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FRIDAY, MAY 20, 1977

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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
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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.

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

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DOT/FAA—Standard instrument approach procedures; changes and additions. 17106; 3–31–77

Interior/FWS—Ravalli National Wildlife Refuge, Mont., special regulations. 20824; 4–22–77

Labor/OSHA—Emergency temporary standard for occupational exposure to benzene..... 22515; 5–3–77

List of Public Laws

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

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 7—Agriculture

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

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Pink Bollworm; Miscellaneous Amendments to Regulated Areas

Correction

In FR Doc. 77-7150 appearing at page 13533 in the issue for Friday, March 11, 1977, in the list under § 301.52-2a, in "Arkansas" "Little Power County" should have read "Little River County".

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

[Lemon Reg. 93]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period May 22-28, 1977. This regulation is needed to provide for orderly marketing of fresh lemons for the regulation period because of the production and marketing situation confronting the lemon industry.

EFFECTIVE DATE: May 22, 1977.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, 202-447-3545.

SUPPLEMENTARY INFORMATION: (a) *Findings.* (1) Pursuant to the amended marketing agreement 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 amended marketing agreement and order, and upon other available information, it is found that the limitation of handling of such lemons, as provided in this regulation 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 specified week stems from the production and marketing situation confronting the lemon industry.

(i) The committee has submitted its recommendation for the quantity of lemons it considers advisable to be handled during the specified week. The recommendation resulted from consideration of the factors covered in the order. The committee further reports the demand for lemons continues steady this week.

Average f.o.b price was $6.23 per carton the week ended May 14, 1977, compared to $5.99 per carton the previous week.

Track and rolling supplies at 150 cars was unchanged 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 established as provided in this regulation.

(3) It is further found that it is impracticable and is contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date until 30 days after publication 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 it must become effective to effectuate the declared policy of the act is insufficient. A reasonable time is permitted, for preparation for the effective time; and good cause exists for making the regulation effective as specified. The committee held an open meeting during the current week, after giving due notice, 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 were promptly submitted to the Secretary after the meeting was held, and information concerning the provisions and effective time has been provided to handlers of lemons. It is necessary, to effectuate the declared policy of the act, to make this regulation effective as specified. The committee meeting was held on May 17, 1977.

§ 910.393 Lemon Regulation 93.

* * * * *

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period May 22, 1977 through May 28, 1977, is established at 310,000 cartons.

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

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

Dated: May 18, 1977.

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

[FR Doc.77-14654 Filed 5-19-77;11:51 am]

Title 9—Animals and Animal Products

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

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

PART 73—SCABIES IN CATTLE

Area Quarantined

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: The purpose of this amendment is to quarantine a portion of Parmer County in Texas because of the existence of cattle scabies.

EFFECTIVE DATE: May 16, 1977.

FOR FURTHER INFORMATION CONTACT:

Dr. Glen O. Schubert, Chief Staff Veterinarian, Sheep, Goats, Equine, and Ectoparasites Staff, United States Department of Agriculture, APHIS, VS, Room 737, 6505 Belcrest Road, Federal Building, Hyattsville, Maryland 20782 (301-436-8322).

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

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

In § 73.1a, in paragraph (a) relating to the State of Texas a new paragraph (a)(5) relating to Parmer County is added to read:

§ 73.1a Notice of quarantine.

* * * * *

(a) * * *

(5) That portion of a Capitol Syndicate Subdivision of Parmer County comprised of sec. 32, T. 11 S., R. 3 E.

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

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

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

Done at Washington, D.C., this 16th day of May 1977.

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

R. I. BROWN,
Acting Deputy Administrator,
Veterinary Services.

[FR Doc.77–14286 Filed 5–19–77;8:45 am]

PART 79—SCRAPIE IN SHEEP

Area Quarantined

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: The purpose of this amendment is to quarantine a portion of McLean County in Illinois because of the existence of scrapie in sheep.

EFFECTIVE DATE: May 13, 1977.

FOR FURTHER INFORMATION CONTACT:

Dr. A. L. Klingsporn, Sheep, Goats, Equine, and Ectoparasites Staff, USDA, APHIS, VS, Room 739, Federal Building, Hyattsville, Maryland 20782 (301–436–8231).

SUPPLEMENTARY INFORMATION: This amendment quarantines a portion of McLean County in Illinois because of the existence of scrapie in sheep. This action is deemed necessary to prevent further spread of the disease. The restrictions pertaining to the interstate movement of sheep from or through quarantined areas as contained in 9 CFR Part 79, as amended, will apply to the quarantined area.

Accordingly, § 79.2 of Part 79, Title 9, Code of Federal Regulations, as amended, which quarantines a portion of Illinois because of scrapie in sheep, a contagious, infectious, and communicable disease, is hereby amended in the following respect:

Section 79.2 is amended to read:

§ 79.2 Notice of quarantine.

* * * * *

(1) The premises of Sherwood R. Jackson, Seneca, Illinois, Miller Township in La Salle County, comprised of the South ¾ of the Southwest ¼ of Sec. 13, T. 34 N., R. 5 E. and the Northeast ¼ of Sec. 14, T. 34 N., R. 5 E.

(2) The premises of Mrs. Herbert Garling, occupied by the John W. King flock, located in Normal township in the Northeast ¼, Sec. 26, T. 24 N., R. 2 E.

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

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

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

Done at Washington, D.C., this 13th day of May 1977.

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

R. I. BROWN,
Acting Deputy Administrator,
Veterinary Services.

[FR Doc.77–14263 Filed 5–19–77;8:45 am]

Title 12—Banks and Banking

CHAPTER VII—NATIONAL CREDIT UNION ADMINISTRATION

PART 701—ORGANIZATION AND OPERATIONS OF FEDERAL CREDIT UNIONS

Credit Union Use of Blanket Bonds

AGENCY: National Credit Union Administration.

ACTION: Final Rule.

SUMMARY: This rule provides minimum requirements for a Federal credit union with respect to the amounts of in-transit and on-premises coverage afforded by its surety bond. This final revision of the rule removes ambiguities which were exposed during the comment period.

DATES: Effective immediately.

FOR FURTHER INFORMATION CONTACT:

Steven R. Bisker, Office of General Counsel, National Credit Union Administration, 2025 M Street NW., Washington, D.C. 20456, telephone: (202) 254–9810.

SUPPLEMENTARY INFORMATION: On February 25, 1977, the Administrator published a proposed rule (42 FR 11016) designed to provide minimum requirements for a Federal credit union with respect to the amount of in-transit coverage afforded by its surety bond. The purpose of the proposed rule was to minimize the risk to a Federal credit union of an in-transit loss (e.g., by theft) of money or certain other property, a portion of which would be in excess of the limits afforded by the credit union's surety bond. This coverage requirement was placed in subpart (e) together with "on premises" daily cash fund requirements, which were most recently published on February 25, 1977, at 42 FR 10977.

Comments received on the proposed rule indicated various possible interpretations of the language set forth in subpart (e). In response to those comments, the language of Section 701.20(e) has been substantially revised, for purposes of clarification only.

The final regulation incorporates a definitional section for the words "money" and "securities" which was not contained in the proposed version. The 30-day period given to a Federal credit union to obtain increased limits is retained in the new rule.

Changes are made in order to clarify that if the total of the daily cash fund (change fund plus maximum anticipated daily receipts) of the credit union, its securities, and its food stamps (if any), located on the premises of the credit union, are of a greater value than its "on premises" limits presently afforded by its surety bond, the credit union must obtain the increased limits from its bond carrier in 30 days or less after its discovery of the need for such increase. The new regulation makes clear that such increase is also necessary when the total value of the credit union's money, securities, and food stamps (if any), placed in transit from or to the credit union exceeds the limits afforded by the surety bond's "in transit" coverage. An increase is, therefore, necessary when either the "on premises" (in-house) valuation or the "in transit" valuation exceeds the amount of the credit union's present "on premises" or "in transit" limits.

The proposed rule was also unclear as to whether two separate shipments of money, securities, and food stamps (if any), placed with the same or different carriers but to different destinations in a single day must be added together in order to determine whether the limits of the bond were inadequate. The new rule requires increased limits of the entire surety bond if a single shipment of money, securities, and food stamps (if

any), is above the limits provided by the present surety bond of the Federal credit union. For example, if the credit union makes three separate shipments to three separate locations or if three separate shipments are sent by third parties to the credit union (providing that the risk of loss is upon the credit union), each shipment's valuation is separate from the others. If one shipment is of a greater value than the limits of the credit union's present surety bond, then the increase required by this rule becomes operational.

Accordingly, the Administrator hereby revises paragraph (e) of § 701.20 of the National Credit Union Administration Rules and Regulations to read as set forth below, effective immediately upon publication.

C. AUSTIN MONTGOMERY,
Administrator.

MAY 13, 1977.

AUTHORITY: Sec. 120, 73 Stat. 635 (12 U.S.C. 1766) and sec. 209, 84 Stat. 1014 (12 U.S.C. 1789)

Section 701.20(e) of the Regulations involving surety bond coverage is amended to read as follows:

§ 701.20 Surety bond coverage for Federal credit unions.

* * * * *

(e)(1) Where any of the following amounts exceed a Federal credit union's minimum limits as specified in paragraph (f) of this section, the minimum limits of that Federal credit union shall be increased to be equal to the greater of the following amounts:

(i) The aggregate amount of the daily cash fund (change fund plus maximum anticipated daily receipts), securities, and food stamps (if any), on the Federal credit union's premises, or

(ii) The aggregate amount of the Federal credit union's money, securities, and food stamps (if any), placed in transit in any one individual shipment.

(2) Such increased limits must be obtained no more than 30 days after the discovery of the need for such increase.

(3) For the purposes of this section, the term "money" shall include currency, coin, bank notes, Federal Reserve notes, revenue stamps, and postage stamps. The term "securities" shall include mortgages, and instruments in the nature of mortgages, upon real estate or upon chattels and upon any interest therein. Further included are assignments of mortgages and instruments in the nature of mortgages and abstracts of title held in connection with such instruments. "Securities" also include money orders, bonds, United States Savings Stamps, debentures, scrip, warrants, drafts, bills of exchange, promissory notes, passbooks held as collateral, certificates of deposit, certificates of indebtedness, share certificates, certificates of stock, documents of title, interim receipts, and all other instruments similar to or in the nature of the foregoing.

* * * * *

[FR Doc.77-14446 Filed 5-19-77;8:45 am]

Title 14—Aeronautics and Space

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER E—ORGANIZATION REGULATIONS

[Reg. OR-117, Amdt. 62]

PART 385—DELEGATIONS AND REVIEW OF ACTION UNDER DELEGATION; NONHEARING MATTERS

Amendment of Delegation of Authority to Bureau of Accounts and Statistics

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: These amendments to the delegated authority of the Bureau of Accounts and Statistics grant authority to the Bureau to require special reports from air carriers when necessary, and to grant or deny requests for data reported by commuter air carrier. The amendments also revoke two currently unused delegations of authority, in areas of establishing classifications and extending record preservation periods. This action is the result of a review by the Bureau of its delegated authority in order to improve the administration and operation of the Board's regulations.

DATES: Effective: May 17, 1977. Adopted: May 17, 1977.

FOR FURTHER INFORMATION CONTACT:

Richard B. Dyson, Office of General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428, 202-673-5444.

SUPPLEMENTARY INFORMATION: The Bureau of Accounts and Statistics has recently completed a review of its delegated authority in §§ 385.17, 385.18, and 385.18a of Part 385 of the Board's Organization Regulations. As a result of this review and the recommendations of the Bureau, the Board has decided that certain amendments to these sections are needed to improve the administration and operation of our regulations.

The Board has found that it frequently becomes necessary to obtain information from the air carriers which is neither provided nor required in the present recurrent reports. This information is received on a once-only basis to serve a special need, and, in the majority of cases, is readily available within the record system of the air carrier. It is used to assist in evaluations of a carrier's financial condition or to comply with special information requests from Congress and the Board, as well as from other government agencies. In cases where such information is not significant enough to need Board approval, the Director of the Bureau of Accounts and Statistics has relied on the delegated authority in § 385.18(a), which permits him to require submission of special statements by the carrier when needed to explain any accounting or reporting practice. Since the authority delegated in that section is limited in application, a separate delegation of authority is being made to meet these temporary information requirements.

As the commuter air carrier sector of the aviation industry continues to grow, there will probably be an increasing number of requests for the data reported on Schedule T-1 of CAB Form 298-C. These data may not be disclosed except in certain specified instances. Since the Board's standards and policies regarding the release of these commuter carrier statistics are defined in § 298.62 of the Economic Regulations, direct consideration by the Members of each request is unnecessary. The Chief, Statistical Data Division, Bureau of Accounts and Statistics, has already been delegated authority with regard to requests for analogous data with respect to scheduled airlines, which have similar restrictions on disclosure. Board policy as to the procedures for approving access to scheduled airline data is similar to that for the commuter data, and is used regularly by the Chief, Statistical Data Division to process information requests in those areas already delegated to him. By delegating authority to the Chief, Statistical Data Division, to grant or deny requests for these commuter data, the Board will take advantage of existing expertise, as well as relieving itself of a repetitious administrative burden in an area where overall policy guidance has been established.

The Board has delegated authority in § 385.18(g) to the Chief, Accounting and Statistical Regulation Division, Bureau of Accounts and Statistics, to extend, with the concurrence of the Director, Bureau of Enforcement, the time period for the preservation of certain records relating to errors, oversales, irregularities, and delays in handling of passengers. This authority has not been used in recent years, and will probably not be needed in the future. It is therefore revoked as unnecessary.

Also, at one time, the authority delegated under § 385.18a(a) to the Chief, Statistical Data Division, Bureau of Accounts and Statistics, was necessary for establishing the preliminary reporting classifications of aircraft types for reporting financial data and traffic and capacity statistics. This authority is no longer needed since classifications are now well-formulated and noncontroversial. If any additions or amendments to the classifications are necessary, they can be prescribed by the issuance of an Accounting and Reporting Directive. This subsection is therefore also revoked.

As an editorial amendment to reflect the current organization of Bureau of Accounts and Statistics, the title of § 385.18 is being amended to read "Delegation to the Chief, Accounting and Re-

porting Systems Division, Bureau of Accounts and Statistics."

Since these amendments are administrative in nature, affecting a rule of agency organization and procedure, it is found that notice and public procedures are unnecessary, and that the rule may become effective immediately.

Accordingly, the Board hereby amends Part 385 of its Organization Regulations (14 CFR Part 385) as follows:

1. In § 385.17, a new paragraph (g) is added to read as follows:

§ 385.17 Delegation to the Director, Bureau of Accounts and Statistics.

* * * * *

(g) Require special reports from any air carrier under circumstances where he finds that such reports are necessary to meet temporary information needs, assist in an evaluation of continued financial fitness, or comply with special information requests by Congress, the Board, or another agency or component of the Federal Government.

2. In § 385.18, paragraph (g) is revoked, and the title of the section is amended to read as follows:

§ 385.18 Delegation to the Chief, Accounting and Reporting Systems Division, Bureau of Accounts and Statistics.

* * * * *

3. In § 385.18a, paragraph (a) is revised to read as follows:

§ 385.18a Delegation to the Chief, Statistical Data Division, Bureau of Accounts and Statistics.

(a) Grant or deny requests for data reported by commuter air carriers on Schedule T-1 of CAB Form 298-C in accordance with the limitations on the availability of these data contained in section 298.62 of this chapter.

* * * * *

(Sec. 204(a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 49 U.S.C. 1324. Reorganization Plan No. 3 of 1961, 75 Stat. 837, 26 F.R. 5989 (49 U.S.C. 1324 (note)))

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-14439 Filed 5-19-77;8:45 am]

Title 15—Commerce and Foreign Trade

CHAPTER IX—NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 950—ENVIRONMENTAL DATA

Type and Availability of Services and Information Available From Environmental Data Service

AGENCY: National Oceanic and Atmospheric Administration.

ACTION: Final rule.

SUMMARY: The information that follows describes the type and availability of environmental data, information, and assessment services that may be obtained from the Environmental Data Service for use by Federal, State, and local agencies, and the general public, including those segments engaged in commerce, industry, science, and engineering.

DATES: This rule becomes effective May 20, 1977.

FOR FURTHER INFORMATION:

An office location and phone number is provided for each type of environmental data, information, and assessment service covered by the regulation. For general information concerning the entire regulation contact Leon LaPorte at 202-634-7305.

SUPPLEMENTARY INFORMATION: (Background) The purpose of this regulation is to update the type and availability of various services, data, and information available from the Environmental Data Service. This publication supercedes regulations published on December 4, 1975 (40 CFR 56653), which are presently codified in 15 CFR, Part 950. The republication of this part is necessary to better conform the part with the services, data, and information available.

These regulations are general statements of agency policy, organization practice, and procedure, and are adopted without notice of proposed rulemaking and an accompanying comment period as provided by 5 U.S.C. 553(b)(A). The effective date of the regulations has been shortened to the date of publication as provided for in 5 U.S.C. 553(d)(2).

INFLATIONARY IMPACT STATEMENT: The National Oceanic and Atmospheric Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Orders 11821 and 11949 and OMB Circular A-107.

ROBERT M. WHITE,
Administrator.

MAY 16, 1977.

Part 950 is revised to read as follows:

Sec.

950.1 Scope and purpose.
950.2 Environmental Data Service (EDS).
940.3 National Climatic Center (NCC).
950.4 National Oceanographic Data Center (NODC).
950.5 National Geophysical and Solar-Terrestrial Data Center (NGSDC).
950.6 Center for Experiment Design and Data Analysis (CEDDA).
950.7 Environmental Science Information Center (ESIC).
950.8 Center for Climatic and Environmental Assessment (CCEA).
950.9 Satellite Data Services Branch (SDSB).
950.10 Comprehensive Referral Service.

AUTHORITY: (5 U.S.C. 552, 553), Reorganization Plan No. 4 of 1970.

§ 950.1 Scope and purpose.

This part describes the Environmental Data Service (EDS), a principal organization element of the National Oceanic and Atmospheric Administration and EDS management of environmental data and information.

§ 950.2 Environmental Data Service (EDS).

The Environmental Data Service is the first Federal agency created specifically to manage environmental data. EDS disseminates worldwide environmental (aeronomy, atmospheric, marine, solar, and solid earth) data and information for use by commerce, industry, the scientific and engineering community, and the general public as well as by Federal, State, and local governments. It also provides experiment design and data management support to large-scale environmental experiments; assesses the impact of environmental fluctuations on food production, energy production and consumption, and environmental quality; and manages or provides functional guidance for NOAA's scientific and technical publication and library activities. In addition, EDS operates related World Data Center-A subcenters and participates in other international data and information exchange programs. To carry out this mission, EDS operates a network of specialized service centers and a comprehensive referral service.

§ 950.3 National Climatic Center (NCC).

The National Climatic Center disseminates climatological data; develops analytical and descriptive products to meet user requirements; and provides facilities for the World Data Center-A (meteorology and Nuclear Radiation). It is the collection center and custodian of all United States weather records, the largest of the EDS center, and the largest climatic center in the world:

(a) Climatic data available from NCC include:

(1) Hourly Surface Observations from Land Stations (ceiling, sky cover, visibility, precipitation or other weather phenomena, obstructions to vision, pressure, temperature, dew point, wind direction, wind speed, gustiness).

(2) Three-Hourly and Six-Hourly Surface Observations from Land Stations, Ocean Weather Stations, and Moving Ships (variable data content).

(3) Upper Air Observations (radiosondes, rawinsondes, rocketsondes, low-level soundings, pilot balloon winds, aircraft reports).

(4) Radar Observations (radar log sheets, radar scope photography).

(5) Selected Maps and Charts (National Meterological Center products).

(6) Derived and Summary Data (grid points, computer tabulations, digital summary data).

(7) Special Collections (Barbados Oceanographic and Meteorological Experiment meteorological data, Global Atmospheric Research Program basic data set, solar radiation data, many others).

(b) Queries should be addressed to: National Climatic Center, National Oceanic and Atmospheric Administration, Asheville, N.C. 28801, Tel. 704-258-2850 Ext. 683.

§ 950.4 National Oceanographic Data Center (NODC).

The National Oceanographic Data Center disseminates oceanographic data; develops analytical and descriptive products to meet user requirements; and provides facilities for the World Data Center—A (Oceanography). It was the first NODC established and houses the world's largest usable collection of marine data.

(a) Oceanographic data available from NODC include:

(1) Mechanical and expendable bathythermograph data in analog and digital form.

(2) Oceanographic station data for surface and serial depths, giving values of temperature, salinity, oxygen, inorganic phosphate, total phosphorus, nitrite-nitrogen, nitrate-nitrogen, silicate-silicon, and pH.

(3) Continuously recorded salinity-temperature-depth data in digital form.

(4) Surface current information obtained by using drift bottles or calculated from ship set and drift.

(5) Biological data, giving values of plankton standing crop, chlorophyll concentrations, and rates of primary productivity; also papers on marine biology.

(b) Queries should be addressed to:

National Oceanographic Data Center, National Oceanic and Atmospheric Administration, Washington, D.C. 20235, Tel. 202-634-7500.

§ 950.5 National Geophysical and Solar-Terrestrial Data Center (NGSDC).

The National Geophysical and Solar-Terrestrial Data Center disseminates solid earth and marine geophysical data as well as ionospheric, solar, and other space environment data; develops analytical, climatological and descriptive products to meet user requirements; and provides facilities for World Data Center—A (Solid-Earth Geophysics, Solar Terrestrial Physics, and Glaciology).

(a) Geophysical and solar-terrestrial data available from NGSDC include:

(1) Marine geology and geophysics. Bathymetric measurement; seismic reflection profiles; gravimetric measurements; geomagnetic total field measurements; and geological data, including data on heat flow, cores, samples, and sediments.

(2) Solar-terrestrial physics. Ionosphere data, including iongrams, frequency plots, riometer and field-strength strip charts, and tabulations; solar activity data; geomagnetic variation data, including magnetograms; auroral data; cosmic ray data; and airglow data.

(3) Seismology. Seismograms; accelerograms; digitized strong-motion accelerograms; earthquake data list (events since January 1900); earthquake data service, updates on a monthly basis.

(4) Geomagnetic main field. Magnetic survey data and secular-change data tables.

(b) Queries should be addressed to: National Geophysical and Solar-Terrestrial Data Center, National Oceanic and Atmospheric Administration, Boulder, Colorado 80302, Tel.: 303-499-1000, Ext. 6215.

§ 950.6 Center for Experiment Design and Data Analysis (CEDDA).

The Center for Experiment Design and Data Analysis provides service and support in data management and scientific analysis for large-scale environmental field research projects, and assists in the planning, design, and implementation of such projects to ensure that data needs are met.

(a) To date, CEDDA has participated in three major field experiments:

(1) BOMEX—The Barbados Oceanographic and Meteorological Experiment. BOMEX was conducted in the tropical Atlantic east of Barbados as a national, multiagency study of the behavior and interaction of the ocean-atmosphere system in subtropical and tropical waters. The complete set of data resulting from this project is available at the National Climatic Center.

(2) IFYGL—The International Field Year for the Great Lakes. IFYGL was a joint United States-Canada program of environmental research aimed at achieving more effective management of Lake Ontario water resources and at solving the water management problems posed by a growing population in the lake basin area. Most of the data resulting from this project are available at the National Climatic Center.

(3) GATE—The Global Atmospheric Research Project (GARP) Atlantic Tropical Experiment. GATE was a multinational research project that spanned the Atlantic Ocean and studied the equatorial atmosphere and ocean—the main heat sources driving the atmosphere's general circulation. A set of basic data from this project is available from the National Climatic Center.

(b) The Marine Assessment Division helps NOAA to meet requirements placed upon it by the Deepwater Port (DWP) Act of 1974. The Act establishes procedures for the location, construction, and operation of deepwater ports off the coasts of the United States. It invests licensing authority in the Secretary of Transportation, while the Administrator of NOAA is called upon to provide essential support. To meet NOAA's obligation, the Assessment Division reviews, evaluates, and prepares recommendations for the Administrator on DWP license applications, related environmental impact statements, and adjacent coastal State status. It has provided assessments for the Louisiana Offshore Oil Port and the SEADOCK port of Galveston, Texas. It is currently assessing the environmental aspects of storage schemes for developing national strategic petroleum reserves.

(c) Queries should be addressed to:

Center for Experiment Design and Data Analysis, National Oceanic and Atmospheric Administration, Washintgon, D.C. 20235, Tel. 202-634-7251.

§ 950.7 Environmental Science Information Center (ESIC).

The Environmental Science Information Center develops policies for and provides editorial and publishing services to NOAA components; manages a central library system; provides functional guidance to other NOAA libraries; and develops and implements automated scientific information systems for NOAA and external use.

(a) ESIC issues a "NOAA Publications Announcement" several times a month. This booklet describes NOAA publications by title, author, source, date, abstract, keywords, and availability.

(b) The NOAA libraries are open to the public for reference use. The Atmospheric Sciences Library, 8060 13th Street, Silver Spring, Maryland, specializes in climatic publications; the Marine and Earth Sciences Library, 6001 Executive Boulevard, Rockville, Maryland, in cartographic, oceanographic, and fisheries publications; the NOAA Miami Library, 15 Rickenbacker Causeway, Miami, Florida, in oceanographic, cartographic, and climatic publications; and the NOAA Environmental Research Laboratories Library, University of Colorado, Boulder, Colorado, in solar-terrestrial physics.

(c) ESIC also responds to requests for copies of NOAA technical publications by sending out those in stock or referring the request to the proper NOAA or non-NOAA source.

(d) Queries should be addressed to:

Environmental Science Information Center, National Oceanic and Atmospheric Administration, Washington, D.C. 20235. Tel. 202-634-7399.

§ 950.8 Center for Climatic and Environmental Assessment (CCEA).

(a) CCEA provides tailored assessment services and products to Federal agencies concerned with the impact of the environment on national social and economic programs and policies.

(b) CCEA is participating in the joint USDA-NOAA-NASA program called the Large Area Crop Inventory Experiment (LACIE). The aim of the LACIE experiment is to improve the timeliness and accuracy of major crop forecasts by combining current and historical, surface and satellite, crop and weather source data. CCEA develops and refines the mathematical models that relate crop yields to weather conditions and provides processed climatological and meteorological data.

(c) Special studies and consultant services are provided to government agencies along with the following products. early warning and timely crop/climate alerts, crop yield estimates on a monthly basis, global weather briefings which relate climate impact on socio-economic systems, and risk assessments of climatological phenomena on national resources.

(d) Three different weekly assessment reports are prepared. The first, prepared for Congress, consists of a 1 or 2 page summary with accompanying map of the principal global droughts, floods, and other weather anomalies. The second, prepared for LACIE, is 30 to 60 pages and analyzes and describes the effects of the past week's weather on the major wheat

producing areas of the world outside the U.S. (i.e., Argentina, Australia, Brazil, Canada, China, India, and U.S.S.R.). The third, prepared for the State Department, is 15 to 20 pages and analyzes and describes crop weather over the seventeen country band of sub-Saharan Africa from Mauritania and Senegal in the west to Ethiopia, Somalia, and the Sudan in the east.

(e) Queries should be addressed to:

Center for Climatic and Environmental Assessment, 600 East Cherry Street, Columbia, MO 65201, Tel. 314-442-2271, Ext. 3261.

§ 950.9 Satellite Data Services Branch (SDSB).

The Satellite Data Services Branch of the EDS National Climatic Center provides environmental and earth resources satellite data to other users once the original collection purposes (i.e., weather forecasting) have been satisfied. The branch also provides photographs collected during NASA's SKYLAB missions. Available from SDSB are:

(a) Satellite data from SDSB include: (1) Data from the TIROS (Television InfraRed Observational Satellite) series of experimental spacecraft; much of the imagery gathered by spacecraft of the NASA experimental NIMBUS series; full-earth disc photographs from NASA's Applications Technology Satellites (ATS) I and III geostationary research spacecraft; tens of thousands of images from the original ESSA and Current NOAA series of Improved TIROS Operational Satellites; and both full-disc and sectorized images from the Synchronous Meteorological Satellites (SMS) 1 and 2, the current operational geostationary spacecraft. In addition to visible light imagery, infrared data are available from the NIMBUS, NOAA, and SMS satellites. Each day, SDSB receives about 239 negatives from the polar-orbiting NOAA spacecraft, more than 235 SMS-1 and 2 negatives, and several special negatives and movie film loops.

(2) Multispectral imagery derived from data collected by NASA's Earth Resources Technology Satellites (ERTS), currently LANDSAT-1 and 2.

(3) Photographs (both color and black-and-white) taken during the three SKYLAB missions (May-June, 1973, July-September, 1973, and November 1973-February 1974).

(b) Queries should be addressed to:

Satellite Data Services Branch, World Weather Building, Room 606, Washington, D.C. 20233, Tel. 301-763-8111.

§ 950.10 Comprehensive Referral Service.

The Environmental Data Index (ENDEX) provides rapid, automated referral to multi-discipline environmental data files of NOAA, other Federal agencies, state and local governments, universities, research institutes, and private industry. A complementary, literature-based system, Oceanic and Atmospheric Scientific Information System (OASIS) provides a parallel subject-author-abstract referral service. A telephone call to any EDS data or information center or NOAA library will allow a user access to this service.

[FR Doc.77-14443 Filed 5-19-77;8:45 am]

Title 21—Food and Drugs

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

SUBCHAPTER A—GENERAL

[Doc. No. 76N-0327]

PART 25—DRESSINGS FOR FOOD

ENVIRONMENTAL IMPACT CONSIDERATIONS

Procedural Changes for Impact Statements

Correction

In FR Doc. 77-10899 appearing at page 19985 in the issue for Friday, April 15, 1977, on page 19993, the 6th line of § 25.25(b) now reading "filing published in the FEDERAL REGISTER" should be completed to read "filing published in the FEDERAL REGISTER, the Federal Register * * *".

[Docket No. 75N-0122]

SUBCHAPTER D—DRUGS FOR HUMAN USE

PART 310—NEW DRUGS

SUBCHAPTER H—MEDICAL DEVICES

PART 801—LABELING

Intrauterine Contraceptive Devices; Professional and Patient Labeling

Correction

In FR Doc. 77-13098 appearing in the issue of Tuesday, May 10, 1977 on page 23772, the following corrections should be made:

1. On page 23775, in the first column, paragraph 14 should read as follows:

14. One comment suggested that it is unfair to require inappropriate and inapplicable statements to be included in the labeling of products to which the statement has only "tangential" relevance. The section "Continuation and removal" and portions of the section on "Insertion technique," for example, may not apply to all devices.

The Commissioner agrees that specific instructions for continuation and removal and insertion techniques are best left to the manufacturer. Therefore, information on specific insertion techniques applicable to a particular device, and information on the need periodically to remove a particular device will be under * * *

2. On page 23778, in the third column, under the heading, "Adverse Reactions", the 2nd paragraph, the 7th in line should read:

"* * * of the IUD, pelvic infection, vaginitis, leukor-. * * *"

SUBCHAPTER E—ANIMAL DRUGS, FEEDS, AND RELATED PRODUCTS

PART 510—NEW ANIMAL DRUGS

Subpart G—Sponsors of Approved Applications

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Tylosin

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration approves a new animal drug application (107-958V) filed by Music City Supplement Co., 155 First Ave. S., P.O. Box 1286, Nashville, TN 37202, proposing safe and effective use of a tylosin premix for the manufacture of complete feed to be fed to swine for increased rate of weight gain and improved feed efficiency. The Commissioner of Food and Drugs is amending §§ 510.600 and 558.625 (21 CFR 510.600 and 558.625) to reflect this approval.

EFFECTIVE DATE: May 20, 1977.

FOR FURTHER INFORMATION CONTACT:

Jack Taylor, Bureau of Veterinary Medicine (HFV-136), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857 (301-443-5247).

SUPPLEMENTARY INFORMATION: In accordance with § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii) of the animal drug regulations, a summary of safety and effectiveness data and information submitted to support approval of this application is released publicly. The summary is available for public examination at the office of the Hearing Clerk (HFC-20), Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857, between the hours of 9 a.m. and 4 p.m., Monday through Friday.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i) 82 Stat. 347 (21 U.S.C. 360b(i))), and under authority delegated to the Commissioner (21 CFR 5.1), Parts 510 and 558 are amended as follows:

1. In Part 510, § 510.600 is amended by adding aa new sponsor alphabetically to paragraph (c)(1) and numerically to paragraph (c)(2), to read as follows:

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

* * * * *

(c) * * *

(1) * * *

Firm name and address:	*Drug listing No.*
* * * * *	
Music City Supplement Co., 155 1st Avenue South, P.O. Box 1286, Nashville, Tenn. 37202	017519
* * * * *	

(2) * * *

Drug listing No:	Firm name and address
017519	Music City Supplement Co., 155 1st Avenue South, P.O. Box 1286, Nashville, Tenn. 37202.

2. In Part 558, § 558.625 is amended by adding new paragraph (b) (51) to read as follows:

§ 558.625 Tylosin.

(b) * * *

(51) To 017519: 10 grams per pound; paragraph (f) (1) (vi) (*a*) of this section.

Effective date: This regulation becomes effective May 20, 1977.

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

Dated: May 13, 1977.

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

[FR Doc.77-14376 Filed 5-19-77;8:45 am]

SUBCHAPTER G—COSMETICS

[Docket No. 75N-0110]

PART 701—COSMETIC LABELING

Designation of Ingredients; Termination of Judicial Stay of Effective Date

Correction

In FR Doc. 77-9715 appearing at page 18061 in the issue of Tuesday, April 5, 1977, in the third column, the 12th line of the first full paragraph now reading "May 31, 1976 that can continue to be" should have read "May 31, 1976 must comply with § 701.3,".

Title 30—Mineral Resources

CHAPTER I—MINING ENFORCEMENT AND SAFETY ADMINISTRATION, DEPARTMENT OF THE INTERIOR

SUBCHAPTER D—ELECTRICAL EQUIPMENT, LAMPS, METHANE DETECTORS; TESTS FOR PERMISSIBILITY; FEES

PART 18—ELECTRIC MOTOR-DRIVEN MINE EQUIPMENT AND ACCESSORIES

Miscellaneous Amendments; Correction

AGENCY: Mining Enforcement and Safety Administration, Department of the Interior.

ACTION: Correction.

SUMMARY: An error which appeared in miscellaneous amendments to 30 CFR Part 18 on Thursday, February 10, 1977, is corrected.

EFFECTIVE DATE: May 20, 1977.

FOR FURTHER INFORMATION CONTACT:

Donald P. Schlick, Assistant Administrator—Technical Support, Room 900, Ballston Tower No. 3, 4015 Wilson Boulevard, Arlington, Virginia 22203 (703-235-1580).

In FR Doc. 77-4312 appearing at page 8373 in the FEDERAL REGISTER of Thursday, February 10, 1977, the following change should be made:

Item 6, which changes abbreviations in Figure 4 in Appendix II of Subpart D, is revoked. The words "MESA No. ____" should be resubstituted for the words "B. of M. No. _____."

Dated: May 16, 1977.

ANTHONY RASPOLIE,
Acting Assistant Secretary of the Interior.

[FR Doc.77-14444 Filed 5-19-77;8:45 am]

Title 32—National Defense

CHAPTER I—OFFICE OF THE SECRETARY OF DEFENSE

SUBCHAPTER R—CHARTERS

PART 351—DIRECTOR OF DEFENSE RESEARCH AND ENGINEERING

AGENCY: Office of the Secretary of Defense.

ACTION: Issuance of DoD Charter Directive 5129.1.

SUMMARY: The Secretary of Defense has assigned functions and responsibilities to the Director of Defense Research and Engineering and has delegated to him specific authorities. This Directive serves as the instrument that authorizes the Director of Defense Research and Engineering to carry out his charter.

EFFECTIVE DATE: April 20, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. Arthur H. Ehlers, Director for Organizational and Management Planning, Office of the Deputy Assistant Secretary of Defense (Administration), 202-695-4278.

Accordingly, Part 351 reads as follows:

Sec.
351.1 Purpose.
351.2 Responsibilities.
351.3 Functions.
351.4 Relationships.
351.5 Authorities.

AUTHORITY: 10 U.S.C. Chapter 4, sec. 135.

§ 351.1 Purpose.

Pursuant to the authority vested in the Secretary of Defense under the provisions of Title 10, United States Code, section 135, the Director of Defense Research and Engineering (hereafter "the DDR&E") is hereby assigned responsibilities, functions, and authorities as prescribed herein.

§ 351.2 Responsibilities.

The DDR&E is the principal adviser and assistant to the Secretary of Defense for Department of Defense scientific and technical matters; basic and applied research; development and acquisition of weapon systems; and, through the Assistant Secretary of Defense (Communications, Command, Control and Intelligence), for matters assigned to that Assistant Secretary. For each of his assigned areas the DDR&E shall:

(a) Conduct analyses, develop policies, provide advice, make recommendations, and issue guidance on Defense plans and programs.

(b) Develop systems and standards for the administration and management of approved plans and programs.

(c) Initiate programs, actions, and tasking to ensure adherence to DoD policies and national security objectives and to ensure that programs are designed to accommodate operational requirements.

(d) Review and evaluate programs for carrying out approved policies and standards.

(e) Inform appropriate organizations and personnel of new and significant scientific trends or initiatives.

(f) In conjunction with the Assistant Secretary of Defense (Comptroller), review proposed resource programs, formulate budget estimates, recommend resource allocations, and monitor the implementation of approved programs.

(g) Participate in those planning, programming, and budgeting activities which relate to DDR&E responsibilities.

(h) Review and evaluate recommendations on requirements and priorities.

(i) Promote coordination, cooperation, and mutual understanding within the Department of Defense and between the DoD and other Federal agencies and the civilian community.

(j) Serve on boards, committees, and other groups pertaining to his functional areas, and represent the Secretary of Defense on DDR&E matters outside the DoD.

(k) Perform such other duties as the Secretary of Defense may from time to time prescribe.

§ 351.3 Functions.

The DDR&E shall carry out the responsibilities described in § 351.2 for the following functional areas:

(a) Scientific and technical information.

(b) Basic and applied research.

(c) Design and engineering, including life-cycle considerations.

(d) Development and acquisition of weapon systems, including procurement policy and production planning.

(e) Environmental science.

(f) Assignment and reassignment of research and engineering responsibility for systems, activities, and programs.

(g) Coproduction and research interchange with friendly and allied nations, in conjunction with the Assistant Secretary of Defense (International Security Affairs).

(h) Contract placement and administration for research, development and weapon systems acquisition programs.

(i) Such other areas as the Secretary of Defense may from time to time prescribe.

§ 351.4 Relationships.

(a) In the performance of his duties, the DDR&E shall:

(1) Coordinate and exchange information with other DoD organizations having collateral or related functions.

(2) Use existing facilities and services, whenever practicable, to achieve maximum efficiency and economy.

(b) All DoD organizations shall coordinate all matters concerning the functions cited in § 351.3 with the DDR&E.

(c) The DDR&E shall have staff and operational direction of the Assistant Secretary of Defense (Communications, Command, Control and Intelligence), who shall also serve as the Principal Deputy Director of Defense Research and Engineering.

(d) The DDR&E shall have staff and operational direction of the Director, Defense Advanced Research Projects Agency.

§ 351.5 Authorities.

The DDR&E is hereby delegated authority to:

(a) Issue DoD Instructions and one-time directive-type memoranda which carry out policies approved by the Secretary of Defense in his assigned fields of responsibility. Instructions to the Military Departments will be issued through the Secretaries of those Departments or their designees. Instructions to Unified and Specified Commands will be issued through the Joint Chiefs of Staff.

(b) Obtain such reports, information, advice, and assistance, consistent with the policies and criteria of DoD Directive 5000.19,[1] as he deems necessary.

(c) Communicate directly with heads of DoD organizations, including the Secretaries of the Military Departments, the Joint Chiefs of Staff, the Director of Defense Agencies, and, through the Joint Chiefs of Staff, the Commanders of Unified and Specified Commands.

(d) Establish arrangements for DoD participation in those nondefense governmental programs for which he has been assigned primary cognizance.

(e) Approve, modify or disapprove research and development programs and projects of the military departments and other Department of Defense agencies in his assigned fields.

(f) Communicate with other Government agencies, representatives of the legislative branch, and members of the public, as appropriate, in carrying out assigned functions.

MAURICE W. ROCHE,
Director, Correspondence and Directives, Office of the Assistant Secretary of Defense (Comptroller).

MAY 16, 1977.

[FR Doc.77-14373 Filed 5-19-77;8:45 am]

PART 352—ASSISTANT SECRETARY OF DEFENSE (MANPOWER, RESERVE AFFAIRS, AND LOGISTICS)

AGENCY: Office of the Secretary of Defense.

ACTION: Issuance of DoD Charter Directive 5124.1.

[1] Filed as part of original. Single copies may be obtained, if needed, from U.S. Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, PA 19120 Attention: Code 300.

SUMMARY: The Secretary of Defense has assigned functions and responsibilities to the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics) (ASD(MRA&L)) and has delegated to him specific authorities. This Directive serves as the instrument that authorizes the ASD(MRA&L) to carry out his charter.

EFFECTIVE DATE: April 20, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. Arthur H. Ehlers, Director for Organizational and Management Planning, Office of the Deputy Assistant Secretary of Defense (Administration) 202-695-4278.

Accordingly, Part 352 reads as follows:

Sec.
352.1 Purpose.
352.2 Responsibilities.
352.3 Functions.
352.4 Relationships.
352.5 Authorities.

AUTHORITY: 10 U.S.C. Chapter 4, sec. 136.

§ 352.1 Purpose.

Pursuant to the authority vested in the Secretary of Defense under the provisions of Title 10, United States Code, one of the positions of Assistant Secretary of Defense is designated the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics), (hereinafter "the ASD(MRA&L)"), with responsibilities, functions and authorities as prescribed herein.

§ 352.2 Responsibilities.

The ASD(MRA&L) is the principal staff adviser and assistant to the Secretary of Defense for Department of Defense civilian and military requirements, policy and planning; reserve affairs; logistics; and installations management. For each of his assigned areas he shall:

(a) Develop policies, conduct analyses, provide advice, make recommendations, and issue guidance on Defense plans and programs.

(b) Develop systems and standards for the administration and management of approved plans and programs.

(c) Initiate programs, actions, and taskings to ensure adherence to DoD policies and national security objectives; and to ensure that programs are designed to accommodate operational requirements and promote the readiness and efficiency of the forces.

(d) Review and evaluate programs for carrying out approved policies and standards.

(e) Participate in those planning, programming, and budgeting activities which relate to ASD(MRA&L) responsibilities.

(f) Review and evaluate the implications of proposed weapon systems for manpower, personnel and logistics support functions.

(g) Review and evaluate recommendations concerning manpower and logistics requirements and priorities.

(h) Promote coordination, cooperation, and mutual understanding within the Department of Defense and between the DOD and other Federal agencies and the civilian community.

(i) Serve on boards, committees, and other groups pertaining to his functional areas, and represent the Secretary of Defense on MRA&L matters outside the DOD.

(j) Exercise staff supervision over the Director, Defense Logistics Agency.

(k) Provide policy guidance to, and supervise the operation of the following OSD field activities: Defense Dependents Schools; Manpower Data Center.

(l) Perform such other duties as the Secretary of Defense may from time to time prescribe.

§ 352.3 Functions.

The ASD(MRA&L) shall carry out the responsibilities described in § 352.2 for the following functional areas:

(a) Force structure analysis as related to quantitative and qualitative manpower requirements, manpower utilization, logistics and support.

(b) Development of manpower programs to meet requirements.

(c) Administration of controls on military and civilian manpower strengths.

(d) Attraction and retention of military personnel.

(e) Compensation, retired pay, per diem, travel and transportation allowances.

(f) Civilian and military personnel training and education.

(g) Personnel management systems.

(h) Labor-management relations.

(i) Nonappropriated fund activities.

(j) Commercial affairs, credit unions, commissaries, and post exchanges.

(k) Morale, discipline and welfare.

(l) Personnel utilization.

(m) Community services.

(n) National Guard and Reserve Affairs as provided in Title 10, United States Code, including facilities and construction, logistics, training, mobilization readiness and other related aspects of reserve affairs.

(o) Equal opportunity, including employment and utilization of personnel, education in race relations and human relations, and contractor compliance with equal opportunity requirements of Defense contracts.

(p) Career development.

(q) Supply systems.

(r) Transportation management and sealift and airlift readiness.

(s) Postal policy.

(t) Customs inspection.

(u) Warehousing.

(v) Provision of DoD resources to other agencies for drug and narcotics enforcement efforts.

(w) Equipment and support readiness, including repair, overhaul and modification.

(x) Safety and accident prevention.

(y) Environmental quality.

(z) Energy management and conservation.

(aa) International logistics and coproduction arrangements.

(bb) Installations and real property acquisition, maintenance, and disposal.

(cc) Military base structure and utilization.

(dd) Military construction and family housing.

(ee) Economic adjustment.

(ff) Federal-state relations.

(gg) Such other areas as the Secretary of Defense may from time to time prescribe.

§ 352.4 Relationships.

(a) In the performance of his duties, the ASD(MRA&L) shall:

(1) Coordinate and exchange information with other DoD organizations having collateral or related functions.

(2) Use existing facilities and services, whenever practicable, to achieve maximum efficiency and economy.

(b) All DoD organizations shall coordinate all matters concerning the functions cited in § 352.3 with the ASD (MRA&L).

§ 352.5 Authorities.

The ASD(MRA&L) is hereby delegated authority to:

(a) Issue instructions and one-time directive-type memoranda which carry out policies approved by the Secretary of Defense, in his assigned fields of responsibility. Instructions to the Military Departments will be issued through the Secretaries of those Departments or their designees. Instructions to Unified and Specified Commands will be issued through the Joint Chiefs of Staff.

(b) Obtain such reports, information, advice, and assistance, consistent with the policies and criteria of DoD Directive 5000.19[1], as he deems necessary.

(c) Communicate directly with heads of DoD organizations, including the Secretaries of the Military Departments, the Joint Chiefs of Staff, the Directors of Defense Agencies, and, through the Joint Chiefs of Staff, the Commanders of the Unified and Specified Commands.

(d) Establish arrangements for DoD participation in those non-defense governmental programs for which he has been assigned primary cognizance.

(e) Communicate with other Government agencies, representatives of the legislative branch, and members of the public, as appropriate, in carrying out assigned functions.

MAURICE W. ROCHE,
Director, Correspondence and Directives, Office of the Assistant Secretary of Defense (Comptroller).

MAY 16, 1977.

[FR Doc.77-14374 Filed 5-19-77;8:45 am]

[1] Filed as part of original. Single copies may be obtained, if needed, from U.S. Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, PA 19120. Attention: Code 300.

Title 36—Parks, Forests, and Public Property

CHAPTER I—NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SYSTEM

Whitewater Boat Trips; Colorado River

AGENCY: National Park Service.

ACTION: Final rule.

SUMMARY: The amendments set forth below are necessary to bring certain boating regulations into conformance with recent legislative actions affecting five park areas along the Colorado River in northern Arizona. These changes relate primarily to boundary adjustments and the amended regulations, therefore, are principally a reorganization of existing regulations.

EFFECTIVE DATE: June 20, 1977.

FOR FURTHER INFORMATION CONTACT:

Merle E. Stitt, Superintendent, Grand Canyon National Park, P.O. Box 129, Grand Canyon, Arizona 86023, Telephone 602-638-2411.

PREVIOUS PUBLICATIONS: These regulations were published as a Notice of Proposed Rulemaking in the FEDERAL REGISTER of June 18, 1976 (41 FR 24714). Interested persons were given 30 days within which to submit comments on this proposal. No such comments were received, either during or after the 30 day period.

SUPPLEMENTARY INFORMATION: On January 3, 1975, Public Law 93-620 substantially altered the boundaries of Grand Canyon National Park. Marble Canyon and Grand Canyon National Monuments were absorbed by the enlarged park and portions of Glen Canyon and Lake Mead National Recreation Areas were also transferred to it. These transfers all affect portions of the Colorado River on which whitewater boat trips take place. This necessitated combination and reorganization of the existing regulations for boating in the five areas, with the result that only Grand Canyon and Glen Canyon require such regulations. A further change, not related to boundary adjustments, was made in order to make it clear that these regulations apply on the waters of the Colorado River, as well as on the lands along it, in specified portions of these two park areas.

In consideration of the foregoing, Part 7 of Title 36, Code of Federal Regulations, is amended as set forth below.

Dated: May 10, 1977.

GARY EVERHARDT,
Director, National Park Service.

§ 7.4 Grand Canyon National Park.

* * * * *

(h) *Colorado River whitewater boat trips.* The following regulations shall apply to all persons using the waters of, or Federally owned land administered by the National Park Service along, the Colorado River within Grand Canyon National Park, upstream from Diamond Creek at approximately river mile 226:

* * * * *

(9) Possession of a permit to conduct, guide, outfit, or lead a river trip also authorizes camping along the Colorado River by persons in the river trip party, except on lands within the Hualapai Indian Reservation which are administered by the Hualapai Tribal Council; *Provided, however,* That no person shall camp at Red Wall Cavern, Elves Chasm, the mouth of Havasu Creek, or along the Colorado River bank between the mouth of the Paria River and the Navajo Bridge.

* * * * *

§ 7.48 [Amended]

2. Section 7.48, Lake Mead National Recreation Area, is amended by revoking paragraph (e) in its entirety.

§ 7.60 [Reserved]

3. Section 7.60, Grand Canyon National Monument, is revoked in its entirety.

4. Section 7.70 is amended by revising the introductory portion of paragraph (e) and (e)(8) as follows:

§ 7.70 Glen Canyon National Recreation Area.

* * * * *

(e) *Colorado River whitewater boat trips.* The following regulations shall apply to all persons using the waters of, or Federally owned land administered by the National Park Service along, the Colorado River within Glen Canyon National Recreation Area, from the Lees Ferry launch ramp downstream to the eastern boundary of Grand Canyon National Park:

* * * * *

(8) No camping is allowed along the Colorado River bank between the Lees Ferry launch ramp and the Navajo Bridge.

* * * * *

§ 7.88 [Reserved]

5. Section 7.88, Marble Canyon National Monument, is revoked in its entirety.

[FR Doc.77-14433 Filed 5-19-77;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 41—DEPARTMENT OF THE INTERIOR

PART 14-4—SPECIAL TYPES AND METHODS OF PROCUREMENT

Appraisal Services (Real Property)

AGENCY: Office of the Secretary, Interior.

ACTION: Final rule.

SUMMARY: This rule prescribes policies and procedures for procurement of appraisal services for real property. These requirements are necessary in order to

insure uniformity in the manner in which appraisal services are acquired within the Department.

DATE: This amendment is effective immediately.

FOR FURTHER INFORMATION CONTACT:

William Opdyke, Procurement Analyst, Division of Procurement and Grants, Office of Administrative and Management Policy, Department of the Interior, Washington, D.C. 20240, telephone number 202-343-5914.

SUPPLEMENTARY INFORMATION: The Department of the Interior has has determined that this document does not certain a major rule requiring preparation of an Inflation Impact Statement under Executive Order 11821 or OMB Circular A-107.

RICHARD R. HITE,
Deputy Assistant Secretary of the Interior.

MAY 13, 1977.

Pursuant to the authority of the Secretary of the Interior contained in 5 U.S.C. 301, 41 CFR Part 14-4 is amended as follows:

1. The Table of Contents of Part 14-4 is amended by adding a new Subpart 14-4.52 to read as follows:

Subpart 14-4.52—Appraisal Services (Real Property)

Sec.
14-4.5201 Definitions.
14-4.5202 Negotiation authority.
14-4.5203 Publication of requirements.
14-4.5204 Selection of offerors.
14-4.5205 Designation of contracting officer's authorized representatives.
14-4.5206 Qualifications requirements for appraisers.
14-4.5207 Appraisal review and acceptance.
14-4.5208 Appraisal standards.

2. Part 14-4 is amended by adding a new Subpart 14-4.52 to read as follows:

Subpart 14-4.52—Appraisal Services (Real Property)

§ 14-4.5201 Definitions.

Appraisal services for real property shall, for the purposes of acquisition by contract or purchase orders, be considered professional services.

§ 14-4.5202 Negotiation authority.

(a) Real property appraisal services may be procured by negotiation under the applicable authorities contained in 41 CFR Subpart 1-3.2.

(b) The policies and procedures for procurement of professional architect-engineer services contained in Subpart 1-4.10 of this title shall not be used to procure appraisal services since appraisal services are considered to be outside the definition of architect engineer services set forth under § 1-4.1002 of this title.

§ 14-4.5203 Publication of requirements.

Advance notice of procurements for real property appraisal services shall be publicized in accordance with the requirements of § 1-1.1003-3(b) of this title. When circumstances are present which preclude publication, the contract file must be documented accordingly.

§ 14-4.5204 Selection of offerors.

Selection of offerors for negotiation and award shall be in accordance with the requirements of § 1-3.805 of this title.

§ 14-4.5205 Designation of contracting officer's authorized representatives.

Only personnel who are determined by the contracting officer to be experienced in real property appraisal work may be designated as the contracting officer's authorized representative (COAR) to monitor real property appraisal contracts. Personnel designated as COAR's should be familiar with Federal procurement policies as they relate to the contract being monitored or given appropriate training in such requirements.

§ 14-4.5206 Qualifications requirements for appraisers.

(a) If it is anticipated that the required appraisal will be subject to court action, prospective offerors must be recognized and approved by the Department of Justice as a minimum qualification to submitting a proposal. A listing of qualified appraisers is maintained by each U.S. Attorney's Office and by the Lands Division in the Department of Justice, Washington, D.C.

(b) Where no court action respecting a required appraisal is anticipated, an offeror must be able to furnish proof that it is a qualified appraiser, as for example, through membership in a professional appraisers' organization, or by demonstrative evidence in the form of previous appraisal assignments involving properties similar to those under consideration for contract. Possession of these qualifications along with any other specialized requirements (e.g., restrictions as to location, special ability or knowledge) must be clearly specified in the solicitation for the required services.

§ 14-4.5207 Appraisal review and acceptance.

The Contracting Officer's Authorized Representative (COAR) shall make the initial or final (according to practices in individual procuring activities) review of all real property appraisals performed under contract. Payment shall not be made for appraisals of real property having more than token value or involving highly complicated appraisal problems, until the COAR attaches to the appraisal report a memorandum indicating the scope of the review and acceptability of the report for the purposes ordered.

§ 14-4.5208 Appraisal standards.

All appraisals made for the Department of the Interior shall conform to the requirements of the Interagency Land Acquisition Conference publication entitled "Uniform Appraisal Standards for Federal Land Acquisitions." This publication is available from the Government Printing Office. These uniform standards must be made a part of all appraisal services procurement documents.

[FR Doc.77-14445 Filed 5-19-77;8:45 am]

CHAPTER 101—FEDERAL PROPERTY MANAGEMENT REGULATIONS

SUBCHAPTER G—TRANSPORTATION AND MOTOR VEHICLES

[FPMR Amdt. G-40]

PART 101-40—TRANSPORTATION AND TRAFFIC MANAGEMENT

Loss and Damage Claims

AGENCY: General Services Administration.

ACTION: Final rule.

SUMMARY: This rule updates regulations for reporting and adjusting transportation-related loss, damage, and shortage in shipments received by Government agencies from commercial carriers by recognizing changes which are currently in effect. Those changes include (1) modified reporting and documentation procedures which were effective on April 1, 1974, with use of the revised Standard Form 1103, U.S. Government Bill of Lading, and (2) a new Government-wide minimum of $25 per bill of lading for filing loss and damage claims which was authorized, but not required, by the Comptroller General of the United States on August 20, 1975; that is, agencies are not required to file formal claims for transportation discrepancies of $25 or less.

EFFECTIVE DATE: May 20, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. I. W. Rhodes, Agency Transportation Coordination Division, Office of Transportation and Public Utilities, Federal Supply Service, General Services Administration, Washington, D.C. 20406 (703-557-8510).

The table of contents for Part 101-40 is amended to include the following revised entries:

Sec.
101-40.702 Documenting and reporting discrepancies.
101-40.702-2 Discrepancies in Government bill of lading shipments.
101-40.703-1 [Reserved]
101-40.703-2 Notice of visible loss, damage, or shortage.
101-40.703-3 Notice of concealed loss, damage, or shortage.
101-40.705 Disposition of overages and astray or misconsigned shipments.
101-40.712 Referral of loss and damage claims to the General Accounting Office or to the Department of Justice.

Subpart 101-40.7—Reporting and Adjusting Discrepancies in Government Shipments

1. Section 101-40.700 is revised as follows:

§ 101-40.700 Scope of subpart.

This subpart prescribes regulations and procedures for reporting and ad-

justing overages, shortages, losses, damages, and other discrepancies between the quantity or condition of property in shipments received from commercial carriers and the quantity or condition of that property as shown on the covering bill of lading or other transportation document. (Specific additional requirements for reporting discrepancies in shipments received from GSA or DOD are set forth in the GSA handbook, Discrepancies or Deficiencies in GSA or DOD Shipments, Material, or Billings, issued pursuant to Subpart 101–26.8.)

2. Section 101–40.701 is amended as follows:

§ 101–40.701 Receipt of shipment from carrier.

When accepting delivery of a shipment from the carrier, a careful inspection and check shall be made of the quantity and condition of the property received, and an accurate record shall be made and kept of any discrepancies or variations between the data shown on the covering bill of lading or other transportation document and the quantity and condition of property actually received. When an overage, shortage, loss, damage, or other discrepancy is noted upon receipt of shipment, a discrepancy report shall be prepared as required in § 101–40.702–3. A damaged shipment shall not be rejected regardless of the degree of damage or the contract delivery terms, except as indicated in § 101–40.704–1(c). The consignee shall take reasonable precautions to protect the damaged property in order to mitigate the losses to the carrier. Care shall be taken to preserve the contents, the original package, and the packing material pending completion of inspection by the carrier. Where applicable, the following actions shall be taken in checking and documenting delivery conditions:

(a) When a shipment is received in a closed conveyance, a notation shall be made on the carrier's delivery receipt or freight bill and on the consignee's copy of the delivery receipt or freight bill of the number and condition of any seals; i.e., intact, broken, or missing, on the carrier's conveyance and whether the shipment was properly loaded, stowed, blocked, and braced.

* * * * *

(c) A notation shall be made on the carrier's delivery receipt, if available, and the consignee's copy of the delivery receipt or freight bill of the condition of the railcar, motor vehicle, container, or other conveyance with particular attention to any circumstance that might contribute to loss or damage; e.g., loose flooring or sides or protruding nails or bolts. When there is suspicion or evidence of damage to an ocean shipment, the ocean carrier or his agent shall be requested to furnish details concerning the manner of stowage of the shipment aboard the vessel.

(d) If a shipment is received in apparent bad order; e.g., if the load is shifted or jumbled or containers are broken or leaking, photographs of the damaged freight and/or of conditions of loading which might have contributed to the damage shall be made, whenever possible, for use as documentary evidence in the event of a claim. Each photograph shall be marked indelibly with the Government or commercial bill of lading number, the ocean or international air bill of lading number and/or the carrier's delivery receipt number, the vehicle identification number or vessel's name, and the date the photograph was taken. Photographs of damaged shipments delivered by ocean carriers shall be made at the ocean carrier's terminal prior to accepting the shipment.

* * * * *

3. Section 101–40.702 is revised by changing the caption as follows:

§ 101–40.702 Documenting and reporting discrepancies.

4. Section 101–40.702–1(a) is revised as follows:

§ 101–40.702–1 Exception on carrier's delivery receipt.

(a) Before signing the carrier's delivery receipt, the Government consignee (or representative) shall note on the receipt specific details regarding the nature and extent of all apparent overages, shortages, losses, damages, or other discrepancies between the quantity and condition of the property as received and as shown on the covering bill of lading or other transportation document. Any notation placed on the carrier's delivery receipt shall also be shown on the consignee's copy of the delivery receipt or freight bill. The consignee shall sign and date these notations and request the carrier's driver or representative also to sign the notations.

* * * * *

5. Section 101–40.702–2 is revised and its caption is changed, as follows:

§ 101–40.702–2 Discrepancies in Government bill of lading shipments.

(a) When a shipment is made on a Standard Form 1103, U.S. Government Bill of Lading, or a Standard Form 1131, U.S. Government Transit Bill of Lading, the consignee shall make certain the Government bill of lading number is shown on both the carrier's delivery receipt and the consignee's copy of the delivery receipt. When a shipment is made on a commercial bill of lading to be converted to a Government bill of lading, in which case the Government bill of lading number would not normally be known at the time of delivery, the consignee shall sign the delivery receipt and enter the Government bill of lading number, when it becomes available, on the consignee's copy of the delivery receipt.

(b) When a discrepancy occurs in a shipment made on a Government bill of lading, appropriate notations shall be made on the delivery receipt as required in § 101–40.702–1 and a discrepancy report shall be prepared as required in § 101–40.702–3.

(c) The agency responsible for payment of freight charges, as identified in the "Charges to be billed to" space on the Government bill of lading, is usually also responsible for determining carrier liability (see § 101–40.707–2) and processing claims (see § 101–40.710). The consignee shall forward a discrepancy report and copies of supporting documents; e.g., delivery receipts, photographs, and carrier's inspection reports, to that agency, to the shipper at the address shown on the Government bill of lading, and to any other addresses as may be required by the agency's regulations. In addition, copies of discrepancy reports and supporting documents relating to special categories of property shall be forwarded to appropriate offices as required in § 101–40.702–3 (c), (d), and (e).

6. Section 101–40.702–3 is revised and paragraphs (d) and (e) are added, as follows:

§ 101–40.702–3 Preparation of a discrepancy report.

(a) Government agencies are authorized, but not required, to observe a minimum of $25 in processing loss and damage claims against carriers or forwarders and to absorb losses of $25 or less.

(b) When the total value of the loss, damage, or other discrepancy, or the value of repairs or replacement, including unearned freight charges, where applicable, on a single bill of lading or other transportation document exceeds $25, the receiving activity shall prepare a written discrepancy report as soon as possible, but no later than 30 calendar days after receipt of the shipment or discovery of the discrepancy. Every effort shall be made to reconcile overages or shortages within 10 workdays after discovery. (Suspected pilferage, theft, or loss during transit of narcotics, hazardous articles, or sensitive materials, regardless of dollar value, shall be reported to the appropriate agencies within 24 hours in accordance with paragraphs (c), (d), and (e), below.) Any photographs taken as documentary evidence (see § 101–40.701 (d)) should be attached to the discrepancy report to support claim action. Standard Form 361, Discrepancy in Shipment Report (see § 101–40.4906–3), or Standard Form 363, Discrepancy in Shipment Confirmation (see § 101–40.4906–6), may be used by executive agencies for this purpose. Guidelines for the preparation of these Standard forms are in §§ 101–40.4906–4 and 101–40.4906–7, respectively. (See the GSA handbook, Discrepancies or Deficiencies in GSA or DOD Shipments, Material, or Billings (Subpart 101–26.8), for specific requirements for reporting discrepancies in shipments from GSA or DOD.) Losses of $25 or less for which no claims have been filed shall be absorbed by Government agencies.

(c) Pilferage, theft, or loss, regardless of dollar value, occurring in a shipment of narcotics or other controlled substances (as identified in 21 CFR 1308.11–1308.15) shall be reported by telephone within 24 hours after discovery to both the agency or activity responsible for the shipment and the appropriate regional office of the Drug Enforcement Administration, Department of Justice. In addition, a written discrepancy report shall be prepared and distributed

immediately, and a copy shall be forwarded to the same office of the Drug Enforcement Administration to which the telephone report is made.

(d) Pilferage, theft, or loss, regardless of dollar value, occurring in a shipment of ammunition, explosives, or other hazardous articles (as identified in 49 CFR 172) shall be reported by telephone within 24 hours after discovery to both the agency or activity responsible for the shipment and the Office of Hazardous Materials, Department of Transportation, Washington, D.C. 20590. In addition, a written discrepancy report shall be prepared and distributed immediately, and a copy shall be forwarded to the Office of Hazardous Materials identified above.

(e) Pilferage, theft, or loss, regardless of dollar value, occurring in a shipment of (1) security classified material, (2) protected (sensitive) material; e.g., small arms, which are highly pilferable and have a ready use during civil disturbances or a sale potential in illicit markets, or (3) protected (controlled) material; e.g., money, negotiable instruments, precious metals, or alcoholic beverages, shall be reported by telephone within 24 hours after discovery to the agency responsible for the shipment. In addition, a written discrepancy report shall be prepared and distributed immediately.

7. Section 101–40.703–1 is deleted and reserved as follows:

§ 101–40.703–1 [Reserved]

8. Section 101–40.703–2 is revised and its caption is changed, as follows:

§ 101–40.703–2 Notice of visible loss, damage, or shortage.

(a) Usually, it is sufficient to notify the last line-haul or delivering carrier of a shipment discrepancy by annotating the carrier's delivery receipt. This notation shall also be entered on the consignee's copy of the delivery receipt. When the entire shipment is lost, the consignee shall notify the origin carrier. When the carrier's delivery receipt is not available at the time of delivery of the shipment, notification shall be made within 24 hours by telephone to the nearest office of the delivering carrier to provide the carrier an opportunity, if desired, to verify the loss, damage, or shortage. In every instance of loss, damage, or shortage, the delivering carrier shall be notified in writing within 5 workdays of receipt of the shipment and invited to perform an inspection, except in those instances where it is known that the total amount of the loss, damage, or shortage, or the value of repairs or replacement, including unearned freight charges, where applicable, on a single bill of lading or other transportation document, does not exceed $25. If the carrier waives the opportunity to perform an inspection, the responsible Government employee receiving the shipment shall make a written record of the waiver, including the date the request for inspection was made and the name of the carrier representative who was contacted and waived inspection. Use of Standard Form 363 is recommended to request an inspection by the carrier. In the instance of an international shipment by an ocean or air carrier, the notice of discrepancy must be made in writing before the property is removed from the carrier's possession, except as provided in § 101–40.702–1(b).

(b) If the damaged property is of a perishable nature or is in such a condition as to be potentially injurious to life, health, or property, prompt notification to the carrier shall be made by telephone and confirmed in writing. If the carrier fails to perform a timely inspection and to participate in the disposition proceedings, necessary steps shall be taken to dispose of the property in a manner which will mitigate the loss to the carrier and avoid injury to other property or persons.

(c) In the instance of a domestic shipment, if the lost or damaged shipment involves nonperishable material, the property shall be held for a reasonable time (usually 5 workdays after notification) to allow the carrier time to complete inspection.

9. Section 101–40.703–3 is revised and its caption is changed, as follows:

§ 101–40.703–3 Notice of concealed loss, damage, or shortage.

(a) *Domestic shipments.* When loss, damage, or shortage that was not apparent at the time of delivery is subsequently discovered when the packages are opened, the delivering carrier (not a drayage or switching carrier) shall be notified promptly by telephone and requested to inspect the property involved, except in those instances where it is known that the total amount of loss, damage, or shortage, or the value of repairs or replacement, including unearned freight charges, where applicable, on a single bill of lading or other transportation document, does not exceed $25. Unless there are extenuating circumstances, the notification and request for inspection shall be made by telephone not later than 15 calendar days from the date of receipt of the shipment, followed by written confirmation. The written notification shall include the date the telephone request for inspection was made and the name of the carrier representative who was contacted. A copy of the notification and request for inspection shall be retained for possible claim purposes. Use of Standard Form 363 is recommended for this purpose. Wrappings, packing materials, and any unopened packages shall be retained for the carrier's inspection. A copy of the carrier's inspection report shall be requested for use in determining liability or preparing a claim. If the carrier fails to make an inspection within a reasonable time as stated in § 101–40.703–2(c), or if the carrier waives the opportunity to perform an inspection, the carrier shall shall be requested in writing to furnish a written waiver. Use of Standard Form 363 is recommended for this purpose.

(b) *International shipments.* When loss, damage, or shortage that was not apparent at the time of removal of the property from the carrier's possession is subsequently discovered when the packages are opened, the carrier shall be notified promptly in writing. Use of Standard Form 363 is recommended for this purpose. When an ocean carrier is involved, the written notice shall be given to the carrier or his agent at the port of discharge within 3 calendar days of delivery (46 U.S.C. 1303(6)). When an international air carrier is involved, the written notice shall be given within 7 calendar days of receipt of the property (Article 26 of the Warsaw Convention; 49 Stat. 3020). Written notices to ocean and international air carriers shall indicate a nominal period of time for inspecting concealed loss or damage.

10. Section 101–40.704–2 is revised as follows:

§ 101–40.704–2 Transportation for account of the supplier.

When the transportation is performed by the carrier for the supplier rather than for the Government; e.g., when property is purchased f.o.b. destination, accurate notations of discrepancies shall be made on the carrier's delivery receipt and the consignee's copy of the carrier's delivery receipt or freight bill to assist the supplier in filing claims for transportation losses. Prompt notification shall be furnished to the supplier, or to the agency contracting officer as individual agency regulations may provide, with a request for information regarding the disposition of the damaged property. Standard Form 363 is recommended for this purpose. The notification shall include supporting documents; i.e., a copy of the annotated delivery receipt, photos, carrier's inspection report, or written waiver. (See the GSA handbook, Discrepancies or Deficiencies in GSA or DOD Shipments, Material, or Billings (Subpart 101–26.8), with regard to damage to stock or nonstock items procured from GSA for direct delivery.)

11. Section 101–40.705 is revised and its caption is changed, as follows:

§ 101–40.705 Disposition of overages and astray or misconsigned shipments.

(a) When the number of packages offered for delivery is more than that shown on the applicable bill of lading or other transportation document and when all packages are marked for the consignee, the overages shall be accepted. The consignee shall attempt to reconcile overages and astray freight with corresponding shortages associated with other shipments received at that activity.

(b) If excess freight on one bill of lading is identical with a reported shortage on another bill of lading, the excess or overage shall be used to offset the previous shortage. If excess freight cannot be identified or used to offset other shortages within 5 workdays after the date of discovery, the consignee shall request

disposition instructions from the consignor or shipper and shall convey these instructions to the delivering carrier. Standard Form 363 is recommended for these purposes.

(c) If a carrier attempts to deliver a shipment containing packages which are marked for another consignee or which cannot otherwise be identified, the misdirected or astray packages shall not be accepted.

12. Section 101–40.707–1 is revised as follows:

§ 101–40.707–1 Transportation for account of the supplier.

When the transportation is performed by the carrier for the supplier rather than for the Government; e.g., when the property is purchased f.o.b. destination, determination of liability for discrepancies in shipment will be resolved between the carrier and the supplier. However, in such instances the Government receiving activity shall make accurate notations of discrepancies on the carrier's delivery receipt and the consignee's copy of the delivery receipt or freight bill, and shall furnish a report of the discrepancies to the supplier, or to the agency contracting officer as individual agency regulations may provide, to assist the supplier in resolving the discrepancies. Standard Form 363 is recommended for this purpose. The report shall include supporting documents; i.e., a copy of the annotated delivery receipt, photos, inspection report, or written waiver.

13. Section 101–40.707–2 is amended as follows:

§ 101–40.707–2 Transportation for account of the Government.

Determination of liability for discrepancies shall be the responsibility of the Government agency paying the transportation charges (a) in all instances where a shipment is made on a Government bill of lading, commercial bill of lading to be converted to a Government bill of lading, commercial bill of lading bearing a notation that charges will be borne by the U.S. Government, commercial bill of lading under commercial forms and procedures for small shipments (see § 101–41.304–2), or purchase order for local drayage, and (b) in other instances where the Government assumes the risk for loss and damage at origin; e.g., when property is purchased f.o.b. origin, freight prepaid. While no precise formula can be prescribed for agencies to follow in determining whether liability for loss and damage rests with the carrier, the shipper, or a third party, an analysis shall be made of all the pertinent factors and circumstances involved, including, when appropriate, consideration of the following:

* * * * *

14. Section 101–40.709(b) is revised as follows:

§ 101–40.709 Time limitations.

* * * * *

(b) *Government bills of lading.* Loss, damage, or shortage claims for shipments made on Government bills of lading, commercial bills of lading to be converted to Government bills of lading, or commercial bills of lading bearing a notation that the shipment is subject to the terms and conditions of Government bills of lading, are exempt from the commercial bill of lading requirement for filing claims within 9 months following the delivery of the shipment. (See § 101–41.302–3(g) for exemption authority.) Nevertheless, every effort shall be exerted to effect prompt settlement of claims in this category.

* * * * *

15. Section 101–40.710 is revised as follows:

§ 101–40.710 Processing claims against carriers.

When the transportation is for the account of the Government (see § 101–40.707–2), and when it is determined that the carrier is responsible for loss and/or damage to a shipment, a claim shall be prepared on Standard Form 362, U.S. Government Freight Loss/Damage Claim (see § 101–40.4906–5), and forwarded to the appropriate carrier in duplicate with the necessary supporting documents; e.g., delivery receipts, photographs, inspection report, except as otherwise provided in § 101–40.711. (See 49 CFR Part 1005 for additional regulations concerning processing of claims against carriers subject to the Interstate Commerce Act and 49 CFR 1056.17 (a) and (b) for acknowledgment and disposition of claims against motor common carriers of household goods.) The appropriate carrier against whom the claim shall be filed is (a) usually the destination line-haul carrier (not the drayage company or switching carrier performing the delivery service for the destination line-haul carrier) in instances of domestic shipments made on a Standard Form 1103, U.S. Government Bill of Lading, a Standard Form 1131, U.S. Government Transit Bill of Lading, or a commercial bill of lading converted to a Government bill of lading, or (b) usually the origin carrier in instances of ocean or international air shipments. When it is conclusively known on which carrier's line the loss or damage occurred, the claim may be filed against that carrier. When no part of the shipment has been delivered, the claim would normally be filed against the origin carrier which accepted the shipment. Under Interstate Commerce Commission regulations, carriers are required to acknowledge receipt of a formal claim to the claimant in writing within 30 days after receipt.

16. Section 101–40.711–1 is revised as follows:

§ 101–40.711–1 Claims against domestic carriers.

Formal claims (Standard Form 362 with supporting documents) for amounts exceeding $25 on a single bill of lading or other transportation document shall be filed with rail carriers, motor carriers, inland water carriers, domestic forwarders, and other carriers subject to the Interstate Commerce Act. Carriers shall be allowed 120 calendar days (plus a reasonable period of additional time if requested by the carrier in writing) to respond with payment of a claim or evidence of nonliability before action is taken to collect the claim by setoff; i.e., the withholding of payments from amounts otherwise due and payable to carriers for transportation and related services. Earlier collection by setoff may be made if it is known that the carrier is involved in a bankruptcy, insolvency, or reorganization proceeding, and it is clearly in the Government's interest to do so (4 CFR Parts 102 to 104).

17. Section 101–40.711–2(b) is revised as follows:

§ 101–40.711–2 Claims against ocean and international air carriers.

* * * * *

(b) If the carrier does not consent to the withholding action prescribed in (a), above, or if the claim is not otherwise compromised or withdrawn in accordance with 4 CFR Part 103 or 104, referral of the matter shall be made to the Department of Justice for consideration of the need for suit to reduce the Government's claim to judgment. The referral shall be made at least 90 calendar days prior to the expiration of the 1-year period for bringing suit against ocean carriers (46 U.S.C. 1303(6)) or the 2-year period for bringing suit against international air carriers (Article 29 of the Warsaw Convention; 49 Stat. 3021)

18. Section 101–40.712 is revised and its caption is changed, as follows:

§ 101–40.712 Referral of loss and damage claims to the General Accounting Office or to the Department of Justice.

Loss and damage claims which cannot be collected, compromised, or terminated in accordance with 4 CFR Parts 102 to 104 shall be determined uncollectable and reported to the General Accounting Office or the Department of Justice for appropriate action under criteria established by GAO.

19. Section 101–40.713 is revised as follows:

§ 101–40.713 Clearing carriers of liability.

When it is determined as the result of investigation or evidence submitted by a carrier that loss or damage to a Government shipment is not the responsibility of the carrier, the consignee shall take necessary steps to clear the carrier of liability and to withdraw or amend any claim which may have been filed for recovery of losses. In this regard, the consignee shall prepare a document which will effectively remove or amend any exception that had been noted on the carrier's delivery documents. While no precise form or format is prescribed, this document shall be prepared in sufficient detail to identify the shipment and to show the basis for relieving the carrier of liability. This includes (a) a reference to

the Government bill of lading number or other transportation document; (b) a detailed description of the property shipped; (c) a reference to the exception taken to the quantity or condition of the property delivered; (d) the number and date of any claim which has been filed with the carrier; and (e) the basis on which the exception or claim is being withdrawn. The consignee shall forward the original of this document to the carrier against whom the claim has been filed (or, in case the claim has not yet been filed, to the carrier that is billing for transportation charges or related services), and a copy shall be attached to the blue memorandum copy (Memorandum Copy-Consignee) of the bill of lading. In addition, the consignee shall send copies of the document to other offices involved in the initial claim action. (See the GSA handbook, Discrepancies or Deficiencies in GSA or DOD Shipments, Material, or Billings (Subpart 101-26.8), for reports required in connection with shipments from GSA or DOD.)

Subpart 101-40.49—Forms, Formats, and Agreements

1. Section 101-40.4906-5 is revised to illustrate the September 1975 edition of Standard Form 362, U.S. Government Freight Loss/Damage Claim.

NOTE.—The form illustrated in § 101-40.4906-5 is filed as part of the original document.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).)

NOTE.—The General Services 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: April 30, 1977.

ROBERT T. GRIFFIN,
Acting Administrator of General Services.

[FR Doc.77-14372 Filed 5-19-77;8:45 am]

Title 45—Public Welfare

CHAPTER I—OFFICE OF EDUCATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 144—NATIONAL DIRECT STUDENT LOANS

Public Hearing on Interim Final Regulation

AGENCY: Office of Education, HEW.

ACTION: Notice of public hearing on Interim Final Regulation.

SUMMARY: The Office of Education announces a public hearing on the National Direct Student Loan Program, Interim Final Regulation that was published in the FEDERAL REGISTER on November 24, 1976, at volume 41, pages 51946-51982.

The Office of Education has received numerous requests for clarification of § 144.48 of this regulation, and has determined that additional public participation is needed before the development of the final regulation.

DATES: A public hearing will be held on Tuesday, June 14, 1977, from 8 a.m. until 4:30 p.m.

ADDRESSES: The public hearing will be held at the following location: Room 3652 ("Gold Room") in Regional Office Building Three, 7th and D Streets SW., Washington, D.C. Send comments on § 144.48 to Mr. Norman B. Brooks, Acting Deputy Director, Division of Student Financial Aid, Bureau of Student Financial Assistance, 400 Maryland Avenue SW., Washington, D.C. 20202 (202-245-9717).

FOR FURTHER INFORMATION CONTACT:

Mr. Norman B. Brooks, Acting Deputy Director, Division of Student Financial Aid, Bureau of Student Financial Assistance, 400 Maryland Avenue SW., Washington, D.C. 20202 (202-245-9717).

SUPPLEMENTARY INFORMATION:

GENERAL

Among the numerous comments which have been received on the interim regulation have been requests for clarification of § 144.48, which forbids an institution to use a billing service and a collection agency which share common ownership or control. There are loan servicing functions which may be performed by a collection agency, by a billing service, or by a third party. Among these are skip-trace and routine telephone contact with a borrower to determine the reason for late payment.

Requests have been received from various of the affected parties for clarification of § 144.48 with respect to specific boundaries between billing service and collection agency activities. Clarification has also been requested as to which of such activities may properly be charged to the fund at an institution as an "other collection cost" under § 144.46 and as to the permissible amount of such charges.

INSTRUCTIONS FOR COMMENTS

1. Interested persons desiring to comment on this matter should register before the day of the hearing by writing or telephoning the person whose name is listed at the beginning of this notice. Efforts will also be made to accommodate those who register on the day of the hearing.

2. Commenters are encouraged to make available a written copy of their oral presentations, which will be recorded on tape, but not transcribed.

3. Written comments will also be accepted from those who do not wish to make oral presentations.

4. Persons who register or submit written comments should provide their name, address, telephone number, and (if appropriate) the name of the organization they represent.

AVAILABILITY OF MEETING RECORDS FOR PUBLIC INSPECTION

Records of the oral comments made at the meeting and of the written comments recevied will be available for public inspection in Room 4004, Regional Office Building Three, 7th and D Streets, SW., Washington, D.C.

Dated: May 13, 1977.

ERNEST L. BOYER,
United States Commissioner of Education.

[FR Doc.77-14386 Filed 5-19-77;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Ex Parte No. MC-96]

PART 1002—FEES

PART 1003—LIST OF FORMS

PART 1043—SURETY BONDS AND POLICIES OF INSURANCE

PART 1045A—BROKERS' SPECIAL LICENSING PROCEDURES

Extension of Time for Filing Petitions for Reconsideration

AGENCY: Interstate Commerce Commission.

ACTION: Extension of time for filing petitions for reconsideration.

SUMMARY: The time for filing petitions for reconsideration in the above-entitled proceeding (42 FR 21782, April 29, 1977) has been extended from May 26, 1977 to June 24, 1977, pursuant to a request from Robert E. Goldstein, counsel for Campus Travel Inc., et al. The Commission will accept and consider petitions for reconsideration from any interested person whether or not such person has previously participated in this proceeding.

FOR FURTHER INFORMATION CONTACT:

Michael Erenberg, Assistant Deputy Director, Section of Operating Rights, Interstate Commerce Commission, Washington, D.C. 20423, 202-275-7292.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-14321 Filed 5-19-77;8:45 am]

SUBCHAPTER B—PRACTICE AND PROCEDURE

[Ex Parte No. 55 (Sub-No. 24)]

PART 1100—RULES OF PRACTICE

Report of the Commission; Correction

AGENCY: Interstate Commerce Commission.

ACTION: Correction.

SUMMARY: In the Report of the Commission in the above-entitled proceeding of April 28, 1977, served May 2, 1977, clerical errors were made in §§ 1100.5(c) and 1100.12(e). They are hereby corrected as set forth under "Supplementary Information".

EFFECTIVE DATE: July 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Janice M. Rosenak (Rates) (202–275–7245).
Philip Israel (Finance) (202–275–7245).
Michael Erenberg (Operating Rights) (202–275–7292).

SUPPLEMENTARY INFORMATION:

§ 1100.5 [Amended]

In § 1100.5(c) The term "complainant" means a person filing a complaint; "defendant" means a person against whom a complaint is filed; "applicant" means a person filing an application; "respondent" means a person designated in an investigation; "protestant" means a person opposed to the granting of an application, to any tariff or schedule becoming effective or to a tentative valuation; "intervener" means a person permitted to intervene as provided in Rule 70 or 71, and "petitioner" means any person seeking relief other than by complaint, protest or application.

§ 1100.12 [Amended]

Paragraph (e) of § 1100.12 is corrected to read as follows:

* * * * *

(e) *Termination of joint board jurisdiction; subsequent procedure.* The jurisdiction of a joint board over a referred matter shall be terminated in the event of (1) Service of an initial decision as provided in paragraph (d) of this section; (2) submission of the board's conclusions without a written initial decision; (3) waiver of action in writing by appropriate authority of each State from which a member is entitled to be appointed; (4) failure of all members of the board to appear at the hearing; (5) failure of a majority of the board to agree on substantive matters; or (6) entry of an order vacating the order of reference to the joint board. Except where an initial decision is served as provided in paragraph (d) of this section, in which event the subsequent procedure will be as provided in Rules 96, 97, 98, and 99, a referred matter, after termination of joint board jurisdiction, will be decided by the Commission or be made the subject of another officer's initial decision on the record theretofore made or after such hearing or further hearing as may be required.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-14471 Filed 5-19-77;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER II—NATIONAL MARINE FISHERIES SERVICE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 280—PACIFIC TUNA FISHERIES

Miscellaneous Amendments

AGENCY: National Oceanic and Atmospheric Administration/Commerce.

ACTION: Final regulations.

SUMMARY: This document provides for an annual catch quota, small vessel allocations, open seasons, provisions for fishing inside or outside the regulatory area, required reporting, and vessel inspection procedures for the taking and landing of Pacific yellowfin tuna during 1977. These regulations are published by the National Oceanic and Atmospheric Administration to implement conservation measures of the Inter American Tropical Tuna Commission.

EFFECTIVE DATE: May 18, 1977.

FOR FURTHER INFORMATION CONTACT:

Gerald V. Howard, Regional Director, Southwest Region, National Marine Fisheries Center, 300 South Ferry Street, Room 2016, Terminal Island, California 90731 (213–548–2575).

SUPPLEMENTARY INFORMATION: The proposed rulemaking of March 4, 1977 (42 FR 12443), pointed out that the Commission's Resolution for 1977 allows vessels of less than 400 short tons carrying capacity to fish for yellowfin tuna within the regulatory area during the closed season under such restrictions as may be necessary to limit the catch of yellowfin tuna by such vessels to 6,000 short tons. It also noted that an additional 700 tons of yellowfin tuna, which was thought to be available from the unused portion of the overall country 15 percent incidental catch, has traditionally been allotted by the National Marine Fisheries Service to these vessels. An examination of the records for the periods of 1971 to 1976 reveals that the average unused portion of the overall country incidental catch has not been the 700 short tons allotted but has averaged 400 short tons. The National Marine Fisheries Service, considering the above, proposed that the allotment be reduced from 6,700 short tons to 6,400 short tons and that due to the decline of seiner carrying capacity during 1976, the 300 short ton reduction come from the small seiners.

Comments presented at the hearing were in opposition to any reduction in the small boat allotment. Spokesmen for the bait fleet and the small seiner fleet saw no reason for reducing the allocation to vessels that comprise such a small segment of the tuna fleet. The baitboat spokesman presented an argument for increasing the share of the allotment to the baitboats based upon a 6,700 short ton allocation and a 6,400 short ton allocation. Speakers for the small boats expressed the opinion that an increase in the incidental catch rate for both categories of the small boat fleet would lead to full utilization of the allotment, shorten the length of trips, and thereby lead to a greater economic return to the fleet.

Other spokesmen suggested that vessels between 401 and 500 short tons carrying capacity be allowed to fish under the small boat allotment since these vessels are operating at a competitive disadvantage with the newer and larger purse seiners.

Careful consideration has been given to the oral and written testimony regarding the small boat allocation, and records of the National Marine Fisheries Service have been examined to evaluate the comments received.

The request that other vessels be included under the special allotment cannot be accommodated for 1977 since the vessels that are eligible to fish on the allotment are mandated by the Commission's resolution for 1977 as mentioned in the proposed rules. For 1977, only vessels of 400 ton carrying capacity and less are eligible.

The National Marine Fisheries Service recognizes that there is a wide fluctuation in the unused portion of the overall country 15 percent incidental catch, but, from recent experience, can only justify the addition of 400 short tons to the small boat allotment instead of the 700 short tons that has been added previously. Therefore, the small boat allotment for 1977 will be 6,400 short tons.

In regard to the distribution of the allotment and the incidental catch rate, it is recognized that (1) the small seiner fleet has been recently reduced in capacity, (2) full utilization of the allotment depends on fishing conditions, and (3) removing the 300 short tons reduction from the small seiners will maintain the allotment per registered capacity ton at the levels existing during the 1975 and 1976 closed seasons. For the above reasons, the National Marine Fisheries Service feels that the 300 ton reduction should come from the small seiners. Also, the National Marine Fisheries Service believes that under the present regulations and conditions of the fleet, an increase in the incidental catch rate in both categories will contribute to full utilization of the allotment without leading to overutilization.

Considering the above, the tonnage allotments for the two categories during 1977 will be:

1. Purse seiners of 400 short tons carrying capacity and less: 3,600 short tons.
2. Bait and jig boats: 2,800 short tons.

The incidental catch rate for the two categories during the period each is accumulating its allotment will be:

1. Purse seiners 301–400 short tons carrying capacity: 50 percent by round weight.
2. Purse seiners 300 short tons carrying capacity or less: 70 percent by round weight.
3. Bait and jig boats: 60 percent of each vessel's established short tons carrying capacity.

No comments were received on incorporating three new sections in place of the former § 280.7, "Closed Season Restrictions Applicable to Fishing Vessels." This reorganization was for clarity and convenience and is adopted as proposed.

There was a great deal of concern by the small boat fleet over the proposed § 280.9(b) which requires that the Regional Director be notified 48 hours prior to a vessel unloading its catch at more than one location. As mentioned in the proposed regulations, the intention of the National Marine Fisheries Service was to properly document foreign unloadings. Section 280.9(b) has, therefore, been modified and is adopted for 1977 as follows:

Section 280.9(b): Any fishing vessel wishing to unload its catch in a port of the United States and in a foreign port shall notify the Regional Director 48 hours prior to the commencement of each unloading, giving the date of the unloading and the estimated tonnage by species to be unloaded at each location.

There was some objection to the penalties stated in § 280.9(e). The purpose of this section is to notify those individuals governed by these regulations of the penalties that exist under the Act. The proposed change does not institute new penalties, therefore, § 280.9(e) is adopted as proposed.

There was no objection to § 280.17(a)(3) in the proposed regulations that calls attention to the fact that a notice of sale or delivery of tuna is a vessel responsibility and is required when unloading in a foreign port as well as in a U.S. port. This section is adopted as proposed.

There was no opposition to the proposed § 280.10(b)(1) on providing inspections, but it was suggested that other ports in South America be included. As stated in the proposed section, all inspections are subject to advance notification, availability of personnel and immigration clearances. This Section is adopted as proposed.

No opposition was presented to changing Greenwich Mean Time (GMT) to Coordinated Universal Time (CUT) in §§ 280.6(b) and 280.8(a) or in changing the NMFS Suspense Account Number in § 280.16(c). These changes are adopted.

No comments were presented on changing the dates to the appropriate years in the former §§ 280.6(b), 280.1(g), and 280.7(d). These changes are adopted.

A proposal was made to allow vessels which did not fish in the eastern tropical Pacific during 1976 or the open season of 1977 to qualify for a last open season trip. The conditions under which a vessel is allowed a last open trip are mandated by the Commission's Resolution for 1977; therefore, the request that other vessels be included cannot be accommodated during 1977. The dates in the former § 280.7(a) (now § 280.6(c)(1)) are adopted as proposed to conform with the Commission's Resolution.

In addition to changes adopted from proposed regulations, the National Marine Fisheries Service wishes to adopt less restrictive measures under § 280.15, "Restrictions Applicable to Cargo Vessels." The National Marine Fisheries Service believes that removing albacore from the list of round tuna requiring documentation will not hinder the enforcement of the provisions of that section. To this end, §§ 280.15(h) and 280.15(i) are renumbered (i) and (j) respectively, and a new paragraph, § 280.15(h), is added to read: "For the purpose of this Section, round tuna requiring documentation shall not include albacore (*Thunnus alalunga*).

These amendments are issued under the authority contained in subsection (c) of Section 6 of the Tuna Conventions Act of 1950, as amended (16 U.S.C. 995(c)), as modified by Reorganization Plan No. 4 effective October 3, 1970 (35 FR 15627).

Issued at Washington, D.C., and dated May 13, 1977.

JACK W. GEHRINGER,
Deputy Director,
National Marine Fisheries Service.

Title 50 is amended by revising Part 280 to read as follows:

Sec.
280.1 Definitions.
280.2 Basis and purpose.
280.3 Catch limits.
280.4 Open season.
280.5 Closed season.
280.6 Provisions for fishing inside and outside CYRA open season trips.
280.7 Provisions for fishing inside CYRA on closed season trips.
280.8 Provisions for fishing outside CYRA on closed season trips.
280.9 Reports required prior to unloading from closed season trips.
280.10 Provisions for well inspections during closed season.
280.11 [Reserved].
280.12 [Reserved].
280.13 [Reserved].
280.14 Emergency action by Service director.
280.15 Restrictions applicable to cargo vessels.
280.16 Restrictions applicable to purchasers.
280.17 Recordkeeping and written reports.
280.18 Persons and vessels exempted.
280.19 National Oceanic and Atmospheric Administration Employee designated as enforcement agents.
280.20 State Officers designated as enforcement agents.

AUTHORITY: 64 Stat. 777, as amended (16 U.S.C. 951), as modified by Reorganization Plan No. 4, effective Oct. 3, 1970 (35 FR 15627).

§ 280.1 Definitions.

For the purposes of this part, the following terms shall be understood to mean:

(a) *United States.* All areas under the sovereignty of the United States, the Trust Territory of the Pacific Islands, and the Canal Zone.

(b) *Convention.* The Convention for the Establishment of an Inter-American Tropical Tuna Commission, signed at Washington, D.C., May 31, 1949, by the United States of America and the Republic of Costa Rica (1 U.S.T. 230).

(c) *Commission.* The Inter-American Tropical Tuna Commission established pursuant to the Convention.

(d) *Director of investigations.* The Director of Investigations, Inter-American Tropical Tuna Commission, La Jolla, California.

(e) *Service director.* The Director of the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce.

(f) *Regional director.* The Regional Director, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, California, telephone number, area code, 213, 548-2575.

(g) *Regulatory area.* All waters of the eastern Pacific Ocean bounded by the mainland of the Americas and the following lines: Beginning at a point on the mainland where the parallel of 40° north latitude intersects the coast; thence due west to the meridian of 125° west longitude; thence due south to the parallel of 20° north latitude; thence due east to the meridian of 120° west longitude; thence due south to the parallel of 5° north latitude; thence due east to the meridian of 110° west longitude; thence due south to the parallel of 10° south latitude; thence due east to the meridian of 90° west longitude; thence due south to the parallel of 30° south latitude; thence due east to a point on the mainland where the parallel of 30° south latitude intersects the coast. For 1977 only, exclude from the regulatory area on an experimental basis the two areas defined as follows: (1) The area encompassed by a line drawn commencing at 110° W. longitude and 5° N. latitude extending east along 5° N. latitude to 95° W. longitude; thence south along 95° W. longitude to 3° S. latitude; thence east along 3° S. latitude to 90° W. longitude; thence south along 90° W. longitude to 10° S. latitude; thence west along 10° S. latitude to 110° W. longitude; thence north along 110° W. longitude to 5° N. latitude and (2) the area encompassed by a line drawn commencing at 115° W. longitude and 5° N. latitude extending west along 5° N. latitude to 120° W. longitude; thence north along 120° W. longitude to 20° N. latitude; thence east along 20° N. latitude to 115° W. longitude; thence south along 115° W. longitude to 5° N. latitude.

(h) *Yellowfin tuna.* No other fishes except the species *Thunnus* ALBACARES.

(i) *Mingled species.* (1) Any species of billfish or shark; and (2) No other species of the family Scombridae except; Skipjack (*Genus Euthynnus*), bigeye (*Thunnus obesus*), bluefin (*Thunnus thynnus*), albacore (*Thunnus alalunga*), or bonito (*Sarda chiliensis*).

(j) *Fishing vessel.* All watercraft subject to the jurisdiction of the United States which are used for catching or processing fish, except purse seine skiffs.

(k) *Fishing voyage.* The period between the date a fishing vessel departs from any port to carry out fishing operations and the date such vessel unloads any of its catch or the date such vessel returns to any port for the express purpose of receiving an inspection by a designated agent of the National Marine Fisheries Service.

(l) *Cargo vessel.* All watercraft which are used for transporting fish or fish products, except fishing vessels.

(m) *Person.* Individual, association, corporation, or partnership subject to the jurisdiction of the United States.

(n) *Open season.* The time during which yellowfin tuna may lawfully be captured without limitation by any fishing vessel operating within the regulatory area.

(o) *Closed season.* The time during which yellowfin tuna may not be captured in the regulatory area, except in limited quantities as an incident to fishing for species with which yellowfin may be mingled.

(p) *Port facility in the Americas.* All port facilities in North, South and Central America, including all the Caribbean ports, but excluding ports in Argentina, Brazil and Uruguay.

§ 280.2 Basis and purpose.

(a) At a special meeting held at Long Beach, Calif., on September 14, 1961, the Commission recommended to the Governments of Costa Rica, Ecuador, Panama, and the United States of America, parties to the Convention, that they take joint action to limit the annual catch of yellowfin tuna from the eastern Pacific Ocean by fishermen of all nations during the calendar year 1962. This recommendation was made pursuant to paragraph 5 of Article II of the Convention on the basis of scientific investigations conducted by the Commission over a period of time dating from 1951. The most recent years of this period were marked by a substantial increase in fishing effort directed toward the yellowfin tuna stocks, resuting in a rate of exploitation of these stock greater than that at which the maximum sustainable yield may be obtained. The Commission's recommendation for joint action by the parties to regulate the yellowfin tuna fishery has as its objective the restoration of these stocks to a level of abundance which will permit maximum sustainable catch and the maintenance of the stocks in that condition in the future.

