Valley, Washington Counties Soft Floor Layers: Benewah, Bonner, Boundary, Clearwater, Idaho County (north of 46th Parallel), Kootenai, Latah, Lewis, Nez Perce, Shoshone Counties Terrazo Workers & Tile Setters: Ada, Adams, Boise, Canyon, Elmore, Gem, Owyhee, Payette, Valley, Washington Counties	\$9.85	.55	\$1.10		
	8.03	.40	.25	br.28	
	9.00	.55	1.10		
	9.05	.40	.60		
	9.00	.55	1.10		
Add: Plasterers' Tenders: Benewah, Bonner, Boundary, Clearwater, Idaho County (north of 46th Parallel), Kootenai, Latah, Lewis, Nez Perce, Shoshone Counties	8.60	.65	.70		.02

DECISION 48077-2017 - Mod. #3
(42 FR 3142 - January 14, 1977)
Counties of Baltimore, Harford,
Howard and Baltimore City,
Maryland

Add:
To Counties the County of
Anne Arundel (excluding the
D. C. Training School),
Maryland

Change:
Carpenters, Soft Floor Layers,
Millwrights, & Pile Drivers:
Anne Arundel (the City of
Annapolis and that portion
east of the county south and
beginning at Rte. 3 and the
Patuxent River, north on
Rte. 3 to the junction of
Benfield Rd., then right on
Benfield Rd. to the junction
of Jumpers Hole Rd., left on
Jumpers Hole Rd. to the
junction of Ritchie Hwy.,
left on Ritchie Hwy. to the
junction of Rte. 100, right
on Rte. 100 to Rte. 177 and
continuing in an easterly
direction on Rte. 177 to
Gibson Island), County:
Carpenters & soft floor
layers
Millwrights
Pile drivers

Basic Hourly Rates	Fringe Benefits Payments			Education and/or App. Tr.
	H & W	Pensions	Vacation	
\$10.00	.65	.53		.07
10.46	.65	.53		.07
10.21	.65	.53		.07

DECISION NO. 1A76-4145 - Mod. #3
(41 FR 38711 - Sept. 10, 1976)
Clinton County (City of Clinton
and abutting municipalities),
Iowa

Change:
Building, Water Treatment
Plants & Sewage Disposal
Plants Construction:
Marble Setters
Terrazzo Workers
Tile Setters

DECISION NO. 1A76-4172 - Mod. #3
(41 FR 43502 - Oct. 15, 1976)
Scott County, Iowa

Change:
Building Construction:
Bricklayers & Stonemasons
Marble Setters
Terrazzo Workers
Tile Setters

DECISION NO. 1A76-4173 - Mod. #2
(41 FR 43503 - Oct. 15, 1976)
Story County (City of Ames &
abutting municipalities), Iowa

Change:
Building, Water Treatment
Plants & Sewage Disposal
Plants Construction:
Carpenters:
Carpenters; Piledrivermen
Millwrights

Basic Hourly Rates	Fringe Benefits Payments			Education and/or App. Tr.
	H & W	Pensions	Vacation	
\$ 9.70	.35	.50		
9.70	.35	.50		
9.70	.35	.50		
\$10.25	.35	.50		.03
9.70	.35	.50		
9.70	.35	.50		
9.70	.35	.50		
\$8.85		.50		
9.20		.50		

DECISION NO. 30276-20530- 13rd-23
(41 FR 34514- August 13, 1976)
Essex County, Massachusetts

Change:
Plumbers & Steamfitters:
Remainder of County

Add:
All work, including demolition, repair and alteration of any existing structure which is intended for predominantly residential use:
Berkeley: Andover, Boxford, Danvers, Lawrence, Lynn, Lynnfield, Marblehead, Methuen, Middleton, Nahant, North Andover, Peabody, Salem, Saugus, Swampscott, & Topsfield
Carpenters: Andover, Lawrence, Methuen, North Andover, & U. Andover
Electricians: Andover, Lawrence, Methuen, and North Andover
Laborers
Plasterers: Amesbury, Boxford, Georgetown, Groveland, Haverhill, Lawrence, Merrimac, Methuen, U. Andover, Salisbury, W. Salisbury
Plumbers: Andover, Georgetown, Groveland, Lawrence, Methuen, and U. Andover

Basic Monthly Rates	Fringe Benefits Payments			Education and/or App. Tr.
	H & W	Pensions	Vocative	
Carpenters etc. (Cont'd)				
Anne Arundel (remainder of county), Baltimore, Baltimore City, Harford & Howard Counties: Carpenters, soft floor layers & resilient floor layers, & pile drivers Millwrights	9.80 9.90	.65 .65	.59 .59	.05 .05
DECISION #MD77-3020 - Mod. #1 (42 FR 3151 - January 14, 1977) Allegheny & Garrett Counties, Maryland Change: Marble Masons	9.79	.40		

Basic Monthly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Pensions	Vocative	
\$10.15	1.35	.52		.05
8.42	.70	.75		.06
8.67	.60	1.00		.02
9.03	.75	1.00		.02
6.38	.80	.70		.10
8.24	.70	.75		
8.70	.73	.65		.05

MODIFICATIONS P. 16

MODIFICATIONS P. 15

Change:	Fringe Benefits Payments			
	Hourly Rates	M & E	Provision	Verbal
Carpenters & Soft floor layers	\$10.20	.60	1.00	.07
Electricians:				
Bedford, Billerica, Boxboro, Braintree, Carlisle, Chelmsford, Dracut, Dunstable, Littleton, Lowell, Tewksbury, Tyngsboro, Westford, & Wilmington	10.80	.70	1.54-2.25	.02
Painters (cont.): Bedford, Billerica, Burlington, Carlisle, Chelmsford, Dracut, Dunstable, Little, Lowell, Tewksbury, Tyngsboro, Westford, & Wilmington				
Brush				.98
Spray				.60
Plasterers: Bedford, Burlington, Lowell, Tyngsboro, & Westford	7.31	.55		.04
Plumbers:				
Ashland, Belmont, Concord, Framingham, Holliston, Hopkinton, Lexington, Lincoln, Marlboro, Maynard, Mattis, Shaborn, Stow, Sudbury, Waltham, Weyland, and Weston	8.76	.75	1.00	.06
Acton, Ayer (except portion lying west of the Greenville Branch of the Boston & Maine RR), Bedford, Billerica, Boxboro, Burlington, Carlisle, Chelmsford, Dracut, Dunstable, Granitoville, Hudson, Littleton, Lowell, Peppercell, Tewksbury, Tyngsboro, Westford, & Wilmington	8.71	.90	.70	.06
Carpenters:				
Bedford, Concord, Dover, Lincoln, Mattis, Norton, Sudbury, Waltham, Westford, Weyland, & West	8.76	.50	1.00	.07
Acton, Billerica, Boxboro, Carlisle, Chelmsford, Dracut, Dunstable, Littleton, Lowell, Peppercell, Tewksbury, Tyngsboro, Westford, & Wilmington	8.50	.60	1.00	.07
Electricians:				
Bedford, Billerica, Boxboro, Burlington, Carlisle, Chelmsford, Dracut, Dunstable, Littleton, Lowell, Tewksbury, Tyngsboro, Westford, & Wilmington	8.84	.70	1.34-2.35	.02
Remainder of County (excluding Ashby, Ayer, Ft. Devens, Groton, Peppercell, Shirley, Townend, Ashland, Hopkinton, Hudson, Marlboro, Stow, N. Reading)	9.56	.75	1.25-1.55	.05
Labors	6.38	.60	.70	.10
Painters:				
All the Newtons, Acton, Ashland, Boxboro, Concord, Framingham, Holliston, Hopkinton, Hudson, Lexington, Lincoln, Marlboro, Maynard, Mattis, Shaborn, Stow, Sudbury, Waltham, Westford, Weyland, & Weston	8.50	.65	.55	.06

DECISION NO. 10276-2102 - 1st 3d (cont.)

Painters (cont.):
Bedford, Billerica, Burlington, Carlisle, Chelmsford, Dracut, Dunstable, Little, Lowell, Tewksbury, Tyngsboro, Westford, & Wilmington

Brush
\$7.48
8.12

Spray
7.31

Plasterers: Bedford, Burlington, Lowell, Tyngsboro, & Westford

Plumbers:
Ashland, Belmont, Concord, Framingham, Holliston, Hopkinton, Lexington, Lincoln, Marlboro, Maynard, Mattis, Shaborn, Stow, Sudbury, Waltham, Weyland, and Weston

Acton, Ayer (except portion lying west of the Greenville Branch of the Boston & Maine RR), Bedford, Billerica, Boxboro, Burlington, Carlisle, Chelmsford, Dracut, Dunstable, Granitoville, Hudson, Littleton, Lowell, Peppercell, Tewksbury, Tyngsboro, Westford, & Wilmington

DECISION 49077-4033 - Mod. #1
(42 FR 10240 - February 18, 1977)
Jasper, McDonald and Newton
Newton Counties, Missouri

Change:

Labors:

Group 1	\$6.10	.40	.40	.10
Group 2	6.35	.40	.40	.10
Group 3	6.40	.40	.40	.10
Group 4	8.45	.40	.40	.10
Plumbers	9.775	.35	.55	.02

MODIFICATIONS P. 18

DECISION NO., DATE - Mod. #1 (40 FR 40012 - August 29, 1975) Statewide, North Dakota	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
Change: ELECTRICIANS: Minot (Ward County)	\$9.25	.40	.1A	.6A	.1A
DECISION #8077-5020 - Mod. #2 (42 FR 10755 - February 18, 1977) Burling, Cass, Grand Forks, Morton, Richland, Steele, Walsh and Ward Counties, North Dakota					
Change: Decision number of page 2 (original decision), and modifi- cation #1 to read: DECISION #8077-5020					
CHASSETERS: Ward County: Millwrights	\$9.21	.50	.50	.50	.02
PAINTERS: Ward County: Brush Spray	7.25 7.60				
Add: CHASSETERS: Grand Forks, Steele (Northern Area) and Walsh Counties: Millwrights	9.21	.50	.50	.50	.02

MODIFICATIONS P. 17

DECISION NO., DATE - Mod. #3 (41 FR 47798 - October 29, 1976) Cascade, Deer Lodge, Gallatin, Glacier, Hill, Missoula, Silver Bow and Valley Counties, Montana	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
Change: CMENT MASONS: Cascade, Hill and Valley Cos.	\$8.35	.44			
ELECTRICIANS: Cascade and Glacier Counties: Electricians	11.13 11.38	.42 .42	1A+.50 1A+.50		.5A .5A
MARBLE MASONS: Cable Splicers Missoula Co. Gallatin Co.	9.50 10.05 9.80	.40 .45	.25 .55		
PAINTERS: Cascade, Glacier and Valley Counties: Brush	8.09 10.34	.49 .49	.30 .30		.5A .5A
Paperhanger Brush on steel Spraying and sandblasting Gallatin County: Brush	8.59 10.34 8.44	.49 .49 .25	.30 .30 .20		.5A .5A .03
Silver Bow County: Brush	8.95	.50	.25		
PLASTERERS: Cascade and Hill Counties Missoula County	8.35 7.85	.44 .40	.25 .25		
FLOWERS: Missoula County TERAZZO AND TILE SETTERS: Gallatin County	10.53 10.05	.35	.70		.05

MODIFICATIONS P. 20

Basic Hourly Rates	Fringe Benefits Payments			Education and/or App. Tr.
	H & W	Provisions	Vocative	
\$11.10	.65	1%-.80		.13
10.59	.92	.91		.27

DECISION #D76-2285 - Mod. # 4
(41 FR 51308 - November 19, 1976)
Montgomery and Prince Georges
Counties, Maryland; Arlington
and Fairfax Counties, Virginia;
and for WMATA - Rapid Rail
Transit System Projects Only,
Alexandria, Virginia

CHANGE:
Electricians
Plumbers

Add:
To Counties:
The D. C. Training School

Omit:
Fairfax County

MODIFICATIONS P. 19

Basic Hourly Rates	Fringe Benefits Payments			Education and/or App. Tr.
	H & W	Provisions	Vocative	
\$10.80	.35	.60		.015
8.55				
6.10	.25	.30		
6.40	.25	.30		
6.60	.25	.30		
\$10.80	.35	.60		.015
6.90	.25	.30		
7.20	.25	.30		
7.30	.25	.30		
7.75	.25	.30		
\$10.80	.35	.60		.015
8.55				
9.28				
6.10	.25	.30		.10
6.40	.25	.30		
6.60	.25	.30		

DECISION NO. OK76-4137 - Mod. #4
(41 FR 32140 - July 30, 1976)
McIntosh County, Oklahoma

CHANGE:
ASBESTOS WORKERS
CEMENT MASONS
LABORERS:
GROUP I
GROUP II
GROUP III

DECISION NO. OK76-4186 - Mod. #2
(41 FR 51359 - November 19, 1976)
Tulsa, Creek, Craig, Ottawa,
DeLeon, Mayes, Rogers Counties,
Oklahoma

CHANGE:
ASBESTOS WORKERS
LABORERS:
GROUP I
GROUP II
GROUP III
GROUP IV

DECISION NO. OK76-4189 - Mod. #2
(41 FR 51278 - November 26, 1976)
Magomet County, Oklahoma

CHANGE:
ASBESTOS WORKERS
CEMENT MASONS:
ZONE I
ZONE II
LABORERS:
GROUP I
GROUP II
GROUP III

MODIFICATIONS P. 22

DECISION # (42 FR 10271 - February 18, 1977) Statewide, West Virginia Change:	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
Line Construction: Area 1F: Liners, cable splicers & equipment operators Truck with winch Truck, pole or steel hand-ling Groundmen	.45 .45 7.43 7.43 7.17	1% 1%		1/2 of 1% 1/2 of 1% 1/2 of 1% 1/2 of 1%
DECISION #WV77-3027 - Mod. #1 (42 FR 10281 - February 18, 1977) State of West Virginia including the Counties of Berkeley, Jefferson, Morgan, Nicholas, & Preston Change: Cement Masons & Plasterers: Area G Cement masons Plasterers Line Construction Hardy & Pendleton Counties Liners, cable splicers & equipment operators Truck with winch Truck, pole or steel hand-ling Groundmen	\$10.32 10.32 12.11 7.43 7.43 7.17	.70 .70		.01 1/2 of 1% 1/2 of 1% 1/2 of 1% 1/2 of 1%

MODIFICATIONS P. 21

Decision #WA76-5119 - Mod. #1 (41 FR 56148 - December 10, 1976) Clallam, Grays Harbor, Island, Jefferson, King, Kitsap, Mason, Pacific (south of Wahkiakum Co. north boundary extended due west to the Pacific Ocean), Pierce, Skagit, Snohomish, Thurston, and Whatcom Counties, Washington Change: Plumbers: Clallam, Jefferson, and King Counties Soft Floor Layers: King, Kitsap, and Snohomish Counties <th colspan="3">Fringe Benefits Payments</th> <th rowspan="2">Education and/or Appr. Tr.</th>	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
	.72 .46	1.35 .75	1.10	.07 .05
DECISION #DC76-3286 - Mod. # 5 (41 FR 51368 - Nov., 19, 1976) Washington, D. C. Change: Building and Heavy Construction, (Including WATA) Electricians Plumbers	.65 .92 \$11.10 10.59	1% .91		.13 .27

SUPERSEDES DECISION

STATE: Arizona

COUNTIES: Navajo and Hopi Indian Reservations in Apache, Coconino and Navajo Counties

DECISION NUMBER: A177-5024
 SUPERSEDES DECISION NO. A175-5003 DATED JANUARY 24, 1975, IN 40 FR 3868
 DESCRIPTION OF WORKS: Residential Construction consisting of single family homes and garden type apartments up to and including 4 stories

DECISION NO. WY26-5070 - Mod. #3
 [41 FR 31187 - August 6, 1976]
 CONVERSE, COBURN, LARAMIE,
 NETRON, SIOBRARA and PLATTE
 COUNTIES, WYOMING

Change:
 SHEET METAL WORKERS:
 COBURN, LARAMIE and PLATTE Cos.

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation	Education and/or Appr. Tr.	
\$10.30	.60	.90			.06

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation	Education and/or Appr. Tr.	
\$ 8.96	.50	.65			.01
11.79	.50	.45			.03
8.25	.40	.60			.025
7.985	.50	.60			.025
8.82	.35	.14			.144
5.08					
9.85	.50	1.07	1.00		.10
7.35	.40	.20			.02
9.56	.27	.32			.02
8.30	.50	.30			.01
5.50					
8.01					

ASBESTOS WORKERS

BRICKLAYERS

CARPENTERS

CEMENT MASONS

ELECTRICIANS

LABORERS, Unskilled

PLUMBERS

ROOFERS

SHEET METAL WORKERS

TILE LAYER, Ceramic

TRUCK DRIVERS

POWER EQUIPMENT OPERATORS:

Grader, Bulldozer, Backhoe,

Trencher

COUNTY: Conway, Faulkner, Van Buren, Cleburne & Perry

DATE: Date of Publication

DECISION NO. AR77-4061
 SUPPLEMENTAL DECISION NO. AR76-8130 dated July 23, 1976 to 41 FR 30504
 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			Education and/or App. Tr.
		H & W	Pensions	Vacation	
ASBESTOS WORKERS	\$10.10	.40	.50		.02
BOILERMAKERS	10.00	.50	1.00		.02
BRICKLAYERS & STONEMASONS	8.55	.40	.35		.04
CARPENTERS: Cleburne, Van Buren, Falkner County and the Eastern half of Conway and Perry Counties;	8.23	.45	.35		.05
Carpenters	8.75	.45	.35		.05
Millwrights & piledrivermen	7.65	.40	.30		.04
Western half of Conway and Perry Counties;	8.13	.40	.30		.04
Carpenters	8.27	.25			.03
Millwrights & Piledrivermen	9.99	.40	1%		1/4%
ELECTRICIANS: Electricians	10.075	.40	1%		1/4%
Cable splicers	8.88	.545	.35	45%+45	.02
ELEVATOR CONSTRUCTORS: Journeymen	7.01R	.545	.35	45%+45	.02
Helpers	5.01R	.45	.25		.01
Helpers - Probationary	7.40	.45	.40		.01
GLAZIERS	9.06	.45	.40		.01
IRONWORKERS	5.82	.25	.35		.04
LABORERS: Group I	6.07	.25	.35		.04
Group II	6.23	.25	.35		.04
Group III	6.32	.25	.35		.04
Group IV	6.47	.25	.35		.04
Group V	6.72	.25	.35		.04
Group VI	6.82	.25	.35		.04
Group VII					

LABORERS CLASSIFICATION DEFINITIONS

GROUP I
 Construction laborers, concrete labor, wrecking labor, mechanic's labor, excavating labor, plumber's labor, electricians labor, gress cutter, blowpipe, and concrete pump hose placer

GROUP II
 Semi-skilled laborer; pipelayers, concrete-clay and mechanical tool, cement mixer, wet or dry finishers, and plasterers, mason tender, mortar mixers, asphalt laborers and shovelers, creosote wood handlers, chuck tender

LABORERS CLASSIFICATION DEFINITIONS (CONT'D)

GROUP III
 Scaffolding setters, curb and gutters, gROUT and cement muckers

GROUP IV
 Swinging scaffold, Barco, 90 lb pavement breaker, and burners

GROUP V
 Kozlikman (Conlite, Grest, and sandblaster); concrete pump (nozzle placer)

GROUP VI
 Powderman & blasterers

GROUP VII
 Wagon drill

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or App. Tr.
		H & W	Pensions	Vacation	
LATERS	\$8.60				.02
LINE CONSTRUCTION: Linemen	10.85		1%		3/8%
Cable splicers	10.975		1%		3/8%
Operator	10.85		1%		3/8%
Groundman (advanced)	65LR		1%		3/8%
Groundman (1st 6 months)	49LR		1%		3/8%
Winch equipment	73LR		1%		3/8%
MARBLE, TILE AND TERRAZZO WORKERS	7.40				
MARBLE, TILE & TERRAZZO HELPERS	5.35				
PAINTERS: Painters, paperhangers and steam cleaners, sheet rock finishers and wall cover hangers	7.25		.30		
Spray gun operators and sand blasterers	7.85		.30		
All skeleton steel and all work on stages, structural steel	7.50		.30		.02
over 30 feet high	7.80		.30		.02
PLASTERERS					
PLUMBERS & PIPEFITTERS: Within 10 mile radius of Pulaski County Courthouse	9.85	.45	.55		.02
Over 10 mile from Pulaski County Courthouse	10.15	.45	.55		.02
POWER EQUIPMENT OPERATORS: GROUP I	9.20	.35	.35		.35
GROUP II	8.36	.35	.35		.35
GROUP III	7.98	.35	.35		.35
GROUP IV	6.60	.35	.35		.35

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP I

Cranes, draglines, shovels and pile-drivers with a lifting capacity of 50 tons or over, and operators of all towers, climbing cranes, and derricks required to work 25 feet or over from the ground, blacksmith, mechanics and/or welders

GROUP II

Hydraulic cranes, cherry pickers, backhoes and all derricks with a lifting capacity less than 50 tons, as specified by the manufacturer, all backhoes, tractor or truck type, all overboard and traveling cranes, or tractors with swinging boom attachments, gradecalls, all above equipment irrespective of size

GROUP III - HEAVY EQUIPMENT OPERATORS:

All bulldozers, all front end loaders, all sidebooms, skytracks, all pomb tractors, all pull scrapers, all motor graders, all trenching machines, regardless of size or motive power, all back fillers, all central mixing plants, 105 and larger, finishing machines, all boiler firemen high or low pressure, all asphalt spreaders, hydro truck crane, multiple drum hoist, irrespective of motive power, all rotary, cable tool core drill or churn drill, water well and foundation drilling machines, regardless of size, regardless of motive power and dredge tender operator

GROUP IV - LIGHT EQUIPMENT OPERATORS:

Oillet driver motor crane, single drum hoists, winches and air tuggers, irrespective of motive power, wheel or 4-frame trucks, forklifts, rollers of all types and pull tractors, regardless of size, elevator operators inside and outside when used for carrying workmen from floor to floor and handling building material, La2-A-Vator, conveyor, batch plant and mortar or concrete mixers, below 105, and dump Euclid, pumps, sprays machine and pressure grout machine, air compressors, regardless of size, and motive power, equipment greaser, oiler, mechanic helper, drilling machine helper, asphalt distributor, and like equipment, safety boat operator and deckhand

ROOFERS
SHEET METAL WORKERS
SPRINKLER FITTERS

Basic Monthly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$7.60		.10		.02
9.65	.40	.40		.05
9.87	.60	.50		

Welders - receive rate prescribed for craft performing operation to which welding is incidental.

PAID HOLIDAYS:

A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:

- Paid Holidays - A through F
- Employer contributes 4% of regular hourly rate to Vacation Pay Credit for employees 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.

STATE: COLORADO COUNTY: Statewide
 DECISION NUMBER: C077-5014 Date of Publication
 Supercedes Decision No. C074-5067 dated July 30, 1976, in 41 FR 32115
 DESCRIPTION OF WORK: Heavy and Highway Construction

Basic Hourly Rates	Fringe Benefits Payments			Education and/or App. Tr.
	H & W	Pensions	Vacation	
\$ 11.45	.52	14+.65		14
12.52	.52	14+.65		14
12.58	.52	14+.65		14
13.65	.52	14+.65		14
16.20	.52	14+.65		14
16.95	.42	14+.50		.015
9.75	.71	3.15		.10
9.76	.65	.70		.07
10.36	.65	.70		.07
7.87	.50			.04
8.37	.50			.04
8.87	.50			.04
9.37	.50			.04

HIGHWAY CONSTRUCTION

ELECTRICIANS: (Cont'd)
 Zone 3 (30 to 40 miles from Pueblo Main Post Office)
 Electricians
 Cable Splicers
 Zone 4 (40 miles and over from Pueblo Main Post Office)
 Electricians
 Cable Splicers
 Electricians on electrical contracts less than \$20,000 in Zones 3 and 4
 Cheyenne, Elbert, El Paso, Kit Carson, Lincoln, Park, and Teller Counties
 Electricians
 INSURERS
 PAINTERS:
 Adams, Arapahoe, Boulder, Clear Creek, Delta, Denver, Douglas, Eagle, Elbert, Garfield, Gilpin, Grand, Gunnison, Jackson, Jefferson, Lake, Larimer, Logan, Mesa, Moffat, Montrose, Morgan, Park (Northern half), Phillips Pitkin, Rio Blanco, Routt, Sedwick, Summit, Washington, and Weld Counties
 Brush
 Spray, Swing Stage
 Baca, Bent, Crowley, Custer, Huerfano, Kiowa, Las Animas, Otero, Prowers and Pueblo Cos.
 Brush
 Steel Painters
 Spray Painters
 Steel Spray

Basic Hourly Rates	Fringe Benefits Payments			Education and/or App. Tr.
	H & W	Pensions	Vacation	
\$ 10.94	.70	14+.50		14
11.19	.70	14+.50		14
11.25	.52	14+.25		14
11.50	.52	14+.25		14
10.70	.52	14+.65		14
11.77	.52	14+.65		14
11.10	.52	14+.65		14
12.17	.52	14+.65		14

HIGHWAY CONSTRUCTION:

ELECTRICIANS:
 Adams, Arapahoe, Boulder, Clear Creek, Denver, Douglas, Eagle, Gilpin, Grand, Jefferson, Lake, Larimer, Logan, Morgan, Phillips, Sedwick, Summit, Washington, Weld and Yuma Counties
 Electricians
 Cable Splicers
 Delta, Dolores, Garfield, Gunnison, Huerfano, La Plata, Mesa, Moffat, Montezuma, Montrose, Ouray, Pitkin, Rio Blanco, Routt, San Juan and San Miguel Counties
 Electricians
 Cable Splicers
 Archuleta, Baca, Bent, Chaffee, Crowley, Custer, Fremont, Alamosa, Huerfano, Kiowa, Las Animas, Mineral, Otero, Prowers, Pueblo, and Rio Grande Counties
 Zone I (Within 12 miles from Pueblo Main Post Office)
 Electricians
 Cable Splicers
 Zone II (12 to 20 miles from Pueblo Main Post Office) and (0 to 12 miles from Post Office in Canon City)
 Electricians
 Cable Splicers

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$ 8.54	.68	.75	.55	.06
9.04	.68	.75	.55	.06
8.74	.68	.75	.55	.06
9.24	.68	.75	.55	.06
8.84	.68	.75	.55	.06
9.34	.68	.75	.55	.06
7.91	.47	1.15	.30	.09
8.41	.47	1.15	.30	.09

Heavy and Highway Construction

CARPENTERS:

Carpenters

*Zone I

*Zone II

Underground Carpenters

*Zone I

*Zone II

Working on Creocoted material, High work 40' above ground or floor on exposed scaffold or boatwalks chair; Filedriving; Sawmills continuously assigned to 1/4 HP saw at jobsite

*Zone I

*Zone II

CEMENT MASONS:

*Zone I

*Zone II

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$ 8.43	.60	.30	.04	
9.24	.60	.30	.04	
8.95	.60	.30	.04	
9.74	.60	.30	.04	

PAINTERS: (Cont'd)

Archaleta, Chaffee, Cheyenne,

Dolores, El Paso, Fremont,

Elm Dale, Kit Carson, La

Plata, Lincoln, Mineral,

Montezuma, Oursay, Park

(Northern half), Rio Grande,

Saguache, San Juan, San Miguel

and Teller Counties

Brush

Spray

Steel

Steel Spray

LABORERS
(Heavy and Highway Construction)

Group 1: Minimum Labor, including Caissons to 8'; Setting Reinforcing Rods; Work on Cross Culverts, connections and side drains in connection with highway work, whether corrugated metal or concrete pipe; Fence Erectors; Metal Mesh; Dowel Bars; Tie Bars and Chairs in concrete paving; Flagman directing traffic; Nursery Man including seeding, mulching and planting of trees, shrubs and flowers; Stake chaser; Gabion Baskets and Memo Mattresses; Pipe plants and yards, stringing of pipe or skids, handling and signaling on pipe line work

Group 2: Chuck Tenders, Rippers, Core and Diamond Drill Helpers, Feedermen, Belpers; Hot Asphalt Labor, Packers, Boatenders, Asphalt Out Machines, Rotmen (not mechanical); Multi-plate Culvert Pipe; Air, gas and electrical tool operators; Barco Hammers; Spades, electric hammers; Air Tappers; Cutting Tools on demolition work; Caissons 8' to 12'; Cofferdams; Power operated Concrete Buggies; Operators of concrete saws on pavement (other than gang saws); Timber and Chain Saws; Stresher or Stretcherman on Post Tension or Prestressed Concrete on or off jobsite; Tool Room Man and Checkers; Cement Finisher Helper; Sand Blaster; Sand Blaster Helper; Concrete processing material; Monitor; Spotters; Signalmen; Dumpmen; Transverse Concrete Conveyor Operator; Mechanical Grouters; Boring Machine (air hydraulic); Automatic Concrete Power Cutting Machine; Jack Hammer; Vibrators; Paving Breakers; Frostproofing; Any laborer performing bridge work over 40' above the ground or above a flood and working from a Bos's Chair; Swing Stage, Life Belt or Block and Tackle as safety requirement. (All lines and safety belts used shall be of a type approved by State and Federal laws) Gunning and Shotcrete Belpers; Caissons over 12'; Scalers; Timbermen, underpinning and shoring; Form-setters and/or stringmen on roads, highways, streets and airport runways; Distribution, placing and booking of landing mats; Bull Float (hand operated) and Center Expansion Machines; Grade Checkers if required by employer; Pipe Wrappers; Dopers; Jeep Holiday Detector Men, Bandage Makers; Laborers working in trenches on all pipe lines, sewer, water, gas, oil, telephone conduit, Pen Stock, Siphons, drainage lines, Caulkers, Yarners, Fine Graders, air, gas, electric and hydraulic tools, Boring Machines, Hydraulic Jacks, Drills, Tappers, and similar operated tools; Wiping of Joint Concrete Pipe, inside and out; Labor, applicable to pipe coating or wrapping, plants and yards; Enamellers of pipe, inside and out

Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appl. Tr.
		H & W	Pensions	Vacation	
*Zone I	*Zone II				
\$ 6.20	\$ 6.70	.47	.52		.05
6.30	6.80	.47	.52		.05
6.40	7.10	.47	.52		.05
6.75	7.25	.47	.52		.05
6.95	7.45	.47	.52		.05
6.20	6.70	.47	.52		.05
7.10	7.60	.47	.52		.05
7.20	7.70	.47	.52		.05
7.28	7.78	.47	.52		.05
7.35	7.85	.47	.52		.05
7.50	8.00	.47	.52		.05
7.20	7.70	.47	.52		.05
7.35	7.85	.47	.52		.05
7.45	7.95	.47	.52		.05
7.63	8.13	.47	.52		.05
7.73	8.23	.47	.52		.05
7.78	8.28	.47	.52		.05

LABORERS

(Heavy and Highway Construction)

- Group 1
- Group 2
- Group 3
- Group 4
- Group 5

LABORERS

(Tunnels)

- Group 1
- Group 2
- Group 3
- Group 4
- Group 5
- Group 6

(Shafts, Raíses, Missile Silos and all underground work other than Tunnels)

- Group 1
- Group 2
- Group 3
- Group 4
- Group 5
- Group 6

LABORERS (Cont'd.)
(Heavy and Highway Construction)

- Group 3: Powdermen and Blasters; Gunnite Workmen; Shotcrete Operator; Pipe Layer on truck pipe lines in connection with highway work; Reining Pipe; Miner Man; Pipelayer; Hydro-broom
- Group 4: Wagon Drills and Air Tracks; Jack Hammer Operators in Caissons over 12"; Ballers and Stemmen; Licensed Powdermen; Diamond and Core Drills powered by air
- Group 5: Any work, other than on bridges, performed by Laborers working from a Bos's Chair, Swinging Stage, Life Belt or Block and Tackle as a safety requirement. All lines and safety belts used shall be of a type approved by State and Federal Laws; Plugs and Galleys in dams

LABORERS
(Tunnels)

- Group 1: Outside Labor
- Group 2: Minimum Tunnel Labor, Dry Houseman
- Group 3: Cable or Hose Tenders, Chuck Tenders, Concrete Laborers, Dumpmen, Whirley Pump Operators
- Group 4: Helpers on Shotcrete, Gunning and Sand Blasting; Helpers, Core and Diamond Drills; Pot Tenders
- Group 5: Cement Finisher Helper, applying or concrete processing materials
- Group 6: Collapsible form movers and setters, Miners, Machine Men and Bit Grinders, Sippers, Powdermen and Blasters, Reinforcing Steel Setters, Timbermen (steel or wood tunnel support, including the placement of sheeting when required) and all cutting and welding that is incidental to the Miner's work; Tunnel Liner Plate Setters; Vibrator Men, internal and external; Unloading, stopping and starting of Moran Agitator Cars; Diamond and Core Drill Operators; Cement Finisher (underground); Shotcrete Operator; Gunnite Workmen, Sand Blasters, Pump Concrete placement Men

LABORERS (Cont'd.)

