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federal register

FRIDAY, DECEMBER 3, 1976

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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
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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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Title 3—The President

PROCLAMATION 4479

Bill of Rights Day
Human Rights Day and Week, 1976

By the President of the United States of America

A Proclamation

We Americans have been deeply moved by the sights and sounds of our Bicentennial observance, celebrated this year with pageantry, with fireworks, and with tall ships whose friendly visits have reminded us of our close ties, both contemporary and historical, with many nations around the globe. More importantly, we have given renewed thought to those principles of liberty and justice that underlie our national experience. Reexamined in the light of the past two centuries, the great instruments of our freedom—the Declaration of Independence, the Constitution and the Bill of Rights—retain both their vitality and their relevance to today's problems.

When he introduced his proposal for a Bill of Rights to the House of Representatives of the First Congress, James Madison called it "the great work." He said: "It will be a desirable thing to extinguish from the bosom of every member of the community, any apprehensions that there are those among his countrymen who wish to deprive them of the liberty for which they valiantly fought and honorably bled."

Madison argued that "the great object in view is to limit and qualify the powers of Government, by excepting out of the grant of power those cases in which the Government ought not to act, or to act only in a particular mode." Those cases include rights and freedoms all Americans cherish today—freedom of religion, of speech, of the press; security against unreasonable searches and seizures; freedom from self-incrimination; the guarantee of due process of law; trial by jury.

Our national commitment to the principles of the Bill of Rights is echoed in the community of nations by our respect for the ideals enunciated in the Universal Declaration of Human Rights, adopted by the United Nations General Assembly in 1948. This Declaration eloquently affirms that the foundation of freedom, justice and peace in the world lies in the recognition of the inherent dignity, and the equal and inalienable rights, of all members of the human family.

In December we pay special tribute to these fundamental documents. December 15 is the one hundred and eighty-fifth anniversary of the adoption of the Bill of Rights and December 10 is the twenty-eighth anniversary of the Universal Declaration. As we enter the third century of our national existence we need more than ever to remember that the principles contained in these fundamental statements of human purpose have immediate application, not only domestically in our dealings with one another, but also internationally in our pursuit of friendly relations with all countries.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, do hereby proclaim December 10, 1976, as Human Rights Day and December 15, 1976, as Bill of Rights Day. I call upon the American people to observe the week beginning December 10, 1976, as Human Rights Week. Further, I ask all Americans, as they reflect with conscious pride on our history, not to be content with past accomplishments but to recognize the future task of our Nation and mankind: to bring about the full realization of the ideals and aspirations expressed in the Bill of Rights and the Universal Declaration of Human Rights.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of December, in the year of our Lord nineteen hundred seventy-six, and of the Independence of the United States of America the two hundred and first.

Gerald R. Ford

[FR Doc.76-35797 Filed 12-1-76;4:25 pm]

rules and regulations

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

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

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Executive Office of the President

Section 213.3303 is amended to show that one position of Senior Policy Analyst is excepted under Schedule C.

Effective on December 3, 1976, § 213.3303(k)(2) is added as set out below.

§ 213.3303 Executive Office of the President.

* * * * * *

(k) *Office of Science and Technology Policy.* * * *

(2) One Senior Policy Analyst.

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

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

[FR Doc.76-35748 Filed 12-2-76;8:45 am]

PART 300—EMPLOYMENT (GENERAL)

PART 305—EXECUTIVE ASSIGNMENT SYSTEM

Editorial Changes; Correction

In the FEDERAL REGISTER of November 23, 1976 (FR Doc. 76-34564) on page 51579, the Civil Service Commission made editorial changes to Parts 293, 300, and 305. The editorial change in item (2) is corrected to amend § 300.104(a)(2), and in item (3) is corrected to amend § 305.102(a)(4).

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

[FR Doc.76-35613 Filed 12-2-76;8:45 am]

Title 12—Banks and Banking

CHAPTER I—COMPTROLLER OF THE CURRENCY, DEPARTMENT OF THE TREASURY

PART 22—LOANS IN AREAS HAVING SPECIAL FLOOD HAZARDS

Designated Loans Exempted From Prohibition

Notice is hereby given that the Comptroller of the Currency is amending the regulation governing loans in areas having special flood hazards (12 CFR Part 22, 40 FR 12068, March 17, 1975; 40 FR 36107, August 19, 1975; 41 FR 6259, February 12, 1976). This amendment is intended to conform the provisions of the existing regulation to the recent legislative amendments to the National Flood Insurance Act (42 U.S.C. 4001 et seq.) contained in section 14(a) of the Housing Authorization Act of 1976, Pub. L. 94-375 (August 3, 1976).

Since the Act, as amended, prescribes the substance and dates of effectiveness of this particular amendment, notice, public participation and deferred effective date are not required.

12 CFR Part 22 is amended by revising § 22.3 to read as follows:

§ 22.3 Prohibition as to loans in nonparticipating communities.

On and after July 1, 1975, or after one year following the date of official notification to the chief executive officer of the community of identification of special flood hazards, whichever is later, no bank shall make, increase, extend, or renew any loan secured by improved real estate or a mobile home located or to be located in an area that has been identified by the Secretary of Housing and Urban Development as an area having special flood hazards, unless the community in which such area is situated is then participating in the national flood insurance program: *Provided,* That the prohibition contained in this section shall not apply to (a) Any loan made to finance the acquisition of a residential dwelling occupied as a residence prior to March 1, 1976, or one year following identification of the area within which such dwelling is located as an area containing special flood hazards, whichever is later, or made to extend, renew, or increase the financing in connection with such a dwelling, (b) Any loan, which does not exceed an amount prescribed by the Secretary of Housing and Urban Development, to finance the acquisition of a building or structure completed and occupied by a small business concern, prior to January 1, 1976, (c) Any loan or loans, which in the aggregate do not exceed $5,000, to finance improvements to or rehabilitation of a building or structure occupied as a residence prior to January 1, 1976, or (d) Any loan or loans, which in the aggregate do not exceed an amount prescribed by the Secretary of Housing and Urban Development, to finance nonresidential additions or improvements to be used solely for agricultural purposes on a farm.

Effective: This amendment is effective August 3, 1976.

Dated: NOVEMBER 29, 1976.

ROBERT BLOOM,
Acting Comptroller of the Currency.

[FR Doc.76-35631 Filed 12-2-76;8:45 am]

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

PART 201—EXTENSIONS OF CREDIT BY FEDERAL RESERVE BANKS

Changes in Rates

Pursuant to section 14(d) of the Federal Reserve Act (12 U.S.C. 357), and for the purpose of adjusting discount rates with a view to accommodating commerce and business in accordance with other related rates and the general credit situation of the country, Part 201 is amended as set forth below:

1. Section 201.51 is amended to read as follows:

§ 201.51 Advances and discounts for member banks under sections 13 and 13a.

The rates for all advances and discounts under sections 13 and 13a of the Federal Reserve Act (except advances under the last paragraph of such section 13 to individuals, partnerships, or corporations other than member banks) are:

Federal Reserve Bank of—	Rate	Effective
Boston	5¼	Nov. 22, 1976
New York	5¼	Do.
Philadelphia	5¼	Do.
Cleveland	5¼	Do.
Richmond	5¼	Do.
Atlanta	5¼	Do.
Chicago	5¼	Do.
St. Louis	5¼	Nov. 26, 1976
Minneapolis	5¼	Nov. 22, 1976
Kansas City	5¼	Do.
Dallas	5¼	Do.
San Francisco	5¼	Do.

2. Section 201.52 is amended to read as follows:

§ 201.52 [Amended]

(a) The rates for advances to member banks under section 10(b) of the Federal Reserve Act are:

Federal Reserve Bank of—	Rate	Effective
Boston	5¼	Nov. 22, 1976
New York	5¼	Do.
Philadelphia	5¼	Do.
Cleveland	5¼	Do.
Richmond	5¼	Do.
Atlanta	5¼	Do.
Chicago	5¼	Do.
St. Louis	5¼	Nov. 26, 1976
Minneapolis	5¼	Nov. 22, 1976
Kansas City	5¼	Do.
Dallas	5¼	Do.
San Francisco	5¼	Do.

(b) The rates for advances to member banks for prolonged periods and significant amounts under section 10(b) of the Federal Reserve Act and § 201.2(e)(2) of Regulation A are:

Federal Reserve Bank of—	Rate	Effective
Boston	6¼	Nov. 22, 1976
New York	6¼	Do.
Philadelphia	6¼	Do.
Cleveland	6¼	Do.
Richmond	6¼	Do.
Atlanta	6¼	Do.
Chicago	6¼	Do.
St. Louis	6¼	Nov. 26, 1976
Minneapolis	6¼	Nov. 22, 1976
Kansas City	6¼	Do.
Dallas	6¼	Do.
San Francisco	6¼	Do.

3. Section 201.53 is amended to read as follows:

§ 201.53 Advances to persons other than member banks.

The rates for advances under the last paragraph of section 13 of the Federal Reserve Act to individuals, partnerships, or corporations other than member banks secured by direct obligations of, or obligations fully guaranteed as to principal and interest by, the United States or any agency thereof are:

Federal Reserve Bank of—	Rate	Effective
Boston	8¼	Nov. 22, 1976
New York	8¼	Do.
Philadelphia	8¼	Do.
Cleveland	8¼	Do.
Richmond	8¼	Do.
Atlanta	8¼	Do.
Chicago	8¼	Do.
St. Louis	8¼	Nov. 26, 1976
Minneapolis	8¼	Nov. 22, 1976
Kansas City	8¼	Do.
Dallas	8¼	Do.
San Francisco	8¼	Do.

(12 U.S.C. 248(i)). Interprets or applies 12 U.S.C. 357.)

By order of the Board of Governors, November 26, 1976.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.76-35585 Filed 12-2-76;8:45 am]

[Reg. U]

[Docket No. R-0026]

PART 221—CREDIT BY BANKS FOR THE PURPOSE OF PURCHASING OR CARRYING MARGIN STOCKS

Notice of Further Revisions to Revised Form U-1

On June 11, 1976, notice was published in the FEDERAL REGISTER (41 FR 23667) that the Board of Governors had adopted a revised Federal Reserve Form U-1, "Statement of Purpose of a Stock-Secured Extension of Credit by a Bank," to be effective September 1, 1976. In order to review certain operational questions that were raised in connection with the use of such revised Federal Reserve Form U-1, the Board postponed the effective date of the revised form until January 1, 1977 (41 FR 35477 and 41 FR 48335). The Board has reviewed the questions presented and believes that further amendments to the revised form, particularly with regard to the officer's certification on Part II of the form, are warranted. Accordingly, the Board has further revised the form, effective January 1, 1977.[1]

In addition to certain clarifying technical changes in the language of the officer's certification, the principal purposes of the amendment are (i) to clarify that the bank officer signing the form may, in good faith, rely upon other bank employees to examine and validate the securities, and (ii) to restrict the examination and validation requirements only to securities that are or will be in the physical possession of the bank.

In adopting further revisions to the Form U-1, the Board announced that any banks that have reproduced copies of the earlier version of the Form U-1 that was to have become effective September 1, 1976, may continue to use such earlier version until their supply of such forms is exhausted or until December 31, 1977, whichever shall occur sooner, and that for this interim period, the earlier version shall be deemed to meet the requirements of § 221.3(a) of Regulation U (12 CFR 221.3(a)).

By order of the Board of Governors, November 29, 1976.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.76-35575 Filed 12-2-76;8:45 am]

[Reg. Z]

PART 226—TRUTH IN LENDING

Official Staff Interpretations

In accordance with 12 CFR 226.1(d), the Board is publishing the following official staff interpretations of Regulation Z, issued by a duly authorized official of the Division of Consumer Affairs.

Identifying details have been deleted to the extent required to prevent a clearly unwarranted invasion of personal privacy. The Board maintains and makes available for public inspection and copying a current index providing identifying information for the public subject to certain limitations stated in 12 CFR 261.6.

Official staff interpretations may be reconsidered by the Board upon request of interested parties and in accordance with 12 CFR 226.1(d)(2). Every request for reconsideration should clearly identify the number of the official staff interpretation in question, and should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

These interpretations shall be effective as of November 30, 1976.

§ 226.2(p) A prejudgment workout arrangement, which is in writing and involves either a finance charge or more than four installments constitutes an extension of consumer credit subject to the disclosure requirements of § 226.8 (b) and (d) regardless of whether the original transaction was classified as "open end credit" or "credit other than open end".

[1] A copy of the original Federal Reserve Form U-1 is filed as a part of the original document. Copies are available on request from the Board of Governors of the Federal Reserve System or any Federal Reserve Bank.

§ 226.7(f) Creditor need not disclose a change in credit terms of an open end credit account under § 226.7(f) to those creditors' cardholders who are not affected by the change in terms.

NOVEMBER 3, 1976

This is in response to your letter of * * *, requesting an official staff interpretation with regard to the effect of Regulation Z on an open end credit plan collection program which your bank may implement.

You indicate in your letter that the collection program proposed would involve an existing open end credit plan in which the customers had lost their privileges as credit cardholders at a predetermined time due to non-payment, with no further advances being made until the account has been paid to the bank's satisfaction. The bank wishes to offer delinquent customers the opportunity to repay their debts in terms differing from the original open end credit plan. For example, the bank may allow repayment of the indebtedness with the monthly principal payments reduced (e.g., 5 percent of the principal each month as opposed to 10 percent of principal) and with the finance charges either reduced (e.g., 6 percent annual percentage rate as compared to the normal 18 percent open end credit annual percentage rate) or eliminated.

You question whether the collection program described would:

(1) Render the credit plan other than open end, thereby requiring disclosures under § 226.8 of Regulation Z;

(2) Require the making of new open end disclosures under § 226.7(a) when the debtor has paid the account to the bank's satisfaction in order for the customer to receive new advances or revolving credit privileges and

(3) Constitute a change in "credit terms" which would require an initial disclosure to all credit cardholders if the collection program is adopted on a general non-objective basis.

Staff is of the opinion that the issue of whether a prejudgment workout arrangement is subject to the other than open end credit disclosures of § 226.8 is dependent upon whether such a workout arrangement is informal (e.g., by telephone) or written. A prejudgment workout arrangement, which is in writing and involves either a finance charge or more than four instalments, constitutes an extension of consumer credit subject to the disclosure requirements of § 226.8(b) and (d) regardless of whether the original transaction was classified as "open end credit" or "credit other than open end."

Therefore, if your collection program involves a formal written prejudgment workout arrangement, then the bank would be required to make other than open end credit disclosures in accordance with § 226.8. Furthermore, should the bank decide to extend open end credit to the debtor after satisfaction of the delinquent account, the debtor should be provided once again with the initial open end disclosures to prevent confusion.

If the bank adopts such a collection program, staff believes that such a program would not require the bank to disclose a change in "credit terms" under § 226.7(f) to all of the bank's credit cardholders. Staff views the requirements of § 226.7(f) as requiring a creditor to disclose a change in terms in an open end credit plan only to those customers who would be affected by such change, since disclosure to unaffected customers could cause confusion as to the status of their accounts.

This letter is an official staff interpretation of Regulation Z, issued in accordance with

§ 226.1(d)(3) of the regulation. I trust it is responsive to your inquiry.

Sincerely,

JERAULD C. KLUCKMAN,
Assistant Director.

§ 226.7(j) Substitute credit card and automated teller card accessing customer's overdraft checking account are not supplemental credit devices requiring § 226.7(j) disclosures.

NOVEMBER 18, 1976.

This is in response to your letter of * * *, requesting an official staff interpretation of Regulation Z on the applicability of § 226.7 (j) to your client's program.

The bank which you represent plans to install an electronic funds transfer system which will permit customers to gain direct access to their savings and checking accounts through remote computer terminals. Under the plan, two types of cards will be issued to customers for use in conjunction with the computer terminals. One type of card replaces the customer's current bank credit card and can be used for traditional credit card functions as well as for direct access to his accounts under the new electronic system. The second type of card cannot be used to perform the functions of a typical bank credit card. However, this second type of card, when used by customers who have overdraft checking privileges with the bank, may be used to obtain credit through access to the customer's checking account.

You wish to know whether either of these cards would constitute a "supplemental credit device" within the meaning of § 226.7 (j), requiring the bank to make the disclosures set forth in that section.

In staff's opinion, § 226.7(j) does not apply to the plan which you describe. That section applies to "a blank check, payee designated check, blank draft or order or other similar credit device other than a credit card." In the bank's plan, the first type of card, which replaces a current bank credit card, clearly constitutes a credit card and is specifically excluded from the scope of § 226.7(j). The second type of card, which may be used to obtain credit by those customers who have an overdraft checking agreement with the bank, would also come within the definition of a credit card and is similarly excluded from that section. Thus, the bank is not required to comply with the provisions of § 226.7(j) with respect to the issuance of these types of cards.

This is an official staff interpretation of Regulation Z issued pursuant to § 226.1(d) (3) of the Regulation. It relates only to the specific issues and facts presented and does not constitute staff approval of the plan as a whole.

Sincerely,

JERAULD C. KLUCKMAN,
Assistant Director.

§ 226.7(k) Each transaction must be identified by appropriate designation even though all transactions on the accounts can be considered non sale credit. This can be done by symbols. Date of transaction or date on document evidencing transaction which the customer signs must be disclosed. After October 28, 1977, the regulation contemplates that creditors will have procedures in place to capture primary requirements.

NOVEMBER 19, 1976.

This is in response to your letter of * * *, in which you raised questions regarding the Regulation Z provisions setting forth standards for identifying transactions on open end accounts. You state that your program provides for non-sale credit only, and you request clarification as to whether the requirements of § 226.7(k) contemplate that each such non-sale transaction must be identified as to its specific type or whether no such designations need to be provided since all the transactions are basically of the same character.

According to your letter, the types of credit which may be obtained under your program include cash advance check credit, overdraft checking credit, and credit extended pursuant to the request from the customer to make payments to the American Express Company on special prepared forms.

Section 226.7(k)(3) of Regulation Z, as ultimately adopted by the Board, requires that each transaction be identified appropriately. Although specific language is not provided in the regulation as to what the appropriate designation should be, it is contemplated that each extension of credit shall be identified as a cash advance, overdraft, or by some other appropriate designation. The fact that only non-sale type credit can be extended on the account does not change this interpretation. In staff's view, this identification can be made by use of clear and conspicuous symbols on or with each periodic statement.

I should also point out that during the transition period which runs from October 28, 1976, until October 28, 1977, § 226.7(k)(7)(i)(B) provides that, as an alternative to the general disclosure requirements, the creditor may identify each transaction by disclosing such information as is reasonably available and treating the absence of the information as a billing error. If the customer submits a proper written notification of the billing error relating to the absence of such information and the information was, in fact, not provided, the absence of such information must be treated as an erroneous billing and documentary evidence of the charge must be provided without cost or request. After October 28, 1977, the regulation contemplates that the creditor will have procedures in place to provide the primarily required information for each transaction.

I also note in your letter that you state that the date of transaction for all types of credit obtainable under your program is the day the account is debited by the bank. I would point out that the regulation specifies that the date of debiting is the date of the transaction for purposes of this section only when the credit being extended is on an overdraft checking program. In all other cases, such as your cash advance checking program, the creditor is required as a primary matter to provide the date of the transaction or the date which is on the document evidencing the transaction, if such document is signed by the customer. Once again, however, I should point out that § 226.7(k)(7)(i) permits the creditor to use the date of debiting instead of the date of the transaction or other date required if due to operational limitations the primarily required date is not available for purposes of billing during the transition period.

This is an official staff interpretation of Regulation Z issued under § 226.1(d)(3) and limited in its application to the facts outlined above. I trust it is responsive to your inquiry.

Sincerely,

JERAULD C. KLUCKMAN,
Assistant Director.

§ 226.8(b) "Security interest under the Uniform Commercial Code" adequately describes type of security interest taken.

NOVEMBER 22, 1976.

This is in response to your letter of * * *, requesting an official interpretation on the disclosure of the type of a security interest under § 226.8(b)(5) of Regulation Z.

Section 226.8(b)(5) of Regulation Z requires the creditor to disclose, among other things, the "type of any security interest held or to be retained or acquired by the creditor." You submit three phrases which are intended to describe the type of a security interest taken by the creditor and request staff's opinion as to whether each of these phrases constitutes a sufficient description of the security interest under § 226.8(b)(5).

First, you ask whether the disclosure of a "security interest under the Uniform Commercial Code" is a sufficient description when the creditor obtains a security interest subject to the UCC. In staff's opinion, this language would be sufficient to comply with that requirement of § 226.8(b)(5) in the situation you describe. Staff believes that this provision of the regulation does not require creditors to provide a detailed statement of the type of interest acquired or a citation to any specific statutory provision pursuant to which the security interest is obtained. In staff's view, a security interest under the Uniform Commercial Code is a "type" of security interest and may be adequately described using the language you suggest.

Additionally, you ask whether a consensual or contractual security interest may be disclosed in language such as the following: "a security interest established by our contract" or "a security interest through our agreement." In staff's opinion, this language does not adequately describe the type of security interest taken, pursuant to § 226.8 (b)(5). The words "contract" and "our agreement" may not convey any particular meaning to the customer or assist him in identifying the legal document from which the security interest arises. However, if the language you propose could be modified to more specifically identify the contract or agreement referred to, staff believes that such a disclosure would adequately describe the type of security interest involved. For example, the statement might refer to the specific title of the document which evidences the security interest.

This is an official staff interpretation of Regulation Z issued pursuant to § 226.1(d) (3) of the regulation. Staff's conclusions relate solely to the facts and issues presented.

Sincerely,

JERAULD C. KLUCKMAN,
Assistant Director.

§ 226.7(b) Open end billing statement need not disclose posting dates of transactions (other than payments and credits) in order to comply with required disclosure of balance on which the finance charge was computed and how that balance was determined.

NOVEMBER 22, 1976.

This is in response your letter of * * *, in which you request an official interpretation of § 226.7(b)(1)(viii) of Regulation Z which requires disclosure of "the balance on which the finance charge was computed and a statement of how that balance was determined."

Your clients are open end credit card issuers that are considering adopting an optional method of computing finance charges on the basis of an average daily balance which includes purchases posted to the cardholder's account on the current statement from the date of such posting in instances where the cardholder does not timely pay in full the new balance shown on the previous periodic statement.

Your clients electing this option have decided to make the disclosure concerning this method of computation of the finance charge on the reverse of the periodic statement (as permitted by § 226.7(c)(2)). The disclosure statement reads in part:

"The amount of any finance charge incurred by you during this billing cycle, as disclosed on the face of this Statement, was computed by multiplying the (monthly) Periodic Rate(s) times the Average Daily Balance(s), both of which are also disclosed on the face of this Statement. The "Average Daily Balance" is the sum of the outstanding balances for each day of the current billing cycle (excluding any previously billed but unpaid finance charge) divided by the number of days in the current billing cycle, computed separately for Cash Advances and for Purchases."

The average daily balance and transaction dates will appear on the face of the statement. You inquire whether § 226.7(b)(1)(viii) requires the disclosure of posting dates on the face of the statement in addition to transaction dates in order to permit the cardholder to compute the average daily balance. It is staff's opinion that the posting date of the transaction need not be disclosed to comply with the § 226.7(b)(1)(viii) requirement that the method of determining the balance on which the finance charge was computed be disclosed.

The requirement that the method of determination of the average daily balance be disclosed does not require that the customer be able to compute the balance on which the finance charge is based from the face of the statement. Compliance with the regulation may be achieved by providing the customer with the method of the computation. The requirement of posting dates would unnecessarily complicate the disclosure and necessitate the printing of two separate dates (i.e., the transaction date and the posting date) which could result in confusion on the part of the customer. It should be noted, however, that § 226.7(b)(1)(iii) requires the use of posting dates for disclosure of payments and credits on periodic statements.

This is an official interpretation of Regulation Z, issued in accordance with § 226.1(d)(3) of the regulation. It is limited in its scope to the questions presented herein. I trust this is responsive to your inquiry.

Sincerely,

JERAULD C. KLUCKMAN,
Assistant Director.

Board of Governors of the Federal Reserve System, November 24, 1976.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.76-35586 Filed 12-2-76;8:45 am]

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

SUBCHAPTER D—RULES AND REGULATIONS FOR INSURANCE OF ACCOUNTS

[No. 76-869]

PART 563c—ACCOUNTING REQUIREMENTS

Amendments Relating to the Form and Content of Financial Statements

NOVEMBER 23, 1976.

The following outline of the amendments adopted by this Resolution is included for the reader's convenience and is subject to the full description in the preamble as well as the specific provisions in the regulations.

I. PRESENT SITUATION

Present § 563c.1 is a comprehensive accounting regulation adopted by Board Resolution No. 73-1768 on November 28, 1973. In large measure, it repeats the accounting regulations set forth in Regulation S-X (17 CFR Part 210) promulgated by the Securities and Exchange Commission, which in turn is based upon generally accepted accounting principles (GAAP). In addition to the requirements from Regulation S-X, § 563c.1 prescribes additional disclosures which focus on the specialized accounting of savings and loan associations.

II. AMENDED REGULATION

Amend § 563c.1 to incorporate by reference Articles 1, 2, 3, 4, and 5 and Rule 9-02 of Article 9 of Regulation S-X and supplement those provisions with additional requirements appropriate to savings and loan industry accounting.

III. REASON FOR AMENDMENT

Since the adoption of present § 563c.1, there have been many changes in both Regulation S-X and GAAP rendering sections of § 563c.1 obsolete. On the other hand, the sections of § 563c.1 which pertain to savings and loan accounting have remained fairly current.

In order to eliminate the need for continual amendments to § 563c.1 whenever Regulation S-X or GAAP are revised, and to strengthen the disclosure requirements to help assure full and fair disclosure, the Board amends present § 563c.1 to incorporate Regulation S-X by reference and establish additional accounting requirements which would be needed for the fair presentation of savings and loan financial data.

The Federal Home Loan Bank Board, by Resolution No. 76-476, dated June 30, 1976, proposed an amendment to Part 563c of the Rules and Regulations for Insurance of Accounts (12 CFR Part 563c) for the purpose of updating and revising the requirements for the form and content of financial statements filed with applications for conversion from a mutual institution to a stock institution and for certain subordinated debt applications. Notice of such proposed rulemaking was duly published in the FEDERAL REGISTER on July 12, 1976 (40 FR 28545-28549) with an invitation for interested persons to submit written comments by August 10, 1976.

Analysis of conversion applications containing financial statements prepared in accordance with present § 563c.1, discussions with professional accounting associations, and enactment of Public Law 93-495 (H.R. 11221), which provides, in part, that a converting Federal associations may retain its Federal charter, have indicated a need to amend § 563c.1 by replacing it with several new provisions incorporating Articles 1, 2, 3, 4, and 5 and Rule 9-02 of Article 9 of Regulation S-X, promulgated by the Securities and Exchange Commission (17 CFR Part 210), and supplementing those provisions with additional requirements appropriate to savings and loan industry accounting.

The final amendment differs from the proposal in three ways. First, "Securities of Affiliates," which was aggregated with "Other Securities and Investments," becomes a separate caption for a balance sheet. Second, the requirement for disclosure of interest which is sixty days or more delinquent was revised to read more than sixty days delinquent. Third, minor clarifying and referencing changes were made. However, there were no substantive changes from the proposal.

On the basis of its consideration of all relevant material presented by interested persons and otherwise available concerning this proposal, the Board hereby amends Part 563c by revising § 563c.1, redesignating §§ 563c.2 through .5 as §§ 563c.10 through .13, and adding new §§ 563c.2 through .9, to read as set forth below, effective December 3, 1976.

1. Redesignate present §§ 563c.2, 563c.3, 563c.4, and 563c.5 as 563c.10, 563c.11, 563c.12, and 563c.13, respectively, preceded by caption "Subpart B—Other Accounting Requirements."

2. Amend § 563c.1 and add new §§ 563c.2, 563c.3, 563c.4, 563c.5, 563c.6, 563c.7, 563c.8, and 563c.9, preceded by caption "Subpart A—Form and Content of Financial Statements in Offering Circulars" for new Subpart A to read as follows:

Subpart A—Form and Content of Financial Statements in Offering Circulars

Sec.

563c.1 Application of this Subpart.
563c.2 Definitions.
563c.3 Qualification of Public Accountant (see also 17 CFR 210.2-01).
563c.4 General notes to financial statements (see also 17 CFR 210.3-16).
563c.5 Consolidation of financial statements of a registrant and its subsidiaries engaged in diverse financial activities (see also 17 CFR 210.4-02).
563c.6 Balance sheet (see also 17 CFR 210.5-02).
563c.7 Income statements (see also 17 CFR 210.5-03).
563c.8 Statement of changes in financial position.
563c.9 What schedules are to be filed.

AUTHORITY.—Secs. 402, 403, 407, 48 Stat. 1256, 1257, 1260, as amended (12 U.S.C. 1725, 1726, 1730), Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR 1943-48 Comp., p. 1071.

Subpart A—Form and Content of Financial Statements in Offering Circulars

§ 563c.1 Application of this subpart.

(a) This subpart states the requirements as to form and content of financial statements to be furnished by an insured institution with the following:

(1) Any proxy statement or offering circular required to be used in connection with a conversion under Part 563b of this subchapter; and

(2) Any offering circular or private placement memorandum required to be used in connection with issuance of subordinated debt securities under § 563.8-1 of this subchapter.

(b) The term "financial statements" includes all notes to the statements and related schedules.

(c) Consistent with the provisions of this subpart, financial statements furnished by an insured institution shall

comply with the following provisions of Regulation S-X of the Securities and Exchange Commission (17 CFR Part 210): §§ 210.1-01 through 210.5-04 and § 210.9-02 (17 CFR 210.1-01 through 210.5-04 and § 210.9-02).

§ 563c.2 Definitions.

(See also 17 CFR 210.1-02.)

(a) *Registrant.* The term "registrant" means an applicant, an insured institution, or any other person required to prepare financial statements in accordance with this subpart.

(b) *Significant Subsidiary.* The term "significant subsidiary" means (1) a subsidiary or (2) a subsidiary and its subsidiaries, meeting any of the conditions described below based on (i) the most recent annual financial statements, including consolidated statements, of such subsidiary which would be required to be filed if such subsidiary were a registrant and (ii) the most recent annual consolidated financial statements of the registrant being filed:

(1) The parent's and the parent's other subsidiaries' proportionate share of the total assets (after intercompany eliminations) of the subsidiary, or their investments in and advances to the subsidiary exceed one percent of the consolidated total assets.

(2) The parent's and the parent's other subsidiaries' proportionate share of the gross revenues (after intercompany eliminations) of the subsidiary exceed five percent of the consolidated gross revenues.

§ 563c.3 Qualification of Public Accountant.

(See also 17 CFR § 210.2-01.)

(a) The term "qualified public accountant" means a certified public accountant or licensed public accountant certified or licensed by a regulatory authority of a State or other political subdivision of the United States who is in good standing as such under the laws of the jurisdiction where the home office of the registrant to be audited is located. Any person or firm who is suspended from practice before the Securities and Exchange Commission or other governmental agency is not a "qualified public accountant" for purposes of this section.

(b) *Independence of Public Accountant.* (See also § 571.2(c)(3) of this subchapter.)

§ 563c.4 General notes to financial statements.

(See also 17 CFR § 210.3-16.)

(a) *Restrictions which limit the availability of reserves and undivided profits for dividend purposes.* Describe any such restrictions, indicating briefly the source, their pertinent provisions, and, where appropriate and determinable, the amount of reserves and undivided profits (1) so restricted or (2) free of such restrictions. These restrictions include absolute restrictions, such as those imposed by the Federal Home Loan Bank Board, state laws, as a result of conversion, or credit agreements, as well as restrictions which may result in additional income taxes before payment of dividends.

(b) *Income tax expense.* Describe in a footnote the method used in computing the tax bad debt deduction; include the principal present assumptions on which the registrant has relied in making or not making provisions for such taxes. Disclose whether or not consolidated returns are filed.

(c) *Provision for losses.* Describe the policies used by the registrant in providing for losses on loans and real estate. Indicate if specific provisions or a "basket" provision is used. Also state the policy with respect to capitalizing or expensing holding costs of real estate owned.

(d) *Conversion.* If the registrant is an applicant for conversion from a mutual to a capital stock company or has so converted within the last three years describe generally the terms of such conversion and any restrictions on the operations of the registrant imposed by such conversion.

(e) *Loans receivable.* Describe the accounting policies regarding recognition of income on loans receivable. Include the policies with respect to discontinuance of interest accrual; the treatment of discounts and premiums on loans originated, purchased, or sold; and the treatment of loan fees for originations, servicing, commitments, and other fees.

§ 563c.5 Consolidation of financial statements of a registrant and its subsidiaries engaged in diverse financial activities. (See also 17 CFR § 210.1-02).

(a) If the registrant and its subsidiaries are engaged in one or more types of financial activities, e.g., banking, insurance, finance, and savings and loan activities, consolidated financial statements may be filed unless deemed inappropriate; *Provided,* That, when more than one type of financial activity is involved, separate audited financial statements for each significant financial subsidiary or each significant group of financial subsidiaries shall be presented. Savings and loan holding companies engaged in savings and loan related finance activities, as defined in § 584.2 of this chapter, are considered to be one type of financial activity for the purpose of this section.

(b) If the registrant's subsidiaries are engaged in manufacturing, merchandising or other nonfinancial activities, the financial statements of the subsidiaries shall not be consolidated with the operations of the registrant. However, the subsidiaries may be included in the consolidated financial statements if their activities are principally for the benefit of the operations of the registrant. In interpreting the significance of the subsidiaries, the registrant should consider factors in addition to those in the definition of significant subsidiary, including the primary business activities of the registrant, trends, and other pertinent matters.

§ 563c.6 Balance Sheets.

(See also 17 CFR § 210.5-02.)

REQUIRED ASSET CAPTIONS AND DISCLOSURES

(a) *Investment Securities.*—(1) *United States Government and Federal Agency Obligations.* State, parenthetically or otherwise, the basis of determining the amount shown in the balance sheet and state the alternate of the aggregate cost or the aggregate amount on the basis of market quotations at the balance sheet date. When the original cost of securities purchased on a yield basis has been properly adjusted to reflect amortization of premium or accretion of discount since acquisition, the basis of determining their amount may be described as "at amortized cost" with appropriate footnote disclosures.

(2) *Other securities and investments.* State, parenthetically or otherwise, the basis of determining the amount shown in the balance sheet and state the alternate of the aggregate cost or the aggregate amount on the basis of market quotations at the balance sheet date. When the original cost of securities purchased on a yield basis has been properly adjusted to reflect amortization of premium or accretion of discount since acquisition, the basis of determining their amount may be described as "at amortized cost" with appropriate footnote disclosures. Marketable equity securities, other than those securities which by their terms either must be redeemed by the issuing enterprise or are redeemable at the option of the investor, are to be carried at the lower of their aggregate costs or market values, determined at the balance sheet date.

(3) "Federal Funds" sold.

(4) Securities purchased under agreements to resell.

(b) *Mortgage loans.* (1) State separately here, or in a note referred to herein, each major class, such as FHA and VA loans, conventional loans, loans to facilitate sales of real estate foreclosed, unimproved land, contracts to facilitate the sale of real estate, and loans and participations guaranteed by an agency of the Federal government. Indicate the approximate amounts pledged to secure debt.

(2) Loans to facilitate sales of association-owned real estate shall be disclosed by appropriate footnote and the substance explained clearly and precisely.

(3) State separately, or by a footnote, loans on which the registrant or its subsidiaries have other than a primary lien. By a footnote disclose briefly the substance of such loan transactions including the amounts of prior liens.

(4) State separately, or by a footnote, the amounts of Governmental National Mortgage Association, Federal Home Loan Mortgage Corporation and other participation notes included in mortgage loans. Indicate the range of rates and maturities of such notes.

(5) In a footnote, state separately any valuation allowances, unearned interest

on consumer loans, and any other deductions used to arrive at net loans receivable. Undisbursed loan funds shall not be deducted (see § 563c.6(1)).

(c) *Other Loans.* (Show separately any significant subcategory).

(1) Home improvement loans, both insured and uninsured.

(2) Education loans.

(3) Mobile home loans.

(4) Loans secured by savings accounts.

(5) Mortgage loans purchased under agreements to resell.

(6) Other.

(d) *Accrued interest receivable on loans.* Show separately, with the amount of interest delinquent for more than 60 days included parenthetically on the balance sheet or disclosed in a footnote.

(e) *Valuation allowances.* Deduct from the related assets. In a separate note set forth an analysis indicating losses incurred, recoveries made, and transfers to this account during the fiscal year. (See also § 563c.7(f)).

(f) *Real estate owned.* State, parenthetically or otherwise:

(1) The basis of determining the amount shown on the balance sheet, and

(2) A description of each class of real estate owned which

(i) Was acquired by foreclosure or by deed in lieu of foreclosure,

(ii) Is in judgment and subject to redemption, or

(iii) Was acquired for development or resale.

Show separately any accumulated depreciation or valuation allowances. Disclose the policies regarding and amounts of capitalized costs, including interest.

(g) *Investments in real estate ventures.* In a note, present summarized financial statements, which may be unaudited, for each investment which is twenty (20) percent or more owned by the registrant or any of its subsidiaries or for which liabilities (including contingent liabilities) to the parent exceed ten (10) percent of the parent's net worth.

(h) *Securities of affiliates.* Indicate the basis for determining the amount shown in the balance sheet.

(i) *Investment in stock of the Federal Home Loan Bank.* Indicate basis for determining the amount shown in the balance sheet.

(j) Prepayment to FSLIC secondary reserve.

REQUIRED LIABILITIES, RESERVES, AND STOCKHOLDERS' EQUITY CAPTIONS AND DISCLOSURES

(k) *Savings accounts.* Include accrued interest or dividends, if appropriate. In a note, set forth in tabular form the amounts of savings accounts by categories of interest rate as of the dates of each balance sheet filed. As of the date of the latest balance sheet, set forth in tabular form the amounts of certificates maturing during each of the three years following such date and the total maturing thereafter. Also disclose the weighted average interest rate on outstanding savings at each date for which a balance sheet is presented.

(l) *Loans in process.* Include the amount of all undisbursed loan proceeds. Do not include interest, discounts, appraisal and inspection fees or any other amounts not intended as funds to be disbursed for the purpose for which the loan was granted.

(m) Advance payments by borrowers for taxes and insurance.

(n) *Advances from Federal Home Loan Bank.* State separately here, or in a note referred to herein, information indicating:

(1) The aggregate amount due each year and the range of interest rates, and

(2) Assets pledged.

(o) *Other Borrowed Funds.* State separately each major class of other borrowed funds (for reverse repurchase agreements, see § 563c.6(p)). Bonds, notes, debentures, and similar debt (including subordinated indebtedness) shall be reported as liabilities. Debt instruments may not be grouped with stockholders' equity under the caption "Capital." (See also captions 25 and 29 of 17 CFR 210.5-02.)

(p) *Sale and repurchase agreements.* Simultaneous sale and repurchase agreements (reverse repurchase agreements or "reverse repos") should be separately disclosed here, or by footnote. The substance of such transactions should be briefly but clearly explained and the effects of any imputation of interest explained. This includes instances where the seller is acting as a conduit (agent) and where it is appropriate for the interest to be imputed on the basis of net cash flow.

(q) *Commitment and contingent liabilities.* In addition to the disclosures required by 17 CFR 210.5-02 (caption 34) and 210.3-16(i), the registrant shall disclose the amount of outstanding loan commitments as of the dates of the latest audited balance sheet and the balance sheet presented for an unaudited stub period.

(r) Total liabilities.

(s) *Statement of stockholders' equity.* (See also § 563c.6(o)). A summary shall be given for each class of stockholders' equity set forth in the balance sheet.

REQUIRED CAPTIONS AND DISCLOSURES

(1) *Balance at beginning of period.* State separately the adjustments to the balance sheet at the beginning of the first period of the report for items which were retroactively applied to period(s) prior to that period. (See § 563c.7(t)).

(2) *Net income or loss from statement of operations.* See § 563c.7(v).

(3) *Other additions.* State separately, indicating clearly the nature of the transactions out of which the items arose.

(4) *Dividends:* For each class of shares, state the amount per share and in the aggregate. Show separately cash, other (specified) dividends, and the market value of stock dividends.

(5) *Other deductions.* State amounts separately, indicating clearly the nature of the transactions out of which the items arose.

(6) *Balance at end of period.* The balance at the end of the most recent period shall agree with the related statement of financial condition caption.

§ 563c.7 Income statements.

(See also 17 CFR 210.5-03.)

The following format for income statements shall be used by registrants filing under this regulation:

INCOME ITEMS

(a) *Interest on mortgage loans.* State the amount of interest received and/or accrued on mortgage loans. If a premium has been paid in connection with any purchased loans and such premium is being amortized periodically, such charges should be reflected here. Amortization of loan fees which may be deemed to be an adjustment of the contract rate shall be reported under this caption.

(b) *Interest on other loans.* State the amount of interest received or accrued on loans secured by savings accounts or other obligations of the institution, unsecured property improvement loans, mobile home loans, unsecured education loans, and any other loans which are not secured by real estate.

(c) *Interest and dividends on investments and deposits.* State the amount of interest received or accrued on U.S. Government and other investment securities and deposits in banks, including interest and/or dividends on deposits in savings and loan associations and stock in Federal Home Loan Banks. Include also:

(1) Periodic credits and/or debits to investment income arising from the amortization of bond premium and/or accretion of discount; and

(2) Periodic credits and/or debits arising from the amortization of gains or losses on the sale of securities, prior to December 31, 1971, in accordance with § 563.23-2(a) and (c)(1) of this subchapter. Exclude from this caption income on investments in subsidiaries and affiliates.

(d) *Loan fee and service charges.* State the amount of acquisition credits and discounts taken into income in accordance with § 563.23-1 of this subchapter, plus all fees and charges that were not subject to deferral under the regulation. Show separately any significant items.

(e) *Income from unconsolidated subsidiaries and affiliates.* State the dividend or interest income received from the institution's investment in the capital stock, obligations (other than conforming loans), or other securities of a subsidiary or affiliate.

(f) *Income from real estate operations.* Include in this caption all revenues and expenses which arose from the ownership and operation of real estate owned. In a note, set forth the basis for the amount reported showing separately the costs of sales; gains on sales of property acquired for development; gains on sales of foreclosed properties; increases or decreases in allowances for losses; taxes, insurance, maintenance, interest and other holding costs; and rental and other income. If the amount to be reported is a net loss, it shall be included among the expenses.

(g) *Other income.* State the amount of any other income which is not reported under any of the preceding income classifications. Material unusual or nonrecurring income and profits are to be reported separately. State separately any material amounts indicating clearly the nature of the transaction out of which the items arose. Other income may be stated net of applicable expenses.

INCOME DEDUCTIONS

(h) *Interest on savings accounts.* Include all interest or dividends accrued on savings accounts.

(i) *Interest on borrowings.* Include all interest paid or accrued on borrowings, indicating any amounts capitalized. (See also 17 CFR § 210.3–16(r))

(j) *Compensation.* State the compensation of officers, directors and employees (fees, salaries, wages, bonuses, and other compensation), both current and deferred.

(k) *Net occupancy expense.* Include all expense of occupancy, e.g. rent, utilities, repairs and maintenance, depreciation on buildings, amortization of leasehold improvements, property taxes, maintenance and other expenses.

(l) *Advertising.* State the cost of all types of advertising activities, including the cost of giveaways and premiums.

(m) *Provision for loan losses.* In a note, set forth the basis for making such provisions (see § 563c.6(e)).

(n) *Losses from real estate operations.* (See § 563c.7(f)).

(o) *Other expenses.* State separately all items in excess of 1 percent of consolidated gross income.

(p) Income or loss before income tax expense and applicable items under § 563c.7 (g) through (u).

(q) *Income tax expense.* (See § 563c.-12) and 17 CFR § 210.3–16(o)).

(r) Minority interest in income of consolidated subsidiaries.

(s) *Equity in earnings of unconsolidated subsidiaries and 50 percent or less owned persons.* The amount reported under this caption shall be stated net of any applicable tax provisions. State, parenthetically or in a note referred to herein, the amount of dividends received from such persons. If justified by circumstances, these items may be presented in a different position and a different manner.

(t) *Extraordinary items, less applicable tax.* State separately and disclose, parenthetically or otherwise, the tax applicable to each.

(u) *Cumulative effects of changes in accounting principles.* State separately and disclose, parenthetically or otherwise, the tax applicable to each.

(v) *Net income or loss.* The amount included under this caption shall be carried to the related subdivision of retained earnings. (See § 563c.12 (definition of "net income") and § 563c.6(s) (2).)

(w) *Earnings per share data.* Show separately:

(1) Earnings before any extraordinary items,

(2) Earnings applicable to extraordinary items and accounting changes, net of related tax effects, and

(3) Net earnings per share.

§ 563c.8 Statement of changes in financial position.

The statement of changes in financial position shall show the sources from which funds have been obtained and their application. At a minimum, the following shall be reported:

(a) *Increase of funds.* (1) Funds provided from operations (showing separately net income or loss and the addition and deduction of specific items which did not require the expenditure or receipt of funds; e.g., depreciation and amortization, deferred income taxes, interest credited to savings accounts, and undistributed earnings or losses of unconsolidated persons).

(2) Loans receivable reduction:

(i) Proceeds from sale of loans;

(ii) Total payments on loans.

(3) Net increase in advance payments by borrowers for taxes and insurance.

(4) Sale of assets (identifying separately items such as real estate owned, property and equipment, investment securities, etc.).

(5) Issuance of long-term debt.

(6) Increase in savings accounts.

(7) Federal Home Loan Bank advances.

(8) Borrowed money.

(9) Loan fees and discounts deferred (if collected in cash).

(10) Decrease of cash.

(11) Total funds provided.

(b) *Decrease of funds.* (1) Loan originations and purchases (showing the following items separately, if material):

(i) Construction;

(ii) Purchase of property;

(iii) Refinance;

(iv) Government insured loans;

(v) Loans on sales of real estate owned;

(vi) Consumer loans;

(vii) Other loans;

(viii) Purchases of whole loans;

(ix) Purchases of participations;

(x) Less decreases in undisbursed loan proceeds.

(2) Purchase of other assets (identifying separately items such as investment securities, property and equipment, FHL Bank Stock, etc.).

(3) Additions to real estate owned:

(i) Foreclosures;

(ii) Investments.

(4) Repayment of long-term debt.

(5) Repayment of Federal Home Loan Bank advances.

(6) Repayment of borrowed money.

(7) Decrease in savings accounts.

(8) Payment of cash dividends on capital stock.

(9) Increase in cash.

(10) Total applications.

§ 563c.9 What schedules are to be filed.

(a) Except as otherwise expressly provided in the applicable form—

(1) Schedules I, V, VI, VIII, IX, and X shall be filed as of the dates of the most recent audited balance sheet and any subsequent unaudited balance sheet filed for each person or group, provided that any such schedule, other than Schedules I and VIII, may be omitted if:

(i) The financial statements contained therein are being filed as part of an annual or other periodic report; and

(ii) The information that would be shown in the respective columns of such schedule would reflect no changes in any issue of securities of the registrant or any significant subsidiary in excess of five percent of the outstanding securities of such issue as shown in the most recently filed annual report containing the schedule.

(2) Schedule VIII, Capital Shares, may be omitted if the above two conditions exist and any information required by column G of the schedule is shown in the related balance sheet or in a note thereto.

(3) Schedules II, III, and VII shall be filed for each period for which an income statement is required to be filed for each person or group.

(4) Schedule IV shall be filed with each balance sheet filed.

(b) When information is required in schedules for both the registrant and the registrant and its subsidiaries consolidated, it may be presented in the form of a single schedule, provided that items pertaining to the registrant are separately shown and that such single schedule affords a properly summarized presentation of the facts. If the information required by any schedule (including the notes thereto) may be shown in the related financial statement or in a note thereto without making such statement unclear or confusing, that procedure may be followed and the schedule omitted.

(c) Reference to the schedules shall be made in the appropriate captions of the financial statements. Where, pursuant to the applicable instructions, the supporting schedules do not accompany the financial statements, references to such schedules shall not be made.

(d) The schedules shall be examined by an independent accountant if the related financial statements are so examined.

(e) *Filing of certain schedules.*—(1) *Schedule I.* U.S. Treasury Securities, Securities, of Other U.S. Government Agencies and Corporations, and Obligations of States and Political Subdivisions.—The schedule prescribed by § 563c.9(f) shall be filed—

(i) In support of information supplied pursuant to § 563c.6(a) on a balance sheet, if the greater of the aggregate cost or the aggregate market value of investment securities based on market quotations as of the balance sheet date constitutes 5 percent or more of total assets.

(ii) In support of information supplied pursuant to § 563c.6(a) (2) on a balance sheet, if the amount at which other security investments is shown in such balance sheet constitutes 5 percent or more of total assets.

(2) *Schedule II.* See 17 CFR 210.5-04 (d) (Schedule II). For purposes of this schedule, exclude in the determination of the amount of indebtedness any amounts due the registrant for mortgage loans secured by a person's residence.

(3) *Schedule III.* Investments in, Equity in Earnings of, and Dividends Received from Affiliates and Other Persons. This schedule may be omitted if the related sums on the balance sheet do not exceed one (1) percent of total assets. See 17 CFR 210.5-04(d) (Schedule III).

(4) *Schedule IV.* Slow Loans—File with each balance sheet filed. The schedule is prescribed by § 563c.9(f).

(5) *Schedule V.* Bonds, Mortgages and Similar Debt. See 17 CFR 210.5-04(d) (Schedule IX).

(6) *Schedule VI.* Guarantees of Securities of Other Issuers. See 17 CFR 210.5-04(d) (Schedule XI).

(7) *Schedule VII.* Valuation and Qualifying Accounts and Reserves. See 17 CFR 210.5-04(d) (Schedule XII).

(8) *Schedule VIII.* Capital Shares. See 17 CFR 210.5-04(d) (Schedule XIII).

(9) *Schedule IX.* Warrants or Rights. See 17 CFR 210.5-04(d) (Schedule XIV).

(10) *Schedule X.* Other Securities.—If there are any classes of securities not included in Schedules I, V, VI, VIII, or IX, set forth in this schedule information concerning such securities corresponding to that required for the securities included in such schedules. Information need not be set forth, however, as to notes, drafts, bills of exchange, or bankers' acceptances, having a maturity at the time of issuance not in excess of one year. This schedule may be omitted if the total of these other securities does not exceed one (1) percent of total assets. The schedule is prescribed by § 563c.9(f).

(11) *Schedule XI.* Intangible Assets, Pre-operating Expenses and Similar Deferrals. See 17 CFR 210.5-04(d) (Schedule VII).

(12) *Schedule XII.* Accumulated Depreciation and Amortization of Intangible Assets. See 17 CFR 210.5-04(d) (Schedule VIII).

(f) *Schedules.*

SCHEDULE I.—*U.S. Treasury securities, securities of other U.S. Government agencies and corporations, and obligations of States and political subdivisions*

Type and maturity grouping	Col. A Principal amount	Col. B Book value [1]	Col. C Market value
U.S. Treasury securities:			
Within 1 yr			
After 1 but within 5 yr			
After 5 but within 10 yr			
After 10 yr			
Total, U.S. Treasury securities			
Securities of other U.S. Government agencies and corporations:			
Within 1 yr			
After 1 but within 5 yr			
After 5 but within 10 yr			
After 10 yr			
Total, securities of other U.S. Government agencies and corporations			
Obligations of States and political subdivisions: [2] [3]			
Within 1 yr			
After 1 but within 5 yr			
After 5 but within 10 yr			
After 10 yr			
Total, obligations of States and political subdivisions			

[1] State briefly in a footnote the basis for determining the amounts in this column.
[2] Include obligations of the States of the United States and their political subdivisions, agencies, and instrumentalities; also obligations of territorial and insular possessions of the United States. Do not include obligations of foreign states.
[3] State in a footnote the aggregate (a) principal amount, (b) book value, and (c) market value of securities that are less than "investment grade." If market value is determined on any basis other than market quotations at balance sheet date, explain.

SCHEDULE IV.—*Slow loans (as defined in sec. 561.16 of the rules and Regulations for insurance of accounts)*

Type	Col. A Principal outstanding	Col. B Past due payments (including accrued interest)
1st mortgage loans and contracts:		
Insured or guaranteed mortgage loans		
Mortgage loans, participations, and mortgage backed certificates insured or guaranteed by an agency or instrumentality of the United States		
Conventional mortgage loans:		
Single family dwelling		
Homes 2 to 4 dwelling units		
Multifamily—More than 4 dwelling units		
Other improved real estate—Commercial and industrial		
Acquisition and development of land		
Undeveloped land		
Participations		
Other mortgage loans and contracts to facilitate sale of real estate owned		
2d mortgage loans		
Total, mortgage loans		
Other loans:		
Property improvement, alteration, or repair		
Educational loans:		
Insured or guaranteed		
Other than insured or guaranteed		
Mobile home chattel paper:		
Insured or guaranteed		
Other than insured or guaranteed		
Equipping and secured consumer loans		
Unsecured consumer loans		
Other loans		
Total, other loans		
Total, slow loans		

SCHEDULE X.—*Other securities*

Type	Col. A Amount	Col. B Book value [1]	Col. C Market value
Bonds, notes and debentures [2] [3]			
Stock of the Federal home loan bank (at cost)			
Other stocks [3] [4]			
Total			

[1] State briefly in a footnote the basis for determining the amounts shown in this column.
[2] State in a footnote the aggregate amount and book value of foreign securities included.
[3] State in a footnote the aggregate (a) principal amount, (b) book value, and (c) market value of bonds, notes, and debentures that are less than "investment grade." If market value is determined on any basis other than market quotations at balance sheet date, explain.
[4] State in a footnote the aggregate market value.

(Secs. 402, 403, 407, 48 Stat. 1256, 1257, 1260, as amended; (12 U.S.C. 1725, 1726, 1730), Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48 Comp., p. 1071.)

By the Federal Home Loan Bank Board.

J. J. FINN,
Secretary.

[FR Doc.76-35453 Filed 12-2-76;8:45 am]

Title 14—Aeronautics and Space

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER D—SPECIAL REGULATIONS

[Reg. SPR-115, Amdt. 2]

PART 371—ADVANCE BOOKING CHARTERS

Technical Amendment

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. October 5, 1976. (Incorporate attached regulation.)

By SPR-110, 41 FR 37763, September 8, 1976, the Board adopted a new Part 371 of its Special Regulations (14 CFR Part 371) authorizing and governing the operation of a new type of charter designated and Advance Booking Charter (ABC.)

Those engaged in operating ABC's are required to file certain information with the Board, and to comply with certain bonding requirements. The ABC proposal, set forth in Notice of Proposed Rulemaking EDR-294/SPDR-42/ODR-12, 41 FR 7417 (February 18, 1976), included provisions that would have prescribed forms for the following documents: the passenger list required under § 371.25, the surety bond required under § 371.31, and the charter prospectus and market data summaries required under § 371.50. Those proposed forms were set forth in Appendices A, B, and C, respectively, of the proposed rule, and no comment opposed the various formats set forth therein.

In accordance with its proposal the Board has decided to prescribe the forms for the passenger list, the surety bond, and the charter prospectus and market data summaries required under the ABC rule. Certain editorial changes have been made in the proposed passenger list form, to take account of standby lists which, under the ABC as finally adopted, may be filed in conjunction with European ABC's. The other proposed forms have been adopted as proposed without modification.

Since these amendments are designed only to facilitate compliance with the substantive requirements of Part 371, and have already been the subject of notice and public procedure, the Board finds for good cause that additional notice and public procedure thereon are unnecessary, and that the amendments may become effective on less than 30 days' notice.

Accordingly, the Civil Aeronautics Board hereby amends Part 371 of its Special Regulations (14 CFR Part 371), effective December 3, 1976, as follows:

1. Paragraph 371.25(b)(2) is revised to read as follows:

§ 371.25 Operating authorization of charter operators.

* * * * *

(b) * * *

(2) File with the Board (Investigation and Audit Division, Bureau of Enforcement) an original passenger list and a standby list, with respect to persons who have authorized the operator to include them in such list as prospective substitutes for main list passengers, or a statement that there are no standby list members. The passenger list and the standby list shall be filed on CAB Form 371-1, which appears as Appendix A to this Part, and shall set forth the name of each passenger and standby in alphabetical order, his or her address and telephone number, and the name, address, and telephone number of the travel agent (if any) who sold the charter to the passenger: *Provided,* That where the outbound leg of an ABC is scheduled to depart on or after October 1, 1978, the information required by this paragraph (b) shall be filed not later than 30 days prior to the scheduled date of departure for European ABC's, and not later than 15 days prior to the schedule date of departure for all others. The information required to be filed with the Board, under this section, shall be deemed filed on the U.S. Postal Service postmark date imprinted on the envelope.

2. Paragraph 371.31(c) is revised to read as follows:

§ 371.31 Surety bond and depository agreement.

* * * * *

(c) The bond required under paragraphs (a) and (b) of this section shall insure the financial responsiblity of the charter operator or foreign charter operator and the supplying of the transportation and all other accommodations, services, and facilities in accordance with the contract between the charter operator or foreign charter operator and the charter participants, and shall be in the form set forth as Appendix B to this Part. Such bond shall be issued by a bonding or surety company (1) whose surety bonds are accepted by the Interstate Commerce Commission under 49 CFR 1084.6; or (2) which is listed in Best's Insurance Reports (Fire and Casualty) with a general policyholders' rating of "A" or better. The bonding or surety company shall be one legally authorized to issue bonds of that type in the State in which the charter originates. For purposes of this section, the term "State" includes any territory or possession of the United States, or the District of Columbia. The bond shall be specifically identified by the issuing surety with a company bond numbering system so that the Board may identify the bond with the specific charter or charters to which it relates: *Provided, however,* That these data may be set forth in an addendum attached to the bond, which addendum must be signed by the charter operator or foreign charter operator and the surety company. It shall be effective on or before the date the charter Prospectus is filed with the Board. If the bond does not comply with the requirements of this section, or for any reason fails to provide satisfactory or adequate protection for the public, the Board will notify the direct air carrier and the charter operator or foreign charter operator, by registered or certified mail, stating the deficiencies of the bond. Unless such deficiencies are corrected within the time set forth in such notification, the subject charters shall in no event be operated.

* * * * *

3. Paragraph 371.50(b) is revised to read as follows:

§ 371.50 Charter trip reporting.

* * * * *

(b) Within 30 days after termination of a charter or series of charters, or in the case of series of charters extending over a period longer than 30 days, every 30 days, the direct air carrier and charter operator or foreign charter operator shall jointly file with the Board (Supplementary Services Division, Bureau of Operating Rights), a report on CAB Form 371-2, which appears as Appendix C to this Part. The report shall indicate whether or not the charters authorized hereunder were, in fact, performed. For each charter operated, the report shall indicate the origin, destination(s), and number of passengers carried. To the extent that the operations differed from those described in the Prospectus filed under § 371.28, such differences shall be fully detailed, including the reasons therefor. However, the making of such an explanation shall not of itself operate as authority for or excuse any such deviations.

4. Appendices A, B, and C are added to Part 371 as set forth below.

(Secs. 101, 204, 401, 402, 407, 416, and 1001 of the Federal Aviation Act of 1958, as amended, 72 Stat. 737 (as amended), 743, 754 (as amended), 757, 766, 771 and 788; 49 U.S.C. 1301, 1324, 1371, 1372, 1377, 1386, and 1481.)

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

Approved by GAO B-180226 (R0422)
Expires 10-31-79

Appendix A
Page 1 of 3 pages

CAB ADVANCE BOOKING CHARTER PASSENGER NAME LISTS (See Instructions On The Reverse Side)	(1) PAGE ___ OF ___	(2) ABC NUMBER
(6) NAME OF CHARTER OPERATOR		(3) DATE MAIN/STDBY LIST FILED
(7) NAME DEPARTURE TRIP DIRECT AIR CARRIER		(4) DATE DEPART. LIST FILED
(8) NAME RETURNING TRIP DIRECT AIR CARRIER		(5) DATE RETURN LIST FILED
(9) DEPARTURE JOURNEY ORIGIN	DESTINATION	DATE OF DEPARTURE Y Y M M D D
(10) RETURN JOURNEY ORIGIN	DESTINATION	DATE OF RETURN Y Y M M D D

(11) PSNGR SEQ.NOS.	(12) PSNGR STATUS Main	Stdby	Sub.	Dep.	Ret.	PASSENGER IDENTIFICATION (13) NAME	(14) ADDRESS & TELEPHONE NO.	(15) EMPLANEMENT IDENTIFICATION
						M ☐ F ☐		Passport No. Tvl Doc. No. Other No.
						M ☐ F ☐		Passport No. Tvl Doc. No. Other No.
						M ☐ F ☐		Passport No. Tvl Doc. No. Other No.
						M ☐ F ☐		Passport No. Tvl Doc. No. Other No.
						M ☐ F ☐		Passport No. Tvl Doc. No. Other No.
						M ☐ F ☐		Passport No. Tvl Doc. No. Other No.
						M ☐ F ☐		Passport No. Tvl Doc. No. Other No.
						M ☐ F ☐		Passport No. Tvl Doc. No. Other No.
						M ☐ F ☐		Passport No. Tvl Doc. No. Other No.
						M ☐ F ☐		Passport No. Tvl Doc. No. Other No.
						M ☐ F ☐		Passport No. Tvl Doc. No. Other No.
						M ☐ F ☐		Passport No. Tvl Doc. No. Other No.
						M ☐ F ☐		Passport No. Tvl Doc. No. Other No.
						M ☐ F ☐		Passport No. Tvl Doc. No. Other No.
						M ☐ F ☐		Passport No. Tvl Doc. No. Other No.
						M F		Passport No. Tvl Doc. No. Other No.
						M ☐ F ☐		Passport No. Tvl Doc. No. Other No.
						M ☐ F ☐		Passport No. Tvl Doc. No. Other No.
						M ☐ F ☐		Passport No. Tvl Doc. No. Other No.
						M ☐ F ☐		Passport No. Tvl Doc. No. Other No.

(16)						(17)	(18)
A-MAIN						Total Substitute Psngrs. Enplaned on the Departure Journey = %	PREPARED BY:
B-STDBY						Total No. Psngr. Seats Contracted For	Main
C-SUB.							Departure
D-DEP.							Return
E-RET.							

CAB FORM 371-1 (9-76)

(19) NAME, ADDRESS, AND TELEPHONE NUMBER OF RETAIL AGENT	PASSENGER SEQUENTIAL NUMBERS (From Item 11)
1.	
2.	
3.	
4.	
5.	
6.	
7.	
8.	
9.	
10.	

CAB Form 371-1

INSTRUCTIONS

Introduction

Form 371-1[1/] is to be used in filing the advance booking charter passenger and standby name list (AECPNL) required by Part 371 to be filed by the charter operator (CO) no later than 45 days before the scheduled date of departure in the case of European AEC's, and no later than 30 days before the scheduled date of departure for all others, pursuant to §371.25 (the filing); and two photostatic or similarly reproduced copies of this form, must be used as the enplanement list required to be prepared by the direct air carrier (DAC), and retained after a flight is performed, pursuant to §371.44. The information required by all items on Form 371-1 shall be typewritten except item 12 (Passenger Status) item 15 (Enplanement Identification) and item 18 (Prepared By).

Procedures for Filing

The CO will prepare Form 371-1 according to the instructions set forth below and shall file an original copy with the Board's Investigation and Audit Division, Bureau of Enforcement. The CO will simultaneously file two photostatic or similarly reproduced copies (no carbons) with the DAC, one copy of which shall be used for the AEC departure flight, the other for the AEC return flight.

Preparation of Form

Each page provides for twenty (20) names. Items 1, 2, and 6 through 15 will be completed on each page, and items 16 through 18 will be prepared only on the first page, by the CO or DAC, as the case may be. NOTE: The CO shall submit to the DAC, at the time of each enplanement, a separate list of substitutes, completed in accordance with these instructions.

Item 1, Page of —The left blank is to contain a sequential number beginning with "1" representing the page number in the set of pages submitted for the AECPNL. The right blank is to contain the total number of pages in the set for the AECPNL.

Item 2, AEC Number—Enter the number assigned by the Bureau of Operating Rights (BOR), for the AEC program, e.g., 76-37; the CO should further identify the passenger lists filed within the program by assigning another number for each passenger list filed, such numbers to be in sequence and begin with "1". Thus, the first passenger list filed in the program 76-37 would be 76-37-1, and the fifth list filed would be 76-37-5.

Item 3, Date Main/Standby List Filed—Leave blank.

Item 4, Date Departure List Filed—Leave blank.

Item 5, Date Return List Filed—Leave blank.

Item 6, Name of Charter Operator—Enter the name of the charter operator exactly as shown on the AEC Prospectus filed with the Board.

Item 7, Name Departure Trip Direct Air Carrier—Enter the name of the DAC who will perform the departure journey for the AEC exactly as shown on the AEC Prospectus filed with the Board.

Item 8, Name Returning Trip Direct Air Carrier— Enter the name of the DAC who will perform the return journey for the AEC, exactly as shown on the AEC Prospectus filed with the Board. (Although this will generally be the same as shown in item 7, ditto marks are not acceptable. The item must be completed).

Item 9, Departure Journey—Enter details about the departure journey on this line. Show the origin and destination as city, state (or otherwise), and country. Airport names are acceptable only as an addition to the city, state, and country information. The date should appear in the form YYMMDD where YY represents the last two digits of the current calendar year, MM represents the month in a scale where 01 is January and 12 is December, and DD is the day of the month from 01 to 31. For example, December 12, 1976, would be shown as 761212. The ADP coding boxes to the left of item 9 are intended for the three-letter codes of the origin and destination, i.e., Washington, D.C., USA (National Airport) to Baltimore, Md. USA should be shown as DCABAL. Enter these if known, otherwise, leave blank.

Item 10, Return Journey—Follow the same directions as for item 9 above in describing the return journey.

Item 11, Passenger Sequential Number—Two or more pages will be required to list the prospective passenger names. Each prospective passenger name is to receive a sequential number beginning with "1". Note that the last sequential number shown on the last page of the AECPNL should equal the aggregate number of both main list passengers and standby list passengers.

Item 12, Passenger Status—These five (5) columns are to be marked with an x as appropriate to show that the passenger named on this line is a main list participant (MAIN), standby list participant (STDBY), departing enplaned passenger (DEP.), or returning enplaned passenger (RET.). The AECPNL at the time it is filed by the CO will contain x's only in the MAIN and STDBY columns. The DAC performing the departure journey will mark an x in the departure and substitute (SUB.) columns and the DAC performing the return journey will mark an x in the return column. Each DAC will complete items 12 through 15 for each substitute.

Item 13, Name— Enter the prospective passenger's last name first, followed by a comma, the first name or initials and the middle initial, if any (for example, Doe, John A.). Check block whether Male or Female. Enter the name on one line only, if necessary, by dropping any element other than the fully spelled out last name. Enter all prospective passengers' names in alphabetical order, according to the last name and in the case of like last names, according to initials of first names.

Item 14, Address and Telephone No.—Enter the address in enough detail to allow contact by mail, and telephone number (including area code, if any).

Item 15, Enplanement Identification—The DAC performing the departure or return journey will verify each enplaning passenger's identity using as the documentary source of such verification the passenger's passport, or, if he has no passport, using his travel identity document. Only if no passport or travel identity document is available should any other document be used, e.g., a Social Security card. When a passport or Social Security card is used for identification, enter only the number in the appropriate space. Where a travel identity document or document other than a passport or Social Security card is used, then in addition to entering the number in the appropriate space, a brief description of such document should also be noted.

Item 16, Column Totals—Boxes shown are to be used for recording the total x's shown on all the pages of this AECPNL in the particular column. These entries must appear only on page 1 of the AECPNL. The box under the column headed MAIN (titled A-MAIN) should contain the total number of original participants and the box under the column headed STDBY (titled B-STDBY) should contain the total number of standbys. The box under the column headed SUB (titled C-SUB) should contain the total number of substitutes. The box under the column headed DEP (titled D-DEP) should contain the total number of departure flight passengers and the box under the column headed RET (titled E-RET) should contain the total number of return flight passengers. The A-MAIN and B-STDBY figures will be shown on the AECPNL submitted in the Filing. The C-SUB, D-DEP, and E-RET figures will be shown on the AECPNL used by the departing DAC and returning DAC, respectively.

Item 17—This computation will be completed by the departure DAC. The calculation requires a division of the number of substitutes (i.e., not including any passengers occupying "unused space") enplaned on the departure journey by the total number of passenger seats contracted for. Express the result to the nearest tenth of a percent.

Item 18, Prepared By—Enter the signature of the person preparing the form for the CO, the departing DAC and the returning DAC, as the case may be.

Item 19, Name, Address, and Telephone Number of Retail Agent—Enter the name, address, and telephone number of each retail agent who has sold a charter to a passenger listed under item 13. For each agent, give the sequential numbers (item 11) of all passengers to whom charter was sold.

1/ Copies are obtainable from the Board's Publications Services Section.

CAB:Form 371-1

Att. Ex. B
Page 1 of 2 pages

ADVANCE BOOKING CHARTER OPERATOR'S SURETY BOND UNDER
PART 371 OF THE SPECIAL REGULATIONS OF THE
CIVIL AERONAUTICS BOARD (14 CFR PART 371)

KNOW ALL MEN BY THESE PRESENTS, THAT we _____ (Name of charter operator)
of _____ (City), _____ (State) as PRINCIPAL (hereinafter called Principal), and _____ (Name of Surety) a corporation created and existing under the Laws of the State of _____ (State) as SURETY (hereinafter called Surety) are held and firmly bound unto the United States of America in the sum of _____ (See §371.31 of Part 371) for which payment, well and truly to be made, we bind ourselves and our heirs, executors, administrators, successors, and assigns, jointly and severally, firmly by these presents.

WHEREAS, the Principal intends to become an Advance Booking Charter (ABC) operator pursuant to the provisions of Part 371 of the Board's Special Regulations and other rules and regulations of the Board relating to insurance or other security for the protection of ABC participants, and has elected to file with the Civil Aeronautics Board such a bond as will insure financial responsibility with respect to all monies received from charter participants for services in connection with an ABC to be operated subject to Part 371 of the Board's Special Regulations in accordance with contracts, agreements, or arrangements therefor, and

WHEREAS, this bond is written to assure compliance by the Principal as an authorized charter operator with Part 371 of the Board's Special Regulations, and other rules and regulations of the Board relating to insurance or other security for the protection of charter participants, and shall inure to the benefit of any and all charter participants to whom the Principal may be held legally liable for any of the damages herein described.

NOW, THEREFORE, the condition of this obligation is such that if the Principal shall pay or cause to be paid to charter participants any sum or sums for which the Principal may be held legally liable by reason of the Principal's failure faithfully to perform, fulfill, and carry out all contracts, agreements, and arrangements made by the Principal while this bond is in effect with respect to the receipt of monies from charter participants and proper disbursement thereof pursuant to and in accordance with the provisions of Part 371 of the Board's Special Regulations, then this obligation shall be void, otherwise to remain in full force and effect.

The liability of the Surety with respect to any charter participant shall not exceed the charter price paid by or on behalf of such participant.

The liability of the Surety shall not be discharged by any payment or succession of payments hereunder, unless and until such payment or payments shall amount in the aggregate to the penalty of the bond, but in no event shall the Surety's obligation hereunder exceed the amount of said penalty. The Surety agrees to furnish written notice to the Civil Aeronautics Board forthwith of all suits filed, judgments rendered, and payments made by said Surety under this bond.

The bond shall cover the following charters: 1/

Surety company's bond No.	Date of flight departure	Place of flight departure

This bond is effective the _____ day of _____, 19___, 12:01 a.m., standard time at the address of the Principal as stated herein and shall continue in force until terminated as hereinafter provided. The Principal or the Surety may at any time terminate this bond by written notice to the Civil Aeronautics Board at its office in Washington, D.C., such termination to become effective thirty (30) days after actual receipt of said notice by the Board. The Surety shall not be liable hereunder for the payment of the damages hereinbefore described which arise as the result of any contracts, agreements, undertakings, or arrangements for the supplying of transportation and other services made by the Principal after the termination of this bond as herein provided, but such termination shall not affect the liability of the Surety hereunder for the payment of any such damages arising as the result of contracts, agreements, or arrangements for the supplying of transportation and other services made by the Principal prior to the date such termination becomes effective. Liability of the Surety under this bond shall in all events be limited only to a charter participant or charter participants who shall within

1/ These data may be supplied in an allonge attached to the bond. See §371.31.

sixty (60) days after the termination of the particular charter described herein give written notice of claim to the charter operator or, if he is unavailable to the Surety, and all liability on this bond shall automatically terminate sixty (60) days after the termination date of the particular charter covered by this bond except for claims filed within the time provided herein.

IN WITNESS WHEREOF, the said Principal and Surety have executed this instrument on the _____ day of _____, 19 ____.

PRINCIPAL	SURETY
Name _____	Name _____ (SEAL)
By _____ (Signature and Title)	By _____ (Signature and Title)
Witness _____	Witness _____
	Only corporations may qualify to act as Surety and they must meet the requirements set forth in §371.31(d) of Part 371

ADVANCE BOOKING CHARTER REPORT

General Instructions

1. For the Charter Prospectus Summary and the Market Data Summary, an original and one (1) copy of each shall be jointly filed with the Board (Bureau of Operating Rights, Supplementary Services Division) by the direct air carrier and the charter operator conducting ABC's pursuant to Part 371 of the Board's Special Regulations within thirty (30) days of the close of each calendar month.

2. The information provided for items 1 and 2 of the Charter Prospectus Summary, and all information provided for the Market Data Summary, shall be for the month in which ABC's were operated, and shall not include any information for ABC's previously operated or expected to be operated in the future under any one prospectus -- e.g., reports filed in December shall contain information for ABC's operated during November.

A. Charter Prospectus Summary

ABC Number _____

Month Ended _____, 19____

1. Number of charters operated this month _____.

2. Number of charters listed in ABC prospectus for this month that were not operated _____.

3. Specifically identify charter(s) in item 2 that were not operated and give reason, and indicate if prospective charter participants received full refunds _____

_____

_____.

4. Indicate if the ABC's performed this month were operated substantially different from the description in the charter prospectus, and, if so, state the reason(s).

Name of Direct Air Carrier	Signature of Direct Air Carrier	Date
Name of Charter Operator or Foreign Charter Operator	Signature of Charter Operator or Foreign Charter Operator	Date

CAB Form 371-2

ADVANCE BOOKING CHARTER REPORT

B. Market Data Summary

Reporting Instructions for Market Data Summary

Field 1 - Air Carrier. This is the official two-letter alpha code of the carrier supplying the charter service.

Field 2 - Month. This is the spelling of the month the services were performed by the carrier.

Field 3 - ABC File Number. This is the official number given to the ABC prospectus.

Field 4 - This is the flight number assigned by the carrier to this group.

Field 5 - This is the three-letter OAG code assigned to the departure airport.

Field 6 - This is the three-letter OAG code assigned to the arrival airport.

Field 7 - This is the number of passengers that enplaned at the departure airport (Field 5) and deplaned at the arrival airport (Field 6).

NOTE Round trips are reported as two one-way trips showing traffic in each direction.

Example A round-trip ABC from JFK to Denver to Los Angeles with 400 people departing JFK and half going to Denver and half to Los Angeles would be reported as follows:

ABC FILE NUMBER	FLIGHT NUMBER	POINT OF ENPLANEMENT	POINT OF DEPLANEMENT	NUMBER OF PASSENGERS ENPLANED
75-12	0005	JFK	DEN	200
75-12	0005	JFK	LAX	200
75-12	0006	LAX	JFK	200
75-12	0006	DEN	JFK	200

AIR CARRIER _____ (1), MONTH OF _____ (2), 19___

ABC FILE NUMBER (3)	FLIGHT NUMBER (4)	POINT OF ENPLANEMENT OAG AIRPORT CODE (5)	POINT OF DEPLANEMENT OAG AIRPORT CODE (6)	NUMBER OF PASSENGERS ENPLANED (7)

[FR Doc.76-35456 Filed 12-2-76;8:45 am]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release Nos. 34-12999, 35-19771, IC-9539]

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

Adoption of Amendments Relating to Proposals by Security Holders

The Securities and Exchange Commission today announced that it has adopted certain amendments to Rule 14a-8 (17 CFR 240.14a-8) under Section 14(a) of the Securities Exchange Act of 1934 ("Exchange Act"). (15 U.S.C. 78a et seq., as amended by Pub. L. No. 94-29 (June 4, 1975)). Rule 14a-8 is the provision in the Commission's proxy rules which sets forth the requirements applicable to proposals submitted by security holders for inclusion in the proxy soliciting materials of issuers. The proxy rules are promulgated under the Exchange Act but also are applicable to the solicitation of proxies under the Public Utility Holding Company Act of 1934 (15 U.S.C. 79a et seq., as amended by Pub. L. No. 94-29 (June 4, 1975)) and the Investment Company Act of 1940 (15 U.S.C. 80a-1 et seq., as amended by Pub. L. No. 94-29 (June 4, 1975)).

Notice of the proposed amendments to Rule 14a-8 was published on July 7, 1976 in Securities Exchange Act Release No. 34-12598 (41 FR 29982).[1] A number of helpful comments were received from the public and were given careful consideration in connection with the preparation of the final revisions. In addition to the public commentary, the amendments adopted today also reflect the past experience of the Commission and its staff in administering Rule 14a-8.

The Commission wishes to emphasize that the amendments which it has adopted are not intended as a final resolution of the questions and issues relating to shareholder participation in corporate governance and, more generally, shareholder democracy. The Commission intends to study these issues on a broader basis and the staff is presently formulating proposals for such a study. In the interim the staff will monitor the operation of these shareholder proposal provisions to assess their impact on the proxy soliciting process.

The Commission believes the amendments discussed herein will benefit both issuers and their security holders. Among other things, the amendments clarify the procedural requirements applicable to proponents and managements in connection with stockholder proposals and codify certain prior interpretative positions taken by the Commission's staff. The amendments are discussed below in the order in which they appear in the rule.

[1] A companion release also was issued on July 7, 1976 discussing the informal procedures for the rendering of advice by the Commission's staff with respect to stockholder proposals. See Release No. 34-12599 (41 FR 29989).

Procedural Requirements for Proponents—Rule 14a-8(a) (17 CFR 240.14a-8(a))

Paragraph (a), as amended, contains four subparagraphs, each dealing with a specific procedural requirement that must be complied with by proponents:

(1) *Eligibility.* Subparagraph (a)(1) sets forth the requirements that a proponent must satisfy in order to be eligible to submit proposals. The subparagraph, which is unchanged from the form in which it was proposed for comment, retains the traditional requirement that a proponent must be a security holder entitled to vote at the meeting at which he intends to present his proposal for action. In addition, the provision codifies certain interpretative positions expressed by the Commission's staff in the past with respect to beneficial ownership, voting rights, and continuous ownership of the issuer's securities.

As revised, the subparagraph states that a proposal may be submitted not only by a record owner of a security of the issuer, but also by a beneficial owner as well. However, if a proponent claims to have a beneficial ownership interest, he must be prepared to document that interest within 10 business days after receiving a request for appropriate documentation from the management. The term "business days," as used in subparagraph (a)(1) and in other provisions of the revised rule, is intended to mean all calendar days except Saturdays, Sundays and national holidays.

The subparagraph further provides that the security owned by the proponent must be one which would enable him to vote on his proposal at the meeting of security holders. Thus, under this provision a proponent could not submit a proposal that goes beyond the scope of his voting rights. For example, a proponent who owned a security that could be voted on the election of some of the issuer's directors but on no other matters could not submit a proposal relating to the issuer's business activities, since he would not be able to vote on it personally.

Finally, the subparagraph states that the proponent must own a voting security at the time he submits his proposal and he must continue to own that security through the date on which the meeting is held. In this regard, the amended rule provides that in the event the management included a proponent's proposal in its proxy materials for a particular meeting and the proponent failed to comply with the requirement that he continuously own his security through the meeting date, the management could then exclude from its proxy materials for any meeting held in the following two calendar years any proposals submitted by that proponent. The purpose of this latter provision is to assure that the proponent will maintain an investment interest in the issuer through the meeting date.

It also should be noted that several commentators urged the Commission to adopt additional eligibility requirements. Among such recommendations were that the proponent be required to have been a security holder of the issuer for a minimum period of time (e.g., six months or one year) prior to the submission of his proposal, or that the proponent be required to own at the time of submission a minimum investment interest in the issuer, either in terms of a minimum number of shares or a minimum dollar amount according to the market value of the securities. The Commission has carefully considered these comments and determined that there is not sufficient justification for implementing them. In arriving at this position, the Commission has noted, among other things, that the current eligibility requirements have been in operation for many years and generally have not been abused.

(2) *Notice.* Subparagraph (a)(2) of the amended rule retains the requirement of the former rule that the proponent must provide written notice to the management of his intention to appear personally at the meeting to present his proposal for action. Some commentators criticized the requirement of personal attendance at the meeting on the ground that, in reality, the proposal is "presented" to most security holders for their action when it is included in the proxy statement. While the Commission does not disagree with the significance these commentators have assigned to the proxy statement, it nevertheless believes that the notice requirement serves a useful purpose. That is, it provides some degree of assurance that the proposal not only will be presented for action at the meeting (the management has no responsibility to do so), but also that someone will be present to knowledgeably discuss the matter proposed for action and answer any questions which may arise from the shareholders attending the meeting.

The subparagraph also contains a provision which has been adopted in recognition of the fact that many proponents are unaware of the notice requirement at the time they submit their proposals and therefore unintentionally fail to comply with it. Specifically, the subparagraph permits a proponent who is unaware of the notice requirement at the time of submission to furnish the requisite notice within 10 business days after being made aware of the requirement by the management. The specific time deadline of 10 business days was substituted in the subparagraph at the suggestion of several commentators, who expressed the view that the "reasonable time" deadline proposed in Release No. 34-12598 for the furnishing of the requisite notice was unnecessarily vague.

The Commission also has amended the subparagraph to make it clear that a proponent who furnishes the requisite notice in good faith but subsequently determines that he will be unable to appear at the meeting may arrange to have another security holder of the issuer pre-

sent his proposal on his behalf at the meeting. The revision is in accord with existing practice and is intended, again, to provide some assurance that a proponent's proposal will indeed be presented for action at the meeting.

Finally, subparagraph (a)(2) contains a sentence at the end thereof which will have essentially the same effect as subparagraph (c)(3) of the former rule. That is, the sentence provides that in the event the proponent or his proxy fails without cause to present the proponent's proposal at the meeting the management need not include any proposals submitted by the proponent in its proxy materials for any meeting held in the following two calendar years. This provision is in keeping with the overall purpose of the notice requirement, which is to avoid putting the issuer and its security holders to considerable expense for no valid purpose.

(3) *Timeliness.* Prior to the current amendments, Rule 14a–8 provided that a proposal to be presented at an annual meeting had to be received by the management no later than 70 days in advance of the anniversary of the mailing date for the previous year's proxy materials, except that if the date of the annual meeting were changed as a result of a change in the fiscal year the proposal had to be received by the management a reasonable time before the solicitation was made. Proposals submitted for other meetings were required to be submitted sufficiently far in advance of the meeting to be received by the mangement a reasonable time before the solicitation was made.

Under the revised rule, the timeliness deadline for annual meetings will be extended from 70 to 90 days. In addition, the provision relating to a change in the annual meeting date due to a change in the fiscal year has been deleted and replaced by a provision that will be applicable to all changes in annual meeting dates of 30 days or more. The timeliness requirement for meetings other than annual meetings, however, has not been changed.

The 20-day advance in the deadline for annual meetings is being adopted by the Commission in conjunction with a similar 20-day advance in the deadline date under paragraph (d) of the rule for the filing by mangements of the reasons why they believe specific proposals may properly be excluded from their proxy materials. Formerly, paragraph (d) required that the mangement file such reasons, as well as any related materials, at least 30 days prior to the filing of its preliminary proxy materials, unless the Commission permitted them to be filed within a shorter period.

The Commission believes that the changes outlined above will benefit both managements and proponents. With respect to managements, the Commission's past experience indicates that advancing the filing requirement under paragraph (d) from 30 to 50 days will eliminate the disruptions in the printing schedules for their proxy materials that occasionally resulted under the 30-day filing requirement. Such disruptions generally occurred when the staff of the Commission was unable, due to its workload, to express within the 30-day period its informal enforcement views on the management's reasons for omitting a proposal. Although there is no requirement that managements adhere to the staff's comments, the Commission is aware that most managements are interested in those comments and will delay their printing schedules, if necessary, in order to consider them. Based on past experience, the Commission believes the 50-day filing requirement will eliminate almost all such delays.

Insofar as proponents are concerned, the Commission is aware that advancing the deadline for submitting proposals from 70 to 90 days may be inconvenient to some. However, on the basis of its past experience and the public comments, it believes that the inconvenience will be minimal and is outweighed by the fact that the new timeliness deadlines will provide an additional 20 days for proponents to explore all possible alternatives in connection with a mangement's intention to omit their proposals. One of these alternatives is to institute an action in a U.S. District Court to compel the management to include the proposals in the issuer's proxy materials, and the changes in the timeliness deadlines will provide an additional 20 days to prepare for and institute such a suit.

As previously indicated, the Commission has made one further change in the timeliness requirements applicable to proponents. Until now, the rule has provided that the 70-day filing deadline applied to all annual meetings, except those in which the date of the meeting had been changed as a result of a change in the fiscal year. In the latter instance, the proposal was required to be received by the management a "reasonable time" before the solicitation was made. One of the public commentators pointed out that changes in the meeting date due to a change in the fiscal year are relatively rare but that changes for other reasons, such as unavoidable postponement, are much more frequent. The commentator indicated that some provision for these other situations should perhaps be made in the rule.

The Commission has determined to implement the above suggestion, since it does not seem meaningful, where the current year's meeting date is to be substantially different from the preceding year's date, to measure timeliness from a date connected with the prior year's meeting. Accordingly, the rule has been amended to provide that where there has been a change of more than 30 calendar days from the previous year's annual meeting the proposal must be received by the management a reasonable time in advance of the current year's solicitation. It is important to note that this revision will apply only to those special situations in which the change in the meeting date is substantial and will not affect the vast majority of issuers which hold an annual meeting each year at approximately the same time as the previous year.

In adopting the new timeliness deadlines discussed above, the Commission realizes that many proponents and managements may be adversely affected by them unless there is a reasonably lengthy transition period prior to their effectiveness that will allow all interested persons adequate time to familiarize themselves with the requirements and comply with them. Accordingly, while all of the other amendments to Rule 14a–8 adopted today shall be applicable to proposals submitted to issuers who will be filing their preliminary proxy materials with the Commission on or after February 1, 1977, the effectiveness of the new timeliness deadlines set forth in subparagraph (a)(3) and paragraph (d) of the revised rule shall be deferred an additional three months. Thus, the new timeliness requirements shall apply only to those proposals submitted to issuers who will be filing their preliminary proxy materials with the Commission on or after May 1, 1977.

As a final note to the discussion of the timeliness requirements, the Commission wishes to reiterate a view that its staff has expressed informally on many occasions in the past. That is, changes to a timely submitted proposal or supporting statement may be made by the proponent after the timeliness deadline has passed, provided the changes are minor in nature and do not alter the substance of the proposal. Examples of such changes would be a change in the form of the proposal to bring it into accord with the requirements of the applicable state law, or a change in the proposal or supporting statement to revise or delete misleading statements contained therein.

The above position has been taken by the Commission and its staff in recognition of the fact that most proponents are not sophisticated in matters of securities law such as Rule 14a–8. Because of their lack of sophistication, such persons frequently are apt to submit proposals that generally comply with the substantive requirements of Rule 14a–8 but nevertheless contain some relatively minor defects that are easily correctable. In such circumstances, the Commission believes the concept of corporate democracy underlying section 14(a) of the Exchange Act is best served by affording such persons the opportunity to correct the defects that have been pointed out to them. Thus, under this view, a proponent may make non-substantive changes to his original submission after the timeliness deadline has passed without being considered to have submitted an entirely new proposal that would be excludable under the timeliness provisions of subparagraph (a)(3).

(4) *Number and length of proposals.* Prior to the current amendments, Rule 14a–8 did not contain any limitation on either the number of proposals which a proponent could submit to an issuer or the length of such proposals. The Commission, however, has noted that in re-

cent years several proponents have exceeded the bounds of reasonableness either by submitting excessive numbers of proposals to issuers or by submitting proposals that are extreme in their length. Such practices are inappropriate under Rule 14a–8 not only because they constitute an unreasonable exercise of the right to submit proposals at the expense of other shareholders but also because they tend to obscure other material matters in the proxy statements of issuers, thereby reducing the effectiveness of such documents. Accordingly, the Commission has added a new subparagraph (a)(4) to the rule limiting a proponent to a maximum of two proposals of not more than 300 words each to an issuer. These limitations will apply collectively to all persons having an interest in the same securities (e.g., the record owner and the beneficial owner, and joint tenants).

In connection with the above, the Commission is aware of the possibility that some proponents may attempt to evade the new limitations through various maneuvers, such as having other persons whose securities they control submit two proposals each in their own names. The Commission wishes to make it clear that such tactics may result in measures such as the granting of requests by the affected managements for a "no-action" letter[2] concerning the omission from their proxy materials of the proposals at issue.

Subparagraph (a)(4) also provides that in those instances in which a proponent fails to comply with either of the new limitations or with the 200-word limit on statements in support of a proposal the management shall so notify the proponent and provide him with 10 business days within which to reduce the items submitted by him to the limits set forth in the rule. This provision has been inserted in the interest of fairness because the Commission recognizes that many proponents, due to lack of awareness of the limitations, may inadvertently exceed them at the time they submit their proposals.

SUPPORTING STATEMENTS FOR PROPOSALS—RULE 14a–8(b)

Paragraph (b) of the revised rule deals with statements that may be submitted by proponents in support of their proposals. This provision, which differs in only two minor respects from paragraph (b) of the former rule, has been adopted in the same form in which it was proposed for comment.

The first change made by the Commission in the former paragraph is the deletion of the following sentence therefrom:

> Any statements in the text of a proposal, such as a preamble or "whereas" clauses, which are in effect arguments in support of the proposal, shall be deemed part of the supporting statement and subject to the 200-word limitation thereon.

The above sentence was intended to curtail the tendency of proponents to evade the 200-word limitation on supporting statements by submitting lengthy proposals which contained supporting argumentation within the text of the proposals themselves. However, since the Commission has now placed a limit on the length of proposals that would encompass any introductory preambles or "whereas" clauses, it does not believe a need exists to police the length of supporting statements in the manner envisioned by the above sentence.

The second change relates to the last two sentences of the former paragraph. Those sentences, which provided, respectively, that the proponent shall furnish his supporting statement to the management at the time the proposal is furnished, and that neither the management nor the issuer shall be responsible for such statement, often have been overlooked by the proponents. Accordingly, in order to highlight them, they have been combined into a single sentence and repositioned in the paragraph.

Substantive Bases for Omission of Proposals—Rule 14a–8(c)

Paragraph (c) of the revised rule sets forth various substantive grounds for excluding a proposal from an issuer's proxy materials. As amended, paragraph (c) contains 13 separate grounds for omitting a proposal. Each of these grounds is discussed below in the order in which it appears in the revised paragraph.

(1) *State law.* Subparagraph (c)(1) of the former rule allowed the management to omit a proposal "If the proposal as submitted is, under the laws of the issuer's domicile, not a proper subject for action by security holders." This provision has been based on the theory that no purpose is served by including in an issuer's proxy materials proposals which the issuer's security holders cannot properly act upon. With one exception, the provision has been carried forward intact in the amended rule.

The one exception is that the words "as submitted" have been omitted from the revised subparagraph. The deletion of these two words is intended to make clear the Commission's belief, previously alluded to in the discussion concerning subparagraph (a)(3), that a proponent is not always bound by the original text of his proposal under this provision but may revise the proposal in those instances in which a non-substantive change (such as a change in form) will bring it into compliance with the applicable state law.

The Commission also has added a Note to subparagraph (c)(1) of the rule alerting proponents to the fact that the propriety of their proposals under the applicable state law may depend upon the form in which the proposal appears. Thus, the Note states that "A proposal that may be improper under the applicable state law when framed as a mandate or directive may be proper when framed as a recommendation or request."

The text of the above Note is in accord with the long-standing interpretative view of the Commission and its staff under subparagraph (c)(1). In this regard, it is the Commission's understanding that the laws of most states do not, for the most part, explicitly indicate those matters which are proper for security holders to act upon but instead provide only that "the business and affairs of every corporation organized under this law shall be managed by its board of directors," or words to that effect. Under such a statute, the board may be considered to have exclusive discretion in corporate matters, absent a specific provision to the contrary in the statute itself, or the corporation's charter or by-laws. Accordingly, proposals by security holders that mandate or direct the board to take certain action may constitute an unlawful intrusion on the board's discretionary authority under the typical statute. On the other hand, however, proposals that merely recommend or request that the board take certain action would not appear to be contrary to the typical state statute, since such proposals are merely advisory in nature and would not be binding on the board even if adopted by a majority of the security holders. The Note will serve the purpose of alerting proponents to these distinctions and to the importance of framing their proposals in a form that is acceptable under the applicable state law.

(2) *Other Applicable Federal and State Laws.* As originally proposed in Release No. 34–12598, subparagraph (c)(2) would have provided that a proposal could be omitted by the management "If the proposal is contrary to a federal law of the United States." In this connection, it was stated in the textual portion of the release that the proposed subparagraph was intended to formalize a view that the Commission's staff had expressed on numerous occasions. That is, a proposal by a security holder that would, if implemented, be violative of a federal law of the United States may properly be excluded from an issuer's proxy materials.

Several comments were received indicating that the language contained in the text of the release provided more clarity than the proposed subparagraph itself, and that the provision should be revised to make clear that it deals with the implementation of the proposal. The commentators further suggested that the Commission expand the subparagraph to allow the omission of any proposal whose implementation would violate not only federal law, but also any other applicable law (including foreign law) or governmental regulation to which the issuer is subject.

The Commission believes that the above comments have merit, since it does not appear appropriate to allow the inclusion in proxy materials of any proposal which, if implemented, would violate an applicable law. Accordingly, subparagraph (c)(2), as adopted, will allow

[2] A "no-action" letter is one in which the staff of the Commission indicates that, on the basis of the facts presented to it, it will not recommend that the Commission institute any enforcement action with respect to the matter discussed in the incoming correspondence.

an issuer to omit any proposal which "would, if implemented, require the issuer to violate any state law or federal law of the United States, or any law of any foreign jurisdiction, to which the issuer is subject."

The subparagraph was further amended to include a proviso to make it clear that, while this exclusion will apply to both foreign and domestic law, state law or the federal law of the United States will supersede the law of foreign jurisdictions. Accordingly, where a proposal would call for an action by the issuer to bring it into compliance with state or federal law, the fact that such action might be violative of a particular foreign law to which the issuer is also subject would not cause the proposal to be excluded under subparagraph (c) (2).

It should be noted that under this provision, or any other provision of Rule 14a–8 for that matter, the management has the burden of demonstrating the validity of its view that a proposal may properly be omitted in reliance upon it. Further, issuers should be aware that paragraph (d) of Rule 14a–8 requires that they furnish an opinion of counsel both to the proponent and to the Commission whenever they assert that a proposal can be omitted for reasons based on matters of law. Thus, should a management take the position that this subparagraph is applicable to a particular proposal, it would be incumbent upon it to furnish an opinion of counsel on the legal aspects of its view.

(3) *Proxy Rules and Regulations.* The Commission is aware that on many occasions in the past proponents have submitted proposals and/or supporting statements that contravene one or more of its proxy rules and regulations. Most often, this situation has occurred when proponents have submitted items that contain false or misleading statements. Statements of that nature are prohibited from inclusion in proxy soliciting materials by Rule 14a–9 of the proxy rules.

In light of the foregoing, the Commission has adopted a new subparagraph (c) (3) to Rule 14a–8 expressly providing that a proposal or supporting statement may not be contrary to any of the Commission's proxy rules and regulations, including Rule 14a–9. This provision simply formalizes a ground for omission that the Commission believes has been inherent in the proxy rules.

(4) *Personal Claim or Grievance.* Subparagraph (c) (4) of the amended rule permits a proposal to be excluded from an issuer's proxy materials if it "relates to the enforcement of a personal claim or the redress of a personal grievance against the issuer, its management, or any other person." This provision is identical to subparagraph (c) (2) (i) of the former rule and has been carried forward intact because the Commission does not believe an issuer's proxy materials are a proper forum for airing personal claims or grievances.

(5) *Insignificant Matters.* Subparagraph (c) (2) (ii) of the former rule allowed an issuer to omit a proposal if it consisted of a "recommendation, request or mandate that action be taken with respect to any matter, including a general economic, political, racial, religious, social or similar cause, that is not significantly related to the business of the issuer * * *" The Commission has retained the substance of this provision in subparagraph (c) (5) of the revised rule. However, the reference in the former rule to the form in which proposals appear and the illustrative reference to various general causes have been deleted on the ground they are superfluous and unnecessary. These deletions, however, should not be construed as an implication that a different standard from that set forth in the former subparagraph (c) (2) (ii) will be utilized under subparagraph (c) (5) of the amended rule.

A number of commentators expressed the view that the Commission should revise the subparagraph to allow the omission of a proposal whenever the matter involved therein does not bear a significant economic relation to the issuer's business. In this regard, the Commission does not believe that subparagraph (c) (5) should be hinged solely on the economic relativity of a proposal, since there are many instances in which the matter involved in a proposal is significant to an issuer's business, even though such significance is not apparent from an economic viewpoint. For example, proposals dealing with cumulative voting rights or the ratification of auditors in a sense may not be economically significant to an issuer's business but they nevertheless have a significance to security holders that would preclude their being omitted under this provision. And proposals relating to ethical issues such as political contributions also may be significant to the issuer's business, when viewed from a standpoint other than a purely economic one.

Notwithstanding the foregoing, the Commission recognizes that there are circumstances in which economic data may indicate a valid basis for omitting a proposal under this provision. The Commission wishes to emphasize, however, that the significance of a particular matter to an issuer's present or prospective business depends upon that issuer's individual circumstances, and that there is no specific quantitative standard that is applicable in all instances. Moreover, as previously indicated, the burden is on the issuer to demonstrate that this or any other provision of Rule 14a–8 may properly be relied upon to omit a proposal.

Finally, it should be noted that none of the public commentators recommended the replacement of this subparagraph by the proposed alternative provision described in Release No. 34–12598. That provision would have allowed the omission of any proposals dealing with matters that the governing body of the issuer was not required to act upon pursuant to either the applicable state law or the governing instruments of the issuer. The alternative provision is more fully discussed in the section of this release immediately following the discussion of subparagraph (c) (7) of the amended rule.

(6) *Matters Beyond Issuer's Power.* Subparagraph (c) (6) of the amended rule provides that a proposal may be omitted from an issuer's proxy materials if it deals with a matter that is "beyond the issuer's power to effectuate." This provision is derived from that part of subparagraph (c) (2) (ii) of the current rule and the Note thereto that allow a proposal to be omitted if it deals with a matter that is not within the control of the issuer. In terms of scope and effect, the provision is unchanged from the former rule and Note. However, since the Note did nothing more than define the term used in the subparagraph, it has been incorporated into the subparagraph itself.

(7) *Routine Matters.* Subparagraph (c) (5) of the former rule permitted an issuer to omit a proposal from its proxy materials if the proposal consisted of a "recommendation or request that the management take action with respect to a matter relating to the conduct of the ordinary business operations of the issuer." The Commission proposed in Release No. 34–12598 to replace this provision with one that would have allowed the omission of a proposal if it dealt with a "routine, day-to-day matter relating to the conduct of the ordinary business operations of the issuer." The proposed new provision, which would have been more restrictive than the former one, was considered at the time to be appropriate for possible adoption because the former provision occasionally had been relied upon to exclude proposals of considerable importance to the issuer and its security holders. The Commission hoped that the new provision would produce results that were more in accord with the concept of shareholder democracy underlying section 14(a) of the Exchange Act.

A large majority of the commentators who addressed themselves to the proposed new standard objected to it on the ground that it would produce many undesirable results. Among other things, they pointed out that many of the shareholder proposals under the new provision would necessarily deal with ordinary business matters of a complex nature that shareholders, as a group, would not be qualified to make an informed judgment on, due to their lack of business expertise and their lack of intimate knowledge of the issuer's business. In the view of these commentators, it would not be practicable in most instances for stockholders to decide management problems at corporate meetings. Further, they stated that the proposed new provision would be difficult to administer because of the subjective judgments that necessarily would be required in interpreting it.

After consideration of the above comments, the Commission has determined not to adopt proposed subparagraph (c) (7) in the form in which it was proposed for comment. The Commission is taking this course of action for two reasons: (1) It believes the difficulties that are likely to arise from the proposed standard

would exceed any benefits to security holders that might accrue from its adoption; and (2) the former standard appears to be a workable one if it is interpreted in a somewhat more flexible manner than in the past.

The Commission's determination not to adopt proposed subparagraph (c) (7) is based to a large extent on the fact that there does not appear to be any reasonable means for distinguishing between routine and important business matters. The Commission suggested in Release No. 34–12598 that a possible standard for making such distinctions was whether it would be necessary for the board of directors to act on the matter involved in the proposal. If no action were necessary, the matter would be considered routine. The commentators pointed out, however, that board practices relating to the delegation of authority to management personnel vary greatly, and there would, therefore, be no consistency in applying such a standard. The potential lack of consistency of the proposed standard is a fatal drawback, in the Commission's view. And, since no other reasonable standard for making the requisite distinctions is readily apparent, the Commission believes that the provision would be difficult, if not impossible, to administer on a satisfactory basis.

In lieu of the subparagraph proposed in Release No. 34–12598, the Commission has decided to adopt a provision that essentially is the same as subparagraph (c) (5) of the former rule. That is, a proposal will be excludable if it "deals with a matter relating to the conduct of the ordinary business operations of the issuer." The Commission recognizes that this standard for omission has created some difficulties in the past, and that, on occasion, it has been relied upon to omit proposals of considerable importance to security holders. Nevertheless, the Commission believes that the provision is a workable one, as evidenced by the fact that it has been in operation for over 22 years and has not, until the past year or so, generated a significant amount of controversy.

The Commission is of the view that the provision adopted today can be effective in the future if it is interpreted somewhat more flexibly than in the past. Specifically, the term "ordinary business operations" has been deemed on occasion to include certain matters which have significant policy, economic or other implications inherent in them. For instance, a proposal that a utility company not construct a proposed nuclear power plant has in the past been considered excludable under former subparagraph (c) (5). In retrospect, however, it seems apparent that the economic and safety considerations attendant to nuclear power plants are of such magnitude that a determination whether to construct one is not an "ordinary" business matter. Accordingly, proposals of that nature, as well as others that have major implications, will in the future be considered beyond the realm of an issuer's ordinary business operations, and future interpretative letters of the Commission's staff will reflect that view.

Although subparagraph (c) (7) will be subject to a more restrictive interpretation in the future than its predecessor, former subparagraph (c) (5), this should not be construed to mean that the provision will not be available for the omission of proposals that deal with truly "ordinary" business matters. Thus, where proposals involve business matters that are mundane in nature and do not involve any substantial policy or other considerations, the subparagraph may be relied upon to omit them.

PROPOSED ALTERNATE TO SUBPARAGRAPHS — (c) (5) AND (c) (7)

At the time subparagraphs (c) (5) and (c) (7) were proposed for comment, the Commission also asked for the public's views on the following questions:

(1) Whether it would be more beneficial to issuers and their security holders not to adopt either or both of those subparagraphs, or

(2) Whether it would be more beneficial to replace or supplement them with a provision which would allow the omission of a proposal if it

deals with a matter that the governing body of the issuer (such as the Board of Directors) is not required to act upon pursuant to the applicable State law or the issuer's governing instruments (such as the Charter or By-Laws).

The prevailing view of those commentators who responded to the above questions was that both subparagraphs (c) (5) and (c) (7) should be retained but that the alternative provision quoted above should be discarded. With respect to the retention of subparagraphs (c) (5) and (c) (7), it was noted that both provisions contain separate and justifiable grounds for the omission of a proposal and that there often are instances in which one is applicable to a proposal while the other is not. The Commission concurs in this view and therefore has determined to retain both of them in the form already discussed herein.

In regard to the alternative provision, it was pointed out by the commentators that most state statutes and corporate governing instruments specify relatively few instances where director action is required but simply mandate that the business and affairs of the corporation be managed by or under the direction of the board of directors. Consequently, the application of the proposed "board-action" standard would turn upon the issues of delegation of authority and proper board practices. Since the resolution of these issues would involve complex and often conflicting matters of law and interpretation, the Commission does not believe that the standard would provide a useful or workable ground for omission under the rule. Therefore, it has not been adopted.

(8) *Elections to Office.* The last sentence of paragraph (a) of the former rule stated that Rule 14a–8 does not apply to elections to office or to counter proposals to matters to be submitted by the management. The two grounds for omission mentioned in that sentence have been restated in subparagraphs (c) (8) and (c) (9) of the amended rule.

In its adopted form, subparagraph (c) (8) states simply that a proposal can be omitted if it "relates to an election to office." As originally proposed in Release No. 34–12598, the subparagraph would have allowed the omission of any proposal which related to a "corporate, political or other election to office." However, the Commission has deleted the words "corporate, political or other" from the adopted provision, since it is apparent that the inclusion of those words in the proposed version led many commentators to the erroneous belief that the Commission intended to expand the scope of the existing exclusion to cover proposals dealing with matters previously held not excludable by the Commission, such as cumulative voting rights, general qualifications for directors, and political contributions by the issuer. To dispel this misunderstanding, the Commission has revised the language of the adopted provision to read substantially as its predecessor under the former rule.

(9) *Counter Proposals.* As noted above, subparagraph (c) (9) of the revised rule merely restates a ground for omission already set forth in the existing rule. That is, a proposal that is counter to a proposal to be presented by the management may be omitted from an issuer's proxy materials.

(10) *Moot Proposals.* The Commission has set forth in subparagraph (c) (10) of the amended rule a ground for omission that has not been formally stated in Rule 14a–8 in the past but which has informally been deemed to exist. The new subparagraph provides that a proposal which has been rendered moot may be omitted from the issuer's proxy materials.

As originally proposed by the Commission, this subparagraph would have allowed the omission of only those proposals rendered moot "by the actions of management." However, it was brought to the attention of the Commission by several commentators that mootness can be caused for reasons other than the actions of management, such as statutory enactments, court decisions, business changes and supervening corporate events. Therefore, since the Commission believes that a proposal which has been rendered moot for whatever reason should properly be excludable from an issuer's proxy materials, it has deleted the qualifying phrase "by the actions of the management" from the adopted form of the subparagraph.

(11) *Similar Proposals in Current Year.* As with subparagraph (c) (10) above, subparagraph (c) (11) formalizes a ground for omission that has existed solely on an informal basis in the past. Specifically, the new subparagraph provides that the management may omit a proposal that is substantially duplicative of a proposal submitted by another

proponent which the management intends to include in its proxy materials. The purpose of the provision is to eliminate the possibility of shareholders having to consider two or more substantially identical proposals submitted to an issuer by proponents acting independently of each other.

(12) *Similar Proposals in Prior Years.* In Release No. 34–12598, the Commission proposed to broaden the provision in the former rule (viz., subparagraph (c)(4)) which allowed the omission of any proposal that was "substantially the same" as a prior proposal that failed to receive the percentage of votes on its latest submission specified in the rule. This would have been accomplished by revising the provision to state that it would apply to any proposal that dealt with "substantially the same subject matter" as a prior proposal that had failed to attract the requisite number of votes.

Several commentators urged the Commission not to make the proposed change. These persons pointed out: (1) That abuses of the existing provision have been rare and do not justify the type of radical revision proposed; (2) that the new standard would be almost impossible to administer because of the subjective determinations that would be required under it; and (3) that it would unduly constrain shareholder suffrage because of its possible "umbrella" effect (i.e., it could be used to omit proposals that had only a vague relation to the subject matter of a prior proposal that received little shareholder support).

After consideration of the above comments, the Commission has determined not to make the changes in the subparagraph previously proposed by it. This action is being taken because the potential drawbacks of the new provision appear to outweigh the prospective benefits. As a result, the Commission has adopted subparagraph (c)(12) in a form that is identical to that of former subparagraph (c)(4).

Notwithstanding the above action, the Commission is concerned about potential abuses of this provision. It therefore has instructed the staff to monitor closely the operation of subparagraph (c)(12) and to take appropriate action, such as issuing a no-action letter to an affected management, where it is apparent that an effort is being made to present essentially the same proposal to an issuer's security holders year-after-year, even though the proposal has not attracted the support required by the rule. In connection with the foregoing, it should be noted that this provision will be considered to be available in the future for the omission of a proposal which, although not substantially the same as any one proposal submitted in a prior year, is composed essentially of the elements of two or more proposals that were submitted for a vote in prior years and failed to receive the percentage of the total vote specified in the rule.

(13) *Specific Dividend Amounts.* The Commission proposed in Release No. 34–12598 to adopt a new subparagraph (c)(13) which would permit issuers to omit from their proxy materials any proposals relating to "specific amounts of cash or stock dividends." The purpose of the provision was to prevent security holders from being burdened with a multitude of conflicting proposals on such matters. Specifically, the Commission was concerned over the possibility that several proponents might independently submit to an issuer proposals asking that differing amounts of dividends be paid.

In the past it has been the position of the Commission and its staff that dividend matters were within the realm of an issuer's ordinary business operations and precatory proposals dealing with such matters were therefore excludable under the provision of Rule 14a–8 dealing with such operations (viz., former subparagraph (c)(5)). Although the Commission has carried forward into the revised rule an exclusion for matters relating to an issuer's ordinary business operations (see the discussion of subparagraph (c)(7)), it is now of the view that because dividend matters are extremely important to most security holders, and because they involve significant economic and policy considerations, they are not "ordinary" business matters in the strictest sense. Therefore, proposals relating to dividend matters will not be excludable under subparagraph (c)(7), with the result that the reasons for which subparagraph (c)(13) was proposed are still valid. Accordingly, the Commission has adopted the subparagraph in the form in which it was proposed for comment.

In connection with the foregoing, the Commission has noted the view of some commentators that dividend matters are not appropriate for discussion by security holders. These persons have indicated that decisions on dividends traditionally have been within the exclusive province of the board of directors under most state laws and that it would not be proper for shareholders to submit proposals on such matters. The Commission, however, is not persuaded that these reasons provide a valid basis for excluding all dividend proposals. In this regard, it is noted that mandatory dividend proposals would continue to be excludable under subparagraph (c)(1) of the revised rule, to the extent that they would intrude on the board's exclusive discretionary authority under the applicable state law to make decisions on dividends. But to the extent that such proposals are advisory in nature, and therefore nonbinding on the board even if adopted, the Commission is unable to agree that proponents should be denied the opportunity to present them, within the limits of this provision, to their fellow security holders for consideration.

Procedural Requirements for Managements—Rule 14a–8(d)

Paragraph (d) of the revised rule discusses the procedural requirements applicable to managements who intend to omit stockholder proposals from their proxy materials. The paragraph has been adopted by the Commission in precisely the same form in which it was proposed for comment.

As revised, the paragraph provides that the management must file five copies of the following documents with the Commission whenever it asserts, for any reason, that a proposal and any statement in support thereof can properly be omitted from its proxy materials: (1) The proposal; (2) The supporting statement, if any; (3) A statement of its reasons for omission; and (4) where such reasons are based on matters of law, a supporting opinion of counsel. A copy of the statement of reasons and the opinion of counsel, if any, must also be furnished to the proponent at the same time they are filed with the Commission.

The principal change in paragraph (d) from the former rule is the requirement that the management file the documents specified above with the Commission at least 50 days prior to the date on which it files its preliminary proxy materials. Formerly, such documents were required to be filed 30 days in advance of the date the preliminary proxy materials were filed. As previously noted in the discussion of subparagraph (a)(3) relating to the timeliness requirements for proponents, this change is being made in conjunction with a corresponding 20-day advance in the deadline date for the submission of proposals by proponents.

Other changes in the paragraph include the requirement that five copies of all materials required under the paragraph be filed with the Commission (rather than one, as required under the former rule) and the addition of certain words to clarify: (1) That either the Commission or its staff may waive part or all of the 50-day filing requirement (the former rule mentioned only the Commission), and (2) That the filing requirements of the paragraph must be complied with in all instances in which the management asserts that a proposal can properly be omitted (some managements have erroneously believed that they need not comply with those requirements when a proposal is clearly excludable for a procedural reason, such as timeliness).

Cost Data

In Release No. 34–12598 the Commission expressed an interest in obtaining information about the costs to issuers of including stockholder proposals in their proxy soliciting materials. The Commission continues to be interested in obtaining such information with respect to proposals that are included in proxy materials through June 30, 1977. Any issuers willing to furnish such information to the Commission are requested to indicate not only the total cost of including each proposal in their proxy materials but also the amount of each component part of the overall cost (such as printing, postage and legal expenses). This information should be submitted to William E. Morley, Special Counsel, Division of Corporation Finance, Securities and Exchange Commission, Washington, D.C. 20549.

DATE OF EFFECTIVENESS

As previously indicated, all of the amendments to Rule 14a–8 adopted today, with the exception of the changes to the timeliness provisions of subparagraph (a)(3) and paragraph (d), shall be applicable to proposals submitted to issuers who will be filing their preliminary proxy materials with the Commission on or after February 1, 1977. The effectiveness of the new timeliness requirements set forth in subparagraph (a)(3) and paragraph (d) shall be deferred an additional three months. Accordingly, they shall apply only to proposals submitted to issuers who will be filing their preliminary proxy materials with the Commission on or after May 1, 1977.

Authority. The Commission has adopted the amendments to Rule 14a–8 that are discussed herein pursuant to sections 14(a) and 23(a) of the Securities Exchange Act of 1934, sections 12(e) and 20(a) of the Public Utility Holding Company Act of 1935, and sections 20(a) and 38(a) of the Investment Company Act of 1940.

TEXT OF REVISED RULE 14a–8

Rule 14a–8 is revised to read as follows:

§ 240.14a–8 Proposals of security holders.

(a) If any security holder of an issuer notifies the management of the issuer of his intention to present a proposal for action at a forthcoming meeting of the issuer's security holders, the management shall set forth the proposal in its proxy statement and identify it in its form of proxy and provide means by which security holders can make the specification required by Rule 14a–4(b) (17 CFR 240.14a–4(b)). Notwithstanding the foregoing, the management shall not be required to include the proposal in its proxy statement or form of proxy unless the security holder (hereinafter, the "proponent") has complied with the requirements of this paragraph and paragraphs (b) and (c) of this section:

(1) *Eligibility.* At the time he submits the proposal, the proponent shall be a record or beneficial owner of a security entitled to be voted at the meeting on his proposal, and he shall continue to own such security through the date on which the meeting is held. If the management requests documentary support for a proponent's claim that he is a beneficial owner of a voting security of the issuer, the proponent shall furnish appropriate documentation within 10 business days after receiving the request. In the event the management includes the proponent's proposal in its proxy soliciting materials for the meeting and the proponent fails to comply with the requirement that he continuously be a voting security holder through the meeting date, the management shall not be required to include any proposals submitted by the proponent in its proxy soliciting materials for any meeting held in the following two calendar years.

(2) *Notice.* The proponent shall notify the management in writing of his intention to appear personally at the meeting to present his proposal for action. The proponent shall furnish the requisite notice at the time he submits the proposal, except that if he was unaware of the notice requirement at that time he shall comply with it within 10 business days after being informed of it by the management. If the proponent, after furnishing in good faith the notice required by this provision, subsequently determines that he will be unable to appear personally at the meeting, he shall arrange to have another security holder of the issuer present his proposal on his behalf at the meeting. In the event the proponent or his proxy fails, without good cause, to present the proposal for action at the meeting, the management shall not be required to include any proposals submitted by the proponent in its proxy soliciting materials for any meeting held in the following two calendar years.

(3) *Timeliness.* The proponent shall submit his proposal sufficiently far in advance of the meeting so that it is received by the management within the following time periods:

(i) *Annual Meetings.* A proposal to be presented at an annual meeting shall be received by the management at the issuer's principal executive offices not less than 90 days in advance of a date corresponding to the date set forth on the management's proxy statement released to security holders in connection with the previous year's annual meeting of security holders, except that if no annual meeting was held in the previous year or the date of the annual meeting has been changed by more than 30 calendar days from the date of the previous year's annual meeting a proposal shall be received by the management a reasonable time before the solicitation is made.

(ii) *Other Meetings.* A proposal to be presented at any meeting other than an annual meeting shall be received a reasonable time before the solicitation is made.

NOTE.—In order to curtail controversy as to the date on which a proposal was received by the management, it is suggested that proponents submit their proposals by Certified Mail-Return Receipt Requested.

(4) *Number and Length of Proposals.* The proponent may submit a maximum of two proposals of not more than 300 words each for inclusion in the management's proxy materials for a meeting of security holders. If the proponent fails to comply with either of these requirements, or if he fails to comply with the 200-word limit on supporting statements mentioned in paragraph (b) of this section, he shall be provided the opportunity by the management to reduce, within 10 business days, the items submitted by him to the limits required by this rule.

(b) If the management opposes any proposal received from a proponent, it shall also, at the request of the proponent, include in its proxy statement a statement of the proponent of not more than 200 words in support of the proposal, which statement shall not include the name and address of the proponent. The statement and request of the proponent shall be furnished to the management at the time that the proposal is furnished, and neither the management nor the issuer shall be responsible for such statement. The proxy statement shall also include either the name and address of the proponent or a statement that such information will be furnished by the issuer or by the Commission to any person, orally or in writing as requested, promptly upon the receipt of any oral or written request therefor. If the name and address of the proponent are omitted from the proxy statement, they shall be furnished to the Commission at the time of filing the management's preliminary proxy material pursuant to Rule 14a–6(a) (17 CFR 240.14a–6(a)).

(c) The management may omit a proposal and any statement in support thereof from its proxy statement and form of proxy under any of the following circumstances:

(1) the proposal is, under the laws of the issuer's domicile, not a proper subject for action by security holders;

NOTE.—A proposal that may be improper under the applicable state law when framed as a mandate or directive may be proper when framed as a recommendation or request.

(2) If the proposal would, if implemented, require the issuer to violate any state law or federal law of the United States, or any law of any foreign jurisdiction, to which the issuer is subject, except that this provision shall not apply with respect to any foreign law compliance with which would be violative of any state law or federal law of the United States;

(3) If the proposal or the supporting statement is contrary to any of the Commission's proxy rules and regulations, including Rule 14a–9 (17 CFR 240.14a–9), which prohibits false or misleading statements in proxy soliciting materials;

(4) If the proposal relates to the enforcement of a personal claim or the redress of a personal grievance against the issuer, its management, or any other person;

(5) If the proposal deals with a matter that is not significantly related to the issuer's business;

(6) If the proposal deals with a matter that is beyond the issuer's power to effectuate;

(7) If the proposal deals with a matter relating to the conduct of the ordinary business operations of the issuer;

(8) If the proposal relates to an election to office;

(9) If the proposal is counter to a proposal to be submitted by the management at the meeting;

(10) If the proposal has been rendered moot;

(11) If the proposal is substantially duplicative of a proposal previously submitted to the management by another

proponent, which proposal will be included in the management's proxy materials for the meeting;

(12) If substantially the same proposal has previously been submitted to security holders in the management's proxy statement and form of proxy relating to any annual or special meeting of security holders held within the preceding 5 calendar years, it may be omitted from the management's proxy materials relating to any meeting of security holders held within 3 calendar years after the latest such previous submission:

Provided, That—(i) If the proposal was submitted at only one meeting during such preceding period, it received less than 3 percent of the total number of votes cast in regard thereto; or

(ii) If the proposal was submitted at only two meetings during such preceding period, it received at the time of its second submission less than 6 percent of the total number of votes cast in regard thereto; or

(iii) If the proposal was submitted at three or more meetings during such preceding period, it received at the time of its latest submission less than 10 percent of the total number of votes cast in regard thereto; and

(13) If the proposal relates to specific amounts of cash or stock dividends.

(d) Whenever the management asserts, for any reason, that a proposal and any statement in support thereof received from a proponent may properly be omitted from its proxy statement and form of proxy, it shall file with the Commission, not later than 50 days prior to the date the preliminary copies of the proxy statement and form of proxy are filed pursuant to Rule 14a–6(a), or such shorter period prior to such date as the Commission or its staff may permit, five copies of the following items: (1) The proposal; (2) any statement in support thereof as received from the proponent; (3) a statement of the reasons why the management deems such omission to be proper in the particular case; and (4) where such reasons are based on matters of law, a supporting opinion of counsel. The management shall at the same time, if it has not already done so, notify the proponent of its intention to omit the proposal from its proxy statement and form of proxy and shall forward to him a copy of the statement of reasons why the management deems the omission of the proposal to be proper and a copy of such supporting opinion of counsel.

(Secs. 14(a), 23(a), 48 Stat. 895, 901; sec. 203(a), 49 Stat. 704; sec. 8, 49 Stat. 1379; sec. 5, 78 Stat. 569, 570; sec. 18, 89 Stat. 133 (15 U.S.C. 78n(a), 78w(a)); secs. 12(e), 20(a), 49 Stat. 823, 833 (15 U.S.C. 79l(e), 79t(a)); secs. 20(a), 38(a), 54 Stat. 822, 841 (15 U.S.C. 80a–20(a), 80a–37(a)).)

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

NOVEMBER 22, 1976.

[FR Doc.76–35557 Filed 12–2–76;8:45 am]

Title 19—Customs Duties

CHAPTER I—UNITED STATES CUSTOMS SERVICE

[T.D. 76–329]

PART 111—CUSTOMHOUSE BROKERS

License Examination

On June 21, 1976, a notice of proposed rulemaking was published in the FEDERAL REGISTER (41 FR 24889), which proposed to amend paragraph (b) of § 111.13 of the Customs Regulations (19 CFR 111.13 (b)) to provide that the customhouse broker's license examination will be given at each district office on the first Monday in April and October of each year.

Section 111.13(b) presently provides that the customhouse broker's license examination will be given at each district office on the first Monday in February, June, and October of each year. A review of the statistics maintained regarding past examinations reveals that if the examinations were given only twice a year, all districts could easily accommodate the expected increased number of applicants at each examination and that a cost saving to the Government would result. Moreover, the expected increase in administration of special examinations under § 111.13(c) of the Customs Regulations (19 CFR 111.13(c)) would be slight.

Interested persons were given 30 days from the date of publication of the notice to submit data, views, or arguments with respect to the proposed amendment. No comments were received.

Accordingly, the proposed amendment is adopted as set forth below.

Effective date: This amendment shall become effective January 3, 1977.

VERNON D. ACREE,
Commissioner of Customs.

Approved: November 24, 1976.

JERRY THOMAS,
Under Secretary of the Treasury.

The first sentence of paragraph (b) of § 111.13 is amended to read as follows:

§ 111.13 Examination of applicant for individual license.

* * * * * *

(b) *Date and place of examination.* Examinations will be given at each district office on the first Monday in April and October. * * *

* * * * * *

(R.S. 251, as amended, secs. 624, 641, 46 Stat. 759, as amended (19 U.S.C. 66, 1624, 1641).)

[FR Doc.76–35609 Filed 12–2–76;8:45 am]

Title 21—Food and Drugs

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

[Docket No. 76F–0440]

PART 121—FOOD ADDITIVES

Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food, Sanitizing Solutions

The Food and Drug Administration is amending the food additive regulations to provide for the safe use of a certain aqueous solution as a sanitizing solution; effective December 3, 1976; objections by January 3, 1977.

A notice published in the FEDERAL REGISTER of April 25, 1975 (40 FR 18206) announced that a petition (FAP 5H3037) had been filed by Vestal Laboratories, 4963 Manchester Ave., St. Louis, MO 63110, proposing that § 121.2547 Sanitizing solutions (21 CFR 121.2547) be amended to provide for the safe use of an aqueous solution containing *ortho*-phenylphenol, *ortho*-benzyl-*para*-chlorophenol, *para*-tertiaryamylphenol, sodium - *alpha* - alkyl(C_{12}–C_{15}) - *omega*-hydroxypoly(oxyethylene) sulfate with the poly(oxyethylene) content averaging one mole, potassium coconut oil soap, and isopropyl alcohol or hexylene glycol as a sanitizing solution for food-processing equipment and utensils.

The Commissioner of Food and Drugs, having evaluated data in the petition and other relevant material, is amending the regulation as set forth below.

Therefore, under the Federal Food, Drug, and Cosmetic Act (Sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1))) and under authority delegated to the Commissioner (21 CFR 5.1) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)), Part 121 is amended in § 121.2547 by adding new paragraphs (b)(20) and (c)(15) to read as follows:

§ 121.2547 Sanitizing solutions.

* * * * * *

(b) * * *

(20) An aqueous solution containing *ortho*-phenylphenol, *ortho*-benzyl-*para*-chlorophenol, para-tertiaryamylphenol, sodium - *alpha* - alkyl(C_{12}–C_{15}) - *omega*-hydroxypoly(oxyethylene) sulfate with the poly(oxyethylene) content averaging one mole, potassium salts of coconut oil fatty acids, and isopropyl alcohol or hexylene glycol.

(c) * * *

(15) Solutions identified in paragraph (b)(20) of this section are for single use applications only and shall provide, when ready to use, a level of 800 parts per million of total active phenols consisting of 400 parts per million *ortho*-phenylphenol, 320 parts per million *ortho*-benzyl-*para*-chlorophenol and 80 parts per million *para*-tertiaryamylphenol.

* * * * * *

Any person who will be adversely affected by the foregoing regulation may at any time on or before January 3, 1977, file with the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the regulation, specify with particularity the provisions of the regulation deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Six copies of all documents shall be filed and should be identified with the Hearing Clerk docket number found in brackets in the heading of this regulation. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This regulation shall become effective December 3, 1976.

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

Dated: November 24, 1976.

JOSEPH P. HILE,
Associate Commissioner for Compliance.

[FR Doc.76-35280 Filed 12-2-76;8:45 am]

SUBCHAPTER E—ANIMAL DRUGS, FEEDS, AND RELATED PRODUCTS

PART 510—NEW ANIMAL DRUGS

Subpart G—Sponsors of Approved Applications

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Subpart B—Specific New Animal Drugs for Use in Animal Feeds

A. L. LABORATORIES, INC.; CHANGE OF SPONSOR

The Food and Drug Administration approves a supplemental new animal drug application (46–592V) filed by A. L. Laboratories, Inc., a Subsidiary of A/S Apothekernes Laboratorium for Specialpraeparater, 452 Hudson Terrace, Englewood Cliffs, N.J. 07632, providing for the change in sponsor from S. B. Penick and Co., a unit of CPC International, Inc., to A. L. Laboratories, Inc. In addition, S. B. Penick and Co. has requested the change in sponsorship. However, S. B. Penick and Co. has been authorized by A. L. Laboratories, Inc. to manufacture and package the products for them.

The approval is effective December 3, 1976. This approval does not encompass a complete review of the new animal drug application or reaffirmation of the underlying safety and effectiveness data.

The Commissioner of Food and Drugs is amending Parts 510 and 558 (21 CFR Parts 510 and 558) to reflect this approval.

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

1. In Part 510, § 510.600 is amended in paragraph (c)(1) by deleting the entry for "S. B. Penick & Co." and adding alphabetically a new sponsor, and paragraph (c)(2) is amended by deleting the entry for "000794" and adding numerically a new sponsor, to read as follows:

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

* * * * *

(c) * * *

(1) * * *

Firm name and address:	*Drug listing No.*
* * *	* * *
A. L. Laboratories, Inc., A Subsidiary of A/S Apothekernes Laboratorium for Specialpraeparater, 452 Hudson Terrace, Englewood Cliffs, N.J. 07632	046573
* * *	* * *

(2) * * *

Drug listing No.:	*Firm name and address*
* * *	* * *
046573	A. L. Laboratories, Inc., A Subsidiary of A/S Apothekernes Laboratorium for Specialpraeparater, 452 Hudson Terrace, Englewood Cliffs, N.J. 07632.

2. Part 558 is amended as follows:

§ 558.58 [Amended]

a. In § 558.58 *Amprolium and ethopabate,* the table in paragraph (e)(1) is amended in item (ii) in the second, third, and fourth entries in the column "limitations" to delete the sponsor no. "000794" and insert in its place the number "046573."

§ 558.105 [Amended]

b. In § 558.105 *Buquinolate,* by amending paragraph (f)(1)(x)(*b*) by deleting the sponsor no. "000794" and inserting in its place the number "046573."

§ 558.175 [Amended]

c. In § 558.175 *Clopidol,* by amending paragraph (e)(1)(iii)(*b*) and (e)(1)(v)(*b*) by deleting the sponsor no. "000794" and inserting in its place the number "046573."

§ 558.355 [Amended]

d. In § 558.355 *Monensin,* by amending paragraph (f)(1)(iii)(*b*) by deleting the sponsor no. "000794" and inserting in its place the number "046573."

§ 558.515 [Amended]

e. In § 558.515 *Robenidine hydrochloride,* by amending paragraph (f)(1)(vii)(*b*) by deleting the sponsor no. "000794" and inserting in its place the number "046573."

Effective date. These amendments shall be effective December 3, 1976.

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

Dated: November 23, 1976.

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

[FR Doc.76-35423 Filed 12-2-76;8:45 am]

PART 556—TOLERANCES FOR RESIDUES OF NEW ANIMAL DRUGS IN FOOD

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Decoquinate

The Food and Drug Administration approves a supplemental new animal drug application (39–417V) filed by Hess and Clark, Division of Rhodia, Inc., Ashland, OH 44805, proposing safe and effective use of a 6 percent decoquinate premix for manufacturing a cattle feed used as an aid in the prevention of coccidiosis. The approval is effective December 3, 1976.

In addition, the Commissioner of Food and Drugs has evaluated the data before him and concludes that a tolerance limitation of 1 part per million (ppm) for decoquinate in the skeletal muscle of cattle and 2 ppm in other tissues is required to assure that edible tissues of cattle treated with decoquinate are safe for human consumption.

The Commissioner is amending §§ 556.170 and 558.195 (21 CFR 556.170 and 558.195) to reflect this approval.

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

The Commissioner has carefully considered the environmental effects of the proposed regulation and, because the proposed action would not significantly affect the quality of the human environment, has concluded that an environmental impact statement is not required. Copies of the Food and Drug Administration environmental impact assessment are on file with the Hearing Clerk, Food and Drug Administration.

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)), Parts 556 and 558 are amended as follows:

1. Part 556 is amended by revising § 556.170 to read as follows:

§ 556.170 Decoquinate.

Tolerances are established for residues of decoquinate in the uncooked edible tissues of cheekens or cattle as follows:

(a) 2 parts per million in tissues other than skeletal muscle.

(b) 1 part per million in skeletal muscle.

2. Part 558 is amended in § 558.195 by revising paragraph (g) to read as follows:

§ 558.195 Decoquinate.

* * * * *

(g) *Conditions of use.* (1) It is used in complete feeds as follows:

Decoquinate in grams per ton	Combination in grams per ton	Indications for use	Limitations	Sponsor
27.2 (0.003 pct)		Broiler chickens; as an aid in the prevention of coccidiosis caused by *Eimeria tenella, E. necatrix, E. mivati, E. acervulina, E. maxima* and *E. brunetti.*	Do not feed to laying chickens.	011801, 012250
	Bacitracin 10 to 50.	Broiler cheekens; as an aid in the prevention of coccidiosis caused by *Eimeria tenella, E. necatrix, E. mivati, E. acervulina, E. maxima,* and *E. brunetti;* for increased rate of weight gain and improved feed efficiency.	Do not feed to laying chickens, feed as sole ration; as zinc bacitracin provided by No. 012760 in sec. 510.600(c) of this chapter.	011801
	Chlortetracycline 200.	Broiler chickens; as an aid in the prevention of coccidiosis caused by *Eimeria tenella, E. necatrix, E. acervulina, E. mivati, E. maxima,* and *E. brunetti;* for the treatment of chronic respiratory disease (air sac infection), prevention of synovitis.	Do not feed to laying chickens, in low calcium feed containing 0.8 pct. of calcium; not to be fed continuously for more than 8 weeks; as chlortetracycline hydrochloride provided by No. 010042 in sec. 510.600(c) of this chapter.	011801
	Roxarsone 45.4 (0.005 pct.).	Broiler chickens; as an aid in the prevention of coccidiosis caused by *Eimeria tenella, E. necatrix, E. mivati, E. acervulina, E. maxima,* and *E. brunetti;* growth promotion and feed efficiency; improving pigmentation.	Do not feed to laying chickens; withdraw 5 d before slaughter; as sole source of organic arsenic.	011801
27.2 (0.003 pct.)	Lincomycin 2.	Broiler chickens; as an aid in the prevention of coccidiosis caused by *Eimeria tenella, E. necatrix, E. acervulina, E. maxima, E. mivati,* and *E. brunetti;* for increased rate of weight gain and improved feed efficiency.	Do not feed to laying chickens; feed as sole ration; as lincomycin hydrochloride monohydrate provided by No. 000009 in sec. 510.600(c) of this chapter.	000009, 011801
	Roxarsone 11 to 45 (0.0012–0.005 pct.).	Broiler chickens; as an aid in the prevention of coccidiosis caused by *Eimeria tenella, E. necatrix, E. acervulina, E. mivati, E. maxima,* and *E. brunetti;* for increased rate of weight gain and improved feed efficiency.	Do not feed to laying chickens; withdraw 5 d before slaughter; as sole source of organic arsenic; as zinc bacitracin provided by No. 012760 in sec. 510.600(c) of this chapter; as roxarsone provided by No. 017210 in sec. 510.600(c) of this chapter.	011801

(2) It is used in complete feeds or feedsupplements as follows:

Decoquinate	Combination in grams per ton	Indications for use	Limitations	Sponsor
22.7 mg per 100 lb of body weight per day (0.5 mg per kilogram).		Cattle; as an aid in the prevention of coccidiosis in ruminating calves and cattle caused by *Eimeria bovis* and *E. zurnii.*	Feed for at least 28 d during periods of coccidiosis or when it is likely to be a hazard. Do not feed to breeding animals or cows producing milk for food. Complete cattle feeds should be consumed within 7 d of manufacture.	011801

Effective date. This amendment shall be effective December 3, 1976.

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

Dated: November 19, 1976.

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

[FR Doc.76-34959 Filed 12-2-76;8:45 am]

Title 23—Highways

CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER G—ENGINEERING AND TRAFFIC OPERATIONS

PART 655—TRAFFIC OPERATIONS

Highway Safety Improvement Program; Amendment

• *Purpose.* The purposes of this document are to add the definition of "State" and to amend a citation in 23 CFR Part 655, Subpart E. These changes are made to conform to the Highway Safety Act of 1976 (Pub. L. 94–280). •

Chapter I of Title 23 of the Code of Federal Regulations, Part 655, Subpart E is amended as follows:

1. In § 655.502 a new paragraph (d) is added to read:

§ 655.502 Definitions.

* * * * *

(d) "State" means any one of the fifty States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, and American Samoa except that, for the purpose of implementing section 203 of the Highway Safety Act of 1973, "State" means any one of the fifty States, the District of Columbia and Puerto Rico.

§ 655.507 [Amended]

2. The second sentence in § 655.507 is amended by striking the period at the end thereof and adding the following: "and 203 of the Highway Safety Act of 1973, as amended."

Effective date: November 18, 1976.

Issued on: November 23, 1976.

NORBERT T. TIEMANN,
Federal Highway Administrator.

[FR Doc.76-35716 Filed 12-2-76;8:45 am]

Title 24—Housing and Urban Development

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

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-2298]

PART 1914—COMMUNITIES ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

The purpose of this notice is to list those communities wherein the sale of flood insurance is authorized under the National Flood Insurance Program (42 U.S.C. 4001–4128).

Insurance policies can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurers Association servicing company for the state (addresses are published at § 1912.5, 24 CFR Part 1912).

The Flood Disaster Protection Act of 1973 (Pub. L. 93–234) requires the purchase of flood insurance as a condition of receiving any form of Federal or federally related financial assistance for acquisition or construction purposes in a flood plain area having special hazards within any community identified for at least one year by the Secretary of Housing and Urban Development. The requirement applies to all identified special flood hazard areas within the United States, and no such financial assistance can legally be provided for acquisition or construction except as authorized by section 202(b) of the Act, as amended, unless the community has entered the program. Accordingly, for communities listed under this Part no such restriction exists, although insurance, if required, must be purchased.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

Section 1914.6 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence new entries to the table. In each entry, a complete chronology of effective dates appears for each listed community. The date that appears in the fourth column of the table is provided in order to designate the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. These dates serve notice only for the purposes of granting relief, and not for the application of sanctions, within the meaning of 5 U.S.C. § 551. The entry reads as follows:

§ 1914.6 List of eligible communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	Community No.
•	•	•	•	•	•
Iowa	Buena Vista	Newell, city of	Nov. 22, 1976, emergency		190334
New Hampshire	Carroll	Wakefield, town of	do	July 26, 1974 June 25, 1976	330019A
North Carolina	Halifax	Unincorporated areas	do		370327
Oklahoma	Jackson	Blair, city of	do	June 25, 1976	400348
•	•	•	•	•	•
Indiana	Porter	Ogden Dunes, town of	Nov. 23, 1976, emergency	May 31, 1974	180200A
Iowa	Crawford	Kiron, city of	do	Nov. 8, 1974	190093
Missouri	Clay	Oakview, village of	do	July 16, 1976	290695
Oklahoma	Pittsburg	Hartshorne, city of	do	Aug. 6, 1976	400387
New Jersey	Union	Linden, city of	Nov. 9, 1976, suspension withdrawn	July 16, 1976	340167
Vermont	Washington	Middlesex, town of	do	June 28, 1974	500114
•	•	•	•	•	•
Colorado	Summit	Unincorporated areas	Nov. 26, 1976, emergency		080200
Kansas	Wallace	Sharon Springs, city of	do	Sept. 12, 1975	200529
New Hampshire	Carroll	Wolfeboro, town of	do	Jan. 17, 1975	330039
New York	Jefferson	Glen Park, village of	do	Mar. 29, 1974	360330A
Do	Allegany	Grove, town of	do	June 28, 1974 July 9, 1976	361005A
Do	Madison	Morrisville, village of	do	Mar. 8, 1974	360100
Do	Cayuga	Sterling, town of	do	July 26, 1974 July 9, 1976	360120A
North Carolina	Beaufort	Washington Park, town of	Sept. 29, 1972, emergency; Nov. 22, 1976, regular.	Feb. 9, 1973	370263A
Ohio	Mahoning	Sebring, village of	Nov. 26, 1976, emergency	Aug. 8, 1975	390371
South Carolina	Orangeburg	Unincorporated areas	do		450160
•	•	•	•	•	•
Florida	Leon	Tallahassee, city of	Mar. 10, 1972, emergency; Dec. 6, 1976, regular	June 28, 1974 Feb. 20, 1976	120144B
Kansas	Allen	Gas, city of	Nov. 26, 1976, emergency	Aug. 6, 1976	200001
Minnesota	Stearns	Avon, city of	do	Mar. 29, 1974 Aug. 27, 1976	270113A
New York	St. Lawrence	Stockholm, town of	do	Jan. 3, 1975	361427
North Dakota	Hettinger	Mott, city of	Oct. 20, 1972, emergency; Dec. 8, 1976, regular	Jan. 9, 1974 Dec. 29, 1975	380033B
Ohio	Licking	Alexandria, village of	Nov. 26, 1976, emergency	May 31, 1974	390329A
Oklahoma	Tillman	Manitou, town of	do	Apr. 9, 1976	400402
Do	Haskell	Stigler, city of	do	June 25, 1976	400415
Pennsylvania	Butler	Lancaster, township of	do	Sept. 6, 1974 May 7, 1976	421422A
Do	Lycoming	Porter, township of	Mar. 9, 1973, emergency; Jan. 14, 1977, regular	May 3, 1974	420656B
Wisconsin	Calumet	Unincorporated areas	Nov. 26, 1976, emergency		550035

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

Issued: November 18, 1976.

J. ROBERT HUNTER,
Federal Insurance Administrator.

[FR Doc.76-35465 Filed 12-2-76;8:45 am]

Title 28—Judicial Administration

CHAPTER I—DEPARTMENT OF JUSTICE

[TAX DIVISION DIRECTIVE No. 28]

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

Appendix to Subpart Y—Redelegations of Authority To Compromise and Close Civil Claims

REDELEGATION OF AUTHORITY TO COMPROMISE, SETTLE, AND CLOSE CLAIMS

By virtue of the authority vested in me by Part O of Title 28 of the Code of Federal Regulations, particularly §§ 0.70, 0.160, 0.162, 0.164, 0.166, and 0.168, it is ordered as follows:

Section 1. The Chiefs of the Civil Trial Sections, the Court of Claims Section, and the Appellate Section are authorized to reject offers in compromise, regardless of amount, without reference to the Review Section, provided that such action is not opposed by the agency or agencies involved.

Section 2. Subject to the conditions and limitations set forth in Section 6 hereof, the Chiefs of the Civil Trial Sections and Courts of Claims Section are authorized to accept offers in compromise in all cases in which the amount of the Government's concession, exclusive of statutory interest, does not exceed $35,000, provided that such action is not opposed by the agency or agencies involved.

Section 3. Subject to the conditions and limitations set forth in Section 6 hereof, the Chief of the Review Section shall have authority to:

(A) accept offers in compromise in all cases in which the amount of the Government's concession, exclusive of statutory interest, does not exceed $75,000,

(B) approve administrative settlements not exceeding $75,000.

(C) approve concessions (other than by compromise) of civil claims asserted by the Government in all cases in which the gross amount of the original claim does not exceed $75,000, and

(D) reject offers in compromise, or disapprove administrative settlements or concessions, regardless of amount,

provided that the action is not opposed by the agency or agencies involved or the chief of the section to which the case is assigned.

Section 4. Subject to the conditions and limitations set forth in Section 6 hereof, the Director, Civil Litigation, shall have authority to:

(A) accept offers in compromise in all cases in which the amount of the Government's concession, exclusive of statutory interest, does not exceed $250,000,

(B) approve administrative settlements not exceeding $250,000,

(C) approve concessions (other than by compromise) of civil claims asserted by the Government in all cases in which the gross amount of the original claim does not exceed $250,000, and

(D) reject offers in compromise, or disapprove administrative settlements or concessions, regardless of amount,

provided that the action is not opposed by the agency or agencies involved, the Chief of the Review Section, or the chief of the section to which the case is assigned, and provided further that the limiting amount in (A) and (B) shall be $200,000 if the case is subject to reference to the Joint Committee on Taxation.

Section 5. Subject to the conditions and limitations set forth in Section 6 hereof, the Deputy Assistant Attorneys General each shall have authority to:

(A) accept offers in compromise in all cases in which the amount of the Government's concession, exclusive of statutory interest, does not exceed $250,000,

(B) approve administrative settlements not exceeding $250,000,

(C) approve concessions (other than by compromise) of civil claims asserted by the Government in all cases in which the gross amount of the original claim does not exceed $250,000, and

(D) reject offers in compromise, or disapprove administrative settlements or concessions, regardless of amount,

provided that the limiting amount of (A), (B), and (C) shall be $100,000 if the proposed disposition of the claim is opposed by the agency or agencies involved, and provided further that the limiting amount of (A) and (B) shall be $200,000 if the case is subject to reference to the Joint Committee on Taxation.

Section 6. The authority redelegated herein shall be subject to the following conditions and limitations:

(A) When, for any reason, the compromise or administrative settlement or concession of a particular claim, as a practical matter, will control or adversely influence the disposition of other claims totaling more than the respective amounts designated in Sections 2, 3, 4, and 5, the case shall be forwarded for review at the appropriate level.

(B) When, because of the importance of a question of law or policy presented, the position taken by the agency or agencies or by the United States Attorney involved, or any other considerations, the person otherwise authorized herein to take final action is of the opinion that the proposed disposition should be reviewed at a higher level, he shall forward the case for such review.

(C) Nothing in this Directive shall be construed as altering any provision of Subpart Y of Part 0 of Title 28 of the Code of Federal Regulations requiring the submission of certain cases to the Attorney General, the Deputy Attorney General, or the Solicitor General.

(D) Authority to approve recommendations that the Government confess error, or make administrative settlements, in cases on appeal, is excepted from the foregoing redelegations.

(E) The Assistant Attorney General, at any time, may withdraw any authority delegated by this Directive as it relates to any particular case or category of cases, or to any part thereof.

Section 7. This Directive supersedes Tax Division Directive No. 27, approved May 31, 1976.

Section 8. This Directive shall become effective December 3, 1976.

SCOTT P. CRAMPTON,
Assistant Attorney General.

Approved: November 22, 1976.

HAROLD R. TYLER, Jr.,
Deputy Attorney General.

[FR Doc.76-35713 Filed 12-2-76;8:45 am]

[Tax Division Directive No. 29]

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

Appendix to Subpart Y—Redelegations of Authority To Compromise and Close Civil Claims

TAX DIVISION

REDELEGATION OF AUTHORITY TO RELEASE RIGHTS OF REDEMPTION IN CERTAIN CASES

By virtue of the authority vested in me by Part O of Title 28 of the Code of Federal Regulations, particularly §§ 0.70, 0.160, 0.162, 0.164, 0.166, and 0.168, it is hereby ordered as follows:

Sec. 1. The U.S. Attorney for each district in which is located real property, which is subject to a right of redemption of the United States in respect of Federal tax liens, arising under section 2410(c) of title 28 of the United States Code, or under State law when the United States has been joined as a party to a suit, is authorized to release the right of redemption, subject to the following limitations and conditions—

(1) This redelegation of authority relates only to real property on which is located only one single-family residence, and to all other real property having a fair market value not exceeding $40,000. That limitation as to value or use shall not apply in those cases in which the release is requested by the Veterans Administration or any other Federal agency.

(2) The consideration paid for the release must be equal to the value of the right of redemption, or fifty dollars ($50), whichever is greater. However, no consideration shall be required for releases issued to the Veterans Administration or any other Federal agency.

(3) The following described documents must be placed in the U.S. Attorney's file in each case in which a release is issued—

(A) The favorable recommendation of the appropriate Regional Counsel of the Internal Revenue Service.

(B) Appraisals by two disinterested and well-qualified persons. In those cases in which the applicant is a Federal agency, the appraisal of that agency may be substituted for the two appraisals generally required.

(C) Such other information and documents as the Tax Division may prescribe.

Sec. 2. This Directive supersedes Tax Division Memo. No. 391, approved October 7, 1964.

Sec. 3. This Directive shall become effective 22nd November, 1976.

SCOTT P. CRAMPTON,
Assistant Attorney General,
Tax Division.

Approved:

HAROLD R. TYLER, Jr.,
Deputy Attorney General.

[FR Doc.76-35714 Filed 12-2-76;8:45 am]

Title 7—Agriculture

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

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 3]

PART 722—COTTON

Subpart—Base Acreage Allotments for 1974 and Succeeding Crops of Upland Cotton

This amendment is issued pursuant to the Agricultural Adjustment Act of 1938, as amended by the Agricultural Act of 1970 and the Agriculture and Consumer Protection Act of 1973 (Pub. L. 91-524, Pub. L. 93-86, 84 Stat. 1358, 87 Stat. 221). The purposes of this amendment are as follows:

1. To provide that the State ASC Committee shall set and publicize the dates for transfer, release and reapportionment.

2. To provide that a late-filed release and request for reapportioned acreage may be accepted if the State ASC Committee determines that the producer was prevented from filing for reasons beyond his control.

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 that compliance with the notice, public procedure, and 30-day effective date requirements of 5 U.S.C. 553 is unnecessary and contrary to the public interest. Accordingly, this amendment shall become effective December 3, 1976.

The regulations governing Base Acreage Allotments for 1974 and Succeeding Crops of Upland Cotton, (39 FR 27305, 40 FR 28601 and 41 FR 31803), are hereby amended as follows:

1. Paragraph (g) of § 722.408 is revised to read as follows:

§ 722.408 Release and reapportionment of cotton base acreage allotment.

* * * * *

(g) *Closing dates.* The State Committee shall establish and publicize the closing dates for the entire State or for areas consisting of one or more counties in the State taking into consideration the normal planting dates for the States. The State committee may authorize either a late-filed release or a request for reapportionment upon a finding that the producer was prevented from filing for reasons beyond his control.

* * * * *

(Secs. 301, 344a, 350, 375, 52 Stat. 38, as amended, 79 Stat. 1197, as amended, 79 Stat. 1193, as amended, 52 Stat. 66, as amended (7 U.S.C. 1301, 1344b, 1350, 1375).)

Effective date: December 3, 1976.

Signed at Washington, D.C., on: November 22, 1976.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.76-35475 Filed 12-2-76;8:45 am]

PART 722—COTTON

1977 Crop of Extra Long Staple Cotton; Acreage Allotments and Marketing Quotas

STATE RESERVES AND COUNTY ALLOTMENTS

The regulation at 7 CFR 722.562 is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.) (referred to as the "Act"), with respect to the 1977 crop of extra long staple cotton (referred to as "ELS cotton"). The purpose of this section is to establish State reserves, allocate the State reserves to counties and officially establish county allotments. Determinations with respect to 1977 State reserves and allocation of State reserves to counties were made initially by the respective State committees and are hereby approved and made effective by the Administrator, ASCS, pursuant to delegated authority (35 FR 19798, 36 FR 6907, 37 FR 624, 3845, 22008, 40 FR 18815).

Notice that the Secretary was preparing to establish 1977 State and county allotments was published in the FEDERAL REGISTER on July 30, 1976 (41 FR 31848) in accordance with 5 U.S.C. 553. No comments or recommendations were received concerning this determination.

In order that farmers may be informed as soon as possible of 1977 farm allotments so that they may make plans accordingly, it is essential that this section be made effective as soon as possible. Accordingly, it is hereby found and determined that compliance with the 30-day effective date requirement of 5 U.S.C. 553 is impracticable and contrary to the public interest, and this document shall be effective upon filing with the Director, Office of the Federal Register. The material previously appearing in this section as "Subpart—1976 Crop of Extra Long Staple Cotton; Acreage Allotments and Marketing Quotas" remain in full force and effect as to the crop to which it was applicable.

7 CFR 722.562 and the title to the subpart are amended to read as follows:

Subpart—1977 Crop of Extra Long Staple Cotton; Acreage Allotments and Marketing Quota

§ 722.562 State reserves and county allotments for the 1977 crop of extra long staple cotton.

(a) *State reserves.* The State reserves for each State shall be established and allocated among uses for the 1977 crop of extra long staple cotton pursuant to § 722.508. It is hereby determined that no State reserve is required for abnormal conditions, inequities and hardships or small farms. The amount of the State reserve held in each State and the amount of allotment in the State productivity pool resulting from productivity adjustments under § 722.529 (c) and (d) is available for inspection at each State ASCS office.

(b) *County allotments.* County allotments are established for the 1977 crop of extra long staple cotton in accordance with § 722.509. The amount of the State allotment apportioned to counties is available for inspection at the respective State and county ASCS offices.

(Secs. 344, 347, 375, 63 Stat. 670, as amended, 675, as amended, 52 Stat. 66, as amended (7 U.S.C. 1344, 1347, 1375).)

Effective date: These amendments become effective on November 30, 1976.

Signed at Washington, D.C., on November 30, 1976.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.76-35683 Filed 11-30-76;4:13 pm]

PART 729—PEANUTS

1977 Crop of Peanuts: Acreage Allotments and Marketing Quotas

Basis and purpose. The provisions of §§ 729.100 to 729.103 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 *et seq.*) with respect to the 1977 crop of peanuts. The purposes of §§ 729.100 to 729.103 are to proclaim a national marketing quota, establish the national acreage allotment and apportion such allotment to the States for the 1977 crop of peanuts in accordance with section 358 of the act (7 U.S.C. 1358). The findings and determinations made with respect to these matters are based on the latest available statistics of the Federal Government.

Notice that the Secretary was preparing to determine the acreage allotments and marketing quota for the 1977 crop of peanuts was published in the FEDERAL REGISTER on November 9, 1976 (41 FR 49492). No submissions were received in response to such notice.

In order that peanut farmers may be notified as soon as possible of farm allotments for the 1977 crop of peanuts, it is essential that §§ 729.100 to 729.103 be made effective as soon as possible. Accordingly, it is hereby found and determined that compliance with the 30-day effective date requirement of 5 U.S.C. 553 is impracticable and contrary to the public interest and §§ 729.100 to 729.103 shall be effective November 30, 1976. The material previously appearing in this subpart in §§ 729.100 to 729.103 remains in full force and effect as to the crops to which it was applicable.

Accordingly, the regulations in 7 CFR 729.100 to 729.103 are revised as follows:

Sec.
729.100 Proclamation of national marketing quota for the 1977 crop of peanuts.
729.101 National acreage allotment for the 1977 crop of peanuts.
729.102 Reserved.
729.103 Apportionment to States.

AUTHORITY: Secs. 301, 358, 375, 52 Stat. 38, as amended, 55 Stat. 88, as amended, 52 Stat. 66, as amended (7 U.S.C. 1301, 1358, 1375).

§ 729.100 Proclamation of national marketing quota for the 1977 crop of peanuts.

(a) *Statutory requirements.* Section 358(a) of the Agricultural Adjustment Act of 1938, as amended, provides that between July 1 and December 1 of each calendar year the Secretary shall proclaim a national marketing quota for the crop of peanuts to be produced in the next succeeding calendar year. The quota for such crop shall be the quantity of peanuts which will make available for marketing a supply equal to the average quantity of peanuts harvested for nuts during the immediately preceding 5 years, adjusted for current trends and prospective demand conditions. The minimum quota shall be a quantity of peanuts sufficient to provide a national acreage allotment of not less than 1,610,000 acres.

(b) *Findings and determinations.* The following findings and determinations under section 358(a) of the act are hereby made:

(1) Average quantity of peanuts harvested for nuts during the 5 year period 1971–1975, adjusted for current trends and prospective demand conditions—1,728,000 tons;

(2) Normal yield per acre of peanuts for the United States on the basis of the average yield per acre of peanuts in the 5 year period 1971–1975, adjusted for trends in yields and abnormal conditions of production affecting yields—2,570 pounds;

(3) Conversion of the quantity of peanuts determined under (1) of this paragraph into acres on the basis of the normal yield amounts to 1,344,747 acres;

(4) Conversion of the minimum national acreage allotment of 1,610,000 acres into tons of quota on the basis of the normal yield—2,068,850 tons.

(c) *National marketing quota.* The national marketing quota for the 1977 crop of peanuts is hereby proclaimed to be 2,068,850 tons on the basis of the minimum national acreage allotment determined under paragraph (b)(4) of this section since such amount of quota would not be obtained by the smaller amount determined under paragraph (b)(3) of this section.

§ 729.101 National acreage allotment for the 1977 crop of peanuts.

The national acreage allotment for the 1977 crop of peanuts based on the national marketing quota under § 729.100(c) is hereby established at 1,610,000 acres.

§ 729.102 [Reserved]

§ 729.103 Apportionment to States.

The national acreage allotment for the 1977 crop of peanuts of 1,610,000 acres is hereby apportioned to the States on the basis of their share of the national acreage allotment for 1976 as provided under section 358(c)(1) of the act:

State	*State acreage allotment*
Alabama	216,041
Arizona	761
Arkansas	4,238
California	930
Florida	55,572
Georgia	529,824
Louisiana	1,945
Mississippi	7,492
Missouri	247
New Mexico	5,787
North Carolina	167,879
Oklahoma	138,290
South Carolina	13,591
Tennessee	3,552
Texas	358,063
Virginia	104,828
Total	1,610,000

Effective date: November 30, 1976.

Signed at Washington, D.C. on: November 30, 1976.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.76-35684 Filed 11-30-76;4:13 pm]

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

[Orange Reg. 75, Amdt. 3]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Minimum Grade Regulation

This amendment of Orange Regulation 75 (§ 905.564; 41 FR 42177, 49474, 51029) is issued pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905). Effective December 6, 1976, the amendment requires fresh shipments of Early and Midseason oranges (oranges other than Navel oranges, Temple oranges, Murcott Honey oranges, and Valencia, Lue Gim Gong, and similar late maturing oranges of the Valencia type), grown in the production area in Florida, to grade at least U.S. No. 1, except that such oranges must meet the higher external quality requirements prescribed by the Florida No. 1 Grade. The current minimum grade requirement for such oranges is U.S. No. 1. The specified minimum grade requirement for fresh shipments of such oranges is necessary to satisfy current and prospective demand for such fruit and maintain orderly marketing conditions.

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the regulation of shipments of oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The amendment reflects the Department's appraisal of the current and prospective demand for Early and Midseason oranges by fresh domestic and export market outlets. It is designed to provide ample supplies of oranges of the more desirable grades in the interest of growers and consumers. The action is designed to prevent shipment of lower quality fruit, which tends to weaken the market for such fruit, when more than ample quantities of the more desirable grades are available to serve consumers' needs. The amendment reflects the good external appearance of the fruit at the present stage of maturity. This amendment is consistent with the objectives of the act of promoting orderly marketing and protecting the interest of consumers.

(3) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; 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. Domestic and export shipments of oranges, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after open meetings of the committees on November 23, 1976, such meetings were held to consider recommendations for regulation, after giving due notice of such meetings, and interested persons were afforded an opportunity to submit their views at these meetings; the provisions of this amendment, including the effective time hereof, are identical with the aforesaid recommendations of the committees, and information concerning such provisions and effective time has been disseminated among handlers of such fruits; it is necessary to make this amendment effective on December 6, 1976, to preclude the shipment of lower quality oranges, as hereinafter set forth, and to otherwise effectuate the declared

policy of the act; and compliance with this amendment will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

Order. In § 905.564 (Orange Regulation 75; 41 FR 42177, 49474, 51029) the provisions of paragraphs (a) (1), (b) (1), and (c) are amended to read as follows:

§ 905.564 Orange Regulation 75.

(a) * * *

(1) Any oranges, except Navel oranges, Temple oranges, Murcott Honey oranges, and Valencia, Lue Gim Gong and similar late maturing oranges of the Valencia type, grown in the production area, which do not grade at least U.S. No. 1: *Provided,* That such oranges shall meet the minimum external quality requirements prescribed by the Florida No. 1 Grade for oranges;

* * * * *

(b) * * *

(1) Any oranges, except Navel oranges, Temple oranges, Murcott Honey oranges, and Valencia, Lue Gim Gong and similar late maturing oranges of the Valencia type, grown in the production area, which do not grade at least U.S. No. 1: *Provided,* That such oranges shall meet the minimum external quality requirements prescribed by the Florida No. 1 Grade for oranges;

* * * * *

(c) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; Florida No. 1 grade, as used herein, shall have the same meaning as provided in Chapter 20–35 of the Regulations of the Florida Department of Citrus, all other terms relating to grade and diameter, as used herein, shall have the same meaning as is given to the respective term in the revised United States Standards for Grades of Florida Oranges and Tangelos (7 CFR 51.1140–51.1180) or the revised United States Standards for Grades of Florida Tangerines (7 CFR 51.1810–51.1835).

(d) * * *

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

Dated, November 30, 1976, to become effective December 6, 1976.

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

[FR Doc.76-35697 Filed 12-2-76;8:45 am]

[Lemon Reg. 69]

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 Dec. 5–11, 1976. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 910. The quantity of lemons so fixed was arrived at after consideration of the total available supply of lemons, the quantity of lemons currently available for market, the fresh market demand for lemons, lemon prices, and the relationship of season average returns to the parity price for lemons.

§ 910.369 Lemon Regulation 69.

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

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

(i) The committee has submitted its recommendation with respect to the quantity of lemons it deems advisable to be handled during the ensuing week. Such recommendation resulted from consideration of the factors enumerated in the order. The committee further reports the demand for lemons is good this week. Average f.o.b. price was $4.83 per carton the week ended November 27, 1976, compared to $4.86 per carton the previous week. Track and rolling supplies at 115 cars were up 25 carlots from last week.

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

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on November 30, 1976.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period December 5, 1976, through December 11, 1976, 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: December 2, 1976.

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

[FR Doc.76-35854 Filed 12-2-76;11:26 am]

PART 945—IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREGON

Expenses and Rate of Assessment

This document authorizes the Idaho-Eastern Oregon Potato Committee to spend $52,833.35 for its operations during the fiscal period ending May 31, 1977, and to collect $0.0026 per hundredweight on assessable potatoes handled by first handlers to defray such expenses.

The committee is the administrative agency established under Marketing Agreement No. 98 and Order No. 945, both as amended (7 CFR Part 945), regulating the handling of Irish potatoes grown in Idaho and Malheur County, Oregon. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

Notice was published in the November 12 FEDERAL REGISTER (41 FR 49992) regarding the proposals. It afforded interested persons an opportunity to file written comments not later than November 29, 1976. None was filed.

After consideration of all relevant matters, including the proposals in the notice, it is found that the following expenses and rate of assessment shall be approved.

It is further found that good cause exists for not postponing the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) because this part requires that the rate of assessment for a particular fiscal period shall apply to all assessable potatoes from the beginning of such period.

The regulation follows:

§ 945.229 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred during the fiscal period ending May 31, 1977, by the Idaho-Eastern Oregon Potato Committee for its maintenance and functioning and for such other purposes as the Secretary determines to be appropriate will amount to $52,833.35.

(b) The rate of assessment to be paid by each handler in accordance with this part shall be $0.0026 per hundredweight, or equivalent quantity, of assessable potatoes handled by him as the first handler during the fiscal period.

(c) Unexpended income in excess of expenses for the fiscal period may be carried over as a reserve to the extent authorized in § 945.44(b).

(d) Terms used in this section shall have the same meaning as when used in the marketing agreement and this part.

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

Dated: November 30, 1976.

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

[FR Doc.76-35698 Filed 12-2-76;8:45 am]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS AND GRANTS PRIMARILY FOR REAL ESTATE PURPOSES

[FmHA Instruction 444.1]

PART 1822—RURAL HOUSING LOANS AND GRANTS

Subpart A—Section 502 Rural Housing Loan Policies, Procedures and Authorizations

ADEQUATE SERVICING FOR OUTSTANDING FmHA RURAL HOUSING ACCOUNTS

Sections 1822.7 and 1822.17 of Subpart A of Part 1822 of Title 7, Code of Federal Regulations (39 FR 44993) are amended. Section 1822.7 is amended to add paragraph (r) to authorize the processing and closing of loans on applications which are received prior to the date an area is determined to be nonrural, provided loan applicants are otherwise eligible; § 1822.17 is amended to add paragraph (e) to authorize certain subsequent loans in areas which have changed from rural to nonrural.

It is the policy of this Department that rules relating to public property, loans, grants, benefits, or contracts shall be published for comment notwithstanding the exemption of 5 U.S.C. 553 with respect to such rules. These amendments, however, are not published for proposed rulemaking because the changes being made are required to provide adequate servicing for outstanding FmHA rural housing accounts and to delay issuance of such amendments would be contrary to the public interest.

Interested persons are invited to submit written comments, suggestions, or objections regarding the revision on or before January 3, 1977, to the Office of the Chief, Directives Management Branch, Farmers Home Administration, Department of Agriculture, Room 6316, South Building, Washington, DC 20250. Material thus submitted will be evaluated and acted upon in the same manner as if this document was a proposal. However, these amendments shall remain in effect until they are 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. to 4:45 p.m.). Accordingly, §§ 1822.7(r) and 1822.17(e) as added read as follows:

§ 1822.7 Special requirements.

* * * * *

(r) *Location of property.* The property for which a loan is made must be located in a rural area as defined in § 1822.3(c) or on a farm, except that if the area where the property is located has changed from rural to nonrural after August 3, 1976, loan applications received prior to the date the area was determined nonrural may be processed and loans closed on such applications, provided the loan applicants are otherwise eligible.

* * * * *

§ 1822.17 Subsequent section 502 loans.

* * * * *

(e) Subsequent loans may be made on property in an area the designation of which changed from rural to nonrural after the initial loan was made only in the following instances: In connection with a credit sale of inventory property, to make necessary repairs; and, in connection with an assumption and transfer of property securing an RH loan, to make necessary repairs or to pay equity. Subsequent loans may not be made to existing borrowers in a nonrural area.

(42 U.S.C. 1480; delegation of authority by the Secretary of Agriculture, 7 CFR 2.23; delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70.)

Effective date. The amendments shall become effective on December 3, 1976.

Dated: November 12, 1976.

FRANK B. ELLIOTT,
Administrator, Farmers Home Administration.

[FR Doc.76-35707 Filed 12-2-76;8:45 am]

[FmHA Instruction 442.13]

PART 1823—ASSOCIATION LOANS AND GRANTS—COMMUNITY FACILITIES, DEVELOPMENT, CONSERVATION, UTILIZATION

Subpart P—Development Grants for Community Domestic Water and Waste Disposal Systems

MISCELLANEOUS AMENDMENTS

On pages 37340 and 37341 of the FEDERAL REGISTER dated September 3, 1976, there was published a notice of proposed rulemaking of miscellaneous amendments to § 1823.472 of Subpart P of Part 1823, Title 7, Code of Federal Regulations (39 FR 20475; 40 FR 27475). These amendments incorporated certain editorial and procedural changes to include additional users who may benefit from FmHA grants; to further explain bulk service to users; to refer to user cost and median income rather than family user cost and median family income; the deletion of reference to waste treatment and waste collection facilities being recognized as separate projects; and to include an explanation of the refunding of grant funds.

Interested persons were given until October 4, 1976, to submit written comments, suggestions or objections regarding the proposed amendments. All comments submitted were given due consideration and with minor editorial changes the proposed miscellaneous amendments are adopted and set forth below.

As amended § 1823.472 (b), (b)(1), (b)(2) and (b)(3), (d)(3) and (e)(1) read as follows:

§ 1823.472 Application processing.

* * * * *

(b) *Determining the need for development grant.* Grants will be used for water and waste disposal projects serving the most financially needy communities to reduce user costs to a reasonable level for farmers, ranchers, and rural residents. Other rural users whose needs are met or, if there is no meter, could be met by a single residential-size water meter may also be considered eligible. For example, a user on a waste system may be considered for a grant when the water needs of the waste user are met or could be met by such residential size meter. This method of computing grants will be used for all water and waste disposal projects. Reasonable user rate is defined as that which is not less than existing prevailing rates in communities being served by an established system constructed at similar user cost having similar economic conditions. User costs shall include charges, taxes, and assessments attributable to the project.

(1) Ordinarily a grant will be considered only when the debt service portion of the average user cost for either water or waste service for only those users in the applicant service area as specified in paragraph (b) of this section exceeds one percent (1 percent) of the median income (average income if median income is not available) as determined in accordance

with paragraph (b)(3) of this section and will be limited to an amount necessary to reduce the debt service portion of such user cost to such one percent (1 percent) level. This procedure shall not be used to result in a rate below that deemed to be reasonable as defined in paragraph (b) of this section. When the applicant will be furnishing bulk service to rural residents served by another system, a grant to such applicant may also be considered for an amount to reduce the user costs on a similar basis as provided in the paragraph for users of such other system; and an agreement between the applicant and the other system (entity) will be obtained that clearly shows that the benefits of the grant will accrue only to the users intended to be benefited by the grant.

(2) If, after applying the formula described in paragraph (b)(1) of this section, FmHA determines that a reasonable user cost has not been achieved due to unusually high operation and maintenance costs, construction or water acquisition costs, or other factors, FmHA may proceed with a grant in an amount necessary to reduce the user costs to not below a reasonable level as defined in paragraph (b) of this section.

(3) The median income in the applicant community or those reference communities used in comparing the proposed system with similar systems, will be determined by the FmHA State Director as follows:

(i) The median income will be determined from the U.S. Department of Commerce, Bureau of the Census, Publication PC (1)—C series, which is available for each State; or

(ii) For those projects where the FmHA State Director has reason to believe that the census data is not an accurate representation of the median income within the area to be served, he may determine the median income taking into consideration the following:

* * * * *

(d) * * *

(3) FmHA grants may be used on projects where other types of financial assistance are available on all or part of the project, provided the other assistance is on reasonable rates and terms. In such cases, the maximum percentages allowed under other agencies' authorities will apply to their participation in the project. However, the FmHA grant may not exceed fifty percent (50 percent) of the eligible project development costs. The need for FmHA grant funds must meet the requirements of paragraph (b) of this section after considering all project financing.

* * * * *

(e) *Grant closing and delivery of funds.* (1) Grants will be closed in accordance with instructions received from the Office of the General Counsel. The policy of FmHA is not to disburse grant funds from the Treasury until they are actually needed by the applicant. Borrower funds and loan funds will be disbursed before the disbursal of any grant funds. If grant funds are available from other agencies and are transferred to the Finance Office for disbursement by FmHA, these grant funds shall be disbursed proportionately in accordance with the agreement governing such agencies' participation in the grant. Any grant funds remaining after project completion will be refunded in direct proportion to the amount obtained or obligated from each grant source.

* * * * * *

(7 U.S.C. 1989; delegation of authority by the Secretary of Agricuture, 7 CFR 2.23; delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70)

Effective date: These amendments are effective on December 3, 1976.

Dated: November 11, 1976.

JOSEPH R. HANSON,
Acting Administrator,
Farmers Home Administration.

[FR Doc.76-35708 Filed 12-2-76;8:45 am]

[FmHA Instruction 465.1]

PART 1872—REAL ESTATE SECURITY

Subpart A—Servicing and Liquidation of Real Estate Security for Loans to Individuals and Certain Note-Only Cases

TRANSFER OF REAL ESTATE LOAN ACCOUNTS

Section § 1872.18 paragraph (c)(1) of Subpart A of Part 1872 of Title 7, Code of Federal Regulations is amended to authorize the transfer of real estate loan accounts for property located in areas where the designation has changed from rural to nonrural and for editorial purposes.

It is the policy of this Department that rules relating to public property, loans, grants, benefits, or contracts shall be published for comment notwithstanding the exemption of 5 U.S.C. 553 with respect to such rules. These amendments, however, are not published for proposed rulemaking because the changes being made are required to provide adequate servicing for outstanding FmHA rural housing loan accounts and to delay issuance of such amendments would be contrary to the public interest.

Interested persons are invited to submit written comments, suggestions, or objections regarding this amendment on or before January 3, 1977, to the Office of the Chief, Directives Management Branch, Farmers Home Administration, Department of Agriculture, Room 6316, South Building, Washington, DC 20250. Material thus submitted will be evaluated and acted upon in the same manner as if this document was a proposal. All written submissions made pursuant to this notice will be available for public inspection at the Office of the Chief, Directives Management Branch, Farmers Home Administration, during regular business hours (8:15 a.m. to 4:45 p.m.).

Accordingly, § 1872.18 paragraph (c)(1) as amended reads as follows:

§ 1872.18 Transfer of real estate security.

* * * * *

(c) *Transfer of loans to eligible applicants*—(1) *Eligibility.* A loan may be transferred to an applicant who meets the eligibility requirements for the kind of loan being assumed or whose situation after the transfer will satisfy such eligibility requirements. Loans may also be transferred under the following conditions:

(i) *RH loan.* An RH loan to a person of low or moderate income may be transferred to a person whose income is above moderate and who meets the other requirements of an eligible transferee. However, preference will be given to low- or moderate-income applicants who have indicated an interest in buying the property. An above-moderate loan may be transferred to an applicant whose income may not be in the above-moderate category provided his income is sufficient to meet the terms of the loan. Such a loan, after the transfer, will continue to be classified as above moderate. An RH loan may be transferred to an applicant who meets the eligibility requirements for an RH loan, notwithstanding the fact that the property is located in an area the designation of which has changed from rural to nonrural.

(ii) *ORE loan.* An ORE loan may be transferred to an applicant who meets the eligibility requirements for an FO loan, or to an applicant who meets the eligibility requirements for an RH loan if it is a nonfarm tract and was security for an RH loan originally.

(iii) *SL and other emergency-type loans.* SL and other emergency-type loans no longer being made may be transferred to an applicant who meets current EM loan requirements.

(iv) *Other loans.* Any other type of loan for which there are no present authorizations or eligibility requirements may be transferred only with the advice of the National Office after considering the recommendations of the State Director or reviewing the case file.

* * * * *

(7 U.S.C. 1989, 42 U.S.C. 1480, 5 U.S.C. 301, delegation of authority by the Secretary of Agriculture, 7 CFR 2.23, delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70.)

Effective date: These amendments are effective on December 3, 1976.

Dated: November 12, 1976.

FRANK B. ELLIOTT,
Administrator, Farmers
Home Administration.

[FR Doc.76-35706 Filed 12-2-76;8:45 am]

Title 29—Labor

CHAPTER XX—OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

PART 2100—ETHICS AND CONDUCT OF OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION EMPLOYEES

PART 2202—RULES OF ETHICS AND CONDUCT OF REVIEW COMMISSION EMPLOYEES

Changes in Delegation of Authority and Minor Textual Changes

On February 13, 1975, the Commission published (40 FR 6649) rules implementing the provisions of Executive Order

11222 of May 8, 1965 and 5 CFR 735.101 et seq., prescribing standards of ethical conduct for government officials and employees. The Commission is making certain minor changes in the previously published rules and has received approval of the rules, including the changes noted below, from the Civil Service Commission.

The rules are intended to prescribe the conduct of Commission employees in situations where conflicts of interest might arise.

There are two (2) notable changes in the rules from the previously published version. First, the Chairman of the Commission is designated as the counsel for all matters within the scope of these rules, whereas, in the previous version this function was performed by the Executive Director. Second, there are additional positions at the Commission whose occupants must file financial disclosure statements; most notably, attorneys at grade GS–13 and above. Other changes were made to remove extraneous material and to correct typographical errors.

Also, the rules presently published in Part 2100 of this Title, are being redesignated as Part 2202.

Since notice and comment are not required with respect to these rules of agency organization, public comment is not being solicited prior to their adoption.

These rules become effective December 3, 1976.

In consideration of the foregoing, Part 2100 of Title 29 is hereby vacated, and new Part 2202 is hereby adopted and reads as follows:

Subpart A—General

Sec.
2202.1 Purpose and scope.
2202.2 Counseling Service.
2202.3 General.

Subpart B—Conduct

2202.4 General.
2202.5 Nondiscrimination.
2202.6 Gambling, betting, and lotteries.
2202.7 Misuse of official information.
2202.8 Misuse of Federal property.
2202.9 Partisan political activities.

Subpart C—Outside Interests, Employment Business and Professional Activities

2202.10 General.
2202.11 Conflict-of-interest.
2202.12 Clearance.

Subpart D—Gifts, Fees, Entertainment, Favors

2202.13 Acceptance of gratuities generally.
2202.14 Payments, expenses, reimbursements, entertainments, etc., from non-Government sources.
2202.15 Contributions and gifts to superiors.
2202.16 Permissible gifts.

Subpart E—Statements of Employment and Financial Interests

2202.17 Regular employees required to submit statements.
2202.18 Supplementary statements, regular employees.
2202.19 Special Government employees required to submit statements.
2202.20 Review procedures.
2202.21 Confidentiality.
2202.22 Review of files.
Sec.
2202.23 Interests of employees' relatives.
2202.24 Information not known by employees.
2202.25 Information not required.
2202.26 Effect of employees' statements on other requirements.

AUTHORITY: Sec. 12(g), Pub. L. 91-596, (29 U.S.C. 661(f)); Exec. Order No. 11,222, 3 C.F.R. (Rev. 1974), 18 U.S.C.A. § 201, note; 5 C.F.R. 735104; 18 U.S.C. §§ 201-209 (1962).

Subpart A—General

§2202.1 Purpose and scope.

(a) This part is designed to implement provisions of Executive Order 11,222, 3 C.F.R. (Rev. 1974), May 8, 1965, "Prescribing Standards of Ethical Conduct For Government Officials and Employees," and 5 C.F.R. 735.104 et seq. It prescribes standards of conduct for employees of the Occupational Safety and Health Review Commission (hereinafter OSHRC or the Commission) relating to conflicts of interest arising out of outside employment, private business and professional activities, and financial interests. It sets forth requirements for the disclosure of such interests by OSHRC employees. In addition, it states basic principles regarding employees' conduct on the job and the ethics of their relationship to OSHRC as their employer. This part applies to all regular and special Government employees except to the extent otherwise indicated herein. For the purpose of this part:

(1) "Regular employee" means an employee of OSHRC, but does not include a special Government employee.

(2) "Special Government employee" means an employee of OSHRC who is retained, designated, appointed, or employed to perform, with or without compensation, for not to exceed 130 days during any period of 365 consecutive days, temporary duties either on a full-time or intermittent basis.

(3) "Employee" means a regular and a special Government employee.

(4) The term "office", except where otherwise indicated, means an office which is not a part of a larger administrative subdivision of the Commission.

(b) This part, among other things, reflects prohibitions and requirements imposed by the criminal and civil laws of the United States. However, the paraphrased restatements of criminal and civil statutes in no way constitute an interpretation of construction thereof that is binding upon the Federal Government. Moreover, this part does not purport to paraphrase or enumerate all restrictions upon or requirements of Federal employees. The omission of a reference to any such restriction or requirement in no way alters the legal effect of that restriction or requirement.

§ 2202.2 Counseling service.

(a) The Chairman has been designated OSHRC counsel in matters within the scope of the regulations in this part. Employees are expected to familiarize themselves with the regulations in this part, the laws and regulations on which they are based. Attention of all employees is hereby directed to the statutes set forth in 5 C.F.R. 735.210 (see Appendix A to this part). Employees who need clarification of the standards of conduct, and related laws, rules, and regulations should consult the Chairman.

(b) Each head of an office is responsible for application of the standards of conduct to employees under his jurisdiction. He is responsible for assuring that his employees are furnished copies of the regulations in this part not later than 90 days after they become effective. Each new employee shall be furnished such a copy no later than the time of his entrance on duty. The heads of offices shall assure that employees are advised of the times and places where counseling services are available. They shall assure that the regulations in this part are brought to the attention of each employee at least annually and at such other times as circumstances warrant.

§ 2202.3 Remedial action.

(a) Failure of an employee to comply with any of the standards of conduct set forth in this part shall be a basis for such disciplinary or other remedial action as may be appropriate to the particular case. Such remedial action may include, but is not limited to:

(1) Changes in assigned duties;

(2) Divestment by the employee of his conflicting interest;

(3) Disciplinary action; or

(4) Disqualification for a particular assignment.

(b) Remedial action, whether disciplinary or otherwise, shall be effected in accordance with any applicable laws, Executive Orders and regulations.

Subpart B—Conduct

§ 2202.4 General.

(a) The effectiveness of OSHRC in fulfilling its statutory responsibilities depends upon the extent to which its officials and employees hold the public confidence. Employees are therefore required not only to observe the requirements of Federal laws, policies, orders and regulations governing official conduct, they must also avoid any apparent conflict with these requirements. Each employee shall avoid situations in which his private interests conflict or raise a reasonable question of conflict with his public duties and responsibility. An employee shall avoid any action, whether or not specifically prohibited, which might result in or create the appearance of using public office for private gain, giving preferential treatment to any person, impeding Government efficiency or economy, losing complete independence or impartiality, making a Government decision outside of official channels, or affecting adversely the confidence of the public in the integrity of the Government.

(b) Employees must conduct themselves in such manner that OSHRC's work is effectively accomplished. They must observe the requirements of cour-

tesy, consideration and promptness in dealing with or serving the public and all those interested in OSHRC. Although it is the policy of this agency not to restrict or interfere with the private lives of its employees, each employee is expected to conduct himself at all times so that his actions will not bring discredit upon OSHRC or the Federal service.

§ 2202.5 Nondiscrimination.

No employee in this Commission while in the performance of his duty may discriminate against any other employee or applicant for employment because of race, color, religion, national origin, sex, or age.

§ 2202.6 Gambling, betting, and lotteries.

An employee shall not participate, while on Government owned or leased property or while on duty for the Government, in any gambling activity, including the operation of a gambling device, in conducting a lottery or pool in a game for money or property, or in selling or purchasing a numbers slip or ticket.

§ 2202.7 Misuse of official information.

Employees may not, except with specific permission or as provided in § 2202.10 in regard to teaching, lecturing, or writing, directly or indirectly use or allow the use of official information for private purposes or to further a private interest when such information is not available to the general public; nor may employees disclose official information in violation of any applicable law, policy, Executive Order, or regulation.

§ 2202.8 Misuse of Federal property.

An employee shall not directly or indirectly use or allow the use of Government property, including property leased to the Government, for other than officially approved activities. An employee has a positive duty to protect and conserve such property and shall obey all rules and regulations.

§ 2202.9 Partisan political activities.

Employees are expected to observe the prohibitions on political activities set forth in subchapter III of chapter 73 of Title 5, United States Code; 18 U.S.C. 602, 603, 607, and 608; and Civil Service Rule IV, Title 5, Code of Federal Regulations, § 4.1. Explanations of the restrictions are set forth in the Employee Handbook, U.S. Civil Service Commission Pamphlet No. 20, and in the Federal Personnel Manual.

Subpart C—Outside Interests, Employment, Business and Professional Activities

§ 2202.10 General.

(a) In the absence of restrictions made necessary by an employee's public responsibilities, he is entitled to the same rights and privileges as all other citizens. There is therefore no general prohibition against Commission employees holding jobs, financial interests, or engaging in outside business or professional activities. Indeed, such outside activities as teaching, lecturing, and writing are generally to be encouraged since they frequently serve to enhance an employee's value to the Government as well as to increase the spread of knowledge in our society. The Chairman may, however, impose reasonable restrictions upon such activities where appropriate. In addition, an employee may not, whether for or without compensation, engage in teaching, lecturing, or writing, including teaching, lecturing or writing for the purpose of the special preparation of a person or class of persons for an examination of the Civil Service Commission or Board of Examiners for the Foreign Service, that is dependent on information obtained as a result of his Government employment, except when that information has been made available to the general public or will be made available on request when the head of his employing office gives written authorization for the use of nonpublic information on the basis that its use is in the public interest.

(b) No OSHRC employee may accept any outside employment, engage in any outside business, professional, or other activity, or have financial interests if such employment, activity or interests would be or appear to be in substantial conflict with OSHRC responsibilities or the interests of the Government, would interfere with the performance of official duties, would prevent a regular employee from rendering full-time service to OSHRC or require so much time that his efficiency is impaired, or if such employment, activity, or interest would bring discredit on OSHRC or the Government. In addition, no employee may engage, directly or indirectly, in a financial transaction as a result of, or relying primarily on, information obtained through his Government employment.

(c) No employee may use or appear to use his Government employment to coerce any person, enterprise, company, association, partnership, society, or other organization or instrumentality to provide financial benefit to himself or another person.

§ 2202.11 Conflict-of-interest laws.

Sections 201 through 209 of title 18, United States Code, prohibit and provide criminal penalties for certain acts by Government employees involving conflict-of-interest situations, including limited exceptions for special Government employees. These provisions include the following prohibitions:

(a) Section 203, in general, prohibits a Federal employee from soliciting, receiving, or agreeing to receive compensation for services rendered on behalf of another before a Government department or agency in relation to any particular matter in which the United States is a party or has a direct and substantial interest.

(b) Section 205, in general, prohibits a Federal employee from acting as agent or attorney for prosecuting any claim against the United States or acting as agent or attorney for anyone before any Federal courts or agencies in connection with any particular matters in which the United States is a party or has a direct and substantial interest. It also prohibits him from receiving any gratuity, or any share of or interest in any claim against the United States in consideration of assistance in the prosecution of such claim.