(b) At each annual meeting held since 1962, the Commission affirmed its conclusions regarding the need for regulating the yellowfin tuna fishery in the eastern Pacific Ocean and at each meeting recommended to the parties to the Convention that they take joint action to:

(1) Establish a prescribed tonnage limit on the total catch of yellowfin tuna by the fishermen of all nations during each calendar year from an area of the eastern Pacific Ocean defined by the Commission;

(2) Establish open and closed seasons for yellowfin tuna under prescribed conditions;

(3) Permit the landing of an incidental catch by weight of yellowfin tuna when landed with one or more of the following fishes usually caught mingled with yellowfin tuna, that are taken on a fishing trip begun after the close of the yellowfin tuna fishing season: Skipjack tuna, bigeye tuna, bluefin tuna, albacore tuna, bonito, the billfishes, and the sharks; and

(4) Obtain from governments not parties to the Convention, but having vessels which operate in the fishery, cooperation in effecting the recommended conservation measures.

(c) The regulations in this part are designed to implement the Commission's recommendations for the conservation of yellowfin tuna so far as they affect vessels and persons subject to the jurisdiction of the United States.

§ 280.3 Catch limits.

The annual limitation on the quantity of yellowfin tuna permitted to be taken from the regulatory area by the fishing vessels of all nations participating in the fishery will be fixed and determined on the basis of recommendations made by the Commission pursuant to paragraph 5 of Article II of the Convention. Upon approval by the Secretary of State and the Secretary of Commerce of the recommended catch limit, announcement of the catch limit thus established shall be made by the Service Director through publication of a suitable notice in the FEDERAL REGISTER. The Service Director, in like manner, shall announce any revision or modification of an approved annual catch limit which may subsequently enter into force.

§ 280.4 Open season.

The open season for yellowfin tuna fishing shall begin annually at 0001 hours on the first day of January and terminate at 0001 hours on a date to be announced as provided in § 280.5. Time in hours shall refer to local time in the area affected.

§ 280.5 Closed season.

Pursuant to authority granted by the Commission, the Director of Investigations will determine the date on which he deemed the yellowfin fishing season should close and will promptly notify the Service Director of such date. The Service Director shall then announce the season closure date thus established by publication of a notice in the FEDERAL REGISTER. The closure date so announced shall be final except that if it shall at any time become evident to the Director of Investigations that the closure date initially determined had been affected by changed circumstances, he may substitute another date which shall be announced by the Service Director in like manner as provided for the date originally determined.

§ 280.6 Provisions for fishing inside and outside CYRA on open season trips.

(a) During the open yellowfin tuna season, every fishing vessel operating within the regulatory area shall transmit once each calendar week a message between 0900 and 2400 hours local California time. The message shall be transmitted directly to the Director of Investigations through the shore representative of the fishing vessel and shall state: the name of the reporting vessel and the tonnage by species of fish aboard. The above reporting procedure shall go into effect on a date to be announced by the Service Director through publication of a notice in the FEDERAL REGISTER.

(b) During the open yellowfin tuna season, every fishing vessel operating in the Pacific Ocean, but outside the regulatory area, shall transmit daily a message between 1600 Coordinated Universal Time (C.U.T.) and 1800 C.U.T. This requirement will also apply, for 1977 only, to every fishing vessel operating in the area described in the second sentence of paragraph (g) of § 280.1. The message shall be transmitted directly to Coast Guard Radio San Francisco (NMC) on frequency 16,565.0, 12,421.0, or 8,281.2 KHz and shall state: "This message is being transmitted in compliance with the U.S. eastern tropical Pacific yellowfin tuna regulations and confirms that the vessel (name of reporting vessel) is fishing in the Pacific Ocean, but outside the regulatory area as of this date (give date)".

(c) Any fishing vessel which has departed port to engage in tuna fishing, prior to the date of closure of the yellowfin season, may continue to capture yellowfin tuna within the regulatory area without restriction until the fishing voyage has been completed.

(1) In addition, for 1977, only, any fishing vessel which is in port at the closure and has either (i) completed a voyage in the regulatory area during the 1977 open season or (ii) completed a voyage in the regulatory area during 1976 will be allowed one additional unrestricted fishing voyage provided that departure is made within 30 days thereafter: *Provided, however,* That if the Director of Investigations, as a result of emergency measures adopted at a special meeting of the Commission, notifies the Contracting Government to the Convention that further unrestricted fishing for yellowfin tuna shall cease, or that other measures must be taken to protect the stocks, every fishing vessel at sea, having yellowfin tuna aboard in excess of the incidental catch limitations provided in § 280.7(a), shall return directly without delay to its home port, port of departure, or such other port as may be designated by the Regional Director to unload or to receive an inspection by a designated agent of the National Marine Fisheries Service. This requirement shall take effect upon publication of notice in the FEDERAL REGISTER by the Service Director, or on a date to be specified in such notice. Any vessel failing to comply with the above requirements shall be restricted to the incidental catch limitations of § 280.7(a) for its entire fishing voyage; vessels in port on the effective date of such notice will not be allowed an additional unrestricted fishing voyage, but shall be subject to the incidental catch limitations of § 280.7(a). Other, less restrictive measures may be specified, in the manner provided above, as necessary to implement the notification from the Director of Investigations.

(2) A vessel which is determined by the Regional Director to be in the Atlantic ocean or the Caribbean sea or west of 150° W. longitude in the Pacific ocean at the closure shall, for the purpose of paragraph (c)(1) of this section only, be considered to be "in port": *Provided, however,* That a vessel located west of 150° W. longitude in the Pacific ocean shall, in order to be so considered, observe the following procedure:

(i) Prior to the closure, notify the Regional Director of the vessel's intent to engage in the one additional unrestricted fishing voyage in the regulatory area permitted by paragraph (a)(1) of this section; and

(ii) Report as required by paragraph (b) of this section (open season) or

§ 280.8(a)(1) (closed season), as appropriate; and

(iii) If transit of the regulatory area is required to reach the port from which the vessel will depart for such additional unrestricted fishing voyage, enter the regulatory area north of 25° N. latitude and proceed directly without delay to port.

(3) For the purpose of the above, departure refers to the date a vessel leaves port prepared to carry out fishing operations. A stopover at a single intermediate port, not exceeding 48 hours, may, however, be made to meet deficiencies in outfitting, supplying, fueling, provisioning or manning needs for a fishing voyage. Remaining in excess of 48 hours shall constitute a new fishing voyage corresponding to the delayed departure date.

(4) Any vessel which, solely by reason of seizure or other enforcement activity of a foregin government against such vessel, is unable to reach the port of its choice prior to the closure of the yellowfin fishing season shall be allowed, subject to written approval by, and under conditions set by, the Regional Director, to proceed to another port for the purpose of unloading and still qualify for the one additional unrestricted fishing voyage, subject to the restrictions of paragraphs (c) (1) and (2) of this section except for the in-port requiremer+

(d) All reports required in this section, except messages transmitted directly to Coast Guard Radio San Francisco, shall be telephoned to area code 714, telephone number, 233–5511. Such reports, which must be delivered within the time limits specified, may be made by prepaid commercial radio message or relayed through the shore representative of the reporting vessel.

§ 280.7 Provisions for fishing inside CYRA on closed season trips.

Except as otherwise provided in § 280.6 (c) and this section, after notice has been published in the FEDERAL REGISTER announcing closure of the yellowfin season, it shall be unlawful for any person or fishing vessel to land yellowfin tuna captured from within the regulatory area in any port or place until the season reopens on the following January 1.

(a) Any fishing vessel which departs port on a fishing voyage after closure of the yellowfin season, except as provided in § 280.6(c), may land yellowfin tuna captured from within the regulatory area in limited quantities as provided in paragraphs (a) (1) to (3) of this section as an incident to fishing for species with which yellowfin may be mingled. The Service Director may, however, through publication of a notice in the FEDERAL REGISTER adjust the incidental catch limitations to assure that the special allotments designated for vessels of 400 short tons carrying capacity or less are not underutilized and the 15 percent overall incidental catch for the entire tuna fleet is not exceeded. Any quantity of yellow fin tuna landed in excess of the limitations provided in (a) (1) to (a) (3) of this section shall be subject to seizure and forfeiture pursuant to the Tuna Conventions Act of 1950, as amended (16 U.S.C. 951–961).

(1) Purse seiners over 400 short tons carrying capacity may land in any port or place yellowfin tuna captured from within the regulatory area as an incident to fishing for species with which yellowfin may be mingled, but in no event shall any such vessel be permitted to land yellowfin tuna in excess of 15 percent by round weight of its total catch.

(2) Purse seiners of 400 short tons carrying capacity or less may land in any U.S. port yellowfin tuna captured from within the regulatory area as an incident to fishing for species with which yellowfin may be mingled, but in no event shall any vessel of 301–400 short tons carrying capacity be permitted to land yellowfin tuna in excess of 50 percent by round weight of its total catch: *Provided however,* That any vessel of 301–400 short tons carrying capacity which is on a fishing voyage longer than 70 days may land 20 percent yellowfin tuna by round weight of its established short ton carrying capacity. Nor shall any purse seiner of 300 short tons carrying capacity or less be permitted to land yellowfin tuna in excess of 70 percent by round weight of its total catch: *Provided however,* That any such vessel that is at sea longer than 50 days may land 25 percent yellowfin tuna by round weight of its established short ton carrying capacity. That local wet fish seiners may accumulate the 70 percent allowance by weight for the separate period from the date of closure of the yellowfin fishing season until the end of that month, and for each separate period consisting of one calendar month thereafter provided such vessels have not landed any yellowfin tuna during the open season and make deliveries only on a daily basis. When the catch of yellowfin tuna by purse seiners of 400 short tons carrying capacity or less reaches 3600 short tons, the amount of yellowfin tuna which any such vessel may lawfully land will revert to 15 percent by round weight of its total catch. After a date to be announced through publication of a notice in the FEDERAL REGISTER by the Service Director, any vessel departing on a fishing voyage shall be subject to this reversion limitation of 15 percent.

(3) Bait and jig boats may land in any U.S. port fellowfin tuna captured from within the regulatory area, but in no event shall any such vessel be permitted to land yellowfin tuna in excess of 60 percent by round weight of its short ton carrying capacity once established in accordance with paragraph (a)(4) of this section. When the catch of yellowfin tuna by bait and jig boats collectively reaches 2800 short tons, the amount of yellowfin tuna which any such vessel may lawfully land will revert to 15 percent by round weight of its total catch. During the period of the closed season that bait and jig boats are fishing for their allotments, all such boats must notify the Regional Director when they depart port on a fishing voyage. After a date to be announced through publication of a notice in the FEDERAL REGISTER by the Service Director, any vessel departing on a fishing voyage shall be subject to this reversion limitation of 15 percent.

(4) The short ton capacity of vessels will be determined from tables prepared by the Commission which relate carrying capacity to registered tonnages and from official unloading records available to the National Marine Fisheries Service.

(i) Managing Owners of purse seine vessels of 400 short tons carrying capacity or less will be notified by registered mail that their vessels are in this category and is subject to the provisions of paragraph (a)(2) of this section.

(ii) Except as provided below for bait and jig boats, managing owners not receiving notification by registered mail can assume that their vessel is over 400 short tons carrying capacity and is subject to the provisions of (a)(1) of this section.

(iii) To qualify for the bait and jig boat yellowfin allocation, managing owners of such vessels shall supply the Regional Director documentation concerning the gross and net tonnage of their vessels together with records of prior unloadings. This information will be used by the Regional Director to establish the short ton carrying capacity of each vessel. Failure to comply shall result in each such vessel being limited to 15 percent yellowfin tuna by round weight of its total catch. This 15 percent limitation shall remain in effect until the aforesaid documentation is furnished by the vessel's managing owner.

(5) The tonnage limitations specified in (a) (2) and (3) of this section may be adjusted upward or downward. Any such adjustment will be based upon the estimated use of the incidental catch allowances, and shall be apportioned as determined by the Service Director. Announcement of such adjustment shall be made by publication of a notice in the FEDERAL REGISTER by the Service Director.

(b) Any fishing vessel operating within the regulatory area which began its fishing voyage during the closed season and is restricted to the catch limitations as provided in paragraph (a) of this section shall be subject to such limitation regardless of its arrival date in port. In addition, any vessel so restricted which discharges some but not all of its catch, shall be subject to the same restrictions upon completion of its next fishing voyage.

(c) All fishing vessels that are permanently based in a foreign country, which elect to participate in the allocation provisions for vessels of 400 tons carrying capacity or less, shall (1) unload in a U.S. port after each voyage begun during the closed season, or (2) transship all fish taken on such voyages to a U.S. port in accordance with paragraph (i) of this section. Any vessel failing to follow the procedures of this paragraph shall be limited to an incidental rate of yellowfin tuna not to exceed 15 percent by round weight of its total catch.

NOTE.—The amount of yellowfin tuna that may be legally landed by a vessel subject to a specified percent incidental catch rate of yellowfin tuna based upon the round weight of the total catch is determined by the following formula:

$$\text{Quantity of legal yellowfin tuna} = \frac{(\text{Quantity of mingled species}) \times (\text{Specified incidental catch rate in percent})}{(100 \text{ percent}) - (\text{Specified incidental catch rate in percent})}$$

For Example, if the incidental catch rate of yellowfin tuna is 15 percent, then:

$$\text{Quantity of legal yellowfin tuna} = \frac{(\text{Quantity of mingled species}) \times (15)}{85}$$

(d) All reports required in this section, shall be telephoned to area code 714, telephone number, 233–5511. Such reports, which must be delivered within the time limits specified, may be made by prepaid commercial radio message or relayed through the shore representative of the reporting vessel.

§ 280.8 Provisions for fishing outside CYRA on closed season trips.

(a) Any fishing vessel electing to fish exclusively in the Pacific Ocean, but outside the regulatory area, shall report to the Regional Director, within 48 hours before leaving port, giving name of the reporting vessel and the port of departure; within 24 hours before leaving the regulatory area, giving the latitude of departure and the approximate time of departure; and within 24 hours before returning to the regulatory area, giving the latitude of reentry, the approximate time of reentry, and the tonnage by species aboard. For 1977 only, the area described in the second sentence of paragraph (g), § 280.1, is considered to be outside the regulatory area.

(1) In addition, every fishing vessel operating in the Pacific Ocean, but outside the regulatory area, shall transmit daily a message between 1600 coordinated universal time (c.u.t.) and 1800 c.u.t. This message shall be transmitted directly to Coast Guard Radio San Francisco (NMC) on frequency 16.565.0, 12.421.0, or 8.281.2 KHz and shall state: "This message is being transmitted in compliance with the U.S. eastern tropical Pacific yellowfin tuna regulations, and confirms that the vessel (name of reporting vessel) is fishing in the Pacific Ocean but outside the regulatory area as of this date (give date)". Any vessel failing to receive acknowledgement from Coast Guard San Francisco, must transmit the same message on the following day. Should the vessel fail to receive acknowledgement within three consecutive days, the vessel's radio equipment shall be considered inoperative and the vessel shall return directly to port without delay to unload or to receive an inspection by a designated agent of the National Marine Fisheries Service.

(b) Any fishing vessel electing to fish exclusively in the Pacific Ocean, but outside the regulatory area, shall proceed without delay to waters outside the regulatory area and upon reentering the regulatory area shall proceed directly to port without delay.

(1) If a vessel must, however, make an emergency port call, it shall proceed directly to port without delay and shall notify the Regional Director, not less than 48 hours prior to arrival, giving the name of the port to be entered. If the vessel elects to resume fishing outside the regulatory area, it must follow the procedures required in paragraph (a) of this section and shall proceed without delay directly to waters outside the regulatory area.

(c) Any fishing vessel which on the same voyage operates within and outside this paragraph shall be restricted to the incidental catch limitations as set forth in § 280.7(a) unless such vessel is made available for inspection as provided in § 280.9.

(d) All reports required in this section, except messages transmitted directly to Coast Guard Radio San Francisco, shall be telephoned to area code 714, telephone number, 233–5511. Such reports, which must be delivered within the time limits specified, may be made by prepaid commercial radio message or relayed through the shore representative of the reporting vessel.

(e) Any vessel sighted inside the regulatory area while reporting its position as outside the regulatory area shall return to port for inspection or to a U.S. port for unloading within ten days after receipt by the owner of the vessel or his agent of a certified letter from the Regional Director advising him of such sighting.

(f) Any vessel failing to file the reports and to follow the procedures of this paragraph, shall be restricted to the incidental catch limitations set forth in paragraph (b) of § 280.7, for its entire fishing voyage.

§ 280.9 Reports required prior to unloading from closed season trips.

(a) All fishing vessels shall notify the Regional Director not less than 48 hours prior to any sale or delivery in a foreign country, of fish caught in the Pacific Ocean from within or outside the regulatory area. Such reports shall include the tonnage by species unloaded and whether such fish were caught in or out of the regulatory area.

(b) Any fishing vessel wishing to unload its catch in a port of the United States and in a foreign port shall notify the Regional Director 48 hours prior to the commencement of each unloading, giving the date of the unloading and the estimated tonnage by species to be unloaded at each location.

(c) All fishing vessels shall notify the Regional Director not less than 48 hours prior to transferring fish caught in the Pacific Ocean from within or outside the regulatory area to another vessel for the purpose of transshipment. Such reports shall include the date and place of unloading, name and destination of the oncarrying vessel, tonnage by species of fish transferred and whether the transferred fish were caught in or outside the regulatory area.

(d) All fishing vessels, except vessels proceeding directly to Puerto Rico or to any other U.S. port for unloading, shall notify the Regional Director not less than 48 hours prior to leaving the regulatory area via the Panama Canal. In addition, all fishing vessels, except vessels without fish aboard, shall notify the Regional Director not less than 48 hours prior to entering the regulatory area via the Panama Canal. Each report shall include the name of the reporting vessel, the tonnage by species of fish aboard and whether the fish were caught in or outside the regulatory area in Pacific waters or from Atlantic waters. Any vessel failing to file the reports and to follow the procedures of this paragraph, shall be restricted to the incidental catch limitations set forth in § 280.7(a) for its entire fishing voyage, regardless of its arrival date in port.

(e) Any person failing to follow the procedures or to make the reports required by this section may be subject to the criminal penalties provided for in the Act in addition to other restrictions which may apply.

(f) All reports required in paragraphs (a) to (d) of this section, shall be telephoned to area code 714, telephone number, 233–5511. Such reports, which must be delivered within the time limits specified, may be made by prepaid commercial radio message or relayed through the shore representative of the reporting vessel.

§ 280.10 Provisions for well inspection during closed season.

(a) Any fishing vessel having incidentally caught yellowfin tuna aboard may, begin fishing on January 1 for yellowfin tuna without restriction, provided such vessels are made available for inspection during the period December 27 through December 31. A request for the designation of an inspection port shall be made to the Regional Director on or before December 23. Upon notification by the Regional Director of the availability of an inspection port, each vessel shall proceed to such port for inspection by a designated agent of the National Marine Fisheries Service. Official seals will be affixed to wells containing incidentally caught yellowfin tuna and the same will be noted in the vessel's log. Fish in the wells at the time of inspection shall be subject to the incidental catch limitations as set forth in § 280.7(a), regardless of the date of unloading. In addition, the Regional Director shall be notified not less than 48 hours in advance of the date and place of any unloadings from inspected vessels. Upon arrival at point of sale or delivery, the official seals will be removed by a designated agent of the National Marine Fisheries Service. Inspected vessels shall not be allowed to leave port to resume fishing activity until 0001 hours, January 1.

(b) Any fishing vessel electing to change fishing areas, without having that portion of its catch taken outside the regulatory area restricted to such incidental catch limitations, shall request inspection services from the Regional Director. Vessels within the regulatory area shall report not less than 48 hours prior to electing to leave the area, stating their intention and requesting the

designation of an inspection port. Vessels outside the area shall report within 24 hours before returning to the regulatory area, stating their intention, requesting the designation of an inspection port, and giving the latitude of reentry, the approximate time of reentry and the tonnage by species of fish aboard. Upon notification by the Regional Director of the availability of an inspection port, each vessel shall proceed directly without delay to such port for inspection by a designated agent of the National Marine Fisheries Service. Official seals will be affixed to wells containing fish captured within or outside the regulatory area as appropriate, and the same will be noted in the vessel's log. In addition, the Regional Director shall be notified not less than 48 hours in advance of the date and place of unloadings from inspected vessels. Upon arrival at point of sale or delivery, the official seals will be removed by a designated agent of the National Marine Fisheries Service.

(1) The National Marine Fisheries Service will provide two inspections per month in foreign ports from June 1 through December 1 in the Canal Zone and Puntarenas, Costa Rica. These inspections will be provided upon advanced notification on the first and second and the fifteenth and sixteenth day of each month, respectively, at no cost to the requestor. Inspection service may be provided in foreign ports at other times at the expense of the requesting vessel. Such additional inspections will be provided subject to advance notification, availability of personnel, immigration clearances and approval of the Regional Director. Well inspections will be provided at U.S. ports as they are needed subject to proper notification.

(2) Any vessel failing to file the reports and to follow the procedures of this paragraph shall be restricted to the incidental catch limitation set forth in § 280.7(a) for its entire fishing voyage.

§ 280.11 [Reserved]

§ 280.12 [Reserved]

§ 280.13 [Reserved]

§ 280.14 Emergency action by Service Director.

If during the closed yellowfin season, the Service Director finds that the provisions relating to the fishing outside the regulatory area are inadequate to insure that the recommendations of the Commission are met, he shall announce such findings through publication of a notice in the FEDERAL REGISTER and immediately thereafter:

(a) Every fishing vessel at sea, having yellowfin tuna aboard in excess of the incidental catch limitations as provided in § 280.7(a) which is claimed to have been captured outside the regulatory area, but in the Pacific Ocean, shall return directly without delay to its home port or port of departure to unload or to receive an inspection by a designated agent of the National Marine Fisheries Service. Any vessel failing to comply with the above requirements, shall be restricted to the incidental catch limitations set forth in § 280.7(b) for its entire fishing voyage.

(b) Any fishing vessel which has operated in the regulatory area at any time during the calendar year and which departs on any fishing voyage within the Pacific Ocean after the notice described in this section is published in the FEDERAL REGISTER, shall be restricted to the incidental catch limitations as provided in § 280.7(a).

§ 280.15 Restrictions applicable to cargo vessels.

(a) Any fishing vessel shall be deemed to have completed a fishing voyage whenever any part of its catch is transferred to a cargo vessel in conformity with the requirements of this section.

(b) In keeping with the provisions of 46 U.S.C. 251, no foreign-flag vessel, whether documented as cargo vessel or otherwise, is permitted to land in port of the United States any fish or fish products taken on board such vessel on the high seas.

(c) The transfer of fish from a fishing vessel to a cargo vessel while in a foreign country or in waters over which each country has recognized jurisdiction is subject to the applicable laws and regulations of such foreign country.

(d) During the closed yellowfin tuna season, no fishing vessel shall transfer on the high seas any part of its catch to a cargo vessel documented under the laws of the United States and no such cargo vessel shall receive, possess, or bring to any place in the United States, fish taken on board on the high seas from a fishing vessel unless the cargo vessel shall hold a permit issued in conformity with paragraph (e) of this section.

(e) Upon written application made to him, the Regional Director may issue a permit authorizing a cargo vessel documented under the laws of the United States to receive, possess, transport to the United States, fish transferred from fishing vessels on the high seas during the closed yellowfin tuna season. Such permit may authorize the possession and transportation of yellowfin tuna by a cargo vessel without regard to the quantities of fish received, but it shall contain restrictions as the Regional Director shall determine to be necessary to achieve compliance with the regulations in this part and the objectives of the yellowfin tuna conservation program.

(f) Any cargo vessel seeking permission to enter into the United States a cargo of round tuna (that is, tuna that has not been gilled, gutted, or beheaded) any part of which was received ex-vessel through a port facility in the Americas shall provide to the nearest Customs Office as a prerequisite to obtaining such permission from Customs the following information with respect to the part of such cargo received ex-vessel through a port facility in the Americas:

(1) Name, official number, and flag of each fishing vessel (including, for purposes of this paragraph, any foreign flag fishing vessel) from which was received any tuna that is aboard the cargo vessel at the time the aforesaid permission to enter is sought;

(2) Date and location of such receipt of tuna; and

(3) Certification from the master of each such fishing vessel setting forth, as to tuna received by the cargo vessel:

(i) Tonnage by species of tuna caught inside the regulatory area;

(ii) Tonnage by species of tuna caught in waters west of the regulatory area to the meridian of 150° west longitude;

(iii) Tonnage by species of tuna caught in other waters; and

(iv) As to each caetgory, the dates of the fishing voyages on which the tuna were caught.

(g) Any cargo of round tuna for which permission to enter into the United States is sought by a cargo vessel shall be accompanied by a bill of lading indicating whether the tuna was received ex-vessel through a port facility (and, if so, from what vessels and what ports) or by other named means, such as from freezer or other storage facilities, and such bill of lading shall be provided to Customs at the time permission to enter is sought.

(h) For the purpose of this section, round tuna requiring documentation shall not include albacore (*Thunnus alalunga*).

(i) Any cargo vessel failing to provide the documentation required by paragraphs (f) and (g) of this section shall be denied permission to enter into the United States undocumented lots of round tuna. If tuna is denied entry under the provisions of these regulations, the District Director of Customs shall refuse to release the tuna for entry into the United States and shall issue a notice of such refusal to the importer or consignee: Provided, however, that the tuna not accompanied or covered by the required documentation or certification when offered for entry may be entered into the United States if the importer or consignee gives a bond on Customs Form 7551, 7553, or 7595 for the production of the required documentation or certification. The bond shall be in the amount required under 19 C.F.R. 113.14. Within 90 days after such Customs entry, or such additional period as the District Director of Customs may allow for good cause shown, the importer or consignee shall deliver a copy of the required documentation and certification to the District Director of Customs, and the original of the required documentation and certification to the Regional Director of the National Marine Fisheries Service. If such documentation and certification is not delivered to the District Director of Customs for the port of entry of such fish within 90 days of the date of Customs entry or such additional period as may have been allowed by the District Director of Customs for good cause shown, the importer or consignee shall redeliver or cause to be redelivered to the District Director of Customs those fish which were released in accordance with this paragraph. In the event that any such tuna is not redelivered within five days fol-

lowing the date specified in the preceding sentence, liquidated damages shall be assessed in the full amount of a bond given on Form 7551. When the transaction has been charged against a bond given on Form 7553 or 7595, liquidated damages shall be assessed in the amount that would have been demanded under the preceding sentence under a bond given on Form 7551. Tuna refused entry or released for entry into the United States through the use of bonding procedure provided in this paragraph may be subject to the forfeiture provisions of the Tuna Conventions Act of 1950 as is any other tuna imported into the United States in violation of the Act. Tuna which is denied entry or which is redelivered in accordance with the above and which is not exported under Customs supervision within 90 days from the date of notice or refusal of admission or date of redelivery shall be disposed of under Customs laws and regulations.

(j) Any person who knowingly enters or permits the entering of round tuna from a cargo vessel in violation of paragraph (f) or (g) of this section, or who knowingly provides false information with respect to the requirements of paragraph (f) or (g) of this section, shall, as well as the cargo of tuna, be subject to the penalties provided in the Tuna Conventions Act of 1950 (16 U.S.C. 951–961).

§ 280.16 Restrictions applicable to purchasers.

(a) Except as provided in paragraphs (b) and (d) of this section, it shall be unlawful for any person knowingly to receive, purchase, sell, offer for sale, import, export, or have in custody, possession, or control any yellowfin tuna taken or retained by a fishing vessel in violation of the regulations in this part.

(b) In view of the perishable nature of yellowfin tuna when not processed otherwise than by chilling or freezing, and persons authorized to enforce the regulations in this part may cause to be sold, and any person may purchase, for not less than its reasonable market value such quantities of perishable yellowfin tuna as may be seized and forfeited pursuant to the Tuna Conventions Act of 1950, as amended (16 U.S.C. 951–961).

(c) The proceeds of any sale made pursuant to paragraph (b) of this section after deducting the reasonable costs of the sale, if any, shall be remitted by the purchaser to the Regional Director for deposit and retention in the Susperise Account of the National Marine Fisheries Service (Account No. 13X6875(17)) pending judgment of the court or other disposition of the case.

(d) If a duly constituted official acting under authority and in behalf of a State of the United States, of the Commonwealth of Puerto Rico, or of American Samoa seized any yellowfin tuna under the applicable laws or regulations of such government, such yellowfin tuna may be forfeited and sold or otherwise disposed of pursuant to such laws or regulations. Any yellowfin tuna so seized by an official of State, the Commonwealth of Puerto Rico or American Samoa shall not be seized by an officer or employee of the Federal Government unless it is voluntarily turned over to him to be processed against under applicable Federal laws or regulations.

§ 280.17 Recordkeeping and written reports.

(a) The master or other person in charge of a tuna vessel or such person as may be authorized in writing to serve as the agent of either of such persons shall throughout the open and closed yellowfin tuna fishing seasons:

(1) Keep an accurate log of all operations conducted from the vessel entering therein for each day the date, noon position (stated in latitude and longitude or in relation to known physical features), and the tonnage of fish aboard by species. The record and bridge log maintained at the request of the Commission shall be sufficient to comply with this paragraph provided the items of information specified herein are fully and accurately entered in such log.

(2) Furnish on form obtainable from the Regional Director, following the sale or delivery of a catch of fish made by such vessel, a report, certified to be correct as to facts within the knowledge of the reporting individual giving the name and official number of the fishing vessel, the dates of beginning and ending of the fishing voyage, the port of departure, and a listing separately by species of the round weight quantities (pounds or short tons) of fish sold or delivered. At the option of the vessel master or other person in charge, a copy of the fish ticket, weighout slip, settlement sheet, or similar record issued by the fish dealer or his agent may, however, be used for reporting purposes in lieu of the form obtainable from the Regional Director, if such alternate record is similarly certified and contains all items of information required by this paragraph. In addition, any vessel landing its catch in California and reporting by means of a copy of the California fish ticket, the California Fish and Game boat number may be indicated in lieu of the vessel's official number. Such sale and delivery reports shall be delivered or mailed to the Regional Director within 72 hours after weighout has been completed.

(3) The requirements of this section shall apply to the sale or delivery of a catch of tuna regardless of whether the transaction occurs in a U.S. or a foreign port.

(b) Any person authorized to carry out enforcement activities under the regulations in this part and any person authorized by the Commission shall have power, without warrant or other process to inspect, at any reasonable time, log books, catch reports, statistical records, or other reports as required by the regulations in this part to be made, kept or furnished.

§ 280.18 Persons and vessels exempted.

Nothing contained in § 280.2 to § 280.18 shall apply to:

(a) Any person or vessel authorized by the Commission, the Service Director, or any State of the United States to engage in fishing for research purposes.

(b) Any person or vessel engaged in sport fishing for personal use.

§ 280.19 National Oceanic and Atmospheric Administration Employees designated as enforcement agents.

Any employee of the National Oceanic and Atmospheric Administration duly appointed and authorized to enforce Federal laws and regulations administered by the National Oceanic and Atmospheric Administration is authorized and empowered to carry out enforcement activities under the Tuna Conventions Act of 1950, as amended (16 U.S.C. 951–961).

§ 280.20 State Officers designated as enforcement agents.

Any officer or employee of a State of the United States, of the Commonwealth of Puerto Rico or of American Samoa who has been duly designated by the Service Director or his delegate with the consent of the Government concerned is authorized to function as a Federal law enforcement agent and to carry out enforcement activities under the Tuna Convention Act of 1950, as amended (16 U.S.C. 951–961).

[FR Doc.77-14497 Filed 5-19-77;8:45 am]

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of Housing and Urban Development

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: This amendment excepts from the competitive service under Schedule C one position of Special Assistant to the Assistant Secretary for Housing—Federal Housing Commissioner because the position is confidential in nature.

EFFECTIVE DATE: May 20, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202–632–4533.

Accordingly, 5 CFR 213.3384(b)(20) is added as set out below:

§ 213.3384 Department of Housing and Urban Development.

* * * * *

(b) *Office of the Assistant Secretary for Housing—Federal Housing Commissioner.* * * *

(20) One Special Assistant to the Assistant Secretary—Commissioner.

* * * * *

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

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

[FR Doc.77-14394 Filed 5-19-77;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Housing and Urban Development

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: This amendment excepts from the competitive service under Schedule C one position of Staff Assistant to the Assistant Secretary for Housing—Federal Housing Commissioner because the position is confidential in nature.

EFFECTIVE DATE: May 20, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202–632–4533.

Accordingly, 5 CFR 213.3384(b)(21) is added as set out below:

§ 213.3384 Department of Housing and Urban Development.

* * * * *

(b) *Office of the Assistant Secretary for Housing—Federal Housing Commissioner.* * * *

(21) One Staff Assistant to the Assistant Secretary—Commissioner.

* * * * *

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

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

[FR Doc.77–14395 Filed 5–19–77;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Commerce

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: This amendment excepts from the competitive service one position of Coordinator of Shipboard Training at the U.S. Merchant Marine Academy, Maritime Administration. This position replaces the position of Department Head, Shipboard Training which was previously excepted. This exception is granted because it is impractical to competitively examine for this position.

EFFECTIVE DATE: May 20, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling
(202–632–4533).

Accordingly, 5 CFR 213.3114 is amended to read as follows:

§ 213.3114 Department of Commerce.

* * * * *

(h) *Maritime Administration.* * * *

(10) U.S. Merchant Marine Academy, positions of: Professors, Instructors, and Teachers; including heads of Departments of Physical Education and Athletics, Humanities, Mathematics and Science, Maritime Law and Economics, Nautical Science, and Engineering; Coordinator of Shipboard Training; the Commandant of Midshipmen, the Assistant Commandant of Midshipmen; Director of Music; and seven Company Officers.

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

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

[FR Doc.77–14392 Filed 5–19–77;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

AGENCY: Civil Service Commission.

ACTION: Final Rule.

SUMMARY: This amendment excepts from the competitive service under Schedule C one position of Administrator, Health Care Financing Administration.

EFFECTIVE DATE: May 20, 1977.

FOR FURTHER INFORMATION ON POSITION AUTHORITY CONTACT:

James E. Farley (202–632–5446).

FOR FURTHER INFORMATION ON POSITION CONTENT CONTACT:

Raymond J. Sumser (202–245–2133).

Accordingly, 5 CFR 213.3316(s)(1) is added as set out below:

§ 213.3316 Department of Health, Education, and Welfare.

(s) *Health Care Financing Administration.* (1) Administrator, Health Care Financing Administration.

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

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

[FR Doc.77–14393 Filed 5–19–77;8:45 am]

PART 213—EXCEPTED SERVICE

Federal Energy Administration

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: This addition excepts from the competitive service under Schedule C one position of Confidential Assistant (Secretary) to the Assistant Administrator for Energy Resource Development because of the confidential nature of the position.

EFFECTIVE DATE: May 20, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202–632–4533.

Accordingly, 5 CFR 213.3388(j)(3) is added and set out below:

§ 213.3388 Federal Energy Administration.

* * * * *

(j) *Office of the Assistant Administrator for Energy Resource Development.*

* * *

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

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

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

[FR Doc.77–14546 Filed 5–19–77;10:54 am]

Title 29—Labor

CHAPTER XXV—PENSION AND WELFARE BENEFIT PROGRAMS, DEPARTMENT OF LABOR

PART 2520—RULES AND REGULATIONS FOR REPORTING AND DISCLOSURE

Annual Report—Request for Additional Comments

AGENCY: Department of Labor.

ACTION: Request for additional comments on annual report regulations under Title I of the Employee Retirement Income Security Act of 1974.

SUMMARY: The Department of Labor is requesting additional comments on proposed regulations concerning annual reports and summary annual reports for employee benefit plans, which appeared in the FEDERAL REGISTER on August 3, 1976 (41 FR 32522).

COMMENT DATE: Comments should be submitted on or before July 5, 1977.

ADDRESSES: Send comments to: "Annual Report Regs.," Room C4526, Office of Regulatory Standard and Exceptions, Pensions and Welfare Benefit Programs, U.S. Department of Labor, Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT:

Peter A. Straub, Pension and Welfare Benefit Programs, U.S. Department of Labor, Washington, D.C., Telephone 202–523–8684.

SUPPLEMENTARY INFORMATION:

Solicitation of Comments

On August 3, 1976 (41 FR 32522) the Department of Labor published regulations under the Employee Retirement Income Security Act of 1974 concerning annual reports, which must be filed with the Department, and summary annual reports, which must be furnished to plan participants and beneficiaries, by employee benefit plans.

In order to facilitate the preparation of annual reports for the 1975 plan year, these regulations were made effective immediately. However, comments were solicited for consideration in the preparation of final annual report regulations, the comment period ending on

December 31, 1976. The Department received extensive comments on the August 3, 1976 regulations and is currently considering those comments in preparing the annual report regulations for final publication.

In conjunction with the publication of a request for comments on revising the annual report forms (DOL/IRS Form 5500) elsewhere in this issue of the FEDERAL REGISTER, the Department is hereby soliciting further comments on the August 3, 1976 regulations. Of particular concern to the Department in this regard is that members of the public be afforded an opportunity to consider the annual report regulations together with the annual report forms in the light of practical experience in using the regulations. Of course, additional comments submitted by interested persons should not duplicate comments made by such persons during the earlier comment period.

Accordingly, interested persons are invited to submit additional written data, views or arguments concerning the August 3, 1976 regulations on or before July 5, 1977. Such data, views and arguments should be submitted to "Annual Report Regs.," Room C4526, Office of Regulatory Standards and Exceptions, Pension and Welfare Benefit Programs, U.S. Department of Labor, Washington, D.C. 20216.

All comments should be clearly referenced to the numbers of the sections to which the comments are directed.

Signed at Washington, D.C. this 19th day of May, 1977.

TRAVIS KNIGHT,
Assistant Administrator of Pension and Welfare Benefit Programs.

[FR Doc.77-14632 Filed 5-19-77;10:30 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 967]

[Docket No. AO-354-A2]

CELERY GROWN IN FLORIDA

Decision on Proposed Further Amendment of Marketing Agreement and Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This decision would amend the Federal marketing agreement and order for celery grown in Florida. Celery growers will vote in a referendum to determine whether they favor the proposed changes in the order.

The major purpose of the proposed amendment is to provide a method for producers to enter the celery industry and increase the size of existing celery operations. Additional proposed changes include the addition of a public member to the administrative committee, and provision of authority to fund production research under the order.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service, Department of Agriculture, Washington, D.C. 20250 (202-447-3545).

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding:

Notice of Hearing published January 13, 1977 (42 FR 2691) with a supplement on January 28, 1977 (42 FR 5362).

Notice of Recommended Decision issued March 29, 177 and published April 1, 1977 (42 FR 17458).

PRELIMINARY STATEMENT

A public hearing was held on proposed further amendment of the marketing agreement, as amended, and Order No. 967, as amended (7 CFR Part 967), (hereinafter referred to collectively as the "order") regulating the handling of celery grown in Florida. The hearing was held, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the appliacable rules of practice (7 CFR Part 900), at Orlando, Florida, on February 1, 1977, pursuant to notice thereof.

Upon the basis of the evidence introduced at the hearing and the record thereof, the Acting Administrator, on March 29, 1977, filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision containing notice of the opportunity file written exceptions there to through April 18, 1977, later extended to May 1, 1977.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision are hereby approved and adopted and are set forth in full herein, subject to correction of inadvertent, grammatical or obvious errors and the following modifications:

1. Under Material Issue No. (2) concerning the method of establishing Base Quantities paragraph 8 is revised.

2. Under Material Issue No. (3) concerning the method of determining celery producers' annual sales allotments paragraphs 3 and 5 are revised and a new paragraph is added immediately following paragraph 5.

MATERIAL ISSUES

The material issues of record are as follows:

(1) Providing for a public member on the committee;

(2) Amending § 967.37 "Base Quantities" to clarify the basis for determining Base Quantities, to provide conditions for obtaining and retaining Base Quantities and to add authority to require annual registration by producers;

(3) Amending § 967.38 "Marketable Allotments" to revise the basis for determining each celery producer's annual sales allotment;

(4) Amending § 967.44 Research and Development" to authorize production research;

(5) Providing for the receipt of voluntary contributions to finance research projects;

(6) Making such changes in the order as may be necessary to bring the entire order, as amended, into conformity with the amendatory action resulting from the hearing.

FINDINGS AND CONCLUSIONS

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

(1) The Florida celery marketing agreement and order (hereinafter in the text of findings and conclusions collectively referred to as the "order") should be amended to provide for a representative of the public on the administrative committee. To effectuate such a change, § 967.25 of the current order providing for the establishment and membership of the Florida Celery Committee should be revised to enlarge the committee from 15 members to 16 members, with the additional member to be a public member. Further, § 967.26 providing for eligibility of committee members should be revised to indicate the criteria for the public member, and a new paragraph (f) should be added to § 967.27 "Nominations" to indicate the procedures which should be used in the nomination of the public member.

Record evidence indicates that public representation on commodity committees could improve the exchange of information and viewpoints between industry members and the public. Proponent witnesses indicated that the industry likely would benefit from the judgment and knowledge that a public member could contribute to industry decisions. In turn, such a member could be effective in enlightening the general public with respect to the nature and operation of the celery order. As is provided for producer or handler members, the additional public member should have an alternate.

Individuals selected from the public to serve on the committee should meet specified eligibility requirements. The record indicates that it would be appropriate that public member and alternate member nominees not have a direct financial interest nor be closely associated with the production, processing, financing or marketing of agricultural commodities. Also, such nominees should be able to devote sufficient time and express a willingness to attend committee meetings regularly and to familiarize themselves with the practices and the economics of the industry. The evidence further indicates that preference should be given to selecting nominees who are residents of the production area so that participation in committee meetings and other activities will be more convenient and less expensive.

The public member and alternate member should be nominated by the committee in accordance with rules or regulations which should indicate the qualification requirements for public member nominees and the procedure by which the committee will receive names of candidates. The committee should have the duty of recommending such procedural rules for approval by the Secretary. Record evidence indicates that the public member should be nominated by July 1 each year. This will insure sufficient time for the Secretary to consider the nominations so that selection can be made prior to the beginning of each term of office which would be the same as the terms for producer or handler members. However, the nomination of the initial public member may be made later than July 1 but as soon as practical after said member's position on the committee is authorized.

The committee's responsibility with regard to nominations of public members will require a conforming change in § 967.31 "Duties." A paragraph (m)

should be added specifying that one of the committee's duties will be to secure suitable candidates for the public member and alternate positions and to nominate eligible persons to be the public member and alternate on the committee.

(2) Section 967.37 "Base Quantities" should be amended by clarifying the basis for determining Base Quantities, adding a requirement for periodic review of Base Quantities, and modifying the procedure for allocating an annual reserve. The order became effective on November 15, 1965. Since then significant changes have taken place in the distribution of sales authority among producers as reflected in individual producers' holdings of Base Quantities, and the use made of the Base Quantity provisions of the order to establish and maintain orderly marketing conditions. To ensure that regulatory activities related to the Base Quantity provision are more in accord with current and prospective production and marketing trends in the Florida celery industry, this section should be modified as follows:

Paragraphs (a) and (b) specify the procedures which were used in determining the initial Base Quantities under the order. Since these provisions are obsolete, they should be deleted and replaced by a new paragraph (a) which should provide that Base Quantities of producers with a history of production and participation under the order shall be those in effect for the 1976–77 season, as recorded by the committee.

Under the present order, as amended, initial Base Quantities for each producer were determined on the basis of the greatest number of crates of harvested celery sold by him or on his behalf during a specified historical representative period. This method of determining Base Quantities, which is authorized by Section 8c(6)(B) of the act, resulted in allocations to existing producers of authority to sell celery on the basis of a uniform rule for the first season (1965–66) of operation under the Florida Celery Marketing Order. In subsequent years a number of producers transferred their Base Quantities to other producers. Such transfers are authorized by § 967.39 "Transfers" of the order which provides that any producer's Base Quantity may be transferred in part or total for a specified period of time subject to approval of the committee. As a result, producers' Base Quantities in effect for the 1976–77 season as recorded by the Committee on December 15, 1976 are the product of the Base Quantities originally issued under a uniform rule, as subsequently modified by authorized transfers by producers to other producers. Therefore the proposed basis for determining Base Quantities of producers with a history of sales under the order is substantially the same as the basis set forth when the order was issued in 1965.

Provision also should be made for determining Base Quantities for other producers; i.e. those without a history of sales under the order. Under proposed requirements discussed later herein, such producers may acquire a base from a reserve to be established and allocated annually. Base Quantities of both existing and new producers would be subject to modification because of periodic updating of the method of determining Base Quantities, any increases which might accrue from additive allocations from a reserve to be established by the committee, cancellation of a Base Quantity due to non-use, or transfers of Base Quantity pursuant to § 967.39.

A new paragraph (b) should be incorporated to require the committee to review Base Quantities periodically, and recommend appropriate changes in the basis for determining Base Quantities. This requirement would provide a means of keeping Base Quantities consistent with sales performance.

The record indicates that over a period of time, individual producers often modify their participation in the celery business, increasing or decreasing the size of their operation and in some instances discontinuing celery production and marketing. This results in a disparity between the aggregate of Base Quantities and the production and marketing capacity of the celery industry which affects other aspects of operations under the order. For example, when a grower does not grow and market celery for one or more years, there may be an important effect on the annual sales allotments issued to producers. Each year a determination is made of the total qantity of celery to be marketed (Marketable Quantity). The ratio of the Marketable Quantity to total Base Quantities is applied to individual producers' Base Quantities to determine the quantity or allotment of celery handlers may acquire from each producer. When total Base Quantities include unused individual Base Quantities, some allotments go to inactive producers while active producers may have allotments smaller than warranted by their productive capacity and the total market requirements.

The record indicates that revisions which should be made in the order to provide for entry of new producers, expansion of existing producers' celery operations, or elimination of Base Quantities of persons who do not make a bona fide effort to grow and market celery, could have a substantial effect upon the structure of the industry in terms of numbers of producers and the size of individual celery enterprises. Therefore, in order for the Base Quantities to continue to reflect the productive and market capacity of the industry, it is appropriate to require the committee to review the use being made of Base Quantities. Such appraisals should be made at least every five years but may be made more often to correlate with the rate of change within the industry. In the event a change is deemed necessary, and after due consultation with the industry to solicit their views and suggestions, the committee should so recommend to the Secretary. Record evidence shows, and so should the proposed amendment to the order, that the Secretary may then establish through rule making procedure a revised appropriate basis for determining Base Quantities.

Paragraph (d) should be revised to require a reserve to be established and allocated annually, and to indicate the procedures which should be followed in allocating such reserve. This paragraph currently authorizes a reserve on a permissive basis whereas the proposed reserve requirement would be mandatory.

The order's present reserve authority was designed to permit adjustments in Base Quantities of producers who for various reasons had been adversely affected in their marketing operations during the representative period, or to expand the industry's production capacity in the event existing capacity was unable to satisfy increased market demand. The proposed reserve provision would permit Base Quantity adjustments for the same reasons, and in addition, should reduce the monetary value accuring to Base Quantities. Record evidence shows that until recently Base Quantities were transferred among producers for various financial considerations. However, with a substantial amount of Base Quantity available for acquisition by bona fide producers at no cost, existing Base Quantities should have little or no monetary value. This would be consistent with respect to the objective of the order, which is to achieve orderly marketing rather than to create value in a sales base. For these reasons, the proposed revision should be implemented.

Evidence in the record shows that the annual reserve should amount to six percent of total Base Quantities. Such a reserve would insure year to year stability, and still be adequate to permit new producers to gain entry into the industry, and to allow established producers to expand. The reserve to be allocated for a given year should be calculated from the total Base Quantities in effect the preceding year. The record indicates that half of the reserve should be available to new producers and the other half to existing producers. This is a reasonable and appropriate method of distributing the reserve, and should properly serve the equity interests of both new and existing producers.

Proponent witnesses recommended that the order should provide for any unallocated reserve Base Quantities for new producers to be prorated at the committee's discretion among existing producers on a uniform basis. Such a distribution would be contrary to the basic intent of the reserve authority as it relates to existing producers. The record shows that existing producers may be granted increases in Base Quantities from the reserve upon request, supported by substantial evidence of a production and marketing capability consistent with such request. To grant Base Quantities otherwise, even though on a uniform basis, would serve no useful purpose and, further, would tend to dilute the significance of Base Quantities granted to new producers. Therefore, any reserve for new producers which is unallocated should not be made available to other producers.

The record indicates, and so should the proposed amendment, that additive Base Quantities issued to existing producers from a reserve should be valid for only one season but Base Quantities issued or allocated to new producers should be permanent. Allocations to existing producers would be related to new or additional resources acquired by them or a potential new market. If experience warrants continued production and marketing at the higher level, the producer could again request an additive Base Quantity. The new producer faces different circumstances justifying different treatment with regard to receiving a Base Quantity for a reserve. The establishment of a new farming operation to produce and market celery requires the expenditure of a large amount of money. A producer may not be willing or able to make resource commitments of the magnitude required for a celery business without assurance of an opportunity to market future crops. Therefore, it is fair and reasonable to provide that Base Quantities issued to new producers should not be subject to reissuance each year. At the same time, new producers should be obligated to demonstrate their intent to maintain a viable celery operation. For this reason, and to preclude speculation with respect to reserve Base Quantities, the record shows that the order should provide that Base Quantities issued to new producers cannot be transferred within three years after issuance.

The order should continue to provide that the committee shall establish, subject to approval of the Secretary, rules and procedures to be used in determining the reserve and the adjustments to be made in Base Quantities. The guidelines set forth in the order for the size of the reserve and its allocation to new and existing producers, and for obtaining Base Quantities will help insure equitable treatment for both an applicant and other producers. Therefore, such standards are determined to be proper and adequate for administration of the order. The specific criteria would help insure that adjustments would be fair and reasonable.

Requests for Base Quantity under the reserve authority, together with supporting material, should be made to the committee not later than April 1. This would provide adequate time for the committee to evaluate each request and inform each person of its decision early enough for those granted new Base to initiate plans for the ensuing season. Because of the time required to develop procedures governing the establishment and distribution of the reserve, the order should provide that the reserve feature of the program will become effective for the 1978–79 season.

A new paragraph (e) should be added to empower the committee to cancel a producer's Base Quantity if he does not make a bona fide effort during two consecutive seasons to produce and market celery thereunder. The record indicates that two consecutive years of not marketing should be construed to be evidence of a producer's withdrawal from the celery industry. Cancellation of unused Base Quantities would make the annual calculation of the Marketable Quantity more realistic, should enhance the committee's ability to evaluate potential production, and should contribute to more efficient program operation. This provision should not be mandatory, however, in order that exceptions may be made to recognize extenuating circumstances. Record evidence indicates that one indication of a bona fide effort to produce and market celery would be a producer's marketing of at least half of the alloted celery in which he has a proprietary interest; that is, celery which he owns in part or in total. Other criteria may be similarly designed to preclude token production to preserve a Base Quantity. Rules and regulations should be developed by the committee for approval of the Secretary indicating the procedures to be used in implementing this procedure.

A new paragraph (f) should be added to require annual registration by producers. Under such a requirement, each person planning to grow celery during the ensuing season would have to register with the committee, and indicate his commitments to produce and market celery. Commitments as used in the order relate to the obligation of resources of production, either potentially or in fact. Such resources would include not only the land, labor, and facilities, but also the finances which are necessary to produce celery. The registration procedure would impose no unreasonable burden on the individual, and would contribute greatly to more efficient operation of the order. Registration would provide the committee with a better indication of the potential for production so that a meaningful Marketable Quantity and individual producers' sales allotments could be determined. In the event a producer chose not to register, his Base Quantity should not be affected for that season but he should not receive a marketable allotment. Otherwise, the beneficial effect of the program in achieving a balance of supply with market requirements would be greatly diminished.

The record indicates that all producers should register no later than May 1 each year. This is necessary so that the committee will have sufficient time prior to June 15 to evaluate commitments of registering producers to grow and market celery in the ensuing season. June 15 is the final date for the committee to meet and adopt a marketing policy, including a recommended Marketable Quantity. The 45 day interval from May 1 through June 14 probably is the minimum amount of time needed to evaluate the industry's production capacity and its relationship to prospective market demands. The committee may find through experience that more time would be desirable. If it should be decided that registration should be required by some date other than May 1, the order should allow for such a change.

Proponent witnesses testified that although May 1 should normally be the final date for registration, a later date in 1977 should be specified by the Secretary, provided that such date be no later than July 31 Such a deadline is necessary because producers would not have sufficient time in which to adjust their farming operation to an allocation calculated on the basis of Base Quantities registered after July 31. The requested latitude in setting an initial registration date would permit the implementation of this feature of the proposal a year earlier than would otherwise be practicable and therefore should be provided.

(3) Paragraph (a) of § 967.38 Marketable Allotments should be revised to provide that the Uniform Percentage shall be calculated each year by dividing the Marketable Quantity by the total Base Quantities of producers who register with the committee. As discussed earlier, some Base Quantities may not be used every year. The inclusion of such Base Quantities in the calculation of the Uniform Percentage would distort the relationship between production capacity and market requirements, contrary to the objective of the order.

Such a change in calculation of the Uniform Percentage would require a conforming change in § 967.15 Uniform Percentage so that it would state that such percentage would be derived by dividing the Marketable Quantity by the total Base Quantities of registered producers as provided in § 967.38.

Also, paragraph (e) of § 967.38 Marketable Allotments should be revised to provide that whenever the Marketable Quantity is equal to or smaller than total Base Quantities, the first 37,500 crates of all producers' Base Quantities shall be omitted in the calculation and application of the Uniform Percentage. The order presently specifies that only the Base Quantities of those producers with Base Quantities of 37,500 crates or less must be omitted in calculation of the Uniform Percentage.

The objective of the current provision is to prevent undue hardship for the relatively small producers. Each year the Secretary determines the total amount of celery which should be marketed (Marketable Quantity). The Marketable Quantity is divided by the total Base Quantities of registered producers, with the result being the Uniform Percentage. This percentage is then applied to each producer's Base Quantity to determine each producer's annual sales allotment. However, the Base Quantities of the smaller producers, those with 37,500 crates or less of Base Quantity, are excluded from both the calculation and the application of the Uniform Percentage. Their annual sales allotments must be equal to (or in the event of a Uniform Percentage above 100 percent, larger than) their total Base Quantity. While this provision is beneficial to producers who choose to maintain a small celery business, it tends to discourage expansion on the part of other small producers. For example, a producer with a Base Quantity of 37,500 crates acquiring one additional crate of Base Quantity becomes subject to application of the Uniform Percentage; if such percentage were 90,

his Marketable Allotment would be 33,751 crates. By acquiring the additional crate of Base Quantity, he would reduce his sales allotment by 3,750 crates.

The proposed revision would still protect the small producer from a reduction in his sales allotment when the Marketable Quantity is smaller than total Base Quantities. However, by exempting the first 37,500 crates of every producer's Base Quantity from application of the Uniform Percentage under such circumstances, a deterrent to expansion on the part of small producers would be eliminated.

It was proposed that in the event the Uniform Percentage exceeded 100 percent, such percentage should be applied to both the exempted first 37,500 crates and the additional base, if any, of each producer. This would result in a total of producers' marketable allotments exceeding the Marketable Quantity which would be contrary to the objective of the program. Therefore, the order should provide that when the Marketable Quantity is larger than total Base Quantities there shall be no exemption for the first 37,500 crates in the calculation of the Uniform Percentage.

A new paragraph (f) should be added to this section to provide that Marketable Allotments shall be issued only to those producers who register with the committee by May 1 each year. As discussed earlier herein, registration by producers to indicate their intent and commitment to produce and market celery is essential to effective operation of the order. Therefore, such a requirement is appropriate.

(4) Section 967.44 of the order should be amended to authorize production research. The order presently contains authority for the committee to undertake or finance marketing research and development projects and marketing promotion. Celery growers in Florida requested of the Secretary that the order be amended to authorize committee expenditures for production research to broaden the possibilities for reseach beneficial to the Florida celery industry and its customers.

The record indicates that the need for research on matters related to the production of celery is great. Producers of this crop are beset by a variety of problems ranging from those associated with attacks by disease and insects to the need for varieties better suited to the production area.

Expert witnesses testified to the continuing requirement for research in order to solve the severe problems caused in recent years by insects, particularly the leaf miner which is a relative newcomer on the local list of problem pests. Leaf miner infestations have sharply curtailed yields of good quality celery, and control efforts thus far have been only partially effective. Harmful soil organisms remain a problem, as do virus and root disease, and the various blights.

The improvement of existing varieties and development of new varieties might contribute significantly to the production of celery that is better able to withstand the attacks of the many pests. Varietal research may also lead ultimately to a reduced incidence of premature bolting or growth cracks, and lower the susceptibility of celery to damage by low temperatures.

Research in any or all of the aforementioned areas would contribute to lower costs and more efficient production. However, production research should not be limited to such areas. The committee should have broad and flexible authority for timely development of production research programs on any problems that arise.

In recent years, there has been active competition for research dollars within the agricultural community. Celery must share with many other crops, with similar production problems, the available research time, effort, and funds. Indications are that a relatively small amount of celery industry money, provided by the committee, will encourage research into the areas especially desired by the industry. The act provides that an assessment can be levied for specific purposes including production research. With these added funds, the committee can make a substantial commitment to such research.

Record evidence shows that currently most production research on celery in Florida is performed by public agencies, such as the University of Florida or the U.S. Department of Agriculture. Research funded by the committee would most likely also be carried out by such public agencies. However, this would not rule out having private organizations or the committee itself conduct such research.

All proposals for research must be submitted to the Secretary for approval. Also, the committee should have the authority to make any necessary changes in the format of the research project as long as it does not change the original objectives. Any change that required a greater expenditure of funds would require Departmental approval. Activity reports on research conducted should be issued by the committee annually, although interim reports on research projects may be issued. Reports should also be issued in writing or verbally by the organization conducting the research. All written reports should be provided to the Secretary and committee members as well as any other interested parties.

The record has demonstrated that a program of production research administered by the marketing order committee should have a positive effect upon the production of Florida celery, thereby increasing returns to growers. In view thereof, it is concluded that the order should be amended to authorize production research.

(5) A new § 967.63 should be added to the order to provide for the receipt of voluntary contributions to be used only for research and development projects. Record evidence indicates that research and market development projects for Florida celery directly benefit growers of that commodity, and secondarily benefit other groups and businesses whose interests are allied with the production and marketing of celery. These groups frequently desire to contribute resources to research and development projects and the order should provide that such contributions may be accepted by the committee. It is important, however, that the committee have complete control over the use of any contributions, which must be free of any encumbrances by the donor.

(6) Some of the amendatory actions included in this recommended decision require that certain conforming changes be made so that the order, as amended, will be in conformity with those actions. One such change (add a new paragraph (m) to § 967.31, *Duties*) is discussed with the issue to which it is pertinent. All such changes should be incorporated in the recommended amendment of the order.

Rulings on briefs of interested persons. At the conclusion of the hearing, the Administrative Law Judge fixed February 11, 1977, as the final date for interested persons to file proposed findings and conclusions, and written arguments or briefs, based upon the evidence received at the hearing. One brief was filed by John Joseph Cassidy, Esq., and Jamie S. Gorelick, Esq., on behalf of Gressinger and Sons. Every point in the brief was carefully considered along with record evidence in making the findings and reaching the conclusions herein set forth. To the extent that the findings and conclusions in the brief are inconsistent with findings and conclusions contained herein, requests to make such findings or to reach such conclusions are denied on the basis of the facts found and stated in connection with this recommended decision.

In addition to containing proposed findings and conclusions on the material issues, the brief recommended that all information obtained by the committee concerning transactions, activities, and use being made of base quantities and marketable allotments be available to committee members. The act prohibits the disclosure of information that may affect detrimentally the business operations of the persons who furnish reports required under marketing orders. However, since the operation of this allocation program is inextricably involved with individual producers' base quantities and marketable allotments, this information should not be treated as confidential. All other information must remain confidential and in the custody of the committee staff, as required under § 967.73 of the order.

Rulings on exceptions. Within the period provided therefor, an exception to the proposed amendment was filed by the Federal Trade Commission. The exception endorsed the objectives of the proposed changes but recommended several modifications. One recommendation was that the order provide that the Uniform Percentage should not be so changed each season as to nullify the effect on the Marketable Quantity of increasing total Base Quantities. This would require that the Marketable Quantity be established each year as a constant relative to total

Base Quantities. Such a procedure would differ materially from that now used. Under the Florida celery marketing order, the Secretary establishes each year a Marketable Quantity which is the total amount of celery which may be marketed. The Marketable Quantity is determined after careful evaluation by the committee and the Secretary of the numerous factors associated with the production and marketing of celery, and is the amount of celery deemed necessary to meet market requirements and establish orderly marketing conditions. It is obvious that to substitute an inflexible method of determining the Marketable Quantity, which might have little or no relevance to the amount of celery needed to balance supply with market requirements, for the procedures now in use would defeat the purpose of the order. Therefore, the recommendation must be denied.

Another suggestion was that issuance of Base Quantities from the reserve be mandatory. The record evidence and the recommended decision based thereon showed that under the proposed amendments the Committee would be required each year to establish a reserve in the amount of six percent of total Base Quantities, with the implied understanding that such reserve was to be allocated to bona fide producers who apply for additional base. However, for clarification the recommended decision and order are revised to indicate that a reserve shall be established and allocated annually to producers who apply for such base.

It was also recommended that the order provide that Base Quantities be allocated to existing producers ranked on the basis of their sales relative to allotments the previous year and that a minimum economic unit be considered in allocating a base quantity to a new producer. Such considerations may be appropriate in allocating reserve Base Quantities to producers, but as discussed in the recommended decision and order the committee should take into consideration many more factors including past production of celery by applicant, acreage planted, average yields, the production capacity of the farm or land the applicant expects to use, land, labor, and equipment available to applicant for celery production, economic and marketing factors, and other factors deemed pertinent by the committee.

Contentions were made that the requirement for established producers to renew requests for additional Base Quantities annually might discourage such requests. On the other hand, the record shows that this provision is needed to prevent the unwarranted acquisition and transfer of reserve Base Quantities by individuals who have no basic desire to expand their celery operation. For this reason, the exception must be denied. Another contention with regard to the requirement for annually renewing requests for additive base was that it might result in little actual increase in production by existing producers. The record shows that established producers would have available to them 50 percent of the reserve Base Quantities and that the size of the reserve would increase each year. Thus, actual expansion could be significant for individual established producers.

Contentions also were made that the proposed provision under the order for forfeiture of unused Base Quantities may permit large quantities of base to lie idle if the only indication of non-use would be a producer marketing less than half of his total Base Quantity. Such a development appears unlikely, however. The order provides that additional criteria shall be developed by the committee, subject to approval of the Secretary, as to whether bona fide efforts are being made to produce and sell celery. Additionally, the record shows that the requirement for periodic review and updating of Base Quantities should materially reduce the incidence of unused allotments or Base Quantities. Producers who intend to stay in the celery business will have a strong incentive to market as much celery as authorized and thereby maximize their history of sales which may be incorporated when an updated basis for establishing Base Quantities is promulgated.

Each point in the exception was given careful consideration in conjunction with the record evidence. To any extent that any exception is not specifically ruled upon or the findings and conclusions contained herein are at variance with the exception, such exception is hereby overruled for the reasons previously stated in this decision.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement, as Amended, Regulating the Handling of Celery Grown in Florida," and "Order Amending the Order, as Amended, Regulating the Handling of Celery Grown in Florida," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That this entire decision, except the annexed marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of the marketing agreement are identical with those contained in the order as hereby proposed to be amended by the annexed order which is published with this decision.

Referendum order. It is hereby directed that a referendum be conducted in accordance with the procedure for the conduct of referenda (7 CFR 900.400 *et seq.*), to determine whether the issuance of the annexed order as amended and as hereby proposed to be amended, regulating the handling of celery grown in Florida, is approved or favored by producers, as defined under the terms of the order, who during the representative period were engaged in the production area in the production of the regulated commodity for market.

The representative period for the conduct of such referendum is hereby determined to be August 1, 1976, through May 15, 1977.

The agents of the Secretary to conduct such referendum are hereby designated to be William C. Knope and James B. Wendland.

Signed at Washington, D.C., on: May 16, 1977.

ROBERT H. MEYER,
Assistant Secretary for Marketing Services.

ORDER[1] AMENDING THE ORDER, AS AMENDED, REGULATING THE HANDLING OF CELERY GROWN IN FLORIDA

Findings and determinations. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon proposed amendment of the marketing agreement, as amended, and Order No. 967, as amended (7 CFR Part 967, regulating the handling of celery grown in Florida.

Upon the basis of the record it is found that:

(1) The order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The order, as amended, and as hereby further amended, regulates the handling of celery grown in the production area in the same manner as, and is applicable only to persons in the respective classes of commercial and industrial activity specified in, the marketing agreement and order upon which hearings have been held;

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

(4) The order, as amended, and as hereby further amended, prescribes, so far as practicable, such different terms applicable to different parts of the production area as are necessary to give

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

due recognition to the differences in the production and marketing of celery grown in the production area; and

(5) All handling of celery grown in the production area is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof the handling of celery grown in Florida, shall be in conformity to and in compliance with the terms and conditions of the order, as hereby amended, as follows:

The provisions of the proposed marketing agreement and order, amending the order, contained in the recommended decision issued by the Acting Administrator on March 29, 1977, and published in the FEDERAL REGISTER on April 1, 1977 (42 FR 17458), with a slight modification in § 967.38(e), shall be and are the terms and provisions of this order, amending the order, and are set forth in full herein.

1. Revise § 967.15 to read as follows:

§ 967.15 Uniform percentage.

"Unform Percentage" means the percentage for any given season resulting from dividing the Marketable Quantity by the total Base Quantities registered by producers as provided in § 967.38.

2. Revise § 967.25 to read as follows:

§ 967.25 Establishment and membership.

There is hereby established a Florida Celery Committee consisting of 16 members, including 15 producer or handler members and one public member to administer the terms and provisions of this part. Each shall have a respective alternate who shall have the same qualifications as the member.

3. Revise § 967.26 to read as follows:

§ 967.26 Eligibility.

Each member and alternate of the committee, except for the public member and alternate, shall be at the time of his selection and during his term of office, a producer or handler, or an officer or employee of a producer or handler in the group for which selected. The public member shall be neither a producer nor handler and shall have no direct financial interest in the production or marketing, except as a consumer, of agricultural products.

4. Revise § 967.27 by adding a new paragraph (f) to read as follows:

§ 967.27 Nominations.

* * * * *

(f) The members of the committee selected by the Secretary pursuant to § 967.32 shall nominate a public member and alternate member of the committee. The committee shall recommend rules for receiving names of persons to be considered for nomination to the public member and alternate positions. Rules shall also be recommended for establishing eligibility of persons nominated to the public member and alternate positions. The persons nominated for the public member and alternate positions shall be submitted by the incumbent committee to the Secretary by July 1 of each year together with information deemed pertinent by the committee or as requested by the Secretary.

5. Amend § 967.31 by adding paragraph (m) to read as follows:

§ 967.31 Duties.

* * * * *

(m) To secure suitable candidates for the public member and alternate positions, and to nominate persons for such positions on the committee.

6. Amend § 967.37 to read as follows:

§ 967.37 Base Quantities.

(a)(1) Base Quantities for producers with a history of production and order participation for the period 1965–66 through 1976–77 shall be Base Quantities in effect for the 1976–77 season, as recorded by the Florida Celery Committee on December 15, 1976, subject to modifications relating to current production and marketing experience specified in (b) through (e) of this section, or to transfers pursuant to § 967.39.

(2) Base Quantities for other producers shall be established pursuant to Base Quantity reserve as specified in paragraph (d) of this section, subject to modifications relating to current production and marketing experience specified in (b) through (e) of this section, or to transfer pursuant to § 967.39.

(b) Periodically, but at least once each five years, the committee shall review Base Quantities and recommend any change in the formula, to be prescribed by the Secretary, for determining Base Quantities which may be deemed appropriate.

* * * * *

(d)(1) Beginning with the 1978/79 season, a reserve in the amount of six percent of the total Base Quantities shall be established annually. Such reserve shall be used for the issuance of Base Quantities to new producers and adjustments in Base Quantities for producers with existing Base Quantities, with 50 percent being made available for new producers and 50 percent available for adjustments for producers with existing Base Quantities.

(2) Base Quantities issued to new producers shall be permanent, subject to requirements of § 967.37(e). Base Quantities issued to new producers shall not be transferrable within three years after issuance. Any adjustments in Base Quantities issued to producers with existing Base Quantities shall be effective for one season only and a new request by such producers for adjustment in Base Quantity shall be submitted each season.

(3) The committee may recommend rules for establishing such reserve and for procedures whereby persons may apply for Base Quantities thereunder. Such rules shall be subject to approval by the Secretary. Rules may provide for open informal hearings by the committee on applicants' requests and may establish guides or standards for equitable and thorough consideration of pertinent factors relating to each case, including but not limited to past production of celery by applicant, acreage planted, average yields, the production capacity of the farm or land the applicant expects to use, land, labor, and equipment available to applicant for celery production, economic and marketing factors, and other factors deemed pertinent.

(4) Each person filing an application hereunder for a new Base Quantity or adjustment in an established Base Quantity shall be notified by the committee of its determination thereon. Such determination and considerations appertaining thereto shall be subject to review by the Secretary. If a Base Quantity is issued to an applicant hereunder, the requirements of § 967.38(c) shall then apply.

(e) A condition for the continuing validity of a Base Quantity is production of celery thereunder. If no bona fide effort is made to produce and sell celery thereunder for two consecutive seasons commencing with the 1977–78 season, the Base Quantity may be declared invalid due to lack of use and cancelled at the end of the second season of nonproduction. The committee shall determine criteria, subject to approval by the Secretary, as to whether a bona fide effort has been made to produce and sell celery, including one requirement that the producer must have sold at least 50 percent of each of his seasonal Marketable Allotments, unless prevented from doing so by acts of God or other circumstances beyond his control.

(f) Annual registration of Base Quantity holders will be required no later than May 1 or such other date as may be approved pursuant to regulations. For the 1977–78 season Base Quantity holders shall register within 30 days following the effective date of this part but no later than July 31, 1977. Any Base Quantity holder who does not register or who has not made firm and substantial commitments to produce celery for the forthcoming season shall have his Base Quantity eliminated from the calculations in determining the Uniform Percentage. However, such procedure will not cause the Base Quantity holder to lose his Base Quantity.

7. Amend § 967.38 to read as follows:

§ 967.38 Marketable Allotments.

(a) When the Secretary establishes a season's Marketable Quantity, a percentage shall be determined by dividing the amount fixed as the season's Marketable Quantity by the total Base Quantities of producers who have registered with the committee pursuant to § 967.37(f).

* * * * *

(e) When the Marketable Quantity is equal to or smaller than total Base Quantities, the first 37,500 crates of each producer's Base Quantity shall be subtracted from both the Marketable Quan-

tity and total Base Quantities when the Uniform Percentage is calculated in this section (§ 967.38(a)), and the Uniform Percentage for the first 37,500 crates will be 100 percent. In the event the Marketable Quantity exceeds total Base Quantities, there shall be no exemption for the first 37,500 crates and the Uniform Percentage shall be applied to each producer's total Base Quantity.

(f) Marketable allotments shall be issued only to producers who have registered by May 1, or such other date prescribed by the Secretary, and indicated firm and substantial commitments for the production of celery for the forthcoming season.

8. Revise the section heading and the first two sentences of § 967.44 to read as follows:

§ 967.44 Research and development.

The committee may, with the approval of the Secretary, establish or provide for the establishment of projects involving production research, marketing research and development projects, and marketing promotion including paid advertising, designed to assist, improve or promote the marketing, distribution and consumption or efficient production of celery. The expenses of such projects shall be paid by funds collected pursuant to §§ 967.61 or 967.63.* * *

9. Add a new § 967.63 to read as follows.

§ 967.63 Contributions.

The committee may accept voluntary contributions but these shall only be used to pay expenses incurred pursuant to § 967.44. Furthermore, such contributions shall be free from any encumbrances by the donor and the committee shall retain complete control of their use.

§ 967.91 Counterparts.

This agreement may be executed in multiple counterparts and when one counterpart is signed by the Secretary, all such counterparts shall constitute, when taken together, one and the same instruments as if all signatures were contained in one original.

§ 967.92 Additional parties.

After the effective date hereof, any handler may become a party to this agreement if a counterpart is executed by him and delivered to the Secretary. This agreement shall take effect as to such new contracting party at the time such counterpart is delivered to the Secretary, and the benefits, privileges, and immunities conferred by this agreement shall then be effective as to such new contracting party.

§ 967.93 Order with marketing agreement.

Each signatory handler requests the Secretary to issue, pursuant to the act, an order providing for regulating the handling of celery in the same manner as is provided for in this agreement. The undersigned hereby authorizes the Director, or Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, to correct any typographical errors which may have been made in this marketing agreement.

In witness whereof, the contracting parties, acting under the provisions of the act, for the purpose and subject to the limitations therein contained, and not otherwise, have hereto set their respective signatures and seals.

---------- By: ----------[2]
(Firm Name) (Signature)

(Mailing Address) (Title)

(Corpoorate Seal; if none, so state) ----------
(Date of Execution)

[2] If one of the contracting parties to this agreement is a corporation my signature constitutes certification that I have the power granted to be by the Board of Diretcors to bind this corporation to the marketing agreement.

[FR Doc.77-14470 Filed 5-19-77;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 730-3]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Air Pollution Control; State Statutes and State and Washoe County Regulations; State of Nevada

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed approval with exceptions.

SUMMARY: Through this notice EPA proposes to approve with exceptions certain State statutes, and State and local regulations pertaining to motor vehicles, new and modified stationary sources, power plants, public availability of emission data, stack testing, and other miscellaneous items. These items have been submitted by the State on February 20, and June 14, 1974; and July 7, September 10, and October 31, 1975 as revisions to various portions of the State implementation plan (SIP) for attainment and maintenance of the National Ambient Air Quality Standards. EPA also proposes to disapprove portions of the approved SIP which have not been resubmitted and to rescind certain previous disapproval and substitute rulemaking actions. EPA has reviewed the submissions, identified those portions which are considered revisions, and evaluated the revisions for consistency with 40 CFR Part 51, Requirements for Preparation, Adoption, and Submittal of Implementation Plans, and the Clean Air Act, as amended.

DATE: Comments by: June 20, 1977.

ADDRESS: Send comments to: Regional Administrator, Attn: Air & Hazardous Materials Division, Air Programs Branch (A-4), EPA, Region IX, 100 California Street, San Francisco, California 94111.

FOR FURTHER INFORMATION CONTACT:

Frank M. Covington, Director, Air & Hazardous Materials Division, Attn: Morris Goldberg, EPA, Region IX, 100 California Street, San Francisco, California 94111. Telephone 415-556-7473.

SUPPLEMENTARY INFORMATION:

BACKGROUND

On January 28, 1972, pursuant to section 110 of the Clean Air Act, as amended, and 40 CFR Part 51, the State of Nevada submitted to EPA an implementation plan for the attainment and maintenance of the National Ambient Air Quality Standards. The plan contained State statutes, State and local regulations, control strategies and other information. On May 31, 1972 (37 FR 10842) the Administrator approved the SIP with specific exceptions. Since then, Nevada has submitted to EPA numerous revisions to portions of the SIP including new and revised legislative actions and regulations adopted by the State and local agencies. EPA has reviewed, or is in the process of reviewing these revisions. Revisions to various portions of the SIP were submitted on February 20, and June 14, 1974; and July 7, September 10, and October 31, 1975.

DISCUSSION OF ACTION

The adoption of regulations by the State and local agencies and the adoption of SIP revisions by the State were in conformance with the procedural requirements of 40 CFR 51.4. Pursuant to 40 CFR 51.4, all regulations and SIP revisions were the subject of a public hearing. Notice of such hearings were prominently advertised at least thirty days in advance. Also the items subject to hearing were available for public inspection in the region affected for at least thirty days prior to the hearing date.

The SIP revisions submitted on February 20 and June 14, 1974 have been subdivided. Some portions have been proposed for approval and others have been approved or disapproved in other FEDERAL REGISTER issuances. The remaining portions have been superseded by the SIP revision submitted on October 31, 1975.

The SIP revision submitted on July 7, 1975 contained Air Pollution Control Regulations of the District Board of Health of Reno-Sparks-Washoe County (Washoe County Regulations) for the review of new and modified stationary and complex (indirect) sources.

The SIP revision submitted on September 10, 1975 contained revisions to the Nevada Revised Statutes. The statutes relating to air pollution control address authority for vehicular inspection and testing, complex source review, power plant emissions, public availability of emission data, stack testing, and other miscellaneous items.

The SIP revision submitted on October 31, 1975 contained only a revised version of the Nevada Air Quality Regulations covering amendments adopted through September 18, 1975.

Items submitted as revisions to the SIP on which no action is being taken at this time include: (1) State statutes and resolutions relating to non-air pollution control matters and those upon which the Administrator has no authority to act, (2) State statutes and State and county regulations relating to complex source review and authority because revisions to these statutes are being considered in the present legislative session and because EPA is currently precluded from enforcing its comparable indirect source regulations, and (3) variances to air pollution control regulations because they have expired. The complex source review authority termination will be the subject of a future FEDERAL REGISTER document.

Other items excluded from this action include those which have been the subject of previous proposed or final approval or disapproval actions and have not been revised, with two exceptions. These exceptions are: (1) Article 2.11.4 of the Nevada Air Quality Regulations on the subject of public hearings on the renewal of variances, approved on May 31, 1972 (37 FR 10842), now proposed for disapproval because it does not meet the requirements of 40 CFR 51.4(a)(1); and (2) the control strategy portions of the SIP for carbon monoxide and hydrocarbons-photochemical oxidants in the Las Vegas area of Clark County, Clark-Mohave-Yuma Interstate Air Quality Control Region (AQCR), approved on May 31, 1972 (37 FR 10842), now proposed for disapproval because they do not meet the requirements of 40 CFR 51.14(a)(1).

Disapproval is proposed for a portion of the Nevada Revised Statutes, NRS 445.635, submitted to EPA on September 10, 1975 as Section 1. of Senate Bill 612. The amendment to the statute limits the authority of the State to control emissions from motor vehicles by limiting the authority to inspect and test vehicles. This amendment severely limits the effectiveness of an important part of the SIP approved control strategies for carbon monoxide and hydrocarbons-photochemical oxidants for the Clark-Mohave-Yuma Interstate AQCR (Las Vegas area). Other controls will be needed to remedy the deficiency found in the control strategies, proposed for disapproval in another paragraph of this notice.

Disapproval is also proposed for a portion of the Nevada Revised Statutes, NRS 445.546(7), submitted on September 10, 1975 as portions of Assembly Bills 480 and 708. The amendment to the statute places a moratorium on all actions relating the enforcement of county regulations for power plants with a capacity greater than 1000 megawatts. EPA must propose disapproval of the moratorium because it renders the EPA approved regulations unenforceable by the State or county through July 1, 1977.

The Regional Administrator proposes to approve all portions of the specified revisions with the exception of those mentioned above.

Nevada Revised Statute, NRS 445.576, and Nevada Air Quality Regulation, NAQR Article 2.7.1, were disapproved on September 26, 1974 (39 FR 34537) because they could, in some circumstances, prohibit the disclosure of emission data to the public as is required by 40 CFR 51.11(a)(6), Legal Authority, and 40 CFR 51.10(e), General Requirements. Revisions to NRS 445.576 submitted on September 10, 1975 and to NAQR Article 2.7 submitted on October 31, 1974 correct the deficiencies. Thus, the Regional Administrator proposes to approve these revisions and to rescind the disapprovals at 40 CFR 52.1473(a), as it applies to emission data for sources under the jurisdiction of the State agency, at 40 CFR 52.1473(c), and at 40 CFR 52.1474(a). Also, the substitute regulations promulgated at 40 CFR 52.1473(b) will no longer apply to sources under the jurisdiction of the State.

The Washoe County regulations were disapproved on May 14, 1973 (38 FR 12709) because they did not include legally enforceable means of preventing the construction or modification of a stationary source if it would interfere with the attainment or maintenance of a national standard as is required by 40 CFR 51.18(c). The revision to the Washoe County regulations, Section 030., submitted on June 14, 1974, corrects the deficiency. Thus, the Regional Administrator proposes to approve the revision, as it applies to the review of new and modified stationary sources, and to rescind the disapproval and substitute regulations promulgated at 40 CFR 52.1478 (a) and (b), respectively.

PUBLIC COMMENTS

Interested persons are invited to submit comments concerning the proposed action to the Regional Administrator, Attention: Air and Hazardous Materials Division, Air Programs Branch, 100 California Street, San Francisco, California 94111. Relevant comments received on or before June 20, 1977, will be considered. All comments received will be available for inspection during normal working hours at the EPA-Region IX office and the EPA Public Information Reference Unit. The receipt of comments will be acknowledged, but substantive responses to individual comments will be provided only in the preamble to the final rulemaking.

AVAILABILITY OF DOCUMENTS

Copies of the applicable regulations and statutes, the EPA evaluation report and this FEDERAL REGISTER notice are available for public inspection during normal business hours at the following locations:

Environmental Protection Agency, Regional Office, Region IX, Library, 100 California Street, San Francisco, California 94111.
Nevada Department of Human Resources, Environmental Protection Services, 201 South Fall Street, Carson City, Nevada 89710.
Washoe County District Health Department, Division of Environmental Protection, 10 Kirman Avenue, Reno, Nevada 89502.
Clark County District Health Department, Air Pollution Control Division, 625 Shadow Lane, Las Vegas, Nevada 89106.
Elko County Public Library, Elko, Nevada.
Public Information Reference Unit, Room 2922 (EPA Library), Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

(Sec. 110, Clean Air Act, as amended (42 U.S.C. 1857c-5).)

Dated: May 5, 1977.

PAUL DE FALCO, JR.,
Regional Administrator,
Region IX.

[FR Doc.77-14352 Filed 5-19-77;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 83]

[RM-2833; Docket No. 21240; FCC 77-320]

SHIP RADIO STATIONS OPERATING ON FREQUENCIES IN THE 1605–3500 kHz BAND

Channel Operation Requirements

AGENCY: Federal Communications Commission.

ACTION: Rulemaking proposal.

SUMMARY: This is a proposal to change the rules in response to a public request to provide that ship radio stations that operate in the frequency band 1605–3500 kHz need be equipped with only one, rather than two, working channels, if they are also equipped for operation in high frequency bands above 3500 kHz. This will permit ship stations to operate on more high frequency channels. The action also denies a request for certain relaxation of the 2182 kHz distress and calling frequency equipment and listening watch requirements. This denial will continue a requirement for a listening

watch on 2182 kHz for safety and efficient operational reasons.

DATES: Comments to be filed by: June 27, 1977, and reply comments by: July 7, 1977.

ADDRESSES: Send comments to Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

S. W. Pratt, Aviation and Marine Division, Safety and Special Radio Services Bureau (202-632-7197).

SUPPLEMENTARY INFORMATION:

In the matter of amendment of Part 83 of the rules concerning equipment required for ship radio stations operating on frequencies in the 1605-3500 kHz band; Docket No. 21240; RM-2833.

Adopted: May 11, 1977

Released: May 18, 1977

1. Notice of Proposed Rule Making in the above-captioned matter is hereby given.

2. We have received a petition from WJG, Inc., licensee of a public coast station at Memphis, Tennessee, to amend our rules in Parts 81 and 83 concerning required listening watches on the distress and calling frequency 2182 kHz and concerning the number of channels in the 1605-3500 kHz band with which a ship station operating in that band must be equipped for navigations exclusively in the Mississippi River system and connecting inland waters.

RULE CHANGES REQUESTED

3. Specifically, as we understand its petition, WJG requests as follows:

a. Section 81.104 (b) and (c) and 81.191(c)(1) of the rules, and any related sections, that require public coast stations operating in the band 1605-3500 kHz to be equipped to operate and maintain a listening watch on the frequency 2182 kHz, should be amended to exclude stations that communicate exclusively with vessels that are operating "solely within the waters of the Mississippi River system and connecting inland waterways".

b. Section 83.106(a) and any related sections that require all ship radio stations operating in the band 1605-3500 kHz to be equipped for operation on the frequency 2182 kHz and at least two other frequencies within that band, should be amended by reducing the requirement to "one other frequency", for vessels operating "solely within the waters of Mississippi River system and connecting inland waterways".

c. Section 83.213(b) and any related sections that require a listening watch buy noncompulsorily equipped vessels on the frequency 2182 kHz should be amended to exclude vessels operating "solely within the waters of the Mississippi River system and connecting inland waterways".

REASONS FOR RULE CHANGES

4. In support of its petition, WJG asserts, essentially, as follows:

a. There is no need for the subject public coast stations to be equipped for operation on 2182 kHz, and to maintain a listening watch on that frequency because the coast stations maintain watches on their working frequencies, and can, thus, be contacted by vessels on the working frequencies.

b. There is no need for vessels to maintain listening watches on 2182 kHz for safety reasons because there is now adequate VHF maritime radiocommunication service on the subject waters and distress or other communications can be established in that band (on the distress and calling frequency 156.8 MHz).

c. The requirement for vessels operating in the subject bands to have transmitters equipped with 2182 kHz and two working channels prevents vessel operators, who increasingly are operating ship stations on high frequencies above 3500 kHz, from equipping their stations with needed high frequencies. WJG asserts that most ship stations are using six channel radio sets and a reduction in the number of now required channels below 3500 kHz would make a proportionate number of channels available for operations on the higher frequencies.

DISCUSSION

5. With respect to WJG's request for rule changes to reduce the listening watch requirements on the distress and calling frequency 2182 kHz, and the elimination of the requirement that ship and public coast stations be equipped for operation on that frequency, we are going to deny that request. We do not conclude that the public interest would be adequately served at this time by diminishing the capability or role of those stations to participate in the maritime safety system and thereby furnish assistance to vessels in need of help. We recognize that the use of VHF maritime radio is widely used on the subject waters and elsewhere. We understand, however, there are still some areas on the Mississippi River, or its connected waterways, where a VHF signal, because of technical, atmospheric, operational, or other reasons, may not be heard, in which instance the only practicable method of summoning help would be by using the frequency 2182 kHz. Aside from the safety considerations, it may be true, as asserted by WJG, that a public coast station maintains watches on its working frequencies and can thus be so contacted, by ship stations. Vessel stations, however, do not often maintain watches on public coast station working channels and therefore can only be contacted from a point on shore by the coast station calling on the designated calling frequency 2182 kHz. Further, the ITU Radio Regulations are clear in their intent that all ships and coast stations licensed for operation in the 2 MHz band will be fiitted with and listen for calls on 2182 kHz during their hours of operation. For these reasons we think it contrary to the international Radio Regulations and the public interest to relax the listening watch requirements on 2182 kHz, or to eliminate the existing requirements that vessel and coast stations be equipped for operations on that frequency.

6. Regarding WJG's request that the number of mandatory working channels for operation in the band 1605-3500 kHz in a ship station be reduced from two to one for vessels that are operating on other high frequencies, we conclude that this request may have merit. Consequently, we are proposing herein, as shown in the attached Appendix, that our rules be amended to so provide. This change would permit the licensee of a ship station, using a six channel radio set, to equip the station with up to four high frequencies above 3500 kHz, if the station were also equipped for operation on 2182 kHz and one working frequency in the band 1605-3500 kHz.

ORDER

7. Accordingly, the Petition of WJG, Inc., for rule making IS GRANTED, to the extent indicated in the attached Appendix, and in all other respects IS DENIED.

8. These rule changes, as set forth in the Attached Appendix, are proposed pursuant to sections 4(i) and 303(r) of the Communications Act of 1934, as amended.

9. Pursuant to applicable procedures set forth in Section 1.415 of the Commission's rules, interested persons may file comments on or before June 27, 1977, and reply comments on or before July 7, 1977. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

10. In accordance with the provisions of Section 1.419 of the rules, an original and 5 copies of all statements, briefs, or comments filed shall be furnished to the Commission. Responses will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

Part 83 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

The footnotes (1 through 4) in § 83.106 are deleted, and paragraph (a) is amended to read as follows:

§ 83.106 Required frequencies for radiotelephony.

(a) Each ship radiotelephone station licensed to operate in the band 1605 to 3500 kHz shall be able to receive and transmit the emission A3H on the carrier frequency 2182 kHz, and, if the station is used for other than safety communications, it shall be capable also of receiving and transmitting the emission A3A and A3J on at least two other frequen-

cies in that band; Provided, however, that for ship stations on vessels operating (1) exclusively on the Mississippi River and its connecting waterways, and (2) also on high frequency bands above 3500 kHz, such stations may be equipped with only one, instead of two, other frequencies within the band 1605–3500 kHz in addition to the frequency 2182 kHz.

* * * * *

[FR Doc.77–14441 Filed 5–19–77;8:45 am]

[47 CFR Parts 89, 91, 93 & 95]

[Docket No. 21137]

AUTOMATIC MORSE CODE IDENTIFICATION EQUIPMENT

Order Extending Time for Filing Comments and Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Order Extending Time for Filing Comments and Reply Comments in Docket 21137.

SUMMARY: The Engineering Industries Association (EIA) petitioned for a 60 day extension of time for filing comments in Docket 21137 (amendment of Parts 89, 91, 93 and 95 of the Commission's Rules to permit the use of automatic Morse Code equipment) in order to evaluate potentially adverse effects on paging and notch-filtered data communications systems.

The Chief, Safety and Special Radio Services Bureau, acting under delegated authority, concurred with the EIA request, and extended the time for filing comments from May 17, 1977, to July 18, 1977, and the time for filing reply comments from July 18, 1977, to August 18, 1977.

DATES: Comments must be received on or before July 18, 1977 and reply comments must be received on or before August 18, 1977.

ADDRESSES: Send Comments to: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Federal Communications Commission, Safety and Special Radio Services, Bureau, Mr. James E. McNally, Jr. at (202) 632–6497.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of Parts 89, 91, 93, and 95 of the Commission's rules and regulations to permit the use of automatic Morse Code identification equipment. (See 42 FR 14124).

Adopted: May 12, 1977.

Released: May 16, 1977.

1. The Chief, Safety and Special Radio Services Bureau, acting under delegated authority, has under consideration a petition filed by the Electronic Industries Association (Communications Division) for an extension of time for filing comments in the above-captioned proceeding. The prescribed time for filing comments ends May 17, 1977. The petitioner requests that this deadline be extended to July 18, 1977.

2. In support of its petition, the Electronic Industries Association (EIA) indicates that there may be some technical problems with automatic Morse Code identification as proposed, particularly with respect to its potential adverse impact when used in paging or notch-filtered data communications systems. EIA states that it has not had the opportunity to fully explore these technical problems, and that others may arise during technical-level industry discussion of this proposal. Accordingly, they feel that the requested extension of time would serve the public interest.

3. Because the proposed automatic Morse Code station identification would be optional, it seems to us that advance determination of its suitability in various types of communications systems may not be a necessary prerequisite to our making a proper decision in this matter. Nevertheless, the availability of a comprehensive technical analysis of potentially adverse technical ramifications of automatic Morse Code identification would be of value from an informational standpoint, and could serve to alert those licensees contemplating the use of automatic Morse Code with potentially incompatible communications systems. For this reason, we believe the requested extension of time is reasonable and would serve the public interest.

4. Accordingly, it is ordered, pursuant to the authority contained in §§ 0.331 and 1.46 of the Commission's rules, That the time for filing comments in Docket 21137 is extended to July 18, 1977, and that the time for filing reply comments is extended to August 18, 1977.

CHARLES A. HIGGINBOTHAM,
Chief, Safety and Special Radio Services Bureau.

[FR Doc.77–14442 Filed 5–19–77;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

[45 CFR Part 191]

GUIDANCE AND COUNSELING PROGRAMS

Proposed Criteria for Award of Grants

AGENCY: Office of Education, HEW.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: Under the authority contained in Part D, Title III of the Education Amendments of 1976, Pub. L. 94–482 (20 U.S.C. 2531–34) (the Act), the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare, proposes to issue regulations governing the Guidance and Counseling programs that were enacted as part of the Act.

The proposed regulations set forth rules and criteria governing the award of grants by the Commissioner of Education to eligible applicants under these guidance and counseling programs. (See purposes under Supplementary Information.)

DATES: Interested persons are invited to submit written comments, suggestions, or objections regarding this proposed regulation. All written comments must be received on or before July 5, 1977.

ADDRESS: Written and oral comments may be directed to Dr. Donald Twiford, Guidance and Counseling Program, U.S. Office of Education, 400 Maryland Avenue SW. (Room 3608, ROB No. 3) Washington, D.C. 20202. Written responses to this notice may be inspected by the public in Room 3608, ROB No. 3, Washington, D.C. Monday through Friday between 8:30 a.m. and 4 p.m.

FOR FURTHER INFORMATION CONTACT:

Dr. Donald Twiford, Telephone: (202) 245–2243.

SUPPLEMENTARY INFORMATION:

PURPOSES

The Act authorizes three new guidance and counseling initiatives described below, with the intent of (1) providing programs, projects and leadership activities by States in guidance and counseling for FY 1977, (2) increasing the coordination of guidance and counseling activities at the Federal, State, and local levels, and (3) improving the qualifications of guidance and counseling personnel, with special emphasis on inservice training which takes educational professionals into the work-places of business, industry, and the professions.

Subpart B of the regulations governs a program of grants to States in Fiscal Year 1977 for "programs, projects, and leadership activities to expand and strengthen guidance and counseling services in elementary and secondary schools." These grants will be allotted to the States on a formula grant basis, and to Guam, American Samoa, the Virgin Islands, the Trust Territory, schools for Indian children operated by the Department of the Interior, and the overseas dependent schools of the Department of Defense on the basis of their respective needs.

Subpart C of the regulations governs a competitive grant program for Fiscal Years 1978 and 1979 to assist State and local educational agencies, institutions of higher education, and private nonprofit organizations in conducting institutes, workshops, and seminars to improve the professional guidance qualifications of teachers, counselors, and supervisory and technical personnel having responsibilities for guidance and counseling, and to improve guidance and counseling supervisory services in State and local educational agencies and nonpublic elementary and secondary school systems.

Subpart D governs a program of grants to be made to States to assist them in

carrying out programs to coordinate new and existing programs of guidance and counseling.

Additionally, the Congress provides for the establishment or designation of an administrative unit within the Office of Education to (1) provide information regarding guidance and counseling activities to Federal, State, and local governments, (2) advise the Commissioner on coordinating guidance and counseling at the Federal level and, where practicable, at the State and local levels, and (3) administer the programs under this part.

CITATIONS OF LEGAL AUTHORITY

As required by section 431(a) of the General Education Provisions Act (20 U.S.C. 1232(a)), a citation of statutory or other legal authority for each section of the regulation has been placed in parenthesis on the line following the text of the section. References to "Sec." in the citations of authority following provisions of the proposed regulation refer to sections of the Education Amendments of 1976, Pub. L. 94-482. If the citation uses the word, "interprets," the regulation provisions include an interpretation of the cited statutory provision. If the citation uses the word, "implements," the regulation provisions include rules deemed necessary to implement the statute.

PUBLIC RESPONSE TO THE NOTICE OF INTENT TO ISSUE REGULATIONS

On November 22, 1976 the Office of Education published in the FEDERAL REGISTER a Notice of Intent to Publish Regulations, which provided the public with an opportunity to offer ideas and to make recommendations regarding the Guidance and Counseling Program under Part D of Title III of Pub. L. 94-482.

Thirty-five responses were received as a result of this notice. The responses were representative of eligible applicants under Part D, with more responses from State and local educational agencies than from institutions of higher education and private, nonprifit organizations. A number of responses were received from State and national professional associations and advisory councils, which are concerned with guidance and counseling.

These responses were addressed primarily to the 12 issues set forth in the Notice of Intent. The issues are restated from the Notice of Intent in the order in which they appeared, accompanied by a summary of the public's comments and a response by the Office of Education.