(Shafts, Mines, Missile Silos and all Underground work other than Tunnels)

- Group 1: Laborers, Toyman, Bottommen and Coggers
- Group 2: Chucktenders, Concrete Laborers, Whirley Pump Operators
- Group 3: Helpers in Shotcrete Gunning and Sand Blasting; Helpers on Core and Diamond Drills; Pot Tenders; Cement Finisher Helpers; Applying of concrete processing material
- Group 4: Collapsible form movers and setters, Miners, Machine Men and Bit Grinders, Sippers, Powdermen and Blasters, Reinforcing Steel Setters, Timbermen (steel or wood tunnel support, including the placement of sheeting when required) and all cutting and welding that is incidental to the Miner's work; Liner Plate Setters; Vibrator Men, internal and external
- Group 5: Diamond and Core Drill Operators; Cement Finisher (underground); Gunite Workmen; Shotcrete Operators; Sand Blasters and Pump Concrete Placement Men
- Group 6: Any employee performing work underground from a Bos's Chair, Swinging Stage, Life Belt or Block and Tackle as a safety requirement. (All lines and safety belts used shall be of a type approved by State and Federal laws)

POWER EQUIPMENT OPERATORS

(Other than for work in Tunnels, Shafts and Raises)

Group 1: Air Compressor; Asphalt Screed; Oiler; Brakeman; Drill Operator - smaller than Williams M; and similar; Helper to Heavy Duty Mechanic and/or welder; Operators of 5 or more light plants, Welding Machines, Generators, single unit conveyor; Vacuum Well Point System; Tractor, under 70 HP with or without attachments

Group 2: Conveyor, handling building materials; Bitch Witch and similar Trenching Machine; Fireman of Tank Hoster, road; Forklift; Haulage Motor Man; Hogmill; Portable Screening Plant with or without a spray bar; Screening Plants, with classifier; Self-propelled Roller, rubber-tired under 5 tons

Group 3: Asphalt Plant; Backfiller, Bituminous Spreader or Laydown Machine; Cableway Signalman; Calson Drill; Williams M, similar and larger; C.M.I. and similar; Concrete Batching Plants; Concrete Finish Machine; Concrete Gang Saws on concrete paving; Concrete Mixer, less than 1 yd.; Concrete Placement Pumps, under 8 inches; Distributors, Bituminous Surfaces; Drill, Diamond or Core; Drill Rigs, rotary, churn, or cable tool; Elevating Graders, Equipment Lubricating and service Engineer; Engineer Fireman; Grouth Machine; Granite Machine; Hoist, 1 drum; Hydraulic Backhoes, wheel mounted under 3/4 yd.; Loader, Barbet Green, etc.; Loader up to and including 6 cu. yds.; Machine Doctor; Mechanic; Motor Grader/Blade, roops; Road Stabilization Machine; Rollers, self-propelled, all types over 5 tons; Sandblasting Machine; single unit portable crusher, with or without washer; Tie Tamper, wheel mounted; Tractor, 70 HP and over with or without attachments; Trenching Machine Operator; Welder; Winch on track

Group 4: Cable operated Crane, truck mounted; Cable operated power Shovels, Draglines, Clamshells, and Backhoes, 5 cu. yds. and under; Concrete Mixer over 1 cu. yd.; Concrete Paver 342 or similar; Concrete Placement Pumps, 8 inches and over; Crane, 50 tons and under; Hoist, 2 drums; Hydraulic Backhoe, 3/4 yd. and over; Loader, over 6 cu. yds.; Mechanic-welder, heavy duty; Mixer mobile; Motor Grader/blade, finish; Multiple unit portable Crusher, with or without washer; Piledriver; Scrapers, single bowl under 40 cu. yds.; Self-propelled Hydraulic Crane; Tractor with sideboom; Truck mounted Hydraulic Crane

Group	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
			H & V	Pensions	Vacation	
Group 1	*Zone 1 \$ 7.50	*Zone 2 \$ 8.25	.45	.75	.30	.06
Group 2	7.85	8.60	.45	.75	.30	.06
Group 3	8.20	8.95	.45	.75	.30	.06
Group 4	8.35	9.10	.45	.75	.30	.06
Group 5	8.50	9.25	.45	.75	.30	.06
Group 6	8.65	9.40	.45	.75	.30	.06
(For work in Tunnels, Shafts, and Raises)						
Group 1	7.65	8.40	.45	.75	.30	.06
Group 2	8.00	8.75	.45	.75	.30	.06
Group 3	8.10	8.85	.45	.75	.30	.06
Group 4	8.35	9.10	.45	.75	.30	.06
Group 5	8.50	9.25	.45	.75	.30	.06
Group 6	8.90	9.65	.45	.75	.30	.06

POWER EQUIPMENT OPERATORS (Cont'd)
(Other than for work in Tunnels, Shafts and Raizes)

Group 5: Cable operated power Shovels, Draglines, Clamshells and Backhoes over 5 cu. yds.; Crane, over 50 tons carrier mounted; Derrick; Electric rail type Tower Crane; Hoist, 3 drum or more; Quad Mine and similar push unit; Scrapers - single bowl including pups 40 cu. yds. and tandem bowls and over

Group 6: Cableway; Climbing Tower Crane; Crawler or truck mounted Tower Crane; Wheel Excavator, Tower Crane, truck type

POWER EQUIPMENT OPERATORS (Cont'd)
(For work in Tunnels, Shafts and Raizes)

- Group 1: Brakeman
- Group 2: Motorman
- Group 3: Compressor (900 CFM and over) serving Tunnels, Shafts and Raizes
- Group 4: Air Tractors; Grout Machine; Gunnite Machine; Jumbo Form Mechanic Welder
- Group 5: Concrete Placement Pumps, 8" and over discharge; Mechanic Welder, heavy duty; Mucking Machines and Front End Loaders, underground; Slusher; Mine Hoist Operator
- Group 6: Mole

Heavy and Highway Construction
TRUCK DRIVERS

- PICKUPS; Helpers; Scalemen; Checkers; Spotters; Dumpmen
- DUMP TRUCKS, to and including 6 cu. yds.; Sweeper; Flat Back, single axle; Liquid and Bulk Tankers, single axle; Warehousemen; Washers; Greasemen; Servicemen; Ambulance Drivers
- DUMP TRUCKS, over 6 cu. yds. to and including 14 cu. yds.; Flat Back, tandem axle; Battery Men; Mechanics' Helpers; Material Checkers; Cardex Men; Expeditors; Man Bait Shuttle Truck or Bus
- STRADDLE TRUCK; Lumber Carrier; Liquid and Bulk Tankers, tandem axle
- POKE LIFT DRIVER; Fuel Truck; Grease Truck; Combination. Fuel and grease
- DISTRIBUTOR TRUCK DRIVER; Cement Mixer, Agitator Truck to and including 10 cu. yds.; Liquid and Bulk Tankers, semi or combination
- MULTI-PURPOSE TRUCK; Speciality and Hoisting

Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Retiremen	Vacation	Education and/or Appn. Tr.
*Zone 1	*Zone 2				
\$ 7.15	\$ 7.65	.45	.30	.30	
7.25	7.75	.45	.30	.30	
7.35	7.85	.45	.30	.30	
7.40	7.90	.45	.30	.30	
7.45	7.95	.45	.30	.30	
7.50	8.00	.45	.30	.30	
7.55	8.05	.45	.30	.30	

TRUCK DRIVERS (Cont'd)

	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
			H & W	Pensions	Vacation		
DUMP TRUCKS, over 14 cu. yds. to and including 29 cu. yds.: High Boy, Low Boy, Floats, Semi-Cab operated Distributor Truck Driver, semi; Liquid and Bulk Tankers, Euclid, Electric or similar; Truck Drivers, Dumptec type Youngbagger, Jumbo and similar type equipment	\$ 7.60	\$ 8.10	.45	.30	.30		
TRUCK DRIVER, Snow Plow	7.70	8.20	.45	.30	.30		
CEMENT MIXER, Agitator Truck over 10 cu. yds., to and including 15 cu. yds.	7.75	8.25	.45	.30	.30		
DUMP TRUCKS, over 29 cu. yds. to and including 39 cu. yds.	7.85	8.35	.45	.30	.30		
CEMENT MIXER, Agitator Truck over 15 cu. yds.	8.00	8.50	.45	.30	.30		
DUMP TRUCKS, over 39 cu. yds. to and including 54 cu. yds.: Tiresman	8.05	8.55	.45	.30	.30		
MECHANIC	8.15	8.65	.45	.30	.30		
DUMP TRUCKS, over 54 cu. yds. to and including 79 cu. yds.	8.25	8.75	.45	.30	.30		
HEAVY DUTY DIESEL, Mechanics, Body Men, Welders or Combination Men	8.35	8.85	.45	.30	.30		
DUMP TRUCKS, over 75 cu. yds. to and including 104 cu. yds.	8.45	8.95	.45	.30	.30		
DUMP TRUCKS, over 104 cu. yds.	8.65	9.15	.45	.30	.30		0

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
LINE CONSTRUCTION Heavy Construction	\$11.73	.45	18			3/48
Cable Splicer	11.00	.45	18			3/48
Lineman Cableman	10.93	.45	18			3/48
Lineman (Journeyman)	9.30	.45	18			3/48
Line Equipment Operator	9.30	.45	18			3/48
Line Equipment Maintenance Man	9.30	.45	18			3/48
Groundman, Experienced	7.67	.45	18			3/48
Groundman, Inexperienced	6.96	.45	18			3/48

*ZONE DESCRIPTIONS

Carpenters, Cement Masons, Laborers
Power Equipment Operators and Truck Drivers

A. Counties entirely within Zone 1:

Alamosa	Custer	Bucifano	Otero
Archuleta	Delta	Jefferson	Phillips
Bent	Denver	La Plata	Prowers
Boulder	Douglas	Latimer	Pueblo
Chaffee	El Paso	Logan	Rio Grande
Clear Creek	Fremont	Mesa	Sedgewick
Conejos	Garfield	Montezuma	Teller
Costilla	Galpin	Morgan	Weld
Crowley			

B. Counties entirely within Zone 2:

Saca	Jackson	Moffat	Seguache
Cheyenne	Kiowa	Ouray	San Juan
Dolores	Kit Carson	Park	San Miguel
Grand	Lake	Pitkin	Summit
Gunnison	Lincoln	Rio Blanco	Tyona
Hinsdale	Mineral	Roett	

C. Legal description of the portions of Adams, Arapahoe, Eagle, Elbert, Las Animas, Montrose and Washington Counties which are included within Zone 1, as follows:

All of Adams, Arapahoe, Elbert and Las Animas Counties lying west of the Township line between R59W and R60W of the 7th Guide Meridian West; and all of Eagle County lying west of the Township line between R30W and R31W of the 16th Guide Meridian West and all of Montrose County lying northwesterly of the North line of Ouray County and said North line extended west of the Township line between R11W and R12W, said part lying east of said Township line of the New Mexico Principal Meridian, and all of Washington County lying north of the 40° 30' 00" Latitude Base Line.

D. Legal description of the portions of Adams, Arapahoe, Eagle, Elbert, Las Animas, Montrose and Washington Counties which are included with Zone 2, as follows:

All of Adams, Arapahoe, Elbert and Las Animas lying east of the Township line between R59W and R60W of the 7th Guide Meridian West, and all of Eagle County lying east of the Township line between R30W and R31W of the 9th Guide Meridian West and all of Montrose County except that part lying northwesterly of the North line of Ouray County and said North line extended west of said Township line between R11W and R12W, said point being east of said Township line of the New Mexico Principal Meridian and all of Washington County lying south of the 40° 30' 00" Latitude Base Line.

COUNTIES: Adams, Arapahoe, Berklei, Clear Creek, Denver, Douglas, Eagle, Elbert, Gilpin, Grand, Jefferson, Lake, Larimer, Morgan Park, Summit, and Weld

DATE: Date of Publication
Superorder Decision No. C076-5104 dated November 26, 1976, in 41 FR 52209

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			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$ 10.76	.38	\$ 1.17		.02
10.10	.85	1.00		
9.70	.60	.70	.25	.05
9.10	.60	.70		.05
9.85	.50	.60		.04
9.85	.60	.70		.05
9.70	.60	.70	.25	.05
9.085	.68	.75	.55	.06
10.22	.68	.75	.55	.06
11.38	.68	.75	.55	.06
8.635	.53	.70	.50	.055
9.71	.53	.70	.50	.055
10.79	.53	.70	.50	.055
8.135	.48	.60	.40	.05

CATEGORIES: (Cont'd)

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$ 7.54	.48	.60	.40	.05
7.79	.48	.60	.40	.05
8.04	.48	.60	.40	.05
8.45	.47	1.15	.60	.09
8.95	.47	1.15	.60	.09
8.70	.47	1.15	.60	.09
8.94	.68	.75	.55	.06
10.95	.42	14+.50		.015
10.94	.70	14+.50		2/104
11.19	.70	14+.50		2/104
10.64	.545	.35	44+a	.02
794JR	.545	.35	44+a	.02
594JR				
10.06	.71	1.15	.10	.01
9.75				
10.14				

Carriers (Remainder of County), Eagle, Lake, Park (South 40 miles) and Summit Counties
Zone I (0-30 miles from P.O. in Leadville or Fort Collins)
Zone II (30-60 miles from P.O. in Leadville or Fort Collins)
Zone III (All work outside of the 60 mile radius from P.O. in Leadville or Fort Collins)
CROCKET MASONS:
Cement Masons Working with composition materials and color
Working on scaffold, swing stage, or temporary platform over 25'
IRONWALL INSTALLERS
ELECTRICIANS:
Electricians (Elbert and Park Counties)
Electricians (Remaining Cos.)
Cable Splicers (Remaining Counties)
ELEVATOR CONSTRUCTORS
ELEVATOR CONSTRUCTORS' HELPERS
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)
GLAZIERS
IRONWORKERS
LATHEERS

Basic Hourly Rates	Fringe Benefits Payments			Education and/or App. Tr.
	H & V	Pensions	Vacation	
\$ 9.75	.71	.70		.04
9.11	.50	.50		.04
5.75	.71	.70		.04
9.75	.71	.70		.04
7.44	.71	.70		.40
7.59	.71	.70		.40
8.14	.71	.70		.40

TESSALED WORKERS:
TILE LAYERS:
 Elbert, Lake and Park Cos.
 Remaining Counties
TILE, MASONRY & TERRAZZO
HELPER:
 Helpers
 Floor Grinders
 Base Grinders
 *Park County dividing line:
 Line from the S.W. corner of Jefferson County to the S.E. corner of Lake County
 **Area South of Lake County to a point 2 miles north of the City of Leasville to a point 1/2 mile north of the City of Wilson at the west border of Lincoln County
FOOTNOTE:
 a. Employer contributes 4% basic hourly rate for over 5 years' service and 2% basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. Six Paid Holidays: A through F.
PAID HOLIDAYS:
 A-New Year's Day; B-Memorial Day; C-Independence Day;
 D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

Basic Hourly Rates	Fringe Benefits Payments			Education and/or App. Tr.
	H & V	Pensions	Vacation	
\$ 9.11	.50	.50		.04
5.75	.71	.70		.06
9.48	.68	.75		.04
8.49	.60	.30		.04
8.99	.60	.30		.04
9.24	.60	.30		.04
9.74	.60	.30		.04
9.76	.65	.70		.07
10.36	.65	.70		.07
10.14				.01
9.05	.60	.75	1.17	.08
10.30	.60	.65	.50	.10
10.15	.65	.80	.50	.05
7.91	.42	.10		
9.41	.70	.25		.08
11.06	34+.40	1.16		.07
9.04	.40	.75	.30	.05
11.40	.60	.90		.08

MASONRY WORKERS:
 Elbert, Lake and Park Cos.
 Remaining Counties
MILLWRIGHTS
PAINTERS:
 Park County (Southern half)
 Brush, Roller, Paper,
 hand texture
 Steel and Paperhanger
 Spray
 Steel Spray
 Remaining Counties including
 W of Park County*
 Brush, Roller and Drywall
 Finisher
 Spray; Swing Stage, Paper-
 hangers
PLASTERERS
PLUMBERS: Steamfitters:
 Southern portions of Douglas,
 Elbert and Park Counties*
 Boulder County
 Remaining Counties (including
 Northern portions of Douglas,
 Elbert and Park Counties)
ROOFERS:
 Eagle and Southern portions of
 Lake, Jefferson, Park,
 Douglas and Elbert Counties**
 Remaining Counties including
 Northern portions of Lake,
 Park, Jefferson, Douglas
 and Elbert Counties
SHEET METAL WORKERS
SOFT FLOOR LAYERS
SPRINKLER FITTERS

LABORERS (Cont'd)

AREA A
 Adams, Arapahoe, Boulder, Denver, Lake, Larimer and Summit Counties.
 Douglas and Jefferson Counties lying north of the south line of Township 7 south; Elbert County lying west of the east line of Range 65 West and north of the south line of Township 7 south. Weld County lying south and west of the following described line: Beginning at the northwest corner of Township 4 North, Range 68 West of the 6th P.M.; thence east along the north line of said Township six (6) miles, more or less, to the east line of said Township; thence south along the east line of said Township three (3) miles, more or less, to the southeast corner of Section 13, Township 4 North, Range 68 West; thence east along the east-west center line of Township 4 North, Range 67 West, six (6) miles, more or less, to the east line of said Township; thence south along the east line of Range 67 West, being the east line of Township 4 North, 3 North, 2 North, and 1 North; Range 67 West, sixteen (16) miles to the southeast corner of Section 1, Township 1 North, Range 67 West; thence east and parallel to the Base Line twelve (12) miles, more or less, to the southeast corner of Section 1, Township 1 North, Range 65 West; thence south along the east line of Range 65 West, five (5) miles, more or less, to the Base Line being the south line of Weld County.

- Zone 1:** That area encompassed by 0 to 30 driving miles from the main Post Office in each of the following Cities: Boulder, Denver, Dillon, Englewood, Fort Collins, Golden, Greeley and Leadville
- Zone 2:** That area encompassed by 30 to 70 driving miles from the main Post Office of above named Cities
- Zone 3:** That area encompassed by 70 driving miles and over from the main Post Office of above named Cities.

AREA B
 Douglas, Elbert, Jefferson, and Weld Counties lying outside of the area as described in Area A, and all of Clear Creek, Eagle, Gilpin, Grand, Morgan and Park Counties

- Zone 1:** That area encompassed by 0 to 30 driving miles from the main Post Office in each of the following Cities: Eagle, Fort Morgan, Golden Grandby, Greeley and Vail.
- Zone 2:** That area encompassed by 30 to 70 driving miles from main Post Office of above named Cities.
- Zone 3:** That area encompassed by 70 driving miles and over from the main Post Office in above named Cities.

LABORERS	Basic Hourly Rates			Fringe Benefits Payments			Education and/or Appr. Tr.
	Zone 1	Zone 2	Zone 3	H & V	Pensions	Vacation	
Area A							
Group 1	\$ 4.80	\$ 5.25	\$ 5.70	.47	.52	.05	.05
Group 2	6.30	6.75	7.20	.47	.52	.05	.05
Group 3	6.98	7.03	7.48	.47	.52	.05	.05
Group 4	6.80	7.25	7.70	.47	.52	.05	.05
Group 5	6.85	7.30	7.75	.47	.52	.05	.05
Group 6	7.00	7.45	7.90	.47	.52	.05	.05
Area B							
Group 1	\$ 4.80	\$ 5.25	\$ 5.70	.47	.52	.05	.05
Group 2	6.20	6.65	7.10	.47	.52	.05	.05
Group 3	6.48	6.93	7.38	.47	.52	.05	.05
Group 4	6.68	7.13	7.58	.47	.52	.05	.05
Group 5	6.52	6.97	7.42	.47	.52	.05	.05
Group 6	7.00	7.45	7.90	.47	.52	.05	.05

LASCRS (Cont'd)

GROUP DESCRIPTION FOR ALL COUNTIES

Group 1: Matchmen tending Beaters and Pumps

Group 2: Building Construction Laborer

Group 3: Laborers - Underpinning and Shoring eight (8) feet or more below working surface.
 Power Tool Operators of all mechanical, air, gas and electrical tools, including Self-propelled Buggies and Cement Finishes Tenders. Laborers preparing and placing of stone or any other Aggregate in sand bed to be used as exposed face of tilt-up panels.
 Burners on Demolition and Welders, Gunnite Mortarmen and Shotblasters.

Group 4: Pipelayers on Building Construction

Group 5: Jackhammer Operator for Underpinning and Shoring over twelve (12) feet below working surface, Bellers and Stemmers on Caisson Work.

Group 6: Tender, Mason and Plaster

POWER EQUIPMENT OPERATORS
 (Other than for work in Tunnels, Shafts and Raises)

Group 1
 Group 2
 Group 3
 Group 4
 Group 5
 Group 6

(For work in Tunnels, Shafts, and Raises)

Group 1
 Group 2
 Group 3
 Group 4
 Group 5
 Group 6

Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
*Zone I	*Zone II					
\$ 7.50	\$ 8.25	.45	.79	.30	.06	
7.85	8.60	.45	.79	.30	.06	
8.20	8.95	.45	.79	.30	.06	
8.35	9.10	.45	.79	.30	.06	
8.50	9.25	.45	.79	.30	.06	
8.65	9.40	.45	.79	.30	.06	
7.65	8.40	.45	.79	.30	.06	
8.00	8.75	.45	.79	.30	.06	
8.10	8.80	.45	.79	.30	.06	
8.35	9.10	.45	.79	.30	.06	
8.50	9.25	.45	.79	.30	.06	
8.90	9.65	.45	.79	.30	.06	

POWER EQUIPMENT OPERATORS

(Other than for work in Tunnels, Shafts and Raises)

Group 1: Air Compressor; Asphalt Screed; Oiler; Brakeman; Drill Operator - smaller than Williams MP and similar; Skipper to Heavy Duty Mechanic and/or Welder; Operators of 5 or more light plants; Welding Machines, Generators, single unit conveyor; Pumps; Vacuum Well Point System; Tractor, under 70 HP with or without attachments

Group 2: Conveyor, handling building materials; Ditch Witch and similar Trenching Machine; Fireman or Tank Heater, road; Forklift; Sausage Motor Man; Popsill; Portable Screening Plant with or without a spray bar; Screening Plants, with classifiers; Self-propelled Roller, rubber-tired under 5 tons

Group 3: Asphalt Plant; Backfiller, Bituminous Spreader or Laydown Machine; Cableway-Signalman; Caisson Drill; Williams MP, similar and larger; C.M.I. and similar; Concrete Batching Plants; Concrete finish Machine; Concrete Gang Saws on concrete paving; Concrete Mixer, less than 1 yd.; Concrete Placement Pumps, under 8 inches; Distributors, Bituminous Surfaces; Drill, Diamond or Core; Drill Rigs, rotary, churn, or cable tool; Elevating Graders, Equipment Lubricating and service Engineer; Engineer Fireman; Groat Machine; Gonnite Machine; Hoist, 1 drum; Hydraulic Backhoes, wheel mounted under 3/4 yd.; Loader, Barber Green, etc.; Loader up to and including 5 cu. yds.; Machine Doctor; Mechanic; Motor Grader/Slide, rough; Road Stabilization Machine; Roller, self-propelled, all types over 5 tons; Sandblasting Machine; single unit portable crusher, with or without washer; Tile Tamper, wheel mounted; Tractor, 70 HP and over with or without attachments; Trenching Machine Operator; Welder; Winch on truck

Group 4: Cable operated Crane, truck mounted; Cable operated power Shovels, Draglines, Clambells, and Backhoes, 5 cu. yds. and under; Concrete Mixer over 1 cu. yd.; Concrete Paver 342 or similar; Concrete Placement Pumps, 8 inches and over; Crane, 50 tons and under; Hoist, 2 drums; Hydraulic Backhoe, 3/4 yd. and over; Loader, over 6 cu. yds.; Mechanic-welder, heavy duty; Mixer mobile; Motor Grader/Slide, finish; Multiple unit portable Crusher, with or without washer; Piledriver; Scrapers, single bowl under 40 cu. yds.; Self-propelled Hydraulic Crane; Tractor with sideboom; Truck mounted Hydraulic Crane

POWER EQUIPMENT OPERATORS (Cont'd)

(Other than for work in Tunnels, Shafts and Raises)

Group 5: Cable operated power Shovels, Draglines, Clambells and Backhoes over 5 cu. yds.; Crane, over 50 tons carrier mounted; Derrick; Electric rail type Tower Crane; Hoist, 3 drums or more; Quad Wire and similar push unit; Scrapers - single bowl including pups 40 cu. yds. and tandem bowls and over

Group 6: Cableway; Climbing Tower Crane; Crawler or truck mounted Tower Crane; Wheel Excavator, Tower Crane, truck type

POWER EQUIPMENT OPERATORS (Cont'd)

(For work in Tunnels, Shafts and Raises)

Group 1: Brakeman

Group 2: Motorman

Group 3: Compressor (500 CFM and over) serving Tunnels, Shafts and Raises

Group 4: Air Tractors; Groat Machine; Gonnite Machine; Jumbo Forst Mechanic; Welder

Group 5: Concrete Placement Pumps, 8" and over discharge; Mechanic-Welder, heavy duty; Mucking Machines and Front End Loaders, underground; Slushers; Mine Hoist Operator

Group 6: Mole

Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			Education and/or App. Tr.
		H & W	Pensions	Vacation	
*Zone 1	*Zone 2				
\$ 7.60	\$ 8.10	.45	.30	.30	
7.70	8.20	.45	.30	.30	
7.75	8.25	.45	.30	.30	
7.85	8.35	.45	.30	.30	
8.00	8.50	.45	.30	.30	
8.05	8.55	.45	.30	.30	
8.15	8.65	.45	.30	.30	
8.25	8.75	.45	.30	.30	
8.35	8.85	.45	.30	.30	
8.45	8.95	.45	.30	.30	
8.65	9.15	.45	.30	.30	

TRUCK DRIVERS (Cont'd)

Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			Education and/or App. Tr.
		H & W	Pensions	Vacation	
*Zone 1	*Zone 2				
\$ 7.15	\$ 7.65	.45	.30	.30	
7.25	7.75	.45	.30	.30	
7.35	7.85	.45	.30	.30	
7.40	7.90	.45	.30	.30	
7.45	7.95	.45	.30	.30	
7.50	8.00	.45	.30	.30	
7.55	8.05	.45	.30	.30	

TRUCK DRIVERS

PICKUPS; Helpers; Scalpers; Checkers; Spotters; Dumpmen

DUMP TRUCKS, to and including 6 cu. yds.; Sweepers; Flat Back, single axle; Liquid and Bulk Tankers, single axle; Warehousemen; Washers; Greasemen; Servicemen; Ambulance Drivers

DUMP TRUCKS, over 6 cu. yds. to and including 14 cu. yds.; Flat Back, tandem axle; Battery Men; Mechanics' Helpers; Material Checkers; Carder Men; Expeditors; Man Haul Shuttle Truck or Bus

STRADDLE TRUCK; Lumber Carrier; Liquid and Bulk Tankers, tandem axle

POSK LIFT DRIVER; Fuel Truck; Grease Truck; Combination fuel and grease

DISTRIBUTOR TRUCK DRIVER; Cement Mixer; Agitator Truck to and including 18 cu. yds.; Liquid and Bulk Tankers, semi or combination

MULTI-PURPOSE TRUCK; Speciality and Shifting

DUMP TRUCKS, over 14 cu. yds. to and including 29 cu. yds.; High Boy, Low Boy, Floats, semi; Cab operated Distributor Truck Driver, semi; Liquid and Bulk Tankers, Euclid, Electric or similar; Truck Drivers, Dumpster type Youngbush, Jumbo and similar type equipment

TRUCK DRIVER, Snow Plow

CEMENT MIXER, Agitator Truck over 10 cu. yds., to and including 15 cu. yds.

DUMP TRUCKS, over 29 cu. yds. to and including 39 cu. yds.

CEMENT MIXER, Agitator Truck over 15 cu. yds.

DUMP TRUCKS, over 39 cu. yds. to and including 54 cu. yds.; Tireman

MECHANIC

DUMP TRUCKS, over 54 cu. yds. to and including 79 cu. yds.

HEAVY DUTY DIESEL, Mechanics, Body Men, Welders or Combination Men

DUMP TRUCKS, over 75 cu. yds. to and including 104 cu. yds.

DUMP TRUCKS, over 104 cu. yds.

*ZONE DESCRIPTIONS
Power Equipment Operators and Truck Drivers

- A. Counties entirely within Zone 1:
- | | | |
|-------------|-----------|---------|
| Boulder | Douglas | Larimer |
| Clear Creek | Gilpin | Morgan |
| Denver | Jefferson | Weld |
- B. Counties entirely within Zone 2:
- | | | | |
|-------|------|------|--------|
| Grand | Lake | Park | Summit |
|-------|------|------|--------|
- C. Legal description of the portions of Adams, Arapahoe, Eagle and Elbert Counties which are included within Zone 1, as follows:
All of Adams, Arapahoe, Elbert Counties lying west of the Township line between R59W and R60W of the 7th Guide Meridian West; and all of Eagle County lying west of the Township line between R80W and R81W of the 10th Guide Meridian West
- D. Legal description of the portions of Adams, Arapahoe, Eagle and Elbert Counties which are included within Zone 2, as follows:
All of Adams, Arapahoe, Elbert Counties lying East of the Township line between R59W and R60W of the 7th Guide Meridian West, and all of Eagle County lying East of the Township line between R80W and R81W of the 9th Guide Meridian West

STATE: Colorado
 COUNTY: El Paso
 DECISION NUMBER: C077-5016
 DATE: Date of Publication
 SUPERSEDES DECISION NO. C076-5105 dated November 26, 1976, in 41 PR 52215
 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			Education and/or App. Tr.
	M & W	Pensions	Vacation	
\$ 9.75	.71	.70		.08
9.11	.50	.50		.04

TERAZZO WORKERS
 TILE SETTERS

FOOTNOTE:
 a. Employer contributes 4% basic hourly rate for over 5 years' service;
 2% basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. Six Paid Holidays: A through F.