(c) Section 208, in general, prohibits a Government employee in his official capacity from participating personally and substantially through decision, approval, disapproval, recommendation, the rendering of advice, or otherwise in any particular matter in which, to his knowledge, he, his spouse, minor child, partner, organization in which he is serving as officer, director, trustee, partner, or employee or any person or organization with whom he is negotiating or has any arrangement concerning prospective employment has a financial interest. In accordance with the provisions of section 208(b)(2), the financial interests described below are hereby exempted from the prohibition of 18 U.S.C. 208 as being too remote or too inconsequential to affect the integrity of an employee's services in a matter: the policy holdings in an insurance company and the stock or bond holdings in a mutual fund, investment company, or bank which owns an interest in an entity involved in the matter: Provided, that in the case of a mutual fund, investment company, or bank the fair value of such stock or bond does not exceed 1 per cent of the value of the reported assets of the mutual fund, investment company, or bank. In addition, the prohibitions of section 208(a) shall not apply if the employee obtains advance clearance in accordance with the requirements of section 208.

(d) Section 209, in general, prohibits regular Government employees from receiving salary or supplementation of salary as compensation for their Government service from any source other than the United States. The statutory provisions described in this section are intended to call each employee's attention to problem areas and are not intended as a comprehensive description or interpretation of statutory prohibitions or the exceptions thereto. Employees who need guidance concerning the scope and application of the conflict-of-interest laws and their execution should consult the Chairman.

§ 2202.12 Clearance.

(a) Any employee who is engaged or is planning to engage in outside employment, business, professional, or other such activities has a positive obligation to inform himself fully concerning the requirements of this subpart and any laws, orders, regulations, or standards applicable to such activities. An employee shall request clearance from the Chairman as to whether such planned or current activities are prohibited:

(1) When such activities raise a substantial question of conflict with this subpart or any applicable laws, orders, regulations or standards;

(2) When applicable laws, orders, regulations, or standards require clearance of such activities; or

(3) When the employee is specifically so required by the individual responsible for clearance in order to avoid possible conflict with applicable laws, orders, regulations, or standards. The clearance request shall be in writing and shall include, at a minimum, the identity of the employee, a statement of the nature of the employment or activity, and the amount of time to be devoted to the employment or activity. The Chairman may require the employee to furnish such other information as may be appropriate in considering the clearance request. He may grant clearance only when he believes such activities would be consistent with applicable laws, orders, regulations, and standards. If clearance is not granted, the employee shall not commence or continue the outside employment or activity.

(4) The Chairman may exempt specific activities from these reporting requirements when he decides such activities cannot result in any substantial conflict of interest.

(b) The requirements set forth in this subpart are separate from and in addition to any provision under Subpart E of this part requiring an employee to submit a statement of employment and financial interests or any other requirements of that subpart.

Subpart D—Gifts, Fees, Entertainment, Favors

§ 2202.13 Acceptance of gratuities generally.

No employee shall solicit, accept, or agree to accept any direct or indirect favor, gift, loan, free service, gratuity, entertainment, or other item of economic value if the donor has or is seeking to obtain contractual or other business or financial relations with OSHRC, has interests that may be substantially affected by the performance or nonperformance of official duties, is attempting to reward or influence the employee's official actions, or if acceptance of such item could affect the employee's impartiality, or give that appearance. An employee shall not accept a gift, present, decoration, or other thing from a foreign Government unless authorized by Congress as provided by the Constitution and in 5 U.S.C. 7342. No regular Government employee may receive any salary or supplementation of salary from a private source as compensation for services to the Government.

§ 2202.14 Payments, expenses, reimbursement, entertainment, etc., from non-Government sources.

(a) In general, Decision B–1285727 of the Comptroller General dated March 7, 1967, restricts receipt of reimbursement for travel, subsistence, or other expenses from private sources by an employee on official business or agency orders. This decision or other regulations in this part do not restrict acceptance of contributions, awards, travel, subsistence, and other expenses from nonprofit organizations authorized by 5 U.S.C. 4111 and regulations issued thereunder; provided, that an employee may not, without the written permission of the Chairman (except as allowed by § 2202.16(a)(6)), accept from nongovernmental sources any payments, expenses, reimbursements, entertainment, or other item of economic value incident to training, attendance at meetings of any kind, or other activities, if such training, meetings, or activities are attended or performed wholly or partially within periods when he is on duty or at such time as OSHRC pays any expenses incident thereto in whole or in part. Such authorization may not be granted where prohibited by law or Decision B–128527 of the Comptroller General and may only be granted if acceptance of the contribution, award, or payment: (1) Would not reflect unfavorably on the ability of the employee to carry out his official duties in a fair and objective manner; (2) would not compromise the honesty and integrity of the Government programs or of Government employees and their official actions or decisions; (3) would be compatible with the Code of Ethics of Government Service expressed in House Concurrent Resolution 175, 85th Congress, second session; (4) would otherwise be proper and ethical for the employee concerned under the circumstances in his particular case, and (5) if the contribution, award, or payment is not a reward for services to the organization prior to the training or meeting. Authorization shall be limited to receipt of bona fide reimbursement for actual expenses of travel and other necessary subsistence for which no Government payment or reimbursement is made. However, an employee may not be reimbursed and payment may not be made on his behalf for excessive personal living expenses, gifts, entertainment, or other personal benefits.

§ 2202.15 Contributions and gifts to superiors.

No employee may solicit contributions from another employee for a gift to an employee in a superior official position. An employee in a superior official position shall not accept a gift presented as a contribution from employees receiving less salary than himself. An employee shall not make a donation as a gift to an employee in a superior official position. This section does not prohibit voluntary gifts of nominal value or donations in a nominal amount made on a special occasion such as marriage, illness, etc.

§ 2202.16 Permissible gifts.

(a) The prohibitions in this subpart do not preclude:

(1) Acceptance of unsolicited advertising or promotional material of nominal intrinsic value;

(2) Acceptance of an award for meritorious public contribution given by a charitable, religious, professional, social, fraternal, nonprofit educational, recreational, public service, or civil organization;

(3) Acceptance of gifts resulting from obvious family or personal relationships when the circumstances make clear that it is those relationships rather than the business of the persons concerned which are the motivating factor;

(4) Acceptance of loans from banks, or other financial institutions on customary terms to finance proper and usual activities;

(5) Acceptance of scholarships, fellowships, and similar forms of assistance which are incident to education or training pursued by an employee on his own time and his own initiative;

(6) Acceptance, without permission, of food, entertainment, and refreshments of nominal value on infrequent occasions in the ordinary course of a meeting, inspection tour, or training situations in which the employee is properly in attendance.

(b) Notwithstanding any reference to generally permissible gifts in this subpart, employees are expected to avoid any conflict or apparent conflict between their private interests and those of OSHRC and to observe the other standards of conduct set forth in Subpart B of this part.

Subpart E—Statements of Employment and Financial Interests

§ 2202.17 Regular employees required to submit statements.

(a) The following regular employees are required to submit to the Chairman statements of employment and financial interests on forms approved by the Chairman and furnished to the employees. Such forms must be completed in accordance with instructions applicable thereto. Forms shall be submitted not later than 90 days after the effective date of the regulations in this part, if employed on or before that effective date or 30 days after his entrance on duty, but not earlier than 90 days after the effective date if appointed after the effective date.

(1) Chief Legal Counsels to the Commission Members;
(2) Chief Judge;
(3) Executive Secretary;
(4) Chief Review Counsel;
(5) Director of Management Systems;
(6) Director of Information and Publications;
(7) Director of Personnel;
(8) Administrative Officer;
(9) Executive Director;
(10) Budget and Fiscal Officer;
(11) Administrative Law Judges, as defined by § 930.202(c) of the Civil Service Commission regulations (5 CFR 930.202(c));
(12) Counsel to the Commission;
(13) Any person designated to act in the stead of any of the above or who automatically serves in the absence of any of the above.
(14) Staff Attorney-Advisors at grade GS–13 and above.

(b) Additions to, deletions from, and other amendments of the list of positions in this section may be made from time to time as necessary to carry out the purpose of the law, Executive Order 11222, and Part 735 of the Civil Service Commission regulations (5 CFR Part

735). Such amendments are effective upon clearance by the Chairman and actual notification to the incumbents. The amended list shall be submitted annually for publication in the FEDERAL REGISTER.

(c) Any employee who believes that his position has been improperly included under this subpart as one requiring the submission of a statement of employment and financial interests shall have the opportunity for review of such inclusion by requesting the same by filing a written statement with the Chairman.

§ 2202.18 Supplementary statements, regular employees.

Changes in, or additions to the information contained in the regular employee's statement of employment and financial interests shall be reported in a supplementary statement as of September 30 each year. If there are no changes or additions, a negative report is required. Notwithstanding the filing of the annual report required by this section, each employee shall at all times avoid acquiring a financial interest that could result, or taking an action that would result, in a violation of the conflict-of-interest laws or Subpart C of this part.

§ 2202.19 Special Government employees required to submit statements.

(a) Before an individual enters on duty as a special Government employee, expert or consultant he is required to submit a statement of employment and financial interests to the Chairman on forms approved by the Chairman and furnished to the individual. Such forms must be completed in accordance with the instructions applicable thereto. This requirement applies to all other special Government employee positions unless the Chairman determines prior to appointment that the duties of the position are of such a level of responsibility that the submission of the statement is not necessary to protect the integrity of the Government. For the purpose of this section, "consultant" and "expert" shall be given these terms by Chapter 304 of the Federal Personnel Manual.

(b) Each special Government employee shall keep his statement of employment and financial interests current throughout his OSHRC employment by the submission of supplementary statements.

§ 2202.20 Review procedures.

(a) The Chairman shall promptly review each initial and supplementary statement of employment and financial interests required by this part. No individual may enter on duty as a special Government employee if the Chairman determines that employment would be in conflict with the standard set forth in this part, or other applicable regulations, laws, or orders.

(b) Before the Chairman disapproves a statement of employment and financial interests submitted by a regular or special Government employee, such employee must be given an opportunity to furnish such additional information as may be appropriate in considering the statement of employment and financial interests. If, after adequate investigation, he disapproves an employee's statement of employment and financial interests, he shall promptly notify the employee of the disapproval and recommend appropriate remedial action pursuant to § 2202.3. If the employee is unwilling or unable to take such action, the Chairman shall forthwith take appropriate action on such statements of employment and financial interests and shall initiate appropriate remedial action under § 2202.3 and other applicable laws, orders, and regulations. Pending any final determination with regard to an employee's statement of employment and financial interests, the Chairman shall relieve the employee of any duties which appear to conflict with a private interest or activity.

§ 2202.21 Confidentiality.

Each such statement of employment and financial interests and supplementary statements will be held in confidence. Statements shall be kept in a special file maintained by the Chairman. No statement or copy thereof may be placed in an employee's personnel file. The Chairman is also responsible for maintaining the statement in confidence and shall not allow an individual to examine any statement or copy thereof except for good cause shown, and in fulfillment of the individual's responsibilities under the regulations in this part. No information from a statement of employment and financial interests may be disclosed outside of the agency except in conformance with the Freedom of Information Act and the Privacy Act.

§ 2202.22 Review of files.

The Chairman or his designee may from time to time examine the files containing statements of employment and financial interests and supplementary statements. He shall take any appropriate corrective action.

§ 2202.23 Interests of employees' relatives.

For the purpose of the statements of employment and financial interests required by this subpart, the interest of a spouse, minor child, or other member of the employee's immediate household is considered to be an interest of the employee. For the purpose of this section, "member of an employee's immediate household" means those blood and in-law relations who are residents of the employee's household.

§ 2202.24 Information not known by employees.

If any information required to be included on a statement of employment and financial interests or supplementary statement, including holdings placed in trust, is not known to the employee but is known to another person, the employee shall request the other person to submit information in his behalf.

§ 2202.25 Information not required.

This subpart does not require an employee to submit, on a statement of employment and financial interests or supplementary statement, any information relating to the policy holdings in an insurance company and the stock or bond holdings in a mutual fund, investment company, or bank; provided, that in the case of a mutual fund, investment company, or bank, the fair value of such stock or bond holding does not exceed one percent of the value of the reported assets of the mutual fund, investment company, or bank. In addition, this subpart does not require submission of information relating to the employee's connection with, or interest in, a professional society or charitable, religious, social, fraternal, recreational, public service, civic, or political organization, or a similar organization not conducted as a business enterprise or subject to the provisions of the Occupational Safety and Health Act of 1970. For the purpose of this section, educational and other institutions doing research and development or related work involving grants of money from or contracts with the Government are deemed "business enterprises" and are required to be included in an employee's statement of employment and financial interests.

§ 2202.26 Effect of employees' statements on other requirements.

The statement of employment and financial interests and supplementary statements required of employees are in addition to, and not in substitution for, or in derogation of, any similar requirements imposed by law, order, or regulations. The submission of a statement or supplementary statement by an employee does not permit him or any other person to participate in a matter in which his or the other person's participation is prohibited by law, order, or regulation

APPENDIX A

Attention of OSHRC employees is hereby directed to the following statutory provisions:

(a) House Concurrent Resolution 175, 85th Congress, second session, 72 Stat., B12, the "Code of Ethics for Government Service."

(b) Chapter 11 of title 18, United States Code, relating to bribery, graft, and conflicts of interest, as appropriate to the employee concerned.

(c) The prohibition against lobbying with appropriated funds (18 U.S.C. 1913).

(d) The prohibition against disloyalty and striking (5 U.S.C. 7311, 18 U.S.C. 1918).

(e) The prohibitions against (1) the disclosure of classified information (18 U.S.C. 798, 50 U.S.C. 783); and (2) the disclosure of confidential information (18 U.S.C. 1905).

(f) The provision relating to the habitual use of intoxicants to excess (5 U.S.C. 7352).

(g) The prohibition against the misuse of a Government vehicle (31 U.S.C. 638a(c)).

(h) The prohibition against the misuse of the franking privilege (18 U.S.C. 1719).

(i) The prohibition against the use of deceit in an examination or personnel action in connection with Government employment (18 U.S.C. 1917).

(j) The prohibition against fraud or false statements in a Government matter (18 U.S.C. 1001).

(k) The prohibition against mutilating or destroying a public record (18 U.S.C. 2071).

(l) The prohibition against counterfeiting and forging transportation requests (18 U.S.C. 508).

(m) The prohibitions against (1) embezzlement of Government money or property (18 U.S.C. 641); (2) failing to account for public money (18 U.S.C. 643); (3) Embezzlement of the money or property of another person in the possession of an employee by reason of his employment (18 U.S.C. 654).

(n) The prohibition against unauthorized use of documents relating to claims from or by the Government (18 U.S.C. 285).

(o) The prohibition against political activities in subchapter III of chapter 73 of title 5, United States Code and 18 U.S.C. 602, 603, 607, and 608.

(p) The prohibition against an employee acting as the agent of a foreign principal registered under the Foreign Agents Registration Act (18 U.S.C. 219).

Issued at Washington, D.C. on November 30, 1976.

For the Commission,

WILLIAM S. MCLAUGHLIN,
Executive Secretary.

[FR Doc.76-35679 Filed 12-2-76;8:45 am]

PART 2200—RULES OF PROCEDURE

Discretionary Review of Administrative Law Judge Decisions; Policy Statement

A. ADOPTION

On June 18, 1976, a document was published in the FEDERAL REGISTER (41 FR 21724) proposing a new § 2200.92, setting out the rules under which review of administartive law judges' decisions by the Commission will be initiated. A large majority of the comments on the proposed amendment favored its adoption. Their reasons for supporting the proposed amendment were principally that it would reduce the number of decisions directed for review and, therefore, expedite the issuance of Commission decisions. All comments were given due consideration.

B. CHANGES IN PROPOSED AMENDED RULE

As a result of comment received, the following changes in the proposed amended rule are made in addition to language changes for clarification:

1. The new section is designated as § 2200.91a instead of § 2200.92.

2. Subparagraph (b)(2) is deleted as being duplicative of subparagraph (b)(3). The subparagraphs then are renumbered within paragraph (b).

3. Paragraph (d) adds language specifying the documents which should be filed with the Commission when seeking or opposing review of an administrative law judge's decision.

4. The first sentence of paragraph (e) is deleted because it is a matter of internal policy.

5. Paragraph (f) is deleted in its entirety because it dealt with matters which arise after review has been directed and was surplusage in respect to what a record should contain.

C. COMMENTS NOT ADOPTED

The following suggestions were not adopted for the reasons noted.

1. The rule was criticized as not allowing for issues to be raised which have not been raised before the administrative law judge, even if the issue was one of general public concern, or where the issue was not raised due to extraordinary circumstances. It is believed that the suggestion is not workable, since there should be a record on any issue which the Commission considers.

2. The rule was criticized because it requires issues upon review to be specifically set forth and requires citations to the record. The basis of this criticism was that it would require small employers and self-employed individuals to obtain counsel in order to file a petition for review. It is not the policy of the Commission to require employers to retain counsel to bring a case before the Commission. However, the requirement of setting forth clearly the issues which the Commissioners are asked to review is necessary in order for the business of the Commission, i.e., deciding disputed issues, to proceed in an orderly fashion. Orderly conduct of Commission business results in equitable treatment to all parties before the Commission. (See Legislative History of A.P.A. S. Doc. 248, 79th Cong., 2nd Sess., 273 (1946).

3. The rule was also criticized on the basis that it overrides the authority granted in the Act for one Commissioner to direct review of any case in which, in his discretion, he deems review to be proper. The Commission has considered this argument and has decided, after careful consideration, that this argument does not have merit, since the rule does not limit in any manner a Commissioner's right to direct review, but merely establishes administrative guidelines for the exercise of that right.

4. The rule was criticized as being in conflict with certain portions of the Advance Notice of Proposed Rulemaking (41 FR 26707, June 28, 1976), which discusses a possible complete revision of the Rules of Procedure. We do not believe a conflict exists since the advance notice addresses this. Assuming a conflict does exist, any such conflict would be reconciled in action on the advance notice document.

D. POLICY STATEMENT

Since November 1975, a Commission member has issued directions for review stating no specific issue for Commission adjudication when ordering review of judges' decisions. The stated purpose of some directions for review was to insure that the text of the administrative law judge's decision would be published. Subsequently, other directions for review stated no specific issue, but provided either that the decision of the judge "shall be reviewed by the Commission" or "shall be reviewed for error by the Commission." In some cases directed for review, a Petition for Discretionary Review was filed and, in other cases, no petition was filed. We note that in some of these cases parties have filed briefs, letters, or other responses to the direction for review. In other cases no response has been received.

The Commission has held that the directions for review issued for the purpose of assuring publication of the judges' decisions are invalid, since they exceeded the authority granted to each Commission member to direct review of a case for adjudicatory purposes. The directions for review were therefore vacated. See *Francisco Tower Service, Inc.*, Docket No. 4845, BNA 3 OSHC 1952, CCH OSHD para. 20,401 (February 6, 1976). Similar action was taken in subsequent cases in which the direction for review stated no specific issue, and neither Petitions for Discretionary Review nor responses to the directions for review were received from any party. See, e.g., *C. N. Stemper Co.*, Docket No. 13315, BNA 4 OSHC 1348 (June 23, 1976).

The Commission has determined that vacation of directions for review which state no specific issue would be inequitable in pending cases wherein the parties or one of them have petitioned for review or filed responses to the directions for review or both. In such cases the filing parties may have relied on the directions for review and have presumed their cases are properly on review. On the other hand, the Commission realizes that some parties may have believed, in view of decisions cited above, that their cases were not properly on review and that the direction for review would be vacated.

The Commission has therefore decided to implement the following policy in cases pending on the date of publication of this document in which no specific issue for adjudication is stated by the direction for review.

1. The Commission will affirm the judge's decision in those cases where no party has petitioned for review and no party has responded to a "no issue" or "for error" direction for review seeking modification or reversal of the judge's decision. Such action will not be considered binding Commission precedent. See *Abbott-Sommer, Inc.*, Docket No. 9507, BNA 3 OSHC 2032, CCH OSHD para. 20,428 (February 17, 1976).

2. When one or more parties has filed a petition for review, a brief on review, or otherwise responded to a "no issue" or "for error" direction for review and does seek modification or reversal of the judge's decision, the Commission will review the issues raised by such petition, or response. If, as a result of such review, the Commission determines that an issue or issues should be decided by the Commission, the parties will be notified and afforded an opportunity to file such other briefs as may be appropriate.

Accordingly, 29 CFR Part 2200 is amended as set forth below by adding a new § 2200.91a.

Effective date: The new § 2200.91a shall become effective January 3, 1977.

Adopted by the Occupational Safety and Health Review Commission at its office in Washington, D.C., on the 1st day of December, 1976.

For the Commission.

WILLIAM S. MCLAUGHLIN,
Executive Secretary.

§ 2200.91a Review by the Commission.

(a) Review by the Commission shall not be a matter of right but of the sound discretion of a member of the Commission.

(b) Petitions for discretionary review shall be filed only upon one or more of the following grounds:

(1) A finding of material fact is not supported by a preponderance of the evidence.

(2) The decision is contrary to law or to the duly promulgated rules or decisions of the Commission.

(3) A substantial question of law, abuse of discretion, or policy is involved.

(4) A prejudicial error of procedure was committed.

(c) Each issue shall be separately numbered and plainly and concisely stated, and shall be supported by citations to the record when assignments of error are based on the record, and by citations to statutes, regulations, or principal authorities relied upon. No assignment of error by any party shall rely on any issue of fact or law upon which the Judge has not been afforded an opportunity to pass. Any member of the Commission may direct a case for review. If granted, review shall be limited to the questions raised by the petitions.

(d) An original and six copies of each petition or statement in opposition to a petition shall be filed with the Commission.

(e) At any time within thirty days after the filing of a decision of a Judge, a case may be directed for review upon any ground that could be raised by a party, but the issues would normally be limited to novel questions of law or policy or questions involving conflict in administrative law judges' decisions. Any direction for review shall state the issues with particularity. Except as to jurisdictional matters, the Commission's power to review is limited to those issues of law or fact raised by the parties in the proceedings below.

[FR Doc.76-35760 Filed 12-2-76;8:45 am]

Title 30—Mineral Resources

CHAPTER II—GEOLOGICAL SURVEY

PART 250—OIL AND GAS AND SULPHUR OPERATIONS IN THE OUTER CONTINENTAL SHELF

Regulation of Operations

Notice is hereby given that, pursuant to the Outer Continental Shelf Lands Act (43 USC 1331–1343), the Secretary of the Interior has approved amendments to Title 30 CFR Part 250.12 and Title 43 CFR Parts 3303.5 and 3305a.4.

NOTE: The amendments to 43 CFR 3303.5 and 3305a.4 can be found in FR Doc. 76-35747, published under Title 43 in the Rules and Regulations section of this issue of the FEDERAL REGISTER.

A draft of the amendments to 30 CFR Part 250.12 was published in the FEDERAL REGISTER, Vol. No. 40, No. 245, Friday, December 19, 1975, with a solicitation for comments and suggestions. Comments were received from the following organizations:

American Association of Petroleum Landmen
AMOCO Production Company
Atlantic Richfield Company
Cities Service Oil Company
Continental Oil Company
Gulf Energy and Minerals Company—U.S.
Kerr-McGee Corporation
Mobil Oil Corporation
Offshore Operators Committee
Shell Oil Company
Standard Oil Company of California
Texaco Incorporated

All comments were reviewed, and appropriate suggestions were included in the final amendment to the regulations. Since the addition of § 250.12(d)(4) adds a condition which affects the payment of rental or minimum royalty and the extension of the term of the lease, modificiations are necessary in Title 43 CFR 3303.5 and 3305a.4; therefore, these sections were appropriately amended.

Included is a summary of all of the comments received, the rationale for accepting or rejecting the suggestions of the commenters, and the final amendments to the regulations.

As a companion document to the amended regulations, OCS Order No. 14 will be issued for each active OCS Area outlining the specific requirements under which the Area Oil and Gas Supervisor may approve a suspension of production.

Effective date: December 3, 1976.

NOVEMBER 30, 1976.

WILLIAM L. FISHER,
Assistant Secretary of the Interior.

Summary of comments and rationales, revision of 30 CFR 250.12, Regulation of Operations, revision of 43 CFR 3303.5, Effect of Suspension on Royalty and Rental, and 3305a.4, Effect of Suspension on Lease Terms. Paragraph (d)(1): *Comments.* There was a consensus of opinion to the effect that the addition of the sentence which describes those actions which will result in the termination of a suspension of operations or production was unnecessary. The commenters were of the opinion that the Supervisors have been properly evaluating the basis for suspensions prior to approval, and they could see no reason why the Supervisor would suddenly terminate a suspension.

It was also argued that the termination of an unexpired suspension indicates that the Supervisor erred in granting the initial period of suspension. The commenters also suggested that, if the subparagraph were to be amended to provide for a termination in a previously approved suspension of operations or production, the subparagraph be further amended to add the following sentence: "Such termination of a suspension of operations or production shall be effective ninety (90) days after receipt by the lessee of notice from the Supervisor of such termination."

Rationale. The intent of the proposed revision is not to correct an error in judgment on the part of the Supervisor, as suggested by the commenters, but rather to allow the Supervisor to cancel an approval in the event of noncompliance with the requirements of the letter of approval.

The suggestion has been adopted to add a sentence which would make the termination of the suspension effective ninety (90) days after the receipt by the lessee of notice. This addition allows the Supervisor to exercise his authority to cancel the suspension for nonperformance on the part of the operator and allows the operator an additional ninety (90) days to comply with terms of the approval.

Comments. It was suggested that the phrase "or adequate transportation facilities become available to the lease" should be deleted.

Rationale. The phrase was deleted as a redundancy since the availability or lack of availability of transportation facilities is a condition which was considered in originally justifying the suspension.

Paragraph (d)(4). *Comments.* There was a consensus of opinion among the commenters that the addition of paragraph (d)(4), recognizing the Oil and Gas Supervisor's authority to grant a suspension of operations or production to comply with the National Environmental Policy Act, is unnecessary and superfluous. This opinion was based on their contention that the Supervisor already has the authority to suspend operations including production for failure to comply with applicable law as stipulated in paragraph (d)(3).

Rationale. The intent of the revision is to clearly state that the National Environmental Policy Act of 1969 is applicable and to formally recognize the Supervisor's authority to suspend operations in order to facilitate the preparation of environmental impact statements or analyses or any other purpose necessary for the implementation of the law. This revision does not place additional requirements on the lessee.

Comments. Some of the commenters suggested that the addition of paragraph (d)(4) would require that 43 CFR 3303.5 and § 3305a.4 be revised to cover the effect of suspensions on royalty rental and lease terms.

Rationale. The first sentence of 43 CFR 3303.5(a) and 3305a.4 was revised to reference 30 CRF 250.12(d)(4), to make it clear that leases under suspensions by direction of the Supervisor in accordance with § 250.12(d)(4) would be exempt from the payment of rental or minimum royalty for the duration of the suspension, and the term of the lease would be extended for a period of time equal to the duration of the suspension.

Paragraph (d)(1) of § 250.12 is revised as follows:

§ 250.12 Regulation of operations.

(d) *Other suspensions.* (1) In addition to the provisions of section 12 (c)

and (d) of the act providing for suspension of operations and production, in the interest of conservation, the Supervisor may direct or, at the request of a lessee, may approve the suspension of production for

(i) Leases on which a well has been drilled and determined by the Supervisor to be capable of being produced in paying quantities and thereafter temporarily abandoned or permanently plugged and abandoned to facilitate proper development of the lease, and

(ii) Leases on which a well has been drilled and determined by the Supervisor to be capable of being produced in paying quantities, but which cannot be produced because of the lack of transportation facilities. Suspensions of operations or production, or both, may be approved for an initial period, not exceeding 2 years, and for succeeding periods, not exceeding 1 year each. A suspension of operations or production shall terminate prior to the end of the period originally granted by the Supervisor when proper development of the least ceases to be facilitated by the suspension, or when the circumstances which justified the granting of the suspension no longer exist. Such termination of a suspension of operations or production for reasons other than the commencement of production from the leasehold shall be effective ninety (90) days after receipt by the lessee of notice from the Supervisor of such termination.

(2) As to any leases maintained under section 6 of the act covering minerals in addition to oil and gas, the Supervisor may suspend operations separately as to oil and gas or as to any other mineral designated in the suspension, order, or grant.

(3) The Supervisor is authorized by written notice to the lessee to suspend any operation, including production, for failure to comply with applicable law, the lease terms, the regulations in this part, OCS Orders, or any other written order or rule including orders for filing of reports and well records or logs within the time specified.

(4) The Supervisor is authorized, either in writing or orally with subsequent written confirmation, to suspend any operation, including production, to facilitate the preparation of environmental impact statements or analyses or for any other purpose necessary for the implementation of the National Environmental Policy Act of 1969, 83 Stat. 852, 42 U.S.C. 4321–4347.

[FR Doc.76–35685 Filed 12–2–76;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

[FRL 651–5]

PART 60—STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

Delegation of Authority to Pima County Health Department On Behalf of Pima County Air Pollution Control District

Pursuant to the delegation of authority for the standards of performance for new stationary sources (NSPS) to the Pima County Health Department on behalf of the Pima County Air Pollution Control District, dated October 7, 1976, EPA is today amending 40 CFR 60.4 Address, to reflect this delegation. A document announcing this delegation is published today at 41 FR in the Notices section of this issue. The amended § 60.4 is set forth below. It adds the address of the Pima County Air Pollution Control District, to which must be addressed all reports, requests, applications, submittals, and communications pursuant to this part by sources subject to the NSPS located within this Air Pollution Control District.

The Administrator finds good cause for foregoing prior public notice and for making this rulemaking effective immediately in that it is an administrative change and not one of substantive content. No additional substantive burdens are imposed on the parties affected. The delegation which is reflected by this administrative amendment was effective on October 7, 1976 and it serves no purpose to delay the technical change on this addition of the Air Pollution Control District's address to the Code of Federal Regulations.

This rulemaking is effective immediately, and is issued under the authority of Section 111 of the Clean Air Act, as amended (42 U.S.C. 1867c–6).

Dated: November 19, 1976.

R. L. O'CONNELL,
Acting Regional Administrator, Environmental Protection Agency, Region IX.

Part 60 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

1. In § 60.4 paragraph (b) is amended by adding subparagraph D to read as follows:

§ 60.4 Address.

* * * * * * *

(3) * * *

(A)–(C) * * *

D—Arizona

Pima County Air Pollution Control District, 151 West Congress Street, Tucson, AZ 85701.

* * * * * * *

[FR Doc.76–35562 Filed 12–2–76;8:45 am]

[FRL 651–6]

PART 61—NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS

Delegation of Authority to Pima County Health Department on Behalf of Pima County Air Pollution Control District

Pursuant to the delegation of authority for national emission standards for hazardous air pollutants (NESHAPS) to the Pima County Health Department on behalf of the Pima County Air Pollution Control District, dated October 7, 1976, EPA is today amending 40 CFR 61.04, Address, to reflect this delegation. A document announcing this delegation is published today at 41 FR in the Notices section of this issue. The amended § 61.04 is set forth below. It adds the address of the Pima County AirPollution Control District to which must be addressed all reports, requests, applications, submittals, and communications pursuant to this part by sources subject to the NESHAPS located within the Air Pollution Control District.

The Administrator finds good cause for foregoing prior public notice and for making this rulemaking effective immediately in that it is an administrative change and not one of substantive content. No additional substantive burdens are imposed on the parties affected. The delegation which is reflected by this administrative amendment was effective on October 7, 1976 and it serves no purpose to delay the technical change of this addition of the Air Pollution Control District's address to the Code of Federal Regulations.

This rulemaking is effective immediately, and is issued under the authority of Section 112 of the Clean Air Act, as amended (42 U.S.C. 1857c–7).

Dated: November 19, 1976.

R. L. O'CONNELL,
Acting Regional Administrator Environmental Protection Agency, Region IX.

Part 61 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

1. In § 61.04 paragraph (b) is amended by adding subparagraph D to read as follows:

§ 61.04 Address.

* * * * * * *

(3) * * *

(A)–(C) * * *

D—Arizona

Pima County Air Pollution Control District, 151 West Congress Street, Tucson AZ 85701.

* * * * * * *

[FR Doc.76–35563 Filed 12–2–76;8:45 am]

[FRL 618–1]

PART 61—NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS

Standard for Vinyl Chloride

Correction

In FR Doc. 76–30849 appearing at page 46560 in the FEDERAL REGISTER of Thursday, October 21, 1976 the following corrections should be made:

1. On page 46564, middle column, the amendatory language in the sixth paragraph, sixth and seventh line is corrected to read "amended by revising the authority and adding a new Subpart F reading as follows".

2. On page 46567, in the first column, in § 61.65(b)(9)(i), fifteenth line, the fourth word "The" should read "This".

3. On page 46567, middle column, second line from the top in § 61.65(c) should read "(1,250 gal) in volume for which an emis-".

4. (a) On page 46568, middle column, in § 61.68(a), eighth line, first word should read "emissions".

(b) On page 46568, middle column, in § 61.68(a) between the eighth and ninth

lines insert the following "§61.64(a) (2) or to which fugitive emissions are required to be ducted in".

(c) On page 46568, third column, in § 61.68(c), the thirteenth to sixteenth lines should read: "chloride which is determined to be equivalent to the emission limit for that source based on the emission test required by § 61.67. The".

5. On page 46568, third column, in § 61.70 the first line should read "(a) The owner or operator of any".

6. (a) On page 46570, first column, in Appendix B, Method 106, paragraph 4.3.2, second line should read "steel, 2.0 m X * * *"

(b) On page 46570, third column in Appendix B, Method 106, paragraph 6.4, sixth and seventh lines should read "of a disc integrator or a planimeter. Measure the peak height, H_m. Record A_m, H_m, and"

(c) On page 46570, third column, in Appendix B, Method 106, paragraph 6.5, the fifth line should read "determine and record the water vapor con-".

7. On page 46573, top of second column, in Appendix B, Method 107, paragraph 9.2, figure 4, the last figure in the equation should read

$$\frac{"m_i"}{1.4}$$

SUBCHAPTER N—EFFLUENT GUIDELINES AND STANDARDS

[FRL 652-5]

PART 413—ELECTROPLATING POINT SOURCE CATEGORY

Suspension and Revocation of Regulations

On March 28, 1974, EPA promulgated in final form a regulation adding Part 413 to Chapter 40 of the Code of Federal Regulations (39 FR 11510). That regulation (the "Phase I" regulation) established effluent limitations guidelines for existing sources and standards of performance and pretreatment standards for new sources for one subcategory of the electroplating manufacturing point source category (Subpart A). On April 25, 1975, 40 CFR Part 413 was amended by revising and expanding the coverage of Subpart A, by adding five new subcategories (Subparts B, C, D, E, F), and by promulgating interim final form effluent limitations guidelines representing the degree of effluent reduction attainable by application of the best practicable control technology currently available (BPCTCA) for Subparts A, B, D, E, and F (the "Phase II" regulation). The Phase I and Phase II regulations were promulgated pursuant to §§ 301, 304(b) and (c), 306 (b) and (c), and 307(c) of the Federal Water Pollution Control Act, as amended; 33 U.S.C. 1251, 1311, 1314(b) and (c), 1316(b) and (c) and 1317(c); 816 Stat. 816 et seq.; Pub. L. 92-500. Pretreatment standards for existing sources were proposed for Subpart A on March 28, 1974 (39 FR 11515). Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable (BATEA), pretreatment standards for new and existing sources, and standards of performance for new sources were proposed as revisions and additions to Subparts A, B, D, E and F on April 24, 1975 (40 FR 18140).

The National Association of Metal Finishers and others filed petitions in the Court of Appeals for the Third Circuit for review of Phase I regulations on June 24, 1974. In light of objections raised by the petitioners and EPA's own examination of the record, EPA concluded that the regulations should be reconsidered in order to permit the fullest possible development of the data base. The suits were stayed by stipulation. Suits filed by members of the industry on July 23, 1975 with respect to Phase II regulations were similarly stayed by stipulation.

Considerable additional data have been gathered since the process of reconsideration began. At each stage, the data obtained have been provided to the electroplating industry, and members of industry have met with EPA to discuss the significance of findings as well as to recommend alternatives to the existing regulations.

Following this period of extensive review, EPA has with considerable reluctance reached the decision to suspend certain of the existing regulations and to revoke others. The actions taken, and the reasons for this decision, are set forth in detail below:

(a) Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of best practicable control technology currently available.

The effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available (BPCTCA) are hereby suspended. The gathering and examination of data are not yet sufficiently complete to permit the formulation of final conclusions; however, results to date indicate that there may be certain inaccuracies and inequities in the operation of the current scheme. In particular, recent analyses suggest that the present regulations may in some respects impose too stringent a standard upon small firms while falling short of requiring the levels of reduction practicable in the largest plants. The questions raised concerning the present regulations pertain not to the identification of the best practicable control technology currently available in the industry, but rather to the levels of the effluent reduction attainable through application of that technology.

Accordingly, EPA has decided to temporarily suspend the existing regulations in the context of an ongoing effort to formulate for the industry as a whole a more precise standard which will accurately reflect attainable levels of effluent reduction. Much of the data base necessary for a careful reassessment of the effluent levels attainable through application of the established BPCTCA is now being developed in connection with preparation of pretreatment regulations for the electroplating industry. Thus, it is anticipated that revised regulations for existing sources will be completed no later than May 15, 1977, the date set by court order for promulgation of pretreatment regulations.

In deciding to suspend and revise the existing regulations, EPA is aware that most electroplaters falling in the category of direct dischargers are already proceeding on abatement schedules fixed by final NPDES permits. EPA does not expect many new permits to be issued in the near future. Consequently, the modification of existing regulations is unlikely to have a major impact on the implementation of BPCTCA by the industry. On the basis of all data currently available, EPA remains convinced that the suspended regulations represent an approximation of the effluent reduction attainable under BPT, and a useful tool for evaluation of industry capabilities. Should new permit applications be received, authorities responsible for the issuance of permits should continue to rely upon the suspended regulations as guidance, while taking individual plant characteristics into account. EPA will make all relevant data at its disposal available to issuing officials in order to assist in permit issuance.

(b) Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable (BATEA) are hereby revoked. The existing regulations require no discharge of process wastewater pollutants to navigable waters. Research and analysis undertaken since the promulgation of these regulations indicate, however, that the technology required for achievement of zero discharge is not feasible for all plants.

(c) Standards of performance and pretreatment standards for new sources.

Under the existing regulations, the standards of performance and pretreatment standards for new sources were based upon the BPCTCA limitations which are now being suspended. The standards for new sources are consequently revoked.

Specifically, the following changes are made in 40 CFR Part 413:

Subpart A—Electroplating of Common Metals Subcategory

§ 413.12 [Suspended]

Section 413.12 is suspended.

§ 413.13 [Revoked]

Section 413.13 is revoked.

§ 413.15 [Revoked]

Section 413.15 is revoked.

§ 413.16 [Revoked]

Section 413.16 is revoked.

Subpart B—Electroplating of Precious Metals Subcategory

§ 413.22 [Suspended]

Section 413.22 is suspended.

Subpart D—Anodizing Subcategory

§ 413.42 [Suspended]

Section 413.42 is suspended.

Subpart E—Coatings Subcategory

§ 413.52 [Suspended]

Section 413.52 is suspended.

Subpart F—Chemical Etching and Milling Subcategory

§ 413.62 [Suspended]

Section 413.62 is suspended.

Dated: November 29, 1976.

RUSSELL E. TRAIN,
Administrator.

[FR Doc.76-35726 Filed 12-2-76;8:45 am]

Title 43—Public Lands: Interior

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

PART 3300—OUTER CONTINENTAL SHELF LEASING; GENERAL

Effect of Suspension on Royalty and Rental, and on Lease Terms; Conforming Amendments

NOTE: The following amendments to 43 CFR Part 3300 are related to an amendment of 30 CFR 250.12, which can be found, along with an introduction and summary of comments related to this proceeding, in FR Doc. 76-35685, published under Title 30 in the Rules and Regulations Section of this issue of the FEDERAL REGISTER.

Part 3300 of 43 CFR Chapter II is amended, effective December 3, 1976, as set forth below.

1. Paragraph 3303.5(a) is revised to read as follows:

§ 3303.5 Effect of suspension on royalty and rental.

(a) In the event that under the provisions of 30 CFR 250.12 (c), (d) (1), or (d) (4), the regional Oil and Gas Supervisor of the Geological Survey with respect to any lease directs the suspension of both operations and production, or with respect to a lease on which there is no producible well directs the suspension of operations, no payment of rental or minimum royalty will be required for or during the period of the suspension. In the event that under the provisions of 30 CFR 250.12(d) (1) the Supervisor approves, at the request of a lessee, the suspension of operations or production, or both, or under the provisions of 30 CFR 250.12(d) (3) suspends any operation including production, the lessee will not be relieved of the obligation to pay rental, minimum royalty or royalty for or during the period of suspension.

* * * * *

2. Section 3305a.4 is revised to read as follows:

§ 3305a.4 Effect of suspensions on lease term.

In the event that under the provisions of 30 CFR 250.12 (c), (d) (1), or (d) (4), the regional Oil and Gas Supervisor of the Geological Survey directs the suspension of either operations or production, or both, with respect to any lease, the term of the lease will be extended by a period equivalent to the period of the suspension. In the event that under the provisions of 30 CFR 250.12 (c) or (d) (1), the Supervisor approves the suspension of either operations or production, or both, with respect to any lease, the term of the lease will not be deemed to expire so long as the suspension remains in effect.

WILLIAM L. FISHER,
Assistant Secretary of the Interior.

[FR Doc.76-35747 Filed 12-2-76;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[FCC 76-1046; RM-2676]

PART 1—PRACTICE AND PROCEDURE

Rules and Policies to Facilitate Participation of Indigent Persons in Commission Proceedings

Adopted: November 10, 1976.

Released: November 30, 1976.

1. A petition for rule making initiating this proceeding was filed by the Federal Communications Bar Association (FCBA) on March 8, 1976. Public notice of the filing of the petition was given on April 5, 1976. Statements supporting the petition were filed by the Consumer Federation of America (CFA), WNCN Listeners' Guild, Inc. (Listeners' Guild) and, jointly, by the National Black Media Coalition, National Citizens Committee for Broadcasting, and the National Organization for Women (which, for convenience, will be referred to as Media Access Project (MAP), which prepared the statement on behalf of these organizations). A statement opposing the petition was filed by station WFAR, Farrell, Pennsylvania. A reply to the statements of CFA and MAP was filed by GTE Service Corporation (GTE). The time for filing statements and replies expired on May 20, 1976.

2. The FCBA, noting that it is establishing a Legal Aid Program under which legal services will be provided to indigent persons participating in Commission proceedings, asks that we adopt complementary procedures to ease the financal burden of indigent participants. As we read the proposal, it would provide relief to any indigent person or organization which is entitled or permitted to participate in any Commission proceeding. However, reference is also made to the test specified in S. 2715, 94th Cong., 1st Sess., i.e., that to be eligible, "the person [must represent] an interest which will substantially contribute to a fair determination of the proceeding, in light of the number and complexities of the issues presented by the proceeding, the importance of widespread public participation and the need for representation of a fair balance of interests in the proceeding." An individual would be considered indigent if his family gross income, less $1000 for each dependent, did not exceed $7500 for the preceding twelve months.[1] The group would be required to show that it cannot meet the necessary expenses of participating and "simultaneously carry on reasonable activities." In making its determination, it is suggested that the Commission also apply standards utilized by legal aid societies, which involve looking to the resources of members of the group. Thus, we could consider whether a substantial number of the members would qualify as individuals or whether it would be appropriate for the collective resources of individuals composing the group to be pooled to pay for the needed assistance.

3. The forms of relief specifically suggested are as follows: The Commission would provide a free copy of the transcript and would provide for expedited delivery of the transcript where the Commission ordered expedited delivery. The number of copies of pleadings required to be filed with the Commission would be reduced. The charge for copying documents made available by the Commission under the Freedom of Information Act would be eliminated. Indigent parties would be reimbursed for witness fees and for the cost of taking depositions, or a Commission stenographer and facilities would be made available for taking depositions.

4. CFA, Listeners' Guild and MAP generally support the FCBA proposal but urge that substantially expanded relief be provided. Essentially, they ask that all reasonable expenses of participation by eligible individuals and organizations be defrayed by the Commission, including attorneys' fees and the fees of expert witnesses. MAP, in addition, urges reimbursement for services at the prevailing market rate and states that we should not preclude awards to more than one group representing the same interest. The three groups also urge that relief provided to groups not be tied to conventional tests of indigence and that we should not look to resources of members of the group. This is not to say that they are asking that financial assistance be provided to every group which requests it. Rather, they suggest that other criteria be applied. Thus, CFA suggests that we consider whether the individual or organization has insufficient resources to participate adequately in the proceeding or has an economic interest in the proceeding which is small in comparison with the cost of participation. MAP, on the other hand, suggests that we concentrate on the importance of public participation and the ability of a group to make a substantial contribution to developing and resolving the matters at

[1] This standard is utilized by the FCBA in determining eligibility for assistance under its Legal Aid Program.

issue, as well as whether the group has adequate resources to participate effectively without assistance.

5. GTE supports "reasonable" measures to facilitate the participation of indigent parties in Commission proceedings, but expresses the following reservations. First, it asks that we not confuse the standards for providing financial assistance with the party in interest concept. Secondly, it urges that we administer any assistance program with care, under stringent budgetary limits and fiscal controls. Third, it opposes the reimbursement of fees paid to attorneys or expert witnesses. Finally, it asks that all documents relating to reimbursement of expenses be made a matter of public record.

6. WFAR objects to the taxpayer's underwriting the expenses of a petitioner to deny the renewal application of a small station. It considers that subsidizing litigation will subject the broadcaster to frivolous, irresponsible complaints. It views such measures as an affront to the free enterprise system and the Constitution.

THE RULE

7. We have given this matter considerable thought and have decided to proceed with an assistance program on an experimental basis. The outlines of the program are set out in a new § 1.224 of the Rules, the text of which appears below. Under this rule, motions to proceed *in forma pauperis* will be considered upon a showing that the moving party is (1) a respondent in a revocation proceeding, or a renewal applicant, who cannot carry on his livelihood without the radio license at stake in the proceeding; or (2) an intervenor in a hearing proceeding who is in a position to introduce testimony which is of probable decisional significance, on a matter of substantial public interest importance, which cannot, or apparently will not, be introduced by other parties to the proceeding, and who is not seeking personal financial gain.

8. Paragraph (b) of the rule specifies the showing of need required from a licensee, to wit, "that he cannot, because of his poverty, pay the expenses of litigation and still be able to provide himself and his dependents with the necessities of life." The showing for an intervenor under paragraph (c) is that he is indigent or has dedicated financial resources to sustain his participation which are reasonable in light of his personal resources and other demands upon them but are inadequate for effective participation in the proceeding. For an intervening group, the test is whether it can pay the expenses of litigation and still carry out the activities and purposes for which it was organized. Provision is made for looking beyond the group to the resources of its members. The information required is to be submitted under oath. Personal financial information may be submitted in confidence.

9. If the motion is granted, the presiding officer will provide such relief as may be appropriate in the circumstances, provided it is fair to other parties and does not involve the payment of appropriated funds to a party. Such relief may include, but is not limited to, providing a free copy of the transcript and of Commission documents produced under the Freedom of Information Act or a relaxation of copy requirements and other procedural rules.[2]

DISCUSSION

10. *Scope of coverage.* In the case of a licensee who is placed in jeopardy of losing the license on which his livelihood depends, we have concluded that assistance is required as a matter of fairness, if the individual or organization is not financially able to mount a proper defense. This provision would provide relief, for example, to a needy broadcast or common carrier licensee, a commercial radio operator who requires the license as a condition of his employment, or the owner of a commercial fishing vessel required by the Coast Guard to maintain radio facilities on the vessel. It would not provide relief where radio is used in a business but is not required to conduct that business, as where a firm chooses to dispatch its delivery vehicles by radio. Where assistance is granted, it would be available after issuance of a notice to show cause why the license should not be revoked or designation of the renewal application for hearing.

11. In the case of an intervenor, our objective is to facilitate participation by an individual or group which is in a position to make an important contribution and is not seeking financial gain, but cannot reasonably be expected, in light of its purely non-economic interest, to bear the full cost of effective participation. Aside from need, the question is not whether the intervenor is entitled to participate, but rather whether its contribution will be so uniquely helpful or important to the Commission as to warrant the provision of assistance. Whereas the presence of another party which will address the same issue from essentially the same point of view does not necessarily bar assistance, it is certainly an important adverse consideration. One possibility in such a case is for intervenors to combine their efforts and merge their resources. However, decisions about providing assistance are to be made on the basis of all of the facts of the particular case and not on the basis of any preconceived formula.

12. Assistance is available only after designation of a case for hearing. Predesignation participation is a basis on which we can judge the importance of the public interest questions presented, the ability and willingness of other participants to raise them, and the potential helpfulness of the intervenor. The expense of predesignation participation should also provide some assurance as to the *bona fides* of the intervenor and that the availability of assistance will not encourage the presentation of frivolous arguments. Thus, participation prior to designation for hearing, or a failure to do so, will be an important consideration on deciding whether to grant assistance.

13. Another consideration in limiting the availability of assistance to hearing cases is that such a program can be most fairly and effectively administered by an administrative law judge who has the parties or their representatives before him at a prehearing conference. If relief is granted, it will continue during subsequent stages of the proceeding. If assistance is first requested at a later stage, the request will be acted on by the Review Board or the Commission, whichever the case is before. Although § 1.224 does not apply to notice and comment rule making proceedings, it should be noted that the Commission routinely accepts a single copy of comments in such proceedings on a claim of hardship.

14. *Showing of need.* Our intention is that a hard look be given to requests for assistance. The provision of assistance will involve the expenditure of public funds, even though it will not encompass direct payments to parties. The assumption is that the individual or group has adequate resources. To obtain assistance, the party requesting it must refute that assumption with hard facts, supported by affidavit. Vague claims of poverty or hardship will not suffice.

15. The comments contain a good deal of discussion concerning the treatment of groups as opposed to individuals. We agree that the group poses special problems. However, we think the basic distinction to be drawn is between the licensee faced with the loss of his license and intervenors. In the case of the licensee, whether an individual, a partnership or a closely held corporation, the proper test is the conventional test of indigence—the individual or individuals involved must show that he (or they, or at least some of them) cannot, "because of his poverty, pay the expenses of litigation and still be able to provide himself and his dependents with the necessities of life." Under this standard, it would be appropriate in each instance to look behind the resources of a partnership or corporation to the personal financial resources of those who formed it.

16. We have decided against applying a precise income test, such as the $7500 figure suggested by the FCBA for individuals. Such a test ignores not only the assets of the individual but also his financial obligations and responsibilities. Just as importantly, it ignores the cost of participation, which is subject to extreme variations. We think that all of these factors warrant consideration.

17. The intervenor, on the other hand, must pass an initial test based on helpfulness to the Commission in building a record from which the proper public interest determination can be drawn. He is expected to help the Commission carry its public interest burden. He is not seeking personal financial gain by participating in the proceeding. While we would not expect an individual or group with ample, or even adequate, resources to sustain participation to draw on pub-

[2] The relief provided closely parallels that recommended by the Administrative Conference of the United States, Sec. ACUS Recommendation No. 71-6, 1 CFR 305.71-6.

lic funds, we also do not expect such an individual or group to reduce itself to a state of indigency before assistance is provided. We would instead look to the nature and extent of the intervenor's interest in the proceeding and to its resources, and consider what amount it would be reasonable to expect it to dedicate to the proceeding.

18. In the case of an intervening group, we consider it appropriate to consider whether members of the group have dedicated reasonable financial resources to the cost of participation, in light of their interest in the case and their personal resources. If the members of a group have substantial financial resources, the fact that the organization is not funded, or is very inadequately funded, will raise questions about the use of public funds to support its participation. When a group's interest in a matter advances to the point of entering litigation, it is reasonable to expect its members to dedicate some financial, as well as personal, resources to the undertaking (assuming, of course, that the members are not indigent). What it is reasonable to expect of a group depends on all of the facts of the particular case. A large, loosely-knit group with diverse interests, whose members are representative of the general population, for example, might be expected to raise a large total sum which would nevertheless reflect a small per capita contribution. A small, closely-knit group with a single objective, composed of prosperous businessmen, on the other hand, might reasonably be expected to make a relatively large per capita contribution, and to seek contributions from others with similar views, though the total contributed was relatively small. In short, the resources dedicated by a group to participation in a proceeding should bear some relationship to the resources of its members, but the relationship will vary with the facts of the particular case. We do not consider it appropriate to apply standards utilized by legal aid societies. Legal aid societies are created to serve the poor; thus, it would be quite logical for a society to deny aid to a tenant's group composed of wealthy tenants. The Commission, on the other hand, was created to regulate the communications industry in the public interest; and it would not be logical for it to deny aid to a group which can help it meet its responsibilities, but needs assistance, on the ground that its members are not indigent.

19. *Assistance provided.* The assistance provided under § 1.224 can be substantial but it does not involve reimbursement of a party's out-of-pocket expenses and therefore does not encompass such major expenses as attorneys' fees or payments to expert witnesses. We have no doubt whatsoever as to our authority to make such payments to parties who will receive assistance in other forms under the rules we are adopting today. However, on the question of reimbursing out-of-pocket expenses, we agree with the position taken by the Comptroller General.[3]

> [W]e believe it would be advisable for the parameters of such financial assistance, and the scope and limitations on the use of appropriated funds for this purpose to be fully set forth by the Congress in legislation, as was done in the case of the Federal Trade Commission by the provisions of section 202(a) of the Magnuson—Federal Trade Commission Improvement Act * * *.

It should be added that substantial sums are potentially involved and that a special appropriation would be required for this purpose.

20. Authority for adoption of the rules set out below is contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303(r). Because they are procedural in nature, the prior notice and effective date provisions of 5 U.S.C. 553 are inapplicable.

21. Accordingly, it is ordered, effective December 6, 1976, that the rules of practice and procedure are amended as set out below.

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

FEDERAL COMMUNICATIONS COMMISSION,[4]
VINCENT J. MULLINS,
Secretary.

Title 47 of the Code of Federal Regulations, Part 1—Practice and Procedure is amended as set out below.

1. Section 1.224 is added to read as follows:

§ 1.224 Motion to proceed in forma pauperis.

(a) A motion to proceed in forma pauperis may be filed by an individual, a corporation, an unincorporated entity, an association or other similar group, if the moving party is either of the following:

(1) A respondent in a revocation proceeding, or a renewal applicant, who cannot carry on his livelihood without the radio license at stake in the proceeding; or

(2) An intervenor in a hearing proceeding who is in a position to introduce testimony which is of probable decisonal significance, on a matter of substantial public interest importance, which cannot, or apparently will not, be introduced by other parties to the proceeding, and who is not seeking personal financial gain.

(b) In the case of a licensee, the motion to proceed in forma pauperis shall contain specific allegations of fact sufficient to show that the moving party is eligible under paragraph (a) of this section and that he cannot, because of his poverty, pay the expenses of litigation and still be able to provide himself and his dependents with the necessities of life. Such allegations of fact shall be supported by affidavit of a person or persons with personal knowledge thereof. The information submitted shall detail the income and assets of the individual and his financial obligations and responsibilities, and shall contain an estimate of the cost of participation in the proceeding. Personal financial information may be submitted to the presiding officer in confidence.

(c) (1) In the case of an individual intervenor, the motion to proceed in forma pauperis shall contain specific allegations of fact sufficient to show that he is eligible under paragraph (a) of this section and that he has dedicated financial resources to sustain his participation which are reasonable in light of his personal resources and other demands upon them but are inadequate for effective participation in the proceeding. Such allegations of fact shall be supported by affidavit of a person or persons with personal knowledge thereof. The information submitted shall detail the income and assets of the individual and his immediate family and his financial obligations and responsibilities, and shall contain an estimate of the cost of participation. Personal financial information may be submitted to the presiding officer in confidence.

(2) In the case of an intervening group, the motion to proceed in forma pauperis shall contain specific allegations of fact sufficient to show that the moving party is eligible under paragraph (a) of this section and that it cannot pay the expenses of litigation and still be able to carry out the activities and purposes for which it was organized. Such allegations of fact shall be supported by affidavit of the President and Treasurer of the group, and/or by other persons having personal knowledge thereof. The information submitted shall include a copy of the corporate charter or other documents that describe the activities and purposes of the organization; a current balance sheet and profit and loss statement; facts showing, under all the circumstances, that it would not be reasonable to expect added resources of individuals composing the group to be pooled to meet the expenses of participating in the proceeding; and an estimate of the cost of participation. Personal financial information pertaining to members of the group may be submitted to the presiding officer in confidence.

(d) If the motion is granted, the presiding officer may direct that a free copy of the transcript of testimony be made available to the moving party and may relax the rules of procedure in any manner which will ease his financial burden, is fair to other parties to the proceeding, and does not involve the payment of appropriated funds to a party.

2. In § 1.243, paragraphs (j) and (k) are revised, and paragraph (l) is added to read as follows:

[3] Letter of May 10, 1976 from the Deputy Comptroller General to the Honorable John E. Moss (Appendix A hereto).

[4] Commissioner Lee absent; Commissioner Hooks concurring in part and dissenting in part and issuing a statement in which Commissioner Fogarty joins; Commissioner Quello concurring and issuing a statement. Statements filed as part of original document.

§ 1.243 Authority of presiding officer.

* * * * *

(j) Take actions and make decisions in conformity with the Administrative Procedure Act;

(k) Act on motions to enlarge, modify, or delete the hearing issues; and

(l) Act on motions to proceed in forma pauperis pursuant to § 1.224.

APPENDIX A

COMPTROLLER GENERAL OF THE UNITED STATES

WASHINGTON, D.C., *May 10, 1976.*

Hon. JOHN E. MOSS,
Chairman, Oversight and Investigations Subcommittee,
Committee on Interstate and Foreign Commerce,
House of Representatives

DEAR MR. CHAIRMAN: This refers to your letter in which you request the advice of this Office, with respect to nine agencies of the Government under study by the Subcommittee on Oversight and Investigations, as to whether public participants in proceedings before those agencies may be assisted in any or all of the following ways: "(1) the provision of funds directly to participants, (2) modification of procedural rules so as to ease their financial burden on public participants, (3) provision of technical assistance by agency staff, (4) provision of legal assistance by agency staff, (5) creation of an independent public counsel, and (6) creation of a Consumer Assistance Office such as that now employed by the FCC.

The agencies to which you refer are the Federal Communications Commission, the Federal Trade Commission, the Federal Power Commission, the Interstate Commerce Commission, the Consumer Product Safety Commission, the Securities and Exchange Commission, the Food and Drug Administration, the Environmental Protection Agency, and the National Highway Traffic Safety Administration.

Your letter refers to our decision in the Matter of Costs of Intervention, Nuclear Regulatory Commission (NRC), B-92288, February 19, 1976, to the NRC (hereafter referred to as the NRC decision) in which we considered the legality of providing similar types of assistance to participants and intervenors in NRC rulemaking and licensing proceedings.

Due to the time constraints established by the terms of your request, we have not solicited comments and views of the agencies concerned on the questions your letter poses. However, we have examined, with respect to each agency, some of the statutory and/or regulatory authorities which authorize or direct that public hearings be held for a variety of purposes related to accomplishment of the agency mission. We find that each agency has authority to request participation by members of the general public in its proceedings, either as parties or intervenors, although there are individual differences in the extent to which such participation would be likely to be required.

Finally, we could discover no statutory prohibition against the provision of any of the types of assistance about which you have inquired.

We thus conclude that here is no significant difference in the relevant authorities for the nine agencies you named and in those of the NRC. Accordingly, the rationale of our February 19 decision to NCR is equally applicable to each agency named.

1. *Provision of funds directly to participants.* With respect to your first question, appropriated funds of each agency may be used to finance the costs of participants in agency hearings whenever the agency finds that it cannot make the required determination unless it extends financial assistance to certain interested parties who require it, and whose representation is necessary to dispose of the matter before it; and (2) the party is indigent or otherwise unable to finance its participation. It should be noted that the Federal Trade Commission (FTC) has specific statutory authority, provided by section 202(a) of the Magnuson-Moss Warranty-Federal Trade Commission Improvement Act, Pub. L. No. 93-637, 88 Stat. 2183, approved January 4, 1975, to provide compensation for expenses of participation for persons appearing before it. This provision is discussed on pages 4 and 5 of our aforementioned decision.

We would like to emphasize, however, that it is within the discretion of each individual agency to determine whether the participation of the particular party involved is necessary in order for it to properly carry out its functions and whether the party is indigent or otherwise unable to finance its participation. No party has a right to intervene at Federal expense unless the agency so determines.

Finally, for the reasons set forth in the NRC decision, we believe it would be advisable for the parameters of such financial assistance, and the scope and limitations on the use of appropriated funds for this purpose to be fully set forth by the Congress in legislation, as was done in the case of the Federal Trade Commission by the provisions of Section 202(a) of the "Magnuson-Moss Warranty-Federal Trade Commission Improvement Act," *supra.*

2. *Modification of procedural rules so as to ease their financial burdens on public participants.* For the reasons stated with respect to NRC in the NRC decision, we find nothing in the laws of any of the agencies considered to prevent simplification of procedures and the elimination of unduly burdensome requirements which increase the cost of participation by parties involved.

3. *Provision of technical assistance by agency staff.* For the same reasons given under "Access to Technical Information and Staff" in the NRC decision with respect to NRC, the same access to technical expertise may be made available by each agency. As we stated with respect to NRC, this would not extend to the assignment of agency staff members to participants in the role of individual technical advisors for the purpose of advancing the position of a particular party.

4. *Provision of legal assistance by agency staff.* To the extent a participant needs factual information concerning legal aspects of a proceeding, such as explanations of procedures or examples of documents required to be filed, we believe agency staff members can provide this. However, agency staff could not be permitted to act in the capacity of advocates for a participant.

5. *Creation of an independent public counsel.* We believe nothing precludes an agency from having its staff present information to the agency's decisionmaking bodies concerning the public interest or consumer viewpoints in the course of a proceeding in order to call attention to relevant opinions not expressed by parties representing private interests. However, no agency could use its appropriations to establish an independent entity outside its jurisdiction and control.

6. *Creation of a Consumer Assistance Office such as that now employed by the FCC.* On March 19, 1976, the Federal Communications Commission (FCC) announced the formation of a new Consumer Assistance Office. According to a press release from FCC: "This office will provide a central location or coordinating point within the Commission for members of the public, citizens groups and FCC licensees who seek information or assistance.

* * * * *

"The Consumer Assistance Office represents another step in the FCC's efforts to ensure prompt and accurate response to inquiries and to enhance public understanding of the Commission's policies and regulations.

* * * * *

"Any person or group wishing information about the Commission's rules, matters pending or material explaining FCC policies and regulations may contact one of the fulltime staff members of the Office.

"The Office also will provide information assistance to persons who wish to participate in the Commission's processes or file an application with the FCC but who are unfamiliar with the procedures to be followed.

"Finally, the Office will help prepare attractive and easy to understand brochures explaining Commission regulations and how best to comply with them."

We have been informally advised by staff of the FCC that this office is not in any way intended to act as an advocate for consumers. It does not include in its staff attorneys or professional experts in other fields. Its function is basically, that of providing the public with factual information. We are not aware of anything which would preclude any of the agencies named in your letter from establising a similar office.

We might also point out that our NRC decision would also be applicable to agencies other than the ones mentioned in your letter, assuming that there was no specific legislative prohibition against it, provided that the particular agency holds hearings at which it has the discretion as to whom to admit as participants or intervenors; has appropriations available to pay for "necessary expenses" to carry out the missions for which the hearings are being held; and makes the determinations mentioned in the immediately preceding paragraph. This is also true of the other types of assistance mentioned herein.

Sincerely,

R. F. KELLER,
Deputy Comptroller General of the United States.

[FR Doc.76-35306 Filed 12-2-76;8:45 am]

[FCC 76-1062]

PART 1—PRACTICE AND PROCEDURE
PART 73—RADIO BROADCAST SERVICES
Reregulation of Radio and Television Broadcasting

Adopted: November 16, 1976.

Released: December 3, 1976.

Order. In the matter of reregulation of Radio and Television Broadcasting

1. As a result of its continuing study concerning the reregulation of radio and TV, the Commission has under consideration the matter of amending certain provisions in Parts 1 and 73 of its rules. These amendments will update certain rules, delete parts of others which are no longer necessary, and make corrections and revisions where indicated.

2. The following rule changes are made for the reasons shown:

(a) AM broadcast stations using directional antennas are required, by various rules or license terms, to conduct field strength measurements weekly or monthly. (See §§ 73.68, 73.69, and 73.93 (e).) Further, stations using remote control for operation of directional an-

tennas are required under § 73.66 to make annual antenna proof of performance measurements. Normally, it is not desirable to make these measurements during nighttime hours since the accuracy of the measurements may be affected by the skywave signals from other co-channel stations, since there may be difficulty in reaching or locating measurement points in darkness, for operator safety considerations, and other factors. Stations frequently request either special temporary or continuous authority to operate with the nighttime directional antenna during daytime hours to conduct these measurements, whereas some stations proceed to make the measurements during daytime without obtaining authority to do so. Usually, such operation takes place at reduced power or with a directional pattern that will not cause interference to other stations. However, there are some circumstances where use of the nighttime directional antenna pattern could cause interference to nearby daytime stations that would not be a problem during the nighttime. Therefore, some degree of review is required to determine if interference to other stations will be caused and an authorization procedure is desirable.

Under the existing provisions of § 1.542, temporary authorizations issued to broadcast licensees are limited to periods not to exceed 90 days. This requires that the licensees must apply for, and the Commission staff must process and grant, these authorizations at 90 day intervals so that the licensee can adequately comply with the requirements of other provisions of the rules. To provide relief for both licensees of AM stations and the Commission of this repetitive procedure, the rules are amended to provide for a continuing equipment test authority. Such provision is being included in the existing rule § 1.544 covering authorization requests for experimental operation. The rule is also expanded to include references to experimental operation authorizations for FM, noncommercial educational FM, and TV stations.

(b) Section 73.36, Special field test authorization, provides for the granting of Commission authorization to conduct special field strength measurements or other specialized tests for AM stations. Upon review, it has been determined that changes would be desirable to conform with FM and TV rule provisions. Amendment will be made to delete the requirement that field test stations comply with all provisions of the EBS rules. Since field test stations do not transmit program material of any type for public use, it is inappropriate to require these stations to install signal encoding or decoding equipment or to transmit EBS test messages. Also, the technical logging procedures should more accurately reflect the procedures for determining operating power. Therefore changes are being made in § 73.36 to delete the EBS requirements and to specify operating power in terms of transmitter output. Further, the more acceptable term "field strength" is substituted for "field intensity" in keeping with the practice of standardizing terminology as rule sections are amended.

(c) Paragraph (b) (3) of § 73.40 describes certain construction and installation details, for safety purposes, of the transmitter and antenna systems of AM stations. This rule has existed since the days when first-class radiotelephone operators were on duty at all AM stations during all periods of operation. Because of many changes in the operator requirements, of the introduction of remote control operation, and of the innovative design in the construction and installation of transmitting apparatus, changes in this rule are needed. For example, the rule requires that the keys to the protective fence around antenna towers and antenna tuning houses be kept in "the possession of the operator on duty at the transmitter." Some licensees, operating stations by remote control, interpret this requirement to mean that the keys should be kept in the possession of the operator at the remote control point. Other broadcasters leave the keys at the transmitter building. Obviously, the intent of the rule was simply to restrict entry to the protected area to qualified station personnel. The rule is amended herein to indicate that the keys to the locked areas be available at the *transmitter site*. At some stations the antenna tuning unit cabinet or house is located entirely within the base fence. In such cases, a separate lock need not be provided for the tuning unit enclosure.

From time to time, the question has been raised as to whether radio frequency power dividing and antenna tuning devices must be located within protective cabinets or other enclosures with locks or interlocks ("interlocks" are switches that automatically turn off the power to a device when the enclosure is opened), when located within the transmitter building itself. The same degree of protection, to prevent accidental contact, must apply to the entire transmitting system, whether located within the transmitter building or in the tuning house at the tower base. Unless the radio frequency power coupling devices are positioned where operating personnel or others could not normally come in contact with them (such as being mounted above normal reach), such devices should be contained in protective enclosures with locks or interlocks.

First-class operators are required to take readings of the meters located at the base of the antenna towers at most AM stations. It is therefore necessary that the management of the station provide safe access or pathways to the location where the meters must be read, and we wish to emphasize, with this amendment, that such access be considered part of the transmitting system, subject to construction and installation safety requirements. Field inspections have revealed a danger to safety in many installations.

(d) Section 73.40 of the Commission's rules sets forth the technical performance standards for the design, construction, and safety of life requirements for AM broadcast transmitting systems. Among the specifications is the requirement that the *carrier shift* not exceed 5 percent for any level of modulation up to 100 percent as measured with a 400 Hz tone. The measurement of the carrier shift is one of the equipment performance checks that must be made as specified in § 73.47. Unfortunately the term "carrier shift" was not precisely defined in the technical definitions for AM broadcast stations and is frequently confused with a shift in the *frequency* of the carrier wave. It appears that the only use of the term carrier shift is that shown in two references in Part 73 of the Commission's rules for AM broadcast stations. Therefore, we herein substitute in those rules the more correct term "carrier-amplitude regulation" as defined in the IEEE Standard Dictionary of Electrical and Electronics Terms (American National Standard), which reads as follows:

Carrier-amplitude regulation. The change in amplitude of the carrier wave in an amplitude-modulated transmitter when modulation is applied under conditions of symmetrical modulation.

The rules are therefore being amended to include the definition of *carrier-amplitude regulation* in § 73.14, and to substitute that term for "carrier shift" in §§ 73.40 and 73.47. The term "carrier shift" is also retained parenthetically because of the historic use of that term.

(e) *Licensees of AM stations who wish to operate directional antenna systems by remote control must submit data with their remote control applications obtained over a one-year operating period that will show the stability of the antenna and monitoring system.*[1] When rules were adopted to permit all AM and FM stations to operate by remote control, all applicants were required to show satisfactory operating experience for a one-year period in order to obtain remote control authority.[2] In 1967, the rules were amended so as to delete the one-year operating experience requirement for AM and FM station remote control applications, except for those AM stations using directional antennas.[3] This requirement was retained for directional antenna stations because the antenna monitors in use at that time were not adaptable for remote control reading of phase indications.

Since phase indications of the antenna monitor would not be available at the remote control point, it was necessary that the applicant show that the antenna system was stable and reliable since the transmitter site would be unattended most of the time of the operating schedule. This meant that new stations or

[1] FCC Form 301-A (Application for authority to operate a broadcast station by remote control), Section II, Item 1, reads in part as follows: "Submit as Exhibit No. — a statement describing the stability of the directional antenna system during the one-year period preceeding this application." Item 4 also requires data compiled over a one-year period.

[2] Docket 11677, adopted September 19, 1957.

[3] Docket 16978 (FCC 67-349), released March 17, 1967.

those that made changes in the directional antenna system must have an operator on duty at the transmitter site for at least a one year period prior to filing an application for authority to operate by remote control. Licensees have told us that this one-year period was exceedingly burdensome, particularly for those who had previously been operating by remote control, and that the requirement could discourage desirable changes or improvements in the transmitting facility.

With the adoption of rules that provide for the use of type-approved antenna monitors[4] and approval of sampling systems,[5] accurate indications of directional antenna performance would be available at the remote control point. The one-year period with an operator on duty at the transmitter site serves no useful purpose, since a complete record of antenna performance would be available from readings taken with the remote control metering and variations would be immediately known. We are therefore, by this *Order*, removing the one-year stability showing requirement for directional remote control applications for those stations having both a type-approved antenna monitor and sampling system meeting the specifications for approval contained in § 73.68.

The one-year stability showing requirements are not currently included in the rules but are contained only in Section II of FCC Form 301–A. In order to clearly show the remote control application filing requirements in connection with AM directional antenna system. they are being included in rule Section 73.66—remote control authorization. This addition to the rule does not impose any additional requirement on applicants or licensees, but is used to provide the vehicle for relaxing the existing application filing requirements.

(f) In a reregulation *Order* released June 7, 1976 (FCC 76–487, Mimeo 40746), the Commission amended the maintenance log rules for AM stations so as to permit stations using type approved antenna monitors with directional antenna systems, and not using remote control, to read and log certain antenna meter and monitor indications every second day rather than every day, five days a week. Several licensees have told us that, although the reduction in the number of required readings was desirable, the amended rules could in some cases require a change in the working schedules of operating personnel. Stations that previously had only third-class operators on duty during weekends would now be required to have a first-class operator on duty or come to the station on either a Saturday or Sunday in order to meet the "every other day" meter reading requirements of the amended rules. It would therefore be desirable for some stations to retain the "five-day-a-week" meter reading and logging schedule as used by stations *not* having type-approved monitors. In this way, it would not be necessary to change the working schedule of the station operators.[6]

In reviewing the requirements for the reading of base currents, we note that stations using remote control with directional antenna systems, would also be required to have a first-class operator appear at the transmitter site on either a Saturday or Sunday of each weekend to meet the "every-other-day" meter reading requirements. This is a particularly inconvenient schedule for a station employing only one first-class operator who can make these readings. We are therefore, in this *Order*, further amending paragraph (a) (9) of § 73.114 to permit all stations having type approved antenna monitors but not having approved sampling systems to make the readings of the directional antenna operating parameters for each directional pattern used three times each week at appropriate intervals. This change will permit stations to avoid scheduling readings by a first-class operator on weekends.

(g) Section 73.256 of the rules for FM broadcast stations contains the condition for licensing an alternate main transmitter that such transmitter must have the same power rating as the licensed main transmitter. Similar provisions are included in § 73.556 of the rules for noncommercial, educational FM stations and § 73.637 for TV stations. The Commission does not specify or restrict the power rating of the transmitter installed for a particular licensed operating power similar to the restrictions in § 73.41 for AM stations. Therefore, there appears to be no valid reason for requiring licensees of FM stations desiring to have both a main and alternate main transmitter to purchase transmitters of *identical* power ratings. The only concern should be that both transmitters be capable of operating at the licensed output power and meet the required technical standards. Therefore, the condition "both transmitters shall have the same power rating" is deleted from the rules for use of alternate main FM and TV transmitters.

It is also noted in § 73.556(a) for noncommercial educational FM stations that Form 301 is designated to be used in applying for authority to use an alternate main transmitter. The correct form for use for noncommercial educational FM stations should be FCC Form 340. The form number designated is being corrected.

(h) Section 73.257 of the Commission's rules for FM broadcast stations (§ 73.557 for NCE–FM stations) concerns procedures for licensees who wish to make certain changes in the transmitting systems of their stations. In some cases, a formal application is required using either Form 301 or Form 340 requesting a construction permit to obtain authority to make the desired changes. This application procedure is generally required for changes of location of the station or the transmitter installation, or those that would affect the operating power, antenna height, or area of coverage. Certain other changes in equipment may be made without obtaining prior authority, however, a notice must be sent to the Commission reporting those changes. An example of the notification procedure would be the installation of a new type-accepted transmitter having a power rating equal to the one being replaced.

Licensees of FM and NCE–FM stations occasionally desire to modify portions of their transmitting apparatus to improve the audio quality of their program signal. This frequently involves the substitution or replacement of the FM exciter, stereo generator, or possibly both units of the existing transmitter. The new units to be installed may be made by the same manufacturer as that of the transmitter or could be made by a different manufacturer. Sections 73.257 and 73.557 clearly state that an application for a construction permit must be filed and prior authority obtained for a "change in frequency control and/or modulation system." Since both the FM exciter unit and the stereo generator involve the frequency control and modulation system of the FM transmitter, it would appear that a construction permit is required to make these changes, even though the units being substituted, using different technology, may be type accepted or components of type-accepted transmitters of a different model. Manufacturers of FM exciters and stereo generators using new technology promote their equipment for upgrading the signal quality of older transmitters, and advertise that their devices are either type-accepted or otherwise acceptable for use by the F.C.C. It is in this area that confusion and misunderstanding occur as to the Commission's actual approval requirements for obtaining prior authority to make changes in the transmitting equipment.

The requirement that a construction permit be obtained to make changes in the frequency control or modulation system of a transmitter was originally intended to cover those situations where the licensee desired to make circuit modifications that could substantially alter the transmitter performance or its ability to meet licensing standards. When such changes were requested, the Commission would review the application to determine their feasibility. If the modifications appear acceptable, a construction permit was granted to the station licensee. Upon completion of the transmitter changes, the station was then required to submit measurement data with a license application to show that the modified transmitter was acceptable for licensing, and upon such a showing, a new station license authorizing the use of a "composite" transmitter was issued.

When an entire stereo generator or FM exciter unit of an FM transmitter is replaced with one of a different type,

[4] Docket 19471 (FCC 73–40, released January 15, 1973.

[5] Docket 19692 (FCC 76–101), released February 12, 1976.

[6] Such relief was requested in a petition for partial reconsideration of FCC *Order* 76–487, filed July 7, 1976, on behalf of Amherst Broadcasting Company, Inc. (WTT, Amherst, Massachusetts).

the substitution can be accomplished by making simple cable connections without making circuit modifications in most cases. It is only necessary that a determination be made that the replacement units are compatible with the existing transmitter. Since the new stereo generator or FM exciter either will or will not be compatible with the licensee's transmitter, it is not necessary that a formal construction permit application be filed because a detailed analysis of the changes are not required. However, authority is required to use the transmitter because it differs from its original type accepted design. It is appropriate that we provide an informal application procedure for those licensees who wish to upgrade the quality of their program service by modernizing their transmitting apparatus. For these reasons, §§ 73.257 and 73.557 are being amended to provide for such procedures.

Modification of a type accepted transmitter with new components, including a new type-accepted number identification plate, supplied by the manufacturer can be made without prior authorization under the provisions of the rules that provide for installation of type-accepted replacement transmitters.

(i) Licensees of FM broadcast stations may determine the transmitter output power by either of two methods—direct or indirect. (Sections 73.267 and 73.567, Operating power; determination and maintenance of.) Many licensees use the indirect method because additional calibration equipment is required to use the direct method. The output power is determined by the indirect method by multiplying three factors together; the final amplifier plate voltage, the plate current, and an efficiency factor, F.

The value of the efficiency factor, according to the existing rules, is to be taken from the data supplied by the transmitter manufacturer to the Commission in the application for type-acceptance. The efficiency factor data over the entire operating power range of the transmitter is to be included in the instruction book supplied as part of the transmitter. The measurement data submitted by the manufacturer is usually based on tests on a new transmitter as originally designed and adjusted under ideal conditions. Experience over the years and measurements made by licensees indicates that the efficiency factor for transmitters in actual use may differ as much as 20 percent from that shown in the instruction manual. There are a number of reasons for this difference including the fact that the initial measurements may have been made on a frequency other than that being used, manufacturing variations, using amplifier tubes of a different manufacturer or improved design, aging of components, and licensee maintenance practices. This variation in efficiency factor could result in operation well beyond the permissible power tolerance range.

Clearly, the direct method of power determination would be the most accurate method for licensees to use. Even so, it is unfortunate that the existing rules do not provide for use of a more accurate efficiency factor, as established by the manufacturer on the particular transmitter sold to a licensee, or by the licensee or his consulting engineer based on measurements made at the station, using procedures as accurate as those used by a manufacturer. It is appropriate that the rules for FM and noncommercial educational FM stations be amended to permit licensees to use the most accurate efficiency factor determination available. This will be of particular benefit to owners of older transmitters where accurate data or the initial test data is not available and to those stations that must change from the direct to the indirect method of determining output power.

(j) The rules for both FM and TV stations describe the transmitter transmission line calibration procedures to be used by licensees using the direct method for determining transmitter output power. When the direct method of power determination is used by either FM or TV stations, the transmission line meter must be calibrated against a standard wattmeter at intervals not exceeding six months. The maintenance log rules for TV stations (§ 73.672(a)(9)) requires that a log entry be made as a record of the required calibration, however, the FM maintenance log rules do not include a similar requirement. As a result, FM stations using the direct method of power determination are not always able to document their calibration. Since there may be a considerable difference in the power output as determined by the direct and indirect methods, a serious output power discrepancy could result unless references to the calibration data is readily available. It is appropriate that § 73.284 of the FM rules (Maintenance log) be amended to achieve parallelism with the calibration procedures established for TV stations so that the measurement data obtained during the biennial measurements be retained in the FM station maintenance log. Inserting this measurement data obtained during the calibration procedures in the log should impose no additional burden upon the licensees. Similar amendments are made in the maintenance log rules for noncommercial FM stations (§ 73.584).

3. We conclude that, for the reasons set forth above, adoption of these amendments will serve the public interest. Prior notice of rule making, effective date provisions, and public procedure thereon are unnecessary, pursuant to the Administrative Procedure and Judicial Review Act provisions of 5 U.S.C. 553(b)(3)(B), inasmuch as these amendments impose no additional burdens and raise no issue upon which comments would serve any useful purpose.

4. *Therefore, it is ordered,* That, pursuant to sections 4 and 303 of the Communications Act of 1934, as amended, Parts 1 and 73 of the Commission's rules and regulations are amended as set forth below, effective December 13, 1976.

5. *It is further ordered,* That the petition by Amherst Broadcasting, Inc. for partial reconsideration of FCC Order 76-487 is dismissed as moot.

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

FEDERAL COMMUNICATIONS COMMISSION,[1]
VINCENT J. MULLINS,
Secretary.

1. In § 1.544 the headnote and text are amended to read as follows:

§ 1.544 Application for broadcast station to conduct field strength measurements and for experimental operation.

(a) A Special Antenna Equipment Test Authorization may be issued to the licensee of an AM station to operate with authorized nighttime power and directional antenna radiation pattern during daytime hours as necessary to make ance measurements. An informal application sent to the Commission in Washington is used in applying for such authorizations. Special Antenna Equipment Test Authorizations granted under the provisions of this paragraph may be issued for a specific period or an indefinite term, and may be modified or cancelled at any time by the Commission. Special Antenna Equipment Test Authorizations are to be posted with the associated AM station licenses.

(b) A Special Experimental Authorization may be issued in accordance with §§ 73.32, 73.262, 73.562, and 73.666 to the licensee of an AM, FM, noncommercial FM or TV broadcast station, in addition to the regular authorization. An informal application sent to the Commission in Washington should be used in applying for such authorizations. Special Experimental Authorizations are to be posted with the associated station licenses.

2. In § 73.14, new paragraph (t) is added to read as follows:

§ 73.14 Technical definitions.

(t) *Carrier-amplitude regulation.* (Carrier shift) The change in amplitude of the carrier wave in an amplitude-modulated transmitter when modulation is applied under conditions of symmetrical modulation.

3. In § 73.36, paragraphs (a)(3), (a)(4), (a)(5), (a)(6), (a)(7), and (c)(2) are amended and (a)(8) is deleted to read as follows:

§ 73.36 Special field test authorization.

(a) Upon a showing that a need exists, a special test authorization to operate a portable or regularly authorized transmitter may be issued to persons desiring to make field strength surveys to determine values of soil conductivity, or other factors influencing radio wave propagation, in particular areas or paths for the period necessary to conduct the survey. Such authorizations may be granted upon the following conditions:

* * * * *

(3) The antenna input power shall not exceed authorized test power and the antenna current ammeter indications

[1] Commissioners Hooks and Fogarty absent.

shall be maintained at a constant value for each phase of the test.

(4) The input power to the final amplifier stage, antenna current, and antenna input power shall be logged at half-hour intervals and at any time that the power is changed. Copies of the logs shall be submitted to the Commission with the required report.

(5) The test equipment shall not be permanently installed, unless such installation has been separately authorized. Mobile units shall not be deemed permanent installations.

(6) The equipment must be operated by or under the personal direction of either a licensed radiotelephone first-class or second-class operator.

(7) A report, containing the measurements, their analysis and other results of the survey shall be filed with the Commission within sixty (60) days from termination of the test authorization. The measurements shall be made and reported according to the procedure described in § 73.186, so as to permit a determination of the inverse distance field in pertinent directions.

* * * * *

(c) * * *

(2) Frequency, transmitter output power, and time of operation.

* * * * *

4. In § 73.40, paragraphs (a) (5), (b) (3) (iv) and (b) (3) (v) are amended and (b) (3) (vi) is added to read as follows:

§ 73.40 Transmitter; design, construction and safety of life requirements.

(a) * * *

(5) The carrier-amplitude regulation (carrier shift) at any percentage of modulation does not exceed 5 percent.

* * * * *

(b) * * *

(3) * * *

(iv) Radio frequency power coupling, dividing and phasing networks shall be installed within protective cabinets or enclosures which are locked or provided with safety interlocks, or so located or screened as not to be a hazard to operating personnel. Antenna coupling network cabinets, located entirely within a locked enclosure around an antenna base, need not have a separate lock or interlock.

(v) The antenna lead-in, transmission line and counterpoise (when used) shall be installed so as not to present a hazard.

(vi) Antenna towers having a radio frequency potential at the base (series fed, folded unipole, and insulated base antennas) shall be enclosed within effective locked fences or other enclosures. Keys to the antenna base fences, tuning houses and protective cabinet locks shall be available at the transmitter site at all times, and safe access shall be provided to each antenna tower base for meter reading and maintenance purposes. Metal fencing and metal conduit and exposed nearby wiring shall be effectively grounded, either directly or through bypass or static drain devices.

* * * * *

5. In § 73.47, paragraph (a) (3) is amended to read as follows:

§ 73.47 Equipment performance measurements.

(a) * * *

(3) Data showing percentage of carrier amplitude-regulation (carrier shift) for 25, 50, 85, and 100 (if obtainable) percent modulation with 400 Hz tone.

* * * * *

6. In § 73.66, a new paragraph (d) is added to read as follows:

§ 73.66 Remote control authorization.

* * * * *

(d) Stations not having an approved antenna monitor and sampling system shall include in their applications for authority to operate a directional antenna transmitting system by remote control, showings describing the stability of the antenna system during the one-year period preceding the filing as specified in FCC Form 301-A. Stations having the indications of antenna phases and sample currents or their ratios provided by a type-approved antenna monitor and an approved sampling system (see § 73.68(a)) available at the remote control point are not required to submit Section II of FCC Form 301-A for application for authority to operate by remote control.

7. In § 73.114, paragraphs (a) (9) (ii) and (a) (9) (iii) are amended to read as follows:

§ 73.114 Maintenance log.

(a) * * *

(9) * * *

(ii) For stations using a type approved antenna monitor but not operating by remote control, entries shall be made for each directional radiation pattern used at least three days of each calendar week taken not less than 44 hours nor more than 76 hours apart: *Provided,* That, if a first-class radiotelephone operator is on duty at the transmitter for all periods of operation with a directional radiation pattern, and the station authorization permits antenna base current readings, at less frequent intervals than specified in this subparagraph, entries may be made pursuant to the schedule specified in that authorization.

(iii) For stations operated by remote control and using a type approved antenna monitor, entries shall be made for each directional radiation pattern at least three days of each calendar week with the readings taken at least 44 hours but not greater than 76 hours apart.

* * * * *

8. New § 73.157 is added to read as follows:

§ 73.157 Special antenna equipment test authorizations.

(a) A special antenna equipment test authorization may be issued to the licensee of a station using a directional antenna during nighttime hours to operate with the authorized nighttime power and directional radiation pattern during the daytime as necessary to make monitoring point field strength measurements and antenna proof of performance measurements. Such authorizations are obtained by submitting an informal application to the Commission in Washington in accordance with the provisions of § 1.554.

(b) Special antenna equipment test authorizations will be granted in accordance with the following conditions:

(1) No harmful intereference will be caused to any other station due to operation with a nighttime directional pattern during daytime hours.

(2) The authorizations may be modified or cancelled at any time by the Commission.

(3) Operation with nighttime power and directional radiation pattern shall be only for the purposes of making monitoring point field strength measurements or antenna proof of performance measurements and shall be restricted to the minimum time possible to accomplish the measurements.

(c) Special equipment test authorizations are to be posted with the station license in accordance with § 73.92.

§ 73.256 [Amended]

9. In § 73.256, paragraph (a) (2) is deleted and designated as reserved.

10. In § 73.257, paragraph (b) (7) is amended, existing paragraph (c) is redesignated as paragraph (d), and new paragraph (c) is added to read as follows:

§ 73.257 Changes in equipment and antenna system.

* * * * *

(b) * * *

* * * * *

(7) Modification of frequency control or modulation circuits.

(c) Specific authority, upon filing an informal application therefor, is required for any of the following changes:

(1) Replacement of a stereo generator unit of the transmitter with a type other than that which was included in the transmitter as type accepted.

(2) Replacement of an FM exciter unit of the transmitter with a type other than that which was included in the transmitter as type accepted.

(d) Other changes, except as provided for in this section or in the Technical Standards of this subpart, may be made at any time without authority of the Commission: *Provided,* That the Commission shall be notified of such changes within 30 days.

11. In § 73.267, paragraph (a) (3) is amended and (a) (4) is added to read as follows:

§ 73.267 Operating power; determination and maintenance of.

(a) * * *

* * * * *

(3) The value of the efficiency factor, *F,* shall be determined and a record kept thereof by one of the following methods listed in order of preference:

(i) Using the most recent measurement data for calibration of the transmission line meter according to the procedures described in subparagraph (1) of this paragraph, or the most recent measurements made by the licensee to

establish the value of *F*. In the case of composite transmitters or those in which the final amplifier stages have been modified pursuant to Commission approval, the licensee shall furnish the Commission and retain with the station records the measurement data used as a basis for determining the value *F*.

(ii) Using measurement data shown on the transmitter manufacturer's test data supplied to the licensee: *Provided,* That the measurements were made at the authorized frequency and transmitter output power.

(iii) Using the transmitter manufacturer's measurement data submitted to the Commission for type-approval and as shown in the instruction book supplied to the licensee.

(4) The value of *F* established for the authorized transmitter output power is to be used for maintaining the operating power pursuant to paragraph (b) below.

* * * * *

12. In § 73.284, new paragraph (a) (9) is added and existing paragraph (a) (9) is redesignated as paragraph (a) (10) as follows:

§ 73.284 Maintenance log.

(a) * * *

* * * * *

(9) Whenever the calibration of the output power meter is made as required by § 73.267(b) (2) with a brief description of the methods and results.

(10) any other entries required by the current instrument of authorization of the station and the provisions of this subpart.

* * * * *

13. In § 73.556, paragraph (a), introductory paragraph is amended and (a) (2) is reserved to read as follows:

§ 73.556 Alternate main transmitters.

(a) Upon approval of an application therefor (Form 340), an alternate main transmitter may be licensed for use, subject to the following conditions:

* * * * *

(2) [Reserved]

* * * * *

14. In § 73.557, paragraph (b) (7) is amended, existing paragraph (c) is redesignated as paragraph (d) and new paragraph (c) is added to read as follows:

§ 73.557 Changes in equipment and antenna system.

* * * * *

(b) * * *

* * * * *

(7) Modification of frequency control or modulation circuits.

(c) Specific authority, upon filing an informal application therefor, is required for any of the following changes:

(1) Replacement of a stereo generator unit of the transmitter with a type other than that which was included in the transmitter as type accepted.

(2) Replacement of an exciter unit of the transmitter with a type other than that which was included in the transmitter as type accepted.

(d) Other changes, except as provided for in this section or in the Technical Standards of this subpart, may be made at any time without authority of the Commission: *Provided,* That the Commission shall be notified of such changes within 30 days.

15. In § 73.567, paragraph (a) is amended to read as follows:

§ 73.567 Operating power; determination and maintenance of.

(a) * * *

* * * * *

(3) The value of the efficiency factor, *F*, shall be determined and a record kept thereof by one of the following methods listed in order of preference:

(i) Using the most recent measurement data for calibration of the transmission line meter according to the procedures described in subparagraph (1) of this paragraph, or the most recent measurements made by the licensee to establish the value of *F*. In the case of composite transmitters or those in which the final amplifier stages have been modified pursuant to Commission approval, the licensee shall furnish the Commission and retain with the station records the measurement data used as a basis for determining the value *F*.

(ii) Using measurement data shown on the transmitter manufacturer's test data supplied to the licensee: *Provided,* That the measurements were made at the authorized frequency and transmitter output power.

(iii) Using the transmitter manufacturer's measurement data submitted to the Commission for type-approval and as shown in the instruction book supplied to the licensee.

(4) The value of *F* established for the authorized transmitter output power is to be used for maintaining the operating power pursuant to paragraph (b) below.

* * * * *

16. In § 73.584, new paragraph (a) (9) is added and existing paragraph (a) (9) is redesignated as paragraph (a) (10) as follows:

§ 73.584 Maintenance log.

(a) * * *

* * * * *

(9) Whenver the calibration of the output meter is made as required by § 73.567(b) (1) with a brief description of the methods and results.

(10) Any other entries required by the current instrument of authorization of the station and the provisions of this subpart.

* * * * *

17. In § 73.637, paragraph (a), introductory paragraph is amended and (a) (2) is reserved to read as follows:

§ 73.637 Alternate main transmitters.

(a) Upon approval of an application therefore (Form 301, or for stations operating as noncommercial educational, Form 340), an alternate main transmitter may be licensed for use, subject to the following conditions:

* * * * *

(2) [Reserved]

* * * * *

[FR Doc.76-35573 Filed 12-2-76;8:45 am]

PART 76—CABLE TELEVISION SERVICES

Clarification of Standard for Amplitude Characteristic

Adopted: November 22, 1976.

Released: November 30, 1976.

Order. In the matter of editorial amendment of Part 76 of the Commission's rules to relax and clarifying the standard for amplitude characteristic of cable television systems.

1. It has come to the attention of this Commission that our standard for the amplitude characteristic of cable television systems may impose an unnecessary burden on manufacturers and users of certain types of cable television system equipment, and may indeed produce undesirable results for cable television subscribers in certain instances. Our Rules and Regulations, in § 76.605(a) (8) specify that the amplitude characteristic shall be within a range of ±2 decibels from 0.50 MHz to 5.25 MHz above the lower boundary frequency of the cable television channel, referenced to the amplitude at 1.25 MHz above the lower boundary frequency. This rule is intended to assure that information carried in frequencies both above and below the visual carrier frequency is transmitted in a form which can be effectively utilized by a television receiver.

2. Our existing specification seems to be in conflict with acceptable engineering practices used in the manufacture of certain single-channel amplifiers and also certain signal filters used in the headends of many cable television systems. The so-called "strip amplifiers" are capable of providing high quality television signals, although they may not meet our existing amplitude characteristic specification. Heterodyne signal processors, while they may meet the present standard by themselves, sometimes require the use of added filters to prevent interference from adjacent broadcast channels. Those added filters may also fail to meet the present standard. The performance of both types of equipment may actually be degraded if the equipment is built to our present standard of amplitude characteristic. The difficulty is that the quality of the picture produced by a television receiver depends not only on the relative amplitudes of the various frequency components of the composite television signal, but also on the relative time delays of the various components of the signal. In order to build signal processors and headend amplifiers which do not cause interference with adjacent channels which also carry cable television signals, it is necessary that out-of-band signals be attenuated significantly. In order to meet our present standards, the ampli-

tude characteristic must fall off very sharply at the edges of the cable television channel. But, with existing filter technology this sharp fall-off produces group delay (time delay) distortions which degrade the picture more than would be the case with a more relaxed amplitude characteristic. For these reasons, our Cable Television Advisory Committee recommended relaxation of the amplitude characteristic standard (Cable Technical Advisory Committee Report to the F.C.C., FCC Report No. FCC-CTB-75-01, May 1975).

3. Therefore, in order to allow the manufacturers of cable television equipment to trade flatness in amplitude characteristic for flatness in group delay characteristic in order to produce the optimum performance of the eventual television receivers, we are hereby relaxing the requirements of § 76.605(a) (8) as specified in the attached appendix. It is not expected that the new amplitude characteristic requirement will lead to any degradation of television pictures viewed by cable television subscribers. We note that it may be appropriate to adopt standards for group delay characteristic as well as amplitude characteristics, but we are not addressing that question in this action.

4. Authority for the attached amendments is contained in 47 U.S.C. 151, 152, 301, and 307; and in § 0.231(d) of the Commission's rules. Inasmuch as the amendments ordered are nonsubstantive editorial revisions of the Commission's rules and regulations, impose no new requirements, and are intended only to relax or clarify existing requirements, compliance with the prior notice, procedural and effective date provisions of the Administrative Procedure Act, 5 U.S.C. 553, would serve no useful purpose and is unnecessary.

5. *Accordingly, it is ordered,* That effective December 7, 1976, Part 76 of the Commission's rules and regulations is amended as set forth below.

(Secs. 1, 2, 301, 307, 48 Stat., as amended, 1064, 1081, 1083 (47 U.S.C. 151, 152, 301, 307).)

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

Part 76 of Chapter I of Title 47 of the Code of Federal Regulations is amended in the following manner:

Section 76.605 is amended by revising paragraph (a) (8) as follows:

§ 76.605 Technical standards.

(a) * * *

(8) The amplitude characteristic shall be within a range of ±2 decibels from 0.75 to 5.0 MHz above the lower boundary frequency of the cable television channel, referenced to the average of the highest and lowest amplitudes within these frequency boundaries.

* * * * *

[FR Doc.76-35674 Filed 12-2-76;8:45 am]

PART 94—PRIVATE OPERATIONAL-FIXED MICROWAVE SERVICE

Technical Standards for Microwave Radio Stations

Correction

In FR Doc. 76-34188, appearing on page 51403 in the issue for Monday, November 22, 1976, in the table at the bottom of column 2, the first line of standards should read as follows:

952-960—	[8]30	0.0005	100kHz	[7]20

Title 49—Transportation

CHAPTER II—FEDERAL RAILROAD ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[FRA Docket No. HS-2, Notice No. 1]

PART 228—HOURS OF SERVICE OF RAILROAD EMPLOYEES

Construction of Railroad Employee Sleeping Quarters; Interim Rules

The Federal Railroad Administration (FRA) has determined that it is necessary to issue interim rules responsive to section 2(a) (4) of the Hours of Service Act (45 U.S.C. 61-64b) (hereafter Act) as amended by section 4(a) of the Federal Railroad Safety Authorization Act of 1976, Pub. L. No. 94-348, 90 Stat. 818. The new provision, which became effective on July 8, 1976, makes it unlawful for any common carrier by railroad to begin construction or reconstruction of sleeping quarters for employees covered by the Act, after the effective date of the provision, "within or in the immediate vicinity (as determined in accordance with rules prescribed by the Secretary) of any area where railroad switching or humping operations are performed."

Carrier employees covered by the Act include those (1) engaged in or connected with the movement of any train (e.g., trainmen, locomotive engineers, firemen, conductors, switchmen, switchtenders, hostlers), (2) involved in the communication of orders pertaining to or affecting train movements (e.g., operators, train dispatchers), or (3) engaged in installing, repairing or maintaining signal systems (e.g., signal maintainers; persons assigned to signal "gangs" engaged in constructing systems; signal shop employees who repair, test or fabricate signal system components; communication employees who work on circuits governing signals).

FRA administers and enforces the Hours of Service Act under section 6(f) (3) (A) of the Department of Transportation Act (49 U.S.C. 1655(f) (3) (A)) and a delegation from the Secretary of Transportation (49 CFR 1.49(d)).

Carriers are under a present duty to observe the prohibition against construction of crew quarters within the immediate vicinity of humping operations, since the amendments to the Act do not provide for a delayed effective date. Accordingly, until there has been a sufficient opportunity for full rulemaking proceedings on this matter, it is incumbent on FRA to state through temporary rules what "immediate vicinity" means.

The primary impetus of this amendment to the Hours of Service Act was the accident that occurred at Decatur, Illinois, on July 19, 1974. (H.R. Report No. 94-1166 (1976) at page 11.) Seven employees were killed and another 33 were injured when an explosion demolished crew quarters that were located between and adjacent to two classification yards, and did other extensive damage in the middle of the Norfolk and Western yard. Three hundred sixteen persons who lived or worked in the surrounding area were also injured. The explosion resulted from accidental release of product which occurred during the switching of hazardous materials.

The approach of the Department of Transportation in attempting to limit or eliminate the risks associated with the transportation of hazardous materials in yards throughout the country has been to work for the prevention of accidental release of product, fires and explosions. This approach is based on the realization that, in many hundreds of localities throughout the country, it is not possible to create a physical separation or buffer zone between railroad yards and nearby homes, businesses and schools. Nor has it appeared to be sound policy to apply drastically different standards to the location of carrier-provided employee crew quarters.

Therefore, the Department, through the Materials Transportation Bureau (formerly the Hazardous Materials Transportation Board) and the FRA, has taken several steps since the Decatur incident to require (1) better equipment design, including the modification of certain existing cars, and (2) more strict operating procedures for handling of hazardous materials. See, e.g., 39 FR 27572, July 30, 1974; 39 FR 38230, October 3, 1974.

In enacting the 1976 amendment to the law, Congress determined that additional protection from accidents such as the one that occurred at Decatur, Illinois, is required for crew quarters. In an integrally related provision of the 1976 amendments, Congress made it unlawful for a carrier "to provide sleeping quarters for employees (including crew quarters, camp or bunk cars, and trailers) which do not afford such employees an opportunity for rest, free from interruptions caused by noise under the control of the railroad, in clean, safe, and sanitary quarters * * *." (section 2(a) (3) of the Act, as amended; 45 U.S.C. 62(a) (3)). FRA recognizes that the approach of Congress, which links basic standards for existing facilities with more strict standards for new or reconstructed facilities, evidences an intent that conditions be improved generally over a period of time. Thus, FRA has considered both the factors of safety and freedom from carrier-controlled noise in fashioning these rules.

In determining what constitutes the "immediate vicinity" for this purpose,

FRA considered, among other things, the distances of burning and serious damage in accidents (such as the one at Decatur, Illinois) involving detonation of vapor clouds forming as a result of puncture of a tank car;

A National Aeronautics and Space Administration (NASA) study of certain chemical tank car explosions occurring between 1958 and 1971 (R. D. Seiwert, NASA Technical Memorandum TMX-68277 (1972)); and

The Hazardous Materials—Emergency Action Guide prepared by the National Highway Traffic Safety Administration.

Based on analysis of these materials and other information, FRA has determined that, for purposes of these interim rules, the "immediate vicinity" of humping or switching operations shall mean an area within one-half mile of such operations or such lesser distance meeting the tests described below. The one-half mile distance approximates the average perimeter of the area over which significant burn damage occurred in the worst of the vapor cloud accidents—Decatur, Illinois. In addition, information contained in the NASA study referred to above indicates that 95.4 percent of the large fragments propelled by an explosion caused by ignition of hazardous materials contained in a tank car fall within one-half mile of the point of ignition. (The remaining 4.6 percent of the fragments fall over the succeeding 2,000 feet.) FRA has updated the NASA study of fragment distribution to account for more recent accidents and has found that the data on such accidents are consistent with the NASA study conclusions.

For any proposed project sites within one-half mile of switching or humping operations but outside of one-third mile of such operations, FRA will review the sites to determine the relative safety of and noise levels in crew quarters located at the proposed sites based on the topography of the general area of the site and the rail facilities near the site, the location of other physical improvements situated between the site and areas of rail operations, the distance from trackage where specific types of switching or humping operations are performed, and the type of rail operations within the area including the volume of placarded cars transporting hazardous material. If these factors or other information available to FRA indicates that a proposed site would be safe and would be free from railroad-caused noise, the site will be approved.

The one-third mile limitation on this proposed review was established on the basis of the fact that such a distance is the minimum distance over which serious damage has occurred as a result of vapor cloud explosions in the few accidents that have been caused by such an explosion, indicating that a site located within this distance would, except in most unusual circumstances, not be considered safe from such explosions. In addition, 92 percent of the fragments propelled by such an explosion fall within one-third mile. Finally, noise levels within one-third mile are usually so high and of such a quality as to make unlikely the achievement of interior levels which are desirable in light of the statutory objective of uninterrupted rest. See J. M. Fath et al., "Measurement of Railroad Noise-Line Operations, Yard Boundaries, and Retarders" (National Bureau of Standards 1974); E. J. Rickley et al., "Noise Level Measurements of Railroads: Freight Yards and Wayside" (Department of Transportation, Transportation Systems Center 1974); "Assessment of Noise Environments Around Railroad Operations (Wyle Laboratories Report WCR 73-5); E. K. Bender et al., "Railroad Environmental Noise: A State of the Art Assessment" (Bolt Beranek and Newman Inc. 1974).

It has come to the attention of FRA that, in extraordinary situations, it may not be feasible to construct carrier-provided sleeping quarters at or beyond one-third of a mile. Therefore, FRA will consider the approval of locations within that range where the carrier makes an affirmative showing of its inability to obtain an alternate site suitable for the purpose and demonstrates that the location and type of construction are so unique as to justify approval on the grounds of safety and freedom from railroad-caused noise. The cost to the railroad of providing an alternate site will not be considered in evaluating whether a "feasible" alternate site is, in fact, available.

Accordingly, Rule 1 establishes that all sites within one-half mile (2,640 feet) (804 meters) will be presumed to be in the "immediate vicinity", except as determined otherwise through a site-by-site review. Rule 2 prescribes an approval procedure for construction within the range of one-third to one-half mile (1,760 to 2,640 feet) (536 to 804 meters) from any area where switching or humping operations are performed. Rule 3 prescribes very rigorous criteria and procedures for approval of sites within one-third mile (1,760 feet) (536 meters). Under Rule 3, the carrier would have to establish that an alternate site cannot be obtained and that the physical characteristics of the location and the proposed method of construction provide extraordinary protection against noise and hazardous materials incidents. Distances would be measured from the nearest rail of trackage utilized for switching or humping to the portion of the site on which would be located the exterior wall of the quarters which is the closest to the areas in which switching or humping are performed.

The rules have the effect of permitting construction or reconstruction of crew quarters beyond one-half mile without FRA approval. At that distance and beyond, risks associated with hazardous materials incidents are not substantial, and noise from railroad operations is capable of being controlled. However, under the statute the quarters must still be "clean, safe, and sanitary" and must provide "an opportunity for rest free from interruptions caused by noise under the control of the railroad . . ."

Rule 1(c)(4) defines "switching . . . operations" to include most of those railroad functions commonly referred to as "switching". The result is that substantially all railroad yards and areas within yards will be considered areas in which switching or humping operations are performed. It should be remembered that switching operations may be conducted outside of carrier yard limits. A carrier planning the location of sleeping quarters near railroad operations of any kind may wish to contact FRA to ascertain whether these rules govern the particular site.

It should be emphasized that the placement of employee sleeping quarters in compliance with these rules does not necessarily establish compliance with the noise criterion or any other of the criteria set forth in paragraph (a)(3) of section 2 of the Act. FRA approval of a particular project within one-half mile will not relieve the carrier of the requirements of that paragraph. Nor will construction beyond one-half mile obviate the need to comply with that paragraph.

On August 1, 1974, the Congress of Railway Unions petitioned FRA to issue regulations under the Federal Railroad Safety Act of 1970 to prohibit the location of sleeping quarters less than one mile from carrier property or yards where switching or humping is performed (FRA Rulemaking Petition No. 74-3; 40 FR 6701; February 13, 1975). Because the 1976 amendments to the Hours of Service Act have established a new framework within which the agency must address this proposal, FRA has decided to deny the petition. All materials contained in the petition docket will be subsumed into the present proceeding.

Since the issuance of these rules is expressly mandated by statute, no evaluation is required to be published under the policies of the Department of Transportation statement on regulatory reform (41 FR 16200; April 16, 1976).

These rules will remain in effect pending completion of rulemaking on final rules. FRA has determined, pursuant to section 4 of the Administrative Procedure Act (APA), 5 U.S.C. 553, that public procedure on the interim rules is (1) impracticable and (2) contrary to the public interest. Public procedure under section 4 of the APA is impracticable because of the necessity of issuing interim rules without further delay. Public procedure on the interim rules is contrary to the public interest because the delay incident to that process would (1) leave railroads subject to the prohibitions of the Act without guidance in planning needed facilities and (2) make enforcement of the law more difficult.

By separate notice of proposed rulemaking published in this FEDERAL REGISTER issue at page 53070, FRA requests public participation in the formulation of final rules on the construction or reconstruction of crew quarters.

In consideration of the foregoing, the following interim rules are issued.

CONSTRUCTION OR RECONSTRUCTION OF EMPLOYEE SLEEPING QUARTERS: INTERIM RULES ON DETERMINATION OF "IMMEDIATE VICINITY"

(Authority: Sec. 2(a), Act of March 4, 1907 (45 U.S.C. 62(a)), as amended by sec. 4(a), Pub. L. No. 94-348, 90 Stat. 818; § 1.49(d), regulations of the Secretary of Transportation (49 CFR 1.49(d)).

Rule 1 *Distance requirement; definitions.*

(a) The Hours of Service Act, as amended (45 U.S.C. 61-64b), makes it unlawful for any common carrier engaged in interstate or foreign commerce by railroad to begin, on or after July 8, 1976, the construction or reconstruction of sleeping quarters for employees who perform duties covered by the Act, "within or in the immediate vicinity (as determined in accordance with rules prescribed by the Secretary [of Transportation]) of any area where railroad switching or humping operations are performed".

(b) Except as determined in accordance with Rules 2 and 3, the "immediate vicinity" shall mean the area within one-half mile (2,640 feet) (804 meters) of switching or humping operations as measured from the nearest rail of the nearest trackage utilized on a regular or intermittent basis for switching or humping operations to the point on the site where the carrier proposes to construct or reconstruct the exterior wall of the structure, or portion of such wall, which is closest to such operations.

(c) As used in these rules—

(1) "Construction" shall refer to the—

(i) creation of a new facility; or

(ii) expansion of an existing facility.

(2) "Reconstruction" shall refer to the—(A) replacement of an existing facility with a new facility on the same site; or (B) rehabilitation or improvement of an existing facility (normal periodic maintenance excepted) involving the expenditure, within any period of 18 months, of an amount representing more than 50% of the replacement cost of such facility at the time the program of rehabilitation or improvement began.

(3) The term "switching . . . operations" includes the classification of cars according to commodity or destination, assembling of cars for train movements, changing the position of cars for purposes of loading, unloading, or weighing, and placing of locomotives and cars for repair. However, the term does not include the moving of rail equipment in connection with work service, the moving of a train or part of a train within yard limits by a road locomotive, or placing locomotives or cars in a train or removing them from a train by a road locomotive while en route to the train's destination.

Rule 2 *Approval procedure: construction between one-third and one-half mile (1,760 to 2,640 feet) (536 to 804 meters).*

(a) A common carrier that has developed plans for the construction or reconstruction of sleeping quarters subject to these rules, and which is considering a site at least one-third mile (1,760 feet) (536 meters) but less than one-half mile (2,640 feet) (804 meters) from any area where switching or humping operations are performed, measured from the nearest rail of the nearest trackage utilized on a regular or intermittent basis for switching or humping operations to the point on the site where the carrier proposes to construct or reconstruct the exterior wall of the structure, or portion of such wall, which is closest to such operations, may petition the Administrator for approval of construction or reconstruction on that site.

(b) The petition shall be filed in triplicate with the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Washington, D.C. 20590 and shall contain the following:

(1) A brief description of the type of construction planned, including materials to be employed, means of egress from the quarters, and actual and projected exterior noise levels and projected interior noise levels;

(2) The number of employees expected to utilize the quarters at full capacity;

(3) A brief description of the site including:

(i) distances from trackage where switching or humping operations are performed, specifying distances from particular functions such as classification, repair, assembling of trains from large groups of cars, etc.;

(ii) topography within a general area consisting of the site and all of the rail facilities close to the site; and

(iii) location of other physical improvements situated between the site and areas where railroad operations are conducted;

(4) A blueprint or other drawing showing the relationship of the site to trackage and other planned and existing facilities;

(5) The proposed or estimated date for commencement of construction;

(6) A description of the average number and variety of rail operations in the areas within ½ mile (2,640 feet) (804 meters) of the site (e.g., number of cars classified in 24-hour period; number of train movements);

(7) An estimate of the average daily number of placarded rail cars transporting hazardous materials through the railroad facility, specifying the—

(i) number of such cars transporting Class A explosives, poison gases, and flammable poison gases; and

(ii) number of such cars transporting liquified flammable gases and anhydrous ammonia which are subject to FRA Emergency Order No. 5;

(8) A statement certified by a corporate officer of the carrier possessing authority over the subject matter explaining any plans for future utilization of existing trackage, or for the construction of new trackage, which may impact on the location of switching or humping operations within one-half mile of the proposed site (if there are no plans, the carrier officer must so certify); and

(9) Any further information which is necessary for evaluation of the site.

(c) A petition filed under this rule or under Rule 3 must contain a statement that the petition has been served on the recognized representatives of the railroad employees who will be utilizing the proposed sleeping quarters, together with a list of the employee representatives served.

Rule 3 *Approval procedure: construction within one-third mile (1,760 feet) (536 meters)*

(a) A common carrier that has been unable to identify a feasible site which is one-third mile (1,760 feet) (536 meters) or more from any area in which switching or humping operations are performed, measured from the nearest rail of the nearest trackage utilized on a regular or intermittent basis for switching or humping operations to the point on the site where the carrier proposes to construct or reconstruct the exterior wall of the structure, or portion of such wall, which is closest to such operations, may petition the Administrator for approval of a site within one-third mile (1,760 feet) (536 meters) of such an area.

(b) The petition must contain the information and be filed in the manner specified by paragraph (b) of Rule 2, must be certified to be an accurate representation of fact and carrier intent by a corporate officer of the carrier possessing authority over the subject matter, and must establish that—

(1) no feasible alternate site located at or beyond one-third mile from switching or humping operations is either presently available to the railroad or is obtainable at any cost within three miles (15,840 feet) (4,827 meters) of the reporting point for the employees who are to be housed in the sleeping quarters;

(2) natural or other barriers exist or will be created prior to commencement of construction or reconstruction between the proposed site and any areas in which switching or humping operations are performed which will be adequate to shield the facility from the direct and severe effects of a hazardous materials accident/incident, arising in an area of switching or humping operations;

(3) the topography of the property is such as most likely to cause any hazardous materials unintentionally released during switching or humping to flow away from the proposed site; and

(4) the facility will be so constructed as to assure that interior noise within the control of the railroad will be within limits permitting proper rest.

Rule 4 *Action on petition.*

(a) Each petition for approval filed under Rule 2 or Rule 3 is referred to the Railroad Safety Board for action in accordance with the provisions of Part 211, Title 49, Code of Federal Regulations,

concerning the processing of requests for special approvals.[1]

(b) In considering a petition for approval filed under Rule 2 or Rule 3, the Railroad Safety Board evaluates the material factors bearing on—

(1) the safety of employees utilizing the facility in the event of a hazardous materials accident/incident; and

(2) interior noise levels in the facility.

Effective date: Pursuant to section 4(c) of the Administrative Procedure Act, 5 U.S.C. 553(c), FRA finds that these rules must be and hereby are made effective December 3, 1976 since (1) the provision of law which the rules effectuate was approved by the President on July 8, 1976 and (2) that provision would remain uncertain of application during any period of delay.

Issued in Washington, D.C. November 29, 1976.

ASAPH H. HALL,
Federal Railroad Administrator.

[FR Doc.76-35600 Filed 12-2-76;8:45 am]

CHAPTER III—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER B—FEDERAL MOTOR CARRIER SAFETY REGULATIONS

[Docket No. MC-53; Notice No. 24]

PART 393—PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION

Automatic Device for Reducing Front-Wheel Braking Effort on All Commercial Vehicles

● *Purpose.* The purpose of this amendment to 49 CFR 393.48(b) is to clarify those instances when an automatic device to reduce front-wheel braking shall not be operable. ●

On July 15, 1976, after comments were received on Notice No. 75-21 (40 FR 48520, October 16, 1975) and Notice No. 75-25 (40 FR 57369, December 9, 1975), a final rule was issued (41 FR 29130, July 15, 1976) which amended 49 CFR 393.48 by permitting the use of automatic devices for reducing front-wheel braking effort on all commercial vehicles.

Questions have been raised by members of the industry concerning the clarity and meaning of subparagraph (b) (2) (ii) of § 393.48. The general rule of § 393.48 (b) (2) allows a reduction in front-wheel braking effort by the use of automatic devices with two exceptions. This amendment clarifies one of those exceptions. The Director originally intended to issue a rule which would state that if a brake application pressure exceeding the limits specified in the regulation was applied, the front-wheel braking effort of a vehicle shall not, under any circumstances, be automatically reduced. The limiting brake application pressures are either 85 psig on air mechanical braking systems or 85 percent of the maximum system pressure for vehicles using other than compressed air. At these pressures, a vehicle must get full braking effort.

The rationale supporting this requirement that automatic devices not reduce or remove front-wheel braking effort when the brake application pressure exceeds either of the above pressures is as follows: At brake application pressures this high, the operator of the vehicle intends, presumably for reasons of emergency, to immediately bring the vehicle to a full stop. The operator expects and requires full braking effort, even if the antilock system fails and the steering control may be impaired.

Since this amendment merely serves as a clarification, public notice and comment thereon are not necessary and this amendment is effective immediately.

Therefore, § 393.48 of the Federal Motor Carrier Safety Regulations (Subchapter B of Chapter III, Title 49, CFR) is amended by revising paragraph (b) (2) as follows:

§ 393.48 Brakes to be operative.

* * * * *

(b) Devices to reduce or remove front-wheel braking effort. * * *

(2) *Automatic Devices.* An automatic device to reduce the front-wheel braking effort by up to 50 percent of the normal braking force, regardless of whether or not antilock system failure has occurred on any axle, must not—

(i) Be operable by the driver except upon application of the control that activates the braking system; and

(ii) Be operable when the pressure that transmits brake control application force exceeds—

(*a*) 85 psig on air-mechanical braking systems; or

(*b*) 85 percent of the maximum system pressure in the case of vehicles utilizing other than compressed air.

(Sec. 204 of the Interstate Commerce Act, as amended (49 U.S.C. 304); sec. 6 of the Department of Transportation Act (49 U.S.C. 1655), and the delegations of authority by the Secretary of Transportation and the Federal Highway Administrator at 49 CFR 1.48 and 301.60, respectively.)

Issued on November 23, 1976.

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

ROBERT A. KAYE,
Director,
Bureau of Motor Carrier Safety.

[FR Doc.76-35560 Filed 12-2-76;8:45 am]

[Amdt. No. 75-15]

PART 393—PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION

Miscellaneous Amendments

● *Purpose.* The purpose of this document is to update the addresses of where certain referenced documents may be purchased. ●

The addresses of the Society of Automotive Engineers, American National Standards Institute, National Fire Protection Association, and Bureau of Explosives are being corrected as follows:

§ 393.24 [Amended]

In § 393.24, footnote 1, the address for the "Society of Automotive Engineers, 2 Pennsylvania Avenue, New York, N.Y. 10001," is changed to read "Society of Automotive Engineers, 400 Commonwealth Drive, Warrendale, Pennsylvania 15096.

§ 393.60 [Amended]

In § 393.60, paragraph (c), the address for "American Standards Association, Inc., 10 East 40th Street, New York, N.Y. 10016," is changed to read "American National Standards Institute, 1430 Broadway, New York, N.Y. 10018."

§ 393.69 [Amended]

In § 393.69, paragraph (a) the address for the "National Fire Protection Association, 60 Batterymarch Street, Boston, Massachusetts 02110" is changed to read "National Fire Protection Association, 470 Atlantic Avenue, Boston, Massachusetts 02210."

§ 393.95 [Amended]

In § 393.95, paragraph (j), the address for the "Bureau of Explosives, Two Pennsylvania Plaza, New York, N.Y. 10001," is changed to read "Bureau of Explosives, Association of American Railroads, American Railroad Building, 1920 L Street, N.W., Washington, D.C. 20036."

(Sec. 204, Interstate Commerce Act, amended (49 U.S.C. 304), Sec. 6, Department of Transportation Act (49 U.S.C. 1655), and the delegations of authority by the Secretary of Transportation and the Federal Highway Administrator of 49 CFR 1.48 and 301.60 respectively.)

Effective date: This amendment is effective on the date of issuance.

Issued on November 24, 1976.

ROBERT A. KAYE,
Director,
Bureau of Motor Carrier Safety.

[FR Doc.76-35559 Filed 12-2-76;8:45 am]

[Docket MC-56; Amdt. 76-1]

PART 393—PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION

Postponement of Effective Date for Front Tire Marking Requirements

● Purpose. This document postpones the effective date for front tire marking requirements from April 1, 1977, until October 1, 1978. ●

The Federal Motor Carrier Safety Regulations (FMCSR) presently contain a requirement that motor vehicles operated in interstate or foreign commerce be equipped with tires on the front axle which conform to Federal Motor Vehicle Safety Standard No. 119 no later than April 1, 1977. The FMCSR requirement is found in § 393.75(f)(1) (49 CFR 393.75 (f)(1)).

[1] Any request for approval of a site submitted to the Administrator after July 8, 1976, but prior to the effective date of these interim rules, is treated as an effective petition under these rules. However, the Railroad Safety Board may require submission of—(1) such additional information as may be required properly to evaluate the proposed site; and (2) a certification responsive to subparagraph (b) (8) of Rule 2 and/or paragraph (b) of Rule 3, if appropriate.

Standard No. 119 (49 CFR 571.119), New Pneumatic Tires for Vehicles Other Than Passenger Cars, became effective on March 1, 1975. Tires manufactured for a considerable period of time prior to this effective date met the performance requirements of Standard No. 119, but not the marking requirements. Due to declines in truck sales, and in anticipation of the recent strike against the Nation's four largest tire manufacturers, many "pre-Standard No. 119 tires" still exist in tire and vehicle manufacturer inventories. The National Highway Traffic Safety Administration has decided to allow manufacturers of new vehicles until February 28, 1977, to deplete this excess inventory of tires which meet the requirements of Standard No. 119 other than the tire marking requirements (see 41 FR 36657, August 31, 1976).

Newly manufactured motor vehicles equipped with these "pre-Standard No. 119 tires" on front axles are not expected to be sold for several months after the February 28, 1977, date. Without the regulatory relief in this order, interstate motor carriers purchasing these vehicles would be required by § 393.75(f)(1), as it now reads, to replace the front axle tires on these vehicles with tires which fully comply with Standard No. 119. Since the only difference between the two sets of tires would be sidewall markings, the safety of vehicles will not be affected. Accordingly, good cause is found to postpone the April 1, 1977, date found in § 393.75(f)(1) until October 1, 1978. This should allow adequate time for use of original tread on the tires in question.

While it is recognized that the postponement would also have the effect of allowing continued use until October 1, 1978, of "pre-Standard No. 119 tires" on the front axles of existing vehicles, no compromise of safety is foreseen.

Several petitions remain outstanding concerning Docket MC-56 which will be dealt with in a forthcoming Notice of Proposed Rulemaking.

In view of the foregoing, 49 CFR 393.75 is amended as follows:

§ 393.75 Tires.

* * * * *

(f) The words "April 1, 1977," are revised to read "October 1, 1978."

* * * * *

Since this amendment does not revise the substance of a requirement, notice and comment procedures, and publication at least 30 days before the effective date are not needed.

(Sec. 204, 49 Stat. 546, as amended (49 U.S.C. 304); sec. 6, Pub. L. 89-670, 80 Stat. 937 (49 U.S.C. 1655); 49 CFR 1.48; 49 CFR 389.4.)

This amendment is effective December 3, 1976.

Issued on November 24, 1976.

The Federal Highway Administration has determined that this document does not contain a major rule change requiring preparation of an Inflationary Impact Statement under Executive Order 11821 and OMB circular A-107.

ROBERT A. KAYE,
Director, Bureau of Motor Carrier Safety.

[FR Doc.76-35558 Filed 12-2-76;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—UNITED STATES FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

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

PART 17—ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Determination That the Red Hills Salamander Is a Threatened Species

The Director, U.S. Fish and Wildlife Service (hereinafter the Director and the Service, respectively) hereby issues a rulemaking pursuant to section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1531-1543; 87 Stat. 884; hereinafter the Act) which determines the Red Hills Salamander (*Phaeognathus hubrichti*) to be a Threatened Species.

BACKGROUND

On October 1, 1975, the Service published a proposed rulemaking in the FEDERAL REGISTER (40 FR No. 191 45175) advising that sufficient evidence was on file to support a determination that the Red Hills Salamander was an Endangered Species as provided for by the Act. That proposal summarized the factors thought to be contributing to the likelihood that this salamander could become extinct with the foreseeable future; specified the prohibitions which would be applicable if such a determination were made; and solicited comments, suggestions, objections and factual information from any interested person.

Section 4(b)(1)(A) of the Act requires that the Governor of each State, within which a resident species of wildlife is known to occur, be notified and be provided 90 days to comment before any such species is determined to be a Threatened Species or an Endangered Species. A letter was sent to Governor Wallace of the State of Alabama on October 6, 1975, notifying him of the proposed rulemaking for the Red Hills Salamander.

Official comments, dated November 12, 1975, were received from Governor Wallace. Governor Wallace expressed his concern for native endangered wildlife as well as the economic well-being of the Red Hills region and indicated his support for programs for protecting both the Red Hills Salamander and the property rights of local landowners. He also suggested that a public hearing be held to allow interested parties to express their views.

SUMMARY OF COMMENTS AND RECOMMENDATIONS

Section 4(b)(1)(C) of the Act requires that a summary of all comments and recommendations received be published in the FEDERAL REGISTER prior to adding any species to the List of Endangered and Threatened Wildlife.

In the October 1, 1975, FEDERAL REGISTER Proposed Rulemaking (40 FR 45175) and the associated October 1, 1975, News Release, all interested parties were invited to submit factual reports or information which might contribute to the formulation of a Final Rulemaking. An additional notice was published (41 FR 1915) extending the 90-day comment period to February 1, 1976.

All public comments received during the period October 1, 1975, to February 1, 1976, were considered.

Letters from 67 individuals, including Governor George Wallace and Representatives William L. Dickinson, Jack Edwards, and Benjamin Gilman, as well as representatives of the Audubon Naturalist Society, Auburn University Department of Forestry, Alabama Farm Bureau Association, Alabama Forestry Association, Society of American Foresters, and Southern Forests Products Association, were received.

In addition, several persons included articles about the proposed addition of the Red Hills Salamander to the Endangered and Threatened Species List from local newspapers with their comments. No additional biological data were added.

Comments supporting the designation of the Red Hills Salamander as an Endangered Species were received from six individuals and conservation groups; one individual was neutral in his opinion.

Comments opposing the designation as Endangered were received from twenty-one individuals, eight representatives of timber companies, and four representatives of various other business interests and Chambers of Commerce.

Comments were also received which, while not directly opposing the designation of the Red Hill Salamander as Endangered, questioned possible economic repercussions on private landowners and the region in general by such a designation. A few individuals requested additional information about the proposed Endangered designation. In these categories, fourteen comments were by individuals, six by representatives of timber companies, one by a State agency, and seven by representatives of various business interests and Chambers of Commerce.

PROPOSAL

After a thorough review and consideration of all the information then available, the Director proposed to determine that the Red Hills Salamander was in danger of extinction throughout all or a significant portion of its range due to one or more of the factors described in Section 4(a) of the Act. The description of those factors included in the proposed rulemaking (40 FR 25175) was as follows:

1. *The present or threatened destruction, modification, or curtailment of its habitat or range.* The entire geographic range of *Phaeognathus hubrichti* is confined to a small area of south central

Alabama. Within its range there are approximately 60,000 acres of habitat currently capable of supporting populations of the Red Hills Salamander. Within the Red Hills geographic province, *P. hubrichti* appears to be confined to moist, cool mesic forested ravines associated with the Tallahatta and Hatchetigbee geologic formations. It inhabits burrows along the slopes of mesic ravines shaded by an overstory of predominantly hardwood trees. Undisturbed, the forest floor is moist and relatively cool. Spiders, millipedes, and other invertebrate life which constitute the bulk of the diet of *P. hubrichti* are abundant.

Of the approixmately 60,000 acres of remaining habitat, approximately 60 percent is currently owned or leased by paper companies which use primarily clearcut techniques of forest management. This technique of forest management coupled with site preparation for replanting completely destroys the habitat of the Red Hills Salamander. The remainder of the available habitat, the majority of which is in private ownership, is also subject to alteration. The conversion from forest land to pasture or cropland is occurring in this area and is equally destructive. The specialized habits of this species along with its low reproductive rate and inability to disperse preclude its movement into adjacent areas.

2. *Overutilization for commercial, sporting, scientific, or educational purposes.* Overcollecting for commercial, scientific and educational purposes appears to have contributed to the decline of this species at some localities. The population at the type locality, which is well known to collectors, has been reduced.

3. *Disease or predation.* Not applicable.

4. *The inadequacy of existing regulatory mechanisms.* There are currently no regulatory mechanisms to protect *P. hubrichti.*

5. *Other natural or manmade factors affecting its continued existence.* The specialized, fossorial mode of existence of this species with its low reproductive rate and inability or reluctance to disperse has apparently contributed to its precarious status.

Conclusion

A study prepared for the U.S. Fish and Wildlife Service by Mr. Thomas W. French of Auburn University has added much information on the Red Hills Salamander not available to the Director when this salamander was proposed as Endangered. Conducted between January 19 and April 2, 1976, Mr. French sought to determine more precisely the range, distribution of form within the range, limiting factors associated with distribution, effects of various forestry practices, total acreage of suitable remaining habitat, and delineation of areas that might be considered "critical habitat" for this species.

After careful evaluation, it now appears that the Red Hills Salamander should be designated as a Threatened species as defined in Section 3(15) of the Act, rather than an Endangered species as defined in Section 3(4). The reasons for this change in determination involves new information on factor number one (The Present or Threatened Destruction, Modification, or Curtailment of its Habitat or Range). In the proposal, this factor was regarded as the most serious threat facing the salamander. New information, however, obtained from French on April 10, 1976, shows that the situation is not as critical as stated in the original proposal. Primarily, it is this new information on the less critical status of the habitat which leads us to believe that the species is Threatened rather than Endangered.

Although no populations are found on slopes where 100% of tree cover has been removed or slopes on which mechanical or hand planting of pine has followed heavy cutting, spotty populations are found on slopes heavily cut but not clearcut. The new information provided by French shows that clearcutting and mechanical planting on slopes are seldom followed in the area inhabited by the salamander; most timber companies in this area are now selectively "marking out" bluffs and steep slopes, habitat most favorable to the Red Hills Salamander. This type of management allows timber harvesting while maintaining viable salamander populations as long as extensive removal of the tree canopy is avoided. The effects of severe cutting depend on the aspects of the slope and the amount of seepage. Clearcutting above the slope seldom appears to be a major detrimental factor to populations of the salamander.

Despite the fact that new data indicate a less severe threat to the salamander than stated in the original proposal, the situation is still serious enough to warrant Threatened status. Of the 60,000 acres of the present range, 6745 acres are believed to have supported salamander populations but no longer do so because of adverse timbering practices, or support populations which are low in number and irregularly distributed. Extensive removal of tree canopies and nonselective timber harvesting practices could have severe effects on the remaining specialized habitat of this species. In addition, studies on movements of this salamander confirm that it has a limited ability to recolonize formerly occupied habitat.

The report by French added no new information regarding the other factors specified by Section 4(a)(1) of the Act reported in the proposed Endangered designation for this salamander (40 FR 45175).

Effect of the Rulemaking

The effects of these determinations and this Rulemaking include, but 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. 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.

(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.

(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.

The determination set forth in this final rulemaking also makes the Red Hills Salamander eligible for the consideration provided by Section 7 of the Act. That Section reads as follows:

INTERAGENCY COOPERATION

SECTION 7. The Secretary shall review other programs administered by him and utilize such programs in furtherance of the purposes of this Act. All other Federal departments and agencies shall, in consultation with and with the assistance of the Secretary, utilize their authorities in furtherance of the purposes of this Act by carrying out programs for the conservation of endangered species and threatened species listed pursuant to section 4 of this Act and by taking such action necessary to insure that actions authorized, funded, or carried out by them do not jeopardize the continued existence of such endangered species and threatened species or result in the destruction or modification of habitat of such species which is determined by the Secretary, after consultation as appropriate with the affected States, to be critical.

The Director has prepared, in consultation with an ad hoc interagency committee, guidelines for Federal agencies for the application of Section 7 of the Act. In the future, regulations will be published regarding Section 7.

Regulations which appear in Part 17, Title 50 of the Code of Federal Regulations were first published in the FEDERAL REGISTER of September 26, 1975 (40 FR 44412), and provide for the issuance of permits to carry out otherwise prohibited activities involving Endangered or Threatened Species under certain circumstances.

EFFECT INTERNATIONALLY

In addition to the protection provided by the Act, the Service will review the Red Hills Salamander to determine whether it should be proposed to the Secretariat of the Convention on International Trade in Endangered Species of Wild Fauna and Flora for placement upon the appropriate Appendix(ices) to that Convention or whether it should be considered under other, appropriate international agreements.

NATIONAL ENVIRONMENTAL POLICY ACT

An Environmental Assessment has been prepared and is on file in the Service's Washington Office of Endangered Species. It addresses this action as it involves the Red Hills Salamander. The assessment is the basis for a decision that this determination is not 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.

(Endangered Species Act of 1973 (U.S.C. 1531-1543; 87 Stat. 884).)

This amendment will become effective on January 3, 1977.

Dated: November 16, 1976.

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

Accordingly § 17.11 of Part 17 of Chapter 1 of Title 50 of the U.S. Code of Federal Regulations is amended as follows:

1. By adding the Red Hills Salamander to the list under "Amphibians" as indicated below:

Species		Range					
Common name	Scientific name	Population	Known distribution	Portion of range where threatened or endangered	Status	When listed	Special rules
Salamander, Red Hills.	*Phaeognathus hubrichti.*	NA	United States (Alabama).	Entire	T	.....	NA

[FR Doc.76-35621 Filed 12-2-76;8:45 am]

proposed rules

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

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 725]

FLUE-CURED TOBACCO

Proposed Establishment of 1977 National Quota; Referendum

Notice is hereby given that on December 16, 1976 a referendum will be held of farmers engaged in the production of the 1976 crop of flue-cured tobacco. Notice was given (41 FR 39043) that consideration would be given to data, views and recommendations in establishing the 1977 national quota, the national reserve, and the date or period for holding the referendum and whether the referendum should be conducted at polling places rather than by mail ballot. Those who commented on the referendum thought that it should be conducted at polling places and that it should be conducted as soon as possible.

It is hereby determined that the referendum will be held at polling places on Thursday December 16, 1976. The purpose of this referendum is to determine whether flue-cured tobacco farmers are in favor of or opposed to marketing quotas for the 1977–78, 1978–79 and 1979–80 marketing years. The referendum will be conducted in accordance with the provisions of the Act (7 U.S.C. 1312(c)) and the regulations contained in 7 CFR 717.

Signed at Washington, D.C. on November 22, 1976.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.76-35238 Filed 12-2-76;8:45 am]

Agricultural Marketing Service

[7 CFR Part 912]

HANDLING OF GRAPEFRUIT GROWN IN THE INDIAN RIVER DISTRICT IN FLORIDA

Notice of Proposed Rulemaking With Respect to Approval of Expenses and Fixing of Rate of Assessment for the 1976–77 Fiscal Period

This notice invites written comment relative to the proposed expenses of $27,000 and the rate of assessment of $0.002 per box ($0.001 per four-fifths bushel) of grapefruit to support the activities of the Indian River Grapefruit Committee for the 1976–77 fiscal period under the amended marketing agreement and Order No. 912.

Consideration is being given to the following proposals submitted by the Indian River Grapefruit Committee, established pursuant to the marketing agreement, as amended, and Order No. 912, as amended (7 CFR Part 912), regulating the handling of grapefruit grown in the Indian River District in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, (7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof:

(a) That the expenses that are reasonable and likely to be incurred by the Indian River Grapefruit Committee, during the period August 1, 1976, through July 31, 1977, will amount to $27,000.

(b) That the rate of assessment for such period, payable by each handler in accordance with § 912.41, be fixed at $0.002 per standard packed box ($0.001 per four-fifths of a United States bushel) of grapefruit.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposal shall file the same, in quadruplicate, with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than December 21, 1976. 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)).

Dated: November 30, 1976.

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

[FR Doc.76-35696 Filed 12-2-76;8:45 am]

[7 CFR Part 928]

HANDLING OF PAPAYAS GROWN IN HAWAII

Notice of Proposed Rulemaking

This notice invites written comment relative to proposed minimum quality and size requirements for shipments of Hawaiian papayas under the Marketing Agreement and Order No. 928. This regulation would require that all Hawaiian papayas handled grade at least Hawaii No. 1 except for export destinations during the period April 1 through December 31, 1977, when the allowable tolerances for defects under Hawaii No. 1 grade would be more restrictive. Papayas shipped in interstate or export channels during 1977 would be required to be pyriform shape and weigh at least 11 ounces each except during the period January 1 through March 31, 1977 when the minimum weight would be 10 ounces. Fruit shipped in intrastate channels would be required to weigh at least 14 ounces except Hawaii Fancy grade fruit would be required to weigh at least 16 ounces. This proposal was unanimously recommended by the Papaya Administrative Committee established pursuant to the said Marketing Agreement and Order No. 928, regulating the handling of papayas grown in Hawaii. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The Committee estimates that 1977 production of Hawaiian papayas will total 57.5 million pounds, 20 percent more than the estimated record large 1976 crop. Fresh sales are expected to total 50.0 million pounds and the remaining 7.5 million processed. In-state fresh sales are projected at 14.0 million pounds for 1977, compared to 13.2 million estimated for 1976. It is anticipated that out-of-state sales will amount to 72 percent of the total fresh sales next year and reach a record large 36.0 million pounds, 7.2 million more than in 1976.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed regulation shall file the same, in quadruplicate with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than December 17, 1976. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during business hours (7 CFR 1.27(b)).

As proposed § 928.307 Papaya Regulation 7 would read as follows:

§ 928.307 Papaya Regulation 7.

(a) During the period January 1 through December 31, 1977, no handler shall ship any container of papayas (except immature papayas handled pursuant to § 928.152 of the order) to any destination within the production area unless said papayas grade at least Hawaii No. 1 and are of a size which individually weigh not less than 14 ounces: *Provided,* That papayas handled as Hawaii Fancy grade shall be of a size which individually weigh not less than 16 ounces.

(b) During the period January 1 through March 31, 1977 no handler shall ship any container of papayas (except immature papayas handled pursuant to § 928.152 of the order) to any export destination unless said papayas grade at least Hawaii No. 1: *Provided,* That such papayas shall be of pyriform shape and weigh not less than 10 ounces each.

(c) During the period April 1 through December 31, 1977 no handler shall ship any container of papayas (except immature papayas handled pursuant to

§ 928.152 of the order) to any export destination unless said papayas grade at least Hawaii No. 1, except that the allowable tolerances for defects shall be 5 percent provided that included in the tolerance not more than 3 percent shall be permitted for serious damage, not more than 1 percent for immature fruit, and not more than 1 percent for decay: *Provided*, That such papayas shall be of pyriform shape and weigh not less than 11 ounces each.

(d) When used herein "Hawaii Fancy", "Hawaii No. 1" "Hawaii No. 2" and "Pyriform shape" shall have the same meaning as set forth in the State of Hawaii Revised Regulation No. 1 Subsection 5.32—Wholesale Standards for Hawaiian Grown Papayas. All other terms shall have the same meaning as when used in the marketing agreement and order.

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

Dated: November 30, 1976.

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

[FR Doc. 76-35695 Filed 12-2-76;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 240]

[Release No. 34-13019; File No. S7-616]

UNIFORM NET CAPITAL RULE

Notice of Proposed Amendments

The Securities and Exchange Commission today announced that it has under consideration proposed amendments to Rule 15c3-1 [17 CFR 240.15c3-1] ("§ 240.15c3-1") under the Securities Exchange Act of 1934 ("the Act"), the uniform net capital rule. The proposed amendments are intended to protect the funds and securities of customers from the risks incurred by brokers and dealers who guarantee, endorse or carry the market maker accounts of specialists in listed options; this would be accomplished by requiring such brokers and dealers to apply proprietary haircuts to all their positions if they carry customer accounts. The proposed amendments would also provide an optional financial responsibility standard available to certain self-clearing options specialists.

INTRODUCTION

Section 15(c)(3) of the Act directs the Commission, *inter alia*, to establish minimum financial responsibility requirements for all brokers and dealers. On June 26, 1975, the Commission adopted[1] amendments to § 240.15c3-1 constituting a uniform net capital rule applicable to substantially all brokers and dealers, thus implementing this congressional directive.

Subsequently, the Commission has twice amended its uniform net capital rule to establish financial responsibility standards specifically applicable to situations wherein the specialist or market maker account of a dealer is carried, cleared, guaranteed or endorsed by another broker or dealer. On January 2, 1976, the Commission adopted[2] § 240.15c3-1(a)(6), embodying an optional financial responsibility standard available to certain dealers who combine specialist or market making functions with certain other floor activities. Section 240.15c3-1(a)(6) is predicated on the maintenance of specified levels of equity in the dealer's market maker or specialist account carried with another broker or dealer, and also imposes upon the carrying broker or dealer control and early warning obligations intended to ensure daily surveillance over the account's financial condition. In February 1976,[3] the Commission incorporated similar control devices into proposed amendments to § 240.15c3-1(c)(2)(x) intended to enable net capital computations to reflect more directly the risks incurred by brokers and dealers ("clearing firms") who guarantee, endorse or clear the market maker accounts of specialists in listed options. The proposed amendments to § 240.15c3-1(c)(2)(x) included, *inter alia*, percentage deductions from a clearing firm's net worth, effectively constituting equity maintenance requirements for listed options specialists, applicable to various options trading strategies including bona fide hedged and spread positions. On this occasion, the Commission also proposed[4] amendments to § 240.15c3-1(a)(6) intended to secure substantial symmetry between these two analogous provisions of the uniform net capital rule. On September 2, 1976, after considering the public's statistical testing of and comments upon these proposals, the Commission adopted them in revised form in Securities Exchange Act Release No. 12766 (Sept. 2, 1976) [41 FR 39014 (Sept. 14, 1976)]; they are currently scheduled to become effective on January 1, 1977.[5]

PROTECTION OF CUSTOMERS' FUNDS AND SECURITIES

For the reasons discussed below, the Commission proposes to render the reduced capital charges otherwise contemplated by §§ 240.15c3-1(a)(6) and 240.15c3-1(c)(2)(x) unavailable to a clearing firm which also carries customer accounts.

In their amended form, §§ 240.15c3-1(a)(6) and 240.15c3-1(c)(2)(x) may not effectively insulate the funds and securities of a clearing firm's customers from the risks arising from the firm's options clearing activities. Presently, such a broker or dealer is free both to carry and clear the market maker accounts of specialists in listed options and to carry the accounts of his customers. While the broker or dealer is subject of course to the segregation, possession and control requirements of § 240.15c3-3, the Commission's customer protection rule, it remains to be said that the firm's net capital must both adequately protect customer assets in the firm's custody or control and support the risks generated by the firm's options clearing activities. In this sense, a clearing firm's customers may not be insulated from such risks to an appropriate degree.

A broker's or dealer's combination of options clearing and customer activities does not appear to threaten the safety of customer assets where the firm is subject to the generally applicable provisions of the uniform net capital rule. Whether such a firm operates under the aggregate indebtedness standard or the alternative net capital requirement, it must apply in its capital computations certain risk quantification provisions—the so-called "proprietary haircuts" found in § 240.15c3-1a (options) and § 240.15c1(c)(2)(vi), (f)(3) (other securities)—which contemplate and provide for a general securities business encompassing both customer-related activity and proprietary transactions in options. Experience indicates that these haircuts create a capital cushion sufficient to enable a firm to meet the exigencies of such a general securities business without undue hazard or exposure to the assets of its customers.

However, a different case may be presented by the special financial responsibility standards established by §§ 240.15c3-1(a)(6) and 240.15c3-1(c)(2)(x) as applied to a combination of options clearing and customer-related activities. Both provisions are available only in respect of the specialist or market maker accounts of dealers effecting transactions solely with other brokers and dealers and carrying no customer accounts.[6] Both provisions are effectively pedicated on the dealer's maintenance of specified levels of equity in a specialist or market maker account carried and cleared by another broker or dealer, who sustains a capital charge equal to any difference between the dealer's equity requirements and the equity actually present in his account. These equity requirements seek to reflect the market risks inherent in positions arising from a dealer's specialist or market maker transactions, and (inasmuch as no such dealer is permitted to effect transactions with customers or to carry customer accounts) are not necessarily

[1] Securities Exchange Act Release No. 11497 (June 26, 1975), 40 FR 29795 (July 16, 1975).

[2] Securities Exchange Act Release No. 11969 (Jan. 2, 1976), 41 FR 5277 (Feb. 5, 1976).

[3] Securities Exchange Act Release No. 12148 (Feb. 26, 1976, 41 FR 12306 (March 25, 1976).

[4] *Id.*

[5] The original effective date of these amendments was November 1, 1976. However, the Commission recently postponed their effective date to January 1, 1977. Securities Exchange Act Release No. 12927 (Oct. 27, 1976), 41 FR 48335 (Nov. 3, 1976). On this occasion, the Commission also proposed certain technical modifications to § 240.15c3-1(a)(6) and § 240.15c3-1(c)(2)(x) as amended. Securities Exchange Act Release No. 12926 (Oct. 27, 1976), 41 FR 48377 (Nov. 3, 1976). The public comment period respecting these proposals expires on December 1, 1976.

[6] 17 CFR 240.15c3-1(a)(6)(ii) (1976); *see id.* 240.15c3-1(c)(2)(x)(A) ("specialist [in listed options] not otherwise subject to the provisions of this section").

designed to create an additional capital cushion for the protection of customers similar to that resulting from application of the proprietary haircuts.

In this light, it appears that §§ 240.15c3–1(a)(6) and (c)(2)(x) are appropriate for the protection of customers to the extent that the risks assumed by the clearing firm carrying the specialist or market maker account of a dealer operating thereunder do not approximate the risks to its customers' funds and securities which would arise from similar transactions effected by the clearing firm on a proprietary basis. In this connection, where a dealer operating under § 240.15c3–1(a)(6) or § 240.15c 3–1(c)(2)(x) effects market maker transactions in listed options through an account carried by a clearing firm which has issued to such a dealer the Letter of Guarantee required by the rules of each options exchange,[7] the Commission may have cause for concern. The market value of options is a leverage function of the value of their underlying securities, a fact which results in greater price volatility and proportionately greater market risk to a broker or dealer financially responsible for transactions in options. Moreover, the Letter of Guarantee is intended to and effectively does transfer such financial responsibility from the market maker to his clearing firm.

These considerations impel the Commission to conclude that it may be inappropriate for the protection of the customers of a clearing firm to permit such a firm to carry the market maker account of a dealer acting as a specialist in listed options without subjecting positions resulting from transactions for such account to proprietary haircuts. Accordingly, the Commission has determined to propose amendments to §§ 240.15c3–1(a)(6) and 240.15c3–1(c)(2)(x) which would require a clearing firm carrying both one or more customer accounts and one or more market maker accounts of specialists in listed options to subject all positions in the latter accounts to proprietary haircuts. Thus, proposed § 240.15c3–1(c)(2)(x)(A)(*9*) would stipulate that notwithstanding the provisions of § 240.15c 3–1(c)(2)(A)(*1*)–(*8*), a clearing firm carrying the accounts of one or more customers must, for purposes of its capital computations, apply proprietary haircuts to all positions arising from market maker transactions guaranteed, endorsed or carried by such clearing firm. A proposed conforming amendment to § 240.15c3–1(a)(6)(iii)(A) would achieve the same result with respect to § 240.15c 3–1(a)(6).[8]

The text of these proposed amendments to §§ 240.15c3–1(a)(6) and 240.15c3–1(c)(2)(xi) appears later in this release.

Market Maker Accounts of Self-Clearing Options Specialists

Sections 240.15c3–1(a)(6) and 240.15c3–1(c)(2)(x) both contemplate—and require—a division of functions with respect to market maker transactions by specialists in listed options; in furtherance of its market maker activities, the options specialist effects transactions which are cleared by another broker or dealer through an account carried by the clearing firm pursuant to these provisions. This regulatory pattern conforms to the structure of the various options exchanges, which for the most part consists of numerous independent options specialists clearing through (but not employed by) a substantially smaller number of clearing firms.

Recently, it has come to the Commission's attention that a relatively small number of clearing firms not only carry and clear in the conventional fashion the market maker accounts of independent options specialists, but also themselves engage in such specialist activity through employees utilizing the firm's membership on one or more options exchanges. Market maker transactions effected by these employees are carried and cleared by their employer acting in its clearing firm capacity.

Inasmuch as neither § 240.15c3–1(a)(6) nor § 240.15c3–1(c)(2)(x) is available respecting the market maker accounts of such "self-clearing" options specialists, the clearing firm employing them must subject positions arising from their market maker activities to proprietary haircuts for purposes of its capital computations pursuant to § 240.15c3–1. This may not be appropriate in the sense that while there appears to be some difference between the market and credit risks assumed by a clearing firm guaranteeing the market maker transactions of independent options specialists and the risks engendered by market maker transactions effected on a proprietary basis, such risk differential may not be sufficiently substantial to justify imposition of proprietary haircuts in the latter case. Accordingly, the Commission has determined to propose amendments to § 240.15c3–1 intended to enable clearing firms to conduct options specialist activities through their employees under substantially the same special financial responsibility standard presently applicable to the market maker accounts of independent options specialists.

These proposed amendments would add to the uniform net capital rule § 240.15c3–1(a)(7), an optional financial responsibility standard intended to be available to dealers engaged solely (except as noted below) in the business of effecting (as sole proprietor or through one or more natural persons[9] associated with the dealer) and clearing market maker transactions in listed options; a dealer electing to operate under proposed § 240.15c3–1(a)(7) may also act as guarantor, endorser, or carrying dealer with respect to the market maker accounts of options specialists not associated with the dealer and exempted from net capital regulation pursuant to § 240.15c3–1(b)(1).

Several features of proposed § 240.15c 3–1(a)(7) should be noted. First, proposed § 240.15c3–1(a)(7)(ii) is intended to make it clear that no dealer operating under proposed § 240.15c3–1(a)(7) may carry the accounts of customers. Second, proposed § 240.15c3–1(a)(7)(vi) would prohibit any broker or dealer from recognizing in its own capital computations flow-through capital benefits derived from consolidating, pursuant to § 240.15c3–1c, the assets and liabilities of a dealer operating under proposed § 240.15c3–1(a)(7). This provision is intended to prevent such a dealer's parent entity (which may conduct a general securities business) from effectively subjecting part of its own required capitalization to the risks incurred by options specialists directly utilizing such capital. Finally, proposed § 240.15c3–1(a)(7) would be available only insofar as the rules of options exchanges permit market maker transactions to be effected for the unitary proprietary market maker account of a self-clearing specialist. For purposes of proposed § 240.15c3–1(a)(7)(iii), such a proprietary account constitutes a single account (even though more than one natural person associated with the specialist may trade for the account). Of course, each independent market maker's account carried and cleared by such a specialist constitutes a separate account for purposes of that provision; liquidating equity in one such account may not be "cross-netted" against a liquidating deficit in another such account.[10]

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[7] *See, e.g.*, Chicago Bd. Options Exch. R. 8.5.

[8] The proposed amendment to § 240.15c3–1(a)(6)(iii)(A) operates directly upon (and increases) the options specialist's equity requirements thereunder, and increases the clearing firm's deductions from net worth through the operation of § 240.15c3–1(c)(2)(xi). Conversely, the proposed amendment to § 240.15c3–1(c)(2)(x)(A) operates directly upon (and increases) the clearing firm's deductions from net worth, thereby providing the clearing firm with an economic incentive to require the maintenance of proportionately higher levels of equity in market maker accounts cleared by that firm.

[9] The reference to "natural persons associated with such dealer" in proposed § 240.15c3–1(a)(7)(ii) is intended to preclude utilization of proposed § 240.15c3–1(a)(7) in respect of transactions effected by a parent, subsidiary, affiliate or other non-natural person associated with such a dealer.

[10] *Compare* proposed § 240.15c3–1(a)(7)(iii) with § 240.15c3–1(c)(2)(x)(A). In the case of market maker transactions effected by employees or nominees of a listed options specialist for the account of that specialist (which itself owns the positions arising therefrom), single account treatment is economically appropriate. However, where independent market makers trade for their own accounts (which are carried and cleared by a clearing firm), a different case is presented. Here, the economic ramifications of the clearing firm's practical inability to set off a deficit condition in one such account with equity present in another market maker account warrant "separate account" treatment. Cf. Securities Exchange Act Release No. 12148, at 2–3 (Feb. 26, 1976), 41 FR 12306 (March 25, 1976).

The text of the proposed § 240.15c3–1 (a) (7) appears later in this release.

STATUTORY BASIS AND COMPETITIVE CONSIDERATIONS

Pursuant to the Securities Exchange Act of 1934, and particularly Sections 15(c) (3) and 23(a) thereof, 15 U.S.C. 78o(c) (3), 78w(a), the Commission proposes to amend § 240.15c3–1 in Part 240 of Chapter II of Title 17 of the Code of Federal Regulations in the manner set forth below. The Commission finds that any burden imposed upon competition by the proposed amendments is necessary and appropriate in furtherance of the purposes of the Act, and particularly to implement the Commission's continuing mandate under Section 15(c) (3) thereof, 15 U.S.C. 78o(c) (3), to provide minimum safeguards with respect to the financial responsibility of brokers and dealers.

REQUEST FOR COMMENTS

All interested persons are invited to submit, in triplicate, their written views and comments concerning the amendments to § 240.15c3–1 proposed herein. All communications should be addressed to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549, no later than December 31, 1976. Reference should be made to File No. S7–616. All comments received will be available for public inspection.

TEXT OF PROPOSED AMENDMENTS

The proposed amendments to § 240.15c 3–1 are as follows:

ATTENTION

The texts of the following proposed amendments are using ►◄ arrows to indicate additions and [ ] brackets to indicate deletions.

§ 240.15c3–1 Net capital requirements for brokers or dealers.

(a) * * *

MARKET MAKERS, SPECIALISTS AND CERTAIN OTHER DEALERS

(6) (i) * * *

(iii) * * *

(A) An amount equal to 25 percent (5 percent in the case of exempted securities) of the market value of the long positions and 30 percent of the market value of the short positions; provided, however, in the case of long or short positions in options and long or short positions in securities other than options which relate to a bona fide hedged position as defined in paragraph (c) (2) (x) (C) of this section, such amount shall equal the deductions in respect of such positions specified by paragraph (c) (2) (x) (A) (*1*)–[(*8*)]>(*9*)< of this section.

►SELF-CLEARING OPTIONS SPECIALISTS

(7) (i) A dealer who meets the conditions of paragraph (ii) of this paragraph (a) (7) of this section, may elect to operate under paragraph (a) (7) and thereby not apply, except to the extent required by paragraph (a) (7) of this section, the provisions of paragraphs (c) (2) (vi), (c) (2) (x), and (f) (3) of this section or Appendix A (17 CFR 240.15c3–1a) to this section and, in lieu thereof, apply the provisions of paragraph (a) (7) (iii) of this section.

(ii) Paragraph (a) (7) of this section shall be available to a dealer engaged solely in the business of effecting (as sole proprietor or through one or more natural persons associated with such dealer ("associated specialists")) and clearing market maker transactions in options listed on a registered national securities or a facility of a registered national securities association ("listed options"); provided, that such dealer may also guarantee, endorse or carry listed options written or purchased by a specialist not associated with such dealer and not subject to the provisions of this § 240.15c3–1 (an "independent specialist").

(iii) A dealer electing to operate pursuant to paragraph (a) (7) of this section shall adjust its net worth by deducting, for positions in each class of option contracts in which (A) The dealer, as sole proprietor or through associated specialists, is a market maker ("proprietary positions"), or (B) Each such independent specialist is a market maker, an amount equal to:

(A) The deductions specified by paragraph (c) (2) (x) (A) of this section; provided, that for purposes of computing such deductions, proprietary positions as well as positions in each such independent specialist's market maker account, shall be allocated in accordance with paragraph (c) (2) (x) (E) of this section; and provided further, that the deductions computed for each such independent specialist's positions pursuant to the foregoing shall be reduced by any liquidating equity, as defined in paragraph (c) (2) (x) (B) (2) of this section, that exists in such independent specialist's market maker account, and shall be increased to the extent of any liquidating deficit in such account; and provided further, that in no event shall the foregoing proviso be construed to increase the net capital of any dealer electing to operate under paragraph (a) (7) of this section.

(B) Such lesser requirements as may be approved by the Commission under specified terms and conditions upon the written application of such dealer.

(iv) No dealer electing to operate under paragraph (a) (7) of this section shall permit the sum of the deductions required by paragraph (iii) of paragraph (a) (7) of this section in respect of (A) All proprietary positions, and (B) All positions in the market maker accounts of independent specialists guaranteed, endorsed or carried by such dealer pursuant to paragraph (a) (7) of this section, computed without regard to any liquidating deficit in any such independent specialist's account, to exceed 1000 percent of such dealer's net capital as defined in paragraph (c) (2) of this section for any period exceeding five business days. *Provided,* That if at any time such sum exceeds 1000 percent of such dealer's net capital, then the dealer shall immediately transmit telegraphic notice of such event to the principal office of the Commission in Washington, D.C., the regional office of the Commission for the region in which the dealer maintains its principal place of busines, and such dealer's Designated Examining Authority. *Provided further,* That if at any time such sum exceeds 1000 percent of such dealer's net capital, then the dealer shall be subject to the prohibitions against withdrawal of equity capital set forth in paragraph (e) of this section, and to the prohibitions against reduction, prepayment and repayment of subordination agreements set forth in paragraphs (b) (6), (b) (7) and (b) (8) of § 240.15c3–1d, as if such dealer's net capital were below the minimum standards specified by each of the aforementioned paragraphs.

(v) A dealer electing to operate under paragraph (a) (7) of this section shall comply in all respects with the requirements of paragraphs (c) (2) (x) (F) and (c) (2) (x) (G) of this section insofar as such dealer acts as the guarantor, endorser or carrying dealer for options written or purchased by an independent specialist.

(vi) Notwithstanding the provisions of § 240.15c3–1c, no broker or dealer computing its net capital or aggregate indebtedness pursuant to this § 240.15c3–1 shall recognize any increase in net capital, decrease in ratio of aggregate indebtedness to net capital, or decrease in minimum net capital requirement arising from the consolidation in a single capital computation, pursuant to § 240.15c3–1, of the assets and liabilities of a dealer electing to operate under paragraph (a) (7) of this section.

* * * * *

(c) * * *

(2) * * *

(x) (A) * * *

(*9*) Notwithstanding the foregoing provisions of paragraph (c) (2) (x) (A) of this section, in the case of positions in securities arising from any transaction in listed options or securities other than listed options guaranteed, endorsed or carried by a broker or dealer who also carries the account of a "customer" within the meaning of paragraph (c) (6) of this section, the deduction shall be that set forth in paragraphs (c) (2) (vi) or (f) (3) of this section, or, if such securities are options, the deduction shall be that set forth in Appendix A (17 CFR 240.15c3–1a) to this section.

* * * * *

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

NOVEMBER 29, 1976.

[FR Doc.76–35668 Filed 12–2–76;8:45 am]

DEPARTMENT OF THE TREASURY

Customs Service

[19 CFR Part 1]

CUSTOMS FIELD ORGANIZATION

Proposed Changes In Customs Region IX

In order to provide better Customs service to carriers, importers, and the public, it is considered desirable to extend the port limits of Cleveland, Ohio, in the Cleveland, Ohio, Customs district (Region IX).

Accordingly, notice is hereby given that, by virtue of the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623, as amended (19 U.S.C. 2), and delegated to the Secretary of the Treasury by Executive Order No. 10289, September 17, 1951, (3 CFR, 1949–1953 Comp., Ch. II), and pursuant to the authority provided by Treasury Department Order No. 190, Rev. 12 (September 14, 1976), it is hereby proposed to extend the port limits of Cleveland, Ohio, in the Cleveland, Ohio, Customs district (Region IX). As extended, the geographical limits of the port would include all of Cuyahoga County, Ohio.

Prior to the adoption of the foregoing proposal, consideration will be given to any relevant data, views, or arguments which are submitted in writing to the Commissioner of Customs, Attention: Regulations Division, Washington, D.C. 20229, and received not later than January 3, 1977.

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

Dated: November 22, 1976.

JERRY THOMAS,
Under Secretary of the Treasury.

[FR Doc.76-35608 Filed 12-2-76;8:45 am]

[19 CFR Part 1]

CUSTOMS FIELD ORGANIZATION

Proposed Changes In Customs Region IX

In order to provide better Customs service to carriers, importers, and the public, it is considered desirable to extend the port limits of Louisville, Kentucky, in the Cleveland, Ohio, Customs district (Region IX).

Accordingly, notice is hereby given that, by virtue of the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623, as amended (19 U.S.C. 2), and delegated to the Secretary of the Treasury by Executive Order No. 10289, September 17, 1951 (3 CFR, 1949–1953 Comp., Ch. II), and pursuant to the authority provided by Treasury Department Order No. 190, Rev. 12 (dated September 14, 1976), it is proposed to extend the port limits of Louisville, Kentucky, in the Cleveland, Ohio, Customs district (Region IX). As extended, the geographical limits of the port of Louisville, Kentucky, would include all of Jefferson County, Kentucky, Twelve Mile Island, Kentucky, the townships of Utica, Jeffersonville, and Silver Creek in Clark County, Indiana, and the township of New Albany in Floyd County, Indiana.

Prior to the adoption of the foregoing proposal, consideration will be given to any relevant data, views, or arguments which are submitted in writing to the Commissioner of Customs, Attention: Regulations Division, Washington, D.C. 20229, and received not later than January 3, 1977.

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

Dated: November 22, 1976.

JERRY THOMAS,
Under Secretary of the Treasury.

[FR Doc.76-35610 Filed 12-2-76;8:45 am]

INTERNATIONAL TRADE COMMISSION

[19 CFR Part 201]

PUBLIC OBSERVATION OF COMMISSION MEETINGS

Notice of Proposed Rulemaking

In accordance with the Government in the Sunshine Act (5 U.S.C. 552b), and to implement the provisions of that act, the Commission proposes to amend Title 19, Part 201, of the Coder of Federal Regulations by adding a new Subpart E.

Written comments concerning the proposed regulations are invited from interested persons. Comments may be presented in writing to the Office of the Secretary, United States International Trade Commission, 701 E Street NW., Washington, D.C. 20436. All written comments received no later than January 3, 1977, will be considered. Such written comments shall be made available for public inspection at the Office of the Secretary of the Commission during normal business hours.

The purpose of the amendments is to implement sections (b) through (f) of the Government in the Sunshine Act (5 U.S.C. 552b (b) through (f)), and they are made pursuant to section (g) of the Government in the Sunshine Act (5 U.S.C. 552b(g)).

These regulations, if adopted, will take effect no later than March 12, 1977, the effective date for sections (b) through (f) of the Government in the Sunshine Act; however, to the extent that the Commission will operate or intends to operate under the regulations proposed by this subpart prior to March 12, 1977, it will do so under its authority to establish procedures for the conduct of its business as found in section 335 of the Tariff Act of 1930 (19 U.S.C. 1335), which states that "the Commission is authorized to adopt such reasonable procedures and rules and regulations as it deems necessary to carry out its functions and duties."

The proposed regulations are set forth in tentative form as follows:

Subpart E—Opening Commission Meetings to Public Observation Pursuant to 5 U.S.C. 552b

Sec.

201.33 Purpose and scope.
201.34 Definitions.
201.35 Establishing the agenda for Commission meetings in advance.
201.36 Notices to the public.
201.37 Closing a portion or portions of a meeting or a series of meetings.
201.38 Changing the time, place, or subject matter of publicly announced meetings.
201.39 Requests by interested persons to close a portion of a Commission meeting.
201.40 General Counsel's certification of Commission action in closing a meeting or a series of meetings.
201.41 Records-retention requirements.
201.42 Public inspection and copying of records; applicable fees.

AUTHORITY: 5 U.S.C. 552b; 19 U.S.C. 1335.

Subpart E—Opening Commission Meetings to Public Observation Pursuant to U.S.C. 552b

§ 201.33 Purpose and scope.

(a) Consistent with the principle that the public is entitled to the fullest practicable information regarding the decisionmaking processes of the Federal Government, it is the purpose of this subpart to open the meetings of the United States International Trade Commission to public observation while protecting the rights of individuals and the ability of the Commission to carry out its statutory functions and responsibilities. These regulations are promulgated pursuant to the directive of section (g) of the Government in the Sunshine Act (5 U.S.C. 552b(g)), and specifically implement sections (b) through (f) of said act (5 U.S.C. 552b (b) through (f)).

(b) Public access to documents being considered at Commission meetings shall be obtained in the manner set forth in Subpart C of this part (§§ 201.17–201.21).

(c) Unless otherwise provided by the public notices as described in § 201.36 of this subpart, public observation of Commission meetings does not encompass public participation in the deliberations at such meetings.

§ 201.34 Definitions.

For the purpose of this subpart—

(a) (1) Except as hereinafter provided, the term "meeting" means the deliberations of at least a majority of the members of the Commission when such deliberations determine or result in the joint conduct or disposition of official Commission business.

(2) The consideration by individual Commissioners of business which is circulated sequentially in writing by action jacket is not considered a meeting under paragraph (a) (1) of this section because circulation by action jacket does not determine or result in the joint conduct or disposition of Commission business until ratification thereof by formal vote of the Commissioners in a meeting

as defined by paragraph (a) (1) of this section although action proposed by action jacket may be taken before or after formal ratification thereof by vote at a Commission meeting.

(3) Conference telephone calls among the Commissioners are considered meetings as defined by paragraph (a) (1) of this section if they involve the number of Commissioners requisite for Commission action.

(4) Deliberations of a majority of the entire membership of the Commission with the purpose of calling a meeting at a date earlier than the requisite public notice period as specified in § 201.36 of this subpart are not considered to constitute a meeting or portion of a meeting as defined by paragraph (a) (1) of this section.

(5) Deliberations of a majority of the entire membership of the Commission with the purpose of closing a portion or portions of a meeting or series of meetings pursuant to § 201.37 of this subpart are not considered to constitute a meeting or portion of a meeting within the meaning of paragraph (a) (1) of this section.

(6) Deliberations of a majority of the entire membership of the Commission with the purpose of changing the subject matter of a publicly announced meeting, as permitted under § 201.38(b) of this subpart, are not considered to constitute a meeting or portion of a meeting under paragraph (a) (1) of this section.

(b) The terms "Secretary" and "General Counsel" mean the Secretary and General Counsel of the Commission and their respective designees within their respective offices.

§ 201.35 Establishing the agenda for Commission meetings in advance.

(a) In order to insure that the public will receive adequate advance notice of Commission meetings and in order to facilitate the issuance by the Commission of the public notices required by § 201.36, the Offices of the Chairman and the Secretary shall undertake to plan the agenda for Commission meetings 3 weeks in advance of scheduled meeting dates.

(b) The agenda for a scheduled Commission meeting shall be considered by the Commissioners at a meeting 2 weeks prior to the scheduled meeting date. To the extent that the consideration of the agenda by the Commission involves deliberations referred to in paragraph (4), (5) or (6) of § 201.34(a), such consideration shall not constitute an integral part of said meeting.

(c) The Office of the Secretary shall respond to all questions from the public concerning the agendas of Commission meetings.

§ 201.36 Notices to the public.

(a) At least 1-week before each Commission meeting the Commission shall issue a public notice which (1) States the time and place of the meeting, (2) Lists the subjects or agenda items to be discussed at the meeting, (3) States whether the meeting or portion thereof is to be open or closed to public observation, and (4) gives the name and business phone number of the Secretary to the Commission.

(b) When the Commission (1) Has voted to close a portion or portions of a meeting in accordance with § 201.37(d) of this subpart, (2) Has voted to close a portion or portions of a series of meetings in conformity with § 201.37(e) of this subpart, or (3) Has voted to close a portion of a meeting pursuant to a request made under § 201.39 of this subpart, the notice referred to in paragraph (a) of this section shall also include (1) A list of the persons to be present at such closed portion or portions of the meeting, (2) A corresponding list of the affiliations of those persons present, (3) A written copy of the vote of each Commissioner on whether or not the portion or portions of the meeting or series of meetings should be closed to public observation, (4) A full, written explanation of the Commission's action in closing the portion or portions of the meeting or series of meetings, and (5) A copy of the certification of the General Counsel, called for by § 201.40 of this subpart, that such portion or portions of the meeting or series of meetings were properly closed to the public by the Commission.

(c) (1) The 1-week period for public notice provided for in paragraph (a) of this section shall not apply when a majority of the entire membership of the Commission determines by recorded vote that Commission business requires that a particular meeting be called with less than 1-week's notice.

(2) When the Commission has voted in conformity with paragraph (c) (1) of this section to avoid the 1-week period for public notice provided for by paragraph (a) of this section, the Commission shall nonetheless issue the public notice required by paragraph (a) of this section at the earliest practicable time.

(3) When the Commission not only has voted in conformity with paragraph (c) (1) of this section to avoid the 1-week period for public notice provided for in paragraph (a) of this section but also (i) Has voted to close a portion or portions of a meeting in accordance with § 201.37(d) of this subpart, (ii) Has voted to close a portion or portions of a series of meetings under § 201.37(e) of this subpart, or (iii) Has voted to close a portion of a meeting pursuant to a request made under § 201.39 of this subpart, the public notice required by paragraph (c) (2) of this section shall also include those items specified in paragraph (b) of this section.

(d) (1) When the Commission has changed the time or place of a publicly announced meeting by acting under § 201.38(a) of this subpart, the public notice as required by paragraphs (a), (b), (c) (2), or (c) (3) of this section, as the case may be, shall reflect such changed time or place.

(2) When the Commission has changed the subject matter of a publicly announced meeting by acting under § 201.38(b) of this subpart, the public notice as required by paragraph (a), (b), (c) (2), or (c) (3) of this section, as the case may be, shall also (i) Include a statement affirming that Commission business required the change in subject matter and that no earlier announcement of such change was possible and (ii) Indicate the change in subject matter and the vote of each Commissioner upon such change.

(e) (1) The Secretary shall issue such public notices referred to in paragraphs (a), (b), (c) (2), (c) (3), (d) (1), or (d) (2) of this section as are appropriate in the specific case at hand.

(2) The Secretary (i) Shall promptly post the public notices referred to in paragraph (e) (1) of this section on bulletin boards outside the Office of the Secretary of the Commission, (ii) Shall make or maintain copies thereof for interested members of the public, and (iii) Shall immediately submit said public notices to the FEDERAL REGISTER for publication.

§ 201.37 Closing a portion or portions of a meeting or a series of meetings.

(a) Every meeting of the Commission shall be open to public observation except when the Commission properly determines in the manner specified in paragraph (d) of this section that a portion or portions of a Commission meeting may be closed to the public for the specific reasons enumerated in paragraph (b) of this section.

(b) The Commission may close a portion or portions of a Commission meeting only when it determines that public disclosure of information to be discussed at such meeting is likely to—

(1) Disclose matters that are (i) Specifically authorized under criteria established by 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 the Freedom of Information Act), 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 when 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 to an impartial adjudication, (iii) Constitute an unwarranted invasion of personal privacy, or (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;

(8) Disclose information the premature disclosure of which would be likely to significantly frustrate implementation of a proposed Commission action except: (i) When the Commission has already disclosed to the public the content or nature of its proposed action or (ii) When the Commission is required by law to make such disclosure on its own initiative prior to taking final Commission action on such proposal; or

(9) Specifically concern: (i) The Commission's issuance of a subpoena, (ii) The Commission's participation in a civil action or proceeding, or (iii) The initiation, conduct, or disposition by the Commission of a particular case of formal Commission adjudication under 19 U.S.C. 1337 pursuant to the procedures of 5 U.S.C. 554 or otherwise involving a determination on the record after opportunity for a hearing.

(c) (1) Even though one or more of the specific reasons enumerated in paragraph (b) of this section for closing a portion or portions of a Commission meeting may be applicable to the subject matter or matters to be discussed, the Commission need not take such action when it determines that the public interest requires that such portion or portions of a meeting be open to public observation.

(2) In making the public-interest determination under paragraph (c) (1) of this section, the Commission shall consider whether public disclosure would (i) Interfere with the Commission's carrying out its statutory responsibilities, (ii) Conflict with the individual right of privacy under the Privacy Act of 1974 (5 U.S.C. 552a); or (iii) Place the Commission in violation of any other applicable provision of law, in addition to any other factors which it deems to be relevant to the particular meeting in question.

(d) (1) Action by the Commission to close a portion or portions of a meeting for one or more of the specific reasons enumerated in paragraphs (b) (1) through (9) of this section shall be taken only when a majority of the entire membership of the Commission has voted to take such action.

(2) A single recorded vote of the entire membership of the Commission shall be taken with respect to (i) Each Commission meeting of which the Commission proposes to close a portion or portions to the public for one or more of the specific reasons enumerated in paragraphs (b) (1) through (9) of this section, or (ii) Any information which the Commission proposes to withhold from the public for one or more of the specific reasons enumerated in paragraphs (b) (1) through (9) of this section. No proxy votes are permissible.

(e) (1) Action by the Commission to close a series of meetings of which the Commission proposes to close a portion or portions to the public for one or more of the specific reasons enumerated in paragraphs (b) (1) through (9) of this section may be taken by a single recorded vote of the entire membership of the Commission to close such portion or portions of the series.

(2) A series of meetings may be closed pursuant to paragraph (e) (1) of this section so long as each meeting in such series (i) Involves the same particular matters and (ii) Is scheduled to be held no more than 30 days after the initial meeting in such series.

(f) When the Commission (1) Has voted to close a portion or portions of a meeting in accordance with paragraph (d) of this section or (2) Has voted to close a portion or portions of a series of meetings in accordance with paragraph (e) of this section, the public notices referred to in paragraphs (b) or (c) (3) of § 201.36 shall be issued at the earliest practicable time, but no later than 1 working day following such vote.

§ 201.38 Changing the time, place, or subject matter of publicly announced meetings.

(a) The time or place of a Commission meeting may be changed following the public announcements as required by paragraphs (a), (b), (c) (2), (c) (3), or (d) (1) of § 201.36, as the case may be, only if the Commission publicly announces such change or changes at the earliest practicable time by issuing an appropriate public notice as required by paragraphs (a), (b), (c) (2), (c) (3), or (d) (1) of § 201.36, as the case may be.

(b) The subject matter or matters of a Commission meeting may be changed following the public announcements as required by paragraphs (a), (b), (c) (2), (c) (3), or (d) (2) of § 201.36, as the case may be, only if (1) A majority of the entire membership of the Commission determines by recorded vote that Commission business so requires and that no earlier announcement of the change was possible and (2) The Commission publicly announces such change in subject matter and the vote of each Commissioner upon such change in a subsequent public notice as required by paragraph (a), (b), (c) (2), (c) (3), or (d) (2) of § 201.36, as the case may be

§ 201.39 Requests by interested persons that the Commission close a portion of a Commission meeting.

(a) Whenever any person whose interests may be directly affected by a portion of a Commission meeting requests that the Commission close such portion to the public for any of the specific reasons enumerated in paragraphs (b) (5), (6), or (7) of § 201.37, the Commission, upon the request of any one of the Commissioners, shall take a recorded vote on whether or not to close such portion of the meeting.

(b) Should the Commission vote to close the portion of a meeting requested to be closed under paragraph (a) of this section in the manner specified in § 201.37(d), a public notice as required by paragraphs (a) and (b) of § 201.36 shall be issued.

§ 201.40 General Counsel's certification of Commission action in closing a meeting or a series of meetings.

Before a Commission meeting may be closed for the specific reasons enumerated in paragraphs (b) (1) through (9) of § 201.37, the General Counsel (a) Shall publicly certify that, in his or her opinion the meeting may be closed to the public and (b) Shall state each applicable exemptive provision of paragraphs (b) (1) through (9) of § 201.37.

§ 201.41 Records-retention requirements.

(a) The Secretary shall maintain a copy of the certification by the General Counsel required by § 201.40 for each Commission meeting of which a portion or portions are closed to the public pursuant to a vote under § 201.37(d).

(b) The Secretary shall also maintain a copy of a statement from the presiding officer of each Commission meeting or portion thereof which was closed to the public for the specific reasons enumerated in paragraph (b) (1) through (9) of § 201.37, setting forth (1) The time and place of the closed meeting or portion thereof and (2) A list of the persons present thereat.

(c) The Secretary shall also maintain a complete transcript or electronic recording of the proceedings of each Commission meeting or portion of a meeting, whether (1) Open to public observation or (2) Closed to the public for the specific reasons enumerated in paragraphs (b) (1) through (9) of § 201.37.

(d) Where portions of a Commission meeting are closed for the reasons contained in paragraph (b) (9) of § 201.37, the Commission preserves the option to maintain detailed minutes of such portions. Such detailed minutes shall fully and clearly describe all matters discussed 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 the record of any rollcall vote (reflecting the vote of each member on the question). All documents considered in connection with any action shall be identified in such minutes.

(e) The retention period for the records required by paragraphs (a), (b), (c), and (d) of this section shall be for a period of at least 2 years after the particular Commission meeting, or until 1 year after the conclusion of any Commission proceeding with respect to which the meeting or portion thereof was held, whichever occurs later.

(f) The requirements of paragraphs (c) and (d) of this section shall not af-

fect or supplant the existing duty of the Secretary to maintain permanent minutes of each Commission meeting.

§ 201.42 Public inspection and copying of records; applicable fees.

(a) The Secretary shall promptly make available to interested members of the public the transcript or electronic recording of the discussion of any item on the agenda of a Commission meeting or of any item of the testimony of any witness received at the meeting, except for such item or items of such discussion or testimony as the Secretary determines to contain information which may be withheld for reasons specified in paragraphs (b) (1) through (9) of § 201.37.

(b) Public inspection of electronic recordings, transcripts, or minutes of Commission meetings shall take place at the United States International Trade Commission, 701 E Street NW., Washington, D.C. 20436. A room is designated by the Office of the Secretary and tape recorders with earphones are provided by the Commission for public-inspection purposes.

(c) (1) The Secretary shall provide any person with copies of transcripts, minutes of Commission meetings, or transcriptions of electronic recordings of Commission meetings, which disclose the identity of each speaker, at the actual cost of transcription or duplication.

(2) The Secretary shall not include items of discussion or testimony determined by the Secretary to contain information which may be withheld from the public for the reasons specified in paragraphs (b) (1) through (9) of § 201.37 in the copies furnished to the public in accordance with paragraph (c) (1) of this section.

By order of the Commission:

Issued: November 29, 1976.

KENNETH R. MASON,
Secretary.

[FR Doc.76-35548 Filed 12-2-76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

[20 CFR Parts 404 and 416]

[Regulations No. 16]

SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED

Additional Medical Criteria for Determination of Disability for Children Under Age 18

Notice is hereby given, pursuant to the Administrative Procedure Act (5 U.S.C. 553), that the amendments to the regulations set forth in tentative form below are proposed by the Commissioner of Social Security, with the approval of the Secretary of Health, Education, and Welfare. These proposed amendments provide: (1) additional medical criteria for the determination of disability of children under age 18 under title XVI of the Social Security Act; and, (2) for the use of these criteria when evaluating disability under title II of a wage earner under age 18.

We are not publishing this material with a Notice of Intent as these amendments clarify existing adjudicative guides. These criteria were developed in consultation with the Social Security Administration's Medical Consultant Staff, augmented by physicians with expertise in specific subspecialties of pediatrics. Several groups in the medical community were requested to comment on these medical criteria as they were being formulated. Also, Section 501(b) of Pub. L. 94-566, enacted October 20, 1976, requires that we publish by February 17, 1977, the criteria to be used to determine disability in the case of persons under age 18. Therefore these criteria are being published with a Notice of Proposed Rule Making which grants the public a 45-day comment period.

The definition of disability in title XVI closely parallels that in title II, with the exception that title XVI provides specifically for eligibility for children under age 18 on the basis of disability. Within the basic definition of disability (i.e., an inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than 12 months), title XVI provides for a finding of disability in the case of a child under the age of 18 if such child suffers from any medically determinable physical or mental impairment of comparable severity.

In determining "comparable severity," it is necessary to recognize that the manifestations of certain disease processes in children may be different than in adults even where the diagnosed disease is the same.

The basic requirements for the determination of disability for children under age 18 are found in Regulations No. 16, Subpart I, § 416.904. Section 416.904 provides, in part, that disability will be deemed to exist in the case of a child under age 18 if such child is not engaging in substantial gainful activity and his impairment(s) meets the requisite duration requirement and is either listed in the published appendix to Subpart I or, with appropriate consideration of the particular effect of disease processes in children, is medically the equivalent of a listed impairment. Determination of disability of children have, thus, been made and will continue to be made under the authority provided in § 416.904 and in consideration of the basic requirements stated therein.

The Listing of Impairments in the published appendix to Subpart I is identical to that in the appendix to Subpart P of Regulations No. 4. These criteria had originally been developed for the purpose of determining disability with respect to the essentially adult claimant population of the title II disability insurance program. It was recognized when these criteria were adopted for the title XVI program that for a number of impairments, the medical criteria published in the appendix were directly applicable for determining disability of children, as well as of adults, and that such criteria could readily be used in children's claims.

Conversely, it was also recognized from the outset that some of the published criteria would not be directly applicable for determining disability of children because those criteria are based primarily on experience with impairments in adults. Additionally, it was recognized that some diseases and impairments generally seen only in young children are not addressed in the published appendix. Experience gained in evaluating impairments of children since January 1974 indicates the advisability of providing additional medical criteria at this time.

These proposed additional criteria do not alter the basic requirements for determining disability for children under § 416.904. They will, however, facilitate the decision making process, since the criteria are directly applicable for determining disability for children. The fact that these proposed additional medical criteria are based on the concept of "comparable severity" to the Listing of Impairments published in the appendix to Subpart I avoids any transitional problems upon a child's attainment of age 18. Absent medical improvement, an impairment or a combination of impairments which meets or equals the proposed additional medical criteria for children until the attainment of age 18 would be expected to meet or equal the comparable existing medical criteria after the attainment of age 18.

The proposed amendments also contain technical revisions; specifically, the appendix has been redesignated "Appendix 1" and subdivided into Parts A and B. Part A contains the Listing of Impairments in the published appendix and is applicable to all individuals age 18 and over, and to children under age 18 where it is clear, based upon the medical facts of the case, that the criteria are appropriate. Part B, which is herewith published as a Notice of Proposed Rule Making, is applicable only to the evaluation of children's impairments where the criteria in Part A do not give appropriate consideration to the particular effect of disease processes in childhood. Thus, where additional criteria are included in Part B, the impairment categories are, to the extent feasible, numbered in such a way as to maintain a relationship with their counterparts in Part A.

We are also amending Regulations No. 4, Subpart P, section 404.1506 to refer to Part B when evaluating disability under title II of a wage earner under age 18 where the adult criteria are not applicable. Though not conclusive of the issue of disability in title II claims, use of the criteria in Part B will facilitate the title II decision making process in those cases where an applicant under age 18 applies for disability benefits on the basis of his own earnings.

