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federal register

FRIDAY, DECEMBER 10, 1976

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Monday	Tuesday	Wednesday	Thursday	Friday
NRC	USDA/ASCS		NRC	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/NHTSA	USDA/FNS		DOT/NHTSA	USDA/FNS
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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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presidential documents

Title 3—The President

Proclamation 4480 • December 8, 1976

Continuance of Duty on Certain Brandy

By the President of the United States of America

A Proclamation

1. Proclamation No. 4478, of November 26, 1976, modifies item 945.16 of the Appendix to the Tariff Schedules of the United States (TSUS) (19 U.S.C. 1202) to change the rates of duty on certain brandy provided for in items 168.28 and 168.32 of the TSUS to $3 per gallon, effective with respect to all articles that are both (i) imported, and (ii) entered, or withdrawn from warehouse, for consumption on and after December 10, 1976.

2. Pursuant to Section 125(c) of the Trade Act of 1974 (19 U.S.C. 2135(c)), as noted in recital 5 of Proclamation No. 4478, the President is authorized to proclaim increased duties or other import restrictions, to the extent, at such times, and for such periods as he deems necessary or appropriate, in order to exercise the rights or fulfill the obligations of the United States. Section 125(b) of the Trade Act of 1974 (19 U.S.C. 2135(b)) authorizes the termination, in whole or in part, of any proclamation issued pursuant to the Trade Act of 1974.

3. I have determined that the rate of duty for brandy, provided for in items 168.28 and 168.32, TSUS, valued over $17 per gallon, should continue to be $5 per gallon.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, acting under the authority vested in me by the Constitution and statutes of the United States of America, including Section 125 of the Trade Act of 1974, in the exercise of the rights of the United States, do hereby proclaim, until the President otherwise proclaims or until otherwise superseded by law, that:

A. Paragraph A of the dispositive part of Proclamation No. 4478 is terminated.

B. Proclamation No. 4478 of November 26, 1976, is amended by deleting paragraph B of the dispositive part thereof and by substituting in lieu thereof the following paragraphs B and C:

"B. (1) Proclamation No. 4304 of July 16, 1974, is terminated to the extent inconsistent with this proclamation.

"(2) Subpart B of part 2 of the Appendix to the TSUS is modified by deleting therefrom item number 945.16, and by inserting in lieu thereof the following new items:

Item	Article	Rate of Duty 1	Rate of Duty 2
	Brandy:		
	Provided for in item 168.28:		
945.17	Valued over $13 but not over $17 per gallon	$3	No change
945.18	Valued over $17 per gallon	$5 per gal.	No change
	Provided for in item 168.32:		
945.19	Valued over $9 but not over $17 per gallon	$3 per gal.	No change
945.20	Valued over $17 per gallon	$5 per gal.	No change

"C. (1) The modifications made by paragraph B of this proclamation shall be effective as to all articles that are both

(i) imported, and

(ii) entered, or withdrawn from warehouse, for consumption,

on or after December 26, 1976.

(2) Articles imported before December 26, 1976, but thereafter entered, or withdrawn from warehouse, for consumption, shall receive the rate of duty applicable at the time of importation."

C. This proclamation shall be effective as of November 26, 1976.

IN WITNESS WHEREOF, I have hereunto set my hand this eighth 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.76-36535 Filed 12-8-76;4:45 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 46—Shipping

CHAPTER IV—FEDERAL MARITIME COMMISSION

[No. 67-57]

PART 514—REPORTS OF RATE BASE AND INCOME ACCOUNT BY SIGNIFICANT VESSEL OPERATING COMMON CARRIERS IN THE DOMESTIC OFFSHORE TRADE

Postponement of Effective Date

Notice is hereby given that the Commission has determined to postpone the effective date of the rules published in this proceeding September 8, 1976; (41 FR 37785), pending further order of the Commission on review of petitions for reconsideration.

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-36349 Filed 12-9-76;8:45 am]

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

National Foundation on the Arts and the Humanities; Correction

In FR Doc. 16535, page 26671, dated June 25, 1975, one position of Staff Assistant to the Chairman, National Endowment for the Arts, was revoked in error. Section 213.3382(c) should read as follows:

§ 213.3382 National Foundation on the Arts and the Humanities.

* * * * *

(c) One Staff Assistant to the Chairman, National Endowment for the Arts.

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

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

[FR Doc.76-36015 Filed 12-9-76;8:45 am]

PART 213—EXCEPTED SERVICE

Federal Energy Administration; Correction and Addition

In the FEDERAL REGISTER of December 24, 1974 (FR Doc.74-29955) on page 44402, the Civil Service Commission automatically revoked a number of Schedule C positions. In this listing of revocations, paragraph (f) was erroneously revoked in its entirety; only paragraph (f)(1) should have been revoked, paragraph (f)(2) should have been retained.

Section 213.3388(f) is further amended to show that one position of Confidential Assistant (Secretary) to the Director, Office of Intergovernmental, Regional and Special Programs is excepted under Schedule C.

Effective December 10, 1976, § 213.3388 (f) is amended as set out below:

§ 213.3388 Federal Energy Administration.

(f) *Office of Intergovernmental, Regional and Special Programs.*

(1) [Reserved]

(2) One Special Assistant to the Director.

(3) One Confidential Assistant (Secretary) to the Director.

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

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

[FR Doc.76-36284 Filed 12-9-76;8:45 am]

PART 591—ALLOWANCES AND DIFFERENTIALS

Cost-of-Living Allowances and Post Differential—Nonforeign Areas; Correction

In the FEDERAL REGISTER of November 23, 1976, FR Doc. 76-34219, on page 51581 in Appendix A of Subpart B, under the heading of Virgin Islands, the authorized allowance rate for St. Croix Island, Local retail/private housing, was incorrectly given as "7.5", it should be "5.0".

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

[FR Doc.76-36283 Filed 12-9-76;8:45 am]

Title 7—Agriculture

CHAPTER IV—FEDERAL CROP INSURANCE CORPORATION, DEPARTMENT OF AGRICULTURE

[Amdt. No. 80]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

FLUE CURED TOBACCO POUNDAGE QUOTA ENDORSEMENT

NOTE. — Crop insurance — USDA/FCIC amends regulations for insuring flue cured tobacco under the poundage quota system; effective (date of publication in the FEDERAL REGISTER).

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, § 401.150 of the Federal Crop Insurance Regulations for the 1969 and Succeeding Crop Years, contained in 7 CFR Part 401, as amended, is revised effective with the 1977 crop year to read as follows:

§ 401.150 The Flue Cured Tobacco Poundage Quota Endorsement.

The provisions of the Flue Cured Tobacco Poundage Quota Endorsement are as follows:

1. *Insured Crop.* The insured crop shall be flue cured tobacco of Types 11(a), 11(b), 12, 13, and 14.

2. *Insured Acreage.* In lieu of the provisions of section 2(c) of the policy, the following shall apply:

The insured flue cured tobacco acreage for each crop year shall be all the acreage planted to flue cured tobacco in the county as reported by the insured or as determined by the Corporation, whichever the Corporation shall elect, provided that no insurance shall be considered to have attached on any acreage the Corporation determines was (1) destroyed and after such destruction it was practical to replant and such acreage was not replanted, (2) Initially planted after the date fixed by the Corporation and placed on file in the office for the county, as being too late to initially plant and expect a normal crop to be produced, (3) Designated as not insurable on the county actuarial table, (4) Planted to tobacco of a discount variety under the provisions of the tobacco price support program, or (5) Planted for experimental purposes.

3. *Additional Reporting Requirements.* In addition to reporting the planted acreage and share as provided in section 3 of the policy, the insured shall report the effective poundage marketing quota applicable to the unit for the current crop year as provided under the ASCS Flue Cured Tobacco Marketing Quota Regulations plus any additional quota the insured intends to obtain later for the unit for the current crop year. Such poundage marketing quota may be reduced for any carryover tobacco to be marketed under the poundage quota applicable to the unit provided such poundage reduction is clearly specified in filing the acreage and quota report. The quota so reported shall not be subject to change by the insured.

4. *Applicable Poundage, Amount of Insurance, and Premium for a Unit.* In lieu of the provisions of section 5 of the policy the following shall apply: (a) The applicable poundage for the unit shall be the "insured poundage quota": *Provided, however,* That if the result obtained by dividing the poundage as determined above by the applicable farm yield per acre (see subsection 9(g)) exceeds the insured acreage on a unit, the applicable poundage shall be reduced to the product of (i) the factor determined by dividing the insured acreage by such result times (ii) the insured poundage quota for the unit.

(b) The amount of insurance for a unit shall be the dollar amount determined by multiplying the applicable poundage for the unit as determined in subsection (a) or (c) of this section by the applicable percentage of guarantee for the tobacco farm shown on the actuarial table for this purpose and the result by the current year's flue cured tobacco support price per pound (rounded to the nearest cent) less three cents for warehouse charges.

(c) Unless otherwise provided on the actuarial table, for any crop year in which flue cured tobacco poundage marketing quota regulations are not in effect, the poundage to be used in determining the applicable amount of insurance for a unit shall be obtained by multiplying the applicable farm yield per acre by the percentage guarantee shown on the actuarial table and the result by the lower of the reported or insured acreage.

(d) The annual premium for the unit shall be determined by multiplying the amount of insurance, determined as provided above, by the applicable percentage premium rate shown on the actuarial table (any premium rates established for the irrigated practice will apply only to acreage qualifying for such practice and so reported and designated at the time the acreage is reported) and this product by the insured's share at the time insurance attached, and, when applicable, applying the discounts shown in section 6(b) of the policy.

5. *Insurance period.* Insurance on any insured acreage shall attach at the time the tobacco is planted and, with respect to any portion of the crop, shall cease upon weighing-in at the tobacco warehouse, transfer of interest in the tobacco after harvest, or removal of the tobacco from the insurance unit (except for curing, grading, packing, or immediate delivery to the tobacco warehouse), whichever occurs first, but in no event shall insurance remain in effect for the applicable type later than the date set forth below immediately following the normal harvest period:

Type of tobacco:	*Date*
11a	Jan. 31
11b	Jan. 31
12	Dec. 31
13	Nov. 30
14	Oct. 31

6. *Notice of Loss or Substantial Damage.* In lieu of the provisions of section 8(b) of the policy the following shall apply:

If at the completion of selling or otherwise disposing of the insured tobacco an insured loss on a unit is probable, the insured shall give written notice within 15 days thereof to the Corporation at the office for the county, but in no event shall such notice be given later than the final calendar date for the end of the insurance period (see section 5): *Provided, however,* That for any unit of tobacco on which a loss is probable and the tobacco stalks are to be destroyed before such notice would otherwise be required under the contract, notice of loss shall be given to the Corporation upon completion of harvest: *Provided, further,* That if any tobacco is destroyed or damaged by fire during the insurance period, such notice shall be given immediately.

7. *Claims for loss.* (a) Any claim for loss on a unit shall be submitted to the Corporation, on a form prescribed by the Corporation, not later than 60 days after the amount of loss can be determined, but in no event shall such form be submitted later than the last day of the next succeeding month following the final date shown in section 5 of this endorsement for the end of the insurance period. The Corporation reserves the right to provide additional time if it determines that circumstances beyond the control of either party prevent compliance with this provision.

(b) It shall be a condition precedent to the payment of any claim that the insured establish to the satisfaction of the Corporation the production of the insured crop on the unit and that the loss has been caused by one or more of the hazards insured against during the insurance period and furnish any other information regarding the manner and extent of loss as may be required by the Corporation. If the production harvested from a unit is commingled with the production harvested from any other acreage and the insured fails to keep separate records satisfactory to the Corporation of the acreage involved and the production for each, the Corporation may (1) Allocate the commingled production as it deems appropriate; or (2) Reject the claim for the unit without affecting the insured's liability for the premium.

(c) Losses shall be adjusted separately for each unit. The amount of loss with respect to any unit shall be determined by subtracting from the amount of insurance applicable to the unit the value (determined in accordance with subsection (d) of this section) of the total production to be counted for the unit and multiplying the remainder by the insured share.

The value of the total production to be counted for a unit shall be determined by the Corporation, and subject to the provisions hereinafter, shall include the value of all harvested production and the value of any appraisals made by the Corporation for unharvested or potential production, poor farming practices, uninsured causes of loss, or acreage abandoned or put to another use without the consent of the Corporation: *Provided,* That the value of the total production to be counted for any tobacco acreage not harvested nor considered as harvested within the meaning of the term "harvested" shall never be less than 20 percent of the average amount of insurance per insured acre for the unit, except that for acreage abandoned or put to another use without prior written release by the Corporation and acreage damaged solely by uninsured causes, at least the average amount of insurance per insured acre for the unit shall be charged: *Provided, further,* That if the Corporation determines that the insured harvested tobacco with a value in excess of the amount of insurance from a unit, and such production in subsequently destroyed or damaged before the end of the insurance period by an insured cause, no appraisals for unharvested production shall be charged as production to count unless the Corporation determines that such unharvested production could have been harvested after the loss occurrence.

(d) In determining any loss under the contract, the production shall be valued as follows: (1) the gross returns less actual warehouse charges from the tobacco sold on the warehouse floor, (2) the fair market value, as determined by the Corporation, of the tobacco sold other than on the warehouse floor, (3) the fair market value, as determined by the Corporation of the tobacco harvested and not sold, and (4) the fair market value of any unharvested tobacco determined by the Corporation as if such tobacco were harvested and cured. Any appraisals of production for any crop year made for poor farming practices or uninsured causes of loss, shall be valued at the current support price per pound less 3 cents for warehouse charges.

(e) To enable the Corporation to determine the fair market value of tobacco not sold through auction warehouses, the Corporation shall be given the opportunity to inspect such tobacco before it is sold, contracted to be sold, or otherwise disposed of by the insured and, if the best offer received by the insured for any such tobacco is considered by the Corporation to be inadequate, to obtain additional offers therefor on behalf of the insured.

(f) The tobacco stalks on any acreage of tobacco with respect to which a loss is claimed shall not be destroyed until the Corporation makes an inspection. For any acreage on which the stalks have been destroyed prior to inspection, the Corporation reserves the right to make an appraisal on such acreage of not less than the average amount of insurance per insured acre for the unit.

8. *Cancellation and debt termination dates.* (a) For each crop year of the contract, the cancellation date (applicable to both the insured and the Corporation) shall be the January 31 immediately preceding the beginning of the crop year for which it is to become effective.

(b) The termination date for indebtedness for each crop year of the contract shall be the applicable date listed below immediately preceding the beginning of the crop year for which the termination is to become effective.

Types of tobacco:	*Termination Date*
14	Mar. 25
13	[1]Apr. 10 [2]Apr. 5
12	Apr. 30
11b	May 15
11a	May 31

[1] North Carolina.
[2] South Carolina.

9. *Meaning of terms.* For purposes of insurance on flue cured tobacco the terms:

(a) "Insurance Unit," notwithstanding the first sentence of section 19(c) of the policy, means all the insurable acreage in the county planted to flue cured tobacco on a farm or farms for which a single poundage marketing quota for flue cured tobacco is established and at the time of planting (1) in which the insured has 100 percent interest, (2) which is owned by one person and operated by the insured as a tenant, or (3) which is owned by the insured and rented to one tenant: *Provided, however,* That if a flue cured tobacco price support program is not in effect for any crop year, the above words "on a farm or farms for which a single poundage marketing quota for flue cured tobacco is established" shall be disregarded: *Provided, further,* That when poundage quotas are leased and combined with other quotas under leasing arrangements providing compensation to the lessor on some other basis than a specified share in the production from a unit, the lessee shall be regarded as the owner-operator having the entire insurable interest in the leased quota. Otherwise the provisions of section 19(c) of the policy apply to flue cured tobacco crop insurance, except that no other agreement shall be made which divides the insurable acreage into two or more units.

(b) "Market Price" for a crop year means the average auction price for flue cured tobacco (less 3 cents for warehouse charges) in the belt or area as determined by the Corporation. The market price when determined by the Corporation shall be filed in the office for the county with the actuarial table.

(c) "Support Price Per Pound" means the average price support level per pound for flue cured tobacco as announced by the United States Department of Agriculture under the tobacco price support program:

Provided, however, That for any crop year in which a price support for flue cured tobacco is not in effect the market price for that crop year shall be used in lieu thereof.

(d) "Planting" means transplanting the tobacco plant from the bed to the field.

(e) "Harvest" or "Harvested" as to any acreage means priming or cutting per acre at least 20 percent of the number of pounds obtained by multiplying the applicable poundage for the unit by the applicable percentage of guarantee shown on the actuarial table for such acreage and dividing this result by the insured acres in the unit.

(f) "Effective Farm Marketing Quota" means the farm marketing quota as established and recorded by ASCS.

(g) "Farm Yield" means the yield per acre used by ASCS in establishing the basic farm marketing poundage quota for the tobacco farm, unless the Corporation has established a yield for the farm on the county actuarial table.

(h) "Carryover tobacco" means any tobacco on hand from a previous year's production.

(i) "ASCS" means the Agricultural Stabilization and Conservation Service of the United States Department of Agriculture.

(j) "Rounded" means rounding up for one-half and above and rounding down for less than one-half.

(k) "Sharecropper" or "share tenant" means a person other than an owner-operator or tenant-operator who works tobacco under supervision of a farm operator and is entitled to receive a share of the crop or proceeds thereform and includes a person employed on a farm of an owner-operator or tenant-operator who receives for his labor the entire interest of such owner-operator or tenant-operator in the tobacco crop, or proceeds therefrom, produced on a specified acreage of such farm (for the purpose of the contract the owner-operator or tenant-operator of the farm shall be considered to have an interest in such acreage).

(l) "Insured poundage quota" means the poundage reported by the insured or determined by the Corporation, whichever the Corporation shall elect, pursuant to section 3.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516.)

The foregoing amendment has been made necessary in view of the relaxation of the leasing dates under the quota system provisions of the Agricultural Stabilization and Conservation Service Flue Cured Tobacco Marketing Regulations. The changes in the proposed amendment will provide for reporting requirements more consistent with the current farming practices which require the insured to report the effective poundage marketing quota applicable to the unit for the current crop year, as provided under the ASCS Flue Cured Marketing Regulations, plus any additional quota the insured intends to obtain later for the unit for the current crop year in order to provide for a more viable and businesslike tobacco insurance program for flue cured tobacco growers. The proposed amendment is designed to accomplish this.

Since it will be necessary to start taking applications for the 1977 crop year soon, and in view of the amount of administrative detail to be attended to before such changes can be implemented, the Board of Directors found and determined that compliance with the procedure for notice of proposed rule making and public participation would be impracticable and contrary to the public interest. Accordingly, said amendment was adopted by the Board of Directors on November 10, 1976.

Said amendment shall become effective December 10, 1976.

The Federal Crop Insurance Corporation has determined that this document does not contain a major proposal requiring the preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

PETER F. COLE,
Secretary, Federal Crop Insurance Corporation.

Approved on: December 7, 1976.

RICHARD E. BELL,
Assistant Secretary.

[FR Doc.76-36289 Filed 12-9-76;8:45 am]

[Amdt. No. 79]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

THE BURLEY TOBACCO POUNDAGE QUOTA ENDORSEMENT

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, § 401.148 of the Federal Crop Insurance Regulations for the 1969 and Succeeding Crop Years, contained in 7 CFR Part 401, as amended, is revised effective with the 1977 crop year to read as follows:

§ 401.148 The Burley Tobacco Poundage Quota Endorsement.

The provisions of the Burley Tobacco Poundage Quota Endorsement are as follows:

1. *Insured crop.* The crop insured shall be burley tobacco (Type 31).

2. *Insured acreage.* In lieu of the provisions of section 2(c) of the policy, the following shall apply:

The insured burley tobacco acreage for each crop year shall be all the acreage planted to burley tobacco in the county as reported by the insured or as determined by the Corporation, whichever the Corporation shall elect, provided that no insurance shall be considered to have attached on any acreage the Corporation determines was (1) Destroyed and after such destruction it was practical to replant and such acreage was not replanted, (2) Initially planted after the date fixed by the Corporation and placed on file in the office for the county, as being too late to initially plant and expect a normal crop to be produced, (3) Designated as not insurable on the county actuarial table, (4) Planted to tobacco of a discount variety under the provisions of the tobacco price support program, or (5) Planted for experimental purposes.

3. *Additional Reporting Requirement.* In addition to reporting the planted acreage and share as provided in section 3 of the policy, the insured shall report the effective poundage marketing quota applicable to the unit for the current crop year as provided under ASCS Burley Tobacco Marketing Quota Regulations plus any additional quota the insured intends to obtain later for the unit for the current crop year. Such poundage marketing quota may be reduced for any carryover tobacco to be marketed under the poundage quota applicable to the unit provided such poundage reduction is clearly specified in filing the acreage and quota report. The quota so reported shall not be subject to change by the insured.

4. *Applicable Poundage, Amount of Insurance and Premium for a Unit.* In lieu of the provisions of section 5 of the policy, the following shall apply: (a) The applicable poundage for the unit shall be the "insured poundage quota": *Provided, however,* That if the result obtained by dividing the poundage as determined above by the applicable farm yield per acre (see subsection 10(g)) exceeds the insured acreage on a unit, the applicable poundage shall be reduced to the product of (i) the factor determined by dividing the insured acreage by such result times (ii) the insured poundage quota for the unit.

(b) The amount of insurance for a unit shall be the dollar amount determined by multiplying the applicable poundage for the unit as determined in subsection (a) or (c) of this section by the applicable percentage of guarantee for the tobacco farm shown on the actuarial table for this purpose and the result by the current year's burley tobacco support price per pound (rounded to the nearest cent) less three cents for warehouse charges.

(c) Unless otherwise provided on the actuarial table, for any crop year in which burley tobacco poundage marketing quota regulations are not in effect, the poundage to be used in determining the applicable amount of insurance for a unit shall be obtained by multiplying the applicable farm yield per acre by the percentage guarantee shown on the actuarial table and the result by the lower of the reported or insured acreage.

(d) The annual premium for the unit shall be determined by multiplying the amount of insurance, determined as provided above, by the applicable percentage premium rate shown on the actuarial table and this product by the insured's share at the time insurance attached, and, when applicable, applying the discounts shown in section 6 (b) of the policy.

5. *Insurance period.* Insurance on any insured acreage shall attach at the time the tobacco is planted and with respect to any portion of the crop, shall cease upon the earlier of February 28, weighing-in at the tobacco warehouse, transfer of interest in the tobacco after harvest, or removal of the tobacco from the insurance unit (except for curing, grading, packing, or immediate delivery to the tobacco warehouse).

6. *Notice of loss or substantial damage.* In lieu of the provisions of section 8(b) of the policy, the following shall apply:

If at the completion of selling or otherwise disposing of the insured tobacco an insured loss on a unit is probable, the insured shall give written notice within 15 days thereof to the Corporation at the office for the county, but in no event shall such notice be given later than February 28: *Provided, however,* That if any tobacco is destroyed or damaged by fire during the insurance period or any acreage will not be harvested, such notice shall be given immediately.

7. *Claims for loss.* (a) Any claim for loss on a unit shall be submitted to the Corporation on a form prescribed by the Corporation not later than 60 days after the amount of loss can be determined, but in no event shall such form be submitted later than the March 31 following the normal harvest period. The Corporation reserves the right to provide additional time if it determines that circumstances beyond the control of either party prevent compliance with this provision.

(b) It shall be a condition precedent to the payment of any claim that the insured establish to the satisfaction of the Corporation the production of the insured crop on the unit and that the loss has been caused by one or more of the hazards insured against during the insurance period and furnish any other information regarding the manner and extent of loss as may be required by the Corporation. If the production harvested from a unit is commingled with the production harvested from any other acreage and the insured fails to keep separate records satisfactory to the Corporation of the acreage involved and the production from each, the Corporation may (1) allocate the commingled production as it deems appropriate; or (2) reject the claim for the unit without affecting the insured's liability for the premium.

(c) Losses shall be adjusted separately for each unit. The amount of loss with respect to any unit shall be determined by subtracting from the amount of insurance applicable to the unit the value (determined in accordance with subsection (d) of this section) of the total production to be counted for the unit and multiplying the remainder by the insured share.

The value of the total production to be counted for a unit shall be determined by the Corporation, and subject to the provisions hereinafter, shall include the value of all harvested production and the value of any appraisals made by the Corporation for unharvested or potential production, poor farming practices, uninsured causes of loss, or acreage abandoned or put to another use without the consent of the Corporation: *Provided,* That the value of total production to be counted for any tobacco acreage not harvested nor considered as harvested within the meaning of the term "harvested" shall never be less than 20 percent of the average amount of insurance per insured acre for the unit, except that for acreage abandoned or put to another use without prior written release by the Corporation and acreage damaged solely by uninsured causes, at least the average amount of insurance per insured acre for the unit shall be charged: *Provided, further,* That if the Corporation determines that the insured harvested tobacco with a value in excess of the amount of insurance from a unit, and such production is subsequently destroyed or damaged before the end of the insurance period by an insured cause, no appraisals for unharvested production shall be charged as production to count unless the Corporation determines that such production could have been harvested after the loss occurrence.

(d) In determining any loss under the contract, the production shall be valued as follows: (1) The gross returns (less three cents per pound for warehouse charges) from the tobacco sold on the warehouse floor, (2) The fair market value, as determined by the Corporation, of the tobacco sold other than on the warehouse floor, (3) The fair market value, as determined by the Corporation, of the tobacco harvested and not sold, and (4) The fair market value of any unharvested tobacco determined by the Corporation as if such tobacco were harvested and cured. Any appraisals of production for any crop year made for poor farming practices or uninsured causes of loss, shall be valued at the current support price per pound less three cents for warehouse charges.

(e) To enable the Corporation to determine the fair market value of tobacco not sold through auction warehouses, the Corporation shall be given the opportunity to inspect such tobacco before it is sold, contracted to be sold, or otherwise disposed of by the insured and, if the best offer received by the insured for any such tobacco is considered by the Corporation to be inadequate, to obtain additional offers therefor on behalf of the insured.

8. *Cancellation and Debt Termination Dates.* (a) For each crop year of the contract, the cancellation date (applicable to both the insured and the Corporation) shall be the January 31 immediately preceding the beginning of the crop year for which it is to become effective.

(b) The termination date for indebtedness for each crop year of the contract shall be the May 20 immediately preceding the beginning of the crop year for which the termination is to become effective.

9. *Sharecroppers.* Paragraph B of the application Form FCI-12-Revised shall not be applicable under this Burley Tobacco Poundage Quota Endorsement.

10. *Meaning of Terms.* For purposes of insurance on burley tobacco the terms:

(a) "Insurance Unit," notwithstanding the first sentence of section 19(e) of the policy, means all the insurable acreage in the county planted to burley tobacco on a farm or farms for which a single poundage marketing quota for burley tobacco is established and at the time of planting (1) In which the insured has 100 percent interest, (2) Which is owned by one person and operated by the insured as a tenant, or (3) Which is owned by the insured and rented to one tenant; *Provided, however,* That if a burley tobacco price support program is not in effect for any crop year, the above words "on a farm or farms for which a single poundage marketing quota for burley tobacco is established" shall be disregarded. *Provided, further,* That when poundage quotas are leased and combined with other quotas under leasing arrangements providing compensation to the lessor on some other basis than a specified share in the production from a unit, the lessee shall be regarded as the owner-operator having the entire insurable interest in the leased quota. Otherwise the provisions of section 19(e) of the policy apply to burley tobacco crop insurance except that no other agreement shall be made which divides the insurable acreage into two or more units.

(b) "Market Price" for a crop year means the average auction price for burley tobacco (less three cents for warehouse charges) in the belt or area as determined by the Corporation. The market price when determined by the Corporation shall be filed in the office for the county with the actuarial table.

(c) "Support Price Per Pound" means the average price support level per pound for burley tobacco as announced by the United States Department of Agriculture under the tobacco price support program: *Provided, however,* That for any crop year in which a price support for burley tobacco is not in effect the market price for that crop year shall be used in lieu thereof.

(d) "Planting" means transplanting the tobacco plant from the bed to the field.

(e) "Harvest" or "Harvested" as to any acreage means cutting per acre at least 20 percent of the number of pounds obtained by multiplying the applicable poundage for the unit by the applicable percentage of guarantee shown on the actuarial table for such acreage and dividing this result by the insured acres in the unit.

(f) "Effective Farm Marketing Quota" means the farm marketing quota as established and recorded by ASCS.

(g) "Farm Yield" means the yield per acre used by ASCS in establishing the basic farm marketing poundage quota for the tobacco farm, unless the Corporation has established a farm yield for the farm on the county actuarial table.

(h) "Carryover Tobacco" means any tobacco on hand from a previous year's production.

(i) "ASCS" means the Agricultural Stabilization and Conservation Service of the United States Department of Agriculture.

(j) "Rounded" means rounding up for ½ and above and rounding down for less than ½.

(k) "Insured poundage quota" means the poundage reported by the insured or determined by the Corporation, whichever the Corporation shall elect, pursuant to section 3.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

The Burley Tobacco Poundage Quota Endorsement, first implemented in 1973, has proved successful and is now preferred by the majority of burley tobacco growers. However, with the relaxation of leasing dates under the quota system provisions of the Agricultural Stabilization and Conservation Service, it has become necessary to amend the current burley tobacco poundage quota insurance program to provide for reporting requirements more consistent with the current farming practices which require the insured to report the effective poundage marketing quota applicable to the unit for the current crop year, as provided under the ASCS Burley Tobacco Marketing Regulations, plus any additional quota the insured intends to obtain later for the unit for the current crop year in order to provide for a more viable and businesslike tobacco insurance program for burley tobacco growers. The proposed amendment is designed to accomplish this.

Since it will be necessary to start taking applications for the 1977 crop year soon, and in view of the amount of administrative detail to be attended to before such changes can be implemented, the Board of Directors bound and determined that compliance with the procedure for notice of proposed rule making and public participation would be impracticable and contrary to the public interest. Accordingly, said amendment was adopted by the Board of Directors on November 10, 1976.

Said amendment shall become effective December 10, 1976.

The Federal Crop Insurance Corporation 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.

PETER F. COLE,
Secretary, Federal Crop Insurance Corporation.

Approved on December 7, 1976.

ROBERT W. LONG,
Acting Secretary.

[FR Doc.76-36339 Filed 12-9-76;8:45 am]

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

[Lemon Regulation 70]

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 December 12–18, 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.

§ 910.370 Lemon Regulation 70.

(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 began this week strong but is trending easier as the week progresses. Average f.o.b. price was $4.79 per carton the week ended December 4, 1976, compared to $4.83 per carton the previous week. Track and rolling supplies at 110 cars were down 5 cars from last week.

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

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking 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 December 7, 1976.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period December 12, 1976, through December 18, 1976, is hereby fixed at 215,000 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 8, 1976.

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

[FR Doc.76-36483 Filed 12-9-76;8:45 am]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS AND GRANTS PRIMARILY FOR REAL ESTATE PURPOSES

[FmHA Instruction 440.7]

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

Subpart M—Evaluation, Review, and Coordination of Projects Requiring FmHA Assistance

DELETION OF SUBPART

Subpart M of Part 1823, "Evaluation, Review, and Coordination of Projects Requiring FmHA Assistance," (37 FR 3172) is deleted from Chapter XVIII, Title 7, Code of Federal Regulations. The provisions of this Subpart have been superseded by Office of Management and Budget Circular A-95—Revised, transferred and redesignated into a new Subpart H of Part 1901, Subchapter H of this Chapter.

Effective date: This deletion is effective December 10, 1976.

Dated: November 18, 1976.

FRANK B. ELLIOT,
Administrator, Farmers Home Administration.

[FR Doc. 76-36340 Filed 12-9-76;8:45 am]

SUBCHAPTER H—GENERAL

PART 1901—PROGRAM-RELATED INSTRUCTIONS

Subpart H—A-95 Review, Evaluation, and Coordination of Projects Revision—Redesignation

There is hereby established under Chapter XVIII, Title 7, a new Subchapter H,—"General,—Part 1901, Program-Related Instructions," Subparts A through M, in the Code of Federal Regulations. Subpart H, "A-95 Review, Evaluation, and Coordination of Projects," (§§ 1901.351–1901.400) of this new Part 1901 is transferred and redesignated from Subpart M of Part 1823 of this Chapter XVIII, and has been revised, including a change in title. This revision implements the requirements of the Office of Management and Budget Circular A-95—Revised, published at 41 FR 2052–2065, dated January 13, 1976, and furnishes guidance to Federal agencies for cooperation with State and local governments in the evaluation, review, and coordination of Federal and federally assisted programs and projects.

It is unnecessary to publish notice of proposed rulemaking in the FEDERAL REGISTER since the Farmers Home Administration is implementing the requirements of this Circular A-95—Revised at the direction of the Office of Management and Budget.

SUBPART M OF PART 1823 IS REVISED AND REDESIGNATED AS SUBPART H OF PART 1901

Accordingly, Subpart H of Part 1901 as revised and redesignated, is set forth below.

Subpart H—A-95 Review, Evaluation, and Coordination of Projects

Sec.
1901.351 Purpose.
1901.352 Policy and scope.
1901.353 Definitions.
1901.354 [Reserved]
1901.355 Project notification and review system.
1901.356 Submission of clearinghouse comments and recommendations by applicant.
1901.357–1901.359 [Reserved]
1901.360 FmHA functions.
1901.361–1901.400 [Reserved]
Exhibit A—Project Notification and Review System.

Subpart H—A-95 Review, Evaluation, and Coordination of Projects

§ 1901.351 Purpose.

This subpart establishes the policies and procedures within the Farmers Home Administration (FmHA) to conform to the provisions of the Office of Management and Budget (OMB) Circular A-95, revised January 2, 1976. These provisions apply to those FmHA loans and grants that are listed under § 1901.352 (a).

§ 1901.352 Policy and scope.

(a) *Applicability of OMB Circular A-95 to FmHA loans and grants.* In accordance with OMB Circular A-95, Federal programs and projects having a significant impact on area and community development, including programs providing Federal assistance to the States and localities, must be reviewed, evaluated, and cleared by State and areawide clearinghouses. This subpart applies to the FmHA loan and grant programs listed below. The numbers following each program title refer to those assigned in the Catalog of Federal Domestic Assistance which is available for reference in FmHA State offices.

(1) Water and Waste Disposal loans and grants. (10.418)

(2) Business and Industrial loans except for a small rural business having no significant impact outside the community in which the business is to be located. An information copy will be submitted, however, to the clearinghouse for these business proposals. (10.422)

(3) Other Community Facility loans. (10.423)

(4) Grants to facilitate development of private business enterprises. (10.424)

(5) Watershed Protection and Flood Prevention loans. (10.419)

(6) Resource Conservation and Development (RCD) loans. (10.414)

(7) Shift-in-Land-Use Project loans (except Grazing Association). (10.409)

(8) Soil and Water (SW) Conservation loans (except loans to Soil and Water Conservation Districts for equipment). (10.409)

(9) Rural Housing (RH) loans for new construction or substantial rehabilitation when conditional commitments or loans are to be made for 10 or more units in the same subdivision. (10.410)

(10) Labor Housing (LH) loans and grants to build or substantially rehabilitate 25 or more units in the same project. (10.405)

(11) Rural Rental Housing (RRH) and Rural Cooperative Housing (RCH) loans to build or substantially rehabilitate 25 or more units in the same project. (10.415)

(12) Rural Housing Site (RHS) loans to develop 10 or more sites for individual family dwellings or 25 or more multiple housing units. (10.411)

(13) Technical Assistance grants. (10.420)

(14) Guaranteed loan commitments for more than 10 lots if proposed for development with 1-4 unit dwellings.

(b) *Soil conservation service clearance.* The Soil Conservation Service (SCS) is responsible for clearing Watershed Protection and Flood Prevention and Resource Conservation and Development plans through the respective clearinghouses. This clearance responsibility will apply to individual projects within the Watershed Work Plans. SCS may not have obtained clearance of all projects mentioned in Resource Conservation and Development Plans. When an application for a Watershed Protection and Flood Prevention loan or Resource Conservation and Development loan is received, the FmHA State Director will determine from the State Soil Conservationist whether the specific project has been cleared and, if cleared, obtain a copy of any comments which may have been made. If a specific project has not been cleared, the State Director will request the applicant to obtain clearance in accordance with this subpart.

(c) *Applications from Indian tribes.* Applications from federally recognized Indian tribes are not subject to the requirement of this subpart. However, Indian tribes may voluntarily participate in the project notification and review system explained in § 1901.355 and are encouraged to do so. The State Director will notify the appropriate State and areawide clearinghouses of any applications received from federally recognized Indian tribes. When a federally recognized Tribal Government has established a mechanism for coordinating the activities of Tribal departments, divisions, enterprises, or entities, FmHA will, on request of such Tribal Government transmitted through OMB, require that applications for assistance under programs covered by this subpart from such Tribal departments, divisions, enterprises, or entities be subject to review by such Tribal coordinating mechanism under this subpart as thought it were a State or areawide clearinghouse.

(d) *Exclusion of credit sales of acquired properties.* Credit sales of real property acquired by FmHA through voluntary conveyance or loan foreclosure are excluded from the provisions of this subpart.

§ 1901.353 Definitions.

Terms used in this subpart have the following meanings:

(a) *Areawide.* In metropolitan areas, the whole of contiguous urban and urbanizing areas; in nonmetropolitan areas, contiguous counties or other multijurisdictional areas having common or related social, economic, or physical characteristics indicating a community of developmental interest.

(b) *Areawide clearinghouse.* (1) In metropolitan areas an areawide agency that has been recognized by OMB as an appropriate agency to perform review functions under section 204 of the Demonstration Cities and Metropolitan Development Act of 1966, Title IV of the Intergovernmental Cooperation Act of 1968, and this subpart.

(2) In nonmetropolitan areas a comprehensive planning agency designated by the Governor (or Governors in the case of regions extending into more than one State) or by State law to carry out the requirements of this subpart.

(c) *Metropolitan area.* A Standard Metropolitan Statistical Area as established by OMB, subject to such modifications and extensions as OMB may determine to be appropriate to meet the purposes of section 204 of the Demonstration Cities and Metropolitan Development Act of 1966.

(d) *Special purpose unit of local government.* A special district, public-purpose corporation, or other strictly limited purpose political subdivision of a State, but does not include a school district.

(e) *State.* A State of the United States, the District of Columbia, the Virgin Islands, Puerto Rico, any territory or possession of the United States, the Trust Territory of the Pacific Islands, or any agency or instrumentality of the State. It does not include the governments of the political subdivisions of the State.

(f) *State clearinghouse.* An agency of the State government designated by the Governor or by State law to carry out the requirements of this subpart.

(g) *Unit of general local government.* A city, county, town, parish, village, or other general purpose political subdivision of a State.

§ 1901.354 [Reserved]

§ 1901.355 Project notification and review system.

Exhibit A explains the operation of the project notification and review system for obtaining clearance of projects. FmHA personnel will inform any prospective applicant about the project notification and review system and its requirements as early as possible so that the applicant will start the clearance procedure as required by this subpart. Information about the system will be distributed to applicants for participation in FmHA programs to which the procedures apply.

(a) *Notification.* Any prospective applicant for financial assistance of a type listed in § 1901.352 (a) will file a written notification of its intent to apply for such assistance with the State and areawide clearinghouses at the time it develops an application.

(1) The notification will be in the form requested by the appropriate clearinghouse. Standard Form 424, "Federal Assistance," or Form AD 621, "Preapplication for Federal Assistance," may be used if acceptable to the clearinghouses. Many clearinghouses have developed notification forms and instructions that may also be used.

(2) Notifications will be sent to the appropriate clearinghouses by the applicant as soon as possible in order not to delay consideration of the project. The basic information required is:

(i) Identity of the applicant, agency, organization, or individual. Include address and contact person.

(ii) Geographic location of the project. A map will be provided if appropriate.

(iii) A brief description of the proposed project including type, purpose, general size or scale, estimated cost, beneficiaries, and other characteristics that will enable the clearinghouses to identify agencies of State or local government having plans, programs, or projects that may be affected by the proposed project.

(iv) A statement as to whether the applicant has been advised by FmHA that it will be required to submit environmental impact information in connection with the proposed project.

(v) Federal program title and number under which the proposed project is or will be applying for assistance, as indicated in the latest Catalog of Federal Domestic Assistance. If the program is not listed in the Catalog, it will be identified by Public Law number or the U.S. code citation which authorizes the Federal program.

(vi) Estimated date the applicant plans to file a formal application with FmHA.

(vii) In those cases where a housing developer files Form FmHA 424-40, "Request for Subdivision Feasibility Analysis," FmHA shall determine the general feasibility of the project and respond to the developer. If and when FmHA issues a favorable response to the submission of Form FmHA 424-40, the developer shall conform to the requirements of this subpart.

(b) *Clearance for RH programs (RRH, RCH, LH, or RHS).* (1) The applicant or subdivision developer will obtain clearance from appropriate clearinghouses, except as indicated in paragraph (b)(2) of this section, when FmHA provides assistance by:

(i) Issuing 10 or more conditional commitments for new construction or substantial rehabilitation of dwellings or financing the construction or substantial rehabilitation of 10 or more individual dwellings in a subdivision;

(ii) Financing the construction or substantial rehabilitation of 25 or more multiple housing units in the same project; or

(iii) Financing building sites in a subdivision on which 10 or more dwelling units may be built.

(2) Application for additional units in a subdivision substantially completed (i.e., with residential units, streets, water and sewer facilities, culverts, etc. already in existence) are exempted from this subpart when:

(i) The subdivision was approved and/or recorded by the appropriate unit of local government within 3 years of such application; and

(ii) In cases of subdivisions approved more than 3 years prior to the application, the clearinghouses waive the requirement. This exemption does not apply to applications for housing in an undeveloped subdivision or in proposed extensions of existing subdivisions.

(3) This requirement applies whether FmHA individually or jointly with the Department of Housing and Urban Development (HUD), or the Veterans Administration (VA) provides assistance by making, insuring, or guaranteeing loans or grants. If HUD or VA has already obtained project approval, it will not be necessary for FmHA to obtain further clearance. A copy of the approval will be made part of FmHA's file.

(4) Comments from clearinghouses for RH projects should include:

(i) A statement as to whether the proposed project is consistent with State or areawide development plans.

(ii) The extent to which the proposed project will provide housing opportunities for all segments of the community.

(iii) Any major environmental concerns.

(iv) Such other factors which may bear upon the viability effects of the project.

(c) *Clearinghouse functions.* These functions include:

(1) Evaluating the significance of proposed Federal or federally assisted programs to State, areawide, or local plans and programs.

(2) Receiving and disseminating project notifications to appropriate agencies, local governments, and organizations and providing liaison, as necessary, between such agencies and the applicant. In the case of units of general local government, notifications of all projects affecting the jurisdiction of any such unit will be sent to the chief executive of such unit by the areawide clearinghouse or to such central agency as the chief executive may designate for review and reference to appropriate agencies of such unit. The chief executive for purposes of this subpart is the highest official, elected or nonelected, responsible for the administrative affairs of the unit of local government.

(3) Assuring that appropriate State, areawide, or local environmental agencies are informed of the environmental significance of proposed projects for which Federal assistance is sought, and are given an opportunity to review and comment on these projects.

(4) In the case of projects under programs covered by this Part located in the coastal zone, as defined in the Coastal Zone Management Act of 1972, assuring that the State agency, if other than the State clearinghouse, responsible for administration of the approved program for the management of the coastal zone, is given opportunity to review the project for its relationship to such program and its consistency therewith.

(5) Providing public agencies charged with enforcing or furthering the objectives of State and local civil rights laws an opportunity to review and comment on the civil rights aspects of the project.

(6) Providing, pursuant to § 1901.352 (a) of this subpart, liaison between Federal agencies contemplating direct Federal development projects and the State or areawide agencies or local governments having plans or programs that might be affected by the proposed project.

(7) Assuring that, in the case of a project for which Federal assistance is sought by a special purpose unit of local government, any unit of general local government having jurisdiction over the area in which the project is to be located has opportunity to confer, consult, and comment on the project and the application.

(8) Establishing coordinative arrangements between the clearinghouses where areawide clearinghouse jurisdictions are contiguous so as to assure that projects in one area which may have an impact on the development of a contiguous area are jointly studied. Any comments and recommendations made by or through a clearinghouse in one area on a project in a contiguous area will accompany the application for assistance to that project.

(d) *Consultation and review by clearinghouses.* (1) State and areawide clearinghouses have 30 days upon receipt of a project notification to inform State, multistate, local, or regional governments or agencies (including agencies referred to in paragraphs (c) (3) and (4) of this section) of the proposed project and arrange any necessary meetings with the applicant. The review will be completed in this period and comments will be submitted to the applicant.

(2) If the review is not completed during this period, the clearinghouse may work with the applicant in the resolution of any problems raised by the proposed project during the period in which the application is being developed.

(3) In cases where no project notification has been submitted and the clearinghouse receives only a completed application, the clearinghouse will have 60 days to review the completed application. If a completed application is submitted during the first 30 days after a notification has been submitted by the applicant, the clearinghouse will have 30 days plus the number of days remaining in the initial 30-day notification period to complete its review. In all other cases, the clearinghouse will have 30 days to review a completed application. If clearinghouses have not completed their reviews during the 30-day notification period, they are strongly urged to give the applicant formal notice to that effect. If reviews have been completed before completion of an application, an information copy will be supplied to FmHA by the clearinghouse, upon request, when the application is submitted.

(4) Written comments submitted to the areawide clearinghouse by other jurisdictions, agencies, or parties will be included as attachments to the comments of areawide clearinghouses when they are at variance with the clearinghouse comments. Others for whom comments were solicited and received should be listed.

(5) Under some FmHA programs, applicants are required to submit confidential information to FmHA. Such information may relate to the applicant's financial status or structure (e.g., overall investment program or holdings); to personnel (e.g., personal histories of project officers); or may involve proprietary information (e.g., industrial processes, research ideas). Such confidential information need not be included with applications submitted to clearinghouses for review.

(6) Applications for the renewal or continuation of grants or applications not submitted to or acted upon by FmHA within 1 year after completion of clearhouse review will be subject to another review upon request of the clearinghouse.

(e) *Clearinghouse comments and recommendations.* Comments and recommendations made through or by clearinghouses with respect to any proposed project are for the purpose of assuring maximum consistency with State, areawide, and local comprehensive plans. In the case of a project for which assistance is being sought by a special purpose unit of government, information should be obtained as to whether the unit of general local government having jurisdiction over the area in which the project is located has applied or plans to apply for assistance for the same or a similar project or otherwise plans to undertake the same. Information also is needed to assist in determining whether the project is in compliance with applicable Federal law. Comments or recommendations may include, but are not limited to, information concerning:

(1) The exent to which the project is consistent with or contributes to the fulfillment of goals of comprehensive planning for the State, area, or locality.

(2) The extent to which the project duplicates, runs counter to, or needs to be coordinated with other projects or activities being carried out in or affecting the area, or might be revised to increase its effectiveness or efficiency in relationship to other State, area, or local programs and projects.

(3) The extent to which the project contributes to the achievement of State, areawide, and local objectives and priorities relating to natural and human resources and economic and community development as stated in section 401 of the Intergovernmental Cooperation Act of 1968 specifically:

(i) Appropriate land uses for housing, commercial, industrial, governmental, institutional, and other purposes.

(ii) Wise development and conservation of natural resources, such as land, water, minerals, and wildlife.

(iii) Balanced transportation systems, including highway, air, water, pedestrian, mass transit, or other modes for the movement of people and goods.

(iv) Adequate outdoor recreation and open space.

(v) Protection of areas of unique natural beauty, historical, and scientific interest.

(vi) Properly planned community facilities, such as utilities supplying power, water, and communications and providing for the safe disposal of wastes.

(vii) Concern for high standards of design.

(4) The extent to which the project significantly affects the environment, as provided under section 102(2)(C) of the National Environmental Policy Act of 1969. Specifically:

(i) The environmental impact of the project.

(ii) Any adverset environmental effects that cannot be avoided.

(iii) Alternatives to the project.

(iv) The relationship between local short-term uses of the environment and the maintenance and enhancement of long-term uses.

(v) Any irreversible and irretrievable commitments of resources that would be involved in the project or action should it be implemented.

(5) The extent to which the project contributes to more balanced patterns of settlement and delivery of services to all sectors of the area population, including minority groups.

(6) Effects on energy resource supply and demand.

(7) The extent to which people or businesses will be displaced and the availability of relocation resources.

(8) As provided under section 307(d) of the Coastal Zone Management Act of 1972, in the case of a project located in the coastal zone, the relationship of the project to the approved State program for the management of the coastal zone and its consistency therewith.

§ 1901.356 Submission of clearinghouse comments and recommendations by applicant.

Applicants will submit to FmHA:

(a) Any comments and recommendations made by or through clearinghouses, with a statement that such comments have been considered before submission of the application; or

(b) A statement that the procedures outlined in this subpart have been followed and no comments or recommendations have been received.

§§ 1901.357–1901.359 [Reserved]

§ 1901.360 FmHA functions.

FmHA will ascertain that all applications for loan and grant assistance covered by this subpart have been submitted to appropriate clearinghouses for review before their submission to FmHA except as noted in § 1901.355(a)(2)(vi). If such clearinghouses have not reviewed an application, the application will be returned to the applicant with instructions to fulfill this requirement. FmHA will see that the applications contain a State Application Identifier (SAI) number. This number must be used in notifying clearinghouses of action taken on the application.

(a) *Coordination with State governments.* The State Director will work closely with Governors in implementing the provisions of OMB Circular A-95. State Directors will advise County Supervisors of the addresses of applicable clearinghouses. Applications in regional areas not covered by designated clearinghouses may be processed under existing FmHA regulations until areawide clearinghouses have been established. However, this will not preclude State clearinghouses from seeking advice and comments from local government officials and other recognized planning groups about a particular project.

(b) *Disposition of applications.* The State Director will notify clearinghouses within 7 days of any action, (approvals, disapprovals, return for amendments, etc.) on applications that have been reviewed by such clearinghouses. Standard Form 424, "Federal Assistance," also will be used for this purpose. If the clearinghouse has recommended disapproval of an application or approval only with specific and major substantive changes, and the FmHA office has approved the application substantially as submitted, the FmHA office will provide a complete written explanation to the clearinghouse.

(c) *Application from general local government.* If an application has been submitted by a special purpose unit of the government, and accompanying comments indicate that a unit of general local government having jurisdiction over the area in which the project is to be located has submitted or plans to submit an application for assistance for the same or a similar project, priority will be given to the unit of general local government. If such priority cannot be given, the State Director will notify the unit of general local government in writing of the reasons. Two copies of the notice will be sent to the National Office, one of which wil be forwarded to OMB through the USDA Office of Operations.

(d) *County Office records.* The following information will be documented in the County Office file for each application subject to the requirements of this subpart:

(1) Name of applicant and purpose of request.

(2) Type of comments by clearinghouses, e.g., supportive, supportive with modifications, nonsupportive, or no comments after proper notification.

(3) Type of organization.

(e) *Adverse Recommendation by Clearinghouse.* If a clearinghouse recommendation is against approval project because it conflicts with or duplicates another Federal or federally assisted project, and FmHA plans to approve the application, FmHA will consult with the agency assisting a similar project before acting. The County Office file will be documented with the FmHA justification for approving the project over the objections of the clearinghouse.

§ 1901.361–1901.400 [Reserved]

EXHIBIT A—PROJECT NOTIFICATION AND REVIEW SYSTEM

The following steps show the process of the "Project Notification System" developed to implement, in part, Title IV of the Intergovernmental Cooperation Act.

Step 1. Potential applicant desiring Federal assistance makes inquiries of Federal agency.

Step 2. Federal agency informs applicant that, among other things, it must notify both State and areawide clearinghouses about the project for which it intends to apply for assistance.

Step 3. Applicant notifies clearinghouses.

Step 4a. State clearinghouse notifies State agencies that might have programs affected by proposed project, including environmental agencies and agencies charged with enforcing or furthering the objectives of civil rights laws.

b. Areawide clearinghouse notifies local government agencies whose interests might be affected by the proposed project, including

local and regional environmental agencies and agencies charged with enforcing or furthering the objectives of civil rights laws.

Step 5. State agencies or local governments inform clearinghouses of interest, if any.

Step 6. Clearinghouse arranges conference with applicant within 30 days of notification pursuant to its own or State or local interest.

Step 7. Conferences are held to:

a. Explore project in greater detail.

b. Identify possible conflicts or mutual interests.

Step 8. If there is continuing interest, applicant and clearinghouses (with any State or local interest), cooperate in developing application to:

a. Resolve conflicts.

b. Strengthen project.

Step 9. If conflicts are not resolved, clearinghouse notifies applicant that it will have comments to accompany the application. (*Note:* Conflicts may arise between clearinghouses or particular State agencies or local governments as to the merit of a project, so such comments may be supportive or critical.)

Step 10. Applicant submits completed application (or adequate project description) to clearinghouse(s), providing 30 days for comment plus the number of days remaining in the initial 30-day notification period for review (60 days if the clearinghouse receives application wtihout project notification).

Step 11. Clearinghouse(s) submits any formal comments of its own or of particular State agencies or local governments to applicant.

Step 12. Applicant submits application to Federal agency, including comments, if any; or, if none, a statement that procedures outlined in this subpart have been followed and no comments have been received.

Step 13. Federal agency considers application, comments, and informs clearinghouses of action taken.

The process may come to a satisfactory conclusion at the completion of Steps 5, 7, or 8 as well as Step 13. At either of the earlier steps, clearinghouses can inform applicant of general satisfaction with the project and that they will have no or supportive comment. In such case, the applicant completes the application and submits it to the Federal agency with a statement coupled with any supportive comment from the clearinghouse(s), that procedures have been followed.

Effective date: This regulation shall become effective December 10, 1976.

Dated: November 23, 1976.

FRANK B. ELLIOT,
Administrator, Farmers Home Administration.

[FR Doc.76-36341 Filed 12-9-76;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 33—SPORT FISHING

Bowdoin National Wildlife Refuge, Montana

The following special regulation is issued and is effective on December 10, 1976.

§ 33.5 Special regulations; sport fishing, for individual wildlife refuge areas.

MONTANA

BOWDOIN NATIONAL WILDLIFE REFUGE

Sport fishing by rod, reel and pole, bow and arrow and the capturing of bait fish (minnows) by seine and minnow trap on Bowdoin National Wildlife Refuge, Phillips County, Montana is permitted on a year round basis, but only on areas designated by signs as open to fishing. These open areas are delineated on maps available at refuge headquarters, seven miles east of Malta, Montana and from the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 25486, Denver, Colorado 80225. Sport fishing shall be in accordance with all applicable State regulations.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1977.

JOHN R. FOSTER,
Refuge Manager, Bowdoin National Wildlife Refuge, Malta, Montana.

JANUARY 1, 1977.

[FR Doc.76-36359 Filed 12-9-76;8:45 am]

Title 12—Banks and Banking

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

PART 18—FORM AND CONTENT OF ANNUAL REPORT TO SHAREHOLDERS

National Banks

On October 19, 1976, the Comptroller of the Currency published for comment (FEDERAL REGISTER 41 FR 46144) proposed revisions to Part 18 of Title 12 of the Code of Federal Regulations. Part 18 contains rules governing the preparation and issuance of Annual Reports to Shareholders by national banks which do not furnish an Annual Report pursuant to 12 CFR 11.5(c) and those which are not wholly-owned subsidiaries of a bank holding company.

The proposed revisions have been adopted, with minor modifications, and will be effective on January 1, 1977. All Annual Reports to Shareholders issued after December 31, 1976, must be presented in the format specified in Part 18 as revised, except as to certain requirements noted below which the Comptroller has waived for reports distributed in 1977.

Part 18 has been revised in order to make its provisions relating to the preparation of Annual Reports to Shareholders consistent with the recently revised Instructions for Preparation of Consolidated Reports of Condition and Income by National Banking Associations. The regulation in no way restricts banks from including other information that has traditionally appeared in Annual Reports to Shareholders.

A majority of the comments on the proposal were directed at the requirement under § 18.1(b) that each national bank mail an Annual Report to its shareholders at least 14 days in advance of its annual meeting, but in no event later than 60 days after the close of the bank's fiscal year. The commentators pointed out that some banks which hold their annual meetings in the early part of the calendar year may not be able to comply with the requirement, as proposed, since the financial information for the report will not be available until after December 31.

Section 18.1(b) has been modified to require that a national bank mail an Annual Report to each of its shareholders at least 10 days prior to the annual meeting, but in no event later than 60 days after the close of the latest fiscal year. The 10 day requirement corresponds to the Comptroller's Interpretive Ruling 7.4000 as to the mailing of Notice of all shareholder meetings.

The Comptroller believes that the availability of financial information to shareholders is essential to their meaningful participation in the annual meeting, and the 10 day requirement will assure adequate opportunity for shareholders to evaluate that information. However, in response to the comments and in order to avoid any undue burdens in connection with preparations for 1977 annual meetings, the Comptroller hereby waives the 10 day requirement as to any Annual Report to Shareholders distributed in 1977. This will afford an affected bank adequate opportunity to make appropriate changes in its scheduled annual meeting date.

The Comptroller similarly recognizes that the new Part 18 requirement for comparative financial information will necessitate the restatement of 1975 data, some of which may not be readily available. Also, the new requirement for footnote disclosure may introduce a new financial reporting technique to some banks. Thus, as to Annual Reports to Shareholders distributed in 1977, the Comptroller hereby waives the requirements of § 18.2 so as to permit the omission of all financial information for fiscal 1975, and the requirements of § 18.3(b) so as to permit the omission of all footnote disclosure for fiscal 1975 and 1976. Of course, such information may be included voluntarily if presented in the required format. All requirements of Part 18 will be applicable to Annual Reports to Shareholders distributed in subsequent years.

One commentator suggested that the proposed Balance Sheet format be modified to exclude amounts relating to bad debt contingency reserves from the Capital Accounts section. The suggestion has not been adopted. Contingency reserves are appropriations of Undivided Profits and may be reversed at the discretion of the bank's Board of Directors. Thus, such reserves are properly considered part of capital. In addition, it is desirable that consistency be maintained between a bank's Annual Report to Shareholders and its published Call Reports.

The Comptroller of the Currency finds that the changes made in the proposal of October 19, 1976, respond to public com-

ments and consist of corrections and clarifications which do not impose an additional burden on affected persons. Accordingly, further public participation in this rulemaking process is not required by the provisions of 5 U.S.C. § 553 relating to notice and opportunity for additional public comment.

In addition, the Comptroller hereby finds that the effective date of this amendment, although less than 30 days after the date of publication for adoption, is appropriate in order that the format of financial information furnished by national banks in their Annual Reports to Shareholders during 1977 be consistent with that presented in the banks' published Call Reports.

The Comptroller of the Currency, pursuant to the general authority of national banking laws, RS 324 et seq., as amended; 12 U.S.C. 1 et seq., hereby amends Part 18, as set forth below.

Effective Date: The effective date of these amendments is January 1, 1977.

ROBERT BLOOM,
Acting Comptroller of the Currency.

Sec.
18.1 Scope and application.
18.2 Financial statements.
18.3 General rules.
Appendix A—Balance Sheet.
Appendix B—Statement of Earnings.
Appendix C—Reconciliation of Equity Capital Accounts.
Appendix D—Reconciliation of Reserve for Possible Loan Losses (Valuation Reserve).

AUTHORITY: R.S. 324 et seq., as amended; (12 U.S.C. 1 et seq).

§ 18.1 Scope and application.

This Part is issued by the Comptroller of the Currency under the general authority of the National Banking Laws, R.S. 324 et seq. as amended, 12 U.S.C. 1 et seq., and contains rules applicable to the issuance of annual reports by national banks.

(a) Every national bank shall mail an annual report to each of its shareholders, to the Comptroller of the Currency and the appropriate Regional Administrator, containing, as a minimum, the information required by this Part. This Part shall not apply to the following:

(1) Banks which are furnishing Annual Reports to Shareholders in accordance with § 11.5(c) of Part 11 of the Comptroller's Regulations; or

(2) Banks which, except for directors' qualifying shares, are wholly-owned subsidiaries of bank holding companies.

(b) Every bank subject to this Part shall mail an annual report to each of its shareholders at least 10 days prior to its annual meeting but in no event later than 60 days after the close of the bank's fiscal year.

§ 18.2 Financial statements.

The following financial statements must be included in the Annual Report to Shareholders:

(a) Comparative Balance Sheets as of the end of the two most recent fiscal years (See Appendix A);

(b) Comparative Statements of Earnings for the two latest fiscal years (See Appendix B);

(c) Comparative Reconciliation of Equity Capital Accounts for the two latest fiscal years (See Appendix C);

(d) Comparative Reconciliation of Reserve for Possible Loan Losses (Valuation Reserve) for the two latest fiscal years (See Appendix D).

§ 18.3 General rules.

(a) The financial statements called for by this Part should be prepared in accordance with the applicable instructions and definitions set forth by the Office of the Comptroller of the Currency in the publication entitled, "Instructions for Preparation of Consolidated Reports of Condition and Reports of Income by National Banking Associations" and in any other releases amending or interpreting this publication.

(b) The following information should be disclosed, when applicable, in footnotes to the financial statements:

(1) A summary of significant accounting policies, such as whether the bank is on the cash or accrual basis of accounting;

(2) Any changes in accounting principles or practices or in the method of applying any accounting principles or practices made during any period for which financial statements are filed which affect comparability of such financial statements with those of prior or future annual periods, and the effect thereof upon the net income for each period for which financial statements are filed:

(3) Retroactive adjustment made during any period for which financial statements are filed, and the effect thereof upon net income of prior periods;

(4) A brief description of any restrictions, other than statutory, on the payment of dividends;

(5) The components of income tax expense, including taxes currently payable and deferred income taxes;

(6) A breakdown of the loan portfolio similar to the major loan categories of Schedule A of the Consolidated Report of Condition; and

(7) The amount of outstanding standby letters of credit.

(c) The statements and footnotes called for by this part are minimum requirements. Additional information as may be necessary to make the financial statements not misleading shall be included.

(d) The requirements of this Part may be met by providing each shareholder with a copy of the Balance Sheet of the Consolidated Report of Condition and Section A of the Consolidated Report of Income, and the following information, for both the current and immediately preceding year:

(1) Income before securities gains (losses) per common share;

(2) Net income per common share;

(3) Appendix C of this Part;

(4) Appendix D of this Part;

(5) Footnotes pursuant to § 18.3(b); and

(6) Such additional information as may be necessary to meet the requirements of § 18.3(c).

APPENDIX A.—*Balance Sheet (consolidated)*

[In thousands of dollars]

	19__	19__
Resources:		
1. Cash and due from banks		
2. U.S. Treasury securities		
3. Obligations of other U.S. Government agencies and corps		
4. Obligations of States and political subdivisions		
5. Other bonds, notes, and debentures		
6. Federal Reserve stock and corporate stock		
7. Trading account securities		
8. Federal funds sold and securities purchased under agreements to resell		
9. (a) Loans, total (excluding unearned income)		
(b) Less: Reserve for possible loan losses		
(c) Loans, net		
10. Direct lease financing		
11. Bank premises, furniture and fixtures, and other assets representing bank premises		
12. Real estate owned other than bank premises		
13. Investments in unconsolidated subsidiaries and associated companies		
14. Customers' liability to this bank on acceptances outstanding		
15. Other assets		
16. Total assets		
Liabilities:		
17. Demand deposits of individuals, partnerships, and corps		
18. Time and savings deposits of individuals, partnerships and corps		
19. Deposits of U.S. Government		
20. Deposits of States and political subdivisions		
21. Deposits of foreign governments and official institutions		
22. Deposits of commercial banks		
23. Certified and officers' checks		
24. Total domestic deposits		
(a) Total demand deposits		
(b) Total time and savings deposits		
(c) Deposits in foreign offices		
(d) Total domestic and foreign deposits		
25. Federal funds purchased and securities sold under agreements to repurchase		
26. Liabilities for borrowed money		
27. Mortgage indebtedness		
28. Acceptances executed by or for account of this bank and outstanding		
29. Minority interest in consolidated subsidiaries		
30. Other liabilities		
31. Total liabilities		
32. Subordinated notes and debentures		
Equity Capital Accounts:		
33. Preferred stock:		
(a) No. shares outstanding .... (par value)		
34. Common stock:		
(a) No shares authorized		
(b) No. shares outstanding .... (par value)		
35. Surplus		
36. Undivided profits		
37. Reserve for contingencies and other capital reserves		
38. Total equity capital		
39. Total liabilities and equity capital		

NOTE.—Banks may combine various lines as follows if the particular line figure is less than 3 percent of total assets Line 14 into line 15; Line 7 into lines 2, 3, 4, and 5, as appropriate; line 23 into line 30. Lines for which banks have no entry may be omitted.

APPENDIX B.—*Statement of Earnings (consolidated)*

[In thousands of dollars]

	19__	19__
1. Operating income:		
(a) Interest and fees on loans		
(b) Interest on balances with banks		
(c) Income on Federal funds sold and securities purchased under agreements to resell in domestic offices		
(d) Interest on U.S. Treasury securities		
(e) Interest on obligations of other U.S. Government agencies and corporations		
(f) Interest on obligations of States and political subdivisions of the U.S.		
(g) Interest on other bonds, notes and debentures		
(h) Dividends on stock		
(i) Income from direct lease financing		
(j) Income from fiduciary activities		
(k) Service charges on deposit accounts in domestic offices		
(l) Other service charges, commissions, and fees		
(m) Other income		
(n) Total operating income (sum of items 1-a through 1-m)		

APPENDIX B.—*Statement of Earnings (consolidated)*—Continued

[In thousands of dollars]

	19__	19__
2. Operating expenses:		
(a) Salaries and employee benefits		
(b) Interest on time certificates of deposit of $100,000 or more issued by domestic offices		
(c) Interest on deposits in foreign offices		
(d) Interest on other deposits		
(e) Expense of Federal funds purchased and securities sold under agreement to repurchase in domestic offic es		
f) Interest on borrowed money		
() Interest on subordianted notes and debentures		
(g(h) 1. Occupancy expense of bank premises, gross		
2. Less: Rental income		
3. Occupancy expense of bank premises, net		
(i) Furniture and equipment expense		
(j) Provision for possible l oan losses (or actual net loan losses)		
(k) Minority interest in consolidated subsidiaries		
(l) Other expenses		
(m) Total operating expenses (sum of items 2-a through 2-l)		
3. Income before income taxes and securities gains or losses (Item 1-n minus 2-m)		
4. Applicable income taxes (domestic and foreign)		
5. Income before securities gains or losses (item 3 minus 4)		
6. (a) Securities gains (losses), gross		
(b) Applicable income taxes (domestic and foreign)		
(c) Securities gains (losses), net		
7. Income before extraordinary items		
8. Extraordinary items, net of tax effect		
9. Net income		
Earnings per common share:		
Income before securities gains (losses)		
Net income		

NOTE.—Banks may combine any line item 1-a through 1-l into line 1-m, and any line item 2-a through 2-l into line 2-l, provided the particular line figure to be combined is less than 3 percent of total operating income. Lines for which banks have no entry may be omitted.

APPENDIX C.—*Reconciliation of Equity Capital Accounts, 19__*

[In thousands of dollars]

	Preferred stock (par value)	Common stock (par value)	Surplus	Undivided profits and capital reserves	Total equity capital
1. Balance beginning of period					
2. Net income (loss)					
3. Sale, conversion, acquisition or retirement of capital					
4. Changes incident to mergers and absorptions					
5. Cash dividends declared on common stock					
6. Cash dividends declared on preferred stock					
7. Stock dividends issued					
8. Other increases (decreases) (itemize)					
9. Balance end of period					

NOTE.—This schedule is identical to sec. B of the consolidated report of income, and should be prepared for each of the latest 2 years.

APPENDIX D.—*Reconciliation of Reserve for Possible Loan Losses (Valuation Reserve)*

[In thousands of dollars]

	19__	19__
1. Balance beginning of period		
2. Recoveries credited to reserve		
3. Changes incident to mergers and absorption		
4. Provision for possible loan losses (must equal Item 2j on statement of earnings)		
5. Losses charged to reserve		
6. Balance end of period		

NOTE.—Every bank subject to this part must provide this schedule as part of its report to shareholders. Banks with total resources of less than $25,000,000 as of the end of the previous year which have no reserve for possible loan losses (valuation reserve) must, nevertheless, provide this schedule as part of their report to shareholders. These banks will show a beginning balance of zero, gross recoveries on line 2, gross losses on line 5, and net losses or recoveries on line 4, which will result in an ending balance of zero

[FR Doc.76-36241 Filed 12-9-76;8:45 am]

Title 20—Employees' Benefits

CHAPTER III—SOCIAL SECURITY ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[Regulations No. 10, further amended]

PART 410—FEDERAL COAL MINE HEALTH AND SAFETY ACT OF 1969, TITLE IV—BLACK LUNG BENEFITS (1969——)

Subpart E—Payment of Benefits

BENEFIT RATES

The amendment set forth below revises § 410.510(d) to include benefit rates payable to a miner or widow beginning October 1976. Section 412(a) of the Federal Coal Mine Health and Safety Act of 1969, as amended (30 U.S.C. 922(a)), directs the Secretary of Health, Education, and Welfare to make benefit payments to a qualified miner or widow at a rate equal to 50 per centum of the minimum monthly payment to which a Federal employee in Grade GS-2, who is totally disabled, is entitled at the time of payment under the minimum payment provision of the Federal Employees Compensation Act, 5 U.S.C. 8112. Pursuant to Executive Order 11941 dated October 1, 1976, the pay rate for step 1 of Grade GS-2 of the General Schedule has been increased. This, therefore, has resulted in an increase of the basic black lung benefit rate payable to miners and widows both newly entitled and those already on the rolls, to $205.40 a month beginning with the month of October 1976, and § 410.510(d) of Regulations No. 10 which sets out black lung benefit rates is revised accordingly.

Benefit rates to other beneficiaries (i.e., surviving dependent children, parents, brothers, and sisters), both newly entitled and those already on the rolls, are also increased beginning October 1976. Paragraph (e) of § 410.510 contains the rules for determining the benefit rates payable to those beneficiaries based on the rates shown in § 410.510(d) for a miner or widow.

Since this amendment of the regulations merely interprets the self-executing benefit formula in section 412(a) of the Act (30 U.S.C. 922(a)) which is already described in paragraphs (a), (b), and (c) of this § 410.510, the Secretary of Health, Education, and Welfare finds that publication with Notice of Proposed Rule Making, as well as publication at least 30 days prior to an effective date, are unnecessary.

Consideration will be given to any comments pertaining to this amendment which are submitted in writing to the Commissioner of Social Security, Department of Health, Education, and Welfare, P.O. Box 1585, Baltimore, Maryland 21203.

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.

(Catalog of Federal Domestic Assistance Program No. 13.806, Special Benefits for Disabled Coal Miners.)

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

Dated: November 19, 1976.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: December 6, 1976.

MARJORIE LYNCH,
Acting Secretary of Health, Education, and Welfare.

Part 410 of Chapter III of Title 20 of the Code of Federal Regulations is amended as follows:

Paragraph (d) of § 410.510 is revised to read as follows:

§ 410.510 Computation of benefits.

* * * * *

(d) *Benefit rates for miners and widows.*

	Beginning October 1976	Beginning October 1975	October 1974 to September 1975	October 1973 to September 1974	October 1972 to September 1973	January 1972 to September 1972	1971	1969-70
(1) Miner or widow with no dependents	$205.40	$196.80	$187.40	$177.60	$169.80	$161.50	$153.10	$144.50
(2) Miner or widow with one dependent	308.10	295.20	281.10	266.40	254.70	242.20	229.60	216.70
(3) Miner or widow with two dependents	352.50	344.40	328.00	310.80	297.10	282.60	267.90	252.80
(4) Miner or widow with three or more dependents	410.80	392.50	374.80	355.20	339.50	322.90	306.10	288.90

* * * * *

(Sections 411(a), 412(a), 426(a), and 508, 83 Stat. 793; 30 U.S.C. 921(a), 922(a), 936(a), and 957.)

Effective date: The foregoing amendment shall become effective December 10, 1976.

[FR Doc.76-36224 Filed 12-9-76;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-0114]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted In Food for Human Consumption

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

TBHQ

The Food and Drug Administration is amending the food additive regulations to recognize the name "TBHQ" as the common or usual name for tertiary butylhydroquinone; effective December 10, 1976; objections by January 10, 1977.

A notice published in the FEDERAL REGISTER of April 29, 1976 (41 FR 17953) announced that a food additive petition (FAP 6A3186) had been filed by Eastman Chemical Products, Inc., Kingsport, TN 37662, proposing that § 121.1244 *Tertiary butylhydroquinone (TBHQ)* (21 CFR 121.1244) and § 121.2576 *Cross-linked polyester resins* (21 CFR 121.2576) be amended to recognize TBHQ as the common or usual name for the food additive, tertiary butylhydroquinone.

The Commissioner of Food and Drugs, having evaluated data in the petition and other relevant material concludes that the name "TBHQ," having been established by universal usage over a period of time as the common or usual name for tertiary butylhydroquinone, may be so used in the food additive regulations.

For the purpose of identity, the Commissioner also concludes that the Chemical Abstracts Service Registry Number and the current Chemical Abstracts nomenclature for the additive should be included with the name "tertiary butylhydroquinone" in the introductory text of § 121.1244, 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 as follows:

1. Section 121.1244 is amended by changing the section heading and revising the introductory text to read as follows:

§ 121.1244 TBHQ.

The food additive TBHQ, which is the chemical 2-(1,1-dimethylethyl)-1,4-benzenediol (Chemical Abstracts Service Registry Number 1948-33-0), also known as tertiary butylhydroquinone, may be safely used in food in accordance with the following prescribed conditions:

* * * * *

§ 121.2576 [Amended]

2. Paragraph (b) of § 121.2576 *Cross-linked polyester resins* is amended in item 1 of the table listing by changing the entry "tert-butyl hydroquinone" to read "TBHQ."

Any person who will be adversely affected by the foregoing regulation may at any time on or before January 10, 1977, file with the Hearing Clerk, Food and Drug Administration, Rm. 4-65,

5600 Fishers Lane, Rockville, MD 20857, 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. Five copies of all documents shall be filed and should be identified with the Hearing Clerk docket number found in brackets in the heading of this regulation. Received objections may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

Effective date: This regulation shall become effective December 10, 1976.

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

Dated: December 1, 1976.

JOSEPH P. HILE,
Associate Commissioner for Compliance.

[FR Doc.76-36012 Filed 12-9-76;8:45 am]

Title 22—Foreign Relations

CHAPTER VI—U.S. ARMS CONTROL AND DISARMAMENT AGENCY

PART 602—FREEDOM OF INFORMATION POLICY AND PROCEDURES

Decision on Appeal

The purpose of amending § 602.41 is to implement the Presidential Directive of July 30, 1976, Amending the National Security Council Directive of May 17, 1972, Governing the Classification, Downgrading, Declassification and Safeguarding of National Security Information. The Presidential Directive of July 30, 1976 eliminated the requirement that a Departmental Committee review all appeals of requests for records under the Freedom of Information Act when the proposed denial is based on continued classification under Executive Order 11652.

Inasmuch as these amendments involve changes in Agency procedure and practice, notice of proposed rulemaking is not required by the provisions of 5 U.S.C. 553.

Section 602.41 is amended by revising paragraph (a), revoking and reserving paragraph (b), and amending paragraph (d).

Section 602.41 of Chapter VI, Title 22 of the Code of Federal Regulations is hereby amended, effective December 10, 1976, as follows:

§ 602.41 [Amended]

1. Paragraph 602.41(a) is amended by deleting the words "Except as provided in paragraph (b) below" so that the paragraph as amended reads as follows:

(a) Review and final determination on an appeal shall be made by the Executive Officer of ACDA.

2. Paragraph 602.41(b) is revoked and reserved.

3. Paragraph 602.41(d) is amended by deleting the words "either" and "or the Committee as appropriate" in the first sentence so that the sentence as amended reads as follows:

(d) The final determination on an appeal from a denial shall be made, by the Executive Officer, within 20 working days of receipt of the appeal by the Agency.

Dated: DECEMBER 1, 1976.

JOHN F. LEHMAN,
Acting Director.

[FR Doc.76-36369 Filed 12-9-76;8:45 am]

Title 23—Highways

CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER C—CIVIL RIGHTS

PART 200—TITLE VI PROGRAM AND RELATED STATUTES—IMPLEMENTATION AND REVIEW PROCEDURES

Guidelines

• *Purpose.* The purpose of this document is to set forth regulations for implementing the Federal Highway Administration (FHWA) Title VI compliance program and for conducting Title VI program compliance reviews relative to the Federal-aid highway program.•

The Federal-Aid Highway Program Manual[1] is being amended to include a directive (Volume 2, Chapter 1, Section 2) setting forth FHWA Title VI policy, procedures for processing Title VI reviews, reporting requirements and the responsibilities of both FHWA and the State highway agencies for implementation of the Title VI program. This directive is a revised version of Volume 3, Chapter II of the Civil Rights Equal Opportunity Manual. Those portions of the Manual addition which impose requirements on recipients in order to qualify for Federal-aid are hereby published.

The matters affected relate to benefits or contracts within the purview of 5 U.S.C. 553(a)(2), thus general notice of proposed rulemaking is not required.

Pursuant to the Department of Transportation Policies To Improve Analysis and Review of Regulations (41 FR 16200), the Secretary of Transportation has been notified that this regulation is expressly mandated by statute or has minimal impact.

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

Effective date: December 20, 1976.

Issued on: DECEMBER 1, 1976.

J. R. COUPAL, JR.,
Deputy Administrator.

[1] The Federal-Aid Highway Program Manual is available for inspection and copying as prescribed in 49 CFR Part 7, Appendix D.

23 CFR, Chapter I is amended by adding a new part 200, reading as follows:

Sec.
200.1 Purpose.
200.3 Application of this Part.
200.5 Definitions.
200.7 FHWA Title VI policy.
200.9 State highway agency responsibilities.
200.11 Procedures for processing Title VI reviews.
200.13 Certification acceptance.
200.15 Action plan.

AUTHORITY: Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d to 2000d-4; Title VIII of the Civil Rights Act of 1968, 42 U.S.C. 3601-3619; 42 U.S.C. 4601 to 4655; 23 U.S.C. 109(h); 23 U.S.C. 324.

§ 200.1 Purpose.

To provide guidelines for: (a) Implementing the Federal Highway Administration (FHWA) Title VI compliance program under Title VI of the Civil Rights Act of 1964 and related civil rights laws and regulations, and (b) Conducting Title VI program compliance reviews relative to the Federal-aid highway program.

§ 200.3 Application of this Part.

The provisions of this part are applicable to all elements of FHWA and provide requirements and guidelines for State highway agencies to implement the Title VI Program requirements. The related civil rights laws and regulations are listed under § 200.5(p) of this part. Title VI requirements for 23 U.S.C. 402 will be covered under a joint FHWA/NHTSA agreement.

§ 200.5 Definitions.

The following definitions shall apply for the purpose of this Part:

(a) "Affirmative Action"—A good faith effort to eliminate past and present discrimination in all federally assisted programs, and to ensure future nondiscriminatory practices.

(b) "Beneficiary"—Any person or group of persons (other than States) entitled to receive benefits, directly or indirectly, from any federally assisted program, i.e., relocatees, impacted citizens, communities, etc.

(c) "Citizen Participation"—An open process in which the rights of the community to be informed, to provide comments to the Government and to receive a response from the Government are met through a full opportunity to be involved and to express needs and goals.

(d) "Compliance"—That satisfactory condition existing when a recipient has effectively implemented all of the Title VI requirements or can demonstrate that every good faith effort toward achieving this end has been made.

(e) "Deficiency Status"—The interim period during which the recipient State has been notified of deficiencies, has not voluntarily complied with Title VI Program guidelines, but has not been declared in noncompliance by the Secretary of Transportation.

(f) "Discrimination"—That act (or action) whether intentional or unintentional, through which a person in the United States, solely because of race, color, religion, sex, or national origin, has

been otherwise subjected to unequal treatment under any program or activity receiving financial assistance from the Federal Highway Administration under Title 23 U.S.C.

(g) "Facility"—Includes all, or any part of, structures, equipment or other real or personal property, or interests therein, and "the provision of facilities" includes the construction, expansion, renovation, remodeling, alteration or acquisition of facilities.

(h) "Federal Assistance"—Includes:

(1) Grants and loans of Federal funds,

(2) The grant or donation of Federal property and interests in property,

(3) The detail of Federal personnel,

(4) The sale and lease of, and the permission to use (on other than a casual or transient basis), Federal property or any interest in such property without consideration or at a nominal consideration, or at a consideration which is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale or lease to the recipient, and

(5) Any Federal agreement, arrangement, or other contract which has, as one of its purposes, the provision of assistance.

(i) "Noncompliance"—A recipient has failed to meet prescribed requirements and has shown an apparent lack of good faith effort in implementing all of the Title VI requirements.

(j) "Persons"—Where designation of persons by race, color, or national origin is required, the following designations ordinarily may be used: "White not of Hispanic origin", "Black not of Hispanic origin", "Hispanic", "Asian or Pacific Islander", "American Indian or Alaskan Native." Additional subcategories based on national origin or primary language spoken may be used, where appropriate, on either a national or a regional basis.

(k) "Program"—Includes any highway, project, or activity for the provision of services, financial aid, or other benefits to individuals. This includes education or training, work opportunities, health, welfare, rehabilitation, housing, or other services, whether provided directly by the recipient of Federal financial assistance or provided by others through contracts or other arrangements with the recipient.

(l) "State highway agency"—That department, commission, board, or official of any State charged by its laws with the responsibility for highway construction. The term "State" would be considered equivalent to "State highway agency" if the context so implies.

(m) "Program Area Officials"—The officials in FHWA who are responsible for carrying out technical program responsibilities.

(n) "Recipient"—Any State, territory, possession, the District of Columbia, Puerto Rico, or any political subdivision, or instrumentality thereof, or any public or private agency, institution, or organization, or other entity, or any individual, in any State, territory, possession, the District of Columbia, or Puerto Rico, to whom Federal assistance is extended, either directly or through another recipient, for any program. Recipient includes any successor, assignee, or transferee thereof. The term "recipient" does not include any ultimate beneficiary under any such program.

(o) "Secretary"—The Secretary of Transportation as set forth in 49 CFR 21.17(g)(3) or the Federal Highway Administrator to whom the Secretary has delegated his authority in specific cases.

(p) "Title VI Program"—The system of requirements developed to implement Title VI of the Civil Rights Act of 1964. References in this Part to Title VI requirements and regulations shall not be limited to only Title VI of the Civil Rights Act of 1964. Where appropriate, this term also refers to the civil rights provisions of other Federal statutes to the extent that they prohibit discrimination on the grounds of race, color, sex, or national origin in programs receiving Federal financial assistance of the type subject to Title VI itself. These Federal statutes are:

(1) Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d–d4 (49 CFR, Part 21; the standard DOT Title VI assurances signed by each State pursuant to DOT Order 1050.2; Executive Order 11764; 28 CFR 50.3);

(2) Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C.4601–4655) (49 CFR Part 25; Pub. L. 91–646);

(3) Title VIII of the Civil Rights Act of 1968, amended 1974 (42 U.S.C. 3601–3619);

(4) 23 U.S.C. 109(h);

(5) 23 U.S.C. 324;

(6) Subsequent Federal-Aid Highway Acts and related statutes.

§ 200.7 FHWA Title VI policy.

It is the policy of the FHWA to ensure compliance with Title VI of the Civil Rights Act of 1964; 49 CFR, Part 21; and related statutes and regulations.

§ 200.9 State highway agency responsibilities.

(a) State assurances in accordance with Title VI of the Civil Rights Act of 1964.

(1) Title 49, CFR Part 21 (Department of Transportation Regulations for the implementation of Title VI of the Civil Rights Act of 1964) requires assurances from States 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 otherwise subjected to discrimination under any program or activity for which the recipient receives Federal assistance from the Department of Transportation, including the Federal Highway Administration.

(2) Section 162a of the Federal-Aid Highway Act of 1973 (section 324, Title 23 U.S.C.) requires that there be no discrimination on the ground of sex. The FHWA considers all assurances heretofore received to have been amended to include a prohibition against discrimination on the ground of sex. These assurances were signed by the 50 States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, and American Samoa. The State highway agency shall submit a certification to the FHWA indicating that the requirements of section 162a of the Federal-Aid Highway Act of 1973 have been added to its assurances.

(3) The State highway agency shall take affirmative action to correct any deficiencies found by the FHWA within a reasonable time period, not to exceed 90 days, in order to implement Title VI compliance in accordance with State-signed assurances and required guidelines. The head of the State highway agency shall be held responsible for implementing Title VI requirements.

(4) The State program area officials and Title VI Specialist shall conduct annual reviews of all pertinent program areas to determine the effectiveness of program area activities at all levels.

(b) State Actions. (1) Establish a civil rights unit and designate a coordinator who has a responsible position in the organization and easy access to the head of the State highway agency. This unit shall contain a Title VI Equal Employment Opportunity Coordinator or a Title VI Specialist, who shall be responsible for initiating and monitoring Title VI activities and preparing required reports.

(2) Adequately staff the civil rights unit to effectively implement the State civil rights requirements.

(3) Develop procedures for prompt processing and disposition of Title VI and Title VIII complaints received directly by the State and not by FHWA. Complaints shall be investigated by State civil rights personnel trained in compliance investigations. Identify each complainant by race, color, sex, or national origin; the recipient; the nature of the complaint; the dates the complaint was filed and the investigation completed; the disposition; the date of the disposition; and other pertinent information. Each recipient (State) processing Title VI complaints shall be required to maintain a similar log. A copy of the complaint, together with a copy of the State's report of investigation, shall be forwarded to the FHWA division office within 60 days of the date the complaint was received by the State.

(4) Develop procedures for the collection of statistical data (race, color, religion, sex, and national origin) of participants in, and beneficiaries of State highway programs, i.e., relocatees, impacted citizens and affected communities.

(5) Develop a program to conduct Title VI reviews of program areas.

(6) Conduct annual reviews of special emphasis program areas to determine the effectiveness or program area activities at all levels.

(7) Conduct Title VI reviews of cities, counties, consultant contractors, suppliers, universities, colleges, planning agencies, and other recipients of Federal-aid highway funds.

(8) Review State program directives in coordination with State program officials and, where applicable, include Title VI and related requirements.

(9) The State highway agency Title VI designee shall be responsible for conducting training programs on Title VI and related statutes for State program and civil rights officials.

(10) Prepare a yearly report of Title VI accomplishments for the past year and goals for the next year.

(11) Beginning October 1, 1976, each State highway agency shall annually submit an updated Title VI implementing plan to the Regional Federal Highway Administrator for approval or disapproval.

(12) Develop Title VI information for dissemination to the general public and, where appropriate, in languages other than English.

(13) Establishing procedures for pregrant and postgrant approval reviews of State programs and applicants for compliance with Title VI requirements; i.e., highway location, design and relocation, and persons seeking contracts with the State.

(14) Establish procedures to identify and eliminate discrimination when found to exist.

(15) Establishing procedures for promptly resolving deficiency status and reducing to writing the remedial action agreed to be necessary, all within a period not to exceed 90 days.

§ 200.11 Procedures for processing Title VI reviews.

(a) If the regional Title VI review report contains deficiencies and recommended actions, the report shall be forwarded by the Regional Federal Highway Administrator to the Division Administrator, who will forward it with a cover letter to the State highway agency for corrective action.

(b) The division office, in coordination with the Regional Civil Rights Officer, shall schedule a meeting with the recipient, to be held not later than 30 days from receipt of the deficiency report.

(c) Recipients placed in a deficiency status shall be given a reasonable time, not to exceed 90 days after receipt of the deficiency letter, to voluntarily correct deficiencies.

(d) The Division Administrator shall seek the cooperation of the recipient in correcting deficiencies found during the review. The FHWA officials shall also provide the technical assistance and guidance needed to aid the recipient to comply voluntarily.

(e) When a recipient fails or refuses to voluntarily comply with requirements within the time frame allotted, the Division Administrator shall submit to the Regional Administrator two copies of the case file and a recommendation that the State be found in noncompliance.

(f) The Office of Civil Rights shall review the case file for a determination of concurrence or noncurrence with a recommendation to the Federal Highway Administrator. Should the Federal Highway Administrator concur with the recommendation, the file is referred to the Department of Transportation, Office of the Secretary, for appropriate action in accordance with 49 CFR.

§ 200.13 Certification acceptance.

Title VI and related statutes requirements apply to all State highway agencies. States and FHWA divisions operating under certification acceptance shall monitor the Title VI aspects of the program by conducting annual reviews and submitting required reports in accordance with guidelines set forth in this document.

§ 200.15 Action plan.

Each State has developed its own "Action Plan" that details procedures it will follow to give proper consideration to the effects of its highway projects, including ethnic/racial values. Title VI aspects of Action Plan monitoring should be coordinated with appropriate Civil Rights officials. Information gained from monitoring efforts should serve as a source for Civil Rights reports, evaluations, and future proposals.

[FR Doc.76-36368 Filed 12-9-76;8:45 am]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-944]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for the Borough of Bergenfield, New Jersey

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

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

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

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at Borough Hall, 198 North Washington Avenue, Bergenfield, New Jersey 07621.

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

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from shoreline or bank of stream (facing downstream) to 100-yr flood boundary	
			Right	Left
French Brook	West Clinton Ave	70	(1)	300
Hirschfeld Brook	New Bridge Rd	72	100	150
	Roosevelt Ave	64	400	500
	West Main St	57	20	20
	West Central Ave	47	50	50
Hirschfeld Brook Tributary.	New Jersey Ave	80	100	50
	West Shore RR	75	250	100
	Footbridge	55	200	50
Metzler Brook	Bogert Place	114	50	400
	East Main St	108	100	50
	East Clinton Ave	88	150	50

[1] Corporate limits.

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

Issued: November 15, 1976.

J. ROBERT HUNTER,
Federal Insurance Administrator.

[FR Doc.76-36207 Filed 12-9-76;8:45 am]

[Docket No. FI-2194]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for the Borough of Highland Park, New Jersey

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

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

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

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at Borough Hall, 21 South 9th Avenue, Highland Park, New Jersey 08904.

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

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from shoreline or bank of stream (facing downstream) to 100-yr flood boundary	
			Right	Left
Raritan River	Penn Central RR	15	(1)	100
	Raritan Ave	14	(1)	35
Mill Brook	River Rd	15	375	220
	Harrison Ave	35	50	25
West Branch of Mill Brook.	Bartle Ct	33	30	35
Secondary Branch of Mill Brook.	Lincoln Ave	42	60	10
	North 5th Ave	49	(1)	50
	North 8th Ave	55	(1)	50
	Highland Ave	65	(1)	40
	Raritan Ave	74	(1)	25

[1] To corporate limits.

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

Issued: November 15, 1976.

J. ROBERT HUNTER,
Federal Insurance Administrator.

[FR Doc.76-36206 Filed 12-9-76;8:45 am]

[Docket No. FI-2003]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for the Borough of Monmouth Beach, New Jersey

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

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

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

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for

review at Borough Hall, 22 Beach Road, Monmouth Beach, New Jersey 07750.

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

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary
South Shrewbury and Manahassett Creek.	Patten Ave	9	Entire avenue.
	Riverdale Ave	9	Do.
	Central Rd	9	Entire road.
	Robbins St	9	Entire street.

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

Issued: November 11, 1976.

J. ROBERT HUNTER,
Federal Insurance Administrator.

[FR Doc.76-36205 Filed 12-9-76;8:45 am]

[Docket No. FI-2162]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for the City of Forest Park, Georgia

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

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

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

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at City Hall, Forest Park, Georgia 30050.

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

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from shoreline or bank of stream (facing downstream) to 100-yr flood boundary	
			Right	Left
Poole Creek tributary	Catherine St	918	20	30
	Mountain View Rd	860	120	50
Conley Creek	Rock Cut Rd	851	220	(1)
Poole Creek	Greenhill Way Dr	858	50	80
Conley Creek Tributary.	Old Jonesboro Rd	915	140	140
	Simpson Rd	866	70	100
West Jester Creek Tributary.	Springdale Rd	953	50	40
	do	929	75	75
Jester Creek	South Ave	946	30	30
	West St	944	10	50
	Cemetary Dr	917	70	70
	Pineridge Rd	895	260	90
	Cynthia Lane	887	110	120
Pine Creek	Pineridge Rd	918	20	20
	Cone Rd	892	70	30
	Longleaf Dr	885	60	40

[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; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: November 11, 1976.

J. ROBERT HUNTER,
Federal Insurance Administrator.

[FR Doc.76-36203 Filed 12-9-76;8:45 am]

[Docket No. FI-2459]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for the City of Freeport, Stephenson County, Illinois

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

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

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

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at the Engineer's office, City Hall, 228 West Stephenson Street, Freeport.

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

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Pecatonica River	Southern corporate limits	760		150
	Chicago, Milwaukee and St. Paul RR. Bridge.	761		900
	West Stephenson Street Bridge	764	310	20
	Illinois Central RR. Bridge	765	120	20
	Van Buren Street Bridge	767	20	20
	North West Ave	768	500	950
	Northern corporate limits	768	900	1,950

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

Issued: November 11, 1976.

J. ROBERT HUNTER,
Federal Insurance Administrator.

[FR Doc.76-36201 Filed 12-9-76;8:45 am]

[Docket No. FI-2158]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for the City of Geneseo, Henry County, Illinois

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

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

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

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at the City Clerk's office, Geneseo City Hall, 101 South State Street, Geneseo.

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

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Genesee Creek	Northern corporate limit and Elk St.	618	410	50
	Chicago, Rock Island and Pacific R.R.	623	(1)	160
	Middle Rd	623	(1)	1,080
	Corporate limit	625	(1)	240
	Main St.	626	510	290
	State St.	632	390	540
	Corporate limit	639	140	270
	Southeastern corporate limit	644	280	460

[1] Corporate limits.

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

Issued: November 29, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-36211 Filed 12-9-76;8:45 am]

[Docket No. FI-2461]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for the City of Harbor Springs, 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 (§ 1917.10)), hereby gives notice of the final determinations of flood elevations for the City of Harbor Springs, Michigan under § 1917.8 of Title 24 of the Code of Federal Regulations.

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

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

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at City Hall, 349 East Main Street, Harbor Springs, Michigan 49740.

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

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from shoreline or bank of stream (facing downstream) to 100-yr flood boundary	
			Right	Left
Little Traverse Bay	State St. (extended)	583	90	(1)
	Zoll St. (extended)	583	100	(1)

[1] To 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; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: November 29, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-36210 Filed 12-9-76;8:45 am]

[Docket No. FI-2462]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for the City of Stephenson, 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 (§ 1917.10)), hereby gives notice of the final determinations of flood elevations for the City

of Stephenson, Michigan under § 1917.8 of Title 24 of the Code of Federal Regulations.

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

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

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at City Hall, Stephenson, Michigan 49887.