PAID HOLIDAYS:
 A-New Year's Day; B-Memorial Day; C-Independence Day;
 D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or App. Tr.
		M & W	Pensions	Vacation	
ASBESTOS WORKERS	\$ 10.76	.38	1.17		.02
BOILERMAKERS	10.30	.85	1.00		.04
BRICKLAYERS; Stonemasons	9.85	.50	.60		.06
CARPENTERS: Zone 1 (0-30 miles from Post Office in Colorado Springs)	8.34	.68	.75	.55	.06
Zone 2 (30 miles and over from Post Office in Colorado Springs)	8.59	.68	.75	.55	.06
CEMENT MASONS: Cement Masons	8.25	.47	1.15	.60	.09
Working with Composition materials and color	8.75	.47	1.15	.60	.09
Working on scaffold, swing stage or temporary platform over 25'	8.50	.47	1.15	.60	.09
DRYWALL INSTALLERS	8.94	.68	.75	.55	.06
ELECTRICIANS	10.95	.42	1.8+.50		.015
ELEVATOR CONSTRUCTORS	10.64	.545	.35	48+a	.02
ELEVATOR CONSTRUCTORS' HELPERS	704.07	.545	.35	48+a	.02
ELEVATOR CONSTRUCTORS' HELPERS (FLOOR-)	504.07				
GLAZIERS	10.06		1.15		.10
IRONWORKERS	9.75	.71			.01
LATHERS	9.75	.50	.50		.06
MARBLE SETTERS	9.11	.48	.75		.06
MILLWRIGHTS	9.48				
PAINTERS: Brush and Roller; Tapers, hand texture	8.49	.60	.30		.04
Papachangers; Steel Spray	8.99	.60	.30		.04
Spray	9.24	.60	.30		.04
Steel Spray	9.74	.60	.30		.04
PLASTERERS	10.14				.01
PLUMBERS; Pipefitters	9.05	.60	.75	2.27	.08
ROOFERS	8.91	.52	.40		.07
SOFT METAL WORKERS	11.06	34+.40	1.16	.30	.05
SOFT FLOOR LAYERS	9.04	.40	.75		.08
SPRINKLER FITTERS	11.40	.60	.50		.08

LABORERS (Cont'd)

GROUP DESCRIPTION FOR ALL COUNTIES

LABORERS

Group	Basic Hourly Rates			Fringe Benefits Payments			Education and/or App. Tr.
	ZONE I	ZONE II	ZONE III	H & W	Position	Vacation	
Group 1	4.80	5.25	\$5.70	.47	.52		.05
Group 2	6.30	6.75	7.20	.47	.52		.05
Group 3	6.58	7.03	7.48	.47	.52		.05
Group 4	6.89	7.25	7.70	.47	.52		.05
Group 5	6.85	7.30	7.75	.47	.52		.05
Group 6	7.00	7.45	7.90	.47	.52		.05

Group 1: Matchmen tending Beaters and Pumps

Group 2: Building Construction Laborer

Group 3: Laborers - Underpinning and Shooting eight (8) feet or more below working surface.
 Power Tool Operators of all mechanical, air, gas and electrical tools, including Self-propelled Buggies and Cement Finishers Tenders. Laborers preparing and placing of stone or any other Aggregate in sand bed to be used as exposed face of tilt-up panels.
 Burners on Demolition and Welders, Gunmite Nozzlemen and Sandblasters.

Group 4: Pipelayers on Building Construction

Group 5: Jackhammer Operator for Underpinning and Shooting over twelve (12) feet below working surface, Bellers and Stoppers on Caisson Work.

Group 6: Tender, Mason and Plaster

ZONE 1: That area encompassed by 0 to 30 driving miles from the main Post Office in each of the following Cities: Pueblo and Trinidad.

ZONE 2: That area encompassed by 30 to 70 driving miles from the main Post Office in the above named Cities.

ZONE 3: That area encompassed by 70 driving miles and over from the main Post Office in the above named Cities.

POWER EQUIPMENT OPERATORS

(Other than for work in Tunnels, Shafts and Raises)

Basic Heavy Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & B	Premiums	Vacation	
\$ 7.50	.45	.79	.30	.06
8.85	.45	.79	.30	.06
8.20	.45	.79	.30	.06
8.35	.45	.79	.30	.06
8.50	.45	.79	.30	.06
8.65	.45	.79	.30	.06
7.65	.45	.79	.30	.06
8.00	.45	.79	.30	.06
8.10	.45	.79	.30	.06
8.35	.45	.79	.30	.06
8.50	.45	.79	.30	.06
8.90	.45	.79	.30	.06

Group 1: Asphalt Screed; Oiler; Brakeless Drill Operator - smaller than Williams MP and similar; Helper to Heavy Duty Mechanic and/or Welder; Operators of 5 or more light plants, Welding Machines, Generators, single unit conveyor; Pumps; Vacuum Well Point Systems; Tractor, under 70 HP with or without attachments

Group 2: Conveyor, handling building materials; Ditch Witch and similar Trenching Machine; Fireman or Tank Heater, road; Forklift; Mailage Motor Man; Pugmill; Portable Screening Plant with or without a spray bar; Screening Plants, with classifier; Self-propelled Roller, rubber-tired under 5 tons

Group 3: Asphalt Plant; Backfiller, Bituminous Spreader or Laydown Machine; Cableway Signalman; Caisson Drill; Williams MP, similar and larger; C.M.I. and similar; Concrete Batching Plants; Concrete finish Machine; Concrete Gang Saws on concrete paving; Concrete Mixer, less than 1 yd.; Concrete Placement Pump, under 8 inches; Distributors, Bituminous Surfaces; Drill, Diamond or Core; Drill Riggs, rotary, churn, or cable tool; Elevating Graders, Equipment Lubricating and service Engineer; Engineer Fireman; Groot Machine; Gunsite Machine; Hoist, 1 drum; Hydraulic Sackhoes, wheel mounted under 3/4 yd.; Loader, Barber Green, etc.; Loader up to and including 6 cu. yds.; Machine Doctor; Mechanic; Motor Grader/Blade, rough; Road Stabilization Machine; Rollers, self-propelled, all types over 5 tons; Sandblasting Machine; single unit portable crusher, with or without washer; Tie Tamper, wheel mounted; Tractor, 70 HP and over with or without attachments; Trenching Machine Operator; Welder; Winch on truck

Group 4: Cable operated Crane, truck mounted; Cable operated power Shovels, Draglines, Clambells, and Backhoes, 5 cu. yds. and under; Concrete Mixer over 1 cu. yd.; Concrete Paver 34E or similar; Concrete Placement Pumps, 8 inches and over; Crane, 50 tons and under; Hoist, 2 drums; Hydraulic Sackhoe, 1/4 yd. and over; Loader, over 6 cu. yds.; Mechanic-welder, heavy duty; Mixer mobile; Motor Grader/Blade, finish; Multiple unit portable Crusher, with or without washer; Piledriver; Scrapers, single bowl under 40 cu. yds.; Self-propelled Hydraulic Crane; Tractor with sidebooms; Truck mounted Hydraulic Crane

POWER EQUIPMENT OPERATORS

(Other than for work in Tunnels, Shafts and Raises)

Group 1
Group 2
Group 3
Group 4
Group 5
Group 6

(For work in Tunnels, Shafts, and Raises)

Group 1
Group 2
Group 3
Group 4
Group 5
Group 6

POWER EQUIPMENT OPERATORS (Cont'd)
(Other than for work in Tunnels, Shafts and Raises)

Group 5: Cable operated power Shovels, Draglines, Climbers and Backhoes over 5 cu. yds.; Crane, over 50 tons carrier mounted; Derrick; Electric rail type Tower Crane; Hoist, 3 drum or more; Quad Mine and similar push unit; Scrapers - single bowl including pops 40 cu. yds. and tandem bowls and over

Group 6: Cableway; Climbing Tower Crane; Crawler or truck mounted Tower Crane; Wheel Excavator, Tower Crane, truck type

POWER EQUIPMENT OPERATORS (Cont'd)
(For work in Tunnels, Shafts and Raises)

Group 1: Brakeman

Group 2: Motorman

Group 3: Compressor (900 CFM and over) serving Tunnels, Shafts and Raises

Group 4: Air Tractors; Grout Machine; Gunnite Machine; Jumbo Form; Mechanic; Welder

Group 5: Concrete Placement Pumps, 8" and over discharge; Mechanic-Welder, heavy duty; Mucking Machines and Front End Loaders, underground; Blumber; Mine Hoist Operator

Group 6: Mole

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments		
		H & W	Frailties	Education and/or Appr. Tr.
PICKUPS; Beltpets; Scalemen; Checkers; Spotters; Dumpmen	\$ 7.15	.45	.30	.30
DUMP TRUCKS, to and including 6 cu. yds.; Sweeper; Flat Back, single axle; Liquid and Bulk Tankers, single axle; Warehousemen; Nabbers; Greasemen; Servicemen; Ambulance Drivers	7.25	.45	.30	.30
DUMP TRUCKS, over 6 cu. yds. to and including 14 cu. yds.; Flat Back, tandem axle; Battery Men; Mechanics' Beltpets; Material Checkers; Cardex Men; Expeditors; Man Haul Shuttle Truck or Bus	7.35	.45	.30	.30
STRADDLE TRUCK; Lumber Carrier; Liquid and Bulk Tankers, tandem axle	7.40	.45	.30	.30
FORE LIFT DRIVERS; Fuel Truck; Grease Truck; Combination Fuel and grease	7.45	.45	.30	.30
DISTRIBUTOR TRUCK DRIVERS; Cement Mixer, Agitator Truck to and including 10 cu. yds.; Liquid and Bulk Tankers, semi or combination	7.50	.45	.30	.30
MULTI-PURPOSE TRUCK; Speciality and Hoisting	7.55	.45	.30	.30

	Basic Hourly Rates	Fringe Benefits Payments		
		H & M	Pensions	Vacation Education and/or Appr. Tr.
TRUCK DRIVERS (Comb'd)				
DUMP TRUCKS, over 14 cu. yds. to and including 29 cu. yds.; High Boy, Low Boy, Floats, semi-tractor operated Distributor Truck Driver, semi-liquid and Bulk Tankers, Euclid, Electric or similar; Truck Drivers, Dump-truck type Youngboggly, Jumbo and similar type equipment	\$ 7.60	.45	.30	.30
TRUCK DRIVER, Snow Flow	7.70	.45	.30	.30
CEMENT MIXER, Agitator Truck over 10 cu. yds., to and including 15 cu. yds.	7.75	.45	.30	.30
DUMP TRUCKS, over 29 cu. yds. to and including 39 cu. yds.	7.85	.45	.30	.30
CEMENT MIXER, Agitator Truck over 15 cu. yds.	8.00	.45	.30	.30
DUMP TRUCKS, over 39 cu. yds. to and including 54 cu. yds.; Tireman	8.05	.45	.30	.30
MECHANIC	8.15	.45	.30	.30
DUMP TRUCKS, over 54 cu. yds. to and including 79 cu. yds.	8.25	.45	.30	.30
HEAVY DUTY DIESEL, Mechanics, Body Men, Welders or Combination Men	8.35	.45	.30	.30
DUMP TRUCKS, over 79 cu. yds. to and including 104 cu. yds.	8.45	.45	.30	.30
DUMP TRUCKS, over 104 cu. yds.	8.65	.45	.30	.30

COUNTIES: Las Alamos, Otero and Pueblo

DATE: Date of Publication
 SUPERVISOR'S DECISION NO. C077-5017 dated November 28, 1976, in 41 FB 52725
 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			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
MABLE & TILE SETTERS, TERRAZZO WORKERS	\$ 9.75 9.48	.71 .68	.70 .75		.04 .06
MILLRIGHTS					
PAINTERS:					
Brush, roller, tapers, hand texture	7.87	.50			.04
Steel: Paperhangers	8.37	.50			.04
Spray, Tapers using Automatic tools	8.87	.50			.04
Spray Steel	9.37	.50			.04
PLASTERERS	10.14				.01
PLUMBERS:					
Zone I (0-15 miles from P.O.)	10.97	.60	.85		.08
Zone II (15-20 miles from P.O.)	11.54	.60	.85		.08
Zone III (20-40 miles from P.O.)	11.97	.60	.85		.08
Zone IV (Over 40 miles from P.O.)	12.95	.60	.85		.08
ROOFERS	9.91	.52	.40		.07
SHEET METAL WORKERS	11.06	38+.40	1.16		
SOFT FLOOR LAYERS:					
Las Alamos and Otero Counties	9.04	.40	.75	.30	.05
Pueblo County	7.76	.40	.65	.30	.05
SPRINKLER FITTERS	11.40	.60	.90		.08
FOURTEEN:					
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. 6 Paid Holidays: A through F.					
PAID HOLIDAYS:					
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day					

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
ASBESTOS WORKERS	110.76	.38	\$ 1.17		
SOILWORKERS	10.30	.85	1.00		.02
BRICKLAYERS	9.77	.60	.70	.55	.04
CARPENTERS	8.34	.68	.75		.06
CEMENT MASON:					
Cement Masons	8.20	.47	1.15	.60	.09
Working with composition material and color	8.70	.47	1.15	.60	.09
Working on scaffold, swing stage or temporary platform over 25'	8.55	.47	1.15	.60	.09
WORKING OVER 25'	8.94	.68	.75	.55	.06
WALL INSTALLERS					
ELECTRICIANS:					
Zone I (0-12 miles from P. O.)	10.70	.52	18+.65		18
Electricians	11.77	.52	18+.65		18
Cable Splicers					
Zone II (12-20 miles from P.O.)	11.10	.52	18+.65		18
Electricians	12.17	.52	18+.65		18
Cable Splicers					
Zone III (20-40 miles from P.O.)	11.45	.52	18+.65		18
Electricians	12.52	.52	18+.65		18
Cable Splicers					
Zone IV (Over 40 miles from P.O.)	12.58	.52	18+.65		18
Electricians	13.65	.52	18+.65		18
Cable Splicers					
Electrical contracts under \$20,000 in Zones III and IV	10.20	.52	18+.65		18
ELEVATOR CONSTRUCTORS	10.64	.545	.35	48+a	.02
ELEVATOR CONSTRUCTORS' HELPERS	7082R	.545	.35	48+a	.02
ELEVATOR CONSTRUCTORS' HELPERS (PRM.)	5082R				
GLAZIERS	10.06				
IRONWORKERS:					
Structural; Ornamental and Reinforcing	9.75	.71	1.15		.10
LATHERS	9.56				.01

LABORERS (Cont'd)

GROUP DESCRIPTIONS FOR ALL COUNTIES

- Group 1: Matchmen tending Heaters and Pumps
- Group 2: Building Construction Laborer
- Group 3: Laborers - Underpinning and Shoring eight (8) feet or more below working surface.
Power Tool Operators of all mechanical, air, gas and electrical tools, including Self-propelled Buggies and Cement Finishers Tenders, Laborers preparing and placing of stone or any other Aggregate in sand bed to be used as exposed face of tilt-up panels.
Burners on Demolition and Welders, Gunnite Nozzlemen and Sandblasters.
- Group 4: Pipelayers on Building Construction
- Group 5: Jackhammer Operator for Underpinning and Shoring over twelve (12) feet below working surface, Bellers and Stemmers on Chaisson Work.
- Group 6: Tendet, Mason and Plaster

	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
				H & W	Pensions	Vacation	
ZONE I							
\$ 4.80	\$ 5.25	ZONE II	ZONE III	.47	.52		.05
6.30	6.75	\$5.70	7.20	.47	.52		.05
6.58	7.03	7.48	7.70	.47	.52		.05
6.80	7.25	7.70	7.75	.47	.52		.05
6.85	7.30	7.75	7.90	.47	.52		.05
7.00	7.45	7.90					
ZONE 1: That area encompassed by 0 to 30 driving miles from the main Post Office in each of the following Cities: Pueblo and Trinidad.							
ZONE 2: That area encompassed by 30 to 70 driving miles from the main Post Office in the above named Cities							
ZONE 3: That area encompassed by 70 driving miles and over from the main Post Office in the above named Cities.							

LABORERS

- Group 1
- Group 2
- Group 3
- Group 4
- Group 5
- Group 6

- ZONE 1:
- ZONE 2:
- ZONE 3:

POWER EQUIPMENT OPERATORS
(Other than for work in Tunnels, Shafts and Raises)

Group 1: Air Compressor; Asphalt Screed; Oiler; Brakeman; Drill Operator - smaller than Williams #F and similar; Helper to Heavy Duty Mechanic and/or Welder; Operators of 5 or more light plants, Welding Machines, Generators, single unit conveyor; Pumps; Vacuum Well Point Systems; Tractor, under 70 HP with or without attachments

Group 2: Conveyor, handling building materials; Ditch Witch and similar Trenching Machine; Fireman or Tank Heater, road; Forklift; Hoistage Motor Man; Fogall; Portable Screening Plant with or without a spray bar; Screening Plants, with classifier; Self-propelled Roller, rubber-tired under 5 tons

Group 3: Asphalt Plant; Backfiller, Bituminous Spreader or Laydown Machine; Cableway Signalman; Caisson Drill; Williams #F, similar and larger; C.M.I. and similar; Concrete Scheduling Plants; Concrete finish Machine; Concrete Gang Saws on concrete paving; Concrete Mixer, less than 1 yd.; Concrete Placement Pumps, under 8 inches; Distributors, Bituminous Surfaces; Drill, Diamond or Core; Drill Rigs, rotary, churn, or cable tool; Elevating Graders, Equipment Lubricating and service Engineer; Engineer Fireman; GROUT Machine; Gunnite Machine; Hoist, 1 drum; Hydraulic Backhoes, wheel mounted under 3/4 yd.; Loader, Barbet Green, etc.; Loader up to and including 6 cu. yds.; Machine Doctor; Mechanic; Motor Grader/Blade, rough; Road Stabilization Machine; Rollers, self-propelled, all types over 5 tons; Sandblasting Machine; single unit portable crusher, with or without washer; Tie Tamper, wheel mounted; Tractor, 70 HP and over with or without attachments; Trenching Machine Operator; Welder; Winch on truck

Group 4: Cable operated Crane, truck mounted; Cable operated power Shovels, Draglines, Classhells, and Backhoes, 5 cu. yds. and under; Concrete Mixer over 1 cu. yd.; Concrete Paver 34E or similar; Concrete Placement Pumps, 8 inches and over; Crane, 50 tons and under; Hoist, 2 drums; Hydraulic Backhoe, 3/4 yd. and over; Loader, over 6 cu. yds.; Mechanic-welder, heavy duty; Mixer mobile; Motor Grader/blade, finish; Multiple unit portable Crusher, with or without washer; Piledriver; Scrapers, single bowl under 40 cu. yds.; Self-propelled Hydraulic Crane; Tractor with sideboom; Truck mounted Hydraulic Crane

Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Positions	Vacation	
*Zone I	*Zone II				
\$ 7.50	\$ 8.25	.45	.79	.30	.06
7.85	8.60	.45	.79	.30	.06
8.20	8.95	.45	.79	.30	.06
8.55	9.30	.45	.79	.30	.06
8.90	9.65	.45	.79	.30	.06
9.25	10.00	.45	.79	.30	.06
9.60	10.35	.45	.79	.30	.06
9.95	10.70	.45	.79	.30	.06
10.30	11.05	.45	.79	.30	.06
10.65	11.40	.45	.79	.30	.06

POWER EQUIPMENT OPERATORS
(Other than for work in Tunnels, Shafts and Raises)

Group 1
Group 2
Group 3
Group 4
Group 5
Group 6

(For work in Tunnels, Shafts, and Raises)

Group 1
Group 2
Group 3
Group 4
Group 5
Group 6

POWER EQUIPMENT OPERATORS (Cont'd)
(Other than for work in Tunnels, Shafts and Raises)

Group 5: Cable operated power Shovels, Draglines, Clamshells and Backhoes over 5 cu. yds.; Crane, over 50 tons carrier mounted; Derrick; Electric rail type Tower Crane; Hoist, 3 drum or more; Quad Mine and similar push unit; Scrapers - single bowl including pups 40 cu. yds. and tandem bowls and over

Group 6: Cableway; Climbing Tower Crane; Crawler or track mounted Tower Crane; Wheel Excavator, Tower Crane, truck type

POWER EQUIPMENT OPERATORS (Cont'd)
(For work in Tunnels, Shafts and Raises)

Group 1: Brakeman

Group 2: Motorman

Group 3: Compressor (900 CFM and over) serving Tunnels, Shafts and Raises

Group 4: Air Tractors; GROUT Machines; Concrete Machine; Jumbo Form; Mechanic; Welder

Group 5: Concrete Placement Pumps, 8" and over discharge; Mechanic-Welder, heavy duty; Mucking Machines and Front End Loaders, underground; Stusher; Mine Hoist Operator

Group 6: Mole

NOTICES

	Basic Hourly Rates	*Zone I	Basic Hourly Rates	Fringe Benefits Payments		
				M & V	Fees/Ins.	Vacation
TRUCK DRIVERS						
PICKUPS; Helpers; Scalmen; Checkers; Spotters; Dumpmen	\$ 7.15	\$ 7.65	.45	.30	.30	
DUMP TRUCKS, to and including 6 cu. yds.; Sweeper; Flat Rack, single axle; Liquid and Bulk Tankers, single axle; Ware-houses; Washers; Greasemen; Servicemen; Ambulance Drivers	7.25	7.75	.45	.30	.30	
DUMP TRUCKS, over 6 cu. yds. to and including 14 cu. yds.; Flat Rack, tandem axle; Battery Mini Mechanics' Helpers; Material Checkers; Cardex Men; Expeditors; Man Haul Shuttle Truck or Bus	7.35	7.85	.45	.30	.30	
STRADDLE TRUCK; Lumber Carrier; Liquid and Bulk Tankers, tandem axle	7.40	7.90	.45	.30	.30	
FORK LIFT DRIVER; Fuel Truck; Grease Truck; Combination fuel and grease	7.45	7.95	.45	.30	.30	
DISTRIBUTOR TRUCK DRIVER; Cement Mixer; Agitator Truck to and including 10 cu. yds.; Liquid and Bulk Tankers, semi or combination	7.50	8.00	.45	.30	.30	
MULTI-PURPOSE TRUCK; Speciality and Hoisting	7.55	8.05	.45	.30	.30	

*ZONE DESCRIPTIONS

Power Equipment Operators and Truck Drivers

TRUCK DRIVERS (Cont'd)

DUMP TRUCKS, over 14 cu. yds. to and including 29 cu. yds.; High Boy, Low Boy, Floats, semi; Cab operated Distributor Truck Driver, semi; liquid and Bulk Tankers, Euclid, Electric or similar; Truck Drivers, Dumpor type Youngbuggy, Jumbo and similar type equipment

TRUCK DRIVER, Snow Plow

CEMENT MIXER, Agitator Truck over 10 cu. yds., to and including 15 cu. yds.

DUMP TRUCKS, over 29 cu. yds. to and including 39 cu. yds.

CEMENT MIXER, Agitator Truck over 15 cu. yds.

DUMP TRUCKS, over 39 cu. yds. to and including 54 cu. yds.; Tireman

MECHANIC

DUMP TRUCKS, over 54 cu. yds. to and including 79 cu. yds.

HEAVY DUTY DIESEL, Mechanic, Body Men, Welders or Combination Men

DUMP TRUCKS, over 75 cu. yds. to and including 104 cu. yds.

DUMP TRUCKS, over 104 cu. yds.

Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
*Zone I	*Zone II				
\$ 7.60	\$ 8.10	.45	.30	.30	
7.70	8.20	.45	.30	.30	
7.75	8.25	.45	.30	.30	
7.85	8.35	.45	.30	.30	
8.00	8.50	.45	.30	.30	
8.05	8.55	.45	.30	.30	
8.15	8.65	.45	.30	.30	
8.25	8.75	.45	.30	.30	
8.35	8.85	.45	.30	.30	
8.45	8.95	.45	.30	.30	
8.65	9.15	.45	.30	.30	

- A. Counties entirely within Zone 1:
Otero
- B. Portions of Las Animas County which are included within Zone 1, as follows:
All of Las Animas County lying west of the Township line between R59W and R60W of the 7th Guide Meridian West.
- C. Portions of Las Animas County which are included within Zone 2, as follows:
All of Las Animas County lying East of the Township line between R59W and R60W of the 7th Guide Meridian West.

COUNTIES: Delta, Garfield,
Gunnison, Mesa, Montrose
and Pitkin

DECISION NUMBER: C077-5018
Supersedes Decision No. C076-5107 dated December 3, 1976, in 41 FR 53242
DESCRIPTION OF WORK: Building construction (excluding single family homes
and garden type apartments up to and including 4 stories)

STATE: Colorado

BUILDING CONSTRUCTION

ASBESTOS WORKERS
BOILERMAKERS
BRICKLAYERS; Stonemasons;
Pitkin County
Remaining Counties
CARPENTERS:
Post Office basing points in
the Cities of Leadville, Fort
Collins, Glenwood Springs,
Grand Junction, Gunnison and
Montrose

Zone I (0-30 miles from
nearest basing point)
Zone II (30-60 miles from
nearest basing point)
Zone III (60 miles and over
from nearest basing point)
CEMENT MASONS:
Cement Masons
Working with composition
materials and color
Working on scaffold, swing
stage or temporary platform
over 25'

DRYWALL INSTALLERS
ELECTRICIANS:
Electricians
Cable Splicers
ELEVATOR CONSTRUCTORS
ELEVATOR CONSTRUCTORS* HELPFERS
ELEVATOR CONSTRUCTORS* HELPFERS
(FROM:)

GLAZIERS
IRONWORKERS:
Structural, Ornamental and
Reinforcing
LATHERS
MABLE & TILE SETTERS,
TERRAZZO WORKERS

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$10.76	.38	\$ 1.17		.02
10.30	.85	1.00		
9.70	.60	.70	.25	.05
9.60	.60	.70		.05
8.34	.68	.75	.55	.06
8.59	.68	.75	.55	.06
8.84	.68	.75	.55	.06
8.45	.47	1.15	.60	.09
8.95	.47	1.15	.60	.09
8.70	.47	1.15	.60	.09
8.94	.68	.75	.55	.06
11.25	.52	1.8+.25		.14
11.50	.52	1.8+.25		.14
10.64	.545	.32	4.8+.2	.02
708.78	.545	.32	4.8+.2	.02
508.78				
10.06				
9.75	.71	1.15		.10
10.14				.01
9.75	.71	.70		.04

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$ 9.48	.68	.75		.06
9.76	.65	.70		.07
10.36	.65	.70		.07
10.14				.01
9.50	.60	.85	1.50	.10
8.91	.52	.40		
11.06	3.8+.40	1.16		.07
9.04	.40	.75	.30	.05
11.40	.60	.50		.08

MILLWRIGHTS
PAINTERS:
Brush, Roller and Drywall
Finishers
Paperhangers, Spray, Swing
Stage
PLASTERERS
PLUMBERS
ROOFERS
SHEET METAL WORKERS
SOFT FLOOR LAYERS
SPRINKLER FITTERS

FOOTNOTE:
a. Employer contributes 4% of basic hourly rate for over 5 years' service and 2% basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit.
6 Paid Holidays: A through F.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day;
D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
			H & W	Pensions	Vacation	
ZONE 1*	ZONE 2*	ZONE 3*				
\$ 4.80	\$ 5.25	\$5.70	.47	.52		.05
6.30	6.75	7.20	.47	.52		.05
6.58	7.03	7.48	.47	.52		.05
6.80	7.25	7.70	.47	.52		.05
6.85	7.30	7.75	.47	.52		.05
7.00	7.45	7.90	.47	.52		.05

LABORERS
Garfield and Pitkin Counties

- Group 1
- Group 2
- Group 3
- Group 4
- Group 5
- Group 6

- *ZONE 1: That area encompassed by 0 to 10 driving miles from the main Post Office in each of the following Cities: Aspen, Glenwood, Springs and Rifle.
- *ZONE 2: That area encompassed by 20 to 70 driving miles from the main Post Office of above named Cities.
- *ZONE 3: That area encompassed by 70 driving miles and over from the main Post Office of above named Cities.

Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
			H & W	Pensions	Vacation	
ZONE 1**	ZONE 2**	ZONE 3**				
\$ 4.80	\$ 5.25	\$5.70	.47	.52		.05
6.30	6.75	7.20	.47	.52		.05
6.58	7.03	7.48	.47	.52		.05
6.80	7.25	7.70	.47	.52		.05
6.85	7.30	7.75	.47	.52		.05
7.00	7.45	7.90	.47	.52		.05

LABORERS
Delta, Gunnison, Mesa and Montrose Counties

- Group 1
- Group 2
- Group 3
- Group 4
- Group 5
- Group 6

- **ZONE 1: That area encompassed by 0 to 30 driving miles from the main Post Office in each of the following Cities: Grand Junction, Gunnison, Montrose, and Naturita.
- **ZONE 2: That area encompassed by 30 to 70 driving miles from the main Post Office of above named Cities.
- **ZONE 3: That area encompassed by 70 driving miles and over from the main Post Office of above named Cities.

LAS00205 (Cont'd)

GROUP DESCRIPTION FOR ALL COUNTIES

- Group 1: Watchmen tending Heaters and Pumps
- Group 2: Building Construction Laborer
- Group 3: Laborers - Underpinning and Shoring eight (8) feet or more below working surface.
Power Tool Operators of all mechanical, air, gas and electrical tools, including Self-propelled Buggies and Cement Finishers Tenders. Laborers preparing and placing of stone or any other Aggregate in sand bed to be used as exposed face of tilt-up panels.
Burners on Demolition and Welders, Gunnite Nozzlemen and Sandblasters.
- Group 4: Pipelayers on Building Construction
- Group 5: Jackhammer Operator for Underpinning and Shoring over twelve (12) feet below working surface, Bellers and Stemmers on Chisson Work.
- Group 6: Tender, Mason and Plaster

POWER EQUIPMENT OPERATORS
(Other than for work in Tunnels, Shafts and Raises)

(For work in Tunnels, Shafts, and Raises)

Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments				Education and/or App. Tr.
		H & W	Passions	Vacation		
*Zone I	*Zone II					
\$ 7.50	\$ 8.25	.45	.79	.30		.06
7.85	8.60	.45	.79	.30		.06
8.20	8.95	.45	.79	.30		.06
8.35	9.10	.45	.79	.30		.06
8.50	9.25	.45	.79	.30		.06
8.65	9.40	.45	.79	.30		.06
7.65	8.40	.45	.79	.30		.06
8.00	8.75	.45	.79	.30		.06
8.10	8.60	.45	.79	.30		.06
8.35	9.10	.45	.79	.30		.06
8.50	9.25	.45	.79	.30		.06
8.50	9.65	.45	.79	.30		.06

- Group 1
- Group 2
- Group 3
- Group 4
- Group 5
- Group 6

POWER EQUIPMENT OPERATORS

(Other than for work in Tunnels, Shafts and Raises)

- Group 1: Air Compressor; Asphalt Screed; Oiler; Brakeman; Drill Operator - smaller than Williams #2 and similar; Helper to Heavy Duty Mechanic and/or Welder; Operators of 5 or more light plants, Welding Machines, Generators, single unit conveyor; Pumps; Vacuum Well Point Systems; Tractor, under 70 HP with or without attachments
- Group 2: Conveyor, handling building materials; Ditch Witch and similar Trenching Machine; Fireman or Tank Driver, road; Forklift; Backhoe Motor Man; Pugnall; Portable Screening Plant with or without a spray bar; Screening Plants, with classifier; Self-propelled Roller, rubber-tired under 5 tons
- Group 3: Asphalt Plant; Backfiller, Bituminous Spreader or Laydown Machine; Cableway Signalman; Caisson Drill; Williams #2, similar and larger; C.M.I. and similar; Concrete Batch Plant; Concrete Finish Machine; Concrete Gang Saws on concrete paving; Concrete Mixer, less than 1 yd.; Concrete Placement Pumps, under 8 inches; Distributors, Bituminous Surfaces; Drill, Diamond or Core; Drill Rigs, rotary, churn, or cable tool; Elevating Graders, Equipment Lubricating and service Engineer; Engineer Fireman; Groot Machine; Gunnite Machine; Hoist, 1 drum; Hydraulic Backhoes, wheel mounted under 3/4 yd.; Loader, Balber Green, etc.; Loader up to and including 6 cu. yds.; Machine Doctor; Mechanic; Motor Grader/Blade, rough; Road Stabilization Machine; Rollers, self-propelled, all types over 5 tons; Sandblasting Machine; single unit portable crusher, with or without washer; Tie Taper, wheel mounted; Tractor, 70 HP and over with or without attachments; Trenching Machine Operator; Welder; Winch on track
- Group 4: Cable operated Crane, truck mounted; Cable operated power Shovels, Draglines, Clamshells, and Backhoes, 5 cu. yds. and under; Concrete Mixer over 1 cu. yd.; Concrete Paver 14E or similar; Concrete Placement Pumps, 8 inches and over; Crane, 50 tons and under; Hoist, 2 drums; Hydraulic Backhoe, 3/4 yd. and over; Loader, over 6 cu. yds.; Mechanic-welder, heavy duty; Mixer mobile; Motor Grader/Blade, finish; Multiple unit portable Crusher, with or without washer; Pile-driver; Scraper, single bowl under 40 cu. yds.; Self-propelled Hydraulic Crane; Tractor with sideboom; Truck mounted Hydraulic Crane

POWER EQUIPMENT OPERATORS (Cont'd)

(Other than for work in Tunnels, Shafts and Raises)

- Group 5: Cable operated power Shovels, Draglines, Clamshells and Backhoes over 5 cu. yds.; Crane, over 50 tons carrier mounted; Derrick; Electric rail type Tower Crane; Hoist, 3 drum or more; Quad line and similar push unit; Scrapers - single bowl including page 40 cu. yds. and tandem bowls and over
- Group 6: Cableway; Climbing Tower Crane; Crawler or truck mounted Tower Crane; Wheel Excavator, Tower Crane, truck type
- POWER EQUIPMENT OPERATORS (Cont'd)
(For work in Tunnels, Shafts and Raises)
- Group 1: Brakeman
- Group 2: Motorman
- Group 3: Compressor (900 CFM and over) serving Tunnels, Shafts and Raises
- Group 4: Air Tractors; Groot Machine; Gunnite Machine; Jumbo Forc; Mechanic; Welder
- Group 5: Concrete Placement Pumps, 8" and over discharge; Mechanic-Welder, heavy duty; Mocking Machines and Front End Loaders, underground; Slusher; Miss Hoist Operator
- Group 6: Mole

Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			Education and/or App. Tr.
		H & W	Pensions	Vacation	
*Zone I	*Zone II				
\$ 7.15	\$ 7.65	.45	.30	.30	
PLUMBERS; Helpers; Scalemen; Checkers; Spotters; Dumpmen					
DUMP TRUCKS, to and including 6 cu. yds.; Sweepers; Flat Rack, single axle; Liquid and Bulk Tankers, single axle; Warehouses; Washers; Greasemen; Servicemen; Ambulance Drivers	7.25	.45	.30	.30	
DUMP TRUCKS, over 6 cu. yds. to and including 14 cu. yds.; Flat Rack, tandem axle; Battery Men; Mechanics; Helpers; Material Checkers; Cardex Men; Engeditors; Man Mault Shuttle Truck or Bus	7.35	.45	.30	.30	
STRADDLE TRUCK; Lumber Carrier; Liquid and Bulk Tankers, tandem axle	7.40	.45	.30	.30	
FORK LIFT DRIVER; Fuel Trucks; Grease Truck; Combination fuel and grease	7.45	.45	.30	.30	
DISTRIBUTOR TRUCK DRIVER; Cement Mixer, Agitator Truck to and including 10 cu. yds.; Liquid and Bulk Tankers, semi or combination	7.50	.45	.30	.30	
MULTI-PURPOSE TRUCK; Speciality and hoisting	7.55	.45	.30	.30	

Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			Education and/or App. Tr.
		H & W	Pensions	Vacation	
*Zone I	*Zone II				
\$ 7.60	\$ 8.10	.45	.30	.30	
TRUCK DRIVERS (Cont'd)					
DUMP TRUCKS, over 14 cu. yds. to and including 29 cu. yds.; Right Boy, Low Boy, Floats, semi; Cab operated distributor Truck Driver, semi; Liquid and Bulk Tankers, Euclid, Electric or similar; Truck Drivers, Dumpco type Toehoggy, Jumbo and similar type equipment	7.70	.45	.30	.30	
TRUCK DRIVER, Snow Plow	7.75	.45	.30	.30	
CEMENT MIXER, Agitator Truck over 10 cu. yds., to and including 15 cu. yds.	7.85	.45	.30	.30	
DUMP TRUCKS, over 29 cu. yds. to and including 39 cu. yds.	8.00	.45	.30	.30	
CEMENT MIXER, Agitator Truck over 15 cu. yds.	8.05	.45	.30	.30	
DUMP TRUCKS, over 39 cu. yds. to and including 54 cu. yds.; Tiresman	8.15	.45	.30	.30	
MECHANIC	8.25	.45	.30	.30	
DUMP TRUCKS, over 54 cu. yds. to and including 79 cu. yds.	8.35	.45	.30	.30	
HEAVY DUTY DISSEL, Mechanics, Body Men, Welders or Combination Men	8.45	.45	.30	.30	
DUMP TRUCKS, over 75 cu. yds. to and including 104 cu. yds.	8.65	.45	.30	.30	
DUMP TRUCKS, over 104 cu. yds.					