Issue No. 1: Definition of State agency for Purposes of Sections 342(a) and 344(b). Should there be regulation provisions to define what State agencies may apply on behalf of the "State" or to avoid multiple applications from within a particular State under Sections 342(a) and 344(b)?

Comments: A majority of the responses addressing this issue indicated that the State educational agency should be the only agency applying for Federal funds on behalf of the State under Sections 342(b) and 344(b) of the Act; also, a significant number of comments expressed the view that all applications received for competitive grant projects under Section 344(a) of Part D should be coordinated by, or cleared through the State educational agency.

Response: The proposed regulations in § 191.17(b) and § 191.42 provide that the eligible agency to receive grants to States under Sections 342(b) and 344(b) is the State agency which is vested with the direct and primary responsibility for State supervision of programs of guidance and counseling at the elementary and secondary levels. Also, to further assure coordination at the State level, an applicant for competitive grants under Section 344(a) must provide a copy of the application to the State educational agency for its review and comment as set forth in § 191.32.

Issue No. 2: Training needs of Counselors and Teachers. In seeking to improve the guidance and counseling qualifications of teachers and counselors through the competitive grant program authorized by Section 344(a) of Part D, the Office of Education is interested in comments on the specific areas in which guidance and counseling professionals are most in need of further training. Should these areas of need be reflected in the priorities developed for evaluation of applications?

Comments: Responses to this issue expressed a wide variety of training needs, such as: career development, group guidance, decision making, problem solving, placement, counseling and consultation skills, and projects to serve as models for training practices and procedures. A number of responses emphasized the importance of flexibility in order that training needs may be determined in accordance with varying needs of the applicants and expressed the position that national priorities for training should not be stipulated in the regulations.

Response: In response to comments received, national priorities are not stipulated in the proposed regulations, thus permitting flexibility in terms of developing projects to meet the varying needs of applicants. Emphasis has been given in § 191.33(g) to the establishment of demonstration models which can be replicated by other agencies or institutions with similar educational needs. Also consistent with the statute and its legislative history, emphasis is given in the application criteria, set forth in § 191.33 (h) and (i), on the extent to which a proposed project has the potential to contribute to the alleviation of unemployment among youth, through interrelationships with the world of work, and the extent to which the project involves inservice training to increase the understanding of teachers and counselors of the world of work, and to provide for increased use of persons in business, industry, the professions and other occupational pursuits in the guidance and counseling program.

Issue No. 3: Needs Assessment. Should applicants be required to submit a needs assessment plan so as to ensure targeting of funds to areas of need?

Comment: Responses almost unanimously endorsed "a needs assessment" to provide a basis for determining types of training projects as a requirement for project applications. The comments reflected the view that the projects should provide inservice training for teachers, counselors, and supervisory and technical personnel who currently are functioning in those capacities.

Response: The proposed regulations reflect the recommendations received by requiring in § 191.31(d)(1) a needs assessment.

Issue No. 4: Achievement of Maximum Impact in Grant Program. Given the limitations on the levels and duration of Federal funding, how should the competitive grant program under Section 344(a) be designed to achieve the maximum impact?

(a) Should the emphasis be upon funding many small grants or a few large grants?

(b) Should projects be funded as seed grants, as demonstrations, or as service projects?

(c) Should geographic distribution of projects be a funding consideration?

(d) Should there be specific limits in the regulation on the types of expenditures which will be allowable in these projects?

Comments: Small or large grants: The majority of responses favor a large number of small grants rather than a few large grants. However, several responses indicated that both small and large grants should be considered depending upon need. One recommendation would have two or more large "National" grants, each fielding a large number of small teams to cover specified target areas.

Demonstration-seed-service: For the most part responses favored demonstration and service grants over seed grants, with more opting for demonstration than for service.

Geographic distribution: There was strong consensus that geographical distribution should be considered in funding of projects. A number of responses specified that there should be balance among urban, rural, and suburban areas.

Types of Expenditures: Many responses addressing this issue indicated that expenditures should be for program or services rather than capital outlay or equipment. Some would eliminate stipends but recommend reasonable amounts for necessary costs such as travel and per diem.

Response: The position taken in the proposed regulations incorporates the predominant recommendations from the responses. Flexibility has been provided in § 191.36 with reference to size of grants, but with an expressed intention to fund mostly grants of limited size. Flexibility also has been provided with reference to types of grants (demonstra-

tion, service, or seed) with more emphasis upon demonstration in relation to model projects as indicated in § 191.29 (a)(4) and § 191.30(b)(5). Consideration is given in § 191.33(f)(1) to geographic distribution in the funding of projects, and in § 191.35 to types of expenditures by way of de-emphasizing equipment and excluding stipends.

Issue No. 5: Involvement with World of Work. How can the Office of Education ensure that in the grants made under Section 344(a) there is coordination and involvement of business, industry, and the professions, as provided for under the statute? Should payments to business, industry, and other institutions for the costs of involvement and coordination be an allowable expenditure for a recipient of a grant under Section 344(a)?

Comments: None of the responses would specifically require involvement of business and industry, the professions, and other occupational pursuits in all training applications. A number of responses stated that such involvement should not be required in all training projects. Responses dealing with payment to these agencies would, for the most part, either not allow payments or would limit them to costs incident to participation in training projects such as travel, and per diem costs.

Response: The proposed regulations do not require that each training project include activities related to business and industry, the professions and other occupational pursuits. Such involvement, however, is encouraged by including reference to it in § 191.29(a), and in § 191.33 (h) and (i) in the application review criteria. Payment to trainees and participants from occupational pursuits by recipients is limited in § 191.35 to costs such as travel and per diem costs.

Issue No. 6: Improvement of Supervisory Services. How can supervisory services in guidance and counseling be improved?

(a) Do the supervisory services needs differ according to the agency or institution providing the guidance and counseling?

(b) Where are the most pressing needs for Federal funding in the area of supervisory services for guidance and counseling?

Comments. The comments reflected agreement that needs for improving supervisory services differ according to the agency or institution. Some expressed the view that experimentation in supervisory models should be encouraged. There was no consensus on the most pressing needs for improving supervisory services, except that a majority believe such services should be expanded.

Response: In accordance with the opinions expressed by a majority of the comments, no attempt has been made in the proposed regulations to establish priorities for improvement of supervisory services. It was clear from the comments that needs vary widely according to the individual agency or institution. However, special consideration in the application review criteria, § 191.33(g), is given to project applications which reflect a model approach to supervisory services.

Issue No. 7: Duration of Training. What should be the duration of the training to be provided under grants:

(a) For improvement of professional guidance and counseling qualifications of teachers and counselors; and

(b) For improvement of supervisory services?

Comments: There was no consensus for duration of training in terms of specific time limits. A majority of the responses stressed flexibility, but more favored short-term than long-term.

Response: The proposed regulations provide in § 191.34 for a grant period of up to one year. Short-term training only is authorized, as provided in § 191.29(a)(5).

Issue No. 8: Number of Counselors and Teachers to be Served. Should projects funded under Section 344(a) plan on training all of the counselors in a given school system or a few counselors from each of a number of school systems?

Comment: A majority of the responses addressing this issue indicate that all counselors in a school system should have the opportunity for training, but that this is a matter to be left to the individual applicant.

Response: In compliance with comments and recommendations received, this issue has not been addressed in the proposed regulations.

Issue No. 9: Competitive Grants to States. In making grants to States under Section 344(b) should a limited number of competitive awards be made, or should every State be funded, subject to certain standards of quality?

Comment: Responses to this issue were almost unanimous in support of funding every State subject to certain standards of quality.

Response: The proposed regulations in § 191.47 express the intent to make a grant to all those States that meet the requirements and satisfy the criteria which are established for funding.

Issue No. 10: Funding Criteria for Coordination Grants to States. Under the grant program authorized by Section 344(b), what should be the funding criteria or standards?

Comment: Many of the responses did not specifically address this issue. The major emphases among those that did respond to the question were upon the needs, objectives, activities, evaluation, size, and scope as criteria for funding proposed projects.

Response: Required application data in § 191.44 and the criteria in § 191.45 in the proposed regulations incorporate the recommendations.

Issue No. 11: Coordination by States. For the purpose of determining project eligibility under Section 344(b), what should the term "coordinate" include? Should there be specific allowable expenditures?

Comments: Responses to this issue were limited. The responses which addressed this issue generally interpret "coordinate" broadly to include leadership by the State educational agency in coordinating total guidance efforts within a given State (including guidance and counseling activities supported jointly or separately by Federal programs and by State and local programs) in the establishment and implementation of State-wide guidance and counseling objectives and activities.

Response: The concept of coordination as expressed by a number of respondents has been incorporated in § 191.43 in the proposed regulations.

Issue No. 12: Teachers as Counselors. Under Section 344(a), to what extent should emphasis be given to preparing teachers as professional counselors?

Comment: The majority of comments and recommendations did not favor preparing teachers as professional counselors. The view expressed by most of the responses to this issue recognize specific guidance roles and responsibilities of teachers within the framework of a total guidance program.

Response: In accordance with the prevailing point of view expressed in comments received, the proposed regulations in § 191.26 limit in-service training to that which assist teachers, counselors, and supervisory and technical personnel more effectively to carry out their specific current roles in a guidance program.

Invitation to Comment

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed regulation to Dr. Donald Twiford, Guidance and Counseling Program, U.S. Office of Education, 400 Maryland Avenue SW. (Room 3608, ROB No. 3) Washington, D.C. 20202. Written responses to this notice may be inspected by the public at the above office Monday through Friday between 8:30 a.m. and 4 p.m.

All written comments must be received on or before July 5, 1977.

It is expected that the opportunity for written comments will constitute an adequate opportunity for public response to the proposed regulation, particularly given the non-controversial nature of its contents. Since this is a new budget authorization in which no final funding decisions have been made, no public hearings are scheduled on the proposed regulations.

Oral inquiries concerning the proposed regulation may be directed to: Dr. Donald Twiford, U.S. Office of Education, 400 Maryland Avenue SW. (Room 3608, ROB No. 3) Washington, D.C. 20202. Telephone: 202-245-2243.

It is hereby certified that this proposed rule has been screened pursuant to Executive Order No. 11821, and does not require an Inflationary Impact Evaluation.

Dated: February 18, 1977.

William F. Pierce,
Acting U.S. Commissioner of Education.

Approved: May 13, 1977.

Joseph A. Califano, Jr.,
Secretary of Health, Education, and Welfare.

(Catalog of Federal Domestic Assistance No. 13.577 Guidance and Counseling Program.)

PART 191—GUIDANCE AND COUNSELING

Subpart A—General

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Subpart C—Improving Guidance Qualifications of Personnel and Improving Supervisory Services

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Subpart D—Coordinating Guidance and Counseling Programs

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AUTHORITY: Secs. 341–44, Pub. L. 94–482 (20 U.S.C. 2531–34).

Subpart A—General

§ 191.10 Scope.

(a) The regulations in this part govern the award of grants with funds appropriated pursuant to Part D of Title III of the Education Amendments of 1976, Pub. L. 94–482.

(b) The award of grants under this part is subject to applicable provisions contained in subchapter A of this chapter (relating to fiscal, administrative, property management, and other matters, 45 CFR Parts 100, 100a) except that application requirements set forth in § 100a.16 and evaluation criteria set forth in § 100a.26(b) do not apply to awards under this part.

(Sec. 341, 20 U.S.C. 2531, 1221c.)

§ 191.11 Purpose.

The purpose of this part is through Federal financial assistance, to:

(a) Provide programs, projects, and leadership activities by the State to expand and strengthen counseling and guidance services in elementary and secondary schools.

(Sec. 342(b)(1), 20 U.S.C. 2532(b)(1).)

(b) Improve the professional guidance qualifications of teachers and counselors.

(Sec. 344(a), 20 U.S.C. 2534(a).)

(c) Provide training for supervisory and technical personnel having responsibilities for guidance and counseling.

(Sec. 344(a), 20 U.S.C. 2534(a).)

(d) Improve guidance and counseling supervisory services; and

(Sec. 344(a), 20 U.S.C. 2534(a).)

(e) Coordinate new and existing programs of guidance and counseling in the States.

(Sec. 344(b), 20 U.S.C. 2534(b).)

§ 191.12 Definitions.

As used in this part:

(a) "Guidance" means a program provided by or under the leadership and supervision of, professional counselors, involving teachers and resource personnel, to assist elementary and secondary school students in their educational, vocational, and personal-social development. A program of guidance services includes, but is not limited to, counseling, information, placement, appraisal, and follow-up and research.

(Interprets Sec. 341, 20 U.S.C. 2531.)

(b) "Counseling" is one of the basic components which constitute a program of school guidance services, and means a process conducted by a professional counselor in face-to-face or group settings to assist the student for the purpose of resolving or better understanding a problem, or planning and carrying out a course of action.

(Interprets Sec. 341. 20 U.S.C. 2531.)

(c) "Elementary school" means a day or residential school which provides elementary education, as determined under State law, and "Elementary school level" means the educational level at which elementary education is provided under State law.

(Interprets Secs. 342, 344, 20 U.S.C. 2532, 2534.)

(d) "Inservice training" means institutes, workshops, or seminars to improve guidance qualifications of teachers, counselors, and guidance supervisory and technical personnel in State and local educational agencies or nonpublic elementary and secondary school systems during their time of service.

(Interprets Sec. 344(a), 20 U.S.C. 2531(a).)

(e) "Institution of higher education" means an institution of higher education in any State as defined in section 1201 of the Higher Education Act of 1965, as amended (20 U.S.C. 1141).

(Interprets Sec. 344(a), 20 U.S.C. 2534(a).)

(f) "Local educational agency" means a public board of education or other public authority legally constituted within a State for either administrative control or direction of or to perform a service function for public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or a combination of school districts or counties recognized in a State as an administrative agency for its public elementary or secondary schools. This term also includes any other public institution or agency having administrative control and direction of a public elementary or secondary school.

(Interprets Sec. 344(a), 20 U.S.C. 2534(a).)

(g) "Nonprofit organization" means an organization owned and operated by one or more nonprofit corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

(Interprets Sec. 344(a), 20 U.S.C. 2534(a).)

(h) "Nonpublic elementary and secondary school system" means two or more private elementary and/or secondary schools joined together in a common education program under central administrative control or direction.

(Interprets Sec. 344(a), 20 U.S.C. 2534(a).)

(i) "Secondary school" means a day or residential school which provides secondary education as determined under State law except that it does not include any education provided beyond grade 12, and "Secondary school level" means the educational level (not beyond grade 12) at which secondary education is provided as determined under State law.

(Interprets Secs. 342, 344, 20 U.S.C. 2532,

(j) "State" includes, in addition to the several States of the Union, the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(Interprets Secs. 342, 344, 20 U.S.C. 2532, 2534.)

(k) "Students" refers to elementary or secondary school students and not teachers, counselors, supervisors, and technical personnel who are participants in institutes, workshops, and seminars.

(Implements Sec. 344(a), 20 U.S.C. 2534(a).)

(l) "Supervisory services" means those activities which are specifically designed to improve programs of guidance and counseling, and which are carried out by professional guidance personnel who have responsibilities within State and local educational agencies and nonpublic school systems for directing and coordinating the guidance and counseling efforts of staff members in the respective agencies or school systems.

(Interprets Sec. 344(a), 20 U.S.C. 2534(a).)

(m) "State educational agency" means the State board of education or other agency or officer primarily responsible for State supervision of public ele-

mentary and secondary schools, or, if there is no such officer or agency, an officer or agency designated by the Governor or by State law.

(Interprets Sec. 344(a), 20 U.S.C. 2534(a).)

§§ 191.13—191.14 [Reserved]

Subpart B—Strengthening Guidance and Counseling Services

§ 191.15 Scope.

This subpart applies to the program of guidance and counseling for which grants are authorized by Section 342(b) of Part D of Title III of Pub. L. 94-482. This program is authorized for fiscal year 1977.

(Sec. 342, 20 U.S.C. 2532.)

§ 191.16 Purpose.

The purpose of the program authorized by this subpart is to provide for programs, projects, and leadership activities designed to expand and strengthen guidance and counseling services in elementary and secondary schools through grants (a) to States and (b) to other recipients set forth in § 191.17(a).

(Sec. 342, 20 U.S.C. 2532.)

§ 191.17 Eligible recipients.

(a) Eligible recipients under this subpart include: (1) the States, (2) the Department of the Interior (for children and teachers in elementary and secondary schools operated for Indian children in the Department of Interior), and (3) the Department of Defense (for children and teachers in the overseas dependent schools of the Department of Defense).

(b) A grant to a State under this subpart will be made to that State agency which is vested with the direct and primary responsibility for State supervision of programs of guidance and counseling at the elementary and secondary school levels.

(Implements Sec. 342, 20 U.S.C. 2532.)

§ 191.18 Required application.

Any State or other eligible applicant under § 191.17 desiring to receive funds for the purpose of this subpart shall, as a condition to the receipt of these funds, file an application with the Commissioner providing the following information:

(a) Documentation that the applicant agency is the appropriate grant recipient under § 191.17;

(b) The needs to be met by the proposed activity;

(c) Objectives which are clearly related to the purposes of this program and capable of being attained by the proposed activities;

(d) A description of the activities to be carried out with these funds which satisfies the Commissioner (1) that these activities are designed to achieve the stated objectives, and (2) that funds will be used only to carry out the purposes of this subpart;

(e) A description of the program staff and other resources to carry out the activities;

(f) Provision for such methods of administration as are necessary for the proper and efficient administration of the proposed project; and

(g) Provisions for such fiscal control and fund accounting procedures and reports as may be required pursuant to applicable provisions of Part 100a of this chapter.

(Implements Sec. 342, 20 U.S.C. 2582, 1232c (b) 1221e-3(a)(1).)

§ 191.19 Distribution of funds.

(a) From sums appropriated for purposes of this subpart, the Commissioner will first allot amounts to Guam, American Samoa, the Virgin Islands, and the Trust Territories of the Pacific according to their respective needs. The Commissioner generally bases a determination of these needs on the number of children aged five to seventeen inclusive in each jurisdiction.

(b) The amounts allotted to the Department of Defense (for children and teachers in the overseas dependent schools of the Department of Defense) and to the Department of the Interior (for children and teachers in the elementary and secondary schools operated for Indian children in the Department of the Interior) are based upon the amounts necessary for the programs, projects, and activities authorized under this subpart. These amounts are to be determined with reference to the number of children aged five to seventeen inclusive in these schools.

(c) After the amounts under paragraphs (a) and (b) have been allotted, the Commissioner allots to each State, other than Guam, American Samoa, the Virgin Islands, and the Trust Territories of the Pacific, from those amounts that remain, in accordance with Section 342(b)(3)(B) of the Act, an amount which bears the same ratio to those remaining amounts as the number of children in that State, aged five to seventeen inclusive, bears to the total number of children in all these States.

(Implements Sec. 342, 20 U.S.C. 2532.)

§ 191.20 Allowable costs.

The Commissioner determines allowable costs pursuant to this subpart in accordance with principles set forth in Appendix B of Subchapter A of this chapter (Office of Education General Provisions Regulations).

(20 U.S.C. 1221c.)

§§ 191.21—191.24 [Reserved]

Subpart C—Improving Guidance Qualifications of Personnel and Improving Supervisory Services

§ 191.25 Scope.

(a) This subpart applies to the award of grants under the program of guidance and counseling authorized by section 344(a) of Part D of Title III of Pub. L. 94-482.

(b) The award of any contracts under Section 344(a) will be made in accordance with applicable procurement regulations in 41 CFR Chapters I and 3 and the provisions of specific requests for proposals, and will not be subject to the provisions of this subpart.

(Sec. 344(a), 20 U.S.C. 2534(a).)

§ 191.26 Purpose.

(a) The purpose of this subpart is (1) to improve the professional guidance qualifications of teachers, counselors, supervisory personnel, and technical personnel through inservice training to enable them more effectively to carry out their specific current roles, and (2) to improve supervisory services in the field of guidance and counseling;

(b)(1) Two kinds of projects will be funded under this subpart:

(i) Inservice training projects described in § 191.29; and

(ii) Projects to improve supervisory services described in § 191.30.

(2) An applicant may propose a single project with activities described under both of these sections.

(Interprets Sec. 344(a), 20 U.S.C. 2534(a).)

§ 191.27 Eligible applicants.

The following agencies and organizations are eligible for grants under this subpart: (a) State educational agencies; (b) Local educational agencies; (c) Institutions of higher education; and (d) Private nonprofit organizations.

(Sec. 344(a), 20 U.S.C. 2534(a).)

§ 191.28 Eligible participants.

The following persons are eligible to participate as trainees in training programs funded under § 191.29:

(a) Teachers and counselors in State and local educational agencies;

(b) Teachers and counselors in nonpublic elementary and secondary school systems;

(c) Supervisory and technical personnel in State and local educational agencies with responsibilities for guidance and counseling; and

(d) Supervisory and technical personnel in nonpublic elementary and secondary school systems with responsibilities for guidance and counseling.

(Sec. 344(a), 20 U.S.C. 2534(a).)

§ 191.29 Projects for training.

(a) *Nature of project.* (1) The projects funded under this section support inservice training programs in the form of institutes, workshops, and seminars to improve the professional guidance qualifications of teachers, counselors, and supervisory and technical personnel in their current roles, for the purpose of improving the guidance and counseling program provided to students in elementary and secondary schools.

(2) Two major emphases which an applicant may choose to address in these projects are:

(i) To increase the understanding of teachers and counselors about the world of business, industry, professions, and other occupational pursuits through exposure to these areas; and

(ii) To provide for increased use of persons experienced in business, industry,

the professions, and other occupational pursuits in guidance and counseling programs, by (A) bringing these persons into the schools as counselors and advisors for students; and (B) bringing students into the workplace for observation and participation to acquaint them with the nature of the work.

(3) To receive assistance under this part, an inservice training project must:

(i) Be designed on the basis of a needs assessment for a specific group of trainees; and

(ii) Serve as a resource for contributing to improved programs of guidance and counseling services within the schools served by the trained counselors or teachers. (For example, a counselor, as a participant in an institute provided by a grant recipient, could spend one day a week in industry so that, upon completion, the counselor would be more aware of the opportunities and requirements of different occupations and would thus be able to provide a better program of guidance and counseling services.)

(4) Applicants may wish to propose specific training activities designed to demonstrate exemplary ways of involving persons from business and industry, the professions, and other occupational pursuits in guidance and counseling programs.

(5) Inservice training programs supported under this subpart must be short-term, with no program exceeding a year for each group of trainees. Normally, a workshop, institute, or seminar conducted on a daily basis may not exceed a three-month period for each group of trainees. However, training may be carried out on a more extended, but periodic basis, e.g., 1 to 6 hours a week, but for a period not to exceed a year.

(Implements Secs. 341, 344(a), 20 U.S.C. 2531, 2534(a).)

(b) *Types of activities.* Projects designed for training purposes may include, among other training activities, one or more of the following:

(1) Inservice training programs which involve counselors and teachers in demonstration models which bring individuals with experience in occupational pursuits into schools as counselors or advisors for students, and which bring students into work-places to acquaint students with the nature of the work;

(2) In service training programs for teachers and guidance counselors in State and local educational agencies and non-public elementary and secondary school systems so that they can obtain experience in business and industry, the professions, and other occupational pursuits. (These programs may include individual and group experiences in observing or participating in various occupational pursuits); and

(3) Training of supervisory and technical personnel designed to improve the supervisory knowledge and skills, including effective management and administrative procedures, of persons assigned to guidance and counseling programs. As used in this subparagraph, "supervisory and technical personnel" means professional guidance staff who have designated responsibilities within State and local educational agencies or nonpublic school systems for directing and coordinating the efforts of staff working in guidance programs in the respective agencies or school systems, or for providing technical assistance in such areas of specialty as elementary school guidance, student appraisal, career development, occupational information, counseling, techniques, and group procedures, to improve the quality of services within guidance and counseling programs.

(Implements Secs. 341, 344(a), 20 U.S.C. 2531, 2534(a).)

§ 191.30 Projects for improving supervisory services.

(a) *Nature of projects.* (1) Projects under this section are designed to improve supervisory services of guidance and counseling in State and local educational agencies and nonpublic school systems, as opposed to concentrating on personnel qualifications of supervisory personnel.

(2) The Commissioner encourages the submission of projects providing for exemplary supervisory practices which may serve as models for replication by other State and local educational agencies and nonpublic school systems. Exemplary approaches to accountability in terms of evaluating guidance outcomes is an example of a type of project which has potential for improving supervisory services. (Educational accountability includes a process of establishing objectives, delineating tasks and activities, and having personnel who are held responsible for accomplishing the objectives.)

(b) *Types of activities.* Activities designed to improve supervisory services in the field of guidance and counseling in State and local educational agencies and nonpublic elementary and secondary school systems may include, but are not limited to, one or more of the following:

(1) Expanding and coordinating supervisory services in guidance and counseling programs;

(2) Providing or increasing technical or consultative assistance to guidance and counseling personnel;

(3) Implementing or improving accountability through:

(i) Assessment of students' needs for guidance;

(ii) Planning and implementing guidance objectives; and

(iii) Evaluating guidance outcomes;

(4) Planning and preparing guidance and counseling materials and information; and

(5) Demonstrating successful supervisory practices in guidance and counseling.

(Implements Secs. 341, 344(a), 20 U.S.C. 2531, 2534(a).)

§ 191.31 Content of application.

An eligible applicant which seeks to receive a grant under this subpart shall file an application which must include:

(a) A cover sheet(s) which includes the following:

(1) The identification of the purpose and the type of activity such as training or improved supervisory services to which the application is addressed; and

(2) A brief abstract of the proposed project;

(b) A copy of the letter of transmittal of the application which was submitted to the appropriate State educational agency for the purpose of State review and comment as provided under § 191.32;

(c) A statement that the special needs of handicapped students and the need for reducing race and sex stereotyping have been considered in the development of the operational plan described in paragraph (d); and

(d) An operational plan describing in detail how the applicant proposes to achieve the purpose(s) identified in the application.

(1) This plan must include, but need not be limited to:

(i) A description of the needs determined by a needs assessment (including an assessment of needs of students, such as unemployment needs, to be served in guidance and counseling programs) and the procedures used in carrying out the needs assessment;

(ii) Objectives which are related to the purposes of this subpart;

(iii) A description of project activities and information on the size, scope, and duration of the proposed project;

(iv) An evaluation design;

(v) Milestones and dates for the completion of project activities;

(vi) Identification of all proposed staff positions, and a description of the duties and qualifications required for these positions;

(vii) An estimated cost for each of the program activities;

(viii) A description of the resources available to the applicant to carry out the proposed project; and

(ix) A description of any activities to be contracted.

(2) If the applicant proposes to improve the professional guidance qualifications of personnel, in addition to the other information required by this section, the following information must be included in the operational plan:

(i) A description of the target population, methods, and criteria to be used in selecting participants;

(ii) Evidence of any commitment already received from outside organizations, groups, or individuals to cooperate in the implementation of the proposed activities, including any evidence of involvement with persons from business and industry, the professions, and other occupational pursuits and evidence of cooperation with other agencies and organizations which are involved in providing guidance and counseling services; and

(iii) In cases where an applicant proposes to train personnel who are not in their employ, a copy of the training

agreement between the applicant and the agency or organization where the prospective trainees are located.

(3) The applicant is encouraged to respond in the operational plan to each criterion in § 191.33. Except with respect to paragraph (f) of § 191.33, if the plan does not provide information responsive to a particular criterion, this will deny the applicant the opportunity to receive points for that criterion.

(Implements Sec. 344(a), 20 U.S.C 2534(a).)

§ 191.32 State review of application.

(a) The applicant must provide a copy of its application to the State educational agency of each State in which is located the agency or organization where the prospective trainees are employed concurrently with its submission of the application to the Commissioner.

(b) The Commissioner will not approve an application submitted by an applicant unless each appropriate State educational agency under paragraph (a) has been given an opportunity to review and comment on the application.

(c) The Commissioner may establish a cut-off date for submission of comments on applications by State educational agencies. If the Commissioner establishes such a date, failure by a State educational agency to submit comments to the Commissioner within the period specified shall be deemed a waiver of the State educational agency's opportunity to comment on that application.

(Implements Secs. 343(a)(3), 344(a), 20 U.S.C. 2533(a)(3), 2534(a).)

§ 191.33 Application review criteria.

Applications submitted under this subpart will be reviewed to determine the extent to which they meet specific program criteria. Each criterion is assigned a maximum score and is weighted in terms of its relative value to the rest of the application criteria. The total number or points for all criteria is 100. The criteria and the maximum point score for each criterion are as follows:

(a) *Need.* Maximum score, 10. The application clearly describes the need, through documented evidence for training and/or improved supervisory services, and the procedures used in determining the need. The need should be based on the guidance needs of students in the location where trainees are employed.

(b) *Objectives and activities.* Maximum score, 30. The application:

(1) Clearly sets forth objectives which are: designed to meet the purposes of this subpart; sharply defined; clearly stated; capable of being attained; and capable of being measured;

(2) Sets forth activities, tasks, and strategies, which, when implemented, will achieve the stated objectives, including milestones and dates by which to monitor the completion of each of the proposed activities;

(3) Sets forth training or supervisory objectives and activities which respond effectively to the needs of students documented in the needs assessment;

(4) Sets forth project activities which are designed to serve as a resource for improving guidance and counseling services within schools which receive supervisory services, or which are served by teacher and counselor trainees;

(5) Gives evidence, in those applications proposing to provide training, of commitments from outside organizations, groups, or individuals to cooperate in the implementation of proposed activities or in those applications proposing to improve supervisory services, of plans for working with other appropriate units;

(6) Clearly describes the criteria and processes for selecting participants in training activities and clearly describes criteria and processes for developing comprehensive and coordinated guidance programs in activities to improve supervisory services.

(c) *Evaluation plan.* Maximum score, 10. The quality of provisions set forth in the application for evaluating the effectiveness of the project and for determining the extent to which each of the objectives will be achieved.

(d) *Personnel.* Maximum scores, 10. The qualifications and experience of project staff and strength of commitment from individuals and groups whose assistance is needed to accomplish the proposed objectives.

(e) *Budget.* Maximum score, 10. The application gives evidence that the size, scope, and duration of the project are reasonable and that the estimated cost is reasonable in relation to the anticipated results of each of the proposed activities.

(f) *Distribution of projects.* Maximum score, 10. The extent to which approval of the project will contribute to:

(1) An equitable geographic distribution of programs funded under this subpart throughout the United States in both urban and rural areas; and

(2) The funding of a wide variety of projects which collectively can demonstrate diverse approaches to meet effectively the purposes of this subpart.

(g) *Models.* Maximum score, 10. The extent to which approval of the project will contribute to the establishment of a model or models which can be replicated by other agencies or institutions with similar educational needs. In applying this criterion, the Commissioner shall consider (1) the extent to which similar needs to those addressed by the proposed project exist in other agencies or institutions and (2) the design of the proposed project.

(h) *Alleviation of unemployment among youth.* Maximum score, 5. The extent to which approval of the project has potential for contributing to the alleviation of unemployment among youth through interrelationships with business and industry, the professions, and other occupational pursuits.

(i) *World of work.* Maximum score, 5. The project involves inservice training to increase the understanding of teachers and counselors of the world of business, industry, professions, and other occupational pursuits through exposure to these areas, and to provide for increased use of persons employed in business, industry, the professions and other occupational pursuits in the guidance and counseling programs, by bringing these persons into the schools to assist teachers and counselors, and bringing students into the work-place for observation and participation in order to acquaint them with the nature of the work.

(Implements Sec. 344(a), 20 U.S.C. 2534(a).)

§ 191.34 Project duration.

Project awards pursuant to this subpart will be for a grant period of up to one year. If a grantee seeks to receive assistance under this part for an additional period beyond the grant period, it must submit a new application for a new grant award. The new application will be evaluated in competition with applications from other former grantees as well as from applicants which have not previously received assistance under this part.

(Implements Sec. 344(a), 20 U.S.C. 2534(a).)

§ 191.35 Allowable costs.

(a) Allowable costs in grants pursuant to this subpart are determined in accordance with principles set forth in the applicable appendices to Subchapter A of this chapter (Office of Education General Provisions for Programs), subject to the following provisions.

(b) Costs of materials and equipment are limited and allowed only if essential and reasonable in relation to anticipated results.

(c) Allowable costs may include travel, meals, lodging, and other costs incident to trainees' participation in institutes, workshops, and seminars, designed to improve professional guidance qualifications, but shall not include stipends or other forms of compensation. Payment of substitutes for teachers and counselors during the time of their participation in the inservice training is allowable only if specifically approved in writing by the Commissioner.

(d) (1) The costs of bringing representatives of business and industry, the professions, and other occupational pursuits into schools as counselors or advisors to students, and of bringing students into work-places to acquaint them with the nature of the work are allowable program costs only if carried out through workshops, institutes, or seminars and if they serve training purposes for participant counselors and teachers.

(2) Allowable costs of these activities (operated in institute, workshop, or seminar settings) are limited to travel, per diem expenses, and other incidental costs, and do not include stipends or other types of compensation to participant students, trainees, or representatives of occupational pursuits.

(Implements Sec. 344(a), 20 U.S.C. 2534(a), 1221c.)

§ 191.36 Amount of award.

The amount of an award will be affected by the quality of the project pursuant to criteria in § 191.33. It is expected that the amount of an award for in-service training projects as specified in § 191.29 will be relatively small, with most awards within the range of $5,000 or less to $25,000, and normally will not exceed $50,000. Awards for projects to improve supervisory services, as specified in § 191.30, normally will not exceed $100,000. Nothing in this section shall be construed as a limitation on the amount of a particular grant.

(Implements Sec. 344(a), 20 U.S.C. 2534(a).)

§§ 191.37—191.39 [Reserved]

Subpart D—Coordinating Guidance and Counseling Programs

§ 191.40 Scope.

This subpart applies to the program of guidance and counseling for which grants are authorized by section 344(b) of Part D of Title III of Pub. L. 94–482.

(Sec. 344(b), 20 U.S.C. 2534(b).)

§ 191.41 Purpose.

The purpose of the program authorized by this subpart is to assist States in coordinating new and existing programs of guidance and counseling in the States, working with the assistance of and in cooperation with the administrative unit within the Office of Education responsible for coordinating and providing information on guideance and counseling under section 343(a), Part D, Title III of Pub. L. 94–482.

(Sec. 343(a)(3), 344(b), 20 U.S.C. 2533(a)(3), 2534(b).)

§ 191.42 Eligible applicants.

Grants under this subpart may be made only to that State agency within each State which is vested with the direct and primary responsibility for State supervision of programs of guidance and counseling at the elementary and secondary school levels.

(Implements Sec. 344(b), 20 U.S.C. 2534(b).)

§ 191.43 Activities.

Coordination of guidance and counseling programs supported under this subpart may include, but is not limited to, the following activities:

(a) Identification of guidance and counseling programs supported jointly or separately by Federal programs, and by State and local programs;

(b) Initiating and conducting a Statewide guidance and counseling needs assessment to determine priorities for program development;

(c) Development of a plan and strategies for implementing these programs in terms of common goals and objectives as determined through the needs assessment;

(d) Planning and conducting appropriate action steps to accomplish goals and objectives such as preparation of position statements, providing for consultative or technical assistance, conducting conferences and workshops, sharing information through appropriate publications and other means, evaluating program outcomes in terms of established objectives, and other related activities necessary for the coordination and improvement of new and existing programs of guidance and counseling in the State; and

(e) Participating in the activities of the Office of Education's administrative unit pursuant to section 343(a) of Pub. L. 94–482.

(Interprets Sec. 344(b), 20 U.S.C. 2534(b).)

§ 191.44 Required application data.

Each applicant for assistance under this subpart must submit an application which includes:

(a) A cover sheet(s) which includes a brief abstract of the proposed project; and

(b) An operational plan describing in detail how the applicant proposes to achieve the purposes of the program.

(1) The operational plan must include, but need not be limited to:

(i) A description of the needs to be met by the proposed plan, e.g., the need to reduce duplication of efforts in the State in guidance and counseling;

(ii) Objectives which are clearly related to the purposes of this subpart;

(iii) A description of the project activities and information on the proposed size, scope, and duration of the project;

(iv) Plans to include other institutions and agencies in the proposed activities;

(v) An evaluation design;

(vi) Identification of all proposed staff, their duties, and a description of the qualifications possessed by all proposed professional staff;

(vii) An estimated cost for each of the proposed activities;

(viii) Milestones and dates for the completion of each project activity; and

(ix) A description of any activities to be contracted.

(2) Applicants are encouraged to respond in the operational plan to each of the criteria in § 191.45 in the sequence described.

(Implements Sec. 344(b), 20 U.S.C. 2534(b).)

§ 191.45 Review criteria.

(a) Applications submitted under this subpart will be reviewed to determine the extent to which they meet the criteria in this section. Each criterion is assigned a maximum score and is weighted in terms of its relative value to the rest of the criteria. The total number of points for all criteria is 100.

(b) The following criteria will be utilized by the reviewers in reviewing applications:

(1) *Need.* Maximum score, 10. The need for the proposed plan to reduce duplication of efforts in the State in guidance and counseling is clearly established.

(2) *Objectives.* Maximum score, 25. The proposed plan includes sharply defined and clearly stated objectives which are related to the purpose of this subpart and which are capable of being attained by the proposed activities and capable of being measured.

(3) *Activities.* Maximum score, 25. The project activities are designed to achieve each of the proposed objectives, and milestones and dates for completing each project activity are clearly set forth.

(4) *Evaluation.* Maximum score, 10. The quality of the evalution design to determine the attainment of objectives.

(5) *Personnel.* Maximum score, 10. The quality of staff with specified duties and qualifications necessary to achieve objectives.

(6) *Budget.* Maximum score, 10. The estimated cost for each of the proposed activities is reasonable in relation to anticipated results, and the size, scope, and duration of the project is adequate to secure productive results.

(7) *Cooperative arrangements.* Maximum score, 10. The strength and quality of arrangements made by the applicant to work with other appropriate institutions and agencies.

(Implements Sec. 344(b), 20 U.S.C. 2534(b).)

§ 191.46 Project duration.

Project awards pursuant to this subpart will be for a grant period of up to one year. If a grantee seeks to receive assistance under this part for an additional period beyond the grant period, a new application for a new grant award must be submitted.

(Implements Sec. 344(b), 20 U.S.C. 2534(b).)

§ 191.47 Project funding.

(a) While there is no formula for the distribution of funds under this subpart, the Commissioner intends to make a grant to all States that meet the requirements in § 191.44 and propose projects of sufficient quality under the criteria set forth in § 191.45.

(b) The size of an award will be affected by the Commissioner's intent to fund all the States in accordance with paragraph (a) of this section and by the scope and quality of the project as measured by criteria set forth in § 191.45.

(Implements Sec. 344(b), 20 U.S.C. 2534(b).)

§ 191.48 Allowable costs.

Allowable costs pursuant to this subpart shall be determined in accordance with principles set forth in appendix B of Subchapter A of this chapter (Office of Education General Provisions Regulations).

(20 U.S.C. 1221c.)

[FR Doc. 77–14634 Filed 5–19–77; 11:06 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ADMINISTRATOR, EMERGENCY NATURAL GAS ACT OF 1977

[Docket No. E77-102]

EL PASO NATURAL GAS CO., ET AL.

Emergency Order

On May 9, 1977, El Paso Natural Gas Company (El Paso) filed, pursuant to Section 6 of the Emergency Natural Gas Act of 1977 (Act), Pub. L. 95-2 (91 Stat. 4 (1977)), an application for authorization to make certain emergency purchases of natural gas. For the reasons set forth below, I authorize these emergency purchases.

El Paso has executed the following contracts to purchase natural gas under Section 6 of the Act:

1. By contract dated May 5, 1977, El Paso agreed to purchase the natural gas produced, pending completion, from eleven wells of Yates Petroleum Corporation in Eddy County, New Mexico.

2. By contract dated May 5, 1977, El Paso agreed to purchase the natural gas produced from three wells, pending completion, of Yates Drilling Company in Eddy County, New Mexico.

3. By contract dated May 5, 1977, El Paso agreed to purchase the natural gas produced from two wells of Alan J. Antweil and Moranco in Eddy County, New Mexico.

4. By contract dated May 5, 1977, El Paso agreed to purchase the natural gas produced from six wells of Depco, Inc. in Eddy County, New Mexico.

5. By contract dated May 6, 1977, El Paso agreed to purchase the natural gas produced from five wells of Husky Oil Company in Eddy County, New Mexico.

Each contract executed by El Paso as purchaser and Yates Petroleum Corporation, Yates Drilling Company, Alan J. Antweil and Moranco, Depco, Inc., and Husky Oil Company (Sellers) will begin as soon as practicable as an emergency purchase and will continue until July 31, 1977.

El Paso will purchase these supplies at a price of $2.25 per MMBtu inclusive of all state and local taxes and other adjustments. I find the price to be fair and equitable in accordance with Order No. 2.

El Paso advises and I find that the gas made available by Sellers will result in a commingling of interstate natural gas with Sellers' normal intrastate system gas supply and with volumes of gas owned by other parties. The contractual provisions between Sellers and their producers, transporters and other suppliers of gas prohibit the sale of natural gas in interstate commerce and the commingling of their intrastate pipeline system gas supplies with gas moving in interstate commerce. The sale of gas for which El Paso seeks approval may result in some commingling of interstate natural gas with Sellers' normal intrastate gas supplies and with gas owned by other third parties. This order shall be considered as applying to all such commingled gas.

Under the provisions of section 9(b), (c) of Pub. L. 95-2 (91 Stat. 4, 9), the suppliers of such gas, which is so commingled, may not terminate existing contracts with Sellers or such other parties or require a redetermination of the prices provided in such contracts by reason of this transaction. Contractual termination, prohibition or redetermination provisions in any such contracts referred to above are not enforceable by reason of Section 9 of Public Law 95-2 since Sellers are selling gas for El Paso pursuant to Section 6(a) of that Act. Sellers and any third person whose gas is commingled with ElPaso's gas shall refer all relevant information concerning any attempt to terminate existing contracts or require a redetermination of prices to the Administrator for appropriate action.

According to the official files of the Federal Power Commission, Yates Petroleum Corporation, Yates Drilling Company, Alan J. Antweil and Moranco, Depco, Inc., and Husky Oil Company are not classified as natural gas companies within the meaning of the Natural Gas Act. Section 6(b)(1)(A) of the Act provides in part that "[t]he provisions of the Natural Gas Act shall not apply * * * to any sale to an interstate pipeline * * * under the authority of subsection (a) or to any transportation by an intrastate pipeline in connection with such sale * * *." Stat. at 8. In addition section 6(c)(2) provides:

Compliance by any pipeline with any order under this subsection shall not subject such pipeline to regulation under the Natural Gas Act or to regulation as a common carrier under any provision of state law.

El Paso shall submit weekly reports as required by Order No. 4.

Pursuant to Section 6(a) of the Act, I hereby authorize Yates Petroleum Corporation, Yates Drilling Company, Alan J. Antweil and Moranco, Depco, Inc., and Husky Oil Company as sellers to sell El Paso natural gas from said wells located in Eddy County, New Mexico, on the terms and conditions set forth in El Paso's filing in this proceeding.

This order is issued pursuant to the authority delegated to me by the President in Executive Order No. 11969 (February 2, 1977), and shall be served upon El Paso, Yates Petroleum Corporation, Yates Drilling Company, Alan J. Antweil and Moranco, Depco, Inc., and Husky Oil Company. This order shall also be published in the FEDERAL REGISTER.

This order and authorization granted herein are subject to the continuing authority of the Administrator under Pub. L. 94-2 and the rules and regulations which may be issued thereunder.

RICHARD L. DUNHAM,
Administrator.

MAY 17, 1977.

[FR Doc.77-14492 Filed 5-19-77;8:45 am]

DEPARTMENT OF AGRICULTURE

Federal Grain Inspection Service

GRAIN STANDARDS

Indiana Grain Inspection Point

Notice is hereby given that the Frankfort Grain Inspection, which is designated under section 7(f) of the U.S. Grain Standards Act (7 U.S.C. 79(f)) to operate as an official agency at Frankfort, Indiana, has changed its name to Frankfort Grain Inspection, Inc. The change in name does not involve a change in management or ownership.

Done in Washington, D.C. on May 13, 1977.

D. R. GALLIART,
Interim Administrator.

[FR Doc.77-14832 Filed 5-19-77;8:45 am]

Food and Nutrition Service

SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS AND CHILDREN

Public Hearings

Notice is hereby given of seven public hearings to be held by the Department of Agriculture to consider comments regarding possible legislative changes for the Special Supplemental Food Program for Women, Infants, and Children (WIC Program) (42 U.S.C. 1786). The program is currently conducted under regulations published at 7 CFR Part 246.

The legislation governing the administration of the WIC Program expires at the end of Fiscal Year 1978. These hearings are being held to solicit public comment for consideration in formulating new legislative proposals which will be submitted to Congress.

The WIC Program is a grant-in-aid program which provides funds to State agencies to operate the program. The State agencies fund local agencies to provide specified nutritious food supplements to pregnant and nursing women, and to infants and children up to 5 years

of age who are determined by competent professionals to be at "nutritional risk" because of inadequate nutrition and inadequate income. Additionally, a primary component is nutrition education for adult recipients and the guardians of child and infant recipients.

As of February 1977, there were 64 State agencies (49 States, Puerto Rico, the Virgin Islands and 13 Indian agencies) serving 785,700 participants per month. Services are provided to participants through local health facilities.

All hearings will be held between the hours of 9 a.m. and 3 p.m. and on the dates and at the locations listed at the end of this notice.

If you are interested in attending any of these hearings, please contact Ms. Jennifer Nelson, Chief, Program Operations and Monitoring Branch, Special Supplemental Food Division, FNS, U.S. Department of Agriculture, 500 12th Street SW., Washington, D.C. 20250. Please indicate which hearing you will attend, who will be speaking in your behalf and approximately how long your testimony will be.

If you wish to contact the Department by phone, please call (202) 477-8704 and state the nature of your call. Written statements may be submitted before or after the hearings for those that wish to comment and are unable to attend one of the hearings in person.

The hearings will be held as follows:

JUNE 6—PORTLAND, OREGON

Room 827, 385 Federal Building, 1220 Southwest 3rd.

JUNE 8—ALBUQUERQUE, NEW MEXICO

Room 1410, Federal Building, 517 Gold, SW.

JUNE 13—MINNEAPOLIS, MINNESOTA

Room B-15, Federal Building, U.S. Courthouse, 110 S. 4th Street.

JUNE 15—KANSAS CITY, MISSOURI

Room 148, Federal Building (east end of 1st floor), 601 E. 12th Street.

JUNE 20—HARTFORD, CONNECTICUT

Hartford Public Library (Auditorium), 500 Main Street.

JUNE 22—PHILADELPHIA, PENNSYLVANIA

Conference Room B, 11th Floor, Federal Building, West, 1241 Cherry Street.

JUNE 27—BIRMINGHAM, ALABAMA

Room 345, Federal Building, Courthouse, 1800 5th Avenue, N.

Dated: May 17, 1977.

CAROL TUCKER FOREMAN,
Assistant Secretary for Food and Consumer Services.

[FR Doc.77-14405 Filed 5-19-77;8:45 am]

Rural Electrification Administration

ARKANSAS ELECTRIC COOPERATIVE CORP.

Final Environmental Impact Statement

Notice is hereby given that the U.S. Army Corps of Engineers, as lead agency, on behalf of itself and the Rural Electrification Administration (REA) has prepared a Final Environmental Impact Statement, in accordance with Section 102(2)(C) of the National Environmental Policy Act of 1969, for the White Bluffs Generating Plant, to be constructed near Redfield, Arkansas.

REA has cooperated in the preparation of this document and gives notice of the issuance of the Final Environmental Impact Statement, in connection with an anticipated loan guarantee to Arkansas Electric Cooperative Corporation, P.O. Box 9469, Little Rock, Arkansas 72209.

The anticipated loan will provide AECC with the financing required to participate with Arkansas Power and Light Company and the City Water and Light Plant of the City of Jonesboro, Jonesboro, Arkansas, in the joint construction of the above 1400 MW coal-fired generating plant.

Additional information may be secured on request, submitted to Mr. Richard F. Richter, Assistant Administrator, Electric, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250. The Final Environmental Statement may be examined during regular business hours at the offices of REA in the South Agriculture Building, 12th and Independence Avenue, SW., Washington, D.C., or at the borrower address indicated above.

Final REA action with respect to this matter (including any release of funds) may be taken after 30 days, but only after REA has reached satisfactory conclusions with respect to its environmental effects and after procedural requirements set forth in the National Environmental Policy Act of 1969, have been met.

Dated at Washington, D.C., this 9th day of May 1977.

DAVID A. HAMIL,
Administrator, Rural Electrification Administration.

[FR Doc.77-14213 Filed 5-19-77;8:45 am]

PLAINS ELECTRIC GENERATION AND TRANSMISSION COOPERATIVE, INC.

Environmental Impact Statement

Notice is hereby given that the Rural Electrification Administration anticipates that it will prepare an Environmental Impact Statement in accordance with section 102(2)(C) of the National Environmental Policy Act of 1969 in connection with a possible loan guarantee for Plains Electric Generation and Transmission Cooperative, Inc., 2401 Aztec Road, NE., Albuquerque, New Mexico, 87107, which will provide financing for an EHV transmission line, together with related terminal facilities, to be constructed in the countries of Rio Arriba and Taos, in the State of New Mexico.

The facilities are needed to meet the projected load growth of Kit Carson Electric Cooperative of Taos, New Mexico, which is served by Plains Electric Generation and Transmission Cooperative, Inc. Present studies indicate that the line should be built to operate at a nominal voltage level of 345 kV. It is anticipated that the line, the length of which will be approximately 40 miles, will be constructed to current Rural Electrification Administration wood pole construction standards.

Additional information may be secured by request submitted to Mr. Richard F. Richter, Assistant Administrator—Electric, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C., 20250.

Comments concerning the environmental impact of the construction proposed should be addressed to Mr. Richter at the address given above. Comments must be received on or before June 20, 1977, to be considered in connection with the proposed use of loan funds.

Any loan which may be made pursuant to this possible application will be subject to, and release of funds thereunder will be contingent upon, REA's reaching satisfactory conclusions with respect to environmental effects and final action will be taken only after compliance with Environmental Statement procedures required by the National Environmental Policy Act of 1969.

Dated at Washington, D.C., this 12th day of May 1977.

JOSEPH VELLONE,
Acting Administrator, Rural Electrification Administration.

[FR Doc.77-14387 Filed 5-19-77;8:45 am]

Soil Conservation Service

FOURCHE CREEK WATERSHED PROJECT, MISSOURI, ARKANSAS

Availability of Negative Declaration

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for a portion of the Fourche Creek Watershed Project, Ripley County, Missouri; Randolph County, Arkansas.

The environmental assessment of this Federal action indicates that this portion of the project will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with this portion of the project. As a result of these findings, Mr. Kenneth G. McManus, State Conservationist, Soil Conservation Service, has determined that the preparation and review of an environmental impact statement is not needed for this part of the project.

The project concerns a plan for watershed protection, flood prevention, agricultural water management, and nonagricultural water management. The planned works of improvement, as

described in the negative declaration, include conservation land treatment supplemented by three single-purpose floodwater retarding structures.

The negative declaration is being filed with the Council on Environmental Quality and copies are being sent to various Federal, State, and local agencies. The basic data developed during the environmental assessment are on file and may be reviewed by interested parties at the Soil Conservation Service, 555 Vandiver Drive, Columbia, Missouri 65201. A limited number of copies of the negative declaration is available from the same address to fill single copy requests.

No administrative action on implementation on the proposal will be taken until June 6, 1977.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program, Public Law 83-566, 16 U.S.C. 1001-1008.)

Dated: May 13, 1977.

JOSEPH W. HAAS,
Assistant Administrator for Water Resources, Soil Conservation Service, Department of Agriculture.

[FR Doc. 77-14414 Filed 5-19-77;8:45 am]

CIVIL AERONAUTICS BOARD

[Order 77-5-61; Docket 29123, Agreement C.A.B. 26588]

IATA

Agreement Adopted Relating to Baggage Matters

Issued under delegated authority May 13, 1977.

An agreement has been filed with the Civil Aeronautics Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA). The agreement, adopted by mail vote, has been assigned the above C.A.B. agreement number.

The agreement would amend the baggage-allowance rules reached in a limited agreement by certain IATA members which was approved by the Board subject to conditions in Order 77-4-97 (April 20, 1977). Specifically, the instant agreement would add Sapporo to the Japanese points designated in the resolution governing the level of excess-baggage charges between Osaka, Fukuoka, and Tokyo on the one hand, and U.S. west-coast points on the other hand. The agreement will be approved subject to the conditions set forth in Order 77-4-97.

Pursuant to authority duly delegated by the Board's Regulations 14 CFR 385.-14, it is not found that Resolution JT31 (Mail 127) 311, incorporated in Agreement C.A.B. 26588, is adverse to the public interest or in violation of the Act, provided that approval is subject to the conditions stated in Order 77-4-97.

Accordingly, *it is ordered*, That:

Agreement C.A.B. 26588 be and hereby is approved subject to the condition stated herein.

Persons entitled to petition the Board for review of this order, pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-14437 Filed 5-19-77;8:45 am]

[Docket 26354]

NORTH CENTRAL AIRLINES, INC.

Certificate Application (Milwaukee/Duluth/Superior-Winnipeg); Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that the hearing in the above-entitled proceeding, which was assigned to be held on May 31, 1977 (42 FR 21635), is assigned to be held on June 10, 1977, at 9:30 a.m., in Room 1003, Hearing Room B, Universal North Building, 1875 Connecticut Avenue, NW., Washington, D.C.

Dated at Washington, D.C., May 13, 1977.

KATHERINE A. KENT,
Administrative Law Judge.

[FR Doc.77-14434 Filed 5-19-77; 8:45 am]

[Order 77-5-44; Docket 30721]

TRANS WORLD AIRLINES, INC.

Proposed Reduced Cargo Charter Minimum Charges

Order Dismissing Complaint

By tariff revisions[1] bearing an issue date of April 7 and marked to become effective May 7, 1977, Trans World Airlines, Inc. (TWA) proposes to remove the minimum charge provision for westbound cargo charters originating in Europe (excluding Algeria, Greece, Morocco, Tunisia, and Turkey) departing between the hours of 9:00 p.m. Saturday and 3:00 p.m. on the following Monday. The current minimum charge is based upon $7.25 per plane mile multiplied by the total number of charter miles. Removal of the minimum charge provision will result in a rate of $6.00 per charter mile.

A complaint has been filed by Seaboard World Airlines, Inc. (Seaboard) requesting suspension pending investigation. The complainant alleges, inter alia, that by TWA's own admission the resulting round-trip average revenue of $6.63 per mile is below its operating expenses of $6.68; that in Order 76-12-98, which approved in part the North Atlantic IATA cargo rate package reached at Miami, the Board showed a TWA freighter rate of return as a negative 21.4 percent; that in support of the Miami package, the carrier stated its plane mile costs to be $8.50; and that TWA has not indicated that the shippers that will use this weekend rate are new to air transportation, and that the proponent will merely attract current users of either scheduled or charter air service and will dilute its own revenues in the process.

In support of its proposal and in answer to the complaint TWA asserts, inter alia, that this revision is necessary to attract return cargo charter trips from Europe during the hours when TWA has available cargo aircraft and would allow TWA to increase its cargo fleet utilization during otherwise inoperative periods of the week when scheduled cargo demand is low; that the domestic cargo fleet operates on a five-day per week basis and is essentially grounded from early Saturday until after midnight on Monday; that if these aircraft can be operated in charter service at a price which exceeds variable expenses, they will help to defray a portion of the overhead expenses assigned to the freighter operation and thereby help achieve more profitable operations; that the proposal is marginally below operating expenses per mile of $6.68, however, to the extent that these trips will be performed by aircraft which would otherwise not be in operation, they provide a positive contribution to operating results since the revenues exceed variable costs; that the variable costs are only $5.34 per mile; that the proposed level will not have any dilutionary effect on present revenues since TWA is not participating in any westbound charter trips; and that the proposal is expected to increase revenues by approximately $5.5 million per year, and will exceed variable costs and offset overhead expenses by $1.1 million, thereby reducing the need of the scheduled operations to bear this burden.

Upon full consideration of the tariff filing, the carrier's justification, the complaint, the answer, and all other relevant factors, the Board has determined to dismiss the complaint and permit the filing to become effective.

The proposal has, according to the carrier, the capability of attracting additional volumes of new traffic with a minimal possibility for diverting existing traffic. It is noted that the complainant does not allege the proposal will result in any specific diversion from existing air traffic, and TWA indicates no meaningful dilution of current revenues will result since it is not now participating in westbound charter trips. We believe the proposal has the potential for generating new traffic to air transport and for increasing cargo fleet utilization during otherwise inoperative periods.

[1] Revisions to tariff C.A.B. No. 270 issued by Trans World Airlines, Inc.

Accordingly, *it is ordered,* That:

The complaint of Seaboard World Airlines, Inc. in Docket 30721, be and hereby is dismissed.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board: [2]

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-14438 Filed 5-19-77;8:45 am]

TEXAS INTERNATIONAL AIRLINES, INC.

Application For Amendment of Certificate of Public Convenience and Necessity

MAY 16, 1977.

Notice is hereby given that the Civil Aeronautics Board on May 16, 1977, received an application, Docket 30887, from Texas International Airlines, Inc. for amendment of its certificate of public convenience and necessity for route 82 so as to delete the requirement contained in condition (4) of Texas International's certificate that one intermediate stop be made on services between Dallas-Fort Worth, Texas, and Los Angeles-Long Beach, California.

The applicant requests that its application be processed under the expedited procedures set forth in Subpart M of Part 302 (14 CFR Part 302).

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-14435 Filed 5-19-77;8:45 am]

[Order 77-5-81; Dockets 30277, et al.]

WRIGHT AIRLINES, ET AL.

Chicago-Midway Low-Fare Route Proceeding

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 17th day of May, 1977.

In the matter of Chicago-Midway Low-Fare Route Proceeding, Docket 30277; applications of Wright Air Lines (Docket (29911), Midway Airlines (Docket 29914), Continental Air Lines (Docket 30030), Midway (Southwest) Airway (Docket 30189), Chicago Airlines (Docket 30407), Delta Air Lines (Docket 30409), Northwest Airlines (Docket 30410), North Central Airlines (Docket 30412), Southern Airlines (Docket 30413), Trans World Airlines (Docket 30414), Ozark Air Lines (Docket 30417), for authority pursuant to Section 401 of the Federal Aviation Act of 1958, as amended. Application of Allegheny Airlines and Chicago Airlines (Docket 30443), pursuant to Sections 408 and 409 of the Federal Aviation Act of 1958, as amended. Application of Southwest Airlines, M. Lamar Muse, and Herbert D. Kelleher (Docket 30415), pursuant to Sections 408 and 409 of the Federal Aviation Act of 1958, as amended.

By Order 76-12-149, December 28, 1976, the Board requested all interested persons to submit comments concerning the scope of this proceeding. In addition, the Board requested that all other applications and motions to consolidate be submitted within 30 days.

In response to this order, applications were filed by Chicago Airlines, Docket 30407; Delta Air Lines, Docket 30409; North Central Airlines, Docket 30412; Northwest Airlines, Docket 30410; Ozark Air Lines, Docket 30417; Southern Airways, Docket 30413; and Trans World Airlines, Docket 30414.[1]

In addition to these route applications, applications for approval of control and interlocking relationships were filed by Allegheny Airlines, Chicago Airlines, and Marvin S. Kahn in Docket 30443, and by Southwest Airlines, M. Lamar Muse, and Herbert D. Kelleher in Docket 30415. All of the foregoing applications were accompanied by motions to consolidate with this proceeding.

Petitions for leave to intervene have been filed by Braniff Airways, Frontier Airlines, Southern Airways, Texas International Airlines, United Air Lines, the City of Chicago, Cincinnati, Dayton, Illinois Department of Transportation, Iowa Department of Transportation, Kansas City, Minneapolis/St. Paul Airports Commission, Minnesota Department of Transportation, Niagara Frontier Transportation Authority, Ohio Department of Transportation, Pittsburgh, St. Louis, the Texas Aeronautics Commission, and the Wayne County Board of Road Commissioners and Greater Detroit Chamber of Commerce. An answer to the petition of Texas International was filed by Midway (Southwest). In turn, Texas International filed a reply accompanied by a motion for leave to file an otherwise unauthorized document.[2]

Comments in response to Order 76-12-149 were filed by American Airlines, Continental Air Lines, Delta Air Lines, Midway Airlines, Midway (Southwest) Airway, Trans World Airlines, United Air Lines, the Louisville and Jefferson County Air Board, Des Moines, Detroit, the Department of Justice, and the Department of Transportation. Answers to the comments were received from several parties. All the pleadings are summarized in Appendix B. (All appendices filed as part of the original document).

The comments and answers received have been helpful in assisting the Board to define the scope of the proceedings. As expected, however the pleadings presented a wide spectrum of route, rate and control issues. At one extreme it is argued that the Board must reconsider virtually every element of the Domestic Passenger Fare Investigation together with every standard route case consideration; at the other extreme it is contended that the impact of the proposed services on other carriers and the system as a whole need not even be considered, and that the only question to be resolved is the fitness of the applicants.

Neither extreme is acceptable. Because this case may have a profound impact upon the air transportation system, the Board has the responsibility of assuring that the issues are explored in sufficient detail for it to make a reasoned final decision. Nevertheless, there are limits as to how much can be accomplished in one proceeding. This is particularly true since the Board has an obligation to reach a final decision as expeditiously as possible. Accordingly, the number of issues and markets must be limited to keep the case within manageable proportions.

To be assured of an informed decision in a reasonable amount of time, the Board has made the following determinations which are explained in detail below: (1) the number of markets to be considered will be the six largest proposed; (2) the only Chicago authority at issue will be to serve Midway Airport; (3) there will be no pretrial restrictions on fares and services, although all such restrictions will be in issue; (4) mandatory joint fares will not be considered within the scope of this investigation; (5) while the parties should explore, to the extent necessary, the implications of this service on the Board's domestic fare policies, this proceeding will not be used as a forum for parties to challenge or alter our previous DPFI findings; and (6) the various section 408 and 409 applications will be consolidated and heard contemporaneously herewith.

1. NUMBER OF MARKETS

The Board has determined that it must limit the number of markets at issue in order to make this case manageable. A total of 15 nonstop city-pair markets have been proposed for consolidation into this proceeding. Midway, (Southwest), North Central, Northwest, and Southern seek nonstop authority from Chicago to Buffalo, Cincinnati, Cleveland, Columbus, Dayton, Des Moines, Detroit, Kansas City, Louisville, Memphis, Minneapolis/St. Paul, Omaha, Pittsburgh, and St. Louis. Each other application includes from one to twelve of the above markets. In addition, Wright proposes service to an additional point—Indianapolis.

Even if only one city-pair market were in issue in this case, it would be far more complex from an analytical point of view than most route cases the Board tries. Not only are the traditional route case questions—traffic, service quality, and carrier selection—at issue, but complicated questions relating to price must be considered, such as the extent of price elasticity, cross elasticity, and diversion from other markets resulting from price differentials. With a potential impact far beyond the local markets, each city-pair market considered magnifies by geometric proportions the scope of analysis necessary to build an adequate record. Moreover, as explained below, we will not impose a pretrial restriction completely prohibiting direct service between

[2] O'Melia, Vice Chairman, filed a dissent, filed as a part of original document.

[1] Applications for service to Midway Airport had previously been filed by Wright Air Lines in Docket 29911, Midway Airlines in Docket 29914, and Midway (Southwest) Airway in Dockets 30188 and 30189.

[2] The motion will be granted.

coterminal points in issue. Thus, to the extent that there is a possibility of direct service between coterminal points via Midway, the direct diversionary impact on those markets must be considered as well.

In determining how to scope its cases, the Board must continually appraise the effect upon its own limited resources. While this case is certainly an important one, it must not be permitted to so dominate the staff's workload that other important applications cannot be heard or that pending cases will be delayed. The Board expects the staff to contribute substantially to the development of the record in this case by (1) developing DPFI cost-based fares for each market in issue; (2) developing DPFI fares for each market in issue adjusted to reflect individual carrier operations and costs of the proposed service; (3) analyzing individual carrier costs for each market at issue; (4) analyzing traffic and revenue forecasts for each market at issue as to diversion, generation, direct price elasticity, cross price elasticity, quality/price tradeoff and other factors; (5) analyzing the impact of these low-fare filings on other markets (domino effect); and (6) analyzing the effect of these low-fare filings on the DPFI as it relates to the remaining system. Considering the scope of this effort, the impact on workload of considering even a few markets will be substantial.

For example, with six nonstop city-pairs in issue, the potential number of single-plane markets for study is 21. If all markets are heard, the potential number of single-plane markets increases six-fold to a total of 120. The domino effect on other markets in the system increases similarly.

There would be only two ways to achieve the monumental task of processing this case with all 15 nonstop markets in issue. Either the proceeding would have to be extremely time consuming, or other route cases would have to be deferred in order to devote adequate staff to this case. Neither is an acceptable alternative.

Accordingly, the Board has determined that the line should be drawn at the top six Chicago markets which have been proposed.[3] In order of size they are Minneapolis/St. Paul, Detroit, St. Louis, Cleveland, Kansas City, and Pittsburgh. The difference between the Chicago-Pittsburgh market and the seventh largest, Cincinnati, is substantial. In CY 1975 Chicago-Pittsburgh generated 269,740 true O&D passengers while Chicago-Cincinnati generated 194,430. This represents a difference of over 200 passengers per day, and hence a logical place to limit the proceeding. Other criteria, such as population and enplanements, also generally support the selection of these points.[4]

[3] The Board's authority to so limit a case is well established. City of *San Antonio* v. *C.A.B.*, 374 F.2d 326 (D.C. Cir. 1967).

[4] See Appendix A.

The Board has considered the argument of Midway (Southwest) that service to all the proposed points would enhance the development of Midway Airport as a viable alternative to O'Hare. While this argument has some appeal, the Board nevertheless has determined that the potential benefits do not outweigh the administrative burdens and delay which the inclusion of all the proposed markets would entail. It is our view that the viability of Midway Airport will not be appreciably diminished if six, rather than fifteen markets, are in issue.

2. Only Midway Authority Will Be Considered

We have determined that any new Chicago authority awarded in this case will be restricted to Midway Airport. In any event, only three applicants—North Central, TWA, and Continental are seeking awards which would not be restricted to Midway Airport. These applications will be consolidated only to the extent that they seek authority at Midway Airport. In addition Continental's restriction removal application will be limited to consideration of unrestricted Kansas City-Midway Airport authority.

Our decision on this point is based on the unique circumstances of this case and will not necessarily apply in other low-fare proceedings. This case is unique insofar as the applicants and civic parties have contended that, on the one hand, there is a large pool of potential air travelers in the local Chicago markets who would fly if low price transportation were made available, and, on the other hand, there is a completely unutilized airport convenient to downtown Chicago which could easily absorb the increased frequencies needed to tap this market. No one is arguing that service from O'Hare Airport to the cities in issue is inadequate. Indeed, it would be counterproductive if the result of this proceeding would be increased activity at O'Hare. On the contrary, the reduction of traffic at O'Hare as a result of diversion from Midway Airport flights will be evaluated with respect to the Board's policy of encouraging service that will reduce congestion at saturated facilities. We do not necessarily view O'Hare and Midway Airports as constituting two different markets. Rather, at issue is a proposal for high frequency short- to medium-haul air service which depends upon the availability of adequate facilities and the opportunity for well-timed flights throughout the day.

Since O'Hare authority will not be in issue for any applicant, the same will hold true for Continental's application for restriction removal in the Chicago-Kansas City market. No applicant will be able to obtain authority superior to that which Continental could obtain; therefore, Continental will not be prejudiced.

3. Pretrial Restrictions

Upon consideration of the pleadings, the Board has determined that there is not enough information available to properly decide prior to the hearing whether restrictions on services and fares are required. Accordingly, all such proposed restrictions will be in issue in this case.

4. Joint Fares

As indicated, the Board has determined that the issue of mandatory joint fares for services between the points at issue herein and all other certificated points will not be included within the scope of this investigation. In doing so, the Board is simply following its normal policy regarding this issue in route cases. For example, the question of mandatory joint fares was not considered in either the Air New England or Air Midwest certification proceedings.[5] Further, it is apparent that the types of service proposed by the applicants are dissimilar to the types of service covered by our Phase 4 decision. Thus, a de novo examination of the joint fare question would have to be made and such litigation would add to the complexity of this case and unduly delay its completion. In the event that a certificate is awarded to any of the applicants and the circumstances warrant, the issue of joint fares can be considered in a separate proceeding.[6]

5. Consideration of the DPFI

The relationship between the DPFI and the proposals in this case not only generated a great deal of comment from the parties, but also produced a great deal of confusion. The Board wishes to make clear that we do not intend for the parties to relitigate the DPFI in this route case, nor do we believe there is any need to do so. Any significant technical adjustments to the DPFI fare formula or changes in policies that may be necessary as a result of this investigation can be handled in a subsequent proceeding.[7]

This does not mean that the standards established in the DPFI can be ignored in this case since the institution of low-fare service in the markets at issue would undoubtedly have a major impact on the fares currently in effect in these markets

[5] New England Service Investigation, Docket 22973; Air Midwest Certification Proceeding, Docket 28262.

[6] Again we are following the same procedure used previously. Both Air Midwest and Air New England were required to maintain joint fares only after they were certificated and only after the Board determined that both carriers could be brought within the scope of Phase 4 without producing any significant impact on the rest of the system. See Orders 74-10-101 (October 18, 1974) and 74-10-102 (October 18, 1974) for Air New England; and Orders 76-11-3 (November 2, 1976) and 76-12-22 (December 6, 1976) for Air Midwest.

[7] However, if an award permitting institution of a low fare service is made to a carrier currently subject to our orders in Phases 4 or 9 of the DPFI, modifications of those orders may be made in this investigation to the extent necessary to allow those carriers to conduct service at the fares contemplated, and any party may offer evidence in support of such modifications.

and could affect the fares in other markets. The Board clearly must be in a position to weigh this impact in determining the merits of any application. Accordingly, we expect the parties to focus upon the effect this low-fare service would have on the rest of the certificated system, examining such questions as matching fares, on-line fares, the effect on load factors, the domino effect that these fares may have on fares in other markets, and the potential for cross-subsidization of the low fares in these markets by fares in other markets. But, again, we must emphasize that while we expect the parties to explore the implications that institution of these low-fare services may have on the Board's domestic fare policies, we do not intend this route proceeding to be used as a forum for the parties to challenge or alter our DPFI findings.

6. CONTROL QUESTIONS

Midway Airlines suggests that the Board should not hear the Sections 408 and 409 applications of Alleghany and Southwest in this proceeding. The Board has decided to consolidate these applications with the instant proceeding. Contrary to the views of Midway Airlines, the Board believes that consideration of the control issues will not unduly burden or delay the proceeding. The evidentiary presentation required will virtually duplicate that relating to the fitness issue; the basic questions remaining will be those of law and policy.

7. CONSOLIDATION AND INTERVENTION

It is argued by Midway (Southwest) that the Board is not required by Ashbacker principles to consolidate competing applications of the current interstate carriers since these are not premised on the type of low fare service proposed; or, in the alternative, that the Board should, by pretrial restriction, limit the case to the consideration of low-fare service. Whether or not the Board could lawfully exclude non-low-fare applications, as a matter of discretion the Board has determined to grant consolidation of all competing applications and not limit the scope of the proceeding by imposing a pretrial low-fare restriction. While the Board contemplates that the primary focus of the case will be on proposals for low-fare service between Midway Airport and the enumerated cities, it does not intend to preclude the litigation of proposals for service between Midway and the named cities that lack this low-fare feature. Accordingly, the Board believes that all elements of the public convenience and necessity should be in issue and considered, including possible public benefits that might flow from the diversion of traffic and flights from O'Hare to Midway Airport.

All motions for leave to intervent will be granted. The Board is especially desirous of the full participation of Texas International which, along with Braniff and Midway (Southwest), will be able to contribute substantially to the Board's knowledge concerning the experience of low-fare air transportation in Texas.

8. PROCEDURAL AND OTHER CONSIDERATIONS

Due to the complexity and potential importance of this proceeding to the future of air transportation regulation, the Board has directed the staffs of the Bureal of Economics and the Bureau of Operating Rights to prepare jointly a proposed statement of issues, evidence request, and proposed schedule which are attached to this order. A notice will be issued shortly setting forth the date for responses by the parties to the evidence request and the date for the prehearing conference. The administrative law judge assigned to this case will retain full discretionary authority to modify any and all of the staff submissions based on the comments of the parties received prior to the prehearing conference. Each Bureau will be free when they become separate and independent parties to suggest modifications or additions.[8] In light of these considerations the Board desires to set forth certain general procedural principles, directions, and requests to the parties.

First, the Board desires that this case be processed through the various procedural steps rapidly, but consistent with the development of an evidentiary record sufficient to allow the Board to reach a final decision. To this end, the Board earnestly requests the cooperation of the applicants, carrier intervenors and all other parties to expedite the case. The administrative law judge will have full discretionary power to allow sufficient time for all parties to develop the minimum evidentiary presentation described below, as well as any other evidence which the Judge deems to be relevant and material to the issues. As a preliminary matter the Board has determined that petitions for reconsideration of this order shall be due within 30 days and answers 10 days thereafter.

Second, in order to achieve the above objective, the Board considers it essential that to the extent feasible, the evidentiary presentation required by the administrative law judge be on a comparable basis with respect to all forecasts and estimates relating to costs, traffic, revenues, and diversion.

Third, the Board requests that standardized evidentiary formats be utilized so that the varying estimates in each of these categories are displayed on a comparable basis. In this connection, the Board expects the parties to strictly comply with the usual ground rules which provide that the basis for each estimate, and each subdivision of each estimate, be clearly set forth in footnotes or otherwise, and supported by narrative written discussion to the extent appropriate. For example, estimates that are essentially based on expert judgment should be expressly so-labeled; and if the experience in other markets, for example, in Texas intrastate markets, is utilized, the matter should be clearly spelled out.

To the maximum extent possible, all parties should submit prior to the hearing any proposed stipulations, conditions, limitations, and restrictions, as well as requests for exemption from any provision of Title IV.[9] In particular, the Board requests the administrative law judge and the parties to explore whether any or all authority which may be granted in this proceeding should be permissive in character, and if so, whether it is economically feasible and desirable to award authority to more than one carrier in each market.

Accordingly, *it is ordered*, That:

1. This proceeding is instituted pursuant to the Federal Aviation Act of 1958, as amended, particularly Sections 204, 401, 404, 408, 409, 412, 416(b), and 1002. The primary issues in this proceeding are whether the public convenience and necessity require the certification of an additional carrier or carriers between Chicago's Midway Airport, on the one hand, and Minneapolis/St. Paul, Detroit, St. Louis, Cleveland, Kansas City and/or Pittsburgh, on the other hand; what should be the duration of any authority awarded; and what terms, conditions, and limitations should be placed on such authority;

2. Any authority granted in this proceeding shall be ineligible for federal subsidy; mandatory joint fares are not at issue in this proceeding;

3. The applications of Wright Air Lines, Docket 29911, Continental Air Lines, Docket 30030; Chicago Airlines, Docket 30407; Delta Air Lines, Docket 30409; Northwest Airlines, Docket 30410; North Central Airlines, Docket 30412; Southern Airways, Docket 30413; Trans World Airlines, Docket 30414; and Ozark Air Lines, Docket 30417, be and they hereby are consolidated into the Chicago Midway Low-Fare Route Proceeding insofar as they conform to the scope of the proceeding as set forth in paragraph (1) above; to the extent not consolidated, the foregoing applicaitons be and they hereby are dismissed without prejudice;

4. The applications of Southwest Airlines, M. Lamar Muse, and Herbert D. Kelleher, in Docket 30415; and Allegheny Airlines, Chicago Airlines, and Marvin S. Kahn in Docket 30443, be and they hereby are consolidated with the Chicago Midway Low-Fare Route Proceeding, Docket 30277;

5. The petitions for leave to intervene filed by Braniff Airways, Frontier Airlines, Southern Airways, Texas International Airlines, United Air Lines, the City of Chicago, Cincinnati, Dayton, the Illinois Department of Transportation, the Iowa Department of Transportation, Kansas City, Minneapolis/St. Paul Airports Commission, Minnesota Depart-

[8] Because of the continuing need in this case for expert analysis of the facts and legal issues, no staff component will become a party to the proceeding until the order on reconsideration has been issued.

[9] This is not intended to preclude any party from advancing such proposals on brief to the administrative law judge, but only to encourage early submission in order to aid in the development of the record.

ment of Transportation, the Niagara Frontier Transportation Commission, the Ohio Department of Transportation, Pittsburgh, St. Louis, the Texas Aeronautics Commission, and the Wayne County Board of Road Commissioners and Greater Detroit Chamber of Commerce, be and they hereby are granted.

6. The motions of Texas International, the City of Chicago, United Air Lines and Midway Airlines for leave to file otherwise unauthorized documents be and they hereby are granted; and

7. Petitions for reconsideration of this order shall be filed no later than thirty days from the service date of this order and any answers thereto shall be filed ten days thereafter.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-14436 Filed 5-19-77;8:45 am]

CIVIL SERVICE COMMISSION

COMMUNITY SERVICES ADMINISTRATION

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 Community Services Administration to fill by noncareer executive assignment in the excepted service on a temporary basis the position of Special Assistant to the Director for Transition Planning, Office of the Director.

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

[FR Doc.77-14396 Filed 5-19-77;8:45 am]

DEPARTMENT OF DEFENSE

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 authorized the Department of Defense to fill by noncareer executive assignment in the excepted service on a temporary basis the position of Deputy Assistant Secretary (Policy Plans and NSC Affairs), ODAS (Policy Plans and NSC Affairs), OASD (International Security Affairs), Office of the Secretary of Defense.

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

[FR Doc.77-14397 Filed 5-19-77;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Title Change in Noncareer Executive Assignment

By notice of January 19, 1971, FR Doc. 71-706, the Civil Service Commission authorized the Department of Health, Education, and Welfare to fill by noncareer executive assignment the position of Deputy Commissioner for School Systems, Office of Education, Bureau of School Systems. This is notice that the title of this position is now being changed to Deputy Commissioner for Elementary and Secondary Education, Office of Education, Bureau of Elementary and Secondary Education.

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

[FR Doc.77-14398 Filed 5-19-77;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Revocation of Authority To Make 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 Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service the position of Special Assistant to the Secretary for External Affairs, Office of the Secretary, Immediate Office.

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

[FR Doc.77-14399 Filed 5-19-77;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

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 Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service the position of Deputy Director for Program Review, Office for Civil Rights, Office of the Secretary.

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

[FR Doc.77-14400 Filed 5-19-77;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

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 Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service the position of Deputy Director for Compliance and Enforcement, Office for Civil Rights, Office of the Secretary.

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

[FR Doc.77-14401 Filed 5-19-77;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

CARNEGIE—MELLON UNIVERSITY

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 77-00049. Applicant: Carnegie-Mellon University, 5000 Forbes Avenue, Pittsburgh, Pa. 15213. Article: Phototitus Light Valve. Manufacturer: LEP (Laboratories d' Electronique et de Physique Applique), France. Intended use of article: The article is intended to be used for the study of electro-optical effect in DKDP. The phenomena to be investigated will include cycle time, resolution contrast, wavelengths of write and read same.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides the capability to read, write, and store data. The National Bureau of Standards (NBS) advises in its memorandum dated April 28, 1977 that (1) the capability described above for the article is pertinent to the applicant's intended purposes and (2) it knows of no domestic instrument or apparatus of

equivalent scientific value to the foreign article for the applicant's intended use.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.77-14366 Filed 5-19-77;8:45 am]

FLORIDA A&M UNIVERSITY ET AL.

Consolidated Decision on Applications for Duty-Free Entry of Scientific Articles

The following is a consolidated decision on applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 201).

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Decision: Applications denied. Applicants have failed to establish that instruments or apparatus of equivalent scientific value to the foreign articles, for such purposes as the foreign articles are intended to be used, are not being manufactured in the United States.

Reasons: Subsection 301.8 of the Regulations provides in pertinent part:

The applicant shall on or before the 20th day following the date of such notice, inform the Deputy Assistant Secretary whether it intends to resubmit another application for the same article for the same intended purposes to which the denied application relates. The applicant shall then resubmit the new application on or before the 90th day following the date of the notice of denial without prejudice to resubmission, unless an extension of time is granted by the Deputy Assistant Secretary in writing prior to the expiration of the 90 day period. . . . If the applicant fails, within the applicable time periods specified above, to either (a) inform the Deputy Assistant Secretary whether it intends to resubmit another application for the same article to which the denial without prejudice to resubmission relates, or (b) resubmit the new application, the prior denial without prejudice to resubmission shall have the effect of a final decision by the Deputy Assistant Secretary on the application within the context of Subsection 301.11.

The meaning of the subsection is that should an applicant either fail to notify the Deputy Assistant Secretary of its intent to resubmit another application for the same article to which the denial without prejudice relates within the 20 day period, or fails to resubmit a new application within the 90 day period, the prior denial without prejudice to resubmission will have the effect of a final denial of the application.

None of the applicants to which this consolidated decision relates has satisfied the requirements set forth above, therefore, the prior denials without prejudice have the effect of a final decision denying their respective applications.

Subsection 301.8 further provides:

* * * the Deputy Assistant Secretary shall transmit a summary of the prior denial without prejudice to resubmission, to the FEDERAL REGISTER for publication, to the Commissioner of Customs, and to the applicant.

Each of the prior denials without prejudice to resubmission to which this consolidated decision relates was based on the failure of the respective applicants to submit the required documentation, including a completely executed application form, in sufficient detail to allow the issue of "scientific equivalency" to be determined by the Deputy Assistant Secretary.

Docket Number: 75-00180-33-77040. Applicant: Florida A&M University, Tallahassee, Florida 32307. Article: Mass Spectrometer, MS30B and accessories. Manufacturer: AEI Scientific Apparatus, Ltd., Japan. Date of denial without prejudice to resubmission: July 28, 1976.

Docket Number: 76-00378. Applicant: University of Oregon, Department of Geology, Eugene, Oregon 97403. Article: Scanning Electron Microscope, Model JSM-35U and accessories. Date of denial without prejudice to resubmission: January 5, 1977.

Docket Number: 76-00497. Applicant: The Johns Hopkins University, Charles and 34th Street, Baltimore, Md. 21218. Article: T.V. Projector modified for special multiplex operation with Zenon Arc Lamp, Model PGP-561. Date of denial without prejudice to resubmission: January 19, 1977.

Docket Number: 76-00480. Applicant: University of New Orleans, Lakefront Drive, New Orleans, LA 70122. Article: Gas Chromatograph-Mass Spectrometer Mat 311A with (Computer Combination, 100 MS). Date of denial without prejudice to resubmission: December 13, 1976.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.77-14370 Filed 5-19-77;8:45 am]

MIAMI UNIVERSITY

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 77-00075. Applicant: Miami University, Oxford, Ohio 45056. Article: Electron Microscope, Model HS-9-1 and accessories. Manufacturer: Hitachi Limited, Japan. Intended use of article: The article is intended to be used for research involving the structural and developmental characteristics of cell division and the motile reproductive cells in the Green Algae (Chlorophyta). One objective of the research is to enhance understanding of the evolutionary origin and development of the Green Algae and the line of evolution that gave rise to land plants. Another objective is to elucidate the function of certain organelles in the process of cell division. The article will also be used for training graduate and undergraduate students in the courses: Botany 750—Special Problems, Botany 645—Plant Ultrastructure, Botany 643—Phycology, and Botany 421/521—Mycology. In addition, the article is to be used as a backup instrument to teach Zoology 648.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (April 21, 1976). Reasons: The foreign article is a relatively-simple, easy to operate, medium resolution electron microscope designed for confident use in teaching beginning students with a minimum of detailed programming. The article provides 6Å point-to-point resolution, an accelerating voltage of 75 kilovolts, and low distortion magnification from 500X through 100,000X plus 200X for scanning which permits an overlap of light and electron microscopy. The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated April 22, 1977 that relative simplicity and full magnification range without a pole piece change are pertinent to the applicant's intended purposes. HEW also advises that it knows of no domestic instrument which provided all the pertinent features at the time the article was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.77-14362 Filed 5-19-77;8:45 am]

NORTHWESTERN UNIVERSITY ET AL.

Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897).

Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, on or before June 9, 1977.

Amended regulations issued under cited Act, (15 CFR 301) prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C. 20230.

Docket Number: 77–00206. Applicant: Northwestern University Medical School, Department of Pharmacology, 303 E. Chicago Avenue, Chicago, Illinois 60611. Article: Recording Oscilloscope Camera, PC–3A and accessories. Manufacturer: Nihon Kohden Kogyo Co., Ltd., Japan. Intended use of article: The article is intended to be used for studies of bioelectric potential changes from excitable tissues. Membrane potential and membrane current are recorded from nerve and muscle tissues displayed on an oscilloscope, and photographed on a film. Membrane electrical properties including ionic conductances are then measured from the recorded film. Application received by Commissioner of Customs: April 21, 1977.

Docket Number: 77–00207. Applicant: University of Chicago, Billings Hosp., Department of Pathology, 950 East 59th Street, Chicago, Illinois 60637. Article: Electron Microscope, Model EM 201 and accessories. Manufacturer: Philips Electronics Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used in the investigation of atherosclerosis and atherosclerotic heart disease. Research is performed mainly on experimental animals and also utilizes some human tissues obtained at autopsy. The article will also be used for the training of future scientists as well as for the instruction of medical students, residents and staff scientists and physicians. Application received by Commissioner of Customs: April 21, 1977.

Docket Number: 77–00208. Applicant: National Institutes of Health, National Eye Institute, Bldg. 6, Rm. 213, 9000 Rockville Pike, Bethesda, MD 20014. Article: Ultrotome IV Ultramicrotome, Model LKB 2128–010 and accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for studies of eye tissues of the human in both normal and pathological conditions. Experiments on the visual system will include: (1) fine structural study of the photosensitive lamellar membranes of the photoreceptor cells following light exposure in various conditions; (2) phagocytic activity of the pigment epithelium of the retina; (3) fine structural study of the retina and cornea of vitamin A deficient animals (4) cytologic study of the cataractous lenses; and (5) experimentally induced eye diseases in animals. Materials will be embedded in the epoxy resin appropriate for the material being studied before sectioning. Application received by Commissioner of Customs: April 22, 1977.

Docket Number: 77–00209. Applicant: National Radio Astronomy Observatory Associated Universities, Inc., 2010 N. Forbes Blvd., Suite 100, Tucson, Arizona 85705. Article: Klystron, Model VRB 2113A 30 SN. 70443. Manufacturer: Varian Associates of Canada, Ltd., Canada. Intended use of article: The article will be used as a phase-locked local oscillator in a millimeter wave radio astronomy receiver. This receiver is used in conjunction with a microwave antenna to measure the intensity, polarization, frequency and direction of cosmic radiation. Application received by Commissioner of Customs: April 25, 1977.

Docket Number 77–00210. Applicant: University of California, Lawrence Livermore Laboratory, P.O. Box 808, Livermore, California 94550. Article: Combination Scanning Microinterferometer and Scanning Microdensitometer, Model M85/M86 with accessories. Manufacturer: Vickers Instruments Inc., United Kingdom. Intended use of article: The article is intended to be used to measure the coatings that develop on targets used in laser fusion energy production experiments and to inspect the final target themselves. For transparent argets, such as the hollow glass spheres currently being used, the instrument will be interfaced to a computer controlled ball manipulator and data taking station which will "map" the entire sphere. For spheres with opaque coatings, a modification of the optics will be made to allow reflection interferometric measurements of surface features. In this configuration, the computer controlled scan and data readout will again be used to map the sphere surface. Application received by Commissioner of Customs: April 25, 1977.

Docket Number 77–00211. Applicant: University of Miami (Rosenstiel School of Marine and Atmospheric Science). 4600 Rickenbacker Causeway, Miami, Florida 33149. Article: Deep Sea Reversing Thermometer. Manufacturer: Watanabe Keiki Manufacturing Co., Ltd., Japan. Intended use of article: The article is intended to be used for the collection of temperature, depth and conductivity of sea water in the study of the oceans. Application received by Commissioner of Customs: April 25, 1977.

Docket Number: 77–00212. Applicant: NASA/Headquarters, Contracts Division, Code JHC–4, Washington, D.C. 20546. Article: Six (6) Ultrasonic Flowmeters and Associated Electronics and Spares. Manufacturer: O.N.E.R.A., France. Intended use of article: The article will be used to ascertain the oscillatory flow component of liquid oxygen being perturbated by a positive displacement pulser as it flows through a turbopump. The accurate determination of the flow disturbance, both upstream and downstream of the turbo pump are essential in the use of the four terminal network method for establishing the transfer function characteristics of the turbo pump and subsequently the Space Shuttle Main Engine System. The determination of the transfer functions is essential in the definition of the Space Shuttle Vehicle dynamic characteristics relative to the Pogo phenomenon. Application received by Commissioner of Customs: April 25, 1977.

Docket Number: 77–00213. Applicant: U.S. Department of Commerce, Maritime Administration, U.S. Merchant Marine Academy, Steamboat Road, Kings Point, New York 11024. Article: TD–35 Varimax Test and Research Engine Rig and accessories. Manufacturer: Tecquipment Ltd., United Kingdom. Intended use of article: The article is intended to be used for instruction of Marine Engineering students in the courses Internal Combustion Engines E 464 and Internal Combustion Engines E465. Application received by Commissioner of Customs: April 25, 1977.

Docket Number: 77–00214. Applicant: Birth Defects Institute, Embryology Laboratory, Albany Medical Center Receiving Dock, 12 New Scotland Ave., Albany, New York 12208. Article: Ultramicrotome, Model LKB 8800A and Accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used to section animal tissues that have been embedded in hardened epoxy resins. These speciments will be used for ultrastructural studies on tissues and cells, cyto and histochemical studies on enzyme and subcellular organelle localization in cells and tissues and subcellular changes in cells induced by changes in their biochemical and physical environments. Application received by Commissioner of Customs: April 25, 1977.

Docket Number: 77–00215. Applicant: University of Hawaii. Chemistry Department, 2545 The Mall, Honolulu, HI 96822. Article: Low Temperature Flash Photolysis Apparatus. Manufacturer: Applied Photophysics, United Kingdom. Intended use of article: The article is intended to be used to detect extremely short-lived excited states of organic compounds. Investigations will be conducted in order to understand the photochemical processes of vision pigments and related compounds immediately after their exposure to light. The article will also be used in the course Chemistry 699 Directed Research to conduct research projects leading to a better general understanding of decay processes of electronically excited organic molecules, including those related to the visual process. In addition, the article will be used for informal instruction of researchers. Application received by Commissioner of Customs: April 27, 1977.

Docket Number: 77–00216. Applicant: Medical College of Ohio, C.S. 10008, Toledo, Ohio 43699. Article: Scanning Electron Microscope, Model S180. Manufacturer: Cambridge-Imanco, United Kingdom. Intended use of article: This article is intended to be used in various

research projects by faculty and students which include the following:

1. Yeast Survival: An Indicator of Environmental Health.
2. Bacterial Control of Aquatic Blue-Green Algae.
3. Quantitative Analysis of Scanning Electron Microscope Images.
4. Scanning Transmission Electron Microscopy of Autoradiographs.
5. Sertoli Cell—Germ Cell Association.
6. Detection and Measurement of Extracellular Material (Seminiferous Tubules).
7. Structural difference of chemically-treated and untreated normal and abnormal human sperm without any artifact due to a prolonged waiting period.
8. Detecting and estimating the low level of radioactivity in autoradiographs of very small intracellular structures of mouse and sea urchin sperm.
9. Study of mouse egg fertilized under in vitro and in vivo conditions.
10. Other research in anatomy, pathology, obstetrics and gynecology, and surgery.

In addition, the article is intended to be used for educational purposes in the following courses: Electron Microscopy, Scanning Electron Microscopy, Advanced Techniques in Microscopy for anatomy, pathology, microbiology, and physiology; and Graduate M.D. training. Application received by Commissioner of Customs: April 27, 1977.

Docket Number: 77-00217. Applicant: Northeastern Ohio Universities—College of Medicine, 275 Martinel Drive, Kent, Ohio 44240. Article: NMR spectrometer, Model WP-80 and Accessories. Manufacturer: NMR Bruker Scientific, West Germany. Intended use of article: The article is intended to be used for studies of the liquid-gel phase transitions of model and biological membranes and, the interaction of proteins, bile salts, drugs, carcinogens with these membranes. The experiments to be conducted include:

(1) Study of the effect of proteins, inserted into the membrane, on the segmental order parameters of the phospholipid alkyl chains,

(2) Study of the effect of bile salts, heat, detergents, drugs, carcinogens on the same order parameters, and

(3) Examination of the effect of Na^{+}, K^{+}, Ca^{+2} and Mg^{+2} on the order parameters for various positions in the phospholipid aklyl chains.

Application received by Commisioner of Customs: April 28, 1977.

Docket Number: 77-00218. Applicant: Simon Greenberg Foundation, Post Office Box 8244, Philadelphia, PA 19101. Article: Combined Scanning Interferometer & Densitometer and Accessories. Manufacturer: Vickers, Ltd., United Kingdom. Intended use of article: The article is intended to be used for investigation of the changes in the stratum corneum, the outmost layer of the epidermis, in relation to aging and a variety of disease processes. In aging studies exfoliative cytological specimens are collected from protected and exposed regions of two age cohorts. In the disease, studies of psoriasis and dandruff, exfoliative cytological specimens will be collected before and during various treatment schedules. The objective of these studies are to develop non-invasive, non-intrusive methods for evaluating changes in the human stratum corneum. This will provide a foundation for the development of effective therapeutic and prohylactic treatment for easing various dermatologic problems. In addition, the article will be used for instruction in the courses: Independent Study (U399), Independent Study and Research (G999) and Dermatologic Research (M800). Basic instruction on the article is achieved by having the student calibrate the projected area meter using standard polystyrene spheres of two different radii. Application received by Commissioner of Customs: April 28, 1977.

(Catalog of Fedreal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.77-14368 Filed 5-19-77;8:45 am]

TEXAS CHRISTIAN UNIVERSITY

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 76-00486. Applicant: Texas Christian University, Chemistry Department, Fort Worth, Texas 76129. Article: Nuclear Magnetic Resonance Spectrometer, Model JNM-FX-60. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for rapid proton and C-13 studies of CIDNP phenomena induced by the photochemical decomposition of dioxetanes and related materials, the determination of organic natural product structures using C-13 NMR. These will usually involve small amounts of materials and pose problems of line assignments which can only be resolved by using sophisticated experimental techniques.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (September 24, 1975). Reasons: This application is a resubmission of Docket Number 76-00218-01-77030 which was denied without prejudice to resubmission on April 16, 1976 for informational deficiencies. The foreign article provides a dual frequency (for ^{13}carbon and proton) variable temperature, 10 millimeter sample probe. The National Bureau of Standards (NBS) advises in its memorandum dated April 22, 1977 that (1) the specification of the article described above is pertinent to the applicant's intended use and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.77-14367 Filed 5-19-77;8:45 am]

UNIVERSITY OF CALIFORNIA—LOS ALAMOS

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 77-00070. Applicant: University of California—Los Alamos Scientific Laboratory, P.O. Box 990, Los Alamos, NM 87545. Article: Laser System, Pulsed CO_2. Manufacturer: Lumonics Research Ltd., Canada. Intended use of article: The article is intended to be used for the study of laser induced fusion of cryogenic targets. Typical targets would include various hydrocarbon and materials such as carbon dideuterium. The system will be used to investigate radiation damage in materials and the feasibility of controlled thermonuclear fusion.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides a small signal gain at 10.6 microns greater than or equal to 50. The National Bureau of Standards (NBS)

advises in its memorandum dated April 25, 1977 that the specification described above is pertinent to the applicant's intended purposes. NBS also advises that it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.77-14363 Filed 5-19-77;8:45 am]

UNIVERSITY OF CHICAGO—ARGONNE

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 77-00055. Applicant: University of Chicago, Operator of Argonne National Laboratory, 9700 South Cass Avenue, Argonne, Illinois 60439. Article: Oxygen Meter Probe. Manufacturer: Interatom, West Germany. Intended use of article: The article is intended to be used to measure the concentration of oxygen in liquid sodium, as a means of detecting a leak of water into Na in a fast breeder reactor steam generator. Experiments will be conducted to develop an accurate reliable method for detecting water leaks into sodium, for use in the CRBR and future IMFBR sodium-heated steam generators.