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

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from shoreline or bank of stream (facing downstream) to 100-yr flood boundary	
			Right	Left
Little Cedar River	Mill St	674	0	40
	Menominee St	674	49	10
	River Rd	677	99	50

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

Issued: November 29, 1976.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.76-36209 Filed 12-3-76;8:45 am]

[Docket No. FI-2458]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for the City of Thomasville, Georgia

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

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

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

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at City Hall, 144 East Jackson Street, Thomasville, Georgia 31792.

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

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from shoreline or bank of stream (facing downstream) to 100-yr flood boundary	
			Right	Left
Oquina Creek (Steam Mill Branch).	Pine Tree Blvd. North	191	440	520
	Cassidy Rd.[1]	203	440	160
	Albany Rd.[1]	206	150	160
	Cairo Rd.[1]	216	150	1,020
	Inner Blvd. (near Felix St.)	232	200	160
	Wolf St.	240	50	160
	West Clay St.	248	100	60
	Campbell St.	260	360	420
Oquina Creek (Bruce's Branch).	Chatham Dr.[1]	202	80	40
	Walcott St.[1]	209	70	30
	Glenwood Dr.	213	80	260
	East Clay St.	220	120	180
Good Water Creek	Pine Tree Blvd. North	257	300	210
	Patterson St.	270	80	200
Olive Creek	Pine Tree Blvd. South	197	140	460
	Old Monticello Rd.[1]	214	140	200
	Tuxedo Dr.	223	260	190
Tributary No. 1	Glenwood Dr.	202	120	280
Tributary No. 2	Tucwal St.	210	200	90
	Partridge Dr.	212	140	160
Tributary No. 3	Vine St.	214	40	120
Tributary No. 4	West Clay St.	240	90	390
	Lester St.	260	220	390
Tributary No. 5	North College St.	252	80	40
Tributary No. 7	Gordon Ave.	243	240	30
Tributary No. 8	Louis Rd.	254	100	80
	Mildred Lane	259	180	100
	Fletcher St.[1]	264	80	100
Tributary No. 9	Edison St.	273	40	80
	Straw Rd.[2]	281	70	140
Tributary No. 11	Blackshear St.	258	210	80

[1] Upstream side.
[2] Downstream side.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 23, 1968); as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: November 11, 1976.

J. ROBERT HUNTER,
Federal Insurance Administrator.

[FR Doc.76-36202 Filed 12-9-76;8:45 am]

[Docket No. FI-2460]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

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

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

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

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

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at the Tax Office in the Municipal Building, 126 North Main Street, Plains, Pennsylvania.

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

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Susquehanna River	At bridge, Wilkes-Barre connecting railroad.	551	130	(2)
	Hanes St. (extended)	552	800	(2)
	Popular St. (extended)	552	[1] 1,080	(2)
	Price St. (extended)	552	[1] 2,900	(2)
	Mack St. (extended)	552	2,160	(2)
	Hancock St. (extended)	552	2,060	(2)
	Opposite downstream end of Culver Island.	553	2,080	(2)
	Courtright St. (extended)	553	[1] 1,870	(2)
	Upstream corporate limits	554	960	(2)
Mill Creek	River Rd	551	(2)	80
	Main St	551	(2)	40
	Oak St	587	(2)	80
	North St. (extended)	538	(2)	100
	Cleveland St	509	[1] 320	320

[1] Certain areas are contained within or surrounded by 100-yr flood boundaries, but are elevated above 100-yr flood elevations. For clarification refer to the flood insurance rate maps currently on display at the above-mentioned address.
[2] Corporate limits.

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

Issued: November 11, 1976.

J. ROBERT HUNTER,
Federal Insurance Administrator.

[FR Doc.76-36204 Filed 12-9-76;8:45 am]

[Docket No. FI-2134]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Quincy, Massachusetts

On June 25, 1976, in 41 FR 26408, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas which included the City of Quincy, Massachusetts. Map No. H 255219A Panel 03 indicates that Lot 1, Land Court No. 26513A; Lot 2; Lot 3; and Lot 3, Land Court No. 23277B, as shown on a Plan of Land in Quincy, Massachusetts, as surveyed by Ernest W. Branch, Incorporated, Civil Engineers, on February 14, 1975, as recorded in No. 264, Book 249, in the Norfolk Registry of Deeds of Dedham, Massachusetts, are in their entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that Lot 1, Land Court No. 26513A; Lot 3; as well as the structure on Lot 2 and Lot 3, Land Court No. 23277B, are within Zone C, and are not within the Special Flood Hazard Area. The map amendment is not based on the placement of fill on the above named property after the effective date of the Flood Insurance Rate Map of the community. Accordingly, Map No. H 255219A Panel 03 is hereby corrected to reflect that the structure on the above property is not within the Special Flood Hazard Area identified on July 30, 1976.

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

J. ROBERT HUNTER,
Federal Insurance Administrator.

NOVEMBER 1, 1976.

[FR Doc.76-36344 Filed 12-9-76;8:45 am]

[Docket No. FI-2134]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for Charleston County, South Carolina

On June 25, 1976, in 41 FR 26415, the Federal Insurance Administrator published a list of communities with special hazard areas which included Charleston County. Map No. H & I 455413A Panel 161 indicates that a tract of land on Wadmalaw Island, Charleston County, South Carolina, as recorded in Platbook AE, Page 61 in the Register of Mesne Conveyance of Charleston County, South Carolina, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the existing structure on the above property is not within the Special Flood Hazard Area. The map amendment is not based on the placement of fill on the above named property after the effective date of the Flood Insurance Rate Map of the community. Accordingly, Map No. H & I 455413A Panel 161 is hereby corrected to reflect that the existing structure on the above property is not within the Special Flood Hazard Area identified on May 25, 1973.

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

J. ROBERT HUNTER,
Federal Insurance Administrator.

NOVEMBER 1, 1976.

[FR Doc.76-36345 Filed 12-9-76;8:45 am]

[Docket No. FI-2134]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Arlington, Texas

On June 25, 1976, in 41 FR 26416, the Federal Insurance Administrator published a list of communities with special hazard areas which included Arlington, Texas. Map No. H & I 405454A Panel 06 indicates that Lots 19–25, Block 3; Lots 85–93, Block 4 and Lot 31, Block 2, Section 6, Interlochen Estates, Arlington, Texas, as recorded in Volume 388–108, Page 43, in the office of Plat Records of Tarrant County, Texas, are in their entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the front 80 feet of Lots 88 and 91–93, Block 4 are within Zone B and not within the Special Flood Hazard Area.

Lots 19–25, Block 3 are within Zone B and not within the Special Flood Hazard Area.

The front 90 feet of Lot 85, Block 4; the front 100 feet of Lot 86, Block 4; and the front 85 feet of Lot 90, Block 4 are within Zone B and not within the Special Flood Hazard Area.

Lot 87, Block 4, with the exception of the rear 80 feet, is within Zone B, and not within the Special Flood Hazard Area.

Lot 89, Block 4, with the exception of the rear 90 feet, is within Zone B, and not within the Special Flood Hazard Area.

Lot 31, Block 2, a portion of which can be described as follows:

Beginning at the western most point of Lot 31, Section 6, Interlochen Estates, thence in a northeasterly direction along the northern line of Lot 31 to the northern most point of said Lot 31; thence in a southeasterly direction along the north line of said Lot 31 to the easternmost point of Lot 31; thence S. 16°40'07" W., approximately 110 feet to a point; thence N. 51°30' W., approximately 90 feet to a point; thence N. 84°30' W., approximately 62 feet to a point on the western line of Lot 31; thence N. 30°45' W., approximately 45 feet to the point of beginning, is within Zone B and not within the Special Flood Hazard Area. The map amendment is not based on the placement of fill on the above named property after the effective date of the Flood Insurance Rate Map of the community. Accordingly, Map No. H and I 405454A Panel 06 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area identified on March 5, 1976.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Adminis-

trator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

J. ROBERT HUNTER,
Federal Insurance Administrator.

NOVEMBER 1, 1976.

[FR Doc.76-36346 Filed 12-9-76;8:45 am]

Title 32—National Defense

CHAPTER VII—DEPARTMENT OF THE AIR FORCE

SUBCHAPTER G—BOARDS

PART 865—PERSONNEL REVIEW BOARDS

Air Force Discharge Review Board

Part 865, Subpart B, Air Force Discharge Review Board, of Subchapter G, Chapter VII, Title 32 of the CFR, is revised to further define the source of authority for the Air Force Discharge Review Board; clarify the review procedure; more specifically identify period of service involved; clarify the routing of the application/records; change location of regional hearings; prohibit active duty officers from acting as counsel; define methods of case presentation; incorporate evidence guidance sheet; clarify conditions for rehearings; change procedures and locations for regional boards; and make minor changes in wording in several paragraphs. The revised subpart will read as follows:

Subpart B—Air Force Discharge Review Board

Sec.
865.100 Purpose.
865.101 Statutory authority.
865.102 Organization and purpose of the board.
865.103 Jurisdiction and authority.
865.104 Application for review.
865.105 Board meetings.
865.106 Procedures for hearings.
865.107 Findings and conclusions.
865.108 Disposition of proceedings.
865.109 Approval of exceptions to directive.
865.110 Procedures for regional boards.
865.111 Guidance sheet.

AUTHORITY: The provisions of this Part 865, Subpart B, issued under sec. 8012, 70A Stat. 488, sec. 1553, 72 Stat. 1267, 10 U.S.C. 8012, 1553.

§ 865.100 Purpose.

This Subpart explains the jurisdiction, authority, and actions of the Air Force Discharge Review Board. It applies to all Air Force activities. This Subpart is affected by the Privacy Act of 1974. The system of records cited in this Subpart is authorized by 10 U.S.C. 1553 and 8012. Each data gathering form or format which is required by this Subpart contains a Privacy Act Statement, either incorporated in the body of the document or in a separate statement accompanying each such document.

§ 865.101 Statutory authority.

The Air Force Discharge Review Board (hereafter called the "Board") was established within the Department of the Air Force under section 301 of the Serviceman's Readjustment Act of 1944, as amended (now 10 U.S.C. 1553). The authority for actions set out in § 865.103(b)(1) is derived from discretionary authority conferred upon the Secretary of the Air Force under 10 U.S.C. 508(a).

§ 865.102 Organization and purpose of the board.

The Board, a part of the Secretary of the Air Force Personnel Council, is administered and supervised by the Council's Director. An administrative agency, it reviews the discharge or dismissal (other than a discharge or dismissal by sentence of a general court-martial) of former military personnel, on its own motion or at the request of a former military member or his or her appropriate representative.

§ 865.103 Jurisdiction and authority.

The Board has jurisdiction and authority in cases of former military personnel who, at the time of their separation from the Service, were members of the U.S. Army aviation components (Aviation Section, Signal Corps; Air Service; Air Corps; or Air Forces) or the U.S. Air Force. The Board does not have jurisdiction and authority concerning personnel of other arms and services who, at the time of their separation, were assigned to duty with the Army Air Forces or the U.S. Air Force.

(a) The Board's review is based on the former member's available military records and on any other evidence that is presented to the Board. The review, as accorded the applicant by law, is not an adversary proceeding to relitigate the reasons for the applicant's separation. The Board determines whether the type of discharge or dismissal the former serviceman or woman received is equitable and proper; if not, the Board instructs the USAF Military Personnel Center (DPM) to change the discharge or dismissal or to issue a new discharge according to the Board's findings. The Board's determination is subject to review by the Secretary of the Air Force.

(b) The Board is not authorized to revoke any discharge or dismissal, to reinstate any person who has been separated from the military service, or to recall any person to active duty. However:

(1) If an applicant was discharged from his or her last period of Air Force service under conditions which would bar his re-entry, the Board may restore the applicant's eligibility to enlist (actual enlistment would be subject to the needs of the service).

(2) The Board may not waive any physical or moral bar to enlistment, ordinarily waive any bar to re-entry on active duty unless waiver is specifically authorized by the controlling Air Force directive.

(c) The Board, on its own motion, may review a case that appears likely to result in a decision favorable to the former military member, without the member's knowledge or presence. In this case, if the decision is:

(1) Favorable, the Board directs AFMPC/DPM to notify the former member accordingly at the member's last known address.

(2) Unfavorable, the Board returns the case to the files without any record of formal action. If the former member later files an application for review, the Board then reconsiders the case without prejudice.

§ 865.104 Application for review.

An application for review must be submitted within 15 years after the effective date of the former member's discharge or dismissal.

(a) The applicant submits a single copy of DD Form 293, Application for Review of Discharge or Separation From the Armed Forces of the United States, with supporting affidavits and other evidence.

(b) The spouse, next-of-kin, or legal representative of a former member may submit the application for the review as agent for the member, but proof of the member's death or mental incompetency must accompany the request.

(c) Applicants forward their requests for review to the National Personnel Records Center—mailing address: NPRC/MPR-AF, 9700 Page Blvd., St. Louis, MO 63132. The National Personnel Records Center forwards all available military records of the former members to the Military Personnel Center for further processing to the Board.

(d) Applicants who express a desire to make a personal appearance before the Board have the option of requesting that one Board member be of enlisted status. The Board corresponds with the applicant before the hearing date to determine his o rher preference. If requested, one senior noncommissioned officer is appointed as a voting member to the Board which considers the case.

§ 865.105 Board meetings.

(a) The Board consists of five members and assembles to hear all cases. The president convenes, recesses, and adjourns the Board. If the president is absent, the next senior member acts as president.

(b) In addition to holding hearings in Washington, D.C., the Board periodically conducts regional hearings at selected locations throughout the Continental United States. Boards are conducted at centralized locations in those areas with the greatest number of applicants. The selected locations enable applicants to have a personal appearance closer to their home. A continuing review and appraisal is conducted to ensure convenience of hearing locations within the Board's budgetary and manpower capability. Administrative details and responsibilities for traveling boards are outlined in section 865.110.

§ 865.106 Procedures for hearings.

(a) The applicant is entitled, by law, to appear in person at his or her request before the Board in open session and to be represented by counsel of his or her own selection. (In this Part, "counsel" includes members in good standing

of the Federal or a State bar, accredited representatives of veterans organizations recognized by the Veterans Administration under 38 U.S.C. chapter 59, and any other person the Board considers to be competent to present the applicant's claim equitably and comprehensively.) Military officers of any service, on extended active duty, may not act as counsel for the applicant in any case brought before the Air Force Discharge Review Board (18 U.S.C. 205). The applicant also may present such witnesses as he or she may desire.

(1) There are three methods of presenting a case before the Discharge Review Board. These are:

(i) Nonpersonal appearance (NPA) cases—when an applicant indicates that he or she does not desire to appear at the Board, and does not desire to be represented by counsel.

(ii) Personal appearance cases.—when an applicant desires to appear in person with or without counsel.

(iii) Nonpersonal appearance with counsel—when an applicant does not desire to appear in person but does want to be represented by counsel.

(2) The Government does not compensate or pay the expenses of the applicant, applicant's witnesses, or counsel.

(3) The applicant may submit any documents he or she wishes as evidence for the Board's consideration. All applicants are provided a guidance sheet (§ 865.111) which suggests various types of information which would be beneficial in the Board's review.

(4) When an applicant has requested a personal appearance, the Board sends the applicant (and designated counsel, if any) written notice of the hearing time and place. The notice must be mailed at least 30 calendar days before the hearing date. If the applicant wishes, the time limit may be waived, and in such case the Board may set an earlier hearing date. Evidence must be placed in the record to show how and when the notice was given.

(5) If an applicant has requested a personal appearance and, after being notified of the hearing time and place, fails to appear at the appointed time, either in person or by counsel. The right to be present is waived.

(b) The Director, Secretary of the Air Force Personnel Council, ensures that hearings are conducted to afford full and fair inquiries by the Board.

(1) The Board members and recorder are sworn as are the applicant and witnesses if they decide to testify under oath.

(2) The Board and the applicants or their counsel are not allowed access to any investigative reports.

(i) When necessary to inform an application about the substance of such a document, the Board requests an appropriate official to prepare an unclassified summary of, or extract from, the document (without including references to sources of information and other matter that would be detrimental to public interest if disclosed).

(ii) This unclassified summary may be made available to public interest or his or her counsel.

(c) The Board, in conducting its inquiries, is not limited by the rules of evidence applicable in judicial proceedings.

(1) Witnesses may present evidence to the Board either in person or by affidavit. If a witness testifies under oath or affirmation, he or she is subject to examination by Board members.

(2) At the request of applicant or his or her counsel, and at the discretion of the Board, witnesses may be allowed to make unsworn statements in respondent's behalf, in which case they will not be examined by Board members.

(d) The Board may continue an inquiry on its motion or, at its direction, grant an applicant's (or his or her counsel's) request for continuance if this appears necessary to ensure a full and fair hearing.

(e) The Board, at its discretion and for good cause, may permit an applicant to withdraw his or her request without prejudice at any time before the Board begins its deliberations.

(f) Once the Board has heard and rendered a decision on a case, an application for rehearing is entertained only on the basis of the following:

(1) If the original review did not involve a personal appearance by the applicant and a personal appearance is now desired, a rehearing is granted on application.

(2) If the applicant submits new substantial and reliable information which might reasonably be expected to change the original findings and decision, a rehearing is granted. The granting of a rehearing under this basis is discretionary, predicated on the Board's consideration of the new material submitted.

(3) Where, after the original decision, there have been relevant changes in law either in statute or through court decisions, or changes in Department of Defense and Air Force policies, the board will consider, on application, whether in light of these changes it should rehear the case.

§ 865.107 Findings and conclusions.

(a) The Board, in executive closed session, determines the findings and conclusions in each case.

(b) The findings and conclusions of a majority of the Board members constitute the Board findings and conclusions. A dissenting Board member may file a minority report.

§ 865.108 Disposition of proceedings.

(a) When the Board has concluded its proceedings in any case, the recorder prepares a complete record.

(1) The record includes:

(i) The application for review.

(ii) An electromagnetic recording of the hearing, if any.

(iii) Documentary evidence considered including, by reference only, the applicant's Master Personnel Record.

(iv) The findings, conclusions, and instructions (see § 865.103(a)).

(v) Minority reports of dissenting Board members, if rendered; and

(vi) All other documents necessary to a true and complete history of the proceedings.

(2) The Board president signs the record and the recorder authenticates it as true and complete. (If the recorder is absent or incapacitated, a voting member of the Board may authenticate the record.)

(b) For each case, the Board transmits the record of its proceedings and directions to AFMPC/DPMDR, Randolph AFB TX 78148. This office administratively carries out the Board's directions and reports the results to the applicant and his or her counsel if any.

(1) The applicant, or his or her guardian (or other authorized representative), may request, in writing, that USAFMPC/DPM furnish a copy of the Board proceedings, findings, and conclusions.

(2) Information that appears to be potentially injurious to the applicant's physical or mental health is furnished only to the guardian or other authorized representative.

(c) Unclassified records of Board proceedings are open to perusal by the Administrator of Veterans Affairs or his or her authorized representative.

§ 865.109 Approval of exceptions to directive.

Only the Secretary of the Air Force may authorize or approve a waiver of, or exception to, any part of this Subpart.

§ 865.110 Procedures for regional boards.

(a) The Air Force Discharge Review Board, for the convenience of the applicant, conducts regional board hearings at selected locations throughout the Continental United States. Boards are conducted at centralized locations in those areas with the greatest number of applicants. Selected board locations enable applicants to have a personal appearance closer to their home. As a location is determined, applicants from that area are advised of the date the board will be held. The locations normally are at an Air Force installation for the convenience of using existing facilities and selecting board augmentees.

(b) Composition of the Board for these hearings consists of three members from Washington with augmentation by two members from nearby local Air Force resources. One member may be a senior noncommissioned officer (E-8 or E-9) when an applicant requests such membership.

(c) The major commands of the installation selected are required to task the subordinate units to provide two colonels and a senior enlisted person on an additional duty basis, to serve as members of the Board. Detailed information must be provided to the Chief, Personnel Division, of the installation involved before each hearing date.

(d) The administrative staff in Washington processes all cases for regional hearings, establishes hearing dates, and

returns the records to the Military Personnel Center at Randolph AFB, Texas, when the case is finalized. Detailed information for the local Board members is provided to the Directors of Personnel of the bases involved approximately 4 weeks before each hearing date.

(e) Travel and per diem for all Board members are funded by the Secretary of the Air Force Personnel Council (SAF/PC). The funding cite number is included in the information provided to the local Board members before each hearing date.

§ 865.111 Guidance sheet.

Regardless of the reason for your discharge, the suggested evidence listed below under paragraph (a) of this section would be beneficial to the Board. If you can recall the specific reason for discharge (types are shown in left hand column), additional suggested evidence is shown by the corresponding number in the right-hand column.

Reason for Discharge	*Evidence Needed by the Board*
(a) Discharge for any reason	(a) Your statement on what happened that caused your discharge, what motivated you. Current police record (statement from local police department). Statement from schools and colleges (if you are attending or have completed any school or college since discharge, provide a copy of your transcript, diploma or letter of accomplishment from the school). Employment record (be specific—list jobs in order held—who supervisor was—reason for leaving job). Participation in civic or community affairs. Character references (frank statements about your character from members of your family, family friends, employer(s), family doctor or pastor, and other responsible people in the community).
(b) General ineffectiveness (unsuitability, unfitness, limited potential/minimally productive)	(b) Indication that your attitude, ability, bearing and behavior are now improved. Indication that your capacity towards organizational loyalty, willingness to work and dedication are improved.
(c) Financial irresponsibility	(c) Verification of good credit (statements from banks, lending institutions, department stores, etc., that would attest to your financial condition). Statement from you on how your previous debts were resolved (paid off, bankruptcy, etc.).
(d) Alcoholism	(d) Verification of good credit (statement from banks, lending institutions, department stores, etc. that would attest to your financial condition). Membership in Alcoholics Anonymous—how long. Medical statement (statement by competent authority on your physical condition).
(e) Character and behavior disorder	(e) Medical statement (statement by competent authority on your physical and mental condition).
(f) Hardship	(f) If discharge was for financial reasons: Verification of good credit (statement from banks, lending institutions, department stores, etc., that would attest to your financial condition). If discharge was for medical reasons: A medical statement from competent medical authority disclosing the hardship no longer exists.
(g) Civil convictions	(g) If applicable: Statement by competent authority that a pardon has been granted.
(h) Homosexuality	(h) Circumstances surrounding act or acts for which discharged: Was the applicant seduced or coerced by someone in authority? Was alcohol a factor? Were there any familial or pre-service factors? Present status: Married with a family? Are you dating? Medical statement: if you have been receiving psychotherapy.
(i) Drug abuse	(i) Statement concerning the underlying causes of the offense: Was it because of youthful curiosity? Did you have a need to be a member of the gang? Did you have the habit prior to enlistment? Medical statement by competent medical authority if you have been receiving psychiatric treatment. Verification of good credit (statements from banks, lending institutions, department stores, etc., that would attest to your financial condition).
(j) Conscientious objector	(j) Statement from applicant concerning past views and what has happened to change them.
(k) Enuresis	(k) Medical statement by competent medical authority on the applicant's physical condition.
(l) Exceeding weight standards	(l) Medical statement by competent medical authority on the applicant's physical condition—specifically, your present weight and height.

Fire-related case: If you are advised that all or part of your records were destroyed by the fire in July 1973 at the National Personnel Records Center, it is doubly important that you provide as much evidence as possible to support your request. In these cases the Board may have limited or no record evidence available to it and must rely heavily on evidence presented by the applicant.

FRANKIE S. ESTEP,
Air Force Federal Register Liaison Officer, Directorate of Administration.

[FR Doc.76-36356 Filed 12-9-76;8:45 am]

Title 45—Public Welfare

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

PART 250—ADMINISTRATION OF MEDICAL ASSISTANCE PROGRAMS

Reimbursement on a Reasonable Cost-Related Basis for Skilled Nursing and Intermediate Care Facility Services; Corrections

On July 1, 1976, final regulations were published in the FEDERAL REGISTER to require that reimbursement for skilled nursing and intermediate care facility services under title XIX, Social Security Act (Medicaid) must be on reasonable cost-related basis. Several provisions contained in these new regulations require technical corrections.

Accordingly, the purpose of this Correction Notice is to make technical changes in the regulations of July 1, 1976. The statutory basis for reimbursement on a reasonable cost-related basis for skilled nursing and intermediate care facility services is section 1902(a)(13)(E) of the Social Security Act, as amended by section 249(a) of Pub. L. 92-603.

The Department finds that there is good cause to dispense with proposed rule making procedures as unnecessary, since the Correction Notice only makes technical changes to change incorrect wording and restore the omissions.

The following corrections are to be made in FEDERAL REGISTER document 76-19316 published at 41 FR 27301 on Thursday, July 1, 1976:

(1) Page 27301, preamble, first column, line 37 under "Organization of the Final Regulation", the term "method" should read "methods".

(2) Page 27303, preamble, second column, line 3, after the period add "These incentives apply under a class rate system only". This correction conforms the preamble to the regulations.

(3) Page 27306, in § 250.30(a)(3)(iii)(B)(*1*) change "All general services" to read "All general nursing services,".

(4) Page 27306, in § 250.30(a)(3)(iii)(B)(*4*) change "Items which are used by individual patients but which are usable * * *" to read "Items which are used by individual patients but which are reusable * * *."

(5) Page 27306, in § 250.30(a)(3)(iv) change the first sentence from "The State plan shall * * *" to read "The State plan shall set forth the methods

and standards used by the State to determine reasonable cost-related payment rates, and the State agency shall set payment rates * * *" It is the State agency which sets rates rather than the State plan.

(6) Page 27306, in § 250.30(a)(3)(iv)(A) change the first sentence from "Methods and standards that reasonably take into account actual costs * * *" to read "Methods and standards that take into account reasonable allowable costs * * *" States are not required to pay actual costs but to pay on a reasonable cost-related basis.

(7) Page 27306 in § 250.30(a)(3)(iv)(A), line 10 change "(Payment rates shall not be set lower than * * * the level which the State reasonably expects, to be adequate to reimburse in full such actual allowable costs * * *)" to read "(Payment rates shall not be set lower than * * * the level which the State reasonably expects to be adequate to reimburse in full such reasonable allowable costs * * *)"

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

Dated: December 6, 1976.

THOMAS S. MCFEE,
Deputy Assistant Secretary for Management Planning and Technology.

[FR Doc.76-36348 Filed 12-9-76;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[FCC 76-1079]

PART 0—COMMISSION ORGANIZATION

Cable Television Bureau

Correction

In FR Doc. 76-35782, appearing at page 53326, in the issue of Monday, December 6, 1976, on page 53327, § 0.90(f) should read:

(f) Provides facilities and assistance for public inspection of applications, pleadings, and other data on file with the Bureau.

[Docket No. 20230]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Stations in Pearsall and Uvalde, Texas

Adopted: November 29, 1976.

Released: December 6, 1976.

Report and order—Proceeding Terminated. In the matter of amendment of § 73.202(b), *Table of Assignments*, FM Broadcast Stations. (Pearsall and Uvalde, Texas), Docket No. 20230, RM-1741.

1. We here consider the Notice of Proposed Rulemaking, adopted November 11, 1974 (39 FR 40865), proposing to amend the FM Table of Assignments (§ 73.202(b) of the Commission's rules and regulations) by assigning Channel 237A as a first FM assignment to Pearsall, Texas. This proposal was issued in response to the petition of Walter H. Herbort, Jr. and Ramon Montemayor, the licensees of daytime-only AM Station KVWG, at Pearsall. In order to assign Channel 237A to Pearsall, it is necessary to delete the assignment of that channel at Uvalde, Texas, for which we proposed substitution of Channel 285A.[1] The Mexican Government has no technical objections to the proposed assignments. The only comments were filed by the petitioners.

2. Pearsall, population 5,545, is the seat of Frio County, population 11,159.[2] It is approximately 80 kilometers (50 miles) southwest of San Antonio. Station KVWG is the only broadcast service in Frio County.

3. Herbort and Montemayor originally had proposed a Class C channel for Pearsall, but since no such channel was available for assignment, they proposed a Class A channel which allegedly would serve an area completely unserved by any other FM station under the criteria set out in Roanoke Rapids, 9 F.C.C. 2d 672 (1967).

4. As concerns the proposed assignment of Channel 237A at Pearsall, the Notice requested that the petitioners furnish further information as to the area and population that could be served by a station on a Class A channel if assigned to Pearsall. Also, in the light of our decision in Anamosa and Iowa City, 46 F.C.C. 2d 520, 525-6 (1974), we asked for full information as to the availability of AM as well as FM broadcast service at Pearsall.

5. Petitioners have adduced information showing that a station on a Class A channel would cover an area of 1,595 square kilometers (615 square miles) with a population of 7,671 persons. Petitioners asserted further that more than 95 percent of this population and area are unserved by any FM station (7,402 persons in a 1,515 square kilometer (585 square mile) area). Less than 130 persons in a 39 square kilometer (15 square mile) area are said to already receive one FM service. Petitioners also asserted that unless Channel 237A is assigned to Pearsall there is no other channel available for assignment to serve that city. Regarding nighttime AM broadcast service, petitioners stated that Pearsall receives service from San Antonio AM Stations WOAI and KTSA.

6. Although petitioners FM showings failed to take into account the Class A assigned to Devine, Texas, even if this were taken into account the proposed Class A FM channel would bring first and/or second FM service to practically the entire service area. However, the entire area within the proposed 1 mV/m contour of an FM station, if Channel 237A is assigned to Pearsall, is already served by Station WOAI (a Class I-A AM station whose protected 500 μV/m contour extends approximately 209 kilometers (138 miles) from San Antonio) or KTSA (a Class III-A AM station whose 2.5 μV/m service contour extends approximately 161 kilometers (100 miles) from San Antonio). There are at least 18 AM stations serving all or parts of the proposed service area during daytime hours. Thus, there is no truly unserved area.

7. Although the Pearsall area does receive nighttime AM service, that service emanates from far distant cities. The proposal here is for a first FM channel assignment which also would bring a first local nighttime service. We believe the public interest would be served by making the assignment and thus bringing to the county and to Pearsall, its seat, a first local nighttime service. The Mexican Government has concurred in this assignment as well as the change in the Uvalde assignment which also is necessary.

8. *Accordingly, it is ordered,* That effective January 12, 1977, the FM Table of Assignments (§ 73.202(b) of the Commission's rules and regulations) is amended as concerns the communities named below to read as follows:

City	Channel No.
Pearsall, Tex.	237A
Uvalde, Tex.	285A

9. Authority for the action taken herein is found in sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended.

10. *It is further ordered,* That this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; (47 U.S.C. 154, 303, 307).)

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.76-36322 Filed 12-9-76;8:45 am]

[FCC 76-1110]

PART 76—CABLE TELEVISION SERVICES

Alteration of Cable Television Reporting Requirements

Adopted: November 30, 1976.

Released: December 7, 1976.

Order. In the matter of amendment of Part 76 of the Commission's rules and regulations to alter cable television reporting requirements.

1. The Commission has solicited information from cable television operators since 1965.[1] In 1966, a formal requirement was established for the filing of certain information[2] and FCC Form 325

[1] An application for a new station at Uvalde, filed by Uvalde Broadcasting, Inc. (BPH-9106) was granted June 23, 1975, subject to a condition regarding the need to modify the operation to specify the new channel. In light of our action, it will be necessary for the permittee to amend its pending license application to specify the new channel.

[2] All population data are from the 1970 U.S. Census.

[1] A letter dated June 2, 1965, conveyed a Questionnaire to cable television operators known to the Commission.

[2] See Second Report and Order, 2 FCC 2d 725, 765 (Mar. 4, 1966) at para. 99.

was created for the submission of that data. In 1971, Form 325 was revised, a financial Form 326 was created, and both were required to be filed on an annual basis.[3] In 1972, an employment unit Form 395 was created and required to be filed on an annual basis.[4]

2. The Commission is embarking on a 24-month program to implement an integrated, computerized data management system for the Cable Television Bureau. A major input to this system consists of information provided by cable television operators on so-called annual forms. The total data base represents the basic records system of the Commission concerning cable television and it is used not only in the processing of applications for authorizations, but also for research and policy functions. The rule changes concern modifications to the information collection process which are necessary for us to utilize the new system.

3. The Commission has heretofore required submission of the completed annual forms on fixed dates. The submission was, however, governed by the receipt of forms from the Commission by the operator. For several years these dates have been altered because of internal delays in mailing all the forms at the same time. We now intend to formally eliminate the fixed dates. Instead, the operator will be required to correct and/or complete within 60 days, the material mailed to him by the Commission. We intend to solicit the information in aggregates and at times during the year which are appropriate and convenient. For example, it would be appropriate for an operator to be mailed a Form 326 soliciting fiscal accounting information near the end of his indicated fiscal year for the particular financial unit involved. We expect that the distribution of these tasks during a one year period will be less burdensome. Additionally, when the physical system, financial unit, employment unit, or cable operator involves an aggregate of communities, only one solicitation for each of these entities will be sent. We will not solicit the same information at less than 12 month intervals.

4. Our program necessitates producing the existing data record to the maximum extent possible and asking the recipient cable operator to verify its accuracy or make corrections. Information which would normally change from year to year will not, of course, be printed. This entire process should afford the cable operator considerable relief from yearly reiteration of the same information on forms. Operators will not only know precisely what is contained in the Commission's data base, but also have an opportunity to assure its continued accuracy.

5. The changes in the Commission Rules and Regulations set forth below represent an implementation of the information collection concepts discussed in the above paragraphs. Additionally, a definition of "Cable Television System Operator" is included to clarify a term used throughout Part 76 of the rules, and specifically in Subpart I as the entity encumbered with responsibilities.

6. Authority for the rule changes set forth below is contained in 47 U.S.C. 151, 152, 301, 303, 307, and 403. Inasmuch as the changes affect agency procedure and practice, and are intended only to inform of administrative changes to existing requirements, compliance with the prior notice, procedural and effective date provisions of the 5 U.S.C. 553, would serve no useful purpose and are unnecessary.

7. *Accordingly, it is ordered,* That effective December 15, 1976, Part 76 of the Commission's rules is amended as set forth below.

(Secs. 1, 2, 301, 303, 307, 48 Stat., as amended, 1064, 1081, 1082, 1083; (47 U.S.C. 151, 152, 301, 303, 307).)

FEDERAL COMMUNICATIONS COMMISSION,[5]
VINCENT J. MULLINS,
Secretary.

Part 76 of Chapter I of Title 47 of the Code of Federal Regulations is amended in the following manner:

1. Section 76.5 is amended by adding a new paragraph (ll) as follows:

§ 76.5 Definitions.

* * * * *

(ll) *Cable television system operator or operator.* That local business entity, be it natural person, partnership, corporation, or association, which offers for sale services of a cable television system in the system community.

2. A new § 76.403 is added as follows:

§ 76.403 Cable television system reports.

The operator of every operational cable television system shall correct and/or furnish information in response to forms, encompassing each system community, mailed to said operator by the Commission. These include:

Community unit data.	"Annual report of cable television system," form 325, schedule 1.
Physical system data.	"Annual report of cable television system," form 325, schedule 2.
Operator ownership data.	"Annual report of cable television system," form 325, schedules 3 and 4.
Financial unit	"Cable television annual financial report," form 326.
Annual fee data.	"Computation of cable television annual fee," form 326-A.
Employment unit data [including notice of EEO complaints].	"Annual employment report," form 395.

These forms shall be completed and returned to the Commission within 60 days after the date of mailing by the Commission, except for the Financial Unit Data, which shall be returned within 60 days after the end of the most recent fiscal year of said financial unit.

§§ 76.401, 76.405, 76.409 and 76.411 [Deleted]

3. Existing sections 76.401, 76.405, 76.409, and 76.411 are deleted.

§ 76.311 [Amended]

4. In § 76.311, paragraph (d)(1) is amended by removing the phrase "no later than May 31 of each year;" paragraph (e)(1) is amended by removing the phrase "on or before May 31 of each year;" and paragraph (e)(4) is deleted.

[FR Doc.76-36321 Filed 12-9-76;8:45 am]

[3] See Third Report and Order, 32 FCC 2d 13 (Oct. 6, 1971).

[4] See Report and Order, 34 FCC 2d 186 (Mar. 23, 1972).

[5] Commissioner Lee absent.

Title 49—Transportation

CHAPTER II—FEDERAL RAILROAD ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 76-02]

PART 260—REGULATIONS GOVERNING SECTION 511 OF THE RAILROAD REVITALIZATION AND REGULATORY REFORM ACT OF 1976

Miscellaneous Amendments

On October 8, 1976, the Federal Railroad Administrator ("Administrator") published in the FEDERAL REGISTER (41 FR 44577) final regulations governing section 511 of the Railroad Revitalization and Regulatory Reform Act of 1976 ("Act") concerning the guarantee of obligations. On October 19, 1976, the President signed into law Pub. L. 94-555, the Rail Transportation Improvement Act ("RTIA"), which, among other things, amends section 511 of the Act. The purpose of this document is to correct certain technical errors that were contained in the regulations, clarify or revise certain provisions, and amend this part to reflect the following changes to section 511 contained in the RTIA:

1. Section 215(a) of the RTIA eliminates the requirement that the Administrator, prior to granting an application for a guarantee or commitment to guarantee an obligation, make a determination of the value of the facilities or equipment which are or will be financed or refinanced by such obligation. Accordingly, the provision contained in § 260.13(a)(2) of the regulations has been deleted.

2. Section 215(b) of the RTIA amends sections 511(h)(1) and (5) of the Act, which are renumbered pursuant to section 215(d) of the RTIA as section 511(g)(1) and (5), respectively. The amendment to section 511(g)(1) of the Act, as amended, permits an obligation for the improvement or rehabilitation of leased equipment under this part to be secured by the lease rather than by the equipment itself. Section 260.7(a)(4)(v) of the regulations has been revised to require an applicant to state with respect to leased equipment that is to be rehabilitated or improved with the proceeds of an obligation guaranteed under this

part whether the lease provides for, or the lessor will permit, encumbrance of the leasehold or subordination of the lessor's interest in the equipment to the Administrator.

The amendment to section 511(g)(5) of the Act, as amended, expands the types of factors that the Administrator may consider in determining whether there is reasonable security and protection for the United States as guarantor of an obligation. As amended, section 511(g)(5) of the Act requires a finding that—

> the prospective earning power of the applicant, or the value or prospective earning power of any equipment or facilities to be improved, rehabilitated, or acquired (or any combination of the foregoing), together with any other security offered by the applicant, is sufficient to provide the United States with reasonable security and protection, except that if the value or prospective earning power of such equipment or facilities is equal to or greater than the amount of the obligation to be guaranteed, the Secretary may not, on the basis of the lack of prospective earning power of the applicant, find that the United States will not be provided with the reasonable security and protection referred to in this paragraph;

Section 260.7(a)(4)(v) of the regulations is amended to reflect this revision to the Act.

3. Section 215(c) of the RTIA amends section 511(i) of the Act, as renumbered, to provide that the Administrator shall, before making or approving any guarantee under this part, require the obligor to agree to such terms and conditions as the Administrator deems sufficient to assure that, as long as any principal or interest remains unpaid on such obligation, such obligor will not (a) make any discretionary dividend payments (except as discussed below) or (b) use any funds or assets from railroad operations for non-rail purposes if such payments or use will impair the ability of the obligor to provide rail services in an efficient and economic manner or will adversely affect the ability of such obligor to perform any obligation guaranteed by the Administrator. The amendment also provides, however, that the Administrator may not restrict dividend payments that are made from net income in any fiscal year, if such payments do not exceed the greater of—

> (a) When compared to the net income of such obligor for such fiscal year, the ratio which aggregate dividends paid by such obligor, during the 5 fiscal years prior to the granting of the earliest loan guarantee then outstanding under this section, bore to aggregate net income of such obligor for such period; or
>
> (b) 50 per centum of the total additions to the retained income of such obligor (computed on a cumulative basis and giving cognizance to dividends paid) during the period commencing with the fiscal year prior to the granting of the earliest loan guarantee then outstanding under this section.

Moreover, the Administrator may not impose the restrictions referred to above with respect to dividend payments and use of funds or assets from railroad operations if, in the event of default by the obligor, he would be subrogated to the rights of the lender under section 77(j) of the Bankruptcy Act (11 U.S.C. 205(j)). In light of these changes in the Act, the requirements contained in § 260.13(c)(3) of the regulations have been deleted. The use of the term "fiscal year" in section 511(i) of the Act, as amended, will be construed to mean "applicant's fiscal year".

4. Section 215(d) of the RTIA eliminates the requirement that notice of each application be published in the FEDERAL REGISTER and interested persons be afforded an opportunity to submit comments on the applications. Notwithstanding the elimination of these requirements from the Act, however, the public comment procedures specified in the regulations are being retained. It is felt that valuable information may be gained by such a procedure.

Revisions not required by the RTIA have been made in the regulations in four areas. First, the requirements of § 260.9 (a) and (b), the remaining subsections of § 260.13, and § 260.15 of the regulations have been deleted because they set forth statutorily prescribed duties or powers of the Administrator or Comptroller General of the United States or deal with matters that are more properly addressed in the financing documents. Each guarantee or commitment to guarantee will be extended in such form and under such terms and conditions as the Administrator deems appropriate, consistent with the purposes of the Act. The terms and conditions that will be imposed as a minimum in the financing documents will be discussed with applicants at an appropriate time during the application process.

Second is the requirement of a filing fee in an amount equal to one-eighth of one percent of the principal amount of the obligation for which a guarantee is sought, to accompany each application as part of the investigation charge authorized in section 511(k) of the Act, as amended. The fee shall not be refundable and shall cover the costs of processing the application, including investigation of the application, appraisal of any security offered by applicant, and making the necessary determinations and findings, except where the Administrator finds it necessary to retain contractors to assist in the analysis of an application. Where a contractor is retained, the applicant will be assessed and shall pay promptly an additional amount to cover the costs of such contract(s) but the total of such charges and the filing fee will not exceed one-half of one percent of the obligation for which a guarantee is sought.

Third, renumbered § 260.9 (c), (d), and (e) have been revised to require the submission of additional balance sheet or income statement data needed to accurately assess the applicant's financial condition both before and after giving effect to the assistance requested in the application. There has been added to the provisions of § 260.9(c) the required submission of the most recent year-end general balance sheet certified by applicant's independent public accountants, if available. Section 260.9(d) has been revised to add the requirements of (1) a submission of applicant's most recent annual income statement certified by applicant's independent public accountants, if available, (2) a spread sheet showing unaudited monthly and year-to-date income statement data for the calendar year in which the application is filed, (3) estimated month-end balance sheets for the months between the date of the unaudited balance sheet presented in Exhibit C and the filing of the application, and (4) a forecasted balance sheet as at the year end for the year in which the application was filed. Section 260.9(e) is amended to add the requirement of forecasted year-end balance sheets for each of the four years subsequent to the year in which the application is filed, both before and after giving effect to the proceeds of the assistance requested in the application. An applicant which does not submit a balance sheet and income statement that have been certified by independent public accountants as requested in § 260.9 (c) and (d) will be required to supply such statements prior to closing in the event its application for financial assistance is approved, and execution of a guarantee will be contingent upon such certification being satisfactory to the Administrator.

Finally, a new § 260.7(a)(14) has been added which permits an applicant to supplement his application with any additional information that the applicant feels will assist the Administrator in making the statutorily prescribed findings or otherwise supports the application.

An evaluation of the expected impact of the regulations pursuant to the Department of Transportation Policies to Improve Analysis and Review of Regulations (41 FR 16200) is not required because the regulations are expressly mandated by statute. Moreover, proposed regulations were published for comment on June 1, 1976 (41 FR 22222), and comments of the public regarding the impact of the regulations were duly considered.

Since these amendments relate to public benefits and contracts, public notice and opportunity to comment are not required. These amendments will, therefore, become effective upon publication.

In consideration of the foregoing, 49 CFR Part 260 is amended as follows:

1. The heading to the regulations is amended to read:

Subpart A—Procedures for Application for Commitment to Guarantee or Guarantee of Obligations

Sec.
260.1 Applicability.
260.3 Definitions.
260.5 Eligibility.
260.7 Form and content of application.
260.9 Required exhibits.
260.11 Preapplication and application procedure.
260.13 Information requests.
260.15 Waivers and modifications.

Subpart B—Standards for Maintenance of Facilities by Recipients of Obligation Guarantees

Sec.
260.17 Applicability.
260.19 Definitions.
260.21 Standards.
260.23 Inspection and reporting.
260.25 Waiver.
260.27 Impact on other laws.
260.29 Penalties.

AUTHORITY: Railroad Revitalization and Regulatory Reform Act of 1976, Pub. L. 94-210, as amended; The Department of Transportation Act, 49 U.S.C. 1651 et seq., Regulations of the Office of the Secretary of Transportation, 49 C.F.R. 1.49(u).

§ 260.1 [Amended]

2. In the first sentence of § 260.1, the phrase ", as amended" is inserted after "1976".

§ 260.3 [Amended]

3. Section 260.3(a) is changed to read:

(a) "Act" means the Railroad Revitalization and Regulatory Reform Act of 1976 (Pub. L. 94-210, February 5, 1976), as amended.

* * * * *

4. In § 260.3(f)(4), the word "or" is substituted for the word "of" in the first place it apepars.

5. Sections 260.3 (h) through (n) are redesignated as § 260.3 (i) through (o), respectively, and a new § 260.3(h) is inserted which reads:

* * * * *

(h) "Guarantee" means guarantee or commitment to guarantee unless the context in which it is used indicates otherwise.

* * * * *

§ 260.5 [Amended]

6. In § 260.5, the phrase ", or to develop or establish new railroad facilities" is inserted immediately before the period.

§ 260.7 [Amended]

7. Section 260.7(a)(4)(v) is changed to read:

(a) * * *

(4) * * *

(v) Description of the security to be offered the Administrator in connection with any guarantee, applicant's opinion of the value of this security, and the basis for such opinion; in the case of leased equipment to be rehabilitated or improved with the proceeds of the obligation proposed to be guaranteed, applicant shall state, in addition to the above, whether the lease provides for, or the lessor will permit, encumbrance of the leasehold or subordination of the lessor's interest in the equipment to the Administrator.

8. In § 260.7(a)(6)(i), the word "for" is substituted for the word "of" in the second place it appears.

9. Section 260.7(a)(10) is changed to read:

(a) * * *

(10) Certified statement that applicant will pay to the Administrator in accordance with § 260.11(b)(4) an initial investigation charge and any additional investigation charges the Administrator assesses with respect to analysis and evaluation of the application, appraisal of any security offered by an applicant, and all studies and investigations that the Administrator deems necessary in order to make determinations or findings prescribed in the Act, up to a maximum of one-half of one percent of the obligation for which a guarantee is sought;

* * * * *

10. The word "and" following the semicolon in § 260.7(a)(13) is deleted, § 260.7(a)(14) is renumbered as § 260.7(a)(15), and a new § 260.7(a)(14) is inserted which reads:

(a) * * *

(14) Any information that the applicant deems appropriate to convey a full and complete understanding of the project and its impact or to assist the Administrator in making the statutorily prescribed findings; and

* * * * *

§ 260.9 [Amended]

11. Sections 260.9 (a) and (b) are deleted, and § 260.9 (c) through (l) are redesignated as § 260.9 (a) through (j), respectively, with concomitant changes in the lettering of the exhibits required therein.

12. The portion of the renumbered § 260.9(c) through the colon is amended to read:

* * * * *

(c) *Exhibit C.* A copy of applicant's most recent year-end general balance sheet certified by applicant's independent public accountants, if available, and a copy of applicant's most recent unaudited general balance sheet as of a date no less recent than the end of the third month preceding the date of filing of the application. The unaudited balance sheet shall be presented in account form and detail as required in schedule 200 of the Commission's annual report R-1 or R-2, as appropriate, together with the following schedules (where changes in accounts from the end of the prior year to date of the application have not been significant, copies of the appropriate schedules in the prior year's R-1 or R-2 with marginal notations listing the changes may be submitted:.

* * * * *

13. Renumbered § 260.9(d) is amended to read:

(d) *Exhibit D.* Applicant's most recent annual income statement certified by applicant's independent public accountants if available, and a spread sheet showing unaudited monthly and year-to-date income statement data for the calendar year in which the application is filed in account form similar to that required in column (a) of schedule 300 of annual report R-1 or R-2 as appropriate. For those months preceding and ending upon the date of the unaudited balance sheet presented in Exhibit C, the income statement data shall be reported on an actual basis and so noted. For those months between the dates of the unaudited balance sheet and the filing of the application, the income statement data shall be reported on an estimated basis and so noted and shall be submitted in conjunction with corresponding estimated month-end balance sheets. For those months between the date of the application and the end of the year, the income statement data shall be presented on a forecasted basis and so noted and shall be submitted in conjunction with a forecasted balance sheet as at the year end.

14. Renumbered § 260.9(e) is amended to read:

(e) *Exhibit E.* Spread sheets showing for each of the four years subsequent to the year in which the application is filed, both before and after giving effect to the proceeds of the assistance requested in the application:

(1) Forecasted annual income statement data in account form and detail similar to that required in column (a) of schedule 300 of annual report R-1 or R-2 as appropriate; and

(2) Forecasted year-end balance sheets in account form and detail similar to that required in schedule 200 of annual report R-1 or R-2, as appropriate.

These spread sheets shall be accompanied by a statement setting forth the bases for such forecasts.

15. Renumbered § 260.9(f)(1) is amended by inserting the word "unaudited" prior to the words "balance sheets" and by striking "Exhibit E" and inserting in lieu thereof "Exhibit C".

§ 260.11 [Amended]

16. Section 260.11(b) is amended by adding at the end thereof the following new paragraphs:

(b) * * *

(4) The application shall be accompanied by a filing fee in an amount equal to one-eighth of one percent of the principal amount of the obligation for which a guarantee is sought. This filing fee shall be applied towards the costs of analyzing and evaluating the application, appraising any security offered by applicant, and making any studies or investigations that the Administrator deems necessary in order to make the determinations and findings prescribed in the Act, except where the Administrator finds it necessary to retain contractors to perform or assist in performing these functions. Where any of these functions is performed under contract to the Administrator, the applicant will be charged, and shall pay promptly, an additional amount to cover the costs of such contract(s) but such charges will not exceed, when added to the initial charge, one-half of one percent of the obligation for which a guarantee is sought.

(5) The application shall be accompanied by a transmittal letter in form as follows:

Federal Railroad Administrator
c/o the Associate Administrator for
Federal Assistance of the
Federal Railroad Administration
Department of Transportation
400 Seventh Street, S. W.
Washington, D. C. 20590

Re: Application for a Commitment to Guarantee [Guarantee] under section 511 of the Railroad Revitalization and Regulatory Reform Act of 1976, as amended (the "Act").

Dear Sir:

Being duly authorized by _____ (jointly and severally/if more than one) (the "Applicant") to convey the understandings hereinafter set forth, I respectfully submit this application and remit its filing fee. By this filing, Applicant requests the Administrator to investigate the application and make the necessary findings upon which Applicant's eligibility for a Commitment to Guarantee [Guarantee] may be determined.

Applicant understands that neither the acceptance of this filing, the deposit of the filing fee, nor the commencement of an investigation acknowledges the sufficiency of the application's form, content or merit. Furthermore, Applicant understands that the Administrator will incur numerous expenses by this filing, and promises to pay, when charged, such amounts as the Administrator may assess with respect to the investigation of the application, the appraisal of security being offered, and the making of the necessary determinations and findings, up to one-half of one percent (including the filing fee) of the principal amount of the obligation for which Applicant seeks a Commitment to Guarantee [Guarantee].

Finally, Applicant understands that (1) payment of all such charges is required prior to the Administrator's final determination, (2) no charge will be cancelled nor refund made upon any termination of this application, (3) notice of this application will be published in the Federal Register to invite comment by interested parties, and (4) the Administrator will assess an annual premium charge, pursuant to the Act, on any obligation guaranteed under section 511.

Respectfully submitted,

applicant(s) Seal(s)

by_____
Its (Their)

§ 260.13 [Deleted]

§ 260.15 [Deleted]

§§ 260.17—260.33 [Redesignated]

16. Sections 260.13 and 260.15 are deleted, and §§ 260.17 through 260.33 are renumbered as §§ 260.13 through 260.29, respectively.

§ 260.17 [Amended]

17. In renumbered § 260.17, the word "construed" is changed to "constructed".

Effective date. These amendments to 49 CFR Part 260 become effective on December 10, 1976.

(Sec. 511, Railroad Revitalization and Regulatory Reform Act of 1976 (Pub. L. 94-210), as amended.)

Dated: December 8, 1976.

ASAPH H. HALL,
Administrator, Federal Railroad Administration.

[FR Doc.76-36415 Filed 12-9-76;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.

NATIONAL CAPITAL PLANNING COMMISSION

[1 CFR Part 455]

PRIVACY ACT

Proposed Procedures

The National Capital Planning Commission will consider the adoption, at its meeting on January 13, 1977, of the following proposed procedures pursuant to the Privacy Act, 5 U.S.C. 552a.

Interested organizations, agencies, and citizens are requested to submit their views in writing to the Commission prior to January 11, 1977, addressed to:

Daniel H. Shear, Secretary, National Capital Planning Commission, Washington, D.C. 20576.

PART 455—NATIONAL CAPITAL PLANNING COMMISSION

Sec.
455.1 Purpose and scope.
445.2 Definitions.
455.3 Procedures for requests pertaining to individual records in a record system.
455.4 Times, places, and requirements for identification of individuals making requests.
455.5 Disclosure of requested information to individuals.
455.6 Request for correction or amendment to the record.
455.7 Agency review of request for correction or amendment of the record.
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455.9 Disclosure of record to a person other than the individual to whom the record pertains.
455.10 Fees.
455.11 Penalties.
455.12 Exemptions.

AUTHORITY: 5 U.S.C. 552a.

§ 455.1 Purpose and scope.

These procedures provide the means by which individuals may safeguard their privacy by obtaining access to, and requesting amendments or corrections in, information, if any, about these individuals which is under the control of the National Capital Planning Commission (hereafter, the "Commission").

§ 455.2 Definitions.

For the purpose of these procedures:

(a) The term "individual" means a citizen of the United States or an alien lawfully admitted for permanent residence;

(b) The term "maintain" includes maintain, collect, use, or disseminate;

(c) The term "record" means any item, collection or grouping of information about an individual that is maintained by the Commission, including, but not limited to, his or her payroll information and mailing address and that contains his or her name, or the identifying number, symbol, or other identifying particular assigned to the individual, such as social security number;

(d) The term "system of records" means a group of any records under the control of the Commission from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual; and

(e) The term "routine use" means, with respect to the disclosure of a record, the use of such record for a purpose which is compatible with the purpose for which it was collected.

§ 455.3 Procedures for requests pertaining to individual records in a record system.

(a) An individual who wishes to know whether a system of records maintained by the Commission contains a record pertaining to him or her shall submit a written request to that effect to the appropriate System Manager at the Commission. The System Manager shall, within 10 days of receipt of such submission, inform the individual whether a system of records maintained by the Commission contains such a record.

(b) An individual who desires access to any identified record shall file a request therefor, addressed to the System Manager indicating whether such individual intends to appear in person at the Commission's offices or whether he or she desires to receive a copy of any identified record through the mail.

§ 455.4 Times, places, and requirements for identification of individuals making requests.

(a) An individual who, in accord with § 455.3(b) of this part indicated that he or she would appear personally shall do so at the Commission's offices, 1325 G Street, N.W., Washington, D.C., between the hours of 8:30 A.M. and 5:00 P.M., Monday through Friday (legal holidays excluded) and present a form of identification, such as a valid driver's license or employee identification card, which will permit the System Manager to verify that the individual is the same individual as contained in the record requested.

(b) An individual who, in accord with § 455.3(b) of this part indicated that he or she desired mail delivery of a copy of the record shall include in the request the date of birth and social security number of the individual as suitable proof of identity.

(c) Where the above mentioned forms of identification are not feasible or appropriate, the Commission shall request a signed statement from the individual asserting his or her identity and stipulating that the individual undersands that knowingly or willfully seeking or obtaining access to records about another individual under false pretenses is punishable by a fine of up to $5,000.

§ 455.5 Disclosure of requested information to individuals.

Upon verification of identity, the System Manager shall disclose to the individual the information contained in the record which pertains to that individual.

§ 455.6 Request for correction or amendment to the record.

An individual may request that a record pertaining to him or her be amended or corrected. The individual shall submit any such request in accord with §455.3 of this part and shall state therein the item sought to be amended and specific reasons therefor.

§ 455.7 Agency review of request for correction or amendment of the record.

Within ten days of the receipt of the request to correct or to amend the record, the System Manager will acknowledge in writing such receipt and promptly either: (a) make any correction or amendment of any portion thereof which the individual believes is not accurate, relevant, timely, or complete and inform the individual of same; or (b) inform the individual of his or her refusal to correct or to amend the record in accordance with the request, the reason for the refusal, and the procedures established by the Commission for the individual to request a review of that refusal.

§ 455.8 Appeal of an initial adverse agency determination on correction or amendment of the record.

An individual who disagrees with the refusal of the System Manager to correct or to amend his or her record may submit a request for a review of such refusal to the Chairman of the Commission, 1325 G Street, N.W., Washington, D.C. 20576. The Chairman will, not later than thirty days from the date on which the individual requests such review, complete such review and make a final determination unless, for good cause shown, the Chairman extends such thirty day period. If, after his or her review, the Chairman also refuses to correct or

to amend the record in accordance with the request, the individual may file with the Commission a concise statement setting forth the reasons for his or her disagreement with the refusal of the Commission and may seek judicial review of the Chairman's determination under 5 U.S.C. 552a(g)(1)(A).

§ 455.9 Disclosure of record to a person other than the individual to whom the record pertains.

(a) The Commission will not disclose a record to any individual other than to the individual to whom the record pertains without receiving the prior written consent of the individual to whom the record pertains, unless the disclosure has been listed as a "routine use" in the Commission's notices of its systems of records.

(b) An individual to whom a record is to be disclosed in person may have a person of his or her own choosing accompany the individual when the record is disclosed.

§ 455.10 Fees.

(a) The Commission will not charge an individual for the costs of making a search for a record or the costs of reviewing the record. When the Commission makes a copy of a record as a necessary part of the process of disclosing the record to an individual, the Commission will not charge the individual for the cost of making that copy.

(b) If an individual requests the Commission to furnish him or her with a copy of the record (when a copy has not otherwise been made as a necessary part of the process of disclosing the record to the individual), the Commission will charge a fee of $0.25 per page (maximum per page dimension of 8½×13 inches) to the extent that the request exceeds $5.00 in cost to the Commission. Requests not exceeding $5.00 in cost to the Commission will be met without cost to the requester.

§ 455.11 Penalties.

Title 18 U.S.C., sec. 1001, Crimes and Criminal Procedures, makes it a criminal offense, subject to a maximum fine of $10,000 or imprisonment for not more than five years or both, to knowingly and willfully make or cause to be made any false or fraudulent statements or representations in any matter within the jurisdiction of any agency of the United States. Section 552a(i)(3) of the Privacy Act (5 U.S.C. 552a(i)(3)), makes it a misdemeanor, subject to a maximum fine of $5,000, to knowingly and willfully request or obtain any record concerning an individual under false pretenses. Section 552a(i)(1) and (2) of the Privacy Act (5 U.S.C. 552a(i)(1) and (2)) provide penalties for violations by agency employees of the Privacy Act or regulations established thereunder.

§ 455.12 Exemptions.

No Commission records system is exempted from the provisions of 5 U.S.C. 552a as permitted under certain conditions by 5 U.S.C. 552a (j) and (k).

EDWARD H. RICKELS,
Associate Secretary.

[FR Doc.76-36402 Filed 12-9-76;8:45 am]

SMALL BUSINESS ADMINISTRATION

[13 CFR Parts 106, 107, 108, 115, 118, 119, 120, 122, 123 and 124]

NOTICE OF PROPOSED RULEMAKING

Notice is hereby given that pursuant to the authority contained in Section 5 of the Small Business Act, 15 U.S.C. 631 et seq., and section 308 of the Small Business Investment Act, 1958 (15 U.S.C. 661 et seq.), it is proposed to amend, Parts 106, 107, 108, 115, 118, 119, 120, 122, 123 and 124 of Chapter I, Title 13 of the Code of Federal Regulations.

Prior to the final adoption of such amendments, consideration will be given to any comments. Such comments should be submitted in writing, in triplicate, to the Associate Administrator for Finance and Investment, Small Business Administration, Washington, D.C. 20416, on or before January 10, 1977.

Information. The Small Business Administration is considering a change in its present policy regarding the acceptance of applications for assistance from parolees and probationers after such parolees and probationers complete two years in such status. After acceptance of such applications, a final determination of eligibility for assistance will be made by the SBA upon a case-by-case basis. SBA's current policy is that it will accept no applications for assistance from persons on parole or on probation, following conviction of a serious offense, except in limited circumstances under its Disaster Loan Program.

The notice of proposed change is issued pursuant to SBA's policy for the early institution of rulemaking proceedings. An advance notice is issued when it is found that the resources off the SBA and reasonable outside inquiry do not yield sufficient information to identify and select a course, or alternate courses of action, or where it would be helpful to invite public participation in the identification and selection of a course or alternate courses of action.

Interested persons are invited to participate in the making of the proposed policy change by submitting such written data, views, or arguments as they may desire. The proposal contained in this notice may be changed in the light of comments received.

One of the reasons the current policy of the SBA has been adopted is that if the probationers or parolees were to violate the conditions of their parole or probation status, they might be imprisoned or jailed, and therefore be enable to repay their loans, to meet their financial obligations, or to operate their businesses. Among other requirements for the granting of credit, financial or other assistance by the SBA is the requirement that an applicant be of good moral character as determined by the SBA. However, from time to time and especially during the past several months, the SBA has been requested to reexamine its current requirements by interested persons outside the SBA, including some members of Congress.

Those persons who would liberalize our current policy point out that individuals who have observed the conditions imposed upon them by parole or probation for a two year period are not likely to violate the terms of their probation or parole after the two year period; that assistance from the SBA will aid in rehabilitating them; and that the granting of such assistance would encourage them to become productive participants in our society.

Studies made by the National Council on Crime and Delinquency disclose that 30 percent of parolees had difficulty within the first two years of their parole period.

Standard Operating Procedures of SBA (SOP 90-20 at page 111) states:

> An individual who is on parole or probation following conviction of a serious offense is considered ineligible for assistance, and the release from parole or probation will not necessarily render such an individual eligible for assistance.

However, it has been the practice of the SBA to make eligibility determinations on a case-by-case basis despite prior convictions, and after release from probation or parole. To determine whether an applicant is of good moral character and likely to repay a loan or to abide by contractual obligations, all information relating to prior criminal records including convictions, indictments, and parole or probation status, together with other pertinent information concerning the applicant is considered.

Comments are specifically requested on the following areas of interest:

1. Should the current policy be continued or modified?
2. Is a two-year period on probation or parole which is violation-free, too long or too short a time?
3. Should a distinction be made between felony offenses and misdemeanors, or between "serious" and "nonserious" offenses?
4. Should the definition of a serious offense relate to the maximum penalties that could be assessed, or to the degree of supervision actually involved in probation or parole?
5. Would it be wise to include a "first offender" provision?
6. Should parolees or probationers be required to submit recommendations from their parole or probation officers as well as other references?
7. Would it be advisable to have all eligibility determinations concerning probationers and parolees handled by one central authority to insure uniformity of action, or should such determinations be delegated to field offices in the various states?

Comments, suggestions, data or arguments are invited on these questions as well as any others. We especially request expressions of opinion from our field office personnel. In accordance with the spirit of the public policy set forth in (5. U.S.C. 553), material submitted will be evaluated in the same manner as if this document were a proposal.

Dated: December 3, 1976.

LOUIS F. LAUN,
Acting Administrator.

[FR Doc.76-36365 Filed 12-9-76;8:45 am]

UNITED STATES INFORMATION AGENCY

[22 CFR Part 505]

PRIVACY ACT POLICIES AND PROCEDURES

Miscellaneous Amendments

Reference is made to the adoption and implementation of Title 22, Code of Federal Regulations, Chapter V, Part 505, concerning Privacy Act policies and procedures, as published in the FEDERAL REGISTER on October 21, 1975 (40 FR 49278) and September 22, 1976 (41 FR 41425). The Agency proposes amendments to portions of the procedures as stated below. Public comment on the proposed amendments is invited on or before January 10, 1977.

Dated: December 1, 1976.

EUGENE P. KOPP,
Acting Director.

1. In order to facilitate access to records, in § 505.5 the following sentence is added at the end of paragraph (a):

§ 505.5 [Amended]

(a) * * * Copies of the public notice on Agency record systems, which will assist in identifying records, may be obtained from the Office of Public Information, U.S. Information Agency, Room 507, 1750 Pennsylvania Avenue NW., Washington, D.C. 20547.

2. In order to facilitate access to records, in § 505.5 paragraph (b)(2) is amended to read in its entirety as follows:

(b) * * *

(2) *Time limits.* For requests presented in person or in writing, access to records may be possible within one to five days, depending on the nature, retrievability and location of the records requested. Records of the Agency are located in several offices in Washington, D.C., in other cities of the United States and at overseas installations. Every effort will be made to furnish the requested records within ten working days of the receipt of the request. If unusual circumstances prevent the Agency from expediting the request within the stated time limit, a written notification of the delay will be sent to the requester.

* * * * *

3. In order to facilitate access to records, a new paragraph (g) is added at the end of § 505.5 to read as follows:

* * * * *

(g) *Accounting of disclosures.* The Agency is required by 5 U.S.C. 552a(c) to maintain an accounting of certain disclosures of records, including the date, nature and purpose of each disclosure and his or her name and address to the person or agency to whom the disclosure is made. An individual may have access to the accounting of such a disclosure of a record on him or her, under procedures described in paragraphs 505.5 (a), (b) and (c) above of this section.

4. In order to facilitate amendment of records, in § 505.7 paragraph (a)(1) is revised to read as follows:

§ 505.7 [Amended]

(a) * * *

(1) *Requests for amending records.* An individual has the right to request that the Agency amend a record pertaining to him or her which the individual believes is not accurate, relevant, timely or complete. If an individual believes that a record on him or her should be amended, instructions for preparing such an amendment may be obtained, in person or in writing, from the Access to Information Officer, Room 507, Office of Public Information, U.S. Information Agency, 1750 Pennsylvania Avenue NW., Washington, D.C. 20547. Hours for such assistance are between 9:00 a.m. and 5:00 p.m., Monday through Friday, except legal holidays.

* * * * *

5. In order to facilitate an appeal for amendment of records, in § 505.9 the following sentence is added at the end of paragraph (a):

§ 505.9 [Amended]

(a) * * * Instructions for preparing an appeal may be obtained in person or in writing from the Access to Information Officer, Room 507, Office of Public Information, U.S. Information Agency, 1750 Pennsylvania Avenue NW., Washington, D.C. 20547. Hours for such assistance are between 9:00 a.m. and 5:00 p.m., Monday through Friday, except legal holidays.

* * * * *

6. In § 505.8 paragraph (b)(3) is revised to read in its entirety as follows:

§ 505.8 [Amended]

(b) * * *

(3) If an accounting of a disclosure of a record has been made, advise all previous recipients of the record which was corrected of the correction and its substance, or provide a copy of the corrected record when appropriate.

* * * * *

7. In § 505.11 paragraph (a) is revised to read as follows:

§ 505.11 [Amended]

(a) The Agency will charge a fee of $0.15 per page for copies of documents which are identified by an individual and duplicated at the individual's request. There will be no charge for any particular request totalling ten pages or less.

* * * * *

8. In the FEDERAL REGISTER of September 22, 1976 (41 FR 41425), the Agency announced the adoption of § 505.15 concerning exemptions of systems of records. Amendments are proposed to those procedures in order to permit an exemption for an existing system of records and exemptions for a system of records proposed and described in the FEDERAL REGISTER on this date. It is proposed that portions of USIA-7-Director's Secretariat Staff Files-I-USIA be exempt under 5 U.S.C. 552a(k)(1) to protect material required to be kept secret in the interest of national defense and foreign policy that may be maintained in the system of records.

Although it is not contemplated that exempted material will be maintained in USIA-53-Privacy Act/Freedom of Information Act Files-I/R-USIA on a permanent basis, records from other systems of records that are exempted may be stored in USIA-53 temporarily in connection with processing requests. Therefore, it is proposed that portions of USIA-53 be exempt under 5 U.S.C. 552a (k)(1), 5 U.S.C. 552a(k)(2), 5 U.S.C. 552a(k)(5) and 5 U.S.C. 552a(k)(6).

In § 505.15 concerning exemptions of systems of records, paragraphs (a), (b), (c), and (d) are amended to permit exemptions of portions of additional systems of records to read as follows:

§ 505.15 [Amended]

* * * * *

(a) * * *

USIA-7-Director's Secretariat Staff Files-I-USIA

USIA-53-Privacy/Act Freedom of Information Act Files-I/R-USIA

(b) * * *

USIA-53-Privacy Act/Freedom of Information Act Files-I/R-USIA

(c) * * *

USIA-53-Privacy Act/Freedom of Information Act Files-I/R-USIA

(d) * * *

USIA-53-Privacy Act/Freedom of Information Act Files-I/R-USIA

[FR Doc.76-36317 Filed 12-9-76;8:45 am]

DEPARTMENT OF THE INTERIOR

Geological Survey

[30 CFR Part 231]

BASIS FOR ROYALTY COMPUTATION

Ore and Mineral Products

The computation of royalty payments for the ore and mineral products governed by this part, at present, is based on "the highest and best obtainable market price." By memorandum of April 23, 1976, to the Executive Secretary, the Assistant Secretary—Energy and Minerals recommended that this computation be based on the contract price established in a bona fide transaction between independent parties. Since this recommendation was approved by the Secretary on April 29, 1976, it is proposed that the regulation on royalty basis be revised.

The authority for the proposed revision is vested in the Secretary of the

Interior by the Mineral Leasing Act of February 25, 1920, as amended and supplemented (30 U.S.C. 181–289), the Mineral Leasing Act for Acquired Lands (30 U.S.C. 351–359), and Section 402, Reorganization Plan No. 3 of 1946 (60 Stat. 1099).

The policy of the Department of the Interior is, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions or objections regarding the proposed revision to the Chief, Conservation Division, Geological Survey, 650 National Center, Reston, Va. 22092 by January 10, 1977.

It is proposed to amend 30 CFR Part 231 in the manner set forth below:

1. By changing the heading of § 231.61 from "Royalty basis" to "Value basis for royalty computation." and by revising § 231.61 to read as follows:

§ 231.61 Value basis for royalty computation.

(a) The gross value for royalty purposes shall be the sale or contract unit price times the number of units sold, *provided, however,* That where the Mining Supervisor determines:

(1) That a contract of sale or other business arrangement between the lessee and a purchased of some or all of the commodities produced from the lease is not a bona fide transaction between independent parties because it is based in whole or in part upon considerations other than the value of the commodities, or (2) That no bona fide sales price is received for some or all of such such commodities because the lessee is consuming them, the Mining Supervisor shall determine their gross value, taking into account: (i) All prices received by the lessee in all bona fide transactions, (ii) Prices paid for commodities of like quality produced from the same general area, and (iii) Such other relevant factors as the Mining Supervisor may deem appropriate; and *provided further* That in a situation where an estimated value is used, the Mining Supervisor shall require the payment of such additional royalties, or allow such credits or refunds as may be necessary to adjust royalty payment to reflect the actual gross value.

(b) The lessee is required to certify that the values reported for royalty purposes are bona fide sales not involving considerations other than the sale of the mineral, and he may be required by the Mining Supervisor to supply supporting information.

(NOTE.—It is hereby certified that the economic and inflationary impacts of this proposed regulation have been carefully evaluated in accordance with Executive Order 11821.)

Dated: December 2, 1976.

WILLIAM L. FISHER,
Assistant Secretary of the Interior.

[FR Doc.76-36363 Filed 12-9-76;8:45 am]

[30 CFR Part 231]

GENERAL MINING ORDERS

Federal and Indian Lands

The Department of Interior proposes two amendments to the regulations in 30 CFR Part 231—Operating Regulations for Exploration, Development, and Production—which would authorize its Area Mining Supervisors to issue General Mining Orders. These Orders would implement, in specific geographical areas, the general regulations contained in 30 CFR Part 231 applicable to exploration and mining operations under Federal mineral leases or permits for minerals (except coal, oil and gas) covering Federal and Indian lands.

Interested persons are invited to participate in the evaluation of the proposed amendments by submitting such written data, views or arguments which they consider relevant. Communications should identify the subject matter and be directed to: Director, U.S. Geological Survey, Reston, Va. 22092. All communications received on or before January 10, 1977, will be considered by the Director.

The amendments are proposed pursuant to the authority vested in the Secretary of the Interior by the Mineral Leasing Act of February 25, 1920, as amended and supplemented (30 U.S.C. 181–289), the Mineral Leasing Act for Acquired Lands (30 U.S.C. 351–359), Section 402, Reorganization Plan No. 3 of 1946 (60 Stat. 1099) and the various statutes relating to mining operations on Indian lands.

In consideration of the foregoing, the following amendments are proposed.

1. It is proposed to amend § 231.2 by adding an additional paragraph (j) as follows:

§ 231.2 Definitions.

* * * * *

(j) *General Mining Order* means a formal numbered order issued in a rulemaking procedure by the Mining Supervisor, with the prior approval of the Division Chief which implements the regulations in this Part and applies to mining and related operations in a specified geographic area.

2. It is proposed to amend § 231.3 by adding an additional paragraph (c) (9) as follows:

§ 231.3 Responsibilities.

* * * * *

(c) * * *

(9) *Implementation of regulations.* Issue General Mining Orders and other orders, make determinations, and grant consents and approvals as necessary to implement or assure compliance with the regulations in this Part. Any oral orders, approvals, or consents shall be promptly confirmed in writing.

It has been determined that issuance of these proposed amendments to the regulations does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of Section 102(2) (c) of the National Environmental Policy Act of 1969 (83 Stat. 852).

NOTE.—It is hereby certified that the economic and inflationary impacts of the proposed regulations have been carefully evaluated in accordance with Executive Order 11821.

Dated: December 2, 1976.

WILLIAM L. FISHER,
Assistant Secretary of the Interior.

[FR Doc.76-36364 Filed 12-9-76;8:45 am]

VETERANS ADMINISTRATION

[38 CFR Parts 6 and 8]

GOVERNMENT LIFE INSURANCE

Payment to Decedent's Estate

The Administrator of Veterans' Affairs proposes regulatory changes to Parts 6 and 8 of Title 38, Code of Federal Regulations, relating to payment of Government Life Insurance benefits including dividends and premium refunds directly to the person or persons entitled to the decedent's personal property under the laws of the State of his or her domicile, where no legal representative has been or will be appointed.

Sections 8.54 and 6.128, Title 38, Code of Federal Regulations, authorize payment of National Service Life Insurance and United States Government Life Insurance benefits under the above procedure where the amount payable does not exceed $1,000. The proposed amendment would raise the limit to $5,000. The purpose of the amendment is to bring the regulations in line with State probate laws which have, since 1963 when the present $1,000 limit was established, generally raised the amount which can be distributed to heirs without the expense of formal administration. While the amendment involves no changes in basic entitlement to benefits, it will, in many cases, allow beneficiaries to obtain the proceeds of Government Life Insurance policies faster and with less expense. In some cases, the expenses presently being incurred by beneficiaries in raising formal administration actually deplete the proceeds received. To the extent that this is avoided by this amendment, the benefits to some beneficiaries will be increased. This amendment will also reduce the manhours required to process these cases and so result in a savings of tax dollars. In addition editorial changes have been made to reflect agency policy of using precise terms denoting gender.

Interested persons are invited to submit writen comments, suggestions, or objections regarding the proposal to the Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue, NW., Washington, DC 20420. All relevant material received before January 10, 1977, will be con-

sidered. All written comments received will be available for public inspection at the above address only between the hours of 8 am and 4:30 pm Monday through Friday (except holidays), during the mentioned 30-day period and for 10 days thereafter. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Services Unit in room 132. Such visitors to any field station will be informed that the records are available for inspection only in Central Office and furnished the address and the above room number.

NOTE.—It is hereby certified that the economic and inflationary impacts of these proposed amendments have been carefully evaluated in accordance with OMB Circular A-107.

Notice is given that this amendment will be effective the date of final approval.

Approved: December 6, 1976.

By direction of the Administrator.

A. J. SCHULTZ, Jr.,
Associate Deputy Administrator.

1. Section 6.128 is revised to read as follows:

§ 6.128 Payment to decedent's estate.

If no legal representative has been or will be appointed, United States Government Life Insurance benefits, including dividends and premium refunds which are payable to the estate of a deceased insured or beneficiary, may be paid direct to the person or persons (distributee or distributees) entitled to the decedent's personal prroperty under the laws of the State of his or her domicile, if the amount payable does not exceed $5,000: *Provided, however,* That if under the law of decedent's domicile the claimant is unconditionally and directly entitled to an amount from decedent's estate independently of entitlement as a distributee, at least equal to the amount payable by the Veterans Administration, payment, notwithstanding it exceeds $5,000, may be made directly to the claimant.

2. Section 8.54 is revised to read as follows:

§ 8.54 Payment to decedent's estate.

If no legal representative has been or will be appointed, National Service Life Insurance benefits, including dividends and premium refunds which are payable to the estate of a deceased insured or beneficiary, may be paid direct to the person or persons (distributee or distributtes) entitled to the decedent's personal property under the laws of the State of his or her domicile if the amount payable does not exceed $5,000: *Provided, however,* That if under the law of decedent's domicile the claimant is unconditionally and directly entitled to an amount from decedent's estate independently of entitlement as a distributee, at least equal to the amount payable by the Veterans Administration, payment, notwithstanding it exceeds $5,000, may be made directly to claimant.

3. In § 8.59, paragraphs (a) and (d) are revised to read as follows:

§ 8.59 Assignments.

(a) The proceeds of a National Service Life Insurance policy shall not be assignable except that the person designated as beneficiary may assign all or any part of his or her interest in the insurance to the insured's widow, widower, child, father, mother, grandfather, grondmother, brother, or sister: *Provided,* the designated contingent beneficiary, if any, joins the beneficiary in the assignment and such assignment is delivered to the Veterans Administration before any payments of the insurance have been made to the beneficiary.

* * * * *

(d) The proceeds of a National Service Life Insurance policy shall not be assignable, except that any beneficiary to whom such insurance, maturing on or after July 27, 1962, is payable may assign all or any part of his or her interest in the insurance to the insured's widow, widower, child, father, mother, grandfather, grandmother, brother or sister, when the designated contingent beneficiary, if any, joins the beneficiary in the assignment. Such joinder shall not be required in any case in which the insurance proceeds are payable to the assignor under option 1. No such assignment of a National Service Life Insurance policy shall be binding upon the United States unless in writing and until filed in the Veterans Administration. The United States assumes no responsibility for the validity of any assignment. Insurance granted under the provisions of section 722(b) of title 38, United States Code, cannot be assigned.

* * * * *

[FR Doc.76-36306 Filed 12-9-76;8:45 am]

COUNCIL ON ENVIRONMENTAL QUALITY

[40 CFR Part 1515]

FREEDOM OF INFORMATION ACT

Proposed Procedures

The Council on Environmental Quality intends to issue a new Part 1515 to 40 CFR Chapter V to meet with the requirements of the Freedom of Information Act as amended on November 21, 1974 (5 U.S.C. 552). The Act requires that rules of procedure be published in the FEDERAL REGISTER.

Comments and recommendations are invited. They should be submitted to the General Counsel, Council on Environmental Quality, 722 Jackson Place, NW., Washington, D.C. 20006. All comments and recommendations received by January 24, 1977, will be considered by the Council before final action is taken on the proposed procedures. Changes may be made in these procedures in light of comments received. Comments and recommendations submitted will be available for examination at the Council's offices, before and after the closing date for receipt.

Until the Council publishes its own final regulations those of the Office of Management and Budget may be considered applicable to requests received by the Council.

GARY L. WIDMAN,
General Counsel.

Pursuant to section 552 of title 5, United States Code, as amended, the following Part 1515 is published:

PART 1515—FREEDOM OF INFORMATION ACT PROCEDURES

ORGANIZATION

Sec.
1515.1 General.
1515.2 Authority and functions.
1515.3 Organization.

PROCEDURES

1515.5 Methods of operation.

AVAILABILITY OF INFORMATION

1515.10 Inspection, copying, and exceptions.

FEES FOR SEARCH AND REPRODUCTION

1515.15 Schedule of fees and methods of payment for services rendered.

AUTHORITY: 5 U.S.C. 552, as amended by Pub. L. 93-502.

ORGANIZATION

§ 1515.1 General.

This information is furnished for the guidance of the public and in compliance with the requirements of section 552 of title 5, United States Code, as amended.

§ 1515.2 Authority and functions.

(a) The Council on Environmental Quality was created by the National Environmental Policy Act of 1969 (42 U.S.C. 4321-4347). The Council's authority is derived from that Act and further explained in the Environmental Quality Improvement Act of 1970 (42 U.S.C. 4371-4374) and Executive Order 11514, Protection and Enhancement of Environmental Quality, March 5, 1970.

(b) The Council's primary responsibilities are to submit an annual report to the President and the Congress on the state of the environment; to conduct studies on ecological systems, environmental quality, changes in the natural environment, and conditions and trends in the environment both current and prospective; to review various programs of the Federal government and determine to what extent they help to achieve environmental quality; to review Federal compliance with the environmental impact statement process; to study and participate in international conferences and activities; and to develop and recommend to the President a national environmental policy.

§ 1515.3 Organization.

(a) The Council is made up of three members appointed by the President and subject to approval by the Senate. One member is designated as chairman by the President. All three serve in a fulltime capacity.

(b) The National Environmental Policy Act and the Environmental Quality Improvement Act give the Council the authority to hire any officers and staff that may be necessary to carry out responsibilities and functions specified

in these two Acts. Also, the use of consultants and experts is permitted.

(c) In addition to the three members there is a Staff Director for Program Development and a General Counsel.

(d) The Council has no field or regional offices.

(e) The Council is located at 722 Jackson Place, N.W., Washington, D.C. 20006. Office hours are 9–5:30, Monday through Friday, except legal holidays. It is recommended that persons wishing to see any of the staff either write or phone ahead for an appointment. The main number is (202) 382–1415.

PROCEDURES

§ 1515.5 Methods of operation.

(a) The Council on Environmental Quality maintains a current index which identifies information pertaining to matters issued, adopted, or promulgated after January 1, 1970 and that are within the scope of 5 U.S.C. 552(a)(2). This index is updated quarterly and beginning with the September 30, 1975 quarter it will be published in the FEDERAL REGISTER. The index will also be available for inspection and copying at the Council during the hours given in § 1515.3(e).

(b) The Council has appointed a Freedom of Information Officer who will be responsible for overseeing the Council's administration of the Freedom of Information Act and for receiving, routing, and overseeing the processing of all Freedom of Information requests. The Council has also appointed an Appeals Officer who is responsible for processing any appeals.

(c) Upon receipt of any request for information or records the Freedom of Information Officer shall direct the request to the proper staff member who will determine, within 10 working days, whether it is appropriate to grant the request and if so, will immediately provide written notification regarding the determination. If the request is denied, either in part or in whole, the notification will be signed by the Freedom of Information Officer but will include the names of any other individuals who participated in the decision. Also included in the notification will be the procedure for filing an appeal. An appeal must be made by the requester within thirty days of receiving a denial.

(e) In the event that a denial is appealed the Appeals Officer shall make a determination regarding such an appeal within 20 working days. Appeals must be written and addressed to the attention of the Appeals Officer at the address given in § 1515.3(e). The letter should include a statement explaining the basis for the appeal. Determinations of all appeals shall be set forth in writing and shall be signed by either the Appeals Officer or that officer's designee. If on appeal the denial is in part or in whole upheld, the written notification will also contain an explanation of the provisions for judicial review and the names of any persons who participated in the final determination of the appeal.

(f) In unusual circumstances, the time limits prescribed in paragraphs (d) and (e) of this section may be extended for not more than 10 working days. Extensions may be granted by the Freedom of Information Officer in the case of initial requests and by the Appeals Officer in the case of any appeals. The extension period may be split between the initial request and the appeal but in no instance may the total extension exceed 10 working days. Extensions will be by written notice to the requester and will set forth the reasons for the extension and the date that the final determination is expected. As used herein, but only to the extent reasonably necessary to the proper processing of the particular request, the term "unusual circumstances" means;

(i) The need to search for and collect the requested records from * * * establishments that are separate from the office processing the request;

(ii) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request or

(iii) The need for consultation, which shall be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request or among two or more components of the agency having substantial subject-matter interest therein.

AVAILABILITY OF INFORMATION

§ 1515.10 Inspection, copying, and exceptions.

(a) When a request for information has been approved, in whole or in part, the requesting party may make an appointment to inspect or copy the materials requested during regular business hours by writing or telephoning the Freedom of Inforamtion Officer at the address or phone number given in Freedom of Information Officer at the § 1515.3(e). Materials may be copied manually without charge. Reasonable facilities will be made available for that purpose. If any other means of reproduction are to be used, a fee schedule shall be applicable, (§ 1515.15) and the requesting party shall be charged reasonable reproduction costs in accordance with that schedule. The Council on Environmental Quality will permit copying of any available material but will reserve the right to limit the number of copies made with the Council's reproduction facilities.

(b) The Council claims the right, where it is applicable, to withhold material under the provisions allowed in the Freedom of Information Act as amended (5 U.S.C. 552(b)).

FEES FOR SEARCH AND REPRODUCTION

§ 1515.15 Schedule of fees and method of payment for services, rendered.

(a) Following is the fee schedule for the search and reproduction of information available under the Freedom of Information Act (5 U.S.C. 552), as amended.

(1) *Search for records.* $5.00 per hour will be charged when the search is conducted by a clerical employee. $8.00 per hour will be charged when the search is conducted by a professional employee. There will be no charge for searches of less than one hour.

(2) *Duplication of records.* Records will be duplicated at a rate of $.10 per page for all copying of 10 pages or more. There will be no charge for duplicating 9 pages or less.

(3) *Other.* When no specific fee has been established for a service, or the request for a service does not fall under subparagraphs (1) and (2) of this paragraph, the Administrative Officer is authorized to establish an appropriate fee based on "direct costs" as provided in the Freedom of Information Act. Examples of services covered by this provision include searches involving computer time or special travel, transportation, or communications costs.

(b) Search costs are due and payable even if the record which was requested cannot be located after all reasonable efforts have been made, or if the FOI Officer determines that a record which has been requested is exempt under the Freedom of Information Act as amended and is to be withheld.

(c) Where it is anticipated that the fees chargeable under this section will amount to more than $25.00, or the maximum amount specified in the request, the requesting party shall be promptly notified of the amount of the anticipated fee or the closest estimate of the amount. In instances where the estimated fees will greatly exceed $25.00, a notice shall be included advising the requesting party of his option to consult with Council personnel in order to reformulate the request in a manner which will reduce the fees, yet still meet the needs of the requesting party. A reformulated request shall be considered a new request thus beginning a new 10 working day period for processing.

(d) Fees must be paid in full prior to issuance of the requested copies. In the event the requesting party is in arrears for previous requests for which the Council was unable to find or provide the requested information, copies of records will not be provided for any subsequent request until the arrears have been paid in full.

(e) Remittances shall be in the form either of a personal check or bank draft drawn on a bank in the United States, or a postal money order. Remittances shall be made payable to the Treasurer of the United States and mailed or delivered to the Administrative Office, Council on Environmental Quality, 722 Jackson Place, N.W., Washington, D.C. 20006.

(f) A receipt for fees paid will be given upon request. Refunds of fees paid for services actually rendered will not be made.

(g) The Freedom of Information Officer, or an officer designated by the FOI Officer may in accordance with the Freedom of Information Act, as amended, waive all or part of any fee provided for in this section when the FOI Officer or designated officer deems it to be in either the Council's interest or in the general public's interest.

[FR Doc.76-36297 Filed 12-9-76;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[49 CFR Part 267]

[FRA Economic Docket No. 5, Notice No. 1]

ASSISTANCE TO STATES FOR RAIL SERVICE UNDER SECTION 402 OF THE REGIONAL RAIL REORGANIZATION ACT OF 1973 AND SECTION 5 OF THE DEPARTMENT OF TRANSPORTATION ACT

Proposed Standards and Procedures Regarding In-Kind Benefits

On March 5, 1976, Procedures and Requirements Regarding Applications and Disbursements under section 402 of the Regional Rail Reorganization Act of 1973 ("Act") (45 U.S.C. section 701 et seq.), as amended, were published in the FEDERAL REGISTER (41 FR 9692) as Part 255 of Title 49 of the Code of Federal Regulations. On August 9, 1976, Proposed Procedures and Requirements Regarding Applications and Disbursements under section 5 of the Department of Transportation Act as amended by section 803 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Pub. L. 94-210) ("RRRRA"), were published in the FEDERAL REGISTER (41 FR 33354) as Part 266 of Title 49 of the Code of Federal Regulations. In both publications, it was explained that standards and procedures under which the State share of the program costs may be provided through in-kind benefits such as forgiveness of taxes, trackage rights and facilities which would not otherwise be provided, would be published at a later date. This regulation sets forth the standards and procedures by which a State may meet its matching share through in-kind benefits.

The Federal Government is providing 100 percent funding for the first year of both the section 402 (regional) program and the section 803 (national) program. Under the section 402 program the State will not have to provide a matching share of the costs of assistance for the 12-month period beginning April 1, 1976; but must provide 10 percent for the 12-month period beginning April 1, 1977. Beginning April 1, 1978, the expiration date of the section 402 regional program, the section 803 national program will extend to all States and the 10 percent matching share requirements of that program will continue until June 30, 1978. Under the section 803 program, the State will not have to provide a matching share for the period from July 1, 1976 to June 30, 1977; but subsequent to that date the State share of the costs of any rail service assistance program shall be (1) 10 percent for the period from July 1, 1977 to June 30, 1978; (2) 20 percent for the period from July 1, 1978 to June 30, 1979; and (3) at least 30 percent for the period from July 1, 1979 to June 30, 1981. For the period from July 1, 1979 to June 30, 1981, the Secretary may make such adjustments in the percentage level of the Federal share as may be appropriate so as not to exceed the maximum amount of funds authorized under the Act.

During the 10 percent matching share period, the total contributions of a State must equal at least 10 percent of the total program costs, but need not be applied on a 10 percent per project basis. Allocation of matching share funds for subsequent matching share periods may be applied in a similar manner.

As stated in the Rail Service Assistance regulations (49 CFR Parts 255 and 266), the Administrator has determined that those regulations do not significantly affect the quality of the human environment. Negative declarations have been prepared pursuant to those determinations and are available to the public upon request. Because the proposed regulations are supplementary to the above Rail Service Assistance regulations and deal only with the manner in which a State may contribute its matching share of program costs, the Administrator has determined that the proposed regulations do not significantly affect the quality of the human environment. The Administrator has further determined that the negative declarations prepared under the Rail Service Assistance regulations are applicable to the proposed regulations and therefore no new negative declaration will be issued. In addition, the Administrator has determined that the proposed regulations do not constitute a major proposal under Executive Order 11821, November 27, 1974, or Department of Transportation Order 2050.4, February 2, 1976, requiring an inflationary impact statement.

In view of the scope of the rail services assistance programs and in view of the diverse interests involved, the Administrator wishes to receive the broadest possible public participation in connection with the development of these regulations. Accordingly, interested persons are invited to participate by submitting written data, views or comment. Communications should identify the docket number and should be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Room 5101, 400 Seventh Street, SW., Washington, D.C. 20590. Comments should be submitted by January 10, 1977. All comments received will be available for examination by interested persons at any time during regular working hours in Room 5101, Nassif Building, 400 Seventh Street, SW., Washington, D.C. The proposals contained in this notice may be changed in light of comment received.

In consideration of the foregoing, 49 CFR Chapter II is proposed to be amended by adding a new Part 267 to read as follows:

PART 267—REGULATIONS GOVERNING STANDARDS AND PROCEDURES REGARDING IN-KIND BENEFITS

Sec.
267.1 Purpose and scope.
267.3 Definitions.
267.5 Applicability.
267.7 Matching share.
267.9 Eligibility criteria for in-kind benefits.
267.11 Valuation of in-kind benefits.
267.13 Submission.
267.15 Record, audit, and examination.
267.17 Waivers and modifications.

AUTHORITY: Regional Rail Reorganization Act of 1973, as amended, 45 U.S.C. 701 et seq.; The Department of Transportation Act, as amended, 49 U.S.C. 1651 et seq.; Regulations of the Office of the Secretary of Transportation, 49 CFR 1.49 (q) and (u).

§ 267.1 Purpose and scope.

The purpose of this part is to establish uniform standards and procedures under which the State's matching share under section 402 of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 762), as amended, and section 803 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Pub. L. 94-210) as it amends section 5 of the Department of Transportation Act (49 U.S.C. 1654) may be provided through in-kind benefits.

§ 267.3 Definitions.

(a) "Act" means the Regional Rail Reorganization Act of 1973, as amended.

(b) "Administrator" means the Federal Railroad Administrator or the Deputy Administrator or his or her delegate.

(c) "Cash contributions" means the grantee's cash outlay, including the outlay of money contributed to the grantee by third parties. Unless authorized by Federal legislation, outlays charged to other Federal legislation or outlays charged to other Federal grants or to Federal contracts may not be considered as grantee's cash contributions.

(d) "FRA" means the Federal Railroad Administration of the United States Department of Transportation.

(e) "Grantee" means any eligible applicant under sections 402 or 803, to which a grant is made and which is accountable to the Federal Government for the use of funds provided. The term does not include any secondary recipients such as subgrantees, contractors, etc., who may receive funds from a grantee pursuant to a grant.

(f) "Grantor" means the Federal Railroad Administration.

(g) "In-kind benefits" means the value of non-cash contributions provided by the grantee or third parties.

(h) "Matching share" or "cost sharing" means that portion of allowable program costs not borne by the Federal Government.

(i) "Program costs" means the sum of the allowable costs incurred by the grantee.

(j) "RRRR Act" means the Railroad Revitalization and Regulatory Reform Act of 1976, as amended.

§ 267.5 Applicability.

The provisions of this part apply to the procedures and requirements regarding applications for and disbursement of financial assistance for the continuation of local rail freight services and for the acquisition or rehabilitation of properties or facilities under section 402 of Title IV of the Act ("section 402 regional program") and section 5 of the Department of Transportation Act (49 U.S.C. 1654) as amended by section 803 of the

RRRR Act ("section 803 national program").

§ 267.7 Matching share.

(a) Under the section 402 regional program the Federal share of costs will be (i) 100 percent for the 12-month period beginning April 1, 1976 and (ii) 90 percent for the 12-month period beginning April 1, 1977. After March 30, 1978, the Federal share will be subject to the pertinent provisions of the section 803 national program under subsection (b) of this section.