NOTICES

***ZONE DESCRIPTIONS**

Power, Equipment Operators and Truck Drivers

A. Counties entirely within Zone 1:
Delta Garfield
 Nez

B. Counties entirely within Zone 2:
Garrison Ft. Linn

C. Legal description of the portion of Montrose County which is included within Zone 1, as follows:

All of Montrose County lying north of the North line of Oury County and said North Line extended West to the Township line between R11W and R12W, said part lying East of said Township line of the New Mexico Principal Meridian

D. Legal description of the portion of Montrose County which is included within Zone 2, as follows:

All of Montrose County except that part lying north of the North Line of Oury County and said North Line extended West of said Township line between R11W and R12W, said point being East of said Township line of the New Mexico Principal Meridian

GA77-5035

STATES: Georgia, North Carolina, South Carolina, Virginia, and Washington, D. C., and in Florida, all counties on the Atlantic coast and the Gulf coast sent to the Aucilla River and all tributary waterways.

DECISION NUMBER: GA77-5035
 SUPERSEDES DECISION NO. GA77-5005 dated January 5, 1977 in LP FR 1015, and
 FL76-5034 dated March 26, 1976 in LP FR 12856

DESCRIPTION OF WORK: Dredging

DATE: Date of Publication

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & V	Residence	Vacation	
\$7.22	.50	.43	a	
7.17	.50	.43	a	
6.38	.50	.43	a	
6.61	.50	.43	a	
6.88	.50	.43	a	
6.72	.50	.43	a	
6.72	.50	.43	a	
6.32	.50	.43	a	
6.86	.50	.43	a	
6.00	.50	.43	a	
7.01	.50	.43	a	
6.77	.50	.43	a	
5.42	.50	.43	a	
5.23	.50	.43	a	
4.84	.50	.43	a	
4.73	.50	.43	a	
4.84	.50	.43	a	
4.73	.50	.43	a	
6.57	.50	.43	a	
6.20	.50	.43	a	
6.32	.50	.43	a	
5.54	.50	.43	a	
5.16	.50	.43	a	
4.84	.50	.43	a	
5.23	.50	.43	a	
4.73	.50	.43	a	
5.70	.50	.43	a	
5.70	.50	.43	a	
7.11	.50	.43	a	
6.36	.50	.43	a	
6.12	.50	.43	a	
6.08	.50	.43	a	
5.23	.50	.43	a	
4.86	.50	.43	a	
5.23	.50	.43	a	
4.93	.50	.43	a	

HYDRAULIC BRIDGES 20P AND OTHER:

- Leverman
- Engineer
- Mohe
- Welder
- Derrick Operator
- Spill barge operator
- Spill barge operator
- Tug master
- Carpenter
- Tug mate
- Electrician
- Machinist
- Steward
- Oilier & fireman
- Deckhand & tug deckhand
- Stowman
- Second cook

HYDRAULIC BRIDGES UNDER 20P:

- Leverman
- Engineer
- Welder
- Mohe
- Oilier & fireman
- Deckhand
- Leachman
- Stowman
- Spill barge operator
- Spill barge operator
- CLAUSHELL BRIDGES:
- Operator
- Engineer
- Welder
- Mohe
- Fireman & Oilier
- Deckhand
- Leachman
- Stowman

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & V	Residence	Vacation	
\$7.22	.50	.43	a	
6.71	.50	.43	a	
7.09	.50	.43	a	
6.61	.50	.43	a	
6.38	.50	.43	a	
5.23	.50	.43	a	
4.86	.50	.43	a	
6.32	.50	.43	a	
6.00	.50	.43	a	
4.93	.50	.43	a	
6.46	.50	.43	a	
6.07	.50	.43	a	
6.46	.50	.43	a	
5.92	.50	.43	a	
4.76	.50	.43	a	
4.93	.50	.43	a	
5.16	.50	.43	a	
4.80	.50	.43	a	
4.70	.50	.43	a	
7.17	.50	.43	a	
7.17	.50	.43	a	
7.17	.50	.43	a	
5.23	.50	.43	a	

DIPPER OPERATORS:

- Operator
- Craneman
- Engineer
- Welder
- Mohe
- Fireman & oilier
- Technician
- Tug master
- Tug mate
- Stowman

TUGS (INCLUDING DIPPER & CLAMSHELL BRIDGES):

- Tug master
- Tug mate
- Engineer
- Assistant engineer
- Deckhand
- Cook

STEWARD DEPARTMENT - ON DIPPER AND CLAMSHELL BRIDGES AND ON HYDRAULIC BRIDGES 20P AND UNDER:

- Cook
- Meat cook
- Measman & janitor
- PRILLBOAMS:
- Triller
- Blaster
- Operator engineer
- Helper

FOOTNOTE:

PAID HOLIDAYS: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

a. Six paid holidays, A through F, plus vacation contribution of 7% of straight time pay.

SUPERSEDES DECISION

STATE: Ohio
 DECISION NUMBER: GM77-5026
 SUPERSEDES DECISION NO. AS-1029 dated September 6, 1974, in 38 FR 31446
 DESCRIPTION OF WORK: Building, Residential, Heavy and Highway Construction

STATE: Illinois, Indiana, Kentucky, Missouri, Ohio, & West Virginia
 INCLUDING NUMBER: 117-5036
 SUPERSEDES DECISION NO. 1176-5026 dated March 26, 1976 in 41 FR 12958
 DESCRIPTION OF WORK: Flowing on the Illinois River between Miles 0.0 and 80.0; the Ohio River between Miles 550.0 and 172.2; the Upper Mississippi River between Miles 0.0 and 195.0; and the Kaskaskia River from the mouth to Fayetteville, Illinois.

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$ 3.70				
3.36				
3.31				
3.24				
3.22				
3.20				
3.16				
3.12				
3.05				
3.03				
3.03				
2.94				
2.90				

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$9.83	.46	1.51		
8.47	.46	1.51		
9.44	.46	1.51		
7.13	.46	1.51		
9.13	.46	1.51		
6.57	.46	1.51		

AREA I

Within the geographical jurisdiction of the St. Louis District, Corps of Engineers. Levees, Engineer, Mechanic, and Boatman Oiler and Helper

AREA II

Within the geographical jurisdiction of the Louisville District, Corps of Engineers. Levees, Engineer, Mechanic, and Boatman Oiler and Helper

AREA III

Within the geographical jurisdiction of the Burlington District, Corps of Engineers. Levees, Engineer, Mechanic, and Boatman Oiler and Helper

Refrigeration and Air Conditioning

Machinist

Heavy Equipment Repairman

Heavy Equipment Operator

Electrician

Plumber

Welders

Sheet Metal Worker

Mason

Lt. Equipment and General Truck Driver

Carpenter

Painter

Structural Ironworker

STATE: Missouri
 COUNTIES: Franklin, Jefferson, Lincoln, St. Charles, Warren & City & County of St. Louis
 DATE: Date of Publication
 SUPERSEDAS DECISION NO. MO76-4108 dated July 2, 1976 in 41 FR 27624
 DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartment up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
ASBESTOS WORKERS:					
Asbestos workers	\$11.85	.50	.90		
Swing stage of bosun's chair	12.10	.50	.90		
Asbestos workers requiring spray	12.10	.50	.90		.02
In application	10.45	.85	1.00		.03
BOILERMAKERS	9.40	.52	.70	.90	
BRICKLAYERS; STONEMASONS					
CARPENTERS; MILLWRIGHTS; TILE-DRIVERS;	10.46	.50	.70		
CARPENTERS:					
ZONE 2 - Franklin County:	8.20	.50	.70		
Contracts \$200,000.00 & under	10.46	.50	.70		
Contracts over \$200,000.00	9.96	.50	.70		
Contracts \$5,000.00 & under	10.46	.50	.70		
Contracts over \$25,000.00	9.70	.50	.70		
Contracts under \$200,000.00	10.46	.50	.70		
Contracts \$200,000.00 or more	9.15	.50	.70		
ZONE 5 - Lincoln & Warren Counties:	10.46	.50	.70		
Contracts \$200,000.00 & under	10.15	1.00	.95		
Contracts over \$200,000.00	9.50	1.00	.95		
Project less than \$100,000.00	10.15	1.00	.95		
Project \$100,000.00 & over	10.30	.55	18+5% 34+4	.10	
ELECTRICIANS	10.05	.445	.29		.02
ELEVATOR CONSTRUCTORS	TONAJR	.445	.29		.02
ELEVATOR CONSTRUCTORS HELPERS	50NAJR				
ELEVATOR CONSTRUCTORS HELPERS' (FRAB)					

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.

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
GLAZIERS	10.73	.45	1.13	8K+C	.01
FOOTNOTES: 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	10.625	.55	.70		.05
LABORERS:					
ZONE 1 - City & County of St. Louis	9.425	.40	.90		.03
General laborer	9.20	.40	.90		.03
Wrecking	9.80	.40	.90		.03
Plumber laborer	9.925	.40	.90		.03
Dynamiter or powderman	9.00	.40	.60		
Mason tenders (hood carriers)					
ZONE 2 - Franklin County:	6.75	.50	.40		
Contracts \$250,000.00 or less:	6.95	.50	.40		
General laborer	8.25	.50	.40		
Mason tenders, plumber laborer:					
plaster tender	8.45	.50	.40		
Contracts over \$250,000.00:					
General laborer	7.05	.50	.30		
Mason tenders, plumber laborer:					
plaster tender	8.35	.50	.30		
ZONE 3 - Jefferson County:					
Laborers	9.575	.50	.50		
Powderman, mason tenders, plaster tender	10.075	.50	.50		
ZONE 4 - St. Charles County:					
General laborer	10.05	.50	.50		
Dynamiter or powderman					
Plumbers laborer					
ZONE 5 - Lincoln & Warren Counties:					
General laborer	9.075	.50	.50		
Dynamiter or powderman	9.575	.50	.50		
Plumber laborer	9.55	.50	.50		
LATHERS	10.975	.30			
MARBLE SETTERS	10.39	.325			
MARBLE SETTERS HELPERS	10.08				.015
PAINTERS:					
ZONE 1 - Lincoln County:	6.80				
Brunb	7.20				
Spray					

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS (ZONE 1)

Group 1 - Backhoe; cableway; crane, crawler or truck; crane, hydraulic-truck or derrick mounted-16 tons & over; crane, locomotive; derrick; steam; derrick car & gas, steam & other power; pile driver, land or floating; scoop, skimmer; shovel, power (steam, gas electric or other power); switch boat; whirley; air tapper w/air compressor; anchor placing barge; asphalt spreader; atboy 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 mixer-mobile; compressors, two, not more than 20 ft. apart; compressors, not more than 5 ft. apart; concrete-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; cranes, hydraulic-rough terrain, self-propelled; crane hydraulic-truck or crawler mounted-under 16 tons; drilling machines, self-powered, used for earth or rock drilling or boring (w/agon 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; highlight; hoist, concrete and brick (brick cages on concrete skips operating in or on tower, towermobile, or similar equipment); hoist, stack; hydro-hammer; lad-a-rator, 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, beating-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 drum; spreader box; subgrader; tile tapper; 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 tapper 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; grasser; hoist, one drum regardless of size (except brick or concrete); lad-a-rator, 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; roller on dredger; roller on truck crane; pug mill operator; pump, pump-self-powered, automatic controller 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-way-it), regardless of how used, oiler, sweeper, floor

	Fringe Benefits Payments			Education and/or App. Tr.
	H & W	Pensions	Vacation	
PAINTERS (cont'd): ZONE 2 - Franklin, Jefferson, St. Charles, Warren Counties, & City & County of St. Louis				
Brush	.42	.30		.04
Spray	.42	.30		.04
PIPEFITTERS: ZONE 1 - Light commercial work & on jobs within the boundaries of the City of St. Louis & St. Louis County	2.775	.50		
ZONE 2 - Other construction & jobs within twenty miles beyond the boundary line of St. Louis County	2.775	.50		
ZONE 3 - Other construction & jobs more than twenty miles beyond the boundary line of St. Louis County	2.775	.50		
PLASTERERS	11.01	.90		.03
PLUMBERS	10.295	.80		.20
PLUMBERS (Lincoln County)	10.355	.70	.80	
POWER EQUIPMENT OPERATORS: ZONE 1 - St. Louis County:	11.01	.90		
Group 1	.50	1.00		
Group 2	.50	1.00		
Group 3	.50	1.00		
Group 4:				
(a)	.50	1.00		
(b)	.50	1.00		
(c)	.50	1.00		
(d)	.50	1.00		
(e)	.50	1.00		
(f)	.50	1.00		

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS (CONT'D.):
 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; barbs-greens 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; power broom, self-propelled; power shield; roofer; side discharge concrete spreader; slip form finishing machine; stump puller 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; chief plant 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 & jsts; sub-grading machine operator; spreader box operator, self-propelled (not asphalt); tank car heater operator (combination boiler & booster); tractor operator (50 hp or less); ulvac, ultric or similar spreader; vibrating machine operator, not hand; welding machine maintenance operator-1.
 Group 4 - (a)Oiler. (b)Clamshell, 3 yds. capacity or over; crane, rig or pile-drivers 100 ft. or 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, rig or pile-drivers 200 ft. or boom or over (including jib)

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.

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS (CONT'D.):
 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-1 cu. yds. and over, crane, climbing (such as ladder), 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)Beater

Crane, with boom (including jib) over 100' from pin to pin (add 1¢ per foot to maximum of 75¢ above basic rate for cranes.

Work in tunnel or tunnel shaft, .25¢ above base rate.

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or App. Tr.
		H & W	Pensions	Vacation	
Group 1	10.15	.50	1.00		.02
Group 2	9.95	.50	1.00		.02
Group 3	9.75	.50	1.00		.02
Group 4:					
(a)	9.15	.50	1.00		.02
(b)	9.40	.50	1.00		.02
(c)	10.30	.50	1.00		.02

POWER EQUIPMENT OPERATORS:

Group 2 - Franklin, Jefferson, Lincoln, St. Charles and Warren Counties:

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS (GROUP 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; dredge operator; dredge booster pump; dredge engineman; dredge operator; drill cat with compressor mounted on cat; drilling or boring machine; rotary, self-propelled; high loader; hoisting engine-2 active drums; launchmaster wheel; locomotive operator-standard gauge; mechanics and welders; mucking machine; pile-driver operator; piling crane operator; push cat operator; quad trac; scoop operator-all types; shovel operator; sideboom cat; skimmer scoop operator; trenching machine operator; truck crane.

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or App. Tr.
		H & W	Pensions	Vacation	
GROUPS:					
Composition; slate and tile Kettlemen	8.65	.47	.45	1.00	.03
SHEET METAL WORKERS	6.45	.47	.45	1.00	.03
SOFT FLOOR LAYERS	10.29	.51+74	.71	.82	.04
SPRINKLER FITTERS	8.74	.58	.35	.50	.14
STONE TERRICOMAN (Jefferson, St. Charles & St. Louis Counties)	12.21	.60	.90		.08
TELETYPE WORKERS	7.35	.50	.65		
TILE SETTERS	11.05		1.00		
TILE SETTERS HELPERS	9.58	.555	.40		
	8.58	.325			

	Fringe Benefits Payments			
	Basic Monthly Rates	H & W	Pensions	Vacations and/or Appr. 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, flat bed trucks	6.99	d	e	fg
Truck or trailers of a water level capacity of 12.0 cu. yds. up to 22.0 cu. yds. including scullids, speedace & similar equipment of same capacity	7.19	d	e	fg
Truck or trailers of a water level of 22.0 cu. yds. & over including scullids, speedace & all floats, flat bed trailers & boom trucks & similar equipment of same capacity	7.29	d	e	fg

FOOTNOTES: d-Employer contribution of \$12.50 per week; e-Employer contribution of \$12.00 per week; f-Paid Holidays; New Year's Day, Memorial Day, Independence Day, Labor Day, Veterans Day, Thanksgiving Day, Friday After Thanksgiving Day, Christmas Day; g-Paid vacation of 3 days for 600 hours of service in any one contract year, 4 days paid vacation for 800 hours of service in any one contract year, 5 days paid vacation for 1,000 hours of service in any one contract year.

WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.

STATE: Missouri
 COUNTIES: Franklin, Jefferson, Lincoln, St. Charles, and Warren and St. Louis City and County
 DATE: Date of Publication
 DECISION NO.: MO77-4053
 Superstress Decision No. MO76-4107 dated July 2, 1976, in 41 FR 27621
 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			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
AGRESTOS WORKERS	\$11.85	.50	.90	.90	.03
BLOCKLAYERS & STONEMASONS	9.40	.52	.70	.90	
CARPENTERS:					
Zone 1 - St. Louis City & County	10.46	.50	.70		
Zone 2 - St. Charles County	9.70	.50	.70		
Zone 3 - Lincoln and Warren Counties	9.15	.50	.70		
Zone 4 - Jefferson County	9.25	.50	.70		
Zone 5 - Franklin County	8.20	.50	.70		
CONCRETE MASONS:					
Zone 1 - Franklin, Lincoln & Warren Counties:					
Projects less than \$100,000.00	9.50	1.00	.95		
Projects \$100,000.00 or over	10.15	1.00	.95		
Zone 2 - Jefferson, St. Charles Counties and St. Louis City & County	10.15	1.00	.95		
ELECTRICIANS:					
Zone 1 - Franklin, Jefferson Lincoln and Warren Counties	9.64	.55	1.8+5%	15%	.10
Zone 2 - St. Charles County & St. Louis City & County	10.30	.55	1.8+5%	15%	.10
ELEVATOR CONSTRUCTORS'	10.05	.445	.29	3.8+4%	.02
ELEVATOR CONSTRUCTORS' HELPERS	7.04JR	.445	.20	3.8+4%	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROG.)	5.04JR				
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. 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. d-Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day.					
GLAZIERS	10.04	.45	1.03	8.8+0	.01
POORNOTE: 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. d-Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day.					
IRONWORKERS	10.625	.55	.70		.05
LABORERS:					
Zone 1 - 3 and 4 stories (St. Louis City and County):					
General laborer	9.425	.40	.90		.03
Wrecking	9.30	.40	.90		.03
Plumber laborers	9.80	.40	.90		.03
Dynaflite or powderman	9.925	.40	.90		.03

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
LABORERS (CONTD):					
Zone 2 - 2 stories and under (St. Louis City and County)	8.875	.40	.90		
Zone 3 - Lincoln, Warren and St. Charles Counties	8.275	.50	.50		
Zone 4 - Jefferson County: Laborers	7.85	.50	.30		
Zone 5 - Franklin County: Contracts \$250,000.00 or less:					
General laborer	6.75	.50	.40		
Mason tenders, plumber laborers, plaster tenders	6.95	.50	.40		
Contracts over \$250,000.00:					
General laborer	8.25	.50	.40		
Mason tenders, plumber laborers, plaster tenders	8.45	.50	.40		.015
LATERS	10.975	.30			
WALL & SETTERS	10.39	.325	.50		
WALL & SETTERS' HELPERS	10.08				
PAINTERS:					
Zone 1 - St. Charles County: Brush, paperhangers, drywall tapers	8.40	.30			
Spray, steel, sandblaster, pot tenders	9.66	.30			
Zone 2 - Franklin, Jefferson and Warren Counties and St. Louis City and County:					
Brush	10.08	.42	.30		.04
Spray	11.58	.42	.30		.04
Zone 3 - Lincoln County: Brush	4.85				
Spray	6.00				
PIPEFITTERS:					
Zone 1 - Light commercial work and on jobs within the boundaries of the City of St. Louis & St. Louis County	10.45	2.775	.90		

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS (ZONE 1 CONTD.):
 crane hydraulic-truck or crawler mounted—under 16 tons; drilling machines, self-propelled, 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 engine required); elevating grader; engine man, dredger; excavator or powerbelt machine; finishing machine, self-propelled oscillating screed; forklift; grader, road with power blade; highlift; hoist, concrete and brick (brick cages on concrete skips operating in or on tower, towermobile, or similar equipment); hoist, stack; hydro-hammer; lad-a-vator, hoisting brick or concrete; loading machine (such as barbet-greenel); mixer-mobile, mixing 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's 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; roller on drudge; oiler on truck crane; pug mill operator; pump, pump-self-powered, automatic controller over 3" during use in connection with construction work; sweeper, street; welding machine, one over 400 amp-1 which operating from track.

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 root socket tool, dragline-7 cu. yds. & over, shovel, power-7 cu. yds. and over, crane, climbing (such as ladder), 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) Restec

Crane, with boom (including jib) over 100' from pin to pin (add 1¢ per foot to maximum of 75¢ above basic rate for cranes.
 Work in tunnel or tunnel shaft. .25¢ above base rate.

Basic Hourly Rates	Fringe Benefits Payments			Education Cont./Yr. Appr. T.
	H & W	Pensions	Vacation	
10.83	2.775	.90		
11.01	2.775	.90		.03
10.295	.48	.80		
10.135	.70	.70	.80	
11.01	2.775	.90		.20
10.17	.50	1.00		
9.62	.50	1.00		
9.17	.50	1.00		
10.97	.50	1.00		
11.72	.50	1.00		
12.17	.50	1.00		
12.92	.50	1.00		
10.67	.50	1.00		
9.17	.50	1.00		

PIZZITTERS (CONTD.):
 Zone 2 - Other construction and jobs within twenty miles beyond the boundary line of St. Louis County
 Zone 3 - Other construction and jobs more than twenty miles beyond the boundary line of St. Louis County
PLUMBERS
PLUMBERS (Lincoln County)
POWER EQUIPMENT OPERATORS:
 Zone 1 - St. Louis County.

Group 1
 Group 2
 Group 3
 Group 4:
 (a)
 (b)
 (c)
 (d)
 (e)
 (f)

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS (ZONE 1)
 Group 1 - Backhoe; cableway; crane, crawler or truck; crane, hydraulic-truck or crawler mounted-16 tons & over; crane, locomotive; derrick; steam derrick car & derrick boat; dragline; dredge; straddle, crawler or tire mounted; locomotive, gas, steam & other power; pile driver, land or floating; scoop, skimmer; shovel, power (steam, gas electric or other power); switch boat; Wharfley; air tugger w/air compressor; anchor placing barge; asphalt spreader; atkey force feed loader (self-propelled); backfilling machine; boat operator-push boat or bow 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 sixmobile; 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-tough terrain, self-propelled;

Group 4 - (a) roller, (b) clamshells, 3 yds. capacity or over; cranes, 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 (crane, rigs or piledrivers 200 ft. of boom or over (including jib))

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			Education end/or Appr. Tr.
		H & W	Pensions	Vacation	
ROOFERS:					
Composition; slate and tile	8.65	.47	.45	1.00	.03
Estimates	6.45	.47	.45	1.00	.03
SHEET METAL WORKERS	10.29	.51+.78	.71	.82	.04
SOFT FLOOR LAYERS	8.74	.58	.35	.50	.14
SPRINKLER FITTERS	12.21	.60	.90		.03

TERRAZZO WORKERS	11.05				
TILE SETTERS	9.58	.555	1.00		
TILE SETTERS HELPERS	8.58	.325	.40		
TRUCK DRIVERS:					
Truck or trailers of a water level capacity of 11.99 cu. yds. or less for lift trucks, job site ambulances, pick-up trucks, flat bed trucks	6.95	d	e	fsg	
Truck or trailers of a water level capacity of 12.0 cu. yds. up to 21.0 cu. yds. including escalids, speedce & similar equipment of same capacity	7.15	d	e	fsg	
Truck or trailers of a water level of 21.0 cu. yds. & over including euclids, speedce & all floats, flat bed trailers & boom trucks & similar equipment of same capacity	7.29	d	e	fsg	

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 800 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.

	Basic Hourly Rates	Fringe Benefits Payments			Education end/or Appr. Tr.
		H & W	Pensions	Vacation	
POWER EQUIPMENT OPERATORS:					
Group 1 - Franklin, Jefferson, Lincoln, St. Charles and Warren Counties:	16.15	.50	1.00		.02
Group 2	9.95	.50	1.00		.02
Group 3	9.75	.50	1.00		.02
Group 4:					
(a)	9.15	.50	1.00		.02
(b)	9.40	.50	1.00		.02
(c)	10.90	.50	1.00		.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 engine; dredge operator; drill cat with compressor mounted on cat; drilling or boring machine; rotary, self-propelled; highloaders; hoisting engine-2 active drums; locomotive 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; barbet-squeeze 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; powerboom, self-propelled; power shield; roofer; side discharge concrete spreader; slip form finishing machine; stomper machine; throttle man; tractor operator (over 50 hp); welding machine maintenance operator-2; winch truck.

Group 3 - Rollers-1; chip spreader (front man); churn drill operator; chief plant operator; compressor maintenance operator-3; 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 (combination boiler & booster); tractor operator (50 hp or less); ulmac, ulric or similar spreader; vibrating machine operator, not hand; welding machine maintenance operator-1.