If there are any questions concerning this regulation, you may contact Rocco Capobianco, Section Chief, 6401 Security Boulevard, Baltimore, Maryland 21235, telephone 301-594-4582. Mr. Capobianco will respond to questions but will not accept comments on this regulation.

Prior to the final adoption of the proposed amendments to the regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing to the Commissioner of Social Security, Department of Health, Education, and Welfare, P.O. Box 1585, Baltimore, Maryland 21203, or before January 13, 1976.

Copies of all comments received in response to this notice will be available for public inspection during regular business hours at the Washington Inquiries Section, Office of Information, Social Security Administration, Department of Health, Education, and Welfare, North Building, Room 4146, 330 Independence Avenue, SW., Washington, D.C. 20201.

The proposed amendments are to be issued under the authority contained in sections 223, 1102, 1614, 1631, of the Social Security Act, as amended; 70 Stat. 815, 49 Stat. 647, as amended, 86 Stat. 1471, 86 Stat. 1475; 42 U.S.C. 423, 1302, 1382C, 1383.

(Catalog of Federal Domestic Assistance Programs No. 13.802, Social Security-Disability Insurance, No. 13.807, Supplemental Security Income Program.)

It is hereby certified that this proposal has been screened pursuant to Executive Order No. 11821, and does not require an Inflation Impact Evaluation.

Dated: September 21, 1976.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: November 17, 1976.

DAVID MATHEWS,
Secretary of Health, Education, and Welfare.

Parts 404 and 416 of Chapter III of Title 20 of the Code of Federal Regulations are amended as follows:

1. Section 404.1506 is amended by inserting a new paragraph (e) to read as follows:

§ 404.1506 Listing of impairments in appendix.

* * * * *

(e) In determining whether a wage earner under age 18 has an impairment which is disabling on medical considerations alone (see § 404.1502(a)), reference shall also be made to Part 416, Subpart I, Appendix 1, Part B.

2. The entries for section 416.906, and Appendix in the Table of Contents for Part 416, Subpart I are revised as follows:

Subpart I—Determination of Disability or Blindness

* * * * *

416.906 Listing of impairments in Appendix 1.

* * * * *

APPENDIX 1—LISTING OF IMPAIRMENTS

Part A.—Criteria Applicable to Individuals Age 18 and Over and to Children Under Age 18 Where Criteria are Appropriate.

Part B.—Additional Medical Criteria for the Evaluation of Impairments of Children.

3. Paragraph (a) of § 416.902 is revised to read as follows:

§ 416.902 Evaluation of disability for individuals age 18 or over.

(a) Whether or not an impairment in a particular case constitutes a disability, as defined in § 416.901(b)(1), is determined from all the facts of that case. Primary consideration is given to the severity of the individual's impairment. Consideration is also given to such other factors as the individual's age, education and work experience. Medical considerations alone can justify a finding that the individual is not under a disability where the only impairment is a slight neurosis, slight impairment of sight or hearing, or other slight abnormality or a combination of slight abnormalites. On the other hand, medical considerations alone (including physiological and psychological manifestations of aging) can, except where other evidence rebuts a finding of "disability," e.g., the individual is actually engaging in substantial gainful activity, justify a finding that the individual is under a disability where his impairment is one that meets the duration requirement in § 416.901(b)(1), and is listed in Part A of Appendix 1 to this Subpart I, or the Social Security Administration determines his impairment (or combined impairments) to be medically the equivalent of a listed impairment (see § 416.905).

* * * * *

4. Section 416.904 is revised to read as follows:

§ 416.904 Evaluation of disability of a child under age 18.

A child under age 18 will be found to be disabled as defined in § 416.901(b)(1) if he has a medically determinable physical or mental impairment of comparable severity to that which qualifies an individual age 18 or over. Disability shall be deemed to be of comparable severity and to exist under § 416.901(b)(1) if the child is not engaging in substantial gainful activity, and if:

(a) His impairment or impairments meet the durational requirements in § 416.901(b)(1), and are listed in Appendix 1 to this Subpart I; or

(b) His impairment or impairments are not listed in Appendix 1 to this Subpart I but singly or in combination meet the durational requirement in § 416.901(b)(1) and are determined by the Social Security Administration, with appropriate consideration of the particular effect of disease processes in childhood, to be medically the equivalent of a listed impairment (see § 416.905).

5. Section 416.905 is revised to read as follows:

§ 416.905 Determining medical equivalence.

(a) An individual's impairment or impairments shall be determined to be medically the equivalent of an impairment listed in Appendix 1 to this Subpart I, only if the medical findings with respect thereto are at least equivalent in severity and duration to the listed findings of the listed impairment.

(b) Any decision with respect to disability made under the criteria in § 416.901(b) as to whether an individual's impairment or impairments are medically the equivalent of an impairment listed in Appendix 1 to this Subpart I, shall be based on medical evidence demonstrated by medically acceptable clinical and laboratory diagnostic techniques, including a medical judgment furnished by one or more physicians designated by the Social Security Administration, relative to the question of medical equivalence. A "physician designated by the Social Security Administration" shall include a physician in the employ of or engaged for this purpose by the Social Security Administration or State agency authorized to make determinations of disability.

6. Section 416.906 is amended by revising the title, redesignating the existing paragraphs (b), (c), and (d) as (c), (d), and (e) respectively, incorporating technical revisions in the existing paragraphs (a) and (c), and inserting a new paragraph (b) to read as follows:

§ 416.906 Listing of impairments in appendix 1.

(a) With respect to § 416.901(b)(1), the Listing of Impairments in Appendix 1 to this Subpart I describes, for each of the major body systems, impairments which:

(1) Are of a level of severity which can justify a finding that the individual is disabled, except where other evidence rebuts such a finding; and

(2) Are expected to result in death or to last for a continuous period of not less than 12 months.

(b) The Listing of Impairments consists of two parts—A and B. Part A contains medical criteria that are applicable to all individuals age 18 and over. The medical criteria in Part A may also be applied in the evaluation of impairments in children under age 18 where the disease processes have similar impairment impact on children and adults. Part B contains additional medical criteria applicable only to the evaluation of impairments of children under age 18. Part B is used where the criteria in Part A do not give appropriate consideration to the particular effects of the disease processes in childhood; i.e., when the disease process is generally found only in children or when the disease process differs in its effect on children than on adults. Where additional criteria are included in Part B, the impairment categories are, to the extent feasible, numbered to maintain a relationship with their counterparts in Part A. The method for adjudicating claims for children un-

der age 18 is to look first to Part B. Where the medical criteria in Part B are not applicable, the medical criteria in Part A should be used.

* * * * *

(d) An impairment shall not be considered to be one listed in Appendix 1 to this Subpart I solely because it has the name of a listed impairment. To be considered a listed impairment, it must also have such attendant findings as are recited in the Listing for the impairment.

* * * * *

7. Subpart I of Part 416 is amended by designating the existing Listing of Impairments as Part A entitled as follows:

APPENDIX 1

LISTING OF IMPAIRMENTS

Part A

Criteria applicable to individuals age 18 and over and to children under age 18 where criteria are appropriate.

Sec.

1.00 Musculoskeletal System.
2.00 Special Sense Organs.
3.00 Respiratory System.
4.00 Cardiovascular System.
5.00 Digestive System.
6.00 Genito-Urinary System.
7.00 Hemic and Lymphatic System.
8.00 Skin.
9.00 Endocrine System.
10.00 Multiple Body Systems.
11.00 Neurological.
12.00 Mental Disorders.
13.00 Neoplastic Diseases—Malignant.

* * * * *

8. Subpart I of Part 416 is further amended by adding to Appendix 1 a new Part B, which read as follows:

Part B

Additional medical criteria for the evaluation of impairments of children under age 18 (where criteria in Part A do not give appropriate consideration to the particular disease process in childhood).

Sec.

100.00 Growth Impairment.
101.00 Musculoskeletal System.
102.00 Special Sense Organs.
103.00 Respiratory System.
104.00 Cardiovascular System.
105.00 Digestive System.
106.00 Genito-Urinary System.
107.00 Hemic and Lymphatic System.
109.00 Endocrine System.
110.00 Multiple Body Systems.
111.00 Neurological.
112.00 Mental and Emotional Disorders.
113.00 Neoplastic Diseases—Malignant.

100.00 GROWTH IMPAIRMENT

A. *Normal growth* is usually a sensitive indicator of health as well as of adequate therapy in children. Impairment of growth may be disabling in itself or may be an indicator of severe impairment due to a specific disease process.

Determinations of growth impairment should be based upon the comparison of current height with at least three previous determinations, including length at birth, if available. Heights (or lengths) should be plotted on a standard growth chart, such as prepared by the Boston Children's Medical Center, the University of Iowa, or the University of London. Height should be measured without shoes. Body weight corresponding to the ages represented by the heights should be furnished. The adult heights of the child's natural parents and the heights and ages of siblings should also be furnished. This will provide a basis upon which to identify those children whose short stature represents a family characteristic rather than a result of disease. This is particularly true for adjudication under § 100.02C.

B. *Bone age determinations* should include a full descriptive report of roentgenograms specifically obtained to determine bone age and must cite the standardization method used. Where roentgenograms must be obtained currently as a basis for adjudication under § 100.02, views of the left hand and wrist should be ordered. In addition, roentgenograms of the knee and ankle should be obtained when cessation of growth is being evaluated in an older child at, or past, puberty. The requirement of bone age retardation is not applicable to individuals with growth impairment resulting from malabsorption or intrinsic diseases of bone. Therefore, growth impairment in these individuals should be considered under the criteria in § 100.03.

C. The criteria in this section are applicable until closure of the major epiphyses. The cessation of significant increase in height at that point would prevent the application of these criteria.

100.01 CATEGORY OF IMPAIRMENTS, GROWTH

100.02 *Growth Impairment (except when due to malabsorption or intrinsic diseases of bone).* As evidenced by bone age greater than one standard deviation (1 SD) below the mean for chronological age (see § 100.00B) and one of the following:

A. Fall of greater than 25 percentiles in height which is sustained; or

B. Fall of greater than 15 percentiles in height which is sustained and an additional medically determined impairment; or

C. Fall to, or persistence of, height below the third percentile and an additional medically determined impairment.

100.03 *Growth impairment due to malabsorption or intrinsic diseases of bone.* With:

A. Fall of greater than 15 percentiles in height which is sustained; or

B. Fall to, or persistence of, height below the third percentile.

101.00 MUSCULOSKELETAL SYSTEM

A. *Rheumatoid arthritis.* Documentation of the diagnosis of juvenile rhematoid arthritis shoud be made according to an established protocol, such as that published by the Arthritis Foundation, *Bulletin on the Rheumatic Diseases,* Vol. 23, 1972–1973 Series, p. 712. Inflammatory signs include persistent pain, tenderness, erythema, swelling, and increased local temperature of a joint.

B. *The measurements of joint motion* are based on the technique for measurements described in the "Method of Measuring and Recording," published by the American Academy of Orthopedic Surgeons in 1965, or "The Extremities and Back" in *Guides to the Evaluation of Permanent Impairment,* Chicago, American Medical Association, 1971 Chapter 1, pp. 1–48.

C. *Degenerative arthritis* may be the end stage of many skeletal diseases and conditions, such as traumatic arthritis, collagen disorders, septic arthritis, congenital dislocation of the hip, aseptic necrosis of the hip, slipped capital femoral epiphyses, skeletal dysplasias, etc.

101.01 CATEGORY OF IMPAIRMENTS, MUSCULOSKELETAL

101.02 *Juvenile rheumatoid arthritis.* With:

A. Persistence or recurrence of joint inflammation despite six months of medical treatment and one of the following:

1. Limitation of motion of two major joints of 50 percent or greater; or

2. Fixed deformity of two major weight-bearing joints of 30 degrees or more; or

3. Radiographic changes of joint narrowing, erosion, or subluxation; or

4. Persistent or recurrent systemic involvement such as iridocyclitis or pericarditis; or

B. Steroid dependence.

101.03 *Deficit of musculoskeletal function* due to deformity or musculoskeletal disease and one of the following:

A. Walking is markedly reduced in speed or distance despite orthotic or prosthetic devices; or

B. Ambulation is possible only with obligatory bilateral upper limb assistance (e.g. with walker crutches); or

C. Inability to perform age-related personal self-care activities involving feeding dressing and personal hygiene.

101.05 *Disorders of the spine.*

A. *Fracture of vertebra with cord involvement (substantiated by appropriate sensory and motor loss).*

B. *Scoliosis (congenital idiopathic or neuromyopathic).* With:

1. Major spinal curve measuring 60 degrees or greater; or

2. Spinal fusion of six or more levels. Consider under a disability for one year from the time of surgery; thereafter evaluate the residual impairment; or

3. FEV (vital capacity) of 50 percent or less of predicted normal values for the individual's measured (actual) height.

C. *Kyphosis or lordosis measuring 90 degrees or greater.*

101.08 *Chronic osteomyelitis* with persistence or recurrence of inflammatory signs or drainage for at least six months despite prescribed therapy and consistent radiographic findings.

102.00 SPECIAL SENSE ORGANS

A. *Visual impairments in children.* Visual impairment should be determined with use of the standard Snellen test chart. Where this cannot be used freestanding E's (cubes or cards) are preferred to the Snellen illiterate E chart. In very young children a complete description should be included of any other techniques used for determining the central visual acuity for distance.

The accommodative reflex is generally not present in children under 6 months of age. In premature infants it is not present until 6 months plus the number of months the child is premature. Therefore, only children above this age will be considered visually impaired if the accommodative reflex is absent.

Documentation of an ophthalmologic disorder must include description of the ocular pathology.

B. *Deafness in children.* The criteria for hearing loss in children take into account that a smaller loss occurring at an early age may result in a severe speech defect.

Improvement by a hearing aid, as predicted by the testing procedure, must be demonstrated to be feasible in that child, since younger children may be unable to use a hearing aid effectively.

The type of audiometric testing performed should be described and a copy of the graphic representation should be included. When a standard audiometer is used, the report should indicate whether the apparatus was calibrated according to American National Standard Institute Specifications for Audiometers, S 3.6—1969 (ANSI–1969) or the American Standard, Z 24.5—1951 (ASA–1951). The decibel levels in § 102.08 are based on use of the ANSI–1969 calibration.

Testing should be done at the three frequencies of 500, 1000, and 2000 hertz (Hz). Auditory perception of better than the level required in § 102.08 at only a single tonal frequency between 500 and 2000 Hz will be considered as meeting the requirements of the criteria.

102.01 CATEGORY OF IMPAIRMENTS, SPECIAL SENSE ORGANS

102.02 *Impairment of visual acuity in children less than 3 years of age.*

A. Absence of accommodative reflex (see § 102.00A for exclusion of children under 6 months of age); or

B. Retrolental fibroplasia with macular scarring or neovascularization; or

C. Bilateral congenital cataracts with visualization of retinal red reflex only or when associated with other ocular-media pathology.

102.08 *Hearing impairments.*

A. For children below age 5 years at time of adjudication, inability to hear (air and bone conduction) at 40 decibels or less than 40 decibels.

B. For children 5 years of age and above at time of adjudication:

1. Inability to hear (air and bone conduction) at 70 decibels, or less than 70 decibels; or

2. Speech discrimination scores at 40 percent or less; or

3. Inability to hear (air and bone conduction) at 40 decibels or less than 40 decibels and speech deficit which significantly affects the clarity and content of the speech and is attributable to the hearing loss.

103.00 RESPIRATORY SYSTEM

A. *Documentation of pulmonary insufficiency.* The reported FEV_1 should represent the largest of at least three attempts. The largest FEV_1 should be within 10 percent of another FEV_1. The appropriately labeled spirometric tracing of three FEV maneuvers must be submitted with the report. The unit distance for volume on the tracing should be at least 15 mm. per liter and the paper speed at least 20 mm. per second.

The ventilatory function studies should not be performed during or soon after an acute episode or exacerbation. In the presence of acute bronchospasm, the studies should be repeated after bronchodilators are given.

A statement should be made as to the child's ability to understand directions and to cooperate in performance of the test, and should include evaluation of effort. Where tests cannot be performed or completed, the reason should be included in the report.

B. *Cystic fibrosis.* This section discusses only the pulmonary manifestations of cystic fibrosis. Other manifestations, complications, or associated disease must be evaluated under the appropriate section.

The diagnosis of cystic fibrosis will be based upon appropriate history, physical examination, and pertinent laboratory findings. Confirmation based upon elevated concentration of sodium or chloride in the sweat should be included, with indication of the technique used for collection and analysis.

103.01 CATEGORY OF IMPAIRMENTS, RESPIRATORY

103.03 *Bronchial asthma.* With evidence of progression of the disease despite therapy and documented by one of the following:

A. Recent, recurrent intense asthmatic attacks requiring parenteral medication; or

B. Persistent prolonged expiration with wheezing between acute attacks and radiographic findings of peribronchial disease.

103.13 *Pulmonary manifestations of cystic fibrosis.* With:

A. FEV_1 equal to or less than the values specified in Table I (see § 103.00A for requirements of ventilatory function testing); or

B. For children where ventilatory function testing cannot be performed:

1. History of dyspnea on mild exertion or chronic frequent productive cough; and

2. Persistent or recurrent abnormal breath sounds, bilateral rales or rhonchi; and

3. Radiographic findings of extensive disease with hyperaeration and bilateral peribronchial infiltration.

Table I

Height (centimeter):	FEV_1 *equal to or less than (liters)*
110 or less	0.6
120	.7
130	.9
140	1.1
150	1.3
160	1.5
170 or more	1.6

104.00 CARDIOVASCULAR SYSTEM

A. *General.* Evaluation should be based upon history, physical findings, and appropriate laboratory data. If a murmur is present, it should be consistent with the pathologic diagnosis. The actual electrocardiographic tracing, or an adequate marked photocopy, must be included, as well as results of any other studies performed.

B. *Evaluation of cardiovascular impairments in children* requires two steps:

1. The delineation of a specific cardiovascular disturbance, either congenital or acquired. This may include arterial or venous disease, rhythm disturbance, or disease involving the valves, septa, or cardiac muscles; and

2. Documentation of severe impairment, with medically determinable and consistent cardiovascular signs, symptoms, and laboratory data. In cases where impairment characteristics are questionably secondary to the cardiovascular disturbance, additional documentation of the severity of the impairment (e.g., catherization data, if performed) will be necessary.

C. *Chest roentgenogram* (6 ft. PA film) will be considered indicative of cardiomegaly if:

1. The cardiothoracic ratio is over 60 percent at age one year or less, or 55 percent at more than one year of age; or

2. The cardiac size is increased over 15 percent from any prior chest roentgenograms.

D. *Tables I, II, and III* below are designed for case adjudication and not for diagnostic purposes. The adult criteria may be useful for older children and should be used when applicable.

E. *Rheumatic fever,* as used in this section, assumes diagnoses made according to the revised Jones Criteria.

104.01 CATEGORY OF IMPAIRMENTS, CARDIOVASCULAR

104.02 *Chronic congestive failure.* With two or more of the following signs:

A. Tachycardia (see Table I).

B. Tachypnea (see Table II).

C. Cardiomegaly on chest roentogenogram (see § 104.00C).

D. Hepatomegaly (more than 2 cm. below the right costal margin in the right midclavicular line).

E. Evidence of pulmonary edema, such as rales or orthopnea.

F. Dependent edema.

G. Exercise intolerance manifested as labored respiration on mild exertion (e.g., in an infant, feeding).

TABLE I—TACHYCARDIA AT REST

Age	*Pulse rate over (beats per minute)*
Under 1 yr	150
1 through 9 yr	130
10 through 12 yr	120
Over 12 yr	100

TABLE II—TACHYPNEA AT REST

Age	*Respiratory rate over (per minute)*
Under 6 yr	35
6 through 7 yr	30
Over 7 yr	25

104.03 *Hypertensive cardiovascular disease.* With persistently elevated blood pressure for age (see Table III) and one of the following:

A. Impaired renal function as described under the criteria in § 106.02; or

B. Cerebrovascular damage as described under the criteria in § 111.06; or

C. Congestive heart failure as described under the criteria in § 104.02.

TABLE III.—*Elevated blood pressure*

[In millimeters hectogram]

Age	Systolic (over)	Diastolic (over)
Under 8 yr	115	85
8 through 11 yr	120	90
12 through 15 yr	130	90
Over 15 yr	140	90

104.04 *Cyanotic congenital heart disease.* With one of the following:

A. Surgery is limited to palliative measures; or

B. Characteristic squatting, hemoptysis, syncope, or hypercyanotic spells; or

C. Chronic hematocrit of 55 percent or greater or arterial O_2 saturation of less than 90 percent at rest.

104.05 *Cardiac arrhythmia, such as persistent or recurrent heart block or A-V dissociation (with or without therapy).* And one of the following:

A. Cardiac syncope; or

B. Congestive heart failure as described under the criteria in § 104.02; or

C. Exercise intolerance with labored respirations on mild exertion (e.g., in infants, feeding).

104.07 *Cardiac syncope.* With at least one documented syncopal episode characteristic of specific cardiac disease (e.g., aortic stenosis).

104.08 *Recurrent hemoptysis.* Associated with either pulmonary hypertension or extensive bronchial collaterals due to documented chronic cardiovascular disease.

104.09 *Chronic rheumatic fever or rheumatic heart disease.* With:

A. Persistence of rheumatic fever activity for 6 months or more, with significant murmur(s), cardiomegaly (see § 104.00C), and other abnormal laboratory findings (such as elevated sedimentation rate or electrocardiographic findings); or

B. Congestive heart failure as described under the criteria in § 104.02.

105.00 DIGESTIVE SYSTEM

A. *Disorders of the digestive system* which result in disability usually do so because of interference with nutrition and growth, multiple recurrent inflammatory lesions, or other complications of the disease. Such lesions or complications usually respond to treatment. To constitute a listed impairment, these must be shown to have persisted or be expected to persist despite prescribed therapy for a continuous period of at least 12 months.

B. *Documentation of gastrointestinal impairments* should include pertinent operative findings, radiographic studies, endoscopy, and biopsy reports. Where a liver biopsy has been performed in chronic liver disease, documentation should include the report of the biopsy.

C. *Growth retardation and malnutrition.* When the primary disorder of the digestive

tract has been documented, evaluate resultant malnutrition under the criteria described in § 105.08. Evaluate resultant growth impairment under the criteria described in § 100.03. Intestinal disorders, including surgical diversions and potentially correctable congenital lesions, do not represent a severe impairment if the individual is able to maintain adequate nutrition, growth, and development.

D. *Multiple congenital anomalies.* See related criteria, and consider as a combination of impairments.

105.01 CATEGORY OF IMPAIRMENTS, DIGESTIVE

105.03 *Esophageal obstruction, caused by atresia, stricture, or stenosis.* With malnutrition as described under the criteria in § 105.08.

105.05 *Chronic liver disease.* With one of the following:

A. Inoperable biliary atresia demonstrated by X-ray or surgery; or

B. Intractable ascites not attributable to other causes, with serum albumin of 3.0 gm./100 ml. or less; or

C. Esophageal varices (demonstrated by angiography, barium swallow, or endoscopy or by prior performance of a specific shunt or plication procedure); or

D. Hepatic coma, documented by finding from hospital records; or

E. Hepatic encephalopathy. Evaluate under the criteria in § 112.02; or

F. Chronic active inflammation or necrosis documented by SGOT persistently more than 100 units or serum bilirubin of 2.5 mg. percent or greater.

105.07 *Chronic inflammatory bowel disease (such as ulcerative colitis, regional enteritis), as documented in § 105.00.* With one of the following:

A. Intestinal manifestations or complications, such as obstruction, abscess, or fistula formation which has lasted or is expected to last 12 months; or

B. Malnutrition as described under the criteria in § 105.08; or

C. Growth impairment as described under the criteria in § 100.03.

105.08 *Malnutrition, due to demonstrable gastrointestinal disease causing either a fall of 15 percentiles of weight which persists or the persistence of weight which is less than the third percentile (on standard growth charts).* And one of the following:

A. Stool fat excretion per 24 hours:

1. More than 15 percent in infants less than 6 months.

2. More than 10 percent in infants 6–18 months.

3. More than 6 percent in children more than 18 months; or

B. Persistent hematocrit of 30 percent or less despite prescribed therapy; or

C. Serum carotene of 40 mcg./100 ml. or less; or

D. Serum albumin of 3.0 gm./100 ml. or less.

106.00 GENITO-URINARY SYSTEM

A. *Determination of the presence of chronic renal disease* will be based upon the following factors:

1. History, physical examination, and laboratory evidence of renal disease.

2. Indications of its progressive nature or laboratory evidence of deterioration of renal function.

B. *Renal transplant.* The amount of function restored and the time required to effect improvement depend upon various factors including adequacy of post-transplant renal function, incidence of renal infection, occurrence of rejection crisis, presence of systemic complications (anemia, neuropathy, et.) and side effects of corticosteriod or immunosuppressive agents. A period of at least 12 months is required for the individual to reach a point of stable medical improvement.

C. Evaluate associated disorders and complications according to the appropriate body system listing.

106.01 CATEGORY OF IMPAIRMENTS, GENITO-URINARY

106.02 *Chronic renal disease.* With:

A. BUN of 30 mg./100 ml. or greater; or

B. Serum creatinine of 3.0 mg./100 ml. or greater; or

C. Creatinine clearance equal to or less than 42 ml./min./1.73 m²; or

D. Chronic renal dialysis program for irreversible renal failure; or

E. Renal transplant. Consider under a disability for 12 months following surgery; thereafter, evaluate the residual impairment (see § 106.00B).

106.06 *Nephrotic syndrome, with edema not controlled by prescribed therapy.* And:

A. Serum albumin less than 2 gm./100 ml.; or

B. Proteinuria more than 2.5 gm./1.73 m²/day.

107.00 HEMIC AND LYMPHATIC SYSTEM

A. *Sickle cell disease* refers to a chonric hemolytic anemia associated with sickle cell hemoglobin, either homozygous or in combination with thalassemia or with another abnormal hemoglobin (such as C or F).

Appropriate hematologic evidence for sickle cell disease, such as hemoglobin electrophoresis must be included. Vaso-occlusive episodes should be documented by description of severity, frequency, and duration.

Disability due to sickle cell disease may be solely the result of a severe, persistent anemia or may be due to the combination of chronic progressive or episodic manifestations in the presence of a less severe anemia.

Major visceral episodes causing disability include meningitis, osteomyelitis, pulmonary infections or infractions, cerebrovascular accidents, congestive heart failure, genitourinary involvement, etc.

B. *Coagulation defects.* Chronic inherited coagulation disorders must be documented by appropriate laboratory evidence such as abnormal thromboplastin generation, coagulation time, or factor assay.

C. *Acute leukemia.* Initial diagnosis of acute leukemia must be based upon definitive bone marrow pathologic evidence. Recurrent disease may be documented by peripheral blood, bone marrow, or cerebrospinal fluid examination. The pathology report must be included.

Section 107.11 contains the designated duration of disability implicit in the finding of a listed impairment. Following the designated time period, a documented diagnosis itself is no longer sufficient to establish a severe impairment. The severity of any remaining impairment must be evaluated on the basis of the medical evidence.

107.01 CATEGORY OF IMPAIRMENTS, HEMIC AND LYMPHATIC

107.02 *Chronic anemia.* Manifested by persistence of hematocrit of 26 percent or less despite prescribed therapy.

107.03 *Hemolytic anemia (due to any cause).* Manifested by persistence of hematocrit of 26 percent or less despite prescribed therapy, and reticulocyte count of 4 percent or greater.

107.05 *Sickle cell disease.* With:

A. Recent, recurrent, severe vaso-occlusive crises (musculoskeletal, vertebral, abdominal); or

B. A major visceral complication in the 12 months prior to application; or

C. A hyperhemolytic or aplastic crisis within 12 months prior to application; or

D. Chronic, severe anemia with persistence of hematocrit of 26 percent or less; or

E. Congestive heart failure, cerebrovascular damage, or emotional disorder as described under the criteria in § 104.02, § 111.00ff, or § 112.00ff.

107.06 *Chronic idiopathic thrombocytopenic purpura of childhood.* With purpura and thrombocytopenia of 40,000 platelets/cu. mm. or less despite prescribed therapy or recurrent upon withdrawal of treatment.

107.08 *Inherited coagulation disorder.* With:

A. Repeated spontaneous or inappropriate bleeding; or

B. Hemarthrosis with joint deformity.

107.11 *Acute leukemia.* Consider under a disability:

A. For 2½ years from the time of initial diagnosis; or

B. For 2½ years from the time of recurrence of active disease.

109.00 ENDOCRINE SYSTEM

A. *Cause of disability.* Disability is caused by a disturbance in the regulation of the secretion or metabolism of one or more hormones which are not adequately controlled by therapy. Such disturbances or abnormalities usually respond to treatment. To constitute a listed impairment these must be shown to have persisted or be expected to persist despite prescribed therapy for a continuous period of at least 12 months.

B. *Growth.* Normal growth is usually a sensitive indicator of health as well as of adequate therapy in children. Impairment of growth may be disabling in itself or may be an indicator of a severe disorder involving the endocrine system or other body systems. Where involvement of other organ systems has occurred as a result of a primary endocrine disorder, these impairments should be evaluated according to the criteria under the appropriate sections.

C. *Documentation.* Description of characteristic history, physical findings, and diagnostic laboratory data must be included. Results of laboratory tests will be considered abnormal if outside the normal range or greater than two standard deviations from the mean of the testing laboratory. Reports in the file should contain the information provided by the testing laboratory as to their normal values for that test.

D. *Hyperfunction of the adrenal cortex.* Evidence of growth retardation must be documented as described in § 100.00. Elevated blood or urinary-free cortisol levels are not acceptable in lieu of urinary 17-hydroxycorticosteroid excretion for the diagnosis of adrenal cortical hyperfunction.

E. *Adrenal cortical insufficiency.* Documentation must include persistent low plasma cortisol or low urinary 17-hydroxycorticosteroids or 17-ketogenic steroids and evidence of unresponsiveness to ACTH stimulation.

109.01 CATEGORY OF IMPAIRMENTS, ENDROCRINE

109.02 *Thyroid Disorders.*

A. *Hyperthyroidism (as documented in § 109.00C).* With clinical manifestations despite prescribed therapy, and one of the following:

1. Elevated serum thyroxine (T_4) and either elevated free T_4 or resin T_3 uptake; or

2. Elevated thyroid uptake of radioiodine; or

3. Elevated serum triiodothyronine (T_3).

B. *Hypothyrodism.* With one of the following, despite prescribed therapy:

1. IQ of 69 or less; or

2. Growth impairment as described under the criteria in § 100.02B and C; or

3. Precocious puberty.

109.03 *Hyperparathyroidism (as documented in § 109.00C).* With:

A. Repeated elevated total or ionized serum calcium; or

B. Elevated serum parathyroid hormone.

109.04 *Hypoparathyroidism or Pseudohypoparathyroidism.* With:

A. Severe recurrent tetany or convulsions which are unresponsive to prescribed therapy; or

B. Growth retardation as described under the criteria in § 100.02B and C.

109.05 *Diabetes insipidus, documented by pathologic hypertonic saline or water deprivation test.* And one of the following:

A. Intracranial space-occupying lesion, before or after surgery; or

B. Unresponsiveness to Pitressin; or

C. Growth retardation as described under the criteria in § 100.02B and C; or

D. Unresponsive hypothalmic thirst center, with chronic or recurrent hypernatremia; or

E. Decreased visual fields attributable to a pituitary lesion.

109.06 *Hyperfunction of the adrenal cortex (Primary or seconday).* With:

A. Elevated urinary 17-hydroxycorticosteroids (or 17-ketogenic steroids) as documented in § 109.00C and D; and

B. Unresponsiveness to low-dose dexamethasone suppression.

109.07 *Adrenal cortical insufficiency (as documented in § 109.00C and E).* With recent, recurrent episodes of circulatory collapse.

109.08 *Juvenile diabetes mellitus (as documented in § 109.00C) requiring parenteral insulin.* And one of the following, despite prescribed therapy:

A. Recent, recurrent hospitalizations with acidosis; or

B. Recent, recurrent episodes of hypoglycemia; or

C. Growth retardation as described under the criteria in § 100.02B or C; or

D. Impaired renal function as described under the criteria in § 106.00ff.

109.09 *Iatrogenic hypercorticoid state.* With chronic glucocorticoid therapy resulting in one of the following:

A. Osteoporosis; or

B. Growth retardation as described under the criteria in § 100.02B or C; or

C. Diabetes mellitus as described under the criteria in § 109.08; or

D. Myopathy as described under the criteria in § 111.06; or

E. Emotional disorder as described under the criteria in § 112.00ff.

109.10 *Pituitary dwarfism (with documented growth hormone deficiency).* And growth impairment as described under the criteria in § 100.02C.

109.11 *Adrenogenital syndrome.* With:

A. Recent, recurrent salt-losing episodes despite prescribed therapy; or

B. Inadequate replacement therapy manifested by accelerated bone age and virilization; or

C. Growth impairment as described under the criteria in § 100.02B or C.

109.12 *Hypoglycemia (as documented in § 109.00C).* With recent, recurrent hypoglycemic episodes producing convulsion or coma.

109.13 *Gonadal Dysgenesis (Turner's Syndrome), chromosomally proven.* Evaluate the resulting impairment under the criteria for the appropriate body system.

110.00 Multiple Body Systems

A. *Catastrophic congenital abnormalities or disease.* This section refers only to very serious congenital disorders, diagnosed in the newborn or infant child.

B. *Immune deficiency diseases.* Documentation of immune deficiency disease must be submitted, and may include quantitative immunoglobulins, skin tests for delayed hypersensitivity, lymphocyte stimulative tests, and measurements of cellular immunity mediators.

110.01 Category of Impairments, Multiple Body Systems

110.03 *Catastrophic congenital abnormalities or disease.* With:

A. A positive diagnosis (such as anencephaly, trisomy D or E, cyclopia, etc.), generally regarded as being incompatible with extrauterine life; or

B. A positive diagnosis (such as cri du chat, Tay-Sachs Disease) wherein attainment of the growth and development level of 2 years is not expected to occur.

110.09 *Immune deficiency disease.*

A. *Hypogammaglobulinemia or dysgammaglobulinemia.* With:

1. Recent, recurent severe infections; or

2. A complication such as growth retardation, chronic lung disease, collagen disorder, or tumors.

B. *Thymic dysplastic syndromes* (such as Swiss, diGeorge).

111.00 Neurological

A. *Seizure disorder* must be substantiated by at least one detailed description of a typical seizure. Report of recent documentation should include an electroencephalogram and neurological examination. Sleep EEG is preferable, especially with temporal lobe seizures. Frequency of attacks and any associated phenomena should also be substantiated.

Young children may have convulsions in association with febrile illnesses. Proper use of § 111.02 and § 111.03 requires that a seizure disorder be established. Although this does not exclude consideration of seizures occurring during febrile illnesses, it does require documentation of seizures during nonfebrile periods.

There is an expected delay in control of seizures when treatment is started, particularly when changes in the treatment regimen are necessary. Therefore, a seizure disorder should not be considered to meet the requirements of § 111.02 or § 111.03 unless it is shown that seizures have persisted more than three months after prescribed therapy began.

B. *Minor motor seizures.* Classical petit mal seizures must be documented by characteristic EEG pattern, plus information as to age at onset and frequency of clinical seizures. Myoclonic seizures, whether of the typical infantile or Lennox-Gastaut variety after infancy, must also be documented by the characteristic EEG pattern plus information as to age at onset and frequence of seizures.

C. *Motor dysfunction.* As described in § 111.06, motor dysfunction may be due to any neurological disorder. It may be due to static or progressive conditions involving any area of the nervous system and producing any type of neurological impairment. This may include weakness, spasticity lack of coordination, ataxia, tremor, athetosis, or sensory loss. Documentation of motor dysfunction must include neurologic findings and description of type of neurologic abnormality (e.g., spasticity, weakness), as well as a description of the child's functional impairment (i.e., what the child is unable to do because of the abnormality). Where a diagnosis has been made, evidence should be included for substantiation of the diagnosis (e.g., blood chemistries and muscle biopsy reports), wherever applicable.

D. *Impairment of communication.* The documentation should include a description of a recent comprehensive evaluation, including all areas of affective and effective communication, performed by a qualified professional.

111.01 Category of Impairment, Neurological

111.02 *Major motor seizure disorder.*

A. *Major motor seizures.* In a child with an established seizure disorder, the occurrence of more than one major motor seizure per month despite at least three months of prescribed treatment. With:

1. Diurnal episodes (loss of consciousness and convulsive seizures); or

2. Nocturnal episodes manifesting residuals which interfere with activity during the day.

B. *Major motor seizures.* In a child with an established seizure disorder, the occurrence of at least one major motor seizure in the year prior to application despite at least three months of prescribed treatment. And one of the following:

1. IQ of 69 or less;

2. Significant interference with communication due to speech, hearing, or visual defect;

3. Significant emotional disorder; or

4. Where significant adverse effects of medication interfere with major daily activities.

111.03 *Minor motor seizure disorder.* In a child with an established seizure disorder, the occurrence of more than one minor motor seizure per week, with alteration of awareness or loss of consciousness, despite at least three months of prescribed treatment.

111.05 *Brain tumors.* A. Malignant gliomas (astrocytoma—Grades III and IV, glioblastoma multiforme), medulloblastoma, ependymoblastoma, primary sarcoma, or brain stem gliomas; or

B. Evaluate other brain tumors under the criteria for the resulting neurological impairment.

111.06 *Motor dysfunction (due to any neurological disorder).* Persistent disorganization or deficit of motor function for age involving two extremities, which (despite prescribed therapy) interferes with age-appropriate major daily activities and results in disruption of:

A. Fine and gross movements; or

B. Gait and station.

111.07 *Cerebral palsy.* With: A. Motor dysfunction meeting the requirements of § 111.06 or § 101.03; or

B. Less severe motor dysfunction (but more than slight) and one of the following:

1. IQ of 69 or less;

2. Seizure disorder, with at least one major motor seizure in the year prior to application;

3. Significant interference with communication due to speech, hearing, or visual defect; or

4. Significant emotional disorder.

11.08 *Meningomyelocele (and related disorders).* With one of the following despite prescribed treatment:

A. Motor dysfunction meeting the requirements of § 111.06 or § 111.03; or

B. Less severe motor dysfunction (but more than slight), and:

1. Urinary or fecal incontinence when inappropriate for age; or

2. IQ of 69 or less; or

C. Four extremity involvement; or

D. Noncompensated hydrocephalus producing interference with mental or motor developmental progression.

111.09 *Communication impairment, associated with documented neurological disorder.* And one of the following:

A. Documented speech deficit which significantly affects the clarity and content of the speech;

B. Documented comprehension deficit resulting in ineffective verbal communication for age; or

C. Impairment of hearing as described under the criteria in § 102.08.

112.00 MENTAL AND EMOTIONAL DISORDERS

A. *Introduction.* This section is intended primarily to describe mental and emotional disorders of young children. The medical criteria describing impairments in adults should be used where they clearly appear to be more appropriate.

B. *Mental retardation. General.* As with any other impairment, the necessary evidence consists of symptoms, signs, and laboratory findings which provide medically demonstrable evidence of impairment severity. Standardized intelligence test results are essential to the adjudication of all cases of mental retardation that are not clearly covered under the provisions of § 112.05A. Developmental milestone criteria may be the sole basis for adjudication only in cases where the child's young age and/or condition preclude formal standardized testing by a psychologist or psychiatrist experienced in testing children.

Measures of intellectual functioning. Standardized intelligence tests, such as the Wechsler Preschool and Primary Scale of Intelligence (WPPSI), the Wechsler Intelligence Scale for Children (WISC), the Revised Stanford-Binet Scale, and the McCarthey Scales of Children's Abilities, should be used wherever possible. Key data such as subtest scores should also be included in the report. Tests should be administered by a qualified and experienced psychologist or psychiatrist, and any discrepancies between formal test results and the child's customary behavior and daily activities should be duly noted and resolved.

Developmetal milestone criteria. In the event that a child's young age and/or condition preclude formal testing by a psychologist or psychiatrist experienced in testing children, a comprehensive evaluation covering the full range of developmental activities should be performed. This should consist of a detailed account of the child's daily activities together with direct observations by a professional person; the latter should include indices or manifestations of social, intellectual, adaptive, verbal, motor (posture, locomotion, manipulation), language, emotional, and self-care development for age. The above should then be related by the evaluating or treating physician to established developmental norms of the kind found in any widely used standard pediatrics text.

C. *Down's syndrome.* A special situation exists in Down's syndrome. This condition is typically associated with mental retardation and frequently with cardiac, pulmonary, or other somatic and growth impairments. The diagnosis is confirmed by chromosomal study. With few exceptions, the degree of intellectual deficit present ranges from severe to borderline. In the IQ range between 60 and 69, severe impairment may be found either by the presence of an additional mental or physical impairment (§ 112.05C1) or by a positive chromosomal profile (§ 112.05C2).

D. *Profound combined mental-neurological-musculoskeletal impairments.* There are children with profound and irreversible brain damage resulting in total incapacitation. Such children may meet criteria in either neurological, musculoskeletal, and/or mental sections; they should be adjudicated under the criteria most completely substantiated by the medical evidence submitted. Frequently, the most appropriate criteria will be found under the mental impairment section.

112.01 CATEGORY OF IMPAIRMENTS, MENTAL AND EMOTIONAL

112.02 *Chronic brain syndrome.* With arrest of developmental progression for at least six months or loss of previously acquired abilities.

112.03 *Psychosis of infancy and childhood.* Documented by psychiatric evaluation and supported, if necessary, by the results of appropriate standardized psychological tests and manifested by marked restriction in the performance of daily age-appropriate activities; constriction of age-appropriate interests; deficiency of age-appropriate self-care skills; and impaired ability to relate to others; together with persistence of one (or more) of the following:

A. Significant withdrawal or detachment;
B. Impaired sense of reality;
C. Bizarre behavior patterns;
D. Strong need for maintenance of sameness, with intense anxiety, fear, or anger when change is introduced; or
E. Panic at threat of separation from parent.

112.04 *Functional nonpsychotic disorders.* Documented by psychiatric evaluation and supported, if necessary, by the results of appropriate standardized psychological tests and manifested by marked restriction in the performance of daily age-appropriate activities; construction of age-appropriate interests; deficiency of age-appropriate self-care skills; and impaired ability to relate to others; together with persistence of one (or more) of the following:

A. Psychophysiological disorder (e.g., diarrhea, asthma); or
B. Anxiety; or
C. Depression; or
D. Phobic, obsessive, or compulsive behavior; or
E. Hypochondriasis; or
F. Hysteria; or
G. Asocial or antisocial behavior.

112.05 *Mental retardation.*—A. Achievement of only those developmental milestones generally acquired by children no more than one-half the child's chronological age; or
B. IQ of 59 or less; or
C. IQ of 60–69, inclusive, and:
1. A physical or other mental impairment resulting in restriction of function or developmental progression; or
2. Chromosomally-proven Down's syndrome (see § 112.00C).

113.00 Neoplastic diseases, malignant.—A. *Introduction.* Determination of disability in the growing and developing child with a malignant neoplastic disease is based upon the combined effects of:

1. The pathophysiology, histology, and natural history of the tumor; and
2. The effects of the currently employed aggressive multimodal therapeutic regimens.

Combinations of surgery, radiation, and chemotherapy or prolonged therapeutic schedules impart significant additional morbidity to the child during the period of greatest risk from the tumor itself. This period of highest risk and greatest therapeutically-induced morbidity defines the limits of disability for most of childhood neoplastic disease.

B. *Documentation.* The diagnosis of neoplasm should be established on the basis of symptoms, signs, and laboratory findings. The site of the primary, recurrent, and metastatic lesion must be specified in all cases of malignant neoplastic diseases. If an operative procedure has been performed, the evidence should include a copy of the operative note and the report of the gross and microscopic examination of the surgical specimen, along with all pertinent laboratory and X-ray reports. The evidence should also include a recent report directed especially at describing whether there is evidence of local or regional recurrence, soft part or skeletal metastasis, and significant post-therapeutic residuals.

C. *Malignant solid tumors,* as listed under § 113.03, include the histiocytosis syndromes except for solitary eosinophilic granuloma. Thus, § 113.03 should not be used for evaluating brain tumors (see § 111.05) or thyroid tumors, which must be evaluated on the basis of whether they are controlled by prescribed therapy.

D. *Duration of disability* from malignant neoplastic tumors is included in § 113.02 and § 113.03. Following the time periods designated in these sections, a documented diagnosis itself is no longer sufficient to establish a severe impairment. The severity of a remaining impairment must be evaluated on the basis of the medical evidence.

113.01 Category of impairments, neoplastic diseases—malignant.

113.02 *Lymphoreticular malignant neoplasms.* Consider under a disability:
A. For 2½ years from the time of initial diagnosis, or
B. For 2½ years from the time of recurrence of active disease.

113.03 *Malignant solid tumors.* Consider under a disability:
A. For 2 years from the time of initial diagnosis; or
B. For 2 years from the time of recurrence of active disease.

113.04 *Neuroblastoma.* With one of the following:
A. Extension across the midline; or
B. Distant metastasis; or
C. Recurrence; or
D. Onset at age 1 year or older.

113.05 *Retinoblastoma.* With one of the following:
A. Bilateral involvement; or
B. Metastases; or
C. Extension beyond the orbit; or
D. Recurrence.

[FR Doc.76-35304 Filed 12-2-76;8:45 am]

DEPARTMENT OF LABOR

Employment and Training Administration

[20 CFR Part 614]

UNEMPLOYMENT COMPENSATION FOR EX-SERVICEMEN

Schedule of Remuneration

The Department of Labor proposes to amend 20 CFR 614.19, which prescribes the schedule used in computing Federal wages of ex-servicemen covered by the program of unemployment compensation for ex-servicement (UCX program) established by Subchapter II of Chapter 85 of Title 5, United States Code (5 U.S.C. 8521–8525). Effective as of October 1, 1976, rates of monthly basic pay for members of the uniformed services were adjusted upward by Executive Order 11941 (41 FR 43889). The amendment under consideration, which is based upon consultation with the Department of Defense, would make corresponding changes in the schedule of remuneration in 20 CFR 614.19.

The applicable statute is 5 U.S.C. 8521 (a)(2), which defines "Federal wages" to mean all pay and allowances, in cash and in kind, for Federal military service, computed on the basis of the pay and allowances for the pay grade of the individual at the time of the individual's latest discharge from Federal service as specified in the schedule of remuneration applicable at the time the individual files a first claim for unemployment compensation for a benefit year. The statute also provides that the Secretary of Labor shall issue, from time to time, after con-

sultation with the Secretary of Defense, schedules specifying the pay and allowances for each pay grade of servicemen covered by the UCX program, which reflect representative amounts for appropriate elements of the pay and allowances whether in cash or in kind.

It is proposed to make the new schedule of remuneration applicable to first claims which are filed after the end of this year. The purpose is to regularize the effective date of new schedules of remuneration which are issued to implement pay raises for members of the uniformed services that have occurred annually for the past several years and may be expected to occur annually in the foreseeable future. In past years the new schedules of remuneration have been made effective at various times, and in this year the new schedule was made effective January 25, 1976. By making a new schedule effective at the beginning of each year administration of the UCX program will be stabilized and the result will be fairer to claimants. While this will necessitate making the new schedule of remuneration effective this time in less than 30 days after it will have been published in final form in the FEDERAL REGISTER, the reasons for making the new schedule effective at the beginning of 1977 are believed to be overriding, and in future years the intention is to publish the new schedule in final form in not less than 30 days prior to its effective date.

Interested persons may participate in this proposed rulemaking by submitting comments, data, views or arguments as to the proposed amendment to the U.S. Department of Labor, Employment and Training Administration, Room 7000, Patrick Henry Building, 601 "D" Street NW., Washington, D.C. 20213, on or before January 3, 1977. All material received in response to this proposal will be available for public inspection during normal business hours at that address.

It is proposed to revise 20 CFR 614.19 to read as follows:

§ 614.19 Schedule of remuneration.

(a) The following schedule of remuneration is issued pursuant to 5 U.S.C. 8521(a)(2), and shall apply to first claims which are filed after December 31, 1976:

Pay grade:	Monthly rate
(1) Commissioned officers:	
O-10	$4,088
O-9	4,086
O-8	4,072
O-7	3,587
O-6	2,982
O-5	2,454
O-4	2,021
O-3	1,693
O-2	1,354
O-1	997
(2) Warrant officers:	
W-4	1,936
W-3	1,616
W-2	1,316
W-1	1,173
(3) Enlisted personnel:	
E-9	1,658
E-8	1,410
E-7	1,224
E-6	1,049
E-5	885
E-4	749
E-3	669
E-2	622
E-1	572

(b) The deletion from paragraph (a) of this section of the schedule of remuneration published at 41 FR 2828, which was applicable prior to the effective date of the new schedule of remuneration set forth in paragraph (a), does not revoke the prior schedule or any preceding schedule or change the periods of time they were in effect.

(5 U.S.C. 8508, 8521(a)(2).)

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

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

[FR Doc.76-35791 Filed 12-2-76;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

[24 CFR Part 1917]

[Docket No. FI-2442]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for Brown County, Minnesota

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90-448) (42 U.S.C. 4001-4128), and 24 CFR Part 1917 (§ 1917.4(a)), hereby gives notice of his proposed determinations of flood elevations for the County of Brown, Minnesota.

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

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at Brown County Auditor's Office, New Ulm, Minnesota 56073.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. Leo Hofman, Chairman, Board of Commissioners, Box 357, Brown County Auditor's Office, New Ulm, Minnesota 56073. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level
Cottonwood River	County Highway 3 bridge.	1,025
	Downstream Springfield corporate limits.	1,015
	County Highway 13 bridge.	833
	C. & N.W. RR. bridge	807
Minnesota River	County Highway 8 bridge.	821
	Minnesota Highway 4 bridge.	816
	County road bridge	814
	C. & N.W. RR. bridge.	807
	Downstream Brown County limits.	804

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

Issued: October 21, 1976.

J. ROBERT HUNTER,
Federal Insurance Administrator.

[FR Doc.76-35337 Filed 12-2-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2443]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the City of Beatrice, Nebraska

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.4(a)), hereby gives notice of his proposed determinations of flood elevations for the City of Beatrice, Nebraska.

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

Proposed flood elevations (100-year flood) are listed below for selected loca-

tions. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at City Hall, 1309 Sandpiper Drive, Beatrice, Nebraska 68310.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Honorable Robert J. Sargent Sr., Mayor, City Hall, 1309 Sandpiper Drive, Beatrice, Nebraska 68310. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Right	Left
Big Blue River	Court St	1,259	3,280	850
	6th St	1,256	700	1,980
Indian Creek	Highway 77	1,261	1,200	10
	Irving St	1,260	1,280	220

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

Issued: October 18, 1976.

J. ROBERT HUNTER,
Federal Insurance Administrator.

[FR Doc.76-35338 Filed 12-2-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2444]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the City of Wahoo, Nebraska

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448) 42 U.S.C. 4001–4128), and 24 CFR Part 1917 (§ 1917.4 (a)), hereby gives notice of his proposed determinations of flood elevations for the City of Wahoo, Nebraska.

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

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at City Hall, 605 North Broadway, Wahoo, Nebraska 68066.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Honorable James L. Fauver, Mayor, City Hall, 605 North Broadway, Wahoo, Nebraska 68066. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Right	Left
Wahoo Creek	Burlington-Northern RR	1,177	4,560	500
	U.S. Highway 77	1,182	1,230	1,280
	County road (extended)	1,189	840	3,800
Sand Creek	1st St	1,174	3,000	210
	12th St	1,181	2,320	900
	U.S. Highway 77	1,187	2,320	200
Cottonwood Creek	U.S. Highway 30A and State Highway 92 (at right angle to this road).	1,188	3,280	750
Dry Run Creek	Burlington-Northern RR	1,191	80	80
	15th St. (upstream side)	1,206	560	200

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

Issued: October 18, 1976.

J. ROBERT HUNTER,
Federal Insurance Administrator.

[FR Doc.76-35339 Filed 12-2-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2436]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the County of Arapahoe, Colorado

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448) (42 U.S.C. 4001-4128), and 24 CFR Part 1917 (§ 1917.4 (a)), hereby gives notice of his proposed determinations of flood elevations for the County of Arapahoe, Colorado.

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

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at 5606 South Court Place, Littleton, Colorado 80120.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. John J. Nicholl, Chairman, Board of Commissioners, 5606 South Court Place, Littleton, Colorado 80120. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Right	Left
Big Dry Creek	Orchard Rd	5,439	620	420
	South Franklin St	5,460	340	170
	South University Blvd	5,515	660	370
	Arapahoe Rd	5,521	220	120
	East Easter Ave	5,533	220	220
	County line road	5,572	80	320
Little Dry Creek	Orchard Rd	5,460	40	20
	Holly St	5,539	180	280
	Arapahoe Rd	5,572	100	210
	South Quebec St	5,613	50	50
	South Spruce St	5,635	50	50
	South Uinta St	5,674	30	70
	South Xanthia St	5,729	50	60
	Yosemite St	5,747	160	220
	South Alton Way	5,753	80	60
Cottonwood Creek	Arapahoe Rd	5,666	140	100
	Lanes Rd	5,724	20	110
Cherry Creek	Valley Country Club Rd	5,629	1,120	100
	Arapahoe Rd	5,642	2,700	500
Piney Creek	Parker Rd	5,640	55	55
	Orchard Rd	5,700	180	100
	Davidson Rd	5,814	130	170
Coal Creek	Picadilly Rd	5,501	130	3,040
	Gun Club Rd	5,536	720	170
	East Jewell Ave	5,720	1,400	220
Murphy Creek	Picadilly Rd	5,511	2,650	520
	East Mississippi Ave	5,572	120	460
	East Jewell Ave	5,617	50	50
Comanche Creek	U.S. Highway 36	5,560	3,060	680
	Interstate 70	5,374	1,460	200
Little Commanche Creek	do	5,379	80	1,580
West Bijou Creek	do	5,180	100	180
	U.S. Highway 36	5,187	100	180

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

Issued: October 18, 1976.

J. ROBERT HUNTER,
Federal Insurance Administrator.

[FR Doc.76-35331 Filed 12-2-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2445]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the Town of Arcadia, Wayne County, New York

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448) (42 U.S.C. 4001-4128), and 24 CFR Part 1917 (§ 1917.4 (a)) hereby gives notice of his proposed determinations of flood elevations for the Town of Arcadia, Wayne County, New York.

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

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Town Office, 165 East Union Street, Newark, New York.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Orville J. Martin, Town Supervisor of Arcadia, 165 East Union Street, Newark, New York 14513. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Ganargua Creek	Upstream corporate limits	422	0	1,100
	Sand Hill Rd. (extended)	420	900	40
	Eckert Rd. (extended)	419	1,100	900
	Decann Rd. (extended)	418	1,500	200
	Route 88	416	50	600
	Bloom Rd. (extended)	416	1,000	350
	Mud Mills Rd.	415	950	70
	Arcadia-Zurich Norris Rd. (extended)	413	800	40
	Norsen Rd.	412	40	700
	Arcadia-Zurich Norris Rd.	411	0	40
	Shuler Rd. (extended)	409	600	0
	Downstream corporate limits	407	100	200

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

Issued: October 21, 1976.

J. ROBERT HUNTER,
Federal Insurance Administrator.

[FR Doc.76-35341 Filed 12-2-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2437]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the Town of Bloomfield, Connecticut

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448) (42 U.S.C. 4001–4128), and 24 CFR Part 1917 (§ 1917.4 (a)), hereby gives notice of his proposed determinations of flood elevations for the Town of Bloomfield, Connecticut.

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

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at Town Hall, 800 Bloomfield Avenue, Bloomfield, Connecticut 06002.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. Clifford R. Vermilya, Town Manager, Town Hall, 800 Bloomfield Avenue, Bloomfield, Connecticut 06002. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Right	Left
Tumbledown Brook	Cottage Grove Rd.	129	170	90
Beamans Brook	do.	87	320	165
Wash Brook	Mountain Ave.	116	120	160
	Gabb Rd.			
Tributary A	Access Rd.	138	280	20
Tributary B	Mucko Rd.	145	40	30
Farmington River	Route 187.	114	60	(1)

[1] Outside corporate limits.

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

Issued: October 18, 1976.

J. ROBERT HUNTER,
Federal Insurance Administrator.

[FR Doc.76-35332 Filed 12-2-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2439]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the Town of Brusly, Louisiana

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (§ 1917.4 (a)), hereby gives notice of his proposed determinations of flood elevations for the Town of Brusly, Louisiana.

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

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at Town Hall, Brusly, Louisiana 70719.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Howard J. La Bauve, Drawer A, Brusly, Louisiana 70719. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)
Mississippi River	The area within the corporate limits between the natural bank of the Mississippi and the levee.	45	600 ft average width.
Brusly main drainage ditch.	480 ft from the intersection of Anita and West Main to the corporate limits.	22	1,650 ft width.

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

Issued: October 5, 1976.

J. ROBERT HUNTER,
Federal Insurance Administrator.

[FR Doc.76-35334 Filed 12-2-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2441]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the Township of La Salle, Michigan

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448) (42 U.S.C. 4001–4128), and 24 CFR Part 1917) § 1917.4 (a)), hereby gives notice of his proposed determinations of flood elevations for the Township of La Salle, Michigan.

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

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at 4109 La Pleasance, La Salle, Michigan 48145.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. John C. Luft, Supervisor, 4109 La Pleasance, La Salle, Michigan 48145. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level
Lake Erie	Otter Creek Rd	578
	Mortar Creek Rd	578
Otter Creek	New York Central RR. (upstream side).	579
	Knab Rd. (downstream side).	578

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

Issued: October 21, 1976.

J. ROBERT HUNTER,
Federal Insurance Administrator.

[FR Doc.76-35336 Filed 12-2-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2440]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the Town of Scituate, Massachusetts

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (§ 1917.4 (a)), hereby gives notice of his proposed determinations of flood elevations for the Town of Scituate, Massachusetts.

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

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at Town Hall, 600 Chief Justice Cushing Highway, Scituate, Massachusetts 02066.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. Paul Covell, Chairman, Board of Selectmen, 600 Chief Justice Cushing Highway, Scituate, Massachusetts 02066. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Right	Left
First Herring Brook	Maple St	61	20	320
	Countryway	17	220	80
Satuit Brook	Beaver Rd.[1]	25	840	180
	Stockbridge Rd	22	100	40
Bound Brook	State Route 3A [1]	30	530	700
	Countryway	19	420	600
Massachusetts Bay	Mann Hill Rd	11		[2] 560
	Egypt St	11		[2] 360
	Blanchard Rd			[2] 1,660
	Monticello	11		[2] 1,220
North River	State Route 3A	11		1,710
South River	Marshfield Ave	11		560
	Julian Ave	11		320
Musquashcut Brook	Hatherly Rd	11	720	710

[1] Upstream.
[2] Distance in feet from shoreline.

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

Issued: October 18, 1976.

J. ROBERT HUNTER,
Federal Insurance Administrator.

[FR Doc.76-35335 Filed 12-2-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2438]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the Village of Addis, Louisiana

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448) (42 U.S.C. 4001–4128), and 24 CFR Part 1917 (§ 1917.4 (a)), hereby gives notice of his proposed determinations of flood elevations for the Village of Addis, Louisiana.

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

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at Village Hall, Addis, Louisiana 70710.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Warren E. Fitzgerald, P.O. Box 237, Addis, Louisiana 70710. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Right	Left
Oily Ditch	1st St	19	140	20
	Eastern corporate limits	19	880	630

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

Issued: October 5, 1976.

J. ROBERT HUNTER,
Federal Insurance Administrator.

[FR Doc.76-35333 Filed 12-2-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2312]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the Village of Ridgewood, New Jersey

Correction

The notice published on October 27, 1976 at 41 FR 47075 in the FEDERAL REGISTER and in The Ridgewood News on September 23, and September 30, 1976 should be corrected to add the following:

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Right	Left
Goffle Brook	New York, Susquehanna, & Western RR.	138	10	70

The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community rather than 90 days from the publication of the previous notice.

Issued: October 21, 1976.

J. ROBERT HUNTER,
Federal Insurance Administrator.

[FR Doc.76-35340 Filed 12-2-76;8:45 am]

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

[27 CFR Part 4]

[Notice No. 304]

LABELING AND ADVERTISING OF WINE

Postponed Hearings

The public hearings on proposed amendments to the above part, pertaining to "appellation of origin", "viticultural area", and miscellaneous amendments, which were originally announced for December 13–15, 1976 at San Francisco, Calif., and January 11, 1977 at Washington, D.C. (FR Doc. 76-33289), have been postponed to February 8–10, 1977 (with evening sessions on February 8; and, if necessary, February 9) at San Francisco and February 24–25, 1977 at Washington, at the same times and locations. The last date for submission of written material has consequently been extended to April 26, 1977, at which time the record will close. Only those written comments received prior to January 25 will be available for examination at the hearing beginning February 8, and only those received prior to February 10 will be available for examination at the hearing beginning February 24. Requests to present oral testimony will also be accepted until January 25 and February 10 respectively.

Numerous requests for postponement were received, principally from wine industry trade associations and domestic and foreign industry members. All pointed out the shortness of time and the complexity and importance of the proposed regulations, and, in the case of the trade associations, the need to obtain the views of their members before they could present their testimony. The Bureau feels that these are valid arguments, and hereby reschedules the hearings for the dates noted above.

Signed: December 1, 1976.

REX D. DAVIS,
Director.

[FR Doc.76-35809 Filed 12-2-76;10:01 am]

Bureau of Alcohol, Tobacco and Firearms

[27 CFR Parts 270, 275, 290, 295, and 296]

[Notice No. 305]

CIGAR TAXES

Proposed Rulemaking

The Bureau of Alcohol, Tobacco and Firearms (ATF) is considering amendments to the above-captioned regulations, with respect to the taxation of large cigars (cigars weighing more than three pounds per thousand). Amendment of these regulations is required by section 2128 of Pub. L. 94-455 (Tax Reform Act of 1976), which was approved on October 4, 1976. Section 2128 changed the basis for taxation of large cigars from seven tax classes, divided according to retail price, to a percentage tax based on the wholesale price. The new tax rate is 8½ percent of the wholesale price, with a maximum rate of $20 per thousand cigars. The changes in regulations, proposed to implement this new legislation, are discussed below. Several minor and conforming amendments are also proposed, mainly to improve readability and to update terminology to reflect the establishment of the Bureau of Alcohol, Tobacco and Firearms.

Large cigar tax rate. Those sections of the regulations which set out the tax rate on large cigars are changed to refer to the new rate. The new rate goes into effect on February 1, 1977; all taxable removals prior to that date must be tax-paid under the old "tax class" system. Neither the law nor the regulations make provision for refund of the difference in tax between the old and new rates for taxpaid stocks of cigars held by dealers on February 1, 1977. Sections amended: §§ 270.21 and 275.31.

Definition of "wholesale price". Because the new tax rate is based on the wholesale price, the statutory definition of this term is added in each Part of the regulations that contains instructions relating to large cigar taxation. Sections amended: §§ 270.11, 275.11, 290.11, 295.11, and 296.72.

Rules for determination of wholesale price. Rules for proper determination of wholesale price in some specific situations are provided in Parts 270 and 275. The following situations are covered: pricing for different packaging, pricing of "seconds", combination packages, promotional pricing, removals for another person, change in wholesale price, and determination of wholesale price by the Assistant Director (Regulatory Enforcement). Sections amended: §§ 270.22 and 275.39.

Tax returns and related forms. Under the new system of taxation, tax returns and related forms must show the information about wholesale price which is necessary for calculation and verification of the tax due on large cigars. The regulations that give instructions for the

preparation of these forms must be amended accordingly. Sections amended: §§ 270.162, 275.81, 275.105–107, 275.110–112, and 275.117.

Records. Modifications are proposed in currently required records, to show the appropriate information regarding wholesale price (rather than tax class) of large cigars. New records will be required for domestic manufacturers and importers, including proprietors of customs bonded cigar manufacturing warehouses, class six. These new records will provide current information on the wholesale prices of each brand and size of large cigar manufactured or imported. Importers will also be required to keep copies of entry and withdrawal forms. Finally, an additional category will be required in the record of all tobacco manufacturers, to show cigars and cigarettes removed for transfer to export warehouses separately from removals for exportation directly from the factory. Although this last amendment is unrelated to the recent large cigar legislation, it is being made at this time because it will merely bring the regulations into line with existing industry practice. Sections amended: §§ 270.183–184, 275.139, and 295.51. New sections added: §§ 270.187, 275.153, and 275.181–182.

Reports. A new report will be required from manufacturers and importers who issue announcements about establishment or change of large cigar wholesale prices. This report will consist of a copy of these announcements, which must be submitted to ATF. Also, the inventory submitted by export warehouse proprietors must contain information regarding wholesale price, rather than "tax class". Sections amended: §§ 270.202 and 290.143. New section added: § 275.183.

Statistical classes. For statistical reporting purposes, new classes of large cigars are proposed. The new statistical classes are structured to closely parallel the former tax classes, so that comparability of statistics under the old and new tax systems can be achieved. In effect, each of the new statistical classes is comparable to one of the former tax classes; except that the former tax classes A and B are combined in the new statistical class A, the former tax class E is divided into the two statistical classes D and E, and the former class G is divided into the two new classes G and H. The new classes will also be used by importers in completing their customs entry and withdrawal forms; since the new classes will correspond to the "IRC tax classes" referred to in Tariff Schedules of the United States item number 170.7200. Section amended: § 275.37. New section added: § 270.203.

Information on packages. Packages of large cigars removed after February 1, 1977, must contain new information concerning wholesale price. Existing stocks of packages may be used up if they are modified to include the new information on the same panel as the old information. The new information, which must be shown on each package of domestic and imported large cigars, is the wholesale price per 1,000 cigars. This may be shown either in numerals or in the letter code prescribed by the regulations. Imported cigars will be distinguished from domestic cigars by requiring packages of the former to bear the initials "IP"; while packages of the latter must bear the initials "MP". The new information must be on the package at the time of removal; it could be included on the packaging materials when printed, added just before the packages are filled, or imprinted on the package during the packaging operation. The purpose of the new information is to provide the basis for: (a) determination of the tax at the time of removal, (b) any subsequent refunds or credits to the manufacturer or importer, (c) entries in the manufacturer's records of tax determined products returned to the factory, (d) payments made to wholesale and retail dealers in connection with disaster claims, and (e) tax liabilities incurred and satisfied by proprietors of export warehouses. There is no prohibition against placing information about retail price on new packaging materials obtained after February 1, 1977. However, this information may not conflict with the required wholesale price information (see Revenue Ruling 70–505), nor be in a form which may be misunderstood to constitute the formerly required tax class notice. Sections amended: §§ 270.214, 275.75, 290.181, 290.186, 290.248, 290.253, and 295.44.

Claims. Disaster claims for refund of tax on large cigars must show the information regarding wholesale price, rather than the tax class, as previously required. Section amended: § 296.74.

Interested persons who wish to participate in the making of the proposed rules are invited to submit written comments or suggestions, in duplicate, to the Director, Bureau of Alcohol, Tobacco and Firearms, Washington, D.C. 20226 (Attn: Chief, Regulations and Procedures Division) on or before December 21, 1976.

Written comments or suggestions which are not exempt from disclosure by the Bureau of Alcohol, Tobacco and Firearms may be inspected by any person upon compliance with 27 CFR 71.22. The provisions of 27 CFR 71.31(b) shall apply with respect to designation of portions of comments or suggestions as exempt from disclosure. Any person submitting comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his/her request, in writing, to the Director within the 20-day comment period.

The proposed regulations are to be issued under the authority contained in 26 U.S.C. 7805 (68A Stat. 917).

PART 270—MANUFACTURE OF CIGARS AND CIGARETTES

Paragraph A. The regulations in 27 CFR Part 270 are amended as follows:

1. Section 270.11 is amended (1) to reflect the change in taxation of large cigars, (2) to improve clarity, and (3) to reflect the establishment of the Bureau of Alcohol, Tobacco and Firearms. Definitions of "wholesale price", "Assistant Director (Regulatory Enforcement)", "regional regulatory administrator", and "ATF officer" are added; the introductory language is reworded; the definitions of "Commissioner" and "regional commissioner" are deleted; and the definitions of "assistant regional commissioner", "determined or determination", "Director", "internal revenue officer", and "region" are revised. As amended, § 270.11 reads as follows:

§ 270.11 Meaning of terms.

When used in this part and in forms prescribed under this part, the following terms shall have the meanings given in this section, unless the context clearly indicates otherwise. Words in the plural form shall include the singular, and vice versa, and words indicating the masculine gender shall include the feminine. The terms "includes" and "including" do not exclude things not listed which are in the same general class.

Assistant Director (Regulatory Enforcement). The Assistant Director for regulatory enforcement activities in the Bureau of Alcohol, Tobacco and Firearms, who is responsible to, and functions under the direction and supervision of, the Director.

Assistant regional commissioner. A regional regulatory administrator as defined in this section.

ATF officer. An officer or employee of the Bureau of Alcohol, Tobacco and Firearms duly authorized to perform any function relating to the administration or enforcement of this part.

* * * * *

Cigarette. * * *

Determined or determination. When used with respect to the tax on cigars and cigarettes, determined or determination means that the quantity and kind (small cigars, large cigars, small cigarettes, large cigarettes) of cigars and cigarettes and wholesale price of large cigars to be removed subject to tax have been established as prescribed by this part so that the tax payable with respect thereto may be calculated.

Director. The Director, Bureau of Alcohol, Tobacco and Firearms, Washington, D.C.

* * * * *

Internal revenue officer. An ATF officer as defined in this section.

* * * * *

Region. A geographical region of the Bureau of Alcohol, Tobacco and Firearms.

Regional regulatory administrator. A regional regulatory administrator, Bureau of Alcohol, Tobacco and Firearms, who is responsible to, and functions under the direction and supervision of, the Assistant Director (Regulatory Enforcement).

* * * * *

Wholesale price. The manufacturer's or importer's suggested delivered price at which the cigars are to be sold to retailers, inclusive of the tax imposed by

26 U.S.C. chapter 52 or section 7652, but exclusive of any State or local taxes imposed on cigars as a commodity, and before any trade, cash, or other discounts, or any promotion, advertising, display, or similar allowances. Where the manufacturer's or importer's suggested delivered price to retailers is not adequately supported by bona fide arm's length sales, or where the manufacturer or importer has no suggested delivered price to retailers, the wholesale price shall be the price for which cigars of comparable retail price are sold to retailers in the ordinary course of trade as determined by the Assistant Director (Regulatory Enforcement), as provided in § 270.22(h).

2. Section 270.21 is amended to reflect the new large cigar tax rate of 8½ percent of the wholesale price, which replaces the old system of tax classes based on the retail price. As amended, § 270.21 reads as follows:

§ 270.21 Cigar tax rates.

(a) *Present rates.* On cigars, manfactured in or imported into the United States, the following taxes are imposed by law:

(1) Small cigars. 75 cents per thousand.

(2) Large cigars. 8½ percent of the wholesale price, but not more than $20 per thousand.

Cigars not exempt from tax under 26 U.S.C. chapter 52 and the provisions of this part which are removed but not intended for sale, are taxed at the same rate as similar cigars removed for sale.

(b) *Previous rates for large cigars.* Prior to February 1, 1977, the following tax rates were in effect for large cigars:

(1) If removed to retail at not more than 2½ cents each, $2.50 per thousand;

(2) If removed to retail at more than 2½ cents each and not more than 4 cents each, $3 per thousand;

(3) If removed to retail at more than 4 cents each and not more than 6 cents each, $4 per thousand;

(4) If removed to retail at more than 6 cents each and not more than 8 cents each, $7 per thousand;

(5) If removed to retail at more than 8 cents each and not more than 15 cents each, $10 per thousand;

(6) If removed to retail at more than 15 cents each and not more than 20 cents each, $15 per thousand; and

(7) If removed to retail at more than 20 cents each, $20 per thousand.

(Sec. 202, Pub. L. 85-859, 72 Stat. 1414, as amended by sec. 2128, Pub. L. 94-455, 90 Stat. 1921 (26 U.S.C. 5701).)

3. Section 270.22 is completely revised to set out rules for properly determining the wholesale price of large cigars. As revised, § 270.22 reads as follows:

§ 270.22 Determination of wholesale price of large cigars.

(a) *General rule.* All cigars of the same brand, size, and packaging are taxed at the same rate except where otherwise specifically provided. When the manufacturer establishes a suggested delivered price to retailers (wholesale price), he shall do so according to the principles in the definition of "wholesale price" in § 270.11 and in this section. "Suggested delivered price" is the price at which the manufacturer intends for the cigars to be sold to retailers, and based on which the manufacturer's price to distributors and wholesalers is established through the usual trade discount. The price at which a cigar is in fact usually sold to retailers in transactions at arm's length from the manufacturer is the best evidence of whether the manufacturer's suggested delivered price is properly set. It is the responsibility of the manufacturer to do whatever is necessary to be sure that the suggested price for each of his cigars is continually proper. (Where there is no suggested delivered price adequately supported by actual sales to retailers, see paragraph (h) of this section.)

(b) *Pricing for different packaging.* If different bona fide wholesale prices are applicable to different types of packaging (e.g., boxes of 25 and boxes of 50), then the cigars in each type of packaging are taxed on the basis of their respective wholesale prices.

(c) *Pricing of seconds.* If some of an otherwise identical cigar brand and size (i) are distinctive from other such cigars because of physical imperfections, (ii) are offered to the consumer through clear labeling as "imperfects", "seconds", "throw-outs", or a comparable commonly understood term, and (iii) the manufacturer has a separate wholesale price for such cigars, then they are taxed on the basis of this separate wholesale price.

(d) *Combination packages.* If a manufacturer has a wholesale price for a combination package containing cigars of different sizes, the cigars are taxed based on that combination wholesale price. If there is no wholesale price for the combination, then the cigars are taxed based on their individual wholesale prices.

(e) *Promotional pricing.* Special promotional pricing arrangements, whether applicable to all or only a part of removals, do not alter the taxable wholesale price of large cigars. For the purposes of applying this rule, any temporary reduction in price is presumed to be for promotional purposes.

(f) *Removals for another person.* If a manufacturer makes taxable removals of cigars for exclusive distribution by others who establish the suggested delivered price to retailers (wholesale price), then the tax is based on such wholesale price irrespective of the fact that it is not directly established by the manufacturer making the taxable removals. If a manufacturer makes taxable removals of cigars exclusively for arm's length sales to retailers only, the tax is based on the manufacturer's selling price, applying the principles of inclusion and exclusion contained in the definition of "wholesale price" in § 270.11.

(g) *Change in wholesale price.* When a manufacturer decides to change the wholesale price of a brand and size of large cigars, the new wholesale price shall apply for tax purposes to all large cigars which, at the time of removal, can reasonably be expected to be sold to retailers under the new wholesale price listing. Large cigars removed and tax determined at the old rate prior to the price change decision, and which the manufacturer reasonably believed would be sold to retailers under the old wholesale price listing based on all the information which was or should have been available to him, will be considered to have been tax determined properly even though some may in fact be sold under the new wholesale price listing. The time of a price change decision is the earliest time during the price change considerations when it might reasonably be concluded that the decision had in fact been reached.

(h) *Determination of wholesale price by Assistant Director (Regulatory Enforcement).* The Assistant Director (Regulatory Enforcement) will determine the wholesale price for tax purposes where the manufacturer has no suggested delivery price to retailers as contemplated by the definition of "wholesale price" in § 270.11 and as discussed in paragraph (a) of this section. Listings of such wholesale prices and their comparable retail prices will be published as necessary in the official Bulletin of the Bureau of Alcohol, Tobacco and Firearms for use by manufacturers in properly determining the tax on removals of large cigars for which there is no suggested delivered price to retailers. If a manufacturer has cigars which are not covered by the existing published listing, and for which he has no suggested delivered price to retailers, the manufacturer shall submit a written request to the Assistant Director (Regulatory Enforcement) for a determination of the wholesale price applicable to such cigars for tax purposes. If any of these cigars are removed before such determination, the manufacturer shall ascertain the wholesale price to the best of his ability based on the prices which are included in the published listing and other pertinent information available to him, and shall use that price for calculation and payment of the tax and for other tax purposes under this part, pending the determination by the Assistant Director (Regulatory Enforcement). If the wholesale price used by the manufacturer for taxpayment differs from that subsequently determined by the Assistant Director (Regulatory Enforcement) to be the wholesale price for tax purposes, then the manufacturer shall make an adjustment in his tax return to correct the amount of tax paid. Any tax adjustment shall be made on the return covering the date on which notification of the wholesale price determination was received from the Assistant Director (Regulatory Enforcement).

4. Section 270.162 is amended to show that the tax on large cigars is now based on the wholesale price rather than the tax class, with a maximum tax of $20 per thousand on cigars with a wholesale price of more than $235.294 per thousand. A change in terminology is also made which reflects the establishment of the Bureau of Alcohol, Tobacco and Firearms. The

amended portions of § 270.162 read as follows:

§ 270.162 Semimonthly tax return.

(a) *Requirement for filing.* Every manufacturer of tobacco products shall file, for each of his factories, a semimonthly tax return on Form 3071, in triplicate, with the district director of the internal revenue district in which the factory is located, for each return period, including any period during which a manufacturer begins or discontinues business. He shall file the return at the time specified in § 270.165 regardless of whether cigars or cigarettes are removed or whether tax is due for that particular return period. However, where the manufacturer requests by letter, in duplicate, and the regional regulatory administrator grants, specific authorization, the manufacturer need not during the term of such authorization file a tax return for any period for which tax is not due or payable. The manufacturer shall retain the receipted copy of each tax return transmitted to him by the district director.

(b) *Information to be included.* The manufacturer shall show on the return (1) his employer identification number, (2) the numbers of small cigarettes, large cigarettes, and small cigars removed subject to tax during the return period, (3) the number and the total wholesale price of all large cigars with a wholesale price of not more than $235.294 per thousand which were removed subject to tax during the return period, (4) the number of large cigars with a wholesale price of more than $235.294 per thousand which were removed subject to tax during the return period, and (5) the tax due. The manufactures shall serially number each return on Form 3071, commencing with the number "1" on the first return filed in any calendar year, and shall make a written declaration that the return is made under penalties of perjury.

* * * * *

(Sec. 202, Pub. L. 85-859, 72 Stat. 1417 (26 U.S.C. 5703); sec. 2128(c), Pub. L. 94-455, 90 Stat. 1921 (26 U.S.C. 5741))

5. Section 270.183 is amended to require that large cigars be recorded by wholesale price rather than by the former tax classes, and to provide a breakdown of products removed for "export purposes" to show the respective quantities removed for export directly from the factory and transferred to export warehouses. As amended, § 270.183 reads as follows:

§ 270.183 Record of cigars and cigarettes.

The record of a manufacturer of tobacco products shall show the date and total quantity of all cigars and cigarettes, by kind (small cigars—large cigars; small cigarettes—large cigarettes);

(a) Manufactured:
(b) Received in bond by—
(1) Transfer form other factories,
(2) Release from customs custody, and
(3) Transfer from export warehouses;
(c) Received by return to bond;
(d) Disclosed as an overage by inventory;
(e) Removed subject to tax (by wholesale price for large cigars);
(f) Removed, in bond, for—
(1) Export,
(2) Transfer to export warehouses,
(3) Transfer to other factories,
(4) Use of the United States,
(5) Experimental purposes off factory premises;
(g) Otherwise disposed of, without determination of tax, by—
(1) Consumption by employees on factory premises,
(2) Consumption by employees off factory premises, together with the number of employees to whom furnished,
(3) Use for experimental purposes on factory premises,
(4) Loss,
(5) Destruction, and
(6) Reduction to tobacco;
(h) Disclosed as a shortage by inventory; and
(i) On which the tax has been determined (by wholesale price for large cigars, except that those over $235.294 per thousand may optionally be shown as if the wholesale price were $236 per thousand) and which are—
(1) Received, and
(2) Disposed of.

(Sec. 2128(c), Pub. L. 94-455, 90 Stat. 1921 (26 U.S.C. 5741).)

6. Section 270.184 is amended to require the records supporting removals of large cigars subject to tax to show the wholesale price, rather than the tax class under the former system of taxation. As amended, § 270.184 reads as follows:

§ 270.184 Record in support of removals subject to tax.

Every manufacturer of tobacco products shall keep a supporting record of cigars and cigarettes removed from his factory subject to tax and shall make entries in the record at the time of removal. The supporting record shall show, with respect to each removal, the date of removal, the name and address of the person to whom shipped or delivered, and the kind and quantity of cigars or cigarettes removed. In the case of large cigars the wholesale price shall also be shown, except that if the price is more than $235.294 per thousand, an indication in the supporting record to that effect will suffice. Where the cigars or cigarettes are delivered within the factory directly to the consumer, the name and address of the person to whom delivered need not be shown. Where the manufacturer keeps, at the factory, copies of invoices or other commercial records containing the information required as to each removal, in such manner that the information may be readily ascertained therefrom, such copies will be considered the supporting record required by this section. Such invoices or other commerical records which do not show specifically the tax classification of cigars or cigarettes (including wholesale price of large cigars) will be acceptable if they contain adequate information to readily enable an ATF officer to ascertain the applicable tax.

(Sec. 2128(c), Pub. L. 94-455, 90 Stat. 1921, (26 U.S.C. 5741).)

7. A new § 270.187 is added to require that manufacturers keep records of the wholesale prices of large cigars. The new § 270.187 reads as follows:

§ 270.187 Record of large cigar wholesale prices.

Every manufacturer of tobacco products who removes large cigars from his factory shall keep the records required by this section.

(a) *Basic record of wholesale prices.* The manufacturer shall keep a record to show each wholesale price (suggested delivered price to retailers or wholesale price as determined by the Assistant Director (Regulatory Enforcement) under § 270.22(h)), which is applicable to large cigars removed. No later than the tenth business day in January of each year the manufacturer shall prepare such a record to show the wholesale price in effect on the first day of that year for each brand and size of his large cigars. However, for the year 1977 the record shall be prepared no later than the tenth business day in February, to show the prices in effect as of February 1, 1977. The manufacturer shall thereafter enter in the record the wholesale price and its effective date for any large cigar removed which was not previously entered in the record, and any change in a price from that shown in the record, within ten business days after such removal or change in price. The record shall be a continuing one for each brand and size of cigar (and type of packaging, if pertinent), so that the taxable price on any date may be readily ascertained.

(b) *Copies of price announcements.* The manufacturer shall retain a copy of each general announcement which he issues within his organization or to the trade about establishment or change of large cigar wholesale prices. If the copy does not show the actual date when issued it shall be annotated to show that information, and it shall also be annotated to show the date on which a copy was submitted to the Assistant Director (Regulatory Enforcement) in accordance with § 270.202(b).

8. The existing material in § 270.202 is designated as paragraph (a), and a new paragraph (b) is added to require reports concerning wholesale prices of large cigars. As revised, § 270.202 reads as follows:

§ 270.202 Reports.

(a) *Monthly report.* * * *

(b) *Report of wholesale prices for large cigars.* Every manufacturer of tobacco products who removes large cigars from his factory, and who issues announcements such as those described in this paragraph, shall make a report of each establishment or change of wholesale prices (suggested delivered price to retailers) for large cigars. The report shall consist of a copy of each general

announcement that the manufacturer issues within his organization or to the trade about establishment or changes of wholesale prices. Only one copy of an announcement need be submitted even if it relates to cigars removed subject to tax from more than one factory. If this copy does not show the actual date when the announcement was issued, or identify the factory or factories from which removals of the cigars covered by the announcement are made, then the copy shall be annotated to show this information. The fatcory or factories shall be identified either by permit number(s) or by name, city and state. If an intra-organizational announcement involves a forthcoming price change or new product which at the time of issuance is to remain confidential until a later date, the manufacturer may include a statement to this effect on the copy submitted. The copy shall be submitted to the Assistant Director (Regulatory Enforcement). Attn: Industry Control Division, Bureau of Alcohol, Tobacco and Firearms, Washington, D.C. 20226, within five business days after the day issued.

(Sec. 202, Pub. L. 85-859, 72 Stat. 1422 (26 U.S.C. 5722))

9. A new § 270.203 is added to provide statistical classes of large cigars, based on wholesale prices, which will replace the former tax classes based on retail prices. New § 270.203 reads as follows:

§ 270.203 Statistical classification of large cigars.

Large cigars are divided into eight classes for statistical purposes, according to the wholesale price. The eight classes are as follows:

(a) Class A: large cigars with a wholesale price of not more than $33.00 per thousand.

(b) Class B: large cigars with a wholesale price of more than $33.00 per thousand but not more than $51.00 per thousand.

(c) Class C: large cigars with a wholesale price of more than $51.00 per thousand but not more than $66.00 per thousand.

(d) Class D: large cigars with a wholesale price of more than $66.00 per thousand but not more than $105.00 per thousand.

(e) Class E: large cigars with a whole price of more than $105.00 per thousand but not more than $120.00 per thousand.

(f) Class F: large cigars with a wholesale price of more than $120.00 per thousand but not more than $154.00 per thousand.

(g) Class G: large cigars with a wholesale price of more than $154.00 per thousand but not more than $235.294 per thousand, and

(h) Class H: large cigars with a wholesale price of more than $235.294 per thousand.

10. Section 270.214 is extensively revised to require the manufacturer to show on packages of large cigars the wholesale price rather than the former tax class. The wholesale price may be shown either directly or in code at the manufacturer's discretion. As amended, § 270.214 reads as follows:

§ 270.214 Notice for cigars.

(a) *General requirement.* Every package of cigars shall, before removal subject to tax, have adequately imprinted thereon, or on a label securely affixed thereto, the designation "cigars", the quantity of such product contained therein, and the classification of the product for tax purposes, i.e., for small cigars, either "small" or "little", and for large cigars, the wholesale price.

(b) *Expression of wholesale price.* The price to be shown is the wholesale price for each thousand cigars, except that for cigars with a wholesale price of more than $235.294 per thousand the wholesale price may be either specifically expressed or expressed as if it were $236 per thousand. Such price shall be expressed either in arabic numerals or according to the code: A=1, B=2, C=3, D=4, E=5, F=6, G=7, H=8, J=9, K=0; and in either case shall be preceded by the identifying letters "MP". If the wholesale price is in even dollars then no decimal or cents information need be shown. Thus, for a cigar with a wholesale price of $80.00 per thousand the wholesale price would be expressed as "MP80" or as "MPHK"; for a cigar with a wholesale price of $65.20 per thousand, the wholesale price would be expressed as "MP65.20" or as "MPFE.BK"; and for a cigar with a wholesale price of $450 per thousand, the wholesale price would be expressed as either "MP450", "MPDEK", "MP236", or "MPBCF".

(c) *Packages with cigars of more than one price.* If a combination package includes large cigars of more than one wholesale price and they are taxable on the basis of the individual wholesale prices of the cigars and not on the basis of an established wholesale price for the combination package (see § 270.22(d)), the numbers of cigars at each wholesale price and a brief description of those cigars shall be shown with the applicable wholesale price information. For example, if a package contained 30 Blunts with a wholesale price of $80 per thousand and 20 Panatelas with a wholesale price of $100 per thousand, the wholesale price would be shown as "30 Blunts-MP80, 20 Panatelas-MP100", or "30 Blunts-MPHK, 20 Panatelas-MPAKK".

(Sec. 202, Pub. L. 85-859, 72 Stat. 1422 (26 U.S.C. 5723))

PART 275—IMPORTATION OF CIGARS, CIGARETTES, AND CIGARETTE PAPERS AND TUBES

PAR. B. The regulations in 27 CFR Part 275 are amended as follows:

1. Section 275.11 is amended (1) to reflect the change in taxation of large cigars, (2) to improve clarity, and (3) to reflect changes in Customs Service organization and the establishment of the Bureau of Alcohol, Tobacco and Firearms. Definitions of "wholesale price", "Assistant Director (Regulatory Enforcement)", "ATF officer", "Chief, Puerto Rico Operations", "regional regulatory administrator", and "TSUS" are added; the introductory language is re-worded; and the definitions of "assistant regional commissioner", "collector of customs", "computation or computed", "determination or determined", "internal revenue officer", and "regional director" are modified. As amended, § 275.11 reads as follows:

§ 275.11 Meaning of terms.

When used in this part and in forms prescribed under this part, the following terms shall have the meanings given in this section, unless the context clearly indicates otherwise. Words in the plural form shall include the singular, and vice versa, and words indicating the masculine gender shall include the feminine. The terms "includes" and "including" do not exclude things not listed which are in the same general class.

Assistant Director (Regulatory Enforcement). The Assistant Director for regulatory enforcement activities in the Bureau of Alcohol, Tobacco and Firearms, who is responsible to, and functions under the direction and supervision of, the Director.

Assistant regional commissioner. A regional regulatory administrator as defined in this section.

ATF officer. An officer or employee of the Bureau of Alcohol, Tobacco and Firearms duly authorized to perform any function relating to the administration or enforcement of this part.

* * * * *

Chief, Puerto Rico Operations. The primary representative in Puerto Rico of the Bureau of Alcohol, Tobacco and Firearms.

* * * * *

Collector of customs. A district director of customs as defined in this section.

Computation or computed. When used with respect to the tax on cigars and cigarettes of Puerto Rican manufacture, computation or computed shall mean that the bonded manufacturer has ascertained the quantity and kind (small cigars, large cigars, small cigarettes, large cigarettes) of cigars and cigarettes and wholesale price of large cigars being shipped to the United States; that the payment, in Puerto Rico, of the tax on such products is to be deferred under Subpart G of this part; that the tax imposed on such products by 26 U.S.C. 7652(a) has been calculated, that the bonded manufacturer has executed an agreement to pay the internal revenue tax which will become due with respect to such products, as provided in this part; and that an ATF officer has verified and executed a certification of such calculation.

Determined or determination. When used with respect to the internal revenue tax on cigars, cigarettes, and cigarette papers and tubes, determined or deter-

mination shall mean that the quantity and kind (small cigars, large cigars, small cigarettes, large cigarettes) of cigars and cigarettes and wholesale price of large cigars, or the number of books or sets of cigarette papers of each different numerical content, or the number of cigarette tubes, to be removed subject to internal revenue tax, has been established as prescribed by this part so that the internal revenue tax payable with respect thereto may be calculated.

* * * * *

Internal revenue officer. An ATF officer as defined in this section.

* * * * *

Regional director. A regional regulatory administrator as defined in this section.

Regional regulatory administrator. A regional regulatory administrator, Bureau of Alcohol, Tobacco and Firearms, who is responsible to, and functions under the direction and supervision of, the Assistant Director (Regulatory Enforcement).

* * * * *

TSUS. The Tariff Schedules of the United States, 19 U.S.C. 1202.

* * * * *

Wholesale price. The manufacturer's, or importer's, suggested delivered price at which the cigars are to be sold to retailers, inclusive of the tax imposed by 26 U.S.C. chapter 52 or section 7652, but exclusive of any State or local taxes imposed on cigars as a commodity, and before any trade, cash, or other discounts, or any promotion, advertising, display, or similar allowances. Where the manufacturer's or importer's suggested delivered price to retailers is not adequately supported by bona fide arm's length sales, or where the manufacturer or importer has no suggested delivered price to retailers, the wholesale price shall be the price for which cigars of comparable retail price are sold to retailers in the ordinary course of trade as determined by the Assistant Director (Regulatory Enforcement) under § 275.39(h).

2. Section 275.31 is amended to reflect the new tax rate on large cigars, which is 8½ percent of the wholesale price. The old system of tax classes has been changed by statute. As amended, § 275.31 reads as follows:

§ 275.31 Cigars.

(a) *Present rates.* On cigars imported or brought into the United States, the following internal revenue taxes are imposed by law:

(1) Small cigars. 75 cents per thousand.

(2) Large cigars. 8½ percent of the wholesale price, but not more than $20 per thousand.

Cigars not exempt from tax under this part which are removed but not intended for sale are taxed at the same rate as similar cigars removed for sale.

(b) *Previous rates for large cigars.* Prior to February 1, 1977, the following tax rates were in effect for large cigars:

(1) If removed to retail at not more than 2½ cents each, $2.50 per thousand;

(2) If removed to retail at more than 2½ cents each and not more than 4 cents each, $3 per thousand;

(3) If removed to retail at more than 4 cents each and not more than 6 cents each, $4 per thousand;

(4) If removed to retail at more than 6 cents each and not more than 8 cents each, $7 per thousand;

(5) If removed to retail at more than 8 cents each and not more than 15 cents each, $10 per thousand;

(6) If removed to retail at more than 15 cents each and not more than 20 cents each, $15 per thousand; and

(7) If removed to retail at more than 20 cents each, $20 per thousand.

(68A Stat. 907, as amended (26 U.S.C. 7652); sec. 202, Pub. L. 85-859, 72 Stat. 1414, as amended by sec. 2128, Pub. L. 94-455, 90 Stat. 1921 (26 U.S.C. 5701).)

3. Section 275.37 is revised to provide statistical classes of large cigars, based on wholesale prices, which will replace the former tax classes based on retail prices. Also, the center heading above § 275.37 is modified to reflect the change from tax classes to statistical classes. As amended, the center heading and § 275.37 read as follows:

CLASSIFICATION OF LARGE CIGARS AND CIGARETTES

§ 275.37 Statistical classification of large cigars.

Large cigars are divided into eight classes for statistical purposes, according to the wholesale price. The eight classes are as follows:

(a) Class A: large cigars with a wholesale price of not more than $33.00 per thousand,

(b) Class B: large cigars with a wholesale price of more than $33.00 per thousand but not more than $51.00 per thousand

(c) Class C: large cigars with a wholesale price of more than $51.00 per thousand but not more than $66.00 per thousand.

(d) Class D: large cigars with a wholesale price of more than $66.00 per thousand but not more than $105.00 per thousand.

(e) Class E: large cigars with a wholesale price of more than $105.00 per thousand but not more than $120.00 per thousand.

(f) Class F: large cigars with a wholesale price of more than $120.00 per thousand but not more than $154.00 per thousand.

(g) Class G: large cigars with a wholesale price of more than $154.00 per thousand but not more than $235.294 per thousand (except that for the purpose of § 275.81(c)(4)(i), Class G includes all large cigars properly reportable under TSUS item number 170.7200 and with a wholesale price of more than $154.00 per thousand), and

(h) Class H: large cigars with a wholesale price of more than $235.294 per thousand (except that for the purpose of § 275.81(c)(4)(i) any large cigars in this category which are properly reportable under TSUS item number 170.7200 are included in Class G).

4. A new section 275.39 is added to set out rules for properly determining the wholesale price of large cigars. New § 275.39 reads as follows:

§ 275.39 Determination of wholesale price of large cigars.

(a) *General rule.* All cigars of the same brand, size, and packaging are taxed at the same rate except where otherwise specifically provided. When the importer establishes a suggested delivered price to retailers (wholesale price), he shall do so according to the principles in the definition of "wholesale price" in § 275.11 and in this section. "Suggested delivered price" is the price at which the importer intends for the cigars to be sold to retailers, and based on which the importer's price to distributors and wholesalers is established through the usual trade discount. The price at which a cigar is in fact usually sold to retailers in transactions at arm's length from the importer is the best evidence of whether the importer's suggested delivered price is properly set. It is the responsibility of the importer to do whatever is necessary to be sure that the suggested price for each of his cigars is continually proper. (Where there is no suggested delivered price adequately supported by actual sales to retailers, see paragraph (h) below).

(b) *Pricing for different packaging.* If different wholesale prices are applicable to different types of packaging (e.g., boxes of 25 and boxes of 50), then the cigars in each type of packaging are taxed on the basis of their respective wholesale prices.

(c) *Pricing of seconds.* If some of an otherwise identical cigar brand and size (i) are distinctive from other such cigars because of physical imperfections, (ii) are offered to the consumer through clear labeling as "imperfects", "seconds", "throw-outs", or a comparable commonly understood term, and (iii) the importer has a separate wholesale price for such cigars; then they are taxed on the basis of this separate wholesale price.

(d) *Combination packages.* If an importer has a wholesale price for a combination package containing cigars of different sizes, the cigars are taxed based on that combination wholesale price. If there is no wholesale price for the combination, then the cigars are taxed based on their individual wholesale prices.

(e) *Promotional pricing.* Special promotional pricing arrangements, whether applicable to all or only a part of removals, do not alter the taxable wholesale price of large cigars. For the purposes of applying this rule, any temporary reduction in price is presumed to be for promotional purposes.

(f) *Removals for another person.* If an importer makes taxable removals of cigars for exclusive distribution by others who establish the suggested delivered

price to retailers (wholesale price), then the tax is based on such wholesale price irrespective of the fact that it is not directly established by the importer making the taxable removals. If an importer makes taxable removals of cigars exclusively for arm's length sales to retailers only, the tax is based on the importer's selling price applying the principles of inclusion and exclusion contained in the definition of "wholesale price in" in § 275.11.

(g) *Change in wholesale price.* When an importer decides to change the wholesale price of a brand and size of large cigars, the new wholesale price shall apply for tax purposes to all large cigars which, at the time of removal, can reasonably be expected to be sold to retailers under the new wholesale price listing. Large cigars removed and tax determined at the old rate prior to the price change decision, and which the importer reasonably believed would be sold to retailers under the old wholesale price listing based on all the information which was or should have been available to him, will be considered to have been tax determined properly even though some may in fact be sold under the new wholesale price listing. The time of a price change decision is the earliest time during the price change considerations when it might reasonably be concluded that the decision had in fact been reached.

(h) *Determination of wholesale price by Assistant Director (Regulatory Enforcement).* The Assistant Director (Regulatory Enforcement) will determine the wholesale price for tax purposes where the importer has no suggested delivered price to retailers as contemplated by the definition of "wholesale price" in § 275.11 and as discussed in paragraph (a) of this section. Listings of such wholesale prices and their comparable retail prices will be published as necessary in the official Bulletin of the Bureau of Alcohol, Tobacco and Firearms for use by importers in properly determining the tax on removals of large cigars for which there is no suggested delivered price to retailers. If an importer has cigars which are not covered by the existing published listing, and for which he has no suggested delivered price to retailers, the importer shall submit a written request to the Assistant Director (Regulatory Enforcement) for a determination of the wholesale price applicable to such cigars for tax purposes. If any of these cigars are removed before such determination, the importer shall ascertain the wholesale price to the best of his ability based on the prices which are included in the published listing and other pertinent information available to him, and shall use that price for calculation and payment of the tax and for other tax purposes under this part pending the determination by the Assistant Director (Regulatory Enforcement). If the wholesale price used by the importer for taxpayment differs from that subsequently determined by the Assistant Director (Regulatory Enforcement) to be the wholesale price for tax purposes, then the importer shall pay any additional amount due or make claim for overpayment by advising the district director of customs of the additional amount due or overpaid, and if necessary request reliquidation of the entry, in accordance with customs procedure. The importer shall take this action within fifteen calendar days following the date on which notification of the wholesale price determination was received from the Assistant Director (Regulatory Enforcement).

5. Section 275.73 is extensively revised to require the importer to show on packages of large cigars the wholesale price rather than the former tax class. The wholesale price may be shown either directly or in code at the importer's discretion. As amended, § 275.73 reads as follows:

§ 275.73 Notice for cigars.

(a) *General requirement.* Every package of cigars, except as provided in § 275.75, shall, before removal subject to internal revenue tax, have adequately imprinted thereon, or on a label securely affixed thereto, the designation "cigars", the quantity of such product contained therein, and the classification of the product for tax purposes, i.e., for small cigars, either "small" or "little", and for large cigars, the wholesale price.

(b) *Expression of wholesale price.* The price to be shown is the wholesale price for each thousand cigars, except that for cigars with a wholesale price of more than § 235.294 per thousand the wholesale price may be either specifically expressed or expressed as if it were $236 per thousand. Such price shall be expressed either in arabic numerals or according to the code: A=1, B=2, C=3, D=4, E=5, F=6, G=7, H=8, J=9, K=0; and in either case shall be preceded by the identifying letters "IP". If the wholesale price is in even dollars then no decimal or cents information need be shown. Thus, for a cigar with a wholesale price of $80.00 per thousand the wholesale price would be expressed as "IP80" or as "IPHK"; for a cigar with a wholesale price of $65.20 per thousand, the wholesale price would be expressed as "IP65.20" or as "IPFE.BK"; and for a cigar with a wholesale price of $450 per thousand, the wholesale price would be expressed as either "IP450", "IPDEK", "IP236", or "IPBCF".

(c) *Packages with cigars of more than one price.* If a combination package includes large cigars of more than one wholesale price and they are taxable on the basis of the individual wholesale prices of the cigars and not on the basis of an established wholesale price for the combination package (see § 275.39(d)), the number of cigars at each wholesale price and a brief description of those cigars shall be shown with the applicable wholesale price information. For example, if a package contained 30 Blunts with a wholesale price of $80 per thousand and 20 Panatelas with a wholesale price of $100 per thousand, the wholesale price would be shown as "30 Blunts–IP80, 20 Panatelas–IP100", or "30 Blunts–IPHK, 20 Panatelas–IPAKK".

6. Section 275.81(c)(4) is amended to require importers to show, on the customs entry form, information about the wholesale price of large cigars which is necessary for computation of the internal revenue tax. As amended, § 275.81(c)(4) reads as follows:

§ 275.81 Taxpayment.

* * * * *

(c) *Required information.* * * *

(4) *For cigars.* The importer will show—

(i) The number imported under each TSUS item number (for "IRC tax classes," see § 275.37);

(ii) For large cigars with a wholesale price of not more than $235.294 per thousand, the number and total wholesale price of such cigars;

(iii) For large cigars with a wholesale price of more than $235.294 per thousand, the number of such cigars;

(iv) The applicable tax rate ($0.75 per thousand for small cigars, 8½ percent of the wholesale price for large cigars with a wholesale price of not more than $235.294 per thousand, and $20.00 per thousand for large cigars with a wholesale price of more than $235.294 per thousand); and

(v) The tax due.

* * * * *

7. Section 275.105 is amended to replace "class of large cigars" with the information about wholesale price required by the new system of taxation, and to make nomenclature changes to reflect the establishment of the Bureau of Alcohol, Tobacco and Firearms. As amended, § 275.105 reads as follows:

§ 275.105 Prepayment of tax.

To prepay, in Puerto Rico, the internal revenue tax imposed by 26 U.S.C. 7652 (a), on cigars, cigarettes, and cigarette papers and tubes of Puerto Rican manufacture which are to be shipped to the United States, the shipper shall file, or cause to be filed, with the Officer-in-Charge, a tax return, Form 3073, in triplicate, with full remittance of tax which will become due on such cigars, cigarettes, and cigarette papers and tubes. The Officer-in-Charge will present a receipted copy of the return to the person filing the return and paying the tax, retain one copy, and forward the remaining copy to the Regional Regulatory Administrator, Bureau of Alcohol, Tobacco and Firearms, New York, N.Y. The person who filed the return and prepaid the tax shall present the receipted copy of the return to the ATF officer assigned by the Chief, Puerto Rico Operations, to inspect the cigars, cigarettes, and cigarette papers and tubes to be shipped to the United States. Such officer will endorse the receipted copy of the return to show release of the cigars, cigarettes, and cigarette papers and tubes, or, if less than the quantity of cigars, cigarettes, and cigarette papers and tubes covered by the return is released, to show (a) the num-

bers of small cigarettes, large cigarettes, and small cigars, (b) the number and total wholesale price of large cigars with a wholesale price of not more than $235.294 per thousand, (c) the number of large cigars with a wholesale price of more than $235.294 per thousand, (d) the number of books or sets of cigarette papers of each different numerical content, and (e) the number of cigarette tubes, in fact released and will return such copy to the taxpayer.

(68A Stat. 907, as amended (26 U.S.C. 7652); sec. 202, Pub. L. 85-859, 72 Stat. 1417 (26 U.S.C. 5703).)

8. Section 275.106 is amended to replace the detailed instructions for completion, by the ATF officer, of Form 3074 (including an instruction for "class of large cigars") with a simplified instruction for completion of "other information required by that form." Nomenclature changes are also made to reflect the establishment of the Bureau of Alcohol, Tobacco and Firearms. As amended, § 275.106 reads as follows:

§ 275.106 Inspection of shipment and certification of prepayment by ATF officer.

The ATF officer, assigned to inspect Puerto Rican cigars, cigarettes, and cigarette papers and tubes to be shipped to the United States in accordance with § 275.105, will prepare, for each shipping container, a statement on Form 3074 that the tax has been prepaid, and show the other information required by that form. The shipper shall affix the completed Form 3074 to the outside of each shipping container in which the articles are packed. Such statement, Form 3074, shall be affixed to the outer container used in the shipment of freight in bulk (crate, packing box, van, trailer, etc.) and not on the individual cartons, cases, etc., included in such outer container. In addition, such officer will prepare Form 3075, in quintuplicate, identifying the cigars, cigarettes, and cigarette papers and tubes released in each shipment and certifying that the tax has been prepaid thereon, and will (a) present one copy to the taxpayer for attachment to the bill of lading to accompany the shipment (in custody of the carrier) for presentation to the district director of customs at the port of entry; (b) promptly mail two copies to the district director of customs at the port of entry; (c) mail one copy to the regional regulatory administrator of the region wherein the customs collection headquarters is located; and (d) retain the remaining copy. Noncommercial mail shipments of cigars, cigarettes, and cigarette papers and tubes to the United States are exempt from the provisions of this section, except that the ATF officer in Puerto Rico receiving a payment of internal revenue tax on mail shipments of such articles will prepare a certificate to be affixed to the container stating that the United States internal revenue tax has been prepaid on the articles contained therein.

9. Section 275.107 is amended to replace "class of large cigars" with the information about wholesale price required by the new system of taxation, and to make nomenclature changes reflecting changes in Customs Service organization and the establishment of the Bureau of Alcohol, Tobacco and Firearms. As amended, § 275.107 reads as follows:

§ 275.107 Procedure at port of entry.

The district director of customs at the port of entry will inspect the shipment to determine whether the quantity specified on the Form 3075 is contained in the shipment. He will then execute his certificate on the three copies of the Form 3075, in his possession, and indicate on each copy any exceptions found at the time of release. The statement of exceptions shall identify each shipping container which sustained a loss, the cigars, cigarettes, and cigarette papers and tubes reported shipped in such container, the cigars, cigarettes, and cigarette papers and tubes lost from such container. Losses occurring as the result of missing packages, cases, or shipping containers shall be listed separately from losses caused by damage. Where the statement is made on the basis of cigars, cigarettes, or cigarette papers or tubes missing or damaged, the district director of customs shall show (a) the numbers of small cigarettes, large cigarettes, and small cigars, (b) the number and total wholesale price of large cigars with a wholesale price of not more than $235.294 per thousand, (c) the number of large cigars with a wholesale price of more than $235.294 per thousand, (d) the number of books or sets of cigarette papers of each different numerical content, and (e) the number of cigarette tubes. If the district director of customs finds that the full amount of the tax has not been prepaid, he will require the difference due to be paid to him prior to release of the cigars, cigarettes, and cigarette papers and tubes. When the inspection of the shipment has been effected, and any additional tax found to be due has been paid to the district director of customs, the shipment may be released.

10. Section 275.110 is amended to replace "class of large cigars" with the information about wholesale price required by the new system of taxation, and to make nomenclature changes reflecting the establishment of the Bureau of Alcohol, Tobacco and Firearms. As amended, § 275.110 reads as follows:

§ 275.110 Computation of tax and execution of agreement to pay tax.

Where cigars or cigarettes are to be shipped to the United States on computation of internal revenue tax in Puerto Rico (involving deferred taxpayment), the bonded manufacturer shall calculate the tax and shall prepare Form 2987, in septuplicate. He shall enter on such form under the penalties of perjury (a) the numbers of small cigarettes, large cigarettes, and small cigars to be shipped, (b) the number and total wholesale price of large cigars with a wholesale price of not more than $235.294 per thousand to be shipped, (c) the number of large cigars with a wholesale price of more than $235.294 per thousand to be shipped, (d) the amount of the tax to be paid on such products under the provisions of this subpart, and (e) the name and address of the consignee in the United States to whom such products are being shipped; and shall date and execute the agreement to pay the amount of tax which shall be computed on such products covered by the Form 2987. The Form 2987 shall be serially numbered by the bonded manufacturer beginning with the number "1" on January 1 of each year. The bonded manufacturer shall then request the Chief, Puerto Rico Operations, to assign an ATF officer to inspect the cigars and cigarettes, verify the tax calculation with respect to such products, and release such products for shipment in accordance with § 275.111. The bonded manufacturer shall present all copies of the prepared Form 2987 to the ATF officer assigned. The date of certification of Form 2987 by the ATF officer shall be treated as the date of computation of tax. Cigars and cigarettes may be released for shipment to the United States in accordance with the provisions of this section only after computation of tax.

11. Section 275.111 is amended to rephrase the instructions for completion, by the ATF officer, of Form 2989. The phrase, "quantity and kind of cigars and cigarettes and class of large cigars" is replaced with the simpler phrase, "other information required by that form." Nomenclature changes are also made to reflect changes in Customs Service organization and the establishment of the Bureau of Alcohol, Tobacco and Firearms. As amended, § 275.111 reads as follows:

§ 275.111 Inspection of shipment and certification by ATF officer.

On receipt of the original and six copies of the Form 2987 completed and executed by the bonded manufacturer in accordance with § 275.110, an ATF officer will inspect the cigars and cigarettes covered by the form, verify the tax calculation made with respect to such products, date and execute the certification on such form, and release the cigars and cigarettes for shipment to the United States. Such officer will then promptly distribute the certified Form 2987 by (a) mailing the original to the Officer-in-Charge; (b) mailing two copies to the district director of customs at the port of entry; (c) mailing one copy to the regional regulatory administrator of the region wherein the customs collection headquarters is located; (d) returning two copies to the bonded manufacturer who will attach one copy to the bill of lading to accompany the shipment (in custody of the carrier) for presentation to the district director of customs at the port of entry; and (e) submitting one copy to the Chief, Puerto Rico Operations. Such officer will also prepare, for each shipping container, a statement on Form 2989 that the tax on the cigars and cigarettes to be shipped to the United States has been computed and show the

name and address of the bonded manufacturer, date of tax computation, and the other information required by that form. The bonded manufacturer shall affix the completed Form 2989 to the outside of each shipping container in which the products are packed. Such statement, Form 2989, shall be affixed to the outer container used in the shipment of freight in bulk (crate, packing box, van, trailer, etc.) and not on the individual cartons, cases, etc., included in such outer container.

12. Section 275.112 is amended to replace "class of large cigars" with the information about wholesale price required by the new system of taxation, and to make nomenclature changes reflecting the establishment of the Bureau of Alcohol, Tobacco and Firearms. As amended, § 275.112 reads as follows:

§ 275.112 Tax return.

The internal revenue taxes imposed by 26 U.S.C. 7652(a), with respect to cigars and cigarettes manufactured in Puerto Rico and shipped to the United States on computation of tax under the provisions of this subpart shall be paid on the basis of a semi-monthly tax return. The bonded manufacturer of such products shall file with the Officer-in-Charge a tax return, Form 2988, in triplicate, for each semimonthly return period. The bonded manufacturer shall show on the return (a) the serial numbers of all Forms 2987 certified during the return period, (b) the numbers of small cigarettes, large cigarettes, and small cigars upon which the tax has been computed during the return period, (c) the number and total wholesale price of large cigars with a wholesale price of not more than $235.294 per thousand upon which the tax has been computed during the return period; (d) the number of large cigars with a wholesale price of more than $235.294 per thousand upon which the tax has been computed during the return period; and (e) the tax due. The bonded manufacturer shall execute the return, Form 2988, under the penalties of perjury. He shall file a return for each return period at the time specified in § 275.113, regardless of whether tax is due for that return period. However, where the Regional Regulatory Administrator, Bureau of Alcohol, Tobacco and Firearms, New York, N.Y., grants specific authorization, the bonded manufacturer need not file a tax return during the term of such authorization for any period in which tax liability was not incurred under the provisions of this subpart.

13. Section 275.117 is amended to replace "class of large cigars" with the information about wholesale price required by the new system of taxation, and to make nomenclature changes reflecting the establishment of the Bureau of Alcohol, Tobacco and Firearms. As amended, § 275.117 reads as follows:

§ 275.117 Procedure at port of entry.

The district director of customs at the port of entry will inspect the shipment to determine whether the quantity specified on the Form 2987 is contained in the shipment. He will then execute his certificate on the three copies of the Form 2987 in his possession, and indicate on each copy any exceptions found at the time of release. The statement of exceptions shall identify each shipping container which sustained a loss, the cigars and cigarettes reported shipped in such container, and the cigars and cigarettes lost from such container. Losses occurring as the result of missing packages, cases, or shipping containers shall be listed separately from losses caused by damage. Where the statement is made on the basis of cigars and cigarettes missing or damaged, the district director of customs shall show (a) the numbers of small cigarettes, large cigarettes, and small cigars, (b) the number and total wholesale price of large cigars with a wholesale price of not more than $235.294 per thousand, and (c) the number of large cigars with a wholesale price of more than $235.294 per thousand. If the district director of customs finds that the full amount of tax due has not been computed, he will require the difference due to be paid to him prior to release of the cigars and cigarettes. When the inspection of the shipment has been effected, and any additional tax found to be due has been paid to the district director of customs, the shipment may be released.

14. Section 275.139 is amended to replace "class" of large cigars with "wholesale price", and to add a qualification that if the wholesale price is more than $235.294 per thousand, it may be shown as if it were $236 per thousand. As amended, § 275.139 reads as follows:

§ 275.139 Records.

Every manufacturer of tobacco products and cigarette papers and tubes in the United States who receives cigars, cigarettes, or cigarette papers or tubes of Puerto Rican manufacture, without payment of internal revenue tax, under his bond, shall keep a separate record which will show the date and quantity and kind of cigars and cigarettes, the wholesale price of large cigars (if not more than $235.294 per thousand; if more than this, the wholesale price may be shown as if it were $236 per thousand), the date and number of books or sets of cigarette papers of each different numerical content, and the number of cigarette tubes: (a) received, (b) removed subject to tax, (c) removed for tax-exempt purposes, and (d) otherwise disposed of.

(Sec. 2128(c), Pub. L. 94-455, 90 Stat. 1921 (26 U.S.C. 5741).)

15. A new § 275.153 is added to require that proprietors of customs class 6 manufacturing warehouses, who remove large cigars for consumption in the United States, keep records and submit reports concerning the wholesale prices for such cigars. As added, § 275.153 reads as follows:

§ 275.153 Records and reports.

A proprietor of a customs bonded manufacturing warehouse, class 6, who removes cigars for sale or consumption in the United States, shall keep records and make reports as prescribed in §§ 275.181–183.

16. A new Subpart J is added immediately following § 275.174, to require that importers of large cigars keep records and submit reports concerning the wholesale prices and taxpayment of large cigars imported for sale within the United States. As added, the new Subpart J reads as follows:

Subpart J—Records and Reports

Sec.
275.181 Records of large cigars.
275.182 Availability of records.
275.183 Report of wholesale prices for large cigars.

Subpart J—Records and Reports

§ 275.181 Records of large cigars.

Every person who imports large cigars for sale within the United States shall keep the records required by this section.

(a) *Basic record of wholesale prices.* The importer shall keep a record to show each wholesale price (suggested delivered price to retailers or wholesale price as determined by the Assistant Director (Regulatory Enforcement) under § 275.39(h)), which is applicable to large cigars removed (entered or withdrawn). No later than the tenth business day in January of each year the importer shall prepare such a record to show the wholesale price in effect on the first day of that year for each brand and size of his large cigars. However, for the year 1977 the record shall be prepared no later than the tenth business day in February, to show the prices in effect as of February 1, 1977. The importer shall thereafter enter in the record the wholesale price and its effective date for any large cigar removed (entered or withdrawn) which was not previously entered in the record, and any change in a price from that shown in the record, within ten business days after such removal or change in price. The record shall be a continuing one for each brand and size of cigar (and type of packaging, if pertinent), so that the taxable price on any date may be readily ascertained.

(b) *Copies of price announcements.* The importer shall retain a copy of each general announcement which he issues within his organization or to the trade about establishment or change of large cigar wholesale prices. If the copy does not show the actual date when issued it shall be annotated to show this information, and it shall also be annotated to show the date on which a copy was submitted to the Assistant Director (Regulatory Enforcement) in accordance with § 275.183.

(c) *Copies of entry and withdrawal forms.* The importer shall keep a copy of each customs entry or withdrawal form on which internal revenue tax for large cigars is declared pursuant to § 275.81.

(d) *Alternative record.* If an importer has so few import transactions and/or brands and sizes of large cigars that retention of an appropriate copy of each entry and withdrawal form required under paragraph (c) of this section will

provide an adequate record of wholesale prices, then the record required under paragraph (a) of this section need not be kept. In such case the entry and withdrawal forms must identify the brands and sizes of cigars covered and show the corresponding quantity and wholesale price for each. If such information was not originally entered on the form it may be included by annotation. Whenever the regional regulatory administrator finds that alternative records being kept pursuant to this paragraph are inadequate for the intended purpose, he may so notify the importer in writing, after which time the importer shall keep the record required under (a) above.

§ 275.182 Availability of records.

The records required under § 275.181 shall be kept by the importer at his usual place of business unless otherwise authorized in writing by the regional regulatory administrator, and shall be made available for inspection by any ATF officer upon his request. (For retention period, see § 275.22.)

§ 275.183 Report of wholesale prices for large cigars.

Every person who imports large cigars for sale within the United States and who issues announcements such as those described in this section shall make a report of each establishment or change of wholesale price (suggested delivered price to retailers) for large cigars. The report shall consist of a copy of each general announcement that the importer issues within his organization or to the trade about establishment or change of wholesale prices. If this copy does not show the actual date when issued, it shall be annotated to show this information. If an intraorganizational announcement involves a forthcoming price change or new product which at the time of issuance is to remain confidential until a later date, the importer may include a statement to this effect on the copy submitted. The copy shall be submitted to the Assistant Director (Regulatory Enforcement), Attn: Industry Control Division, Bureau of Alcohol, Tobacco and Firearms, Washington, D.C. 20226, within five business days after the day issued. (See § 275.181 for requirement to keep records of large cigar wholesale prices.)

PART 290—EXPORTATION OF CIGARS, CIGARETTES, AND CIGARETTE PAPERS AND TUBES, WITHOUT PAYMENT OF TAX, OR WITH DRAWBACK OF TAX

PAR. C. The regulations in 27 CFR Part 290 are amended as follows:

1. The Table of Contents is amended to delete sections 290.12 through 290.54 and to group all definitions into a single section, § 290.11. The amended portion of the Table of Contents reads as follows:

* * * * *

Subpart B—Definitions

§ 290.11 Meaning of terms.

Subpart C—General

* * * * *

§§ 290.12—290.54 [Deleted]

2. Sections 290.12 through 290.54 are deleted. The definitions are grouped together into one section, § 290.11, for the sake of conformity to other regulations. Further, the definitions of "assistant regional commissioner", "Director, Alcohol, Tobacco and Firearms Division", "director of customs" and "internal revenue officer" are modified and the definition of "regional commissioner" is dropped to reflect changes in Customs Service organization and the establishment of the Bureau of Alcohol, Tobacco and Firearms. Definitions of "Assistant Director (Regulatory Enforcement)", "ATF officer", "district director of customs", "regional regulatory administrator", and "wholesale price" are added. As amended, § 290.11 reads as follows:

§ 290.11 Meaning of terms.

When used in this part and in forms prescribed under this part, the following terms shall have the meanings given in this section, unless the context clearly indicates otherwise. Words in the plural form shall include the singular, and vice versa, and words indicating the masculine gender shall include the feminine. The terms "includes" and "including" do not exclude things not listed which are in the same general class.

Assistant Director (Regulatory Enforcement). The Assistant Director for regulatory enforcement activities in the Bureau of Alcohol, Tobacco and Firearms, who is responsible to, and functions under the direction and supervision of, the Director.

Assistant regional commissioner. A regional regulatory administrator as defined in this section.

ATF officer. An officer or employee of the Bureau of Alcohol, Tobacco and Firearms, duly authorized to perform any function relating to the administration or enforcement of this part.

Cigar. Any roll of tobacco wrapped in leaf tobacco or in any substance containing tobacco (other than any roll of tobacco which is a cigarette within the definition of "cigarette" given in this section).

Cigarette. (a) Any roll of tobacco wrapped in paper or in any substance not containing tobacco, and

(b) Any roll of tobacco wrapped in any substance containing tobacco which, because of its appearance, the type of tobacco used in the filler, or its packaging and labeling, is likely to be offered to, or purchased by, consumers as a cigarette described in paragraph (a) of this definition.

Cigarette paper. Paper, or other material except tobacco, prepared for use as a cigarette wrapper.

Cigarette papers. Taxable books or sets of cigarette papers.

Cigarette tube. Cigarette paper made into a hollow cylinder for use in making cigarettes.

Customs warehouse. A customs bonded manufacturing warehouse, class 6, where cigars are manufactured of imported tobacco.

Director, or Director, Alcohol, Tobacco and Firearms Division. The Director, Bureau of Alcohol, Tobacco and Firearms, Washington, D.C. 20226

Director of customs. A district director of customs as defined in this section.

District director of customs. The district director of customs at a headquarters post of the district (except the district of New York, N.Y.); the area directors of customs in the district of New York, N.Y.; and the port director at a port not designated as a headquarters port.

Exportation or export. A severance of cigars, cigarettes, or cigarette papers or tubes from the mass of things belonging to the United States with the intention of uniting them to the mass of things belonging to some foreign country. For the purposes of this part, shipment from the United States to Puerto Rico, the Virgin Islands, or a possession of the United States, shall be deemed exportation, as will the clearance from the United States of cigars, cigarettes, and cigarette papers and tubes for consumption beyond the jurisdiction of the internal revenue laws of the United States, i.e., beyond the 3-mile limit or international boundary, as the case may be.

Export warehouse. A bonded internal revenue warehouse for the storage of cigars, cigarettes, and cigarette papers and tubes, upon which the internal revenue tax has not been paid, for subsequent shipment to a foreign country, Puerto Rico, the Virgin Islands, or a possession of the United States, or for consumption beyond the jurisdiction of the internal revenue laws of the United States.

Export warehouse proprietor. Any person who operates an export warehouse.

Factory. The premises of a manufacturer of cigars, cigarettes, or cigarette papers and tubes in which he carires on such business.

Foreign-trade zone. A foreign-trade zone established and operated pursuant to the Act of June 18, 1934, as amended.

In bond. The status of cigars, cigarettes, and cigarette papers and tubes, which come within the coverage of a bond securing the payment of internal revenue taxes imposed by 26 U.S.C. 5701 or 7652, and in respect to which such taxes have not been determined as provided by regulations in this chapter, including (a) such articles in a factory or an export warehouse, (b) such articles removed, transferred, or released, pursuant to 26 U.S.C. 5704, and with respect to which relief from the tax liability has not occurred, and (c) such articles on which the tax has been determined, or with

respect to which relief from the tax liability has occurred, which have been returned to the coverage of a bond.

I.R.C. The Internal Revenue Code of 1954, as amended.

Internal revenue officer. An ATF officer as defined in this section.

Manufacturer of cigarette papers and tubes. Any person who makes up cigarette paper into books or sets containing more than 25 papers each, or into tubes, except for his own personal use or consumption.

Manufacturer of tobacco products. Any person who manufactures cigars or cigarettes, except that such term shall not include (a) a person who produces cigars or cigarettes solely for his own personal consumption or use; or (b) a proprietor of a customs bonded manufacturing warehouse with respect to the operation of such warehouse.

Package. The container in which cigars, cigarettes, or cigarette papers or tubes are put up by the manufacturer and offered for sale or delivery to the consumer.

Person. An individual, partnership, association, company, corporation, estate, or trust.

Region. A Bureau of Alcohol, Tobacco and Firearms region.

Regional regulatory administrator. A regional regulatory administrator, Bureau of Alcohol, Tobacco and Firearms, who is responsible to, and functions under the direction and supervision of, the Assistant Director (Regulatory Enforcement).

Removal or remove. The removal of cigars, cigarettes, or cigarette papers or tubes from either the factory or the export warehouse covered by the bond of the manufacturer or proprietor.

State. "State" shall, for the purposes of this part, be construed to include the District of Columbia.

Tobacco products. Cigars and cigarettes. The term does not include smoking tobacco, chewing tobacco, or snuff.

United States. "United States" when used in a geographical sense shall include only the States and the District of Columbia.

U.S.C. The United States Code.

Wholesale price. The manufacturer's or importer's suggested delivered price at which the cigars are to be sold to retailers, inclusive of the tax imposed by 26 U.S.C. chapter 52 or section 7652 but exclusive of any State or local taxes imposed on cigars as a commodity, and before any trade, cash, or other discounts, or any promotion, advertising, display, or similar allowances. Where the manufacturer's or importer's suggested delivered price to retailers is not adequately supported by bona fide arm's length sales, or where the manufacturer or importer has no suggested delivered price to retailers, the wholesale price shall be the price for which cigars or comparable retail price are sold to retailers in the ordinary course of trade as determined by the Assistant Director (Regulatory Enforcement).

Zone operator. The person to whom the privilege of establishing, operating, and maintaining a foreign-trade zone has been granted by the Foreign-Trade Zones Board created by the Act of June 18, 1934, as amended.

2. Section 290.143 is amended to replace "taxable class" with "wholesale price" in relation to large cigars, and to change terminology to reflect the establishment of the Bureau of Alcohol, Tobacco and Firearms.

As amended, § 290.143 reads as follows:

§ 290.143 General.

Every export warehouse proprietor shall make a true and accurate inventory on Form 3373 to the regional regulatory administrator, of the numbers of (a) small cigars, (b) large cigars at each wholesale price of not more than $235.294 per thousand (c) large cigars with a wholesale price of more than $235.294 per thousand, (d) small cigarettes (e) large cigarettes, (f) cigarette papers, and (g) cigarette tubes held by him at the times specified in this subpart. This inventory shall be subject to verification by an ATF officer. A copy of each inventory shall be retained by the export warehouse proprietor for 2 years following the close of the calendar year in which the inventory is made and shall be made available for inspection by any ATF officer upon his request.

(Sec. 202, Pub. L. 85-859, 72 Stat. 1422 (26 U.S.C. 5721).)

3. Section 290.181 is amended to change "class designation" to "tax classification," reflecting the different information which must be shown on packages of large cigars now that the tax is based on the wholesale price rather than on the retail price class. As amended, § 290.181 reads as follows:

§ 290.181 Packages.

All cigars, cigarettes, and cigarette papers and tubes shall, before removal, be put up by the manufacturer in packages which shall bear the label or notice, tax classification, and mark, as required by this subpart.

(Sec. 202, Pub. L. 85-859, 72 Stat. 1422 (26 U.S.C. 5723).)

4. Section 290.186 is amended to eliminate the requirement for tax classes to be shown on packages of large cigars, since these classes have been eliminated by statute. Instead, exported large cigars will be required to show the relevant information as to wholesale price applicable to similar cigars removed for taxable purposes in the United States. As amended, § 290.186 reads as follows:

§ 290.186 Tax classification for cigars.

(a) *General requirement.* Every package of cigars shall, before removal from a factory under this subpart, have adequately imprinted thereon, or on a label securely affixed thereto, the designation "cigars", the quantity of such product contained therein, and the classification of the product for tax purposes. For small cigars such classification shall be either "small" or "little", and for large cigars, the wholesale price applicable to similar cigars removed for taxable purposes in the United States.

(b) *Expression of wholesale price.* The price to be shown is the wholesale price for each thousand cigars, except that for cigars with a wholesale price of more than $235.294 per thousand the wholesale price may be either specifically expressed or expressed as if it were $236 per thousand. Such price shall be expressed either in arabic numerals or according to the code: A=1, B=2, C=3, D=4, E=5, F=6, G=7, H=8, J=9, K=0; and in either case shall be preceded by the identifying letters "MP". If the wholesale price is in even dollars then no decimal or cents information need be shown. Thus, for a cigar with a wholesale price of $80.00 per thousand, the wholesale price would be expressed as "MP80" or as "MPHK"; for a cigar with a wholesale price of $65.20 per thousand, the wholesale price would be expressed as "MP65.20" or as "MPFE.BK"; and for a cigar with a wholesale price of $450 per thousand, the wholesale price would be expressed as "MP450", "MPDEK", "MP236", or "MPBCF".

(c) *Packages with cigars of more than one price.* If a combination package includes large cigars of more than one wholesale price and they are taxable on the basis of the individual wholesale prices of the cigars and not on the basis of an established wholesale price for the combination package (see § 270.22(d) of this chapter), the numbers of cigars at each wholesale price and a brief description of those cigars shall be shown with the applicable wholesale price information. For example, if a package contained 30 Blunts with a wholesale price of $80 per thousand and 20 Panatelas with a wholesale price of $100 per thousand, the wholesale price would be shown as "30 Blunts-MP80, 20 Panatelas-MP100", or "30 Blunts-MPHK, 20 Panatelas-MPAKK".

5. Section 290.248 is amended to replace "class designation" with "tax classification" to reflect the different information which must be shown on packages of large cigars now that the tax is based on the wholesale price rather than on the retail price class. As amended, § 290.248 reads as follows:

§ 290.248 Packages.

Cigars shall, before withdrawal under this part, be put up by the customs warehouse proprietor in packages which shall bear the label or notice, tax classification, and mark, as required by this subpart.

(Sec. 202, Pub. L. 85-859, 72 Stat. 1422 (26 U.S.C. 5723).)

6. Section 290.253 is amended to eliminate the requirement for tax classes to be shown on packages of large cigars, since these classes have been eliminated by statute. Instead, exported large cigars will be required to show the relevant information as to wholesale price applicable to similar cigars removed for taxable purposes in the United States. As amended, § 290.253 reads as follows:

§ 290.253 Tax classification for cigars.

(a) *General requirement.* Every package of cigars shall, before withdrawal from a customs warehouse under this subpart, have adequately imprinted thereon or on a label securely affixed thereto the designation "cigars", the quantity of such product contained therein, and the classification of the product for tax purposes. For small cigars, such classification shall be either "small" or "little", and for large cigars, the wholesale price applicable to similar cigars removed for taxable purposes in the United States.

(b) *Expression of wholesale price.* The price to be shown is the wholesale price for each thousand cigars, except that for cigars with a wholesale price of more than $235.294 per thousand the wholesale price may be either specifically expressed or expressed as if it were $236 per thousand. The price shall be expressed either in arabic numerals or according to the code: A=1, B=2, C=3, D=4, E=5, F=6, G=7, H=8, J=9, K=0, and in either case shall be preceded by the identifying letters "IP". If the wholesale price is in even dollars then no decimal or cents information need be shown. Thus, for a cigar with a wholesale price of $80.00 per thousand; the wholesale price would be expressed as "IP80" or as "IPHK"; for a cigar with a wholesale price of $65.20 per thousand, the wholesale price would be expressed as "IP65.20" or as "IPFE.BK"; and for a cigar with a wholesale price of $450 per thousand, the wholesale price would be expressed as "IP450", "IPDEK", "IP236", or "IPBCF".

(c) *Packages with cigars of more than one price.* If a combination package includes large cigars of more than one wholesale price and they are taxable on the basis of the individual wholesale prices of the cigars and not on the basis of an established wholesale price for the combination package (see § 275.39(d) of this chapter), the numbers of cigars at each wholesale price and a brief description of those cigars shall be shown with the applicable wholesale price information. For example, if a package contained 30 Blunts with a wholesale price of $80 per thousand and 20 Panatelas with a wholesale price of $100 per thousand, the wholesale price would be shown as "30 Blunts-IP80, 20 Panatelas-IP100", or "30 Blunts-IPHK, 20 Panatelas-IPAKK".

PART 295—REMOVAL OF CIGARS, CIGARETTES, AND CIGARETTE PAPERS AND TUBES, WITHOUT PAYMENT OF TAX, FOR USE OF THE UNITED STATES

Par. D. The regulations in 27 CFR Part 295 are amended as follows:

1. Section 295.11 is amended to improve clarity and to reflect the change in taxation of large cigars and the establishment of the Bureau of Alcohol, Tobacco and Firearms. Definitions of "Assistant Director (Regulatory Enforcement)", "ATF officer," "regional regulatory administrator" and "wholesale price" are added; the definitions of "Commissioner" and "regional commissioner" are deleted; the introductory language is rephrased; and the definitions of "assistant regional commissioner," "Director," "internal revenue officer," and "region" are modified. As amended, § 295.11 reads as follows:

§ 295.11 Meaning of terms.

When used in this part and in forms prescribed under this part, the following terms shall have the meanings given in this section, unless the context clearly indicates otherwise. Words in the plural form shall include the singular, and vice versa, and words indicating the masculine gender shall include the feminine. The terms "includes" and "including" do not exclude things not listed which are in the same general class.

* * * * *

Assistant Director (Regulatory Enforcement). The Assistant Director for regulatory enforcement activities in the Bureau of Alcohol, Tobacco and Firearms, who is responsible to, and functions under the direction and supervision of, the Director.

Assistant regional commissioner. A regional regulatory administrator as defined in this section.

ATF officer. An officer or employee of the Bureau of Alcohol, Tobacco and Firearms duly authorized to perform any function relating to the administration or enforcement of this part.

* * * * *

Director. The Director, Bureau of Alcohol, Tobacco and Firearms, Washington, D.C. 20226.

* * * * *

Internal revenue officer. An ATF officer as defined in this section.

* * * * *

Region. A Bureau of Alcohol, Tobacco and Firearms region.

Regional regulatory administrator. A regional regulatory administrator of the Bureau of Alcohol, Tobacco and Firearms who is responsible to, and functions under the direction and supervision of, the Assistant Director (Regulatory Enforcement).

* * * * *

Wholesale price. The manufacturer's or importer's suggested delivered price at which the cigars are to be sold to retailers, inclusive of the tax imposed by 26 U.S.C. chapter 52 or section 7652, but exclusive of any State or local taxes imposed on cigars as a commodity, and before any trade, cash, or other discounts, or any promotion, advertising, display, or similar allowances. Where the manufacturer's or importer's suggested delivered price to retailers is not adequately supported by bona fide arm's length sales, or where the manufacturer or importer has no suggested delivered price to retailers, the wholesale price shall be the price for which cigars of comparable retail price are sold to retailers in the ordinary course of trade as determined by the Assistant Director (Regulatory Enforcement).

2. Section 295.44 is amended to replace the requirement for tax class to be shown on packages of large cigars, with a requirement that the wholesale price be shown, either directly or in a prescribed code. As amended, § 295.44 reads as follows:

§ 295.44 Notice for cigars.

(a) *General requirement.* Every package of cigars shall, before removal under this part, have adequately imprinted thereon; or on a label securely affixed thereto, the designation "cigars," the quantity of such product contained therein, and the classification of the product for tax purposes, i.e., for small cigars, either "small" or "little," and for large cigars, the wholesale price.

(b) *Expression of wholesale price.* The price to be shown is the wholesale price for each thousand cigars, except that for cigars with a wholesale price of more than $235.294 per thousand the wholesale price may be either specifically expressed or expressed as if it were $236 per thousand. Such price shall be expressed either in arabic numerals or according to the code: A=1, B=2, C=3, D=4, E=5, F=6, G=7, H=8, J=9, K=0; and in either case shall be preceded by the identifying letters "MP." If the wholesale price is in even dollars then no decimal or cents information need be shown. Thus, for a cigar with a wholesale price of $80.00 per thousand, the wholesale price would be expressed as "MP80" or as "MPHK"; for a cigar with a wholesale price of $65.20 per thousand, the wholesale price would be expressed as "MP65.20" or as "MPFE.BK"; and for a cigar with a wholesale price of $450 per thousand, the wholesale price would be expressed as either "MP450," "MPDEK," "MP236," or "MPBCF."

(c) *Packages with cigars of more than one price.* If a combination package includes large cigars of more than one wholesale price and they are taxable on the basis of the individual wholesale prices of the cigars and not on the basis of an established wholesale price for the combination package (see § 270.22(d) of this chapter), the numbers of cigars at each wholesale price and a brief description of those cigars shall be shown with the applicable wholesale price information. For example, if a package contained 30 Blunts with a wholesale price of $80 per thousand and 20 Panatelas with a wholesale price of $100 per thousand, the wholesale price would be shown as "30 Blunts–MP80, 20 Panatelas–MP100", or "30 Blunts–MPHK, 20 Panatelas-MP-AKK".

3. Section 295.51 is amended to change "class" of large cigars to "wholesale price," and to change "internal revenue officer" to "ATF officer." As amended, § 295.51 reads as follows:

§ 295.51 Supporting record.

Every manufacturer who removes cigars, cigarettes, and cigarette papers and tubes under this part shall, in addition to the records kept under Part 270 of this

chapter, keep a supporting record of such removals and shall make appropriate entries therein at the time of removal. The supporting record shall show, with respect to each removal, the date of removal, the name and address of the Federal agency to which shipped or delivered, the quantity and, with respect to large cigars, the wholesale price for tax purposes. Appropriate entries shall also be made in the supporting record of any cigars, cigarettes, or ciragette papers or tubes removed under this part which are returned to the factory. Where the manufacturer keeps, at the factory, copies of invoices or other commercial records containing the information required as to each removal, in such manner that the information may be readily ascertained therefrom, such copies will be considered the supporting record required by this section. The supporting record shall be retained by the manufacturer for 3 years following the close of the year covered therein and shall be made available for inspection by any ATF officer upon his request.

(Sec. 2128(c), Pub. L. 94-455, 90 Stat. 1921 (26 U.S.C. 5741).)

PART 296—MISCELLANEOUS REGULATIONS RELATING TO CIGARS, CIGARETTES, AND CIGARETTE PAPERS AND TUBES

PAR. E. The regulations in 27 CFR Part 296 are amended as follows:

1. Section 296.72 is amended to rephrase the introductory language, to delete the definition of "Commissioner", to add definitions of "wholesale price", "region", and "regional regulatory administrator", and to modify the definitions of "assistant regional commissioner" and "Commissioner of Customs" to reflect the change in the name of the U.S. Customs Service and the establishment of the Bureau of Alcohol, Tobacco and Firearms. As amended, § 296.72 reads as follows:

§ 296.72 Meaning of terms.

When used in this subpart, the following terms shall have the meanings given in this section, unless the context clearly indicates otherwise. Words in the plural form shall include the singular, and vice versa, and words indicating the masculine gender shall include the feminine. The terms "includes" and "including" do not exclude things not listed which are in the same general class.

* * * * * *

Assistant Director (Regulatory Enforcement). The Assistant Director for regulatory enforcement activities in the Bureau of Alcohol, Tobacco and Firearms, who is responsible to, and functions under the direction and supervision of, the Director, Bureau of Alcohol, Tobacco and Firearms.

Assistant regional commissioner. A regional regulatory administrator as defined in this section.

* * * * * *

Commissioner of Customs. The Commissioner of Customs, U.S. Customs Service, the Department of the Treasury, Washington, DC.

* * * * * *

Region. A geographical region of the Bureau of Alcohol, Tobacco and Firearms.

Regional regulatory administrator. A regional regulatory administrator, Bureau of Alcohol, Tobacco and Firearms, who is responsible to, and functions under the direction and supervision of, the Assistant Director (Regulatory Enforcement).

* * * * * *

Wholesale price. The manufacturer's, or importer's, suggested delivered price, at which the cigars are to be sold to retailers, inclusive of the tax imposed by 26 U.S.C. chapter 52 or section 7652 but exclusive of any State or local taxes imposed on cigars as a commodity, and before any trade, cash, or other discounts, or any promotion, advertising, display, or similar allowances. Where the manufacturer's or importer's suggested delivered price to retailers is not adequately supported by bona fide arm's length sales, or where the manufacturer or importer has no suggested delivered price to retailers, the wholesale price shall be the price for which cigars of comparable retail price are *sold to* retailers in the ordinary course of trade as determined by the Assistant Director (Regulatory Enforcement).

2. Section 296.74 is amended to replace "tax class" of large cigars with "wholesale price," to change the examples to reflect the new tax structure imposed by legislation, and to make terminology changes to reflect the establishment of the Bureau of Alcohol, Tobacco and Firearms. As amended, § 296.74 reads as follows:

§ 296.74 Execution and filing of claims.

Claims under this subpart shall be executed on Internal Revenue Service Form 843 in accordance with the applicable instructions on the form, and filed with the regional regulatory administrator of the region in which the cigars, cigarettes, or cigarette papers or tubes were lost, rendered unmarketable, or condemned, within 6 months after the date on which the President makes the determination that the disaster has occurred. The claim shall state all the facts on which the claim is based, and shall set forth the numbers of small cigars, large cigars (itemized separately as to taxable wholesale price—see §§ 270.214 and 275.73 of this chapter for wholesale price information shown on packages), small cigarettes, large cigarettes, cigarette papers, and cigarette tubes, as the case may be, and the rate of tax and the amount claimed with respect to each article set forth, substantially in the form as shown in the example below.

EXAMPLE

Quantity	Article	Rate of tax	Amount
20,000	Large cigars	$0.75 per thousand.	$15.00
1,000	Large cigars wholesale price $100 per thousand.	8½ pct of wholesale price.	8.50
500	Large cigars wholesale price $236 per thousand.	$20 per thousand.	10.00
10,000	Small cigarettes.	$4 per thousand.	40.00
5,000	Large cigarettes	$8.40 per thousand.	42.00
2,000 sets	Cigarette papers—50 each set.	$0.005 per set	10.00
1,000 sets	Cigarette papers—100 each set.	$0.01 per set	10.00
1,000	Cigarette tubes.	$0.01 per 50 tubes.	.20
Total claimed			135.70

The claimant shall certify on the claim to the effect that no amount of internal revenue tax or customs duty claimed therein has been or will be otherwise claimed under any other provision of law or regulations.

Effective date. It is proposed that these regulations shall be effective on and after February 1, 1977.

The Bureau of Alcohol, Tobacco and Firearms 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.

Signed: November 15, 1976.

REX D. DAVIS,
Director.

Approved: November 29, 1976.

JERRY THOMAS,
Under Secretary of the Treasury.

[FR Doc.76-35709 Filed 12-2-76;8:45 am]

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

[29 CFR Part 2201, 2300]

REGULATIONS UNDER THE FREEDOM OF INFORMATION ACT

Notice of Proposed Amendment; Redesignation

The Occupational Safety and Health Review Commission proposes by this notice to amend its Freedom of Information Act Regulations, published in 29 CFR Part 2300, to effect several changes, the object of which is a more efficient public information program. Additionally, the Commission, on an experimental basis, is presently using a new microfiche format for publication of its decisions, including administrative law judges' ("ALJ") decisions, and the proposal describes the microfiche system as it would be used in the official reporter system if these amendments are adopted. The Occupational Safety and Health Review Commission invites comments on its present

use of microfiche system and its proposed use as an official reporter system.

Microfiche is a relatively inexpensive method of putting multiple images of printed text of reduced size on a negative which is described as a fiche. Ninety-eight pages of text will be put on one fiche. By use of a microfiche reader (viewer) the reduced pages are magnified for reading purposes. Information contained on the fiche can be converted into hard copy, the same size as the original, by use of a printer. Combination reader/printers are available for use with microfiche. Readers are available at all Regional Offices listed elsewhere in this document and at the National Office.

Additionally, the regulations would be redesignated as Part 2201 of this title, and Part 2300 would be vacated.

The major changes presented by the proposal may be summarized as follows:

Section 2201.2(a), present § 2300.2(a), would be changed to adopt a new Commission acronym, "OSHRC," instead of the present "OSAHRC." The acronym, where used, would be changed to the new form throughout the proposal. However, the name of the official reporter system for all Commission decisions, including ALJ decisions, would remain the same, "OSAHRC Reports."

Section 2201.2(b), present § 2300.2(b), would be revoked.

Section 2201.3, present § 2300.3, would be changed to delegate to the Director of Information and Publications the authority to act for the Commission on all requests for information. This authority is presently delegated to the Executive Secretary. This change is uniform throughout the proposal. A proposed new exception to the delegated authority is noted in this section, which is, that copies of individual Commission decisions, including ALJ decisions, would be available free of charge upon request. This provision is discussed more fully in the discussion of § 2201.6(a), below.

Section 2201.4(b), present § 2300.4(b), would be changed to allow copying and examination of Commission records between the hours of 10:00 a.m. and 3:00 p.m. on any business day. The present rule is not precise and allows examination and copying during normal operating hours.

Section 2201.4(c), present § 2300.4(c), proposes the integration of the new microfiche system for publishing all decisions of general applicability, including ALJ decisions, into the official reporter system. The Microfiche system would contain all decisions issued after October 31, 1975. All decisions issued through that date are contained in the previously published bound, volumes. The official reporter system, encompassing the bound Volumes 1–20 and the new microfiche system, would continue to be known as OSAHRC Reports. Also explained is the proposed method of official citation of decisions in the microfiche system, noting that the first numbers in the citation would indicate in what year the decision was issued. A sample official citation of a microfiche-published case is included in the proposal.

Section 2201.4(d), present § 2300.4(e), would be changed to announce that an index to all decisions would be available from the Superintendent of Documents, U.S. Government Printing Office, and that the index would be updated at least quarterly throughout the year. The present rule requires only that an index be compiled.

Section 2201.4(f) (new) would state that disclosure of information in the official personnel folder of Commission employees or former employees would be governed by pertinent regulations issued by the U.S. Civil Service Commission.

Section 2201.5(a), present § 2300.5(a), would add language describing the availability of OSAHRC Reports from the U.S. Government Printing Office.

Section 2200.5(b), present § 2300.5(b), proposes several changes in fees charged for search time and for copying documents. Paragraph No. (1) states that when the $.10 per page copying charge would result in a charge of less than $3.00, no charge would be made. Paragraph No. (2) would adopt a $5.00 per hour search charge for clerical time and a $10.00 per hour charge for professional search time. No charge would be made to search for copies of Commission decisions. Paragraph No. (3) is new and would state that copies of individual decisions of the Commission would be available from the Director of Information and Publications and from the regional offices of the Commission without charge. It is expected that some slight delays could be encountered by persons requesting copies of decisions from regional offices since, in some cases, the request would have to be forwarded to the National Office. Paragraph No. (4) is new and would establish a maximum $200 per hour charge for searching computer records, but limited to the actual charge to the government. A charge of $.20 per page would be established for computer printouts per page with carbon copies concurrently printed. Paragraph No. (5) is new and would establish the cost of certified or authenticated documents as $3.00.

Section 2201.5(c), present § 2300.5(c), would be expanded for clarity and to more nearly conform to the public interest test under the FOIA for waiving or reducing fees.

Section 2201.5(e), present § 2300.5(e), would be changed to make transcripts of OSHRC hearings available on the same basis as any other Commission document. Under the present rule, parties to OSHRC litigation were charged the same rate as they would have been charged by the official court reporter, if the party had been previously given an opportunity to purchase the transcript from the reporter but had not done so. Although it appears necessary under the FOIA to make transcripts available for the cost of duplication only, parties to OSHRC cases should still order transcripts from the court reporter, since it may be expected that receipt of such transcripts directly from the reporter would be more timely than receipt of the transcripts from the Commision after submitting a written request under the FOIA.

Section 2201.6, present § 2300.6, explaining the procedure for obtaining information, would be completely revised. The new rule would divide all records and documents at the Commission into four (4) types: (1) copies of individual Commission decisions, § 2201.6(a); (2) copies of multiple decisions, of the official reporter or of the Commission index, § 2201.6(b); (3) published or generally available matter other than decisions and the index, e.g., press releases, rules of procedure, etc., § 2201.6(c), and; (4) any record, document or information other than those mentioned above, § 2201.6(d), present §§ 2300.6(a) and (b). New section 2201.6(a) would direct persons wanting copies of individual decisions of the Commission to write or visit either the Director of Information and Publications or any of the regional offices of the Commission. New § 2200.6(b) would make copies of multiple decisions, of the official reporter, OSAHRC Reports, and of the Commission index available from the U.S. Government Printing Office. New § 2200.6(c) would make all previously published material (other than decisions and the index), and information concerning hearings and other general information, available from the Director of Information and Publications' Office free of charge. Section 2201.6(d), present §§ 2200.6 (a) and (b), would contain directions for requesting all material not discussed elsewhere in § 2201.6. Also, a new specific designation, "Information Request," would be required on the outside of the envelope or cover of any request under the FOIA.

Section 2201.7(d), present § 2300.7(d), would rescind the existing delegation of authority to the Executive Director to receive appeals of denials of requests under the FOIA. This proposed change is to conform to the statute. Appeals would be directly received by the Chairman.

Section 2201.7(e), present § 2300.7(e), would be revoked. Matters previously contained in that section would be handled by internal instructions to staff.

Sections 2201.8(a)(2) and (a)(8), present §§ 2300.8(a)(3) and (a)(8), would be changed to correct typographical interlineations in the previous Federal Register version.

Following is a list of the proposed new and substantially revised sections in the proposal, with a cross-reference to the section, if any, in the present regulations from which the proposed regulation is derived.

Proposal:	*Present rule*
2201.2(a)	2300.2(a).
2201.2(b) (revoked)	2300.2(b).
2201.4(b)	2300.4(b).
2201.4(c)	2300.4(c).
2201.4(d)	2300.4(e).
2201.4(f)	New.
2201.5(a)	2300.5(a).
2201.5(b)	2300.5(b).
2201.5(c)	2300.5(c).
2201.5(e)	2300.5(e).
2201.6(a)	New.
2201.6(b)	Do
2201.6(c)	Do.

Proposal:	Present rule
2201.6(d)	2300.6(a) and (b).
2201.7(d)	2300.7(d).
2201.7(e) (revoked)	2300.7(e).
2201.8(a)	2300.8(a).

Interested persons are invited to submit such written data, views, or arguments as they may desire. All communications should be addressed to: Executive Secretary, Occupational Safety and Health Review Commission, 1825 K Street, Washington, D.C. 20006. All communications received on or before December 29, 1976, will be considered before action is taken on the proposal. The proposals may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date, in the office of the Executive Secretary. Telephone inquiries concerning any matters in the proposal may be made to the Counsel to the Commission, Paul Wallace, (202) 634–7970, or the Director of Information and Publications, Linda Dodd, (202) 634–7943.

These amendments are proposed under the authority of Section 12(g) Pub. L. No. 91–596, 84 Stat. 1604 (29 U.S.C. 661(f)), 5 U.S.C. 552 as amended, 1974 (Pub. L. No. 93–502).

In consideration of the foregoing, it is proposed to vacate Part 2300 of Title 29 and to make a new Part 2201 which will read as follows:

PART 2201—REGULATIONS IMPLEMENTING THE FREEDOM OF INFORMATION ACT

Sec.

2201.1 Purpose and scope
2201.2 Description of agency
2201.3 Delegation of authority
2201.4 Information policy
2201.5 Copies of records
2201.6 Procedure for obtaining information
2201.7 Processing requests
2201.8 Maintenance of statistics

AUTHORITY: Sec. 12(g), Pub. L. No. 91–596, 84 Stat. 1604 (29 U.S.C. 661(f)), 5 U.S.C. 552 as amended, 1974 (Pub. L. No. 83–502).

§ 2201.1 Purpose and scope.

The purpose of the provisions of the Part is to provide procedures to implement the Freedom of Information Act, 5 U.S.C. section 552, as amended November 21, 1974 (Pub. L. 93–502). The following provisions are applicable only to such items of information as relate to the agency or are items within its custody. They are not applicable to the rights of parties appearing in adversary proceedings before the Commission to obtain discovery from an adverse party. Such matters are governed by the Commission's Rules of Procedure which are published at Part 2200 of this chapter.

§ 2201.2 Description of agency.

The Occupational Safety and Health Review Commission (OSHRC) adjudicates contested enforcement actions under the Occupational Safety and Health Act of 1970 (84 Stat. 1590, 29 U.S.C. 651–77). Decisions of the Commission on such actions are issued only after the parties to the case are afforded an opportunity for a hearing in accordance with section 554 of Title 5, United States Code. All such hearings are conducted by an OSHRC Administrative Law Judge at a place convenient to the parties and are open to the public.

§ 2201.3 Delegation of authority.

The Director of Information and Publications is delegated the exclusive authority to act upon all requests for information, documents and records which are received from any person or organization. However, copies of individual Commission decisions are available without restriction (see §§ 2201.4(e) and 2201.6(a)).

§ 2201.4 Information policy.

(a) Except for matters specifically excluded by section 553(b) of Title 5, United States Code or other applicable statute, all documents and records maintained by this agency or within the custody thereof shall be available to the public upon request filed in accordance with this part.

(b) Any person may examine and copy any such document or record of this agency (or within the custody thereof), under conditions prescribed by the Director of Information and Publications, between the hours of 10:00 a.m. and 3:00 p.m. on any business day so long as it does not interfere with the trial or disposition of a pending case.

(c) All final OSHRC decisions (including decisions of the Commission and of its administrative law judges) of general applicability (including concurring and dissenting opinions) are published by the Superintendent of Documents, U.S. Government Printing Office, in a series of bound volumes known as OSAHRC Reports Volumes 1 through 20, for decisions and reports from April 28, 1971 to October 31, 1975. After Volume 20, OSAHRC Reports are published in a series of microfiche. An example of the official method of citation of Commission decisions printed on microfiche is as follows:

SAMPLE—Secretary v. J. W. Black Lumber Co., 75 OSAHRC 1/B9, p. 2

Year decision issued	The official reporter	The serial No. of Fiche where decision is printed	Coordinates on the Fiche for 1st page of cited decision	Cite to specific page of cited decision
1975	OSAHRC	1/	B9	2

Copies of individual decisions will also be available from the Commission (see § § 2201.4(e) and 2201.6(a)).

(d) The Commission maintains an index to all decisions in OSAHRC Reports. This index is published and is available from the Superintendent of Documents, U.S. Government Printing Office. The index shall be updated, at least quarterly.

(e) Copies of individual Commission decisions (including administrative law judge decisions) may be obtained free of charge from the following offices:

NATIONAL OFFICE

Director of Information and Publications, 1825 K Street, N.W., Washington, D.C. 20006. 202–634–7943.

REGIONAL OFFICES

Atlanta, Georgia: 1365 Peachtree Street, N.E., Room 400, Atlanta, Georgia 30309. 404–526–5197.

Boston, Massachusetts: 100 Summer Street, Suite 1521, Boston, Massachusetts 02110. 617–223–3757.

Chicago, Illinois: 55 East Monroe Street, Room 1530, Chicago, Illinois 60603. 213–353–4034.

Dallas, Texas: 1507 Pacific Avenue, Fidelity Union Tower, Suite 400, Dallas, Texas 75201. 214–749–7171.

Denver, Colorado: 1050 Seventeenth Street, Prudential Building, Suite 1718, Denver, Colorado 80202. 303–837–2281.

New York, New York:
1515 Broadway, Room 3800, New York, New York 10036. 212–399–5985.

St. Louis, Missouri:
1114 Market Street, Room 608, St. Louis, Missouri 63101. 314–425–5071.

Washington, D.C.:
6525 Belcrest Road, Suite 1005, Hyattsville, Maryland 20782. 301–436–8870.

(f) Disclosure of information contained in the official personnel folder of any OSHRC employee or former employee shall be governed by the regulations published by the United States Civil Service Commission in 5 CFR Part 294, Subpart G.

§ 2201.5 Copies of records.

(a) Copies of documents or records of this agency, or within the custody thereof, or information respecting the time and place of hearings will be furnished to any person or organization requesting the same in accordance with this part, except for OSAHRC Reports and Commission index, which are available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. (See § 2201.4(c) and (d)). See § 2201.4(e) for instructions for obtaining copies of individual Commission decisions.

(b) The Director of Information and Publications shall charge a fee for searching for and copying such documents or records.

(1) The fee per copy of each page up to 8½" x 14" shall be $.10 per copy per page. However, when the fee so computed would be less than $3.00, no fee shall be charged.

(2) The search charge shall be $5.00 per hour of clerical time and $10.00 per hour of professional time, except that no search charge shall be made for copies of decisions.

(3) Copies of individual decisions of the Commission shall be available from the Director of Information and Publications and from the several Commission offices without charge (see §§ 2201.4(e) and 2201.6(a)).

(4) Searches for computerized records shall be charged at the actual charge to the government not to exceed $200 per hour. This fee includes machine time and that of the operator and clerical personnel. The fee for computer printouts shall

be 20 cents per page for the original and carbon copies concurrently printed.

(5) The fee for certification or authentication shall be $3.00 per document.

(c) All charges may be waived or reduced by the Director of Information and Publications whenever it is determined that it is in the public interest to do so because furnishing the information can be considered as primarily benefiting the general public.

(d) Copies of documents (including the hearing transcript) which have been filed in an OSHRC case which, at the time of the request therefor, is pending in any United States Court should be directed to such Court.

(e) Requests for transcripts of OSHRC hearing shall be made in accordance with the procedure set out in § 2201.6(d).

§ 2201.6 Procedure for obtaining information.

(a) Persons or organizations wishing to obtain copies of individual Commission decisions (including administrative law judge decisions) may call, write or visit either the Director of Information and Publications at the national office or any of the field offices of the Commission. See § 2201.4(e) for addresses and telephone numbers of those offices. These copies are available free of charge.

(b) Persons or organizations wishing to obtain copies of numerous decisions or an index of decisions are advised to contact the U.S. Government Printing Office to secure copies of OSAHRC Reports and of the OSAHRC Reports Index. See § 2201.4(c) for information on OSAHRC Reports. See § 2201.4(d) for information on the Commission index.

(c) Persons or organizations wishing to obtain copies of the Commission's press releases, rules of procedure or any other published material (other than the index and decisions), information concerning the date, time and place of hearings or other information of a general nature concerning operations of the Commission may call, write or visit the Director of Information and Publications at the national office of the Commission. These documents and items of information are available free of charge.

(d) All persons or organizations requesting any information from the Commission or any record or document (other than the information, records and documents specified in subsections (a), (b) and (c) of this section (§ 2201.6)) of the Commission or in its custody shall submit such request in writing to the Director of Information and Publications, OSHRC, 1825 K Street, N.W., Washington, D.C. 20006. All such requests for information should be clearly identified as a request for information under the Freedom of Information Act, and if submitted by mail or otherwise submitted in an envelope or other cover, should carry the phrase "INFORMATION REQUEST" in capital letters on the front of the envelope or cover.

(e) If a request does not comply with the provisions of the preceding paragraph, it shall not be deemed received by the Commission until the time it is actually received by the Director of Information and Publications.

§ 2201.7 Processing requests.

(a) The Director of Information and Publications shall respond promptly to all requests for information or for copies of records or documents which are submitted in accordance with this regulation but in no event shall such response be furnished later than ten (10) working days following receipt of such request.

(b) A request that is expected to involve assessed fees in excess of $50.00 will not be deemed to have been received until the requester is advised of the anticipated cost and agrees to bear it.

(c) In the event any request for information or for a copy of any document or record is denied, the Director of Information and Publications shall, within 10 working days of the receipt of the request, notify the requester of the denial. Such denial shall specify the reason therefor and also advise that the denial may be appealed as specified hereinafter.

(d) Whenever any request for information or for a copy of any document or record is denied by the Director of Information and Publications, an appeal may be filed with the Chairman of the Commission within 30 working days after the requester receives notification that the request has been denied. The appeal shall be in writing and the Chairman shall respond ot the same in accordance with section 552(a)(6) of Title 5, United States Code, and within the time period set forth therein.

§ 2201.8 Maintenance of statistics.

(a) The Director of Information and Publications shall maintain records of

(1) The total amount of fees collected by this agency pursuant to this part;

(2) The number of denials of requests for records or information made pursuant to this part and the reason for each;

(3) The number of appeals from such denials, together with the results of such appeals, and the reason(s) for the action upon each appeal that results in a denial of information or documents;

(4) The name(s) and title(s) or position(s) of each person responsible for each denial of records requested and the number of instances of participation for each;

(5) The results of each proceeding conducted pursuant to sect ion 552(a)(4)(F) of Title 5, United States Code, including a report of the disciplinary action against the official or employee who was primarily responsible for improperly withholding records or an explanation of why disciplinary action was not taken;

(6) A copy of every rule made by this agency affecting or in implementation of section 552 of Title 5, United States Code;

(7) A copy of the fee schedule for copies of records and documents requested pursuant to this regulation; and

(8) All other information which indicates efforts to administer fully the letter and spirit of the Freedom of Information Act and the above rules.

(b) The Director of Information and Publications shall annually, within 60 days following the close of each calendar year, prepare a report covering each of the categories of records to be maintained in accordance with the foregoing and submit the same to the Speaker of the House of Representatives and the President of the Senate for referral to the appropriate committees of the Congress.

Dated: November 30, 1976.

For the Commission,

WILLIAM S. MCLAUGHLIN,
Executive Secretary.

[FR Doc.76-35680 Filed 12-2-76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 413]

[FRL 652-6]

ELECTROPLATING POINT SOURCE CATEGORY

Withdrawal of Notice of Proposed Rulemaking

In consideration of the matters discussed in the preamble to the Suspension and Revocation of Regulations published today elsewhere in this issue, the proposed effluent limitations guidelines for existing sources, standards of performance and pretreatment standards for new sources, and pretreatment standards for existing sources published in the FEDERAL REGISTER on March 28, 1974 (39 FR 11515) and on April 24, 1975 (40 FR 18140) are hereby withdrawn.

Dated: November 29, 1976.

RUSSELL E. TRAIN,
Administrator.

[FR Doc.76-35727 Filed 12-2-76;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[49 CFR Part 228]

[FRA Docket No. HS-2, Notice No. 2]

CONSTRUCTION OF RAILROAD EMPLOYEE SLEEPING QUARTERS

Proposed Amendment to Hours of Service Regulations

The Federal Railroad Administration proposes to issue permanent rules responsive to section 2(a)(4) of the Hours of Service Act (45 U.S.C. 61-64b) (hereafter Act), as amended by section 4(a) of the Federal Railroad Safety Authorization Act of 1976, Pub. L. No. 94-348, 90 Stat. 818.

The statutory amendment, which became effective on July 8, 1976, makes it unlawful for any common carrier by railroad to construct or reconstruct sleeping quarters for employees covered by the Act "within or in the immediate vicinity (as determined in accordance with rules prescribed by the Secretary) of any area

where railroad switching or humping operations are performed".

Carrier employees covered by the Act include those (1) engaged in or connected with the movement of any train (e.g., trainmen, locomotive engineers, firemen, conductors, switchmen, switchtenders, hostlers), (2) involved in the communication of orders pertaining to or affecting train movements (e.g., operators, train dispatchers), or (3) engaged in installing, repairing or maintaining signal systems (e.g., signal maintainers; persons assigned to signal "gangs" engaged in constructing systems; signal shop employees who repair, test or fabricate signal system components; communications employees who work on circuits governing signals).

FRA administers the ours of Service Act under section 6(f) (3) (A) of the Department of Transportation Act (49 U.S.C. 1655(f) (3) (A)) and a delegation from the Secretary of Transportation (49 CFR 1.49(d)). The proposed rules would amend existing FRA regulations which implement the ours of Service Act (49 CFR Part 228).

By a separate document published in this issue of the FEDERAL REGISTER at page 53028, FRA has issued interim rules relating to the definition of "immediate vicinity" which are virtually identical to those proposed by this notice. The interim rules will remain in effect until the final rules issued in this proceeding become effective.

The primary impetus of this amendment to the Hours of Service Act was the accident that occurred at Decatur, Illinois, on July 19, 1974. (H.R. Report No. 94-1166 (1976) at page 11.) Seven employees were killed and another 33 were injured when an explosion demolished crew quarters that were located between and adjacent to two classification yards, and did other extensive damage in the middle of the Norfolk and Western yard. Three hundred sixteen persons who lived or worked in the surrounding area were also injured. The explosion resulted from accidental release of product which occurred during the switching of hazardous materials.

The approach of the Department of Transportation in attempting to limit or eliminate the risks associated with the transportation of hazardous materials in yards throughout the country has been to work for the prevention of accidental release of product, fires and explosions. This approach is based on the realization that, in many hundreds of localities throughout the country, it is not possible to create a physical separation or buffer zone between railroad yards and nearby homes, businesses and schools. Nor has it appeared to be sound policy to apply drastically different standards to the location of carrier-provided employee crew quarters.

Therefore, the Department, through the Materials Transportation Bureau (formerly the Hazardous Materials Transportation Board) and the FRA, has taken several steps since the Decatur incident to require (1) better equipment design, including the modification of certain existing cars, and (2) more strict operating procedures for handling of hazardous materials. See, e.g., 39 FR 27572, July 30, 1974; 39 FR 38230, October 3, 1974.

In enacting the 1976 amendment to the law, Congress determined that additional protection from accidents such as the one that occurred at Decatur, Illinois, is required for crew quarters. In an integrally related provision of the 1976 amendments, Congress made it unlawful for a carrier "to provide sleeping quarters for employees (including crew quarters, camp or bunk cars, and trailers) which do not afford such employees an opportunity for rest, free from interruptions caused by noise under the control of the railroad, in clean, safe, and sanitary quarters. * * *" (section 2(a) (3) of the Act, as amended; 45 U.S.C. 62(a) (3)). FRA recognizes that the approach of Congress, which links basic standards for existing facilities with more strict standards for new or reconstructed facilities, evidences an intent that conditions be improved generally over a period of time. Thus, FRA has considered both the factors of safety and freedom from carrier-controlled noise in fashioning these rules.

In determining what constitutes the "immediate vicinity" for purposes of the interim rules and these proposed permanent rules, FRA considered, among other things, the: distances of burning and serious damage in accidents (such as the one at Decatur, Illinois) involving detonation of vapor clouds forming as a result of puncture of a tank car; a National Aeronautics and Space Administration (NASA) study of certain chemical tank car explosions occurring between 1958 and 1971 (R. D. Seiwert, NASA Technical Memorandum TMX-68277 (1972)); and the Hazardous Materials—Emergency Action Guide prepared by the National Highway Traffic Safety Administration.

Based on analysis of these materials and other information, FRA proposes that, for purposes of the permanent rules, the "immediate vicinity" of humping or switching operations should mean an area within one-half mile of such operations or such lesser distance meeting the tests described below. The one-half mile distance approximates the average perimeter of the area over which significant burn damage occurred in the worst of the vapor cloud accidents—Decatur, Illinois. In addition, information contained in the NASA study referred to above indicates that 95.4 percent of the large fragments propelled by an explosion caused by ignition of hazardous materials contained in a tank car fall within one-half mile of the point of ignition. (The remaining 4.6 percent of the fragments fall over the succeeding 2,000 feet.) FRA has updated the NASA study of fragment distribution to account for more recent accidents and has found that the data on such accidents are consistent with the NASA study conclusions.

For any proposed project sites within one-half mile of switching or humping operations but outside of one-third mile of such operations, FRA proposes to review the sites to determine the relative safety of and noise levels in crew quarters located at the proposed sites based on the topography of the general area of the site and the rail facilities near the site, the location of other physical improvements situated between the site and areas of rail operations, the distance from trackage where specific types of switching or humping operations are performed, and the type of rail operations within the area including the volume of placarded cars transporting hazardous material. If these factors or other information available to FRA indicates that the proposed site would be safe and would be free from noise within the control of the carrier, the site would be approved.

The one-third mile limitation on this proposed review was established on the basis of the fact that such a distance is the minimum distance over which serious damage has occurred as a result of vapor cloud explosions in the few accidents that have been caused by such an explosion, indicating that a site located within this distance would, except in most unusual circumstances, not be considered safe from such explosions. In addition, 92 percent of the fragments propelled by such an explosion fall within one-third mile. Finally, noise levels within one-third mile are usually so high and of such a quality as to make unlikely the achievement of interior levels which are desirable in light of the statutory objective of uninterrupted rest. *See* J. M. Fath et al., "Measurement of Railroad Noise-Line Operations, Yard Boundaries, and Retarders" (National Bureau of Standards 1974); E. J. Rickley et al., "Noise Level Measurements of Railroads: Freight Yards and Wayside" (Department of Transportation, Transportation Systems Center 1974); "Assessment of Noise Environments Around Railroad Operations" (Wyle Laboratories Report WCR 73-5); E. K. Bender et al., "Railroad Environmental Noise: A State of the Art Assessment" (Bolt Beranek and Newman Inc. 1974).

It has come to the attention of FRA that, in extraordinary situations, it may not be feasible to construct carrier-provided sleeping quarters at or beyond one-third of a mile. Therefore, FRA proposes to consider the approval of locations within that range where the carrier makes an affirmative showing of its inability to obtain an alternate site suitable for the purpose and demonstrates that the location and type of construction are so unique as to justify approval on the grounds of safety and freedom from railroad-caused noise. The cost to the railroad of providing an alternate site would not be considered in evaluating whether a "feasible" alternate site is, in fact, available.

Accordingly, § 228.101 would establish that all sites within one-half mile (2,640 feet) (804 meters) will be presumed to be

in the "immediate vicinity", except as determined otherwise through a site-by-site review. Section 228.103 would prescribe an approval procedure for construction within the range of one-third to one-half mile (1,760 to 2,640 feet) (536 to 804 meters) from any area where switching or humping operations are performed. Section 228.105 would prescribe very rigorous criteria and procedures for approval of sites within one-third mile (1,760 feet) (536 meters). Under § 228.105, the carrier would have to establish that an alternate site cannot be obtained and that the physical characteristics of the location and the proposed method of construction provide extraordinary protection against noise and hazardous materials incidents. Distances would be measured from the nearest rail of trackage utilized for switching or humping to the portion of the site on which would be located the exterior wall of the quarters which is the closest to the areas in which switching or humping are performed.

The rules would have the effect of permitting construction or reconstruction of crew quarters beyond one-half mile without FRA approval. At that distance and beyond, risks associated with hazardous materials incidents are not substantial, and noise from railroad operations is capable of being controlled. However, under the statute the quarters must still be "clean, safe, and sanitary" and must provide "an opportunity for rest free from interruptions caused by noise under the control of the railroad * * *"

Section 228.101(c)(4) would define "switching * * * operations" to include most of those railroad functions commonly referred to as "switching". The result would be that substantially all railroad yards and areas within yards would be considered areas in which switching or humping operations are performed. Of course, switching operations may also be conducted outside of carrier yard limits. This proposed definition of switching operations is responsive to the statutory language and reflects the fact that there is nothing in the legislative history of the provision to suggest that Congress intended a more narrow meaning.

It should be emphasized that the placement of employee sleeping quarters in compliance with these rules would not necessarily establish compliance with the noise criterion or any other of the criteria set forth in paragraph (a)(3) of section 2 of the Act. FRA approval of a particular project within one-half mile would not relieve the carrier of the requirements of that paragraph. Nor would construction beyond one-half mile obviate the need to comply with that paragraph.

In evaluating new construction or reconstruction subject to approval under §§ 228.103 and 228.105, FRA proposes to employ criteria based on those stated in Department of Housing and Urban Development Circular 1390.2 (Noise Abatement and Control: Departmental Policy, Implementation Responsibility and Standards, August 4, 1971). Under the circular, interior noise levels in sleeping quarters should not exceed—

(1) 55dB(A) for more than an accumulation of 60 minutes in any 24-hour period,

(2) 45dB(A) for more than 30 minutes during night time sleeping hours from 11:00 p.m. to 7:00 a.m.; or

(3) 45dB(A) for more than an accumulation of eight (8) hours in any 24-hour day.

As used above, the term "dB(A)" means decibel values for those sound levels measured using the A-weighting network of a standardized sound level meter. The A-weighting network most closely approximates the response of the human ear to noise.

Since railroads generally operate on a 24-hour "around the clock" basis, it should be assumed that sleeping quarters for railroad employees will likewise be occupied at all times. Consequently, to assure that railroad employees receive adequate rest, it is proposed that the noise level in newly constructed or reconstructed sleeping quarters not be permitted to exceed 45dB(A) for more than 30 minutes during any eight (8) hour period. The rules would provide that such a standard be employed in evaluating sites subject to approval. Comment is especially solicited on the ability of the industry to meet these criteria and on whether upper limits should be set on intermittent noises which exceed the 45dB (a) standard but which, in aggregate duration, may not exceed 30 minutes in a period of eight (8) hours.

In view of the limited economic consequences of the rule set forth below, FRA has determined that this notice does not constitute a "major proposal" under Executive Order 11821 and DOT Order 2050.4. Thus, an Inflation Impact Statement is not required.

Since promulgation of a rule of the character proposed herein is mandated by section 2(a)(4) of the Hours of Service Act, as amended, this rulemaking is excepted from the requirement that an evaluation of the regulatory impact be made and that a summary of the evaluation be published in the FEDERAL REGISTER (see 41 FR 16200; April 16, 1976).

Interested persons may participate in this rulemaking by submitting written data, views, or comments. Communications should refer to Docket No. HS-2 and should be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, 400 7th Street, S.W., Washington, D.C. 20590. Comments received by January 17, 1977 will be considered by FRA. If requested in writing by a person desiring to make an oral presentation, FRA will schedule an informal hearing on this proposed rulemaking. The proposals contained in this notice may be changed in light of comments received.

This notice is issued under authority of the Hours of Service Act, as amended, 45 U.S.C. 61–64b, and § 1.49(d) of the regulations of the Office of the Secretary of Transportation (49 CFR 1.49(d)).

In consideration of the foregoing, it is proposed to amend Part 228 as follows:

1. By dividing Part 228 into three subparts and revising the table of contents to read as follows:

PART 228—HOURS OF SERVICE OF RAILROAD EMPLOYEES

Subpart A—General

Sec.
228.1 Scope
228.3 Application
228.5 Definitions

Subpart B—Records and Reporting

228.7 Hours of duty
228.9 Railroad records; general
228.11 Hours of duty records
228.13 Train delay records
228.15 Record of train movements kept at reporting station
228.17 Dispatcher's record of train movements
228.19 Monthly reports of excess service
228.21 Civil penalty
228.23 Criminal penalty

Subpart C—Construction of Employee Sleeping Quarters

228.101 Distance Requirement: definitions.
228.103 Approval procedure: construction between one-third and one-half mile (1,760 to 2,640 feet) (536 to 804 meters).
228.105 Approval procedure: construction within one-third mile (1,760 feet) (536 meters).
228.107 Action on petition.

2. By inserting "Subpart A—General" as a centerhead immediately above § 228.1 and by revising § 228.1 to read as follows:

§ 228.1 Scope.

This part—

(1) prescribes reporting and record keeping requirements with respect to the hours of service of railroad employees; and

(2) establishes standards and procedures concerning the construction or reconstruction of employee sleeping quarters.

3. By inserting "Subpart B—Records and Reporting" as a centerhead immediately above § 228.7 and by adding the following new subpart:

Subpart C—Construction of Employee Sleeping Quarters

§ 228.101 Distance requirement; definitions.

(a) The Hours of Service Act, as amended (45 U.S.C. 61–64b), makes it unlawful for any common carrier engaged in interstate or foreign commerce by railroad to begin, on or after July 8, 1976, the construction or reconstruction of sleeping quarters for employees who perform duties covered by the Act, "within or in the immediate vicinity (as determined in accordance with rules prescribed by the Secretary [of Transportation]) of any area where railroad switching or humping operations are performed".

(b) Except as determined in accordance with §§ 228.103 and 228.105 of this subpart, the "immediate vicinity" shall mean the area within one-half mile (2,640 feet) (804 meters) of switching or

humping operations as measured from the nearest rail of the nearest trackage utilized on a regular or intermittent basis for switching or humping operations to the point on the site where the carrier proposes to construct or reconstruct the exterior wall of the structure, or portion of such wall, which is closest to such operations.

(c) As used in this subpart—

(1) "Construction" shall refer to the—

(i) creation of a new facility; or

(ii) expansion of an existing facility.

(2) "Reconstruction" shall refer to the—

(i) replacement of an existing facility with a new facility on the same site; or

(ii) rehabilitation or improvement of an existing facility (normal periodic maintenance excepted) involving the expenditure, within any period of 18 months, of an amount representing more than 50 percent of the replacement cost of such facility at the time the program of rehabilitation or improvement began.

(3) The term "switching * * * operations" includes the classification of cars according to commodity or destination, assembling of cars for train movements, changing the position of cars for purposes of loading, unloading, or weighing, and placing of locomotives and cars for repair. However, the term does not include the moving of rail equipment in connection with work service, the moving of a train or part of a train within yard limits by a road locomotive, or placing locomotives or cars in a train or removing them from a train by a road locomotive while en route to the train's destination.

§ 228.103 Approval procedure: construction between one-third and one-half mile (1,760 to 2,640 feet) (536 to 804 meters).

(a) A common carrier that has developed plans for the construction or reconstruction of sleeping quarters subject to this subpart, and which is considering a site at least one-third mile (1,760 feet) (536 meters) but less than one-half mile (2,640 feet) (804 meters) from any area where switching or humping operations are performed, measured from the nearest rail of the nearest trackage utilized on a regular or intermittent basis for switching or humping operations to the point on the site where the carrier proposes to construct or reconstruct the exterior wall of the structure, or portion of such wall, which is closest to such operations, may petition the Administrator for approval of construction or reconstruction on that site.

(b) The petition shall be filed in triplicate with the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Washington, D.C. 20590 and shall contain the following:

(1) A brief description of the type of construction planned, including materials to be employed, means of egress from the quarters, and actual and projected exterior noise levels and projected interior noise levels;

(2) The number of employees expected to utilize the quarters at full capacity;

(3) A brief description of the site including:

(i) distances from trackage where switching or humping operations are performed, specifying distances from particular functions such as classification, repair, assembling of trains from large groups of cars, etc.;

(ii) topography within a general area consisting of the site and all of the rail facilities close to the site; and

(iii) location of other physical improvements situated between the site and areas where railroad operations are conducted;

(4) A blueprint or other drawing showing the relationship of the site to trackage and other planned and existing facilities;

(5) The proposed or estimated date for commencement of construction;

(6) A description of the average number and variety of rail operations in the areas within one-half mile (2,640 feet) (804 meters) of the site (e.g., number of cars classified in 24-hour period; number of train movements);

(7) An estimate of the average daily number of placarded rail cars transporting hazardous materials through the railroad facility, specifying the—

(i) number of such cars transporting Class A explosives, poison gases, and flammable poison gases; and

(ii) number of such cars transporting liquified flammable gases and anhydrous ammonia which are subject to FRA Emergency Order No. 5;

(8) A statement certified by a corporate officer of the carrier possessing authority over the subject matter explaining any plans for future utilization of existing trackage, or for the construction of new trackage, which may impact on the location of switching or humping operations within one-half mile of the proposed site (if there are no plans, the carrier officer must so certify); and

(9) Any further information which is necessary for evaluation of the site.

(c) A petition filed under this section or under section 228.105 must contain a statement that the petition has been served on the recognized representatives of the railroad employees who will be utilizing the proposed sleeping quarters, together with a list of the employee representatives served.

§ 228.105 Approval procedure: construction within one-third mile (1,760 feet) (536 meters).

(a) A common carrier that has been unable to identify a feasible site which is one-third mile (1,760 feet) (536 meters) or more from any area in which switching or humping operations are performed, measured from the nearest rail of the nearest trackage utilized on a regular or intermittent basis for switching or humping operations to the point on the site where the carrier proposes to construct or reconstruct the exterior wall of the structure, or portion of such wall, which is closest to such operations, may petition the Administrator for approval of a site within one-third mile (1,760 feet) (536 meters) of such an area.

(b) The petition must contain the information and be filed in the manner specified by paragraph (b) of § 228.103 and must be certified to be an accurate representation of fact and carrier intent by a corporate officer of the carrier possessing authority over the subject matter, and must establish that—

(1) no feasible alternate site located at or beyond one-third mile from switching or humping operations is either presently available to the railroad or is obtainable at any cost within three miles (15,840 feet) (4,827 meters) of the reporting point for the employees who are to be housed in the sleeping quarters;

(2) natural or other barriers exist or will be created prior to commencement of construction or reconstruction between the proposed site and any areas in which switching or humping operations are performed which will be adequate to shield the facility from the direct and severe effects of a hazardous materials accident/incident, arising in an area of switching or humping operations;

(3) the topogarphy of the property is such as most likely to cause any hazardous materials unintentionally released during switching or humping to flow away from the proposed site; and

(4) the facility will be so constructed as to assure that interior noise within the control of the railroad will be within limits permitting proper rest.

§ 228.107 Action on petition.

(a) Each petition for approval filed under §§ 228.103 or 228.105 of this subpart is referred to the Railroad Safety Board for action in accordane with the provisions of Part 211, Title 49, Code of Federal Regulations, concerning the processing or requests for special approvals.[1]

(b) In considering a petition for approval filed under §§ 228.103 or 228.105 of this subpart, the Railroad Safety Board evaluates the material factors bearing on—

(1) the safety of employees utilizing the facility in the event of a hazardous materials accident/incident; and

(2) interior noise levels in the facility.

(c) The Railroad Safety Board will not approve an application submitted under §§ 228.103 or 228.105 of this subpart if it is determined that the proposed sleeping quarters will be so situated and constructed as to permit interior noise levels resulting from exterior noise sources and interior building sources exceeding:

(1) 55dB(A) for more than an accumulation of 60 minutes in any 24-hour period; or

(2) 45dB(A) for more than 30 minutes during any 8-hour period.

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[1] Any request for approval of a site submitted to the Administrator after July 8, 1976, but prior to the effective date of this subpart, is treated as an effective petition under these rules. However, the Railroad Safety Board may require submission of—

(1) such additional information as may be required properly to evaluate the proposed site; and

(2) a certification responsive to subparagraph (b)(8) of § 228.103 and/or paragraph (b) of § 228.105, if appropriate.

Issued in Washington, D.C. on November 29, 1976.

ASAPH H. HALL,
Federal Railroad Administrator.

[FR Doc.76-35601 Filed 12-2-76;8:45 am]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 17]

ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Proposed Determination of Critical Habitat for the Florida Everglade Kite and Dusky Seaside Sparrow

The Director, United States Fish and Wildlife Service (hereinafter, the Director and the Service, respectively) hereby issues a Proposed Rulemaking which would determine Critical Habitat for the Florida Everglade Kite (*Rostrhamus sociabilis plumbeus*) and the Dusky Seaside Sparrow (*Ammospiza maritima nigrescens*). This Proposal is issued pursuant to Section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1531–1543; 87 Stat. 884; hereinafter the Act).

BACKGROUND

The Florida Everglade Kite and Dusky Seaside Sparrow are both restricted to Florida, and have been officially listed as Endangered since 1967. Hope for the survival and recovery of these species depends in large part on the maintenance of the particular kinds of habitat for which they are adapted. A notice of intent to determine Critical Habitat for both species was published by the Service in the FEDERAL REGISTER of May 16, 1975 (40 FR 21499–21500). Subsequently, Service-appointed recovery teams for each species developed recommendations for Critical Habitat designations. The Director of Region 4 of the Service in Atlanta forwarded the recommended delineations for the Kite on June 11, 1976, and for the Sparrow on July 26, 1976.

With respect to the Florida Everglade Kite, the areas delineated below contain the best and largest remaining stretches of suitable habitat for the species. These areas support substantial numbers of Apple Snails (*Pomacea paludosa*) upon which the Kites depend for food. The Snails, in turn, are dependent on maintenance of water levels in the marshes. The delineated areas have suitable water levels or have good potential for being managed for maximum snail production.

With respect to the Dusky Seaside Sparrow, the areas delineated below contain the world's entire population of the species. These areas are covered predominantly by open expanses of moist cordgrass (*Spartina bakerii*) savannas, about 10 to 15 feet above mean sea level. The Sparrow seems to be fully adapted to this restricted habitat with its high salinity aspects.