(b) Under the section 803 national program, the Federal share of costs will be (i) 100 percent for the period from July 1, 1976 to June 30, 1977; (ii) 90 percent for the period from July 1, 1977 to June 30, 1978; (iii) 80 percent for the period from July 1, 1978 to June 30, 1979; and (iv) up to 70 percent for the period from July 1, 1979 to June 30, 1981. For the period from July 1, 1979 to June 30, 1981, the Administrator may make such adjustments in the percentage level of the Federal share as may be necessary and appropriate so as not to exceed the maximum amount of funds authorized under section 803 of the RRRR Act.

(c) Matching share may consist of:

(1) Program costs financed from the grantee's own cash sources.

(2) Program costs financed with cash contributed or donated to the grantee by other public agencies and institutions, and private organizations and individuals.

(3) In-kind benefits.

§ 267.9 Eligibility criteria for in-kind benefits.

(a) *Criteria.* All in-kind benefits will be accepted as part of the grantee's matching share when such contributions meet the following criteria:

(1) Are identifiable from the grantee's records; and

(2) Are costs which are allowable under the applicable program regulations (49 CFR Part 255 and 49 CFR Part 266); and

(3) Are not borne by the Federal Government directly or indirectly under any Federal grant or contract unless the other grant or contract may, under authority of law, be used for matching or cost sharing. Included within this prohibition is the inclusion of in-kind benefits as contributions for any other federally assisted program, or any Federal contract; and

(4) Conform to other provisions of this part.

(b) *Eligible in-kind benefits.* In-kind benefits are eligible only to the extent that they are necessary and reasonable for proper and efficient accomplishment of program objectives under 49 CFR Parts 255 and 266. Final determination of eligibility will be made by the Administrator. In-kind benefits may consist of the following:

(1) Forgiveness of taxes. Tax revenues which are identifiable as resulting from project property or uses associated with the project property and which are exempted or remitted by a State or local taxing authority. Tax exemptions and remissions under this paragraph will only apply to taxes which would otherwise have been levied for the program period.

(i) Property taxes. Included are tax exemptions and tax remissions authorized by a State or local taxing authority with respect to property taxes levied on project property.

(ii) Other taxes. Included are tax exemptions and tax remissions authorized by a State or local taxing authority with respect to those portions of gross receipts taxes, revenue or other taxes which are allocable to an approved project.

(2) Trackage rights granted to operators for the continuation of rail service on publicly owned rail properties.

(3) Donation or use of land.

(4) Project improvements. Those improvements to the rail properties incurred at the expense of the grantee or third parties.

(5) The use of State or locally owned or leased buildings or equipment if the property was not donated by the Federal Government or purchased or leased with Federal funds.

(6) Personal services. Those services furnished by professional and technical personnel, consultants, and other skilled and unskilled labor employed by the grantee or other State or local public agency. Personal services furnished by private organizations or individuals are eligible only to the extent that such services are used to provide physical improvements to project properties. Each hour of service may be counted as part of the matching share if the service is an integral and necessary part of the approved program.

(7) Materials. Contributed materials include office and maintenance supplies contributed by the grantee or other State or local public agency.

§ 267.11 Valuation of in-kind benefits.

(a) *Forgiveness of taxes.* The value of taxes forgiven shall be the amount of State and local taxes which would otherwise have been collected by the authorized taxing authority but for the tax exemptions and remissions authorized pursuant to this part.

(b) *Trackage rights.* The value of trackage rights will be the amount paid for comparable rights on comparable railroad properties.

(c) *Valuation of personal services.*

(1) Rates for personal services provided by the grantee or other State or local public agencies. Rates for personal service should be consistent with those regular rates paid for similar work in other activities of the State. In cases where the kinds of skills required are not found in the other activities of the grantee, rates used should be consistent with those paid for similar work in the labor market in which the grantee competes for the kind of services involved.

(2) Rates for personal services provided by private organization and individuals. These services will be valued at the employee's regular rate of pay (exclusive of fringe benefits and overhead cost) provided these services are in the same skill for which the employee is normally paid.

(d) *Equipment and buildings.* The value of donated equipment or buildings should be based on the donor's cost less depreciation or the current market prices of similar property, whichever is less. Current market price shall be established by an independent appraiser (i.e., private realty firm or GSA representative) and certified by the chief executive officer of the designated state agency of the grantee. The value of equipment and buildings donated for temporary use should be based on the fair market rental charge for similar equipment or building space or the rental charge which the grantee would normally pay for similar equipment or building space, whichever is less. The value of such charges shall be certified by the chief executive officer of the designated state agency.

(e) *Land or use of space.* The value of donated land or its usage charge shall be established by an independent appraiser (i.e., private realty firm or GSA representative) and certified by the chief executive officer of the designated State agency of the grantee.

(f) *Valuation of materials.* Prices assessed to donated materials included in the matching share should be reasonable and should not exceed the cost of the materials to the donor or current market prices, whichever is less, at the time they are charged to the project.

(g) *Valuation of project improvements and other charges.* Necessary charges incurred specifically for and in direct benefit to the grant program in behalf of the grantee may be accepted as part of the matching share provided they are adequately supported and permissible under law. Such charges must be reasonable and properly justifiable.

§ 267.13 Submission.

(a) When the grantee is providing its matching share or a portion thereof through in-kind benefits, the application for approval shall include the following:

(1) Full and correct name and principal business address of the contributor if other than the grantee.

(2) Detailed description and documentation of the in-kind benefits provided by the grantee or third party.

(3) Certification by the grantee that the matching share contribution is used solely for the purposes documented.

(4) Such other information as the Administrator may require.

(b) The grantee should submit documentation for provision of in-kind benefits with its application for Federal assistance.

(c) Upon submission, a final determination of the eligibility of the in-kind benefits will be made by the Administrator.

§ 267.15 Record, audit, and examination.

(a) The grantee and third party contributors must maintain supporting records for in-kind benefits.

(b) The basis for determining the valuation of all in-kind benefits must be documented.

(c) The Administrator or any of his duly authorized representatives shall, until the expiration of three (3) years after completion of the project or undertaking referred to in paragraph (a) of this section, have access for the purpose of audit and examination to any books, documents, papers, and records used as supporting justification for in-kind benefits which in the opinion of the Administrator may be related or pertinent to the grants, contracts, or other arrangements referred to in such paragraph.

§ 267.17 Waivers and modifications.

The Administrator may, with respect to individual requests, upon good cause shown, waive or modify any requirement of this part not required by law or make any additional requirements he deems necessary. Procedures for submission and consideration of petitions for waiver or modification shall be governed by 49 CFR Part 211.

Issued in Washington, D.C. on December 7, 1976.

ASAPH H. HALL,
Federal Railroad Administrator.

[FR Doc.76-36291 Filed 12-9-76;8:45 am]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1047]

[Ex parte No. MC 75 (Sub-no. 1)]

AGRICULTURAL COOPERATIVE TRANSPORTATION EXEMPTION (MODIFICATION OF REGULATIONS)

Notice of Proposed Rulemaking

Correction

In FR Doc. 76-35218 appearing at page 52893 in the issue for Thursday, December 2, 1976, the following correction should be made.

On page 52894, in the first column, in the proposed text for § 1047.20(a), several words were inadvertently omitted from the second sentence. As corrected that sentence should read as follows:

"The cooperative association must be operated and controlled by and for the benefit of its farmer members through its duly elected officers and directors.]"

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

[Amdt. 2]

SALES OF CERTAIN COMMODITIES

Monthly Sales List (Period July 1, 1976 Through May 31, 1977); Grain

The CCC Monthly Sales List for the period July 1, 1976, through May 31, 1977, published at 41 FR 29198 is amended as follows:

1. The monthly markups in dollars per bushel in section 11 entitled "Wheat—Unrestricted Use Sales (Bulk-Storable-Basis Grade 1—In-Store)" are revised to read as follows:

1976		1977	
November	.50½	January	.55½
December	.53	February	.58
		March	.60½
		April	.63
		May	.65½

2. The monthly markups in cents per bushel in section 13 entitled "Corn—Unrestricted Use Sales (Bulk-Storable-Basis Grade 2 Yellow Corn—15.1–15.5 Percent Moisture-In-Store)" are revised to read as follows:

1976		1977	
November	38½	January	38½
December	38½	February	41
		March	43½
		April	46
		May	48½

3. The monthly markups in dollars per hundredweight in section 17 entitled "Grain Sorghum—Unrestricted Use Sales (Bulk-Storable-Basis Grade 2 or Better-In-Store)" are revised to read as follows:

1976		1977	
November	.63½	January	.63½
December	.63½	February	.68
		March	.72½
		April	.77
		May	.81½

4. The monthly markup in cents per bushel in section 19 entitled "Barley—Unrestricted Use Sales (Bulk-Storable-Basis Grade 2 In-Store)" are revised to read as follows:

1976		1977	
November	37½	January	42½
December	40	February	45
		March	47½
		April	50
		May	52½

5. The monthly markups in cents per bushel in section 21 entitled "Oats—Unrestricted Use Sales (Bulk-Storable-Basis Grade 3-In-Store)" are revised to read as follows:

1976		1977	
November	25	January	29
December	27	February	31
		March	33
		April	35
		May	37

6. The monthly markups in cents per bushel in section 21 entitled "Rye—Unrestricted Use Sales (Bulk-Storable-Basis Grade 2-In-Store)" are revised to read as follows:

1976		1977	
November	37½	January	42½
December	40	February	45
		March	47½
		April	50
		May	52½

(Sec. 4, 62 Stat. 1070, as amended (15 U.S.C. 714b); sec. 407, 63 Stat. 1055, as amended (7 U.S.C. 1427).)

Effective Date: 2:30 p.m. (EST) October 29, 1976.

Signed at Washington, D.C. on December 3, 1976.

KENNETH E. FRICK,
Executive Vice President, Commodity Credit Corporation.

[FR Doc.76-36338 Filed 12-9-76;8:45 am]

Forest Service

OKANOGAN NATIONAL FOREST GRAZING ADVISORY BOARD

Meeting

The Okanogan National Forest Grazing Board will meet at 1:00 p.m. on Friday, January 28, 1977 in the Forest Supervisor's Office, Okanogan, Washington 98840.

The purpose of this meeting is to elect new officers. A second topic will be new regulations governing advisory boards. A third topic will be to discuss permit compliance.

The meeting will be open to the public.

WILLIAM D. MCLAUGHLIN,
Forest Supervisor.

DECEMBER 3, 1976.

[FR Doc.76-36353 Filed 12-9-76;8:45 am]

PROPOSED LAND USE PLAN LOWELL PLANNING UNIT

Availability of Draft Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the Proposed Land Use Plan for Lowell Planning Unit, Forest Service Report Number USDA-FS-R1(05)-DES-Adm. R1-77-3.

The environmental statement concerns a proposed revision of the Multiple Use Plan for the Lowell Planning Unit, Lochsa Ranger District, Clearwater National Forest.

This draft environmental statement was transmitted to CEQ on December 3, 1976.

Copies are available for inspection during regular working hours at the following locations:

USDA Forest Service, South Agriculture Bldg., Room 3230, 12th St. and Independence Ave., SW., Washington, D.C. 20250.

USDA Forest Service, Northern Region, Federal Building, Room 3077, Missoula, Mont. 59801.

USDA Forest Service, Clearwater National Forest, Route 4, Ahsahka Road, Orofino, Idaho 83544.

USDA Forest Service Lochsa Ranger District, Clearwater National Forest, Kooskia Ranger Station, Kooskia, Idaho 83539.

A limited number of single copies are available upon request to Forest Supervisor Kenneth P. Norman, Clearwater National Forest, Rt. 4, Ahsahka Road, Orofino, Idaho 83544.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

Comments are invited from the public, and from State and local agencies which are authorized to develop and enforce Environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addresed to Forest Supervisor Kenneth P. Norman, Clearwater National Forest, Rt. 4, Ahsahka Road, Orofino, Idaho 83544. Comments must be received by February 7, 1977 in order to be considered in the preparation of the final environmental statement.

KENNETH P. NORMAN,
Forest Supervisor, Clearwater National Forest, Northern Region.

DECEMBER 3, 1976.

[FR Doc.76-36354 Filed 12-9-76;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 29597]

CHICAGO-VANCOUVER ROUTE PROCEEDING

Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on January 11, 1977, at 9:30 a.m. (local time), in Room 1003, Hearing Room B, 1875 Connecticut Avenue NW., Washington, D.C., before Administrative Law Judge William A. Kane, Jr.

For information concerning the issues involved and other details of this proceeding, interested persons are referred to the prehearing conference report served on September 27, 1976, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., December 6, 1976.

WILLIAM A. KANE, Jr.,
Administrative Law Judge.

[FR Doc.76-36333 Filed 12-9-76;8:45 am]

[Docket No. 29387; Order 76-12-35]

MILITARY TRANSPORTATION, ER-962

Order Regarding Exemption of Air Carriers

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 7th day of December 1976.

By ER-962, adopted July 27, 1976, the Board reopened the minimum rates of compensation applicable to foreign and overseas contract charter air transportation services performed by air carriers for the Department of Defense (DOD) and procured by the Military Airlift Command (MAC), and established increased final interim rates pending completion of the full-scale review which was then instituted. Consistent with established procedures in such cases, the new interim rates became effective on August 3, 1976, seven calendar days after the rule's adoption. The rates established are based on an analysis of the most recent available Form 243 data covering carrier reports of operating results in MAC charter services and represent increases of 10.62 percent over the long range international MAC final rates previously in effect.

The joint MAC carriers have filed a petition for reconsideration of ER-962.[1] In substance, the petition requests (1) the establishment of a two phase interim rate, the first phase of which would be retroactive to the date of DOD's answer affirming the need for a substantial rate increase; and (2) the advancement of the effective date of ER-962 to July 27, 1976, the date of adoption. Under the first phase of this procedure, a new interim rate at the level proposed by DOD would be made effective from July 9 (the date DOD answered the carriers' rate petition) until the date of the Board's rate order. In the second phase, interim rates at the level prescribed in ER-962 would be set for effectiveness on and after July 27, 1976, the date on which the rule was adopted.

In support of their request, the joint carriers claim that when DOD, in its answer of July 9, 1976, agreed that there was a need for an interim rate increase, this established the date at which the increase should be effective, at least as to the rates proposed by DOD, the ratepayer. For this proposition, the carriers rely on the ruling of the District Court of Appeals in *Saturn Airways, Inc., et al.* v. *CAB*[2] and additionally on two recently decided mail rate cases[3] wherein rate adjustments retroactive to a date earlier than the Board's rate order were permitted. It is alleged that these cases compel an earlier effective date in this instance where the ratepayer (DOD) concurs with the carrier's petition in the need for increased rates. The carriers contend that such a need was established by their June 11, 1976 rulemaking petition for a 7.64 percent increase in the then-effective rates and this position was confirmed by DOD's July 9 answer to that petition which acknowledges the necessity for passenger and cargo rate increases in excess of approximately 5 percent. On the basis of these circumstances, the carriers maintain that DOD cannot reasonably object to a rate increase for effectiveness July 9 in the amount that it calculated was required. Finally, the carriers contend that the interim final rate procedure was adopted at the urging of DOD as a ratemaking mechanism which could be immediately responsive to cost changes. Therefore, unless at least a partially compensatory rate adjustment is made concurrent with DOD's answer, the rate mechanism will fail to be sufficiently responsive to accomplish this objective and the carriers will be forced to shoulder the financial burden of three weeks of unrecouped cost increases.

With respect to making the effective date of ER-962 the date of adoption, the carriers contend that the filing of the original petition (June 11, 1976) established the need for a rate review and was sufficient notice to all the parties so that there was no need for the seven day lapse between the date of adoption and the effective date.

DOD has filed an answer requesting that the joint carriers' petition be denied. DOD bases its objections on a number of grounds. DOD claims that the petition is invalid because it failed to comply with the terms under which the Board authorized such petitions to be filed. In DOD's view, these terms contemplated petitions that requested prospective rate amendments only and, therefore, petitions were not authorized which request retroactive changes.[4] Additionally, DOD contends that the proposed procedure for increasing the rates, as of the date of DOD's responsive pleading, has no basis in the Board's procedural regulations or the law. In this connection, DOD distinguishes the Saturn case on the ground that no rate proceeding was involved and states that, contrary to the carriers' contentions, DOD's answer in the proceeding before the Board did not support the retroactive rate adjustment requested in Saturn's petition. Further, DOD believes the cited mail rate cases are also distinguishable in that on each occasion the parties mutually agreed that the rates should be retroactive.

DOD in refutation of the carrier's contention that their petition established the need for a rate increase, contends that adoption of such a position would effectively discard the Board as the authority to set Part 288 minimum rates. It argues that if interim rate increases were permitted to be retroactive to a time before the Board has had opportunity to take action, there is nothing to prevent the carriers from effectively making their requests for rate increases open-ended or even to assert that the interim final rates in this proceeding should revert back to the date of their original petition. Finally, DOD rejects the carrier's position that their petition served notice of an impending rate increase.

Upon consideration of the pleadings and all other relevant matters we find nothing that would persuade us to provide the retroactive compensation requested in the petition. However, we have determined to grant the carriers' alternative request that the effectiveness date of ER-962 be advanced from August 3, 1976, to its July 27, 1976 date of adoption. In all other respects, the joint petition for reconsideration shall be denied.

We reject the contention that an interim rate increase at the level acknowledged by DOD must be made effective during the period between DOD's answer of July 9 and the Board's order fixing new interim final rates. It is the Board's established policy to make MAC interim rate adjustments effective on short notice and on a prospective basis only.[5] This procedure was adopted at the urging of DOD which sought to avoid the retroactive application of increased final rates, and is intended to "balance the carriers' interest in obtaining prompt relief during periods of rapidly increasing

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[1] Joint carriers—Airlift International, Inc., Capital International Airways, Inc., The Flying Tiger Line, Inc., Overseas National Airways, Inc., Pan American World Airways, Inc., Saturn Airways, Inc., Seaboard World Airlines, Inc., Trans International Airlines, Inc., and World Airways, Inc.

[2] *Saturn Airways, Inc. et al.* v. *CAB No. 74-1697* (D.C. Cir. filed January 21, 1976).

[3] Alaska Airlines, Order 75-5-63 and Kodiak-Western Airlines, Order 75-11-15.

[4] DOD's understanding as to the authorized scope of reconsideration is technically correct. However, inasmuch as the carriers' petition has raised questions of law and policy that should be addressed, we are reluctant to deny their petition on these technical grounds.

[5] Order 75-6-144, June 30, 1975. The Board's interim rate procedure was first enunciated in ER-879, adopted October 22, 1974, effective October 29, 1974.

[6] Order 75-6-144, p. 2.

costs and DOD's interest in maintaining proposed increased interim rates in its answer to the carriers' rate petition does not warrant an exception to this procedure. Although DOD did agree that increased interim rates were warranted, there is nothing to suggest that it was DOD's intention to make these adjustments retroactive to the date of its filing. To the contrary, DOD stated that it objected to the retroactive establishment of its proposed interim final rates which were proposed in good faith that the Board regulations and interim rate procedure would be followed and that rates would be set prospectively from the notice of rulemaking. DOD's position with respect to the undesirability of retroactive rate adjustments unequivocally supports this conclusion.

The ruling of the District Court of Appeals in "Saturn Airways, Inc. v. C.A.B.," on which petitioners rely heavily, is not analogous. Contrary to the petitioners' contentions, Saturn does not compel retroactivity as a matter of law. Rather, Saturn represented a departure from the Board's usual rule against retroactivity based upon a unique set of factual circumstances which do not exist in this case. These circumstances were that the Board had on the same day opened the rates for domestic Logair and Quicktrans services and amended its regulations to add a fuel surcharge clause, the specific amount of which had been proposed by the carriers and agreed to by DOD in pleadings exchanged two months prior to the date that the fuel adjustment was made. Here, in contrast, the Board issued a notice of rulemaking which opened the foreign MAC rates in their entirety and established interim final rates for effectiveness during the formal rate review then instituted. The Board did not rely on the rates proposed by either party, but established increased interim rates based upon its own conclusion that existing rate levels were not adequate to achieve the recognized return-on-investment for the exempted MAC services. This is as it should be because under the Board's regulations formal proceedings to establish contract MAC minimum rates are initiated by the Board after a determination that existing rate levels are too high or too low, and not by the carriers or DOD. Accordingly, it was of no consequence that the parties exchanged rate proposals prior to the date that interim rates were established since the rates were not open and subject to adjustment until the date of the Board's action instituting the review proceedings. In short, we think that the Saturn decision should be interpreted narrowly and strictly limited to its facts which, as previously indicated, are clearly distinguishable from this case.[7]

The carriers should not be surprised at the procedure utilized to establish the rate finality * * *." The fact that DOD new interim final rates. It was the clear understanding of both the carriers and DOD that by providing a mechanism through which costs could be recouped and rate finality could be achieved pending the completion of formal proceedings, the Board's established interim rate procedure which was accepted by the carriers and utilized in this case would bring the conflicting interests of the carriers and DOD into reasonable balance and thus minimize the need for retroactive adjustments. We are loath to breach this procedure which was adopted to reconcile the parties' divergent interest and most particularly loath to take action detrimental to DOD, whose agreement to relinquish its rights to notice and public procedure on the adopted rule made the procedure possible. Moreover, the Board has except in the most unusual circumstances refused to make rate changes retroactive to a date prior to the commencement of a rate proceeding, the reason being that such retroactivity would create administrative and budgetary uncertainty over transportation costs. Although the current interim rates will not recoup several weeks of cost increases incurred prior to the date of the notice the carriers have shown nothing to distinguish this circumstance from other rate proceedings in which the same or similar circumstances are involved. Stated differently, it is our policy not to penetrate the closed rate period and we are not convinced that the carriers' position is so unusual as to warrant a departure from this policy here. Indeed, followed to its logical conclusion the carriers' position would always invite retroactivity, since there will be virtually no circumstance where a cost increase or cost decrease (as the case may be) will not have been incurred prior to the date on which the rate adjustment is made. For these reasons, we find no departure from our established interim rate procedure is warranted.

We also reject the implication that the Board's action in this instance was not sufficiently responsive to keep the rates in line with changing costs. The procedure followed in this case was designed specifically to provide the expedition which the carriers request and, in so doing, to avoid the inequitable delays and long open rate periods that not infrequently resulted from the procedures utilized in earlier reviews. Under these earlier procedures, the Board established rates only after it had given notice and afforded full opportunity for comment with the result that rates were made retoactive, on a delayed basis, in some instances years after the underlying cost changes had occurred. By eliminating the notice step in this process, the Board injected a measure of stability into the rates and at the same time satisfied the carriers' need for rates that were sufficiently responsive to changes in underlying costs. In this instance, the proof that the procedure accomplished this objective is indicated by the fact that new interim rates were established within 60 days of the date that the carriers' rate petition was filed with the Board including the 30 days provided for responsive answers. That the rates may not recoup all costs incurred prior to the date of the rate adjustment is a normal burden of ratemaking under the Federal Aviation Act.

Despite these conclusions, we have determined that a delay in the effectiveness date of ER-962 is not in the parties' interests. In making this determination, we do not accede to the premise that 7 days' notice of interim rate adjustments is not required in instances where the parties have foreknowledge that substantial rate increases are warranted. MAC interim final rates are established based upon preliminary Form 243 data that is disclosed for the first time in the published rule. We are not persuaded, as a matter of basic fairness, that these rates should be thrust on the parties without first affording them a brief period in which to analyze the underlying analysis, regardless of the fact that the need for substantial rate adjustments may have been established many weeks in advance. On the other hand, the rate adjustments in ER-962 have not been challenged and no party would be injured if the rates therein prescribed were made effective as of the date the notice-of-rulemaking was issued. On the basis of these circumstances, we see no need to postpone for 7 days the rate adjustments which both DOD and the carriers have accepted as reasonable interim compensation for the period under review and, therefore, these adjustments shall be made effective on and after July 27, 1976.

Accordingly, it is ordered, That:

The petition for reconsideration of ER-962 filed by the Joint MAC carriers except to the extent that is granted herein, be and it hereby is denied.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.76-36336 Filed 12-9-76;8:45 am]

[Docket Nos. 27758, etc.; Order 76-12-36]

PAN AMERICAN WORLD AIRWAYS, INC.

Order To Show Cause Regarding Domestic Traffic on Flights Between Boston and Detroit

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 7th day of December 1976.

Detroit-Boston Nonstop Route Proceeding, Docket 27758; In the matter of application of Pan American World Airways, Inc., for an exemption, Docket 29639; Domestic passenger-fare investigation, Docket 21866.

By Order 76-9-168, September 30, 1976, the Board authorized Pan American World Airways, Inc. (Pan American) to carry domestic traffic on flights between Boston and Detroit which also serve a point in Europe on the carrier's international system. The new certificated au-

[7] The mail rate cases cited by petitioners are similarly inapposite in that, on each occasion, the carrier and the Postal Service agreed that the rate increase should be retroactive to the date of the carriers' rate petition.

thority is scheduled to become effective on January 3, 1977. By Order 76-10-140, October 29, 1976, the Board gave Pan American exemption authority effective immediately to operate the service granted in Order 76-9-168.[1]

Following the initial certification of Air New England, Inc.[2] and Air Midwest, Inc.,[3] the Board took action to require these carriers to abide by all aspects of the Domestic Passenger-Fare Investigation (DPFI). The Board feels that similar action is warranted in the case of Pan American's new domestic authority, and we know of no sound reason to treat its domestic passengers differently from those traveling on other certificated carriers operating between these points. Accordingly, we tentatively find and conclude that Pan American shall be bound by the Board's present and future determinations in the DPFI as if the carrier were a trunkline carrier party to that proceeding.

Although most of the DPFI requirements can be met unilaterally by Pan American, its participation in Phase 4 (Joint Fares) will require action by other carriers as well. Phase 4 establishes maximum joint fares for interline connecting travel and the division formula by which joint fare revenue is apportioned among the participating carriers. Acordingly, we tentatively find and conclude that Pan American, on the one hand, and all carriers certificated to perform scheduled services within the 48 contiguous states, on the other,[4] shall enter into and maintain all joint fares which are required presently or hereafter by the Board in Phase 4 of the "Domestic Passenger-Fare Investigation", Docket 21866-4, as if Pan American were a domestic trunk carrier party to that proceeding, and shall divide all joint fares by such methods as are or may be prescribed by the Board.[5]

Interested persons will be given twenty days following service of this order to show cause why the tentative findings and conclusions set forth herein should not be made final. We expect such persons to support their objections, if any, with detailed answers, specifically setting forth the findings and conclusions to which objection is taken. Such objections should be accompanied by arguments of fact or law and should be supported by legal precedent or detailed economic analysis. If an evidentiary hearing is requested, the objector should state in detail why such a hearing is considered necessary, and what relevant and material facts he would expect to establish through such a hearing. General, vague, or unsupported objections will not be entertained.

Accordingly, it is ordered, That:

1. Pan American World Airways, Inc. shall be bound by the Board's present and future determinations in the Domestic Passenger-Fare Investigation, Docket 21866, as if the carrier were a trunk-line carrier party to that proceeding;

2. All interested persons are directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein;

3. Any interested persons having objections to the issuance of an order making final the proposed findings and conclusions set forth herein shall, within 20 days after service of a copy of this order, file with the Board and serve upon all certificated air carriers a statement of objections together with a summary of testimony, statistical data, and such evidence as is expected to be relied upon to support the stated objections;

4. If timely and properly supported objections are filed, full consideration will be accorded the matters or issues raised by the objections before further action is taken by the Board; and

5. In the event no objections are filed, all further procedural steps will be deemed to have been waived, and the matter will be submitted to the Board for final action.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.76-36334 Filed 12-9-76;8:45 am]

[1] The exemption authority expires on January 3, 1977.

[2] New England Service Investigation, Order 74-10-102, October 18, 1974.

[3] Air Midwest Certification Proceeding, Order 76-11-3, November 2, 1976.

[4] Except for Aspen Airways and Wright Air Lines, which are carriers not subject to the DPFI requirements.

[5] All the issues involved in this Show Cause order have been exhaustively litigated in the DPFI and the addition of one new carrier—Pan American—should cause no appreciable change in any of the conclusions reached in that proceeding. Similarly, in light of the evidentiary record compiled in the DPFI, we find no need for further hearings solely directed to the addition of Pan American.

[Docket No. 29773]

PAN AMERICAN WORLD AIRWAYS, INC. AND TRANS WORLD AIRLINES, INC.

Prehearing Conference Regarding North Atlantic Charter Transfer Rules

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on January 18, 1977, at 10 a.m. (local time), in Room 1003, Hearing Room A, Universal Building North, 1875 Connecticut Avenue, NW., Washington, D.C., before Administrative Law Judge William H. Dapper.

In order to facilitate the conduct of the conference, parties are instructed to submit one copy to each party and six copies to the Judge of (1) proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statement of positions of parties; and (5) proposed procedural dates. The Bureau of Economics will circulate its material on or before December 21, 1976, and the other parties on or before January 4, 1977. The submissions of the other parties shall be limited to points on which they differ with the Bureau of Economics and shall follow the numbering and lettering used by the Bureau to facilitate cross-referencing.

Dated at Washington, D.C., December 6, 1976.

ROSS L. NEWMANN,
Chief Administrative Law Judge.

[FR Doc.76-36332 Filed 12-9-76;8:45 am]

[Docket No. 22388; Order 76-12-23]

REA EXPRESS, INC.

Order To Show Cause for Interstate Air Freight Forwarder Operating Authority

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 6th day of December 1976.

By application filed November 23, 1970, in Docket 22797, REA Express, Inc. (REA), requested interstate air freight forwarder operating authority. This application was consolidated into the *Express Service Investigation* (Docket 22388) on December 22, 1970.[1]

As a result of this investigation, the Board ordered that REA be granted an interstate air freight forwarder operating authorization upon (1) REA's submission of a completed and updated application therefore and (2) the termination of its air express service exemptions.[2] REA has not submitted the information necessary to complete and update its air freight forwarder application. Moreover, REA has not been successful in its attempt to have the courts overturn the Board order terminating its exemption authority.[3]

REA has never updated its application for interstate air freight forwarder authority, and thus its application for air freight forwarder operating authority has been dormant since the Board's order was issued in 1973. Accordingly, no official action has been taken with respect to REA's application, and no party, including the applicant, has requested that the Board move forward with the authorization. Moreover, it appears highly unlikely that official action can now be effectively taken in this matter since REA is no longer an operating entity. In fact, on November 6, 1975, a Federal Court adjudged REA bankrupt, and thereafter ordered the liquidation of the carrier's property.

[1] Order 70-12-126.

[2] Order 73-12-36, dated December 7, 1973, ordered that this exemption authority terminate on the date that REA commenced air freight forwarder operations pursuant to the proposed authorization or 180 days from the service date of Order 73-12-36, whichever occurred first. Order 74-5-25, dated May 6, 1974, delayed the automatic termination of REA's exemption authority until August 1, 1974.

[3] On October 6, 1975, the U.S. Court of Appeals for the Second Circuit affirmed the Board's orders (REA Express, Inc. v. Civil Aeronautics Board, No. 74-1611). The Supreme Court denied certiorari in this matter on June 1, 1976, thus making effective the Second Circuit's affirmation of the Board's orders terminating REA's exemption authority.

In all these circumstances, we tentatively find and conclude that REA's application for interstate air freight forwarder authority in Docket 22388 should be dismissed. In order to afford all interested parties an opportunity to comment on the Board's proposed course of action, we are issuing the instant order to show cause why our tentative findings and conclusions should not be made final.

Accordingly, it is ordered, That:

1. All interested persons are directed to show cause why the Board should not issue an order making final its tentative findings and conclusions that REA's application for interstate air freight forwarder operating authority should be dismissed and this proceeding terminated;

2. Any interested persons having objection to the issuance of an order making final the proposed findings and conclusions shall, within 30 days following the service date of this order, file with the Board and serve upon all parties to this proceeding a statement of objections together with such evidence expected to be relied upon in support of the stated objections;

3. If timely and properly supported objections are filed, full consideration will be accorded the matters and issues raised by the objections before further action is taken by the Board; and

4. In the event no objections are filed all further procedural steps will be deemed to have been waived and the application will be submitted to the Board for final action.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.76-36335 Filed 12-9-76;8:45 am]

COMMISSION ON CIVIL RIGHTS

DISTRICT OF COLUMBIA ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the District of Columbia Advisory (SAC) of the Commission, will convene at 12:00 noon and end at 2:00 p.m. on January 18, 1977, at 1121 Vermont Ave., NW., Fifth Floor Conference Room, Washington, D.C. 20425.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Mid-Atlantic Regional Office of the Commission, 2120 L Street, NW., Room 510, Washington, D.C. 20425.

The purpose of this meeting is review and discussion of the followup activity to the Forum on Civil Rights Issues.

This meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, D.C., December 7, 1976.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.76-36308 Filed 12-9-76;8:45 am]

DISTRICT OF COLUMBIA ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the District of Columbia Advisory Committee (SAC) of the Commission will convene at 7:30 pm. and end at 9:00 pm. on January 26, 1977, at the Martin Luther King, Jr., Memorial Library, 901 G Street, NW., Washington, D.C. Room 315.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Mid-Atlantic Regional Office of the Commission, 2120 L Street, NW., Room 510, Washington, D.C. 20037.

The purpose of this meeting is review and discussion of the followup activity to the Forum on Civil Rights Issues.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., December 7, 1976.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.76-36309 Filed 12-9-76;8:45 am]

DISTRICT OF COLUMBIA ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the District of Columbia Advisory Committee (SAC) of the Commission will convene at 12:00 noon and end at 2:00 p.m. on February 8, 1977, at the U.S. Commission on Civil Rights, 1121 Vermont Ave., NW., Washington, D.C. 20425. (Fifth Floor Conference Room).

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Mid-Atlantic Regional Office of the Commission, 2120 L Street, NW., Room 510, Washington, D.C. 20037.

The purpose of this meeting is review and discussion of the followup activity to the Forum on Civil Rights Issues.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., December 7, 1976.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.76-36310 Filed 12-9-76;8:45 am]

INDIANA ADVISORY COMMITTEE

Meeting; Change in Place

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights that a planning meeting of the Indiana Advisory Committee (SAC) of the Commission previously published in the FEDERAL REGISTER on Wednesday, November 24, 1976, on page 51856 (FR Doc. 76-34790) is hereby amended to show a change in meeting place. The meeting will be held at the Ramada Inn, 1530 North Meridian, Indianapolis, Indiana. The date (December 12 and 13, 1976) and time remain the same.

Dated at Washington, D.C., December 3, 1976.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.76-36311 Filed 12-9-76;8:45 am]

MARYLAND ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Maryland Advisory Committee (SAC) of the Commission will convene a 10:00 am. and end at 6:00 pm. on January 15, 1977, at 2404 Ken Oak Road, Baltimore, Maryland 21209.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Mid-Atlantic Regional Office of the Commission, 2120 L Street, NW., Room 510, Washington, D.C. 20037.

The purpose of this: The Maryland Advisory Committee plenum session will include reports from subcommittee chairpersons on activity over the past six months. The Education subcommittee and the Housing subcommittee will present progress reports on new projects. The staff will report on regional and national headquarters activity.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., December 7, 1976.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.76-36312 Filed 12-9-76;8:45 am]

SOUTH CAROLINA ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the South Carolina Advisory Committee (SAC) of the Commission will convene at 10:30 a.m. and end at 3:30 p.m. on January 21, 1977, at the Mark I Hotel, Private Dining Room, 515 S. Maine, Marion, South Carolina 29571.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Southern Regional Office of the Commission, Citizens Trust Bank Bldg., Room 362, 75 Piedmont Avenue, NE., Atlanta, Georgia 30303.

The purpose of this meeting is to make a decision on target city of project on Public Facilities, tour of city, briefing on data of city and outline of additional data required.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., December 7, 1976.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.76-36313 Filed 12-9-76;8:45 am]

WEST VIRGINIA ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the West Virginia Advisory Committee (SAC) of the Commission will convene at 1:00 p.m. and end at 4:00 p.m. on January 6, 1977, at 1036 Quarrier Street, 2nd Floor, Charleston, West Virginia.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Mid-Atlantic Regional Office of the Commission, 2120 L Street, NW., Room 510, Washington, D.C. 20037.

The purpose of this open meeting is to discuss civil rights issues in that State.

This meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, D.C., December 3, 1976.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.76-36314 Filed 12-9-76;8:45 am]

CIVIL SERVICE COMMISSION

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Grant of Authority To Make A Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Housing and Urban Development to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary for Insured and Direct Loan Programs, Office of the Assistant Secretary for Housing, Federal Housing Commissioner.

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

[FR Doc.76-36281 Filed 12-9-76;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Revocation of Authority to Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Housing and Urban Development to fill by noncareer executive assignment in the excepted service the position of Executive Vice President, Government National Mortgage Association.

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

[FR Doc.76-36282 Filed 12-9-76;8:45 am]

DEPARTMENT OF JUSTICE

Revocation of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Justice to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Attorney General, Office of Legal Counsel.

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

[FR Doc.76-36062 Filed 12-9-76;8:45 am]

DEPARTMENT OF COMMERCE

Bureau of the Census

ANNUAL SURVEYS IN MANUFACTURING AREA

Determination

In conformity with title 13, United States Code, sections 182, 224, and 225, and due notice having been published on November 9, 1976 (41 FR 49510), I have determined that annual data to be derived from the surveys listed below are needed to aid the efficient performance of essential governmental functions and have significant application to the needs of the public and industry. The data derived from these surveys, most of which have been conducted for many years, are not publicly available from nongovernmental or other government sources.

Report forms in most instances furnishing data on shipments and/or production and in some instances on stock, unfilled orders, orders booked, consumption, etc., will be required for all or a sample of establishments engaged in the production of the items covered by the following list of surveys.

The surveys have been arranged under major group headings shown in the Standard Industrial Classification Manual (1972 edition) promulgated by the Office of Management and Budget for the use of Federal statistical agencies.

MAJOR GROUP 22—TEXTILE MILL PRODUCTS

Broadwoven goods finished
Narrow fabrics
Yarn production

MAJOR GROUP 23—APPAREL AND OTHER FINISHED PRODUCTS MADE FROM FABRICS AND SIMILAR MATERIALS

Gloves and mittens
Apparel
Brassieres, corsets, and allied garments

MAJOR GROUP 24—LUMBER AND WOOD PRODUCTS, EXCEPT FURNITURE

Hardwood plywood
Softwood plywood
Lumber

MAJOR GROUP 26—PAPER AND ALLIED PRODUCTS

Pulp and detailed grades of paper and board

MAJOR GROUP 28—CHEMICALS AND ALLIED PRODUCTS

Sulfuric acid
Industrial gases
Inorganic chemicals
Pharmaceutical preparations, except biologicals

MAJOR GROUP 29—PETROLEUM REFINING AND RELATED INDUSTRIES

Asphalt and tar roofing and siding products

MAJOR GROUP 30—RUBBER AND MISCELLANEOUS PLASTICS PRODUCTS

Rubber
Plastics products

MAJOR GROUP 31—LEATHER AND LEATHER PRODUCTS

Shoes and slippers (by methods of construction)

MAJOR GROUP 32—STONE, CLAY, AND GLASS

Consumer, scientific, technical, and industrial glassware
Fibrous glass

MAJOR GROUP 33—PRIMARY METAL INDUSTRIES

Steel mill products
Insulated wire and cable
Magnesium mill products

MAJOR GROUP 34—FABRICATED METAL PRODUCTS EXCEPT ORDNANCE, MACHINERY, AND TRANSPORTATION EQUIPMENT

Commercial steel forgings
Steel power boilers
Heating and cooking equipment

MAJOR GROUP 35—MACHINERY, EXCEPT ELECTRICAL

Internal combustion engines
Tractors
Farm machines and equipment
Mining machinery and equipment
Refrigeration equipment and air-conditioning equipment, including warm air furnaces
Office, computing, and accounting machines
Pumps and compressors
Selected industrial air pollution control equipment
Construction machinery

MAJOR GROUP 36—ELECTRICAL MACHINERY, EQUIPMENT, AND SUPPLIES

Radios, television, and phonographs
Motors and generators
Wiring devices and supplies
Switchgear, switchboard apparatus, relays, and industrial controls
Selected electronic and associated products, including telephone and telegraph apparatus
Electric housewares and fans
Electric lighting fixtures
Major household appliances

MAJOR GROUP 37—TRANSPORTATION EQUIPMENT

Aircraft propellers

MAJOR GROUP 38—PROFESSIONAL, SCIENTIFIC, AND CONTROLLING INSTRUMENTS; PHOTOGRAPHIC AND OPTICAL GOODS; WATCHES AND CLOCKS

Selected instruments and related products
Atomic energy products and services

The following survey represents an annual supplement of monthly surveys and will cover the same establishments canvassed in the monthly survey. There will be no duplication of reporting, however, since the type of data collected on the annual supplement will be different from that collected in the more frequent survey.

MAJOR GROUP 32—STONE, CLAY, AND GLASS

Glass containers

The following list of surveys represents annual counterparts of monthly and quarterly surveys and will cover only those establishments which are not canvassed or do not report in the more frequent surveys. Accordingly, there will be no duplication in reporting. The content of these annual reports will be identical with that of the monthly and quarterly reports.

MAJOR GROUP 20—FOOD AND KINDRED PRODUCTS

Flour milling products
Margarine Manufacturers'—packaging operations

MAJOR GROUP 22—TEXTILE MILL PRODUCTS

Cotton, manmade fiber, woolen, and worsted fabrics
Finishing plant report—broadwoven fabrics
Broadwoven gray goods (cotton, wool, and manmade)
Consumption of wool and other fibers, and production of tops and noils
Carpets and rugs
Knit fabric production

MAJOR GROUP 23—APPAREL AND OTHER FINISHED PRODUCTS MADE FROM FABRICS AND SIMILAR MATERIALS

Sheets, pillowcases and towels

MAJOR GROUP 25—FURNITURE AND FIXTURES

Mattresses and bedsprings

MAJOR GROUP 26—PAPER AND ALLIED PRODUCTS

Converted flexible packaging products

MAJOR GROUP 28—CHEMICALS AND ALLIED PRODUCTS

Phosphatic fertilizer materials
Paint, varnish, and lacquer

MAJOR GROUP 30—RUBBER AND MISCELLANEOUS PRODUCTS

Plastic bottles

MAJOR GROUP 32—STONE, CLAY, AND GLASS

Flat glass
Glass containers
Refractories
Clay construction products

MAJOR GROUP 33—PRIMARY METAL INDUSTRIES

Nonferrous castings
Iron and steel foundries
Steel inventories (Consumers and Producers Report)
Copper inventories

MAJOR GROUP 34—FABRICATED METAL PRODUCTS, EXCEPT ORDNANCE, MACHINERY AND TRANSPORTATION EQUIPMENT

Plumbing fixtures
Steel shipping drums and pails
Metal cans
Closures for containers

MAJOR GROUP 35—MACHINERY, EXCEPT ELECTRICAL

Construction machinery

MAJOR GROUP 36—ELECTRICAL MACHINERY, EQUIPMENT, AND SUPPLIES

Electric lamps
Fluorescent lamp ballasts

MAJOR GROUP 37—TRANSPORTATION EQUIPMENT

Aircraft engines
Compete aircraft
Backlog of orders for aircraft, space vehicles, missiles, engines and selected parts
Truck trailers.

The annual survey of manufactures will be conducted and will call for general statistical data such as employment, payroll, man-hours, capital expenditures, cost of materials consumed, gross book value of fixed assets, rental payments, supplemental labor costs, etc., in addition to information on value of products shipped for classes of products and quantity and cost of selected fuels used. This survey, while conducted on a sample basis, will cover all manufacturing industries including data on plants under construction but not in operation.

A survey of research and development costs will be conducted also. The major data to be obtained will include total research and development costs of work performed by the company, distributed by source of funds, type of expenditures, product field, and of research and geographic State where the research is performed. Data will also be obtained on the number of scientists and engineers employed and, for comparative purposes, total net sales and receipts, and total employment of the company.

A survey on shipments to, or receipts for work done for, Federal Government agencies and their contractors and suppliers is planned to provide information on the impact of Federal procurement on selected industries and on the economy of States, standard metropolitan statistical areas, and geographic regions.

The annual survey of oil and gas will canvass the industry which provides most of the fuel consumed in the United States, as well as a substantial portion of the raw material requirement of many industries. The survey will collect information on exploration, development, production costs, revenues, expenditures and assets in the crude petroleum and natural gas industry.

The annual survey on pollution abatement expenditures is designed to collect from the manufacturing area total expenditures made by industry to abate pollutant emissions. The survey covers current operating costs and capital expenditures made by industry to reduce pollution in its air, water or solid forms. It will also obtain the costs recovered from abatement activities and quantities of pollutants abated.

The survey of plant capacity will call for general statistical data such as number of shifts, or the number of production workers for actual, preferred and practical operating rates, as well as direct information on the operation rates, the reasons for operating at less than capacity, and the length of time required to reach and to maintain practical rates. The survey will be done on a sample basis and cover all manufacturing industries.

The report forms will be furnished to firms included in these surveys and additional copies are available on request to the Acting Director, Bureau of the Census, Washington, D.C. 20233.

I have, therefore, directed the annual surveys be conducted for the purpose of collecting the data hereinabove described.

Dated: December 7, 1976.

ROBERT L. HAGAN,
Acting Director,
Bureau of the Census.

[FR Doc.76-36325 Filed 12-9-76;8:45 am]

Domestic and International Business Administration

[Order No. 42-1 (Amdt. 4)]

ORGANIZATION AND FUNCTION ORDER

Directorate of Administrative Management

This order effective November 8, 1976 amends the material appearing at 40 FR 12694 of March 20, 1975.

DIBA Organization and Function Order 42-1, dated February 28, 1975, as amended is hereby further amended to show organizational structure to the branch level and to more clearly define the functions of the Office of Administrative Support. The organization chart issued with Amendment 3 to this Order, September 13, 1976, remains in effect.

Section 6., Office of Administrative Support is revised to read, as follows:

"SECTION 6. OFFICE OF ADMINISTRATIVE SUPPORT

.01 *The Office of Administrative Support* shall be headed by a Director who shall plan and direct all administrative support, security, safety and communications services for the DIB Administration. The Director shall serve as a member of the Interagency Working Group of the President's Cabinet Committee to Combat Terrorism. He shall be responsible for ensuring that assignments and/or requests made by the Interagency Working Group (IWG) are accomplished in an orderly and timely fashion. He

shall maintain liaison with the Department's Office of Administrative Services and Procurement, the Office of Investigations and Security and the Department of State's Office of Communications. The following staff units will be in the Office of the Director:

IWG Staff shall provide a quick reaction, direct support capability within the Department to help the business community understand and counteract the effects of terrorism on its domestic and international operations; provide an official channel for access to assistance from Federal agencies dealing with terrorism; as a member of the IWG/CCT, serve as a link between the private sector and the United States Government in the development of future U.S. policies on terrorism; coordinate all available expertise in the area of terrorism against business to help the private sector deal with specific management problems created by the threat of terrorist activities; host corporate forums and seminars on behalf of various elements of the business community; and serve as a "clearing house" to collect, evaluate, and distribute terrorism related information of interest to the business community.

.02 *The Communications Management Division* will provide communications and security services for DIBA personnel and operating units. These services shall include security orientations for all employees; security briefings; maintaining the NATO document sub-registry for the Department of Commerce; conducting inspections and evaluating DIBA's document security and physical security; controlling and issuing credentials, building passes and keys, and maintaining and/or controlling classified-documents coming from State Department and other Federal Agencies. In addition the Division will consist of:

a. *The Message Analysis Branch* shall analyze, assign action and distribute information copies on all overseas communications coming into the Department; review format and compliance with established procedures and dispatch all outgoing Commerce communications to Government establishments overseas; develop and maintain end-user profiles to assist in the appropriate distribution of messages; maintain research files and provide research assistance to officials on overseas communications; provide guidance to operating officials on matters relating to communications systems; direct and maintain the Combined Economic Reporting Program (CERP) publications; and maintain working relationships with counterpart organizations in other Federal Agencies.

b. *The Distribution Branch* shall receive, sort, and distribute all correspondence; receive, log, control, and distribute all classified and registered documents; provide for the distribution of bulk materials; provide special messenger service to DIBA operating units; monitor DIBA mailing practices and monitor DIBA's convenience copying facilities in Washington and its field activities.

c. *The DIBA Secretariat Branch* shall receive, review and assign for appropriate action, and follow-up on all controlled correspondence directed to DIBA, all White House bulk mail assigned to DIBA, and all Congressional correspondence directed to DIBA; and shall provide assistance to DIBA operating units on correspondence procedures. The DIBA Secretariat shall also review all replies for proper format and compliance with established procedures.

.03 *The Acquisition and Facilities Division* shall provide Paymaster services to DIBA and safety services to DIBA and administer the following elements:

a. *The Travel Branch* shall provide comprehensive travel services for DIBA personnel which shall include itinerary plans, modes of travel, reservations for transportation, security clearances, tickets, passports and visas, hotel accommodations for international travel, and where possible, domestic hotel reservations. The Travel Branch shall preaudit all travel vouchers; and they shall maintain liaison with the Department's Travel Unit, the Passport Office, and any other organizations necessary to making travel arrangements.

b. *The Acquisition and Inventory Branch* shall receive and process all procurement requests for furniture, furnishings, office equipment, office supplies, subscriptions, publications and printing; arrange for the repair or renovation of office equipment and furniture; maintain a current inventory of DIBA property; monitor the use of furniture and equipment to insure that its use is maximized; voucher all transactions to insure that the terms of purchases and contracts are full met; and maintain liaison with the Office of Administrative Services and Procurement, GSA's Federal Supply Service and all other agencies, private vendors and contractors with which DIBA deals.

c. *The Facilities and Design Branch* shall provide a comprehensive facilities management program to include: a continuing inventory of DIBA space; the review and analysis of space utilization to insure compliance with GSA guidelines; developing short and long range plans for space assignments in light of anticipated increases or decreases in the requirements of operating units; design office layouts and initiate improvements of office appearance and working conditions in accordance with the Office Excellence Program; initiate work orders for telephone, electrical service, alterations and renovations and monitor contracts to insure that standards for the quality of the work are met and that work is performed within established time frames and does not exceed cost estimates; and maintain liaison with Office of Administrative Services and Procurement, GSA and all other agencies providing services within the framework of Facilities Management."

DONALD E. JOHNSON,
Acting Assistant Secretary for Domestic and International Business.

[FR Doc.76-36355 Filed 12-9-76;8:45 am]

DEPARTMENT OF COMMERCE

Maritime Administration

[Docket No. S-527]

MULTIPLE APPLICATIONS

Notice is hereby given that applications have been filed under the Merchant Marine Act, 1936, as amended, for operating-differential subsidy with respect to bulk cargo carrying service in the U.S. foreign trade, principally between the United States and the Union of Soviet Socialist Republics, to expire unless extended, on Decembr 31, 1977.

The following Applicants and/or related persons or firms employ, or may employ, ships in the domestic intercoastal or coastwise services and have requested written permission of the Maritime Administration under section 805 (a) of the Merchant Marine Act, 1936, as amended, to engage in the domestic intercoastal or coastwise services specified. Such written permission is required if operating-differential subsidy is to be granted, notwithstanding the fact that a voyage in the proposed service for which subsidy is sought would not be eligible for subsidy if the vessel engages in the domestic commerce of the United States on that voyage.

I. NAME OF APPLICANTS: TRANSEASTERN SHIPPING CORPORATION (TRANSEASTERN) MANHATTAN TANKERS COMPANY, INC. (MANHATTAN)

Description of Domestic Service: the applicants, Transeastern and Manhattan, affiliates of one another, have each requested written permission to permit Hudson Waterways Corporation (Hudson), an affiliate, 1) to operate the tankers *American Explorer, Maumee, Potomac, Shoshone* and *Yukon* in domestic service for the Military Sealift Command (MSC) as well as the right to move these vessels from one domestic trade to another and/or from foreign trade(s) to domestic trade(s) should the need arise and as directed by MSC; and (2) for Seatrain Lines, Inc. (Seatrain), owner of Transeastern and Manhattan, and other affiliated companies, to continue to operate the following vessels in the domestic trade as well as the right to move these vessels from one domestic trade to another, and/or from a foreign trade(s) to a domestic trade(s):

Vessel:	*Status*
Transcolorado	Owned.
Transcolumbia	Do.
Erna Elizabeth	Do.
Transeastern	Do.
Transindiana	Do.
Brooklyn	Chartered.
Williamsburg	Do.
Manhattan	Owned.

II. NAME OF APPLICANT: COVE TANKERS CORPORATION (COVE)

Description of Domestic Service: Cove has requested written permission for (1) Mount Shipping, Inc. (Mount), an affiliate, to operate four Falcon-class tankers, namely, the USNS *Susquehanna, Neches, Columbia* and *Hudson*, in domestic service for the Military Sealift Command (MSC), as well as for the

right of Mount to move these vessels from one domestic trade to another, and/or from foreign trade(s) to domestic trade(s) should the need arise and as directed by the MSC; and (2) for its owned vessel, *Mount Explorer*, and its bareboat-chartered vessels, *Mount Navigator* and *Cove Communicator*, to engage in the domestic service under MSC or private charterers, and for the right to move these vessels from one domestic trade to another, and/or from a foreign trade(s) to a domestic trade(s).

III. NAME OF APPLICANT: NEWPORT TANKERS CORPORATION (NEWPORT)

Description of Domestic Service: Newport has requested written permission to operate its owned tanker, *Achilles*, in domestic service and for the right to move the vessel from one domestic trade to another and/or from a foreign trade(s) to a domestic trade(s).

IV. NAME OF APPLICANT: MATHIASEN'S TANKER INDUSTRIES, INC. (MATHIASEN)

Description of Domestic Service: Mathiasen has requested written permission (1) to continue the operation in domestic coastwise and intercoastal service of the following vessels: *Joseph D. Potts*, *Sohio Intrepid* and *Sohio Resolute*; (2) for the Trinidad Corporation (Trinidad), owner of Mathiasen, to own the following vessels and to operate them in the domestic coastwise and intercoastal service: *Austin*, *Fort Worth*, *Houston*, *Pasadena* and *San Antonio*; and (3) for Trinidad to manage the *Prince William Sound* (which is anticipated to operate in domestic coastwise and intercoastal service) for Alaska Bulk Carriers, Inc.

V. NAME OF APPLICANT: ATLANTIC RICHFIELD COMPANY (ARCO)

Description of Domestic Service: Arco has requested written permission for itself and its wholly-owned subsidiaries, namely, Philadelphia Tankers, Inc. and Tankers Leasing Corporation to continue to own, operate and charter the following vessels which engage in the domestic intercoastal and coastwise services:

Atlantic Trader.	Arco Heritage.
Arco Prestige.	Arco Sag River.
Arco Endeavor.	Arco Prudhoe Bay.
Arco Enterprise.	Arco Juneau.
Sinclair Texas.	Arco Anchorage.
Arco Fairbanks.	

Any person, firm, or corporation having any interest (within the meaning of section 805(a)) in any application and desiring to be heard on issues pertinent to section 805(a) and desiring to submit comments or views concerning the application must, by close of business on December 15, 1976, file same with the Secretary, Maritime Administration/Maritime Subsidy Board, in writing, in triplicate, together with petition for leave to intervene which shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief.

If no petitions for leave to intervene are received within the specified time or if it is determined that petitions filed do not demonstrate sufficient interest to warrant a hearing, the Maritime Administration will take such action as may be deemed appropriate.

In the event petitions regarding the relevant section 805(a) issues are received from parties with standing to be heard, a hearing will be held, the purpose of which will be to receive evidence under section 805(a) relative to whether the proposed operations (a) could result in unfair competition to any person, firm, or corporation operating exclusively in the coastwise or intercoastal service, or (b) would be prejudicial to the objects and policy of the Act relative to domestic trade operations.

(Catalog of Federal Domestic Assistance Program No. 11.504 Operating-Differential Subsidies (ODS).)

By Order of the Maritime Subsidy Board.

Dated: December 7, 1976.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.76-36389 Filed 12-9-76;8:45 am]

[Docket No. S-528]

MULTIPLE APPLICATIONS

Notice is hereby given that applications have been filed under the Merchant Marine Act, 1936, as amended, for operating-differential subsidy with respect to bulk cargo carrying service in the U.S. foreign trade, principally between the United States and the Union of Soviet Socialist Republics, to expire unless extended, on December 31, 1977.

The following Applicants and/or related persons or firms employ, or may employ, ships in the domestic intercoastal or coastwise services and have requested written permission of the Maritime Administration under section 805 (a) of the Merchant Marine Act, 1936, as amended, to engage in the domestic intercoastal or coastwise services specified. Such written permission is required if operating-differential subsidy is to be granted, notwithstanding the fact that a voyage in the proposed service for which subsidy is sought would not be eligible for subsidy if the vessel engages in the domestic commerce of the United States on that voyage.

I. NAME OF APPLICANT: AMERICAN EAGLE TANKER CORP. (AMERICAN EAGLE)

Description of Domestic Service: American Eagle has requested written permission for its parent company, American Foreign Steamship Corporation, to operate the tanker SS *American Hawk*, in domestic intercoastal or coastwise service.

II. NAME OF APPLICANTS VANCOR STEAMSHIP CORP. (VANCOR)

Description of Domestic Service: Vancor has requested written permission for the tanker, SS *Vantage Defender*, owned by an affiliate, to engage in domestic intercoastal or coastwise service.

III. NAME OF APPLICANT: BOLTON SHIPPING CO., INC. (BOLTON), COLBY SHIPPING CO., INC. (COLBY)

Description of Domestic Service: Bolton and Colby are affiliated with Judge Oil Transport, Inc. (Judge), an affiliate of Worth Oil Transport Company in which Leo V. Berger and Peter Constas (sole stockholders of Bolton and Colby) have an interest. Written permission is required for Judge to operate a barge in the U.S. coastwise trade.

Any person, firm, or corporation having any interest (within the meaning of section 805(a)) in any application and desiring to be heard on issues pertinent to section 805(a) and desiring to submit comments or views concerning the application must, by close of business on December 15, 1976 file same with the Secretary, Maritime Administration/Maritime Subsidy Board, in writing, in triplicate, together with petition for leave to intervene which shall state clearly and concisely the grounds of interest, will the alleged facts relied on for relief.

If no petitions for leave to intervene are received within the specified time or if it is determined that petitions filed do not demonstrate sufficient interest to warrant a hearing, the Maritime Administration will take such action as may be deemed appropriate.

In the event petitions regarding the relevant section 805(a) issues are received from parties with standing to be heard, a hearing will be held, the purpose of which will be to receive evidence under section 805(a) relative to whether the proposed operations (a) could result in unfair competition to any person, firm, or corporation operating exclusively in the coastwise or intercoastal service, or (b) would be prejudicial to the objects and policy of the Act relative to domestic trade operations.

(Catalog of Federal Domestic Assistance Program No. 11.504 Operating-Differential Subsidies (ODS).)

By Order of the Maritime Subsidy Board.

Dated: December 7, 1976.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.76-36390 Filed 12-9-76;8:45 am]

Office of the Secretary

THE METRIC SYSTEM OF MEASUREMENT

Interpretation and Modification of the International System of Units for the United States

Section 3 of Pub. L. 94-168, the Metric Conversion Act of 1975, declares that the policy of the United States shall be to coordinate and plan the increasing use of the metric system in the United States. Section 403 of Pub. L. 93-380, the Education Amendments of 1974, states the policy of the United States to encourage educational agencies and institutions to prepare students to use the metric system of measurement as part of the regular education program. Under both these acts, the "metric system of measurement" is defined as the International System of Units as established by the General Conference of Weights and Measures in 1960 and interpreted or modified for the United States by the Secretary of Commerce (subsec. 4(4), Pub. L. 94-168; subsec. 403(a)(3), Pub. L.

93-380). The Secretary has delegated his authority under these subsections to the Assistant Secretary for Science and Technology. Accordingly, in implementation of this authority, the following tables and associated materials set forth the interpretation and modification of the International System of Units (hereinafter "SI") for the United States.

This notice supersedes the notice of the National Bureau of Standards published in the FEDERAL REGISTER of June 19, 1975 (40 FR 25837).

The SI is constructed from seven base units for independent quantities plus two supplementary units for plane angle and solid angle, listed in Table 1.

TABLE 1.—*SI base and supplementary units*

Quantity	Name	Symbol
SI base units:		
length	meter	m
mass[1]	kilogram	kg
time	second	s
electric current	ampere	A
thermodynamic temperature.[2]	kelvin	K
amount of substance	mole	mol
luminous intensity	candela	cd
SI supplementary units:		
plane angle	radian	rad
solid angle	steradian	sr

[1] "Weight" is the commonly used term for "mass."
[2] Wide use is made of "Celsius temperature" (symbol t) defined by

$$t = T - T_0$$

where T is the thermodynamic temperature, expressed in kelvins, and T_0=273.15 K by definition. The unit "degree Celsius" is thus equal to the unit "kelvin," but the degree Celsius (symbol °C) is a special name used instead of kelvin for expressing Celsius temperature. A temperature interval or a Celsius temperature difference may be expressed in degrees Celsius as well as in kelvins.

Units for all other quantities are derived from these nine units. In Table 2 are listed 17 SI derived units with special names which were derived from the base and supplementary units in a coherent manner, which means, in brief, that they are expressed as products and ratios of the nine base and supplementary units without numerical factors.

TABLE 2.—*SI derived units with special names*

Quantity	SI unit		
	Name	Symbol	Expression in terms of other units
frequency	hertz	Hz	s^{-1}
force	newton	N	$kg \cdot m/s^2$
pressure, stress	pascal	Pa	N/m^2
energy, work, quantity of heat	joule	J	N·m
power, radiant flux	watt	W	J/s
quantity of electricity, electric charge.	coulomb	C	A·s
electric potential, potential difference, electromotive force.	volt	V	W/A
capacitance	farad	F	C/V
electric resistance	ohm	Ω	V/A
conductance	siemens	S	A/V
magnetic flux	weber	Wb	V·s
magnetic flux density	tesla	T	Wb/m^2
inductance	henry	H	Wb/A
luminous flux	lumen	lm	cd·sr
illuminance	lux	lx	lm/m^2
activity (of ionizing radiation source).	becquerel	Bq	s^{-1}
absorbed dose	gray	Gy	J/kg

All other SI derived units, such as those in tables 3 and 4, are similarly derived in a coherent manner from the 26 base, supplementary, and special-name SI units.

TABLE 3.—*Examples of SI derived units expressed in terms of base units*

Quantity	SI unit	Unit symbol
area	square meter	m^2
volume	cubic meter	m^3
speed, velocity	meter per second	m/s
acceleration	meter per second squared.	m/s^2
wave number	1 per meter	m^{-1}
density, mass density.	kilogram per cubic meter.	kg/m^3
current density	ampere per square meter.	A/m^2
magnetic field strength.	ampere per meter	A/m
concentration (of amount of substance).	mole per cubic meter	mol/m^3
specific volume	cubic meter per kilogram.	m^3/kg
luminance	candela per square meter.	cd/m^2

TABLE 4.—*Examples of SI derived units expressed by means of special names*

Quantity	Name	Unit symbol
dynamic viscosity	pascal second	Pa·s
moment of force	newton meter	N·m
surface tension	newton per meter	N/m
power density, heat flux density, irradiance.	watt per square meter.	W/m^2
heat capacity, entropy.	joule per kelvin	J/K
specific heat capacity, specific entropy.	joule per kilogram kelvin.	J/(kg·K)
specific energy	joule per kilogram	J/kg
thermal conductivity.	watt per meter kelvin.	W/(m·K)
energy density	joule per cubic meter.	J/m^3
electric field strength	volt per meter	V/m
electric charge density.	coulomb per cubic meter.	C/m^3
electric flux density	coulomb per square meter.	C/m^2
permittivity	farad per meter	F/m
permeability	henry per meter	H/m
molar energy	joule per mole	J/mol
molar entropy, molar heat capacity.	joule per mole kelvin.	J/(mol·K)

For use with the SI units there is a set of 16 prefixes (see table 5) to form multiples and submultiples of these units. It is important to note that the kilogram is the only SI unit with a prefix. Because double prefixes are not to be used, the prefixes of table 5, in the case of mass, are to be used with gram (symbol g) and not with kilogram (symbol kg).

TABLE 5.—*SI prefixes*

Factor	Prefix	Symbol
10^{18}	exa	E
10^{15}	peta	P
10^{12}	tera	T
10^{9}	giga	G
10^{6}	mega	M
10^{3}	kilo	k
10^{2}	hecto	h
10^{1}	deka	da
10^{-1}	deci	d
10^{-2}	centi	c
10^{-3}	milli	m
10^{-6}	micro	μ
10^{-9}	nano	n
10^{-12}	pico	p
10^{-15}	femto	f
10^{-18}	atto	a

Certain units which are not part of the SI are used so widely that it is impractical to abandon them. The units that are accepted for continued use in the United States with the International System are listed in table 6.

TABLE 6.—*Units in use with the international system*

Name	Symbol	Value in SI unit
minute (time)	min	1 min=60 s
hour	h	1 h=60 min=3 600 s
day	d	1 d=24 h=86 400 s
degree (angle)	°	1°=(π/180) rad
minute (angle)	′	1′=(1/60)°=(π/10 800) rad
second (angle)	″	1″=(1/60)′ =(π/648 000) rad
liter	L*	1 L=1 dm^3=10^{-3} m^3
metric ton	t	1 t=10^3 kg
hectare (land area)	ha	1 ha=10^4 m^2

*The international symbol for liter is the lowercase "l", which can easily be confused with the numeral "1". Accordingly, the symbol "L" is recommended for United States use.

In those cases where their usage is already well established, the use, for a limited time, of the units in table 7 is accepted, subject to future review.

TABLE 7.—*Units to be used for a limited time*

nautical mile	angstrom	gal[1]
knot	barn	curie
standard atmosphere	bar	roentgen
		rad[2]

[1] Unit of acceleration.
[2] Unit of absorbed dose.

Metric units, symbols, and terms that are not in accordance with the foregoing Interpretation and Modification are no longer accepted for continued use in the United States with the International System of Units. Accordingly, the following units and terms listed in the table of metric units in section 2 of the act of July 28, 1866, that legalized the metric system of weights and measures in the United States, are no longer accepted for use in the United States:

myriameter
stere
millier or tonneau
quintal
myriagram
kilo (for kilogram)

For more information regarding the International System of Units, contact the Office of Technical Publications, National Bureau of Standards, U.S. Department of Commerce, Washington, D.C. 20234.

BETSY ANCKER-JOHNSON, Ph. D.,
Assistant Secretary for Science and Technology.

[FR Doc.76-36414 Filed 12-9-76;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

HAITI

Increasing the Import Level for Certain Man-Made Fiber Pajamas and Nightwear From Haiti

DECEMBER 6, 1976.

On April 16, 1976, there was published in the FEDERAL REGISTER (41 FR 16203) a letter dated April 13, 1976 from the Chairman of the Committee for the Implementation of Textile Agreements to

the Commissioner of Customs, establishing levels of restraint applicable to certain specified categories of cotton and man-made fiber textile products, produced or manufactured in Haiti and exported to the United States during the twelve-month period which began on January 1, 1976. These levels were established to implement certain provisions of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of March 22, 1976, between the Governments of the United States and Haiti.

In accordance with paragraph 7 of the bilateral agreement the Government of Haiti has requested an increase in the consultation level established for man-made fiber textile products in Category 217. The United States Government has acceded to the request.

Accordingly, there is published below a letter of December 6, 1976 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, increasing the level of restraint for Category 217 from 38,491 dozen to 46,189 dozen for the twelve-month period which began on January 1, 1976 and extends through December 31, 1976.

RONALD I. LEVIN,
Acting Chairman, Committee for the Implementation of Textile Agreements.

U.S. DEPARTMENT OF COMMERCE, THE ASSISTANT SECRETARY FOR DOMESTIC, AND INTERNATIONAL BUSINESS

Washington, D.C., December 6, 1976.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C.

DEAR MR. COMMISSIONER: This directive amends, but does not cancel, the directive issued to you on April 13, 1976 by the Chairman, Committee for the Implementation of Textile Agreements, concerning imports into the United States of certain cotton and man-made fiber textile products produced or manufactured in Haiti.

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of March 22, 1976, as amended, between the Governments of the United States and Haiti, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, you are directed to prohibit, effective on December 7, 1976 and for the twelve-month period which began on January 1, 1976 and extends through December 31, 1976, entry into the United States for consumption and withdrawal from warehouse for consumption of man-made fiber textile products in Category 217 in excess of 46,189 dozen.

The actions taken with respect to the Government of Haiti and with respect to imports of man-made fiber textile products from Haiti have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

RONALD I. LEVIN,
Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc.76-36351 Filed 12-9-76;8:45 am]

PAKISTAN

Permitting Entry of Certain Cotton Towels Produced or Manufactured in Pakistan

DECEMBER 7, 1976.

On December 29, 1975, there was published in the FEDERAL REGISTER (40 FR 59613), a letter dated December 19, 1975 from the Chairman, Committee for the Implementation of Textile Agreements, to the Commissioner of Customs, establishing levels of restraint applicable to certain specified categories of cotton textiles and cotton textile products, produced or manufactured in Pakistan and exported to the United States during the twelve-month period beginning on January 1, 1976. As set forth in that letter, the levels of restraint are subject to adjustment according to the terms of the Bilateral Cotton Textile Agreement of May 6, 1975, between the Governments of the United States and Pakistan.

Pursuant to paragraph 13 of the bilateral agreement, the United States Government has agreed to permit entry in Category 31, except T.S.U.S.A. Numbers 366.1860 and 366.2740, of an additional 100,000 square yards equivalent (287,356 units) of cotton towels during the agreement year which began on January 1, 1976.

This amount will be deducted from the level of restraint applicable to Category 31 (other than shop towels) during the agreement year beginning on January 1, 1977.

Accordingly, there is published below a letter of December 7, 1976 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs implementing this action.

Effective date: December 13, 1976.

RONALD I. LEVIN,
Acting Chairman, Committee for the Implementation of Textile Agreements, U.S. Department of Commerce.

Washington, D.C., December 7, 1976.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C.

DEAR MR. COMMISSIONER: On December 19, 1975, the Chairman, Committee for the Implementation of Textile Agreements, directed you to prohibit entry during the twelve-month period beginning on January 1, 1976 of cotton textiles and cotton textile products in certain specified categories, produced or manufactured in Pakistan, in excess of designated levels of restraint. The Chairman further advised you that the levels of restraint are subject to adjustment.[1]

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, pursuant to paragraph 13 of the Bilateral Cotton Textile Agreement of May 6, 1975, between the Governments of the United States and Pakistan, and in accordance with the procedures of Executive Order 11651 of March 3, 1972, you are directed, effective on December 13, 1976 and for the twelve-month period beginning on January 1, 1976 and extending through December 31, 1976, to permit entry of an additional 287,356 units of cotton textile products in Category 31, except T.S.U.S.A. Numbers 366.1860 and 366.2740, even though the level of restraint will be further exceeded.

The actions taken with respect to the Government of Pakistan and with respect to imports of cotton textile products from Pakistan have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

RONALD I. LEVIN,
Acting Chairman, Committee for the Implementation of Textile Agreements. Department of Commerce.

[FR Doc.76-36352 Filed 12-9-76;8:45 am]

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST 1977

Addition

Notice of proposed addition to Procurement List 1977, November 18, 1976 (41 FR 50975) of the service listed below was published in the FEDERAL REGISTER on October 15, 1976 (41 FR 45620).

After consideration of all the relevant data presented, the Committee has determined that the service listed below is suitable for procurement by the Government under Pub. L. 92-28, 85 Stat. 77. Accordingly, it is hereby added to the Procurement List.

Seedling Harvesting (SH), USDA, Forest Service, Humboldt Nursery, McKinleyville, California.

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc.76-36327 Filed 12-9-76;8:45 am]

[1] The term "adjustment" refers to those provisions of the Bilateral Cotton Textile Agreement of May 6, 1975, between the Governments of the United States and Pakistan which provide, in part, that: (1) within the aggregate and applicable group limits, specific levels of restraint may be exceeded by designated percentages; (2) these levels may be increased for carryover and carryforward up to 11 percent of the applicable category limit; and (3) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement.

PROCUREMENT LIST 1977

Proposed Addition

Notice is hereby given pursuant to section 2(2)(2) of Pub. L. 92-28; 85 Stat. 77, of the proposed additions of the following commodities to Procurement List 1977, November 18, 1976 (41 FR 50975).

Class 6850

Carbon Removing Compound, 6850-00-281-3044, 6850-00-281-3042.

Class 7110

Tables, Steel, Contemporary Style, 7110-00-113-0448, 7110-00-113-0454, 7110-00-149-2044, 7110-00-149-2045, 7110-00-149-2046, 7110-00-149-2047.

If the Committee approves the proposed additions, all entities of the Government will be required to procure the above commodities from workshops for the blind or other severely handicapped.

Comments and views regarding the proposed additions may be filed with the Committee on or before January 10, 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 (June 10, 1977).

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc.76-36329 Filed 12-9-76;8:45 am]

PROCUREMENT LIST 1977

Proposed Addition

Notice is hereby given pursuant to section 2(a)(2) of Pub. L. 92-28; 85 Stat. 77, of the proposed addition of the following commodity to Procurement List 1977, November 18, 1976, (41 FR 50975).

Class 7220

Mat, Floor, Plastic, 7220-00-457-6046, 7220-00-457-6054, 7220-00-457-6057, 7220-00-457-6063, 7220-00-477-3063, 7220-00-194-1609.

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 10, 1976. 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 (June 10, 1977).

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc.76-36330 Filed 12-9-76;8:45 am]

PROCUREMENT LIST 1977

Proposed Deletion

Notice is hereby given pursuant to section 2(a)(2) of Pub. L. 92-28; 85 Stat. 77 of the proposed deletions of the following service and commodity from Procurement List 1977, November 18, 1976 (41 FR 50975).

SIC 7331

Mailing Service, U.S. Coast Guard Academy, New London, Connecticut.

Class 3990

Cap, Wood, 3990-00-366-6824.

Comments and views regarding the proposed deletion may be filed with the Committee on or before January 10, 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 (June 10, 1977).

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc.76-36328 Filed 12-9-76;8:45 am]

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS

Availability

Environmental impact statements received by the Council on Environmental Quality from November 29, 1976 through December 3, 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 24, 1977) The thirty (30) day period for each final statement begins on the day the statement is made available to the Council and to commenting parties.

Copies of individual statements are available for review from the originating agency. Back copies will also be available at 10 cents per page from the Environmental Law Institute, 1346 Connecticut Avenue, Washington, D.C. 20036.

DEPARTMENT OF AGRICULTURE

Contact: Coordinator of Environmental Quality Activities, Office of the Secretary, U.S. Department of Agriculture, Room 359-A, Washington, D.C. 20250, (202) 447-3965.

FOREST SERVICE

Draft

Conecuh Unit Plan, Conecuh National Forest, Covington, Escambia, and Coffee Counties, Ala., November 29: Proposed is the implementation of a Management Plan for the 84,400-acre Conecuh Unit, Conecuh National Forest. The action described in the plan is for the 10-year period beginning July 1, 1976. Environmental impacts will result from timber harvesting, site preparation, timber stand improvements, road construction or reconstruction, prescribed burning, cattle grazing, recreation development, hiking trails, and mineral exploration or extraction (116 pages). (ELR Order No. 61689.)

Final

Forest Highway 34, Swift Trail, Graham County, Ariz., November 30: The proposal is to complete construction of the Swift Trail, located in the Pinaleno Mountains of Coronado National Forest. Five alternatives were considered, ranging from reconstruction of a new road on different alignment to retention of the old road. The selected alternative calls for paving of the road to Shannon Campground and having the road unpaved between Shannon Campground and Columbine Work Center. Because this alternative will put more people on the mountain than the recreation resource can accommodate, controls will be instituted to avoid overuse. The project will result in increased traffic and disturbance of wildlife (115 pages). Comments made by: EPA, DOC, USDA, DOI, state agencies, interested groups and persons. (ELR Order No. 61634.)

Sioux Unit Plan, Custer National Forest, Mont. S. Dak., November 30: Proposed is the implementation of a Multiple Use Plan for the Sioux Planning Unit, Custer National Forest in Harding County, South Dakota and Carter County, Montana. The gross area of the Planning Unit totals 175,312 acres including 162,839 acres of National Forest land. Three feasible management alternatives are being considered, each stressing different facets of land management. Adverse effects include degradation of wildlife habitat and an increase in chemical water pollutants (129 pages). Comments made by: USDA, DOI, state and local agencies, concerned groups and persons. (ELR Order No. 61685.)

DEPARTMENT OF DEFENSE

ARMY

Contact: Mr. George A. Cunney, Jr., Acting Chief, Environmental Office, Directorate of Installations, Office of the Deputy Chief of Staff for Logistics, Washington, D.C. 20310, (202) OX 4-4269.

Draft

Operation TNS, North-South Tooele Depot, Tooele County, Utah, December 2: Proposed is the transporting of approximately 770 tons of cargo, of which 175 tons is toxic chemicals. This materiel will be unloaded onto 27 cans at Tooele Army Depot (North Area) and moved to Toele Army Depot (South Area) where it will be unloaded and placed in storage. The movement will involve travel of approximately 15 miles on Union Pacific Railroad outside the boundaries of the depot through a sparsely populated area. The primary environmental impact is the removal of all toxic chemicals from storage facilities at Tooele Army Depot, South Area (45 pages). (ELR Order No. 61703.)

Operation DTS, Dugway Proving Ground-Tooele Depot, Tooele County, Utah, December 2: Proposed is the movement of approximately 115 tons of chemical munitions and storage containers filled with toxic chemicals in 11 cargo vehicles accompanied by 12 additional escort/support vehicles. This motor convoy will travel the 55 miles from the Carr Facility, Dugway Proving Ground to the Tooele Army Depot, South Area. The primary environmental impact is the removal of all toxic chemicals from storage facilities at Dugway Proving Ground to existing storage facilities at Toele Army Depot (80 pages). (ELR Order No. 61704.)

ARMY CORPS

Contact: Dr. C. Grant Ash, Office of Environmental Policy Development, Attn: DAEN-CWR-P, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue SW., Washington, D.C. 20314, (202) 693-6795.

Draft

Pembina River, Clearing and Snagging, Cavalier and Pembina Counties, N. Dak., December 1: Proposed is the clearing and snagging of 33 miles of the Pembina River between Neche and Pembina, North Dakota. Plans call for the removal of dead and leaning trees with exposed root systems and surface debris and some submerged debris from the primary channel of the river. Some brush would be cut. The proposed project is expected to reduce flooding on approximately 760 acres of land (St. Paul District) (40 pages). (ELR Order No. 61699.)

Farmville, Va., Flood Control, Virginia, November 29: Proposed is a plan for flood control at Farmville, Virginia which calls for construction of an earth levee from an existing elevated railroad grade to the north end of Serpell Street. The proposed levee would be approximately 1,200 feet long, 27 feet high, 10 feet and 160 feet wide at the top and bottom, respectively, and have side slopes of 1 horizontal to 3 vertical and 1 horizontal to 2.5 vertical on the river and land sides, respectively. If a ponding area and gravity outlet were not adequate, a pumping station and gated outlet would be constructed on Gross Creek. Loss of habitat will result (Norfolk District) (60 pages). (ELR Order No. 61681.)

Final

Marianna and Vicinity Flood Prevention (2), Washington County, Pa., December 1: The statement proposes a local flood protection project for Marianna and W. Zollarsville, Penn. The project consists of 7800 feet of channel modification on Tenmile Creek. Adverse impacts of the project consist of reduced diversity of channel morphology, elimination of deep pools, removal of streambank vegetation, suspended solids and sedimentation, and replacement of limited woodland habitat with open field habitat (Pittsburgh District) (105 pages). Comments made by: USDA, EPA, DOC, HUD, FRC, OPRC, state and local agencies, concerned citizens. (ELR Order No. 61698.)

FEDERAL POWER COMMISSION

Contact: Dr. Jack M. Heinemann, Acting Asst. Director for Environmental Quality, 441 G Street, NW., Washington, D.C. 20426, (202) 275-4701.

Draft

West Deptford LNG Project, Gloucester County, N.J., November 30: Proposed is the granting of a certificate of public convenience and necessity to Tenneco LNG Inc. authorizing the construction and operation of LNG facilities on a site at West Deptford, New Jersey, to receive, unload, store, and vaporize LNG. The anticipated project development is for a LNG terminal with a 2 million Mcfd output of natural gas which would consist of four 800,000 barrel LNG storage tanks, river water vaporization units and other appurtenant facilities. Tenneco would sell its entire output to Tennessee Gas Pipeline Co. Environmental impacts would occur with respect to effects on land use, wildlife, and air quality (263 pp). (ELR Order No. 61683.)

Supplement

El Paso, Transco LNG Terminal, N.J. (S-1), December 1: This statement supplements a final EIS filed with CEQ in June 1976. The proposed action was granting authority to El Paso Eastern Co. and Transco Co. for importation of LNG from Algeria to a proposed terminal in Gloucester County, New Jersey. The supplement contains the results of additional risk analysis studies, which conclude that risks of 10 fatalities per exposed person per year constitute an unacceptable risk and therefore the Transco project should not be approved. (90 pages.) (ELR Order No. 61697).

GENERAL SERVICES ADMINISTRATION

Contact: Mr. Andrew F. Kauders, Executive Director of Environmental Affairs, General Services Administration, 18th and F Streets NW., Washington, D.C. 20405, 202-343-4161.

Draft

Meat and Poultry Inspection, Midwestern Lab, Lincoln and Lancaster Counties, Nebr., November 30: Proposed is the provision of physical space in Lincoln, Nebraska for the Midwestern Multidisciplinary Laboratory/Meat and Poultry Inspection Facility to be operated by the USDA, Animal and Plant Health Inspection Service. GSA is currently receiving bids from perspective lessors who wish to provide space for the agency's 33 employees. The facility will require 20,148 net usable square feet of office and laboratory space. In addition, the facility will require approximately ⅓ acre of land for installation and operation of a pathological incinertor and pad to be completely fenced, parking for 6 government cars, and have available parking for 34 cars. (49 pages.) (ELR Order No. 61688.)

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Contact: Mr. Richard H. Broun, Director, Office of Environmental Quality, Room 7258, 451 7th Street SW., Washington, D.C. 20410, 202-755-6308.

Final

Woodside Village, West Covina-Walnut, Los Angeles County, Calif., December 1: Proposed is the development of a planned residential area incorporating public and commercial land uses and containing 2218 acres, 12,000 dwelling units, and an ultimate population estimated at 35,100. The project is located 28 miles east of the Los Angeles Civic Center, 4 miles south of the San Bernardino Freeway, and 2 miles north of the Pomona Freeway in the southerly portion of the City of West Covina and the westerly portion of the City of Walnut. HUD involvment in this project relates to the provision of mortgage insurance for the purchase of one-to-four family dwellings and financing of multi-family dwellings. (162 pages.) Comments made by: AHP, EPA, DOT, state and local agencies, concerned citizens, (ELR Order No. 61696.)

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.)

Final

Henderson, Texas, Sewer Improvements, Texas, December 1: This statement refers to the application by the City of Henderson for Community Block Grant Funds to construct sewer line improvements. The project would be constructed in the western portion of Henderson and would extend along Highway 64 to Richardson Drive. It would provide facilities for 492 low and moderate income persons who are presently served by outdoor toilets, septic tanks, or one lift station. Adverse effects include destruction of vegetation, possible erosion and stream pollution, and increases in noise and air pollution due to construction activity. (44 pages.) Comments made by: COE, DOI, EPA, AHP, state and local agencies, concerned citizens. (ELR Order No. 61687.)

DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 7260, Department of the Interior, Washington, D.C. 20240, 202-343-3891.

NATIONAL PARK SERVICE

Draft

Wilson's Creek National Battlefield, Master Plan, Missouri, November 30: Proposed is the adoption of a master plan to guide the development, management, and use of Wilson's Creek National Battlefield. Implementation of the plan will protect and perpetuate the Battlefield and provide the visitor services contemplated by the establishment legislation. Adverse effects of the action are primarily short-term and will be minimized. Developments such as interior road will destroy vegetation species with minimal effects upon wildlife and aesthetics and closure of the existing country road across the area will pose a minor inconvenience to a few persons residing immediately adjacent to the Battlefield. (50 pages.) (ELR Order No. 61682.)

Cedar Breaks Proposed Wilderness Classification, Iron, Garfield, and Kane Counties, December 1: Proposed is a plan for the establishment of a Wilderness Area in Cedar Breaks National Monument consisting of 4830 acres of Federal land, 78.5 percent of the monument. The principal benefit of the program is that of additional legislative protection of this natural area. Adverse effects include restrictions on back-country facility development and restriction on local water resources development (65 pages.) (ELR Order No. 61690.)

INTERSTATE COMMERCE COMMISSION

Contact: Mr. Richard Chais, Supervisory Attorney Advisor for the Environmental Staff, Room 2370, 12th and Constitution Ave. NW., 202-343-2086.

Draft

Maine Central RR, Amoskeag Co. Acquisition, Maine, November 30: Proposed is the formation of an ICC decision in a case in which the Maine Central RR Company has filed a formal complaint with the Commission alleging that Amoskeag Company and its parent organization, Dumaines, which control the Bangor and Aroostook RR Company, are unlawfully in control of the Maine Central in violation of section 5(4) of the Interstate Commerce Act. In a related proceeding Amoskeag filed application to acquire control of Maine Central through voting of stock and other lawful means. The two proceedings have been consolidated by the Commission. (ELR Order No. 61686.)

NUCLEAR REGULATORY COMMISSION

Contact: Mr. Bernard Rerscho, Director of Division of Reactor Licensing, P-722, NRC, Washington, D.C. 20555, 301-492-7373.

Supplement

North Anna Power Station, U. 1,2 (S-1), Louisa County, Va., December 2: This statement supplements a final EIS filed with CEQ in April 1976. The proposed action is the issuance of licenses to the Virginia Electric and Power Company for the startup and operation of the North Anna Power Station,

Units 1 and 2, on Lake Anna, 40 miles east of Charlottesville, Virginia. The supplement reviews the information provided by the applicant in an Environmental Report Supplement and revises, where necessary, the original assessment of environmental impacts associated with operation of the North Anna Power Station. (ELR Order No. 61702.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Affairs, U.S. Department of Transportation, 400 7th Street S.W., Washington, D.C. 20590, 202-426-4357.

FEDERAL AVIATION ADMINISTRATION

Draft

Kalamazoo Airport, Runway Extension, Kalamazoo County, Mich. December 1: Proposed is runway extension and associated construction at Kalamazoo Municipal Airport, Michigan. The project calls for extension of the north-south runway to a total length of 6,500 feet by adding 800 feet at the north end and 400 feet at the south end of the existing 5,300 foot runway. Plans also include extension of runway and taxiway lighting system, relocation of instrument Landing System localizer at the north end of the runway, and construction of parallel taxiways to the extended runway segments. Adverse effects include increased noise and air pollution. (240 pages.) (ELR Order No. 61692.)

FEDERAL HIGHWAY ADMINISTRATION

Draft

State road 147, Dolfield Drive—Rte. 60, Chesterfield County, Va., December 1: Proposed is the improvement of a portion of Route 147 (Hugenot Road) located in northern Chesterfield County, Virginia. The project begins at Dolfield Drive and extends southwest to Route 60. Plans include a .68-mile long improvement of Route 675 (Robius Road). Depending on the alternative selected, adverse effects will include displacement of from 1 to 5 families and 1 church, and increases in noise levels. (Region 3.) (105 pages.) (ELR Order No. 61693.)

Final

Harbor Blvd., Oxnard, Ventura County, Va., December 1: The project consists of the widening of Harbor Boulevard between West Fifth Street and Channel Island Boulevard, a distance of 1.65 miles, from the existing two-lane to a four-lane controlled limited roadway, within the limits of the City of Oxnard, California. Adverse impacts of the project include: Encroachment into remnant sand dunes, increased air pollution during construction, increased demand on Water District, and noise impacts on existing residences. (132 pages.) Comments made by: EPA, DOI, state and county agencies, concerned citizens. (ELR Order No. 61695.)

Route 36, Macon County, Mo., December 1: Proposed is the construction of a dual lane facility, Route 36, from west of Bevier to west of Macon. Plans call for the acquisition of limited access right-of-way, grading, bridges, interchanges, and 2-12' concrete pavements. Negative impacts include destruction of wildlife habitat, pollution of small streams during construction, and displacement of 8 houses, 4 businesses, and 28 people. (Region 7.) (29 pages.) Comments made by: DOI, USDA, EPA, HEW, DOT. (ELR Order No. 61700.)

I-470, Belmont Co., Ohio, December 1: The proposed action consists of the construction of a 6.65 mile section of I-470 from the Ohio-West Virginia border to its interchange with existing I-70 near the existing interchange with Township Road 314. Also included in the project are modifications to the existing Banfield Road-I-70 Interchange, and a safety upgrading of existing I-70 in the vicinity of the Banfield Road Interchange. The project includes three interchanges. Construction of the project will result in the loss of approximately 325 acres of wildlife habitat and the displacement of 58 families. Three streams would be relocated and routed underground for part of their lengths. (Region 5.) (102 pages.) Comments made by: DOI, EPA, HEW, USDA, COE, USCG, state and local agencies, concerned citizens. (ELR Order No. 61691.)

Legislative Route 75, Bridge Replacement, Venango County, Pa., December 1: The proposed action is the relocation of a bridge carrying Legislative Route 75 (Traffic Routes 38 and 208) over the Allegheny River at Emlenton, Pennsylvania. The proposed location is within 1.5 to 2.5 miles west of the existing bridge. An alignment within the recommended corridor will overpass the railroad tracks, allow through traffic to bypass the Borough, and allow an improved approach at the southern end. Relocation of several families will be necessary. (Region 3.) (125 pages.) Comments made by: COE, DOI, EPA, USCG, state and local agencies, concerned citizens. (ELR Order No. 61701.)

Loop 151, U.S. 82-U.S. 59, Texarkana, Bowie County, Tex., December 1: The proposed action is the construction on new location of a four-lane divided facility with depressed median and one-way continuous frontage roads over approximately 3.6 miles, from U.S. 82 in Texarkana south to U.S. 59 in Bowie County, Texas. Adverse effects include the displacement of families and businesses, already partially completed, and the commitment of some natural resources. (118 pages.) Comments made by: DOT, HEW, HUD, COE, USDA, DOI, EDA, state and local agencies, concerned citizens. (ELR Order No. 61694.)

U.S. COAST GUARD

Final

Coast Guard Family Housing, Eureka, Humboldt County, Calif., December 1: Proposed is the acquisition of 6 acres for construction of 82 units of family housing for Coast Guard personnel. Adverse effects include increased use of sewage treatment facilities, permanent displacement of wildlife and removal of vegetation, potential increased erosion and sedimentation, and negative aesthetic impacts. Comments made by: USCG, DOT, EPA, DOI, COE, state and local agencies, concerned individuals. (ELR Order No. 61689.)

GARY L. WIDMAN,
General Counsel.

[FR Doc.76-36396 Filed 12-9-76;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

1979 WORLD ADMINISTRATIVE RADIO CONFERENCE WARC-79 SATELLITE BROADCASTING SERVICE GROUP

Cancellation of Meeting and Establishment of New Meeting Date

DECEMBER 7, 1976.

The meeting of the WARC-79 Satellite Broadcasting Service Group previously scheduled for December 10, 1976 has been cancelled. Instead, the meeting of the Group has been rescheduled for Wednesday, February 23, 1977 from 9:30 a.m. to 12:00 p.m. in Room 6331 of the Commission's offices located at 2025 M Street, N.W., Washington, D.C. 20554.

The Agenda will include the following:

1. Call to Order by the Chairman.
2. Announcements.
3. Approval of Minutes of last meeting.
4. Reports of Task Groups.
5. Further Discussion.
6. Next Meeting Date and Adjournment.

Chairman: Edward E. Reinhart.
FCC Liaison: Charles H. Breig.

The above meeting is open to broadcast industry representatives and interested members of the general public.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.76-36323 Filed 12-9-76;8:45 am]

FEDERAL ENERGY ADMINISTRATION

COMMONWEALTH NATURAL GAS CORP.

Issuance of Temporary Order Assigning Butane for Synthetic Natural Gas Feedstock

The Federal Energy Administration (FEA) hereby gives notice that on November 8, 1976, FEA issued a Decision and Order to the Commonwealth Natural Gas Corporation (Commonwealth), Richmond, Virginia, which allows Commonwealth to purchase, obtain, and use up to 450,801.5 barrels of butane as feedstock for the manufacture of synthetic natural gas (SNG) produced at Commonwealth's Chesapeake, Virginia, SNG facility during the period November 1, 1976, through December 31, 1976. The Order allows only for a temporary use of butane as a SNG feedstock and does not establish a base period volume or assign a supplier to Commonwealth.

FEA issued the November 8, 1976, Decision and Order pursuant to 10 CFR 205.30 et seq., 211.29 and Special Rule No. 1 thereunder, and 211.90 et seq.

The 1976-77 heating season started on November 1, 1976, at which time FEA was still in the process of evaluating comments arising out of the October 12, 1976, FEA public hearing on Commonwealth's June 30, 1976, petition and the extended filing period for comments. The Order was issued to allow FEA time to fully address the relevant criteria under 10 CFR 205.35(b), 10 CFR 211.29, Special Rule No. 1 and the Statement of Policy issued under 10 CFR 211.29.

Commonwealth has provided FEA with information which at this time indicates that under projected normal winter weather conditions the amount of pipeline gas available to Commonwealth will not be sufficient to meet requirements of Commonwealth's high priority customers. In light of Commonwealth's substantial capital investment, and in view of the need to operate the SNG plant to maintain the historical level of natural gas service its customers, the FEA has determined that not permitting Commonwealth's SNG plant to operate during the heating season until FEA issues a permanent order would not be in the interest of the public health, welfare, and safety of the people of the Commonwealth of Virginia. Taking into account the newly adopted Virginia State Corporation Commission allocation plan, priority schedule, and continued "no growth" policy, under which Commonwealth operates, FEA further determined that for the period of the temporary order, the SNG will be distributed in a manner consistent with FEA priorities.

Copies of the November 8, 1976, Decision and Order are available for public viewing at the FEA Freedom of Information Library, Room 2107, Federal Building, 12th and Pennsylvania Avenue, N.W., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., e.s.t., Monday through Friday, except Federal holidays.

In accordance with the provisions of 10 CFR Part 205, and aggrieved party may file an appeal of this Decision and Order with the Federal Energy Administration. The provisions of 10 CFR Part 205, Subpart H, set forth the procedures and criteria which govern the filing and determination of any such appeal. For purposes of these regulations, the date of service of notice shall be deemed to be the date of publication of this notice or date of receipt by an aggrieved person of actual notice, whichever occurs first.