DECISION NO. WRTZ-5014

SUBSIDIARY DECISION

STATE: Montana
 COUNTY: Cascade
 DECISION NUMBER: WRTZ-5014
 DATE: Date of Publication
 SUPERSEDING DECISION NO. WRTZ-5009 dated October 29, 1976 in 41 FR 47789
 DESCRIPTION OF WORK: Heavy and Highway Construction

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or App. Tr.
		H & W	Pensions	Vacation	
CARPENTERS:					
Carpenters	8.43	.45	.75		.02
Bladedrivemen; Sawfilers, Carpenters on charred and cresote wood	8.58	.45	.75		.02
CEMENT MASONS:					
Cement Masons	8.37	.65	.25		
Grinder, Bush hammer and clipping fan preparing finished surface; Epoxy	8.52	.65	.25		
ELECTRICIANS:					
Beaverhead, Deer Lodge, Granite, Jefferson, Madison, Silver Bow and Powell Counties	9.90	.50	14+.35		1/22
Gallatin County	9.55	.30	15		1/22
Broadwater, Lewis and Clark and Meagher Counties	8.98	.42	15		1/22
Electricians	9.85	.42	15		1/22
Plains, Hill, Liberty and Phillips Counties	9.85	.42	15		1/22
Electricians					
Cascade, Chouteau, Glacier, Judith-Basin, Park, Teton and Toole Counties	11.13	.42	15+.50		1/22
Electricians	11.38	.42	15+.50		1/22
Cable Splicers					
Flathead, Lake, Lincoln, Mineral, Missoula, Ravalli and Sanders Counties	9.68	.42	15		1/22
Electricians	10.18	.42	15		1/22
Cable Splicers					
Big Horn, Carbon, Golden Valley, Missoula, Powder River, Rosebud, Stillwater, Treasure and Yellowstone Counties	10.07	.30	15+.50		1/22
Electricians	10.52	.30	15+.50		1/22
Cable Splicers					

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or App. Tr.
		H & W	Pensions	Vacation	
ELECTRICIANS: (Cont'd)					
Fergus, Petroleum and Wheatland Counties	7.65	.40	15		1/22
(Electrical contracts less than \$30,000)					
(Electrical contracts \$30,000 or more)	8.75	.40	15+.50		1/22
Park and Sweetgrass Counties	9.05	.30	15+.50		1/22
Carter, Daniels, Dawson, Fallon, McCone, Prairie, Richland, Roosevelt, Sheridan, Valley and Wibaux Counties	9.70	.30	15+.50		1/22
Custer and Garfield Counties	8.48		15		1/22
IRONWORKERS:					
Beaverhead, Broadwater, Deer Lodge, Gallatin, Granite, Jefferson, Lewis and Clark (Southern half including Wolf Creek), Madison, Park, Powell, Ravalli and Silverbow Counties	10.11	.55	1.00		.05
Flathead, Glacier, Lake, Lincoln, Mineral, Missoula and Sanders Counties	11.15	.58	1.00		.05
Remaining Counties (including Northern half of Lewis and Clark County)	10.11	.55	1.00		.05
PAINTERS:					
Beaverhead, Jefferson (Southern area, south of the City of Bozler), Madison (west of a line running north-south through the west limits of Harrison and Silver Bow Counties	7.60	.25	.10		
Brush	10.40	.25	.10		
Spray					

DECISION NO. 8777-5034

	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
PAINTERS: (Cont'd) Brookwater, Gallatin, Jefferson, (northern area from a line running East and West five miles south of the southern City limits of Boulder), Lewis and Clark (southern portion from a line running East and West through the southern limits of Craig), Madison (east of the West City limits of Harrison), Meagher, Park, Powell (northern area from a line running East and West through the southern City limits of Helena)				
Brush	\$8.44	.20		.03
Spray; Steel brush	9.44	.20		.03
Structural steel brush	9.44	.20		.03
Steel spray	10.44	.20		.03
Structural steel spray	10.94	.20		.03
Blaine, Hill, Liberty and Chouteau (north of the southern limits of the City of Big Sandy) Counties	6.76			
Flathead, Granite (northern area south limits of Phillipsburg), Lake (southern area including the City of Bonan), Lincoln, Mineral, Missoula, Powell (northern area through south limits of Helena), Ravalli and Sanders Counties	8.60	.34	.30	.04
PLUMBERS: Flathead, Lake, Lincoln, Mineral, Missoula and Sanders Counties	10.50	.35	.70	.05
Blaine, Cascade, Chouteau, Fergus, Glacier, Hill, Judith-Beaumont, Liberty, McCone, Meagher, Phillips, Pondera, Roosevelt, Teton, Toole and Valley Counties	10.60	.50	.85	.17

DECISION NO. 8777-5034

	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
PAINTERS: (Cont'd) Big Horn, Carbon, Carter, Custer, DeWitt, Fallon, Golden Valley, Musselshell, Powder River, Prairie, Rosebud, Stillwater, Sweet Grass, Treasure, Wheatland (south of the City of Harlowton), Wibaux and Yellowstone Counties				
Brush	\$8.13	.49	.20	
Steel	8.38	.49	.20	
Spray	9.36	.49	.20	
Cascade, Chouteau (south of a line running East and West through the southern limits of Big Sandy), Daniels, Fergus, Glacier, (excluding Glacier National Park), Garfield, Judith-Basin, Lewis and Clark, (northern portion from a line running East and West through the southern limits of Craig), McCone, Phillips, Pondera, Petroleum, Richland, Roosevelt, Sheridan, Teton, Toole, Valley and Wheatland (northern area from a line running East and West through the southern limits of Harlowton) Counties:				
Painters, brush, preparatory work; Pot tender; Parking lot striping and relate work;	8.09	.49	.30	1/2
Roller up to 9 inches	8.59	.49	.30	1/2
Paperhanger; Brush or steel				
Water and sandblasting;				
Application of cold tar products, epoxies, polyurethanes, acid resistant paints	10.34	.49	.30	1/2 &
spraying and airless spray	11.69	.49	.30	1/2 &
Roller over 9 inches long				

LADDERES	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
Asphalt Raker	7.77	.50	.40			.03
Axman	7.52	.50	.40			.03
Burning Bar	7.68	.50	.40			.03
Car and Truck Loaders, Scissorman	7.52	.50	.40			.03
Caisson Workers (free air)	7.68	.50	.40			.03
Carpenter Tender	7.52	.50	.40			.03
Cement Handlers	7.68	.50	.40			.03
Cement Mason Tender	7.68	.50	.40			.03
Choker Setter	7.68	.50	.40			.03
Chuck Tender and Ripper (above ground)	7.52	.50	.40			.03
Concrete Laborers (wet or dry); Buckleman and Signalman	7.68	.50	.40			.03
Concrete or Asphalt Saw	7.62	.50	.40			.03
Concrete Vibrator (5' and over)	7.82	.50	.40			.03
Cosmoline applying and removing	7.52	.50	.40			.03
Core Drill	8.12	.50	.40			.03
Corb Machine	7.62	.50	.40			.03
Drills, Air-tract, self-propelled, Cat, or Truck mounted air operated	7.78	.50	.40			.03
Drills, Air-tract, with Dual Mast	7.88	.50	.40			.03
Drills, Air-tract, self-propelled Mustang type or similar	7.83	.50	.40			.03
Dumpman (Spatter)	7.52	.50	.40			.03
Dumpman (Crademman)	7.68	.50	.40			.03
Fence Erector and Installer (including Installation and Erection of fence, guard rails, median rails, reference posts, Guide posts and right-of-way markers)	7.52	.50	.40			.03
Form Stripper	7.52	.50	.40			.03
Form Setter	7.62	.50	.40			.03
Grade Setter	7.87	.50	.40			.03
General Laborer	7.52	.50	.40			.03
Hand Faller	7.60	.50	.40			.03
High Scaler	7.88	.50	.40			.03
High Pressure Machine Nozzelman	7.72	.50	.40			.03
Heater Tender	7.52	.50	.40			.03

PLUMBERS: (Cont'g)	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
Beaverhead, Broadwater, Deer Lodge, Gallatin, Granite, Jefferson, Lewis and Clark, Madison, Park, Powell, Silver Bow and Sweetgrass Counties	\$10.65	.50	.65			.10
Big Horn, Carbon, Carter, Custer, Daniels, Dawson, Fallon, Garfield, Golden Valley, Musselshell, Petroleum, Powder River, Prairie, Richland, Rosebud, Sheridan, Stillwater, Treasure, Wheatland, Wibaux and Yellowstone Counties	11.25	.40	.60			.10
Broadwater, Jefferson (including north 1/2 of the City of Escalante), Lewis and Clark and Meagher Counties	9.81	.77	.25			.10
Flathead, Lake, Lincoln, Mineral, Missoula, Ravalli and Sanders Counties	9.73	.82	.25			.10
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, Stillwater, Sweetgrass, Valley, Wheatland, Wibaux, Treasure and Yellowstone Counties	8.91	.37	364.25			.02
Blaine, Cascade, Chouteau, Glacier, Hill, Judith-Basin, Liberty, Pondera, Teton and Toole Counties	9.56	.62	.15			.07
Beaverhead, Deer Lodge, Granite, Jefferson (Southem 1/2), Madison, Powell and Silver Bow Counties	9.15	.37	.40	1.00		.02

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Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Previous	Vacation	
\$9.20	.50	.50	.25	.05
8.89	.50	.50	.25	.05
9.06	.50	.50	.25	.05
9.36	.50	.50	.25	.05
9.36	.50	.50	.25	.05
9.49	.50	.50	.25	.05
9.06	.50	.50	.25	.05
9.36	.50	.50	.25	.05
9.36	.50	.50	.25	.05
9.49	.50	.50	.25	.05
9.06	.50	.50	.25	.05
9.36	.50	.50	.25	.05
9.36	.50	.50	.25	.05
8.95	.50	.50	.25	.05
9.36	.50	.50	.25	.05
9.03	.50	.50	.25	.05
9.07	.50	.50	.25	.05
9.15	.50	.50	.25	.05
9.61	.50	.50	.25	.05
9.08	.50	.50	.25	.05
9.08	.50	.50	.25	.05
9.36	.50	.50	.25	.05
9.56	.50	.50	.25	.05
9.76	.50	.50	.25	.05
8.88	.50	.50	.25	.05
9.19	.50	.50	.25	.05
9.36	.50	.50	.25	.05
9.36	.50	.50	.25	.05
9.36	.50	.50	.25	.05
9.36	.50	.50	.25	.05
8.95	.50	.50	.25	.05
9.12	.50	.50	.25	.05

POWER EQUIPMENT OPERATORS

A-Frame Truck Crane, Winch Truck and similar
 Air Compressor, single
 Air Compressor, two or more
 Air Doctor
 Asphalt Paving Machine
 Asphalt Paving Machine Screed
 Automatic Finegrade, Curries and other similar types
 Belt Finish Machine
 Bit Grinder
 Bituminous Mixer Paving, Travel Plant
 Boring Machine (small), Jeep, Pickup or Farm Tractor mounted
 Boring Machine (large)
 Broom, Self-propelled
 Cableway Highline
 Cement Silo
 Central Mixing Plants, Concrete bins and stationary
 Chain Bucket Loader
 Chip or Gravel Spreader, self-propelled
 Concrete Batch Plant, one and two Mixers
 Concrete Batch Plant, three and four Mixers
 Concrete Batch Plant, five Mixers and over
 Concrete Batch Plant Oiler, up to and including two Mixers
 Concrete Batch Plant Oiler, three Mixers and over
 Concrete Bucket Dispatcher
 Concrete Curing Machine
 Concrete Finish Machine Paving
 Concrete Float-Spreader
 Concrete Mixer, three bags and under
 Concrete Mixer, four bags and over

DECISION NO. MFT-5034

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Previous	Vacation	
7.68	.50	.40		.03
7.52	.50	.40		.03
7.62	.50	.40		.03
7.68	.50	.40		.03
7.62	.50	.40		.03
7.68	.50	.40		.03
7.78	.50	.40		.03
7.62	.50	.40		.03
8.08	.50	.40		.03
7.62	.50	.40		.03
7.68	.50	.40		.03
7.68	.50	.40		.03
7.72	.50	.40		.03
7.52	.50	.40		.03
7.52	.50	.40		.03
7.68	.50	.40		.03
7.62	.50	.40		.03
7.62	.50	.40		.03
8.52	.50	.40		.03

LABORERS (Cont'd)

Jackhammer, Pavement Breaker,
 Mason Drills, Concrete Vibrator,
 Mechanic Tamper, Vibrating
 Roller, hand steered and other
 Power Tools
 Landscape Laborers
 Masonian-Air and Water, Gunitz and Placo Maching
 Pipe Wrpper (all types)
 Post Hole Digger (power Auger)
 Power Saw, Bucking
 Power Saw, Felling
 Powderman
 Powderman Helper
 Power Driven Wheelbarrow
 Ripraper
 Scaleman
 Sandblaster
 Sandblaster Tail Hoseman, Pot Tender
 Sod-cutter-hand operated
 Spike Driver, single or dual or hand
 Stake Jumper for Equipment
 Switchman
 Tar Pot
 Tool Checker, Toolhouseman
 Welder

POWER EQUIPMENT OPERATORS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
Hydra Lift and similar types	\$9.26	.50	.50	.25	.25	.05
Industrial Locomotive all classes	9.36	.50	.50	.25	.25	.05
Mechanic and/or Welder on job	9.46	.50	.50	.25	.25	.05
Mechanic and/or Welder Helper on job	8.85	.50	.50	.25	.25	.05
Mixermobile	9.44	.50	.50	.25	.25	.05
Motor Patrol	9.49	.50	.50	.25	.25	.05
Mountain Logger or similar type	9.36	.50	.50	.25	.25	.05
Shackling Machine	9.36	.50	.50	.25	.25	.05
Oiler-Driver, Rubber-tired Cranes	8.93	.50	.50	.25	.25	.05
Oilers, other than Shovels and Cranes	8.85	.50	.50	.25	.25	.05
Oiler, Hoist House, Dams	9.26	.50	.50	.25	.25	.05
Pavement Breaker, Emaco and similar	9.36	.50	.50	.25	.25	.05
Paving and Mixing Machine	9.49	.50	.50	.25	.25	.05
Power Auger, Large Truck or Tractor mounted	9.36	.50	.50	.25	.25	.05
Power Mixer, single or double drum	9.36	.50	.50	.25	.25	.05
Power Saw, multiple cut, self-propelled	9.36	.50	.50	.25	.25	.05
Pumpcrete or Groat Machine	9.36	.50	.50	.25	.25	.05
Pumpman	8.89	.50	.50	.25	.25	.05
Push Tractor	9.36	.50	.50	.25	.25	.05
Quad Cat	9.66	.50	.50	.25	.25	.05
Quad Loader and similar type	9.94	.50	.50	.25	.25	.05
Raygo Giant	9.94	.50	.50	.25	.25	.05
Refrigeration Plant	9.36	.50	.50	.25	.25	.05
Retort	8.95	.50	.50	.25	.25	.05
Roller, on blade or hot mix oil paving	9.36	.50	.50	.25	.25	.05
Roller, on other blade or hot mix paving	9.06	.50	.50	.25	.25	.05
Roller, 25 ton or over	9.36	.50	.50	.25	.25	.05
Scows and similar type carriers, on construction site	9.36	.50	.50	.25	.25	.05
Rubber-tired Dozer	9.36	.50	.50	.25	.25	.05
Rubber-tired Front End Loader, 1 yard and under	9.07	.50	.50	.25	.25	.05

POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
Concrete Power Saw, Self-propelled	\$9.26	.50	.50	.25	.25	.05
Concrete Travel Batcher	9.36	.50	.50	.25	.25	.05
Concrete Conveyor under 40 feet	8.94	.50	.50	.25	.25	.05
Concrete Conveyor over 40 feet	9.69	.50	.50	.25	.25	.05
Concrete Pump	9.69	.50	.50	.25	.25	.05
Crane, to and including 80' boom	9.52	.50	.50	.25	.25	.05
Crane, 81' to 130' boom	9.67	.50	.50	.25	.25	.05
Crane, 131' to 150' boom	9.72	.50	.50	.25	.25	.05
Crane, 151' boom and over	9.77	.50	.50	.25	.25	.05
Crane Oiler	8.93	.50	.50	.25	.25	.05
Crusher	9.36	.50	.50	.25	.25	.05
Crusher Oiler and Helpers	8.85	.50	.50	.25	.25	.05
Crusher Conveyor, when required	8.82	.50	.50	.25	.25	.05
Distributor	9.36	.50	.50	.25	.25	.05
DM 10, 15 or 20 Tractor pulling	9.08	.50	.50	.25	.25	.05
Boiler	9.54	.50	.50	.25	.25	.05
Electric Overhead Cranes	9.36	.50	.50	.25	.25	.05
Elevating Grader	8.82	.50	.50	.25	.25	.05
Farm Type Tractor, up to and including 50 HP Engine	8.82	.50	.50	.25	.25	.05
Farm Type Tractor, over 50 HP Engine	8.90	.50	.50	.25	.25	.05
Field Equipment Serviceman	9.28	.50	.50	.25	.25	.05
Field Equipment Serviceman Helper	8.85	.50	.50	.25	.25	.05
Fireman	8.95	.50	.50	.25	.25	.05
Forklift, on construction job site	9.17	.50	.50	.25	.25	.05
Form Grader	9.13	.50	.50	.25	.25	.05
Gradall	9.36	.50	.50	.25	.25	.05
Grade Setter	8.82	.50	.50	.25	.25	.05
Heavy Duty Drill, all types	9.36	.50	.50	.25	.25	.05
Heavy Duty Driller Helper	8.95	.50	.50	.25	.25	.05
Herman-Nelson Heaters and similar type	8.90	.50	.50	.25	.25	.05
Hoist, single drum	9.13	.50	.50	.25	.25	.05
Hoist, two or more drums	9.36	.50	.50	.25	.25	.05
Helicopter Hoist	9.86	.50	.50	.25	.25	.05
Hot Plant	9.36	.50	.50	.25	.25	.05
Hot Plant Fireman, when in operation	9.36	.50	.50	.25	.25	.05
Hot Plant Oiler, 100 ton per hour or over	8.85	.50	.50	.25	.25	.05

POWER EQUIPMENT OPERATORS (Cont'd)

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Apprent. Tr.
	H & W	Pensions	Vacation	
\$9.36	.50	.50	.25	.05
9.48	.50	.50	.25	.05
9.58	.50	.50	.25	.05
9.68	.50	.50	.25	.05
9.78	.50	.50	.25	.05
9.36	.50	.50	.25	.05
9.74	.50	.50	.25	.05
9.49	.50	.50	.25	.05
9.59	.50	.50	.25	.05
9.85	.50	.50	.25	.05
9.36	.50	.50	.25	.05
9.36	.50	.50	.25	.05
9.54	.50	.50	.25	.05
9.81	.50	.50	.25	.05
9.94	.50	.50	.25	.05
8.85	.50	.50	.25	.05
9.08	.50	.50	.25	.05
9.49	.50	.50	.25	.05
9.81	.50	.50	.25	.05
9.36	.50	.50	.25	.05
9.59	.50	.50	.25	.05

POWER EQUIPMENT OPERATORS (Cont'd)

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Apprent. Tr.
	H & W	Pensions	Vacation	
\$9.69	.50	.50	.25	.05
9.79	.50	.50	.25	.05
9.36	.50	.50	.25	.05
9.54	.50	.50	.25	.05
9.36	.50	.50	.25	.05
9.36	.50	.50	.25	.05
9.36	.50	.50	.25	.05
9.89	.50	.50	.25	.05
9.26	.50	.50	.25	.05
9.36	.50	.50	.25	.05
9.36	.50	.50	.25	.05
8.85	.50	.50	.25	.05

Rubber-tired Front End Loader, 1 yard to and including 3 yards
 Rubber-tired Front End Loader, over 3 yards to and including 5 yards
 Rubber-tired Front End Loader, over 5 yards to and including 10 yards
 Rubber-tired Front End Loader, over 10 yards to and including 15 yards
 Rubber-tired Front End Loader, over 15 yards
 Scraper, 24 15, 20, 21 and similar type if power unit is not used
 Scraper, single or twin engine pulling belly dump trailer
 Scraper, single engine
 Scraper, twin engine
 Scraper, tandem engine
 Self-propelled Sheepsfoot and similar type
 Shovels, including all attachments, under 1 cu. yd.
 Shovels, including all attachments, 1 cu. yd. to and including 3 cu. yds.
 Shovels, including all attachments, over 3 cu. yds. to and including 5 cu. yds.
 Shovels, including all attachments, over 5 cu. yds.
 Shovel Oiler, 3 yards and under
 Shovel Oiler, over 3 cu. yds.
 Slip Form Paver
 Stiff Leg Derrick and Coy Derrick
 Track-type Front End Loaders; up to and including 5 cu. yds.
 Track-type Front End Loaders; over 5 cu. yds. to and including 10 cu. yds.

TRUCK DRIVERS

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
<u>COMBINATION Truck; Concrete Mixer and Transit Mixer:</u>					
To and including 4 cu. yds.	\$8.26	.60	.50		
Over 4 cu. yds. to and including 6 cu. yds.	8.34	.60	.50		
Over 6 cu. yds. to and including 8 cu. yds.	8.42	.60	.50		
Over 8 cu. yds. to and including 10 cu. yds.	8.50	.60	.50		
Over 10 cu. yds. - additional \$.08 per hour each additional 2 cu. yds. increment					
8.50	.60	.50			
<u>DISTRIBUTOR DRIVEN and HELPER</u>	8.19	.60	.50		
<u>DRY BATCH TRUCKS:</u>					
3 Batch or under	8.01	.60	.50		
Over 3 Batch to and including 5 Batch	8.14	.60	.50		
Over 5 Batch to and including 10 Batch	8.30	.60	.50		
Over 10 Batch to and including 15 Batch	8.46	.60	.50		
Over 15 Batch - additional \$.15 per hour each additional 5 Batch increment					
8.11	.60	.50			
<u>PICKUP DRIVER, HAULING MATERIALS</u>	8.11	.60	.50		
<u>DUMPMAN, GRAVEL SPREADER BOX; Pilot Car Driver, Teamsters and Helpers</u>	8.01	.60	.50		
<u>Warehousemen, Partsmen, Cardex Men, Warehouse Expediter</u>	8.21	.60	.50		

TRUCK DRIVERS (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
<u>DUMP TRUCKS AND SIMILAR EQUIPMENT WATER LEVEL CAPACITY, INCLUDING SIDEBOARDS:</u>					
7 cu. yds. or less	\$8.01	.60	.50		
Over 7 cu. yds. to and including 10 cu. yds.	8.14	.60	.50		
Over 10 cu. yds. to and including 15 cu. yds.	8.30	.60	.50		
Over 15 cu. yds. to and including 20 cu. yds.	8.44	.60	.50		
Over 20 cu. yds. to and including 25 cu. yds.	8.50	.60	.50		
Over 25 cu. yds. to and including 30 cu. yds.	8.56	.60	.50		
Over 30 cu. yds. to and including 35 cu. yds.	8.62	.60	.50		
Over 35 cu. yds. to and including 40 cu. yds.	8.68	.60	.50		
Over 40 cu. yds. to and including 45 cu. yds.	8.74	.60	.50		
Over 45 cu. yds. - additional \$.06 per hour each additional 5 cu. yds. increment					
8.14	.60	.50			
<u>DUMPSTERS</u>					
DM 20, DM 21, or EUCLID TRACTORS, PULLING P.B. 21 OR SIMILAR DUMP WAGONS:					
To and including 25 cu. yds.	8.50	.60	.50		
Over 25 cu. yds. to and including 30 cu. yds.	8.56	.60	.50		
Over 30 cu. yds. - additional \$.06 per hour each additional 5 cu. yds. increment					
8.75	.60	.50			
<u>SERVICEMEN</u>					
<u>POWER TRUCK DRIVER (bulk unloader type)</u>	8.19	.60	.50		

DECISION NO. MT77-5034

MONTANA, LINE CONSTRUCTION

(Flathead, Lake and Lincoln Cos.)

Description	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
All construction of "g" fixtures and steel tower transmission lines with capacity of 69 K.V. voltages and over, switch yard and substation rated at 5000 K.V.A. and all work not covered by schedule "g".	\$10.29	.45	18		1/28
Schedule "A"	11.44	.45	18		1/28
Lineman	7.60	.45	18		1/28
Cable Splicer	8.76	.45	18		1/28
Powerman, Jackhammer, Compressor man	6.15	.45	18		1/28
Line Equipment Operators	7.13	.45	18		1/28
Groundman					
Groundman (Experienced)					
All work for power utilities except work covered under Schedule "A", all highway lighting, street lighting and motor traffic controlling.					
Schedule "B"					
Lineman	9.19	.45	18		1/28
Cable Splicers	10.22	.45	18		1/28
Pole Sprayer	9.08	.45	18		1/28
Line Equipment Operators	7.97	.45	18		1/28
Powerman, Jackhammer, Compressor man	6.94	.45	18		1/28
Groundman	6.52	.45	18		1/28
Tree Trimmer	9.44	.45	18		1/28

DECISION NO. MT77-5034

TRUCK DRIVERS (Cont'd)

Description	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
FLAT TRUCKS: To and including 3 tons Over 3 tons Factory rating	\$8.11 8.36	.60 .60	.50 .50		
SERVICE TRUCK DRIVERS; FUEL TRUCK DRIVERS; TIREMEN	8.55	.60	.50		
LOWBOYS, FOUR-WHEEL-TRAILER, FLOAT SEMI-TRAILER	8.36	.60	.50		
LUMBER CARRIERS, LIFT TRUCKS	8.26	.60	.50		
POWER BROOM	8.10	.60	.50		
WATER TANK DRIVERS, PETROLEUM PRODUCTS DRIVERS: 2,500 gallons and under Over 2,500 gallons to and including 4,500 gallons Over 4,500 gallons to and including 6,000 gallons Over 6,000 gallons to and including 8,000 gallons Over 8,000 gallons to and including 10,000 gallons Over 10,000 gallons - additional \$.06 per hour each additional 2,000 gallons increment	8.01 8.30 8.50 8.56 8.64	.60 .60 .60 .60 .60	.50 .50 .50 .50 .50		
TRUCKS WITH POWER EQUIPMENT IF UNDER TRANSFERS JURISDICTION, SUCH AS: Winch, A-frame, Swedish Crane, Hydraulic, Groutcrete, and Combination mulching, seeding and fertilizing	8.26	.60	.50		
TRUCK MECHANIC	8.75	.60	.50		

DECISION NO. MT77-5634

MONTANA DREDGING

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$10.04	.60	1.05		.11
10.14	.60	1.05		.11
10.14	.60	1.05		.11
10.48	.60	1.05		.11
10.48	.60	1.05		.11
10.53	.60	1.05		.11
10.53	.60	1.05		.11
10.58	.60	1.05		.11
11.29	.60	1.05		.11
11.84	.60	1.05		.11
10.90	.60	1.05		.11

DREDGING
 Assistant Mate (Deckhand)
 Fireman
 Oiler
 Assistant Engineer (Electric, Diesel, Steam or Booster Pump)
 Mate and Boatman
 Engineer Watcher
 Cranehand
 Assistant Engineer (Electric, Generator Operator for Primary Pump, Power Barge or Dredge)
 Leverman, Digger:
 (a) 5 Yards and Under
 (b) Over 5 Yards
 Leverman, Hydraulic

SOUTHWEST LINE CONSTRUCTION

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$9.31	.35	1A		1/2A
9.60	.35	1A		1/2A
8.53	.35	1A		1/2A
7.04	.35	1A		1/2A
8.65	.35	1A		1/2A
9.56	.35	1A		1/2A
8.47	.35	1A		1/2A
5.93	.35	1A		1/2A
6.68	.35	1A		1/2A

REMAINING COUNTIES

LINE CONSTRUCTION:
 Jobs over 69,000 Volts:
 Lineman, Pole Sprayer
 Cable Splicer
 Line Equipment Operator:
 Powderman
 Groundman
 Jobs 69,000 Volts or less:
 Lineman
 Cable Splicer
 Line Equipment Operator:
 Powderman
 Groundman
 Experienced Groundman (1000 hours); Truck Drivers

DECISION NO. 10077-5025

SUPPLEMENTAL DECISION

STATE: New Mexico

COUNTIES: Navajo Indian Reservation
in San Juan and McKinley
Counties

DECISION NUMBER: 10077-5025
DATE: Date of Publication
Supersedes Decision No. 1005-5004 dated January 24, 1975, in 40 FR 3921
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			Education and/or App. Tr.
		H & W	Pensions	Vacation	
ASBESTOS WORKERS	\$ 7.50	.50	.72		.03
BRICKLAYERS	8.52	.38	.40		.02
CARPENTERS: Dwelling houses and apartments not to exceed 2 stories	7.44	.47	.45		.12
Carpenters Dwelling houses and apartments over 2 stories	7.94	.47	.45		.12
Carpenters					
CEMENT MASONS: Dwelling houses and apartments not to exceed 2 stories	5.62	.38	.20		
Cement Masons Dwelling houses and apartments over 2 stories	5.82	.38	.20		
Cement Masons					
ELECTRICIANS: Electricians	9.18	.25	.18		.01
Cable Splicers	9.95	.25	.18		.01
LABORERS: Dwelling houses and apartments not to exceed 2 stories	4.12	.26	.20		
Laborers, unskilled Dwelling houses and apartments over 2 stories	4.57	.26	.20		
Laborers, unskilled					

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or App. Tr.
		H & W	Pensions	Vacation	
PAINTERS: Brush; Roller	\$ 5.87	.30	.20		.01
PLASTERERS	6.50	.38	.20		.06
PLUMBERS	9.50	.42	.75		.09
ROOFERS	5.70				
SMELT METAL WORKERS	7.11	.31	.25		.02
SOFT FLOOR LAYERS	5.75	.30			.02
TRUCK DRIVERS: Dwelling houses and apartments not to exceed 2 stories	4.30	.38	.15		
Pickup 3/4 ton and under Dwelling houses and apartments over 2 stories	4.60	.38	.15		
Pickup 3/4 tons and under					
POWER EQUIPMENT OPERATORS: Tractor, under 50 HP (w/o attachments)	5.18	.25	.20		.06
Air Compressor (300 CFM and over)	5.72	.25	.20		.06
Motor Graders	5.80	.25	.20		.06
Backhoes	6.30	.25	.20		.06

SUPPLEMENTAL DECISION

STATE: NEW YORK COUNTY: WESTCHESTER
 DECISION NO. NY77-3002 DATED DATE OF PUBLICATION
 SUPERSEDES DECISION NO. NY76-1281 dated November 12, 1976 in 81 FR 50181
 DESCRIPTION OF WORK: Building construction (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

DECISION NO. NY77-3002

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or App. Tr.
		H & W	Pensions	Vacation	
ASBESTOS WORKERS	\$11.18	5A	10A	20A	
BOILERMAKERS	12.33	5A	15A	7A	.02
BRICKLAYERS	9.00	1.00	2.25	1.25+f+j	.07
BRICKLAYERS, MASONS AND PLASTERERS:					
(Rehabilitation of Hi-Rise buildings over 4 stories)	5.46	1.00	2.25	1.25	.07
BUILDINGS OVER 4 STORIES)	9.08	1.20	.95	1.07	.085
CARPENTERS:					
(Rehabilitation of Hi-Rise buildings over 4 stories)	6.105	1.20	.95	1.07	.085
CEMENT MASONS	9.00	1.00	2.25	1.25+k	.05
DRYWALL TAPERS:					
(Rehabilitation of Hi-Rise buildings over 4 stories)	6.78	.50	.93	.40	
ELECTRICIANS	11.18	5A+h	7A+1.50	10A	1/4+.02
ELECTRICIANS:					
(Rehabilitation of Hi-Rise buildings over 4 stories)	6.70	5.25A+h	7A+1.50	10A	1/4+.02
ELEVATOR CONSTRUCTORS	10.76	.545	.35+e	a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS	7.59	.545	.35+e	a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB)	5.06				
ELEVATOR CONSTRUCTOR MODERNIZATION	9.35	.495	.32+e	a+b	.02
ELEVATOR CONSTRUCTOR MODERN.					
HELPERS	7.01	.495	.32+e	a+b	.02
ELEVATOR CONSTRUCTOR REPAIR	8.50	.495	.32+e	a+b	.02
ELEVATOR CONSTRUCTOR REPAIR HELPER	6.38	.495	.32+e	a+b	.02
GLAZIERS	10.70	.66	1.66	.47	.01
IRONWORKERS, STRUCTURAL	11.65	1.10	2.45	1.35+g	.07
IRONWORKERS, ORNAMENTAL FINISHER	10.33	1.06	2.44	.78	.04
IRONWORKERS, REINFORCING	10.10	.785	1.765	.75+1	.01
LABORERS, (BUILDING):					
Laborers, mason, plasterers, bricklayers, tenders, concrete laborers & pipelayers	7.40	.95	.85	.75	
Jackhammer, vibrators, power buggies, fork lifts, all pneumatic equipment	7.65	.95	.85	.75	

	Basic Hourly Rates	H & W	Fringe Benefits Payments			Education and/or App. Tr.
			Pensions	Vacation		
LABORERS:						
(Rehabilitation of Hi-Rise buildings over 4 stories)	5.12	.85	.75	.75+1	.03	
LAYERS:						
Metal	12.00	.945	1.985	.75+1	.03	
Nail on	10.41	.40	.25	c	.01	
LEAD WORKERS	9.54	11 3/4A	1A+.61	.93	1/4	
LINEMEN	9.54	11 3/4A	1A+.61	.93	1/4	
Cable splicer	8.33					
Boiling machine operator	7.27	11 3/4A	1A+.61	.93	1/4	
Groundman	7.27	11 3/4A	1A+.61	.93	1/4	
Driver groundman	7.27	11 3/4A	1A+.61	.93	1/4	
Dynamite man	8.49	11 3/4A	1A+.61	.93	1/4	
MARBLE SETTERS, MARBLE CUTTERS	10.00	1.13	1.19	9		
MARBLE SETTERS' HELPERS, CRANE OP	7.33	.63	1.41	9		
MARBLE CARVERS	10.15	1.13	1.19	9		
DEBRACKMEN	8.28	1.13	1.19	9		
MARBLE SAVERS, RUBBERS, POLISHERS	7.57	1.13	1.19	9		
MILLWRIGHTS	9.36	.90	1.53			
PAINTERS:						
Brush	8.40	.50	.93	.40		
Structural steel, swing stage	9.65	.50	.93	.40		
Spray	9.40	.50	.93	.40		
PAINTERS:						
(Rehabilitation of Hi-Rise buildings over 4 stories)	5.12	.95	.95	.75	.04	
FILEWALVESMEN & DOCK BUILDERS	10.92	1.25	1.73	.71	.07	
PLASTERERS	9.00	1.00	2.25	1.25+f+j	.07	
PLUMBERS	10.88	8A+d	9A+1.71	10A	.2A	
PLUMBERS:						
(Rehabilitation of Hi-Rise buildings over 4 stories)	6.61	8A	9A+1.71	10A	.2A	
ROOFERS:						
Composition, damp & water-proofing	9.25	2.24	2.45	1.75	.10	
Slate and tile	10.82	.55	1.20	1.75		
Slate and tile helpers	7.90	.50	1.00	1.20		
ROOFERS:						
(Rehabilitation of Hi-Rise buildings over 4 stories)	5.66	2.24	2.45		.10	

EXCAVATION, SEAWALL AND ROAD CONSTRUCTION (OPEN CUT)

DECISION NO. NY77-3002

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
LABORERS:					
GROUP I	9.02	84	84	84	84-75
GROUP II	8.43	84	84	84	84-75
GROUP III	8.37	84	84	84	84-75
GROUP IV	8.22	84	84	84	84-75
GROUP V	8.12	84	84	84	84-75
GROUP VI	8.62	84	84	84	84-75
GROUP VII	8.47	84	84	84	84-75
GROUP VIII	9.27	84	84	84	84-75
GROUP IX	9.47	84	84	84	84-75
GROUP X	8.57	84	84	84	84-75
GROUP XI	8.77	84	84	84	84-75
GROUP XII	8.72	84	84	84	84-75
GROUP XIII	8.62	84	84	84	84-75
GROUP XIV	8.37	84	84	84	84-75
GROUP XV	8.32	84	84	84	84-75
GROUP XVI	8.27	84	84	84	84-75
GROUP XVII	8.22	84	84	84	84-75

LABORERS DEFINITIONS

GROUP I Blasters, blaster (quarry master)

GROUP II Joy drillers, wagon drillers, air track drillers, concrete form aligner, concrete form and curb form highway (steel), and deck winches on scoops, jumbo drill

GROUP III Asphalt curb machine operator, jeoper operator, pavement breaker operator, rock scalers, power saw operator, bit grinder or grinders, baroc rammer operator, air tamper and all type powered tampers not covered by any other classification, steel kings, power buggy operator, jack hammer drillers, all type pneumatic tool and gasoline drillers, concrete saw or saws, asphalt screeder on barbergreen, form pin puller railroad spike puller, pumps and their operation, and pneumatic tools and service of air power, gunniting

DECISION NO. NY77-3002

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
SHEET METAL WORKERS	10.24	104	174	104	.02
SOFT FLOOR LAYERS	9.08	1.20	.95	1.07	.085
STEAMFITTERS	10.00	104+D	84	114	54
STONE MASONS	9.00	1.00	2.25	1.25+44	.07
TERRAZZO MACHINE OPERATOR	8.99	1.21	1.50		
TERRAZZO WORKERS	9.10	.62	1.55		
TERRAZZO WORKERS' HELPERS	9.14	1.21	1.50		
TILE SETTERS	8.50	.80	2.05		
TILE SETTERS' HELPERS	7.90	.50	1.27		
SPRINKLER FITTERS	11.61	.60	.95		.08

Welders - receive rate prescribed for craft performing operation to which welding is incidental.