Information obtained during the comment period may allow more restrictive final delineation of these Critical Habitats. It is emphasized also that additions or modifications may be proposed in the future.

EFFECTS OF THE RULEMAKING

The effects of this determination are involved promarily with section 7 of the Act, which states:

> The Secretary shall review other programs administered by him and utilize such programs in furtherance of the purposes of this Act. All other Federal departments and agencies shall, in consultation with and with the assistance of the Secretary, utilize their authorities in furtherance of the purposes of this Act by carrying out programs for the conservation of endangered species and threatened species listed pursuant to section 4 of this Act and by taking such action necessary to insure that actions authorized, funded, or carried out by them do not jeopardize the continued existence of such endangered species and threatened species or result in the destruction or modification of habitat of such species which is determined by the Secretary, after consultation as appropriate with the affected States, to be critical.

An interpretation of the term "Critical Habitat" was published by the Fish and Wildlife Service and the National Marine Fisheries Service in the FEDERAL REGISTER of April 22, 1975 (40 FR 17764–17765). Some of the major points of that interpretation are: (1) Critical Habitat could be the entire habitat of a species, or any portion thereof, if any constituent element is necessary to the normal needs of survival of that species; (2) actions by a Federal agency affecting Critical Habitat of a species would not conform with Section 7 if such actions might be expected to result in a reduction in the numbers or distribution of that species of sufficient magnitude to place the species in further jeopardy, or restrict the potential and reasonable recovery of that species; and (3) there may be many kinds of actions which can be carried out within the Critical Habitat of a species which would not be expected to adversely affect that species.

This last point has not been well understood by some persons. There has been widespread and erroneous belief that a Critical Habitat designation is something akin to establishment of a wilderness area or wildlife refuge, and automatically closes an area to most human uses. Actually, a Critical Habitat designation applies only to Federal agencies, and essentially is an official notification to these agencies that their responsibilities pursuant to section 7 of the Act are applicable in a certain area.

A Critical Habitat designation must be based solely on biological factors. There may be questions of whether and how much habitat is critical, in accordance with the above interpretation, or how to best legally delineate this habitat, but any resultant designation must correspond with the best available biological data. It would not be in accordance with the law to involve other motives; for example, to enlarge a Critical Habitat delineation so as to cover additional habitat under Section 7 provisions, or to reduce a delineation so that actions in the omitted area would not be subject to evaluation.

There may indeed be legitimate questions of whether, and to what extent, certain kinds of actions would adversely affect listed species. These questions, however, are not relevant to the biological basis of Critical Habitat delineations. Such questions should, and can more conveniently, be dealt with after Critical Habitat has been designated. In this respect, the Service in cooperation with other Federal agencies has drawn up a set of guidelines which, in part, establish a consultation and assistance process for helping to evaluate the possible effects of actions on Critical Habitat.

PUBLIC COMMENTS SOLICITED

The Director intends that the rules finally adopted be as accurate as possible in delineating the Critical Habitat of the Florida Everglade Kite and the Dusky Seaside Sparrow. The Director, therefore, desires, to obtain the comments and suggestions of the public, other concerned governmental agencies, the scientific community, or any other interested party on these Proposed Rules.

Final promulgation of Critical Habitat regulations will take into consideration the comments received by the Director. Such comments and any additional information received may lead the Director to adopt final regulations that differ from this Proposal. An environmental assessment has been prepared in conjunction with this proposal, and is available for inspection during regular business hours at the Service's Office of Endangered Species, 1612 K Street, NW., Washington, D.C. 20240.

SUBMITTAL OF WRITTEN COMMENTS

Interested persons may participate in this Rulemaking by submitting written comments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, P.O. Box 19183, Washington, D.C. 20036. All relevant comments received no later than January 31, 1977 will be considered. The Service will attempt to acknowledge receipt of comments, but substantive responses to individual comments may not be provided. Comments received will be available for public inspection during normal business hours at the Service's Office in Suite 600, 1612 K Street, NW., Washington, D.C.

Dated: November 16, 1976.

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

Accordingly, it is hereby proposed to amend 50 CFR Part 17:

1. By amending the Table of Sections for Subpart F of Part 17 to read as follows:

Subpart F—Critical Habitat

Sec.

* * * * *

17.95(b) (3) Florida Everglade Kite.
17.95(b) (4) Dusky Seaside Sparrow.

2. By adding a new § 17.95(b) (3) and § 17.95(b) (4) reading as follows:

§ 17.95(b)(3) Florida Everglade Kite.

The following areas are Critical Habitat for the Florida Everglade Kite (*Rostrhamus sociabilis plumbeus*):

FLORIDA

Areas of land (predominantly marsh), water, and airspace (exclusive of existing man-made structures or settlements which are not necessary to the survival or recovery of the species), with the following components (Tallahassee Meridian): *St. Johns Reservoir,* Indian River County: T. 33 S., R. 37 E., SW¼ Sec. 6, W½ Sec. 7, Sec. 18, Sec. 19. *Cloud Lake Reservoir,* St. Lucie County: T. 34 S., R. 38 E., S½ Sec. 16, N½ Sec. 21. *Strazzulla Reservoir,* St. Lucie County: T. 34 S., R. 38 E., SW¼ Sec. 21. Western parts of *Lake Okeechobee,* Glades and Hendry Counties, extending along the western shore to the east of the levee system and the undiked high ground at Fisheating Creek, and from the Hurricane Gate at Clewiston northward to the mouth of the Kissimmee River; including all the *Eleocharis* flats of Moonshine Bay, Monkey Box, and Observation Shoal; but excluding the open water north and west of the northern tip of Observation Shoal, north of Monkey Box, and east of Fisheating Bay.

Loxahatchee National Wildlife Refuge (Central and Southern Florida Flood Control District Water Conservation Area 1), Palm Beach County, including Refuge Management Compartments A, B, C, and D; and all of the main portion of the Refuge as bounded by Levees L–7, L–39, and L–40. *Central and Southern Florida Flood Control District Water Conservation Area 2A,* Palm Beach and Broward Counties, as bounded by Levees L–6, L–35B, L–36, L–38, and L–39. *Central and Southern Florida Flood Control District Water Conservation Area 2B,* Broward County, as bounded by Levees L–35, L–35B, L–36, and L–38.

Central and Southern Florida Flood Control District Water Conservation Area 3A, Broward and Dade Counties, as bounded by Florida Highway 84; Levees L–68A, L–67A (north of Miami Canal), L–67C (south of Miami Canal), L–29, and L–28; and a line along the undiked northwestern portion of the Area. That portion of *Everglades National Park,* Dade County, within the following boundary: beginning at the point where the Park boundary meets Florida Highway 94 in T. 54 S., R. 35 E., Sec. 20; thence eastward and southward along the Park boundary to the southwest corner of Sec. 31 in T. 7 S., R. 37 E.; thence southwestward along a straight line to the southwest corner of Sec. 2 in T. 58 S., R. 35 E.; thence westward along the south sides of Sec. 3, 4, 5, and 6 in T. 58 S., R. 35 E., to the Dade-Monroe County line; thence northward along the Dade-Monroe County line to the Park boundary; thence eastward and northward along the Park boundary to the point of beginning.

Pursuant to section 7 of the Act, all Federal agencies must take such action as is necessary to insure that actions authorized, funded, or carried out by them do not result in the destruction or modification of these Critical Habitat areas.

§ 17.95(b)(4) Dusky Seaside Sparrow.

The following areas are Critical Habitat for the Dusky Seaside Sparrow (*ammospiza maritima nigrescens*):

FLORIDA

Cordgrass (*Spartina bakerii*) savannas and associated land, water, and air space (exclusive of existing man-made structures or settlements which are not necessary to the survival or recovery of the species) within the following boundary, Brevard County: Beginning at the point where Florida Highway 524 intersects Interstate Highway 95; thence westward along Florida highways 524 and 520 to the main channel of the St. Johns River; thence northward along said channel to Florida Highway 46; thence eastward along Florida Highway 46 to Interstate Highway 95; thence southward along Interstate Highway 95 to the point of beginning. Marshes and associated airspace within the mosquito control impoundments designated by the Brevard County Mosquito Control District as T–10–J and T–10–K, northwest of Florida Highway 406 on the Merritt Island National Wildlife Refuge, Brevard County.

Pursuant to section 7 of the Act, all Federal agencies must taken such action as is necessary to insure that actions authorized, funded, or carried out by them do not result in the destruction or modification of these Critical Habitat areas.

[FR Doc.76-35622 Filed 12-2-76;8:45 am]

Fish and Wildlife Service

[50 CFR Part 17]

ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Proposed Determination of Critical Habitat for the Grizzly Bear: Extension of Public Hearing

In the FEDERAL REGISTER of November 11, 1976 (41 FR 49859), public hearings on a proposal to determine Critical Habitat for the grizzly bear were announced. These public hearings are scheduled to be held at Cody, Wyoming on December 8, 1976; Missoula, Montana, on December 10, 1976; St. Anthony, Idaho, on December 14, 1976; and Washington, D.C., on December 17, 1976. Due to the great interest in this issue expressed by persons in northwestern Montana, it is deemed necessary to extend the hearing scheduled for Missoula, Montana on December 10, 1976, to Kalispell, Montana on Saturday, December 11, 1976. The hearing will be held at the Outlaw Inn, 1701 Highway 93 South, Kalispell, Montana 59901, from 1 p.m. to 4 p.m. and 7 p.m. to 9 p.m. Any questions concerning this extended public hearing should be directed to John Davis, Region 6, U.S. Fish and Wildlife Service, P.O. Box 25486, Denver Federal Center, Denver, Colorado 80225, Telephone 303/234–4600.

Dated: November 30, 1976.

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

[FR Doc.76-35769 Filed 12-2-76;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF LABOR

Bureau of Labor Statistics

BUSINESS RESEARCH ADVISORY COUNCIL'S COMMITTEE ON CONSUMER AND WHOLESALE PRICES

Cancellation of Meeting

The meeting of the Business Research Advisory Council's Committee on Consumer and Wholesale Prices scheduled for December 3, 1976, has been cancelled. The meeting will be rescheduled at a later date.

The announcement of this meeting was published in the FEDERAL REGISTER Document 76-33453, Friday, November 12, 1976, Vol. 41, No. 220 (41 FR 50033).

Signed at Washington, D.C., this 29th day of November 1976.

NOTE.—This document is reprinted without change from the issue of Wednesday, December 1, 1976.

JULIUS SHISKIN,
Commissioner of Labor Statistics.

[FR Doc.76-35571 Filed 11-30-76;9:27 am]

Employee Benefit Security Office

EMPLOYEE BENEFIT PLANS

Pendency of Exemption for Transaction Involving the Operating Engineers Journeyman and Apprentice Training Trust and Guy F. Atkinson Co. (Application No. L-406); Extension of Comments Period

On October 5, 1976, a notice was published in the FEDERAL REGISTER (41 FR 43976) of the pendency of a proposed exemption from the restrictions of section 406(a) of the Employee Retirement Income Security Act of 1974 relating to a transaction involving the Operating Engineers Journeyman and Apprentice Training Trust (the Plan) and Guy F. Atkinson Company.

The notice stated that the trustees of the Plan represented that notice of the proposed exemption would be given (1) by publication in the Union newspaper, Engineers News-Record, of the notice of pendency as published in the FEDERAL REGISTER, and (2) by mailing copies of the proposed exemption to the employer associations which are signatories to the trust agreement creating the Plan. The notice as published also stated that in order to receive consideration, comments from interested persons had to be received by the Department of Labor on or before November 19, 1976.

The trustees of the Plan have represented that notice of the proposed exemption was not placed in the October issue of the Union Newspaper, but was included in the November issue, which was mailed on November 19, 1976, to the Union membership. The notice in the Union Newspaper indicated that the Department of Labor is in the process of extending the date for the receipt of written comments from November 19, 1976, to December 15, 1976. The trustees also represent that a copy of the proposed exemption was mailed to each employer association on November 12, 1976, and that such employer associations were notified that the Department of Labor is in the process of extending the comment period to December 15, 1976. An extension of time, until December 15, 1976, has been requested for the submission of comments by interested persons.

Accordingly, the Department hereby extends the date for submission of written comments regarding the proposed exemption until December 15, 1976.

Signed at Washington, D.C., this 25th day of November 1976.

WILLIAM J. CHADWICK,
Administrator of Pension and Welfare Benefit Programs, U.S. Department of Labor.

[FR Doc.76-35454 Filed 12-2-76;8:45 am]

Employment and Training Administration

EMPLOYMENT TRANSFER AND BUSINESS COMPETITION DETERMINATIONS

Applications

The organizations listed in the attachment have applied to the Secretary of Agriculture for financial assistance in the form of grants, loans, or loan 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 caculated to or is likely to result in the transfer from one area to another of any employment or business activity provided by operations of the applicant. It is permissible to assist the establishment of a new branch, affiliate or subsidiary, only if this will not result in increased unemployment in the place of present operations and there is no reason to believe the new facility is being established with the intention of closing down an operating facility.

The Act also prohibits such assistance if the Secretary of Labor determines that it is calculated to or is likely to result in an increase in the production of goods, materials, or commodities, or the availability of services or facilities in the area, when there is not sufficient demand for such goods, materials, commodities, services, or facilities to employ the efficient capacity of existing competitive commercial or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area.

The Secretary of Labor's review and certification procedures are set forth at 29 CFR Part 75. In determining whether the applications should be approved or denied, the Secretary will take into consideration the following factors:

1. The overall employment and unemployment situation in the local area in which the proposed facility will be located.
2. Employment trends in the same industry in the local area.
3. The potential effect of the new facility upon the local labor market, with particular emphasis upon its potential impact upon competitive enterprises in the same area.
4. The competitive effect upon other facilities in the same industry located in other areas (where such competition is a factor).
5. In the case of applications involving the establishment of branch 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 29th day of November 1976.

BEN BURDETSKY,
Deputy Assistant Secretary for Employment and Training.

Applications received during the week ending Nov. 26, 1976

Name of applicant	Location of enterprise	Principal product or activity
Arena Del Rio, Inc	Gurabo, Puerto Rico	Manufacture of sand and gravel.
Hercules Concrete Pumps, Inc	Hattieburg, Miss	Manufacture of concrete pumps.
Magee Landscaping, Inc	Columbia, Miss	Landscaping of commercial and residential buildings, highways, and canals.
Norwalk Bowling Center, Inc	Norwalk, Ohio	Bowling alley, restaurant, and bar.
William B. Burgett and Shirley A. Burgett	Middleburry, Ohio	General contractor.

[FR Doc.76-35422 Filed 12-2-76;8:45 am]

FEDERAL SUPPLEMENTAL BENEFITS (EMERGENCY UNEMPLOYMENT COMPENSATION)

Oregon; Availability of Federal Supplemental Benefits

This notice announces the beginning of a new Federal Supplemental Benefit Period in the State of Oregon, effective November 28, 1976.

The Emergency Unemployment Compensation Act of 1974 (Pub. L. 93-572, enacted December 31, 1974) (the Act) created a temporary program of supplementary unemployment benefits (referred to as Federal Supplemental Benefits) for unemployed individuals who have exhausted their rights to regular and extended benefits under State and Federal unemployment compensation laws. Federal Supplemental Benefits are payable during a Federal Supplemental Benefit Period in a State which has entered into an Agreement under the Act with the United States Secretary of Labor. A Federal Supplemental Benefit Period is triggered on in a State when unemployment in the State or in the State and the nation reaches the high levels set in the Act. During a Federal Supplemental Benefit Period the maximum amount of Federal Supplemental Benefits which are payable to eligible individuals will be up to 13 weeks or 26 weeks, depending upon the level of the rate of insured unemployment in the State.

There is a Federal Supplemental Benefit "on" indicator in a State for a week if the United States Secretary of Labor determines with respect to the State, that, (a) there is a State or National "on" indicator for the week, as determined for the purposes of payment of extended benefits under the Federal-State Extended Unemployment Compensation Act of 1970, as amended, and (b) the employment security agency of the State has determined that the average rate of insured unemployment in the State for the period consisting of that week and the immediately preceding twelve weeks equalled or exceeded 5.0 percent. The Federal Supplemental Benefit Period actually begins with the third week following the week for which there is an "on" indicator, and lasts for a minimum period of not less than 26 weeks.

Similarly, an "off" indicator ending a Federal Supplemental Benefit Period occurs in a week when the Secretary of Labor determines that the average rate of insured unemployment (as determined by the State employment security agency) for the period consisting of that week and the immediately preceeding twelve weeks is less than 5.0 percent. The Federal Supplemental Benefit Period actually ends with the third week after the week in which there is an "off" indicator, but not earlier than the end of the twenty-sixth week of the period.

The Secretary of Labor has determined under section 203(d) of the Federal-State Extended Unemployment Compensation Act of 1970, as amended, and 20 CFR 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 Oregon 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 November 13, 1976, and the immediately preceding twelve weeks equalled or exceeded 5.0 percent.

Therefore, I have determined in accordance with the Act and 20 CFR 618.19 (a), and as authorized by the Secretary of Labor's Order 4-75, dated April 16, 1975 (published in the FEDERAL REGISTER on April 28, 1975, at 40 FR 18515), that there was a Federal Supplemental Benefit "on" indicator in the State of Oregon for the week ending on November 13, 1976, and that a Federal Supplemental Benefit Period therefore commenced in that State with the week beginning on November 28, 1976.

There will be a 5-per centum period in effect in the new Federal Supplemental Benefit Period, comencing at the bebinning of the new period. During the 5-per centum period an individual who is eligible for Federal Supplemental Benefits will be entitled to a maximum amount of up to 13 times the individual's weekly benefit amount, or, if less, the balance in the individual's Federal Supplemental Benefit Account.

In the event that a 6-per centum period subsequently takes effect in the new Federal Supplemental Benefit Period, because the rate of insured unemployment in the State has risen to an average of 6.0 percent or more over a period of thirteen weeks, the maximum amount of Federal Supplemental Benefits payable to an eligible individual will increase. In that event an eligible individual will be entitled to a maximum amount of Federal Supplemental Benefits of up to 26 times the individual's weekly benefit amount, or, if less, the balance in the individual's Federal Supplemental Benefit Account.

The State employment security agency will furnish a written notice of potential entitlement to Federal Supplemental Benefits to each individual who is an "exhaustee" (as defined in the Act and 20 CFR 618.5) of regular and extended benefits payable under State and Federal unemployment compensation laws, and to each individual who has a previously established Federal Supplemental Benefit Account in which there is any balance as of the beginning of the new Federal Supplemental Benefit Period. The State employment security agency also will furnish a written notice to each individual for whom a Federal Supplemental Benefit Account has been established, of the beginning or ending of a 6-per centum period in the new Federal Supplemental Benefit Period, and its effect on the individual's entitlement to Federal Supplemental Benefits.

There was a prior Federal Supplemental Benefit Period in Oregon which terminated with the week ending on November 27, 1976, as announced in the notice published in the FEDERAL REGISTER on November 30, 1976, at 41 FR 52556. Immediately following the end of the prior Federal Supplemental Benefit Period, there was to be an additional eligibility period for each individual who qualified, which was to last for 13 weeks unless terminated sooner by reason of the beginning of a new Federal Supplemental Benefit Period. Because the new Federal Supplemental Benefit Period began immediately following the end of the prior benefit period in Oregon, there were no individual additional eligibility periods following the prior benefit period.

Any individual who qualified for an additional eligibility period will be entitled to Federal Supplemental Benefits in the new Federal Supplemental Benefit Period, if there is any balance left in the individual's Federal Supplemental Benefit Account as of the beginning of the new period. The maximum amount payable to any of those individuals will be governed, as stated above, by whether a 5-per centum or a 6-per centum period is in effect and by the balance in each individual's Federal Supplemental Benefit Account.

Persons who believe they may be entitled to Federal Supplemental Benefits in the State of Oregon, or who wish to inquire about their rights under this program, should contact the nearest Employment Office of the Oregon Employment Division in their locality.

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

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

[FR Doc.76-35792 Filed 12-2-76;8:45 am]

Occupational Safety and Health Administration

ALASKA

Approval of State Standards

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called 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 August 10, 1973, notice was published in the FEDERAL REGISTER (38 FR 21628) of the approval of the Alaska plan and the adoption of Subpart R to Part 1952 containing the decision.

The Alaska plan provides for the adoption of State standards which are at least as effective as comparable Fed-

eral standards promulgated under section 6 of the Act. Section 1952.243 of Subpart R sets forth the State's schedule for the adoption of at least as effective State standards.

By letter dated September 24, 1976, from Edmund N. Orbeck, Commissioner, to James W. Lake, Regional Administrator, and incorporated as part of the plan, the State submitted State standards comparable to 29 CFR Part 1926 as published in the FEDERAL REGISTER on June 24, 1974 (39 FR 22801), and 29 CFR 1926.750(b)(2) and (b)(2)(iii) which were published in the FEDERAL REGISTER on July 2, 1974 (39 FR 24361).

These standards which are contained in Subchapter 5 of the Alaska Construction Code, were promulgated after hearings held on May 25, June 2, and July 2, 1976, and adopted by reference as provided in AS 44.62.130 of the Alaska Administrative Procedures Act.

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 and accordingly are hereby approved. In general, the State has adopted all applicable Federal standards, and on its own initiative adopted hundreds of State original standards based on suggestions submitted by the State's compliance officers, and public comment from both employers and employees. These standards cover a broad spectrum of hazards found in the industry. The detailed standards comparison is available at the locations specified below.

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 normal business hours at the following locations: Office of the Regional Administrator, Occupational Safety and Health Administration, Room 6048, Federal Office Building, 909 First Avenue, Seattle, Washington 98174; State of Alaska, Department of Labor, Office of the Commissioner, Juneau, Alaska 99801; and Technical Data Center, Occupational Safety and Health Administration, New Department of Labor Building, Room N-3620, 200 Constitution Avenue N.W., Washington, D.C. 20210.

4. *Public participations:* Section 1953.2 (c) of this chapter provides that where State standards are identical to or "at least as effective" as comparable Federal standards and have been promulgated in accordance with State law, approval may be effective upon publication without an opportunity for further public participation. As the standards under consideration are "at least as effective" as the Federal standards and have been promulgated in accordance with State law, including an opportunity for public comment and/or public hearings, they are approved without an opportunity for further public comment.

This decision is effective December 3, 1976.

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

Signed at Seattle, Washington this 29th day of October 1976.

JOHN A. GRANCHI,
Acting Regional Administrator, Occupational Safety and Health Administration.

[FR Doc.76-35688 Filed 12-2-76;8:45 am]

MICHIGAN

Approval of State Standards

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 (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 October 3, 1973, notice was published in the FEDERAL REGISTER, 38 FR 27338, of the approval of the Michigan plan and the adoption of Subpart T to Part 1952 containing the decision.

The Michigan 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. Section 1952.263 of Subpart T sets forth the State's schedule for the adoption of at-least-as-effective-as State standards. By several letters, from Keith Molin, Director, Michigan Department of Labor, and Maurice S. Reizen, M.D., Director, Michigan Department of Public Health, to Edward E. Estkowski, Regional Administrator, Occupational Safety and Health Administration, and to Nicholas DiArchangel, Acting Regional Administrator, Occupational Safety and Health Administration, and incorporated as part of the plan, the State submitted State safety and health standards which are at least as effective as the following Federal standards: 29 CFR 1910.21 through 1910.30, Subpart D ("Walking and Working Surfaces"), submitted to the Regional Administrator on September 23, 1976; 29 CFR 1910.66 through 1910.68, Subpart F ("Powered Platforms, Manlifts, and Vehicle-Mounted Work Platforms"), submitted September 17, 1976; 29 CFR 1910.93 through 1910.97, Subpart G ("Occupational Health and Environmental Control"), submitted October 28, 1976; 29 CFR 1910.101 through 1910.111, Subpart H ("Hazardous Materials"), submitted October 28, 1975; 29 CFR 1910.141 through 1910.145, Subpart J ("General Environmental Controls"), submitted August 26, 1975 (safety standards) and September 25, 1975 (health standards); 29 CFR 1910.151, Subpart K ("Medical and First Aid"), submitted July 16, 1975; 29 CFR 1910.156 through 1910.161, Subpart L ("Fire Protection"), submitted September 8, 1976; 29 CFR 1910.176 through 1910.181, Subpart N ("Materials Handling and Storage"), submitted September 22, 1976; 29 CFR 1910.211 through 1910.219, Subpart O ("Machinery and Machine Guarding"), submitted May 13, 1976; 29 CFR 1910.241 through 1910.244, Subpart P ("Hand and Portable Powered Tools and Other Hand-Held Equipment"), submitted March 19, 1975; 29 CFR 1910.251 and 1910.252, Subpart Q ("Welding, Cutting and Brazing"), submitted September 22, 1976; 29 CFR 1910.261 ("Pulp, Paper and Paperboard Mills") of Subpart R, submitted September 8, 1976; 29 CFR 1910.262 ("Textile") of Subpart R, submitted March 19, 1975; 29 CFR 1910.263 ("Bakery Equipment") of Subpart R, submitted August 3, 1976; 29 CFR 1910.262 ("Textiles") of Subpart R, subpart R, submitted May 27, 1976; 29 CFR 1910.265 ("Sawmills") of Subpart R, submitted September 17, 1976; 29 CFR 1910.266 ("Pulpwood Logging") of Subpart R, submitted September 8, 1976; 29 CFR 1910.267 ("Agricultural Standards") of Subpart R, submitted March 19, 1975; 29 CFR 1910.268 ("Telecommunications") of Subpart R, submitted August 24, 1976; 29 CFR Part 1926, Subparts C through W ("Construction"), submitted August 24, 1976. These standards were adopted under authority of the Public Acts of 1974, enacted by the State legislature on June 18, 1974. The above submissions satisfy the State's developmental step requirements relating to standards.

2. *Decision.* Having reviewed the State submissions in comparison with Federal standards, the Regional Administrator has determined that the State standards are either identical to, or at least as effective as, comparable Federal standards.

3. *Location of supplement for inspection and copying.* A copy of the standards supplement, with the approved plan, may be inspected and copied during normal business hours at the following locations: the Office of the Regional Administrator, Occupational Safety and Health Administration, 230 South Dearborn Street, Chicago, Illinois 60604; State of Michigan, Department of Labor, State Secondary Complex, 7150 Harris Drive, Lansing, Michigan 48926; the Office of the Director, Federal Compliance and State Programs, Room N3603, 200 Constitution Avenue N.W., 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 Michigan State plan as a proposed change and making the Regional Administrator's approval effective upon publication for the following reasons:

1. Some standards are identical to the Federal standards and are therefore deemed to be at least as effective as these standards.

2. These identical standards were adopted in accordance with the procedural requirements of State law and further public participation would be unnecessary.

3. The non-identical standards were adopted in accordance with the procedural requirements of State law, which included public comment, and further public participation would be repetitious.

This decision is effective December 3, 1976.

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

Signed at Chicago, Illinois, this 24th day of November, 1976.

THOMAS E. LEVENHAGEN,
Acting Regional Administrator.

[FR Doc.76-35689 Filed 12-2-76;8:45 am]

Office of the Secretary

[TA-W-1,265]

AIRCO ALLOYS

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On November 10, 1976 the Department of Labor received a petition dated October 10, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Airco Alloys, Charleston, South Carolina a div. of Airco, Inc., Monvale, New Jersey (TA-W-1,265). 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 ferrochrome produced by Airco Alloys or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further related, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 13, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 13, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 10th day of November 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-35476 Filed 12-2-76;8:45 am]

[TA-W-1,256]

ALPHA CARBIDE, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On November 10, 1976 the Department of Labor received a petition dated October 21, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of Alpha Carbide, Inc., Brunswick, Maine (TA-W-1,256). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221 (a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with leather and canvas uppers for shoes and boots produced by Alpha Carbide, Inc. or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further related, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 13, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 13, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 10th day of November 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-35477 Filed 12-2-76;8:45 am]

[TA-W-1,257]

ALPHA SHOE CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On November 10, 1976 the Department of Labor received a petition dated October 21, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of Alpha Shoe Co., Biddeford, Maine, a division of Alpha Carbide, Inc., Brunswick, Maine (TA-W-1,257). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221 (a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with leather and canvas uppers for shoes and boots produced by Alpha Shoe Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further related, as appropriate, to the determination of the date on which total or partial 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 December 13, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 13, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 10th day of November 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-35478 Filed 12-2-76;8:45 am]

[TA-W-1,091]

AMERICAN ATHLETIC SHOE CO., INC.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1,091: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on September 23, 1976 in response to a worker petition received on that date which was filed on behalf of workers and former workers producing skates and baseball shoes at American Athletic Shoe Company, Incorporated, Ware, Massachusetts.

The Notice of Investigation was published in the FEDERAL REGISTER on October 8, 1976 (41 FR 44481). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of American Athletic Shoe Company, Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in 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 has revealed that criterion (2) has not been met with regard to the production of athletic shoes and criterion (3) has not been met with regard to the production of ice skates.

Prior to April 1975, American Athletic Shoe imported athletic, or baseball, shoes. In April 1975 the company stopped importing athletic shoes and subsequently modified its facilities to produce all athletic shoes domestically. By June 1975 all athletic shoes sold were produced domestically.

Total company sales of athletic shoes increased 18 percent, by value, from 1974 to 1975. Sales increased 32 percent in the first nine months of 1976 compared to the same period in 1975. No production records are maintained.

Criterion (3) has not been met in regard to the production of ice skates. Imports of ice skates declined from 637,715 pairs in 1974 to 300,530 pairs in 1975, a decline of 56.3 percent. The ratio of imports to domestic production and consumption declined from 30.1 percent and 23.1 percent, respectively, in 1974 to 17.1 percent and 14.6 percent, respectively, in 1975. Imports of ice skates continued to decline absolutely in the first eight months of 1976. Imports declined from 227,410 pairs in the January–August 1975 period to 78,798 pairs in the January–August 1976 period, a decline of 65.3 percent.

CONCLUSION

After careful review of the facts obtained in the investigation, it is concluded that imports of articles like or directly competitive with ice skates produced at the Ware, Massachusetts plant of American Athletic Shoe Company, Incorporated have not increased and that sales or production of athletic shoes have not declined as required for certification under section 222 of the Trade Act of 1974.

Signed at Washington, D.C. this 22nd day of November 1976.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.76-35479 Filed 12-2-76;8:45 am]

[TA-W-1,279]

AMERICANA COAT CO., INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On November 15, 1976 the Department of Labor received a petition dated November 4, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of Americana Coat Company, Inc., Jersey City, New Jersey (TA-W-1,279). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with children's and ladies' coats produced by Americana Coat Company, Inc. or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 13, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 13, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 15th day of November 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-35480 Filed 12-2-76;8:45 am]

[TA-W-988]

APECO CORP.

Determinations 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-988: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on July 16, 1976 in response to a worker petition received on that date which was filed on behalf of workers and former workers at the Evanston, Illinois plant of Apeco Corporation and employees at field offices that serve the Evanston, Illinois plant.

The notice of investigation was published in the FEDERAL REGISTER on August 3, 1976 (41 FR 32485). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Evanston, Illinois plant of Apeco Corporation, its customers, the U.S. International Trade Commission, the U.S. Department of Commerce, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility re-

quirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all four of the above criteria have been met for employees at the Evanston, Illinois plant of Apeco Corporation. It has further revealed that criterion four has not been met for field office employees that sell and service products offered by the Evanston, Illinois plant of Apeco Corporation.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of production workers engaged in the manufacture of photocopy machines fell 50 percent in 1975 compared to 1974 and declined 7 percent in the first half of 1976 compared to the like period of 1975.

The average number of production workers engaged in the manufacture of coated paper decreased 29 percent in 1975 compared to 1974 and declined 24 percent in the first half of 1976 compared to the like period of 1975.

The average number of production workers engaged in the manufacture of toner decreased 36 percent in 1975 compared to 1974 and fell 33 percent in the first half of 1976 compared to the like period of 1975.

Employment of field office personnel engaged in sales, service and related activities increased in 1975 compared to 1974 and then declined 6 percent in the first six months of 1976 compared to the first six months of 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Production to photocopy machines decreased 23 percent in 1975 compared to 1974 and fell 7 percent in the first half of 1976 compared to the like period of 1975. Production of photocopiers at the Evanston plant ceased in July, 1976. Production is expected to resume in late 1976 or early 1977.

Production of coated paper declined 15 percent in 1975 compared to 1974 and fell 28 percent in the first half of 1976 compared to the like period of 1975.

Production of toner increased 6 percent in 1975 compared to 1974 but declined 30 percent in the first half of 1976 compared to the like period of 1975.

INCREASED IMPORTS

The value of imported photocopying equipment increased every year since 1971, rose 60 percent in 1975 compared to 1974 and increased 37 percent in the January through April period of 1976 compared to the like period of 1975. The ratio of imports to domestic production increased from 2.6 percent in 1974 to 3.9 percent in 1975 and rose from 4.6 percent in the January through April period of 1975 to 6.2 percent in the like period of 1976.

CONTRIBUTED IMPORTANTLY

Customers (distributors) indicated they have increased their purchases of imported photocopy machines and decreased their purchases of photocopy machines manufactured at the Evanston, Illinois plant of Apeco Corporation.

Apeco Corporation's domestic production of photocopiers, paper and toner have declined largely because of a corporate decision to sell more competitive imported photocopy machines. Company imports have increased substantially since 1974.

Employment of field office personnel engaged in sales, service and related activities for both domestically produced and imported photocopiers increased in 1975 compared to 1974. Employment of these workers decreased beginning in March, 1976 due to a corporate decision to sell some of the field offices to independent dealers rather than as a consequence of separations resulting from lack of work.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with photocopy machines produced at the Evanston, Illinois plant of Apeco 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 of the Evanston, Illinois plant of Apeco Corporation who became totally or partially separated on or after July 12, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

I further conclude that increases of imports like or directly competitive with photocopy machines produced at the Evanston, Illinois plant of Apeco Corporation, did not contribute importantly to the total or partial separation of employees at field offices that provided sales, service and related functions for products furnished by the Evanston, Illinois plant. Therefore, workers in field offices are denied eligibility to apply for trade adjustment assistance.

Signed at Washington, D.C. this 17th day of November 1976.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc.76-35481 Filed 12-2-76;8:45 am]

[TA-W-1,297]

ARMCO STEEL CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On November 15, 1976 the Department of Labor received a petition dated October 15, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Houston, Texas, Houston Works of Armco Steel Corp. Middletown, Ohio (TA-W-1,297). 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 carbon plates, pipes, tubing, and piling produced by Armco Steel Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further related, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address show below, not later than December 13, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 13, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 15th day of November 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-35482 Filed 12-2-76;8:45 am]

[TA-W-1,299]

ASARCO, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On November 15, 1976 the Department of Labor received a petition dated October 15, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of ASARCO, Incorporated, Perth Amboy, New Jersey (TA-W-1,299). 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 copper shapes, billets, bars, cakes, refined copper produced by ASARCO, Incorporated or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further related, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 13, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 13, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 15th day of November 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-35483 Filed 12-2-76;8:45 am]

[TA-W-1,301]

BABCOCK & WILCOX

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On November 12, 1976 the Department of Labor received a petition dated October 12, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Koppel, Pa. plant of Babcock & Wilcox, New York, New York (TA-W-1,301). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of Internaitonal 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 stainless steel, carbon steel, tubes, pipes, slabs, ingots & fittings produced by Babcock & Wilcox or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further related, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 13, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 13, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 12th day of November 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-35484 Filed 12-2-76;8:45 am]

[TA-W-1288]

BATA SHOE COMPANY, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On November 16, 1976, the Department of Labor received a petition dated November 4, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of the Salem, Indiana plant of Bata Shoe Company, Inc., Belcamp, Maryland (TA-W-1288). 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 canvas footwear for men, women and children produced by Bata Shoe Company, Inc., or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 13, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 13, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 16th day of November 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-35485 Filed 12-2-76;8:45 am]

[TA-W-1,298]

BETHLEHEM STEEL CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance.

On November 18, 1976 the Department of Labor received a petition dated October 18, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of the Lackawanna plant, Woodlawn, New York, a subsidiary of Bethlehem Steel Corp., Bethlehem, Pa. (TA-W-1,298). 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 carbon steel plates, structural shapes & sizes, piling, pipes and tubing produced by Bethlehem Steel Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will be further related, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 13, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 13, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 18th day of November 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-35486 Filed 12-2-76;8:45 am]

[TA-W-1,281]

BIRWIN TROUSERS, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On November 15, 1976 the Department of Labor received a petition dated November 1, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing and Textile Workers Union on behalf of the workers and former workers of Birwin Trousers, Inc., New York, New York a div. of Grossman Clothing Co., Inc., New York, New York (TA-W-1,281). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with men's trousers produced by Birwin Trousers, Inc. or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further related, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 13, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 13, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 15th day of November 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-35487 Filed 12-2-76;8:45 am]

[TA-W-1,264]

BLOOMBERG LEATHER GOODS

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On November 11, 1976 the Department of Labor received a petition dated October 20, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") by the International Leather Goods Plastics and Novelty Workers' Union on behalf of the workers and former workers of Bloomberg Leather Goods, Menomonee Falls, Wis., a div. of Paris Accessories for Men, Des Plains, Illinois (TA-W-1,264). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90. 12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with men's belts produced by Bloomberg Leather Goods or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address show below, not later than December 13, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 13, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 11th day of November 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-35488 Filed 12-2-76;8:45 am]

[TA-W-1,263]

BOONTON HANDBAG CO., INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On November 11, 1976 the Department of Labor received a petition dated October 26, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") by the International Leather Goods Plastics and Novelty Workers' Union on behalf of the workers and former workers of Boonton Handbag Company, Inc., Boonton, New Jersey (TA-W-1,263). 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 plastic handbags produced by Boonton Handbag Company, Inc. or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 13, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 13, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 11th day of November 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-35489 Filed 12-2-76;8:45 am]

[TA-W-1045]

BRIDGEWATER SHOE 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-1045: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on August 25, 1976 in response to a worker petition received on that date which was filed on behalf of workers and former workers producing men's dress shoes at Bridgewater Shoe Corporation, Bridgewater, Massachusetts. The Department's investigation also revealed that men's golf shoes are produced at Bridgewater Shoe Corporation.

The notice of investigation was published in the FEDERAL REGISTER on September 10, 1976 (41 FR 38567). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from legal representatives of Bridgewater Shoe Corporation, its customers, the U.S. International Trade Commission, the U.S. Department of Commerce, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened with becoming 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 increasing 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 is interchangeable between the product lines.

Average employment of production workers declined 11 percent in 1975 compared to 1974. Average employment of production workers increased 2 percent and average weekly hours worked per employee rose 10 percent in the first half of 1976 compared to the like period of 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales increased 4 percent in 1975 compared to 1974 and rose 31 percent in the first half of 1976 compared to the like period of 1975.

Production declined 7 percent in 1975 compared to 1974 and increased 23 percent in the first half of 1976 compared to the like period of 1975.

INCREASED IMPORTS

Imports of athletic footwear increased every year since 1971, rose 102 percent in 1975 compared to 1974 and increased 107 percent in the first half of 1976 compared to the like period of 1975. The ratio of imports to domestic production rose from 84.3 percent in 1974 to 148.0 percent in 1975 and increased from 137.1 percent in the first half of 1975 to 201.6 percent in the first half of 1976.

Imports of men's dress and casual footwear with leather uppers increased in 1972 and 1973, declined in 1974 and rose 12 percent in 1975 compared to 1974. Imports increased 30 percent in the first half of 1976 compared to the like period of 1975. The ratio of imports to domestic production rose from 47.8 percent in 1974 to 54.3 percent in 1975 and increased from 56.9 percent in the first half of 1975 to 60.7 percent in the first half of 1976.

CONTRIBUTED IMPORTANTLY

The customer survey reveals that sales of men's leather dress shoes to retailers declined in 1975 compared to 1974. Lower priced, imported dress shoes were frequently cited by customers as an important factor influencing their purchasing decisions.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with dress shoes produced at Bridgewater Shoe Corporation, Bridgewater, Mass. contributed importantly to the total or partial separation of the workers of that company. In accordance with the provisions of the Act, I make the following certification:

All workers of Bridgewater Shoe Corporation, Bridgewater, Mass. who became totally or partially separated on or after August 20, 1975 and before January 31, 1976 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

All employees separated on or after January 31, 1976 are denied eligibility.

Signed at Washington, D.C. this 22nd day of November 1976.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.76-35490 Filed 12-2-76;8:45 am]

[TA-W-1,275]

CARMEN J

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On November 15, 1976 the Department of Labor received a petition dated October 18, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") by the International Ladies Garmen Workers Union on behalf of the workers and former workers of Carmen J, Philadelphia, Pennsylvania (TA-W-1,275).

Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with ladies skirts and pants produced by Carmen J 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 December 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 13, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 15th day of November 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-35491 Filed 12-2-76;8:45 am]

[TA-W-1,296]

CENTRAL JERSEY REPAIR

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On November 22, 1976 the Department of Labor received a petition dated November 10, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") by the Teamsters Union on behalf of the workers and former workers of Central Jersey Repair, Edison, New Jersey, a subdivision of Nu-Car Carriers, Edison, N.J. (TA-W-1,296).

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 transportation of new cars, trucks & buses by Central Jersey Repair 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 parital separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further related, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 13, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 13, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C., this 22nd day of November 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-35492 Filed 12-2-76;8:45 am]

[TA-W-1,293]

CINDERELLA SHOE CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On November 19, 1976 the Department of Labor received a petition dated October 21, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of Cinderella Shoe Corporation, San Lorenzo, Puerto Rico (TA-W-1,293).

Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with women's shoes with plastic heels produced by Cinderella Shoe Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further related, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 13, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 13, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

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

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-35493 Filed 12-2-76;8:45 am]

[TA-W-1,273]

CLIFTON HEIGHTS SPORTSWEAR, INC.

Investigation Regarding Certification of Eligibility to Apply for Worker Adjustment Assistance

On November 15, 1976 the Department of Labor received a petition dated October 18, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") by the International Ladies Garment Workers Union on behalf of the workers and former workers of Clifton Heights Sportswear, Inc., Clifton Heights, Pennsylvania (TA-W-1,273).

Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with ladies' jackets, slacks, and skirts produced by Clifton Heights Sportswear, Inc. or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further related, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 13, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 13, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 15th day of November 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-35494 Filed 12-2-76;8:45 am]

[TA-W-1,284]

CRESCENDOE GLOVES, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On November 16, 1976 the Department of Labor received a petition dated November 1, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing and Textile Workers Union on behalf of the workers and former workers of Crescendoe Gloves, Inc., Johnstown, New York (TA-W-1,284).

Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with ladies' dress gloves produced by Crescendoe Gloves, Inc. or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separtion of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address show below, not later than December 13, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 13, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 16th day of November 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-35495 Filed 12-2-76;8:45 am]

[TA-W-1,254]

DADSON KNITTING MILLS, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On November 10, 1976 the Department of Labor received a petition dated October 22, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of Dadson Knitting Mills, Inc., Brooklyn, New York, a div. of Hewlitt Knitting Mills, Inc., Brooklyn, New York (TA-W-1,254). 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 relative increases of imports of articles like or directly, competitive with ladies' knitwear produced by Dadson Knitting Mills, Inc. or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further related, as appropriate to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address show below, not later than December 13, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 13, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 10th day of November 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-35496 Filed 12-2-76;8:45 am]

[TA-W-1,272]

DAVAL MANUFACTURING CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On November 15, 1976 the Department of Labor received a petition dated October 20, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") by the International Leather Goods Plastics and Novelty Workers' Union on behalf of the workers and former workers of DaVal Manufacturing Company, Kansas City, Missouri (TA-W-1,272). 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 luggage produced by DaVal Manufacturing Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address show below, not later than December 13, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 13, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 15th day of November 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-35497 Filed 12-2-76;8:45 am]

[TA-W-1,287]

EBERHARD FABER, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On November 16, 1976 the Department of Labor received a petition dated November 9, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") by the International Oil, Chemical and Atomic Workers Union on behalf of the workers and former workers of Eberhard Faber, Incorporated, Wilkes Barre, Pennsylvania (TA-W-1,287). 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 pencils, pens, erasers, rubber bands, correction fluid, etc., produced by Eberhard Faber, Inc. or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further related, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address show below, not later than December 13, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 13, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 16th day of November 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-35498 Filed 12-2-76;8:45 am]

[TA-W-1,260]

ENFLO CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On November 11, 1976 the Department of Labor received a petition dated November 8, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") by the Teamsters Union on behalf of the workers and former workers of Enflo Corporation, Maple Shade, New Jersey (TA-W-1,260). 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 plastic like fluorocarbon (TFE) resins produced by Enflo Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further related, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 13, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 13, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 11th day of November 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-35499 Filed 12-2-76;8:45 am]

[TA-W-1,289]

E.T. WRIGHT COMPANY, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On November 16, 1976 the Department of Labor received a petition dated November 9, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of E. T. Wright Company, Inc., Rockland, Massachusetts (TA-W-1,289). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with men's shoes produced by E. T. Wright Company, Inc. or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further related, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 13, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 13, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 16th day of November 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-35500 Filed 12-2-76;8:45 am]

[TA-W-1056]

EXENTO, 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-1056: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on August 31, 1976 in response to a worker petition received on that date which was filed on behalf of workers and former workers producing cream of tartar and rochelle salt at the Chowchilla, California plant of EXENTO, Incorporated.

The notice of investigation was published in the FEDERAL REGISTER on September 10, 1976 (41 FR 38563). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of EXENTO, 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 all of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Average employment of production workers at EXENTO declined 18 percent in the third quarter of 1976 from the first and second quarters of 1976. Employment remained constant from January through August 1976 and then declined 60 percent in September and temporarily ceased when the plant shut down in late September.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Production of cream of tartar at EXENTO declined 12 percent in quantity and 23 percent in value in the second quarter of 1976 from the first quarter of 1976 and declined 40 percent in quantity and 42 percent in value in the third quarter of 1976 from the second quarter of 1976.

Production of rochelle salt at EXENTO declined 51 percent in quantity and value in the third quarter of 1976 from the second quarter.

Sales of cream of tartar by EXENTO declined 50 percent in quantity and 52 percent in value in the second quarter of 1976 from the first quarter of 1976 and declined 17 percent in quantity and 19 percent in value in the third quarter of 1976 from the second quarter.

Sales of rochelle salt by EXENTO decreased 2 percent in quantity and 23 percent in value in the second quarter of 1976 from the first quarter of 1976. Sales decreased 1 percent in quantity and increased 7 percent in value in the third quarter of 1976 from the second quarter.

All production of cream of tartar and rochelle salt at EXENTO was temporarily shut down in September 1976.

INCREASED IMPORTS

Imports of cream of tartar increased absolutely in 1972 from 1971, decreased in 1973, increased in 1974 and decreased in 1975. In the first half of 1976 imports of cream of tartar increased 56 percent compared to the first half of 1975.

Imports of rochelle salt increased absolutely in 1972 from 1971, decreased in 1973, increased in 1974 and decreased in 1975. In the first half of 1976 imports of rochelle salt increased 97 percent compared to the first half of 1975.

CONTRIBUTED IMPORTANTLY

Customers of EXENTO indicated that they have decreased purchases of cream of tartar and rochelle salt from EXENTO and have increased purchases of foreign products. They also indicated that foreign suppliers have forced the price of cream of tartar to levels approximately 67 percent lower than when EXENTO began production in early 1975.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with cream of tartar and rochelle salt produced at the Chowchilla plant of EXENTO, Incorporated contributed importantly to the total or partial separations of the workers of that plant. In accordance with the provisions of the Act, I make the following certification:

All workers engaged in employment related to the production of cream of tartar and rochelle salt at the Chowchilla, California plant of EXENTO, Incorporated who became totally or partially separated from employment on or after August 1, 1976 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 22nd day of November 1976.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.76-35501 Filed 12-2-76;8:45 am]

[TA-W-1075]

F. MAZZEO AND COMPANY, 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-1075: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on September 15, 1976 in response to a worker petition received on September 15, 1976 which was filed on behalf of workers and former workers producing tuxedos at the New York, New York plant of F. Mazzeo and Company, Incorporated.

The notice of investigation was published in the FEDERAL REGISTER (41 FR 43493) on October 1, 1976. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of F. Mazzeo and Company, its contracting firm and 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.

Without regard to whether any of the other criteria have been met, criterion (2) has not been met.

The investigation has revealed that F. Mazzeo and Company has manufactured only tuxedos since October 1974. Their total production is contracted to another company at a pre-established price. Production of tuxedos at F. Mazzeo and Company increased 7.3 percent from 1974 to 1975; and increased 50.1 percent in the first nine months of 1976 compared to the same period in 1975.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that sales or production or both at F. Mazzeo and Company, Incorporated has not decreased as required under section 222 (2) of the Trade Act of 1974.

Signed at Washington, D.C. this 17th day of November 1976.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.76-35502 Filed 12-2-76;8:45 am]

[TA-W-1,251]

GENERAL ELECTRIC CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On November 9, 1976 the Department of Labor received a petition dated November 1, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") by the International Union of Electrical, Radio and Machine Workers on behalf of the workers and former workers of Semiconductor Products Department of General Electric Company, Syracuse, New York (TA-W-1,251). 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 transistors, diodes, & OPTO electronics produced by General Electric 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 show below not later than December 13, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 13, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

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

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-35503 Filed 12-2-76;8:45 am]

[TA-W-1,276]

GENERAL LAST MANUFACTURING CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On November 15, 1976 the Department of Labor received a petition dated October 25, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") by the Teamsters Union on behalf of the workers and former workers of General Last Manufacturing Company, St. Louis, Missouri (TA-W-1,276). 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 plastic shoe last produced by General Last Manufacturing Co. or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subjcet 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 December 13, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 13, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 15th day of November 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-35504 Filed 12-2-76;8:45 am]

[TA-W-1,282]

GROSSMAN CLOTHING CO., INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On November 15, 1976 the Department of Labor received a petition dated November 1, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing and Textile Workers Union on behalf of the workers and former workers of Grossman Clothing Co., Inc., New York, New York (TA-W-1,282). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with men's tailored suits and sportcoats produced by Grossman Clothing Co., Inc. or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further related, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 13, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 13, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 15th day of November 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-35505 Filed 12-2-76;8:45 am]

[TA-W-1,258]

HOLLY DRESS

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On November 10, 1976 the Department of Labor received a petition dated October 29, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of Holly Dress, Nanticoke, Pennsylvania (TA-W-1,258). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with ladies' dresses produced by Holly Dress 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 December 13, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 13, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 10th day of November 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-35506 Filed 12-2-76;8:45 am]

[TA-W-1,294]

J. H. BONCK CO., INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On November 22, 1976 the Department of Labor received a petition dated November 11, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of J. H. Bonck Company, Inc., New Orleans, Louisiana (TA-W-1,294). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with men's uniform shirts, dress shirts, sport shirts and boy's uniform shirts, girl's uniform blouses produced by J. H. Bonck Company, Inc. or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 13, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 13, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 22nd day of November 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-35507 Filed 12-2-76;8:45 am]

[TA-W-1,266]

KAISER STEEL CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On November 10, 1976 the Department of Labor received a petition dated October 10, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of the Fontana, California plant of Kaiser Steel Corporation, Oakland, California (TA-W-1,266). 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 steel pipes, piling and shapes produced by Kaiser Steel Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further related, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment and 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 December 13, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 13, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 10th day of November 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-35508 Filed 12-2-76;8:45 am]

[TA-W-1,255]

LAMINATED GLASS CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On November 10, 1976 the Department of Labor received a petition dated October 25, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of Laminated Glass Corp., Haverford, Pennsylvania (TA-W-1255).

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 laminated safety glass produced by Laminated Glass Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 13, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 13, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 10th day of November 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-35509 Filed 12-2-76;8:45 am]

[TA-W-1067]

LEVERENZ SHOE CO.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1067: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on September 13, 1976 in response to a worker petition received on that date which was filed on behalf of workers producing men's shoes at the New Holstein, Wisconsin plant of the Leverenz Shoe Company.

The notice of investigation was published in the FEDERAL REGISTER on October 1, 1976 (41 FR 43494). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Leverenz Shoe Company, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in 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 has revealed that all of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Employment of production workers at the New Holstein plant of Leverenz Shoe Company increased four percent from 1974 to 1975 and increased two percent in the first nine months of 1976 compared to the same period of the previous year. In the third quarter of 1976, employment dropped three percent compared to the same quarter of the previous year.

Average weekly hours worked decreased four percent from 1974 to 1975 and then remained stable in the first nine months of 1976 compared to the

same period of the previous year. Beginning in the third quarter of 1976, the plant began operating on a four day work week due to cutbacks in production schedules. Average weekly hours worked declined eight percent in the third quarter of 1976 compared to the same quarter of the previous year.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Production of men's footwear at the New Holstein plant of the Levernez Shoe Company declined six percent in quantity from 1974 to 1975. Production increased six percent in the first nine months of 1976 compared to the same period of 1975. Production schedules were cut back in the third quarter of 1976 to four days per week. In the third quarter of 1976 production decreased 14 percent compared to the same quarter of the previous year.

INCREASED IMPORTS

Imports of men's dress and casual footwear increased absolutely and declined relatively from 1971 to 1972. Imports increased absolutely and relatively from 1972 to 1973 and then decreased absolutely and relatively from 1973 to 1974. Imports increased absolutely and relatively from 1974 to 1975 and in the first six months of 1976 compared to the same period of the previous year. The ratio of imports to domestic production and consumption increased from 58.7 percent and 37.0 percent respectively in the first six months of 1975 to 63.8 percent and 38.9 percent respectively in the first six months of 1976.

CONTRIBUTED IMPORTANTLY

The evidence developed in the Department's investigation revealed that customers have increased purchases of imported shoes relative to purchases from Leverenz Shoe Company. These customers cited better styling and lower price as the reasons for preferring imported shoes.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increased imports of articles like or directly competitive with men's shoes produced by the New Holstein, Wisconsin plant of Leverenz Shoe Company contributed importantly to the total or partial separations of workers at that firm. In accordance with the provisions of the Trade Act of 1974, I make the following certification:

All employees of Leverenz Shoe Company, New Holstein, Wisconsin who became totally or partially separated from employment on or after July 1, 1976 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 22nd day of November 1976.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.76-35510 Filed 12-2-76;8:45 am]

[TA-W-1,278]

MANCHESTER COAT CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On November 15, 1976, the Department of Labor received a petition dated November 2, 1976, which was filed under section 221(a) of the Trade Act of 1974 ("the Act") by the International Ladies' Garment Workers Union on behalf of the workers and former workers of Manchester Coat Company, Manchester, New Hampshire, a division of Davis Sportswear, Lawrence, Massachusetts (TA-W-1,278). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with ladies' winter coats produced by Manchester Coat Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further related as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 13, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 13, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 15th day of November 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-35511 Filed 12-2-76;8:45 am]

[TA-W-1,259]

MARA COATS, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On November 11, 1976 the Department of Labor received a petition dated October 26, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of Mara Coats, Incorporated, Wantagh, New York (TA-W-1,259). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with ladies' raincoats, topcoats and jackets produced by Mara Coats, Incorporated or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address show below, not later than December 13, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 13, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 11th day of November 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-35512 Filed 12-2-76;8:45 am]

[TA-W-1,290]

MAREMONT CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On November 17, 1976 the Department of Labor received a petition dated November 8, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing and Textile Workers Union on behalf of the workers and former workers of New England Operations, Saco, Maine of Maremont Corporation, Chicago, Illinois (TA-W-1,290). 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 machine guns produced by Maremont Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address show below, not later than December 13, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 13, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 17th day of November 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-35513 Filed 12-2-76;8:45 am]

[TA-W-1,274]

M. BELL CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On November 15, 1976 the Department of Labor received a petition dated October 18, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") by the International Ladies Garment Workers Union on behalf of the workers and former workers of M. Bell Company, Philadelphia, Pennsylvania (TA-W-1,274). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with ladies' dresses produced by M. Bell Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further related, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 13, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 13, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 15th day of November 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-35514 Filed 12-2-76;8:45 am]

[TA-W-1,252]

MISS QUALITY, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On November 9, 1976 the Department of Labor received a petition dated October 18, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") by the International Ladies' Garment Workers' Union on behalf of the workers and former workers of Miss Quality, Incorporated, Philadelphia, Pa., a division of HIP Industries, Hatboro, Pennsylvania (TA-W-1,252). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with children's dresses produced by Miss Quality, Incorporated or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further related, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 13, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 13, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

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

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-35515 Filed 12-2-76;8:45 am]

[TA-W-1,295]

NU-CAR CARRIERS, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On November 22, 1976 the Department of Labor received a petition dated November 10, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") by the Teamsters Union on behalf of the workers and former workers of Nu-Car Carriers, Inc., Edison, New Jersey (TA-W-1,295). 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 transportation of new cars, trucks & buses by Nu-Car Carriers, Inc. or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further related, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address show below, not later than December 13, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 13, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 22nd day of November 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-35516 Filed 12-2-76;8:45 am]

[TA-W-1,262]

PARK AVENUE INDUSTRIES

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On November 11, 1976 the Department of Labor received a petition dated November 4, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of Park Avenue Industries, Brooklyn, New York (TA-W-1,262). 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 sweaters produced by Park Avenue Industries or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further related, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter or 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 December 13, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 13, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 11th day of November 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-35517 Filed 12-2-76;8:45 am]

[TA-W-1032]

REXNORD, INC.

Determinations Regarding Eligibility To Apply for Worker Adjustments Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1032: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on August 20, 1976 in response to a worker petition received on that date which was filed by the United Steelworkers of America on behalf of workers and former workers producing parts of rock crushers at Rexnord, Incorporated, Milwaukee, Wisconsin. The investigation was expanded to include workers assembling rock crushers at the Milwaukee plant of Rexnord, Inc.

The notice of investigation was published in the FEDERAL REGISTER on September 17, 1976 (41 FR 40252). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Rexnord, 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 the firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all four of the above criteria have been met by workers engaged in employment related to the production of rock crusher parts. Furthermore, the investigation has revealed that criterion (4) has not been met by workers engaged in employment related to the production of rock crushers.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Employment of workers engaged in the production of rock crusher parts at

the Milwaukee, Wisconsin plant of Rexnord, Inc., after increasing four percent in 1975 from 1974, decreased 19 percent in the first three quarters of 1976 compared to the first three quarters of 1975.

Employment of workers engaged in the production of completed rock crushers decreased 2 percent in 1975 from 1974 and declined 16 percent in the first three quarters of 1976 compared to the first three quarters of 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Production of rock crusher parts at the Milwaukee, Wisconsin plant of Rexnord, Inc., declined 16 percent in 1975 compared to 1974 and declined 31 percent in the first eight months of 1976 compared to the first eight months of 1975.

Sales of completed rock crushers declined 27 percent in quantity and 6 percent in value in 1975 compared to 1974; sales declined 27 percent in quantity and increased 5 percent in value in the first eight months of 1976 compared to the first eight months of 1975.

INCREASED IMPORTS

Imports of parts for crushing, pulverizing, washing and screening machinery increased in value from 4.4 million dollars in 1971 to 18.6 million dollars in 1975.

Imports of rock preparation equipment including rock crushers increased in value from 6.1 million dollars in 1974 to 9.8 million dollars in 1975 and increased in value from 4.1 million dollars in the first eight months of 1975 to 4.3 million dollars in the first eight months of 1976. Imports as a percentage of production increased in value from 3.7 percent in 1974 to 5.3 percent in 1975 and declined from 4.3 percent in the first six months of 1975 to 3.9 percent in the first six months of 1976.

CONTRIBUTED IMPORTANTLY

Rexnord, Inc., imports parts of rock crushers for use on crushers assembled at the Milwaukee plant. Such imports increased 883 percent in the first three quarters of 1976 compared to the first three quarters of 1975.

Imports compared to company production of rock crusher parts increased from five percent during the first eight months of 1975 to 73 percent during the first eight months of 1976.

Customers of Rexnord, Inc., have not purchased any imported rock crushers in recent years. Reduced purchases from Rexnord were due to general economic conditions and the fact that rock crushers are durable goods not purchased frequently.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with parts of rock crushers at the Milwaukee, Wisconsin plant of Rexnord Inc., contributed importantly to the total or partial separations of the workers engaged in production of such parts at that plant. In accordance with the provisions of the Trade Act of 1974, I make the following certification:

All workers of Milwaukee, Wisconsin plant of Rexnord, Inc., engaged in employment related to the production of parts for rock crushers who became totally or partially separated from employment on or after August 10, 1975 are certified eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

I further conclude that increases of imports like or directly competitive with rock crushers produced at the Milwaukee, Wisconsin plant of Rexnord, Inc., did not contribute importantly to the total or partial separations of the workers engaged in production of such products at that plant.

Signed at Washington, D.C. this 22nd day of November 1976.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.76-35518 Filed 12-2-76;8:45 am]

[TA-W-1,268]

R. J. WIDEN CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On November 10, 1976 the Department of Labor received a petition dated October 10, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of R. J. Widen Company, North Adams, Massachusetts (TA-W-1,268).

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 garment leather, accessory leather and tanned leather produced by R. J. Widen 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 December 13, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 13, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 10th day of November 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-35519 Filed 12-2-76;8:45 am]

[TA-W-1,253]

R & N CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On November 9, 1976 the Department of Labor received a petition dated October 18, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") by the International Ladies' Garment Workers Union on behalf of the workers and former workers of R & N Company, Hatboro, Pennsylanvia, a division of HIP Industries, Hatboro, Pennsylvania (TA-W-1,253). Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Acairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with children's dresses produced by R & N Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further related, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office

of Trade Adjustment Assistance, at the address shown below, not later than December 13, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 13, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

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

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-35520 Filed 12-2-76;8:45 am]

[TA-W-1,267]

ROYAL TYPEWRITER CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On November 15, 1976 the Department of Labor received a petition dated November 5, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of Royal Typewriter Co., Hartford, Connecticut, a division of Litton Industries, Beverly Hills, California (TA-W-1,267). 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 manual and electric typewriters produced by Royal Typewriter Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further related, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 13, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 13, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 15th day of November 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-35521 Filed 12-2-76;8:45 am]

[TA-W-1052]

STANDARD MANUFACTURING CO., INC.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1052: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on August 30, 1976 in response to a worker petition received on August 30, 1976, which was filed by three workers on behalf of workers and former workers producing men's and boys' outerwear at the Troy, New York plant of Standard Manufacturing Company, Inc.

The Notice of Investigation was published in the FEDERAL REGISTER on September 17, 1976 (41 FR 40253). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Standard Manufacturing Company and 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 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 one (1) has not been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Separations last occurred at Standard Manufacturing Company in March-April 1975. No employees separated more than one year prior to the date of the petition, August 18, 1976 are eligible to apply for adjustment assistance. Beginning in the second quarter of 1975 employment has increased each quarter compared with the previous quarter. The average number of production employees increased 49.1 percent in the first three quarters of 1976 compared with the first three quarters of 1975.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that separations of workers at the Troy, New York plant of Standard Manufacturing Company, Inc. have not occurred as required for certification under section 222 of the Trade Act of 1974.

Signed at Washington, D.C., this 22nd day of November 1976.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.76-35522 Filed 12-2-76;8:45 am]

[TA-W-1,285]

SUPERB GLOVE CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On November 16, 1976 the Department of Labor received a petition dated November 1, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing and Textile Workers Union on behalf of the workers and former workers of Superb Glove Corporation, Johnston, New York, a division of Crescendoe Gloves, Inc., Johnstown, New York (TA-W-1,285). Accordinyly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with ladies' dress gloves produced by Superb Glove Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the

eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 13, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 13, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 16th day of November 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-35523 Filed 12-2-76;8:45 am]

[TA-W-1,291]

U.S. METALS REFINING CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On November 11, 1976 the Department of Labor received a petition dated October 12, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of U.S. Metals Refining Co., Cartaret, New Jersey, a div. of Amax, Inc., Greenwich, Conn., (TA-W-1,291).

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 copper products produced by U.S. Metals Refining Co. or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further related, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address show below, not later than December 13, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 13, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210

Signed at Washington, D.C. this 17th day of November 1976.

MARVIN M. FOOKS,
Director, Officer of Trade Adjustment Assistance.

[FR Doc.76-35524 Filed 12-2-76;8:45 am]

[TA-W-1,292]

UNITED STATES STEEL CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On November 17, 1976 the Department of Labor received a petition dated October 15, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") by the U.S. Steelworkers of America on behalf of the workers and former workers of the Baytown, Texas, Texas Works of United States Steel Corp., Pittsburgh, Pa. (TA-W-1,292). 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 steel plates produced by United States Steel Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further related, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 13, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 13, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 17th day of November 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-35525 Filed 12-2-76;8:45 am]

[TA-W-1,261]

VULCAN CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On Novermebr 11, 1976 the Department of Labor received a petition dated October 15, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of the Walnut Ridge, Arkansas plant of Vulcan Corporation, Cincinnati, Ohio (TA-W-1,261).

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 shoe lasts produced by Vulcan Corporation or an appropriate subdivision thereof have contributed importantly to any absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further related, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter

of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 13, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 13, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 11th day of November 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-35526 Filed 12-2-76;8:45 am]

[TA-W-1,277]

VULCAN CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On November 15, 1976 the Department of Labor received a petition dated November 5, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of the Kenton, Tennessee plant of Vulcan Corporation, Cincinnati, Ohio (TA-W-1,277).

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 plastic shoe heels produced by Vulcan Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further related, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address show below, not later than December 13, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 13, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 15th day of November 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-35527 Filed 12-2-76;8:45 am]

[TA-W-1,283]

WILLIAM P. GOLDMAN & BRO., INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On November 15, 1976 the Department of Labor received a petition dated November 1, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing and Textile Workers Union on behalf of the workers and former workers of William P. Goldman & Bro., Inc., Brooklyn, New York (TA-W-1,283).

Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with men's suits, sportcoats, top coats and slacks produced by William P. Goldman & Bro., Inc. or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 13, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 13, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 15th day of November 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-35528 Filed 12-2-76;8:45 am]

[TA-W-1,280]

WILLIAMS MANUFACTURING CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On November 15, 1976 the Department of Labor received a petition dated October 29, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of Williams Manufacturing Corp. Scottdale, Pa. a subsidiary of Cardinal Cottons Corp., New York, New York (TA-W-1,280).

Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with ladies' robes and loungewear produced by Williams Manufacturing Corp. or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 13, 1976.

Interested persons are invited to submit written comments regarding the sub-

ject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 13, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 15th day of November 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-35529 Filed 12-2-76;8:45 am]

[TA-W-1,286]

WINER MANUFACTURING CO., INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On November 16, 1976 the Department of Labor received a petition dated November 5, 1976 the Department of Labor received a petition date November 5, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of Winer Manufacturing Co., Inc., Hammond, Indiana (TA-W-1,286).

Accordingly, the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with leather, suede sheepskin and cloth coats produced by Winer Manufacturing Co., Inc. or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further related, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address show below, not late rthan December 13, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 13, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 16th day of November 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-35530 Filed 12-2-76;8:45 am]

FEDERAL MARITIME COMMISSION

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Certificates Issued

Notice is hereby given that the following vessel owners and/or operators have established evidence of financial responsibility, with respect to the vessels indicated, as required by section 311 (p) (1) of the Federal Water Pollution Control Act, and have been issued Federal Maritime Commission Certificates of Financial Responsibility (Oil Pollution) pursuant to Part 542 of Title 46 CFR.

Certificate No.	*Owner/Operator and Vessels*
01092	Thor Dahls Hvalfangerselskap A/S: *Thorsdrake.*
01326	Sabine Towing & Transportation Co., Inc.: *San Marcos.*
01343	Hamburg-Sudamerikanische Dampfschifffahrts-Gesellschaft Eggert & Amsinck: *Santa Rosa.*
01409	India Steamship Co. Ltd.: *Indian Fortune.*
01574	Fearnley & Eger: *Ferncrest.*
02068	Proteus Tanker Corp. *Constantine.*
02209	Flota Mercante Grancolombiana S.A.: *Ciudad De Popayan.*
02493	Sheridan Transportation Co.: *ST-85.*
02505	Bamburgh Shipping Co. Ltd.: *Ros Castle.*
02603	Empresa Hondurena De Vapores, S.A.: *Omoa.*
02862	Ocean Shipping & Enterprises Ltd.: *Ocean Eminence.*
02975	Venture Shipping (Managers) Ltd.: *Fuhico Venture, Noble Venture.*
03270	Universe Tankships, Inc.: *Universe Frontier.*
03477	Nissui Shipping Corp., *Isokaze Maru.*
03484	Sanko Kisen K.K.: *Sanko Stresa, Sanko Crest.*
03594	Bordagain Shipping Co., Ltd.: *Bordagain.*
03635	Hines, Inc.: *Hines 375, Hines 377,*
03708	Pudget Sound Tug and Barge Co.: *506, 535, 536, 538, 550, 552, Western Marketer.*
03727	Continental Oil Co.: *UM-902.*
03789	Suisse-Outremer Bereederungs-Und Befrachtungs AG.: *Ceresio.*
03866	M. Smits: *Marinus Smits.*
04171	Young Bros., Ltd.: *YB 38.*
04437	Lebeouf Bros. Towing Co., Inc.: *Butcher 3, Butcher 4, Butcher 5, MGL 51, MGL 52.*
04564	Yamashita-Shinnihon Kisen Kaisha: *Yashima Maru.*
04623	Seaspan International Ltd.: *Seaspan 701.*
04675	Naviera Santa Catalina S.A.: *Cimadevilla Tres.*
05089	H. F. Eimskipafelag Islands: *Alafoss, Grundarfoss, Tungufoss, Udafoss, Urridafoes.*
05098	Esso Tankers Inc.: *Esso Tokyo.*
05272	Teledyne Movible Offshore Inc.: *Teledyne Rig 17.*
05500	Petroleos Mexicanos: *Sebastian Lerdo de Tejada.*
05578	Baltic Shipping Co.: *Kosmonart Georgiy Dobrovolskiy, Kosmonart Viktor Patsaev, Santiago de Cuba.*
05730	Flota Cubana de Pesca: *Rio Moa, Rio Cuyaguateje.*
05760	Reach Transport Ltd.: *Erindale.*
06305	E.T. Barber DBA Neches Shell Co.: *NS 31, Chemical 801, TM 113.*
06558	Orient Overseas Container Services Inc.: *Pacific Conveyer, Pacific Despatcher.*
06578	Van Nievelt, Goudriaan & Co. BV.: *Adara.*
06670	Compania Arrendataria del Monopolio de Petroleos S.A.: *Campodola.*
06834	Hongkong Steamship Co. Ltd.: *New Sea Pioneer.*
06877	Societe Francaise de Transports Maritimes: *Poitou.*
06963	Societe Francaise de Transports Maritimes A.T.A. Walon: *Tertre Rouge, Hunaudieres.*
07275	Kabushiki Kaisha Watarai Shoten: *Koshin Maru No. 21.*
07303	Del Bene Ultramar S.A.C.I.Y.F.: *St. Margaret, Acandi, Pampero I. Lucky Importer.*
07325	The Maersk Co. Ltd.: *Maersk Puncher.*
07362	Primorsk Shipping Co.: *Samotlor, Urengoy, Berezovo, Nadym, Usinsk, Nizhnevartovsk, Gornopravdinsk, Kapitan Dyachuk, Kapitan Dotsenko, Kapitan Kobets, Kapitan Nevezhkin.*
07514	Ogata Gyogyo Kabushiki Kaisha: *Tenyu Maru No. 3, Tenyo Maru No. 38.*
07623	Hawaiian Tug and Barge Co. Ltd.: *HTB-36.*
07868	Dolphin Maritime Corp.: *Kiki, Takis Alexakos.*
08317	South East Asia Shipping Co. Ltd.: *Mahavijay.*
08371	Seatrain Shipbuilding Corp: *Stuyvesant (Hull 102).*
08687	Diakan Faith S.A.: *Pistis.*
10214	Arco Iris Naviera S.A.: *Global Frontier.*
10016	Arab Maritime Petroleum Transport Co.: *Shat Al Arab, Umm Shaif, Halul.*
10971	Luria Brothers & Co. Inc.: *DD 655, DD 672, Enoree, Scorpio.*
11040	Shanfil Shipping Inc.: *Malayan Reefer.*
11304	Issei Kaiun Yugen Kaisha: *Eiryu Maru.*
11377	Sealanes Navigation Corp.: *Canadian Farmer.*
11418	Companhia Mocambicana de Navegacao: *Pemba.*
11433	Takamiya Maru Gyogyo K.K.: *Takamiya Maru No. 21, Takamiya Maru No. 23.*
11494	Frimavera of Panama Shipping Co., S.A.: *Arenger.*
11579	Atlantica Spa Di Navigazione: *Dora Riparia.*
11585	Chevron Canada Ltd.: *Sobc 2.*
11601	Sogimar Societa Gestione Imprese Marittime S.P.A.: *Angelo Scinicariello, Bruna Prima.*

Certificate No.	Owner/Operator and Vessels
11652---	Prolific Mariners, Inc.: *Alvina.*
11653---	Utah Transport, Inc.: *Lake Mendocino, Lake Almanor.*
11660---	Northwestern Construction, Inc.: *DB 300.*
11684---	Tramp, S.A.: *Ribajorada.*
11712---	Belbara Shipping S.A.: *Grace Marine.*
11724---	Pentland Management Services Ltd.: *Pentland Brae.*
11725---	Gustavo Mendieta: *Don Basilio.*
11727---	Highseas Navigation Corp. S.A.: *Meiki.*
11729---	Asiatic Intermodal Seabridge S.A.: *Endurance.*
11745---	Ogden Ottawa Transport, Inc.: *Ogden Ottawa.*
11761---	Trade Bulkers, Inc.: *Trade Independence.*
11768---	Navieros Oceanicos S.A.: *Trade Justice.*
11789---	Brown Marine Service, Inc.: *Brown 220, Brown 320, Brown 420, Brown 520.*
11806---	Derrick Transport Corp.: *Spray Derrick.*
11808---	Egret Marine Co., Ltd.: *Golden Portsmouth, Manhattan Duke.*
11810---	Brinknes Schiffahrts-Gesellschaft Franz Lange GMBH & Co. KG.: *Midiboy.*
11830---	World Trade Shipping Corp.: *Don Quixote.*
11834---	Kardamyla Shipping Co., Ltd.: *Irenes Progress.*
11840---	Partenreederei MS Atlantic King: *Atlantic King.*
11844---	Practice Shipping Corp., Ltd.: *Aegis Practic*
11845---	Brittanic Shipping Corp., Ltd.: *Aegis Brittanic.*
11846---	Harmonic Shipping Corp., Ltd.: *Aegis Harmonic.*
11848---	Blenheim Shipping Corp.: *Cape Mandarin.*
11851---	Partenreederei MS Roswitha: *Roswitha*
11852---	Northern Islanders Shipping Ltd: *Cattleya.*
11858---	Laurel Maritime Co. Ltd.: *Erimo.*
11860---	Anangel Liberty Com. Nav. S.A.: *Anangel Liberty.*
11861---	Fukutoku Gyogyo Kabushiki Kaisha: *Fukutoku Maru No. 68.*
11862---	Cosmic Navigation Co. Ltd.: *Cosmic Jupiter.*
11863---	Eviluck Maritime Co. S.A.: *Concordia Sun.*
11864---	Partrederiet for M.S. Scantic: *Scantic.*
11865---	Pesquerias Molares, S.A.: *Monte Furado.*
11866---	Aklan Bulk Carriers, Inc.: *Dona Hortencia II.*
11867---	Blakeslee, Arpaia, Chapman, Inc.: *85-04-10, 85-04-12.*
11869---	Great Universe Navigation Co. S.A.: *Great Universe.*
11870---	Energetic Shipping Corp. Ltd.: *Aegis Hispanic.*
11871---	Seavalor Maritime Corp.: *Artemidi IV.*
11872---	Freedom Bay Shipping Co., Ltd.: *Phenix-1.*
11874---	Maldonado Shipping Co., Ltd.: *Athens Sea.*
11875---	Soriano Shipping Co., Ltd.: *Athens Way.*
11877---	Brado Marine Co., Ltd.: *Athens Sky.*
11878---	Atlas Pesca S.P.A.: *Nicola Specchio, Tortorelli E.*
11879---	K/S A/S Sinmar II: *Team Sinmar.*
11881---	Yaliskari Shipping Co., Ltd.: *Irenes Harmony.*
11882---	Kingfisher Shipping Co., S.A.: *Crown Cherry.*
11883---	Ohita Prefecture: *Oitamaru.*
11884---	Oceanid Marine Corp.: *Ariadni.*
11886---	Pacific Global Transport (Liberia), Inc.: *Ocean Rose.*
11888---	Clan Shipping Co.: *World Recovery.*
11891---	Kantetsu Gyogyo Kabushiki Kaisha: *Kantetsu Maru No. 8.*
11892---	Toyokuni Maru Gyogyo Seisan Kumiai: *Toyokuni Maru No. 8.*
11894---	Norfolk Shipbuilding & Drydock Corp.: *S-112.*
11895---	Ivory Steamship Corp.: *Amvrosios.*
11896---	Toichi Yamashita: *Shinsyu Maru No. 11.*
11898---	Nen Navigation Co. Inc.: *Maritime Shoun.*
11899---	Canopus Trading Corp.: *Sanko Honour.*
11900---	Asia No. 2 Bulk Carriers Inc.: *Asian Transporter.*
11901---	Hand Fortune Co. Ltd. S.A.: *Hand Fortune.*
11902---	Idefix Shipping Corp.: *Idefix.*
11903---	Pacific Overseas Bulk Carriers Inc.: *Toyota No. 23.*
11904---	Helicon Maritime Corp.: *Golden Ambassador.*
11905---	Contank Maritime Corp. S.A.: *Innovator.*
11907---	Arras Marine Corp.: *Master John.*
11910---	K/S A/S Andenesship: *Andking.*
11912---	Alge Compania Naviera S.A.: *Medcape.*
11916---	Partrederiet Granheim: *Granheim.*
11917---	Partrederiet Bjorgfjell: *Bjorgfjell.*
11918---	Causeway Shipping Ltd.: *Causeway.*
11919---	Han Dok Industrial Co. Ltd.: *Han Dok No. 1, Han Dok No. 3, Han Dok No. 2, Han Dok No. 5, Han Dok No. 6, Han Dok No. 7, Han Dok No. 8.*
11920---	Kabushiki Kaisha Uyeno Unyu Shokai: *Kurogai Maru No. 1.*
11923---	Carona Shipping Corp.: *Pindaros.*
11932---	Norma Shipping Ltd.: *Lucia.*

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-35700 Filed 12-2-76;8:45 am]

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Certificates Revoked

Notice of voluntary revocation is hereby given with respect to Certificates of Financial Responsibility (Oil Pollution) which had been issued by the Federal Maritime Commission, covering the below indicated vessels, pursuant to Part 542 of Title 46 CFR and section 311(p)(1) of the Federal Water Pollution Control Act, as amended.

Certificate No.	Owner/operator and vessels
01150---	Chevron Transport Corp.: *T. S. Petersen.*
01232---	Rolf Wigands Rederi A/S: *Team Gerwi.*
01238---	A/S Hakedal & A/S Tank: *Bjoerghav, Bjoergholm, Granheim, Bjorgjfell.*
01306---	Shaw Savill & Albion Co. Ltd.: *Darro, Drina.*
01449---	The Cairn Line of Steamships Ltd.: *Saxon Prince.*
01465---	Scottish Ship Management Ltd.: *Cape Nelson.*
01650---	Compania Pelineon de Navegacion S.A.: *Capetan Mathios.*
01755---	Hugo Stinnes Zwigniederlassung Hamburg: *Nopal Ravenna.*
01893---	Silver Line Ltd.: *Severn Bridge.*
02218---	Christian Haaland: *Concordia Sun, Concordia Sky.*
02295---	The Great Eastern Shipping Co. Ltd.: *Jag Asha.*
02344---	Empresa Lineas Maritimas Argentinas S.A.: *Rio Santiago.*
02386---	Kristiansands Tankrederi A/S, A/S, Kristiansands Tankrederi II, A/S Kristiansands Tankrederi III, Aksjeselskapet Avant. Aksjeselskapet Skjoldheim and Aksjeselskapet Songvaar: *Polytrader.*
02449---	A/S Ivarans Rederi: *Sao Paulo.*
02716---	Aktieselskabet Det Dansk-Fransko Dampskibsselskab: *Vinland.*
02864---	Refineria de Petroleos de Escombreras S.A. (Repesa): *Santiago.*
02889---	Showa Kaiun K.K.: *Shozan Maru.*
02958---	Kawasaki Kisen K.K.: *Nevada Maru.*
03032---	Liberty Transportation Co.: *Olympic Sky.*
03214---	Saleninvest AB: *Sea Spray.*
03282---	Matheson & Co. Ltd.: *Carrel.*
03292---	Maritimecor S.A.: *Morillo, Pecan, Cherry, Alaska, Antartic, Iceland, Clementina, Nordland, Anona, Nectarine, Satsuma.*
03343---	Carrington Navigation Co. Ltd.: *Djatiluhur.*
03433---	Hiroumi Kisen Kabushiki Kaisha: *Japan Lily.*
03447---	K. K. Kyokuyo: *Hakuryu Maru No. 55.*
03462---	Mitsubishi Ore Transport Co. Ltd.: *Santa Lucia Maru.*
03476---	Nissen Kisen K.K.: *Hoei Maru.*
03495---	Shinwa Kisen Kabushiki Kaisha: *Kairyu Maru.*
03501---	Osaka Shosen Mitsui Sohpaku K.K.: *Fuohsan Maru, Dover Maru.*
03506---	Taihelyo Kaiun K.K.: *Kowa Maru.*
03509---	Taiyo Shosen K.K.: *Ryoyo Maru.*
03510---	Takeda Kigyo Kabushiki Kaisha: *Seisho Maru No. 12, Seisho Maru No. 18.*
03517---	Tokyo Kaiji K.K.: *Hemlock.*
03589---	Bay Cities Transportation Co.: *Barge Cordova.*
03619---	United Towing Co.: *Barge PS 204.*
04002---	Compagnie Des Messageries Maritimes: *Moonie.*
04047---	A/S Mosvold Bulktransport: *Mosking.*
04216---	Agenor Shipping Co., Ltd.: *E. D. Papalios.*
04410---	Tenneco Oil Co.: *Z-100, Tenneco 160, Tenneco 161.*
04542---	Mr. Choei Okado: *Chokyumaru No. 15.*
04826---	Ithaca Star Shipping Ltd.: *Regal.*
05041---	Transatlantic Bulk Carriers, Inc.: *Ems Ore.*
05501---	Industrial Navigation Co., Inc.: *Sea Architect.*
05578---	Baltic Shipping Co.: *Nazar Gubin, Semyon Kosinov, Ilovajsk.*
05863---	Compania Maritima Virona S.A.: *Virona.*
05926---	Maritime Services G.M.B.H.: *New England Scout.*
06013---	Osaka Asahi Kaiun Kabushiki Kaisha: *Nanyo Maru.*
06036---	South Texas Towing, Inc.: *LRL 111.*
06316---	Transegeo Navigation S.A.: *Santa Katerina.*
06399---	Tokumaru Kaiun K.K.: *Haruna Maru No. 2.*
07252---	Hidalgo Atlantico Navegacion S.A.: *Natal.*
07374---	Ocean Tramping Co. Ltd.: *Baisiung, Minfung, Fethang, Nanhua.*
07400---	Abyreuth Ltd.: *Dora.*

Certificate No.	Owner/Operator and Vessels
07545	Compania Topacio Navegacion S.A.: *Fushimi.*
07853	Foreign Energy Tankers, Inc.: *Coastal Texas.*
07973	Coscol Tankers, Inc.: *Coastal Colorado.*
08071	Anglo Nordic Bulkships (Management) Ltd.: *Nordic Enterprise.*
08414	I.F.R. Services Ltd.: *Teeside Clipper, London Clipper, Cardiff Clipper, Glasgow Clipper, Chrysantema, Iris Queen, Orchidea, Gladiola, Edinburg Clipper, Orange, Maranga, Cantaloup.*
08605	Townsend Car Ferries Ltd.: *Varanangfell.*
08744	Kontari Compania Naviera: *Tzelepi.*
08772	Partrederiet Mette Christensen: *Mette Christensen.*
08787	Smit Internationale Zeesleep EN Berginsbedrijf BV: *Elbe.*
08870	Omnium Ranger Corp.: *Omnium Ranger.*
09137	Arne Teigens Rederi A/S: *Rytterhav.*
09252	Ocean Victory Ltd.: *Ocean Plum.*
09298	Omnium Leader Corp.: *Sylvia L. Ossa.*
09431	Sierra Leone National Shipping Co., Ltd.: *Ponpoli.*
09640	Rasheed Shipping Corp.: *Al Rasheed.*
09649	Ogden Missouri Transport, Inc.: *Ogden Missouri.*
09725	Okochi Kaiun K. K.: *Sumiho Maru.*
09750	Destion Delmar S.A.: *Calypso Trader.*
09785	San Diego Transportation Co.: *420.*
09794	Capital Dredge & Dock Corp.: *Western Brave, Cameron, Relief, ABL 502, Seneca 1349.*
10099	Petries Compania Naviera S.A.: *Dimitrios K.*
10260	Hollywood Marine, Inc.: *B–524, B–527.*
10491	Rederij M.S. (Shipmair III): *Shipmair III.*
11189	Cetus Shipping Dtd.: *Manhattan Duke.*
11260	Intercontinental Transportation Services, Ltd.: *Golar Frost.*
11320	Consolidated Oceanic Corp., Liberia: *Aristonofos.*
11377	Sealanes Navigation Corp.: *Salamis.*
11653	Utah Transport Inc.: *Koll.*

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-35701 Filed 12-2-76;8:45 am]

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Certificates Issued

Notice is hereby given that the following vessel owners and/or operators have established evidence of financial responsibility, with respect to the vessels indicated, as required by section 311(p)(1) of the Federal Water Pollution Control Act, and have been issued Federal Maritime Commission Certificates of Financial Responsibility (Oil Pollution) pursuant to Part 542 of Title 46 CFR.

Certificate No.	Owner/Operator and Vessels
01015	A/S Rederiet Odfjell: *Bow Master.*
01017	Westfal-Larsen & Co. A/S: *Risanger.*
01029	Port City Towing Co.: *Lynda Anne.*
01330	Shell Tankers (U.K.) Ltd.: *Lyria.*
01755	Hugo Stinnes Zweigniederlassung Hamburg: *Ravenna.*
02246	Blue Star Line Ltd.: *Almeria Star.*
02259	Neste Oy: *Lunni.*
02295	The Great Eastern Shipping Co. Ltd.: *Jag Laxmi.*
02419	Far Eastern Shipping Ltd.: *Federal Sumida.*
02551	Ellerman Lines Ltd.: *City of Canterbury.*
02656	Partenreederei Ms Annemarie Kruger Korrespondentreeder Hans Kruger G.M.B.H.: *Annemarie Kruger.*
02715	Allied Towing Corp.: *Chipper, ATC 101.*
02975	Venture Shipping (Managers) Ltd.: *Queendom Venture.*
03447	K.K. Kyokuyo: *Daishin Maru No. 17, Oshiki Maru No. 2.*
03526	Uwajima Shosen K.K.: *Asunaro.*
03568	Rederiaktieselskapet Freikoll, A/S Bralanta, A/S Bramora: *Bralanta.*
04048	A/S Mosvold Shipping Co.: *Mosriver, Moslake.*
04398	Hapag-Lloyd Aktiengesellschaft: *Caribia Express.*
04565	Consolidated Navigation Corp.: *New Energy.*
04769	Texaco Norway A/S: *Texaco Baltic.*
04770	Texaco Panama, Inc.: *Texaco South America, Texaco Veraguas.*
04848	Surrendra Overseas Ltd.: *Apj Priti.*
05040	General Construction Co.: *GC 150.*
05130	Naviera Humboldt S.A.: *Luis Banchero.*
05155	Bultema Dock & Dredge Co.: *B–1 B–2, B–3, B–5, B–7, B–8.*
05578	Baltic Shipping Co.: *Komsomolsk.*
05579	Black Sea Shipping Co.: *Akademik Tupolev, Yartsevo, Yampol, Yavorov, Yasinovataya, Yahroma, Akademik Kuprevich, Akademik Stechkin, Biryusa.*
05604	Geraldine Transport Corp.: *Lars Maersk.*
05767	Neptune Orient Lines Ltd.: *Neptune Pearl.*
05926	Maritime Services GMBH: *Atlantica Milano.*
05984	Sakhalin Shipping Co.: *Pioner Rossii, Pioner Kamchatki, Pioner Sakhalina, Pioner Kholmsk, Pioner Yuzhnosakhalinska.*
06130	Northern Shipping Co.: *Pioneer Estonii.*
06165	Soponata-Sociedade Portuguesa De Navios Tanques Limitada: *Nieva.*
06399	Tokumaru Kaiun K.K.: *Mietoku Maru.*
06429	Ta Cheng Marine Co. Ltd.: *Great Peace.*
06671	Kitanihon-Oi Kaiun Kabushiki Kaishiya: *Oji Maru No. 1, Tachibana Maru.*
07640	Exxon Co., U.S.A.: *Exxon Barge No. 332.*
07662	*Tankrecderei De Vries & Co. KG.: Gertrude Wiener II.*
08413	McLean Contracting Co.: *Liberty, Consort.*
08605	Townsend Car Ferries Ltd.: *Varangfjell.*

Certificate No	Owner/operator and vessels
03074	Zuito Shipping Co., Ltd.: *Nikko Maru.*
03038	The Boswell Oil Co.: *J. F. Lamb.*
03561	Ben Line Ship Management Ltd.: *Grey Warrior.*
09252	Ocean Victory Ltd.: *Golden Apollo.*
03317	Petroleum Products of Delaware Inc.: *CBC–651.*
10095	Escobal Naviera Co. S.A.: *Ryuko*
10260	Hollywood Marine Inc.: *TTC–1.*
10273	Namyangsa Co. Ltd.: *Acacia No. 2.*
10328	J. & J. Denholm Ltd.: *Mishinish.*
11260	Intercontinental Transportation Services, Ltd.: *Bolivar.*
11610	Dafra Bulk, Inc.: *Slesvig.*
11619	Theral Shipping Corp.: *Sea Star.*
11649	Birch Shipping Corp.: *Point Julie.*
11653	Utah Transport Inc.:*Lake Tahoe.*
11685	Passaat Santos Shipping Co. N.V.: *Passaat Santos.*
11714	Global Transport Organization: *Seaspan Royal.*
11716	Windwards Steamships Corp.: *Enrus.*
11727	Highseas Navigation Corp. S.A.: *Nancheng.*
11759	Samelet Helmstaub: *Stavik.*
11771	Iphigenia Marine Ltd: *Helena 1.*
11774	Ellert Lund's Rederi A/S: *Susanne.*
11820	Alltrans Shipping Ltd.: *Actium.*
11821	Minerve Shipping and Trading Corp. S.A.: *Petrola 131.*
11823	Compagnie Tunisienne De Navigation: *La Skhira, Nebhana.*
11880	The General National Maritime Transport Co.: *Zuetina, Essidra.*
11883	Golden Shimizu Steamship Inc.: *Golden Shimizu.*
11893	Posiden Navigation Inc.: *Stolt Sheaf.*
11894	Norfolk Shipbuilding & Drydock Corp.: *Derrick 207.*
11906	Coriana Maritime Co. Ltd.: *St. Michael.*
11908	Troas Shipping Co. S.A.: *Tina Lentoudis.*
11909	Black Sea Mediterranean and Atlantic Steamship Co. Ltd.: *Eurymedon, Euryalus.*
11911	I/S Sirehel: *Vasco De Gama.*
11914	Partrederiet Bjorghav: *Bjorghav.*
11915	Partrederiet Bjorgholm: *Bjorgholm.*
11922	American Operators, Inc.: *Polar 092.*
11927	Soryain Compania Naviera S.A.: *Costis.*
11928	International Bulkers Corp.: *Brazilian Marina.*
11929	Chestnut Shipping Co.: *Chestnut Hill.*
11933	Cia. De Navegacion La Gloria S.A.: *Eveline.*
11934	Santa Maria Trading Co. Inc.: *Edelweiss.*
11936	Amoco Drilling Services Inc.: *Wareship II.*
11937	Latonia Marine Co. Ltd.: *Unihope.*
11939	Evisea Maritime Co. S.A.: *Concordia Sky.*
11940	The Oceanic Freighters Corp.: *Bluesky, Pinksky, Redsky.*
11941	Bulatan Marine Co. S.A.: *Ocean Log.*
11942	Cyclop Shipping Co. S.A.: *Scapmariner.*
11943	Nazca Marine Corp. of Panama: *Lady Salla.*
11944	Namyang Shipping Co. Ltd.: *Cipea No. 7, Cipea No. 8, Cipea No. 10, Cipea No. 11, Cipea No. 12, Acacia No. 7.*
11945	Gower Shipping Co.: *World Argonaut.*
11948	Ardgowan Shipping Co. Ltd.: *Darro.*

Certificate No.	Owner/Operator and Vessels
11949	Blackhall Shipping Co. Ltd.: *Drina.*
11950	Evidar Compania Naviera S.A.: *Lygaria.*
11956	Rederi Ab Nordo: *Scandinavia.*
11960	Lindinger Silver K/S: *Lindinger Silver.*
11961	Oy Tankships AB: *Caldereta.*
11962	Compania Podav S.A.: *Aliki.*
11963	Kabushiki Kaisha Sakyu Shoten: *Ryuho Maru No. 37, Ryuho Maru No. 38, Ryuho Maru No. 51.*
11964	Nankai Gyogyo Kabushiki Kaisha: *Nankai Maru No. 118.*
11965	Gallop Carriers Co., S.A.: *Hakuho.*
11966	Goshi Gaisha Maruhyo Shoten: *Fukucho Maru No. 11.*
11967	Dairin Gyogyo Yugen Gaisha: *Dairin Maru No. 28.*
11968	Yakushi Gyogyo Kabushiki Kaisha: *Yakushi Maru No. 21, Yakushi Maru No. 31.*
11969	Tachiyama Suisan Kabushiki Kaisha: *Taigen Maru No. 28.*
11970	Kodama Tasuku: *Tenyu Maru No. 12.*
11971	Alioth Transport Inc., *Alioth.*
11972	Maruyama Gyogyo Kabushiki Kaisha: *Ryusho Maru No. 1.*
11973	Marine Transport & Engineering Services Ltd.: *C.P. Edwards.*
11974	Thiaki Shipping Corp.: *Thiaki.*
11975	Gerner-Mathisen Rederi A/S: *Germa Lord.*
11976	Union Pacific S.A.R.L.: *Capitaine Kermadec.*
11978	Iowa Shipping Enterprises Corp.: *Moorgate King.*
11981	Celestial Maritime Inc.: *Brilliant Star.*
11983	Itel Volans Inc.: *Itel Volans.*
11985	Mobil Overseas Shipping Co.: *Mobil Raven, Mobil Tern.*
11988	Georgandis Maritime S.A.: *Angeliki G.*
11989	Georgandis Navegacion S.A.: *Antonios G.*

By The Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-35702 Filed 12-2-76;8:45 am]

GULF EUROPEAN FREIGHT ASSN.

New Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before December 27, 1976. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Howard A. Levy, Esquire, Suite 727, 17 Battery Place, New York, New York 10004.

Agreement No. 10270, among Lykes Bros. Steamship Co., Sea-Land Service-Inc., Seatrain International S.A., United States Lines, Inc. and Combi Line, is a new agreement replacing the present Gulf European Freight Association Agreement No. 9360.

The new agreement provides among other things for initiation fees, intermodal authority in both the U.S. and Europe and more restrictive provisions for independent action.

By Order of the Federal Maritime Commission.

Dated: November 30, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-35699 Filed 12-2-76;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. RP73-77; PGA77-2]

ALABAMA-TENNESSEE NATURAL GAS CO.

Proposed PGA Rate Adjustment

NOVEMBER 26, 1976.

Take notice that on November 22, 1976, Alabama-Tennessee Natural Gas Company (Alabama-Tennessee), P.O. Box 918, Florence, Alabama 35630, tendered for filing as part of its FPC Gas Tariff, Third Revised Volume No. 1, Second Substitute Eighteenth Revised Sheet No. 3-A. This revised tariff sheet is proposed to become effective as of December 1, 1976.

Alabama-Tennessee states that the sole purpose of such revised tariff sheet is to adjust Alabama-Tenessee's rates pursuant to the PGA provisions of section 20 of the General Terms and Conditions of its tariff to reflect increased rates to become effective on December 1, 1976, to be charged by its sole supplier, Tennessee Gas Pipeline.

The revised tariff sheet provides for the following rates:

Rate schedule: G-1:	*Substitute 18th revised sheet No. 3-A*
Demand	$1.63
Commodity (cents)	103.50
SG-1: Commodity (cents)	115.41
I-1: Commodity (cents)	108.87

Alabama-Tennessee also requests, pursuant to § 154.51 of the Commission's regulations, a waiver of the thirty days notice requirement because it did not receive Tennessee's increased rate filing upon which Alabama-Tennessee's filing is based until November 22, 1976, the same day on which Alabama-Tennessee made its rate filing.

Alabama-Tennessee states that copies of the filing have been mailed to all of its jurisdictional customers and affected State regulatory Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, 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 December 10, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-35644 Filed 12-2-76;8:45 am]

[Docket Nos. RP76-15 RP76-98 and CP69-41 etc.]

ALGONQUIN GAS TRANSMISSION CO.

Order Rejecting Refiled Tariff Sheet and Granting Stay

NOVEMBER 26, 1976.

By order issued October 15, 1976, the Commission rejected a portion of a proposed Substitute First Revised Sheet No. 10-A to Algonquin Gas Transmission Company's (Algonquin) FPC Gas Tariff, First Revised Volume No. 1. By letter dated October 29, 1976, Algonquin refiled Substitute First Revised Sheet No. 10-A and requested a stay pending action upon Algonquin's Application for Rehearing of the October 15 order.

Substitute First Revised Sheet No. 10-A does not comply with the requirements of our October 15 order in these dockets. In fact, Algonquin merely refiled the same tariff sheet which was rejected in that order. Nothing has been shown to convince the Commission that its October 15 order should be changed. Accordingly, for the same reasons set forth in that order, the Commission shall reject the refiled Substitute First Revised Sheet No. 10-A without prejudice to Algonquin filing a tariff sheet in compliance with the requirements of the October 15 order.

Algonquin requested also that a stay on the operation of the October 15 order be granted pending action on its application for rehearing. The Commission shall grant this request.

The Commission orders: (A) Substitute First Revised Sheet No. 10-A refiled by Algonquin October 29, 1976, is hereby rejected without prejudice to Algonquin's right to refile a new tariff sheets which complies with the October 15, 1976 order in these dockets.

(B) A stay of the operation of the October 15 order is hereby granted until

the date upon which a Commission order acting upon Algonquin's application for rehearing is issued.

(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.76-35636 Filed 12-2-76;8:45 am]

[Docket No. RP72-110 (PGA 76-13) etc.]

ALGONQUIN GAS TRANSMISSION CO. ET AL.

Order Permitting Interventions and Denying Motion To Consolidate

NOVEMBER 29, 1976.

Algonquin Gas Transmission Co., Docket No. RP72-110 (PGA 76-13), Arkansas Louisiana Gas Co., Docket No. RP76-19 (PGA76-4), Chattanooga Gas Co., Docket No. CP73-329 (PGA77-1), Cities Service Gas Co., Docket No. RP72-142 (PGA76-8a), Colorado Interstate Gas Company, Docket No. RP72-122 (PGA76-6), Columbia Gas Transmission Corp., Docket No. RP73-65 (PGA76-6 and 76-7), Commercial Pipeline Company, Inc., Docket No. RP75-8 (PGA76-8a), Consolidated Gas Supply Corp., Docket No. RP72-157 (PGA76-9), East Tennessee Natural Gas Co., Docket No. RP71-15 (PGA76-5), El Paso Natural Gas Co., Docket No. RP72-155 (PGA76-5), Florida Gas Transmission Co., Docket No. RP72-136 (PGA76-4), Granite State Gas Transmission, Inc., Docket No. RP73-17 (PGA76-5), Kentucky-West Virginia Gas Co., Docket No. RP73-97 (PGA76-4), Lawrenceburg Gas Transmission Corp., Docket No. RP72-23 (PGA76-5), Michigan-Wisconsin Pipe Line Co., Docket No. RP73-14 (PGA 76-4), Mid Louisiana Gas Co., Docket No. RP73-43 (PGA76-4), Midwestern Gas Transmission Co., Docket No. RP71-16 (PGA76-6). Mississippi River Transmission Corp., Docket No. RP72-149 (PGA76-15 and 76-16), Montana-Dakota Utilities Co., Docket No. RP74-97 (PGA 76-3), Natural Gas Pipeline Co. of America, Docket No. RP71-125 (PGA76-9), Northern Natural Gas Co., Docket No. RP71-107 (PGA76-3), Northwest Pipeline Corp., Docket No. RP72-154 (PGA 76-6), Oklahoma Natural Gas Gathering Corp., Docket No. RP72-115 (PGA 76-5a), Pacific Interstate Transmission Co., Docket No. CP76-104 (PGA76-2), Panhandle Eastern Pipe Line Co., Docket No. RP73-36 (PGA76-4), Sea Robin Pipeline Co., Docket No. RP73-89 (PGA 76-3), South Georgia Natural Gas Co., Docket No. RP73-49 (PGA 76-6), Southern Natural Gas Co., Docket No. RP73-64 (PGA 76-4), Southwest Gas Corp., Docket No. RP72-121 (PGA76-7), Tennessee Gas Pipeline Co., Docket No. RP 73-114 (PGA76-4), Tennessee Natural Gas Lines, Inc., Docket No. RP71-11 (PGA76-5), Texas Eastern Transmission Corp., Docket No. RP74-41 (PGA76-8), Texas Gas Transmission Corp., Docket No. RP72-156 (PGA76-4), Transcontinental Gas Pipe Line Co., Docket No. RP73-3 (PGA76-4), Transwestern Pipeline Co., Docket No. RP74-52 (PGA76-5), Trunkline Gas Co., Docket No. RP73-35 (PGA76-4), United Gas Pipe Line Co., Docket No. RP72-133 (PGA76-4), Utah Gas Service Co., Docket No. RP76-35 (PGA76-3), Valley Gas Transmission Co., Docket No. RP73-94 (PGA76-4), Western Transmission Corp., Docket No. RP72-31 (PGA76-2).

By order issued October 21 1976, the Commission deferred action on the purchased gas cost adjustment filings listed in the caption and permitted certain listed parties to intervene in these proceedings. Additional petitions to intervene not listed in the appendix to the October 21, 1976, order have been received.[1] The Commission believes that the interest of the parties listed in the Appendix below is sufficient to warrant their intervention in these proceedings.

National Fuel Gas Supply Corporation (NFG) filed a petition to intervene in Valley Gas Transmission Company's (Valley) filing in Docket No. RP73-94 (PGA76-4). Therein NFG moved for suspension of the PGA rate increase and consolidation of that increase with certain other dockets wherein NFG has raised questions concerning the rate effect of a settlement agreement concerning allocation of reserves in the Luby and Petronilla fields in Nueces County, Texas. The Commission believes that this issue is collateral to the tracking of producer rate increases by pipeline companies pursuant to Commission orders establishing just and reasonable rates and accordingly will deny the motion to consolidate. We note that by order issued November 5, 1976, in Docket No. RP73-94 (PGA76-3), the Commission indicated that such hearings or other procedures necessary to resolve the dispute concerning these reserves were to be prescribed by separate order. Our denial of NFG's motion to consolidate is without prejudice to such further action as may be necessary to resolve this dispute.

The Commission finds: (1) Good cause exists to permit the parties listed in Appendix A below to intervene in the respective proceedings in which the petitions were filed.

(2) Good cause exists to deny NFG's motion to consolidate.

The Commission orders: (A) NFG's motion to consolidate is denied.

(B) The petitioners listed in Appendix A below are hereby permitted to intervene in the proceedings in which the petitions were filed, subject to the rules and regulations of the Commission: *Provided, however,* That participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in their petitions to intervene: *And provided, further,* That the admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(C) The interventions granted herein shall not be the basis for delaying or deferring any procedural schedules heretofore established for the orderly and expeditious disposition of this proceeding.

(D) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[1] They are listed in Appendix A below by petitioner, pipeline, and docket number.

Appendix A

Petitioner:	*Pipeline/docket no.*
New Jersey Natural Gas Co	Texas Eastern Transportation Corp. RP74-41 (PGA76-8).
East Tennessee Group	Tennessee Gas Pipeline Co. RP73-114 (PGA 76-4).
Tennessee Public Service Commission	Do.
Consolidated Gas Supply Corp	United Gas Pipeline Co. RP72-133 (PGA76-4).
Memphis Light, Gas and Water Division.	Do.
Public Service Commission of the State of New York.	Do.
Public Service Electric & Gas Co	Do.
Michigan Gas Storage Co	Panhandle Eastern Pipeline Co. RP73-36 (PGA 76-4).
Missouri Edison Co	Do.
National Fuel Gas Supply Corp	Valley Gas Transmission Co. RP73-94 (PGA 76-4).
Atlanta Gas Light Co	Southern Natural Gas Co. RP73-64 (PGA76-4).
Do	Transcontinental Gas Pipeline Co. RP73-3 (PGA 76-4).
Public Service Electric & Gas Co	Texas Gas Transmission Corp. RP72-156 (PGA 76-4).
Tennessee Public Service Commission	Do.
Orange & Rockland Utilities, Inc	Columbia Gas Transportation Corp. RP73-65 (PGA76-6, 76-7).
Public Service Commission of the State of New York.	Do.
Roanoke Gas Co	Do.

[FR Doc.76-35630 Filed 12-2-76;8:45 am]

[Docket No. CP77-55]

COLUMBIA GAS TRANSMISSION CORP.

Application

NOVEMBER 26, 1976.

Take notice that on November 12, 1976, Columbia Gas Transmission Corporation (Applicant), 1700 MacCorkle Avenue SE., Charleston, West Virginia 25314, filed in Docket No. CP77-55 an application pursuant to section 7 (b) and (c) of the Natural Gas Act, as amended, for permission and approval to abandon certain facilities and for authorization for the construction and operation of certain natural gas 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 abandon by sale to Ray Resources, et al., the southernmost 5.6 miles of 4-inch and 6-inch Line P-3 Extension, with appurtenant measuring facilities located in Letcher and Perry Counties, Kentucky. It was stated that the section proposed for abandonment by sale herein was constructed in 1971 pursuant to the budget-type gas purchase facility authorization of United Fuel Gas Company, a predecessor company of Applicant, in anticipation of the dedication of gas reserves to Applicant. Further, Ray Resources, et al. desire to buy these facilities and operate them as a part of their gathering system in order to lower the gathering line pressures so that they may produce both associated and non-associated natural gas at maximum economic rates. It is indicated that the assets purchased by Ray Resources, et al. will be sold for a consideration equal to Applicant's original cost less accrued depreciation as of the date of consummation of the transaction.

Further, Applicant proposes to construct and operate a natural gas measuring facility located in Letcher County, Kentucky, at or near the northern terminus of the section of pipeline proposed for abandonment by sale herein. This construction is estimated to cost $8,000, it is stated.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 17, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-35643 Filed 12-2-76;8:45 am]

[Docket Nos. RP77-7 and RP72-157 (PGA77-1a and R&D 77-1a)]

CONSOLIDATED GAS SUPPLY CORP.

Order Accepting for Filing and Suspending Certain Tariff Sheets, Accepting and Permitting Other Tariff Sheets To Become Effective, Subject to Refund, Consolidating Proceedings, and Establishing Procedures

NOVEMBER 24, 1976.

On October 29, 1976, Consolidated Gas Supply Corporation (Consolidated) tendered for filing in Docket No. RP77-7 certain revised tariff sheets to its FPC Gas Tariff.[1]

Consolidated states that the revised tariff sheets reflect an increase in annual jurisdictional revenues of $70 million to compensate it for a claimed increase in its cost of service for the 12 months ended June 30, 1976, as adjusted for known and measurable changes through March 31, 1977. Consolidated seeks to make the revised tariff sheets effective on December 1, 1976. Consolidated included in its filing certain pro forma tariff sheets which it requests the Commission to approve on a prospective basis. The pro forma tariff sheets would permit Consolidated to change its rates to reflect changes in the level of advance payments to producers and changes the rates charged to it by others for the transportation of gas. For the reasons herinafter stated, the Commission will accept the revised tariff sheets listed in footnote 1, suspend their use for five months, or until May 1, 1977, when they will be permitted to become effective, subject to refund, and establish procedures to determine the lawfulness of the proposed increased rates.

On October 1, 1976, as amended on October 26, 1976, Consolidated filed in Docket No. RP72-157 (PGA77-1a and R&D 77-1a) certain other revised tariff sheets to its FPC Gas Tariff.[2] By the amended tariff sheets, Consolidated sought a net reduction in its rates as of November 1, 1976 to reflect purchased gas cost increases, a decrease in its surcharge to recover the balance in its unrecovered gas cost account,[3] and a decrease in its cumulative Research and Development adjustment. For the reasons hereinafter stated, the Commission will grant waiver of the Regulations to permit these tariff sheets to become effective, subject to refund, on November 1, 1976 and consolidate for hearing and decision as to the lawfulness of the proposed rates the filing in Docket No. RP77-7 with the filing in Docket No. RP72-157 (PGA77-1a and R&D 77-1a).

Notice of the filing in Docket No. RP77-7 was issued November 9, 1976, with comments, protests, or petitions to intervene due on or before November 23, 1976. Notice of the filing in Docket No. RP72-157 (PGA77-1a and R&D 77-1a was issued November 2, 1976, with comments, protests, or petitions to intervene due on or before November 24, 1976. To date, no protests or petitions to intervene have been received.

The rate increase filing in Docket No. RP77-7 is based on claimed increases in Consolidated's cost of service, including the cost of capital, the cost of labor, materials and supplies, use of national and area rates for its own production, increased transportation rates paid to other pipeline companies, increased depreciation expense, increased investment, and decreased sales volumes. Consolidated has used the Seaboard[4] method of cost classification, allocation, and rate design.

Commission review of the proposed increased rates indicates that they have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, or otherwise unlawful. Accordingly, we shall accept the revised tariff sheets listed in footnote 1, supra, for filing, suspend their use for five months, or until May 1, 1977, when they will be permitted to become effective, subject to refund, in the manner provided by the Natural Gas Act, and establish procedures to determine the lawfulness of the rates contained therein. We hereby place Consolidated on notice of the potential liability for undercollections if the Commission adopts methods of cost classification for allocation and rate design purposes that assign more fixed costs to the commodity component than are assigned under the Seaboard method.[5] The Commission will defer action on Consolidated's pro forma tariff sheets until after hearing and decision as to their lawfulness.

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[1] First Revised Sheet Nos. 5, 6, 7, 31, 37, 38, 47 and 48 and Sixth Revised Sheet Nos. 8 and 9 to Second Revised Volume No. 1; and Fourth Revised Sheet No. 267, Sixth Revised Sheet No. 271, Eighth Revised Sheet No. 272, and Fifth Revised Sheet No. 272-A to Original Volume No. 2.

[2] Substitute Fifteenth Revised Sheet Nos. 8 and 9 to Second Revised Volume No. 1.

[3] Both of these reductions do not reflect increased producer rates promulgated by Opinion Nos. 770 and 770-A.

[4] Atlantic Seaboard Corporation, 11 FPC 43 (1952).

[5] See, e.g., Tennessee Gas Pipeline Company, Docket No. RP76-137, order issued August 30, 1976; Transwestern Pipeline Company, Docket No. RP74-52, order issued March 2, 1976.

Consolidated's filing in RP72–157 is based in part on certain claimed research and development costs which are the subject of proceedings in Docket Nos. RP75–91 and RP72–157 (R&D 76–1). The R&D adjustment therein was permitted to become effective, subject to refund by order issued October 31, 1975. Accordingly, the tariff sheets listed in footnote 2, supra, will be accepted for filing and permitted to become effective on November 1, 1976 subject to refund, pending determination of the lawfulness of the R&D adjustment proposed in the R&D 76–1 proceeding and subject to the investigation herein ordered. Consolidated seeks to recover costs associated with three projects not previously subject to its R&D adjustment provision. These projects are: Benson Sands Research; CNG/ERDA Heat Pump; and Fluidized Bed Combustor Heat Exchanger. We believe that the Benson Sands project properly qualifies for R&D treatment and is properly included in this filing. However, costs for the other two projects have not been shown to be just and reasonable and in conformity with the definition of Research and Development as set forth in the Uniform System of Accounts. Accordingly, an investigation shall be held to determine if the proposed R&D adjustment provision is just and reasonable. Consolidated shall file evidence constituting its case in chief to support the inclusion of the costs associated with these two projects on or before December 30, 1976. Such evidence should be directed to, but not limited by the following:

1. A detailed description of the projects and their location.
2. The objective of the projects and the benefits expected.
3. The estimated cost of the projects.
4. The nature of any new technology.
5. Differences from existing technology.
6. Participation in the projects; and
7. Benefits, if any, to the consumer from the projects and any successful results thereof.

The investigation herein ordered will be consolidated for hearing and decision with the proceeding in Docket No. RP77–7.

The Commission finds. (1) It is necessary and proper in the public interest in carrying out the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the increased rates and charges proposed by Consolidated in Docket No. RP77–7. and into the lawfulness of the R&D adjustment proposed in RP72–157 (PGA77–1a and R&D 77–1a), that the proceedings be consolidated for hearing and decision, that the tariff sheets listed in footnote 1, supra, be accepted for filing and suspended for five months when they may become effective subject to refund, and that the tariff sheets listed in footnote 2, supra, be accepted for filing and permitted to become effective November 1, 1976, subject to refund, subject to the outcome of the proceedings in Docket Nos. RP75–91 and RP72–157 (R&D 76–1) and the investigation herein ordered.

(2) Good cause exists to grant waiver of Section 154.22 of the Commission's Regulations.

The Commission orders. (A) Pursuant to the authority of the Natural Gas Act, particularly Sections 4 and 5 thereof, and the Commission's Rules and Regulations, a public hearing shall be held concerning the lawfulness and reasonableness of the increased rates as filed in Docket No. RP77–7.

(B) Pending hearing and decision as to the justness and reasonableness of the increased rates proposed in Docket No. RP77–7, the revised tariff sheets listed in footnote 1, supra, are accepted for filing and suspended for five months, or until May 1, 1977, when they will be permitted to become effective, subject to refund, in the manner provided by the Natural Gas Act.

(C) Pending hearing and decision as to the R&D adjustment proposed in Docket No. RP72–157 (PGA77–1a and R&D 77–1a) and (subject to the outcome of the proceedings in Docket Nos. RP75–91 and RP72–157 R&D 76–1), the tariff sheets listed in footnote 2, supra, are accepted for filing and permitted to become effective, subject to refund, as of November 1, 1976.

(D) The proceedings in Docket No. RP77–7 and RP72–157 (PGA77–1a and R&D 77–1a) are consolidated for the purpose of hearing and decision.

(E) Waiver of Section 154.22 of the Commission's Regulations is hereby granted.

(F) On or before December 30, 1976, Consolidated shall file its case in chief in support of the inclusion of the R&D costs as specified herein.

(G) The Commission Staff shall prepare and serve top sheets concerning all cost of service issues on all parties on or before April 1, 1977. (See Administrative Order No. 157)

(H) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5 (d)), shall convene a settlement conference in this proceeding on a date certain within 10 days after the service of top sheets by the Staff in a hearing or conference room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. Said Presiding Administrative Law Judge is hereby authorized to establish such further procedural dates as may be necessary, including an appropriate date and form for the service of Staff's presentation on cost classification, allocation, and rate design, 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.

(I) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–35647 Filed 12–2–76;8:45 am]

[Docket No. CP65–393, etc.]

FLORIDA GAS TRANSMISSION CO. ET AL.

Order Granting Interventions, Consolidating Proceedings, and Reopening Record

NOVEMBER 26, 1976.

Florida Gas Transmission Company, Docket No. CP65–393, Amoco Production Company, a Subsidiary of Standard Oil Company of Indiana, Docket Nos. CI65–584, CI77–80, and CI77–81, Columbia Gulf Transmission Company, Docket No. CP73–70, CP77–31, Natural Gas Pipeline Company of America, Docket No. CP73–157, Sea Robin Pipeline Company, Docket No. CP77–37, Tennessee Gas Pipeline Company, a Division of Tenneco Inc., Docket No. CP77–31.

On October 8, 1976, the Commission issued an order in this proceeding setting for hearing the proposed pipeline transportation and exchange proposals of Columbia Gulf Transmission Company and Natural Gas Pipeline Company of America.

Late petitions to intervene have been submitted by Peoples Gas System, Inc. (Peoples Gas), Gainesville Gas Company (Gainesville), and Gulf Natural Gas Corporation (Gulf Natural). These petitions to intervene were not submitted in a timely manner, but because of the importance of the issues to be decided in this proceeding and the desire of the Commission that all interested persons are heard, we will permit these late filings, provided they accept the record as it now stands.[1]

On October 27, 1976, Sea Robin Pipeline Company (Sea Robin) filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing the construction and operation of facilities and the transportation of volumes of gas for the account of Amoco Production Company (Amoco) from East Cameron Block 264, Offshore Federal Domain to Sea Robin's pipeline near Erath, Vermilion Parish, Louisiana, for redelivery to Columbia Gulf Transmission Company in accordance with that pipelines' agreement with Amoco, Docket Nos. CI77–80 and CP73–70. Notice of the Sea Robin application was issued on November 10, 1976, and appeared in the FEDERAL REGISTER on November 16, 1976, at 41 FR 50504.

This same Sea Robin application was previously denied by order issued May 16, 1975, "Order Affirming Initial Decision, Docket No. CP72–119." Sea Robin has reapplied for a certificate as part of Amoco's efforts to satisfy certain war-

[1] On November 16, 1976, Ft. Pierce Utility Authority of the City of Ft. Pierce, et al. (Ft. Pierce, et al.) filed a petition to intervene in Docket Nos. CI77–80 and CI77–81. By separate orders dated November 12, 1976, Ft. Pierce, et al. was granted intervention in this proceeding and the Commission consolidated Docket Nos. CI77–80 and CI77–81 with the case to be heard as CP65–393, et al., specifically granting intervention in the consolidated dockets to all these, such as Ft. Pierce, et al., who were parties in CP65–393, et al. Therefore, the instant Ft. Pierce, et al. petition for intervention is moot.

ranty contracts with Florida Gas Transmission Company and Florida Power and Light Company. Other proposed exchange and transportation arrangements that are related to these warranty contracts are currently consolidated in the proceeding whose lead docket is "Florida Gas Transmission Company, et al.", Docket Nos. CP65–393, et al. Hearing was held in this matter commencing on November 16, 1976.

On October 26, 1976, Columbia Gulf Transmission Company and Tennessee Gas Pipeline Company, a Division of Tenneco Inc. filed a joint application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for Amoco Production Company.

Applicants proposed to transport for Amoco up to fifty percent (50%) of the gas to be produced from the OCS–G–2559 wells No. A–1, A–2, A–3, A–4, A–5 and A–6, Block 617, West Cameron Area, Offshore Louisiana. The gas will be transported through facilities owned by Columbia Gulf and Tennessee, and/or with others in the West Cameron, East Cameron and Vermilion Areas, Offshore Louisiana. Pipeline applicants will redeliver gas with a thermal content equivalent to that received from Amoco, adjusted for plant shrinkage and fuel and a proportionate share of compressor fuel used and unaccounted for losses or gains in the facilities used for this service, to Amoco or for Amoco's account at a measuring station in Vermilion Parish, Louisiana. Notice of this application was issued November 3, 1976, and appeared in the FEDERAL REGISTER on November 10, 1976, at 41 FR 49672.

On November 8, 1976, Amoco filed a motion to consolidate two applications by it and the Sea Robin application with the Florida Gas proceeding. By order of November 12, 1976, the two Amoco applications in Docket Nos. CI77–80 and CI77–81 were consolidated with the proceeding in Florida Gas, et al. Good cause exists to consolidate the Sea Robin application and the Columbia Gulf-Tennessee application with the other proposals connected with the Amoco warranty contracts.

Accordingly, the Presiding Administrative Law Judge assigned to the Florida Gas case is directed to reopen the record in that proceeding to permit any party to file such additional evidence as it may deem necessary solely with respect to the issues raised by the applications in Docket Nos. CP77–37 and CP77–31.

The Commission finds. (1) Good cause exists to grant the petitions of Peoples Gas, Gainesville, and Gulf Natural.

(2) The similarity of issues of fact and law between the proceedings in Docket Nos. CP65–393, et al. and CP77–37 and CP77–31 require their consolidation for hearing and decision on a single record.

The Commission orders. (A) Peoples Gas, Gainesville, and Gulf Natural are permitted to intervene in this proceeding subject to the rules and regulations of the Commission; *Provided, however,* That the participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in their petitions for leave to intervene; *And provided, further,* That the admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders of the Commission entered in these proceedings, and that the intervenors agree to accept the record as it now stands.

(B) The application filed by Sea Robin in Docket No. CP77–37 and the application of Columbia Gulf-Tennessee in Docket No. CP77–31 are hereby consolidated for hearing and disposition with the proceeding denominated as "Florida Gas Transmission Company, et al., Docket Nos. CP65–393, et al. Furthermore, the Presiding Administrative Law Judge assigned to the "Florida Gas" proceeding is directed to reopen the record in that proceeding to provide for the taking of such additional evidence as he may deem relevant to the issues raised by the Sea Robin application in Docket No. CP77–37 and the Columbia Gulf-Tennessee application in Docket No. CP77–31.

(C) Amoco's applications for certificates to exchange gas with Sea Robin and Columbia Gulf-Tennessee shall be filed within ten days of this order and consolidated therein. All parties to Docket No. CP65–393, et al. are deemed to be parties to the Amoco applications, when filed, without the need for additional filings of petitions to intervene.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76–35641 Filed 12–2–76;8:45 am]

[Docket No. RP76–148]

GAS GATHERING CORP.

Order Granting Late Interventions

NOVEMBER 29, 1976.

By order issued September 17, 1976, the Commission accepted and suspended a proposed increase in rates in the captioned docket. A timely petition to intervene has been received from Transcontinental Gas Pipe Line Corporation. The Commission believes that the interest of this petitioner is sufficient to warrant intervention.

The Commission finds. It is desirable and in the public interest to allow the above-named petitioner to intervene.

The Commission orders. (A) The above-named petitioner is hereby permitted to intervene in these proceedings subject to the rules and regulations of the Commission: *Provided, however,* That participation of such intervenor shall be limited to matters affecting asserted rights and interests as specifically set forth in its petition to intervene; *And provided, further,* That the admission of such intervenor shall not be construed as recognition by the Commission that it 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.76–35642 Filed 12–2–76;8:45 am]

[Docket No. RI77–11]

GRUY MANAGEMENT SERVICE CO.

Notice of Petition for Special Relief

NOVEMBER 24, 1976.

Take notice that on November 9, 1976, Gruy Management Service Co., as operator for V. A. Hughes, et al. (Petitioner), 2501 Cedar Springs Road, Dallas, Texas 75201, filed in Docket No. RI77–11 a petition for special relief pursuant to Order No. 481 and § 2.76 of the Commission's General Policy and Interpretations (18 CFR 2.76). Petitioner seeks an increase in its base rate from 35 cents per Mcf to 61.25 cents per Mcf for the sale of natural gas to United Gas Pipe Line Company from the R. Robinson Lease, Carthage Field, Panola County, Texas. Petitioner states that the compressor used to deliver gas produced from the lease is in need of repair in order to continue production. Petitioner also states that without relief its planned expenditure would not be economically feasible and the remaining reserves would not be recovered.

Any person desiring to be heard or to make any protest with reference to said petition should on or before December 17, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). 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.

[FR Doc.76–35645 Filed 12–2–76;8:45 am]

[Docket No. E–8121]

GULF STATES UTILITIES CO.

Order on Rehearing Modifying Prior Order

NOVEMBER 26, 1976.

On October 27, 1976, Gulf States filed an application for rehearing of the Commission's October 15, 1976 order in this proceeding. For the reasons hereinafter stated, the Commission shall deny the application.

The original order requiring payment of refunds in this proceeding was issued on June 2, 1976, which provided in the ordering paragraph that:

Gulf States shall, within thirty days of the date of issuance of this order, refund to Sam Rayburn, with simple interest compounded at 7% per annum, all monies collected from Sam Rayburn under the rate schedules proposed in Docket No. E-8121. Gulf States shall within fifteen days thereafter, file a report of refunds with this Commission indicating Gulf States' conformance with this order.

The order issued on October 15, 1976, reflecting a discussion of Order 513-A (Mimeo, pp. 3 & 4), provided in the ordering paragraph that:

The Ordering paragraph of the Commission's June 2, 1976, order in this proceeding is hereby amended to read "simple interest *computed* at *9% per annum*" (the Italics denotes changes).

Gulf States alleges in its application that the effect of the ordering paragraph and amendment, above, would be to require payment of all refunds in this docket with simple interest computed at 90% per annum, whereas Order No. 513-A, as modified by the Commission's October 15, 1976, order in Docket No. RM74-18, provided that a 9% per annum interest rate should be applied to all excessive rates and charges collected on or after October 10, 1974, and that 9% per annum should also be the rate of interest accrued on or after October 10, 1974, for excessive rates and charges collected prior to October 10, 1974. Those orders, however, provide that an interest rate of 7% per annum should be applied for the period prior to October 10, 1974, on excessive rates and charges collected prior to October 10, 1974. Gulf States argues that the October 15, 1976, order in this docket should be modified consistent with Order No. 513-A. The Commission agrees with this statement and the October 15, 1976, order and the June 2, 1976, order herein shall be so modified.

Gulf States further alleges that arguments raised in its answer to the petition leading to our order of October 15, 1976, were not considered in the issuance of the order. Since no new issues of fact or law have been presented which were not fully considered by the Commission before entering the order of October 15, 1976, rehearing on this question must be denied.

The Commission finds. Good cause exists to grant in part and to deny in part Gulf States' October 27, 1976, application for rehearing of the Commission's October 15, 1976, order in this proceeding.

The Commission orders. (A) The ordering paragraph of the Commission's June 2, 1976, order herein, as modified by the Commission's October 15, 1976, order are hereby modified to provide that the amount of interest on the refunds shall be computed as follows: An interest rate of 9% per annum shall be the interest rate applicable to all excessive rates and charges collected on or after October 10, 1974, and for the period on or after October 10, 1974, for excessive amounts collected prior to October 10, 1974. An interest rate of 7% per annum shall be the applicable rate for periods prior to October 10, 1974, for excessive rates and charges collected prior to October 10, 1974.

(B) To the extent not granted in Ordering Paragraph (A) above, Gulf States' application for rehearing of the Commission's October 15, 1976, order in this proceeding is denied.

(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.76 35654 Filed 12-2-76;8:45 am]

[Docket No. ER76-658]

IOWA POWER & LIGHT CO.

Order Denying Motion for Summary Disposition

NOVEMBER 29, 1976.

On October 15, 1976, the City of Neola filed a motion in Docket Nos. ER76-404[1] and ER76-658, requesting clarification of the record and that a ruling be issued with regard to its motion for summary rejection. For the reasons hereinafter stated, we will deny Neola's motion for summary rejection.

By order issued July 15, 1976, the Commission, *inter alia*, required Iowa Power & Light Company (Iowa Power) to file a revised fuel adjustment clause in that its proposed "Energy Cost Adjustment" clause did not comply with § 35.14 of the Commission's regulations under the Federal Power Act.

By letter dated August 6, 1976, Iowa Power filed a revised fuel clause purporting to comply with the Commission's July 15 order.[2] On August 13, 1976, Neola filed a motion for summary disposition in that the filing was again patently defective. Public notice of the filing was issued on September 14, 1976, with protests due on or before September 30, 1976.

In response to Neola's motion, Iowa Power on September 13, 1976, filed (1) a motion for extension of time to September 10, 1976, to serve its response to Neola's motion (2) a responsive pleading and (3) a further revised fuel adjustment clause. Iowa Power thereby unilaterally filed a revised fuel clause which deleted the "reserve for replacement energy" component of the previously filed fuel clause. Iowa Power requested however that it be permitted to pursue this issue during hearing, and that the issue therefore not be summarily dismissed at this juncture. Public notice of the filing of the further revised fuel clause was issued on September 28, 1976, with protests due on or before October 12, 1976.

On September 30, 1976, Neola filed a "Reply to Iowa Power & Light Company Opposition to Motion for Summary Disposition by the City of Neola, Iowa." Neola urged that the issue regarding the proposed "reserve for replacement energy" is one appropriate for summary disposition. Neola further claimed that the substitute clause is defective in that it utilizes estimated fuel costs and billing determinants.

By letter dated October 4, 1976, the Secretary informed Iowa Power that its substitute fuel clause tendered on September 13, 1976, had been accepted for filing to become effective, September 20, 1976, subject to refund.[3] That letter further stated, "Questions regarding your previous fuel clause may be raised in subsequent proceedings in the subject docket.

On October 15, 1976, Neola filed the subject motion for clarification urging "rejection of the tendered fuel clause filing of the Company as directly contrary to the Commission's regulations and the Commission's Order of July 15, 1976, and that IP&L be ordered forthwith to file a complying automatic adjustment clause."

The Commission finds that Iowa Power's September 13 fuel clause filing substantially complied with the Commission's regulations as recognized by the Secretary's letter of October 4, 1976, accepting the submittal for filing. As to the question regarding the appropriateness of the "reserve for replacement energy," inasmuch as Iowa Power has unilaterally removed this aspect from the filed rate, we find that such issue may be raised at hearing for prospective application after final Commission order, pursuant to § 35.14(a)(10) of the Commission's regulations. As to the question of the fuel clause's use of current estimated fuel costs and sales to determine current fuel adjustments with provision for corrections based on actual costs to be applied in the second subsequent month, we believe that such an issue may be developed in an evidentiary hearing to determine its reasonableness and that summary disposition is inappropriate. See: "Boston Edison Company", Docket No. ER76-445, order issued February 27, 1976, application for rehearing denied by order issued April 16, 1976.

The Commission finds. Neola's motion for summary disposition should be denied.

The Commission orders. (A) Neola's motion for summary disposition is denied.

(B) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-35633 Filed 12-2-76;8:45 am]

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[1] By order issued July 15, 1976, Docket No. ER76-404 was terminated.

[2] The Commission's records indicate that the submittal was officially "filed" on August 25, 1976.

[3] The Commission's July 15, 1976, order had suspended Iowa Power's increased rates until September 20, 1976.

[Docket No. RP77-5]

KANSAS-NEBRASKA NATURAL GAS CO., INC.

Order Accepting for Filing and Suspending Proposed Rate Increase, and Establishing Procedures

NOVEMBER 29, 1976.

On October 29, 1976, Kansas-Nebraska Natural Gas Company (KN) tendered for filing Revised Sheets to its FPC Gas Tariff, Third Revised Volume No. 1.[1] The revised sheets, according to CKN, would increase revenues from jurisdictional sales and service by $4,792 annually based on the twelve month period ending June 30, 1976, as adjusted. KN proposes an effective date of November 29, 1976, for the proposed rate increase. For the reasons stated, the Commission shall accept KN's proposed rate increase for filing, suspend the effectiveness thereof for five months and set the matter for hearing.

KN claims that the proposed rate increase is designed to recover increases in the cost of jurisdictional service resulting from additional investment in facilities, exploration and development, higher operating costs, new storage facilities, proposed increased depreciation rates on transmission facilities and increased costs of captal. The other change proposed by the tendered filing is a change from three rate zones to two rate zones, the boundaries of which, KN states, are similar to those agreed upon in Docket No. RP76-8.

Upon review of KN's application, the Commission finds that they have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful. Accordingly, KN's proposed revised tariff sheets will be accepted for filing and their use suspended for five months, until April 29, 1977, at which time they will be permitted to become effective, subject to refund, in the manner provided by the Natural Gas Act.

KN uses the Seaboard method of cost classification for purposes of allocating costs between jurisdictional and non-jurisdictional customers. In the order issued October 10, 1975, in Docket No. RP76-8 the Commission noted that KN used a similar method of cost classification to that proposed here. The Commission stated in the October 10, 1975, order that use of the Seaboard method of cost classification "may be inadequate and contrary to the public interest under the present conditions of gas supply shortages and ever-increasing curtailments." (Mimeo at 3). The Commission noted also that its efforts to adopt a just and reasonable cost classification, allocation and rate design method differing from the Seaboard method may be frustrated because of successive rate filings creating locked-in periods. *Ibid.* KN has been on notice since the time of that order and notice is hereby renewed of the potential liability for undercollections in the event methods of cost classification for allocation and rate design purposes are adopted which assign more fixed costs to the commodity component than are assigned under the Seaboard method.

The Commission orders. (A) The proposed revised sheets tendered by KN on October 29, 1976, are hereby accepted for filing and their use suspended for five months, until April 29, 1977, or until such other time as it is made effective, subject to refund, by motion filed in the manner provided by the Natural Gas Act.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 5 thereof, a public hearing shall be held concerning the lawfulness of the proposed changes contained in the revised sheets tendered by KN.

(C) The Commission staff shall prepare and serve on all parties top sheets for settlement purposes on or before March 1, 1977. (See Administrative Order No. 157.)

(D) A Presiding Administrative Law Judge, to be designated by the Chief Administrative Law Judge for that purpose, (See Delegation of Authority, 18 CFR 3.5(d)) shall convene a settlement conference in this proceeding on a date certain within 10 days after the service of top sheets by the staff, in a hearing or conference room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D. C. 20426. Said Presiding Administrative Law Judge is hereby authorized to establish all procedural dates and to rule upon all motions (with the exceptions of petitions to intervene, motions to consolidate and sever, and motions to dismiss), as provided for in the rules of practice and procedure.

(E) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-35634 Filed 12-2-76;8:45 am]

[Docket Nos. RP76-100 and RP73-14 (PGA76-4 and PGA76-4a)]

MICHIGAN WISCONSIN PIPE LINE CO.

Order Rejecting Proposed PGA Increase and Denying Motion To Place Suspended Rates Into Effect

NOVEMBER 24, 1976.

On October 27, 1976 Michigan Wisconsin Pipe Line Company (Mich-Wisc) filed a motion in Docket No. RP76-100 to make the suspended rates, as adjusted to reflect a PGA rate increase, effective subject to refund. In addition, Mich-Wisc on October 27, 1976, tendered for filing tariff sheets[1] which contain the suspended base rates as well as a proposed PGA increase pursuant to the provisions of its tariff. Mich-Wisc proposes a November 1, 1976 effective date. For the reasons stated below, the Commission will reject the tendered tariff sheets and deny the motion.

On April 30, 1976, in Docket No. RP76-100, Mich-Wisc filed revised tariff sheets seeking an increase in annual jurisdictional revenues of $68,705,227. On May 28, 1976, the Commission issued an order suspending the proposed rates for five months until November 1, 1976. In its suspension order, the Commission granted waiver of § 154.63(e)(2)(ii) of its Regulations to permit the inclusion of non-certificated facilities, subject to condition that Mich-Wisc file revised tariff sheets prior to November 1, 1976, excluding from rate base facilities not certificated and placed in service on or before October 31, 1976.

On October 27, 1976, Mich-Wisc filed a motion to make the suspended rates, as adjusted to reflect a PGA increase, effective subject to refund. Our review indicates that the rates on the proposed tariff sheets do not reflect the elimination of non-cerificated facilities from Mich-Wisc's filing in Docket No. RP76-100, as ordered by the Commission on May 28, 1976.

In addition, on October 27, 1976, Mich-Wisc filed a 15.26¢ per Mcf PGA rate increase[2] reflecting (1) a 9.22¢ per Mcf, or $71,791,748 per year, increase in the current average cost of gas principally to reflect increased gas costs resulting from Opinion No. 749 and the increase in cost of Canadian gas effective September 10, 1976, and (2) a 6.04¢ surcharge to recover $28,952,364 in deferred purchase gas costs. Anticipating a one day suspension due to the inclusion of emergency purchases in excess of Opinion No. 770 rate levels, Mich-Wisc filed an alternate PGA increase of 14.56¢ per Mcf to be effective November 1, 1976, for one day only, which excludes such costs.

Mich-Wisc's filing of the motion to place rates into effect after suspension period was noticed on November 9, 1976, with petitions to intervene or protests due on or before November 24, 1976. The filing of the PGA increase was noticed on November 10, 1976, with petitions to intervene due on or before November 26, 1976.

As indicated above, the tariff sheets that Mich-Wisc proposes to make effective contain rates based on a cost of service which includes facilities that were not certificated and in service as of November 1, 1976. Therefore, these filings do not conform to Ordering Paragraph (C) of the Commission's order issued May 28, 1976, accepting for filing and suspending the effectiveness of increased rates until November 1, 1976, in Docket No. RP76-100. Accordingly, the tariff sheets tendered for filing by Mich-Wisc on October 27, 1976, will be rejected, and Mich-

[1] The Revised Sheets tendered by KN are Sheet Nos. 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 27, and 32.

[1] These tariff sheets are substitutes for tariff sheets filed on September 27, 1976, and reflect the elimination of Opinion No. 770 rates from the September 27, 1976, filing.

[2] The subject PGA filing replaces a prior filing made on September 27, 1976, which reflected the increased gas costs included herein and also included the impact of increased costs resulting from Opinion No. 770. The tracking of Opinion No. 770 and 770-A prices has been deferred until December 1, 1976. The filing reported herein eliminates such impact.

Wisc's motion requesting that the rates under suspension be made effective, subject to refund, will be denied. The Commission's action herein is without prejudice to Mich-Wisc's filing revised rates and supporting schedules in accordance with the Commission's order of May 28, 1976, without which the proposed rates will not be permitted to become effective.

The Commission finds: It is necessary and appropriate to aid in the enforcement of the Natural Gas Act that the tariff sheets tendered for filing on October 27, 1976, by Mich-Wisc be rejected and that the proposed rates not be permitted to become effective, subject to refund, until such time as Mich-Wisc files revised tariff sheets and supporting schedules in accordance with the Commission's order of May 28, 1976, in Docket No. RP76-100.

The Commission orders. (A) The proposed tariff sheets tendered for filing on October 27, 1976, by Mich-Wisc are hereby rejected, without prejudice to Mich-Wisc's filing revised tariff sheets and supporting schedules which reflect the elimination from rate base of facilities not certificated and placed in service on or before October 31, 1976.

(B) Mich-Wisc's motion to make effective, subject to refund, the proposed rates in Docket No. RP76-100 is hereby denied until such time as Mich-Wisc complies with Ordering Paragraph (C) of the Commission's order of May 28, 1976.

(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.76-35648 Filed 12-2-76;8:45 am]

[Docket No. RP73-43 (PGA77-1)]

MID LOUISIANA GAS CO.

Notice of Proposed Change in Rates

NOVEMBER 24, 1976.

Take notice that Mid Louisiana Gas Company (Mid Louisiana), on November 22, 1976, tendered for filing as a part of First Revised Volume No. 1 of its FPC Gas Tariff, Substitute Twenty-Third Revised Sheet No. 3a.

Mid Louisiana states that the purpose of the filing is to reflect a Purchased Gas Cost Current Adjustment to Mid Louisiana's Rate Schedules G-1, SG-1, I-1 and E-1 to reflect the impact of Commission Opinion No. 770 as amended by Opinion No. 770-A in Docket No. RM75-14; that the revised tariff sheet is proposed to be effective December 1, 1976; and that the filing is being made in accordance with Section 19 of Mid Louisiana's FPC Gas Tariff and Commission Opinion No. 770 as amended; and that copies of the filing were served on interested customers and state commissions.

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 N. Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 10, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-35650 Filed 12-2-76;8:45 am]

[Docket No. ER77-64]

MINNESOTA POWER & LIGHT CO.

Notice of Filing of Agreement

NOVEMBER 26, 1976.

Take notice that on November 19, 1976, Minnesota Power & Light Company (MP&L), tendered for filing an Electric Service Agreement with a letter agreement, amendatory thereof, between Minnesota Power & Light Company and the City of Two Harbors, Minnesota, dated December 22, 1975, and March 31, 1976, respectively. This Agreement supersedes the Electric Service Agreement between MP&L and Two Harbors dated August 23, 1974.

The Agreement provides for an increase in the amount of firm power taken by Two Harbors and contains an increase in the sale for resale rate applicable to that customer class as proposed in FPC Docket No. E-9502, filed on June 18, 1975, and subsequently proposed to be changed in FPC Docket No. ER76-827, filed on July 30, 1976, and placed in effect under bond on September 30, 1976, by order of the Commission.

The Agreement will increase the firm power supplied to Two Harbors from approximately 740 KW to 2,990 KW.

Service on the City of Two Harbors has been made in accordance with § 35.2 (d).

MP&L requests that the Agreement become effective as of October 15, 1976, pursuant to Section 35.11 as a standard wholesale rate for resale to that class of customer.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 10, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc 76-35656 Filed 12-2-76;8:45 am]

[Docket No. RP72-149 (PGA77-2)]

MISSISSIPPI RIVER TRANSMISSION CORP.

Proposed Change in Rates

NOVEMBER 26, 1976.

Take notice that Mississippi River Transmission Corporation ("Mississippi") on November 18, 1976, submitted for filing Fifty-First Revised Sheet No. 3A to its FPC Gas Traiff, First Revised Volume No. 1 to become effective December 15, 1976. Concurrently therewith, Mississippi also submitted for filing Alternate Forty-Seventh Revised Sheet No. 3A and Alternate Fiftieth Revised Sheet No. 3A with proposed effective dates of November 16, 1976 and December 1, 1976. respective.

Fifty-First Revised Sheet No. 3A was submitted to track the increase in Mississippi's cost of purchased gas which was the result of the filing of United Gas Pipe Line Co. ("United") at Docket No. CP76-413, et al. Mississippi states that on November 5, 1976, United filed to place into effect a special surcharge which reflects the costs associated with a Limited Term Exchange Agreement with Tennessee Gas Pipeline Comany ("Tennessee"). The Commission's order approving such agreement was issued October 5, 1976. United commenced delivery of gas to Tennessee under such agreement on October 7, 1976 and contemplates continuation of deliveries to United through November 15, 1976. Redelivery of gas by Tennessee to United is scheduled to commence on November 16, 1976 and continue through March 31, 1977. Accordingly, United proposes that its special surcharge rate become effective on November 16, 1976, and remain in effect through March 31, 1977, the same time period during which United will be receiving gas from Tennessee.

Mississippi states that in order to provide adequate notice to its customers, it has proposed that its filing be made effective December 15, 1976. Alternatively Mississippi submitted Alternate Forty-Seventh and Alternate Fiftieth Revised Sheet No. 3A to become effective on November 16, 1976 (the proposed effective date of the United special surcharge) and December 1, 1976, respectively. The latter sheet was submitted by Mississippi solely for the purpose of reflecting the appropriate cumulative level of gas costs as of such date.

Mississippi submitted schedules containing computations supporting the rate changes proposed herein. Mississippi states that copies of its filing were served on Mississippi's jurisdictional customers and the State Commissions of Arkansas, Illinois and Missouri.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission 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 December 10, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene unless such petition has previously been filed. Copies of the filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-35639 Filed 12-2-76;8:45 am]

[Docket No. RP76-64 (PGA76-1a)]

MOUNTAIN FUEL SUPPLY CO.

Notice of Purchased Gas Cost Adjustment to Rates and Charges

NOVEMBER 26, 1976.

Take notice that Mountain Fuel Supply Company on November 22, 1976 tendered as a PGA filing Second Revised Sheet No. 3-A and supporting material. Mountain Fuel states that the rates in this filing conform with Opinion No. 770-A adjusted to a pressure base of 14.65 Psia, and that the refund provision is reflected in Note 2 on Second Revised Sheet No. 3-A.

The proposed effective date is October 1, 1976, subject to refund pending rehearing and review of Opinion Nos. 770 and 770-A. Mountain Fuel states that a copy of the filing has been sent to the only affected purchaser.

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 the requirements of § 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 December 10, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-35657 Filed 12-2-76;8:45 am]

[Docket No. CP76-285]

MOUNTAIN FUEL RESOURCES, INC.

Amendment to Application for Certificate of Public Convenience and Necessity

NOVEMBER 26, 1976.

Take notice that on November 8, 1976,[1] Mountain Fuel Resources, Inc. (Applicant), P.O. Box 11368, Salt Lake City, Utah 84110, filed in Docket No. CP76-285 a second amendment to its application for a certificate of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act, to amend further its application, as amended, in this docket to incorporate the amendments and facilities for phased levels of operations described herein and in the application, as so amended, all as more fully set forth in the second amendment which is on file with the Commission and open to public inspection.

It is stated that Applicant has requested certificate authorization to acquire, construct, install and operate gas storage facilities in the Dakota formation of the Clay Basin Field, Daggett County, Utah, and to render gas storage service to interested parties. It is also asserted that Northwest Pipeline Corporation (Northwest) has agreed to participate in such storage service under a storage service agreement, dated June 8, 1976, as amended.

It is stated that Applicant desires to develop the storage capabilities of the Dakota formation as rapidly as possible in order to help Northwest improve its ability to deliver to its customers their individual and collective firm contractual entitlements. It is further stated that Applicant and Northwest have agreed upon a best-efforts procedure for the initial injection-withdrawal cycle utilizing the existing seven (7) wells completed in the Dakota formation, and that under the agreement of June 8, 1976, the plan for the development of the storage field contemplated 30 injection-withdrawal wells, which required the drilling of 23 additional wells, and five (5) compressor units of 2600 horsepower each.

Applicant states that, in cooperation with Northwest, it has determined that the development of the storage reservoir should proceed in two phases and that the facilities required for a feasible level of operation in the 1977-1978 injection-withdrawal season (Phase I) are 15 injection-withdrawal wells (eight (8) additional wells) and five (5) compressor units of 2600 horsepower each, together with the necessary laterals, meters, dehydrators and other miscellaneous facilities.

It is stated that Applicant and Northwest have agreed upon the foregoing level of operations and supporting facilities, as evidenced by First Contract Amendment dated November 5, 1976, to the basic agreement. It is further stated that the contract amendment involves changes which specify the expected operations for the 1977 injection season and the 1977-1978 withdrawal season when 9,400,000 Mcf of working gas are expected to be available to Northwest, and modifies the monthly demand charge calculation to a cost of service basis.

It is said that the level of operations for the injection-withdrawal season 1978-1979 (Phase II) has been tentatively selected by Northwest, in a letter to Applicant dated September 3, 1976, as 20,000,000 Mcf of working gas. It is asserted that seven of Northwest's major customers participated with Northwest in the selection of this level of operations. Applicant states that the facilities for the Phase II level are 30 injection-withdrawal wells, seven (7) compressor units of 2600 horsepower each and appurtenant miscellaneous facilities. Applicant proposes that the additional facalities for Phase II be constructed and installed during the Spring and Summer of 1978, provided approval for the 15 additional wells, two (2) compressor units and other appurtenant facilities is timely received. It is stated that Phase II is not a contractual commitment between the parties hereto, but is an estimate of the anticipated level of service for the heating season 1978-1979 and is subject to further consideration and negotiation between Applicant and Northwest. It is asserted that such negotiations are to resume within the near future.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before December 17, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). 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. Persons who have heretofore filed need not do so again.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-35632 Filed 12-2-76;8:45 am]

[1] The application was tendered for filing November 8, 1976; however, the fee required by § 159.1 of the regulations under the Natural Gas Act (18 CFR 159.1) was not paid until November 12, 1976. Thus, filing was not completed until the latter date.

[Docket No. CP75-202]

NATURAL GAS PIPELINE CO. OF AMERICA

Petition To Amend

NOVEMBER 26, 1976.

Take notice that on November 10, 1976, Natural Gas Pipeline Company of America (Petitioner), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP75-202 a petition to amend the order of the Commission of July 3,

1975 (54 FPC) issued in said docket as amended March 19, 1976, pursuant to section 7(c) of the Natural Gas Act by authorizing the exchange of natural gas with Michigan Wisconsin Pipe Line Company (Michigan Wisconsin) at an additional point of delivery, all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

Petitioner states that pursuant to an amendment dated August 31, 1976, to their gas exchange agreement, Petitioner and Michigan Wisconsin agreed to provide an additional delivery point for Michigan Wisconsin to deliver natural gas to Petitioner. It is stated that the proposed delivery point on Petitioner's pipeline in Beaver County, Oklahoma would allow Petitioner to receive gas from Michigan Wisconsin from the Ratzlaff Well No. 1 in Beaver County, Oklahoma. Petitioner further states that it would redeliver equivalent volumes of natural gas to Michigan Wisconsin at an existing point of delivery in Hansford County, Texas, less 3.0 per cent of the volumes of gas delivered for fuel used in transportation. It is asserted that Michigan Wisconsin would pay Petitioner 1.5 cents per Mcf of gas delivered for compressing and gathering the gas at the wellhead.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before December 17, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-35638 Filed 12-2-76;8:45 am]

[Docket No. RP72-154 (PGA77-1)]

NORTHWEST PIPELINE CORP.

Change in Rates

NOVEMBER 26, 1976.

Take notice that Northwest Pipeline Corporation, on November 17, 1976, tendered for filing a proposed change in rates applicable to service rendered under rate schedules affected by and subject to Article 16, Purchased Gas Cost Adjustment Provision ("PGAC"), contained in its FPC Gas Tariff, Original Volume No. 1. Such change in rates is for the purpose of tracking producer and leasehold production gas cost increases to the national base rate levels prescribed in the Commission's Opinion No. 770-A and Order in Docket No. RM75-14 issued on November 5, 1976.

The current PGAC adjustment, for which notice is given herein, aggregates an increase of .744¢ per therm in all rate schedules affected by and subject to the PGAC. As shown in Enclosure No. 1, Schedule A, such current adjustment is comprised of an annualized increase in purchased gas costs and leasehold production costs of .537¢ per therm and a surcharge adjustment of .207¢ per therm representing producer increases and leasehold production cost increases for the period of July 27, 1976 through November 30, 1976, plus a nine percent (9%) carrying charge during the duration of the surcharge. The proposed change in rates would increase Northwest's revenues from jurisdictional sales and service by $30,011,225. This PGAC filing also includes a further surcharge credit adjustment to Rate Schedule SGS-1 to keep the cost of purchased gas as reflected in the SGS-1 sales rate equal to the cost of gas now in storage. This proposed change in rates will reduce Northwest's SGS-1 revenues by $507,003 during the 1976-77 season.

Northwest is requesting that waiver be granted of Northwest's PGAC provisions and applicable Commission regulations, as necessary, to permit (1) the recovery of the increased leasehold production gas costs from wells commenced on or after January 1, 1973, on leases acquired prior to October 7, 1969, as proposed herein, (2) the special credit adjustment to Rate Schedule SGS-1 and (3) to permit the acceptance and effectiveness of the proposed change in rates as of December 1, 1976, as specified in Opinion No. 770-A.

Northwest states that a copy of this filing is being served upon all parties of record in Docket No. RP72-154 and otherwise, upon all jurisdictional customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commissions rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 10, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-35637 Filed 12-2-76;8:45 am]

[Project No. 2773]

OAK CREEK POWER CO.

Notice of Application for Preliminary Permit

NOVEMBER 26, 1976.

Public notice is hereby given that an application was filed on June 1, 1976, under the Federal Power Act (16 U.S.C. 791a-825r) by the Oak Creek Power Company (Applicant) (Correspondence to: Paul G. Van Sickle, Vice President, Oak Creek Power Company, 101 University Boulevard, Denver, Colorado 80206; and Charles F. Brannan, Attorney at Law, 12025 East 45th Avenue, Denver, Colorado 80239) for a preliminary permit for Project No. 2773, to be known as the Oak Creek Water and Power Project. The project would be located in Routt County, Colorado on the Yampa River, Martin Creek, Little Morrison Creek, Morrison Creek, Service Creek, Trout Creek, and Middle Creek and would affect lands of the United States within the Routt National Forest and lands managed by the Bureau of Land Management.

According to Applicant, the proposed project would include the Yampa Pumped Storage Hydroelectric Power Plant with an installed capacity of 3,600 MW located on Green Creek; Lower Green Creek Reservoir, the upper reservoir; the Blacktail Reservoir, the lower reservoir; and the Blacktail Dam Power Plant with an installed capacity of 20 MW located on the Yampa River. The gross reservoir storage capacity for the pumped storage complex would total 313,000 acre-feet.

Applicant also proposes to construct thermal generating facilities with an ultimate capacity of 6,400 MW. This complex would consist of the Upper Middle Creek Reservoir and the Middle Creek Pump-Generator Plant located on Middle Creek; the Lower Middle Creek Reservoir, which would serve as an afterbay for the Upper Middle Creek Reservoir and as a source of cooling water for the proposed Oak Creek Thermal Power Plant; and the Yampa Middle Creek conduit, which would convey water from the Blacktail Dam Power Plant and the Childress Reservoir to the Lower Middle Creek Reservoir. The total gross storage capacity of these reservoirs would be 151,509 acre-feet.

A preliminary permit does not authorize construction of the project. A permit, if issued, gives the permittee, during the term of the permit, the right of priority of application for license while the permittee undertakes the necessary studies and examinations to determine the engineering and economic feasibility of the proposed project, market for the power, and all other necessary information for inclusion in an application for license.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 31, 1977, file with the Federal Power Commission, 825 N. Capitol Street, NE., 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 (1976). 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 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.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-35652 Filed 12-2-76;8:45 am]

[Docket No. ER76-319]

PACIFIC GAS AND ELECTRIC CO.

Order Denying Motion for Interim Relief

NOVEMBER 26, 1976.

On October 14, 1976 the Northern California Power Agency and the Cities of Alameda, Healdsburg, Lodi, Lompoc, Santa Clara, and Ukiah, California (Cities), filed a motion for interim relief in the above captioned docket. For the reasons stated below, the Commission shall deny the motion.

Cities argue that they are caught in a "price squeeze" owing to the disparity in fuel adjustment factors in Pacific Gas and Electric's (PG & E's) retail and wholesale rates resulting from the fact that the California Public Utilities Commission (CPUC) allows adjustments under the retail fuel clause no more frequently than semi-annually while the wholesale clause permits monthly adjustments. Cities allege that as a result of the price differences, it cannot compete effectively with PG & E for industrial customers and requests as interim relief, pending the outcome of the hearing in this docket, that PG & E be limited to charging Cities a fuel cost adjustment which is no higher than that in effect (after adjustment for different base costs of fuel) for PG & E's retail rates as approved by the CPUC.

On October 29, 1976, PG&E filed an answer to Cities' motion opposing the interim relief. On November 4, 1976, Cities filed a motion for leave to file a limited reply to the answer of PG&E, to which PG&E responded on November 19, 1976.

The relief requested by Cities would require a finding by the Commission, on the basis of these pleadings, that Cities have been subjected to a "price squeeze" by the instant filing with anti-competitive effects and that they will suffer irreparable harm if interim relief is not granted pending the final outcome in this docket. The question of whether an anti-competitive "price squeeze" exists raises complex issues of fact and law which must be decided on the basis of a full evidentiary hearing and not on the basis of Cities' pleading. We further find that Cities has made no showing of irreparable harm absent the requested interim relief. We shall, therefore, deny Cities' motion for interim relief.

The Commission finds. Good cause exists to deny the motion for interim relief.

The Commission orders. (A) The motion of Cities for interim relief is hereby denied.

(B) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-35646 Filed 12-2-76;8:45 am]

[Project No. 2233]

PORTLAND GENERAL ELECTRIC CO.

Notice of Application for Approval of a Proposed Easement on Project Lands

NOVEMBER 26, 1976.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by Portland General Electric Company (correspondence to: H. H. Phillips, Secretary, Portland General Electric Company, Electric Building, Portland, Oregon 97205) for Commission approval of a proposed easement to be located partly within the boundary of the constructed Willamette Falls Project No. 2233, located on the Willamette River in Clackamas County, Oregon.

Portland General Electric Company proposes to grant to the City of West Linn, Oregon an easement to allow construction and maintenance on project lands of a 12-inch diameter sanitary sewer identified as the Tualatin Interceptor. The interceptor will carry sewage by gravity from residences in West Linn, which now depend on septic tanks, to an existing trunk sewer. Treatment will be at the existing Willamette Treatment Plant. The easement would grant the permanent use of a 20-foot wide and 1,019-foot long area centered on the sewer plus a 20-foot wide temporary construction area adjacent to the southerly side of the permanent easement area. The proposed easement area is located on the northern bank of the Tualatin River, a tributary of the Willamette River.

The application states that the grant of easement rights to the City of West Linn and the proposed use will cause no change in project operation and will not detract from the future recreational use of the subject property.

Portland General Electric Company has requested the shortened procedure provided for under § 1.32(b) of the Commission's rules of practice and procedure, 18 CFR 1.32(b) (1976).

Any person desiring to be heard or to make any protest with reference to said application should on or before January 10, 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 Commission 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. If an issue of substance is so raised, 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.76-35651 Filed 12-2-76;8:45 am]

[Docket No. RP74-41, (PGA77-2), (DCA77-1)]

TEXAS EASTERN TRANSMISSION CORP.

Proposed Changes in FPC Gas Tariff

NOVEMBER 26, 1976.

Take notice that Texas Eastern Transmission Corporation on November 17, 1976 tendered for filing proposed changes in its FPC Gas Tariff, Fourth Revised Volume No. 1, the following sheets:

Twenty-seventh Revised Sheet No. 14.
Twenty-seventh Revised Sheet No. 14A.
Twenty-seventh Revised Sheet No. 14B.
Twenty-seventh Revised Sheet No. 14C.
Twenty-seventh Revised Sheet No. 14D.

These sheets are being issued pursuant to the Demand Charge Adjustment Commodity Surcharge provision and Purchased Gas Cost Adjustment provision contained in sections 12.4 and 23, respectively, of the General Terms and Conditions of Texas Eastern's FPC Gas Tariff, Fourth Revised Volume No. 1. The PGA change in Texas Eastern's rates proposed by this filing reflects changes in the cost of gas purchased from Texas Eastern's producer and pipeline suppliers based on the best information available regarding such supplier changes to be effective on or before January 1, 1977. The proposed effective date of the above tariff sheets is January 1, 1977.

Texas Eastern submits that it will revise the above tariff sheets appropriately based on revisions or changes filed by its suppliers with the Commission to be effective on or before January 1, 1977 and based on its own filing of a revised Opinion No. 770 PGA tracker to be effective December 1, 1976, pursuant to Opinion No. 770–A.

Copies of the filing were served upon the company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, DC 20426, in accordance with §§ 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 December 10, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-35640 Filed 12-2-76;8:45 am]

[Docket No. CP76-461]

TEXAS GAS TRANSMISSION CORP.

Order Granting Temporary Certificate of Public Convenience and Necessity, Designating Matter for Formal Hearing and Establishing Procedures

NOVEMBER 24, 1976.

On August 2, 1976, Texas Gas Transmission Corporation (Texas Gas) filed in Docket No. CP76-461 an application as supplemented on September 9, 1976, pursuant to Section 7(c) of the Natural Gas Act and Section 2.79 of the Commission's General Policy and Interpretations (18 CFR 2.79) for a certificate of public convenience and necessity authorizing the construction and operation of facilities and the interestate transportation of up to 3,317 Mcf of natural gas per day for National Steel Corporation and Southwire Company (National-Southwire), all as more fully set forth in the application in this proceeding.

Texas Gas requests authorization to transport the gas for National-Southwire pursuant to a transportation agreement dated July 22, 1976. Texas Gas would transport the gas on an interruptible basis for National-Southwire for Priority 2 end uses at the latter's manufacturing complex in Hawesville, Kentucky. It is indicated that the natural gas would be devilered to Texas Gas at a meter station to be constructed and installed on Texas Gas' Sharon-Carthage 20-inch pipeline in Claiborne Parish, Louisiana, and Texas Gas would simultaneously redeliver volumes of gas up to 3,317 Mcf per day to National-Southwire at a meter station to be constructed and installed in Hancock County, Kentucky. The cost of the facilities to be constructed in Claiborne Parish and Hancock County is estimated to be $57,800 and it is stated that National-Southwire would reimburse Texas Gas for said cost.

National-Southwire states that because of curtailments by its intrastate supplier, Orbit Gas Company (Orbit), it has contracted to purchase ffrom McGoldrick Joint Venture No. 1-73 (McGoldrick) natural gas to be produced from certain leasehold interests presently owned or controlled by McGoldrick in Leatherman Creek Field, Cailborne Parish, Louisiana. The application shows that National-Southwire would pay McGoldrick $1.43 per Mcf for the first year of a two-year period and $1.46 per Mcf for the second year.

Section 2.79(a) of the Commission's General Policy and Interpretations states:

(a) The national interest in the protection of natural gas service to consumers who use natural gas for high priority and uses during periods of curtailed deliveries by jurisdictional pipeline companies will be served by the Commission's accepting for filing and approving, if required by the present or future public convenience and necessity, application for certificates of public convenience and necessity filed by natural gas companies to transport gas sold by producers of natural gas from both the on-shore domain (both federal and non-federal) and/or the offshore domain directly to non-resale industrial and commercial customers for Priority 2 uses or for those Priority 3 uses that would otherwise have been in Priority 2 had the gas been purchased on a firm basis.

Inasmuch as the transportation service proposed in the instant application involves the transportation of volumes which are or will be curtailed by a nonjurisdictional pipeline we must find the proposal to be outside the scope of Order No. 533. We shall however afford Texas Gas the opportunity to come forward and present proof that the public convenience and necessity will be served by the transportation of natural gas for National-Southwire. The record shall contain inter alia, information as to the end-usage of the gas sought to be transported, the conservation efforts expended at the National-Southwire plants, Orbit's supply projections, the impact of the proposed service upon Texas Gas' ability to provide systemwide deliveries, and the impact upon the Hawesville plant should the subject application be denied.

On August 24, 1976, Texas Gas filed an Application for a Temporary Certificate of Public Convenience and Necessity for transportation service for National-Southwire. The application states that effective November 1, 1976 the operation at Hawesville will be seriously curtailed. National-Southwire alleges the immediate cutback of 392 jobs in the aluminum reduction plant and the loss of 35-40 jobs in the paint line. On November 18, 1976, Texas Gas filed an amendment to the August 24, 1976, Application for a Temporary Certificate requesting temporary authority to enable Texas Gas to receive volumes of natural gas from McGoldrick in Claiborne Parish, Louisiana and simultaneously redeliver up to 3.317 Mcf per day of natural gas at an existing point of delivery to Western Kentucky Gas Company (Western), one of Texas Gas' resale customers, for ultimate delivery to National-Southwire. The temporary transportation service would be effectuated through utilization of existing facilities. In view of the facts contained in Texas Gas' application dated August 24, 1976, as amended November 18, 1976 we shall issue a temporary certificate pending the final determination of the application for a two year transportation certificate.

After due notice of the application in the FEDERAL REGISTER on August 18, 1976 (41 FR 35028) no petitions to intervene, notices of intervention or protests have been filed.

The Commission finds. (1) Sufficient cause exists for setting for formal hearing the issues involved in the aforementioned application and for establishing the procedures for that hearing as hereinafter ordered.

(2) Based upon the allegations presented in the request for a temporary certificate, the Commission finds that an emergency exists within the meaning of Section 7(c) of the Natural Gas Act and § 157.17 of the Commission's Regulations.

The Commission orders. (A) On or before December 3, 1976 Texas Gas and National-Southwire shall file with the Secretary of this Commission and serve upon all parties to this proceeding, including the Commission Staff, their testimony and exhibits.

(B) Pursuant to the authority of the Natural Gas Act, particularly Sections 7 and 15 thereof, the Commission's Rules of Practice and Procedure, and the Regulations under the Natural Gas Act (18 CFR Chapter 1), a public hearing on the issues presented by the application filed in this proceeding will be held in a hearing room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426 at 10:00 a.m. on December 14, 1976 commencing with a prehearing conference concerning the matters involved in and the issues presented by this application.

(C) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at a hearing in this proceeding, with authority to establish and change all procedural dates, and to rule on all motions (with the sole exception of petitions to intervene, and motions to consolidate and serve, and motions to dismiss, as provided for in the Rules of Practice and Procedure).

(D) A temporary certificate of public convenience and necessity is issued to Texas Gas authorizing the transportation of up to 3,317 Mcf per day of natural gas on an interruptible basis in interstate commerce pending the final determination of the issues of this docket.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-35649 Filed 12-2-76;8:45 am]

[Docket Nos. G-12823, G-18886, RP61-15, RP67-10 and RP72-156]

TEXAS GAS TRANSMISSION CORP.

Order Rejecting Refund Plan

NOVEMBER 26, 1976.

On April 28, 1976, Texas Gas Transmission Corporation (Texas Gas)

tendered for filing a plan to flow through $774,282.28 in refunds it received from United Gas Pipe Line Company through its deferred gas cost account. These refunds relate to the period August 1, 1959, through December 31, 1968. The deferred gas cost account became effective on August 1, 1972, in Docket No. RP72-156.

Indiana Gas Company, Inc. and Ohio River Pipeline Corporation opposed the proposed refund plan on the basis that the refunds should be made by direct payment in accordance with the refund provisions of Texas Gas' settlement agreements in the dockets covering the applicable time period for the refunds, rather than as a credit to the deferred gas cost account.

The Commission's review of the proposed refund plan indicates that the proposal to flow-through this amount by a credit to a deferred gas cost account should be rejected. This account was not effective until August, 1972, long after the applicable time period for these refunds. The settlement agreements in Texas Gas' rate proceedings during the applicable period provided for direct payment of refunds. In view of the protests of the parties, the direct method of refund payment should be used here.

The Commission orders. (A) Texas Gas' proposed refund plan tendered for filing on April 28, 1976, in the captioned dockets is hereby rejected.

(B) Texas Gas is ordered to file within 30 days of the issuance of this order a refund plan consistent with the refund provisons of the settlement agreements in the captioned dockets.

(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.76-35653 Filed 12-2-76;8:45 am]

[Docket No. RP76-17]

TEXAS GAS TRANSMISSION CORP.

Notice of Revised Tariff Sheets

NOVEMBER 23, 1976.

Take notice that by letter dated November 11, 1976, Texas Gas Transmission Corporation (Texas Gas) tendered for filing revised tariff sheets to its FPC Gas Tariffs, Third Revised Volume No. 1 and Original Volume No. 2. These sheets and the proposed effective dates are:

Original volume No. 2	*Effective date*
Second Substitute Thirteenth Revised Sheet No. 7.	Apr. 1, 1976
Substitute Fourteenth Revised Sheet No. 7.	May 2, 1976
Second Substitute Fifteenth Revised Sheet No. 7.	Aug. 1, 1976
Third Substitute Fifteenth Revised Sheet No. 7.	Aug. 2, 1976
Second Substitute Eighth Revised Sheet No. 333.	Apr. 1, 1976
Second Substitute Seventh Revised Sheet No. 362.	Apr. 1, 1976
Second Substitute Eighth Revised Sheet No. 363.	Apr. 1, 1976
Second Substitute Seventh Revised Sheet No. 365.	Apr. 1, 1976

Texas Gas states these sheets are being filed in compliance with Commission order dated November 4, 1976, approving a proposed Stipulation and Agreement in Docket No. RP76-17. Texas Gas states also that appropriate refunds will be made separately in accordance with the terms of the Stipulation and Agreement.

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 December 15, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-35655 Filed 12-2-76;8:45 am]

[Docket No. RP75-75, (AP77-1)]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Order Accepting Filing Subject to Refund and Setting Procedures

NOVEMBER 29, 1976.

On October 15, 1976, Transcontinental Gas Pipe Line Corporation (Transco) tendered for filing certain revised tariff sheets [1] containing an increase in rates reflecting increases in the level of advance payments [2] made by Transco to producers of natural gas. The proposed effective date is December 1, 1976. The filing is made pursuant to the terms of the settlement agreement approved by the Commission in Docket No. RP75-75. Because the advances may not be reasonable, appropriate procedures will be established to undertake their review. In accordance with the terms of the settlement agreement the increase will be accepted for filing and the rates made effective without suspension but subject to refund.

Transco's proposed increase reflects an increase of $13,604,871 in the advance payments amount over the level imbedded in Transco's rates which became effective October 1, 1976, subject to refund. This entire amount reflects additional advances less repayments received under agreements reflected in presently effective rates. During this period Transco had additions of $14,904,137 less repayments of $1,299,266 for an outstanding account balance as of September 30, 1976, of $325,732,991.

Public notice of Transco's filing was issued October 22, 1976, with Protests and Petitions to Intervene due on or before November 11, 1976.

The Commission's review of the proposed advances indicates that they may not be reasonable and appropriate for rate base treatment, in that they may be in excess of the costs for exploration, development and production incurred by the producer within a reasonable time as required by Order Nos. 465 and 499. In addition, the advance payment agreements may not comply with Order Nos. 529 and 529-A, as well as Order Nos. 410, 410-A, 441, 465 and 499. Accordingly, the additional advances should be accepted subject to refund and set for hearing.

The Commission notes that the proposed increase is over the level of increased rates which were proposed to be effective October 27, 1976, in Docket No. RP-73-3 (PGA 76-4) and subsequently deferred until December 1, 1976, subject to modification. Accordingly, our acceptance of Transco's filing is subject to adjustment to reflect any modification in the deferred increase.

The Commission finds. (1) Transco's rate increase, filed October 15, 1976, has not been shown to be just and reasonable in that the advance payments upon which it is based have not been shown to be reasonable and appropriate.

(2) The Commission should convene a hearing concerning the lawfulness of the additional advances contained in the instant filing.

The Commission orders. (A) Transco's filing is accepted for filing to become effective December 1, 1976, subject to refund, and subject to adjustment to reflect any modification of Transco's deferred increase in Docket No. RP73-3 (PGA76-4).

(B) A Presiding Administrative Law Judge, to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5 (d)), shall convene a prehearing conference in this proceeding on December 10, 1976, at 9:30 a.m., in a hearing room of the Federal Power Commission, 825 North Capitol Street, Washington, D.C. 20426. Said Presiding Administrative Law Judge is hereby authorized to establish all procedural dates and to rule upon all motions (with the exceptions of petitions to intervene, motions to consolidate and sever, and motions to dismiss), as provided for in the rules of practice and procedure.

(C) Nothing contained herein shall be construed as limiting the rights of the parties to this proceeding regarding the convening of conferences or offers of settlement pursuant to § 1.18 of the Commission's rules of practice and procedure.

(D) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-35635 Filed 12-2-76;8:45 am]

[1] Thirty-Second Revised Sheet No. 5 and Twenty-Seventh Revised Sheet No. 6 to FPC Gas Tariff, First Revised Volume No. 1, Third Alternate Sheet Nos. Twenty-Third Revised Sheet No. 52, Eleventh Revised Sheet No. 121, Nineteenth Revised Sheet No. 321, Fifteenth Revised Sheet No. 416 and Fourteenth Revised Sheet No. 495 to FPC Gas Tariff, Original Volume No. 2.

[2] 18 CFR Chapter 1, Part 201, Acc't 166.

[Docket No. CP61-79]

UNITED GAS PIPE LINE CO. AND TEXAS GAS TRANSMISSION CORP.

Petition To Amend

NOVEMBER 26, 1976.

Take notice that on November 15, 1976, United Gas Pipe Line Company (United), PO. Box 1478, Houston, Texas 77001, and Texas Gas Transmission Corporation (Texas Gas), 3800 Frederica Street, Owensboro, Kentucky 42301, filed in Docket No. CP61-79 pursuant to section 7(b) of the Natural Gas Act a petition to amend the Commission's order of December 19, 1960, as amended, issued in the instant docket so as to authorize the deletion of an exchange delivery point between United and Texas Gas and the abandonment and removal of 509 feet of 6-inch pipeline and metering and regulating facilities by United, 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 United and Texas Gas make exchanges of natural gas at various points under an exchange agreement dated August 30, 1960, as amended. It is further stated that said exchange agreement was authorized in the instant docket by Commission order of December 19, 1960, as amended.

It is stated that by a letter agreement dated September 13, 1976, United and Texas Gas agreed to amend further the exchange agreement of August 30, 1960, as amended, so as to delete the exchange delivery point under such agreement located in Section 4, Township 16 North, Range 13 West, near Lucas, Caddo Parish, Louisiana. It is further stated that the exchange of gas by Applicants at this point was for the purchase of reinforcing service to the Shreveport market area which is now served by other means. The application further states that United and Texas Gas seek authorization to delete said delivery point from their respective tariffs, and to abandon and remove 509 feet of 6-inch pipeline and metering and regulating facilities by United.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before December 17, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-35631 Filed 12-2-76;8:45 am]

FEDERAL RESERVE SYSTEM

[H. 2, 1976 No. 46]

ACTIONS OF THE BOARD

Applications and Reports Received During Week Ending November 13, 1976

Announcement by Board of Govefnors of the Federal Reserve System.

ACTIONS OF THE BOARD

Regulation Q amendment, to improve the terms under which member banks may offer Keogh plan retirement accounts (Docket No. R-0063).

Issuance of subordinated capital notes by Commerce Bank of St. Joseph, St. Joseph, Missouri.

Ainsworth State Bank, Ainsworth, Iowa, proposed merger with The National Bank of Washington, Washington, Iowa; report to the Comptroller of the Currency on competitive factors.

Clear Bancorp, Inc., Chicago, Illinois, extension of time to December 12, 1976, within which to become a bank holding company through the acquisition of 100 percent of the voting shares (less directors' qualifying shares) of the Clearing Bank, Chicago, Illinois.[1]

Termination of registration for Ryder System, Inc., Miami, Florida.[1]

Farmers & Merchants State Bank, Fredericksburg, Virginia, to make an investment in bank premises.[1]

Boston Overseas Financial Corporation, Boston, Massachusetts, extension of time to January 14, 1978, within which to consummate investment in Boston e Interior, Banco de Inversion, S.A., Buenos Aires, Argentina.[1]

Citizens Bank and Trust Company, Clare, Michigan, extension of time to January 17, 1977, within which to establish a branch at 631 West Fifth Street, Grant Township, Michigan.[1]

Provident Bank of New Jersey, Willingboro, New Jersey, proposed acquisition by First Peoples National Bank of New Jersey, Westmont, New Jersey; report to the Comptroller of the Currency on competitive factors.[1]

NOTE.—The H. 2 release is now published in the FEDERAL REGISTER. It will continue to be sent, upon request, to anyone desiring a copy.

To Establish a Domestic Branch Pursuant to Section 9 of the Federal Reserve Act.

APPROVED

Trust Company Bank, Atlanta, Georgia. Branch to be established at 250 Piedmont Avenue NE., Atlanta.[2]

* * * * *

To Establish an Overseas Branch of a Member Bank Pursuant to Section 25 of the Federal Reserve Act.

APPROVED

Mercantile National Bank at Dallas: Branch—George Town, Grand Cayman, Cayman Islands.

* * * * *

International Investments and Other Actions Pursuant to Sections 25 and 25 (a) of the Federal Reserve Act and Sections 4(c) (9) and 4(c) (13) of the Bank Holding Company Act of 1956, as amended.

APPROVED

Boston Overseas Financial Corporation: Investment—in Alex Lawrie Factors Limited, England.

Chase Manhattan Overseas Banking Corporation: Investment—additional in Octogonal Empreendimentos Limitada and Banco de Investimentos Lar Brasileiro S.A., both located in Rio de Janeiro, Brazil.

Chemical International Finance, Ltd.: Investment—additional in Banco Noroeste de Investimento, S.A., Sao Paulo, Brazil, to maintain its approximate 50 percent interest in the Joint Venture.

Citibank N.A.: Investment—to acquire 100 percent of a de novo commercial bank, Bogota, Columbia.

Continental Illinois Corporation: Investment—to acquire 100 percent of Continental Illinois International Investment Corporation, Cayman Islands, with operating office in London.

* * * * *

To Form a Bank Holding Company Pursuant to Section 3(a) (1) of the Bank Holding Company Act of 1956.

APPROVED

CCNB Bancshares Corporation, Ozark, Missouri, for approval to acquire 100 percent (less directors' qualifying shares) of the voting shares of Christian County National Bank, Ozark, Missouri.

Santa Ana Bancorp., Inc., St. Ann, Missouri, for approval to acquire 80 percent or more of the voting shares of Bank of St. Ann, St. Ann, Missouri.[2]

A & K, Inc., Minneapolis, Kansas, for approval to acquire 100 percent of The Citizens Agency, Inc., Minneapolis, Kansas and to directly acquire 32 percent or more of the shares of The Ottawa County Bank, Minneapolis, Kansas and indirectly acquire 61 percent of the voting shares of The Ottawa County Bank, Minneapolis, Kansas.[2]

Braymer Bankshares, Inc., Braymer, Missouri, for approval to acquire 80.88 percent of the voting shares of The First National Bank of Braymer, Braymer, Missouri.[2]

First Frederick Building Corporation, Frederick, Oklahoma, for approval to acquire 100 percent (less directors' qualifying shares) of the voting shares of First National Bank in Frederick, Frederick, Oklahoma.[2]

First Okmulgee Corporation, Okmulgee, Oklahoma, for approval to acquire 100 percent (less directors' qualifying shares) of the voting shares of The First National Bank and Trust Company of Okmulgee, Okmulgee, Oklahoma.[2]

Lyons Bankshares, Inc., Lyons, Kansas, for approval to acquire 80 per cent or more of the voting shares of The Chandler National Bank of Lyons, Lyons, Kansas.

Oklahoma State Bancorporation, Inc., Ada, Oklahoma, for approval to acquire 80 per cent or more of the voting shares of Oklahoma State Bank, Ada, Oklahoma.[2]

Banc-Southwest Corporation, Amarillo, Texas, for approval to acquire 80 per cent or more of the voting shares (less directors' qualifying shares) of Bank of the Southwest, Amarillo, Texas.[2]

* * * * *

To Expand a Bank Holding Company Pursuant to Section 3(a) (3) of the Bank Holding Company Act of 1956.

[1] Application processed on behalf of the Board of Governors under delegated authority.

[2] Application processed by the Reserve Bank on behalf of the Board of Governors under delegated authority.

APPROVED

Ancorp Bancshares, Inc., Chattanooga, Tennessee, for approval to acquire 51 per cent of the voting shares of Hamilton Bank of Johnson City, Johnson City, Tennessee.

The Marine Corporation, Milwaukee, Wisconsin, for approval to acquire 90 per cent or more of the voting shares of The Merchants National Bank of Watertown, Watertown, Wisconsin.[2]

Ameribanc, Inc., St. Joseph, Missouri, for approval to acquire 80 per cent or more of the voting shares of Peoples State Bank, Spickard, Missouri.[2]

* * * * *

To Expand a Bank Holding Company Pursuant to Section 4(c) (8) of the Bank Holding Company Act of 1956.

WITHDRAWN

Colorado National Bankshares, Inc., Denver, Colorado, notification of intent to engage in de novo activities (acting as insurance agent or broker with respect to insurance directly related to extensions of credit by Colorado National Bankshares, Inc. and its subsidiaries) on the premises of Aspen Industrial National Bank, Aspen, Colorado; Weld Colorado Bank, Greeley, Colorado; Golden State Bank, Golden, Colorado; First National Bank, Evergreen, Colorado; and First National Bank of Sterling, Sterling, Colorado; through a subsidiary, Colorado National Insurance Agency, Inc. (See H.2 No. 1 and No. 6, 1975) (November 9, 1976) [2]

DELAYED

BankAmerica Corporation, San Francisco, California, notification of intent to engage in de novo activities (storing and processing banking, financial, and related economic data including deposit acounting, general ledger accounting, account reconciliation, loan accounting, credit union accounting and providing payroll, accounts receivable and payable, billing and similar data processing services) at 360 South Randolphville Road, Piscataway Township, New Jersey, through its subsidiary, Decimus Corporation. (November 9, 1976) [2]

REACTIVATED

Fidelity Union Bancorporation, Newark, New Jersey, notification of intent to engage in de novo activities (making loans in the present maximum amount of $5,000.00 or less under the provisions of the Pennsylvania Consumer Discount Company Act; and making available to customers, credit life insurance and disability insurance covering the unpaid balance of loans outstanding and fire, casualty, and theft insurance to protect household goods held as collateral during the periods of credit extensions) at Lebanon Valley Mall, Route 422, West Lebanon, Pennsylvania, through its subsidiary, Suburban Finance Company and its subsidiary, Sentry Consumer Discount Company. (November 10, 1976)[2]

PERMITTED

Chemical New York Corporation, New York, New York, notification of intent to relocate de novo activities (making of direct loans and purchasing sales finance contracts representing extensions of credit such as would be made or acquired by a finance company; and acting as agent for the sale of credit life insurance, credit accident and health insurance, and credit related property and casualty insurance issued in connection with extensions of credit; if the proposal is effected, Sun Finance Company-85 will offer to sell insurance as follows: Group credit life/accident and health insurance to cover the outstanding balances of extensions of credit to borrowers in the event of their death, or, to make the contractual monthly payments on the extensions of credit in the event of the borrowers' disability; and individual physical damage insurance on personal property subject to security agreements including liability only when such insurance is sold as part of an insurance package on such property) from 1171 East Lexington Avenue, High Point, North Carolina to 175 North Point Avenue, High Point, North Carolina, through its subsidiary, Sunamerica Corporation and its subsidiary, Sun Finance Company-85. (November 8, 1976)[2]

Fidelcor, Inc., Rosemont, Pennsylvania, notification of intent to relocate de novo activities (making and acquiring, consumer and mortgage loans to individuals including second mortgage loans, servicing these loans and possibly other loans secured by mortgages on properties in Massachusetts where the loans are owned by direct or indirect subsidiaries of Fidelcor; engaging in a general consumer finance business; purchasing installment contracts arising from the sale of personal property and services; and, with respect to all of the above, selling credit life and credit accident and health insurance, mortgage life and disability insurance, accidental death insurance, and casualty insurance on the collateral and through Master Life Insurance Company, an indirect subsidiary of Fidelcor reinsuring consumer type credit life insurance and credit accident and health insurance sold) from 933 County Street, Somerset, Massachusetts to 67 Grand Army Highway (Route 6), Somerset, Massachusetts, through its subsidiary, Fidelcor Financial Centers Inc. (November 7, 1976)[2]

BankAmerica Corporation, San Francisco, California, notification of intent to relocate de novo activities (making loans, extending credit, and providing services incident to such loans and extensions of credit such as would be made or provided by a finance company including, but not limited to, making consumer installment loans, purchasing installment sales finance contracts, and making loans to small businesses and extensions of credit secured by real or personal property; acting as agent or broker for the sale of credit related life/accident and disability insurance and credit related property and casualty insurance in connection with extensions of credit by FinanceAmerica Corporation and FinanceAmerica Industrial Plan) from 1028 Second Avenue, Daytona Beach to 2303 South Ridgewood Avenue, South Daytona Beach, Florida, through its indirect subsidiaries, FinanceAmerica Corporation and FinanceAmerica Industrial Plan Inc. (November 13, 1976)[2]

First Hawaiian, Inc., Honolulu, Hawaii, notification of intent to engage in de novo activities (operating as an industrial loan company in the manner authorized by State law) at 66-030 Kamehameha Highway, Haleiwa, Hawaii, through its subsidiary, Hawaii Thrift & Loan, Incorporated. (November 13, 1976)[2]

Security Pacific Corporation, Los Angeles, California, notification of intent to engage in de novo activities (acting as broker or agent for the sale of credit related property and casualty insurance with respect to loans or extensions of credit of The Bankers Investment Company) at 1421 Main St., Aramosa, Colorado; 117 E. Fourth, Loveland, Colorado; 7301st Ave., Monte Vista, Colorado; 710-A West 4th, Pueblo, Colorado; 1214 Main St., Boise, Idaho; 378 Shoup Ave., Idaho Falls, Idaho; 840 North Main, Pocatello, Idaho; 157 Main Ave. West, Twin Falls, Idaho; 5 South Kansas Ave., Liberal, Kansas; 215 North Main, McPherson, Kansas; 618 N. Main, Newton, Kansas; 1104 West South St., Salina, Kansas; 803 E. 5th, Scott City, Kansas; 116 W. 6th, Topeka, Kansas; 5218 W. 17th, Topeka, Kansas; 837 South Oliver, Wichita, Kansas; 125 S. Hydraulic, Wichita, Kansas; 1923 E. Central, Wichita, Kansas; 2025 South Seneca, Wichita, Kansas; 1307 Main St., Winfield, Kansas; 210 West 4th, Joplin, Missouri; 110 N. Wewoka, Wewoka, Missouri; 1030 E. Yandell Drive, El Paso, Texas; 507 East 1st, Dumas, Texas; 215 East 8th, Odessa, Texas; 1114 S. Main, Perryton, Texas; 107 East 3rd, Sweetwater, Texas; 1921-9th St., Wichita Falls, Texas; 720 Second St., Dodge City, Kansas; 270 N. Franklin, Colby, Kansas; 1005 N. Main, Garden City, Kansas; 107 West 11th, Goodland, Kansas; 2018 Forest, Great Bend, Kansas; 216 Centennial Center, Hays, Kansas; 800 Oregon, Unit C, Hiawatha, Kansas; 100 S. Main, Hutchinson, Kansas; 909 Minnesota, Kansas City, Kansas; 2040 4th Street, N.W., Albuquerque, New Mexico; 3713 Isleta Blvd. SW., Albuquerque, New Mexico; 207 Gold Ave., SW., Albuquerque, New Mexico; 555B Wyoming NE., Albuquerque, New Mexico; 102 N. Washington, Enid, Oklahoma; 401 N. Main, Guymon, Oklahoma; 214 Eastside Blvd. Muskogee, Oklahoma; 3724 NW. 50th, Oklahoma City, Oklahoma; P.O. Box 707, Highway 271 North, Poteau, Oklahoma; P.O. Box 249, Highway 64 West, Roland, Oklahoma; 232 N. Broadway, Shawnee, Oklahoma; 814 West 6th, Stillwater, Oklahoma; 1108 Texas Ave., Woodward, Oklahoma; 470 N. University Ave., Provo, Utah; 373 South Main, Salt Lake City, Utah; 125 West 2nd, Casper, Wyoming; 121 East 18th, Cheyenne, Wyoming; 317 W. Buffalo, Rawlins, Wyoming; through its subsidiary, The Bankers Investment Company. (November 11, 1976)[2]

APPROVED

National Central Financial Corporation, Lancaster, Pennsylvania, for approval to acquire all of the mortgage servicing portfolio of Land Mortgages, Inc., Dayton, Ohio.