Comments: No comments have been received with respect to this application. Decision: Application approved: No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (June 2, 1976). Reasons: The foreign article provides a metal-to-ceramic seal capable of withstanding high temperatures (approx 371 to 426.7 degrees centigrade) for a long period of time (2½ to 3 years). The National Bureau of Standards advises in its memorandum dated April 20, 1977 that (1) the specification of the article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use which was available domestically at the time of order.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the foreign article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.77-14365 Filed 5-19-77;8:45 am]

UNIVERSITY OF MONTANA

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 77-00069. Applicant: University of Montana, Missoula, Montana 59801. Article: Reaction Coulometer Mark IIA with accessories. Manufacturer: Reaction Coulometers Ltd., United Kingdom. Intended use of article: The article is intended to be used for studies of cellulose, raw wood and foliage in which the heat of combustion of volatile pyrolysis products will be investigated to determine the available heat content of forest fuels.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides the capability of directly relating oxygen consumption to the heat of combustion. The National Bureau of Standards (NBS) advises in its memorandum dated April 25, 1977 that the capability of the article described above is pertinent to the applicant's intended uses. NBS also advises that it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.77-14364 Filed 5-19-77;8:45 am]

UNIVERSITY OF SOUTH FLORIDA

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 77-00025. Applicant: University of South Florida, College of Medicine, Dept. of Medical Microbiology, Box 10, 12901 N. 30th St., Tampa, FL 33612. Article: Tachophor, Model LKB 2127-001 and Accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for studies of biological molecules which include proteins, peptides, and metabolites from animal tissue. The investigations to be conducted will involve studies on in vitro and/or in vivo reactions between molecules following increase, decrease or absence of one or all of the reacting molecules. The objective pursued in the course of these investigations is to understand the interrelationship between the biological molecules and to correlate these changes with chemical alterations seen in human diseases. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides sensitivities in nanomole quantities with sample volumes of 0.1 to 50 microliters. The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated March 21, 1977 that (1) the capability described above is pertinent to the applicant's intended purposes and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended purposes.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.77-14369 Filed 5-19-77;8:45 am]

UNIVERSITY OF UTAH

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 77-00084. Applicant: University of Utah, Department of Biology, Room 225 South Biology Building, Salt Lake City, Utah 84112. Article: Electron Microscope, Model EM 201 with High Goniometer Stage and Refrigerated Water Circulating System. Manufacturer: Philips Electronics Instruments, NVD, The Netherlands. Intended use of article: The article is intended to be used for the following research projects:

(1) Examination of the characterization of the DNA made in vitro of eukaryotic and prokaryotic systems.

(2) Study of the effect of methylation on DNA replication in vivo and in vitro in an attempt to relate the distribution of methyl groups to the in vitro synthesis of the small DNA pieces which are synthesized after methylation.

(3) A plant cell project in which the article will provide a rapid assay in the preparation for materials for autoradiographic experiments.

(4) Work on chemotaxis and *Escherichia coli* seeking rapid characterization of mutants which can be carried out by examination of flagella under the electron microscope.

(5) Investigation of the control assembly and termination of proteins which is aimed at obtaining conditional (temperature-sensitive) lethal mutants of animal cell viruses in an attempt to elucidate the mechanism of viral neoplastic transformation.

Graduate students of the Biology Department will receive training in use of the article which will ultimately benefit them in their chosen careers of independent biological research.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the article was ordered (November 6, 1976). Reasons: The foreign article is equipped with a high tilt (± 60 degrees) eucentric goniometer stage. The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated April 23, 1977 that the eucentric goniometer stage of the article is pertinent to the applicant's intended uses. HEW further advises that it knows of no domestic instrument which provided a scientifically equivalent eucentric goniometer stage at the time of order.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc. 77-14371 Filed 5-19-77;8:45 am]

Office of the Secretary

PRIVACY ACT OF 1974

Proposed Additional System of Records

The purpose of this notice is to propose an additional Privacy Act System of Records for the National Bureau of Standards, COMMERCE/NBS-8, Nuclear Reactor Operator Licensees File.

The purpose of the system is to provide documentation that operators of the nuclear reactor facility, which NBS operates under license from the Nuclear Regulatory Commission, are trained, tested, qualified, and periodically requalified, as required by the NRC.

The principal routine use of information in this system is disclosure to the NRC for the purpose of conducting audits of the qualifications of reactor operators. The proposed system is printed below.

The Commerce Department submitted a New System Report dated May 3, 1977, to the Congress, the Office of Management and Budget, and the Privacy Protection Study Commission, as required by the Privacy Act.

Although the Act requires the opportunity for public comment only as to the proposed "routine uses", comments regarding any portion of this Notice will be given due consideration before final publication. Any interested person may submit written data, views or arguments to the Assistant Secretary for Administration (Attn: Information Management Division, Room 5026), U.S. Department of Commerce, 14th and E Streets, NW., Washington, D.C. 20230, any time on or before June 20, 1977. The comments received will be available, as received, for public inspection at the above address between the hours of 9 a.m. and 4 p.m. Monday through Friday (except holidays).

This system of records will become effective 30 days from the date of publication (June 20, 1977), provided the Department's request for a waiver of the 60-day advance notice requirement is granted by the Office of Management and Budget, or unless the Department notices to the contrary.

AUTHORITY: 5 U.S.C. 552a(e) (4), (11), sec. 3, Privacy Act of 1974 (Pub. L. 93-579, 88 Stat. 1896).

Dated: May 3, 1977.

GUY W. CHAMBERLIN, Jr.,
Acting Assistant Secretary for Administration.

COMMERCE/NBS-8

System name:

Nuclear Reactor Operator Licensees File—COMMERCE/NBS-8.

System location:

Reactor Operations Section, Reactor Radiation Division, Institute for Materials Research, National Bureau of Standards, Washington, D.C. 20234.

Categories of individuals covered by the system:

NBS employees who are licensed as Nuclear Reactor Operators, those whose applications for licenses are being processed, and those whose licenses have expired.

Categories of records in the system:

These records contain information relating to the application for a Nuclear Reactor Operator's license, certification of competency, certification of medical history, results of medical examination and related correspondence, reactor operator examination and examination results, records of training, and license or denial letter.

Authority for maintenance of the system:

Sections 107, 161(i), Atomic Energy Act of 1954, as amended, 42 U.S.C. 2137, and 2021(i), 15 U.S.C. 272.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Information in these records may be disclosed: To the Nuclear Regulatory Commission for the purpose of conducting audits of the qualifications of reactor operators. Also see routine use paragraphs of the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining and disposing of records in the system:

Storage:

Paper records in file folders.

Retrievability:

Filed alphabetically by name.

Safeguards:

Records are maintained in a locked filing cabinet in a limited access building.

Retention and disposal:

All records relating to an individual's license and documentation for license including requalification requirements will be retained as long as is required by the Reactor License and will thereafter either be turned over to the individual concerned or destroyed.

System manager(s) and address:

Deputy Chief, Reactor Operations Section, Reactor Radiation Division, Institute for Materials Research, National Bureau of Standards, Washington, D.C. 20234.

Notification procedures:

Information may be obtained from:

Associate Director for Administration, Room 1105, Administration Building, National Bureau of Standards, Washington, D.C. 20234.

Requester should provide name and additional factual data as appropriate, pursuant to the inquiry provisions of the Department's rules, would appear in 15 CFR Part 4b.

Record access procedures:

Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures:

The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories:

Subject individual, licensed physician, employees of the Reactor Radiation Division, and those authorized by the subject individual to supply information.

[FR Doc.77-14288 Filed 5-19-77;8:45 am]

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST 1977

Proposed Addition

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Proposed Addition to Procurement List.

SUMMARY: The Committee has received a proposal to add to Procurement List 1977 commodities to be produced by workshops for the blind or other severely handicapped.

COMMENTS MUST BE RECEIVED ON OR BEFORE: June 23, 1977.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street, North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT:

C. W. Fletcher (703-557-1145).

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2), 85 Stat. 77.

If the Committee approves the proposed addition, all entities of the Government will be required to procure the commodities listed below from workshops for the blind or other severely handicapped.

It is proposed to add the following commodities to Procurement List 1977, November 18, 1976 (41 FR 50975):

Class 7930

Rinse Additive, Dishwashing 7930-00-619-9575 (for 60% of Government's requirements).
7930-00-619-9573.

C. W. FLETCHER,
Executive Director.

[FR Doc.77-14410 Filed 5-19-77;8:45 am]

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS

Receipt Period of May 9 through May 13, 1977

The following is a list of environmental impact statements received by the Council on Environmental Quality from May 9 through May 13, 1977. 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 is forty-five (45) days from this FEDERAL REGISTER notice of availability (July 4, 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 are also available at 10 cents per page from the Environmental Law Institute, 1346 Connecticut Avenue, Washington, D.C. 20036.

DEPARTMENT OF AGRICULTURE

Contact: Mr. Errett Deck, Coordinator, Environmental Quality Activities, U.S. Department of Agriculture, Room 359-A, Washington, D.C. 20250, 202-447-6827.

FOREST SERVICE

Draft

San Gabriel Unit, Angeles National Forest, San Bernardino and Los Angeles Counties, Calif., May 13: This statement proposes several alternative land use management plans for the 186,570-acre San Gabriel Planning Unit, Angeles National Forest, California. The unit includes the 36,000-acre San Gabriel Wilderness, the 3,500-acre Cucamonga Wilderness Study Area, the 56,000-acre Sheep Mountain Wilderness Study Area, the 6,060-acre San Dimas undeveloped area, and the 17,000-acre San Dimas Experimental Forest. Impacts vary according to the alternate selected. (ELR Order No. 70590.)

Final

Ninemile-Mill Unit Plan, Lolo National Forest, several counties, Montana, May 9: The proposed action is the implementation of a revised multiple use plan for the Ninemile-Mill Planning Unit, Lolo National Forests. This action affects 120,950 acres of National Forest land of which 115,262 acres are in Missoula County, 5,120 acres are in Mineral County, 330 acres are in Lake County, and the remaining 238 acres are in Sanders County. Adverse effects include alteration of the natural landscape and disturbance of the natural condition of vegetation, soil, water, and wildlife. Comments made by: FPC, EPA, DOI, State agencies, and concerned citizens. (ELR Order No. 70566.)

Supplement

Alaskan National Forests, Herbicide Use (S-2), Alaska, May 12: This statement is a final addendum to the final EIS on the use of herbicides on the National Forests of Alaska in 1977. The proposed action is control of vegetation through the use of herbicides on road, railroad, and powerline rights-of-way. The herbicides proposed for use include 2,4-D, picloram, amitrole, sodium metaborate, sodium chlorate, and bromacil. Susceptible target and nontarget vegetation in the treatment areas will be reduced in vigor and, in most cases, killed. (ELR order No. 70581.)

1976 Coop. Western Spruce Budworn Plan (S-1), several counties, Washington, May 9: This statement is a final addendum to a final EIS filed with CEQ in 1976 on the Western Spruce Budworn Pest Management Plan. Based on entomological and biological considerations, the USDA-Forest Service, in cooperation with the Washington State Department of Natural Resources, USDI-Bureau of Indian Affairs, and USDI-Bureau of Land Management, will treat western spruce budworm on 460,000 acres out of a total infestation of 1,100,020 acres in the spring and summer of 1977. The method of treatment will be aerial application of carbaryl (Sevin 4 Oil). Application of the chemical will result in reduction of wild bee populations, microathopods, and aquatic insect populations. (ELR order No. 70568.)

RURAL ELECTRIFICATION ADMINISTRATION

Draft

Beluga Station Nos. 7, 8, 9—Bernice Lake Unit 3, Alaska, May 12: Proposed is the granting of financial assistance to Chugach Electric Association for the construction of additional generating capacity at the Beluga Station and the Bernice Lake Power Plant in Alaska. Plans include expansion of Units 7, 8, and 9 at the Beluga Station, located 40 air miles west and across Cook Inlet from Anchorage, and expansion of Unit 3 at the Bernice Lake Power Plant, located at Nikiski, within the Kenai Peninsula Borough. The major impact resulting from the action will be release of some oxides of nitrogen from the new generating station facilities. (ELR order No. 70582.)

DEPARTMENT OF COMMERCE

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Contact: Dr. William Aron, Director, Office of Ecology and Environment Conservation, NOAA—Room 5813, Department of Commerce, Washington, D.C. 20230, 202-967-5181.

Draft

Atlantic Clam Fishery Management, May 13: The Mid-Atlantic Regional Fisheries Management Council has proposed the adoption of this management plan for surf clam and ocean quahogs caught off the Mid-Atlantic and Northeastern United States. The plan proposed the following objectives, to: rebuild the declining surf clam stocks within a 10-year period; minimize the short term economic disclocation to the extent possible consistent with the rebuilding of the surf clam stocks, and promote economic efficiency; and prevent overfishing of the ocean quahog stocks. Few adverse effects are anticipated. (ELR order No. 70592.)

DEPARTMENT OF DEFENSE

ARMY CORPS

Contact: Dr. C. Grant Ash, Office of Environmental Policy Department, 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

Packer River Terminal, Barge Terminal Expansion, Dakota County, Minn., May 12: The proposed action is expansion of an existing barge terminal in South St. Paul, Minnesota, by the Packer River Terminal Inc. (Packer). Packer plans to fill approximately 22 acres of wetlands to increase the capacity of their terminal to store and handle an estimated additional 635,000 tons of commodities per year. The primary impact would result from loss of the wetlands, which presently serve the functions of water quality, food chain production, general habitat, nesting and rearing habitat, and flood storage. Also, the habitat value of adjacent wetlands would be reduced. (ELR order No. 70585.)

Pembiller Lake and Dam (2), Pembia and Cavalier Counties, N. Dak., May 9: The proposed project calls for the construction of a rolled earth type dam across the Pembina River about 2 miles southwest of Walhall, North Dakota, near the Cavalier-Pembina County Line. The reservoir would have a controlled storage capacity of 147,000 acre-feet of which 15,000 acre-feet would be in an 800 foot surface area conservation pool. Storage within the conservation pool would be allocated to water supply, recreation, and sedimentation. The project would result in the permanent inundation of about 800 acres of the valley. (St. Paul District.) (ELR order No. 70570.)

Port Clinton Harbor, Maintenance Operations, Ottawa County, Ohio, May 12: The proposed action is the intermittent dredging of the existing navigation channel at Port Clinton Harbor, Ohio. Structure maintenance of the existing jetties, by replacing the rubble and improving the safety for pedestrian uses, would be performed when necessary. An open area of Lake Erie and possible beach nourishment areas have been proposed for disposal of dredged materials. In the dredging, disposal, and repair areas, temporary turbid conditions will be created and water quality will decline, disturbing or destroying aquatic life. (Detroit District.) (ELR order No. 70578.)

Final

Punta Gorda Isles, Inc.-Section 15 (Permit), Charlotte County, Fla., May 13: This statement concerns the application by Punta Gorda Isles, Inc., for a permit to conduct activities in the navigable waters of the United States for the purpose of constructing a boat lock in a canal connecting to the north branch of Alligator Creek. The development involves approximately 922 acres. The proposed work would cause the removal of the mangrove and Juncus Grass communities, and would adversely affect water quality. Approximately 146 acres of wetlands would be filled. (Jacksonville District.) Comments made by: USDA, DOC, HEW, DOI, EPA, State and local agencies, and concerned citizens. (ELR order No. 70588.)

Removal of Water Hyacinth, Aquatic Plant Control, Louisiana, May 9: This statement discusses two actions which are similar in scope. The first project consists of the removal of water hyacinth and other plants from navigable waters of Louisiana, so far as they are or may become an obstruction to navigation. The second action is the control and progressive eradication of water hyacinth, alligator-weed, Eurasian watermilfoil, and other obnoxious aquatic plant growths from navigable waters, tributary streams, connecting channels, and other allied waters of the United States. The primary effort under these programs is the spraying of herbicide 2, 4-D under strictly controlled conditions. No adverse effects are anticipated. (New Orleans District.) Comments made by: DOC, DOT, EPA, AHP, State and local agencies and Concerned Citizens. (ELR order No. 70564.)

Vermilion Lock Replacement, Gulf ICW, Vermilion County, La., May 10: This final EIS updates a revised draft EIS filed with CEQ in November, 1975. The project provides for construction of an earth-chambered sector-gated replacement lock for the existing Vermilion Lock, Gulf Intracoastal Waterway, Louisiana Section. The primary adverse impacts will be the loss of 806 acres of marsh and existing vegetation and wildlife, increased turbidity, and the loss of some benthic organisms. (New Orleans District.) Comments made by: EPA, DOI, DOC, USDA, DOT, HEW, AHP, State and local agencies, concerned citizens. (ERL Order No. 70573.)

Appalachian Power Co., Power Plant, New Haven, Mason County, W. Va., May 13: Proposed is the construction and operation of a 1,300,000 kV coal-fired power plant in New Haven, West Virginia. The plant will use cooling water from the Ohio River and will discharge station waste to the river. Adverse impacts of the project include the discharge of waste from ash disposal and station drains, and passage of water through the station system, the use of chemical additives to water used in the station system, and the breakdown of the pollution control system. The project will also require the clearing of forest land and the relocation of Little Broad Run. (Huntington District.) Comments made by: EPA, DOI, USDA, DOC, FPC, DOT, ORBC, AHP, State and local agencies, concerned citizens. (ERL Order No. 70591.)

Supplement

Buena Vista Flood Protection (S-1), Rockbridge County, Va., May 9: Proposed is the Buena Vista Flood Protection Project which provides for flood protection measures consisting of an 11,700-foot levee and floodwall, a 200-foot wide channel 2,800 feet long, a 5,700-foot interior drainage canal and three closures. Adverse effects include the covering of 72 acres of low-use habitat with levee and floodwall, loss of vegetation on riverbank adjacent to channel, and increased rate of sedimentation into the Maury River during construction. Relocation of businesses, utilities, and transportation facilities will also result. (Norfolk District.) (ERL Order No. 70563.)

NAVY

Contact: Mr. Ed Johnson, Department of the Navy, Room 4B466, Pentagon, Washington, D.C. 20350, (202-697-3639).

Draft

San Diego Naval Sta., Berthing/Repair Pier No. 2, San Diego County, Calif., May 11: Proposed is the construction of a reinforced concrete pier 120 feet wide by 1,005 feet long at the Naval Station, San Diego, California. The project site of the proposed new berthing pier No. 2 will be midway between berthing piers No. 1 and 3, where the water is approximately 300 feet MLLW. The project will deepen the area to 35 MLLW and the dredged material will be disposed of about 8 miles west of Point Loma. Dredging will temporarily disturb marine and bottom life. (ELR Order No. 70576.)

FEDERAL ENERGY ADMINISTRATION

Contact: Mr. Robert Stern, Director, Office of Environmental Impact, Federal Energy Administration, New Post Office Building, Room 7119, 12th and Pennsylvania Avenue, NW., Washington, D.C. 20461 (202-566-9760).

Final

Coal Conversion Program, May 13: This statement proposes FEA's issuance of orders to fossil fuel-fired facilities prohibiting them from burning natural gas or petroleum products as their primary energy source and requiring facilities in the early stages of planning to be built with the capability of burning coal. The following impacts are generally associated with coal burning and vary in degree from site to site: (1) An increase in emissions of air pollutants, (2) increases in solid waste generation, (3) potential increases in land requirements, (4) increases in water pollution, and (5) increases in coal mining, processing, and transport. Comments made by: ICC, USDA, FPC, EPA, HEW, distribution system. (ELR Order No. 70586.)

Supplement

Bayou Choctaw Salt Dome—SPR (S-1), Iberville County, La., May 13: This statement supplements a final EIS filed with CEQ in December, 1976. Proposed is the implementation of the Strategic Petroleum Reserve, Title I, Part B of the Energy Policy and Conservation Act of 1975 through the development of a 94 million barrel crude oil storage facility at the Bayou Choctaw Salt Dome. The oil transportation proposed in the final EIS has been revised to provide direct connections by pipeline to the existing oil distribution system at St. James, Louisiana. This supplement is concerned with the construction and operation of this revised oil distribution system (ELR Order No. 70586.)

GENERAL SERVICES ADMINISTRATION

Contact: Mr. Andrew E. Kauders, Environmental Affairs Division, General Services Administration, 18th and F Streets NW., Washington, D.C. 20405, 202-566-0405.

Supplement

Fort Holabird Disposal, Amended (S-3), Baltimore County, Md., May 13: This statement supplements a final EIS filed with CEQ in November, 1975. Proposed is the disposal of 226.85 acres of Fort Holabird, Baltimore City and Baltimore County, Maryland. This acreage will be disposed of as follows: (1) approximately 179.20 acres through negotiated sale with the city of Baltimore for general public purposes; (2) approximately 37 acres by assignment to BOR for conveyance to the city of Baltimore for park and recreational purposes; (3) approximately 4 acres by assignment to BOR for conveyance to Baltimore County for park and recreational purposes; and (4) approximately 6.65 acres through Sealed Bid Sale. (ELR Order No. 70594.)

DEPARTMENT OF HUD

Contact: Mr. Richard H. Broun, Director, Office of Environmental Quality, Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C. 20410, 202-755-6308.

Draft

Parkway Forest Subdivision, Harris County, Tex., May 11: Proposed is the approval, for mortgage insurance purposes, of the 543.42-acre Parkway Forest Subdivision in eastern Harris County, Texas. The development plan calls for construction of 2680 housing units with additional acreage reserved for commercial, open space, and recreational uses. Plant and animal communities currently existing on the site will be disrupted. The action will also result in increases in automobile traffic, vehicle emissions, and noise levels. (ELR Order No. 70574.)

CandleRidge—South Ridge Communities, Tarrant County, Tex., May 12: Proposed is the approval of an application by CandleRidge Development Corporation and the Foster Financial Company for FHA mortgage insurance for the proposed communities of CandleRidge and South Ridge. The 1,684-acre project is located 8 miles southwest of

the Fort Worth Central Business District and is designed to accommodate a 1985 population of 15,500 persons with a housing supply of 5,664 units. Of these units, 2,796 are low-density single family homes, 1,164 units are medium-density apartments, and another 1,704 units are cluster housing, condominiums, townhomes and duplexes. Adverse effects include loss of prairie lands, and degradation of water. (ELR Order No. 70583.)

Final

Georgetown ASP 75-28, Chatham County, Ga., May 9: Proposed is the planned unit development of 2206 acres in Chatham County, Georgia. The planned land uses include single-family detached houses, apartments and townhouses, regional and neighborhood commercial areas, recreation facilities, a school complex, an office park, a warehouse/light industry area, an activity center and a sewage treatment plant. The major adverse impacts will be increased demands on schools and highways, and loss of agriculturally productive and. Comments made by: AHP, COE, FPC, ERDA, EPA, GSA, USDA, DOC, HEW, DOI, state and local agencies, and concerned citizens. (ELR order No. 70565.)

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 enot available from HUD).

SECTION 104 h

Draft

Santa Rosa, S. Park Neighborhood Development, Sonoma County, Calif., May 9: This statement provides a comprehensive analysis of the environmental consequences of full implementation of the South Park Neighborhood Development Program in Santa Rosa, California. Redevelopment activities have been underway in the neighborhood for over three years and are anticipated to continue for another ten. Specific features of the plan are the rezoning of a seven-block area to be totally commercial, the expansion of a neighborhood park, and the construction of a new roadway completing a beltway around the neighborhood. Alternatives include cessation of redevelopment, and reduced funding. (ELR order No. 75069.)

Renton, Cedar River Trail System, King County, Wash., May 9: Proposed is the construction of a continuous multi-use recreational system along the Cedar River from the mouth of the river at Lake Washington to the proposed King County Park, adjacent to the Maplewood Golf Course five miles up river. The project is to be completed in phases and includes three different environmental zones: the Industrial/Park Zone, the Urban Zone, and the Natural Zone. These areas fall directly within Census Tracts 253, 256, and 257. Adverse impacts are expected to be minimal. (ELR order No. 70571.)

Final

Memphis, Tenn.—New Chicago Area, Tennessee, May 12: Proposed are a number of improvements to the New Chicago area in Memphis, Tennessee. Plans include improvements to streets, curbs, gutters, and structures. The 2689-acre project area is in north Memphis, bounded by Wolf River on the north, Chelsea Avenue on the south, North Cypress Creek on the east, and an industrial complex on the west. No adverse effects are anticipated. Comments made by: EPA, DOI, and interested parties. (ELR order No. 70584.)

DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 5311, Department of the Interior, Washington, D.C. 20240, 202-343-3891.

BUREAU OF LAND MANAGEMENT

Final

Navajo Reservation, Coal Lease and Mining Plan, San Juan County, N. Mex., May 11: Proposed is the approval of a coal mining lease and associated mining and reclamation plan on the Navajo Indian Reservation in New Mexico. The major environmental impacts of the proposal will include substantial income to the Navajo Tribe, relocation of the Navajo people residing on the mining area, and the temporary disruption of all surface uses in the area. The audio-visual impact of strip mining and railroad operations, and the permanent alteration of topography also will result. Comments made by: EPA, DOT, ICC, FEA, HEW, DOI, state agencies, Navajo Tribe, and interested parties. (ELR order No. 70575.)

BUREAU OF OUTDOOR RECREATION

Final

Continental Divide and Kit Carson Trails, May 9: Proposed is the designation of a 3,100-mile route from Canada to Mexico as the Continental Divide National Scenic Trail, pursuant to the National Trails System Act (P.L. 90-543). The designated trail would be limited to those sections already in existence on Federal lands, while new trail development would be deferred until the more immediate trail needs of population centers in the vicinity are met. Adverse impacts would occur for some of the trail segments due to anticipated increased use by hikers, horseback riders and pack animals, and increased disposal of wastes. Comments made by: USDA, DOT, HUD, EPA, DOI, state and local agencies, and interested parties. (ELR order No. 70567.)

BUREAU OF RECLAMATION

Final

Dolores Project, Colorado, Montezuma and Dolores Counties, Colo., May 9: The proposed project involves the diversion of water from the Dolores to the San Juan River Basin, Colorado. The project would include McPhee Reservoir on the Dolores River, the smaller Monument Creek and Dawson Draw Reservoirs in the San Juan River Basin, and two major conveyance systems. An average of 126,600 acre-feet of water annually would be developed for the irrigation of 26,300 acres of supplemental service land and 35,360 acres of full service land, for municipal and industrial use, and for fish and wildlife enhancement. Adverse effects include relocation of 42 families, and the inundation of about 4,850 acres. Comments made by: DOI, AHP, USDA, DOD, EPA, HEW, HUD, DOT, state and local agencies, and concerned citizens. (ELR order no. 70562.)

Final

Monongahela River Basin Study, Maryland, Pennsylvania, and West Virginia, May 9: Proposed is adoption of the Monongahela R. Basin Plan for implementation of one major reservoir, one upstream watershed project, flood zoning and insurance at 13 locations, four local protection projects, 104 municipal wastewater treatment facilities, 130 mile drainage abatement areas, and the replacement of one navigation lock and one lock and dam. Adverse impacts of the plan include the inundation of 4,376 acres of open and green space, disruption of 55 miles of existing natural stream channel by four projects, and the possible loss of 2,650 acres of coal resources and associated jobs. Comments made by: USDA, USA, DOC, HEW, HUD, DOI, DOT, ERDA, FPC, EPA, CEQ state agencies, and concerned citizens. (ELR order No. 70559.)

Contact: Mr. Lindsey Grant, Director, Office of Environmental Affairs, Room 7822, Department of State, Washington, D.C. 20520, 202-632-9278.

Final

AID Pest Management Program: This EIS addresses all activities of the Agency for International Development (AID) which are intended to control or eliminate pests. Conceptually, the AID program is organized according to: (a) program area (food production and preservation, public health, and all other pest management programs); (b) program element (pesticide activity, research, training and technical assistance, other pest management activities); and (c) geographical region (the United States, less developed countries, and extraterritorial global areas). AID activities will include development assistance through land and grant programs of technical assistance and training. Comments made by: USDA, HEW, DOI, USCG, DOT, EPA, CEQ, international organizations, foreign governments. (ELR Order No. 70593.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Affairs, U.S. Department of Transportation, 400 7th Street SW., Washington, D.C. 20590, 202-426-4357.

BONNEVILLE POWER ADMINISTRATION

Draft

Fiscal year 1978 Bonneville Dam Integrations Transmission, Clark and Skamania Counties, Wash., May 12: The proposed action is construction of transmission facilities to integrate the electricity from the second powerhouse at Bonneville Dam, in the State of Washington, into BPA's grid system. Two alternatives are discussed, both of which involve the construction of approximately 1.3 miles of new 230-kV line and the addition of 21 miles of conductor to the vacant side of existing BPA double circuit towers. Depending upon the final route location chosen, between 6 and 24 acres of new right-of-way would be required, and approximately 100 acres of trees and brush would be cleared for construction. (ELR Order No. 10579.)

FEDERAL AVIATION ADMINISTRATION

Draft

Hollywood-Burbank Airport, California, May 9: Proposed is the public acquisition and continued operation of the existing Hollywood-Burbank Airport. Lockheed Air Terminal, Inc., the current owner/operator, has given notice that it will close the airport to public use, and divest itself of the airport facility. The alternatives to public acquisition and operation of the airport consist of two basic options: "No Action" and the substitution of "Alternative Transportation Modes" for the transportation functions presently served by the Airport. (Western Region.) (ELR Order No. 70572.)

FEDERAL HIGHWAY ADMINISTRATION

Draft

Lee's Summit Rd. Improve, U.S. 24—I-70, Jackson County, Mo., May 9: Proposed is the improvement of Lee's Summit/Kiger Roads within the corporate boundary of the City of Independence, Missouri, from U.S. 24 Highway on the north to and including the proposed I-70 diamond interchange on the south. It is a north-south arterial street between Noland Road on the west and M-291

on the east. The existing roadway is two lanes to be improved to four lanes for a length of approximately four miles. Adverse effects include the acquisition of 25.4 acres of land for right-of-way and the relocation of 30 families. (Region 7.) (ELR Order No. 70560.)

S.R. 42, Algood Bypass—Livingston Bypass, Overton and Putnam Counties, Tenn., May 12: Proposed is the construction of State Route 42 in Putnam and Overton Counties, Tennessee. The 13-mile project begins at the proposed Algood Bypass and extends in a northeasterly direction on new location to south of the Livingston Bypass. Plans call for construction of a 4-lane divided highway on a minimum right-of-way width of 250' utilizing various proposed typical roadway sections. Adverse effects include displacement of residences, loss of natural habitat, introduction of a new source of noise and air pollution, and temporary siltation of all involved streams during construction. (Region 4.) (ELR Order No. 70577.)

Final

U.S. 81 and U.S. 30, Columbus, Nebr.; Polk, Butler, and Platte Counties, Nebr., May 12: The project consists of the improvement of two separate roadways, U.S. 81 and U.S. 30 south of Columbus, and L-71-D, U.S. 81 to U.S. 30 connection, in the city of Columbus. The improvement includes the construction of new bridges over Platte and Loup Rivers as well as over various creeks and drainageways. The project will require the acquisition of 50 acres of land for right-of-way and the displacement of families and businesses. A 4(f) statement concerning Pawnee Park is included. Comments made by: DOT, USAF, COE, USDA, DOI, EPA. (ELR Order No. 70580.)

Mapleton Center Street, Utah County; Utah, May 9: Proposed is the improvement and extension of Mapleton Center Street from Maple Street to Hobble Creek Canyon Road, a distance of 1.5 miles. Bituminous surface will cover 2 12-foot lanes and 2 8-foot shoulders, for a total width of 40 feet. Adverse impacts include the relocation of 3 families and construction disruption resulting especially from a cut and fill section and structure for Hobbel Creek. (96 pages.) Comments made by: DOI, USDA, EPA, HUD, DOC, HEW, AHP, State agencies, interested parties. (ELR Order No. 70558.)

Oneida St. Bridge and approaches, Appleton; Outgamie County, Wis., May 9: The proposed project involves the construction of a new bridge across the Fox River and a Government Lock Canal and its approaches in the City of Appleton. The bridge, located 600' west of the present Oneida Street crossing, would be four lanes wide and .67 mile long. The construction of the north approach roadways will require the acquisition of a portion of Jones Park (a 4(f) statement is included) and the south approach will sever the practice area of Riverview Country Club's golf course. Three residences will have to be relocated, one warehouse will have to be acquired and Peerless Point Co. will be displaced by construction. (Region 5.) Comments made by: USCG, DOI, COE, USDA, HEW, EPA, State and local agencies, concerned citizens. (ELR Order No. 70561.)

U.S. COAST GUARD
WASHINGTON, D.C. 20590
202-426-2010

Draft

Tanker Regs—Double Bottoms, Segregated Ballast, May 13: Proposed are certain changes in regulations related to two earlier rulemakings that were issued under Title II of the Ports and Waterways Safety Act of 1972. The regulatory changes would apply segregated ballast requirements to tank vessels both new and existing of 20,000 deadweight tons or greater and would require that all new tank vessels have double bottom spaces to achieve the required segregated ballast capacity. These regulations would apply to U.S. tankers and to foreign tankers entering U.S. waters. Beneficial impacts are anticipated. (ELR Order No. 70587.)

NICHOLAS C. YOST,
Acting General Counsel.

[FR Doc.77-14428 Filed 5-19-77;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Army

PRIVACY ACT OF 1974

New System of Records

The Department of the Army systems of records notices as prescribed by the Privacy Act of 1974 have been published in the FEDERAL REGISTER as follows:

FR Doc. 75-21075 (40 FR 35151) August 18, 1975.
FR Doc. 75-22781 (40 FR 41970) September 9, 1975.
FR Doc. 75-26296 (41 FR 2952) January 20, 1976.
FR Doc. 76-20187 (41 FR 28806) July 13, 1976.
FR Doc. 76-21185 (41 FR 30824) July 26, 1976.
FR Doc. 76-27015 (41 FR 39798) September 16, 1976.
FR Doc. 76-32920 (41 FR 49960) November 11, 1976.
FR Doc. 77-5005 (42 FR 9700) February 17, 1977.
FR Doc. 77-9080 (42 FR 16465) March 28, 1977.
FR Doc. 77-11071 (42 FR 20172) April 18, 1977.
FR Doc. 77-11277 (42 FR 20326) April 19, 1977.
FR Doc. 77-11857 (42 FR 21310) April 26, 1977.

Notice is hereby given that the Department of the Army submitted a proposed new system of records on May 10, 1977 pursuant to the provisions of Office of Management and Budget (OMB) Circular No. A-108, Transmittal Memorandum No. 1, dated September 30, 1975, and Transmittal Memorandum No. 3, dated May 17, 1976, which provide supplemental guidance to Federal agencies regarding the preparation and submission of reports required by the Privacy Act of 1974 (Pub. L. 93-579, 5 U.S.C. 552a(o)). This OMB guidance was set forth in the FEDERAL REGISTER (40 FR 45877) on October 3, 1975.

The Department of the Army invites public comments concerning the proposed new record system. Interested persons are invited to submit written data, views and arguments to Headquarters, Department of the Army, ATTN: DAAG-AMR-R, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20314 on or before June 20, 1977. The system will become effective, within 30 days (June 20, 1977), as proposed without further notice unless comments are received which result in a contrary determination.

A0727.05bDAPE

System name:

DOD Discharge Review Program (Special)

System location:

a. Primary manual/paper file record located at the Joint Liaison Office, US Army Reserve Components Personnel Administration Center (RCPAC), St. Louis, MO; at the National Personnel Records Center (NPRC) of General Services Administration (GSA), St. Louis, MO; US Army Administration Center, Ft. Harrison, IN; Army Discharge Review Board, The Pentagon, Washington, DC 20310; Army Council of Review Boards, Office, Secretary of the Army, The Pentagon, Washington, DC 20310. Demographic data on people applying will exist in the Office, Secretary of Defense.

b. Automated case summary information for all former military members, regardless of Service, maintained by Headquarters, Department of the Army (HQDA), US Army Management Systems Support Agency, The Pentagon, Washington, DC 20310.

Categories of individuals covered by the system:

Former members of the Army who seek discharge upgrade action in accordance with Department of Defense special discharge review program and case summary sheet data on former military members of the Navy, Marine Corps, and Air Force, and the Coast Guard.

Categories of records in the system:

Contains information initially provided by individual when seeking discharge upgrade consideration; includes but is not limited to: Name, social security number (SSN), mailing address, telephone number, former service number(s), and dates of military service. File subsequently contains information provided by requester in written form; information includes discharge date (between August 4, 1964 and March 28, 1973 except where otherwise noted), type discharge, desertion data (if applicable), branch of service, SSN, service number(s), address, hearing method, and dates of confirmation letter.

Case data sheet consolidates preceding information as well as information provided from official military records pertaining to the requester and includes, but is not limited to, the following: index reference and case number associated with individual request, date official military personnel file received from NPRC, date of birth, home of record, officer or inductee/enlistee, sex, race, date entered/discharged from service, reason and authority for discharge, documents submitted by individuals meriting special consideration, dates of accomplishment of steps related to processing of request; discharge review date; conclusions (upgrade to honorable, general, or appeal denied); vote of discharge review board and reasons (special considerations, mitigating factors, compelling reasons, deserving post service conduct); date of applicant notification of discharge review determination, and application for rehearing if applicable.

Information which may be obtained from military service records pertaining

to the requester includes whether individual completed tour in Southeast Asia or Western Pacific, was wounded in combat, decorated for valor or merit, honorably discharged from previous tour, satisfactorily served 24 months prior to discharge or completed alternative service, or was excused in accordance with Presidential Proclamation 4313. Mitigating data pertaining to request include general aptitude, length of service at time of discharge, education level, socio-economic background, factors related to personal distress, waiver(s) granted for service entry, offense(s) motivated by conscience, drug/alcohol related discharge, and good citizenship. Disqualifying data include whether discharged for act(s) of violence/dishonor, offense(s) subject to civilian criminal prosecution, and desertion in or from combat theater.

Automated record contains summary data from case data summary sheet described above, accumulated by Army for all military services, and includes type record, SSN or service number(s), discharge date (between August 4, 1964 and March 28, 1973), name, address, telephone number, hearing method, date of inquiry, date of confirmation letter.

Authority for maintenance of the system

Title 5 U.S.C., Section 301; Title 10 U.S.C., Sections 3012, 1553, and 1554.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses

To support Army Discharge Review Board actions and notify appropriate government agencies (e.g., Veterans Administration) of matters pursuant to such action.

To render recurring reports on number of cases processed by each military service, and matters associated therewith.

To respond to inquiries from individuals to whom records pertain, their counsel, members of Congress, and other government agencies concerning the status and disposition of cases.

To obtain views and recommendations, as required, from other governmental activities within their area of responsibility, including The Attorney General and other law enforcement agencies in those cases alleging acts of force or violence and criminal conduct deemed to be so serious as to warrant continued investigation or possible prosecution.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in files, card indexes, computer magnetic tapes/disks, computer punch cards, and computer printouts.

Retrievability:

By name, SSN or service number, case number or other individually unique identifier assigned the record. Case Summary may be grouped by military service Discharge Review Board and thereunder filed alphabetically by name, case number, SSN or service number, or by other appropriate identifier.

Safeguards:

Manual records are stored in buildings which employ security guards; records are accessible only to authorized personnel.

Automated records are under the control of a cardkey access system which requires positive identification and authorization, and are located in a designated controlled area to which access is limited to selected personnel only.

Retention and disposal:

Final determination and associated supporting documentation incorporated into the Official Military Personnel Folder of the Army member and returned to NPRC, GSA upon completion of action by the Discharge Review Board. Copy of case data summary sheet for each former military service member (Army, Navy, Marine Corps, Air Force) and copy of a comprehensive final report by each military service upon completion of the program will be retained by the Army Council of Review Boards for a period not yet determined.

Automated record information retained for 5 years or until such time as necessary to complete all special Discharge Review Board program actions and attendant administrative matters associated with accounting, reporting, and historical file maintenance in support of DOD requirements. Subsequently destroyed.

System manager(s) and address:

HQDA, ATTN: DAPE-HRL, The Pentagon, Washington, DC 20310.

Army Discharge Review Board, OSA, Room 1E-474, The Pentagon, Washington, DC 20310.

Commander, US Army Management and Systems Support Agency (for ADP portions of the DOD system).

Notification procedure:

Information may be obtained by contacting the respective military department discharge review boards. Addresses are as follow:

Office of the Secretary of the Army, ATTN: Discharge Review Board (Special Discharge Review Program), Room 1E-474, The Pentagon, Washington, DC 20310, Telephone: Area Code 202/697-3071.

Office of the Secretary of the Navy, ATTN: Discharge Review Board (Special Discharge Review Program), Room 910, Ballston Centre Tower No. 2, 801 North Randolph Street, Arlington, VA 22203, Telephone: Area Code 202/692-4991.

Office of the Secretary of the Air Force, ATTN: Discharge Review Board (Special Discharge Review Program), Room 920, Commonwealth Building, 1300 Wilson Boulevard, Arlington, VA 22209, Telephone: Area Code 202/694-5669.

Record access procedures:

Requests from individuals formerly with the Army should be addressed as indicated above. Written requests should contain the full name, SSN, former service number(s), address, telephone number and case number (if known) of the requester, and the fact that the request is related to the DOD Discharge Review Program (Special). Requests for information from other former service personnel should be addressed as indicated under "Notification procedure". (Requests of former members of the Coast Guard should be addressed to the Navy Discharge Review Board.)

For personal visits, the individual should be able to provide some acceptable identification such as driver's license and verbal information which can be used to verify that information contained in the record sought (e.g., SSN, former service number(s), address, and case number).

Contesting record procedures:

The Army's rules for contesting contents and appealing initial determinations may be obtained from HQDA, ATTN: DAPE-HRL, The Pentagon, Washington, DC 20310.

Record source categories:

Official Army personnel files and related records.

Reports from the Navy, Marine Corps, and the Air Force.

Correspondence, documents, and other material generated as a result of action required by the DOD Discharge Review Program (Special).

Systems exempted from certain provisions of the act:

None.

MAURICE W. ROCHE,
Director, Correspondence and Directives, Office of the Assistant Secretary of Defense (Comptroller).

MAY 17, 1977.

[FR Doc.77-14423 Filed 5-19-77;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 732-3; OPP-00051A]

FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT SCIENTIFIC ADVISORY PANEL

Amended Meeting

The three-day meeting of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) Scientific Advisory Panel scheduled for Wednesday, May 25, Thursday, May 26, and Friday, May 27, 1977 has been changed to a two-day meeting now scheduled for Thursday, May 26 and Friday, May 27, 1977. The meeting will be held in Room 2812 (a) and (b), Waterside Mall, 401 M Street, SW., Washington, D.C.

This change is due to the postponement of the third item on the agenda, namely the Subpart on proposed chem-

istry requirements of the Guidelines for Registering Pesticides in the United States. The other agenda items remain the same as published in the FEDERAL REGISTER on May 11, 1977. However a discussion on the National Pesticide Monitoring Plan will be added as an additional agenda topic. For further information contact: Dr. H. Wade Fowler, Jr., Executive Secretary, FIFRA Scientific Advisory Panel, Office of Pesticide Programs (WH-567), Room E-315, EPA, 401 M St., SW., Washington, D.C. 20460, telephone 202-755-4851.

(Sec. 25(d) of FIFRA, as amended (86 Stat. 97; 89 Stat. 751; 7 U.S.C. 136(a) et seq.) and sec. 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 86 Stat. 770).)

Dated: May 18, 1977.

JAMES M. CONLON,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.77-14508 Filed 5-19-77;8:45 am]

[OPP-30000/14; FRL 729-8]

PESTICIDE PROGRAMS

Notice of Rebuttable Presumption Against Registration and Continued Registration of Pesticide Products Containing Pronamide

The Deputy Assistant Administrator, Office of Pesticide Programs, Environmental Protection Agency (EPA), has determined that a rebuttable presumption exists against registration and continued registration of all pesticide products containing pronamide [N-(1,1-dimethyl - 2 - propynyl) 3,5 - dichlorobenzamide].[1]

I. REGULATORY PROVISIONS

A. *General.* Title 40, Part 162.11, of the Code of Federal Regulations for the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended (86 Stat. 971, 89 Stat. 751, 7 U.S.C. 136 et seq.), provides that a rebuttable presumption against registration shall arise if the Agency determines that a pesticide meets or exceeds any of the risk criteria relating to acute and chronic toxic effects set forth in § 162.11(a)(3). If it is determined that such a rebuttable presumption has arisen, the regulations require that the registrant be notified by certified mail and afforded an opportunity to submit evidence in rebuttal of the presumption. In addition, the Agency has determined that the public should also be given notice of the bases for the presumption to provide an opportunity for comment and to solicit additional information relevant to the presumption.

A notice of rebuttable presumption is issued when the evidence related to risk meets the criteria set forth in § 162.11(a)(3). It is emphasized that a notice of rebuttable presumption against registration and continued registration of a pesticide is not a notice of intent to cancel the registration of a pesticide, and may or may not lead to cancellation. The notice of intent to cancel is issued only after the risks and benefits of a pesticide are carefully considered and it is determined that the pesticide may generally cause unreasonable adverse effects to the environment.

Accordingly, all registrants and applicants for registration are invited pursuant to § 162.11(a)(4) to submit evidence in rebuttal of this presumption, and, in the case of oncogenicity, to submit information which relates to the assessment of oncogenic risks as set forth in the Agency's Interim Procedures and Guidelines for Health Risk and Economic Impact Assessment of Suspected Carcinogens (May 25, 1976; 41 FR 21402). Registrants and other interested parties may also submit for consideration data on benefits which they believe would justify registration or continued registration. In addition, any registrant may petition the Agency to voluntarily cancel a current registration pursuant to section 6(a)(1) of FIFRA.

B. *Rebuttal Criteria.* Section 162.11(a)(4) provides that a registrant may rebut the presumption by sustaining the burden of proving:

(1) In the case of a pesticide presumed against pursuant to the acute toxicity or lack of emergency treatment criteria, "that when considered with the formulation, packaging, method of use, and proposed restrictions on and directions for use and widespread and commonly recognized practices of use, the anticipated exposure to an applicator or user and to local, regional or national populations of non-target organisms is not likely to result in any significant acute adverse effects" (40 CFR 162.11(a)(3)(i) and (iii));

(2) In the case of a pesticide presumed against pursuant to the chronic toxicity criteria, "that when considered with proposed widespread and commonly recognized practices of use, the pesticide will not concentrate, persist or accrue to levels in man or the environment likely to result in any significant chronic adverse effects" (40 CFR 162.11(a)(ii)); or

(3) In either case, that "the determination by the Agency that the pesticide meets or exceeds any of the criteria for risk was in error."

(C) *Benefits Information.* In addition to submitting evidence to rebut the presumption of risk, § 162.11(a)(5)(iii) provides that a registrant "may submit evidence as to whether the economic, social and environmental benefits of the use of the pesticide subject to the presumption outweigh the risk of use." If the risk presumptions are not rebutted, the benefit evidence submitted by the registrant,[2] applicants and other interested persons will be considered by the Administrator in determining the appropriate regulatory action. Specifically, § 162.11(a)(5)(iii) provides that if the "benefits appear to outweigh risks," the Administrator may (1) issue a notice of intent to hold a hearing pursuant to Section 6(b)(2) of FIFRA rather than a notice of intent to cancel or (2) deny registration pursuant to section 3(c)(6) of FIFRA. Alternatively, if the "benefits do not appear to outweigh the risks, the Administrator shall issue a notice pursuant to section 3(c)(6) or section 6(b)(1) of the Act, as appropriate." Moreover, if at any time the Administrator determines that a pesticide poses an "imminent hazard" to humans or the environment, a notice of suspension may be issued pursuant to Section 6(c) of the Act.

Stated below is the § 162.11(a)(3) risk criterion which the Agency has found to have been met or exceeded by registrations and applications for registration of pesticide products containing pronamide. The Agency's basis for concluding that this risk criterion has been met or exceeded is set out in "Pronamide: Position Document 1", which follows. This document was prepared by an Agency Working Group. Copies of the attachments to the Position Document which are not published with this notice are available for public inspection. Information protected from disclosure pursuant to FIFRA Section 10 cannot be provided. Specific inquiries concerning the Position Document should be directed to Project Manager Richard Troast, Office of Special Pestiside Reviews (WH-566), EPA, Rm. 447, East Tower, 401 M St. SW., Washington, D.C. 20460 (202-755-8050).

II. PRESUMPTION

40 CFR 162.11(a)(ii)(A) provides, "A rebuttable presumption shall arise if a

[1] This notice of presumption differs in presentation from previously published notices. Specifically, in the past the Agency has published a notice of rebuttable presumption which included a discussion of the substantive reasons for the action taken. This notice does not include such a discussion, but instead incorporates the substantive discussion contained in the lengthy Position Document which is also published. These changes were made in order to streamline the process of information dissemination while providing as much information as possible to affected and interested parties.

[2] Registrants or other interested persons who desire to submit benefit information should consider submitting benefit information on the following subjects, along with any other relevant information they desire to submit.

1. Identification of the major uses of the pesticide, including estimated quantities used by crop or other application.

2. Identification of the minor uses of the pesticide, including estimated quantities used by category such as turf and agricultural uses.

3. Identification of registered alternative products for the uses set forth in (1) and (2) above, including an estimate of their availability.

4. Determination of the change in costs to the user of providing equivalent pesticide treatment with any available substitute products.

5. Assessment of regulation impact upon user productivity (e.g. yield per acre and/or total output) from using available substitute pesticides or from using or no other pesticide.

6. If the impacts upon either user costs or productivity are significant, a qualitative assessment of the regulation's impact on production of major agricultural commodities and retail food prices of such commodities.

pesticide's ingredient(s). * * * (i)nduces oncogenic effects in experimental mammalian species or in man as a result of oral, inhalation or dermal exposure * * *." As a further clarification of the provision, the preamble to the Agency's Interim Procedures and Guidelines for Health Risk and Economic Impact Assessment of Suspected Carcinogens (May 25, 1976; 41 FR 21402) states that "a substance will be considered a presumptive cancer risk when it causes a statistically significant excess incidence of benign or malignant tumors in humans or animals."

On the basis of scientific studies and information summarized in the Position Document, the Agency has concluded that this risk index has been exceeded by all registrations and applications for registration of pesticide products containing pronamide, and that a rebuttable presumption against new or continued registration of such products has therefore arisen.

III. Registrations and Products Subject to the Notice

All registrants and applicants for registration listed below are being notified by certified mail of the rebuttable presumption existing against registration and continued registration of their products.

The registrants and applicants for registration shall have 45 days from the date this notice is sent or until June 27, 1977, to submit evidence in rebuttal of the presumption. However, the Administrator may, for good cause shown, grant an additional 60 days during which such evidence may be submitted. Notice of such an extension, if granted, will appear in the Federal Register.

IV. Duty to Submit Information on Adverse Effects

Registrants are required by law to submit to EPA any additional information regarding any adverse effects on man or the environment which comes to a registrant's attention at any time, pursuant to section 6(a)(2) of FIFRA and 40 CFR 162.8(d). If any registrant of pronamide products has any published or unpublished information, studies, reports, analyses, or reanalyses regarding any adverse effects in animal species or humans, residues, and claimed or verified accidents to humans, domestic animals, or wildlife, which has not been previously submitted to EPA, the material must be submitted immediately. When responding to this notice, each registrant shall submit a written certification to the Agency that all information regarding any adverse effects known to the registrant has been submitted. In addition, the registrants should notify EPA of any studies currently in progress, including the purpose of the study, the protocol, the approximate completion date, and a summary of all results observed to date.

V. Public Comments

During the time allowed for submission of rebuttal evidence, comments on the presumptions set forth in this notice and on the material contained in the Position Document are solicited from the public. In particular, any documented episodes of adverse effects to humans, domestic animals, or wildlife, and information as to any laboratory studies in progress or completed, are requested to be submitted to the EPA as soon as possible. Similarly, any studies or comments on the benefits from the use of pronamide are requested to be submitted. All comments and information received, as well as any other relevant information and analysis thereof, which come to the attention of the Agency may serve as a basis for final determination pursuant to Section 162.11(a)(5).

All comments and information should be sent to:

Federal Register Section, Technical Services Division (WH-569), Rm. 401 East Tower, 401 M Street, SW., Washington, D.C. 20460.

Three copies of the comments or information should be submitted if possible to facilitate the work of the Agency and others interested in inspecting them. The comments and information should bear the identifying notation "OPP-30000/14." Comments and information received within the specified time limit shall be considered before it is determined whether a notice shall be issued in accordance with § 162.11(a)(5)(ii).

Comments received after the specified time period will be considered only to the extent feasible consistent with the time limits imposed by § 162.11(a)(5)(ii). All written comments and information filed pursuant to this notice will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4 p.m. on normal working days.

Interested persons are encouraged to take advantage of the opportunity to inspect Agency files during normal working hours since (1) All of the information received may serve as a basis for final determination pursuant to § 162.11(a)(5) and (2) the Agency will not generally publish a summary of information received in the Federal Register at the close of the rebuttal period.

Your cooperation is solicited in identifying any errors or omissions which may have been made in the following computer listings. Corrections to the listings may not necessarily be published in the Federal Register, but rather handled by mail with affected parties. Omissions will be corrected by notice in the Federal Register.

Dated: May 9, 1977.

Edwin L. Johnson,
Deputy Assistant Administrator for Pesticide Programs.

Federally Registered Products Containing Pronamide

Registrant No.	Name and address	Product No. and name
000538	O. M. Scott & Sons Co., Marysville, Ohio 43040	00084—Proturf 27-0-13 POA Annua Control Plus Fertilizer. 00115—Scotts Proturf POA Annua Control V. 00118—Scotts Proturf POA Annua Control.
000557	Swift Agricultural Chemical Corp., 111 West Jackson Blvd., Chicago, Ill. 60604.	01906—Parex POA Annua Control Plus Fertilizer.
000707	Rohm & Haas Co., Independence Mall, Philadelphia, Pa. 19105.	00098—Kerb 50-W Selective Herbicide. 00115—Kerb Technical.
002169	Patterson Chemical Co., Inc., 1400 Union Ave., Kansas City, Mo. 64101.	00243—Pattersons Kerb 50W.
005481	Amvac Chemical Corp., 4100 East Washington Blvd., Los Angeles, Calif. 90023.	00170—Kerb Granules 1.

Applicants for Registration of Products Containing Pronamide

Registrant No.	Name and address	Product No. and name
000707	Rohm & Haas Co., Independence Mall, Philadelphia, Pa. 19105.	04294—Kerb 50-W. 04295—Kerb 50-W. 04296—Kerb 50-W. 06619—Kerb 50-W. 07620—Kerb 50-W. 07623—Kerb 50-W.
002342	Kerr-McGee Chemical Corp., Manager, Packaging and Labeling, Kerr-McGee Center, Oklahoma City, Okla. 73102.	06048—Turfmaster with Kerb.
005481	Amvac Chemical Corp., 4100 E. Washington Blvd., Los Angeles, Calif. 90023.	07509—Kerb Granules 1. ROE—Kerb Granules 2. ROG—Kerb Granules 3. ROU—Kerb Granules 4.
009404	Chase & Co., Box 1607, Sanford, Fla. 32771	10633—Sunniland POA Annua Control plus fertilizer.
009782	Woodbury Chemical Corp., P.O. Box 4319, Princeton, Fla. 33030.	03030—Kerb 1 pct.

Pronamide: Position Document 1

Pronamide Working Group, Richard Troast, Project Manager, U.S. Environmental Protection Agency

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2. "Toxicologic Study on the Effect of Adding RH-315 to the Diet of Beagle Dogs for a Period of Two Years."

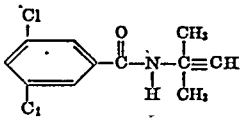
List of Appendices.

1. *Background.*—A. *General Chemistry.* Pronamide (N-(1,1-dimethyl-2-propynl) 3, 5-dichlorobenzamide) was patented as a herbicide in 1964 by Dr. A. Crovetti of Abbott Laboratories, Northbrook, Ill.[3] The proprietary rights to the compound were transferred to Rohm and Haas Company, Inc., in 1968. Abbott Laboratories still receives a royalty from Rohm and Haas from pronamide production.

There are no currently registered pesticides that are chemically similar to pronamide. Rohm and Haas has indicated that pronamide is probably the most biologically active compound of its type (*1*).

Physical characteristics of this compound are:

Melting point, 155° C; solubility in H_2O, 15 ppm; vapor pressure, 8.5×10^{-6} mm.



Pronamide

Pronamide is synthesized as a solid. The technical chemical is packaged as a coarse powder formulation. Pronamide products that are ready for application are wettable powders or granules.

B. *Residue chemistry.* In a study of pronamide metabolism, cows and rats fed pronamide excreted over half the amount they ingested directly through the gastrointestinal tract in the feces. Radioisotope studies in the cows and rats indicated that only a slight percentage of the ingested pronamide is metabolized in the gastrointestinal tract. However, once pronamide is absorbed through the intestinal lining, at least seven metabolites can be identified in the urine (*2*).

Pronamide metabolism in mammals is similar to fatty acid metabolism in that the aliphatic chain is modified by a series of carboxylic acid transformations. Since these chemical transformations follow fatty acid metabolism, which is a liver function, pronamide metabolism may also largely be a function of the liver.

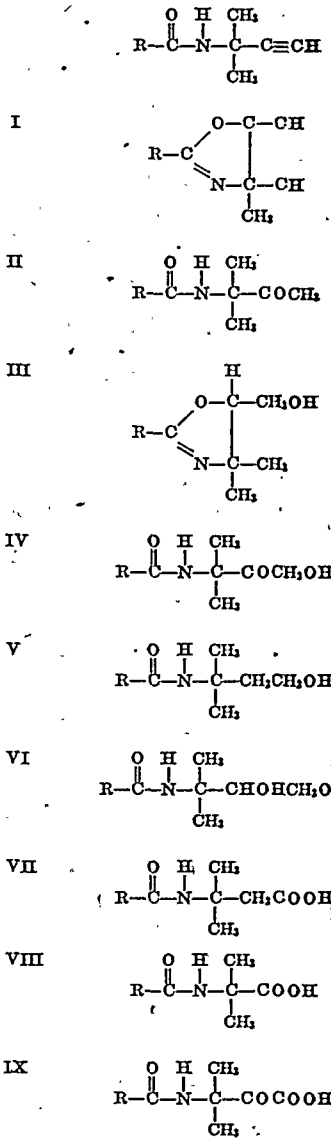
Metabolism of pronamide by plants was demonstrated by Yih and Swithenbank in 1971 (*3*). A plant study using alfalfa revealed that at least ten metabolites could be identified in the alfalfa tissue after treatment with pronamide. This study indicated that the treated crop should not be harvested until 120 days after the last pronamide application. A list of pronamide metabolites and media in which they occur may be found in Figure 1 and Table 1.

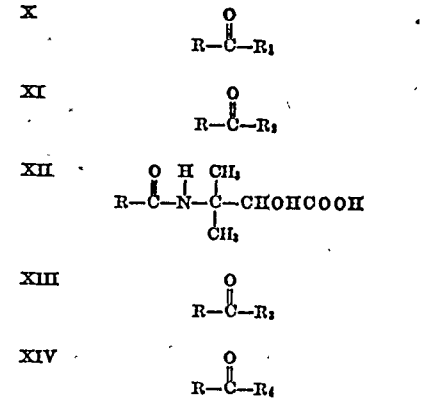
C. *Environmental chemistry.* Soil degradation patterns of pronamide follow pathways similar to the metabolic pathways found in plants and animals. Residues of pronamide in soil were detectable in amounts of 0.27 ppm for up to 112 days after field application (*3*). In a study using ^{14}C-pronamide, Fisher found that 13 percent of the pronamide changed to $^{14}CO_2$ after 33 days. Fisher speculates that this change was accomplished by soil bacteria since there was no significant $^{14}CO_2$ liberation in a similar test in sterilized soil (*4*).

Walker (*5*), Yih et al. (*6*), and Leistra et al. (*7*) conducted additional studies of the persistence of pronamide in soil. All of these studies indicated that pronamide may persist in soil. The half-life of the molecule is wholly dependent on soil temperature and moisture. A 10 percent soil moisture, Walker reported half-lives of 29 days at 23°C, 63 days at 15°C, and 140 days at 8°C. Reducing the soil moisture to 5 percent increased half-life by a factor of almost two at 23°C. Leistra et al. additionally found that the mobility of pronamide is slight beneath the top 5 cm of soil and is totally dependent on the breakdown kinetics of the herbicide.

FIGURE 1.—*Pronamide Metabolites*

Metabolite No.
Compound A (Pronamide)
Structure





R=Benzene chlorinated at 3 and 5
$R_1R_2R_3R_4$ are unknown

TABLE 1.—*Occurrence of pronamide metabolites in soil, plants, and mammals*

Metabolite	Media				
	Soil	Alfalfa	Rat feces	Rat urine	Cow urine
Pronamide	+	+	+	+	−
I	+	+	+	−	−
II	+	+	+	−	−
III	+	+	+	+	−
IV	+	+	+	+	−
V	+	+	+	−	−
VI	+	+	+	+	−
VII	+	+	+	+	+
VIII	+	+	+	+	+
IX	+	+	−	−	−
X	−	+	−	−	−
XI	−	−	+	+	−
XII	−	−	−	+	+
XIII	−	−	−	−	+
XIV	−	−	−	−	+

NOTE.—Structures of the metabolites are given in fig. 1.
+=present.
−=absent.

Sources: Apps. 3 and 4.

Data submitted by Rohm and Haas on the hydrolysis of pronamide in water indicated that pronamide is relatively stable when the pH is nearly neutral. Little if any ^{14}C-pronamide was converted to $^{14}CO_2$. Other studies of pronamide in aqueous systems showed that it is slowly degraded by light and microorganisms in water and sludge (*8*).

D. *Toxicology.* On the basis of toxicological data submitted by Rohm and Haas, pronamide products are in Toxicity Category III (40 CFR 162.10) because pronamide exhibits only slight to moderate irritation to the skin and eye and has an acute toxicity in excess of 500 mg/kg. A complete chart of reported toxicology values is included in the Tables 2 and 3.

Since pronamide and most of its identified metabolites (3) contain an amide functional group with one amino hydrogen, the question of N-nitroso formation must be raised since N-nitroso compounds are extremely potent animal carcinogens. An evaluation forwarded to the Office of Special Pesticide Reviews from the Chemistry Branch, Criteria and Evaluation Division, Office of Pesticide Programs (OPP) stated, "* * * pronamide could be nitrosated * * * This appears unlikely during manufacture * * * but could occur subsequent to application" (*9*).

[3] U.S. Patents 3,534,098 and 3,640,699 granted on October 13, 1970, and February 8, 1972.

TABLE 2.—*Acute toxicity of pronamide products*

Test	Species and sex	Product	LD_{50}
Oral	Rat—male	Kerb 75 WP (RH-315 75 WP)	4,125 mg/kg.
Do	Rat—male	Kerb technical (RH-315)	8,350 mg/kg.
Do	Rat—female	do	5,620 mg/kg.
Do	Rat—male	Kerb 50W (RH-315 50 WP)	16,000 mg/kg.
Do	Rat—female	do	16,000 mg/kg.
Do	Dog	Kerb—technical (RH-315)	>10 g/kg.
Dermal	Rabbits	do	>3.16 g/kg.
Do	do	Kerb 50W (RH-315 50 WP)	>10 g/kg.
Primary skin irritation	do	do	Not considered primary irritant at 0.5 g.
Percutaneous	Rabbits—male.	Kerb 75 WP (RH-315 75 WP)	>20 g/kg.
Eye irritation	Rabbits	Kerb technical (RH-315)	Slight conjuntual redness at 3 mg; no corneal damage.
Do	do	Kerb 50W (RH-315 50 WP)	Slight irritant to unwashed eye at 100 mg.
Inhalation	Rats	do	No mortality, but spots on lungs at 3.32 mg/l air.

Source: Sec. C of pesticide petitions 1F1139 and 9G0821.

TABLE 3.—*Wildlife toxicity of pronamide products*

Test	Species, sex	Product	LD_{50}/LC_{50}
Oral	Japanese quail	Kerb 75 WP	8,770 mg/kg.
	Male	do	9,540 mg/kg.
	Female	do	8,000 mg/kg.
	Mallard duck	do	>14,000 mg/kg.
Tank water	Goldfish	do	LC_{50}=330 p/m.
	Guppies	do	LC_{50}=150 p/m.
	Rainbow trout	do	LC_{50}=72 p/m.
	Catfish	do	LC_{50}>200 p/m.
Treated foliage (2 lb/acre)	Honey bee	do	24-hr mortality=0 pct.
	Leafcutter bee	do	24-hr mortality=5 pct. (Control=4 pct.)

Source: Section C of pronamide petitions 1F1139 and 9G0821.

The potential for N-nitroso formation is especially likely since some pronamide is marketed in a formulation with nitrogen fertilizers. N-nitroso formation may also occur after the pesticide is applied if there are nitrates present. This formation is therefore possible in soil, water, air, plants, and animals including man.

While some data show that pronamide does metabolize, the metabolites have essentially the same molecular structure except for the last two carbons. If the amide moiety of the molecule undergoes nitrosation to form an N-nitrosoamide, which is in a class of compounds shown to be potent oncogens in laboratory animals, then some pronamide metabolites may be oncogens. Moreover, there are no experimental data that demonstrate clearly that pronamide breaks down or is metabolized to harmless substances. Presence of CO_2 as a byproduct does not constitute sufficient evidence that this has occurred.

Other Rohm and Haas data show that pronamide is a low order toxicant in cold and warm water fish, waterfowl, and game birds. Pronamide had no effect on pollinating bees (*10*).

E. *Uses and production.* Rohm and Haas is the only registered producer of technical grade pronamide and is also the largest formulator of pronamide products. Most of the technical grade pronamide manufactured and Haas Kerb 50 W (EPA Reg. No. 707-98). and Haas Kerg 50 W (EPA Reg. No. 707-98). Rohm and Haas produces most of the pronamide products registered for agricultural uses. Because production data are confidential, they are available for internal use within EPA only (Table 4).

Pronamide is most widely used on certain grasses and broad leaf weeds in alfalfa, other forage crops, and lettuce. Ornamental turf weed and grass control is the major nonagricultural pronamide use. All formulators hold registrations for this use. Pronamide is marketed in formulations for turf grass weed control in several concentrations and occasionally with fertilizers in the formulation as nutrient for the remaining grass. Other ornamental uses include weed control in commercial forest plantings. However, the use of pronamide on ornamental turf appears minor when compared to the agricultural uses.

Rohm and Haas exports varying amounts of formulated pronamide each year. Use patterns abroad are similar to those in the United States. Countries to which pronamide is exported include Canada (alfalfa), South Africa (pasture management), Spain (citrus), Italy (orchard crops, lettuce), United Kingdom (beans, peas, lettuce), France (lettuce), and Japan (pasture management) (*1*).

F. *Alternative pesticides.* Alternative pesticides are registered for most of the uses and sites but not all the target organisms covered by pronamide registrations. Of the 41 alternatives currently identified, five are candidates for RPAR (three arsenicals, paraquat, and pentachlorophenol). In addition several other chemicals have been referred to the Office of Special Pesticide Reviews but have not yet been reviewed and accepted as candidates.

G. *Human exposure.* Humans are most likely to be exposed to pronamide from the ingestion of treated lettuce. Residue data provided in the Rohm and Haas tolerance petitions for lettuce indicate that residues range from <0.01 to 1.8 ppm with a mean level of 0.3 ppm (*10*).

Other raw foods treated with pronamide which humans may ingest directly are cane fruits (blackberries, boysenberries, and raspberries), and blueberries. Use patterns for these crops indicate that pronamide is applied in the winter and 100 days or more before berries are harvested for human consumption.

While alfalfa has the highest permissable pronamide tolerance of all raw agricultural commodities, the amount of alfalfa that humans consume directly is very small. Residues from alfalfa are usually ingested via secondary routes of exposure: consuming meat, milk, and eggs of animals fed treated alfalfa. Levels of pronamide found in chickens fed field-aged alfalfa ranged from 0.02–0.09 ppm in the kidney <0.01–0.04 ppm in the liver, <0.01–0.02 in the gizzard, and <0.01–0.03 in fat (*11*).

Pronamide levels found after feeding cows alfalfa treated with pronamide also showed a wide variance. Concentrations in the liver varied from 0.02–0.17 ppm and those in the kidney were from <0.01 to 0.04 ppm. In a study performed in 1975, L. E. St. John and D. J. Lusk fed cows pure pronamide and found residues in milk ranging from 0.01–0.08 ppm (*12*).

The Food and Drug Administration (FDA) has not reported pronamide residues in samples from in their Market Basket Survey. However they have not been specifically examining food for pronamide residues (*13*).

II. *Regulatory History.* Since the first pronamide product was registered, there have been no restrictive or enforcement actions taken by EPA.

Tolerances for residues resulting from the direct application of pronamide have been established (40 CFR 180.317) 10 ppm, alfalfa; 5 ppm, clover and forage legumes; 2 ppm, lettuce and endive (escarole); 0.05 ppm, cane fruits (blackberries, boysenberries, and raspberries) and blueberries.

The following tolerances for secondary residues resulting from feeding treated material to animals that produce meat, milk, and eggs were also established (40 CFR 180.137):

0.2 ppm — Kidney and liver of beef cattle, goats, hogs, poultry, horses, and sheep.

0.02 ppm — Eggs, milk, meat, fat, and meat byproducts (except kidney and liver) of cattle, goats, hogs, horses, poultry, and sheep.

A temporary tolerance based on an experimental use permit was granted on August 9, 1974 (39 FR 29418) for the use of pronamide on almonds, apples, apricots, cherries, grapes, nectarines, peaches, pears, pistachio nuts, plums, prunes, and walnuts. The experimental permit was for the 1974–75 growing season and was limited to 1500 lb pronamide. Rohm and Haas withdrew this permit in July 1976.

III. *Summary of Scientific Evidence to Support Rebuttable Presumption on the Basis of Chronic Toxicity.* 40 CFR 162.11(a)(3) provides that a rebuttable presumption shall arise if a pesticide's ingredient(s), metabolite(s), or degradation product(s) meet or exceed (i) acute toxicity risk criteria relating to hazards to humans, domestic animals or wildlife, or (ii) chronic toxicity risk criteria relating to oncogenic, mutagenic, and delayed toxic effects in man and/or test animals, or relating to population reductions in nontarget organisms or fatality to members or endangered species.

The Pronamide Working Group has concluded that pesticide products containing pronamide meet the chronic risk criteria relating to oncogenic effects in test animals set forth in this Section.

A. *Chronic Feeding Study in Which Oncogenic Effects Were Observed.* The Working Group recommendation to presume against pronamide because of its oncogenic effects is based on data presented in a chronic feeding study submitted with a petition for tolerances for alfalfa and fresh hay: "Eighteen Month Study on the Carcinogenic Potential of Kerb (RH-315; Pronamide) in Mice" (*14*). Rohm and Haas, who submitted the study, holds that the results indicate that pronamide is not a true carcinogen and does not represent a substantial hazard to humans. However, three groups within EPA

have reviewed this data and each has concluded that pronamide is a carcinogen.

The first reviews occurred in 1974–75 when Toxicology Branch specialists in the Registration Division evaluated these petitions and concluded that pronamide was a potential human carcinogen.[4]

Later, in connection with the current RPAR review of pronamide, a CED contractor, Battelle Memorial Laboratories, Columbus, Ohio, received this data and concluded that pronamide is an oncogen (*15*). The Criteria and Evaluation Division further stated in summary:

"Based on the assumption that an adequate histopathology * * * was conducted * * * it may be concluded that pronamide is a carcinogen in (C57BL/6) x (C3HAnf) F1 male mice (*16*). The EPA Carcinogen Assessment Group (CAG) also concluded that the study indicated that pronamide is a carcinogen. CAG wrote "The mouse study showed a statistically significant excess of liver carcinomas in males associated with a 78 week exposure to 1,000 and 2,000 ppm of pronamide in the Diet" (*17*).

Data from the chronic feeding studies upon which these conclusions are based are presented in Tables 5, 6, and 7. The data in Table 5 indicate that 19 percent of 100 mice ingesting 1,000 ppm pronamide daily in the diet developed malignant tumors, and that 28 percent of 99 mice ingesting 2,000 ppm pronamide developed malignant tumors. By contrast, malignant tumors were found in 8 percent of 100 control animals.

[4] On November 29, 1974, the Toxicology Branch, Registration Division (RD), reviewed an 18-month feeding study submitted with a tolerance petition for alfalfa (*14*). Because of the increased frequency of hepatic carcinomas in male mice in this study, he concluded that pronamide might be a carcinogen (*18*).

The Chief of the Toxicology Branch, in a memo dated Dec. 9, 1974 to Pesticide Science Officer, Registration Division reported the findings of the study and requested that the opinion of "at least one additional pathologist be secured before a recommendation that the tolerance be granted is made." (*19*)

On the basis of the Toxicology Branch memo, Registration Division then requested an advisory opinion from the Director of CED. The Director of CED replied in a memo dated December 18, 1974, "You may request an additional pathiologist * * * to analyze the slides. However, given the usual residue analysis of these materials on foodstuffs, 2,000 ppm or 1,000 ppm would be orders of magnitude different to the point where we do not anticipate a human toxicological problem with carcinogenicity." (*20*)

The study was subsequently reexamined by Toxicology Branch and review dated October 10, 1975, reaffirmed the initial conclusion that pronamide may be a carcinogen (*21*). In this review Toxicology Branch stated, "The evidence submitted * * * is very strong that (pronamide) is a potential human carcinogen. * * * It does produce * * * cancers * * * in the mouse." The Registration Division referred pronamide to the Office of Special Pesticide Reviews for further study.

TABLE 5.—*Tumors at all sites in male mice ingesting pronamide* [1]

Dose	Mice with benign tumors		Mice with malignant tumors		Total mice with tumors	
	Number	Percent	Number	Percent	Number	Percent
Parts per million:						
0	0/100	0	8/100	8	8/100	8
1,000	0/100	0	19/100	[2] 19	19/100	19
2,000	1/99	1	28/99	28	29/100	29

[1] This table records the number of mice with tumors and not the total number of tumors. Thus a mouse with more than 1 tumor is counted only once.
[2] 3 questionable tumors are not included.

The CAG review also noted other liver lesions found in male mice that included adenomatous hyperplasia, degeneration, hyperplasia, intrahepatic cholestasis, necrosis, and/or fatty change (Table 6). Mice which had cholestasis, an extremely rare lesion, did not have carcinomas of the liver. There were no lesions of the liver reported for female mice in the control group and only 1 and 2 percent in the liver of female mice ingesting 1000 and 2000 ppm pronamide, respectively (Table 7).

TABLE 6.—*Liver lesions in male mice ingesting pronamide* [1]

Dose	Mice with hyperplasia		Mice with adenomatous hyperplasia		Mice with carcinomas		Total mice with lesions	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Parts per million:								
0	0/100	0	0/100	0	7/100	7	7/100	7
1,000	0/100	0	3/100	[2] 3	18/100	18	21/100	21
2,000	5/99	5	6/99	[2] 6	24/99	[3] 24	30/99	30

[1] 28 mice had intrahepatic cholestasis which were not tabulated. The number of mice in each group would be slightly higher if results were corrected for survival time.
[2] Includes 2 mice with questionable carcinomas.
[3] 1 mouse also had biliary cirrhosis.

TABLE 7.—*Liver lesions in female mice ingesting pronamide* [1]

Dose	Mice with adenomatous hyperplasia		Mice with carcinomas		Total mice with lesions	
	Number	Percent	Number	Percent	Number	Percent
Parts per million:						
0	0/100	0	0/100	0	0/100	0
1,000	0/100	0	1/100	1	1/100	1
2,000	0/99	0	2/99	2	2/99	2

[1] The number of mice in each group would be slightly smaller if results were corrected for survival time.

Metastases of the liver tumors were not observed in this study. CAG explained that because this study was terminated at 18 months, the animals had not lived long enough for metastases to develop. Therefore, although there were no reported metastases by the conclusion of the study, this data does not conclusively demonstrate that metastases would not have occurred if the study had gone to 24 months, i.e., the full life expectancy of the mouse. Moreover, CAG predicted that if the study had not terminated after 18 months and if known histological trends were followed, mice that had hyperplasia would most likely have developed carcinomas. CAG characterized the nonhepatic tumors as lymphomas.

In summary, both CED and CAG reported that pronamide increases hepatic carcinomas in male (C57BL/6 x C3HAnf) F1 mice, CAG also identified additional tumors which cannot be properly evaluated because of the method of tissue collection.

Thus the Working Group concludes that a rebuttable presumption against the registration of pronamide products should be issued based on its oncogenic potential as demonstrated in the Rohm and Haas 18-month mouse feeding study.

B. *Chronic Feeding Studies Reporting No Oncogenic Effects.*—1. *"Toxicologic Study on the Effect of Adding RH-315 to the Diet of Rats for a Period of Two Years".* Rohm and Haas fed groups of 30 rats pronamide in their diet at levels of 30, 100, and 300 ppm for 2 years (*22*). Results of the study are reported in Tables 8–11. Rohm and Haas concluded that no toxic effects were shown. CAG reported that male and female rats developed tumors in both the control and treated groups but that no trend or dose response relationship could be observed (*17*). The CED report noted the tumor formation but could not offer comment without a complete histopathologic reexamination. CED recommended that future feeding studies include a tissue residue analysis for proper assessment of potential toxic effects (*15*). For these reasons neither CED nor CAG could conclude from these studies that pronamide caused oncogenic effects. However, because CAG also noted that a reexamination of organs containing tumors would be worthwhile, the Agency has requested that Rohm and Haas submit slides of these tissues for examination.

TABLE 8.—*Benign and malignant tumors in male rats ingesting pronamide*[1]

Dose	Rats with benign tumors		Rats with malignant tumors		Total rats with tumors	
	Number	Percent	Number	Percent	Number	Percent
Parts per million:						
0	2/22	9	0/22	0	2/22	9
30	3/22	14	1/22	[2]5	4/22	18
100	0/21	0	0/21	0	0/21	0
300	2/19	15	0/19	0	2/19	15

[1] Tumors of the mammary glands and pituitary are listed in another table and are not included here.
[2] Reticulum cell sarcoma of the lung.

TABLE 9.—*Benign and malignant tumors in female rats ingesting pronamide*[1]

Dose	Rats with benign tumors		Rats with malignant tumors		Total rats with tumors	
	Number	Percent	Number	Percent	Number	Percent
Parts per million:						
0	1/22	5	0/22	0	1/22	5
30	0/17	0	0/17	0	0/17	0
100	3/22	14	0/22	0	3/22	14
300	4/21	19	1/21	[2]5	5/21	24

[1] Tumors of the mammary glands and pituitary are listed in another table and are not included here.
[2] Carcinoma of the uterus with metastases to the adrenals.

TABLE 10.—*Tumors of the mammary glands and pituitary in female rats ingesting pronamide*

Dose	Rats with mammary gland tumors[1]		Rats with pituitary tumors		Total rats with tumors[2]	
	Number	Percent	Number	Percent	Number	Percent
Parts per million:						
0	12/22	55	6/22	27	15/22	68
30	9/17	53	4/17	24	12/17	71
100	11/22	50	4/22	18	13/22	59
300	11/21	52	1/21	5	11/21	52

[1] Tumors were described as fibromas or adenomas. This table records the number of rats with tumors and not the total number of tumors.
[2] Rats that had both types of tumors are counted only once in this column.

TABLE 11.—*Tumors of the mammary glands and pituitary in male rats ingesting pronamide*

Dose	Rats with mammary gland tumors[1]		Rats with pituitary tumors		Total rats with tumors[2]	
	Number	Percent	Number	Percent	Number	Percent
Parts per million:						
0	1/22	5	2/22	9	3/22	14
30	1/22	5	0/22	0	1/22	5
100	2/21	10	0/21	0	2/21	10
300	2/19	11	0/19	0	2/19	11

[1] Tumors were described as fibromas or adenomas. This table records the number of rats with tumors and not the total number.
[2] Rats that had both types of tumors are counted once in this column.

2. *"Toxicologic Study on the Effect of Adding RH-315 to the Diet of Beagle Dogs for a Period of Two Years"*. This study, which was submitted by Rohm and Haas (23) could not be used to assess oncogenic or other chronic effects since the dogs were fed pronamide for only 2 years which is not "the greater part of the animal's life span" as required by the National Cancer Institute guidelines. In addition the number of animals tested was small. The Criteria and Evaluation Division concluded "* * * with the sacrifice of one dog at the end of one year statistical differences would be difficult to obtain with only the remaining animals of each sex per dose" (16). The CAG report on this study reached the same conclusion. Therefore, EPA will not request the opportunity to reevaluate these tissue slides.

[5] Documents marked "Copyright" are available for public inspection in the Office of Special Pesticide Reviews but may not be copied or distributed by the Agency. Papers marked "Confidential" may not be inspected or distributed.

LIST OF APPENDICES[5]

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(17) Albert, R. E. March 17, 1977. The Carcinogen Assessment Group Preliminary Review of Oncogenicity of Pronamide. 20 pp. Unpublished.

(18) Coberly, R. November 29, 1974. 3,5-Dichloro-N-(1-1-dimethyl-2-propynyl) benzamide (Kerb). Memorandum to J. E. Mayes, Acting Chief, Coordination Branch, Registration Division. 12 pp.

(19) Williams, C. H. December 9, 1974. Petition No. 5F1552 KERB. Memorandum to Dr. Martin H. Rogoff. Pesticides Science Officer, Registration Division. 1 p.

(20) Axelrod, L. December 18, 1974. Petition No. 5F1552—Kerb. Memorandum to M. H. Rogoff, Pesticides Science Officer, Registration Division. 1 p.

(21) Ritter, D. October 10, 1975. PP No. 5G1618 KERB; 3,5-dichloro-N-(1,1-dimethyl-2-propynyl) benzamide and its metabolites calculated as KERB. Proposal for temporary tolerances in or on sugar beet tops at 0.75 ppm, sugar beet roots at 0.1 ppm. Memorandum to L Zink, Assistant Product Manager and Chemistry Branch. 7 pp.

(22) Department of Pharmacology, Medical College of Virginia. 1968. Toxicologic Study on the effect of Adding RH-315 to the Diet of Albino Rats: (Two-Year Feeding Study) First Month Report, EPA Pesticide Petition 1F1139. 313 pp. Confidential.

(23) Department of Pharmacology, Medical College of Virginia. 1970. Effect of Adding Technical Kerb (RH-315) to the Diet of Dogs for Two Years. EPA Pesticide Petition 1F1139. 239 pp. Confidential.

[FR Doc.77-14096 Filed 5-18-77;8:45 am]

[FRL 730-6]

STATE PLAN FOR CERTIFICATION OF PESTICIDE APPLICATORS

Extension of Contingency Approval

In accordance with the provisions of section 4(a)(2) of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; 7 U.S.C. 136 et seq.) and 40 CFR Part 171 (39 FR 36445 (October 9, 1974) and 40 FR 11698 (March 12, 1975)), the Honorable Richard Lamm, Governor of the State of Colorado, submitted a State Plan for Certification of Pesticide Applicators to the Environmental Protection Agency (EPA) for approval, contingent upon enactment of appropriate legislation and promulgation of implementing regulations. On March 3, 1977, the Regional Administrator, EPA, Region VIII, approved the Plan on a contingency basis. Contingency approval was granted until May 1, 1977. Notice of the approval was published in the FEDERAL REGISTER on March 14, 1977 (42 FR 13861).

Subsequently, on April 27, 1977, the State of Colorado requested an extention of the period of the contingency approval in order to allow additional time for the Colorado Legislature to consider pending legislation. The Agency finds that there is good cause for approving this request and as such has granted an extension until June 18, 1977.

Dated: April 28, 1977.

JOHN A. GREEN,
Regional Administrator,
Region VIII.

[FR Doc.77-14348 Filed 5-19-77;8:45 am]

[FRL 730-2]

SUBMITTAL OF SIP REVISIONS

Notice of Schedules for Submittal of Revisions to Arkansas Implementation Plan for Particulate Matter

On July 16, 1976 (41 FR 29478), the Regional Administrator called for revisions to Arkansas' State Implementation Plan (SIP) for attainment of the 24-hour standard for particulate matter. The revisions are to correct deficiencies in the control strategies for the Air Quality Control Regions (AQCRs) listed below.

Central Arkansas (Little Rock AQMA)
Metropolitan Fort Smith Interstate
Metropolitan Memphis Interstate
Monroe-El Dorado Interstate
Northeast Arkansas

In the notice, the State was requested to submit a SIP revision by July 1, 1977, that would provide for attainment of the 24-hour standard. At the time the call was made, an analysis was being conducted to determine the extent of the problem and the control measures that would be needed. Results from the analysis were to provide the necessary information for the State to develop the SIP revision. The analysis will not be completed until May 1977. Consequently, the majority of the revision development work cannot be accomplished until after that date. However, since the completion date is near, it was possible to negotiate a detailed work schedule for the SIP development and submittal. This schedule is shown below.

PARTICULATE REVISION SCHEDULE

Identification of SIP Revision Requirements, Oct. 15, 1977.
Complete Control Strategy, Feb. 15, 1978.
Public Hearing, Apr. 15, 1978.
Final State Adoption, June 15, 1978.
Submit to EPA, June 30, 1978.

In the call for revision, the SIP was also cited as deficient for maintaining the primary 24-hours standard for particulate matter. However, a request for maintenance of the standard was not made. For the same reasons, a maintenance demonstration is not being requested in this notice. Once the attainment date for the primary 24-hour standard is determined, a work schedule for submitting a maintenance demonstration will be negotiated.

This notice is not subject to rulemaking procedures. The need for the plan revision was based on a technical finding by the Regional Administrator that the control strategy for particulate matter is inadequate and needs to be revised. Authority for such action is provided in Sections 110(a)(2)(H) and 110(c) of the Clean Air Act, 1970. Ample opportunity for public comment on the control strategy revision will be provided during the public hearing that the State is required to hold.

AUTHORITY: Section 110(a)(2)(H) of the Clean Air Act, and section 110(c) of the Clean Air Act, as amended, 42 U.S.C. 1857c-5(c).

Dated: May 5, 1977.

JOHN C. WHITE,
Regional Administrator.

[FR Doc.77-14351 Filed 5-19-77;8:45 am]

[FRL 730-4]

SUBMITTAL OF SIP REVISIONS

Notice of Schedules for Submittal of Revisions to the New Mexico Implementation Plan for Particulate Matter

On July 16, 1976 (41 FR 29486), the Regional Administrator called for a revision to New Mexico's State Implementation Plan (SIP) to correct deficiencies with respect to the control of particulate matter emissions from existing and projected potash plants in the Pecos-Permian Basin Air Quality Control Region (AQCR) for attainment and maintenance of primary ambient air quality standards.

At the time the call for SIP revision was published, New Mexico was conducting an analysis to make a more accurate determination of the future impact of particulate emissions from potash plants, and to better define control requirements. Consequently, a date for submitting a revision to the control strategy was deferred until the analysis could be completed. The analysis has been completed, which made it possible to negotiate a work schedule with New Mexico for submitting the particulate matter revision. December 1977, is considered the earliest reasonable date by which the revision can be submitted.

PARTICULATE REVISION SCHEDULE

1. Complete emission inventory, Completed.
2. Complete control strategy, June 1977.
3. Select emission limits, July 1977.
4. Public hearing, September 1977.
5. Final State adoption, November 1977.
6. Submit to EPA, December 1977.

This notice is not subject to rulemaking procedures. The need for the plan revision was based on a technical finding by the Regional Administrator that the control strategy for particulate matter is inadequate and needs to be revised. Authority for such action is provided in sections 110(a)(2)(H) and 110(c) of the Clean Air Act, 1970. Ample opportunity for public comment on the control strategy revision will be provided during the public hearing that the State is required to hold.

AUTHORITY: Section 110(a)(2)(H) of the Clean Air Act, and section 110(c) of the Clean Air Act, as amended, 42 U.S.C. 1857-5(c).

Dated: May 6, 1977.

JOHN C. WHITE,
Regional Administrator.

[FR Doc.77-14350 Filed 5-19-77;8:45 am]

[FRL 730-1]

SUBMITTAL OF SIP REVISIONS

Notice of Schedules for Submittal of Revisions to the Texas Implementation Plan for Particulate Matter

On July 16, 1976 (41 FR 29488), the Regional Administrator called for revisions to Texas' State Implementation Plan (SIP) to correct deficiencies with respect to attainment and maintenance of the national standards for particulate matter. In the call for revision, a distinction was made with regard to requirements for attainment of the standards and requirements for maintenance of the standards.

ATTAINMENT OF STANDARDS

Attainment deficiencies were cited for the Air Quality Control Regions (AQCRs) listed below:

Amarillo-Lubbock
Brownsville-Laredo
Corpus Christi-Victoria
Houston-Galveston
Dallas-Fort Worth
San Antonio
El Paso-Las Cruces-Alamogordo

For these AQCRs, the Regional Administrator requested that the State submit a SIP revision by July 1, 1977, for attainment of the national primary standards.

At the time the call for revision was made, the state was conducting a study to determine the extent of the problem and the control measures that would be needed. This particulate attainment

analysis was submitted to EPA in March 1977. It was possible for the State to accomplish only a limited amount of definitive control strategy development prior to completing the analysis. Consequently, considerable development work concerning initiation of regulation changes, completing the control strategy, adopting the revision, and complying with EPA's revision submittal requirements, could not be done until the analysis was completed.

A detailed work schedule has been negotiated with Texas for accomplishing the above tasks. This schedule is shown below.

PARTICULATE REVISION SCHEDULE

Select Emission Limits, June 24, 1977.
Determine Most Effective Methods of Control, Aug. 1, 1977.
Draft Revision of Regulation 1, Aug. 22, 1977.
Public Hearing on Regulation 1, Nov. 29, 1977.
Final State Adoption, Jan. 27, 1978.
Public Hearing on Control Strategy, Apr. 7, 1978.
Final State Adoption, May 26, 1978.
Submit to EPA, June 16, 1978.

MAINTENANCE OF STANDARDS

In the call for revision the Corpus Christi, Dallas-Fort Worth, Houston, Galveston, and Beaumont Air Quality Maintenance Areas (AQMAs) were identified as needing a control strategy revision for maintenance of standards. However, no date was established for submitting maintenance revisions. Consequently no schedules for submitting these revisions have been negotiated.

This notice is not subject to rulemaking procedures. The need for the plan revisions was based upon a technical finding by the Regional Administrator that the control strategies for particulate matter are inadequate and need to be revised. Authority for such action is provided in sections 110(a)(2)(H) and 110(c) of the Clean Air Act, 1970. Ample opportunity for public comment on the control strategy revisions will be provided during the public hearing that the State is required to hold.

AUTHORITY: Section 110(a)(2)(H) of the Clean Air Act, and section 110(c) of the Clean Air Act, as amended, 42 U.S.C. 1857c-5(c).

Dated: May 5, 1977.

JOHN C. WHITE,
Regional Administrator.

[FR Doc.77-14349 Filed 5-19-77;8:45 am]

[FRL 729-7]

STATE OF MISSISSIPPI

Determination of Primary Enforcement Responsibility

This public notice is issued pursuant to section 1413 of the Safe Drinking Water Act, Pub. L. 93-523, December 16, 1974, and § 142.10 of the National Interim Primary Drinking Water Regulations, published in the FEDERAL REGISTER on January 20, 1976.

An application, dated April 8, 1977, has been received from the Chief of the Bureau of Health requesting that the Mississippi State Board of Health be granted primary enforcement responsibility for water systems in the State of Mississippi, in accordance with the provisions of this Act.

In response, I have determined that the Mississippi State Board of Health has met all conditions of the Safe Drinking Water Act and subsequent regulations for the assumption of primary enforcement responsibility for water systems in the State of Mississippi. The State—

(1) Has adopted drinking water regulations which are no less stringent than the National Interim Primary Drinking Water Regulations;

(2) Has adopted and will implement adequate procedures for the enforcement of such State regulations, including adequate monitoring and inspections;

(3) Will keep such records and make such reports as required;

(4) If it permits variances or exemptions from the requirements of its regulations, will issue such variances and exemptions in accordance with the provisions of the National Interim Primary Drinking Water Regulations;

(5) Has adopted and can implement an adequate plan for the provision of safe drinking water under emergency circumstances.

All documents relating to this determination are available for public inspection between the hours of 8 a.m. and 5 p.m., Monday through Friday, at the following offices:

Mississippi State Board of Health, 2423 North State Street, Jackson, Miss. 39205.
Regional Administrator, Environmental Protection Agency, Region IV, 345 Courtland Street NE., Atlanta, Ga. 30308.

All interested parties are invited to submit written comments on this determination and may request a public hearing. Written comments and/or a request for a public hearing must be submitted on or before June 20, 1977. A request for a public hearing shall include the following information:

(1) The name, address, and telephone number of the individual, organization or other entity requesting a hearing.

(2) A brief statement of the requesting person's interest in the Regional Administrator's determination and of information that the requesting person intends to submit at such hearing.

(3) The signature of the individual making the request; or, if the request is made on behalf of an organization or other entity, the signature of a responsible official of the organization or other entity.

Frivolous or insubstantial requests for a hearing may be denied by the Regional Administrator. However, if a substantial request for a public hearing is made within thirty (30) days after this notice, a public hearing will be held. The Regional Administrator will give further notice in the FEDERAL REGISTER and in a newspaper or newspapers of general circulation in the State of Mississippi of any hearing to be held pursuant to a request submitted by an interested person, or on his own motion. Notice of the hearing shall be given not less than fifteen (15) days prior to the time scheduled for the hearing. In addition to publication as described above, notice will be sent to the person requesting a hearing and to the State. Notice of the hearing will include a statement of the purpose of the hearing, information regarding the time and location for the hearing, and the address and telephone number of an office at which interested persons may obtain further information concerning the hearing.

After receiving the record of the hearing, the Regional Administrator will issue an order affirming or rescinding his determination. If the determination is affirmed, it shall become effective as of the date of this order.

If no timely and appropriate request for a hearing is received and the Regional Administrator does not elect to hold a hearing on his own motion, this determination shall become effective thirty (30) days after issuance of this initial notice.

Please bring this notice to the attention of any persons known by you to have an interest in this determination.

Dated: May 11, 1977.

JACK E. RAVAN,
Regional Administrator, Environmental Protection Agency, Region IV.

[FR Doc.77-14347 Filed 5-19-77;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

AM BROADCAST SERVICE WORKING GROUP, 1979 WORLD ADMINISTRATIVE RADIO CONFERENCE

Meeting

MAY 17, 1977.

Pursuant to Pub. L. 92-463, notice is hereby given of the following meeting for June 1977.

WARC-79 AM BROADCASTING SERVICE GROUP

Thursday, June 9, 1977, 10:30 a.m. to 12:30 p.m., Room 8210, 2025 "M" Street, NW., Washington, D.C.

Chairman: D. C. Everist
FCC Liaison: Dennis Williams

The Agenda for the meeting is as follows:

1. Call to order by the Chairman.
2. Approval of minutes of the previous meeting.
3. Draft reply to Fifth Notice of Inquiry, Docket No. 20271.
4. Setting next meeting date and adjournment.

The above meeting is open to broadcast industry representatives and interested members of the public.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.77-14420 Filed 5-19-77;8:45 am]

[Report No. 858]

COMMON CARRIER SERVICES INFORMATION

Applications Accepted for Filing

MAY 16, 1977.

The applications listed herein have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any of these applications, if upon further examination, it is determined they are defective and not in conformance with the Commission's Rules and Regulations or its policies.