PAID HOLIDAYS: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day and F-Christmas Day.

FOOTNOTES:

- a. Holidays: A through F, Lincoln's Birthday, Washington's Birthday, Columbus Day, Armistice Day and Election Day.
- b. Employer contributes 6.4% of basic hourly rate for 5 years or more of service of 4% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.
- c. Holidays: A through F; Washington's Birthday, Good Friday, Christmas Eve, providing employee has worked 30 full days during the 90 calendar days prior to the holiday and the regularly schedule work days immediately preceding and following the holiday.
- d. Employer contributes \$7.70 per day to Security Benefit Fund, providing the employee works 3 1/2 hours or more during the working day.
- e. Employer contributes \$8.00 per day to Annuity Fund.
- f. Holidays: Columbus Day, Presidential Election Day 1 hour off with pay.
- g. Holidays: New Year's Eve and Christmas Eve, providing the employee works a full half day preceding the holiday.
- h. Employer contributes \$3.50 per day woman to Security Benefit Fund.
- i. Work on Christmas and New Year's Eve will terminate at noon, but employees will receive a full day's pay.
- j. Holidays: (Highway Construction Only) A thru F, Lincoln's Birthday, Washington's Birthday, Good Friday, Columbus Day, Election Day and Veteran's Day.
- k. Holidays: Labor Day, Armistice Day, Columbus Day, Presidential Election Day or Election Day for Governor of New York.

DECISION NO. 5777-3002

LABORERS DEFINITIONS (CONT'D)

GROUP IV

General concrete laborers or anything pertaining to concrete which means any men handling aggregate or concrete materials and carpenters tender and steel handling, pipe layers, puddlers, asphalt worker, fine grade men between forms, epoxy and waterproofing

GROUP V

Joy driller's helper, wagon driller helper, air track driller helper, air track driller helper, common laborers, signal men and pitman, truck spotters, powderman, landscape and nursery men and dump men

GROUP VI

Wrecking:

- A. Barren and burner
- B. Barren helpers and laborers

GROUP VII

Shaft and tunnel in free air:

- A. Blasters
- B. Concrete setters
- C. Form setters
- D. Mixers, drill runners, air tuggers, chippers, pneumatic tools and source of air-power pumps and their operations, and vibrator operators

GROUP VIII

Puddlers

GROUP IX

Chuck tenders, nippers, concrete laborers, tunnel sewer and water pipe reliners

DECISION NO. 5777-3002

LABORERS DEFINITIONS (CONT'D)

GROUP X

Laborers

GROUP XI

Forest carriers, signalmen

GROUP XII

Brakemen

GROUP XIII

Outside Laborers

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day and F-Christmas Day.

FOOTNOTE:

a. Holidays: A through F, Lincoln's Birthday; Washington's Birthday; Columbus Day; Veteran's Day; Veteran's Day and Good Friday, provided employee works (2) two or more days in the calendar week in which the holiday falls.

DECISION NO. NY77-3002

DECISION NO. NY77-3002

POWER EQUIPMENT OPERATORS - BUILDING CONSTRUCTION (CONT'D)

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Presidents	Vocations	
12.855	68+1.00	108+0	a	158
11.94	68+1.00	108+0	a	158
11.795	68+1.00	108+0	a	158
11.655	68+1.00	108+0	a	158
10.5125	68+1.00	108+0	a	158
14.51	68+1.00	108+0	a	158
13.3675	68+1.00	108+0	a	158
9.5675	68+1.00	108+0	a	158
12.3675	68+1.00	108+0	a	158
11.0875	68+1.00	108+0	a	158
11.94	68+1.00	108+0	a	158
17.0825	68+1.00	108+0	a	158
10.5125	68+1.00	108+0	a	158
16.7975	68+1.00	108+0	a	158
15.0825	68+1.00	108+0	a	158
16.0825	68+1.00	108+0	a	158
13.355	68+1.00	108+0	a	158
13.855	68+1.00	108+0	a	158
13.0825	68+1.00	108+0	a	158

POWER EQUIPMENT OPERATORS - BUILDING CONSTRUCTION (CONT'D)

GROUP I
 Conductor self-propelled, grader, bulldozer D7 & similar tractors with a draw bar horsepower of 100 & over maintenance engineer, mechanic (outside) all types, welder, scraper-20 yds. struck & under, machine pulling sheep's foot roller, etc., roller 4 ton and over, vib. roller

GROUP III
 Asphalt plant, boiler (high pressure), bulldozer D6 & similar tractors with a draw bar horsepower less than 100, compressor, compressor plant, concrete mixing plants, concrete pump, conveyor belt machine-irrespective of motor size, fireman, forklift, forklift (electric), joy drill or similar tractor drilling machine, loader-1 1/2 yds., & under, lighting unit (portable & generator), locomotive (all sizes), mixer concrete-212 & over, portable asphalt plant, portable batch plant, portable crusher, quarry master, stone crusher, welding machine (steel erection excavation), well drilling machine, well point system

GROUP IV
 Air tractor drill, batch plant, bending machine, concrete breaker, concrete spreader, compressor to 125 cu. ft., curb cutter machine, dust collector, farm tractor (all types), finishing machine concrete, material hooper-sand-stone-cement, mixer-concrete-under 212, mashing grass spreader, heater-all types, pump pump station (water & sewer), pump-system, etc., concrete, pump-plasterer roller under 4 ton, spreading & fine grading machine, steam Jenny, steel Jenny, steel cutting machine, sweeper, syphon pump air steam, tar joint machine, Turbo jet burner or similar equipment vibrator (1 to 3) fine grading machine

POWER EQUIPMENT OPERATORS - BUILDING CONSTRUCTION

GROUP I
 Backhoe Oliver 89, Fordson, dynamo, dual purpose & similar machine, Barber Green loader-excavator loader or similar type, cherry picker (cableway), compressor (steel erection), conveyer or similar mucking machines, dragline, gradall, shovel, backhoe, etc., (crawler or track), front end loaders, hydraulic boom, Jersey spreader, Letourneau or Tournaipull (scraper) over 20 yds. struck, mucking machines, pavement breaker (air ram), paver (concrete), pulsemeter, push button (buss box) elevator, road boring machine, road mix machines, buss carrier & similar machines, post hole digger, shovel (tunnels), side boom, spreader (asphalt), scoopobile-tractor-shovel over 1-1/2 yds., trenching machines, tractor type demolition equipment, winch truck "A" Frame

GROUP V
 Concrete saw, mechanic's helper, oiler (fuel truck), oiler (grease truck), paint compressor, welder's helper

GROUP VI
 A. Master mechanic
 B. Helicopter hoist op.
 C. Oiler, asphalt paver, utility man
 D. Welder - certified
 E. Second engineer on cranes 30 ton and over
 F. Cable splicer
 G. Helicopter pilot
 H. Helicopter signalman
 I. Engineer, all tower cranes, all climbing cranes and all cranes of 100 ton and regardless of how the same is rigged (except for pile rigs)

DECISION NO. 8777-2002

POWER EQUIPMENT OPERATORS - HEAVY & HIGHWAY

- J. Cranes (crawlers or tracks) 100 ft., but less than 143 ft.
 - K. Cranes (crawlers or tracks) 143 ft. and over
 - L. Loaders op. (over 5 yd. capacity)
 - M. Shovel op. (over 4 yd. capacity)
- GROUP VII
Concrete-portable hoist, crane & hoist engineer-steel (concrete, material, super structure, sub-structure), derrick (stone-steel), elevator & cage, engineer-pile driver, overheadcrane, power house plant, telephons, whirly, hoist (single, double or triple drum), hoist (portable mobile unit), hoist engineer-concrete (crane, derrick, mine hoist), hoist engineer material
- FOURTEENS:
a. Holidays: New Year's Day, Lincoln's Birthday, Washington's Birthday, Good Friday, Memorial Day, Independence Day, Labor Day, Columbus Day, November Election Day, Veteran's Day, Thanksgiving Day and X-Mas Day.
- b. Employer contributes \$2.00 per day to an Annuity Fund.

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Funerals	Vacation	
11.25	68+1.00	944+.25	a	144
10.45	68+1.00	944+.25	a	144
10.325	68+1.00	944+.25	a	144
10.20	68+1.00	944+.25	a	144
9.20	68+1.00	944+.25	a	144
11.45	68+1.00	944+.25	a	144
10.825	68+1.00	944+.25	a	144
8.50	68+1.00	944+.25	a	144
11.25	68+1.00	944+.25	a	144
10.325	68+1.00	944+.25	a	144
10.20	68+1.00	944+.25	a	144
10.2875	68+1.00	944+.25	a	144
9.20	68+1.00	944+.25	a	144
8.375	68+1.00	944+.25	a	144
14.95	68+1.00	944+.25	a	144
11.70	68+1.00	944+.25	a	144
14.70	68+1.00	944+.25	a	144
12.45	68+1.00	944+.25	a	144

POWER EQUIPMENT OPERATORS - HEAVY AND HIGHWAY

GROUP I
Auger, auto grader, backhoe Oliver 88, Fordson, dynamo, dual purpose and similar machines, backer green loader-excld loader or similar type, central mix plant operator, cherry picker (cableway), compactor with bladh, concrete portable hoist, C.M.I. or similar Conway or similar mucking machines, crane (crawler or truck) dragline, gradall, shovel backhoe, etc., derrick (stone-steel), elevator & cage, front end loaders, hoist single, double, triple drum, hoist portable mobile unit, hoist engineer-concrete (crane-derrick-mine hoist), hoist engineer-material, hydraulic boom, LeTourneau or Tournapull (scraper over 20 yards struck), mucking machines, overhead crane, paver (concrete), power hoist plant, pulameter, push button (hoist box) elevator, road mix machines, Ross carrier and similar machines, shovel (tunnels) side boom, spreader (Asphalt), scoopmobile-tractor-shovel over 14 yards, trenching machines, telephones, tractor type demolition equipment, whirly, winch track "A" frame

DECISION NO. NY77-1002

POWER EQUIPMENT OPERATORS - HEAVY AND HIGHWAY (CONT'D)

GROUP II

Compactor self-propelled, grader, bulldozer D7 and similar tractors with a draw bar horsepower of 100 and over, maintenance engineer, mechanic (outside) all types, welder, scrapers 20 yards struck and under, shop foreman, vibratory roller, etc., roller 4 ton and over

GROUP III

Asphalt plant, boiler (high pressure), bulldozer D6 and similar tractors with a draw bar horsepower less than 100, compressor plant, concrete pump, conveyor belt machine-irrespective of motor size, fireman, forklift, forklift (electric), jay drill or similar tractor drilling machines, loader-1 1/2 yds. and under, locomotive (all sizes), machine pulling sheeps foot roller, mixer concrete-212 and over, portable asphalt plant, portable batch plant, portable crusher, quarry mainter, stone crusher, well drilling machine, well point system

GROUP IV

Air tractor drill, batch plant, bonding machine, concrete breaker, concrete spreader, curb cutter machine, farm tractor (all types), finishing machine-concrete, material hopper-sand-stone-cement, matching grass spreader, roller under 4 ton, shop mechanic (not employed on job site), spreading & fine grading machine, steel cutting machine, sweeper, syphon pump-air-steam, tar joint machine, Turbo jet burner or similar equipment, fine grading machine

GROUP V

Concrete saw, mechanic's helper, oiler, oiler (fuel truck), oiler (grease truck)

GROUP VI

Boist engineer-steel, sub-struct., engineer-pile driver

GROUP VII

Welder-certified crawlers or truck: 100 ft. but less than 149 ft. \$2.00 per hour additional crawlers or truck: 149 ft. and over \$3.00 per hour additional loader operators: Over 5 cu. yd. capacity \$1.50 per hour additional shovel operators: Over 4 cu. yd. capacity \$1.00 per hour additional

DECISION NO. NY77-1002

POWER EQUIPMENT OPERATORS - HEAVY AND HIGHWAY (CONT'D)

GROUP VIII

Stockroom attendant, paint compressor, pump under 4" or any combination not equal to 4" roller motorized (walk behind, welder's helper

GROUP IX

Compressor (steel erection)

GROUP X

Compressor, lighting unit (portable and generator), welding machine (steel erection excavation)

GROUP XI

Compressor to 125 cu. ft., dust collector, mixer-concrete under 212, heater-all types, pump 4" and over, pump station (water and sewer), pump-system, etc., pump-plasterer, steam Jersey syphon pump-air-steam, tar-joint machine, vibrator (1 to 5)

GROUP XII

- A. Jersey spreader, pavement breaker (air ram), post hole digger
- B. Safety man 60 ton crane & over, helicopter signman
- C. Oiler asphalt paver, utility man
- D. Helicopter pilot
- E. Helicopter hoist operator
- F. Engineer, tower crane, 3000 monitowac or over or similar (rail, truck, or crawler mounted)
- G. Master mechanic

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day and F-Christmas Day.

FOOTNOTE:

- a. Holidays: A through F; Lincoln's Birthday; Washington's Birthday; Good Friday; Columbus Day; November Election Day and Veteran's Day.

DECISION NO. NT77-3002

TRUCK DRIVERS, BUILDING & HEAVY CONSTRUCTION:

GROUP I
GROUP II
GROUP III
GROUP IV

Basic Hourly Rates	Fringe Benefits Payments			Education and/or App. Tr.
	H & W	Premiums	Vacation	
7.675	.40	.65	a+b	
7.80	.40	.65	a+b	
7.925	.40	.65	a+b	
8.05	.40	.65	a+b	
8.425	.40	.65	a+b	
8.675	.40	.65	a+b	
8.125	.40	.65	a+b	
7.90	.40	.65	a+b	
17.65	.40	.65	a+b	
7.55	.40	.65	a+b	
7.425	.40	.65	a+b	
9.175	.40	.65	a+b	
9.55	.40	.65	a+b	

TRUCK DRIVERS - BUILDING & HEAVY CONSTRUCTION

GROUP I

Straight jobs, A-Frame (inside cab), winch (inside cab), two, dynamite, seeding, mulching, agitator, water, welding on pipelines, post hole diggers mortar mixing, suburans, oil distributors, pick-up, hopper men & crusher op. concrete mixer, lift (in garage, yards and on job site)

GROUP II

Tractor trailers (all types), 3 axle trucks (physically load and unload), mixer men, high pressure boiler in asphalt and batch plants

GROUP III

Tractor trailers (carrying equipment) weighmasters

DECISION NO. NT77-3002

TRUCK DRIVERS - BUILDING & HEAVY CONSTRUCTION (CONT'D)

GROUP IV

- A. Euclid
- B. Euclids, atthey wagons, trailer wagons, belly dumps (under 40 tons)
- C. Atthey wagons, trailer wagons, belly dumps (over 40 tons)
- D. Dual purpose grease & fuel trucks, fuel trucks, tire trucks
- E. Welders, maintenance men, mechanic
- F. Helicopter operator
- G. Mechanic helpers, stock room men
- H. Tardmen and helpers
- I. Dicks (up to 100 tons)
- J. BUS

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day and F-Christmas Day.

FOOTNOTES:

- a. Holidays: A through F, Lincoln's Birthday, Washington's Birthday, Good Friday, Columbus Day, Election Day, Veterans' Day (provided employee works one day of the work week in which the holiday occurs).
- b. One week vacation after 90 days of employment in calendar year, plus one additional day for each additional 18 days of employment, not exceeding 10 days in any one calendar year; two weeks after 110 days of employment in a calendar year. However, an employee with 5 years of seniority service shall receive 2 weeks' paid vacation provided he works 90 days in a calendar year; three weeks and one day after 15 years of seniority service - plus 1 additional day for each year up to 19 years of seniority service; four weeks after 20 years of seniority service.

SUPPLEMENTAL DECISION

STATE: Ohio
 COUNTY: *See below
 DATE: Date of Publication
 DECISION NUMBER: OH77-2037
 SUPERSEDES Decision Nos. OH76-2069, dated June 11, 1976 in 41 FR 21909;
 OH76-2089, dated July 23, 1976 in 41 FR 30569; OH76-2096, dated
 July 30, 1976 in 41 FR 32171; & OH76-2091, dated July 30, 1976 in
 41 FR 32172
 DESCRIPTION OF WORK: Building & Residential Construction

*Cuyahoga, Lake, Portage, Stark,
 & Summit Counties

DECISION NO. OH77-2037

	Fringe Benefits Payments				
	Basic Hourly Rates	H & W	Fees/ins	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS:					
Cuyahoga & Lake Cos.	\$13.08	.50	.80		.02
Remiting Cos.	11.335	.60	1.00		.03
POULPMAKERS					
BRICKLAYERS: Stonemasons:					
Cuyahoga Co.	11.25	.95	1.00		.01
Lake Co.	11.57	.50	.80		\$40.00/yr
Portage & Summit Cos.	10.97	.57	.50		.02
Stark Co.	10.40	.70	.45		.01
CARPENTERS: Millwrights:					
Piledrivemen: Soft floor layers:					
Cuyahoga & Lake Cos.:					
Carpenters; & Soft floor layers	11.60	.67	1.00		.03
Millwrights; & Piledrivemen	11.45	.57	1.15		.03
Portage & Summit Cos.:					
Carpenters	11.00	.40	.50		.02
Millwrights; Piledrivemen	11.45	.67	1.15		.03
Soft floor layers	10.40	.40	.70		.02
Stark Co.:					
Carpenters	9.89	.40	.30		.02
Millwrights; Piledrivemen	10.35	.40	.30		.02
Soft floor layers	9.73	.40	.50		.02
CEMENT MASONS:					
Cuyahoga Co.	12.88				\$40.00/yr
Lake Co.	11.57	.50	.80		.02
Portage, Stark, & Summit Cos.	10.09	.50	.60		.02
ELECTRICIANS:					
Cuyahoga Co.	12.15	.50	13+.43		.02
Lake Co.	12.08	.50	13+.50		.3%
Portage (Twys. of Atwater, Aurora, Brimfield, Deerfield, Franklin, Marcus, Randolph, Ravenna, Rootstown, Shelbyville Streetsboro, & Suffield), & Summit Cos.	11.48	.47	13+.50		.2%
Portage (Remainder of Co.) Co.	11.76	.60	5%		.7%
Stark Co.:					
Commercial building	11.20	.40	13+.25		.3%
Residential building	7.25	.30	13+.10		.3%

	Fringe Benefits Payments				
	Basic Hourly Rates	H & W	Fees/ins	Vacation	Education and/or Appr. Tr.
ELEVATOR CONSTRUCTORS:					
Cuyahoga & Lake Cos.:					
Elevator constructors	\$11.955	.545	.35	42+46	.02
Helpers (Prob.)	70LJR	.545	.35	42+46	.02
Portage, Stark, & Summit Cos.:					
Elevator constructors	11.305	.545	.35	42+46	.02
Helpers	70LJR	.545	.35	42+46	.02
Stark Co.:					
Helpers (Prob.)	50LJR				
GLAZIERS:					
Cuyahoga, Lake, & Portage Cos.	11.98	.55	.65		.01
Stark & Summit Cos.	9.49	.70	.77		.03
IRONWORKERS:					
Cuyahoga, Lake, Portage (exclud- ing Ravenna Ordnance Depot), & Summit Cos.	11.87	.60	.95		.03
Portage (Bavenna Ordnance Depot) Co.:					
Ornamental; Reinforcing; & Structural	11.08	.40	1.00		.07
Bocker-up	11.205	.40	1.00		.07
Sheeter	11.58	.40	1.00		.07
Stark Co.:					
Ornamental; Reinforcing; & Structural	10.62	.60	.60		.03
Bocker-up	10.745	.60	.60		.03
Sheet-side	10.87	.60	.60		.03
Sheet-roof	11.12	.60	.60		.03
LATHERS:					
Cuyahoga, Lake, & Summit (No. part of Co.) Cos.	11.58		.75		.01
Portage & Summit (So. part of Co.) Cos.	11.01	.57	.15		.01
LEATHERERS:					
Cuyahoga Co.:	10.75	.40			.01
Cable splicers; Equipment ops.; Linemen; & Welders	12.73	.35	1%		3%

DECISION NO. 0877-2037

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$9.17	.55	.50		.02
9.27	.55	.50		.02
9.57	.55	.50		.02
9.67	.55	.50		.02
9.92	.55	.50		.02
11.42	1.05	.80		.05
13.18				.01
11.57	.50	.80		\$40.00p/yr
10.11	.45	.50		.01
11.43	.75	1.00		.02
10.61	.79	.90		.04
10.77	.45	.55	d	.05
12.33	.25	.30		.02
10.74	.57	.40		.02
60/LR	.57	.40		.02
70/LR	.57	.40		.02
80/LR	.57	.40		.02
11.38	.60	1.10		.02
10.46	.45	.60		.02
12.05	.60	.90		.08
11.25	.95	1.00		.01
11.57	.50	.80		\$40.00p/yr
10.11	.52	.25		
9.05	.70	.45		
8.52	.70	.45		
11.62	.50	.50		
9.61	.52	.25		
8.09	.70	.45		

PAINTERS (CONT'D):
 Stark Co.;
 Brush; Roller
 Paperhangers
 Drywall
 Spray
 Drywall with machines
 PIPEFITTERS; Sprinkler fitters:
 Coyahoga
 PLASTERERS:
 Coyahoga Co.
 Lake Co.
 Portage, Stark, & Summit Cos.
 PLUMBERS:
 Coyahoga, Lake, & Summit (No. of Rce. #303) Cos.
 Portage & Summit (So. of Rte. #303) Cos.
 Stark Co.
 ROOFERS:
 Coyahoga & Lake Cos.
 Portage, Stark, & Summit Cos.:
 Roofers
 Helpers:
 1st yr.
 2nd yr.
 3rd yr.
 SHEET METAL WORKERS:
 Coyahoga & Lake Cos.
 Portage, Stark, & Summit Cos.
 SPRINKLER FITTERS:
 Lake, Portage, Stark, & Summit Cos.
 TERRAZZO WORKERS:
 Coyahoga Co.
 Lake Co.
 Portage & Summit Cos.
 Stark Co.:
 Terrazzo workers
 Terrazzo grinders
 TERRAZZO WORKERS' HELPERS:
 Coyahoga & Lake Cos.
 Portage & Summit Cos.
 Stark Co.

DECISION NO. 0877-2037

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$11.83	.50	13+.50		1%
11.48	.47	13+.50		.21
12.37	.45	1%		.25%
11.20	.40	13+.25		.25%
7.95	.40	13+.25		.25%
7.50	.40	13+.25		.25%
7.05	.40	13+.25		.25%
10.60	.40	13+.25		.25%
11.25	.95	1.00		.01
11.57	.50	.80		\$40.00p/yr
10.11	.32	.25		
9.10	.70	.45		
11.06	.52	.50		
9.61	.52	.25		
10.81	.63	.74		.05
11.11	.63	.74		.05
11.51	.63	.74		.05
9.40	.62	.60		
9.90	.62	.60		
9.65	.62	.60		

LINE CONSTRUCTION (CONT'D):
 Lake Co.:
 Equipment ops.; Linemen
 Portage (Twp. of Alwater, Aurora, Brinfield, Deerfield, Franklin, Mantus, Randolph, Ravenna, Ropitoom, Shairs-ville, Streetsboro, & Suffield) & Summit Cos.:
 Linemen
 Portage (Remainder of Co.) Co.:
 Cable splicer; Linemen; Pole digging equipment
 Stark Co.:
 Linemen; Cable splicers
 Truck drivers
 Groundmen:
 Over 1 yr's experience
 Under 1 yr's experience
 Line equipment operators
 MOBILE SETTERS:
 Coyahoga Co.
 Lake Co.
 Portage & Summit Cos.
 Stark Co.
 MARBLE SETTERS' HELPERS:
 Coyahoga & Lake Cos.
 Portage & Summit Cos.
 PAINTERS:
 Coyahoga, Lake, Portage (No. of East West Turnpike), & Summit (No. of East West Turnpike) Cos.:
 Brush; Rollers; Paperhangers
 Swing stage; Window jack
 Tapers
 Portage (Remainder of Co.), & Summit (Remainder of Co.) Cos.:
 Brush; Rollers; Paperhangers
 Drywall finisher & tapers; Spray
 Structural steel

DECISION NO. 0877-2032

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	M & V	Pensions	Vacation	Education and/or Appr. Tr.	
\$10.695	1.36				
11.57	.50	.80		\$40.00/yr	
10.11	.52	.25			
8.94	.70	.45			
11.59	.50	.50			
9.61	.52	.25			
8.09	.70	.45			

TILE SETTERS:
Cuyaboga Co.
Lake Co.
Fortage & Summit Cos.
StarK Co.

TILE SETTERS' HELPERS:
Cuyaboga & Lake Cos.
Fortage & Summit Cos.
StarK Co.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:
a. Six paid holidays: A through F
b. Employer contributes % of regular hourly rate to vacation pay credit for employee who has worked in business more than 3 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 3 years.
c. Nine paid holidays: A through F, Washington's Birthday, Good Friday, & Christmas Eve providing employee has worked 65 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.
d. One paid holiday: D providing the employee has worked 5 consecutive days before and after the holiday.

DECISION NO. 0877-2032

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	M & V	Pensions	Vacation	Education and/or Appr. Tr.	
9.42	1.17	1.00			
9.57	1.17	1.00			
9.62	1.17	1.00			
9.67	1.17	1.00			
9.74	1.17	1.00			
9.92	1.17	1.00			
8.95	.55	.40			
9.20	.55	.40			
9.25	.50	.30			.02
9.40	.50	.30			.02
9.45	.50	.30			.02

LABORERS (Cuyaboga County):
Construction
Sewer & Utility; Power driven tools & vibrators
Jackhammer; Acetylene burners; Muckers
Swinging scaffolds
Cannite ops.; Blasters; Shooters; Gunite; Well cylinders; Mine workers w/o air; & Cofferdams
Topman on free standing radial stack

LABORERS (Lake County):
Building & Construction
Gunite op.; Blasters & shooters; Gunite; Wells; Cylinder cofferdams; Mine workers w/o air; Swing scaffolds; Acetylene burners; Vibrators; Top man on free standing radial stacks; Slip forms higher than 30'; Fire brick tenders

LABORERS (Portage & Summit Cos.):
Common laborers; Welders' helpers; Carpenters' tenders; Landscape laborers; Mason tender; Concrete bucket tender
Air driven boring machine; Tamper ops.; Asphalt taker; Paving bed maker; Material mixer; Wire mesh handler; Hook-up man on demolition work; Scaffold erector; Structural precast stretcher; Power tools-air, gas, or electric
Pipe layers; Rock drillers; Muckers--Tunnel; Burners; Form setters; Power saws; Jackhammer; Barco type tampers; Bottom man; Hoop carrier; Power buggy or Power wheelbarrow

DECISION NO. QHT7-2037

GROUP A - A-Frames; Air compressor on steel erection; All rotary drills used on chicken work for foundations & sub-structure work; boiler op. or compressor op. when compressor or boiler is mounted on crane (piggyback operation); Boom trucks (all types); Cableways; churry pickers; Combination concrete mixer & tower; Concrete pumps; Cranes (all types); Barricks (all types); Draglines; Elevating grader or Euclid loader; Floating equipment; Gradsalls; Helicopter op. (hoisting building materials); Helicopter winch op.; Hoisting building materials; Hoos (all types); Hoisting engines (two or more drums); Lift slab or panel jack ops.; Locomotives (all types); Maintenance engineer (mechanic or welder); Mixer paving (multiple drum); Mobile concrete pump with boom; Panelboard (all types on site); Pile driver; Power shovels; Side booms; Slip form pavers; Straddle carriers (building construction site); Tower derricks; Trench machines (over 24" wide)

GROUP B - Asphalt paver; Bulldozer; CMI type equipment; Endloaders; Kobelman type loaders (dirt loading); Mucking machines; Power graders; Power scoops; Power scrapers; Push cots

GROUP C - Air compressor (pressurizing shafts or tunnels); All asphalt rollers; Fork lifts; Hoist (one drum); House elevators; Man lift; Power boiler (over 15 lbs. pressure); Pump op. installing or operating well points or other type of de-watering system; Pumps (6" & over discharge); Submersible pumps (A" & over discharge); Trenchers (24" & under)

GROUP D - Compressors on building construction; Conveyors (building material); Granite machines; Mixers (esp. more than one bag); Mixers (one bag esp., side-loader); Post driver; Post hole digger; Pavement breaker (hydraulic or cable); Road widening trencher; Rollers; Welder operator

GROUP E - Backfillers and tampers; Batch plant; Bar & joint installing machine; Ball floats; Bitlap & curing machines; Clefplams; Concrete spreading machines; Crushers; Drum firmans (asphalt); Farm type tractors (pulling attachments); Finishing machines; Form trenchers; High pressure pumps (over 1/2" discharge); Hydro seeders; Self-propelled power spreader; Self-propelled subgrader; Tractors (pulling sheep foot roller or grader); Tire repairman; Vibratory compactors (with integral power)

GROUP F - Oiluri; Helpers; Signalman; Light plant op.; Power driven hoisters (oil fired); Power boilers (less than 15 lbs. pressure); Submersible pumps (under 4" discharge); Pumps (under 4" discharge)

DECISION NO. QHT7-2037

LABORERS (CONT'D):
 Granite mazzlemen; Tunnel miners;
 Water line walkers; Dynamite
 men; Pump hose mazzlemen
 LABORERS (Stark County):
 Building & construction; Signal-
 men; Flagmen; Tool cribman;
 Carpenters' tenders; Finisher
 tenders; Concrete handler;
 Utility construction laborer;
 Coal rail erector
 Bottom men; Scaffold builders;
 Tunnel laborers; Pipe layers;
 Air & power driven tools;
 Burner on demolition; Swinging
 scaffold; Mucker; Grison wor-
 ker; Cofferdam worker; Powder
 man & dynamite blaster; Crensete
 workers; Mortar mixer; Form
 setter; Mason tender; Planterer
 tenders; Mud carrier; Laser beam
 set-up men
 Granite operator
 POWER EQUIPMENT OPERATORS:
 Doyeloga & Lake Cos.:
 GROUP A
 GROUP B
 GROUP C
 GROUP D
 GROUP E
 GROUP F
 Fortage, Stark, & Summit Cos.:
 GROUP A
 GROUP B
 GROUP C
 GROUP D
 GROUP E
 GROUP F

Basic Hourly Rates	Fringe Benefits Payments			Education and/or App. Tr.
	H & W	Pension	Vacation	
\$8.75	.50	.30		.02
7.96	.55	.40		.05
8.16	.55	.40		.05
8.56	.55	.40		.05
11.67	.66	1.00		.11
11.52	.66	1.00		.11
11.17	.66	1.00		.11
10.39	.66	1.00		.11
10.07	.66	1.00		.11
8.64	.66	1.00		.11
11.39	.66	1.00		.11
11.23	.66	1.00		.11
10.88	.66	1.00		.11
10.07	.66	1.00		.11
9.74	.66	1.00		.11
8.28	.66	1.00		.11

SUPPLEMENTAL DECISIONS

STATE: Oklahoma
 COUNTY: Comanche
 DECISION NO. OK77-4060
 DATE: Date of Publication
 SUPERSEDES DECISION NOS. OK76-4002 dated January 16, 1976 in 41 FR 2404 and
 OK77-4035 dated February 18, 1977 in 42 FR 10261.
 DESCRIPTION OF WORK: Residential construction consisting of single family
 homes and garden type apartments up to and including 4 stories.