Braymer Bankshares, Inc., Braymer, Missouri, for approval to acquire credit-related insurance business generated by extensions of credit of The First National Bank of Braymer, Braymer, Missouri.[2]

APPLICATIONS RECEIVED

To Establish a Domestic Branch Pursuant to Section 9 of the Federal Reserve Act.

Bay City Bank & Trust Company, Bay City, Michigan. Branch to be established at 1513-1517 Columbus Avenue, Bay City.

Central State Bank, Muscatine, Iowa. Branch to be established at 401 Grandview Avenue, Muscatine.

Farmers & Merchants Bank of Central California, Lodi, California. Branch to be established in the vicinity of Kettleman and Hutchins Street, Lodi.

* * * * *

To Become a Member of the Federal Reserve System Pursuant to Section 9 of the Federal Reserve Act.

The Alexandria Bank Company, Alexandria, Ohio.

* * * * *

To Form a Bank Holding Company Pursuant to Section 3(a) (1) of the Bank Holding Company Act of 1956.

[2] 4(c) (8) and 4(c) (12) notifications processed by Reserve Bank on behalf of the Board of Governors under delegated authority.

Great Southwest Ban Corp., Inc., Dodge City, Kansas, for approval to acquire 80 per cent or more of the voting shares of Bank of the Southwest, Dodge City, Kansas.

Fredericksburg Financial Corporation, Fredericksburg, Texas, for approval to acquire 81 per cent or more of the voting shares of Fredericksburg National Bank, Fredericksburg, Texas.

* * * * *

To Expand a Bank Holding Company Pursuant to Section 3(a) (3) of the Bank Holding Company Act of 1956.

Royal Trust Bank Corp., Miami, Florida, for approval to acquire 51 percent or more of the voting shares of Royal Trust Bank of St. Petersburg, Gulfport, Florida.

Royal Trust Bank Corp., Miami, Florida, for approval to acquire 51 per cent or more of the voting shares of Royal Trust Bank of Tampa, Tampa, Florida.

The Royal Trust Company, Montreal, Quebec, Canada and Royal Trust Bank Corp., Miami, Florida, for approval to acquire 51 per cent of the voting shares of First Bank of Pembroke Pines, Pembroke Pines, Florida.

Commerce Banschares, Inc., Kansas City, Missouri, for approval to acquire 51.96 per cent of the voting shares of Farmers State Bank, St. Joseph, Missouri, St. Joseph, Missouri.

* * * * *

To expand a bank holding company pursuant to section 4(c) (8) of the bank holding company act of 1956.

Shawmut Corporation, Boston, Massachusetts, notification of intent to engage in de novo activities (agricultural commodity financing, and servicing such financing and related and incidental activities and in general, making, servicing, or acquiring for its own account or for the account of others, loans and other extensions of credit to agricultural enterprises or secured by agricultural commodities) at 4701 Marion Street, Denver, Colorado, through a subsidiary, American Cattle and Crop Services Corporation. (November 8, 1976)[3]

Colorado National Bankshares, Inc., Denver, Colorado, notification of intent to engage in de novo activities (acting as insurance agent or broker with respect to reducing term credit life insurance and credit accident and health insurance in connection with amortized loans and consumer installment loans and also with respect to level term credit life incurance and credit accident and health insurance in connection with single payment loans made by Colorado National Bankshares, Inc. and its subsidiaries) at First National Bank of Sterling, Sterling, Colorado; Weld Colorado Bank, Greeley, Colorado; Golden State Bank, Golden, Colorado; First National Bank, Evergreen, Colorado; Aspen Industrial Bank, Aspen, Colorado; and Northglenn Industrial Bank, Northglenn, Colorado; through a subsidiary, Colorado National Insurance Agency, Inc. (November 9, 1976)

Great Southwest Ban Corp., Inc., Dodge City, Kansas, for approval of the retention and continuation of Applicant's credit life insurance and ownership and rental of certain bank facilities to Bank of the Southwest, Dodge City, Kansas.

* * * * *

To expand a bank holding company pursuant to section 4(c) (12) of the bank holding company act of 1956.

Helmerich & Payne, Inc., Tulsa, Oklahoma, notification of intent to acquire from time to time shares of the common voting stock of Mid-Western Nurseries, Inc., Tahlequah, Oklahoma. (November 8, 1976)[3]

* * * * *

REPORTS RECEIVED

Current report filed pursuant to section 13 of the Securities Exchange Act.

Hempstead Bank, Hempstead, New York.

* * * * *

Proxy statement (special meeting) filed pursuant to section 14(a) of the Securities Exchange Act.

Wheeling Dollar Savings & Trust Company, Wheeling, West Virginia.

* * * * *

PETITIONS FOR RULEMAKING

None.

Board of Governors of the Federal Reserve System, November 26, 1976.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.76-35581 Filed 12-2-76;8:45 am]

FIRST INTERNATIONAL BANCSHARES, INC.

Order Approving Acquisition of Bank

First International Bancshares, Inc., Dallas, Texas, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)), to acquire 100 per cent of the voting shares, less directors' qualifying shares, of the successor by merger to Alamo Heights National Bank, San Antonio, Texas ("Bank"). The bank into which Bank is to be merged has no significance except as a means to facilitate the acquisition of the voting shares of Bank. Accordingly, the proposed acquisition of shares of the successor organization is treated herein as the proposed acquisition of the shares of Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the application and all comments recived have been considered in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the largest banking organization in Texas in terms of assets, controls 23 banks with aggregate deposits of approximately $3.6 billion, representing approximately 7.61 percent of total commercial bank deposits in Texas.[2] Acquisition of Bank (approximately $28.2 million in deposits) would increase Applicant's share of Statewide commercial bank deposits by less than 0.1 of one per cent and would have no appreciable effect upon the concentration of banking resources in this State.

Bank is the 19th largest of 52 banks and savings associations in the San Antonio banking market, which is the relevant banking market,[2] and controls approximately 1.0 percent of the total deposits in commercial banks in the market. Applicant is the ninth largest banking organization in the San Antonio banking market, controlling one banking subsidiary with total deposits of $81.7 million or approximately 3 percent of market deposits. Approval of the application would leave Applicant's relative market position well below that of the three largest banking organizations in the market, which control 49.7 percent of total deposits in the market. Accordingly, consummation of the proposal would not substantially affect the structure of banking within the market.

It appears from the record that the proposal would not have significant adverse effects on existing or potential competition. Applicant's currently existing subsidiary bank in the San Antonio market, Main Bank and Trust Company ("Main Bank"), is located in the central business district of San Antonio, less than four miles southwest of Bank. However, the presence of physical barriers in the form of one 8-lane highway, the San Antonio River, and two large parks along the river, as well as the distance and the difference in the service orientation between Bank and Main Bank, lessen direct competition and reduce the probability of development of significant competition between the two. The market would remain slightly attractive to de novo entry after acquisition of Bank, and numerous banks would remain in the market as potential entry points for expanding bank holding companies. Accordingly, on the basis of the record, it is concluded that consummation of the proposed transaction would not have any significant adverse effects on existing or potential competition on a Statewide basis and only slightly adverse effect on competition in the San Antonio banking market.

The financial conditions, managerial resources, and future prospects of Bank, Applicant, and its subsidiaries are regarded as satisfactory and consistent with approval, particularly in light of Bank's retention of $125,000 of interim capital. Applicant will provide Bank with the capabilities of offering improved retail banking services and adding trust services and provisions for credit life and credit accident and health insurance for Bank's borrowing customers at rates substantially below the maximum rate permitted by State regulatory authority. Thus, considerations relating to the convenience and needs of the community to be served lend weight toward approval of the application and are sufficient to outweigh the only slightly adverse competitive effects that might result from consummation of the proposal. It has therefore been determined that the proposed acquisition would be in the public in-

[1] All banking data are as of December 31, 1975, and reflect bank holding company formations and acquisitions through November 1, 1976.

[2] The relevant banking market is approximated by the San Antonio SMSA located in South Central Texas and includes Bexar, Comal and Guadalupe counties.

terest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this order or (b) later than three months after the effective date of this order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Dallas pursuant to delegated authority.

By order of the Secretary of the Board, acting pursuant to delegated authority from the Board of Governors, effective November 24, 1976.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.76-35582 Filed 12-2-76;8:45 am]

HAWKEYE BANCORPORATION

Order Approving Acquisition of Bank

Hawkeye Bancorporation, Des Moines, Iowa, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of The Centerville National Bank, Centerville, Iowa ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the third largest banking organization in Iowa, controls 14 banks with aggregate deposits of approximately $429 million,[1] representing 3.6 percent of the total deposits in commercial banks in the State. Acquisition of Bank by Applicant would increase Applicant's share of State deposits by 0.25 percent and would not alter Applicant's ranking among other State banking organizations. Approval of the subject application would not result in a significant increase in the concentration of banking resources in Iowa.

Bank holds deposits of approximately $30 million, representing 43.9 percent of the total deposits in commercial banks in the Appanoose County banking market,[2] and ranks as the smaller of two banks headquartered in the market.[3] Applicant's banking subsidiary closest to Bank, Pella National Bank, Pella, Iowa ("Pella Bank"), is located 64 road miles away in a separate and noncontiguous market. It appears that neither institution derives any appreciable deposits or loans from the market area of the other. It further appears that no meaningful competition presently exists between any of Applicant's subsidiary banks and Bank. Pella Bank and Bank could each establish branch offices in Monroe and Lucas Counties, both of which are located between the respective present locations of Pella Bank and Bank. However, such action does not appear likely by either bank in the foreseeable future due to their relatively small size, the presence of other established banks in those two counties and the relative unattractiveness for branch offices in those areas. Moreover, due to the population per banking office ratio of the relevant market, it does not appear likely that Applicant would enter that market de novo. Therefore, the Board concludes that consummation of the proposal would not have a significant adverse effect on existing or potentially competition in any relevant area, and that competitive considerations are consistent with approval of the application.

Under section 3(c) of the Act, the Board is required to consider the financial and managerial resources of the bank holding company involved and the bank to be acquired. With respect to this requirement, the financial and managerial resources of Applicant, its subsidiaries and Bank are considered to be generally satisfactory and the future prospects for each appear favorable. As part of the subject transaction, Applicant would incur additional debt in order to finance the cash purchase of Bank's shares. Applicant has proposed two plans with which to finance its acquisition of Bank. In one plan, Applicant would repay the acquisition debt over a ten year period primarily with dividends from its subsidiary banks. In the alternative plan, Applicant would utilize the Hawkeye Bancorporation Employees Stock Ownership Plan ("ESOP"), which has already purchased newly-issued shares of Applicant and will purchase additional such shares in the future, to facilitate the repayment of Applicant's acquisition debt.[4] However, Applicant's ability to service the debt to be incurred as part of this transaction is not dependent upon the use of the ESOP since it appears that, by using either of the proposed financing plans, Applicant would have the financial flexibility to meet its debt servicing requirements as well as unexpected problems that might arise at its subsidiaries. On the basis of the foregoing, the Board concludes that the banking factors are consistent with approval of the application.

Applicant proposes to make certain improvements in Bank's consumer loan and trust services, as well as to assist Bank with its mortgage and investment services. Accordingly, considerations relating to the convenience and needs of the community to be served lend some weight toward approval of the application. It is the Board's judgment that the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this order or (b) later than three months after the effective date of this order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Chicago pursuant to delegated authority.

By order of the Board of Governors,[5] effective November 24, 1976.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.76-35583 Filed 12-2-76;8:45 am]

WESTERN MICHIGAN CORP.

Order Granting Request for Reconsideration

Western Michigan Corporation, Niles, Michigan, has requested reconsideration of the Order of June 30, 1976 (41 FR 28361 (1976)), whereby the Board of Governors denied the application for prior approval of Western Michigan Corporation to acquire the successor by merger to The First National Bank of Cassopolis, Cassopolis, Michigan, pursuant to section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)).

This Request for Reconsideration is filed pursuant to § 262.3(g)(5) of the Board's rules of procedure (12 CFR 262.3(g)(5) (1976)), which provides that the Board will not grant any request for reconsideration "unless the request presents relevant facts that, for good cause shown, were not previously presented to the Board, or unless it otherwise appears to the Board that reconsideration would be appropriate." The Board has considered the material submitted in Applicant's Request for Reconsideration and finds that it presents new relevant facts that were not previously presented to the Board and that it would be appro-

[1] Unless otherwise authorized, all banking data are as of December 31, 1975.

[2] The Appanoose County banking market, the relevant geographic market for purposes of analyzing the competitive effects of the subject proposal, is approximated by Appanoose County, Iowa.

[3] Market data are as of June 30, 1975, and include the deposits of a branch office of Davis County Savings Bank, Bloomfield, Iowa. Davis County Savings Bank is headquartered outside of the relevant market, but operates one branch office in Moulton, Iowa, which is located on the eastern edge of the relevant market.

[4] Applicant has received a determination from the Internal Revenue Service that its ESOP presently qualifies for certain Federal tax benefits that are available through the use of an employee benefit plan meeting specific conditions and requirements under the International Revenue Code and regulations pursuant thereto. The question of "qualification" for ESOP tax benefits, however, is a continuing one. Should Applicant's ESOP fail to meet such requirements in the future, the applicable tax benefits may not be available at that time. In this regard, the Board notes that the IRS has proposed new regulations relating to the qualification of ESOPs under the Code (41 FR 31828 and 41 FR 46017). These new regulations are, in some circumstances, at variance with Applicant's ESOP as it now exists. If the proposed changes become final, Applicant would have to adapt its ESOP to those new requirements in order to continue to qualify for such tax benefits.

[5] Voting for this action: Chairman Burns and Governors Gardner, Wallich, Coldwell, Jackson, Partee and Lilly.

priate for the Board to reconsider the application. Accordingly, the Request for Reconsideration is hereby granted.

Comments and views regarding the proposed acquisition may be filed with the Board not later than December 27, 1976. Such communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application, as supplemented by Applicant's Request for Reconsideration, may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago.

By order of the Board of Governors,[1] effective November 26, 1976.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.76-35584 Filed 12-2-76;8:45 am]

DEPARTMENT OF AGRICULTURE

Cooperative State Research Service

SPECIAL GRANTS PROGRAM FOR FISCAL YEAR 1977

Award Areas and Closing Date for Applications

Notice is hereby given that pursuant to the authority contained in section 2 of Pub. L. 89-106 (7 U.S.C. 450i) the Cooperative State Research Service (CSRS) will award competitive grants in the following areas:

1. Soybeans	$500,000
2. Integrated pest management	500,000
3. Transportation	500,000
4. Genetic vulnerability	300,000
5. Beef and pork production	400,000
6. Forage, pasture, and range	350,000

Research proposals submitted in response to this notice will be evaluated by peer panels in competition with proposals from other institutions, organizations, or individuals. Research proposals selected by Cooperative State Research Service based on recommendations of peer panels will be awarded funds appropriated for Fiscal Year 1977 (October 1, 1976-September 30, 1977). Awarded funds may be expended over a period not to exceed five (5) years.

APPLICATION PROCEDURES

1. *Research Proposal Submission.*

A. Research proposals in the format shown in Appendix II must be received in Cooperative State Research Service prior to February 1, 1977.

B. All proposals from an institution or organization must be signed by a person authorized to act on behalf of the institution. The Cooperative State Research Service will work only with the authorized person on all matters related to the proposals and to grants if selected for funding. The signature of the authorized person indicates that:

1. The institution is committed to pursue the research activities described in the proposal if the proposal is selected for funding.

2. The institution will commit all funds shown in the proposal budget to the research if the proposal is selected for funding.

The following actions by the authorized person are not required but will be helpful to any proposal submitted in a competitive process:

1. Careful study of the guidelines and distribution of guidelines within the institution to be certain that proposal authors are very clear on the nature of the competition.

2. Adoption of a critical and constructive internal review procedure prior to sending proposals to Cooperative State Research Service.

3. Adoption of firm management that will result in the submission of only those proposals that are a credit to the institution even if the proposal is not eventually funded.

C. Proposals will be considered for funding only if they conform to the Subject-Matter guidelines as detailed in Appendix I. Statements of review criteria (Appendix III and IIIA) and the required proposal format (Appendix II) will assist scientists in the preparation of proposals.

D. Submit five (5) copies of each proposal to: Administrator, Cooperative State Research Service, U.S. Department of Agriculture, Washington, D.C. 20250.

E. After grants are awarded, all copies of proposals not funded will be returned to the originating organization.

2. *Budget and Reporting Requirements*

The following items apply only to those proposals that are selected for funding:

A. The grant will be awarded on the basis of all financial support, from any source, that is shown in the proposal budget. Non-CSRS funds will be identified as cost sharing in the official budget. All cost sharing funds are subject to audit.

B. Annual financial reports will be required.

C. An annual progress report not to exceed five pages will be required in addition to a shorter summary for insertion into a computerized research information service. Annual reports must be organized around the objectives and research timetable as specified in the original proposal. In addition, the Principal Investigator(s) will be expected to participate in annual report-discussion meetings during years the project is funded.

D. A comprehensive terminal report will be required, or a publication(s) in lieu thereof, that cover(s) all phases of the funded research.

3. *Regulations*

A. The regulations applicable to this grant program include Subpart 4-3.51 of the USDA Procurement Regulations (41 CFR 4-3.51), "Negotiated Research Agreements with Educational Institutions", and Title 4 of the USDA Administrative Regulations, "Agriculture Grant and Agreement Regulations".

B. Funded projects will be subject to the provisions for Protection of Human Subjects (Secretary's Memo No. 1755).

C. Maximum research project duration is five (5) years from the time of the award.

4. *Eligibility*

Grants may be made to State agricultural experiment stations, colleges, universities, and other research institutions and organizations, and to federal and private organizations, and individuals for research to further the programs of the Department of Agriculture.

R. J. ALDRICH,
Administrator, Cooperative State Research Service.

APPENDIX I

Subject Matter Guidelines For Fiscal Year 1977; Grants under Public Law 89-106

Proposals will be considered for funding only if they conform to these subject-matter guidelines.

1.0 *Soybean Research* ($500,000 will be available from FY 1977 funds). Up to eight proposals will be funded.

SPECIFIC AREAS OF INQUIRY

1.1 Determination, Description and Modeling of Growth. Research should identify components and functions which account for growth, productivity and quality and seek methods to achieve control of growth processes.

1.2 Plant Nutrition. Research to integrate soil factors, root and nodule function and related nitrogen fixation and photosynthetic activity and to examine the feasibility of enhancing growth-limiting processes.

2.0 *Integrated Pest Management* ($500,000 will be available from FY 1977 funds). Up to six proposals will be funded.

SPECIFIC AREAS OF INQUIRY

The development and/or refinement of biological and other methodologies for suppression of pest losses in crops, including biotic and abiotic parameters in the control of insects, plant pathogens, nematodes and weeds.

Consideration will be confined to proposals which:

2.1 Deal with research on integrated methods of suppression of complexes of two or more pest organisms (insects, plant pathogens, nematodes, weeds) on one or more closely related crops and

2.2 Give strong indication that a high level of probability exists that the program will lead directly to a practical and implementable management system for use by growers upon successful completion of the proposed research.

3.0 *Transportation and Related Problems of Agricultural and Forest Products* ($500,000 will be available from FY 1977 funds). Up to six proposals will be funded.

SPECIFIC AREAS OF INQUIRY

3.1 Examine logistical problems associated with the seasonal nature of agricultural production, mobility and capacity of transportation equipment and changing demands of domestic and foreign markets.

3.2 Investigate methods to improve efficiency in transporting, translocating, han-

[1] Voting for this action: Chairman Burns and Governors Gardner, Coldwell, Jackson, Partee, and Lilly. Absent and not voting: Governor Wallich.

dling, and storage of agricultural and forest products and to maintain product quality in domestic and foreign exports.

4.0 *Genetic Vulnerability Strategies* ($300,000 will be available from FY 1977 funds). Up to six proposals will be funded.

One of the greatest needs at the present time is methodology to develop highly variable and generally unadapted germplasm into forms suited for use through conventional plant breeding procedures. This problem has contributed to a less than desired use of germplasm in view of threats by pests, the need for improving the nutritional quality and yield of our crops, and the overall need to reduce genetic vulnerability.

Another need is to increase the storage life of germplasm. Frequent seed multiplications often lead to genetic shifts as well as being expensive. There is also the need for techniques for long-term storage of regenerative plant material of fruit and nut crops.

SPECIFIC AREAS OF INQUIRY

4.1 Developmental Technology of Germplasm. Devise methods for developing exotic and other highly variable germplasm into forms that can be utilized readily by plant breeders and other plant scientists.

4.2 Storage Technology of Germplasm. Develop techniques for long-term storage of seed, pollen, and other plant material that can be regenerated into intact plants.

5.0 *Beef and Pork Production* ($400,000 will be available from FY 1977 funds).

5.1 *Beef Production.* Up to three proposals will be funded.

SPECIFIC AREA OF INQUIRY

Determine the nature of resistance of beef cattle to bovine respiratory disease including the role played by humoral antibody, respiratory tract secretory antibody, cell mediated immunity, interferon or other biological factors which influence resistance to this disease.

5.2 *Pork Production.* Up to three proposals will be funded.

SPECIFIC AREA OF INQUIRY

Reduce the reproductive problems seen in confinement production with emphasis on development of puberty and on successful rebreeding following reproduction.

6.0 *Integrated Range Forage Systems* ($350,000 will be available from FY 1977 funds). Up to five proposals will be funded.

SPECIFIC AREAS OF INQUIRY

6.1 Integrate and optimize the utilization of range with other forage resources for beef cattle and/or sheep production systems.

6.2 Develop and evaluate grass-legume associations for semi-arid rangelands.

APPENDIX II

Format for Research Proposal

1. *Title Page.* A. Title: A brief, clear, specific designation of the subject of the research. Do not include such terms as, "A Study of _____" or "A Detailed Analysis of _____." Names of geographical regions or political subdivisions should not be included unless they are important to the subject of the research.

B. Principal investigator(s).

C. Name of performing organization and address.

D. Category of research program in which proposal will compete for funds: Include the number of the specific area of inquiry as given in the Guidelines.

E. Date of submission.

F. Approval Signatures of appropriate officials. All proposals from a University, College or Institution must be signed by the same authorized official(s).

G. Submitted to: Dr. R. J. Aldrich, Administrator, Cooperative State Research Service, United States Department of Agriculture, Washington, D.C. 20250.

2. *Objectives.* A clear, complete, and logically-arranged statement of the specific aims of the research.

3. *Procedures.* A statement of the essential working plans and methods to be used in attaining each of the stated objectives. Procedures should correspond to the objectives and follow the same order. Procedures should include items such as: the sampling plan, experimental design, and analyses anticipated.

4. *Justification.* This should describe: (1) The importance of the problem to the state or region, being sure to include estimates of the magnitude of the problem; (2) the importance of starting the work now; and (3) reasons for the work being performed in your particular institution.

5. *Literature Review.* A summary of pertinent publications with emphasis on their relationship to the proposed research. Cite important and recent publications from other institutions as well as your own institution. Citations should be accurate and complete.

6. *Current Research.* Describe the relevancy of the proposed research to on-going and as yet unpublished research at your own and at other institutions. This section may be convenient to combine with Literature Review.

7. *Facilities and Equipment.* The location of the work and the facilities and equipment needed and available should be clearly indicated. This section may be combined with Section 3, PROCEDURES, but the combination must clearly show needed and available facilities and equipment.

8. *Research Timetable.* Show all important research phases as a function of time.

9. *Personnel Support.* Identify clearly all personnel who will be involved in the research. For each scientist involved include: (1) An estimate of the time commitments necessary; (2) statement of training and research experience; and (3) list of other research projects on which currently engaged.

10. *Financial Support.* Show estimated annual costs by source of funds (grant and other sources) in conventional budget categories. Include travel costs for the Principal Investigator to participate in annual report-discussion meeting. Include indirect costs where appropriate.

11. *Institutional Units Involved.* List each unit of the institution contributing essential services or facilities. The responsibilities of each should be clearly shown. If there is an advisory, or coordinating committee for the project, list members by name, title, and affiliation.

12. *Impacts.* Estimate the magnitude of the scientific and/or socioeconomic benefits expected from the new knowledge or technology generated. Describe the users of the research results; how the results could be used; their potential impact on the problem defined in the project justification statement; the beneficiaries of the research results and the nature of the benefits received; history of consumer interest in the problem and significant impact on consumers in relation to social and economic consequences of knowledge or technology generated by the research (FEDERAL REGISTER, Vol. 41, No. 189, 1976, pages 42841–42844).

APPENDIX III

Instructions For Peer Panels

The primary responsibilities of the peer panels are to:

1. Assess conformance to subject-matter guidelines.

2. Prepare a consensus scoring page for each proposal.

3. Rank proposals from top to bottom based on the total scores shown on consensus scoring page.

4. Make budget recommendations based only on program items.

5. Sign and present recommendations addressed to the Administrator, Cooperative State Research Service and showing a cut-off point below which no awards should be made regardless of the funds available.

PEER PANEL SCORING FORM

A. *Relevance of Proposal to Guidelines.* Conformance of each proposal to the subject-matter guidelines will be evaluated first by peer panels. Where item (1) is checked, proposal will be further evaluated by the peer panel. Proposals for which item (2) is checked may be considered further if the research activities that are exterior to the guidelines are essential to complete proposal objectives. Proposals for which item (3) is checked will be returned to the originating institution without further analysis by the peer panel.

B. *Selection Criteria.* These criteria will provide the primary rationale for making awards. For all items, positive scoring will range from 1 (poor) through 10 (outstanding.) A score of "0" will be reserved for those cases in which the proposal does not cover the item.

Item 4: Score from 1 to 10 points based on your assessment. (Refer in particular to Elements 2, 3 and 4 in Format.)

Item 5: Consider educational background and experience of the principal investor, and the nature and composition of research team and support personnel. (Refer to Element 9 in Format.)

Item 6: Distribute 10 points based on the adequacy of all facilities, equipment and program support. Reduce points to reflect excessive purchases of equipment with grant funds. (Refer to Elements 7 and 10 in Format.)

Item 7: Score from 1 to 10 points based on justification of grant support requested. (Refer in particular to Element 10 of Format.)

Item 8: Assess the probability that the research can be completed and written for publication during the period of the grant. Consider the amount of time and attention that investigators, research team, and support personnel will devote to project. (Refer in particular to Elements 8 and 9 in Format.)

Item 9: Distribute points in increasing amount based on investigator's knowledge of relevant literature and on-going research. (Refer to Elements 5 and 6 in Format.)

Items 10 and 11: Score from 1 to 10 points in each item based on your assessment of the magnitude of the scientific and/or socioeconomic benefits expected from the new knowledge and technology generated from the research project. (Refer in particular to Element 12 in the Format.)

APPENDIX IIIA

PEER PANEL SCORING FORM

INSTITUTION AND IDENTIFICATION NUMBER: _____

PROJECT TITLE: _____

_____

A. Relevance of Proposal to Guidelines (Check one item)

(1) ☐ Within Guidelines

(2) ☐ Some Deviation(s) from Guidelines

(3) ☐ Does not Conform to Guidelines

B. Selection Criteria

	Score 1-10 (Low to High)	Comments
(4) Overall scientific and technological quality of proposal		
(5) Research competence of the principal investigator(s), research team and support personnel		
(6) Adequacy of facilities, equipment, and related program support		
(7) Justification of support requested in relation to objectives and procedures		
(8) Feasibility of attaining objectives during life of proposed research		
(9) Awareness of published literature and current research related to proposed research		
(10) Relevance and importance of proposed research to solution of specific areas of inquiry (identified in guidelines)		
(11) Estimate of expected benefits		
TOTAL	_____	

C. Extended Comments: Use Back of Page

_____

[FR Doc.76-35436 Filed 12-2-76;8:45 am]

Farmers Home Administration

[Notice of Designation No. A403]

CALIFORNIA

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in the following California Counties as a result of excessive rainfall August 15 and 20, September 5, 10, 11, and 30, October 1 and 2; and below normal temperatures during these months in Fresno County; excessive rainfall September 9 through October 1, 1976, in Madera County; excessive rainfall August 1 through October 19, 1976, in Tulare County.

Therefore, the Secretary has designated this area as eligible for emergency loans pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 94-68, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Edmund G. Brown, Jr., that such designation be made.

Applications for emergency loans must be received by this Department no later than January 17, 1977, for physical losses and August 16, 1977, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, D.C., this 26th day of November, 1976.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.76-35703 Filed 12-2-76;8:45 am]

[Notice of Designation No. A406]

GEORGIA

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in Bacon County, Georgia, as a result of heavy rains from April 30 through May 31, 1976.

Therefore, the Secretary has designated this area as eligible for emergency loans pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 94-68, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor George Busbee that such designation be made.

Applications for emergency loans must be received by this Department no later than January 18, 1977, for physical losses and August 18, 1977, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, D.C., this 26th day of November, 1976.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.76-35704 Filed 12-2-76;8:45 am]

[Notice of Designation No. A405]

LOUISIANA

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in Richland Parish, Louisiana, as a result of extreme drought June 1 through October 13, 1976, and a severe hailstorm in the southwest portion of the parish on August 22, 1976.

Therefore, the Secretary has designated this area as eligible for emergency loans pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 94-68, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Edwin Edwards that such designation be made.

Applications for emergency loans must be received by this Department no later than January 18, 1977, for physical losses and August 18, 1977, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, D.C., this 26th day of November 1976.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.76-35705 Filed 12-2-76;8:45 am]

Rural Electrification Administration

GOLDEN VALLEY ELECTRIC ASSOCIATION, INC., FAIRBANKS, ALASKA

Proposed Loan Guarantee

Under the authority of Pub. L. 93-32 (87 STAT. 65) and in conformance with applicable agency policies and procedures are set forth in REA Bulletin 20-22 (Guarantee of Loans for Bulk Power Supply Facilities), notice is hereby given that the Administrator of REA will consider providing a guarantee supported by the full faith and credit of the United States of America for a loan in the approximate amount of $43,360,000 to Golden Valley Electric Association, Inc., of Fairbanks, Alaska. These loan funds will be used to finance a project consisting of two 70 MW gas turbine generating units, anti-pollution control equipment and approximately 16.2 miles of 138 kV transmission line and 2.6 miles of 69 kV transmission line.

Legally organized lending agencies capable of making, holding and servicing the loan proposed to be guaranteed may obtain information on the proposed project, including the engineering and economic feasibility studies and the proposed schedule for advances to the borrower of the guaranteed loan funds from Mr. R. L. Hufman, Manager, Golden Valley Electric Association, Inc., P.O. Box 1249, Fairbanks, Alaska 99707.

In order to be considered, proposals must be submitted on or before January 3, 1977, to Mr. Hufman. The right is reserved to give such consideration and make such evaluation or other disposition of all proposals received, as Golden Valley Electric and REA deem appropriate. Prospective lenders are advised that the guaranteed financing for this project is available from the Federal Financing Bank under a standing agreement with the Rural Electrification Administration.

Copies of REA Bulletin 20-22 are available from the Director, Information Services Division, Rural Electrification Administration, U.S. Deprtment of Agriculture, Washington, D.C. 20250.

Dated at Washington, D.C., this 22nd day of November 1976.

DAVID A. HAMIL,
Administrator.

[FR Doc.76-35291 Filed 12-2-76;8:45 am]

Soil Conservation Service

DEER CREEK RESOURCE CONSERVATION AND DEVELOPMENT (RC&D) MEASURE, INDIANA

Availability of Negative Declaration

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; part 1500.6(e) of the Council on Environmental Quality Guidelines (38 FR 20550) August 1, 1973; and part 650.8(b)(3) of the Soil Conservation Service Guidelines (39 FR 19651) June 3, 1974; the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Deer Creek RC&D Measure, Perry County, Indiana.

The environmental assessment of this federal action indicates that the measure will not create significant adverse local, regional or national impacts on the environment and that no significant controversy is associated with the measure. As a result of these findings, Mr. Cletus J. Gillman, State Conservationist, Soil Conservation Service, 5610 Crawfordsville Road, Suite 2200, Indianapolis, Indiana 46224, has determined that the preparation and review of an environmental impact statement is not needed for this measure.

The measure concerns a plan for watershed protection and flood prevention. The planned works of improvement, as described in the negative declaration, include conservation land treatment supplemented by one single purpose flood water retarding structure.

The negative declaration is being filed with the Council on Environmental Quality, and copies are being sent to various federal, state, and local agencies. The basic data developed during the environmental assessment is on file and may be reviewed by interested parties at the Soil Conservation Service, 5610 Crawfordsville Road, Suite 2200, Indianapolis, Indiana 46224. A limited number of copies of the negative declaration are available from the same address to fill single copy requests.

No administrative action on implementation of the proposal will be taken until December 20, 1976.

Dated: November 24, 1976.

(Catalog of Federal Domestic Assistance Program No. 10.901, National Archives References Services)

JOHN H. MINER,
Acting Assistant Administrator for Land Resources Soil Conservation Service.

[FR Doc.76-35711 Filed 12-2-76;8:45 am]

MATSON RUN RC&D MEASURE PLAN WILMINGTON, DEL.

Availability of Negative Declaration

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; part 1500.6(e) of the Council on Environmental Quality Guidelines (38 FR 20550) August 1, 1973; and part 650.8(b)(3) of the Soil Conservation Service Guidelines (39 FR 19651) June 3, 1974; the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Matson Run RC&D Measure to be installed in Wilmington, Delaware.

The environmental assessment of this federal action indicates that this measure will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with this measure. As a result of these findings, Mr. Otis D. Fincher, State Conservationist, Soil Conservation Service, has determined that the preparation and review of an environmental impact statement are not needed for this measure.

The measure consists of a plan to provide streambank stabilization along an urban stream in the city-owned Matson Run Park in the City of Wilmington, Delaware.

The negative declaration is available for single copy requests, and the environmental assessment file is available for for inspection during regular working hours at the following location:

Soil Conservation Service, USDA, 2-4 Treadway Towers, 9 E. Lockerman Street, Dover, Delaware 19901

No administrative action on implementation of the proposal will be taken until 15 days after the date of this notice.

(Catalog of Federal Domestic Assistance Program No. 10.901, National Archives Reference Services.)

Dated: November 24, 1976.

JOHN H. MINER,
Acting Assistant Administrator for Land Resources, Soil Conservation Service.

[FR Doc.76-35712 Filed 12-2-76;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 29708]

ARGO, S.A. CHARTER PERMIT APPLICATION (DOMINICAN REPUBLIC)

Postponement of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that the hearing in the above-entitled proceeding, which was assigned to be held on December 7, 1976 (41 FR 49188, November 8, 1976), is postponed to December 16, 1976, at 9:30 a.m. (local time), and will be held in Room 1003, Hearing Room C, Universal North Building, 1875 Connecticut Avenue, N.W., Washington, D.C.

Dated at Washington, D.C., November 29, 1976.

KATHERINE A. KENT,
Administrative Law Judge.

[FR Doc.76-35669 Filed 12-2-76;8:45 am]

[Docket No. 27573; Agreement C.A.B. 26252; Order 76-11-127]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Issued under delegated authority November 24, 1976.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of the Joint Traffic Conferences of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement names an additional specific commodity rate as set forth below, reflecting a reduction from general cargo rates, and was adopted pursuant to unprotested notices to the carriers and promulgated in IATA letter dated November 12, 1976.

Specific commodity item No.	*Description and rate*
0300------	Fish and seafood, 111 cts per kg,[1] minimum weight 2,500 kgs, from Perth, WA, to Honolulu. 133 cts per kg,[1] minimum weight 2,500 kgs, from Perth, WA, to Los Angeles.

[1] Expires March 31, 1977.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.14, it is not found that the subject agreement is adverse to the public interest or in violation of the Act: *Provided,* That approval is subject to the conditions hereinafter ordered.

Accordingly, it is ordered, That:

Agreement C.A.B. 26252 is approved, *Provided,* That approval shall not constitute approval of the specific commodity description contained therein for purposes of tariff publications: *Provided further,* That tariff filings shall be marked to become effective on not less than 30 days' notice from the date of filing.

Persons entitled to petition the Board for review of this order, pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.76-35671 Filed 12-2-76;8:45 am]

[Docket No. 30107; Order 76-11-123]

PAN AMERICAN WORLD AIRWAYS, INC.

Order Granting Emergency Exemption

Issued under delegated authority November 24, 1976.

By application filed on November 23, 1976, Pan American World Airways, Inc. requests that the Board grant it an emergency exemption from the provisions of sections 401 and 403 of the Federal Aviation Act of 1958, as amended, to the extent necessary to permit Pan American to provide transportation to two agents of the United States Secret Service from Seattle, Washington to San Francisco, California on November 28, 1976.[1]

In support of its application, Pan American states that the U.S. Secret Service has requested Pan American to provide the aforementioned transportation in connection with the protection of a foreign dignitary; that the agents would be carried on Flight 125 originating in Oslo and serving both Seattle and San Francisco and that exemption from sections 401 and 403 of the Act is therefore required; that the other air carriers providing Seattle-San Francisco service have been contacted and indicated that they do not object to grant of the exemption authority requested; and that the relief sought is warranted here because of national interest and security considerations.

In light of the unusual circumstances raised by the instant application, the public interest requires that action be taken pursuant to Rule 410 of the Board's rules of practice without awaiting the filing of answers or replies thereto.

Upon consideration of the application and all the relevant facts, and pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.13, it is found that Pan American's application should be granted. Considerations taken into account which warrant use of the exemption power of the Board are that this application is for the transportation of two agents of the United States Government on one flight only; that the operation is for provision of security for a foreign dignitary; that this operation will not adversely affect any other air carrier and that the expense of a certification proceeding would be disproportionate to the size of operation.[2] Under all these circumstances, it is found that the enforcement of sections 401 and 403 of the Act, and the terms, and conditions of Pan American's certificate for Route 132, insofar as they would otherwise prohibit the operations authorized herein, would be an undue burden on Pan American by reason of the limited extent of, and unusual circumstances affecting, the carrier's operations and would not be in the public interest.

Accordingly, it is ordered, That:

1. Pan American World Airways, Inc., be and it hereby is temporarily exempted from the provisons of sections 401 and 403 of the Act and the terms, conditions, and limitations of its certificate of public convenience and necessity for Route 132 insofar as they would otherwise prevent it from carrying two agents of the United States Secret Service from Seattle, Washington to San Francisco, California on November 28, 1976; and

2. This order may be amended or revoked at any time without hearing in the discretion of the Board.

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[1] Pan American is not authorized under its certificate for Route 132, Part II, to engage in interstate air transportation between Seattle and San Francisco. Pan American proposes to provide the transportation at the existing interstate fare levels.

[2] Moreover, it is found that the limited authority requested is inappropriate for certification procedures and that such procedures could not, in any event, be completed in time to permit the transportation of the two agents as requested by the U.S. Secret Service.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may file their petitions within ten days after the date of service of this order.

This order shall be effective immediately and the filing of a petition for review shall not preclude such effectiveness.

This order will be published in the FEDERAL REGISTER.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.76-35670 Filed 12-2-76;8:45 am]

[Docket Nos. 26603, 26838; Order 76-11-146]

EASTERN AIR LINES, INC.

Order of Suspension Regarding Increased Freight Rates Between Mainland and Puerto Rico/Virgin Islands

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 30th day of November 1976.

By tariff revisions[1] issued October 22 and marked to become effective December 1, 1976, Eastern Air Lines, Inc. (Eastern) proposes, with significant exceptions, a 3-percent general increase in bulk and container rates applicable locally and jointly with other airlines between points in the 48 contiguous states, on the one hand, and Ponce, St. Croix, St. Thomas, and San Juan, on the other hand. In addition, priority reserved air freight rates will also be increased by 3 percent and bulk minimum charges per shipment are to be raised by $1.00. The rates which would not be increased include all bulk and container general commodity rates and charges to/from Boston, Hartford, New York, and Philadelphia; and all other rates for types E and QD containers.

In support of its proposal, Eastern asserts, inter alia, that operating losses for freight in the Caribbean area are such that the $416,000 additional revenue anticipated from the proposed increases will still leave the carrier with an operating loss before taxes of $3.57 million, producing a negative 8.3-percent return on investment; that the increases are within the guidelines approved by the administrative law judge in the "Domestic Air Freight Rate Investigation (DAFRI)," Docket 22859; and that the proposed rates and charges more closely reflect the cost of service in these markets.

All proposed rates and charges come within the scope of the investigation of "Puerto Rico/Virgin Islands Freight Rates", Docket 26603, or the "Priority Reserved Air Freight Rates Investigation (PRAFRI)", Docket 26838, and their lawfulness will be determined in those proceedings. The issue now before the Board is whether to suspend the rates and charges or to permit them to become effective pending investigation.

[1] Revisions to Air Tariffs Corporation, Agent, Tariffs C.A.B. Nos. 57 and 68.

Upon consideration of all relevant factors, the Board finds that a substantial number of the proposed bulk minimum charges per shipment and a smaller number of under-100 pound and bulk rates should be suspended because they exceed the industry-average costs (including return on investment) of carrying air freight.[2] The corresponding priority reserved air freight rates proposed should also be suspended since they would exceed 130 percent of the applicable standard service rates, which the Board has found reflects the maximum premium that should be allowed pending decision in "PRAFRI".[3] Furthermore, all rate increases for standard service applicable to exception-rated commodities will not be permitted because they would exceed costs.[4] The remaining increases do not appear excessive and the Board will permit them to become effective.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof.

It is ordered, That:

1. Pending hearing and decision by the Board, the increased rates, charges, and provisions described in Appendix A below are suspended and their use deferred to and including February 28, 1977, unless otherwise ordered by the Board, and that no change be made therein during the period of suspension, except by order or special permission of Board; and

2. Copies of this order will be filed with the tariff and served upon Eastern Air Lines, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

APPENDIX A

TARIFF C.A.B. NO. 57, ISSUED BY AIE TARIFFS CORPORATION, AGENT

1. The increased general commodity minimum charges per shipment between the point in Column A and the points in Column B on the pages listed in paragraph 9.

Column A	*Column B*
PSE	ABE, BAL, CHA, HSV, MIA, MOB, PIT, PVD, SYR, TLH, DCA, PBI.
STX	ALB, ABE, BAL, BGM, BHM, CHA, MIA, MSY, PIT, PVD, STT, SJU, DCA.
STT	ALB, ABE, BAL, BGM, BHM, CHA, HSV, MIA, MDB, MSY, PIT, PVD, SJU, DCA.

2. The increased "Under 100 lbs." general commodity rates betwen the point(s) in Column A and the points in Column B on the pages listed in paragraph 9.

Column A	*Column B*
PSE	PDX, SEA.
STX, STT	LAX, PDX, SLC, SFO, SEA, GEG.
STT	PHX, SAN, TUS.

3. The increased general commodity rates between the point in Column A and the point(s) in Column B, subject to the minimum weight(s) in pounds, shown in Column C on the pages listed in paragraph 9.

Col. A	Col. B	Col. C
STX	CRP, MKC	1000, 2000
STX	DFW, SAT	100, 1000, 2000
STX	HOU, MEM, TUL	1000
STT	CRP	1000
STT	SAT	1000, 2000

4. The increased general commodity rates on (1) "Under 100 lbs." and subject to a minimum weight of 1000 pounds between STX and PHX; and (2) "Under 100 lbs." and subject to minimum weights of 100 and 2000 pounds between STX, in the one hand, and SAN and TUS, on the other hand, on the pages listed in paragraph 9.

5. The increased general commodity and Eastern air express general commodity minimum charges between the point in Column A and the points in Column B on the pages listed in paragraph 9.

Column A	*Column B*
SJU	ALB, ABE, BAL, BGM, BHM, BUF, CRW, CHA, CLE, HTS, HSV, MIA, MOB, BNA, PIT, PVD, ROC, SYR, TLH, DCA, PBI, YNG.

6. The increased general commodity and Eastern air express general commodity rates on "Under 100 lbs." between SJU, on the one hand, and PDX, SEA and GEG, on the other hand.

7. All increased general commodity rates, minimum charges and provisions on the pages listed in paragraph 9 insofar as they would be used in the determination of rates and minimum charges in conjunction with exception ratings to general commodity rates in Item Nos. 1, 3 and 4 in Section 4 on behalf of "EA".

8. All increased Eastern air express general commodity rates, minimum charges and provisions on the pages listed in paragraph 9 insofar as they would be used in the determination of rates and minimum charges in conjunction with exception ratings to general commodity rates in Item No. 1 in Section 4 on behalf of "EA".

9. Pages which contain rates, charges and provisions suspended in paragraphs 1 through 8 above:

11th and 12th Revised Pages 29.
11th and 12th Revised Pages 30.
12th and 13th Revised Pages 31.
12th and 13th Revised Pages 32.
12th and 13th Revised Pages 33.
12th and 13th Revised Pages 34.
14th and 15th Revised Pages 35.
14th and 15th Revised Pages 36.

[2] Industry-average costs recommended by the administrative law judge in DAFRI, revised for cost increases through the 12 months ended June 1976. The minimum charges and the under-100 pound rates suspended exceed the costs, total and per-pound, respectively, of a 35-pound shipment, the estimated size of an average shipment below 100 pounds. These standards for small shipment rate increase proposals, which are based on average shipments, appear reasonable for the interim, pending decision by the Board.

[3] See Orders 76-7-124 and 76-7-10.

[4] Exception-rated commodities are charged percentages of the general commodity rate. Commodities for which we will not permit rate increases, together with the current exception rate stated as a percentage of the general commodity rate, are as follows:

Commodity	*Percent*
Live animals	125.
Uncremated human remains.	125.
Various articles of extraordinary value.	200 of the under-100-lb rate.

EXPLANATION OF ABBREVIATIONS USED IN APPENDIX A

ALB—Albany, N.Y.	PIT—Pittsburgh.
ABE—Allentown.	PSE—Ponce, Puerto Rico.
BAL—Baltimore.	PDX—Portland.
BGM—Binghamton.	PVD—Providence.
BHM—Birmingham.	ROC—Rochester.
BUF—Buffalo.	STX—St. Croix, Virgin Islands.
CRW—Charleston, W. Va.	STT—St. Thomas, Virgin Islands.
CHA—Chattanooga.	SLC—Salt Lake City.
CLE—Cleveland.	SAT—San Antonio.
CRP—Corpus Christi.	SAN—San Diego.
DFW—Dallas.	SFO—San Francisco.
HOU—Houston.	SJU—San Juan, Puerto Rico.
HTS—Huntington.	SEA—Seattle.
HSV—Huntsville.	GEG—Spokane.
MKC—Kansas City.	SYR—Syracuse.
LAX—Los Angeles.	TLH—Tallahassee.
MEM—Memphis.	TUS—Tucson.
MIA—Miami.	DCA—Washington, D.C.
MOB—Mobile.	YNG—Youngstown.
BNA—Nashville.	
MSY—New Orleans.	
PHX—Phoenix.	

[FR Doc.76-35672 Filed 12-2-76;8:45 am]

CIVIL SERVICE COMMISSION

DEPARTMENT OF TRANSPORTATION

Notice of Title Change in Noncareer Executive Assignment

By notice of May 13, 1972, FR Doc. 72-7312 the Civil Service Commission authorized the Department of Transportation to make a change in title for the position of Assistant Director for Information, Office of Public Affairs, Office of the Secretary, authorized to be filled by noncareer executive assignment. This is notice that the title of this position is now being changed to Assistant Director for Communications Programming, Office of Public Affairs, Office of the Secretary.

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

[FR Doc.76-35615 Filed 12-2-76;8:45 am]

PRESIDENT'S COMMISSION ON WHITE HOUSE FELLOWSHIPS

Notice of 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 President's Commission on White House Fellowships to fill by noncareer executive assignment in the excepted service the position of Director.

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

[FR Doc.76-35614 Filed 12-2-76;8:45 am]

DEPARTMENT OF COMMERCE

Maritime Administration

CONSTRUCTION COSTS FOR BULK CARRIER TYPE VESSELS

Intent

Notice is hereby given of the intent of the Maritime Subsidy Board, pursuant to the provisions of section 502(b) of the Merchant Marine Act, 1936, as amended to compute the estimated foreign cost of dry bulk carriers with particular emphasis given to the 35,000 deadweight ton ocean going class equipped with features similar to standard foreign flag ships recently placed in service.

Any person, firm or corporation having any interest (within the meaning of section 502(b)) in such computations may file written statements by the close of business on December 17, 1976, with the Secretary, Maritime Subsidy Board, Maritime Administration, Room 3099B, Department of Commerce Building, 14th and E Streets, NW., Washington, D.C. 20230.

By order of the Maritime Subsidy Board, Maritime Administration.

Dated: November 30, 1976.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.76-35627 Filed 12-2-76;8:45 am]

CONSTRUCTION OF THREE 2,000 DWT BREAKBULK VESSELS MA DESIGN C1-M-122a

Computation of Foreign Cost; Intent

Notice is hereby given of the intent of the Maritime Subsidy Board, pursuant to the provisions of section 502(b) of the Merchant Marine Act, 1936, as amended to compute the estimated foreign cost of the construction of three 2,000 dwt breakbulk vessels, MA Design C1-M-122a.

Any person, firm or corporation having any interest (within the meaning of section 502(b)) in such computations may file written statements by the close of business on December 15, 1976, with the Secretary, Maritime Subsidy Board, Maritime Administration, Room 3099B, Department of Commerce Building, 14th and E Streets, NW., Washington, D.C. 20230.

By order of the Maritime Subsidy Board, Maritime Administration.

Dated: November 30, 1976.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.76-35626 Filed 12-2-76;8:45 am]

SS UNITED STATES

Invitation for Bids for Sale and Operation or Use of the Vessel

Notice is hereby given that pursuant to the provisions of Pub. L. 92-296, as amended, the Maritime Administration has issued Invitation for Bids No. PD-X-1013, dated December 1, 1976, inviting sealed bids from citizens of the United States for the purchase of the SS *United States*, O.N. 263934.

The Assistant Secretary of Commerce for Maritime Affairs, acting for and on behalf of the Secretary of Commerce and pursuant to the provisions of Pub. L. 92-296, on February 6, 1973, purchased the passenger liner SS *United States* from its former owner. The Pub. L. permitted the Maritime Administration to sell or charter the vessel to a qualified operator or lay up the vessel in the National Defense Reserve Fleet. Notices in the FEDERAL REGISTER on February 26, 1973 (38 FR 5197), November 9, 1973 (38 FR 31021), and August 11, 1975 (40 FR 33696) solicited proposals and/or bids from qualified operators interested in the purchase or charter of the vessel for operation under the United States flag. None of the bids submitted pursuant to these notices was completely responsive.

The Maritime Administration is reoffering the ship for sale on an "as is, where is" basis to United States citizens for United States flag operation, or for use as a floating hotel in or on the navigable waters of the United States, as contemplated by Pub. L. 92-296, as amended, under the terms and conditions set forth in the Invitation for Bids No. PD-X-1013.

The minimum acceptable bid price for the SS *United States* is $5,000,000. The purchase price is payable in cash within 30 days of acceptance of the successful bid by the Maritime Administration.

A ten (10) percent bid deposit is required with each bid.

Award will be made to the highest responsive and responsible bidder, and accordingly, the Maritime Administration reserves the right to reject any bid proposing operations or uses not considered in keeping with the intent of Pub. L. 92-296, as amended.

Each bid is to be accompanied by a suitably detailed outline of the proposed operation or use of the vessel, together with sufficient detail concerning the financial resources of the bidder to enable the Maritime Administration to determine the ability of the bidder to consummate the transaction and operate or use the vessel in a manner contemplated by Pub. L. 92-296, as amended. Bidders who have previously submitted proposals in response to the notices in the FEDERAL REGISTER of February 26, 1973, November 9, 1973, and August 11, 1975, must update and resubmit their proposals to be eligible for consideration under this Invitation.

Sale of the SS *United States* is subject to the following conditions:

1. No operating-differential subsidy shall be paid for operation or use of the vessel.

2. The provisions of Section 506 of the Merchant Marine Act, 1936, as amended, shall apply to operation or use of the SS *United States*, during the remaining statutory life of the vessel.

3. The vessel's operating machinery and equipment, whether purchased for operation under U.S. flag or for use as a floating hotel, will be maintained in at least as good condition as it is in at the time of purchase, ordinary wear and tear excepted (ordinary wear and tear as use herein shall mean ordinary wear and tear which would occur in normal commercial use notwithstanding good commercial maintenance requirements). The Maritime Administration shall have the right to specify the standard of maintenance and inspect for compliance at any reasonable time.

4. At no time may the vessel be sold or scrapped without the prior approval of the Maritime Administration, and it shall be

used only for such purposes as contemplated by Pub. L. 92296, as amended. Should the Buyer cease to utilize the vessel for such purposes or cease to maintain the operating machinery and equipment as specified in No. 3 above, the Maritime Administration may repurchase the vessel at the depreciated cost of the vessel to the owner, as determined by the Secretary of Commerce.

5. Whenever the conditions set forth in section 902 of the Merchant Marine Act, 1936, as amended, exist, the vessel may be requisitioned or purchased by the United States, and just compensation for title or use, as the case may be, shall be paid in accordance with section 902 of that Act.

6. The above conditions shall be recognized and included in any financing or other agreement by which title to the vessel is pledged as security, and no such agreement(s) may be entered into without prior approval of its (their) terms by the Administration.

Copies of the Invitation for Bids No. PD-X-1013 dated December 1, 1976, may be obtained from the Contracting Officer: Burt T. Kyle, Director, Office of Domestic Shipping—Code M-740, Maritime Administration, Room 6616—Commerce Building, Washington, D.C. 20230 (Telephone: A/C 202-377-5157).

Bids are to be in the form specified in the Invitation for Bids and are to be addressed to Secretary, Code M-120, Maritime Administration, U.S. Department of Commerce, Washington, D.C. 20230. Bids will be received until 2:15 p.m. Eastern Standard Time, March 1, 1977, and public opening will be held at 2:15 p.m., Eastern Standard Time, on that date at the offices of the Maritime Administration, Room 3708, Commerce Building, 14th Street between E and Constitution Avenue, N.W., Washington, D.C.

By order of the Assistant Secretary of Commerce for Maritime Affairs.

Dated: November 29, 1976.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.76-35625 Filed 12-2-76;8:45 am]

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERLY HANDICAPPED

PROCUREMENT LIST 1977

Additions

Notice of proposed additions to Procurement List 1977, November 18, 1976 (41 FR 50975) of the commodities and service listed below were published in the FEDERAL REGISTER on July 16, 1976 (41 FR 29473); October 1, 1976 (41 FR 43441); and September 24, 1976 (41 FR 41943).

After consideration of all the relevant data presented, the Committee has determined that the commodities and service listed below are suitable for procurement by the Government under Public Law 92-28, 85 Stat. 77. Accordingly, they are hereby added to the Procurement List.

SIC 7699

Repair & Maintenance of Electric Typewriters (SH)
Social Security Administration
Chicago, Illinois

CLASS 7510

Binder, Looseleaf (Presentation style) (IB)
7510-00-582-5398
7510-00-582-5399
7510-00-582-5400

The above for GSA Supply Distribution facilities in Regions 2, 3 and 4 only.

CLASS 7510

File Backer, Paper (IB)
7510-00-285-2567

By the Committee.

E. R. ALLEY, Jr.,
Acting Executive Director.

[FR Doc.76-35619 Filed 12-2-76;8:45 am]

PROCUREMENT LIST 1977

Establishments: Corrections

In FR Doc. 76-33922 in the FEDERAL REGISTER of Thursday, November 18, 1976, the following Notes should be added:

On Page 50977, column 1, Class 3990, Pallet, Material Handling:

NOTE: SH will furnish requirements for Mechanicsburg, Pa. depot only.

On Page 50979, column 1, Class 7105, Frame, Picture:

NOTE: SH will furnish requirements for GSA Supply Distribution Facilities in Regions 1, 2, 3, 4, 5, 6, and 7 only.

On Page 50981, column 2, Class 7520, Box, Filing:

NOTE: SH will provide requirements for GSA Regions shown in parentheses.
7520-00-285-3147 (All regions)
7520-00-285-3143 (All regions)
7520-00-285-3144 (1, 2, 3, 4, 5, 6, 7, 8)
7520-00-285-3145 (1, 2, 3, 9, 10)
7520-00-285-3146 (1, 2, 3, 9, 10)
7520-00-285-3148 (1, 2, 3, 6, 7, 8, 9, 10)

On Page 50982, column 2, Class 7530, Folder, File:

7530-00-286-6924 Note: IB will provide requirements for GSA Regions 1, 2, 4, 5, 6, 7, and 8 only.

On Page 50982, column 2, Class 7530, Folder Set, File:

7530-00-286-6923 Note: IB will provide requirements for GSA Regions 1, 2, and 3 only.

On Page 50982, column 2, Class 7530, Paper, Teletypewriter, Roll:

NOTE: IB will furnish requirements for GSA Regions 4, 5, and 6 only.

On Page 50983, column 1, Class 7530, Tape, Paper, Computing Machine:

NOTE: IB will furnish requirements for GSA Regions 2, 3, 4 (Duluth, Georgia Supply Distribution Facility only), 5, and 6.

On Page 50984, column 2, Class 7930, Dishwashing Compound, Hand:

NOTE: IB will provide requirements for GSA Regions 1, 2, 3, 5, and 10 only.

On Page 50984, column 2, Class 7930, Wax, Floor:

NOTE: IB will furnish requirements for GSA Regions 1, 2, 3, 5, and 10 only.

By the Committee.

E. R. ALLEY, Jr.,
Acting Executive Director.

[FR Doc.76-35620 Filed 12-2-76;8:45 am]

PROCUREMENT LIST 1977

Proposed Addition

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 commodity to Procurement List 1977, November 18, 1976 (41 FR 50975).

Class 5940

Terminal, Lug,
5940-00-549-6581.

If the Committee approves the proposed addition, all entities of the Government will be required to procure the above commodity from workshops for the blind or other severely handicapped.

Comments and views regarding the proposed addition may be filed with the Committee on or before January 3, 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.

E. R. ALLEY, Jr.,
Acting Executive Director.

[FR Doc.76-35618 Filed 12-2-76;8:45 am]

PROCUREMENT LIST 1977

Proposed Deletion

Notice is hereby given pursuant to Section 2(a)(2) of Public Law 92-28; 85 Stat. 77 of the proposed deletion of the following service from Procurement List 1977, November 18, 1976 (41 FR 50975).

SIC 7374

Keypunch and Verification, Thirty percent of overflow, requirements for Interstate Commerce Commission, Washington, D.C.

Comments and views regarding the proposed deletion may be filed with the Committee on or before January 3, 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.

DELETION

Notice of proposed deletions from Procurement List 1977, November 18,

1976 (41 FR 50975) were published in the FEDERAL REGISTER on October 15, 1976 (41 FR 45619).

Pursuant to the above notice the following service is deleted from the Procurement List:

SIC 7349

Janitorial/Custodial, Homestead Air Force Base, Florida, Dental Clinic (Building 686), Hospital (Building 990).

By the Committee.

E. R. ALLEY, Jr.,
Acting Executive Director.

[FR Doc.76-35617 Filed 12-2-76;8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

LEAD-CONTAINING PAINT

Notice of Intent To Prepare an Environmental Impact Statement

Notice is given that the Consumer Product Safety Commission is preparing a draft environmental impact statement in connection with its proposal regarding lead-containing paint published in the FEDERAL REGISTER of August 10, 1976 (41 FR 33636 et seq.). Neither the National Environmental Policy Act, 42 U.S.C. 4321 et seq., nor the guidelines of the Council on Environmental Quality with respect to the preparation of environmental impact statements, 40 CFR Part 1500, requires publication in the FEDERAL REGISTER of this notice of intent. Rather, it is being published here as a measure to help achieve the fullest possible early notice of the Commission's present intention to prepare a draft environmental statement on this proposal, as required in 40 CFR 1500.6(e).

The Commission proposed a consumer product safety rule under the Consumer Product Safety Act to declare as banned hazardous products paint and similar surface-coating materials containing lead in excess of the level determined safe under recent amendments (Pub. L. 94-317) to the Lead-Based Paint Poisoning Prevention Act (LBPPA), 42 U.S.C. 4801 et seq. The proposal would also ban toys, articles intended for use by children, and articles of furniture bearing paint or other similar surface-coating materials with lead in excess of the level determined safe under the LBPPPA. Comments on the environmental effects of implementing the proposal were solicited in the August 10, 1976 notice.

Further information is hereby solicited on environmental effects in connection with reduction in the use of lead dryers in paint, including information on the properties and effects of substitute dryers. Information is also solicited on the effects of possible reduction in availability of paints incorporating lead-containing pigments. Information received on these or other environmental effects which may be anticipated will be addressed in either the draft or the final statement as practicable. Persons wishing to reserve comment until the draft statement is available should send their names and addresses to the Secretary of the Commission so that a copy of the draft statement can be sent to them as soon as it is available.

Comments, information, and requests should be submitted by January 1, 1977, preferably in five copies, to the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207. Materials received may be seen in the Office of the Secretary, 3rd floor, 1111 18th Street, N.W., Washington, D.C. during working hours Monday through Friday.

Dated: November 30, 1976.

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

[FR Doc.76-35662 Filed 12-2-76;8:45 am]

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS

Availability

Environmental impact statements received by the Council on Environmental Quality from November 22 through November 26, 1976. The date of receipt for each statement is noted in the statement summary. Under Council Guidelines the minimum period for public review and comment on draft environmental impact statements in forty-five (45) days from this FEDERAL REGISTER notice of availability. (January 17, 1976). The thirty (30) day period for each final statement begins on the day the statement is made available to the Council and to commenting parties.

Copies of individual statements are available for review from the originating agency. Back copies will also be available at 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

Sabine Unit Plan, Sabine National Forest, several Texas counties, November 23: Proposed is the implementation of a 10-year management plan for the Sabine Unit. The unit includes the entire Sabine National Forest, comprising 187,081 acres in Jasper, Newton, Sabine, Shelby, and San Augustine Counties, Texas. Major actions proposed include timber harvest and site preparation; increased diversity of wildlife habitat with emphasis on tree squirrels; road construction and reconstruction; and establishment of special interest areas. Adverse effects include temporary shifts in wildlife populations, temporary increases in soil movement, and removal of land from timber production. (223 pages.) (ELR Order No. 61667.)

Final

Blacktail Land Use Plan, Routt National Forest, Grand and Routt Counties, Colo., November 22: Proposed is the implementation of a revised Land Use Plan for the Blacktail Unit, Routt National Forest, Grand and Routt Counties. The unit contains 23,420 acres of National Forest lands and includes Roadless Areas DL and DM. Adverse effects include modification of scenic values, periodic and temporary changes in water and air quality, and soil erosion due to the construction of roads and cutting of trees. Wilderness characteristics will be lost within inventoried Roadless Areas DL and DM. (144 pages.) Comments made by: EPA, DOT, state and local agencies, concerned individuals. (ELR Order No. 61655.)

CIVIL AERONAUTICS BOARD

Steve Gross, Chief, Routes and Relationships Division, Civil Aeronautics Board, Washington, D.C. 20428, 202-382-7261.

Draft

Lake Tahoe Service Investigation, California, November 24: Proposed is the granting of federal certificates of public convenience and necessity pursuant to section 401 of the Federal Aviation Act of 1958, or the granting of exemption authority pursuant to section 416(b) of the Act, to Air California, Air Nevada, and Pacific Southwest Airlines in reference to Lake Tahoe area service. This investigation represents an effort by CAB to reach a definitive resolution of the jurisdictional problems involved in this case while adhering to its view that air transportation at Lake Tahoe is interstate in nature and, therefore, subject to federal regulation. (20 pages.) (ERL Order No. 61671.)

DEPARTMENT OF DEFENSE

AIR FORCE

Contact: Dr. Billy Welch, Room 4D 873, The Pentagon, Washington, D.C. 20330, 202-ON7-9297.

Final

Falcon Military Operating Area, New York, November 24: Proposed is the establishment of Falcon Military Operating Area (MOA) to provide air traffic controlled assigned airspace in which to conduct low level interceptor training. Flying in the 3,500 square mile MOA will be at altitudes from 6,000 to 18,000 feet mean sea level. Some single event flyovers will cause annoyance to humans and the proposal will result in the annoyance to visitors of the Adirondack State Park wilderness areas. (137 pages.) Comments made by: EPA, DOT, DOC, HEW, HUD, DOI, state and local agencies, concerned citizens. (ELR Order No. 61673.)

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

Tulsa Urban Renewal River Parks Project, Permit, Tulsa County, Okla., November 23: Proposed is the granting of a Department of the Army permit to the Tulsa Urban Renewal Authority for the placement of dredged and fill material in connection with bank stabilization, bank re-alignment and a low water weir. The proposed work would be located on and in the Arkansas River in the center of Tulsa, Oklahoma. Construction of the park will remove a portion of the stream side habitat, eliminate wildlife corridors, destroy nesting and breeding areas, and temporarily increase siltation and turbidity. (Tulsa District.) (140 pages.) (ELR Order No. 61662.)

Mississippi River, Additional Harbor Facilities, Memphis, Tenn., November 23: The proposed action is to create new harbor facili-

ties by dredging a channel of minimum dimensions 500 feet x 12 feet x 4.9 miles and extending from the Tennessee Chute to the west and north of the existing harbor facilities. Hydraulic fill from channel dredging will be used to create a 600-acre industrial area to the west of the existing harbor fill. In order to raise the new fill area to an elevation above the project flood level, the project channel will be dredged to oversize dimensions approximately 700 x 40 feet. Adverse effects include loss of 1,056 acres of habitat and 972 acres of cropland. (Memphis District.) (180 pages.) (ELR Order No. 61663.)

Final

Escambia River, Escambia Bay, Florida, November 24: The statement proposes implementation of the Escambia and Conecuh Rivers improvement project in Florida. Plans call for a 10-ft. x 100-ft. channel in Escambia Bay for about 5.5 miles to the mouth of Escambia River and thence up Escambia River to mile 7. All dredged sediments will be placed either in a diked upland disposal site or on designated areas along the riverbank adjacent to the channel. Adverse impacts include degradation of air and disruption of benthic communities. (Mobile District.) (136 pages.) Comments made by: USDA, DOC, DOI, DOT, EPA, (ELR Order No. 61674.)

East Pearl River, Maintenance Dredging (2), Louisiana and Mississippi, November 24: The proposed action is to maintain the existing navigation channel at the mouth of the East Pearl River, which consists of a channel 9 feet wide and about 1.3 miles long, connecting the 9 ft. contour in Lake Borgne with the East Pearl River. Dredge spoil will be disposed of in an open-water site adjacent to the channel. Adverse impacts are temporary turbidity near the dredge and disposal areas, temporary elimination of fish habitat, and increased air and noise pollution due to construction. (Mobile District.) (176 pages.) Comments made by: EPA, DOI, DOC, USDA, DOT, state and local agencies, concerned citizens. (ELR Order No. 61675.)

Coos Bay, Channel Maintenance Dredging, Coos County, Oreg., November 24: The proposed Federal actions covered by this statement include maintenance dredging of the present 30-foot navigation channel at Coos Bay, maintenance dredging of a proposed 35-foot channel at Coos Bay, maintenance dredging of 5-foot navigation channels in Coos and Millicoma Rivers, and disposal of dredged materials from these projects. Project implementation would cause short term disruption to commercial and recreational fisheries. The filling of 130 acres of diked pasture land in upper Bay will irreversibly foreclose the option to return to wetland status. (Portland District.) (140 pages.) Comments made by: AHP, EPA, DOI, DOC, FPC, HUD, USCG, USDA, state and local agencies, concerned citizens. (ELR Order No. 61676.)

Murrells Inlet Navigation Project, Georgetown county, S.C., Nov. 23: Proposed are a series of improvements for the Murrells Inlet Navigation Project, in Georgetown County, South Carolina. The project consists of construction of the following improvements: north and south jetties, a fish walkway on top of the south jetty, and sand dunes on both sides of the inlet to tie the jetties to the existing dune line. Adverse effects include destruction of some benthic organisms and smothering of invertebrates. (Charleston District) (163 pages). Comments made by: DOI, EPA, DOC, USDA, USCG, HEW, FPC, HUD, State and local agencies, and concerned individuals. (ELR Order No. 61668.)

Supplement

San Leandro Marina, Maintenance Dredge (S-1), Alameda county, Calif., Nov. 23: This statement supplements a final composite EIS on maintenance dredging at the San Leandro Marina filed with CEQ in November, 1970. Proposed is the land disposal of 325,000 cubic yards of dredge material from the routine maintenance dredging of the Federal Navigation Project at the San Leandro Marina. The project is time phased to begin in June 1977 and to be completed by mid October 1977. Adverse effects include the disruption of on-site ecosystems and the loss of 112 acres of marginal wildlife habitat. (San Francisco District) (33 pages). (ELR Order No. 61659.)

FEDERAL POWER COMMISSION

Contact: Dr. Jack M. Heinemann, Acting Asst. Director for Environmental Quality, 441 G Street, N.W., Washington, D.C. 20426, 202-275-4791.

Final

Holt, Bankhead, and Lewis Smith Projects, Ala., Nov. 22: The action involved is the FPC's consideration of Alabama Power Company's contention that the turbine aerator devices installed in the draft tubes of Bankhead Project No. 2165 and Holt Project No. 2203 satisfies its obligation under Article 43 of the Holt license and aids in the improvement of the water quality of the Black Warrior River at Tuscaloosa, Alabama. The proposed action would increase the dissolved oxygen released in the waters discharged through the Bankhead powerhouse to the Holt reservoir and the waters discharged through the Holt powerhouse into the Oliver pool, thus providing enough dissolved oxygen for industrial development. (320 pages). Comments made by: COE, DOI, EPA, State and local agencies, and concerned individuals. (ELR Order No. 61653.)

Big Creek Project, No. 67, 120, Fresno county, Calif., Nov. 22: The statement concerns an application by Southern California Edison Company for continued operation of the constructed Big Creek No. 2A and No. 8 Power Plants, FPC Project No. 69, and Big Creek No. 3 Plant, FPC Project No. 120. The combined effective operating capacity of the plants is 154,000 kilowatts. The proposal also includes addition of recreation facilities and installation of an additional penstock and generating unit. The drawdown from Dam No. 6 reservoir could increase sediment and harm the fish habitat downstream. (130 pages). Comments made by: AHP, USDA, COE, DOI, EPA, State and local agencies and concerned individuals. (ELR Order No. 61657.)

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Contact: Mr. Richard H. Broun, Director, Office of Environmental Quality, Room 7258, 451 7th Street, S.W., Washington, D.C. 20410, 202-755-6308.

Draft

Travis Country Subdivision, Travis county, Tex., Nov. 23: The proposed action is for the Department of HUD to accept for HUD/FHA home mortgage insurance purposes the 818-acre Travis Country Subdivision located southwest of and adjacent to Austin, Texas, on U.S. Highway 290. This project will provide 2,100 single-family residential homes and 2,000 multifamily units to those families in the middle or above income bracket in a highly desirable rural environment within easy commuting distance of the Austin metropolitan area. Adverse effects are expected to be minimal. (80 pages). (ELR Order No. 61666.)

Final

Mission Viejo Planned Community Zone Development, Colo., Nov. 23: The proposed planned community, Mission Viejo, would consist of 4,416 housing units in Aurora, Colorado, and is designed to provide housing for middle and upper income people. Negative environmental impacts include disruption of animal and plant life, increased pollution due to automobiles, and increased strain on the sewage facilities in the south metropolitan area. (141 pages). Comments made by: AHP, USDA, COE, DOC, EPA, DOI, HEW, FEA, State and local agencies and concerned citizen. (ELR Order No. 61669.)

Highland Hills, General Neighborhood Renewal, Tennessee, November 22: Proposed is the development of the Highland Hills Area in Greenville, Tennessee. The project will include the rehabilitation, clearing, and development of a 62.6 acre deteriorating area in the northern section of the city. Approximately 75 structures would be cleared, and 62 structures would be rehabilitated. Reuse of the area would be predominantly residential (64 percent), with the remainder being open space, commercial, institutional, industrial, and rights of-way. (The project is part of a five-area General Neighborhood Renewal Plan.) (143 pages.) Comments made by: FEA, USDA, DOI, EPA, HEW, DOT, and State and local agencies, concerned individuals. (ELR Order No. 61664.)

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

Norfolk, Va.-Downtown West Conservation Projects, Virginia, November 26: Proposed is the revitalization of the Central Business District of Norfolk, Virginia through the Downtown-West Conservation Project. Three main types of action will take place in the 101-acre area: clearance of structures which are sources of blight for adjacent properties or which cannot be rehabilitated; reworking and upgrading of worn-out public improvements; and rehabilitation of all other properties to meet project standards. The project is expected to ameliorate adverse environmental conditions. (60 pages.) (ELR Order No. 61677.)

DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 7260, Department of the Interior, Washington, D.C. 20240, 202-343-3891.

BUREAU OF LAND MANAGEMENT

Draft

Valdez-Midland, Crude Oil Transportation System, Alaska, Texas, November 22: This statement discusses Standard Oil Company of Ohio's proposal for a transportation system for delivery of Alaska crude oil from the Trans-Alaska pipeline terminal at Valdez, Alaska, to Midland, Texas, where the oil could be distributed to refineries to the north and east. A tanker fleet would transport the crude oil 2,300 miles between Valdez and Long Beach, California. A 1,027-mile pipeline would transport the oil between Long Beach and Midland. Approximately 780 miles of existing natural gas pipeline would be abandoned and converted for the transporting of crude oil in the proposed system. (3172 pages.) (ELR Order No. 61658.)

BUREAU OF SPORT FISHERIES AND WILDLIFE

Final

National Wildlife Refuge System, November 22: The statement examines continued operation of the National Wildlife Refuge System at approximately the present level of activity. Annual funding requirements are estimated at $22 million, to continue the preservation of selected physical resources, key fish and wildlife habitats, and overall environmental quality in representative wildlife ecosystems. Such activities as timber cutting, diking, vegetative manipulation, and facility construction will result in temporary adverse effects. (665 pages.) Comments made by: AHP, USDA, DOI, DOT, EPA, and State and local agencies, concerned individuals. (ELR Order No. 61656.)

NUCLEAR REGULATORY COMMISSION

Contact: Mr. Benard Rersche, Director of Division of Reactor Licensing, P-722, NRC, Washington, D.C. 20555,301-492-7373.

Final

Indian Point Unit 2, Once-Through Cooling, Westchester County, N.Y., November 24: Proposed is the issuance of an amendment to the Facility Operating License held by Consolidated Edison. The amendment would permit the company to continue its once-through cooling system for an additional two years. The extension would permit the completion of on-going research studies and the gathering of additional data. The primary adverse effect is the loss of fish life by impingement and entrainment at the plant. (126 pages.) Comments made by: USDA, DOC, HEW, DOI, HUD, COE, EPA, ERDA, FPC, AHP, and State and local agencies, concerned citizens. (ELR Order No. 61672.)

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.

Draft

1979 Average Fuel Economy Standard, Nonpassenger, November 26: Proposed is an average fuel economy standard (AFES) for nonpassenger automobiles (NPAs) not more than 6,000 pounds gross vehicle weight rating, which are manufactured in model year 1979. The proposal would require that the production weighted average fuel economy of all NPAs of each manufacture equal or exceed 18.7 mpg. Fuel economy would be determined in accordance with procedures established by the Environmental Protection Agency. Compliance with the requirement would result in a decrease in the consumption of fuel by NPAs. (57 pages.) (ELR Order No. 61679.)

FEDERAL AVIATION ADMINISTRATION

Final

Lopez Island Airport Improvement, San Juan County, Wash., November 23: The proposed action is to grant funds to improve the physical and operational characteristics of the existing Lopez Island Airport, Lopez Island, Washington. Initial stage of development will include acquisition of options and easements on 47 acres of land. Major development items include a new replacement runway parallel to and 150' to the west of the existing runway. Adverse impacts include the clearing and topping of 41 acres of wooded area, and subsequent diminishment of habitat and cover. (98 pages.) Comments made by: EPA, DOI, DOC, AHP, USDA, HUD, and State and local agencies, concerned individuals. (ELR Order No. 61665.)

Richland Airport Development, Washington, November 26: The proposed action involves the development of the Richland Airport, Richland, Washington. Major developments include: development of a new 4000 foot runway; construction of parallel taxiways on runways 1-19 and 7-25; the acquisition of land and easements in the clear zone areas of runways 1-19 and 7-25; installation of landing aids; development of aircraft parking areas; and the improvement of airport access road. Adverse effects include an increase in the noise and air exists. (320 pages.) Comments made by: EPA, DOI, DOT, DOD, USDE, ERDA, and State and local agencies, concerned citizens. (ERL Order No. 61676.)

FEDERAL HIGHWAY ADMINISTRATION

Draft

Albany to I-75 (south of Cordele) Connector, several counties, Ga., November 23: Proposed is the construction of a four-lane, limited access interstate type facility connecting Albany to I-75 south of Cordele in Dougherty, Lee, Worth, and Crisp Counties. The project is approximately 30 miles in length from its junction with the Albany Loop (S.R. 333) to its junction with I-75. The displacement of individuals and the disruption of farming operations along the proposed facility will occur, and will vary in severity subject to the alternate chosen. Wildlife habitats and nesting and breeding areas will be decreased due to acquisition of right of way. (Region 4) (267 pages). (ELR Order No. 61661.)

Final

Union Boulevard, Colorado Springs, El Paso County, Colo., November 23: The proposed action is located in the northeast quadrant of Colorado Springs bounded approximately by the routes of US-85 (Nevada Avenue) on the west, Academy Boulevard on the east, Constitution Avenue on the south, and by Montebello Drive on the north. The principal concern of the action involves the proposed completion of Union Boulevard between Fillmore Avenue and a point 2,700 feet south of Academy Boulevard. This facility would consist of two 36-foot lanes with a median barrier. Adverse effects include reduction of grassland habitat and increased stress on wildlife and vegetation. (330 pages.) Comments made by: COE, EPA, HEW, HUD, DOI, DLAB, DOT, and State and local agencies, concerned citizens. (ELR Order No. 61670.)

Final

Dahlonega Connector (S.R. 400 Extension), Forsyth, Dawson, Lumpkin, Ga., November 22: This statement concerns Georgia Projects APD-056-1(7) and APD-056-2(1), Forsyth-Dawson-Lumpkin Counties which are concurrent projects proposed to be the extension on new location of S.R. 400. The project will extend from S.R. 306 in Forsyth County 19 miles northeasterly to S.R. 60 in Lumpkin County about 3 miles south of Dahlonega, Georgia. This route will consist of four lanes on about 300 feet of right-of-way. Adverse effects include the displacement of 17 residences. (Region 4) (200 pages). (ELR Order No. 61664.)

U.S. Route 202 Relocation, Cheshire County, N.H., Cheshire County, N.H., November 23: Proposed is a 3.64 mile relocation project for U.S. Route 202, New Hampshire. The new 2-lane alignment would begin at U.S. Route 202 at the Massachusetts State Line and terminate at N.H. Route 119 in West Rindge. Adverse effects include the acquisition of approximately 150 acres of land, of which 15 acres are wetland. Two residences one business and one combination residence-business will be forced to relocate. (311 pages.) Comment made by: EPA, HEW, HUD, DOI, USDA, DOC, COE, FPC, AHP, and USCG. (ELR Order No. 61660.)

GARY L. WIDMAN,
General Counsel.

[FR Doc.76-35693 Filed 12-2-76;8:45 am]

DEPARTMENT OF DEFENSE

Defense Supply Agency

WARNER & SWASEY COMPANY

Notice of Proposed Cancellation or Termination of Existing Contracts and Debarment From Future Contracts; Notice of Hearing

The Executive Directorate, Contractor Employment Compliance, Headquarters, Defense Supply Agency (DSA) requested and received approval from the Director, Office of Federal Contract Compliance Programs, Department of Labor, to issue a Notice of Proposed Cancellation or Termination of Existing Contracts and Debarment from Future Contracts to The Warner & Swasey Company for its failure to provide relief for an affected class. The Warner & Swasey Company has been given 14 days after receipt of this Notice to answer allegations therein, and request a hearing on the issues with the Director, DSA.

The following letter is published in accordance with requirements of 41 CFR 60-1.26(b)(2)(i) and (ii):

CLEVELAND 15, 1976.

DCAS-VO

Mr. JOSEPH S. BARRY,
President, The Warner & Swasey Company,
11000 Cedar Avenue,
Cleveland, Ohio

DEAR MR. BARRY: The Warner & Swasey Company has agreed, pursuant to the Equal Employment Opportunity clause of United States Government contracts, to comply with all provisions of Executive Order 11246, as amended, and the rules, regulations, and relevant orders of the Secretary of Labor, 41 Code of Federal Regulations (CFR) Chapter 60. The Defense Supply Agency is charged with responsibility for securing compliance with the referenced Order and regulations under Department of Defense Directive No. 1100.11.

On 3 February 1975, a compliance review was initiated at your Wiedemann Division, King of Prussia, Pennsylvania. All deficiencies which were found were corrected except that you failed to provide relief for members of an affected class which was identified. Consequently, on 27 August 1975 a 30-day show cause notice was issued to you. Negotiations during and subsequent to that period failed to resolve the problems.

The Warner & Swasey Company is an apparent noncompliance with Executive Order 11246 and applicable rules and regulations of Department of Labor which require federal contractors to refrain from discriminating in their employment practices. You are hereby notified of the proposed cancellation or termination of any existing United States Government contracts or subcontracts and debarment from future United States Government contracts or subcontracts. This action is pursuant to Section 209 of the Order and 41 CFR 60-1.26(b). The Warner & Swasey Company may, within 14 days after receipt of this notice, file an answer to the allegations set forth in this letter and request a hearing on the issues with the Director, Defense Supply Agency,

Cameron Station, Alexandria, Virginia 22314. The answer and the request for a hearing should conform to the requirements of 41 CFR 60-1.26(b)(2)(iii).

If you request a hearing, the Director, Office of Federal Contract Compliance Programs, has determined that there are substantial issues of law or fact warranting, pursuant to 41 CFR 60-2.2(b), that The Warner & Swasey Company be considered a responsible bidder pending resolution of the issues at such hearing.

Sincerely,

W. W. VAUGHAN,
Lieutenant General, USA
Director.

[FR Doc.76-35663 Filed 12-2-76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 652-3]

SCIENCE ADVISORY BOARD ENVIRONMENTAL MEASUREMENTS ADVISORY COMMITTEE

Open Meeting

Pursuant to Pub. L. 92-463, notice is hereby given that a meeting of the Environmental Measurements Advisory Committee will be held beginning at 9:00 a.m. December 20, 1976 in room 239 of the U.S. Environmental Protection Agency's Environmental Research Laboratory on College Station Road, Athens, Georgia.

This is the fourth meeting of the Committee. The agenda includes current activities of the Science Advisory Board; presentations by the director and staff of the laboratory describing current measurement, instrumentation and monitoring activities; comments on the draft "Sulfate Research Plan" to develop scientific data for EPA decision-making on atmospheric sulfates; a membership report by the chairman of the subcommittee formed to provide advice and assistance in the study of emissions from automotive catalytic exhaust control devices; and member items of interest.

The meeting is open to the public. Any member of the public wishing to attend or obtain additional information should contact Dr. A. F. Forziati, Executive Secretary, Environmental Measurements Advisory Committee, (703) 557-7720 by close of business on December 17, 1976.

THOMAS D. BATH,
Staff Director,
Science Advisory Board.

NOVEMBER 29, 1976.

[FR Doc.76-35561 Filed 12-2-76;8:45 am]

PIMA COUNTY HEALTH DEPARTMENT ON BEHALF OF PIMA COUNTY AIR POLLUTION CONTROL DISTRICT

Delegation of Authority

[FRL 651-7]

On December 23, 1971 (36 FR 24876), March 8, 1974 (30 FR 9308), August 6, 1975 (40 FR 33152), September 23, 1975 (40 FR 43850), January 15, 1976 (41 FR 2231, 2332), January 26, 1976 (41 FR 3825), and May 4, 1976 (41 FR 18498) pursuant to Section 111 of the Clean Air Act, as amended, the Administrator promulgated regulations in 40 CFR Part 60 establishing standards of performance for 24 categories of new stationary sources (NSPS). In addition, on April 6, 1973 (38 FR 8820) and October 14, 1975 (40 FR 48292) pursuant to Section 112 of the Clean Air Act, as amended, the Administrator promulgated in 40 CFR Part 61 national emission standards for three hazardous air pollutants (NESHAPS). These regulations have been amended in certain instances. Sections 111(c) and 112(d) require the Administrator to delegate authority to implement and enforce the standards to any State which submits an adequate procedure. Nevertheless, the Administrator retains concurrent authority to implement and enforce the standards following delegation of authority to a State.

On August 19, 1973, the Regional Administrator, Region IX forwarded to the States in his Region information setting forth the requirements for an adequate procedure for implementing and enforcing the NSPS and NESHAPS. On June 20, 1976 Walter C. Rogers, M.D., Director of the Pima County Health Department, submitted a request on behalf of the Pima County Air Pollution Control District for delegation of authority to implement and enforce the NSPS and NESHAPS. Included in that request were copies of the NSPS and NESHAPS regulations adopted by the Pima County Air Pollution Control District and citations to State law and District regulations which provide the District with requisite authority to implement and enforce the NSPS and NESHAPS.

After a thorough review of the request for delegation, the Regional Administrator has determined that for the source categories set forth in paragraphs (A), (B) and (C) of the following official letter to Walter C. Rogers, M.D., delegation is appropriate subject to the conditions set forth in paragraphs (1) through (10) of that letter dated October 7, 1976:

WALTER C. ROGERS, M.D.,
Director, Pima County Health Department,
151 West Congress Street, Tucson AZ 85701.

DEAR DR. ROGERS: This is in response to your letter of June 30, 1976 requesting delegation of authority for implementation and enforcement of the Standards of Performance for New Stationary Sources (NSPS) and the National Emission Standards for Hazardous Air Pollutants (NESHAPS) to the Pima County Health Department on behalf of the Pima County Air Pollution Control District (PCAPCD).

We have reviewed the pertinent laws of the State of Arizona and the rules and regulations of the PCAPCD, and have determined that they provide an adequate and effective procedure for implementation and enforcement of the NSPS and NESHAPS by the Air Pollution Control District. Therefore, we hereby grant delegation of the NSPS and NESHAPS to the PCAPCD as of the date of this letter as follows:

A. Authority for 24 categories of new sources located in the PCAPCD subject to the standards of performance for new stationary sources promulgated in 40 CFR Part 60 as in effect May 20, 1976. The categories of new sources covered by the delegation are fossil fuel-fired steam generators; incinerators; portland cement plants; nitric acid plants; sulfuric acid plants; asphalt concrete plants; petroleum refineries; storage vessels for petroleum liquids; secondary lead smelters; secondary brass and bronze ingot production plants; iron and steel plants; sewage treatment plants; primary copper smelters; primary zinc smelters; primary lead smelters; primary aluminum reduction plants; phosphate fertilizer industry: wet-process phosphoric acid plants, superphosphoric acid plants, diammonium phosphate plants, triple superphosphate plants, granular triple superphosphate storage facilities; coal preparation plants; ferroalloy production facilities; and steel plants: electric arc furnaces.

B. Authority for all sources located in the PCAPCD subject to the national emission standards for three hazardous air pollutants promulgated in 40 CFR Part 61 as in effect October 14, 1975. The hazardous air pollutants covered by the delegation are asbestos; beryllium; and mercury.

C. Jurisdictional authority of PCAPCD regarding types, classes, and sizes of emission sources shall be limited to:

1. The authority contained in Chapter 6, Article 8 (Title 36-770 et seq. as applicable to county statutory authority) of the Arizona Revised Statutes (ARS) as amended in 1971, plus any succeeding amendments or additions to these Statutes.

2. All types and classes of emission sources for which the Arizona Department of Health Services, Environmental Health Division, State Bureau of Air Quality Control (SBAQC) has delegated to PCAPCD in the past, or will delegate to PCAPCD in the future, authority pursuant to ARS 36-1705 and 36-1706 to regulate and control specific types, classes, or named air pollution emission sources.

This delegation is based upon the following conditions:

1. Quarterly reports will be submitted to EPA by the PCAPCD. Such reports shall include, as a minimum, the following information:

(a) NSPS—1. Number of operating sources determined to be in compliance. Compliance determinations shall be verified annually by methods acceptable to EPA.

2. Number of operating sources determined to be in violation (failure to meet emission regulations, failure to comply with monitoring requirements, failure to comply with performance test requirements, failure to comply with notification requirements).

3. Number of operating sources of unknown compliance statutes.

4. Number of sources inspected to determine compliance with NSPS regulations.

5. Number of enforcement actions taken for violation of NSPS regulations.

6. Number of sources subject to NSPS which have commenced construction.

(b) NESHAPS—1. Number of sources subject to NESHAPS.

2. Number of sources subject to NESHAPS determined in compliance with Standards or in compliance with Waiver of Compliance. Compliance determinations shall be verified annually by methods acceptable to EPA.

3. NESHAPS Sources inspected.

4. Number of enforcement actions taken against NESHAPS sources.

2. Enforcement of the NSPS and NESHAPS in the PCAPCD will be the primary responsibility of the District. If the District determines that such enforcement is not feasible and so notifies EPA, or where the District acts in a manner inconsistent with the terms of this delegation, EPA will exercise its concurrent enforcement authority pursuant to Section 113 of the Clean Air Act, as amended, with respect to sources within the District subject to the NSPS and NESHAPS.

3. Acceptance of this delegation of NSPS and NESHAPS does not commit the PCAPCD to request or accept delegation of future standards and requirements. However, delegation of additional NSPS or NESHAPS standards or requirements, not hereby delegated would require a new request for delegation.

4. The PCAPCD is not requesting delegation of authority over Federal facilities within the District which are subject to the NSPS and NESHAPS. However, this does not relieve Federal facilities of the responsibility of complying with all applicable Arizona State laws and District regulations.

5. The PCAPCD will at no time grant a variance from compliance with PCAPCD Regulations VII and VIII except as provided in this paragraph. Should the District grant such a variance, EPA will consider the source receiving the variance to be in violation of the applicable Federal regulation and may initiate enforcement action against the source pursuant to Section 112 of the Clean Air Act. The granting of such variances by the District shall also constitute grounds for revocation of delegation by EPA. However, if the District in the future amends Regulations VII and VIII so as to make the District regulation more stringent than the applicable Federal regulation, the District may grant variances from the more stringent District Regulation if such variances do not relieve subject sources of the responsibility of complying with standards equally as stringent as those contained in the applicable Federal regulations. The Administrator retains authority for the issuance of waivers of compliance pursuant to 40 CFR 61.11.

6. The PCAPCD will utilize only the test methods specified in 40 CFR 60 and 61, current to the date of the test, in performing source tests pursuant to their NSPS and NESHAPS regulations. Unless approved by EPA as acceptable for use as "alternative" test methods within the meaning of the federal NSPS and NESHAPS regulations, any use by the District of test methods to determine compliance with NSPS or NESHAPS not in accordance with the terms and conditions of this delegation shall constitute grounds for revocation of delegation by EPA. Any questions, regarding current source test methods and "alternative" test methods shall be forwarded to EPA, Region IX.

7. The PCAPCD and EPA will develop a system of communication sufficient to guarantee that each office is always fully informed regarding the current compliance status of subject sources in the District and regarding interpretation of applicable regulations.

8. If at any time there is a conflict between a PCAPCD regulation and a Federal regulation (40 CFR Part 60 and 61) the Federal regulation must be applied if it is more stringent than that of the District. In the event of such a conflict, if the District determines that it is unwilling or unable to apply the more stringent Federal regulation, it will so notify EPA. EPA, in consultation with the District, will then modify or revoke the terms of this delegation to the extent it determines to be appropriate.

9. If the Regional Administrator determines that a PCAPCD procedure for enforcing or implementing the NSPS or NESHAPS is inadequate, or is not being effectively carried out, this delegation may be revoked in whole or in part. Any such revocation shall be effective as of the date specified in a Notice of Revocation to the District.

10. As of the date of this delegation, sources subject to the NSPS and NESHAPS located within the PCAPCD are required to submit all reports pursuant to the NSPS and NESHAPS to the PCAPCD and to EPA, Region IX.

A notice announcing this delegation will be published in the FEDERAL REGISTER in the near future. The Notice will state, among other things, that, effective immediately, all reports required pursuant to the Federal NSPS and NESHAPS by sources located in the Pima County Air Pollution Control District shall be submitted to the Air Pollution Control District at 151 West Congress Street, Tucson, Arizona 85701, as well as to EPA, Region IX.

Since this delegation is effective immediately, there is no requirement that the District notify EPA of its acceptance. Unless EPA receives from the District written notice of objections within 10 days of the date of receipt of this letter, the District will be deemed to have accepted all the terms of the delegation.

Sincerely,

PAUL DE FALCO, Jr.,
Regional Administrator

Therefore, pursuant to authority delegated to him by the Administrator, the Regional Administrator notified Dr. Rogers on October 7, 1976 that authority to implement and enforce the NSPS/NESHAPS was delegated to the Pima County Health Department on behalf of the Pima County and Air Pollution Control District.

Copies of the request for delegation of authority and the Regional Administrator's letter of delegation re available for public inspection at the following addresses:

Pima County Health Department, 151 West Congress Street, Tucson AZ 85701.
Environmental Protection Agency, Region IX, Enforcement Division, 100 California Street, San Francisco CA 94111.

Effective immediately, all reports required pursuant to the NSPS and NESHAPS by sources located in the Pima County Air Pollution Control District should be submitted to the office of the Air Pollution Control District, located at 151 West Congress Street, Tucson AZ 85701, as well as to EPA, Region IX

Dated: November 19, 1976.

R. L. O'CONNELL,
Acting Regional Administrator,
EPA, Region IX.

[FR Doc.76-35564 Filed 12-2-76;8:45 am]

[OPP-33000/481 and 482]

RECEIPT OF APPLICATION FOR PESTICIDE REGISTRATION

Data To Be Considered In Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (39 FR 31862) its interim policy with respect to the administration of section 3(c) (1) (D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended ["Interim Policy Statement"]. On January 22, 1976, EPA published in the FEDERAL REGISTER a document entitled "Registration of a Pesticide Product—Consideration of Data by the Administrator in Support of an Application" (41 FR 3339). This document described the changes in the Agency's procedures for implementing section 3(c) (1) (D) of FIFRA, as set out in the Interim Policy Statement, which were effectuated by the enactment of the recent amendments to FIFRA on November 28, 1975 (Pub. L. 94-140), and the new regulations governing the registration and re-registration of pesticides which became effective on August 4, 1975 (40 CFR Part 162).

Pursuant to the procedures set forth in these FEDERAL REGISTER documents, EPA hereby gives notice of the applications for pesticide registration listed below. In some cases these applications have recently been received; in other cases, applications have been amended by the submission of additional supporting data, the election of a new method of support, or the submission of new "offer to pay" statements.

In the case of all applications, the labeling furnished by the applicant for the product will be available for inspection at the Environmental Protection Agency, Room 209, East Tower, 401 M Street, S.W., Washington, D.C. 20460. In the case of applications subject to the new Section 3 regulations, and applications not subject to the new Section 3 regulations which utilize either the 2(a) or 2(b) method of support specified in the Interim Policy Statement, all data citations submitted or referenced by the applicant in support of the application will be made available for inspection at the above address. This information (proposed labeling and, where applicable, data citations) will also be supplied by mail, upon request. However, such a request should be made only when circumstances make it inconvenient for the inspection to be made at the Agency offices.

Any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after January 1, 1970, is being used to support an application described in this notice, (c) desires to assert a claim under Section 3(c) (1) (D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data or the status of such data under section 10 must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Product Control Branch, Registration Division (WH-567), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., Washington, D.C. 20460. Every such claimant must include, at a minimum, the information listed in the Interim Policy Statement of November 19, 1973.

Specific questions concerning applications made to the Agency should be addressed to the designated Product Manager (PM), Registration Division (WH-567), Office of Pesticide Programs, at the above address, or by telephone as follows:

PM 11, 12, & 13—202/755-9315
PM 21 & 22—202/426-2454
PM 24—202/755-2196
PM 31—202/426-2635
PM 33—202/755-9041
PM 15, 16, & 17—202/426-9425
PM 23—202/755-1397
PM 25—202/426-2632
PM 32—202/426-9486
PM 34—202/426-9490

The Interim Policy Statement requires that claims for compensation be filed on or before February 1, 1977. With the exception of 2(c), applications not subject to the new section 3 regulations, and for which a sixty-day hold period for claims is provided, EPA will not delay any registration pending the assertion of claims for compensation or the determination of reasonable compensation. Inquiries and assertions that data relied upon are subject to protection under section 10 of FIFRA, as amended, should be made within 30 days subsequent to publication of this notice.

Dated: November 23, 1976.

JOHN B. RITCH, Jr.,
Director, Registration Division.

APPLICATIONS RECEIVED (OPP—33000/481)

EPA File Symbol 334-UUN. Hysan Corporation, 919 W. 38th St., Chicago IL 60609. LEN-O-QUAT 15. Active Ingredients: Alkyl (C14 58%; C16 28%; C12 14%) dimethyl benzyl ammonium chloride 4.0%; Isopropanol 2.0; Essential oils 0.5%. Method of Support: Application proceeds under 2 (b) of interim policy. PM31

EPA File Symbol 334-UUE. Hysan Corporation. Q-MINT 7. Active Ingredients: Alkyl (C14 58%; C16 28%; C12 14%) dimethyl benzyl ammonium chloride 2.0%; Isopropanol 2.0%; Methyl salicylate 0.5%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 602-EAA. Ralston Purina Company, General Offices, Checkerband Square, St. Louis MO 63188. PURINA PITCH PACK RAT CONTROL. Active Ingredients: Warfarin (3-(alpha-Acetonylbenzyl) - 4 - hydroxycoumarin) 0.025%. Method of Support: Application proceeds under 2(b) of interim policy. PM11

EPA File Symbol 11082-A. Long Chemical Inc., 2615 Southwest Dr., Los Angeles CA 90043. HIGH ACTIVE BOWL CLEANER. Active Ingredients: Octyl decyl dimethyl ammonium chloride 1.250%; Dioctyl dimethyl ammonium chloride 0.625%; Didecyl dimethyl ammonium chloride 0.625%; Alkyl amino betaine 1.000%; Hydrogen chloride 17.500%. Method of Support: Application proceeds under 2(b) of interim policy. PM 32

EPA File Symbol 11082-I. Long Chemical, Inc. LONG CHEMICAL MILDEW S GONE. Active Ingredients: Didecyl dimethyl ammonium chloride 50%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 11613-RG. Southeastern Sanitary Supply Co., PO Box 1541, Montgomery AL 36102. SESSCO PINE ODOR DISINFECTANT. Active Ingredients: Isopropanol 4.75%; Pine oil 3.95%; Alkyl C14 58%; C16 28%; C12 14%) dimethyl benzyl ammonium chloride 1.97%. Method of Support: Application proceeds under 2 (b) of interim policy. PM32

EPA File Symbol 11613-RU. Southeastern Sanitary Supply. SESSCO SUPER PINE ODOR DISINFECTANT. Active Ingredients: Isopropanol 9.50%; Pine oil 7.90%; Alkyl (C14 58%; C16 28%; C12 14%) dimethyl benzyl ammonium chloride 3.95%. Method of Support: Application proceeds under 2(b) of interim policy. PM32

EPA Reg. No. 11687-52. Transvaal, Inc., Suite 3200, Clark Tower, 5100 Poplar Ave., Memphis TN 38137. TRANSVAAL WEED-RHAP A-6-MCPA. Active Ingredients: Dimethylamine salt of 2-methyl-4-chlorophenoxyacetic acid 75.0%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Application for reregistration. PM23

EPA Reg. No. 11687-79. Transvaal, Inc. TRANSVAAL WEED-RHAP LV-4-MCPA HERBICIDE. Active Ingredients: Isooctyl ester of 2-methyl-4-chlorophenoxyacetic acid 73.3%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Application for reregistration. PM23

EPA File Symbol 12384-E. ABC Chemical Corp., 94-131 Leowaena St., Waipahu HI 96797. MIL-PRE. Active Ingredients: Didecyl dimethyl ammonium chloride 10%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 12455-RT. Bell Laboratories, Inc., 734 E. Washington Ave., Madison WI 53703. Z.P. RODENT BAIT (AG) Active Ingredients: Zinz Phosphide 2%. Method of Support: Application proceeds under 2 (b) of interim policy. PM11

EPA File Symbol 12455-RI. Bell Laboratories, Inc. Z.P. RODENT BAIT. Active Ingredients: Zinc Phosphide 2%. Method of Support: Application proceeds under 2(b) of interim policy. PM11

EPA File Symbol 13442-I. Environment Engineering, Inc., 1310 Headquarters Drive, Greensboro NC 27405. ENCOR M-23 Active Ingredients: Disodium cyanodithiomidocarbonate 3.68%; Potassium N-methyldithiocarbamate 5.07%. Method of Support: Application proceeds under 2(b) of interim policy. PM33

EPA File Symbol 13900-L. Delta Water Laboratories, 4206 Quirt, Lubbock TX 79404. DELTA K-161. Active Ingredients: Disodium cyanodithiomidocarbonate 3.68%; Potassium N-methyldithiocarbamate 5.07%. Method of Support: Application proceeds under 2(b) of interim policy. PM33

EPA File Symbol 15311-E. Bond Chemical Co., 103 Pleasant Ave., Upper Saddle River NJ 07458. 85 L. Active Ingredients: Disodium cyanodithiomidocarbonate 4.2%; Potassium N-methyldithiocarbamate 5.8%. Method of Support: Application proceeds under 2(b) of interim policy. PM33

EPA File Symbol 19605-T. Gulf Chemicals Co., 6840 Piccadilly, Houston TX 77061. SOMETHING ELSE, DISINFECTANT CLEANER. Active Ingredients: Octyl Decyl Dimethyl Ammonium Chloride 4.50%; Dioctyl Dimethyl Ammonium Chloride 2.25%; Didecyl Dimethyl Ammonium Chloride 2.25%; Tetrasodium Ethylenediamine Tetraacetate 2.40%; Isopropyl Alcohol 3.60%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 1960-1. Gulf Chemicals Co. SWIWMCHEM. Active Ingredients: Alkyl Dimethyl Benzyl Ammonium Chloride (C14 60%; C12 25%; C16 15%) 10%. Method of Support: Application proceeds under 2(b) of interim policy. PM24

EPA File Symbol 23948-R. Johnson Wholesale, P.O. Box 781, Punta Gorda, FL 33950. SODIUM HYPOCHLORITE. Active Ingredients: Sodium Hypochloride 9.2%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 34770-U. Ambion Corporation, 1860 Thomaston Ave., Waterbury CT 06714. AMBIQUAT. Active Ingredients: Octyl Decyl Dimethyl Ammonium Chloride 4.50%; Dioctyl Dimethyl Ammonium Chloride 2.25%; Didecyl Dimethyl Ammonium Chloride 2.25%; Tetrasodium Ethylenediamine Tetraacetate 2.40%; Isopropyl Alcohol 3.60%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 39562-R. Consolidated Chemex Corp., 855 Industrial Highway, Cinnaminson NJ 08077. CONNSOLIDATED CHEMEX 60E. Active Ingredients: Octyl Decyl Dimethyl Ammonium Chloride 3.750%; Dioctyl Dimethyl Ammonium Chloride 1.875%; Didecyl Dimethyl Ammonium Chloride 1.875%; Alkyl (C14, 50%, C12, 40%; C16, 10%) Benzyl Dimethyl Ammonium Chloride 5.000%; Tetrasodium Ethylenediamine Tetraacetate 3.420%; Isopropyl Alcohol 3.000%; Ethyl Alcohol 1.000%. Method of Support: Application proceeds under 2(b) of interim policy. PM31.

APPLICATIONS RECEIVED (OPP-33000/483)

EPA File Symbol 30944-G. Erickson Chemical Co., 2800 Shermer Rd., Northbrook IL 60062. ALGAECIDE-WS-101. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 5%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 5%. Method of Support: Application proceeds under 2(b) of interim policy PM31

EPA File Symbol 35938-I. Pittsburgh Water & Waste Co., Inc., PO Box 72, Sarver PA 16055. ALGAECIDE 15NF. Active Ingredients: Poly[oxyethylene(dimethyliminio) ethylene-(dimethyliminio) ethylene dichloride] 15.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 35938-O. Pittsburgh Water & Waste Co., Inc. ALGAECIDE 10NF. Active Ingredients: Poly[oxyethylene(dimethyliminio) ethylene-(dimethyliminio) ethylene dichloride] 10.0%. Method of Support: Application proceeds under 2((b) of interim policy. PM34

EPA File Symbol 35969-T. L. A. Lux Co., 2265 Scranton RD., Cleveland OH 44113. ALGAECIDE 250. Active Ingredients: Disodium cyanodithiomidocarbonate 10.5%; Potassium N-methyldithiocarbamate 14.5%. Method of Support: Application proceeds under 2(b) of interim policy. PM33

EPA File Symbol 37753-E. Waters Chemicals, 729 Beach St., Mundelein IL 60060. CW-212. Active Ingredients: Disodium cyanodithiomidocarbonate 3.68%; Potassium N-methyldithiocarbamate 5.07%. Method of Support: Application proceeds under 2(b) of interim policy. PM33

EPA File Symbol 382331-R. C-E NATCO, Combustion Engineering, Inc., PO Box 1710, Tulsa OK 74101. C-E NATCO BIOHIBIT B-711. Active Ingredients: Alkyl Dimethyl Benzyl Ammonium Chloride 43.8%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 38330-O. Arco Chemical Co., PO Box 370, Sand Springs OK 74063. ARO-CIDE D-629. Active Ingredients: Disodium cyanodithiomidocarbonate 8.8%; Potassium N-methyldithiocarbamate 12.2%. Method of Support: Application proceeds under 2(b) of interim policy. PM33

EPA File Symbol 38621-G. Foster Manufacturing, Inc., 1577 First St., Coachella CA 92236. EAGLE METHYL BROMIDE CONTAINS 2% CHLOROPICRIN, Active Ingredients: Methyl Bromide 98%; Chloropicrin 2%. Method of Support: Application proceeds under 2(b) of interim policy. PM11

EPA File Symbol 38723-E. Walter Louis Chemicals, 5th & Ohio, Quincy IL 62301. INDUSTRIAL MICROBIOCIDE AM-41. Active Ingredients: Didecyl Dimethyl Ammonium Chlorides 50%; Isopropyl alcohol 20%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 39182-E. Process Easy, 1 Waterman Ave., E. Providence RI 02914. PCP-100. Active Ingredients: Pentachlorophenol 99%+. Method of Support: Application proceeds under 2(b) of interim policy. PM32

EPA File Symbol 39183-G. Syntec Corporation, 215 Ford Rd., Bala Cynwyd PA 19004. BIOCIDE 180-10. Active Ingredients: Disodium cyanodithiomidocarbonate 4.2%; Potassium N-methyldithiocarbamate 5.8%. Method of Support: Application proceeds under 2(b) of interim policy. PM33

EPA File Symbol 39183-U. Syntec Corp. BIOCIDE 180-15. Active Ingredients: Disodium cyanodithiomidocarbonate 6.3%; Potassium N-methyldithiocarbamate 8.7%. Method of Support: Application proceeds under 2(b) of interim policy. PM33

EPA File Symbol 39240-T. Xonex Chemicals, PO Box 82548, 3321 Empire Blvd., Atlanta GA 30354. XONEX PINE ODOR 6 DISINFECTANT. Active Ingredients: Isopropanol 4.75%; Pine oil 3.95%; Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 1.97%. Method of Support: Application proceeds under 2(b) of interim policy. PM32

EPA File Symbol 39482-R. Recreonics Corp., 6202 La Pas Trail, Indianapolis IN 46268. POOL CLOR. Active Ingredients: Sodium Hypochlorite 12.5%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 39491-R. Nord Laboratories, 845 Kennedy St., Oakland CA 94606. GERMI PLEX CLEANER-DISINFECTANT-DEODORIZER-FUNGICIDE-VIRUCIDE. Active Ingredients: Didecyl dimethyl ammonium chloride 4.5%; Tetrasodium ethylenediamine tetraacetate 2.0%; Sodium carbonate 1.0%; Sodium metasilicate, anhydrous 0.5%. Method of Support: Application proceeds under 2(b) of interim policy. PM33

EPA File Symbol 39525-R. Environmental Water Services, Inc., 34147 Schoolcraft, Livonia MI 48150. EWS-509. Active Ingredients: Disodium Cyanodithiomidocarbonate 3.68 %; Potassium N-methyldithiocarbamate 5.07%. Method of Support: Application proceeds under 2(b) of interim policy. PM33

EPA File Symbol 39526-L. Utility Chemicals, Inc., Route 2, Box 288, Stanchfield MN 55080. CWB-70. Active ingredients: Disodium cyanodithiomidocarbonate 41.7%; Potassium N-methyldithiocarbamate 20.3%. Method of Support: Application proceeds under 2(b) of interim policy. PM33

EPA File Symbol 39526-A. Utility Chemicals, Inc. CWB-35. Active ingredients: Disodium cyanodithiomidocarbonate 7.35%; Potassium N-methyldithiocarbamate 10.15%. Method of Support: Application proceeds under 2(b) of interim policy. PM33

EPA File Symbol 39528-R. Scott Chemical Co., Inc., 3166 Oak Cliff Industrial St., Doraville GA 30340. ALGAECIDE 500. Active Ingredients: Alkyl Dimethyl Benzyl Ammonium Chloride (C14 60%, C12 25%, C16 15%) 40%. Method of Support: Application proceeds under 2(b) of interim policy. PM24

EPA File Symbol 39529-E. Walsh Enterprises, Inc., 3829 El Cajon Blvd., San Diego, CA 92105. WEI-675 ALGAECIDE. Active ingredients: Disodium cyanodithiomidocarbonate 4.90%; Potassium N-methyldithiocarbamate 6.75%. Method of Support: Application proceeds under 2(b) of interim policy. PM33

[FR Doc.76-35568 Filed 12-2-76;8:45 am]

[FRL 652-2]

U.S. VIRGIN ISLANDS ON BEHALF OF THE DEPARTMENT OF CONSERVATION AND CULTURAL AFFAIRS

Delegation of Authority; Correction

In FR Doc. 76-28897 appearing at page 34685 in the FEDERAL REGISTER of August 16, 1976, the following changes should be made:

1. On page 34685, paragraph (A) (A) is corrected to read as follows: (A) (1).

2. On page 34685, the following categories of new sources should be added to paragraph (A) (1), line 12:

primary copper smelters
primary zinc smelters.

Dated: November 18, 1976.

MEYER SCOLNICK,
Acting Regional Administrator.

[FR Doc.76-35566 Filed 12-2-76;8:45 am]

[OPP-42036; FRL 652-4]

VERMONT

Submission of State Plan for Certification of Pesticide Applicators

In accordance with the provisions of section 4(a) (2) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136) and 40 CFR Part 171, the Honorable Thomas P. Salmon, Governor of the State of Vermont has submitted a State Plan for Certification of Commercial and Private Applicators of Restricted Use Pesticides to the Environmental Protection Agency (EPA) for approval on a contingency basis.

Notice is hereby given of the intention of the Regional Administrator, EPA, Region I, to grant approval of this plan on a contingency basis pending the adoption of certain necessary amendments to the Vermont regulations including a clarification of the authority to deny certification and the redefinition of certain terms for compatibility with the FIFRA.

A summary of this plan follows. The entire plan, together with all attached appendices (except for sample examinations) may be examined during normal business hours at the following locations:

State of Vermont, Department of Agriculture, 116 State Street, Montpelier, Vermont 05602.

Room 2113, JFK Federal Building, Government Center, Boston, Massachusetts 02203.

Room 401, East Tower, Waterside Mall, 401 M Street, S.W., Washington, D.C. 20460. (Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, EPA (202) 755-4854.)

SUMMARY OF VERMONT STATE PLAN

The Vermont Department of Agriculture (VDA) has been designated the State Lead Agency for the administration of the Pesticide Applicator Certification program including enforcement activities, with the Division of Plant Pest Control responsible for the implementation. Other responsibilities also include coordination of training and certification activities, licensing of pesticide dealers, issuance of special permits for use and the coordination of field, laboratory and office activities relating to pesticide regulation.

Two cooperating agencies designated in the plan are the Vermont Pesticide Advisory Council (VPAC) and the Vermont Extension Service (VES) of the University of Vermont. The VPAC reviews pesticide use and related matters and makes advisory recommendations to the Executive Branch, the Commissioner of Agriculture and other State Agencies. The VES will be responsible for the organization and operation of the pesticide applicator training program offered prior to certification and for training offered in conjunction with maintenance of the State Plan.

Legal authority for the regulation of pesticides and their use in Vermont is contained in the following legislation:

1. Pesticide Control Act, Chapter 87, Title 6, Vermont Statutes Annotated (VSA);
2. Pesticide Registration Act, Chapter 81, Title 6, VSA; and
3. State Aeronautics Department Act Chapter 1, Title 5, VSA.

The plan indicates that the State Lead Agency and cooperating agencies have qualified personnel and funds necessary to carry out the proposed certification programs. The funding for support of the program in the amount of $125,000 was appropriated for the fiscal year through June 30, 1976. Additional funding provided by EPA to support the certification program outlined will be needed and is anticipated.

Vermont estimates 365 commercial applicators and 5,000 private applicators will need to be certified to use restricted use pesticides. A certificate and a pocket-size credential will be issued to each certified applicator indicating the class and category(s) and/or subcategory(s) of certification as appropriate and any additional restriction placed on the applicator. The credential will be used to identify a certified applicator to Class A pesticide dealers and to authorize purchase of restricted-use pesticides.

Since 1971, Vermont regulations have required commercial applicators to be licensed according to a system that recognized categories slightly different from those established by 40 CFR 171.3. The Vermont Plan indicates the State will change the regulations to require certification of all who use or supervise use of restricted use pesticides and will redefine the categories described for commercial applicators to meet requirements of 40 CFR 171.

The Vermont Department of Agriculture agrees to furnish the Administrator a detailed annual report by March 1 of each year and will provide other reports as requested in conformity to 40 CFR 171.7(d).

Vermont intends to adopt all ten categories of commercial applicators as listed in 40 CFR 171.3. Further, Vermont intends to utilize subcategories within certain categories as designated below:

3. Ornamental and Turf Pest Control:
   a. Ornamental and Shade Trees.
   b. Turf.
7. Industrial, Institutional, Structural and Health Related Pest Control:

a. Industrial, Institutional, Structural Pest Control.
b. Health Related Pest Control.

In addition, Vermont requests approval for creation of an additional category to be designated Aircraft Pest Control. In the demonstration of a practical knowledge, to meet specific standard requirements, persons to be certified in the Aircraft Pest Control Category will be required to pass an open book-type examination which will utilize appropriately selected label(s) from other categories of intended use that contain use recommendations, precautions and restrictions for aerial application.

Private applicators will be certified for use of restricted-use pesticides under one of four optional procedures to be offered. Where written examinations are utilized, they may be of open or closed book type as the Lead Agency determines to be most appropriate to an adequate determination of competency.

1. Applicants will participate in a VDA/EPA approved group training program to be conducted by VES that will utilize films, slides, the Northeast Regional Pesticide Training Manual and lectures. Training will be offered in both the general area of knowledge and in commodity oriented specific areas of agricultural pest control. The requirements for section 4(a)(1) of the FIFRA, amended 1975, will be met by use of a written examination given near the end of the training. This examination will be graded upon completion by the applicant after which the basis for correct answers will be discussed. Applicants certified by this procedure will be required to complete an attestation form that will be countersigned by a Lead Agency official.

2. Applicants will be required to pass a written examination administered and later graded by a Lead Agency representative. No prior training will be offered or be required before taking the examination.

3. Applicants will be offered benefit of individual training by participation in an autotutorial training program and upon completion be required to pass a written examination administered and later graded by a Lead Agency representative or an official designee. The autotutorial teaching facility will be prepared by VES and offered at one more yet to be designated locations on a prior reservation basis at times most suitable to the applicant's needs. Training materials offered will include film strips, slides accompanied by supporting taped narration and lecture materials and appropriate training manuals where available.

4. Applicants will be offered training through individual use of Programed Instruction Manuals produced by EPA. The determination of competency required for certification may be met by completion of the examination included with the manual after which the applicant will be required to either surrender the manual or that portion containing the completed examination to the Lead Agency for scoring.

Applicants electing Options 2, 3, or 4 to fulfill certification requirements must receive a passing grade on the written examination.

Vermont proposed to handle certification of private applicators unable to read on a case-by-case basis as provided in 40 CFR 171.5(b). A Lead Agency representative or an official designee will examine the applicant orally to determine competency to meet standards of 40 CFR 171.5 and 171.6. Instructions covering the labels to be used and other sources of information available to the applicator will be offered by authorization of VDA prior to examination. Applicants determined to be competent as private applicators will be issued a certificate limiting the use of restricted use pesticides to those products, sites of application and use patterns for which competency was determined.

A copy or a representative sample of a portion of some of the examinations to be used have been submitted with the plan for review. Those not submitted are in final stages of development and will be submitted to the Agency for review before the plan is approved.

To preserve the confidentiality of the examination, the State of Vermont has requested they not be made available for public inspection. The Agency agrees with this request and has removed the examinations from public inspection copies of the plan.

While regulations as promulgated recently require private applicators who use restricted-use pesticides to be certified, the implementation of this requirement has been delayed until after the Vermont State Plan is approved.

Vermont has requested in its plan that the Agency make a determination of the adequacy of the general examination as currently used in licensing of commercial applicators which they feel is adequate to meet the general standards requirements of 40 CFR 171.4(b) and 40 CFR 171.6. In making this determination, the Agency accepted Vermont's offer to conduct an onsite review of the examinations used in the past and records of license holders held on file. From this review, the Agency has determined that the examinations used are adequate to determine applicator competency as required of the general standards except for a portion covering pest recognition [40 CFR 171.4(b)(iv)]. Further examination and review revealed that newly prepared examinations intended for use to determine the competency of commercial applicators for the specific standards and which will be administered by category and/or subcategory as required by 40 CFR 171.4(c), will adequately cover the subject of pest recognition.

The Agency also concurs in Vermont's request to retain the right to a final judgment in the matter of prior demonstration of competency or to make further determinations on a case-by-case basis, and to deny exemption from the general examination requirement as granted above to any commercial applicator presently licensed whose record of past performance and compliance suggest less than required level of competency.

In addition to the certification requirement, Vermont imposes additional regulation upon the aircraft pest control applicators by requiring prior approval through a permit system before application is made and also requires that recommendations of all such uses be made by either the Extension Service or other highly trained personnel who have been certified.

Vermont regulations require commercial class applicators to pay a fee of five dollars ($5.00) for each category of certification to a maximum fee not to exceed twenty-five dollars ($25.00) per applicator. Fee requirements for Federal, State, or Municipal employees are waived. No determination has been made regarding the assessment of fees for certification of private applicators and the Agency has been advised this determination will be made before the State Plan is implemented.

The Vermont State Plan indicates that within sixty (60) days of the approval of the Government Agency Plan (GAP) by EPA, Vermont will submit a statement in accordance with 40 CFR 171.7(c)(4)(1). Until the GAP is formalized, Federal employees will be required to take the same examination required of a commercial applicator for certification.

Vermont has no Indian Governing Body subject to jurisdiction of the United States.

Vermont will consider reciprocity with other States and copies of such agreements will be furnished EPA. At present, Vermont has no recognized formal agreement on reciprocity with other States involving pesticide applicator certification.

Other regulatory activities of the Vermont State Plan which supplement the certification program include state registration, the classification of all pesticides into one of three classes designated A, B, or C, and the inspection and sampling of pesticide products. All dealers handling Class A (restricted use) and Class B pesticides are trained, tested and licensed. A record of sale of Class A (restricted use) pesticides by dealers and use by certificate and permit holders is required. Other regulatory authorities cover pesticide disposal, pesticide container reuse and safe handling, and prior approval of the Commissioner, VDA, for application of pesticides for right-of-way clearance and maintenance.

Maintenance of the State Plan will be carried out in two general areas. VDA inspectors will conduct spot checks of applicators and field operation to determine compliance with certification and pesticide use requirements. Regulations pertaining to enforcement activities are included with the Plan.

To assure maintenance of a high level of competency among certified commercial and private applicators, additional training, approved by VDA, will be offered on a timely basis. After an applicator has been certified for five years, the requirements for recertification may be met by one of two options. Attendance and

active participation in a Lead Agency approved training program special to the applicant's class and categories of certification or successful passage of an examination is required for recertification.

PUBLIC COMMENTS

Interested persons are invited to submit written comments on the proposed State Plan for the State of Vermont to the Chief, Pesticides Branch, Region I, Environmental Protection Agency, Room 2113, JFK Federal Building, Boston, Massachusetts 02203. The comments must be received on or before Januray 3, 1976, and should bear the identifying notation (OPP-42036). All written comments filed pursuant to this notice will be available for public inspection at the above mentioned locations from 9:00 a.m. to 4:00 p.m., Monday through Friday.

Dated: November 9, 1976.

JOHN A. S. MCGLENNON,
Regional Administrator
Region I.

[FR Doc.76-35565 Filed 12-2-76;8:45 am]

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Receipt of Report Proposals

The following request for clearance of reports intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on November 24, 1976. See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such receipt.

The notice includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed FEA request are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed request, comments (in triplicate) must be received on or before December 21, 1976, and should be addressed to Mr. John M. Lovelady, Acting Assistant Director, Regulatory Reports Review, United States General Accounting Office, Room 5216, 425 I Street, NW, Washington, DC 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-376-5425.

FEDERAL ENERGY ADMINISTRATION

FEA requests an extension no change clearance for the following forms in the Market Shares Series: FEA-P306-M-O, Refiner/Importer Monthly Report of Petroleum Product Distribution; FEA-P314-M-O, Monthly Survey of Distilate and Residual Fuel Oil Sales; FEA-P315-M-O, Monthly Survey of Propane Sales Volume to Ultimate Consumers. These are monthly reports which monitor the respective refined petroleum product markets for change in their marketing, distribution practices and competitiveness in the market place. These reports are mandatory under Public Law 93-159 (The Emergency Petroleum Allocation Act of 1973). FEA estimates respondents to the P306 number 100 and burden averages 16 hours per monthly response; respondents to the P314 to number 900 and burden to average 4 hours per monthly response; and respondents to the P315 to number 600 and burden to average 16 hours per monthly response.

NORMAN F. HEYL,
Regulatory Reports
Review Officer.

[FR Doc.76-35624 Filed 12-2-76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

AD HOC COMMITTEE ON RESERPINE AND BREAST CANCER

Renewal

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), the Food and Drug Administration announces the renewal of the Ad Hoc Committee on Reserpine and Breast Cancer by the Secretary, Department of Health, Education, and Welfare for an additional period of 6 months beyond November 18, 1976.

Authority for this committee will expire May 18, 1977, unless the Secretary formally determines that continuation is in the public interest.

Dated: November 24, 1976.

JOSEPH P. HILE,
Associate Commissioner for
Compliance.

[FR Doc.76-35283 Filed 12-2-76;8:45 am]

ADVISORY COMMITTEE

Meeting

This notice announces the forthcoming meeting of a public advisory committee of the Food and Drug Administration. It also sets out a summary of the procedures governing the committee meeting and the methods by which interested persons may participate in the open public hearing conducted by the committee. The notice is issued under section 10(a)(1) and (2) of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)). The following advisory committee meeting is announced:

Committee name	Date, time, and place	Type of meeting and contact person
Panel on Review on Hemorrhoidal Drugs.	Dec. 20 and 21, 9 a.m., conference room C, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing Dec. 20, 9 a.m. to 10 a.m.; open committee discussion Dec. 20, 10 a.m. to 4:30 p.m., Dec. 21, 9 a.m. to 4:30 p.m.; Thomas D. Dellis, (HFD-510), 5600 Fishers Lane, Rockville, MD 20857, 301-443-4300.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of nonprescription over-the-counter drug products.

Agenda—Open public hearing. Any interested person may present data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. The panel will review data submitted pursuant to the over-the-counter (OTC) review's call for data for this panel (see also 21 CFR 330.10(a)(2)).

The panel will be reviewing, voting upon, and modifying the content of summary minutes and categorization of ingredients and claims.

The panel will be reviewing, voting upon, and modifying draft No. 10 of its final report in preparation for submission to the Commissioner.

Agenda items are subject to change as priorities dictate.

Dated: November 26, 1976.

JOSEPH P. HILE,
Associate
Commissioner for Compliance.

[FR Doc.76-35424 Filed 12-2-76;8:45 am]

NATIONAL ADVISORY FOOD AND DRUG COMMITTEE

Renewal

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), the Food and Drug Administration announces the renewal of the National Advisory Food and Drug Committee by the Secretary, Department of Health, Education, and Welfare for an additional period of 2 years beyond November 15, 1976.

Authority for this committee will expire November 15, 1978, unless the Secretary formally determines that continuation is in the public interest.

Dated: November 24, 1976.

JOSEPH P. HILE,
Associate Commissioner for
Compliance.

[FR Doc.76-35282 Filed 12-2-76;8:45 am]

[Docket No. 76F-0421]

SCM CORP.

Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409

(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 6A3132) has been filed by Glidden-Durkee Division, SCM Corp., 900 Union Commerce Building, Cleveland, OH 44115 proposing that § 121.1221 Ethoxylated mono- and diglycerides (21 CFR 121.-1221) be amended to provide for the use of ethoxylated mono- and diglycerides as an emulsifier in pan release agents for yeast leavened bakery products.

The environmental impact analysis report and other relevant material have been reviewed, and it has been determined that the proposed use of the additive will not have a significant environmental impact. Copies of the environmental impact analysis report may be seen in the office of the Assistant Commissioner for Public Affairs, Rm. 15B-42 or the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857, between the hours of 9 a.m. and 4 p.m., Monday through Friday.

Dated: November 22, 1976.

HOWARD R. ROBERTS,
Acting Director,
Bureau of Foods.

[FR Doc.76-35425 Filed 12-2-76;8:45 am]

TOXICOLOGY ADVISORY COMMITTEE

Renewal

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), the Food and Drug Administration announces the renewal of the Toxicology Advisory Committee by the Secretary, Department of Health, Education, and Welfare for an additional period of 2 years beyond December 9, 1976.

Authority for this committee will expire December 9, 1978, unless the Secretary formally determines that continuation is in the public interest.

Dated: November 24, 1976.

JOSEPH P. HILE,
Associate Commissioner for
Compliance.

[FR Doc.76-35281 Filed 12-2-76;8:45 am]

Health Resources Administration

ADVISORY COMMITTEE

Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following National Advisory body scheduled to meet during the month of January 1977:

Name: Health Services Developmental Grants Study Section.
Date and time: January 6-7, 1977, 9 p.m.
Place: January 6, Lord Cromwell Motor Inn, Cromwell, Connecticut 06416 and January 7, Triage, Inc., 269 North Washington Street, Plainville, Connecticut 06062.
Closed for the entire meeting.
Purpose: The Study Section is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Center for Health Services Research.
Agenda: This special meeting is called for the review of a grant application concerning health services to the elderly, and will be closed to the public in accordance with the provisions set forth in section 552(b)(5) and (6), Title 5, U.S. Code and the Determination by the Administrator, Health, Resources Administration, pursuant to Pub. L. 92-463.

Anyone wishing to obtain a roster of members, minutes of the meetings, or other relevant information should contact Mr. David McFall, Room 15-29, Parklawn Building, 5000 Fishers Lane, Rockville, Maryland 20857, Telephone (301) 443-2930.

Agenda items are subject to change as priorities dictate.

Dated: November 29, 1976.

JAMES A. WALSH,
Associate Administrator for
Operations and Management.

[FR Doc.76-35590 Filed 12-2-76;8:45 am]

ADVISORY COMMITTEE

Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following National Advisory body scheduled to meet during the month of January 1977:

Name: National Advisory Council on Health Professions Education.
Date and time: January 11-12, 1977, 8:30 a.m.
Place: Conference Room No. 5, Building 31, National Institutes of Health, B1 Floor, B-Wing, 9000 Rockville Pike, Bethesda, Maryland 20014.
Open for entire meeting.
Purpose: The Council advises the Secretary with respect to the administration of programs of financial assistance for the health professions and makes recommendations based on its review of applications requesting such assistance.
Agenda: The Council will meet to review and comment on drafts of proposed regulations and guidelines which are being prepared to implement the new health manpower legislation enacted on October 12, 1976. The Council is responsible for advising the Secretary in the preparation of general program regulations.

The meeting is open to the public for observation and participation. Anyone wishing to participate, obtain a roster of members, or other relevant information, should contact Mrs. Lynn Stevens, Room 4C-02, Building 31, 9000 Rockville Pike, Bethesda, Maryland 20014, Telephone (301) 496-6601.

Agenda items are subject to change as priorities dictate.

Dated: November 29, 1976.

JAMES A. WALSH,
Associate Administrator for
Operations and Management.

[FR Doc.76-35591 Filed 12-2-76;8:45 am]

Office of Education

DESEGREGATION OF PUBLIC EDUCATION

Emergency School Aid

CORRECTION

On November 15, 1976 at FR 41, pages 50352 and 50353, Notices of Closing Dates for receipt of applications for the Desegregation of Public Education and Emergency School Aid programs were published. Certain items in the list of Office of Education Regional Offices are incorrect. Listings for Regions I, II, VIII, and IX are corrected to read as follows:

Region I—(Boston)—Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island and Vermont. U.S. Office of Education Application Control Center, Room 2303, John Fitzgerald Kennedy Federal Bldg., Government Center, Boston, Massachusetts 02203.
Region II—(New York City)—New York, New Jersey, Puerto Rico and Virgin Islands. U.S. Office of Education Applications Control Center, Room 3954, Federal Bldg., 26 Federal Plaza, New York, New York 10007.
Region VIII—(Denver)—Colorado, Montana, North Dakota, South Dakota, Utah and Wyoming. U.S. Office of Education Application Control Center, Room 11037, Federal Office Bldg., 1961 Stout Street, Denver, Colorado 80294.
Region IX—(San Francisco)—Arizona, California, Hawaii, Nevada, American Samoa, Guam, and the Trust Territory of the Pacific Islands, U.S. Office of Education Application Control Center, Federal Office Building, Room 211, 50 United Nations Plaza, San Francisco, California 94102.

(Catalog of Federal Domestic Assistance Numbers 13.405, Civil Rights Technical Assistance and Training Program, 13.525 (Basic Grants), 13.526 (Pilot Projects), 13.528 (Bilingual Projects), and 13.529 (Projects to be carried out by Public or Nonprofit Private Organizations.)

Dated: November 29, 1976.

EDWARD AGUIRRE,
Commissioner of Education.

[FR Doc.76-35593 Filed 12-2-76;8:45 am]

DEVELOPING INSTITUTIONS ADVISORY COUNCIL

Public Meeting

Notice is hereby given, pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), that the next meeting of the Advisory Council on Developing Institutions will be held January 6-7, 1977, from 9 a.m. to 4 p.m. in the ASE Conference Room, Room 3000, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

The Advisory Council on Developing institutions was established by Title III of the Higher Education Act of 1965, as amended. The Council is governed by the provisions of Part D of the General Education Provisions Act and of the Federal Advisory Committee Act (Pub. L. 92-463). The Council shall assist the Commissioner in identifying the characteristics of developing institutions through which the purpose of Title III may be achieved, and in establishing the priorities and criteria to be used in mak-

ing grants under section 304 (a) of that Title.

The meeting will be devoted to preparation of the 1977 Annual Report of the Council to the Commissioner and the Congress.

Records shall be kept of all Council proceedings and shall be available for public inspection at the Office of the Director of the College and University Unit, BPE, located in Room 3036, ROB, 7th & D Streets, S.W., Washington, D.C. 20202.

Signed at Washington, D.C. on November 23, 1976.

PRESTON VALIEN,
Office of Education
Delegate to the Council.

[FR Doc.76-35573 Filed 12-2-76;8:45 am]

INDIAN ELEMENTARY AND SECONDARY SCHOOL ASSISTANCE

Closing Date for Receipt of Applications

Notice is hereby given that, pursuant to the authority contained in section 305 of the Indian Elementary and Secondary School Assistance Act, as enacted in Title IV, Part A of Pub. L. 92-318 and amended in Title IV, Part C of Pub. L. 93-380 (20 U.S.C. 241aa-241ff), applications are being accepted from eligible local educational agencies for grants which will provide financial assistance for programs designed to meet the special educational needs of Indian students. Eligibility is, in general, determined on the basis of a local educational agency's Indian student enrollment.

Assistance under the Act may be used by local educational agencies for the purpose of developing and carrying out elementary and secondary school programs specifically designed to meet the special educational needs of Indian students, with the involvement of the Indian community and parents of the Indian children to be served.

Applications must be received by the U.S. Office of Education Application Control Center on or before February 18, 1977.

A. *Applications sent by mail.* An application sent by mail should be addressed as follows: U.S. Office of Education, Grant and Procurement Management Division, Application Control Center, 400 Maryland Avenue, S.W., Washington, D.C. 20202, Attention: 13.534. An application sent by mail will be considered to be received on time by the Application Control Center if:

(1) The application was sent by registered or certified mail not later than February 14, 1977, as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare, or the Office of Education mail rooms in Washington, D.C. In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.

B. *Hand delivered applications.* An application to be hand delivered must be taken to the U.S. Office of Education Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets, S.W., Washington, D.C. Hand delivered applications will be accepted daily between the hours of 8 a.m. and 4 p.m., Washington, D.C. time, except Saturdays, Sundays, or Federal holidays. Applications will not be accepted after 4 p.m. on the closing date.

C. *Program information and forms.* Requests for additional information and application forms should be addressed to: Director, Division of Local Educational Agency Assistance (Part A), Office of Indian Education, U.S. Office of Education, Regional Office Building Three, Room 3662, 7th and D Streets, S.W., Washington, D.C. 20202.

D. *Applicable regulations.* Awards made pursuant to this notice will be subject to: (1) The Office of Education General Provisions Regulations (45 CFR Parts 100 and 100a), and (2) Regulations for the Indian Elementary and Secondary School Assistance Act, 45 CFR Part 186.

(20 U.S.C. 241aa-241ff)

(Catalog of Federal Domestic Assistance No. 13.534, Indian Education—Grants to Local Educational Agencies (Part A).)

Dated: November 23, 1976.

EDWARD AGUIRRE,
Commissioner of Education.

[FR Doc.76-35572 Filed 12-2-76;8:45 am]

VOCATIONAL EDUCATION—STATE PLAN AND DISCRETIONARY PROGRAMS

Changes In Schedule of Public Meetings

Notice is hereby given of changes in the schedule of public meetings, published in the FEDERAL REGISTER on November 10, 1976, on the Vocational Education Act, as amended by the Education Amendments of 1976. The schedule for the following public meetings has been changed to:

City, State: Albany, Georgia. Date: January 5, 1977. Location: Downtowner Motor Inn, 732 West Oglethorpe. Time: 2 p.m.

City, State: Augusta, Georgia. Date: January 11, 1977. Location: George Railroads Bank, Civic Auditorium. Time: 2 p.m.

City, State: Garden City, Georgia. Date: December 14, 1976. Location: Grove High School. Time: 2 p.m.

City, State: Lincoln, Rhode Island. Date: December 15, 1976. Location: Davies Vocational Facility, Room 88, Jenkes Hill Road. Time: 1 p.m. to 6 p.m.

City, State: Pierre, South Dakota. December 13, 1976. Location: Office Building No. 3. Time: 1 p.m.

City, State: Seattle, Washington. Date: December 17, 1976. Location: Sea-Tac Airport, Auditorium. Time: 9:30 a.m.

Dated: November 29, 1976.

EDWARD AGUIRRE,
Commissioner of Education.

[FR Doc.76-35594 Filed 12-2-76;8:45 am]

Office of the Secretary

REVIEW PANEL ON NEW DRUG REGULATION

Meeting

Notice is hereby given, pursuant to Public Law 92-463, that the Review Panel on New Drug Regulation, established pursuant to 42 USC 217a. by the Secretary of Health, Education, and Welfare, on February 21, 1975, will meet on Monday, December 20, 1976, at 8:30 a.m. in Room 5051 of the Department of Health, Education, and Welfare's North Building, 330 Independence Avenue, SW., Washington, D.C. The Review Panel will consider matters pertaining to its study of existing policies and procedures for the regulation of new drugs by the Food and Drug Administration. The meeting is open to the public.

Further information on the Review Panel may be obtained from John D. Rust, Executive Secretary, Review Panel on New Drug Regulation, Room 1187 Donahoe Building, 330 Independence Avenue, S.W., Washington, D.C. 20201, telephone (202) 472-3000.

JOHN D. RUST,
Executive Secretary, Review Panel on New Drug Regulation.

NOVEMBER 22, 1976.

[FR Doc.76-35558 Filed 12-2-76;8:45 am]

SOCIAL AND REHABILITATION SERVICE

Statement of Organization, Functions, and Delegations of Authority

Part 5 of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare, Social and Rehabilitation Service (34 FR 1279, January 25, 1969, as amended), is hereby further amended to reflect reorganization of the Regional Offices of the Social and Rehabilitation Service. For such purposes, Section 5-B is amended as follows:

Delete "Regional Organization" (40 FR 2462, January 13, 1975) and all that follows under that heading, to and including the statement for the Office of Evaluation. Substitute therefor the following.

REGIONAL ORGANIZATION

There is a Social and Rehabilitation Service (SRS) Regional Office in each of the Department of Health, Education, and Welfare's (HEW) ten Regions. Each of these offices is under the direction of a Regional Commissioner, who receives program direction from the Administrator, SRS and is responsible to the HEW Regional Director for SRS activities within the scope of the roles and responsibilities assigned to Regional Directors by the Secretary, as provided by the HEW Organization Manual, Chapter 1E81 thru 1E91; and Sections 1E81.00 thru 1E91.00, dated September 19, 1976, and June 30, 1976. The Regional Commissioner directs all SRS programs, personnel, funds and resources for the region. Programmatic

support is provided by the regional SRS office as necessary and appropriate to the Regional Office of Child Support and Enforcement.

A "model" Regional organization would consist of three program divisions, Assistance Payments, Medical Services, Public Services, and a Division of Management. Organizations may be structured according to the following variations:

(1) The three primary program units, while maintaining their separate identities, are consolidated under a single organizational entity for Assistance and Services.

(2) The three primary program units remain separate and report, individually, directly to the Regional Commissioner.

(3) Two primary program units, Assistance Payments and Public Services, are consolidated under a single organizational entity, while the third primary program unit, Medical Services, remains separate and reports directly to the Regional Commissioner.

(4) Operational responsibilities are organized by State "teams," i.e., functions are performed by staff allocated from all major programmatic and management areas to one of the five State Divisions, each of which covers one of the States in the Region. (Dallas Regional Office) Because of its experimental nature, the Dallas organization model will be evaluated within 18 months of publication of this notice, and a determination made as to whether it will be continued.

STATEMENT OF REGIONAL OFFICE FUNCTIONS

Each Regional Office: Approves State plans for SRS programs; interprets program and financial regulations and policy issued by the Administrator, SRS; monitors the activities of State agencies which administer SRS programs in order to assure adherence to Federal law and SRS regulations; evaluates specific programs of State agencies; provides assistance to State agencies concerning program and financial activity; carries out Regional responsibilities for manpower development and training and research and demonstration activities; solicits and submits to the central office State policy suggestions and information, generated by the Regional Office evaluation and monitoring activities, for use in the development of national objectives, policy, regulations, legislation and budget; implements new regulations issued by the Administrator, SRS; supports State information systems (both MIS and ADP), including but not limited to identifying State and local needs and undertaking assisting action, promoting, monitoring, and evaluating compliance with Federal laws, regulations, policies, and standards, determining Federal financial participation in the costs of State MIS activities, and providing technical assistance in all MIS areas; provides special overview and assistance to State agencies for implementing major management initiatives required by SRS regulations; reviews and approves formula grant awards and expenditures, conducts financial reviews of State agency use of formula grant funds; administers, under specific delegations of authority, project grants; promotes SRS information needs with State agencies and works to insure quality of information submitted; coordinates with the other Federal agencies as necessary and manages OPS objectives; directs internal management and coordinates administrative activities.

Supports the Regional Director's Departmental general management, representational and program coordination activities and receives administrative support from the Office of the Regional Director.

DIVISION OF ASSISTANCE PAYMENTS PROGRAM OPERATIONS

Serves as the primary source of assistance to the Regional Commissioner in developing interpretations of the Assistance Payments program regulations and in communicating them to counterpart State agencies; reviews and recommends approval/disapproval of State plans and State plan amendments; provides assistance to State agencies in developing State plans and plan amendments; monitors State agency operations in order to maintain a broad awareness of program activity; stimulates State action toward achievement of selected program objectives; assists States in the maintenance of on going program activities; coordinates closely with the Information Systems Staff in developing information; provides support to other Regional Office components as necessary. The WIN Staff will be a component of this Division if not assigned to the Division of Public Services.

DIVISION OF MEDICAL SERVICES PROGRAM OPERATIONS

Serves as the primary source of assistance to the Regional Commissioner in developing interpretations of the Medical Services program regulations and in communicating them to counterpart State agencies; reviews and recommends approval/disapproval of State plans and State plan amendments; provides assistance to State agencies in developing State plans and plan amendments; monitors State agency operations in order to maintain a broad awareness of program activity; stimulates State action toward achievement of selected program objectives; assists States in the maintenance of on going program activities; coordinates closely with the Information Systems Staff in developing information; provides support to other Regional Office components as necessary.

DIVISION OF PUBLIC SERVICES PROGRAM OPERATIONS

Serves as the primary source of assistance to the Regional Commissioner in developing interpretations of the Public Services program regulations and in communicating them to counterpart State agencies; reviews and recommends approval/disapproval of State plans and State plan amendments; provides assistance to State agencies in developing State plans and plan amendments; monitors State agency operations in order to maintain a broad awareness of program activity; stimulates State actions toward achievement of selected program objectives; assists States in the maintenance of on going program activities; coordinates closely with the Information Systems Staff in developing information; provides support to other Regional Office components as necessary. The WIN Staff will be a component of this Division if not assigned to the Division of Assistance Payments.

DIVISION OF MANAGEMENT

Stimulates State action in achieving selected management objectives and works with States in assuring successful follow-through; conducts financial reviews of State agency programs and recommends changes as appropriate; reviews public assistance formula grant award requests and expenditure reports and recommends approval/disapproval to the Regional Commissioner; provides technical assistance to States in financial management areas; resolves audits with States; provides project grants administration services to program areas; responsible for the implementation and operation of major management initiatives such as quality control and utilization review; provides for State and Regional financial management input to operational plans, policy, regulations, legislation and budget formulation; provides support to other Regional Office components as appropriate; monitors State compliance with Federal financial report requirements.

Dated: November 24, 1976.

THOMAS S. MCFEE,
Acting Assistant Secretary for Administration and Management.

[FR Doc.76-35612 Filed 12-2-76;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

OUTER CONTINENTAL SHELF OFFSHORE LOWER COOK INLET

Availability of Final Environmental Impact Statement on Proposed Oil and Gas Lease Sale

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental impact statement relating to a proposed Outer Continental Shelf (OCS) oil and gas lease sale of 152 tracts involving approximately .36 million hectares (0.9 million acres) of submerged lands on the OCS offshore lower Cook Inlet (OCS Sale C-1).

Single copies of the final environmental statement can be obtained from the Manager, Alaska Outer Continental Shelf Office, Bureau of Land Management, P.O. Box 1159, Anchorage, Alaska 99510, and from the Office of Public Affairs, Bureau of Land Management (130), Department of the Interior, Washington, D.C. 20240.

Copies of the final environmental statement will also be available for review in the main public libraries in various coastal communities in the proposed sale area.

GEORGE L. TURCOTT,
Associate Director, Bureau of Land Management.

Approved: November 29, 1976.

STANLEY D. DOREMUS,
Deputy Assistant Secretary of the Interior.

[FR Doc.76-35379 Filed 12-2-76;8:45 am]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

ENDANGERED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant: University of Montana, School of Forestry, Missoula, Montana 59801, Charles J. Jonkel.

EXHIBIT 42-81-03

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Indicate only one)
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
1. Conduct physiological studies on grizzly bears, especially in regard to their behavioral or heart rate responses to attractants and deterrants.
2. & 3. Capture, mark, and radio-track grizzly bears to obtain information on their annual movements, habitat use, feeding areas, denning areas, etc.

3. APPLICANT. (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
Charles J Jonkel
* Charles J. Jonkel
* See attachment

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:

☒ MR. ☐ MRS. ☐ MISS ☐ MS.	HEIGHT 5'10"	WEIGHT 165#
DATE OF BIRTH July 16, 1930	COLOR HAIR Brown	COLOR EYES Brown
PHONE NUMBER WHERE EMPLOYED 406-243-2253	SOCIAL SECURITY NUMBER 388-28-1643	

OCCUPATION
Research biologist

ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT
School of Forestry
University of Montana
Missoula, Montana 59801

5. IF "APPLICANT" IS A FIRM'S, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION

NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.
--

IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED
--

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
1. Northwestern Montana
2. Northern Idaho
3. Northeastern Washington
4. Southeastern British Columbia
5. Southeastern Alberta
6. Churchill, Manitoba (laboratory)

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☐ YES ☒ NO
(If yes, list license or permit number)

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☒ YES ☐ NO
(If yes, list jurisdiction and type of document)
Verbal approval. Written approval will be obtained if and when capture and marking programs extend outside of Montana.

9. CERTIFIED CHECK OR MONEY ORDER (If applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF
$ --

10. DESIRED EFFECTIVE DATE: August 1, 1976
11. DURATION NEEDED: 5 years

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(b)) MUST BE ATTACHED, IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.
Grizzly bear Final Rules (Federal Register Vol. 40, No. 145, Pt. iv, p. 31736, § II) indicate that I, as a state employee, can work on, possess, transport, and export selected research animals without additional certification.

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (In ink) Charles J. Jonkel — DATE August 1, 1976

3-200
(5-74)

*ATTACHMENT.—Please word the permit such that it covers U.S. citizens under direct supervision, contract, or employment by the permittee, but only to the extent necessary to accomplish the purposes outlined in this permit.

UNIVERSITY OF MONTANA,
SCHOOL OF FORESTRY,
MISSOULA, MONT., *September 22, 1976.*

Director (FWS/LE)
Attention: Mr. LEE SIMS,
Enforcement Division,
U.S. Fish and Wildlife Service,
P.O. Box 19183,
Washington, D.C. 20036.

DEAR MR. SIMS: Herewith is the supplementary information to my scientific permit application on form 3-200 as your office requested:

1. Grizzly bear (*Ursus arctos horribilis*). The number to be captured and marked will vary, depending upon the success of the field work and on the research funding levels secured, but will not likely exceed 20 per year. Bears of all sexes and ages will be captured, excepting that females with small cubs either in dens or until late May will not likely be captured because of their inaccessibility. Not more than two bears per year will be exported to the Churchill, Manitoba laboratory for nutritional, physiological, and deterrent studies. Such exported animals will only be animals which have caused intollerable problems and are slated to be destroyed or permanently removed from the wild.

2. The grizzly bears covered under this permit are still in the wild except for one problem bear now held in captivity by the Province of Manitoba.

3. Most animals will be captured using leghold snares, a technique used safely and successfully for many years by researchers studying bears the world over. I personally have held animals for as long as five days in the snare with absolutely no injury to the bear. Occasionally individual animals injure themselves in the snare through excessive escape efforts, and all cuts are then treated by sewing and with antiseptics. All snares will be checked twice per day or more often, and bears will be released as soon as possible.

A few animals causing serious problems close to people, and where an animal in a snare could injure property or people, will be captured in culvert traps. Such animals will also be released as soon as possible after capture.

In areas where animals cannot be captured with snares or culvert traps, a small number may be captured by drugging them from a helicopter, a technique used on polar bears, moose, elk, caribou, etc.

4. Only one animal to be used is already in captivity. This is a problem bear held at Churchill, Manitoba, and exported there by the State of Montana.

5. The animals to be used in the laboratory are to be held temporarily at the University of Montana in bear-holding pens constructed on University property. The pens measure 10' x 10' and have a sliding door between pens to facilitate feeding, watering and cleaning. Bears held in the University facility are to be held only long enough to clear quarantine to be fattened sufficiently (orphaned young) to be returned to the wild.

Bears held at the Churchill laboratory will be housed in much larger cages—the long-term pens measuring about 12' x 18' with sliding doors between the pens to facilitate feeding, watering, or cleaning of the pens. The activity holding cage measures about 24' x 24', with a 10-foot ceiling. The treadmill pen measures about 5' x 5' x 12', as does

the respiration chamber around the pen. Animals are held in these smaller pens for only limited periods, but in the case of the treadmill, bears learn rapidly to "enjoy" their exercise periods.

6. About two animals annually.

(1) See sketches.

(2) I have raised two black bear cubs from about two weeks to six months, cared for and fattened an orphaned female grizzly cub until she was ready to return to the wild, and have held numerous other black and polar bears for various periods during research programs. Other persons caring for the animals have had similar experience. One person intermittently on the project grew up in the Stanley Park (Vancouver) Zoo and is now a research associate with the zoo and has had extensive experience with caring for many species of animals, birds, fish, and reptiles.

(3) I would be most willing to co-operate with any such program deemed desirable by myself and at least two referees having respectable credentials.

(4) Animals will be transported in culvert traps normally used for animal control, all of which measure a minimum of four feet in diameter and eight feet long. In general, bears will be held or transported only for very short times and distances. Longer movements will involve individual animal care as needed.

In the laboratory, large holding pens have been constructed inside a cement and steel building so that the bears are doubly restrained. A large, steel-bar cage for holding each experimental animal prior to treadmill studies has been constructed by Dr. Nils Oritsland. The pen measures about 25' x 25', and has a grated floor so droppings fall through. Water and food are placed on a platform within the cage. In the treadmill and respiration chambers (under the direction of Dr. Nils Oritsland—a Norwegian National) bears are more confined, but in the case of the treadmill, experience has shown that bears readily adapt, and in fact, "enjoy" working on the treadmill once trained. In the "den" respiration chamber bears are more confined, but are under those conditions only when physiologically ready for the confinement.

Animals are to be fed and watered daily, pens are to be cleaned as necessary. Natural foods (ringed seals or beluga meat if available from the Province) or shopping center scraps and dog foods will be provided.

The facilities meet the approval of Dr. Eric Broughton DVM, Pathology Section, Canadian Wildlife Service, Ottawa (see attachment).

Please word the permit to read such that it covers U.S. citizens under direct supervision, contract, or employment by the permittee, but only to the extent necessary to accomplish the purposes outlined in this permit and the accompanying proposals.

Many aspects of the research planned will be in co-operation with foreign nationals from the other four polar bear nations. Often a fine line will be impossible to draw just where a particular activity is conducted under my direction or someone elses.

(5) During summer, 1972, I inadvertently killed a wild, adult female polar bear on Devon Island, NWT. Her drug dosage (phencyclidine hydrochloride) was calculated properly, and she died for no good reason that I was able to determine. She had not even run extensively to be in oxygen debt. As she was tremendously fat, my conclusion was that she died of heart failure after her minimum movement of about 400 yards up from the sea to her day bed. Artificial respiration was attempted, but to no avail. Having worked with this drug a great deal, I viewed her death very unusual, and therefore feel that the unusual cause listed above is valid. I don't see how illogical deaths of this sort can be avoided occasionally Ask any hospital.

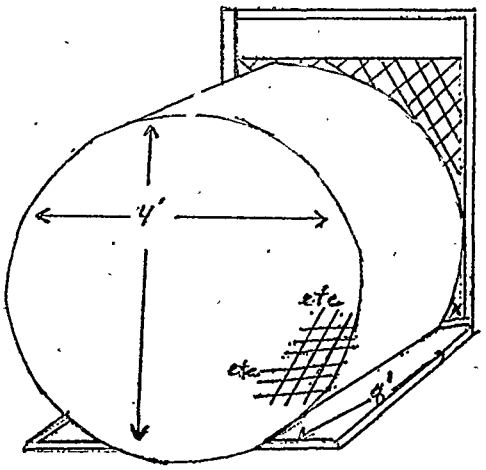
7. See attached contracts.

8. See attached research outlines.

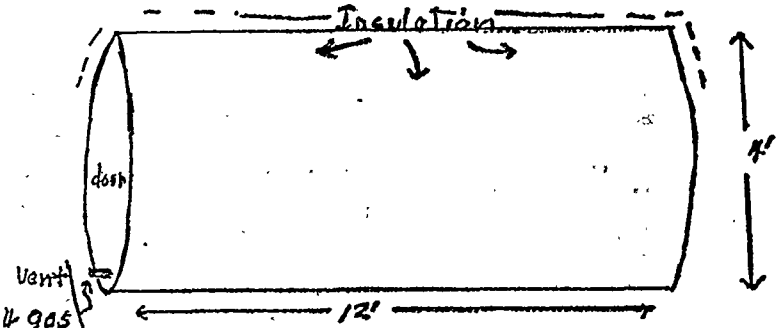
Sincerely yours,

CHARLES JONKEL,
Border Grizzly Project

Item 6

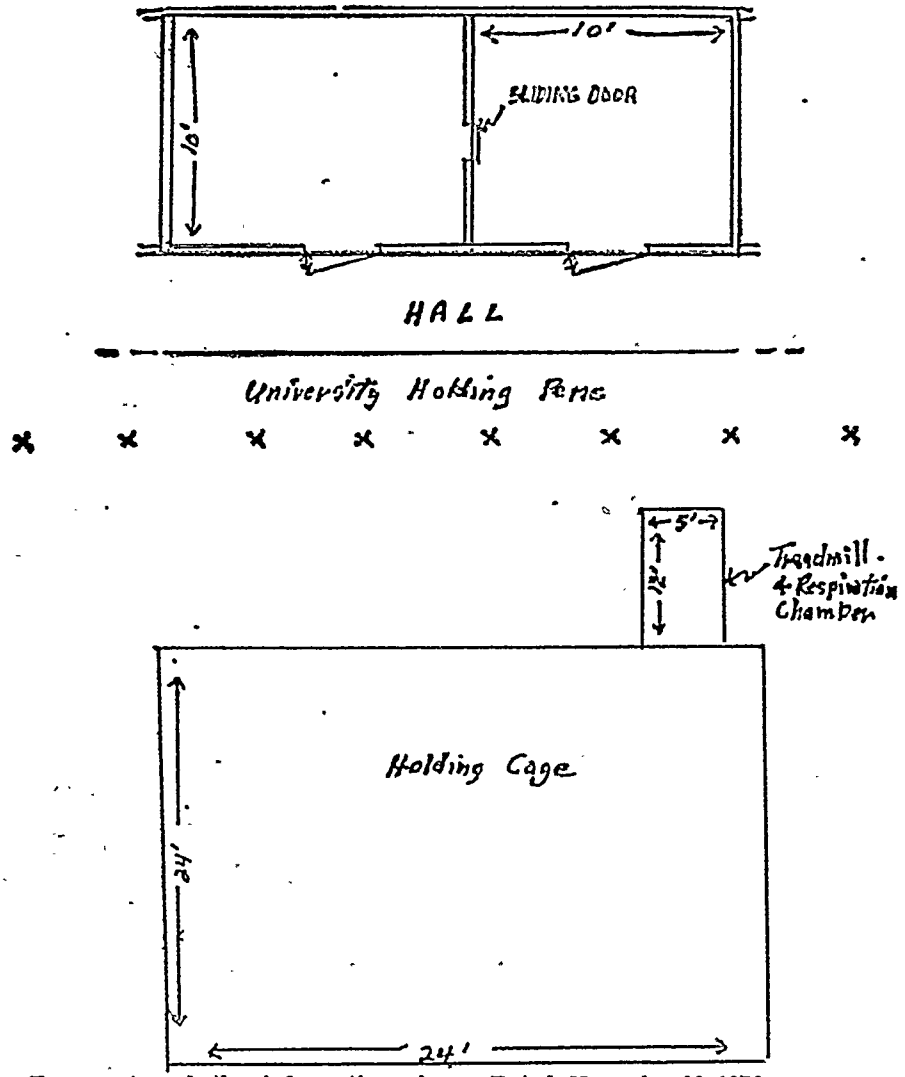


Culvert Trap



Respiration Chamber
(Size May Vary for each animal)

Fig 6



Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Room 512, 1717 H Street, NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/WPO), U.S. Fish and Wildlife Service, Washington, D.C. 20240. This application has been assigned File Number PRT 2-337-07; please refer to this number when submitting comments. All relevant comments received on or before January 3, 1976.

Dated: November 29, 1976.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc.76-35590 Filed 12-2-76;8:45 am]

ENDANGERED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant: Regional Director—Region 2, U.S. Fish & Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103, W. O. Nelson, Jr, Regional Director.

OMB NO. 42-R070

DEPARTMENT THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Use only one)
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
To conduct activities and actions necessary to protect and monitor experimental whooping crane flock in Region 2

3. APPLICANT. (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
Regional Director
U. S. Fish and Wildlife Service
P. O. Box 1306
Albuquerque, New Mexico 87103

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING
☐ MR. ☐ MRS. ☐ MISS ☐ MS.
HEIGHT — WEIGHT
DATE OF BIRTH — COLOR HAIR — COLOR EYES
PHONE NUMBER WHERE EMPLOYED — SOCIAL SECURITY NUMBER
OCCUPATION

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING.
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
U. S. Fish and Wildlife Service
Endangered Species Program
Department of the Interior

ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT
U. S. Fish and Wildlife Service
Department of the Interior

NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC. 505-766-2321
W. O. Nelson, Jr. Regional Director
IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
States of New Mexico, Oklahoma, Texas and Arizona

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☒ YES ☐ NO
(If yes, list license or permit number)
Various appropriate permits.

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☒ YES ☐ NO
(If yes, list jurisdictions and type of document)
Coordination with Mexican officials is under way.

9. CERTIFIED CHECK OR MONEY ORDER (If applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF
$

10. DESIRED EFFECTIVE DATE
10/15/76

11. DURATION NEEDED
12/ 1980

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(b)) MUST BE ATTACHED, IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.
50 CFR 17.22
See Management and Contingency Plan attached.

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (In ink) W O Nelson Regional Director — DATE 9/16/76

GPO PUBLISHED

WHOOPING CRANE PERMIT

1. Whooping crane (*Grus americana*).

Permit to include all whooping cranes in the states of Texas, New Mexico, Oklahoma, and Arizona—those of the original flock which migrate into and winter in Texas, and those of the experimental flock which are expected to winter in New Mexico and adjacent states. Activities to be covered include harass, capture, pursue, trap, and collect.

2. All whooping cranes to be covered by this permit are in the wild.

3. No attempts have yet been necessary in this region to capture, pursue, trap, or collect whooping cranes. However, should one become injured or die, Fish and Wildlife personnel must be able to take appropriate action to save or salvage the bird(s). It was necessary to harass the whooper last year on the Bosque del Apache Refuge during the snow goose hunt to keep the experimental flock (2) of whoopers off hunting areas for their safety—neither was harmed or adversely affected. It is expected that similar action will be necessary this year in the event any whoopers begin to utilize "unsafe" areas.

4. NA.

5. NA.

6. In the event any whooper(s) becomes injured, Fish and Wildlife Service appointed doctor/veterinarians will care for them.

7. NA-FWS personnel.

8. (i-iv) U.S. Fish and Wildlife Service is charged with restoring and protecting Federally listed endangered and threatened species; the whooping crane is an endangered species. See attached plan.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Room 512, 1717 H Street, NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/WPO), U.S. Fish and Wildlife Service, Washington, D.C. 20240. This application has been assigned File Number PRT 2-387-07; please refer to this number when submitting comments. All relevant comments received on or before January 3, 1976.

Dated: November 29, 1976.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc.76-35597 Filed 12-2-76;8:45 am]

SNAIL DARTER

Emergency Exemption; Issuance

On November 23, 1976, a letter waiving the 30 day public comment period was issued to the Tennessee Valley Authority (TVA) authorizing emergency actions to enhance the survival of snail darters (*Percina tanasi*). This waiver was granted to allow immediate removal and transportation of those snail darters now below the Tellico Dam in the Little Tennessee River. Swift water through dam sluice gates prevents their migration upstream to safer water and there is an impending danger from predatory fish now known to be migrating toward them.

It was determined by the U.S. Fish and Wildlife Service in consultation with TVA that an emergency does in fact exist with the population of snail darters in the Little Tennessee River below the Tellico Dam and that the lives of these fish are threatened and no reasonable alternative to the proposed action is available to the applicant (TVA).

Snail darters will be moved to holding facilities at the Morristown State Fish Hatchery at Morristown, Tennessee, until they can be released to a suitable site. Close coordination with the U.S. Fish and Wildlife Service and the Tennessee Wildlife Resources Agency will be maintained.

A copy of the letter of waiver is herewith presented. This emergency waiver is provided in accordance with the Endangered Species Act of 1973, as amended by Pub. L. 94-359 (90 Stat. 911).

Dated: November 24, 1976.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Check one)
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
For transplantation of endemic snail darter (Percina tanasi) stocks to enhance survival probabilities of the species. Transplant activities will involve live capture, transport, and release.

3. APPLICANT. (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
Tennessee Valley Authority
Norris, TN 37828

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING.
Not applicable
☐ MR. ☐ MRS. ☐ MISS ☐ MS.
HEIGHT | WEIGHT
DATE OF BIRTH | COLOR HAIR | COLOR EYES
PHONE NUMBER WHERE EMPLOYED | SOCIAL SECURITY NUMBER
OCCUPATION

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING.
EXPLAIN TYPE OF ORGANIZATION, ACTIVITY OR BUSINESS, ETC.
Federal Agency - regional resources development and conservation.

ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT

NAME, TITLE, AND PHONE NUMBER OF PRINCIPAL OFFICER, DIRECTOR, ETC.
Aubrey J. Wagner, Chairman Board of Directors, Ph. FTS 852-3554

IF "APPLICANT" IS A CORPORATION, GIVE DATE, STATE IN WHICH INCORPORATED
Not applicable

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
Transplantation from Little Tennessee River to Hiwassee River and others that may be deemed suitable for establishment of a population.

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☒ YES ☐ NO
(If yes, list license or permit number)
PRT-7-05-C-2-NV PRT 2-4
4-PR-977

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☐ YES ☐ NO
(If yes, list...)
Not required

9. CERTIFIED CHECK OR MONEY ORDER (If applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF
$ Not required

10. DESIRED EFFECTIVE DATE
Immediately

11. DURATION NEEDED
Until completion (January 1977)

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(a)) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.
50 CFR 17.22

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (In ink)
Charles J. Cole
for Thomas H. Ripley

DATE
November 12, 1976

3-200
(5/74)

GPO 805-...42

ATTACHMENT TO APPLICATION OF TENNESSEE VALLEY AUTHORITY FOR WILDLIFE COLLECTION PERMIT

INFORMATION REQUIRED BY 50 CFR 17.22(a)

(a) (1) Snail darter (*Percina tanasi*). TVA will remove and transplant as many specimens as can reasonably be captured from the Little Tennessee River embayment of Watts Bar Reservoir below Tellico Dam. Realistically, the total fish captured will probably not exceed 1,000. All fish, up to 1,000 will be introduced into the Holston River below Cherokee Dam, and, if this number is exceeded, the remainder will be introduced into other areas on the priority basis set forth in TVA's previous permit application transmitted on November 10, 1976. The area of the Holston River below Cherokee Dam as well as the others have been selected by general agreement with the U.S. Fish and Wildlife Service, the Tennessee Wildlife Resources Agency, and the Tennessee Valley Authority as having the most potential for maintenance of a snail darter population outside of the Little Tennessee and Hiwassee Rivers.

(2) The wildlife covered by this permit is in the wild.

(3) No known captive populations of snail darters exist.

(4) Not applicable.

(5) Not applicable.

(6) Fish will be collected by SCUBA divers using modified bag seines. Transportation and release methods will be as authorized under TVA's previous permit (PRT 2-4, May 13, 1976). Specimens collected will be transplanted to the Holston River below Cherokee Dam. The site was agreed upon at the September 29, 1976, consultation meeting by biologists from the U.S. Fish and Wildlife Service, the Tennessee Wildlife Resources Agency, and the Tennessee Valley Authority, as being the most suitable site to maintain a population of *Percina tanasi* outside of the Little Tennessee and Hiwassee Rivers. Over 700 specimens have been transplanted in the past two years without incident of mortality.

(7) The activities under this permit are described, in part, under Activity V (Transplantation) of the workplan submitted previously with the application for Permit PRT 2-4, issued May 13, 1976. Capture of specimens will be accomplished by SCUBA divers using a modified bag seine. Such activities will be carried out by TVA under the general supervision of Dr. Thomas H. Ripley, Director of TVA's Division of Forestry, Fisheries, and Wildlife Development; and under the direct supervision of Richard B. Fitz. Personnel of the U.S. Fish and Wildlife Service and the Tennessee Wildlife Resources Agency will cooperate in carrying out field activities.

(8) (i)–(ii) Details of scope and procedure for the activity are set out in the workplan previously submitted (referred to and as modified in (7) above).

(iii) Investigations during the course of TVA's Program to Conserve the Snail Darter (*Percina tanasi*) have revealed a large number (>400) of young-of-the-year *P. tanasi* congregated below Tellico Dam on the Little Tennessee River embayment of Watts Bar Reservoir during 1976. Concurrent observations have failed to produce evidence of any young-of-the-year in the Little Tennessee River above Tellico Dam. These factors indicate that recruitment to the reach of river designated as critical habitat is nonexistent due to the obstruction of Tellico Dam structure preventing upstream migration.

It was agreed during the November 10, 1976, consultation meeting by biologists from the USFWS, TWRA, and TVA that this situation created a potential threat to the continued existence of not only those congregated below Tellico Dam but to the Little Tennessee River population itself.

In TVA's view, transplantation to suitable sites outside the lower section of the Little Tennessee River is the only action that can be taken to eliminate any direct threat to the congregated fish. With regard to the population in the Little Tennessee River, the evidence suggests that extirpation will occur in the near future despite any measures that may be taken.

(iv) All live specimens collected will be released in the transplant area. In the event that some specimens are killed or injured during the activity, they will be preserved and retained in TVA's Fisheries Laboratory in Norris, Tennessee, and will be available for inspection by other scientists.

Mr. THOMAS H. RIPLEY,
Director, Division of Forestry, Fisheries, and Wildlife Development, Tennessee Valley Authority, Norris, Tennessee 37828.

DEAR MR. RIPLEY: The purpose of this letter is to waive the 30-day publication requirement in regard to the permit application of the Tennessee Valley Authority for an exemption from the provisions of the Endangered Species Act of 1973. This waiver, and the issuance of the permit, authorize the activities outlined below without the normal 30-day public comment period on the permit application.

It has been determined by the Service that an emergency does in fact exist with the population of snail darters (*percina tanasi*) in the Little Tennessee River below the Tellico Dam and that the lives of these fish are threatened and no reasonable alternative to the proposed action is available to the applicant (TVA).

The Tennessee Valley Authority is authorized, in accordance with permit PRT 2-433, to move all reasonably available snail darters from the Little Tennessee River immediately below the Tellico Dam of the Morristown State Fish Hatchery at Morristown, Tennessee.

This authority is granted to allow removal and transportation of those snail darters now below the Tellico Dam. It is granted because the fish are unable to migrate upstream to safer waters and are in impending danger from predatory fish now known to be migrating toward them. Snail darters are to be transported to holding facilities at the Morristown State Fish Hatchery and are to be held there until they can be released to a suitable site.

All activities and methods will be coordinated with the Tennessee Wildlife Resources Agency and the U.S. Fish and Wildlife Service prior to and during removal and translocation of the snail darters.

This exemption is granted, conditional to the provisions of Endangered Species Permit PRT 2-438, issued November 22, 1976. A copy of this permit has been sent to TVA this date by certified mail.

Sincerely yours,

LYNN GREENWALT,
Director.

[FR Doc.76-35595 Filed 12-2-76;8:45 am]

Geological Survey

[Final OCS Order No. 14]

APPROVAL OF SUSPENSIONS OF PRODUCTION

Gulf of Mexico Area

Notice is hereby given that pursuant to 30 CFR 250.12, the Acting Chief, Conservation Division, U.S. Geological Survey, has approved Outer Continental Shelf (OCS) Order No. 14, "Approval of Suspensions of Production," for the Gulf of Mexico Area. A draft of the Order was published in the FEDERAL REGISTER, Vol. No. 40, No. 245, Friday, December 19, 1975 (40 FR 58873), with a solicitation for comments and suggestions. Comments were received from the following organizations:

INDUSTRY

American Association of Petroleum Landmen
Amoco Production Company
Atlantic Richfield Company
Cities Service Oil Company
Continental Oil Company
Gulf Energy and Minerals Company
Kerr-McGee Corporation
Mobil Oil Company
Offshore Operators Committee
Standard Oil Company of California
Shell Oil Company

All comments were reviewed, and appropriate suggestions were included in the final version of the Order.

Published below is a summary of all the comments received, rationales for accepting or rejecting the suggestions of the commenters, and the final version of the Order. The Order will be effective January 1, 1977.

W. A. RADLINSKI,
Acting Director.

SUMMARY OF COMMENTS, U.S. GEOLOGICAL SURVEY (USGS) RATIONALES, AND FINAL VERSION OF OCS ORDER NO. 14 FOR THE GULF OF MEXICO AREA

PREAMBLE

Comments. One of the commenters took exception to the phrase "to expedite the production of oil and gas from the lease" because the phrase would impose a condition, or add a dimension in the Order, over and above what is provided and contemplated in the regulation it is intended to implement, 30 CFR 250.12(d)(1). It was argued that the words "to expedite production" could be constructed as requiring something more than the use of diligence, or prudent performance, and that the meaning and intent in the context used was not clear.

USGS Rationale. The intent of the phrase was to indicate that the Supervisor must be convinced that the operator is exercising diligence and is attempting to effect production from the leasehold in a timely manner. The preamble was revised to more clearly reflect this philosophy.

Comments. There was a general consensus of opinion among the commenters that the Order was unnecessary since the Superivsors have traditionally exercised fair and prudent judgment in the granting of suspensions of production.

USGS Rationale. The intent of the Order is to clearly outline and define the policy which the Supervisor must follow. It is to the advantage of both operator and the Supervisor to have the criteria for suspensions of production clearly defined in Order No. 14. The total rationale for the necessity of the Order is the summation of all the rationales which follow.

PARAGRAPH NO. 1

Comments. It was suggested that the Supervisor is restricted from taking affirmative action should the reason for such action depart from those circumstances enumerated in the proposed Order.

USGS Rationale. While the proposed Order does list various conditions under which the Supervisor may grant a suspension of production he is not limited by those conditions alone. The reasons are outlined for granting a suspension of operation for most valid cases. Should there be other valid reasons, these can be reviewed by the Supervisor and Chief, Conservation Division, in accordance with 30 CFR 250.12.

SUBPARAGRAPH 1.A

Comments. Several of the commenters suggested that paragraph 1.A. be broadened by adding various conditions related to drilling, platform construction, and installation or delivery of equipment or facilities.

USGS Rationale. The language of the Order is intended to state the minimum criteria for judging proper development of the lease. The Supervisor is allowed to accept alternate but similar criteria as indicative of proper development.

SUBPARAGRAPH 1.B

Comments. It was suggested that the phrase "an application for a permit" be revised to add the words "or certificate" to include a Federal Power Commission Certificate. It was also suggested that the phrase "before the lessee can produce" be revised to add language covering other restraints on lease production.

USGS Rationale. The word "permit" is used in a generic sense and, therefore, is synonymous, with certificate. The language of the Order is intended to cover restraints on production due to lack of any permit or other governmental approval.

SUBPARAGRAPH 1.C

Comments. It was suggested that other acceptable restraints related to development plans or unitization agreement be added to subparagraph 1.C.

USGS Rationale. The Order clearly states that waiting for the Department to complete action on a development plan or unitization agreement will be considered as a restraint on production beyond the lessee's control. The suggestion of the commenters merely enumerates other factors which could delay the approval of the development plan or unitization agreement and would be covered under the previous paragraph.

SUBPARAGRAPH 1.D

Comments. It was suggested that the economic justification of construction of a pipeline, or use of a pipeline, is frequently of secondary importance to the economic considerations in providing structures, wells, and facilities and the timing of drilling rig, production, and structure availability. The commenter, therefore, suggests that that part 1.D be amended by substituting after "establish economic justification" the following: "for development wells, structures, facilities, and/or pipelines to recover, process, and transport such reserves as necessary."

USGS Rationale. It was agreed that these conditions should be considered by the Supervisor. Accordingly, language has been incorporated into the Order to indicate the above.

NEW SUBPARAGRAPH 1.E

Comments. It was suggested by several commenters that subparagraph 1 be amended to allow the Supervisor to recognize a lessee's research and design problems in a difficult environment. Such problems must be solved prior to finalizing a contract and completion date.

USGS Rationale. We agree with the rationale of the commenters and have incorporated appropriate language into the Order.

SUBPARAGRAPHS 2.A, B, AND C

Comments. The commenters suggested additions to subparagraphs 2A, B, and C which would broaden the scope of circumstances to be considered by the Supervisor.

USGS Rationale. In our opinion, the circumstances enumerated by the commenters are sufficiently covered by the Orders.

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY
CONSERVATION DIVISION
GULF OF MEXICO AREA

OCS ORDER NO. 14

Effective January 1, 1977

APPROVAL OF SUSPENSIONS OF PRODUCTION

This Order is established pursuant to the authority prescribed in 30 CFR 250.11 and in accordance with 30 CFR 250.12(d).

If the Supervisor in his discretion approves a request for suspension of production pursuant to 30 CFR 250.12(d)(1), the terms of the lease will not be deemed to expire as long as the suspension remains in effect.

The Supervisor may not approve a request for a suspension of production to facilitate proper development of a lease because of a lack of transportation facilities unless he is satisfied that the lessee: (1) has made the request in good faith; and (2) is taking and will continue to take all reasonable actions to place the leasehold on production in accordance with applicable laws and regulations.

1. *Suspension of Production to Facilitate Proper Development.* A lease on which a well has been drilled and determined by the Supervisor to be capable of being produced in paying quantities according to the provisions of OCS Order No. 4 and thereafter temporarily abandoned or permanently plugged and abandoned is being properly developed if the lessee:

A. is waiting for completion of drilling platform construction and installation or delivery of equipment or facilities which are necessary for production and for which the

lessee has signed a contract that specifies a delivery date; or

B. has pending before any Federal, State, or local government authority an application for a permit which is necessary before the lessee can produce oil or gas from the lease; or

C. has submitted to the Department of the Interior a development plan or unitization agreement for the lease and is waiting for the Department to complete action on the plan or agreement; or

D. has submitted to the Department of the Interior and is actually conducting a geological and geophysical exploration or development program that includes drilling to develop sufficient reserves to produce either from the lease alone or in connection with other leases. For purposes of receiving a suspension under this provision, drilling activity on one lease may be determined by the Supervisor to be activity on all leases which are to be considered as a unit for purposes of providing sufficient reserves to establish economic justification for development wells, structures, facilities, and/or pipelines to recover, process, and transport such reserves as necessary; or

E. because of water depth or bottom conditions, is developing new and special production equipment, apparatus devices, or techniques in order to obtain, bring about, or create actual production capability.

2. *Suspension of Production Because of Lack of Transportation Facilities.* A lease on which a well has been drilled and determined by the Supervisor to be capable of being produced in paying quantities, according to the provisions of OCS Order No. 4, and thereafter temporarily abandoned or permanently plugged and abandoned and cannot be produced because of lack of transportation facilities, is being properly devleoped if the lessee:

A. is waiting for the completion of pipeline construction or delivery of pipeline equipment or facilities which are necessary for the transportation of oil and gas and for which the lessee has signed a contract that specifies the completion or delivery date; or

B. has pending before any Federal, State, or local government authority an application or a permit which is necessary before the lessee can transport oil and gas from the lease; or

C. has a contract to use an existing pipeline, but is unable to use the pipeline for reasons beyond the lessee's control.

J. B. LOWENHAUPT,
Oil and Gas Supervisor, Production Control, Gulf of Mexico Area.

Approved:

RUSSELL G. WAYLAND,
Chief, Conservation Division.

[FR Doc.76-35686 Filed 12-2-76;8:45 am]

National Park Service

CEDAR BREAKS NATIONAL MONUMENT, UTAH

Designation of Routes Open to Snowmobiles

In accordance with the requirements of paragraph (c) of § 2.34 of Title 36 of the Code of Federal Regulations, notice is hereby given of routes that will be open to snowmobiles in Cedar Breaks National Monument.

In arriving at the designations of the snowmobile routes, we have been guided by the criteria contained in Sections 3 and 4 of Executive Order 11644 (3A CFR, 1972 Comp. p. 142) and also have considered factors such as other visitor uses, safety, wildlife management, noise, erosion, geography, weather, vegetation, resource protection, and other management considerations.

An environmental assessment has been prepared on the designation of the snowmobile routes and is available for public review in the office of the Monument Superintendent.

In order to properly designate the snowmobile routes, it is considered necessary to define the portions of the routes where snowmobile use will be permitted.

Available Roadway: On routes designated for snowmobile use, only that portion of the road or parking area intended for other motor vehicle use may be used by snowmobiles. Such roadway is available for snowmobile use only when the designated road or parking area is closed to all other motor vehicle use by the public.

Designated Routes: 1. The Main Monument Road from the South boundary to the North boundary.

2. Panguitch Lake Road from the junction with the Main Monument Road to the East boundary.

3. The paved walkway from the Visitor Center, Parking Lot to the Point Supreme Overlook.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the decision making process. As required by 36 CFR § 2.34(c), prior to making a final decision on these designated routes, the public shall be provided a 30-day period to comment. Accordingly, interested persons may submit written comments, suggestions or objections, with respect to the snowmobile route designations, to the Monument Superintendent, Cedar Breaks National Monument, Post Office Box 749, 82 North 100 East, Cedar City, Utah 84720, within 30 days of the date of this Notice.

EARLE G. CURRAN,
Superintendent, Cedar Breaks National Monument.

[FR Doc.76-35604 Filed 12-2-76;8:45 am]

INTERNATIONAL TRADE COMMISSION

PRELIMINARY DRAFTS OF PARTS OF AN ENUMERATION OF ARTICLES TO PROVIDE FOR COMPARABILITY AMONG U.S. IMPORT, PRODUCTION, AND EXPORT DATA

Release for Public Comment

Notice is hereby given that the United States Departments of the Treasury and Commerce and the United States International Trade Commission are releasing for public comment the following preliminary drafts of parts of an enumeration of articles which will provide for comparability among U.S. import, production, and export data pursuant to section 484(e) of the Tariff Act of 1930 (19 U.S.C. 1484(e)), as amended by section 608(a) of the Trade Act of 1974 (19 U.S.C. 2101):

Glass and glass products—schedule 5, part 3, Tariff Schedules of the United States Annotated (TSUSA).

Pleasure boats; floating structures—schedule 6, part 6D, TSUSA.

Furniture, pillows, cushions, and mattresses—schedule 7, part 4A, TSUSA.

Background.—The preparation of the drafts by the three agencies has generally proceeded from recommendations made in a joint report of the Secretary of Commerce and the U.S. International Trade Commission, dated August 1, 1975, submitted to Congress and the President pursuant to section 608(b) of the Trade Act of 1974, and entitled Principles and Concepts Which Should Guide the Organization and Development of an Enumeration of Articles Which Would Result in Comparability of U.S. Import, Production, and Export Data.

The report noted that the principal advantages of achieving comparability among import, production, and export data are—

1. To permit the development and implementation of a more coordinated and efficient program for the administration, interpretation, and maintenance of national systems;

2. To improve and facilitate the publication of trade data most useful for international economic analysis;

3. To permit more reliable analysis of the impact of external trade on domestic industry.

In making specific recommendations concerning the organization and development of an enumeration of articles which would result in comparability, the report recognized various prerequisites to achieving comparability, such as adhering to sound nomenclature principles, employing identical descriptive techniques and product definitions, using compatible standards of valuation and measurement, and providing for centralized responsibility for interpretation and coordinated responsibility for maintenance. The report also acknowledged many of the practical considerations involved in achieving comparability among the three generally discordant classification systems presently used for the collection of import, production, and export data, including reconciling differences among the three existing systems, preserving statistical continuity, and achieving useful levels of product comparability with the least disruptive impact on current programs and reporting.