Final action will not be taken on any of these applications earlier than 31 days following the date of this notice, except for radio applications not requiring a 30 day notice period (See § 309(c) of the Communications Act), applications filed under Part 68, applications filed under Part 63 relative to small projects, or as otherwise noted. Unless specified to the contrary, comments or petitions may be filed concerning radio and Section 214 applications within 30 days of the date of this notice and within 20 days for Part 68 applications.

In order for an application filed under Part 21 of the Commission's Rules (Domestic Public Radio Services) to be considered mutually exclusive with any other such application appearing herein, it must be substantially complete and tendered for filing by whichever date is earlier: (a) the close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which the subsequent application is in conflict) as having been accepted for filing. In common carrier radio services other than those listed under Part 21, the cut-off date for filing a mutually exclusive application is the close of business one business day preceding the day on which the previously filed application is designated for hearing. With limited exceptions, an application which is subsequently amended by a major change will be considered as a newly filed application for purposes of the cut-off rule. [See § 1.227(b)(3) and 21.30(b) of the Commission's Rules.]

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

21233–CD–P–77 Tel - Page Corporation (KRH631), C.P. for additional facilities to operate on 158.70 MHz to be located at a new site described as Loc. No. 3: 989 James Street, Syracuse, New York.

21243–CD–MP–(2)–77 California Aircraft Telephone, Co., c/o Intrastate Radiotelephone (KWU510), Mod permit for additional Control facilities to operate on 2164.0 MHz to be located at a new site described as Loc. No. 2: 2301 West Olive, Burbank: and 2114.0 MHz Repeater at Loc. No. 1: Oat Mountain, 4.9 Miles NNE of Chatsworth, California. (Airground)

21255–CD–P–77 General Telephone Company of Florida (KWT890), C.P. for additional facilities to operate on 152.84 MHz to be located at a new site described as Loc, No. 4: Corner of Main St. and S.R. 37, Bradley Junction, Florida.

21290–CD–P–77 William G. Bowles Jr. d.b.a. Mid-Missouri Mobilfone (KWU202), C.P. to change antenna system operating on 152.06 MHz at 2438 Katy Lane, Poplar Bluff, Missouri.

21291–CD–P–(2)–77 Telstar Communications, Inc. (New), C.P. for a new 2-way station to operate on 454.125 and 454.325 MHz to be located 8 miles SSW of Cheyenne, Wyoming.

21292–CD–P–77 Silverado Communications (New), C.P. for a new 2-way station to operate on 454.10 MHz to be located at 1190 Thompson Avenue, Napa, California.

21293–CD–P–(3)–77 Ram Broadcasting of Colorado, Inc. (KUC862), C.P. to replace transmitter operating on 454.250, 454.275 and 454.300 MHz located at Western Federal Saving Building, 17th and California Streets, Denver, Colorado.

21294–CD–P–77 Gulf Telephone Company (KIB528), C.P. to change antenna system operating on 152.54 MHz at Loc. No. 1: 116 North Alston Street, Foley: and 152.63 MHz at Loc. No. 2: Telephone Office, Summerdale, Alabama.

21295–CD–P–77 Airvoice, Inc. (KUC899), C.P. for additional facilities to operate on 454.05 MHz to be located at Murphy Mill Road, 1 mile south of Americus, Ga.

21296–CD–P–(2)–77 David R. Williams d.b.a. Industrial and Communications (KWU212), C.P. for additional facilities to operate on 454.150 and 454.175 MHz to be located at a new site described as Loc. No. 2: Kessler Peak, 6 miles SW of Magna, Utah.

21297–CD–P–(2)–77 David R. Williams d.b.a. Industrial Communications (KWU216), C.P. for additional facilities to operate on 454.200 and 454.250 MHz to be located at a new site described as Loc. No. 2: Kessler Peak, 6 miles SW of Magna, Utah.

21298–CD–P–(3)–77 Central Mobile Radio Phone Service (KQD599), C.P. to change antenna system operating on 454.05 and 454.225 MHz (Loc. No. 3; and relocate facilities operating on 454.150 MHz to (Loc. No. 3) 2345 Symmes Street, Cincinnati, Ohio.

21299–CD–MP–(4)–77 Central Mobile Radio Phone Service (KQA770), Mod permit to replace transmitter, change antenna system and relocate facilities operating on 454.05, 454.75, 454.125, and 454.150 MHz to be located 3165 Olentangy River Road, Columbus Ohio.

21300–CD–MP–(2)–77 Central Mobile Radio Phone Service (KQC875), Mod permit to change antenna system and replace transmitter operating on 454.100 and 454.350 MHz. located 0.15 mile West of Springfield south of Wright Bros. Memorial Hwy, Ohio.

21301–CD–P–77 Edward C. Smith Answerite Professional Telephone Service (New), C.P. for a new 1-way station to operate on 158.70 MHz. to be located at Episcopal-Catholic Apartment Ave. L, NW, Winter Haven, Florida.

21302–CD–P–77 Central Radio Dispatch, Inc. (New), C.P. for a new 1-way station to operate on 43.22 MHz. to be located 2 miles south of Highway 271 on Rt. 323, Tyler, Texas.

21303–CD–P–(4)–77 The Bell Telephone Company of Pa., (KGA476), C.P. to change antenna and relocate facilities operating on 454.375, 454.425, and 454.475 MHz at a new site described as Loc. No. 2: KDKA-TV Tower Grizella and Montana Street, Pittsburgh, Pennsylvania.

21304–CD–P–77 Wilson J. Trahan and Ralph E. Antles, d.b.a. Western Electronics & Communications (KWH307), C.P. for additional facilities to operate on 158.70 MHz to be located at Hayden Peak, 11 miles SE of Kingman, Arizona.

21305–CD–P–(11)–77 Michigan Bell Telephone Company (KRS714), C.P. to change antenna system operating on 158.10 MHz. (Loc. No. 1) Located at 1365 Cass Avenue; 158.10 MHz (Loc. No 2) located 882 Oakman Blvd., Detroit; 158.10 MHz (Loc. No. 3) located at Centerline; 158.10 MHz (Loc. No. 4) located at 23850 Wick Road, Taylor; 158.10 MHz (Loc. No. 7) located at 25189 Lahser Road, Southfield; Relocate facilities operating on 158.10 MHz (Loc. No 5) to be located at 11770 Merriman, Livonia; Also for additional facilities to operate on 158.10 MHz to be located at new location No. 10 thru No. 15 as follow: Loc. No. 10: 34100 South Gratiot North of Roseville; Loc. No. 11: 35928 Ann Annapolis, Wayne; Loc. No. 12: 38900 Ten Mile Road, Farmington Hills; Loc. No. 13: 775 West Big Beaver Road, Troy; Loc. No. 14: 54 North Mill Street, Pontiac; Loc. No 15: 8061 Hann, Michigan.

21307–CD–P–(3)–77 Edward C. Smith d.b.a. Answerite Professional Telephone Service, (New) C.P. for a new 2-way station to operate on 454.225 454.325 454.350 MHz to be located at 4015 Bayshore Blvd., Tampa, Florida.

DEVELOPMENTAL RENEWAL OF LICENSE EXPIRING 7–6–77

Terms July 6, 1977 to July 6 1978

New York Telephone Company, within territory of grantee, KC5161.

MAJOR AMENDMENT

Marc Weber Tobias and Michael Charles Tobias d.b.a. MT Systems, Inc., FN: 20834–CD–P–77 Amend to add control facilities on 158.55 MHz at Loc. No. 2, 119 E. 1st Avenue, Mitchell, South Dakota and Loc. No. 3, water Tower, 2 miles SSE of Sioux Falls, South Dakota.

CORRECTION

21232–CD–P–77 Tel-Page Corporation, Syracuse, New York Correct call sign KRH631 to read KHR643. All other particulars are to remain the same as reported on PN No. 857 dated May 19, 1977.

INFORMATIVE

It appears that the following applications may be mutually exclusive and subject to Commission's Rules regarding ex parte presentations, by reasons of potential electrical interference.

Frequency: 158.70 MHz:

Charles R. Crawford, Santa Ynez Peak, California, (New) 20864–CD–P–77.

Mobile Radio Systems of Ventura, Inc., Ventura, California, KSV976, 21151–CD–P–77.

Coast Mobilphone Ser., Santa Ynez Peak, California, KUA301, 20765–CD–P–77.

Frequency: 454.250 MHz:

Salinas Valley Radio Telephone Company, Mt. Toro, California, KMA837, 20257–CD–P–77.

Mobile Radio System of San Jose, Inc., Los Gatos, California, KMA741, 20759–CD–P–77.

RURAL RADIO

60272–CR–P/L–(2)–77 The Pacific Telephone and Telegraph Company (New), C.P. for a new Rural Subscriber-Fixed station to operate on 157.77 and 157.89 MHz to be located 23.5 Miles WNW of Westmorland, California.

POINT TO POINT MICROWAVE RADIO SERVICE

2438-CF-MP-77 American Telephone and Telegraph Company (WBB294), 200 East Burke Street, Martinsburg, (Berkeley) West Virginia. Mod. of C.P. (4879-CF-P-76) to move antenna on frequency 3750H MHz toward Clear Spring, Maryland on azimuth 358.3°.

2439-CF-MP-77 Same (KGJ68), 2.2 Miles West of Clear Springs, (Washington) Maryland. Mod. of C.P. (4880-CF-P-76) to move antenna on frequency 4110H MHz toward Martinsburg, West Virginia on azimuth 178.3°.

2292-CF-P-77 Midwestern Relay Company (New), Tims Hill, Route 83, 3 miles West of Spirit, Wisconsin. (Lat. 45°26'35" N., Long. 90°10'33" W.): Construction permit for new station—6404.8V MHz toward WLEF-TV, Wisconsin, on azimuth 352.2°.

2310-CF-MP-77 Pilot Butte Transmission Company, Inc. (KPK 29), White Mtn., 5.0 miles West of Rock Springs, White Mountain, Wyoming. (Lat. 41°34'43" N., Long. 109°19'12" W.): Construction permit to add 6212.06V, 6271.39V, 6330.67V, 6389.98V, and 6301.02H MHz toward Table Rock Wyoming; via power split, on azimuth 90.6°.

2311-CF-P-77 Pilot Butte Transmission Company, Inc. (New), 5 miles SE of Table Rock, Wyoming (Lat. 41°34'13" N., Long. 108°21'38" W.): Construction permit for new station—5989.68V, 6048.98V, 6108.28V, 6167.59V, and 5960.03H MHz toward Colorado Interstate Gas, Wyoming, on azimuth 326.4°.

2326-CF-P-77 Eastern Microwave, Inc. (KTF 96), 1.5 mile NNW of Italy Hill, New York (Lat. 42°27'12" N., Long. 77°15'17" W.): Construction permit to add 6360.7H MHz toward Geneva, New York, via power split, on azimuth 32.8°.

2343-CF-P-77 Number One Radio, Inc. (New), Keystone Peak, 15 miles West of Green Valley, Arizona (Lat. 31°32'37.2" N., Long. 111°12'52.2" W.): Construction permit for new station—5945.2V MHz toward Tucson, Arizona, on azimuth 42.0°.

CORRECTION

2290-CF-P-77 Penn Service Microwave, Inc. WQQ 37), Wyoming Mtn., 4 miles SSE of Wilkes-Barre, Pennsylvania (Lat. 44° 55'15" N., Long. 89°41'30" W.): This entry appearing on Public Notice of May 9, 1977, correct to delete all reference to Chestnut Hill, Pennsylvania. All other particulars remain the same as previously reported with the exception of the spelling of Mehoopany, Pennsylvania.

POINT TO POINT MICROWAVE RADIO SERVICE

2312-CF-P-77 Puerto Rico Communications Authority (WZ37), Marquesa Road 795 Cerro Marquesa Auguas Buenas, Puerto Rico Lat. 18°16'00" N., Long. 65°05'06" W. C.P. to add a new point of communication on frequency 2162H MHz toward Guaynabo, Puerto Rico on azimuth 168.5°.

2313-CF-P-77 Same (New), Esmeralda Avenue No. 5 Guaynabo, Puerto Rico Lat. 18° 22'26" N., Long. 66°06'28" W. C.P. for a new station on frequency 2112H MHz toward Marquesa, Puerto Rico on azimuth 348.5°.

2317-CF-P-77 General Telephone Company of Florida (KGP52), Plant City Jct. 1.73 WNW of Plant City, Florida Lat. 28°01'32" N., Long. 82°10'01" W. C.P. to add antenna and frequency 6197.2V MHz toward Highland City, Florida on azimuth 106.5°.

2318-CF-P-77 Same (KIB48), Peterson and Highland Rd. Highland City, Florida Lat. 27°57'40" N., Long. 81°55'21" W. C.P. increase antenna structure height, add antenna and frequencies 5945.2V MHz toward Plant City and 6004.5H MHz toward Eva, Florida.

2319-CF-P-77 Same (KGP53), Hwy. 33, 2.3 miles South of Eva, Florida Lat. 28°17'37 N., Long. 81°49'57" W. C.P. to add frequency 6256.5H MHz toward Highland City, Florida and 6315.9V MHz toward Dade City, Florida on azimuth 282.5°.

2328-CF-P-77 The Bell Telephone Company of Pennsylavnia (New), Shaffer Rd one-half mile E of Energy, Pennsylvania Lat. 40°-55'51" N., Long. 80°15'22" W. C.P. for a new station on frequencies 6226.9H and 6286.2H MHz toward Sharon, Pennsylvania on azimuth 336.80°.

2329-CF-P-77 Same (New), Route 62, 2.7 miles E of Sharon, Pennsylvania Lat. 41°14'13" N., Long. 80°25'48" W. C.P. for a new station on frequencies 5945.2H and 6004.5 MHz toward Energy, Pennsylvania on azimuth 156.68° and 5974.8H MHz toward Kashner, Pennsylvania on azimuth 32.31°.

2330-CF-P-77 Same (New), Donation Rd. one-half mile N of Kashner, Pennsylvania Lat. 41°23'05" N., Long. 80°18'21" W. C.P. for a new station on frequencies 6256.5V MHz toward charon, Pennsylvania on azimuth 212.4° and 6226.9V MHz toward Frenchtown, Pennsylvania on azimuth 33.76°.

2331-CF-P-77 Same (New), Frenchtown Route 27, 3.4 miles E of Meadville, Pennsylvania Lat. 41°38'01" N., Long. 80°05'02" W. C.P. for a new station on frequencies 5945.2V MHz toward Kashner on azimuth 213.91° and 5945.2H MHz toward McKean on azimuth 357.84°.

2338-CF-P-77 Southern Bell Telephone and Telegraph Company (KJA75), Renewal of Development radio license expiring June 14, 1977 term: June 14, 1977 to June 14, 1978.

[FR Doc.77-14421 Filed 5-19-77;8:45 am]

NOTE: For a Federal Communications Commission document announcing future meetings of the Radio Technical Commission for Marine Services, see FR Doc. 77-14419 appearing at page 25944 of this issue of the FEDERAL REGISTER.

FEDERAL MARITIME COMMISSION

GREECE/U.S. ATLANTIC RATE AGREEMENT

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before June 13, 1977. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

John R. Attanasio, Esquire, Billig, Sher & Jones, P.C., 2033 K Street NW., Washington, D.C. 20006.

Agreement No. 9238-8 modifies the above-named rate agreement by (1) extending the scope of the agreement to apply to inland points in Greece, (2) establishing voting requirements, (3) establishing self-policing procedures and cargo inspection services, (4) establishing a financial guarantee in the amount of $10,000 per participant, (5) establishing the sharing of office space, personnel and facilities with other agreements or conferences and (6) making other administrative changes.

By Order of the Federal Maritime Commission.

Dated: May 17, 1977.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.77-14424 Filed 5-19-77;8:45 am]

[Fact Finding Investigation No. 9]

POSSIBLE REBATES AND SIMILAR MALPRACTICES IN THE UNITED STATES FOREIGN COMMERCE

Amendment To Order of Investigation

The Commission, by order served May 12, 1977, denied a motion to quash subpoena and also determined to amend the order of investigation in this proceeding.

Accordingly, *it is ordered*, That the first ordering paragraph of the Comsion's July 9, 1976 Order of Investigation in the above-captioned matter is amended to read as follows:

That, pursuant to sections 22 and 27 of the Shipping Act, 1916 (46 U.S.C. 821 and 826) and section 214(a) of the Merchant Marine Act of 1936 (46 U.S.C. 1124(a)), a non-adjudicatory investigation is hereby instituted into the practices of rebates, absorptions, allowances in excess of those set forth in the tariff and any other methods of obtaining or allowing other persons to obtain transportation of property at less than the rates or charges which would otherwise be applicable, in the United States foreign commerce, said investigation to be conducted pursuant to the Commission's Rules of Practice and Procedure, 46 CFR 502.281-291 (Rule 18).

By the Commission.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.77-14425 Filed 5-19-77;8:45 am]

TRANS-PACIFIC FREIGHT CONFERENCE OF JAPAN/KOREA AND JAPAN/KOREA-ATLANTIC AND GULF FREIGHT CONFERENCE

Agreements Filed

Notice is hereby given that the following agreements have been filed with the

Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreements at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreements at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before June 13, 1977. Any person desiring a hearing on the proposed agreements shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreements (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreements filed by:

Charles F. Warren, Esq., 1100 Connecticut Avenue NW., Washington, D.C. 20036.

Agreement Nos. 150–65 and 3103–65 amend, respectively, Articles 25(f)(4) of the Trans-Pacific Freight Conference of Japan/Korea Agreement and the Japan/Korea-Atlantic and Gulf Freight Conference Agreement to provide that the Neutral Body shall be authorized to assess liquidated damages in an amount not to exceed $120,000 for each breach of the agreement, tariff rates, or rules and regulations. Presently, each agreement provides for a graduated scale of liquidated damages to be assessed in the following respective maximum amounts for the first, second, third, fourth and subsequent breaches, i.e., $20,000, $60,000, $80,000 and $120,000.

By Order of the Federal Maritime Commmission.

Dated: May 16, 1977.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.77–14422 Filed 5–19–77;8:45 am]

FEDERAL RESERVE SYSTEM

DETROITBANK CORP.

Acquisition of Bank

Detroitbank Corporation, Detroit, Michigan, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent of the voting shares of the successor by merger to Kentwood National Bank, Kentwood, Michigan. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than June 10, 1977.

Board of Governors of the Federal Reserve System, May 16, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77–14409 Filed 5–19–77;8:45 am]

FIRST MIDWEST BANCORP, INC.

Acquisition of Bank

First Midwest Bancorp, Inc., St. Joseph, Missouri, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of The Farmers Bank of Gower, Gower, Missouri ("Bank") and of L.W.J.S. Corporation, Gower, Missouri, a bank holding company that controls Bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than June 13, 1977.

Board of Governors of the Federal Reserve System, May 16, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77–14408 Filed 5–19–77;8:45am]

GENERAL SERVICES ADMINISTRATION

(Intervention Notice No. 30)

PUBLIC SERVICE COMPANY OF COLORADO AND COLORADO PUBLIC UTILITY COMMISSION

Proposed Intervention in Utility Rate Application

Correction

In FR Doc. 77–13463, appearing in the issue of Wednesday, May 11, 1977, on page 233879, the intervention notice number in the heading should read as set forth above.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Alcohol, Drug Abuse, and Mental Health Administration

COMMUNITY ALCOHOLISM SERVICES REVIEW COMMITTEE

Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix I), announcement is made of the following National Advisory body scheduled to assemble during the month of July 1977:

COMMUNITY ALCOHOLISM SERVICES REVIEW COMMITTEE

Date and time: July 9–11, 7 p.m.

Place: Ramada Inn, State Room, 8400 Wisconsin Avenue, Bethesda, Maryland 20014 (301–654–1000).

Type of meeting: Open.

Contact: Mr. Sidney Leopold, Room 11–14, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857 (301–443–1374).

Purpose: The Committee provides initial review of applications for community services alcoholism demonstration grants for special treatment and rehabilitation programs to the Director of the National Institute on Alcohol Abuse and Alcoholism and to the National Advisory Council on Alcohol Abuse and Alcoholism.

Agenda: The meeting will be open for the entire discussion. The Committee will be developing new criteria for NIAAA consideration for performing initial review of grant applications for Federal assistance.

Substantive information may be obtained from the contact person listed above. The NIAAA Information Officer who will furnish summaries of the meeting and rosters of the Committee members is Mr. Harry Bell, Associate Director for Public Affairs, NIAAA, Room 11A–17, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857 (301–443–3306).

Dated: May 16, 1977.

CAROLYN T. EVANS,
Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc.77–14379 Filed 5–19–77;8:45 am]

PSYCHOLOGICAL SCIENCES FELLOWSHIP REVIEW COMMITTEE

Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix I), announcement is made of the following National Advisory body scheduled to assemble during the month of June 1977:

PSYCHOLOGICAL SCIENCES FELLOWSHIP REVIEW COMMITTEE

Date and time: June 8–10, 1 p.m.

Place: Conference Room B, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

Type of meeting: Open—June 8, 1 to 3 p.m.; Closed—Otherwise.

Contact: Mrs. Mary Cope, Parklawn Building, Room 9C–15, 5600 Fishers Lane, Rockville, Maryland 20857 (301–443–3856).

Purpose: The Committee is charged with the initial review of fellowship applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to psychological

sciences fellowships and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda: From 1 to 3 p.m., June 8, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of fellowship applications for Federal assistance and will not be open to the public in accordance with the determination by the Acting Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of section 552b(c)(6), Title 5 U.S. Code and section 10(d) of Pub. L. 92-463 (5 U.S.C. Appendix I).

Substantive information may be obtained from the contact person listed above. The NIMH Information Officer who will furnish summaries of the meeting and rosters of the Committee members is Mr. Edwin Long, Deputy Director, Division of Scientific and Public Information, NIMH, Room 15-105, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857 (301-443-3600).

Dated: May 16, 1977.

CAROLYN T. EVANS,
Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc.77-14378 Filed 5-19-77;8:45 am]

Food and Drug Administration

[Docket No. 77N-0163]

LEMMON PHARMACAL CO.; STATOBEX (PHENDIMETRAZINE TARTRATE 70 MG) DOSAGE FORMS

Opportunity for Hearing on Proposal To Refuse To Approve New Drug Application

AGENCY: Food and Drug Administration (FDA).

ACTION: Notice.

SUMMARY: The Director of the Bureau of Drugs proposes to refuse approval of an abbreviated new drug application for Statobex (phendimetrazine tartrate 70 milligram) tablets and capsules (ANDA 85-095) by Lemmon Pharmacal Company, P.O. Box 30, Sellersville, PA 18960 ("Lemmon"), on the grounds (1) that (a) the application does not contain any reports of investigations or adequate tests, by all methods reasonably applicable, to show whether or not Statobex is safe for use under the conditions of use prescribed, recommended, or suggested in the proposed labeling thereof, and (b) upon the basis of the information submitted as part of the application, FDA has insufficient information to determine whether Statobex is safe for use under such conditions, and (2) that Statobex is a new drug as defined in section 201(p) of the Federal Food, Drug, and Cosmetic Act (the "act") and information relating to its safety and effectiveness must be contained in a new drug application in order to be approved under section 505 of the act (21 U.S.C. 355). This notice does not apply to those portions of ANDA 85-095 regarding Statobex (phendimetrazine tartrate 35 milligram) tablets and capsules; all references to "Statobex" in this notice, unless otherwise indicated, refer to the 70 milligram strength dosage forms only.

DATES: Any request for a hearing must be submitted on or before June 20, 1977. In support of any such request, all data and information relied upon to justify a hearing and any other comments from interested persons must be submitted on or before July 19, 1977.

ADDRESS: Requests, supporting data and information, and other comments shall be submitted, with FDA Docket No. 77N-0163 clearly indicated in the filings, to the FDA Hearing Clerk, Rm. 4-65, 5600 Fishers Lane, Rockville, Md. 20857.

FOR FURTHER INFORMATION CONTACT:

Robert H. Hahn, Bureau of Drugs (HFD-32), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857 (301-443-3650).

SUPPLEMENTARY INFORMATION:

BACKGROUND

As required by the Drug Amendments of 1962, FDA is engaged in a Drug Efficacy Study Implementation (DESI) program under which each drug covered by a new drug application (NDA) that was approved by FDA on the basis of safety between 1938 and 1962, is reviewed to determine whether substantial evidence exists to demonstrate that the drug is effective for its labeled indications. As reviews are completed, notices are published in the FEDERAL REGISTER announcing the agency's conclusions on the effectiveness of the drugs reviewed.

In the FEDERAL REGISTER of February 12, 1973 (38 FR 4280) FDA published DESI Notice 11673 stating that Plegine Tablets containing 35 milligrams of phendimetrazine tartrate as a single active ingredient and marketed by Ayerst Laboratories is effective "in the management of exogenous obesity as a short term adjunct (a few weeks) in a regimen of weight-reduction based on caloric restrictions." The Indications section further was to read: "The limited usefulness of agents of this class * * * should be measured against possible risk factors inherent in their use * * *." The DESI notice also stated that Plegine Tablets is regarded as a "new drug" as defined in section 201(p) of the act, and that "a new drug application is required from any person marketing such drug without approval." Furthermore, "all identical, related, or similar drugs, not the subject of an approved new drug application * * * are subject to this notice," citing the current 21 CFR 310.6. Finally, referring to a prior general announcement by FDA published in the FEDERAL REGISTER of July 14, 1970 (35 FR 11273), DESI Notice 11673 advised that "marketing of such drugs may be continued * * * [by] any person who does not hold an approved or effective new drug application, [upon] the submission of an abbreviated new drug application" (ANDA) within 60 days of the notice. The July 14, 1970 announcement also permitted manufacturers to commence marketing upon the filing of an NDA or ANDA. (On September 22, 1975, FDA published in the FEDERAL REGISTER a general notice (40 FR 43531) that in effect revoked those portions of the July 14, 1970 announcement that were inconsistent with the District Court's order in *Hoffmann-LaRoche, Inc. v. Weinberger*, 425 F. Supp. 890 (D.D.C., 1975), reprinted in the September 22, 1975 notice. That order, and the September 22, 1975 notice, withdrew any "permission" from FDA for a new supplier of a drug listed in DESI notice 11673 to commence marketing upon submission of an NDA or ANDA but prior to the approval of an NDA or ANDA.)

APPLICATION FOR STATOBEX

On March 23, 1976, Lemmon submitted an ANDA (assigned number ANDA 85-095) for the following products:

Statobex Tablets (phendimetrazine tartrate, 35 mg and 70 mg). Statobex Tablets-D (phendimetrazine tartrate, 35 mg and 70 mg). Statobex-D Capsules (phendimetrazine tartrate, 35 mg and 70 mg).

The ANDA form of a new drug application does not contain preclinical or clinical studies demonstrating the safety or effectiveness of the drug product. 21 CFR 314.1(f). The proposed labeling for Statobex contained a statement of indications identical to that set forth in DESI Notice 11673. On December 14, 1976, after a series of correspondence and meetings with the firm, Lemmon was formally advised by FDA that an ANDA was not an acceptable form of application for a product containing 70 mg of phendimetrazine tartrate.

On December 28, 1976, the firm requested that the application, insofar as it pertains to the 70-mg dosage form, be filed over protest, as provided for in 21 CFR 314.110(d). Under that regulation, FDA is required to reevaluate the application and within 60 days the agency must either approve the application or give written notice of an opportunity for a hearing on the question of whether the application is approvable. The request to file over protest is regarded by FDA as applicable to both the 70-mg tablet and the 70-mg capsule. (As noted earlier, references to "Statobex" in this notice apply only to the 70-mg dosage forms unless otherwise stated.) In a meeting on February 8, 1977 between officials of the firm and FDA, Lemmon agreed to hold the request to file over protest in abeyance until it had reconsidered its position. By letter dated March 11, 1977, received March 16, 1977, the firm reinstated its request to file over protest, and agreed to permit FDA until May 15, 1977, to complete its reevaluation of ANDA 85-095 and choose one of the courses allowed under 21 CFR 314.110(d). This notice is provided pursuant to that regulation.

SAFETY CONCERNS REGARDING STATOBEX

Phendimetrazine tartrate is related chemically and pharmacologically to

amphetamine and appears to have a similar potential for abuse and risk of causing dependence in the user. Actual abuse of the 35 mg dosage was a significant factor in the decision of the Department of Justice to schedule phendimetrazine under the Controlled Substances Act (see 38 FR 15721; June 15, 1973), as well as in FDA's decision to require a drug dependence warning in the labeling (see DESI Notice 11673). Because higher strength dosage forms would be even more attractive for abuse purposes, this safety problem increases and significantly alters the benefit-risk assesment. Another question raised by the 70-mg dosage is whether it provides any therapeutic benefit to the patient to offset its inherent risks. The approved labeling for Plegine Tablets provides for a usual dose of one 35-mg tablet two or three times daily. It further states that dosage should be individualized to obtain an adequate response with the lowest effective dose; that in some cases one-half tablet (17.5 mg) is adequate; and that dosage should not exceed two tablets (70 mg) three times a day. The labeling makes it very clear that 70 mg three times a day is the exception rather than the rule. The 35-mg dosage form adequately provides the intended flexibility in dosage. A 70-mg capsule would not permit any titration, and a 70-mg tablet would substantially reduce the physician's ability to individualize the dose to, say 17.5 mg. At the same time, amphetamine and amphetamine analogs such as phendimetrazine produce in patients a tolerance to the therapeutic effects. It is not known whether this tolerance develops more quickly at higher dosage levels, but if so, the duration of therapy described in the labeling would be unsupported by evidence of effectiveness. Finally, special safety problems may be presented to the patient from a 70-mg tablet; in addition to the possibly more rapid onset of dependence to the drug, the risks of accidental overdosage are increased by a large dosage. Thus, no medical advantage, but possible serious disadvantages, seem to exist for the 70-mg dosages compared to the 35-mg tablet. Stated differently, there does not appear to be a significant patient population in whom the risks from a 70-mg dosage form are outweighed by the benefits of such a product. This is not to say that clinical evidence that measures the safety and effectiveness could not demonstrate that a 70-mg product meets the standards of the act. Rather, it is that such data are necessary before FDA can conclude that the novel questions posed by this significantly different dosage can be answered. For these reasons, FDA has determined that a new dosage of a drug, even one that at another dosage is generally recognized as safe and effective, is not always and immediately recognizable as safe and effective. See 21 CFR 310.3(h)(5). The agency, therefore, has required a "full" NDA or a supplemental NDA, containing clinical evidence demonstrating the safety and effectiveness of a different dosage of an approved drug.

The Director concludes that the fact that phendimetrazine tartrate (35 mg) was found to be safe and effective for certain indications, as stated in DESI notice 11673, is not a basis for concluding that Statobex is safe for the same indications.

Requirements for Safety Data in ANDA

The history of the new drug provisions of the act and the agency's implementation of them, including introduction of the ANDA, is described in detail in the preamble to a notice of proposed rulemaking published in the Federal Register on June 20, 1975 (40 FR 26142). The Director will not reiterate that history here. He believes, however, that several points bear emphasizing. First, an ANDA is a new drug application; it represents a form of application in which certain information normally part of an NDA is not required because it is not essential to the agency's reaching a decision on the approvability of the drug product under section 505 of the act. This information requirement is waived because the agency already has sufficient publicly available data and information in its files to make appropriate conclusions on those elements of the drug approval decision. (Information contained in other approved NDA's may or may not be public. See 21 CFR 314.14. If not public, it may be relied upon by a second applicant only with the express permission of the first applicant. 21 CFR 314.11.) Generally, the information allowed to be omitted relates to preclinical and clinical studies regarding the safety and effectiveness of the active ingredients. As the Commissioner stated in the June 20, 1975 notice:

> [A]n abbreviated NDA is appropriate only for those drugs which, from a generic standpoint, are generally recognized as safe and effective when they are properly labeled and manufactured. The submission of an abbreviated NDA has thus been required only to assure the quality of drug products and their proper labeling and manufacture, not to show the basic safety and effectiveness of the generic chemical entity involved. (40 FR 26147).

The purpose of an ANDA is to provide a means to eliminate unnecessary animal and human experimentation, to reduce the burdens on manufacturers in attempting to market duplicates of established drugs, and to ease the workload of FDA in reviewing and processing applications.

Second, in order for FDA to waive such requirements, it must affirmatively conclude that it has sufficient public information to make the requisite conclusions. Because the ANDA is an exception to the general rule requiring a complete NDA, the decision to allow use of an ANDA must be consciously and prospectively made by the agency (See 21 CFR 314.1(a): "if the drug * * * is one for which an abbreviated new drug application has been *found* by the Food and Drug Administration to be sufficient *.* *." (emphasis added).) These decisions are formal and are officially issued, generally by a notice in the Federal Register but on rare occasions by other public notice. These decision cannot extend to products for which little or no public information is available and which were not considered by FDA in making the ANDA decision. The products covered by this notice illustrate why this is so. They have never been approved for marketing in the United States and their potential for drug abuse problems appears quite substantial. Other examples of unforeseen variations in drugs reviewed in the DESI program have also recently been uncovered in the process of implementing the court order in the "Hoffmann-LaRoche" case (discussed earlier), including sustained release formulations and untested combinations of two or more drugs. Clearly, it is contrary to the public interest, as well as the language of sections 201(p) and 505 of the act and implementing regulations cited above, for FDA to waive any information essential to determine the approvability of such a drug without even being aware that such a drug may potentially be, or actually is being, marketed.

Third, the choice between NDA (including a supplemental NDA) and ANDA is not an "either-or" option. For many years, the agency has imposed on applicants using either application process a variety of requirements depending on the nature of the drug product, the types of information publicly available regarding the drug, and similar factors. Thus, some NDA's require chronic animal toxicology testing, and others do not; some ANDA's require detailed manufacturing data, and others do not; some NDA's and ANDA's require bioavailability data, and others do not. As noted, the most common distinction between the NDA and the ANDA relates to requirements for preclinical and clinical data. But this distinction should not blur the close similarity on most matters. To repeat, both the traditional "full" NDA and the most "abbreviated" ANDA are merely types of applications described in section 505 of the act.

Fourth, the fact that FDA does not waive any of the requirements of an NDA for a particular product does not necessarily mean that an applicant must conduct its own preclinical and clinical studies regarding safety or effectiveness. The applicant may be able to include in its applications published articles and other publicly available data and information that provide an adequate basis for the agency's making the evaluation and approvability decision required under section 505. An NDA can be approved on such a submission.

The Director finds that use of an ANDA for Statobex would be inconsistent with the purposes of the ANDA form of application, has not been authorized by FDA, and would not fulfill the requirements of section 505 of the act regarding the requisite basis of approval for these products. Because of this the Director further finds that Lemmon must submit an application form described in 21 CFR

314.1(c) containing reports of investigations and adequate tests, by all means reasonably applicable, to show whether or not its product is safe for use under the conditions in the proposed labeling.

LACK OF INFORMATION IN APPLICATION FOR STATOBEX

The Director finds that the ANDA for Statobex lacks any reports of preclinical or clinical investigations on phenidimetrazine tartrate (70 mg). Because the application totally lacks safety data, the information contained therein has not been evaluated to determine whether it satisfies the other requirements of the act and new drug regulations. If, as a result of this notice, a hearing is requested and it is determined that a hearing will be ordered, the Bureau of Drugs will then review the other parts of the application and raise any remaining issues in the notice of hearing.

NOTICE OF OPPORTUNITY FOR HEARING

Therefore, notice is given to Lemmon and all other interested persons that the Director of the Bureau of Drugs proposes to issue an order under section 505(d) of the act refusing to approve ANDA 85-095 on the following grounds: That (1) the application does not contain any reports of investigations or adequate tests, by all methods reasonably applicable, to show whether or not Statobex is safe for use under the conditions prescribed, recommended, or suggested in the proposed labeling thereof, and (2) upon the basis of the information submitted as part of the application, FDA has insufficient information to determine whether the drug is safe for use under such conditions.

This notice does not apply to portions of the abbreviated new drug application (ANDA 85-095) regarding Statobex Tablets and Capsules containing 35 mg of phendimetrazine tartrate.

If Lemmon elects to avail itself of the opportunity for hearing pursuant to section 505(d) of the act and 21 CFR 314.200, it must file with the Hearing Clerk, Food and Drug Administration, (1) written notice of appearance and request for hearing by June 20, 1977, and (2) the data, information, and analyses on which it relies to justify a hearing, as specified in § 314.200, by July 19, 1977. Any other interested person may also submit comments on this notice. 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 analyses to justify a hearing, other comments, and a grant or denial of hearing, are contained in 21 CFR 314.200.

The failure of the applicant to file a timely written appearance and request of hearing as required by 21 CFR 314.200 constitutes an election not to avail himself of the opportunity for a hearing, and the Director of the Bureau of Drugs will summarily enter a final order refusing to approve application.

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 that precludes the refusal to approve the appliaction, or when a request for hearing is not made in the required format or with the required analyses, the Commissioner of Food and Drugs will enter summary judgement against the person who requests the hearing, making findings and conclusions, denying a hearing.

All submissions pursuant to this notice shall be field in quintuplicate with the Hearing Clerk, Food and Drug Administration.

All submissions pursuant to this notice, 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 above) between the hours of 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052-1053, as amended (21 U.S.C. 355)), and under authority delegated to the Director of the Bureau of Drugs (21 CFR 5.82) (recodification published in the FEDERAL REGISTER of March 22, 1977 (42 FR 15553)).

Dated: May 13, 1977.

J. RICHARD CROUT,
Director, Bureau of Drugs.

[FR Doc.77-14375 Filed 5-19-77;8:45 am]

[Docket No. 76P-0344]

MEDICAL DEVICES

Public Hearing on Proposed Action on California Application for Exemption From Preemption of Requirements

AGENCY: Food and Drug Administration.

ACTION: Notice of Public Hearing.

SUMMARY: This is an announcement that a public hearing before the Commissioner of Food and Drugs will be held on July 19, 1977 to receive comments and views from interested persons on the proposed action by the Food and Drug Administration (FDA) on the State of California application for exemption from Federal preemption of the State's medical device requirements.

DATES: Written notice of appearance by June 20, 1977; the hearing will be held on July 19, 1977.

ADDRESS: Notices of appearance to the Hearing Clerk (HFC-20), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, Md. 20857.

FOR FURTHER INFORMATION CONTACT:

Daniel S. Woloshen, Bureau of Medical Devices and Diagnostic Products (HFK-122), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, Md. 20910 (301-427-7114).

SUPPLEMENTARY INFORMATION: The Medical Device Amendments of 1976 (Pub. L. 94-295), amending the Federal Food, Drug, and Cosmetic Act (hereinafter referred to as "the act"), became law on May 28, 1976. Section 521(a) of the amended act (21 U.S.C. 360k(a)) prohibits any State or its political subdivision from establishing or continuing in effect for a device intended for human use any requirement that is (1) different from, or in addition to, any requirement applicable to a device under the act, and (2) related to the safety or effectiveness of the device or to any other matter included in a requirement applicable to the device under the act. Section 521(b) of the act sets forth specific conditions under which the Commissioner may by regulation permit a State or local government to establish, or continue in effect, device requirements that would otherwise be preempted by section 521(a) of the act.

A proposal to grant, with one exception, the application of the State of California Department of Health for exemption from Federal preemption for certain California State laws and regulations pertaining to medical devices was published in the FEDERAL REGISTER of February 15, 1977 (42 FR 9186). A notice of opportunity for oral hearing on the proposal was published in the same issue of the FEDERAL REGISTER (42 FR 9226), as required by section 521(b) of the act. Under that notice, eight requests for an oral hearing were submitted and are on display in the office of the Hearing Clerk (HFC-20), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, Md. 20857.

This notice advises interested persons that based on the requests received, an oral hearing will be held on the proposal in accordance with the regulations relating to public hearings before the Commissioner at 21 CFR Part 15 formerly Subpart E of Part 2, prior to recodification published in the FEDERAL REGISTER of March 22, 1977 (42 FR 15612)), and that persons who wish to present comments and views at the hearing must file a written notice of appearance. This notice also sets forth specific issues on which the Commissioner seeks comments and views.

The hearing announced in this notice will provide a public forum for interested persons to present comments and views on the proposed action on the California application for exemption from preemption. Although views may be presented on any aspect of the proposed action, the Commissioner specifically invites well-documented comments on the following issues:

1. The burden, if any, imposed by the proposed action on interstate commerce.

2. The effect of the proposed action on the economy under the criteria established by OMB Circular A-107 and agency guidelines.

3. The proposal to exempt from preemption, with one exception, the re-

quirements of standards Z80.1 and Z80.2 of the American National Standards Institute relating to prescription ophthalmic devices, as adopted by statute by the State of California.

The hearing will be held at 9:30 a.m. in Conference Rm. F, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md. 20857. The presiding officer will be Mr. David Link, Director, Bureau of Medical Devices and Diagnostic Products.

Although the regular comment period for the proposed action on the California application ended on April 18, 1977, the record of the hearing will remain open until August 3, 1977, to permit submission of additional written comments and views limited to matters discussed during the hearing. In preparing a final regulation, the Commissioner will consider the administrative record of the hearing, together with all other written comments received during the comment period specified in the proposal.

Persons who wish to present comments and views at the hearing must file by June 20, 1977, a written notice of appearance with the Hearing Clerk (HFC–20), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, Md. 20857, in accordance with 21 CFR 15.21 (formerly 21 CFR 2.402 prior to recodification published in the FEDERAL REGISTER of March 22, 1977 (42 FR 15553)). The notice of appearance shall contain the FDA Hearing Clerk Docket No. (76P–0344), the name, address, telephone number, and any business affiliation of the person desiring to make a statement, a summary of the presentation, and the approximate time requested for the presentation. Individuals and organizations with common interests are urged to consolidate or coordinate their presentations. The Commissioner may require joint presentations by persons with common interests.

The Commissioner will allocate the time available for the hearing among the persons who properly file a notice of appearance and will mail a schedule for the hearing to each such person. Each person may use his allotted time in whatever way he wishes, consistent with the conduct of a reasonable and orderly hearing. Formal written statements on the issues may be presented to the presiding officer on the day of the hearing for inclusion into the record of the hearing.

The hearing will be open to the public. At the discretion of the presiding officer and as time permits, any interested person in attendance may be heard regarding the proposed action on the California application.

Dated: May 16, 1977.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.77–14377 Filed 5–19–77;8:45 am]

Health Care Financing Administration

ALTERNATE PROFESSIONAL STANDARDS REVIEW ORGANIZATIONS

Public Hearing

Pursuant to the "Regulatory Policies" of the Secretary of the Department of Health, Education, and Welfare (41 FR 34811, August 17, 1976) and in accordance with an approved Regulation Development Plan, it has been determined that public hearings on alternate Professional Standards Review Organizations (PSROs) are appropriate prior to the publication of proposed rules.

Notice is hereby given that an additional public hearing will be held to aid the Department in obtaining a broad level of input for the development of proposed rules on criteria for establishing organizations which may qualify to become PSROs under section 1152(b)(1)(B) of the Social Security Act (42 U.S.C. 1320c–1(b)), where organizations composed of physicians meeting the requirements of section 1152(b)(1)(A) of the Act are not available. Such nonphysician composed organizations have been termed "alternate PSROs" by the Department. Regulations establishing the criteria and other requirements are a prerequisite to the designation of alternate PSROs under section 1152(b)(1)(B). Alternate PSRO Public Hearings have already been held in Baton Rouge, Louisiana; Chicago, Illinois; and in San Francisco and San Diego, California.

The final public hearing will be held:

June 14, 1977, 9:30 a.m. to 5 p.m., Sheraton Olympic Villas off Interstate 4 at Highway 528, Orlando, Florida.

Region IV, DHEW is coordinating hearing arrangements. Public hearings on alternate PSROs have been and continue to be directed at those geographic regions, where to date, there exists little or no formal physician interest to sponsor the preferred type of PSRO as specified under section 1152(b)(1)(A) of the Social Security Act.

PURPOSE OF THE HEARINGS

Public hearings on alternate PSROs will be an integral part of the regulation development process. As did the prior hearings, this additional hearing will assist the Department in reaching as many concerned individuals, organizations, and potentially affected areas as possible, regarding the development of criteria for establishing alternate PSROs.

ALTERNATE PSRO PUBLIC HEARING PROCEDURES

1. These hearings, open to the public, are divided into two segments—a scheduled witness session and an unscheduled witness session.

2. The scheduled witness session will be to hear witnesses who have notified the appropriate Regional Office PSRO Branch Chief in the Division of Quality and Standards, DHEW, of their intent to present testimony at least five days prior to the hearing date.

3. The unscheduled witness session will be conducted under an "open-mike" format, whereby any attendee will be allowed to testify without prior notice to DHEW on a first come basis.

4. Unscheduled witnesses will be asked to sign up on the sheets provided at the witness tables at the hearing room door. These witnesses will be called in the order they signed up, subject only to a time limit and order rulings from the moderator.

5. The exact time limit for unscheduled witnesses will be announced at the beginning of the session and will depend on the number of witnesses who wish to testify.

6. Each witness may be asked questions from the hearing moderator and the members of the Federal resource panel.

7. All witnesses are encouraged to submit written statements or exhibits in addition to oral testimony. Written statements will carry the same weight as oral presentations and will be made part of the hearing record. Written material should be handed to the stenographer, and it should be clearly marked with the name and address of the witness.

8. Witnesses are requested to summarize their written testimony when making an oral presentation. A court stenographer will incorporate written testimony into the record.

9. Scheduled witnesses should generally be prepared to keep their presentations limited to 20 minutes; however, time allotted may be reduced if necessary to accommodate all scheduled witnesses.

BACKGROUND INFORMATION ON ALTERNATE PSROS

Given the possibility that there may be no qualified physician organizations as specified under section 1152(b)(1)(A) of the Act in some of the designated areas by January 1, 1978, the Department must determine eligibility criteria which will be used in designating alternate PSROs. Under section 1152(c) of the Act [42 U.S.C. 1320–1(c)], on January 1, 1978, the Secretary may commence designating qualified organizations other than the statutorily preferred type of physician organizations designated under section 1152(b)(1)(A) of the Act to serve as PSROs.

Beginning on this date, the Secretary is authorized to designate as PSROs, as provided in section 1152(b)(1)(B) of the Act:

> * * * such other public, nonprofit private or other agency or organization, which the Secretary determines, in accordance with criteria prescribed by him in regulations, to be of professional competence and otherwise suitable;

Section 1152(b)(1)(B) of the Social Security Act and the Senate Finance Committee Report (No. 92–1230, 92nd

Congress, 2nd Session, 1972) offer some assistance in determining appropriate eligibility criteria for selecting alternate PSROs, as follows:

(1) Each alternate PSRO must be a "* * * public, nonprofit private, or other agency or organization * * *" (Section 1152(b) (1) (B) of the Social Security Act)

(2) The alternate organization must "be of professional competence" (Section 1152(b) (1) (B) of the Social Security Act)

(3) The Secretary may seek alternative applicants from "among other medical organizations, State and local health departments, medical schools, and failing all else, carriers, intermediaries or other health insurers" (Senate Finance Committee Report No. 92–1230 pp. 259–260)

(4) Each alternate organization must possess the willingness and capability to perform "in an effective, timely and objective manner and at a reasonable cost, the duties, functions and activities of a Professional Standards Review Organization * * *" (Section 1152(b) (2) of the Social Security Act)

In response to a request made by the National Professional Standards Review Council, the formation and responsibilities of which are mandated in section 1163 of the Social Security Act, the Department has drafted a preliminary policy paper concerning alternate PSROs. Although this paper suggests possible criteria which could be used to designate alternate PSROs, it should not be interpreted to represent the Department's final position and policies concerning alternate PSROs. Public input may cause substantial revision in the views developed by the Department thus far. Those parties interested in securing a copy of this paper should contact either Michael J. Goran, M.D., Director, Bureau of Quality Assurance, Room 16A–55, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857; or the appropriate Regional Office PSRO Branch Chief, Division of Quality and Standards, DHEW.

The Department has developed the following preliminary criteria which could be used to designate alternate PSROs:

I. Each alternate PSRO must not make a profit (i.e., reimbursement for more than the actual cost) from its PSRO activities.

II. No organized medical society or association or organization "controlled" by such organizations can be designated an alternate PSRO.

III. Each alternate PSRO must have or demonstrate the capability to obtain the services of individuals with medical expertise to competently perform review activities.

IV. Each alternate PSRO must have the capability to adequately service the PSRO area.

V. Each alternate PSRO must not have inherent conflicts of interest that affect its role as a reviewer of health care.

These potential criteria should not be interpreted as definitive Department policy but rather as a preliminary attempt to stimulate discussion and interest in this area of concern. The Department invites public comment on these tentative criteria for establishing alternate PSROs. Moreover, the Department desires to solicit additional or alternative criteria which could supplement, complement and/or replace those suggested above and which will ensure that organizations designated by the Secretary as alternate PSROs could function effectively in this capacity.

Attendance at the June 14 hearing is open to the interested public, but limited to the space available. For further information concerning this hearing contact:

Mr. C. Dexter Kimsey, PSRO Branch Chief, DHEW, Region IV, Peachtree-Seventh Building, Room 860, 50 Seventh Street, NE., Atlanta, Georgia 30323, Telephone 404–881–4472.

Dated: May 13, 1977.

DON WORTMAN,
Administrator, Health Care Financing Administration.

[FR Doc.77-14413 Filed 5-19-77;8:45 am]

Office of Education

INDIAN EDUCATION ACT

Closing Date for Receipt of Applications

Notice is hereby given that pursuant to the authority contained in section 303(b) of the Indian Education Act, Title IV, Part A of Pub. L. 92–318, as amended by Title VI, Part C of Pub. L. 93–380 (20 U.S.C. 241aa–241ff), applications are being accepted from schools located on or near reservations which are nonlocal educational agencies, or local educational agencies which have been local educational agencies for less than three years. A nonlocal educational agency is defined in 45 CFR 186.2. Eligibility factors, found in 45 CFR 186.32(a) are: (1) Whether the governing body of the school or school system was selected by, is representative of, and is solely responsible to the Indian tribe or Indian community which that school or school system serves; and (2) Whether the governing body derives authority from such community to carry out such functions as: (i) Employing, managing, and terminating personnel: (ii) Developing and revising curricula; (iii) Establishing attendance, academic, and other relevant standards: (iv) Developing and approving budgets: (v) Establishing operational policies; and (vi) Raising funds.

Section 303(b) authorizes the Commissioner to provide financial assistance to support applicants for programs designed to meet the special educational needs of Indian students. Assistance may be used for the purposes of planning and developing elementary and secondary school programs and for meeting costs incurred in connection with the establishment, maintenance, and operation of such programs.

Applications must be received by the U.S. Office of Education Application Control Center on or before June 20, 1977.

A. *Applications sent by mail.* An application sent by mail should be addressed as follows: U.S. Office of Education, Grant and Procurement Management Division, Application Control Center, 400 Maryland Avenue, SW., Washington, D.C. 20202. Attention: 13.551. 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 June 15, 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 rooms in Washington, D.C. In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.

B. *Hand delivered applications.* An application to be hand delivered must be taken to the U.S. Office of Education Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets, SW., Washington, D.C. Hand delivered applications will be accepted daily between the hours of 8 a.m. and 4 p.m. Washington, D.C. time except Saturdays, Sundays, or Federal holidays. Applications will not be accepted after 4 p.m. on the closing date.

C. *Program information and forms.* Information and application forms may be obtained from the Office of Indian Education, Division of Special Projects and Programs, Elementary and Secondary Special Projects Branch, U.S. Office of Education, Room 2153, Federal Office Building Six, 400 Maryland Avenue, SW., Washington, D.C. 20202.

D. *Awards.* Applicants who wish to expand their multi-year programs, applicants who received assistance last fiscal year for a project period of one year, and eligible applicants for new grants, will compete for increased funds appropriated by Congress to supplement the previous reduced level of appropriations. Approximately $1,090,909 is available for new grants. Approximately nine grant awards for an average amount of $125,500 will be made.

E. *Application regulations.* Awards under section 303(b) of the Indian Education Act will be subject to the requirements of the Act and to relevant provisions of 45 CFR Part 186. Assistance under this program is also subject to applicable provisions in 45 CFR Part 100a. Criteria for the selection of applications

are contained in 45 CFR 100a.26(b) and in 45 CFR 186.33.

(20 U.S.C. 241bb(b).)

Dated: May 13, 1977.

(Catalog of Federal Domestic Assistance Number 13.551; Indian Education—Grants to Non-LEA's (Part A).)

ERNEST L. BOYER,
Commissioner of Education.

[FR Doc.77-14385 Filed 5-19-77;8:45 am]

INFORMATION AND DATA ACQUISITION ACTIVITY

Comments on Collection

Pursuant to section 406(g)(2)(B), General Education Provisions Act, notice is hereby given as follows:

The U.S. Office of Education has proposed collections of information and data acquisition activities which will request information from educational agencies or institutions.

The purpose of publishing this notice in the FEDERAL REGISTER is to comply with paragraph (g)(2)(B) of the "Control of Paperwork" amendment which provides that each educational agency or institution subject to a request under the collection of information and data acquisition activity and their representative organizations shall have an opportunity, during a 30-day period before the transmittal of the request to the Director of the Office of Management and Budget, to comment to the Administrator of the National Center for Education Statistics on the collection of information and data acquisition activity.

These data acquisition activities are subject to review by the HEW Education Data Acquisition Council and the Office of Management and Budget.

Descriptions of the proposed collections of information and data acquisition activities follow below.

Written comments on the proposed activities are invited. Comments should refer to the specific sponsoring agency and form number and must be received on or before June 20, 1977, and should be addressed to Administrator, National Center for Education Statistics, Attn: Manager, Information Acquisition, Planning, and Utilization, Room 3001, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

Further information may be obtained from Elizabeth M. Proctor of the National Center for Education Statistics, 202-245-1022.

Dated: May 17, 1977.

MARIE D. ELDRIDGE,
Administrator, National Center for Education Statistics.

DESCRIPTION OF A PROPOSED COLLECTION OF INFORMATION AND DATA ACQUISITION ACTIVITY

1. *Title of Proposed Activity*

Field Test of the Parent Education curriculum including pilot television programs and nonbroadcast materials.

2. *Agency/Bureau/Office*

U.S. Office of Education/Bureau of Elementary and Secondary Education/Office of Libraries and Learning Resources.

3. *Agency Form Number*

OE 577.

4. *Legislative Authority for this Activity*

Sec. 402. (a)(1) Sec. 2. It is the purpose of this Act to authorize the Commissioner of Education (hereinafter referred to as the 'Commissioner') to carry out special projects—

"(1) to experiment with new educational and administrative methods, techniques, and practices; * * *" (P.L. 93-380: 20 USC 1851).

5. *Voluntary/Obligatory Nature of Response*

Voluntary.

6. *How Information Collected Will be Used*

The data will be used for formative evaluation of the parent education curriculum.

7. *Data Acquisition Plan*

a. METHOD OF COLLECTION: Mail and interviews

b. TIME OF COLLECTION: Summer 1977

c. FREQUENCY: On occasion

8. *Respondents*

a. *Type.*—Individuals (to be contacted through local education agencies, Head Start centers, Parent Teacher Associations, and other private organizations).

b. *Number.*—1,300.

c. *Estimated Average Man-Hours Per Respondent.*—0.5.

9. *Information to be Collected*

Each respondent will answer a short questionnaire dealing with basic demographic data on age, sex, parenting status, level of income and education. Then each participant will view the three television pilots either in the home or in a group setting. One-half of the home viewers will respond to a brief telephone call after viewing to ascertain appeal of the program and if the message is understandable. All of the viewers will respond to post-test questions about appeal of the program and whether viewers learned from watching. Certain incidents are described and the parent marks the preferred action that a parent should take. This will test whether learning objectives of the program were attained.

DESCRIPTION OF A PROPOSED COLLECTION OF INFORMATION AND DATA ACQUISITION ACTIVITY

1. *Title of Proposed Activity*

Financial Status and Performance Reports for Basic Institutional Development Program.

2. *Agency/Bureau/Office*

Office of Education, Bureau of Postsecondary Education, Division of Institutional Development.

3. *Agency Form Number*

OE 1049-4 and OE 1049-5.

4. *Legislative Authority for This Activity*

"Sec. 304. (c)(1)(D) An application for assistance for the purposes described in subsection (b)(1) shall be approved only if it * * * provides for such fiscal control and fund accounting procedures as may be necessary to insure proper disbursement of and accounting for funds made available under this title to the applicant; * * *" Public Law 89-329.

"Each Federal sponsoring agency shall require recipients to use the standardized Financial Status Report to report the status of funds for all nonconstruction projects or programs. * * * Recipients shall submit a performance report for each agreement. * * * Recipients shall submit the performance reports to Federal sponsoring agencies and the Financial Status Reports covering the same period * * *" Attachment H—OMB Circular A-110.

5. *Voluntary/Obligatory Nature of Response*

Required to obtain or maintain benefits.

6. *How Information Collected Will Be Used*

Information will be used to monitor the performance and merits of funded programs in the Title III Program, Higher Education Act of 1965, as amended. It is used to determine whether goals are achieved and what actual impact the Title III Program has on institutional development. It will also serve as a basis in the evaluation of future applications from the grantee.

7. *Data Acquisition Plan*

a. *Method of Collection.*—Mail.

b. *Time of Collection.*—30 days after the mid-point of grant period and 90 days after the end of grant period.

c. *Frequency.*—Semi-annually.

8. *Respondent*

a. *Type.*—Colleges and Universities.

b. *Number.*—650.

c. *Estimated Average Man-Hours Per Respondent.*—10.

9. *Information To Be Collected*

The grantee will present for each approved program in their application (including National Teaching Fellowships or Professor Emeriti as separate program(s) if funded) the following:

1. Goals and objectives established for grant period.

2. Accomplishments—compared with goals and impact on program. Specific measurable qualitative and quantitative data is to be included.

3. Slippage—(a) Impact on program, and (b) Reason why goals were or were not met.

4. Overall impact on institution realized from all programs in the grant.

5. The standard Financial Status Report form is used.

DESCRIPTION OF PROPOSED COLLECTION OF INFORMATION AND DATA ACQUISITION ACTIVITY

1. *Title of Proposed Activity*

Annual Survey of Children in Institutions, Operated or Supported by a State Agency, for Neglected or Dilinquent Children, or Children in Adult Correctional Institutions, ESEA, Title I.

2. *Agency/Bureau/Office*

Office of Education, Bureau of Elementary and Secondary Education, Division of Education for the Disadvantaged.

3. *Agency Form Number*

OE Form 4376.

4. *Legislative Authority for this Activity*

"A State agency which is directly responsible for providing free public education for children in institutions for neglected or delinquent children or in adult correctional institutions shall be entitled to receive a grant under this section * * *" " * * * the grant which such an agency shall be eligible to receive shall be * * * multiplied by the number of such children in average daily attendance, as determined by the Commissioner, at schools for such children * * *" (P.L. 89-10, as amended. 20 U.S.C. 241-(3), 45 CFR 116c).

5. *Voluntary/Obligatory Nature of Response*

Agencies are obligated to respond. Failure to submit this report will result in loss of Title I funds.

6. *How Information Collected Will be Used*

Program Management: The average daily attendance data will be used to compute Title I allocations for State agencies responsible for providing free public education for institutionalized neglected or delinquent children.

7. *Data Acquisition Plan*
   a. *Method of Collection.*—Mail.
   b. *Time of Collection.*—Fall.
   c. *Frequency.*—Annually.
8. *Respondents*
   a. *Type.*—State agencies responsible for providing education for institutionalized neglected or delinquent children.
   b. *Number.*—150.
   c. *Estimated Average Man-Hours Per Respondent.*—5.
9. *Information to be Collected*
   State agencies will furnish the names and types of institutions and the average daily attendance data for institutionalized neglected or delinquent children in State-operated or supported schools.

[FR Doc.77-14412 Filed 5-19-77; 8:45 am]

NATIONAL ADVISORY COUNCIL ON EQUALITY OF EDUCATIONAL OPPORTUNITY

Public Meeting

AGENCY: National Advisory Council on Equality of Educational Opportunity.

ACTION: Notice of Meeting.

SUMMARY: This notice sets forth the proposed agenda of the forthcoming meeting of the Nonmajority/Minority Task Force and the Legislative/Administrative Task Force. It also describes the functions of the Council. Notice of this meeting is required under the Federal Advisory Committee Act [5 U.S.C., Appendix 1, 10(a)(21)]. This document is intended to notify the general public of their opportunity to attend.

DATE AND PLACE OF MEETING: June 10, 1977; New York, New York.

ADDRESS: Room 5890, No. 2 Tower of the World Trade Center.

FOR FURTHER INFORMATION CONTACT:

Rosemarie Maynez, Administrative Assistant, NACEEO, 1325 G Street, NW., Suite 710, Washington, D.C. 20005, Phone 202-382-7985.

The National Advisory Council on Equality of Educational Opportunity is established under Section 716 of the Emergency School Aid Act (P.L. 92-318, Title VII, as amended by P.L. 93-380 and P.L. 94-482). The Council is established to: (1) advise the Assistant Secretary for Education with respect to the operation of the program authorized under the Emergency School Aid Act (ESAA), including the preparation of regulations and the development of criteria for the approval of applications; and (2) review the operation of the program with respect to its effectiveness in achieving its purpose as stated in the Act and with respect to the Assistant Secretary's conduct in the administration of the program.

The meeting, which is open to the public, will convene at 9:30 a.m. until 4:30 p.m. Presentations will be made by various ESAA grant recipients concerning the need for such a program. Inquiry will be made with regard to how well the various racial and ethnic groups involved in ESAA projects are having their specific needs addressed. Discussions concerning ESAA eligibility requirements as pertaining to nonmajority/minority districts will be a major focus.

Requests for oral presentations by the public before the Task Forces must be submitted in writing to the Executive Director of NACEEO, Mr. Leo A. Lorenzo, and should include the names of all persons seeking an appearance, the party or parties which they represent, and the purpose for which the presentation is requested. Following the presentation, the statement in writing shall be submitted to the Executive Director. In the event that the tentative agenda is completed prior to the projected time, the Task Forces will adjourn the meeting.

Records of all meetings are kept at NACEEO headquarters, 1325 G Street, NW., Suite 710, Washington, D.C. 20005, and are available for public inspection.

Signed at Washington, D.C., on May 18, 1977.

LEO A. LORENZO,
Executive Director.

[FR Doc.77-14542 Filed 5-19-77;8:45 am]

NATIONAL ADVISORY COUNCIL FOR CAREER EDUCATION

Meeting

AGENCY: National Advisory Council for Career Education, HEW/OE.

ACTION: Notice.

SUMMARY: This notice sets forth the schedule and proposed agenda of forthcoming meeting of the National Advisory Council for Career Education. It also describes the functions of the Council. Notice of the meeting is required by the Federal Advisory Committee Act. This document is intended to notify the general public of their opportunity to attend.

DATES: June 16-17, 1977. June 16-9:00 a.m. to 4:00 p.m. June 17-9:00 a.m. to 4:00 p.m.

ADDRESS: Federal Office Building #6 (FOB#6)—Room 3000 400 Maryland Avenue, S.W., Washington, D.C. 20202.

FOR FURTHER INFORMATION CONTACT:

Dr. Robert D. Bhaerman, Office of Education, Office of Career Education, Room 3100—ROB No. 3, 7th and D Sts., S.W., Washington, D.C. 20202 (202-245-2547).

SUPPLEMENTARY INFORMATION: The National Advisory Council for Career Education is established under Section 406 of the Education Amendments of 1974, P.L. 93-380, (88 Stat. 552, 553.) The Council is directed to:

Advise the Commissioner of Education on the implementation of Section 406 of the Education Amendments of 1974 and carry out such advisory functions as it deems appropriate, including reviewing the operation of this Section and all other programs of the Division of Education pertaining to the development and implementation of career education, evaluating their effectiveness in meeting the needs of career education throughout the United States, and in determining need for further legislative remedy in order that all citizens may benefit from the purposes of career education as described in Section 406.

The Council with the assistance of the Commissioner conducted a survey and assessment of the current status of career education programs, projects, curricula and materials in the United States and submitted to Congress a report on such survey.

The meeting of the Council shall be open to the public. The meeting on June 16 and June 17 will begin at 9:00 a.m. and end at 4:00 p.m. The meeting will be held at the Office of Education, Federal Office Building No. 6 (FOB No. 6), located at 400 Maryland Avenue SW., Room 3000, Washington, D.C. 20202.

The proposed agenda includes:

(1) Research Report: National Institute of Education
(2) Miscellaneous Business
(3) Legislative Report on Prospects of Senate Bill 1328 from the Legislative Subcommittee
(4) Progress Report on Supportive Activities and Public Information
(5) Research Report: National Assessment of Educational Progress—Career and Occupational Development
(6) Discussion of Commissioned Papers
(7) Discussion of NACCE Priorities, Activities and Next Steps

Records shall be kept of all Council proceedings and shall be available 14 days after the meeting for public inspection at the Office of Career Education located at 7th and D Streets SW., Room 3100, ROB No. 3, Washington, D.C. 20202.

Signed at Washington, D.C. on May 12, 1977.

JOHN LINDIA,
Delegate, National Advisory Council for Career Education.

[FR Doc.77-14407 Filed 5-19-77;8:45 am]

DEPARTMENT OF THE INTERIOR

Bonneville Power Administration

BONNEVILLE DAM INTEGRATING TRANSMISSION

Public Meeting

This notice is published to notify interested citizens of a public meeting to be held by the Bonneville Power Administration on Wednesday, June 22, 1977, at 7:30 p.m. in Stevenson High School, Stevenson, Washington.

The environmental impact of constructing approximately 1.3 miles of new 230-kV line and the addition of 21 miles of conductor to the vacant side of existing BPA double-circuit towers will be described. Comments on these proposed new facilities will be received from the public.

All interested parties are urged to attend. All comments are welcomed in or-

der to assist the administration in fully evaluating the environmental factors pertinent to this particular aspect of BPA's Fiscal Year 1978 Program. Comments received will be considered in the preparation of the Final Environmental Statement.

The purpose of the above project is to integrate the electricity from the second powerhouse at Bonneville Dam into BPA's regional transmission grid.

In addition to building approximately 1.3 miles of new 230-kV line and the addition of 21 miles of conductor to the vacant side of existing double-circuit towers, approximately 1.3 miles of new access road would be constructed. Between one-half and 1 mile of existing access road would need improvement.

Between 6 and 24 acres of new right-of-way would be required. Approximately 100 acres of trees and brush would have to be cleared for construction and conductoring purposes. Some erosion and sedimentation would occur. Minor short-term disturbances to agricultural land would also occur. In addition, there would be some visual impact as well as noise and other minor disturbances during construction.

In addition to the nonconstruction alternative, with its lack of environmental impacts and resultant inability to integrate the output from the second powerhouse at Bonneville Dam, two alternative route locations for the proposed transmission line have been identified. The alternative locations of the transmission line and the environmental impact associated with each are more thoroughly presented in the Draft Facility Location Supplement for Bonneville Dam Integrating Transmission.

Copies of the Draft Facility Location Supplement describing the proposal are available for inspection in the library of the BPA headquarters, 1002 NE. Holladay Street, Portland, Oregon 97232; the BPA Washington, D.C., Office in the Interior Building, Room 5600; and at the Portland Area Office, Lloyd Plaza Building, 919 NE. 19th Avenue, Room 3621, Portland, Oregon 97208.

Dated: May 17, 1977.

WILLIAM H. CLAGETT,
Assistant Administrator.

[FR Doc.77-14404 Filed 5-19-77;8:45 am]

Bureau of Land Management

[N-15766]

NEVADA

Airport Lease Application

Notice is hereby given that pursuant to the Act of May 24, 1928, (49 U.S.C. 211-214), Alfred Woodward has applied for an airport lease on the following lands:

MOUNT DIABLO MERIDIAN, NEVADA

T. 43 N., R. 37 E.
SEC. 34, S½NE¼, SE¼NW¼, NE¼SW¼ NE¼SE¼.

The purpose of this notice is to inform the public that the filing of this application segregated the described public lands from all other forms of appropriation under the public land laws. Interested persons desiring their views should promptly send their comments together with their name and address to the Las Vegas District Manager, Bureau of Land Management, 4765 Vegas Drive, Las Vegas, Nevada 89108.

WM. J. MALENCIK,
Chief, Division of Technical Services.

[FR Doc.77-14380 Filed 5-19-77;8:45 am]

Fish and Wildlife Service

UNIVERSITY OF CALIFORNIA, LOS ANGELES

Issuance of Permits for Marine Mammals

On Monday, January 10, 1977, a notice was published in the FEDERAL REGISTER (Vol. 42, No. 6) that an application had been filed with the Fish and Wildlife Service by University of California, Los Angeles, California, for a permit to capture, tag, and release up to sixteen (16) California sea otters.

Notice is hereby given that on Wednesday, May 11, 1977, as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-4107), the Fish and Wildlife Service issued a permit to University of California, subject to certain conditions set forth therein. The permit is available for public inspection during normal business hours at the Fish and Wildlife Service's office in Room 512, 1717 H Street NW., Washington, D.C.

Dated: May 17, 1977.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Permit Office.

[FR Doc.77-14415 Filed 5-19-77;8:45 am]

WALRUS

Change in Alaska State Regulations

Notice is hereby given of a change in the Alaska State walrus regulations originally approved by the Director, United States Fish and Wildlife Service, on April 5, 1976 (41 FR 14372), and amended on October 13, 1976 (41 FR 44875).

In order to stabilize the walrus kill significantly below the levels of the annual take during the past few years, the State has proposed, following approval of the Alaska Board of Game on April 5, 1977, that the Alaska Fish and Game Code, 5 AAC 81.350, be changed to include the seasons and bag limits noted below.

I have determined that these changes are more restrictive than the regulations now in force and have no effect on the extent of the waiver of the moratorium on the taking of Pacific walrus. Pursuant to 50 CFR 18.56(d), I have consulted with the Marine Mammal Commission on the proposed changes to determine whether the State regulations (with the proposed changes) continue to comply with the requirements of 50 CFR subpart F; the Commission supports the intent of the changes. I hereby approve the changes, effective May 20, 1977.

A complete set of the State of Alaska walrus hunting regulations is available for inspection from 8 a.m. to 4 p.m., Monday to Friday, at 1612 K Street, NW., Washington, D.C., suite 1200.

This notice was prepared by Rupert R. Bonner, Marine Mammal Coordinator, Office of Wildlife Assistance.

LYNN A. GREENWALT,
Director, U.S. Fish and Wildlife Service.

5 AAC 81.350. Marine mammal hunting. (5) Walrus

Unit	Open season	Bag limits	Areas	Maximum annual quota per regulatory year
Unit 9	No open season			
Unit 17, except for that portion in the Walrus Islands State Game Sanctuary (including all waters within ½ mile of Round Island).	Resident: Oct. 20-Dec. 1 Mar. 1-Apr. 30.	One walrus for food, by permit only. A total of 50 permits will be issued to applicants who appear in person at the villages of Togiak, Manokotak, Twin Hills, and Clarks Point, on a basis of first come, first served.		
	Nonresident: No open season.			
Unit 18	Resident: No closed season.	One adult bull per permit; provided, however, that residents of settlements on the Bering Sea coast of Unit 18 dependent upon and utilizing walrus for food may take up to 5 adult cows or subadults (either sex) and adult bulls without limit; and provided further that orphaned calves may be taken for food without contributing to the bag limit.		
	Nonresident: No closed season.	One adult bull per permit		

Unit	Open season	Bag limits	Areas	Maximum annual quota per regulatory year
Unit 22	Resident: No closed season.	One adult bull per permit; provided, however, that residents of settlements on the Bering and Chukchi Sea coasts of Unit 22 dependent upon and utilizing walrus for food may take up to 10 walrus, not more than 5 of which may be adult cows or subadults (either sex); that orphaned calves may be taken for food without contributing to the bag limit; and that certain specific area quotas apply, as listed in next column.	1. The waters of Bering Sea near the settlement of Gambell within the area bounded by lines connecting the following positions: 64°30′ N., 171°22′ W.; 64°20′ N., 171°00′ W.; 63°00′ N., 171°00′ W.; 63°00′ N., 174°59′ W.; and the U.S.–Russia convention: Line of 1867 between 63°00′ N., 174°59′ W. and 64°30′ N., 171°22′ W.	450
			2. The waters of Bering Sea near the settlement of Savoonga within the area bounded by lines connecting the following positions: 64°20′ N., 171°00′ W.; 64°30′ N., 168°00′ W.; 63°00′ N., 168°00′ W.; 63°00′ N., 171°00′ W.; 64°30′ N., 171°00′ W.	450
			3. The waters of Norton Sound and Bering Sea near the settlements of Nome and King Island within the area bounded by lines connecting the following positions: 65°19′ N., 165°50′ W.; 65°10′ N., 166°55′ W.; 64°33′ N., 163°23′ W.; 63°30′ N., 163°30′ W.; 63°30′ N., 165°50′ W.; 65°10′ N., 165°50′ W.	250
			4. The waters of the Bering and Chukchi Seas near the settlement of Wales within the area bounded by lines connecting the following positions: 66°00′ N., 167°55′ W.; 65°00′ N., 167°20′ W.; 65°10′ N., 167°20′ W.; 65°10′ N., 167°50′ W.; 65°22′ N., 165°40′ W.; 65°45′ N., 165°40′ W.; 66°00′ N., 167°55′ W.	150
			5. Waters of the Bering and Chukchi Seas near the settlement of Diomede within the area bounded by lines connecting the following positions: 66°20′ N., 168°00′ W.; 66°20′ N., 167°20′ W.; 66°00′ N., 167°30′ W.; 66°00′ N., 167°55′ W.; 65°22′ N., 165°20′ W.; 65°10′ N., 165°20′ W.; 65°10′ N., 169°45′ W.; 65°30′ N., 168°55′ W.; 66°20′ N., 168°55′ W.	450
			6. Waters of the Chukchi Sea near the settlements of Shishmaref within the area bounded by lines connecting the following positions: 67°00′ N., 167°30′ W.; 67°00′ N., 166°00′ W.; 66°20′ N., 164°00′ W.; 66°00′ N., 167°00′ W.; 66°00′ N., 167°20′ W.; 67°00′ N., 167°20′ W.	150
	Nonresident: No closed season.	One adult bull per permit.		
Units 23 and 26	Resident: No closed season.	One adult bull per permit; provided however, that residents of settlements on the Chukchi and Beaufort Sea coasts of Units 23 and 26 dependent upon and utilizing walrus for food may take up to 5 walrus; that orphaned calves may be taken for food without contributing to the bag limit; and that certain specific area quotas apply, as listing in next column.	7. Waters of the Chukchi Sea near the settlement of Wainwright within the area bounded by lines connecting the following positions: 71°20′N., 161°20′W.; 71°30′N., 158°30′W.; 70°45′N., 158°20′W.; 70°15′N., 161°30′W.; 71°20′N., 161°20′W.	160
			8. Waters of the Chukchi and Beaufort Seas near the settlement of Barrow within the area bounded by lines connecting the following positions: 72°10′N., 155°30′W.; 72°10′N., 154°00′W.; 70°50′N., 154°00′W.; 70°43′N., 155°20′W.; 72°19′N., 155°20′W.	180
	Nonresident: No closed season.	One adult bull per permit.		

[FR Doc.77-14343 Filed 5-19-77;8:45 am]

National Park Service

SLEEPING BEAR DUNES NATIONAL LAKESHORE ADVISORY COMMISSION

Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Sleeping Bear Dunes National Lakeshore Advisory Commission will be held at 1:00 p.m. (EDT) on Friday, June 17, 1977, at Money's Restaurant, Honor, Michigan.

The Commission was established by Public Law 91–479 to meet and consult with the Secretary of the Interior on general policies and specific matters related to the administration and development of the Sleeping Bear Dunes National Lakeshore.

The members are as follows:

Mr. Noble D. Travis (Chairman)
Mr. William B. Bolton
Mr. John B. Daugherty
Mr. Samuel F. Eberly
Mr. Carl T. Johnson
Mr. John A. Stahlin
Mr. John D. Stanz
Mr. Louis F. Twardzik
Mrs. Charles R. Williams
Mr. Charles H. Yeates

Principal items of discussion will be the status of land acquisition and operating plans for the coming visitor season at the National Lakeshore.

The meeting will be open to the public. Money's Restaurant is located on U.S. 31, the Main Street in Honor, Michigan.

Any member of the public may file with the Commission, a written statement concerning the matters to be discussed. Persons wishing further information concerning the meeting or who wish to submit written statements, may contact the Superintendent, Sleeping Bear Dunes National Lakeshore, Frankfort, Michigan 49635 at area code 616 352–9611. Minutes of the meeting will be available for public inspection four weeks after the meeting, in the office of the Superintendent, 400 Main Street, Frankfort, Michigan.

Dated: May 10, 1977.

MERRILL D. BEAL,
Regional Director,
Midwest Region.

[FR Doc.77-14426 Filed 5-19-77;8:45 am]

WESTERN REGIONAL ADVISORY COMMITTEE

Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a combined public meeting and field trip of the Western Regional Advisory Committee will be held in Lake Mead National Recreation Area and Las Vegas, Nevada. The public meeting will begin at 9:00 a.m. on June 11, 1977, in the Las Vegas Convention Center, 3150 Paradise Road, Room 4.

The purpose of the Western Regional Advisory Committee is to provide for the free exchange of ideas between the National Park Service and the public and to facilitate the solicitation of advice or other counsel from members of the public on programs and problems pertinent to the Western Region.

The members of the Advisory Committee are as follows:

Ben Avery, Phoenix, Arizona
David W. Ballie, Jr., Waipahu, Hawaii
Lewis S. Eaton, Fresno, California (Chairman)
Ed Fike, Las Vegas, Nevada
Bernard Fontana, Tucson, Arizona
Jean Ford, Las Vegas, Nevada
Sonya Thompson, Agoura, California
Jack Walston, San Marino, California
Todd Watkins, Bishop, California

Friday morning, June 10, beginning at 8:00 a.m. a field trip will be provided the Committee to see, on-site, those activities involved in a water reservoir recreation area. Due to a lack of space, only those associated with the Advisory Committee and National Park Service personnel will be provided transportation for the field trip portion of the meeting.

Saturday morning the public meeting will be held to discuss the previous day's observations. The meeting will be open to the public but in addition any member of the public will also be able to file, with the Committee, a written statement concerning Lake Mead.

Persons wishing further information concerning this meeting or who wish to submit written statements may contact Ray C. Foust, Executive Assistant to the Regional Director, Western Regional Office, at (415) 556-8227.

Resolutions, as a result of this meeting, will be available for public inspection four weeks after the meeting at the Western Regional Office, National Park Service, 450 Golden Gate Avenue, San Francisco, California 94102.

Dated: May 9, 1977.

JOHN H. DAVIS,
Acting Regional Director, Western Region.

[FR Doc.77-14427 Filed 5-19-77;8:45 am]

Office of the Secretary

[INT FES 77-14]

PROPOSED WATER SYSTEM, DE LUZ HEIGHTS MUNICIPAL WATER DISTRICT, CALIFORNIA

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental statement for the Proposed Water System, De Luz Heights Municipal Water District, California, to be constructed with a loan under the Small Reclamation Projects Act of 1956.

The Municipal Water District plans to construct a pipe distribution system to convey water from the San Diego Aqueduct to irrigate agricultural lands and to furnish municipal water to scattered rural residences. The project area lies in northern San Diego County, California, about 15 miles inland.

Copies of the final environmental impact statement are available for inspection at the following locations:

Office of the Assistant to the Commissioner—Ecology, Room 7620, Bureau of Reclamation, Department of the Interior, Washington, D.C. 20240. Telephone 202-343-4991.

Division of Engineering Support, Technical Services and Publications Branch, R&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 702-293-8464.

Single copies of the final statement may be obtained upon request to the Commissioner of Reclamation or the Regional Director. Please refer to the statement number above.

Dated: May 16, 1977.

HEATHER L. ROSS,
Acting Deputy Assistant Secretary of the Interior.

[FR Doc.77-14390 Filed 5-19-77;8:45 am]

DEPARTMENT OF LABOR

Bureau of Labor Statistics

[Commissioner's Administrative Order No. 27-1]

PROCUREMENT AND CONTRACTING OFFICER AUTHORITY

Redelegation From the Commissioner to Other Bureau Officials

1. *Purpose.* The purpose of this Order is to redelegate the authority and responsibility for procurement and contract activities.

2. *Effect of this Order.* This Order is effective April 1, 1977. It cancels Commissioner's Administrative Order No. 27.

3. *Authorities Delegated to the Commissioner.* A. DLMS-2, Chapter 800, delegates contracting officer authority to the Commissioner for the procurement of statistical and economic research services and for the sale of special statistics.

B. Assistant Secretary Fred G. Clark's memorandum of March 11, 1977 (effective April 1, 1977), on the subject of "Delegation of Procurement and Contracting Officer Authority," delegates to the Commissioner the following procurement and contracting officer authority:

(1) To use FEDSTRIP for GSA common catalogued and supplied office furnishings, equipment and supplies.

(2) To order from GSA supply schedule contract all items except ADP equipment (software and hardware), office copiers and ADP communication devices.

4. *Redelegation of Statistical and Research Contract Authority.* A. The Commissioner of Labor Statistics has the sole authority and responsibility—with the concurrence of the parties involved—to sign contracts that involve the release of confidential data outside the Bureau.

B. The Associate Commissioner for Administrative Management and the Chief of the Division of Planning and Financial Management (DPFM) are hereby delegated contracting officer authority for the functions in 3.A above, except contracts which involve the release of confidential data outside the Bureau.

C. The Chief of the Branch of Financial Information and Contracting, DPFM, is hereby delegated contracting officer authority for the functions in 3.A above involving less than $10,000, excluding contracts which involve the release of confidential data outside the Bureau.

D. The Regional Commissioners for BLS are hereby granted the authority and responsibility to enter into and execute contracts related to BLS/State cooperative programs with participating State agencies, provided they have the written concurrence of the Chief of the Division of Planning and Financial Management and the appropriate Program Office (e.g., OSHS and ES&T) for each contract. The Regional Commissioners will serve as Contract Officers and have the authority to appoint the Government Authorized Representatives for each contract.

5. *Redelegation of FEDSTRIP and GSA Schedule Procurement Authority.* The Associate Commissioner for Administrative Management and the Chief of the Division of Administrative Services are hereby granted contracting officer authority for the functions in 3.B above.

6. *Further Redelegation.* None of the above officials may redelegate their authority further.

Signed at Washington, D.C., this 12th day of May 1977.

JULIUS SHISKIN,
Commissioner of Labor Statistics.

[FR Doc.77-14451 Filed 5-19-77;8:45 am]

Employment and Training Administration

EMPLOYMENT TRANSFER AND BUSINESS COMPETITION DETERMINATIONS UNDER THE RURAL DEVELOPMENT ACT

Applications

The organizations listed in the attachment have applied to the Secretary of Agriculture for financial assistance in the form of grants, loans, or loan guarantees in order to establish or improve facilities at the locations listed for the purposes given in the attached list. The financial assistance would be authorized by the Consolidated Farm and Rural Development Act, as amended, 7 USC 1924(b), 1932, or 1942(b).

The Act requires the Secretary of Labor to determine whether such Federal assistance is calculated to or is likely to result in the transfer from one area to another of any employment or business activity provided by operations of the applicant. It is permissible to assist the establishment of a new branch, affiliate or subsidiary, only if this will not result in increased unemployment in the place of present operations and there is no reason to believe the new facility is being established with the intention of closing down an operating facility.

The Act also prohibits such assistance if the Secretary of Labor determines that it is calculated to or is likely to result in an increase in the production of goods, materials, or commodities, or the availability of services or facilities in the area, when there is not sufficient demand for such goods, materials, commodities, services, or facilities to employ the efficient capacity of existing competitive commercial or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area.

The Secretary of Labor's review and certification procedures are set forth at 29 CFR Part 75. 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 po-

tential 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 16th day of May, 1977.

ROBERT J. MCCONNON,
Deputy Assistant Secretary, for Employment and Training.

Applications received during the week ending May 13, 1977

Name of applicant	Location of enterprise	Principal product or activity
Kammerer, Symes & Associates, Inc	Willingboro, N.J	Consulting engineering services.
Canterbury Stores Inc	Upper Penns Neck, N.J	Retail supermarket thriftway foodstore.
Boden Mining Corp	Buckhannon, W. Va	Coal mining and washing.
Waccamaw Pottery Co., Inc. (tenant of Grand Strand Water and Sewer Authority).	Myrtle Beach, S.C	Manufacture and sales of pottery and dinnerware.
Sitkin Smelting & Refining, Inc	Headland, Ala	Manufacture of brass and bronze ingots.
Outer Banks Haven, Inc	Nags Head, N.C	Intermediate and skilled nursing care.
Gator Hole Golf Course	North Myrtle Beach, S.C	Golf course.
Peavy Farm Service, Inc	Camilla, Ga	Grain elevator.
Neitzel Enterprises, Ltd	Onalaska, Wis	Contract construction and sales of building materials.
Spears Carpet Mills, Inc	Hope, Ark	Manufacture of carpeting.
James Clyde Duncan, Jr., d.b.a. Sutler's	Fort Davis, Tex	Motel.
IXL Manufacturing Co., Inc., (tenant of City of Bernie).	Bernie, Mo	Wooden tool handles and furniture.
H-K Contractors, Inc	Idaho Falls and Rexburg, Idaho.	Reconstruction of flood-damaged roads and water systems.

[FR Doc.77-14411 Filed 5-19-77;8:45 am]

GOVERNOR'S GRANTS UNDER TITLE I OF THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

Allocations for FY 1977

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice.

SUMMARY: This notice lists the allocations which have been made for Fiscal Year 1977 to Governors. The grants were made under Title I of the Comprehensive Employment and Training Act pursuant to the regulations at 29 CFR 95.50-95.51.

FOR FURTHER INFORMATION CONTACT:

Adolf Wansong, Chief, Division of Financial Management, Rm. 4010, 601 D St., NW., Washington, D.C. 20213, 202-376-6060.

SUPPLEMENTARY INFORMATION: This notice has been prepared under the direction and control of Albert J. Angebranndt, Administrator for Administration and Management, Employment and Training Administration. The notice lists allocations separately for Vocational Education (VOC ED), State Manpower Services Councils (SMSC) and State manpower services (ST SVCES).

U.S. DEPARTMENT OF LABOR--EMPLOYMENT AND TRAINING ADMINISTRATION
TITLE I--FY 1977
GOVERNORS GRANTS
AS OF 10/14/76

	SMSC	VOC ED	ST SVCES
REGION I			
CONNECTICUT	234,973	1,468,577	1,174,862
MAINE	80,984	506,156	404,924
MASSACHUSETTS	480,238	3,001,485	2,401,188
NEW HAMPSHIRE	43,646	272,792	218,234
RHODE ISLAND	87,865	549,156	439,325
VERMONT	35,973	224,832	179,867

U.S. DEPARTMENT OF LABOR--EMPLOYMENT AND TRAINING ADMINISTRATION
TITLE I--FY 1977
GOVERNORS GRANTS
AS OF 10/14/76

	SHSC	VOC ED	ST SVCES
REGION II			
NEW JERSEY	534,431	3,340,193	2,672,154
NEW YORK	1,291,044	8,069,014	6,455,212
PUERTO RICO	356,930	2,230,809	1,784,648
VIRGIN ISLANDS	11,916	74,484	59,581

U.S. DEPARTMENT OF LABOR--EMPLOYMENT AND TRAINING ADMINISTRATION
TITLE I--FY 1977
GOVERNORS GRANTS
AS OF 10/14/76

	SHSC	VOC ED	ST SVCES
REGION III			
DELAWARE	38,849	242,810	194,248
MARYLAND	229,639	1,435,241	1,148,193
PENNSYLVANIA	760,603	4,753,767	3,803,014
VIRGINIA	285,437	1,783,985	1,427,188
WEST VIRGINIA	126,393	789,961	631,969
WASHINGTON D. C.	85,629	535,186	428,148

U.S. DEPARTMENT OF LABOR--EMPLOYMENT AND TRAINING ADMINISTRATION
TITLE I--FY 1977
GOVERNORS GRANTS
AS OF 10/14/76

	SHSC	VOC ED	ST SVCES
REGION IV			
ALABAMA	254,435	1,590,219	1,272,175
FLORIDA	640,221	4,001,381	3,201,105
GEORGIA	344,657	2,154,107	1,723,286
KENTUCKY	236,461	1,477,884	1,182,308
MISSISSIPPI	164,173	1,026,080	820,864
NORTH CAROLINA	391,050	2,444,111	1,955,289
SOUTH CAROLINA	207,430	1,296,486	1,037,189
TENNESSEE	306,044	1,912,772	1,530,218

U.S. DEPARTMENT OF LABOR--EMPLOYMENT AND TRAINING ADMINISTRATION
TITLE I--FY 1977
GOVERNORS GRANTS
AS OF 10/14/76

	SHSC	VOC ED	ST SVCES
REGION V			
ILLINOIS	649,270	4,057,937	3,246,350
INDIANA	348,882	2,180,507	1,744,406
MICHIGAN	766,999	4,793,736	3,834,989
MINNESOTA	222,499	1,390,618	1,112,494
OHIO	683,401	4,271,254	3,417,003
WISCONSIN	262,858	1,642,863	1,314,290

U.S. DEPARTMENT OF LABOR--EMPLOYMENT AND TRAINING ADMINISTRATION
TITLE I--FY 1977
GOVERNORS GRANTS
AS OF 10/14/76

	SHSC	VOC ED	ST SVCES
REGION VI			
ARKANSAS	157,322	983,262	786,610
LOUISIANA	270,845	1,697,781	1,358,225
NEW MEXICO	79,695	498,097	398,477
OKLAHOMA	181,225	1,132,656	906,125
TEXAS	710,860	4,442,868	3,554,295

U.S. DEPARTMENT OF LABOR--EMPLOYMENT AND TRAINING ADMINISTRATION
TITLE I--FY 1977
GOVERNORS GRANTS
AS OF 10/14/76

	SHSC	VOC ED	ST SVCES
REGION VII			
IOWA	145,720	910,752	728,601
KANSAS	115,027	718,920	575,136
MISSOURI	302,937	1,893,357	1,514,685
NEBRASKA	89,408	558,802	447,041

U.S. DEPARTMENT OF LABOR--EMPLOYMENT AND TRAINING ADMINISTRATION
TITLE I--FY 1977
GOVERNORS GRANTS
AS OF 10/14/76

	SHSC	VOC ED	ST SVCES
REGION VIII			
COLORADO	139,426	871,413	697,131
MONTANA	54,561	341,007	272,801
NORTH DAKOTA	37,614	235,088	188,071
SOUTH DAKOTA	37,250	232,815	186,252
WYOMING	18,957	118,483	94,787
UTAH	75,990	474,935	379,948

U.S. DEPARTMENT OF LABOR--EMPLOYMENT AND TRAINING ADMINISTRATION
TITLE I--FY 1977
GOVERNORS GRANTS
AS OF 10/14/76

	SHSC	VOC ED	ST SVCES
REGION IX			
ARIZONA	152,178	951,112	760,890
CALIFORNIA	1,642,363	10,264,759	8,211,808
HAWAII	55,763	348,518	278,814
NEVADA	47,698	298,111	238,489
AMERICAN SAMOA	2,341	14,633	11,706
GUAM	9,746	60,918	48,736
PACIFIC TRUST	3,083	19,268	15,414

U.S. DEPARTMENT OF LABOR—EMPLOYMENT AND TRAINING ADMINISTRATION
TITLE I—FY 1977
GOVERNORS GRANTS
AS OF 10/14/76

	SHSC	VOC ED	ST SVCES
REGION X			
ALASKA	31,253	195,332	156,265
IDAHO	56,702	354,390	283,512
OREGON	188,273	1,176,710	941,368
WASHINGTON	276,656	1,729,101	1,383,281

Signed at Washington, D.C., this 8th day of April 1977.

ALBERT J. ANGEBRANNDT,
Administrator,
Administration and Management.

[FR Doc.77-14056 Filed 5-19-77;8:45 am]

INCENTIVE GRANTS TO CONSORTIA UNDER TITLE I OF THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

Allocations for FY 1977

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice.

SUMMARY: This notice lists the allocations which have been made for Fiscal Year 1977 as incentives to consortia under Title I of the Comprehensive Employment and Training Act pursuant to the regulation at 29 CFR 95.2(c)(1).

FOR FURTHER INFORMATION CONTACT:

Adolf Wansong, Chief, Division of Financial Management, Rm. 4010, 601 D Street, NW., Washington, D.C. 20213, 202-376-6060.

SUPPLEMENTARY INFORMATION: This notice has been prepared under the direction and control of Albert J. Angebranndt, Administrator for Administration and Management, Employment and Training Administration.