- BRICKLAYERS
- CARPENTERS
- CEMENT MASONS
- ELECTRICIANS
- LABORERS:
- Laborers
- Mason tenders
- PAINTERS, BRUSH
- PLUMBERS & PIPEFITTERS
- ROOFERS
- SHEET METAL WORKERS
- TILE SETTERS
- TRUCK DRIVERS
- POWER EQUIPMENT OPERATORS:
- Front end loaders
- Motor graders
- Scrapers

Basic Hourly Rates	Fringe Benefits Payments			Education and/or App. Tr.
	H & W	Pensions	Vacation	
\$6.65				1/4%
5.85				
7.00				
8.45	.20	1%		
3.00				
3.55				
5.00				
6.15				
5.15				
5.53				
5.60				
2.30				
3.25				
3.50				
3.00				

STATE: Oklahoma
 COUNTY: Muskogee, Adair & Cherokee
 CITY: Muskogee
 DATE: July 30, 1976 in 41 FF 32184
 SUPERVISOR'S DECISION NO. 0677-1062 dated July 30, 1976 in 41 FF 32184
 DESCRIPTION OF WORK: Building Construction (including single family homes and garden type apartments up to and including 4 stories), and heavy construction within the City of Muskogee.

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or App. Tr.
		H & V	Pensions	Vacation	
ASBESTOS WORKERS	\$10.80	.35	.60		.015
BOILERMAKERS	10.00	.50	1.00		.02
BRICKLAYERS-STONEMASONS	9.36	.45	.40		.04
CARPENTERS	8.25	.35	.25		.06
Millwrights-Pile-drivers	8.75	.35	.25		.06
CEMENT MASONS:					
Cement masons	8.55				
Power tool operator	8.80				
ELECTRICIANS:					
Zone I - A 20 mile radius from Post Office of City of Muskogee					
Zone II - Area outside zone I					
Zone I	9.93	.40	.15		1/22
Electricians	10.33	.40	.15		1/22
Cable splicers					
Zone II					
Electricians	10.23	.40	.15		1/22
Cable splicers	10.63	.40	.15		1/22
ELEVATOR CONSTRUCTORS	9.66	.545	.35	42+4+4	.02
ELEVATOR CONSTRUCTORS' HELPERS	10.29	.545	.35	42+4+4	.02
ELEVATOR CONSTRUCTORS' HELPERS (Probationary 6 months)	50.19				
GLAZIERS	8.42	.40	.30		.01
IRONWORKERS	9.60	.45	.65		.12
LABORERS:					
Group 1	6.10	.25	.30		
Group 2	6.40	.25	.30		
Group 3	6.60	.25	.30		

LABORERS CLASSIFICATION DEFINITIONS

GROUP 1
 All digging and dirt work, firing of salamanders and smudge pots, loading and unloading of materials and equipment, loading and unloading of materials to and from hoist or cages for stock piling only, sheeting and placing of concrete, handling of lumber, steel cement and distribution of materials, all cleaning, including cleaning of windows, wrecking and razing of building and all structures, cleaning and clearing of debris, loading and unloading of materials, hoist or cages, except when the man is directly tending hoists, masons, or plasterers, water boys when used, carpenter tenders, and common laborers

Laborers CLASSIFICATION DEFINITIONS (CONT'D)

GROUP III

All machine tool operators that come under the jurisdiction of the laborers, all sewer and drain tile layers and handling at the ditch, excluding distribution, operators of water pumps up to four inches and slip form jacks, and plasterers, mortar mixers, hod carriers and dry mixers, high work over 30 feet from the ground or floors, cement finisher helper, work on setting and wrapping, all kettle and pot men, tank cleaning, all pipe doping and treating and wrapping, including all men working with dogs, mortar and planter mixing machines, pump-crete machines, and grout mixing machines, including placing of concrete, handling erosoated or treated materials, liquid acids, or like materials when injurious to health, eye and skin or clothes, all newly developed mechanical equipment which replaces wheel barrows or buggies previously used by laborers, all scale men on batch plants, all laborers screening sand, running sand drier, and feeding operating sand blaster, except nozzle, signal men and curving torch operators in connection with laborers' work, concrete grader

GROUP III

Kagon drill operator and powdermen or blaster

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or App. Tr.
		H & V	Pensions	Vacation	
LATHERS	\$ 7.65				.01
LINE CONSTRUCTION					
Linemen	9.25		.15		1/22
Cable splicers	9.91		.15		1/22
Hole digger operator	8.49		.15		1/22
Heavy Equipment operator (or pole cat equivalent)	8.49		.15		1/22
Line truck driver (winch operator)	7.68		.15		1/22
Jackhammerman	7.00		.15		1/22
Powderman	8.49		.15		1/22
Groundman	6.24		.15		1/22
Truck driver (flat bed, ton and half and under)	6.66		.15		1/22
PAINTERS:					
Commercial brush and roller	6.25	.25	.20		.02
Spray, glove or dipping, sand-blaster, spray or sand pot tender (maximum two pots, guns or nozzles), power rollers, power equipment operators, bituminastic and like materials applicators and kettle tenders	8.00	.25	.20		.02
Spray or sand pot tender (maximum one pot, one nozzle or gun	7.10	.25	.20		.02

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS (CONT'D)

GROUP VI

Locomotive engineer, boring machine, tug boat, mixer, 16 cu. ft. and over, sand barg, dredging machine, tugger, hoist - when operating one drum, welding machine, 3 to 6, air compressor, 3 to 500 cu. ft. and under, air compressor, over 500 cu. ft., (1) pump, battery, 3 to 6, fork lift, bobcat and stealer equipment, generator plant engineers, diesel elec., which work with a frame, miller, all types, outside elevator or building type of personal hoist, concrete buster or tamper, beaters under jurisdiction of operating engineers, fireman, boiler operator, crushing plants, oiler distributor, pulverizer, famer tractor-with or without attachments, batch plant operator - fuel, continuous or belt bulk handling, screed operator, concrete pump, form grader, screening plant, well point pump operator, signal man on large windlays when and if required, operator for rotary drilling machines when operated from console or machines

ENGINEERS for machines not listed under the above classifications shall receive the scale comparable to these classifications.

GROUP VII

Greaser, tilt top trailer operator

GROUP VIII

Permanent elevator - building type (automatic), concrete mixer, with hopper less than 18 cu. ft., air compressor, 300 cu. ft. and under (1 or 2) welding machine (1 or 2), pump (1 or 2), fuelman, conveyor operator-single continuous-belt bulk handling

GROUP IX

Asphalt lay machine back end man, helpers

GROUP X

Truck crane oiler driver or truck crane oiler

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & V	Pensions	Vacation	
\$10.65	.25	.20	.02	
10.10	.45	.50	.12	
9.85	.45	.50	.12	
9.60	.45	.50	.12	
9.35	.45	.50	.12	
9.10	.45	.50	.12	
8.85	.45	.50	.12	
8.60	.45	.50	.12	
8.35	.45	.50	.12	
8.10	.45	.50	.12	
7.85	.45	.50	.12	

PAINTERS (CONT'D)

Hazardous work
Coating steel, stage boom chais
siders, jack, roof work,
shutes, rolling scaffolds and
like equipment - fifty cents
above basic rate.

POWER EQUIPMENT OPERATORS:

- Group 1
- Group 2
- Group 3
- Group 4
- Group 5
- Group 6
- Group 7
- Group 8
- Group 9
- Group 10

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP I
All crane type equipment with 200' of boom or over (including jib)

GROUP II
All crane type equipment with 150-200' of boom (including jib)

GROUP III
All crane type equipment with 100-150' of boom (including jib), all tower cranes and all crane type equipment of 3 cu. yd. or more (as rates by mfg.), sideboom (booms 30' and over), guy derrick

GROUP IV
Heavy duty mechanic welder, crane-hook and overhead monorail, whirley, panel board batch plant operator, pilledriver engineer, dragline, shorol, clambell, backhoe, sideboom (under 30'), gradall, hydro crane, cherry picker, hoists while operating 2 or more drums, hoists while doing stack and chimney work (1 or 2 drums), power driven hole digger (with 30' and longer mast)

GROUP V
Motor patrol (blade), fork lift (35' and over), dozer (engine h.p. 65 or or over), forsdon tractor or like equipment with hoe or loader equipment or ditcher, scraper type equipment, toornapull, DW 10, 15, 16, 20, 21 & similar rubber-tired equipment, Euclid, TS-24 and similar, loader operator or Hi-lift (Engine h.p. 65 or over), asphalt lay machine, tail boom, conveyor-multiple, panel board control, power driven hole digger with less than 30' mast, trenching machine, concrete pump - boom type

ENGINEERS for machines not listed under the above classifications shall receive the scale comparable to these classifications.

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & V	Pensions	Vacation	
PLUMBERS-STAINSMITERS	\$10.60	.40	.60	.15	
ROOFERS	8.40	.45	.35	.04	
SHEET METAL WORKERS	9.53	.50	.66	.10	
SPRINKLER FITTERS	10.50	.50	.90	.08	
TERRAZZO WORKERS	9.29		.30		
TERRAZZO WORKERS HELPER	7.70				
TERRAZZO WORKERS FLOOR OPERATOR	7.80				
TERRAZZO WORKERS BASE MACHINE OP.	8.00				
TILE LAYERS	9.29		.30		
TRUCK DRIVERS:					
Group 1	8.03				
Group 2	8.13				
Group 3	8.23				
Group 4	8.18				
Group 5	8.33				

TRUCK DRIVERS CLASSIFICATION DEFINITIONSGROUP I

Pick-up $1\frac{1}{2}$ tons, or $2\frac{1}{2}$ yards and up to but not including 3 tons or 4 yards, such as dump trucks, flat beds, stake bodies and buses.

GROUP II

3 tons or 4 yards and up to but not including 4 tons or 6 yards.

GROUP III

5 tons or 6 yards and over including heavy equipment such as pole trucks, winch trucks, euclids, Mississippi wagons, semi-dumps, turner polls, or other heavy material moving equipment, tractor trailer drivers and simi-

lar equipment, such as tractors, ten wheelers

GROUP IV

Ready-mix concrete trucks up to but not including 3 yards

GROUP V

Ready-mix concrete trucks 3 yards and over

FOOTNOTES:

- a. 1st 6 mos. - 3 yrs. - 21; over 3 yrs. - 42 of basic hourly rate.
- b. Paid Holidays - A through F

PAID HOLIDAYS:

- A-New Years Day, B-Memorial Day, C-Independence Day, D-Labor Day,
- E-Thanksgiving Day, F-Christmas Day.

SUPERSEDES DECISION

STATE: Oklahoma

COUNTIES: Oklahoma, Cleveland, Caddo, Canadian, Grady, Kingfisher, Logan, Lincoln, McClain, Seminole & Pottawatomie

DATE: Date of Publication

DECISION NO. DC17-40A3

SUPERSEDES DECISION NO. DC17-4002 dated January 18, 1977 in FR 3157.

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			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
ASBESTOS WORKERS	\$10.70	.40	.60		.02
BUILDERS	10.00	.50	1.00		.02
BLOCKLAYERS-STONEMASONS:					
Oklahoma, Cleveland, Canadian and McClain Counties	9.67	.45	.30		.05
Lincoln, Pottawatomie and Seminole Counties	9.25	.45	.30		
Kingfisher County	8.85	.45	.50		.05
Logan County	8.90	.50	.30		.10
Caddo and Grady Counties	8.70	.50	.30		
CARPENTERS - ZONE I					
Carpenters	7.85	.35	.25		.05
Power saw operator	8.20	.35	.25		.05
Millwrights-Piledriversmen	9.35	.30	.25		.04
CARPENTERS - ZONE II					
Carpenters	9.10	.40	.25		.04
Millwrights-Piledriversmen	9.35	.40	.25		.04
Power saw operator	9.35	.40	.25		.04
CARPENTERS - ZONE III					
Carpenters	8.56	.30	.25		.04
Power saw operator	8.81	.30	.25		.04
Millwrights-Piledriversmen	8.81	.30	.25		.04
CARPENTERS - ZONE IV					
Carpenters	7.85	.30	.25		.02
Millwrights-Piledriversmen	8.175	.30	.25		.02
Carpenters	7.25				
Millwrights-Piledriversmen	9.35	.40	.25		.04

CARPENTERS AREA DEFINITION
 ZONE I - Northern 1/2 of Lincoln County bound on the South by Interstate 35 on the East of Highway 99

ZONE II - Pottawatomie County and part of Lincoln County south of Turner Turnpike; the City limits of Moore in Cleveland County; all of Oklahoma, Canadian, Kingfisher and Logan Counties.

ZONE III - McClain County and Cleveland County (except that area covered by the City limits of Moore)

ZONE IV - Seminole County

ZONE V - Caddo and Grady Counties

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
CEMENT MASONS:					
Lincoln, Oklahoma, McClain, Caddo, Grady, Cleveland, Canadian, Logan, and Kingfisher Counties	\$ 8.75	.40			
ELECTRICIANS:					
Zone I	9.30	.50	154.50		1/2L
Zone II	9.55	.50	124.50		1/2L
Zone III	9.80	.50	134.50		1/2L
CABLE SPLICEES:					
Zone I	9.55	.50	124.50		1/2L
Zone II	9.80	.50	154.50		1/2L
Zone III	10.05	.50	154.50		1/2L

ELECTRICIANS-CABLE SPLICEES ZONE DEFINITION

ZONE I - the area within the twelve mile radius of the main Post Office located in one of the cities listed as follows: El Reno, Moore, Norman, and Oklahoma City.

ZONE II - the area between the twelve mile zone I radius to thirty mile radius of the zone I post office, except where zone 2 intercepts another zone 1 area.

ZONE III - the area outside zones 1 and 2 and within the local union area.

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
ELEVATOR CONSTRUCTORS	8.855	.495	.32	25%+arb	.02
ELEVATOR CONSTRUCTORS HELPER	7.018	.495	.32	25%+arb	.02
ELEVATOR CONSTRUCTORS HELPER(PROB.)	5.018				
GLAZIERS	8.25				
IRONWORKERS	9.60	.65	.65		.12
LABORERS:					
ZONE I					
Group I	6.90	.25	.30		
Group II	7.10	.25	.30		
ZONE II					
Group I	5.85	.25	.30		
Group II	5.90	.25	.30		
ZONE III					
Group I	5.85	.25	.30		
Group II	6.15	.25	.30		
ZONE IV					
Group I	5.50	.25	.30		
Group II	5.70	.25	.30		

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP I - All crane type equipment with 200' of boom or over (including jib)

GROUP II - All crane type equipment with 150-200' of boom (including jib)

GROUP III - All crane type equipment with 100-150' of boom (including jib), all tower cranes and all crane type equipment of 3 cu. yd. or more (as rates by mfg.), sideboom (booms 30' and over), guy derrick

GROUP IV - Heavy duty mechanic welder, crane-hook and overhead monorail, whiffly, panel board batch plant operator, pilledriver engineer, dragline, shovel, clamshell, backhoe, sideboom (under 30'), gradall, hydr crane, stack picker, hoists while operating 2 or more drums, hoists while doing chack & chimney work (1 or 2 drums), power driven hole digger (with 30' and longer mast)

GROUP V - Motor patrol (blade), fork lift (35' and over), dorer (engine h.p. 65 or over), fordon tractor or like equipment with hoe or loader equipment or ditcher, scraper type equipment, tounapull, dg 10, 15, 16, 20, 21 and similar rubber-tired equipment, Euclid, T-24 and similar, loader operator or Hi-lift (Engine h.p. 65 or over), asphalt lay machine, tail boom, conveyor-multiple, panel board control, power driven hole digger with less than 30' mast trenching machine, concrete pump-boom type

GROUP VI - Locomotive engineer, boring machine, tugger, hoist - which operating one drum, welding machine, 3 to 6, air compressor, 3 to 5, 500 cu. ft. and under, air compressor, over 500 cu. ft., (1) pump battery, 3 to 6, fork lift, bobcat and similar equipment, generator plant engineers, diesel electric, which truck with a frame, roller, all types, outside elevator or building type of personal hoist, concrete buster or tamper, beaters under jurisdiction of engineers, fiteman, boiler operator, crushing plants, oiler distributor, pvi-l-mixer, farmer tractor-with or without attachments, batch plant operator - dual continuous or belt bulk handling, screed operator, concrete pump, form grader, screening plant, well point pump operator, signal man on large whirleys when and if required, operator for rotary drilling machines when operated from console or machines

ENGINEERS FOR MACHINES NOT LISTED UNDER THE ABOVE CLASSIFICATIONS SHALL RECEIVE THE SCALE COMPARABLE TO THESE CLASSIFICATIONS.

GROUP VII - Greaser, tilt top trailer operator

GROUP VIII - Permanent elevator - building type (automatic, concrete mixer, with hopper less than 15 cu. ft., air compressor, 500 cu. ft. and under (1 or 2) welding machine (1 or 2), pump (1 or 2), fuelman, conveyor operator - single continuous belt bulk handling

GROUP IX - Asphalt lay machine back end man, helpers

GROUP X - Truck crane oiler driver or truck crane oiler

LABORERS CLASSIFICATION DEFINITION

GROUP I - Unskilled laborers

GROUP II - Air tool operator (jackhammer-vibrator), mason tenders, mortar mixers, pipelayers (concrete and clay), plasterers tenders

ZONE I - Oklahoma, Canadian, Logan, Pottawatomie, Lincoln and Cleveland Counties.

ZONE II - McClain, Caddo and Grady Counties

ZONE III - Seminole County

ZONE IV - Kingfisher County

AREA COVERED BY LABORERS ZONES

	Fringe Benefits Payments				Education end/or Appr. Tr.
	Basic Hourly Rates	M & W	Pensions	Vacation	
LATHERS					
LINE CONSTRUCTION:					
Linenen	\$9.00				.01
Cable splicers	9.35		15		1/25
Hole digger operator	9.91		15		1/25
Heavy Equipment operators (or pole cat equivalent)	8.49		15		1/25
Line truck driver (winch op.)	7.63		15		1/25
Jack hammerman	8.90		15		1/25
Foreman	4.66		15		1/25
Groundman (1st year)	6.24		15		1/25
Groundman	6.66		15		1/25
Truck driver (Flat bed, ton and half and under)	9.40		30		1/25
MARBLE MASONS					
PAINTERS:					
Brush	7.85	.45	.35	.30	.03
Spray under 30 feet	8.45	.45	.35	.30	.03
Spray over 30 feet	8.95	.45	.35	.30	.03
Sandblasting under 30 feet	8.45	.45	.35	.30	.03
Sandblasting over 30 feet	8.95	.45	.35	.30	.03
Hazardous work	8.45	.45	.35	.30	.03
Paperhanging	8.95	.45	.35	.30	.03
Tapers using machine tools	8.45	.45	.35	.30	.03
PLASTERERS					
PLUMBERS-PIPEFITTERS					
POWER EQUIPMENT OPERATORS:					
Group I	10.10	.60	.75		.10
Group II	10.10	.45	.50		.12
Group III	9.85	.45	.50		.12
Group IV	9.60	.45	.50		.12
Group V	9.35	.45	.50		.12
Group VI	9.10	.45	.50		.12
Group VII	8.85	.45	.50		.12
Group VIII	8.65	.45	.50		.12
Group VIII	8.35	.45	.50		.12
Group IX	8.15	.45	.50		.12
Group X	7.85	.45	.50		.12

	Fringe Benefits Payments				Education end/or Appr. Tr.
	Basic Hourly Rates	M & W	Pensions	Vacation	
ROOFERS	\$8.80	.45	.25		.04
SHEET METAL WORKERS	10.38	.45	.40		.05
SOFT FLOOR LAYERS:					
Basilient floor layers and carpet layers	8.85	.50			.08
SPRINKLER FITTERS	10.90	.50	.90		

TERRAZZO WORKERS
 TERRAZZO WORKERS' HELPERS
 TERRAZZO FLOOR MACHINE MAN
 TERRAZZO BASE MACHINE MAN
 TILE SETTERS
 TILE & MARBLE HELPERS:
 Experienced helpers
 TRUCK DRIVERS:
 Group I
 Group II
 Group III

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appn. Tr.
	H & W	Pensions	Vacation	
\$9.40		.30		
6.98				
7.08				
7.28				
9.40		.30		
6.85				
6.92				
6.92				
6.62				

TRUCK DRIVERS CLASSIFICATION DEFINITION

GROUP I - Truck drivers for heavy equipment such as lowboys, heavy winch and floats

GROUP II - Heavy earth moving equipment such as dump trucks and Euclids.

GROUP III - Truck drivers and helpers, such as dump trucks, flat beds, stake bodies, and 3/4, and 1/2 ton pick-up trucks.

WELDERS - received rate prescribed for craft performing operation to which welding is incidental.

FOOTNOTES:

A. 1st 6 mos. - none; 6 mos. to 5 yrs. 2 1/4; over 5 yrs. - 4% of basic hourly rate.

B. Paid Holidays A through F.

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day;

E-Thanksgiving Day; F-Christmas Day.

STATE: Tennessee
 COUNTY: Knox
 DECISION NUMBER: TW77-1016
 DATE: Date of Publication
 Superdoan Decision No.: TW76-1081 dated August 16, 1976 in 41 FR-33178
 DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories)

TW77-1016 - (Cont'd)

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
5.45	.25	e		

Truck drivers - (Cont'd):
 trailer, any type trucks pulling or towing equip.
 welders - receive rate for craft performing operation to which welding is incidental.

PAID HOLIDAYS:
 A-Nov Year's Day, B-Memorial Day, C-Independence Day, D-Labor Day, E-Thanksgiving Day, F-Christmas Day.

FOOTNOTES:

- Holidays: A through F.
- Employer contributes 4% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to Vacation Pay Credit for employee who has worked in business less than 5 years.
- 9 Paid Holidays: A through F plus Washington's Birthday, Good Friday and Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holidays, and the regular scheduled work days immediately preceding and following the holidays.
- \$.05 holiday pay.
- \$14.00 per week for each employee.

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
Asbestos workers	8.73	.45	.20		.01
Boilermakers	9.50	.90	1.00		.02
Bricklayers & stonemasons	9.45				.02
Carpenters	7.92		.40		
Cement masons	7.37				
Electricians and					
Line Constructors:					
Electricians & linemen	8.65	.40	14+.20		.54
Cable splicers	9.05	.40	14+.20		.54
Elevator constructors	8.09	.495	.32	48+abb	.02
Elevator constructors' helpers	7.83R	.495	.32	48+abb	.02
Elevator constructors' helpers (prob.)	544R				
Glaziers	5.75		.25		.005
Ironworkers:					
Structural & ornamental	8.01	.50	.30		
Reinforcing	7.87	.50	.30		
Fence erector	8.01	.50	.30		
Lathers	8.19		.20	c	.01
Leadburners	10.50				.01
Marble masons	9.45				
Millwrights	8.52		.40		
Painters:					
Commercial	7.70		.35		.03
Industrial	8.05		.35		.03
Piledrivers	8.17		.40		.02
Plasterers	8.40				
Plumbers & Steamfitters	8.50	.40	.70	.30+d	.05
Roofers, composition	7.18		.25		
Roofers, slate & tile	7.18		.25		
Sheet metal workers	8.31	.35	.35		.02
Soft floor layers	7.97		.35		
Sprinkler fitters	10.10	.60	.90		.08
Terrazzo workers & tile setters	9.45				
Truck drivers:					
3 tons, 8 inc., 6 yd., dump truck	5.10		e		
3 to 5 tons, 8 inc. 6 yds., dump truck	5.34		e		
5 tons, 8 over inc. dump truck over 6 yds, ready mix concr. truck, tank trucks, floats, & lowboys, winch truck & equl-					

TW77-1016 - (Cont'd)

POWER EQUIPMENT OPERATORS:

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or App. Tr.
		H & W	Pension	Vacation	
GROUP A	7.79	.30	.20		.02
GROUP B	7.24	.30	.20		.02
GROUP C	6.06	.30	.20		.02
GROUP D	5.57	.30	.20		.02

GROUP A: Backhoes; cable ways; ross carrier; clamshells; cranes; derricks; draglines; towspulls; pans; scrapers; scoops, etc.; head over machines; locomotives (over 20 tons); shovels; mechanics & welders; winch trucks with A-frame; skimmer scoops; locomotive cranes; over-head cranes; pile drivers; skid rigs; side boom tractors; euclid loaders; hoist (any size handling steel or stone); derrick boats; dredge boats; engines used in connection with hoist material with an attached device on tower or engine; mucking machines; hi-lifts or end loaders; finish graders; cherry-pickers; tower cranes; skylift & grapple; dozers; earth augers and pole machine operators; core drill & foundation drills

GROUP B: Tractors, farm type tractors with attachments; central compressor plants; elevators, used for hoisting building material; central mixing plants; hoist; pump concrete machines; concrete pumps; trenching machines; backfillers (other than cranes); crushing plant operators; elevating graders; paving machines (black top); fork-lift; paving machines, concrete; boat operator or engineer (30 tons or over); trambobile; maintainers; blacktop rollers; switchman; locomotive under 20 tons

GROUP C: Asphalt plant operators; barber green type loaders; engine tender other than steam; mixers, over 2 bags not include central plants; pumps, 2 not more than 3; scarifiers; spreader box (bituminous); asphalt mixers; portable compressors, 2 not more than 3; rollers; sub-grader machine; tractors, farm type without attachment; cable head tower engine; dredge booster pump operators; boat operator or engine, under 30 tons; finishing machine; fireman & oiler (combination); motor crane; boiler & driver; welding machine, 2 not more than 3; hoisters, stationary or portable (to 3); compressors (portable 2 not more than 3); greaser or fuel trucks

GROUP D: Air compressor (1 portable); fireman; portable crushers; welding machine (1); conveyors; pump (1); oiler; heater (1)

[FR Doc. 77-6969 Filed 3-10-77; 8:45 am]

TW77-1015 - (Cont'd)

BUILDING CONSTRUCTION

LABORERS:

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or App. Tr.
		H & W	Pension	Vacation	
GROUP A	5.16	.15	.15		.01
GROUP B	5.29	.15	.15		.01
GROUP C	5.29	.15	.15		.01
GROUP D	5.22	.15	.15		.01
GROUP E	5.14	.15	.15		.01
GROUP F	5.96	.15	.15		.01
GROUP G	5.64	.15	.15		.01
Tunnel Construction:					
GROUP H	5.16	.15	.15		.01
GROUP I	5.50	.15	.15		.01
GROUP J	5.69	.15	.15		.01
GROUP K	5.84	.15	.15		.01
GROUP L	5.94	.15	.15		.01

GROUP A: Construction laborer

GROUP B: Mortar mixers, plasterer tender

GROUP C: Hoist carriers, power buggies, yamer, potman, grademan, snake man, form setter & strippers, pipelayers, asphalt taker, jackhammer op., air tool op., vibrator op., chain saw op., baroc lamp op., all power driven tool op.

GROUP D: Acetylene burner

GROUP E: Wagon drill operator

GROUP F: Caisson hole man

GROUP G: Powderman

GROUP H: Outside laborer

GROUP I: Tunnel laborer

GROUP J: Chuck tender

GROUP K: Concrete gun op., mason

GROUP L: Tunnel miner

NOTICES

Federal register

FRIDAY, MARCH 11, 1977

PART V



**INTERSTATE
COMMERCE
COMMISSION**

■

**MEETINGS OF THE
COMMISSION**

**Government in the Sunshine Act;
Implementation**

Title 49—Transportation
 CHAPTER X—INTERSTATE COMMERCE
 COMMISSION
 SUBCHAPTER A—GENERAL RULES AND
 REGULATIONS
 PART 1012—MEETINGS OF THE
 COMMISSION

[Ex Parte No. 333]

Government in the Sunshine Act;
 Implementation

Final regulations implementing the Requirements of the "Government in the Sunshine Act," 5 U. S. C. 552b.

AGENCY: Interstate Commerce Commission

ACTION: Final regulations

SUMMARY: These regulations detail opportunities made available to the public to observe meetings of the Interstate Commerce Commission (Commission), and include (1) a description of affected meetings, (2) provision for the giving of public notice concerning meetings, (3) procedures by which a meeting or portion thereof may be closed to the public, (4) means of obtaining transcripts, recordings, or minutes of those meetings or portions thereof closed to the public which are not exempt from disclosure, and (5) grievance procedures for those who believe that the opening or closing of a meeting or portions thereof will impinge upon their legal rights

EFFECTIVE DATE: March 12, 1977

FOR FURTHER INFORMATION CONTACT:

Michael Erenberg, Assistant Deputy Director, Office of Proceedings, Interstate Commerce Commission, Washington, D.C. 20423. (202-275-7292).

SUPPLEMENTARY INFORMATION.

On December 28, 1976, the Commission published in the FEDERAL REGISTER (41 FR 56340) proposed regulations implementing the requirements of the "Government in the Sunshine Act." (Act) 5 U.S.C. 552b. Interested members of the public were invited to submit written comments concerning the proposed regulations, particularly with respect to (1) section 1012.3(d) of the proposed regulations providing for the convening of meetings which involve matters requiring accelerated disposition on less than one week's notice (the statutory period), and (2) the Commission's decision not to adopt regulations under section 552b(d)(4) of title 5 providing for the closing of meetings or portions thereof involving specific financial, commercial, and legal matters.

Comments were received from a railway association, a trucking association conference, a public interest institute, and a private citizen. These submissions contain many significant questions, criticisms, and suggestions, some of which have prompted changes in the regulations as proposed.

DISCUSSION OF SIGNIFICANT COMMENTS MEETINGS GOVERNED BY THE REGULATIONS

As proposed, the regulations apply to oral arguments and deliberative confer-

ences (a "conference" being synonymous with "meeting" as defined by the Act) of either the full Commission or Divisions and committees where the Division or committee is empowered to act on behalf of the Commission. Where, however, a Division or committee is meeting only to formulate an internal recommendation to the Commission, the regulations would not apply. Despite forceful arguments that neither the express language of the Act nor its legislative history supports the exclusion of Division or committee meetings called to formulate internal recommendations, the Commission is not persuaded that the provisions of the Act contemplate inclusion of the type of formulative Division or committee meetings envisioned in the proposed regulations.

Section 552b(a)(1) of title 5 provides, in relevant part, that the term "agency" means "any subdivision thereof authorized to act on behalf of the agency." While each of the Commission's Divisions and committees admittedly comprises a statutory "subdivision," and notwithstanding the fact that action taken on behalf of the Commission need not be final in nature, the Divisions and committees nevertheless must be "authorized" to take such action. In the vast majority of cases, such as those described in § 1012.2 of the proposed regulations, Divisions and committees meet pursuant to some form of authorization. These meetings, irrespective of the nature of the deliberations involved (i.e., whether formulative or determinative) fall within the ambit of the regulations. Infrequently, however, Divisions and committees consider informally matters which they are neither expressly authorized nor required to pursue. Consideration of such matters is generally unstructured, often impromptu, and frequently accomplished by means of memoranda. It is this type of "meeting" at which the exception described in § 1012.1 of the proposed regulations is directed and which, the Commission believes, properly may be excluded from the regulatory provisions.