MICHAEL F. BUTLER,
General Counsel.

DECEMBER 7, 1976.

[FR Doc.76-36378 Filed 12-7-76;4:30 pm]

CASES FILED WITH THE OFFICE OF EXCEPTIONS AND APPEALS

Cases Filed Week of November 5 through November 12, 1976

Notice is hereby given that during the week of November 5 through November 12, 1976 the appeals and applications for exception or other relief listed in the Appendix below to this Notice were filed with the Federal Energy Administration's Office of Exceptions and Appeals.

Under the FEA's procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the FEA action sought in such cases may file with the FEA written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of those regulations, the date of service of notice shall be deemed to be the date of publication of this notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first.

MICHAEL F. BUTLER,
General Counsel.

DECEMBER 7, 1976.

APPENDIX.—*List of cases received by the Office of Exceptions and Appeals, Nov. 5 through Nov. 12, 1976*

Date	Name and location of applicant	Case No.	Type of submission
Nov. 5, 1976	Louisiana Land Exploration Co., New Orleans, La. (If granted: Louisiana Land & Exploration Co. would receive a stay of the requirements of the FEA's Oct. 5, 1976, decision and order pending a final determination on the appeal of that order which the firm intends to file.)	FES-1026	Stay request.
Do	Pennzoil Producing Co., Washington, D.C. (If granted: Crude oil produced from the North Perry unit located in Yazoo County, Miss., would be sold at upper tier ceiling prices.)	FEE-3323	Price exception (sec. 212.73).
Do	Tosco Corp., Los Angeles, Calif. (If granted: Tosco Corp. would be relieved of any obligation to purchase entitlements beginning with the month of September 1976.)	FEE-3324	Exception to the old oil entitlements program (sec. 211.67).
Do	Varibus Corp., Beaumont, Tex. (If granted: The FEA's Oct. 28, 1976, decision and order would be modified and Varibus Corp. would not be required to establish an escrow account for the amount of the overcharges specified in the Sept. 20, 1976, remedial order.)	FMR-0069	Modification of FEA's decision and order in Varibus Corp., 4 FEA par. ---- (Oct. 28, 1976).
Nov. 8, 1976	Kaffie Cos. (Seeligson plant), Corpus Christi, Tex. (If granted: Kaffie Cos. would be permitted to increase its prices to reflect nonproduct increases in excess of $0.0005 per gallon for natural gas liquid products produced at the Seeligson plant.)	FEE-3329	Price exception (sec. 212.165).
Do	Moran Pipe & Supply Co., Inc., Seminole, Okla. (If granted: Moran Pipe & Supply Co., Inc.'s Cozar lease located in Seminole County, Okla., would be classified as a stripper well property.)	FEE-3327	Crude oil price exception (sec. 212.73).
Do	Read & Stevens, Inc., Roswell, N. Mex. (If granted: Crude oil produced from the No. 1 Federal C well located in Roosevelt County, N. Mex., would be sold at upper tier ceiling prices.)	FEE-3326	Price exception (sec. 212.73).
Do	Ruth Ann Ashby Storey, et al. (R. M. Stephens plant), Shreveport, La. (If granted: Ruth Anne Ashby Storey, et al., would be permitted to increase their prices to reflect nonproduct cost increases in excess of $0.005 per gallon for natural gas liquid products produced at the R. M. Stephens plant.)	FEE-3325	Price exception (sec. 212.165).
Do	Sunland Refining Corp., Bakersfield, Calif. (If granted: Sunland Refining Corp. would receive an adjustment to its historic profit margin.)	FEE-3328	Exception to old oil entitlements program (sec. 211.67).
Nov. 9, 1976	Cities Service Co., Tulsa, Okla. (If granted: Cities Service Co. would be permitted to increase its prices to reflect nonproduct cost increases in excess of $0.005 per gallon for natural gas liquid products produced at the following natural gas plants: Mooreland, Panola, Red Fish Bay, Star Lacey, and West World.)	FEE-3332—FEE-3336	Price exception (sec. 212.165).
Do	Colonial Oil Co., Jacksonville, Fla. (If granted: Colonial Oil Co. would be assigned a new, lower priced supplier for motor gasoline on the basis that the firm is continuing to experience a serious hardship.)	FEE-3330	Extension of exception relief in Colonial Oil Co., 4 FEA par. 83,034 (Aug. 5, 1976)
Do	Central Hilight Unit, Washington, D.C. (If granted: The FEA's Oct. 8, 1976, decision and order would be permitted to sell at upper tier ceiling prices the crude oil produced from the Central Hilight Unit located in the Powder River basin of eastern Wyoming, approximately 30 mi south of Gillette, Wyo.)	FEA-1029	Appeal of decision and order in Central Hilight Unit, 4 FEA par. ---- (Oct. 8, 1976).

Date	Name and location of applicant	Case No.	Type of submission
Do.	Richard S. Anderson, Inc., Midland, Tex. (If granted: The FEA's Oct. 8, 1976, decision and order would be rescinded and Anderson would be relieved of any liability to refund revenues which it might have realized from selling the crude oil produced from the "C" tract of the Post Montgomery lease during the period October 1974 through December 1975 and the E tract of the Post Montgomery lease during the period June through December 1975.)	FEA-1027	Appeal of decision and order in Richard S. Anderson, Inc., 4 FEA par. ____ (Oct. 8, 1976).
Do.	Sid Richardson Carbon & Gasoline, Fort Worth, Tex. (If granted: Sid Richardson Carbon & Gasoline Co. would be permitted to increase its prices to reflect nonproduct cost increases in excess of $0.005 per gallon for natural gas liquid products on the basis that it is continuing to experience a serious hardship.)	FEE-3331	Extension of exception relief granted in Sid Richardson Carbon & Gasoline Co., 4 FEA par. 83,068 (Aug. 19, 1976).
Nov. 10, 1976	Arizona Fuels Corp., Salt Lake City, Utah (If granted: Arizona Fuels Corp. would receive a stay of the provisions of the old oil entitlements program which would relieve it of any obligation to purchase in excess of $24,000 worth of entitlements during the months of November and December 1976 pending a final determination of an amended appeal which the firm has filed.)	FES-0028	Stay request.
Do.	Breckenridge Gasoline Co., Breckenridge, Tex. (If granted: Breckenridge Gasoline Co. would be permitted to increase its prices of natural gas liquid products to reflect nonproduct cost increases in excess of $0.005 per gallon on the basis that it is continuing to experience a serious hardship.)	FEE-3337 FEE-3338	Extension of exception relief granted in Breckenridge Gasoline Co., FEA par. 83,044 (Aug. 19, 1976).
Do.	Garland Petroleum Co., Inc., Cumberland, Md. (If granted: The FEA's Oct. 21, 1976, remedial order would be rescinded.)	FEA-1028	Appeal of FEA region III's remedial order dated Oct. 21, 1976.
Nov. 11, 1976	Bell Finer Fuels, Chicago, Ill. (If granted: Bell Finer Fuels would not be required to file form FEA P112-M-1 for middle distillates.)	FEE-3339	Exception to reporting requirement (sec. 211.127).
Do.	Carroll Production, Drumright, Okla. (If granted: Carroll Production's Smith and Wacoche leases would be reclassified as stripper well properties.)	FEE-3340	Price exception (sec. 212.73).
Do.	Clark Oil & Refining Corp., Milwaukee, Wis. (If granted: The FEA's Oct. 13, 1976, information request denial would be rescinded and the Office of Regulatory Programs would be directed to wayside additional data relating to the weighted average cost per barrel of crude oil received by each of 2 subclassifications of small refiner together with the corresponding average net cost per barrel for each group after adjustment for entitlements issued.)	FEA-1030	Appeal of FEA's information request denial.
Do.	Fuller Oil Co., Fayetteville, N.C. (If granted: Fuller Oil Co. would be assigned a new, lower priced supplier of motor gasoline to replace Texaco, Inc., for the portion of product allocated to meet a defense fuel supply contract awarded to Fuller.)	FEE-3341	Exception to charge supplier (sec. 211.9).
Do.	Gulf Oil Corp., Tulsa, Okla. (If granted: Gulf Oil Corp. would be permitted to exclude from the base production control level calculations of the South Timbalier block 131, 135, and 176 fields the cumulative deficiency in crude oil production which occurred as a result of pipeline breaks and would be permitted to recalculate crude oil prices for these leases for the period commencing Feb. 25, 1976.)	FEE-3342	Price exception (sec. 212.72).
Do.	Skelly Oil Co., Tulsa, Okla. (If granted: The FEA's Oct. 14, 1976, decision and order which granted the firm a stay of par. 3 of a remedial order issued to Skelly by the deputy regional administrator of region VI on Sept. 1, 1976 would be rescinded.)	FEX-0007	Supplement to stay decision and order in Skelly Oil Co., 4 FEA par. ____ (Oct. 14, 1976).
Do.	Standard Oil Co. of California, San Francisco, Calif. (If granted: Standard Oil Co. of California would be permitted to increase its prices to reflect nonproduct cost increases in excess of $0.005 for natural gas liquid products produced at the following natural gas plants: Birch Creek, Booster, Calumet, Carpinteria, Colonia, Cymric, Greeley, Hagood, Huntington Beach, Indian River, Kermit, Lapeyrouse, Lisbon Valley, Murphy Coyote, North Tejon, Red Wash, Sherman, Sivells Bend, South Coles, Southeast Marietta, Stevens Calidon, Swanson River, Wilson Creek, and Yates.)	FEE-3343—FEE-3366	Price exception (sec. 212.165).
Nov. 12, 1976	Beacon Gasoline Co., Washington, D.C. (If granted: Beacon Gasoline Co. would be permitted to increase its prices for natural gas liquid pro-products to reflect nonproduct cost increases in excess of $0.005 per gallon on the basis that it is continuing to experience a serious hardship.)	FEE-3367	Extension of price relief granted in Beacon Gasoline Co., 4 FEA par. 83,073 (Sept. 20, 1976).
Do.	Quincy Oil, Inc., Quincy, Mass. If granted: The FEA's Nov. 2, 1976, remedial order would be rescinded and Quincy Oil, Inc., would not be required to make refunds with respect to any overcharges which occurred in its sales of No. 6 fuel oil to the Taunton municipal lighting plant during the period Nov. 1, 1973, through May 31, 1976.	FEA-1031 FES-1031	Appeal of FEA region I's remedial order dated Nov. 2, 1976. Stay requested.

[FR Doc.76-36377 Filed 12-7-76;4:30 pm]

ASHLAND PETROLEUM CO.

Request for Allocation of Propane for Btu Enrichment

Pursuant to the provisions of 10 CFR 205.30 et seq., the Federal Energy Administration (FEA) hereby provides notice of receipt of a petition, dated September 20, 1976, from Ashland Petroleum Company (Ashland) requesting assignment of a base period volume and supplier of 140,786 barrels per quarter of propane to be used for the elevation of the British thermal unit (Btu) of synthetic natural gas (SNG) produced at Ashland's SNG plant in Buffalo, New York. Ashland requests to be designated

as its own supplier of the propane. An allocation, if made, would be pursuant to the provisions of 10 CFR 205.30 et seq., 211.12(e), and 211.83(c).

FEA has determined that personal service of notice on all persons who might be aggrieved by the issuance of a Decision and Order on a petition for Btu enrichment is impracticable since such persons are not, at this point, readily identifiable.

A complete file containing all information and data filed in conjunction with this petition, other than confidential business information which FEA has determined to be exempt from the disclosure requirements of 5 U.S.C. 522, will be made available for public inspection and copying at the FEA Freedom of Information Office, Room 2107, Federal Building, 12th and Pennsylvania Avenue, N.W., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., e.s.t., Monday through Friday, except Federal holidays.

Written comments regarding this petition will be accepted and considered if filed on or before 4:30 p.m., December 23, 1976. Any person submitting written comments with respect to the petition summarized in this notice should comply with the requirements of the FEA procedural regulations set forth at 10 CFR 205.30 et seq. Requests for confidential treatment of submissions, or any parts thereof, should be made in accordance with the provisions of 10 CFR 205.9 (f). Comments should be submitted to the Office of Product Allocations, Federal Energy Administration, Room 6318, 2000 M Street, N.W., Washington, D.C. 20461.

MICHAEL F. BUTLER,
General Counsel.

DECEMBER 7, 1976.

[FR Doc.76-36305 Filed 12-7-76;2:03 pm]

FEDERAL MARITIME COMMISSION

[No. 76-64]

STATES STEAMSHIP CO. FAR EAST/USA HOUSEHOLD GOODS TARIFF NO. 5 FMC-9

Filing of Petition for Declaratory Order

DECEMBER 3, 1976.

Notice is hereby given that a petition for declaratory order has been filed by the Department of Defense. The petition requests the Commission to issue a declaratory order terminating a controversy and removing uncertainty concerning whether States Steamship Company's Far East/USA Household Goods Tariff No. 2, FMC-9 was legally and lawfully cancelled and the effective date of such cancellation, if any.

Replies to the petition shall be filed by States Steamship Company and the Commission's Bureau of Hearing Counsel on or before December 23, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-36350 Filed 12-9-76;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. CP77-64]

COLUMBIA GAS TRANSMISSION CORP.

Notice of Application

DECEMBER 3, 1976.

Take notice that on November 22, 1976, Columbia Gas Transmission Corporation (Applicant), 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314, filed in Docket No. CP77-64 an application pursuant to section 7(c) of the Natural Gas Act and § 2.79 of the Commission's General Policy and Interpretations (18 CFR 2.79), for a certificate of public convenience and necessity authorizing the transportation of natural gas on behalf of Anchor Hocking Corporation (Anchor Hocking), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to transport for Anchor Hocking up to 790 Mcf of gas per day for a period of two years following the date of first delivery and thereafter on a year to year basis, for use at Anchor Hocking's Winchester, Indiana, plant. It is stated that such gas will be received by Applicant at an existing point of delivery from Gas Transport, Inc. (Gas Transport), a wholly-owned subsidiary of Anchor Hocking, and would be redelivered by Applicant to Panhandle Eastern Pipe Line Company (PEPL) by displacement at an existing point of delivery located near Hollansburg, Drake County, Ohio. It is further stated that such gas is part of Anchor Hocking's gas supply which is presently transported by Applicant from Gravel Bank, Warren Township, Washington County, Ohio, to Lancaster, Fairfield County, Ohio. Applicant states that the volumes to be transported would vary from zero Mcf per day to a maximum of 790 Mcf per day up to an annual volume of 288,350 Mcf depending on the degree of curtailment imposed by PEPL.

It is stated that pursuant to a gas sales contract between Gas Transport and Anchor Hocking dated May 21, 1947, and subsequent amendments, the price currently being paid for such gas is $1.25 per Mcf. It is also stated that Anchor Hocking would pay Applicant a transportation charge of 21.99 cents per Mcf and that Applicant would retain for company-use and unaccounted-for gas 3.6 percent of the total volume of gas delivered. Applicant states that the transportation of such gas would be subject to the limits of its pipeline capacity and to its service obligations to its CD, WS, SGES, G and SGS customers and would be limited to only those volumes of gas required to offset curtailment by PEPL of the high priority requirements of Anchor Hocking's Winchester plant.

Applicant states that it did not consider the subject natural gas supply to be available for purchase by it by reason of the fact that the gas has been under contract to Anchor Hocking since 1947.

It is stated that Anchor Hocking's Winchester, Indiana, plant produces machine-made glass containers used in the food, beverage and household chemical industries, and that Anchor Hocking must depend on such gas for its glass forming and finishing processes. It is further stated that Anchor Hocking employs an average of 1,150 employees in Winchester, which has a population of 5,500 and any curtailment of natural gas to Anchor Hocking would result in economic hardship to the area as well as causing slowdowns in the food, beverage and household finishing industries.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 27, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-36260 Filed 12-9-76;8:45 am]

[Project No. 485]

GEORGIA POWER CO.

Issuance of Annual License(s)

DECEMBER 3, 1976.

On December 13, 1971, Georgia Power Company, Licensee for Bartletts Ferry Project No. 485, located on the Chattahoochee River near Columbus, Georgia, filed an application for a new license pursuant to the Federal Power Act and Commission Regulations thereunder.

The license for Project No. 485 was issued effective December 15, 1924, for a period ending December 14, 1974. Since expiration of the original license, the project has been maintained and operated under annual licenses, the most recent of which will expire on December 14, 1976. In order to authorize the continued operation and maintenance of the project, pending Commission action on Licensee's application, it is appropriate and in the public interest to issue an annual license to the Georgia Power Company.

Take notice that an annual license is issued to the Georgia Power Company for the period December 15, 1976, to December 14, 1977, or until Federal takeover, or until the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Bartletts Ferry Project No. 485 subject to the terms and conditions of the original license. Take further notice that if Federal takeover or issuance of a new license does not take place on or before December 14, 1977, a new annual license will be issued each year thereafter, effective December 15 of each year, until such time as Federal takeover takes place or a new license is issued, without further notice being given by the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-36253 Filed 12-9-76;8:45 am]

[Docket Nos. CS77-83, et al.]

GLENN D. HUGHES, ET AL.

Applications for "Small Producer" Certificates [1]

DECEMBER 3, 1976.

Take notice that each of the Applicants listed herein has filed an application pursuant to section 7(c) of the Natural Gas Act and Section 157.40 of the Regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before December 30, 1976, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

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 all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

Docket No.	Date filed	Applicant
CS77-83	Nov. 19, 1976	Glenn D. Hughes, 2321 Candelaria NW., Albuquerque, N. Mex. 87107.
CS77-84	do	Elk Oil Co., Box 310, Roswell, N. Mex. 88201.
CS77-85	Nov. 18, 1976	Sam Dazzo and Frances Joy Dazzo, 901 Val Verde SE., Albuquerque, N. Mex. 87108.
CS77-86	Nov. 19, 1976	Troy A. Freund, 813 Pioneer Building, Lake Charles, La.
CS77-87	do	Cordillera Corp., 2331 E. 3rd Ave., Denver, Colo. 80206.
CS77-88	do	Jesse Franklin Rozell, 715 Edgemont St., Shreveport, La. 71100.
CS77-89	Nov. 22, 1976	Norman A. Morse, 621 North Robinson, Oklahoma City Okla. 73102.
CS77-90	do	W. T. Richardson, P.O. Box 12219, Oklahoma City, Okla. 73112.
CS77-91	do	Henry Bartholomay III, 2 North Riverside Plaza, Room 1500, Chicago, Ill. 60606.
CS77-92	do	William C. Southmayd, 1703 East 33th St., Tulsa, Okla. 74105.
CS77-93	do	The Stone Oil Corp., 1975 Venture, 3100 Fountain Square Plaza, Cincinnati, Ohio 45202.
CS77-94	do	Howard L. Terry, 600 Jefferson, Suite 1600, Houston, Tex. 77002.
CS77-95	do	Leo H. Schoenhofen, 1 First National Plaza, Suite 2300, Chicago, Ill. 60670.
CS77-96	do	Mr. William A. Rockstead (operator, et al.), 313 Hightower Building, Oklahoma City, Okla.
CS77-97	do	Alexander & Ambrose Oil Corp., Suite 29-C, Brooks Towers, 1020 15th St., Denver, Colo. 80202.
CS77-98	do	Burns and Elikan Drilling Co., 31 Park View Lane, Wheeling, W. Va. 26003.
CS77-99	do	Vince Allen & Associates, Inc., as general partner for the "Vince Allen 1976 Program, Ltd.," 199 Cook St., Suite 400, Denver, Colo. 80206.

[FR Doc.76-36198 Filed 12-9-76;8:45 am]

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

[Project No. 1869]

MONTANA POWER CO.

Issuance of Annual License(s)

DECEMBER 3, 1976.

On January 20, 1972, The Montana Power Company, Licensee for Thompson Falls Project No. 1869, located on Clark Fork River in Sanders County, Montana, near the Cities and Towns of Missoula, Polson, Superior, and Thompson Falls, Montana, filed an application for a new major license pursuant to the Federal Power Act and Commission Regulations thereunder.

The license for Project No. 1869 was issued effective January 1, 1938, for a period ending December 31, 1975. Since expiration of the original license, the project has been maintained and operated under an annual license which will expire on December 31, 1976. In order to authorize the continued operation and maintenance of the project, pending Commission action on Licensee's application, it is appropriate and in the public interest to issue an annual license to The Montana Power Company.

Take notice that an annual license is issued to The Montana Power Company for the period January 1, 1977, to December 31, 1977, or until Federal takeover, or until the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Thompson Falls Project No. 1869 subject to the terms and conditions of the original license. Take further notice that if Federal takeover or issuance of a new license does not take place on or before December 31, 1977, a new annual license will be issued each year thereafter, effective January 1 of each year, until such time as Federal takeover takes place or a new license is issued, without further notice being given by the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-36258 Filed 12-9-76;8:45 am]

[Docket No. CP76-517]

NATURAL GAS PIPELINE CO. OF AMERICA

Amendment to Application for Certificate of Public Convenience and Necessity

DECEMBER 3, 1976.

Take notice that on November 18, 1976, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP76-517 an amendment to its application in said docket for a certificate of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act, in order to explain more fully its proposal (including specifications of participating customers and their volumes), to submit certain exhibits which were not available at the time of the original filing and to reflect certain modifications in fa-

cilities, all as more fully set forth in the amendment on file with the Commission and open to public inspection.

Applicant states that it proposes to construct and operate transmission and storage facilities to enable it to offer 12,400,000 Mcf of additional storage service to its customers under a new Rate Schedule LS-2 and that it offered the proposed LS-2 service to its customers pro rata to their existing daily contract quantities under Rate Schedule DMQ-1 and G-1. The portion of LS-2 service not accepted by any customer was reoffered to participating customers, it is said. Participating customers and the corresponding volumes are shown on the following table.

	Maximum daily withdrawal quantity	Fuel	Injected—1st year	
			Cushion	Top
Associated Natural Gas Co	600	1,500	120,000	60,000
Interstate Power Co	1,583	3,957	316,600	158,300
Iowa Electric Light & Power	2,093	5,232	418,600	209,300
Iowa-Illinois Gas & Electric Co	16,876	42,190	3,375,200	1,687,600
Iowa Power & Light Co	717	1,792	143,400	71,700
Iowa Southern Utilities Co	476	1,190	95,200	47,600
North Shore Gas Co	30,000	75,000	6,000,000	3,000,000
The Peoples Gas Light & Coke Co	68,412	171,030	13,682,400	6,841,200
Sullivan, Ill., city of	110	275	22,000	11,000
Wisconsin Southern Gas Co., Inc	1,561	3,903	312,200	156,100
Frohna, Mo., city of	20	50	4,000	2,000
Grand Tower, Ill., city of	20	50	4,000	2,000
Kaskaskia Gas Co	114	285	22,800	11,400
Lenox, Iowa, town of	73	183	14,600	7,300
Nashville, Ill., city of	200	500	40,000	20,000
North Central Public Service Co	30	75	6,000	3,000
Peoples Natural Gas Division	271	678	54,200	27,100
Perryville, Mo., city of	150	375	30,000	15,000
Pinckneyville, Ill	250	625	50,000	25,000
Spearville, Kans., city of	114	285	22,800	11,400
United Cities Gas Co	330	825	66,000	33,000
Total	124,000	310,000	24,800,000	12,400,000

It is stated that the facilities proposed at Columbus City—St. Peter have been modified by the addition of new wells and 9 miles of additional pipeline. It is stated that the facilities required not at Columbus City—St. Peter are as follows:

Approximately 3.7 miles of 6-inch, 8-inch 10-inch and 12-inch gathering pipeline, drill four and connect seven injection—withdrawal wells, recomplete two wells for injection and withdrawal use and other miscellaneous facilities, at Applicant's Columbus City—St. Peter Storage Field in Louisiana County, Iowa.

The additional facilities at Columbus City—St. Peter, as well as other minor changes, raises the total cost of jurisdictional facilities to $23,910,000, rather than the $23,575,000 reflected in Applicant's original filing.

It is asserted that customers in accepting the proposed service, have indicated that the storage service would be utilized to offset (partially winter) curtailments and to serve high priority winter requirements in categories 1 and 2.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before December 27, 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 becoming 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 having heretofore filed in this proceeding need not do so again.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-36152 Filed 12-9-76;8:45 am]

[Project No. 96]

PACIFIC GAS AND ELECTRIC CO.

Issuance of Annual License(s)

DECEMBER 3, 1976.

On August 31, 1970, Pacific Gas and Electric Company, Licensee for Kerckhoff Project No. 96, located on the San Joaquin River in Fresno and Madera Counties, California, and affecting public lands of the United States and The Sierra National Forest, filed an application for a new license pursuant to the Federal Power Act and Commission Federal Power Act and Commission Regulations thereunder.

The license for Project No. 96 was issued effective December 2, 1922, for a period ending December 1, 1972. Since the expiration of the original license, the project has been maintained and operated under annual licenses, the most recent of which will expire on December 1, 1976. In order to authorize the continued operation and maintenance of the project, pending Commission action on Licensee's application, it is appropriate and in the public interest to issue an annual license to the Pacific Gas and Electric Company.

Take notice that an annual license is issued to the Pacific Gas and Electric Company for the period December 2, 1976, to December 1, 1977, or until Federal takeover, or until the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Kerckhoff Project No. 96 subject to the terms and conditions of the original license. Take further notice that if Federal takeover or issuance of a new license does not take place on or before December 1, 1977, a new annual license will be issued each year thereafter, effective December 2 of each year, until such time as Federal takeover takes place or a new license is issued, without further notice being given by the Commission.

KENNETH F. PLUMB,
Secretary

[FR Doc.76-36255 Filed 12-9-76;8:45 am]

[Project No. 1273]

PAROWAN CITY

Issuance of Annual License(s)

DECEMBER 3, 1976.

On May 22, 1975, Parowan City, Licensee for Center Creek Project No. 1273, located on Center Creek near Parowan City, Utah, filed an application for a new license pursuant to the Federal Power Act and Commission Regulations thereunder.

The license for Project No. 1273 was issued effective July 19, 1935, for a period ending December 31, 1974. Since expiration of the original license, the project has been maintained and operated under annual licenses, the most recent of which will expire on December 31, 1976. In order to authorize the continued operation and maintenance of the project, pending Commission action on Licensee's application, it is appropriate and in the public interest to issue an annual license to Parowan City.

Take notice that an annual license is issued to Parowan City for the period January 1, 1977, to December 31, 1977, or until the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Center Creek Project No. 1273 subject to the terms and conditions of the original license. Take further notice that if issuance of a new license does not take place on or before December 31, 1977, a new annual license will be issued each year thereafter, effective January 1 of each year, until such time as a new license is issued, without further notice being given by the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-36257 Filed 12-9-76;8:45 am]

[Project No. 2140]

PUBLIC SERVICE CO. OF NEW HAMPSHIRE

Issuance of Annual License(s)

DECEMBER 3, 1976.

On December 22, 1972, the Public Service Company of New Hampshire, Licensee for Garvins Falls Project No. 2140, located on the Merrimack River, in the

Town of Bow, City of Concord, Merrimack County, New Hampshire, filed an application for a new license pursuant to the Federal Power Act and Commission Regulations thereunder.

The license for Project No. 2140 was issued effective January 1, 1938, for a period ending December 31, 1975. Since expiration of the original license, the project has been maintained and operated under an annual license, which will expire December 31, 1976. In order to authorize the continued operation and maintenance of the project, pending Commission action on the Licensee's application, it is appropriate and in the public interest to issue an annual license to the Public Service Company of New Hampshire:

Take notice that an annual license is issued to the Public Service Company of New Hampshire for the period January 1, 1977, to December 31, 1977, or until Federal takeover, or until the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Garvins Falls Project No. 2140 subject to the terms and conditions of the original license. Take further notice that if Federal takeover or issuance of a new license does not take place on or before December 31, 1977, a new annual license will be issued each year thereafter, effective January 1 of each year, until such time as Federal takeover takes place or a new license is issued, without further notice being given by the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-36259 Filed 12-9-76;8:45 am]

[Docket No. CP77-66]

TEXAS EASTERN TRANSMISSION CORP.

Notice of Application

DECEMBER 3, 1976.

Take notice that on November 22, 1976, Texas Eastern Transmission Corporation (Applicant), P.O. Box 2521, Houston, Texas 77001, filed an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the delivery of natural gas directly to Pottsville Gas Company (Pottsville) and to Transcontinental Gas Pipe Line Corporation (Transco) for redelivery to Union Gas Company (Union) all for the account of Algonquin Gas Transmission Company (Algonquin Gas), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to deliver up to approximately 1,200,000,000 Btu's of gas per day to Pottsville and up to 600,000,000 Btu's of gas per day to Transco for further delivery to Union for the account of Algonquin Gas and to decrease its deliveries of gas to Algonquin by an equivalent volume of gas for the period commencing with the issuance of requested certificate and ending April 30, 1977, in accordance with an agreement between Applicant, Algonquin Gas, Pottsville, Union and Transco dated October 22, 1976. It is stated that Pottsville and Algonquin Gas are customers of Applicant; that Union is a customer of Transco with whom Applicant has several exchange points, and that the deliveries and reduction in deliveries will be made at existing delivery points by means of existing facilities. Pottsville and Union, it is stated, have agreed to purchase 1,200,000,000 Btu's and 600,000,000 Btu's respectfully, of SNG per day from Algonquin Gas pursuant to its Rate Schedule SNG-1 during the aforementioned period.

Applicant states that it anticipates making a tariff filing setting forth the terms and conditions under which it would provide service for on-system and off-system customers similar to the service proposed herein. It states that if such tariff filing is made and becomes effective before the end of the proposed transportation service, beginning with the effective date of such tariff, Pottsville and Union agree to pay Applicant all applicable charges for the services proposed herein.

It is stated that Applicant and Transco are sharply curtailing deliveries and the proposed delivery of SNG to Pottsville and Union is urgently needed by them to help them maintain adequate service to their customers during this winter.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 27, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-36256 Filed 12-9-76;8:45 am]

[Docket No. RP72-156; (PGA77-1); (PGA77-2)]

TEXAS GAS TRANSMISSION CORP.

PGA Filing To Track Gas Producer Cost Increases Incurred as Result of Opinion Nos. 770 and 770-A and the Impact on Pipeline Supplier Rates

DECEMBER 2, 1976.

Take notice that on November 23, 1976, Texas Gas Transmission Corporation (Texas Gas) submitted for filing as part of its FPC Gas Tariff, Third Revised Volume No. 1, Sixteenth Revised Sheet No. 7.

Texas Gas states the purpose of this filing is to make a special one-time purchased gas cost adjustment, as permitted under the Commission's Opinion Nos. 770 and 770-A in Docket No. RM75-14, to track increases in purchased gas costs attributable to the national rate.

The proposed effective date of Sixteen Revised Sheet No. 7 is December 1, 1976.

Seventeenth Revised Sheet No. 7 is being filed to reflect changes in the cost of gas purchased resulting from rate increase filings made by United Gas Pipe Line Company (United) and Texas Eastern Transmission Corporation (Texas Eastern) to become effective January 1, 1977. This sheet is being filed pursuant to Texas Gas' Purchased Gas Cost Rate Adjustment provision contained in Section 23 of the General Terms and Conditions of its FPC Gas Tariff, Third Revised Volume No. 1.

The rate increase filings, to be effective on January 1, 1977, made by both Texas Eastern and United contain estimated amounts which are to be corrected on or before the effective date of increased rates. Texas Gas also proposes to correct the rates contained in Seventeenth Revised Sheet No. 7 to reflect any changes made by Texas Eastern and United.

The proposed effective date of Seventeenth Revised Sheet No. 7 is January 1, 1977.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Pratice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 16, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-36254 Filed 12-9-76;8:45 am]

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Receipt of Report Proposal

The following request for clearance of a report intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on December 3, 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 the 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 28, 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 clearance of its new Form FEA-P127-P-0, Selected Petroleum Products Price Report. The P127-P-0 is designed to collect data needed to track compliance with the FEA regulations. Specifically the P127-P-0 will collect selling price information for the period preceding and during the 1974 oil embargo. The P127-P-0 is a mandatory report under the FEA Act of 1973, Pub. L. 93-275, as amended by the EPC Act of 1975, Pub. L. 94-163. Form P127-P-0 will be mailed to respondents on the 30th day of every other month and must be returned within 20 days. Respondents to the P127-P-0 will be petroleum product resellers and retailers with annual sales of less than $50 million. The FEA will select from a universe of 304,000 approximately 500 respondents each two-month period to sample and anticipates that each respondent selected will not receive a form more than once in an 18-month period. FEA estimates burden to average 5.5 hours per response.

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc.76-36292 Filed 12-9-76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. 76F-0457]

CELANESE COATINGS AND SPECIALITIES CO.

Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 6B3158) has been filed by the Celanese Coatings and Specialties Co., P.O. Box 99038, Jeffersontown, KY 40299, proposing that § 121.2526 Components of paper and paperboard in contact with aqueous and fatty foods (21 CFR 121.2526) be amended in paragraph (a)(5) for the item, guar gum modified by treatment with 2,3-epoxypropyltrimethylammonium chloride, to remove the limitation of 7.6 weight percent on the amount of 2,3-epoxypropyltrimethylammonium chloride used to modify the guar gum.

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, 4-65, 5600 Fishers Lane, Rockville, MD 20857, during working hours, Monday through Friday.

Dated: December 2, 1976.

HOWARD R. ROBERTS,
Acting Director, Bureau of Foods.

[FR Doc.76-36280 Filed 12-9-76;8:45 am]

[Docket No. 76G-0190]

FMC CORP.

Withdrawal of Petition for Affirmation of Gras Status

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b), 72 Stat. 1785-1786 (21 U.S.C. 348 (b))), the following notice is issued: FMC Corp., 2000 Market St., Philadelphia, PA 19103 has withdrawn without prejudice its petition (GRASP 3G0022), notice of filing of which was published in the FEDERAL REGISTER of September 7, 1976 (41 FR 37657), proposing that tetrapotassium pyrophosphate be affirmed as generally recognized as safe (GRAS) for use in food.

Dated: December 2, 1976.

HOWARD R. ROBERTS,
Acting Director, Bureau of Foods.

[FR Doc.76-36279 Filed 12-9-76;8:45 am]

[Docket No. 76N-0400]

GOOD LABORATORY PRACTICES FOR NONCLINICAL LABORATORY STUDIES

Public Hearing

The Food and Drug Administration (FDA) announces that a public hearing will be held on February 15, 1977, pursuant to the administrative practices and procedures regulations, § 2.400(a) (21 CFR 2.400(a)) published in the FEDERAL REGISTER of November 2, 1976 (41 FR 48258), to receive comments from interested persons on the proposed regulations on good laboratory practices for nonclinical laboratory studies published in the FEDERAL REGISTER of November 19, 1976 (41 FR 51206). A written notice of participation must be filed by January 15, 1977.

The purpose of the hearing is (1) to provide an open forum for the presentation of views concerning the merit of the proposed regulations and their general applicability and practicability and (2) to foster greater consideration of the proposal among the scientific community, the regulated industry, and the public. Although the hearing will encompass all aspects of the proposed regulations, several specific areas of consideration on which the Commissioner seeks advice are:

1. The necessity and appropriateness of the proposed regulations as a means of assuring the quality and integrity of safety data submitted to the Federal government.
2. The scope of coverage and the applicability of the regulations with respect to various types of laboratories and nonclinical studies.
3. The concept of a quality assurance unit.
4. The division of duties and responsibilities between laboratory management, study director, and director of quality assurance under the proposed regulations, including the responsibilities of a person who contracts for safety studies.
5. The necessity for written procedures covering all laboratory activities concerned with carrying out a testing protocol.
6. The proposed laboratory disqualification procedures.
7. The economic impact of implementing the proposed requirements and comparative analysis of costs and benefits of reasonable alternatives.

In preparing a final regulation, the Commissioner will consider the administrative record of this hearing along with all other written comments received during the comment period specified in the proposal.

The hearing will take place at 9 a.m. in the auditorium located on the first floor in the HEW North Building, 330 Independence Ave. SW., Washington, D.C. 20205. The presiding officer will be Dr. Richard Bates, Associate Commissioner for Science.

A written notice of participation must be filed pursuant to § 2.131 (21 CFR 2.131), published in the FEDERAL REGISTER of November 23, 1976 (41 FR 51724), with the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, Md. 20857, not later than January 15, 1977. The notice of participation must contain the Hearing Clerk Docket No. 76N-0400 found in brackets in the heading of this notice, the name, address and telephone number of the person desiring to make a statement along with any business affiliation, a summary of the scope of the presentation with references to the appropriate subpart of the proposed regulations, and the approximate amount of time being requested for the presentation. A schedule for the hearing will be mailed to each person who files a notice of participation. Individuals and organizations with common

interests are urged to consolidate or coordinate their presentations.

In the event that the response to this notice of hearing is such that insufficient time is available to accommodate the full amount of time requested in the notices of participation received, the Commissioner shall allocate the available time among the persons making the oral presentation to be used as they wish. Formal written statements on the issues may be presented to the presiding officer on the day of the hearing for inclusion into the administrative record.

The hearing shall be open to the public. Any interested person may be heard with respect to matters relevant to the issues under consideration.

Dated: December 8, 1976.

JOSEPH P. HILE,
Associate Commissioner for Compliance.

[FR Doc.76-36566 Filed 12-9-76;11:10 am]

[Docket No. 76N-0472; DESI 6343]

HYALURONIDASE

Drugs for Human Use; Drug Efficacy Study Implementation; Followup Notice and Opportunity for Hearing

In notices published in the FEDERAL REGISTER of September 23, 1970 (35 FR 14800) (Docket No. FDC-D-235 (now Docket No. 76N-0472)) and June 23, 1972 (37 FR 12418), the Food and Drug Administration announced its conclusions regarding the effectiveness of the drug products described below containing hyaluronidase. The drug products are used as an adjunct to enhance the absorption of drugs in tissue.

Final conclusions concerning hyaluronidase drug products were announced in the June 23, 1972 notice, classifying them as effective or lacking substantial evidence of effectiveness for various indications. The June 23, 1972 notice did not offer an opportunity for hearing concerning the indications that were reclassified in that notice to lacking substantial evidence of effectiveness. This notice offers an opportunity for hearing concerning them and states the conditions for marketing the drug for the indications for which it continues to be regarded as effective. Persons who wish to request a hearing may do so on or before January 10, 1977.

The notice that follows does not pertain to the indications stated in the September 23, 1970 notice to lack substantial evidence of effectiveness. No person requested a hearing concerning them, and they are no longer allowable in labeling. Any such product labeled for those indications is subject to regulatory action.

1. NDA 6-343; Wydase Solution and Wydase Lyophilized; Wyeth Laboratories, Division American Home Products Corp., Box 8299, Philadelphia, PA 19101.

2. NDA 6-714; Alidase; Searle Laboratories, Division G. D. Searle & Co., Box 5110, Chicago, IL 60680.

3. NDA 7-933; Hyazyme; Abbott Laboratories, Pharmaceutical Products Division, 14th and Sheridan Rd., D-351, North Chicago, IL 60064.

The following drug product was neither submitted for review by the National Academy of Sciences-National Research Council nor included in the September 23, 1970 and June 23, 1972 notices, but the conclusions described in this notice apply to it.

NDA 6-392; Hydronase; Schering Corp., Galloping Hill Rd., Kenilworth, NJ 07033.

Such drugs are regarded as new drugs (21 U.S.C. 321(p)). Supplemental new drug applications are required to revise the labeling in and to update previously approved applications providing for such drugs. An approved new drug application is a requirement for marketing such drug products.

In addition to the holder(s) of the new drug application(s) specifically named above, this notice applies to all persons who manufacture or distribute a drug product, not the subject if an approved new drug application, that is identical, related, or similar to a drug product named above, as defined in 21 CFR 310.6. It is the responsibility of every drug manufacturer or distributor to review this notice to determine whether it covers any drug product he manufactures or distributes. Any person may request an opinion of the applicability of this notice to a specific drug product he manufactures or distributes that may be identical, related, or similar to a drug product named in this notice by writing to the Food and Drug Administration, Bureau of Drugs, Division of Drug Labeling Compliance (HFD-310), 5600 Fishers Lane, Rockville, MD 20852.

A. *Effectiveness classification.* The Food and Drug Administration has reviewed all available evidence and concludes that the drug is effective for the indications listed in the labeling conditions below. The drug lacks substantial evidence of effectiveness for the probably and possibly effective indications which were reclassified in the June 23, 1972 notice.

B. *Conditions for approval and marketing.* The Food and Drug Administration is prepared to approve abbreviated new drug applications and abbreviated supplements to previously approved new drug applications under conditions described described herein.

1. *Form of drug.* The drug is in sterile solution or powder for reconstitution and is suitable for injection.

2. *Labeling conditions.* a. The label bears the statement, "Caution: Federal law prohibits dispensing without prescription."

b. The drug is labeled to comply with all requirements of the act and regulations, and the labeling bears adequate information for safe and effective use of the drug. The Indications are as follows:

For use as an adjunct to increase the absorption and dispersion of other injected drugs; for hypodermoclysis; as an adjunct in subcutaneous urography for improving the resorption of radiopaque agents.

3. *Marketing status.* a. Marketing of such drug products that are now the subject of an approved or effective new drug application may be continued provided that, on or before Februry 8, 1977, the holder of the application submits, if he has not previously done so, (i) a supplement for revised labeling as needed to be in accord with the labeling conditions described in this notice, and complete container labeling if current container labeling has not been submitted, and (ii) a supplement to provide updating information with respect to items 6 (components), 7 (composition), and 8 (methods, facilities, and controls) of new drug application form FD-356H (21 CFR 314.1 (c)) to the extent required in abbreviated applications (21 CFR 314.1(f)).

b. Approval of an abbreviated new drug application (21 CFR 314.1(f)) must be obtained prior to marketing such product. Marketing prior to approval of a new drug application will subject such products, and those persons who caused the products to be marketed, to regulatory action.

C. *Notice of opportunity for hearing.* On the basis of all the data and information available to him, the Director of the Bureau of Drugs is unaware of any adequate and well-controlled clinical investigation, conducted by experts qualified by scientific training and experience, meeting the requirements of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) and 21 CFR 314.111 (a)(5), demonstrating the effectiveness of the drug(s) for the indication(s) lacking substantial evidence of effectiveness referred to in paragraph A. of this notice.

Notice is given to the holder(s) of the new drug application(s), and to all other interested persons, that the Director of the Bureau of Drugs proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)), withdrawing approval of the new drug application(s) and all amendments and supplements thereto providing for the indication(s) lacking substantial evidence of effectiveness referred to in paragraph A. of this notice on the ground that new information before him with respect to the drug product(s), evaluated together with the evidence available to him at the time of approval of the application(s), shows there is a lack of substantial evidence that the drug product(s) will have all the effects it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling. An order withdrawing approval will not issue with respect to any application(s) supplemented, in accord with this notice, to delete the claim(s) lacking substantial evidence of effectiveness.

In addition to the ground for the proposed withdrawal of approval stated above, this notice of opportunity for hearing encompasses all issues relating to the legal status of the drug products subject to it (including identical, related, or similar drug products as defined in 21 CFR 310.6), e.g., any contention that any such product is not a new drug because

it is generally recognized as safe and effective within the meaning of section 201(p) of the act or because it is exempt from part or all of the new drug provisions of the act pursuant to the exemption for products marketed prior to June 25, 1938, contained in section 201(p) of the act, or pursuant to section 107(c) of the Drug Amendments of 1962; or for any other reason.

In accordance with the provisions of section 505 of the act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Parts 310, 314), the applicant(s) and all other persons who manufacture or distribute a drug product which is identical, related, or similar to a drug product named above (21 CFR 310.6), are hereby given an opportunity for a hearing to show why approval of the new drug application(s) providing for the claim(s) involved should not be withdrawn and an opportunity to raise, for administrative determination, all issues relating to the legal status of a drug product named above and all identical, related, or similar drug products.

If an applicant or any person subject to this notice pursuant to 21 CFR 310.6 elects to avail himself of the opportunity for hearing, he shall file (1) on or before January 10, 1977, a written notice of appearance and request for hearing, and (2) on or before February 8, 1977, the data, information, and analyses on which he relies to justify a hearing, as specified in 21 CFR 314.200. Any other interested person may also submit comments on this proposal to withdraw approval. The procedures and requirements governing this notice of opportunity for hearing, a notice of appearance and request for hearing, a submission of data, information, and ananlyses to justify a hearing, other comments, and a grant or denial of hearing, are contained in 21 CFR 314.200.

The failure of an applicant or any other person subject to this notice pursuant to 21 CFR 310.6 to file timely written appearance and request for hearing as required by 21 CFR 314.200 constitutes an election by such person not to avail himself of the opportunity for a hearing concerning the action proposed with respect to such drug product and a waiver of any contentions concerning the legal status of such drug product. Any such drug product labeled for the indication(s) lacking substantial evidence of effectiveness referred to in paragraph A. of this notice may not thereafter lawfully be marketed, and the Food and Drug Administration will initiate appropriate regulatory action to remove such drug products from the market. Any new drug product marketed without an approved NDA is subject to regulatory action at any time.

A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for the hearing that there is no genuine and substantial issue of fact which precludes the withdrawal of approval of the application, or when a request for hearing is not made in the required format or with the required analyses, the Commissioner will enter summary judgment against the person(s) who requests the hearing, making findings and conclusions, denying a hearing.

All submissions pursuant to this notice of opportunity for hearing shall be filed in quintuplicate. Such submissions, except for data and information prohibited from public disclosure pursuant to 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the office of the Hearing Clerk (address given below) during working hours, Monday through Friday.

Communications forwarded in response to this notice should be identified with the reference number DESI 6343, directed to the attention of the appropriate office named below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20852.

Supplements (identify with NDA number): Division of Surgical-Dental Drug Products (HFD-160), Rm. 18B-04, Bureau of Drugs.

Original abbreviated new drug applications (identify as such): Division of Generic Drug Monographs (HFD-530), Bureau of Drugs.

Request for Hearing (identify with Docket number appearing in the heading of this notice): Hearing Clerk, Food and Drug Administration (HFC-20), Rm. 4-65.

Requests for the report of the National Academy of Sciences-National Research Council: Public Records and Document Center (HFC-18), Rm. 4-62.

Other communications regarding this notice: Drug Efficacy Study Implementation Project Manager (HFD-501), Bureau of Drugs.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-1053, as amended (21 U.S.C. 352, 355)) and under the authority delegated to the Director of the Bureau of Drugs (21 CFR 5.31) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)).

Dated: December 1, 1976.

J. RICHARD CROUT,
Director, Bureau of Drugs.

[FR Doc.76-36044 Filed 12-9-76;8:45 am]

[Docket No. 76N-0052]

OVER-THE-COUNTER DRUGS

Decision On Theophylline As A Single Ingredient

The Food and Drug Administration (FDA) announces that, as a result of additional information, the Commissioner of Food and Drugs disagrees with the recommendation of the Cold, Cough, Allergy, Bronchodilator and Antiasthmatic Panel ("the Panel") to allow theophylline to be made available over-the-counter (OTC) as a single ingredient. Any OTC drug product containing theophylline as a single ingredient is subject to immediate regulatory action.

In a notice published in the FEDERAL REGISTER of September 9, 1976 (41 FR 38312), FDA proposed to establish conditions under which OTC cold, cough, allergy, bronchodilator, and antiasthmatic drugs are generally recognized as safe and effective and not misbranded, based on the recommendations of the Panel. The preamble to the proposal also included the complete conclusions and recommendations of the Panel.

The Panel's recommendations, and the proposed monograph, included its conclusion that several ingredients were safe and effective for OTC use that previously had been limited to prescription use or had been classified for OTC use at a dosage level lower than that recommended by the Panel. After reviewing those specific ingredients, the Commissioner made an initial determination not to disagree with the Panel's recommendations on the OTC use of a number of ingredients, including the use of theophylline as a single ingredient in OTC drug products. The Panel recommended that the adult daily dosage be 100 to 200 milligrams (mg) every 6 hours, not to exceed 800 mg in 24 hours.

The Commissioner stated, however, that although he did not challenge the judgment of the Panel regarding the safety of theophylline, he believed that there was a scientific issue as to whether the recommended dosage levels were therapeutically effective for a significant, identifiable population of asthmatics. Therefore, the Commissioner noted that theophylline was currently undergoing extensive review within the agency and, consequently, the Panel's recommendation might be subject to modification in the tentative final monograph.

Since publication of the Panel's recommendation, the Commissioner has received additional information that requires him to disagree at this time with the Panel's recommendation that theophylline be made available for use as a single ingredient in OTC drug products. This additional information, which was not available during the Panel's deliberations, indicates that the recommended therapeutic dose may be toxic to some individuals. This information suggests that the safe and effective use of this drug requires careful dosage titration based on theophylline serum concentrations.

In a recent report by Miles Weinberger, M.D. and Leslie Hendeles, Phar. D., "Pharmaco-therapy of Asthma," "The Journal of the Maine Medical Association," 67:9, 255-266, September 1976, the authors reported the relationship between theophylline dosage and the likelihood of achieving both therapeutic effect and toxicity. The report states that at the median effective dose (50th percentile) of 26 milligrams per kilogram per day (mg/kg/day) in 4 divided doses for children (or 1000 mg/day in 4 divided doses for adults), about 25 percent of the patient population is likely to be at risk of toxicity. The report shows that at the upper adult dosage recommended by the Panel, i.e., 800 mg/day, about 40 percent of the patient population will achieve a therapeutic effect; however, about 25 percent is likely to be at risk of toxicity. At the lower adult dosage recommended by the Panel, i.e., 400 mg/day, the report shows that none of the patient population is likely to be at risk of

toxicity; however, only about 5 percent will achieve a therapeutic effect.

The report notes that current data suggest that theophylline is effective for suppressing chronic asthmatic symptoms when administered in dosages that achieve the therapeutic serum concentration range of 10 to 20 micrograms per milliliter (μg/ml). The Panel stated that studies indicate that variations between patients in their maintenance dose requirements are attributable to remarkable differences in the rate at which theophylline is metabolized. Because of variations in metabolism, about 20 percent of the adult patients receiving 800 mg/day will have theophylline serum concentrations of over 20 μg/ml and be at risk of toxicity. Drs. Weinberger and Hendeles recommend that, because serious toxicity such as seizures and death can occur from excessive serum concentrations (generally over 40 μg/ml) without earlier signs of lesser toxicity, clinical titration should be based on measurement of theophylline serum levels. A copy of this report has been placed on file in the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857 and may be seen between the hours of 9 a.m. and 4 p.m., Monday through Friday.

Because of this additional information suggesting careful titration based on measurement of theophylline serum levels, the Commissioner concludes that, pending publication of the tentative final monograph, theophylline should not be made available as a single ingredient in OTC drug products. Therefore, he is stating his disagreement with the Panel's recommendation regarding the OTC use of theophylline as a single ingredient. This action will in effect limit the use of theophylline as a single ingredient to prescription drug products. This was the status of such use prior to publication of the Panel's recommendations. The Commissioner beleves that, because of the additional information, it is only prudent to maintain the existing status of the use of theophylline as a single ingredient; he also believes that allowing the use of theophylline to increase, pending publication of the tentative final monograph, is unwarranted.

The Commissioner advises that the use of theophylline, both as a single ingredient and in combination, and both in prescription and OTC drug products, is undergoing extensive review in FDA. Therefore, conditions under which theophylline is used may be subject to additional changes in the future. The Commissioner recommends that there not be any proliferation in the number of products containing theophylline, pending the announcement of the results of the review by FDA.

For the above reasons, the Commissioner does not at this time agree with the Panel's recommendation that theophylline be classified in Category I and be made available for OTC use as a single ingredient. Therefore, in accordance with § 330.13(b)(2) (21 CFR 330.13(b)(2)) setting forth the status of ingredients recommended for OTC use under the OTC drug review, published in the FEDERAL REGISTER of August 4, 1976 (41 FR 32580), any product marketed containing theophylline as a single ingredient for OTC use is subject to immediate regulatory action.

Dated: December 3, 1976.

SHERWIN GARDNER,
Acting Commissioner of Food and Drugs.

[FR Doc.76-36045 Filed 13-3-76;3:57 pm]

Office of Education

RESEARCH PROJECTS IN VOCATIONAL EDUCATION

Closing Date for Receipt of Applications for Fiscal Year 1977

Notice is hereby given, pursuant to the authority contained in section 131(a) of Part C of the Vocational Education Act of 1963, as amended (20 U.S.C. 1281(a)), that applications are being accepted for vocational education research project grants and contracts.

Applications must be received by the U.S. Office of Education Application Control Center on or before February 14, 1977.

A. *Applications sent by mail.* An application sent by mail should be addressed as follows: U.S. Office of Education, Application Control Center, Washington, D.C. 20202, Attention: 13.498. 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 9, 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 U.S. Office of Education mail room 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, SW., Washington, D.C. 20202. Hand delivered applications will be accepted daily between the hours of 8:00 a.m. and 4:00 p.m. Washington, D.C. time, except Saturdays, Sundays, or Federal holidays. Applications will not be accepted after 4:00 p.m. on the closing date.

C. *Program application information.* (1) Applications must be prepared and submitted in accordance with instructions and forms which may be obtained from the Division of Research and Demonstration, Bureau of Occupational and Adult Education, Office of Education, Room 5018, 7th and D Streets, SW., Washington, D.C. 20202.

(2) To be eligible for review by the Office of Education, an application from a local educational agency must be approved by the State board. In order to permit the consideration of an application for funding from a local educational agency by the Office of Education, the approval of the State board with respect to that application should be received by the Office of Education with the application by the deadline established above. In those instances where State boards do not convene prior to the deadline date for receipt of applications, the applications must contain a statement indicating when the board will convene to consider the application, and a statement indicating the date when the recommendation of the State board will be received in the Office of Education. The recommendation by the State board may not be received by the Vocational Education Research Program more than 50 calendar days after the closing date for receipt of applications. All applications from other than local educational agencies must be submitted in accordance with 45 CFR 103.13(a) of the program regulations (20 U.S.C. 1281(a)).

(3) *Duplication.* In order to assure that applications do not duplicate projects already undertaken in the State, the applicant shall (1) Send a copy of the application to the State Director of Vocational Education, and (2) notify the Commissioner of Education of this action by attaching a copy of the letter that transmitted the application to the State Director of Vocational Education to each copy of the application transmitted to the Office of Education.

The State Director may advise the Commissioner of Education of applications considered to be a duplication of other projects in the State, within 30 days of receipt of the application. An application may only be considered to be a duplication of effort, if the objectives, and procedures of the application are closely related to the objectives, and procedures of completed or on-going projects. A letter that indicates a duplication of effort should document how the objectives, and procedures are so similar that funding would not be warranted.

(4) It is anticipated that grants and assistance contracts will be awarded in each of the eight priority areas listed in the additional criteria for selection of applicants for Fiscal Year 1977. The eight priority areas are: (a) Equal access and opportunity, (b) Sex-role sterotyping and sex bias, (c) Education and work programs, (d) adult and postsecondary vocational education, (e) curriculum management and instructional materials, (f) Personnel development for vocational education, (g) Comprehensive systems of guidance, counseling, placement, and follow-through, and (h) Administration of vocational education at the State and local levels. It is anticipated that approximately 85 new awards will be made for new projects in Fiscal Year 1977. Due to the State allotment system, the size of the award will vary from State to State. The highest ranked application or applications irrespective

of priority area will be funded in each State. Applications will not be funded that receive less than 40 out of a possible total of 100 points by the technical review process. All applications will be reviewed by both Federal and non-Federal reviewers. Panels will be convened in Washington to technically review the applications for each of the eight priority areas. Applicants may indicate the priority their application primarily addresses in order to facilitate the assignment of each application to an announced priority area.

Eligible applicants include local educational agencies, State departments of education, colleges and universities, and profit and non-profit organizations and institutions.

D. *Awards in States.* (1) Direct grants or contracts are awarded in each State up to the limit of funding available for the Commissioner of Education to use in to, § 103.15 of the program regulations (45 CFR 103.15), the approximate allocations anticipated for initiating new grants during Fiscal Year 1976 are: Alabama 129,871, Alaska 9,342, Arizona 68,591, Arkansas 71,245, California 558,209, Colorado 79,030, Connecticut 73,294, Delaware 15,086, Florida 223,434, Georgia 166,388, Hawaii 24,257, Idaho 27,735, Illinois 282,284, Indiana 165,394, Iowa 84,814, Kansas 67,586, Kentucky 120,690, Louisiana 140,830, Maine 36,075, Maryland 113,148, Massachusetts 161,496, Michigan 256,925, Minnesota 120,369, Mississippi 86,470, Missouri 148,765, Montana 24,805, Nebraska 46,461, Nevada 14,638, New Hampshire 25,307, New Jersey 175,491, New Mexico 42,934, New York 440,289, North Carolina 190,413, North Dakota 19,788, Ohio 321,211, Oklahoma 90,851, Oregon 69,147, Pennsylvania 344,086, Rhode Island 27,980, South Carolina 106,656, South Dakota 23,589, Tennessee 143,642, Texas 399,245, Utah 45,152, Vermont 16,441, Virginia 157,764, Washington 103,210, West Virginia 61,807, Wisconsin 144,937, Wyoming 11,546, District of Columbia 17,208, American Samoa 1,121, Guam 3,657, Puerto Rico 113,786, Virgin Islands 2,586, Trust Territory 3,613.

(2) These projects should not exceed 18 months in duration.

E. *Authority.* The regulations applicable to this program include the U.S. Office of Education General Provisions Regulations (45 CFR Part 100a) and the regulations on Research and Training, Exemplary, and Curriculum Development Programs in Vocational Education (45 CFR Part 103), published in the FEDERAL REGISTER on August 15, 1974 at 39 FR 29361 and the Additional Criteria for Selection of Applicants for Fiscal Year 1977 published in this issue of the FEDERAL REGISTER.

(Catalog of Federal Domestic Assistance No. 13.498 Vocational Education—Research.)

Dated: November 22, 1976.

EDWARD AGUIRRE,
Commissioner of Education.

[FR Doc.76-36293 Filed 12-9-76;8:45 am]

DEPARMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. D-76-470]

ACTING REGIONAL ADMINISTRATOR REGION VIII (DENVER)

Designation

The officials appointed to the following listed positions in Region VIII are hereby designated to serve as Acting Regional Administrator, during the absence of the Regional Administrator and Deputy Regional Administrator, with all the powers, functions, and duties delegated or assigned to the Regional Administrator: *Provided,* That no official is authorized to serve as Acting Regional Administrator, unless all other officials whose title precedes his in this designation are unable to act by reason of absence:

1. Asisstant Regional Administrator, Housing.
2. Assistant Regional Administrator, Community Planning and Development.
3. Regional Counsel.
4. Assistant Regional Administrator, Administration.

This designation supersedes 37 FR 17774, August 31, 1972.

Effective date: November 4, 1976.

ROBERT C. ROSENHEIM,
Regional Administrator, Region VIII (Denver).

[FR Doc.76-36343 Filed 12-9-76;8:45 am]

DEPARTMENT OF THE INTERIOR

ARIZONA

Phoenix District Multiple Use Advisory Board; Meeting

The Phoenix District Multiple Use Advisory Board will meet at 9 a.m. on January 14, 1977, in the Banquet Room of the Ramada Inn, 1100 North Litchfield Road, Goodyear, Arizona.

The agenda will include consideration of alternative routes for two proposed 500 KV transmission lines from the proposed Palo Verde Nuclear Generating Station to Westwing Substation. The morning session will include a briefing on the proposed routes and viewing of the routes by the Advisory Board Members from fixed-wing aircraft. Consideration and discussion of alternatives by the Board will begin approximately at 1 p.m. If time permits, the afternoon session will also include a briefing on the Federal Land Policy and Management Act of 1976, P.L. 94-579.

The meeting will be open to the public to the limits of available space. Time will be available for a limited number of statements by members of the public during the afternoon session. Those wishing to make oral statements should so inform the Advisory Board Chairman at the address given below prior to the day of the meeting. Time limitations may require that oral statements be limited to five minutes.

Any member of the public may submit a written statement. These should be directed to Advisory Board Chairman, c/o District Manager, Bureau of Land Management, 2929 West Clarendon Avenue, Phoenix, Arizona 85017.

Date: DECEMBER 1, 1976.

W. K. BARKER,
District Manager.

[FR Doc.76-36370 Filed 12-9-76;8:45 am]

[0148362]

UTAH

Application

DECEMBER 1, 1976.

Notice is hereby given that pursuant to the Act of May 24, 1928 45 Stat. 728; 49 U.S.C. 211-214, as amended, and the regulations in 43 CFR, Part 2911, the City of Green River, Utah, has applied for renewal of their lease for airport purposes across the following lands:

SALT LAKE MERIDIAN, UTAH

T. 21 S., R. 15 E.,
Sec. 23, SE¼;
Sec. 24, SW¼SW¼SW¼;
Sec. 25, NW¼, N½SW¼, SW¼NW¼SE¼, NW¼SW¼SE¼;
Sec. 26, E½NE¼.
Containing 510 acres in Emery County.

The purpose of this notice is to inform the public that the Bureau will be proceeding with the preparation of environmental and other analyses necessary for determining whether the action should be approved, and if so, under what terms and conditions.

Interested parties should express their views to the Moab District Manager, Bureau of Land Management, 72 South Main, P.O. Box 970, Moab, Utah 84532.

PAUL L. HOWARD,
State Director.

[FR Doc.76-36357 Filed 12-9-76;8:45 am]

[Wyoming 57589]

WYOMING

Application

DECEMBER 1, 1976.

Notice is hereby given that pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), Colorado Interstate Gas Company of Colorado Springs, Colorado, filed an application for a right-of-way to construct a 4 inch pipeline for the purpose of transporting natural gas across the following described National Resource Lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 16 N., R. 99 W.,
Sec. 4, lots 3, 5, 8, NE¼SW¼, W½SE¼;
Sec. 10, SW¼NW¼, W½SW¼, SE¼SW¼;
Sec. 22, N½NE¼.
T. 17 N., R. 99 W.,
Sec. 16, SE¼NW¼, NE¼SW¼, W½SE¼;
Sec. 28, E½NE¼, NE¼SE¼;
Sec. 34, NW¼NW¼, E½W½.

The pipeline will transport natural gas from Amoco #1 Bittercreek Unit II well located in sec. 22, T. 16 N., R. 99 W., to a point of connection with their Desert Springs Natural Gas Gathering System

in sec 16, T. 17 N., R. 99 W., Sweetwater County.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, P.O. Box 1869, Rock Springs, Wyoming 82901.

HAROLD G. STINCHCOMB,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.76-36358 Filed 12-9-76;8:45 am]

Office of Hearings and Appeals

[Docket No. M 77-9]

BISHOP COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Bishop Coal Company has filed a petition to modify the application of 30 CFR 75.305 to its No. 34 Mine, located in McDowell County, West Virginia.

30 CFR 75.305 provides:

In addition to the preshift and daily examinations required by this Subpart D, examinations for hazardous conditions, including test for methane, and for compliance with the mandatory health or safety standards, shall be made at least once each week by a certified person designated by the operator in the return of each split of air where it enters the main return, on pillar falls, at seals, in the main return, at least one entry of each intake and return aircourse in its entirety, idle workings, and, insofar as safety considerations permit, abandoned areas. Such weekly examinations need not be made during any week in which the mine is idle for the entire week, except that such examination shall be made before any other miner returns to the mine. The person making such examinations and tests shall place his initials and the date and time at the places examined, and if any hazardous condition is found, such condition shall be reported to the operator promptly. Any hazardous condition shall be corrected immediately. If such condition creates an imminent danger, the operator shall withdraw all persons from the area, except those persons referred to in section 104(d) of the Act, until such danger is abated. A record of these examinations, tests, and actions taken shall be recorded in ink or indelible pencil in a book approved by the Secretary kept for such purpose in an area on the surface of the mine chosen by the mine operator to minimize the danger of destruction by fire or other hazard, and the record shall be open for inspection by interested persons.

The substance of Petitioner's statement is as follows:

1. The mandatory safety standard of which Petitioner seeks a modification is 30 CFR 75.305. The areas to which the modification pertains are the right return air course off of the S-14 section from Spad 11247 to Spad 11862 which was mined in 1965 and the left return air course off of the G-Right section (formerly denominated as the S-10 section) from spad 13036 to spad 1659 which was mined in 1965 and 1966.[1]

2. Since the above-described area was mined, the roof has fallen in a number of entries and intersections making the airways virtually impassable and most hazardous to travel and examine. In some places where three entries are used for this return, intersections and connecting crosscuts in all three entries have fallen, making it possible only for air to travel.

3. Rehabilitating these sections of the return courses in order to permit hazard-free inspection of these returns in their entirety, as required by § 75.305, would be most hazardous, difficult and costly. No mechanical equipment could be used to aid in the rehabilitation effort and thus all work would have to be performed manually. This would require large expenditures of both labor and money and would expose miners to significant dangers, specifically of roof falls.

4. Despite the roof fall conditions existing in the return air courses, at certain points along these returns, air and methane readings can be made to assure that the air flow is in its proper course and of the required volume and that the methane content is not greater than the legal limits.

5. Petitioner proposes to establish two air measuring stations for the S-14 right return: one station will be at spad 12247, the other one over top of the S-14 overcast near the mouth of the S-14 section at spad 11862.

6. Petitioner also plans to establish two air measuring stations for the G-Right left return: one station being at spad 1659 and the other spad 13036.

7. On a weekly basis, an employee of the Petitioner, certified by the State of West Virginia, will take methane and air readings at these four air measuring stations as required by the regulation.

8. Methane will not be permitted to accumulate in these return air courses beyond legal limits.

9. All access to and the vicinity of the measuring stations will be kept in a travelable and safe condition.

10. A date board will be located at each measuring station and air quantity and methane readings will be taken and recorded by the certified person along with his initials, date and the time of the reading.

11. Petitioner feels that the above-described alternate method of satisfying section 75.305 would guarantee the miners at the Bishop No. 34 Mine no less than the same measure of protection afforded by the mandatory safety standard itself. The proposed modification will permit the ascertainment of the direction and volume of air as well as its methane content. An additional benefit of this alternate method would be the elimination of the danger to which miners assigned to the rehabilitative work on the return air courses would be exposed.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before January 10, 1977. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: December 1, 1976.

DAVID TORBETT,
Acting Director, Office of Hearings and Appeals.

[FR Doc.76-36360 Filed 12-9-76;8:45 am]

[1] A map enclosed with the petition is available for inspection at the address listed in the last paragraph of this notice.

[Docket No. M 77-10]

MORRISON-KNUDSEN CO., INC.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Morrison-Knudsen Company, Inc., has filed a petition to modify the application of 30 CFR 77.1605(k) to its Elkol and Sorensen Mine, located in Lincoln County, Wyoming.

30 CFR 77.1605(k) provides:

Berms or guards shall be provided on the outer bank of elevated roadways.

The substance of Petitioner's statement is as follows:

1. Morrison-Knudsen Company, Inc., subcontractor to the Kemmerer Coal Mine, submits this Petition for Modifica-Company at the Elkol and Sorensen tion under 301(c) for variance of § 77.1605(k), 30 CFR 77 at the Elkol and Sorensen Mine. Petitioner requests that 77.1605(k), 30 CFR 77 be waived for all presently existing elevated haul roads and all elevated haul roads to be constructed in the future at the Elkol and Sorensen Mine.[1]

2. In 1971, Morrison-Knudsen Company, Inc., petitioned for and received a modification for variance of 30 CFR 77.1605(k). Petitioner's reasons for requesting that variance were as follows:

(a) The strip mines were located at elevations of 7,000 to 7,400 feet. The terrain is rolling with ridges and depressions.

(b) Due to the elevation of the strip mines, weather conditions are subject to sudden changes. Snow and high winds, ranging from 10 to 45 miles per hour, are not infrequent during the period of November through April. Erection of berms would only act as an obstruction causing the snow to completely obliterate the road thus creating a safety hazard.

(c) The haul roads average 50 feet in width and the grade is from level to

[1] A map enclosed with the petition is available for inspection at the address listed in the last paragraph of this notice.

approximately 6 percent. The construction is such that without berms the snow is carried by the wind off the roads.

(d) Installation of berms, on outside edges of sidehill cut sections that would be sufficient to stop a heavy vehicle, would reduce the present width of the haul roads to the point of creating a safety hazard in the flow of traffic.

(e) Since berms are of unconsolidated materials, should the wheels of the vehicle strike the loose material the vehicle would overturn.

(f) Berms on elevated roadways would hinder proper drainage causing water to flow down the road instead of draining off. This would result in icy conditions which create a hazard.

(g) The removal of snow from elevated roads with berms would be impossible as there would be no place to dispose of the snow.

(h) In order that berms be installed on fill sections it would necessitate the hauling of thousands of yards of fill material in order to maintain our width of 50 feet of travel area. On sidehill cuts, in order to maintain the desired road width, it would require removal of material on the cut side for fill on the outside. This would result in additional erosion to the slopes because of removal of vegetation at the top of the slope. The cost in time and equipment hours would be excessive without reducing safety hazards.

(i) Berms of unconsolidated material only give the drivers of vehicles a sense of false security which results in an inattentive attitude toward control of his vehicle and safe operation.

(j) Since the start of stripping and hauling operations in 1950 Petitioner has not experienced an accident in which a man or vehicle has been injured or damaged by going off the haul roads due to the absence of berms on elevated roads. Petitioner feels this is due to driver training, close supervision and proper maintenance of the roads.

3. Petitioner submits that those conditions which prompted the request and which led to the allowance of the original waiver of § 77.1605(k) still exist. Petitioner has at all times since the allowance of the waiver granted in 1972, adhered to those stipulations specified in the original modification. These conditions are specified in the order issued by the Department of the Interior, Office of Hearings and Appeals, Docket No. M 72-20, dated June 30, 1972. Petitioner submits that granting of this modification will at all times guarantee the same as or a better measure of protection to the miners of this mine than would be achieved by the application of standard 77.1605(k).

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before January 10, 1977. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: December 1, 1976.

DAVID TORBETT,
Acting Director,
Office of Hearings and Appeals.

[FR Doc.76-36361 Filed 12-9-76;8:45 am]

[Docket No. M 77-7]

PRESTON ENERGY INC.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Preston Energy Inc., has filed a petition to modify the application of 30 CFR 75.1710 to its Sugar Mine and Pisgah Mine, located in Preston County, West Virginia.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

A time schedule by which all mines must comply with § 75.1710 is specified by 30 CFR 75.1710-1(a) which provides:

(a) Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in paragraphs (a) (1), (2), (3), (4), (5), and (6), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) (i) On and after January 1, 1976, in coal mines having mining heights of 30 inches or more, but less than 36 inches,

(ii) On and after July 1, 1977, in coal mines having mining heights of 24 inches or more, but less than 30 inches, and

(6) On and after July 1, 1978, in coal mines having mining heights of less than 24 inches.

The substance of Petitioner's statement is as follows:

1. At the Sugar Mine the Upper Freeport Seam varies in thickness from 36 to 45 inches in height. Since the overall canopy height of the Joy 21 SC shuttle car used there is 48 inches, at its extreme lowest position, Petitioner feels it to be a physical impossibility to operate with canopies installed.

2. At the Pisgah Mine the Upper Freeport Seam is being mined at an average height of 60 inches. The National Mines Service Torkars used at the Pisgah Mine have an overall canpoy height of 48 inches at their extreme lowest position. Undulations in the roof and bottom result in the canopies on the equipment used in the Pisgah Mine coming into contact with the roof. Installation of canopies on the equipment limits the vision of the operators of the opposite rib, causing the operators to drive blindly or to drive with his head protruding out from under the side of the canopy.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before January 10, 1977. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: December 1, 1976.

DAVID TORBETT,
Acting Director,
Office of Hearings and Appeals

[FR Doc.76-36362 Filed 12-9-76;8:45 am]

Bureau of Reclamation

[Int. Des. 76-51]

SOUTHERN NEVADA WATER PROJECT, SECOND STAGE

Availability of Draft Environmental Statement

Pursuant to the requirements of section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 7332), the Department of the Interior has prepared a draft environmental statement for the Southern Nevada Water Project, Second Stage.

The environmental statement concerns the construction of five new pumping plants, modifications to four existing first stage pumping plants, a 2.5-mile-long second barrel to the main aqueduct and pipelines with a capacity of 166,800 acre-feet per year. The State of Nevada plans a major expansion of the Alfred Merritt Smith Water Treatment Facility in conjunction with the second stage.

Written comments may be submitted to the Regional Director (address below) within 45 working days of this notice. Copies of the draft environmental impact statement are available for inspection at the following locations:

Office of the Assistant to the Commissioner—Ecology, Room 7622, Bureau of Reclamation, Department of the Interior, Washington, D.C. 20240, telephone (202) 343-4991.

Division of Engineering Support, Technical Services and Publications Branch, E&R Center, Denver Federal Center, Denver, Colorado 80225, telephone (303) 234-3006.

Office of the Regional Director, Bureau of Reclamation, P.O. Box 427, Boulder City, Nevada 89005, telephone (702) 293-8164.

Single copies of the draft environmental statement may be obtained upon

request to the Commissioner of Reclamation or the Regional Director. In addition, copies may be purchased from the Document Service, Environmental Law Institute, 1346 Connecticut Avenue, NW., Washington, D.C. 20036. Please refer to the statement number above.

STANLEY D. DORELIAS,
Secretary of the Interior.

DECEMBER 7, 1976.

[FR Doc.76-36285 Filed 12-9-76;8:45 am]

DEPARTMENT OF LABOR

Employee Benefit Security Office

[Prohibited Transaction Exemption 76-11]

WISCONSIN OPERATING ENGINEERS SKILL IMPROVEMENT AND APPRENTICESHIP FUND

Employee Benefit Plans; Exemption From Prohibitions Respecting Transaction

Notice is hereby given of the granting of an exemption under the authority of section 408(a) of the Employee Retirement Income Security Act of 1974 (the Act) relating to a proposed transaction involving the construction for the Wisconsin Operating Engineers Skill Improvement and Apprenticeship Fund (the Plan) of a new training center at Coloma, Wisconsin, by Griese-Ross Construction Company, Inc. (Griese-Ross), party in interest with respect to the plan.

Background. On October 15, 1976, notice was published in the FEDERAL REGISTER (41 FR 45642) of the pendency before the Department of Labor (the Department) of an exemption from the restrictions of section 406(a) of the Act for a transaction described in the application submitted by the Trustees of the Plan. The notice set forth a summary of the facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. No public comments have been received. Based upon the application filed by the Trustees of the Plan, the Department has decided to grant the requested exemption for the transaction described in the application. Notice of the pendency of an exemption was given by posting copies of the notice published in the FEDERAL REGISTER in the Office of Local 139 of the International Union of Operating Engineers, located in Milwaukee, Wisconsin, and in its District Offices located in the cities of Eau Claire, Madison, and Appleton for at least thirty (30) days beginning within five (5) days after publication of the notice in the FEDERAL REGISTER. Also, copies of the proposed exemption were mailed to the employer associations which are parties to the trust agreement creating and governing the Plan within five (5) days after publication of the notice in the FEDERAL REGISTER.

General Information. (1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act does not relieve a fiduciary or other party in interest with respect to a plan to which the exemption is applicable from certain other provisions of the Act, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which, among other things, require a fiduciary to discharge his duties respecting the plan solely in the interest of the Plan participants and beneficiaries and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act;

(2) The exemption contained herein does not extend to transactions prohibited under section 406(b) of the Act;

(3) The exemption set forth herein is supplemental to, and not in derogation of, any other provision of the Act, 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 exemption or a transitional rule.

Exemption. Pursuant to section 408(a) of the Act, and in accordance with the procedure set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975) and based upon the facts and representations contained in the application for exemption submitted by the Trustees of the Plan, the Department finds that it is administratively feasible, in the interests of the Plan and of its participants and beneficiaries, and protective of the rights of participants and beneficiaries of the Plan, to grant, and does hereby grant, an exemption, effective this date, so that the restrictions of section 406(a) of the Act shall not apply to the construction of a new training center at Coloma, Wisconsin by Griese-Ross pursuant to the terms, conditions and representations set forth in the application.

The availability of this exemption is subject to the express conditions that the material facts and representations contained in the application are true and complete and that the application accurately describes all material terms of the transaction to be consummated pursuant to the exemption.

Signed at Washington, D.C., this 8th day of December 1976.

WILLIAM J. CHADWICK,
Administrator of Pension and Welfare Benefit Programs, Department of Labor.

[FR Doc.76-36476 Filed 12-8-76;3:16 pm]

Employment and Training Administration

EMPLOYMENT TRANSFER AND BUSINESS COMPETITION

Applications

The organizations listed in the attachment have applied to the Secretary of Agriculture for financial assistance in the form of grants, loans, or loan guarantees in order to establish or improve facilities at the locations listed for the purposes given, in the attached list. The financial assistance would be authorized by the Consolidated Farm and Rural Development Act, as amended, 7 U.S.C. 1924 (b), 1932, or 1942(b).

The Act requires the Secretary of Labor to determine whether such Federal assistance is calculated to or is likely to result in the transfer from one area to another of any employment or business activity provided by operations of the applicant. It is permissible to assist the establishment of a new branch, affiliate or subsidiary, only if this will not result in increased unemployment in the place of present operations and there is no reason to believe the new facility is being established with the intention of closing down an operating facility.

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 sixth day of December, 1976.

BEN BURDETSKY,
Deputy Assistant Secretary for Employment and Training.

Applications received during the week ending December 3, 1976

Name of applicant	Location of enterprise	Principal product or activity
King Bros. Wholesale Co., Inc. Window Industries Inc., and King Enterprises Inc.	Dunkirk, N.Y.	Manufacture of ready-hung door units, vinyl combination windows and doors, and window screens.
Taylor J. Whittington, Electric Co.	Martinsburg, W. Va.	Electrical contracting and service; and wholesale electrical equipment and supplies.
Young Manufacturing Co., Inc.	Norwood, N.C.	Manufacture of wood furniture and store fixtures, counters, and showcases.
Floater Vehicle, Inc.	Kingston, Ohio	Manufacture of self-propelled high flotation lime and fertilizer sprayers and spreaders.
Buerman Homes Inc.	Cold Springs, Minn.	Manufacture of component parts in the building industry.
Banquet Foods Corp. (tenant of the city of Milan).	Milan, Mo.	Preparation of beef, pork, and poultry pies, frozen dinners, and nationality foods, and other frozen specialities and soups.

[FR Doc.76-36251 Filed 12-9-76;8:45 am]

Occupational Safety and Health Administration

FEDERAL ADVISORY COUNCIL ON OCCUPATIONAL SAFETY AND HEALTH

Change of Meeting Date

On November 23, 1976, a notice was published in the FEDERAL REGISTER (41 FR 51625) that a FACOSH meeting was scheduled for December 15. Additional time is needed for preparation of agenda items and the meeting is rescheduled for January 26, 1977. The room location is changed to S5215 ABC, New Department of Labor Building, 200 Constitution Avenue, N.W., Washington, D.C.

Submission of comments is rescheduled to close of business January 24 and requests for oral presentation to close of business January 21.

Signed at Washington, D.C. this 7th day of December 1976.

B. M. CONCKLIN,
Deputy Assistant Secretary of Labor.

[FR Doc.76-36379 Filed 12-9-76;8:45 am]

INDIANA STATE STANDARDS

Notice of Approval

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (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 March 6, 1974, notice was published in the FEDERAL REGISTER (39 FR 8611) of the approval of the Indiana plan and the adoption of Subpart Z to Part 1952 containing the decision.

The Indiana plan provides for the adoption of Federal standards as State standards after public hearing. By letter dated July 2, 1976, from William H. Lanam, Commissioner, Indiana Division of Labor, to Edward E. Estkowski, Regional Administrator, Occupational Safety and Health Administration, and incorporated as part of the plan, the State submitted State standards comparable to all changes, additions, deletions and corrections in 29 CFR Parts 1910, 1926, and 1928, from May 2, 1973, through March 30, 1976, with the exception of the National Fire Protection Association address change published April 28, 1975. These standards, which are contained in the Indiana Occupational Safety and Health Standards, were promulgated after public comment was requested on May 1, 1976; a public hearing was held on May 21, 1976; the Attorney General's approval on June 23, 1976; the Governor's approval on June 24, 1976, their filing with the Secretary of State on June 24, 1976; and their registration with the Legislative Council on June 24, 1976, pursuant to the Indiana Administrative Adjudication Act.

2. *Decision.* Having reviewed the State submission in comparison with the Federal standards it has been determined that the State standards are identical to the Federal standards and are hereby approved.

3. *Location of supplement for inspection and copying.* A copy of the standards supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Regional Administrator, Occupational Safety and Health Administration, 230 South Dearborn Street, Chicago, Illinois 60604; State of Indiana, Division of Labor, 1013 State Office Building, Indianapolis, Indiana 46204; and the Office of Federal Compliance and State Programs, Room N3608, 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 procedure dures 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 Indiana State plan as a proposed change and making the Regional Administrator's approval effective upon publication for the following reasons:

1. The standards are identical to the Federal standards and are therefore deemed to be at least as effective.

2. The standards were adopted in accordance with the procedural requirements of State law and further public participation would be unnecessary.

This decision is effective this 11th day of December 1976.

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

Signed at Chicago, Illinois this 27th day of September 1976.

NICHOLAS DIARCHANGEL,
Acting Regional Administrator.

[FR Doc.76-36380 Filed 12-9-76;8:45 am]

INDIANA STATE STANDARDS

Notice of Approval

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (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 March 6, 1974, notice was published in the FEDERAL REGISTER (39 FR 8611) of the approval of the Indiana plan and the adoption of Subpart Z to Part 1952 containing the decision.

The Indiana 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. By letter dated January 30, 1976, from William H. Lanam, Commissioner, Indiana Division of Labor, to Edward E. Estkowski, Regional Administrator, Occupational Safety and Health Administration, and incorporated as part of the plan, the State submitted a state standard comparable to 29 CFR 1910.218(h)(5). This standard which is contained in the Indiana Occupational Safety and Health Standards, was promulgated after public comment was requested on October 29, 1975; a public hearing was held on November 21, 1975; the Attorney General's approval on August 9, 1976; the Governor's approval on August 10, 1976; its filing with the Secretary of State on August 10, 1976; and its registration with the Legislative Council on August 10, 1976, pursuant to the Indiana Administrative Adjudication Act.

2. *Decision.* Having reviewed the State submission in comparison with the Federal standard, it has been determined that the State standard is at least as effective as the comparable Federal standard and is hereby approved.

3. *Location of supplement for inspection and copying.* A copy of the standard 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, 230 South Dearborn Street, Chicago, Illinois 60604; State of Indiana, Division of Labor, 1013 State Office Building, Indianapolis, Indiana 46204; and the office of Federal Compliance and State Programs, Room N3608, 200 Constitution Avenue, NW., Washington, D.C. 20210.

4. *Public participation.* Under § 1953.-2(c) of this chapter, the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the Indiana State plan as a proposed change and making the Regional Administrator's approval effective upon publication for the following reason:

The standard was 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 this 10th day of December 1976.

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

Signed at Chicago, Illinois this 28th day of September 1976.

NICHOLAS DIARCHANGEL,
Acting Regional Administrator.

[FR Doc.76-36381 Filed 12-9-76;8:45 am]

Office of the Secretary

[TA-W-1093]

KAISER REFRACTORIES COLUMBIANA, OHIO

Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on September 24, 1976, in response to a worker petition dated September 3, 1976, which was filed on behalf of workers of Kaiser Refractories employed at Allegheny Ludlum Steel Corporation, Brackenridge, Pennsylvania.

The notice of investigation was published in the FEDERAL REGISTER on October 15, 1976 (41 FR 45640). No public hearing was requested and none was held.

During the course of the investigation, it was established that the maintenance work performed by workers of Kaiser Refractories at Allegheny Ludlum's Brackenridge plant was part of an integrated production process of stainless and silicon steel products. Workers at the Brackenridge plant of Allegheny Ludlum were certified as eligible to apply for trade adjustment assistance on May 27, 1976 (TA-W-755).

Further investigation is being conducted regarding (TA-W-755) to determine whether workers employed by Kaiser Refractories at the Allegheny Ludlum Brackenridge plant should be covered by that certification. A new investigation would serve no purpose; consequently investigation TA-W-1093 has been terminated.

Signed at Washington, D.C. this 23rd day of November 1976.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-36382 Filed 12-9-76;8:45 am]

NATIONAL SCIENCE FOUNDATION

EXECUTIVE COMMITTEE OF THE NATIONAL SCIENCE BOARD

Announcement and Agenda of Meeting

The Executive Committee of the National Science Board, the policy-making body of the National Science Foundation, will meet via a telephone conference call from 12:45 to 1:15 p.m. EST on Wednesday, December 15, 1976.

Three subjects will be discussed at this meeting: in open session a Foundation report to the Congress on NSF-industry relations; and in closed session a personnel matter and a report having to do with the peer review process.

Any member of the public who would like to observe the open session may make arrangements to do so through the Office of the National Science Board.

Requests for information on the meeting may be directed to the Office of the National Science Board in Washington, D.C., which may be reached on 202/632-5840. If the person receiving your call is unable to answer your question, please ask for Miss Vernice Anderson, Executive Secretary, National Science Board.

M. REBECCA WINKLER,
Acting Committee Management Officer.

DECEMBER 7, 1976.

[FR Doc.76-36315 Filed 12-9-76;8:45 am]

OFFICE OF THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS

[Docket No. 301-11]

FLORIDA CITRUS COMMISSION AND CALIFORNIA-ARIZONA CITRUS LEAGUE, TEXAS CITRUS MUTUAL, TEXAS CITRUS EXCHANGE

Postponement of Hearings

A hearing in this case was originally scheduled for 10 a.m. on Friday, January 14, 1977, at the Office of the Special Representative for Trade Negotiations, 1800 G Street, N.W., Washington, D.C., Room 730 (41 FR 52567).

The petitioner has requested that the hearing be postponed. Consequently the hearing has been rescheduled for January 25, 1977, at 10 a.m. in Room 730, Office of the Special Representative for Trade Negotiations, 1800 G Street, N.W., Washington, D.C.

A final date of January 7, 1977 was earlier fixed for receipt of requests to present oral testimony with accompanying briefs. In light of the postponement of the hearing, this deadline is extended until January 18, 1977.

MORTON POMERANZ,
Chairman, Section 301 Committee Office of the Special Representative for Trade Negotiations.

[FR Doc.76-36319 Filed 12-9-76;8:45 am]

POSTAL RATE COMMISSION

[Docket Nos. MC 76-1-MC 76-4; Order No. 146]

MAIL CLASSIFICATION SCHEDULE, 1976

Order Postponing Proceedings

DECEMBER 7, 1976.

The Commission is in receipt of a request from the Commission on Postal Service (CPS), established by Pub. L. 94-421 (September 24, 1976), asking for a revision of "the December hearing schedule so that participants in (these) proceedings will have a full and fair opportunity to present their views to this Commission." This letter request is dated December 2 and was transmitted to all Commissioners by David Minton, Esq., the Executive Director of the Commission on Postal Service. See attachment below.

The CPS' letter observes, and we are aware, that it is performing its functions under an exceedingly tight statutory deadline under which it is required to submit a report on its multitudinous study assignments to the Congress by March 15, 1977. In order that this deadline can be met the CPS has solicited the comments and views of interested parties with respect to "the issues set out in section 7(b) of Pub. L. 94-421." This request has been published in the FEDERAL REGISTER[1] and comments are due December 23, 1976. Reply comments are due January 7, 1977.

In light of the above, and as a matter of comity to another agency of the Federal establishment, we have decided that the request is meritorious and should be granted.[2]

[1] 41 FR 51433-36 (November 22, 1976).

[2] The Postal Rate Bar Association addressed a request to Judge Morse on December 3, 1976, suggesting a postponement of proceedings herein. Judge Morse denied that motion on December 6 because, among other things, there was a general lack of specificity expressed in the reason advanced in support of the request. We agree that the movant should have provided a fuller explanation. However, given the number of attorneys in the Association and the imminence of the due date for filing comments with the CPS, we are of the view that there was insufficient time for the Association to conduct a poll of its membership which would have provided a detailed basis on which the presiding officer might have granted the postponement. Because we are mindful of our own statutory injunction to conduct proceedings before us with "utmost expedition," (39 U.S.C. 3624) we would urge the Association to provide us with more timely filings in the future—should this or similar matters again arise—containing fuller statements of reasons in support of the relief requested.

It is ordered, That the Administrative Law Judge presiding in these dockets abate all procedural steps previously scheduled in these proceedings (including dates for the filing of testimony) for a period of three to four weeks. It is expected that Judge Morse will issue appropriate revised procedural schedules consistent with this order; pending such issuance these proceedings are hereby postponed, except as provided below.

It is further ordered, That this order will be effective upon the close of business December 10, 1976. Witnesses and proceedings now scheduled for December 8, 9 and 10 will continue forward as presently scheduled on those dates.

By the Commission.

JAMES R. LINDSAY,
Secretary.

COMMISSION ON POSTAL SERVICE,
Washington, D.C., December 2, 1976.

HON. CLYDE S. DUPONT,
Chairman, Postal Rate Commission, 2000 L Street, NW., Washington, D.C.

DEAR MR. CHAIRMAN: The Commission on Postal Service has published a notice in the FEDERAL REGISTER requesting interested parties to submit comments on the issues set out in section 7(b) of Pub. L. 94-421. The comments are due December 23, 1976 and reply comments are due January 7, 1977.

Most of the attorneys representing major mail users are involved in mail classification proceedings before your Commission. In particular, attorneys representing second-class mail users are engaged in a heavy schedule before the Administrative Law Judge during the next few weeks.

Although I fully appreciate that your Commission's schedule is geared for completion in a short time, our study commission's schedule is extremely tight and we are required by law to submit a final report to the Congress not later than March 15, 1977. I would very much appreciate it if you would consider asking Judge Morse to revise the December hearing schedule so that participants in both proceedings will have a full and fair opportunity to present their views to this Commission. With kind regards.

Sincerely,

DAVID MINTON,
Executive Director.

[FR Doc.76-36397 Filed 12-9-76;8:45 am]

PRESIDENT'S COMMISSION ON WHITE HOUSE FELLOWSHIPS

MEETING

Pursuant to section 10 of Pub. L. 92-463, the Federal Advisory Committee Act, notice is hereby given that a meeting of the President's Commission on White House Fellowships will be held on January 14, 1977, from 9:30 a.m. to 5:00 p.m., in the Civil Service Commission Building, 1900 "E" Street, NW., Room 5H09, Washington, D.C.

This meeting is scheduled to give the Commissioners opportunity to evaluate and review the Fellowship program. The issues to be discussed will include the educational program, general program evaluation, Fellowship application and selection processes, job performance by current Fellows, endowment fund-raising, and other Commission matters.

It has been determined by the Chairman of the Civil Service Commission that those portions of the meeting, at which personnel files, confidential character references, and selection materials must be used, fall within the provisions of section 552(b)(6) of Title 5 and section 552(b)(5) of Title 5, respectively, of the United States Code and will, therefore, be closed to the public. The balance of the meeting will be open to the public.

Questions about the agenda can be directed to (202) 653-6263.

BRUCE H. HASENKAMP,
Director.

DETERMINATION TO CLOSE A MEETING OF THE PRESIDENT'S COMMISSION ON WHITE HOUSE FELLOWSHIPS TO THE PUBLIC UNDER SECTION 10(d) OF THE FEDERAL ADVISORY COMMITTEE ACT, PUBLIC LAW 92-463.

Subsections (a)(1) and (a)(3) of section 10 of the Federal Advisory Committee Act, Pub. L. 92-463, require that each advisory committee meeting be open to the public and that minutes and other papers which are made available to or prepared for or by an advisory committee are to be available for public inspection and copying. However, subsection (d) of section 10 provides that these requirements shall not apply to any advisory committee meeting that is determined to be concerned with matters listed in section 552(b) of title 5, United States Code.

The meetings have been closed in previous years because of the use of confidential files and character references which we believe are personnel files exempt from disclosure under 5 U.S.C. 552(b)(6).

Also, it has been noted by the Office of Legal Counsel, Department of Justice, that due to the nature of the Commission, its meetings may ordinarily fall within 5 U.S.C. 552(b)(6).

Therefore, it is hereby determined that the meetings of the President's Commission on White House Fellowships consist of exchanges of opinions which, if written, would fall within exemption (6) of section 552(b) of title 5, United States Code, and would constitute a clearly unwarranted invasion of personal privacy. Accordingly, those portions of the meeting dealing with confidential files and character references, to be held on January 14, 1977, shall be closed to the public and the minutes and other papers of the President's Commission on White House Fellowships pertaining to those portions shall not be available for public inspection or copying.

ROBERT E. HAMPTON,
Chairman,
U.S. Civil Service Commission.

[FR Doc.76-36342 Filed 12-9-76;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[Release No. 19793]

COLUMBIA GAS SYSTEM, INC., ET AL.

Proposed Open Account Advances to Subsidiary Companies By Parent Company In Connection With Intrasystem Prepayment of Promissory Notes and Related Transactions

DECEMBER 3, 1976.

In the Matter of:

Columbia Gas System, Inc.; Columbia LNG Corp.; Columbia Gas Development Corp.; Columbia Gas System Service Corp.; Columbia Gas Transmission Corp.; Columbia Gas of Ohio, Inc.; Columbia Gas of Kentucky, Inc.; Columbia Gas of Virginia, Inc.; Columbia Gas of West Virginia, Inc.; Columbia Gas of Pennsylvania, Inc.; Columbia Gas of New York, Inc.; Columbia Gas of Maryland, Inc.; Columbia Gulf Transmission Co.; Columbia Hydrocarbon Corp. and The Inland Gas Co., Inc., 340 17th Street, Ashland, Kentucky 41101.

Notice is hereby given, That The Columbia Gas System, Inc. ("Columbia"), a registered holding company, and its wholly-owned subsidiary companies listed above, have filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 6(b), 9, 10, and 12(b) of the Act and Rules 42(b)(2) and 45 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

It is stated that during the winter heating season Columbia's distribution subsidiary companies generate substantial amounts of cash in excess of current requirements. During the same period, however, the transmission subsidiary companies generate lesser amounts of cash and have generally larger construction expenditures, requiring Columbia to advance funds to such subsidiary companies. In recent years, the Commission has authorized open account advances by Columbia to subsidiary companies and certain related transactions which are designed to alleviate this situation. The present filing requests authorization to continue such transactions during the calendar year 1977.