In summary, the specific recommendations provided that—

1. The organizational framework of the TSUS should be adopted as the basis for the enumeration of the export schedule.

2. The review and development of an enumeration should take into account the current import, production, and export product classes, with the primary aim of obtaining comparability at a common level.

3. Changes may be proposed to any system, including combinations, subdivisions, and modifications of existing language and content. In particular, consideration should be given to updating of definitions and terms to make them more reflective of current practice in the trade. It must be borne in mind

that the TSUS structure and detail are legally based. Therefore, the enumeration should consist of individual TSUSA classifications, or combinations of individual TSUSA classifications (current or as proposed by this program), since this is the only way to attain comparability to the relatively rigid classifications of imports. Combinations may be made of commodities falling in different TSUS classes, if necessary, as long as they consist of aggregations of individual TSUSA classifications.

Continuing program for statistical annotation.—The establishment of an enumeration for statistical purposes is, and should be looked upon as, a continuing program. It is intended that the initial modifications to the import, production, and export schedules will serve as a basis for further refinement and change. Modifications to each of the systems will be made from time to time to reflect changing statistical needs and also to improve the comparability of U.S. trade data with trade data reported by other countries on the basis of the Standard International Trade Classification (SITC). The publication of trade data by the Department of Commerce on the basis of the SITC will continue.

Modifications to the Tariff Schedules of the United States.—Any proposals to modify the TSUS (other than statistical annotations thereto) could not be implemented without legislative approval. After comments have been recovered and reviewed, consideration may then be given to the extent of, and need for, amendatory legislation.

Comments by interested parties.—Over the next several months further preliminary drafts will be released for public comment and consideration. Interested parties are invited to comment on all aspects of the comparability program. Specific recommendations and proposals are invited with respect to the extent to which the drafts would—

Recognize the specific needs of users of statistics;
Facilitate economic analysis;
Reflect sound principles of commodity identification and specification; and
Impose undue reporting burdens for business establishments.

We would also welcome comments with respect to modifications which would provide greater comparability with the SITC (revision 2).

Copies of the drafts are available from the Chief, Industry and Commodity Classification Branch, Economic Surveys Division, U.S. Bureau of the Census, Washington, D.C. 20233.

Written comments should be submitted at the earliest practicable date, but, to be assured of consideration, not later than 60 days after release of the drafts. Such statements should be submitted to the Chief, Industry and Commodity Classification Branch, at the address shown above.

By order of the Commission:

Issued: November 29, 1976.

KENNETH R. MASON,
Secretary.

[FR Doc.76-35547 Filed 12-2-76;8:45 am]

DEPARTMENT OF JUSTICE

Antitrust Division

UNITED STATES V. MORRISON KNUDSON CO. INC., ET AL.

Proposed Consent Judgment and Competitive Impact Statement

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b) through (h) (APPA), that a Proposed Consent Judgment and a Competitive Impact Statement as set out below have been filed with the United States District Court for the District of Idaho in Civil No. 1-75-177, *United States* v. *Morrison-Knudsen Company, Inc., et al.* Consenting to the Proposed Judgment are all defendants in the case, Morrison-Knudsen Company, Inc.; Monroe, Inc.; Idaho Concrete Pipe Company, Inc.; Consolidated Concrete Company, Inc.; G & B Ready Mix, a partnership; Clements Concrete Company; and A-A Redi-Mix, Inc. The complaint in this action alleged that defendants conspired to fix prices for ready mix concrete in the Boise Valley area of Idaho. The Judgment enjoins the defendants from agreeing to fix prices, or delivery charges or submit rigged bids for ready mix concrete or to exchange with any competitor information regarding prices or delivery charges for ready mix concrete unless such information is available to the public. The Competitive Impact Statement describes the anticipated effects of the proposed Judgment on competition, and evaluates alternative relief proposals actually considered by the United States. Public comment is invited on or before January 27, 1977. Such comments and responses thereto will be published in the FEDERAL REGISTER and filed with the Court. Comments should be directed to Anthony E. Desmond, Chief, San Francisco Field Office, Antitrust Division, Department of Justice, 450 Golden Gate Avenue, Room 16432—Box 36046, San Francisco, California 94102.

Dated: November 19, 1976.

CHARLES F. B. MCALEER,
Assistant Chief, Judgments and Judgment Enforcement Section.

UNITED STATES DISTRICT COURT, DISTRICT OF IDAHO

United States of America, Plaintiff, v. *Morrison-Knudsen Company, Inc.; Monroe, Inc.; Idaho Concrete Pipe Company, Inc.; Consolidated Concrete Company, Inc.; G & B Ready Mix, a partnership; Clements Concrete Company; and A-A Redi-Mix, Inc.,* Defendants.

Civil No. 1-75-177.

Filed: November 19, 1976.

STIPULATION

It is stipulated by and between the undersigned parties, plaintiff United States of America, and defendants Morrision-Knudsen Company, Inc., Monroe, Inc., Idaho Concrete Pipe Company, Inc., Consolidated Concrete Company, Inc., G & B Ready Mix, Clements Concrete Company, and A-A Redi-Mix, Inc., by their respective attorneys, that:

1. The parties consent that a final judgment in the form hereto attached may be filed and entered by the Court, upon the motion of any party or upon the Court's own motion, at any time after compliance with the requirements of the Antitrust Procedures and Penalties Act (15 U.S.C. § 16) and without further notice to any party or other proceedings, provided that plaintiff has not withdrawn its consent, which it may do at any time before the entry of the proposed final judgment by serving notice thereof on defendants and by filing that notice with the Court.

2. In the event plaintiff withdraws its consent or if the proposed final judgment is not entered pursuant to this Stipulation, this Stipulation shall be of no effect whatever and the making of this Stipulation shall be without prejudice to plaintiff or defendants in this or any other proceeding. Dated: November 19, 1976

For the Plaintiff: Donald I. Baker, *Assistant Attorney General,* William E. Swope, Charles F. B. McAleer, Anthony E. Desmond, Gary R. Spratling, John F. Young, John L. Wilson, *Attorneys, Department of Justice.*

For the Defendants: Hawley, Troxell, Ennis and Hawley, Boise, Idaho, by Joseph D. McCollun, Jr., *Attorneys for Morrison-Knudsen Company, Inc.;* Langroise, Sullivan and Smylie, Boise, Idaho, by Robert E. Smylie, *Attorneys for Monroe, Inc.;* Webb, Johnson, Redford and Greener, Boise, Idaho, by Richard H. Greener, *Attorneys for Idaho Concrete Pipe Co., Inc.;* Anderson, Kaufman, Anderson and Ringert, Boise, Idaho, by Samuel Kaufman, *Attorneys for Consolidated Concrete Company, Inc.;* Schiller, Williams and Trabert, Nampa, Idaho, by Edwin G. Schiller, *Attorneys for G & B Ready Mix;* Coughlan, Imhoff and Lynch, Boise, Idaho, by Glenn A. Coughlan, *Attorneys for Clements Concrete Company;* Miller, Weston and Tunnicliff, Boise, Idaho, by Dean Miller, *Attorneys for A-A Redi-Mix, Inc.*

UNITED STATES DISTRICT COURT, DISTRICT OF IDAHO

Unitied States of America, Plaintiff, v. *Morrison-Knudsen Company, Inc.; Monroe, Inc.; Idaho Concrete Pipe Company, Inc.; Consolidated Concrete Company, Inc.; G & B Ready Mix, a partnership; Clements Concrete Company; and A-A Redi-Mix, Inc.,* Defendants.

Civil No. 1-75-177.

Filed: November 19, 1976.

FINAL JUDGMENT

Plaintiff, United States of America, having filed its Complaint herein on October 16, 1975, and plaintiff and defendants by their respective attorneys having each consented to the entry of this Final Judgment without trial or adjudication of or finding on any issues of fact or law herein, and without this Final Judgment constituting evidence or admission by plaintiff or defendants, or any of them, in respect to any such issue;

Now, therefore, before any testimony has been taken and without trial or adjudication of or finding on any issue of fact or law herein, and upon consent of the parties hereto, it is hereby

Ordered, adjudged and decreed as follows:

I

This Court has jurisdiction of the subject matter hereof and of the parties hereto. The Complaint states a claim upon which relief may be granted against the defendants under Section 1 of the Act of Congress of July 2, 1890, commonly known as the Sherman Act, as amended (15 U.S.C. § 1).

II

As used in this Final Judgment:

(A) "Person" shall mean any individual, corporation, partnership, firm, association or other business or legal entity;

(B) "Ready-mix concrete" means a building material consisting of a mixture of cement, mineral aggregate (gravel and sand), water and other ingredients mixed in varying proportions and sold to customers in a plastic and unhardened state;

(C) "Boise Valley market" refers to that section of the southwestern part of the State of Idaho, which encompasses the cities of Boise, Caldwell, Nampa, and the area surrounding such cities served by defendants from their plants located in or near said cities.

III

The provisions of this Final Judgment are applicable to each defendant herein and shall apply also to each of such defendant's officers, directors, partners, agents, employees, subsidiaries, successors and assigns, and to all other persons in active concert or participation with any of them, who shall have received actual notice of this Final Judgment by personal service or otherwise.

IV

Each defendant is enjoined and restrained from entering into, adhering to, maintaining, furthering, enforcing or claiming any right under any contract, agreement, understanding, plan or program with any other person directly or indirectly to:

(A) Fix, determine, establish, maintain, raise, stabilize, or adhere to prices, discounts or other terms or conditions for the sale of ready-mix concrete to any third person;

(B) Submit collusive, rigged or noncompetitive bids or quotations for the sale of ready-mix concrete;

(C) Fix, determine, establish, maintain, raise, stabilize, or adhere to any charge for the delivery of ready-mix concrete;

(D) Communicate to or exchange with any other person selling ready-mix concrete any information concerning any actual or proposed price, price change, discount, delivery charge, or other term or condition of sale at which ready-mix concrete is to be, or has been, sold to any third person, prior to the communication of such information to the public generally.

V

(A) Each defendant shall indpendently and individually review and recompute its current prices, discounts, delivery charges and all other terms and conditions for the sale of ready-mix concrete in the Boise Valley market.

(B) Each defendant shall reduce to writing the results of the independent review and recomputation required by Paragraph (A) of this Section. This written review shall include but not be limited to:

(1) a full explanation of the methodology employed by the defendant in reviewing and recomputing its prices, discounts, delivery charges and other terms and conditions of sale;

(2) a full explanation of the accounting method used by the defendant as part of its independent review and recomputation;

(3) a full explanation of each of the constituent factors determining the prices, discounts, delivery charges, and other terms and conditions for the sale of ready-mix concrete sold by the defendant;

(4) the prices, discounts, delivery charges and other terms and conditions for the sale of ready-mix concrete sold by the defendant before and after the independent review and recomputation.

(C) The written results of the independent review and recomputation required by Paragraph (B) of this Section shall be submitted to the plaintiff at the offices of the Antitrust Division, U.S. Department of Justice, 450 Golden Gate Avenue, Box 36046, San Francisco, California 94102, within ninety (90) days after the entry of this Final Judgment.

VI

Each defendant is ordered and directed to:

(A) Serve within sixty (60) days after the entry of this Final Judgment a copy of this Final Judgment upon each of its officers, directors, and/or partners, and upon each of its employees and agents who have any responsibility for the sale of ready-mix concrete;

(B) Serve a copy of this Final Judgment upon each successor to such officers, directors, partners, employees or agents described in Paragraph (A) of this Section, within sixty (60) days after such successor becomes employed or associated with such defendant;

(C) Within ninety (90) days after the entry of this Final Judgment, to file with the Court and to serve upon the plaintiff affidavits concerning the fact and manner of compliance with Paragraph (A) of this Section;

(D) Obtain, from each officer, director, partner, employee and agent served with a copy of this Final Judgment pursuant to Paragraph (A) of this Section, and from each successor to each such officer, director, partner, employee and agent served with a copy of this Final Judgment pursuant to Paragraph (B) of this Section, a written statement evidencing each such person's receipt of a copy of this Final Judgment, and to retain such statements in its files.

VII

Upon motion of the plaintiff or upon this Court's own motion, responsible officials of each defendant may, from time to time, be ordered to appear before this Court to give sworn testimony relating to each such defendant's manner of compliance with the provisions of this Final Judgment.

VIII

(A) For the purpose of determining or securing compliance with this Final Judgment, and for no other purpose, defendants shall permit duly authorized representatives of the Department of Justice, on written request of the Attorney General or the Assistant Attorney General in charge of the Antitrust Division, and on reasonable notice, subject to any legally recognized privilege:

(1) Access, during the business hours of defendants, who may have counsel present, to those books, ledgers, accounts, correspondence, memoranda and other records and documents in the possession or under the control of defendants which relate to any matters contained in this Final Judgment;

(2) Subject to the reasonable convenience of defendants and without restraint or interference from them, to interview individuals who are officers or employees of defendants, any of whom may have counsel present, regarding any matters contained in this Final Judgment.

(B) For the purpose of determining or securing compliance with this Final Judgment, and for no other purpose, upon written request of the Attorney General or the Assistant Attorney General in charge of the Antitrust Division, defendants shall submit such reports, in writing, with respect to the matters contained in this Final Judgment as may from time to time be requested.

(C) No information obtained by the means provided in this Section of this Final Judgment shall be divulged by a representative of the Department of Justice to any person other than a duly authorized representative of the Executive Branch of the Plaintiff, except in the course of legal proceedings to which the United States is a party, or for the purpose of securing compliance with this Final Judgment, or as otherwise required by law.

IX

Jurisdiction is retained by this Court for the purpose of enabling any of the parties to this Final Judgment to apply to this Court at any time for such further orders and directions as may be necessary or appropriate for the construction or modification of any of the provisions thereof, for the enforcement of compliance therewith, and for the punishment of violations thereof.

X

Entry of this Final Judgment is in the public interest.

Dated:

United States District Judge.

UNITED STATES DISTRICT COURT, DISTRICT OF IDAHO

United States of America, Plaintiff, v. *Morrison-Knudsen Company, Inc.; Monroe, Inc.; Idaho Concrete Pipe Company, Inc.; Consolidated Concrete Company, Inc.; G & B Ready Mix, a partnership; Clements Concrete Company; and A-A Redi-Mix, Inc.*, Defendants.

Civil No. 1-75-177.

Filed: November 19, 1976.

COMPETITIVE IMPACT STATEMENT

Pursuant to Section 2(b) of the Antitrust Procedures and Penalties Act [15 U.S.C. § 16 (b)], the United States hereby submits this Competitive Impact Statement relating to the proposed consent judgment submitted for entry in this civil antitrust proceeding.

I. NATURE OF THE PROCEEDING

On October 16, 1975, the United States filed a civil complaint under Section 4 of the Sherman Act [15 U.S.C. § 4] alleging that defendants Morrison-Knudsen Company, Inc., Monroe, Inc., Idaho Concrete Pipe Company, Inc., Consolidated Concrete Company, Inc., G & B Ready Mix, Clements Concrete Company, and A-A Redi-Mix, Inc., violated Section 1 of the Sherman Act [15 U.S.C. § 1]. The complaint alleges that defendants and various co-conspirators engaged in a combination and conspiracy in unreasonable restraint of interestate trade and commerce, the substantial terms of which were: (a) to fix, maintain and stabilize the prices charged by the defendants for the sale of ready-mix concrete in the "Boise Valley market;" (b) to fix, maintain and stabilize discounts allowed by the defendants in the sale of ready-mix concrete in the "Boise Valley market," and (c) to fix, maintain and stabilize the charges imposed by the defendants for the delivery of ready-mix concrete in the "Boise Valley market."

Entry by the Court of the proposed consent judgment will terminate the action, except that the Court will retain jurisdiction over the matter for possible further proceedings which may be required to interpret, modify or enforce the judgment, or to punish alleged violations of any of the provisions of the judgment.

II. DESCRIPTION OF THE PRACTICES INVOLVED IN THE ALLEGED VIOLATION

Ready-mix concrete is a building material composed of cement, sand or gravel and water which is sold by the defendant firms to building contractors and subcontractors, farmers, governmental entities and others for use in various types of construction projects. Typically the sale of ready-mix concrete is made by delivering it to the cus-

tomer's jobsite in mixer trucks, which vary in capacity from 7 to 10 cubic yards of mixed concrete.

The complaint in this case alleges that the defendants and co-conspirators engaged in a conspiracy to fix, maintain and stabilize the selling prices and discounts of, and the delivery charges for, ready-mix concrete in the "Boise Valley market" between 1972 and at least September 1974. The alleged conspiracy was charged to have been formed and carried out in a series of meetings and informal communications between various members of the alleged conspiracy, during which the conspirators discussed and agreed to institute uniform prices and charges in connection with their sale of ready-mix concrete. The complaint also alleged that the conspirators actually instituted the prices and charges agreed upon in the alleged meetings and informal communications. The Boise Valley market alleged to have been affected by the charged conspiracy includes the cities of Boise, Nampa, and Caldwell, Idaho and the areas surrounding those cities which are served by the defendants from their ready-mix concrete plants located in or near those cities.

The complaint alleges that the charged conspiracy had the following effects: (a) that ready-mix concrete prices in the Boise Valley market were maintained at artificial or non-competitive levels; (b) that charges for delivery of ready-mix concrete in the Boise Valley market were maintained at artificial or non-competitive levels; (c) that competition among the defendants in the sale of ready-mix concrete in the Boise Valley market was restricted, suppressed and restrained; and (d) that Boise Valley market purchasers of ready-mix concrete from defendants were deprived of the benefits of free and open competition.

III. Explanation of the Proposed Consent Judgment

The United States and the defendants have stipulated that the proposed consent judgment, in the form negotiated by and between the parties, may be entered by the Court at any time after compliance with the Antitrust Procedures and Penalties Act. The stipulation between the parties provides that there has been no admission by any party with respect to any issue of fact or law. Under the provisions of Section 2(e) of the Antitrust Procedures and Penalties Act, entry of the proposed judgment is conditioned upon a determination by the Court that the proposed judgment is in the public interest.

A. Prohibited Conduct

The proposed judgment will prohibit each of the defendants from entering into or adhearing to any agreement, understanding or plan with any other persons to fix, maintain or stabilize prices, discounts or other terms or conditions for the sale of ready-mix concrete. Further, the judgment will prohibit any of the defendants from submitting collusive, rigged or non-competitive bids or quotations for the sale of ready-mix concrete, as well as prohibiting the defendants from fixing, raising, stabilizing or maintaining any agreed upon charges for the delivery of ready-mix concrete. The judgment also bars the defendants from communicating or exchanging any information regarding actual or proposed prices, discounts, delivery charges or other terms or conditions for the sale of ready-mix concrete before the time such information is made available to the general public.

The proposed judgment requires each defendant to independently and individually review and recompute its current prices, discounts, delivery charges and other terms and conditions for the sale of ready-mix concrete in the Boise Valley market. Also, in connection with this independent price review, each defendant is required to submit to the United States a written report, fully explaining the methodology used by such defendant in recomputing its prices, and setting forth its prices and other charges before and after the recomputation.

Defendant Morrison-Knudsen Company, Inc., has not, since May of 1975, been engaged in the sale of ready-mix concrete at retail, the company having sold its Boise ready-mix plant to a third party. Certain provisions of the proposed judgment, therefore, will not apply to Morrison-Knudson Company, Inc., unless or until the company re-enters the ready-mix concrete business, at which time all of the judgment's provisions will fully apply to Morrison-Knudsen.

Each defendant will be required, within 60 days after entry of judgment, to serve a copy of the proposed judgment upon each of its officers, directors, and partners (if any), and upon each of its employees or agents who have any responsibility for the sale of ready-mix concrete. Moreover, if any new officers, directors, partners, employees or agents are employed by a defendant in the future, the employing defendant must serve a copy of the judgment on such person within 60 days after such person becomes employed. These service provisions should help to prevent future violations of the judgment by making each responsible employee individually aware of the judgment and its prohibitions.

B. Scope of the Proposed Judgment

The proposed consent judgment will expressly provide the maximum coverage permitted by law; by its terms the judgment applies to each defendant and to each of their officers, directors, partners, agents, employees, subsidiaries, successors and assigns, and to all other persons who act in concert with any of the defendants, provided that such persons have actual notice of the judgment, by personal service or otherwise. Unless the Court either modifies or vacates all or a part of the proposed judgment, the defendants are forever bound by its prohibitions. The judgment would apply to the defendants' activities wherever they may occur, although certain administrative provisions of the judgment are specifically limited to the Boise Valley market.

C. Effect of the Proposed Judgment on Competition

The relief encompassed in the proposed consent judgment is designed to prevent any recurrence of the activities alleged in the complaint. By requiring each defendant to independently review and recompute its prices and other charges, the decree is designed to ensure that current price levels are re-established at independent (i.e., non-collusive) and competitive levels. The prohibitive language of the judgment will ensure that future price actions of the defendants will be independently determined, without the restraining and artificial influences which result from meetings and agreements between competitiors.

The judgment provides two methods for determining the defendants' compliance with the terms of the judgment. First, on motion of the government or on the Court's own motion, responsible officials of each defendant may be called before the Court to give testimony regarding a defendant's compliance with the judgment. Second, the government is given access, upon reasonable notice, to the records of the defendants, to examine these records for possible violations of the judgment.

It is the opinion of the Department of Justice that the proposed consent judgment provides fully adequate provisions to prevent future violations of the antitrust laws by these defendants, and to ensure that the ready-mix concrete prices of the defendants are determined in a competitive atmosphere. In the Department's view, disposition of the lawsuit without further litigation is appropriate in that the proposed judgment provides all the relief which the government sought in its complaint; the additional expense of litigation would therefore not result in additional public benefit.

IV. Remedies Available to Potential Private Litigants

Section 4 of the Clayton Act [15 U.S.C. § 15] provides that any person who has been injured as a result of conduct prohibited by the antitrust laws may bring suit in federal court to recover three times the damages such person has suffered, as well as costs and reasonable attorney fees. Entry of the proposed consent judgment in this proceeding will neither impair nor assist the bringing of any such private antitrust actions. Under the provisions of Section 5(a) of the Clayton Act [15 U.S.C. § 16(a)], this consent judgment has no *prima facie* effect in any subsequent lawsuits which may be brought against these defendants.

V. Procedures Available for Modification of the Proposed Judgment

As provided by the Antitrust Procedures and Penalties Act, any person believing that the proposed judgment should be modified many submit written comments to Anthony E. Desmond, Antitrust Division, U.S. Department of Justice, 450 Golden Gate Avenue, San Francisco, California 94102, within the 60-day period provided by the Act. These comments, and the Department's responses to them, will be filed with the Court and published in the Federal Register. All comments will be given due consideration by the Department of Justice, which remains free to withdraw its consent to the proposed judgment at any time prior to its entry if it should determine that some modification of it is necessary. The proposed judgment provides that the Court retains jurisdiction over this action, and the parties may apply to the Court for such order as may be necessary or appropriate for its modification, interpretation or enforcement.

VI. Alternatives to the Proposed Consent Judgment

This case does not involve any unusual or novel issues of fact or law which might make litigation a more desirable alternative than entry of this consent decree. The Department considers the substantive language of the judgment to be of sufficient scope and effectiveness to make litigation on relief unnecessary, as the judgment provides all relief which was requested in the complaint.

VII. Other Materials

No materials and documents of the type described in Section 2(b) of the Antitrust Procedures and Penalties Act [15 U.S.C. § 16] were considered in formulating this proposed judgment.

Dated: November 19, 1976.

Gary R. Spratling,

John F. Young,

Attorneys, Department of Justice.

[FR Doc.76-35715 Filed 12-2-76;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

PRIVACY ACT OF 1974

Reports on New Systems

The purpose of this notice is to list reports on new systems filed with the

Office of Management and Budget to give members of the public the opportunity to make inquiries about them and to comment on them.

The Privacy Act of 1974 requires that agencies give advance notice to the Congress and the Office of Management and Budget of their intent to establish or modify systems of records subject to the Act (5 U.S.C. 552a(o)). During the period November 15, through November 26, 1976 the Office of Management and Budget received the following reports on new (or revised) systems of records.

DEPARTMENT OF THE INTERIOR

System Names:

(1) Avitrol Authorization Records.
(2) Animal Damage Control Non-Federal Personnel Records.
(3) Copy Fee Deposits.
(4) Real Estate Appraiser Roster.
(5) Adopt a Wild Horse.
(6) Departmental Manager Development Program.

Report Date:

November 10, 1976.

Point of Contact:

Mr. Warren Dahlstrom, Departmental Privacy Act Officer, Office of Administrative and Management Policy, Department of the Interior, Washington, D.C. 20240.

PRIVACY PROTECTION STUDY COMMISSION

System Names:

(1) Payroll Records.
(2) General Financial Records.

Report Date:

November 16, 1976.

Point of Contact:

Mr. James F. Sasser, Administrative Officer, Privacy Protection Study Commission, 2120 L Street, NW., Washington, D.C. 20506.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

System Name:

Road Action Center Users.

Report Date:

November 22, 1976.

Point of Contact:

Mr. Calvin Burkhart, Director, Office of Management Services, Room 5238, 400 7th Street, SW., Washington, D.C. 20590.

PHILLIP D. LARSEN,
Acting Assistant to the Director for Administration.

[FR Doc.76-35628 Filed 12-2-76;8:45 am]

OFFICE OF TELECOMMUNICATIONS POLICY

ELECTROMAGNETIC RADIATION MANAGEMENT ADVISORY COUNCIL

Meeting

Notice is hereby given that the Electromagnetic Radiation Management Advisory Council (ERMAC) will meet at 8:30 a.m., in room 730, Office of Telecommunications Policy, 1800 G Street, N.W., Washington, D.C. on Wednesday, December 15, 1976 and on Thursday, December 16, 1976.

The principal agenda item on 15 December will consist of a seminar and discussion of research on the possible effects of nonionizing electromagnetic radiation on the immunological system. The principal agenda item on 16 December will consist of a Department of the Navy presentation on their research program to evaluate the biological effects of nonionizing electromagnetic radiation.

The meetings will be open to the public; any member of the public will be permitted to file a written statement with the Committee, before or after the meeting.

Information regarding the Committee may be obtained from Lt. Cmdr. Peter S. Labyak, Office of Telecommunications Policy, Washington, D.C., 20504 (telephone: 202/395-4737).

Dated: December 1, 1976.

L. DANIEL O'NEILL,
Advisory Committee, Management Officer.

[FR Doc.76-35752 Filed 12-2-76;8:45 am]

PENSION BENEFIT GUARANTY CORPORATION

MULTIEMPLOYER PLANS

Invitation for Comments

Effective January 1, 1978, Title IV of the Employee Retirement Security Act of 1974 (the "Act"), 29 U.S.C. 1301 et seq., will apply to all multiemployer plans (as defined in section 4001(a)(3) of the Act, 29 U.S.C. 1301(a)(3)) that are covered under Title IV of the Act pursuant to the provisions of section 4021 of the Act, 29 U.S.C. 1321.

To assist the Pension Benefit Guaranty Corporation (the "PBGC") in developing appropriate policies and procedures the PBGC invites suggestions and comments on the prospective mandatory application of Title IV of the Act to multiemployer defined-benefit pension plans. Without limiting the matters on which suggestions are invited, comments are especialy requested in the following areas:

1. The implications, for employers and for multiemployer plans, of the provisions of Title IV of the Act regarding substantial employers, as that term is defined in section 4001(a)(2) of the Act, 29 U.S.C. 1301(a)(2);

2. The potential impact on employers and on multiemployer plans of the escrow/bonding requirements imposed by section 4063 of the Act, 29 U.S.C. 1363, upon substantial employers who withdrew from a multiemployer plan;

3. Bases that the PBGC should consider for determining and allocating employer liability under sections 4063 and 4064 of the Act, 29 U.S.C. 1363, 1364, as alternatives to establishing each employer's liability based on that employer's pro rata share of contributions during the preceding five years;

4. The impact of the application of Title IV of the Act on collectively-bargained multiple-employer plans as distinguished from "multiemployer plans" within the meaning of section 4001(a)(3) of the Act, 29 U.S.C. 1301(a)(3);

5. The potential impact on employers and on multiemployer plans of the regulation of multiemployer plan mergers, consolidations or transfers of assets or liabilities, pursuant to § 203 of the Act, 29 U.S.C. section 1058 and section 414 (1) of the Internal Revenue Code of 1954;

6. Any special procedures or approaches that might be used by the PBGC in administering Title IV of the Act as it applies to multiemployer plans, and any factual or statistical material that might assist PBGC as it considers administrative alternatives.

Written comments from all interested persons are invited. Comments should be submitted no later than March 15, 1977 to the Office of the General Counsel, Pension Benefit Guaranty Corporation, Suite 7200, 2020 K Street, NW., Washington, D.C. 20006. Comments should include the name and address of the person making the submission, identify this notice, and explain the basis for any recommendations. Copies of written comments will be available for public examination in the PBGC's Office of Communications, Suite 7100, 2020 K Street, NW Washington, D.C. between the hours of 9 a.m. and 4 p.m. on weekdays.

Issued at Washington, D.C. this 30th day of November 1976.

W. J. USERY, Jr.,
Chairman, Board of Directors, Pension Benefit Guaranty Corporation.

[FR Doc.76-35720 Filed 12-2-76;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-13010; File No. SR-PSE-76-33]

PACIFIC STOCK EXCHANGE INC.

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on November 11, 1976 the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

Pacific Stock Exchange Incorporated ("PSE") hereby requests to amend the Definitions Section of the Rules of its Board of Governors by adding Sections 1(q) and 1(r) as follows:

(q) *"Local security" shall mean a security admitted to dealings on the Ex-*

change which is not also admitted to dealings on either the New York or American Stock Exchanges.

(r) "Dually traded security" shall mean a security admitted to dealings on the Exchange which is also admitted to dealings on either the New York or American Stock Exchanges.

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

The purpose of the proposed rule change is to define two terms used in Rule II and Rule III of the Rules of the Board of Governors of the PSE which were previously defined in Rule XIII of the PSE but were deleted from that Rule when it was amended pursuant to a filing on Form 19b–4A, File No. SR–PSE–76–10.

The proposed rule change, by defining terms presently used in the Rules of the PSE, but which are now undefined, contributes to the ability of the PSE to enforce compliance by its members with its Rules.

Comments have neither been solicited nor received from members on the proposed rule change.

The proposed rule change imposes no burden upon competition.

On or before January 10, 1976, or within such longer period (i) as the Commission may designate up to ninety (90) days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submission will be available for inspection in the Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before December 27, 1976. For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: November 26, 1976.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-35554 Filed 12-2-76;8:45 am]

[Release No. 34–13009; File No. SR–PSE–76–35]

PACIFIC STOCK EXCHANGE INC.

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94–29, 16 (June 4, 1975), notice is hereby given that on November 16, 1976 the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The Pacific Stock Exchange Incorporated ("PSE") hereby requests to amend Rule I (Dealings Upon the Exchange) Sections 4(a) through 4(g) of the Rules of its Board of Governors. Article VIII, Sec. 2(b) of the Constitution of the PSE entitles a member to designate one employee or associate as his Floor Representative to exercise full trading privileges on behalf of such member. The exercise of the privilege shall be subject to such rules and regulations as the Board of Governors shall prescribe respecting Floor Representatives. The Board of Governors has previously adopted sections 4(a) through 4(g) of Rule I which it proposes to amend as follows:

(Brackets indicate deletions; *italics* indicate additions)

RULE I.—DEALINGS UPON THE EXCHANGE

* * * * * *

FLOOR REPRESENTATIVE

SEC. 4(a). *A floor representative is an individual who is registered with the Exchange for the purpose of exercising full trading privileges on the floor of the Exchange on behalf of his member organization to the same extent such member organization is entitled to transact business on the Floor.* [Members may be represented on the Floor by Floor Representatives pursuant to approval of the Floor Governors. Each member shall be entitled to one Floor Representative and shall pay $100 for each application therefor, filed and approved.].

ELIGIBILITY

SEC. 4(b). A Floor Representative shall be a *member or nominee member of the Exchange and shall have at least six months experience on the Floor of the Exchange, unless such experience requirement is waived by the Floor Trading Committee.* [A Floor Representative shall be not less than twenty-one years of age. Applicant shall, (1) file an application for Floor Representative in the form provided; (2) have six months' experience on the trading floor in the employment of a member firm, unless such requirement is specifically waived by the Floor Trading Committee; (3) read the Constitution and Rules of the Exchange; (4) pass a written examination, failing to do so will require a waiting period of 60 days before again taking the examination; (5) be interviewed by the Floor Trading Committee members of applicant's respective Floor.]

[Trading Privileges] *Registration of Floor Representatives*

SEC. 4(c). *An applicant for registration as a Floor Representative shall file an application in writing with the Exchange on such form or forms as the Exchange may prescribe. Applications shall be reviewed by the Floor Trading Committee, which shall consider an applicant's ability as demonstrated by a written examination prescribed by the Exchange, or such other factors as the Floor Trading Committee deems appropriate. After reviewing the application, the Floor Trading Committee shall either approve or disapprove the applicant's registration as a Floor Representative. The registration of any individual as a Floor Representative may be suspended or terminated by the Floor Trading Committee upon a determination that such individual has failed to perform properly as a Floor Representative.* [A member and his Floor Representative shall each be entitled to full trading privileges on one floor at the same time including the use of the voice wires for executing transactions on the other Floor. A member who is generally on one floor during trading sessions is entitled to have a Floor Representative on the other Floor.]

Commentary: [Approval]

01. [Sec. 4(d).] The approval of a Floor Representative is contingent, among other things, [upon] either *upon* spending a majority of his time on the Floor during trading sessions [,] or *upon* acting as a substitute in the absence of [a] some other member who is associated with the same member organization as the Floor Representative, and who is generally on the Floor during trading sessions.

BOARD APPROVAL

SEC. 4(*d*) [e]. No application for a Floor Representative shall be effective until approved by the [Floor] *Board of* Governors.

REPRESENT SINGLE FIRM—EXCEPTION

SEC. 4(e) [g]. A Floor Representative may not represent more than one member organization except in the execution of orders on an agency basis for the account of the member organization represented.

CANCELLATION

SEC. 4(f). An approved application for a Floor Representative shall remain in

force until cancelled in writing by the member *organization* represented and when so cancelled may only be reinstated by filing a new application as provided herein.

EXCHANGE'S STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

The proposed rule change, which is intended to become effective as of the close of business on December 31, 1976, provides that a Floor Representative must be a member or nominee member of the PSE. The purpose of the proposed rule change is to upgrade the quality of market making on the equity floors of the PSE, and to make requirements for such equity trading consistent with those of the PSE's options floor and those on other Exchanges.

The proposed rule change by improving the quality of market making shall add to the protection of investors and of the public interest, and assist the PSE to carry out the purposes of the Act.

Comments have neither been solicited nor received from members on the proposed rule change.

The proposed rule change imposes no burden upon competition.

On or before January 10, 1977, or within such longer period (i) as the Commission may designate up to ninety (90) days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection in the Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before December 27, 1976.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: November 26, 1976.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-35555 Filed 12-2-76;8:45 am]

[Release No. 34-13003, File No. SR-PSE-76-34]

PACIFIC STOCK EXCHANGE INC.

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on November 11, 1976, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

EXCHANGE'S STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

Pacific Stock Exchange Incorporated ("PSE") hereby requests to amend Rule VI, Section 1(a)(6) of the Rules of its Board of Governors as follows:

(*Italics* indicate additions)

(6) Exchange Options Transaction *and Exchange Transaction*—The term "Exchange option transaction" *and the term "Exchange transaction", as used in Sections 7, 21, 28, 77, and line 5 of section 54 of this Rule means a transaction effected on the floor of a national securities exchange which has qualified for participation in Options Clearing Corporation pursuant to the provisions of the By-Laws of Options Clearing Corporation, between members of such exchange or exchanges, for the purchase or sale of an option contract, or for the closing out of a long or short position in an option contract, and as used elsewhere in the Rule* means a transaction effected on the Floor of the Exchange between Exchange members for the purchase or sale of an options contract, or for the closing out of a long or short position in an option contract.

EXCHANGE'S STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

The purpose of the proposed rule change is to clearly delineate that in the context of dual trading some references to "Exchange option transaction" and "Exchange transaction" should apply only to transactions on the PSE while others should apply to transactions on any options exchange.

By adding greater specificity to PSE Rules, the proposed rule change contributes to the ability of PSE to enforce compliance with its Rules and provide for protection of investors and of the public interest.

Comments have neither been solicited nor received from members on the proposed rule change.

The proposed rule change imposes no burden upon competition.

On or before January 10, 1977, or within such longer period (i) as the Commission may designate up to ninety (90) days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submission will be available for inspection in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before January 3, 1976.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

SHIRLEY E. HOLLIS,
Assistant Secretary.

NOVEMBER 24, 1976.

[FR Doc. 76-35556 Filed 12-2-76; 8.45 am]

CINCINNATI STOCK EXCHANGE

Application for Unlisted Trading Privileges and of Opportunity for Hearing

NOVEMBER 18, 1976.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the security of the company as set forth below, which security is listed and registered on one or more other national securities exchanges:

Mobil Corporation (Delaware), $7.50 Par Common, File No. 7-4846.

Upon receipt of a request, on or before December 3, 1976 from any interested person, the Commission will determine whether the application with respect to the company named shall be set down for hearing. Any such request should state briefly the title of the security in which that person is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Wash-

ington, D.C. 20549 not later than the date specified. If no request for a hearing with respect to the particular application is made, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 76-35550 Filed 12-2-76;8:45 am]

MIDWEST STOCK EXCHANGE, INC.

Application for Unlisted Trading Privileges and of Opportunity for Hearing

NOVEMBER 18, 1976.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the security of the company as set forth below, which security is listed and registered on one or more other national securities exchanges:

Mobil Corporation (Delaware), Common Stock, $7.50 par value, File No. 7-4880.

Upon receipt of a request, on or before December 3, 1976 from any interested person, the Commission will determine whether the application with respect to the company named shall be set down for hearing. Any such request should state briefly the title of the security in which that person is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no request for a hearing with respect to the particular application is made, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-35551 Filed 12-2-76;8:45 am]

[SR-NYSE-76-48]

NEW YORK STOCK EXCHANGE, INC.

Order Approving Proposed Rule Change

On September 27, 1976, the New York Stock Exchange, Inc. (the "NYSE"), 11 Wall Street, New York, New York 10005, filed with the Commission, pursuant to Section 19(b) of the Securities Exchange Act of 1934 (the "Act"), as amended by the Securities Acts Amendments of 1975, and Rule 19b-4 thereunder, copies of a proposed rule change to revise age and sponsorship requirements for membership and sponsorship requirements for allied membership.[1]

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 12886 (October 12, 1976)) and by publication in the FEDERAL REGISTER (41 FR 46397 (October 20, 1976)).

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges, and in particular, the requirements of section 6 and the rules and regulations thereunder.[2]

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.76-35552 Filed 12-2-76;8:45 am]

[812-4046]

NUVEEN MUNICIPAL BOND FUND, INC.

Filing of Application Pursuant to Section 6(c) of the Act for an Order Granting Exemption From the Provisions of Section 22(d) of the Act

Notice is hereby given that Nuveen Municipal Bond Fund, Inc. ("Applicant"), 230 West Monroe Street, Chicago, Illinois 60606, an open-end, diversified, management investment company registered under the Investment Company Act of 1940 ("Act") filed an application on October 26, 1976, and an amendment thereto on November 18, 1976, pursuant to section 6(c) of the Act for an order of the Commission exempting Applicant from the provisions of section 22(d) of the Act to the extent specified therein. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant is a corporation organized under the laws of the State of Maryland. It filed with the Commission a registration statement on Form N-8B-1 pursuant to section 8(b) of the Act and a registration statement on Form S-5 under the Securities Act of 1933, as amended, on October 13, 1976. The registration statement on Form S-5 has not yet been declared effective. Thus, applicant has not commenced distribution of its shares.

Applicant's investment objective is providing its shareholders as high a level of current interest income exempt from Federal income tax as is consistent with preservation of capital. All of Applicant's assets will consist of (1) municipal bonds rated at the time of purchase within the four highest grades by Moody's Investors Service (Aaa, Aa, A and Baa) or Standard and Poor's Corporation (AAA, AA, A and BBB); (2) unrated municipal bonds which, in the opinion of Nuveen Advisory Corp., the Applicant's investment adviser, have credit characteristics equivalent to Bonds rated Baa or BBB or better by such services, provided that Applicant may not invest more than 10 percent of its assets in such unrated bonds; (3) certain temporary investments, the interest on which may or may not be exempt from Federal income tax; and (4) cash.

John Nuveen & Co. Incorporated ("Nuveen") will act as principal underwriter of the shares of the common stock of Applicant. Applicant will offer its shares to the public at a price which includes a sales load of 4½ percent of the public offering price for sales of less than $100,000, with lower sales loads for larger transactions, decreasing to 2½ percent of the public offering price for sales of more than $1,000,000. Nuveen will retain all sales charges remaining after the discount it allows to investment dealers. The minimum initial investment in shares of applicant is $1,000, subject to change by the Board of Directors; subsequent investments must be in amounts of $100 or more.

Nuveen Advisory Corp., a wholly owned subsidiary of Nuveen organized in September, 1976, will act as investment adviser to Applicant pursuant to an Investment Management Agreement. Nuveen Advisory Corp. has filed an application for registration with the Commission under the Investment Advisors Act of 1940.

Applicant intends to distribute to its registered shareholders the interest income received by it, net of expenses, on a monthly basis. Realized capital gains, if any, will be distributed annually. The monthly distributions of interest income, net of expenses, and the annual distribution of net realized capital gains, if any, will be credited to the accounts of shareholders in full and fractional shares of Applicant at net asset value on the record-reinvestment date without a sales charge. A shareholder may elect to receive monthly interest income in cash, which election may be changed at any

[1] As set forth by the NYSE in amended Rules 301.24 and 312.20, a sponsor attests to an applicant's character and integrity. That attestation is for the purpose of assisting the NYSE in determining whether a prospective member or allied member has engaged in and is likely to engage again in acts or practices inconsistent with just and equitable principles of trade as required by section 6(c)(3)(A)(ii) of the Act.

[2] The Commission's approval of the revision and amendments to the rules is subject, nevertheless, to its review pursuant to Section 31(b) of the Securities Acts Amendments of 1975. See, e.g., Securities Exchange Act Release No. 12157 (March 2, 1976).

time in the sole discretion of the shareholder. Shares of Applicant may be issued at net asset value in connection with a merger or consolidation with, or acquisition of the assets of, other investment companies or similar companies. Shares may also be sold at net asset value and in any amount to officers or directors of Applicant, to bona fide, full time employees of Nuveen, or to any trust, pension, profit sharing or other benefit plan for such persons. Such shares are sold for investment purposes and on the condition that they will not be resold except through redemption by Applicant.

Nuveen also acts as sponsor and underwriter to Nuveen Tax-Exempt Bond Fund and Nuveen Tax-Exempt Bond Fund-Medium Term ("Trusts"), unit investment trusts which are registered investment companies under the Act. The Trusts' investment objectives are income exempt from Federal income tax and conservation of capital through investments in municipal bonds rated A or better by Moody's Investors Service or Standard and Poor's Corporation and, in the case of Nuveen Tax-Exempt Bond Fund-Medium Term, having maturity dates of not less than 5 nor more than 15 years. The assets of each series of the Trusts consist of municipal bonds (or contracts to purchase such bonds) deposited in the Trust prior to the public offering of units thereof (including certain securities deposited in the Trust in exchange or substitution for any of such bonds upon certain refundings), accrued and undistributed interest on such bonds and undistributed cash realized from the disposition of bonds. The sales load schedule for Nuveen Tax-Exempt Bond Fund-Medium Term decreases from 3½ percent of the public offering price for sales less than $100,000 to 2 percent of the public offering price for sales of more than $1,000,000. The Trusts distribute interest income semi-annually unless certificate holders elect to receive them monthly or quarterly. Other monies received by a Trust are credited to its "principal account" and distributed semi-annually subject to a minimum per unit amount.

Applicant proposes to permit certificate holders of the Trusts to purchase shares of Applicant at net asset value, without a sales charge, by reinvestment of distributions from the Trusts. No initial or subsequent minimum investment would be applicable to such purchases. The proposed reinvestment program would be implemented as follows: A certificate holder of an existing series of the Trusts will receive a current prospectus of Applicant, together with an application form, execution of which results in an election to receive distributions of the Trusts in shares of Applicant. Such election must be accompanied by election to receive distributions from the Trusts on a quarterly, rather than semi-annual or monthly basis. The application form will state that any election to receive Trust distributions in shares of Applicant will be effective until the certificate holder revokes such election by written notice to United States Trust Company of New York, the Trustee of the Trusts. Appropriate disclosure of the foregoing will be made in the application form sent to certificate holders. As to future series of the Trusts, disclosure regarding the reinvestment program will be included in the prospectuses of all future series of the Trusts. Certificate holders of future series of the Trusts will be furnished a current prospectus of Applicant, and an application form for participation in the reinvestment program substantially similar to that sent to certificate holders of existing Trusts. For both outstanding and future series of the Trusts, an election to participate in the reinvestment program will be effective for all distributions of the Trust until revoked in writing to the Trustee of the Trust.

Expenses of offering the reinvestment program to certificate holders of the Trusts will be borne by Nuveen as principal underwriter of Applicant. Once a certificate holder elects to participate in the reinvestment program, his account is handled and the expenses thereof borne in the same manner as the account of any other shareholder of Applicant.

The Board of Directors of Applicant is permitted to establish a minimum total investment for shareholders. Applicant reserves the right to redeem the interest of any shareholder whose investment is less than such minimum upon notice of not less than 30 days to the shareholder. If such minimum total investment is greater than the interest of any shareholder at the time the minimum total investment becomes effective with respect to Applicant, the interest of such shareholder cannot be redeemed without his consent, unless the minimum has been approved by a majority vote of the directors and shareholders of Applicant. Applicant states that no minimum total investment will be established for so long as the reinvestment program continues to be offered to certificate holders of the Trusts. Applicant reserves the right to discontinue the reinvestment program if its termination is deemed in the best interest of Applicant and its shareholders as a whole. If Applicant were to discontinue the reinvestment program and to determine that the number of small shareholder accounts outstanding resulted in unwarranted additional expense to Applicant, then such a minimum total investment might be established. If any such minimum were to be established, a shareholder whose account is less than the minimum would be given 30 days following notice to such shareholder in which to purchase sufficient shares to meet the minimum and thereby avoid automatic redemption. Disclosure of the foregoing will be made in Applicant's prospectus.

Section 22(d) of the Act provides, in pertinent part, that no registered investment company shall sell any redeemable security issued by it except to or through a principal underwriter for distribution or at a current public offering price described in the prospectus, and, if such class of security is being currently offered to the public by or through an underwriter, no principal underwriter of such security and no dealer shall sell any such security to any person, except a dealer, a principal underwriter or the issuer, except at a current public offering price described in the prospectus. Applicant requests an order of exemption from the provisions of Section 22(d) of the Act to permit sale of shares of Applicant at net asset value, without a sales load, to certificate holders of the Trusts who reinvest distributions of the Trusts in shares of Applicant.

In support of its request, Applicant states that the proposed reinvestment program will be beneficial to investors and to Applicant. It states that the largest portion of a sales charge on mutual fund shares is attributable to initial solicitation and ascertaining the financial requirements of investors, so that where the customer has already been solicited and his requirements determined, the sales costs are reduced and the consequent savings should be passed on to investors. Applicant states that the Trusts and its shares are substantially similar investment products and, therefore, certificate holders of the Trusts who desire to reinvest distributions in shares of Applicant have already been solicited with respect to investment in such products. Applicant also states that, at present, there is little or no additional sales cost allocable to the purchase of its shares through reinvestment of distributions from the Trusts by certificate holders. Accordingly, Applicant asserts that such investors, rather than the principal underwriter, should receive the benefit of lower sales costs through reinvestment at net asset value without a sales charge.

Applicant further asserts that it would benefit from the proposed reinvestment program. Applicant states that the plan would increase its asset base and, since its operating expenses will not vary with asset size, would reduce the per share cost of operations borne by its shareholders. Applicant also states that by providing a broad base of investors with ready cash to be invested, the proposed plan would help assure it of a positive cash flow, thus permitting it to meet redemptions without disturbing investments, decrease the assets devoted to cash reserves, and permit the gradual build-up of investment positions.

Section 6(c) of the Act provides, in part, that the Commission may, upon application, conditionally or unconditionally exempt any person, security or transaction, or any class or classes of persons, securities or transactions, from any provision of the Act or of any rule or regulation under the Act, if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given, That any interested person may, not later than December 16, 1976, at 5:30 p.m. submit to the Commission in writing a request for a hearing on the application accom-

panied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit, or in the case of an attorney-at-law, by certification) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing, upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission by the Division of Investment Management, pursuant to delegated authority.

SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.76-35553 Filed 12-2-76;8:45 am]

[Release No. 34-13017]

SEC DIGEST PUBLICATION

Monthly Publication of a List of Significant Letters by the Division of Market Regulation and the Division of Investment Management

On March 17, 1976, the Commission published Securities Act Release No. 5691 [41 FR 13682 (March 31, 1976)], announcing that the Division of Corporation Finance would publish, on a monthly basis, a list of significant letters issued by the staff of that Division. These letters are typically "no-action" letters in which private persons receive from the staff an indication of its enforcement recommendation to the Commission should a proposed transaction be consummated as contemplated, or letters providing staff interpretations of the statutes or rules administered by the Commission.[1]

Recognizing that the positions taken in these letters assist the public in complying with the statutes and rules administered by this Commission, and in consideration of the voluminous amount of letters annually issued, the Commission has authorized the monthly publication in the SEC Digest of a list of letters expressing certain views of the Division of Market Regulation or the Division of Investment Management with respect to novel or important questions arising, respectively, under the Securities Exchange Act of 1934 [15 U.S.C. 78a et seq.], the Securities Act of 1933, [15 U.S.C. 77a et seq.], the Investment Company Act of 1940 [15 U.S.C. 80a–1 et seq.] or the Investment Advisers Act of 1940 [15 U.S.C. 80b–1 et seq.] answered by way of these administrative procedures. The list will state the name of the subject company, the date the letter is issued, and the respective section or sections of the Securities Act of 1933, Securities Exchange Act of 1934, the Investment Company Act of 1940, or the Investment Advisers Act of 1940, and the respective rules thereunder, to which the letter relates.

Copies of such letters may be obtained by writing to the Public Reference Section, Securities and Exchange Commission, Washington, D.C. 20549 or by telephone at (202) 523–5506. The request should state the name of the subject company, the letter's public availability date (30 days after the date of the staff's response) and the respective section or sections of the Securities Act of 1933, Securities Exchange Act of 1934, Investment Company Act of 1940 or the Investment Advisers Act of 1940, and the respective rules thereunder, to which the letter relates. Copies cost 15 cents per page. Alternatively, such request may be made in person at the Commission's Public Reference Section, 1100 "L" Street, Room 6101, Washington, D.C. at a cost of 12 cents per page.

It should be emphasized that the no-action and interpretative letter process is merely an informal mechanism by which private persons and their counsel may seek either an indication of the staff's enforcement attitude toward a particular transaction prior to its consummation, or an interpretive view from staff members familiar with the federal securities laws. The Commission is not bound by these staff responses nor do the staff respone purport to be an official expression of Commission views. The staff responses to letters are not rulings of the Commission or its staff on questions of law or fact and are not dispositive of the legal issues raised as to the applicability of the federal securities laws to a given transaction. Further, such letters are not intended to affect the rights of private persons.

By the Commission.

Dated: NOVEMBER 29, 1976.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-35667 Filed 12-2-76;8:45 am]

[1] The policy of permitting an informal staff advisory procedure to members of the public dealing with the Commission is codified at 17 CFR 202.1(d). Since December, 1970, the Commission has made no-action and interpretative letters publicly available, *see* Securities Exchange Act Release No. 9006 (October 29, 1970) [35 FR 17779 (November 19, 1970), amending 17 CFR 200.81].

SMALL BUSINESS ADMINISTRATION

[License No. 10/13-0007]

ENDEAVOUR CAPITAL CORP.

Filing of Application for Transfer of Control and Ownership of Licensed Small Business Investment Company

Notice is hereby given that an application has been filed with the Small Business Administration (SBA) pursuant to § 107.701 of the Regulations governing small business investment companies (13 CFR 107.701 (1976)) for the transfer of control and ownership of Endeavour Capital Corporation (Endeavour), 3000 Sand Hill Road, Menlo Park, California 94025, a Federal licensee under the Small Business Investment Act of 1958, as amended (Act).

Endeavour was licensed on February 14, 1961. Its present combined paid-in capital and paid-in surplus (private capital) is $625,032. The proposed transfer of control and ownership is subject to and contingent upon approval by SBA.

All of the outstanding common stock of Endeavour is presently owned by Menlo Financial Corporation (Menlo), a privately held combined asset management and professional service organization company. Menlo's ownership of outstanding common stock will be reduced to around 25 percent by sale of some of its present stock and the issuance and sale of new common stock. The sale of additional shares, which will include other classes of non-voting stock, will increase Endeavour's private capital from $625,032 to approximately $5,000,000. Prospective ten or more percent owners of the voting securities (besides Menlo) are:

Bristol-Myers Company, 345 Park Avenue, New York, N.Y. 10022. Publicly-held manufacturer of pharmaceuticals, toiletries and consumer products.

Rainier National Bank, 1100 Second Avenue, Seattle, Washington 98124. Publicly-held bank.

Sofinex, 55, Champs-Elysees, Paris, I, France. Publicly-held investment company whose largest shareholder is Credit Lyonnais.

Time Incorporated, 1271 Avenue of the Americas, New York, N.Y. 10020. Publicly-held publishing company.

After the transfer in control and ownership the name of the licensee will be changed to California Northwest Fund, Inc.

The proposed officers and directors are:

Mr. Kirk L. Knight, President, Director, Menlo, 120 Sand Hill Circle, Menlo Park, California 94025.

Mr. Glenn M. Mueller, Vice President, Secretary, Director, Menlo, 1324 Dana Avenue, Palo Alto, California 94301.

Mr. Ken E. Joy, Treasurer, Menlo, 10208 Brittany Court, Cupertino, California 95014.

Mr. H. DuBose Montgomery, Jr., Assistant Vice President, Menlo, 40 Tulip Court, Hillsborough, California 94010.

Dr. William E. Ayer, Director, Menlo, 12953 West Sunset Drive, Los Altos Hills, California 94022.
Mr. Charles M. Blalack, Director, Menlo, 480 South Orange Grove, No. 17, Pasadena, California 91105.
Mr. Bruce P. Bickner, Director, Dekalb Ag Research, Inc., Rural Route One, Deer Path Road, Sycamore, Illinois 60179.
Mr. James C. Pierce, Director, Rainier National Bank, 2015 14th Avenue East, Seattle, Washington 98112.
Mr. Jean D. Sliwka, Director, Sofinex, 923 5th Avenue, New York, New York 10021.
Dr. Yung Wong, Director, Time Incorporated, 7 Dogwood Lane, Irvington, New York 10533.

Matters involved in SBA's consideration of the application include the general business reputation and character of the new owners and the probability of successful operation of Endeavour under the new control and ownership arrangement (including adequate profitability and financial soundness) in accordance with the Act and Regulations.

Notice is hereby given that any interested person may, on or before December 20, 1976, submit to SBA, in writing, any relevant comments on the transfer of control and ownership. Any such comments should be addressed to the Deputy Associate Administrator for Investment, 1441, L Street, NW., Washington, D.C. 20416.

A copy of this Notice shall be published by the transferee in a newspaper of general circulation in San Francisco, California. (Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies.)

Dated: November 29, 1976.

PETER F. MCNEISH,
Deputy Associate Administrator for Investment.

[FR Doc.76-35570 Filed 12-2-76;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

CONSOLIDATED RAIL CORPORATION ET AL.

Petitions for Waiver of Railroad Operating Rules

Pursuant to 45 U.S.C. 431(c), notice is hereby given that seven railroads have submitted waiver petitions to the Federal Railroad Administration (FRA). Each of the petitions requests that the railroad be granted a permanent waiver of compliance with certain standards contained in the Railroad Operating Rules 49 CFR Part 218).

Initial Railroad Operating Rules were issued by FRA on March 15, 1976 (41 FR 10904) and became effective on June 1, 1976. This safety regulation requires railroads to take certain protective measures to assure the safety of railroad employees engaged in the inspection, testing, repair and servicing of locomotives and other rolling equipment.

Each of the railroads submitting a petition has indicated that it can demonstrate an equal or superior degree of safety as that sought by this regulation. The individual railroads are identified below together with a brief description of the specific facts involved in the requested exemption.

Interested persons are invited to participate in these proceedings by submitting written data, views, or comments. FRA does not anticipate scheduling an opportunity for oral comment on these petitions since the facts do not appear to warrant it. An opportunity to present oral comments will be provided however, if requested by any interested person prior to December 15, 1976. All communications concerning these petitions must identify the appropriate Docket Number (eg. FRA Waiver Petition Docket Number RSOR-76-3) and should be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590. Communications received before December 30, 1976, will be considered by the Federal Railroad Administration before final action is taken. Comments received after that date will be considered so far as practicable. Detailed information concerning each petition is on file with the Federal Railroad Administration and is available for examination by interested persons. All comments received will also be on file, both before and after the closing date for communications, and will be available for examination during regular business hours in Room 5101, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590.

CONSOLIDATED RAIL CORPORATION (CONRAIL)

[Waiver Petition Docket RSOR-76-3]

ConRail seeks a waiver of compliance with the provision of the regulation that requires the display of a blue signal when workmen are performing servicing functions on passenger cars operated in the New York City area. The servicing functions involved in this waiver request include light interior and light exterior cleaning, activation of air conditioning equipment, replenishment of water supplies related to sanitary equipment and the interior repair of the passenger compartments for minor electrical or carpentry deficiencies. The waiver requested by ConRail would be applicable to all initial passenger terminals in ConRail's Metropolitan region which includes facilities such as the coach yards at Harmon and North White Plains in New York State, Stamford and New Haven in the State of Connecticut as well as the station tracks at Grand Central Station in New York City. ConRail states that historically this type of servicing work had not been afforded blue signal protection and that the nature of the work is such that the risk of injury to workmen, in the event of sudden movement of the cars, is minimal. ConRail seeks a permanent waiver of compliance with the provisions of § 218.25 for the described activities and locations.

WASHINGTON TERMINAL COMPANY (WTC)

[Waiver Petition Docket RSOR-76-4]

WTC seeks a waiver of compliance with the provision of the regulation that requires the display of a blue signal when workmen are performing servicing functions on passenger cars at the depot and coach yard in Washington, D.C. The requested waiver would be applicable to all servicing, inspection and minor repair work performed by workmen at these two locations. However, the waiver would not apply to the passenger car repair shops in the Ivy City coach yard facility. WTC states that its operating rules and practices require all switching movements to be stopped five feet prior to coupling and that yard crews must then warn any employee working on or about the equipment before any car is coupled or moved. WTC contends that this protection is equal to the level of protection sought by the regulation. WTC seeks a permanent waiver of compliance with § 218.25 for the described activities and locations.

BELT RAILWAY OF CHICAGO (BRC)

[Waiver Petition Docket RSOR-76-6]

BRC seeks a permanent waiver of compliance with the provisions of the regulation for the humpyard classification tracks located within a facility known as "Clearing Yard" situated in the city of Chicago, Illinois. The requested waiver seeks relief from the provisions of the regulation which require the display of blue signals near manually operated switches and the maintenance of records by operators of remotely controlled switches. BRC contends that its own operating rules and practices, which contain specific detailed provisions for operating this particular facility provide an equal degree of protection to that sought by the regulation. BRC notes that the workmen who are performing tasks, which would require the use of blue signal protection, are always teamed with a radio equipped trainman. These trainmen are in direct communication with the locomotive and can act to preclude the movement of the equipment if such movement would endanger the workmen. BRC, therefore, seeks a permanent waiver of compliance with the provisions of §§ 218.27 and 218.29 at this single location.

SOUTHERN RAILWAY SYSTEM (SOUTHERN)

[Waiver Petition Docket RSOR-76-7]

Southern seeks a waiver of compliance with the provision of the regulation that requires the display of a blue signal when workmen are performing servicing functions on passenger locomotives at Meridian Yard in Meridian, Mississippi. The limited waiver sought by Southern would permit the fueling and watering of passenger train locomotives while the passenger train is coupled to the locomotives and the equipment is occupying the main track just beyond the passenger station at Meridian. Southern states that the only servicing involved is the replenish-

ment of fuel and water which is accomplished while the trains are under the control of the train crew. Southern notes that protection is afforded to the workmen by a signal system which governs movements on the affected track as well as by certain provisions of the carrier's operating rules. A permanent waiver of compliance from the provisions of § 218.25 is requested.

ARCATA AND MAD RIVER RAILROAD COMPANY (A&MR)

[Waiver Petition Docket RSOR-76-8]

A&MR seeks a waiver of compliance with the provision of the regulation that requires the display of a blue signal when workmen are performing servicing or repair work on rolling equipment. This railroad has only a very limited number of employees and the carrier's equipment supervisor and helper are part of the only train crew employed by the railroad. The railroad, which operates between Korbel and Korblex, California, is only seven miles in length. Given the multiple functions performed by the same small group of employees the A&MR indicates that it does not have an operating environment which presents the type of hazards sought to be addressed by the regulation. A&MR, therefore, seeks a permanent waiver of compliance with the provisions of § 218.25 on the entire railroad.

CHICAGO AND NORTHWESTERN RAILROAD (CNW)

[Waiver Petition Docket RSOR-76-9]

CNW seeks a waiver of compliance with the provision of the regulation that requires the display of a blue signal when workmen are performing servicing functions on passenger cars in Chicago, Illinois. The servicing functions involved in this waiver request include minor interior repair of empty passenger cars to correct deficiencies such malfunctioning lighting or door mechanisms as well as cleaning of the equipment. CNW also requests that the waiver apply to the servicing needed when coupling or uncoupling air hoses and power cables on these passenger cars. The waiver would apply only to passenger car servicing operations at the California Avenue Coach Yard and at the Chicago Passenger Terminal. CNW urges that its own operating rules contain specific provisions for these operations which provide an equivalent degree of protection for the workmen. A permanent waiver of compliance with the provisions of § 218.25 for the described activities and locations is sought by CNW.

CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD COMPANY (MILWAUKEE)

[Waiver Petition Docket RSOR-76-10]

Milwaukee seeks a waiver of compliance with the provision of the regulation that requires the display of a blue signal when workmen are performing repair functions at its car maintenance facility at Bensonville, Illinois. The facility is equipped with mechanical car pullers to position cars within the facility. Milwaukee states that electrically locked switches and derails provide protection for the workmen from inadvertant movement of equipment. Controls for the protective devices and warning lights are located on a panel inside the facility and are under the direct control of a supervisor who is responsible for their safe operation. Milwaukee indicates that these safety features provide at least an equivalent degree of safety to that sought to be obtained by the regulation and, therefore, seeks a permanent waiver of compliance with the provisions of § 218.25 for this facility.

In evaluating these waiver petitions FRA will consider any public comments received in relation to each proceeding. Furthermore, FRA will conduct an investigation to ascertain the effect of granting the requested exemption.

In the proceedings involving ConRail and Washington Terminal Company, FRA has already conducted an initial investigation. On the basis of that investigation both carriers have been permitted to delay full compliance with the provision of the regulation for which the waiver is being sought until FRA can make a final determination on whether to grant the requested exemption.

(Sec. 202, 84 Stat. 971, 45 U.S.C. 431; sec. 1.49(n) of the regulations of the Office of the Secretary of Transportation, 49 CFR 1.49(n))

Issued in Washington, D.C., November 26, 1976.

DONALD W. BENNETT,
Chairman,
Railroad Safety Board.

[FR Doc.76-35742 Filed 12-2-76;8:45 am]

[FRA Waiver Petition No. HS-76-11]

MERIDIAN & BIGBEE RAILROAD CO.

Petition for Exemption From the Hours of Service Act

The Meridian & Bigbee Railroad Company has petitioned the Federal Railroad Administration pursuant to 45 U.S.C. 64a(e) for an exemption, with respect to certain employees, from the Hours to Service Act, as amended, 45 U.S.C. 61-64(b).

Interested persons are invitew to participate in this proceeding by submitting written data, views, or comments. Communications should be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Attention: FRA Waiver Petition No. HS-76-11, Room 5101, 400 Seventh Street, S.W., Washington, D.C. 20590. Communications received before December 28, 1976, will be considered before final action is taken on this petition. All comments received will be available for examination by interested persons during business hours in Room 5101, Nasif Building, 400 Seventh Street, S.W., Washington, D.C. 20590.

Issued in Washington, D.C. on November, 26, 1976.

DONALD W. BENNETT,
Chairman, Railroad Safety Board.

[FR Doc.76-35741 Filed 12-2-76;8:45 am]

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

FIREARMS

Granting of Relief

Notice is hereby given that pursuant to 18 U.S.C. section 925(c) the following named persons have been granted relief from disabilities imposed by Federal laws with respect to acquisition, transfer, receipt, shipment or possession of firearms incurred by reason of their convictions of crimes punishable by imprisonment for a term exceeding one year.

It has been established to my satisfaction that the circumstances regarding the convictions of each applicant's record and reputation are such that the applicants will not be likely to act in a manner dangerous to public safety, and that the granting of the relief will not be dangerous to the public interest.

Bachman, Gary G., RR No. 1, Armstrong, Iowa, convicted on or about April 24, 1972, in the Wright County District Court, Iowa.

Berryhill, Norris L., Western Mobile Home Park, Lot 16, 2540 Mustang Drive, Liberal, Kansas, convicted on December 5, 1973, in the United States District Court, Western District of Arkansas.

Brandes, Rex R., RR No. 2, Box 30-A, Boscobel, Wisconsin, convicted on November 12, 1973, in the Circuit Court, Grant County, Lancaster, Wisconsin.

Cruz, Toribio, Jr., 2508 Sun Tides Blvd., Yakima, Washington, convicted on December 8, 1959, in the Yakima County Superior Court, Yakima, Washington.

Cunningham, Michael J., 1611 Elmcrest Drive, Reno, Nevada, convicted on or about April 8, 1971, in the Second Judicial District Court, County of Washoe, Reno, Nevada.

Dobbins, Betty Jean, 311 Knight Robin Drive, San Antonio, Texas, convicted on January 23, 1973, in the United States District Court, San Antonio, Texas.

Froehlich, Fred, 3408 Scarlet Place, Anchorage, Arkansas, convicted on February 28, 1973, in the District Court, Second Judicial District, County of Denver, Denver, Colorado.

Harper, Lonnie P., 205 N. 10th Street, Selah, Washington, convicted on October 9, 1969, in the Yakima County Superior Court, Washington.

Hutchison, Lawrence H., 600 Whispering Hills Drive, Apt. I-10, Nashville, Tennessee, convicted on November 24, 1975, in the United States District Court, Western District, Wisconsin.

Jenson, Duane S., 10702 South, 2378 East Dimple Dell Drive, Sandy, Utah, convicted on September 2, 1975, in the United States District Court, Central District of California.

Johnson, William A., 4528 Royal Avenue, Jacksonville, Florida, convicted on December 8, 1955, in the Criminal Court of Record, Duval County, Florida.

Kelly, John V., Jr., 3208 West Wadley, Midland, Texas, convicted on November 19, 1973, in the United States District Court, Western District, Texas.

King, Harry A., 4614 Van Cleave Street, Indianapolis, Indiana, convicted on December 14, 1967, in the United States District Court, Southern District of Indiana, Indianapolis.

Leach, Dennis L., RR No. 1, Box 103, Cutler, Indiana, convicted on July 17, 1961, in the Juvenile Court, Frankfort, Indiana.

Leach, Robert A., 7430 Alto Caro, Dallas, Texas, convicted on October 7, 1974, in the Division 15, Circuit Court, County of St. Louis, Missouri.

Lee, Daniel L., 1427 Loudon Avenue, NW., Roanoke, Virginia, convicted on February 10, 1964, in the Hustings Court, Roanoke, Virginia.

McCulley, Edward D., 5187 Wayfarer Circle No. 3, Memphis, Tennessee, convicted on August 8, 1975, in the United States District Court, Western District, Tennessee.

Malley, Joe D., 8750 Overhill, Beaumont, Texas, convicted on May 3, 1974, in the Criminal District Court of Jefferson County, Texas.

Maniscalli, Samuel L., 17 Wexford Green, RR / No. 2, Collinsville, Illinois, convicted on March 19, 1956, in the Criminal Court of Shelby County, Tennessee.

Martin, Thomas L., 6200 Pasedina Street, St. Louis, Missouri, convicted on September 27, 1971, in the Circuit Court, Warren County, Missouri.

Moore, Gary L., 10237 2nd South, Seattle, Washintgon, convicted on December 17, 1970, in the Superior Court, Benton County, Washington.

Peters, George J., 404 North Cowen Street, Garrett, Indiana, convicted on January 29, 1958, in the Court of Common Pleas of Fulton County, Ohio.

Pogue, Russell S., 320 S. Arthur, Spokane, Washington, convicted on or about October 12, 1971, in the Circuit Court of Arlington County, Virginia.

Rapier, Grady V., III, Drawer A, Hempstead, Texas, convicted on October 13, 1969, in the Criminal Court #2 of Walworth County, Wisconsin.

Rice, Ray M., 823 17th Street, Des Moines, Iowa, convicted on May 14, 1970, in the Criminal Court, Hamilton County, Tennessee.

Salings, Randall T., Greenwood Estates, Lot #23, Bowling Green, Kentucky, convicted on December 4, 1972, in the Warren Circuit Court, Bowling Green, Kentucky.

Skoklo, Theodore A., 1026 Madison Avenue, Madison, Illinois, convicted on February 20, 1969, in the United States District Court, Southern District of Illinois, Southern Division, Springfield, Illinois.

Smith, David W., 834 Hailsham Place, Newport News, Virginia, convicted on October 19, 1971, in the Circuit Court of York County, Virgiina; and on December 10, 1971, in the Circuit Court of the City of Newport News, Virginia.

Stafford, Walter J., 120 Cranberry Beach, Pontiac, Michigan, convicted on July 29, 1971, in the United States District Court, Eastern District of Michigan.

Szulczewski, John R., P.O. Box 750, Jackson, Wyoming, convicted on February 2, 1968, in the Superior Court of California, Riverside County, California.

Taber, Charles R., 422 Covert Avenue, Evansville, Indiana, convicted on December 15, 1972, in the United States District Court, Southern District of Indiana.

Tealey, Steven C., RR No. 3, Chippewa Falls, Wisconsin, convicted on December 18, 1972, in the County Court, Barron County, Wisconsin.

Tormos, Louis, 920 Olmstead Avenue, Bronx, New York, convicted on or about April 18, 1958, in the County Court for Bronx County, New York.

Vierling, Michael E., 621 West Third Street, Seymour, Indiana, convicted on February 6, 1967, in the Jackson County Circuit Court, Indiana.

Waters, David L., W. 327 Sinto, Spokane, Washington, convicted on March 26, 1971, in the Superior Court, Spokane County, Washington.

Wegemer, Dave G., 156 Queens Road, St. Marys, Pennsylvania, convicted on October 22, 1969, in the Court of Common Pleas, 59th Judicial District, Pennsylvania.

Woof, David W., 204 Jackson Street, Black River Falls, Wisconsin, convicted on May 13, 1971, in the Circuit Court, Jackson County, Wisconsin.

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

REX D. DAVIS,
Director, Bureau of Alcohol, Tobacco and Firearms.

[FR Doc.76-35717 Filed 12-2-76;8:45 am]

Office of the Secretary

[Legal Division Order No. 4 (Revised)]

ASSISTANT GENERAL COUNSEL AND CHIEF COUNSEL, INTERNAL REVENUE SERVICE

Delegation of Authority

Under the authority of 26 U.S.C. 7801 and Treasury Department Order No. 190 (Revised), and the authority vested in me as General Counsel of the Treasury, I hereby redelegate to the Chief Counsel for the Internal Revenue Service, subject to my review as occasion may require, the authority set out below:

1. To be the legal advisor to the Commissioner of Internal Revenue and his officers and employees. In performing his assigned functions, the Chief Counsel shall consult with and assist the Commissioner of Internal Revenue with a view to furthering the policies and programs of the Treasury Department and the Internal Revenue Service. Also, where appropriate, the Chief Counsel will furnish assistance to the Office of the Secretary. It is understood that any legal matter involving Treasury policy about which the Commissioner disagrees with the advice given him by the Chief Counsel will be submitted by the Commissioner to the Secretary or the Deputy Secretary for resolution.

2. To furnish legal opinions, and to assist the Commissioner in the preparation and review of rulings, closing agreements, memorandums of technical advice, and revenue rulings and procedures and other proposed publications or releases, with respect to laws affecting the Internal Revenue Service.

3. To prepare, review, or assist in the preparation of proposed legislation, treaties, regulations, and Executive Orders relating to laws affecting the Internal Revenue Service.

4. To represent the Commissioner of Internal Revenue in cases pending in the Tax Court of the United States as prescribed in section 7452 of the Internal Revenue Code of 1954, and in such cases to exercise the function of decision whether and in what manner to defend, or to prosecute a claim, or to settle, or to abandon a claim or defense therein, subject to Chief Counsel Order 1958-5 (Commissioner Delegation Order No. 60); to acknowledge in the name of the Commissioner the receipt of Tax Court subpoenas served upon the Commissioner of Internal Revenue; to determine whether, and the extent to which, officers and employees of the Internal Revenue Service shall be permitted to disclose Internal Revenue records and information in response to a subpoena or other order of the Tax Court; to determine whether to acquiesce in the decisions of said Court; to file petitions for review of Tax Court decisions; and to enter into written stipulations of venue for review of Tax Court decisions by a United States Court of Appeals.

5. To determine what civil actions should be brought in the courts under the laws affecting the Internal Revenue Service and to prepare recommendations to the Department of Justice for the commencement of such actions and to authorize or sanction the commencement of such actions.

6. To determine whether referred income and wagering tax cases should be prosecuted in the criminal courts, to make appropriate recommendations to the Department of Justice in the prosecution of such cases and to make a like determination and recommendation on any other case referred to the Chief Counsel by the Commisioner of Internal Revenue.

7. To determine how actions brought in the courts against the United States or officers or employees thereof should be conducted and to make recommendations to the Department of Justice with respect thereto.

8. To determine which court decisions should be appealed or further reviewed and to make recommendations to the Department of Justice with respect thereto.

9. To cooperate with and, at the request of the Department of Justice or of United States Attorneys, to assist in conducting litigation in the courts, both civil and criminal, and in preparing briefs and arguments with respect thereto.

10. To accept or reject, in my name, railroad reorganization plans, corporate reorganization plans, and real property arrangements (sections 77(e), 199, and 455 of the Bankruptcy Act), in cases wherein the claims of the United States consist solely of Internal Revenue taxes.

11. To review all cases within the provisions of section 6405 of the Internal Revenue Code of 1954 and to prepare and sign the reports required by that section to be submitted to the Joint Committee on Internal Revenue Taxation.

12. To perform the functions prescribed for the General Counsel by section 7122 of the Internal Revenue Code of 1954 and by section 3469 of the Revised Statutes (31 U.S.C. 194), with respect to compromise matters arising in the administration of the Internal Revenue laws.

13. To supervise and evaluate the work of all officers and employees in the Office of the Chief Counsel, and to take the necessary action in all personnel matters pertaining thereto, including those for the appointment, classification, promotion, demotion, reassignment, transfer or separation of such officers and employees, with the exceptions of appointments of attorneys above GS-11, and of promotions, demotions or separations of attorneys above GS-14.

14. To be responsible to me for the establishment and maintenance of appropriate standards of practice and for the professional competence, recruitment and evaluation of the work of the employees of his office.

15. Subject to my approval, to establish in the Office of the Chief Counsel such divisions and subdivisions as he may deem advisable and to designate the titles and duties of officers and employees in the Office, except that my approval shall not be required to designate the titles and duties of such officers and employees below the grade GS–16 level.

16. To redelegate any of the authority delegated in this Order to any officer or employee in the Office of the Chief Counsel, and to authorize further redelegation of such authority.

17. To receive service of any subpoena, summons, or other judicial process directed to an officer or employee of the Treasury Department in his official capacity in any litigation.

18. To originally classify national security information or material as CONFIDENTIAL and to downgrade and declassify such information or material and to classify official information under the legends LIMITED OFFICIAL USE or OFFICIAL USE ONLY or under existing legends recognized by that Order and to declassify such information.

19. To administer the oath of office required by 5 U.S.C. 3331 or any other oath required by law in connection with employment in the Federal service, and to redelegate this authority to any officer or employee in the Office of Chief Counsel, Internal Revenue Service.

20. To approve carry-over of annual leave in accordance with the requirements of Public Law 93–181, 5 U.S.C. 6304 (d), and to redelegate this authority to his next subordinate management official at headquarters and to the Regional Counsel.

21. To approve requests by attorneys under his jurisdiction to engage in outside employment, the performance of legal or related services, teaching on a part-time basis or similar activity covered by, and not prohibited by, Legal Division Directive No. 6.

Effective Date: November 26, 1976.

RICHARD R. ALBRECHT,
General Counsel.

[FR Doc.76–35661 Filed 12–2–76;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 203]

ASSIGNMENT OF HEARINGS

NOVEMBER 30, 1976.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 12942 (Sub 3), Metric Teen Tours, Inc. now assigned January 10, 1977 at New York, New York is postponed until March 14, 1977 (1 week) at New York, New York in a hearing room to be later designated.

MC 51146 (Sub 470), Schneider Transport, Inc. now being assigned February 14, 1977 (1 week) at Chicago, Illinois in a hearing room to be later designated.

MC 140829 (Sub 11), Cargo Contract Carrier Corp. now being assigned February 10, 1977 (2 days) at Chicago, Illinois in a hearing room to be later designated.

MC 113855 (Sub 351), International Transport, Inc. now being assigned February 8, 1977 (2 days) at Chicago, Illinois in a hearing room to be later designated.

MC 141701, D & P Trucking, Inc., now assigned December 6, 1976 at New York, N.Y., hearing canceled.

MC 19227 (Sub-No. 227), Leonard Bros. Trucking Co., Inc., MC 109397 (Sub-No. 330), Tri-State Motor Transit Co., MC 112304 (Sub-No. 108), Ace Doran Hauling & Rigging Co. and MC 125433 (Sub-No. 89), F-B-Truck Line Company, now assigned December 13, 1976, at Washington, D.C. is postponed indefinitely.

MC 9859 (Sub-No. 3), Kane Transfer Company, now assigned December 14, 1976 at Salisbury, Maryland, has been postponed indefinitely.

MC 124939 (Sub-No. 8), Food Haul, Inc., now assigned February 3, 1977 at Washington, D.C., is canceled and the application is dismissed.

MC 2229 (Sub-No. 192), Red Ball Motor Freight, Inc., now assigned December 6, 1976 at Atlanta, Georgia is postponed indefinitely.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76–35690 Filed 12–2–76;8:45 am]

[Notice No. 160]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

NOVEMBER 25, 1976.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 41406 (Sub-No. 56TA), filed November 19, 1976.

Applicant: ARTIM TRANSPORTATION SYSTEM, INC., P.O. Box 2176, 7105 Kennedy Ave., Hammond, Ind. 46323. Applicant's representative: Alki E. Scopelitis, 815 Merchants Bank Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron pipe, hydrants, valves, fittings, couplings, and castings and materials and supplies* used in the installation thereof, from the plantsite and warehouse facilities of Clow Corporation, at or near Coshocton, Ohio, to points in Minnesota and Wisconsin, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Clow Corporation, 1211 W. 22nd St., Pak Brook, Ill. Send Protests to: J. H. Gray, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 343 W. Wayne St., Fort Wayne, Ind. 46802.

No. MC 107515 (Sub-No 1039TA), filed November 19, 1976. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, 3901 Jonesboro Road, S.E., Forest Park, Ga. 30050. Applicant's representative: Alan E. Serby, 3379 Peachtree Road, N.E., Suite 375, Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *such commodities* as are used by meat packers, in the conduct of their business when destined to and for use by meat packers, in vehicles equipped with mechanical refrigeration (except commodities in bulk), from Loganville, Ga., to points in Wisconsin, Iowa, Minnesota and Nebraska, for 180 days. Supporting shipper: Atlanta Southern Corporation, 7200 Washington St., Covington, Ga. 30209. Send protests to: Sara K. Davis, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, 1252 W. Peachtree St., N.W., Room 546, Atlanta, Ga. 30309.

No. MC 110525 (Sub-No. 1173TA), filed November 19, 1976. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 E. Lancaster Ave., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same address as applicant). Authority sought to operate as a *common carrier*, by

motor vehicle, over irregular routes, transporting: *Titanium dioxide,* in bulk, in tank vehicles, from Savannah, Ga., to Moss Point, Miss., for 180 days. Supporting shipper: American Cyanamid Company, Bound Brook, N.J. 08805. Send protests to: Monica A. Blodgett, Transportation Assistant, Interstate Commerce Commission, 600 Arch St., Room 3238, Philadelphia, Pa. 19106.

No. MC 110525 (Sub-No. 1174TA), filed November 19, 1976. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 E. Lancaster Ave., P.O. Box 200, Downingtown, Pa. 19050. Applicant's representative: Thomas J. O'Brien (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Wood preserving liquid,* in bulk, in tank vehicles, from Memphis, Tenn., to points in Texas, Kentucky, West Virginia, Alabama, Georgia, South Carolina, Maryland, Michigan, Florida, Iowa, Mississippi, North Carolina, Pennsylvania and to ports of entry on the International Boundary Line between the United States and Canada located on the Pigeon River, Minn., for furtherance in foreign commerce, for 180 days. Supporting shipper: Commercial Chemical Co., Division of Osmose Wood Preserving Co., 1172 Thomas St., P.O. Box 7275, Memphis, Tenn. 38107. Send protests to: Monica A. Blodgett, Transportation Assistant, Interstate Commerce Commission, 600 Arch St., Room 3238, Philadelphia, Pa. 19106.

No. MC 114457 (Sub-No. 275TA), filed November 19, 1976. Applicant: DART TRANSIT COMPANY, 2102 University Ave., St. Paul, Minn. 55114. Applicant's representative: James H. Wills (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Glass containers,* from the plantsite and storage facilities of Midland Glass Company, Inc., located at or near Henryetta, Okla., to points in Arkansas, Colorado, Iowa, Kansas, Louisiana, Mississippi, Missouri, Nebraska, New Mexico, Tennessee, Texas and Wisconsin, for 180 days. Supporting shipper: Midland Glass Company, Inc., Box 557, Cliffwood, N.J. 07721. Send protests to: Marion L. Cheney, Transportation Assistant, Interstate Commerce Commission, 414 Federal Bldg. and U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 115841 (Sub-No. 582TA), filed November 18, 1976. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., P.O. Box 10327, Birmingham, Ala. 35202. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St., N.W., Washington, D.C. 20001. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Candy and confectionery and advertisting equipment, materials and supplies and advertising premiums,* from Covington, Tenn., to points in Arizona, Idaho, Iowa, Michigan, Minnesota, Nebraska, Nevada, New Mexico, New Jersey, North Carolina, Ohio, South Carolina, Tennessee, Utah, Washington and Wisconsin, for 180 days. Supporting shipper: Charms Company, Halls Mill Road, Freehold, N.J. 07728. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Suite A-422 U.S. Courthouse, 801 Broadway, Nashville, Tenn. 37203.

No. MC 116254 (Sub-No. 168TA), filed November 18, 1976. Applicant: CHEM-HAULERS, INC., P.O. Box 339, Florence, Ala. 35630. Applicant's representative: Hampton M. Mills (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Commodities,* in bulk, from the port site and facilities of the Paducah-McCracken County River Port Authority, Ky., to points in Missouri, Illinois, Indiana, Kentucky, Ohio, West Virginia, Virginia, Tennessee, Georgia, Iowa, Alabama, Mississippi, Arkansas, Kansas, Louisiana, Texas, North Carolina, South Carolina, Oklahoma and Maryland, for 180 days. Supporting shipper: Paducah-McCracken County Riverport Authority, P.O. Box 2267, Paducah, Ky. 42001. Send protests to: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 1616, 2121 Bldg., Birmingham, Ala. 35203.

No. MC 118959 (Sub-No. 139TA), filed November 19, 1976. Applicant: JERRY LIPPS, INC., 130 S. Frederick St., Cape Girardeau, Mo. 63701. Applicant's representative: James W. Muldoon, 50 W. Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Adhesives, in mixed shipments with paper and paper products;* (1) from the plantsites and facilities of The Mead Corporation, at or near Chillicothe and Schooleys, Ohio, to points in Florida; (2) from the plantsites and facilities of The Mead Corporation, at or near Chillicothe and Schooleys, Ohio, to points in that part of Georgia on and south of a line beginning on the Florida-Georgia State line, thence along U.S. Highway 319 to Thomasville, thence along Georgia Highway 122 to Waycross, thence along U.S. Highway 84 to the Atlantic Ocean; (3) from the plantsites and facilities of the Mead Corporation, at or near Chillocothe and Schooleys, Ohio, to points in that part of Alabama on and south of a line beginning at the Florida-Alabama State line, thence along U.S. Highway 331 to junction U.S. Highway 84, thence 1 along U.S. Highway 84 to junction U.S. Highway 43, thence along U.S. Highway 43 to junction Alabama Highway 56, thence along Alabama Highway 56 to the Alabama-Mississippi State line; (4) from the plantsites and facilities of The Mead Corporation at or near Chillicothe and Schooleys, Ohio, to points in that part of Mississippi on and south of a line beginning at the Alabama-Mississippi State line, thence along Mississippi Highway 42 to Hattiesburg, thence along U.S. Highway 98 to the Mississippi-Louisiana State line; (5) from the plantsite and facilities of The Mead Corporation at or near Chillicothe and Schooleys, Ohio to points in that part of Louisiana on and south of a line beginning at the Mississippi-Louisiana State line, thence along U.S. Highway 84 to junction Louisiana Highway 28 to junction Louisiana Highway 8, thence along Louisiana Highway 8 to the Louisiana-Texas State line; and (6) from the plantsites and facilities of the Mead Corporation at or near Chillicothe and Schooleys, Ohio to points in that part of Texas beginning at the Texas-Louisiana State line, thence along Texas Highway 63 to Jasper, thence along U.S. Highway 190 to Bryan, thence along Texas Highway 21 to junction U.S. Highway 290, thence along U.S. Highway 290 to junction U.S. Highway 377, thence along U.S. Highway 377 to the International Boundary line between the United States and Mexico, for 180 days. Supporting shipper: Mead Corporation, Talbott Tower, Dayton, Ohio 45401. Send protests to: J. P. Werthmann, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 1465, 210 N. 12th St., St. Louis, Mo. 63101.

No. MC 123407 (Sub-No. 339TA), filed November 19, 1976. Applicant: SAWYER TRANSPORT, INC., S. Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Stephen H. Loeb (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Bentonite and bentonite products* (except commodities in bulk), from the facilities of Federal Bentonite Company, at or near Colony and Upton, Wyo., to Enid, Lindsay and Woodward, Okla.; Canadian, Pampa and Spearman, Tex., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Federal Bentonite Company, 1019 Jericho Road, Aurora, Ill. 60538. Send protests to: J. H. Gray, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 343 W. Wayne St., Suite 113, Fort Wayne, Ind. 46802.

No. MC 123872 (Sub-No. 60TA), filed November 18, 1976. Applicant: W & L MOTOR LINES, INC., P.O. Drawer 2607, State Road 1148, Hickory, N.C. 28601. Applicant's representative: Allen E. Bowman (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Meat, meat products, meat by-products and articles distributed by meat packing plants and foodstuffs* (except hides and commodities in bulk), from the plantsite and/or warehouse facilities utilized by Geo. A. Hormel & Co., at or near Ottumwa, Iowa, to points in Florida, Georgia, North Carolina, South Carolina, Tennessee, Virginia and West Virginia, restricted to traffic originating at named origin and destined to named states; and (2) *Meat, meat products, meat by-products and ar-*

ticles distributed by meat packing plants, foodstuffs, packing plant materials, equipment and supplies (except hides and commodities in bulk), from points in Florida, Georgia, North Carolina, South Carolina, Tennessee, Virginia and West Virginia, to the plantsite and/or warehouse facilities utilized by Geo. A. Hormel & Co., at or near Ottumwa, Iowa, restricted to traffic originating at named states and destined to named destinations, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Geo. A. Hormel & Co., Box 800, Austin, Minn. 55912. Send protests to: Terrell Price, District Supervisor, 800 Briar Creek Road, Room CC516, Mart Office Bldg., Charlotte, N.C. 28205.

No. MC 124591 (Sub-No. 38TA), filed November 19, 1976. Applicant: WATHEN TRANSPORT, INC., P.O. Box 237, Henderson, Ky. 42420. Applicant's representative: Louis J. Amato, P.O. Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Aluminum die casting products*, from Henderson, Ky., to Abilene, Tex.; Alamogordo, N. Mex.; Jackson, Miss.; Decatur, Ill.; Chicago, Ill.; Marshall, Mich.; Grand Rapids, Mich.; Ypsilanti, Mich.; New Bremen, Ohio; Dayton, Ohio; Indianapolis, Ind.; and LaFayette, Ind.; and (2) *Aluminum ingots*, from Houston, Tex.; Hot Springs, Ark.; Memphis, Tenn.; Cleveland, Ohio; Wabash, Ind., and Chicago, Ill., to Henderson, Ky., for 180 days. Supporting shipper: Marvin E. Fulkerson, Traffic Manager, Gibbs Die Casting Aluminum Corp., U.S. 60, South Henderson, Ky. 42420. Send protests to: Elbert Brown, Jr., District Supervisor, Intertsate Commerce Commission, 426 Post Office Bldg., Louisville, Ky. 40202.

No. MC 128007 (Sub-No. 93TA), filed November 19, 1976. Applicant: HOFER, INC., P.O. Box 583, 4032 Parkview Drive, Pittsburg, Kans. 66762. Applicant's representative: Larry E. Gregg, 641 Harrison, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Premixed mineral feed ingredients*, from Harrison County, Tex., to points in Arizona, Delaware, Georgia, Maryland, North Carolina, Ohio, South Carolina, Virginia and Wyoming; (2) *Minerals and supplies* used or useful in the manufacture and production of premixed mineral feed ingredients, from points in Alabama, Arizona, Arkansas, Colorado, Delaware, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Mississippi, Missouri, Nebraska, New Mexico, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and Wyoming, to Harrison County, Tex. and Decatur County, Ga.; and (3) *Premixed mineral feed ingredients*, from Decatur County, Ga., to points in Alabama, Arizona, Arkansas, Colorado, Delaware, Georgia, Illinois, Indiana, Iowa, Kensas, Kentucky, Louisiana, Maryland, Mississippi, Missouri, Nebraska, New Mexico, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and Wyoming, for 180 days. Supporting shipper: Southeastern Minerals, Inc., P.O. Box 506, Bainbridge, Ga. 31717. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Suite 101 Litwin Bldg., 110 N. Market, Wichita, Kans. 67202.

No. MC 128273 (Sub-No. 237TA), filed November 18, 1976. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, 121 Humboldt St., Fort Scott, Kans. 66701. Applicant's representative: Elden Corban (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from Eugene, Oreg., to points in Colorado, Illinois, Indiana, Iowa, Kansas, Louisiana, Michigan, Mississippi, Missouri, Nebraska, Ohio, Oklahoma, Tennessee, and Texas, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Agripac, Inc., P.O. Box 5346, Salem, Oreg. 97304. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Suite 101 Litwin Bldg., 110 N. Market, Wichita, Kans. 67202.

No. MC 133566 (Sub-No. 67TA), filed November 17, 1976. Applicant: GANGLOFF & DOWNHAM TRUCKING CO., INC., P.O. Box 479, Logansport, Ind. 46947. Applicant's representative: Charles W. Beinhauer, 1224 17th St., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meat, meat products, meat by-products and articles distributed by meat packing plants and foodstuffs* (except hides and commodities in bulk), from the plantsite and/or warehouse facilities utilized by Geo. A. Hormel & Co., at or near Ottumwa, Iowa, to points in Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia and West Virginia, restricted to traffic originating at named origin and destined to named states; and (2) *Meat, meat products, meat by-products and articles distributed by meat packing plants, foodstuffs, packing plant materials, equipment and supplies* (except hides and commodities in bulk), from points in Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia and West Virginia, to the plantsite and/or warehouse facilities utilized by Geo. A. Hormel & Co., at or near Ottumwa, Iowa, restricted to traffic originating at named states and destined to named destinations, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Geo. A. Hormel & Co., Box 800, Austin, Minn. 55912. Send protests to: J. H. Gray, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 343 W. Wayne St., Suite 113, Fort Wayne, Ind. 46802.

No. MC 133604 (Sub-No. 5TA), filed November 18, 1976. Applicant: LYNN'S POULTRY, INC., 712 S. 11th St., Oskaloosa, Iowa 52577. Applicant's representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meat, meat products, meat by-products and articles distributed by meat packing plants and foodstuffs* (except hides and commodities in bulk), from the plantsite and/or storage facilities utilized by Geo. A. Hormel & Co., at or near Ottumwa, Iowa, to points in Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina and Tennessee, restricted to traffic originating at named origin and destined to named states; and (2) *Meat, meat products, meat by-products and articles distributed by meat packing plants, foodstuffs, packing plant materials, equipment and supplies* (except hides and commodities in bulk), from points in Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina and Tennessee, to the plantsite and or warehouse facilities utilized by Geo. A. Hormel & Co., at or near Ottuwma, Iowa, restricted to traffic originating at named states and destined to named destinations, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: George A. Hormel & Co., P.O. Box 800, Austin, Minn. 55912. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Bldg., Des Moines, Iowa 50309.

No. MC 133689 (Sub-No. 91TA), filed November 18, 1976. Applicant: OVERLAND EXPRESS, INC., 717 First St., S.W., New Brighton, Minn. 55112. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk), from Fort Dodge, Hartley and Spencer, Iowa and Schuyler, Nebr., to points in Maryland, Massachusetts, New Jersey, New York, Pennsylvania, North Carolina, South Carolina, Ohio, Virginia and the District of Columbia, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Spencer Foods, Inc., P.O. Box 1228, Spencer, Iowa. Send protests to: Marion L. Cheney, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg., & U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 133796 (Sub-No. 40TA), filed November 17, 1976. Applicant: GEORGE

APPEL, 249 Carverton Road, Trucksville, Pa. 18708. Applicant's representative: Joseph F. Hoary, 121 S. Main St., Taylor, Pa. 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rope, synthetic cordage and strapping and tools, seals and buckles* used with synthetic strapping, oakum and packing and synthetic twine, from Honesdale, Pa., to Emeryville, Calif.; Seattle, Wash.; New Orleans, La.; and Jacksonville, Fla., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: American Manufacturing Company, Inc., 206 Willow Ave., Honesdale, Pa. 18431. Send protests to: Paul J. Kenworthy, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 314 U.S. Post Office Bldg., Scranton, Pa. 18503.

No. MC 134404 (Sub-No. 30TA), filed November 18, 1976. Applicant: AMERICAN TRANS-FREIGHT, INC., P.O. Box 499, South Bound Brook, N.J. 08880. Applicant's representative: Morton E. Kiel, 5 World Trade Center, Suite 6193, New York, N.Y. 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Screws, nuts, bolts, plugs and fastening devices*, between Strongsville, Ohio, on the one hand, and, on the other, Detroit, Mich., and points within the Commercial Zone thereof, under a continuing contract with Amerace Corporation, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Amerace Corporation, 245 Park Ave., New York, N.Y. 10017. Send protests to: Julia M. Papp, Transportation Assistant, Interstate Commerce Commission, 9 Clinton St., Newark, N.J. 07102.

No. MC 135518 (Sub-No. 7TA), filed November 18, 1976. Applicant: EVERETT TRUCKING, INC., P.O. Box 56, Mount Vernon, Wash. 98273. Applicant's representative: George R. LaBissoniere, 1100 Norton Bldg., Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh and frozen meat products*, from Seattle, Wash., to Milwaukee, Wis.; Lansing and DeWitt, Mich.; Hamilton, Ohio and Chicago, Ill., for 180 days. Suporting shipper: King's Command Meat, Inc., 1515 15th Ave., West, Seattle, Wash. 98119. Send protests to: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 858 Federal Bldg., 915 Second Ave., Seattle, Wash. 98174.

No. MC 135936 (Sub-No. 19TA) filed November 19, 1976. Applicant: C & K TRANSPORT, INC., P.O. Box 205, 503 Des Moines St., Webster City, Iowa 50595. Applicant's representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh meat and packinghouses products*, from the plantsite and storage facilities of Wilson Foods Corp., at Cherokee, Iowa, to points in New York, New Jersey, Massachusetts and Pennsylvania, for 180 days. Supporting shipper: Wilson Goods Corporation, P.O. Box 26724, Oklahoma City, Okla. 73126. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Bldg., Des Moines, Iowa 50309.

No. MC 136939 (Sub-No. 15TA) filed November 18, 1976. Applicant: R. F. BOX, INC., 500 Kinley NE., Albuquerque, N. Mex. 87107. Applicant's representative: Edwin E. Piper, Jr., Sandia Savings Bldg., Suite 1115, Albuquerque, N. Mex. 87101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pharmaceutical drugs and samples*, from the plantsites of McNeil Laboratories, Inc., at or near Fort Washington, Pa., to points in California, for the account of McNeil Laboratories, Inc., under a continuing contract with McNeil Laboratories, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Charles T. Bennett, Traffic Manager, McNeil Laboratories, Inc., Camp Hill Road, Fort Washington, Pa. 19034. Send protests to: John H. Kirkemo, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1106 Federal Office Bldg., 517 Gold Ave., S.W., Albuquerque, N. Mex. 87101.

No. MC 138858 (Sub-No. 4TA) filed November 19, 1976. Applicant: CHARLES M. SHIRK, 424 Linden St., Terre Hill, Pa. 17581. Applicant's representative: Christian V. Graf, 407 N. Front St., Harrisburg, Pa. 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building brick and concrete block*, from the facilities of Alwine Brick Company, at or near New Oxford, Pa., to points in Maryland, Virginia and the District of Columbia, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Alwine Brick Company, New Oxford, Pa. 17350. Send protests to: Robert P. Amerine, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 278 Federal Bldg., P.O. Box 869, Harrisburg, Pa. 17108.

No. MC 139868 (Sub-No. 6TA) filed November 19, 1976. Applicant: WESTERN SALES TRANSPORTATION, 1801 N. 11th St., Omaha, Nebr. 68110. Applicant's representative: Beadford E. Kistler, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Empty plastic containers and lids*, from Omaha, Nebr., to points in Colorado, Illinois, Iowa, Kansas, Minnesota, Missouri, Oklahoma, Texas and Wisconsin, under a continuing contract with Airlite Plastics Co., for 180 days. Supporting shipper: M. L. Arendt, Traffic Manager, Airlite Plastics Co., 13724 Industrial Road, Omaha, Nebr. 68137. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 N. 14th St., Omaha, Nebr. 68102.

No. MC 140665 (Sub-No. 3TA), filed November 18, 1976. Applicant: PRIME, INC., Route 1, Box 115-B, Urbana, Mo. 65767. Applicant's representative: Clayton Geer, P.O. Box 786, Ravenna, Ohio 44266. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Welding equipment and welding supplies*, from Baltimore, Md.; Riverton, N.J.; and Medina, Cleveland, Piqua and Troy, Ohio, to points in Arizona, California, Colorado, New Mexico, Oregon, Washington, Utah, Wyoming, Montana, Nevada and Idaho, for 180 days. Supporting shipper: Weldmatic Corporation, 300 Market St., Oakland, Calif. 94607. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Federal Bldg., 911 Walnut St., Kansas City, Mo. 64106.

No. MC 141402 (Sub-No. 4TA), filed November 19, 1976. Applicant: LINCOLN FREIGHT LINES, INC., State Highway Route 32, P.O. Box 332, Lapel, Ind. 46051. Applicant's representative: Alki E. Scopelitis, 815 Merchants Bank Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper bags*, (1) from the facilities of Samson-Midamerica, Inc., at Indianapolis, Ind., to Baltimore, Md.; Philadelphia, Pa., and Washington, D.C.; and (2) from the facilities of Samson Paper Bag Company, at Huntington, N.Y., restricted to a transportation service performed under a continuing contract with Samson-Midamerica, Inc., for 180 days. Supporting shipper: Samson-Midamerica, Inc., 8111 Zionsville Road, Indanapolis, Ind. 46268. Send protests to: J. H. Gray, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 343 W. Wayne St., Fort Wayne, Ind. 46802.

No. MC 142611 (Sub-No. 1TA), filed November 18, 1976. Applicant: HERMAN WILLIAMS TRUCKING CO., 2301 Columbus, Manchester Expressway, Columbus, Ga. 31904. Applicant's representative: Herman Williams (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips*, from Greenville, Ga., to Mahrt, Ala., via Alt. U.S. Highway 27, Georgia Highway 85, U.S. Highway 280-431, U.S. Highway 431, Alabama Highway 165; and Greenville, Ga., to Mahrt, Ala., via Alternate U.S. Highway 27, Georgia Highway 18, U.S. Highway 27, U.S. Highway 280 and 431, Alabama Highway 165, under a continuing contract with Georgia Kraft Company, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Georgia Kraft Company, Wood Procurement Division, P.O. Box 1551, Rome, Ga. 30161. Send protests to: Sara

K. Davis, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 1252 W. Peachtree St., N.W., Room 546, Atlanta, Ga. 30309.

No. MC 142627 (Sub-No. 1TA), filed November 5, 1976. Applicant: F. J. RODERICK & SON, INC., Coffeen St., Road, Watertown, N.Y. 13601. Applicant's representative: Paul F. Sullivan, 711 Washington Bldg., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, restricted to the transportation of traffic having a prior or subsequent movement in containers beyond the points authorized and further restricted to the performance of pickup and delivery service in connection with packing, crating and containerization or unpacking, uncrating and decontainerization of such traffic, between points in Jefferson County, N.Y. Applicant intends to interline at Jefferson County and Watertown, N.Y., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Jack Thompson, Operations Manager, Van Pac Carriers, Inc., 2114 McDonald Ave., Richmond, Calif. 94802. Send protests to: Morris H. Gross, District Supervisor, Interstate Commerce Commission, U.S. Courthouse & Federal Bldg., 100 S. Clinton St., Room 831, Syracuse, N.Y. 13202.

No. MC 142644TA filed November 15, 1976. Applicant: EDWARD MONTROSS, 40 Maplewood Ave., Dallas, Pa. 18517. Applicant's representative: Joseph F. Hoary, 121 S. Main St., Taylor, Pa. 18517. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Brass castings and fittings*, from Edwardsville, Pa., to Orlando, Fla., and (2) Collapsible steel containers, from Orlando, Fla., to Reading, Pa., under a continuing contract with R & H Manufacturing Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: R & H Manufacturing, Inc., Woodward Hill, Edwardsville, Pa. Send protests to: Paul J. Kenworthy, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 314 U.S. Post Office Bldg., Scanton, Pa. 18503.

PASSENGER APPLICATION

No. MC 127738 (Sub-No. 6TA) filed November 19, 1976. Applicant: YELLOWSTONE PARK LINES, INC., P.O. Box 65, Gardiner, Mont. 59030. Applicant's representative: Michael McCarty, P.O. Box 589, Cody, Wyo. 82414. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their luggage* in the same vehicle with passengers for special and charter operations, between Park and Sweetgrass Counties, Mont.; Park and Teton Counties, Wyo.; Bonneville County, Idaho; and points in the United States (except Alaska and Hawaii), for 180 days. Supporting shippers: There are approximately 11 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, 2602 First Ave., North, Billings, Mont. 59101.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-35691 Filed 12-2-76;8:45 am]

[Notice No. 161]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

NOVEMBER 30, 1976.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 51146 (Sub-No. 480TA) filed November 22, 1976. Applicant: SCHNEIDER TRANSPORT, INC., 2661 S. Broadway, P.O. Box 2298, Green Bay, Wis. 54304. Applicant's representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, Wis. 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such merchandise* as is dealt in by department stores (except foodstuffs, furniture, and commodities in bulk), and (2) *Foodstuffs* (except frozen foods and commodities in bulk), *and furniture*, moving in mixed loads with the commodities described in (1) above, from Secaucus and Jersey City and Charlotte, N.C., to Cleveland, Ohio, for 180 days. Supporting shipper: The May Company, 158218 Euclid Ave., Cleveland, Ohio, 44114. Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Bldg., & Courthouse, 517 E. Wisconsin Ave., Room 619, Milwaukee, Wis. 53202.

No. MC 107295 (Sub-No. 839TA) filed November 22, 1976. Applicant: PREFAB TRANSIT CO., 100 S. Main St., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Richard D. Vollmer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials, accessories and supplies* used in the construction and manufacture of prefabricated buildings, mobile homes and modular housing units, from the facilities of Patrick Industries, located at Mira Loma Space Center, Mira Loma, Calif., to the facilities of Patrick Industries, located at Casa Grande, Ariz., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Robert T. Mitchell, Branch Manager, Patrick Industries, Inc., Mira Loma Space Center, 3401 Etiwanda Bldg., 931 D, Mira Loma, Calif. 91752. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, P.O. Box 2418, Springfield, Ill. 62705.

No. MC 110683 (Sub-No. 109TA), filed November 18, 1976. Applicant: SMITH'S TRANSFER CORPORATION, P.O. Box 1000, Staunton, Va. 24401. Applicant's representative: Francis W. McInerny, 1000 16th St. N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious to other lading); (A) between Cincinnati, Ohio and Jellico, Ky.; from Cincinnati, Ohio, over U.S. Highway 25 to junction U.S. Highway 25W (at or about Corbin, Ky.), thence over U.S. Highway 25W to Jellico, Ky., and return over the same route, serving all intermediate points and off-route points in Boone, Kenton, Campbell, Pendleton, Grant, Owen, Harrison, Scott, Bourbon, Fayette, Clark, Jessamine, Madison, Garrard, Rockcastle, Jackson, Laurel, Lincoln, Clay, Knox, Pulaski, Whitley and McCreary Counties, Ky.; (B) between Lexington, Ky., and Huntington, W. Va.; from Lexington, Ky., over U.S. Highway 60 to Huntington, W. Va., and return over the same route, serving all intermediate points and off-route points in Boyd, Greenup, Carter, Elliot, Lewis, Rowan, Fleming, Bath, Menifee, Montgomery, Bourbon, Clark and Fayette Counties, Ky.; (C) between Lexington, Ky., and Jenkins, Ky.; from Lexington, Ky., over

U.S. Highway 60 to junction Kentucky Highway 15 (at or about Winchester, Ky.), thence over Kentucky Highway 15 to junction U.S. Highway 119, thence over U.S. Highway 119 to Jenkins, Ky., and return over the same route, serving all intermediate points and off-route points in Fayette, Clark, Powell, Manifee, Estill, Lee, Wolfe, Breathitt, Perry, Knott, Leslie and Letcher Counties, Ky.

(D) Between Huntington, W. Va., and East Bernstadt, Ky.; from Huntington, W. Va., over U.S. Highway 60 to junction U.S. Highway 23, thence over U.S. Highway 23 to junction U.S. Highway 460 (at or about Paintsville, Ky.), thence over U.S. Highway 460 to junction Kentucky Highway 30 (at or about Salyersville, Ky.), thence over Kentucky Highway 30 to East Bernstadt, Ky., and return over the same route, serving all intermediate points and off-route points in Boyd, Lawrence, Martin, Johnson, Magoffin, Floyd, Morgan, Breathitt, Owsley, Lee, Clay, Jackson and Laurel Counties, Ky.; (E) between Lexington, Ky., and Maysville, Ky.; from Lexington, Ky., over U.S. Highway 68 to Maysville, Ky., and return over the same route, serving all intermediate points and off-route points in Mason, Lewis, Bracken, Robertson, Fleming, Nicholas, Bourbon, Harrison and Fayette Counties, Ky.; and (F) between Williamson, W. Va., and Jellico, Ky.; from Williamson, W. Va., over U.S. Highway 119 to junction U.S. Highway 25E, thence over U.S. Highway 25E to junction Kentucky Highway 74, thence over Kentucky Highway 74 to junction Tennessee Highway 90, thence over Tennessee Highway 90 to junction U.S. Highway 25W, thence over U.S. Highway 25W to Jellico, Ky., and return over the same route, serving all intermediate points and off-route points in Martin, Pike, Floyd, Knott, Letcher, Perry, Leslie, Harlan, Bell, Knox and Whitley Counties, Ky. Applicant intends to tack its existing authority with MC 110683 and subs thereunder. Applicant also intends to interline at Lexington and Louisville, Ky.; Cincinnati, Ohio; and Charleston and Huntington, W. Va., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: There are approximately 140 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Danny R. Beeler, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 210, Roanoke, Va. 24011.

No. MC 110683 (Sub-No. 111TA) filed November 22, 1976. Applicant: SMITH'S TRANSFER CORPORATION, P.O. Box 1000, Staunton, Va. 24401. Applicant's representative: Francis W. McInerny, 1000 16th St., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious to other lading; (A) between Louisville, Ky., and Lexington, Ky.; from Louisville, Ky., over U.S. Highway 60 to Lexington, Ky., and return over the same route, serving all intermediate points and off-route points in Jefferson, Shelby, Spencer, Franklin, Anderson, Woodford, Scott and Fayette Counties, Ky.; (B) between Cincinnati, Ohio and junction of U.S. Highway 31W and Kentucky-Tennessee State Line; from Cincinnati, Ohio, over U.S. Highway 42 to junction U.S. Highway 31W (at or about Louisville, Ky.), thence over U.S. Highway 31W to the Kentucky-Tennessee State Line, and return over the same route, serving all intermediate points and off-route points in Boone, Gallatin, Carroll, Trimble, Henry, Owen, Oldham, Jefferson, Bullitt, Meade, Hardin, Larue, Hart, Edmonson, Barren, Warren, Allen, Logan, Simpson and Kenton Counties, Ky.; (C) between Elizabethtown, Ky., and Lexington, Ky.; from Elizabethtown, Ky., over U.S. Highway 62 to junction U.S. Highway 60 thence over U.S. Highway 60 to Lexington, Ky., and return over the same route, serving all intermediate points and off-route points in Hardin, Larue, Nelson, Washington, Spencer, Anderson, Mercer, Woodford and Fayette Counties, Ky.; (D) between junction U.S. Highway 25 and Kentucky State Highway 80 near London, Ky., and Bowling Green, Ky.; from junction U.S. Highway 25 and Kentucky State Highway 80 over Kentucky State Highway 80 to Bowling Green, Ky., and return over the same route, serving all intermediate points and off-route points in Laurel, Rockcastle, Pulaski, McCreary, Wayne, Casey, Russell, Clinton, Adair, Cumberland, Metcalfe, Monroe, Barren, Allen and Warren Counties, Ky.; and (E) between Lexington, Ky., and Tompkinsville, Ky.; from Lexington, Ky., over U.S. Highway 68 to junction Kentucky Highway 163, thence over Kentucky Highway 163 to Tompkinsville, Ky., and return over the same route, serving all intermediate points and off-route points in Fayette, Jessamine, Mercer, Boyle, Marion, Washington, Taylor, Green, Adair, Metcalfe, Cumberland and Monroe Counties, Ky. Applicant intends to tack its existing authority with MC 110683 and sub numbers thereunder, for 180 days. Supporting shippers: There are approximately 76 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Danny R. Beeler, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 210, Roanoke, Va. 24011.

No. MC 111594 (Sub-No. 73TA) filed November 18, 1976. Applicant: C. W. TRANSPORT, INC., 610 High St., P.O. Box 200, Wisconsin Rapids, Wis. 54494. Applicant's representative: Wayne W. Wilson, P.O. Box 8004, Madison, Wis. 53708. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank or hopper type vehicles, from the plantsite and storage facilities of FMC Corporation, at Bedford Park, Ill., to points in Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio and Wisconsin, for 180 days. Supporting shipper: FMC Corporation, 200 Market St., Philadelphia, Pa. 19103. Send protests to: Richard K. Shullaw, District Supervisor, Interstate Commerce Commission, 139 W. Wilson St., Room 202, Madison, Wis. 53703.

No. MC 112750 (Sub-No. 331TA) filed November 19, 1976. Applicant: Purolator Courier Corp., 3333 New Hyde Park Road, New Hyde Park, N.Y. 11040. Applicant's representative: Elizabeth L. Henoch (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Microfilm, microfiche, microforms and related items*, used in the business of bank and banking institutions; (1) between Omaha, Nebr., on the one hand, and, on the other, points in Iowa; and (2) between Chicago, Ill., on the one hand, and, on the other, points in Wisconsin, under a continuing contract with Banks, Banking Institutions, and other Financial Institutions, for 90 days. Supporting shippers: There are approximately 104 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Maria B. Kejss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 118055 (Sub-No. 1TA), filed November 22, 1976. Applicant: ISLAND SEAFOODS, LTD., Borden, Prince Edward Island, Canada C0B 1X0. Applicant's representative: Lloyd E. Inman, 253 Coronation Ave., Summerside, Prince Edward Island, Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fruit juices*, in mixed loads with bananas and other fruits and vegetables, from Boston, Mass., to ports of entry on the International Boundary Line between the United States and Canada at or near Houlton and Calais, Maine, for 180 days. Supporting shipper: Clarke Fruit Company Limited, Charlottetown, Prince Edward Island, Canada. Send protests to: Donald G. Weiler, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 307, 76 Pearl St., Portland, Oreg. 04111.

No. MC 118159 (Sub-No. 186TA), filed November 22, 1976. Applicant: NATIONAL REFRIGERATED TRANSPORT, INC., P.O. Box 51366 Dawson Station, Tulsa, Okla. 74151. Applicant's representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, Wis. 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asbestos-cement*

roofing and siding, and accessories, from Windgap, Pa., to points in Louisiana, Mississippi, Missouri and Texas, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Supradur Manufacturing Corp., 122 E. 42nd St., New York, N.Y. 10017. Send protests to: Joe Green, District Supervisor, Room 240 Old Post Office Bldg., 215 N.W. Third St., Oklahoma City, Okla. 73102.

No. MC 124813 (Sub-No. 161TA), filed November 22, 1976. Applicant: UMTHUN TRUCKING CO., 910 S. Jackson St., P.O. Box 166, Eagle Grove, Iowa 50533. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry feed ingredients*, from points in Minnesota, to points in Indiana, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Cereal By-products Company, 2152 Board of Trade Bldg., Chicago, Ill. 60604. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Bldg., Des Moines, Iowa 50309.

No. MC 126473 (Sub-No. 27TA), filed November 18, 1976. Applicant: HAROLD DICKEY TRANSPORT, INC., Packwood, Iowa 52580. Applicant's representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meat, meat products, meat by-products and articles distributed by meat packing plants and foodstuffs* (except hides and commodities in bulk), from the plantsite and/or warehouse facilities utilized by Geo. A. Hormel & Co., at or near Ottumwa, Iowa, to points in Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, Tennessee, Texas and Wisconsin, restricted to traffic originating at named origin and destined to named states; and (2) *Meat, meat products, meat by-products and articles distributed by meat packing plants, foodstuffs, packing plant materials, equipment and supplies* (except hides and commodities in bulk), from points in Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, Tennessee, Texas and Wisconsin, to the plantsite and/or warehouse facilities utilized by Geo. A. Hormel & Co., at or near Ottumwa, Iowa, restricted to traffic originating at named states and destined to named destinations, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Geo. A. Hormel & Company, P.O. Box 800, Austin, Minn. 55912. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Bldg., Des Moines, Iowa 50309.

No. MC 136553 (Sub-No. 42TA), filed November 19, 1976. Applicant: ART PAPE TRANSFER, INC., 1080 E. 12th St., Dubuque, Iowa 52001. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Kitchen cabinets, vanities and accessories therefor*, from Ottawa, Kans., to Peoria, Ill., and points in the Peoria Commercial Zone, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Armstrong Cabinet Co., Inc., 1415 Industrial Blvd., Ottawa, Kans. 66067. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Bldg., Des Moines, Iowa 50309.

No. MC 142455 (Sub-No. 1TA), filed November 19, 1976. Applicant: RED LINE TRANSPORT CORP., 1303 Pulaski Highway, Edgewood, Md. 21040. Applicant's representative: Jeremy Kahn, 733 Investment Bldg., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Baltimore, Md., to Philadelphia, Pa.; Camden and Bridgeton, N.J., and Washington, D.C., and points in Maryland, Virginia, Pennsylvania and New York, with no transportation for compensation on return (except as otherwise authorized); from points in the New York, N.Y., Commercial Zone, as defined by the Commission, to Baltimore, Md.; Philadelphia and Easton, Pa.; Trenton, Bridgeton and Camden, N.J., and Rochester, Jamestown and Buffalo, N.Y., with no transportation for compensation on return (except as otherwise authorized); and (2) Bananas and agricultural commodities exempt from economic regulation, under Section 203(b)(6) of the Act when transported in mixed loads with bananas, from Wilmington, Del., to points in Connecticut, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, West Virginia and Washington, D.C., with no transportation for compensation on return (except as otherwise authorized), for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: None. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, 814-B Federal Bldg., Baltimore, Md. 21201.

No. MC 142648TA, filed November 18, 1976. Applicant: O. M. WILSON, doing business as ACE MOVING & STORAGE CO., 2033 Hitzert Court, Fenton, Mo. 63026. Applicant's representative: Alan F. Wohlstetter, 1700 K St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between St. Louis, and points in Lincoln, Warren, Jefferson, Saint Charles, Franklin, Crawford, Washington, St. Francis, Ste. Genevieve, Gasconade and Montgomery Counties, Mo.; and points in Madison, St. Clair, Monroe, Jersey, Macoupin, Montgomery, Bond, Clinton, Washington, Randolph, Green and Calhoun Counties, Ill., restricted to the transportation of traffic having a prior or subsequent movement, in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating and containerization or unpacking, uncrating and decontainerization of such traffic, for 180 days. Supporting shippers: Perfect Pak Company, 2015 Airport Way South, Seattle, Wash. 98134. Smyth Worldwide Movers, Inc., P.O. Box 3020, Bellevue, Wash. 98009. Astron Forwarding Company, 1660 Factor Ave., San Leandro, Calif. 94577. Send protests to: J. P. Werthmann, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 1465, 210 N. 12th St., St. Louis, Mo. 63101.

No. MC 142656 TA, filed November 19, 1976. Applicant: RON MORGAN, doing business as DRILLING HOTSHOT SERVICE, Route 2, Box 229, Fort Smith, Ark. 72901. Applicant's representative: Tom Harper, Jr., 510 N. Greenwood Ave., P.O. Box 43, Fort Smith, Ark. 72902. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials and supplies* used in replacing, servicing, and repair of machinery and equipment, used in or in connection with the discovery, development, and production of natural gas and petroleum and their products and by-products, restricted against the transportation of commodities in bulk, between Fort Smith, Ark., and points in its commercial zone, on the one hand, and, on the other, points in to-wit: Sequoyah, Adair, Delaware, Craig, Nowata, Mayes, Rogers, Washington, Osage, Cherokee, Wagoner, Creek, Ofuskee, Hughes, Pittsburgh, Latimer, LeFlore, Haskell, McIntosh, Muskogee, Okmulgee, Tulsa, and Ottawa Counties, Okla. Applicant intends to interline at all points to be served, for 180 days. Supporting Shippers: There are approximately 6 statements of support attached to the application, which may be examined at the Interstate Commerce Commission, in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Bldg., 700 West Capitol, Little Rock, Ark. 72201.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-35692 Filed 12-2-76;8:45 am]

TRANSPORTATION OF "WASTE" PRODUCTS FOR REUSE OR RECYCLING

Special Certificate Letter Notice(s)

The following letter notices request participation in a Special Certificate of Public Convenience and Necessity for the transportation of "waste" products

for reuse or recycling in furtherance of a recognized pollution control program under the Commission's regulations (49 CFR Part 1062) promulgated in *"Waste" Products,* Ex Parte No. MC–85, 124 MCC 583 (1976).

An original and one copy of protests (including protestant's complete argument and evidence) against applicant's participation may be filed with the Interstate Commerce Commission on or before December 27, 1976. A copy must also be served upon applicant or its representative. Protests against the applicant's participation will "not" operate to stay commencement of the proposed operation.

If the applicant is not otherwise informed by the Commission, operations may commence "within 30 days" of the date of its notice in the FEDERAL REGISTER, subject to its tariff publication effective date.

P–39–76 (Special Certificate—Waste Products) filed August 19, 1976. Applicant: JAMES O. MILLER, 551 S. Harbor, La Habra, Calif. 90631. Applicant's representative: James O. Miller (same address as applicant). Authority sought to operate pursuant to a certificate of public convenience and necessity authorizing operations in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, in the transportation of *used pallets, railroad ties and brick,* between points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Texas, Utah, Washington, and Wyoming, in furtherance of recognized pollution control programs sponsored by: Bob Fowler of Mission Viejo, Calif.; and Filter Rock, Inc., of Brea, Calif., for the purpose of recycling waste materials.

P–40–76 (Special Certificate—Waste Products) filed October 26, 1976. Applicant: TED D. KOHLER TRUCKING, Route 1 Box 123, Coalville, Utah 84017. Applicant's representative: Jeannie Kohler (same address as applicant). Authority sought to operate pursuant to a certificate of public convenience and necessity authorizing operations in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, in the transportation of *recyclable clothing and textile material,* from Salt Lake, Weber, and Utah Counties, Utah, to points in Los Angeles County, Calif., in furtherance of recognized pollution control programs sponsored by: (1) The Salvation Army, of Ogden, Utah; (2) Provo Deseret Industries, of Provo, Utah; (3) St. Vincent de Paul Thrift Store, of Salt Lake City, Utah; and (4) The Ogden Deseret Industries, of Ogden, Utah, for the purpose of brokering waste materials for reuse.

P–41–76 (Special Certificate—Waste Products) filed September 27, 1976. Applicant: MILLER TRUCKING, INC., 1001 South Fourth St., Gas City, Ind. 46933. Applicant's representative: Donald W. Smith, Suite 2465, One Indiana Square, Indianapolis, Ind. 46204. Authority sought to operate pursuant to a certificate of public convenience and necessity authorizing operations in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, in the transportation of *aluminum dross waste,* in dump trucks, from East Chicago, Ind., to McKees Rocks, Mount Braddock, Pittsburgh and Saxonburg, Pa., and Cleveland, Negley and Toledo, Ohio, in furtherance of a recognized pollution control program sponsored by The U.S. Reduction Co. of East Chicago, Ind., for the purpose of recycling aluminum scrap and residues into reusable form.

P–42–76 (Special Certificate—Waste Products) filed November 5, 1976. Applicant: PACK TRANSPORT, INC., 3975 S. 300 West, Salt Lake City, Utah 84107. Applicant's representative: Gwyn D. Davidson (same address as applicant). Authority sought to operate pursuant to a certificate of public convenience and necessity authorizing operations in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, in the transportation of *agricultural products, junk aircraft, alloys, animal products, junk batteries, used brick, carbon products and by-products, crushed cars, construction materials, cooling towers, scrap containers, chemicals, chemical solutions and compounds, junk clay products, electrical products, electronic products, junk farm machinery, food, food by-products, forest products and by-products, garbage, glass, glass cullet, scrap lumber, junk machinery, meat products and by-products, nuclear products and by-products, nuclear waste, paper products and by-products,* reclaimable *petroleum products and by-products and derivatives, plastic products and by-products, scrap cloth, military ordnance, military hardware, thermal units, tires, refrigeration units, pollution control devices, wood products, trash, vehicles,* and *scrap metals,* which are recyclable or reclaimable materials or commodities, between points in and west of Arkansas, Illinois, Louisiana, Minnesota, Missouri and Wisconsin, in furtherance of recognized pollution control programs sponsored by: (1) Intermountain Airframe Parts & Manufacturing, of Clearfield, Utah, for the purpose of brokering various types of metals as well as other salvageable materials; (2) Pepper's Metals Co. of Salt Lake City, Utah, for the purpose of recycling various types of litter; and (3) K and S Refrigeration of Salt Lake City, Utah, for the purpose of recycling old tires, wrecked or damaged refrigeration trailers, salvaging usable aluminum and other recyclable or reclaimable materials.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-35693 Filed 12-2-76;8:45 am]

[Ex Parte No. MC–43]

LEASE AND INTERCHANGE OF VEHICLES BY MOTOR CARRIERS

Order. At a session of the Interstate Commerce Commission, Motor Carrier Leasing Board, held at its office in Washington, D.C., on the 22nd day of November 1976.

It appearing, that a petition has been filed by Jenkins Truck Line, Inc. (MC–65192 and numerous subs), Ratliff & Ratliff, Inc. (MC–107409 and various subs), and Hayes Truck Line, Inc. (MC–27719 and subs 4 and 6), under permanent common control, and Larry L. Fenner Transport, Inc., (MC–120293 sub-no. (1)) and Denny Freight, Inc. (MC–126149 and various subs) under temporary common control, for waiver of paragraphs (a) (3) and (c) of § 1057.4 of the Lease and Interchange of Vehicles Regulation (49 CFR Part 1057), concerning equipment leased between petitioners;

It further appearing, that petitioners have a jointly administered program applying the same standards of inspection and maintenance to equipment;

It further appearing, that the U.S. Department of Transportation offers no objection to a grant of the relief sought by petitioners;

It is ordered, That waiver of paragraphs (a) (3) and (c) of § 1057.4, be, and, it is hereby granted: *Provided,* That the equipment is inspected on the day it is to be leased and found to meet the requirements of the motor carrier safety regulations of the U.S. Department of Transportation and that petitioners remain in satisfactory compliance with those regulations and under common control.

By the Commission, Motor Carrier Leasing Board, Board Members Burns, Teeple, and Sibbald.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-35694 Filed 12-2-76;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 834]

COMMON CARRIER SERVICES INFORMATION

Applications Accepted for Filing

NOVEMBER 29, 1976.

The applications listed herein have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any of these applications, if upon further examination, it is determined they are defective and not in conformance with the Commission's rules and regulations or its policies.

Final action will not be taken on any of these applications earlier than 31 days following the date of this notice, except for radio applications not requiring a 30 day notice period (See § 309(c) of the Communications Act), applications filed under Part 68, applications filed under Part 63 relative to small projects, or as otherwise noted. Unless specified to the contrary, comments or petitions may be filed concerning radio and section 214 applications within 30 days of the date of this notice and within 20 days for Part 68 applications.

In order for an application filed under Part 21 of the Commission's Rules (Do-

mestic Public Radio Services) to be considered mutually exclusive with any other such application appearing herein, it must be substantially complete and tendered for filing by whichever date is earlier: (a) the close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which the subsequent application is in conflict) as having been accepted for filing. In common carrier radio services other than those listed under Part 21, the cut-off date for filing a mutually exclusive application is the close of business one business day preceding the day on which the previously filed application is designated for hearing. With limited exceptions, an application which is subsequently amended by a major change will be considered as a newy filed application for purposes of the cut-off rule. [See § 1.227(b)(3) and 21.30(b) of the Commission's rules.]

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

APPLICATION ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE SERVICE

20252-CD-P-77, Contact of Washington, Inc. (KGA806), C.P. to relocate facilities and change antenna system operating on 43.58 MHz to be located at 711-14th Street, N.W., Washington, D.C.

20253-CD-P-77, Industrial Communications of Pecos, Inc. (New), C.P. for a new 1-Way station to operate on 152.24 MHz to be located at 2203 West Third Street, Pecos, Texas.

20254-CD-P-77, Airsignal International, Inc. (New), C.P. Development Control facilities to operate on 72.90 MHz: 1821 University Ave., St. Paul, Minnesota; to be associated with KAH661.

20256-CD-P-77, Public Service Telephone Company (New), C.P. for a new 1-Way Station to operate on 152.84 MHz to be located at 104 Winston Street, Reynolds, Georgia.

20257-CD-P-77, Salinas Valley Radio Telephone Company (KMA837), C.P. for additional facilities to operate on 454.225, 454.250, 454.300 MHz (at Loc. No. 1) to be located at Mt. Toro, 10.3 miles SSE of Salinas, California.

20258-CD-P-77, Coastal Utilities, Inc. (KIY723), C.P. to change antenna system operating on 152.75 MHz and for additional facilities to operate on 152.78 MHz located 1.2 miles South of McIntosh, Georgia.

20259-CD-P-77, Radio Paging & Telephone Answering Service of Charlotte, Inc. (KIM905), C.P. to change antenna system operating on 35.22 MHz located at 300 South College Street, Charlotte, North Carolina.

20260-CD-P-77, Vegas Instant Page (KRH 634), C.P. to change antenna ssytem operating on 152.24 MHz at Loc. No. 1: 300 South 4th Street, Las Vegas, Nevada.

20261-CD-ML-77, Mobilfone Service, Inc. (KLB786), Mod. of License to change frequency from 459.10 MHz to 459.225 MHz, Repeater at Loc. No. 1: 125 Miles NW of Weatherford; and change frequency from 454.10 MHz to 454.225 MHz, Control at Loc. No. 2: 1020 S.E. 64th Street, Oklahoma City, Oklahoma.

20262-CD-P-(2)-77, Kern Valley Dispatch (KWU410), C.P. for additional facilities to operate on 72.90 MHz, repeater at Loc. No. 1: 5 miles South of Kernville, California; and 75.58 MHz, control at a new site Loc. 2: 155 Tobias, Kernville, California.

20263-CD-P-77, CFR Corporation dba Mobilfone of Baton Rouge (New), C.P. for a new 1-way station to operate on 43.58 MHz to be located at Donaldsonville, Louisiana.

20265-CD-AL-(2)-77, William J. Curtin dba Curtin Call Communications, consent to Assignment of License from Curtain Call Communications, Assignor, to Curtin Call Communications, Inc. of Eau Claire, Assignee. Stations: KSV988 and KTS232, Eau Claire, Wisconsin.

20266-CD-TC-(3)-77, Central Communications, Inc., Consent to Transfer of Control from Jens C. Mikkelsen, Transferor, to Janet J. Freeberg, Transferee. Stations: KUC865, Albert Lea; KUC866, Owatonna; and KUC867, Austin, Minnesota.

20267-CD-AL-77, Colfax Telephone Exchange, Consent to Assignment of License from Colfax Telephone Exchange, Assignor, to Continental Telephone Company of California, Assignee, Station: KMM688, Colfax, California.

20268-CD-TC-77, Mobile Radio Communication Service, Inc., Consent to Transfer of Control from John T. Raptor, Transferor, to Theodore Raptor, et al, Transferees, Stations: KSV961 and KOA264, Portland, Oregon.

20269-CD-P-77, Henry M. Zachs dba Massachusetts-Connecticut Mobile Telephone Company (KCC803), C.P. for additional facilities to operate on 75.83 MHz, repeater located at Warner Tract, Extension of Garden Hill Circle, Waterbury, Connecticut.

20270-CD-P-77, B. and C. Mobile Communications, Inc. (New), C.P. for a new station to operate on 152.12 MHz to be located 0.6 mile West of Rts. 287 and 59, Springfield, Colorado.

20271-CD-P-77, Radio Broadcasting Company (New). (Developmental), C.P. for a new station to operate on 459.675 MHz to be located at 18th and Walnut Streets, Philadelphia, Pennsylvania.

20272-CD-P-77, Industrial Communications Systems, Inc. (New), C.P. for a new 1-way station to operate on 158.70 MHz to be located 1½ mile NW of Running Springs, California.

20273-CD-MP/L-77, Maureen L. Smith (KWU262), Modification of C.P. to replace transmitter and change antenna system operating on 454.150 and 454.350 MHz located at 606 W. Wisconsin Avenue, Milwaukee, Wisconsin.

20264-CD-P-77, Maureen L. Smith (KRS715), C.P. to replace transmitter, change antenna system and relocate facilities operating on 158.70 MHz to be located at 777 E. Wisconsin Avenue, Milwaukee, Wisconsin.

RURAL RADIO

60023-CR-P/L-77, RCA Alaska Communications, Inc. (New), C.P. for a new Inter-Office station to operate on 162.3 MHz located 1 Mi. N. of Tatalina AFS, Tatalina, Alaska.

60024-CR-P/L-77, RCA Alaska Communications, Inc. (New) C.P. for a new Inter-Office station to operate on 150.27 and 150.69 MHz located at Box 215, Homer, Clam Gulch, Alaska.

60025-CR-P/L-77, RCA Alaska Communications, Inc. (New), C.P. for a new Inter-Office station to operate on 149.19 MHz located at Diamond Ridge, Alaska.

60026-CR-P/L-77, RCA Alaska Communications, Inc. (New), C.P. for a new Inter-Office station to operate on 164.375 and 170.150 MHz to be located at Tok Jct, Alaska.

60027-CR-P/L-77, RCA Alaska Communications, Inc. (New), C.P. for a new Inter-Office station to operate on 162.21 and 162.51 MHz to be located at Soldotna, Alaska.

60028-CR-P/L-77, RCA Alaska Communications, Inc. (New), C.P. for a new Inter-Office station to operate on 172.725 and 170.150 MHz to be located at RCA Alascom, P.O. Box 486, Delta Junction, Alaska.

60029-CR-P/L-77, RCA Alaska Communications, Inc. (New), C.P. for a new Inter-Office station to operate on 148.47 and 149.31 MHz to be located at WACS, P.O. Box 567, Naptowne, Alaska.

60030-CR-P/L-77, RCA Alaska Communications, Inc. (New), C.P. for a new Inter-Office station to operate on 167.875 and 169.925 MHz to be located 0.1 Mi. N of Gold King Airport, Gold King Creek, Alaska.

60031-CR-P/L-77, RCA Alaska Communications, Inc. (New), C.P. for a new Inter-Office station to operate on 73.0 MHz to be located at Driftwood Bay, Alaska.

60032-CR-P/L-77, RCA Alaska Communications, Inc. (New), C.P. for a new Inter-Office station to operate on 165.5 MHz to be located at End of Pillar Mtn. Road, Pillar Mtn., Alaska.

60033-CR-P/L-77, RCA Alaska Communications, Inc. (New), C.P. for a new Inter-Office station to operate on 169.3 MHz to be located at WACS Facility, Indian Mountain, Alaska.

60034-CR-P/L-77, RCA Alaska Communications, Inc. (New), C.P. for a new Inter-Office station to operate on 88.9 and 94.9 MHz to be located at King Salmon, Alaska.

60035-CR-P/L-77, RCA Alaska Communications, Inc. (New), C.P. for a new Inter-Office station to operate on 162.75 MHz to be located Within town of Unalakleet, Alaska.

60036-CR-P/L-77, RCA Alaska Communications, Inc. (New), C.P. for a new Inter-Office station to operate on 169.30 MHz to be located at Bear Creek, Alaska.

60037-CR-P/L-77, RCA Alaska Communications, Inc. (New), C.P. for a new Inter-Office station to operate on 164.975 and 171.275 MHz to be located at RCA Alascom, Delta Junction, P.O. Box 486, Gerstle River, Alaska.

60038-CR-P/L-77, RCA Alaska Communications, Inc. (New), C.P. for a new Inter-Office station to operate on 169.3 MHz to be located at USAF WACS—Big Mountain, Alaska.

60039-CR-P/L-77, RCA Alaska Communications, Inc. (New), C.P. for a new Inter-Office station to operate on 172.475 and 171.275 MHz to be located at RCA Alascom, Box 275, Tok, Beaver Creek, Alaska.

60040-CR-P/L-77, RCA Alaska Communications, Inc. (New), C.P. for a new Inter-Office station to operate on 162.33 and 162.45 MHz to be located at Box 215, Homer, Starisky, Alaska.

60041-CR-P/L-77, RCA Alaska Communications, Inc. (New), C.P. for a new Inter-Office station to operate on 162.675 and 162.75 MHz to be located at Rabbit Creek Road, Anchorage, Rabbit Creek, Alaska.

60042-CR-P/L-77, RCA Alaska Communications, Inc. (New), C.P. for a new Inter-Office station to operate on 171.425 and 171.575 MHz to be located at Box 486, Delta Junction, Canyon Creek, Alaska.

60043-CR-P/L-77, RCA Alaska Communications, Inc. (New), C.P. for a new Inter-Office station to operate on 164.175 MHz to be located 14 Mi. NW of Fairbanks, Podro Dome, Alaska.

60044–CR–P/L–77, RCA Alaska Communications, Inc. (New), C.P. for a new Inter-Office station to operate on 164.3750 and 172.475 MHz to be located at Mile 284 Parks Highway, Clear, Alaska.

60045–CR–P/L–77, RCA Alaska Communications, Inc. (New), C.P. for a new Inter-Office station to operate on 170.15 and 171.275 MHz to be located at White Alice Building, Murphy Dome, Alaska.

60046–CR–P/L–77, RCA Alaska Communications, Inc. (New), C.P. for a new Inter-Office station to operate on 150.69 MHz to be located at Bldg. 42–500 Elmendorf AFB, Elmendorf Ri, Alaska.

60047–CR–PL–77, RCA Alaska Communications, Inc. (New), C.P. for a new Inter-Office station to operate on 164.375 and 167.875 MHz to be located at RCA Alascom, Box 275, Tok, Knob Ridge, Alaska.

60048–CR–P/L–77, RCA Alaska Communications, Inc. (New), C.P. for a new Inter-Office station to operate on 164.975 and 172.475 MHz to be located at RCA Alascom, Box 275, Tok, Cathedral, Alaska.

60049–CR–P/L–77, RCA Alaska Communications, Inc. (New), C.P. for a new Inter-Office station to operate on 148.5 MHz to be located at Box 8, Unalakleet, North River, Alaska.

60050–CR–P/L–77, Communications Engineering, Inc. (New), C.P. for a new Rural Subscriber station to operate on 158.49 and 158.52 MHz to be located 9.6 miles east southeast of Skwentna, Alaska.

60051–CR–P/L–77, Communications Engineering, Inc. (New), C.P. for a new Rural Subscriber station to operate on 158.49, 158.52, 158.55 and 158.67 MHz to be located at Petersville Road, Peters Creek, Alaska.

60052–CR–P/L–77, Communications Engineering, Inc. (New), C.P. for a new Rural Subscriber station to operate on 158.67 MHz to be located Approximately 1 mile north of Anchorage Highway, Anchorage, Alaska.

60053–CR–P/L–77, Communications Engineering, Inc. (New), C.P. for a new Rural Subscriber station to operate on 158.49 and 158.55 MHz to be located 5.1 miles west-southwest of Old Tyonek, Alaska.

60054–CR–P/L–77, Communications Engineering, Inc. (New), C.P. for a new Rural Subscriber station to operate on 158.67 MHz to be located 1 mile northwest of Anchorage Highway, Anchorage, Alaska.

60055–CR–P/L–77, Communications Engineering, Inc. (New), C.P. for a new Rural Subscriber station to operate on 158.49 and 158.52 MHz to be located 6.8 miles NNE of Collinsville, Alaska.

60056–CR–P/L–77, Communications Engineering, Inc. (New), C.P. for a new Rural Subscriber station to operate on 158.52 MHz to be located Approximately 1 mile northwest of Anchorage Highway, Anchorage, Alaska.

60057–CR–P/L–77, Communications Engineering, Inc. (New), C.P. for a new Rural Subscriber station to operate on 158.49 and 158.67 MHz to be located 21.3 miles northwest of Beluga, Alaska.

60058–CR–P/L–77, Puerto Rico Communications Authority (New), C.P. for new Rural Subscriber Fixed facilities to operate on 459.375, 459.400, 459.425, 459.450, 459.475, 459.500, 459.525 and 459.550 MHz at 20 sites as follows:

60058–CR–P/L–77, same, except located at Bo. Maton Abajo, Carr. 14 Km. 634, Cayey, P.R.

60059–CR–P/L–77, same, except located at Bo. Las Vegas, Carr. 743 Km. 1.7, Cayey, P.R.

60060–CR–P/L–77, same, except located at Bo. Beatriz, Carr. 1 Km. 47.2, Caguas, P.R.

60061–CR–P/L–77, same, except located at Bo. San Antonio Carr. 175 Km. 4.3, Caguas, P.R.

60062–CR–P/L–77, same, except located at Bo. Tomas de Castro II Carr. 183 Km. 5, Caugas, P.R.

60063–CR–P/L–77, same, except located at Bo. La Mesa Carr. 795 Km. 3.6, Caguas, P.R.

60064–CR–P/L–77, same, except located at Bo. San Salvador Carr. 765 Km. 9.3, Caguas, P.R.

60065–CR–P/L–77, same, except located at Bo. Canabon Carr. 156 Km. 55.3, Caguas, P.R.

60066–CR–P/L–77, same, except located at Bo. San Salvador Carr. 765 Km. 8.2, Caguas, P.R.

60067–CR–P/L–77, same, except located at Bo. Guavate Carr. 184 Km. 10.4, Cayey, P.R.

60068–CR–P/L–77, same, except located at Bo. Guavate Carr. 184 Km. 3.0, Cayey, P.R.

60069–CR–P/L–77, same, except located at Bo. Cercadillo Carr. 715 Km. 5.2, Cayey, P.R.

60070—CR–P/L–77, same, except located at Bo. Cercadillo Carr. 715 Km. 2.2, Cayey, P.R.

60071–CR–P/L–77, same, except located at Bo. Beatriz Carr. 1 Km. 50.1, Cayey, P.R.

60072–CR–P/L–77, same, except located at Bo. Maton Abajo Carr. 14 Km. 63.0, Cayey, P.R.

60073–CR–P/L–77, same, except located at Bo. Las Vegas Carr. 743 Km. 1.7, Cayey P.R.

60074–CR–P/L–77, same, except located at Bo. Pasto Viejo Carr. 1 Km. 63.6, Cayey, P.R.

60075–CR–P L–77, same, except located at Bo. Pasto Viejo Carr. 1 Km. 63.3, Cayey, P.R.

60076–CR–P/L–77, same, except, located at Bo. Beatriz Carr. 1 Km. 50.5, Cayey, P.R.

60077–CR–P/L–77, same, except located at Bo. Las Cuatro Carr. 14 Km. 63.6, Cayey, P.R.

POINT TO POINT MICROWAVE RADIO SERVICE: (MAJOR AMENDMENTS)

6100–C1–P–73, Southern Pacific Communications Company (New), Harlem, Georgia. Amended application to add 6226.9H MHz towards a new point of communications at Green Cuts, Ga. on azimuth 129°. (Rest remains same as reported on public notice dated July 12, 1976.)

6106–C1–P–73, same (New), Millen, Georgia. Amended application to change 6315.9H to 6197.2H MHz towards Statesboro, Ga. on azimuth 185°.

6107–C1–P–73, same (New), Statesboro, Georgia. Amended application to change 6093.5H to 5974.8H MHz towards Groveland, Ga. on azimuth 157°.

6108–C1–P–73, same (New), Groveland, Georgia. Amended application to change 6197.2H to 6226.9V MHz towards Statesboro, Ga. on azimuth 338° and change 6197.2H to 6226.9V MHz towards Tison, Ga. on azimuth 228°.

6111–C1–P–73, same (New), Tison, Georgia. Amended application to change 6093.5H to 5974.8H MHz towards Jesup, Ga. on azimuth 169° and change 6093.5H to 5974.8H MHz towards Groveland, Ga. on azimuth 48°. (Rest remains same as reported on public notice dated February 27, 1973.)

6112–C1–P–73, same (New), Jesup, Georgia. Amended application to change 6197.2H to 6226.9V MHz towards Tison, Ga. on azimuth 349°. (Rest remains same as reported on public notice dated July 23, 1973.)

6113–C1–P–73, same (New), Owen, Georgia. Amended application to change 6093.8V to 5945.2V MHz towards Jesup, Ga. on azimuth 24° and change 5945.2V to 5974.8H MHz towards Racepond, Ga. on azimuth 181°.

6114–C1–P–73, same (New), Racepond, Georgia. Amended application to change 6197.2H to 6226.9V MHz towards Owen, Ga. on azimuth 09°. (Rest remains same as reported on public notice dated July 23, 1973.)

6115–C1–P–73, same (New), Dunn Creek, Florida. Amended aplication to change 5974.8V to 5945.2V MHz towards Racepond, Ga. on azimuth 342° and change 5945.2V to 5974.8V MHz towards Thomas Creek, Fla. on azimuth 121°.

6116–C1–P–73, same (New), Thomas Creek, Florida. Amended application to change 6375.2H to 6197.2H MHz towards Dunn Creek, Fla. on azimuth 301°.

3364/6117–C1–P–73, same (New), Jacksonville, Florida. Amended application to change 5974.8H to 5945.2V MHz towards Thomas Creek, Fla. on azimuth 336°. (Rest remains same as reported on public notice dated February 27, 1973.)

Major amendments

3852–CF–P–76, United Telephone Company of Missouri (KY033), Clinton, Missouri. Amend application to change frequencies 2110.8H to 2120.4H toward Appleton City, 2118.2V to 2114.6V toward Deepwater and 2129.6V to 2125.4V toward Montrose.

3853–CF–P–76, same (New), Appleton, Missouri. Amend application to change frequency from 2169.8H to 2170.4H toward Clinton, Missouri.

3854–CF–P–76, same (New), Deepwater, Missouri. Amend application to change frequency 2163.2V to 2164.6V toward Clinton, Missouri.

3855–CF–P–76, same (New), Montrose, Missouri. Amend application to change frequency from 2179.6V to 2175.4V toward Clinton, Missouri.

4104–CF–P–76, same (New), Lincoln, Missouri. Amend application to change frequency from 2179.6V to 2175.4V toward Windsor, Missouri.

4105–CF–P–76, same (New), Windsor, Missouri. Amend application to change frequency from 2169.8V to 2175.4V toward Lincoln, Missouri.

Correction

195–CF–P–77, Business Communications, Inc. d.b.a. New Orleans Mobilfone, (New), Venice, Louisiana. Correct applicant name as stated above. All other particulars to remain as reported on PN 830 dated November 1, 1976.

391–CF–P–77, General Telephone Company of Florida (WIU85) 10.9 miles SE. of Pareish Verna, Florida, to correct frequency to read 3770H. All other particulars to remain as reported on PN 832 dated November 15, 1976.

3917–CF–ML–76, New York Telephone Company (KEF75) 2 miles SSE of Savannah, New York, correct frequency to read 10395V MHz toward Fort Hill, New York. All other particulars to remain as reported on PN 828 dated October 18, 1976.

8163–CF–P–76, American Telephone and Telegraph Company (KPW24) Delta, Utah. Correct entry which appeared on Public Notice No. 826 October 4, 1976. To read as follows CP to change polarization from vertical to horizontal on frequencies 3770 3850 3930 4010 4090 4170 MHz and from horizontal to vertical on 3750, 3830, 3910, 3990, 4070, 4150, 4193 MHz toward Clear Lake Utah.

8233–CF–TC–(3)–76, Fidelity Telephone Company Consent to Transfer of Control from Clifford T. Davis, Transferor, to Katherine K. Davis (stockholder) transferee for station WAN40 Sullivan, Missouri; WAA39 Owensville, Missouri; WAH433 Gerald, Missouri.

[FR Doc.76-35678 Filed 12-2-76;8:45 am]

[Docket No. 19995; FCC 76-1076]

CABLE TELEVISION SYSTEMS

Network Program Exclusivity Protection; Third Report and Order (Proceeding Terminated)

Adopted: November 17, 1976.

Released: December 3, 1976.

In the matter of amendment of Subpart F of Part 76 of the Commission's rules and regulations with respect to Network Program Exclusivity Protection by Cable Television Systems, Docket No. 19995, RM-2275.

1. By its First Report and Order in Docket 19995, FCC 75-413, 52 FCC 2d 519 (1975), *recons. granted in part*, FCC-1143; 56 FCC 2d 210 (1975 40 FR 50036), the Commission adopted new regulations to govern network program nonduplication protection by cable television systems.[1] Prior to the adoption of these regulations, network nonduplication protection was afforded according to a system of priorities based on relative broadcast signal strength contours.[2] A new system of priorities based upon fixed mileage zones was established in the First Report and Order. Under the new rules, television broadcast stations are afforded network program nonduplication protection within a zone of thirty-five miles radius from the relevant city of license. Television broadcast stations located in smaller markets are afforded protection within an additional twenty-mile zone.

2. One of the issues considered in the First Report and Order was the application of the network nonduplication rules to the category of signals defined as "significantly viewed." A network affiliate with a share of viewing hours of at least three percent and a net weekly circulation of at least 25 percent is considered a "local" signal under the rules.[3] See paragraph 81, Cable Television Report and Order, 36 FCC 2d 143 (1972).

A cable operator may carry any significantly viewed signal and indeed he must carry it upon request of the station. Many parties commenting in the "First Report" proceeding argued that since the Commission had recognized that these are local signals it was inconsistent to require large portions of their programming to be deleted on the grounds that they are "distant." The result is that cable system operators are required to black out and cable television subscribers are precluded from viewing signals that are arguably readily available off-the-air. It was urged that the Commission's non-duplication rules should not operate to deny cable subscribers the right to view television signals commonly viewed by neighboring non-cable households. Conversely, it was argued that priority signals not viewed or viewable should not be protected.

3. The Commission discussed the various sides of this issue in paragraphs 36 through 43 of the "First Report and Order", concluding that the designation of a signal as significantly viewed is not by itself adequate to exempt it from the nonduplication rules. The Commission then stated in paragraph 43; "We recognize, however, that there may be situations in which the network programming of such signals should not be deleted. Accordingly, we intended in the near future to develop a standard so that such signals are not subject to deletion." The goal of the "Further Notice" was stated as; "* * * to set a standard which will prevent those television signals, commonly viewed in non-cable households of a cable community, from being blacked out because of the mileage priorities." (paragraph 3) [4] It set forth for comment two proposals. The first, and that stated as preferred by the Commission, would establish the following standard: If a television signal is both (a) significantly viewed in a cable community and (b) has a share of total viewing hours in non-cable households equal to, greater than, [or possibly approaching] the share of a protected signal, the signal will not be required to be deleted pursuant to the nonduplication rules. In the alternative the Commission proposed a standard based on measurements of television signal strengths. For example, a signal measurement standard could be established by using the signal of a greater priority station as the base, and permitting exceptions to the nonduplication rules if the lower priority duplicating station displays a signal which either exceeds or is "comparable" in signal strength to that of the other signal.

4. In response to the Commission's "Further Notice", some 66 television broadcast stations submitted comments. Additional comments were received from the Association of Maximum Service Telecasters (MST), National Association of Broadcasters (NAB), National Cable Television Association (NCTA) and numerous cable television interests.

The comments filed by broadcast television licensees were divided, generally approving or disapproving of the Commission's proposals depending upon whether the particular licensee would be advantaged or disadvantaged should some form of significant viewing exception to the nonduplication rules be adopted. Cable television interests uniformly approve of a significant viewing exception, most favoring the signal strength measurement proposal. The positions taken by the various parties who filed comments are summarized below.

5. The threshold issue in this proceeding is whether adoption of any form of significant viewing nonduplication exception would be in the public interest. The comments reflect widely divergent views on this questions. Many argue that the "First Report and Order" resulted in a substantial loss of nonduplication protection and that a further decrease in any form would be catastrophic. Most parties taking this position see the purpose of nonduplication as the protection of smaller market and UHF stations to further the announced Commission goal of fostering the development of local television broadcast outlets. They argue that almost invariably a signal being carried on cable due solely to a "significantly viewed" status is a powerful VHF from a major television market while the station which is now receiving nonduplication protection is a struggling UHF or smaller market station that is attempting to serve the local needs of the community involved. The effect of the proposed exception to the nonduplication rules, they claim, would be to fractionalize the market and overwhelm the local station. At best this would force a cutback in local programming and in some cases it would mean the total loss of the local outlet. Network nonduplication is argued to be especially critical for smaller market stations since they rely so heavily on revenues from network programming. In addition, the parties opposing any change in the present rule state that there is no public benefit whatever from reduction of nonduplication protection. The viewer will not get an increase in program, channel or time diversity. The only difference will be in non-network advertisements and public affairs spots broadcast during the duplicated programs. The viewer dissatisfaction due to blacked-out channels and having to change channels is said to have been taken care in the "First Report and Order", supra, which allows dual channel carriage of the duplicated programming.[5] These parties believe that cable should be required to play a positive role in correcting some of the flaws in the Commission's television station allocations policy and to help overcome the inherent disadvantages faced by UHF stations compared to VHF stations.

6. Comments by some broadcasters and all cable interests argue on the other hand that a change in the present rule is absolutely necessary. This position is based on the proposition that cable

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[1] See, §§ 76.92, 76.94, 76.95 and 76.97 of the Commission's rules.

[2] See, First Report and Order in Docket 14895, 38 FCC 683 (1965) and Cable Television Report and Order, FCC 72-108, 36 FCC 2d 143 (1972).

[3] "Share of viewing hours" means the total hours that non-cable television households viewed the subject station during the week, expressed as a percentage of the total hours these households viewed all stations during the period, and "net weekly circulation" means the number of non-cable television households that viewed the station for five minutes or more during the entire week, expressed as a percentage of the total non-cable television households in the survey area. Television broadcast signals which are significantly viewed in the county in which a cable television system is located must be carried by the system at the request of the subject stations.

[4] It is the further notice of proposed rulemaking in Docket 19995, FCC 75-922, 40 FR 34395 (August 15, 1975), which led to this Report and Order.

[5] Under § 76.55(a)(3) of the rules, a cable operator may carry the priority signal on the channel otherwise blank due to nonduplication as well as on the channel on which it is normally carried.

should reflect the existing off-the-air availability of signals. The cable interests are concerned with the marketability of a product which offers less than is available off-the-air to the average viewer. They believe that it makes a difference to subscribers if cable offers less, however small or intangible the difference. Along the same line it is reiterated that as a practical matter, providing nonduplication protection is not "the simple, precise effortless, mathematical exercise the Commission seems to assume." [6] Switching errors, mechanical breakdowns, notification errors, power outages and other problems are bound to occur. The public is invariably aware of and unhappy about nonduplication protection. This is especially evident where the picture from the priority signal is of lesser technical quality than the picture on the significantly viewed signal. A second argument which springs from the proposition that nothing should be deleted which is available over-the-air was summarized in paragraph 39 of the "First Report and Order," supra. Essentially, the argument is that the nonduplication rules in this context use cable television to alter the off-air competitive situation created by the Commission's broadcast allocations policy.

7. After examining the comments submitted and the policy questions involved in this proceeding, we have been persuaded that the rule changes proposed should not be adopted and that the existing rules should be retained. Basic to any issue in the network nonduplication area is the danger of adverse impact on the ability of television stations to perform their public service obligations. Moreover, where there is a risk of injury to broadcast service to the public, it is appropriate to consider and balance that risk against the value of whatever additional service cable subscribers may be receiving. The comments have made it clear to us that there are significant risks to local broadcast service inherent in the rule change proposed and that there is no substantial advantage to cable subscribers in terms of the service they receive in the change proposed since they will be receiving the identical programming on one or more channels regardless of whether the rules are changed or not.[7] While there are some situations present under the existing rules that appear to be anomolous—such as a station not available over-the-air receiving protection, or a financially strong station receiving protection against a weaker station—we have not been able to develop a rule applicable on a nationwide basis that cures these anomolies and at the same time sufficiently guards against the adverse consequences to broadcast service to the public in the remaining situations. The situations which led us to adopt the Further Notice are so diverse that they simply cannot be treated by a single across-the-board standard. All of the many alternatives considered left problems unresolved and at the same time created more difficulties of their own. For these reasons we are not adopting any changes in the rules at this time.

8. We do recognize, however, that there are situations where the rules work an inappropriate result and, accordingly, we do not foreclose the possibility of special relief being granted in individual cases. Among the factors we would consider particularly important in any waiver proceeding are: whether the nonpriority station enjoys a high level of viewership off-the-air, the financial health of the priority station, whether the priority or nonpriority stations, in their local programming, have specially undertaken to serve the community in question and whether members of the public are being forced to watch an inferior quality picture on the cable when a good quality one would be available absent our nonduplication rules.[8] Experience has taught us that this last factor, picture quality, presents some difficult evidentiary problems. Comparisons of actual picture quality may be made in a number of different ways. For purposes of special relief proceedings, we believe it appropriate to allow those requesting relief to present their case in any way they feel is persuasive. We are hopeful that by allowing flexibility and experimentation in the manner of proof, a workable set of procedures will be found that is generally acceptable. Since our concern is over public inconvenience, subscriber dissatisfaction is one factor which would obviously be relevant. Parties, however, are urged to document all showings in as much detail as possible so as to avoid disputes over the actual facts involved.

In view of the foregoing, the Commission finds that it would not be in the public interest to adopt any modification to the cable television network nonduplication rules at this time.

Accordingly, it is ordered, That this proceeding is terminated.

FEDERAL COMMUNICATIONS COMMISSION,[9]
VINCENT J. MULLINS,
Secretary.

[FR Doc.76-35675 Filed 12-2-76;8:45 am]

[Docket Nos. 20979-20980; File Nos. BPH-3629, BPH-3770]

SEWARD COUNTY BROADCASTING COMPANY INC. ET AL.

Designating Applications for Consolidated Hearing on Stated Issues; Memorandum Opinion and Order

Adopted: November 17, 1976.

Released: November 26, 1976.

In the matter of applications of The Seward County Broadcasting Company, Inc., Dodge City, Kansas, Docket No. 20979, File No. BPH-3629, Req: 93.1MHz, Ch. 230, ERP 100 kW (H&V), HAAT 560 Feet; Charles C. Babbs and Nellie L. Babbs d.b.a. Cattle Country Broadcasting, Dodge City, Kansas, Docket No. 20980, File No. BPH-3770, Req: 93.9 MHz, Ch. 230, ERP 100 kW (H&V), HAAT 566 Feet, for construction permits.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has before it the above-captioned applications for construction permits for a new commercial FM broadcast station at Dodge City, Kansas. These applications are mutually exclusive with each other inasmuch as they propose operation on the same channel in the same community.

2. Cattle Country Broadcasting proposes independent programming, while the Seward County Broadcasting Company, Inc. proposes to duplicate the programming of its commonly owned AM station, KEDD during 66 percent of its broadcast time. Therefore, evidence regarding program duplication will be admissable under the standard comparative issue. When duplicated programming is proposed, the showing permitted under the standard comparative issue will be limited to evidence concerning the benefits to be derived from the proposed duplication which would offset its inherent inefficiency, Jones T. Sudbury, 8 FCC 2d 360, 10 R.R. 2d 114 (1967).

3. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

4. *Accordingly, it is ordered,* That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine which of the proposals would, on a comparative basis, better serve the public interest.

2. To determine, in light of the evidence adduced pursuant to the foregoing issue, which of the applications should be granted.

5. *It is further ordered,* That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within twenty days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

6. *It is further ordered,* That, the applicants herein shall pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such

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[6] Comments of Moscow TV cable and Pullman TV Cable.

[7] The programming may appear on several cable channels at once due to the dual channel carriage rule explained in footnote 5.

[8] For an example of one set of circumstances which we feel warrants waiver of the rules see WCEE-TV, Inc. (Freeport, Illinois) FCC 76-443, 59 FCC 2d 540 (1976), reconsideration denied Total TV, Inc. (Janesville, Wisconsin), FCC 76-443, ____ FCC 2d ____ (1976).

[9] Commissioner Fogarty absent.

notice as required by § 1.594(g) of the rules.

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.76-35677 Filed 12-2-76;8:45 am]

[Docket No. 20350; FCC 76-1024]

STATE OF NEW JERSEY

THIRD REPORT AND ORDER
(Proceeding Terminated)

Petition for Inquiry Into Need of Adequate Television Service

Adopted: November 4, 1976.

Released: December 3, 1976.

In the matter of petition for inquiry into the need for adequate television service for the State of New Jersey, Docket No. 20350, RM-2345.

1. By this "Third Report and Order" the Commission concludes the final phase of its inquiry concerning New Jersey's television service. Here we address the sole remaining issue: The need vel non for the establishment of New Jersey production studios by certain "out-of-state" television licensees. For some time we have been engaged in a detailed examination of New Jersey's television service needs and have endeavored to create an efficient and effective mechanism capable of guaranteeing the adequacy of such service without improperly abridging licensee discretion or needlessly disrupting existing service. It is our view that the requirements of the Commission's "Second Report and Order" in Docket No. 20350 (FCC 76-634, 59 F.C.C. 2d 1386 (1976)), coupled with the type of licensee commitments set forth below, will assure the adequacy of New Jersey's locally-oriented television service. Thus, and for the reasons discussed, infra, we have determined that the Commission-mandated construction and maintenance of New Jersey production studios by out-of-state television licensees not only is unnecessary and generally inefficient, but that it would likely constitute an unwarranted intrusion into the business and journalistic discretion of these broadcast licensees.

PREVIOUS COMMISSION ACTION IN DOCKET No. 20350

FIRST REPORT AND ORDER AND FURTHER NOTICE OF PROPOSED RULE MAKING

2 Following the receipt of comments and replies elicited by our "Notice of Inquiry and notice of proposed rulemaking" in Docket No. 20350 (FCC 75-125, 40 FR 6513 (1975))[1] the Commission issued its first ruling in this matter. In the First Report and Order and Further Notice of proposed rulemaking (FCC 76-262, 58 F.C.C. 2d 790 (1976)) released March 25, 1976, the Commission found a need for augmented locally-oriented television broadcast service for the citizens of New Jersey. While the Commission's "First Report" rejected (1) the concept of a New Jersey VHF "drop-in" and (2) the Coalition's proposal to reallocate VHF Channel 7 from New York City to central New Jersey, it did seek further comment on a number of other proposals for enhancing New Jersey's television service. Although the Commission stated its belief that the existing allocations structure need not be modified to provide adequate New Jersey service, we indicated that we would further examine the "dual-licensing" proposal raised by the Coalition and would accept further comments concerning station reallocation not involving transmitter site movement. However, the focal point of the "Further Notice" was the possible establishment of a New Jersey "physical presence" by some or all of the television broadcast stations licensed to New York City or Philadelphia. The Commission sought comments on the use of auxiliary studios, the deployment of electronic newsgathering (ENG) or news film crews, the assignment of New Jersey correspondents and the establishment of local news offices in the state. Additionally, we requested guidance as to the need for placing a special New Jersey service obligation on some or all of the area's licensees and sought comment concerning the proper role of the area's educational and UHF stations, especially those licensed to New Jersey cities.

SECOND REPORT AND ORDER

3. On July 14, 1976 (41 FR 29156, July 15, 1976), the Commission released its "Second Report and Order" in this proceeding. In light of the comments received and for the reasons stated in the Second Report and Order the Commission rejected, *inter alia*, the reallocation and dual-licensing proposals and reaffirmed ts earlier conclusion that New Jersey's television service needs can be adequately served through the effective use of the existing allocations structure. We indicated that all area television licensees[2], in addressing a special New Jersey service obligation, should maximize, within practical and flexible limits, their service to the New Jersey portions of their coverage areas. Additionally, the Commission (1) stated that these licensees should make positive physical commitments to the establishment of a New Jersey "presence," and (2) set up guidelines to express the Commission's judgment as to what a reasonable commitment would be.[3] We recognized that licensees must have the flexibility to assign both resources and personnel and produce programming in a manner consistent with their business and journalistic discretion. For this reason, we did not, at that time, establish fixed requirements for particular classes of stations. However, the Commission stated it had not ruled out the possibility of requiring certain "out-of-state" television stations to maintain production studios in New Jersey.

4. Beyond the requirement that all area television licensees must supplement future license renewal applications with statements concerning their respective New Jersey service commitments, the Commission specified that the New York City and Philadelphia station licensees whose renewals were conditioned on the outcome of this proceeding[4] were to file such statements within 60 days of the release date of the "Second Report and Order. The Commission stated that following an examination of these licensees' commitment statements it would decide whether New Jersey production studios, maintained by certain out-of-state licensees, would be required to assure the adequacy of New Jersey's television service. We also reaffirmed our observation that New Jersey's own UHF and educational stations, including those operated by the New Jersey Public Broadcasting Authority, have significant and specific New Jersey service responsibilities which are in no way lessened by our decisions in the instant proceeding.

COMMITMENT STATEMENTS RECEIVED

5. The New Jersey service commitment statements requested by our "Second Report and Order" were timely filed by the New York City and Philadelphia licensees referenced therein and include the following commitments. American Broadcasting Companies, Inc., the licensee of Station WABC-TV, New York City, states that on or before January 3, 1977, Station WABC-TV will open an office at Hackensack, New Jersey, and dedicate one reporter and film news crew to New Jersey on a full-time basis. ABC indicates that these personnel and their equipment will be based at the Hackensack office and further states that additional news personnel and equipment, including ENG gear, will be deployed to New Jersey on an "as needed" basis subject to the station's overall news discretion. ABC notes that it will activate a toll free New Jersey telephone line and that the station is presently studying the use of a new microwave relay system which would geographically extend its current New Jersey ENG origination capability. Capital Cities Communications, Inc., the licensee of Philadelphia Station WPVI-

[1] Our Notice was issued February 6, 1975, in response to a petition filed by the New Jersey Coalition for Fair Broadcasting. The above-city Notice describes the nature of the Coalition's petition and the initial parameters of the subject proceeding.

[2] The requirements set forth in the "Second Report and Order" were made applicable to all television stations licensed to New Jersey cities and to those area television stations serving any portion of New Jersey with a predicted principal community signal. (See § 76.658(a) of the Commission's rules.)

[3] In paragraph 43 of the Second Report and Order we set forth our physical presence guidelines. We suggested, inter alia, the use of New Jersey-dedicated ENG or film crews, New Jersey correspondents, local news offices, toll-free New Jersey telephone lines, and non-official promotional ID's highlighting out-of-state stations' New Jersey service obligations and activities.

[4] See 53 F.C.C. 2d 1112 (1975) and 55 F.C.C. 2d 685 (1975).

TV, states that it will extend its station's ENG live origination capability to Trenton, the New Jersey state capital, by the use of new microwave links. Capital Cities indicates that it is considering other microwave expansions of its southern New Jersey ENG capability and that a final decision on such matter will be made in light of experience to be gathered from the Trenton microwave expansion. The Philadelphia licensee states that it will formalize its general practice of assigning a correspondent and news crew to New Jersey every weekday, allowing, of course, for occasional events which may require the use of such personnel and equipment for coverage of non-New Jersey news or may require the deployment of additional correspondents and crews to New Jersey. Capital Cities states that it will utilize, inter alia, a special New Jersey telephone number assigned to a New Jersey news desk and maintained by personnel familiar with New Jersey affairs. Additionally, Capital Cities notes that Station WPVI-TV's non-official station ID will often accentuate the station's regional service obligation and refer, for example, to its serving the "Delaware Valley." Capital Cities maintains that it plans to evaluate its New Jersey service efforts over a period of time and will revise and expand them if such a course appears necessary.

6. CBS, Inc., the licensee of Stations WCBS-TV, New York City, and WCAU-TV, Philadelphia, submits that each of its stations has undertaken or will undertake, inter alia, (1) the assignment of a full-time New Jersey correspondent, (2) the New Jersey assignment of a film or ENG news crew on each weekday, and (3) the broadcast of announcements regarding the stations' New Jersey coverage. In addition to the above, CBS lists Station WCAU-TV's maintenance of an office in Cherry Hill, New Jersey, and the station's employment of a New Jersey telephone number. For Station WCBS-TV, its licensee also notes the utilization of a New Jersey news desk under the supervision of a full-time journalist and telephone interconnected with both New Jersey area codes, and the employment of two news stringers, one based in Trenton, and the other located in northern New Jersey. Like the aforementioned licensees, CBS notes that coverage of breaking news events may require the temporary reassignment of New Jersey correspondents, etc., and on other occasions may result in additional crews and correspondents being sent to New Jersey. Metromedia submits that Station WNEW-TV, New York City, will deploy a news crew to New Jersey for approximately one hundred days per year on average, that the station will periodically make reference to its service to the "Tri-State Area," and that the station has already established a New Jersey telephone answering service. Additionally, Metromedia refers to, inter alia, its use of New Jersey stringers and its subscription to periodicals and wire services providing New Jersey news and information. The National Broadcasting Company, Inc. specifies that on each weekday Station WNBC-TV, New York City, will assign on average, at least one news crew to New Jersey and will continue to maintain a full-time New Jersey news correspondent that will be identified and promoted as such. NBC states that additional correspondents and crews will be assigned to New Jersey matters when necessary and that the station will continue to use New Jersey news stringers and employ and publicize a toll-free New Jersey telephone number.

7. The licensee of New York City Station WOR-TV, RKO General, Inc., indicates that it will assign an ENG crew to New Jersey on an exclusive basis and that it hopes to establish an ENG microwave link between New Jersey and its studio following the proposed reallocation of the station's transmission facilities to the World Trade Center. Westinghouse Broadcasting Company, Inc., the licensee of Station KYW-TV, Philadelphia, submits that its station will regularly assign at least one news crew to coverage of New Jersey events and will establish a Southern New Jersey News Bureau maintained by a Bureau Chief and Assistant Chief and having the capability of originating live New Jersey news broadcasts via ENG gear. Westinghouse states that it will establish a toll-free New Jersey telephone number, will employ a Trenton correspondent, and will regularly broadcast information as to the toll-free New Jersey phone number and the location of the Southern New Jersey news bureau. Additionally, Westinghouse maintains that it will install two microwave transmission facilities for the relay of New Jersey video programming. The first will connect the Southern New Jersey News Bureau with the Station KYW-TV main studio and the second will be used for transmitting program material from Trenton, New Jersey, to the main studio. WPIX, Inc. indicates that its New York independent station will deploy a remote camera crew or other production facility to New Jersey on an average of at least one hundred days per year. The licensee submits that the one hundred day commitment will not be limited to spot news coverage and that the station will devote a portion of this time to (1) the production of editorials at remote locations in New Jersey and (2) the production of at least four special programs per year directed to New Jersey events.

8. Beyond the specific New Jersey service commitments listed above, some licensees responding also refer to their ongoing ascertainment efforts designed to facilitate further contact with the state and its citizenry. Several also refer to their rebroadcast of the New Jersey Public Broadcasting Authority's "Jerseyvision" broadcasts and describe these programs as significant sources of New Jersey-oriented news and information. Additionally, it is noted that a number of New York City and Philadelphia licensees prefaced their commitment statements with reassertions of their initial opinion that New Jersey currently receives adequate locally-oriented television program service. This argument, of course, was laid to rest in our earlier decisions in this proceeding. Certain licensees commend the Commission's decision that stations' specific New Jersey service commitments be voluntarily fashioned in good faith, and urge the Commission to reject the concept of requiring out-of-state stations to maintain New Jersey studio facilities. Several applaud our determination that stations already licensed to New Jersey cities should be expected to contribute significantly to the overall New Jersey service effort.

DISCUSSION AND DECISION

9. The Commission has reviewed the above-described renewal supplements and has concluded that the various undertakings of the licensees, taken as a whole, constitute the demonstration of a service commitment that will significantly enhance New Jersey's locally-oriented television service and help achieve the new Jersey service goals we have established in this proceeding. We accept these licensees' commitments at this time and will expect the licensees to carry out the New Jersey service activities and undertakings they have described. We wish to emphasize again the fact that, in accordance with paragraphs 41-43 of the "Second Report and Order, supra", all area licensees, including those New Jersey, Pennsylvania, Delaware, and New York licensees that were not required to supplement current renewal applications, will be expected to supplement future renewal application with statements concerning their own New Jersey service commitments. We are confident that these licensees too will indicate an awareness of their New Jersey service responsibilities and will take all reasonable efforts to make an appropriate and effective contribution to the state's overall television service. The Commission will carefully review each of these future renewal applications and will give special attention to the New Jersey service commitments and service obligations of New Jersey as well as non-New Jersey licensees.

10. It is our determination, following an analysis of the comments, the commitment statements, and the entire record,[5] that the provision of adequate service to New Jersey does not require the construction of separate or shared New Jersey auxiliary studios by out-of-state licensees. We find that such a studio requirement would be inefficient, is unnecessary to the realization of our New Jer-

[5] On October 14 and October 19, 1976, respectively, the New Jersey Coalition for Fair Broadcasting and Representative Andrew Maguire filed informal comments concerning the out-of-state licensees' supplementary statements. The filing of such documents was not contemplated by the Second Report and Order. However, we have reviewed these comments and find that they contain, generally, (1) a mere restatement of these parties' allocation arguments previously addressed and rejected by the Commission, (2) criticism of the out-of-state licensees' New Jersey commitment statements and (3) a request that the Commission order the out-of-state licensees to establish New Jersey studio facilities.

sey service goals, and might constitute an unwarranted intrusion into licensee business operation. Furthermore, no party has presented a reasoned showing of where such proposed studios actually should be located in the state. As far as news coverage is concerned, the construction of studios would produce facilities least useful. Rarely do news stories develop within the confines of a studio. It is our view that mobility and flexibility are the keynotes to coverage of such a densely populated and diverse area such as New Jersey. We believe that more responsive and efficient New Jersey coverage can be achieved in this fashion than by the creation of static studio facilities in the state. In this connection we note, from the body of information developed in this proceeding, that all network-affiliated stations in New York City and Philadelphia will have the capacity to originate live programming from New Jersey sites within their respective service areas. It may be that certain of the subject out-of-state licensees could financially afford to establish and maintain New Jersey studios. However, licensee requirements that are unnecessary and inefficient for attaining adequate New Jersey service are made no less so merely because of a particular station's "ability to pay." The Commission is confident that the physical presence guidelines and the special New Jersey service obligations we have developed in this proceeding will serve to assure the adequacy of New Jersey's television service. We intend to closely examine, in the renewal process, the implementation of these New Jersey service commitments. We shall not hesitate to take appropriate and remedial action when and if such a course appears necessary.

11. In conclusion, we wish to express our hope that the citizens of New Jersey will be able to create, expand, and maintain firm lines of responsive communication with not only the stations licensed to bordering cities but with the many television outlets licensed to cities within the state. A myriad of stations, in-state and out-of-state, provide a signal to New Jersey and are required to serve the needs and interests of its residents. There is no doubt that the effective and efficient use of this multitude of voices can satisfy our New Jersey service goals. We believe that the Commission has adopted a course of action which will reach this end.

12. *Accordingly, it is ordered*, That this proceeding is terminated.

FEDERAL COMMUNICATIONS COMMISSION,[a]

VINCENT J. MULLINS,
Secretary.

[a] Dissenting statement of Commissioner Hooks and concurring statement of Commissioner Fogarty filed as part of the original document. Commissioner Quello concurring in the result; Commissioner White not participating.

Network stations

[Commitments made in pleadings]

	WCBS-TV	WNBC-TV	WABC-TV	WCAU-TV	KYW-TV	WPVI-TV
News crew	Full time	Full time	Full time	Full time	Full time	Full time.
Additional crew as needed	Yes	Yes	Yes	Yes	Yes	Yes.
Correspondent	Yes	Yes	Yes	Yes	Yes	Yes.
Local telephone	Yes	Yes	Yes	Yes	Yes	Yes.
Office	No	No	Yes	Yes	Yes	No.
Microwave relay or other system to expand station news coverage capabilities.	Live transmission from New Jersey.[1]	Live transmission from New Jersey.[1]	Live transmission from New Jersey.[1]	Live transmission from New Jersey.[1]	Microwave from 2 locations.[2]	Microwave from 2 locations.[2]
Special ID or New Jersey service announcements.	Yes	Yes	No	Yes	Yes	Yes.

[1] Station has capacity to originate live broadcast programing from some areas of New Jersey through ENG equipment in microwave contact with main studio.

[2] Station is committed to establish or maintain a microwave link from Trenton to main studio and an additional link from a location in southern New Jersey to main studio.

[FR Doc.76-35676 Filed 12-2-76;8:45 am]

federal register

FRIDAY, DECEMBER 3, 1976

PART II:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

■

COMMUNITY HEALTH SERVICES

Grants

Title 42—Public Health

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

SUBCHAPTER D—GRANTS

PART 51c—GRANTS FOR COMMUNITY HEALTH SERVICES

Final Regulations

On June 11, 1976, interim regulations implementing section 330 of the Public Health Service Act (42 U.S.C. 254c) were published in the FEDERAL REGISTER (41 FR 23852). The regulations adopted a new Part 51c of Title 42, Code of Federal Regulations, and Subparts A through D thereof, establishing program requirements applicable to grants for community health services projects under section 330. Although the regulations were effective upon publication, the Secretary invited public comment on the regulations and indicated that they would be revised as warranted by the comments received. Thirty-five letters offering substantive comments were received in response to this invitation, and all comments have been considered. A summary of the comments received and of the actions taken pursuant to those comments is set forth below.

1. One comment held that it was unrealistic to expect a community health center to serve all residents of its catchment area, as required by the definition of community health center in § 51c.102 (c) (1), and suggested that the word "all" be deleted. This suggestion was not followed, as the provision by a center of services for "all residents" of a center's catchment area is required by Section 330(a) of the Act. It is noted this provision requires that all residents of a center's catchment area be eligible for service on an equal basis.

2. A number of comments suggested that certain supplemental health services be made primary health services or that other services be added to the list of primary health services. Two comments noted that the definitions of primary and supplemental health services are not consistent with the definitions applicable to health maintenance organizations under title XIII of the Act, and stated that this would preclude an entity from being funded under both authorities. However, except as noted below, no change was made, since what comprises "primary health services" and "supplemental health services" is specifield by the statute. It should also be noted that the different definitions in title XIII and section 330 will not preclude funding under both authorities, since where a service is required as a primary health service under title XIII but not under section 330, it may be provided as a supplemental health service under section 330. In such a situation, therefore, where the service in question is offered, the requirements of both authorities would be met.

3. The suggestion that the definition of "physician" in § 51c.102(g) be revised to include optometrists and podiatrists has been rejected as their inclusion in the definition would not accord with the traditional usage of the term in the Act and related provisions of law. However, it should be noted that where a center's primary or supplemental health services are provided by optometrists or podiatrists in accordance with applicable requirements, the provision of such services would be eligible for support by the center.

4. A number of comments suggested that certain primary and supplemental health services be expanded to include or name specific services. Some of these suggestions have been accepted and some rejected, as follows:

a. Two comments recommended the addition of other specific professions to those enumerated in § 51c.102(h) (1), on the ground that such professions would otherwise be excluded. However, since the professions listed are examples only and not an exclusive list and thus would not exclude related professions, it was considered unnecessary to revise the provision.

b. Several comments advocated including certain additional services on the list (§ 51c.102(h) (3)) of preventive health services to be provided. These suggestions have been followed.

c. It was suggested that the definitions in § 51c.102(j) (2), (4) and (11) be expanded to include homemaker services. The statute specifically includes "home health services" but does not refer to homemaker services. It is therefore reasonable to assume that Congress did not intend to include such services in its enactment of section 330.

d. One comment urged that the list of preventive dental services required under § 51c.102(h) (6) be expanded to include restoration, extraction and prosthetic work. This suggestion has not been followed, since such services are included in dental services under supplemental health services (see § 51c.102(j) (6)).

5. One comment recommended that Indian organizations specifically be made eligible to apply for grants in § 51c.103. Since eligibility for grants is established by the statutory language, this recommendation has not been adopted. However, it should be noted that Indian organizations which are "public or nonprofit private entities" would by definition be eligible to apply for grants.

6. One comment objected to using the catchment area concept to determine eligibility for care and basing the determination of a catchment area on the geographic criteria set out in § 51c.104 (b) (2). However, since this approach is mandated by the statute (sections 330 (a), 330(e) (2) (I)), no change was made.

7. Two comments recommended that public accountants as well as certified public accountants be authorized to perform the audit required under § 51c.104 (b) (6) and § 51c.303(d). This matter was carefully reviewed and the regulation was revised in accordance with policies of the Comptroller General of the United States in this regard.

8. Two comments requested that the requirements of § 51c.105 be expanded to include review by State and local agencies not part of the review process under Title XV of the Act. The Secretary does not have the authority under section 330 to impose additional review duties on State and local agencies, but where additional State and local review is required by State and local law, section 330 applicants are of course subject to those requirements. Thus, to the extent that the comments urged imposition of review requirements not present under State or local law, the suggestions have been rejected as unauthorized and, to the extent they suggested compliance with State and local laws which are applicable by their own terms, the suggestions have been rejected as unnecessary.

9. One comment questioned what § 51c.105 requires where the local health systems agency (HSA) is not yet operational. In such a case, the requirements of Title XV of the Act with respect to the review and approval responsibilities assigned to the appropriate health planning agency designated under title XV are applicable only after such agency has been designated and is authorized to perform such review and approval functions.

10. Six comments objected to the provision in Subparts B, C, and D that grants may be made only to entities which will serve a "medically underserved population". The comments, however, did not relate to the provisions of the regulation per se but rather to the expected implementation of the provision based on experience under title XIII. Five comments pointed out that use of health resources statistics excludes "poverty pockets" with a paucity of health resources within large counties, while two stated that use of home addresses in computing physician-population ratios does not necessarily indicate proximity of medical care. However, the regulation does not preclude consideration of poverty pockets in designating areas of medical underservice. The Secretary is in the process of establishing procedures to enable special circumstances creating medical underservice to be taken into account.

11. Expansion of the factors considered under § 51c.102(e) (1) and (4) in determining what constitutes a "medically underserved population" was also recommended. It should be noted, though, that the factors listed are not an exclusive list. In addition, it was felt that experience with substantially the same criteria under Title XIII of the Act has shown their viability and hence they should be retained unchanged.

12. One comment objected that the peer review requirement of § 51c.303(c) was process rather than outcome-oriented and that the organizational arrangements required might be inappropriate in particular cases. It should be noted, however, that the statutory requirement that the regulations set requirements for the "organizational arrangements" for peer review implies process rather than outcome-oriented criteria. In addition, it was felt that too little is presently known about how to formulate desirable outcomes in an ambulatory care setting to enable meaning-

ful outcome-oriented criteria to be established. It was also felt that the requirements as written contain sufficient flexibility to permit a variety of appropriate organizational arrangements. Accordingly, no change was made.

13. Several comments objected to the ceiling on discounts in § 51c.303(f) of 200 percent of the poverty level, on the grounds that it would constitute a barrier to service for persons with incomes in excess of the level and that a negotiated fee schedule would improve collections and generally be more administratively viable. However, the 200-percent ceiling has been retained on several grounds. First, it reflects current practice in a number of ambulatory health care projects funded under the Public Health Service Act. Also, it is considered to be reasonable in light of the goals of the program; specifically, the ceiling of 200 percent of poverty guidelines on discounts provides considerable leeway above the poverty guideline for utilizing discounts and is higher than the average income of lower budget families, as determined by the Bureau of Labor Statistics of the Department of Labor. Finally, it is considered to be more administratively practical than a negotiated fee schedule system, as it will require only periodic determinations of income rather than individual determinations for each kind of service provided.

In view of the concern expressed with the alteration in charging practices entailed by the regulations, however, the section has been changed to permit the imposition of a nominal charge for services even where the patient would otherwise receive a full discount.

14. One comment urged that § 51c.303 (p) be revised to spell out staff qualifications more completely and that the minimum for such qualifications be set high. However, since the composition of the professional staff of various projects will probably vary widely depending on the types of services provided, this suggestion was considered not to be feasible and was not adopted.