The regulations also do not apply to deliberations of members of boards of employees of the Commission. Although no one contends that the Act requires that deliberations of employee board members be open for public observation, "the wisdom of any policy closing all such meetings, regardless of the subject of discussion and the membership of the committee" has been questioned. Any anxiety caused by the blanket exclusion may be attributed to a misconception of the nature of deliberations engaged in by employee boards. Virtually all employee board deliberations are effected without meetings or circulation of formal memoranda votes. On rare occasions only will employee boards meet as a body.

A somewhat related issue involves "notation voting," a form of deliberation which properly is excepted from the regulatory provisions. Section 1012.1(c) of the proposed regulations provides, as pertinent, that "[c]opies of votes or statements of position of all Commis-

sioners eligible to participate in action taken by notation voting will be made available, upon written request to the Secretary of the Commission, as soon as possible after the date upon which the action taken is made public or any decision or order adopted is served." It has been argued, however, that since nothing in the Act is intended to expand or limit the present rights of any person under the Freedom of Information Act (5 U.S.C. § 552), the above-quoted provision is deficient in three respects: (1) non-exempt material should be made available pursuant to any request, whether written or oral; (2) such material should be made available within 10 working days of the request and not "as soon as possible;" and (3) all non-exempt material also should be made available in a public reading room or other easily accessible place for public inspection and copying.

Section 1012.1(c) of the regulations is not intended to circumvent the provisions of the Freedom of Information Act. It does appear, however, that, as proposed, this section may be somewhat misleading by failing to provide that copies of votes or statements of position of all Commissioners eligible to participate in action taken by notation voting will be made available in a public reading room or other place easily accessible to the public. Accordingly, the final regulations will be modified to include such a provision. The Commission believes that, as so modified, § 1012.1(c) of the regulations, which does not negate our regulations in 49 CFR § 1001.4 is neither overly restrictive nor out of tune with the prescriptions of the Freedom of Information Act.

Section 552(a)(3) of title 5 provides, as pertinent, that "each agency, upon any request for records which * * * is made in accordance with published rules stating * * * procedures to be followed, shall make the records promptly available to any person." It is readily apparent from the quoted passage that agencies (1) may adopt regulations governing the procedure to be followed in requesting non-exempt materials, and (2) must make "promptly" available materials so requested. In testing the validity of procedural regulations, the touchstone is always their reasonableness. It is not unreasonable to require that requests for copies of agency material be written. The inconvenience, if any, caused by such requirement is outweighed by the reliability of written words which, in subsequent proceedings, may be of immeasurable value to the writer. Insofar as timeliness of compliance with requests for agency material is concerned, the regulatory phrase "as soon as possible" seems compatible with the statutory language. The true measure of the timeliness of compliance in a given case necessarily depends upon the particular circumstances attending the request.

PUBLIC NOTICE OF MEETINGS

The provision for comprehensive public notice of agency meetings is the key-stone to fulfillment of the Congressional

policy expressed in the Act. Although § 1012.3 of the proposed regulations gives full effect to this provision, it has been suggested that certain language contained in subparts (a) and (b) of that section could be construed to allow the withholding of announcements of meetings and explanations of action taken in closed meetings not otherwise exempt under the Act. The Commission believes that only a strained reading of those subparts could lead to such conclusion. In the notice of proposed rulemaking, the Commission indicated that it anticipates giving effect to the exceptions delineated in 5 U.S.C. 552b(c) only in unusual cases. This policy, from which the Commission does not intend to deviate, is wholly inconsistent with the suggested construction of its regulatory provisions.

Section 1012.3(a) of the proposed regulations also sets forth means through which public announcement of Commission meetings will be made and includes posting a notice on a bulletin board in the Commission's Public Information Office, filing a copy of the notice with the Secretary of the Commission for posting and for service upon all parties of record in any proceeding which is the subject of the meeting, and submitting a copy of the notice for publication in the FEDERAL REGISTER. Additional methods of disseminating notice of Commission meetings have been recommended. These include publishing announcements of forthcoming Commission meetings in trade journals and periodicals and establishing a mailing list for those who desire to receive such announcements. While the Commission is favorably impressed with both recommendations, it appears that a number of industry journals already include in their publications all significant Commission notices and there is no reason to believe that they will depart from this practice in the future. The recommendation that the Commission establish a mailing list for those who desire to receive announcements of Commission meetings will, however, be adopted, and incorporated into the final regulations.

Section 1012.3(f) of the proposed regulations provides, in part, that "[i]n the absence of objection by another Commissioner, an item may be removed from a conference agenda, or a conference cancelled, at the request of the Commissioner at whose request the item was listed or the conference called." It has been argued that the above-quoted provision conflicts with section 552b(e)(2)(A) of title 5 which provides that the subject matter of a meeting may be changed only if "a majority of the entire membership of the agency determines by a recorded vote that agency business so requires." Although the assailed regulatory provision was included only for the purpose of expediting otherwise perfunctory determinations, the Commission agrees that its is inconsistent with the statutory prescription and, for this reason, it will be deleted from the final regulations.

In its notice of proposed rulemaking, the Commission invited comment with respect to the question whether it is empowered to adopt a regulation such as that proposed in § 1012.3(d). This question was addressed specifically in only one comment. There, speaking from experience, the author observed that "[b]ecause of the inherent structure of (the involved statutory provisions) prompt action by the Commission is essential. Rather than observe the formality of voting a shorter notice period whenever action pursuant to those provisions is contemplated, the practice is best incorporated into a regulation." * * * The predictability of reducing the necessary practice to a regulation will better serve the goal of alerting the public to forthcoming Commission meetings than a perfunctory vote relative to each gathering to consider such matters." The Commission appreciates this expression of support, in which it fully concurs.

TRANSCRIPTS AND MINUTES OF CLOSED MEETINGS

Some of the more salient criticisms of § 1012.5 of the proposed regulations pertaining to transcripts, sound recordings, and minutes of closed meetings include its failure to provide specifically (1) for public access to the non-exempt transcripts, recordings, and minutes of meetings free of charge, (2) for a schedule of uniform fees to be charged for copies of transcripts, minutes, and the like, and (3) for a statement of each relevant exemptive provision to be included in the certification of the General Counsel. Section 1012.5(b) provides, as a pertinent, that "[t]he Commission will make available, upon request, the minutes, transcript or recording of all portions of the meeting except those which it finds to be properly exempt from disclosure under the Act." Although it was understood in formulating the above-quoted provision that the involved material would be made available, free of charge, in a public reading room or some other easily accessible place within the Commission, it appears that the intent of the provision, as proposed, is not sufficiently clear. The final regulations will clarify this point.

Section 552b(f)(2) of title 5 provides, in part, that "[c]opies of such transcript, or minutes, or a transcription of such recording disclosing the identity of each speaker, shall be furnished to any person at the actual cost of duplication or transcription." Echoing this prescription, § 1012.5 of the proposed regulations provides that "[a] copy of such minutes, transcript or recording will be provided, upon request, upon payment of the actual cost of duplication or transcription." Mindful of the legislative admonition that fees for duplication and transcription must reflect actual costs, the Commission was hesitant to establish a separate fixed schedule of fees for copies of material requested pursuant to the Act since "actual cost" has reference to numerous variables which fluctuate constantly. Viewing the legislative history of the Act, however, it appears that both

Houses of Congress contemplated the establishment of a fee schedule. The Commission's current regulations (49 CFR 1002) establish a schedule of fees applicable to, among other matter, copies of material requested pursuant to the Freedom of Information Act. The Commission believes that this schedule is equally appropriate for copies of material requested under the Government in the Sunshine Act. Accordingly, the fee schedule established in 49 CFR 1002 will be incorporated by reference into the final regulations.

Section 1012.5(c) of the proposed regulations provides that in the case of all meetings closed to the public, the presiding officer shall cause to be made, and the Commission shall retain, a statement setting forth " * * * [a] copy of the certification issued by the General Counsel that, in his or her opinion, the meeting was one that might properly be closed to the public." The "copy of the certification" referred to in the quoted passage obviously has reference to § 1012.7(c) which requires the General Counsel to state each relevant exemptive provision in the certification. The Commission believes that no further clarification is necessary.

GRIEVANCE PROCEDURES

It has been suggested that § 1012.6 of the proposed regulations be amended to include provision for the consideration of petitions to close a meeting proposed to be open where such meeting could disclose information, the premature disclosure of which could lead to significant financial speculation in carrier securities. It might appear at first blush that such a petition could be entertained only if the exemption contained in section 552b(c)(9)(A) of title 5 were found to be applicable to meetings of this Commission. Admittedly, the Commission's statutory responsibilities do not extend to securities regulation as comprehended by the Sunshine Act, and the Commission has determined that the (9)(A) exemption is inapplicable.

Even though the Commission could not properly close a meeting under section 552b(c)(9)(A), it might consider closing a meeting which fell within the "formal agency adjudication" exemption of paragraph (c)(10) on the grounds that premature disclosure of the Commission's deliberations might lead to speculation in securities. This could be the case, for example where disposition of a major carrier merger proposal were the subject matter of the meeting. The Commission believes that this suggestion has merit, and § 1012.6(c) of the regulations will be modified accordingly.

It has also been suggested that the number of copies of a petition to be submitted to open or close a Commission meeting be reduced from 15 to no more than 5. While this reduction will not be made in our regulations, a liberal waiver policy will be followed to accommodate anyone who would be unduly burdened by the requirements.

MEETINGS WHICH MAY BE CLOSED TO THE PUBLIC

Section 1012.7(b) of the proposed regulations provides that "(a) single vote may be taken to close a series of meetings on the same or related subjects held within 30 days of the initial meeting in the series." It has been suggested that since this provision appears to be somewhat inconsistent with 5 U.S.C. 552b(d) (1) providing that a single vote may be taken with respect to a series of meetings involving "the same particular matters," the statutory language should be substituted for the regulatory phrase "the same or related subjects." The Commission agrees; substitution will be effected in the final regulations.

MISCELLANEOUS

In our notice of proposed rulemaking, the Commission invited comment with respect to its decision not to adopt regulations under section 552b(d)(4) of title 5 providing for the closing of meetings or portions thereof involving specific financial, commercial, and legal matters. The comments received in this regard support the Commission's previous decision, to which it will adhere in the final regulations.

The Commission wishes to emphasize that it subscribes wholeheartedly to the Congressional policy expressed in the Act.

By the Commission.

ROBERT L. OSWALD,
Secretary.

VICE CHAIRMAN CLAPP, CONCURRING IN PART

The action taken here represents a commendable major step forward in public accountability. The clear intent is to satisfy fully the spirit as well as the formal requirements of the "Sunshine Act." As with other effected agencies, the Commission must watch very closely our early experience with the procedures adopted here and move to modify those provisions which relate to unanticipated overly restrictive results. My primary difference with the report is that it is too restrictive with respect to meetings of committees or divisions to formulate internal recommendations to the Commission. Such meetings in my opinion should be open rather than closed.

COMMISSIONER O'NEAL, CONCURRING IN PART

The regulations adopted in most respects represent a great deal more than tentative first steps to reflect a new National policy favorable to government in the view of the public. Yet, they do not seem to me to permit as full a view of agency activities as possible. And perhaps, not as full a view as mandated by the "Government in the Sunshine Act."

For instance, I am persuaded by the argument of the Institute for Public Interest Representation that the meetings of divisions of the Commission and standing committees of the Commission should be opened to the public regardless of whether they are empowered to act upon the Commission's behalf or

only formulating recommendations. Certainly this would at least be in the spirit of the Sunshine Act and give greater confidence to the public in any action that might later be taken as a result of such meeting.

Regarding provisions that provide for the possible closing of meetings to avoid the premature disclosure of actions or deliberations which could lead to significant financial speculation in securities, I must also respectfully disagree with the majority. Such closings are probably lawful and, if so, the adopted regulations satisfactorily accommodate them.

But should there be meeting closings for this reason? It seems to me that secrecy is not easily kept and closed meetings may very well heighten one-sided financial speculation. At least when actions or deliberations that can have an impact on financial speculation take place in the open, all members of the public—buyers and sellers alike—have a better chance of obtaining the correct information necessary to making an informed judgment.

Overall these regulations further the purposes, if they do not fully radiate the spirit of the "Government in the Sunshine Act." There remain areas where the majority could have and, I think, should have gone further. It is my hope that with enough experience under the new regulations, all the latent and other deficiencies will become evident and every last vestige of unnecessary secrecy will be removed from all ICC activities.

Accordingly, 49 CFR is amended by the addition of part 1012, which will become effective on March 12, 1977, and reads as follows:

Sec.	
1012.1	General provisions.
1012.2	Time and place of meetings.
1012.3	Public notice.
1012.4	Public participation.
1012.5	Transcripts; minutes.
1012.6	Petitions seeking to open or close a meeting.
1012.7	Meetings which may be closed to the public.

AUTHORITY: 5 U.S.C. 552b(g), as amended by Pub. L. 94-409, 90 Stat. 1241; 49 U.S.C. 17(3), 24 Stat. 385, as amended.

§ 1012.1 General provisions.

(a) The regulations contained in this part are issued pursuant to the provisions of 5 U.S.C. 552b(g), added by section 3(a) of the Government in the Sunshine Act, Pub. L. 94-409 (Act), and section 17(3) of the Interstate Commerce Act. They establish procedures under which meetings of the Interstate Commerce Commission (Commission), Divisions of the Commission (Division), and standing committees of the Commission are held. They apply to oral arguments as well as to deliberative conferences. They apply to meetings of the Commission and of Divisions and committees of the Commission where the Division or committee is empowered to act on the Commission's behalf, but not where a Division or committee is meeting only to formulate an internal recommendation to the Commission. They include provisions

for giving advance public notice of meetings, for holding meetings which may lawfully be closed to the public, and for issuing minutes and transcripts of meetings.

(b) The words "meeting" and "conference" are used interchangeably in this part to mean the deliberations of at least a majority of the members of the Commission, a Division, or a committee of the Commission where such deliberations determine or result in the joint conduct or disposition of official Commission business. They do not include meetings held to determine whether some future meeting should be open or closed to the public. They do not include the deliberations of members of boards of employees of the Commission.

(c) These regulations are not intended to govern situations in which members of the Commission consider individually and vote by notation upon matters which are circulated to them in writing. Copies of the votes or statements of position of all Commissioners eligible to participate in action taken by notation voting will be made available, as soon as possible after the date upon which the action taken is made public or any decision or order adopted is served. In a public reading room or other easily accessible place within the Commission, or upon written request to the Secretary of the Commission.

§ 1012.2 Time and place of meetings.

(a) Conferences, oral arguments, and other meetings are held at the Commission's headquarters building at the northwest corner of 12th Street and Constitution Avenue in Washington, DC, unless advance notice of an alternative site is given. Room assignments for meetings will be posted on the day of the meeting at the Constitution Avenue entrance to the Interstate Commerce Commission building and at the Commission's Public Information Office (room 1211).

(b) Regular Commission conferences are held on the first and third Tuesdays of each month, or on the following day if the regular conference day is a holiday. Oral arguments before the Commission are normally scheduled on the first or third Wednesday of each month. Regular Commission conferences and oral arguments before the Commission or a Division normally begin at 9:30 a.m. A luncheon recess is taken at approximately noon, and other recesses may be called by the presiding officer. Times for reconvening following a recess, or on subsequent days if a conference or oral argument lasts more than one day, are set by the presiding officer at the time the recess is announced.

(c) Special Commission conferences, Division conferences, oral arguments before a Division, and meetings of committees of the Commission are scheduled by the Chairman of the Commission or of the respective Division or committee.

(d) If one or more portions of the same meeting are open to the public while another portion or other portions are closed, all those portions of the meet-

ing which are open to the public are scheduled at the beginning of the meeting agenda, and are followed by those portions which are closed.

§ 1012.3 Public notice.

(a) Unless a majority of the Commission determines that such information is exempt from disclosure under the Act, public notice of the scheduling of a meeting will be given by posting a notice on the bulletin board in the Commission's Public Information Office, by filing a copy of the notice with the Secretary of the Commission for posting and for service on all parties of record in any proceeding which is the subject of the meeting or any other person who has requested notice with respect to meetings of the Commission, and by submitting a copy of the notice for publication in the FEDERAL REGISTER.

(b) Public notice of a scheduled meeting will contain—

(1) The date, time, place, and subject matter of the meeting.

(2) Whether it is open to the public.

(3) If the meeting or any portion of the meeting is not open to the public, an explanation of the action taken in closing the meeting or portion of the meeting, together with a list of those expected to attend the meeting and their affiliations.

(4) If a vote is taken on the question whether to close a meeting or a portion of a meeting to the public, a statement of the vote or position of each Commissioner eligible to participate in that vote. If such a vote is taken, public notice of its result will be posted within one working day following completion of the voting. If the result of the vote is to close the meeting or a portion of the meeting, an explanation of that action will be included in the notice to be issued within one working day following completion of the voting. The public notice otherwise required by this subparagraph may be withheld if the Commission finds that such information is exempt from disclosure under the Act.

(5) The name and telephone number of the Commission official designated to respond to requests for information about the meeting. Unless otherwise specified, that official will be the Commission's Public Information Officer, whose telephone number is (202) 275-7252.

(c) Except as provided in paragraphs (d) and (e) of this section, public notice will be given at least one week before the date upon which a meeting is scheduled.

(d) Due and timely execution of the Commission's functions will not normally permit the giving of one week's public notice of meetings called to consider or determine whether to suspend or investigate a tariff or schedule under sections 15(7), 15(8), 215(g), 218(c), 307(g), 307(4), or 406(e) of the Interstate Commerce Act (49 U.S.C. 15(7), 15(8), 316(g), 318(c), 907(g), 907(i), 1006(e)); to consider whether to grant special permission to deviate from tariff filing requirements under section 6(3), 217(c), 218(a), 306(d), 306(e), or 405(d) of the Interstate Commerce Act (49 U.S.C. 6(3), 317(c),

318(a), 906(d), 906(e), or 1005(d)); or to consider or dispose of an application for temporary authority under section 210a(a) or 311(a) of the Interstate Commerce Act (49 U.S.C. 310a(a) or 911(a)). Such meetings will normally be called on less than one week's notice, and public notice will be posted and published at the earliest practicable time.

(e) If a majority of the Commissioners eligible to participate in the conduct or disposition of the matter which is the subject of a meeting determines, by recorded vote, that Commission business requires that a meeting be called on less than one week's notice, the meeting may be called on short notice, and public notice will be posted and published at the earliest practicable time.

(f) Changes in the scheduling of a meeting which has been the subject of a public notice will also be made the subject of a public notice, which will be posted at the earliest practicable time. Changes in, or additions to, a conference agenda or in the open or closed status of a meeting will be made only if a majority of the Commissioners eligible to participate in the conduct or disposition of the matter which is the subject of the meeting determines, by recorded vote, that the Commission's business requires such change and that no earlier announcement of the change was possible. In such a case, the public notice of the change, will show the vote of each Commissioner on the change.

§ 1012.4 Public participation.

(a) In the case of Commission or Division conferences or meetings of committees of the Commission which are open to the public, members of the public will be admitted as observers only. Active public participation, as by asking questions or attempting to participate in the discussion, will not be permitted, and anyone violating this proscription may be required to leave the meeting by the presiding officer.

(b) Oral arguments are always open to the public. The scheduling of participants in the arguments and the allotment of time is governed by the Commission's General Rules of Practice, 49 CFR 1100.98.

§ 1012.5 Transcripts; minutes.

(a) A verbatim transcript, sound recording or minutes will be made of all meetings closed to the public under these regulations, and will be retained by the Commission for two years following the date upon which the meeting ended, or until one year after the conclusion of any proceeding with respect to which the meeting was held, whichever occurs later. In the case of meetings closed to the public under § 1012.7(d) (1) through (7) and (9) of this part, a transcript or recording rather than minutes will be made and retained.

(b) The Commission will make available free of charge, upon request, in a public reading room or some other easily accessible place, the minutes, transcript or recording of all portions of any meeting which was closed to the public except

those portions which it finds to be properly exempt from disclosure under the Act. A copy of such minutes, transcript or recording will be provided, upon request, upon payment of fees as provided in Part 1002 of this chapter.

(c) In the case of all meetings closed to the public, the presiding officer shall cause to be made, and the Commission shall retain, a statement setting forth—

(1) The date, time, and place of the meeting.

(2) The names and affiliations of those attending.

(3) The subject matter.

(4) The action taken.

(5) A copy of the certification issued by the General Counsel that, in his or her opinion, the meeting was one that might properly be closed to the public.

§ 1012.6 Petitions seeking to open or close a meeting.

(a) The Commission will entertain petitions requesting either the opening of a meeting proposed to be closed to the public or the closing of a meeting proposed to be open to the public. In the case of a meeting of the Commission, the original and 15 copies of such a petition shall be filed, and in the case of a meeting of a Division or committee of the Commission, an original and five copies shall be filed.

(b) A petition to open a meeting proposed to be closed, filed by any interested person, will be entertained.

(c) A petition to close a meeting proposed to be open will be entertained only in cases in which the subject at the meeting would—

(1) Involve accusing a person of a crime or formally censuring a person.

(2) Disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy.

(3) Disclose trade secrets or commercial or financial information obtained on a privileged or confidential basis.

(4) Disclose investigatory records or information, compiled for law enforcement purposes, to the extent that the production of such records or information would (i) interfere with enforcement proceedings being conducted or under consideration by an agency other than the Commission; (ii) deprive a person of a right to a fair trial or an impartial adjudication; (iii) constitute an unwarranted invasion of personal privacy; (iv) disclose the identity of a confidential investigation agency or a national security intelligence agency; (v) disclose investigative techniques and procedures of an agency other than the Commission; or (vi) endanger the life or physical safety of law enforcement personnel.

(5) Disclose information the premature disclosure of which could lead to significant financial speculation in securities.

(d) Every effort will be made to dispose of petitions to open or close a meeting in advance of the meeting date. However, if such a petition is received less than three working days prior to the date of the meeting, it may be disposed of as the first order of business at the

meeting, in which case the decision will be communicated to the petitioner orally through the Commission's Public Information Officer or other spokesperson.

§ 1012.7 Meetings which may be closed to the public.

(a) A meeting may be closed pursuant to this section only if a majority of the Commissioners eligible to participate in the conduct or disposition of the matter which is the subject of the meeting votes to close the meeting.

(b) A single vote may be taken to close a series of meetings on the same particular matters held within 30 days of the initial meeting in the series.

(c) With respect to any meeting closed to the public under this section, the General Counsel of the Commission will issue his or her certification that, in his opinion, the meeting is one which may properly be closed pursuant to one or more of the provisions of paragraph (d) of this section.

(d) Meetings or portions of meetings may be closed to the public if the meeting or portion thereof is likely to—

(1) Disclose matters (i) specifically authorized under criteria established by an Executive order to be kept secret in the interests of national defense or foreign policy and (ii) in fact properly classified pursuant to such Executive order.

(2) Relate solely to the internal personnel rules and practices of the Commission.

(3) Disclose matters specifically exempted from disclosure by statute (other than 5 U.S.C. 552); *Provided*, That such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld.

(4) Disclose trade secrets or commercial information obtained from a person and privileged or confidential.

(5) Involve accusing any person of a crime, or formally censuring any person.

(6) Disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy.

(7) Disclose investigatory records compiled for law enforcement purposes, or information which if written would be contained in such records, but only to the extent that the production of such records or information would (i) interfere with enforcement proceedings, (ii) deprive a person of a right to a fair trial or an impartial adjudication, (iii) constitute an unwarranted invasion of personal privacy, (iv) disclose the identity of a confidential source and (in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation) disclose confidential information furnished only

by the confidential source, (v) disclose investigative techniques and procedures, or (vi) endanger the life or physical safety of law enforcement personnel.

(8) Disclose information the premature disclosure of which could (i) lead to significant financial speculation in currencies, securities, or commodities, or (ii) significantly endanger the stability of any financial institution.

(9) Disclose information, the premature disclosure of which would be likely significantly to frustrate implementation of a proposed Commission action, except that this subparagraph shall not apply in any instance after the content or nature of the proposed Commission action has already been disclosed to the public by the Commission, or where the Commission is required by law to make such disclosure prior to the taking of final Commission action on such proposal.

(10) Specifically concern the issuance of a subpoena.

(11) Specifically concern the Commission's participation in a civil action or proceeding or an arbitration.

(12) Specifically concern the initiation, conduct, or disposition of a particular case or formal adjudication conducted pursuant to the procedures in 5 U.S.C. 554 or otherwise involving a determination on the record after an opportunity for hearing.

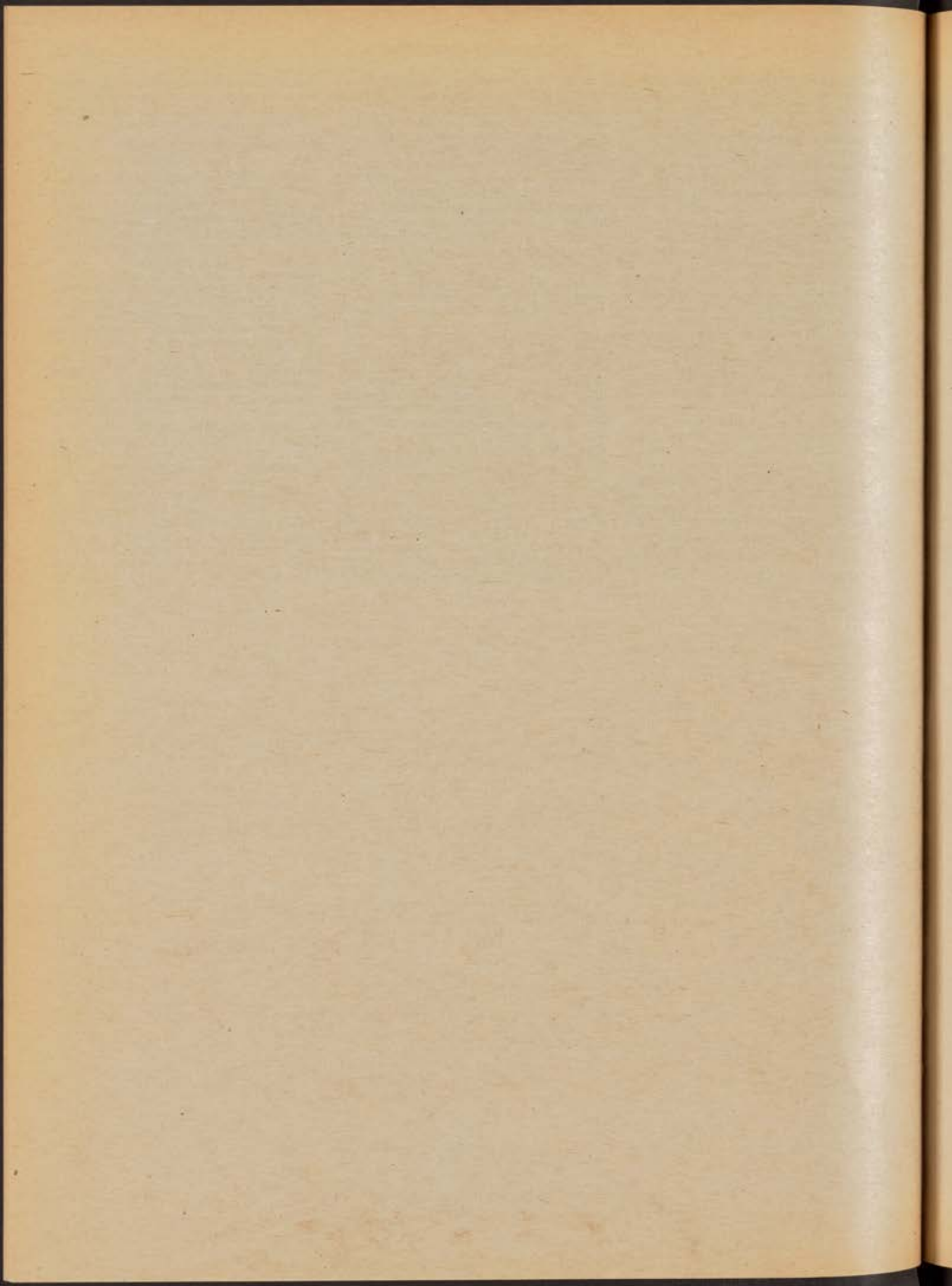
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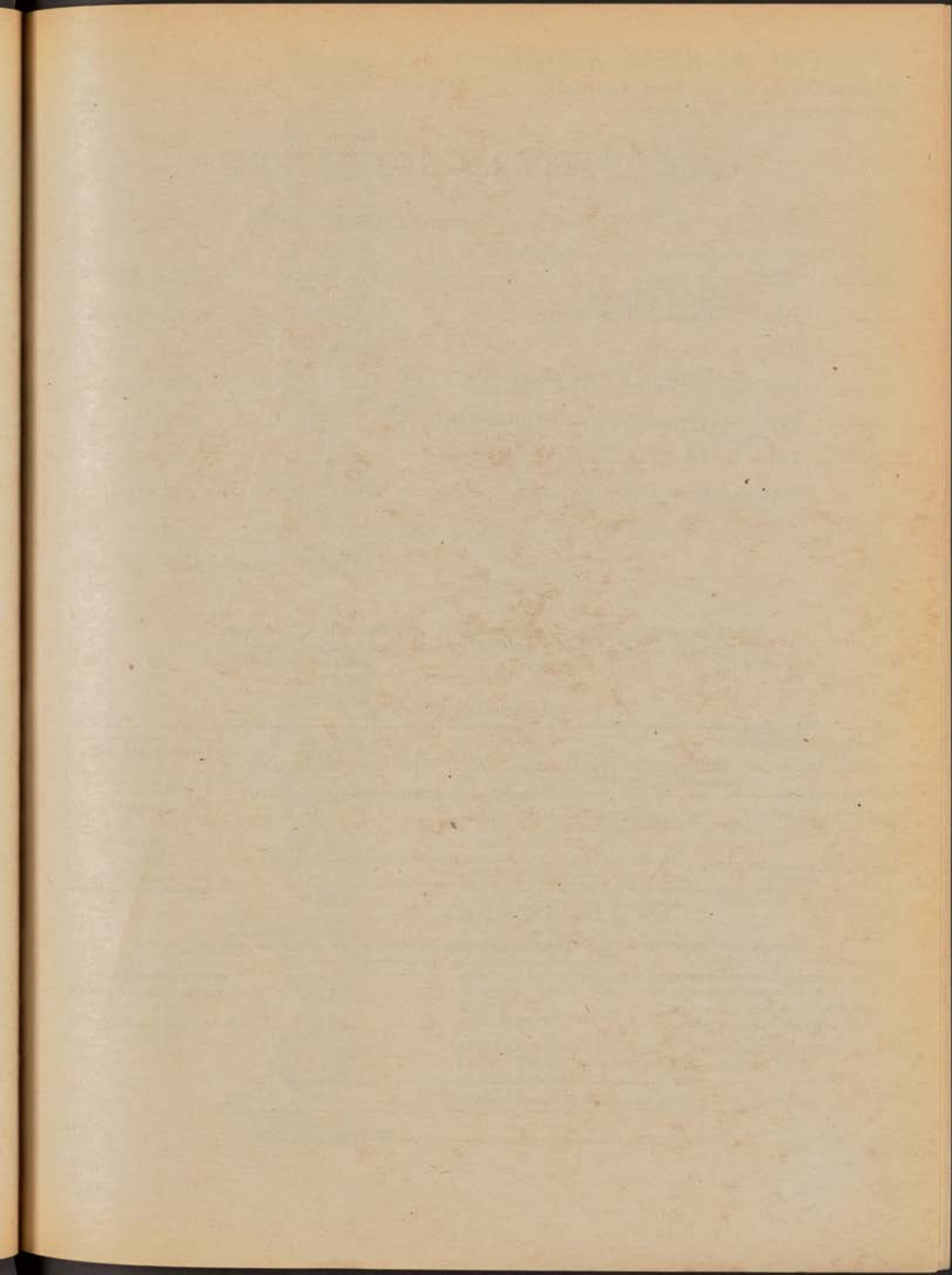
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