U. S. DEPARTMENT OF LABOR - EMPLOYMENT AND TRAINING ADMINISTRATION OAM 1/6/77
TITLE I - CONSORTIA INCENTIVE
FY 1977

	INCENTIVE
BRIDGEPORT CSRT	336,069
HARTFORD CSRT	473,729
NEW HAVEN CSRT	338,326
STAMFORD CSRT	124,325
CONNECTICUT	1,272,449
PENOBSCOT CNTY	113,788
MAINE	113,788
NEW BEDFORD CSRT	188,145
HAMPDEN CNTY CSRT	423,181
WORCESTER CSRT	224,876
LOWELL CSRT	201,518
BROCKTON CSRT	150,567
MASSACHUSETTS	1,188,287
ROCK/STRAFFORD CSR	113,579
NEW HAMPSHIRE	113,579
REGION I	2,608,103

U. S. DEPARTMENT OF LABOR - EMPLOYMENT AND TRAINING ADMINISTRATION OAM
TITLE I-- CONSORTIA INCENTIVE 1/6/77
FY 1977

	INCENTIVE
HUDSON CSRT	569,216
NEW JERSEY	569,216
CHAUTAUQUA CSRT	193,681
BUFFALO/ERIE CSRT	842,630
NASSAU COUNTY CSRT	687,273
SUFFOLK CNTY CSRT	581,462
NEW YORK	2,305,046
SAN JUAN CSRT	601,147
PUERTO RICO	601,147
REGION II	3,475,409

U. S. DEPARTMENT OF LABOR - EMPLOYMENT AND TRAINING ADMINISTRATION OAM
TITLE I-- CONSORTIA INCENTIVE 1/6/77
FY 1977

	INCENTIVE
DEL INTGOV MA S.C.	278,864
DELAWARE	278,864
BALTIMORE CSRT	1,383,171
WESTERN MD CSRT	204,243
MARYLAND	1,587,414
LEHIGH VALLEY CONS	247,997
LANCASTER CSRT	221,151
SCHUYLKILL CSRT	165,801
IRI-COUNTY CSRT	163,826
MERCER CNTY CSRT	236,779
S. ALLEGANY CSRT	345,635
SUSQUEHANNA CSRT	209,127
LYCOMING CSRT	117,269
PENNSYLVANIA	1,707,585
PENNINSULA CSRT	177,245
STAMA CSRT	453,976
ROANOKE CSRT	144,385
VIRGINIA	775,606
W. VA. STATEWIDE	1,231,694
WEST VIRGINIA	1,231,694
REGION III	5,581,163

U. S. DEPARTMENT OF LABOR - EMPLOYMENT AND TRAINING ADMINISTRATION OAM 1/6/77
TITLE I - CONSORTIA INCENTIVE
FY 1977

	INCENTIVE
BIRMINGHAM CSRT	470,905
HUNTSVILLE CSRT	140,323
MOBILE CSRT	269,846
MONTGOMERY CSRT	157,804
ALABAMA	1,038,878
BROWARD CSRT	622,267
MIAMI/DADE CNSRT	1,225,937
HRTLND MNPWR CNSRT	280,768
LEON/GADSDEN CNSRT	106,460
NE FLA MNPWR CNSRT	378,859
ORANGE/ORLANDO CRT	303,954
ST PETERSBURG CSRT	428,873
TAMPA CSRT	450,502
FLORIDA	3,797,620
CSRA CSRT	202,462
MID. GA CSRT	165,568
SAV/CHATHAM CSRT	109,537
GEORGIA	477,567
BLUEGRASS MA CSRT	172,662
LVILLE/JEFF CSRT	448,526
KENTUCKY	621,188
JACKSON CSRT	166,759
MISSISSIPPI	166,759
S. CAROLINA CSRT	2,036,390
SOUTH CAROLINA	2,036,390
MEMPHIS CSRT	455,423
KNOXVILLE CSRT	191,577
TENNESSEE	647,000
REGION IV	8,785,402

U. S. DEPARTMENT OF LABOR - EMPLOYMENT AND TRAINING ADMINISTRATION OAM 1/6/77
TITLE I - CONSORTIA INCENTIVE
FY 1977

	INCENTIVE
ROCKFORD CSRT	146,000
CHAMPAIGNE CSRT	84,630
SANGAMON CNTY CSRT	79,904
ILLINOIS	310,534
FT WAYNE CSRT	267,049
DELAWARE CSRT	96,110
SOUTHWESTERN CSRT	230,791
INDIANA	593,950
GENESSEE/FLINT CSR	462,168
LANSING CSRT	282,294
JACKSON CSRT	210,422
KENT CNTY CSRT	446,318
MUSKEGON CSRT	189,890
MICHIGAN	1,591,092
AKRON CSRT	379,748
CANTON CSRT	248,139
CLEVELAND CSRT	1,256,862
COLUMBUS CSRT	505,736
MIAMI VALLEY CSRT	435,500
LICKING/DEL CSRT	119,721
TOLEDO CSRT	374,936
NE OHIO MNPWR CSRT	451,035
RICHLAND/MORROW CS	108,143
OHIO	3,879,820
MADISON-DANE CSRT	131,708
TRICO CETAC	176,188
WISCONSIN	307,896
REGION V	6,603,292

U. S. DEPARTMENT OF LABOR - EMPLOYMENT AND TRAINING ADMINISTRATION OAM 1/6/77
TITLE I - CONSORTIA INCENTIVE
FY 1977

	INCENTIVE
CENT. ARK CSRT	279,329
ARKANSAS	279,329
CALCASIEU/JEFF CRT	136,897
LOUISIANA	136,897
ALBUQUERQUE CSRT	256,475
NEW MEXICO	256,475
TULSA CSRT	293,253
OKLAHOMA	293,253
PANHANDLE MA CSRT	128,936
CAPITAL AREA CSRT	253,172
SE TEX COMP MA CRT	221,117
COASTAL BEND CSRT	289,249
WEST CENTRAL CSRT	155,222
EL PASO CTY/CNTY	267,494
CENTRAL TEXAS CSRT	109,642
HIDALGO CNTY CSRT	199,693
ALAMO CSRT	767,970
REGION XI CSRT	170,697
N TEXAS PLAN CSRT	122,270
TEXAS	2,685,462
REGION VI	3,649,416

U. S. DEPARTMENT OF LABOR - EMPLOYMENT AND TRAINING ADMINISTRATION OAM 1/6/77
TITLE I - CONSORTIA INCENTIVE
FY 1977

	INCENTIVE
CENT IOWA RALG	307,080
LINN CNTY CSRT	74,156
IOWA	381,236
TOPEKA CSRT	95,622
KANSAS	95,622
KANSAS CITY CSRT	526,682
MISSOURI	526,682
OMAHA CSRT	329,491
NEBRASKA	329,491
REGION VII	1,333,031

U. S. DEPARTMENT OF LABOR - EMPLOYMENT AND TRAINING ADMINISTRATION OAM 1/6/77
TITLE I - CONSORTIA INCENTIVE
FY 1977

	INCENTIVE
COL SPRINGS CSRT	125,159
COLORADO	125,159
UTAH STATEWIDE CSR	721,851
UTAH	721,851
REGION VIII	847,010

U. S. DEPARTMENT OF LABOR - EMPLOYMENT AND TRAINING ADMINISTRATION OAM 1/6/77
TITLE I - CONSORTIA INCENTIVE
FY 1977

	INCENTIVE
TUCSON-PIMA COUNTY	245,072
ARIZONA	245,072
ORANGE CNTY MANP	925,537
SANTA CLARA VALLEY	702,239
SACRAMENTO/YOLO	517,649
STCKTN/SAN JOAQUIN	261,466
FRESNO CTY/CNTY	410,947
INLAND MANP ASSOC	931,269
TULARE/KINGS CNTY	216,801
SAN DIEGO RETC	1,135,874
CALIFORNIA	5,101,782
LAS VEGAS CSRT	271,266
NEVADA	271,266
REGION IX	5,618,120

U. S. DEPARTMENT OF LABOR - EMPLOYMENT AND TRAINING ADMINISTRATION OAM 1/6/77
TITLE I-- CONSORTIA INCENTIVE
FY 1977

	INCENTIVE
IDAHO STATEWIDE	541,496
IDAHO	541,496
M-WILM VAL MPR CSR	200,538
JACKSON CNTY CSRT	136,556
OREGON	337,094
SPOKANE CSRT	209,708
KING SNO CSRT	1,113,888
WASHINGTON	1,323,596
REGION X	2,202,186
NATIONAL TOTAL	40,863,132

Signed at Washington, D.C., this 8th day of April 1977.

ALBERT J. ANGEBRANNDT,
Administrator, Administration and Management.

[FR Doc.77-14057 Filed 5-19-77;8:45 am]

Pension and Welfare Benefit Programs

DEPARTMENT OF TREASURY

Internal Revenue Service

PENSION BENEFIT GUARANTY CORPORATION

ANNUAL INFORMATION RETURNS

Reports

The Department of Labor (DOL), the Internal Revenue Service (IRS), Department of Treasury, and the Pension Benefit Guaranty Corporation (PBGC) have developed annual information returns/reports to be filed by a plan administrator or sponsor of a pension or welfare benefit plan as required by sections 104 and 4065 of the Employee Retirement Income Security Act of 1974 and sections 6057, 6058(a), and 6059(a) of the Internal Revenue Code of 1954.

The three agencies are interested in receiving written comments and suggestions for improving the forms and instructions, certain elements of which are subject to the Federal Reports Act. The forms are as follows:

Form 5500, Annual Return/Report of Employee Benefit Plan (with 100 or more participants)
Form 5500-C, Annual Return/Report of Employee Benefit Plan (with fewer than 100 participants, none of whom is an owner-employee)
Form 5500-K, Annual Return/Report of Employee Pension Benefit Plan for Sole Proprietorships and Partnerships (with fewer than 100 participants and at least one owner-employee)
Schedule A (Form 5500), Insurance Information
Schedule B (Form 5500) Actuarial Information
Schedule SSA (Form 550), Identification of Separated Participants with Deferred Vested Benefits
Schedule A (Form PBGC-1), Annual Report

Comments should be based on the latest (1976) report forms and instructions. Copies of the Form 5500 series are available at Labor-Management Services Administration (LMSA) Area Offices of the DOL and at local offices of the IRS. Copies of Schedule A (Form PBGC-1) are available at LMSA area offices or may be obtained from the PBGC.

Persons who wish to comment should note that the comments period closes on July 5, 1977.

Three copies of any comments or suggestions should be sent to Mr. Paul Welsbord, Room N4647, U.S. Department of Labor, 200 Constitution Avenue N.W., Washington, D.C. 20216.

J. VERNON BALLARD,
Acting Administrator of Pension and Welfare Benefit Programs, U.S. Department of Labor.

ALVIN D. LURIE,
Assistant Commissioner (Employee Plans and Exempt Organizations), Internal Revenue Service.

MATTHEW M. LIND,
Acting Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc.77-14418 Filed 5-19-77;8:45 am]

Office of the Secretary

[TA-W-1699]

AIRCO SPEER ELECTRONICS

Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on March 3, 1977 in response to a worker petition received on that date which was filed on behalf of workers and former workers producing fixed carbon composition and carbon film resistor components at the Bradford, Pennsylvania plant of Airco Speer Electronics.

Notice of the investigation was published in the FEDERAL REGISTER on March 11, 1977 (42 FR 13628). No public hearing was requested and none was held.

During the course of the investigation, it was established that all workers of the Bradford, Pennsylvania plant of Airco Speer Electronics were previously certified eligible to apply for adjustment assistance on August 25, 1975 (see TA-W-64).

The existing certification will expire on August 25, 1977 unless terminated by the Secretary of Labor. Since workers newly separated, toally or partially, are covered by the existing certification provided such separations occurred on or after the impact date (October 3, 1974) and before the certification expiration date (August 25, 1977), a new investigation would serve no purpose; consequently the investigation has been terminated.

Signed at Washington, D.C. this 28th day of April 1977.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-14452 Filed 5-19-77;8:95 am]

[TA-W-1324]

BABCOCK & WILCOX COMPANY, INC.

Certification Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1324: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on November 30, 1976 in response to a worker petition received on November 30, 1976 which was filed by the United Steelworkers of America on behalf of workers and former workers producing pipe fittings at the Elkhart, Indiana plant of Babcock & Wilcox Company, Inc.

The Notice of Investigation was published in the FEDERAL REGISTER on December 14, 1976 (41 FR 54553). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Babcock & Wilcox, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all four criteria have been met.

Significant Total or Partial Separations. Average employment declined 26 percent in 1976 compared to 1975 at the Elkhart, Indiana plant.

Sales or Production, or Both, Have Decreased Absolutely. Annual sales by the Elkhart, Indiana plant decreased 48 percent in quantity in 1976 compared to 1975.

Annual production at the Elkhart plant decreased 47 percent in quantity in 1976 compared to 1975.

Increased Imports. Imports of carbon and stainless steel butt-welding fittings increased to 44.1 million pounds in 1972 from 1971, then decreased to 37.3 million pounds in 1973. Imports of carbon and stainless steel butt-welding fittings increased in 1975 to 48.9 million pounds from 48.8 million pounds in 1974. In the first nine months of 1976 imports decreased to 29.4 million pounds compared to 39.1 million pounds for the like period in 1975.

The ratio of imports to production for carbon and stainless steel butt-welding fittings increased to 34.1 percent in 1972 from 30.2 percent in 1971, then decreased to 29.3 percent in 1973. The ratio of imports to production for carbon and stainless steel butt-welding fittings decreased in 1975 to 26.5 percent from 30.2 percent in 1974. In the first nine months of 1976 the import to production ratio increased to 35.6 percent from 26.7 percent for the like period in 1975.

Imports of carbon and stainless steel forged flanges decreased from 23.9 million pounds in 1971 to 23.1 million pounds in 1972 then decreased to 12.7 million pounds in 1973. Imports increased to 45.0 million pounds in 1974. Imports decreased 51.2 percent in the first 9 months of 1976 compared to 41.4 million pounds.

The ratio of imports to domestic production of carbon and stainless steel forged flanges increased from 14.7 percent in 1971 to 15.0 percent in 1972, then decreased to 9.3 percent in 1973. The ratio increased to 31.4 percent in 1974 and 74.3 percent in 1975. The ratio of imports to domestic production of carbon and stainless steel forged flanges decreased in the first 9 months of 1976 compared to the like period in 1975; from 77.5 percent to 65.5 percent.

The import to production ratio in 1975 and in the first 9 months of 1976 is more than double the ratio of any other year between 1971 and 1974. The import to production ratio in the first 9 months of 1976 is 126.6 percent greater than the average yearly ratio of imports to production for the period 1971 through 1975.

Contributed Importantly. A survey was conducted among customers of the Elkhart plant. Many of these customers stated that imports were a problem for them in their market areas. Many of the distributors for Babcock & Wilcox's fittings indicated that they have been forced to reduce their purchases from the Elkhart plant because their customers are purchasing cheaper imports than are offered by other distributors. Some of the customers contacted stated that they have purchased imported fittings directly and have decreased their purchases of the fittings made at the Elkhart plant. These customers revealed that the lower prices on the imports caused them to switch.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of import articles like or directly competitive with pipe fittings produced at the Elkhart, Indiana plant of Babcock & Wilcox Company, Incorporated contributed importantly to the total or partial separation of workers at the plant. In accordance with the provisions of the Act, I make the following certification:

All workers at the Elkhart, Indiana plant of Babcock & Wilcox Co., Inc., who became totally or partially separated from employment on or after November 1, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 12th day of May 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-14453 Filed 5-19-77;8:45 am]

[TA-W-1707]

BOB LEE MANUFACTURING CO.

Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on March 3, 1977 in response to a worker petition dated February 14, 1977 which was filed by the International Ladies' Garment Workers' Union on behalf of workers formerly producing women's coats at Bob Lee Manufacturing Co., Inglewood, California.

The notice of investigation was published in the FEDERAL REGISTER on March 15, 1977 (42 FR 14185). No public hearing was requested and none was held.

During the course of the investigation, it was established that all separations at Bob Lee Manufacturing Company have occurred by December 1975 more than one year prior to the date of the petition, February 14, 1977. Section 223(b)(1) of the Trade Act 1974 states that a certification under this section shall not apply to any worker whose last total or partial separation from the firm or appropriate subdivision of the firm occurred more than twelve months before the date of the filing under Title II, Chapter 2 of the Trade Act of 1974.

The date of the petition in this case is February 14, 1977 and, thus, workers terminated prior to February 14, 1976 are ineligible for program benefits under Title II, Chapter 2, Subchapter B of the Trade Act of 1974.

Signed at Washington, D.C. this 2nd day of May 1977.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-14454 Filed 5-19-77;8:45 am]

[TA-W-1335]

CHEMETRON CORP. TUBE TURNS DIVISION

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1335: investigation regarding certification of ability to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on November 30, 1976 in response to a worker

petition received on November 30, 1976 which was filed by the United Steelworkers of America on behalf of workers and former workers producing carbon steel butt-welding fittings and customs forgings at the Louisville, Kentucky plant of Tube Turns, a division of Chemetron Corporation.

The Notice of Investigation was published in the FEDERAL REGISTER on December 21, 1976 (41 FR 55601). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Tube Turns, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof, have increased either actual or relative to domestic production, and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any other criteria have been met for workers engaged in the production of forgings, criterion (2) has not been met.

With respect to workers engaged in the production of butt-welding fittings, the investigation has revealed that the first three criteria have been met, but criterion four (4) has not been met.

Significant Total or Partial Separations. In the first eleven months of 1976, total plant employment declined 10.3 percent and average weekly hours declined 2.7 percent compared to the like period in 1975.

Sales or Production, or Both, Have Decreased Absolutely. Sales of butt-welded fittings declined 63.3 percent in quantity and 59.9 percent in value in the first eleven months of 1976 compared to the like 1975 period.

Production of butt-welded fittings decreased 66.7 percent in quantity and 60.5 percent in value in the first eleven months of 1976 from the like period in 1975.

Sales of forgings increased 17.2 percent in quantity and 14.5 percent in value in the fourth quarter of 1975 compared to the fourth quarter of 1974. Sales of forgings increased 17.0 percent in quantity and 2.1 percent in value in the first eleven months of 1976 compared to the like period in 1975.

Production of forgings increased 4.2 percent in quantity and 17.2 percent in value in the fourth quarter of 1975 compared to the fourth quarter of 1974. Production of forgings increased 17.0 percent in quantity and 5.7 percent in value in the first eleven months of 1976 compared to the like period in 1975.

Increased Imports. Imports of carbon and stainless steel butt-welding fittings increased from 43.0 million pounds in 1971 to 44.1 million pounds in 1972. Imports of fittings declined to 37.3 million pounds in 1973, then increased to 48.8 million pounds in 1974 and to 48.9 million pounds in 1975. In the first nine months of 1976, imports of fittings were 29.4 million pounds, a decline of 24.8 percent from imports in the first nine months of 1975.

The ratio of imports to domestic production of carbon and stainless steel butt-welding fittings increased from 30.2 percent in 1971 to 34.1 percent in 1972. The ratio declined to 29.3 percent in 1973, then increased to 30.2 percent in 1974. In 1975 the ratio declined to 26.5 percent. The import to production ratio increased from 26.7 percent in the first 9 months of 1975 to 35.6 percent in the first 9 months of 1975.

Contributed Importantly. The Office of Trade Adjustment Assistance conducted a survey of Tube Turns' largest customers of fittings. The customers who purchased fittings were primarily distributors. None increased purchases of imported fittings and reduced purchases from Tube Turns.

Customers explained that a scarcity in 1974 caused buyers to stockpile fittings in 1975. Demand for these fittings never met expectations and most customers were still working down inventories in 1976. Consequently, fittings manufacturers like the Tube Turns Division of Chemetron had a great year for sales in 1975 and experienced depressed sales in 1976.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with carbon steel butt-welding fittings produced at the Louisville, Kentucky plant of Tube Turns, a division of Chemetron Corporation, did not contribute importantly to the total or partial separation of workers at that plant as required for certification under Section 222 of the Trade Act of 1974.

I further conclude that neither sales nor production of steel forgings produced at the Louisville, Kentucky plant of Tube Turns, a division of Chemetron Corporation, decreased as required for certification under Section 222 of the Trade Act of 1974.

Signed at Washington, D.C. this 12th day of May 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-14455 Filed 5-19-77;8:45 am]

[TA-W-1613]

CONVERSE RUBBER CO.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1613: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on January 31, 1976 in response to a worker petition received on January 31, 1976 which was filed by the United Rubber, Cork, Linoleum and Plastic Workers of America on behalf of workers and former workers producing canvas and athletic footwear at the Andover, Massachusetts plant of Converse Rubber Company.

The notice of investigation was published in the FEDERAL REGISTER on February 15, 1977 (42 FR 9238). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials and publications of Converse Rubber Company, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated.

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely,

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all of the above criteria have been met.

Significant Total or Partial Separations. Employment of production workers at the Andover plant of Converse Rubber Company decreased 25 percent in 1975 compared to 1974 and 8 percent in 1976 compared to 1975. Employment declined 80 percent in the first 2 months of 1977.

Sales or Production, or Both, Have Decreased Absolutely. Sales of canvas and athletic footwear by Converse Rubber Company declined 12 percent in quantity and 8 percent in value in 1975 compared to 1974 and 13 percent in quantity and 7 percent in value in 1976 compared to 1975.

Production of canvas and athletic footwear at the Andover, Massachusetts plant of Converse Rubber Company declined 30 percent in 1975 compared to 1974 and 7 percent in 1976 from 1975. In March 1977 the plant closed.

Increased Imports. Imports of athletic footwear increased in absolute terms and relative to domestic production each year from 1971 through 1975, except for 1973 when imports increased absolutely but decreased relative to domestic production. In 1975, imports increased 102 percent in absolute terms. The ratio of imports to domestic production increased from 84.3 percent in 1974, to 148.0 percent in 1975. In the first 9 months of 1976, imports increased 119 percent in absolute terms. The ratio of imports to domestic production increased from 203.9 percent in the first 9 months of 1975 to 333.3 percent in the first 9 months of 1976.

Imports of rubber/canvas footwear increased in absolute terms and relative to domestic production each year from 1972 through 1974. Imports decreased in absolute terms from 1974 to 1975 and increased 17 percent in the first 9 months of 1976 compared to the first 9 months of 1975. The ratio of imports to domestic production remained stable from 1974 to 1975, then increased from 18.3 percent in the first 9 months of 1975 to 25.4 percent in the first 9 months of 1976.

Contributed Importantly. Imports of canvas and athletic footwear by Converse Rubber Company increased 1,010 percent in quantity and 1,011 percent in value in 1975 compared to 1974 and declined 10 percent in quantity and 12 percent in quantity in 1976 compared to 1975.

Customers of Converse Rubber Company indicated they have decreased their purchases of canvas and athletic footwear from Converse Rubber Company and have increased their purchases of imported footwear.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with canvas and athletic footwear produced at the Andover, Massachusetts plant of Converse Rubber Company, contributed importantly to the total or partial separations of the workers of that plant. In accordance with the provisions of the Act, I make the following certification:

All workers at the Andover, Massachusetts plant of Converse Rubber Company who became totally or partially separted from employment on or after August 22, 1976 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 29th day of April 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-14456 Filed 5-19-77;8:45 am]

[TA-W-1672]

CONVERSE RUBBER CO.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1672: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on February 22, 1977 in response to a worker petition received on that date which was filed on behalf of workers and former workers at the Wilmington, Massachusetts corporate offices of Converse Rubber Company.

The notice of investigation was published in the FEDERAL REGISTER on March 8, 1977 (42 FR 13084). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials and publications of Converse Rubber Company, its customers, the U.S. Department of Commerce, the International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat, thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all of the above criteria have been met.

Significant Total or Partial Separations. Employment of workers at the corporate office of Converse Rubber Company decreased 1 percent in 1975 compared to 1974 and 6 percent in 1976 compared to 1975.

Sales or Production, or Both Have Decreased Absolutely. Sales of canvas and athletic footwear by Converse Rubber Company declined 12 percent in quantity and 8 percent in value in 1975 compared to 1974 and 13 percent in quantity and 7 percent in value in 1976 compared to 1975.

Production of canvas and athletic footwear by Converse Rubber Company declined 29 percent in 1975 compared to 1974 and 13 percent in 1976 from 1975.

Increased Imports. Imports of athletic footwear increased in absolute terms and relative to domestic production each year from 1971 through 1975, except for 1973 when imports increased absolutely but decreased relative to domestic production. In 1975 imports increased 102 percent in absolute terms. The ratio of imports to domestic production increased from 84.3 percent in 1974, to 212.4 percent in 1975. In the first 9 months of 1976, imports increased 119 percent in absolute terms. The ratio of imports to domestic production increased from 203.9 percent in the first 9 months of 1975 to 33.3 percent in the first 9 months of 1976.

Imports of rubber/canvas footwear increased in absolute terms and relative to domestic production each year from 1972 through 1974. Imports decreased in absolute terms from 1974 to 1975 and increased 17 percent in the first 9 months of 1976 compared to the first 9 months of 1975. The ratio of imports to domestic production remained stable from 1974 to 1975, then increased from 18.3 percent in the first 9 months of 1975 to 25.4 percent in the first 9 months of 1976.

Contributed Importantly. Imports of canvas and athletic footwear by Converse Rubber Company increased 1,010 percent in quantity and 1,011 percent in value in 1975 compared to 1974 and declined 10 percent in quantity and 12 percent in value in 1976 compared to 1975.

Customers of Converse Rubber Company indicated they have decreased their purchases of canvas and athletic footwear from Converse Rubber Company and have increased their purchases of imported footwear.

Conclusion. After careful review of the facts obtained in the investigation, I concluded that increases of imports like or directly competitive with canvas and athletic footwear produced at the Malden, Massachusetts plant of Converse Rubber Company (certified on December 9, 1976, TA-W-1137) contributed importantly to the total or partial separation of the workers at the corporate and sales offices listed below. In accordance with the provisions of the Act, I make the following certification:

All workers of the Wilmington, Massachusetts corporate office and the Baltimore, Maryland; Elk Grove Village, Illinois; Dallas, Texas; Burlingame, California; Canovanas, Puerto Rico; New York, New York; and Atlanta, Georgia sales offices of Converse Rubber Company who became totally or partially separated from employment on or after February 14, 1976 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 29th day of April 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-14457 Filed 5-19-77;8:45 am]

[TA-W-1356]

DE LAVAL TURBINES, INC.

Determination Regarding Eligibility To Apply for Worker Adjustment Assistance Correction

In FR Doc. 77-10562 appearing at page 19180 in the FEDERAL REGISTER of April 12, 1977, one phrase was inadvertently omitted on page 19181. Accordingly, the following correction should be made:

The 2nd column, 4th full paragraph, 2nd line, is corrected by adding the phrase "Delroyd Worm Gear Division," immediately following the word "Incorporated".

Signed at Washington, D.C. this 6th day of May 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-14464 Filed 5-19-77;8:45 am]

[TA-W-1345]

HAMMOND VALVE CORP.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1345: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on December 1, 1976 in response to a worker petition received on December 1, 1976 which was filed by the United Steelworkers of America on behalf of workers and former workers producing valves at the Hammond, Indiana plant of the Hammond Valve Corporation, Hammond, Indiana.

The Notice of Investigation was published in the Federal Register on December 21, 1976 (41 FR 55606). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Hammond Valve Corporation, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are beng imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that criteria (2) and (4) have not been met.

Significant Total or Partial Separations. Average annual employment of production workers at the Hammond Valve Corporation declined 17.8 percent in 1975 compared to 1974. Average employment declined 2.6 percent in 1976 compared to 1975. Employment declined 20 percent in the fourth quarter of 1975 compared to the same quarter in 1974. Employment declined 8.7 percent and 7.6 percent, respectively, in the first and second quarters of 1976 compared to the same quarters in 1975.

Sales or Production, or Both, Have Decreased Absolutely. Sales by the Hammond Valve Corporation increased 2.9 percent in the fourth quarter of 1975 compared to the preceding quarter. Sales increased 14.2 percent in 1976 compared to 1975.

Production at the Hammond Valve Corporation plant increased 83.3 percent in the fourth quarter of 1975 compared to the preceding quarter. Production increased 5.0 percent in 1976 compared to 1975.

Increased Imports. Imports of valves and similar devices in terms of value increased each year from $56.5 million in 1971 to $165.1 million in 1975. Imports further increased from $127.6 million in the first nine months of 1975 to $134.2 million in the first nine months of 1976.

The ratio of imports to domestic production of valves and similar devices increased each from 1971 to 1975, from 2.4 percent in 1971 to 4.7 percent in 1975. The ratio of imports to production decreased from 4.9 percent in the first nine months of 1975 to 4.5 percent in the first nine months of 1976.

Contributed Importantly. Most customers of Hammond Valve surveyed did not purchase imported valves.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with valves produced by the Hammond, Indiana plant of the Hammond Valve Corporation did not contribute importantly to the total or partial separation of workers at that plant as required by Section 222 of the Trade Act of 1974.

Signed at Washington, D.C., this 12th day of May 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-14458 Filed 5-19-77;8:45 am]

[TA-W-1366]

HUNTINGDON MACHINES DIVISION OF GULF AND WESTERN INDUSTRIES

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1366: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on December 1, 1976 in response to a worker petition received on December 1, 1976 which was filed by the United Steelworkers of America on behalf of workers and former workers producing steel pipe fittings and couplings at Huntingdon Machines Division of Gulf and Western Industries, Huntingdon, Pennsylvania.

The Notice of Investigation was published in the FEDERAL REGISTER on January 4, 1977 (42 FR 881). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Huntingdon Machines Division, Bonney Forge, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof, have increased either actual, or relative to domestic production, and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all four criteria have been met.

Significant Total or Partial Separations. Employment decreased 25 percent in company fiscal year 1976 compared to company fiscal year 1975 (fiscal year August 1 to July 31). Employees work interchangeably between product lines.

Sales or Production, or Both, Have Decreased Absolutely. Production decreased 69 percent in company fiscal year 1976 compared to company fiscal year 1975.

Sales data was not available.

Increased Imports. Imports of carbon and stainless steel butt-welding fittings increased from 43.0 million pounds in 1971 to 44.1 million pounds in 1972 and then decreased to 37.3 million pounds in 1973. Imports increased to 48.8 million pounds in 1974 and 48.9 million pounds in 1975. Imports decreased from 39.1 million pounds in the first nine months of 1975 to 29.4 million pounds in the first nine months of 1976.

The ratio of imports to domestic production of carbon and stainless steel butt-welding fittings increased from 30.2 percent in 1971 to 34.1 percent in 1972,

then decreased to 29.3 percent in 1973. The ratio increased to 30.2 percent in 1974 and then decreased to 26.5 percent in 1975. The ratio of imports to domestic production increased from 26.7 percent in the first nine months in 1975 to 35.6 percent in the first nine months of 1976.

Imports of steel couplings increased each year from 1971 to 1975, from 3.2 million pounds in 1971 to 13.2 million pounds in 1975. Imports decreased from 9.9 million pounds in the first 9 months of 1975 to 7.1 million pounds in the first nine months of 1976.

The ratio of imports to domestic production of steel couplings increased from 25.0 percent in 1971 to 39.8 percent in 1972, then decreased to 35.3 percent in 1973. The import to production ratio declined in 1974 to 24.3 percent, then increased to 51.8 percent in 1975. The ratio of imports to domestic production of couplings increased from 45.4 percent in the first 9 months of 1975 to 57.3 percent in the first 9 months of 1976.

Contributed Importantly. Customers of Huntingdon Machines and Bonney Forge (another division of Gulf and Western Industries which acts as sales outlet for Huntingdon's catalog fittings and couplings) were contacted. Direct customers of Bonney Forge indicated that while they purchased no imports, they have lost many orders because of imported steel pipe fittings and couplings. Companies who bought from Bonney Forge's customers were subsequently contacted and some of these companies indicated that they had switched purchases to steel pipe fittings and couplings of foreign origin.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with steel pipe fittings and couplings made at the Huntingdon Machines Division contributed importantly to the total or partial separation of workers at that plant. In accordance with the provisions of the Act, I make the following certification:

All workers at the Huntingdon Machines Division of Gulf and Western Industries who became totally or partially separated from employment on or after November 1, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Trade Act of 1974.

Signed at Washington, D.C., this 12th day of May 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-14459 Filed 5-19-77;8:45 am]

[TA-W-1741]

MALINE SEWING CORP.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1741: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on March 3, 1977 in response to a worker petition received on March 1, 1977 which was filed by the International Ladies' Garment Workers' Union on behalf of workers and former workers producing women's bottoms at the Philadelphia, Pa. plant of the Maline Sewing Corporation.

The Notice of Investigation was published in the FEDERAL REGISTER on March 22, 1977 (42 FR 15477). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Maline Sewing Corporation, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that the first three criteria have been met but the fourth criterion has not been met.

Significant Total or Partial Separations. Average annual employment of production workers at the Philadelphia plant declined 7 percent in 1976 compared to 1975.

Sales or Production, or Both, Have Decreased Absolutely. Annual sales by the Philadelphia plant decreased in value 12 percent in 1976 compared to 1975.

Annual production at the Philadelphia plant decreased in quantity 18 percent in 1976 compared to 1975.

Increased Imports. Imports of women's bottoms are included in several import categories. Women's skirts, which may also include culottes, are included in tables for Women's, Misses' and Children's Skirts, Knit, and Women's, Misses' and Children's Skirts, woven. Women's slacks and shorts are included in Women's, Misses' and Children's Slacks and Shorts, Knit, and Women's, Misses' and Children's Slacks and Shorts, woven. Data for most of these categories, except imports, are only available for the period 1972–1975 inclusive.

Imports of womens', misses' and children's skirts, both knit and woven, decreased from 593,000 dozen in 1972 to 308,000 dozen in 1973, decreased further in 1974 to 254,000 dozen, increased to 508,000 dozen in 1975, and to 780,000 in 1976. The import to production ratio for women's skirts, both knit and woven, decreased from 10.0 percent in 1972 to 5.3 percent in 1973, decreased further in 1974 to 4.9 percent, then increased in 1975 to 8.3 percent.

Imports of women's, misses' and children's slacks and shorts, both knit and woven, decreased from 12,094,000 dozen in 1972 to 11,831,000 dozen in 1973, decreased further to 8,923,000 dozen in 1974, then increased to 10,067,000 dozen in 1975, and increased again to 11,040,000 dozen in 1976. The import to production ratio for women's slacks and shorts, both knit and woven, decreased from 40.4 percent in 1972 to 40.3 percent in 1973, decreased again in 1974 to 30.3 percent, then increased to 32.1 percent in 1975.

Contributed Importantly. Customers of Maline Sewing Corporation have not switched purchased of the sewing of women's bottoms from Maline Sewing Corp. to foreign sources. Maline did contract work for 3 manufacturers in 1976. One customer who is their main manufacturer has not decreased purchases from Maline.

This customer does not purchase any imported bottoms and uses only Maline and other demostic contractors to perform sewing operations. Maline's second largest customer of Maline's sales in 1975 but only 12 percent in 1976. This does not purchase imported women's bottoms and has shifted to other domestic producers. The third firm that Maline contracted for indicated that they used Maline on a one-time job in 1976. In addition, this firm does not purchase any imported women's bottoms.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increased imports of articles like or directly competitive with women's bottoms sewn at the Philadelphia, Pennsylvania plant of the Maline Sewing Corporation did not contribute importantly to the total or partial separation of workers at the plant as required by Section 222 of the Trade Act of 1974.

Signed at Washington, D.C. this 29th day of April 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-14460 Filed 5-19-77;8:45 am]

[TA-W-1510]

PACIFIC STATES STEEL CORP.

Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of

TA-W-1510: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on December 22, 1976 in response to a worker petition received on December 22, 1976 which was filed by the United Steelworkers of America on behalf of workers and former workers producing various steel products at Pacific States Steel Corporation, Union City, California. The petition was expanded to include workers represented by all three unions at Pacific States Steel and its division, American Forge Company.

The notice of investigation was published in the FEDERAL REGISTER on January 11, 1977 (42 FR 2377). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Pacific States Steel Corporation, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, the United Steelworkers of America, the American Iron and Steel Institute, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that without regard to whether any of the other criteria have been met, criterion (3) has not been met in regard to the production of merchant bars or grinding media and criterion (4) has not been met in regard to the production of reinforcing bars.

Significant Total or Partial Separations. Production workers are not separately identifiable by product line. The average number of production workers at Pacific States Steel declined 15.8 percent from 1974 to 1975 and declined 3.8 percent from 1975 to 1976.

Sales or Production, or Both, Have Decreased Absolutely. Total sales of all products at Pacific States Steel increased 11.0 percent from 1975 to 1976. Total steel production declined 21.0 percent from 1974 to 1975 and declined 2.4 percent from 1975 to 1976.

Sales of grinding media declined .7 percent from 1975 to 1976. Sales of merchant bars increased 77.2 percent from 1975 to 1976. Sales of reinforcing bars declined 18.0 percent from 1975 to 1976.

Increased Imports. Imports of grinding media increased absolutely in each year from 1972 through 1974 and then declined 14.1 percent from 1974 to 1975 and declined 25.4 percent from 1975 to 1976. The ratios of imports to domestic production and consumption declined from 4.5 percent and 4.6 percent, respectively, in 1975 to 3.4 percent and 3.6 percent, respectively, in 1976.

Imports of carbon steel bar-size light shapes, which includes merchant bars, increased absolutely from 1971 to 1972, declined from 1972 to 1973, increased 14.0 percent from 1973 to 1974 and then declined 67.9 percent from 1974 to 1975. Imports declined 36.9 percent in the first three quarters of 1976 compared to the same period in 1975. The ratios of imports to domestic shipments and consumption declined from 27.3 percent and 21.6 percent, respectively, in the first three quarters of 1975 to 15.2 percent and 13.6 percent, respectively, in the first three quarters of 1976.

Imports of concrete reinforcing bars declined both absolutely and relative to domestic shipments in each year from 1971 through 1973, increased from 1973 to 1974 and then declined 70.3 percent from 1974 to 1975. Imports increased 18.2 percent in the first nine months of 1976 compared to the same period in 1975. The ratio of imports to domestic shipments and consumption increased from 4.4 percent and 4.3 percent, respectively, in the first nine months of 1975, to 4.8 percent and 4.6 percent, respectively, in the first nine months of 1976.

Contributed Importantly. Customers, who purchased reinforcing bars from Pacific States Steel, indicated that they did not reduce purchases from Pacific States Steel in favor of imported reinforcing bars.

Lack of work in the construction industry was cited as the dominant reason for reduced rebar purchases. Consumption and demand for reinforcing bars are closely related to business in the construction industry. Total construction, in constant dollars, from 1974 to 1975 declined 13.0 percent, while nonresidential construction, the primary consumer of reinforcing bars, in the same time period, declined 17.1 percent.

Business declines in the market for reinforcing bars produced at Pacific States Steel can be attributed to general declines in the construction industry.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that imports of grinding media and merchant bars did not increase and that increased imports of reinforcing bars did not contribute importantly to the total or partial separations or to the decline in sales or production at Pacific States Steel Corporation and its division, American Forge Company, Union City, California as required in Section 222 of the Trade Act of 1974. The petition is, therefore, denied.

Signed at Washington, D.C., this 12th day of May 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-14462 Filed 5-19-77;8:45 am]

[TA-W-1550]

ROBERT HALL CLOTHES

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1550: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on January 5, 1977 in response to a worker petition received on January 5, 1977 which was filed on behalf of workers and former workers of the Advertising Department of Robert Hall Clothes, New York, New York.

The notice of investigation was published in the FEDERAL REGISTER on January 28, 1977 (42 FR 5454). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Robert Hall Clothes and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that without regard to whether any of the other criteria have been met, criterion (4) has not been met.

Robert Hall Clothes operates a nationwide chain of retail clothing stores selling men's, women's and children's apparel. It has two manufacturing subsidiaries which closed by October 1976. These facilities had produced some of the men's wear sold in Robert Hall stores.

The advertising department of Robert Hall handles advertising for Robert Hall's retail stores throughout the country. Robert Hall sells imported as well as

domestically produced apparel. The advertising staff provided advertising services to the retail stores for all apparel sold, both imported and domestic.

Robert Hall underwent a management reorganization in 1976 which focused on company-wide organization, as well as departmental organization. Some personnel were shifted between job responsibilities, some were laid off and some new personnel were added.

Any layoffs that have occurred in the Advertising Department were a direct result of a management decision to reorganize Robert Hall.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increased imports did not contribute importantly to the total or partial separations of workers of the advertising department of Robert Hall Clothes, New York, New York. The petition is, therefore, denied.

Signed at Washington, D.C. this 2nd day of May 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-14461 Filed 5-19-77;8:45 am]

[TA-W-1683 and 1995]

UNIROYAL, INC.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-1683 and TA-W-1995: investigations regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigations were initiated on February 23, 1977 and April 20, 1977, respectively, in response to worker petitions received on February 11, 1977 and April 17, 1977 which were filed by the United Rubber Workers on behalf of bargaining unit workers and former workers producing rubber/canvas and waterproofed footwear at the Naugatuck, Connecticut plant of Uniroyal, Incorporated and by Uniroyal, Incorporated on behalf of salaried workers and former workers at the Naugatuck plant.

The Notices of Investigation were published in the FEDERAL REGISTER on March 8, 1977 (42 FR 13094) and May 10, 1977 (42 FR 23657). No public hearing was requested and none was held.

The information upon which the determinations were made was obtained principally from officials of Uniroyal, Incorporated, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all four of the above criteria have been met.

Significant Total or Partial Separations. Employment of production workers at the Naugatuck, Connecticut plant of Uniroyal, Incorporated declined 7.6 percent in 1975 compared to 1974 and declined 3.1 percent in 1976 compared to 1975.

Employment of salaried workers at the Naugatuck, Connecticut plant of Uniroyal, Incorporated increased 0.4 percent in 1975 compared to 1974 and declined 3.8 percent in 1976 compared to 1975.

Uniroyal, Inc. has announced that in July 1977, some of their production lines will close down. This will effect about 40 percent of the plant's workforce.

Sales or Production, or Both, Have Decreased Absolutely. Production of rubber/canvas footwear at the Naugatuck, Connecticut plant of Uniroyal, Incorporated declined 8.7 percent in terms of quantity in 1975 compared to 1974. Production in 1976 declined 34.3 percent compared to 1975.

Increased Imports. Imports of rubber/canvas footwear increased from 20,139 thousand pairs in 1972 to 24,184 thousand pairs in 1973. Imports increased to 26,266 thousand pairs in 1974. Imports declined to 23,607 thousand pairs in 1975. Imports in 1976 rose to 31,941 thousand pairs.

The ratio of imports to domestic production of rubber/canvas footwear increased from 12.6 percent in 1972 to 16.3 percent in 1973. The ratio increased in 1974 to 18.2 percent, then decreased to 17.6 percent in 1975. In 1976, the ratio increased to 29.1 percent.

Contributed Importantly. Customers of Uniroyal, Incorporated increased purchases of imported rubber/canvas footwear while decreasing purchases from Uniroyal. Uniroyal, Incorporated increased company imports of rubber/canvas footwear 86.2 percent in 1976 compared to 1975.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with rubber/canvas footwear produced at the Naugatuck, Connecticut plant of Uniroyal, Incorporated contributed importantly to the total or partial separation of workers of that plant. In accordance with the provisions of the Act, I make the following certification:

All workers at the Naugatuck, Connecticut plant of Uniroyal, Incorporated who became totally or partially separated from employment on or after February 7, 1976 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 11th day of May 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-14463 Filed 5-19-77;8:45 am]

DOLE CO., INC.

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an approprate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certfied as eligble to apply for adjustment assstance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than May 30, 1977.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than May 30, 1977.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 3rd day of May 1977.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner: union/ workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Dole Co. (Oahu Cannery) (ILWU).	Oahu, Hawaii	May 2, 1977	Apr. 25, 1977	TA-W-2,043	Fresh and canned pineapple—all sizes and bites.
Kohala Sugar Co. (ILWU).	Hawi, Hawaii	do	do	TA-W-2,044	Growing and processing of raw sugar.
Lilyette Brassiere Co., Inc. (Corset & Brassiere Workers Union).	New York, N.Y.	do	Apr. 28, 1977	TA-W-2,045	Shipping and warehousing of brassieres.
Morgan Shirt Co., Inc. (ACTWU).	Morgantown, W. Va.	do	Apr. 27, 1977	TA-W-2,046	Men's and ladies' tailored shirts.

[FR Doc.77-14285 Filed 5-19-77;8:45 am]

Office of the Secretary

INTERNATIONAL SHOE CO.

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than May 30, 1977.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than May 30, 1977.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 4th day of May 1977.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner: union/ workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
International Shoe Co. (workers).	Salem, Mo.	May 3, 1977	Apr. 26, 1977	TA-W-2,047	Women's dress shoes

[FR Doc.77-14284 Filed 5-19-77;8:45 am]

LEGAL SERVICES CORPORATION

LEGAL AID OF WESTERN OKLAHOMA

Grants and Contracts Application

MAY 17, 1977.

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93-355, 88 Stat. 378, 42 U.S.C. 2996-2996*l*. Section 1007(f) provides:

At least thirty days prior to the approval of any grant application or prior to entering into a contract or prior to the initiation of any other project, the Corporation shall announce publicly, and shall notify the Governor and the State Bar Association of any State where legal assistance will thereby be initiated, of such grant, contract, or project * * *

The Legal Services Corporation hereby announces publicly that it is considering the grant application submitted by:

Legal Aid of Western Oklahoma in Oklahoma City, Oklahoma to serve the counties of Comanche, Caddo, Grady and Pottawatomie.

Interested persons are hereby invited to submit written comments or recommendations concerning the above application to the Regional Office of the Legal Services Corporation at:

Denver Regional Office, 1726 Champa Street, Suite 500, Denver, Colorado.

THOMAS EHRLICH,
President.

[FR Doc.77-14450 Filed 5-19-77;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 77-37]

NASA RESEARCH AND TECHNOLOGY ADVISORY COUNCIL COMMITTEE ON GUIDANCE, CONTROL AND INFORMATION SYSTEMS

Meeting

The NASA Research and Technology Advisory Council, Committee on Guidance, Control and Information Systems will meet on June 15-16, 1977 at the George C. Marshall Space Flight Center near Huntsville, Alabama 35812. The meeting will be held in the 10th Floor Conference Room, Building 4200. The meeting is open to the public on a first-come, first-served basis, up to the seating capacity of the room which is about 110 persons. All visitors should enter MSFC via Gate No. 9 (Governors Drive) and follow visitors signs to Building 4312. Appropriate badges and directions for reaching the designated meeting place will be issued there.

The NASA Research and Technology Advisory Council, Committee on Guidance, Control and Information Systems provides technical advice and recommendations on program goals, scope, content and balance in electronics, electromechanical and electro-optical systems development for aeronautics and space. The current Chairman is Dr. Gene Strull. There are 13 members. The following list sets forth the approved agenda and schedule for the June 15-16, 1977 meeting of the Guidance, Control and Information Systems Committee. For further information, please contact Dr. Peter R. Kurzhals, NASA Headquarters (Code RE), Washington, D.C. 20546 (202-755-3260).

JUNE 15, 1977

Time	*Topic*
8:45 a.m.	Report of the Chairman. (Purpose: To inform Committee members of actions taken at the Council meeting held in February 1977.)
9:15 a.m.	Report of the Executive Secretary (Purpose: To inform the Committee of program highlights and activities, program or organizational changes since the December 1976 meeting, and the fiscal year 1978 program outlook.)

Time	Topic
10 a.m.	Space Technology New Initiatives Briefing. (Purpose: To describe OAST planning activities leading to potential new initiatives in space technology and obtain Committee comments and recommendations.)
1:30 p.m.	Aeronautics New Initiative Briefing. (Purpose: To describe OAST planning activities leading to potential new initiatives in aeronautics technology and obtain Committee comments and recommendations.)

JUNE 16, 1977

8:30 a.m.	OAST Technology Assessment Study. (Purpose: To review status and results of the study and obtain Committee comments and recommendations.)
10 a.m.	Committee Deliberations. (Purpose: To summarize discussions of agenda items and develop official Committee positions and recommendations.)
12:30 p.m.	Adjourn.

KENNETH R. CHAPMAN,
Assistant Administrator for DOD and Interagency Affairs, National Aeronautics and Space Administration.

MAY 17, 1977.

[FR Doc.77-14417 Filed 5-19-77;8:45 am]

[77-38]

NASA RESEARCH AND TECHNOLOGY ADVISORY COUNCIL PANEL ON AVIATION SAFETY AND OPERATING SYSTEMS, SUBCOMMITEE ON AVIATION SAFETY REPORTING SYSTEM

Meeting

The NASA Research and Technology Advisory Council (RTAC), Subcommittee on Aviation Safety Reporting System will meet on June 14–15, 1977, in Washington, DC. The meeting will be held in the Conference Room, National Business Aircraft Association, One Farragut Square. The meeting is being held at this time to complete the report on the one year evaluation of the Aviation Safety Reporting System in accordance with the FAA/NASA Memorandum of Agreement. The meeting is open to the public on a first come, first served basis up to the seating capacity of the room which is about 25 persons. Any member of the public who wishes to comment about the operation or procedures of the Aviation Safety Reporting System is requested to submit them in writing prior to the meeting for consideration at the meeting. Comments should be submitted to Mr. E. Gene Lyman, Executive Secretary, NASA Headquarters, Code RB, Washington, DC 20546. All visitors must report to the receptionist, 11th floor conference room, National Business Aircraft Association.

The RTAC Subcommittee on Aviation Safety Reporting System serves in an advisory capacity only. This Subcommittee reviews and evaluates the NASA Aviation Safety Reporting System design and implementation plan in terms of its responsiveness to current and future aviation safety needs, provides advice and recommendations on the overall objectives, approach, content and structure of this program relative to aviation safety needs, and reports its recommendations to the RTAC Panel on Aviation Safety and Operating Systems. The Chairman is Mr. John H. Winant. There are 12 members. The following list sets forth the approved agenda and schedule for the June 14–15, 1977, meeting of the Aviation Safety Reporting System Subcommittee. For further information please contact Mr. E. Gene Lyman, NASA Headquarters, Code RB, Washington, D.C. 20546 (202–755–2380).

JUNE 14, 1977

Time	Topic
9:00 a.m.	Report of the Chairman. (Purposes: To summarize activities relating to the Aviation Safety Reporting System (ASRS) since the last subcommittee meeting.)
9:30 a.m.	Report on the Aviation Safety Reporting System. (Purpose: To describe status of activities pertaining to ASRS operations. Members will comment on these activities and identify items requiring additional attention.)
10:30 a.m.	Report on 1 year evaluation of the Aviation Safety Reporting System. (Purpose: To evaluate the operation and procedures of the ASRS in response to the FAA/NASA Memorandum of Agreement.)

JUNE 15, 1977

9 a.m.	Report on comments from the general public. (Purpose: To allow members an opportunity to consider comments from the general public.)
10 a.m.	Continuation of the report on the 1 year evaluation of the Aviation Safety Reporting System.
11:30 a.m.	Adjourn.

KENNETH R. CHAPMAN,
Assistant Administrator for DOD and Interagency Affairs, National Aeronautics and Space Administration.

MAY 16, 1977.

[FR Doc.77-14416 Filed 5-19-77;8:45 am]

NATIONAL SCIENCE FOUNDATION

ADVISORY PANEL FOR REGULATORY BIOLOGY

Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, the National Science Foundation announces the following meeting.

NAME: Advisory Panel for Regulatory Biology.

DATE AND TIME: June 6 and 7, 1977, 9 a.m. to 6 p.m. each day.

PLACE: Room 338, National Science Foundation, 1800 G Street NW., Washington, D.C.

TYPE OF MEETING: Closed.

CONTACT PERSON:

Dr. Nancy B. Clark, Program Director, Regulatory Biology Program, Room 333, National Science Foundation, Washington, D.C. 20550, telephone 202–632–4298.

PURPOSE OF PANEL: To provide advice and recommendations concerning support for research in Regulatory Biology.

AGENDA: To review and evaluate research proposals and projects as part of the selection process for awards.

REASON FOR CLOSING: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

AUTHORITY TO CLOSE MEETING: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of P.L. 92–463. The Committee Management Officer was delegated the authority to make determination by the Acting Director, NSF, on February 18, 1977.

M. REBECCA WINKLER,
Acting Committee Management Officer.

MAY 17, 1977.

[FR Doc.77-14449 Filed 5-19-77;8:45 am]

ADVISORY PANEL FOR SOCIAL AND DEVELOPMENTAL PSYCHOLOGY

Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, the National Science Foundation announces the following meeting.

NAME: Advisory Panel for Social and Developmental Psychology.

DATE AND TIME: June 6 and 7, 1977, 9 a.m. to 5 p.m. each day.

PLACE: Room 511, National Science Foundation, 1800 G Street, N.W., Washington, D.C. 20550.

TYPE OF MEETING: Closed.

CONTACT PERSON:

Dr. Allan I. Teger, Program Director, Social and Developmental Psychology, Room 511, National Science Foundation, Washington, D.C. 20550 (202–632–5714).

PURPOSE OF PANEL: To provide advice and recommendations concerning support for research in social and developmental psychology.

AGENDA: To review and evaluate research proposals and projects as part of the selection process for awards.

REASON FOR CLOSING: The proposals and projects being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals and projects. These matters are within exemptions (4) and (6) of 5

U.S.C. 552b(c), Government in The Sunshine Act.

AUTHORITY TO CLOSE MEETING: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of P.L. 92-463. The Committee Management Officer was delegated the authority to make determinations by the Director, NSF, on February 18, 1977.

M. REBECCA WINKLER,
Acting Committee Management Officer.

MAY 17, 1977.

[FR Doc.77-14448 Filed 5-19-77;8:45 am]

NATIONAL TRANSPORTATION POLICY STUDY COMMISSION

CHANGE OF AGENDA IN OPEN MEETING

In accordance with subsection 10(a) of the Federal Advisory Committee Act, Pub. L. 92-463, the National Transportation Policy Study Commission announces a change of starting time for its meeting scheduled to be held May 26, 1977. Notice of the meeting was originally published in the May 11, 1977 FEDERAL REGISTER, 42 FR 23887.

The starting time for the meeting has been changed from 9:30 a.m. to 9:00 a.m., in Room 2167 of the Rayburn House Office Building.

Dated: May 17, 1977.

EDWARD R. HAMBERGER,
General Counsel.

[FR Doc.77-14406 Filed 5-17-77;12:11 pm],

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

WORKING GROUP ON BASIC RESEARCH IN THE DEPARTMENT OF DEFENSE

Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the Office of Science and Technology Policy announces the following meeting:

NAME: Working Group on Basic Research in the Department of Defense.

DATE: June 6 and 7, 1977.

TIME: 9:00 a.m. to 4:00 p.m.

PLACE: Room 3014, New Executive Office Building, 17th and Pennsylvania Avenue NW., Washington, D.C. 20500.

TYPE OF MEETING: Open.

CONTACT PERSON: Mr. William Montgomery, Executive Office of the President, Office of Science and Technology Policy, Washington, D.C. 20500, telephone 202-395-4692.

PURPOSE OF ADVISORY COMMITTEE: The Office of Science and Technology Policy is conducting a study which will lead to the formulation of policy governing the performance of basic research by or for the mission agencies. Under the guidance of the Steering Committee on Basic Research in Mission Agencies, the Group on Basic Research in the DOD is to examine the policies and procedures and research programs of that agency for adequacy and balance between near-term and long-term technical objectives.

AGENDA: 9:00 a.m. to 4:00 p.m. Planning meeting to discuss detailed objectives of the study, methods of approach, and work schedule and assignments.

WILLIAM MONTGOMERY,
Executive Officer.

[FR Doc.77-14353 Filed 5-19-77;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

RADIO TECHNICAL COMMISSION FOR MARINE SERVICES

Meetings

In accordance with Public Law 92-463, "Federal Advisory Committee Act," the schedule of future Radio Technical Commission for Marine Services (RTCM) meetings is as follows:

Special Committee No. 70. "Minimum Performance Standards (MPS)—Marine Loran-C Receiving Equipment." Notice of 3rd Meeting, Monday, June 6, 1977, 10 a.m. (All-day meeting.) U.S. Coast Guard Base, Governors Island, New York, New York.

AGENDA

1. Call to Order; Chairman's Report.
2. Confirmation of Secretary; Adoption of Agenda.
3. Acceptance of SC-70 Summary Record.
4. Reports on Work Assignments.
5. Progress Reports on incompleted Work Assignments.
6. Discussion of problem areas.
7. Solicitation of additional Work Assignments.
8. Other business.
9. Establishment of next meeting date.

The thirteenth meeting of SC-69, FCC WARC-79 Advisory Committee for Maritime Mobile Service, previously scheduled for Tuesday, May 24, has been cancelled. The new meeting date is Tuesday, June 7. The agenda for the June 7 meeting will be the same as that previously published for the now-cancelled May 24 meeting.

RTCM SC 69/FCC WARC-79 Advisory Committee for Maritime Mobile Service, Thirteenth Meeting, 1919 M Street, NW., Washington, D.C., Room 847, 9:30 a.m. to 12:30 p.m., Tuesday, June 7, 1977.

AGENDA

1. Call of the Agenda.
2. Chairman's Opening Remarks.
3. Reports of the Task Forces.
4. Review work to be accomplished.
5. Further.
6. Set date for next meeting.
7. Adjournment.

Charles Dorain, Chairman SC 69, COMSAT, General, 950 L'Enfant Plaza, SW., Washington, D.C. 20024.

To comply with the advance notice requirements of Public Law 92-463, a comparatively long interval of time occurs between publication of this notice and the actual meeting. Consequently, there is no absolute certainly that the listed meeting room will be available on the day of the meeting. Those planning to attend the meeting should report to the room listed in the notice. If a room substitution has been made, the new meeting room location will be posted at the room listed in this notice.

Agendas, working papers, and other appropriate documentation for the meeting is available at that meeting. Those desiring more specific information may contact either the designated Chairman or the RTCM Secretariat. (Phone (202) 632-6490.)

The RTCM has acted as a coordinator for maritime telecommunications since its establishment in 1947. Problems are studied by Special Committees and the final report is approved by the RTCM Executive Committee. All RTCM meetings are open to the public. Written statements are preferred but by previous arrangement, oral presentations will be permitted within time and space limitations.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.77-14419 Filed 5-19-77;8:45 am]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area No. 1323]

COLORADO

Declaration of Disaster Loan Area

Correction

In FR Doc. 77-13508 appearing on page 24133 in the issue for Thursday, May 12, 1977, the bracketed Declaration of Disaster Loan Area No. in the document heading, should be changed to read as set forth above.

[Declaration of Disaster Loan Area #1320]

MISSOURI

Declaration of Disaster Loan Area

Cape Girardeau County and adjacent counties within the State of Missouri, constitute a disaster area as a result of damage caused by torrential rains, high winds, and flooding which occurred on March 26-28, 1977. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on July 11, 1977, and for economic injury until the close of business on February 9, 1978, at:

Small Business Administration, District Office, 12 Grand Bldg., 5th Floor, 1150 Grand Avenue, Kansas City, Missouri 64106.

or other locally announced locations.

Dated: May 9, 1977.

A. VERNON WEAVER,
Administrator.

[FR Doc.77-14388 Filed 5-19-77;8:45 am]

[Declaration of Disaster Loan Area #1325]

WISCONSIN

Declaration of Disaster Loan Area

Calumet County, and adjacent counties within the State of Wisconsin, constitute a disaster area because of physical damage to wells resulting from drought which occurred from June 17, 1976 through April 22, 1977.

Eligible persons, firms and organizations may file applications for loans for physical damage as a result of drought until the close of business on July 8, 1977, and for economic injury until the close of business on February 7, 1978, at:

Small Business Administration, District Office, 122 West Washington Avenue, Room 700, Madison, Wisconsin 53703.

or other locally announced locations.

Dated: May 7, 1977.

A. VERNON WEAVER,
Administrator.

[FR Doc.77-14389 Filed 5-19-77;8:45 am]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[Delegation Order No. 156, Amend. 1]

ASSISTANT COMMISSIONER (COMPLIANCE)

Delegation of Authority

MAY 18, 1977.

AGENCY: Internal Revenue Service, Treasury.

ACTION: Delegation of authority.

SUMMARY: This Amendment permits the Assistant Commissioner (Compliance) to act upon certain requests regarding the tax status of individuals who are designated as being under consideration for appointment to a position in the executive or judicial branch of the Federal Government pursuant to Internal Revenue Code section 6103(g)(2). Authority is also delegated to the Assistant Commissioner (Compliance), Deputy Assistant Commissioner (Compliance) and Director, Disclosure Operations Division to disclose returns and return information to Federal officers or employees for administration of Federal laws not relating to tax administration pursuant to Internal Revenue Code 6103(i). The text of the Amendment appears below.

EFFECTIVE DATE: May 18, 1977.

FOR FURTHER INFORMATION CONTACT:

Howard T. Martin, CP:D, 1111 Constitution Avenue NW., Room 1603, Washington, D.C. 20224. Telephone number 202-566-3908 (not toll-free).

HOWARD T. MARTIN,
Director,
Disclosure Operations Division.

Subject: Authority to Permit Disclosure of Certain Returns and Return Information Under Internal Revenue Code 6103(g)(2) and (i).

Pursuant to the authority vested in the Commissioner of Internal Revenue by Treasury Department Order No. 150-37, dated March 17, 1955, authority is hereby delegated as follows:

(1) The Assistant Commissioner (Compliance) is authorized to disclose to the authorized representatives of the Executive Office of the President or to the Federal Bureau of Investigation on behalf of the President, return information described in IRC 6103(g)(2) (other than return information that is adverse to the taxpayer) with respect to an individual who is designated as being under consideration for appointment to a position in the executive or judicial branch of the Federal Government. Authority is also delegated to act on all requests by the heads of Federal agencies, or the Federal Bureau of Investigation on behalf of such heads, for return information described in IRC 6103(g)(2) with respect to categories of individuals discussed above. Upon receipt of any request under IRC 6103(g)(2), authority to notify the individuals with respect to whom the request has been made is also delegated. The authority delegated in this paragraph may be redelegated but not lower than:

(a) Deputy Assistant Commissioner (Compliance), in the case of requests by or on behalf of the President where the return information to be disclosed is not adverse to the taxpayer,

(b) Assistant Director, Disclosure Operations Division, in the case of requests by or on behalf of the heads of Federal agencies where the return information to be disclosed is adverse to the taxpayer,

(c) Chief, Tax Disclosure Branch, Disclosure Operations Division, in the case of requests by or on behalf of the heads of Federal agencies where the return information to be disclosed is not adverse to the taxpayer, and

(d) Chief, State and Federal Section, Tax Disclosure Branch, Disclosure Operations Division, concerning the notification of individuals with respect to whom a request has been made.

(2) The Assistant Commissioner (Compliance), Deputy Assistant Commissioner (Compliance), and Director, Disclosure Operations Division are authorized:

(a) To act on requests for returns and taxpayer return information by officers and employees of a Federal agency pursuant to, and upon the grant of, an ex parte order by a Federal District Court judge, when needed for use in, or preparation for, any proceeding (or investigation which may result in such proceeding) pertaining to the enforcement of a specifically designated Federal criminal statute (not involving tax administration), and to withhold such returns and taxpayer return information, subject to the conditions prescribed in IRC 6103(i)(1). The authority delegated in this paragraph (other than the authority to withhold returns and taxpayer return information) may be redelegated to the Assistant Director, Disclosure Operations Division, Branch Chiefs, Disclosure Operations Division, and Section Chiefs, Disclosure Operations Division.

(b) To act on requests for return information (other than taxpayer return information) by, and to withhold such return information (other than taxpayer return information) from, the head of a Federal agency, the Attorney General, the Deputy Attorney General, or an Assistant Attorney General when needed for use in, or preparation for, any proceeding (or investigation which may result in such proceeding) pertaining to the enforcement of a specifically designated Federal criminal statute (not involving tax administration), subject to the conditions prescribed in IRC 6103(i)(2). The authority delegated in this paragraph (other than the authority to withhold return information (other than taxpayer return information)) may be redelegated to the Assistant Director, Disclosure Operations Division, Branch Chiefs, Disclosure Operations Division, and Section Chiefs, Disclosure Operations Division.

(c) To disclose in writing return information (other than taxpayer return information) which may constitute evidence of a violation of Federal criminal laws to the head of the appropriate Federal agency charged with the responsibility for enforcing such laws, subject to the conditions prescribed in IRC 6103(i)(3). The authority delegated in this paragraph may be redelegated to Assistant Director, Disclosure Operations Division, Branch Chiefs, Disclosure Operations Division, and Section Chiefs, Disclosure Operations Division.

(d) To make determinations with regard to the entering into evidence of returns and return information in any proceeding prescribed in IRC 6103(i)(4). The authority delegated in this paragraph may not be redelegated.

(e) To disclose returns and return information with respect to the tax imposed by IRC Chapter 1 upon a taxpayer subject to the provisions of the Renegotiation Act of 1951 to officers or employees of the Renegotiation Board, subject to the conditions prescribed in IRC 6103(i)(5). The authority delegated in this paragraph may be redelegated to the Assistant Director, Disclosure Operations Division, Branch Chiefs, Disclosure Operations Division, and Section Chiefs, Disclosure Operations Division.

(3) Paragraph 1 of this Amendment supplements Delegation Order No. 156. Paragraph 2 of this Amendment supersedes paragraph 5 and amends paragraph 9(c) of Delegation Order No. 156. Delegation Order No. 156, issued May 19, 1976, is printed in the FEDERAL REGISTER dated May 21, 1976, Vol. 41, Number 100, Page 20898.

Dated: May 13, 1977.

JEROME KURTZ,
Commissioner.

[FR Doc.77-14469 Filed 5-19-77;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 394]

ASSIGNMENT OF HEARINGS

MAY 17, 1977.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 123872 (Sub-56), W & L Motor Lines, Inc., now assigned June 15, 1977 at Omaha, Nebraska, will be held in Room 616 Union Pacific Plaza, 110 North 14th Street.

MC 138627 (Sub-14), Smithway Motor Xpress, Inc., now being assigned June 16, 1977 (2 days), in Room 616 Union Pacific Plaza, 110 North 14th Street, Omaha, Nebraska.

MC 113678 (Sub-640), Curtis, Inc., now assigned June 20, 1977 at Omaha, Nebraska, will be held in Room 616 Union Pacific Plaza, 110 North 14th Street.

MC 142491 (Sub-1), D & E Transport, Inc., now assigned June 23, 1977 at Omaha, Nebraska, will be held in Room 616 Union Pacific Plaza, 110 North 14th Street.

MC 110563 (Sub-191), Coldway Food Express, Inc., now assigned June 23, 1977 at Omaha, Nebraska, will be held in Room 616 Union Pacific Plaza, 110 North 14th Street.

MC 142567 Sub 1, Greenville Transit, Inc. now assigned June 23, 1977 at Washington, D.C. is canceled, application dismissed.

MC 125952 (Sub-26), Interstate Distributor Co., now assigned July 7, 1977 at Seattle, Washington, is canceled and the application is dismissed.

MC 110166 (Sub-No. 22); Tennessee Carolina Transportation, Inc., now assigned June 1, 1977, at Raleigh, N.C. is canceled.

MC 142629, Ed Hopson Produce Company, Inc., now being assigned July 6, 1977 (1 day) at Birmingham, Alabama, in a hearing room to be later designated.

MC 106644 (Sub-226), Superior Trucking Company, now being assigned July 7, 1977 (2 days) at Birmingham, Alabama, in a hearing room to be later designated.

MC 141033 (Subs 2 & 3), Continental Contract Carrier Corp., now being assigned July 11, 1977 (1 day) at Dallas, Texas, in a hearing room to be later designated.

MC 117109 (Sub-16), Sykes Transport Company, now being assigned July 12, 1977 (1 day) at Dallas, Texas, in a hearing room to be later designated.

MC 142769 (Sub-1), Colonial Refrigerated Transportation, Inc., now being assigned July 13, 1977 (1 day) at Dallas, Texas, in a hearing room to be later designated.

MC 115730 (Sub-23), The Mickow Corp., now being assigned July 14, 1977 (2 days) at Dallas, Texas, in a hearing room to be later designated.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-14467 Filed 5-19-77;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

MAY 17, 1977.

An application, as summarized below, has been filed requesting relief from the requirements of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

FSA No. 43364—*Beet or Cane Sugar from Points in Montana. Trans-Continental and WTL Territories.* Filed by Western Trunk Line Committee, Agent, (No. A-2736), for interested rail carriers. Rates on sugar, beet or cane, dry, in bulk, in carloads, as described in the application, from points in Montana, trans-continental ,and western trunk-line territories, to Kansas City, Mo.-Kan., Skokie, Ill., Denver, Colorado, and Coldspur, Kansas.

Grounds for relief—Rate relationship and returned shipments.

Tariffs—Supplement 190 to Western Trunk Line Committee, Agent, tariff 159-O, I.C.C. No. A-4481, and 4 other schedules named in the application.

Rates are published to become effective on June 15, 1977.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc. 77-14466 Filed 5-19-77;8:45 am]

[Notice No. 167]

MOTOR CARRIER TRANSFER PROCEEDINGS

MAY 20, 1977.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-77123. By application filed May 5, 1977, DIRECT VAN LINES, INC., 6121 Lincolnia Road, Alexandria, Va. 22312, seeks temporary authority to lease the operating rights of Golden Worldwide Van Service, Inc., 1701 South Amphlett Blvd., San Mateo, Calif., 94402, under section 210a(b). The transfer to Direct Van Lines, Inc., of the operating rights of Golden Worldwide Van Service, Inc., is presently pending.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc. 77-14465 Filed 5-19-77;8:45 am]

sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409), 5 U.S.C. 552b(e)(3).

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1

AGENCY HOLDING THE MEETING: Federal Home Loan Bank Board.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Vol. 42, No. 94, page 24799, Monday, May 16, 1977.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9:30 a.m., May 18, 1977.

PLACE: 320 First Street NW., Room 630, Washington, D.C.

STATUS: Open Meeting.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Robert Marshall [202-376-3012].

CHANGES IN THE MEETING:

THE FOLLOWING ITEMS ARE ADDED TO THE AGENDA FOR THE OPEN PORTION OF THE MEETING:

Formal Application for Conversion—North Carolina Savings and Loan Association, Albemarle, North Carolina.

EFTS-RSU Application—"TIME"—First Federal Savings and Loan Association of Wisconsin, Milwaukee, Wisconsin.

REU Application—SLATE Project, Dayton, Ohio.

[S-443-77 Filed 5-17-77;11:54 am]

2

AGENCY HOLDING THE MEETING: Consumer Product Safety Commission.

TIME AND DATE: 9:30 a.m., May 25, 1977.

LOCATION: 3rd Floor Hearing Room, 1111 18th St. NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

9:30 a.m.; open to the public. Zero-Base Budgeting Goals, Objectives and Issues. A briefing by the staff. 2 p.m. Briefing on Asbestos.

The staff has prepared a draft banning rule for certain asbestos-containing products, based on the Commission's action at the April 28 Commission meeting.

CONTACT PERSON FOR ADDITIONAL INFORMATION:

Sheldon D. Butts, Assistant Secretary, Office of the Secretary, Suite 300, 1111 18th St. NW., Washington, D.C. 20207, telephone 202-634-7700.

[S-444-77 Filed 5-17-77;3:20 pm]

3

AGENCY HOLDING THE MEETING: Federal Deposit Insurance Corporation.

TIME AND DATE: 10:30 a.m., May 23, 1977.

PLACE: Room 6023, FDIC Building, 330, 17th Street NW., Washington, D.C.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Requests pursuant to section 19 of the Federal Deposit Insurance Act for the Corporation's consent to service of a person convicted of an offense involving dishonesty or a breach of trust as a director, officer, or employee of an insured bank:

Names of persons and of banks authorized to be exempt from disclosure pursuant to the provisions of subsection (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6)).

Recommendations regarding liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 43,040-L—International City Bank and Trust Company, New Orleans, Louisiana.

Case No. 43,046-L—American Bank & Trust, Orangeburg, South Carolina.

Case No. 43,057-L—Franklin National Bank, New York, New York.

Case No. 43,052-L—Bank of Picayune, Picayune, Mississippi.

Case No. 43,057-L—Franklin National Bank, New York, New York.

Case No. 43,059-L—First State Bank of Hudson County, Jersey City, New Jersey.

Case No. 43,061-L—The Hamilton National Bank of Chattanooga, Chattanooga, Tennessee.

Memorandum and resolution requesting the Board of Directors to approve the proposed sale of the capital stock of the Deposit Insurance National Bank of the Virgin Islands, Charlotte Amalie, Virgin Islands, under authority contained in Section 11(k) of the Federal Deposit Insurance Act, and also approve the form and substance of the proposed Offering Circular.

Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc.:

Names of employees authorized to be exempt from disclosure pursuant to the provisions of subsection (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6)).

CONTACT PERSON FOR MORE INFORMATION:

Alan R. Miller, Executive Secretary (202-389-4446).

[S-445 Filed 5-17-77;2:32 pm]

4

AGENCY HOLDING THE MEETING: Federal Deposit Insurance Corporation.

TIME AND DATE: 10:45 a.m., May 23, 1977.

PLACE: Room 6023, FDIC Building, 550, 17th Street NW., Washington, D.C.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Applications for Federal deposit insurance:

Bank of Kenney, to be located at the intersection of Sheldon and Johnson Streets, Kenney, DeWitt County, Illinois.

Community State Bank of Princeton, to be located at Fifth Avenue and Third Street South, Princeton, Mille Lacs County, Minnesota.

Community State Bank of Shelbina, to be located at 601 Center Street, Shelbina, Shelby County, Missouri.

Bank of the Northwest, to be located at the intersection of 11th Avenue and High Street, Eugene, Lane County, Oregon.

Valley State Bank, to be located at the southwest corner of the intersection of West 11th Avenue and Bailey Hill Road, Eugene, Lane County, Oregon.

Virginia Beach Bank of Commerce, to be located at 3400 Pacific Avenue, Virginia Beach, Virginia.

Applications for consent to establish branches:

The State Bank of Forest City, Altamonte Springs, Florida, at Sweetwater Square, Wekiwa Springs Road and Fox Valley Drive), Longwood, Seminole County, Florida.

Imperial Bank of Lakeland, Lakeland, Florida, in the Lakeside Plaza Shopping Center, at the intersection of U. S. High-

way 98 North and Forest Lake Drive, in an unincorporated area of Polk County (P.O. Lakeland), Florida.

Bank of West Orange, Ocoee, Florida, at 1550 Maguire Road, Ocoee, Orange County, Florida.

First Bank of Rockledge, Rockledge, Florida, on the north side of Sarno Road, one quarter mile west of the intersection of Sarno Road and Apollo Boulevard, Melbourne, Brevard County, Florida.

Citizens Bank of Pasco, Zephyrhills, Florida, at the intersection of U.S. Highway 301 and North Avenue, Zephyrhills, Florida.

The Howard Savings Bank, Newark, Essex County, New Jersey, at the A & P Shopping Center, Route 71 and Snyder Avenue, Spring Lake Heights, Monmouth County, New Jersey.

The Rome Savings Bank, Rome, Oneida County, New York, on the north side of Route 5 (Seneca Turnpike), approximately 1,800 feet east of the junction of Routes 5 and 5A, New Hartford, Oneida County, New York.

Request for an extension of time in which to establish a branch:

The Mercantile-Safe Deposit and Trust Company, Baltimore (Independent City), Maryland, for an extension of time to April 27, 1978, within which to establish a branch at the Intersection of Perry Hall Boulevard and White Marsh Boulevard, one mile west of the John F. Kennedy Expressway (I-95), White Marsh, Baltimore County, Maryland.

Applications for consent to establish remote service facilities:

The LaSalle State Bank, Jena, LaSalle Parish, Louisiana, at 142 West Oak Street, Jena, LaSalle Parish, Louisiana.

The Murfreesboro Bank & Trust Company, Murfreesboro, Rutherford County, Tennessee, in a Kroger grocery store incide the Murfreesboro Mall on North West Broad Street, Murfreesboro, Tennessee.

Application for consent to establish a teller facility:

The Citizens and Southern Bank of Cobb County, Austell, Georgia, at 2671 Windy Hill Road, Marietta, Cobb County, Georgia.

Application for consent to move main office and to establish one branch:

Central Bank of Georgia, Macon, Georgia, to move its main office from 756 Poplar Street, Macon, Georgia, to 455 Walnut Street, Macon, Georgia, and to retain the present main office as a branch.

Request for approval of subordinated capital note and issuance of a subordinated note:

Bank of Finance, Los Angeles, Los Angeles County, California.

Application for consent to merge, establish eighteen branches, and interchange designation of main office and branch.

Bank of Virginia-Southwest, Bristol, Virginia, for consent to merge with Bank of Virginia N.A., Roanoke, Virginia (BOVNA) under the charter and title of Southwest and to establish the eighteen offices of BOVNA as branches of the resultant bank.

Applications to merge and establish one branch:

Bank of Putnam County, Monterey, Tennessee, for consent to merge with Bank of Cookeville, Tennessee ("Cookeville Bank") under the charter and title of BPC, and to establish the sole office of Cookeville Bank as a branch of the resultant bank.

Bank of Commerce, Woodbury, Tennessee, for consent to merge with Bank of Auburn, Auburntown, Tennessee; under the charter of and with the title Bank of Commerce, and to establish the sole office of Bank of Auburn as a branch of the resultant bank.

Applications for consent to consolidate and establish branches:

Valley Bank of Hartford, Wisconsin, for consent to consolidate with Bank of North Lake, North Lake, Wisconsin, under the charter and title of Valley Bank of Hartford, and to establish the sole office of Bank of North Lake as a branch of the resultant bank.

Alpena Savings Bank, Alpena, Michigan, for consent to consolidate under its charter and title with Hillman State Bank, Hillman, Michigan, and to establish the two offices of the latter as branches of the resultant bank.

Application for consent to acquire assets and assume liabilities:

The First National Bank of Boston, Boston, Massachusetts, for consent to acquire the assets and assume the liabilities of Banco International, S. A., Montevideo, Uruguay (BISA), a noninsured directly owned subsidiary of FNBB.

Recommendations regarding liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 43,041—SR—American Bank & Trust Company, New York, New York.
Case No. 43051-L—The Hamilton National Bank of Chattanooga, Chattanooga, Tennessee.
Case No. 43,056-NR—United States National Bank, San Diego, California.
Case No. 43,062-L—The Hamilton National Bank of Chattanooga, Chattanooga, Tennessee.
Case No. 43,076-L—Franklin National Bank, New York, New York.

Recommendations with respect to payment for legal services rendered and expenses incurred in connection with receivership and liquidation activities:

Chapman and Cutler, Chicago, Illinois, in connection with the liquidation of State Bank of Clearing, Chicago, Illinois.

Hughes, Hubbard & Reed, New York, New York, in connection with the liquidation of Franklin National Bank, New York, New York.

Recommendations with respect to the settlement or disposition of claims filed against the corporation in its capacity as receiver of American Bank and Trust Company, New York, New York:

Claim No. 224.
Claim No. 253.

Recommendations with respect to the initiation of cease-and-desist proceedings or termination-of-insurance proceedings against certain insured banks:

Names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(8), (c)(9)(A)(ii), and (c)(10) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(8), (c)(9)(A)(ii), and (c)(10)).

CONTACT PERSON FOR MORE INFORMATION:

Alan R. Miller, Executive Secretary (202-389-4446).

[S-446-77 Filed 5-17-77;2:32 pm]

5

AGENCY HOLDING THE MEETING: Federal Deposit Insurance Corporation.

TIME AND DATE: 11:00 a.m., May 23, 1977.

PLACE: Board Room, 6th Floor, FDIC Building, 550, 17th Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Disposition of minutes of previous meetings.

Recommendations regarding liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 43,053-L—Berea Bank and Trust Company, Berea, Kentucky
Case No. 43,058-NR—United States National Bank, San Diego, California
Memorandum and resolution re: The Hamilton Bank and Trust Company, Atlanta, Georgia.

Recommendations with respect to payment for legal services rendered and expenses incurred in connection with receivership and liquidation activities:

Schall, Boudreau & Gore, Inc., San Diego, California, in connection with the receivership of United States National Bank, San Diego, California.

Bronson, Bronson & McKinnon, San Francisco, California, in connection with the receivership of United States National Bank, San Diego, California.

Branson, Bronson & McKinnon, San Francisco, California, in connection with the liquidation of First State Bank of Northern California, San Leandro, California.

Patterson & Patterson, Whitfield, Manikoff and Write, Bloomfield Hills, Michigan, in connection with the receivership of Birmingham Bloomfield Bank, Birmingham, Michigan.

Kaye, Scholer, Fierman, Hays & Handler, New York, New York, in connection with the liquidation of Franklin National Bank, New York, New York.

Recommendation with respect to the amendment of Corporation regulations:

Memorandum and resolution proposing the publication for comment of a new Part 340 of the Corporation's rules and regulations, to be entitled, "Minimum Offering Circular Requirements for Public Distribution of Bank Securities."

Memorandum recommending the payment of a first dividend of 40%, subject to court approval, on proven claims of the Mt. Zion Deposit Bank, Mount Zion, Kentucky—in Receivership.

Memorandum with reference to the relocation of the Columbus Regional Office.

Reports of Committees and Officers:

Minutes of the actions approved by the Committee on Liquidations, Loans and Purchases of Assets pursuant to authority delegated by the Board of Directors.

Reports of the Director of the Division of Bank Supervision with respect to applications or requests approved by him and the various Regional Directors pursuant to authority delegated by the Board of Directors.

Report of the Division of Liquidation with respect to the status of the Deposit Insurance National Bank of the Virgin Islands, Charlotte Amalie, St. Thomas, Virgin Islands, as of January 31, 1977.

Final statement, as of March 31, 1977, of assets acquired from First State Bank of Bonne Terre, Bonne Terre, Missouri, under a purchase and assumption agreement dated August 28, 1970, submitted by the Chief, Accounting and Budget Branch, Office of the Controller.

Reports of security transactions authorized by the Chairman.

CONTACT PERSON FOR MORE INFORMATION:

Alan R. Miller, Executive Secretary (202–389–4446).

[S–447–77 Filed 5–17–77;2:32 pm]

6

AGENCY HOLDING MEETING: Federal Power Commission.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: (Issued 5/17/77), 42 FR (25406).

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 2 p.m., May 18, 1977.

CHANGE IN THE MEETING: Addition of G–30, Docket No. RP74–6, et al., Southern Natural Gas Company (MacMillan Bloedel, Inc.). Addition of G–31, Docket No. RI76–65, Dev. Corporation (Operator), et al. Addition of G–32, Docket No. CP77–280, Transcontinental Gas Pipe Line Corporation. Docket No. CP77–258, Texas Gas Transmission, Corporation.

KENNETH F. PLUMB,
Secretary.

[S–448–77 Filed 5–17–77;3:20 pm]

7

AGENCY HOLDING THE MEETING: Federal Trade Commission.

TIME AND DATE: 10 a.m., Thursday, May 26, 1977.

PLACE: Room 432, Federal Trade Commission Building, 6th Street and Pennsylvania Avenue NW., Washington, D.C. 20580.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

(1) Monthly Program Status Meeting: Review of Program J01, Point of Sales Practices.

(2) Monthly Program Review of Program J02, Vocational Schools.

(3) Monthly Program Status Meeting: Review of Program J04, Land Sales.

(4) Monthly Program Status Meeting: Review of Program AB, Energy Study and Enforcement Follow-up.

CONTACT PERSON FOR MORE INFORMATION:

Leonard J. McEnnis, Jr., Office of Public Information (202–523–3830); Recorded Message (202–523–3806).

[S–449–77 Filed 5–17–77; 4:01 pm]

8

AGENCY HOLDING THE MEETING: Interstate Commerce Commission.

TIME AND DATE: 9:30 a.m., Tuesday, May 24, 1977.

PLACE: Commission's Offices, 12th and Constitution Avenue NW., Washington, D.C.

STATUS: Open Special Conference.

MATTERS TO BE CONSIDERED:

1. Ex Parte No. 332, Voting Trust Regulations

2. Briefing by the Bureau of Accounts on "Revision to Uniform System of Accounts for Railroads"

3. Discussion of the Commission's Training Program

CONTACT PERSON FOR MORE INFORMATION:

Public Information Officer, Douglas Baldwin, Telephone 202–275–7252.

[S–450–77 Filed 5–18–77;8:45 am]

9

AGENCY HOLDING THE MEETING: Interstate Commerce Commission, Division 3.

TIME AND DATE: 10 am., May 19, 1977.

PLACE: Room 5124, Commission's Offices, 12th and Constitution Avenue NW., Washington, D.C.

STATUS: Short Notice of Closed Meeting. Commissioners Brown, Macfarland, Clapp and Christian have unanimously voted to close this conference because it will concern the disposition of particular case of formal adjudication conducted pursuant to the procedures in 5 U.S.C. 554 or otherwise involving a determination on the record after an opportunity for hearing within the meaning of 5 U.S.C. b(c)(10) and 49 CFR 1012.7(d)(12).

In addition to the Division members, the following persons are expected to attend:

Deputy Director Israel, Assistant Deputy Director Bober, Examiner Canning, Examiner Green, Examiner Guise, Examiner Hanson, Examiner Heironimus, Examiner Lewis, Examiner Streeter, Examiner Taggart, Examiner Thompson.

MATTERS TO BE CONSIDERED:

1. Docket No. MC–F–12692 Mallinger Truck Line, Inc.—Purchase (Portion)—B. J. McAdams, Inc.[1];

2. Docket No. MC–F–12781, Cartwright Van Lines, Inc.—Purchase (Portion)—Adobe Van & Storage, Inc.[2]; and

3. Docket No. MC–F–12647, M.G.M. Transport Corporation — Purchaese (Portion)—DeHart Motor Lines, Inc.[2]

CONTACT PERSON FOR MORE INFORMATION:

Public Information Officer, Douglas Baldwin, Telephone 202–275–7252.

[S–451–77 Filed 5–18–77;8:45 am]

10

AGENCY HOLDING THE MEETING: Federal Reserve System.

On Wednesday, May 25, 1977, at 12 noon a meeting of the Board of Governors of the Federal Reserve System will be held at the Board's offices at 20th Street and Constitution Avenue NW., Washington, D.C., to consider the following item(s) of official Board business:

1. A possible amendment to the Board's Rules Regarding Delegation of Authority that would authorize (1) the Federal Reserve Banks to enter into written agreements with bank holding companies or their nonbank subsidiaries or with State member banks concerning the correction of unsafe or unsound practices, and (2) the Director of the Division of Banking Supervision and Regulation to deny an application to stay, modify, terminate or set aside any cease and desist order previously issued by the Board or any written agreement between the Board or the Reserve Bank and a bank holding company or any nonbanking subsidiary thereof or a State member bank.

2. Possible authorization for staff to begin processing certain foreign "shell" branch applications under existing delegation of authority rules.

3. Report to the Federal Deposit Insurance Corporation regarding the competitive factors involved in the proposed merger of The Marblehead Bank and Trust Company, Marblehead, Massachusetts, with Essex County Bank and Trust Company, Lynn, Massachusetts.

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[1] This matter is related to MC–F–12781 et al. and MC–F–12647 et al., which will be treated at the same conference.

[2] These matters are related to MC–F–12692 which will be treated at the same conference.

4. Report to the Federal Deposit Insurance Corporation regarding the competitive factors involved in the proposed merger of Sullivan County National Bank, LaPorte, Pennsylvania, with Citizens & Northern Bank, Ralston, Pennsylvania.

5. Proposed communication to the Department of Defense concerning the applicability of reserve requirements and interest rate limitations to deposits at overseas military banking facilities operated by member banks.

This meeting will be open to public observation. Information with regard to this meeting may be obtained from Mr. Joseph R. Coyne, Assistant to the Board, at 202-452-3204.

Board of Governors of the Federal Reserve System, May 17, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[S-452-77 Filed 5-18-77;8:45 am]

11

AGENCY HOLDING THE MEETING: Overseas Private Investment Corporation.

TIME AND DATE: Meeting of the OPIC Board of Directors: Tuesday, May 24, 1977 at 9 a.m. (Closed Portion) and 11 a.m. (Open Portion).

PLACE: Offices of the Corporation, 7th Floor Board Room, 1129 20th Street NW., Washington, D.C.

STATUS: The first part of the meeting from 9 a.m. to 11 a.m. will be closed to the public. The open portion of the meeting will start at 11 a.m.

MATTERS TO BE CONSIDERED:

(Closed to the Public: 9 a.m. to 11 a.m.)

1. Personnel Matters.
2. Policy and Legislative Recommendations to President Carter.
3. Financing of African Project.
4. Insurance of African Project.
5. Claims.
6. Information Reports on (a) Status of a Finance Project (b) Applications Rejected and (c) Insurance Applications for Large Projects.

FURTHER MATTERS TO BE CONSIDERED:

(Open to the Public: 11 a.m.)

1. Approval of Minutes of Previous Board Meeting.
2. Confirmation of Scheduled Board Meetings.
3. OPIC Finance Program.
4. OPIC Organization Industry Functional Teams.
5. Financial Statement for Nine Months as of March 31, 1977.
6. Seabed Mining: Risk Coverage.
7. Information Reports on (a) U.S. Benefits and LDC Developmental Efforts and (b) Political Risk Investment Insurance Issued as of March 31, 1977.

CONTACT PERSON FOR INFORMATION:

Information with regard to this meeting may be obtained from the Secretary of the Corporation at 202-632-1839.

ELIZABETH A. BURTON,
Corporate Secretary.

MAY 17, 1977.

[S-453-77 Filed 5-18-77;10:34 am]

12

AGENCY HOLDING THE MEETING: Federal Maritime Commission.

TIME AND DATE: 10 a.m., May 25, 1977.

PLACE: Room 12126, 1100 L Street NW., Washington, D.C. 20573.

STATUS: Parts of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

Portions open to the public:

1. Notation Items Disposed of During April 1977.
2. Report on times shortened for submitting comments on section 15 agreements pursuant to delegated authority during April 1977.
3. Report on Applications for Admission to Practice approved during April 1977.
4. Assignment of Informal Dockets during April 1977.
5. Agreement No. 2744, et al., Modification of eight of the Associated Latin American Freight Conference Agreements—Admission Fee and Authority to Execute Agreements.
6. Agreement 8600-4—Modification of an inter-conference ratemaking agreement between TPFCJ/K and JKAGFC.
7. Agreements Nos. 8470-7 and 8530-3—Modifications of Household Goods Rate Agreements to include Inland Points.
8. Agreement No. 9474-3—Modification of the Thailand Pacific Freight Conference Agreement for Establishment of Through Rates.
9. Agreement No. 10137-4—Extension of the Barber-Blue Sea Line Joint Service Agreement.
10. Docket No. 77-7—Agreements Nos. 9929-2, 9929-3, 9929-4, et al., Energy and Environmental Assessment.
11. Docket No. 71-76—Bethlehem Steel Corporation v. Indiana Port Commission: Request for Oral Argument.

Portions closed to the public:

1. Docket No. 75-28—Submission of Revenue and Cost Data Concerning General Rate Increases and Certain Surcharges Filed by Common Carriers, Conferences, and Member Carriers of Rate Agreements.

CONTACT PERSON FOR MORE INFORMATION:

Joseph C. Polking, Acting Secretary (202-523-5727).

[S-454-77 Filed 5-18-77;10:34 am]

13

AGENCY HOLDING THE MEETING: United States Railway Asociation.

TIME AND DATE: 1 p.m., May 26, 1977.

PLACE: Board Room, Room 2200, Trans Point Building, 2100 Second Street SW., Washington, D.C.

STATUS: Parts of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

Portions closed to the public (1 p.m.).

1. Review of Conrail and Delaware & Hudson Railway Company proprietary and financial information for monitoring and investment purposes.

Portions open to the public (2 p.m.),

2. Approval of the minutes of the Executive Committee meeting on April 29, 1977.
3. Approval of Conrail Drawdown request for June.
4. Discussion of Conrail Investment Commitment request for the third quarter of 1977.
5. Status report on Section 211(h) loan program.
6. Report on Conrail monitoring.
7. Contract extensions.

CONTACT PERSON FOR MORE INFORMATION:

Alex Bilanow (202-426-4250).

[S-455-77 Filed 5-18-77;10:34 am]

14

AGENCY HOLDING MEETING: Federal Power Commission.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: (Issued 5/17/77) 42 FR (25406).

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 2 p.m., May 18, 1977.

CHANGE IN MEETING: Addition of P-17, Docket No. ER76-494, Delmarva Power and Light Company. Addition of G-34, Hartsville Gas Company and Creal Springs, Illinois.

KENNETH F. PLUMB,
Secretary.

[S-456-77 Filed 5-18-77;12:51 pm]

Federal Register

FRIDAY, MAY 20, 1977

PART II

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

■

NATIONAL HEALTH SERVICE CORPS AND RELATED PROVISIONS

Notice of Proposed Rulemaking

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

[42 CFR Part 23]

NATIONAL HEALTH SERVICE CORPS AND RELATED PROVISIONS

AGENCY: Public Health Service, HEW.

ACTION: Notice of intent.

SUMMARY: This Notice of Intent informs the public of the intent to propose regulations which will implement modifications to the National Health Service Corps Program made by a recent amendment to the Public Health Service Act. The National Health Service Corps Program assigns physicians, dentists, nurses, and other health professionals to health manpower shortage areas in order to improve the delivery of health services to these areas. Issues identified in the Notice of Intent concern implementation and interpretation of the law. The public is invited to comment on the issues of concern to them.

DATES: Comments must be received in writing by July 5, 1977 in order to ensure that the Secretary will be able to consider such comments while preparing the proposed regulations.

ADDRESSES: Comments must be addressed to the Director, Division of Policy Development, Bureau of Community Health Services, HSA, PHS, Department of Health, Education, and Welfare, Room 6-17, 5600 Fishers Lane, Rockville, Maryland 20857.

FOR FURTHER INFORMATION CONTACT:

George P. Tolbert, M.D., Director, National Health Service Corps, Bureau of Community Health Services, HSA, PHS, Department of Health, Education, and Welfare, Room 6-05, 5600 Fishers Lane, Rockville, Maryland 20857, 301-443-4434.

SUPPLEMENTARY INFORMATION: Section 407(b)(3) of Public Law 94-484, the "Health Professions Educational Assistance Act of 1976," amends, effective October 1, 1977, the National Health Service Corps portion of the Public Health Service Act, by repealing the present authority and adding a new Subpart II—National Health Service Corps Program to Part C, Title III, of the Public Health Service Act.

The National Health Service Corps program, begun in 1972, is designed to improve the delivery of health services in health manpower shortage areas through the assignment to such areas of members of the Corps (physicians, dentists, nurses, and other health professionals).

The Notice of Intent identifies the major issues raised by the new statutory provisions. Alternative criteria and procedures for implementing the program are presented for the public's comments. The major issues identified in this Notice include the criteria to be used by the Secretary in assigning a Corps member to a health manpower shortage area; the standards for determining whether to allow a waiver to an entity for repayment to the Federal Government of both (1) the costs of assigning Corps members to the shortage area, and (2) any loan; the criteria and procedures for withholding eligibility for a hospital to receive Federal funds under the Public Health Service Act and under Titles XVIII and XIX of the Social Security Act if the hospital denies admitting privileges to a qualified physician or dentist of the Corps; the criteria and procedures for determining whether to sell equipment purchased with Federal funds to an entity when Corps members have completed their assignment in a health manpower shortage area; and the criteria for making a grant to assist a former Corps member to establish a private practice in a shortage area.

Following are the major issues identified by the Secretary.

ASSIGNMENT OF CORPS PERSONNEL

1. Section 333 of the Act states that the Secretary may assign members of the Corps to provide health services in or to a health manpower shortage area (which can include a population group or facility designated as a shortage area). Assignment may be made only after receipt and approval of an application submitted by a public or private nonprofit entity located in the shortage area or having a demonstrated interest in the area.

Assignments are to be made in accordance with a number of stipulations in the statute which cover priority for areas with the greatest health manpower shortage; special consideration for entities using physician assistants, nurse practitioners, and expanded function dental auxiliaries; consideration for community assistance and cooperation; and consideration of comments from appropriate health professional societies. Thus, the statute requires that a "priority," a "special consideration," and two "considerations" come into play when making assignments of Corps personnel. In carrying out this provision, assignments could be made by using several different methods. One method of implementation would be to proceed successively to utilize the "priority" for areas with the greatest shortage of health manpower as the first determinative for making assignments. Only when two or more areas, competing for assignment of a Corps member, have an equivalent shortage of health manpower would determinations be made on the basis of the "special consideration" regarding the use of physician assistants, nurse practitioners, and expanded function dental auxiliaries. Then, only if competing areas have equivalent shortages of health manpower and all the areas utilized physician assistants, nurse practitioners, or dental auxiliaries would determination be made on the basis of the first "consideration"—and so on until the second "consideration" (i.e., regarding comments from professional societies) influenced the assignment of personnel.

Another method would be to assign weights to the "priority," the "special consideration," and the "considerations." All factors would be involved in making determinations about assignments but would be afforded various weights; for example, the "priority" could be given a weight of 60, the "special consideration" could be given a weight of 20, and the two "considerations" could each be given a weight of 10.

The preceding are merely for the purpose of illustration and should not be regarded as showing any preference or predisposition on the part of the Department. Many other means could be devised for determining the assignment of Corps members to particular areas according to the "priority," "special consideration," and "considerations" specified in the statute. Recommendations on how assignments should be made in accordance with the statute are welcome.

After taking into account the statutory priority and considerations, the Secretary may have to decide among entities competing to serve an area. The Secretary may have to determine whether an entity actually located in the shortage area should receive consideration over one that is not located in the shortage area but has a demonstrated interest in the area; whether first consideration should be given to an entity that has actually shown (by viable projects, for example) an active interest in the area; or whether the two entities should be on a par for consideration. Recommendations on this matter would be welcome.

2. Section 333 of the Act provides that where an entity has previously had a Corps member assigned to it the Secretary may reassign Corps members only after he has made an evaluation and determined that:

(I) There is continued need for health manpower for the area;

(II) There has been appropriate and efficient use of Corps members previously assigned to the entity for the area;

(III) There is general community support for the assignment of Corps members to the entity;

(IV) The area has made continued efforts to secure health manpower for the area; and

(V) There has been sound fiscal management, including efficient collection of fee-for-service, third-party, and other appropriate funds, by the entity with respect to Corps members previously assigned to such entity.

Suggestions are solicited on the criteria to be utilized by the Secretary in making these required determinations. Regarding point (I), it appears that determination of "continued need" should be based on the same criteria that apply to designating health manpower shortage areas under Pub. L. 94-484. Point (II), the "appropriate and efficient use of Corps personnel," is very difficult to measure, and suggestions for evaluation measures, such as number of patient visits and encounters, would be helpful. With respect to point (III) on "community support," there appear to be many

approaches for determining if such support exists, e.g., has the community made available a suitable building for use as a health care facility, or is there housing available for Corps personnel. On point (IV); whether "the area has made continued efforts to secure health manpower" as a replacement for previously assigned personnel, an assessment could be made of a community's efforts, such as: advertising in appropriate publications, recruiting at medical schools and other training facilities, and retaining the services of health manpower search agencies. On point (V), "sound fiscal management," should the proposed means of assessing sound fiscal management as stated in the "CPA Audit Guidelines of the DHEW Audit Agency" and in "Standards for Audits of Governmental Organizations, Program Activities and Functions" be used, or should other means be developed? These publications are available through the Regional Administrators of the Regional Offices of the Department of Health, Education, and Welfare at the addresses set forth at 45 CFR 5.31(b).