It is proposed that the subsidiary companies listed below will prepay from time to time prior to the end of 1977, with excess cash in aggregate amounts not to exceed the amounts set forth below, a portion of their outstanding installment promissory notes ("Notes") held by Columbia. The following amounts represent the estimated aggregate maximum excess funds that such companies are expected to accumulate at any one time during the year 1977:

Columbia Gas System Service Corp	$3,000,000
Columbia Gas Transmission Corp	250,000,000
Columbia Gas of Pennsylvania, Inc	30,000,000
Columbia Gas of New York, Inc	5,000,000
Columbia Gas of Maryland, Inc	4,000,000
Columbia Gas of Kentucky, Inc	6,000,000
Columbia Gas of Virginia, Inc	3,000,000
Columbia Gas of West Virginia, Inc	20,000,000
Columbia Gas of Ohio, Inc	75,000,000
Columbia Gulf Transmission Co	40,000,000
Columbia Hydrocarbon Corp	3,854,000
The Inland Gas Co., Inc	3,200,000
Columbia LNG Corp	61,000,000
Columbia Gas Development Corp	31,500,000
Total	535,554,000

The Notes ("Indebtedness") prepaid by the individual companies will be those bearing the highest interest rate or rates outstanding at the time of each prepayment. Interest on such Indebtedness will cease upon prepayment and recommence upon reissuance. As any of such companies require funds for construction and other corporate purposes after prepayment, it is proposed that advances be made to them on open account by Columbia, provided that at no time will the amount of such advances to any subsidiary exceed the amount of Indebtedness theretofore prepaid by it, less any current maturities applicable to prepaid Notes which would have matured subsequent to the date of prepayment.

The open account advances to any subsidiary company will bear interest commencing on the date of the advances, at the same rate or rates as borne by the equivalent principal amounts of Indebtedness previously prepaid by it during 1977, but in reverse order to that of the prepayments, i.e., beginning from the lowest rate payable on the Indebtedness previously prepaid to the highest rate. Interest on the open account advances will become due on June 30, 1977, and December 31, 1977, and/or on the date such advances are repaid by the issuance of Notes. It is further proposed that advances on open account to individual subsidiary companies will be increased or decreased from time to time in accordance with variations in the cash flow of the individual subsidiary companies. The proposed advances will not be in excess of the Indebtedness prepaid theretofore. At such time as the advances to any subsidiary company equal the aggregated amount of the Indebtedness prepaid by it, or in any event not later than December 31, 1977, such prepaid Indebtedness will be reinstated in repayment of the outstanding open accoutn advances.

Financing of construction or gas storage programs of any operating subsidiary company pursuant to Commission authorization will not be consummated until such time as advances have been made in amount equal to the amount of Indebtedness prepaid. Any subsidiary company which during 1977 has borrowed on open account from Columbia an amount smaller than the amount of Indebtedness theretofore prepaid by it will, on December 31, 1977, reinstate its Indebtedness to Columbia in an amount sufficient to discharge its open account borrowings, and the balance of its prepaid Indebtedness will be considered to have been permanently prepaid. Such permanent prepayment would be applied against Indebtedness bearing the highest interest rates and would be consummated only with respect to Indebtedness bearing interest at a rate equal to or in excess of the rate applicable to borrowings by subsidiary companies from Columbia as of December 31, 1977. In the event that a permanent prepayment by any subsidiary company would be indicated with respect to Notes bearing an interest rate less than the rate applicable to debt purchased by Columbia from subsidiary companies at December 31, 1977, such Notes will be reissued by the subsidiary company at or before the end of 1977.

It is stated that the proposed transactions are designed to achieve the following: (1) flexibility to prepay at the earliest possible date inventory loans with commercial banks and other short-term borrowings, (2) deferment of outside financing until aggregate system funds approach a minimum balance, (3) facilitate the internal financing of emergency requirements, and (4) allow subsidiaries, during any period in which they have excess cash, to temporarily prepay Notes owed Columbia, thereby decreasing their own net corporate interest expense.

Expenses to be incurred by Columbia and its subsidiary companies in connection with the proposed transactions are estimated at $5,000, including $2,250 for services, at cost, provided by Columbia Gas System Service Corporation.

It is stated that the Public Service Commission of West Virginia has authorized the prepayment and reissuance of prepaid Notes by Columbia Gas of West Virginia, Inc., that the Public Service Commission of New York has authorized the reissuance of prepaid Notes by Columbia Gas of New York, Inc., that the Public Service Commission of Kentucky has authorized the reissuance of prepaid Notes by Columbia Gas of Kentucky, Inc., and that the State Corporation Commission of Virginia has authorized the reissuance of prepaid Notes by Columbia Gas of Virginia, Inc. It is represented that no other State or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given, That any interested person may, not later than December 29, 1976, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified should the Commission order a hearing in respect thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicants-declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-36293 Filed 12-9-76;8:45 am]

[Release No. 19788]

CONSOLIDATED NATURAL GAS CO., ET AL.

Proposed Open Account Advances to Subsidiary Companies by Parent Company in Connection With Intrasystem Prepayment of Promissory Notes and Related Transactions

DECEMBER 3, 1976.

In the Matter of Consolidated Natural Gas Co.; CNG Producing Co.; Consolidated Gas Supply Corp.; The East Ohio Gas Co.; The Peoples Natural Gas Co; and West Ohio Gas Co.

Notice is hereby given, That Consolidated Natural Gas Company ("Consolidated"), a registered holding company, and its subsidiary companies, CNG Producing Company ("CNG Producing"), Consolidated Gas Supply Corporation ("Gas Supply"), The East Ohio Gas Company ("East Ohio"), The Peoples Natural Gas Company ("Peoples"), and West Ohio Gas Company ("West Ohio"), have filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6, 7, 9(a), (10), and 12(b) of the Act and Rules 42(b)(2), 45 and 50(a)(3) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

It is stated that Consolidated's distribution subsidiaries seasonally accumulate cash over and above current requirements because of their large winter heating business. Other subsidiaries, presently engaged in developing gas supply, have little or no operating cash flow and regularly require capital financing from Consolidated. Therefore, Consolidated may be making short-term borrowings when distribution subsidiaries are making temporary money market investments outside the Consolidated System. It is stated that it would be advantageous to alleviate this situation, and the present filing is designed to establish financing procedures that optimize the internal utilization of excess cash funds accumulated within the System.

It is proposed that the following subsidiaries make temporary prepayments on long-term notes held by Consolidated from excess cash funds, from time to time prior to December 31, 1977, not exceeding at any time the aggregate amounts set forth below:

CNG Producing	$15,000,000
Gas Supply	50,000,000
East Ohio	50,000,000
Peoples	15,000,000
West Ohio	3,500,000
Total	133,500,000

Consolidated estimates that the aggregate prepayment of $133,500,000 is the maximum that can be utilized for the temporary financing of other subsidiaries in the System during 1977.

The long-term notes temporarily prepaid by an individual subsidiary will be those bearing the highest interest rate outstanding at the time of each prepayment. Interest on such notes will cease upon prepayment and start again upon reinstatement of the notes.

As funds are thereafter required by such subsidiary for corporate purposes, including construction, it is proposed that advances be made on open account to the subsidiary by Consolidated in an aggregate amount not to exceed the amount of long-term notes previously prepaid, less any current maturities applicable to notes which have matured subsequent to the prepayment dates. The open account advances will bear interest at the same rate or rates as borne by the equivalent principal amounts of the notes previously prepaid by such subsidiary during 1977 but in reverse order to that of the prepayments, i.e., from the lowest rate on the notes previously prepaid to the highest rate. Interest on the open account advances will commence on the date of the advance and will become due on June 30, 1977, and December 31, 1977, and/or on the date such advances are repaid by the reinstatement of the prepaid notes.

It is proposed that open account advances to a subsidiary be increased or decreased from time to time in accordance with variations in the cash flow of the subsidiary. However, at no time will the advances outstanding be in excess of the notes prepaid. At such time as the open account advances equal the aggregate amount of the prepaid notes, or in any event not later than December 31, 1977, the notes prepaid by a subsidiary will be reinstated in repayment of the related outstanding open account advances made to the subsidiary by Consolidated. However, if the aggregate of the notes prepaid exceeds such advances at the end of 1977 Consolidated proposes to make cash repayment of the difference in order to effect reinstatement of the proposed notes in full. No financing of any subsidiary which may be presently or subsequently authorized by this Commission in connection with the construction or gas storage programs of any such subsidiary will be consummated until such time as advances have been made in amount equal to the amount of notes prepaid.

It is stated that the proposed transactions will be beneficial to the System because they will: (1) Permit subsidiary companies with excess cash to prepay temporarily long-term notes held by Consolidated, with a resulting reduction in their interest expense; (2) make available to Consolidated a temporary cash source for the financing of other companies within the System; and (3) permit Consolidated, which obtains all external financing required by the System, to consequently defer or prepay short-term financing such as inventory loans with banks and commercial paper borrowings for working capital.

The expenses to be incurred in connection with the proposed transactions are estimated not to exceed $2,600. It is stated that the Public Service Commission of West Virgina has jurisdiction over the prepayment and reactivation of the long-term notes and the short-term borrowings proposed by Supply Corporation and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. The applicants-declarants request that authority be granted to file certificates under Rule 24 reporting transactions consummated pursuant to this filing on a quarterly basis.

Notice is further given, That any interested person may, not later than December 29, 1976, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exempiton from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-36302 Filed 12-9-76;8:45 am]

[Rel. No. 19785]

JERSEY CENTRAL POWER & LIGHT CO.

Proposed Extension of Time To Issue and Sell Short-Term Notes to Banks

DECEMBER 3, 1976.

Notice is hereby given that Jersey Central Power & Light Company ("Jersey Central"), an electric utility subsidiary company of General Public Utilities Corporation ("GPU"), a registered holding company, has filed a post-effective amendment to its application previously filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 6 (b) thereof as applicable to the proposed transaction. All interested persons are referred to the application, summarized below, for a complete statement of the proposed transaction.

By order dated January 12, 1976 (HCAR No. 19340), Jersey Central was authorized for the period ending December 31, 1976, to issue and sell to commercial banks, as evidence of short-term borrowings therefrom, its unsecured promissory notes, maturing in nine months or less ("short term notes"), provided that the aggregate principal amount of such notes outstanding in any one time would not exceed $110,000,000. Jersey Central now requests an extension of time through December 31, 1977, to make such borrowings.

The short term notes will bear interest at the lending bank's prime interest rate for commercial borrowing at the date of issue of the notes, will be prepayable at any time without premium, and will not be issued as part of a public offering. It is anticipated that the banks from which the borrowings will be made will require compensating balances at levels generally approximately 10 percent of the line of credit or 20 percent of the amounts actually borrowed, whichever is higher. Assuming compensating balances will equal 20 percent of the aggregate amounts borrowed and a prime rate of 6½ percent, the effective cost of borrowing would be 8.125 percent.

Jersey Central proposes to use the proceeds of the short term loans for its short term working capital requirements, including repayment of other short term borrowings and for construction expenditures.

It is stated that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction. Any fees and expenses to be incurred in connection with the proposed transaction will be supplied by amendment.

Notice is further given, That any interested person may, not later than December 28, 1976, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application, as amended by said post-effective amendment, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicant at the above stated address, and proof of service (by affidavit, or, in the case of an attorney at law, by certificate) should be filed with the re-

quest. At any time after said date, the application, as amended by said post-effective amendment, or as it may be further amended, may be granted as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-36303 Filed 12-9-76;8:45 am]

[Release No. 1978]

LOUISIANA POWER & LIGHT CO.

Proposed Issuance and Sale of Notes to Banks and to Dealer in Commercial Paper and Exception From Competitive Bidding

DECEMBER 3, 1976.

Notice is hereby given, That Louisiana Power and Light Company ("Louisiana"), a public-utility subsidiary company of Middle South Utilities, Inc. ("Middle South"), a registered holding company, has filed a declaration and an amendment thereto with this Commission pursuant to sections 6(a) and 7 of the Public Utility Holding Company Act of 1935 ("Act") and Rules 50(a)(2) and 50(a)(5) promulgated thereunder regarding the following proposed transactions. All interested persons are referred to the declaration, as amended, for a complete statement of the proposed transactions.

To cover its interim financing requirements through December 31, 1978, Louisiana proposes, from time to time, to borrow from, pay, prepay and/or reborrow from one or more commercial banks and to issue and sell commercial paper to a dealer or broker in such securities in an aggregate principal amount not exceeding $85,000,000 outstanding at any one time.

The proposed commercial bank loans would be evidenced by unsecured promissory notes of Louisiana, each to the order of the lending bank, maturing not later than December 31, 1978, and bearing interest at the prime rate in effect from time to time at certain New York banks. Such notes would be subject to prepayment in whole at any time or in part from time to time without penalty or premium.

Set forth below are the respective maximum amounts which the banks participating in the band loans have committed themselves to lend during the period through December 31, 1977:

Bank	*Maximum Amount*
The Chase Manhattan Bank (National Association), New York, N.Y.	$25,000,000
Whitney National Bank of New Orleans, La.	8,000,000
First National Bank of Commerce, New Orleans, La.	6,000,000
The Hibernia National Bank in New Orleans, La.	3,500,000
National American Bank of New Orleans, La.	2,500,000
Irving Trust Co., New York, N.Y.	2,000,000
The National Bank of Commerce in Jefferson Parish, New Orleans, La.	750,000
The Bank of New Orleans & Trust Co., New Orleans, La.	500,000
Central Bank, Monroe, La.	500,000
First State Bank & Trust Company, Bogalusa, La.	500,000
Assumption Bank & Trust Company, Napoleonville, La.	240,000
First National Bank of Jefferson Parish, Gretna, La.	200,000
First National Bank of West Monroe, West Monroe, La.	150,000
American Bank & Trust Co. in Monroe, Monroe, La.	100,000
Bank of Louisiana in New Orleans, La.	100,000
Bastrop National Bank, Bastrop, La.	100,000
Guaranty Bank & Trust Co., Gretna, La.	100,000
Metairie Bank & Trust Co., Metairie, La.	100,000
Terrebonne Bank & Trust Co., Houma, La.	100,000
The Ouachita National Bank in Monroe, Monroe, La.	100,000
Bank of the South, Gretna, La.	80,000
First Guaranty Bank, Hammond, La.	75,000
Franklin State Bank & Trust Co., Winnsboro, La.	50,000
Winnsboro State Bank & Trust Co., Winnsboro, La.	50,000
Bank of Morehouse, Bastrop, La.	25,000
Citizens Bank & Trust Co., Thibodaux, La.	20,000
Total	50,840,000

Louisiana maintains accounts with the lending banks and, at September 30, 1976, balances in such accounts aggregated $3,078,726. Although the balances in some of these accounts may be deemed to be compensating balances, most of these bank accounts are working accounts and fluctuations in their balances do not reflect or depend upon fluctuations in the amount of bank loans outstanding. The minimum balances customarily maintained in such bank accounts aggregate $2,391,000. Louisiana believes that these balances are adequate as of this time. If minimum balances of 10 percent or 20 percent were required, the effective rate of interest would be 7.22 percent and 8.13 percent, respectively, using the present prime rate of 6½ percent.

The commercial paper will be sold by Louisiana directly to Lehman Commercial Paper Incorporated ("Lehman") in denominations of not less than $50,000 or more than $1,000,000 at a discount which will not exceed the discount rate per annum prevailing at the respective dates of issuance for the particular maturities involved for sales of prime commercial paper of comparable quality by public utility issuers to commercial paper dealers. The maximum amount of commercial paper purchased and outstanding at any one time will not exceed $50,000,000. The proposed commercial paper of Louisiana would be in the form of unsecured Bearer notes maturing not longer than nine months after the dates of issuance. No other costs, fees, commissions or additional charges will be payable by Louisiana to Lehman in connection with the issuance and sale of such commercial paper. The commercial paper will not be prepayable prior to maturity. As principal, Lehanm will initially reoffer the commercial paper at a discount rate no greater than ⅛th of 1 percent per annum less than the discount rate to Louisiana.

Louisiana will not issue any of its commercial paper notes having a maturity of more than 90 days at an effective interest cost which exceeds the effective interest cost at which Louisiana could borrow from banks, and, in general, the nature of the borrowing or borrowings made at any particular time would be determined on the basis of market conditions with a view toward obtaining borrowed funds at the lowest possible cost.

The net proceeds of the borrowings herein proposed will be used, together with other funds available to Louisiana, for the construction of new facilities, for additions and improvements to present facilities, and for other corporate purposes. Louisiana's construction program contemplates expenditures of approximately $138,800,000 in 1976, $198,000,000 in 1977 and $217,000,000 in 1978.

Louisiana expects to effect permanent financing also during the period through December 31, 1978, and may use part or all of the proceeds of such permanent financing to pay or prepay commercial bank loans or to pay commercial paper. Louisiana proposes that it is essential to its interim financing program that such use of the proceeds of permanent financing shall not reduce the aggregate principal amount of commercial paper and/or commercial bank loans which Louisiana herein seeks authorization to have outstanding at any one time during said period through December 31, 1978. Louisiana expects to retire all of the then outstanding borrowings covered by this declaration on or before December 31, 1978, from the proceeds of the sale of securities.

Louisiana requests exception from the competitive bidding requirements of Rule 50 for the proposed issue and sale of its commercial paper pursuant to paragraph (a)(5) thereof. It is stated that it is not practical to invite competitive bids for commercial paper and that current rates for commercial paper for such prime borrowers as Louisiana are published daily in financial publications. Louisiana also requests authority to file

certificates with Rule 24 with respect to the issue and sale of commercial paper on a quarterly basis.

No associate company or affiliate of Louisiana or affiliate of any such associate company has any material interest, direct or indirect in the transactions proposed.

No State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. The fees, commissions and expenses to be incurred in connection with these transactions are estimated at $3,000 including legal fees not to exceed $1,000.

Notice is further given, That any interested person may, not later than December 28, 1976, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the declarant at the above stated address, and proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as amended or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations permitted under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-36301 Filed 12-9-76;8:45 am]

[Release No. 19790]

MIDDLE SOUTH UTILITIES, INC. AND MIDDLE SOUTH ENERGY, INC.

Proposal by Subsidiary Company To Issue and Sell Common Stock to Its Parent Holding Company

DECEMBER 3, 1976.

Notice is hereby given that Middle South Utilities, Inc. ("Middle South"), a registered holding company, and a wholly-owned subsidiary company, Middle South Energy, Inc. ("MSEI"), have filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 7, 9(a), 10 and 12(f) of the Act and Rules 43 and 50(a)(3) promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transaction.

MSEI proposes to issue and sell to Middle South, and Middle South proposes to purchase, from time to time through December 31, 1977, up to 75,000 additional shares of its presently authorized but unissued common stock, no par value ("Common Stock") at a price of $1,000 per share for an aggregate maximum cash purchase price of $75,000,000. MSEI will apply the proceeds of such sale to its costs incurred in the construction of the Grand Gulf Nuclear Electric Station project ("Grand Gulf Project"), a two-unit nuclear plant having a projected aggregate capability of 2,500 MW presently under construction at a site on the Mississippi River near Vicksburg, Mississippi. The contemplated sales of the Common Stock will be made in increments to be determined by MSEI and Middle South. Such sales will be timed to coincide with MSEI's cash needs, which are primarily determined by the nature and pace of construction on the Grand Gulf Project. Each such sale will be reported to the Commission by a certificate filed pursuant to Rule 24.

As of November 11, 1976, MSEI had issued and sold 142,500 shares of its common stock, no par value, to Middle South for an aggregate cash consideration of $142,500,000 pursuant to Commission orders, HCAR Nos. 18437, 18936, 19092, 19134, 19354 and 19699. MSEI has Commission authority to issue and sell an additional 7,000 shares of its common stock, no par value, to Middle South on or prior to December 31, 1976, HCAR Nos. 19699 and 19729.

To the extent funds are required from external sources to acquire the Common Stock, Middle South will obtain such funds through the issuance and sale of its unsecured short-term promissory notes issued under a revolving credit agreement dated as of June 1, 1976, with a group of banks headed by Manufacturers Hanover Trust Company, New York, New York, as authorized by the Commission's Order dated June 14, 1976, HCAR No. 19570, or through extensions thereof or such other forms of financing as may be approved by the Commission.

The fees and expenses to be incurred in connection with the proposed transaction are estimated at $7,000, including legal fees of $5,000. It is stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction. It is also stated that the issuance and sale of the Common Stock by MSEI is exempted from the competitive bidding requirements of Rule 50 by reason of subsection (a)(3) thereof.

Notice is further given that any interested person may, not later than December 29, 1976, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-36300 Filed 12-9-76;8:45 am]

[Release No. 19786]

MIDDLE SOUTH UTILITIES INC., ET AL.

Proposed Issuance and Sale of Notes by Fuel-Supply Subsidiary to System Operating Companies and Proposed Guarantees and Services for Said Fuel-Supply Subsidiary

DECEMBER 3, 1976.

In the Matter of Middle South Utilities, Inc.; System Fuels, Inc.; Arkansas Power and Light Co.; Louisiana Power and Light Co.; Mississippi Power and Light Co. and New Orleans Public Service Inc.

Notice is hereby given that System Fuels, Inc. ("SFI"), a jointly-owned nonutility, fuel-supply subsidiary company of Arkansas Power & Light Company, Louisiana Power & Light Company, Mississippi Power & Light Company, and New Orleans Public Service Inc. (collectively referred to as "Operating Companies"), each an electric utility subsidiary company of Middle South Utilities, Inc. ("Middle South"), a registered holding company, and the above-named companies have filed an application-declaration with this Commission pursuant to sections 6(a), 7, 9(a), 10, 12(b), and 13 of the Public Utility Holding Company Act of 1935 ("Act") and Rules 45 and 86 promulgated thereunder regarding the following proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Since its organization in 1972, SFI has carried out an extension program for the procurement, storage, and transportation of fuel for the Operating Companies and also for Arkansas-Missouri Power Company, the other operating subsidiary of Middle South. By orders in another proceeding dated December 17, 1973, and December 24, 1975 (HCAR Nos. 18221 and 19314), the Commission authorized borrowings by SFI from the Operating Companies under a Loan Agreement through December 31, 1976, to be used by SFI to finance those fuel procurement, storage, and handling programs entered into by SFI in the ordinary course of its fuel supply business and not requiring special authorization or separate financing.

SFI now proposes to extend the term of said Loan Agreement to December 31, 1977, in order to finance, in part, transactions entered into by it in the ordinary course of its fuel supply busines. SFI contemplates that it will continue to require up to $130,000,000 of borrowings under the Loan Agreement in 1977, of which $20–24,000,000 is estimated to be outstanding at December 31, 1976, and $60,000,000 is for procurement, $3,600,000 is for storage facilities, $2,400,000 is for transportation facilities, and $40,000,000 is for repayment of bank loans incurred in financing fuel-oil inventory and other capital expenditures. Other than the date of expiration, the terms of the Loan Agreement, as previously authorized, would remain unchanged.

Each of the Operating Companies will provide for each loan under the Loan Agreement an amount in such proportion as its kwh sales for the preceding calendar year bear to the total kwh sales of the Operating Companies for that year, computed in both cases by including sales to rural electric cooperatives and municipalities but excluding sales to other public utilities. These loans will be evidenced by SFI notes bearing interest at an annual rate, adjusted monthly on the first day of each month, equal to the highest annual rate of interest for such month borne by any short-term bank borrowings of the particular Operating Company making the loan on the last day of the preceding month, or if no such bank borrowings are outstanding, the prevailing prime commercial rate generally charged by commercial banks in New York City to responsible and substantial corporate borrowers. Each note will be prepayable in any amount without premium or penalty and will mature not later than 25 years after its date of issue; provided, however, that all notes representing each borrowing shall mature on the same date.

SFI and the Operating Companies have found the flexibility resulting from certain authorizations previously granted by the Commission to SFI in the ordinary course of its fuel supply business to be of great use in the economical and efficient supply of fuel for the Middle South System. Accordingly, SFI further proposes that authorization be extended during the year 1977 for the following:

1. The Operating Companies, in connection with a transaction in the ordinary course of SFI's fuel supply business and not involving the issuance of a security, to assure any party contracting with SFI that the Operating Companies will, in accordance with their respective shares of ownership of the Common Stock of SFI, take such action as may be appropriate from time to time to keep SFI in a sound financial condition so that it may discharge its obligations under the particular contract;

2. In situations where the assurance of the Operating Companies referred to in (1) above is insufficient, to have Middle South guarantee the performance by SFI of its obligations under contracts so long as guarantees of Middle South outstanding at any one time in respect of all System companies do not exceed $75,000,000, excluding guarantees otherwise specifically authorized by the Commission; and

3. To have personnel employed by the other companies in the System perform services for SFI at cost where it is more economical and efficient for such personnel to perform such services.

SFI requests authority to file certificates of notification required under Rule 24 on a quarterly basis with respect to the progress of its Fuel Program. SFI states that it will furnish the Commission on or before December 1, 1977, a copy of its budget and projected cash flow statement for the next succeeding calendar year.

The fees and expenses to be incurred in connection with the proposed transactions are estimated at $13,000, including legal fees of not to exceed $10,000. It is stated that no State or Federal commission, other than this Commission, has jurisdiction over the proposed transactions, except that Arkansas Power & Light Company has had to file pertinent information relating to its participation in the proposed transactions with the Arkansas Public Service Commission.

Notice Is Further Given that any interested person may, not later than December 29, 1976, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicants-declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-36304 Filed 12-9-76;8:45 am]

[Release No. 19791]

YANKEE ATOMIC ELECTRIC CO.

Proposed Issue and Sale of Short-Term Promissory Notes to A Bank and A Dealer in Commercial Paper and Request for Exemption From Competitive Bidding

DECEMBER 3, 1976.

Notice Is Hereby Given that Yankee Atomic Electric Company ("Yankee Atomic"), an electric utility subsidiary company of New England Electric System and Northeast Utilities, registered holding companies, has filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a) and 7 of the Act and Rules 42(b)(2) and 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Yankee Atomic proposes to issue and sell from time to time, but not later than December 31, 1977, short-term promissory notes, in order to finance the acquisition of nuclear fuel and to make necessary plant improvements. The notes are expected to be sold to The First National Bank of Boston, Massachusetts, or to A. G. Becker & Company, Incorporated ("Becker"), a dealer in commercial paper, or both, up to a maximum aggregate principal amount of $20,000,000 to be outstanding at any one time.

The proposed short-term borrowing will be repaid from time to time in part from internally generated funds and the balance will be refinanced either through additional short-term borrowings or permanent financing.

The proposed borrowings from The First National Bank of Boston will be evidenced by notes payable maturing in less than one year from the date of issuance and will provide for prior payment in whole or in part without premium. The notes will bear interest at not in excess of the prime rate at such bank in effect at the time borrowings are made. If balances were maintained to solely fulfill prevailing compensating balance requirements of 20 percent, the effective interest cost to Yankee Atomic would be about 8.125 percent per annum based on the current prime rate of 6.5 percent.

Yankee Atomic also proposes to issue and sell its commercial paper during the period through December 31, 1977, directly to Becker. Becker, as a principal, will reoffer such commercial paper to not more than 200 of its customers whose names appear on a nonpublic list prepared by Becker in advance. No additions will be made to such list of customers. The commercial paper so issued and sold will be in the form of unsecured promissory notes having varying maturities of not in excess of 270 days. Actual maturities will be determined by market conditions, the effective interest cost to Yankee Atomic, and Yankee Atomic's cash requirements at the time of issuance. The commercial paper will be in denominations of not less than $50,000 and no more than $1,000,000, and will not by its terms be prepayable prior to maturity. The commercial paper will be purchased by Becker from Yankee Atomic at a discount which will not be in excess of the discount rate per annum prevailing at the date of issuance for the particular maturity at which prime commercial paper of comparable quality is sold by public utility issuers to commercial paper dealers. Becker will initially reoffer the commercial paper at a discount rate not more than ⅛ of 1 percent per annum less than the prevailing rate to Yankee Atomic. It is expected that such commercial paper will be held to maturity by the purchasers, but, if any such purchaser wishes to resell prior to maturity, Becker, pursuant to an oral repurchase agreement, will repurchase the paper for resale to others on said list of customers. The effective interest cost to Yankee Atomic on such paper will not exceed the effective interest cost at the time of issue for borrowings from The First National Bank of Boston.

Yankee Atomic requests exception from the competitive bidding requirements of Rule 50 with respect to the proposed issuance and sale of commercial paper pursuant to paragraph (a)(5) thereof on the grounds that the commercial paper to be issued will have maturities of not more than nine months, the effective interest rate thereon will not exceed the effective interest cost for borrowings from The First National Bank of Boston, the current rates for commercial paper for prime borrowers such as Yankee Atomic are readily ascertainable by reference to daily financial publications and it is not practical to publish invitations for bids for commercial paper. It is stated that the issuance and sale of notes to The First National Bank of Boston is excepted from the competitive bidding requirements of Rule 50 by reason of paragraph (a)(5) thereof. It is further stated that the payment of any note indebtedness from the proceeds of the proposed borrowings is exempted from the provisions of Section 9(a) and Rule 42(a) by reason of Rule 42(b)(2).

The fees and expenses to be incurred by Yankee Atomic in connection with the proposed transactions will be approximately $3,000, including $1,000 for services performed at cost by New England Power Service Company, an affiliated service company. It is stated that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transactions. The applicants-declarants request that authority be granted to file certificates under Rule 24 reporting transactions consummated pursuant to this filing on a quarterly basis.

Notice is further given that any interested person may, not later than December 27, 1976, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from its rules under the Act as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-36299 Filed 12-9-76;8:45 am]

SMALL BUSINESS ADMINISTRATION

[License No. 02/02-5316]

AMERICAN ASIAN CAPITAL CORP.

Issuance of License To Operate as a Small Business Investment Co.

On July 6, 1976, a notice was published in the FEDERAL REGISTER (41 F.R. 27798) stating that American Asian Capital Corporation, located at 75 East Broadway, New York, New York 10002, had filed an application with the Small Business Administration (SBA), pursuant to 13 CFR 107.702 (1976) for a license to operate as a small business investment company under the provisions of section 301(d) of the Small Business Investment Act of 1958, as amended.

Interested parties were given until the close of business July 21, 1976, to submit their comments to SBA. No comments were received.

Notice is hereby given that, having considered the application and all other pertinent information, SBA issued License No. 02/02-5316 to American Asian Capital Corporation, on November 12, 1976, to operate as a small business investment company, pursuant to section 301(d) of the Act.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: December 1, 1976.

PETER F. MCNEISH,
Deputy Associate Administrator for Investment.

[FR Doc.76-36360 Filed 12-9-76;8:45 am]

[License No. 06/06-0170]

SOUTHWEST CAPITAL INVESTMENTS, INC.

Conflict of Interest Transaction Between Associates

Notice is hereby given, pursuant to § 107.1004 of the Regulations governing small business investment companies (13 CFR 107.1004 (1976)), by the Small Business Administration (SBA) of a conflict of interest transaction between Southwest Capital Investments, Inc. (SCI), 127-B Jefferson, N.E., Albuquerque, New Mexico 87108, a Federal Licensee under the Small Business Investment Act of 1958, (The Act), and its parent.

The subject Licensee is a wholly-owned subsidiary of Southwest Capital Corporation (formerly New Mexico Educators Investment Corporation) located at 127-C Jefferson, N.E., Albuquerque, New Mexico 87108. SBA, on April 30, 1976, approved SCI's application for a license to operate as a small business investment company (SBIC).

On February 2, 1976, Southwest Capital Corporation loaned $65,000 to The Guardian Group, Inc. (Guardian) which it used as part of the total purchase price to acquire ownership of National Heating and Ventilating Company, Inc., (National). Guardian is located at 818 Iron, S.E., Albuquerque, New Mexico 87102. At about this same time Mr. Roger Ford, president of the subject Licensee, became a director of Guardian.

Mr. Ford has advised SBA that SCI wanted to make this loan to Guardian originally, but it did not yet have its SBA license. To avoid losing the investment opportunity, the Licensee's parent made the loan and Mr. Ford went on Guardian's board to protect the parent's interests. At a later date the Licensee arranged a paper transaction causing Guardian to pay off the note due the Licensee's parent and refinancing the loan itself on about the same terms. On July 19, 1976, Guardian signed the new note and Mr. Ford resigned from Guardian's board on the same day.

As such, this refinancing by SCI would contravene the provisions of § 107.1004 (b)(1) of the SBA Rules and Regulations. Except where a written exemption may be granted by SBA in special instances in furtherance of the purposes of the Act, a Licensee shall not, directly or indirectly provide finance to any of its associates.

Notice is further given that any person may, on or before December 27, 1976, submit to SBA, in writing, comments on this transaction. Any such comments should be addressed to: Associate Administrator for Finance and Investment, Small Business Administration, 1441 "L" Street, N.W., Washington, D.C. 20416.

A copy of this notice shall be published by the Licensee in a newspaper of general circulation in Albuquerque, New Mexico.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: December 1, 1976.

PETER F. MCNEISH,
Deputy Associate Administrator for Investment.

[FR Doc.76-36367 Filed 12-9-76;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[FRA Docket No. HS-4, Notice No. 5]

HOURS OF SERVICE ACT INTERPRETATIONS

Further Extension of Time to Comment

On September 28, 1976, the Federal Railroad Administration (FRA) published in the FEDERAL REGISTER a proposed statement of agency policy and interpretation concerning the Hours of Service Act, as amended (45 U.S.C. 61—64b) (41 FR 42692). On November 2, 1976, FRA published a notice extending the time for comment to November 29, 1976, and announcing a public conference which was to have been convened on November 19, 1976, at the initiative of FRA (41 FR 48163). On November 16, 1976, FRA published a notice announcing the postponement of the public conference on an indefinite basis (41 FR 50522). On November 29, 1976, FRA published a notice announcing that the public conference would not be rescheduled and further extending the comment period through December 10, 1976 (41 FR 52351).

The Brotherhood of Railroad Signalman and the National Railway Labor Conference have now requested additional time within which to explore certain material issues which have arisen in their current discussions. Those issues impact concurrently on the resolution of significant economic issues arising under collective bargaining agreements and on the ability of the parties to come forward with a joint proposal concerning construction of the Hours of Service Act that is consistent with those agreements. FRA believes that it is in the public interest to encourage these cooperative efforts. Accordingly, the time for comment in this docket is extended through the close of business on Friday, December 17, 1976. All submissions received by that date will be considered in formulating the statement of agency policy and interpretation.

Issued at Washington, D.C. on December 8, 1976.

R. LAWRENCE MCCAFFREY, Jr.,
Chief Counsel.

[FR Doc.76-36404 Filed 12-9-76;8:45 am]

UNITED STATES INFORMATION AGENCY

PRIVACY ACT OF 1974

Notice of Systems of Records

In the FEDERAL REGISTER of September 23, 1976 (41 FR 41884), the United States Information Agency published its first Annual Compilation of systems of records maintained by the Agency and subject to the Privacy Act of 1974. As described below, the Agency proposes to amend one of the systems of records included in that compilation, and to adopt a system of records which has not yet been announced because of administrative oversight. Amendments to the Agency's procedures in connection with access to these systems of records are proposed to 22 CFR, Chapter V, Part 505.15 and published in the proposed rule section of the FEDERAL REGISTER for December 10, 1976. Public comment on this notice of systems of records is invited on or before January 10, 1977. The Agency has sent reports on these proposals on this date to the President of the Senate, the Speaker of the House of Representatives, the Chairman of the Privacy Protection Study Commission, and the Director of the Office of Management and Budget, in accordance with OMB Circular No. A-108.

Dated: December 1, 1976.

EUGENE P. KOPP,
Acting Director.

The Agency proposes to amend one of the systems of records included in the Annual Compilation, "USIA-7-Director's Secretariat Staff Files-I-USIA" by adding the following paragraph after the last paragraph designated "Record source categories":

Systems exempted from certain provisions of the act:

Certain records contained within this system of records may be exempted from 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f). See amendments to 22 CFR, Chapter V, § 505.15 as published in the proposed rule section of the FEDERAL REGISTER for December 10, 1976.

In addition, the Agency proposes to adopt the following system of records, "USIA-53-Privacy Act/Freedom of Information Act File-I/R-USIA," which has not been announced heretofore because of administrative oversight:

USIA-53

System name:

Privacy Act/Freedom of Information Act File—I/R-USIA.

System location:

Office of Public Information, U.S. Information Agency, 1750 Pennsylvania Avenue, N.W., Washington, D.C. 20547.

Categories of individuals covered by the system:

Individuals who have requested documents, records or other information concerning themselves from the Agency pursuant to the Freedom of Information Act (5 U.S.C. 552), or the Privacy Act of 1974, (5 U.S.C. 552a).

Categories of records in the system:

Personal information that may be contained in reports, memoranda, letters, or any other official or unofficial documents that are relevant to the request.

Authority for maintenance of the system:

5 U.S.C. 552 and 5 U.S.C. 552a.

Routine uses of records maintained in the system, including categories of users and the purposes of such users:

For processing of requests received pursuant to the Fredom of Information and Privacy Acts.

Also see Prefatory Statement of General Routine Uses.

Information is made available on a need-to-know basis to personnel of the U.S. Information Agency as may be required in the performance of their official duties.

Information in these records is not normally available to individuals or agencies outside the U.S. Information Agency, but records may be released to other government agencies who have statutory or other lawful authority to maintain such information.

Storage:

Paper records in file folders.

Retrievability:

By name of individual requesting the information.

Safeguards:

Records are under surveillance by authorized employees during working hours, and are stored in combination-lock cabinets when not in use.

Retention and disposal:

Retired and destroyed in accordance with schedules of the U.S. Information Agency.

System manager and address:

Access to Information Officer, Office of Public Information, U.S. Information Agency, Washington, D.C. 20547.

Notification procedure:

Assistant Director (USIA), Public Information, 1750 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Record access procedures:

Requests from individuals should be addressed to: Assistant Director (USIA), Public Information, 1750 Pennsylvania Ave., N.W., Washington, D.C. 20547.

Contesting record procedures:

The Agency's rules for access and for contesting contents and appealing initial determinations by the individual concerned appear at 22 CFR, Chapter V, Part 505 and were published in the FEDERAL REGISTER on October 21, 1975 (40 FR 49278) and on September 22, 1976 (41 FR 11424).

Record source categories:

Compiled as a result of requests under the Freedom of Information Act and the Privacy Act.

Systems exempted from certain provisions of the Act:

Certain records contained within this system of records may be exempted from 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f). See amendments to 22 CFR, Chapter V, Part 505.15 as published in the proposed rule section of the FEDERAL REGISTER for December 10, 1976.

[FR Doc.76-36316 Filed 12-9-76;8:45 am]

INTERSTATE COMMERCE COMMISSION

Office of Hearings

[Notice No. 209]

ASSIGNMENT OF HEARINGS

DECEMBER 7, 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-C-8685, J. Frances McCarthy d/b/a Mac Transport Lines Revocation of Permit, now assigned January 11, 1977 at Boston, Massachusetts, will be held on the Fifth Floor, 150 Causeway.

MC 135185 (Sub-28), Columbine Carriers, Inc., now assigned January 12, 1977 at Boston, Massachusetts, will be held on the Fifth Floor, 150 Causeway.

MC 136343 (Sub-67), Milton Transportation, Inc., now assigned January 13, 1977 at Boston, Massachusetts, will be held on the Fifth Floor, 150 Causeway.

MC-F-12607, Barrieau Express, Incorporated—Purchase—Trans World Van Lines, Inc. and MC 8028 (Sub-3), Barrieau Express, Inc., now assigned January 17, 1977 at Hartford, Connecticut, will be held in U.S. Courthouse Federal Building, Room 134, 450 Main Street.

MC 139468 (Sub-19), International Contract Carriers, Inc. now being assigned March 24, 1977 (2 days) at Dallas, Texas in a hearing room to be later designated.

MC 111545 (Sub-225), Home Transportation Co., Inc. now being assigned March 23, 1977 (1 day) at Dallas, Texas in a hearing room to be later designated.

MC 138104 (Sub-34), Moore Transportation Co., Inc. now being assigned March 22, 1977 (1 day) at Dallas, Texas in a hearing room to be later designated.

MC 51146 (Sub-465), Schneider Transport, Inc. now being assigned March 21, 1977 (1 day) at Dallas, Texas in a hearing room to be later designated.

MC 19227 (Sub-229), Leonard Bros. Trucking Co., Inc. now being assigned March 17, 1977 (2 days) at Dallas, Texas in a hearing room to be later designated.

MC 129981 (Sub-5), Bridgford Distributing Co., now being assigned March 16, 1977 (1 day) at Dallas, Texas in a hearing room to be later designated.

MC 116063 (Sub-146), Western Commercial Transport, Inc. now being assigned March 15, 1977 (1 day) at Dallas, Texas in a hearing room to be later designated.

MC 114211 (Sub-277), Warren Transport, Inc. now being assigned March 14, 1977 (1 day) at Dallas, Texas in a hearing room to be later designated.

MC 139468 (Sub-16), International Contract Carriers, Inc., now assigned January 11, 1977 at Seattle, Washington; will be held in Court Room 514, Federal Building, 915 2nd Avenue.

MC 141867 (Sub-1), Specialized Trucking Service, Inc., now assigned January 12, 1977 at Seattle, Washington; will be held in Court Room 514, Federal Building, 915 2nd Avenue.

MC 129032 (Sub-21), Tom Inman Trucking, Inc., now assigned January 17, 1977 at Seattle, Washington; will be held in Court Room 514, Federal Building, 915 2nd Avenue.

MC 121607 (Sub-8), Columbia-Pacific Transport Co.-Crane Division, now assigned January 24, 1977 at Seattle, Washington; will be held in Court Room 514, Federal Building, 915 2nd Avenue.

MC 114533 (Sub-843), Bankers Dispatch Corporation, now being assigned March 14, 1977 (4½ days), at Chicago, Ill., in a hearing room to be later designated.

MC-F-12811, Chicago-St. Louis Transport, Inc.—Purchase—Air-Line Cartage, Inc., and MC 134493 Sub-2, Chicago-St. Louis Transport, Inc., now being assigned March 21, 1977 (1 week), at Chicago, Ill., in a hearing room to be later designated.

MC 138253 (Sub-2), Monfort Transportation Company, now being assigned March 14, 1977 (1 day), at Denver, Colo., in a hearing room to be later designated.

MC 107452 (Sub-5), R. D. Brown dba Dan Brown Trucking, now being assigned March 15, 1977 (1 day), at Denver, Colo., in a hearing room to be later designated.

MC 113678 (Sub-633), Curtis, Inc., now being assigned March 16, 1977 (1 day), at Denver, Colo., in a hearing room to be later designated.

MC 115904 (Sub-45), Grover Trucking Co., now being assigned March 17, 1977 (2 days), at Denver, Colo., in a hearing room to be later designated.

MC-F-12826, F-B Truck Line Company—Purchase (Portion)—Archer Freight Lines, Inc.; MC 125433 (Sub-69), F-B Truck Line Company; MC-F-12827, Lester Smith Trucking, Inc.—Purchase (Portion)—Archer Freight Lines, Inc., and MC 57697 (Sub-2), Lester Smith Trucking, Inc., now being assigned March 21, 1977 (1 week), at Denver, Colo., in a hearing room to be later designated.

MC 134922 (Sub-184), B. J. McAdams, Inc., now being assigned February 24, 1977 (2 days), at Memphis, Tennessee, in a hearing room to be later designated.

MC 95540 (Sub-951), Watkins Motor Lines, Inc., now being assigned February 23, 1977 (1 day), at Memphis, Tennessee, in a hearing room to be later designated.

MC 142246, Van Wyk, Inc., now being assigned February 23, 1977 (1 day), at Omaha, Nebraska, in a hearing room to be later designated.

MC 124211 (Sub-274), Hilt Truck Line, Inc., now being assigned February 24, 1977 (2 days), at Omaha, Nebraska, in a hearing room to be later designated.

MC 115904 (Sub 47), Grover Trucking Co. now being assigned March 2, 1977 (3 days) at Boise, Idaho in a hearing room to be later designated.

MC 35358 (Sub 38), Berger Transfer & Storage, Inc. now being assigned March 14, 1977 (1 week) at Los Angeles, California in a hearing room to be later designated.

MC-F-12598, Cooper-Jarrett, Inc.—Purchase—Tri City Express, Inc.; MC 35334 (Sub 78), Cooper Jarrett, Inc.; MC-F-12774, O'Nan Transportation Company, Inc.—Investigation of Control—Owenton Express, Inc.; MC 133016, O'Nan Transportation Company, Inc.; MC 134817, Owenton Express, Inc.; MC 134817 (Sub 1), Owenton Express, Inc. and MC 136016, Tri-City Express, Inc., has been continued to February 28, 1977 (5 days), at Nashville, Tennessee, in Room C1-123 Cordell Hull Building.

MC 135007 (Sub 57), American Transport, Inc. now being assigned February 28, 1977 (1 day) at Omaha, Nebraska in a hearing room to be later designated.

MC 1263 (Sub 21), McCarty Truck Line, Inc. now being assigned March 1, 1977 (2 days) at Omaha, Nebraska in a hearing room to be later designated.

MC 140829 (Sub 14), Cargo Contract Carrier Corp. now being assigned March 3, 1977 (2 days) at Omaha, Nebraska in a hearing room to be later designated.

MC 13250 Sub 132, J. H. Rose Truck Line, Inc., now being assigned February 23, 1977 (1 day), at Atlanta, Ga., in a hearing room to be later designated.

MC 124154 Sub 57, Wingate Trucking Company, Inc.—Extension—Agricultural Chemicals; MC 124154 Sub 59, Wingate Trucking Co., Extension—Georgia Ground Clay; MC 124154 Sub 63, Wingate Trucking Company, Inc., Extension—Dale County, Alabama; and

MC 124154 Sub 68, Wingate Trucking Company, Inc., now being assigned February 24, 1977 (2 days), at Atlanta, Ga., in a hearing room to be later designated.

MC 59150 Sub 90, Ploof Truck Lines, Inc., now being assigned February 28, 1977 (2 days), at Atlanta, Ga., in a hearing room to be later designated.

MC 119641 Sub 134, Ringle Express, Inc., now being assigned March 2, 1977 (3 days), at Atlanta, Ga., in a hearing room to be later designated.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-36374 Filed 12-9-76;8:45 am]

[AB 43 Sub-No. 16]

ILLINOIS CENTRAL GULF RAILROAD COMPANY ABANDONMENT BETWEEN ELCO AND MURPHYSBORO, IN ALEXANDER, UNION AND JACKSON COUNTIES, ILLINOIS

NOVEMBER 30, 1976.

The Interstate Commerce Commission hereby gives notice that comments received in response to the environmental threshold assessment survey (TAS) in the above-entitled proceeding have not caused the Commission's Section of Energy and Environment to modify its previous conclusion that this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the

meaning of the National Environmental Policy Act of 1969, 42 U.S.C. §§ 4321, et seq.

Said comments have been responded to in an addendum to the TAS which is available upon request to the Office of Proceedings, Interstate Commerce Commission, Washington, D.C. 20423, telephone 202-275-7011.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-36372 Filed 12-9-76;8:45 am]

[Notice No. 164]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

DECEMBER 7, 1976.

IMPORTANT NOTICE

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 114569 (Sub-No. 155TA), filed November 19, 1976. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, Pa. 17072. Applicant's representative: N. L. Cummins (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, viz: Oleomargarine, shortening and salad products, in vehicles equipped with mechanical refrigeration from the plantsite and storage facilities of Miami Margarine Company, at or near Cincinnati, Ohio, to Philadelphia, Pa.; Pittsburgh, Pa.; Brooklyn, N.Y.; Trenton, N.J.; North Bergen, N.J.; Jersey City, N.J.; Linden, N.J.; Suffield, Conn., and North Haven, Conn., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Miami Margarine Company, 5226 Vine St., Cincinnati, Ohio 45217. 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 115092 (Sub-No. 52TA), filed November 24, 1976. Applicant: TOMAHAWK TRUCKING, INC., P.O. Box O, Vernal, Utah 84078. Applicant's representative: E. L. Kier (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insulating materials*, from Fibreboard Corporation Plant, at Fruita, Colo., to points in Louisiana, Arkansas, Missouri, Illinois, Indiana, Ohio, Michigan and states west thereof, for 180 days. Supporting shipper: Fibreboard Corporation, 55 Francisco St., San Francisco, Calif. 94133. Send protests to: Lyle D. Helfer, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5301 Federal Bldg., 125 S. State St., Salt Lake City, Utah 84138.

No. MC 117119 (Sub-No. 605TA), filed November 19, 1976. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Drugs, medicines, toilet preparations, pet supplies and accessories* (except in bulk), from Cranbury, N.J., to points in California, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of Operating authority. Supporting shipper: Carter-Wallace, Inc., Half Acre Road, Cranbury, N.J. 08512. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Bldg., 700 W. Capitol, Little Rock, Ark. 72201.

No. MC 118142 (Sub-No. 139TA), filed November 24, 1976. Applicant: M. BRUENGER & CO., INC., 6250 N. Broadway, Wichita, Kans. 67219. Applicant's representative: Lester C. Arvin, 814 Century Plaza Bldg., Wichita, Kans. 67202. 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 reoprt in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite of Hyplains Dressed Beef, Inc., Dodge City, Kans., to Aurora, Chicago, Cicero, Joliet, Peoria, Rockford and Springfield, Ill.; Indianapolis, Muncie and Terre Haute, Ind.; Covington, Frankford, Lexington and Louisville, Ky.; Baton Rouge, New Orleans, Shreveport and Westwego, La.; Baltimore, Md.; Detroit, Flint, Grand Rapids, Lansing and Livonia, Mich.; Gulfport, Miss.; Jersey City, Passaic and Wood Ridge, N.J.; Albany, Buffalo, New York City, Rochester and Syracuse, N.Y.; Akron, Canton, Cincinnati, Cleveland, Columbus, Dayton, Springfield and Toledo, Ohio; Blooming Glen, Elizabethville, Harrisburg, Irwin, Pittsburg and Souderton, Pa.; Norfolk, Richmond, Roanoke and Salem, Va.; and Charleston and Huntington, W. Va., restricted to traffic originating at the plantsite of Hyplains Dressed Beef, Inc., for 180 days. Supporting shipper: Hyplains Dressed Beef, Inc., P.O. Box 539, Dodge City, Kans. 67801. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 101A Litwin Bldg., 110 N. Market, Wichita, Kans. 67202.

No. MC 123233 (Sub-No. 61TA), filed November 26, 1976. Applicant: PROVOST CARTAGE INC., 7887 Grenache St., Ville d'Anjou, Quebec, Canada HIJ 1C4. Applicant's representative: J. P. Vermette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sodium chlorate*, in bulk, in tank vehicles, from the ports of entry on the International Boundary Line between the United States and Canada located at or near Highgate Springs and Derby Line, Vt., to Woodland, Maine, restricted to the transportation of traffic in foreign commerce having an immediate prior movement originating in the Province of Quebec, Canada, for 90 days. Applicant has also filed an underlying ETA seeking up to operating authority. Supporting shipper: Georgia Pacific Corporation, Woodland, Maine. Send protests to: David A. Demers, District Supervisor, Interstate Commerce Commission, P.O. Box 548, Montpelier, Vt. 05602.

No. MC 127095 (Sub-No. 4TA), filed November 22, 1976. Applicant: KEYS TRUCKING COMPANY, INC., 902 S. Randolph St., Arlington, Va. 22204. Applicant's representative: Bernard J. Hasson, Jr., 927 15th St. NW., Suite 306, Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sand*, from the plantsite of Charles F. Meyer & Sons, Inc., near Lothian, Md., to the plantsite of Gray Concrete Pipe Co., Inc., at or near Springfield, Va., under a continuing contract with Gray Concrete Pipe Co., Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Gray Concrete Pipe Co., Inc., 6800 Losidale Road, Springfield, Va. 22150. Send protest to: W. C. Hersman, District Supervisor, Interstate Commerce Commission, Room 1413, 12th and Constitution Ave. NW., Washington, D.C. 20423.

No. MC 134369 (Sub-No. 6TA), filed November 26, 1976. Applicant: CARLSON TRANSPORT, INC., P.O. Box R, Route 1, Byron, Ill. 61010. Applicant's representative: Allan C. Zuckerman, 30 S. LaSalle St., Chicago, Ill. 60503. Authority sought to operate as a *common carrier*,

by motor vehicle over irregular routes, transporting: *Sand and sand with additives,* in bulk, in dump or hopper type vehicles equipped with a conveyor or pneumatic unloading system, from the plantsite of other facilities of Kordell Industries, Division of Niles Chemical Paint Co., at or near Nishawaka, Ind., to Benton Harbor and St. Joseph, Mich., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Kordell Industries, Division of Niles Chemical Paint Co., James T. McGrath, Vice-President-Sales, East Jefferson at Clover Road, Mishawaka, Ind. 46544. Send protests to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1386, Chicago, Ill. 60604.

No. MC 136897 (Sub-No. 21TA) (Correction), filed November 8, 1976, published in the FEDERAL REGISTER issue of November 19, 1976, and republished as corrected this issue. Applicant: SWIFT TRANSPORTATION COMPANY, INC., 335 W. Elwood Road, Phoenix, Ariz. 85041. Applicant's representative: Donald E. Fernaays, 4040 East McDowell Road, Phoenix, Ariz. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Tires and tubes,* from: Akron and Bryon, Ohio and Mayfield, Ky., to: points in New Mexico, Arizona, Nevada, Colorado, Wyoming, and Kenmore, Wash., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Redburn Tire Company, 3801 W. Clarendon Avenue, Phoenix, Ariz. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Room 3427 Federal Bldg., 230 N. First Ave., Phoenix, Ariz. 85025. The purpose of this republication is to correct the territorial description.

No. MC 138270 (Sub-No. 4TA), filed November 24, 1976. Applicant: GOLDEN TRIANGLE TRUCKING COMPANY, 1131 Memorial Drive, Nederland, Tex. 77627. Applicant's representative: Austin L. Hatchell, 1101 Perry Brooks Bldg., Austin, Tex. 78701. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Sand, gravel, crushed stone, treated crushed stone, hot mix, caliche, shell, crushed shell and asphalt* (except in tank vehicles), in bulk, in dump vehicles, between points in Beauregard, Calcasieu, Cameron and Vernon Parishes, La., on the one hand and, on the other, points in Chambers, Hardin, Jefferson, and Orange Counties, Tex., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Barry and Barry Sand Company, P.O. Box 9338, Beaumont, Tex. 77709. Keown Supply Company, 1110 Pine St., P.O. Box 3153, Beaumont, Tex. 77704. Send protests to: John F. Mensing, Interstate Commerce Commission, 8610 Federal Bldg., 515 Rusk Ave., Houston, Tex. 77002.

No. MC 138274 (Sub-No. 37TA), filed November 24, 1976. Applicant: SHIPPERS BEST EXPRESS, INC., 2151 N. Redwood Road, Salt Lake City, Utah 84116. Applicant's representative: Chester Zyblut, 366 Executive Bldg., 1030 Fifteenth St. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Canned goods i.e. canned tuna and canned pet food,* from Terminal Island, Calif., to points in Colorado, Kansas, Missouri, Nebraska, Iowa, Arizona, Minnesota, Wisconsin, North Dakota, South Dakota, Michigan, Illinois, Ohio, and Indiana, for 180 days. Supporting shipper: Star-Kist Foods, Inc., 582 Tuna St., Terminal Island, Calif. 90731. Send protests to: Lyle D. Helfer, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5301 Federal Bldg., 125 S. State St., Salt Lake City, Utah 84138.

No. MC 138274 (Sub-No. 38TA), filed November 24, 1976. Applicant: SHIPPERS BEST EXPRESS, INC., 2151 N. Redwood Road, Salt Lake City, Utah 84116. Applicant's representative: Chester A. Zyblut, 366 Executive Bldg., 1030 Fifteenth St. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Insulated wire and cable and materials, supplies and equipment* used in the manufacture of insulated wire and cable; (a) from Linden and Hillside, N.J., and Nashau, N.H., to points in the United States west of the Mississippi River; and (b) from W. Jordan, Utah, to points in New Mexico, Colorado, Wyoming, Montana, Arizona, Idaho, Washington, Oregon, Nevada, and California, for 180 days. Supporting shipper: Hatfield Wire & Cable Group, 12 Commerce Drive, Cranford, N.J. 07016. Send protests to: Lyle D. Helfer, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5301 Federal Bldg., 125 S. State St., Salt Lake City, Utah 84138.

No. MC 139233 (Sub-No. 4TA), filed November 26, 1976. Applicant: MELVIN T. DICKERSON, INC., Route 2, Box 337, Dallas, Oreg. 97338. Applicant's representative: B. Gayle Bergstrom, P.O. Box 8, Beaverton, Oreg. 97005. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Frozen or fresh meat and/or prepared foods,* from City of Industry Anaheim, San Pedro, Los Angeles, Bakersfield, San Francisco, Modesto, Woodland, Stockton, and Whittier, Calif.; Denver, Colo.; Sioux City, Des Moines and Waterloo, Iowa; Chicago, Ill.; Minneapolis and Chaska, Minn.; Kansas City, Lee Summit and St. Louis, Mo.; Boonesville, Miss.; Enid, Oklahoma and Oklahoma City, Okla.; Dallas, Tex.; Seattle and Tacoma, Wash.; Eau Claire, Wausau, Green Bay and La Crosse, Wis., to Beaverton, Oreg., under a continuing contract with Reser's Fine Foods, Inc., for 180 days. Supporting shipper: Reser's Fine Foods, Inc., 11150 S.W. Allen Ave., Beaverton, Oreg. 97005. Send protests to: A. E. Odoms, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 114 Pioneer Courthouse, 555 SW. Yamhill St., Portland, Oreg. 97204

No. MC 139658 (Sub-No. 18TA), filed November 29, 1976. Applicant: HARRY POOLE, INC., 2322 Kensington Road, Macon, Ga. 31201. Applicant's representative: William Addams, Suite 212, 5299 Roswell Road NE., Atlanta, Ga. 30349. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Zinc sulphate,* in bulk, in dump semi-trailers, and in bags, from Pelham, Ga., to points in Alabama, Florida, Mississippi, North Carolina, South Carolina, Tennessee and Virginia, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Pelham Phosphate Company, P.O. Box 468, Pelham, Ga. 31779. Send protests to: Sara K. Davis, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, 1252 W. Peachtree St. NW., Room 546, Atlanta, Ga. 30309.

No. MC 140033 (Sub-No. 21TA), filed November 24, 1976. Applicant: COX REFRIGERATED EXPRESS, INC., 10606 Goodnight Lane, Dallas, Tex. 75220. Applicant's representative: Lawrence A. Winkle, 4645 N. Central Expressway, Dallas, Tex. 75205. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Sulphur,* in bags (except commodities in bulk), from the plantsite and warehouse facilities of International Chemicals, Inc., located at or near Mt. Pleasant, Tex., to points in Alabama, Arkansas, Illinois, Kansas, Louisiana, Mississippi, North Carolina, Oklahoma, Tennessee, and Virginia; and (2) *Empty bags,* in return, for 180 days. Supporting shipper: International Chemicals, Inc., Route 3, Box 270, Mt. Pleasant, Tex. 75455. Send protests to: Opal M. Jones, Transportation Assistant, Interstate Commerce Commission, 1100 Commerce St., Room 13C12, Dallas, Tex. 75242.

No. MC 140581 (Sub-No. 6TA), filed November 29, 1976. Applicant: TOMMY HAGWOOD, doing business as HAGWOOD ENTERPRISES, Route 1, Box 222-A, Trafford, Ala. 35172. Applicant's representative: William P. Jackson, Jr., 3426 N. Washington Blvd., Arlington, Va. 22210. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Motor vehicles,* in truckaway service, between Los Angeles, Calif., and points in its commercial zone, on the one hand, and, on the other, points in Louisiana, Mississippi, Alabama, Georgia, Tennessee, Florida, South Carolina, North Carolina, Virginia, Maryland, Delaware, the District of Columbia, New Jersey, Pennsylvania, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Texas and Maine, for 180 days. Supporting shipper: Roger Chastain Associates, Inc., 2180 Temple Ave., Long Beach, Calif. 90804. Send protests to: Clifford W. White, District Supervisor, Bureau of Operations, Interstate

Commerce Commission, Room 1616, 2121 Bldg., Birmingham, Ala. 35203.

No. MC 142646 (Sub-No. 1TA), filed November 26, 1976. Applicant: ROBERT S. RYAN, doing business as RYAN TRUCKING, Route 4, Box 208A, Eau Claire, Wis. 54701. Applicant's representative: Samuel Rubenstein, 301 N. Fifth St., Minneapolis, Minn. 55403. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Rendering products*, inedible (meat scraps, bones, hides), from Eau Claire, Wis., to Chicago, Ill.; Alta Vista, Iowa; Minneapolis, Redwood Falls and New Brighton, Minn., under a continuing contract with Eau Claire Rendering Company, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Eau Claire Rendering Company, Inc., Box 9, Route 4, Eau Claire, Wis. 54701. Send protests to: Marion L. Chenye, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg., & U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 142659 (Sub-No. 1TA), filed November 26, 1976. Applicant: ANTHONY B. CUSINOTTA, doing business as A B C CARTAGE, 4501 N. Pontiac Ave., Norridge, Ill. 60656. Applicant's representative: Donald S. Mullins, 4704 W. Irving Park Road, Chicago, Ill. 60641. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fibreboard boxes and fibreboard scrap*, from the plantsite and warehouse facilities of Container Corporation of America at or near Carol Stream, Ill., to Ft. Wayne, Indianapolis, Lapel, LaPorte and Terre Haute, Ind.; Burlington, Cedar Rapids, Clinton, Davenport, Des Moines, Dubuque and Mt. Pleasant, Iowa; Charlotte, Cheboygan and Detroit, Mich.; Anoka and St. Paul, Minn.; St. Louis, Mo.; Cincinnati, Cleveland, Columbus, St. Bernard and Toledo, Ohio; Beaver Dam, Burlington, Delavan, Ft. Atkinson, Green Bay, Jefferson, Neehah and Oshkosh, Wis. Restriction: Operations limited to transportation service to be performed under a continuing contract with Container Corporation of America, for 180 days. Supporting shipper: Container Corporation of America, G. K. Mandel, Warehouse Superintendent, 400 E. North Ave., Carol Stream, Ill. Send protests to: Patrica A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1386, Chocagi, Ill. 60604.

No. MC 142670 TA, filed November 23, 1976. Applicant: O.S.S., INC., 17402 Parker Drive, Tustin, Calif. 92680. Applicant's representative: William J. Augello, 120 Main St., P.O. Box Z, Huntington, N.Y. 11743. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New funiture*, uncrated or crated, with or without glass, upholstered or unupholstered, from the plants and warehouses owned or operated by Harris Pine Mills, located at Gaston and Pendleton, Oreg., and Auburn, Battleground and Walla Walla, Wash., to warehouses owned or operated by Harris Pine Mills, in Lodi and Ontario, Calif., for 180 day. Supporting shipper: Harris Pine Mills, Drawer 1168, Pendleton, Oreg. 97801. Send protests to: Mary A. Francy, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, Room 1321 Federal Bldg., 300 N. Los Angeles St., Los Angeles, Calif. 90012.

No. MC 142673 TA, filed November 26, 1976. Applicant: SPEEDY DELIVERY SERVICE, INC., 2010 N.W. Perry St., P.O. Box 754, Peoria, Ill. 61601. Applicant's representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, Ill. 62701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, iron and steel articles, fasteners, grinding wheels, coated abrasives, tools, belts, belting, belt lacing, hose, blocks, pulleys, strapping, wire wheels, brushes, light bulbs, lubricants, casters and machine tools and equipment* (except in bulk), for the account of Hagerty Brothers Company, East Peoria, Ill., from East Peoria, Ill., to points in Indiana west of U.S. Highway No. 31, points in Iowa east of Interstate Highway I-35 and points in Missouri east of U.S. Highway No. 65; *and Steel*, for the account of Hagerty Brothers Company, East Peoria, Ill., from Lake and Porter Counties, Ind., to East Peoria, Ill., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Hagerty Brothers Company, P.O. Box 1500, Frank T. Bedard, Manager-Traffic Supervisor, Peoria, Ill. 61601. Send protests to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1386, Chicago, Ill. 60604.

No. MC 142674 TA, filed November 26, 1976. Applicant: TERRY D. BROWN, doing business as RDM DELIVERY, 4612 N. River Road, Schiller Park, Ill. 60176. Applicant's representative: Thomas J. Petermann, 6300 River Road, Suite 100, Rosemont, Ill. 60018. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Medical isotopes*, medical test kits, radioactive drugs and radiopharmaceuticals, from O'Hare International Airport, to points in Illinois, Indiana and Wisconsin, under a continuing contract with New England Nuclear Corporation, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: New England Nuclear Corporation, Gary L. Law, Traffic Manager, N. Billerica, Mass. Send protests to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1386, Chicago, Ill. 60604.

No. MC 142675 TA, filed November 26, 1976. Applicant: ANDOVER TRUCKING, INC., P.O. Box 608, Rock Island, Ill. Applicant's representative: Joseph Winter, 33 N. La Salle St., Chicago, Ill. 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Materials, equipment and supplies* used in the manufacture, sale or distribution of agricultural machinery, equipment or implements, between the plantsites and facilities of International Harvester Company, at E. Moline and Rock Island, Ill., on the one hand, and, on the other, points in Illinois, Indiana, Iowa, Michigan, Missouri and Wisconsin, under a continuing contract with International Harvester Company. Restriction: The above authority is restricted against the transportation of shipments weighing in the aggregate more than 5000 pounds from one consignor to one consignee on any one day, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: International Harvester Company, James M. Gamble, General Traffic Manager, 401 N. Michigan Ave., Chicago, Ill. 60611. Send protests to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1386, Chicago, Ill. 60604.

No. MC 142680 TA, filed November 29, 1976. Applicant: SUMTER TIMBER COMPANY, INC., P.O. Box 104, Cuba, Ala. 36907. Applicant's representative: Virgil H. Smith, Suite 12, 1587 Phoenix Blvd., Atlanta, Ga. 30349. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Pickens and Sumter Counties, Ala., to points in Florida, Georgia, Mississippi and Tennessee; points in St. Tammany, Tangipahoa, Livingston, Assumption, Ascension, St. John The Baptist, St. James, Terrebonne, Lafourche, St. Charles, Jefferson Plaquemines and St. Bernard Parishes, La.; and (2) from points in Pickens and Sumter Counties, Ala., to Mobile and Baldwin Counties, Ala., restricted to shipments having an immediate subsequent movement via water transportation, for 180 days. Supporting shipper: Reform Lumber Processors, Inc., P.O. Box 428, Reform, Ala. 35481 Send protests to: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 1616, 2121 Bldg., Birmingham, Ala. 35203.

No. MC 142681 TA, filed November 29, 1976. Applicant: JOHN L. BRADY, doing business as J & M ENTERPRIZES, 48 N. 1st West, Hyde Park, Utah 84318. Applicant's representative: Irene Warr, 430 Judge Bldg., Salt Lake City, Utah 84111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Flour and Bran*, in bags, from the plant site of Gilt Edge Flour Mill, at or near Richmond, Utah, to points in California, under a continuing contract with Gilt Edge Flour Mills, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Gilt Edge Flour Mills, Inc., P.O.

Box 161, Richmond, Utah 84333. Send protests to: Lyle D. Helfer, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5301 Federal Bldg., 125 S. State St., Salt Lake City, Utah 84138.

PASSENGER APPLICATION

No. MC 142682 TA, filed November 23, 1976. Applicant: SOUTHBOUND, INC., P.O. Box 45157, Baton Rouge, La. 70895. Applicant's representative: E. J. Dominguez, Sr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers*, in round-trip special operations, between Shreveport, Minden, Ruston and Monroe, La., on the one hand, and, on the other, Louisiana State Penitentiary, at or near Tunica, La., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Helen Walker, 4102 Martha St., Shreveport, La. 71109. Ida Edwards, 4200 Ester Ave., Monroe, La. 71201. Alton Gandy, c/o Amaco Station Dennis Drive Hwy. 7, Minden, La. 71055. Ada C. Veal, 412 Main St., Grambling, La. 71245. Send protests to: Ray C. Armstrong, Jr., District Supervisor, 701 Loyola Ave., 9038 Federal Bldg., New Orleans, La. 70113.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-36373 Filed 12-9-76;8:45 am]

[Notice No. 84]

MOTOR CARRIER TRANSFER PROCEEDINGS

DECEMBER 10, 1976.

Application filed for temporary authority under Section 210a(b) in connection with transfer application under Section 212a(b) in connection with transfer application under Section 212a(b) and Transfer Rules, 49 C.F.R. Part 1132:

No. MC-FC-76848. By application filed December 2, 1976, BRAINERD A. BROWN, 48 Leetes Road, Branford, CT. 06405, seeks temporary authority to lease the operating rights of SCIARRA TRUCKING AND MOVING, INC., P.O. Box 613, Branford, CT. 06405, under section 210a(b). The transfer to BRAINERD A. BROWN, of the operating rights of SCIARRA TRUCKING AND MOVING, INC., is presently pending.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-36375 Filed 12-9-76;8:45 am]

[Notice No. 85]

MOTOR CARRIER TRANSFER PROCEEDINGS

DECEMBER 10, 1976.

Application filed for temporary authority under Section 210a(b) in connection with transfer application under Section 212a(b) in connection with transfer application under Section 212 a(b) and Transfer Rules, 49 C.F.R. Part 1132:

No. MC-FC-76855. By application filed December 2, 1976, DIRECT VAN LINES, INC., 6121 Lincolnia Road, Alexandria, Va., 22311, seeks temporary authority to lease the operating rights of REGENT VAN & STORAGE, INC., 1327 Wilkes Street, Alexandria, VA. 22314, under section 210a(b). The transfer to DIRECT VAN LINES, INC., of the operating rights of REGENT VAN & STORAGE, INC., is presently pending.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-36376 Filed 12-9-76;8:45 am]

federal register

FRIDAY, DECEMBER 10, 1976

PART II:

DEPARTMENT OF LABOR

Office of the Secretary

■

EMERGENCY JOBS PROGRAM EXTENSION ACT

Implementing Regulations

Title 29—Labor

SUBTITLE A—OFFICE OF THE SECRETARY OF LABOR

PUBLIC JOBS PROGRAMS UNDER THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

Emergency Jobs Program Extension Act; Implementing Regulations

On Tuesday, October 26, 1976, the Department of Labor published in the FEDERAL REGISTER (41 FR 46998) proposed rulemaking to implement the Emergency Jobs Programs Extension Act (EJPEA) of 1976, Pub. L. 94.444, which amended certain sections of the Comprehensive Employment and Training Act (Pub. L. 93.203). At that time, the Department invited interested persons to submit comments, data or arguments on the proposed rulemaking to the Department by November 26, 1976.

The Department carefully studied each comment received with respect to the merits of the suggestions being made and considered such comments relative to other comments received on the same or similar subjects. Consideration of these comments has led to a decision to amend the current regulations for Title VI, and certain parts of the June 25, 1976 regulations for Titles I and II. Since the extension of Title VI made significant changes that the Congress intended would have immediate impact at the local level, and final regulations could not be completed prior to this date, the Department issued early administrative instructions, TD-7-0053, to each of its regional offices for immediate implementation of some of the new legislative provisions. The regulations published today supercede TD-7-0053.

The following significant changes have been made in response to the comments received on the October 26, 1976 proposed rulemaking.

1. In § 99.1 Scope and purpose the language has been changed to refer to AFDC recipient rather than welfare recipient to conform to the language of the Act.

2. In § 98.12/Allowable Federal costs, paragraph (b) (1) (ii) has been changed to conform more closely with the language of the act with respect to rental of space. The new language allows the rental or lease of real property, but it does not allow acquisition of such property.

3. Numerous additional editorial and clarifying changes have also been made.

The regulations published today are effective January 10, 1977. It should be noted, however, that Pub. L. 94.444 was signed into law on October 1, 1976. Therefore, as of October 1, 1976, certain provisions of Pub. L. 94.444 became immediately applicable. Those provisions include:

1. As of October 1, 1976 prime sponsors under Titles II and VI were allowed to spend funds for the acquisition, rental or leasing of supplies, equipment and materials, and for the rental of space.

2. As of October 1, 1976 prime sponsors under Titles II and VI were required to spend at least 85% of public service employment funds for participant wages and fringe benefits.

3. As of October 1, 1976 prime sponsors under Titles I, II and VI were allowed to permit participants to work on winterization/weatherization activities on homes of persons whose income was 125 percent of the poverty level or less.

Since the Act became effective on October 1, the Department intends to apply the regulations immediately in order to insure compliance with statute. The revised parts 94, 95, 96, 98, and 99 read as follows:

PART 94—GENERAL PROVISIONS FOR PROGRAMS UNDER THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

1. Section 94.3, Consolidated table of contents for Parts 94–99, is revised as follows:

Section 96.36 shall now read:

* * * * *

Sec.
96.36 Use of Title II funds for programs under Titles I and III-A.

* * * * *

§ 96.37 [Deleted]

Section 96.37 is deleted.

The table of contents for Part 99 is revised as follows:

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* * * * *

2. Section 94.4, Definitions, is amended by revising paragraph (kk), deleting paragraph (hhh) (5), and adding paragraphs (nnn), (ooo), (ppp) and (qqq) as follows:

§ 94.4 Definitions.

* * * * *

(kk) "Participant" shall mean an individual who qualifies and receives services, except for an individual who receives only outreach and intake (including assessment) services, or takes part in activities under provisions of the Act. An individual applicant becomes a participant when:

(1) The individual is declared eligible upon intake; and

(2) The individual receives employment, training or services funded under the Act following intake, except for an individual who receives only outreach and intake (including assessment) services.

* * * * *

(hhh) (5) is [deleted.]

* * * * *

(nnn) "Lower living standard income level" shall mean that income level (adjusted for selected SMSA's and regional,

metropolitan and non-metropolitan differences and family size) determined annually by the Secretary based upon the most recent lower living standard budget level issued by the Bureau of Labor Statistics of the Department of Labor.

(ooo) "Project" shall mean, except for the purposes of § 99.33 (b) (2) and (3), a defined task which provides a public service, provided that such service does not expand existing, on-going services provided by the State, county, or municipality. Project funds, for example, could not be used to increase refuse collection from once to twice a week, but could be used to undertake a special clean-up endeavor. Individuals participating in projects may be enrolled in either public service employment, work experience, or on-the-job training, provided that the activity results in the provision of a public service, as defined in § 94.4(tt).

(ppp) "Project applicant" shall mean States and agencies thereof, units of general local government and agencies thereof or combinations or associations of such governmental units when the primary purpose of such combinations or associations is to assist such governmental units to provide public services, special purpose political subdivisions having the power to levy taxes and spend funds or serving such special purpose within an area served by one or more units of general local government, local educational agencies as defined in section 801(f) of the Elementary and Secondary Education Act of 1965, institutions of higher education as defined in section 1201(a) of the Higher Education Act of 1965, community based organizations as defined in § 94.4(k), community development corporations, non-profit groups and organizations serving Indians and Native Hawaiians, and other non-profit private organizations or institutions engaged in public service.

(qqq) "Rehire" shall mean an individual who has been laid-off from regular unsubsidized employment and who is subsequently recalled as a participant by the former employer into a position funded under the Act.

PART 95—PROGRAMS UNDER TITLE I OF THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

3. Paragraph (b) (2) (i) (C) (*1*) (*vi*), (*vii*), (3) (ii) (F), and (3) (iii) (K) of § 95.14 are revised to read as follows:

§ 95.14 Content and description of grant application.

* * * * *

(b) * * *
(2) * * *
(i) * * *
(C) * * *
(*1*) * * *

(*vi*) A description of the arrangements to promote maximum feasible use of apprenticeship or other on-the-job training opportunities available under Section 1787 of Title 38, United States Code. (Sec. 105(a) (3) (e)).

(*vii*) For newly eligible prime sponsors, prime sponsors operating independently for the first time, and prime sponsors serving geographical areas in addition to that served in the previous program year, a description of the continuity of service to be provided.

* * * * *

(3) * * *
(ii) * * *

(F) Arrangements to promote maximum feasible use of apprenticeship or other on-the-job training opportunities available under Section 1787 of Title 38, United States Code. (Sec. 105(a) (3) (e)).

* * * * *

(iii) * * *

(K) Provision of jobs in each promotional line which will not infringe upon the promotional opportunities of unsubsidized current employees and provision of jobs only at the entry level in each promotional line until applicable personnel procedures and collective bargaining agreements have been met (sec. 205(c) (24));

* * * * *

4. Section 95.17 is amended by revising paragraph (b) (8) and by adding a new paragraph (b) (14) to read as follows:

§ 95.17 Standards for reviewing grant applications.

* * * * *

(b) * * *

(8) The administrative costs in the application are reasonable and provide, to the maximum extent feasible, for Federal funds to be expended for direct program activities and services, and, if administrative costs exceed 20 percent of non-public service employment activities whether the prime sponsor has cited an adequate reason and provided supporting documentation. Costs for public service employment other than wages and fringe benefits may not exceed 15 percent (secs. 108(d) (2) and (203(b));

* * * * *

(14) The manpower plan provides for appropriate arrangements by the prime sponsor to promote maximum use of apprenticeship or other on-the-job opportunities pursuant to Section 1787 of Title 38, United States Code (Sec. 105(a) (3) (E));

* * * * *

5. Section 95.21(a) (1) (iv) (D) is revised to read as follows:

§ 95.21 Modifications.

(a) * * *
(1) * * *
(iv) * * *

(D) When the program design is altered significantly such as when there is a change in the allowance payment system (e.g., provisions for allowance waivers), development or elimination of a program activity, or when 10% or more of the public service employment positions (except for Title VI) are to be used for rehiring laid off employees.

* * * * *

6. Section 95.32(f) is revised to read as follows:

§ 95.32 Eligibility for participation in a Title I program.

* * * * *

(f) Since all Title II, VI, Emergency Employment Act (EEA), participants, and participants under Title X of the Public Works and Economic Development Act (PWEDA) who are enrolled in Title II or VI activities funded through the Department, would also have qualified at time of enrollment for Title I, then a Title II, Title VI, EEA, or Title II or VI PWEDA participant for whom maximum efforts have been made to find unsubsidized employment or for whom supplemental training or services is needed as a prerequisite to a job, may be transferred into or concurrently enrolled in a program offered by the prime sponsor under Title I of the Act without an intervening period of unemployment. Title III participants who met the eligibility criteria for Title I at the time of their enrollment may also be transferred into or enrolled concurrently in the Title I program (sec. 205(c) (14) and (19) and 105(a) (2)).

* * * * *

7. Section 95.33(d) (4) (ix) and (x) are revised to read as follows:

§ 95.33 Types of manpower activities allowable.

* * * * *

(d) * * *
(4) * * *

(ix) Work experience participants may be outstationed at worksites, including Federal agencies and private nonprofit agencies. Outstationed participants are still to be considered employees of the prime sponsor or its subgrantees or contractors, as appropriate, and shall be assured of the same working conditions and benefits, as specified in § 98.24, as received by other similarly employed employees of the prime sponsor or its subgrantees or contractors (not the outstationed worksite).

(x) Work experience participants may be used in home repair and winterization/weatherization activities as provided in § 98.12(b) (3).

* * * * *

8. Paragraph (f) (1) of § 95.34 is revised to read as follows:

§ 95.34 Training allowances.

* * * * *

(f) (1) Dependents' allowances shall be reduced pro rata only for absences without good cause. The reduction of the weekly dependent's allowance shall be based on the ratio of the number of hours of absence without good cause to the number of hours which the individual is scheduled to participate in activities for which he/she receives allowances.

* * * * *

9. Paragraph (c) (1) (iv) of § 95.56 is revised to read as follows:

§ 95.56 Program operations.

* * * * *

(c) * * *

(1) * * *

(iv) Arrangements made by the State to assist the Secretary in carrying out his responsibilities for enforcing the requirements for Federal contractors to list all suitable employment openings with local offices of the State employment service and take affirmative action, as required in section 2012(a) of Title 38, United States Code. Such arrangements shall be explained in the State Comprehensive Manpower Plan and shall relate only to Federal contractors and subcontractors and should not be interpreted to include grantees, subgrantees or contractors under the Act (sec. 106(b)(5)).

PART 96—PROGRAMS UNDER TITLE II OF THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

10. Paragraph (b)(2)(i) of § 96.2 is revised to read as follows:

§ 96.2 Allocation of funds.

* * * * *

(b) * * *

(2) * * *

(i) When any portion of these funds is to be allocated using a distribution based upon a formula, the Secretary shall not later than 30 days prior to such allocation publish for comment in the FEDERAL REGISTER the specific formula for such distribution, the rationale behind the selection of the formula and the proposed amount for distribution to each eligible applicant. After consideration of comments received, the Secretary shall publish final allocations (sec. 202(c)).

* * * * *

11. Paragraphs (b)(2)(i)(C)(2) (*vi*) and (*vii*) of § 96.14 are revised to read as follows:

§ 96.14 Content and description of grant application.

* * * * *

(b) * * *

(2) * * *

(i) * * *

(C) * * *

(2) * * *

(*vi*) A description of the arrangements to promote maximum feasible use of apprenticeship or other on-the-job training opportuinties available under Section 1787 of Title 38, United States Code.

(*vii*) For newly eligible applicants, eligible applicants operating independently for the first time, and eligible applicants serving geographical area(s) in addition to that served in the previous program year, a description of the continuity of service to be provided.

* * * * *

12. Subparagraphs (11), (12) and (15) of § 96.23(b) are revised to read as follows:

§ 96.23 Acceptable public employment positions.

* * * * *

(b) * * *

(11) Jobs in each promotional line shall in no way infringe upon the promotional opportunities which would otherwise be available to persons currently employed in public service jobs not subsidized under Title II. In accordance with § 98.24(b), when a promotional freeze affects non-CETA employees, it shall also apply to CETA participants similarly employed (sec. 205(c)(24));

(12) No job will be filled in other than an entry level position in each promotional line until applicable personnel procedures and collective bargaining procedures have been complied with (sec. 205(c)(24));

* * * * *

(15) Consistent with the requirements of § 98.12(b)(3), of this subtitle, public service employment participants may be used in home repair and winterization/weatherization activities.

13. Paragraphs (c) and (j) of § 96.24 are revised to read as follows:

§ 96.24 Maintenance of effort.

* * * * *

(c) Eligible applicants, program agents, contractors and subgrantees may not terminate, layoff, or reduce the working hours of, an employee in anticipation of hiring an individual with funds available under the Act. In addition, no participant shall be used to fill positions or provide services normally provided by temporary, part-time, or seasonal workers or contracted out, or to fill full-time vacancies, unless documentation is maintained, as provided in paragraph (j) of this section, that such action does not constitute a substitution of Federal funds for purposes that would otherwise have been supported by other resources.

* * * * *

(j) Eligible applicants, program agents, contractors, or subgrantees which utilize funds under this part to hire persons to fill positions previously supported by funds other than funds available under the Act or to provide services which are normally provided by temporary, part-time or seasonal workers or which is normally contracted out, shall maintain documentation that such use of funds does not constitute a violation of paragraph (c) or of any other requirement of this section. Such documentation shall be prepared and maintained in a form which clearly demonstrates that all requirements of this section are complied with and shall be readily available for the inspection of the RA for a period of not less than one year subsequent to the filing of any position to which these provisions are applicable. Prime sponsors shall, at the direction of the RA, submit such documentation or any budgetary expenditure records, revenue statements, and other information relevant to determinations under this section. RA's shall not approve any plan unless prime sponsors have submitted, when directed by the RA, conclusive evidence that the proposed use of funds fully meets the requirements of this section.

* * * * *

14. Paragraph (d)(1) of § 96.27 is revised to read as follows:

§ 96.27 Eligibility for participation in a Title II program.

* * * * *

(d)(1) Title I, Section 302 and 303 enrollees under the Act, and participants under Title X of the Public Works and Economic Development Act who are enrolled in Title II or VI activities funded through the Department, may be transferred into a Title II program only if they met the requirements of paragraphs (a) and (f) of this section prior to their entry into the program from which they are being transferred and if maximum efforts have been made to place such individuals in unsubsidized employment or training (sec. 105(a)(5)).

15. Section 96.36 is deleted, and section 96.37 is renumbered as 96.36 and revised as follows:

§ 96.36 Use of Title II funds for programs under Titles I and III–A.

Funds available to an eligible applicant may, at its option, be utilized for residents of the areas of substantial unemployment designated under this Part for programs authorized under Title I or Part A of Title III of the Act. Where Title II funds are used for activities authorized under other Titles of the Act, all provisions under this Part, except § 96.20, § 96.21(b)(c)(d)(e)(g) and (h), § 96.23, § 96.24, § 96.27(e), § 96.31, § 96.32, § 96.33, and § 96.34 shall apply in addition to those provisions applicable for programs under Title I or Part A of Title III (sec. 210); however, when Title II funds are used to fund public service employment all of the provisions of this Part 96 shall apply.

PART 98—ADMINISTRATIVE PROVISIONS FOR PROGRAMS UNDER THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

16. Section 98.8(g) is revised to read as follows:

§ 98.8 Program Status Summary, Financial Status Report and Monthly Report.

* * * * *

(g) *Monthly Progress Report.* Grantees operating a Title II or VI funded program shall be required to submit the Monthly Progress Report (MPR) on which they will record the cumulative participants served and terminated, the number of participants on board at the end of the month, and the actual versus planned accrued expenditures cumulative for the program year to the end of the month. The monthly report period is the calendar month. This report will be submitted to the appropriate RA no later than 20 working days after the end of the report period. The monthly report will be phased out when economic conditions and programmatic consideration no longer warrant its submission.

* * * * *

17. Paragraphs (b)(1), (b)(3), (d)(4), (f)(2), (f)(5) and (f)(6) of § 98.12 are revised to read as follows:

* * * * *

§ 98.12 Allowable Federal costs.

(b) *Restriction on use of funds in Public Service Employment Programs.* (1) (i) (A) Not less than 85 percent of the funds appropriated pursuant to the Act which are used by an eligible applicant for public service employment programs shall be expended for wages and fringe benefits to persons employed in public service jobs (sec. 203(b)).

(B) The remaining 15 percent may be used for administration, training, or supportive services to participants in public service employment.

(C) An eligible applicant which does not itself administer the entire program may not retain the entire 15 percent mentioned in (b)(1)(i)(B) of this section for its own use unless this is agreed to by its subgrantees. Unless otherwise agreed to, at least fifty percent (50) of the amount used for the administration of the program shall be available to the subgrantee for costs other than wages and fringe benefits.

(D) Training materials, work tools, uniforms or other equipment ordinarily provided by the employer to regular employees, and which are for the benefit and ownership of the participants may be considered fringe benefit costs for public service employment participants (sec. 208(a)(7)). However, such costs shall be charged to the appropriate cost category, not fringe benefits, when such items are rented or otherwise do not become the property of the partciipant.

(ii) The 15 percent of funds used by a prime sponsor or an eligible applicant for public service employment programs under the Act, after the 85 percent requirement of this section is met, may be used for the acquisition of or rental or leasing of supplies, equipment, and materials, including equipment and materials used in the training of public service employment participants, and work related supplies, equipment and materials for such participants. Such funds may also be used for the rental or leasing of real property. However, none of the 15 percent may be used to contract for capital improvements to real property used in the administration of the program. Acquisition of such equipment, materials and supplies, including rental costs, shall be governed by the administrative provisions of this section (secs. 203(b), 602(b), 210)).

* * * * *

(3) Consistent with the maintenance of effort requirements of § 96.24, of this subtitle, the cost of participants' salaries and fringe benefits shall be allowable costs when such participants are used in home repair and winterization/weatherization activities where such activities are considered to be services normally provided by government and where work performed will not inure primarily to the benefit of a profitmaking organization. Home repair and winterization/weatherization activities shall be limited to dwellings of individuals who are at or below 125 percent of the poverty level (as defined in § 94.4) which are privately owned and owner-occupied, privately owned by a nonprofit organization, or units of public housing.

(4) Unless otherwise provided in Parts 94–99 of this subtitle, funds provided under one title of the Act may not be used to support costs of another title, or another grant under the same title.

* * * * *

(d) * * *

(4) When required by § 98.24 or State Unemployment Insurance Laws to pay unemployment insurance costs, prime sponsors shall plan for those obligations to be incurred during the grant year. This responsibility includes unemployment insurance charges which will be incurred by subgrantees and contractors because of unemployment insurance liabilities incurred under programs under the Act. Unemployment insurance benefit costs are allowable for administrative staff hired in accordance with the administrative provisions of these regulations, and for participants in other than public service employment. Unemployment insurance benefit costs for public service employment participants, including such participants who are also administrative staff, who become eligible for unemployment insurance by reason of their participation in the program shall be paid not from funds under the Act, but from funds appropriated pursuant to Part B, Section 220(a) of Pub. L. 94–444. However, administrative costs associated with the recordkeeping requirements necessary to implement Part B, Section 220(a) of Pub. L. 94–444, shall be allowable as an administrative cost under the Act. Each grantee, subgrantee, or contractor shall cooperate with the SESA's in providing data necessary to implement the provisions of Part B of Pub. L. 94–444.

* * * * *

(f) * * *

(2) *Fringe benefits.* Allowable fringe benefit costs for participants include, but are not limited to the following: Annual, sick, court and military leave pursuant to an approved leave system; employer's contribution for social security, employee's life and health insurance plans, workers compensation insurance, unemployment insurance where applicable; retirement benefits provided such benefits are granted under an approved plan, and such training materials, work tools, uniforms, or other equipment which may be charged to the fringe benefits category under Public Service Employment programs, in accordance with § 98.12(b)(1). Cost of living increases may not be charged to fringe benefits.

(5) * * *

(v) The following are examples of costs not properly chargeable to Services: General and administrative costs of the services provided; supervision, clerical support not directly involved in providing services, staff training, travel of supervisory staff, rent and other facilities costs (except as provded for n (iv)) and costs of supplies, materials, and equipment not used directly in providing services to participants.

(6) *Administrative costs.* (i) Administrative costs shall be limited to those necessary to effectively operate the program. They shall not exceed 20 percent of the total planned costs for all program activities other than public service employment unless the Program Narrative Description under § 95.14(b)(2)(i) sets forth an explanation of how all Administration costs have been determined and a detailed documentation to support that amount. The restriction on the use of funds for administration in public service employment program is set forth in § 98.12(b)(1) (sec. 108(d)(2)).

* * * * *

18. Paragraphs (b)(1) and (b)(5)(i) of § 98.18 are revised to read as follows:

* * * * *

§ 98.18 Maintenance and retention of records.

* * * * *

(b) * * *

* * * * *

(1) Financial records, supporting documents, statistical records and all other pertinent records shall be retained for a period of 3 years. Such financial records related to PSE programs shall be public information. No Federal requirements for records retention which exceed those established by State or local governments shall be otherwise imposed, except that (sec. 704(d)).

* * * * *

(5)(i) The names of all participants supported under the Act are considered public information unless otherwise noted in this subtitle. The names, addresses, positions and salaries of all persons employed in public service employment positions under the Act are public information (sec. 704(d)).

* * * * *

19. Paragraph (a)(3) of § 98.20 is revised to read as follows:

§ 98.20 Procurement and property management standards.

* * * * *

(a) * * *

(3) The standards to be used for the procurement of supplies, equipment, and other materials and services with Federal grant funds are those described in Attachment O of FMC 74–7 with the following exceptions. On-the-job training contracts are not subject to the sole source approval requirement under paragraph 6(b) of Attachment O and selection of subgrantees is exempt from the requirements of Attachment O. When on-the-job training contracts are made under this exception a record of the name of the contractor, the amount and the services to be provided must be made available to the RA upon request. These standards are furnished to assure that such materials and services are obtained in compliance with the provisions of applicable Federal laws and Executive Orders.

* * * * *

20. Section 98.24(b) is revised to read as follows:

§ 93.24 General benefits and working conditions for program participants.

* * * * *

(b) Each participant in an on-the-job training, work experience, or public service employment program shall also be assured of health insurance, unemployment insurance (to the extent such benefits are allowable), coverage under collective bargaining agreements and other benefits at the same levels and to the same extent as other employees similarly employed, and to working conditions and promotional opportunities neither more nor less favorable than such other employees similarly employed (secs. 208 (a)(4), 703(5) and 703(6)). Nothing in this section shall be interpreted to require coverage for health insurance, unemployment insurance and similar benefits for participants, such as, work experience participants, where there is no employee of the employer performing the same or similar work in the employment situation. In determining whether the work is the same or similar to that of a person regularly employed, the prime sponsor will take into consideration, but shall not be limited to, employment status, type of work performed, job classification and method of appointment to the position.

* * * * *

21. Part 99 is revised to read as follows:

PART 99—PROGRAMS UNDER TITLE VI OF THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

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Sec.
99.1 Scope and purpose of this Part 99.
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Subpart A—General

§ 99.1 Scope and purpose of this Part 99.

(a) This part contains the Department of Labor's regulations governing the establishment and operation of a public service and employment and training program under Title VI of the Act, as amended by the Emergency Jobs and Unemployment Assistance Act of 1974, Pub. L. 93-567, 88 Stat. 1845, and the Emergency Jobs Programs Extension Act of 1976, Pub. L. 94-444.

(b) This program is intended to provide the level of funds needed to sustain enrollment under Title VI through Fiscal Year 1977. Provision is also made for a shift in emphasis toward serving persons who are long-term unemployed or AFDC recipients and whose family incomes are 70 per cent or less of the lower living standard income level.

(c) Such long-term unemployed and ADFC recipients are to make up at least 50 percent of those hired into the program, although a prime sponsor could choose to enroll a greater percentage or only such persons.

(d) Provision is made for all program activity beyond what is required for sustaining Title VI enrollment to be in projects and activities, which are subject to the review of the prime sponsor's planning council. Such projects and activities must have only long-term unemployed and AFDC participants.

(e) The duration of such projects and activities is limited to one year. While there is no regulatory limit to the duration of participation of enrollees in projects, it is strongly encouraged that the participation of such persons also be limited to one year.

(f) Prime sponsors are expected to provide a substantial part of project funds to nonprofit agencies.

(g) Work in projects must be above and beyond those services customarily provided by State or local jurisdictions and must not conflict with the maintenance of effort provisions of the Act or of the regulations in this part. Work performed in projects must be compared with similar work performed by regular employees to assure that prevailing wages are paid.

(h) Funds reserved for sustaining may be used for the same activities which were previously allowable under Title VI, including public service employment programs, basic manpower activities, and projects. When sustaining funds are used to operate projects, the projects are not subject to the planning council preview or to the one-year limitation, and the persons in such projects are not limited to only the new eligibility criteria.

(i) Since whether a participant is long-term unemployed is based on collecting, having exhausted, or being ineligible for unemployment compensation, prime sponsors are strongly encouraged to arrange for verification of such information with SESAs.

(j) Definitions not found in this part for abbreviations and major terms may be found in Part 94 of this subtitle.

(k) Although the Emergency Jobs Programs Extension Act of 1976 authorizes the funding of projects for the long-term unemployed and for AFDC recipients, Congress at the present time has appropriated by a continuing resolution only the amount of money which it believed would be enough to maintain the number of public service jobs which were filled on June 30, 1976. Consequently, it is not expected that there will be much money available for projects at this time. Therefore, these regulations at § 99.40(b) allow a simplified administrative system for calculating the number of long-term unemployed and welfare recipients who are hired into the program. Because of the current lack of appropriations for projects and because the principal intent of the Emergency Jobs Programs Extension Act is to sustain the public service jobs programs, § 99.40(a) allows prime sponsors to carry into the new grant period the number of participants on board on October 31, 1976, if that number is higher than the June 30, 1976 level. Should additional funds become available for Title VI, these regulations will be revised accordingly.