15. Fourteen comments objected to various provisions applicable to the governing board requirement of § 51c.304. The comments, and the actions taken in response to them, are summarized below.

a. Most of the comments objected to the requirement of § 51c.304(b)(1) that a majority of the board be composed of individuals who are or will be served by the center and who, as a group, are representative of such individuals. Elimination or provision for waiver of this section was advocated. However, the requirement is a statutory one (section 330 (e)(2)(G)(i)), and accordingly the Secretary has no legal authority to remove or waive it.

b. Several comments objected to the size limitations of § 51c.304(a) on the grounds that smaller or larger boards had in particular cases been found to be workable. Accordingly, appropriate provision for waiver has been included.

c. Two comments objected to the restrictions of § 51c.304(b)(2) and (4). One requested a revision to allow a relative of a board member to be an employee of the center. Another recommended that the regulation be revised to allow for the involvement of center physicians and administrators in governing board decision-making. However, it was felt that allowing relatives of board members to be employees of the center would create conflicts of interest contrary to good management. Also, center physicians and administrators can either be represented by the project director, who may be a non-voting, ex-officio member of the board, or be invited to meet with the board and to be as involved as the board of directors may wish. Accordingly, these suggestions have not been followed.

16. Several comments objected to the requirement in § 51c.403(a) that community health projects funded under Subpart D must meet all of the requirements for a community health center except for those dealing with the governing board, as more restrictive than the law. This requirement reflects an administrative judgment that these requirements constitute a reasonable minimum set of requirements for the provision of quality health services and the establishment of viable organizations, and hence has been retained.

17. In addition to the above, minor technical and clarifying changes have been made.

In consideration of the foregoing, the Assistant Secretary for Health of the Department of Health, Education, and Welfare, with the approval of the Secretary of Health, Education, and Welfare, hereby revises Subparts A through D of Part 51c of Title 42, Code of Federal Regulations, as set forth below, effective as of December 3, 1976.

It is hereby certified that the economic and inflationary impacts of this regulation have been carefully evaluated in accordance with Executive Order 11821.

Dated: October 21, 1976.

JAMES F. DICKSON,
Acting Assistant Secretary for Health.

Approved: November 23, 1976.

MARJORIE LYNCH,
Acting Secretary.

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AUTHORITY: Secs. 215, 330, Public Health Service Act (42 U.S.C. 216, 254c).

Subpart A—General Provisions

§ 51c.101 Applicability.

The regulations of this subpart are applicable to all project grants authorized by section 330 of the Public Health Service Act (42 U.S.C. 254c).

§ 51c.102 Definitions.

As used in this part:

(a) "Act" means the Public Health Service Act.

(b) "Catchment area" means the area served by a project funded under section 330 of the Act.

(c)(1) "Community health center" or "center" means an entity which, through its staff and supporting resources or through contracts or cooperative arrangements with other public or private entities, provides for all residents of its catchment area:

(i) Primary health services;

(ii) As determined by the Secretary to be appropriate for particular centers, supplemental health services necessary for the adequate support of primary health services;

(iii) Referral to providers of supplemental health services and payment, as determined by the Secretary to be appropriate and feasible, for their provision of such services;

(iv) Environmental health services, as determined by the Secretary to be appropriate for particular centers; and

(v) Information on the availability and proper use of health services.

(2) For purpose of paragraph (c)(1) of this section, the provision of a given service by a center will be determined by the Secretary to be appropriate where

(i) There is a need, as determined by the Secretary, for the provision of such service in the catchment area; and

(ii) The provision of such service by the center is feasible, taking into consideration the center's projected revenues, other resources, and grant support under this part.

(d) "Environmental health services" means the detection and alleviation of unhealthful conditions of the environment of the catchment area, such as problems associated with water supply, sewage treatment, solid waste disposal, rodent and parasite infestation, and housing conditions. For the purposes of this part, the detection and alleviation of unhealthful conditions of the environment includes the notification of and making of arrangements with appropriate Federal, State, or local authorities

responsible for correcting such conditions.

(e) "Medically underserved population" means the population of an urban or rural area designated by the Secretary as an area with a shortage of personal health services or a population group designated by the Secretary as having a shortage of such services. Medically underserved areas will be designated by the Secretary and a list of those designated will be published in the FEDERAL REGISTER from time to time, taking into consideration the following factors, among others:

(1) Available health resources in relation to size of the area and its population, including appropriate ratios of primary care physicians in general or family practice, internal medicine, pediatrics, or obstetrics and gynecology to population;

(2) Health indices for the population of the area, such as infant mortality rate;

(3) Economic factors affecting the population's access to health services, such as percentage of the population with incomes below the poverty level; and

(4) Demographic factors affecting the population's need and demand for health services, such as percentage of the population age 65 and over.

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

(g) "Physician" means a licensed doctor of medicine or doctor of osteopathy.

(h) "Primary health services" means:

(1) Diagnostic, treatment, consultative, referral, and other services rendered by physicians, and, where feasible, by physicians' extenders, such as physicians' assistants, nurse clinicians, and nurse practitioners;

(2) Diagnostic laboratory services and diagnostic radiologic services;

(3) Preventive health services, including medical social services, nutritional assessment and referral, preventive health education, children's eye and ear examinations, prenatal and post-partum care, prenatal services, well child care (including periodic screening), immunizations, and voluntary family planning services;

(4) Emergency medical services, including provision, through clearly defined arrangements, for access of users of the center to health care for medical emergencies during and after the center's regularly scheduled hours;

(5) Transportation services as needed for adequate patient care, sufficient so that residents of the catchment area served by the center with special difficulties of access to services provided by the center receive such services; and

(6) Preventive dental services provided by a licensed dentist or other qualified personnel, including (i) oral hygiene instruction; (ii) oral prophylaxis, as necessary; and (iii) topical application of fluorides, and the prescription of fluorides for systemic use when not available in the community water supply.

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

(j) "Supplemental health services" means health services which are not included as primary health services and which are:

(1) Inpatient and outpatient hospital services;

(2) Home health services;

(3) Extended care facility services;

(4) Rehabilitative services (including physical and occupational therapy) and long-term physical medicine;

(5) Mental health services, including services of psychiatrists, psychologists, and other appropriate mental health professionals;

(6) Dental services other than those provided as primary health services;

(7) Vision services, including routine eye and vision examinations and provision of eyeglasses, as appropriate and feasible;

(8) Allied health services;

(9) Pharmaceutical services, including the provision of prescription drugs;

(10) Therapeutic radiologic services;

(11) Public health services (including nutrition education and social services);

(12) Ambulatory surgical services;

(13) Health education services; and

(14) Services, including the services of outreach workers, which promote and facilitate optimal use of primary health services and services referred to in the preceding subparagraphs of this paragraph and, if a substantial number of individuals in the population served by the center are of limited English-speaking ability, the services of outreach workers and other personnel fluent in the language or languages spoken by such individuals.

§ 51c.103 Eligibility.

Any public or nonprofit private entity is eligible to apply for a grant under this part.

§ 51c.104 Application.

(a) An application for a grant under this part shall be submitted to the Secretary at such time and in such form and manner as the Secretary may prescribe.

(b) The application shall contain a budget and narrative plan of the manner in which the applicant intends to conduct the project and carry out the requirements of this part. The application must describe how and the extent to which the project has met, or plans to meet, each of the requirements in Subpart B (relating to grants for planning and developing community health centers), Subpart C (relating to grants for the operation of community health centers), or Subpart D (relating to grants for the operation of community health projects), as applicable. In addition, applications must include:

(1) A statement of specific, measurable objectives and the methods to be used to assess the achievement of the objectives in specified time periods and at least on an annual basis.

(2) The precise boundaries of the catchment area to be served by the applicant, including an identification of the medically underserved population or populations within the catchment area. In addition, the application shall include information sufficient to enable the Secretary to determine that the applicant's catchment area meets the following criteria:

(i) The size of such area is such that the services to be provided by the applicant are available and accessible to the residents of the area promptly and as appropriate;

(ii) The boundaries of such area conform, to the extent practicable, to relevant boundaries of political subdivisions, school districts, and areas served by Federal and State health and social service programs; and

(iii) The boundaries of such area eliminate, to the extent possible, barriers resulting from the area's physical characteristics, its residential patterns, its economic and social groupings, and available transportation.

(3) The results of an assessment of the need that the population served or proposed to be served has for the services to be provided by the project (or in the case of applications for planning and development projects, the methods to be used in assessing such need), utilizing, but not limited to, the factors set forth in § 51c.102(e)(1)–(4).

(4) Position descriptions for key personnel who will be utilized in carrying out the activities of the project and a statement indicating the need for the positions to be supported with grant funds to accomplish the objectives of the project.

(5) Letters and other forms of evidence showing that efforts have been made to secure financial and professional assistance and support for the project within the proposed catchment area and the continuing involvement of the community in the development and operation of the project.

(6) An assurance that an independent certified public accountant, or a public accountant licensed before December 31, 1970, will be engaged to certify that the system for the management and control of its financial assets will be in accord with sound financial management practices, including applicable Federal requirements.

(7) A list of all services proposed to be provided by the project.

(8) A list of services which are to be provided directly by the project through its own staff and resources and a description of any contractual or other arrangements (including copies of documents, where available) entered into, or planned for the provision of services.

(9) The schedule of fees and/or payments and schedule of discounts for services provided by the project.

(10) Evidence that:

(i) The requirements of Part I of Office of Management and Budget Circular No. A–95 have been satisfied, and

(ii) All applicable requirements for review and/or approval of the application under Title XV of the Act have been met.

(11) An assurance that the project will be conducted in accordance with the applicable requirements of this part.

(c) The application must be executed by an individual authorized to act for the applicant and to assume on behalf of the applicant the obligations imposed by the statute, the applicable regulations of this part, and any additional conditions of the grant.

§ 51c.105 Accord with health planning.

A grant may be made under this part only if the applicable requirements of title XV of the Act relating to review and approval by the appropriate health planning agencies have been met.

§ 51c.106 Amount of grant.

(a) The amount of any award under this part will be determined by the Secretary on the basis of his estimate of the sum necessary for a designated portion of direct project costs plus an additional amount for indirect costs, if any, which will be calculated by the Secretary either:

(1) On the basis of the estimate of the actual indirect costs reasonably related to the project; or

(2) On the basis of a percentage of all, or a portion of, the estimated direct costs of the project when there are reasonable assurances that the use of such percentage will not exceed the approximate actual indirect costs. Such award may include an estimated provisional amount for indirect costs or for designated direct costs (such as fringe benefit rates) subject to upward (within the limits of available funds) as well as downward adjustments to actual costs when the amount properly expended by the grantee for provisional items has been determined by the Secretary: *Provided, however,* That no grant shall be made for an amount in excess of the total cost found necessary by the Secretary to carry out the project.

(i) In determining the percentage of project costs to be borne by the grantee, factors which the Secretary will take into consideration will include the following:

(A) The ability of the grantee to finance its share of project costs from non-Federal sources;

(B) The need in the area served by the project for the services to be provided; and

(C) The extent to which the project will provide services in an innovative manner which the Secretary desires to stimulate in the interest of developing more effective health service delivery systems on a regional or national basis.

(ii) At any time after approval of an application under this part, the Secretary may retroactively agree to a percentage of project costs to be borne by the grantee lower than that determined pursuant to paragraph (a)(2)(i) of this section where he finds that changed circumstances justify a smaller contribution.

(iii) In determining the grantee's share of project costs, costs borne by Federal grant funds, or costs used to match other Federal grants, may not be included except as otherwise provided by law or regulations.

(b) All grant awards shall be in writing, and shall set forth the amount of funds granted and the period for which support is recommended.

(c) Neither the approval of any project nor any grant award shall commit or obligate the United States in any way to make any additional, supplemental, continuation, or other award with respect to any approved project or portion thereof. For continuation support, grantees must make separate application.

§ 51c.107 Use of project funds.

(a) Any funds granted pursuant to this part, as well as other funds to be used in performance of the approved project, may be expended solely for carrying out the approved project in accordance with section 330 of the Act, the applicable regulations of this part, the terms and conditions of the award, and the applicable cost principles prescribed in Subpart Q of 45 CFR Part 74.

(b) Project funds awarded under this part may be used for, but need not be limited to, the following:

(1) The costs of acquiring and modernizing existing buildings (including the costs of amortizing the principal of, and paying interest on, loans), but only in accordance with subpart E of this part and as approved in the grant award;

(2) The costs of obtaining technical assistance to develop and improve the management capability of the project, but only as approved by the Secretary;

(3) The reimbursement of members of the grantee's governing board, if any, for reasonable expenses actually incurred by reason of their participation in board activities;

(4) The reimbursement of governing board members for wages lost by reason of participation in the activities of such board if the member is from a family with an annual family income below $10,000 or if the member is a single person with an annual income below $7,000;

(5) The cost of delivering health services, including services rendered on a prepaid capitation basis, to residents of the project's catchment area within the following limitations: grant funds may be used to pay the full cost of project services to individuals and families with annual incomes at or below those set forth in the most recent "CSA Income Poverty Guidelines" (45 CFR 1060.2) issued by the Community Services Administration; and to pay the portion of the cost of services provided in accordance with the schedule of discounts which, under such schedule, is uncompensated; *Provided,* That (i) charges will be made to such individuals and families in accordance with § 51c.303(f) of Subpart C; (ii) reasonable effort shall be made to collect such charges under a billing and collections system; and (iii) the charge to grant funds shall exclude any amounts collected pursuant to paragraph (b)(5)(ii) of this section;

(6) The cost of insurance for medical emergency and out-of-area coverage;

(7) The cost of providing to the staff of the project training related to the provision of health services provided or to be provided by the project, and, to the staff and governing board, if any, training related to the management of an ambulatory care facility, consistent with the applicable requirements of 45 CFR Part 74; and

(8) The cost of developing and maintaining a reserve fund where required by State law for prepaid health care plans.

(c) Prior approval by the Secretary of revisions of the budget and project plan is required whenever there is to be a significant change in the scope or nature of project activities.

§ 51c.108 Grant payments.

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

§ 51c.109 Nondiscrimination.

(a) Attention is called to the requirements of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, (42 U.S.C. 2000d et seq.)) and in particular section 601 of such Act which provides that no person in the United States shall on the grounds of race, color, or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. A regulation implementing such title VI, which applies to grants made under this part, has been issued by the Secretary of Health, Education, and Welfare with the approval of the President (45 CFR Part 80). In addition, no person shall, on the grounds of age, sex, creed, or marital status (unless otherwise medically indicated), be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity so receiving Federal financial assistance.

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

§ 51c.110 Confidentiality.

All information as to personal facts and circumstances obtained by the project staff about recipients of services shall be held confidential, and shall not be divulged without the individual's consent except as may be required by law or as may be necessary to provide service to the individual or to provide for medical audits by the Secretary or his designee with appropriate safeguards for confidentiality of patient records. Otherwise, information may be disclosed only in summary, statistical, or other form which does not identify particular individuals.

§ 51c.111 Publications and copyright.

Except as may otherwise be provided under the terms and conditions of the award, the grantee may copyright without prior approval any publications, films, or similar materials developed or resulting from a project supported by a grant under this part, subject, however, to a royalty-free, nonexclusive, and irrevocable license or right in the Government to reproduce, translate, publish, use, disseminate, and dispose of such materials and to authorize others to do so.

§ 51c.112 Grantee accountability.

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

(b) *Accounting for interest earned on grant funds.* Pursuant to section 203 of the Intergovernmental Cooperation Act of 1968 (42 U.S.C. 4213), a State will not be held accountable for interest earned on grant funds, pending their disbursement for grant purposes. A State, as defined in section 102 of the Intergovernmental Cooperation Act, means any one of the several States, the District of Columbia, Puerto Rico, any territory or possession of the United States, or any agency or instrumentality of a State, but does not include the government of the political subdivisions of the State. All grantees other than a State, as defined, must return all interest earned on grant funds to the Federal Government.

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

(2) *Final settlement.* There shall be payable to the Federal Government as final settlement with respect to each approved project the total sum of:

(i) Any amount not accounted for pursuant to paragraph (a) of this section;

(ii) Any credits for earned interest pursuant to paragraph (b) of this section;

(iii) Any other amounts due pursuant to Subparts F, M, and O of 45 CFR Part 74.

§ 51c.113 Applicability of 45 CFR Part 74.

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

45 CFR PART 74

SUBPART	
A	General
B	Cash depositories.
C	Bonding and insurance.
D	Retention and custodial requirements for records.
F	Grant-related income.
G	Matching and cost sharing.
K	Grant payment requirements.
L	Budget revision procedures.
M	Grant closeout, suspensions, and termination.
O	Property.
Q	Cost principles.

Subpart B—Grants for Planning and Developing Community Health Centers

§ 51c.201 Applicability.

The regulations of this subpart, in addition to the regulations of subpart A of this subpart, are applicable to grants awarded pursuant to section 330(c) of the Act for projects for planning and developing community health centers which will serve medically underserved populations.

§ 51c.202 Application.

To be approved by the Secretary under this subpart, an application for a grant must, in addition to meeting the requirements of § 51c.104 of Subpart A, contain information sufficient to enable the Secretary to determine that the project for which the grant is sought will meet the requirements of § 51c.203.

§ 51c.203 Project elements.

A project for the planning and developing of a community health center supported under this subpart must:

(a) Prepare an assessment of the need of the population proposed to be served by the community health center for the services set forth in § 51c.102(c)(1) of Subpart A, with special attention to the need of the medically underserved population for such services. Such assessment of need shall, at a minimum, consider the factors listed in § 51c.102(e)(1)–(4).

(b) Design a community health center program for such population, based on such assessment, which indicates in detail how the proposed community health center will fulfill the needs identified in the assessment prepared pursuant to paragraph (a) of this section and how it will meet the requirements contained in subpart C of this part.

(c) Develop a plan for the implementation of the program designed pursuant to paragraph (b) of this section. Such implementation plan shall provide for the time-phased recruitment and training of the personnel essential for the operation of a community health center and the gradual assumption of operational status of the project so that the project will, in the judgment of the Secretary, meet the requirements contained in subpart C of this part as of the end of the project period.

(d) Implement the plan developed pursuant to paragraph (c) of this section in accordance with such paragraph.

(e) Make efforts to secure, within the proposed catchment area of such center to the extent possible, financial and professional assistance and support for the project.

(f) Initiate and encourage continuing community involvement in the development and operation of the project.

(g) Establish standards and qualifications for personnel (including the project director).

(h) Utilize, to the maximum extent feasible, other Federal, State, local, and private resources available for support of the project, prior to use of project funds under this subpart.

§ 51c.204 Grant evaluation and award.

(a) Within the limits of funds determined by the Secretary to be available for such purpose, the Secretary may award grants under this subpart to applicants therefor which will, in his judgment, best promote the purposes of section 330(c) of the Act and the applicable regulations of this part, taking into account:

(1) The degree to which the proposed project satisfactorily provides for the elements set forth in § 51c.203;

(2) The relative need of the population to be served for the services to be provided;

(3) The administrative and management capability of the applicant;

(4) The potential of the project for development of new and effective methods for health services delivery and management;

(5) The soundness of the fiscal plan for assuring effective utilization of grant funds and maximizing non-grant revenue;

(6) The extent to which community resources will be utilized in the project;

(7) The extent to which grants approved under this part will provide for an appropriate distribution of resources throughout the country, taking into consideration the following factors;

(i) The urban-rural area to be served;

(ii) The nature of the organization applying; and

(iii) The organizational structure for delivery of services;

(8) Whether the project's catchment area is exclusive of the area served by a community health center;

(9) The degree to which the applicant intends to integrate services supported by a grant under this subpart with health services provided under other Federally assisted health services or reimbursement programs or projects.

(b) The Secretary may:

(1) Make no more than two grants under this subpart for the same project.

(2) Make a grant under this subpart to an entity which has been awarded one or more grants under section 330(d)(1)(A) and/or section 330(d)(1)(B) of the Act only if the grant under this subpart is for a new project.

Subpart C—Grants for Operating Community Health Centers

§ 51c.301 Applicability.

The regulations of this subpart, in addition to the regulations of Subpart A, are applicable to grants awarded pursuant to section 330(d)(1)(A) of the Act for the costs of operation of community health centers which serve medically underserved populations.

§ 51c.302 Application.

To be approved by the Secretary under this subpart, an application for a grant must, in addition to meeting the requirements of § 51c.104 of Subpart A,

(a) Be submitted by an entity which the Secretary determines is a community health center, and

(b) Contain information sufficient to enable the Secretary to determine that the center will meet the requirements of § 51c.103.

§ 51c.303 Project elements.

A community health center supported under this subpart must:

(a) Provide the health services of the center so that such services are available and accessible promptly, as appropriate, and in a manner which will assure continuity of service to the residents of the center's catchment area.

(b) Implement a system for maintaining the confidentiality of patient records in accordance with the requirements of § 51c.110 of Subpart A.

(c) Have an ongoing quality assurance program which provides for the following:

(1) Organizational arrangements, including a focus of responsibility, to support the quality assurance program and the provision of high quality patient care;

(2) Periodic assessment of the appropriateness of the utilization of services and the quality of services provided or proposed to be provided to individuals served by the center. Such assessments shall:

(i) Be conducted by physicians or by other licensed health professionals under the supervision of physicians;

(ii) Be based on the systematic collection and evaluation of patient records; and

(iii) Identify and document the necessity for change in the provision of services by the center and result in the institution of such change, where indicated.

(d) Develop management and control systems which are in accordance with sound financial management procedures, including the provision for an audit on an annual basis (unless waived for cause by the Secretary) by an independent certified public accountant, or a public accountant licensed prior to December 31, 1970, to determine, at a minimum, the fiscal integrity of grant financial transactions and reports, and compliance with the regulations of this part and the terms and conditions of the grant.

(e) Where the cost of care and services furnished by or through the project is to be reimbursed under Title XIX or Title XX of the Social Security Act, obtain or make every reasonable effort to obtain a written agreement with the Title XIX or Title XX State agency for such reimbursement.

(f) Have prepared a schedule of fees or payments for the provision of its services designed to cover its reasonable costs of operation and a corresponding schedule of discounts adjusted on the basis of the patient's ability to pay. *Provided*, That such schedule of discounts shall provide for a full discount to individuals and families with annual incomes at or below those set forth in the most recent CSA Poverty Income Guidelines (45 CFR 1060.2) and for no discount to individuals and families with annual incomes greater than twice those set forth in such Guidelines, except that nominal fees for services may be collected from individuals with annual incomes at or below such levels where imposition of such fees is consistent with project goals.

(g) Make every reasonable effort, including the establishment of systems for eligibility determination, billing, and collection, to:

(1) Collect reimbursement for its costs in providing health services to persons who are entitled to insurance benefits under Title XVIII of the Social Security Act, to medical assistance under a State plan approved under Title XIX of such Act, to social services and family planning under Title XX of such Act, or to assistance for medical expenses under any other public assistance program, grant program, or private health insurance or benefit program on the basis of the schedule of fees prepared pursuant to paragraph (f) of this section without application of any discounts, and

(2) Secure from patients payments for services in accordance with the schedule of fees and discounts required by paragraph (f) of this section.

(h) Have a governing board which mets the requirements of § 51c.304.

(i) Have developed an overall plan and budget for the center that:

(1) Provides for an annual operating budget and a three-year financial management plan which include all anticipated income and expenses related to items which would, under generally accepted accounting principles, be considered income and expense items;

(2) Provides for a capital expenditures plan for at least a three-year period (including the year to which the operating budget described in paragraph (i)(1) of this section is applicable) which includes and identifies in detail the anticipated sources of financing for, and the objective of, each anticipated expenditure in excess of $100,000 related to the acquisition of land, the improvement of land, buildings, and equipment and the replacement, modernization and expansion of buildings and equipment which would, under generally accepted accounting principles, be considered capital items;

(3) Provides for plan review and updating at least annually; and

(4) Is prepared under the direction of the governing board, by a committee consisting of representatives of the governing board, and administrative staff, and the medical staff, if any, of the center.

(j) Establish basic statistical data, cost accounting, management information, and reporting or monitoring systems which shall enable the center to provide such statistics and other information as the Secretary may reasonably require relating to the center's costs of operation, patterns of utilization of services, and the availability, accessibility, and acceptability of its services and to make such reports to the Secretary in a timely manner with such frequency as the Secretary may reasonably require.

(k) Review its catchment area annually to insure that the criteria set out in § 51c.104(b)(2) of Subpart A are met and, where such criteria are not met, revise its catchment area, with the approval of the Secretary, to conform to such criteria to the extent feasible.

(l) In the case of a center which serves a population including a substantial proportion of individuals of limited English-speaking ability, have developed a plan and made arrangements responsive to the needs of such populations for providing services to the extent practicable in the language and cultural context most appropriate to such individuals, and have identified an individual on its staff who is fluent in both that language and in English and whose responsibilities include providing guidance to such individuals and to appropriate staff members with respect to cultural sensitivities and bridging linguistic and cultural differences. If more than one non-English language is spoken by such group or groups, an individual or individuals fluent in those languages and English shall be so identified.

(m) Be operated in a manner calculated to preserve human dignity and to maximize acceptability and effective utilization of services.

(n) To the extent possible, coordinate and integrate project activities with the activities of other Federally funded, as well as State and local, health services delivery projects and programs serving the same population.

(o) Establish means for evaluating progress toward the achievement of the specific objectives of the project.

(p) Provide sufficient staff, qualified by training and experience, to carry out the activities of the center.

(q) Assure that facilities utilized in the performance of the project meet applicable fire and life safety codes.

(r) Utilize, to the maximum extent feasible, other Federal, State, and local, and private resources available for support of the project, prior to use of project funds under this part.

(s) Provide for community participation through, for example, contributions of cash or services, loans of full- or part-time staff, equipment, space, materials, or facilities.

(t) Where the center will provide services through contract or other cooperative arrangements with other providers of services, establish rates and methods of payment for health care. Such payments must be made pursuant to agreements, with a schedule of rates and payment procedures maintained by the project. The project must be prepared to substantiate that such rates are reasonable and necessary.

(u) Operate in a manner such that no person shall be denied service by reason of his inability to pay therefor. *Provided, however,* That a charge for the provision of services will be made to the extent that a third party (including a Government agency) is authorized or is under legal obligation to pay such charges.

(v) In addition to the above, projects which are supported with grant funds for the operation of a prepaid health care plan also must provide:

(1) A marketing and enrollment plan, including market analysis, marketing strategy, and enrollment growth projections.

(2) A plan that provides for funding on a capitation basis of such portion of the residents of the catchment area of the center, as the Secretary shall determine.

(3) An assurance that services shall be available to all residents of the catchment area without regard to method of payment or health status.

§ 51c.304 Governing board.

A governing board for the center shall be established by an applicant as follows:

(a) *Size.* The board shall consist of at least 9 but not more than 25 members, except that this requirement may be waived by the Secretary for good cause shown.

(b) *Composition.* (1) A majority of the board members shall be individuals who are or will be served by the center and who, as a group, represent the individuals being or to be served in terms of demographic factors, such as race, ethnicity, sex.

(2) No more than one-half of the remaining members of the board may be individuals who derive more than 10 percent of their annual income from the health care industry.

(3) The remaining members of the board shall be representative of the community in which the center's catchment area is located and shall be selected for their expertise in community affairs, local government, finance and banking, legal affairs, trade unions, and other commercial and industrial concerns, or social service agencies within the community.

(4) No member of the board shall be an employee of the center, or spouse or child, parent, brother or sister by blood or marriage of such an employee. The project director may be a non-voting, ex-officio member of the board.

(c) *Selection of members.* The method of selection of all governing board members shall be prescribed in the by-laws or other internal governing rules of the center. Such by-laws or other rules must specify a process of selection of individuals on the governing board who represent the population served or to be served by the center so that such individuals, as a group, are representative of such population. Such process of selection in the by-laws or other rules is subject to approval by the Secretary.

(d) *Functions and responsibilities.* (1) The governing board for the center shall have authority for the establishment of policy in the conduct of the center.

(2) The governing board shall hold regularly scheduled meetings, at least once each month, for which minutes shall be kept.

(3) The governing board shall have specific responsibility for:

(i) Approval for the selection and dismissal of a project director or chief executive officer of the center;

(ii) Establishing personnel policies and procedures, including selection and dismissal procedures, salary and benefit scales, employee grievance procedures, and equal opportunity practices;

(iii) Adopting policy for financial management practices, including a system to assure accountability for center resources, approval of the annual project budget, center priorities, eligibility for services including criteria for partial payment schedules, and long-range financial planning;

(iv) Evaluating center activities including services utilization patterns, productivity of the center, patient satisfaction, achievement of project objectives, and development of a process for hearing and resolving patient grievances;

(v) Assuring that the center is operated in compliance with applicable Federal, State, and local laws and regulations; and

(vi) Adopting health care policies including scope and availability of services, location and hours of services, and quality-of-care audit procedures.

§ 51c.305 Grant evaluation and award.

Within the limits of funds determined by the Secretary to be available for such purpose, the Secretary may award grants under this subpart to applicants therefor which will, in his judgment, best promote the purposes of section 330(d)(1)(A) of the Act and the applicable regulations of this part, taking into consideration;

(a) The extent to which the project would provide for the elements set forth in § 51c.303;

(b) The relative need of the population to be served for the services to be provided;

(c) The potential of the center for the development of new and effective methods for health services delivery and management;

(d) The soundness of the fiscal plan for assuring effective utilization of grant funds and maximizing non-grant revenue;

(e) The administrative and management capability of the applicant;

(f) The extent to which grants approved under this part will provide for an appropriate distribution of resources throughout the country, taking into consideration the following factors:

(1) The urban-rural area to be served;

(2) The nature of the organization applying;

(3) The organizational structure for delivery of services;

(g) The number of users of the center and the level of utilization of services in previous operational periods, if any;

(h) Whether the center's catchment area is exclusive of the area served by another center;

(i) The degree to which the applicant intends to integrate services supported by a grant under this subpart with health services provided under other Federally assisted health services or reimbursement programs or projects;

(j) The extent to which community resources will be utilized by the project;

(k) The extent to which the center will provide preventive health services so as to maintain and improve the health status of the population served; and

(l) The extent to which center operations will emphasize direct health services, efficiency of operations and sound financial management.

Subpart D—Grants for Operating Community Health Projects

§ 51c.401 Applicability.

The regulations of this subpart, in addition to the regulations of Subpart A are applicable to grants awarded pursuant to section 330(d)(1)(B) of the Act for the costs of operation of projects which provide health services to medically underserved populations.

§ 51c.402 Application.

To be approved by the Secretary under this subpart, an application for a grant must, in addition to meeting the requirements of § 51c.104 of Subpart A, contain information sufficient to enable the Secretary to determine that the project for which the grant is sought will meet the requirements of § 51c.403 of this subpart.

§ 51c.403 Project elements.

A project for the operation of a community health project supported under this subpart must:

(a) Meet all of the requirements of § 51c.303 of this part except for paragraph (h).

(b) Provide those services enumerated in § 51c.102(c)(1) of this part which the Secretary determines to be feasible and desirable and which are specified in the grant award.

(c) Establish a governing board meeting the requirements of § 51c.304 by the end of the period of support under section 330(d)(1)(B) of the Act and this subpart.

§ 51c.404 Grant evaluation and award.

(a) Within the limits of funds determined by the Secretary to be available for such purpose, the Secretary may award grants under this subpart to applicants therefor which will, in his judgment, best promote the purposes of section 330(d)(1)(B) of the Act and the applicable regulations of this part,

(1) Where the project meets the requirements of § 51c.403(a); and

(2) Taking into consideration the following:

(i) The degree to which the project would provide the services enumerated in § 51c.102(c)(1) and the feasibility of its providing all of such enumerated services by the end of the period of support under section 330(d)(1)(B) of the Act and this subpart;

(ii) Whether the project will have a governing board meeting the requirements of § 51c.304 by the end of the period of support under section 330(d)(1)(B) of the Act and this subpart;

(iii) The degree to which the applicant intends to integrate services supported by a grant under this subpart with health services provided under other Federally assisted health service or reimbursement programs or projects;

(iv) The need of the population to be served for the services to be provided;

(v) The potential of the project for the development of new and effective methods for health services delivery and management;

(vi) The soundness of the fiscal plan for assuring effective utilization of grant funds and maximizing non-grant revenue;

(vii) The administrative and management capacity of the applicant; and

(viii) The extent to which community resources will be utilized in the project.

(b) The Secretary may:

(1) Make no more than two grants for the same entity under section 330(d)(1)(B) of the Act;

(2) Not make any grant under section 330(d)(1)(B) to an entity which, for the same project, has been awarded more than one grant under section 330(c) of the Act;

(3) Not make a grant under section 330(d)(1)(B) to an entity which has been awarded a grant under section 330(d)(1)(A) of the Act.

[FR Doc.76-35277 Filed 12-2-76;8:45 am]

federal register

FRIDAY, DECEMBER 3, 1976

PART III:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

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PROFESSIONAL STANDARDS REVIEW ORGANIZATIONS

Interim Confidentiality and Disclosure of Data and Information

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

[42 CFR Part 101]

PROFESSIONAL STANDARDS REVIEW ORGANIZATIONS

Interim Confidentiality and Disclosure of Data and Information

Notice is hereby given that the Assistant Secretary for Health of the Department of Health, Education, and Welfare, with the approval of the Secretary of Health, Education, and Welfare, proposes to add a new Subpart Q, entitled "Interim Confidentiality and Disclosure of Data and Information by Professional Standards Review Organizations," to Part 101 of Title 42, Code of Federal Regulations.

The purpose of this proposal is to implement section 1166 of the Social Security Act. Section 1166(a) prohibits the disclousre of data and information acquired by PSROs except: (1) as necessary to fulfill the purposes of professional standards review or (2) as the Secretary shall provide in regulations to assure adequate protection of the rights and interest of patients, health care practitioners and providers, Section 1166(b) provides for penalties against persons disclosing any data and information unless the disclosure is authorized under section 1166(a).

Conditional PSROs have been authorized by the Secretary to assume review responsibilities, including the acquisition of necessary data and information to fulfill these responsibilities. Certain data and information acquired by PSROs are a sensitive or personal nature requiring stringent safeguards. Other data and information are public in nature prior to receipt by the PSRO, or are summary statistics useful for multiple purposes and do not impinge on the privacy of individuals. It is recognized that PSROs are a prime source for high quality data and information potentially beneficial and applicable to a variety of uses, but neither sensitive nor personal. To provide for the release of these data and information without subjecting PSRO personnel to the risk of penalties under section 1166(b) of the Act, it is proposed that the Secretary promulgate regulations on an interim basis.

Disclosure of PSRO data and information may now be made, without regulations, to the extent that it may be necessary to carry out the purposes of Title XI, Part B of the Social Security Act. Such purposes include, for example, the conduct of review activities, the notification of claims payment agencies of PSRO review actions, the reconsideration and appeals of PSRO determinations, the development of sanctions recommendations by PSROs and Statewide Professional Standards Review Councils, and the monitoring of PSROs by the Secretary.

This proposed regulation provides for the disclosure of two types of data and information acquired by the PSRO:

(1) Data and information acquired by the PSRO: (a) which has been published, (b) which has not been identified by the source of the data or information as confidential, and (c) whose disclosure is not otherwise prohibited by law.

(2) Summary statistics aggregated from the Uniform Hospital Discharge Data Set (UHDDS) (published at 41 FR 2502, January 16, 1976) to the extent that it is not identifiable to an individual patient or health care practitioner. The UHDDS is a minimum basic data set developed under the auspices of the Department to serve as core data for multiple users of hospital discharge data.

The Secretary has authorized the issuance of the NPRM without the use of a Notice of Intent (NOI) which would otherwise be required by the Regulatory Policies of the Secretary published in the FEDERAL REGISTER, on August 17, 1976 (41 FR 34811), because there is an urgent requirement for these regulations and over an extended period of time there has been significant interaction between the Department and medical and consumer organizations and interested individuals in the development of the approach contained in this NPRM which has satisfied the spirit and intent of the NOI. Comprehensive regulations providing for additional disclosures and for maintaining the confidentiality of data and information acquired by PSROs are being prepared in full compliance with the Department's regulatory policies.

The Department 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.

Interested persons are invited to submit written comments, suggestions or objections concerning the proposed regulation to the Director, Bureau of Quality Assurance, Health Services Administration, Room 16A55, 5600 Fishers Lane, Rockville, Maryland 20857, on or before January 17, 1976. All comments received in timely response to this Notice will be considered and will be available for public inspection in the above-named office during regular business hours.

It is proposed to make this regulation effective upon republication in the FEDERAL REGISTER.

Dated: November 22, 1976.

THEODORE COOPER,
Assistant Secretary for Health.

Approved: November 23, 1976.

DAVID MATHEWS,
Secretary.

Subpart Q—Interim Confidentiality and Disclosure of Data and Information by Professional Standards Review Organizations

Sec.

101.1701 Disclosure of public data and information acquired or generated by PSROs.
101.1702 Disclosure of summary statistics.

AUTHORITY: Sec. 1166, Social Security Act; 86 Stat. 1443 (42 U.S.C. 1320c 15); sec. 1102, Social Security Act, 49 Stat. 647 as amended (42 U.S.C. 1302).

§ 101.1701 Disclosure of public data and information acquired or generated by PSROs.

A Professional Standards Review Organization (PSRO) shall disclose, upon request, any data and information acquired or generated by the PSRO:

(a) Which has been published,

(b) Which has not been identified by the source of the data and information as confidential data and information, and

(c) Whose disclosure is not otherwise prohibited by law.

The PSRO shall disclose such data and information when it receives a request which clearly defines the specific data or information desired. Such data and information which are routinely maintained for PSRO use shall be disclosed under this section without charge. The PSRO may require the payment of a fee not to exceed the reasonable cost of providing such requested data and information which are not routinely maintained for PSRO use.

§ 101.1702 Disclosure of summary statistics.

A PSRO shall disclose, upon request, summary statistics aggregated from the Uniform Hospital Discharge Data Set (a multi-purpose, basic data set approved for use in Federal health programs, including the PSRO program) provided that such information may not be disclosed if a patient or health care practitioner described in the statistics is identifiable. The PSRO shall disclose such summary statistics when it receives a request which clearly defines the specific statistics desired. Such summary statistics which are routinely compiled for PSRO use shall be disclosed under this section without charge. The PSRO may require the payment of a fee not to exceed the reasonable cost of providing such requested statistics which are not routinely compiled for PSRO use.

[FR Doc.76-35278 Filed 12-2-76;8:45 am]

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FRIDAY, DECEMBER 3, 1976

PART IV:

DEPARTMENT OF THE TREASURY

Internal Revenue Service

DEPARTMENT OF LABOR

Employee Benefits Security Office

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EMPLOYEE BENEFIT PLANS

Exemption Relating to Transactions Involving Citizens and Southern National Bank Retirement Trust, et al.

DEPARTMENT OF THE TREASURY

Internal Revenue Service

DEPARTMENT OF LABOR

Employee Benefits Security Office

[Prohibited Transactions Exemption 76-9]

EMPLOYEE BENEFIT PLANS

Exemption Relating to Transactions Involving the Citizens and Southern National Bank Retirement Trust, et al.

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) and section 4975(c)(2) of the Internal Revenue Code of 1954 (the Code), relating to the sale of common stock of certain correspondent associate banks of the Citizens and Southern Holding Company (Holding Company) which stock the Citizens and Southern National Bank Pension Trust (Pension Trust) and the Citizens and Southern National Bank Profit Sharing Trust (Profit Sharing Trust) have been ordered to divest by the Georgia Commissioner of Banking and Finance.

BACKGROUND

On May 25, 1976, notice was published in the FEDERAL REGISTER (41 FR 21383) of the pendency of an exemption from the restrictions of section 406(a) of the Act and from the taxes imposed by section 4975(a) and (b) of the Code by reason of section 4975(c)(1)(A) through (D) of the Code. The notice set forth a summary of the facts and representations contained in an application submitted by the trustees of the Pension Trust and Profit Sharing Trust, and referred interested persons to the application for a complete statement of the facts and representations of the trustees. The notice also invited interested persons to submit comments on the pending exemption to the Internal Revenue Service (the Service). One comment was received which urged that, in the event that it is determined that the price of the shares sold by the escrow agent to disqualified persons or parties in interest is less than the fair market value of such shares at the time of sale, either the Holding Company or the purchaser should pay to the trusts the amount of such deficiency plus interest on such amount from the date of sale to the date of correction. In the summary of representations set forth in the notice, it was stated that the Holding Company will pay the deficiency. However, the application indicates that the deficiency will be paid either by the Holding Company or the purchaser. To clarify the description of this guarantee, the part of the notice which indicates that the Holding Company will pay the deficiency is amended to state that the Holding Company or the purchaser of the stock will pay the deficiency.

The application and the comment submitted with respect thereto have been available for public inspection at the Service in Washington, D.C. Based upon the application and consideration of the public comment, the Service and the Department of Labor (the Department) have decided to grant an exemption for the transaction described in such application.

Notice of the pendency of the exemption, as published in the FEDERAL REGISTER, was given by publication in the Payday Newsletter which is distributed semimonthly to all employees of all employer members of the Pension Trust and the Profit Sharing Trust. Additionally, the notice was posted on bulletin boards in all personnel locations of all employers participating in the Trusts and was mailed to all retired participants or beneficiaries who are receiving periodic distributions from either Trust.

GENERAL INFORMATION

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act which, among other things, require a fiduciary to discharge his duties respecting the plan solely in the interest of the plan's participants and beneficiaries and in a prudent fashion in accordance with subsection (a)(1)(B) of section 404 of the Act nor does it affect the requirements of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The exemption contained herein does not extend to transactions prohibited under section 406(b) of the Act and section 4975(c)(1)(E) and (F) of the Code; and

(3) The exemption contained herein is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory exemptions and transitional rules. Furthermore, the fact that a transaction is the subject of an exemption is not dispositive of whether the transaction would have been a prohibited transaction in the absence of such exemption or, though it would have been a prohibited transaction, is exempt by operation of a statutory or other exemption or a transitional rule.

EXEMPTION

Pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975) and Rev. Proc. 75-26, 1975-1 C.B. 722, and based upon the facts and representations contained in the application submitted by the trustees of both the Pension Trust and the Profit Sharing Trust and consideration of the public comment, the Service and the Department find that it is administratively feasible, in the interests of the plans and of their participants and beneficiaries, and protective of the rights of participants and beneficiaries of the plans to grant, and do hereby grant, the exemption set forth below:

The restrictions of section 406(a) of the Act and the taxes imposed by section 4975(a) and (b) of the Code, by reason of section 4975(c)(1)(A) through (D) of the Code, shall not apply to any sale of Divestiture Stock made pursuant to the escrow agreement dated May 22, 1975, and 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 transactions to be consummated pursuant to the exemption.

Signed at Washington, D.C. this 29th day of November 1976.

DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

WILLIAM CHADWICK,
Administrator of Pension and Welfare Benefit Programs, U.S. Department of Labor.

[FR Doc.76-35473 Filed 12-2-76;8:45 am]

federal register

FRIDAY, DECEMBER 3, 1976

PART V:

FEDERAL ELECTION COMMISSION

■

ADVISORY OPINION REQUESTS

FEDERAL ELECTION COMMISSION

[Notice No. 1976–65, AOR 1976–103 and AOR 1976–104]

ADVISORY OPINION REQUESTS

Pursuant to 2 U.S.C. 437f(c) and the procedures reflected in Part 112 of the Commission's Notice of Proposed Rulemaking, published on May 26, 1976 (41 FR 21590), advisory opinion requests 1976–103 and 1976–104 have been made public at the Commission. Copies of AOR 1976–103 and AOR 1976–104 were made available on November 23 and November 24, 1976, respectively. These copies of advisory opinion requests were made available for public inspection and purchase at the Federal Election Commission, Public Records Division, at 1325 K Street, NW., Washington, D.C. 20463.

Interested persons may submit written comments on any advisory opinion request within ten days after the date the request was made public at the Commission. These comments should be directed to the Office of the General Counsel, Advisory Opinion Section, at the Commission. Persons requiring additional time in which to respond to any advisory opinion requests will normally be granted such time upon written request to the Commission. All timely comments received by the Commission will be considered before the Commission issues an advisory opinion. Comments on pending requests should refer to the specific AOR number of the requests and statutory references should be to the United States Code citations rather than to the Pub. L. citations.

A descriptive listing of each of the requests recently made public as well as the identification of the requesting party follows hereafter:

AOR 1976–103: Whether persons who have not contributed the maximum amount may contribute after the general election to retire debt; whether persons who have contributed the maximum to the general election may be solicited; whether persons who have not contributed the maximum amount to the primary may contribute.

Requested by John F. Falconer, Campaign Manager, Bradley for Senate Committee, Bethesda, Maryland.

AOR 1976–104: Whether the Good Government Committee of First Federal Savings of Miami is an affiliated committee of the Savings Association Political Action Committee of the Florida Savings Political Action Committee; effect upon contributions to and from the latter committees.

Requested by R. W. Benner, Chairman, Good Government Committee of First Federal Savings of Miami, Miami, Florida.

Dated: November 29, 1976.

VERNON W. THOMSON,
Chairman for the
Federal Election Commission.

[FR Doc.76-35576 Filed 12-2-76;8:45 am]

federal register

FRIDAY, DECEMBER 3, 1976

PART VI:

DEPARTMENT OF LABOR

Employment Standards Administration

■

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions and Index as of November 5, 1976

DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

General Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secertary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931. as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, (37 FR 21138) and of Secretary of Labor's Orders, 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General Wage Determination Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

MODIFICATIONS AND SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

Modifications and Supersedeas Decisions to General Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedeas Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, (37 FR 21138) and of Secretary of Labor's Orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing General Wage Determination Decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedeas Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule-making procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Wage Determination Decision.

NEW GENERAL WAGE DETERMINATION

Maine	ME76–2166

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.

Alabama:	
AL76–1047	Apr. 9, 1976.
Arkansas:	
AR76–4132	July 23, 1976.
Florida:	
FL75–1083	Sept. 5, 1975.
Indiana:	
IN76–2146	Oct. 29, 1976.
Kentucky:	
KY76–1078	July 23, 1976.
Nebraska:	
NE76–4180	Oct. 29, 1976.
New Hampshire:	
NH76–2093; NH76–2094	July 30, 1976.
NH76–2113; NH76–2114	Sept. 17, 1976.
New Jersey:	
NJ76–3248; NJ76–3249	Oct. 1, 1976.
New Mexico:	
NM76–4182	Nov. 12, 1976.
Ohio:	
OH76–2118	Oct. 1, 1976.
Pennsylvania:	
PA76–3176; PA76–3182; PA 76–3185; PA76–3186; PA 76–3187.	June 18, 1976.
PA76–3247	Sept. 17, 1976.
Tennessee:	
TN76–1056	May 14, 1976.
Texas:	
TX76–4110	July 2, 1976.
TX76–4151	Sept. 24, 1976.
TX76–4155	Oct. 1, 1976.
TX76–4168	Oct. 8, 1976.
Wisconsin:	
WI76–2045	Apr. 16, 1976.
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.

Alabama:	
AL76–1030 (AL76–1134)	Feb. 27, 1976.
AL75–1073 (AL76–1138)	Aug. 8, 1975.
Colorado:	
CO76–5087 (CO76–5107)	Sept. 24, 1976.
Connecticut:	
CT76–5139 (CT76–5118)	Nov. 28, 1975.
Delaware:	
CT76–5139 (CT76–5118)	Do.
Illinois:	
IL76–2024 (IL76–2145); IL 76–2028 (IL76–2154).	Mar. 5, 1976.
Iowa:	
NE76–4070 (NE76–4184)	Apr. 2, 1976.
Kentucky:	
KY76–1107 (KY76–1136)	Sept. 17, 1976.
Maine:	
CT76–5139 (CT76–5118)	Nov. 28, 1975.
Maryland:	
CT76–5139 (CT76–5118)	Do.
Massachusetts:	
CT76–5139 (CT76–5118)	Do.
Nebraska:	
NE76–4070 (NE76–4184)	Apr. 2, 1976.
New Hampshire:	
CT76–5139 (CT76–5118)	Nov. 28, 1975.
New Jersey:	
CT76–5139 (CT76–5118)	Do.
New York:	
CT76–5139 (CT76–5118)	Do.
Pennsylvania:	
CT76–5139 (CT76–5118)	Do.
Rhode Island:	
CT76–5139 (CT76–5118)	Do.
Wisconsin:	
AR76–3158 (WI76–2165)	Oct. 11, 1974.

Signed at Washington, D.C., this 26th day of November 1976.

RAY J. DOLAN,
Assistant Administrator,
Wage and Hour Division.

NEW DECISION

STATE: Maine
DECISION NO.: ME76-2166
DESCRIPTION OF WORK: Highway construction
COUNTIES: Hancock, Knox, Lincoln, Waldo, York, and Washington
DATE: Date of Publication

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS:					
Lincoln	$4.50				
Waldo	4.39				
York	4.70				
Hancock and Washington	4.18				
CEMENT FINISHERS:					
Lincoln	4.75				
York	5.00				
Washington	4.18				
IRONWORKERS:					
Reinforcing:					
Lincoln	4.50				
York	4.76				
Waldo and Washington	4.18				
Structural:					
Lincoln	4.75				
Waldo and Washington	4.65				
LABORERS:					
Asphalt rakers:					
Washington	4.00				
York	4.46				
Remainder of Counties	3.75				
Chain saw ops: all counties	4.00				
Driller wagon drill:					
Lincoln	4.45				
York	3.50				
Waldo and Washington	4.00				
Laborer:					
York	3.32				
Remainder of Counties	2.82				
Landscape worker: York	3.25				
Pipelayers: Lincoln	3.75				
Power tool operators:					
Waldo and Knox	3.50				
PAINTER, Structural steel:					
Washington	5.00				
TRUCK DRIVERS:					
2 axle: all counties	3.00				
3 axle:					
Knox	3.35				
Washington	3.90				
York	3.48				
Remainder of Counties	3.24				

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS (cont.):					
Earth moving equipment:					
Lincoln	$3.90				
Waldo and Washington	4.55				
Rear dump truck:					
Waldo and Washington	4.55				
Trailer driver:					
Washington	3.34				
Lincoln	3.25				
POWER EQUIPMENT OPERATORS:					
Asphalt pavers-- all counties	4.79				
Backhoe:					
Hancock	5.28				
Knox	4.29				
Lincoln	4.87				
Waldo	5.24				
Washington	6.10				
York	4.82				
Bulldozer:					
Lincoln	4.73				
York	5.00				
Hancock and Knox	4.37				
Waldo and Washington	6.10				
Crane:					
Lincoln	5.50				
Waldo	5.19				
Washington	5.13				
York	5.38				
Crusher--screening plant:					
Lincoln	4.50				
Washington	4.46				
Earth auger--post driving machine:					
Waldo and Lincoln	3.50				
York	3.70				
Knox (Earth auger--post driving machine/post hole auger)	3.90				
Front end loader:					
Hancock	5.01				
Waldo	5.11				
Washington	4.99				
York	4.09				
Knox and Lincoln	4.12				
Gradall:					
Hancock	5.30				

DECISION NO. ME76-2166

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Gradall (Cont.):					
Lincoln	$5.38				
York	5.04				
Waldo and Washington	6.10				
Grader:					
Hancock	5.55				
Waldo	5.62				
Washington	6.10				
York	5.50				
Knox and Lincoln	5.25				
Hydroseeder:					
Hancock	4.13				
Remainder of Counties	4.00				
Mechanic:					
Knox	4.48				
Lincoln	4.66				
Waldo	4.96				
Washington	4.89				
York	4.41				
Mulcher:					
Hancock and Washington	4.25				
Remainder of Counties	3.50				
Roller:					
Base:					
Washington	5.57				
Remainder of Counties	4.45				
Finish:					
Knox	5.01				
Remainder of Counties	4.45				
Scraper:					
Lincoln, Waldo, and Washington	5.25				
Skidder:					
Lincoln, Waldo, Washington, and York	4.00				
Tractor--York	3.35				

MODIFICATION P. 1

DECISION # AL76-1047 - Mod. #5
(41 FR 15238 - April 9, 1976)
Madison County, Alabama

CHANGE:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Plumbers; Pipefitters	$ 9.45	.45	.50	.25	.10

DECISION NO.: AR76-4132 - Mod. #4
(41 FR 30511 - July 23, 1976)
Sebastian, Crawford, & Washington Counties, Arkansas

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
ELECTRICIANS:					
Electricians	$9.40	.35	17+5.5%		1/4%
Cable splicers	9.65	.35	17+5.5%		1/4%

Decision # FL75-1083--Mod. #2.
(40 FR 41361--September 5, 1975)
Charlotte, Collier, DeSoto, Glades, Hardee, Hendry, Highlands, Lee, Monroe, and Okeechobee Counties, Florida.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ADD:					
Ironworkers, reinforcing	$9.75	.75	.58		.08

DECISION NUMBER: NE76-4180 - Mod. #2
(41 FR 47810 - October 29, 1976)
Douglas and Sarpy Counties,
Nebraska

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
CEMENT MASONS	$9.82	.50	.40		
DRYWALL TAPERS	9.65	.40	.50		.04
ELECTRICIANS	11.43	.58	1%+.55		.5%
GLAZIERS	10.55	.55	.35	.50	.01
PLASTERERS	9.68	.50	.40		
PLUMBERS	11.19	.60	.75		.10

DECISION NO. NH76-2093- Mod #1
(41 FR 32162- July 30, 1976)
Hillsboro County, N.H.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Bricklayers, cement masons, marble setters, plasterers, stone masons, terrazzo workers, and tile setters:					
Hillsboro, Antrim, Hancock, N. Branch, Bennington, Hillsboro Upper & Lower Villages	$8.19	.55	.40		.01
Carpenters:					
Pelham and Greenville:					
Carpenters & Soft floor layers	10.00	.60	1.00		.07
Remainder of County:					
Carpenters & Soft floor layers	7.20	.55	.50		.01
Millwrights & Piledrivermen	8.05	.55	.50		.01
Laborers (Building):					
Common laborers	5.91	.60	.70		.10
Plasterers' tenders	6.06	.60	.70		.10
Pipelayers, fence & guard rail erectors	6.16	.60	.70		.10
Drillers, pavement breakers, pneumatic tool ops, chipping gun ops, blasters, & powdermen	6.41	.60	.70		.10
All other pneumatic tool operators on boiler & stack work	6.81	.60	.70		.10
Line construction:					
Linemen	9.34	.65	1%	d	3/8of1%
Equipment operator	8.74	.65	1%	d	3/8of1%
Groundman	6.36	.65	1%	d	3/8of1%
Driver Groundman	7.38	.65	1%	d	3/8of1%
Painters:					
Brush	6.90	.25			
Paperhangers	7.15	.25			
Spray and sandblasting	8.40	.25			
Open structural steel	8.15	.25			
Enclosed structural steel and steeplejack	7.90	.25			
Plumbers and steamfitters:					
Hudson and Pelham	10.02	1.10	.60		.02
Power Equipment Operators:					
Building Construction:					
Class 1	9.00	.85	.75	a	.05
Class 2	8.75	.85	.75	a	.05
Class 3	8.55	.85	.75	a	.05
Class 4	7.975	.85	.75	a	.05
Class 5	7.95	.85	.75	a	.05
Class 6	7.30	.85	.75	a	.05
Class 7	7.50	.85	.75	a	.05
Class 8	10.00	.85	.75	a	.05
Class 9	9.50	.85	.75	a	.05
Heavy & Highway Construction:					
Class 1	8.60	.55	.70	a	.05
Class 2	8.35	.55	.70	a	.05
Class 3	8.15	.55	.70	a	.05
Class 4	7.60	.55	.70	a	.05
Class 5	7.275	.55	.70	a	.05
Class 6	6.75	.55	.70	a	.05
Class 7	9.00	.55	.70	a	.05

DECISION NO. NH76-2113- Mod #1
(41 FR 40396- September 17, 1976)
Merrimack County, New Hampshire

Change:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Bricklayers, cement masons, marble setters, plasterers, stone masons, terrazzo workers, and tile setters	$8.19	.55	.40		.01
Electricians: Remainder of Co.	9.50	.60	1%+.50		.02
Line construction:					
Linemen	9.34	.65	1%	d	3/8of1%
Equipment operator	8.74	.65	1%	d	3/8of1%
Groundman	6.36	.65	1%	d	3/8of1%
Driver groundman	7.38	.65	1%	d	3/8of1%
Painters:					
Brush	6.90	.25			
Open structural steel work to 25 feet	8.15	.25			
Enclosed struct. steel to 25' & steeplejack	7.90	.25			
Paperhangers	7.15	.25			
Spray and sandblasting	8.40	.25			
Power Equipment Operators:					
Building:					
Class 1 thru 9-- Change H&W to:		.85			
Heavy and Highway:					
Class 1	8.60	.45	.60	a	.05
Class 2	8.35	.45	.60	a	.05
Class 3	8.15	.45	.60	a	.05
Class 4	7.60	.45	.60	a	.05
Class 5	7.275	.45	.60	a	.05
Class 6	6.75	.45	.60	a	.05
Class 7	9.00	.45	.60	a	.05

DECISION #NJ76-3248 - Mod. #3
(41 FR 43598 - October 1, 1976)
Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Mercer, Monmouth, Ocean, and Salem Counties, New Jersey

Change:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Carpenters, Millwrights & Insulators:					
Zone 3	$10.65	8%	7%		1/5 of 1%
Leadburners	10.75	.40	.25	e	.01

DECISION #NJ76-3249 - Mod. #3
(41 FR 43613 - October 1, 1976)
Bergen, Essex, Hudson, Hunterdon, Middlesex, Morris, Passaic, Somerset, Sussex, Union, & Warren Counties, New Jersey

Change:					
Leadburners	10.75	.40	.25	f	.01

DECISION NO. NM76-4182 - Mod. #1
(41 FR 50163 - November 12, 1976)
Statewide, New Mexico

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
GLAZIERS - Zone 2	$8.34	.35	.20		.02
PAINTERS:					
Zone 2-A	7.05	.35	.20		.05
Zone 2-B	8.27	.35	.20		.05
Zone 2-C	7.70	.35	.20		.05
Zone 2-D	7.15	.35	.20		.05
Zone 2-E	7.80	.35	.20		.05
Zone 2-F	7.05	.35	.20		.05
Zone 2-G	7.55	.35	.20		.05

CHANGE DESCRIPTION OF WORK TO READ: "Commercial building and heavy engineering construction consisting of construction, modifications, addition, alterations or repairs on railroad construction projects, drainage project, aqueducts, irrigation projects, flood control projects, reclamation projects, reservoirs, water supply projects (exclusive of distribution lines and appurtenances and filtration plants), earth dams (over one million yards), concrete dams, dikes, levees, revetments, channels, channel cutoffs, intakes, dredging projects, jetties, breakwaters, docks, harbors, excavation and disposal by contract or overburden and the excavation and loading of all material from which the overburden has been removed, open-pit strip mining, viaducts, pedestrian tunnels, piers, abutments and clearing and grubbing, incidental to such heavy construction projects (exclusive of such work in connection with highway, building and light engineering projects), subways, tunnels, shafts, missile silos and missile projects. (Except buildings underground), hydro-electric power plant projects and power plant facilities in their entirety (exclusive of steam plants), electric transmission lines, and including the operation, maintenance and repair of all land and floating plant, equipment, vehicles and other facilities used in connection with and serving the aforementioned work and serviced incidental to such projects (also, including Residential construction in Santa Fe, McKinley, Bernalillo, Rio Arriba, Taos, Sandoval, Valencia and San Juan Counties, but not on the Navajo Indian Reservation)

DECISION NO. OH76-2118 - Mod. #1
(41 FR 43633 - October 1, 1976)
Greene & Montgomery Counties, Ohio

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Add:					
Roofers:					
Roofers Helpers (1st year)	60%JR	.80	.50		
Roofers Helpers (2nd year)	70%JR	.80	.50		
Roofers Helpers (3rd year)	80%JR	.80	.50		
Roofers Helpers (4th year)	90%JR	.80	.50		

DECISION #PA76-3176 - Mod. # 5 (41 FR 24853 - June 18, 1976) Lebanon County, Pennsylvania	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Asbestos Workers	$10.11	.52	.70		.01
Boilermakers	12.05	.75	1.00		.02
Line Construction:					
Lineman	10.88	.35	1%		3/4 of 1%
Groundman	6.51	.35	1%		3/4 of 1%
Winch Truck Operator	7.60	.35	1%		3/4 of 1%
DECISION #PA76-3182 - Mod. # 4 (41 FR 24860 - June 18, 1976) Northumberland County, Pennsylvania					
Change:					
Asbestos Workers	9.95	.65	.60		.01
Boilermakers	12.05	.75	1.00		.02
DECISION #PA76-3185 - Mod. # 5 (41 FR 24864 - June 18, 1976) Lycoming County, Pennsylvania					
Change:					
Asbestos Workers	9.95	.65	.60		.01
Boilermakers	12.05	.75	1.00		.02

DECISION #PA76-3186 - Mod. # 5 (41 FR 24866 - June 18, 1976) Lancaster County, Pennsylvania	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Asbestos Workers	$10.11	.52	.70		
Boilermakers	12.05	.75	1.00		.02
Line Construction:					
Lineman	10.88	.35	1%		3/4 of 1%
Groundman	6.51	.35	1%		3/4 of 1%
Winch truck operator	7.60	.35	1%		3/4 of 1%
Electricians:					
W. Calico, E. Calico, Brecknock, E. Carl, & Caernarvon Twps.	10.49	.73	1%		.03
DECISION #PA76-3187 - Mod. #5 (41 FR 24868 - June 18, 1976) Northampton County, Pa.					
Change:					
Painters:					
Bethlehem					
Brush	8.05	.83	.50		
Structural Steel	9.05	.83	.50		
Spray	9.05	.83	.50		
DECISION #PA76-3247 - Mod. # 3 (41 FR 40409 - September 17, 1976) Bucks, Chester, Delaware, Montgomery & Philadelphia Counties, Pennsylvania					
Change:					
Painters:					
Zone 1					
Brush & Roller	9.295	.825	.40	.40	.03
Spray, Steel & Swing	9.545	.825	.40	.40	.03

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION # TN76-1056 - MOD. # 1 (41 FR-20147 - May 14, 1976) Rutherford County, Tennessee					
Change:					
Plumbers & Pipefitters	6.25	.35	.30	.40	.04
Sheet metal workers	6.25	.35	.30	.40	.04

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #TX76-4110 - Mod. #4 (41 FR 27652 - July 2, 1976) Lubbock County, Texas					
Change:					
Line Construction:					
Linemen	$ 8.85	.40	1%		
Operators	80%JR	.40	1%		
Groundmen (more than 1 year experience)	55%JR	.40	1%		
Groundmen (less than 1 year experience)	50%JR	.40	1%		
Flat bed operator	70%JR	.40	1%		
DECISION #TX76-4151 - Mod. #4 (41 FR 42149 - September 24, 1976) Galveston & Harris Cos., Texas					
Change:					
Plumbers:					
Harris County	10.42	.50	.60		.10
DECISION #TX76-4155 - Mod. #3 (41 FR 43645 - October 1, 1976) Armstrong, Carson, Castro, Childress, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, RAndall, Roberts, Sherman, Swisher & Wheeler Counties, Texas					
Change:					
Painters	7.95		.30		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION ØTX76-4168 - Mod. #2 (41 FR 44671 - October 8, 1976) Armstrong, Carson, Castro, Childress, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Swisher & Wheeler Counties, Texas					
Change:					
Painters:					
Group 1	$ 7.95		.30		
Group 2	8.07		.30		
Group 3	8.70		.30		
Group 4	8.20		.30		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. WI76-2045 - Mod. #2 (41 FR 16425 - April 16, 1976) Statewide, Wisconsin					
Change:					
Zone 6 - Crawford, Grant, Juneau, LaCrosse, Monroe, Richland & Vernon Counties Jackson and Trempeleau Counties					
Electricians	$ 10.40	.55	1%		

DECISION NO. WY76-5070 - Mod. #1
(41 FR 33187 - August 6, 1976)
Converse, Goshen, Laramie, Natrona, Niobrara and Platte Counties, Wyoming

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Asbestos Workers	$10.76	.38	1.17		
Boilermakers	10.30	.85	1.00		.02
Carpenters:					
Carpenters	8.85	.50	.50	.35	.15
Piledrivermen	9.10	.50	.50	.35	.15
Cement Masons:					
Cement Masons	9.45	.50			.05
Working with composition material; Scaffold, swing stage or temporary platform over 8' high; Operator of power machines	9.70	.50			.05
Electricians:					
Converse and Natrona Counties					
Contracts $150,000 and under:					
Electricians	9.15	.42	1%+.25		3/4 of 1%
Contracts over $150,000:					
Electricians	9.90	.42	1%+.25		3/4 of 1%
Elevator Constructors	10.64	.545	.35	4%+a	.02
Elevator Constructors' Helpers	70%JR	.545	.35	4%+a	.02
Elevator Constructors' Helpers (Prob.)	50%JR				
Marble, Tile & Terrazzo Workers:					
Converse, Natrona & Niobrara Counties	10.00				
Sheet Metal Workers:					
Converse, Natrona & Niobrara Cos.	9.91	.37	.71		.05

STATE: Alabama COUNTIES: *see below
DECISION NO.:AL76-1134 DATE: Date of Publication
Supersedes Decision No.: AL76-1030 dated February 27 1976 in 41-FR-8637
DESCRIPTION OF WORK: Building construction (excluding single family homes and garden type apartments up to and including 4 stories)

*Counties: Lawrence, Limestone, & Morgan

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos workers	7.71	.30	.20		.05
Bricklayers:					
Bricklayers, Marble masons, Stonemasons, Pointers, Cleaners & Caulkers	9.40				
Carpenters:					
Carpenters, & Soft floor layers	6.95	.30	.20		.03
Millwrights	7.54	.30	.20		.03
Piledrivermen	7.36	.30	.20		.03
Cement masons	8.65				
Electricians:					
Electricians, linemen	9.05	.40	1%+.30		1%
Cable splicers	9.30	.40	1%+.30		1%
Groundmen	8.00	.40	1%+.30		1%
Elevator Constructors	8.02	.445	.29	3%+a+b	.02
Elevator Constructors' helpers	70%JR	.445	.29	3%+a+b	.02
Elevator Constructors' helpers (Prob.)	50%JR				
Ironworkers:					
Ornamental, Reinforcing, Structural	8.405	.40	.35		.03
Laborers (Lawrence County):					
Laborers, Mason tenders, Plasterers' tenders	4.975				
Air tool operator (jackhammer, vibrator), Mortar mixers, Pipelayers	5.175				
Laborers (Limestone & Morgan Counties):					
Laborers, Mason tenders	4.52	.20	.30		
Air tool operator (jackhammer, vibrator), Mortar mixers	4.77	.20	.30		
Plasterers & Troweling machine Operator	8.30				
Plumbers, Pipefitters, Steamfitters:					
Lawrence Co. (Eastern portion of Co., north from intersection of State Rt. 33 & Rt. 20 to Wheeler Lake including Moulton & Wren, excluding Bankhead National Park), Limestone Co. & Morgan Co.	9.45	.45	.50	.25	.10

AL76-1134 - (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Plumbers, Steamfitters:					
Lawrence co. (Remaining portion)	7.40	.35	.35	.45	.08
Roofers	6.45		.20		.05
Sheet metal workers	9.00	.45	.40		.05
Terrazzo workers & tile setters	8.55				
Truck drivers:					
½ up to but not including 3 tons	3.70				
3 to 5 tons but including 5 tons	3.97				
5 tons and over including special equipment such as Euclids, Dumpster, Dumpsters, winch trucks, trailers, etc.	4.37				
Mechanic	4.37				
Warehouse & yard, material handler	3.92				
Scale man and/or weigher	4.07				

PAID HOLIDAYS:
A-New Year's Day, B-Memorial Day, C-Independence Day, D-Labor Day, E-Thanksgiving Day, F-Christmas Day.

FOOTNOTES:
a. 6 paid holidays: A through F.

b. Employer contributes 4% of regular hourly rate to Vacation Pay Credit for employee who has worked in the business more than 5 years. Employer contributes 2% of regular hourly rate to Vacation Pay Credit for employee who has worked in the business less than 5 years.

AL76-1134 - (Cont'd)

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP A	8.78	.30	.30		
GROUP B	7.44	.30	.30		
GROUP C	6.73	.30	.30		

GROUP A - Backhoe, bulldozer, crane, crane car, central mixing plant, concrete pump, derrick, dragline, dredge, drill, elevating grader, finishing machine (concrete), forklift, front end loader, gradall, grout pump, helicopter pilot, hoist, locomotive engineer, mechanic, motor patrol, mucking machine, piledriver, post hole digger, scraper (pull type & self prop.) shovel, sweeper, tractor (spec. equip.), trenching machine, well point & winch truck operators

GROUP B - Bituminous dist., central air comp., concrete mixer (port.) fireman floating equip., front end loader, rubber tire, ½ cu. yd. & under, locomotive brakeman, locomotive flagman, locomotive switchman, oiler-driver (35 ton crane & over outboard motor boat (when used for towing), paving machine, portable hoist "Buck hoist type", post hole digger mounted on farm type tractor & walk behind type trenching machine operators

GROUP C - Air compressor (port.) conveyor, fireman stationary equip., mechanic helper, oiler, outboard motor boat & pump operators

Oiler.driver - additional $.10 per hour

All cranes, derricks & gantry operators operating such equipment with an overall height of 150', including jibs; all scraper operators - additional $.25 per hour.

SUPERSEDEAS DECISION

STATE: Colorado

COUNTIES: Delta, Garfield, Gunnison, Mesa, Montrose and Pitkin

DECISION NUMBER: CO76-5107

DATE: Date of Publication

Supersedes Decision No. CO76-5087 dated September 24, 1976, in 41 FR 42091

DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories) and heavy construction

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$10.76	.38	$ 1.17		
BOILERMAKERS	10.30	.85	1.00		.02
BRICKLAYERS; Stonemasons:					
Pitkin County	9.70	.60	.70	.25	.05
Remaining Counties	9.60	.60	.70		.05
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)	8.34	.68	.75	.55	.06
Zone II (30-60 miles from nearest basing point)	8.59	.68	.75	.55	.06
Zone III (60 miles and over from nearest basing point)	8.84	.68	.75	.55	.06
CEMENT MASONS:					
Cement Maons	8.45	.47	1.15	.60	.09
Working with composition materials and color	8.95	.47	1.15	.60	.09
Working on scaffold, swing stage or temporary platform over 25'	8.70	.47	1.15	.60	.09
DRYWALL INSTALLERS	8.94	.68	.75	.55	.06
ELECTRICIANS:					
Electricians	10.60	.42	1%+.25		1½%
Cable Splicers	10.85	.42	1%+.25		1½%
ELEVATOR CONSTRUCTORS	10.64	.545	.32	4%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.545	.32	4%+a	.02
ELEVATOR CONSTRUCTORS' HELEPRS (PROB.)	50%JR				
GLAZIERS	10.06				
IRONWORKERS:					
Structural, Ornamental and Reinforcing	9.75	.71	1.15		.10
LATHERS	10.14				.01
MARBLE & TILE SETTERS, TERRAZZO WORKERS	9.75	.71	.70		.04

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
MILLWRIGHTS	$ 9.48	.68	.75		.06
PAINTERS:					
Brush, Roller and Drywall Finishers	9.76	.65	.70		.07
Paperhangers, Spray, Swing Stage	10.36	.65	.70		.07
PLASTERERS	10.14				.01
PLUMBERS	9.50	.60	.85	1.50	.10
ROOFERS	8.91	.52	.40		
SHEET METAL WORKERS	10.67	3%+.40	1.15		.07
SOFT FLOOR LAYERS	9.04	.40	.75	.30	.05
SPRINKLER FITTERS	11.40	.60	.90		.08

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	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
HEAVY CONSTRUCTION					
CARPENTERS:					
Carpenters					
*Zone I	$ 8.54	.68	.75	.55	.06
*Zone II	9.04	.68	.75	.55	.06
Underground Carpenters					
*Zone I	8.74	.68	.75	.55	.06
*Zone II	9.24	.68	.75	.55	.06
Working on Creosoted material, High work 40' above ground or floor on exposed scaffold or boatswains chair; Piledriving; Sawmen continuously assigned to 1½ HP saw at jobsite					
*Zone I	8.84	.68	.75	.55	.06
*Zone II	9.34	.68	.75	.55	.06
CEMENT MASONS:					
*Zone I	7.91	.47	1.15	.30	.09
*Zone II	8.41	.47	1.15	.30	.09

	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS (Heavy Construction)	*Zone	*Zone				
Group 1	$ 6.20	$ 6.70	.47	.52		.05
Group 2	6.30	6.80	.47	.52		.05
Group 3	6.60	7.10	.47	.52		.05
Group 4	6.75	7.25	.47	.52		.05
Group 5	6.95	7.45	.47	.52		.05
LABORERS (Tunnels)						
Group 1	6.20	6.70	.47	.52		.05
Group 2	7.10	7.60	.47	.52		.05
Group 3	7.20	7.70	.47	.52		.05
Group 4	7.28	7.78	.47	.52		.05
Group 5	7.35	7.85	.47	.52		.05
Group 6	7.50	8.00	.47	.52		.05
(Shafts, Raises, Missile Silos and all underground work other than Tunnels)						
Group 1	7.20	7.70	.47	.52		.05
Group 2	7.35	7.85	.47	.52		.05
Group 3	7.45	7.95	.47	.52		.05
Group 4	7.63	8.13	.47	.52		.05
Group 5	7.73	8.23	.47	.52		.05
Group 6	7.78	8.28	.47	.52		.05

LABORERS
(Heavy Construction)

Group 1: Minimum Labor, including Caissons to 8'; Carrying 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 Reno Mattresses; Pipe plants and yards, stringing of pipe or skids, handling and signaling on pipe line work

Group 2: Chuck Tenders, Nippers, Core and Diamond Drill Helpers, Powdermen Helpers; Hot Asphalt Labor, Rakers, Boxtenders, Asphalt Curb Machines, Potmen (not mechanical); Multi-plate Culvert Pipe; Air, gas and electrical tool operators; Barco Hammers; Spaders, electric hammers; Air Tampers; Cutting Torches 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; Strosser 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 Curbing Machine; Jack Hammer; Vibrators; Paving Breakers; Frostproofing; Any laborer performing bridge work over 40' above the ground or above a floor and working from a Bos'n 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;) Gunniting and Shotcrete Helpers; Caissons over 12'; Scalers; Timbermen, underpinning and shoring; Form-setters and/or stringmen on roads, highways, streets and airport runways; Distribution, placing and hooking 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, Tampers, and similar operated tools; Wiping of Joint Concrete Pipe, inside and out; Labor, applicable to pipe coating or wrapping, plants and yards; Enamelers of pipe, inside and out

LABORERS (Cont'd)
(Heavy Construction)

Group 3: Powdermen and Blasters; Gunnite Nozzlemen; Shotcrete Operator; Pipe Layer on truck pipe lines in connection with highway work; Relining Pipe; Mixer Man; Pipelayer; Hydro-broom

Group 4: Wagon Drills and Air Tracks; Jack Hammer Operators in Caissons over 12'; Bellers 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'n 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, Gunniting 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, Nippers, 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 Nozzlemen, Sand Blasters, Pump Concrete placement Men

LABORERS (Cont'd)
(Shafts, Raises, Missile Silos and all Underground Work other than Tunnels)

Group 1: Laborers, Topmen, Bottommen and Cagers

Group 2: Chucktenders, Concrete Laborers, Whirley Pump Operators

Group 3: Helpers in Shotcrete Gunniting 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, Nippers, 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); Gunnite Nozzlemen; Shotcrete Operators; Sand Blasters and Pump Concrete Placement Men

Group 6: Any employee performing work underground from a Bos'n 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)	Basic Hourly Rates *Zone I	Basic Hourly Rates *Zone II	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$ 7.50	$ 8.25	.45	.79	.30	.06
Group 2	7.85	8.60	.45	.79	.30	.06
Group 3	8.20	8.95	.45	.79	.30	.06
Group 4	8.35	9.10	.45	.79	.30	.06
Group 5	8.50	9.25	.45	.79	.30	.06
Group 6	8.65	9.40	.45	.79	.30	.06
(For work in Tunnels, Shafts, and Raises)						
Group 1	7.65	8.40	.45	.79	.30	.06
Group 2	8.00	8.75	.45	.79	.30	.06
Group 3	8.10	8.60	.45	.79	.30	.06
Group 4	8.35	9.10	.45	.79	.30	.06
Group 5	8.50	9.25	.45	.79	.30	.06
Group 6	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 MF 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 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; Haulage 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 MF, 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; Grout Machine; Gunnite Machine; Hoist, 1 drum; Hydraulic Backhoes, 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, track mounted; Cable operated power Shovels, Draglines, Clamshells, 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

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 Nine 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 (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; Slusher; Mine Hoist Operator

Group 6: Mole

TRUCK DRIVERS	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Education and/or Appr. Tr.
	*Zone I	*Zone II				
PICKUPS; Helpers; Scalemen; 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; Warehousemen; 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 Men; 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	

TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Education and/or Appr. Tr.
	*Zone I	Zone II				
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, Dumptor type Youngbuggy, 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.; Tireman	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	

STATE: Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania and Rhode Island
DECISION NUMBER: CT76-5118 --- DATE: Date of Publication
Supersedes Decision No. CT75-5139 dated November 28, 1975, 40 FR 55621
DESCRIPTION OF WORK: All dredging on the Atlantic Coast from the Canadian Border to the southerly border of the State of Maryland and tributary waters emptying into the Atlantic Ocean, the Chesapeake and Delaware Canal, Baltimore City and Baltimore County, Maryland, but excluding the Boston Harbor and the Chesapeake Bay

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Dipper and Clamshell Dredges:					
Operator	$9.33	.50	.43	7% / a	
Engineer	9.25	.50	.43	7% / a	
Craneman, engineer-dipper	9.03	.50	.43	7% / a	
Maintenance engineer	8.87	.50	.43	7% / a	
Welder	8.71	.50	.43	7% / a	
Mate	8.19	.50	.43	7% / a	
Fireman	7.40	.50	.43	7% / a	
Oiler	7.40	.50	.43	7% / a	
Deckhand	7.17	.50	.43	7% / a	
Scowman	7.07	.50	.43	7% / a	
Hydraulic Dredges:					
Leverman	9.14	.50	.43	7% / a	
Engineer	9.03	.50	.43	7% / a	
Maintenance engineer	8.87	.50	.43	7% / a	
Boilerman; dredge carpenter; dredge blacksmith; dredge welder and electricians	8.71	.50	.43	7% / a	
Spider barge operator	8.61	.50	.43	7% / a	
Mate	8.19	.50	.43	7% / a	
Fireman and oiler	7.40	.50	.43	7% / a	
Scowman	7.07	.50	.43	7% / a	
Deckhand	7.07	.50	.43	7% / a	
Drag Bucket Dredge:					
Operator	9.88	.50	.43	7% / a	
Engineer	8.96	.50	.43	7% / a	
Maintenance engineer	8.87	.50	.43	7% / a	
Mate	8.19	.50	.43	7% / a	
Deckhand	7.17	.50	.43	7% / a	
Derricks:					
Operator	9.03	.50	.43	7% / a	
Mate	8.19	.50	.43	7% / a	
Fireman	7.40	.50	.43	7% / a	
Deckhand	7.07	.50	.43	7% / a	
Large Tug Boats(with master or captain having license endorsed for 200 miles off shore):					
Tug engineer	8.67	.50	.43	7% / a	
Deckhand	7.22	.50	.43	7% / a	

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Large Tug Boats(with master or captain having no license endorsed for 200 miles off shore):					
Tug Engineer	8.47	.50	.43	7% / a	
Deckhand	7.17	.50	.43	7% / a	
Small Tug Boats:					
Deckhand	7.17	.50	.43	7% / a	
Steward	8.17	.50	.43	7% / a	
Assistant or night cook	7.12	.50	.43	7% / a	
Messman, janitor or porter	6.87	.50	.43	7% / a	
Drill Boats:					
Engineers	9.62	.35	.35	b	
Blasters	9.75	.35	.35	b	
Fireman	9.24	.35	.35	b	
Drillers, welders or machinists	9.63	.35	.35	b	
Oilers	9.04	.35	.35	b	

FOOTNOTES:

a. Holidays: A through F, plus Washington's Birthday and Veteran's Day.
b. 8 Paid Holidays: A through F, plus Washington's Birthday and Veterans' Day; 6½ days vacation with pay for 84 days of service, one additional day of vacation with pay for each additional 21 2/3 days of service, all in one calendar year. Employees not qualifying for vacation as set forth above will receive one day's vacation with pay for each full 20 days of service in one calendar year.

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day and F-Christmas Day.

DECISION NO. IL76-2145

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINEMEN:					
Champaign, DeWitt, Douglas, Piatt, Edgar & Shelby Counties; Twps. of E. Oakland, Humboldt Morgan, N. Okaw & Seven Hickory in Coles County; Remainder of Moultrie County:					
Linemen	$ 10.56	.35	1%		.5%
Groundman - Equip. Opr. Class 1	9.85	.35	1%		.5%
Groundman Truck Driver:					
W/Winch	7.38	.35	1%		.5%
WO/Winch	7.03	.35	1%		.5%
Groundman Class "A"	6.71	.35	1%		.5%
Vermillion County:					
Linemen & Groundman Equipment Operator	10.67	.40	1%+.30		.5%
Groundman Truck Driver:					
W/Winch	8.75	.40	1%+.40		.5%
WO/Winch	7.78	.40	1%+.40		.5%
Groundman	7.78	.40	1%+.40		.5%
Cumberland & Clark Counties; Whitley Twp. in Moultrie Co; & Remainder of Coles County:					
Linemen & Digging Machine Opr	10.58	.45	1%		.25%
Groundman Equipment Operator:					
Class 1	9.02	.45	1%		.25%
Class 2	7.38	.45	1%		.25%
Groundman:					
Class 1	6.72	.45	1%		.25%
1st 6 Months	6.42	.45	1%		.25%
PAINTERS:					
Champaign, Coles & Douglas Cos:					
Brush	9.97	.45	.40		.03
Bridges	10.97	.45	.40		.03
Macon, Shelby, Moultrie & Piatt Counties:					
Brush	9.50	.40	.30		
Spray	10.25	.40	.30		
Structural over 50' - Radio - TV & Towers	10.50	.40	.30		

DECISION NO. IL76-2145

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS (CONT'D)					
Edgar & Clark Counties:					
Brush	6.15				
Rollers	6.50				
Spray	7.15				
Vermillion County:					
Brush	9.80				
Spray	10.80				
DeWitt County:					
Brush	9.45	.45			.06
Roller, Spray & Structural Steel	9.95	.45			.06

DECISION NO. IL76-2145

ILL -IIII-5-LAB

LABORERS	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Champaign County					
Unskilled	9.30	.30	.30		.035
Semi-Skilled	9.50	.30	.30		.035
Skilled	9.65	.30	.30		.035
Coles & Cumberland Counties					
Unskiled	8.95	.55	.40		.035
Semi-Skilled	9.15	.55	.40		.035
Skilled	9.30	.55	.40		.035
Douglas Co; S. ½ of Piatt Co.					
Unskilled	8.97	.45	.48		.035
Semi-Skilled	9.17	.45	.48		.035
Skilled	9.32	.45	.48		.035
Clark & Edgar Counties					
Unskilled	8.97	.45	.48		.035
Semi-skilled	9.17	.45	.48		.035
Skilled	9.32	.45	.48		.035
Western ½ of Moultrie County					
Unskilled	9.15	.35	.40		.035
Semi-Skilled	9.35	.35	.40		.035
Skilled	9.50	.35	.40		.035
Eastern ½ of Moultrie County					
Unskilled	8.97	.45	.48		.035
Semi-Skilled	9.17	.45	.48		.035
Skilled	9.32	.45	.48		.035
Northern ½ of Piatt County					
Unskilled	9.30	.30	.30		.035
Semi-Skilled	9.50	.30	.30		.035
Skilled	9.65	.30	.30		.035

DECISION NO. IL76-2145

ILL-IIII-5-LAB

LABORERS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Shelby County					
Unskilled	9.15	.35	.40		.035
Semi-Skilled	9.35	.35	.40		.035
Skilled	9.50	.35	.40		.035
DeWitt County					
Unskilled	9.30	.30	.30		.035
Semi-Skilled	9.50	.30	.30		.035
Skilled	9.65	.30	.30		.035
Macon County					
Unskilled	9.15	.35	.40		.035
Semi-Skilled	9.35	.35	.40		.035
Skilled	9.50	.35	.40		.035
Vermillion County					
Unskilled	8.85	.45	.60		.035
Semi-Skilled	9.05	.45	.60		.035
Skilled	9.20	.45	.60		.035

DECISION NO IL76-2145 ILL-82-TD-1-2-3

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	$9.60	.55	a14.00		
GROUP II	10.00	.55	a14.00		
GROUP III	10.20	.55	a14.00		

TRUCK DRIVERS

GROUP I: - Drivers on 2 axle trucks hauling less than 9 tons, air compressor and welding machine including those pulled by separate units, truck driver helpers, warehouseman, mechanic helpers, greasers & tiremen, pick-up trucks when hauling materials, tools, or men to and from and on the jobs site; Fork lifts up to 6,000 lbs., capacity.

GROUP II: - 2 or 3 axle trucks hauling more than 9 ton, but hauling less than 16 tons; A-frame winch trucks, hydrolifts trucks, or similar equipment when used for transportation purposes; Fork lifts over 6,000 lb. capacity; winch trucks; 4-axle combination units; Ticket writers

GROUP III: - 2,3 or 4 axle trucks haluing 16 ton or more, drivers on oil distributores, water pulls, mechanics & wroking foreman; 5-axle or more combination units; dispatcher.

FOOTNOTES

a. Per week Per Employee

DECISION NO. IL76-2154

ILL-2-PEO-1-2-3

POWER EQUIPMENT OPERATORS: PERRY & RANDOLPH COUNTIES	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I	$ 11.08	.42	.90		.05
GROUP II	10.25	.42	.90		.05
GROUP III	9.60	.42	.90		.05
GROUP IV	9.50	.42	.90		.05
GROUP V	9.25	.42	.90		.05
GROUP VI					
a.	13.23	.42	.90		.05
b.	13.53	.42	.90		.05
c.	11.35	.42	.90		.05
d.	11.85	.42	.90		.05

POWER EQUIPMENT OPERATORS:

GROUP I Cranes, draglines, shovels, skimmer scoops, clamshells or derrick boats, pile drivers, crane-type backhoes, asphalt plant opers. plant opers., ditching machines or backfillers (requiring oilers), dredges, asphalt spreading machines, heavy duty mechanic, asst. master mechanic, all locomotives, cableways or tower machines, hoists 2 drum or more (where oiler or fireman is required), hoists-2 drum or more (where oiler or fireman is not required) Hydraulic backhoes, ditching machines or backfiller (not requiring oilers) Cherry pickers, overhead cranes, roller (Steam or gas) concrete pavers, excavators, concrete breakers, concrete pumps, bulk cement plants, cement pumps, derrick-type drills, mixers (over 3 bags) and boad opns., (25' & over), Motor graders or pushcats, scoops or tournapulls, Bulldozers, endloaders or fork-lifts, power blade or elevating graders, winch cats, boom tractors, and pipe wrapping or painting machines, Drills (other than derrick type) 1-dum-hoists, mud jacks, mixers (2 or 3 bags), conveyors (2), air compressors (2), water pumps regardless of size (2), welding machines (2) siphons or jets (2), winch heads or apparatuses (2) and light plants (2), Mixers (under 2 bags),all tractors regardless of size (Stright tractor only), firemen on stationary boilers, automatic elevators, form grading machinds, finishing machines, power-sub-grader or ribbon machine, longitudinal floats, boats opns., (under 25', conveyors (1), distribution pers., on trucks, siphons or jets (1) winch heads or apparatuses (1), light plant (1) mixers (under 2 bags)

GROUP II Air Compressor (1), water pumps regardless of size (1) welding machines (1)

GROUP III Firemen and asphalt spreader oilers

GROUP IV Heavy equipment oilers (truck cranes, dredges, monigans, large cranes, etc.

GROUP V Oilers

GROUP VI
a. Engineers operating under air pressure
b. Engineers operating in air over 10 lbs pressure
c. Oilers operating under air pressure
d. Oilers operating in iar over 10 lbs pressure

DECISION NO. IL76-2154

ILL-17-PEO-1-2-3

POWER EQUIPMENT OPERATORS REMAINDER OF COUNTIES	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Class 1	$9.00	.40	.60		.035
Class 2	8.25	.40	.60		.035
Class 3	8.00	.40	.60		.035
Class 4	7.70	.40	.60		.035
Class 5	7.30	.40	.60		.035
Class 6	8.25	.40	.60		.035
Class 7	8.00	.40	.60		.035
Class 8	7.50	.40	.60		.035
Class 9	7.45	.40	.60		.035
Class 10	7.20	.40	.60		.035
RIVER WORK and LEVEE WORK ON MISSISSIPPI and OHIO RIVERS					
Class 11	8.90	.40	.60		.035
Class 12	7.70	.40	.60		.035

POWER EQUIPMENT OPERATORS:

Class 1: Apsco or equal spreading machine; Backhoe; Backfiller; Boom or which cat; Bituminous mixplace machine; Backsmith; Bituminous surfacing machine; Bulldozer; Crane; Shovel; Dragline; Truck crane; Piledriver; Concrete finishing machine or spreader machine; Concrete breaker; Concrete or pumperete pumps; Dinky or standard locomotive; Drill well; Elevating grader; Forklifts; Rubber-tired; Flex-plane; Gradall; Hi-lift, handblade, power; Hoists, tugger type; Hoist, (2 drums) or over one; Guy-derrick; Hyster mechanic; Motor patrol; Mixer 21 cu. ft. or over; Push cat; Pulls and scrapers; Pumps; 2 well points; P&H pulverizer or pulverizer equal to pugmill; Rubber-tired farm type tractor with bulldozer or hi-lift (over 1/2 yd.), Rubber-tired tractor w/auger; Skirmer scoops; Seaman tiller; Spreader, Jersey; Tract-air used w/drill or Hi-lift; Trenching machine, or ditching machine; Wood chipper with tractor; Self-propelled roller w/10 ft. blade; Concrete pumps; Equipment greader

Class 2: Roller, self-propelled, Power subgrader; Elevator operator

Class 3: Rubber-tired farm type tractor w/bull dozer or hi-lift (1/2 yd. or less)

DECISION NO. IL76-2154

POWER EQUIPMENT OPERATORS (Cont'd)

Class 4: Pump, one well point; All tract type tractors, pulling any type roller or disc.

Class 5: Oiler; All wheel type tractors, Oiler on 30 Hp ditches and over; Oiler, Hydra-crane with 15 ton lifting capacity or more and cranes similar to Hydra-crane w/15 ton capacity and more

Class 6: Air compressor w/valve driving piling air compressors, two (220 cu. ft. capacity or over); Air track drills, air track drill w/compressor; Automatic bins scales w/compressor or generator; Pipeline boring machine; Bulk cement plant w/separate compressor bulk float power operator; Concrete saws, (two); Hydra-lift (single motor); Straw mulcher blower w/spout

Class 7: Backend man on bituminous surfacing machine; Boom or winch truck; Cat wagon w/or without dump; Conveyors, two; Chip spreader, self-propelled concrete saw, on self-propelled; Form grader; Heaters, (motor driven); Hoist, 1 drum; Truck crane oiler; Vibrator, self-propelled.

Class 8: Air track drill (one); Belt drag machine, Power boom, Mechanical; Plasterer applicator; Tract-air

Class 9: Air compressor (220 cu. ft. capacity or over), one; Air compressor under (220 cu. ft.) two; Automatic bins, bulk cement plant w/built in compressor, running of same motor or electric motor; Firemen or switchmen; Form tamper, self-propelled; Light plants (two); Welding machine (two); Pumps (two); or combination or 2 pumps, Light plants, welding machines, air compressor (under 200 cu. ft.); Mud jacks or wood chipper; Mixers, less than 21 cu. ft., Motor mixer w/skip or pump; Pipeline track jack

Class 10: Air compressor, under 220 cu. ft. capacity (one); Conveyor (one); Conveyor operator on self-propelled chip spreader; Heater (one); Motor driven; Light plant (one) pump (one); Welding machine (one) Ulmac or equal spreader

RIVER WORK and LEVEE WORK on MISSISSIPPI and OHIO RIVERS

Class 11: Crane, shovel, dragline 4 yards or more, scraper, 18 yards, struck or over, dredge, derrick and piledriver, push boat operator, mechanic or 4 yards machine or over, Engine man on dredge, Levee man on dredge

Class 12: Oiler on crane, dragline, shovel, 4 yard machine or over; Oiler on dredge

DECISION NO IL76-2154

ILL-82-TD-1-2-3

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	$ 9.60	.55	a14.00		
GROUP II	10.00	.55	a14.00		
GROUP III	10.20	.55	a14.00		

TRUCK DRIVERS

GROUP I: - Drivers on 2 axle trucks hauling less than 9 tons, air compressor and welding machine including those pulled by separate units, truck driver helpers, warehouseman, mechanic helpers, greasers & tiremen, pick-up trucks when hauling materials, tools, or men to and from and on the jobs site; Fork lifts up to 6,000 lbs., capacity.

GROUP II: - 2 or 3 axle trucks hauling more than 9 ton, but hauling less than 16 tons; A-frame winch trucks, hydrolifts trucks, or similar equipment when used for transportation purposes; Fork lifts over 6,000 lb. capacity; winch trucks; 4-axle combination units; ticket writers

GROUP III: - 2,3 or 4 axle trucks haluing 16 ton or more, drivers on oil distributores, water pulls, mechanics & wroking foreman; 5-axle or more combination units; dispatchers

FOOTNOTES

a. Per week Per Employee

SUPERSEDEAS DECISION

STATE: Iowa & Nebraska

COUNTIES: That portion of Missouri River in Nebraska & Iowa down stream to the Kansas-Missouri Line

DECISION NO.: NE76-4184

DATE: DATE OF PUBLICATION

SUPERSEDES DECISION NO.: NE76-4070 dated April 2, 1976 in 41 FR 14293

DESCRIPTION OF WORK: Channel stabilization and associated work.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS:					
Piledriver deckhands and piledriver leadsman	$7.025	.50	.50		
Laborers and deckhands unloading barge; piledriver; towboat deckhand	6.825	.50	.50		
POWER EQUIPMENT OPERATORS:					
GROUP 1	8.475	.50	.50		
GROUP 2	7.975	.50	.50		
GROUP 3	7.925	.50	.50		
GROUP 4	7.675	.50	.50		
GROUP 5	7.625	.50	.50		
GROUP 6	7.425	.50	.50		
GROUP 7	7.275	.50	.50		

POWER EQUIPMENT OPERATOR'S CLASSIFICATION DEFINITIONS

GROUP 1
Dragline, Clam Bucket, Orange Peel, or Crane
Side Boom, Derrick Towboat Operator

GROUP 2
Dredge Operator or Leverman; Engineer on Dredge (18" and over)

GROUP 3
Pile Driver, (or Engine Man)

GROUP 4
Mechanic or welder; Engineer on Dredge (12" up to 18")

GROUP 5
Dozer; Front End Loader or High Lift; Scoop or Similar Equipment

GROUP 6
Winch or Boom Truck; Winch (Power Operated)

GROUP 7
Boiler (or Fireman); Oiler

SUPERSEDEAS DECISION

STATE: Kentucky
COUNTIES: *See below
DECISION NUMBER: KY76-1136
DATE: Date of Publication
Supersedes Decision No.: KY76-1107 dated September 17, 1976 in 41-FR 40367
DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

*Counties: Daviess, Hancock, Henderson, Hopkins, McLean, Muhlenberg, Union, & Webster

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Air conditioning & heating mechanic	4.53				
Bricklayers	5.00				
Carpenters	4.43				
Cement masons	4.29				
Drywall finishers	3.25				
Drywall hangers	3.25				
Electricians	5.01				
Insulation installers	4.32				
Laborers:					
Laborers	2.50				
Hod carriers	3.79				
Painters	5.37				
Plumbers & pipefitters	5.00				
Roofers	4.28				
Sheet metal workers	4.62				
Soft floor layers	3.00				
Tile setters	4.00				
Welders - rate for craft.					
POWER EQUIPMENT OPERATORS:					
Backhoe	4.50				
Bulldozer	6.00				

SUPERSEDEAS DECISION

STATE: Wisconsin COUNTY: Juneau
DECISION NUMBER: WI76-2165 DATE: Date of Publication
Supersedes Decision No. AR-3158, dated October 11, 1974 in 39 FR 36835
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

29-Wisconsin

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$10.57	.60	.70	1.00	.04
BOILERMAKERS	10.30	.85	1.00		.02
BRICKLAYERS & STONEMASONS	9.05	.40	.25		
CARPENTERS:					
So. of Hwy. #21 & E. of County Trunk #80					
Carpenters	9.37	.30	.40		.03
Millwrights	9.77	.30	.40		.03
Piledrivermen	9.77	.30	.40		.03
Soft floor layers	9.37	.30	.40		.03
Camp Douglas, Hunter, Elroy & Vic.:					
Carpenters	8.82	.30	.40		.03
Millwrights	9.22	.30	.40		.03
Piledrivermen	9.22	.30	.40		.03
Soft floor layers	7.70			e	
N.E. section of Co. above Camp Douglas					
Carpenters	8.82	.30	.40		.03
Millwrights & Piledrivermen	9.22	.30	.40		.03
CEMENT MASONS	8.53	.45	.25		
ELECTRICIANS	10.40	.55	1%		
ELEVATOR CONSTRUCTORS (Western ½ of Co.)	10.345	.545	.35	4%+a+b	.02
Elevator Constructors' Helpers (Western ½)	7.24	.545	.35	4%+a+b	.02
Elevator Constructors' Helpers (Prob.)	50%JR				
Elevator Constructors (Eastern ½ of Co.)	10.175	.545	.35	4%+a+b	.02
Elevator Constructors' Helpers	7.12	.545	.35	4%+a+b	.02
Elevator Constructors' Helpers (Prob.)	50%JR				
GLAZIERS	9.05	.40	.30	.45	.01
IRONWORKERS, Structural, ornamental & Reinforcing	10.22	.50	.25		.03
LATHERS	9.05	.45	.20	.50	.01
LEADBURNERS	9.25	.30		c	.01
PAINTERS:					
Brush	7.78		.45		
Structural Steel	8.05		.45		
Swing stage, bos'n chair	8.10		.45		
Spray	8.47		.45	-	

DECISION NO. WI76-2165

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLASTERERS	$ 8.90				
PLUMBERS & STEAMFITTERS	10.35	.40	.45		.05
ROOFERS	8.00			5%	
SHEET METAL WORKERS	9.22	.50	.20		
SPRINKLER FITTERS	8.00	.25	.40		.05
TERRAZZO WORKERS	8.05	.40	.25		
TILE SETTERS	8.05	.40	.25		
Welders - receive rate prescribed for craft performing operation to which welding is indicental.					

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:

a. Employer contributes 4% of 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 2 years

b. Holidays: A through F

c. Holidays, A thru F plus Washington's Birthday, Good Friday and Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regularly scheduled work days immediately preceding and following the holidays.

d. Employee with 1 year's service - 1 week paid vacation; 3 year's service 2 week paid vacation; 10 year's service - 3 weeks & 20 year's or more service - 4 weeks.

e. Holidays: A through F, providing employee works one year, and the day before and after the holiday. With one year of service employee also received a one-week paid vacation.

INDEX TO GENERAL WAGE DETERMINATION DECISIONS AND MODIFICATIONS AS OF NOVEMBER 5, 1976

There is set forth below an index to general wage determination decisions and modifications as published in the FEDERAL REGISTER pursuant to the Davis-Bacon and related Acts. The index lists general wage determination decisions and modifications by State and County. An updated index is published on the first Friday of each month.

The index is published for the convenience of the public and the Department of Labor will endeavor to keep it accurate and up to date. In the event the data in the index and published general decisions do not coincide, the published general decisions shall control.

ABBREVIATIONS

(B)—Building Construction.
(D)—Dredging.
(F)—Flood Control Construction.
(H)—Heavy Construction.
(Hw)—Highway Construction.
(R)—Residential Construction.
Mod.—Modification.
(HE)—Heavy Engineering.
(LE)—Light Engineering.
(U)—Utility.
(W&S)—Water and Sewer.

Signed at Washington, D.C., this 26th day of November 1976.

RAY J. DOLAN,
Assistant Administrator,
Wage and Hour Division.

ALABAMA

STATEWIDE
Decision #AL76-5090 (U)
41 FR 44609 - 10/8/76
Decision #AL76-1082 (Hw)(Excluding Airport Construction)
41 FR 32108 - 7/30/76
AUTAUGA COUNTY
(D,Hw) - See Statewide
BALDWIN COUNTY
Decision #AL76-1009 (R)
41 FR 2540 - 1/16/76
(D,Hw) - See Statewide
BARBOUR COUNTY
(D,Hw) - See Statewide
BIBB COUNTY
(D,Hw) - See Statewide
BLOUNT COUNTY
Decision #AL75-1047 (R)
40 FR 17474 - 4/18/75
Mod. #1 - 41 FR 19004 - 5/7/76
(D,Hw) - See Statewide
BULLOCK COUNTY
(D,Hw) - See Statewide
BUTLER COUNTY
(D,Hw) - See Statewide
CALHOUN COUNTY
Decision #AL76-1125 (B)
41 FR 47713 - 10/29/76
(D,Hw) - See Statewide
CHAMBERS COUNTY
(D,Hw) - See Statewide
CHEROKEE COUNTY
(D,Hw) - See Statewide
CHILTON COUNTY
(D,Hw) - See Statewide
CHOCTAW COUNTY
(D,Hw) - See Statewide
CLARKE COUNTY
(D,Hw) - See Statewide

ALABAMA (Cont'd.)

CLAY COUNTY
(D,Hw) - See Statewide
CLEBURNE COUNTY
(D,Hw) - See Statewide
COFFEE COUNTY
(D,Hw) - See Statewide
COLBERT COUNTY
Decision #AL75-1046 (R)
40 FR 17451 - 4/18/75
Decision #AL76-1011 (B)
41 FR 4741 - 1/30/76
Mod. #1 - 41 FR 8623 - 2/27/76
Mod. #2 - 41 FR 18263 - 4/30/76
Mod. #3 - 41 FR 32101 - 7/30/76
Mod. #4 - 41 FR 40369 - 9/17/76
(D,Hw) - See Statewide
CONECUH COUNTY
(D,Hw) - See Statewide
(R) - See Baldwin County
COOSA COUNTY
(D,Hw) - See Statewide
COVINGTON COUNTY
(D,Hw) - See Statewide
CRENSHAW COUNTY
(D,Hw) - See Statewide
CULLMAN COUNTY
(D,Hw) - See Statewide
DALE COUNTY
(D,Hw) - See Statewide
DALLAS COUNTY
(D,Hw)- See Statewide
DE KALB COUNTY
(D,Hw) - See Statewide
ELMORE COUNTY
(D,Hw)- See Statewide
ESCAMBIA COUNTY
(D,Hw) - See Statewide
(R) - See Baldwin County
ETOWAH COUNTY
(D,Hw)-See Statewide

ALABAMA (Cont'd.

FAYETTE COUNTY
(D,Hw) - See Statewide
FRANKLIN COUNTY
(D,Hw) - See Statewide
(R) - See Colbert County
GENEVA COUNTY
(D,Hw) - See Statewide
GREENE COUNTY
(D,Hw) - See Statewide
HALE COUNTY
(D,Hw) - See Statewide
HENRY COUNTY
(D,Hw) - See Statewide
HOUSTON COUNTY
(D,Hw) - See Statewide
JACKSON COUNTY
(D,Hw) - See Statewide
JEFFERSON COUNTY
Decision #AL76-1117 (B)
41 FR 44610 - 10/8/76
Mod. #1 - 41 FR 47714 - 10/29/76
(D) - See Statewide
(R) - See Blount County
(Hw) - See Statewide
LAMAR COUNTY
(D,Hw) - See Statewide
LAUDERDALE COUNTY
(B,R) - See Colbert County
(D,Hw) - See Statewide
LAWRENCE COUNTY
Decision #AL76-1030 (B)
41 FR 8637 - 2/27/76
Mod. #1 - 41 FR 21028 - 5/21/76
Mod. #2 - 41 FR 30492 - 7/23/76
Mod. #3 - 41 FR 40369 - 9/17/76
(D,Hw) - See Statewide
(R) - See Colbert County
LEE COUNTY
(D,Hw) - See Statewide
LIMESTONE COUNTY
(B) - See Lawrence County
(D,Hw) - See Statewide

ALABAMA (cont'd)

LOWNDES COUNTY
(D,Hw) - See Statewide
MACON COUNTY
(D,Hw) - See Statewide
MADISON COUNTY
Decision #AL76-1047 (B)
41 FR 15238 - 4/9/76
Mod. #1 - 41 FR 21028 - 5/21/76
Mod. #2 - 41 FR 26423 - 6/25/76
Mod. #3 - 41 FR 40369 - 9/17/76
(D,Hw) - See Statewide
MARENGO COUNTY
(D,Hw) - See Statewide
MARION COUNTY
(R) - See Colbert County
(D,Hw) - See Statewide
MARSHALL COUNTY
(D,Hw) - See Statewide
MOBILE COUNTY
Decision #AL76-1124 (B)
41 FR 47719 - 10/29/76
(D,Hw) - See Statewide
(R) - See Baldwin County
MONROE COUNTY
(D,Hw) - See Statewide
MONTGOMERY COUNTY
(D,Hw) - See Statewide
Decision #AL76-1002 (R)
41 FR 1693 - 1/9/76
Mod. #1 - 41 FR 36365 - 8/27/76
Decision #AL75-1073 (B)
40 FR 33580 - 8/8/75
Mod. #1 - 40 FR 42483 - 9/12/75
Mod. #2 - 40 FR 52241 - 11/7/75
Mod. #3 - 41 FR 21028 - 5/21/76
Mod. #4 - 41 FR 38708 - 9/10/76
MORGAN COUNTY
(B) - See Lawrence County
(D,Hw) - See Statewide
PERRY COUNTY
(D,Hw) - See Statewide
PICKENS COUNTY
(D,Hw) - See Statewide

ARKANSAS (Cont'd.)

DREW COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
FAULKNER COUNTY
(B) - See Conway County
(D,H,Hw) - See Statewide
(F) - See Arkansas County
FRANKLIN COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
FULTON COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
GARLAND COUNTY
Decision #AR76-4133 (B)
41 FR 30513 - 7/23/76
Mod. #1 - 41 FR 47715 - 10/29/76
(D,H,Hw) - See Statewide
(F) - See Arkansas County
GRANT COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
GREENE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
HEMPSTEAD COUNTY
(D,H,Hw) - See Statewide
(F(- See Arkansas County
HOT SPRING COUNTY
(B) - See Garland County
(D,H,Hw) - See Statewide
(F) - See Arkansas County
HOWARD COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
INDEPENDENCE COUNTY
(H,Hw) (D) - See Statewide
(F) - See Arkansas County
IZARD COUNTY
(H,Hw) (D) - See Statewide
(F) - See Arkansas County

ARKANSAS (Cont'd.)

JACKSON COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
JEFFERSON COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
JOHNSON COUNTY
(D,Hw,H) - See Statewide
(F) - See Arkansas County
LAFAYETTE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
LAWRENCE COUNTY
(D,Hw,H) - See Statewide
(F) - See Arkansas County
LEE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
LINCOLN COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
LITTLE RIVER COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
LOGAN COUNTY
(D,Hw,H) - See Statewide
(F) - See Arkansas County
LENOKE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
MADISON COUNTY
(D,Hw,H) - See Statewide
(F) - See Arkansas County
MARION COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County

ARKANSAS (Cont'd)

MILLER COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
MISSISSIPPI COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
MONROE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
MONTGOMERY COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
NEVADA COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
NEWTON COUNTY
(D,H,Hw) - See Statewide
(F) - Arkansas County
OUACHITA COUNTY
(B) - See Union County
(D,H,Hw) - See Statewide
(F) - See Arkansas County
PERRY COUNTY
(B) - See Conway County
(D,H,Hw) - See Statewide
(F) - See Arkansas County
PHILLIPS COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
PIKE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
POINSETT COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
POLK COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
POPE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County

ARKANSAS (CONT'D)

PRAIRIE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
PULASKI COUNTY
(D,H,Hw)- See Statewide
(F) - See Arkansas County
Decision #AR76-4119 (B)
41 FR 29617 - 7/16/76
Mod. #1 - 41 FR 40369 - 9/17/76
Mod. #2 - 41 FR 43557 - 10/1/76
Mod. #3 - 41 FR 45783 - 10/15/76
Decision #AR75-4068 (R)
40 FR 14218 - 3/28/75
RANDOLPH COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
ST. FRANCIS COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
SALINE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
SCOTT COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
SEARCY COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
SEBASTIAN COUNTY
(F) - See Arkansas County
(D,H,Hw) - See Statewide
(B) - See Crawford County
SEVIER COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
SHARP COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County

ARKANSAS (CONT'D)

STONE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
UNION COUNTY
Decision #AR76-4129 (B)
41 FR 30507 - 7/23/76
(F) - See Arkansas County
(D,H,Hw) - See Statewide
VAN BUREN COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
WASHINGTON COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
WHITE COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
WOODRUFF COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County
YELL COUNTY
(D,H,Hw) - See Statewide
(F) - See Arkansas County

CALIFORNIA

ALAMEDA COUNTY
Decision #CA76-5063 (B,H,Hw,D)
41 FR 29619 - 7/16/76
Mod. #1 - 41 FR 36365 - 8/27/76
Mod. #2 - 41 FR 40370 - 9/17/76
Mod. #3 - 41 FR 43557 - 10/1/76
Mod. #4 - 41 FR 44591 - 10/8/76
Mod. #5 - 41 FR 46806 - 10/22/76
Decision #CA76-5064 (R)
41 FR 29637 - 7/16/76
Mod. #1 - 41 FR 36366 - 8/27/76
Mod. #2 - 41 FR 40370 - 9/17/76
Mod. #3 - 41 FR 43559 - 10/1/76
Mod. #4 - 41 FR 44592 - 10/8/76
ALPINE COUNTY
(B,D,H,Hw,R) - See Alameda County
AMADOR COUNTY
(B,H,Hw,D,R) - See Alameda County
BUTTE COUNTY
(B,H,Hw,D) - See Alameda County
CALAVERAS COUNTY
(B,H,Hw,D,R) - See Alameda County
COLUSA COUNTY
(B,H,Hw,D) - See Alameda County
CONTRA COSTA COUNTY
(B,D,H,Hw,R) - See Alameda County
DELNORTE COUNTY
(B,D,H,Hw,R) - See Alameda County
ELDORADO COUNTY
(B,D,H,Hw,R) - See Alameda County
FRESNO COUNTY
(B,H,Hw,D,R) - See Alameda County
GLENN COUNTY
(B,H,Hw,D) - See Alameda County
HUMBOLDT COUNTY
(B,D,H,Hw,R) - See Alameda County
IMPERIAL COUNTY
Decision #CA76-5058 (B,D,H,Hw)
41 FR 27549 - 7/2/76
Mod. #1 - 41 FR 30492 - 7/23/76
Mod. #2 - 41 FR 42045 - 9/24/76
Mod. #3 - 41 FR 45783 - 10/15/76
Decision #CA76-5059 (R)
41 FR 27559 - 7/2/76
Mod. #1 - 41 FR 30496 - 7/23/76
Mod. #2 - 41 FR 42046 - 9/24/76
Mod. #3 - 41 FR 45784 - 10/15/76
INYO COUNTY
(B,H,Hw,D) - See Imperial County
KERN COUNTY
(B,D,H,Hw,R) - See Imperial County

CALIFORNIA (Cont'd)

KINGS COUNTY
(B,H,Hw,D) - See Alameda County
LAKE COUNTY
(B,H,Hw,D) - See Alameda County
LASSEN COUNTY
(B,H,Hw,D) - See Alameda County
LOS ANGELES COUNTY
(B,D,H,Hw,R) - See Imperial County
MADERA COUNTY
(B,H,Hw,D) - See Alameda County
MARIN COUNTY
(B,H,Hw,D,R) - See Alameda County
MARIPOSA COUNTY
(B,D,H,Hw,R) - See Alameda County
MENDOCINO COUNTY
(B,H,Hw, D) - See Alameda County
MERCED COUNTY
(B,D,H,Hw,R) - See Alameda County
MODOC COUNTY
(B,H,Hw,D) - See Alameda County
MONO COUNTY
(B,H,Hw,D) - See Imperial County
MONTEREY COUNTY
(B,D,H,Hw,R) - See Alameda County
NAPA COUNTY
(B,D,H,Hw,R) - See Alameda County
NEVADA COUNTY
(B,D,H,Hw,R) - See Alameda County
ORANGE COUNTY
(B,D,H,Hw,R) - See Imperial County
PLACER COUNTY
(B,D,H,Hw,R)- See Alameda County
PLUMAS COUNTY
(B,H,Hw,D) - See Alameda County
RIVERSIDE COUNTY
(B,D,H,Hw,R) - See Imperial County
SACRAMENTO COUNTY
(B,D,H,Hw,R) - See Alameda County
SAN BENITO COUNTY
(B,H,Hw,D,R) - See Alameda County
SAN BERNARDINO COUNTY
(B,D,H,Hw,R) - See Imperial County
SAN DIEGO COUNTY
Decision #CA76-5061 (B,H,Hw,D)
41 FR 26429 - 6/25/76
Mod. #1 - 41 FR 30499 - 7/23/76
Mod. #2 - 41 FR 37473 - 9/3/76
Mod. #3 - 41 FR 45785 - 10/15/76

CALIFORNIA (Cont'd.)

SAN DIEGO COUNTY (Cont'd.)
Decision #CA76-5062 (R)
41 FR 26436 - 6/25/76
Mod. #1 - 41 FR 30500 - 7/23/76
Mod. #2 - 41 FR 37473 - 9/3/76
Mod. #3 - 41 FR 45785 - 10/15/76
SAN FRANCISCO COUNTY
(B,D,Hw,H,R) - See Alameda County
SAN JOAQUIN COUNTY
(B,D,H,Hw,R) - See Alameda County
SAN LUIS OBISPO COUNTY
(B,H,Hw,D,R) - See Imperial County
SAN MATEO COUNTY
(B,D,H,Hw,R) - See Alameda County
SANTA BARBARA COUNTY
(B,D,H,Hw,R) - See Imperial County
SANTA CLARA COUNTY
(B,D,Hw,H,R) - See Alameda County
SANTA CRUZ COUNTY
(B,D,H,Hw,R) - See Alameda County
SHASTA COUNTY
(B,D,H,Hw) - See Alameda County
SIERRA COUNTY
(B,D,H,Hw) - See Alameda County
SISKIYOU COUNTY
(B,H,Hw,D) - See Alameda County
SOLANO COUNTY
(B,D,H,Hw,R) - See Alameda County
SONOMA COUNTY
(B,D,Hw,H,R) - See Alameda County
STANISLAUS COUNTY
(B,H,Hw,D) - See Alameda County
SUTTER COUNTY
(B,D,H,Hw,R) - See Alameda County
TEHAMA COUNTY
(B,D,H,Hw,R) - See Alameda County
TRINITY COUNTY
(B,H,Hw,D) - See Alameda County
TULARE COUNTY
(B,H,Hw,D) - See Alameda County
TUOLUMNE COUNTY
(B,D,H,Hw,R) - See Alameda County
VENTURA COUNTY
(B,D,H,Hw,R) - See Imperial County
YOLO COUNTY
(B,H,Hw,D,R) - See Alameda County
YUBA COUNTY
(B,H,Hw,D,R) - See Alameda County

COLORADO

STATEWIDE
Decision #CO76-5067 (Hw)
41 FR 32115 - 7/30/76
Mod. #1 - 41 FR 46806 - 10/22/76
ADAMS COUNTY
Decision #CO76-5084 (B,H)
41 FR 42067 - 9/24/76
Mod. #1 - 41 FR 46807 - 10/22/76
Decision #CO75-5061 (R)
40 FR 22744 - 5/23/75
Mod. #1 - 41 FR 10818 - 3/12/76
(Hw) - See Statewide
ALAMOSA COUNTY
(Hw) - See Statewide
ARAPAHOE COUNTY
(Hw) - See Statewide
(B,H,R) - See Adams County
ARCHULETA COUNTY
(Hw) - See Statewide
BACA COUNTY
(Hw) - See Statewide
BENT COUNTY
(Hw) - See Statewide
BOULDER COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
CHAFFEE COUNTY
(Hw) - See Statewide
CHEYENNE COUNTY
(Hw) - See Statewide
CLEAR CREEK COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
CONEJOS COUNTY
(Hw) - See Statewide
COSTILLA COUNTY
(Hw) - See Statewide
CROWLEY COUNTY
(Hw) - See Statewide
CUSTER COUNTY
(Hw) - See Statewide
DELTA COUNTY
Decision #CO76-5087 (B,H)
41 FR 42091 - 9/24/76
Mod. #1 - 41 FR 44592 - 10/8/76
Mod. #2 - 41 FR 46809 - 10/22/76
(Hw) - See Statewide
DENVER COUNTY
(Hw) - See Statewide
(B,H,R) - See Adams County
DOLORES COUNTY
(Hw) - See Statewide
DOUGLAS COUNTY
(Hw) - See Statewide
(B,H) - See Adams County
EAGLE COUNTY
(B,H) - See Adams County
(Hw) - See Statewide

COLORADO (Cont'd.

ELBERT COUNTY
(Hw) - See Statewide
(B,H) - See Adams County
EL PASO COUNTY
Decision #CO76-5085 (B,H)
41 FR 42077 - 9/24/76
Mod. #1 - 41 FR 46807 - 10/22/76
(Hw) - See Statewide
FREMONT COUNTY
(Hw) - See Statewide
GARFIELD COUNTY
(B,H) - See Delta County
(Hw) - See Statewide
GILPIN COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
GRAND COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
GUNNISON COUNTY
(B,H) - See Delta County
(Hw) - See Statewide
HINDSDALE COUNTY
(Hw) - See Statewide
HUERFANO COUNTY
(Hw) - See Statewide
JACKSON COUNTY
(Hw) - See Statewide
JEFFERSON COUNTY
(Hw) - See Statewide
(B,H,R)-- See Adams County
KIOWA COUNTY
(Hw) - See Statewide
KIT CARSON COUNTY
(Hw) - See Statewide
LAKE COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
LA PLATA COUNTY
(Hw) - See Statewide
LARIMER COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
LAS ANIMAS COUNTY
Decision #CO76-5086 (B,H)
41 FR 42083 - 9/24/76
Mod. #1 - 41 FR 46808 - 10/22/76
(Hw) - See Statewide
LINCOLN COUNTY
(Hw) - See Statewide
LOGAN COUNTY
(Hw) - See Statewide
MESA COUNTY
(B,H) - See Delta County
(Hw) - See Statewide
MINERAL COUNTY
(Hw) - See Statewide

COLORADO (Cont'd.

MOFFAT COUNTY
(Hw) - See Statewide
MONTEZUMA COUNTY
(Hw) - See Statewide
MONTROSE COUNTY
(B,H) - See Delta County
(Hw) - See Statewide
MORGAN COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
OTERO COUNTY
(B,H) - See Las Animas County
(Hw) - See Statewide
OURAY COUNTY
(Hw) - See Statewide
PARK COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
PHILLIPS COUNTY
(Hw) - See Statewide
PITKIN COUNTY
(B,H) - See Delta County
(Hw) - See Statewide
PROWERS COUNTY
(Hw) - See Statewide
PUEBLO COUNTY
(Hw) - See Statewide
(B,H) - See Las Animas County
RIO BLANCO COUNTY
(Hw) - See Statewide
RIO GRANDE COUNTY
(Hw) - See Statewide
ROUTT COUNTY
(Hw) - See Statewide
SAGUACHE COUNTY
(Hw) - See Statewide
SAN JUAN COUNTY
(Hw) - See Statewide
SAN MIGUEL COUNTY
(Hw) - See Statewide
SEDGWICK COUNTY
(Hw) - See Statewide
SUMMIT COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
TELLER COUNTY
(Hw) - See Statewide
WASHINGTON COUNTY
(Hw) - See Statewide
WELD COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
YUMA COUNTY
(Hw) - See Statewide

CONNECTICUT

FAIRFIELD COUNTY
Decision #CT76-2111 (B,H,Hw,R)
41 FR 40378 - 9/17/76
Mod. #1 - 41 FR 48981 - 11/5/76
Decision #CT75-5139 (D)
40 FR 55621 - 11/28/75
HARTFORD COUNTY
Decision #CT76-2112 (B,H,Hw)
41 FR 40386 - 9/17/76
Mod. #1 - 41 FR 48982 - 11/5/76
Decision #CT75-2067 (R)
40 FR 18304 - 4/25/75
LITCHFIELD COUNTY
(B,H,Hw,R) - See Fairfield County
MIDDLESEX COUNTY
(B,H,Hw) - See Hartford County
(D) - See Fairfield County
NEW HAVEN COUNTY
Decision #CT76-2109 (R)
41 FR 38705 - 9/10/76
(B,H,Hw) - See Hartford County
(D) - See Fairfield County
NEW LONDON COUNTY
(B,H,Hw,D,R) - See Fairfield County
TOLLAND COUNTY
(B,H,Hw) - See Hartford County
WINDHAM COUNTY
(B,H,Hw,D,R) - See Fairfield County

DELAWARE

STATEWIDE
Decision #CT75-5139 (D)
40 FR 55621 - 11/28/75
Decision #DE76-3212 (B,H,Hw)
41 FR 32122 - 7/30/76
Mod. #1 - 41 FR 35318 - 8/20/76
Mod. #2 - 41 FR 40371 - 9/17/76
Mod. #3 - 41 FR 43560 - 10/1/76
Mod. #4 - 41 FR 47715 - 10/29/76
KENT COUNTY
(B,H,Hw,D) - See Statewide
NEW CASTLE COUNTY
(B,H,Hw,D) - See Statewide
SUSSEX COUNTY
(B,H,Hw,D) - See Statewide

FLORIDA

ALACHUA COUNTY
Decision #FL75-1080 (Hw)
40 FR 41358 - 9/5/75
Mod. #1 - 41 FR 23885 - 6/11/76
Decision #FL75-1089 (B)
40 FR 42489 - 9/12/75
BAKER COUNTY
Decision #FL75-1081 (Hw)
40 FR 41359 - 9/5/75
BAY COUNTY
Decision #FL76-1059 (B)
41 FR 20130 - 5/14/76
Mod. #1 - 41 FR 23885 - 6/11/76
Decision #AL76-5090 (D)
41 FR 44609 - 10/8/76
Decision #FL76-1021 (Hw)
41 FR 4749 - 1/30/76
Mod. #1 - 41 FR 23884 - 6/11/76

FLORIDA (Cont'd.)

BRADFORD COUNTY
(Hw) - See Alachua County
BREVARD COUNTY (Entire County)
Decision #FL76-5024 (D)
41 FR 12856 - 3/26/76
Decision #FL76-1105 (R)
41 FR 40365 - 9/17/76
(Cape Kennedy, Kennedy Space Flight Center and Patrick AFB only)
Decision #FL76-1048 (B,H,Hw)
41 FR 16360 - 4/16/76
Mod. #1 - 41 FR 18264 - 4/30/76
Mod. #2 - 41 FR 35318 - 8/20/76
Mod. #3 - 41 FR 37474 - 9/3/76
Mod. #4 - 41 FR 40371 - 9/17/76
Mod. #5 - 41 FR 46809 - 10/22/76
(Remainder of County)
Decision # FL76-1108 (B)
41 FR 43555 - 10/1/76
Decision FL76-1082 (Hw)
41 FR 41360 - 9/5/76
BROWARD COUNTY
Decision #FL75-1084 (Hw)
40 FR 41362 - 9/5/75
Mod. #1 - 40 FR 53168 - 11/14/75
Decision #FL76-1043 (B,H)
41 FR 15239 - 4/9/76
Mod. #1 - 41 FR 16306 - 4/16/76
Mod. #2 - 41 FR 37473 - 9/3/76
(D) - See Brevard County
CALHOUN COUNTY
(Hw) - See Alachua County
CHARLOTTE COUNTY
Decision #FL75-1083 (Hw)
40 FR 41361 - 9/5/75
Mod. #1 - 40 FR 53168 - 11/14/75
(D) - See Brevard County
CITRUS COUNTY
Decision #FL75-1104 (R)
40 FR 49949 - 10/24/75
(Hw) - See Alachua County
(D) - See Brevard County
CLAY COUNTY
(Hw) - See Baker County
COLLIER COUNTY
(D) - See Brevard County
(Hw) - See Charlotte County
COLUMBIA COUNTY
(Hw) - See Alachua County
(B) - See Alachua County
DADE COUNTY
Decision #FL76-1102 (H)
41 FR 40365 - 9/17/76
Decision #FL76-1064 (B)
41 FR 21077 - 5/21/76
Mod. #1 - 41 FR 37474 - 9/3/76
Decision #AR-4050 (R)
39 FR 38077 - 10/25/74
Mod. #1 - 39 FR 40404 - 11/15/74
Decision #FL75-1085 (Hw)
40 FR 41363 - 9/5/75

FLORIDA (cont'd)

DADE COUNTY (Cont'd.)
Mod. #1 - 41 FR 55609 - 11/29/75
Mod. #2 - 41 FR 27539 - 7/2/76
(D) - See Brevard County
DESOTO COUNTY
Decision #AR-4065 (R)
39 FR 43468 - 12/13/74
(Hw) - See Charlotte County
DIXIE COUNTY
(Hw) - See Alachua County
(D) - See Brevard County
DUVAL COUNTY
Decision #FL76-1098 (R)
41 FR 37469 - 9/3/76
Decision #FL76-1069 (B)
41 FR 21997 - 5/28/76
(D) - See Brevard County
(Hw) - See Baker County
ESCAMBIA COUNTY
Decision #FL76-1041 (B)
41 FR 11740 - 3/19/76
Decision #FL76-1017 (R)
41 FR 3589 - 1/23/76
(D,Hw) - See Bay County
FLAGLER COUNTY
(D) - See Brevard County
(Hw) - See Baker County
FRANKLIN COUNTY
(D) - See Bay County
(Hw) - See Alachua County
GADSDEN COUNTY
Decision #FL76-1018 (R)
41 FR 3590 - 1/23/76
(Hw) - See Alachua County
GILCHRIST COUNTY
(Hw) - See Alachua County
GLADES COUNTY
(Hw) - See Charlotte County
GULF COUNTY
(D) - See Bay County
(Hw) - See Bay County.
HAMILTON COUNTY
(Hw) - See Alachua County
HARDEE COUNTY
(R) - See DeSoto County
(Hw) - See Charlotte County
HENDRY COUNTY
(Hw) - See Charlotte County
HERNANDO COUNTY
(D) - See Brevard County
(R) - See Citrus County
(Hw) - See Alachua County

FLORIDA (cont'd)

HIGHLANDS COUNTY
(R) - See DeSoto County
(Hw) - See Charlotte County
HILLSBOROUGH COUNTY
Decision #FL76-1014 (B)
41 FR 3587 - 1/23/76
Mod. #1 - 41 FR 22718 - 6/4/76
Mod. #2 - 41 FR 37473 - 9/3/76
(Hw) - See Brevard Co. (Remainder of Co.)
(D) - See Brevard County
(R) - See Citrus County
HOLMES COUNTY
(Hw) - See Alachua County
INDIAN RIVER COUNTY
(D) - See Brevard County
(Hw) - See Brevard Co. (Remainder of Co.)
JACKSON COUNTY
(Hw) - See Alachua County
JEFFERSON COUNTY
(D) - See Bay County
(R) - See Gadsden County
(Hw) - See Alachua County
LAFAYETTE COUNTY
(H,Hw) - See Alachua County
LAKE COUNTY
Decision #FL75-1066 (R)
40 FR 28332 - 7/3/75
(Hw) - See Alachua County
LEE COUNTY
(D) - See Brevard County
(Hw) - See Charlotte County
LEON COUNTY
Decision #FL75-1036 (B)
40 FR 14221 - 3/28/75
Mod. #1 - 40 FR 32551 - 8/1/75
(Hw) - See Alachua County
(R) - See Gadsden County
LEVY COUNTY
(D) - See Brevard County
(Hw) - See Alachua County
LIBERTY COUNTY
(Hw) - See Alachua County
MADISON COUNTY
(R) - See Gadsden County
(Hw) - See Alachua County
MANATEE COUNTY
(D) - See Brevard County
(Hw) - See Brevard Co. (Remainder of Co.)
MARION COUNTY
(Hw) - See Alachua County
MARTIN COUNTY
Decision #FL75-1033 (B)
40 FR 14219 - 3/28/75
Mod. #1 - 40 FR 19327 - 5/2/75
Mod. #2 - 40 FR 25324 - 6/13/75
Mod. #3 - 40 FR 32551 - 8/1/75
(D) - See Brevard County
(Hw) - See Brevard Co. (Remainder of Co.)

FLORIDA (cont'd)

MONROE COUNTY
(D) - See Brevard County
(Hw) - See Charlotte County
NASSAU COUNTY
(D) - See Brevard County
(Hw) - See Baker County

OKALOOSA COUNTY
(B) - See Escambia County
(D,Hw) - See Bay County
Decision #FL76-1016 (R)
41 FR 3589 - 1/23/76
OKEECHOBEE COUNTY
(Hw) - See Charlotte County
ORANGE COUNTY
Decision #FL76-1036 (B)
41 FR 9755 - 3/5/76
Mod. #1 - 41 FR 15232 - 4/9/76
Mod. #2 - 41 FR 27539 - 7/2/76
(Hw) - See Brevard Co. (Remainder of Co
(R) - See Lake County
OSCEOLA COUNTY
(Hw) - See Brevard Co. (Remainder of Co
(R) - See Lake County
PALM BEACH COUNTY
(D) - See Brevard County
(B) - See Martin County
(Hw) - See Broward County
PASCO COUNTY
(D) - See Brevard County
(Hw) - See Alachua County
(R) - See Citrus County
PINELLAS COUNTY
Decision #FL76-1040 (B)
41 FR 11738 - 3/19/76
(R) - See Citrus County
(D) - See Brevard County
(Hw) - See Brevard Co. (Remainder of Co
POLK COUNTY
(Hw) - See Brevard Co. (Remainder of Co
(R) - See DeSoto County
PUTNAM COUNTY
(Hw) - See Alachua County
ST. JOHNS COUNTY
(D) - See Brevard County
(Hw) - See Baker County
ST. LUCIE COUNTY
(D) - See Brevard County
(Hw) - See Brevard Co. (Remainder of Co
SANTA ROSA COUNTY
(B) - See Escambia County
(D,Hw) - See Bay County
(R) - See Okaloosa County

FLORIDA (Cont'd)

SARASOTA COUNTY
(D) - See Brevard County
(Hw) - See Hillsborough County
SEMINOLE COUNTY
(Hw) - See Brevard Co. (Remainder of Co.)
(R) - See Lake County
SUMTER COUNTY
(R) - See Citrus County
(Hw) - See Alachua County
SUWANNEE COUNTY
(Hw) - See Alachua County
TAYLOR COUNTY
(Hw) - See Alachua County
(D) - See Brevard County
(R) - See Gadsden County
UNION COUNTY
(Hw) - See Alachua County
VOLUSIA COUNTY
(D) - See Brevard County (Entire County)
(Cape Kennedy, Kennedy Space Flight Center and Cape Canavera Air Force only)
(B,H,Hw) - See Brevard County (Cape Kennedy etc.) (Remainder of County)
Decision #FL76-1029 (B)
41 FR 8638 - 2/27/76
Mod. #1 - 41 FR 20117 - 5/14/76
Mod. #2 - 41 FR 46809 - 10/22/76
(Hw) - See Brevard County Remainder of County
WAKULLA COUNTY
(D) - See Bay County
(Hw) - See Alachua County
WALTON COUNTY
(B) - See Escambia County
(D,Hw) - See Bay County
(R) - See Okaloosa County
WASHINGTON COUNTY
(Hw) - See Alachua County

GEORGIA

STATEWIDE
Decision #AR-4038 (Hw)
39 FR 34984 - 9/27/74
Mod. #1 - 39 FR 36711 - 10/11/74
Mod. #2 - 40 FR 23629 - 5/30/75
Mod. #3 - 41 FR 7888 - 2/20/76
APPLING COUNTY
(Hw) - See Statewide
ATKINSON COUNTY
(Hw) - See Statewide
BACON COUNTY
(Hw) - See Statewide
BAKER COUNTY
Decision #AQ-4089 (R)
39 FR 10067 - 3/15/74
Mod. #1 - 40 FR 3083 - 1/17/75

GEORGIA (Cont'd.)

BAKER COUNTY
Mod. #2 - 41 FR 28461 - 7/9/76
(Hw) - See Statewide
BALDWIN COUNTY
(Hw) - See Statewide
BANKS COUNTY
(Hw) - See Statewide
BARROW COUNTY
Decision #AQ-4108 (R)
39 FR 14841 - 4/26/74
(Hw) - See Statewide
BARTOW COUNTY
(Hw) - See Statewide
BEN HILL COUNTY
(Hw) - See Statewide
BERRIEN COUNTY
(Hw) - See Statewide
BIBB COUNTY
Decision #GA76-1122 (B)
41 FR 46803 - 10/22/76
(Hw) - See Statewide
BLECKLEY COUNTY
(Hw) - See Statewide
BRANTLEY COUNTY
(Hw) - See Statewide
BROOKS COUNTY
(Hw) - See Statewide
BRYAN COUNTY
(Hw) - See Statewide
Decision #GA76-1050 (R)
41 FR 16362 - 4/16/76
Decision #GA76-5025 (D)
41 FR 12857 - 3/26/76
BULLOCH COUNTY
(R) - See Bryan County
(Hw) - See Statewide
BURKE COUNTY
Decision #GA76-1015 (R)
41 FR 3590 - 1/23/76
(Hw) - See Statewide
BUTTS COUNTY
(Hw) - See Statewide
CALHOUN COUNTY
(Hw) - See Statewide
(R) - See Baker County
CAMDEN COUNTY
(D) - See Bryan County
(Hw) - See Statewide
CANDLER COUNTY
(Hw) - See Statewide
CARROLL COUNTY
(Hw) - See Statewide
CATOOSA COUNTY
(Hw) - See Statewide
CHARLTON COUNTY
Decision #AR-4037 (R)
39 FR 33919 - 9/20/74
Mod. #1 - 40 FR 3083 - 1/17/75
Mod. #2 - 41 FR 28461 - 7/9/76
(Hw) - See Statewide
CHATHAM COUNTY
Decision #GA76-1120 (B)
41 FR 47723 - 10/29/76

GEORGIA (Cont'd.

CHATHAM COUNTY (Cont'd.)
Mod. #3 - 41 FR 20118 - 5/14/76
Mod. #4 - 41 FR 28461 - 7/9/76
Mod. #5 - 41 FR 37474 - 9/3/76
(D,R) - See Bryan County
(Hw) - See Statewide
CHATTAHOOCHEE COUNTY
Decision #GA75-1039 (B)
40 FR 16471 - 4/11/75
Mod. #1 - 40 FR 24455 - 6/6/75
Mod. #2 - 40 FR 49942 - 10/24/75
Mod. #3 - 41 FR 10818 - 3/12/76
Mod. #4 - 41 FR 15232 - 4/9/76

Mod. #5 - 41 FR 24833 - 6/18/76
Decision #GA76-1035 (R)
41 FR 9758 - 3/5/76
(Hw) - See Statewide
CHATTOOGA COUNTY
(Hw) - See Statewide
CHEROKEE COUNTY
(Hw) - See Statewide
CLARKE COUNTY
(Hw) - See Statewide
(R) - See Barrow County
CLAY COUNTY
(R) - See Baker County
(Hw) - See Statewide
CLAYTON COUNTY
Decision #GA76-1089 (B)
41 FR 36378 - 8/27/76
Mod. #1 - 41 FR 38708 - 9/10/76
Mod. #2 - 41 FR 45785 - 10/15/76
Mod. #3 - 41 FR 46810 - 10/22/76

Decision #GA76-1033 (R)
41 FR 8642 - 2/27/76
Mod. #1 - 41 FR 15232 - 4/9/76

(Hw) - See Statewide
CLINCH COUNTY
(Hw) - See Statewide
COBB COUNTY
(B,R) - See Clayton County
(Hw) - See Statewide
COFFEE COUNTY
(Hw) - See Statewide
COLQUITT COUNTY
(Hw) - See Statewide
COLUMBIA COUNTY
(R) - See Burke County
(Hw) - See Statewide
COOK COUNTY
(Hw) - See Statewide
COWETA COUNTY
(Hw) - See Statewide
CRAWFORD COUNTY
(Hw) - See Statewide
CRISP COUNTY
(Hw) - See Statewide

GEORGIA (Cont'd.)

DECATUR COUNTY
(R) - See Baker County
(Hw) - See Statewide
DEKALB COUNTY
(B,R) - See Clayton County
(Hw) - See Statewide
DODGE COUNTY
(Hw) - See Statewide
DOOLY COUNTY
(Hw) - See Statewide
DOUGHERTY COUNTY
(Hw) - See Statewide
(R) - See BAker County
DOUGLAS COUNTY
(Hw) - See Statewide
EARLY COUNTY
(Hw) - See Statewide
(R) - See Baker County
ECHOLS COUNTY
(Hw) - See Statewide
EFFINGHAM COUNTY
(R) - See Bryan County
(Hw) - See Statewide
ELBERT COUNTY
(Hw) - See Statewide
(R) - See Barrow County
EMANUEL COUNTY
(Hw) - See Statewide
EVANS COUNTY
(R) - See Bryan County
(Hw) - See Statewide
FANNIN COUNTY
(Hw) - See Statewide
FAYETTE COUNTY
(Hw) - See Statewide
FLOYD COUNTY
(Hw) - See Statewide
FORSYTH COUNTY
(Hw) - See Statewide
FRANKLIN COUNTY
(Hw) - See Statewide
FULTON COUNTY
(Hw) - See Statewide
(B,R) - See Clayton County
GILMER COUNTY
(Hw) - See Statewide
GLASCOCK COUNTY
(Hw) - See Statewide
(R) - See Burke County
GLYNN COUNTY
(D) - See Bryan County
(Hw) - See Statewide
GORDON COUNTY
(Hw) - See Statewide
GRADY COUNTY
(Hw) - See Statewide
(R) - See Baker County
GREENE COUNTY
(R) - See Barrow County
(Hw) - See Statewide

GEORGIA (Cont'd.)

GWINNETT COUNTY
(R) - See Clayton County
(Hw) - See Statewide
HABERSHAM COUNTY
(Hw) - See Statewide
HALL COUNTY
Decision #GA75-1025 (B)
40 FR 8691 - 2/28/75
Mod. #1 - 40 FR 12003 - 3/14/75
Mod. #2 - 40 FR 49942 - 10/24/75
Mod. #3 - 41 FR 30500 - 7/23/76
(Hw) - See Statewide
HANCOCK COUNTY
(Hw) - See Statewide
(R) - See Burke County
HARALSON COUNTY
(Hw) - See Statewide
HARRIS COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
HART COUNTY
(Hw) - See Statewide
(R) - See Barrow County
HEARD COUNTY
(Hw) - See Statewide
HENRY COUNTY
(Hw) - See Statewide
HOUSTON COUNTY
Decision #GA76-1123 (B)
41 FR 46804 - 10/22/76
(Hw) - See Statewide
IRWIN COUNTY
(Hw) - See Statewide
JACKSON COUNTY
(Hw) - See Statewide
(R) - See Barrow County
JASPER COUNTY
(Hw) - See Statewide
JEFF DAVIS COUNTY
(Hw) - See Statewide
JEFFERSON COUNTY
(Hw) - See Statewide
(R) - See Burke County
JENKINS COUNTY
(Hw) - See Statewide
(R) - See Burke County
JOHNSON COUNTY
(Hw) - See Statewide
JONES COUNTY
(Hw) - See Statewide
LAMAR COUNTY
(Hw) - See Statewide
LANIER COUNTY
(Hw) - See Statewide
LAURENS COUNTY
Decision #AQ-4124 (B)
39 FR 20912 - 6/14/74
Mod. #1 - 41 FR 11722 - 3/19/76
(Hw) - See Statewide
LEE COUNTY
(Hw) - See Statewide
(R) - See Baker County

GEORGIA (Cont'd.)

LIBERTY COUNTY
(D,R) - See Bryan County
(Hw) - See Statewide
LINCOLN COUNTY
(Hw) - See Statewide
(R) - See Burke County
LONG COUNTY
(Hw) - See Statewide
(R) - See Bryan County
LOWNDES COUNTY
(Hw) - See Statewide
LUMPKIN COUNTY
(Hw) - See Statewide
MCDUFFIE COUNTY
(Hw) - See Statewide
(R) - See Burke County
McINTOSH COUNTY
(D) - See Bryan County
(Hw) - See Statewide
MACON COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
MADISON COUNTY
(Hw) - See Statewid3e
(R) - See Barrow County
MARION COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
MERIWETHER COUNTY
(R) - See Chattahoochee County
(Hw) - See Statewide
MILLER COUNTY
(Hw) - See Statewide
(R) - See Baker County
MITCHELL COUNTY
(Hw) - See Statewide
(R) - See Baker County
MONROE COUNTY
(Hw) - See Statewide
MONTGOMERY COUNTY
(Hw) - See Statewide
MORGAN COUNTY
(Hw) - See Statewide
(R) - See Barrow County
MURRAY COUNTY
(Hw) - See Statewide
MUSCOGEE COUNTY
(B,R) - See Chattahoochee County
(Hw) - See Statewide
NEWTON COUNTY
(Hw) - See Statewide
(R) - See Barrow County
OCONEE COUNTY
(Hw) - See Statewide
(R) - See Barrow County
OGLETHORPE COUNTY
(Hw) - See Statewide
(R) - See Barrow County
PAULDING COUNTY
(Hw) - See Statewide

GEORGIA (Cont'd.)

PEACH COUNTY
(Hw) - See Statewide
PICKENS COUNTY
(Hw) - See Statewide
PIERCE COUNTY
(Hw) - See Statewide
(R) - See Charlton County
PIKE COUNTY
(Hw) - See Statewide
POLK COUNTY
(Hw) - See Statewide
PULASKI COUNTY
(Hw) - See Statewide
PUTNAM COUNTY
(Hw) - See Statewide
QUITMAN COUNTY
(Hw) - See Statewide
(R) - See Baker County
RABUN COUNTY
(Hw) - See Statewide
RANDOLPH COUNTY
(Hw) - See Statewide
(R) - See Baker County
RICHMOND COUNTY
Decision #GA76-1119 (B)
41 FR 45800 - 10/15/76
(Hw) - See Statewide
(R) - See Burke County
ROCKDALE COUNTY
(Hw) - See Statewide
SCHLEY COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
SCREVEN COUNTY
(R) - See Bryan County
(Hw) - See Statewide
SEMINOLE COUNTY
(Hw) - See Statewide
(R) - See Baker County
SPALDING COUNTY
(Hw) - See Statewide
STEPHENS COUNTY
(Hw) - See Statewide
STEWART COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
SUMTER COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
TALBOT COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
TALIAFERRO COUNTY
(Hw) - See Statewide
(R) - See Burke County
TATTNALL COUNTY
(Hw) - See Statewide
TAYLOR COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
TELFAIR COUNTY
(Hw) - See Statewide

GEORGIA (Cont'd.)

TERRELL COUNTY
(Hw) - See Statewide
(R) - See Baker County
THOMAS COUNTY
(Hw) - See Statewide
TIFT COUNTY
(Hw) - See Statewide
TOOMBS COUNTY
(Hw) - See Statewide
TOWNS COUNTY
(Hw) - See Statewide
TREUTLEN COUNTY
(Hw) - See Statewide
TROUP COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
TURNER COUNTY
(Hw) - See Statewide
TWIGGS COUNTY
(Hw) - See Statewide
UNION COUNTY
(Hw) - See Statewide
UPSON COUNTY
(Hw) - See Statewide
WALKER COUNTY
(Hw) - See Statewide
WALTON COUNTY
(Hw) - See Statewide
(R) - See Barron County
WARE COUNTY
Decision #GA75-1113 (B)
40 FR 58034 - 12/12/75
(R) - See Charlton County
(Hw) - See Statewide
WARREN COUNTY
(Hw) - See Statewide
(R) - See Burke County
WASHINGTON COUNTY
(Hw) - See Statewide
(R) - See Burke County
WAYNE COUNTY
(Hw) - See Statewide
WEBSTER COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
WHEELER COUNTY
(Hw) - See Statewide
WHITE COUNTY
(Hw) - See Statewide
WHITEFIELD COUNTY
(Hw) - See Statewide
WILCOX COUNTY
(Hw) - See Statewide
WILKES COUNTY
(R) - See Burke County
(Hw) - See Statewide
WILKINSON COUNTY
(Hw) - See Statewide
WORTH COUNTY
(Hw) - See Statewide

GUAM

GUAM
Decision #AR-1029 (B,H,Hw,R)
39 FR 32448 - 9/6/74

HAWAII

STATEWIDE
Decision #HI76-5092 (B,H,Hw,D,R)
41 FR 42099 - 9/24/76
Mod. #1 - 41 FR 45785 - 10/15/76

IDAHO

STATEWIDE
Decision #ID76-5088 (B,H,Hw)
41 FR 42103 - 9/24/76
Mod. #1 - 41 FR 45786 - 10/15/76
Mod. #2 - 41 FR 46810 - 10/22/76
Mod. #3 - 41 FR 48984 - 11/5/76
ADA COUNTY
Decision #AQ-1029 (R)
38 FR 24513 - 9/7/73
Mod. #1 - 38 FR 26543 - 9/21/73
(B,H,Hw) - See Statewide
ADAMS COUNTY
(B,H,Hw) - See Statewide
BANNOCK COUNTY
(B,H,Hw) - See Statewide

IDAHO (Cont'd.)

BEAR LAKE COUNTY
(B,H,Hw) - See Statewide
BENEWAH COUNTY
(B,H,Hw) - See Statewide
BINGHAM COUNTY
(B,H,Hw) - See Statewide
BLAINE COUNTY
(B,H,Hw) - See Statewide
BOISE COUNTY
(B,H,Hw) - See Statewide
BONNER COUNTY
(B,H,Hw) - See Statewide
BONNEVILLE COUNTY
(B,H,Hw) - See Statewide
BOUNDARY COUNTY
(B,H,Hw) - See Statewide
BUTTE COUNTY
(B,H,Hw) - See Statewide
CAMAS COUNTY
(B,H,Hw) - See Statewide
CANYON COUNTY
(B,H,Hw) - See Statewide
CARIBOU COUNTY
(B,H,Hw) - See Statewide
CASSIA COUNTY
(B,H,Hw) - See Statewide
CLARK COUNTY
(B,H,Hw) - See Statewide
CLEARWATER COUNTY
(B,H,Hw) - See Statewide
CUSTER COUNTY
(B,H,Hw) - See Statewide
ELMORE COUNTY
(B,H,Hw) - See Statewide
FRANKLIN COUNTY
(B,H,Hw) - See Statewide
FREMONT COUNTY
(B,H,Hw) - See Statewide
GEM COUNTY
(B,H,Hw) - See Statewide
GOODING COUNTY
(B,H,Hw) - See Statewide
IDAHO COUNTY
(B,H,Hw) - See Statewide
JEFFERSON COUNTY
(B,H,Hw) - See Statewide
JEROME COUNTY
(B,H,Hw) - See Statewide

IDAHO (Cont'd.)

KOOTENAI COUNTY
(B,H,Hw) - See Statewide
LATAH COUNTY
(B,H,Hw) - See Statewide
LEMHI COUNTY
(B,H,Hw) - See Statewide
LEWIS COUNTY
(B,H,Hw) - See Statewide
LINCOLN COUNTY
(B,H,Hw) - See Statewide
MADISON COUNTY
(B,H,Hw) - See Statewide
MINIDOKA COUNTY
(B,H,Hw) - See Statewide
NEZ PERCE COUNTY
(B,H,Hw) - See Statewide
ONEIDA COUNTY
(B,H,Hw) - See Statewide
OWYHEE COUNTY
(B,H,Hw) - See Statewide
PAYETTE COUNTY
(B,H,Hw) - See Statewide
POWER COUNTY
(B,H,Hw) - See Statewide
SHOSHONE COUNTY
(B,H,Hw) - See Statewide
TETON COUNTY
(B,H,Hw) - See Statewide
TWIN FALLS COUNTY
(B,H,Hw) - See Statewide
VALLEY COUNTY
(B,H,Hw) - See Statewide
WASHINGTON COUNTY
(B,H,Hw) - See Statewide

ILLINOIS

ADAMS COUNTY
Decision #IL76-2120 (B)
41 FR 43570 - 10/1/76
Decision #IL76-2025 (H,Hw)
41 FR 9774 - 3/5/76
ALEXANDER COUNTY
Decision #IL76-2132 (B)
41 FR 47729 - 10/29/76
Decision #IL76-2028 (H,Hw)
41 FR 9787 - 3/5/76
Decision #IL76-5026 (D)
41 FR 12858 - 3/26/76
BOND COUNTY
Decision #IL76-2079 (H,Hw)
41 FR 34496 - 8/13/76
Decision #IL76-2080 (B)
41 FR 34475 - 8/13/76

ILLINOIS (Cont'd.)

BOONE COUNTY
Decision #IL76-2133 (B)
41 FR 46831 - 10/22/76
Decision #IL76-2141 (H,Hw)
41 FR 47733 - 10/29/76
BROWN COUNTY
(B,H,Hw) - See Adams County
(D) - See Alexander County
BUREAU COUNTY
Decision #IL76-2125 (B)
41 FR 44620 - 10/8/76
Decision #IL76-2021 (H,Hw)
41 FR 8661 - 2/27/76
Mod. #1 - 41 FR 11723 - 3/19/76
Mod. #2 - 41 FR 14271 - 4/2/76
Mod. #3 - 41 FR 15233 - 4/9/76
CALHOUN COUNTY
(B,H,Hw) - See Bond County
(D) - See Alexander County
CARROLL COUNTY
(H,Hw) - See Bureau County
CASS COUNTY
Decision #IL76-2129 (B)
41 FR 44625 - 10/8/76
(H,Hw) - See Adams County
(D) - See Alexander County
CHAMPAIGN COUNTY
Decision #IL76-2121 (B)
41 FR 43573 - 10/1/76
Decision #IL76-2024 (H,Hw)
41 FR 9770 - 3/5/76
Mod. #1 - 41 FR 14272 - 4/2/76
CHRISTIAN COUNTY
(H,Hw) - See Adams County
Decision #IL76-2128 (B)
41 FR 46823 - 10/22/76
CLARKE COUNTY
Decision #IL76-2108 (B)
41 FR 36361 - 8/27/76
(H,Hw) - See Champaign County
CLAY COUNTY
Decision #IL76-2026 (H,Hw)
41 FR 9778 - 3/5/76
Mod. #1 - 41 FR 14272 - 4/2/76
(B) - See Clarke County
CLINTON COUNTY
(B,H,Hw) - See Bond County
COLES COUNTY
(B) - See Clarke County
(H,Hw) - See Champaign County
COOK COUNTY
Decision #IL76-2122 (B,H,Hw,R)
41 FR 43576 - 10/1/76
Decision #IL76-5038 (D)
41 FR 16373 - 4/16/76
Mod. #1 - 41 FR 19007 - 5/7/76

INDIANA

STATEWIDE
Decision #IN76-2148 (H,Hw)
41 FR 47755 - 10/29/76
ADAMS COUNTY
(H,Hw) - See Statewide
ALLEN COUNTY
Decision #IN76-2146 (B)
41 FR 47737 - 10/29/76
Decision #AQ-3000 (R)
38 FR 22341 - 8/17/73
(H,Hw) - See Statewide
BARTHOLOMEW COUNTY
(B) - See Allen County
(H,Hw) - See Statewide
BENTON COUNTY
(B) - See Allen County
(H,Hw) - See Statewide
BLACKFORD COUNTY
(H,Hw) - See Statewide
BOONE COUNTY
(H,Hw) - See Statewide
BROWN COUNTY
(H,Hw) - See Statewide
CARROLL COUNTY
(H,Hw) - See Statewide
CASS COUNTY
(H,Hw) - See Statewide
CLARK COUNTY
Decision #IL76-5026 (D)
41 FR 12858 - 3/26/76
(H,Hw) - See Statewide
CLAY COUNTY
(H,Hw) - See Statewide
CLINTON COUNTY
(H,Hw) - See Statewide
CRAWFORD COUNTY
(H,Hw) - See Statewide
(D) - See Clark County
DAVIESS COUNTY
(H,Hw) - See Statewide
DEARBORN COUNTY
(B) - See Allen County
(D) - See Clarke County
(H,Hw) - See Statewide

INDIANA (Cont'd.

DECATUR COUNTY
(H,Hw) - See Statewide
DEKALB COUNTY
(H,Hw) - See Statewide
DELAWARE COUNTY
(B) - See Allen County
(H,Hw) - See Statewide
DUBOIS COUNTY
(H,Hw) - See Statewide
ELKHART COUNTY
(H,Hw) - See Statewide
FAYETTE COUNTY
(H,Hw) - See Statewide
FLOYD COUNTY
(D) - See Clark County
(H,Hw) - See Statewide
FOUNTAIN COUNTY
(H,Hw) - See Statewide
FRANKLIN COUNTY
(H,Hw) - See Statewide
FULTON COUNTY
(H,Hw) - See Statewide
GIBSON COUNTY
(H,Hw) - See Statewide
GRANT COUNTY
(B) - See Allen County
(H,Hw) - See Statewide
GREENE COUNTY
(H,Hw) - See Statewide
HAMILTON COUNTY
(H,Hw) - See Statewide
HANCOCK COUNTY
(H,Hw) - See Statewide
HARRISON COUNTY
(D) - See Clark County
(H,Hw) - See Statewide
HENDRICKS COUNTY
(H,Hw) - See Statewide
HENRY COUNTY
(H,Hw) - See Statewide
HOWARD COUNTY
(H,Hw) - See Statewide
HUNTINGTON COUNTY
(H,Hw) - See Statewide
JACKSON COUNTY
(H,Hw) - See Statewide
JASPER COUNTY
(H,Hw) - See Statewide
JAY COUNTY
(H,Hw) - See Statewide

INDIANA (Cont'd.

JEFFERSON COUNTY
(D)-- See Clark County
(H,Hw) - See Statewide
JENNINGS COUNTY
(H,Hw) - See Statewide
JOHNSON COUNTY
(H,Hw) - See Statewide
KNOX COUNTY
(H,Hw) - See Statewide
KOSCIUSKO COUNTY
(H,Hw) - See Statewide
LAGRANGE COUNTY
(H,Hw) - See Statewide
LAKE COUNTY
Decision #IN76-2147 (B,H,Hw)
41 FR 47747 - 10/29/76
Decision #IL76-5038 (D)
41 FR 16373 - 4/16/76
Mod. #1 - 41 FR 19007 - 5/7/76
LAPORTE COUNTY
(B,H,Hw) - See Lake County
(D) - See Lake County
LAWRENCE COUNTY
(H,Hw) - See Statewide
MADISON COUNTY
(H,Hw) - See Statewide
MARION COUNTY
Decision #IN76-2005 (R)
41 FR 3602 - 1/23/76
Mod. #1 - 41 FR 9720 - 3/5/76
Mod. #2 - 41 FR 21984 - 5/28/76
(B) - See Allen County
(H,Hw) - See Statewide
MARSHALL COUNTY
(H,Hw) - See Statewide
MARTIN COUNTY
(H,Hw) - See Statewide
MIAMI COUNTY
(H,Hw) - See Statewide
MONROE COUNTY
(B) - See Allen County
(H,Hw) - See Statewide
MONTGOMERY COUNTY
(H,Hw) - See Statewide
MORGAN COUNTY
(H,Hw) - See Statewide
NEWTON COUNTY
(H,Hw) - See Statewide
NOBLE COUNTY
(H,Hw) - See Statewide

IOWA (Cont'd)

CLAY COUNTY
(H,Hw) - See Carroll County
CLAYTON COUNTY
None
CLINTON COUNTY (City of Clinton and abbutting municipalities)
Decision #IA76-4145 (B,H,Hw)
41 FR 38711 - 9/10/76
Mod. #1 - 41 FR 44594 - 10/8/76
Mod. #2 - 41 FR 48984 - 11/5/76
CRAWFORD COUNTY
(H,Hw) - See Carroll County
DALLAS COUNTY
None
DAVIS COUNTY
(H,Hw) - See Appanoose County
DECATUR COUNTY
(H,Hw) - See Adair County
DELAWARE COUNTY
(H,Hw) - See Buchanan County
DES MOINES COUNTY (City of Burlington and Abutting Municipalities; and Burlington Ordnance Plant
Decision #IA76-4146 (B,H,Hw)
41 FR 38713 - 9/10/76
Mod. #1 - 41 FR 44594 - 10/8/76
Mod. #2 - 41 FR 48984 - 11/5/76
None
DUBUQUE COUNTY (City of Dubuque and abutting municipalities)
Decision #IA76-4147 (B,H,Hw)
41 FR 38716 - 9/10/76
EMMET COUNTY
None
FAYETTE COUNTY
None
FLOYD COUNTY
(H,Hw) - See Butler County
FRANKLIN COUNTY
Decision #IA76-4123 (H,Hw)
41 FR 30484 - 7/23/76
FREMONT COUNTY
Decision #NE76-4070 (Channel Stabilization)
41 FR 14293 - 4/2/76
(H,Hw) - See Adair County
GREENE COUNTY
None
GRUNDY COUNTY
(H,Hw) - See Butler County

IOWA (Cont'd)

GUTHRIE COUNTY
None
HAMILTON COUNTY
(H,Hw) - See Butler County
HANCOCK COUNTY
(H,Hw) - See Butler County
HARDIN COUNTY
(H,Hw) - See Franklin County
HARRISON COUNTY
Decision #IA76-4124 (H,Hw)
41 FR 30485 - 7/23/76
(Chann. Stab.) - See Fremont Co.
HENRY COUNTY
None
HOWARD COUNTY
None
HUMBOLDT COUNTY
None
IDA COUNTY
None
IOWA COUNTY
(Hw) - See Benton County
JACKSON COUNTY
(H,Hw) - See Buchanan County
JASPER COUNTY
None
JEFFERSON COUNTY
(H,Hw) - See Appanoose County
JOHNSON COUNTY (City of Iowa City and abutting municipalities)
Decision #IA76-4148 (B,H,Hw)
41 FR 38719 - 9/10/76
Mod. #1 - 41 FR 48984 - 11/5/76
(Hw) - See Benton County
JONES COUNTY
(H,Hw) - See Buchanan County
KEOKUK COUNTY
(Hw) - See Benton County
KOSSUTH COUNTY
None
LEE COUNTY
None
LINN COUNTY
Decision #IA76-4149 (B,H,Hw)
41 FR 38722 - 9/10/76
Mod. #1 - 41 FR 48985 - 11/5/76

IOWA (Cont'd.)

LOUISA COUNTY
None
LUCAS COUNTY
(H,Hw) - See Adair County
LYON COUNTY
None
MADISON COUNTY
None
MAHASKA COUNTY
(Hw) - See Benton County
MARION COUNTY
None
MARSHALL COUNTY
None
MILLS COUNTY
(H,Hw) - See Adair County
(Channel Stab.) - See Freemont Co.
MITCHELL COUNTY
(H,Hw) - See Butler County
MONONA COUNTY
(H,Hw) - See Harrison County
(Channel Stab.) - See Freemont Co.
MONROE COUNTY
None
MONTGOMERY COUNTY
(H,Hw) - See Adair County
MUSCATINE COUNTY
None
O'BRIEN COUNTY
(H,Hw) - See Carroll County
OSCEOLA COUNTY
(H,Hw) - See Carroll County
PAGE COUNTY
(H,Hw) - See Adair County
PALO ALTO COUNTY
None
PLYMOUTH COUNTY
None
POCAHONTAS COUNTY
None
POLK COUNTY
Decision #IA76-4150 (B,H,Hw)
41 FR 40393 - 9/17/76
POTTAWATTAMIE COUNTY (City of Council Bluffs and the area within 3 miles from the City Limits)
Decision #IA75-4128 (B,H,Hw)
40 FR 34558 - 8/15/75
(Chann. Stab.) - See Freemont County

IOWA (Cont'd)

POWESHIEK COUNTY
(Hw) - See Benton County
RINGGOLD COUNTY
(H,Hw) - See Adair County
SAC COUNTY
None
SCOTT COUNTY
Decision #IA76-4172 (B,H,Hw)
41 FR 45802 - 10/15/76
Mod. #1 - 41 FR 48985 - 11/5/76
SHELBY COUNTY
None
SIOUX COUNTY
None
STORY COUNTY (City of Ames and abutting municipalities)
Decision #IA76-4173 (B,H,Hw)
41 FR 45805 - 10/15/76
TAMA COUNTY
(Hw) - See Benton County
TAYLOR COUNTY
(H,Hw) - See Adair County
UNION COUNTY
(H,Hw) - See Adair County
VAN BUREN COUNTY
(H,Hw) - See Appanoose County
WAPELLO COUNTY
(H,Hw) - See Appannose County
WARREN COUNTY
None
WASHINGTON COUNTY
(Hw) - See Benton County
WAYNE COUNTY
(H,Hw) - See Adair County
WEBSTER COUNTY (City of Fort Dodge)
Decision #IA76-4174 (B,H,Hw)
41 FR 45808 - 10/15/76
WINNEBAGO COUNTY
(H,Hw) - See Butler County
WINNESHIEK COUNTY
None

IOWA (Cont'd.)

WOODBURY COUNTY (City of Sioux City and abutting municipalities)
Decision #IA76-4175 (B)
41 FR 45811 - 10/15/76
(Chann. Stab.) - See Freemont Co.
(H,Hw) - See Harrison County
WORTH COUNTY
(H,Hw) - See Butler County
WRIGHT COUNTY
(H,Hw) - See Butler County

KANSAS

ALLEN COUNTY
Decision #KS75-4197 (Hw,W&S)
40 FR 57091 - 12/5/75
Mod. #1 - 41 FR 27542 - 7/2/76
Mod. #2 - 41 FR 29609 - 7/16/76
Mod. #3 - 41 FR 48985 - 11/5/76
ANDERSON COUNTY
(Hw, W&S) - See Allen County
ATCHISON COUNTY
Decision #M075-4070 (D)
40 FR 14225 - 3/28/75
(Hw, W&S) - See Allen County
BARBER COUNTY
Decision #KS75-4198 (Hw, W&S)
40 FR 57090 - 12/5/75
BARTON COUNTY
(Hw, W&S) - See Barber County
BOURBON COUNTY
(Hw, W&S) - see Allen County
BROWN COUNTY
(Hw, W&S) - See Allen County
BUTLER COUNTY
(Hw, W&S) - See Allen County
CASS COUNTY
(Hw, W&S) - See Allen County
CHASE COUNTY
(Hw, W&S) - See Allen County
CHAUTAUQUA COUNTY
(Hw, W&S) - See Allen County
CHEROKEE COUNTY
(Hw, W&S) - See Allen County
CHEYENNE COUNTY
(Hw, W&S) - See Barber County
CLARK COUNTY
(Hw, W&S) - See Barber County

KANSAS (Cont'd.)

CLAY COUNTY
(Hw, W&S) - See Allen County
CLOUD COUNTY
(Hw, W&S) - See Allen County
COFFEY COUNTY
(Hw, W&S) - See Allen County
COMANCHE COUNTY
(Hw, W&S) - See Barber County
COWLEY COUNTY
(Hw, W&S) - See Allen County
CRAWFORD COUNTY
(Hw, W&S) - See Allen County
DECATUR COUNTY
(Hw, W&S) - See Barber County
DICKINSON COUNTY
(Hw, W&S) - See Allen County
DONIPHAN COUNTY
(D) - See Atchison County
(Hw, W&S) - See Allen County
DOUGLAS COUNTY
Decision #KS76-4134 (Hw)
41 FR 32127 - 7/30/76
EDWARDS COUNTY
(Hw, W&S) - See Barber County
ELK COUNTY
(Hw, W&S) - See Allen County
ELLIS COUNTY
(Hw, W&S) - See Barber County
ELLSWORTH COUNTY
(Hw, W&S) - See Barber County
FINNEY COUNTY
(Hw, W&S) - See Barber County
FORD COUNTY
(Hw, W&S) - See Barber County
FRANKLIN COUNTY
(Hw, W&S) - See Allen County
GEARY COUNTY
Decision #AQ-88 (R)
38 FR 11791 - 3/29/74
(Hw, W&S) - See Allen County
GOVE COUNTY
(Hw, W&S) - See Barber County
GRAHAM COUNTY
(Hw, W&S) - See Barber County
GRANT COUNTY
(Hw, W&S) - See Barber County
GRAY COUNTY
(Hw, W&S) - See Barber County
GREELEY COUNTY
(Hw, W&S) - See Barber County
GREENWOOD COUNTY
(Hw, W&S) - See Allen County

KANSAS (Cont'd.)

HAMILTON COUNTY
(Hw, W&S) - See Barber County
HARPER COUNTY
(Hw, W&S) - See Allen County
HARVEY COUNTY
(Hw, W&S) - See Allen County
HASKELL COUNTY
(Hw, W&S) - See Barber County
HODGEMAN COUNTY
(Hw, W&S) - See Barber County
JACKSON COUNTY
(Hw, W&S) - See Allen County
JEFFERSON COUNTY
(Hw) - See Douglas County
JEWELL COUNTY
(Hw, W&S) - See Barber County
JOHNSON COUNTY
Decision # MO76-4102 (B,H,Hw)
41 FR 27597 - 7/2/76
Mod. #1 - 41 FR 34481 - 8/13/76
Decision #MO76-4103 (R)
41 FR 27602 - 7/2/76
Mod. #1 - 41 FR 34482 - 8/13/76
KEARNY COUNTY
(Hw, W&S) - See Barber County
KINGMAN COUNTY
(Hw, W&S) - See Allen County
KIOWA COUNTY
(Hw, W&S) - See Barber County
LABETTE COUNTY
(Hw, W&S) - See Allen County
LANE COUNTY
(Hw, W&S) - See Barber County
LEAVENWORTH COUNTY
Decision #KS76-4098 (B)
41 FR 23899 - 6/11/76
Mod. #1 - 41 FR 44596 - 10/8/76
(Hw) - See Douglas County
(D) - See Atchison County
LINCOLN COUNTY
(Hw, W&S) - See Barber County
LINN COUNTY
(Hw, W&S) - See Allen County
LOGAN COUNTY
(Hw, W&S) - See Barber County

KANSAS (Cont'd.)

LYON COUNTY
(Hw, W&S) - See Allen County
McPHERSON COUNTY
(Hw, W&&) - See Allen County
MARION COUNTY
(Hw, W&S) - See Allen County
MARSHALL COUNTY
(Hw, W&S) - See Allen County
MEADE COUNTY
(Hw, W&S) - See Barber County
MIAMI COUNTY
(Hw) - See Douglas County
MITCHELL COUNTY
(Hw, W&S) - See Barber County
MONTGOMERY COUNTY
(Hw, W&S) - See Allen County
MORRIS COUNTY
(Hw, W&S) - See Allen County
MORTON COUNTY
(Hw, W&S) - See Barber County
NEMAHA COUNTY
(Hw, W&S) - See Allen County
NEOSHO COUNTY
(Hw, W&S) - See Allen County
NESS COUNTY
(Hw, W&S) - See Barber County
NORTON COUNTY
(Hw, W&S) - See Barber County
OSAGE COUNTY
(Hw, W&S) - See Allen County
OSBORNE COUNTY
(Hw, W&S) - See Barber County
OTTAWA COUNTY
(Hw, W&S) - See Allen County
PAWNEE COUNTY
(Hw, W&S) - See Barber County
PHILLIPS COUNTY
(Hw, W&S) - See Barber County
POTTAWATOMIE COUNTY
(Hw, W&S) - See Allen County
PRATT COUNTY
(Hw, W&S) - See Barber County
RAWLINS COUNTY
(Hw, W&S) - See Barber County
RAY COUNTY
(Hw, W&S) - See Allen County

KANSAS (Cont'd.)

RENO COUNTY
(Hw, W&S) - See Allen County
REPUBLIC COUNTY
(Hw, W&S) - See Allen County
RICE COUNTY
(Hw, W&S) - See Barber County
RILEY COUNTY
(Hw, W&S) - See Allen County
(R) - See Geary County
ROOKS COUNTY
(Hw, W&S) - See Barber County
RUSH COUNTY
(Hw, W&S) - See Barber County
RUSSELL COUNTY
(Hw, W&S) - See Barber County
SALINE COUNTY
(Hw, W&S) - See Allen County
SCOTT COUNTY
(Hw, W&S) - See Barber County
SEDGWICK COUNTY
Decision #AP-533 (R)
38 FR 16573 - 6/22/73
Decision #KS76-4097 (B)
41 FR 23896 - 6/11/76
Mod. #1 - 41 FR 44596 - 10/8/76
Decision #KS75-4052 (Hw, W&S)
40 FR 6057 - 2/7/75
Mod. #1 - 40 FR 7775 - 2/21/75
SEWARD COUNTY
(Hw, W&S) - See Barber County
SHAWNEE COUNTY
Decision #KS76-4096 (B)
41 FR 23893 - 6/11/76
Mod. #1 - 41 FR 44595 - 10/8/76
Decision #KS76-4095 (R)
41 FR 23890 - 6/11/76
Mod. #1 - 41 FR 44595 - 10/8/76
(Hw) - See Douglas County

KANSAS (Cont'd.)

SHERIDAN COUNTY
(Hw, W&S) - See Barber County
SHERMAN COUNTY
(Hw, W&S) - See Barber County
SMITH COUNTY
(Hw, W&S) - See Barber County
STAFFARD COUNTY
(Hw, W&S) - See Barber County
STANTON COUNTY
(Hw, W&S) - See Barber County
STEVENS COUNTY
(Hw, W&S) - See Barber County
SUMNER COUNTY
(Hw, W&S) - See Allen County
THOMAS COUNTY
(Hw, W&S) - See Barber County
TREGO COUNTY
(Hw, W&S) - See Barber County
WABAUNSEE COUNTY
(Hw, W&S) - See Allen County
WALLACE COUNTY
(Hw, W&S) - See Barber County
WASHINGTON COUNTY
(Hw, W&S) - See Allen County
WICHITA COUNTY
(Hw, W&S) - See Barber County
WILSON COUNTY
(Hw, W&S) - See Allen County
WOODSON COUNTY
(Hw, W&S) - See Allen County
WYANDOTTE COUNTY
(B,H,Hw,R) - See Johnson County
(D) - See Atchison County

KENTUCKY

ADAIR COUNTY
Mod. #2 - 41 FR 29610 - 7/16/76
Decision #KY76-1093 (R)
41 FR 37472 - 9/3/76
Decision #KY76-1112 (H,Hw)
41 FR 43579 - 10/1/76
ALLEN COUNTY
Decision #KY75-1093 (H,Hw)
40 FR 43456 - 9/19/75
Mod. #1 - 41 FR 29609 - 7/16/76
ANDERSON COUNTY
Decision #KY76-1114 (H,Hw)
41 FR 44633 - 10/8/76
BALLARD COUNTY
Decision #AL76-5090 (D)
41 FR 44609 - 10/8/76
Decision #IL76-5026 (D)
41 FR 12858 - 3/26/76
(H,Hw) - See Allen County
BARREN COUNTY
(H,Hw) - See Adair County
BATH COUNTY
(H,Hw) - See Anderson County
Decision #KY75-1105 (R)
40 FR 49950 - 10/24/75
BELL COUNTY
(H,Hw) - See Adair County
Decision #AQ-4126 (B)
39 FR 22359 - 6/21/74
BOONE COUNTY
Decision #KY76-1092 (R)
41 FR 37471 - 9/3/76
Decision #KY76-1113 (H,Hw)
41 FR 43582 - 10/1/76
Decision #KY76-1086 (B)
41 FR 36384 - 8/27/76
Mod. #1 - 41 FR 45787 - 10/15/76
BOURBON COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
BOYD COUNTY
Decision #KY76-1110 (B)
41 FR 42113 - 9/24/76
Mod. #1 - 41 FR 46811 - 10/22/76
Mod. #2 - 41 FR 48985 - 11/5/76
(D) - See Ballard County
(H,Hw) - See Anderson County
BOYLE COUNTY
Decision #KY76-1096 (R)
41 FR 38707 - 9/10/76
(H,Hw) - See Anderson County
BRACKEN COUNTY
(H,Hw) - See Anderson County
(D) - See Ballard County
(R) - See Boone County
BREATHITT COUNTY
(H,Hw) - See Adair County
Decision #KY76-1101 (B)
41 FR 40366 - 9/17/76

KENTUCKY (Cont'd.)

BRECKINRIDGE COUNTY
Decision #KY76-1080 (R)
41 FR 30532 - 7/23/76
Mod. #1 - 41 FR 38709 - 9/10/76
(H,Hw) - See Anderson County
(D) - See Ballard County
BULLITT COUNTY
(D) - See Boone County
(H,Hw) - See Anderson County
(R) - See Breckinridge County
BUTLER COUNTY
(H,Hw) - See Allen County
CALDWELL COUNTY
(H,Hw) - See Allen County
CALLOWAY COUNTY
(H,Hw) - See Allen County
CAMPBELL COUNTY
(B,H,D,Hw,R) - See Ballard County
CARLISLE COUNTY
(D) - See Ballard County
(H,Hw) - See Allen County
CARROLL COUNTY
(H,Hw) - See Anderson County
(D) - See Ballard County
(R) - See Boone County
CARTER COUNTY
Decision #KY76-1111 (R)
41 FR 43456 - 10/1/76
(H,Hw) - See Anderson County
CASEY COUNTY
(R) - See Boyle County
(H,Hw) - See Adair County
CHRISTIAN COUNTY
Decision #KY76-1091 (B)
41 FR 37470 - 9/3/76
Decision #KY76-1118 (R)
41 FR 45801 - 10/15/76
(H,Hw) - See Allen County
CLARK COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
CLAY COUNTY
Decision #KY76-1097 (R)
41 FR 38707 - 9/10/76
(H,Hw) - See Adair County
CLINTON COUNTY
(R) - See Boyle County
(H,Hw) - See Adair County
CRITTENDEN COUNTY
(H,Hw) - See Allen County
(D) - See Ballard County
CUMBERLAND COUNTY
(H,Hw,R) - See Adair County
DAVIESS COUNTY
Decision #AQ-4122 (B)
39 FR 20281 - 6/7/74
Mod. #1 - 41 FR 19008 - 5/7/76
Mod. #2 - 41 FR 21987 - 5/28/76
Mod. #3 - 41 FR 43560 - 10/1/76
Decision #KY76-1107 (R)
41 FR 40367 - 9/17/76
(H,Hw) - See Allen County
(D) - See Ballard County
EDMONSON COUNTY
(H,Hw) - See Allen County

KENTUCKY (Cont'd)

ELLIOTT COUNTY
(R) - See Carter County
(H,Hw) - See Anderson County
ESTILL COUNTY
(H,HW) - See Adair County
(R) - See Clay County
FAYETTE COUNTY
Decision #KY76-1079 (B)
41 FR 30529 - 7/23/76
Mod. #1 - 41 FR 33128 - 8/6/76
Mod. #2 - 41 FR 36368 - 8/27/76
Mod. #3 - 41 FR 45787 - 10/15/76
(H,Hw) - See Anderson County
(R) - See Bath County
FLEMING COUNTY
(R) - See Carter County
(H,Hw) - See Anderson County
FLOYD COUNTY
Decision #AR-4002 (B)
39 FR 24777 - 7/5/74
(H,Hw) - See Adair County
FRANKLIN COUNTY
Decision #KY76-1028 (B)
41 FR 7905 - 2/20/76
Mod. #1 - 41 FR 12848 - 3/26/76
Mod. #2 - 41 FR 20118 - 5/14/76
Mod. #3 - 41 FR 23887 - 6/11/76
Mod. #4 - 41 FR 29610 - 7/16/76
Mod. #5 - 41 FR 36368 - 8/27/76
Mod. #6 - 41 FR 45786 - 10/15/76
(H,Hw) - See Anderson County
FULTON COUNTY
(D) - See Ballard County
(H,Hw) - See Allen County
GALLATIN COUNTY
(D) - See Ballard County
(H,Hw) - See Anderson County
R(R) - See Boone County
GARRARD COUNTY
(H,Hw) - See Adair County
(R) - See Boyle County
GRANT COUNTY
(H,Hw) - See Anderson County
(R) - See Boone County
GRAVES COUNTY
(H,Hw) - See Allen County
GRAYSON COUNTY
(H,Hw) - See Anderson County
GREENE COUNTY
(H,Hw,R) - See Adair County
GREENUP COUNTY
(H,Hw) - See Anderson County
(D) - See Ballard County
HANCOCK COUNTY
(H,Hw) - See Allen County
(D) - See Ballard County

KENTUCKY (Cont'd)

HARDIN COUNTY
(B) - See Jefferson County
(H,Hw) - See Anderson County
(R) - See Breckinridge County
(D) - See Ballard County
HARLAN COUNTY
(R) - See Breathitt County
(H,Hw) - See Adair County
HARRISON COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
HART COUNTY
(H,Hw,R) - See Adair County
HENDERSON COUNTY
Decision #KY76-1078 (B)
41 FR 30527 - 7/23/76
Mod. #1 - 41 FR 43560 - 10/1/76
Mod. #2 - 41 FR 45787 - 10/15/76
(H,Hw) - See Allen County
(D) - See Ballard County
HENRY COUNTY
(H,Hw) - See Anderson County
HICKMAN COUNTY
(D) - See Ballard County
(H,Hw) - See Allen County
HOPKINS COUNTY
(H,Hw) - See Allen County
JACKSON COUNTY
(R) - See Boyle County
(H,Hw) - See Adair County
JEFFERSON COUNTY
Decision #KY76-1038 (B)
41 FR 10828 - 3/12/76
Mod. #1 - 41 FR 17292 - 4/23/76
Mod. #2 - 41 FR 20119 - 5/14/76
Mod. #3 - 41 FR 24834 - 6/18/76
Mod. #4 - 41 FR 29611 - 7/16/76
Mod. #5 - 41 FR 35323 - 8/20/76
Mod. #6 - 41 FR 45786 - 10/15/76
(D) - See Ballard County
(R) - See Breckinridge County
(H,Hw) - See Anderson County
JESSAMINE COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County

KENTUCKY (Cont'd)

JOHNSON COUNTY
(H,Hw) - See Anderson County
KENTON COUNTY
(D) - See Ballard County
(B,H,Hw,R) - See Boone County
KNOTT COUNTY
(R) - See Breathitt County
(H,Hw) - See Adair County
KNOX COUNTY
(H,Hw) - See Adair County
LARUE COUNTY
(R) - See Adair County
(H,Hw) - See Anderson County
LAUREL COUNTY
Decision #KY76-1103 (R)
41 FR 40366 - 9/17/76
(H,Hw) - See Adair County
LAWRENCE COUNTY
(H,Hw) - See Anderson County
LEE COUNTY
(R) - See Breathitt County
(H,Hw) - See Adair cOunty
LESLIE COUNTY
(R) - See Breathitt County
(H,Hw) - See Adair County
LETCHER COUNTY
(R) - See Breathitt County
(H,Hw) - See Adair County
LEWIS COUNTY
(R) - See Carter County
(H,Hw) - See Anderson County
(D) - See Ballard County
LINCOLN COUNTY
(R) - See Boyle County
(H,Hw) - See Adair county
LIVINGSTON COUNTY
(H,Hw) - See Allen County
(D) - See Boone County
LOGAN COUNTY
(H,Hw) - See Allen County
LYON COUNTY
(H,Hw) - See Allen County
McCRACKEN COUNTY
Decision #KY76-1058 (B)
41 FR 21082 - 5/21/76
Mod. #1 - 41 FR 29612 - 7/16/76
Mod. #2 - 41 FR 45787 - 10/15/76
(H,Hw) - See Allen County
(D) - See Ballard County

KENTUCKY (Cont'd)

McCREARY COUNTY
(H,Hw) - See Adair County
McLEAN COUNTY
(H,Hw) - See Allen County
MADISON COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
MAGOFFIN COUNTY
(H,Hw) - See Adair County
MARION COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County
MARSHALL COUNTY
(H,Hw) - See Allen County
MARTIN COUNTY
(H,Hw) - See Adair County
MASON COUNTY
(R) - See Carter County
(H,Hw) - See Anderson County
(D) - See Ballard County
MEADE COUNTY
(H,Hw) - See Anderson County
(B) - See Jefferson County
(R) - See Breckinridge County
(D) - See Ballard County
MENIFEE COUNTY
(H,Hw) - See Adair County
MERCER COUNTY
(H,Hw) - See Anderson County
METCALFE COUNTY
(H,Hw,R) - See Adair County
MONROE COUNTY
(H,Hw,R) - See Adair County
MONTGOMERY COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
MORGAN COUNTY
(H,Hw) - See Anderson County
MUHLENBERG COUNTY
(H,Hw) - See Allen County

KENTUCKY (Cont'd.)

NELSON COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County
NICHOLAS COUNTY
(R) - See Carter County
(H,Hw) - See Anderson County
OHIO COUNTY
(H,Hw) - See Allen County
OLDHAM COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County
(D) - See Ballard County
OWEN COUNTY
(H,Hw) - See Anderson County
OWSLEY COUNTY
(R) - See Clay County
(H,Hw) - See Adair County
PENDLETON COUNTY
(B,R) - See Boone County
(D) - See Ballard County
PERRY COUNTY
(R) - See Breathitt County
(H,Hw) - See Adair County
PIKE COUNTY
(B) - See Floyd County
(H,Hw) - See Adair County
POWELL COUNTY
(H,Hw) - See Adair County
PULASKI COUNTY
(R) - See Boyle County
(H,Hw) - See Adair County
(R) - See Clay County
ROBERTSON COUNTY
(R) - See Carter County
(H,Hw) - See Anderson County
ROCKCASTLE COUNTY
(H,Hw) - See Adair County
(R) - See Boyle County
ROWAN COUNTY
(R) - See Carter County
(H,Hw) - See Anderson County
RUSSELL COUNTY
(R) - See Boyle County
(H,Hw) - See Adair County
SCOTT COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
SHELBY COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County

KENTUCKY (Cont'd.)