MATCHING OF CORPS ASSIGNEES TO AREAS

Under section 333(e), the Secretary is directed to assign to an area a Corps member and spouse, if any, who have characteristics which increase the probability of their remaining in the area upon completion of the assignment. The process of matching professionals to areas presently used by the NHSC involves (1) gathering information about the characteristics of areas in need, (2) having Corps members and spouses complete questionnaires about their backgrounds and personal preferences regarding the characteristics desired of an area in which they prefer to work and reside, and (3) matching as closely as possible the Corps members and spouses to areas which meet their preferences. Information given to a prospective assignee about an area could include the number and specialties of physicians and medical facilities in that area; size of the medical practice and community where an assignee would be working; climate of the region; and the cultural, social, and sport activities available. A Corps member and spouse usually will have several potentially acceptable areas from which to make a selection, and a visit to one area at Government expense is permitted by law.

Recommendations are solicited on the other methods of matching Corps members and spouses to areas, and on ways to improve the currently used method.

TECHNICAL ASSISTANCE TO SHORTAGE AREAS

Section 333(f)(3) requires that the Secretary provide to health manpower shortage areas to which Corps members have not been assigned (1) technical assistance to assist in their recruitment of health manpower, and (2) current information on public and private programs which offer assistance in the securing of health manpower. Recommendations are solicited from the public regarding technical assistance and information which would be the most helpful and effective for areas wishing to recruit and secure health manpower.

COST SHARING

1. Section 334 requires an entity to which a member of the NHSC has been assigned to repay to the United States each quarter (or other period specified by the Secretary) the portion of the salary and allowances received by such assignee during such period. Where an assignee has received a scholarship under the scholarship program, the entity is required by the statute to also repay the amount of the scholarship in proportion to the length of obligated service and actual service at such site by the assignee during such period. Finally, the entity is required by statute to repay the amount of any loan received by the entity under section 335(c).

It appears that the statute requires a site to repay on the basis of exact calculations with regard to the assignee's salary, allowances, and any scholarship aid received. (Under existing procedures repayment is based on average costs of assignees.) The public's views are requested on how the Department should carry out the requirement in a practical and equitable manner. If sites are to pay for assignees on the basis of actual costs, rather than average costs, some sites will be required to repay a greater amount than others depending, for example, on whether the assignees received scholarship aid.

2. Under section 334(b)(1) the Secretary may waive, in whole or in part, application of the requirement for reimbursement of the costs of a Corps assignee's salary and allowances, medical scholarship cost, and loan made to an entity if it is determined the entity is financially unable to meet the reimbursement requirement or that the reimbursement provisions would unreasonably limit the ability of the entity to provide adequate support for the provision of health services by Corps members.

Following are examples of possible factors which the Secretary will consider using to determine the entity's ability to reimburse:

The present and projected costs necessay to maintain the quality and level of health services by assigned personnel, and the present and projected income and other financial resources (such as contributions) available to meet such costs;

The extent of efforts to collect payments and third-party reimbursements;

The degree to which the established fees are designed to cover the reasonable costs of operation; and

The efficiency of management and the use of cost-saving mechanisms.

3. Under section 334(b)(2) the Secretary may also waive reimbursement in whole or in part for entities located in health manpower shortage areas that have a significant percentage of the population living in poverty, or who are elderly; or that have other characteristics which indicate to the Secretary the inability to meet in whole or in part the reimbursement provisions. This may permit a waiver on the basis of population served prior to determining that the entity is not, in fact, able to repay all or part of the required reimbursement. It is proposed to use the Community Services Administration (CSA) Income Poverty Guidelines (45 CFR 1060.2) for determining if persons are living in poverty (e.g., $5,500 per annum for a nonfarm family of four) and to consider as elderly those 65 years and older. What constitutes a "significant percentage" of the population is difficult to determine. One way would be to rank all counties by the above factors and establish the lower boundary of the top quartile of those counties having the greatest number of persons living in poverty, and persons who are elderly, as the significant percentage cutoff in judging whether to grant a waiver. Service areas meeting any cutoffs established will not automatically be entitled to a waiver; the granting of a waiver will remain optional and be made only after a review of any site's resources and potential ability to reimbursement the Government. Waivers will be time limited and will be monitored to insure that the need for the waiver continues. Suggestions are needed for procedures to use in determining whether an entity is unable to fully reimburse the Government because of the significant percentage of elederly and persons in poverty living in the area served by the entity.

Suggestions are also invited regarding identification of other characteristics having impact on the ability of an entity to meet reimbursement requirements, such as the unique working conditions of migratory agricultural workers.

4. Under section 334(c) of the Act, if there are any funds collected in excess of the amount paid to the United States, such funds must be used by the entity to expand and improve the provision of health services to the shortage area or to recruit or retain health manpower for such area. Also, if reimbursement is fully or partially waived, all the funds collected for the provision of health services by Corps members assigned to the entity shall be used to improve the capability of the entity to deliver health services. Standards or criteria must be developed to determine what is meant by expansion or improvement in this context, and what limitations should be imposed. Comments on the matter are so solicited.

5. Under section 334(d) of the Act, any persons receiving health services given by Corps members shall be charged on the basis of a fee-for-service or other basis, at a rate approved by the Secretary, pursuant to regulations. No persons, however, may be denied services because of inability to pay, and the Secretary must provide for the furnishing of services at a reduced rate or without charge. It does not appear appropriate to set out approvable rates in regulations as they may vary from area to area and change from time to time. On the other hand, it seems appropriate that the regulations require entities to

establish fee schedules and discounts and have them approved by the Secretary.

Entities can establish fee schedules in several ways. Under other programs, it has been determined that persons with incomes below the CSA Income Poverty Guidelines are unable to pay other than nominal fees, and it has also been determined that those persons with incomes twice as great as the poverty level income should be required to pay full cost for services received. One way of establishing fee schedules would be to have the entities use the Medicare prevailing charges as a guide. Suggestions and recommendations concerning the development of regulations to implement the fee schedule provisions are solicited.

Admitting Privileges

In section 335 there is a unique provision regarding admitting privileges for authorized physician or dentist members of the Corps. The provision states:

(c)(1)(A) It shall be unlawful for any hospital to deny an authorized physician or dentist member of the Corps admitting privileges when such Corps member otherwise meets the professional qualifications establish by the hospital for granting such privileges and agrees to abide by the published bylaws of the hospital and the published bylaws, rules, and regulations of its medical staff.

(B) Any hospital which is found by the Secretary, after notice and an opportunity for a hearing on the record, to have violated this subsection shall upon such finding cease, for a period to be determined by the Secretary, to receive and to be eligible to receive any Federal funds under this Act or under Titles XVIII or XIX of the Social Security Act.

(2) For purposes of this subsection, the term "hospital" includes a State or local public hospital, a private profit hospital, a private nonprofit hospital, a general or special hospital, and any other type of hospital (excluding a hospital owned or operated by an agency of the Federal Government), and any related facilities.

Public comment is solicited on the questions of the timing of the notice of violation and the opportunity for a hearing. These items are not specified in the statute nor are there any standards for determining the length of suspension for violations. In addition, public comment is solicited concerning the definition of the term "any related facility" as used in the definition of "hospital" quoted above.

Right To Practice

Section 333(h) states that, notwithstanding any other law, any Corps member licensed to practice medicine, osteopathy, or dentistry in any State shall, while serving in the Corps, be allowed to practice such profession in any State. Comments on the manner in which the provision should be utilized, or recommended restrictions on its use, will be appreciated.

Sale of Equipment

Upon the expiration of the assignment of all Corps members to a shortage area, section 335(d) provides that the Secretary may (notwithstanding any other provision of law) sell, to any appropriate local entity, equipment and other property of the United States utilized by such members in providing health services. Sales must be made at the fair market value (as determined by the Secretary); except that the Secretary may make such sales for a lesser value to an appropriate local entity if he determines that the entity is financially unable to pay the full market value.

In determining whether to make such sale, it is proposed that the Secretary consider the extent of the need of the Department for such equipment and other property in another shortage area, and the proposed use by the entity of the equipment and other property. In addition, the Secretary is considering adding a requirement that an entity which received equipment or other property at less than fair market value must provide reasonable assurance satisfactory to him that the equipment or other property will be used by the designated entity for its estimated useful life in providing health care and services to individuals in the health manpower shortage area served by the entity.

It is also proposed that the Secretary will determine whether an entity is financially unable to purchase equipment or other property at fair market value based upon consideration of the entity's present financial resources available to purchase the equipment or other property in light of its current assets and liabilities, and the entity's ability to obtain the funds necessary to purchase the equipment or other property as evidenced by documentation provided by the designated entity of the steps it has taken to obtain such funds. Such steps might include community fund-raising activities, seeking of loans from both lending entities and private individuals, study of the possibility of increasing the fee schedule, and increasing efficiency and reducing operating costs.

Comments will be appreciated on the appropriateness of these criteria for determining whether an entity is unable to purchase such property at fair market value.

Loans to Entities

Section 335(c) provides that the Secretary may make one loan of up to $50,000 to an entity with an approved application to assist in meeting the costs of the following:

(1) Establishing medical, dental, or other health professional practices, including the development of medical practice management systems;

(2) Acquiring equipment for use in providing health services;

(3) Renovating buildings to establish health facilities; and

(4) Establishing appropriate continuing education programs.

The Department is studying the question of whether or not interest should be charged on loans and what the interest rate should be, if any. Suggestions are requested on this matter.

The new loan authority replaces the somewhat broader authority under subsection 329(d)(2) of the previous legislation to make one grant to an entity for up to $25,000 for development of medical practice management systems, acquiring supplies and equipment, and for other expenses related to the provision of health services.

It is suggested to establish the following as permissible costs for which such loans may be utilized:

(1) The costs of establishing medical, dental, and other health professional practice management systems for Corps personnel, including the cost of ancillary personnel such as receptionists and bookkeepers, the cost of obtaining assistance on the methods of preparing and using medical and fiscal records, and the costs of billing and collection;

(2) The cost of acquiring equipment for use in providing health services;

(3) Renovating buildings in which to establish health facilities;

(4) Payment for primary and support staff during developmental and initial stages of operation; and

(5) The continuing professional education of Corps personnel.

This list of permissible costs is based upon the permissible costs under the grant program and is revised to account for the statutory changes made in the program under the new legislation.

Recommendations are solicited on the conditions under which the provision for loans should be implemented.

Competitive Pay For Corps Assignees

Under section 331(d) the Secretary has the option to increase the monthly pay and allowances of a Corps assignee engaged in the delivery of health services up to a maximum of $1,000 per month for the first 36 months of the Corpsman's assignment. The provision is designed to provide monthly income to assignees which is competitive with the income of professionals with equivalent training and experience. If additional compensation is given, the sites will be required to reimburse the Government on the basis of such increased salary. The Department solicits recommendations with regard to the preparation of regulations to cover this subject.

Grants To Establish Private Practice

To aid in the establishment of a private practice in a shortage area, the Secretary may, under section 755, make one grant to an individual who has completed the period of obligated service in the Corps and who has agreed in writing to observe the conditions set forth in section 753. The amount of the grant shall be $12,500 for practicing at least 1 year, but less than 2, or $25,000 if the individual agrees to practice for a period of at least 2 years. If the grant is accepted but the agreement is breached, the United States shall be entitled to recover from the individual, in accordance with the formula stated in section 754, triple repayment in relation to time served and the obligated services.

Public comment is invited on implementation of the above.

PRIVATE PRACTICE

Section 753 of the statute provides that an individual may be released from all or part of a Corps service obligation if he applies for a release and subsequently enters into a written agreement with the Secretary that he will engage in full-time private clinical practice, for a period equal to the remaining period of his service obligation, in the health manpower shortage area where he has been assigned or in a shortage area which has a priority for the assignment of Corps members. This provision applies only to recipients of scholarships under the new scholarship program established under Pub. L. 94–484. The shortage area must have a sufficient financial base to sustain such private practice and to provide the individual with an income equal to the income received as a member of the Corps.

During the period of private practice, the physician providing health services in connection with his practice must charge for such services at the usual and customary rate prevailing in the area. If, however, the patient is unable to pay the charges, such patient shall be charged at a reduced rate or not charged any fee. Further, there must be no discrimination against any person on the basis of ability to pay or because payment for the health services will be made under Title XVIII of the Social Security Act or under a State plan covered by Title XIX of the Act. Recommendations are solicited with respect to developing standards to judge whether an area has sufficient financial base to support a private practice.

Dated: March 10, 1977.

JAMES F. DICKSON,
Acting Assistant Secretary for Health.

Approved: May 11, 1977.

JOSEPH A. CALIFANO, Jr.,
Secretary.

[FR Doc.77-14134 Filed 5-19-77;8:45 am]

Federal Register

FRIDAY, MAY 20, 1977
PART III

DEPARTMENT OF LABOR

Pension and Welfare Benefit Programs

DEPARTMENT OF THE TREASURY

Internal Revenue Service

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EMPLOYEE BENEFIT PLANS

Notice of Pendency of Exemption Relating to a Transaction Involving the Retirement Plan for Employees of Dallas North Lumber and Affiliates

DEPARTMENT OF LABOR

Pension and Welfare Benefit Programs

DEPARTMENT OF THE TREASURY

Internal Revenue Service

EMPLOYEE BENEFIT PLANS

Notice of Pendency of Exemption Relating to a Transaction Involving the Retirement Plan for Employees of Dallas North Lumber Company and Affiliates (Application No. D-345)

Notice is hereby given of the pendency before the Department of Labor (the Department) and the Internal Revenue Service (the Service) of a proposed exemption from the restrictions of section 406(a) and 406(b)(2) 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 of 1954 (the Code), by reason of section 4975(c)(1) (A) through (D) of the Code. The pending exemption was requested in an application filed by Harold R. Clark, Trustee for the Retirement Plan for Employees of Dallas North Lumber Company and Affiliates (Plan) and by Texteel Manufacturing Company, Inc. (Texteel), an employer of employees covered by the Plan, to exempt the sale of a note by the Plan to Texteel and assumption by Texteel of a first lien note held by the Plan. Mr. Clark and his wife own 100 per cent of the outstanding common stock of Texteel. The application 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 facts and representations with regard to the pending exemption, which are summarized below. Interested persons are referred to the application on file with the Department and the Service for a complete statement of representations.

In early 1972, the Plan purchased 100 acres of unimproved land approximately two miles Northwest of the City of Allen, Collin County, Texas. This land was purchased for $150,039. The Plan acquired the property subject to a note in the amount of $85,022 secured by a first lien on the property, and executed a note for $27,507 secured by a second lien. The balance of the purchase price was paid in cash.

Less than one year after the purchase, the land was sold by the Plan for $323,976. A promissory note for the full purchase price was accepted by the Plan, and the Plan agreed to continue to pay the principal and interest on the aforementioned first lien note. The $323,976 promissory note provided for interest only to be paid for the first ten years of the note (through 1982) with equal principal payments over the note's remaining years. Under the terms of the note, in the event of default, the Plan could look only to the property for satisfaction of the note and not to the maker of the note.

In early 1975, the administrators of the Plan decided to terminate the Plan due to the termination or change in ownership of the corporations participating in the Plan. Rather than attempt to distribute beneficial share interests in the assets of the Plan to the participants, or, alternatively, defer payment of benefits until normal retirement, the Plan administrators decided to sell the note to provide sufficient funds for distribution of benefits to the beneficiaries.

Attempts were made to sell the note through advertisements in the Wall Street Journal and through direct negotiations with local banks and financial institutions. As a result of these efforts, one tentative offer was received which would not have produced sufficient assets with which to pay the actuarially determined post-termination accrued benefits when combined with the other assets of the Plan.

To provide the Plan with sufficient funds to pay benefits, Texteel agreed to purchase the note from the Plan. The terms of the transaction provided for an assumption by Texteel of the unpaid balance on the first lien note, credits for prepaid interest and accrued interest on the first lien, and a cash payment to the Plan of $134,311. The sale of the note to Texteel, which occurred on April 30, 1975, produced sufficient funds for the Plan to pay all post-termination accrued benefits plus additional benefits equivalent to approximately 10 per cent of the post-termination accrued benefits. Under the terms of the Plan, subsequent to termination, all assets remaining after distribution of post-termination accrued benefits to participants and beneficiaries shall be returned to the employer. However, the assets in excess of that necessary to pay post-termination accrued benefits will be paid to the participants and beneficiaries and will not be returned to the employer.

In early December, 1975, subsequent to the sale of the note, the maker of the note suggested to Texteel that the maker and Texteel agree to reduce the principal amount of the note from $323,976 to $199,370; otherwise, there would be a default on the note. Texteel agreed as a compromise to accept 75 per cent of the interest then due.

An appraisal of the property was made on June 1, 1976, which valued the property at $175,000 as of May 1, 1975.

Notice of the Plan's decision to terminate was filed with the Pension Benefit Guaranty Corporation (PBGC). The PBGC examined the information provided and informed the applicant that it appears that the assets of the Plan may be sufficient to satisfy all vested benefits payable under the Plan. In addition, the PBGC informed the Department and the Service that Plan assets are sufficient to satisfy the guaranteed nonforfeitable benefits of the participants in the Plan.

On or before May 25, 1977, a copy of the notice will be provided to each participant and beneficiary by first class mail. Copies of all such notifications will be forwarded to the Department and Service at the time they are available or distributed.

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 participants and beneficiaries and in a prudent fashion in accordance with subsection 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) The pending exemption does not extend to transactions prohibited under section 406(b)(1) and (3) of the Act and section 4975(c)(1)(E) and (F) of the Code.

(3) 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 interest of the plan and of its participants and beneficiaries, and protective of the rights of such participants and beneficiaries.

(4) The pending exemption, if granted, will be supplemental to, and not in derogation of, any other provision of the Act and the Code, including statutory exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is in fact a prohibited transaction.

All interested persons are invited to submit written comments on the pending exemption. In order to receive consideration, such comments must be received by the Department on or before June 20, 1977. In addition, any interested person may submit a written request that a hearing be held relating to the pending exemption. Such written request must be received by the Department on or before June 20, 1977, and should state the reasons for the request and the nature of the person's interest in the pending exemption. All written comments and requests for a hearing (preferably six copies) should be addressed to the Pension and Welfare Benefit Programs, Office of Regulatory Standards and Exceptions, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20216, Attention: Application No. D-345.

The application for exemption, requests for a hearing and comments will be available for public inspection at the

Public Document Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue, NW., Washington, D.C. 20216, and at the Internal Revenue Service National Office Reading Room, 1111 Constitution Avenue, NW., Washington, D.C. 20224.

Pending Exemption. Based upon the application, hereinabove described, the Department and the Service have under consideration the granting of the requested 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, so that, effective April 30, 1975, the restrictions of sections 406 (a) and 406(b)(2) of the Act and the taxes imposed under section 4975 (a) and (b) of the Code by reason of section 4975(c)(1) (A) through (D) of the Code, shall not apply to a transaction involving the sale of a note by the Plan to Texteel and assumption by Texteel of a first lien note held by the Plan pursuant to the terms, conditions and representations set forth in the application.

The pending exemption, if granted, will be 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 consummated pursuant to the exemption.

Signed at Washington, D.C., this 11th day of May 1977.

J. VERNON BALLARD,
Acting Administrator of Pension and Welfare Benefit Programs, Department of Labor.

JEROME KURTZ,
Commissioner of Internal Revenue.

[FR Doc.77-14112 Filed 5-19-77;8:45 am]

Federal Register

FRIDAY, MAY 20, 1977

PART IV

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

■

FOOD STAMP PROGRAM

Maximum Monthly Allowable Income Standards and Basis of Coupon Issuance: Alaska, Hawaii, Puerto Rico, Virgin Islands, and Guam

Title 7—Agriculture

CHAPTER II—FOOD AND NUTRITION SERVICE, DEPARTMENT OF AGRICULTURE

[FSP No. 1977-2.2, Amdt. 107]

PART 271—PARTICIPATION OF STATE AGENCIES AND ELIGIBLE HOUSEHOLDS, FOOD STAMP PROGRAM

MAXIMUM MONTHLY ALLOWABLE INCOME STANDARDS AND BASIS OF COUPON ISSUANCE: ALASKA

Appendix B—Alaska

AGENCY: Food and Nutrition Service, USDA.

ACTION: Final rule.

SUMMARY: This amendment revises the maximum allowable income standards and basis of coupon issuance for Alaska appearing in Appendix B to Part 271 which were effective January 1, 1977. Semi-annual adjustments in coupon allotments, to reflect food price changes published by the Bureau of Labor Statistics, are required by the Food Stamp Act. These adjustments will continue to provide households with coupon allotments sufficient to purchase nutritionally adequate diets.

EFFECTIVE DATE: July 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Grant Tolley, Chief, Program Development Branch, Food Stamp Division, Food and Nutrition Service, U.S. Department of Agriculture, Washington, D.C. 20250, 202-447-8325.

SUPPLEMENTARY INFORMATION:

Section 7(a) of the Food Stamp Act, as amended, requires that the value of the coupon allotment be adjusted semi-annually by the nearest increment that is a multiple of two to reflect changes in the prices of food published by the Bureau of Labor Statistics. Under this provision, and adjustment based on the cost of the Thrifty Food Plan in February 1977 has been made in the coupon allotment for all except the one- and two-person households. The cost of food did not increase enough for a change in the coupon allotment for the one- and two-person households, since section 7(a) specifies that no such adjustment shall be made unless the increase in the coupon allotment is a minimum of $2.

Prior to the amendment to the Act requiring semi-annual adjustment of the value of the coupon allotment, the adjustments were made at the beginning of each fiscal year; i.e., in July based on the cost of the food plan in the preceding December. With the enactment of the semi-annual adjustments, the law specified that the first adjustment be made in January 1974 to reflect changes in the food prices through August 1973. Similar procedures have been used for subsequent semi-annual adjustments; i.e., the July adjustment based on the cost of the food plan in the preceding February and the January adjustment based on the cost of the food plan in the preceding August, as required by the Act. The income standards and coupon allotments set forth below are based on the allotment table adopted for the continental United States, adjusted for the cost of food in Alaska in February 1977.

Households in which all members are included in the federally-aided public assistance grant, general assistance grant, or supplemental security income benefit shall be determined to be eligible to participate in the program while receiving such grants without regard to the income and resources of the household members.

The maximum allowable standards for determining eligibility of all other applicant households, including those in which some members are recipients of federally-aided public assistance, general assistance, or supplemental security income benefit, in Alaska, shall be as follows:

Household size:	*Maximum allowable monthly income standards—Alaska*
One	[1] $307
Two	427
Three	614
Four	780
Five	927
Six	1,113
Seven	1,227
Eight	1,407
Each additional member	+173

[1] 1976 USDA Poverty Guideline.

"Income" as the term is used in the notice is as defined in paragraph (c) of § 271.3 of the Food Stamp Program Regulations.

Pursuant to sections 7 (a) and (b) of the Food Stamp Act, as amended, (7 U.S.C. 2016, Public Law 91-671), the face value of the monthly coupon allotment which the State agency is authorized to issue to any household certified as eligible to participate in the Program and the amount charged for the monthly coupon allotment in Alaska shall be as follows:

Monthly coupon allotments and purchase requirements—Alaska

Monthly net income	For a household of— 1 Person	2 Persons	3 Persons	4 Persons	5 Persons	6 Persons	7 Persons	8 Persons
	The monthly coupon allotment is— $70	$128	$184	$234	$278	$334	$368	$422
	And the monthly purchase requirement is—							
0 to $19.99	0	0	0	0	0	0	0	0
$20 to $29.99	1	1	0	0	0	0	0	0
$30 to $39.99	4	4	4	4	5	5	5	5
$40 to $49.99	6	7	7	7	8	8	8	8
$50 to $59.99	8	10	10	10	11	11	12	12
$60 to $69.99	10	12	13	13	14	14	15	16
$70 to $79.99	12	15	16	16	17	17	18	19
$80 to $89.99	14	18	19	19	20	21	21	23
$90 to $99.99	16	21	21	22	23	24	25	26
$100 to $109.99	18	23	24	25	26	27	28	29
$110 to $119.99	21	26	27	28	29	31	32	33
$120 to $129.99	24	29	30	31	33	34	35	36
$130 to $139.99	27	32	33	34	36	37	38	39
$140 to $149.99	30	35	36	37	39	40	41	42
$150 to $169.99	33	38	40	41	42	43	44	45
$170 to $189.99	39	44	46	47	48	49	50	51
$190 to $209.99	45	50	52	53	54	55	56	57
$210 to $229.99	51	56	58	59	60	61	62	63
$230 to $249.99	56	62	64	65	66	67	68	69
$250 to $269.99	56	68	70	71	72	73	74	75
$270 to $289.99	56	74	76	77	78	79	80	81
$290 to $309.99	56	80	82	83	84	85	86	87
$310 to $329.99		86	88	89	90	91	92	93
$330 to $359.99		92	94	95	96	97	98	99
$360 to $389.99		101	103	104	105	106	107	108
$390 to $419.99		102	112	113	114	115	116	117
$420 to $449.99		102	121	122	123	124	125	126
$450 to $479.99			130	131	132	133	134	135
$480 to $509.99			139	140	141	142	143	144
$510 to $539.99			148	149	150	151	152	153
$540 to $569.99			157	158	159	160	161	162
$570 to $599.99			162	167	168	169	170	171
$600 to $629.99			162	176	177	178	179	180
$630 to $659.99				185	186	187	188	189
$660 to $689.99				194	195	196	197	198
$690 to $719.99				203	204	205	206	207
$720 to $749.99				206	213	214	215	216
$750 to $779.99				206	222	223	224	225
$780 to $809.99				206	231	232	233	234
$810 to $839.99					240	241	242	243
$840 to $869.99					246	250	251	252
$870 to $899.99					246	259	260	261
$900 to $929.99					246	268	269	270
$930 to $959.99						277	278	279
$960 to $989.99						286	287	288
$990 to $1,019.99						295	296	297
$1,020 to $1,049.99						298	305	306
$1,050 to $1,079.99						298	314	315
$1,080 to $1,109.99						298	323	324
$1,110 to $1,139.99						298	328	333
$1,140 to $1,169.99							328	342
$1,170 to $1,199.99							328	351
$1,200 to $1,229.99							328	360
$1,230 to $1,259.99								369
$1,260 to $1,289.99								378
$1,290 to $1,319.99								378
$1,320 to $1,349.99								378
$1,350 to $1,379.99								378
$1,380 to $1,409.99								378

For issuance to households of more than eight persons use the following formula:

A. *Value of the total allotment.* For each person in excess of eight, add $52 to the monthly coupon allotment for an eight-person household.

B. *Purchase requirement.* 1. Use the purchase requirement shown for the eight-person household for households with incomes of $1,289.99 or less per month.

2. For households with monthly incomes of $1,290 or more, use the following formula: For each $30 worth of monthly income (or portion thereof) over $1,289.99, add $9 to the monthly purchase requirement shown for the eight-person household with an income of $1,289.99.

3. To obtain maximum monthly purchase requirements for households of more than eight persons, add $48 for each person over eight to the maximum purchase requirement shown for an eight-person household.

The total monthly coupon allotments for some households are not divisible by four. This results in total coupon allotments of uneven dollar amounts for those households which choose to purchase one-fourth or three-fourths of their coupon allotment. For such households, the State agency shall round the face value of one-fourth or three-fourths of the total coupon allotment up to the next higher whole dollar amount and shall not change the purchase requirement for such allotment.

NOTE.—The Food and Nutrition Service has determined that this document contains a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821 and OMB Circular A-107 and certifies that an Economic Impact Statement has been prepared.

In view of the need for placing this notice into effect on July 1, 1977, and the lead-time needed by the State agency for implementation, it is hereby determined that it is impracticable and contrary to the public interest to give notice of proposed rulemaking with respect to this notice.

(Catalog of Federal Domestic Assistance Programs, No. 10.551, Food Stamps.)

Dated: May 11, 1977.

CAROL TUCKER FOREMAN,
Assistant Secretary.

[FR Doc.77-14145 Filed 5-19-77;8:45 am]

[FSP No. 1977-3.2, Amdt. 108]

PART 271—PARTICIPATION OF STATE AGENCIES AND ELIGIBLE HOUSEHOLDS FOOD STAMP PROGRAM

MAXIMUM MONTHLY ALLOWABLE INCOME STANDARDS AND BASIS OF COUPON ISSUANCE: HAWAII

Appendix C—Hawaii

AGENCY: Food and Nutrition Service, USDA.

ACTION: Final rule.

SUMMARY: This amendment revises the maximum allowable income standards and basis of coupon issuance for Hawaii appearing in Appendix C to Part 271 which were effective January 1, 1977. Semi-annual adjustments in coupon allotments, to reflect food price changes published by the Bureau of Labor Statistics, are required by the Food Stamp Act. These adjustments will continue to provide households with coupon allotments sufficient to purchase nutritionally adequate diets.

EFFECTIVE DATE: July 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Grant Tolley, Chief, Program Development Branch, Food Stamp Division, Food and Nutrition Service, U.S. Department of Agriculture, Washington, D.C. 20250 (202-447-8325).

SUPPLEMENTARY INFORMATION:

Section 7(a) of the Food Stamp Act, as amended, requires that the value of the coupon allotment be adjusted semi-annually by the nearest increment that is a multiple of two to reflect changes in the prices of food published by the Bureau of Labor Statistics. Under this provision, an adjustment based on the cost of the Thrifty Food Plan in February 1977 has been made in the coupon allotment for all households.

Prior to the amendment to the Act requiring semi-annual adjustment of the value of the coupon allotment, the adjustments were made at the beginning of each fiscal year; i.e., in July based on the cost of the food plan in the preceding December. With the enactment of the semi-annual adjustments, the law specified that the first adjustment be made in January 1974 to reflect changes in the food prices through August 1973. Similar procedures have been used for subsequent semi-annual adjustments; i.e., the July adjustment based on the cost of the food plan in the preceding February and the January adjustment based on the cost of food plan in the preceding August, as required by the Act. The income standards and coupon allotments set forth below are based on the allotment table adopted for the continental United States, adjusted for the cost of food in Hawaii in February 1977.

Households in which all members are included in the federally-aided public assistance grant, general assistance grant, or supplemental security income benefit shall be determined to be eligible to participate in the program while receiving such grants without regard to the income and resources of the household members.

The maximum allowable income standards for determining eligibility of all other applicant households, including those in which some members are recipients of federally-aided public assistance, general assistance, or supplemental security income benefit, in Hawaii, shall be as follows:

Household size	*Maximum allowable monthly income standards—Hawaii*
One	[1] $273
Two	413
Three	593
Four	753
Five	893
Six	1,073
Seven	1,187
Eight	1,354
Each additional member	+166

[1] 1976 USDA Poverty Guideline.

"Income" as the term is used in the notice is as defined in paragraph (c) of § 271.3 of the Food Stamp Program Regulations.

Pursuant to sections 7 (a) and (b) of the Food Stamp Act, as amended (7 U.S.C. 2016, Pub. L. 91-671), the face value of the monthly coupon allotment which the State agency is authorized to issue to any household certified as eligible to participate in the Program and the amount charged for the monthly coupon allotment in Hawaii shall be as follows:

Monthly coupon allotments and purchase requirements—Hawaii

Monthly net income	For a household of— 1 Person	2 Persons	3 Persons	4 Persons	5 Persons	6 Persons	7 Persons	8 Persons
	The monthly coupon allotment is—							
	$68	$124	$178	$226	$268	$322	$356	$406
	And the monthly purchase requirement is—							
0 to $19.99	0	0	0	0	0	0	0	0
20 to $29.99	1	1	0	0	0	0	0	0
30 to $39.99	4	4	4	4	5	5	5	5
40 to $49.99	6	7	7	7	8	8	8	8
50 to $59.99	8	10	10	10	11	11	12	12
60 to $69.99	10	12	13	13	14	14	15	16
70 to $79.99	12	15	16	16	17	17	18	19
80 to $89.99	14	18	19	19	20	21	21	22
$90 to $99.99	16	21	21	22	23	24	25	26
$100 to $109.99	18	23	24	25	26	27	28	29
$110 to $119.99	21	26	27	28	29	31	32	33
$120 to $129.99	24	29	30	31	33	34	35	36
$130 to $139.99	27	32	33	34	36	37	38	39
$140 to $149.99	30	35	36	37	39	40	41	42
$150 to $159.99	33	38	40	41	42	43	44	45
$160 to $169.99	36	41	43	44	45	46	47	48
$170 to $189.99	39	44	46	47	48	49	50	51
$190 to $209.99	45	50	52	53	54	55	56	57
$210 to $229.99	51	56	58	59	60	61	62	63
$230 to $249.99	54	62	64	65	66	67	68	69
$250 to $269.99	54	68	70	71	72	73	74	75
$270 to $289.99	54	74	76	77	78	79	80	81
$290 to $309.99		80	82	83	84	85	86	87
$310 to $329.99		86	88	89	90	91	92	93
$330 to $359.99		92	94	95	96	97	98	99
$360 to $389.99		96	103	104	105	106	107	108
$390 to $419.99		96	112	113	114	115	116	117
$420 to $449.99			121	122	123	124	125	126
$450 to $479.99			130	131	132	133	134	135
$480 to $509.99			130	140	141	142	143	144
$510 to $539.99			148	149	150	151	152	153
$540 to $569.99			156	158	159	160	161	162
$570 to $599.99			156	167	168	169	170	171

Monthly net income	For a household of—							
	1 Person	2 Persons	3 Persons	4 Persons	5 Persons	6 Persons	7 Persons	8 Persons
	The monthly coupon allotment is—							
	$68	$124	$178	$226	$268	$322	$356	$406
	And the monthly purchase requirement is—							
$600 to $629.99			176	177	178	179	180	
$630 to $659.99			185	186	187	188	189	
$660 to $689.99			194	195	196	197	198	
$690 to $719.99			198	204	205	206	207	
$720 to $749.99			198	213	214	215	216	
$750 to $779.99			198	222	223	224	225	
$780 to $809.99				231	232	233	234	
$810 to $839.99				236	241	242	243	
$840 to $869.99				236	250	251	252	
$870 to $899.99				236	259	260	261	
$900 to $929.99					268	269	270	
$930 to $959.99					277	278	279	
$960 to $989.99					286	287	288	
$990 to $1,019.99					286	296	297	
$1,020 to $1,049.99					286	305	306	
$1,050 to $1,079.99					286	314	315	
$1,080 to $1,109.99						316	324	
$1,110 to $1,139.99						316	333	
$1,140 to $1,169.99						316	342	
$1,170 to $1,199.99						316	351	
$1,200 to $1,229.99							360	
$1,230 to $1,259.99							362	
$1,260 to $1,289.99							362	
$1,290 to $1,319.99							362	
$1,320 to $1,349.99							362	
$1,350 to $1,379.99							362	

For issuance to households of more than eight persons use the following formula:

A. *Value of the total allotment.* For each person in excess of eight, add $50 to the monthly coupon allotment for an eight-person household.

B. *Purchase requirement.* 1. Use the purchase requirement shown for the eight-person household for households with incomes of $1,229.99 or less per month.

2. For households with monthly incomes of $1,230 or more, use the following formula: For each $30 worth of monthly income (or portion thereof) over $1,229.99, add $9 to the monthly purchase requirement shown for the eight-person household with an income of $1,229.99.

3. To obtain maximum monthly purchase requirements for households of more than eight persons, add $46 for each person over eight to the maximum purchase requirement shown for an eight-person household.

The total monthly coupon allotments for some households are not divisible by four. This results in total coupon allotments of uneven dollar amounst for those households which choose to purchase one-fourth or three-fourths of their coupon allotment. For such households, the State agency shall round the face value of one-fourth or three-fourths of the total coupon allotment up to the next higher whole dollar amount and shall not change the purchase requirement for such allotment.

NOTE.—The Food and Nutrition Service has determined that this document contains a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821 and OMB Circular A-107 and certifies that an Economic Impact Statement has been prepared.

In view of the need for placing this notice into effect on July 1, 1977, and the lead-time needed by the State agency for implementation, it is hereby determined that it is impracticable and contrary to the public interest to give notice of proposed rulemaking with respect to this notice.

(Catalog of Federal Domestic Assistance Programs, No. 10.551, Food Stamps.)

Dated: May 11, 1977.

CAROL TUCKER FOREMAN,
Assistant Secretary.

[FR Doc.77-14146 Filed 5-19-77;8:45 am]

Appendix D—Puerto Rico

[FSP No. 1977-4.2, Amendment 109]

PART 271—PARTICIPATION OF STATE AGENCIES AND ELIGIBLE HOUSEHOLDS FOOD STAMP PROGRAM

MAXIMUM MONTHLY ALLOWABLE INCOME STANDARDS AND BASIS OF COUPON ISSUANCE: PUERTO RICO

AGENCY: Food and Nutrition Service, USDA.

ACTION: Final rule.

SUMMARY: This amendment revises the maximum allowable income standards and basis of coupon issuance for Puerto Rico appearing in Appendix D to Part 271 which were effective January 1, 1977. Semi-annual adjustments in coupon allotments, to reflect food price changes published by the Bureau of Labor Statistics, are required by the Food Stamp Act. These adjustments will continue to provide households with coupon allotments sufficient to purchase nutritionally adequate diets.

EFFECTIVE DATE: July 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Grant Tolley, Chief, Program Development Branch, Food Stamp Division, Food and Nutrition Service, U.S. Department of Agriculture, Washington, D.C. 20250, 202-447-8352.

SUPPLEMENTARY INFORMATION:

Section 5(b) of the Food Stamp Act requires the establishment of special standards of eligibility and coupon allotment schedules, not to exceed those in the fifty States, which reflect the average per capita income and cost of obtaining a nutritionally adequate diet in Puerto Rico.

Section 7(a) of the Food Stamp Act, as amended, requires that the value of the coupon allotment be adjusted semi-annually by the nearest increment that is a multiple of two to reflect changes in the prices of food published by the Bureau of Labor Statistics. Under this provision, an adjustment based on the cost of the Thrifty Food Plan in February 1977 has been made in the coupon allotment for all households.

Prior to the amendment to the Act requiring semi-annual adjustment of the value of the coupon allotment, the adjustments were made at the beginning of each fiscal year; i.e., in July based on the cost of the economy food plan in the preceding December. With the enactment of the semi-annual adjustment, the law specified that the first adjustment be made in January 1974 to reflect changes in the food prices through August 1973. Similar procedures have been used for subsequent semi-annual adjustments; i.e., the July adjustment based on the cost of the food plan in the preceding February and the January adjustment based on the cost of the food plan in the preceding August, as required by the Act. The income standards and coupon allotments set forth below are based on the allotment table adopted for the continental United States, adjusted for the cost of food in Puerto Rico in February 1977.

Households in which all members are included in the federally-aided public assistance or general assistance grant shall be determined to be eligible to participate in the program while receiving such grants without regard to the income and resources of the household members.

The maximum allowable income standards for determining eligibility of all other applicant households, including those in which some members are recipients of federally-aided public assistance or general assistance, in Puerto Rico, shall be as follows:

Household size:	*Maximum allowable monthly income standards—Puerto Rico*
One	[1] $245
Two	[1] 322
Three	453
Four	573
Five	680
Six	820
Seven	900
Eight	1,033
Each additional member	+127

[1] 1976 USDA Poverty Guideline.

"Income" as the term is used in the notice is as defined in paragraph (c) of § 271.3 of the Food Stamp Program Regulations.

Pursuant to sections 7(a) and (b) of the Food Stamp Act, as amended, (7 U.S.C. 2016, Public Law 91-671), the face value of the monthly coupon allotment which the State agency is authorized to issue to any household certified as eligible to participate in the Program and the amounts charged for the monthly coupon allotment in Puerto Rico shall be as follows:

Monthly coupon allotments and purchase requirements—Puerto Rico

Monthly net income	For a household of— 1 Person	2 Persons	3 Persons	4 Persons	5 Persons	6 Persons	7 Persons	8 Persons
	The monthly coupon allotment is— $52	$94	$126	$172	$204	$245	$270	$310
	And the monthly purchase requirement is—							
0 to $19.99	0	0	0	0	0	0	0	0
$20 to $29.99	1	1	0	0	0	0	0	0
$30 to $39.99	4	4	4	4	5	5	5	5
$40 to $49.99	6	7	7	7	8	8	8	8
$50 to $59.99	8	10	10	10	11	11	12	12
$60 to $69.99	10	12	13	13	14	14	15	16
$70 to $79.99	12	15	16	16	17	17	18	19
$80 to $89.99	14	18	19	19	20	21	21	22
$90 to $99.99	16	21	21	22	23	24	25	25
$100 to $109.99	18	23	24	25	26	27	28	29
$110 to $119.99	21	26	27	28	29	31	32	33
$120 to $129.99	24	29	30	31	33	34	35	36
$130 to $139.99	27	32	33	34	36	37	38	39
$140 to $149.99	30	35	36	37	39	40	41	43
$150 to $169.99	33	38	40	41	42	43	44	45
$170 to $189.99	39	44	46	47	48	49	50	51
$190 to $209.99	42	50	52	53	54	55	56	57
$210 to $229.99	42	56	58	59	60	61	62	63
$230 to $249.99	42	62	64	65	66	67	68	69
$250 to $269.99		68	70	71	72	73	74	75
$270 to $289.99		74	76	77	78	79	80	81
$290 to $309.99		74	82	83	84	85	86	87
$310 to $329.99		74	88	89	90	91	92	93
$330 to $359.99			94	95	96	97	98	99
$360 to $389.99			103	104	105	106	107	108
$390 to $419.99			112	113	114	115	116	117
$420 to $449.99			118	122	123	124	125	126
$450 to $479.99			118	131	132	133	134	135
$480 to $509.99				140	141	142	143	144
$510 to $539.99				148	150	151	152	153
$540 to $569.99				148	159	160	161	162
$570 to $599.99				148	168	169	170	171
$600 to $629.99					176	178	179	180
$630 to $659.99					176	187	188	189
$660 to $689.99					176	196	197	198
$690 to $719.99						205	206	207
$720 to $749.99						214	215	216
$750 to $779.99						214	224	225
$780 to $809.99						214	233	234
$810 to $839.99						214	234	243
$840 to $869.99							234	253
$870 to $899.99							234	261
$900 to $929.99							234	270
$930 to $959.99								270
$960 to $989.99								270
$990 to $1,019.99								270
$1,020 to $1,049.99								270

For issuance to households of more than eight persons use the following formula:

A. *Value of the total allotment.* For each person in excess of eight, add $38 to the monthly coupon allotment for an eight-person household.

B. *Purchase requirement.* 1. Use the purchase requirement shown for the eight-person household for households with incomes of $929.99 or less per month.

2. For households with monthly incomes of $930 or more, use the following formula:

For each $30 worth of monthly income (or portion thereof) over $929.99, add $9 to the monthly purchase requirement for an eight-person household with an income of $929.99.

3. To obtain maximum monthly purchase requirements for households of more than eight persons, add $34 for each person over eight to the maximum purchase requirement shown for an eight-person household.

The total monthly coupon allotments for some households are not divisible by four. This results in total coupon allotments of uneven dollar amounts for those households which choose to purchase one-fourth or three-fourths of their coupon allotment. For such households, the State agency shall round the face value of one-fourth or three-fourths of the total coupon allotment up to the next higher whole dollar amount and shall not change the purchase requirement for such allotment.

NOTE.—The Food and Nutrition Service has determined that this document contains a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821 and OMB Circular A-107 and certifies that an Economic Impact Statement has been prepared.

In view of the need for placing this notice into effect on July 1, 1977, and the lead-time needed by the State agency for implementation, it is hereby determined that it is impracticable and contrary to the public interest to give notice of proposed rulemaking with respect to this notice.

(Catalog of Federal Domestic Assistance Programs, No. 10.551, Food Stamps.)

Dated: May 11, 1977.

CAROL TUCKER FOREMAN,
Assistant Secretary.

[FR Doc.77-14147 Filed 5-19-77;8:45 am]

[FSP No. 1977-5.2, Amdt. 110]

PART 271—PARTICIPATION OF STATE AGENCIES AND ELIGIBLE HOUSEHOLDS FOOD STAMP PROGRAM

MAXIMUM MONTHLY ALLOWABLE INCOME STANDARDS AND BASIS OF COUPON ISSUANCE: VIRGIN ISLANDS

Appendix E—Virgin Islands

AGENCY: Food and Nutrition Service, USDA.

ACTION: Final rule.

SUMMARY: This amendment revises the maximum allowable income standards and basis of coupon issuance for the Virgin Islands appearing in Appendix E to Part 271 which were effective January 1, 1977. Semi-annual adjustments in coupon allotments, to reflect food price changes published by the Bureau of Labor Statistics, are required by the Food Stamp Act. These adjustments will continue to provide households with coupon allotments sufficient to purchase nutritionally adequate diets.

EFFECTIVE DATE: July 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Grant Tolley, Chief, Program Development Branch, Food Stamp Division, Food and Nutrition Service, U.S. Department of Agriculture, Washington, D.C. 20250, 202-447-8352.

SUPPLEMENTARY INFORMATION:

Section 5(b) of the Food Stamp Act requires the establishment of special standards of eligibility and coupon allotment schedules, not to exceed those in the fifty States, which reflect the average per capita income and cost of obtaining a nutritionally adequate diet in the Virgin Islands.

Section 7(a) of the Food Stamp Act, as amended, requires that the value of the coupon allotment be adjusted semi-annually by the nearest increment that is a multiple of two to reflect changes in the prices of food published by the Bureau of Labor Statistics. Under this provision, an adjustment based on the cost of the Thrifty Food Plan in February 1977 has been made in the coupon allotment for all except the one-person household. The cost of food did not increase enough for a change in the coupon allotment for the one-person household, since section 7(a) specifies that no such adjustment shall be made unless the increase in the coupon allotment is a minimum of $2.

Prior to the amendment to the Act requiring semi-annual adjustment of the value of the coupon allotment, the adjustments were made at the beginning of each fiscal year; i.e., in July based on the cost of the food plan in the preceding December. With the enactment of the semi-annual adjustment, the law specified that the first adjust-

ment be made in January 1974 to reflect changes in food prices through August 1973. Similar procedures have been used for subsequent semi-annual adjustments; i.e., the July adjustment based on the cost of the food plan in the preceding February and the January allotment based on the cost of the food plan in the preceding August, as required by the Act. The income standards and coupon allotments set forth below are based on the allotment table adopted for the continental United States adjusted for the cost of food in the Virgin Islands in February 1977.

Households in which all members are included in the federally-aided public assistance grant or general assistance grant shall be determined to be eligible to participate in the program while receiving such grants without regard to the income and resources of the household members.

The maximum allowable income standards for determining eligibility of all other applicant households, including those in which some members are recipients of federally-aided public assistance or general assistance, in the Virgin Islands, shall be as follows:

Household size:	*Maximum allowable monthly income standards—Virgin Islands*
One	[1] $245
Two	393
Three	560
Four	713
Five	847
Six	1,013
Seven	1,127
Eight	1,287
Each additional member	+160

[1] 1976 USDA Poverty Guideline.

"Income" as the term is used in the notice is as defined in paragraph (c) of § 271.3 of the Food Stamp Program Regulations.

Pursuant to sections 7 (a) and (b) of the Food Stamp Act, as amended, (7 U.S.C. 2016, Public Law 91-671), the face value of the monthly coupon allotment which the State agency is authorized to issue to any household certified as eligible to participate in the Program and the amount charged for the monthly coupon allotment in the Virgin Islands shall be as follows:

Monthly coupon allotments and purchase requirements—Virgin Islands

Monthly net income	For a household of— 1 Person	2 Persons	3 Persons	4 Persons	5 Persons	6 Persons	7 Persons	8 Persons
	The monthly coupon allotment is—							
	$64	$118	$168	$214	$254	$304	$338	$386
	And the monthly purchase requirement is—							
0 to $19.99	0	0	0	0	0	0	0	0
$20 to $29.99	1	1	0	0	0	0	0	0
$30 to $39.99	4	4	4	4	5	5	5	5
$40 to $49.99	6	7	7	7	8	8	8	8
$50 to $59.99	8	10	10	10	11	11	12	12
$60 to $69.99	10	12	13	13	14	14	15	16
$70 to $79.99	12	15	16	16	17	17	18	19
$80 to $89.99	14	18	19	19	20	21	21	22
$90 to $99.99	16	21	21	22	23	24	25	26
$100 to $109.99	18	23	24	25	26	27	28	29
$110 to $119.99	21	26	27	28	29	31	32	33
$120 to $129.99	24	29	30	31	33	34	35	36
$130 to $139.99	27	32	33	34	36	37	38	39
$140 to $149.99	30	35	36	37	39	40	41	42
$150 to $169.99	33	38	40	41	42	43	44	45
$170 to $189.99	39	44	46	47	48	49	50	51
$190 to $209.99	45	50	52	53	54	55	56	57
$210 to $229.99	50	56	58	59	60	61	62	63
$230 to $249.99	50	62	64	65	66	67	68	69
$250 to $269.99		68	70	71	72	73	74	75
$270 to $289.99		74	76	77	78	79	80	81
$290 to $309.99		80	82	83	84	85	86	87
$310 to $329.99		86	88	89	90	91	92	93
$330 to $349.99		92	94	95	96	97	98	99
$350 to $369.99		92	103	104	105	106	107	108
$370 to $389.99		92	112	113	114	115	116	117
$390 to $419.99			121	122	123	124	125	126
$420 to $449.99			130	131	132	133	134	135
$450 to $479.99			139	140	141	142	143	144
$480 to $509.99			146	149	150	151	152	153
$510 to $539.99			146	158	159	160	161	162
$540 to $569.99				167	168	169	170	171
$570 to $599.99				176	177	178	179	180
$600 to $629.99				185	186	187	188	189
$630 to $659.99				186	195	196	197	198
$660 to $689.99				186	204	205	206	207
$690 to $719.99					213	214	215	216
$720 to $749.99					222	223	224	225
$750 to $779.99					222	232	233	234
$780 to $809.99					222	241	242	243
$810 to $839.99					222	250	251	252
$840 to $869.99						259	260	261
$870 to $899.99						268	269	270
$900 to $929.99						268	278	279
$930 to $959.99						268	287	288
$960 to $989.99						268	296	297
$990 to $1,019.99							298	306
$1,020 to $1,049.99							298	315
$1,050 to $1,079.99							298	324
$1,080 to $1,109.99							298	333
$1,110 to $1,139.99								342
$1,140 to $1,169.99								342
$1,170 to $1,199.99								342
$1,200 to $1,229.99								342
$1,230 to $1,259.99								342
$1,260 to $1,289.99								

For issuance to households of more than eight persons use the following formula:

A. *Value of the total allotment.* For each person in excess of eight, add $48 to the monthly coupon allotment for an eight-person household.

B. *Purchase requirement.* 1. Use the purchase requirement shown for the eight-person household for households with incomes of $1,169.99 or less per month.

2. For households with monthly incomes of $1,170 or more, use the following formula: for each $30 worth of monthly income (or portion thereof) over $1,169.99, add $9 to the monthly purchase requirement shown for the eight-person household with an income of $1,169.99.

3. To obtain maximum monthly purchase requirements for households of more than eight persons, add $44 for each person over eight to the maximum purchase requirement shown for an eight-person household.

The total monthly coupon allotments for some households are not divisible by four. This results in total coupon allotments of uneven dollar amounts for those households which choose to purchase one-fourth or three-fourths of their coupon allotment. For such households, the State agency shall round the face value of one-fourth or three-fourths of the total coupon allotment up to the next higher whole dollar amount and shall not change the purchase requirement for such allotment.

NOTE.—The Food and Nutrition Service has determined that this document contains a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821 and OMB Circular A-107 and certifies that an Economic Impact Statement has been prepared.

In view of the need for placing this notice into effect July 1, 1977, and the lead-time needed by the State agency for implementation, it is hereby determined that it is impracticable and contrary to the public interest to give notice of proposed rulemaking with respect to this notice.

(Catalog of Federal Domestic Assistance, No. 10.551, Food Stamps.)

Dated: May 11, 1977.

CAROL TUCKER FOREMAN,
Assistant Secretary.

[FR Doc.77-14148 Filed 5-19-77;8:45 am]

[FSP No. 1977-6.2, Amdt. No. 111]

PART 271—PARTICIPATION OF STATE AGENCIES AND ELIGIBLE HOUSEHOLDS FOOD STAMP PROGRAM

MAXIMUM MONTHLY ALLOWABLE INCOME STANDARDS AND BASIS OF COUPON ISSUANCE: GUAM

Appendix F—Guam

AGENCY: Food and Nutrition Service, USDA.

ACTION: Final rule.

SUMMARY: This amendment revises the maximum allowable income standards and basis of coupon issuance for Guam appearing in Appendix F to Part 271 which were effective January 1, 1977. Semi-annual adjustments in coupon allotments, to reflect food price changes published by the Bureau of Labor Sta-

tistics, are required by the Food Stamp Act. These adjustments will continue to provide households with coupon allotments sufficient to purchase nutritionally adequate diets.

EFFECTIVE DATE: July 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Grant Tolley, Chief, Program Development Branch, Food Stamp Division, Food and Nutrition Service, U.S. Department of Agriculture, Washington, D.C. 20250 (202-447-8325).

SUPPLEMENTARY INFORMATION:

Section 5(b) of the Food Stamp Act requires the establishment of special standards of eligibility and coupon allotment schedules, not to exceed those in the fifty States, which reflect the average per capita income and cost of obtaining a nutritionally adequate diet in Guam.

Section 7(a) of the Food Stamp Act, as amended, requires that the value of the coupon allotment be adjusted semi-annually by the nearest increment that is a multiple of two to reflect changes in the prices of food published by the Bureau of Labor Statistics. Under this provision, an adjustment based on the cost of the Thrifty Food Plan in February 1977 has been made in the coupon allotment for all except the one- and two-person households. The cost of food did not increase enough for a change in the coupon allotment for the one- and two-person households, since Section 7(a) specifies that no such adjustment shall be made unless the increase in the coupon allotment is a minimum of $2.00.

Prior to the amendment to the Act requiring semi-annual adjustment of the value of the coupon allotment, the adjustments were made at the beginning of each fiscal year; i.e., in July based on the cost of the food plan in the preceding December. With the enactment of the semi-annual adjustment, the law specified that the first adjustment be made in January 1974 to reflect changes in food prices through August 1973. Similar procedures have been used for subsequent semi-annual adjustments; i.e., the July adjustment based on the cost of the food plan in the preceding February and the July adjustment based on the cost of the food plan in the preceding August, as required by the Act. Based on prices provided for Guam, the Agricultural Research Service estimated that the allotment table adopted for the continental United States, adjusted for the cost of food in Guam would be higher than in the fifty States. Thus, the income standards (except for the one-person household which is the same as Hawaii), and the coupon allotments set forth for Guam are the same as those which will become effective in Alaska on July 1, 1977.

Households in which all members are included in the federally-aided public assistance grant or general assistance grant shall be determined to be eligible to participate in the program while receiving such grants without regard to the income and resources of the household members.

The maximum allowable income standards for determining eligibility of all other applicant households, including those in which some members are recipients of federally-aided public assistance, general assistance, or supplemental security income benefit, in Guam shall be as follows:

Household size:	*Maximum allowable monthly income standards—Guam*
One	[1] $273
Two	427
Three	614
Four	780
Five	927
Six	1,113
Seven	1,227
Eight	1,407
Each additional member	+173

[1] 1976 USDA Poverty Guideline.

"Income" as the term is used in the notice is as defined in paragraph (c) of § 271.3 of the Food Stamp Program Regulations.

Pursuant to sections 7 (a) and (b) of the Food Stamp Act, as amended, (7 U.S.C. 2016, Pub. L. 91-671), the face value of the monthly coupon allotment which the State agency is authorized to issue to any household certified as eligible to participate in the Program and the amount charged for the monthly coupon allotment in Guam shall be as follows:

Monthly coupon allotments and purchase requirements—Guam

Monthly net income	For a household of—							
	1 Person	2 Persons	3 Persons	4 Persons	5 Persons	6 Persons	7 Persons	8 Persons
	The monthly coupon allotment is—							
	$70	$128	$184	$234	$278	$334	$368	$422
	And the monthly purchase requirement is—							
0 to $19.99	0	0	0	0	0	0	0	0
$20 to $29.99	1	1	0	0	0	0	0	0
$30 to $39.99	4	4	4	4	5	5	5	5
$40 to $49.99	6	7	7	7	8	8	8	8
$50 to $59.99	8	10	10	10	11	11	12	12
$60 to $69.99	10	12	13	13	14	14	15	16
$70 to $79.99	12	15	16	16	17	17	18	19
$80 to $89.99	14	18	19	19	20	21	21	22
$90 to $99.99	16	21	21	22	23	24	25	26
$100 to $109.99	18	23	24	25	26	27	28	29
$110 to $119.99	21	26	27	28	29	31	33	33
$120 to $129.99	24	29	30	31	33	34	35	36
$130 to $139.99	27	32	33	34	36	37	38	39
$140 to $149.99	30	35	36	37	39	40	41	42
$150 to $169.99	33	38	40	41	42	42	44	45
$170 to $189.99	39	44	46	47	48	49	50	51
$190 to $209.99	45	50	52	53	54	55	56	57
$210 to $229.99	51	56	58	59	60	61	63	63
$230 to $249.99	56	62	64	65	66	67	68	69
$250 to $269.99	56	68	70	71	72	73	74	75
$270 to $289.99	56	74	76	77	78	79	80	81
$290 to $309.99		80	82	83	84	85	86	87
$310 to $329.99		86	88	89	90	91	92	93
$330 to $359.99		92	94	95	96	97	98	99

Monthly net income	For a household of—							
	1 Person	2 Persons	3 Persons	4 Persons	5 Persons	6 Persons	7 Persons	8 Persons
	The monthly coupon allotment is—							
	$70	$128	$184	$234	$278	$334	$368	$422
	And the monthly purchase requirement is—							
$360 to $389.99		101	103	104	105	106	107	108
$390 to $419.99		102	112	113	114	115	116	117
$420 to $449.99		102	121	122	123	124	125	126
$450 to $479.99			130	131	132	133	134	135
$480 to $509.99			139	140	141	142	143	144
$510 to $539.99			148	149	150	151	152	153
$540 to $569.99			157	158	159	160	161	162
$570 to $599.99			162	167	168	169	170	171
$600 to $629.99			162	176	177	178	179	180
$630 to $659.99				185	186	187	188	189
$660 to $689.99				194	195	196	197	198
$690 to $719.99				203	204	205	206	207
$720 to $749.99				206	213	214	215	216
$750 to $779.99				206	222	223	224	225
$780 to $809.99				206	231	232	233	234
$810 to $839.99					240	241	242	243
$840 to $869.99					246	250	251	252
$870 to $899.99					246	259	260	261
$900 to $929.99					246	268	269	270
$930 to $959.99						277	278	279
$960 to $989.99						286	287	288
$990 to $1,019.99						295	296	297
$1,020 to $1,049.99						298	305	306
$1,050 to $1,079.99						298	314	315
$1,080 to $1,109.99						298	323	324
$1,110 to $1,139.99						298	328	333
$1,140 to $1,169.99							328	342
$1,170 to $1,199.99							328	351
$1,200 to $1,229.99							328	360
$1,230 to $1,259.99								369
$1,260 to $1,289.99								378
$1,290 to $1,319.99								378
$1,320 to $1,349.99								378
$1,350 to $1,379.99								378
$1,380 to $1,409.99								378

For issuance to households of more than eight persons use the following formula:

A. *Value of the total allotment.* For each person in excess of eight, add $52 to the monthly coupon allotment for an eight-person household.

B. *Purchase requirement.* 1. Use the purchase requirement shown for the eight-person household for households with incomes of $1,289.99 or less per month.

2. For households with monthly incomes of $1,290 or more, use the following formula: For each $30 worth of monthly income (or portion thereof) over $1,289.99, add $9 to the monthly purchase requirement shown for the eight-person household with an income of $1,289.99.

3. To obtain maximum monthly purchase requirements for households of more than eight persons, add $48 for each person over eight to the maximum purchase requirement shown for an eight-person household.

The total monthly coupon allotments for some households are not divisible by four. This results in total coupon allotments of uneven dollar amounts for those households which choose to purchase one-fourth or three-fourths of their coupon allotment. For such households, the State agency shall round the face value of one-fourth or three-fourths of the total coupon allotment up to the next higher whole dollar amount and shall not change the purchase requirement for such allotment.

NOTE.—The Food and Nutrition Service has determined that this document contains a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821 and OMB Circular A-107 and certifies that an Economic Impact Statement has been prepared.

In view of the need for placing this notice into effect on July 1, 1977, and the lead-time needed by the State agency for implementation, it is hereby determined that it is impracticable and contrary to the public interest to give notice of proposed rulemaking with respect to this notice.

(Catalog of Federal Domestic Assistance Programs, No. 10.551, Food Stamps.)

Dated: May 11, 1977.

CAROL TUCKER FOREMAN,
Assistant Secretary.

[FR Doc.77-14149 Filed 5-19-77;8:45 am]

Federal Register

FRIDAY, MAY 20, 1977
PART V

SECURITIES AND EXCHANGE COMMISSION

■

INDUSTRY AND HOMOGENEOUS GEOGRAPHIC SEGMENT REPORTING

Disclosure Forms and Rules; Amendment

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Parts 239, 240, 249]

[Release Nos. 33-5826, 34-13525, 35-20023, IC-9761]

INDUSTRY AND HOMOGENEOUS GEOGRAPHIC SEGMENT REPORTING

Proposed Amendments of Disclosure Forms and Rules

AGENCY: Securities and Exchange Commission.

ACTION: Proposed Rule.

SUMMARY: The Commission proposes to revise certain disclosure forms and rules, in part to coordinate the Commission's line of business information with the industry segment information required by a recent statement issued by the Financial Accounting Standards Board and to avoid any duplication resulting from compliance with such statement. Certain of these proposals would require presentation of detailed descriptions of industry segments in which a registrant engages in business. Other amendments would require five-year financial information relating to industry segments and foreign and domestic operations. As a part of the latter proposal, the amendments would codify the position of the staff of the Commission's Division of Corporation Finance that segment financial information must be included in certain proxy and information statements and in annual reports to shareholders. In conjunction with these specific proposals, the Commission proposes the development of a new, integrated disclosure form. In addition, comments are sought on whether or not segment financial information should be required on a quarterly basis in the interim reports.

DATE: Comments should be submitted on or before August 10, 1977.

ADDRESS: Comments should refer to File S7-695 and should be submitted in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. All comments will be available for public inspection.

FOR FURTHER INFORMATION CONTACT:

Linda L. Griggs, Office of Disclosure Policy and Proceedings, Division of Corporation Finance (202-75-1750) or Edward R. Cheramy, Office of the Chief Accountant (202-376-8020), Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: In December 1976, the Financial Accounting Standards Board ("FASB") issued Statement of Financial Accounting Standards No. 14, "Financial Reporting for Segments of a Business Enterprise" ("SFAS No. 14"). SFAS No. 14 requires corporations to disclose certain financial information by industry and homogeneous geographic segments as defined in the statement. In part of this release, the Commission is proposing the revision of certain of its disclosure requirements in order to integrate the information to be furnished pursuant to SFAS No. 14 with the textual disclosures required by the Commission forms. Registrants may include any of the information specified in these proposed amendments within the Commission registration and reporting forms prior to the adoption of any revisions in order to provide more meaningful disclosure.

GENERAL STATEMENT

The Securities and Exchange Commission today published for comment proposed amendments to certain of its reporting forms under the Securities Act of 1933 ("Securities Act") (15 U.S.C. 77a et seq., as amended by Pub. L. No. 94-29 (June 4, 1975)) and the Securities Exchange Act of 1934 ("Exchange Act") (15 U.S.C. 78a et seq., as amended by Pub. L. No. 94-29 (June 4, 1975)). If adopted, these proposals would require registrants to discuss separately, within the business and property discussions contained in documents on Form S-1 (17 CFR 239.11) under the Securities Act and Forms 10 (17 CFR 249.210) and 10-K (17 CFR 249.310) under the Exchange Act, each industry segment into which their business operations are classified and to present a five-year tabular presentation of certain financial information concerning these industry segments and foreign and domestic operations in documents filed on Forms S-1, S-7 (17 CFR 239.26) and S-8 (17 CFR 239.16b) under the Securities Act and Forms 10 and 10-K under the Exchange Act. Concomitant with the latter proposal, the Commission proposes amendments which would codify the position of the staff of the Division of Corporation Finance (the "Staff") with respect to the disclosure of financial information relating to industry segments within the business description required by Item 14 of Schedule 14A of Regulation 14A (17 CFR 240.14a-101) under the Exchange Act and in annual reports to shareholders and which would require disclosure of financial information relating to foreign and domestic operations in these documents. Forms S-1 and S-7 are forms for the registration of securities under the Securities Act. Form S-8 is the form for the registration of securities under the Securities Act to be offered to employees pursuant to certain plans. Form 10 is the general form for the registration of securities under the Exchange Act. Form 10-K is the form for annual reports filed pursuant to section 13 or 15(d) of the Exchange Act and Schedule 14A specifies the information required to be set forth in proxy and information statements filed pursuant to Section 14 of the Exchange Act. Schedule 14A under the Exchange Act is also applicable to the solicitation of proxies under the Public Utility Holding Company Act of 1935 (15 U.S.C. 79a et seq., as amended by Pub. L. No. 94-29 (June 4, 1975)) and the Investment Company Act of 1940 (15 U.S.C. 80a-1 et seq., as amended by Pub. L. No. 94-29 (June 4, 1975)).

In view of the extensive nature of the revisions necessitated by these proposals, the Commission is taking this opportunity to propose the development of Form S-K which would be an integrated disclosure form whose first two items would be the items affected by the proposed amendments discussed above. Items 9 and 10 of Form S-1, Item 5 of Form S-7, Item 18 of Form S-8, Items 1 and 3 of Forms 10 and 10-K, Rules 14a-3 (17 CFR 240.14a-3) and 14c-3 (17 CFR 240.14c-3) and Item 14 of Schedule 14A would be revised to refer specifically to the appropriate disclosure requirements contained in this integrated disclosure form.

In addition, the Commission requests comments as to whether it is necessary or appropriate in the public interest or for the protection of investors to amend Form 10-Q for quarterly reports (17 CFR 249.308) under the Exchange Act to require the inclusion of quarterly financial information relating to the industry segments into which a registrant's business is classified. Specific amendments to form 10-Q are not proposed at this time.

This release contains a general discussion of the background, purpose and effect of the proposals and requests comments on certain additional areas for disclosure.

A. BACKGROUND

In proposing these amendments at this time, the Commission has considered the impact on reporting obligations of corporations of the Statement of Financial Accounting Standards No. 14 ("SFAS No. 14") and has taken note of certain tentative recommendations made by the Advisory Committee on Corporate Disclosure (the "Advisory Committee"). A discussion of SFAS No. 14 and the Advisory Committee's recommendations follows.

SFAS No. 14. SFAS No. 14 requires the reporting of financial information relating to industry segments and foreign and domestic operations when a company issues annual financial statements or a complete set of interim period financial statements (i.e., balance sheet, income statement, statement of source and application of funds and notes to the financial statements).[1] The requisite information must be presented within the financial statements or the notes thereto or must be referenced in the financial statements if not clearly a part thereof.[2]

Companies are required to report the amounts of revenues, with intersegment sales or transfer shown separately, operating profit or loss (revenue less operating expenses) and identifiable assets for each significant industry segment.[3] In addition, the information about revenue, profitability and identifiable assets must be reconciled to the related amounts in the consolidated financial statements of the enterprise.[4] Certain other related disclosures are also required. A segment is regarded as sig-

[1] SFAS No. 14, Paragraph 4.
[2] Id. Paragraph 28.
[3] Id. Paragraph 22.
[4] Id. Paragraph 30.

nificant and therefore reportable if its revenues, operating profits (or losses) or identifiable assets are ten percent or more of the related combined amounts for all of a company's industry segments.[5] To ensure that the reportable segments represent a substantial portion of the company's overall operations, SFAS No. 14 stipulates that the combined revenues of the reported segments must equal or exceed 75 percent of the company's total revenues.[6]

SFAS No. 14 requires companies to furnish financial information for their operations in different geographic areas of the world which is similar to that required for industry segments.[7] The financial information is to be presented for the company's domestic operations and for its foreign operations, either in the aggregate, or, if appropriate, by geographic area, if the revenue generated by the company's foreign operations from sales to unaffiliated customers contributed ten percent or more to consolidated revenue or if the identifiable assets of the company's foreign operations are ten percent or more of consolidated assets.[8] SFAS No. 14 also requires disclosure of the amount of export sales from an enterprise's home country to unaffiliated customers in foreign countries when this amount is ten percent or more of total revenue from sales to unaffiliated customers.[9]

Finally, if a company derives ten percent or more of its revenue from sales to any single customer, SFAS No. 14 requires disclosure of that fact and of the amount of revenue received from each such customer.[10]

SFAS No. 14 is effective for fiscal years beginning after December 15, 1976 and for interim periods within those fiscal years for which complete financial statements are provided. When financial statements are presented for more than one fiscal year, the segmental information must be presented for each such year.[11]

Recommendation of the Advisory Committee on Corporate Disclosure. At its February, 1977 meeting the Advisory Committee agreed to recommend that the Commission take action to (1) integrate the textural disclosures required in Commission forms with the segmental financial statement disclosures required by SFAS No. 14 and (2) require the inclusion of segmental financial statement disclosure in interim reports on Form 10-Q.[12] In furtherance of the integration of disclosures, the Advisory Committee also recommended that segment information be discussed in the Management's Discussion and Analysis of the Summary of Operations pursuant to Guides 22 and 1 (Accounting Series Release No. 159 (August 14, 1974), 39 FR 31894) of the Guides for the Preparation and Filing of Registration Statements under the Securities Act (17 CFR Part 231) and of the Guides for the Preparation and Filing of Reports and Proxy and Registration Statements under the Exchange Act (17 CFR Part 241).

B. PURPOSE AND EFFECT OF PROPOSED REVISIONS

These proposals represent the continuing efforts of the Commission to provide necessary information to investors and to minimize any consequent burden to registrants by making the various disclosure requirements more uniform. The specific proposals set forth herein should accomplish these goals by (1) taking the first step in providing an integrated disclosure form; (2) coordinating certain Commission line of business disclosure requirements with the segment disclosure requirements of SFAS No. 14; (3) improving segment disclosure for the benefit of investors; and (4) codifying a Staff position with respect to business related disclosure.

The proposal to begin the development of a new integrated disclosure form, Form S-K, should improve and simplify significantly the disclosure process by eliminating immaterial differences among the disclosure requirements in the various registration and reporting forms. If the proposed Form S-K is adopted, future amendments affecting many disclosure forms would be reflected in the new form with appropriate revisions and cross-references added to the disclosure forms.

Certain of the Commission forms now require disclosure of sales and income information for lines of business and income information for classes of similar products or services. The identification of the various lines of business has primarily been left to registrants by the Commission, although the Commission forms present general guidelines for such a determination.[13]

As a result of the issuance of SFAS No. 14 by the FASB, registrants will be required to include within their financial statements more detailed financial information relating to the reportable industry segments in which they do business. In addition, the Commission anticipates that companies complying with SFAS No. 14 may classify their business into industry segments which differ from the lines of business previously reported in the Commission forms. In order to avoid duplicative reporting of similar information as a result of SFAS No. 14, the Commission is proposing to amend its disclosure requirements to require the presentation of financial information relating to industry segments in lieu of lines of business in registration statements on Forms S-1, S-7, S-8 and 10, and in annual reports on Form 10-K.[14] In conjunction with these amendments the Commission is proposing revisions which would codify the Staff's policy that segment information should be included in certain proxy and information statements and in annual reports to shareholders.

The Commission also believes that the financial disclosure relating to domestic and foreign operations required by SFAS No. 14 will provide meaningful information to investors as to the volume of operations abroad and the importance to the company of both foreign operations and export sales. Therefore, amendments are proposed which would require inclusion of financial information relating to domestic and foreign operations in documents on Forms S-1, S-7, S-8, 10 and 10-K, in certain proxy and information statements and in annual reports to shareholders.

It is the opinion of the Commission that meaningful segment information is crucial to reasoned investment decision-making in multi-segment companies. Therefore, the Commission proposes certain amendments which would require the textual business discussion in Forms S-1, 10 and 10-K to be presented by industry segment.

The proposed amendment to require detailed descriptions of the industry segments as well as the amendments to require disclosure of financial information relating to industry segments and foreign and domestic operations should provide more specificity in the business information and should achieve more uniformity in the type of information in the documents and in the methods of presentation of this data. In addition, these proposed amendments would partially implement the aforementioned recommendations made by the Advisory Committee. The Commission is not proposing specific amendments to Guides 22 and 1 at this time, however, because additional amendments to these guides are contemplated. Nevertheless, registrants are urged to include within the management's discussion and analysis of the five-year summary of operations analyses of the performance of the industry segments.

C. COMMENTS INVITED ON DISCLOSURE BY FOREIGN ISSUERS AND ON QUARTERLY SEGMENTAL REPORTING

Comments are specifically requested on the resulting applicability of the proposed amendments to foreign issuers

[5] Id. Paragraph 15.
[6] Id. Paragraph 17.
[7] Id. Paragraph 35.
[8] Id. Paragraph 32.
[9] Id. Paragraph 36.
[10] Id. Paragraph 39.
[11] Id. Paragraphs 3, 41.
[12] See Minutes of the Sixth Meeting of the Securities and Exchange Commission Advisory Committee on Corporate Disclosure on February 7 and 8, 1977.

[13] The Commission determined that it was not feasible or desirable to be very specific in defining a line of business because of the numerous ways in which companies are organized to do business. See Securities Act Release 4988 (July 14, 1969), 34 FR 12174.

[14] In general, the proposed amendments require the type of financial information required by SFAS No. 14. The Commission now is considering a petition submitted under Rule 4 of the rules of practice (17 CFR 201.4) by Tax Analysts and Advocates. The petition requests that disclosure be required of net income by geographic area in order that information may be obtained concerning, among other things, a corporation's effective tax rate on United States and foreign activities. The Commission will announce its action on the petition at a later time.

which file registration statements under the Securities Act. Interested persons are invited to discuss the proposed requirements that industry segments be described and that five-year financial information be furnished as to industry segments and foreign and domestic operations as they relate to foreign issuers.

Another recommendation of the Advisory Committee to the Commission is that quarterly reports contain segmental financial statement disclosure because of the importance of the information required by SFAS No. 14. Since SFAS No. 14 is applicable only to a complete set of financial statements, the statement would have no impact upon Form 10–Q financial statement requirements absent further Commission action. The Commission specifically invites comments on the need for this additional disclosure and on the burdens of maintaining accounting systems which would enable this information to be made available.

D. COMPLIANCE WITH THE PROPOSED AMENDMENTS PRIOR TO THEIR ADOPTION

In order to encourage the inclusion of more detailed segmental information in documents filed pursuant to the securities acts, the Commission has determined to permit registrants to include any of the information called for by these proposals upon their publication so long as the existing disclosure requirements are satisfied.

SPECIFIC PROPOSALS

A. FINANCIAL INFORMATION FOR INDUSTRY SEGMENTS

As noted above, the Commission proposes to amend certain disclosure forms to require the presentation of financial information relating to the industry segments into which the registrant's business is classified in lieu of the disclosure required now as to lines of business. These revisions would coordinate the disclosure required by the securities regulations with that required by SFAS No. 14 [15] and would result in more complete disclosure about registrants' businesses since the Commission forms only require disclosure of revenue and income information for individual lines of business.

Financial information relating to lines of business is required by specific instruction in the textual business descriptions contained in registration statements on Forms S–1, S–7, S–8, and 10 and in annual reports on Form 10–K. In addition, it has been the policy of the Staff to obtain, through the comment procedures, income, and revenue information for individual lines of business in certain proxy and information statements.[16] Line of business information has also been required in annual reports to shareholders by the statement in Rules 14a–3 and 14c–3 of Regulation 14A under the Exchange Act that the report should contain information as comprehensive as that required by paragraphs (c)(1) and (c)(2) of Item 1 of Form 10–K regarding lines of business and classes of similar products and services respectively. The Commission proposes to revise the type of disclosure in these documents and, at the same time, codify the Staffs position on segment disclosure in proxy and information statements and in annual reports to shareholders.

Proposed Item 1(c)(1) and (2) of the new integrated disclosure form, Form S–K, set forth the provisions relating to industry segment [17] and classes of product or service disclosure. Item 9 of Form S–1, Item 5 of Form S–7, and Item 1 of Forms 10 and 10–K would be amended to refer to the disclosure provisions in Item 1 of the integrated disclosure form. The requirement in Item 18 of Form S–8 to include information as comprehensive as that required in the Form 10–K regarding lines of business would be similarly amended. In addition, Rules 14a–3 and 14c–3 and Item 14(b) of Schedule 14A would be amended to specifically require the presentation of the information required by Item 1 paragraph (c) of the Form S–K.

Proposed Item 1(c)(1) requires disclosure of the following financial information relating to the industry segments into which a registrant's business is classified: (1) The amount of total sales and revenues with sales/transfers to unaffiliated customers and to other industry segments shown separately; (2) the amount of operating profit or loss (i.e., revenue less all operating expenses); (3) the aggregate amount of identifiable assets exclusively used by and those allocated to each segment; and (4) certain related disclosures. In addition, registrants would be required to reconcile the amounts of revenue, operating profit or loss and identifiable assets to the related amounts in the consolidated financial statements. Appendix A to the proposed item of Form S–K sets forth definitions appropriate to the disclosures required by this subparagraph and guidelines relevant to the determination of reportable industry segments. The disclosures which would be required as to industry segments in the Commission forms are generally the same as those required by SFAS No. 14.

Paragraph 20 of SFAS No. 14 provides an exception from the requirement to provide industry segment financial information. Whenever an enterprise operates exclusively in a single industry or a dominant portion of its operations are in a single industry segment, the financial information as to industry segments need not be given. SFAS No. 14 defines a dominant industry segment as a segment whose revenue, operating profit or loss, and identifiable assets each constitute more than 90 percent of related totals for all industry segments, when no other industry segment is deemed significant. Notwithstanding the provisions of SFAS No. 14, the Commission believes that financial information relating to a dominant industry segment should be presented where the segment is or was experiencing a material change in the trend of revenues or market share and/or profitability during either of registrant's two most recent fiscal years. Proposed Item 1(c)(1) requires such a presentation.

In addition, the Commission believes that the disclosure forms should contain more information concerning intersegment sales or transfers. Paragraphs 23 and 10(c) of SFAS No. 14 require separate disclosure of intersegment sales and an explanation of the basis of accounting for such sales.[18] Proposed Item 1(c)(1) would extend the requirements of SFAS No. 14 and require registrants to indicate the following by footnote to the amounts of intersegment sales: (1) The identity or identities of the industry segment(s) to which such intersegment sales by product or service were made and the amount(s) made to each; (2) the relationship between the per unit dollar amounts at which intersegment sales or transfers are reflected and the per unit dollar amounts of sales to unaffiliated third parties of identical products or services; and (3) the percentage of aggregate revenues of such identical products or services accounted for by the intersegment sales or transfers. This information should aid investors in determining the importance of intersegment transfers to a particular segment and in assessing the extent to which the profitability of one segment is dependent upon intersegment transfers.

The Commission forms presently require the presentation of financial information relating to lines of business for five years. SFAS No. 14, however, only requires industry segment information for each fiscal year beginning after December 15, 1976, and for each interim period for which complete financial statements (i.e., balance sheet, income statement, statement of source, and application of funds and notes to the financial statements) are included. Registration statements and certain proxy and information statements usually contain a complete set of financial statements for one fiscal year and possibly one interim period [19] and annual reports to

[15] This approach is consistent with the Commission's efforts to look to the private sector for leadership in establishing and improving accounting principles and standards through the FASB. See Accounting Series Release No. 150 (December 20, 1973), 39 FR 1260.

[16] Paragraph (b)(1) of Item 14 (Mergers, consolidations, acquisitions, and similar matters) of Schedule 14A requires corporations to describe the business of the issuer and of each person which is to be merged into the issuer or into or with which the issuer is to be merged or consolidated or the business or assets of which are to be acquired or which is the issuer of securities to be acquired by the issuer in exchange for all or a substantial part of its assets or to be acquired by security holders of the issuer and action is to be taken with respect to such transaction.

[17] To the extent that this information is responsive to the requirements of SFAS No. 14, a cross reference to the appropriate financial data in the business description could be included in the notes to the financial statements by registrants wishing to comply with SFAS No. 14 in this manner.

[18] The Commission expects that registrants will establish reasonable bases for accounting for such sales.

[19] See Form S–1, Instructions as to Financial Statements; Form S–7, Item 11(a); Form 10, Instructions as to Financial Statements.

shareholders and reports on Form 10–K set forth complete financial statements for two fiscal years.[20] Therefore, SFAS No. 14 would require the presentation of financial information relating to industry segments for at most two fiscal years.

The Commission believes that the business description in Forms S–1, S–7, S–8, 10, and 10–K, in proxy and information statements and in annual reports to shareholders should include the financial information required by SFAS No. 14 relating to industry segments for five years since the disclosure forms have required the presentation of line of business and income statement[21] information for this period of time for purpose of year to year comparison. Therefore, amendments are proposed which would require segmental information for the registrant's last five fiscal years or for each fiscal year during which the registrant has been engaged in business.

The Commission has not determined, however, whether the information relating to segments should be required for fiscal years which are not or have not been subject to SFAS No. 14. Therefore, comments are requested specifically on whether five-year financial information should be required for those fiscal years beginning on or prior to December 15, 1976. Since the Commission believes that historical information is essential for a complete understanding of a corporation's business, persons are requested to recommend the type of information which should be required in order to present comparative financial information if the adopted amendments were to apply prospectively only. Persons may wish to comment on the following possible alternative methods of presentation of five-year data: (1) The presentation of five-year line of business information together with industry segment information for fiscal years beginning after December 15, 1976, until five-year industry segment information is required; (2) the presentation of industry segment information for fiscal years beginning after December 15, 1976, with line of business data for earlier periods arrayed alongside the segment information to the extent they are comparable and with explanations of the reasons for any lack of comparability with earlier periods as a result of the change in reporting requirements; or (3) the presentation of industry segment information for fiscal years beginning after December 15, 1976, and line of business information for the balance of the five-year period together with a reconciliation with the segment information.

Information may be needed for a period of time in excess of five years. The proposed amendments note that the five-year period is merely a guide to disclosure and that information regarding operations occurring outside this period may be material under certain circumstances and should be disclosed. In addition, when registrants include a complete set of financial statements for an interim period in a report or registration statement, the required financial information should be provided for that interim period together with the five-year date.

B. TEXTILE DISCUSSION OF BUSINESS AND PROPERTY

The Commission proposes to amend Items 9 and 10 of Form S–1 and Items 1 and 3 of Forms 10 and 10–K to refer to the more detailed information relating to industry segments[22] which would be required by Items 1 and 2 of the new integrated disclosure document, Form S–K.

The Form S–K would require registrants to describe within the description of their business each industry segment into which their business is classified. The description would include matters such as the following: Competition; dependence upon a few customers; principal products and services; backlog; sources and availability of raw materials; the importance to the business and duration and effect of material patents and the like; research and development; number of employees; and the seasonality of the business. In order to obtain meaningful information about the industry segment, the Commission proposes to require registrants to discuss these matters to the extent they are material to each segment.

In addition to detailed disclosure relating to the industry segments, the proposed amendments would require registrants to discuss any of the aforementioned matters, if appropriate, within the general discussion of their business. As a result, research and development matters which do not affect any one existing industry segment and principal customers which purchase products from various industry segments, for instance, would be described in this general discussion of the business.

The proposal to require more detailed information about industry segments necessitates the revision of the instructions relating to the exhibits to be filed with Forms S–1, 10 and 10–K. The proposed amendments would require registrants to file contracts as exhibits to those documents if the contracts are material either to a particular industry segment or to the registrant as a whole. Existing provisions require the filing of only those contracts which are material to the registrant.

In conjunction with the drafting of the business description item for the new integrated disclosure form, the Commission has re-examined certain existing provisions of the business items included in Forms S–1, 10, and 10–K, to evaluate differences and reconsider the specific requirements. As noted above, certain differences between the items in the three forms have been eliminated through the proposed item of Form S–K. This re-examination has also resulted in the proposal to delete existing instructions 5 and 2 of paragraphs (b) (1) and (b) (2) respectively of Item 9 of Form S–1 and Instructions 5 and 2 of paragraphs (c) (1) and (c) (2) respectively of Item 1 of Forms 10 and 10–K. These instructions provide that financial information regarding classes of products or services in operations regulated by Federal, State, or municipal authorities may be limited to those classes of products or services required by any uniform system of accounts prescribed by such authorities. Comments are invited on whether the deletion of these instructions would have any adverse effects on the reporting obligations of any corporations regulated by State or municipal authorities.

The Commission proposes to add a sentence to the subparagraph in the business item of the Form S–K, Item 1 relating to research and development costs. Item 1(b) (7) (i) would require expenditures for company-sponsored research activities to be stated in accordance with generally accepted accounting principles. The Commission believes that it is appropriate to use the definition of research and development costs adopted by the FASB in making this disclosure.

The Commission also proposes to amend Item 10 of Form S–1 and Item 3 of Forms 10 and 10–K to implement the recommendation of the Advisory Committee that the property used by registrants be described by industry segment. Properties of a registrant would be discusssed if they were material to the particular segment for which they were used or to the general operations of the registrant.

C. FOREIGN AND DOMESTIC OPERATIONS

The Commission believes that the information concerning a corporation's foreign and domestic operations required by SFAS No. 14 is meaningful to the analysis of a corporation's business. Therefore, amendments are proposed which would require the inclusion of this data within the business discussions set forth in registration statements on Forms S–1, S–7, S–8, and 10, in annual reports on Form 10–K, in annual reports to shareholders and in certain proxy and information statements. The Commission forms generally have not elicited very specific information about foreign operations; they merely require registrants to discuss the importance of material foreign operations or sales to the company and the risks attendant thereto and to present information with respect to volume and relative profitability of such operations "insofar as practicable." Existing Item 18 of Form S–8, Rules 14a–3 and 14c–3 of Regulation 14A and Item 14(b) of Schedule 14A are silent as to the appropriate disclosure concerning foreign operations in the Form S–8, in annual reports to shareholders and in certain proxy and information statements.

[20] See Form 10–K, Instructions as to Financial Statements.

[21] See Item 6, Summary of Earnings, Form S–1; Item 6, Statements of Income, Form S–7; Item 18, The Issuer's Business and Management. Form S–8; Item 2, Summary of Operations, Form 10; Item 2, Summary of Operations, Form 10–K.

[22] Amendments to Form S–7 to require detailed descriptions of the industry segments are not proposed because the information will be available to the investing public in the annual report on Form 10–K which is filed with the Commission.

Proposed paragraph (d) of Item 1 of the new integrated disclosure form (Form S–K) would continue to require a narrative discussion of the importance of a registrant's operations in foreign countries and any accompanying risks if the registrant and its subsidiaries engage in material operations in foreign countries, or if a material portion of sales or revenues is derived from customers in foreign countries. Subparagraph (1) would require the presentation of financial information relating to the registrant's foreign operations, either in the aggregate or by appropriate geographic area, and as to its domestic operations if the revenue generated by the registrant's foreign operations from sales to unaffiliated customers is 10 percent or more of total consolidated revenue or if the identifiable assets of the registrant's foreign operations are 10 percent or more of consolidated total assets as reported in the registrant's financial statements for either of the last two fiscal years or for the most recent interim period for which complete financial statements are furnished. The financial information to be furnished would be the amounts of revenue, with sales or transfers between geographic areas shown separately, and operating profit or loss and the aggregate carrying amount of identifiable assets. Registrants would also be required to reconcile the information about revenue, profitability and identifiable assets to the related amounts in the consolidated financial statements. In addition, the proposals would require registrants to present additional information about intraenterprise sales or transfers similar to that required as to intersegment sales or transfers so as to improve profitability analysis.

Subparagraph (2) would require registrants to state the amount of export sales from their home country to unaffiliated customers in foreign countries in the aggregate or by any appropriate geographic areas if the total amount of export sales contributed 10 percent or more to total sales to unaffiliated customers during either of the last two fiscal years.

Appendix A to proposed Item 1 of Form S–K sets forth definitions appropriate to the disclosures required by these subparagraphs and guidelines relevant to the determination of reportable foreign geographical areas.

In order to provide investors with truly useful historic information adequate to assess any recent trends in this aspect of the issuer's business, the Commission propose to require the presentation of information about foreign and domestic operations and about export sales for five fiscal years or such shorter times as the registrant may have engaged in business. No disclosure would be required for fiscal years beginning on or prior to December 15, 1976 because the Commission forms do not require such detailed disclosure now. Registrants are specifically requested to comment on the availability of this information to them for fiscal years prior to the effective date of SFAS No. 14; any interested persons are invited to comment on the usefulness of the historic information for fiscal years beginning on or prior to December 15, 1976.

Any interim information about foreign operations required by SFAS No. 14 to be included in the financial statements should be presented together with the information about foreign and domestic operations for five years (or any appropriate shorter period of time) in the business discussion, instead of or in addition to its placement in the notes to or schedules of the financial statements.

D. DISCLOSURE TABLES

In order to alleviate the burden on registrants as a result of these amendments, the Commission proposes the adoption of appendices to Item 1 of new Form S–K which contain tables that may be used for the presentation within the business discussion of the additional information regarding industry segments and foreign and domestic operations. Comments are specifically requested as to the usefulness of the tables.

Schedule of recommendations—Type of form to which amendments apply

	Form—						Annual report to shareholders	Certain proxy and information statements
	S-K	S-1	S-7	S-8	10	10-K		
1. Form amendments to items of disclosure;[1] Disclosure of:								
(a) 5 year historical financial information relating to industry segments to be applied either retroactively or prospectively.	X	X	X	X	X	X	X	X
(b) 5 year historical financial information relating to foreign and domestic operations to be applied prospectively.	X	X	X	X	X	X	X	X
(c) Amount of export sales for each of the last five years to be applied prospectively.	X	X	X	X	X	X	X	X
(d) Detailed business related descriptions of matters which are material to industry segments.	X	X	----------		X	X	----------	
(e) Discussion of property by industry segment.	X	X	----------		X	X	----------	
2. Form amendments to exhibits: Filing of contracts material to industry segments as exhibits.	X	X	----------		X	X	----------	

[1] An integrated disclosure form, form S–K, is proposed which would contain the proposed requirements. The disclosure forms affected by the proposed amendments would be amended to require the information required by the appropriate form S–K items.

PROPOSED AMENDMENTS

The text of the proposed amendments is set forth below:

1. Form S–K is proposed to read as follows:

§ 239.1 Form S–K, integrated disclosure form for the registration of securities under the Securities Act of 1933.

§ 249.300 Form S–K, integrated disclosure form for use under the Securities Exchange Act of 1934.

This integrated disclosure form shall be used to the extent provided in forms promulgated under the Securities Act of 1933 and under the Securities Exchange Act of 1934.

ITEM 1. DESCRIPTION OF BUSINESS

(a) *General.* Describe the business done and intended to be done by the registrant and its subsidiaries and the general development of such business during the past five years, or such shorter period as the registrant may have been engaged in business. Information shall be disclosed for earlier periods of time if necessary for a complete understanding of the general development of the business. To the extent appropriate, the general discussion of the business shall include the information specified in paragraphs (b)(1) through (b)(9) below.

(b) *Narrative disclosures by segment.* Each industry segment into which the registrant's business is classified shall be described separately. The description of each such segment shall include the information specified in paragraphs (b)(1) through (b)(9) below to the extent material to the segment.

(1) Competitive conditions in the industry segment involved and the competitive position of the registrant, if known or reasonably available to the registrant. If several products or services are involved, separate consideration shall be given to the principal products or services or classes of products or services. The principal methods of competition (e.g., price, service, warranty or product performance) should be identified and positive and negative factors pertaining to the competitive position of the registrant, to the extent that they exist, should be explained if known or reasonably available to the registrant. An estimate of the number of competitors and registrant's competitive position in the industry should be included; where material, the particular markets in which the registrant competes should be identified. In connection with these disclosures the names of either customers or competitors are not required in the usual case; however, where one or a small number of competitors are dominant, they should be identified. If the registrant voluntarily includes such names, no objection is ordinarily raised unless in the particular case the effect of including such names is misleading.

(2) If a material part of the business of the industry segment involved is dependent upon a single customer or a few customers, the loss of any one or more of whom would have a materially adverse effect on the business of the registrant, the name of the customer or customers, their relationship, if any, to the registrant and material facts regarding their importance to the business of the registrant.

(3) The principal products produced and services rendered by the registrant in the industry segment, the principal markets for, and methods of distribution of, such products and services, including any significant changes in the kinds of products produced or services rendered, or in the markets or methods of distribution, during the past

three fiscal years (See Paragraph (c)(2) below).

(4) To the extent that information concerning backlog is material to an understanding of the business of the industry segment, the dollar amount of backlog orders believed to be firm, as of a recent date and as of a comparable date in the preceding fiscal year, together with an indication of the portion thereof not reasonably expected to be filled within the current fiscal year, and seasonal or other material aspects of the backlog.

(5) The sources and availability of raw materials essential to the business of the industry segment.

(6) The importance to the industry segment and the duration and effect of all material patents, trade marks, licenses, franchises and concessions held.

(7)(i) The estimated dollar amount spent during each of the last two fiscal years on material research activities relating to the development of new products or services or the improvement of existing products or services, indicating separately those activities which were company-sponsored and/or those which were customer-sponsored and disclosure of financial information relating to research and development activities. The disclosure of expenditures for company-sponsored research activities shall be stated in accordance with generally accepted accounting principles.

(ii) If there has been a public announcement of, or if information otherwise has become public about, a new product or industry segment requiring the investment of a material amount of total assets, a description of the status of such product or segment (e.g., whether in the planning stage, whether prototypes exist, the degree to which product design has progressed or whether further engineering is necessary). This subparagraph requires a description of the status of product development in addition to the description of the business otherwise required by the item. The subparagraph is not intended to require disclosure of otherwise non-public corporate information the disclosure of which would adversely affect the registrant's competitive position. It is intended to elicit additional specific information only where there has been a public announcement or where information has otherwise become public concerning a new product or industry segment requiring the investment of a material amount of total assets.

(iii) Where material, state the appropriate number of employees engaged fulltime in each of the activities described in 7(i) above during each fiscal year and in 7(ii) above.

(8) The extent to which the business of the industry segment or a material portion thereof is or may be seasonal.

(9) The number of persons employed by the registrant.

Instructions. 1. In identifying the appropriate reportable industry segments, the registrant shall consider the relevant provisions of Appendix A to this item.

2. If the registrant proposes to introduce or has recently introduced a new product or proposes to do business or has recently begun to do business in a new industry segment requiring the investment of a material amount of its total assets, provide as supplemental information at the time of filing of the document, but not as part thereof, a copy of any studies conducted or performed by or for the registrant relating to such business or product and a statement as to the actual or proposed use of such study. If any such study is not available at the time of filing, it should be provided as soon thereafter as practicable. Where material, disclosure of the absence of such study is required.

3. Where material to understanding the business, the practices and conditions of the registrant and the industry as they relate to working capital items should be explained (e.g., where the registrant's business is highly seasonal, where the registrant is required to carry significant amounts of inventory to meet rapid delivery requirements of customers or to assure itself of a continuous allotment of goods from suppliers; or where the registrant has provided extended payment terms to customers).

4. The description shall not relate to the powers and objects specified in the charter, but to the actual business done and intended to be done. Include the business of subsidiaries and affiliates of the registrant insofar as is necessary to understand the character and development of the business conducted by the total enterprise.

5. Appropriate disclosure shall also be made as to the material effects that compliance with Federal, State and local provisions which have been enacted or adopted regulating the discharge of materials into the environment, or otherwise relating to the protection of the environment, may have upon the capital expenditures, earnings and competitive position of the registrant and its subsidiaries. Registrant shall disclose any material estimated capital expenditures for environmental control facilities for the remainder of its current fiscal year and its succeeding fiscal year and for such further periods as the registrant may deem material.

6. In describing developments, information shall be given as to matters such as the following: The nature and results of any bankruptcy, receivership or similar proceedings with respect to the registrant or any of its significant subsidiaries; the nature and results of any other material reorganization, readjustment or succession of the registrant or any of its significant subsidiaries; the acquisition or disposition of any material amount of assets otherwise than in the ordinary course of business; and any material changes in the mode of conducting the business.