(l) Statutory authority for the regulations contained in this part is found in section 702(a) of the Act. Other relevant sections of the Act are generally

noted at the end of the substantive regulations in this part.

Although these regulations are effective 30 days after publication, it should be noted that Pub. L. 94-444 was signed into law on October 1, 1976. Therefore, as of October 1, 1976, certain provisions of Pub. L. 94-444 became immediately applicable, including sections 3(a)(1), 3(a)(2), and 11. These regulations shall constitute a modification to all grants currently operating under Title VI.

§ 99.2 Allocation of funds.

(a) The Secretary shall allocate not less than 2 percent of the funds available for Title VI of the Act to those eligible applicants defined in § 99.3 which are Indian tribes, bands, and groups qualified under section 302(c)(1) of the Act (sec. 602(e) and sec. 603(a)(1)).

(b) Not less than 90 percent of the funds remaining after the application of paragraph (a) of this section shall be allocated among eligible applicants defined in § 99.3 which are prime sponsors under Title I of the Act according to the following basic formula (sec. 603(a)(1)):

(1) Fifty percent of the funds shall be allocated among eligible applicants in proportion to the relative number of unemployed persons who reside in areas within the jurisdiction of such applicants compared to the number of unemployed persons who reside in all eligible applicants' areas in all the States (sec. 603(a)(2)(A)).

(2) Twenty-five percent of the funds shall be allocated among eligible applicants on the basis of the ratio of the excess number of unemployed persons, as defined below, who reside within the jurisdiction of the eligible applicant, to the total excess number of unemployed persons who reside within the jurisdictions of all eligible applicants. In allocating funds to an eligible applicant which is not a State, the term "excess number" shall mean the number of unemployed persons in excess of 4.5 percent of the labor force who reside in the jurisdiction of the eligible applicant. For allocating funds to an eligible applicant which is a State, the term "excess number" shall mean either the number of unemployed persons in excess of 4.5 percent of the labor force who reside in the jurisdiction of the eligible applicant, or the number of unemployed persons in excess of 4.5 percent of the labor force in areas eligible for assistance under Title II of the Act in the geographical area served by such State prime sponsor (under Title I or Title II), whichever is greater (sec. 603(a)(2)(C)).

(3) Twenty-five percent of the funds shall be alocated for use on behalf of residents of areas of substantial unemployment. An area of substantial unemployment, other than in relation to Indian tribes, bands, and groups, is any area within a prime sponsor's jurisdiction which has a population of at least 10,000 persons, qualifies for a minimum allocation of $25,000 under Title II of the Act, and has a rate of unemployment of at least 6.5 percent for a period of three consecutive months as determined by the Secretary of Labor at least once each fiscal year. These funds shall be allocated in accordance with the number of unemployed persons residing in areas of substantial unemployment within the jurisdiction of the eligible applicant as compared to the total number of unemployed persons residing in all areas of substantial unemployment (sec. 603(a)(2)(B)).

(c) The remaining funds, not to exceed 10 percent of the funds remaining after application of paragraph (a) of this section, may be distributed to prime sponsors under Title VI by the Secretary as the Secretary deems appropriate to carry out the purpose of Title VI, taking into account both changes in rates of unemployment, and the need for additional funds to continue the same level of public service employment activities previously supported under the Act within the jurisdiction of the eligible applicant (sec. 603(b)).

(1) When any portion of these funds is to be allocated using a distribution based upon a formula, the Secretary shall not later than 30 days prior to such allocation publish in the FEDERAL REGISTER the specific formula for such distribution, the rationale behind the selection of the formula and the proposed amount for distribution to each eligible applicant. After consideration of comments received within 30 days of the FEDERAL REGISTER notice, the Secretary shall publish final allocations (sec. 603(d)).

(d) In determining the allocations under paragraph (b) and (c) of this section, the term "jurisdiction" includes the jurisdiction of each unit of general local government as described in § 95.3(a)(2) of this subtitle, whether or not such unit has entered into a consortium of units of general local government for the purposes of § 95.3(a)(3) of this subtitle (sec. 603(c)).

(e)(1) An eligible applicant shall distribute to a program agent, as defined in paragraph (e)(3) of this section, funds to be utilized to serve residents of the program agent's area unless the program agent declines to operate a program, in which case, the eligible applicant shall make other arrangements to serve the residents of the program agent's jurisdiction (sec. 204(d)(1)).

(2) If the Secretary does not specify an amount to be distributed to a program agent, the eligible applicant shall distribute funds to the program agent using the same intent used by the Secretary in distributing funds to eligible applicants.

(3) The term "program agent" under this part shall mean any unit of general local government (or combination of such units) located within an eligible applicant's jurisdiction which has a population of 50,000 or more (sec. 204(d)(1)).

(4) Notwithstanding paragraph (e)(1) of this section, a program agent which is a member of a consortium may make such agreements as agreed to by the consortium with regard to the administration of funds for the benefit of the residents of the eligible program agent's area.

§ 99.3 Eligibility for funds.

(a) Funds shall be allocated by the Secretary only to eligible applicants. The term "eligible applicant" shall mean prime sponsors qualified for Fiscal Year 1977 under Title I of the Act and Indian tribes, bands, and groups qualified for Fiscal Year 1977 under section 302(c)(1) of the Act (sec. 602(e)).

(b) A State shall not qualify as an eligible applicant for any geographical area within the jurisdiction of any other eligible applicant which is a unit of local government, within the State unless the non-State eligible applicant has not submitted an approvable application for Title VI funds, or has stated to the Regional Administrator, in writing, its desire to be served by the State (sec. 204(a)).

(c) A unit of general local government shall not qualify as an eligible applicant with respect to any area within the jurisdiction of another eligible unit of general local government unless the other unit has not submitted an approvable application for such areas, or has stated its desire to the RA, in writing, to be served by such larger unit (sec. 204(a)).

(d)(1) An eligible applicant shall distribute funds to program agents as provided in §99.2(e) (sec. 204(d)(2)).

(2) No program agent shall receive or continue to receive funds for any area within the jurisdiction of another program agent unless the RA determines that the other program agent has not carried out its administrative responsibility consistent with the application for financial assistance developed by the eligible applicant for developing, funding, overseeing, and monitoring programs within its areas (sec. 204(d)(3)).

(e) Funds for areas of substantial unemployment.

(1) An eligible applicant or program agent which contains an area or areas of substantial unemployment shall make available for services to residents of each such area those funds allocated to the eligible applicant under § 99.2(b)(3) (sec. 603(a)(2)(b)).

(2) An eligible applicant other than a State, or a program agent, whose entire jurisdiction qualifies as an area of substantial unemployment, shall, to the extent feasible, allocate funds allocated under § 99.2(b)(3) according to § 96.3(f)(1) of this subtitle.

(3) If the eligible applicant is a State whose entire jurisdiction qualifies as an area of substantial unemployment, the eligible applicant shall, to the extent feasible, allocate the funds allocated to it under § 99.2(b)(3) according to § 96.3(f)(2) of this subtitle.

(4) If an eligible applicant believes that there is an area of substantial unemployment within its jurisdiction that has not been designated as such by the Secretary it may recommend that such area be considered by the Secretary. In making any such recommendation, the eligible applicant must include a precise geographical definition of the area to be served and population data. Such recommendation shall be submitted to

the RA. The Secretary shall, within a reasonable time, make a determination on the recommendation and inform the eligible applicant of the decision and the reasons therefor.

Subpart B—Grant Application

§ 99.10 General.

(a) This subpart contains the procedures for obtaining grants to operate programs under Title VI of the Act (sec. 602(a)).

(b) The Secretary reserves the right to temporarily waive any of the grant procedures in this subpart and provide immediate funding authority when, and if, strict adherence to a procedure would result in a funding delay which would necessitate the lay-off of currently employed participants.

§ 99.11 Planning process; advisory councils.

To receive financial assistance under Title VI of the Act, eligible applicants shall submit an appropriate comprehensive Title VI plan, pursuant to § 99.12. In developing and modifying such a plan, an eligible applicant shall utilize the planning process and the advisory councils pursuant to § 95.13 (b), (c), (d), and (e) of this subtitle.

§ 99.12 Content and description of grant application.

(a) This section describes the grant application which the eligible applicant shall use to apply for its grant.

(b) Copies of all grant application forms and instructions are contained in the Forms Preparation Handbook.

(c) *Grant application forms.* (1) The Application for Federal Assistance identifies the eligible applicant and the amount of funds requested; it provides information concerning the area to be served and the number of people expected to benefit from the program. The Standard Form 424 contained in Federal Management Circular (FMC) 74-7 is being used.

(2) *The Comprehensive Title VI Plan.* The Comprehensive Title VI Plan is a statement of how the eligible applicant intends to use Title VI funds and to coordinate its activities with other employment and training programs and services operating within its jurisdiction. The Comprehensive Title VI Plan consists of the Narrative of the Title VI Program, the Program Planning Summary, the Budget Information Summary, the Monthly Schedule, the Public Service Employment Occupational Summary, and the Program Summary all described below.

(i) *Narrative Description of the Title VI Program.* The Narrative Description of the Title VI program identifies and explains the employment and training problems within the eligible applicant's jurisdiction, describes proposed program activities and delivery systems to deal with those problems, and projects the results which may be expected from the program. These narrative description requirements represent an abbreviated version of the narrative description requirements of Title II (§ 96.14(b)(2)(1) of this subtitle. However, if information required in certain items below has already been provided in the current title II narrative description, a copy of this description may be attached in order to comply with these requirements. The Narrative Description of the Title VI program requires a detailed statement on the program including the following items:

(A) *Objectives and needs for the assistance.* (1) Program purpose; and

(2) Analysis of need—A brief description of the labor market of the area including labor force and a description of the population groups most in need of services at this time.

(B) *Results and benefits expected.* This item should explain how the quantified results in Section I of the PPS impact on the needs of the labor force and the community services to be provided.

(C) *Approach.* (1) What provisions have been made to sustain the June 30, 1976, level in both Titles II and VI, or to retain the October 31, 1976 level, if higher?

(i) Identify the June 30, 1976, level in Titles II and VI. Identify the October 31, 1976, level, if different.

(ii) Estimate amount of funds it will take to sustain the June 30, 1976, level or retain the October 31, 1976 level.

(iii) Identify the number of participants that will be sustained under Title II.

(iv) If any former participants are to be reinstated under the provisions of § 99.40(c) state the number of individuals involved. Submit adequate documentation to allow the RA to determine that such individuals qualify for reinstatement under § 99.40(c). This documentation must include the name, position, date of termination and reason for termination of each participant and any additional information required by the RA.

(2) Describe the methods which will be used in providing training and supportive services if any, to long-term unemployed persons.

(3) Provide the estimated average annual wage rate for PSE occupations and the rationale for obtaining this wage rate; keeping in mind the aim of obtaining a nationwide rate of $7,800.

(4) Describe the unmet public service needs.

(5) Describe the method of recruitment on the basis of new eligibility criteria and method of verification. Describe procedures that will be used to track and monitor the flow of participants in order to comply with the different eligiblity requirements of § 99.42 (a) and (b) of this Part.

(6) Provide an explanation of the basis for the geographical distribution of funds within the prime sponsor's area.

(7) Describe the plan for providing services to disabled, special and recently discharged veterans and welfare recipients.

(8) For newly eligible applicants, eligible applicants operating independently for the first time and eligible applicants serving geographical area(s) in addition to that served in the previous program year, describe the continuity of service to be provided.

(9) Describe the process for selecting delivery agents and project operators, including: (i) An explanation of the methods and criteria to be used in the selection of deliverers of service; and

(ii) An explanation of the methods and criteria to be used for soliciting and approving project and activity applicants to operate projects and activities to the extent known.

(10) Describe the linkages established with other manpower and related agencies.

(D) *Management and administrative plan.*

(1) Provide an organizational chart.

(2) Describe internal administrative controls, including personnel or merit system and grievance procedures.

(E) *Maintenance of effort data.* An eligible applicant shall estimate the number of jobs that will be filled by recalling former employees who have been terminated or laid-off. In accordance with the provisions of § 99.34, the RA may request additional documentation.

(ii) *Program Planing Summary.* The Program Planning Summary requires a prime sponsor to provide a quantitative statement of planned enrollment levels; the participants to be served by each program activity (classroom training, on-the-job training, public service employment, work experience, and other activities); and outcomes for program participants. It also requires an identification of the significant segments of the population and the number of individuals to be served in each.

(iii) *Budget Information Summary.* The Budget Information Summary requires a prime sponsor to provide a quantitative statement of planned expenditures and obligations. It requires prime sponsors to indicate yearly planned expenditures by cost category (administration, allowances, wages, fringe benefits, training, and services). The prime sponsor is to reflect planned quarterly obligations and planned expenditures by program activity.

(iv) *Monthly Schedule.* A monthly estimate of total individuals enrolled at the end of the month and total cumulative expenditures shall be provided. Such monthly schedule will reflect the activity for each month during the grant period under Title VI.

(v) *Public Service Employment Occupational Summary.* The Public Service Employment Occupational Summary requires an eligible applicant operating a public service employment program under Title VI of the Act to provide a description of proposed job opportunities, occupations and wages for similar nonsubsidized jobs in the employing agency at the sustaining level. Subsidized jobs provided in projects and activities should also be described to the extent known at the time of application.

(vi) *Program Summary.* The Program Summary presents a distribution of jobs,

training slots, and funds to be provided to eligible applicants and subgrantees. It designates the area to be served, the population and employing agencies of each area. To the extent known, the above information should also be provided for projects and activities.

(3) (i) *Assurances and Certifications.* The Assurances and Certifications form is a signature sheet on which the eligible applicant assures and certifies that it will comply with the Act, the regulations of the Department, other applicable laws, and applicable Federal Management Circulars and Office of Management and Budget (OMB) circulars. The Assurances

§ 99.35 Linkages with other employment and training programs; training and supportive services.

(a) Each prime sponsor, where appropriate, shall maintain linkages with other employment and training programs as provided under the provisions of § 96.32 of this subtitle.

(b) As appropriate, each prime sponsor shall provide training and supportive services for participants as specified by § 96.31 of this subtitle.

§ 99.36 Placement goals.

Public service employment programs, to the extent feasible, shall meet placement goals as described in § 96.33 of this subtitle (secs. 602(c), 211(b)). The provisions of § 96.33(c)–(f), however, shall not be applicable to participants in projects and activities as described in § 99.40(a)(2).

§ 99.37 Compensation and working conditions for participants.

(a) Participants in public service employment programs and projects shall be compensated pursuant to § 96.34 of this subtitle.

(b) A prime sponsor may establish, on an area basis, jobs and wage structures for participants, taking into account the average wages in the area served and the cost of living in such areas, with the aim of effecting a nationwide, federally supported annual average wage rate equivalent of $7,800 per full-time position within the overall $10,000 federally supported salary limitation provided to public service jobholders. However, this provision in no way is intended to relieve a prime sponsor from compensating participants in accordance with paragraphs (a), (c), (d), (e), and (f) of this section. The RA is authorized to make recommendations, on an area basis, to prime sponsors pertaining to the provisions set forth in this paragraph.

(c) Participants in classroom training programs shall be compensated pursuant to § 95.34 of this subtitle.

(d) Participants in on-the-job training programs and projects shall be compensated pursuant to § 95.35 of this subtitle.

(e) Participants in work experience programs shall be compensated in accordance with § 95.33(d)(4)(viii) of this subtitle. When participants enrolled in work experience are working in projects, wages shall equal the highest of either of the rates specified in § 95.33(d)(4)(viii) of this subtitle or the prevailing rates of pay for persons employed in similar occupations by the same employer.

(f) The salary limitations specified in § 96.34(c) of this subtitle shall apply to compensation provided participants under Title VI.

§ 99.38 Place of residence for participants.

(a) *General.* (1) (i) At time of both application and selection, program participants shall reside within the geographic area for which funds have been designated. A program agent, therefore, and Certifications form will be provided in the grant application package.

(ii) When prime sponsors are planning to fund job opportunities authorized under Section 304(a) of the Act, paragraphs (3), (4), (5), and (6), they must submit a certification to the RA in the grant application that such activities are necessary to provide sufficient job opportunities in the area served by the prime sponsor (sec. 604(a)).

(4) *Grant Signature Sheet.* The Grant Signature Sheet records the acceptance by the grantee and grantor of the terms and conditions of the grant and any changes to the grant. It records the time period for which the grant is effective, the grant allotment, the amount of funds obligated by the RA to the grantee, the Title of the Act under which funding is authorized and the name, title and signature of the approving official on both sides. A copy of the grant application shall be submitted to appropriate State and sub-State clearinghouse(s) at the same time that it submits its application to the RA.

§ 99.13 Comment and publication procedures relating to submission of grant application.

(a) Each eligible applicant shall provide an opportunity for comment on the application as set out in § 95.15 of this subtitle, except that newspaper publication and provision of the application to Governors, appropriate units of government, appropriate Indian prime sponsors, and appropriate labor organizations may be simultaneous with submission of the grant application to the RA.

(b) Each eligible applicant shall submit a copy of its grant application to appropriate State and sub-state clearinghouse(s) at the same time that it submits its application to the RA.

§ 99.14 Submission of grant application; standards for reviewing grant applications.

(a) Each eligible applicant shall submit its grant application to the RA on or before a date set by the Secretary.

(b) A grant application shall include all items set out in § 99.12 of this part.

(c) A grant application will be reviewed to determine if it meets the requirements of the Act, the regulations promulgated under the Act, and other applicable law. In reviewing a grant application, the RA shall use the standards set forth in § 95.17(b) of this subtitle.

§ 99.15 Application approval; application disapproval; grant agreement.

The procedures set forth in §§ 95.18 and 95.19 of this subtitle shall apply for Title VI applications and grant agreements.

§ 99.16 Use of alternative eligible applicant; services by the Secretary.

The provisions detailed in § 95.20 of this subtitle shall apply to applications and grants made pursuant to Title VI of the Act.

§ 99.17 Modifications.

The modification procedures set forth in § 95.21 of this subtitle shall apply to Title VI grants.

Subpart C—Program Operation Requirements for Prime Sponsors

§ 99.30 General.

(a) This subpart contains the program operation requirements governing prime sponsors with respect to the creating and expanding of public service job opportunities for unemployed and underemployed persons (secs. 205, 602(a)).

(b) This subpart also contains special provisions governing prime sponsors of areas of excessively high unemployment, which include:

(1) Prime sponsors of areas having an average unemployment rate in excess of 7 percent for the most recent three consecutive months based upon the best available information and subject to review by the RA, and which certify to the RA in the grant application or a request for modification that the application of the special provisions for areas of excessively high unemployment are necessary in order to provide sufficient job opportunities in the area;

(2) Prime sponsors which are "exceptional circumstance" prime sponsors under section 102(a)(4) of the Act and which certify to the RA in the grant application or a request for modification that application of the special provisions for areas of execessively high unemployment are necessary in order to provide sufficient job opportunities in the area;

(3) Prime sponsors which are "concentrated employment program" prime sponsors under section 102(a)(5) of the Act and which certify to the RA in the grant application or a request for modification that the application of the special provisions for areas of excessively high unemployment are necessary in order to provide sufficient job opportunities in the area; and

(4) Prime sponsors which are State prime sponsors serving areas which are eligible for assistance under Title II of the Act and which certify to the RA in the grant application or a request for modification that the application of the special provisions for areas of excessively high unemployment are necessary in order to provide sufficient job opportunities in the Title II area.

§ 99.31 Basic responsibilities of prime sponsors; basic responsibilities of program agents.

(a)(1) A prime sponsor shall administer its programs under Title VI of the

Act pursuant to the provisions of § 96.21 of this subtitle.

(2) A prime sponsor of an area of excessively high unemployment shall administer its programs under Title VI of the Act pursuant to the provisions of § 96.21 of this subtitle, except that the provisions of § 96.21(c), (d) and (e) of this subtitle shall not apply.

(b) The responsibilities of program agents, as defined in § 99.2(e)(3), shall be those provided in § 96.22 of this subtitle.

§ 99.32 Program performance requirements for prime sponsors.

(a) A prime sponsor shall use funds under Title VI of the Act in accordance with the expenditure levels and enrollment levels described in the approved Comprehensive Title VI Plan and within the monthly schedule.

(b)(1) The RA shall review the program performance of each prime sponsor on a monthly basis and determine the adequacy of the prime sponsor's performance with respect to the expenditure and enrollment levels provided for in the Program Planning Summary, Budget Information Summary, and the monthly schedule.

(2) If a prime sponsor operates at a level in variance from the monthly schedule, the RA may prescribe corrective action and/or technical assistance.

(c) The RA, on a monthly basis, shall make a general review of the prime sponsor's performance and goals to determine the responsiveness of the prime sponsor's program to the unemployment rates of its area and the employment needs of the persons within its jurisdiction.

§ 99.33 Public service job activities.

(a) A prime sponsor may provide:

(1) Public service jobs in employment projects, as defined in § 94.4(ooo) of this subtitle, which provide maximum employment opportunities for eligible persons (sec. 602(a));

(2) Public service employment programs which meet the requirements of § 96.23 of this subtitle (sec. 602(a));

(3) Basic manpower activities and services described in § 95.33(d) of this subtitle (sec. 201);

(4) Job opportunities with public employers, as described in paragraphs (3), (4), (5), and (6) of section 304(a) of the Act, if the prime sponsor certifies to the RA in the grant application or a modification that such activities are necessary to provide sufficient job opportunities in the area served by the prime sponsor (sec. 640(a));

(5) Where funds are utilized pursuant to paragraphs (a)(3) and (a)(4) of this section, all provisions under this part shall apply, except for references in such provisions to §§ 96.20, 96.21 (b)(c)(d)(e)(g) and (h), 96.23, 96.31, 96.32, 96.33, and 96.34 of this subtitle. In addition, those provisions applicable for programs under Title I, or Part A of Title III shall apply. However, when Title VI funds are used to fund public service employment, all of the provisions of this part shall apply.

(b) Funds allocated to prime sponsors of areas of excessively high unemployment may also be used for the following special program activities and services (sec. 604):

(1) Public service employment programs which meet the requirements of § 96.23 of this subtitle, except that § 96.23(b)(2), (3), and (8) shall not apply;

(2) The funding of jobs with public employers on community capital improvement projects, which would not be otherwise carried out (however, these activities must be activities that the prime sponsor is authorized to do and would normally perform itself rather than contract out). Such projects may include the rehabilitation, alteration, or improvement, but not new construction, of public buildings, roads and other public transportation facilities, health and education facilities, and other facilities for the improvement of the community in which the project is or will be located. Funds shall not be used, however, for employment in capital improvement projects which inures primarily to the benefit of a private profit-making organization (sec. 604(b)); and

(3) The funding of jobs in projects for functions that would normally be authorized for the jurisdiction but would not otherwise be carried out. The activities performed in the projects must be those which the prime sponsor has historically performed itself rather than those which would normally be performed by an outside contractor. Such projects may include construction (including new construction), rehabilitation, alteration, or improvement of water and waste disposal facilities in communities with populations of 10,000 individuals or less which are outside the Standard Metropolitan Statistical Area, as defined by the Bureau of the Census.

§ 99.34 Maintenance of effort.

(a) Public service jobs funded under Title VI of the Act shall only be in addition to employment which would otherwise be financed by the prime sponsor without assistance under the Act (secs. 602(c), 205(c)(25)).

(b) To assure maintenance of effort, the prime sponsor shall see that a public service employment program under Title VI of the Act:

(1) Shall result in an increase in employment opportunities over those which would otherwise be available;

(2) Shall not result in the displacement of currently employed workers, including partial displacement such as a reduction in hours of nonovertime work, wages, or employment benefits;

(3) Shall not impair existing contracts for services or result in the substitution of Federal funds for other funds in connection with work that would otherwise be performed; and

(4) Shall not substitute public service jobs for existing federally assisted jobs under federally supported programs other than those under the Act (secs. 602(c), 208(a)(1)).

(c) Prime sponsors, program agents and subgrantees may not terminate, layoff, or reduce the working hours of, an employee in anticipation of hiring an individual with funds available under Title VI. In addition, no participant shall be used to fill positions or provide services normally provided by temporary, part-time, or seasonal workers or contracted out, or to fill full-time vacancies, unless documentation is maintained, as provided in paragraph (h) of this section, that such action does not constitute a substitution of Federal funds for purposes that would otherwise have been supported by other resources.

(d) No prime sponsor shall hire or allow the hiring of any person into any job funded under this part when any other person is on lay-off from the same or any substantially equivalent job (secs. 602(c), 205(c)(7)(8)). If layoffs of regular employees occur during the grant period, participants may not remain working in the same or substantially equivalent job within the employing agency that is affected by the lay-off. Such participants shall be transferred to positions not affected or be laid off or terminated. Prime sponsors shall try to transfer them to Title I, if appropriate, or shall attempt to place them into unsubsidized employment before laying them off or terminating them (secs. 602(c), 205(c)(8)).

(e) Former employees who lost their jobs due to a bona fide lay-off may be hired into positions supported under this Part provided that such hiring does not constitute a violation of the maintenance of effort provisions of the Act and these regulations.

(f) No participant may be placed or remain working in any position substantially equivalent to a position which is vacant due to a hiring freeze unless the prime sponsor can demonstrate that:

(1) The freeze resulted from a lack of funds to sustain former staff levels and was not established because of the availability of funds under this part; and

(2) The promotional opportunities of regular employees will not be infringed upon.

(g) Prime sponsors shall notify the RA in writing of any layoff or hiring freeze in a department or agency where participants are employed in positions substantially equivalent to those affected by the layoff or hiring freeze.

(h) Prime sponsors, program agents, or subgrantees which utilize funds under this Part to hire persons to fill positions previously supported by funds other than funds available under the Act or to provide services which are normally provided by temporary, part-time or seasonal workers or which are normally contracted out, shall maintain documentation that such use of funds does not constitute a violation of paragraph (c) of this section nor of any other requirements of this section. Such documentation shall be prepared and maintained in a form which clearly demonstrates that all requirements of this section are complied with and shall be readily available for the inspection of the RA for a period of not less than one year subsequent to the filling of any position to which these provisions are applicable.

Prime sponsors shall, at the direction of the RA, submit such documentation or any budgetary expenditure records, revenue statements, and other information relevant to determinations under this section. RA's shall not approve any plan unless prime sponsors have submitted, when directed by the RA, conclusive evidence that the proposed use of funds fully meets the requirements of this section.

(i) Funds shall not be used to provide public services, through a private or nonprofit organization or institution, which are customarily provided by a State, a political subdivision, or a local educational agency in the area if such funding will result in a reduction of the customary level of such service by the State, political subdivision, or local educational agency.

(j) RAs and prime sponsors shall carefully review all programs to insure compliance with all maintenance of effort requirements.

may not hire persons outside of its jurisdiction nor may a prime sponsor hire a person from the jurisdiction of another prime sponsor or of a program agent within its own jurisdiction.

(ii) Because of changes in program agent designations each program year, this policy does not require the layoff of participants eligible under the residency requirements that were applicable at the time of their selection.

(2) A prime sponsor or program agent may receive additional funds as a subgrantee of another prime sponsor or program agent to enroll residents of the other prime sponsor's or program agent's jurisdiction in any public service job or other manpower program under Title VI. The prime sponsor or program agent receiving funds must offer jobs or programs which are within reasonable commuting distance of residents of the other prime sponsor's or program agent's jurisdiction.

(3) *Consortia of eligible applicants.* If two or more jurisdictions eligible to be prime sponsors have formed a consortium to operate programs under Titles I, II, and VI, residents of any designated area within the boundaries of the consortium may be employed in public service jobs or enrolled in any other manpower activity either within the geographical boundaries of the consortium or outside such boundaries in which case the provisions of § 96.23(b)(7) of this subtitle shall apply: *Provided,* That the total amount of funds spent for residents of each participating prime sponsor equals the amount of funds that the area would have received if the consortium had not been formed.

(b) Funds provided under § 99.2(b)(3) shall be used only on behalf of residents of geographic areas eligible for assistance under Title II of the Act.

(c) *Consortia of units of general local government formed in order to qualify as program agents; multijurisdictional prime sponsors.* The provisions of paragraphs (a) and (b) of this section shall apply to consortia of units of general local government formed in order to qualify as program agents and shall apply to multijurisdictional prime sponsors.

Subpart D—Program Operation Requirements of the Emergency Jobs Programs Extension Act of 1976

§ 99.40 Apportionment of the prime sponsor's allocation.

(a) *General.* (1) (i) Each prime sponsor shall reserve from the funds available during Fiscal Year 1977 for its use under Title VI, an amount which, when added to the funds available during Fiscal Year 1977 for its use under Title II, shall be sufficient to sustain throughout FY 1977 the number of Titles II and VI participants who were in the program on June 30, 1976.

(ii) However, if the number of participants enrolled in Titles II and VI on October, 31, 1976, plus any rehires who were terminated from Titles II and VI and who are approved for reinstatement in accordance with paragraph (c) of this section, is higher than the June 30, 1976, level of participants, the prime sponsor may reserve funds to carry the higher level into the new grant period. The prime sponsor should be aware, however, that its allocation, which shall be keyed to the June 30, 1976 level, may not be sufficient to operate at the higher level throughout FY 1977.

(iii) (A) Funds reserved in accordance with paragraph (a)(1)(i) of this section shall not be used to support a level of opportunities in excess of the June 30, 1976, level or the level of opportunities on the date of grant execution.

(B) Funds reserved in accordance with paragraph (a)(1)(ii) of this section shall not be used to support a level of opportunities in excess of the October 31, 1976, level plus any rehires who have been approved for reinstatement under paragraph (c) of this section or the level of opportunities on the date of grant execution.

(2) Funds remaining after the application of paragraph (a)(1) of this section shall be used for new projects as defined in § 94.4(ooo) of this subtitle, and activities, as described in § 99.33, not to exceed 12 months and subject to the approval procedures in § 99.41 (sec. 607(b)).

(b) *Enrollment of Title VI participants.* (1) At least fifty percent of the participants who become enrolled after grant execution shall meet the new eligibility criteria (§ 99.42(a)).

(i) Only participants meeting the new eligibility criteria shall be enrolled in projects and activities as specified in §§ 99.40(a)(2) and 99.41.

(2) Up to fifty percent of the participants who become enrolled after grant execution may meet the original Title VI eligibility criteria (see § 99.42(b)).

(i) Individuals enrolled after grant execution who meet the original Title VI eligibility criteria may be rehires, as defined in § 99.4(qqq), provided that the maintenance of effort provisions of § 99.34 are not violated.

(ii) In selecting individuals who meet the original Title VI criteria, prime sponsors may give preference to unemployed qualified former health and safety personnel for public health and safety positions (sec. 607(c)(2)).

(3) The cumulative and current number of participants who become enrolled in Title VI after grant execution who meet the new eligibility criteria shall at all times approximate fifty percent or greater of all participants who become enrolled in Title VI after grant execution.

(4) In paragraphs (b)(1), (2), and (3) of this section, persons enrolled after grant execution shall not include Title II participants who are moved into Title VI during the initial separation of Titles II and VI participants.

(c) Any rehire who, after June 30, 1976, and before October 1, 1976, was laid off from a job supported under Titles II and VI because of the provisions of § 96.24 (e) and (f) of this subtitle may be reinstated by the prime sponsor into a Title VI position supported pursuant to paragraph (a)(1) of this section without regard to requirements of paragraphs (b)(1) and (2) of this section. However, reinstatement shall be subject to RA determination that they were laid off because of § 96.24 (e) and (f), after review of information provided in § 99.12 (d)(3)(i)(D). The reinstatement provision of this section shall not relieve a prime sponsor from compliance with § 99.34(d) (sec. 609(c)).

§ 99.41 Project and activity approval.

(a) Funds remaining after funds are reserved for supporting the level of opportunities determined in § 99.40(a)(1) shall be utilized for public service jobs in new projects, as defined in § 94.4(ooo), and activities, as described in § 99.33, not to exceed one year in duration (sec. 607(b)).

(b) Such projects and activities shall be funded as follows:

(1) Each prime sponsor shall establish procedures for its own use and the use of its program agents for notifying potentially eligible project applicants (as defined in § 94.4(ppp)) of the application process and cut-off date for acceptance of applications.

(2) Each prime sponsor is responsible for establishing procedures for its own use and the use of its program agents, whereby, upon receipt, a copy of each project/activity application shall be submitted to the prime sponsor's planning council to allow the council to submit comments and recommendations with respect to the application (sec. 609(a)).

(i) No member of a prime sponsor's planning council shall cast a vote on any matter in connection with a proposed project or activity in which that member (or any organization with which that member is associated) has a direct interest (sec. 609(a).

(3) Prime sponsors and program agents should give consideration to providing a substantial portion of the project and activity funds to nonprofit agencies, in order to insure that real, new jobs are created and to avoid substitution of Federal funds for services customarily provided by State and local governments.

(4) In reviewing project and activity applications, prime sponsors, and pro-

gram agents, should carefully consider any proposed expenditures for materials, supplies, equipment, and space in relation to the duration of the proposed projects and activities.

(5) Prime sponsors and program agents shall not disapprove a project or activity application without first considering any comments and recommendations submitted by the planning council and providing the applicant and the council with a written statement of the reasons for the disapproval (sec. 609(b)).

(6) In program agent areas, decisions on approving or disapproving project and activity applications shall be made in accordance with § 96.22 of this subtitle.

§ 99.42 Eligibility for participation in Title VI programs.

(a) The following criteria shall be used by prime sponsors in determining participant eligibility pursuant to § 99.40 (a) (2) and (b) (1) and in selecting participants for these positions (sec. 608(a)).

(1) An eligible person must be a member of a family which has a current total family income, determined pursuant to paragraph (a) (2) of this section, at or below 70 per centum of the lower living standard income level, as defined in § 94.4 (nnn), and

(i) Who has been receiving unemployment compensation for fifteen or more weeks; or

(ii) Who is ineligible for unemployment compensation and has been unemployed for fifteen or more weeks; or

(iii) Who has exhausted all unemployment compensation benefits; or

(iv) Whose family is receiving Aid to Families with Dependent Children (AFDC), including AFDC—Unemployed Fathers, under Title IV of the Social Security Act.

(2) (i) In determining current family income, the prime sponsor shall annualized, based on the three months preceding application, total family income, utilizing the same exclusions (e.g., unemployment compensation) used to determine family income for the Participant Record, except with regard to welfare payments. Only that portion of public payments received by the family which a family member, including the applicant, will be disqualified from receiving due to the enrollment of the applicant under Title VI (e.g., payments under the Aid to Families with Dependent Children of Unemployed Fathers program) shall be excluded.

(ii) In instances where, due to seasonal employment, summer employment for youth, or other circumstances, the three months period is unrepresentative, the prime sponsor shall compute family income by totaling all family income received during the twelve months prior to application, except for those exclusions indicated in paragraph (a) (2) (i) of this section (sec. 608(a) (2)).

(3) The prime sponsor shall take reasonable steps to insure that funds used pursuant to § 99.40(a) (2) and (b) (1) are equitably allocated among the categories of eligible persons described in subdivisions (i), (ii), (iii), and (iv) of paragraph (a) (1) of this section. Such equitable allocation shall be made in light of the composition of the population of unemployed eligible persons served by the prime sponsor, to the extent that such data are available. No one group shall be served exclusively, and no group shall be excluded from service (sec. 608(c)).

(4) Participants under Title I, section 302 and section 303 of the Act, participants under Sections 5 and 6 of the Emergency Employment Act, and participants under Title X of the Public Works and Economic Development Act who are enrolled in Title II or VI activities funded through the Department, may be transferred pursuant to § 99.40 (a) (2) or (b) (1) if they met the requirements of paragraph (a) (1) of this section and § 99.38 at the time of their entry into the program from which they are being transferred, and if maximum efforts have been made to place such individuals in unsubsidized employment or training (sec. 105(a) (2)).

(b) In order to be eligible pursuant to § 94.4(hhh), prior to application, or who

(1) (i) A person who has been unemployed for at least 30 days, as defined in § 294.4(hhh), prior to application, or who is underemployed, as defined in § 94.4 (fff), and who meets the residence requirements of § 99.38, is eligible pursuant to § 99.40(b) (2). The term residence is defined in § 96.27(f) of this subtitle; or

(ii) A person who has been unemployed for at least 15 days, as defined in § 94.4(hhh), except for the provision of § 94.4(hhh) (3), prior to application, or who is underemployed, as defined in § 94.4(fff) and who meets the residence requirements of § 99.38, is eligible for a job funded under § 99.40(b) (2) in areas of excessively high unemployment.

(2) A veteran who entered the U.S. Armed Forces during the Vietnam Era (August 5, 1964, to May 7, 1975), and who has served on active duty for a period of more than 180 days or who was discharged or released from active duty for a service connected disability, shall be immediately eligible, upon discharge, for participation in an activity under § 99.40 (b) (2) without regard to the 15- or 30-day unemployment requirement which would otherwise pertain (sec. 2013, Vietnam Era Veterans' Readjustment Assistance Act of 1972, Pub. L. 92-540): *Provided*, Such veteran has not obtained permanent, full-time unsubsidized employment between the time of discharge and the time of application for participation in Title VI.

(3) A person participating in a public employment program under a Section 5 or Section 6 grant funded by the Emergency Employment Act (EEA) may be transferred into an activity under § 99.40 (b) (2), in order to provide for the orderly phaseout of the EEA grant, if he/she met the requirements of § 99.38 at the time his/her entry into EEA, and provided that maximum efforts have been made to place such an individual in unsubsidized employment or training.

(4) Title I, Title II, section 302, and section 303 participants under the Act, and participants under Title X of the Public Works and Economic Development Act, who are enrolled in Titles II or VI activities funded through the Department may be transferred pursuant to § 99.40(b) (2) only if they met the requirements of paragraph (b) (1) of this section at the time of their entry into the program from which they are being transferred, and if maximum efforts have been made to place such individuals in unsubsidized employment or training (sec. 105(a) (2)).

(5) A person participating in a WIN public service employment program under Part C, Title IV, of the Social Security Act, who leaves or is removed from a public service employment position, shall be treated in the same manner as any other such applicant with respect to eligibility pursuant to § 99.40(b) (2):

(i) If such an individual is still receiving cash welfare payments, that individual meets the definition of unemployed for this title, and is immediately eligible if the individual also meets the requirements of § 99.38.

(ii) If the individual is no longer receiving welfare payments, that individual must meet the standard eligibility criteria for paragraph (b) (1) of this section.

(c) The following requirements are applicable in the selection process of participants for all jobs and activities filled under Title VI:

(1) The selection of participants shall be made in accordance with the provisions of § 96.25 of this subtitle.

(2) A person who obtains permanent, full-time unsubsidized employment after application shall no longer be considered eligible for Title VI, unless, even with such full-time employment, an applicant pursuant to § 99.40(b) (2) still meets the requirements of paragraph (b) (1) of this section.

(3) Citizenship may not be used as a criterion to prevent persons from participating in a program under Title VI. However, program participation shall be limited to nationals of the United States and aliens who have been accorded the privilege of residing in the United States as lawful permanent residents or are otherwise legally available for work in the United States.

(4) While the selection of eligible full-time students for participation in programs funded under Title VI is not prohibited, prime sponsors should exercise caution in providing for such participation and should provide for such participation only in accordance with these regulations. Prior to providing for such participation, prime sponsors should give special consideration to those persons most severely disadvantaged in terms of the length of time they have been unemployed and their prospects for finding employment without assistance under Title VI.

(5) A participant in a Title VI program may change jobs within a particular prime sponsor's or program agent's jurisdiction without reestablishing eligibility pursuant to paragraphs (a) or (b) of this section, but may not be employed in a job or activity for any other prime sponsor or program agent without again establishing eligibility pursuant to paragraphs (a) or (b) of this section.

(6) The provisions of § 96.28 and § 96.30, special consideration for most severely disadvantaged persons and groups to be provided special consideration, shall apply to programs funded under Title VI.

(7) The significant segments of a prime sponsor's population shall be served on an equitable basis, as provided in § 96.29 of this subtitle. In selecting individuals eligible pursuant to paragraph (a) of this section, the requirements of paragraph (a)(3) of this section are in addition to serving significant segments equitably.

§ 99.43 Verification of participant eligibility.

(a) A prime sponsor is responsible for assuring the eligibility of all participants under Title VI. The eligibility requirements of paragraphs (i), (ii), (iii), and (iv) of § 99.42(a)(1) of this Part are verifiable. Prime sponsors shall be liable for any payments made to participants determined ineligible during program audits or reviews or otherwise. Decisions on whether to verify eligibility and on the method of verification rest with the prime sponsor. However, in order to protect their liability, prime sponsors are encouraged to develop arrangements and procedures for the verification of participants as follows:

(1) Arrangements, including cooperative agreements, with SESAs for the verification of individuals whose applications indicate that they qualify pursuant to paragraphs (i), (ii), and (iii) of § 99.42(a)(1) of this Part; and

(2) Arrangements with public welfare agencies for the verification of individuals whose applications indicate that they qualify as an AFDC recipient (§ 99.42(a)(1)(iv)).

(b) As unemployment compensation recipients approach their 15th week or their exhaustion status, SESAs will be informing them of their possible eligibility for Title VI programs. Prime sponsors shall work with the SESA in the development of arrangements for informing these individuals of their possible eligibility for available opportunities.

§ 99.44 Special considerations on selection.

In providing public service jobs and determining hours of work for individuals eligible pursuant to § 99.40(a)(2) and § 99.40(b)(1), each prime sponsor shall take into consideration the household support obligations of the individuals and shall give special consideration to such alternative working arrangements as flexible hours of work, shared time and part-time jobs, for participants with particular needs, e.g., parents of young children, older persons, and handicapped individuals (sec. 608(d)).

§ 99.45 Administrative staff selection and compensation.

(a) The Title VI administrative staff shall be selected and compensated in accordance with the provisions of § 96.35 of this subtitle.

(b) When administrative funds are utilized to pay the wages of supervisory personnel for projects, the promotional rights of existing employees to fill the supervisory positions shall be protected.

Subpart E—Administrative Provisions

§ 99.70 General.

This subpart contains regulations on the administration of grants under Title VI of the Act. The regulations in this subpart reference the sections of Part 98 of this subtitle which apply to Title VI grants.

§ 99.71 Payments, financial management systems and audit.

§§ 98.2 through 98.6 of this subtitle relating to payments, financial management systems and audits apply to grants under Title VI of the Act (secs. 702(b), 713).

§ 99.72 Reporting requirements.

(a) Section 98.7 shall apply to Title VI programs (secs. 702(12), 713).

(b) Section 98.8 of this subtitle requiring submission of the Program Status Report and Monthly Report shall apply to programs under Title VI.

(c) Section 98.9 of this subtitle requiring submission of a Quarterly Summary of Participant Characteristics shall apply to programs under Title VI.

(d) Section 98.10 of this subtitle requiring submission of a Report of Federal Cash Transactions shall apply to programs under Title VI.

§ 99.73 Reallocation of funds.

(a) Irrespective of requirements under § 98.11 of this subtitle, the RA may make such reallocation, as he deems appropriate, of any amount of any allocation under Title VI of the Act to the extent that he determines that an eligible applicant will not be able to use such amount within a reasonable period of time.

(b) When the RA determines that a reallocation is appropriate, he shall give the grantee and the appropriate Governor 30-day notice of the proposed action to remove funds from the grant. Such notice shall include the specific reasons for the action being taken.

(c) The grantee and the Governor will be invited to submit comments on a proposed reallocation of funds. These comments shall be submitted to the RA within 30 days from the date of the notice. The RA shall notify the Governor and affected prime sponsors on any decision to reallocate funds and shall have any such decision published in the FEDERAL REGISTER.

(d) The procedures set out in this section are in lieu of any other procedure which might otherwise be applicable under § 98.40, et seq. of this subtitle.

(e) Any reallocation of funds shall be to an alternate eligible applicant to serve the same area or to eligible applicants to serve other areas. In reallocating such funds to serve other areas, priority shall be given first to eligible applicants within the same State and then to eligible applicants within other States, taking into consideration the number of eligible unemployed individuals in those areas (sec. 606).

§ 99.74 Allowable Federal costs.

(a) Section 98.12 of this subtitle concerning allowable Federal costs shall apply to Title VI grants. In addition, the cost of participants' salaries and fringe benefits or the cost of allowances in areas of excessively high unemployment may include jobs on community capital improvement projects, which would not otherwise be carried out by the grantee or subgrantee, including the rehabilitation, alteration, or improvement of public buildings, roads, and other transportation facilities, health and education facilities, and other facilities for the improvement of the community in which the community capital improvement project is or will be located, but such funds shall not be used for public service employment in new building and highway construction work or in other work which inures primarily to the benefit of a private profitmaking organization (sec. 604(b)(3)). The costs of participants' salaries and fringe benefits or the costs of allowances in areas of excessively high unemployment are allowable for participants engaged in construction, rehabilitation, alteration, or improvement of water and waste disposal facilities which would not otherwise be carried out, in communities having populations of 10,000 individuals or less which are outside the boundaries of a Standard Metropolitan Statistical Area (as defined by the Bureau of the Census) (sec. 604(a)(3)).

§ 99.75 Grantee contracts and subgrants.

Section 98.27 of this title shall apply to Title VI grants, except that contracts and subgrants may not extend more than 6 months beyond the term of the grant.

§ 99.76 Allocations of allowable costs among program activities.

Section 98.13 of this subtitle shall apply to Title VI grants.

§ 99.77 Basic personnel standards for eligible applicants.

(a) Section 98.14 of this title shall apply to Title VI grants (sec. 703(14)).

(b) The basic personnel standards, as set forth in § 98.14 of this subtitle, shall apply only to an eligible applicant's staff and not to program participants. However, in filling public service jobs funded under Title VI of the Act, eligible applicants shall insure that applicable personnel procedures and collective bargaining agreements have been met.

§ 99.78 Adjustments in payments.

Section 98.15 of this subtitle shall apply to Title VI grants (sec. 702(b)).

§ 99.79 Termination of grant and closeout procedures.

Sections 98.16 and 98.17 of this subtitle shall apply to Title VI grants (sec. 702(b)).

§ 99.80 Retention of records.

Section 98.18 of this subtitle shall apply to Title VI grants (sec. 703(a)(12)).

§ 99.81 Program income and procurement standards.

Sections 98.19 and 98.20 of this subtitle shall apply to Title VI grants.

§ 99.82 Nondiscrimination, equal employment opportunities, nepotism and restriction on political activities.

(a) Sections 98.21, 98.22 and 98.23 of this subtitle apply to Title VI programs (secs. 703(1), 710 and 712):

(b) Sections 98.24, 98.25, 98.26, 98.28, and 98.29 of this subtitle relating to general benefits and working conditions, retirement programs, procedures for resolving issues, nonfederal status of participants, and Davis-Bacon Act provisions, shall apply to Title VI programs.

§ 99.83 Assessment and evaluation.

Sections 98.30 through 98.34 shall apply to Title VI grants (sec. 703(14)).

§ 99.84 Hearings and judicial review.

Sections 98.40 through 98.49 of this subtitle shall apply to Title VI grants (except as otherwise provided in this part).

Subpart F—Special Conditions for Grants to Indian Tribes and Alaskan Native Villages

§ 99.90 General.

This subpart contains special conditions for grants under Title VI of the Act to Indian tribes on Federal and State reservations, recognized tribes in the State of Oklahoma, and Alaskan Native Villages in the State of Alaska. To the extent that any provisions of this subpart differ from any other provision of this part, the provisions of this subpart shall govern. Otherwise, the requirements of this part 99 apply to programs under this subpart.

§ 99.91 Grant responsibility.

The Division of Indian and Native American Programs in the Office of National Programs shall have full responsibility for all matters pertaining to funds allocated to eligible applicants as defined under § 99.90 above. For purposes of this subpart, all references to RA in this Part 99 shall be read as Director, Division of Indian and Native American Programs.

§ 99.92 Distribution of funds.

Funds for use under this subpart shall be not less than 2 percent of all funds appropriated for Title VI programs. Such funds shall be allocated among the designated prime sponsors on the basis of the prime sponsor's Indian and Alaskan Native rate of unemployment compared to the rate of unemployment in all eligible areas. In making such allocations, the Secretary shall use the best data available.

§ 99.93 Eligibility for funds.

Indian tribes on Federal or State reservations, recognized tribes in Oklahoma and Alaskan Native villages shall be eligible for Title VI funds provided they meet the requirements of § 96.42 of this subtitle, except that recognized tribes in Oklahoma and Alaskan Native villages are exempt from the Federal or State reservation requirement.

§ 99.94 Funding of prime sponsors.

(a) A prime sponsor, if necessary, shall update its Preapplication for Federal Assistance (SF-424) to include a request for funding pursuant to Title VI of the Act. An eligible applicant which has not previously submitted a Preapplication shall comply with § 97.111 of this subtitle.

(b) A consortium, if necessary, shall amend its consortium agreement to insure that it covers activities funded under Title VI of the Act.

(c) Funds made available pursuant to Title VI shall be included in existing Fiscal Year 1977 grants via a modification if appropriate. If new grants are executed, they shall be for a period not to exceed 12 months.

(d) The Title VI modification of the new grant shall consist of the Employment Plan and the Grant Sheet. New grants shall also include appropriate Assurances and Certifications. The Employment Plan shall consist of:

(1) A full narrative description of the program;
(2) A program planning summary;
(3) A budget information summary;
(4) An occupational summary;
(5) A program summary; and
(6) A monthly plan.

§ 99.95 Participant eligibility.

Indian and Alaskan Natives who meet the eligibility and residency requirements of this part shall be eligible to participate in programs funded under Title VI.

§ 99.96 Comments and publication procedures relating to submission of application for funding.

Each eligible applicant shall provide an opportunity for comment on its Title VI plan as set out in § 97.115 of this subtitle.

§ 99.97 Planning process; advisory councils.

Eligible applicants shall utilize in their planning process the services of their planning councils authorized under § 97.113 of this subtitle. In addition, the provision of § 99.41 shall apply to the project application approval process.

§ 99.98 Travel requirements.

Travel regulations for grantees under this subpart shall be those at § 97.161(f)(7) of this subtitle.

§ 99.99 Nepotism and conflict of interest.

(a) No prime sponsor, subgrantee or contractor shall hire, or permit the hiring of, any person in a staff position, nor shall they accept any person as a participant, if a member of the person's immediate family is employed in an administrative capacity by the prime sponsor, subgrantee or contractor. For the purposes of this section, the term "immediate family" means wife, husband, son, daughter, mother, father, brother, and sister. The term "staff position" includes all positions such as instructors, counselors, administrators, and suppliers of training and services. The term "employed in an administrative capacity" includes those persons who have overall administrative responsibility for a program, including: All elected and appointed officials who have any responsibility for the obtaining of and/or approval of any grant funded under this subpart as well as other officials who have any influence or control over the administration of the program, such as the project director, deputy director and unit chiefs; and persons who have selection, hiring, placement, or supervisory responsibilities for public service employment participants. The Secretary may waive this requirement if adequate justification is received that no other persons within the subgrantee's jurisdiction are eligible and available for participation or employment by the prime sponsor.

(b) Where a tribal policy regarding nepotism exists which is more restrictive than this policy, the prime sponsor shall follow the tribal rule.

(c) Each prime sponsor shall establish safeguards to prohibit employees under the grant, board members, or tribal council members from using their positions for private gain for themselves or others with whom they have family, business or other ties.

§ 99.100 Non-discrimination; political activities.

Sections 98.21 and 98.23 shall be applicable to programs under this subpart except to the extent that those provisions conflict with 42 U.S.C. 2000e(b).

§ 99.101 Subgrants.

In addition to the requirements concerning subgrants, Indian tribes may require that subgrantees agree, to the maximum extent feasible, to hire as staff qualified Indians in accodance with 42 U.S.C. 2000e-2(i).

Signed in Washington, D.C., this 7th day of December 1976.

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

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federal register

FRIDAY, DECEMBER 10, 1976

PART III:

DEPARTMENT OF LABOR

Pension and Welfare Benefit Programs

DEPARTMENT OF THE TREASURY

Internal Revenue Service

■

UNIVAR RETIREMENT PLAN

Exemption From Prohibitions

DEPARTMENT OF LABOR

Pension and Welfare Benefit Programs

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[Prohibited Transaction Exemption No. 76-10]

EMPLOYEE BENEFIT PLANS

Exemption From Prohibitions Respecting A Transaction Involving the Given International Employees' Stock Bonus Plan (Application No. D-333)

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 Interal Revenue Code of 1954 (the Code), relating to a transaction involving the sale of certain plan assets to the Crocker National Bank (Crocker).

Background. On August 13, 1976, notice was published in the FEDERAL REGISTER (41 FR 34384) of the pendency of an exemption for certain transactions described in an application filed by Given International (Given) and the trustee of the Given International Employees' Stock Bonus Plan (Plan). The notice set forth a summary of the facts and representations contained in the application and referred interested persons to the application for a complete statement of the facts and representations. The notice also invited interested persons to submit comments on the requested exemption to the Department of Labor (the Department). In addition, the notice stated that any interested person might submit a written request that a hearing be held relating to the exemption.

A request for a hearing was received by the Department. The hearing request, which was submitted on behalf of certain unnamed beneficiaries of the plan, objected to the pending exemption on the grounds that the application did not demonstrate that the proposed transaction is in the interests of the Plan and its participants and beneficiaries or protective of the rights of participants and beneficiaries of the Plan. A hearing with respect to the pending exemption was held by the Department and the Service on October 12, 1976. Neither the person who filed the request for a hearing nor any participant or beneficiary of the Plan appeared at the hearing or submitted any additional written objection to the granting of an exemption. The trustee of the Plan and representatives of Given and of Crocker appeared at the hearing with their counsels and testified in favor of granting the pending exemption.

The Department and the Service have considered the objections as well as the comments in favor of granting the exemption and based on the representations in the application and the record of the hearing, the Department and the Service have decided to grant an exemption as set forth below for the transaction described in the application.

General information. 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 requirement 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 sections 406(b)(3) of the Act and 4975(c)(1)(F) of the Code; and

3. This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Further, 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 administrative 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 for exemption submitted by the applicants, the public comment received, and the record of the hearing, the Department and the Service find that it is administratively feasible, in the interests of the Plan and of its participants and beneficiaries, and protective of the rights of participants and beneficiaries of the Plan to grant, and hereby grants, an exemption effective this date so that the restrictions of sections 406(a) and 406(b)(1) and (2) of the Act and taxes imposed under section 4975(a) and (b) of the Code, by reason of sections 4975(c)(1)(A) through (E) of the Code, shall not apply to the sale by the Plan of the preferred stock of Given to Crocker, pursuant to the terms, conditions and representations set forth in the application.

The availability of this exemption is subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction when consummated pursuant to the exemption.

Signed at Washington, D.C., this 4th day of December 1976.

WILLIAM J. CHADWICK,
Administrator of Pension and Welfare Benefit Programs, U.S. Department of Labor.

DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

[FR Doc.76-36204 Filed 12-9-76;8:45 am]

Pendency of Proposed Class Exemption Involving Mutual Fund In-House Plans Requested by the Investment Company Institute (Application No. D-025)

Notice is hereby given of the pendency before the Department of Labor (the Department) and the Internal Revenue Service (the Service) of a proposed class exemption from the restrictions of section 406 of the Employee Retirement Income Security Act of 1974 (the Act) and from the taxes imposed by section 4975(a) and (b) of the Internal Revenue Code (the Code), by reason of section 4975(c)(1) of the Code. The pending class exemption was requested in an application filed by the Investment Company Institute (ICI), the national association of the American mutual fund industry. The pending class exemption would exempt from the prohibited transaction provisions the acquisition and sale of shares of a registered open-end investment company ("mutual fund") by an employee benefit plan which covers employees of the mutual fund or the mutual fund's investment adviser or principal underwriter, or an affiliate thereof (hereinafter referred to as "in-house" plan).

The application for a class exemption was filed pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with 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.

Summary of representations. The application contains representations with regard to the pending class exemption, which are summarized below. Interested persons are referred to the application on file with the Department and the Service for the complete representations of the ICI.

A mutual fund organization generally involves three distinct functions. First, there is the mutual fund itself, usually in corporate form, which issues its shares to the public and uses the proceeds to acquire securities meeting the fund's investment objective (i.e., growth, income, etc.). Second, there is the investment adviser, a separate entity, which not only provides investment advisory services to the mutual fund pursuant to a written contract with the fund, but which also performs many important administrative services for the fund and its shareholders. Third, there is usually a principal underwriter which, pursuant to a written contract, arranges for the dis-

tribution of the fund's shares to the public. Often the investment adviser and principal underwriter are the same entity or are under common control.

Many mutual fund organizations maintain employee benefit plans covering employees of the entities in the organization. Such in-house plans are commonly administered by the mutual fund, its investment adviser or principal underwriter or by trustees or investment committees comprised of directors, officers or employees in the mutual fund organization.

In most instances such in-house employee benefit plans invest (at the direction of those administering the plan or sometimes the plan participants) in whole or in part in shares of one or more of the mutual funds in the fund organization. A major reason for funding in-house plans in this maner is to prevent conflicts of interest which could arise if the mutual fund organization separately managed its own employee benefit plan and its publicly-held mutual funds. Such separate management could create ethnical questions for the mutual fund organization. For example, codes of ethics adopted by many mutual fund organizations prohibit any person related to the fund organization (including the organization's in-house plan) from purchasing or selling securities which the mutual fund is purchasing or selling or is considering purchasing or selling.

In view of the close relationships of the entities involved in the investment by a mutual fund organization in-house plan in shares of the mutual fund, a question exists as to whether such investments constitute prohibited transactions under section 406 of the Act and section 4975(c)(1) of the Code. The ICI believes that such investments do not constitute prohibited transactions. However, in order to remove uncertainty in this area and to avoid unnecessary disruption in the management of the assets of mutual fund organization in-house plans, the ICI has requested that the Department and the Service grant a class exemption to permit such investment to continue under certain conditions designed to safeguard the assets of these plans.

The ICI believes that without the requested class exemption, mutual fund organization in-house plans would not be able to continue to invest in shares of mutual funds within the organization and might be compelled to liquidate their existing investments in mutual fund shares and establish new investment structures and policies, with appropriate amendments of plan documents. Such actions would create special expenses for in-house plans and their participants and beneficiaries, and for their administrators, trustees and other fiduciaries. In addition, as noted above, a major reason for funding mutual fund in-house plans with mutual fund shares is to prevent conflicts of interest which could arise if a mutual fund organization separately managed its own employee benefit plan and its publicly-held mutual funds. Denial of this application would remove this method of preventing such conflicts and, therefore, could create conflict of interest problems for mutual funds, their investment advisers and principal underwriters.

The ICI further represents that mutual fund organizations are the most strictly regulated business entities under the federal securities laws. Because most mutual funds continuously offer their shares for sale to the public, such shares must be continuously registered for sale with the Securities and Exchange Commission (SEC) under the Securities Act of 1933 and as to those funds there must always be a current prospectus. The mutual fund itself, unlike other corporations, must be registered with the SEC under the Investment Company Act of 1940. Investment advisers to mutual funds must register with the SEC under the Investment Advisers Act of 1940. Principal underwriters must register with the SEC as broker-dealers under the Securities Exchange Act of 1934. The federal securities laws, and particularly the Investment Company Act, contain numerous provisions designed to prevent self-dealing, maintain the fund's independence and prevent the payment of excessive fees and charges by the mutual fund and its shareholders, including employee benefit plans. These provisions are similar to many of the fiduciary responsibility provisions contained in the Act and the Code.

In the opinion of the ICI, denial of its application for a class exemption would create a situation in which a plan covering employees of a firm specializing in investment management could not invest in the very investment vehicle managed by that firm, thus creating problems of employee morale. Further, the ICI believes that Rule 22d-1(f) adopted by the SEC under the Investment Company Act of 1940 encourages the funding of in-house plans with shares of mutual funds by providing that normal sales commissions on the purchase of mutual fund shares may be reduced or eliminated in connection with purchases by in-house plans.

The ICI also represents that the class of transactions for which it is requesting an exemption is similar to transactions involving the investment by an in-house plan of a bank or similar financial institution in depostis of such bank or institution, and to the purchase by an insurance company in-house plan of insurance contracts from the insurance company whose employees are covered by the plan. These transactions are exempt from the prohibited transaction provisions by virtue of sections 408(b)(4)(A) of the Act and 4975(d)(4)(A) of the Code and sections 408(b)(5)(A) of the Act and 4975(d)(5)(A) of the Code, respectively.

As proposed, the exemption would provide both retroactive and prospective relief. The ICI represents that because of uncertainty as to whether the subject transactions are prohibited transactions, many in-house plans continued to purchase mutual fund shares after January 1, 1975 in good faith and in order to avoid possible conflicts of interest in the investment practices of the investment advisory firms involved. Thus, the ICI believes that both retroactive and prospective relief is necessary.

The proposed class exemption covers the acquisition and sale of mutual fund shares by a plan provided that the plan covers employees of only the mutual fund, its investment adviser or principal underwriter, or any affiliated person of such investment adviser or principal underwriter. For purposes of this exemption, the term "affiliated person" is defined in accordance with the definition of that term set forth in section 2(a)(3) of the Investment Company Act of 1940.[1] If the conditions of the exemption are met, the exemption would be available whether or not the mutual fund, its investment adviser or principal underwriter, or an affiliated person thereof, is a fiduciary with respect to the in-house plan.

The proposed class exemption contains several conditions designed to safeguard plans against potential abuses. Under the exemption, a plan may pay a redemption fee in connection with the sale of mutual fund shares only if the fee is paid to the mutual fund (rather than to the investment adviser or principal underwriter or an affiliate thereof) and disclosure regarding the fee is set forth in the mutual fund's prospectus.

The proposed class exemption would not permit the payment of an investment management or investment advisory fee by a mutual fund in-house plan to the investment advisor or principal underwriter for the mutual fund or any affiliated person thereof. However, this would not preclude the payment of the mutual fund's customary investment advisory fee by the mutual fund with respect to the assets invested by the plan in the mutual fund.

The proposed exemption also requires all other dealings between the plan and the mutual fund or its investment adviser or principal underwriter, or affiliates thereof, be on a basis no less favorable to the plan than such dealings are (or have been) with other shareholders of the mutual fund. This condition is intended to cover, among other things, any administrative fees paid by a plan for the exchange by the plan of shares of one mutual fund in the fund organization for shares of another mutual fund in the organization.

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[1] Section 2(a)(3) of the Investment Company Act of 1940 provides that the term "affiliated person" of another person means, as here pertinent:

(A) Any person directly or indirectly owning, controlling, or holding with the power to vote, 5 per centum or more of the outstanding voting securities of such other person; (B) any person 5 per centum or more of whose outstanding voting securities are directly or indirectly owned, controlled, or held with power to vote, by such other person; (C) any person directly or indirectly controlling, controlled by, or under common control with, such other person; (4) any officer, director, partner, copartner, or employee of such other person; * * *

Additionally, effective for transactions occurring more than 60 days after the granting of the exemption, an in-house plan is not permitted to pay any sales commission in connection with the acquisition or sale of mutual fund shares. The ICI has received an interpretive letter from the SEC which the ICI believes will permit mutual fund organizations and their in-house plans to comply with this condition. A copy of the SEC interpretive letter is appended to the application submitted by the ICI and is on file with the Department and the Service.

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 section 404(a)(1)(B) of the Act; nor does it affect the requirement 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) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department and the Service must find that the exemption is administratively feasible, in the interests of the plan or plans and of their participants and beneficiaries, and protective of the rights of participants and beneficiaries of such plan or plans.

(3) The pending exemption, if granted, will be 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 exemption or a transitional rule.

(4) If granted, the pending class exemption will be applicable to a particular transaction only if the transaction satisfies the conditions specified in the class exemption.

(5) The application for exemption referred to herein is available for public inspection at the Public Document Room, Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue, N.W., Washington, D.C., 20210.

All interested persons are invited to submit written comments on the pending class exemption set forth herein. In order to receive consideration, such comments should be received by the Department of Labor on or before January 14, 1977. In addition, any interested person may submit a written request that a hearing be held relating to the pending class exemption. Such written request must be received by the Department on or before January 14, 1977, and should state the reasons for such person's request for a hearing and the nature of such person's interest in the pending class exemption.

All written comments and all requests for a hearing (preferably six copies) should be addressed to Office of Regulatory Standards and Exceptions, Pension and Welfare Benefit Programs, Room C-4526, Department of Labor, Washington, D.C., 20216, Attention: Application No. D-025. All such comments will be made part of the record, and will be available for public inspection at the Public Document Room, Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Pending exemption. Based on the application referred to above, the Department and the Service have under consideration the granting of the following class exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with 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:

Effective for transactions occurring after December 31, 1974, the restrictions of sections 406 and 407(a) of the Act and the taxes imposed by section 4975(a) and (b) of the Code, by reason of section 4975(c)(1) of the Code, shall not apply to the acquisition or sale of shares of an open-end investment company registered under the Investment Company Act of 1940 by an employee benefit plan covering only employees of such investment company, employees of the investment adviser or principal underwriter for such investment company, or employees of any affiliated person (as defined in section 2(a)(3) of the Investment Company Act of 1940) of such investment adviser or principal underwriter, provided that the following conditions are met (whether or not such investment company, investment adviser, principal underwriter or any affiliated person thereof is a fiduciary with respect to the plan):

(a) The plan does not pay any investment management, investment advisory or similar fee to such investment advisor, principal underwriter or affiliated person. This condition does not preclude the payment of investment advisory fees by the investment company under the terms of its investment advisory agreement adopted in accordance with section 15 of the Investment Company Act of 1940.

(b) The plan does not pay a redemption fee in connection with the sale by the plan to the investment company of such shares unless (1) such redemption fee is paid only to the investment company, and (2) the existence of such redemption fee is disclosed in the investment company prospectus in effect both at the time of the acquisition of such shares and at the time of such sale.

(c) In the case of transactions occurring more than 60 days after the granting of this exemption, the plan does not pay a sales commission in connection with such acquisition or sale.

(d) All other dealings between the plan and the investment company, the investment adviser or principal underwriter for the investment company, or any affiliated person of such investment adviser or principal underwriter, are on a basis no less favorable to the plan than such dealings are with other shareholders of the investment company.

Signed at Washington, D.C., this 4th day of December, 1976.

WILLIAM J. CHADWICK,
Administrator of Pension and Welfare Benefit Programs, U.S. Department of Labor.

DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

[FR Doc.76-36295 Filed 12-9-76;8:45 am]

federal register

FRIDAY, DECEMBER 10, 1976

PART IV:

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

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MINING CLAIMS

Recordation, Filing Proof, and Intention to Hold Mining Claims

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Part 3830]

MINING CLAIMS

Recordation, Filing Proof of Annual Assessment Work or Notice of Intention To Hold Mining Claims

The purpose of this rulemaking is to implement section 314 of the Federal Land Policy and Management Act of 1976 (Pub. L. 94-579; 90 Stat. 2743) (hereinafter called the Act) which requires the recordation of unpatented mining claims and the filing of information concerning assessment work or a notice of intention to hold a claim with the Bureau of Land Management (BLM) within specified periods. Another purpose is to coordinate the implementation of section 8 of the Act of September 28, 1976 (Pub. L. 94-429; 16 U.S.C. 1901-1912), which requires the recordation of unpatented mining claims located within the boundaries of the National Park System before September 27, 1977, with the implementation of section 314. The proposed regulations apply to both existing and future mining claims located under the Mining Law of 1872, as amended (30 U.S.C. 21-54).

Presently, there is no direct way of knowing how many mining claims exist on Federal lands or where the claims are located. Generally, mining claims are recorded only under State law in an office at the county level. To determine the existence of most mining claims requires a search of these county land records or an on-the-ground inspection.

The proposed regulations require the owners of unpatented mining claims, mill sites or tunnel sites loacted prior to the date of the Act to file a record of their claims with the BLM not later than three years after the effective date of the Act. New locations of unpatented mining claims, mill sites, or tunnel sites must be recorded with the BLM within 90 days after the date of location of the claim or site. Owners of unpatented mining claims, mill sites, or tunnel sites located within the boundaries of units of the National Park System have one year from the date of the Act of September 28, 1976 (90 Stat. 1342), to record their claims under that statute. Failure to file the required instruments in the required period will be deemed conclusively to be an abandoment of the mining claim, mill site, or tunnel site, and the claim will be void as a matter of law.

For unpatented mining claims located before the date of the Act (October 21, 1976), the owners must file with the BLM by October 21, 1979, and before December 31 of each year thereafter, (1) a notice of intention to hold the claim, (2) an affidavit of assessment work performed on the claim, or (3) a detailed report concerning geological, geochemical, and geophysical surveys conducted on the claim, whichever is applicable to the situation. The owner of a new unpatented mining claim must file one of these instruments prior to December 31 of each year following the calendar year in which the mining claim was located. Failure to file the proof of assessment work or notice of intention to hold the claim would also acuse the mining claim to be conclusively deemed abandoned; such a claim would thereafter be void as a matter of law.

Mining claimants must also file copies of these documents with local government offices.

The proposed rules also require that whenever the owner of a recorded unpatented mining claim, mill site, or tunnel site transfers an interest in the claim or site his transferee must file a notice of the transfer with the BLM within 30 days after the transfer. If a person acquires an interest in a recorded unpatented mining claim, mill site, or tunnel site by inheritance, he must also file a notice of this fact with the BLM within 30 days after completion of the transfer.

For the purpose of contests or other action taken by the United States which affect a mining claim, the proposed regulations designate the proper BLM office as the place of record. In those instances, a search of the county records will not be made and only those owners who have recorded or filed in the proper BLM office will be personally notified of such action or contest.

An environmental impact statement has been determined not to be necessary because the issuance of these regulations would not be a major Federal action significantly affecting the quality of the human environment. The regulation only requires notification to the Department that a claim exists or that assessment work required by another statute has been done; it does not cause or prevent any person from taking any action that would individually or cumulatively significantly affect the quality of the human environment.

In accordance with the requirements of section 310 of the Federal Land Policy and Management Act of 1976 as to rulemaking, interested parties may submit written comments, suggestions, or objections with respect to the proposed regulation to the Director (210), Bureau of Land Management, Department of the Interior, Washington D.C., 20240, on or before January 10, 1977.

Copies of comments, suggestions, or objections made pursuant to the notice will be available for public inspection in the Division of Legislation and Regulatory Management, Bureau of Land Management, Rm. 5555, Interior Building, Washington, D.C. 20240 during regular business hours (7:45 a.m.-4:15 p.m.).

The Department of the Interior has determined that this document does not contain a major proposal requiring preparation of an Inflationary Impact Statement under Executive Order 11821 and OMB Circular A-107.

PART 3830—LOCATION OF MINING CLAIMS

Part 3830 is amended by adding Subpart 3833 to read:

Subpart 3833—Recordation of Mining Claims and Filing Proof of Annual Assessment Work or Notice of Intention To Hold Mining Claims

Sec.
3833.0-1 Purpose.
3833.0-2 Objectives.
3833.0-3 Authority.
3833.0-5 Definitions.
3833.1 Recordation of mining claims.
3833.1-1 Manner of recordation—National Park System.
3833.1-2 Manner of recordation—other Federal lands.
3833.1-3 When recordation not required.
3833.2 Proof of assessment work/notice of intention to hold claim.
3833.2-1 When filing required.
3833.2-2 Form—proof of assessment work.
3833.2-3 Form—notice of intention to hold claim.
3833.2-4 When proof or notice not required.
3833.3 Notice of transfer of interest.
3833.4 Failure to file.
3833.5 Effect of recording and filing.

§ 3833.0-1 Purpose.

One purpose of these regulations is to establish procedures for the recordation in the proper BLM office of unpatented mining claims, mill sites, or tunnel sites on Federal lands, and for the filing in the same office of proof of performance of annual assessment work or of a notice of intention to hold an unpatented mining claim. Another purpose is to notify the proper BLM office of the transfer of an interest in unpatented mining claims, mill sites or tunnel sites.

§ 3833.0-2 Objectives.

An objective of these regulations is to determine the number and location of unpatented mining claims, mill sites, or tunnel sites located on Federal lands to assist in the management of those lands and the mineral resources therein. Other objectives are to remove the cloud on the title to these lands because they are subject to mining claims that may have been abandoned and to keep the BLM abreast of transfers of interest in unpatented mining claims, mill sites or tunnel sites. These regulations are not intended to supersede or replace existing recording requirements under State law, and are not intended to make the BLM office the official recording office for all ancillary documents (wills, liens, judgments, etc.) involving an unpatented mining claim, mill site or tunnel site.

§ 3833.0-3 Authority.

(a) Subsections (a) and (b) of section 314 of the Act require the recordation of unpatented mining claims and the filing of information concerning annual assessment work performed or a notice of intention to hold such a claim in the proper BLM office within specified time periods. Subsection (c) sets forth the consequences of the failure to file such information or documents within the time limits prescribed.

(b) Section 8 of the Act of September 28, 1976 (16 U.S.C. 1901–1912), requires that all unpatented mining claims within the boundaries of the National Park System shall be recorded with the Secretary within one year after the date of the Act and provides penalties for failure to record.

(c) Section 2319 of the Revised Statutes (30 U.S.C. 22) provides that the exploration, location, and purchase of valuable mineral deposits shall be "under regulations prescribed by law," and section 2478 of the Revised Statutes, as amended (43 U.S.C. 1201), provides that those regulations will be issued by the Secretary.

(d) The Secretary has general responsibility and authority concerning public lands under 43 U.S.C. 2 and section 310 of the Act.

§ 3833.0–5 Definitions.

As used in this Subpart:

(a) "The Act" means the Federal Land Policy and Management Act of 1976 (Pub. L. 94–579; 90 Stat. 2743).

(b) "Unpatented mining claim" means a lode mining claim or a placer mining claim located under the General Mining Law of 1872, as amended (30 U.S.C. 21–54), for which a patent under 30 U.S.C. 29 and 34 CFR 3860 has not been issued.

(c) "Mill site" means any land located under 30 U.S.C. 42.

(d) "Tunnel site" means a tunnel located pursuant to 30 U.S.C. 27.

(e) "Owner" means any person who holds the possessory interest in all or any part of an unpatented lode or placer mining claim, mill site, or tunnel site whether such interest was obtained by location, purchase, gift, inheritance, or other means recognized under law for transfer of the right of possession and enjoyment recognized in the holder of the claim or claims under the General Mining Law of 1872, as amended, *supra*.

(f) "Federal lands" means any land or interest in land owned by the United States as defined by subparagraph (e) of section 103 of the Act and any other land or interest in land owned by the United States which is subject to location and purchase under the General Mining Law of 1972, *supra*., and 43 CFR Subpart 3811 including, but not limited to, those lands within units of the National Park System, forest reservations within the National Forest System and wildlife refuges within the National Wildlife Refuge System.

(g) "Proper BLM office" means the state Bureau of Land Management office having jurisdiction over the area in which the lands subject to the regulations are located. (See 43 CFR 1821.2–1 for office location and area of jurisdiction.)

(h) "Date of location" means the date indicated on the notice of location or discovery posted on an unpatented mining claim, mill site, or tunnel site under state law, or, if state law does not require the posting of a notice of location or discovery the date that the notice of location of the claim was posted in accordance with 43 CFR Parts 3830 and 3840.

(i) "Official record of the notice or certificate of location" means the instrument and all maps, papers or other documents filed for record with the county recorder or other officer now authorized to record such instruments under state law in the county where the unpatented mining claim, mill site, or tunnel site is located and any amendments thereof which may change or alter the information in § 3833.1–2(c).

§ 3833.1 Recordation of mining claims.

§ 3833.1–1 Manner of recordation—National Park System.

The owner of an unpatented mining claim, mill site, or tunnel site located within the boundaries of units of the National Park System must comply with the requirements of the Notice of October 13, 1976, entitled "Claimants of Mining Claims," published on October 20, 1976, at 41 FR 46357, and copies of all material received by the National Park Service pursuant to that Notice will be given by the Park Service to the proper BLM office. Compliance with the requirements of that Notice will be deemed full compliance with the requirements of section 314 of the Act for all owners of unpatented mining claims, mill sites, or tunnel sites within the boundaries of any unit of the National Park System.

§ 3833.1–2 Manner of recordation—other Federal lands.

(a) The owner of an unpatented mining claim, mill site, or tunnel site located on or before October 21, 1976, on Federal land, excluding land within units of the National Park System, shall file before October 22, 1979, in the proper BLM office a copy of the official record of the notice or certificate of location of the claim or site filed under state law, or, if state law does not require the recordation of a notice or certificate of location of the claim or site, a certificate of location containing the information in paragraph (c) of this section.

(b) The owner of an unpatented mining claim, mill site, or tunnel site located after October 21, 1976, on Federal land shall file within 90 days after the date of location of that claim in the proper BLM office a copy of the official record of the notice or certificate of location of the claim or site filed under state law or, if the state law does not require the recordation of a notice or certificate of location of the claim or site, a certificate of location containing the information in paragraph (c) of this section.

(c) The copy of the notice or certificates filed in accordance with paragraphs (a) and (b) of this section shall be supplemented by the following additional information unless it is included in the copy:

(1) The name or number of the claim, or both, if the claim has both;

(2) A reference by book and page or other identification number to the county or other local public record of the notice or certificate and, if amended, of the last recorded amendment thereof;

(3) The name, current mailing address, and current residential address of the owner or owners of the claim;

(4) A description of the percentage and type of interest held by each of the owners;

(5) The type of claim (placer, lode, mill site or tunnel);

(6) The mineral(s) for which the claim was located;

(7) The date of location; and

(8) A description of the claim or site depicted on a suitable map with a scale of not less than one inch to 2000 feet (if available, a 7.5 minute series U.S. Geological Survey topographical map) as follows:

(i) For all claims (placer, lode, mill site and tunnel site) located on surveyed or unsurveyed land, the description shall include the approximate location of the claim or any part of the claim within the smallest legal subdivision of a section with appropriate section, township, range, meridian, county and state obtained from an official survey plat or protraction diagram whichever is applicable, approved by the BLM.

(ii) For placer or mill site claims located on surveyed land where configuration of the perimeter of the mineral deposit and/or the location of previous claims in the area makes conformation of the boundaries of the claim within the smallest legal subdivision of a section impracticable, and for lode claims and tunnels located on surveyed land, the description shall also include a metes and bounds description which shows claim boundaries with bearing and distance of each course. A corner of the claim in this description shall also be connected by bearing and distance to the nearest official monument of the public land surveying system which can be found through the exercise of reasonable diligence.

(iii) For claims located on unsurveyed lands, the description shall include a metes and bounds description which shows claim boundaries with bearing and distance of each course, and, where practicable, those claim boundaries shall be oriented in cardinal directions. A corner of the claim in this description shall be connected by bearing and distance to an official corner of the public land surveying system, an official monument of an adjacent metes and bounds survey, other Federal government horizontal control station, or, if through the exercise of reasonable diligence none of the foregoing monuments can be located within a two mile radius of any part of the claim, a corner of the claim shall be connected by bearing and distance by not less than two prominent topographic, hydrographic or man-made features in the area.

(d) Each notice or certificate filed shall be accompanied by a $10 service fee which is not returnable.

§ 3833.1–3 When recordation not required.

If the owner of an unpatented mining claim or mill site had on file in the proper BLM office on October 21, 1976, an application for a mineral patent which

complies with 43 CFR Part 3860, except the requirements for publication and payment of purchase price (43 CFR 3862.4), or if the owner of an unpatented mining claim or mill site located on or before October 21, 1976, shall file in the proper BLM office an application for a mineral patent, as described above, before October 22, 1979, the filing of the application will be deemed full compliance with the recordation requirements of section 314 of the Act and the owner of that claim or site shall be exempt from the filing requirements of § 3833.1.

§ 3833.2 Proof of assessment work/notice of intention to hold claim.

§ 3833.2–1 When filing required.

(a) (1) The owner of an unpatented mining claim located on Federal land on or before October 21, 1976, shall file before October 22, 1979, and prior to December 31 of each year thereafter, in the proper BLM office proof of annual assessment work performed during the preceding assessment year or a notice of intention to hold the mining claim.

(2) The owner of a mill site or tunnel site located on Federal land on or before October 21, 1976, shall file before October 22, 1979, and prior to December 31 of each year thereafter, in the proper BLM office a notice of intention to hold the mill or tunnel site.

(b) (1) The owner of an unpatented mining claim located after October 21, 1976, shall, prior to December 31 of each year following the calendar year in which such claim was located, file in the proper BLM office proof of annual assessment work performed during the preceeding assessment year or a notice of intention to hold the mining claim.

(2) The owner of a mill site or tunnel site located after October 21, 1976, shall, prior to December 31 of each year following the calendar year in which such mill or tunnel site was located, file in the proper BLM office a notice of intention to hold the mill or tunnel site.

§ 3833.2–2 Form—proof of assessment work.

Proof of annual assessment work shall be in the form of either:

(a) An affidavit of assessment work performed setting forth the following information:

(1) The serial number assigned to the claim by the authorized officer upon filing of a copy of the official record of the notice or certificate of location or patent application in the proper BLM office;

(2) Any change in the mailing or resident address of the owner or owners of the claim;

(3) The character of the labor and improvements performed or made upon or for the benefit of the claim or group of contiguous claims, including the actual amount of money expended or the value of the labor or improvements;

(4) The year for which such improvements or expenditures were made or labor was performed;

(5) The exact dates on which the improvements or expenditures were made or the labor performed, or if such dates are unknown, the period of time within which and the estimated number of days on which they were made or performed; and

(6) The date on which an affidavit of assessment work performed on the claim, as required by the Act, was filed in the county office in which the claim was located.

(b) A copy of the detailed report concerning geological, geochemical, and geophysical surveys filed in the county office in which the claim is located pursuant to the Act of September 2, 1958 (30 U.S.C. 28–1), setting forth the following additional information:

(1) The serial number assigned to the claim by the authorized officer upon filing in the proper BLM office of a copy of the official record of the notice or certificate of location or patent application; and

(2) Any change in the mailing or resident address of the owner or owners of the claim;

(3) The date on which a detailed report concerning geological, geochemical and geophysical surveys, as required by the Act of September 2, 1958 (30 U.S.C. 28–1), and the Act, was filed in the county office in which the claim is located.

§ 3833.2–3 Form—notice of intention to hold claim.

A notice of intention to hold a mining claim or group of mining claims shall be in the form of a letter signed by the owner or owners of such claim or their agent setting forth the following information:

(a) The serial number assigned to the claim by the authorized officer upon filing in the proper BLM office of a copy of the official record of the notice or certificate of location;

(b) Any change in the mailing or resident address of the owner or owners of the claim;

(c) A statement that the claim is held and claimed by the owner(s) for the valuable mineral contained therein;

(d) A statement that the owner(s) intend to continue diligent exploration or development of the claim;

(e) The reasons that physical, legal, or other impediments, beyond the control of the owner(s), have prevented his filing an affidavit of assessment work performed or a detailed report of geological, geochemical, and geophysical survey under 43 CFR 3833.2–2 (such impediments may include, but are not limited to, deferment of annual assessment work, in which case the notice must be accompanied by a copy of petition for deferment and the order or decision disposing of such petition); and

(f) The date on which a copy of the notice of intention to hold the mining claim, as required by the Act, was filed in the county office in which the claim is located.

§ 3833.2–4 When proof or notice not required.

Proof of annual assessment work performed or a notice of intention to hold a mining claim need not be filed on unpatented mining claims, mill sites or tunnel sites for which application for mineral patent which complies with 43 CFR Part 3860 has been filed and final certificate has been issued. (See 43 CFR 3851.5). The filing of an application and issuance of the final certificate will be deemed full compliance with the requirements of section 314(a) of the Act and the owner of that claim or site shall be exempt from the filing requirements of § 3833.2–1.

§ 3833.3 Notice of transfer of interest.

(a) Whenever the owner of an unpatented mining claim, mill site or tunnel site, which has been recorded in accordance with § 3833.1, sells, assigns, or otherwise conveys all or any part of his interest in the claim, his transferee shall file in the proper BLM office within 30 days after the completion of the transfer the following information:

(1) The serial number assigned to the claim by the authorized officer upon filing of a copy of the official record of the notice or certificate of location in the proper BLM office;

(2) The name and address (residence and mailing) of the person(s) of whom an interest in the claim has been sold, assigned, or otherwise transferred; and

(3) A description of the interest conveyed.

(b) Whenever any person acquires an interest through inheritance in an unpatented mining claim, mill site, or tunnel site recorded in accordance with § 3833.1, he shall file in the proper BLM office within 30 days after completion of the transfer the information required by paragraph (a) of this section.

(c) Each notice of transfer shall be accompanied by a $10 service fee which is not returnable.

§ 3833.4 Failure to file.

(a) The failure to file such instruments as are required by §§ 3833.1 and 3833.2 within the time periods prescribed therein, shall be deemed conclusively to constitute an abandonment of the mining claim, mill site, or tunnel site and it shall be void.

(b) The fact that an instrument is filed in accordance with other laws permitting filing or recording thereof and is defective or not timely filed for record under those laws, or the fact that an instrument is filed for record under this subpart by or on behalf of some, but not all of the owners of the mining claim, mill site, or tunnel site, shall not be considered failure to file an instrument under this subpart.

§ 3833.5 Effect of recording and filing.

(a) Recordation or application involving an unpatented mining claim, mill site, or tunnel site by itself shall not render valid any claim which would not be otherwise valid under applicable law and does not give the owner any rights he is not otherwise entitled to by law.

(b) Nothing in this subpart shall be construed as a waiver of the assessment work requirements of section 2324 of the

Revised Statutes, as amended (30 U.S.C. 28), and compliance with the requirements of this subpart shall be in addition to and not a substitute for compliance with the requirements of section 2324 and with laws and regulations issued by any State or other authority.

(c) Filing of instruments pertaining to mining claims under other Federal law with the BLM or any other Federal agency will not excuse the filings required by this subpart and filings under this subpart will not excuse the filing of instruments pertaining to mining claims under any other Federal law.

(d) In the case of any action or contest affecting an unpatented mining claim, mill site or tunnel site, only those owners who have recorded their claim or site pursuant to § 3833.1-2 or filed a notice of transfer of interest pursuant to § 3833.3, will be considered by the United States as the record owners of such claim or site and will be personally notified of such action or contest. Owners who have not recorded a claim or filed a notice of transfer will be notified only by publication and will be bound by any contest proceeding or action even though they have not been personally served.

JACK O. HORTON,
Assistant Secretary of the Interior.

DECEMBER 7, 1976.

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federal register

FRIDAY, DECEMBER 10, 1976

PART V:

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

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NATIONAL HIGHWAY TRANSPORTATION

Statement of Policy

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

NATIONAL HIGHWAY TRANSPORTATION

Statement of Policy

The purpose of this notice is to present an initial Statement of National Highway Transportation Policy setting forth the general policies of the Federal Highway Administration (FHWA) of the United States Department of Transportation.

The formulation of policy statements has become an important and relevant process in recent times. Organizations, be they governmental, quasi-public, or private, are discovering there are several strategic alternatives which may be pursued in the attainment of broad goals or in response to societal needs. Clearly, it is in the public interest for a government organization to work toward a lucid and timely statement of policy so that members of the agency, other organizations, public interest groups, and society at large may enhance their understanding and opportunities to help shape the agency's overall directions, principles, and priorities. With such an understanding, those responsible for providing improved transportation will be guided by the appropriate national principles and policies which will lead to a safe, efficient, accessible, and effective highway transportation system.

The Secretary of Transportation's "Statement of National Transportation Policy," September 17, 1975, provides the overall transportation policy framework for this statement. As the Secretary stated, policy formulation is a continuing process, and no national statement or position may be fully implemented without the support of Congress, public officials, shippers, consumers, industry and other concerned citizens. Inasmuch as the impacts of highway transportation are so far-reaching, and involve so many people and organizations with a wide variety of interests, broad-based support for the Federal-aid highway program is essential for transportation progress.

Finally, it is emphasized that national highway transportation policy is derived also from Title 23, United States Code, wherein Congress has enacted legislation or declarations which dictate FHWA policy in certain program areas.

Public comments and criticisms are invited and welcomed regarding the initial Statement of National Highway Transportation Policy. Interested persons or organizations should submit their comments, in writing, to the Federal Highway Administration, Office of Program and Policy Planning, HPP-1, Washington, D.C. 20590.

Issued on: December 6, 1976.

NORBERT T. TIEMANN,
Federal Highway Administrator.

I. INTRODUCTION

PURPOSE AND SCOPE

This statement sets forth the general policies of the Federal Highway Administration (FHWA). It serves as basic policy guidance for the program planning, research, development, implementation, and management functions which derive from the statutory responsibilities of the FHWA. In order to provide such guidance, this statement expresses broad policy considerations which underlie the actions taken by those charged with carrying out highway programs in accordance with legislative and regulatory requirements.

This statement is organized into three principal sections. Section One, the Introduction, discusses the purpose, scope, and status of highway transportation and presents statements of the overriding national transportation principles to which the FHWA, as a Federal Agency, is committed.

Section Two, Policy Statements, sets forth the policies of the FHWA which directly affect the manner in which national highway transportation programs are administered.

Policy formulation is a continuing process. As changes occur in society's needs and desires, in national objectives, and in congressional actions, policy must be modified. It is the practice of the FHWA, therefore, to periodically update policies to ensure they reflect current national priorities. In recognition of this goal, Section Three, Policy Directions, discusses key policy considerations which will face the Agency in the near future. These have been developed in order to provide guidance for evolving policies.

The policymaking process may be characterized as complex, evolutional, and controversial. It is likely that policy positions have become controversial because transportation is an important national issue, involving all levels of government and a large segment of industry and the public at large, and because goals and objectives of these various groups are not always common. Thus, policy can represent but one aspect of concern, albeit an important one, in the analysis or assessment by the various levels of government of current directions and operations of the Nation's transportation systems.

Basic to this process are two fundamental policy problems. First, there is the question of the appropriate Federal role in improving the Nation's highway transportation systems. This persistent problem is highlighted in the Policy Statement issued by the Secretary of Transportation and in all statements which discuss the intergovernmental nature of transportation. Furthermore, the increasing interest in this problem has stimulated similar questions on the appropriate roles of State and local governments and the private sector. With respect to the private sector, it is an axiom that a dynamic, competitive and efficient private sector should meet the Nation's transport needs to the maximum extent feasible. The private sector and the government should interact effectively, mutually reinforcing common goals. With respect to the Federal role, while it may be impossible to resolve precisely in general terms, we do attempt to define and clarify the issues where possible throughout the discussion on Policy Statements.

The second fundamental policy problem concerns the scope of national highway transportation policy. The pervasiveness of the highway transportation system and its many ramifications are such that several issues which arise concerning its impacts and effects are clearly beyond the control and responsibility of the FHWA, or any Federal agency for that matter.

This issue is further complicated by the that the principal implementors of public policy are the elected and appointed officials of State and local governments. Thus, while national transportation policy may be formulated by Federal agencies, it is only through continuous and cooperative review and revision that such policies may meaningfully influence transportation decisions.

It is also emphasized that the policies of an operating administration must complement the policies for the other transportation modes. This policy statement is consistent with the current Statement of National Transportation Policy developed by the Secretary of Transportation and forwarded to Congress. Also, since programs for highway transportation involve coordination with other agencies, certain portions of this statement reflect activities currently administered jointly or in close cooperation with the Urban Mass Transportation Administration (UMTA) and the National Highway Traffic Safety Administration (NHTSA), as well as several other Federal agencies which have statutory responsibilities in related areas.

STATUS OF HIGHWAY TRANSPORTATION

Our highway system is one of the Nation's greatest assets. Billions of dollars have been invested since 1921 by all levels of government to plan, construct, maintain, and operate the entire highway system, but it is difficult to measure its true value to the economic and social life of the Nation. The mobility now so characteristic of our society would be greatly limited without an extensive system of safe and well maintained roads and streets. The nature, size, composition, and use of our Nation's output, the industrial structure within which it is produced, and the distribution of the corresponding income flow—geographically and among the people—are all dependent in some measure upon the design, location, and operation of the highway system. Highways, together with other transportation systems, have facilitated the Nation's economic growth.

Since the end of World War II, the Nation's highway system has been extended by 12 percent to a total of 3.8 million miles. This represents about one-fouth of the highway miles of the world. About 20 percent of the Nation's highway mileage is on Federal-aid system routes. The foundation of the system is the 42,500-mile National System of Interstate and Defense Highways, popularly called the Interstate System, of which 88½ percent, or about 37,500 miles, is now open to traffic. This System, while constituting only 1.1 percent of the Nation's highway

mileage, carries over 21 percent of all motor vehicle traffic.

Almost 134 million motor vehicles use the total highway system in the country. The 105 million automobiles, the 23 million trucks, the 5 million motorcycles and the half million buses registered in the United States represent 50 percent of all the vehicles in the world. The Nation's highway system carries 87 percent of the intercity passenger traffic and 23 percent of the intercity ton miles of freight. In urban areas, 98 percent of all personal trips are by highway and 95 percent of the freight moves by truck.

Despite the impressive extent and performance of the Nation's highway system, heavy use has contributed to serious deficiencies which must be corrected if the system is to continue to meet high standards of safety and efficiency. Though the Interstate System is not yet completed, it is already overloaded on a daily basis on certain critical urban sections, and many other arterials are overloaded during peak periods. Thousands of bridges on various highway systems must be replaced and hundreds of thousands of miles require safety and other improvements such as noise abatement and junkyard elimination or screening. Because of these deficiencies, there must be continuing improvement of the Nation's highway system.

Assuming sufficient availability of energy, highway travel is expected to increase about 40 percent between 1975 and 1990, and the current congestion on many urban and some rural highways will worsen unless adequate improvements to the system are undertaken or there are major changes in travel habits. Low-capital improvements in the Nation's urban transportation system can enhance mobility. These include better traffic management, more efficient public transportation, increased carpooling, and exclusive bus lanes. However, there will be a continuing need for more capital intensive programs to upgrade heavily traveled urban and rural highways and bridges; to eliminate road hazards; and to purchase right-of-way for new transportation corridors where development is taking place. Above, all, the present level of performance of highway transportation must be maintained, and this will undoubtedly require substantial expenditures. Clearly, there are challenges ahead for policymakers in ensuring that our national highway transportation system keeps pace with the demands of society.

NATIONAL TRANSPORTATION PRINCIPLES

A national highway transportation policy must be based upon an evolutionary process which is responsive to changing national goals as reflected in Federal legislation. Certain overall national principles help provide the basis for policy development, program administration, future directions, and other relevant activities of a governmental agency. These basic principles also help define the contribution that Federal leadership must provide, consistent with the reality that governmental resources are finite and with the doctrine of intergovernmental and public-private cooperation. These fundamental national transportation principles are summarized below.