SIMPSON COUNTY
(H,Hw) - See Allen County
SPENCER COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County
TAYLOR COUNTY
(R) - See Adair County
(H,Hw) - See Allen County
TODD COUNTY
(H,Hw) - See Allen County
TRIGG COUNTY
(H,Hw) - See Allen County
(D) - See Ballard County
(H,Hw) - See Anderson County
(D) - See Boone County
UNION COUNTY
(H,Hw) - See Allen County
(D) - See Ballard County
WARREN COUNTY
Decision #KY76-1077 (B)
41 FR 30525 - 7/23/76
Mod. #1 - 41 FR 35323 - 8/20/76
Mod. #2 - 41 FR 45787 - 10/15/76
(H,Hw) - See Allen County
WASHINGTON COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County
WAYNE COUNTY
(H,Hw) - See Adair County
(R) - See Boyle County
WEBSTER COUNTY
(H,Hw) - See Allen County
WHITLEY COUNTY
(H,Hw) - See Adair County
WOLFE COUNTY
(H,Hw) - See Adair County
(R) - See Clay County
WOODFORD COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County

LOUISIANA

STATEWIDE
Decision #AL76-5090 (D)
41 FR 44609 - 10/8/76
Decision #LA76-4143 (B,Hw,R)
41 FR 35349 - 8/20/76
Mod. #1 - 41 FR 42047 - 9/24/76
Mod. #2 - 41 FR 43561 - 10/1/76
Mod. #3 - 41 FR 44597 - 10/8/76
Mod. #4 - 41 FR 45787 - 10/15/76
Mod. #5 - 41 FR 47715 - 10/29/76
ACADIA PARISH
Decision #AR-5041 (F)
41 FR 19017 - 5/7/76
Mod. #1 - 41 FR 21981 - 5/28/76
(B,D,Hw) - See Statewide
ALLEN PARISH
(F) - See Acaida Parish
(D,B,Hw) - See Statewide
ASCENSION PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
ASSUMPTION PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
AVOYELLES PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
BEAUREGARD PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
BIENVILLE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
BOSSIER PARISH
(F) - See Acadia Parish
(B,D,Hw,R) - See Statewide
CADDO PARISH
(B,D,Hw,R) - See Statewide
(F) - See Acadia Parish
CALCASIEU PARISH
(F) - See Acadia Parish
(B,D,Hw,R) - See Statewide

LOUISIANA (Cont'd)

CALDWELL PARISH
(F) - See Acadia Parish
(B,D,Hw)- See Statewide
CAMERON PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
CATAHOULA PARISH
(F) - See Acadia Parish
(D,B,Hw) - See Statewide
CLAIBORNE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
CONCORDIA PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
DE SOTO PARISH
(F) - See Acadia Parish
(B,D,Hw)-See Statewide
EAST BATON ROUGE PARISH
(B,D,Hw) - See Statewide
(F) - See Acadia Parish
EAST CARROLL PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
EAST FELICIANA PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
EVANGELINE PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
FRANKLIN PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
GRANT PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide
IBERIA PARISH
(F) - See Acadia Parish
(B,D,Hw) - See Statewide

MARYLAND

ALLEGANY COUNTY
Decision #MD76-3216 (B)
41 FR 32132 - 7/30/76
Mod. #1 - 41 FR 40371 - 9/17/76
Decision #MD76-3217 - (H,Hw)
41 FR 32134 - 7/30/76
Mod. #1 - 41 FR 40371 - 9/17/76
ANNE ARUNDEL COUNTY
Decision #GA76-5025 (D)
41 FR 12857 - 3/26/76
Decision #MD76-3227 (B,H)
41 FR 32146 - 7/30/76
Mod. #1 - 41 FR 42048 - 9/24/76
Decision #MD76-3151 (Hw)
41 FR 11742 - 3/19/76
BALTIMORE CITY
Decision #MD76-3219 (Hw)
41 FR 32139 - 7/30/76
Decision #MD76-3218 (B,H)
41 FR 32136 - 7/30/76
Mod. #1 - 41 FR 42047 - 9/24/76
Mod. #2 - 41 FR 45787 - 10/15/76
Decision #CT75-5139 (D)
40 FR 55621 - 11/28/75
BALTIMORE COUNTY
Decision #MD76-3153 (Hw)
41 FR 11744 - 3/19/76
Mod. #1 - 41 FR 14273 - 4/2/76
(B,H) - See Baltimore City
CALVERT COUNTY
(D,Hw) - See Anne Arundel County
CAROLINE COUNTY
Decision #MD76-3152 (Hw)
41 FR 11743 - 3/19/76
Mod. #1 - 41 FR 14273 - 4/2/76
((H) - See Anne Arundel County
CARROLL COUNTY
(Hw) - See Anne Arundel County
CECIL COUNTY
(Hw) - See Caroline County
CHARLES COUNTY
(D,Hw) - See Anne Arundel County
DORCHESTER COUNTY
(Hw) - See Caroline County
(D) - See Anne Arundel County
FREDERICK COUNTY
Decision #AQ-2076 (R)
39 FR 10069 - 3/15/74
Mod. #1 - 40 FR 15272 - 4/4/75
(Hw) - See Anne Arundel County
GARRETT COUNTY
(B,H,Hw) - See Allegany County

MARYLAND (Cont'd.)

HARFORD COUNTY
(B,H) - See Baltimore County
(Hw) - See Anne Arundel County
HOWARD COUNTY
(B,H) - See Baltimore City
(R) - See Baltimore City
(Hw) - See Anne Arundel County
KENT COUNTY
(Hw) - See Caroline County
(D) - See Arundel County
MONTGOMERY COUNTY
Decision #MD76-3140 (B)
41 FR 3603 - 1/23/76
(Hw) - See Anne Arundel County
PRINCE GEORGES COUNTY
(B) - See Montgomery County
(D,Hw) - See Anne Arundel County
QUEEN ANNES COUNTY
(Hw) - See Caroline County
(D) - See Anne Arundel County
ST. MARYS COUNTY
(D,Hw) - See Anne Arundel County
SOMERSET COUNTY
(Hw) - See Caroline County
(D) - See Anne Arundel County
TALBOT COUNTY
(Hw) - See Caroline County
(D) - See Anne Arundel County
WASHINGTON COUNTY
(Hw) - See Anne Arundel County
WICOMICO COUNTY
Decision #AQ-2075 (R)
39 FR 10068 - 3/15/74
Mod. #1 - 39 FR 14849 - 4/26/74
(D) - See Anne Arundel County
(Hw) - See Caroline County
WORCESTER COUNTY
(D) - See Baltimore City
(Hw) - See Caroline County
Decision #AR-2012 (B)
39 FR 27991 - 8/2/74

MASSACHUSETTS

BARNSTABLE COUNTY
Decision #MA76-2095 (B,H,Hw, & Marine)
41 FR 34501 - 8/13/76
Mod. #1 - 41 FR 45788 - 10/15/76
Decision #CT75-5139 (D)
40 FR 55621 - 11/28/75
BERKSHIRE COUNTY
Decision #MA76-2096 (B,H,Hw)
41 FR 34505 - 8/13/76
Mod. #1 - 41 FR 45788 - 10/15/76
BRISTOL COUNTY
Decision #MA76-2097 (B,H,Hw,R & Marine)
41 FR 34509 - 8/13/76
Mod. #1 - 41 FR 45789 - 10/15/76
(D) - See Barnstable County
DUKES COUNTY
(D) - See Barnstable County
ESSEX COUNTY
Decision #MA76-2098 (B,H,Hw, & Marine)
41 FR 34514 - 8/13/76
Mod. #1 - 41 FR 46811 - 10/22/76
(D) - See Barnstable County
FRANKLIN COUNTY
Decision #MA76-2099 (B,H,Hw)
41 FR 34519 - 8/13/76
Mod. #1 - 41 FR 46812 - 10/22/76
HAMPDEN COUNTY
Decision #MA76-2100 (B,H,Hw)
41 FR 34522 - 8/13/76
Mod. #1 - 41 FR 46812 - 10/22/76
Decision #MA75-2134 (R)
40 FR 59166 - 12/19/75
HAMPSHIRE COUNTY
Decision #MA76-2101 (B,H,Hw)
41 FR 35369 - 8/20/76
Mod. #1 - 41 FR 46813 - 10/22/76
MIDDLESEX COUNTY
Decision #MA76-2102 (B,H,Hw, R, & Marine)
41 FR 37479 - 9/3/76
Mod. #1 - 41 FR 46813 - 10/22/76
(D) - See Barnstable County
NANTUCKET COUNTY
(D) - See Barnstable County

MASSACHUSETTS

NORFOLK COUNTY
Decision #MA76-2103 (B,H,Hw,R)
41 FR 35373 - 8/20/76
Mod. #1 - 41 FR 46814 - 10/22/76
(D) - See Barnstable County
PLYMOUTH COUNTY
Decision #MA76-2104 (B,H,Hw,R)
41 FR 37485 - 9/3/76
Mod. #1 - 41 FR 46815 - 10/22/76
(D) - See Barnstable County
SUFFOLK COUNTY
Decision #MA76-2105 (B,H,Hw,D,R, & Marine)
41 FR 35377 - 8/20/76
Mod. #1 - 41 FR 46815 - 10/22/76
(D) - See Barnstable County
WORCESTER COUNTY
Decision #MA76-2106 (B,H,Hw,R)
41 FR 37490 - 9/3/76
Mod. #1 - 41 FR 46816 - 10/22/76

MICHIGAN (Cont'd.)

MANISTEE COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
MARQUETTE COUNTY
Decision #AR-3178 (R)
39 FR 44166 - 12/20/74
Mod. #1 - 40 FR 22734 - 5/23/75
(B,H) - See Alger County
(D) - See Alcona County
(Hw, W&S) - See Statewide
MASON COUNTY
(B,H) - See Charlevoix County
(D) - See Alcona County
MECOSTA COUNTY
(Hw, W&S) - See Statewide
MENOMINEE COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
MIDLAND COUNTY
(Hw, W&S) - See Statewide
MISSAUKEE COUNTY
(Hw, W&S) - See Statewide
MONROE COUNTY
(B,H,R) - See Macomb County
(D) - See Alcona County
(Hw, W&S) - See Statewide
MONTCALM COUNTY
(Hw, W&S) - See Statewide
(R) - See Kent County
MONTMORENCY COUNTY
(B,H) - See Alcona County
(Hw, W&S) - See Statewide
MUSKEGON COUNTY
Decision #MI75-2120 (R)
40 FR 49955 - 10/24/75
(B,H) - See Alcona County
(D) - See Alcona County
(Hw, W&S) - See Statewide
NEWAYGO COUNTY
(Hw, W&S) - See Statewide
OAKLAND COUNTY
(B,H,R) - See Macomb County
(D) - See Alcona County
(Hw, W&S) - See Statewide
OCEANA COUNTY
(B,H,R) - See Alcorn County
(D) - See Alcona County
(Hw, W&S) - See Statewide
OGEMAW COUNTY
(Hw, W&S) - See Statewide
ONTONAGON COUNTY
(B,H) - See Alger County
(D) - See Alcona County
(Hw, W&S) - See Statewide

MICHIGAN (Cont'd.)

OSCEOLA COUNTY
(Hw, W&S) - See Statewide
OSCODA COUNTY
(B,H) - See Alcona County
(Hw, W&S) - See Statewide
OTSEGO COUNTY
(Hw, W&S) - See Statewide
OTTAWA COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
(R) - See Allegan County
PRESQUE ISLE COUNTY
(B,H) - See Alcona County
(D) - See Alcona County
(Hw, W&S) - See Statewide
ROSCOMMON COUNTY
(Hw, W&S) - See Statewide
SAGINAW COUNTY
(B,H) - See Bay County
(R) - See Genesee County
(Hw, W&S) - See Statewide
SAINT CLAIR COUNTY
(B,H) - See Bay County
(D) - See Alcona County
(R) - See Genesee County
(Hw, W&S) - See Statewide
SAINT JOSEPH COUNTY
(Hw, W&S) - See Statewide
(R) - See Branch County
SANILAC COUNTY
(B,H) - See Bay County
(D) - See Alcona County
(Hw, W&S) - See Statewide
SCHOOLCRAFT COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
SHIAWASSEE COUNTY
(B,H) - See Bay County
(R) - See Genesee County
(Hw, W&S) - See Statewide
TUSCOLA COUNTY
(B,H) - See Bay County
(D) - See Alcona County
(Hw, W&S) - See Statewide
VAN BUREN COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
WASHTENAW COUNTY
(B,H,R) - See Macomb County
(Hw, W&S) - See Statewide
(D) - See Alcona County
WAYNE COUNTY
(B,H,R) - See Macomb County
(D) - See Alcona County
(Hw, W&S) - See Statewide
WEXFORD COUNTY
(Hw, W&S) - See Statewide

MINNESOTA

AITKIN COUNTY
Decision #MN76-2058 (H,Hw)
41 FR 20131 - 5/14/76
Mod. #1 - 41 FR 43561 - 10/1/76
ANOKA COUNTY
Decision #MN76-2001 (B,R)
41 FR 2551 - 1/16/76
Mod. #1 - 41 FR 5521 - 2/6/76
Mod. #2 - 41 FR 6953 - 2/13/76
Mod. #3 - 41 FR 20124 - 5/14/76
(H,Hw) - See Aitkin County
BECKER COUNTY
Decision #AQ-3104 (H,Hw)
39 FR 9369 - 3/8/74
BELTRAMI COUNTY
Decision #AR-3147 (H,Hw)
39 FR 36704 - 10/11/74
BENTON COUNTY
(H,Hw) - See Aitkin County
BIG STONE COUNTY
Decision #AQ-3105 (H,Hw)
39 FR 9370 - 3/8/74
BLUE EARTH COUNTY
Decision #MN76-2064 (B)
41 FR 21025 - 5/21/76
(H,Hw) - See Aitkin County
BROWN COUNTY
None
CARLTON COUNTY
(B,R) - See Saint Louis County
(H,Hw) - See Aitkin County
CARVER COUNTY
(B,R) - See Anoka County
(H,Hw) - See Aitkin County
CASS COUNTY
(Hw) - See Becker County
CHIPPEWA COUNTY
(Hw) - See Big Stone County
CHISAGO COUNTY
(H,Hw) - See Aitkin County
CLAY COUNTY
(Hw) - See Becker County
CLEAR WATER COUNTY
(H,Hw) - See Beltrami County
COOK COUNTY
Decision #IL76-5038 (D)
41 FR 16373 - 4/16/76
Mod. #1 - 41 FR 19007 - 5/7/76
(H,Hw) - See Aitkin County
COTTONWOOD COUNTY
Decision #AQ-3124 (H,Hw)
39 FR 93583 - 3/8/74
CROW WING COUNTY
(H,Hw) - See Aitkin County
DAKOTA COUNTY
(B,R) - See Anoka County
(H,Hw) - See Aitkin County

MINNESOTA (Cont'd.)

DODGE COUNTY
(H,Hw) - See Aitkin County
DOUGLAS COUNTY
(H,Hw) - See Big Stone County
FAIRBAULT COUNTY
(B) - See Blue Earth County
(H,Hw) - See Aitkin County
FILLMORE COUNTY
(H,Hw) - See Aitkin County
FREEBORN COUNTY
(B) - See Blue Earth County
(H,Hw) - See Aitkin County
GOODHUE COUNTY
(H,Hw) - See Aitkin County
GRANT COUNTY
(H,Hw) - See Big Stone County
HENNEPIN COUNTY
(B,R) - See Anoka County
(H,Hw) - See Aitkin County
HOUSTON COUNTY
(H,Hw) - See Aitkin County
HUBBARD COUNTY
(H,Hw) - See Becker County
ISANTI COUNTY
(H,Hw) - See Aitkin County
ITASKA COUNTY
(B,R) - See St. Louis County
(H,Hw) - See Aitkin County
JACKSON COUNTY
(H,Hw) - See Aitkin County
KANABEC COUNTY
(H,Hw) - See Aitkin County
KANDIYOHI COUNTY
(H,Hw) - See Big Stone County
KITTSON COUNTY
(H,Hw) - See Beltrami County
KOOCHICHING COUNTY
(B,R) - See St. Louis County
(H,Hw) - See Aitkin County
LAC QUI PARLE COUNTY
(H,Hw) - See Big Stone County
LAKE COUNTY
(H,Hw) - See Aitkin County
(D) - See Cook County
LAKE OF THE WOODS COUNTY
(H,Hw) - See Beltramie County
LE SHUEUR COUNTY
(H,Hw) - See Aitkin County
LINCOLN COUNTY
(H,Hw) - See Cottonwood County
LYON COUNTY
(H,Hw) - See Cottonwood County
MCLEOD COUNTY
(H,Hw) - See Aitkin County

MINNESOTA (Cont'd.)

MAHNOMEN COUNTY
(H,Hw) - See Beltrami County
MARSHALL COUNTY
(H,Hw) - See Beltrami County
MARTIN COUNTY
(H,Hw) - See Aitkin County
MEEKER COUNTY
(H,Hw) - See Aitkin County
MILLE LACS COUNTY
(H,Hw) - See Aitkin County
MORRISON COUNTY
(H,Hw) - See Aitkin County
MOWER COUNTY
(B) - See Blue Earth County
(H,Hw) - See Aitkin County
MURRAY COUNTY
(H,Hw) - See Cottonwood County
NICOLLET COUNTY
(H,Hw) - See Aitkin County
NOBLES COUNTY
(H,Hw) - See Aitkin County
NORMAN COUNTY
(H,Hw) - See Beltrami County
OLMSTEAD COUNTY
Decision #MN76-2002 (B,R)
41 FR 3607 - 1/23/76
Mod. #1 - 41 FR 20125 - 5/14/76
(H,Hw) - See Aitkin County
OTTER TAIL COUNTY
(H,Hw) - See Becker County
PENNINGTON COUNTY
(H,Hw) - See Beltrami County
PINE COUNTY
(H,Hw) - See Aitkin County
PIPESTONE COUNTY
(H,Hw) - See Cottonwood County
POLK COUNTY
(H,Hw) - See Beltrami County
POPE COUNTY
(H,Hw) - See Big Stone County
RAMSEY COUNTY
(B,R) - See Anoka County
(H,Hw) - See Aitkin County
RED LAKE COUNTY
(H,Hw) - See Beltrami County
REDWOOD COUNTY
(H,Hw) - See Cottonwood County
RENVILLE COUNTY
None
RICE COUNTY
(H,Hw) - See Aitkin County
ROCK COUNTY
(H,Hw) - See Aitkin County

MINNESOTA (Cont'd.)

ROSEAU COUNTY
(H,Hw) - See Beltrami County
SAINT LOUIS COUNTY
(D) - See Cook County
(H,Hw) - See Aitkin County
Decision #MN76-2134 (B,R)
41 FR 47780 - 10/29/76
SCOTT COUNTY
(H,Hw) - See Aitkin County
(B,R) - See Anoka County
SHERBURNE COUNTY
(H,Hw) - See Aitkin County
SIBLEY COUNTY
(H,Hw) - See Aitkin County
STEARNS COUNTY
Decision #MN76-2003 (B,R)
41 FR 3610 - 1/23/76
Mod. #1 - 41 FR 20126 - 5/14/76
Mod. #2 - 41 FR 23887 - 6/11/76
(H,Hw) - See Aitkin County
STEELE COUNTY
(H,Hw) - See Aitkin County
STEVENS COUNTY
(H,Hw) - See Big Stone County
SWIFT COUNTY
(H,Hw) - See Big Stone County
TODD COUNTY
(Hw) - See Bekcer County
TRAVERSE COUNTY
(H,Hw) - See Big Stone County
WABASHA COUNTY
(H,Hw) - See Aitkin County
WADENA COUNTY
(H,Hw) - See Becker County
WASECA COUNTY
(H,Hw) - See Aitkin County
WASHINGTON COUNTY
(B,R) - See Anoka County
(H,Hw) - See Aitkin County
WATONWAN COUNTY
None
WILKIN COUNTY
(H,Hw) - See Becker County
WINONA COUNTY
(H,Hw) - See Aitkin County
WRIGHT COUNTY
(H,Hw) - See Aitkin County
YELLOW MEDICINE COUNTY
(H,Hw) - See Cottonwood County

MISSISSIPPI

STATEWIDE
Decision #AL76-5090 (D)
41 FR 44609 - 10/8/76
Decision #MS75-1114 (Hw, W&S)
40 FR 58046 - 12/12/75
Mod. #1 - 40 FR 59653 - 12/29/75
ADAMS COUNTY
Decision #AR76-5041 (F)
41 FR 19017 - 5/7/76
Mod. #1 - 41 FR 21981 - 5/28/76
(D,Hw, W&S) - See Statewide
ALCORN COUNTY
(D,H, W&S) - See Statewide
(F) - See Adams County
AMITE COUNTY
(D,H, W&S) - See Statewide
(F) - See Adams County
ATTALA COUNTY
(F) - See Adams County
(D,Hw, W&S) - See Statewide
BENTON COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
BOLIVAR COUNTY
(D,Hw, W&S) See Statewide
(F) - See Adams County
CALHOUN COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
CARROLL COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
CHICKASAW COUNTY
(Hw, W&S) - See Statewide
(F) - See Adams County
CHOCTAW COUNTY
(Hw, W&S) - See Statewide
(F) - See Adams County
CLAIBORNE COUNTY
Decision #MS76-1099 (R)
41 FR 40368 - 9/17/76
(D,Hw, W&S) - See Statewide
(F) - See Adams County
CLARK COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Statewide
CLAY COUNTY
(Hw, W&S) - See Statewide
COAHOMA COUNTY
Decision #MS76-1004 (R)
41 FR 1695 - 1/9/76
Mod. #1 - 41 FR 40371 - 9/17/76
(D,Hw, W&S) - See Statewide
(F) - See Adams County
COPIAH COUNTY
Decision #MS76-1074 (R)
41 FR 29650 - 7/16/76
(D,Hw, W&S) - See Statewide
(F) - See Adams County

MISSISSIPPI (Cont'd.

COVINGTON COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
DE SOTO COUNTY
(F) - See Adams County
(D,Hw, W&S) - See Statewide
FORREST COUNTY
Decision #MS75-1076 (R)
40 FR 36935 - 8/22/75
Mod. #1 - 40 FR 55609 - 11/28/75
Decision #MS75-1020 (B)
40 FR 5966 - 2/7/75
Mod. #1 - 40 FR 7798 - 2/21/75
(D,Hw, W&S) - See Statewide
(F) - See Adams County
FRANKLIN COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
GEORGE COUNTY
Decision #MS75-1077 (R)
40 FR 36935 - 8/22/75
(D,Hw, W&S) - See Statewide
(F) - See Adams County
GREENE COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
GRENADA COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
HANCOCK COUNTY
Decision #MS76-1020 (B,H)
41 FR 4780 - 1/30/76
Mod. #1-41 FR 16308 - 4/16/76
Mod. #2-41 FR 19009 - 5/7/76
(D) - See Statewide
(F) - See Adams County
(R) - See George County
HARRISON COUNTY
(B,H) - See Hancock County
(R) - See George County
(D,Hw, W&S) - See Statewide
(F) - See Adams County
HINDS COUNTY
Decision #MS76-1084 (B)
41 FR 35382 - 8/20/76
Mod. #1 - 41 FR 36368 - 8/27/76
Mod. #2 - 41 FR 37476 - 9/3/76
(D,Hw, W&S) - See Statewide
(R) - See Copiah County
(F) - See Adams County
HOLMES COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
HUMPHREYS COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
ISSAQUENA COUNTY
Decision #MS76-1076 (B)
41 FR 29651 - 7/16/76
(D,Hw, W&S) - See Statewide
(F) - See Adams County

MISSISSIPPI (Cont'd.)

ISSAQUENA COUNTY (Cont'd.)
(R) - See Claiborne County
ITAWAMBA COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
JACKSON COUNTY
(D,Hw, W&S) - See Statewide
(B,H) - See Hancock County
(R) - See George County
JASPER COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
JEFFERSON COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
JEFFERSON DAVIS COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
JONES COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
(R) - See Forest County
KEMPER COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
LAFAYETTE COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
LAMAR COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
LAUDERDALE COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
LAWRENCE COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
LEAKE COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
(R) - See Copiah County
LEE COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
LEFLORE COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
LINCOLN COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
LOWNDES COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
MADISON COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
(R) - See Copiah County
MARION COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County

MISSISSIPPI (Cont'd.)

MARSHALL COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
MONROE COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
MONTGOMERY COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
NESHOBA COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
NEWTON COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
NOXUBEE COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
OKTIBBEHA COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
PANOLA COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
PEARL RIVER COUNTY
(D,Hw, W&S) - See Statewide
(B,H) - See Hancock County
(F) - See Adams County
(R) - See George County
PERRY COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
PIKE COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
PONTOTOC COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
PRENTISS COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
QUITMAN COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
RANKIN COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
(R) - See Copiah County
SCOTT COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
(R) - See Copiah County
SHARKEY COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
(R) - See Claiborne County
(B) - See Issaquena County
SIMPSON COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County

MISSISSIPPI (Cont'd.)

SIMPSON COUNTY (Cont'd.)
(R) - See Copiah County
SMITH COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
(R) - See Copiah County
STONE COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
(R) - See George County
SUNFLOWER COUNTY
(B) - See Issaquena County
(D,Hw, W&S) - See Statewide
(R) - See Coahoma County
TALLAHATCHIE COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
TATE COUNTY
(D,Hw, W&S) - See STatewide
(F) - See Adams County
TIPPAH COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
TISHOMINGO COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
TUNICA COUNTY
(D,Hw, W&S) - See STatewide
(F) - See Adams County
UNION COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
WALTHALL COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
WARREN COUNTY
Decision #MS75-1109 (B)
40 FR 53208 - 11/14/75
Mod. #1 - 41 FR 4737 - 1/30/76
Mod. #2 - 41 FR 16309 - 4/16/76
Mod. #3 - 41 FR 18266 - 4/30/76
Mod. #4 - 41 FR 30502 - 7/23/76
(D,Hw, W&S) - See Statewide
(F) - See Adams County

(R) - See Claiborne County
WASHINGTON COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
(B) - See Issaquena County
(R) - See Coahoma County
WAYNE COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
WEBSTER COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
WILKINSON COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County

MISSISSIPPI (Cont'd.)

WINSTON COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
YALOBUSHA COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
YAZOO COUNTY
(D,Hw, W&S) - See Statewide
(F) - See Adams County
(R) - See Copiah County

MISSOURI

STATEWIDE
Decision #MO76-4159 (H,Hw)
41 FR 43584 - 10/1/76
ADAIR COUNTY
(H,Hw) - See Statewide
ANDREW COUNTY
Decision #MO75-4070 (D)
40 FR 14225 - 3/28/75
(H,Hw) - See Statewide
ATCHISON COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
AUDRAIN COUNTY
(H,Hw) - See Statewide
BARRY COUNTY
(Hw) - See Statewide
BARTON COUNTY
(H,Hw) - See Statewide
BATES COUNTY
(H,Hw) - See Statewide
BENTON COUNTY
(H,Hw) - See Statewide
BOLLINGER COUNTY
(H,Hw) - See Statewide
BOONE COUNTY
(H,Hw) - See Statewide
(D) - See Andrew County
BUCHANAN COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
BUTLER COUNTY
(Hw) - See Statewide
CALDWELL COUNTY
(H,Hw) - See Statewide
CALLAWAY COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
CAMDEN COUNTY
(H,Hw) - See Statewide
CAPE GIRARDEAU COUNTY
Decision #IL76-5026 (D)
41 FR 12858 - 3/26/76
(H,Hw) - See Statewide
CARROLL COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
CARTER COUNTY
(Hw) - See Statewide

MISSOURI (Cont'd)

CASS COUNTY
Decision #MO76-4102 (B,H,Hw)
41 FR 27597 - 7/2/76
Mod. #1 - 41 FR 34481 - 8/13/76
Decision #MO76-4103 (R)
41 FR 27602 - 7/2/76
Mod. #1 - 41 FR 34482 - 8/13/76
(H,Hw) - See Statewide
CEDAR COUNTY
(H,Hw) - See Statewide
CHARITON COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
CHRISTIAN COUNTY
(Hw) - See Statewide
CLARK COUNTY
(H,Hw) - See Statewide
CLAY COUNTY
(B,R) - See Cass County
(D) - See Andrew County
(H,Hw) - See Statewide
CLINTON COUNTY
(H,Hw) - See Statewide
COLE COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
COOPER COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
CRAWFORD COUNTY
(H,Hw) - See Statewide
DADE COUNTY
(H,Hw) - See Statewide
DALLAS COUNTY
(H,Hw) - See Statewide
DAVIESS COUNTY
(H,Hw) - See Statewide
DE KALB COUNTY
(H,Hw) - See Statewide
DENT COUNTY
(Hw) - See Statewide
DOUGLAS COUNTY
(Hw) - See Statewide
DUNKLIN COUNTY
(Hw) - See Statewide
FRANKLIN COUNTY
Decision #MO76-4108 (B)
41 FR 27624 - 7/2/76
Mod. #1 - 41 FR 34483 - 8/13/76
Mod. #2 - 41 FR 44598 - 10/8/76
Decision #MO76-4107 (R)
41 FR 27621 - 7/2/76
Mod. #1 - 41 FR 34482 - 8/13/76
Mod. #2 - 41 FR 44598 - 10/8/76
(D) - See Andrew County
(H,Hw) - See Statewide
GASCONADE COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
GENTRY COUNTY
(H,Hw) - See Statewide
GREENE COUNTY
(H,Hw) - See Statewide

MISSOURI (Cont'd)

GRUNDY COUNTY
(H,Hw) - See Statewide
HARRISON COUNTY
(H,Hw) - See Statewide
HENRY COUNTY
(H,Hw) - See Statewide
HICKORY COUNTY
(H,Hw) - See Statewide
HOLT COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
HOWARD COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
HOWELL COUNTY
(Hw) - See Statewide
IRON COUNTY
(Hw) - See Statewide
JACKSON COUNTY
(B,R) - See Cass County
(D) - See Andrew County
(H,Hw) - See Statewide
JASPER COUNTY
Decision #MO76-4176 (B)
41 FR 45781 - 10/15/76
Mod. #1 - 41 FR 48985 - 11/5/76
JEFFERSON COUNTY
(D) - See Cape Girdeau County
(H,Hw) - See Statewide
JOHNSON COUNTY
(H,Hw) - See Statewide
KNOX COUNTY
(H,Hw) - See Statewide
LACLEDE COUNTY
(H,Hw) - See Statewide
LAFAYETTE COUNTY
(H,Hw) - See Statewide
(D) - See Andrew County
LAWRENCE COUNTY
(H,Hw) - See Statewide
LEWIS COUNTY
(H,Hw) - See Statewide
LINCOLN COUNTY
(B,R) - See Franklin County
(H,Hw) - See Statewide
LINN COUNTY
(H,Hw) - See Statewide
LIVINGSTON COUNTY
(H,Hw) - See Statewide
MC DONALD COUNTY
(B) - See Jasper County
(H,Hw) - See Statewide
MACON COUNTY
(H,Hw) - See Statewide
MADISON COUNTY
(H,Hw) - See Statewide
MARIES COUNTY
(H,Hw) - See Statewide

MISSOURI (Cont'd)

MARION COUNTY
(H,Hw) - See Statewide
MERCER COUNTY
(H,Hw) - See Statewide
MILLER COUNTY
(H,Hw) - See Statewide
MISSISSIPPI COUNTY
(D) - See Cape Girardeau County
(Hw) - See Statewide
MONITEAU COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
MONROE COUNTY
(H,Hw) - See Statewide
MONTGOMERY COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
MORGAN COUNTY
(H,Hw) - See Statewide
NEW MADRID COUNTY
(Hw) - See Statewide
NEWTON COUNTY
(B) - See Jasper County
(H,Hw) - See Statewide
NODAWAY COUNTY
(H,Hw) - See Statewide
OREGON COUNTY
(Hw) - See Statewide
OSAGE COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
OZARK COUNTY
(Hw) - See Statewide
PEMISCOT COUNTY
(Hw) - See Statewide
PERRY COUNTY
(D) - See Cape Girardeau County
(H,Hw) - See Statewide
PETTIS COUNTY
(H,Hw) - See Statewide
PHELPS COUNTY
(H,Hw) - See Statewide
PIKE COUNTY
(H,Hw) - See Statewide
PLATTE COUNTY
(B,R,H,Hw) - See Cass County
(D) - See Andrew County
POLK COUNTY
(H,Hw) - See Statewide

MISSOURI (Cont'd)

PULASKI COUNTY
(H,Hw) - See Statewide
PUTNAM COUNTY
(H,Hw) - See Statewide
RALLS COUNTY
(H,Hw) - See Statewide
RANDOLPH COUNTY
(H,Hw) - See Statewide
RAY COUNTY
(B,R) - See Cass County
(H,Hw) - See Statewide
(D) - See Andrew County
REYNOLDS COUNTY
(Hw) - See Statewide
RIPLEY COUNTY
(Hw) - See Statewide
ST. CHARLES COUNTY
(B,R) - See Franklin County
(D) - See Andrew County
(D) - See Cape Girardeau County
(H,Hw) - See Statewide
ST. CLAIR COUNTY
(H,Hw) - See Statewide
ST. FRANCOIS COUNTY
(H,Hw) - See Statewide
ST. LOUIS COUNTY
(B,R) - See Franklin County
(D) - See Cape Girardeau County
(D) - See Andrew County
(H,Hw) - See Statewide
STE. GENEVIEVE COUNTY
(D) - See Cape Girardeau County
(H,Hw) - See Statewide
SALINE COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
SCHUYLER COUNTY
(H,Hw) - See Statewide
SCOTLAND COUNTY
(H,Hw) - See Statewide
SCOTT COUNTY
(D) - See Cape Girardeau County
(H,Hw) - See Statewide
SHANNON COUNTY
(Hw) - See Statewide
SHELBY COUNTY
(H,Hw) - See Statewide
STODDARD COUNTY
(Hw) - See Statewide

MISSOURI (Cont'd)

STONE COUNTY
(Hw) - See Statewide
SULLIVAN COUNTY
(H,Hw) - See Statewide
TANEY COUNTY
(Hw) - See Statewide
TEXAS COUNTY
(Hw) - See Statewide
VERNON COUNTY
(H,Hw) - See Statewide
WARREN COUNTY
(D) - See Andrew County
(H,Hw) - See Statewide
WASHINGTON COUNTY
(H,Hw) - See Statewide
WAYNE COUNTY
(Hw) - See Statewide
WEBSTER COUNTY
(Hw) - See Statewide
WORTH COUNTY
(H,Hw) - See Statewide
WRIGHT COUNTY
(Hw) - See Statewide

MONTANA

STATEWIDE
Decision #MT76-5071 (B)
41 FR 33130 - 8/6/76
Mod. #1 - 41 FR 42049 - 9/24/76
Decision #MT76-5099 (H,Hw)
41 FR 47789 - 10/29/76

BEAVERHEAD COUNTY
(B,H,Hw) - See Statewide
BIG HORN COUNTY
(B,H,Hw) - See Statewide
BLAINE COUNTY
(B,H,Hw) - See Statewide
BROADWATER COUNTY
(B,H,Hw) - See Statewide
CARBON COUNTY
(B,H,Hw) - See Statewide
CARTER COUNTY
(B,H,Hw) - See Statewide
CASCADE COUNTY
Decision #MT76-5100 (R)
41 FR 47798 - 10/29/76
(B,H,Hw) - See Statewide
CHOUTEAU COUNTY
(B,H,Hw) - See Statewide
CUSTER COUNTY
(B,H,Hw) - See Statewide
DANIELS COUNTY
(B,H,Hw) - See Statewide
DAWSON COUNTY
(B,H,Hw) - See Statewide
DEER LODGE COUNTY
(B,H,Hw) - See Statewide
(R) - See Cascade County
FALLON COUNTY
(B,H,Hw) - See Statewide
FERGUS COUNTY
(B,H,Hw) - See Statewide
FLATHEAD COUNTY
(B,H,Hw) - See Statewide

MONTANA (Cont'd.

GALLATIN COUNTY
(B,H,Hw) - See Statewide
(R) - See Cascade County
GARFIELD COUNTY
(B,H,Hw) - See Statewide
GLACIER COUNTY
(R) - See Cascade County
(B,H,Hw) - See Statewide
GOLDEN VALLEY COUNTY
(B,H,Hw) - See Statewide
GRANITE COUNTY
(B,H,Hw) - See Statewide
HILL COUNTY
(B,H,Hw) - See Statewide
(R) - See Cascade County
JEFFERSON COUNTY
(B,H,Hw) - See Statewide
JUDITH BASIN COUNTY
(B,H,Hw) - See Statewide
LAKE COUNTY
(B,H,Hw) - See Statewide
LEWIS & CLARK COUNTY
(B,H,Hw) - See Statewide
LIBERTY COUNTY
(B,H,Hw) - See Statewide
LINCOLN COUNTY
(B,H,Hw) - See Statewide
MC CONE COUNTY
(B,H,Hw) - See Statewide
MADISON COUNTY
(B,H,Hw) - See Statewide
MEAGHER COUNTY
(B,H,Hw) - See Statewide
MINERAL COUNTY
(B,H,Hw) - See Statewide
MISSOULA COUNTY
(R) - See Cascade County
(B,H,Hw) - See Statewide
MUSSELSHELL COUNTY
(B,H,Hw) - See Statewide
PARK COUNTY
(B,H,Hw) - See Statewide
PETROLEUM COUNTY
(B,H,Hw) - See Statewide
PHILLIPS COUNTY
(B,H,Hw) - See Statewide
PONDERA COUNTY
(B,H,Hw) - See Statewide
POWDER RIVER COUNTY
(B,H,Hw) - See Statewide
POWELL COUNTY
(B,H,Hw) - See Statewide
PRAIRIE COUNTY
(B,H,Hw) - See Statewide
RAVALLI COUNTY
(B,H,Hw) - See Statewide

MONTANA (Cont'd)

RICHLAND COUNTY
(B,H,Hw) - See Statewide
ROOSEVELT COUNTY
(B,H,Hw) - See Statewide
ROSEBUD COUNTY
(B,H,Hw) - See Statewide
SANDERS COUNTY
(B,H,Hw) - See Statewide
SHERIDAN COUNTY
(B,H,Hw) - See Statewide
SILVER BOW COUNTY
(R) - See Cascade County
(B,H,Hw) - See Statewide
STILLWATER COUNTY
(B,H,Hw) - See Statewide
SWEET GRASS COUNTY
(B,H,Hw) - See Statewide
TETON COUNTY
(B,H,Hw) - See Statewide
TOOLE COUNTY
(B,H,Hw) - See Statewide
TREASURE COUNTY
(B,H,Hw) - See Statewide
VALLEY COUNTY
(B,H,Hw) - See Statewide
(R) - See Cascade County
WHEATLAND COUNTY
(B,H,Hw) - See Statewide
WIBAUX COUNTY
(B,H,Hw) - See Statewide
YELLOWSTONE COUNTY
(B,H,Hw) - See Statewide

NEBRASKA

ADAMS COUNTY
Decision #NE76-4076 (H,Hw)
41 FR 18273 - 4/30/76
ANTELOPE COUNTY
(H,Hw) - See Adams County
ARTHUR COUNTY
(H,Hw) - See Adams County
BANNER COUNTY
Decision #NE75-4113 (B)
40 FR 26218 - 6/20/75
(H,Hw) - See Adams County
BLAINE COUNTY
(H,Hw) - See Adams County
BOONE COUNTY
(H,Hw) - See Adams County
BOX BUTTE COUNTY
(B) - See Banner County
(H,Hw) - See Adams County
BOYD COUNTY
(H,Hw) - See Adams County
Decision #NE76-4070 (Channel Stabilization)
41 FR 14293 - 4/2/76
BROWN COUNTY
(H,Hw) - See Adams County
BUFFALO COUNTY
(H,Hw) - See Adams County
BURT COUNTY
(H,Hw) - See Adams County
(Chann. Stab.) - See Boyd County
BUTLER COUNTY
(H,Hw) - See Adams County
CASS COUNTY
(Chann. Stab.) - See Boyd County
Decision #NE76-4179 (H,Hw)
41 FR 46837 - 8/22/76
CEDAR COUNTY
Decision #NE75-4202 (B)
40 FR 58047 - 12/12/75
(H,Hw) - See Adams County
(Chann. Stab.) - See Boyd County
CHASE COUNTY
(H,Hw) - See Adams County
CHERRY COUNTY
(H,Hw) - See Adams County
CHEYENNE COUNTY
(B) - See Banner County
(H,Hw) - See Adams County
CLAY COUNTY
(H,Hw) - See Adams County
COLFAX COUNTY
(H,Hw) - See Adams County

NEBRASKA (Cont'd.)

CUMING COUNTY
(B) - See Cedar County
(H,Hw) - See Adams County
CUSTER COUNTY
(H,Hw) - See Adams County
DAKOTA COUNTY
(Chann. Stab.) - See Boyd County
(H,Hw) - See Adams County
DAWES COUNTY
(B) - See Banner County
(H,Hw) - See Adams County
DAWSON COUNTY
(H,Hw) - See Adams County
DEUEL COUNTY
(B) - See Banner County
(H,Hw) - See Adams County
DIXON COUNTY
(Chann. Stab) - See Boyd County
(H,Hw) - See Adams County
DODGE COUNTY
(H,Hw) - See Adams County
DOUGLAS COUNTY
Decision #NE76-4180 (B,R)
41 FR 47810 - 10/29/76

(H,Hw) - See Cass County
(Chann. Stab.) - See Boyd County
DUNDY COUNTY
(H,Hw) - See Adams County
FILLMORE COUNTY
(H,Hw) - See Adams County
FRANKLIN COUNTY
(H,Hw) - See Adams County
FRONTIER COUNTY
(H,Hw) - See Adams County
FURNAS COUNTY
(H,Hw) - See Adams County
GAGE COUNTY
(H,Hw) - See Adams County
GARDEN COUNTY
(B) - See Banner County
(H,Hw) - See Adams County
GARFIELD COUNTY
(H,Hw) - See Adams County
GOSPER COUNTY
(H,Hw) - See Adams County
GRANT COUNTY
(H,Hw) - See Adams County
GREELEY COUNTY
(H,Hw) - See Adams County

NEBRASKA (Cont'd.)

HALL COUNTY
Decision #NE76-4107 (B)
41 FR 33158 - 8/6/76
(H,Hw) - See Adams County
HAMILTON COUNTY
(B) - See Hall County
(H,Hw) - See Adams County
HARLAN COUNTY
(H,Hw) - See Adams County
HAYES COUNTY
(H,Hw) - See Adams County
HITCHOCK COUNTY
(H,Hw) - See Adams County
HOLT COUNTY
(H,Hw) - See Adams County
HOOKER COUNTY
(H,Hw) - See Adams County
HOWARD COUNTY
(B) - See Hall County
(H,Hw) - See Adams County
JEFFERSON COUNTY
(H,Hw) - See Adams County
JOHNSON COUNTY
(H,Hw) - See Adams County
KEARNEY COUNTY
(H,Hw) - See Adams County
KEITH COUNTY
(H,Hw) - See Adams County
KEYAPAHA COUNTY
(H,Hw) - See Adams County
KIMBALL COUNTY
(B) - See Banner County
(H,Hw) - See Adams County
KNOX COUNTY
(H,Hw) - See Adams County
(Chann. Stab.) - See Boyd County
LANCASTER COUNTY
Decision #NE76-4167 (B)
41 FR 44636 - 10/8/76
Mod. #1 - 41 FR 47715 - 10/29/76
Decision #NE76-4178 (R)
41 FR 45813 - 10/15/76
(H,Hw) - See Adams County
LINCOLN COUNTY
(H,Hw) - See Adams County
LOGAN COUNTY
(H,Hw) - See Adams County
LOUP COUNTY
(H,Hw) - See Adams County
MC PHERSON COUNTY
(H,Hw) - See Adams County
MADISON COUNTY
(H,Hw) - See Adams County
MERRICK COUNTY
(H,Hw) - See Adams County
(B) - See Hall County
MORRILL COUNTY
(B) - See Banner County
(H,Hw) - See Adams County

NEBRASKA (Cont'd.)

NANCE COUNTY
(H,Hw) - See Adams County
NEMAHA COUNTY
Decision #MO75-4070 (D)
40 FR 14225 - 3/28/75
(H,Hw) - See Adams County
(Chann. Stab.) - See Boyd County
NUCKOLLS COUNTY
(H,Hw) - See Adams County
OTOE COUNTY
(Chann. Stab.) - See Boyd County
(H,Hw) - See Adams County
PAWNEE COUNTY
(H,Hw) - See Adams County
PERKINS COUNTY
(H,Hw) - See Adams County
PHELPS COUNTY
(H,Hw) - See Adams County
PIERCE COUNTY
(B) - See Cedar County
(H,Hw) - See Adams County
PLATTE COUNTY
(H,Hw) - See Adams County
POLK COUNTY
(H,Hw) - See Adams County
RED WILLOW COUNTY
(H,Hw) - See Adams County
RICHARDSON COUNTY
(Chann. Stab.) - See Boyd County
(D) - See Neemaha County
(H,Hw) - See Adams County
ROCK COUNTY
(H,Hw) - See Adams County
SALINE COUNTY
(H,Hw) - See Adams County
SARPY COUNTY
(Chann. Stab.) - See Boyd County
(B,R) - See Douglas County
(H,Hw) - See Cass County
SAUNDERS COUNTY
(H,Hw) - See Adams County
(H,Hw) - See Cass County
SCOTTS BLUFF COUNTY
(B) - See Banner County
(H,Hw) - See Adams County
SEWARD COUNTY
(H,Hw) - See Adams County
SHERIDAN COUNTY
(B) - See Banner County
(H,Hw) - See Adams County
SHERMAN COUNTY
(H,Hw) - See Adams County
SIOUX COUNTY
(B) - See Banner County
(H,Hw) - See Adams County

NEBRASKA (Cont'd.)

STANTON COUNTY
(B) - See Cedar County
(H,Hw) - See Adams County
THAYER COUNTY
(H,Hw) - See Adams County
THOMAS COUNTY
(H,Hw) - See Adams County
THURSTON COUNTY
(Chann. Stab.) - See Boyd County
(H,Hw) - See Adams County
VALLEY COUNTY
(H,Hw) - See Adams County
WASHINGTON COUNTY
(H,Hw) - See Cass County
(Chann. Stab.) - See Boyd County
WAYNE COUNTY
(B) - See Cedar County
(H,Hw) - See Adams County
WEBSTER COUNTY
(H,Hw) - See Adams County
WHEELER COUNTY
(H,Hw) - See Adams County
YORK COUNTY
(H,Hw) - See Adams County

NEVADA

STATEWIDE (Excluding the Nevada Test Site & Tonopah Test Range)
Decision #NV76-5098 (B,H,Hw)
41 FR 47812 - 10/29/76

CARSON CITY COUNTY
(B,H,Hw) - See Statewide
CHURCHILL COUNTY
(B,H,Hw) - See Statewide
CLARK COUNTY
Decision #NV76-5091 (R)(Excluding Nevada Test Site)
41 FR 42124 - 9/24/76
Mod. #1 - 41 FR 44599 - 10/8/76
Mod. #2 - 41 FR 45792 - 10/15/76
Mod. #3 - 41 FR 46817 - 10/22/76
(B,H,Hw) - See Statewide
Decision #NV76-5080 (B,H,Hw)(Nevada Test Site including the Tonopah Test Range
41 FR 35384 - 8/20/76
DOUGLAS COUNTY
(B,H,Hw) - See Statewide
ELKO COUNTY
(B,H,Hw) - See Statewide
ESMERALDA COUNTY
(B,H,Hw) - See Statewide
EUREKA COUNTY
(B,H,Hw) - See Statewide
HUMBOLDT COUNTY
(B,H,Hw) - See Statewide
LANDER COUNTY
(B,H,Hw) - See Statewide
LINCOLN COUNTY
(B,H,Hw) - See Statewide
LYON COUNTY
(B,H,Hw) - See Statewide
MINERAL COUNTY
(B,H,Hw) - See Statewide
NYE COUNTY
(B,H,Hw) - See Clark Co. (Nevada Test Site)
(B,H,Hw) - See Statewide
PERSHING COUNTY
(B,H,Hw) - See Statewide
STOREY COUNTY
(B,H,Hw) - See Statewide
WASHOE COUNTY
Decision #NV76-5089 (R)
41 FR 42116 - 9/24/76
Mod. #1 - 41 FR 44599 - 10/8/76
Mod. #2 - 41 FR 45792 - 10/15/76
Mod. #3 - 41 FR 47716 - 10/29/76
(B,H,Hw) - See Statewide
WHITE PINE COUNTY
(B,H,Hw) - See Statewide

NEW HAMPSHIRE

BELKNAP COUNTY
None
CARROLL COUNTY
None
CHESHIRE COUNTY
None
COOS COUNTY
None
GRAFTON COUNTY
None
HILLSBORO COUNTY
Decision #NH76-2093 (B,H,Hw,R)
41 FR 32162 - 7/30/76
MERRIMACK COUNTY
Decision #NH76-2113 (B,H,Hw, & Marine)
41 FR 40396 - 9/17/76
ROCKINGHAM COUNTY
Decision #CT75-5139 (D)
40 FR 55621 - 11/28/75
Decision #NH76-2095 (B,H,Hw,R, & Marine)
41 FR 32165 - 7/30/76
STRAFFORD COUNTY
Decision #NH76-2114 (B,H,Hw, & Marine)
41 FR 40399 - 9/17/76
SULLIVAN COUNTY
None

NEW JERSEY

ATLANTIC COUNTY
Decision #NJ76-3248 (B,H,Hw)
41 FR 43598 - 10/1/76
Mod. #1 - 41 FR 44599 - 10/8/76
Decision #CT76-5139 (D)
40 FR 55621 - 11/28/75
BERGEN COUNTY
Decision #NJ76-3252 (R)
41 FR 47827 - 10/29/76
Decision #NJ76-3249 (B,H,Hw)
41 FR 43613 - 10/1/76
Mod. #1 - 41 FR 44599 - 10/8/76
(D) - See Atlantic County

NEW JERSEY (Cont'd.)

BURLINGTON COUNTY
Decision #NJ75-3096 (R)
40 FR 43413 - 9/19/75
(B,H,Hw) - See Atlantic County
(D) - See Atlantic County
CAMDEN COUNTY
(B,H,Hw) - See Atlantic County
(D) - See Atlantic County
CAPE MAY COUNTY
Decision #NJ75-3068 (R)
40 FR 29437 - 7/11/75
(B,H,Hw,D) - See Atlantic County
CUMBERLAND COUNTY
(B,H,Hw) - See Atlantic County
(D) - See Atlantic County
ESSEX COUNTY
(B,H,Hw,R) - See Bergen County
(D) - See Atlantic County
GLOUCESTER COUNTY
(B,H,Hw) - See Atlantic County
(D) - See Atlantic County
HUDSON COUNTY
(B,H,Hw,R) - See Bergen County
(D) - See Atlantic County
HUNTERDON COUNTY
(B,H,Hw) - See Bergen County
(D) - See Atlantic County
MERCER COUNTY
(B,D,H,Hw) - See Atlantic County
MIDDLESEX COUNTY
(B,H,Hw) - See Bergen County
(D) - See Atlantic County
MONMOUTH COUNTY
(B,H,Hw) - See Atlantic County
(D) - See Atlantic County

NEW JERSEY (Cont'd.)

MORRIS COUNTY
(B,H,Hw) - See Bergen County
(D) - See Atlantic County
OCEAN COUNTY
(B,H,Hw) - See Atlantic County
(D) - See Atlantic County
PASSAIC COUNTY
(B,H,Hw,R) - See Bergen County
(D) - See Atlantic County
SALEM COUNTY
(B,H,Hw) - See Atlantic County
(D) - See Atlantic County
SOMERSET COUNTY
(B,H,Hw) - See Bergen County
(D) - See Atlantic County
SUSSEX COUNTY
(B,H,Hw) - See Bergen County
(D) - See Atlantic County
UNION COUNTY
Decision #NJ75-3097 (R)
40 FR 43414 - 9/19/75
(B,H,Hw) - See Bergen County
(D) - See Atlantic County
WARREN COUNTY
(B,H,Hw) - See Bergen County
(D) - See Atlantic County

NEW MEXICO

STATEWIDE
Decision #NM76-4141 (Streets, Highways, Utilities and Light Engineering Construction)
41 FR 33166 - 8/6/76
Decision #NM76-4144 (Building, including residential in McKinley, Santa Fe, San Juan & Bernalillo Cos., but not on the Indian Reservation, and Heavy engineering construction.
41 FR 37495 - 9/3/76
Mod. #1 - 41 FR 40372 - 9/17/76
Mod. #2 - 41 FR 43566 - 10/1/76
Mod. #3 - 41 FR 45793 - 10/15/76
Mod. #4 - 41 FR 47716 - 10/29/76
BERNALILLO COUNTY
(B,H,Hw,R) - See Statewide
CATRON COUNTY
(B,H,Hw) - See Statewide
CHAVES COUNTY
(B,H,Hw) - See Statewide
COLFAX COUNTY
(B,H,Hw) - See Statewide
CURRY COUNTY
(B,H,Hw) - See Statewide
DE BACA COUNTY
(B,H,Hw) - See Statewide
DONA ANA COUNTY
(B,H,Hw) - See Statewide
Decision #NM75-4014 (R)
40 FR 3148 - 1/17/75
EDDY COUNTY
(B,H,Hw) - See Statewide
GRANT COUNTY
(B,H,Hw) - See Statewide
GUADALUPE COUNTY
(B,H,Hw) - See Statewide
HARDING COUNTY
(B,H,Hw) - See Statewide
HIDALGO COUNTY
(B,H,Hw) - See Statewide
LEA COUNTY
(B,H,Hw) - See Statewide
LINCOLN COUNTY
(B,H,Hw) - See Statewide
LOS ALAMOS COUNTY
(B,H,Hw) - See Statewide
LUNA COUNTY
(B,H,Hw) - See Statewide
McKINLEY COUNTY
(R) - See San Juan County
(B,H,Hw,R) - See Statewide

NEW MEXICO (Cont'd.)

MORA COUNTY
(B,H,Hw) - See Statewide
OTERO COUNTY
(R) - See Dona Ana County
(B,H,Hw) - See Statewide
QUAY COUNTY
(B,H,Hw) - See Statewide
RIO ARRIBA COUNTY
(B,H,Hw) - See Statewide
ROOSEVELT COUNTY
(B,H,Hw) - See Statewide
SANDOVAL COUNTY
(B,H,Hw) - See Statewide
SAN JUAN COUNTY
Decision #NM75-5004 (R)(Navajo Indian Reservation)
40 FR 3921 - 1/24/75
(B,H,Hw,R) - See Statewide
SAN MIGUEL COUNTY
(B,H,Hw) - See Statewide
SANTE FE COUNTY
(B,H,Hw,R) - See Statewide
SIERRA COUNTY
(B,H,Hw) - See Statewide
SOCORRO COUNTY
(B,H,Hw) - See Statewide
TAOS COUNTY
(B,H,Hw) - See Statewide
TORRANCE COUNTY
(B,H,hw) - See Statewide
UNION COUNTY
(B,H,Hw) - See Statewide
VALENCIA COUNTY
(B,H,Hw) - See Statewide

NEW YORK

ALBANY COUNTY
Decision #NY76-3255 (B,H,Hw)
41 FR 44639 - 10/8/76
ALLEGANY COUNTY
None
BRONX COUNTY
Decision #NY76-3256 (B,H,Hw)
41 FR 44645 - 10/8/76
Decision #NY76-3257 (R)
41 FR 44649 - 10/8/76
Decision #CT75-5139 (D)
40 FR 55621 - 11/28/75
BROOME COUNTY
Decision #NY76-3240 (B,H,Hw)
41 FR 35439 - 8/20/76
Mod. #1 - 41 FR 44600 - 10/8/76
CATTARAUGUS COUNTY
None
CAYUGA COUNTY
Decision #IL76-5038 (D)
41 FR 16373 - 4/16/76
Mod. #1 - 41 FR 19007 - 5/7/76
CHAUTAUQUA COUNTY
Decision #NY76-3259 (B,H,Hw)
41 FR 47840 - 10/29/76
(D) - See Cayuga County
CHEMUNG COUNTY
Decision #NY76-3263 (B,H,Hw)
41 FR 47860 - 10/29/76
CHENANGO COUNTY
None
CLINTON COUNTY
None
COLUMBIA COUNTY
None
CORTLAND COUNTY
None
DELAWARE COUNTY
None

NEW YORK (Cont'd)

DUTCHESS COUNTY
Decision #NY76-3265 (B,H,Hw)
41 FR 47872 - 10/29/76
(D) - See Bronx County
ERIE COUNTY
Decision #NY76-3128 (B,H,Hw)
41 FR 26451 - 6/25/76
(D) - See Cayuga County
ESSEX COUNTY
None
FRANKLIN COUNTY
(D) - See Cayuga County
FULTON COUNTY
None
GENESEE COUNTY
None
GREENE COUNTY
None
HAMILTON COUNTY
None
HERKIMER COUNTY
None
JEFFERSON COUNTY
Decision #NY76-3269 (B,H,Hw)
41 FR 47896 - 10/29/76
(D) - See Cayuga County
KINGS COUNTY
(B,H,Hw,R,D) - See Bronx County
LEWIS COUNTY
None
LIVINGSTON COUNTY
None
MADISON COUNTY
None

NEW YORK (Cont'd)

MONROE COUNTY
Decision #NY76-3262 (B,H,Hw)
41 FR 47854 - 10/29/76
(D) - See Cayuga County
MONTGOMERY COUNTY
None
NASSAU COUNTY
Decision #NY76-3266 (B,H,Hw)
41 FR 47879 - 10/29/76
(D) - See Bronx County
NEW YORK COUNTY
(B,H,Hw,R,D) - See Bronx County
NIAGARA COUNTY
Decision #NY76-3261 (B,H,Hw)
41 FR 47850 - 10/29/76
(D) - See Cayuga County
ONEIDA COUNTY
Decision #NY76-3270 (B,H,Hw)
41 FR 47901 - 10/29/76
ONONDAGA COUNTY
Decision #NY76-3258 (B,H,Hw)
41 FR 47835 - 10/29/76
ONTARIO COUNTY
None
ORANGE COUNTY
Decision #NY76-3264 (B,H,Hw)
41 FR 47864 - 10/29/76
(D) - See Bronx County
ORLEANS COUNTY
(D) - See Cayuga County
OSWEGO COUNTY
(D) - See Cayuga County
OTSEGO COUNTY
None
PUTNAM COUNTY
(D) - See Bronx County
QUEENS COUNTY
(B,D,H,Hw,R) - See Bronx County

NEW YORK (Cont'd)

RENSSELAER COUNTY
(B,H,Hw) - See Albany County
RICHMOND COUNTY
(B,H,Hw,R,D) - See Bronx County
ROCKLAND COUNTY
(D) - See Bronx County
ST LAWRENCE COUNTY
(D) - See Cayuga County
SARATOGA COUNTY
(B,H,Hw) - s-e Albany County
SCHENECTADY COUNTY
(B,H,Hw) - See Albany County
SCHOHARIE COUNTY
None
SCHUYLER COUNTY
None
SENECA COUNTY
None
STEUBEN COUNTY
Decision #NY76-3268 (B,H,Hw)
41 FR 47890 - 10/29/76
SUFFOLK COUNTY
(B,H,Hw) - See Nassau County
(D) - See Bronx County
SULLIVAN COUNTY
None
TIOGA COUNTY
None

NEW YORK (Cont'd.)

TOMPKINS COUNTY
None
ULSTER COUNTY
None
WARREN COUNTY
None
WASHINGTON COUNTY
None
WAYNE COUNTY
Decision #NY76-3267 (B,H,Hw)
41 FR 47845 - 10/29/76
(D) - See Cayuga County
WESTCHESTER COUNTY
Decision #NY76-3260 (B,H,Hw)
41 FR 47845 - 10/29/76
(D) - See Bronx County
WYOMING COUNTY
None
YATES COUNTY
None

NORTH CAROLINA

STATEWIDE
Decision #NC75-1015 (Hw)
40 FR 4857 - 1/31/75
Mod. #1 - 40 FR 41351 - 9/5/75
Decision #NC75-1078 (Sewer & Water, H)
40 FR 41367 - 9/5/75
ALAMANCE COUNTY

Decision #NC76-1095 (R)
41 FR 37507 - 9/3/76
(Sewer & Water, H,Hw) - See Statewide
ALEXANDER COUNTY
(Sewer & Water, H,Hw) - See Statewide
ALLEGHANY COUNTY
(Sewer & Water, H,Hw) - See Statewide
ANSON COUNTY
(Sewer & Water, H,Hw) - See Statewide
ASHE COUNTY
(Sewer & Water, H,Hw) - See Statewide
AVERY COUNTY
Decision #AR-4017 (B)
39 FR 28739 - 8/9/74
Mod. #1 - 39 FR 43466 - 12/13/74
(Sewer & Water, H,Hw) - See Statewide

NORTH CAROLINA (Cont'd.)

BEAUFORT COUNTY
Decision #NC76-1109 (R)
41 FR 42128 - 9/24/76
Decision #GA76-5025 (D)
41 FR 12857 - 3/26/76
(Sewer & Water, H,Hw) - See Statewide
BERTIE COUNTY
(D,R) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
BLADEN COUNTY
(Sewer & Water, H,Hw) - See Statewide
BRUNSWICK COUNTY
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
Decision #AR-4031 (R)
39 FR 32441 - 9/6/74
Mod. #1 - 41 FR 28464 - 7/9/76
BUNCOMBE COUNTY
Decision #NC76-1062 (B)
41 FR 21119 - 5/21/76
Mod. #1 - 41 FR 29614 - 7/16/76
Mod. #2 - 41 FR 34486 - 8/13/76
Decision #NC75-1014 (R)
40 FR 6111 - 2/7/75
(Sewer & Water, H,Hw) - See Statewide
BURKE COUNTY
Decision #AQ-4105 (B)
39 FR 14842 - 4/26/74
Decision #AQ-4117 (R)
39 FR 18397 - 5/24/74
(Sewer & Water, H,Hw) - See Statewide
CABARRUS COUNTY
(Sewer & Water, H,Hw) - See Statewide
CALDWELL COUNTY
(Sewer & Water, H,Hw) - See Statewide
CAMDEN COUNTY
Decision #NC76-1042 (B)
41 FR 11721 - 3/19/76
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
CARTERET COUNTY
Decision #NC76-1019 (B)
41 FR 4796 - 1/30/76
Mod. #1 - 41 FR 21995 - 5/28/76
Decision #NC76-1073 (R)
41 FR 28469 - 7/9/76
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
CASWELL COUNTY
(Sewer & Water, H,Hw) - See Statewide
CATAWBA COUNTY
(R) - See Burke County
(Sewer & Water, H,Hw) - See Statewide
CHATHAM COUNTY
Decision #NC75-1049 (B)
40 FR 18273 - 4/25/75
Mod. #1 - 41 FR 20128 - 5/14/76
Decision #NC76-1094 (R)
41 FR 37506 - 9/3/76
(Sewer & Water, H,Hw) - See Statewide

NORTH CAROLINA (Cont'd.)

CHEROKEE COUNTY
(Sewer & Water, H,Hw) - See Statewide
CHOWAN COUNTY
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
(R) - See Beaufort County
CLAY COUNTY
(Sewer & Water, H,Hw) - See Statewide
CLEVELAND COUNTY
(R) - See Burke County
(Sewer & Water, H,Hw) - See Statewide
COLUMBUS COUNTY
(Sewer & Water, H,Hw) - See Statewide
CRAVEN COUNTY
(B) - See Carteret County
(R) - See Carteret County
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
CUMBERLAND COUNTY
Decision #NC76-1024 (B)
41 FR 6945 - 2/13/76
(R) - See Chatham County
(Sewer & Water, H,Hw) - See Statewide
CURRITUCK COUNTY
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
(B) - See Camden County
DARE COUNTY
(B) - See Camden County
(Sewer & Water, H,Hw) - See Statewide
(D,R) - See Beaufort County
DAVIDSON COUNTY
(Sewer & Water, H,Hw) - See Statewide
DAVIE COUNTY
(Sewer & Water, H,Hw) - See Statewide
DUPLIN COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Carteret County
DURHAM COUNTY
Decision #NC76-1085 (R)
41 FR 35317 - 8/20/76
(Sewer & Water, H,Hw) - See Statewide
EDGECOMBE COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Beaufort County
Decision #NC76-1046 (B)
41 FR 15231 - 4/9/76
FORSYTH COUNTY
Decision #AR-4019 (R)
39 FR 29702 - 8/16/74
(Sewer & Water, H,Hw) - See Statewide
FRANKLIN COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Beaufort County
GASTON COUNTY
(Sewer & Water, H,Hw) - See Statewide
GATES COUNTY
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
GRAHAM COUNTY
(Sewer & Water, H,Hw) - See Statewide
GRANVILLE COUNTY
(Sewer & Water, H,Hw) - See Statewide
Decision #NC76-1121 (B)
41 FR 46805 - 10/22/76

NORTH CAROLINA (Cont'd.)

GREENE COUNTY
(B) - See Edgecombe County
(Sewer & Water, H,Hw) - See STatewide
(R) - See Carteret County
GUILFORD COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Alamance County
HALIFAX COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Beaufort County
HARNETT COUNTY
(B,R) - See Chatham County
(Sewer & Water, H,Hw) - See Statewide
HAYWOOD COUNTY
(Sewer & Water, H,Hw) -See Statewide
HENDERSON COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Buncombe County
HERTFORD COUNTY
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
(R) - See Beaufort County
HOKE COUNTY
(R) - See Chatham County
(Sewer & Water, H,Hw) - See STatewide
HYDE COUNTY
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
IREDELL COUNTY
(Sewer & Water, H,Hw) - See Statewide
JACKSON COUNTY
(Sewer & Water, H,Hw) - See Statewide
JOHNSTON COUNTY
(B) - See Edgecombe County
(Sewer & Water, H,Hw) - See Statewide
(R) - See Carteret County
JONES COUNTY
(B,R) - See Carteret County
(Sewer & Water, H,Hw) - See Statewide
LEE COUNTY
(B,R) - See Chatham County
(Sewer & Water, H,Hw) - See Statewide
LENOIR COUNTY
(Sewer & Water, H,Hw) - See Statewide
(B,R) - See Carteret County
LINCOLN COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Burke County
MCDOWELL COUNTY
(R) - See Buncombe County
(Sewer & Water, H,Hw) - See Statewide
MACON COUNTY
(Sewer & Water, H,Hw) - See Statewide
MADISON COUNTY
(R) - See Buncombe County
(Sewer & Water, H,Hw) - See Statewide
MARTIN COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Beaufort County
MECKLENBURG COUNTY
Decision #NC75-1115 (B)
40 FR 59177 - 12/19/75
Mod. #1 - 41 FR 9721 - 3/5/76
(Sewer & Water, H,Hw) - See Statewide

NORTH CAROLINA (Cont'd.)

MITCHELL COUNTY
(B) - See Avery County
(Sewer & Water, H,Hw) - See Statewide
MONTGOMERY COUNTY
(Sewer & Water, H,Hw) - See Statewide
MOORE COUNTY
(B,R) - See Chatham County
(Sewer & Water, H,Hw) - See Statewide
NASH COUNTY
(R) - See Beaufort County
(B) - See Edgecombe County
(Sewer & Water, H,Hw) - See Statewide
NEW HANOVER COUNTY
Decision #NC75-1054 (B)
40 FR 22723 - 5/23/75
Mod. #1 - 40 FR 43420 - 9/19/75
Mod. #2 - 41 FR 20128 - 5/14/76
(R) - See Brunswick County
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
NORTHAMPTON COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Beaufort County
ONSLOW COUNTY
(D) - See Beaufort County
(B,R) - See Carteret County
(Sewer & Water, H,Hw) - See Statewide
ORANGE COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Durham County
PAMILCO COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
(B,R) - See Carteret County
PASQUOTANK COUNTY
(B) - See Camden County
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
PENDER COUNTY
(R) - See Brunswick County
(D) - See BeauforttCounty
(Sewer & Water, H,Hw) - See Statewide
PERQUIMANS COUNTY
(B) - See Camden County
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
PERSONS COUNTY
(Sewer & Water, H,Hw) - See Statewide
PITT COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Beaufort County
POLK COUNTY
(R) - See Burke County
(Sewer & Water, H,Hw) - See Statewide
RANDOLPH COUNTY
(R) - See Alamance County
(Sewer & Water, H,Hw) - See Statewide
RICHMOND COUNTY
(Sewer & Water, H,Hw) - See Statewide
ROBESON COUNTY
(Sewer & Water, H,Hw) - See Statewide

NORTH CAROLINA (Cont'd.)

ROCKINGHAM COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Alamance County
ROWAN COUNTY
(Sewer & Water, H,Hw) - See Statewide
RUTHERFORD COUNTY
(R) - See Burke County
(Sewer & Water, H,Hw) - See Statewide
SAMPSON COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Chatham County
SCOTLAND COUNTY
(Sewer & Water, H,Hw) - See Statewide
STANLY COUNTY
(Sewer & Water, H,Hw) - See Statewide
STOKES COUNTY
(Sewer & Water, H,Hw) - See Statewide
SURRY COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Forsyth County
SWAIN COUNTY
(Sewer & Water, H,Hw) - See Statewide
TRANSYLVANIA COUNTY
Decision #NC76-1087 (B)
41 FR 36399 - 8/27/76
(R) - See Buncombe County
(Sewer & Water, H,Hw) - See Statewide
TYRRELL County
(B) - See Camden County
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
UNION COUNTY
(Sewer & Water, H,Hw) - See Statewide
VANCE COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Beaufort County
WAKE COUNTY
Decision #NC76-1044 (B)
41 FR 14294 - 4/2/76
(R) - See Durham County
(Sewer & Water, H,Hw) - See Statewide
WARREN COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Beaufort County
WASHINGTON COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
WATAUGA COUNTY
(B) - See Avery County
(Sewer & Water, H,Hw) - See Statewide
WAYNE COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Carteret County
WILKES COUNTY
Decision #NC76-1068 (B)
41 FR 22011 - 5/28/76
(Sewer & Water, H,Hw) - See Statewide
WILSON COUNTY
(B) - See Edgecombe County
(Sewer & Water, H,Hw) - See Statewide
(R) - See Beaufort County
YADKIN COUNTY
(Sewer & Water, H,Hw) - See Statewide
YANCEY COUNTY
(Sewer & Water, H,Hw) - See Statewide

NORTH DAKOTA

STATEWIDE
Decision #ND75-5109 (Hw)
40 FR 40022 - 8/29/75
ADAMS COUNTY
(Hw) - See Statewide
BARNES COUNTY
(Hw) - See Statewide
BENSON COUNTY
(Hw) - See Statewide
BILLINGS COUNTY
(Hw) - See Statewide
BOTTINEAU COUNTY
(Hw) - See Statewide
BOWMAN COUNTY
(Hw) - See Statewide
BURKE COUNTY
(Hw) - See Statewide
BURLEIGH COUNTY
Decision #ND76-5096 (B)
41 FR 44651 - 10/8/76

(Hw) - See Statewide
CASS COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
CAVALIER COUNTY
(Hw) - See Statewide
DICKEY COUNTY
(Hw) - See Statewide
DIVIDE COUNTY
(Hw) - See Statewide
DUNN COUNTY
(Hw) - See Statewide
EDDY COUNTY
(Hw) - See Statewide
EMMONS COUNTY
(Hw) - See Statewide
FOSTER COUNTY
(Hw) - See Statewide
GOLDEN VALLEY COUNTY
(Hw) - See Statewide

NORTH DAKOTA (Cont'd)

GRAND FORKS COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
GRANT COUNTY
(Hw) - See Statewide
GRIGGS COUNTY
(Hw) - See Statewide
HETTINGER COUNTY
(Hw) - See Statewide
KIDDER COUNTY
(Hw) - See Statewide
LA MOURE COUNTY
(Hw) - See Statewide
LOGAN COUNTY
(Hw) - See Statewide
McHENRY COUNTY
(Hw) - See Statewide
McINTOSH COUNTY
(Hw) - See Statewide
McKENZIE COUNTY
(Hw) - See Statewide
McLEAN COUNTY
(Hw) - See Statewide
MERCER COUNTY
(Hw) - See Statewide
MORTON COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
MOUNTRAIL COUNTY
(Hw) - See Statewide
NELSON COUNTY
(Hw) - See Statewide
OLIVER COUNTY
(Hw) - See Statewide
PEMBINA COUNTY
(Hw) - See Statewide
PIERCE COUNTY
(Hw) - See Statewide
RAMSEY COUNTY
(Hw) - See Statewide
RANSOM COUNTY
(Hw) - See Statewide
RENVILLE COUNTY
(Hw) - See Statewide
RICHLAND COUNTY
(Hw) - See Statewide
(B) - See Burleigh County

NORTH DAKOTA (Cont'd)

ROLETTE COUNTY
(Hw) - See Statewide
SARGENT COUNTY
(Hw) - See Statewide
SHERIDAN COUNTY
(Hw) - See Statewide
SIOUX COUNTY
(Hw) - See Statewide
SLOPE COUNTY
(Hw) - See Statewide
STARK COUNTY
(Hw) - See Statewide
STEELE COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
STUTSMAN COUNTY
(Hw) - See Statewide
TOWNER COUNTY
(Hw) - See Statewide
TRAILL COUNTY
(Hw) - See Statewide
WALSH COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
WARD COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
WELLS COUNTY
(Hw) - See Statewide
WILLIAMS COUNTY
(Hw) - See Statewide

OHIO

STATEWIDE
Decision #OH76-2041 (H,Hw)
41 FR 15300 - 4/9/76
Mod. #1 - 41 FR 32101 - 7/30/76
Mod. #2 - 41 FR 34486 - 8/13/76
Mod. #3 - 41 FR 37477 - 9/3/76
ADAMS COUNTY
Decision #IL76-5026 (D)
41 FR 12858 - 3/26/76
(H,Hw) - See Statewide
ALLEN COUNTY
Decision #OH76-2071 (B)
41 FR 22752 - 6/4/76
(H,Hw) - See Statewide
ASHLAND COUNTY
(H,Hw) - See Statewide

OHIO (Cont'd.)

ASHTABULA COUNTY
Decision #OH76-2074 (B,R)
41 FR 23911 - 6/11/76
Decision #IL76-5038 (D)
41 FR 16373 - 4/16/76
Mod. #1 - 41 FR 19007
(H,Hw) - See Statewide
ATHENS COUNTY
(D) - See Adams County
(H,Hw) - See Statewide
AUGLAIZE COUNTY
(B) - See Allen County
(H,Hw) - See Statewide
BELMONT COUNTY
(H,Hw) - See Statewide
BROWN COUNTY
(D) - See Adams County
(H,Hw) - See Statewide
BUTLER COUNTY
Decision #OH76-2062 (B)
41 FR 21120 - 5/21/76
Mod. #1 - 41 FR 47716 - 10/29/76
Decision #OH76-2030 (R)
41 FR 9800 - 3/5/76
(H,Hw) - See Statewide
CARROLL COUNTY
(H,Hw) - See Statewide
CHAMPAIGN COUNTY
(H,Hw) - See Statewide
CLARK COUNTY
Decision #OH76-2070 (B)
41 FR 22751 - 6/4/76
Decision #AP-684 (R)
38 FR 14049 - 5/25/73
(H,Hw) - See Statewide
CLERMONT COUNTY
Decision #OH76-2029 (R)
41 FR 8739 - 2/27/76
(B) - See Hamilton County
(D) - See Adams County
(H,Hw) - See Statewide
CLINTON COUNTY
(H,Hw) - See Statewide
COLUMBIANA COUNTY
Decision #OH76-2060 (B)
41 FR 19001 - 5/7/76
(H,Hw) - See Statewide
COSHOCTON COUNTY
(H,Hw) - See Statewide
CRAWFORD COUNTY
(H,Hw) - See Statewide
CUYAHOGA COUNTY
Decision #OH76-2069 (B,R)
41 FR 23909 - 6/11/76
(D) - See Ashtabula County
(H,Hw) - See Statewide

OHIO (Cont'd)

DARKE COUNTY
(H,Hw) - See Statewide
DEFIANCE COUNTY
(H,Hw) - See Statewide
DELAWARE COUNTY
Decision #AM-420 (R)
36 FR 15963 - 8/18/71
Mod. #1 - 38 FR 4630 - 2/16/73
(H,Hw) - See Statewide
ERIE COUNTY
Decision #0H76-2075 (B)
41 FR 23913 - 6/11/76
(D) - See Ashtabula County
(H,Hw) - See Statewide
FAIRFIELD COUNTY
(R) - See Delaware County
(H,Hw) - See Statewide
FAYETTE COUNTY
(H,Hw) - See Statewide
FRANKLIN COUNTY
Decision #0H76-2115 (B)
41 FR 42129 - 9/24/76
(R) - See Delaware County
(H,Hw) - See Statewide
FULTON COUNTY
(B) - See Lucas County
(H,Hw) - See Statewide
GALLIA COUNTY
(D) - See Adams County
(H,Hw) - See Statewide
GEAUGA COUNTY
(H,Hw) - See Statewide
GREENE COUNTY
Decision #AR-3037 (B)
39 FR 30782 - 8/23/74
Mod. #1 -40 FR 15275 - 4/4/75
Decision #0H75-2109 (R)
40 FR 42498 - 9/12/75
(H,Hw) - See Statewide
GUERNSEY COUNTY
(H,Hw) - See Statewide
HAMILTON COUNTY
Decision #0H76-2110 (B)
41 FR 40402 - 9/17/76
(D) - See Adams County
(R) - See Clermont County
(H,Hw) - See Statewide

OHIO (Cont'd)

HANCOCK COUNTY
Decision #0H76-2076 (B)
41 FR 24851 - 6/18/76
Mod. #1 - 41 FR 37477 - 9/3/76
(H,Hw) - See Statewide
HARDIN COUNTY
(H,Hw) - See Statewide
HARRISON COUNTY
(H,Hw) - See Statewide
HENRY COUNTY
(H,Hw) - See Statewide
HIGHLAND COUNTY
(H,Hw) - See Statewide
HOCKING COUNTY
(H,Hw) - See Statewide
HOLMES COUNTY
(H,Hw) - See Statewide
HURON COUNTY
(B) - See Erie County
(H,Hw) - See Statewide
JACKSON COUNTY
(H,Hw) - See Statewide
JEFFERSON COUNTY
(H,Hw) - See Statewide
KNOX COUNTY
(H,Hw) - See Statewide
LAKE COUNTY
(B,R) - See Cuyahoga County
(D) - See Ashtabula County
(H,Hw) - See Statewide
LAWRENCE COUNTY
Decision #0H76-2088 (B)
41 FR 32089 - 7/30/76
(D) - See Adams County
(H,Hw) - See Statewide
LICKING COUNTY
Decision #0H76-2088 (B)
41 FR 24849 - 6/18/76
(H,Hw) - See Statewide
(R) - See Delaware County
LOGAN COUNTY
(H,Hw) - See Statewide
LORAIN COUNTY
Decision #0H76-2073 (B)
41 FR 22754 - 6/4/76
(D) - See Ashtabula County
(H,Hw) - See Statewide
LUCAS COUNTY
Decision #0H76-2117 (B)
41 FR 43631 - 10/1/76
(H,Hw) - See Statewide
MADISON COUNTY
(B) - See Franklin County
(R) - See Delaware County.
(H,Hw) - See Statewide
MAHONING COUNTY
Decision #0H76-2085 (B,R)
41 FR 30557 - 7/23/76
(H,Hw) - See Statewide

OHIO (Cont'd)

MARION COUNTY
(H,Hw) - See Statewide
MEDINA COUNTY
(H,Hw) - See Statewide
MEIGS COUNTY
(D) - See Adams County
(H,Hw) - See Statewide
MERCER COUNTY
(B) - See Allen County
(H,Hw) - See Statewide
MIAMI COUNTY
(R) - See Greene County
(H,Hw) - See Statewide
MONROE COUNTY
(D) - See Adams County
(H,Hw) - See Statewide
MONTGOMERY COUNTY
(B) - See Greene County
(R) - See Greene County
(H,Hw) - See Statewide
MORGAN COUNTY
(H,Hw) - See Statewide
MORROW COUNTY
(H,Hw) - See Statewide
MUSKINGUM COUNTY
Decision #0H76-2086 (B)
41 FR 32169 - 7/30/76
(H,Hw) - See Statewide
NOBLE COUNTY
(H,Hw) - See Statewide
OTTAWA COUNTY
(R) - See Erie County
(D) - See Ashtabula County
(H,Hw) - See Statewide
PAULDING COUNTY
(H,Hw) - See Statewide
PERRY COUNTY
(H,Hw) - See Statewide
PICKAWAY COUNTY
(B) - See Franklin County
(R) - See Delaware County
(H,Hw) - See Statewide
PIKE COUNTY
Decision #0H76-2087 (B)
41 FR 30559 - 7/23/76
(H,Hw) - See Statewide
PORTAGE COUNTY
Decision #0H76-2089 (B,R)
41 FR 30561 - 7/23/76
(H,Hw) - See Statewide

OHIO (Cont'd.)

PREBLE COUNTY
(R) - See Greene County
(H,Hw) - See Statewide
PUTNAM COUNTY
(H,Hw) - See Statewide
RICHLAND COUNTY
Decision #0H76-2053 (B)
41 FR 16303 - 4/16/76
(H,Hw) - See Statewide
ROSS COUNTY
(B) - See Pike County
(H,Hw) - See Statewide
SANDUSKY COUNTY
(B) - See Erie County
(D) - See Ashtabula County
(H,Hw) - See Statewide
SCIOTO COUNTY
(B) - See Pike County
(D) - See Adams County
(H,Hw) - See Statewide
SENECA COUNTY
(H,Hw) - See Statewide
SHELBY COUNTY
(H,Hw) - See Statewide
STARK COUNTY
Decision #0H76-2090 (B,R)
41 FR 32171 - 7/30/76
(H,Hw) - See Statewide
SUMMITT COUNTY
Decision #0H76-2091 (B,R)
41 FR 32173 - 7/30/76
(H,Hw) - See Statewide
TRUMBULL COUNTY
Decision #0H76-2092 (B,R)
41 FR 34528 - 8/13/76
(H,Hw) - See Statewide
TUSCARAWAS COUNTY
Decision #0H76-2054 (B)
41 FR 17285 - 4/23/76
(H,Hw) - See Statewide
UNION COUNTY
(H,Hw) - See Statewide
VAN WERT COUNTY
(B) - See Allen County
(H,Hw) - See Statewide
VINTON COUNTY
(H,Hw) - See Statewide

OHIO (Cont'd.

WARREN COUNTY
(R) - See Butler County
(H,Hw) - See Statewide
WASHINGTON COUNTY
(D) - See Adams County
(H,Hw) - See Statewide
WAYNE COUNTY
(H,Hw) - See Statewide
WILLIAMS COUNTY
(H,Hw) - See Statewide
WOOD COUNTY
Decision #OH76-2055 (B)
41 FR 18261 - 4/30/76
(H,Hw) - See Statewide
WYANDOT COUNTY
(H,Hw) - See Statewide

OKLAHOMA

STATEWIDE (Except the City of Muskogee)
Decision #OK76-4073 (Constr., Alteration, and/or repair of streets, highways, runways, erosion control structures, well drilling, and water, and sewer utilities)
41 FR 16422 - 4/16/7
ADAIR COUNTY
(B) - See Muskogee County
(H,Hw) - See Statewide
ALFALFA COUNTY
(H,Hw) - See Statewide
(H,Hw) - See Statewide
ATOKA COUNTY
(H,Hw) - See Statewide
BEAVER COUNTY
(H,Hw) - See Statewide
BECKHAM COUNTY
(H,Hw) - See Statewide
BLAINE COUNTY
(H,Hw) - See Statewide
BRYAN COUNTY
(H,Hw) - See Statewide
Decision #OK76-4001 (R)
41 FR 2604 - 1/16/76
CADDO COUNTY
(B) - See CAnadian County
(H,Hw) - See Statewide
CANADIAN COUNTY
(H,Hw) - See Statewide
Decision #OK76-4136 (B)
41 FR 32177 - 7/30/76
Mod. #1 - 41 FR 35328 - 8/20/76
Mod. #2 - 41 FR 42050 - 9/24/76
Mod. #3 - 41 FR 43566 - 10/1/76
Mod. #4 - 41 FR 44601 - 10/8/76
Decision #OK76-4109 (R)
41 FR 27648 - 7/2/76
CARTER COUNTY
(H,Hw) - See Statewide
CHEROKEE COUNTY
(B) - See Muskogee County
(H,Hw) - See Statewide
CHOCTAW COUNTY
(H,Hw) - See Statewide
CIMARRON COUNTY
(H,Hw) - See Statewide
CLEVELAND COUNTY
(H,Hw) - See Statewide
(B,R) - See Canadian County
COAL COUNTY
(H,Hw) - See Statewide

OKLAHOMA (cont'd)

COMANCHE COUNTY
(H,Hw) - See Statewide
Decision #OK76-4002 (R)
41 FR 2604 - 1/16/76
Mod. #1 - 41 FR 16312 - 4/16/76
Decision #OK76-4138 (B)
41 FR 32182 - 7/30/76
Mod. #1 - 41 FR 35329 - 8/20/76
Mod. #2 - 41 FR 47717 - 10/29/76
COTTON COUNTY
(H,Hw) - See Statewide
CRAIG COUNTY
(H,Hw) - See Statewide
CREEK COUNTY
(B) - See Tulsa County
(H,Hw) - See Statewide
CUSTER COUNTY
(H,Hw) - See Statewide
DELAWARE COUNTY
(H,Hw) - See Statewide
DEWEY COUNTY
(H,Hw) - See Statewide
ELLIS COUNTY
(H,Hw) - See Statewide
GARFIELD COUNTY
Decision #OK76-4160 (B)
41 FR 43629 - 10/1/76
(H,Hw) - See Statewide
GARVIN COUNTY
(H,Hw) - See Statewide
GRADY COUNTY
(B) - See Canadian County
(H,Hw) - See Statewide
GRANT COUNTY
(H,Hw) - See Statewide
GREER COUNTY
(H,Hw) - See Statewide
HARMON COUNTY
(H,Hw) - See Statewide
HARPER COUNTY
(H,Hw) - See Statewide
HASKELL COUNTY
(H,Hw) - See Statewide
HUGHES COUNTY
(H,Hw) - See Statewide
JACKSON COUNTY
(H,Hw) - See Statewide
JEFFERSON COUNTY
(H,Hw) - See Statewide
JOHNSTON COUNTY
(H,Hw) - See Statewide
KAY COUNTY
(H,Hw) - See Statewide
KINGFISHER COUNTY
(B) - See Canadian County
(H,Hw) - See Statewide

OKLAHOMA (cont'd)

KIOWA COUNTY
(H,Hw) - See Statewide
LATIMER COUNTY
(H,Hw) - See Statewide
LEFLORE COUNTY
(H,Hw) - See Statewide
LINCOLN COUNTY
(H,Hw) - See Statewide
(B,R) - See Canadian County
LOGAN COUNTY
(B) - See Canadian County
(H,Hw) - See Statewide
LOVE COUNTY
(H,Hw) - See Statewide
McCLAIN COUNTY
H,Hw) - See Statewide
(B) - See Canadian County
McCURTAIN COUNTY
(H,Hw) - See Statewide
MCINTOSH COUNTY
Decision #OK76-4137 (B)
41 FR 32180 - 7/30/76
Mod. #1 - 41 FR 35329 - 8/20/76
(H,Hw) - See Statewide
MAJOR COUNTY
(H,Hw) - See Statewide
MARSHALL COUNTY
(H,Hw) - See Statewide
MAYES COUNTY
(H,Hw) - See Statewide
MURRAY COUNTY
(H,Hw) - See Statewide
MUSKOGEE COUNTY
Decision #OK76-4139 (B,H,Hw)
41 FR 32184 - 7/30/76
Mod. #1 - 41 FR 35329 - 8/20/76
(H,Hw) - See Statewide
NOBLE COUNTY
(H,Hw) - See Statewide
NOWATA COUNTY
(H,Hw) - See Statewide
OKFUSKEE COUNTY
(H,Hw) - See Statewide
OKLAHOMA COUNTY
(B,R) - See Canadian County
(H,Hw) - See Statewide
OKMULGEE COUNTY
(H,Hw) - See Statewide
OSAGE COUNTY
(H,Hw) - See Statewide
(R) - See Tulsa County
OTTAWA COUNTY
(H,Hw) - See Statewide
PAWNEE COUNTY
(H,Hw) - See Statewide

OKLAHOMA (Cont'd.

PAYNE COUNTY
(H,Hw) - See Statewide
PITTSBURG COUNTY
Decision #OK76-4017 (B)
41 FR 5548 - 2/6/76
Mod. #1 - 41 FR 24837 - 6/18/76
Mod. #2 - 41 FR 32103 - 7/30/76
Mod. #3 - 41 FR 35328 - 8/20/76
Mod. #4 - 41 FR 36377 - 8/27/76
(H,Hw) - See Statewide
PONTOTOC COUNTY
(H,Hw) - See Statewide
POTTAWATOMIE COUNTY
(H,Hw) - See Statewide
(B,R) - See Canadian County
PUSHMATAHA COUNTY
(H,Hw) - See Statewide
ROGERS COUNTY
(H,Hw) - See Statewide
ROGERS MILLS COUNTY
(H,Hw) - See Statewide
SEMINOLE COUNTY
(B) - See Oklahoma County
(H,Hw) - See Statewide
SEQUOYAH COUNTY
(H,Hw) - See Statewide
STEPHENS COUNTY
(H,Hw) - See Statewide
TEXAS COUNTY
(H,Hw) - See Statewide
TILLMAN COUNTY
(H,Hw) - See Statewide
TULSA COUNTY
Decision #OK76-4135 (B)
41 FR 32175 - 7/30/76
Mod. #1 - 41 FR 35328 - 8/20/76
Mod. #2 - 41 FR 42050 - 9/24/76
Mod. #3 - 41 FR 44601 - 10/8/76
WAGONER COUNTY
Decision #OK76-4016 (B)
41 FR 5546 - 2/6/76
Mod. #1 - 41 FR 26426 - 6/25/76
Mod. #2 - 41 FR 32102 - 7/30/76
Mod. #3 - 41 FR 35328 - 8/20/76
(H,Hw) - See Statewide
WASHINGTON COUNTY
(H,Hw) - See Statewide
WASHITA COUNTY
(H,Hw) - See Statewide
WOODS COUNTY
(H,Hw) - See Statewide
WOODWARD COUNTY
(H,Hw) - See Statewide

OREGON

STATEWIDE
Decision #OR76-5057 (B,H,Hw,D)
41 FR 26520 - 6/25/76
Mod. #1 - 41 FR 42051 - 9/24/76
Mod. #2 - 41 FR 46818 - 10/22/76
Mod. #3 - 41 FR 48986 - 11/5/76
BAKER COUNTY
(B,H,Hw,D) - See Statewide
BENTON COUNTY
(B,H,Hw,D) - See Statewide
CLACKAMAS COUNTY
Decision #OR75-5042 (R)
40 FR 15312 - 4/4/75
Mod. #1 - 40 FR 48001 - 10/10/75
Mod. #2 - 40 FR 52244 - 11/7/75
(B,H,Hw,D) - See Statewide
CLATSOP COUNTY
(B,H,Hw,D) - See Statewide
COLUMBIA COUNTY
(B,H,Hw,D) - See Statewide
COOS COUNTY
(B,H,Hw,D) - See Statewide
CROOK COUNTY
(B,H,Hw,D) - See Statewide
CURRY COUNTY
(B,H,Hw,D) - See Statewide
DESCHUTES COUNTY
(B,H,Hw,D) - See Statewide
DOUGLAS COUNTY
(B,H,Hw,D) - See Statewide
GILLIAM COUNTY
(B,H,Hw,D) - See Statewide
GRANT COUNTY
(B,H,Hw,D) - See Statewide
HARNEY COUNTY
(B,H,Hw,D) - See Statewide
HOOD RIVER COUNTY
(B,H,Hw,D) - See Statewide
JACKSON COUNTY
(B,H,Hw,D) - See Statewide
JEFFERSON COUNTY
(B,H,Hw,D) - See Statewide
JOSEPHINE COUNTY
(B,H,Hw,D) - See Statewide
KLAMATH COUNTY
(B,H,Hw,D) - See Statewide
LAKE COUNTY
(B,H,Hw,D) - See Statewide
LANE COUNTY
(B,H,Hw,D) - See Statewide
Decision #OR75-5122 (R)
40 FR 45989 - 10/3/75
Mod. #1 - 40 FR 52244 - 11/7/75
LINCOLN COUNTY
(B,H,Hw,D) - See Statewide
LINN COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Lane County

OREGON (Cont'd.)

MALHEUR COUNTY
(B,R,Hw,D) - See Statewide
MARION COUNTY
(R) - See Lane County
(B,H,Hw,D) - See Statewide
MORROW COUNTY
(B,H,Hw,D) - See Statewide
MULTNOMAH COUNTY
(R) - See Clackamas County
(B,H,Hw,D) - See Statewide
POLK COUNTY
(B,H,Hw,D) - See Statewide
SHERMAN COUNTY
(B,H,Hw,D) - See Statewide
TILLAMOOK COUNTY
(B,H,Hw,D) - See Statewide
UMATILLA COUNTY
(B,H,Hw,D) - See Statewide
UNION COUNTY
(B,H,Hw,D) - See Statewide
WALLOWA COUNTY
(B,H,Hw,D) - See Statewide
WASCO COUNTY
(B,H,Hw,D) - See Statewide
WASHINGTON COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clackamas County
WHEELER COUNTY
(B,H,Hw,D) - See Statewide
YAMHILL COUNTY
(B,H,Hw,D) - See Statewide

PENNSYLVANIA

ADAMS COUNTY
Decision #PA76-3163 (H,Hw)
41 FR 19020 - 5/7/76
Mod. #1 - 41 FR 45797 - 10/15/76
Mod. #2 - 41 FR 47717 - 10/29/76
Decision #PA76-3204 (B)
41 FR 24870 - 6/18/76
Mod. #1 - 41 FR 28467 - 7/9/76
Mod. #2 - 41 FR 32105 - 7/30/76
Mod. #3 - 41 FR 43567 - 10/1/76
Mod. #4 - 41 FR 44604 - 10/8/76
ALLEGHENY COUNTY
(H,Hw) - See Butler County

Decision #PA75-3070 (R)
40 FR 30433 - 8/18/75
Mod. #1 - 40 FR 34555 - 8/15/75
Mod. #2 - 41 FR 4738 - 1/30/76
Mod. #3 - 41 FR 26428 - 6/25/76
(B) - See Armstrong County
ARMSTRONG COUNTY
(H,Hw) - See Butler County
Decision #PA76-3206 (B)
41 FR 26529 - 6/25/76
Mod. #1 - 41 FR 42052 - 9/24/76
BEAVER COUNTY
(H,Hw) - See Butler County
(B) - See Armstrong County
BEDFORD COUNTY
Decision #PA76-3250 (B)
41 FR 42131 - 9/24/76
(H,Hw) - See Butler County
BERKS COUNTY
Decision #PA76-3178 (B)
41 FR 23919 - 6/11/76
Mod. #1 - 41 FR 28465 - 7/9/76
Mod. #2 - 41 FR 32104 - 7/30/76
Mod. #3 - 41 FR 43567 - 10/1/76
Mod. #4 - 41 FR 44602 - 10/8/76
(H,Hw) - See Adams County
BLAIR COUNTY
Decision #PA76-3165 (B)
41 FR 18274 - 4/30/76
(Hw) - See Butler County

PENNSYLVANIA (Cont'd.

BRADFORD COUNTY
Decision #PA76-3208 (B)
41 FR 27535 - 7/2/76
Mod. #1 - 41 FR 43567 - 10/1/76
Mod. #2 - 41 FR 44604 - 10/8/76
(H,Hw) - See Adams County
BUCKS COUNTY
Decision #PA76-3247 (B)
41 FR 40409 - 9/17/76
Mod. #1 - 41 FR 44605 - 10/8/76
Mod. #2 - 41 FR 48987 - 11/5/76
Decision #PA76-3169 (H,Hw)
41 FR 21133 - 5/21/76
Mod. #1 - 41 FR 26427 - 6/25/76
Mod. #2 - 41 FR 45797 - 10/15/76
BUTLER COUNTY
(B) - See Armstrong County
Decision #PA76-3158 (H,Hw)
41 FR 15315 - 4/9/76
Mod. #1 - 41 FR 20129 - 5/14/76
CAMBRIA COUNTY
(H,Hw) - See Butler County
(B) - See Bedford County
CAMERON COUNTY
(B) - See Bedford County
(H,Hw) - See Butler County
CARBON COUNTY
(H,Hw) - See Adams County
CENTRE COUNTY
(H,Hw) - See Butler County
CHESTER COUNTY
(B,H,Hw,R) - See Bucks County
CLARION COUNTY
(B) - See Bedford County
(H,Hw) - See Butler County
CLEARFIELD COUNTY
(B) - See Bedford County
(H,Hw) - See Butler County

PENNSYLVANIA (Cont'd.

CLINTON COUNTY
(H,Hw) - See Butler County
COLUMBIA COUNTY
Decision #PA76-3210 (B)
41 FR 30486 - 7/23/76
Mod. #1 - 41 FR 44605 - 10/8/76
(H,Hw) - See Adams County
CRAWFORD COUNTY
(B) - See Bedford County
(H,Hw) - See Butler County
CUMBERLAND COUNTY
Decision #PA76-3175 (B)
41 FR 21137 - 5/21/76
Mod. #1 - 41 FR 24840 - 6/18/76
Mod. #2 - 41 FR 28465 - 7/9/76
Mod. #3 - 41 FR 32104 - 7/30/76
Mod. #4 - 41 FR 42150 - 9/24/76
Mod. #5 - 41 FR 44602 - 10/8/76
(H,Hw) - See Adams County
DAUPHIN COUNTY
(B) - See Cumberland County
(H,Hw) - See Adams County
DELAWARE COUNTY
(B,H,Hw,R) - See Bucks County
ELK COUNTY
Decision #PA76-3251 (B)
41 FR 42143 - 9/24/76
Mod. #1 - 41 FR 44606 - 10/8/76
(H,Hw) - See Butler County
ERIE COUNTY
Decision #PA76-3177 (B)
41 FR 23916 - 6/11/76
Mod. #1 - 41 FR 26428 - 6/25/76
Mod. #2 - 41 FR 44602 - 10/8/76
Decision #IL76-5038 (D)
41 FR 16373 - 4/16/76
Mod. #1 - 41 FR 19007 - 5/7/76
(H,Hw) - See Butler County

PENNSYLVANIA (cont'd.

FAYETTE COUNTY
(B) - See Armstrong County
(H,Hw) - See Butler County
FOREST COUNTY
(B) - See Elk County
(H,Hw) - See Butler County
FRANKLIN COUNTY
Decision #PA75-3060 (B)
40 FR 54412 - 11/21/75
Mod. #1 - 41 FR 12850 - 3/26/76
Mod. #2 - 41 FR 16312 - 4/16/76
Mod. #3 - 41 FR 18266 - 4/30/76
(H,Hw) - See Butler County
FULTON COUNTY
(H,Hw) - See Butler County
GREENE COUNTY
Decision #PA76-3211 (B)
41 FR 32091 - 7/30/76
Mod. #1 - 41 FR 42054 - 9/24/76
(H,Hw) - See Butler County
HUNTINGDON COUNTY
(H,Hw) - See Butler County
INDIANA COUNTY
(B) - See Armstrong County
(H,Hw) - See Butler County
JEFFERSON COUNTY
(B) - See Bedford County
(H,Hw) - See Butler County
JUNIATA COUNTY
(B) - See Cumberland County
(H,Hw) - See Adams County
LACKAWANNA COUNTY
Decision #PA76-3179 (B)
41 FR 24855 - 6/18/76
Mod. #1 - 41 FR 28465 - 7/9/76
Mod. #2 - 41 FR 32104 - 7/30/76
Mod. #3 - 41 FR 47717 - 10/29/76
(H,Hw) - See Adams County
LANCASTER COUNTY
Decision #PA76-3186 (B)
41 FR 24866 - 6/18/76
Mod. #1 - 41 FR 28466 - 7/9/76
Mod. #2 - 41 FR 32105 - 7/30/76
Mod. #3 - 41 FR 43567 - 10/1/76
Mod. #4 - 41 FR 44603 - 10/8/76
(H,Hw) - See Adams County
LAWRENCE COUNTY
Decision #PA76-3246 (B)
41 FR 40506 - 9/17/76
Mod. #1 - 41 FR 44605 - 10/8/76
(H,Hw) - See Butler County

PENNSYLVANIA (Cont'd.

LEBANON COUNTY
Decision #PA76-3176 (B)
41 FR 24853 - 6/18/76
Mod. #1 - 41 FR 28464 - 7/9/76
Mod. #2 - 41 FR 32104 - 7/30/76
Mod. #3 - 41 FR 42051 - 9/24/76
Mod. #4 - 41 FR 44602 - 10/8/76
(H,Hw) - See Butler County
LEHIGH COUNTY
Decision #PA76-3183 (B)
41 FR 24862 - 6/18/76
Mod. #1 - 41 FR 28466 - 7/9/76
Mod. #2 - 41 FR 32104 - 7/30/76
Mod. #3 - 41 FR 44603 - 10/8/76
(H,Hw) - See Adams County
LUZERNE COUNTY
Decision #PA76-3271 (B)
41 FR 48993 - 11/5/76
(H,Hw) - See Adams County
LYCOMING COUNTY
Decision #PA76-3180 (B)
41 FR 24864 - 6/18/76
Mod. #1 - 41 FR 28466 - 7/9/76
Mod. #2 - 41 FR 32105 - 7/30/76
Mod. #3 - 41 FR 43567 - 10/1/76
Mod. #4 - 41 FR 44603 - 10/8/76
(H,Hw)- See Adams County
MC KEAN COUNTY
(B) - See Forest County
(H,Hw) - See Butler County
MERCER COUNTY
(B) - See Lawrence County
(H,Hw) - See Butler County
MIFFLIN COUNTY
(H,Hw) - See Butler County
MONROE COUNTY
(H,Hw) - See Adams County

PENNSYLVANIA (Cont'd.

MONTGOMERY COUNTY
(B,H,Hw,R) - See Bucks County
MONTOUR COUNTY
(B) - See Columbia County
(H,Hw) - See Adams County
NORTHAMPTON COUNTY
Decision #PA76-3187 (B)
41 FR 24868 - 6/18/76
Mod. #1 - 41 FR 28466 - 7/9/76
Mod. #2 - 41 FR 32105 - 7/30/76
Mod. #3 - 41 FR 44604 - 10/8/76
(H,Hw) - See Adams County
NORTHUMBERLAND COUNTY
Decision #PA76-3182 (B)
41 FR 24860 - 6/18/76
Mod. #1 - 41 FR 28466 - 7/9/76
Mod. #2 - 41 FR 32105 - 7/30/76
Mod. #3 - 41 FR 44603 - 10/8/76
(H,Hw) - See Adams County
PERRY COUNTY
(B) - See Cumberland County
(H,Hw) - See Adams County
PHILADELPHIA COUNTY
Decision #CT75-5139 (D)
40 FR 55621 - 11/28/75
(B,H,Hw,R) - See Bucks County
PIKE COUNTY
(H,Hw) - See Adams County
POTTER COUNTY
(B) - See Greene County
(H,Hw) - See Butler County
SCHYUKILL COUNTY
Decision #PA76-3181 (B)
41 FR 24858 - 6/18/76
Mod. #1 - 41 FR 28466 - 7/9/76
Mod. #2 - 41 FR 32105 - 7/30/76
Mod. #3 - 41 FR 38709 - 9/10/76
Mod. #4 - 41 FR 45798 - 10/15/76
Mod. #5 - 41 FR 47717 - 10/29/76
(H,Hw) - See Adams County
SNYDER COUNTY
(B) - See Columbia County
(H,Hw) - See Adams County
SOMERSET COUNTY
(B) - See Greene County
(H,Hw) - See Butler County
SULLIVAN COUNTY
Decision #PA75-3205 (B)
41 FR 24872 - 6/18/76
Mod. #1 - 41 FR 28467 - 7/9/76
Mod. #2 - 41 FR 32106 - 7/30/76
Mod. #3 - 41 FR 44604 - 10/8/76
(H,Hw) - See Adams County

PENNSYLVANIA (Cont'd.

SUSQUEHANNA COUNTY
(B) - See Lackawanna County
(H,Hw) - See Adams County
TIOGA COUNTY
(B) - See Bradford County
(H,Hw) - See Adams County
UNION COUNTY
(B) - See Bradford County
(H,Hw) - See Adams County
VENANGO COUNTY
(H,Hw) - See Butler County
(B) - See Bedford County
WARREN COUNTY
(B) - See Elk County
(H,Hw) - See Butler County
WASHINGTON COUNTY
(B) - See Armstrong County
(H,Hw) - See Butler County
WAYNE COUNTY
(B) - See Lackawanna County
(H,Hw) - See Adams County
WESTMORELAND COUNTY
(B) - See Armstrong County
(H,Hw) - See Butler County
WYCOMING COUNTY
(B) - See Lackawanna County
(H,Hw) - See Adams County
YORK COUNTY
(B,H,Hw) - See Adams Co. (Excluding New Cumberland Army Depot)
(B) - See Cumberland County (New Cumberland Army Depot)
(H,Hw) - See Adams County (New Cumberland Army Depot)

PUERTO RICO

PUERTO RICO
Decision #PR75-3091 (R)
40 FR 33644 - 8/8/75
Mod. #1 - 40 FR 59664 - 12/29/75
Decision #PR75-3090 (B)
40 FR 33643 - 8/8/75
Mod. #1 - 40 FR 59664 - 12/29/75
Decision #PR75-3089 (H,Hw)
40 FR 33643 - 8/8/75

RHODE ISLAND

STATEWIDE
Decision #CT75-5139 (D)
40 FR 55621 - 11/28/75
BRISTOL COUNTY
Decision #RI76-2150 (B,H,Hw,R, & Marine)
41 FR 48996 - 11/5/76
(D) - See Statewide
KENT COUNTY
(B,H,Hw, R, & Marine) - See Bristol Co.
(D) - See Statewide
NEWPORT COUNTY
Decision #RI76-2038 (B,H,Hw,R, & Marine)
41 FR 11776 - 3/19/76
Mod. #1 - 41 FR 28468 - 7/9/76
Mod. #2 - 41 FR 37478 - 9/3/76
Mod. #3 - 41 FR 44606 - 10/8/76
(D) - See Statewide
PROVIDENCE COUNTY
(D) - See Statewide
(B,H,Hw, R, & Marine) - See Bristol County
WASHINGTON COUNTY
Decision #RI76-2039 (B,H,Hw, R, & Marine)
41 FR 11781 - 3/19/76
Mod. #1 - 41 FR 28468 - 7/9/76
Mod. #2 - 41 FR 37478 - 9/3/76
Mod. #3 - 41 FR 44606 - 10/8/76
(D) - See Statewide

SOUTH CAROLINA

STATEWIDE
Decision #SC75-1031 (Hw)
40 FR 12058 - 3/14/75
Mod. #1 - 40 FR 41355 - 9/5/75
Mod. #2 - 41 FR 10825 - 3/12/76
Decision #SC75-1079 (H, W&S)
40 FR 41380 - 9/5/75
ABBEVILLE COUNTY
Decision #SC76-1053 (B)
41 FR 20146 - 5/14/76
(Sewer & Water, H,Hw) - See Statewide
AIKEN COUNTY
Decision #SC75-1029 (R)
40 FR 10900 - 3/7/75
Mod. #1 - 41 FR 1692 - 1/9/76
(Sewer & Water, H,Hw) - See Statewide

SOUTH CAROLINA

ALLENDALE COUNTY
Decision #SC75-1045 (R)
40 FR 16636 - 4/11/75
Mod. #1 - 41 FR 1692 - 1/9/76
(Sewer & Water, H,Hw) - See Statewide
ANDERSON COUNTY
Decision #SC76-1115 (R)
41 FR 44657 - 10/8/76
(Sewer & Water, H,Hw) - See Statewide
BAMBERG COUNTY
(R) - See Allendale County
(Sewer & Water, H,Hw) - See Statewide
BARNWELL COUNTY
(R) - See Aiken County
(Sewer & Water, H,Hw) - See Statewide
BEAUFORT COUNTY
Decision #SC75-1026 (B)
40 FR 8692 - 2/28/75
Mod. #1 - 40 FR 16496 - 4/11/75
Mod. #2 - 40 FR 27417 - 6/27/75
Mod. #3 - 41 FR 18267 - 4/30/76
Decision #MD75-3008 (D)
40 FR 3094 - 1/17/75
Mod. #1 - 40 FR 14204 - 3/28/75
(Sewer & Water, H,Hw) - See Statewide
BERKELEY COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
Decision #SC76-1067 (R)
41 FR 22024 - 5/28/76
Mod. #1 - 41 FR 23889 - 6/11/76
Decision #SC75-1055 (B)
40 FR 22785 - 5/23/75
Mod. #1 - 40 FR 25336 - 6/13/75
Mod. #2 - 41 FR 18267 - 4/30/76
Mod. #3 - 41 FR 20129 - 5/14/76
CALHOUN COUNTY
(R) - See Allendale County
(Sewer & Water, H,Hw) - See Statewide
CHARLESTON COUNTY
(B,R) - See Berkeley County
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
CHEROKEE COUNTY
Decision #SC76-1100 (R)
41 FR 38739 - 9/10/76
(B) - See Abbeville County
(Sewer & Water, H,Hw) - See Statewide

SOUTH CAROLINA (Cont'd.

CHESTER COUNTY
Decision #AR-4009 (B)
39 FR 25778 - 7/12/74
(Sewer & Water, H,Hw) - See Statewide
CHESTERFIELD COUNTY
(Sewer & Water, H,Hw) - See Statewide
CLARENDON COUNTY
Decision #SC76-1088 (R)
41 FR 36399 - 8/27/76
(Sewer & Water, H,Hw) - See Statewide
COLLETON COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
DARLINGTON COUNTY
Decision #SC75-1041 (B)
40 FR 14194 - 3/28/75
(R) - See Clarendon County
(Sewer & Water, H,Hw) - See Statewide
DILLON COUNTY
(R) - See Clarendon County
(Sewer & Water, H,Hw) - See Statewide
DORCHESTER COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Berkeley County
EDGEFIELD COUNTY
(R) - See Aiken County
(Sewer & Water, H,Hw) - See Statewide
FAIRFIELD COUNTY
(B) - See Chester County
(Sewer & Water, H,Hw) - See Statewide
FLORENCE COUNTY
(R) - See Clarendon County
(Sewer & Water, H,Hw) - See Statewide
GEORGETOWN COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
GREENVILLE COUNTY
Decision #SC75-1038 (B)
40 FR 12951 - 3/21/75
Mod. #1 - 40 FR 16496 - 4/11/75
Mod. #2 - 41 FR 43422 - 9/19/75
(R) - See Anderson County
(Sewer & Water, H,Hw) - See Statewide
GREENWOOD COUNTY
(Sewer & Water, H,Hw) - See Statewide
HAMPTON COUNTY
(Sewer & Water, H,Hw) - See Statewide
HORRY COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
JASPER COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
KERSHAW COUNTY
(Sewer & Water, H,Hw) - See Statewide

SOUTH CAROLINA (Cont'd.

LANCASTER COUNTY
(B) - See Chester County
(Sewer & Water, H,Hw) - See Statewide
LAURENS COUNTY
(B) - See Abbeville County
(Sewer & Water, H,Hw) - See Statewide
LEE COUNTY
(R) - See Clarendon County
(Sewer & Water, H,Hw) - See Statewide
LEXINGTON COUNTY
Decision #SC76-1037 (B)
41 FR 9801 - 3/5/76
Decision #SC76-1126 (R)
41 FR 47907 - 10/29/76
(Sewer & Water, H,Hw) - See Statewide
McCORMICK COUNTY
(Sewer & Water, H,Hw) - See Statewide
MARION COUNTY
(R) - See Clarendon County
(Sewer & Water, H,Hw) - See Statewide
MARLBORO COUNTY
(R) - See Clarendon County
(Sewer & Water, H,Hw) - See Statewide
NEWBERRY COUNTY
(B) - See Abbeville County
(Sewer & Water, H,Hw) - See Statewide
OCONEE COUNTY
(R) - See Anderson County
(Sewer & Water, H,Hw) - See Statewide
ORANGEBURG COUNTY
(R) - See Allendale County
(Sewer & Water, H,Hw) - See Statewide
PICKENS COUNTY
(R) - See Anderson County
(Sewer & Water, H,Hw) - See Statewide
RICHLAND COUNTY
(B,R) - See Lexington County
(Sewer & Water, H,Hw) - See Statewide
SALUDA COUNTY
(Sewer & Water, H,Hw) - See Statewide
SPARTANBURG COUNTY
(R) - See Cherokee County
(Sewer & Water, H,Hw) - See Statewide
SUMTER COUNTY
Decision #SC76-1008 (B)
41 FR 1699 - 1/9/76
Mod. #1 - 41 FR 19013 - 5/7/76
(Sewer & Water, H,Hw) - See Statewide
(R) - See Clarendon County
UNION COUNTY
(R) - See Cherokee County
(Sewer & Water, H,Hw) - See Statewide
(B) - See Abbeville County
WILLIAMSBURG COUNTY
(R) - See Clarendon County
(Sewer & Water, H,Hw) - See Statewide
YORK COUNTY
(Sewer & Water, H,Hw) - See Statewide

SOUTH DAKOTA

STATEWIDE
Decision #SD76-5039 (H,Hw)
41 FR 17300 - 4/23/76
AURORA COUNTY
(H,Hw) - See Statewide
BEADLE COUNTY
(H,Hw) - See Statewide
BENNET COUNTY
(H,Hw) - See Statewide
BON HOMME COUNTY
(H,Hw) - See Statewide
BROOKINGS COUNTY
(H,Hw) - See Statewide
BROWN COUNTY
(H,Hw) - See Statewide
BRULE COUNTY
(H,Hw) - See Statewide
BUFFALO COUNTY
(H,Hw) - See Statewide
BUTTE COUNTY
(H,Hw) - See Statewide
CAMPBELL COUNTY
(H,Hw) - See Statewide
CHARLES MIX COUNTY
(H,Hw) - See Statewide
CLARK COUNTY
(H,Hw) - See Statewide
CLAY COUNTY
(H,Hw) - See Statewide
CODINGTON COUNTY
(H,Hw) - See Statewide
CORSON COUNTY
(H,Hw) - See Statewide
CUSTER COUNTY
(H,Hw) - See Statewide
DAVISON COUNTY
(H,Hw) - See Statewide
DAY COUNTY
(H,Hw) - See Statewide
DEUEL COUNTY
(H,Hw) - See Statewide
DEWEY COUNTY
(H,Hw) - See Statewide
DOUGLAS COUNTY
(H,Hw) - See Statewide
EDMUNDS COUNTY
(H,Hw) - See Statewide
FALL RIVER COUNTY
(H,Hw) - See Statewide
FAULK COUNTY
(H,Hw) - See Statewide
GRANT COUNTY
(H,Hw) - See Statewide

SOUTH DAKOTA (Cont'd.

GREGORY COUNTY
(H,Hw) - See Statewide
HAAKON COUNTY
(H,Hw) - See Statewide
HAMLIN COUNTY
(H,Hw) - See Statewide
HAND COUNTY
(H,Hw) - See Statewide
HANSON COUNTY
(H,Hw) - See Statewide
HARDING COUNTY
(H,Hw) - See Statewide
HUGHES COUNTY
(H,Hw) - See Statewide
HUTCHINSON COUNTY
(H,Hw) - See Statewide
HYDE COUNTY
(H,Hw) - See Statewide
JACKSON COUNTY
(H,Hw) - See Statewide
JERAULD COUNTY
(H,Hw) - See Statewide
JONES COUNTY
(H,Hw) - See Statewide
KINGSBURY COUNTY
(H,Hw) - See Statewide
LAKE COUNTY
(H,Hw) - See Statewide
LAWRENCE COUNTY
(H,Hw) - See Statewide
LINCOLN COUNTY
(H,Hw) - See Statewide
LYMAN COUNTY
(H,Hw) - See Statewide

SOUTH DAKOTA (Cont'd)

MARSHALL COUNTY
(H,Hw) - See Statewide
Mc COOK COUNTY
(H,Hw) - See Statewide
Mc PHERSON COUNTY
(H,Hw) - See Statewide
MEADE COUNTY
Decision #SD76-5094 (B)
41 FR 42148 - 9/24/76
(H,Hw) - See Statewide
MELLETTE COUNTY
(H,Hw) - See Statewide
MINER COUNTY
(H,Hw) - See Statewide
MINNEHAHA COUNTY
Decision #SD76-5093 (B)
41 FR 42147 - 9/24/76
(H,Hw) - See Statewide
Decision #AQ-1091 (R)
39 FR 8146 - 3/1/74
Mod. #1 - 39 FR 14856 - 4/26/74
MOODY COUNTY
(H,Hw) - See Statewide
PENNINGTON COUNTY
(B) - See Meade County
(H,Hw) - See Statewide
PERKINS COUNTY
(H,Hw) - See Statewide
POTTER COUNTY
(H,Hw) - See Statewide
ROBERTS COUNTY
(H,Hw) - See Statewide
SANBORN COUNTY
(H,Hw) - See Statewide
SHANNON COUNTY
(H,Hw) - See Statewide
SPINK COUNTY
(H,Hw) - See Statewide
STANLEY COUNTY
(H,Hw) - See Statewide
SULLY COUNTY
(H,Hw) - See Statewide

SOUTH DAKOTA (Cont'd.)

TODD COUNTY
(H,Hw) - See Statewide
TRIPP COUNTY
(H,Hw) - See Statewide
TURNER COUNTY
(H,Hw) - See Statewide
UNION COUNTY
(H,Hw) - See Statewide
WALWORTH COUNTY
(H,Hw) - See Statewide
WASHABAUGH COUNTY
(H,Hw) - See Statewide
YANKTON COUNTY
(H,Hw) - See Statewide
ZIEBACH COUNTY
(H,Hw) - See Statewide

TENNESSEE

STATEWIDE
Decision #TN76-1001 (Hw)
41 FR 965 - 1/5/76
ANDERSON COUNTY
Decision #TN76-1072 (B)(Oak Ridge, Energy Research Development Administration Only)
41 FR 24874 - 6/18/76
Decision #AR76-5041 (F)
41 FR 19017 - 5/7/76
Mod. #1 - 41 FR 21981 - 5/28/76
(Hw) - See Statewide
BEDFORD COUNTY
(F) - See Anderson County
(Hw) - See Statewide
BENTON COUNTY
(F) - See Anderson County
(Hw) - See Statewide
BLEDSOE COUNTY
(F) - See Anderson County
(Hw) - See Statewide
BLOUNT COUNTY
(F) - See Anderson County
(Hw) - See Statewide
BRADLEY COUNTY
(F) - See Anderson County
(Hw) - See Statewide
CAMPBELL COUNTY
(F) - See Anderson County
(Hw) - See Statewide
CANNON COUNTY
(F) - See Anderson County
(Hw) - See Statewide
CARROLL COUNTY
(F) - See Anderson County
(Hw) - See Statewide
CARTER COUNTY
Decision #TN76-1052 (B)
41 FR 17301 - 4/23/76
Decision #TN75-1098 (R)
41 FR 44476- 9/26/75
(F) - See Anderson County
(Hw) - See Statewide
CHEATHAM COUNTY
Decision #TN76-1010 (R)
41 FR 2614 - 1/16/76
(F) - See Anderson County
(Hw) - See Statewide
CHESTER COUNTY
(F) - See Anderson County
(Hw) - See Statewide
CLAIBORNE COUNTY
(F) - See Anderson County
(Hw) - See Statewide

TENNESSEE (CONT'D.)

CLAY COUNTY
(F) - See Anderson County
(Hw) - See Statewide
COCKE COUNTY
(F) - See Anderson County
(Hw) - See Statewide
COFFEE COUNTY
(F) - See Anderson County
(Hw) - See Statewide
CROCKETT COUNTY
(F) - See Anderson County
(Hw) - See Statewide
CUMBERLAND COUNTY
(Hw) - See Statewide
DAVIDSON COUNTY
Decision #TN75-1088 (B)
40 FR 42505 - 9/12/75
Mod. #1 - 40 FR 55616 - 11/28/75
Mod. #2 - 41 FR 22721 - 6/4/76
(R) - See Cheatham County
(F) - See Anderson County
(Hw) - See Statewide
DECATUR COUNTY
(F) - See Anderson County
(Hw) - See Statewide
DEKALB COUNTY
(F) - See Anderson County
(Hw) - See Statewide
DICKSON COUNTY
(F) - See Anderson County
(Hw) - See Statewide
(R) - See Cheatham County
DYER COUNTY
Decision #TN75-1074 (R)
40 FR 33645 - 8/8/75
Decision #TN76-1054 (B)
41 FR 21140 - 5/21/76
Decision #AL76-5090 (D)
41 FR 44609 - 10/8/76
(F) - See Anderson County
(Hw) - See Statewide
FAYETTE COUNTY
(F) - See Anderson County
(Hw) - See Statewide
FENTRESS COUNTY
(F)- See Anderson County
(Hw) - See Statewide
FRANKLIN COUNTY
(F) - See Anderson County
(Hw) - See Statewide
GIBSON COUNTY
(F) - See Anderson County
(Hw) - See Statewide
(B,R) - See Dyer County

TENNESSEE (Cont'd)

GILES COUNTY
(F) - See Anderson County
(Hw) - See Statewide
GRAINGER COUNTY
(F) - See Anderson County
(Hw) - See Statewide
GREENE COUNTY
(F) - See Anderson County
(Hw) - See Statewide
GRUNDY COUNTY
(F) - See Anderson County
(Hw) - See Statewide
HAMBLEN COUNTY
(F) - See Anderson County
(Hw) - See Statewide
HAMILTON COUNTY
Decision #TN76-1127 (B,H)
41 FR 49001 - 11-5/76

(F) - See Anderson County
(Hw) - See Statewide
HANCOCK COUNTY
(F) - See Anderson County
(Hw) - See Statewide
HARDEMAN COUNTY
(F) - See Anderson County
(Hw) - See Statewide
HARDIN COUNTY
(F) - See Anderson County
(Hw) - See Statewide
HAWKINS COUNTY
(F) - See Anderson County
(Hw) - See Statewide
HAYWOOD COUNTY
(F) - See Anderson County
(Hw) - See Statewide
HENDERSON COUNTY
(F) - See Anderson County
(Hw) - See Statewide
HENRY COUNTY
(F) - See Anderson County
(Hw) - See Statewide
HICKMAN COUNTY
(F) - See Anderson County
(Hw) - See Statewide
HOUSTON COUNTY
(F) - See Anderson County
(Hw) - See Statewide
HUMPHREYS COUNTY
(F) - See Anderson County
(Hw) - See Statewide
JACKSON COUNTY
(F) - See Anderson County
(Hw) - See Statewide

TENNESSEE (CONT'D)

JEFFERSON COUNTY
(F) - See Anderson County
(Hw) - See Statewide
JOHNSON COUNTY
(F) - See Anderson County
(Hw) - See Statewide
KNOX COUNTY
Decision #TN76-1081 (B)
41 FR 33178 - 8/6/76
Mod. #1 - 41 FR 44607 - 10/8/76
Mod. #2 - 41 FR 47718 - 10/29/76
Decision #TN76-1055 (R)
41 FR 27648 - 7/2/76
(F) - See Anderson County
(Hw) - See Statewide
LAKE COUNTY
(R) - See Dyer County
(F) - See Anderson County
(Hw) - See Statewide
LAUDERDALE COUNTY
(D) - See Dyer County
(F) - See Anderson County
(Hw) - See Statewide
LAWRENCE COUNTY
(F) - See Anderson County
(Hw) - See Statewide
(R) - See Cheatham County
LEWIS COUNTY
(F) - See Anderson County
(Hw) - See Statewide
LINCOLN COUNTY
(F) - See Anderson County
(Hw) - See Statewide
LOUDON COUNTY
(F) - See Anderson County
(Hw) - See Statewide
MC MINN COUNTY
(F) - See Anderson County
(Hw) - See Statewide
MC NAIRY COUNTY
(F) - See Anderson County
(Hw) - See Statewide
MACON COUNTY
(F) - See Anderson County
(Hw) - See Statewide
MADISON COUNTY
Decision #TN75-1051 (B)
40 FR 21666 - 5/16/75
Mod. #1 - 40 FR 57075 - 12/5/75
(F) - See Anderson County
(Hw) - See Statewide
MARION COUNTY
(F) - See Anderson County
(Hw) - See Statewide

TENNESSEE (Cont'd)

MARSHALL COUNTY
(F) - See Anderson County
(Hw) - See Statewide
(R) - See Cheatham County
MAURY COUNTY
(F) - See Anderson County
(Hw) - See Statewide
(R) - See Cheatham County
MEIGS COUNTY
(F) - See Anderson County
(Hw) - See Statewide
MONROE COUNTY
(F) - See Anderson County
MONTGOMERY COUNTY
(F) - See Anderson County
(Hw) - See Statewide
MOORE COUNTY
(F) - See Anderson County
(Hw) - See Statewide
MORGAN COUNTY
(F) -See Anderson County
(Hw) - See Statewide
OBION COUNTY
(R) - See Dyer County
(F) - See Anderson County
(Hw) - See Statewide
OVERTON COUNTY
(F) - See Anderson County
(Hw) - See Statewide
PERRY COUNTY
(F) - See Anderson County
(Hw) - See Statewide
PICKETT COUNTY
(F) - See Anderson County
(Hw) - See Statewide
POLK COUNTY
(F) - See Anderson County
(Hw) - See Statewide
PUTNAM COUNTY
(F) - See Anderson County
(Hw) - See Statewide
RHEA COUNTY
(Hw) - See Statewide
(F) - See Anderson County
ROANE COUNTY
(B) - See Anderson Co. (Oak Ridge Energy Research Development Administration Only)
(F) - See Anderson County
(Hw) - See Statewide
ROBERTSON COUNTY
(F) - See Anderson County
(Hw) - See Statewide
(R) - See Cheatham County

TENNESSEE (Cont'd)

RUTHERFORD COUNTY
Decision #TN76-1056 (B)
41 FR 20147 - 5/14/76
(F) - See Anderson County
(Hw) - See Statewide
(R) - See Cheatham County
SCOTT COUNTY
(F) - See Anderson County
(Hw) - See Statewide
SEQUATCHIE COUNTY
(F) - See Anderson County
(Hw) - See Statewide
SEVIER COUNTY
(F) - See Anderson County
(Hw) - See Statewide
SHELBY COUNTY
Decision #TN76-1116 (B,H,W&S & Utility)
41 FR 44658 - 10/8/76

Decision #TN76-1057 (R)
41 FR 20148 - 5/14/76
(D) - See Dyer County
(F) - See Anderson County
(Hw) - See Statewide
SMITH COUNTY
(Hw) - See Statewide
(F) - See Anderson County
STEWART COUNTY
(F) - See Anderson County
(Hw) - See Statewide
SULLIVAN COUNTY
Decision #TN76-1061 (B)
41 FR 20148 - 5/14/76
(F) - See Anderson County
(Hw) - See Statewide
(R) - See Carter County
SUMNER COUNTY
(F) - See Anderson County
(Hw) - See Statewide
(R) - See Cheatham County
TIPTON COUNTY
(D) - See Dyer County
(F) - See Anderson County
(Hw) - See Statewide
TROUSDALE COUNTY
(F) - See Anderson County
(Hw) - See Statewide
(R) - See Cheatham County

TENNESSEE (Cont'd.)

UNICOI COUNTY
(F) - See Anderson County
(Hw) - See Statewide
UNION COUNTY
(F) - See Anderson County
(Hw) - See Statewide
VAN BUREN COUNTY
(Hw) - See Statewide
(F) - See Anderson County
WARREN COUNTY
(F) - See Anderson County
(Hw) - See Statewide
WASHINGTON COUNTY
Decision #TN76-1045 (B)
41 FR 14306 - 4/2/76
Mod. #1 - 41 FR 28468 - 7/9/76
(F) - See Anderson County
(Hw) - See Statewide
WAYNE COUNTY
(F) - See Anderson County
(Hw) - See Statewide
WEAKLEY COUNTY
(F) - See Anderson County
(Hw) - See Statewide
(R) - See Dyer County
WHITE COUNTY
(F) - See Anderson County
(Hw) - See Statewide
WILLIAMSON COUNTY
(R) - See Cheatham County
(F) - See Anderson County
(Hw) - See Statewide
WILSON COUNTY
(F) - See Anderson County
(Hw) - See Statewide
(R) - See Cheatham County

TEXAS

STATEWIDE (Excluding Dallas-Fort Worth Regional Airport)
Decision #TX76-4153 (H(Excluding tunnels and dams), Hw
Incidental shore work, and paving and utilities incidental to general building construction)
41 FR 43635 - 10/1/76
ANDERSON COUNTY
Decision #TX76-4154 (R)
41 FR 43643 - 10/1/76
(H,Hw) - See Statewide

TEXAS (Cont'd.)

ANDREWS COUNTY
(H,Hw) - See Statewide
ARANSAS COUNTY
(H,Hw) - See Statewide
Decision #AL76-5090 (D)
41 FR 44609 - 10/8/76
ARCHER COUNTY
(H,Hw) - See Statewide
ARMSTRONG COUNTY
Decision #TX76-4168 (B)
41 FR 44671 - 10/8/76
Mod. #1 - 41 FR 46820 - 10/22/76
Decision #TX76-4155 (R)
41 FR 43645 - 10/1/76
Mod. #1 - 41 FR 45799 - 10/15/76
Mod. #2 - 41 FR 46820 - 10/22/76
(H,Hw) - See Statewide
ATASCOSA COUNTY
(H,Hw) - See Statewide
AUSTIN COUNTY
(H,Hw) - See Statewide
BAILEY COUNTY
(H,Hw) - See Statewide
Decision #TX76-4029 (R)
41 FR 7006 - 2/13/76
BANDERA COUNTY
(H,Hw) - See Statewide
BASTROP COUNTY
Decision #AR-1 (R)
39 FR 24809 - 7/5/74
(H,Hw) - See Statewide
BAYLOR COUNTY
(H,Hw) - See Statewide
BEE COUNTY
Decision #TX76-4125 (B)
41 FR 30563 - 7/23/76
Mod. #1 - 41 FR 35330 - 8/20/76
Mod. #2 - 41 FR 43568 - 10/1/76
Mod. #3 - 41 FR 45798 - 10/15/76
Decision #TX76-4030 (R)
41 FR 7008 - 2/13/76
(H,Hw) - See Statewide
BELL COUNTY
(H,Hw) - See Statewide
Decision #TX76-4157 (B)
41 FR 43649 - 10/1/76
Mod. #1 - 41 FR 45799 - 10/15/76
Mod. #2 - 41 FR 46820 - 10/22/76

TEXAS (Cont'd)

BEXAR COUNTY
Decision #TX76-4080 (R)
41 FR 19037 - 5/7/76
(H,Hw) - See Statewide
Decision #TX76-4140 (B)
41 FR 33184 - 8/6/76
Mod. #1 - 41 FR 44607 - 10/8/76
Mod. #2 - 41 FR 45798 - 10/15/76
BLANCO COUNTY
(H,Hw) - See Statewide
(R) - See Bastrop County
BORDEN COUNTY
(H,Hw) - See Statewide
BOSQUE COUNTY
Decision #TX76-4161 (R)
41 FR 46838 - 10/22/76
(B) - See Bell County
(H,Hw) - See Statewide
BOWIE COUNTY
Decision #TX76-4169 (B)
41 FR 44662 - 10/8/76
(H,Hw) - See Statewide
BRAZORIA COUNTY
(H,Hw) - See Statewide
Decision #AR-11 (R)
39 FR 29910 - 8/16/74
(D) - See Aransas County
BRAZOS COUNTY
Decision #TX76-4170 (B)
41 FR 44674 - 10/8/76

(H,Hw) - See Statewide
BREWSTER COUNTY
(H,Hw) - See Statewide
BRISCOE COUNTY
(H,Hw) - See Statewide
BROOKS COUNTY
(H,Hw) - See Statewide
BROWN COUNTY
(H,Hw) - See Statewide
BURLESON COUNTY
(H,Hw) - See Statewide
BURNETT COUNTY
(H,Hw) - See Statewide
CALDWELL COUNTY
(H,Hw) - See Statewide
(R) - See Bastrop County
CALHOUN COUNTY
(H,Hw) - See Statewide
(D) - See Aransas County
CALLAHAN COUNTY
(H,Hw) - See Statewide

TEXAS (Cont'd)

CAMERON COUNTY
Decision #TX76-4126 (B) –
41 FR 30565 - 7/23/76
Mod. #1 - 41 FR 42058 - 9/24/76
Mod. #2 - 41 FR 46819 - 10/22/76
Decision #TX76-4162 (R)
41 FR 44669 - 10/8/76
Mod. #1 - 41 FR 46820 - 10/22/76
(H,Hw) - See Statewide
CAMP COUNTY
Decision #TX76-4156 (R)
41 FR 43647 - 10/1/76
(H,Hw) - See Statewide
CARSON COUNTY
(B,R) - See Armstrong County
(H,Hw) - See Statewide
CASS COUNTY
(H,Hw) - See Statewide
CASTRO COUNTY
(B,R) - See Armstrong County
(H,Hw) - See Statewide
CHAMBERS COUNTY
(H,Hw) - See Statewide
(D) - See Aransas County
CHEROKEE COUNTY
(R) - See Anderson County
(H,Hw) - See Statewide
CHILDRESS COUNTY
(B,R) - See Armstrong County
(H,Hw) - See Statewide
CLAY COUNTY
(H,Hw) - See Statewide
COCHRAN COUNTY
(H,Hw) - See Statewide
(R) - See Bailey County
COKE COUNTY
(H,Hw) - See Statewide
COLEMAN COUNTY
(H,Hw) - See Statewide
COLLIN COUNTY
Decision #AQ-87 (R)
39 FR 10106 - 3/15/74
Decision #TX76-4085 (B-excluding Dallas-Fort Worth Regional Airport)
41 FR 21144 - 5/21/76
Mod. #1 - 41 FR 24841 - 6/18/76
Mod. #2 - 41 FR 30504 - 7/23/76
Mod. #3 - 41 FR 35329 - 8/20/76
(H,Hw) - See Statewide
COLLINGSWORTH COUNTY
(B,R) - See Armstrong County
(H,Hw) - See Statewide
COLORADO COUNTY
(H,Hw) - See Statewide
COMAL COUNTY
(H,Hw) - See Statewide
COMANCHE COUNTY
(H,Hw) - See Statewide
CONCHO COUNTY
(H,Hw) - See Statewide
COOKE COUNTY
(H,Hw) - See Statewide
CORYELL COUNTY
(B) - See Bell County
(H,Hw) - See Statewide
COTTLE COUNTY
(H,Hw) - See Statewide

TEXAS (Cont'd.)

CRANE COUNTY
(H,Hw) - See Statewide
Decision #TX76-4038 (R)
41 FR 7009 - 2/13/76
CROCKETT COUNTY
(H,Hw) - See Statewide
CROSBY COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
CULBERSON COUNTY
(H,Hw) - See Statewide
DALLAM COUNTY
(R)(B) - See Armstrong County
(H,Hw) - See Statewide
DALLAS COUNTY
(B,R) - See Collin County
(H,Hw) - See Statewide
DAWSON COUNTY
(H,Hw) - See Statewide
DEAF SMITH COUNTY
(B,R) - See Armstrong County
(H,Hw) - See Statewide
DELTA COUNTY
(R) - See Camp County
(H,Hw) - See Statewide
DENTON COUNTY
(B,R) - See Collin County
(H,Hw) - See Statewide
DE WITT COUNTY
(H,Hw) - See Statewide
DICKENS COUNTY
(H,Hw) - See Statewide
DIMMIT COUNTY
Decision #TX76-4039 (B,R)
41 FR 7014 - 2/13/76
(H,Hw) - See Statewide
DONLEY COUNTY
(B,R) - See Armstrong County
(H,Hw) - See Statewide
DUVAL COUNTY
(H,Hw) - See Statewide
EASTLAND COUNTY
(H,Hw) - See Statewide
ECTOR COUNTY
Decision #TX76-4118 (B)
41 FR 29605 - 7/16/76
Mod. #1 - 41 FR 33129 - 8/16/76
Mod. #2 - 41 FR 42058 - 9/24/76
(H,Hw) - See Statewide
(R) - See Crane County
EDWARDS COUNTY
(H,Hw) - See Statewide
ELLIS COUNTY
(B,R) - See Collin County
(H,Hw) - See Statewide
EL PASO COUNTY
Decision #TX76-4087 (B)
41 FR 21151 - 5/21/76
Mod. #1 - 41 FR 22721 - 6/4/76
Mod. #2 - 41 FR 30504 - 7/23/76
Mod. #3 - 41 FR 46818 - 10/22/76
Mod. #4 - 41 FR 47718 - 10/29/76
Mod. #5 - 41 FR 48938 - 11/5/76
(H,Hw) - See Statewide

TEXAS (Cont'd.)

ERATH COUNTY
(H,Hw) - See Statewide
FALLS COUNTY
(B) - See Bell County
(H,Hw) - See Statewide
FANNIN COUNTY
(R) - See Camp County
(H,Hw) - See Statewide
FAYETTE COUNTY
(H,Hw) - See Statewide
(R) - See Bastrop County
FISHER COUNTY
(H,Hw) - See Statewide
FLOYD COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
FOARD COUNTY
(H,Hw) - See Statewide
FORT BEND COUNTY
(R) - See Brazoria County
(H,Hw) - See Statewide
FRANKLIN COUNTY
(R) - See Camp County
(H,Hw) - See Statewide
FREESTONE COUNTY
(R) - See Bosque County
(H,Hw) - See Statewide
FRIO COUNTY
(H,Hw) - See Statewide
GAINES COUNTY
(H,Hw) - See Statewide
GALVESTON COUNTY
(R) - See Brazoria County
(D) - See Aransas County
(H,Hw) - See Statewide
Decision #TX76-4151 (B)
41 FR 42149 - 9/24/76
Mod. #1 - 41 FR 44607 - 10/8/76
Mod. #2 - 41 FR 45799 - 10/15/76
Mod. #3 - 41 FR 46820 - 10/22/76
GARZA COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
GILLESPIE COUNTY
(H,Hw) - See Statewide
GLASSCOCK COUNTY
(H,Hw) - See Statewide
GOLIAD COUNTY
(H,Hw) - See Statewide
GONZALES COUNTY
(H,Hw) - See Statewide
GRAY COUNTY
(R,B) - See Armstrong County
(H,Hw) - See Statewide
GRAYSON COUNTY
(B) - See Collin County
(H,Hw) - See Statewide
GREGG COUNTY
Decision #TX76-4115 (B)
41 FR 29652 - 7/16/76
Mod. #1 - 41 FR 33129 - 8/6/76
Mod. #2 - 41 FR 44607 - 10/8/76
Mod. #3 - 41 FR 46819 - 10/22/76
Decision #TX76-4163 (R)
41 FR 44676 - 10/8/76
(H,Hw) - See Statewide

TEXAS (Cont'd)

GRIMES COUNTY
(H,Hw) - See Statewide
GUADALUPE COUNTY
(H,Hw) - See Statewide
HALE COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
HALL COUNTY
(H,Hw) - See Statewide
HAMILTON COUNTY
(H,Hw) - See Statewide
HANSFORD COUNTY
(R,B) - See Armstrong County
(H,Hw) - See Statewide
HARDEMAN COUNTY
(H,Hw) - See Statewide
HARDIN COUNTY
(H,Hw) - See Statewide
HARRIS COUNTY
(B) - See Galveston County
(R) - See Brazoria County
(D) - See Aransas County
(H,Hw) - See Statewide
HARRISON COUNTY
Decision #TX76-4042 (B)
41 FR 7013 - 2/13/76
Mod. #1 - 41 FR 12853 - 3/26/76
Mod. #2 - 41 FR 17297 - 4/23/76
Mod. #3 - 41 FR 21037 - 5/21/76
Mod. #4 - 41 FR 46818 - 10/22/76
(H,Hw) - See Statewide
(R) - See Gregg County
HARTLEY COUNTY
(R,B) - See Armstrong County
(H,Hw) - See Statewide
HASKELL COUNTY
(H,Hw) - See Statewide
HAYS COUNTY
(H,Hw) - See Statewide
(R) - See Bastrop County
HEMPHILL COUNTY
(R,B) - See Armstrong County
(H,Hw) - See Statewide
HENDERSON COUNTY
(R) - See Anderson County
(H,Hw) - See Statewide
HIDALGO COUNTY
(R,B) - See Cameron County
(H,Hw) - See Statewide
HILL COUNTY
(R) - See Bosque County
(B) - See Bell County
(H,Hw) - See Statewide
HOCKLEY COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
HOOD COUNTY
(B) - See Collin County
Decision #TX76-4043 (R)
41 FR 7011 - 2/13/76
(H,Hw) - See Statewide

TEXAS (Cont'd.)

HOPKINS COUNTY
(R) - See Camp County
(H,Hw) - See Statewide
HOUSTON COUNTY
(H,Hw) - See Statewide
HOWARD COUNTY
Decision #TX76-4164 (B,R)
41 FR 44665 - 10/8/76

(H,Hw) - See Statewide
HUDSPETH COUNTY
(H,Hw) - See Statewide
HUNT COUNTY
(R)(B) - See Collin County
(H,Hw) - See Statewide
HUTCHINSON COUNTY
(R)(B) - See Armstrong County
(H,Hw) - See Statewide
IRION COUNTY
(H,Hw) - See Statewide
JACK COUNTY
(H,Hw) - See Statewide
JACKSON COUNTY
(D) - See Aransas County
(H,Hw) - See Statewide
JASPER COUNTY
(H,Hw) - See Statewide
JEFF DAVIS COUNTY
(H,Hw) - See Statewide
JEFFERSON COUNTY
Decision #TX76-4106 (B,R)
41 FR 27649 - 7/2/76
Mod. #1 - 41 FR 32107 - 7/30/76
Mod. #2 - 41 FR 33129 - 8/6/76
Mod. #3 - 41 FR 42058 - 9/24/76
Mod. #4 - 41 FR 46819 - 10/22/76
(D) - See Aransas County
(Hw) - See Statewide
JIM HOGG COUNTY
(H,Hw) - See Statewide
(B,R) - See Dimmit County
JIM WELLS COUNTY
(H,Hw) - See Statewide
JOHNSON COUNTY
(B) - See Collin County
(H,Hw) - See Statewide
(R) - See Hood County
JONES COUNTY
(H,Hw) - See Statewide
KARNES COUNTY
(H,Hw) - See Statewide

TEXAS (Cont'd)

KAUFMAN COUNTY
(B,R) - See Collin County
(H,Hw) - See Statewide
KENDALL COUNTY
(H,Hw) - See Statewide
KENEDY COUNTY
(H,Hw) - See Statewide
(D) - See Aransas County
KENT COUNTY
(H,Hw) - See Statewide
KERR COUNTY
(H,Hw) - See Statewide
KIMBLE COUNTY
(H,Hw) - See Statewide
KING COUNTY
(H,Hw) - See Statewide
KINNEY COUNTY
(H,Hw) - See Statewide
KLEBERG COUNTY
(B) - See Bee County
(D) - See Aransas County
(H,Hw) - See Statewide
(R) - See Bee County
KNOX COUNTY
(H,Hw) - See Statewide
LAMAR COUNTY
(R) - See Camp County
(H,Hw) - See Statewide
LAMB COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
LAMPASAS COUNTY
(H,Hw) - See Statewide
LA SALLE COUNTY
(B,R) - See Dimmit County
(H,Hw) - See Statewide
LAVACA COUNTY
(H,Hw) - See Statewide
LEE COUNTY
(H,Hw) - See Statewide
(R) - See Bastrop County

TEXAS (Cont'd)

LEON COUNTY
(H,Hw) - See Statewide
LIBERTY COUNTY
(H,Hw) - See Statewide
LIMESTONE COUNTY
(B) - See Bosque County
(H,Hw) - See Statewide
LIPSCOMB COUNTY
(H,Hw) - See Statewide
(B)(R) - See Armstrong County
LIVE OAK COUNTY
(H,Hw) - See Statewide
LLANO COUNTY
(H,Hw) - See Statewide
LOVING COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
LUBBOCK COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
Decision #TX76-4110 (B)
41 FR 27652 - 7/2/76
Mod. #1 - 41 FR 30505 - 7/23/76
Mod. #2 - 41 FR 33129 - 8/6/76
Mod. #3 - 41 FR 47718 - 10/29/76
LYNN COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
McCULLOCH COUNTY
(H,Hw) - See Statewide
McLENNAN COUNTY
(R) - See Bosque County
(B) - See Bell County
(H,Hw) - See Statewide
McMULLEN COUNTY
(H,Hw) - See Statewide
MADISON COUNTY
(H,Hw) - See Statewide
MARION COUNTY
(H,Hw) - See Statewide
MARTIN COUNTY
(H,Hw) - See Statewide

TEXAS (Cont'd)

MASON COUNTY
(H,Hw) - See Statewide
MATAGORDA COUNTY
(R) - See Brazoria County
(H,Hw) - See Statewide
(D) - See Aransas County
MAVERICK COUNTY
(B,R) - See Dimmit County
(H,Hw) - See Statewide
MEDINA COUNTY
(H,Hw) - See Statewide
MENARD COUNTY
(H,Hw) - See Statewide
MIDLAND COUNTY
(B) - See Ector County
(H,Hw) - See Statewide
(R) - See Crane County
MILAM COUNTY
(H,Hw) - See Statewide
MILLS COUNTY
(H,Hw) - See Statewide
MITCHELL COUNTY
(H,Hw) - See Statewide
MONTAGUE COUNTY
(H,Hw) - See Statewide
MONTGOMERY COUNTY
(R) - See Brazoria County
(H,Hw) - See Statewide
MOORE COUNTY
(R)(B) - See Armstrong County
(H,Hw) - See Statewide
MORRIS COUNTY
(H,Hw) - See Statewide
MOTLEY COUNTY
(H,Hw) - See Statewide
NACOGDOCHES COUNTY
(H,Hw) - See Statewide
NAVARRO COUNTY
(R) - See Bosque County
(H,Hw) - See Statewide

TEXAS (Cont'd)

NEWTON COUNTY
(H,Hw) - See Statewide
NOLAN COUNTY
(H,Hw) - See Statewide
NUECES COUNTY
(B) - See Bee County
(D) - See Aransas County
(H,Hw) - See Statewide
(R) - See Bee County
OCHILTREE COUNTY
(R) (B) - See Armstrong County
(H,Hw) - See Statewide
OLDHAM COUNTY
(R)(B) - See Armstrong County
(H,Hw) - See Statewide
ORANGE COUNTY
(R)(B) - See Jefferson County
(Hw) - See Statewide
(D) - See Aransas County
PALO PINTO COUNTY
(B) - See Collin County
(H,Hw) - See Statewide
(R) - See Hood County
PANOLA COUNTY
(H,Hw) - See Statewide
PARKER COUNTY
(H,Hw) - See Statewide
(R) - See Hood County
PARMER COUNTY
(H,Hw) - See Statewide
PECOS COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
POLK COUNTY
(H,Hw) - See Statewide
POTTER COUNTY
(H,Hw) - See Statewide
(B) (R) - See Armstrong County
PRESIDIO COUNTY
(H,Hw) - See Statewide
RAINS COUNTY
(H,Hw) - See Statewide
RANDALL COUNTY
(H,Hw) - See Statewide
(B)(R) - See Armstrong County
REAGAN COUNTY
(H,Hw) - See Statewide
REAL COUNTY
(H,Hw) - See Statewide
RED RIVER COUNTY
(H,Hw) - See Statewide

TEXAS (Cont'd)

REEVES COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
REFUGIO COUNTY
(D) - See Aransas County
(H,Hw) - See Statewide
ROBERTS COUNTY
(H,Hw) - See Statewide
(B) (R) - See Armstrong County
ROBERTSON COUNTY
(H,Hw) - See Statewide
ROCKWALL COUNTY
(R)(B) - See Collin County
(H,Hw) - See Statewide
RUNNELS COUNTY
(H,Hw) - See Statewide
RUSK COUNTY
(R) - See Gregg County
(H,Hw) - See Statewide
SABINE COUNTY
(H,Hw) - See Statewide
SAN AUGUSTINE COUNTY
(H,Hw) - See Statewide
SAN JACINTO COUNTY
(H,Hw) - See Statewide
SAN PATRICIO COUNTY
(R) - See Bee County
(D) - See Aransas County
(H,Hw) - See Statewide
SAN SABA COUNTY
(H,Hw) - See Statewide
SCHLEICHER COUNTY
(H,Hw) - See Statewide
SCURRY COUNTY
(H,Hw) - See Statewide
SHACKELFORD COUNTY
(H,Hw) - See Statewide
SHELBY COUNTY
(H,Hw) - See Statewide
SHERMAN COUNTY
(H,Hw) - See Statewide
(B)(R) - See Armstrong County
SMITH COUNTY
Decision #TX76-4165 (R)
41 FR 44678 - 10/8/76
Decision #TX76-4127 (B)
41 FR 30491 - 7/23/76
Mod. #1 - 41 FR 46819 - 10/22/76
(H,Hw) - See Statewide
SOMERVELL COUNTY
(H,Hw) - See Statewide
STARR COUNTY
(H,Hw) - See Statewide
(B)(R) - See Cameron County
STEPHENS COUNTY
(H,Hw) - See Statewide

TEXAS (Cont'd)

STERLING COUNTY
(H,Hw) - See Statewide
STONEWALL COUNTY
(H,Hw) - See Statewide
SUTTON COUNTY
(H,Hw) - See Statewide
SWISHER COUNTY
(H,Hw) - See Statewide
(B)(R) - See Armstrong County
TARRANT COUNTY
(B) - See Collin County
(H,Hw) - See Statewide
Decision #AQ-117 (R)
39 FR 22400 - 6/21/74
TAYLOR COUNTY
Decision #TX76-4171 (B)
41 FR 44664 - 10/8/76
(H,Hw) - See Statewide
TERRELL COUNTY
(H,Hw) - See Statewide
TERRY COUNTY
(H,Hw) - See Statewide
(R) - See Bailey County
THROCKMORTON COUNTY
(H,Hw) - See Statewide
TITUS COUNTY
(R) - See Camp County
(H,Hw) - See Statewide
TOM GREEN COUNTY
Decision #TX76-4049 (B)
41 FR 7921 - 2/20/76
Mod. #1 - 41 FR 12854 - 3/26/76
Mod. #2 - 41 FR 30503 - 7/23/76
Mod. #3 - 41 FR 42058 - 9/24/76
(H,Hw) - See Statewide
TRAVIS COUNTY
Decision #TX76-4152 (B)
41 FR 42152 - 9/24/76
Mod. #1 - 41 FR 44608 - 10/8/76
Mod. #2 - 41 FR 45799 - 10/15/76
(R) - See Bastrop County
(H,Hw) - See Statewide
TRINITY COUNTY
(H,Hw) - See Statewide
TYLER COUNTY
(H,Hw) - See Statewide
UPSHUR COUNTY
(R) - See Gregg County
(H,Hw) - See Statewide
UPTON COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
UVALDE COUNTY
(H,Hw) - See Statewide
VAL VERDE COUNTY
(H,Hw) - See Statewide
VAN ZANDT COUNTY
(R) - See Smith County
(H,Hw) - See Statewide
VICTORIA COUNTY
(H,Hw) - See Statewide

TEXAS (Cont'd.)

VICTORIA COUNTY (Cont'd.)
(D) - See Aransas County
WALKER COUNTY
(H,Hw) - See Statewide
(R) - See Brazoria County
WALLER COUNTY
(H,Hw) - See Statewide
WARD COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
WASHINGTON COUNTY
(H,Hw) - See Statewide
WEBB COUNTY
(B,R) - See Dimmit County
(H,Hw) - See Statewide
WHARTON COUNTY
(H,Hw) - See Statewide
WHEELER COUNTY
(R)(B) - See Armstrong County
(H,Hw) - See Statewide
WICHITA COUNTY
Decision #TX76-4166 (R)
41 FR 44667 - 10/8/76
Decision #TX76-4128 (B)
41 FR 30566 - 7/23/76
Mod. #1 - 41 FR 33129 - 8/6/76
Mod. #2 - 41 FR 35330 - 8/20/76
Mod. #3 - 41 FR 44607 - 10/8/76
Mod. #4 - 41 FR 45798 - 10/15/76
(H,Hw) - See Statewide
WILBARGER COUNTY
(H,Hw) - See Statewide
WILLACY COUNTY
(R)(B) - See Cameron County
(H,Hw) - See Statewide
(D) - See Aransas County
WILLIAMSON COUNTY
(H,Hw) - See Statewide
(R) - See Bastrop County
WILSON COUNTY
(H,Hw) - See Statewide
WINKLER COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
WISE COUNTY
(B) - See Collin County
(H,Hw) - See Statewide
(R) - See Hood County
WOOD COUNTY
(R) - See Smith County
(H,Hw) - See Statewide
YOAKUM COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
YOUNG COUNTY
(H,Hw) - See Statewide
ZAPATA COUNTY
(B,R) - See Dimmit County
(H,Hw) - See Statewide
ZAVALA COUNTY
(B,R) - See Dimmit County
(H,Hw) - See Statewide

UTAH

STATEWIDE
Decision #UT76-5097 (B,H,Hw)
41 FR 49003 - 11/5/76
BEAVER COUNTY
(B,H,Hw) - See Statewide
BOX ELDER COUNTY
(B,H,Hw) - See Statewide
CACHE COUNTY
(B,H,Hw) - See Statewide
CARBON COUNTY
(B,H,Hw) - See Statewide
DAGGETT COUNTY
(B,H,Hw) - See Statewide
DAVIS COUNTY
(B,H,Hw) - See Statewide
DUCHESNE COUNTY
(B,H,Hw) - See Statewide
EMERY COUNTY
(B,H,Hw) - See Statewide
GARFIELD COUNTY
(B,H,Hw) - See Statewide
GRAND COUNTY
(B,H,Hw) - See Statewide
IRON COUNTY
(B,H,Hw) - See Statewide
JUAB COUNTY
(B,H,Hw) - See Statewide
KANE COUNTY
(B,H,Hw) - See Statewide
MILLARD COUNTY
(B,H,Hw) - See Statewide
MORGAN COUNTY
(B,H,Hw) - See Statewide
PIUTE COUNTY
(B,H,Hw) - See Statewide
RICH COUNTY
(B,H,Hw) - See Statewide
SALT LAKE COUNTY
(B,H,Hw) - See Statewide
SAN JUAN COUNTY
(B,H,Hw) - See Statewide
SANPETE COUNTY
(B,H,Hw) - See Statewide
SEVIER COUNTY
(B,H,Hw) - See Statewide
SUMMIT COUNTY
(B,H,Hw) - See Statewide
TOOELE COUNTY
(B,H,Hw) - See Statewide
UINTAH COUNTY
(B,H,Hw) - See Statewide
UTAH COUNTY
(B,H,Hw) - See Statewide
WASATCH COUNTY
(B,H,Hw) - See Statewide
WASHINGTON COUNTY
(B,H,Hw) - See Statewide

UTAH (Cont'd)

WAYNE COUNTY
(B,H,Hw) - See Statewide
WEBER COUNTY
(B,H,Hw) - See Statewide

VERMONT

Statewide (Except Rutland County)
Decision #VT76-2040 (Hw)
41 FR 12873 - 3/26/76
Mod. #1 - 41 FR 16318 - 4/16/76
ADDISON COUNTY
(Hw) - See Statewide
BENNINGTON COUNTY
(Hw) - See Statewide
CALEDONIA COUNTY
(Hw) - See Statewide
CHITTENDEN COUNTY
(Hw) - See Statewide
ESSEX COUNTY
(Hw) - See Statewide
FRANKLIN COUNTY
(Hw) - See Statewide
GRAND ISLE COUNTY
(Hw) - See Statewide
LAMOILLE COUNTY
(Hw) - See Statewide
ORANGE COUNTY
(Hw) - See Statewide
ORLEANS COUNTY
(Hw) - See Statewide
RUTLAND COUNTY
None
WASHINGTON COUNTY
(Hw) - See Statewide
WINDHAM COUNTY
(Hw) - See Statewide
WINDSOR COUNTY
(Hw) - See Statewide

VIRGIN ISLANDS

ISLAND WIDE
Decision #VI76-3166 (B)
41 FR 19003 - 5/7/76
Decision #VI76-3167 (H,Hw)
41 FR 19003 - 5/7/76

VIRGINIA

ACCOMACK COUNTY
Decision #AP-805 (Hw)
38 FR 11279 - 5/4/73
Mod. #1 - 38 FR 13127 - 5/18/73
Mod. #2 - 40 FR 15284 - 4/4/75
Mod. #3 - 40 FR 23631 - 5/30/75
Decision #GA76-5025 (D)
41 FR 12857 - 3/26/76
ALBERMARLE COUNTY
Decision #VA75-3094 ((B)
40 FR 43415 - 9/19/75
Mod. #1 - 40 FR 48847 - 10/17/75
Mod. #2 - 41 FR 11735 - 3/19/76
ALEXANDRIA CITY
Decision #MD76-3225 (B)
41 FR 32141 - 7/30/76
Mod. #1 - 41 FR 34487 - 8/13/76
Mod. #2 - 41 FR 38709 - 9/10/76
Mod. #3 - 41 FR 42059 - 10/1/76
Mod. #4 - 41 FR 48987 - 11/5/76
ALLEGHANY COUNTY
None
AMELIA COUNTY
Decision #AR-2032 (Hw)
39 FR 31871 - 8/30/74
AMHERST COUNTY
Decision #AQ-2032 (Hw)
38 FR 33259 - 11/30/73
APPOMATTOX COUNTY
(Hw) - See Amherst County
ARLINGTON COUNTY
(B) - See Alexandria City
(D) - See Accomack County
AUGUSTA COUNTY
None
BATH COUNTY
None
BEDFORD CITY
(Hw) - See Bedford County
BEDFORD COUNTY
Decision #AQ-2021 (Hw)
38 FR 27744 - 10/5/73
BLAND COUNTY
Decision #VA76-3253 (Hw)
41 FR 42154 - 9/24/76

VIRGINIA (Cont'd)

BOTETOURT COUNTY
(Hw) - See Bedford County
BRISTOL CITY
(Hw) - See Bland County
BRUNSWICK COUNTY
(Hw) - See Amelia County
BUCHANAN COUNTY
(Hw) - See Bland County
BUCKINGHAM COUNTY
(Hw) - See Amherst County
BUENA VISTA CITY
(Hw) - See Allegheny County
CAMPBELL COUNTY
Decision #VA75-3095 (B)
40 FR 43416 - 9/19/75
Mod. #1 - 41 FR 11735 - 3/19/76
(Hw) - See Amherst County
CAROLINE COUNTY
Decision #AQ-2031 (Hw)
38 FR 33258 - 11/30/73
CARROLL COUNTY
(Hw) - See Bedford County
CHARLES CITY COUNTY
(Hw) - See Amelia County
CHARLOTTE COUNTY
(Hw) - See Amherst County
CHARLOTTSVILLE CITY
(Hw) - See Albermarle County
CHESAPEAKE CITY
Decision #VA76-3214 (B)
41 FR 32189 - 7/30/76
Mod. #1 - 41 FR 40373 - 9/17/76
Mod. #2 - 41 FR 43569 - 10/1/76
Decision #AP-494 (Hw)
38 FR 7693 - 3/23/73
Mod. #1 - 40 FR 44446 - 9/26/75
(D) - See Accomack County
CHESTERFIELD COUNTY
(Hw) - See Amelia County
CLARKE COUNTY
None
CLIFTON FORGE CITY
(Hw) - See Alleghany County
COLONIAL HEIGHTS CITY
(Hw) - See Amelia County
COVINGTON CITY
(Hw) - See Alleghany County
CRAIG COUNTY
(Hw) - See Bedford County

VIRGINIA (Cont'd)

CULPEPER COUNTY
None
CUMBERLAND COUNTY
(Hw) - See Amherst County
DANVILLE CITY
(Hw) - See Amherst County
DICKENSON COUNTY
(Hw) - See Bland County
DINWIDDIE COUNTY
(Hw) - See Amelia County
EMPORIA CITY
(Hw) - See Accomack County
ESSEX COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
FAIRFAX COUNTY
(B) - See Alexandria City
(D) - See Accomack County
FAIRFAX CITY
(B) - See Alexandria City
FALLS CHURCH CITY
(B) - See Alexandria City
FAUQUIER COUNTY
None
FLOYD COUNTY
(Hw) - See Bedford County
FLUVANNA COUNTY
None
FORT MONROE CITY
(Hw) - See Chesapeake City
(B,H,W&S) - See York County
FRANKLIN CITY
(Hw) - See Accomack County
FRANKLIN COUNTY
(Hw) - See Bedford County
FREDERICK COUNTY
(R) - See Clarke County

VIRGINIA (Cont'd)

FREDERICKSBURG CITY
(Hw) - See Caroline County
GALAX CITY
(Hw) - See Bedford County
GILES COUNTY
(Hw) - See Bedford County
GLOUCESTER COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
GOOCHLAND COUNTY
(Hw) - See Amelia County
GRAYSON COUNTY
(Hw) - See Bland County
GREENE COUNTY
None
GREENSVILLE COUNTY
(Hw) - See Accomack County
HALIFAX COUNTY
(Hw) - See Amherst County
HAMPTON CITY
Decision #VA76-3254 (R)
41 FR 44680 - 10/8/76
(B,H,W&S) - See York County
(Hw) - See Chesapeake City
(D) - See Accomack County
HANOVER COUNTY
(Hw) - See Amelia County
HARRISONBURG CITY
(Hw) - See Allegheny County
HENRICO COUNTY
Decision #VA76-3213 (B)
41 FR 32187 - 7/30/76
Mod. #1 - 41 FR 40373 - 9/17/76
Mod. #2 - 41 FR 43569 - 10/1/76
(Hw) - See Amelia County

VIRGINIA (Cont'd.)

HENRY COUNTY
(Hw) - See Bedford County
HIGHLAND COUNTY
None
HOPEWELL CITY
(Hw) - See Amelia County
ISLE OF WIGHT COUNTY
(D,Hw) - See Accomack County
JAMES CITY COUNTY
(D,Hw) - See Accomack County
KING AND QUEEN COUNTY
(Hw) - See Caroline County
KING GEORGE COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
KING WILLIAM COUNTY
(Hw) - See Caroline County
LANCASTER COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
LEE COUNTY
(Hw) - See Bland County
LOUDOUN COUNTY
None
LOUISA COUNTY
None
LUNENBURG COUNTY
(Hw) - See Amelia County
LYNCHBURG CITY
(Hw) - See Amherst County
MADISON COUNTY
None
MARTINSVILLE CITY
(Hw) - See Bedford County

VIRGINIA (Cont'd)

MATHEWS COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
MECKLENBURG COUNTY
(Hw) - See Amelia County
MIDDLESEX COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
MONTGOMERY COUNTY
(Hw) - See Bedford County
NANSEMOND COUNTY
(D,Hw) - See Accomack County
NELSON COUNTY
(Hw) - See Amherst County
NEW KENT COUNTY
(Hw) - See Amelia County
NEWPORT NEWS CITY
(B,H,W&S) - See York County
(Hw) - See Chesapeake City
(D) - See Accomack County
(R) - See Hampton City
NORFOLK CITY
(Hw,B) - See Chesapeake City
(D) - See Accomack County
NORTHAMPTON COUNTY
(D,Hw) - See Accomack County
NORTON CITY
(Hw) - See Bland County
NORTHUMBERLAND COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
NOTTOWAY COUNTY
(Hw) - See Amelia County
ORANGE COUNTY
None

VIRGINIA (Cont'd)

PAGE COUNTY
None
PATRICK COUNTY
(Hw) - See Bedford County
PETERSBURG CITY
(Hw) - See Amelia County
PITTSYLVANIA COUNTY
(Hw) - See Amherst County
PORTSMOUTH CITY
(Hw,B) - See Chesapeake City
(D) - See Accomack County
POWHATAN COUNTY
(Hw) - See Amelia County
PRINCE EDWARD COUNTY
(Hw) - See Amherst County
PRINCE GEORGE COUNTY
(Hw) - See Amelia County
PRINCE WILLIAM COUNTY
(D) - See Accomack County
PULASKI COUNTY
(Hw) - See Bedford County
RADFORD CITY
Decision #VA76-3220 (B)
41 FR 33186 - 8/6/76
(Hw) - See Bedford County
RAPPAHANNOCK COUNTY
None
RICHMOND CITY
(B) - See Henrico County
(Hw) - See Amelia County
RICHMOND COUNTY
(Hw) - See Caroline County
ROANOKE CITY
(Hw) - See Bedford County
ROANOKE COUNTY
(Hw) - See Bedford County
ROCKBRIDGE COUNTY
None
ROCKINGHAM COUNTY
None
RUSSELL COUNTY
(Hw) - See Bland County
SALEM CITY
(Hw) - See Bedford County
SCOTT COUNTY
(Hw) - See Bland County
SHENANDOAH COUNTY
(R) - See Clarke County
SMYTH COUNTY
(Hw) - See Bland County
SOUTHAMPTON COUNTY
(Hw) - See Accomack County

VIRGINIA (Cont'd.)

SOUTH BOSTON CITY
(Hw) - See Amherst County
SPOTSYLVANIA COUNTY
(Hw) - See Caroline County
STAUNTON CITY
(Hw) - See Alleghany County
STAFFORD COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
SUFFOLK CITY
(Hw) - See Accomack County
SURRY COUNTY
(Hw) - See Accomack County
(D) - See Accomack County
SUSSEX COUNTY
(Hw) - See Accomack County
TAZEWELL COUNTY
(Hw) - See Bland County
VIRGINIA BEACH CITY
(Hw,B) - See Chesapeake City
(D) - See Accomack County
WARREN COUNTY
None
WASHINGTON COUNTY
(Hw) - See Bland County
WAYNESBORO CITY
(Hw) - See Allegheny County
WESTMORELAND COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
WILLIAMSBURG CITY
(Hw) - See Accomack County
WINCHESTER CITY
(Hw) - See Alleghany County
WISE COUNTY
(Hw) - See Bland County
WYTHE COUNTY
(Hw) - See Bland County
YORK COUNTY
Decision #VA76-3215 (B,H,H&S)
41 FR 32191 - 7/30/76
Mod. #1 - 41 FR 40373 - 9/17/76
Mod. #2 - 41 FR 43569 - 10/1/76
(D,Hw) - See Accomack County

WASHINGTON

STATEWIDE
Decision #WA76-5079 (B,H,Hw,D)
41 FR 35457 - 8/20/76
Mod. #1 - 41 FR 46821 - 10/22/76
Mod. #2 - 41 FR 48987 - 11/5/76
ADAMS COUNTY
(B,H,Hw,D) - See Statewide
ASOTIN COUNTY
(B,H,Hw,D) - See Statewide
BENTON COUNTY
(B,H,Hw,D) - See Statewide
CHELAN COUNTY
(B,H,Hw,D) - See Statewide
CLALLAM COUNTY
Decision #WA76-5040 (R)
41 FR 18275 - 4/30/76
(B,H,Hw,D) - See Statewide
CLARK COUNTY
(B,H,Hw,D) - See Statewide
COLUMBIA COUNTY
(B,H,Hw,D) - See Statewide
COWLITZ COUNTY
(B,H,Hw,D) - See Statewide
DOUGLAS COUNTY
(B,H,Hw,D) - See Statewide

FERRY COUNTY
(B,H,Hw, D) - See Statewide
FRANKLIN COUNTY
(B,H,Hw,D) - See Statewide
GARFIELD COUNTY
(B,H,Hw,D) - See Statewide
GRANT COUNTY
(B,H,Hw,D) - See Statewide
GRAYS HARBOR COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County

ISLAND COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
JEFFERSON COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
KING COUNTY
(R) - See Clallam County
(B,H,Hw,D) - See Statewide
KITSAP COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
KITTITAS COUNTY
(B,H,Hw,D) - See Statewide
KLICKITAT COUNTY
(B,H,Hw,D) - See Statewide

WASHINGTON (Cont'd)

LEWIS COUNTY
(B,H,Hw,D) - See Statewide
LINCOLN COUNTY
(B,H,Hw,D) - See Statewide
MASON COUNTY
(B,H,Hw,D) - See Statewide
(R)- See Clallam County
OKANOGAN COUNTY
(B,H,Hw,D) - See Statewide
PACIFIC COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
PEND OREILLE COUNTY
(B,H,Hw,D) - See Statewide
PIERCE COUNTY
(R) - See Clallam County
(B,H,Hw,D) - See Statewide
SAN JUAN COUNTY
(B,H,Hw,D) - See Statewide
SKAGIT COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
SKAMANIA COUNTY
(B,H,Hw,D) - See Statewide
SNOHOMISH COUNTY
(R) - See Clallam County
(B,H,Hw,D) - See Statewide
SPOKANE COUNTY
(B,H,Hw,D) - See Statewide
STEVENS COUNTY
(B,H,Hw,D) - See Statewide
THURSTON COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
WAHKIAKUM COUNTY
(B,H,Hw,D) - See Statewide
WALLA WALLA COUNTY
(B,H,Hw,D) - See Statewide
WHATCOM COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clallam County
WHITMAN COUNTY
(B,H,Hw,D) - See Statewide
YAKIMA COUNTY
Decision #AQ-1109 (R)
39 FR 18416 - 5/24/74
(B,H,Hw,D) - See Statewide

WASHINGTON, D. C.

WASHINGTON, D. C.
Decision #DC76-3226 (B,Hw,W&S)
41 FR 32194 - 7/30/76
Mod. #1 - 41 FR 36377 - 8/27/76
Mod. #2 - 41 FR 38710 - 9/10/76
Mod. #3 - 41 FR 42059 - 9/24/76
Mod. #4 - 41 FR 44593 - 10/8/76
Mod. #5 - 41 FR 48987 - 11/5/76
Decision #GA76-5025 (D)
41 FR 12857 - 3/26/76
Decision #DC76-3171 (R)
41 FR 21027 - 5/21/76

WEST VIRGINIA

STATEWIDE
Decision #WV75-3105 (H,Hw)
40 FR 48884 - 10/17/75
Mod. #1 - 40 FR 53178 - 11/14/75
Mod. #2 - 41 FR 8631 - 2/27/76
Mod. #3 - 41 FR 11736 - 3/19/76
Mod. #4 - 41 FR 21041 - 5/21/76
BARBOUR COUNTY
Decision #WV75-3106 (B)
40 FR 58060 - 12/12/75
Mod. #1 - 41 FR 8632 - 2/27/76
Mod. #2 - 41 FR 11737 - 3/19/76
Mod. #3 - 41 FR 21041 - 5/21/76
Mod. #4 - 41 FR 24842 - 6/18/76
(H,Hw) - See Statewide
BERKELEY COUNTY
(H,Hw) - See Statewide
BOONE COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
BRAXTON COUNTY
Decision #WV75-3107 (B)
40 FR 57061 - 12.5/75
Mod. #1 - 41 FR 8634 - 2/27/76
Mod. #2 - 41 FR 11737 - 3/19/76
Mod. #3 - 41 FR 21042 - 5/21/76
(H,Hw) - See Statewide
BROOKE COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
CABELL COUNTY
(B) - See Barbour County
Decision #IL76-5026 (D)
41 FR 12858 - 3/26/76
(H,Hw) - See Statewide
CALHOUN COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
CLAY COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
DODDRIDGE COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
FAYETTE COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
GILMER COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
GRANT COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
GREENBRIER COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
HAMPSHIRE COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide

WEST VIRGINIA (Cont'd)

HANCOCK COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
HARDY COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
HARRISON COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
JACKSON COUNTY
(D) - See Cabell County
(H,Hw) - See Statewide
(B) - See Barbour County
JEFFERSON COUNTY
(H,Hw) - See Statewide
KANAWHA COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
Decision #AR-2058 (R)
39 FR 35948 - 10/4/74
Mod. #1 - 39 FR 44913 - 12/27/74
(H,Hw) - See Statewide
LEWIS COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
LINCOLN COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
LOGAN COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
MC DOWELL COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
MARION COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
MARSHALL COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
MASON COUNTY
(B) - See Barbour County
(D) - See Cabell County
(H,Hw) - See Statewide
MERCER COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
MINERAL COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
MINGO COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
MONOGALIA COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide

WEST VIRGINIA (Cont'd.)

MONROE COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
MORGAN COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
NICHOLAS COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
OHIO COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
PENDLETON COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
PLEASANT COUNTY
(D) - See Cabell County
(H,Hw) - See Statewide
(B) - See Barbour County
POCAHONTAS COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
PRESTON COUNTY
(H,Hw) - See Statewide
PUTNAM COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
RALEIGH COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
RANDOLPH COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
RITCHIE COUNTY
(H,Hw) - See Statewide
(B) - See Barbour County
ROANE COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
SUMMERS COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
TAYLOR COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
TUCKER COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
TYLER COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
(D) - See Cabell County

WEST VIRGINIA (Cont'd.

UPSHUR COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
WAYNE COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
WEBSTER COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide
WETZELL COUNTY
(D) - See Cabell County
(H,Hw) - See Statewide
WIRT COUNTY
(B) - See Barbour County
(H,Hw) - See Statewide
WOOD COUNTY
(B) - See Barbour County
(D) - See Cabell County
(H,Hw) - See Statewide
WYOMING COUNTY
(B) - See Braxton County
(H,Hw) - See Statewide

WISCONSIN

STATEWIDE
Decision #WI76-2119 (Hw)
41 FR 44681 - 10/8/76
Decision #WI76-2045 (H, Sewer, Tunnel, & Water)
41 FR 16425 - 4/16/76
ADAMS COUNTY
(H,Hw, W&S) - See Statewide
ASHLAND COUNTY
Decision #IL76-5038 (D)
41 FR 16373 - 4/16/76
Mod. #1 - 41 FR 19007 - 5/7/76
(H,Hw, W&S) - See Statewide
Decision #AR-3151 (B,R)
39 FR 36706 - 10/11/74
Mod. #1 - 40 FR 21657 - 5/16/75
BARRON COUNTY
(B) - See Polk County
(H,Hw, W&S) - See Statewide
BAYFIELD COUNTY
(B,R,D) - See Ashland County
(H,Hw, W&S) - See Statewide
BROWN COUNTY
Decision #AR-3153 (B)
39 FR 36825 - 10/11/74
Mod. #1 - 40 FR 21658 - 5/16/75
(D) - See Ashland County
(H,Hw, W&S) - See Statewide
BUFFALO COUNTY
(H,Hw, W&S) - See Statewide
BURNETT COUNTY
(H,Hw, W&S) - See Statewide
CALUMET COUNTY
(H,Hw, W&S) - See Statewide
CHIPPEWA COUNTY
(H,Hw, W&S) - See Statewide
(B,R) - See Eau Clair County
CLARK COUNTY
(H,Hw) - See Statewide
COLUMBIA COUNTY
(H,Hw, W&S) - See Statewide
CRAWFORD COUNTY
(H,Hw, W&S) - See Statewide
DANE COUNTY
(H,Hw, W&S) - See Statewide
Decision #AR-3155 (B,R)
39 FR 36829 - 10/11/74
Mod. #1 - 40 FR 18284 - 4/25/75
Mod. #2 - 41 FR 8631 - 2/27/76
DODGE COUNTY
(H,Hw, W&S) - See Statewide

WISCONSIN (Con't.d)

DOOR COUNTY
(D) - See Ashland County
(H,Hw, W&S) - See Statewide
DOUGLAS COUNTY
(B,D,R) - See Ashland County
DUNN COUNTY
(B) - See Polk County
(H,Hw, W&S) - See Statewide
EAU CLAIR COUNTY
Decision #AR-3154 (B,R)
39 FR 36827 - 10/11/74
Mod. #1 - 40 FR 18284 - 4/25/75
(H,Hw, W&S) - See Statewide
FLORENCE COUNTY
(H,Hw, W&S) - See Statewide
FOND DU LAC COUNTY
(H,Hw, W&S) - See Statewide
FOREST COUNTY
(H,Hw, W&S) - See Statewide
GRANT COUNTY
(H,Hw, W&S) - See Statewide
GREEN COUNTY
(B) - See Rock County
(H,Hw, W&S) - See Statewide
GREEN LAKE COUNTY
(B) - See Winnebago County
(H,Hw, W&S) - See Statewide
IOWA COUNTY
(B) - See Dane County
(H,Hw, W&S) - See Statewide
IRON COUNTY
(D) - See Ashland County
(H,Hw, W&S) - See Statewide
JACKSON COUNTY
(H,Hw, W&S) - See Statewide
JEFFERSON COUNTY
(H,Hw, W&S) - See Statewide
JUNEAU COUNTY
(H,Hw, W&S) - See Statewide
Decision #AR-3158 (B)
39 FR 36835 - 10/11/74
Mod. #1 - 40 FR 18285 - 4/25/75
KENOSHA COUNTY
(D) - See Ashland County
(H,Hw, W&S) - See Statewide
Decision #AR-3159 (B,R)
39 FR 36837 - 10/11/74
Mod. #1 - 39 FR 41662 - 1/21/74
KEWAUNEE COUNTY
(D) - See Ashland County
(H,Hw, W&S) - See Statewide
LA CROSSE COUNTY
Decision #AR-3160 (B,R)
39 FR 36839 - 10/11/74
Mod. #1 - 40 FR 18286 - 4/25/75
(H,Hw, W&S) - See Statewide

WISCONSIN (Cont'd.)

LA FAYETTE COUNTY
(H,Hw, W&S) - See Statewide
LANGLADE COUNTY
(B) - See Marathon County
(H,Hw, W&S) - See Statewide
LINCOLN COUNTY
(B) - See Marathon County
(H,Hw, W&S) - See Statewide
MANITOWOC COUNTY
(D) - See Ashland County
(H,Hw, W&S) - See Statewide
MARATHON COUNTY
Decision #AR-3161 (B)
39 FR 36940 - 10/11/74
Mod. #1 - 40 FR 18286 - 4/25/75
(H,Hw, W&S) - See Statewide
MARINETTE COUNTY
(D) - See Ashland County
MARQUETTE COUNTY
(B) - See Winnebago County
(H,Hw, W&S) - See Statewide
MENOMINEE COUNTY
(H,Hw, W&S) - See Statewide
MILWAUKEE COUNTY
Decision #WI76-2116 (B,R)
41 FR 42155 - 9/24/76
(D) - See Ashland County
(H,Hw, W&S) - See Statewide
MONROE COUNTY
(H,Hw, W&S) - See Statewide
OCONTO COUNTY
(D) - See Ashland County
(H,Hw, W&S) - See Statewide
ONEIDA COUNTY
(H,Hw, W&S) - See Statewide
OUTAGAMIE COUNTY
(H,Hw, W&S) - See Statewide
OZAUKEE COUNTY
(B,R) - See Milwaukee County
(D) - See Ashland County
(H,Hw, W&S) - See Statewide
PEPIN COUNTY
(B,R) - See Eau Clair County
(H,Hw, W&S) - See Statewide
PIERCE COUNTY
(H,Hw, W&S) - See Statewide
POLK COUNTY
Decision #AR-3152 (B)
39 FR 36823 - 10/11/74
Mod. #1 - 40 FR 18284 - 4/25/75
(H,Hw, W&S) - See Statewide
PORTAGE COUNTY
(H,Hw, W&S) - See Statewide
PRICE COUNTY
(H,Hw, W&S) - See Statewide

WISCONSIN (Cont'd.

RACINE COUNTY
Decision #WI75-2064 (B,R)
40 FR 21691 - 5/16/75
(D) - See Ashland County
(H,Hw, W&S) - See Statewide
RICHLAND COUNTY
(H,Hw, W&S) - See Statewide
ROCK COUNTY
Decision #AR-3156 (B)
39 FR 36831 - 10/11/74
Mod. #1 - 40 FR 21658 - 5/16/75
(H,Hw, W&S) - See Statewide
RUSK COUNTY
(H,Hw, W&S) - See Statewide
SAINT CROIX COUNTY
(B) - See Polk County
(H,Hw, W&S) - See Statewide
SAUK COUNTY
(B) - See Dane County
(H,Hw, W&S) - See Statewide
SAWYER COUNTY
(H,Hw, W&S) - See Statewide
SHAWANO COUNTY
(H,Hw, W&S) - See Statewide
SHEBOYGAN COUNTY
(D) - See Ashland County
TAYLOR COUNTY
(H,Hw, W&S) - See Statewide
TREMPEALEAU COUNTY
(H,Hw, W&S) - See Statewide
VERNON COUNTY
(H,Hw, W&S) - See Statewide
VILAS COUNTY
(H,Hw, W&S) - See Statewide
WALWORTH COUNTY
(H,Hw, W&S) - See Statewide
WASHBURN COUNTY
(H,Hw, W&S) - See Statewide
WASHINGTON COUNTY
(B,R) - See Milwaukee County
(H,Hw, W&S) - See Statewide
WAUKESHA COUNTY
(B,R) - See Milwaukee County
(H,Hw, W&S) - See Statewide
WAUPACA COUNTY
(B) - See Winnebago County
(H,Hw, W&S) - See Statewide
WASHARA COUNTY
(B) - See Winnebago County
(H,Hw, W&S) -See Statewide
WINNEBAGO COUNTY
Decision #AR-3157 (B)
39 FR 36833 - 10/11/74
Mod. #1 - 40 FR 20562 - 5/9/75
(H,Hw, W&S) - See Statewide
WOOD COUNTY
(H,Hw, W&S) - See Statewide

WYOMING

STATEWIDE
Decision #WY76-5029 (Hw)
41 FR 14307 - 4/2/76
ALBANY COUNTY
(Hw) - See Statewide
BIG HORN COUNTY
(Hw) - See Statewide
CAMPBELL COUNTY
(Hw) - See Statewide
CARBON COUNTY
(Hw) - See Statewide
CONVERSE COUNTY
Decision #WY76-5070 (B,H)
41 FR 33187 - 8/6/76
(Hw) - See Statewide
CROOK COUNTY
(Hw) - See Statewide
FREMONT COUNTY
(Hw) - See Statewide
GOSHEN COUNTY
(B,H) - See Converse County
(Hw) - See Statewide
HOT SPRINGS COUNTY
(Hw) - See Statewide
JOHNSON COUNTY
(Hw) - See Statewide
LARAMIE COUNTY
(B,H) - See Converse County
(Hw) - See Statewide
LINCOLN COUNTY
(Hw) - See Statewide
NATRONA COUNTY
(B,H) - See Converse County
(Hw) - See Statewide
NIOBRARA COUNTY
(B,H) - See Converse County
(Hw) - See Statewide
PARK COUNTY
(Hw) - See Statewide
PLATTE COUNTY
(B,H) - See Converse County
(Hw) - See Statewide
SHERIDAN COUNTY
(Hw) - See Statewide
SUBLETTE COUNTY
(H(Hw) - See Statewide
SWEETWATER COUNTY
(Hw) - See Statewide

WYOMING (Cont'd.)

TETON COUNTY
(Hw) - See Statewide
UINTA COUNTY
(Hw) - See Statewide
WASHAKIE COUNTY
(Hw) - See Statewide
WESTON COUNTY
(Hw) - See Statewide
YELLOWSTONE NATIONAL PARK
(Hw) - See Statewide

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