Mobility. Mobility is essential to the continued economic growth of the Nation. It has become an attribute of the American lifestyle, and a high degree of mobility depends in turn on a high degree of personal accessibility to transportation systems and the accessibility of such systems to available economic, recreational, and educational opportunities. Providing effective accessibility to and within the highway network, therefore, is a major policy goal in the management and administration of highway transportation programs.

It is certain that in order to maintain individual mobility, the automobile will continue to be the most universally accepted form of transportation. Moreover, the movement of goods is equally essential to economic well-being and must be facilitated by an efficient and reliable method of transport. Clearly, there is no national transportation policy principle more important than the continued enhancement of mobility for all Americans.

It is an axiom that prosperity depends, in large part, on the maintenance of individual mobility. Historically, there has been a direct correlation between mobility and the growth in the Gross National Product. Certainly the interlocking nature of personal transportation and economic growth illustrates the fact that mobility is not an end in itself but represents the means by which broader goals, such as economic opportunity, are attained.

Intergovernmental Cooperation. It has been a long-standing Federal policy that national development programs should be undertaken within the framework of an effective and cooperative Federal-State partnership. This policy principle is firmly embedded in Federal statutes and persists as a dominant policy goal for national transportation programs.

In addition, recognition in recent years of the increasing complexity and interjurisdictional nature of transportation has led Congress to enact legislation which has expanded the definition of the Federal interest and has acknowledged the legal authority and responsibility of local elected officials. Thus, consistent with Federal statutes, national transportation policy is based upon the principle of allowing State and local governments maximum flexibility in implementing transportation programs, while ensuring that an effective and cooperative process for planning and decisionmaking is at work at all levels of government.

Economic Development. By reducing transportation costs and increasing accessibility, public highway investments and improvements generate a number of other economic benefits, including increased employment and productivity, enhanced competition, reduced inflationary pressures, and new investment opportunities. For example, a rational system of transportation improvements can provide for the orderly development of rural and small urban areas. Taken together, these benefits promote national as well as regional and local economic development. In order to sustain and enhance economic growth and productivity, integrated and efficient transportation systems are necessary. Thus, a continuing program of transportation improvements to ensure a high level of transportation performance is essential to the Nation's prosperity and to the prosperity of State and regional areas.

Safety. Of utmost importance in providing transportation systems is the national requirement for safety. No value is greater than human life and no transportation responsibility more important than the safety of the passenger, driver, transportation worker, pedestrian and others exposed to transportation systems. Therefore, safety considerations must be accounted for throughout each stage in the transportation development process. For example, safety must be considered in the planning, design, and construction stages of highway improvements; in planning, designing and manufacturing vehicles; in determining traffic patterns and routes; in qualifying and training drivers/operators; in the loading, securing and delivery of passengers and cargo; in operating the vehicle on the highways; in identifying and eliminating risks and hazards; in reducing the severity of accidents; and in analyzing and researching transportation operations and accident data. In all these efforts, the responsibility for safety is shared among the various levels of government, the industry, and the general public.

Energy. Increased efficiency in the use of energy in the transportation sector and in the distribution of domestic energy resources is a major national priority. Moreover, national policy is directed to develop alternative energy sources and systems in order to minimize the dependence on foreign petroleum with its accompanying increases in price and uncertain availability.

The increased mobility, accessibility and economic growth generated by transportation improvements can affect the demand, the costs, and the supply of energy resources. Thus, as major consumers of energy, transportation developers and users must participate substantially in energy conservation programs and must consider energy efficiency as an integral part of transportation planning, design, construction and operation.

A national policy in the energy area also recognizes the benefits that improved transportation provides, both in improving access to domestic energy resources and in making more energy efficient the movement of people and goods.

Environmental Quality. It is a national policy that the adverse impacts of transportation on the quality of the human environment should be prevented or reduced and that transportation should be used to protect and enhance the environment wherever possible. In developing transportation projects, all feasible efforts should be made to improve the relationship between man and his envi-

ronment and to preserve natural and cultural resources.

National policy in this area is based upon the importance of fully considering social, economic, and environmental effects throughout the planning of transportation projects, and the need for a systematic, interdisciplinary approach in assessing these effects in conjunction with the transportation, engineering, and safety aspects of these projects. Thus transportation project decisions should be made in the best overall public interest, based upon a balanced consideration of the need for fast, safe, and efficient transportation, and the social, economic, and environmental effects of system improvement.

Civil Rights. It is a national policy that aggressive and conscious actions must be taken to achieve equal opportunities for minorities, women, the poor, the elderly, and the handicapped, to fight discrimination, and to ensure to the extent practical and economically feasible that the transportation system is accessible to all citizens. In transportation, as well as all other sectors, national policy encourages affirmative action in program practices to ensure that the benefits of Federal assistance are distributed equitably throughout all segments of the population.

II. Policy Statements

This section sets forth the general policies of FHWA, which underlie the specific actions and procedures taken in implementing programs in accordance with legislative and regulatory requirements.

In order to present policy positions in a format and context that is comprehensive in scope and yet consistent with the limitations and boundaries associated with the policy formulation process, the policy statements are grouped into various subject areas. It is important to emphasize that this grouping does not necessarily imply policy priorities or functional areas; rather, it is a means to organize statements of broad policy into topics which may then be related to programs.

It is also important to recognize that certain aspects of national highway transportation policy are contained in Title 23, United States Code. National highway legislation, especially section 101, is a statement of congressional policy on highway transportation which, because it is contained in a statutory document, takes precedence over and above other considerations. Where Congress has been silent, however, or in areas where policy is concerned with more detailed program management issues beyond the scope of congressional direction, the FHWA establishes positions consistent with national transportation policy.

As national goals, legislation, concerns, and conditions change, these policy statements shall be modified accordingly.

THE INTERSTATE SYSTEM

One of the most important national transportation policy priorities, as Congress has clearly indicated in Title 23, is the prompt and early completion of the National System of Interstate and Defense Highways. The incompleted sections of the Interstate System have been categorized into two types: those sections which are essential to complete a unified and interconnected system; and those sections which are not essential for connectivity and thus may be replaced by sections elsewhere in the State, or may be withdrawn and mass transit or other highway facilities substituted in their place. The FHWA places top priority on completion of the essential sections and programs are designed to accomplish this policy objective.

Even as progress is being made toward closing the remaining gaps in the Interstate System, safety and mobility on existing sections is being reduced by physical deterioration or by excessive traffic volumes. In order to ensure that the System continues to provide acceptable levels of mobility and safety, the FHWA, in cooperation with State and local governments, shall continually monitor System performance. Where System performance is found to be approaching unacceptable levels, attention will be directed to designing and implementing corrective measures. Moreover, it is FHWA policy that the Interstate program be recognized as a long-term national commitment to maintain a high level of service on the Nation's most important transportation system, and that adequate resources be provided to fulfill this commitment.

URBAN TRANSPORTATION

Urban transportation policy is a component of areawide development policy and provides the framework for a coordinated and comprehensive approach to meeting metropolitan transportation and other needs on the part of State and local governments. Federal urban transportation policy must recognize the need for both flexibility and improved efficiency in meeting these needs.

Although the automobile continues to be the most flexible and responsive mode of travel, improved highways are only one solution to urban transportation problems. Both public and private transportation are necessary to provide adequate mobility within urban areas. Different urban areas may desire different mixes of public and private service; therefore, communities should have the capability to allocate funds for various types of transportation improvements. An effective metropolitan transportation system requires a mix of modes, public and private, properly coordinated and using the relative advantages of each. Thus, it is FHWA policy that Federal-aid highway program funds be used, where appropriate cost-effective projects are identified, to fund improvements in urban areas which result in the most effective mix of transportation services. Above all, the FHWA shall continue to support a policy of flexibility in the use of Federal-aid urban funds to permit a wide range of projects, including those to increase the occupancy rate for automobiles and those to improve mass transportation.

A significant near-term policy is being pursued through the joint issuance of FHWA and UMTA regulations on the planning and programming of the full range of urban transportation improvements. These regulations represent progress in attaining improved intergovernmental relations, more intermodal facilities and services, and the consideration of alternatives and more effective means of managing urban transportation systems.

Inherent in the development and consideration of alternatives must be the process of maximizing cost-effectiveness. The cost discipline should serve as a major constraint in the project selection process, particularly in urban areas where high project costs and complex systems predominate. As each transportation decision is made under a specific set of cirmumstances, the tools used to measure and maximize cost-effectiveness should reflect that situation. Therefore, an obvious product of FHWA's urban transportation policy, as it relates to the decisionmaking process, should be the selection of the most effective alternative within budgetary limitations.

The more efficient use of existing urban transportation systems through improved traffic management and other techniques must receive even greater emphasis. It is FHWA policy that the movement of automobiles, motorcycles, buses, rail transit vehicles, taxis, trucks, bicycles, and pedestrian traffic be managed together so that maximum effectiveness of the urban transportation system as a whole may be more nearly achieved.

RURAL TRANSPORTATION

State and local governments, aided by Federal funds, have developed an extensive and efficient system of highways which has contributed greatly to the prosperity and enhancement of rural communities. In recent years, however, the Federal Government and many States have placed a greater emphasis on dealing with transportation problems in large metropolitan areas, and consequently the rate of major system improvements in rural areas has declined. To counter this trend, with its attendant impact on the Nation's economic well-being, FHWA policy shall focus greater attention on determining rural highway transportation needs and improving rural highway service. Increased emphasis will also be placed on determining appropriate programs and services for those rural residents who do not have access to private automobiles.

Congress has declared as national policy the need to emphasize more the construction and reconstruction of all Federal-aid systems in order to reach reasonable standards, including those for safety. This need is especially acute in rural areas where there are numerous structurally deficient bridges and where other critically needed highway improvements are by necessity being continually postponed. Furthermore, the problem of system deterioration may well intensify

with the elimination of unprofitable rural rail branch lines and the resulting shift of freight movements to rural roads. It is FHWA policy to cooperate with the States to accelerate wherever possible the upgrading of the rural transportation system, including the construction and reconstruction of highways where appropriate, in order to improve the service and performance of rural highway transportation.

PROGRAM FUNDING MECHANISMS

The mechanisms for funding Federal-aid transportation programs and the establishment of appropriate funding levels are significant policy issues. The FHWA endorses fully the policy of separating the issue of appropriate program funding levels from reference to fixed Federal Highway Trust Fund revenues. Program levels should be determined through careful analysis of system performance, and should reflect an explicit Federal role related to maintaining or improving such performance. Funding levels for long-term capital improvement programs, such as highway development, must have long-term stability to support an effective planning process, and should not be subject to erratic short-term fluctuations except in cases of unusual national conditions.

A fundamental premise of the FHWA, one which forms the basis for policies concerned with transportation program funding mechanisms, is that appropriate user charges are a fair and equitable means of obtaining transportation revenues in order to provide benefits to users. This policy has proven to be acceptable and effective in funding most transportation programs and in minimizing transport subsidies. Moreover, the FHWA supports the trust fund mechanism to ensure that user revenues are allocated for major transportation purposes, consistent with the provisions of Title 23, and to allow flexibility in determining appropriate funding levels. In such cases where programs are best financed by a trust fund, it is necessary to evaluate user charge levels periodically to determine if they need to be adjusted to support the program levels justified by performance objectives or to gain improved equity among classes and types of users.

It is important to view this general policy in proper context with respect to the relative use of transportation systems and the fact that some programs are financed from general revenues. A Federal use tax on gasoline is channeled into programs to improve Federal highway systems, thus one could argue that such a Federal tax is inequitable for predominant users of highways not on Federal systems. Moreover, the fact that community benefits also accrue to non-users of Federal-aid highways suggests that general funds should also support certain transportation improvements. However, while these benefits to the general public justify the funding of such Federal-highway programs as public lands and forest development from general revenues, sound policy holds that Federal programs should be financed by user charges, and the magnitude of Federal assistance should be determined by performance objectives.

Another important policy issue is concerned with the number of programs and the distribution of funds. The FHWA recognizes the advantages of reducing the number of separate categorical programs in order to provide State and local officials more flexibility and options in their selection of projects within broad-based programs, and shall continue to work with Congress to achieve this objective. It must be emphasized, however, that specific programs—such as the Interstate program, safety programs and innovative demonstrations—are desirable where there is a clear national interest and a strong Federal role is indicated. Furthermore, the FHWA endorses a policy of apportioning program funds on a formula basis whenever feasible, whether the formula is established by law or by administrative discretion, in order to distribute Federal aid as equitably as possible.

TRANSPORTATION PLANNING

Transportation exists to meet an interconnected set of broad national, State, and community social, economic, and environmental goals, and its profound effects on development must be consistent with these goals. To achieve this consistency, the FHWA encourages the coordination of transportation planning at all levels of government with land-use planning and other social, economic, and environmental planning.

Comprehensive and well coordinated transportation planning is an essential element of the transportation development process. The purpose of transportation planning is to provide a process for developing a coordinated set of goals and objectives, for selecting among transportation alternatives, and for initiating improvement programs. Effective planning must include a mechanism for maintaining cooperation between State transportation agencies, local governments, and local transportation agencies. In order to achieve this cooperation and an effective planning process, the FHWA requires State and metropolitan planning agencies to provide for input from appropriate local officials, to allow for public participation, and to improve the linkage between the planning and programming of projects. Furthermore, the planning process must be comprehensive and coordinated, incorporating all modes of transport, community development, and land use.

It is FHWA policy that in urban areas the transportation planning process shall include the development of a transportation plan and a short-term improvement program. The plan shall consist of a transportation system management element and a long-range element, while the transportation improvement program shall be a staged, multiyear program of cost-effective transportation projects consistent with the plan. An emphasis on products, as well as the process of urban transportation planning, serves to make the process more effective and provides a performance orientation to transportation planning.

If the Nation's overall transportation system is to work efficiently and provide adequate mobility for all, several modes of transport are required, all operating within a well coordinated, interconnected, and cooperative framework. Thus FHWA policy is that transportation planning at all levels of government should be multimodal, and special attention should be given to the need for improved intermodal transfer facilities and access to terminals.

RESEARCH AND DEVELOPMENT

The Federal Government should operate to the maximum extent through cooperative measures designed to improve the efficiency and productivity of transportation systems. In response to this policy, the FHWA pursues a broadly based research and development program designed to provide new and improved methods and procedures to construct, maintain, and manage the Nation's highway transportation system. The key element in this effort is the Federally Coordinated Program of Research and Development in Highway Transportation (FCP), which focuses all available resources on problem areas identified by the entire highway community. By encouraging and coordinating the efforts of State transportation agencies, private industry and research organizations, universities, and Federal agencies through the FCP, the highest level of expertise is brought to bear on the most critical highway transportation problems.

The highly developed level of the cooperative Federal-State relationship, which has long been recognized as the key element in the success of the Federal-aid highway program, is also essential in making use of highway research findings. By means of this partnership, the results of research and development are applied to highway planning, construction, operations, and maintenance activities on a nationwide basis. Above all, the FHWA policy seeks to ensure that the benefits of research and development are made available to other governmental agencies and to private enterprise through effective dissemination programs and appropriate incentives for their use.

A priority program in this area is the practice of technology transfer. In order to increase the benefits of highways, improve their quality and minimize their cost, the FHWA promotes the widespread use of new technology in a relatively short period of time in a number of ways:

Full support to the major Federal Government emphasis on technology transfer;

Increased coordination and intensification of efforts with the States and others in the highway community in using and promoting the use of new technology;

Increased capability and emphasis in the development of technology in the research program and in other programs;

Major emphasis on implementation, primarily through such mechanisms as the Executive Committee on Application of Improved Technology and the Experi-

mental Projects Program, Implementation Program, Demonstration Projects Program, and National Highway Institute Program;

Major emphasis on research and development activities of the field offices where technical staffs and operating personnel have an essential role in the success of the overall program.

Although the critical issues addressed by the FHWA research and development program vary from year to year as some problems are solved and others emerge, the policy goal to increase the effectiveness of the Nation's highway system, to improve its environmental compatability, and to reduce energy use and highway construction and maintenance costs, remains constant.

MANAGEMENT OF THE HIGHWAY SYSTEM

Sound public policy dictates that all levels of government should protect, improve the efficiency of, and maintain the performance of large public investments, in accordance with their appropriate and respective roles. Nowhere is this policy more appropriate than in transportation systems. With respect to highways, it is essential that the most efficient use be made of all highway systems, compatible with the land development and economic activity which these networks serve.

It is FHWA policy to encourage the use of system management techniques, or low capital intensive methods, to improve traffic flow and to help solve mobility problems. The reduction in mobility and safety resulting from increasing traffic volumes can often be corrected by increasing the capability of existing highways through various system management techniques as well as by increasing system capacity through new construction or reconstruction. This is especially the case in heavily traveled corridors and in urban areas. System management techniques included a wide variety of measures, such as: Traffic channelization; computerized traffic control; preferential treatment for transit and other high_occupancy vehicles; management and control of parking; changes in work schedules; speed limit changes; reduction and control of automobile use; and better accommodations for pedestrians, bicycles and trucks.

Since many of these concepts require new and innovative plans, it is FHWA policy that each urban transportation planning process shall include the development of a plan for transportation system mangement (TSM). The formulation of metropolitan strategies, the assessment of alternative measures, and the planning, selection, programming and execution of actions are clearly State and local responsibilities. It is imperative that the State transportation agency and the various local governments and transportation agencies cooperate in planning and implementing these actions.

PROGRAM MANAGEMENT

There are many general policy considerations associated with maintaining the highest possible degree of effectiveness in the FHWA's internal program administrative practices and those of its constituent agencies. The key policy considerations in the area of program management are summarized below.

The FHWA Organization. The FHWA shall continue to review periodically its internal organizations, procedures, and lines of authority in order to cope with the new and complex problems in the highway transportation field. The FHWA is increasingly called upon to advise State and local governments on complex highway-related issues. Since detailed knowledge of local conditions is frequently needed to respond effectively, the FHWA shall continue to delegate to its field offices as much flexibility and decision-making authority as is consistent with the uniform application of Federal highway policies.

Program Accountability. It is FHWA policy to ensure proper accountability in the administration of national highway transportation programs. This policy is in keeping with the responsibility to:

The Congress, which exercises legislative authority to establish programs, to obtain or supply financial resources, and to authorize action;

The President, the Secretary of Transportation, and others who exercise authority in terms of program management;

The public, who receive the benefits and represent the ultimate source of all funding.

In keeping with the goal to maintain proper accountability within the national highway transportation program, the FHWA shall employ and refine the necessary means and methods to:

Ensure that policy and program objectives established by Congress are being met and that desired results or benefits are being achieved;

Ensure that resources are being adequately protected and utilized efficiently and economically;

Ensure the honesty and fiscal integrity of its own organization and that of other agencies given authority in administering the program.

Inasmuch as the national highway transportation program is administered within the framework of an effective and cooperative Federal-State partnership, there is a mutual dependence on the part of the Federal Government and the States to ensure the proper accountability.

Streamlining of Procedures. It is FHWA policy that the flexibility of States in developing and carrying out projects using Federal highway funds should not be restricted by excessive Federal regulation. While the Agency has the responsibility to ensure compliance with existing Federal laws and objectives, it is FHWA policy to seek statutory changes whenever necessary to allow State procedures, as certified by appropriate State officials, to be substituted for most Federal requirements, so long as national interests are not compromised. In addition, the FHWA continually reviews its internal procedures to:

Minimize those requirements which are not contained or envisioned in the law;

Curtail lengthy and complex instructions;

Simplify existing procedures and requirements to provide greater flexibility and discretion at the local level;

Eliminate unnecessary paperwork;

Decentralize program responsibilities and related delegations of authority.

Quality Construction. It is FHWA policy to rigorously seek to improve highway construction practices. This goal involves the processes of design, planning, specification, materials control, and contract administration of all highway projects. It is time to readdress and reemphasize the basic function of highway transportation agencies—the construction and maintenance of quality highways—so as to provide the best possible investment of public highway funds.

Program Emphasis Areas. It is the policy of the FHWA to annually determine and carry out an internal program that focuses special attention on certain timely and significant objectives. These areas of emphasis provide the framework for setting operational priorities for the Agency in working with State and local governments in achieving national objectives of a priority nature. Following are the program emphasis areas for fiscal year 1977:

Quality of highway construction and maintenance;

Federal/State/local coordination and Federal interagency coordination;

Transportation systems efficiency;

Delivery system for Federal-aid highway funds;

Motor carrier safety;

Highway safety;

Civil Rights (internal, external, minority business enterprise participation).

Minority Business Enterprise Contracting. It is the policy of the FHWA, consistent with Executive Order, to provide opportunities for minority business enterprises to be informed, to bid, and to obtain commodity and service contracts. Accordingly, for FHWA procurements and State and local government procurements involving Federal funds, FHWA shall encourage and solicit the participation of minority business enterprises in the submission of proposals and bids and, where appropriate, in the performance of contract services.

Equal Opportunity. An important national goal is to achieve equal opportunity for all citizens and the redress of damages from past discrimination. To this end, the FHWA shall further internal efforts to recruit, promote, and train minorities and women for all positions and especially for those positions of a supervisory nature. As one example of action, new training in civil rights obligations will be required for FHWA managers and supervisors. In addition, agencies and contractors that receive Federal highway aid must also protect civil rights, and strive to eradicate the effects of past discrimination on the basis of race, color or national origin in the planning, location, design, construction, and operation of Federal-aid highway improvements.

SAFETY

The overriding policy goal in transportation safety is to provide the highest practicable and feasible level of safety for people and property associated with or exposed to the Nation's transportation systems. Although the accident and fatality rates of United States highways are the lowest of all major industrial countries, the FHWA is committed to a national highway transportation policy which will further reduce highway hazards and the resulting number and severity of accidents on all the Nation's highways.

Identification of the several factors which affect or contribute to highway safety has necessarily resulted in diffusion of responsibilities. Safety responsibilities are shared among all levels of governments, vehicle and component manufacturing industries, transportation utilities industries, highway builders, pedestrians, individual vehicle operators and other users of the highways. This situation is primarily due to the fact that the intercity and interstate nature of travel, and the economic necessity for highly efficient transportation, require that many jurisdictions and agencies be involved in the construction of safe roadways and in the development and enforcement of traffic safety regulations.

In carrying out safety programs, the FHWA seeks the voluntary cooperation of all those involved with highway transportation. The FHWA also provides technical assistance, engages in education and training programs, and provides financial assistance.

The following are current highway transportation safety policy objectives:

Realignment of FHWA safety functions to provide a focal point for coordinating safety efforts and evaluating progress;

Improvement in the overall management of safety programs by simplifying planning procedures and encouraging State agencies to better coordinate their activities;

Improvement of highway accident data collection and analysis systems;

Enforcement of the 55 m.p.h. speed limit;

Increased use of Federal-aid funds for cost-effective safety improvements;

Updating and enlarging by the States of their motor carrier safety activities through cooperative agreements with the FHWA;

Safer shipment of hazardous materials.

SOCIAL, ECONOMIC, AND ENVIRONMENTAL FACTORS

Sound transportation environmental policy encourages the use of transportation to improve the environment wherever economically possible, and to avoid or minimize transportation's adverse impacts on the environment. In recognition of this goal, in recent years a number of congressional measures and FHWA policies have been designed to minimize or eliminate the adverse impacts of highway transportation and to assure a greater compatibility of highways with the environment.

It is FHWA policy that full consideration shall be given in highway transportation programs to the impacts of highway development and travel, along with transportation needs, engineering aspects, safety elements, and project costs. Furthermore, a systematic, interdisciplinary approach is essential to assure a balanced treatment of all of these factors in providing for safe and efficient transportation service.

Full consideration of social, economic, and environmental factors requires open administration of the highway program, not only permitting but actively encouraging the involvement of other agencies and groups and the general public. This approach is important to assure public confidence in highway agencies, to develop fully information on social, economic, and environmental effects, and to bring to light a clear understanding of community values. Public involvement does not imply any lessening of responsibility for designated decisionmakers; it does mean the views of others will be available to decisionmakers before decisions are reached.

Other measures to assure full consideration of social, economic, and environmental factors include an objective analysis and comparison of the impacts of alternative courses of action, and the early identification and study of these factors, so that this knowledge is available in time to be presented at public meetings and to influence decisions. These alternatives include, where appropriate, various types and scales of highway improvements, improvements to other transportation modes, and the option of not undertaking any project at the time envisioned.

The aesthetic impact of highway development is an important consideration, and special attention should be given to assuring that both urban and rural highways are as visually pleasing as possible. The appearance of the roadside is also important, and the control of junkyards and outdoor advertising along the Interstate and primary systems, roadside landscaping, and the construction of scenic overlooks and pleasant roadside rest and recreation facilities remain as important elements of highway beautification.

It is FHWA policy that noise control mitigation measures be taken, where feasible, when anticipated noise levels for new projects exceed specified levels related to adjacent land uses. In addition, FHWA supports legislation to reduce the noise level of motor vehicles and encourages land use planning and control by State and local governments to prevent noise-sensitive uses from developing in high-noise impact areas or to ensure that such development is planned to minimize adverse effects. Also, in response to congressional direction, FHWA has issued air quality guidelines for new projects in designated air quality control regions.

Noise and air quality are relatively tangible items lending themselves to rather direct action, but for other less tangible factors the FHWA position is that attention should be focused on the entire process of project development rather than only final project plans, and that the States should, subject to FHWA approval, develop their own programs and methods for assuring that national goals and objectives are met. The States, with FHWA guidance and approval, are now implementing Action Plans or required procedures for considering impacts of roadway development.

It is FHWA policy that every effort be made to minimize the detrimental effects on those who must be relocated or are otherwise directly affected by highway construction. Under the provision of the Uniform Relocation Assistance and Land Acquisition Policies Act of 1970, comprehensive relocation assistance is available to persons directly affected by highway projects. It is FHWA policy to assure that this assistance is provided in a fair and equitable manner in all cases.

SPECIAL HIGHWAY PROGRAMS

The Federal Government has a unique interest and role in special programs such as those to construct and improve highways on federally owned lands, to promote mobility in Appalachia and designated economic growth centers, to provide highway assistance to foreign governments, to assure access to defense facilities, and to provide disaster relief. These programs are established by the Congress, and the Federal Government is often the best level of government to directly finance and manage them, because they are often beyond the scope of the States. In many cases, these programs entail extensive coordination with other Federal agencies, or with foreign governments, and the direct Federal construction of highway facilities. It is essential that the FHWA maintain the capacity to carry out these special programs.

The FHWA policy is to administer these programs as efficiently as possible, to streamline procedures for administering them, and to assure the same high standards of performance, safety, and environmental protection as those established for the regular Federal-aid highway programs in cooperation with the States. Although the need for a strong Federal role in providing highways on Federal lands and in other special programs is obvious, FHWA will work to give State and local officials more responsibility in coordinating these programs, and to consolidate separate programs where possible. Such a policy is consistent with the principle of decentralization of national programs.

III. POLICY DIRECTIONS

The policy statements discussed above, together with the national principles expressed in the Introduction, form the basis for general policy in various program areas which the Congress and the executive branch deem in the national interest. Two significant points seem appropriate with respect to policy formulation by the FHWA in the future: First, it should be based as much as possible upon the systematic analysis of alterna-

tives and, second, that as coordinated, multimodal transportation systems continue to be developed, new perspectives on transportation service in its broadest functional terms will become necessary. Some of these policy directions are discussed briefly below.

Policy Analysis. The development, analysis, and evaluation of policy is a process that depends upon the systematic assimilation of relevant information, the formulation of alternative policies, and the evaluation of these alternatives in terms of their likely impact upon the transportation system. Although there are numerous activities currently underway within the FHWA designed to improve the information base upon which the process depends, one principal example in the area of investment programs should illustrate the directions in which highway transportation policymaking is headed.

The National Highway Inventory and Performance Study (NHIPS). In response to congressional direction, the FHWA has, since 1968, submitted to the Congress biennial reports on future highway needs. Studies were conducted in cooperation with the States, and the findings which were reported to the Congress in 1968, 1970, 1972, and 1975, have been useful in congressional deliberations on national highway legislation.

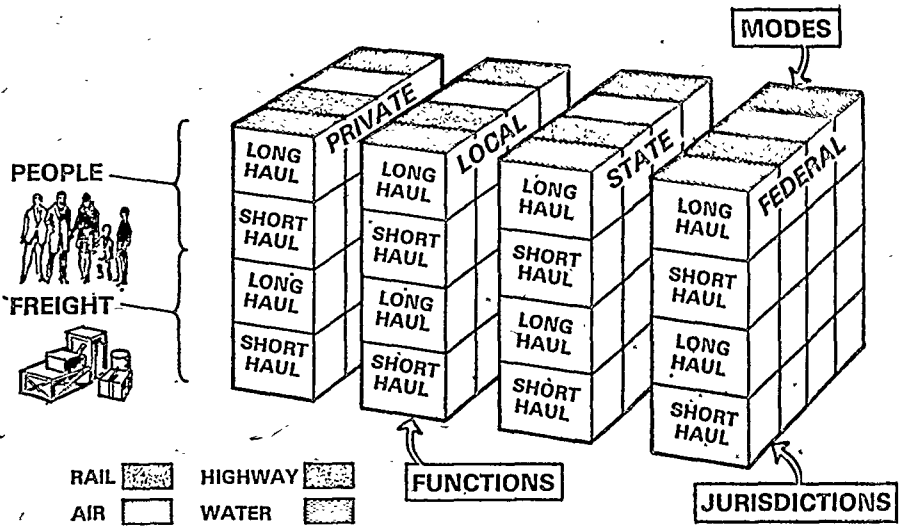
For the 1976 National Highway Inventory and Performance Study (NHIPS), the FHWA, with the cooperation of the States, is analyzing and evaluating the level of performance on the existing highway system as the primary objective. This approach was selected because of significant shifts in national transportation policy considerations. These concerns are illustrated by the following policy issues:

1. What are the appropriate Federal, State and local roles in highway construction, operation and maintenance of the post-Interstate System?
2. What are the appropriate funding levels for the Federal-aid highway programs?
3. What are the performance improvements anticipated from alternative investment levels?
4. What is the effect of Federal-aid funding levels upon State and local transportation decisions?
5. How can performance characteristics be measured uniformly when factors vary substantially across the Nation?
6. How can cost-effectiveness measures be equitably applied to public investment decisions?

The 1976 NHIPS is designed to respond to these types of policy issues by providing better information on the performance of the Nation's highway systems. Above all, it is clear that public investments will be subjected with increased rigor to economic analysis in the future and the FHWA policy shall be to provide the kind of information which will allow this type of scrutiny.

Transportation Objectives. The effectiveness of a transportation system can be measured by how well it provides specific types of service, or stated differently, by how well it meets specific transportation policy objectives. Transportation service can be categorized into four general functions: (1) Short haul of passengers, (2) Long haul of passengers, (3) Short haul of freight, and (4) Long haul of freight.

THREE-DIMENSIONAL CONCEPT OF THE VARIOUS FUNCTIONS AND JURISDICTIONS IN ALTERNATIVE MODES OF TRANSPORTATION



A transportation policy objective is to increase the efficiency with which passengers and freight are transported both short and long distance. The demand for these four categories of transportation service, and the facilities required to accommodate them, must be determined and the appropriate Federal programs and investment levels defined. The figure on the following page illustrates the concept of four distinctive types of transportation service. It shows that the complete transportation system is comprised of several different modes and that various public and private jurisdictions have a part in the development and operation of the system.

Policies for improving efficiency in each of these broad service categories may vary somewhat depending on the location of the facility or service in question and the particular characteristics of each type of service. But, essentially, the general policy objectives for these four categories are to provide and maintain safe, efficient, accessible, and cost-effective systems, and to make personal travel as convenient, comfortable, and pleasant as possible.

To facilitate the long haul of passengers and freight—that is, their transport between cities and between rural communities—principal intercity and interregional highways must continue to be developed and maintained. An adequate system of collector routes must also be available to provide access to the main arterial routes on which long distance travel occurs, and to facilitate egress from the arterial system to ultimate destinations.

Policy objectives for the transport of passengers short distances are the same for rural communities and metropolitan areas. But for the latter, the problems to be resolved are more complex. A basic objective regarding both rural and urban areas is that acceptable transportation service should be available to all people. In rural areas this essentially entails assuring that adequate roads exist. There is a growing awareness, however, that public transportation service is also needed in rural areas. The Rural Public Transportation Demonstration Program is a step toward demonstrating this need and should help Federal, State, and local officials devise more effective rural public transportation programs in the future. As more is learned about the special needs of rural residents, programs can be more specifically designed to meet those needs.

In urban areas, population density and the great variety of trip purposes and travel patterns present problems for determining the best system for moving people. The goal is to find the best balance between the private automobile and public transportation. Since the appropriate balance varies from city to city, depending on city size, population densities, land use patterns, and various other factors, State and local officials require flexibility in allocating funds among alternative types of improvements—whether they be development of highway facilities, public transportation improvements, or traffic management techniques—if the particular services each city needs are to be provided.

The service category short haul of freight involves the local distribution of goods. Included in this category are not only pickup and delivery service occurring entirely within a particular local area, but also the origin and destination portions of long haul service. Urban

goods movement causes special problems because of the mixture of truck and automobile traffic in congested downtown and other commercial and industrial areas. System improvements must minimize adverse environmental impacts and the disruption of traffic flow. In rural communities the primary need is to improve highway transportation access to and within each community and industrial or commercial center, especially in those corridors where unprofitable railroad branch lines may be abandoned.

The appropriate policy directions for the future must ensure that the transportation system operates efficiently with respect to the four major transportation service categories and that all system improvements are compatible with broader societal goals. This goal indeed provides a challenge to all those concerned with the development and use of the Nation's transportation system as well as to the formulation of future policy statements on transportation.

[FR Doc.76-36296 Filed 12-9-76;8:45 am]

federal register

FRIDAY, DECEMBER 10, 1976

PART VI:

DEPARTMENT OF LABOR

Employment Standards Administration

■

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

General Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the 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.

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.

Florida:	
FL76–1064	May 2, 1976.
FL76–1113	Nov. 26, 1976.
Georgia:	
GA76–1120	Oct. 29, 1976.
Hawaii:	
HI76–5092	Sept. 24, 1976.
Idaho:	
ID76–5112	Nov. 26, 1976.
Indiana:	
IN76–2146; IN76–2147; IN 76–2148.	Oct. 29, 1976.
Kansas:	
MO76–4103	July 2, 1976.
MO76–4177	Nov. 12, 1976.
Kentucky:	
KY76–1128	Do.
Massachusetts:	
MA76–2095;MA76–2096;MA 76–2097.	Aug. 13, 1976.
Michigan:	
MI76–2139; MI76–2140	Nov. 19, 1976.
Missouri:	
MO76–4103;MO76–4107;MO 76–4108.	July 2, 1976.
MO76–4105	Oct. 1, 1976.
MO76–4177	Nov. 12, 1976.
Nebraska:	
NE76–4180	Oct. 29, 1976.
Nevada:	
NV76–5098	Do.
Pennsylvania:	
PA76–3179	June 18, 1976.
PA76–3271	Nov. 5, 1976.
Texas:	
TX76–4042	Feb. 13, 1976.
TX76–4151; TX76–4152	Sept. 24, 1976.
TX76–4157	Oct. 1, 1976.
TX76–4169; TX76–4170	Oct. 8, 1976.
TX76–4183	Nov. 12, 1976.
Utah:	
UT76–5097	Nov. 5, 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.

California:	
CA76–5061 (CA76–5116); CA76–5062 (CA76–5117).	June 25, 1976.
Illinois:	
IL76–2025 (IL76–2149)	Mar. 5, 1976.
Nebraska:	
NE75–4113 (NE76–4190)	June 20, 1975.
Nevada:	
NV76–5091 (NV76–5114)	Sept. 24, 1976.
NV76–5113 (NV76–5115)	Nov. 26, 1976.
Vermont:	
VT76–2040 (VT76–2170)	Mar. 26, 1976.
Washington:	
WA76–5040 (WA76–5119)	Apr. 30, 1976.
Wisconsin:	
AR–3154 (WI76–2162); AR–3156 (WI76–2163); AR–3157 (WI76–2164).	Oct. 11, 1974.

Change in publication dates. Due to the forthcoming holidays the FEDERAL REGISTER will not be published on Friday, December 24 or 31. Modifications and supersedeas decisions to general wage determination decisions scheduled for publication on these two dates will be published on the following Tuesdays of each week, December 28, 1976 and January 4, 1977.

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

RAY J. DOLAN,
Assistant Administrator,
Wage and Hour Division.

MODIFICATION P. 1

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Decision #FL76-1064 - Mod. #2 (41 FR 21077 - May 2, 1976) Dade County, Florida.					
Add:					
Plasterers	$9.70	.60	.54		.04
Tile setters	9.70	.60	.54		.04
Change:					
Boilermakers	8.80	.60	.90		.02
Decision #FL76-1133 - Mod. #1 (41 FR 52233--November 26, 1976) Escambia, Okaloosa, Santa Rosa, and Walton Counties, Florida.					
Change:					
Decision number on page two should be FL76-1133.					
Add:					
Laborers	$4.00	.15			

MODIFICATION P. 2

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #GA76-1120 - Mod. #2 (41 FR-47722 - October 29, 1976) Chatham County, Georgia					
Change:					
Sheet metal workers	8.85	.30			.02

MODIFICATION P 3

DECISION #HI76-5092 - Mod. #3
(41 FR 42099 - September 24, 1976)
Statewide Hawaii

Change:
Boilermakers

Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Pensions	Vacation	Education and/or Appr. Tr.
$9.73	.65	$1.00		.03

MODIFICATION P. 4

DECISION #ID76-5112 - Mod. #1
(41 FR 52236 - November 26, 1976)
Statewide Idaho

Change:

Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos Workers:				
Remainder of Counties and Idaho County (south half)	$10.56	.52	$1.17	
Glaziers:				
Bonner, Boundary, Kootenai, Shoshone Counties	9.73	.35	.10	.43

MODIFICIATION p. 5

DECISION NO. IN76-2146 - Mod. #5
(41 FR 47737 - October 29, 1976)
Allen, Bartholomew, Benton, Dearborn, Delaware, Grant, Marion, Monroe, Tippecanoe, Vanderburgh, & Vigo Counties, Indiana

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Bricklayers:					
Dearborn County	$9.00		.30		
Marion County:					
Marble setters; & Tile setters	10.46	.30	.30		.04
Terrazzo workers	10.20	.30	.30		.03
Carpenters:					
Allen County:					
Carpenters; & Soft floor layers	9.45	6%a			.05
Millwrights; & Piledrivermen	9.78	6%a			.05
Bartholomew County (Camp Atterbury) & Marion County:					
Carpenters; Millwrights	11.05	.50	.60		.08
Electricians:					
Allen County	10.70	.40	1%+.30		.06
Bartholomew & Marion Cos.	11.00	4%	5%		.5%
Benton & Tippecanoe Cos.	10.80	.40	1%		½%
Delaware County	10.55	.40	1%+.30		.2%
Monroe County	10.40	.40	1%+.50		.01
Vanderburgh County	11.65	.40	1%		½%
Vigo County	11.00	.40	1%+.50		.01
Pipefitters; Plumbers; & Steamfitters:					
Bartholomew (Camp Atterbury), & Marion Counties	11.00	.50	.75		.04
Roofers:					
Bartholomew, Marion, Monroe, Counties:					
Composition; Waterproofers	10.43	.35	.40		
Slate, Tile, Asbestos, & Precast slab	10.68	.35	.40		
Helpers	8.93	.35	.40		
Benton & Tippecanoe Counties:					
Composition	10.10	.40	.28		
Slate, Tile, Asbestos	10.35	.40	.28		
Sheet metal workers:					
Benton & Tippecanoe Counties	10.03	.40&h	.30		.06
Terrazzo workers' helpers:					
Bartholomew, Delaware, Grant, Marion, Monroe, Tippecanoe, & Vigo Counties	8.95				

MODIFICATION P. 6

DECISION NO. IN76-2146 Cont'd

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Line Construction:					
Vanderburgh County:					
Lineman; Line truck ops.; Hole digger; Stool handling cable splicer	$11.65	.40	1%		
Groundman	10.29	.40	1%		
Truck driver	10.60	.40	1%		

DECISION NO. IN76-2147 - Mod. #2
(41 FR 47747 - October 29, 1976)
Lake, LaPorte, Porter, & St. Joseph Counties, Indiana

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Electricians:					
St. Joseph County	$10.65	4.8%	5%		.2%
Plumbers:					
Lake Co. (Hammond Area)	11.17	.90	.75		.02
Lake Co. (Gary Area), LaPorte County (except LaPorte City, Michigan City, Trail Creek, & Long Beach); & Porter County	11.20	.65	1.20		.02
LaPorte Co. (Michigan City, Trail Creek, & Long Beach)	11.77	.50	.55		.02

MODIFICATION P. 7

DECISION NO. IN76-2148 - Mod. #2
(41 FR 47755 - October 29, 1976)
Statewide, except Lake, LaPorte, Porter, & St. Joseph Counties, Indiana

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Line Construction:					
Crawford, DuBois, Gibson, Perry, Pike, Posey, Spencer, Vanderburgh, & Warrick Counties:					
Linemen; Line truck ops.; Hole digger; Stool handling cable splicer	$11.65	.40	1%		
Groundman	10.29	.40	1%		
Truck driver	10.60	.40	1%		

MODIFICATION P. 8

DECISION ØMO76-4103 - Mod. Ø2
(41 FR 27602 - July 2, 1976)
Cass, Clay, Jackson, Platte and Ray Counties, Missouri; and Johnson and Wyandotte Counties, Kansas

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Asbestos workers	$11.52	.50	.80		.05
Electricians(4 stories):					
Zone 1 - Western half of Clay and Jackson Counties, Missouri not including Blue Springs; Northern half of Platte County; Northwestern portion of Cass County, Missouri, not including Pleasant Hill	11.22	.39	1%+.51	.80	.06
Zone 2 - Remainder of Cass, Clay, Jackson and Platte Counties, Missouri:					
Electricians (contracts $5,000 and over)	11.22	.39	1%+.51	.80	.06
Electricians (contracts under $5,000)	10.67	.39	1%+.51	.80	.06
Zone 3 - Ray County, Missouri:					
Electricians (contracts $5,0000 and over)	11.22	.39	1%+.51	.80	.06
Electricians (contracts under $5,000)	10.06	.39	1%+.51	.80	.06
Glaziers	9.77	.55	.59	16.46%	.03
Omit:					
Electricians (Up to and including 3 stories):					
Zone 1 - Western half of Clay and Jackson Counties, Missouri not including Blue Springs; Northern half of Platte County, Missouri; Northwestern portion of Cass County, Missouri, not including Pleasant Hill	8.01	.29	1%+.31	.80	.06

MODIFICATION P. 9

DECISION ØMO76-4103 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Omit:					
Zone 2 - Remainder of Cass, Clay, Jackson and Platte Counties, Missouri	$9.47	.29	1%+.31	.80	.06
Zone 3 - Ray County, Missouri	7.34	.29	1%+.31	.80	.06
Electricians:					
Zone 1 - Johnson County, Kansas (that portion of Johnson County west of Aubry, Oxford and Shawnee Townships)	5.95	.40	1%+.20		.05
Zone 2 - Remainder of Johnson County, Kansas	8.01	.29	1%+.31	.80	.06
Add:					
Electricians (Up to and including 3 stories):					
Zone 1 - Johnson County, Kansas (that portion of Johnson County west of Aubry, Oxford and Shawnee Townships)	6.30	.45	1%+.20		.05
Zone 2 - Cass, Clay, Jackson, Platte and Ray Counties, Missouri; and Wyandotte County, Kansas; and remainder of Johnson County, Kansas	8.31	.39	1%+.51	.80	.06

MODIFICATION R 10

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION ØMO76-4177 - Mod. Ø1 (41 FR 50139 - November 12, 1976) Cass, Clay, Jackson, Platte, Ray, Henry, Johnson and Lafayette Counties, Missouri; Johnson and Wyandotte Counties, Kansas					
Change:					
Asbestos workers	$11.52	.50	.80		.05
Electricians:					
Zone 1 - Western half of Clay and Jackson Counties, Missouri not including Blue Springs; Northwestern portion of Cass County, Missouri not including Pleasant Hill:					
Electricians	11.22	.39	1%+.51	.80	.06
Zone 2 - Henry, Johnson and Lafayette Counties, Missouri and remainder of Clay, Jackson, Platte and Cass Counties, Missouri					
Electricians (contracts over $5,000)	11.22	.39	1%+.51	.80	.06
Electricians (contracts $5,000 and under)	10.67	.30	1%+.51	.80	.06
Zone 3 - Ray County, Missouri					
Electricians (contracts over $5,000)	11.22	.30	1%+.51	.80	.06
Electricians (contracts $5,000 and under)	10.06	.30	1%+.51	.80	.06
Zone 4 - Johnson and Wyandotte Counties, Kansas	11.22	.30	1%+.51	.80	.06
Glaziers	9.77	.55	.59	16.46%	.03

MODIFICATION P. 11

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #KY76-1128 - Mod. #1 (41 FR-50144 - November 12, 1976) Allen, Ballard, Butler, Caldwell, Calloway, Carlisle, Christian, Crittenden, Daviess, Edmondson, Fulton, Graves, Hancock, Henderson, Hickman, Hopkins, Livingston, Logan, Lyon, McCracken, McLean, Marshall, Muhlenberg, Ohio, Simpson, Todd, Trigg, Union, Warren, and Webster Counties, Kentucky					
Change:					
Electricians:					
Groundman(outside)	7.01	.45	1%		¼ of 1%

MODIFICATION P. 12

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. MA76-2095- Mod #2 (41 FR 34501- August 13, 1976) Barnstable County, Massachusetts					
Change:					
Line construction:					
Linemen	$12.00	.65	1%	e	3/8of1%
Driver groundman	9.03	.65	1%	e	3/8of1%
Groundmen	7.68	.65	1%	e	3/8of1%
Piledrivermen	10.15	.60	1.00		1.00
DECISION NO. MA76-2096- Mod #2 (41 FR 34505- August 13, 1976) Berkshire County, Massachusetts					
Change:					
Bricklayers, cement masons, marble masons, plasterers, stone masons, terrazzo workers, and tile setters:					
Remainder of County	10.68	.65	.30		
Carpenters & Soft floor layers:					
Entire County	8.64	.55	1.00		.04
Electricians	9.54	.55	1%+.69		.02
Piledrivermen	10.15	.60	1.00		
DECISION NO. MA76-2097 - Mod. #2 (41-FR-34509 - August 13, 1976) Bristol County, Massachusetts					
Change:					
Electricians: Easton:					
Electrical contracts less than $40,000	9.15	6%	5%	2%	.5%
Electrical contracts $40,000 or more	11.05	6%	5%	2%	.5%
Residential	6.60	.50	5%	2%	.5%
Fall River, Freetown, Somerset, Swansea, and Westport	9.70	4%	1%+.80	4%	½%
Elevator constructors	11.445	.545	.35	4%+a+b	.02
Elevator constructors' helpers	70%JR	.545	.35	4%+a+b	.02
Elevator constructors' helpers (Prob.)	50%JR	.545	.35	4%+a+b	.02
Line construction:					
Linemen	12.00	.65	1%	e	3/8of1%
Equipment Operators	11.28	.65	1%	e	3/8of1%
Driver groundman	9.03	.65	1%	e	3/8of1%
Groundman	7.68	.65	1%	e	3/8of1%
Piledrivermen	10.15	.60	1.00		

MODIFICATION P. 13

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION ØMI76-2139 - Mod. Ø1 (41 FR 51313 - November 19, 1976) Macomb, Monroe, Oakland, Washtenaw & Wayne Counties, Michigan					
CHANGE:					
Electricians:					
Washtenaw County	$10.37	.50+4%	1%+.55	10%	2%
ADD:					
Electricians:					
Macomb, Oakland & Wayne Cos.	11.34	1.75	1%+1.00		.06
DECISION ØMI76-2140 - Mod. Ø1 (41 51318 - November 19, 1976) Statewide, Michigan					
OMIT:					
In Heading of Decision: Supersedes Decision No. MI76-2136, dated March 19, 1976 in 41 FR 11763					
ADD:					
In Heading of Decision: Supersedes Decision No. MI76-2036, dated March 19, 1976 in 41 FR 11763					

MODIFICATION P. 14

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION ØMO76-4107 - Mod. Ø2 (41 FR 27621 - July 2, 1976) Franklin, Jefferson, Lincoln, St. Charles and Warren and St. Louis City and County, Missouri					
Change:					
Bricklayers; stonemasons	$9.40	.52	.70	.90	.03
Electricians:					
Zone 1	9.64	.55	1%+5½%	15½%	.10
Zone 2	10.30	.55	1%+5½%	15½%	.10
Glaziers	10.73	.45	1.13	8%+c	.01
Ironworkers	10.625	.55	.70		.05
Lathers	10.975				.01
Marble setters	10.39	.325	.50		
Marble setters' helpers	10.08				
Plasterers	10.295	.48	.80		.03
Plumbers	10.355	.60	.60	.80	.20
Sheet metal workers	10.29	.51+3%	.71	.82	.04
Sprinkler fitters	12.21	.60	.90		.08
Tile setters	9.58	.555	1.00		
Tile setters helpers	8.58	.325	.40		

MODIFICATION P. 15

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION ØMO76-4108 - Mod. Ø2 (41 FR 27624 - July 2, 1976) Franklin, Jefferson, Lincoln, St. Charles, and Warren Counties, and St. Louis City and County, Missouri					
Change:					
Boilermakers	$10.45	.85	1.00		.02
Bricklayers; stonemasons	9.40	.52	.70	.90	.03
Electricians	10.30	.55	1%+5½%	15½%	.10
Glaziers	10.73	.45	1.13	8%+c	.01
Lathers	10.975				.01
Plasterers	10.295	.48	.80		.03
Plumbers	10.355	.60	.60	.80	.20
Sheetmetal workers	10.29	.51+3%	.71	.82	.04
Sprinkler fitters	12.21	.60	.90		.08
Tile setters	9.58	.555	1.00		
Tile setters helpers	8.58	.325	.40		

MODIFICATION P. 16

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION ØMO76-4105 - Mod. Ø1 (41 FR 43584 - October 1, 1976) Description of Work and Locations: Heavy and Highway Construction, Missouri					
Change:					
Cement masons:					
Zone 2	$10.93				
Zone 5	7.05	.70	.30	.35	
Zone 7	9.325				
Zone 10	9.30	.40	.50		
Electricians:					
Zone 2	11.22	.39	1%+.51	.80	.06
Zone 3					
Electrical contracts over $5,000.00	11.22	.39	1%+.51	.80	.06
Electrical contracts $5,000.00 and under	10.67	.39	1%+.51	.80	.06
Zone 4	11.22	.39	1%+.51	.80	.06
Zone 5					
Electrical contracts over $5,000.00	11.22	.39	1%+.51	.80	.06
Electrical contracts $5,000.00 and under	10.06	.39	1%+.51	.80	.06
Zone 11	10.325	.47	1%+.50	6%	.02
Zone 12	10.815	.47	1%+.50	6%	.02
Line Construction:					
Zone 3					
Lineman & cable splicers	10.75	.40	1%	12½%	½%
Groundman - winch driver	7.90	.40	1%	12½%	½%
Groundman - driver	7.62	.40	1%	12½%	½%
Equipment operator	9.61	.40	1%	12½%	½%
Groundman - 1st 6 mos.	6.11	.40	1%	12½%	½%
Groundman - next 12 mos.	6.36	.40	1%	12½%	½%
Groundman - next 12 mos.	6.98	.40	1%	12½%	½%
Groundman - thereafter	7.62	.40	1%	12½%	½%

MODIFICATION P. 17

DECISION #MO76-4105 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Painters:					
Zone 2					
Brush	$7.40		.25		
Spray	8.15		.25		
Zone 4					
Brush and roller	7.75	.45	.35		
Spray, structural steel and sandblasting	10.00	.45	.35		
Zone 5					
Brush	8.75				
Spray, taping machine	9.75				
Bridges 75 ft. in height	9.75				
All structural steel over 50 ft. in height	9.50				
Sandblasting	9.75				
Bridge	9.50				

MODIFICATION P. 18

DECISION NO. NE76-4180 - Mod. #3 (41 FR 47810 - October 29, 1976) Douglas & Sarpy Counties, Nebraska	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
BOILERMAKERS	$10.30	.85	1.00		.02
LABORERS:					
Common Laborers	6.92	.50	.40	.25	.05
Buggy Mobile Operators, Mason Tenders, Mortar Mixers	7.065	.50	.40	.25	.05
Pipelayers	7.20	.50	.40	.25	.05
Plaster Tenders	7.235	.50	.40	.25	.05
MARBLE SETTERS, TILE SETTERS & TERRAZZO WORKERS	9.45	b.	.25		
PAINTERS:					
Brush	9.20		.35		.02
Structural Steel & Paperhanger	9.50		.35		.02
Spray, Swing Stage, Hazardous & Sandblasting	9.75		.35		.02
SHEET METAL WORKERS	11.14	.50		6%	.06
SOFT FLOOR LAYERS	9.65			c.	.05
TRUCK DRIVERS:					
Single Axle	8.025	.50	.40		
Tandem Axle	8.10	.50	.40		
Trailers & Lowboys	8.225	.50	.40		
Lumber Carriers	8.80	.50	.40		
POWER EQUIPMENT OPERATORS:					
Group 1	8.01	.50	.40		
Group 2	8.11	.50	.40		
Group 3	8.36	.50	.40		
Group 4	9.50	.50	.40		
Group 5	9.60	.50	.40		
Group 6	9.85	.50	.40		

MODIFICATION P. 19

DECISION #NV76-5098 - Mod. #3 (41 FR 47812 - October 29, 1976) Statewide (excluding the Nevada Test Site and Tonopah Test Range), Nevada	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Asbestos Workers	$10.56	.52	$1.17		
Line Construction Workers:					
Clark, Lincoln, Nye County (south half):					
Line Equipment Operators	13.73	.73	1%		3/4%
Cable Splicers	5%overJR	.73	1%		3/4%

MODIFICATION P. 20

DECISION #PA76-3179 - Mod. # 4 (41 FR 24855 - June 18, 1976) Lackawanna, Susquehanna, Wayne & Wyoming Counties, Pennsylvania	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Carpenters:	$9.65	.43	.50		.05
Bricklayers & Stonemasons:					
Carbondale	9.95		1.00		
Millwrights:					
Lackawanna, Susquehanna & Wayne Counties	10.23	.43	.50		.05
Soft Floor Layers:					
Lackawanna, Wayne & Susquehanna Counties	9.65	.43	.50		.05
DECISION #PA76-3271 - Mod. # 1 (41 FR 48993 - November 5, 1976) Luzerne County, Pennsylvania					
Change:					
Asbestos Workers	9.95	.65	.60		.01
Marble Setters:					
Remainder of County	9.50		.50		

MODIFICATION P. 21

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION ØTX76-4042 - Mod. Ø5 (41 FR 7013 - February 13, 1976) Harrison County, Texas					
Change:					
Power Equipment Operators:					
Group 1	$ 7.515	.40	.75		.10
Group 2	8.30	.40	.75		.10
Group 3	8.70	.40	.75		.10
DECISION ØTX76-4151 - Mod. Ø5 (41 FR 42149 - September 24, 1976) Galveston & Harris Cos., Texas					
Change:					
Electricians:					
Harris County	11.20	.40	5%		.04
DECISION ØTX76-4152 - Mod. Ø4 (41 FR 42152 - September 24, 1976) Travis County, Texas					
Change:					
Electricians & cable splicers	10.60		1%		.6%

MODIFICATION P. 22

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION ØTX76-4157 - Mod. Ø4 (41 FR 43649 - October 1, 1976) Bell, Bosque, Coryell, Falls, Hill & McLennan Cos., Texas					
Change:					
Building Construction:					
Electricians:					
Electricians:					
Zone 1	$ 9.55		1%		1/4%
Zone 2	10.60		1%		.8%
Plumbers & pipefitters:					
Zone 1	8.26	.30	.30		.03
Zone 2	8.66	.30	.30		.03
Incidental Paving & Utilities (Bell & Coryell Counties):					
Plumbers:					
Zone 1	8.26	.30	.30		.03
Zone 2	8.66	.30	.30		.03
DECISION ØTX76-4169 - Mod. Ø2 (41 FR 44662 - October 8, 1976) Bowie County, Texas					
Change:					
Power Equipment Operators:					
Group 1	7.515	.40	.75		.10
Group 2	8.30	.40	.75		.10
Group 3	8.70	.40	.75		.10

MODIFICATION P. 23

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #TX76-4170 - Mod. #1 (41 FR 44674 - October 8, 1976) Brazos County, Texas					
Change:					
Electricians	$11.20	.40	5%		.04
DECISION #TX76-4183 - Mod. #1 (41 FR 50191 - November 12, 1976) Collin, Dallas, Denton, Ellis, Grayson, Hood, Hunt, Johnson, Kaufman, Palo Pinto, Rockwall, Tarrant & Wise Cos., Texas					
Change:					
Electricians:					
Zone 1:					
Electricians	10.23	.60	5%		7/10%
Cable splicers	10.48	.60	5%		7/10%
Zone 2:					
Area A:					
Electricians	10.43	4%	5%		7/10%
Cable splicers	11.47	4%	5%		7/10%
Area B:					
Electricians	10.68	4%	5%		7/10%
Cable splicers	11.75	4%	5%		7/10%
Area C:					
Electricians	10.93	4%	5%		7/10%
Cable splicers	12.02	4%	5%		7/10%
Painters:					
Zone 1:					
Group 1	8.925	.35	.40		.04
Group 2	9.175	.35	.40		.04
Group 3	9.05	.35	.40		.04
Group 4	9.30	.35	.40		.04

MODIFICATION P. 24

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #UT76-5097 - Mod. #2 (41 FR 49003 - November 5, 1976) Statewide Utah					
Change:					
Asbestos Workers	$10.56	.52	$1.17		
Boilermakers	11.45	.75	1.00	.50	.02
Glaziers	8.34	.51	.20	b	
Plumbers; Pipefitters:					
Zone 1: Within a 15 mile radius from the center of each City, namely Salt Lake City, Ogden and Provo, Utah	9.85	.51	1.00		.06
Zone 2: Zone 1 plus 15 miles	10.15	.51	1.00		.06
Zone 3: Zone 2 plus 15 miles	10.50	.51	1.00		.06
Zone 4: Zone 3 plus 15 miles	11.85	.51	1.00		.06
Zone 5: All areas beyond Zone 4	12.35	.51	1.00		.06

MODIFICATION P. 25

DECISION #UT76-5097 (Cont'd):

TRUCK DRIVERS:*	Basic Hourly Rates AREA 1	Basic Hourly Rates AREA 2	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Education and/or Appr. Tr.
Dump Trucks - Water level capacity (bottom, end and side) including Dumpster Trucks, Euclid type Trucks, Turnawagons, Turnarockers and Dumpcrete):						
Less than 8 yds.	$8.00	$9.50	.54	.70	$1.00	.10
8 yds. and less than 14 yds.	8.15	9.65	.54	.70	1.00	.10
14 yds. and less than 35 yds.	8.30	9.80	.54	.70	1.00	.10
35 yds. and less than 55 yds.	8.50	10.00	.54	.70	1.00	.10
55 yds. and less than 75 yds.	8.70	10.20	.54	.70	1.00	.10
75 yds. and less than 95 yds.	8.90	10.40	.54	.70	1.00	.10
95 yds. and less than 105 yds.	9.10	10.60	.54	.70	1.00	.10
105 yds. and less than 130 yds.	9.22	10.72	.54	.70	1.00	.10
All over 130 cu. yds. to be paid one-half cent ($.005) per cu. yds. capacity per hour in addition to rate for 105 yds. and less than 130 yds.						

MODIFICATION P. 26

DECISION #UT76-5097 (Cont'd):

TRUCK DRIVERS (Cont'd):	Basic Hourly Rates AREA 1	Basic Hourly Rates AREA 2	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Education and/or Appr. Tr.
Flat Rack Trucks, Bulk Cement Trucks, Transport Trucks, Semi-Trailer (carrying capacity):						
Pickup	$7.825	$9.325	.54	.70	$1.00	.10
Less than 10 tons	7.90	9.40	.54	.70	1.00	.10
10 tons and less than 15 tons	8.05	9.55	.54	.70	1.00	.10
15 tons and less than 20 tons	8.15	9.65	.54	.70	1.00	.10
20 tons and over	8.30	9.80	.54	.70	1.00	.10
Transit Mix Trucks:						
4½ yds. capacity and less	8.025	9.525	.54	.70	1.00	.10
Over 4½ yds. to and including 6½ yds. capacity	8.125	9.625	.54	.70	1.00	.10
Over 6½ yds. capacity	8.225	9.725	.54	.70	1.00	.10
Concrete Pumping Trucks	8.225	9.725	.54	.70	1.00	.10
Water, Fuel and Oil Tank Trucks:						
Less than 1200 gals.	7.875	9.375	.54	.70	1.00	.10
1200 gals. to less than 2500 gals.	8.00	9.50	.54	.70	1.00	.10
2500 gals. to less than 4000 gals.	8.15	9.65	.54	.70	1.00	.10
4000 gals. to less than 6000 gals.	8.45	9.95	.54	.70	1.00	.10
6000 gals. to less than 10,000 gals.	8.70	10.20	.54	.70	1.00	.10
10,000 gals. to less than 15,000 gals.	8.95	10.45	.54	.70	1.00	.10

DECISION #UT76-5097 (Cont'd):

TRUCK DRIVERS (Cont'd):	Basic Hourly Rates AREA 1	Basic Hourly Rates AREA 2	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Education and/or Appr. Tr.
Water, Fuel and Oil Tank Trucks (Cont'd):						
15,000 gals. to less than 20,000 gals.	$9.20	$10.70	.54	.70	$1.00	.10
20,000 gals. to less than 25,000 gals.	9.45	10.95	.54	.70	1.00	.10
25,000 gals. and over	9.70	11.20	.54	.70	1.00	.10
Oil Spreader Operator (on single man operation where boot man is not required)	8.70	10.20	.54	.70	1.00	.10
Construction Job Servicemen:						
Telescopic Manlift Truck	8.20	9.70	.54	.70	1.00	.10
Fork Lift (under 6 tons) and Straddle Truck	8.20	9.70	.54	.70	1.00	.10
Truck Driver Helper	7.775	9.275	.54	.70	1.00	.10
Chauffeurs	7.775	9.275	.54	.70	1.00	.10
Warehousemen (Counter Clerk)	7.95	9.45	.54	.70	1.00	.10
Washers	7.975	9.475	.54	.70	1.00	.10
Tireman and Greaser	8.40	9.90	.54	.70	1.00	.10
Gas Station Attendants	7.825	9.325	.54	.70	1.00	.10
Fork Lift (over 6 tons)	8.30	9.80	.54	.70	1.00	.10
Teamster Mechanic	9.01	10.51	.54	.70	1.00	.10
Teamster Mechanic Helper	8.76	10.26	.54	.70	1.00	.10
Teamster Welder	9.01	10.51	.54	.70	1.00	.10
Teamster Driving two horses	8.775	10.275	.54	.70	1.00	.10
Teamster Driving three or more horses	8.875	10.375	.54	.70	1.00	.10
Sweeper or Vacuum Truck	8.15	9.65	.54	.70	1.00	.10

*See Supersedeas for Area Definition.

SUPERSEDEAS DECISION

STATE: California COUNTY: San Diego
DECISION NUMBER: CA76-5116 DATE: Date of Publication
Supersedes Decision No. CA76-5061 dated June 25, 1976, in 41 FR 26429
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction and dredging.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$ 12.35	.80	$ 1.02		.06
BOILERMAKERS	10.85	.65	1.00	.50	.02
BRICKLAYERS; Stonemasons	10.57	.83	1.06		.06
BRICK, BLOCK and STONEMASONS' TENDERS	8.89	.60	1.65	.50	
CARPENTERS:					
Carpenters'	10.76	.56	1.05	.70	.07
Piledrivermen	10.89	.56	1.05	.70	.07
Millwrights; Pneumatic Nailer; Hardwood Floorlayers	11.01	.56	1.05	.70	.07
CEMENT MASONS:					
Cement Masons	8.43	.75	1.21	1.16	.07
Color Work; Composition, Mastic or Epoxy; Finishing Machine; Curb Machine	8.73	.75	1.21	1.16	.07
DRYWALL INSTALLERS	12.60	.56	1.05	.70	.07
ELECTRICIANS:					
Electricians	11.93	.70	1%+.93		.02
Cable Splicers	12.23	.70	1%+.93		.02
ELEVATOR CONSTRUCTORS	12.95	.545	.35	3%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.545	.35	3%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROD.)	50%JR				
GLAZIERS	9.69	.55	.60		
IRONWORKERS:					
Fence Erectors	10.14	1.09	1.83	1.15	.04
Reinforcing	11.03	1.09	1.83	1.15	.04
Ornamental; Structural	11.03	1.09	1.83	1.15	.04
IRRIGATION AND LAWN SPRINKLERS	9.40	10%	16%	13%	3/4%
LATHERS:					
Northern portion of San Diego County from center of City of Del Mar	10.50	.45	.90	.50	.05
Remainder of County	10.01	.45	.70	.70	.05

DECISION NO. CA76-5116 Page 2

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION:					
Groundman	$ 9.20	.70	1%+.93		.02
Linemen	11.95	.70	1%+.93		.02
Cable Splicers	12.25	.70	1%+.93		.02
MARBLE SETTERS	10.04	.55	1.17	.75	
MARBLE SETTERS' HELPERS	8.39	.55	.85		
PAINTERS:					
Brush; Paint Burner	10.37	.99	1.10	.75	.07
Swing Stage; brush; Spray; Iron, steel and bridge painter (ground work)	10.62	.99	1.10	.75	.07
Paperhanger; Spray, swing stage; Sandblaster; Iron, steel and bridge, swing stage; Iron, steel and bridge, spray (ground); Riggers, climbing steel; Brush, climbing steel and bridge	10.87	.99	1.10	.75	.07
Sandblaster, swing stage; Iron, steel and bridge, spray swing stage; Spray, climbing steel and bridge	11.12	.99	1.10	.75	.07
Steeplejack	11.77	.99	1.10	.75	.07
PARKING LOT WORK AND/OR HIGHWAY MARKERS:					
Traffic delineating device applicator	8.87	.50	.35	b	
Wheel stop installer; Traffic surface sandblaster; Striper	8.48	.50	.35	b	
Helper (Traffic surface sandblaster; Wheel stop installer; Striper)	6.83	.50	.35	b	

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
SLURRY SEAL OPERATION:					
Mixer Operator	$ 8.48	.50	.35	b	
Squeegee Man	7.48	.50	.35	b	
Applicator Operator	6.83	.50	.35	b	
Shuttleman	6.65	.50	.35	b	
Top Man	5.83	.50	.35	b	
PLASTERERS	10.96	.65	1.50	1.00	.07
PLASTERERS' TENDERS	10.03	.65	1.75	.50	
PLUMBERS; Steamfitters	11.66	10%	16%	13%	3/4%
ROOFERS	9.99	.50	.75	1.00	
SHEET METAL WORKERS	11.96	1.04	2.20		
SOFT FLOOR LAYERS	9.55	.60	1.05		.07
SPRINKLER FITTERS	14.82	.60	.90		.08
TERRAZZO WORKERS	10.04	.55	1.17	.75	
TILE SETTERS	10.04	.55	1.17	.75	
TERRAZZO and TILE HELPERS	8.39	.55	.85		
RIGGERS; WELDERS - Receive rate prescribed for craft performing operation to which rigging or welding is incidental.					

FOOTNOTES:

a. Employer contributes 4% of basic hourly rate for 5 years' service and 2% of basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. 6 Paid Holidays: A through F.

b. Employer contributes $.22 per hour to Holiday Fund plus $.13 per hour to Vacation Fund for the first year of employment, 1 year but less than 5 years $.33 per hour to Vacation Fund, 5 years but less than 10 years $.43 per hour to Vacation Fund, over 10 years $.53 per hour to Vacation Fund.

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

LABORERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS, general construction; Gas and oil pipeline; Jetman; Tool shed checker; Using dry pack; Flagman	$ 7.21	.70	$ 1.75	.50	.13
CUTTING TORCH OPERATOR (demolition); Scaler	7.26	.70	1.75	.50	.13
GUINEA CHASER	7.29	.70	1.75	.50	.13
FINE GRADER ON HIGHWAYS, STREETS AND AIRPORTS PAVING (sewer and drainage lines); Landscape Gardener and Nursery Man	7.31	.70	1.75	.50	.13
LABORER (Packing rod steel and pans); Tank scaler and cleaner	7.335	.70	1.75	.50	.13
DRILLER'S HELPER (Caisson) including bellowers; Boring machine helper	7.34	.70	1.75	.50	.13
WINDOW CLEANER; Chuck tender (except tunnels); Septic tank digger and installer (leadman)	7.36	.70	1.75	.50	.13
CESSPOOL DIGGER AND INSTALLER	7.39	.70	1.75	.50	.13
CONCRETE CURER: Impervious Membrane; Riprap stonepaver; Sandblaster (pot tender); Pipelayer backup man, coating, grouting, making of joints, sealing, caulking, diapering, and including rubber gasket joints; Pointing and any and all other services	7.40	.70	1.75	.50	.13

LABORERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASPHALT RAKER, IRONER, SPREADER; Buggymobile man; Cement dumper (on 1 yard or larger mixers and handling bulk cement); Concrete saw man (excluding tractor type); Roto-scraper, chipping hammer; Concrete core cutter and form blower; Gas and oil pipeline wrapper-pot tenders and form man; Operators and tenders of pneumatic and electric tools, concrete pump, vibrating machines and similar mechanical tools not separately classified herein; Tree climber using mechanical tools	$ 7.42	.70	$ 1.75	.50	.13
ROCK SLINGER; Scaler (using bos'n chair or safety belt or power tools)	7.47	.70	1.75	.50	.13
DRILLERS, all others where drilling is for use of explosives	7.50	.70	1.75	.50	.13
PIPELAYER, METALLIC OR NON-METALLIC (including water sewage, solid, gas, air); Welding in connection with laborer's work	7.52	.70	1.75	.50	.13
GAS AND OIL PIPELINE WRAPPER (6" pipe and over)	7.55	.70	1.75	.50	.13
CRIBBER, SHORER, LAGGING, SHEETING AND TRENCH BRACING; Hand-guided lagging hammer	7.57	.70	1.75	.50	.13
STEEL HEADERBOARD MAN	7.635	.70	1.75	.50	.13

LABORERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DRILLERS - (all power drills, including jackhammer, whether core, diamond, wagon, track, multiple unit, and any and all types of mechanical drills; Sandblaster (nozzleman)	$ 7.66	.70	$ 1.75	.50	.13
POWDERMAN, BLASTERERS	7.695	.70	1.75	.50	.13
HEAD ROCK SLINGER	7.73	.70	1.75	.50	.13
FENCE ERECTORS:					
Class 1	7.71	.70	1.75	.50	.13
Class 2	7.46	.70	1.75	.50	.13
Class 3	7.21	.70	1.75	.50	.13
HOUSEMOVERS	7.205	.70	1.75	.50	.13
LABORERS (Tunnel and Shaft Work)					
BULL GANG; Concrete Crew (includes rodders and spreaders); Dumpmen; Grout Crew; Muckers, (laborers) in short dry tunnels under streets, highways and similar places; Trackmen; Swamper (brakeman and switchmen to tunnel work)	7.50	.70	1.75	.50	.13
CHUCK TENDER; Cable Tender; Nipper; Steel Form raiser and Setters' helper; Vibratorman; Jackhammer; Pneumatic tools (except driller)	7.60	.70	1.75	.50	.13

LABORERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUT GUNMEN	$ 7.70	.70	$ 1.75	.50	.13
BLASTERERS; Drillers; Cherry Pickermen; Kemper and other penumatic concrete placer operators; Miners, in short dry tunnels under streets, highways and similar places; Miners, tunnel (hand or machine); Powdermen; Primerhouse; Timbermen; Retimbermen; (wood or steel); Steel form raisers and setters	7.75	.70	1.75	.50	.13
SHAFT AND RAISE MINER	8.00	.70	1.75	.50	.13
GUNITE WORKERS:					
Nozzlemen and Rodmen	7.94	.70	1.75	.50	.13
Gunmen	7.62	.70	1.75	.50	.13
Reboundmen	7.205	.70	1.75	.50	.13

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PICKUPS (3/4 ton and under), Swampers and helpers; Traffic control pilot car (excluding moving heavy equipment)	$ 7.87	.90	.85	1.00	.10
TRUCK REPAIRMAN OR WELDER HELPER	8.07	.90	.85	1.00	.10
WAREHOUSEMAN	8.12	.90	.85	1.00	.10
INDUSTRIAL LIFT	8.20	.90	.85	1.00	.10
DUMP (less than 8 yds.); Dump or flatbed (2 axle); Concrete pumping; Forklift (under 15,000 lbs.)	8.23	.90	.85	1.00	.10
DUMP (8 yds. and under 12); Dump or flatbed (3 axles); Bunkerman	8.28	.90	.85	1.00	.10
FORKLIFT (15,000 lbs and over); Ross Carrier	8.35	.90	.85	1.00	.10
DUMP (12 yds. and under 16); Dump or flatbed (3 axles, with semi)	8.36	.90	.85	1.00	.10
WATER TRUCKS (2 axles); Erosion control nozzlemen; Pipeline drivers (including winch and all sizes); Road oil spreader, cement distributor or slurry; Road oil or slurry bootman; Prell truck	8.38	.90	.85	1.00	.10
DUMPCRETE (less than 6½ yds.)	8.44	.90	.85	1.00	.10
EROSION CONTROL DRIVER; Water truck (3 axles)	8.50	.90	.85	1.00	.10

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TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
FUEL OR DYNAMITE and EXPLOSIVES	$ 8.53	.90	.85	1.00	.10
DUMP (16 yds. and under 25); Dump or flatbed (4 axle or more); Lowbed and trailer; Transit mix (under 8 yds.); Grout Mixer; Dumpcrete (6½ yds. and over); Dumpster	8.58	.90	.85	1.00	.10
DUMP (25 yds. and under 35)	8.63	.90	.85	1.00	.10
DW 10's or DW 20's or Euclid type equipment; LeTourneau Pulls, Terra Cobras or similar type of equipment regardless of type of attachments when performing work in the teamsters jurisdiction or PB or similar type of dump truck with loading attachments	8.65	.90	.85	1.00	.10
TRUCK GREASER	8.66	.90	.85	1.00	.10
7 AXLES OR DOUBLE GOOSENECK LOWBED or combination of vehicles when under permit load	8.705	.90	.85	1.00	.10
TRANSIT-MIX. (8 yds. and over)	8.72	.90	.85	1.00	.10
TIREMAN	8.76	.90	.85	1.00	.10
DUMP (35 yds. and under 50)	8.78	.90	.85	1.00	.10
WATER PULL TANKERS; Welder; A-Frame or Swedish Crane	8.85	.90	.85	1.00	.10
DUMP (50 yds. and under 65)	8.93	.90	.85	1.00	.10
DUMP (65 yds. and over)	9.08	.90	.85	1.00	.10

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POWER EQUIPMENT OPERATORS DREDGING	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
(Hydraulic Suction Dredges)					
LEVERMAN	$ 11.30	.95	$ 2.00	.30	.04
WATCH ENGINEER; Welder	10.72	.95	2.00	.30	.04
DECKMATE	10.24	.95	2.00	.30	.04
WINCHMAN (Stern winch or dredge)	10.17	.95	2.00	.30	.04
BARGEMAN; Deckhand; Fireman; Oiler; Levechand	9.63	.95	2.00	.30	.04
(Clamshell Dredges)					
LEVERMAN	11.30	.95	2.00	.30	.04
WATCH ENGINEER	10.72	.95	2.00	.30	.04
DECKMATE	10.24	.95	2.00	.30	.04
BARGEMATE	10.17	.95	2.00	.30	.04
BARGEMAN; Deckhand; Fireman; Oiler	9.63	.95	2.00	.30	.04

POWER EQUIPMENT OPERATORS (Except Piledriving and Steel Erection)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$ 9.25	.95	$ 2.00	.50	.04
Group 2	9.53	.95	2.00	.50	.04
Group 3	9.82	.95	2.00	.50	.04
Group 4	9.96	.95	2.00	.50	.04
Group 5	10.18	.95	2.00	.50	.04
Group 6	10.29	.95	2.00	.50	.04
Group 7	10.41	.95	2.00	.50	.04
Group 8	10.58	.95	2.00	.50	.04
Group 9	10.71	.95	2.00	.50	.04

POWER EQUIPMENT OPERATORS
(Except Piledriving and Steel Erection)

GROUP 1: Brakeman; Compressor (less than 600 C.F.M.); Engineer oiler; Generator; Heavy duty repairman helper; Pump; Signalman; Switchman

GROUP 2: Compressor (600 C.F.M. or larger); Concrete mixer, skip type; Conveyor; Fireman; Hydrostatic pump; Oiler crusher (asphalt or concrete plant); Plant op., generator, pump or compressor; Rotary drill helper (oilfield); Skiploader - wheel type up to 3/4 yd. w/o attachments; Soils field technician; Tar pot fireman; Temporary heating plant; Trenching machine oiler; Truck crane oiler

GROUP 3: A-frame or winch truck; Elevator op. (inside); Equipment greaser (rack); Ford Ferguson (with dragtype attachments); Helicopter radioman (ground); Power concrete curing machine; Power concrete saw; Power driven jumbo form setter; Ross carrier (job site); Stationary pipe wrapping and cleaning machine

GROUP 4: Asphalt plant fireman; Boring machine; Boxman or mixerman (asphalt or concrete); Chip spreading machine; Concrete pump (small portable); Bridge type unloader and turntable; Dinkey locomotive or motorman (up to & incl. 10 tons); Equipment greaser (greaser truck); Helicopter hoist; Highline cableway signalman; Hydra-hammer-aero stomper; Power sweeper; Roller (compacting); Screed (asphalt or concrete); Trenching machine (up to 6 ft.)

GROUP 5: Asphalt plant engineer; Backhoe (up to & incl. 3/4 yd.); Batch plant; Bit sharpener; Concrete joint machine (canal & similar type); Concrete planer; Deck engine; Derrickman (oilfield type); Drilling machine op. (incl. water wells); Forklift (under 5-ton capacity); Hydrographic seeder machine (straw, pulp or seed); Machine tool op.; Maginnis internal full slab vibrator; Mechanical berm, curb or gutter (concrete or asphalt); Mechanical finisher (concrete-Clary, Johnson, Bidwell or similar); Pavement breaker (truck mounted); Road oil mixing machine; Roller (asphalt or finish); Rubber-tired earth moving equipment (single engine, up to & incl. 25 yds. struck); Self-propelled tar pipe-lining machine; Slip form pump (power - driven hydraulic lifting device for concrete forms); Skiploader (crawler & wheel type over 3/4 yd. & up to & incl. 1½ yds); Stinger crane (Austin-Western or similar type); Tractor-bulldozer, tamper scraper (single engine, up to 100 h. p., flywheel & similar types, up to & incl. D-5 and similar types); Tugger hoist 1 drum; Tunnel locomotive (over 10 and up to & incl. 30 tons); Welder-general

GROUP 6: Asphalt or concrete spreading (tamping or finishing); Asphalt paving machine (Barber Greene or similar type); Bridge crane op.; Cast-in-place pipe laying machine; Combination mixer and compressor (gunite work); Compactor, self-propelled; Concrete mixer - paving; Concrete pump (truck mounted); Crane op.

POWER EQUIPMENT OPERATORS (CONT'D)
(Except Piledriving and Steel Erection)

up to and including 25 ton capacity)(Long-boom pay applicable); Crushing plant; Drill doctor; Elevating grader; Forklift (over 5 tons); Grade checker; Grade-all; Grouting machine; Heading shield; Heavy duty repairman; Hoist op. (Chicago boom and similar type); Kolman belt loader & similar type; LeTourneau blob compactor or similar type; Lift mobile; Lift slab machine (Vagtbord and similar types); Loader (Athey, Euclid, Sierra and similar type); Material hoist; Mucking machine (½ yd. rubber tired, rail or track type); Pneumatic concrete placing machine (Hackley-Presswell or similar type); Pneumatic heading shield (tunnel), Pumperete gun; Rotary drill (excl. caisson type); Rubber-tired earth moving equipment (single engine-Caterpiller, Euclid, Athey Wagon, and similar types with any and all attachments over 25 yds. and up to and incl. 50 cu. yds. struck); Rubber-tired earth moving equipment (multiple engine, up to and incl. 25 yds. struck); Rubber-tired scraper (self-loading-paddle wheel type-John Deere, 1040 and similar single unit); Skiploader (crawler and wheel type-over 1½ yds., up to and including 6½ yds.); Surface heaters and planer; Trenching machine (over 6 ft. depth capacity); Tower crane; Tractor compressor drill combination; Tractor (any type larger than D-5-100 flywheel h.p. and over, or similar) bulldozer, tamper, scraper and push tractor single engine); Tractor (boom attachments); Traveling pipe wrapping, cleaning and bending machine; Tunnel locomotive (over 30 tons); Shovel backhoe, dragline, clamshell (over 3/4 yd. and up to 5 cu. yd. m.r.c.)(long boom pay applicable); Self-propelled curb and gutter machine

GROUP 7: Crane, over 25 ton up to and incl. 100 tons m.r.c. (long boom pay applicable); Derrick barge (long boom pay applicable); Dual drum mixer; Heavy duty repairman-welder combination; Hoist, stiff-legs, guy derrick or similar type, up to and incl. 100 tons (long boom pay applicable); Monorail locomotive (diesel, gas or electric); Motor patrol-blade op. (single engine); Multiple engine tractor (Euclid and similar type, except quad 9 cat); Rubber-tired earth moving equipment (single engine, over 50 yds., struck); Rubber-tired earth moving equipment (multiple engine, Euclid, Caterpiller and similar) (over 25 yds and up to 50 cu. yds. struck); Shovel, backhoe, dragline, clamshell (over 5 cu. yds. m.r.c.)(long boom pay applicable); Tower crane repairman; Tractor loader (crawler and wheel type over 6½ yds.); Welder-certified; Woods mixer and similar pugmill equipment

GROUP 8: Auto grader; Automatic slip form; Crane-over 100 tons (long boom pay applicable; Hoist-stiff legs, guy derrick or similar types (capable of hoisting 100 tons or more)(long boom pay applicable); Mass excavator-less than 750 cu. yds.; Mechanical finishing machine; Mobile form traveler; Motor patrol,multi-engine); Pipe mobile machine; Rubber-tired earth moving equipment (multiple engine, Euclid, Caterpiller and similar type over 50 cu. yds. struck); Rubber

POWER EQUIPMENT OPERATORS (CONT'D)
(Except Piledriving and Steel Erection)

tired self-loading scraper (paddle wheel-auger type self-loading-2 or more units); Rubber-tired scraper - pushing one another w/o push cat. Push-pull (50¢ per hr. additional to base rate); Tandem equipment (2 units only); Tandem tractor (quad 9 or similar type); Tunnel mole boring machine

GRADE 9: Canal liner; Canal trimmer; Helicopter pilot; Highline cableway; Remote controlled earth moving equipment ($1.00 p/h additional to base rate); Wheel excavator (over 750 cu. yd.)

SUPERSEDEAS DECISION

STATE: California COUNTY: San Diego
DECISION NUMBER: CA76-5117 DATE: Date of Publication
Supersedes Decision CA76-5062 dated June 25, 1976, in FR 26436
DESCRIPTION OF WORK: Residential Construction consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$ 12.35	.80	$ 1.02		.06
BOILERMAKERS	10.85	.65	1.00	.50	.02
BRICKLAYERS; Stonemasons	10.57	.83	1.06		.06
BRICK, BLOCK and STTONEMASONS' TENDERS	8.89	.60	1.65	.50	
CARPENTERS:					
Carpenters	10.76	.56	1.05	.70	.07
Piledrivermen	10.89	.56	1.05	.70	.07
Millwrights; Pneumatic Nailer; Hardwood floorlayers	11.01	.56	1.05	.70	.07
CEMENT MASONS:					
Cement Masons	8.43	.75	1.21	1.16	.07
Color Work; Composition, Mastic or Epoxy, Finishing Machine; Curb Machine	8.73	.75	1.21	1.16	.07
DRYWALL INSTALLERS	12.60	.56	1.05	.70	.07
ELECTRICIANS:					
Electricians	11.93	.70	1%+.93		.02
Cable Splicers	12.23	.70	1%+.93		.02
ELEVATOR CONSTRUCTORS	12.95	.545	.35	3%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.545	.35	3%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	9.69	.55	.60		
IRONWORKERS:					
Fence Erectors	10.14	1.09	1.83	1.15	.04
Reinforcing	11.03	1.09	1.83	1.15	.04
Ornamental; Structural	11.03	1.09	1.83	1.15	.04
IRRIGATION and LAWN SPRINKLERS	9.40	10%	16%	13%	3/4%
LATHERS:					
Northern portion of San Diego County from center of City of Del Mar	10.50	.45	.90	.50	.05
Remainder of County	10.81	.45	.70	.70	.02
MARBLE SETTERS	10.04	.55	1.17	.75	
MARBLE SETTERS' HELPERS	8.39	.55	.85		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS:					
Brush	$ 10.37	.99	$ 1.10	.75	.07
Spray; Swing Stage, Brush	10.62	.99	1.10	.75	.07
Paperhangers; Spray, Swing Stage; Sandblaster	10.87	.99	1.10	.75	.07
PLASTERERS	10.96	.65	1.50	1.00	.07
PLASTERERS' TENDERS	10.03	.65	1.75	.50	
PLUMBERS; Steamfitters	10.95	10%	16%	13%	3/4%
ROOFERS	9.99	.50	.75	1.00	
SHEET METAL WORKERS	11.96	1.04	2.20		
SOFT FLOOR LAYERS	9.55	.60	1.05		.07
SPRINKLER FITTERS	14.82	.60	.90		.08
TERRAZZO WORKERS	10.04	.55	1.17	.75	
TILE SETTERS	10.04	.55	1.17	.75	
TERRAZZO and TILE HELPERS	8.39	.55	.85		
RIGGERS; WELDERS - Receive rate prescribed for craft performing operation to which rigging or welding is incidental					

FOOTNOTES

a. Employer contributes 4% of basic hourly rate for 5 years' service and 2% of basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. 6 Paid Holidays: A through F.

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

DECISION NO. CA76-5117 Page 3

LABORERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS, general construction; Gas and oil pipeline; Jetman; Tool shed checker; Using dry pack; Flagman	$ 7.21	.70	$ 1.75	.50	.13
CUTTING TORCH OPERATOR (demolition); Scaler	7.26	.70	1.75	.50	.13
GUINEA CHASER	7.29	.70	1.75	.50	.13
FINE GRADER ON HIGHWAYS, STREETS AND AIRPORTS PAVING (sewer and drainage lines); Landscape Gardener and Nursery Man	7.31	.70	1.75	.50	.13
LABORER (Packing rod steel and pans); Tank sealer and cleaner	7.335	.70	1.75	.50	.13
DRILLER'S HELPER (Caisson) including bellowers; Boring machine helper	7.34	.70	1.75	.50	.13
WINDOW CLEANER; Chuck tender (except tunnels); Septic tank digger and installer (leadman)	7.36	.70	1.75	.50	.13
CESSPOOL DIGGER AND INSTALLER	7.39	.70	1.75	.50	.13
CONCRETE CURER; Impervious Membrane; Riprap stonepaver; Sandblaster (pot tender); Pipelayer backup man, coating, grouting, making of joints, sealing, caulking, diapering, and including rubber gasket joints; Pointing and any and all other services	7.40	.70	1.75	.50	.13

DECISION NO. CA76-5117 Page 4

LABORERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASPHALT RAKER, IRONER, SPREADER; Buggymobile man; Cement dumper (on 1 yard or larger mixers and handling bulk cement); Concrete saw man (excluding tractor type); Roto-scraper, chipping hammer; Concrete core cutter and form blower; Gas and oil pipeline wrapper-pot tenders and form man; Operators and tenders of pneumatic and electric tools, concrete pump, vibrating machines and similar mechanical tools not separately classified herein; Tree climber using mechanical tools	$ 7.42	.70	$ 1.75	.50	.13
ROCK SLINGER; Scaler (using bos'n chair or safety belt or power tools)	7.47	.70	1.75	.50	.13
DRILLERS, all others where drilling is for use of explosives	7.50	.70	1.75	.50	.13
PIPELAYER, METALLIC OR NON-METALLIC (including water sewage, solid, gas, air); Welding in connection with laborer's work	7.52	.70	.175	.50	.13

LABORERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GAS AND OIL PIPELINE WRAPPER (6" pipe and over)	7.55	.70	1.75	.50	.13
CRIBBER, SHORER, LAGGING, SHEETING AND TRENCH BRACING; Hand-guided lagging hammer	7.57	.70	1.75	.50	.13
STEEL HEADERBOARD MAN	7.635	.70	1.75	.50	.13
DRILLERS - (all power drills, including jackhammer, whether core, diamond, wagon, track, multiple unit, and any and all types of mechanical drills; Sandblaster (nozzleman)	7.66	.70	1.75	.50	.13
POWDERMAN, BLASTERERS	7.695	.70	1.75	.50	.13
HEAD ROCK SLINGER	7.73	.70	1.75	.50	.13

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PICKUPS (3/4 ton and under), Swampers and helpers; Traffic control pilot car (excluding moving heavy equipment)	$ 7.87	.90	.85	1.00	.10
TRUCK REPAIRMAN OR WELDER HELPER	8.07	.90	.85	1.00	.10
WAREHOUSEMAN	8.12	.90	.85	1.00	.10
INDUSTRIAL LIFT	8.20	.90	.85	1.00	.10
DUMP (less than 8 yds.); Dump or flatbed (2 axle); Concrete pumping; Forklift (under 15,000 lbs.)	8.23	.90	.85	1.00	.10
DUMP (8 yds. and under 12); Dump or flatbed (3 axles); Bunkerman	8.28	.90	.85	1.00	.10
FORKLIFT (15,000 lbs and over); Ross Carrier	8.35	.90	.85	1.00	.10
DUMP (12 yds. and under 16); Dump or flatbed (3 axles, with semi)	8.36	.90	.85	1.00	.10
WATER TRUCKS (2 axles); Erosion control nozzlemen; Pipeline drivers (including winch and all sizes); Road oil spreader, cement distributor or slurry; Road oil or slurry bootman; Prell truck	8.38	.90	.85	1.00	.10
DUMPCRETE (less than 6½ yds.)	8.44	.90	.85	1.00	.10
EROSION CONTROL DRIVER; Water truck (3 axles)	8.50	.90	.85	1.00	.10

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TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
FUEL OR DYNAMITE and EXPLOSIVES	$ 8.53	.90	.85	1.00	.10
DUMP (16 yds. and under 25); Dump or flatbed (4 axle or more); Lowbed and trailer; Transit mix (under 8 yds.); Grout Mixer; Dumpcrete (6½ yds. and over); Dumpster	8.58	.90	.85	1.00	.10
DUMP (25 yds. and under 35)	8.63	.90	.85	1.00	.10
DW 10's or DW 20's or Euclid type equipment; LeTourneau Pulls, Terra Cobras or similar type of equipment regardless of type of attachments when performing work in the teamsters' jurisdiction or PB or similar type of dump truck with loading attachments	8.65	.90	.85	1.00	.10
TRUCK GREASER	8.66	.90	.85	1.00	.10
7 AXLES OR DOUBLE GOOSENECK LOWBED or combination of vehicles when under permit load	8.705	.90	.85	1.00	.10
TRANSIT-MIX (8 yds. and over)	8.72	.90	.85	1.00	.10
TIREMAN	8.76	.90	.85	1.00	.10
DUMP (35 yds. and under 50)	8.78	.90	.85	1.00	.10
WATER PULL TANKERS; Welder; A-Frame or Swedish Crane	8.85	.90	.85	1.00	.10
DUMP (50 yds. and under 65)	8.93	.90	.85	1.00	.10
DUMP (65 yds. and over)	9.08	.90	.85	1.00	.10

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POWER EQUIPMENT OPERATORS (Except Piledriving and Steel Erection)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$ 9.25	.95	$ 2.00	.50	.04
Group 2	9.53	.95	2.00	.50	.04
Group 3	9.82	.95	2.00	.50	.04
Group 4	9.96	.95	2.00	.50	.04
Group 5	10.18	.95	2.00	.50	.04
Group 6	10.29	.95	2.00	.50	.04
Group 7	10.41	.95	2.00	.50	.04
Group 8	10.58	.95	2.00	.50	.04
Group 9	10.71	.95	2.00	.50	.04

POWER EQUIPMENT OPERATORS
(Except Piledriving and Steel Erection)

GROUP 1: Brakeman; Compressor (less than 600 C.F.M.); Engineer oiler; Generator; Heavy duty repairman helper; Pump; Signalman; Switchman

GROUP 2: Compressor (600 C.F.M. or larger); Concrete mixer, skip type; Conveyor; Fireman; Hydrostatic pump; Oiler crusher (asphalt or concrete plant); Plant op., generator, pump or compressor; Rotary drill helper (oilfield); Skiploader - wheel type up to 3/4 yd. w/o attachments; Soils field technician; Tar pot fireman; Temporary heating plant; Trenching machine oiler; Truck crane oiler

GROUP 3: A-frame or winch truck; Elevator op. (inside); Equipment greaser (rack); Ford Ferguson (with dragtype attachments); Helicopter radioman (ground); Power concrete curing machine; Power concrete saw; Power driven jumbo form setter; Ross carrier (job site); Stationary pipe wrapping and cleaning machine

GROUP 4: Asphalt plant fireman; Boring machine; Boxman or mixerman (asphalt or concrete); Chip spreading machine; Concrete pump (small portable); Bridge type unloader and turntable; Dinkey locomotive or motorman (up to & incl. 10 tons); Equipment greaser (greaser truck); Helicopter hoist; Highline cableway signalman; Hydra-hammer-aero stomper; Power sweeper; Roller (compacting); Screed (asphalt or concrete); Trenching machine (up to 6 ft.)

GROUP 5: Asphalt plant engineer; Backhoe (up to & incl. 3/4 yd.); Batch plant; Bit sharpener; Concrete joint machine (canal & similar type); Concrete planer; Deck engine; Derrickman (oilfield type); Drilling machine op. (incl. water wells); Forklift (under 5-ton capacity); Hydrographic seeder machine (straw, pulp or seed); Machine tool op.; Maginnis internal full slab vibrator; Mechanical berm, curb or gutter (concrete or asphalt); Mechanical finisher (concrete-Clary, Johnson, Bidwell or similar); Pavement breaker (truck mounted); Road oil mixing machine; Roller (asphalt or finish); Rubber-tired earth moving equipment (single engine, up to & incl. 25 yds. struck); Self-propelled tar pipe-lining machine; Slip form pump (power - driven hydraulic lifting device for concrete forms); Skiploader (crawler & wheel type over 3/4 yd. & up to & incl. 1½ yds); Stinger crane (Austin-Western or similar type); Tractor-bulldozer, tamper scraper (single engine, up to 100 h. p., flywheel & similar types, up to & incl. D-5 and similar types); Tugger hoist 1 drum; Tunnel locomotive (over 10 and up to & incl. 30 tons); Welder-general

GROUP 6: Asphalt or concrete spreading (tamping or finishing); Asphalt paving machine (Barber Greene or similar type); Bridge crane op.; Cast-in-place pipe laying machine; Combination mixer and compressor (gunite work); Compactor, self-propelled; Concrete mixer - paving; Concrete pump (truck mounted); Crane op.

POWER EQUIPMENT OPERATORS (CONT'D)
(Except Piledriving and Steel Erection)

up to and including 25 ton capacity)(Long-boom pay applicable); Crushing plant; Drill doctor; Elevating grader; Forklift (over 5 tons); Grade checker; Grade-all; Grouting machine; Heading shield; Heavy duty repairman; Hoist op. (Chicago boom and similar type); Kolman belt loader & similar type; LeTourneau blob compactor or similar type; Lift mobile; Lift slab machine (Vagtbord and similar types); Loader (Athey, Euclid, Sierra and similar type); Material hoist; Mucking machine (½ yd. rubber tired, rail or track type); Pneumatic concrete placing machine (Hackley-Presswell or similar type); Pneumatic heading shield (tunnel), Pumpcrete gun; Rotary drill (excl. caisson type); Rubber-tired earth moving equipment (single engine-Caterpiller, Euclid, Athey Wagon, and similar types with any and all attachments over 25 yds. and up to and incl. 50 cu. yds. struck); Rubber-tired earth moving equipment (multiple engine, up to and incl. 25 yds. struck); Rubber-tired scraper (self-loading-paddle wheel type-John Deere, 1040 and similar single unit); Skiploader (crawler and wheel type-over 1½ yds., up to and including 6½ yds.); Surface heaters and planer; Trenching machine (over 6 ft. depth capacity); Tower crane; Tractor compressor drill combination; Tractor (any type larger than D-5-100 flywheel h.p. and over, or similar) bulldozer, tamper, scraper and push tractor single engine); Tractor (boom attachments); Traveling pipe wrapping, cleaning and bending machine; Tunnel locomotive (over 30 tons); Shovel backhoe, dragline, clamshell (over 3/4 yd. and up to 5 cu. yd. m.r.c.)(long boom pay applicable); Self-propelled curb and gutter machine

GROUP 7: Crane, over 25 ton up to and incl. 100 tons m.r.c. (long boom pay applicable); Derrick barge (long boom pay applicable); Dual drum mixer; Heavy duty repairman-welder combination; Hoist, stiff-legs, guy derrick or similar type, up to and incl. 100 tons (long boom pay applicable); Monorail locomotive (diesel, gas or electric); Motor patrol-blade op. (single engine); Multiple engine tractor (Euclid and similar type, except quad 9 cat); Rubber-tired earth moving equipment (single engine, over 50 yds., struck); Rubber-tired earth moving equipment (multiple engine, Euclid, Caterpiller and similar) (over 25 yds and up to 50 cu. yds. struck); Shovel, backhoe, dragline, clamshell (over 5 cu. yds. m.r.c.)(long boom pay applicable); Tower crane repairman; Tractor loader (crawler and wheel type over 6½ yds.); Welder-certified; Woods mixer and similar pugmill equipment

GROUP 8: Auto grader; Automatic slip form; Crane-over 100 tons (long boom pay applicable; Hoist-stiff legs, guy derrick or similar types (capable of hoisting 100 tons or more)(long boom pay applicable); Mass excavator-less than 750 cu. yds.; Mechanical finishing machine; Mobile form traveler; Motor patrol,multi-engine); Pipe mobile machine; Rubber-tired earth moving equipment (multiple engine, Euclid, Caterpiller and similar type over 50 cu. yds. struck); Rubber

POWER EQUIPMENT OPERATORS (CONT'D)
(Except Piledriving and Steel Erection)

tired self-loading scraper (paddle wheel-auger type self-loading-2 or more units); Rubber-tired scraper - pushing one another w/o push cat. Push-pull (50¢ per hr. additional to base rate); Tandem equipment (2 units only); Tandem tractor (quad 9 or similar type); Tunnel mole boring machine

GRADE 9: Canal liner; Canal trimmer; Helicopter pilot; Highline cableway; Remote controlled earth moving equipment ($1.00 p/h additional to base rate); Wheel excavator (over 750 cu. yd.)

SUPERSEDEAS DECISION

STATE: Illinois
DECISION NO.: IL76-2149
COUNTIES: See Below
DATE: Date of Publication
Supersedes Decision No. IL76-2025, dated March 5, 1976 in 41 FR 9774
DESCRIPTION OF WORK: Heavy and Highway Construction

COUNTIES: Adams, Brown, Cass, Christian, Logan, Mason, Menard, Morgan, Pike, Sangamon, Schuyler & Scott

ILL-HHI-6

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS & PILEDRIVERMEN:					
Sangamon County (Illiopolis & Vicinity)	$10.315	.35	.80		.08
Remainder of District #6	9.95	.45	.45		.06
CEMENT MASONS:					
Adams & Logan Counties	10.10				.01
Remainder of District #6	9.45	.40	.25		.01
ELECTRICIANS:					
Christian County	11.00	.40	1%+.25		.0035%
Adams, Brown, Pike & Schuyler Counties	10.50	.40	1%		.2%
Sangamon, Logan, Menard, Cass, Morgan, & Scott Counties; Twps. of Lynchburg, Bath, Kilbourne, Crane, Creek, Salt Creek, & Mason in Mason County	9.87	.40	1%+.30		.2%
Remainder of Mason County	10.77	.40	1%+.50		1%
IRONWORKERS:					
Brown, Cass, Christian, Logan, Mason, Menard, Morgan, Pike Sangamon, Scott Counties Kingston & Vicinity in Adams County; Eastern ½ of Schuyler County	10.35	.55	.75		.05
Remainder of Adams & Schuyler Counties	10.25	.50	.30		
LINEMEN:					
Sangamon Co., City of Springfield:					
Linemen	10.56	.35	1%		.5%
Groundman Equip. Opr. Class	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%
Remainder of Counties:					
Linemen	10.56	.35	1%		.5%
Groundman Equip. Opr. Class I	9.85	.35	1%		.5%
Groundman Truck Drivers:					
W/Winch	7.38	.35	1%		.5%
WO/Winch	7.03	.35	1%		.5%
Groundman Class "A"	6.71	.35	1%		.5%

DECISION NO: IL76-2149

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS:					
Sangamon, Cass, Menard, Morgan, Christian, Scott & Logan Cos:					
Brush & Roller	$ 8.90	.45	.15		
Spray	9.40	.45	.15		
Pike County:					
Industrial	10.39	.45	.15		
Bridges	10.64	.45	.15		
Mason County:					
Brush	9.65	.45	.30		.03
Bridge Work & Spray	10.15	.45	.30		.03
Schuyler County:					
Brush	8.70				
Spray & Structural Steel	9.20				
Adams & Brown Counties:					
Brush	7.50				
Spray	8.50				

DECISION NO. IL76-2149

ILL-HHI-LAB-6

LABORERS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Adams County:					
Unskilled	8.35	.45	.36		.035
Semi-skilled	8.55	.45	.36		.035
Skilled	8.70	.45	.36		.035
Logan & Menard Cos: (North of Petersburgh):					
Unskilled	8.36	.45	.35		.035
Semi-skilled	8.56	.45	.35		.035
Skilled	8.71	.65	.35		.035
Morgan, Brown, Cass, Mason, Pike, Scott & Schuyler Cos.:					
Unskilled	8.61	.25	.30		.035
Semi-skilled	8.81	.25	.30		.035
Skilled	8.96	.25	.30		.035
Christian County:					
Unskilled	8.31	.45	.40		.035
Semi-skilled	8.51	.45	.40		.035
Skilled	8.66	.45	.40		.035
Menard County (Petersburgh & South)					
Unskilled	8.46	.35	.35		.035
Semi-skilled	8.66	.35	.35		.035
Skilled	8.81	.35	.35		.035
Sangamon County:					
Unskilled	8.46	.35	.35		.035
Semi-skilled	8.66	.35	.35		.035
Skilled	8.01	.35	.35		.035

LABORERS:

Unskilled Common Laborers

Semi-skilled Blade Grade Operators; Concrete Saw Operators, Asphalt Saw Oprs; Chain Saw Oprs.; Form Tampers, Sandblasting; Form Setters other than Highway Paving Forms; Rubbing of Concrete; Sewer Tile & Pipe Layers; Shoring & Bracing in Sewer & Tunnels; Hopper men., Power Tool Oprs; Spotters & Dumpmen on Dry Batch Concrete Trucks; Hot Tar & Kettle Men; Puddlers behind Paving Mixers and on walls over ten (10) feet high; Pipe Wrapper; taper Coater & Torchmen on Pipeline; Stringline men & Batter Board Setters on Sewers; Hydraulic Trench Jacks.

Skilled Paving BReakers & Air Tampers; Asphalt Rakers; Cement & Rock Dust Handlers; Handling Creosote; Hot Dope Men, Vibrator Men, Cutters & Burners on wrecking Jobs or Torchmen; Concrete Burners; Men Working in caissons below water level; Boring Machine.

DECISION NO. IL76-2149

POWER EQUIPMENT OPERATORS:

MASON COUNTY

ILL-20-PEO-2-3

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP 1	$10.55	.45	.55		.05
GROUP 2	10.35	.45	.55		.05
GROUP 3	9.87	.45	.55		.05
GROUP 4	9.60	.45	.55		.05
GROUP 5	8.49	.45	.55		.05

POWER EQUIPMENT OPERATORS:

Group 1: Crane, hydro crane, shovels, crane type backfiller, tower cranes-mobile and crawler and stationary derricks and hoist (3-drum); Dragline, Dragline, Drott Yumbo and similar types considered as cranes, backhoe, derrick boats, pile driver and skid rigs, clam shells, locomotive cranes, road pavers - single drum, dual drum and tri batcher, motor patrols and power blades - Dumore, elevating similar types, mechanics central concrete mixing plant operator, blacktop plant operators and plant engineers, grad-all, caisson rigs - requires oiler, skimmerscoopkerhing scooper, dredges (all types) hop-tod-crane-type (require oiler), Escalated rate on crane and derricks booms, $.01 per hour, per ft., over 80' including jib all cherry pickers, cherry pickers (over 15 tons require oiler), work boat, Ross carrier, helicopter, dozen and tournadozer

Group 2: Asphalt heater and planter combination (used to plant streets), trench machines, pump crete - belt crete - seqeeze crete - screw type pumps and gysum, bulker and pump, dinkeys, tournapulls-all, and similar types, multiple unit earth movers, $.25 per hour for each scoop over one scoops (all sizes), pushcats, endloaders (all types), side booms, P-H one-pass soil cement machines and similar types, wheel tractors (industrial or farm-type with dozer hoe - end loader or other attachments, backfillers, asphalt surfacing machines euclid loader, fork lifts, formless finishings, jeep w/ditching machine or other attachments, tuneluger, rock crusher, automatic cement and gravel batching mobile drills (soil testing) and similar types, pugmill with pump, flaherty spreader or similar types (require oiler), heavy equipment greaser (top greaser on spread), power launches, boring machine, C.M.I. and similar types (require oiler), all (1) and (2) drum hoists, dewatering system, straw blower, hydro-seeder, boring machine, hydro-boom, starting engineer on pipeline, F.W.D. and similar types

DECISION NO. IL76-2149

POWER EQUIPMENT OPERATORS: (CONT'D)

Group 3: Apsco spreader or similar types, tractors (track-type) without power units pulling rollers, rollers on asphalt - breck or macadam, concrete breakers, concrete spreaders, center stripper, cement finishing machines, vibro tampers (all similar types) self-propelled, mechanical bull floats, mixers over three bag to 27E, winch and boom trucks, tractor pulling power blade or elevating grader, Porter Rex rail, Clary screed, mule pulling rollers, pugmill without pump, Barber Greene or similar loaders, track-type tractors with power unit attached (minimum fireman, screed man on laydown machine, and spray machine on paving

Group 4: Power subgrader, oil distributor, straight tractor, tract-air (without attachments), curb machines, paver ditch machines, truck crane oiler, and truck type hoptoe oilers

Group 5: Herman Nelson Heater, Dravo, Warner, Silent glo and similar types, one engineer will operate 1-5 and after 5, two operators will be required, self-propelled concrete saws, assistant heavy equipment greaser crawler crane and skid oilers, rollers 5 ton and under on earth and gravel, form graders, pump (1) or (2), light plant (1) or (2), generator (1) or (2), conveyor (1) or (2), welding machine (1) or (2) mixer 3 bags and under, and bulk cement plant

DECISION NO. IL76-2149

ILL-5-PEO-1-2-3

POWER EQUIPMENT OPERATORS: REMAINDER OF COUNTIES	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS I	$ 9.75	.30	.40		.05
CLASS II	8.775	.30	.40		.05
CLASS III	8.15	.30	.40		.05

POWER EQUIPMENT OPERATORS:

CLASS I - Asphalt screed man, Aspco concrete spreaders, Asphalt pavers, Asphalt rollers on bituminous concrete, athey loaders, backfillers, crane type, backhoes, cableways, cherry pickers, claim shell, C.N.E. & similar type autograde formless paver, autograde placer & finisher, concrete breakers, concrete plant operators, concrete pumps, cranes, derrick, derrick boats, draglines, earth augeror boring machines, levating graders eingeers on dredge, gravel processing machines, high list or fork lists, hoist w/two drums or two or more loadlines locomotives (all) mechanics, motar graders or auto patrols, operators or levelman on dredges, operators power boat, operators pug mill (asphalt plants), orange peels, overhead cranes, paving mixers, piledrivers, pipe wrapping & painting machines, push dozers, or push cats, rock crushers, ross carriers or similar machines, scoops, skimmer, 2 cu. yd. capacity & under, sheep foot foller (self propelled) shovels, skimmer scoops, test holedrilling machines, tower cranes, tower machines, tower mixers, track type and loaders, track type fork lists or high lifts, track jacks & tamper, tractor, sideboom, trenching machine, ditching machine, tunnelluggers, wheel type end loaders, winch cat, scoops, all or tournapull.

CLASS II - Asphalt boosters & heaters, asphalt distributors, asphalt plant fireman, oiler on 2 paving mixers when used in tandem boom or winch truck, building elevator, bull floats or flexplanes, concrete finishing machines, concrete saws, self propeller, concrete saws, self propeller, concrete spreader machines, gravel or stone spreader, power operated, head equipment greaser, hoist automatic, hoist w/1 drum & 1 load line, mud jacks, post holediggers, mechanical, road or street sweeper-self propelled, seaman tiller, straw machine, vibratory compactor, well drill machines scissors hoist.

CLASS III - Air compressor*, air compressors, track or self-propelled, asphalt plant engineers, bulk cement batching plants, conveyors,* concrete mixers (except plant, paver, tower) firemen, generators*, greasers, helper on single paving mixer, light plants*, mechanic helpers, mechanical heaters*, oilers, power from graders, power sub-graders, pug mills, when used for other than asphalt operation, rollers (except bituminous concrete) tractors w/o power attachments regardless of size of type) truck crane oiler & driver 1 (man), water pumps*, welding machines (one 300 amp. or over*)* welding machines*

*COMBINATIONS OF ONE TO FIVE OF ANY AIR COMPRESSORS, CONVEYORS. WELDING MACHINES, WATER PUMPS, LIGHT PLANTS OR GENERATORS SHALL BE IN BATTERIES OR WITHIN 300 FT.

DECISION NO IL76-2149 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: Nebraska

COUNTIES: Bonner, Box Butte, Cheyenne, Dawes, Deuel, Garden, Kimball, Morrill, Scotts Bluff, Sheridan, Sioux

DECISION NUMBER: NE76-4190

DATE: Date of Publication

Supersedes Decision No. NE75-4113 dated June 20, 1975 in 40 FR 26218

DESCRIPTION OF WORK: Building construction (excluding single family homes garden type apartments up to and including four (4) stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BRICKLAYERS	$9.00				
CARPENTERS	7.94				
CEMENT MASONS	7.04				
ELECTRICIANS	5.60				
GLAZIERS	5.23				
IRONWORKERS, Structural & Ornamental	9.61				
LABORERS:					
Common Laborers	4.00				
PAINTERS, Brush	4.00				
PLUMBERS	7.00				
ROOFERS	4.24				
SHEET METAL WORKERS	7.00				
SOFT FLOOR LAYERS	5.50				
TILE SETTERS	5.50				
TRUCK DRIVERS	6.50				
Welders - Receive rate prescribed for craft performing operation to which welding is incidental					
POWER EQUIPMENT OPERATORS:					
Bulldozers	4.00				
Cranes, Derricks, Draglines	8.85				
Blade Graders	5.25				

SUPERSEDEAS DECISION

STATE: Nevada

COUNTIES: Clark County (excluding the Nevada Test Site)

DECISION NUMBER: NV76-5114

DATE: Date of Publication

Supersedes Decision Number NV76-5091 dated September 24, 1976, in 41 FR 42124

DESCRIPTION OF WORK: Residential Construction consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$11.36	.78	$ 1.02		
BOILERMAKERS	12.80	.75	1.00	.50	.02
BRICKLAYERS; Stonemasons	10.87	.45	.50		.02
CARPENTERS:					
Zone 1: Area within the City limits of Henderson, Nevada, and Boulder City, Nevada; area within a 10 mile radius of Las Vegas, Nevada; In Clark County, the present fenced area of Nellis Air Force Base, as well as that area adjacent to Nellis Air Force Base bounded on the north by the Nellis spur track and on the west by the train line of the Union Pacific Railroad:					
Carpenters	10.46	.55	.90	1.00	.10
Floor Layers; Patent Scaffold Erectors; Power Saw Operators	10.61	.55	.90	1.00	.10
Piledrivermen	10.66	.55	.90	1.00	.10
Millwrights	11.06	.55	.90	1.00	.10
Zone 2: Area outside of Zone 1 and not more than 20 miles from the communities described above:					
Carpenters	10.96	.55	.90	1.00	.10
Floor Layers; Patent Scaffold Erectors; Power Saw Operators	11.11	.55	.90	1.00	.10
Piledrivermen	11.16	.55	.90	1.00	.10
Millwrights	11.56	.55	.90	1.00	.10

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS: (Cont'd)					
Zone 3: Area over 20 miles and not more than 40 miles from the communities described above:					
Carpenters	$11.21	.55	.90	$1.00	.10
Floor Layers; Patent Scaffold Erectors; Power Saw Operators	11.36	.55	.90	1.00	.10
Piledrivermen	11.41	.55	.90	1.00	.10
Millwrights	11.81	.55	.90	1.00	.10
Zone 4: Area over 40 miles from the communities described above:					
Carpenters	12.46	.55	.90	1.00	.10
Floor Layers; Patent Scaffold Erectors; Power Saw Operators	12.61	.55	.90	1.00	.10
Piledrivermen	12.66	.55	.90	1.00	.10
Millwrights	13.06	.55	.90	1.00	.10
CEMENT MASONS:					
Cement Masons	8.90	1.00	.40	2.00	.08
Cement Floor Finishing Machine; Color Work	9.15	1.00	.40	2.00	.08
ELECTRICIANS:					
Electricians; Technicians	13.41	.73	1%+.40		.08
Cable Splicers	13.74	.73	1%+.40		.08
ELEVATOR CONSTRUCTORS	12.00	.495	.32	3%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.495	.32	3%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	12.63	.35	.40		.05
IRONWORKERS:					
Fence Erectors	10.14	1.09	1.83	1.15	.04
Ornamental; Reinforcing; Structural	11.03	1.09	1.83	1.15	.04

DECISION NO. NV76-5114 Page 3

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LATHERS	$ 9.30	.50	$ 1.00	$1.00	.06
MARBLE MASONS; Terrazzo Workers; Tile Setters	10.87	.45	.50		.06
PAINTERS:					
Brush; Roller	11.55	.75	.35		.05
Paperhangers; Spray; Steel; Swing Stage; Sandblasters; Tapers	11.90	.75	.35		.05
PLASTERERS	9.98	1.00	.40	1.20	.08
PLUMBERS; Steamfitters	11.05	1.05	1.90	1.85	.08
ROOFERS	12.75	.65			
SHEET METAL WORKERS	11.53	.83	1.60	1.00	.07
SOFT FLOOR LAYERS	12.12	.40			.15
SPRINKLER FITTERS	14.80	.60	.90		.08

FOOTNOTE:

a. Employer contributes 4% basic hourly rate for over 5 years' service and 2% basic hourly rate for 6 months' to 5 years' service as Vacation Pay Credit. Six Paid Holidays: A through F.

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

DECISION NO. NV76-5114 Page 4

LABORERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$ 7.63	.51	$ 1.25	$1.00	
Group 2	7.68	.51	1.25	1.00	
Group 3	7.71	.51	1.25	1.00	
Group 4	7.73	.51	1.25	1.00	
Group 5	7.75	.51	1.25	1.00	
Group 6	7.76	.51	1.25	1.00	
Group 7	7.78	.51	1.25	1.00	
Group 8	7.81	.51	1.25	1.00	
Group 9	7.82	.51	1.25	1.00	
Group 10	7.84	.51	1.25	1.00	
Group 11	7.89	.51	1.25	1.00	
Group 12	7.92	.51	1.25	1.00	
Group 13	7.94	.51	1.25	1.00	
Group 14	7.97	.51	1.25	1.00	
Group 15	7.99	.51	1.25	1.00	
Group 16	8.055	.51	1.25	1.00	
Group 17	8.08	.51	1.25	1.00	
Group 18	8.15	.51	1.25	1.00	
POWER EQUIPMENT OPERATORS (Except Piledriving and Steel Erection)					
Group 1	9.25	.95	2.00	.50	.04
Group 2	9.53	.95	2.00	.50	.04
Group 3	9.82	.95	2.00	.50	.04
Group 4	9.96	.95	2.00	.50	.04
Group 5	10.18	.95	2.00	.50	.04
Group 6	10.29	.95	2.00	.50	.04
Group 7	10.41	.95	2.00	.50	.04
Group 8	10.58	.95	2.00	.50	.04
Group 9	10.71	.95	2.00	.50	.04
TRUCK DRIVERS					
Group 1	9.35	.40	.65		
Group 2	9.46	.40	.65		
Group 3	9.51	.40	.65		
Group 4	9.67	.40	.65		
Group 5	9.85	.40	.65		
Group 6	10.35	.40	.65		

LABORERS

Group 1: Debris Handler; Dry Packing of Concrete and Filling of Form-bolt Holes; Dumpman; Gas and Oil Pipeline Laborers; Demolition Laborers; General Construction Laborers; Spotter; Window Cleaner

Group 2: Cutting Torch Operator (Demolition); Tarman and Mortarman

Group 3: Guinea Chaser

Group 4: Fine Grader, highway and street paving, airport, runways and similar type heavy construction; Landscape Gardener and Nursery-man

Group 5: Laborers - packing rod steel and pans

Group 6: Underground Laborers including Caisson Bellowers

Group 7: Chucktender (except tunnels); Scaler; Septic Tank Digger and Installer (leadman); Tank Scaler and Cleaner

Group 8: Cesspool Digger and Installer

Group 9: Concrete Curer-impervious Membrane and Oiler of all materials; Making and caulking of all non-metallic pipe joints; Riprap Stonepaver; Sandblaster (pot tender)

Group 10: Asphalt Ironer, Raker, Spreader; Buggymobile; Cement Dumper (on 1 yd. or larger mixers and handling bulk concrete); Cement Grinding machine operator; Concrete Core Cutter; Concrete Saw Man, excluding tractor type; Gas and Oil Pipeline Wrapper, Pot Tender and Form Man; Tree Climber, faller, Chain Saw Operator; Pittsburgh Chipper and similar type; Vibrators and all pneumatic gas, electric and similar mechanical tools not separately classified herein; Roto Scraper

Group 11: Rock Slinger; Scaler, using bosun chair, safety belt or power tools

Group 12: Driller and/or Pavement Breaker

Group 13: Laying of all non-metallic Pipe (including sewer pipe, drain pipe and underground tile)

Group 14: Gas and Oil Pipeline Wrapper - 6 inch pipe and over

Group 15: Cribber or Shorer; Powderman

Group 16: Steel Headerboard Man

Group 17: Driller (Core, Diamond or Wagon); Joy Driller Model TW-H-2A, Gardner-Denver Model DH-163 and similar drills; Sandblaster - Nozzleman

Group 18: Head Rock Slinger

POWER EQUIPMENT OPERATORS
(Except Piledriving and Steel Erection)

Group 1: Brakeman; Compressor Operator; Engineer Oiler; Generator; Heavy Duty Repairman Helper; Pump; Signalman; Switchman

Group 2: Concrete Mixer Operator, Skip type; Conveyor Operator; Fireman; Generator, Pump or Compressor (2-5 inclusive); Generator, Pump or Compressor portable units (over 5 units, 10¢ per hour for each additional unit up to nine units); Hydrostatic Pump; Oiler Crusher (asphalt or concrete plant); Plant Operator, Generator, pump or compressor; Skiploader - wheel type up to 3/4 yd. w/o attachment; Soils Field Technician; Tar Pot Fireman; Temporary Heating Plant; Trenching Machine Oiler; Truck Crane Oiler; Rotary Drill Helper (oilfield)

Group 3: A-Frame or Winch Truck; Elevator Operator (inside); Equipment Greaser (rack); Ford Ferguson (with dragtype attachments); Helicopter Radioman (ground); Power Concrete Curing Machine; Power Concrete Saw; Power-driven Jumbo Form Setter; Ross Carrier; Stationary Pipe Wrapping and Cleaning Machine

Group 4: Asphalt Plant Fireman; Boring Machine; Boxman or Mixerman (asphalt or Concrete); Chip Spreading Machine; Concrete Pump (small portable); Bridge type unloader and turntable; Dinkey Locomotive or Motorman (up to and including 10 tons); Equipment Greaser (grease truck); Helicopter Hoist; Highline Cableway Signalman; Hydra-Hammer-Aero Stomper; Power Sweeper; Roller (compacting); Screed (asphalt or concrete); Trenching Machine (up to 6 ft.)

Group 5: Asphalt Plant Engineer; Concrete Batch Plant; Backhoe (up to and including 3/4 yd.); Bit Sharpener; Concrete Joint Machine (canal and similar type); Concrete Planer; Deck Engine; Forklift (under 5 ton capacity); Machine Tool; Maginnis Internal Full Slab Vibrator; Mechanical Berm, curb or gutter (concrete or asphalt); Mechanical Finisher (concrete-Clary-Johnson-Bidwell or similar); Pavement Breaker; Road Oil Mixing Machine; Roller (asphalt or finish); Rubber-tired Earth Moving Equipment (single engine, up to and including 25 yd., struck); Self-propelled Tar Pipelining Machine; Slip Form Pump (power-driven hydraulic lifting device for concrete forms); Tugger Hoist (1 drum); Tunnel Locomotive (over 10 and up to and including 30 tons); Stinger Crane (Austin-Western or similar type); Skiploader (crawler and wheel type over 3/4 yd., and up to and including 1½ yds.); Tractor-Bulldozer, Tamper, Scraper (single engine, up to 100 H.P., flywheel and similar types, up to and including D-5 and similar types)

POWER EQUIPMENT OPERATORS (Cont'd)
(Except Piledriving and Steel Erection)

Group 6: Asphalt or Concrete Spreading (tamping or finishing); Asphalt Paving Machine (Barber-Greene or similar type); BHL Lima Road Pactor or similar; Bridge Crane; Pipe Laying Machine (cast in place); Combination Mixer and Compressor (gunite work); Concrete Pump (truck mounted); Concrete Mixer; Crane (up to and including 25 tons); Crushing Plant; Elevating Grader; Forklift (over 5 tons); Grade Checker; Gradeall; Grouting Machine; Heading Shield; Heavy Duty Repairman; Hoist (Chicago Boom and similar type); Kolman Belt Loader and similar type; LeTourneau Blob Compactor or similar type; Lift Slab Machine (Vagtborg and similar types); Lift Mobile; Loader (Athey, Euclid, Sierra and similar type); Material Hoist; Mucking Machine (1/4 yd. rubber-tired, rail or track type); Pneumatic Concrete Placing Machine (Hackley-Preswell or similar type); Pneumatic Heading Shield (tunnel); Pumpcrete Gun; Rotary Drill (excluding Caisson type); Rubber-tired earth moving equipment operator (single engine-Caterpillar, Euclid, Athey Wagon and similar types with any and all attachments, over 25 yds. and up to and including 50 cu. yds. struck); Rubber-tired Scraper (self-loading-Paddle Wheel type - John Deere, 1040 and similar single unit); Skiploader (Crawler and wheel type - over 1½ yds., up to and including 6½ yds.); Surface Heaters and Planer; Rubber-tired Earth Moving Equipment multiple engine (up to and including 25 yds. struck): Trenching Machine (over 6 ft. depth capacity, manufacturers' rating); Tower Crane; Tractor Compressor Drill Combination; Tractor (any type larger than D-5-100 flywheel H.P., and over or similar); Bulldozer, Tamper, Scraper and Push Tractor (single engine); Tractor (Boom attachments); Traveling Pipe Wrapping, Cleaning and Bending; Tunnel Locomotive (over 30 tons); Shovel, Backhoe, Dragline, Clamshell (over 3/4 yd., and up to 5 cu. yds. m.r.c.)

Group 7: Crane (over 25 tons up to and including 100 tons m.r.c.); Derrick Barge, Dual Drum Mixer; Hoist, Stiff Legs, Guy Derrick, or similar type, up to and including 100 tons); Monorail Locomotive (Diesel, gas or electric); Motor Patrol Blade Operator (single engine); Multiple Engine Tractor Operator (Euclid and similar type, except Quad 9 Cat); Rubber-tired Earth Moving Equipment (single engine over 50 yds.struck); Rubber-tired Earth Moving Equipment (multiple engine, Euclid, Caterpillar and similar) (over 25 yds. and up to 50 cu. yds. struck); Tractor Loader Operator (crawler and wheel type over 6½ yds.); Tower Crane Repairman; Shovel, Backhoe, Dragline, Clamshell Operator (over 5 cu. yds. m.r.c.); Woods Mixer and similar Pugmill Equipment; Heavy Duty Repairman - Welder Combination

POWER EQUIPMENT OPERATORS (Cont'd)
(Except Piledriving and Steel Erection)

Group 8: Autograder; Automatic Slip Form; Crane (over 100 tons); Hoist-Stiff Legs, Guy Derrick or similar types (capable of hoisting 100 tons or more); Mass Excavator (less than 750 cu. yds.); Mechanical Finishing Machine; Mobile Form Traveler; Motor Patrol (multi-engine); Pipe Mobile Machine; Rubber-tired Earth Moving Equipment (multiple engine, Euclid, Caterpillar and similar type over 50 cu. yds., struck); Rubber-tired Self-loading Scraper (Paddle wheel-Auger type self-loading with 2 or more units); Tandem Equipment (2 units only); Tandem Tractor (Quad 9 or similar type); Tunnel Mole Boring Machine; Rubber-tired Scraper (pushing w/o Push Cat, Push-Pull (50¢ per hour additional)

Group 9: Canal Liner; Canal Trimmer; Helicopter Pilot; Highline Cableway; Wheel Excavator (over 750 cu. yds.); Remote Controlled Earth Moving Equipment ($1.00 per hour additional to base rate)

TRUCK DRIVERS

Group 1: Dump Trucks (less than 12 yds.); Trucks (legal payload capacity less than 15 tons); Water and fuel trucks (under 2500 gallons); Pickups; Service; Repairman Helper; Drivers of busses (on jobsite used for transportation of up to 25 passengers); Teamster Equipment (highest rate for dual craft operation)

Group 2: Dump trucks (12 yds. but less than 16 yds.); Trucks (legal payload capacity between 15 and 20 tons); Water and fuel trucks (2500 to 4000 gallons); Truck driver working on gas and oil pipeline (including winch truck and all sizes of trucks); Truck Greaser and Tireman; Drivers of busses (on jobsite used for transportation of more than 25 passengers); Bootman

Group 3: Dumpcrete (less than 6½ yds.); Transit-mix (less than 3 yds.); Warehouse Clerk

Group 4: Dump trucks (16 yds. up to and including 22 yds.); Trucks (legal payload capacity 20 tons but less than 30 tons); Water and fuel trucks (4000 gallons but less than 6000 gallons); Dumpcrete (6½ yds. and over); Transit-mix (3 yds. but less than 6 yds.); Euclid-type spreader trucks; Dumpster; Fork lift; Ross Carrier - highway; Road oil spreading truck, time spent spreading oil

Group 5: Dump trucks (over 22 yds.); Trucks (legal payload capacity 20 tons and over); Water and fuel trucks (6000 gallons and over); Transit-mix (6 yds. and over); Truck Repairman

Group 6: D.W. and similar-type equipment, D.W. 10 and D.W. 20; Euclid-type equipment, LeTourneau Pulls, Terra Cobras and similar types of equipment; also PB and similar - type trucks when performing work within Teamster jurisdiction, regardless of types of attachment including power units pulling off Highway Belly Dumps in tandem.

SUPERSEDEAS DECISION

DECISION NO. NV76-5115

Page 2

STATE: Nevada
COUNTIES: Washoe County, Nevada
DECISION NUMBER: NV76-5115
DATE: Date of Publication
Supersedes Decision Number NV76-5113 dated November 26, 1976, in 41 FR 52263.
DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$13.06	.90	$1.02		.06
BOILERMAKERS	12.80	.75	1.00	.50	.02
BRICKLAYERS; Stonemasons:					
Zone 1: 0-35 miles from Courthouse in Reno, Nevada	11.00	.50	.60		.01
Zone 2: 35-75 miles from Courthouse in Reno, Nevada	11.90	.50	.60		.01
Zone 3: 75 miles and over from Courthouse in Reno, Nevada	11.00	.50	.60		.01
BRICK TENDERS:					
Zone 1: 0-35 miles from Courthouse in Reno, Nevada	9.10	.50	.90	.55	.05
Zone 2: 35-75 miles from Courthouse in Reno, Nevada	10.00	.50	.90	.55	.05
CARPENTERS:					
Zone 1: In Washoe County, the area within 5 road miles of the following communities - Carson City, Lovelock; also area within 10 road miles of Reno, Nevada; also Washoe Valley between Reno, Nevada, and Carson City, Nevada, but not including any area further than the foot of the mountains to the east or west side of Washoe Valley; also the area of Stead Air Force Base:					
Residential Carpenter	7.64	.65	1.01	1.00	.05
CARPENTERS (Cont'd):					
Zone 2: Area outside of Zone 1 and not more than 20 road miles from the above communities:					
Residential Carpenter	$8.24	.65	$1.01	$1.00	.05
Zone 3: Area over 20 and not more than 40 road miles from the above communities:					
Residential Carpenter	8.44	.65	1.01	1.00	.05
Zone 4: Area over 40 road miles from the above communities:					
Residential Carpenter	9.14	.65	1.01	1.00	.05
CEMENT MASONS:					
Lake Tahoe Area:					
Cement Masons	10.10	.65	.75	1.00	.03
Mastic, Magnesite and all Composition Masons	10.35	.65	.75	1.00	.03
Troweling Machine; Grinder Operator and Kelly Float	10.60	.65	.75	1.00	.03
Remainder of Washoe County:					
Zone 1: Area within a 15 mile radius of the Main Post Office, Reno, Nevada, or within a 15 mile radius of the employee's permanent residence in the State of Nevada, or within a 15 mile radius of the center of the jobsite; also area within a 7 mile radius of the Main Post Office, Carson City, Nevada:					
Cement Masons	8.65	.65	.75	1.00	.03
Mastic, Magnesite and all Composition Masons	8.90	.65	.75	1.00	.03
Troweling Machine; Grinder Operator and Kelly Float	9.15	.65	.75	1.00	.03

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CEMENT MASONS (Cont'd):					
Zone 2: Area outside of Zone 1:					
2-A: Area over 15 but not over 50 miles to center of jobsite:					
Cement Masons	$9.40	.65	.75	$1.00	.03
Mastic, Magnesite and all Composition Masons	9.65	.65	.75	1.00	.03
Troweling Machine; Grinder Operator and Kelly Float	9.90	.65	.75	1.00	.03
2-B: Area over 50 miles to center of jobsite:					
Cement Masons	10.65	.65	.75	1.00	.03
Mastic, Magnesite and all Composition Masons	10.90	.65	.75	1.00	.03
Troweling Machine; Grinder Operator and Kelly Float	11.15	.65	.75	1.00	.03
DRYWALL INSTALLERS:					
Zone 1: In Washoe County, the area within 5 road miles of the following communities - Carson City, Lovelock; also area within 10 road miles of Reno, Nevada; also Washoe Valley between Reno, Nevada, and Carson City, Nevada, but not including any area further than the foot of the mountains to the east or west side of Washoe Valley; also the area of Stead Air Force Base:	9.60	.65	1.01	1.00	.05
Zone 2: Area outside of Zone 1 and not more than 20 road miles from the above communities	10.20	.65	1.01	1.00	.05

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DRYWALL INSTALLERS (Cont'd):					
Zone 3: Area over 20 and not more than 40 road miles from the above communities	$10.40	.65	$1.01	$1.00	.05
Zone 4: Area over 40 road miles from the above communities	11.10	.65	1.01	1.00	.05
ELECTRICIANS:					
Electricians; Technicians	11.58	.67	1% + .77		.08
Cable Splicers	12.74	.67	1% + .77		.08
ELEVATOR CONSTRUCTORS	12.39	.495	.32	3% + a	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.495	.32	3% + a	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	10.495	.43	1.20	.84+.43	
IRONWORKERS:					
Fence Erectors	10.14	1.09	1.83	1.15	.04
Ornamental; Reinforcing; Structural	11.03	1.09	1.83	1.15	.04
LATHERS	10.86	.56	.20		.01
PAINTERS:					
Brush	10.95	.70	.75		
Paperhangers; Spray; Structural Steel; Swing Stage; Sandblasters; Tapers	11.20	.70	.75		
PLASTERERS	9.35	.50	1.00		
PLASTERERS' TENDERS	7.75	.50	.45		
PLUMBERS; Steamfitters	10.64	.73	.80	1.95	.10
ROOFERS	11.05	.50	.35		.02
SHEET METAL WORKERS	9.80	.94	1.83	.98	.03+.02
SOFT FLOOR LAYERS	10.80	.70	.20	2.4%	
SPRINKLER FITTERS	14.80	.60	.90		.08
TERRAZZO WORKERS; TILE SETTERS:					
Zone 1: 0-35 miles from Courthouse in Reno, Nevada	11.00	.50	.60		.01
Zone 2: 35-75 miles from Courthouse in Reno, Nevada	11.90	.50	.60		.01
Zone 3: 75 miles and over from Courthouse in Reno, Nevada	11.00	.50	.60		.01

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.

FOOTNOTE:
a. Employer contributes 4% basic hourly rate for over 5 years' service and 2% basic hourly rate for 6 months' to 5 years' service as Vacation Pay Credit. Six Paid Holidays: A through F.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

LABORERS:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Zone 1: In Washoe County, the area within 5 road miles of the following communities - Carson City, Lovelock; also area within 10 road miles of Reno, Nevada; also Washoe Valley between Reno, Nevada, and Carson City, Nevada, but not including any area further than the foot of the mountains to the east or west side of Washoe Valley; also the area of Stead Air Force Base:					
Group 1	$7.75	.50	.90		.10
Group 2	7.85	.50	.90		.10
Group 3	8.00	.50	.90		.10
Group 4	8.25	.50	.90		.10
Group 5	8.55	.50	.90		.10
Group 6-A	8.55	.50	.90		.10
Group 6-B	8.25	.50	.90		.10
Group 6-C	7.90	.50	.90		.10
Zone 2: Area outside of Zone 1 and not more than 20 road miles from the above communities:					
Group 1	8.35	.50	.90		.10
Group 2	8.45	.50	.90		.10
Group 3	8.60	.50	.90		.10
Group 4	8.85	.50	.90		.10
Group 5	9.15	.50	.90		.10
Group 6-A	9.15	.50	.90		.10
Group 6-B	8.85	.50	.90		.10
Group 6-C	8.50	.50	.90		.10
Zone 3: Area over 20 and not more than 40 road miles from the above communities:					
Group 1	8.55	.50	.90		.10
Group 2	8.65	.50	.90		.10
Group 3	8.80	.50	.90		.10
Group 4	9.05	.50	.90		.10
Group 5	9.35	.50	.90		.10
Group 6-A	9.35	.50	.90		.10
Group 6-B	9.05	.50	.90		.10
Group 6-C	8.70	.50	.90		.10

LABORERS (Cont'd):	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Zone 4: Area over 40 road miles from the above communities:					
Group 1	$9.25	.50	.90		.10
Group 2	9.35	.50	.90		.10
Group 3	9.50	.50	.90		.10
Group 4	9.75	.50	.90		.10
Group 5	10.05	.50	.90		.10
Group 6-A	10.05	.50	.90		.10
Group 6-B	9.75	.50	.90		.10
Group 6-C	9.40	.50	.90		.10

LABORERS

Group 1: All cleanup work of debris, grounds, and buildings including windows and tile; Dumpman or Spotter (other than asphalt); General Laborer; Gardeners and Landscape Laborers; Limber, Brushloader and Piler

Group 2: Choker Setter or Rigger (clearing work only); Pittsburgh Chipper and similar type Brush Shredders; Concrete Worker (wet or dry) - all concrete work not listed in Group 3; Crusher or Grizzly Tender; Guinea Chaser (Stakeman); Panel Forms (wood or metal) - handling, cleaning and stripping of; Loading and unloading, carrying and handling of all rods and material for use in reinforcing concrete; Railroad Trackman (maintenance, repair or builders); Sloper; Semi-skilled Wreckers (salvaging of building materials other than those listed in Group 3); Greasing Dowels

Group 3: Asphalt Workers (Ironers, Shoveler, Cutting Machine); Buggy-mobile; Chainsaw, faller, logloader and bucker; Compactor (all types); Concrete Mixer under 1/2 yds.; Concrete Pan Work (breadpan type), (handling, cleaning, stripping); Concrete Saw, Chipping, Grinding, Sanding, Vibrator; Cribbing, Shoring, Lagging, Trench Jacking, hand-guided Lagging Hammer; Curbing or Divider Machine; Curb Setter (precast or cut); Ditching Machine (hand-guided); Drillers' Helper, Chuck Tender; Form Raiser, Slip Forms; Grouting of concrete walls, windows and door jams; Headerboardman; Jack-hammer, Pavement Breaker, Air Spade; Mastic Workers (wet or dry); Pipe Wrapper, Kettleman, Potman, and Men applying asphalt, creosote and similar type materials; All power tools (air, gas, or electric) not listed in Group 5; Pipejacking; Posthole Digger (air, gas or electric); Post Driver; Riprap-stonepaver and Rock Slinger, including placing of sack concrete wet or dry; Rototiller; Rigging and Signaling in connection with Laborers' work; Sandblaster, Potman, Gunman or Nozzleman; Vibra-screed; Skilled Wrecker (removing and salvaging of sash, windows, doors, plumbing and electrical fixtures

Group 4: Burning and Welding in connection with Laborers' work; Joy Drill Model TWH-2A, Gardner Denver Model DH 143 and similar type drills; Track Drillers, Diamond Core Drillers, Wagon Drillers, Mechanical Drillers on multiple units; High Scalers; Concrete Pump; Heavy Duty Vibrator with stinger 5" diameter or over; Pipelayer, Caulker and Bander; Pipelayer - waterline, sewerline, gasline or conduit; Asphalt Rakers

Group 5: Blasters and Powderman, all work of loading, placing and blasting of all powder and explosives of any type, regardless of method used for such loading and placing

Group 6-A: Nozzleman
Group 6-B: Gunman, Materialman
Group 6-C: Reboundman

POWER EQUIPMENT OPERATORS: (Except Piledriving and Steel Erection):	Basic Hourly Rates AREA 1	Basic Hourly Rates AREA 2	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$8.75	$9.90	$1.12	$2.23	.92	.20
Group 2	9.12	10.27	1.12	2.23	.92	.20
Group 3	9.32	10.47	1.12	2.23	.92	.20
Group 4	9.84	10.99	1.12	2.23	.92	.20
Group 5	10.05	11.20	1.12	2.23	.92	.20
Group 6	10.17	11.32	1.12	2.23	.92	.20
Group 7	10.34	11.49	1.12	2.23	.92	.20
Group 8	10.72	11.87	1.12	2.23	.92	.20
Group 9	10.94	12.09	1.12	2.23	.92	.20
Group 10	11.17	12.32	1.12	2.23	.92	.20
Group 10-A	11.29	12.44	1.12	2.23	.92	.20
Group 11	11.46	12.61	1.12	2.23	.92	.20
Group 11-A	12.54	13.69	1.12	2.23	.92	.20

For "Area Definitions" see the last page of the decision.

POWER EQUIPMENT OPERATORS
(Except Piledriving and Steel Erection)

Group 1: Assistant to Engineer, including Brakeman, Deckhand, Fireman, Heavy Duty Repairman Helper, Oiler, Partsman (heavy duty repair shops parts room when needed), Switchman, Tar Pot Fireman

Group 2: Compressor; Material Loader and/or Conveyor (handling building materials); Pump; Tar Pot Fireman (power agitated)

Group 3: Box Operator (Bunker); Concrete Curing Machines (streets, highways, airports, canals); Conveyor Belt (tunnel); Engineer Generating Plant (500 K.W.); Fireman, Hot Plant; Hydraulic Monitor; Lubrication and Service Engineer (mobile and grease rack); Mixer Box Operator (concrete plant); Motorman; Rotomist; Screedman (except asphaltic or concrete paving); Oiler (truck crane)

Group 4: Ballast Jack Tamper; Ballast Regulator; Ballast Tamper Multi-purpose; Boxman (asphalt plant); Concrete Mixer, Skip type; Dinky; Fork Lift (construction job site); Ross Carrier; Skip Loader (under 1 cu. yd.); Tie Spacer; Line Master

Group 5: Concrete Mixer (over 1 cu. yd.); Concrete Pumps or Pumpcrete Guns; Elevator and Material Hoist (1 drum); Screedman (Barber-Greene and similar) (asphaltic or concrete paving); Shuttle Car; Signalman

Group 6: Boom Truck or Dual Purpose "A" Frame Truck; B.L.H. Lima Road Pactor or similar; Chip Box Spreader (Flaherty type or similar); Concrete Batch Plant (wet or dry); Concrete Saws (highways, streets, airports, canals); Highline Cableway Signalman; Locomotive (over 30 tons); Maginnis International Full Slab Vibrator (airports, highways, canals, warehouses); Mechanical Burn, Curb and/or Curb Gutter Machine (concrete or asphalt); Power Jumbo (setting slip forms, etc., in tunnels); Roller (except asphalt); Self-propelled Compactor (single engine); Slip Form Pump (power driven by hydraulic, electric, air, gas, etc., lifting device for concrete forms); Stationary Pipe Wrapping, Cleaning, and Bending Machine; Pavement Breaker or Tamper (with or without compressor combination); Pavement Breaker, truck mounted, with compressor combination; Small Rubber-tired Tractors; Self-propelled Tape Machine

Group 7: Compressor (over 2); Concrete Conveyor; Concrete Conveyor or Concrete Pump, truck or equipment mounted (boom length to apply); Crusher Plant Engineer; Deck Engineer; Drilling and Boring Machinery, vertical and horizontal (not to apply to waterliners, wagon drills or jackhammers); Generators; Grade Setters; Grade Checker; Kolman Loader; Material Hoist (2 or more drums); Mechanical

POWER EQUIPMENT OPERATORS
(Except Piledriving and Steel Erection)

Group 7 (Cont'd):
Finishers or Spreader Machine (asphalt, Barber-Greene and similar); Mine or Shaft Hoist; Pipe Bending Machines (pipelines only); Pipe Cleaning Machines (tractor propelled and supported); Pipe Wrapping Machines (tractor propelled and supported); Portable Crushing and Screening Plants; Pumps (over 2); Refrigeration Plant; Self-propelled Boom type Lifting Device (center mount) (10 ton capacity or less); Slusher; Soil Tester (certified); Surface Heater and Planer; Trenching Machine (maximum digging capacity 3 ft. depth); Truck type Loader; Welding Machines (gasoline or diesel); Roller (asphalt)

Group 8: Asphalt Plant Engineer; Car Passer; Cast-in-place Pipe Laying Machine; Combination Slusher and Motor; Dozer; Concrete Batch Plant (multiple units); Elevating Grader; Grooving and Grinding Machine (highways); Heavy Duty Repairman and/or Welder; Kan-seal; Loader (up to and including 2 1/2 cu. yds.); Mechanical Trench Shield; Mixermobile; Push Cats; Road Oil Mixing Machine; Wood-mixer (and other similar pugmill equipment); Rubber-tired Earthmoving equipment (up to and including 35 cu. yds. "struck" m.r.c.) (Euclids, T-Pulls, DW's 10. 20, 21 and similar); Self-propelled Compactor with Dozer; Sheepfoot; Small Tractor (with boom); Soil Stabilizer (P & H or equal); Timber Skidder (rubber tire) or similar equipment; Tractor; Tractor drawn scraper; Tractor mounted Compressor Drill Combination; Trenching Machine (over 3 ft. depth); Tri-batch Paver; Tunnel Badger or Tunnel Boring Machine; Tunnel Mole Boring Machine

Group 9: Canal Finger Drain Digger; Chicago Boom; Combination Backhoe and Loader (up to and including 3/8 yds.); Combination Mixer and Compressor (gunnite); Lull Hi-lift (20 ft. or over); Mucking Machine; Tractor with boom (D-6 or larger); Track Laying type Earth moving Machine (single engine with tandem scrapers); Sub-grader (Curries or other types)

Group 10: Boom type Backfilling Machine; Bridge Crane; Cary-lift or similar; Chemical Grouting Machine; Derricks; Derrick Barges (except excavation work); Euclid Loader and similar types; Heavy Duty Rotary Drill Rigs; Lift-slab (Vagtborg and similar types); Loader (over 2 1/2 cu. yds. up to and including 4 cu. yds.); Locomotive (over 100 tons) (single or multiple units); Multiple Engine Earth Moving Machines (Euclid, Dozers, etc.); Pre-stress Wire Wrapping Machine; Rubber-tired Scraper, self-loading; Self-propelled Reservoir-debris equipment floating (200 HP and over); Shuttle Car (Reclaim Station); Single Engine Scraper (over 35 cu. yds.); Train Loading Station; Vacuum Cooling Plant; Whirley Crane (up to and including 25 tons); Trenching Machine; Multi-engine with sloping attachments (JEFFCO or similar)

POWER EQUIPMENT OPERATORS
(Except Piledriving and Steel Erection)

Group 10-A: Backhoe (up to and including 1 cu. yd. hydraulic); Backhoe (up to and including 1 cu. yd. cable); Cranes (not over 25 tons)(hammerhead and Gantry); Grade-alls (up to and including 1 cu. yd.); Motor Patrol; Power Shovels, Clamshells, Draglines, Cranes (up to and including 1 cu. yd.); Rubber-tired Scraper, self-loading (twin engine); Self-propelled Boom-type Lifting Device (center mount) (over 10 tons)

Group 11: Automatic Asphalt or Concrete Slip Form Paver; Automatic Railroad Car Dumper; Canal Finger Drain Backfiller; Canal Trimmer; Cranes (over 25 tons); Highline Cableway Operator; Loader (over 4 yds. up to and including 12 cu. yds.); Multi-engine Earthmoving Equipment (up to and including 75 cu. yds. "struck" m.r.c.); Power Shovels, Clamshells, Draglines, Backhoes, Gradeall (over 1 yd. and up to and including 7 cu. yds. m.r.c.); Self-propelled Compactor (with multiple propulsion power units); Single Engine Rubber-tired Earth-moving Machine (with tandem scraper); Slip Form Paver (concrete or asphalt); Tandem Cats and Scrapers; Tower Crane Mobile; Universal Liebher and Tower Cranes (and similar types); Wheel Excavator (up to and including 750 cu. yds. per hour); Whirley Cranes (over 25 tons)

Group 11-A: Band Wagons (in conjunction with wheel excavators); Loader (over 12 cu. yds.); Multi-engine Earth-moving Equipment (over 75 cu. yds. "struck" m.r.c.); Operator of Helicopter (when used in construction work); Power Shovels and Draglines (over 7 cu. yds. m.r.c.); Remote-controlled Earth-moving Equipment; Wheel Excavator (over 750 cu. yds. per hour)

TRUCK DRIVERS	Basic Hourly Rates AREA 1	Basic Hourly Rates AREA 2	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
DUMP (Single or multiple units including semis, double and transfer units; Dumpcrete and bulk cement spreaders:						
Under 4 yds.	$8.45	$9.60	.51	.65		.05
4 yds. and under 8 yds.	8.65	9.80	.51	.65		.05
8 yds. and under 18 yds.	8.85	10.00	.51	.65		.05
18 yds. and under 35 yds.	9.00	10.15	.51	.65		.05
35 yds. and under 60 yds.	9.25	10.40	.51	.65		.05
60 yds. and under 75 yds.	9.40	10.55	.51	.65		.05
75 yds. and under 100 yds.	9.55	10.70	.51	.65		.05
100 yds. and over	9.70	10.85	.51	.65		.05
TRANSIT MIX:						
Under 8 yds.	8.85	10.00	.51	.65		.05
8 yds. and including 12 yds.	8.95	10.10	.51	.65		.05
Over 12 yds.	9.15	10.30	.51	.65		.05
WATER TRUCKS and Jetting Trucks:						
Up to 2,500 gals.	8.65	9.80	.51	.65		.05
2,500 gals. and over	8.85	10.00	.51	.65		.05
DW 20's and 21's and other similar Cat type; Terra Cobra, LeTourneau Pulls, Tournerocker, Euclid and similar type equipment when pulling Aqua/Pak; Water tank trailers, fuel and/or grease tank, or other misc. trailers (except as defined under dump trucks)	9.10	10.25	.51	.65		.05
FLATRACK; Industrial Lift with mechanical tailgate:						
Single unit - 2 axle	8.65	9.80	.51	.65		.05
Single unit - 3 axle	8.75	9.90	.51	.65		.05
BUS AND MANHAUL DRIVERS, Single unit; Pickup:						
Up to 18,000 pounds	8.50	9.65	.51	.65		.05
18,000 pounds and over	8.60	9.75	.51	.65		.05

TRUCK DRIVERS (Cont'd):	Basic Hourly Rates AREA 1	Basic Hourly Rates AREA 2	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
WINCH TRUCKS, A-Frame:						
Under 18,000 lbs.	$8.60	$9.75	.51	.65		.05
18,000 lbs. and over	8.70	9.85	.51	.65		.05
HEAVY DUTY TRANSPORT (Highbed); Heavy duty transport (gooseneck lowbed); Tiltbed or flatbed pull trailers	9.00	10.15	.51	.65		.05
BOOTMAN, Combination; Bootman and Road Oiler	8.90	10.05	.51	.65		.05
ROAD OIL TRUCKS OR BOOTMEN; Fuel driver; Fuel man and Fuel island man	8.60	9.75	.51	.65		.05
HELICOPTER PILOT (When transporting men or material)	9.40	10.55	.51	.65		.05
LIFT JITNEYS AND FORK LIFTS	8.70	9.85	.51	.65		.05
WAREHOUSE CLERK	8.65	9.80	.51	.65		.05
TIRE REPAIRMAN	8.85	10.00	.51	.65		.05
TRUCK REPAIRMAN	9.15	10.30	.51	.65		.05

DECISION NO. NV76-5115 Page 15

AREA DEFINITIONS
Power Equipment Operators and Truck Drivers
In Washoe County,

AREA 2: All areas not included within Area 1 as defined below.
AREA 1: All of Northern Nevada within the following lines:

Commencing at the N.W. corner of Township 22N, Range 18E, Mount Diablo Baseline and Meridian at the California-Nevada border;
Thence Easterly to the N.E. corner of Township 22N, Range 22E;
Thence Southerly to the N.E. corner of Township 20N, Range 22E;
Thence Easterly to the N.W. corner of Township 20N, Range 26E;
Thence Northerly to the N.W. corner of Township 22N, Range 26E;
Thence Easterly to the N.W. corner of Township 22N, Range 29E;
Thence Northerly to the N.W. corner of Township 30N, Range 29E;
Thence Easterly to the N.E. corner of Township 30N, Range 33E;
Thence Southerly to the S.E. corner of Township 24N, Range 33E;
Thence Westerly to the S.E. corner of Township 24N, Range 31E;
Thence Southerly to the S.E. corner of Township 16N, Range 31E;
Thence Westerly to the S.E. corner of Township 16N, Range 30E;
Thence Southerly to the S.E. corner of Township 15N, Range 30E;
Thence Westerly to the S.E. corner of Township 15N, Range 27E;
Thence Southerly to the S.E. corner of Township 14N, Range 27E;
Thence Westerly to the S.E. corner of Township 14N, Range 23E;
Thence Southerly to the S.E. corner of Township 13N, Range 23E;
Thence Westerly to the S.E. corner of Township 13N, Range 22E;
Thence Southerly to the N.E. corner of Township 10N, Range 22E;
Thence Easterly to the N.E. corner of Township 10N, Range 23E;
Thence Southerly along the Easterly line of Range 23E to the intersection of the California-Nevada border;
Thence North-Westerly, then Northerly following the California-Nevada border to the point of beginning.

Area 1 also includes that portion of Northern Nevada included within the following line:

Commencing at the S.W. corner of Township 37N, Range 52E;
Thence Easterly to the S.E. corner of Township 37N, Range 52E;
Thence Northerly to the N.E. corner of Township 37N, Range 52E;
Thence Easterly to the N.W. corner of Township 37N, Range 58E;
Thence Southerly to the S.W. corner of Township 37N, Range 58E;
Thence Easterly to the S.E. corner of Township 37N, Range 58E;
Thence Southerly to the N.E. corner of Township 31N, Range 58E;
Thence Westerly to the N.W. corner of Township 31N, Range 58E;
Thence Southerly to the S.W. corner of Township 31N, Range 58E;
Thence Westerly to the S.E. corner of Township 31N, Range 52E;
Thence Northerly to the N.E. corner of Township 31N, Range 52E;
Thence Westerly to the S.E. corner of Township 32N, Range 51E;
Thence Northerly to the point of beginning.

SUPERSEDEAS DECISION

STATE: Vermont
DECISION NO. VT76-2170
Supersedes Decision VT76-2040 dated March 26, 1976 in 41 FR 12873
DESCRIPTION OF WORK: Highway Construction

COUNTY: Statewide, except Rutland Co.
DATE: Date of Publication

VERMONT HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS:					
The following towns starting from the N/W corner and moving clockwise: Townsend, Brookline, Westminister, Putney, Drummerston, Battleboro, Guilford, Vernon, Halifax, Whitingham, Marlboro and Newrane	$ 6.43	.35	.50		.02
Towns, Townships, & Cities within the perimeter formed by the following towns starting from the N/W corner and moving clockwise: Rupert, Dorset, Winhall, Londonderry, Jamaica, Wardsboro, Dover, Wilmington, Readsboro, Stamford, Pownal, Bennington, Shaftsbury, Arlington, and Sandgate	6.36	.40	.50		.04
Remainder of State	6.65	.35	.30		
LABORERS:					
Addison, Caledonia, Chittenden, Essex Franklin, Grand Isle, Lamoille, Orange, Orleans, Washington, and Windsor Counties					
Laborers, Chuck tenders	3.85	.15		a	
Air tool ops, Drillers, (except Caledonia Co.) Pipelayers, Powdermen, Scalers, & Vibrator ops	4.10	.15		a	
Blasters	4.35	.15		a	
Drillers - Caledonia County	5.00	.15			
Bennington & Windham Counties:					
Laborers, Asphalt rakers	3.95	.15	.15		
Air tool ops, Concrete pipelayers, Scalers on boatmen's chair, Vibrators and Wagon drills	4.20	.15	.15		
Balsters & Powdermen	4.45	.15	.15		
MILLWRIGHTS:					
Townsend, Brookline, Westminister, Putney, Drummerston, Brattleboro, Guilford, Vernon, Halifax, Whitingham, Marlboro, and Newrane	6.68	.35	.50		.02
Rupert, Dorset, Winhall, Londonderry, Jamaica, Wardsboro, Dover, Wilimington, Readsboro, Stamford Pownal, Bennington, Shaftsbury, Arlington & Sandgate	6.61	.40	.50		.04

VERMONT HIGHWAY CONSTRUCTION

DECISION NO. VT76-2170

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
MILLWRIGHTS (CONT'D)					
Remainder of State	$ 6.90	.35	.30		
PILEDRIVERMEN					
Townshend, Brookline, Westminister, Putney, Drummersoon, Brattleboro, Guilford, Vernon, Halifax, Whitingham, Marlboro and Newrane	6.78	.35	.50		
Rupert, Dorset, Winhall, Londonderry, Jamaica, Wardsboro, Dover, Wilmington, Readsboro, Stamford, Pownal, Bennington Shaftsbury, Arlington, and Sandgate	6.71	.40	.50		
Remainder of State	7.00	.35	.30		
TRUCK DRIVERS:					
Two axle equipment	5.35				
Three axle equipment	5.50				
Specialized earth moving equipment	5.60				
AUGER MACHINE, POST DRIVER OP., GUARD RAIL	5.50				
POWER EQUIPMENT OPERATORS:					
Caledonia County					
Backhoe, loaders, and shovels	8.35	.45	.60		.05
Bulldozer	7.90	.45	.60		.05
Compactors, compressors, and scrapers	8.10	.45	.60		.05
Crane and shovel-gradall	8.20	.35	.50		.05
Dozer-scraper, Mechanic, Paver, and rollers	7.75	.35	.50		.05
Grader	7.95	.35	.50		.05
Oilers	6.50	.45	.60		.05

FOOTNOTE:
a. Two paid holidays (memorial Day & Independence Day), provided he works at least two (2) full days in the calendar week in which the holidays falls.

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DECISION NO. VT76-2170

VERMONT HIGHWAY CONSTRUCTION

POWER EQUIPMENT OPERATORS Remainder of Counties	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Shovels; crawler, tower, truck and hydraulic cranes, derricks, backhoes, trenching machines, elevating grader, gradall, pile drivers, concrete pavers, on-site processing plant, dragline; clam shell, cableways, belt-type loaders, mucking machines, shaft hoists, automatic grader (i. e. CMI), front end loaders 5½ yds. and over scrapers towing a wagon or pan; dozer or push cats in tandem; automatic welder	$ 8.20	.35	.50	b	.05
Rotary drill (with mounted compressor); compressor house or bank (3 to 6 compressor), rock & earth boring machines; grader, front-end loaders 4 to 5½ yds., scrapers, farm type combination hoe and bucket ½ yd. & below, fork lifts 7 ft. and over or over 3 ton capacity	7.95	.35	.50	b	.05
Bulldozer, push cats, tractor drawn scraper, self-powered asphalt paver, front end loader 3/4 to 4 yds., well driller, mechanics, welder, fireman, powered grease truck; Pumpcrete machine; engineer or fireman on boiler or generator, self loading batch plant, well-point oprs., asphalt roller; locomotive & dinky machines; grout pumps, sonic hammers, hydraulic jacks for jacking pipe, eight or more electric pumps together performing the function of a well-point system	7.75	.35	.50	b	.05

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VERMONT HIGHWAY CONSTRUCTION

POWER EQUIPMENT OPERATORS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Hoists; conveyors, self-powered rollers & compactors, power pavement breakers; self-propelled material spreader; self-powered concrete finishing machine, two-bag mixer with skip, front end loader under 3/4 yard, McCarthy & similar drills, batch plant (not self-loading); bulk cement plant	7.20	.35	.50	b	.05
Compressor (315 cubic ft. or over, 1 or 2); Pump 4" or over, tractor without blade drawing sheepsfoot roller or other type of compactors, including machines for pulverizing and aerating soil	6.875	.35	.50	b	.05
Compressor (up to 315 cubic feet); small mixers with skip, pumps up to 4" grease truck; power heaters welding machines; A-frame truck, fork lift up to 7-ft. lift and up to 3-ton capacity, powered safety boat, assistant processing plant Engineer, oxidizer, oiler	$ 6.35	.35	.50	b	.05

FOOTNOTES:

a. 2 Paid Holidays: Memorial Day, & Independence Day, provided the employee has been employed for at least 7 days or more prior to the holiday and has worked 2 full days in the calendar week in which the holidays falls.

b. 9 Paid Holidays: New Year's Day; Memorial Day; Independence Day; D-Labor Day; Thanksgiving Day; Christmas Day; Washington's Birthday; Columbus Day and Veterans Day

SUPERSEDEAS DECISION

STATE: Washington

COUNTIES: Clallam, Grays Harbor, Island, Jefferson, King, Kitsap, Mason, Pacific (North of the Wahkiakum County northern boundary extended due west to the Pacific Ocean), Pierce, Skagit, Snohomish, Thurston, and Whatcom

DECISION NUMBER: WA76-5119

DATE: Date of Publication

Supersedes Decision No.WA76-5040 dated April 30, 1976, in 41 FR 18275

DESCRIPTION OF WORK: Residential Construction consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BRICKLAYERS:					
Grays Harbor and Pacific (as defined) Counties	$6.50		.35		
Pierce County	8.34	.45	.35		.02
Clallam, Island, Jefferson, King, Kitsap, Skagit (South of the Cities of Burlington, Sedro-Woolley and Concrete) and Snohomish Counties	8.18	.45	.35		.02
Skagit (including the Cities of Burlington, Sedro-Woolley and Concrete and North thereof) and Whatcom Counties	8.15	.40	.45		
CARPENTERS	9.75	.50	.70		.02
CEMENT MASONS:					
King (City of Auburn), Pierce and Thurston Counties	7.20	.40	.50		.02
Clallam, Grays Harbor, Island, Jefferson, King (except City of Auburn), Kitsap, Mason, Skagit, Snohomish and Whatcom Counties	7.13	.55	.60		.01
ELECTRICIANS:					
Clallam, Jefferson, King and Kitsap Counties	7.20	.35	1%+.40		.03
Grays Harbor, Mason, Pacific (as defined), Pierce and Thurston Counties	5.69	.45	1%+.45	4%	.02
Island, Skagit, Snohomish and Whatcom Counties	6.35	.45	1%		.01
GLAZIERS:					
(All Counties except Mason, Pacific and Thurston)	7.20	.22	.40		
IRONWORKERS:					
(All Counties except Mason, Pacific and Thurston) Structural; Ornamental; Reinforcing	9.15	.58	.90		.05

DECISION NO. WA76-5119

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS:					
General laborer; Asphalt laborer	$5.80	.55	.65		.03
PAINTERS:					
Brush; Tapers	7.42	.40	.27		.02
PLUMBERS:					
(Single-family dwellings, duplexes, and apartment buildings up to and including three-story garden type) Whatcom, Snohomish and Skagit Counties	6.00	.33	.30	.12	.10
(Single-family dwellings, duplexes, and apartment buildings up to and including two stories plus basement, limited to eight units) Kitsap County	6.00	.33	.30	.12	.10
All other residential work Kitsap County and that portion of Mason County encircled by Hood Canal from Belfair to Dewato	9.60	.33	.85	.60	.10
Clallam, Jefferson and King Counties	11.26	.65	1.12	1.00	.07
Grays Harbor, Island, the remainder of Mason County, Pacific (as defined), Pierce, Skagit, Snohomish, Thurston, and Whatcom Counties	7.96	.33	.85	.49	.08
POWER EQUIPMENT OPERATORS:					
(All Counties except Mason and Pacific) Compressor (excavating and general purposes); Rollers, Tampers, and Vibrators (other than plant, road mix or multi-lift materials); Tractor (farm all type, 60 HP and under)	7.68	.45	.65		.04
Loaders (overhead and front end under 2½ yds.); Mixers (concrete and batch, 200 yds. per hour and under)	8.01	.45	.65		.04

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DECISION NO. WA76-5119

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS:					
(All Counties except Mason and Thurston)	$7.55	.20	.20		
SHEET METAL WORKERS:					
Island and Snohomish Counties	7.90	.32	.40	.42	.03
King County	9.78	.47	.50		.02
Grays Harbor and Pierce Counties	11.20	.56	.86	1.04	.02
Clallam, Jefferson and Kitsap Counties	8.16	.37	.50	.47	.02
Skagit and Whatcom Counties	8.01	.42	.50	.45	.02
SOFT FLOOR LAYERS:					
Pierce and Grays Harbor Counties	7.76	.36	.60		.05
King, Kitsap and Snohomish Counties	8.49	.41	.65		.05
Clallam, Island, Jefferson, Skagit and Whatcom Counties	7.62	.36	.60		.05
TRUCK DRIVERS:					
(All Counties except Mason, Pacific and Thurston)	7.00	.54	.50		.01

SUPERSEDEAS DECISION

STATE: Wisconsin
COUNTIES: Chippewa, Eau Claire & Pepin
DECISION NUMBER: WI76-2162
DATE: Date of Publication
Supersedes Decision No. AR-3154, dated October 11, 1974 in 39 FR 36827
DESCRIPTION OF WORK: Building Construction including Residential

18-Wisconsin

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$10.57	.51	.65		.02
BOILERMAKERS	10.30	.85	1.00		.02
BRICKLAYERS & STONEMASONS	9.19	.55	.25	.50	.03
CARPENTERS	9.20	.30	.40		.03
CEMENT MASONS (Eau Clair & Pepin Counties)	8.73	.45	.25	.50	.03
ELECTRICIANS:					
Electricians, wiremen	10.35	4%	1%		
ELEVATOR CONSTRUCTORS:					
Constructors	10.345	.545	.35	4%+a&b	.02
Constructors' Helpers	7.24	.545	.35	4%+a+b	.02
Constructors' Helpers (Prob.)	50%JR				
IRONWORKERS:					
Structural, Ornamental & Reinforcing	10.35	.55	.55		.02
LABORERS:					
Laborers, common	7.24	.30	.30		.02
Mason Tender	7.24	.30	.30		.02
Mortar mixer & plaster laborer, air, gas, electric equipment, & vibrator operator, kettlemen dumpmen & pitlen, burner on wrecking, scaffold builder & washing walls on swinging Scaffold	7.39	.30	.30		.02
Gunnite man & nozzle men, pudlers (when concrete pumps & when working behind paving machine), cement dumper, scaffold builder, kettlemen, burner on recker, dumpman & pitman	7.39	.30	.30		.02
Jackhammer	7.49	.30	.30		.02
LATHERS	9.30				
LINE CONSTRUCTION:					
Linemen	9.37	.35	1%		.5%
Cable Splicer	10.23	.35	1%		.5%
Groundman - Hvy. Truckdriver	6.46	.35	1%		.5%
Groundman - Light Truckdriver	6.16	.35	1%		.5%
Equipment Operator	7.77	.35	1%		.5%
Groundmen - 1st 6 months	5.09	.35	1%		.5%
Groundmen - thereafter	5.88	.35	1%		.5%
LEAD BURNERS	9.25	.30		c	.01
CEMENT MASONS (Chippewa County)	9.19	.55	.25		.04

DECISION NO. WI76-2162

18 - Wisconsin

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
MILLWIRGHTS & PILEDRIVERMEN	$ 9.60	.30	.40		.03
PAINTERS:					
Brush	8.15			.5%	
Structural steel & iron painting	8.40			.5%	
Swing Stage	8.40			.5%	
Spray	8.65			.5%	
Sandblaster	8.65			.5%	
PLUMBERS AND STEAMFITTERS	9.47	.45	.65	1.00	
PLASTERERS	8.73	.45	.25	.60	.03
ROOFERS: Composition	9.32			3%+.10	
Kettlemen	9.03			3%+.10	
SHEET METAL WORKERS	9.60	.62	.40		.03
SPRINKLERFITTERS	8.00	.25	.40		.05
TERRAZZO WORKERS	8.05	.45		.50	
TILE SETTERS	8.05	.45		.50	
TRUCK DRIVERS:					
Two axles	7.40	d	e	.20	
Three or more axles	7.50	d	e	.20	

PAID HOLIDAYS:
A-New year's Day; B-Memroial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOONOTES:

a. Employer contributes 4% of regular hourly rate toVacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to Vacation Pay Credit for employee who has worked in business less than 5 years.

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. $14.25 per week for each employee

e. $12.00 per week for each employee

DECISION NO. WI76-2162

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	$ 10.02	.70	.70		.10
GROUP II	9.77	.70	.70		.10
GROUP III	9.47	.70	.70		.10
GROUP IV	9.37	.70	.70		.10
GROUP V	9.16	.70	.70		.10
GROUP VI	8.92	.70	.70		.10

GROUP I - Cranes, Shovels, Draglines, Backhoes, Clamshells, Derricks, Caisson rigs, Pile driver, Skid rigs, Derrick operator and traveling crane (Bridge type), Concrete paver (over 27E), Concrete spreader and distributor

GROUP II - Material hoists, Tractor or truck mounted hydraulic Backhoe Tractor or truck mounted hydraulic crane (5 tons or under), Manhoist, tractor (over 40 h.p), Bulldozer (over h.p.), Endloader (over 40 h.p.), Forklift (25' and over), Motor patrol, Scraper operator, Sideboom, Straddle carrier, Mechanic and welder, Bituminous plant and paver operator, Roller (over 5 tons), Rotary drill operator and blaster, Trencher (wheel type or chain type having over 8-inch bucket)

GROUP III - Concrete and grout pumps, Backfiller, Concrete auto breaker (large), Concrete finishing machine (Road type), Roller (rubber tire), Concrete batch hopper, Concrete conveyor systems, Concrete mixers (14S or over), Screw type pumps, and gypsum pumps, Tractor, Bulldozer, Endloader (under 40 h.p.), Pumps (well points), Trencher (chain type having bucket 8-inch and under), Industrial locomotives, roller (under 5 tons) and firemen (pile drivers and derricks)

GROUP IV - Hoists (automatic), Forklift (12' to 25'), Tampers-compactors riding type), Assistant engineer, "A" frame and winch trucks, Concrete auto breaker, hydro-hammer (small), Booms and sweeper, Hoists (tuggers), stump chipper (large), Boats, Safety, Work, Barges and launch)

GROUP V - Shouldering machine operator, Screed operator, Farm or industrial tractor mounted equipment, Post hole diggers, Stone crushers and Screening plants, Firemen (asphalt plants), Air compressor (300 CFM or over)

GROUP VI - Generators over 15 KW, Pumps over 3", Augers (vertical and horizontal), combination small equipment operator; Air, electric Hydraulic jacks (slip form), Compressors (under 300 CFM); Welding machines, Heaters (mechanical), Prestress machines, Bobcats, Generators (under 150 KW), Pumps (3" and under); Winches (small electric), Oiler and greaser, Boiler operators (temporary heat), Rotary drill helpers, Conveyor, Forklift (12' and under)

SUPERSEDEAS DECISION

STATE: Wisconsin COUNTY: Green and Rock
DECISION NUMBER WI76-2163 DATE: Date of Publication
Supersedes Decision No. AR-3156, dated October 11, 1974 in 39 FR 36831
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories)

54 -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	10.65				
CARENTERS	9.86	.30	.40		.04
Millwrights	10.38	.30	.40		.04
Piledrivermen	10.01	.30	.40		.04
Soft floor layers	9.86	.30	.40		.04
CEMENT MASONS	9.35	.45	.40		
ELECTRICIANS	10.20	.45	1%	7%+d	.25%
ELEVATOR CONSTRUCTORS:					
Southern portion of County	11.01	.545	.35	4%+b+c	.02
Northern portion of County	10.175	.545	.35	4%+b+c	.02
Elevator Constructors' helpers:					
Southern portion of County	7.71	.545	.35	4%+b+c	.02
Northern portion of County	7.12	.545	.35	4%+b+c	.02
Elevator Constructors helpers (prob.)	50%JR				
GLAZIERS:					
Nothern 2/3 of County	9.15	.40	.30	.45	.01
Southern 1/3 of County	9.44	.37	.20	1.00	.02
IRONWORKERS (all):					
Vic. of Edgerton, Milton, Poolville, & Evansville	10.22	.50	.25		.03
Vic. of Janesville, Shopiers	11.865	.65	.375		.10
LATHERS:					
Eastern ½	9.50	.55	.45		.01
Southwestern portion	9.84	.40	.35		.04
Remainder of County	9.05	.45	.20	.50	.01
LEADBURNERS	8.75	.30		c	.01
LINE CONSTRUCTION: Linemen	9.37	.35	1%		
Truck Driver & digger operator	6.46	.35	1%		.5%
Groundmen (experienced)	5.88	.35	1%		.5%
Equipment operators	7.77	.35	1%		.5%
PAINTERS:					
Brush	8.69	.60	.30	.30	.01
Structural steel (brush)	8.84	.60	.30	.30	.01
Spray	9.44	.60	.30	.30	.01
Swing Stage	8.94	.60	.30	.30	.01
PLASTERERS	10.30				
PLUMBERS & STEAMFITTERS	10.56	.50	.35		.06
ROOFERS:	10.55	.40			
SHEET METAL WORKERS	10.29	.45	.40		.02
SPRINKLER FITTERS	8.00	.25	.40		.05

DECISION NO. WI76-2163

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TERRAZZO WORKERS	10.65				
TILE SETTERS	10.65				
Welders - receive rate prescribed for craft performing operation to which welding is incidental					

PAID HOLIDAYS: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTE:
a. Six paid holidays: A through F.
b. Employer contributes 4% of regular hourly rate for vacation pay credit for employee who has worked in business more than 5 years, and 2% for employee who has worked in the business less than 5 years.
c. Paid Holidays: A through F plus Washington's Birthday, Good Friday and Christmas Eve providing employee has worked 45 full days during the 120 caldendar days prior to the holiday, and the regularly scheduled work days immediately preceding and following the holidays.
d. Includes 1.5% holiday pay.
e. Additional payment of 4 hours per month and .03 per hour weekly for employee who has worked less than 5 years. 6-2/3 hours per month for 5 years or more.

LABORERS BUIILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
General laborers, concrete laborers, building wrecker, form strippers, concrete saw and power buggy operator,	8.08	.30	.25		.02
Mortar mixer, power rammer, vibrator operator, Air chisel operator (over 18 obs.), chipping hammer operator (over 18 lbs.), fork lift operator railroad tampler plaster mixer and concrete pump hose opr. ((1 man)	8.23	.30	.30		.02
Mason Tender	8.08	.30	.25		.02
Pneumatic hammer (60 lbs. or over Manf. Specifications)	8.33	.30	.25		.02
BITUMINOUS PAVING LABORERS:					
General alborer	8.08	.30	.25		.02
Raker and Luteman	8.18	.30	.25		.02

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DECISIONNO. WI76-2163

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	$ 10.02	.70	.70		.10
GROUP II	9.77	.70	.70		.10
GROUP III	9.47	.70	.70		.10
GROUP IV	9.37	.70	.70		.10
GROUP V	9.16	.70	.70		.10
GROUP VI	8.92	.70	.70		.10

GROUP I - Cranes, Shovels, Draglines, Backhoes, Clamshells, Derricks, Caisson rigs, Pile driver, Skid rigs, Derrick operator and traveling crane (Bridge type), Concrete paver (over 27E), Concrete spreader and distributor

GROUP II - Material hoists, Tractor or truck mounted hydraulic Backhoe Tractor or truck mounted hydraulic crane (5 tons or under), Manhoist, tractor (over 40 h.p), Bulldozer (over h.p.), Endloader (over 40 h.p.), Forklift (25' and over), Motor patrol, Scraper operator, Sideboom, Straddle carrier, Mechanic and welder, Bituminous plant and paver operator, Roller (over 5 tons), Rotary drill operator and blaster, Trencher (wheel type or chain type having over 8-inch bucket)

GROUP III - Concrete and grout pumps, Backfiller, Concrete auto breaker (large), Concrete finishing machine (Road type), Roller (rubber tire), Concrete batch hopper, Concrete conveyor systems, Concrete mixers (14S or over), Screw type pumps, and gypsum pumps, Tractor, Bulldozer, Endloader (under 40 h.p.), Pumps (well points), Trencher (chain type having bucket 8-inch and under), Industrial locomotives, roller (under 5 tons) and firemen (pile drivers and derricks)

GROUP IV - Hoists (automatic), Forklift (12' to 25'), Tampers-compactors riding type), Assistant engineer, "A" frame and winch trucks, Concrete auto breaker, hydro-hammer (small), Booms and sweeper, Hoists (tuggers), stump chipper (large), Boats, Safety, Work, Barges and launch)

GROUP V - Shouldering machine operator, Screed operator, Farm or industrial tractor mounted equipment, Post hole diggers, Stone crushers and Screening plants, Firemen (asphalt plants), Air compressor (300 CFM or over)

GROUP VI - Generators over 15 KW, Pumps over 3", Augers (vertical and horizontal), combination small equipment operator; Air, electric Hydraulic jacks (slip form), Compressors (under 300 CFM); Welding machines, Heaters (mechanical), Prestress machines, Bobcats, Generators (under 150 KW), Pumps (3" and under); Winches (small electric), Oiler and greaser, Boiler operators (temporary heat), Rotary drill helpers, Conveyor, Forklift (12' and under)

SUPERSEDEAS DECISION

STATE: Wisconsin

COUNTIES: Green Lake, Marquette, Waupaca, Waushara, & Winnebago

DECISION NUMBER WI76-2164

DATE: Date of Publication

Supersedes Decision AR-3157 dated October 11, 1974 in 39 FR 36833

DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including four stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$ 9.66	.45	.20	.55+e	.06
BOILERMAKERS	10.30	.85	1.00		.02
BRICKLAYERS & STONEMASONS	8.15	.45	.35	.55	.02
CARPENTERS	8.82	.30	.40		.03
CEMENT MASONS	8.20	.45	.35		.03
ELECTRICIANS	10.60	.45	.35		.02
ELEVATOR CONSTRUCTORS:					
Constructors	10.17	.545	.35	4%+a+b	.02
Helpers	70%JR	.545	.35	4%+a+b	.02
Helpers (Prob.)	50%JR				
IRONWORKERS:					
Extreme east part of Co. Inc. Lake Winnebago, Menasha & Neenah	10.06	.95	.70	1.15	.15
Remainder of County	10.22	.50	.25		.03
LATHERS	9.75			.50	
LEADBURNERS	9.25	.30		f	.01
MARBLE SETTERS	8.15	.45	.35	.55	.02
MILLWRIGHTS	9.22	.30	.40		.03
PAINTERS:					
Brush & Structural Steel	8.50	.30	.10		.03
Paperhanging	8.50	.30	.10		.03
Spray & Sandblasting	9.00	.30	.10		.03
PILEDRIVERMEN	9.22	.30	.40		.03
PLASTERERS	8.15	.45	.35	.55	.02
PLUMBERS AND STEAMFITTERS:					
Townships of Menasha & Neemah	9.81	.50	.85	.80+g	.04
Remainder of County	8.92	.50	.90	.70	.01
ROOFERS	7.48	.60	.45		
SHEET METAL WORKERS	8.13	.40	.30	.90	
SOFT FLOOR LAYERS	8.82	.30	.40		.03
SPRINKLER FITTERS	11.40	.60	.90		.08
TERRAZZO WORKERS	8.15	.45	.35	.55	.02
TILE SETTERS	8.15	.45	.35	.55	.02

DECISION NO. WI76-2164

71 Wisconsin

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor; D-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F.

b. Employer contributes 4% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years, and 2% of regular rate for employee who has worked less than 5 years.

e. Includes .04 holidays pay.

f. 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.

g. Includes .30 holiday pay

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DECISION NO. WI76-2164

Wisconsin . 15 -Lab

BUILDING CONSTRUCTION LABORERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS I	$ 7.28	.30	.30		.02
CLASS II	7.33	.30	.30		.02
CLASS III	7.48	.30	.30		.02

CLASS I - Construction laborers, form stripper, form oiler, form cleaner, dumpmen, pit,men, building wrecker, plumbers laborer, motorized buggy operator, concrete laborer, air spade and chipping hammer, drag tender and signal man, concrete pump and nozzle man, bituminous worker.

CLASS II - Plasterer tender, hod carrier, dry cement handler, kettlemen, vibrator operator, slacking line, tile setter-helper, core drill operator

CLASS III - Jackhammer operator, drill, gunnitemen, burner on wrecking, air operated concrete breaker, sheeting driver, power tamper, fork lift operator jumping jack, terrazzo worker, mortar and plaster mixer, creosote worker, bob cat operator, sand blaster, welder, mud jack operator, precast erector bituminous raker and luteman

PAGE 4

DECISION NO. WI76-2164

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I	$ 10.02	.70	.70		.10
GROUP II	9.77	.70	.70		.10
GROUP III	9.47	.70	.70		.10
GROUP IV	9.37	.70	.70		.10
GROUP V	9.16	.70	.70		.10
GROUP VI	8.92	.70	.70		.10

GROUP I - Cranes, Shovels, Draglines, Backhoes, Clamshells, Derricks, Caisson rigs, Pile driver, Skid rigs, Derrick operator and traveling crane (Bridge type), Concrete paver (over 27E), Concrete spreader and distributor

GROUP II - Material hoists, Tractor or truck mounted hydraulic Backhoe Tractor or truck mounted hydraulic crane (5 tons or under), Manhoist, tractor (over 40 h.p), Bulldozer (over h.p.), Endloader (over 40 h.p.), Forklift (25' and over), Motor patrol, Scraper operator, Sideboom, Straddle carrier, Mechanic and welder, Bituminous plant and paver operator, Roller (over 5 tons), Rotary drill operator and blaster, Trencher (wheel type or chain type having over 8-inch bucket)

GROUP III - Concrete and grout pumps, Backfiller, Concrete auto breaker (large), Concrete finishing machine (Road type), Roller (rubber tire), Concrete batch hopper, Concrete conveyor systems, Concrete mixers (14S or over), Screw type pumps, and gypsum pumps, Tractor, Bulldozer, Endloader (under 40 h.p.), Pumps (well points), Trencher (chain type having bucket 8-inch and under), Industrial locomotives, roller (under 5 tons) and firemen (pile drivers and derricks)

GROUP IV - Hoists (automatic), Forklift (12' to 25'), Tampers-compactors riding type), Assistant engineer, "A" frame and winch trucks, Concrete auto breaker, hydro-hammer (small), Booms and sweeper, Hoists (tuggers), stump chipper (large), Boats, Safety, Work, Barges and launch)

GROUP V - Shouldering machine operator, Screed operator, Farm or industrial tractor mounted equipment, Post hole diggers, Stone crushers and Screening plants, Firemen (asphalt plants), Air compressor (300 CFM or over)

GROUP VI - Generators over 15 KW, Pumps over 3", Augers (vertical and horizontal), combination small equipment operator; Air, electric Hydraulic jacks (slip form), Compressors (under 300 CFM); Welding machines, Heaters (mechanical), Prestress machines, Bobcats, Generators (under 150 KW), Pumps (3" and under); Winches (small electric), Oiler and greaser, Boiler operators (temporary heat), Rotary drill helpers, Conveyor, Forklift (12' and under)

[FR Doc.76-36055 Filed 12-9-76;8:45 am]

federal register

FRIDAY, DECEMBER 10, 1976

PART VII:

NATIONAL TRANSPORTATION POLICY STUDY COMMISSION

■

PRIVACY ACT OF 1974

Systems of Records

NATIONAL TRANSPORTATION POLICY STUDY COMMISSION

PRIVACY ACT OF 1974

Systems of Records

Pursuant to the provisions of the Privacy Act of 1974, Public Law 930579, 5 U.S.C. 552a, the National Transportation Policy Study Commission hereby publishes for comment those systems of records subject to the Privacy Act of 1974 which are maintained by the Commission. Any person interested in commenting on the routine use portions of the system notices may do so by submitting comments in writing to the National Transportation Policy Study Commission, Suite 312, House Office Building, Annex No. 1, Washington, D.C. 20515. Comments should be submitted on or before January 10, 1977. The systems of records will become effective January 10, 1977, unless the Commission publishes notice to the contrary. The Commission's procedures for access to records in the systems are contained in 1 CFR Part 445. [1]

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

Bud Shuster,
Chairman.

NTPSC—1

System name: Payroll Records—National Transportation Policy Study Commission.

System location: General Services Administration, Region 3 Office; copies held by the Commission. (GSA holds records for the National Transportation Policy Study Commission under contract.)

Categories of records in the system: Varied payroll records, including, among other documents, time and attendance cards; payment vouchers; comprehensive listing of employees; health benefits records, requests for deductions; tax forms, W02 forms, overtime requests; leave data; retirement records. Records are used by Commission and GSA employees to maintain adequate payroll information for Commission employees, and otherwise by Commission and GSA employees who have a need for the record in the performance of their duties.

Authority for maintenance of the system: 31 U.S.C., generally. Also, Section 154 of the Federal-Aid Highway Act of 1976 (P.L. 940280).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See Appendix. Records also are disclosed to GAO for audits; to the Internal Revenue Service for investigation; and to private attorneys, pursuant to a power of attorney.

A copy of an employee's Department of the Treasury Form W02, Wage and Tax Statement, also is disclosed to the State, city or other local jurisdiction which is authorized to tax the employee's compensation. The record will be provided in accordance with a withholding agreement between the State, city or other local jurisdiction and the Department of the Treasury pursuant to 5 U.S.C. 5516, 5517, or 5520, or, in the absence thereof, in response to a written request from an appropriate official of the taxing jurisdiction to Honorable Bud Shuster, Chairman, National Transportation Policy Study Commission, 312 House Office Building Annex No. 1, Washington, D.C. 20515. The request must include a copy of the applicable statute or ordinance authorizing the taxation of compensation and should indicate whether the authority of the jurisdiction to tax the employee is based on place of residence, place of employment, or both.

Pursuant to a withholding agreement between a city and the Department of the Treasury (5 U.S.C. 5520), copies of executed city tax withholding certificates shall be furnished the city in response to written request from an appropriate city official to the Chairman, the Honorable Bud Shuster.

In the absence of a withholding agreement, the Social Security Number will be furnished only to a taxing jurisidiction which has furnished this agency with evidence of its independent authority to compel disclosure of the Social Security Number, in accordance with Section 7 of the Privacy Act, Public Law 930579.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: paper and microfilm.

Retrievability: Social Security Number.

[1] These regulations will be promulgated in the Federal Register in the near future.

Safeguards: Stored in guarded building; released only to authorized personnel.

Retention and disposal: Disposition of records shall be in accordance with the HB GSA Records Maintenance and Disposition System (OAD P 1820.2).

System manager(s) and address: Chairman, National Transportation Policy Study Commission, 312 House Office Building Annex No. 1, Washington, D.C. 20515

Notification procedure: Refer to Commission access regulations contained in 1 CFR Part 445.

Record access procedures: Refer to Commission access regulations contained in 1 CFR Part 445.

Contesting record procedures: Refer to Commission access regulations contained in 1 CFR Part 445.

Record source categories: The subject individual; the Commission.

NTPSC—2

System name: General Financial Records—National Transportation Policy Study Commission.

System location: General Services Administration, Central Office; copies held by the Commission. (GSA holds records for the Commission under contract.)

Categories of individuals covered by the system: Employees of the Commission and members of the Commission.

Categories of records in the system: SF01038, Application and account for advance of funds; Vendor register and vendor payment tape. Information is used by accounting technicians to maintain adequate financial information and by other officers and employees of GSA and the Commission who have a need for the record in the performance of their duties.

Authority for maintenance of the system: 31 U.S.C., generally; also, Section 154 of the Federal-Aid Highway Act of 1976 (P.L. 940280).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See appendix. Records also are released to GAO for audits; to the IRS for investigation; and to private attorneys, pursuant to power of attorney.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper and tape.

Retrievability: Manual and automated by name.

Safeguards: Stored in guarded building; released only to authorized personnel.

Retention and disposal: Disposition of records shall be in accordance with the HB GSA Records Maintenance and Disposition.

System manager(s) and address: Chairman, National Transpsortation Policy Study Commission, 312 House Office Building Annex No. 1, Washington, D.C. 20515

Notification procedure: Refer to Commission acesss regulations contained in 1 CFR Part 445.

Record access procedures: Refer to Commission access regulations contained in 1 CFR Part 445.

Contesting record procedures: Refer to Commission access regulations contained in 1 CFR Part 445.

Record source categories: The subject individual; the Commission.

NTPSC—3

System name: General Informal Personnel Files—National Transportation Policy Study Commission.

System location: National Transportation Policy Study Commission, 312 House Office Building Annex No. 1, Washington, D.C. 20515.

Categories of individuals covered by the system: The members of the commission, staff and consultants, past and present.

Categories of records in the system: Personnel qualifications statements, personnel action requests and notifications, delegations of authority, correspondence with the Commission members, oaths of office.

Authority for maintenance of the system: Title 5, U.S.C. generally. Also, Section 154 of the Federal-Aid Highway Act of 1976 (P.L. 940280).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See Appendix.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper.

Retrievability: Manual.

Safeguards: Stored in lockable file cabinets, released only to authorized personnel.

Retention and disposal: Disposition of records shall be in accordance with the GSA records maintenance and disposition system.

System manager(s) and address: Chairman, National Transportation Policy Study Commission, 312 House Office Building Annex No. 1, Washington, D.C. 20515

Notification procedure: Refer to Commission access regulations contained in 1 CFR Part 445.

Record access procedures: Refer to Commission access regulations contained in 1 CFR Part 445.

Contesting record procedures: Refer to Commission access regulations contained in 1 CFR Part 445.

Record source categories: The subject individual; the Commission.

APPENDIX—National Transportation Policy Study Commission

In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

A record from this system of records may be disclosed as a "routine use" to a federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract or the issuance of a license, grant or other benefit.

A record from this system of records may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision in the matter.

A record from this system of records may be disclosed to an authorized appeal grievance examiner, formal complaints examiner, equal employment opportunity investigator, arbitrator or other duly authorized official engaged in investigation or settlement of a grievance, complaint, or appeal filed by an employee. A record from this system of records may be disclosed to the United States Civil Service Commission in accordance with the agency's responsibility for evaluation and oversight of federal personnel management.

A record from this system of records may be disclosed to officers and employees of a federal agency for purposes of audit.

The information contained in this system of records will be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A019 at any stage of the legislative coordination and clearance process as set forth in that Circular.

A record from this system of records may be disclosed as a routine use to a Member of Congress or to a Congressional staff member in response to an inquiry of the Congressional office made at the request of the individual about whom the record is maintained.

A record from this system of records may be disclosed to officers and employees of the General Services Administration in connection with administrative services provided to this agency under agreement with GSA.

[1] These regulations will be promulgated in the FEDERAL REGISTER in the near future.

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