7. The business of a predecessor or predecessors shall be deemed to be the business of the registrant for the purpose of this item.

8. Appropriate disclosure shall be made with respect to any material portion of the business which may be subject to renegotiation of profits or termination of contracts or subcontracts at the election of the Government.

(c) *Financial Information about Industry Segments and Classes of Similar Products or Services.* (1) State for each of the registrant's last five fiscal years (or for each fiscal year beginning after December 15, 1976,)[28] or for each fiscal year the registrant has been engaged in business, whichever period is shorter, and for each interim period in a fiscal year beginning after December 15, 1976 for which the registrant includes in the document a complete set of financial statements (i.e., balance sheet, income statement, statement of source and application of funds and notes to the financial statements) the information set forth in (i)–(vii) below. The information shall be presented as to each of the reportable industry segments into which the business of the registrant and its subsidiaries is classified for the purpose of responding to paragraph (b) above and in the aggregate for the remainder of the enterprise's industry segments not deemed reportable segments. Registrants should note, however, that the five-year period is merely a guide to disclosure and that disclosure of information regarding operations occurring outside this five-year period may be material under certain circumstances. The financial information required by this subparagraph need not be furnished if all of the registrant's business is in a single industry segment or if a single industry segment contributes amounts of revenue and operating profit or loss each of which equals more than 90 percent of registrant's total revenue and operating profit or loss respectively and utilizes more than 90 percent of the registrant's identifiable assets during each of its two most recent fiscal years. If, however, such dominant segment is experiencing during either of those years a material change in the trend of revenues, market share or profitability, the financial data required by the subparagraph shall be provided. Appendix A to this item contains definitions and guidelines for compliance with the subparagraph and the required information may be presented in the form of the table set forth in Appendix B.

(i) The amount of total sales and revenues with intersegment sales/transfers shown separately. By footnote to the amount of total intersegment sales/transfers, state: (A) The identity of the industry segment(s) to which such intersegment sales/transfers by product or service were made and the amount(s) made to each; (B) the relationship between the per unit dollar amounts at which intersegment sales/transfers are reflected and the per unit dollar amount of sales to unaffiliated third parties of identical products or services; and (C) the percentage of aggregate revenues of such identical products or services accounted for by the intersegment sales/transfers.

(ii) The amount of operating profit or loss (revenue less operating expense).

(iii) The aggregate carrying amount of identifiable assets.

(iv) Reconciliations of the information about revenue, profitability and identifiable assets to the related amounts in the registrant's consolidated financial statements.

(v) The aggregate amount of depreciation, depletion, and amortization expense.

(vi) The amount of capital expenditures, i.e., additions to its property, plant, and equipment.

(vii) The equity in the net income from and investment in the net assets of unconsolidated subsidiaries and other equity method investees whose operations are vertically integrated with the operations of that segment. Disclosure shall also be made of the geographic areas in which those vertically integrated equity method investees operate.

(2) State for each fiscal year specified in (1) above the amount or percentage of total sales and revenues contributed by each class of similar products or services which accounted for 10 percent or more of total sales and revenues in either of the last two fiscal years, or 15 percent or more of total sales and revenues if total sales and revenues did not exceed $50,000,000 during either of the last two fiscal years. This paragraph calls for information with respect to classes of similar products or services regardless of whether the registrant's business activities are classified into more than one industry segment and reported pursuant to paragraph (c)(1) above. However, this information may be combined, where appropriate, with the response to paragraph (c)(1).

[28] The language in brackets would be included in the subparagraph if the Commission determines that segment reporting should be required only prospectively. In this event, an instruction would be added to the subparagraph which would require the presentation of information which would make possible an analysis of the performance of the registrant's business during a period of five years. See text of release for alternative methods of presentation of the historical financial information relating to the various segments of a registrant's business.

(d) *Financial information about foreign and domestic operations and export sales.* If the registrant and its subsidiaries engage in material operations in foreign countries, or if a material portion of sales or revenues is derived from customers in foreign countries, appropriate disclosure shall be made with respect to the importance of that part of the business to the registrant and the risks attendant thereto.

(1) State for each of the registrant's last five fiscal years, or for each fiscal year beginning after December 15, 1976, or for each fiscal year the registrant has been engaged in business, whichever period is less, and for each interim period in a fiscal year beginning after December 15, 1976 for which the registrant includes in the document a complete set of financial statements (i.e. balance sheet, income statement, statement of source and application of funds and notes to the financial statements) the information set forth in (i)–(iv) below. The information shall be presented as to the registrant's domestic operations in the aggregate and as to its foreign operations, either in the aggregate or by appropriate homogeneous geographic segment, if the revenue generated by the registrant's foreign operations from sales to unaffiliated customers is 10 percent or more of consolidated revenue or if the identifiable assets of the registrant's foreign operations are 10 percent or more of consolidated total assets as reported in the registrant's financial statements during either of the last two fiscal years or during the most recent interim period for which complete financial statements are furnished. Separate information about domestic operations need not be presented if the revenue from sales to unaffiliated customers and the identifiable assets of the domestic operations are less than 10 percent of related consolidated amounts.

(i) The amount of total sales and revenues with sales or transfers between geographic areas (i.e., intraenterprise transfers) shown separately. By footnote to the amount of intraenterprise sales or transfers, state: (A) The identity of the geographic area(s) (foreign and domestic) to which such sales/transfers by product, or service were made and the amount(s) made to each; (B) the relationship between the per unit dollar amounts at which the intraenterprise sales/transfers were reflected and the per unit dollar amount of sales to unaffiliated third parties of identical products or services; and (C) the percentage of aggregate revenues of such identical products or services accounted for by the intraenterprise sales/transfers between the geographic areas.

(ii) The amount of operating profit or loss, net income or some other measure of profitability between operating profit or loss and net income as long as a common level of profitability is reported for all geographic areas.

(iii) The aggregate carrying amount of identifiable assets.

(iv) Reconciliations of the information about revenue, profitability, and identifiable assets to related amounts in the registrant's consolidated financial statements.

(2) State for each fiscal year and interim period specified in (d) (1) above, the amount of export sales from the registrant's home country to unaffiliated customers in foreign countries in the aggregate or by any appropriate geographic areas if the total amount of export sales contributed 10 percent or more to total sales to unaffiliated customers during either of the last two fiscal years or during the most recent interim period for which complete financial statements are provided.

Instruction. Registrants should note that the five-year period is merely a guide to disclosure and that disclosure of information regarding operations occurring outside this five-year period may be material under certain circumstances. Appendix A to this item contains definitions and guidelines for compliance with this paragraph and the required information may be presented in the form of the table set forth in Appendix C.

(e) The Commission may, upon written request of the registrant, and where consistent with the protection of investors, permit the omission of any of the information herein required or the furnishing in substitution therefor of appropriate information of comparable character. In addition to the information expressly required to be included in a registration statement, there shall be added such further material information, if any, as may be necessary to make the required statements, in the light of the circumstances under which they are made, not misleading.

APPENDIX A—DEFINITIONS AND GUIDELINES FOR COMPLIANCE WITH INDUSTRY AND HOMOGENEOUS GEOGRAPHIC SEGMENT REPORTING REQUIREMENTS

The definitions and guidelines set forth below are relevant to the segment reporting requirements of the business item of this form:

DEFINITIONS

Certain terms are defined as follows:

1. *Segment.* An industry segment or a homogeneous geographic segment.

2. *Industry segment.* A component of the business of a registrant and its subsidiaries (hereinafter registrant) engaged in providing a product or service or a group of related products or services primarily to unaffiliated customers (i.e., customers outside the registrant) for a profit.[24] Disaggregation of the vertically integrated operations of a registrant is not required.

3. *Foreign operations.* Those revenue-producing operations (except for unconsolidated subsidiaries and other unconsolidated investees) that (a) are located outside of the registrant's home country (the United States for U.S. enterprises) [25] and (b) are generating revenue either from sales to unaffiliated customers or from intraenterprise sales or transfers between geographic areas.[26]

4. *Homogeneous geographic segments.* Domestic operations, in the aggregate, and foreign operations, either in the aggregate or, if appropriate, by geographic areas.

5. *Domestic operations.* Those revenue-producing operations of the registrant located in its home country that generate revenue either from sales to unaffiliated customers or from intraenterprise sales or transfers between geographic areas. Sales to unaffiliated customers include both (a) sales to customers within the registrant's home country and (b) sales to customers in foreign countries.

6. *Export sales.* Sales to customers in foreign countries.

7. *Reportable segment.* An industry or a homogeneous geographic segment (or, in certain cases, a group of two or more closely related segments—see paragraph 10) for which information is required to be reported by Item 1 of this form.

8. *Revenue.* The revenue of an industry or homogeneous geographic segment includes revenue both from sales and transfers to unaffiliated customers (i.e., revenue from customers outside the business as reported in the registrant's income statement) and from intersegment or intraenterprise sales or transfers, if any, of products and services similar to those sold to unaffiliated customers.[27] Interest from sources outside the business and interest earned on intersegment or intraenterprise trade receivables is included in revenue if the asset on which the interest is earned is included among the segment's identifiable assets (see paragraph 10), but interest earned on advances or loans to other segments is not included.[28] For purposes of this Item, revenue from intersegment or intraenterprise sales or transfers shall be accounted for on the basis used by the registrant to price the intersegment or intraenterprise sales or transfers. If the basis is changed, disclosure shall be made of the nature of the change and its effect on the reportable segment's operating profit or loss in the period of change.

9. *Operating profit or loss.* The operating profit or loss of an industry segment is its revenue as defined in paragraph 8 minus all operating expenses. As used herein, operating expenses include expenses that relate to both revenue from sales to unaffiliated customers and revenue from intersegment sales or transfers; those operating expenses incurred by registrant shall be allocated on a reasonable basis among the industry segments for whose benefit the expenses were incurred. Methods used to allocate operating expenses among segments in computing operating profit or loss should be reasonable and consistently applied from period to period (but, if changed, disclosure shall be made of the nature of the change and its effect on the reportable segment's operating profit or loss

[24] In some industries, it is normal practice for a company to purchase and sell substantially identical commodities to minimize transporting or other costs. In those situations, sales and purchases of substantially identical commodities shall be netted for the purpose of determining whether a product or service or a group of related products or services is sold primarily to unaffiliated customers. Although those sales and purchases are netted for the purpose of identifying an industry segment, it is not intended that this rule change a registrant's accounting practice with respect to determining its revenue or that of any of its industry segments.

[25] A registrant whose home country is other than the United States but that prepares financial statements in conformity with U.S. generally accepted accounting principles shall classify operations outside of its home country as foreign operations.

[26] Difficulties may arise in classifying the activities of certain types of registrants. The following examples may provide useful guidelines: (1) Determination of whether the employment of a registrant's mobile assets, such as offshore drilling rigs or oceangoing vessels, constitutes foreign operations should depend on whether such assets are normally identified with operations located and generating revenue from outside the home country. If they are normally identified with the registrant's foreign operations, revenue generated from abroad would be considered foreign revenue. If they are normally identified with domestic operations, revenue generated from abroad would be considered export sales; (2) Services rendered by the foreign offices of a service company such as a consulting firm, having offices or facilities located both in the home country and in foreign countries, would be considered foreign operations, and the revenue should be considered foreign revenue. Revenue generated abroad from services, provided by domestic offices should be considered export sales.

[27] Intersegment billings for the cost of shared facilities or other jointly incurred costs do not represent intersegment sales or transfers as that term is used in this item.

[28] Interest earned on advances or loans to other segments is included in computing the operating profit or loss of a segment whose operations are principally of a financial nature (e.g., banking, insurance, leasing, or financing).

in the period of change). For purposes of this Item, intersegment purchases shall be accounted for on the same basis as intersegment sales or transfers (i.e., on the basis used by the registrant to price the intersegment sales or transfers). None of the following shall be added or deducted, as the case may be, in computing the operating profit or loss of an industry segment: Revenue earned at the corporate level and not derived from the operations of any industry segment; general corporate expenses; [29] interest expenses,[30] domestic and foreign income taxes; equity in income or loss from unconsolidated subsidiaries and other unconsolidated investees; gain or loss on discontinued operations; extraordinary items; minority interest; and the cumulative effect of a change in accounting principles.

10. *Identifiable assets.* The identifiable assets of a segment are those tangible and intangible enterprise assets that are used by the segment, including (i) assets that are used exclusively by that segment, and (ii) an allocated portion of assets used jointly by two or more segments. Assets used jointly by two or more segments shall be allocated among the segments on a reasonable basis. Because the assets of a segment that transfers products or services to another segment are not used in the operations of the receiving segment, no amount of those assets shall be allocated to the receiving segment. Assets that represent part of a registrant's investment in a segment, such as goodwill, shall be included in the segment's identifiable assets.[31] The identifiable assets of a segment shall not include advances or loans to or investments in another segment, except that advances or loans to other segments shall be included in the identifiable assets of a financial industry segment because the income therefrom is included in computing the financial segment's operating profit or loss (see footnote 5). Asset valuation allowances such as the following shall be taken into account in computing the amount of a segment's identifiabe assets: Allowance for doubtful accounts, accumulated depreciation, and marketable securities valuation allowance. With respect to industry segments, assets maintained for general corporate purposes (i.e., those not used in the operations of any industry segment) shall not be allocated to industry segments.

DETERMINATION OF REPORTABLE INDUSTRY SEGMENTS

11. The reportable segments of a registrant shall be determined by (a) identifying the individual products and services from which the registrant derives its revenue, (b) grouping those products and services by industry lines into industry segments (see paragraphs 12–14), and (c) selecting those industry segments that are significant with respect to registrant as a whole (see paragraphs 16–19).

12. The determination of a registrant's industry segments must depend to a considerable extent on the judgment of the registrant's management. Nevertheless, a registrant's existing profit centers represent a logical starting point for determining the industry segments. The term "profit center" is used to refer to a registrant's individual products and services or groups of related products and services, particularly with respect to its domestic operations, that are sold primarily to outside markets and for which information about revenue and profitability is accumulated. If a registrant's existing profit centers cross industry lines, it will be necessary to disaggregate the existing profit centers into smaller groups of related products and services (except as provided in paragraph 15). If a registrant operates in more than one industry but does not presently accumulate any information on a less-than-total-enterprise basis (i.e., its only profit center is the enterprise as a whole), it shall disaggregate its operations along industry lines (except as provided in paragraph 15).

13. Among the factors that should be considered in determining whether products and services are related (and, therefore, should be grouped into a single industry segment) or unrelated (and, therefore, should be separated into two or more industry segments) are the following:

(a) *The nature of the product.* Related products or services have similar purposes or end uses. Thus, they may be expected to have similar rates of profitability, similar degrees of risk, and similar opportunities for growth.

(b) *The nature of the production process.* Sharing of common or interchangeable production or sales facilities, equipment, labor force, or service group or use of the same or similar basic raw materials may suggest that products or services are related. Likewise, similar degrees of labor intensiveness or similar degrees of capital intensiveness may indicate a relationship among products or services.

(c) *Markets and marketing methods.* Similarity of geographic marketing areas, types of customers, or marketing methods may indicate a relationship among products or services. For instance, the use of a common or interchangeable sales force may suggest a relationship among products or services. The sensitivity of the market to price changes and to changes in general economic conditions may also indicate whether products or services are related or unrelated.

14. Broad categories such as manufacturing, wholesaling, retailing, and consumer products are not per se indicative of the industries in which a registrant operates, and those terms should not be used without identification of a product or service to describe the industry segments.

15. Industry segmentation on a worldwide basis is a desirable objective but it may be impracticable for some registrants. To the extent that revenue and profitability information is accumulated along industry lines for a registrant's foreign operations, as defined in paragraph 3, or that it would be practicable to do so, industry segments shall be determined on a worldwide basis. To the extent that it is impracticable to disaggregate part or all of its foreign operations along industry lines, the registrant shall disaggregate along industry lines its domestic operations and its foreign operations for which disaggregation is practicable and shall treat the aggregate of its foreign operations for which disaggregation is not practicable as a single industry segment. When that segment qualifies as a reportable industry segment (see paragraphs 16–19), disclosure shall be made of the types of industry operations included in the foreign operations that have not been disaggregated.

16. An industry segment is identified as a reportable segment for which financial information must be presented (see paragraph 17)—if it satisfies one or more of the following tests in either of the last two fiscal years.

(a) Its revenue (including both sales to unaffiliated customers and intersegment sales or transfers) is 10 percent or more of the combined revenue (sales to unaffiliated customers and intersegment sales or transfers) of all of the registrant's industry segments.

(b) The absolute amount of its operating profit or operating loss is 10 percent or more of the greater, in absolute amount, of:

(i) The combined operating profit of all industry segments that did not incur an operating loss; or

(ii) The combined operating loss of all industry segments that did incur an operating loss.

(c) Its identifiable assets are 10 percent or more of the combined identifiable assets of all industry segments.

Revenue, operating profit or loss, and identifiable assets relating to those foreign operations that have not been disaggregated along industry lines on grounds of impracticability (see paragraph 15) shall be included in computing the combined revenue, combined operating profit or operating loss, and combined identifiable assets of the registrant's industry segments.

17. The results of applying the percentage tests in paragraph 16 shall be evaluated from the standpoint of interperiod comparability before final determination of a registrant's reportable segments is made. For instance, interperiod comparability would most likely require that an industry segment that has been significant in the past and is expected to be significant in the future be regarded as a reportable segment even though it fails to satisfy the tests in paragraph 16 in either fiscal year.

18. The combined revenue from sales to unaffiliated customers of all reportable segments (that is, revenue not including intersegment sales or transfers) shall constitute at least 75 percent of the combined revenue from sales to unaffiliated customers of all industry segments. The test shall be applied separately for each of the last two fiscal years. Revenue relating to those foreign operations that have not been disaggregated along industry lines on grounds of impracticability shall be included in the denominator of the computation required by this paragraph and will be included in the numerator if those operations have bene identified (in accordance with paragraphs 15 and 16) as a reportable segment. If the industry segments identified as reportable in accordance with paragraphs 16 and 17 do not satisfy the 75 percent test in this paragraph, additional industry segments shall be identified as reportable segments (subject to the provisions of this paragraph) until the 75 percent test is met.

19. As the number of industry segments tha would be identified as reportable segments in accordance with paragraphs 16–18 increases above 10, the question of whether a practical limit has been reached comes increasingly into consideration, and combining the most closely related industry segments into broader reportable segments may be appropriate. Combinations shall be made, however, only to the extent necessary to contain the number of reportable segments within practical limits while still meeting the 75 percent test.

DETERMINATION OF REPORTABLE FOREIGN HOMOGENEOUS GEOGRAPHIC SEGMENTS

20. If a registrant's foreign operations are conducted in two or more geographic areas as defined in paragraph 21 the financial information required by this item shall be

[29] Some of the expenses incurred in a registrant's central administrative office may not be general corporate expenses, but rather may be operating expenses of segments that should therefore be allocated to those segments. The nature of an expense rather than the location of its incurrence shall determine whether it is an operating expense. Only those expenses identified by their nature as operating expenses shall be allocated as operating expenses in computing segment's operating profit of loss.

[30] Interest expense is deducted in computing the operating profit or loss of a segment whose operations are principally of a financial nature (e.g., banking, insurance, leasing, or financing).

[31] Any related depreciation or amortization expense is deducted in determining the operating profit or loss of the segment.

presented separately for each significant foreign geographic area, and in the aggregate for all other foreign geographic areas not deemed significant. A geographic area shall be regarded as significant, for the purpose of applying this paragraph, if its revenue from sales to unaffiliated customers or its identifiable assets are 10 percent or more of related consolidated amounts.

21. Foreign geographic areas are individual countries or groups of countries as may be determined to be appropriate in registrant's particular circumstances. No single method of grouping the countries in which a registrant operates into the geographic areas can reflect all of the differences among international business environments. Each registrant shall group its foreign operations on the basis of the differences that are most important in this particular circumstances. Factors to be considered include proximity, economic affinity, similarities in business environments, and the nature, scale, and degree of interrelationship of the registrant's operations in the various countries.

APPENDIX B—INDUSTRY SEGMENT REPORTING

The table set forth below is an illustration of the presentation in tabular form of the information required by paragraph (c)(1) of the business item regarding industry segments.

Financial information relating to industry segments

	Industry segment		Other industry segments	Adjustments and eliminations	Consolidations
	A	B			
Sales to unaffiliated customers (year):					
1					
2					
3					
4					
5					
Intersegment sales (year):					
1					
2					
3					
4					
5					
Total revenue (year):					
1					
2					
3					
4					
5					
Depreciation, depletion and amortization expense (year):					
1					
2					
3					
4					
Capital expenditures (year):					
1					
2					
3					
4					
5					
Operating profit or loss (year):					
1					
2					
3					
4					
5					
Equity in net income of vertically integrated X Co. (year):					
1					
2					
3					
4					
5					
Identifiable assets at end of (year):					
1					
2					
3					
4					
5					
Investment in net assets of vertically integrated X Co. (year):					
1					
2					
3					
4					
5					

APPENDIX C—FOREIGN AND DOMESTIC OPERATIONS

The table set forth below is an illustration of the presentation in tabular form of the information required by paragraph (d) of the business item regarding foreign and domestic operations.

	United States[1]	Geographic area		Adjustments and eliminations	Consolidations
		A	B		
Sales to unaffiliated customers (year):					
1					
2					
3					
4					
5					

	Industry segment		Other industry segments	Adjustments and eliminations	Consolidations
	A	B			
Export sales to unaffiliated customers (year):					
1					
2					
3					
4					
5					
Transfers between geographic areas (year):					
1					
2					
3					
4					
5					
Total revenue (year):					
1					
2					
3					
4					
5					
Operating profit or loss [2] (year):					
1					
2					
3					
4					
5					
Identifiable assets at end of (year):					
1					
2					
3					
4					
5					

[1] Or appropriate area of domestic operations.
[2] Or some other reasonable measure of profitability.

ITEM 2. DESCRIPTION OF PROPERTY

(a) State briefly as to each of registrant's industry segments discussed in Item 1 the location and general character of the principal plants, mines and other materially important physical properties of the registrant and its subsidiaries. If any such property is not held in fee or is held subject to any major encumbrance, so state and briefly describe how held. (The remainder of this item would be the same as existing Item 10 of Form S–1 except for changes in cross references and the inclusion of information relevant to filings under the Exchange Act.)

2. Item 1 of Form 10 is proposed to be revised to read as follows:

§ 249.210 Form 10, general form for registration of securities pursuant to section 12 (b) or (g) of the Securities Exchange Act of 1934.

* * * * *

ITEM 1. BUSINESS

(a) State the year in which the registrant was organized and its form of organization (such as "a corporation," or "unincorporated association" or other appropriate statement).

(b) The description of the business shall include the information required by Item 1 of Form S–K.

(c) (This paragraph is the same as Instruction 9 to Item 1 of Form 10 and the Note thereto.)

* * * * *

3. Item 1 of Form 10–K is proposed to be revised to read as follows:

§ 249.310 Form 10–K, annual report pursuant to section 13 or 15(d) of the Securities Exchange Act of 1934.

* * * * *

ITEM 1. BUSINESS

The description of the business shall include the information required by Item 1 of Form S–K.

4. Item 9 of Form S–1 is proposed to read as follows:

§ 239.11 Form S–1, registration statement under the Securities Act of 1933.

* * * * *

ITEM 9. DESCRIPTION OF BUSINESS

(a) The description of the business shall include the information required by Item 1 of Form S–K.

(b) (This paragraph is the same as Instruction 9 to Item 9 of Form S–1 and the Note thereto.)

* * * * *

5. Paragraphs (b) and (d) of Item 5 of Form S–7 are proposed to be amended to read as follows:

§ 239.26 Form S–7, for registration under the Securities Act of 1933 of securities of certain issuers.

* * * * *

ITEM 5. BUSINESS

(a) * * *

(b) Information relating to industry segments and classes of similar products and services shall be furnished in accordance with the provisions of paragraph (c) of Item 1 of Form S–K.

(c) * * *

(d) Information relating to foreign operations and export sales shall be furnished in accordance with the provisions of paragraph (d) of Item 1 of Form S–K.

* * * * *

6. Item 18 of Form S–8 is proposed to be amended to read as follows:

§ 239.16b Form S–8, for registration under the Securities Act of 1933 of securities to be offered to employees pursuant to certain plans.

* * * * *

(a) Include a description of the business done by the issuer and its subsidiaries during the fiscal year which will, in the opinion of management, indicate the general nature and scope of the business of the issuer and its subsidiaries. Information relating to the issuer's industry segments, classes of similar products and services, foreign operations and export sales shall be furnished in accordance with paragraphs (c) and (d) of Item 1 of Form S–K.

* * * * *

7. Paragraph (b) (8) of Item 14 of Securities Exchange Act Schedule 14A is proposed to be amended to read as follows:

§ 240.14a–101 Schedule 14A. Information required in proxy statements.

Item 14. * * *

(b) * * *

(8) Information relating to the issuer's industry segments, classes of similar products and services, foreign operations and export sales shall be furnished in accordance with the provisions of paragraphs (c) and (d) of Item 1 of Form S–K.

8. Paragraph (b) (6) of Rule 14a–3 and Paragraph (a) (6) of Rule 14c–3 are proposed to be amended to read as follows:

§ 240.14a–3 Information to be furnished to security holders.

§ 240.14c–3 Annual report to be furnished security holders.

* * * * *

(6) The report shall contain information relating to the issuer's industry segments, classes of similar products and services, foreign operations and export sales furnished in accordance with the provisions of paragraphs (c) and (d) of Item 1 of Form S–K.

* * * * *

9. Item 10 of Form S–1, Item 3 of Form 10 and Item 3 of Form 10–K are proposed to be amended to read as follows:

§ 239.11 Form S–1, registration statement under the Securities Act of 1933.

§ 249.210 Form 10, general form for registration of securities pursuant to section 12 (b) or (g) of the Securities Exchange Act of 1934.

§ 249.310 Form 10–K, annual report pursuant to section 13 or 15(d) of the Securities Exchange Act of 1934.

* * * * *

PROPERTIES

Information relating to properties shall be furnished in accordance with the provisions of Item 2 of Form S–K.

10. Paragraph (a) of Instruction 13 of the Instructions as to Exhibits of Form S–1 and Paragraph (a) of Instruction 9 of the Instructions as to Exhibits of Form 10 are proposed to read as follows:

§ 239.11 Form S–1, registration statement under the Securities Act of 1933.

§ 249.210 Form 10, general form for registration of securities pursuant to section 12 (b) or (g) of the Securities Exchange Act of 1934.

* * * * *

(a) Copies of every contract material to an industry segment and not made in the ordinary course of business which is to be performed in whole or in part at or after the filing of the registration statement or which was made not more than two years before filing, except contracts called for, or the omission of which is expressly authorized by the foregoing instructions. Only contracts need be filed as to which the registrant or a subsidiary of the registrant is a party or has succeeded to a party by assumption or assign-

ment, or in which the registrant or such subsidiary has a beneficial interest.

* * * * *

(Secs. 6, 7, 8, 10, 19(a), 48 Stat. 78, 79, 81, 85; secs. 12, 13, 14, 15(d), 23(a), 48 Stat. 892, 894, 901; secs. 205, 209, 48 Stat. 906, 908; sec. 203(a), 49 Stat. 704; secs. 1, 3, 8, 49 Stat. 1375, 1377, 1379; sec. 301, 54 Stat. 857; secs. 8, 202, 68 Stat. 685, 686; secs. 3, 4, 5, 6, 78 Stat. 565–568, 569, 570–574; sec. 1, 79 Stat. 1051; secs. 1, 2, 3, 82 Stat. 454, 455; secs. 1, 2, 3–5, 28(c), 84 Stat. 1435, 1497; sec. 105(b), 88 Stat. 1503; secs. 8, 9, 10, 11, 18, 89 Stat. 117, 118, 119, 121, 155; (15 U.S.C. 77f, 77g, 77h, 77j, 77s(a), 78l, 78m, 78n, 78o(d), 78w(a)).)

STATUTORY AUTHORITY FOR PROPOSED AMENDMENTS

The foregoing amendments to Forms S–1, S–7 and S–8 are proposed pursuant to section 6, 7, 8, 10 and 19(a) of the Securities Act and the revisions submitted as to Forms 10 and 10–K and to Regulation 14A are proposed pursuant to sections 6, 7, 8, 10 and 19(a) of the the Exchange Act, sections 12(e) and 20 (a) of the Public Utility Holding Company Act of 1935, and sections 20(a) and 38(a) of the Investment Company Act of 1940.

Pursuant to section 23(a)(2) of the Exchange Act, the Commission has considered the impact that these proposals would have on competition and is not aware, at this time, of any burden that such rules, if adopted, would impose on competition not necessary or appropriate in furtherance of the purposes of that Act. However, the Commission specifically invites comments as to the competitive impact of these proposals, if adopted.

In addition, the Commission is mindful of the cost to registrants and others of its proposals and recognizes its responsibilities to weigh with care the costs and benefits which result from its rules. Accordingly, the Commission specifically invites comments on the costs to registrants and others of the adoption of the proposals published herein.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

MAY 10, 1977.

[FR Doc.77-14237 Filed 5-19-77;8:45 am]

Federal Register

FRIDAY, MAY 20, 1977

PART VI

DEPARTMENT OF LABOR

Office of the Secretary

■

WALSH-HEALEY PUBLIC CONTRACTS ACT

Procedures and Interpretation

DEPARTMENT OF LABOR

Office of the Secretary

[41 CFR Part 50–201 and 50–206]

WALSH-HEALEY PUBLIC CONTRACTS ACT

Procedures and Interpretation

AGENCY: Department of Labor.

ACTION: Proposed rule.

SUMMARY: It is proposed to amend our regulations and codify our interpretations issued under the Walsh-Healey Public Contracts Act. Experience has demonstrated a need for these clarifying and interpretative amendments.

DATE: Comments on this proposal will be received until June 20, 1977.

ADDRESSES: Comments should be sent to the Administrator, Wage and Hour Division, Room S3502, New Department of Labor Building, 200 Constitution Avenue, NW., Washington, D.C., 20210. The comments may be examined during regular working hours. After expiration of the time for submitting comments the comments will be evaluated and appropriate action taken.

FOR FURTHER INFORMATION CONTACT:

Alvin Bramow, Deputy Associate Solicitor, Division of General Legal Services, Office of the Solicitor, Room N2464, New Department of Labor Building, 200 Constitution Ave., NW., Washington, D.C. 20210, phone 202–523–8293.

SUPPLEMENTARY INFORMATION: It is proposed to codify in 41 CFR Part 50–201 the fact that Walsh-Healey Public Contracts Act determinations of eligibility of a bidder as a manufacturer or regular dealer are usualy made by the contracting officer and reviewed by the Department of Labor. It is further proposed to codify our position that bad faith misrepresentations concerning a bidder's being a regular dealer or manufacturer are a basis for the contracting officer's voiding the contract *ad initio*. Also new Walsh-Healey Act regulations issued by agencies other than the Department of Labor would require approval of the Administrator prior to becoming effective. Current regulations would not require such approval and would remain in effect except for those at variance with Department of Labor Regulations. Interpretation of the terms manufacturer, assembler and regular dealer are proposed to be included in a new part, 41 CFR Part 50–206.

This document was prepared under the direction and control of Warren D. Landis, Acting Administrator, Wage and Hour Division, Room S3502, New Department of Labor Building, 200 Constitution Ave., N.W., Washington, D.C. 20210, phone 202–523–8305.

Accordingly, it is proposed to amend Part 50 of Title 41 as follows:

1. It is proposed to amend Part 50–201 by adding a new paragraph (b) to § 50–201.101, making the present section into paragraph (a) with appropriate redesignation of the subparagraphs therein, as follows:

PART 50–201—GENERAL REGULATIONS

§ 50–201.101 Manufacturer or regular dealer.

(a) *Definitions.* A bidder or contractor shall be deemed to be a "manufacturer" or "regular dealer" within the meaning of the stipulation required by section 1(a) of the act and § 50–201.1(a) if he falls within one of the following categories:

(1) A manufacturer is a person who owns, operates, or maintains a factory or establishment that produces on the premises the materials, supplies, articles, or equipment required under the contract and of the general character described by the specifications.

(2) A regular dealer is a person who owns, operates, or maintains a store, warehouse, or other establishment in which the materials, supplies, articles, or equipment of the general character described by the specifications and required under the contract are bought, kept in stock, and sold to the public in the usual course of business.

(i) A regular dealer in lumber and timber products, if a wholesale lumber dealer, may be a person who owns, operates, or maintains a place of business in which the materials, supplies, articles, or equipment of the general character described by the specifications and required under the contract are bought for the account of such person and sold to the public in the usual course of business: *Provided,* That at least more than 50 percent of his business is such purchase and sale of such materials, supplies, articles, or equipment; *And provided further,* That upon all orders to manufacturers for direct shipment to the United States he agrees to insert a notice to the manufacturer to the effect that the supplies are purchased for the United States and that the manufacturer is within the terms of § 50–201.104 requiring compliance with the provisions of the Public Contracts Act.

(ii) A machine tool dealer may be a person possessing, through contract or agreement with a manufacturer, the responsibility for selling that manufacturer's products, with respect to a specific territory and who is authorized by such manufacturer to offer its products and to negotiate and conclude contracts for the furnishing thereof: *Provided,* That upon all orders to manufacturers for direct shipment to the United States he agrees to insert a notice to the manufacturer to the effect that the supplies are purchased for the United States and that the manufacturer is within the terms of § 50–201.104 requiring compliance with the provisions of the Public Contracts Act.

(iii) A regular dealer in hay, grain, feed, or straw may be a person who owns, operates, or maintains a store, warehouse, or other place of business in which the materials, supplies, articles, or equipment of the general character described by the specifications and required under the contract are bought for the account of such person and sold to the public in the usual course of business, and whose principal business is such purchase and sale of such materials, supplies, articles, or equipment.

(iv) A regular dealer in raw cotton may be a person who owns, operates or maintains a store, warehouse, or other place of business in which materials, supplies, articles or equipment of the general character described by the specifications and required under the contract are bought for the account of such person and sold to the public in the usual course of business, and whose principal business is such purchase and sale of such materials, supplies, articles or equipment.

(v) A regular dealer in green coffee may be a person who owns, operates or maintains a store, warehouse, or other place of business in which materials, supplies, articles or equipment of the general character described by the specifications and required under the contract are bought for the account of such person and sold to the public in the usual course of business, and whose principal business is such purchase and sale of such materials, supplies, articles or equipment.

(vi) A regular dealer in petroleum may be a person who owns, operates, or maintains petroleum distribution equipment and a store, warehouse, or other place of business in which petroleum products of the general character described by the specifications and required under the contract are bought for the account of such person and sold to the public in the usual course of business, and whose principal business is such purchase and sale of such petroleum products.

(vii) A regular dealer in agricultural liming materials may be a person who owns or controls the necessary equipment customarily required for delivering agricultural liming materials to farms or for spreading such materials on fields, who has made arrangements to purchase liming materials of the general character described by the specifications and required under the contract from a manufacturer, and who offers such material for sale to the public in the usual course of business.

(viii) A regular dealer in tea may be an importer who owns, operates, or maintains a store, warehouse, or other place of business in which materials, supplies, articles or equipment of the general character described by the specifications and required under the contract are bought for the account of such person and sold to the public in the usual course of business.

(ix) A regular dealer in raw or unmanufactured cotton linters may be a person who owns, operates or maintains a store, warehouse, or other place of business in which materials, supplies, articles, or equipment of the general character described in the specifications and required under the contract are bought for the account of such person and sold to the public in the usual course of business, and whose principal business is such purchase and sale of such materials, supplies, articles, or equipment.

(x) A regular dealer in used automatic data processing equipment may be a person who owns or controls previously owned or used items, materials, supplies, articles, or equipment of the general character described in the specifications and required under the contract and who offers such items for sale to the public in the usual course of business and whose principal business is the purchase and sale of such items, materials, supplies, articles, or equipment.

(3) (i) (A) Except as hereinafter provided, every bid received from any bidder who does not fall within one of the foregoing categories shall be rejected by the contracting officer.

(B) If it is discovered after an award that the bidder did not act in good faith in representing that it was a manufacturer or regular dealer within the meaning of the stipulations as interpreted in this Chapter 50, such contract shall, immediately upon such discovery, be voided *ab initio* by the contracting officer. Lack of good faith may be inferred from the facts in the case.

(ii) Whenever justice and the public interest will be served, bids for a contract or class of contracts will be exempted from the foregoing requirement by the Secretary of Labor upon the request of the head of the contracting agency or department when accompanied by his finding of fact that it will be so difficult to obtain satisfactory bids for the contract or class of contracts under the stipulated restrictions, that the conduct of the Government business will be seriously impaired.

(b) *Determination of eligibility.* (1) The responsibility for applying the stated eligibility requirements in order to determine whether or not a bidder is qualified as a manufacturer or regular dealer before award rests in the first instance with the contracting agency pursuant to authority delegated by the Secretary of Labor in accordance with section 4 of the Act. (Circular Letter 8-61.) Contracting agencies shall obtain and consider all available factual evidence essential to eligibility determinations for all bidders on contracts subject to the Act.

(2) Any decision of the contracting agency is subject to review by the Department of Labor according to the procedures outlined below. The decision of the Department of Labor shall be final with respect to the procurement or procurements at issue.

(3) The Department of Labor shall give great weight to the technical knowledge and expertise of the contracting agencies and the Department of Labor shall uphold the contracting agencies' initial determinations unless the determinations are found to be arbitrary, capricious or otherwise not in accordance with the evidence presented or with the law.

(4) The Department of Labor may determine the qualifications of a bidder in the first instance in the absence of any decision by the contracting agency.

(5) The contracting agency shall investigate and determine the Walsh-Healey eligibility status of a bidder in at least the following circumstances and shall not merely rely on the representation or affirmation of a bidder:

(i) In all cases where a bidder has not previously been awarded a contract subject to the Act by the individual procuring office;

(ii) In all cases where a pre-award investigation or survey of a bidder's operations is otherwise made;

(iii) In all cases where there is a protest of a bidder's eligibility; and

(iv) In all cases where a contracting officer may have reason to question a bidder's eligibility, such as where the proposed place of contract performance and shipment is other than the location of the bidder's place of business.

(6) The following procedures shall be utilized by the contracting officer in processing an eligibility case:

(i) When the contracting officer has determined that an apparently successful bidder or offeror is ineligible, the contracting officer shall promptly notify the bidder or offeror in writing that:

(A) It does not meet the eligibility requirements, and the specific reason therefor;

(B) If it wishes to protest such determination, it may submit any evidence concerning its eligibility to the contracting officer within a reasonable time as set by the contracting officer; and

(C) If, after review of the evidence submitted by the bidder or offeror, the contracting officer does not reverse the decision, the bidder's or offeror's protest, together with all pertinent evidence, will be forwarded to the Administrator of the Wage and Hour Division of the Department of Labor for a final determination, and the bidder or offeror will be so notified.

(ii) When another bidder or offeror challenges the eligibility of the apparently successful bidder or offeror prior to award:

(A) The contracting officer shall promptly notify the protestor and the apparently successful bidder or offeror in writing:

(1) That they may submit evidence concerning the matter to the contracting officer within a reasonable time as set by the contracting officer; and

(2) That after review of such evidence, the contracting officer will direct a preaward survey, if necessary, and reach a decision on all the evidence. The contracting officer shall then forward the decision and entire record to the Administrator of the Wage and Hour Division for a final determination.

(iii) (A) If the contracting officer forwards the case to the Department of Labor for review of eligibility under the Act, award will be held in abeyance until the contracting officer receives a final determination from the Department of Labor, unless the contracting officer finds that award should be made immediately because:

(1) The items to be procured are urgently required; or

(2) Delay of delivery or performance by failure to make the award promptly will result in substantial hardship to the Government.

(B) If the contracting officer decides to proceed with the award, the contracting officer shall give written notice of the decision to proceed to the protester, the Department of Labor and to other concerned parties.

(iv) If an award is made under paragraph (b) (6) (iii) of this section, the contracting officer shall submit to the Department of Labor documentation explaining the need for making an award prior to the receipt of a final determination from the Administrator of the Wage and Hour Division.

(v) A protest received after award, but before final completion of the contract, shall be investigated and processed under the provisions outlined in paragraph (b) (6) (ii) of this section and forwarded to the Department of Labor, and the protestor shall be so notified.

(vi) If the contract has been completed before receipt of the protest, the protester shall be notified that no action will be taken on the protest.

2. It is proposed to add to Part 50-201 a new § 50-201.301 reading as follows:

§ 50-201.301 Agency regulations.

The head of each agency shall prescribe regulations for the administration of the Walsh-Healey Public Contracts Act and the regulations in this part. Agency regulations, directives and orders for such purpose shall be submitted to the Administrator of the Wage and Hour Division prior to issuance and may not be enforced prior to approval by the Administrator or prior to 60 days after submission if not disapproved by the Administrator. Currently existing regulations are not affected by this section, except where such regulations are not in conformity with the Walsh-Healey Public Contracts Act and the Department of Labor regulations. In such cases, agency regulations shall be appropriately revised.

3. It is proposed to add a new Part 50-206 to Chapter 50, Title 41, as follows:

PART 50-206—THE WALSH-HEALEY PUBLIC CONTRACTS ACT INTERPRETATIONS

Subpart A—General

Sec.	
50-206.1	The Walsh-Healey Public Contracts Act.
50-206.2	Administration of the Act.
50-206.3	Purpose and scope of this part.

Subpart B—[Reserved]

Subpart C—Contractors

Qualification of Contractor

50-206.50	To whom covered contracts may be awarded—eligibility.
50-206.51	Manufacturer.
50-206.52	Assembler.
50-206.53	Regular dealer.
50-206.54	Regular dealer in particular products.
50-206.55	Agents.
50-206.56	Administrative exemptions.

Authority: Sec. 4, 49 Stat. 2038, 41 U.S.C. 38, Secretary of Labor's Order No. 16-75, 40 FR 55913, and Employment Standards Order 2-76, 41 FR 9016.

Subpart A—General

§ 50–206.1 The Walsh-Healey Public Contracts Act.

The Walsh-Healey Public Contracts Act, as amended (41 U.S.C. 35–45), hereinafter referred to as the Act, was enacted "to provide conditions for the purchase of supplies and the making of contracts by the United States." It is not an act of general applicability to industry. The Supreme Court has described it as an instruction by the Government to its agents who were selected and granted final authority to fix the terms and conditions under which the Government will permit goods to be sold to it. Its purpose, according to the Supreme Court, "was to impose obligations upon those favored with Government business and to obviate the possibility that any part of our tremendous national expenditures would go to forces tending to depress wages and purchasing power and offending fair social standards of employment." ("Perkins v. Lukens Steel Co.," 310 U.S. 113, 128 (1940); "Endicott Johnson Corp. v. Perkins," 317 U.S. 501 (1943).) To this end, the Act requires those who enter into contracts to perform Government work subject to its terms to adhere to specifically prescribed representations and stipulations as set forth in 41 CFR 50–201.1 pertaining to qualifications of contractors, minimum wages, overtime pay, safe and sanitary working conditions of workers employed on the contract, the use of child labor or convict labor on the contract work, and the enforcement of such provisions. Except as otherwise specifically provided, these representations and stipulations are required to be included in every contract "for the manufacture or furnishing of materials, supplies, articles, and equipment in any amount exceeding $10,000" which is made and entered into by an agency of the United States or other entity as designated in section 1 of the Act, hereinafter referred to as "contracting agency." Contractors performing work subject to the Act thus "enter into competition to obtain government business on terms of which they are fairly forewarned by inclusion in the contract." ("Endicott Johnson Corp. v. Perkins, supra," 317 U.S. at 507.) The Act also provides for enforcement of the required representations and stipulations by various methods. Certain exemptions from the application of the Act are provided in section 9 of the statute. Other exemptions, variations, and tolerances may be provided under section 6 of the statute by the Secretary of Labor or the President.

§ 50–206.2 Administration of the Act.

(a) The Secretary of Labor is authorized and directed to administer the provisions of the Act, to make investigations, findings, and decisions thereunder, and to make, amend, and rescind rules and regulations with respect to its application (see sections 4 and 5). The Supreme Court has recognized that the Secretary may issue rulings defining the coverage of the Act. ("Endicott Johnson Corp. v. Perkins, supra".) According to the Court (ibid.), in the statute as originally enacted "Congress submitted the administration of the Act to the judgment of the Secretary of Labor, not to the judgment of the courts." An amendment to the Act in 1952 added specific provisions for judicial review (see section 10). The Secretary has promulgated regulations to carry out provisions of the Act, which are set forth elsewhere in this chapter (Part 50–201 (general regulations); Part 50–202 (minimum wage determinations); Part 50–203 (rules of practice); and Part 50–204 (Safety and Health Standards)). The Secretary of Labor has delegated to the Administrator of the Wage and Hour Division through the Assistant Secretary for Employment Standards the authority to promulgate regulations and to issue official rulings and interpretations. So long as such regulations, rulings, and interpretations are not modified, amended, rescinded, or determined by judicial authority to be incorrect, they may be relied upon as provided in section 10 of the Portal-to-Portal Act of 1947 (61 Stat. 84, 29 U.S.C. 251, et seq., discussed in 29 CFR Part 790). Furthermore, these interpretations are intended to indicate the construction of the law which the Department of Labor believes to be correct and which will be followed in the administration of the Act unless and until directed otherwise by Act of Congress or by authoritative rulings of the courts. ("Skidmore v. Swift & Co.", 323 U.S. 134 (1944), "Roland Co. v. Walling", 326 U.S. 657 (1946); "Endicott Johnson Corp. v. Perkins, supra", and "Perkins v. Lukens Steel Co., supra".)

(b) The courts have held that the "interpretations of the Walsh-Healey Act and the regulations adopted thereunder, as made by the Secretary of Labor acting through his Administrator, are both correct and reasonable." ("Jno. McCall Coal Company v. United States," 374 F. 2d 689, 692 (C.A. 4, 1967); see also "United States v. Davison Fuel and Dock Company," 371 F. 2d 705, 711–714 (C.A. 4, 1967).) These policies are designed to protect not only employees but also the competitive interest of all firms qualified to compete for covered contracts.

§ 50–206.3 Purpose and scope of this part.

It is the purpose of this Part 50–206 to make available, in codified form for the guidance of agencies of the United States or other entities designated in section 1 of the Act and persons or firms contracting therewith, official rulings and interpretations with respect to the Walsh-Healey Public Contracts Act. This part constitutes the official statement of the position of the Department of Labor in matters relating to this Act. The interpretative rules herein stated supersede, to the extent of any inconsistency, Rulings and Interpretations No. 3 and all other rulings, interpretations, and enforcement policies not set forth in this chapter. This Part 50–206 illustrates the principles stated herein by showing their application to situations which frequently arise. Since it cannot include every possible situation, no inference should be drawn from the fact that a subject or illustration is omitted. If doubt arises, inquiries should be directed to the Administrator of the Wage and Hour Division, United States Department of Labor, Washington, D.C. 20210, or to any Regional Office of the Wage and Hour Division.

Subpart B—[Reserved]

Subpart C—Contractors

Qualifications of Contractors

§ 50–206.50 To whom covered contracts may be awarded—eligibility.

(a) (1) Section 1(a) of the Act requires that every contract subject to the Act shall contain a representation and stipulation by the contractor that it is either "the manufacturer of or a regular dealer in" the commodities to be manufactured or used in the performance of the contract. As noted in the following sections, these terms are defined by regulation. The legislative history makes it clear that this statutory requirement is intended, among other things, to eliminate the award of contracts to "bid brokers," and to provide labor standards protection for employees who actually engage in the manufacture or furnishing of the goods to the Government, by requiring, among other things, that the Government award contracts only to bona fide manufacturers or regular dealers. A breach of this required stipulation is a violation of the Act; however, a contractor who has been awarded a contract in spite of its failure to qualitfy as a manufacturer or regular dealer is not relieved of its obligation to comply with the other requirements of the Act and regulations, which are also contract stipulations.

(2) In implementing Section 1(a) of the Act, the Secretary of Labor has defined in 41 CFR 50–201.101 the terms "manufacturer" and "regular dealer" by stating the affirmative requirements that must be met by potential contractors before they may receive Government contracts subject to he Act. Every bid from any bidder who is not a manufacturer or regular dealer, as defined therein and in accordance with this subpart, must be rejected by the contracting officer. See 41 CFR 50–201.101 (a) (3) (i).

(3) The provisions of 41 CFR 50–201.1 require that the representations and stipulations prescribed in section 1 of the Act must be included in invitations to bid and in contracts subject to the Act, either in full or by incorporation by reference. Since no qualifications may be placed on the required representations and stipulations, any bid which seeks to avoid full compliance with the Act by any qualification or reservation must be rejected. (See 16 Comp. Gen. 593.)

(b) The responsibility for applying the stated eligibility requirements in order to determine whether or not a bidder is qualified as a manufacturer or regular dealer before award rests in the first in-

stance with the contracting agency pursuant to authority delegated by the Secretary of Labor in accordance with section 4 of the Act (Circular Letter 8-61), as detailed in § 50-201.101(b) of Part 50-201 of this chapter. It is the obligation of the contracting agencies to obtain and consider all factual evidence essential to eligibility determinations for all bidders on contracts subject to the Act.

§ 50-206.51 Manufacturer.

(a) (1) Section 50-201.101(a) (1) of Regulations 41 CFR Part 50-201, defines a manufacturer as a "person who owns, operates, or maintains a factory or establishment that produces on the premises the materials, supplies, articles, or equipment required under the contract and of the general character described by the specifications."

(2) Generally, there should be no question as to a bidder's eligibility. The bidder either has, or has not, the requisite plant, equipment and personnel to produce on its own premises the goods called for under the Government contract.

(b) A bidder who desires to qualify for an award as a manufacturer must show before the award that it is (1) an established manufacturer of the particular good or goods of the general character sought by the Government (i.e., that the bidder has a plant, equipment and personnel to manufacture on its own premises the goods called for under the contract) or (2) if the bidder is "newly entering" into such manufacturing activity that the bidder has made all necessary prior arrangements and definite commitments for (i) manufacturing space, (ii) equipment, and (iii) personnel to perform on its own premises the manufacturing operations required for the fulfillment of the contract. A new firm which, prior to the award of a contract, has made such definite prior arrangements and commitments in order to enter a manufacturing business which will qualify it should not be barred from receiving the award because it has not yet done any manufacturing, even if such arrangement and commitments are contingent upon the award of a Government contract. However, in order to meet the "definite commitment" test for "newly entering" firms, the bidder must have entered into written, legally binding arrangements and commitments prior to, even though contingent upon, award, under which the bidder would acquire for itself plant, equipment and personnel if awarded the Government contract. This would be evidence of a bona fide intent to establish a continuing manufacturing entity and, as such, to become an eligible manufacturer. This requirement is intended to exclude from eligibility bidders who make unsubstantiated assertions that they are eligible and then totally subcontract or broker the contract after award.

(c) (1) In general, such "newly entering" firm must show that the manufacturing activity in question is not one which has been set up solely to produce on a Government contract and whose operations will be terminated upon completion of that contract. In effect, the firm must have established arrangements on a continuing basis for production of the goods desired by the Government.

(2) The documentation required to evidence prior arrangements and definite commitments will vary depending upon the facts and circumstances of the particular case. The contents and bona fides of all documentation and arrangements must be examined to determine if the spirit and intent of the Act and the regulations have been met. The following are examples of what the Department of Labor considers as sufficient evidence of all necessary prior arrangements and definite commitments:

(i) Manufacturing space can be either owned or leased by and in the name of the bidder. A recorded deed to the bidder's property in which the manufacturing is to take place, or a copy of a properly executed bona fide lease agreement clearly identifying the manufacturing space and setting forth the terms and conditions of the lease, would generally be considered evidence of prior arrangements and definite commitments for space. In addition, as noted above, any such lease agreement must be legally binding on the part of both parties to the agreement, the space must be for the exclusive and unrestricted use of the lessee, and the term of the lease must be of sufficient duration so that the bidder will be able to clearly fulfill the contract before the lease expires.

(ii) (A) The bidder must own or have made written, legally binding definite commitments to purchase or lease sufficient equipment to manufacture the goods, materials, or articles required for contract fulfillment. A bidder must have full, complete and unrestricted control of the necessary equipment. A bill of sale or a purchase order may evidence definite commitments for equipment. The general requirements with respect to a bill of sale or purchase order are that it be dated and signed by the bidder, specifically identifying and describing the equipment and the terms of payment for the equipment purchased or to be purchased, and containing the date by which the vendor delivered or is required to deliver the equipment.

(B) The vendor must provide written evidence of acceptance, such as a bill or invoice, acknowledging receipt of the purchase order, as written, and setting forth the terms of payment in accordance with prevailing business practice. Such documentation is normally associated with the consummation of a sale in the usual conduct of business transactions.

(C) Letters of intent for space and equipment or vendor quotations or offers to sell or lease space or equipment, or affidavit that a sale or conveyance has occurred, do not constitute legally binding contractual agreements or definite commitments.

(iii) The best evidence of available personnel is the presence on the payroll of the manufacturing employees necessary to fulfill the contract. However, affirmative evidence which the bidder submits showing what prior arrangements and definite commitments it has made to hire its own manufacturing personnel will be considered.

(d) A bidder's mere representation or affirmation that he is a qualified manufacturer or has fulfilled the above applicable conditions is insufficient. Evidence must be presented to the contracting agency which shows that these conditions are, in fact, met prior to any award of a contract subject to the Act. If it is discovered after an award that the bidder did not act in good faith by actually fulfilling these acquisition requirements, such contract award shall, in accordance with § 50-201.101(a) (3) (i) (A) immediately upon such discovery, be voided *ab initio* by the contracting officer.

(e) The plain language of the Act and regulations makes it clear that covered contracts are to be awarded only to contractors who are currently capable of manufacturing on their premises the goods called for under the contract or who, if newly entering into manufacturing, have made binding commitments before award to enable them to produce such goods as discussed above. Thus, a bidder's arrangements to use, rent, or share the equipment, personnel, or space of another legal entity on a time and material or "as needed" basis do not constitute the making of all necessary prior arrangements or definite commitments. (See "In re Metalcraft Mfg. Sale Corp.", 15 WH Cases 557, 566 (1962).) The Department has consistently held that the availability of the manufacturing and producing establishments of others does not qualify the contractor as a manufacturer as the term is defined herein. See, for example, "In re Electric Ventilating Corp.", 13 WH Cases 220, "In re Dimensional Displays", 12 WH Cases 847, and "In re Paramount Industries, Inc.", 11 WH Cases 721.

(f) Every bidder must qualify in its own right as a manufacturer under the Act. Therefore, all evidence documenting a bidder's eligibility must be in the name of the bidder. Arrangements or proposals for subcontracting, or a bidder's affiliation or relation with another firm, even one having the same officers or ownership, are not definite commitments nor are they evidence of the bidder's own eligibility as a manufacturer, even though such affiliate or subcontractor might be a qualified manufacturer. The fact that one legal entity may qualify as a manufacturer does not confer such status upon another legal entity. (See Decision of the Hearing Examiner, "In re Alden Industries, Inc.," PC-551, March 16, 1954; "In re Alsco Commercial Furniture Co., Inc.," PC-469, July 16, 1952.)

(g) A bidder's eligibility status on a previous Walsh-Healy contract or its performance as a subcontractor on Walsh-Healy contracts are not determinative evidence of the bidder's present eligibility as a manufacturer.

(h) Activities such as engineering, planning, design, inspection, quality control, testing, marking, packaging, and repackaging and shipping may be incidental, ancillary or necessary to manu-

facturing. Nevertheless, such operations are not, standing alone, or in combination, considered "manufacturing," i.e. fabrication or production. The proposed performance solely of such activities does not qualify a firm as a manufacturer.

(i) A certificate of competency issued by the Small Business Administration is not material to Walsh-Healey eligibility status or determinations. As stated by the Comptroller General in Decision B-135444 (37 Comp. Gen. 676, 678):

"Since by its terms section 213 of the Small Business Act, 15 U.S.C. 642, makes conclusive the Administration's certification of a small business concern as competent with respect to 'capacity and credit,' we think such provision must be construed as controlling only insofar as it conflicts with a determination by a procurement officer as to the 'capacity or credit' of a bidder. However, if a bidder is found not to be qualified for other reasons, as for example * * * if he is found not to be a 'manufacturer' or 'regular dealer' * * * under the * * * (Walsh-Healey Public Contracts Act) in our view the certificate of competency, being limited by statute to 'capacity and credit,' would not be determinative of the award to be made."

(See also Decision of the Comptroller General, B-152716, dated January 27, 1964 (not officially published); B-176738, dated August 30, 1972 (not officially published); B-180384, dated January 21, 1974 (not officially published); and "GSE Dynamics, Inc. v. Doe," 381 F. Supp. 1088 (E.D. N.Y., 1974).)

§ 50-206.52 Assembler.

(a) As a result of changing technology in the area of manufacturing, the Department has concluded that it is now necessary to provide a fuller discussion of the standards that an assembler must meet to qualify as a manufacturer.

(b)(1) "Assembly" means piecing or bringing together various interdependent or interrelated parts or components so as to make an operable whole or unit. (Decision of the Comptroller General, B-164770, September 3, 1968 (not officially published).) A firm which produces final items on its premises by assembling component parts, all or some of which have been purchased from others, will generally be considered to be a "manufacturer" where it performs a series of assembly operations utilizing machines, tools and workers which constitute substantial and significant fabrication or production of the desired product. The qualifications of a bidder as a manufacturer who proposes to "assemble" must be decided on the basis of all the facts and circumstances surrounding a particular procurement.

(2) Thus, the determination of whether a bidder proposing to assemble a final product from component parts is an eligible manufacturer must rest on whether the bidder has demonstrated an independent ability, with its plant, equipment and personnel, to perform a significant or substantial portion of the manufacturing operations and efforts required in producing the final product for which the government contracted.

(3) In the alternative, a bidder may also qualify as a manufacturer if it has the facilities to produce on its premises a significant portion of the required component parts needed for the final product even if the bidder will only perform assembly operations under a particular procurement.

(c) Firms which only perform minimal operations upon the item being procured cannot qualify as manufacturers. To allow any such bidder to do so would obviously frustrate the purposes of the Act. As stated in the Decision of the Hearing Examiner "In re Brentwood Radios, Inc.," 12 WH Cases 158, 162 (1954):

Confident that the Act and Regulations defining a manufacturer contemplate something more than the occasional and isolated performance of such a simple assembly operation on but two Government contract items of a sundry nature, as disclosed by the record in this case, I have concluded that the corporation cannot justifiedly be regarded as bona fide manufacturer, even of such items, qualified to do business with the Government. Except for the negligible amount of time expended by the two officers of the corporation on such assembly operation over seven years of corporate existence, the corporation has at no time engaged in any other assembly or manufacturing operations for the Government and in no civilian production at all.

(See also "Tyco, Inc. v. Hodgson," 67 CCH Labor Cases ¶ 32,652 (E.D. Va., 1971 (not officially published)); and "In re John F. Noble Company," Decision of the Trial Examiner, PC-184, March 29, 1945.) As the court stated in "George v. Mitchell," 282 F.2d 486, 493 (C.A. D.C., 1960), while Congress in enacting the Walsh-Healey Public Contracts Act "may have been concerned for the small businessman capable of sustaining the administrative burdens of bidding for and processing Government contracts, we do not think it intended to protect producers who could not independently perform those minimal contracting functions."

(d) Packaging by itself does not constitute "assembly." For example, a bidder who proposes to supply bottles of aspirin in units of 100 and whose only operations would be the purchase in bulk of the aspirin and the bottles, the transferring of the aspirin from the bulk container to the bottles, and the labeling, wrapping, and shipping of the bottled aspirin, would not qualify as a manufacturer. Furthermore, a bidder proposing to purchase a hose and a clamp and place the clamp on the hose to make a "hose assembly," and then package and ship the item, is not a manufacturer within the intent of the Act. (See also Decision of the Comptroller General, B-164770, September 3, 1968 (not officially published).)

§ 50-206.53 Regular dealer.

(a) A bidder may qualify as a regular dealer under 41 CFR 50-201.101(b) if it owns, operates, or maintains a store, warehouse, or other establishment in which the commodities or goods of the general character described by the specifications and required under the contract are bought, kept in stock, and sold to the public in the usual course of business. The storage of goods in a public warehouse will not in itself satisfy the place of business requirements of this definition unless there is a continuing right (i.e. bona fide written lease agreement) to a specified, identified amount of space in the warehouse. A bidder who desires to qualify for award as a regular dealer must show to the satisfaction of the contracting agency prior to any award that it is engaged in an established, regular business meeting all the criteria of 41 CFR 50-201.101(a)(2). It is not enough in the case of a regular dealer to show only that arrangements have been made to set up such a business; before an award can be made, it is essential that it shows an already established business regularly dealing in the particular goods or goods of the general character offered to the Government.

(b) A bidder must be able to show before award:

(1) That the bidder has an establishment or leased or assigned space in which it regularly maintains a stock of goods in which it claims to be a dealer; if the space is in a public warehouse, it must be maintained on a continuing, and not on a demand, basis;

(2) That the stock maintained is a true inventory from which sales are made; the requirement is not satisfied by a stock of sample or display goods, or by a stock consisting of surplus goods remaining from prior orders, or by stock unrelated to the supplies which are the subject of the bid, or by a stock maintained primarily for the purpose of token compliance with the Act from which few, if any, sales are made;

(3) That the goods stocked are of the same general character as the goods to be supplied under the contract; to be of the same general character, the items to be supplied must be either identical with those in stock or goods for which dealers in the same line of business would be an obvious source;

(4) That sales are made regularly from stock on a recurring basis; they cannot be only occasional and constitute an exception to the usual operations of the business; the proportion of sales from stock that will satisfy the requirements will depend upon the character of the business;

(5) That sales are made regularly in the usual course of business to the public, i.e., to purchasers other than Federal, State, or local Government agencies; this requirement is not satisfied if the contractor merely seeks to sell to the public but has not yet made such sales; if Government agencies are the sole purchasers, the bidder will not qualify as a regular dealer; the number and amount of sales which must be made to the public will necessarily vary with the amount of total sales and the nature of the business; and

(6) That the business is an established and going concern; it is not sufficient to show that arrangements have been made to set up such a business.

(c) With regard to the test in paragraphs (b) (5) and (6) of this section, as stated in the Decision of the Administrator, "In re Herbert Co." (9 WH Cases 561, 562 (1950)): "It is plain that the Act and Regulations intended to bar from receipt of Government contracts those persons whose regular method of operation is to secure contracts and thereafter buy elsewhere the goods necessary to fill the contract. While it was not contemplated by the regulations that every Government contract awarded to a dealer be filled from stock on hand, it was the intention to require that Government contracts should be awarded only to those dealers who maintain a stock of goods of the general character required under the Government contract in question, and who, as a regular course of business dealings, make sales from such stocks. It is not sufficient for a dealer to show that some sales are made from stock, or that sales from stock are not unusual in his business; rather he must show that in the usual course of his business a very substantial amount of his sales are made from stocks on hand" (emphasis added).

(d) Coal dealers are exempted from the regular dealer requirements of the Act on certain express terms and conditions which are set forth in 41 CFR 50–201.604(a). The exemption will be applicable only if these conditions are complied with. If they are not, the general definition of regular dealers contained in 41 CFR 50–201.101(a) (2) of the regulations would be applicable.

§ 50–206.54 Regular dealer in particular products.

In addition to the exemptions from the requirements of section 1(a) of the Act which have been granted for certain types of contracts as set forth in 41 CFR 50–201.604, special alternate qualifications have been prescribed for hay, grain, feed, or straw; raw cotton; lumber and timber products; machine tools; green coffee, petroleum; agricultural liming materials; tea; raw or unmanufactured cotton linters; certain uranium products and used automated data processing (ADP) equipment in recognition of existing industrial and commercial practices in those industries. These special qualifications may be found in 41 CFR 50–201.101(a) (2) and 41 CFR 50–201.604. Characteristic of these alternative qualifications is the absence of a requirement that the dealer physically maintain a stock.

§ 50–206.55 Agents.

A "manufacturer" or "regular dealer" within the meaning of the Act and regulations may bid, negotiate, and contract through an authorized agent if the agency is disclosed and the agent bids and contracts in the name of the principal. Brokers from whom foreign-made goods consigned directly to the Government are purchased need not qualify as regular dealers under 41 CFR 50–201.101 (a) (2) since the contract itself is not subject to the Act.

§ 50–206.56 Administrative exemptions.

Sections 50–201.101(a) (3) (ii) and 50–201.601 of Regulations 41 CFR Part 50–201, provide for the granting of exceptions and exemptions from the application of section 1(a) of the Act upon request by the head of a contracting agency to the Administrator, Wage and Hour Division. Such request should contain all pertinent information enabling the Administrator to determine if such exemption is necessary to avoid the serious impairment of the conduct of Government business. Any such request will be published in the FEDERAL REGISTER as a proposal with time for public comment.

Signed at Washington, D.C., on this 13 day of 1977.

WARREN D. LANDIS,
Acting Administrator,
Wage and Hour Division.

[FR Doc.77–14487 Filed 5–19–77;8:45 am]

FRIDAY, MAY 20, 1977
PART VII

federal register

FEDERAL COMMUNICATIONS COMMISSION

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LAND MOBILE SERVICES

Inquiry Into Practices and Procedures for Spectrum Management

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR 89, 91, 93]

[Docket No. 21229; FCC 77-287]

LAND MOBILE SERVICES

Practices and Procedures for Spectrum Management Governed by Parts 89, 91, 93 of the Commission's Rules; Notice of Inquiry

AGENCY: Federal Communications Commission.

ACTION: Notice of Inquiry; Request for Comments.

SUMMARY: The Commission is seeking public response to its plan for developing a new program of spectrum management for the land mobile radio services. These services include most private uses of two way radio and radio paging by police, fire, business, and other industrial users. The Commission invites comments on a new aplication form that will be used to build a computerized data base. The Commission also announces its intention to develop new rules and standards for the selection of requencies for land mobile systems. Also included is a report on spectrum monitoring that the Commission has been conducting in Chicago on a trial basis. Public response to any of the material presented will be considered in the development of the new program.

DATES: Comments must be received on or before July 15, 1977, and Reply Comments must be received on or before August 15, 1977.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Morgan O'Brien, Safety and Special Radio Services Bureau, Federal Communications Commission, Washington, D.C. 20554 (202-254-3301).

SUPPLEMENTARY INFORMATION:

Adopted: April 27, 1977

Released: May 17, 1977

1. The Federal Communications Commission hereby gives notice of an inquiry into practices and procedures for more comprehensive management of the land mobile services. The Commission has developed a new program of spectrum management of the land mobile services with the following immediate objectives:

a. A nationwide data base of all land mobile systems, computerized to permit access by the Commission, the land mobile community, and the general public. The Commission has set forth herein the data elements of the proposed data base. It requests comments on these and on several alternate data base designs.

b. Rules and standards for private frequency coordinators, to be formulated in a proceeding that will be initiated within the next several months. In conjunction with the development of rules and standards, the Commission will establish a program to audit the performance of the coordinators.

c. Monitoring to collect channel utilization statistics for areas of severe congestion. Comments are invited on formats for presenting utilization information to the land mobile users, coordinators and vendors. Representative formats have been included and comments are invited.

d. Relaxation of radio service block allocations to permit wider sharing of frequencies in Chicago on a trial basis.

2. These objectives are the result of extensive staff study, and are based on several years of experience with the Chicago pilot. The declaration of specific objectives is not intended to foreclose comments suggesting modifications to the new program. It is intended to present a clear picture of the Commission's present intentions. Interested parties are encouraged to take issue with all or any part of the program. The resources presently available to the Commission for the land mobile services, and those that become available over the next several years, will be committed to achieving the objectives that are finally resolved by the Commission after careful consideration of the comments received in this proceeding.

INTRODUCTION

3. This Notice begins the second stage of the Commission's program for improved management of the land mobile spectrum. The first stage was initiated formally in 1971 with the issuance of a proposed rulemaking in Docket 19150. (Notice of Proposed Rule Making, Docket (No. 19150, 27 FCC2D 400 (1971)). First Report and Order, Docket No. 19150, 32 FCC2D 347 (1971). Second Report and Order, Docket No. 19150, 38 FCC2D 625 (1972). There were numerous antecedents to that proceeding, particularly the work of the Advisory Committee for the Land Mobile Radio Services (ACLMRS) and the Joint Technical Advisory Committee (JTAC). (See Report of the ACLMRS, Vol. I, Vol. II, Parts 1 and 2, July, 1968. See Spectrum Engineering, The Key to Progress, New York, 1968.) Under contract to the FCC, Stanford Research Institute designed the basic elements of a spectrum management pilot program in the late 1960's. In 1972 the Commission established an office in Chicago to test the spectrum management techniques that had been proposed. The elements of the experiment were a computerized data base of all land mobile equipment operating in the Chicago region; a staff of experts located regionally to handle frequency selection and licensing of new systems; a mobile monitoring program to collect channel utilization statistics; and proposed changes to the block allocation system to increase the sharing of frequencies between radio services. The Chicago experience has been detailed extensively in published reports. (See Report on Restructuring The Spectrum Management Task Force, (1975), W. Sutter. Analysis and Recommendations Concerning Regional Spectrum Management, D. Hatfield, FCC Report No. 76-606. Chronology of the National Spectrum Management Program (1976), FCC Report No. SMTF 76-01.)

4. Major revisions to the program of regionalization envisioned in Docket 19150 were approved by the Commission in June of 1976. (See Analysis and Recommendations Concerning Regional Spectrum Management, D. Hatfield.) The Commission based these changes not only on the experience in Chicago, but also on a reconsideration of the nationwide requirements of the land mobile services. A vital element of this reconsideration was the finding that the total cost of a fully regionalized system, as originally proposed in Docket 19150, does not appear to be justified by the benefits to be anticipated. All FCC programs are being subjected to this scrutiny in light of the current budget situation. This finding, of course, cannot overshadow the fact that congestion in the land mobile services, aggravated by manual systems for frequency selection and licensing, continues to plague the users of these frequencies and continues to require innovative responses from the Commission.

5. The Commission therefore has decided to develop a revised program of spectrum management, based on those elements of the Chicago experiment that have demonstrated their utility. This is to be a program that maintains a favorable balance between the costs incurred and the beneficial effects that can reasonably be expected. Immediate steps have been taken to reduce the costs involved in the program, including a significant reduction in staffing level and relocation of the Chicago computer to Washington where it will be shared ultimately by other Commission offices. Substantial reductions in the scope of the monitoring program have been made and further changes in the Chicago monitoring program are contemplated, as described more fully in Section III.

6. All plans for additional regional facilities have been deferred. The costs now being incurred have been reduced to those covering personnel sufficient to design a nationwide system and a small staff remaining in Chicago to continue monitoring operations and public interface. In the design of the new system each cost element of the proposed program will be analyzed and alternatives will be considered based on the ratio of cost to benefits. The major components in this regard are the nationwide data base and the monitoring program. A cost analysis of the alternatives developed after consideration of the comments filed in this proceeding will be made a part of the record of this proceeding.

7. The text of the Notice conforms to the objectives stated in paragraph one. Section I deals with the elements we propose to include in the Nationwide data base raises questions that must be considered in the design of the computerized system. Section II covers the issue of frequency recommendations by the private frequency coordinators; it lists the engineering models developed in Chicago that will be available for analysis of congestion problems and for audit-

ing the performance of the coordinators. Section III reports briefly on the current plans for monitoring in Chicago. It also serves as an introduction to Appendix B which reports the current status of analysis of monitoring data. Section IV summarizes the Commission's findings with regard to the possibility of wider sharing of frequencies and proposes several definitions that will lay the groundwork for later sharing proposals.

I. The License Data Base

8. On a centralized, nationwide basis, the Commission's present manual processing system and the current method of computer input, storage and retrieval of land mobile information is seriously information is seriously inadequate for effective frequency managing, rulemaking, research, reporting and providing public assistance. These inadequacies are due primarily to the inability to readily access the information. The ability to retrieve information from the data base and a means for the staff to easily make changes in the records of the data base are two of the key features of the automated licensing system which has been in operation in Chicago for the past three years.

9. There are a number of ways to access information in a data base. We have experimented with many methods (software and hardware) to access the Chicago data base. The types of information and its retrieval required by parties outside the Commission is important in the final design of an automated national data base system. There are questions which need to be answered as soon as possible, such as, how will the data be furnished to these outside parties, and what information will be required? Before asking for specific comments, we would like to apprise the public of the various possibilities.

10. Much of our presentation and many of the solicited comments will be directed to the information contained in Appendix A. This Appendix lists the proposed elements of the new national data base and examples of the computer checks and verifications of application information in the Chicago processing system as well as examples of the different ways to retrieve information from the data base. It consists of the following sections:

a. List of Proposed Data Elements for a New Land Mobile Application Form.
b. Examples of computerized Application Processing Checks.
c. Notice of Expired License; and Notice of Impending Expiration and Renewal Application.
d. Data Base Queries.
e. Example of Data Base Extract.

Accuracy of the Data Base

11. Two of the most important concerns in the design of a license data base for the land mobile radio services are completeness and accuracy. These concerns follow from the functional role of the data base in the frequency selection process. To make the best frequency recommendation for an applicant, the coordinator must have a reasonably complete, accurate, and current knowledge of the radio environment with which the proposed system will interact. This can be provided most reliably by the Commission's data base. In the next several paragraphs, a number of factors which degrade the quality of a license data base are examined together with steps that the Commission has taken in Chicago to overcome them.

12. It must first be recognized that the elements of each license record in the data base are only as accurate as the data submitted to the Commission by an applicant on his application form. Because of the numerous verification checks designed into the Chicago automated system (See Appendix A, Section 2), the information in the data base is identical to that of the application (or corrected application) and the authorized license parameters. The accuracy of the data base thus depends largely on the extent to which each application contains data which accurately describes the actual system to be placed in operation. Major discrepancies between licensed and actual system parameters pose serious potential problems inasmuch as the quality of frequency assignments and efficiency of spectrum utilization can be affected. Our experience in Chicago over the past three years has led us to believe that, for the most part, such discrepancies are not so substantial as to require major attention. However, there is one notable exception.

13. We have compelling evidence to conclude that discrepancies exist between the actual number of mobile units in a fully operating system and the number specified on the application. This is a particularly serious problem above 470 MHz where, unlike the lower bands, the licensed number of mobile units on a channel is the criterion for determining when that channel can no longer be assigned in a particular area. A study of the 470–512 MHz band presented in Appendix B, Part 2, indicates that no correlation exists between the licensed number of mobiles on a channel and the measured level of channel utilization. Similar studies in other bands have also shown that there is no correlation between measured utilization and the "actual" number of units specified on Section III of Form 425. An underlying reason, we suspect, is that many applications overstate the number of mobile units in an attempt to reduce channel sharing.

14. Other factors affecting the accuracy of the land mobile data base are licenses that have expired and unlicensed radio station operation. Since June, 1976, the Chicago Office has been conducting programs which identify expired licenses and those which are about to expire. A computer program identifies those licenses which have expired 90 days or more and creates a mailing list. A license examiner reviews the list for errors and compares it with the application status listing to determine if an application is pending for an expired license. Notice of Expired License, copy of which is included in Appendix A, is then mailed. The licensee has 30 days in which to file a new application or send in a copy of any valid license he may have for the particular station. If there is no response, or if we are advised that the station is no longer in use, the license record is then deleted from the data base.

15. Likewise, the computer generates a notice of expiration/renewal form 45 days prior to the expiration of a license in the data base. This notice and instructions (See Appendix A) are mailed to the licensee listing some of the key license parameters. The licensee desiring renewal and indicating no change in the terms of his existing license, confirms the information, signs and returns the form and subsequently a renewal license is issued. These programs ensure that the data base is kept up-to-date; licensees will be notified of impending expiration; and the need for Notice of Expired License will gradually be eliminated.

16. At this point, we would ask for comments on:

a. The extent and seriousness of discrepancies between licensed and actual system parameters, and what measures the Commission should take to verify the information on application forms.

b. Methods to reduce the impact of the above factors on the data base to be constructed nationwide.

c. Methods by which coordinators, equipment vendors and individuals can supply feedback to the Commission on unlicensed operation, stations never constructed, and those which cease to operate.

Accessibility of Data Base Information

17. The Commission is considering two different techniques for access to the data base. One is direct "on-line" access where the user interfaces directly with the computer to obtain the desired information. Using the other method, "indirect" access, the user makes a request to the Commission's staff who then interface with the computer and supply the information or printout to the requestor.

18. In the past, we have made the Chicago data base available on a direct on-line basis to parties outside the Commission (See Appendix A, Section 4 for examples of this access). Because of the cost and time considerations of such access to the nationwide data base, it may not be feasible to make this type of access available on a routine basis. We invite comments on the need for such access particularly by frequency coordinators and equipment venders. Comments are also directed to a "third party" option, where a contractor supplies information to all users on a cost-reimbursable basis; under such an arrangement, access could be provided in ways that vary depending on the user's requirements.

19. In addition to the previously covered options, the data base could be furnished, in its entirety or sorted by certain

parameters, such as service, frequency or geographic area. It could be made available periodically via microfiche or printout. This type of access could be employed by someone not requiring totally up-to-date data. The immediate access could be used to supplement the periodically supplied information. This combination would reduce the volume of immediate access with the intent to reduce cost and maintain practicability.

20. The information that the Commission stores in its data base has many potential applications. Some of these are:

a. Resolution of Interference cases.

b. Computation of growth statistics for market projections and, along with monitoring data, support for new spectrum allocations.

c. Day-to-day use by coordinators for frequency recommendations and by the users where there is no provision for coordination.

d. Resolution of a difficult frequency selection situation where no adequate frequencies appear to be available for a given need.

REQUEST FOR COMMENTS

As the Commission proceeds to design its national land mobile data base, it would like to have comments on these specific questions:

a. Appendix A includes a list of proposed data elements. Are these adequate, or are there items which should be added to this list? Are there items which can be dropped with little or no impact on the data base viability?

b. The Commission is concerned about the possible discrepancies between licensed and actual system parameters with particular emphasis on the number of mobile units. What is the extent and seriousness of this and what measures should be taken to verify the information and reduce the impact on the national data base?

c. In making the data base information available, what is the most desirable or beneficial method with which to provide it? The Commission is looking for the differing requirements; i.e., a coordinator may have different needs than a vender or the general public. What are the minimum data elements needed in the frequency selection process?

d. Is it practicable to develop methods by which coordinators, equipment venders and individuals can supply feedback to the Commission on unlicensed operation, stations that were never constructed and those which cease to operate? If so, what form should this feedback process take?

II. FREQUENCY SELECTION

21. The Commission designed, developed and implemented a computerized frequency selection program (hereinafter AFAM) that has been operating in Chicago for the last several years. A brief description of the component elements of the program has been set out below, and an extensive report has been published. (Tremper, P., Automatic Frequency Assignment Model (AFAM)); FCC Report No. SMTF-75-01 (1975). The Chicago experience has persuaded us that it is not presently feasible or desirable for the Commission to undertake the function of frequency selection nationwide, as was originally proposed in Docket 19150. The rationale for this conclusion is complex, but essentially it derives from the unwieldy number of variables involved in making good frequency selections. We have determined that a system of private frequency coordinators, representing the various service groups, offers a more realistic way of coping with these variables in a nationwide setting than does a set of computer programs, even programs as ambitious as AFAM. Consequently, AFAM will not continue as a production program. It will be revised and simplified and be made available as a tool for use in situations where the coordinator is not able to suggest a frequency that is acceptable for an applicant's use. The Commission will use component elements of AFAM in performing its audit function.

22. The Commission will initiate a separate proceeding dealing solely with the frequency coordination function. The purpose will be to develop rules and standards by which the coordinator will operate. Presently there is very little standardization in the coordination function. Even within some radio services, there are variations in the way in which frequencies are recommended. The frequency coordinators are not at fault in this regard because the Commission has not provided them with standard procedures or with general rules for operating. While a number of land mobile associations have developed guidelines for use by coordinators, no standardized program has been undertaken by the Commission. This deficiency must be corrected. Comments are invited on how the Commission can most effectively set about the task of developing proposals for these rules and standards.

23. The Commission recognizes that the various coordinating committees are structured differently and employ methods that vary widely in their degree of sophistication. For instance, some coordinators base their recommendations only on co-channel station separation and are guided by minimum separation standards. Others perform more detailed interference analysis, take into account the number of mobile units on a channel, and may even be concerned with limiting antenna heights and effective radiated powers of proposed stations. We realize that the different methods are influenced to a certain extent by transmitter density and the operational needs of the given radio services. However, we also believe that certain "rules of thumb" such as minimum geographic station separation for a given service afford that service a luxury not attainable to other services with equal or perhaps even higher priority needs.

24. We plan to provide coordinators with channel occupancy data in the form of "low", "medium" and "heavily used" channels. This will be limited to major urbanized areas and areas where a compelling need is manifested and will become available gradually over the next several years. In our audit procedures, the license data base and monitoring data will be used to insure that all channels are loaded in an equitable manner. This information will also guide the Commission in evaluating or initiating recommendations for geographical interservice sharing and/or frequency re-allocation. The Commission will apply its automated frequency selection model on selected applications as a check on the frequency recommendation of the coordinator and/or vender. The frequency selection model will also aid the Commission in resolving coordinator/applicant disputes and in other difficult frequency selection cases. The Commission also will retain the provision for an "engineering field survey" as an alternative to frequency coordination. We anticipate that the license data base and monitoring data (where available) will substantially assist those applicants pursuing this option.

25. In view of our intended use of the automated frequency selection model (AFAM) and its potential usefulness to the coordinators and/or venders, we will give a brief description of its operation here. We would point out that AFAM is an integrated assembly of engineering models and routines which can be used independently as needed. Furthermore, each of these models could be adapted to a form that would not require channel monitoring data as an input. Present inputs to AFAM, in addition to the monitoring data, are the license data base and the technical parameters of a proposed system. (The license data base and monitoring data are described in section I and III and the Appendices.) The engineering routines sequentially: (1) recommend a combination of antenna height and effective radiated power appropriate for the service area specified in the application, (2) determine a listing of frequencies available for the instant application, and (3) rank the frequencies on the combined basis of estimated level of usage to the applicant and adverse impact on existing co-channel and adjacent-channel stations. Since the routines are modular, we would ask the coordinator/vender to comment on those most useful to their purposes.

26. The automated frequency assignment model is comprised, in part, of the following routines:

a. *Frequency Eligibility*: This routine generates a list of eligible frequencies for the applicant's proposed radio service, frequency band, and mode of operation (for example, the Business Radio Service, 150 MHz band, and one-way paging). Next, frequencies with limitation not in conformance with system parameters are eliminated (for example, the proposed antenna height exceeds the maximum allowable).

b. *Occupancy Retrieval*: For each eligible frequency, occupancy and waiting time parameters are retrieved from data taken at the nearest monitoring site to the proposed base station location

(See Appendix C). The frequencies are then ranked according to calculated waiting time.

c. *Co-Channel Interference Model:* A group of the frequencies having the lowest waiting times is analyzed with respect to intereference potentials to and from existing stations. The current model considers all stations within 100 miles of the proposed station. For each station in this environment, a propagation analysis is made to determine the extent of interference to and from the proposed station. This depends on the distance to the stations, antenna heights and effective radiated power, the frequency band and other factors.

In the co-channel and other engineering models to follow, the projected interference levels are weighted by the probability that an interfering station will be transmitting. This probability is derived from channel occupancy data taken at the monitoring site nearest the interfering station. The weighted interference levels are thus a measure of channel degradation to and from existing stations.

d. *Adjacent Channel Model:* A smaller group of those frequencies having the lowest co-channel interference potentials are further analyzed to determine the effects of interference to and from nearby stations operating on frequencies close to, but different, from that of the proposed station. This analysis is somewhat similar to that described above, with the exception that an adjacent channel correction figure, representing the level of transmitter noise at the given frequency separation, is applied. These correction figures are based on information supplied by radio equipment manufacturers.

e. *Intermodulation Model:* A further reduced number of frequencies which have passed the co-channel and adjacent channel models is analyzed with respect to intermodulation interference; i.e., interference caused by the mixing of two or three off-channel signals to produce a composite signal falling on the proposed frequency. Transmitter and receiver intermodulation interference, both to and from existing stations, are calculated.

f. The combined effects of the three interference models are calculated separately for interference to and from the environment. The final figures are weighted so that interference to the environment is given twice the importance as that from the environment. The net frequency ranking parameter is the "level of service"; expressed as a percentage on a scale from 0–100 percent; 100 percent being the best possible level.

27. The output of the automated frequency selection model consists of computer generated "frequency recommendation" printouts containing the following information for each recommended frequency: level of service, occupancy, waiting time, suggested antenna height and effective radiated power, and a listing of all co-channel licensees operating within a 20 mile radius of the proposed base station location. A copy of the frequency recommendation printout is included in Appendix C.

Frequency Coordination in the Chicago Region

28. While the Commission is developing procedures for the coordinators, it intends to return to frequency coordination in the Chicago Region by deleting those portions of the Rules that permit the filing of applications without evidence of frequency coordination. Effective September 1, 1977, the Commission will no longer accept applications that are not accompanied either by evidence of frequency coordination or by a field survey as now permitted in areas outside Chicago. A brief order will be issued within the next ninety (90) days making this Rule change, effective September 1, 1977. To prepare for this return of responsibility, each coordinating group should address itself to the need for information from the Chicago data base. The staff will assign a high priority to providing the information requested. Each coordinating group is invited to comment on any aspect of the burden that a return to coordination will entail.

Request for Comments

The Commission has requested comments on the makeup and use of the nationwide data base in preceding paragraphs. Response to those questions should similarly be directed, where applicable, to the frequency selection process:

a. The Commission has decided to return to the frequency coordinating committees in the Chicago Region where the Regional Office has performed this function since October, 1974. With respect to this decision, what information (license data base, monitoring information, etc.) and assistance from the Commission will the coordinating committees need to effectively resume their role in providing frequency recommendations?

(1) Does the proposed date of the resumption of the frequency coordination in Chicago (September 1, 1977) allow adequate lead time to prepare for the takeover.

(2) The Commission will be refining its review and evaluation of the coordinator's recommendations in the Chicago Region as it prepares the design of the nationwide system. We invite suggestions, especially from coordinators in that area, as to what are the best methods of interface between the Commission and the coordinators so that each may be aware of the other party's actions.

b. The Commission seeks the viewpoints of the land mobile community on which types of applications should require frequency coordination (or an engineering field survey) and how this coordination can best be accomplished.

(1) Should, for example, coordination be required in all frequency bands; including the 800 MHz band? Should other than initial users of shared mobile relay systems be required to obtain coordination? Should participants of "approved" frequency assignment plans be exempted from frequency coordination requirements? Should the Commission develop standards and criteria from which to evaluate and approve statewide or area-wide plans or should these plans be administered through the applicable coordinating committee?

(2) Can radio services having similar spectrum requirements better be served by a single coordination committee? Could this facilitate implementation of any future interservice or geographical sharing between these services?

c. The Commission intends to develop rules and standards to govern the frequency coordination process. We will also develop methods by which the performance of the coordinators and adherence to our standards can be evaluated. In this regard, we raise the following possibilities:

(1) Should the coordinating committees be given the authority to suggest standards relating to system coverage; i.e., insuring minimum necessary antenna height and/or effective radiated power? Should a frequency recommendation be contingent upon meeting such standards?

(2) In those areas where the Commission has conducted channel monitoring, should occupancy levels be established for determining when a channel could no longer be assigned in that area?

(3) In the interests of spectrum conservation should standards be developed to insure that licensees of a shared transmitter facility have similar coverage area requirements?

(4) What procedural interface with the Commission should be established to handle disputes between the coordinators and applicants? Should the Commission then recommend a frequency to the applicant directly or work through the coordinator?

III. Spectrum Monitoring

29. The Commission has conducted an extensive spectrum monitoring program in Chicago over the last four years. The program is described briefly in a report contained in Appendix B to this Notice entitled "Interim Progress Report on Spectrum Monitoring". The Report presents some significant results of a number of analyses completed to date and illustrates the various types of channel utilization data that can be made available. As a result of experience with the Chicago monitoring program, the Commission has substntially reduced the scope of spectrum monitoring in Chicago; but it intends to develop plans for monitoring in other congested areas in the country.

Future Plans for Spectrum Monitoring

30. Two decisions affect the course of spectrum monitoring in the future—the Commission's decision to transfer the Chicago licensing functions to Washington and centralize the spectrum management efforts there, and the return of the frequency coordinating committees to the frequency selection process for Chicago Region applicants.

31. Once coordinators re-enter the frequency selection process, we will further reduce the amount of spectrum monitoring in the Chicago Region. Production monitoring to support the automated frequency selection program (AFAM) will be discontinued. Until the coordinating committees resume the coordination role in July, the Chicago monitoring operations must continue to collect data to support current licensing functions. The number of production monitoring sites has been reduced from the original 56 to 30 sites. We are currently looking to concentrate monitoring activities in or near the larger urbanized areas close to Chicago. Eleven sites are now contemplated to cover the metropolitan areas of Chicago and Milwaukee by employing a receiving antenna height of 50 feet.

32. Future spectrum monitoring will be concentrated in the larger urban areas and in locations identified or suspected as being congested areas. Such monitoring will include areas other than the Chicago Region but will not be as intensive as the monitoring previously conducted in Chicago. Our plans are to collect data for the purpose of providing spectrum utilization statistics and analyses to (1) aid in frequency selection by users and coordinators, (2) serve as a tool for the Commission to review and evaluate the coordinator's performance, and (3) as input to our spectrum management program and allocation/reallocation proceedings. We plan to develop usage characteristics peculiar to each radio service or group of users that will supplement other methods of frequency selection. These characteristics will enable us to accurately monitor the growth and dynamics of land mobile usage. As these plans develop, we expect to provide spectrum monitoring capabilities in other urban areas of the country outside the Chicago Region as the need is defined by the Commission's staff and the land mobile community.

33. Appendix B to this Notice contains an "Interim Progress Report on Spectrum Monitoring." Part 1 of this Report defines the occupancy parameters we use to describe channel utilization and illustrates the various types of information retrievable from the special Long-Term Monitoring Project data and from the production monitoring data base. Part 2 examines the relationship between mobile loading standards of the Rules and actual on-the-air usage measured by our monitoring equipment.

34. With respect to the future plans for monitoring set forth above and the information presented in Appendix B, we are requesting specific comments on the following issues:

a. In what congested areas and in what parts of the spectrum should the Commission concentrate its monitoring efforts?

b. How should monitoring data be made available? On a periodic basis? By Public Notice? Commission Reports? Upon specific request? On a regular basis only to those involved in frequency selection/coordination?

c. What monitoring information would be useful? In what format is it most useful?

d. How should frequency coordinating committees use spectrum usage information in their process of recommending frequencies to individuals? What formats would be of interest to the general public, venders, coordinators, etc?

e. In areas where monitoring information has been gathered, can the channel usage data be used as a method of determining channel loading in lieu of the mobile loading standards now in the Rules? Should the cutoff level be made a hard and fast Rule or should it be a tool to use as a guideline?

f. Given accurate channel usage data, what parameter(s) (occupancy, waiting time, etc.) are of value in determining whether individual channels have high or saturated use, medium or low use? Should it be usage in a peak period or an average over a day, week, month or year?

g. How should the monitoring program and procedures for making available the usage data be structured to be of maximum benefit to land mobile users?

h. What standards should be developed to insure that, when additional users are added to low and medium use channels, saturation does not result, thereby reducing the level of service for all?

IV. Frequency Sharing

35. As indicated, the Commission has reduced the level of its financial commitment to the spectrum management program. There is no lessening of the Commission's commitment to improving the utilization of frequencies in areas of significant congestion. For the present, we have determined that it is neither technically nor financially feasible to implement channel sharing as extensive as that proposed in Docket 19150. There is sufficient capability in Chicago, however, to extend the sharing of channels without damaging the systems now operating and without incurring heavy administrative costs. The staff will develop proposals for increasing the sharing of frequencies in the Chicago Region, and these proposals will be issued within the next several months in further reports in this proceeding. Active involvement of land mobile users, coordinators and vendors in the development, consideration and implementation of these proposals is vital. Comments are invited on the best means of accomplishing this involvement.

36. The Commission has sufficient data base information in the Chicago Region to make possible the wider sharing of frequencies between services. No specific sharing proposal is being made at this time, but the staff is currently developing the definitions that will be essential to any workable sharing proposal. These definitions have been set out below for comment.

Saturation and Loading

37. The pressing need for more spectrum, expressed so often by the various associations of land mobile users, has forced the Commission to deal with congestion and channel loading in terms that have accepted meaning and with procedures that are relatively simple, straightforward and readily available without relating these criteria to any quantum measurements. Definitions of saturation and channel loading criteria are not easily derived. In order to provide a more objective evaluation of congestion, an improved measure of channel capacity and overall radio system performance is needed. We must develop a comprehensive, accepted method of measuring spectrum need of land mobile users. To this end, we would direct comments to the following discussions relative to saturation and loading.

38. When speaking of congestion in urban environments, both the Commission and the radio users have used the term "saturated channel". The Commission should be asking, "Saturated, in what respect? What is saturation, and how is it measured?" and attempting to answer these questions. Before developing the criteria of measurement, the Commission and the land mobile community should agree on some generic definitions. Other criteria may be developed within the context of these definitions:

A. *Saturation Level.*—In an absolute sense, the level of channel usage on a heavily used channel at which the addition of one or more users would seriously disrupt the use of that channel.

B. *Optimum Loading Level.*—The preferred level of channel usage at which the Commission would recommend not authorizing additional licensees to use a given channel on a time-sharing basis in the same geographic area.

39. Such definitions would be our basic starting point, and other criteria for measurement of usage, channel capacity and spectrum needs would follow. From use of the monitoring and license data base from Chicago, we hope to quantify these definitions or, at least, have a much better feel for them than we now have. There are, of course, other factors such as whether waiting time or response time is of primary consideration. Further discussion of these matters is contained in Appendix B.

Channel Utilization Information

40. For the purpose of supplying channel utilization information to those persons in the frequency selection process for the Chicago Region, the Commission proposes grouping frequencies into four broad categories of level of usage. These levels are based on measurements conducted over normal business working days and are further explained in Appendix B.

A. *Low Occupancy Channels.*—Those frequencies having either daily average occupancies of 0–10% or peak hour occupancies of 0–15%.

B. *Medium Occupancy Channels.*—Those frequencies having either daily average occupancies of 10–25% or peak hour occupancies of 15–40%.

C. *Medium High Occupancy Channels.*—Those frequencies having either daily average occupancies of 25–40% or peak hour occupancies of 40–60%.

D. *Very High Occupancy Channels.*—Those frequencies having either daily average occupancies greater than 40% or peak hour occupancies greater than 60%.

41. The above categorization is based on measured transmission occupancy as observed by the Commission's Regional Staff over the past few years. Measured transmission occupancy is the percentage of the montioring period in which a carrier frequency is detected as present on the channel being sampled by the monitor receiver. Those persons unfamiliar with the nature of mobile radio might think the above figures too low to indicate a high level of usage. Thus, we must distinguish transmission occupancy from message occupancy. The latter value will generally be greater since pauses, or gaps, exist between the series of transmissions in a message. Studies also show that "message throughput" on a channel may actually decline when transmission occupancy exceeds sixty percent (60%). This is because each user must compete with other users to complete a message that requires more than one transmission.

42. The Commission has established a limited objective for sharing in the Chicago Region. That is to determine the feasibility of working with the coordinators and venders to implement sharing in the Chicago Region, where the license data base provides a means of detecting possible channel availability. At this time, the Commission is interested in studying the feasibility of voluntary sharing arrangements, based on the Chicago data. No sharing will be authorized without the advance notice and consent of the frequency coordinating committees involved. Interested parties are encouraged to comment on the best way of effecting voluntary arrangements. If our experience over the next several months is positive, further proposals of a more specific nature will be forthcoming in this proceeding.

Conclusion

43. The essential distinction between the spectrum management program now being developed and the earlier program contemplated in Docket No. 19150 is the substantial reliance we are placing on the private sector. Initial selection of frequencies will be the responsibility of the applicant on the recommendation of the frequency coordinator. Decisions regarding system engineering will be left to the user and his equipment supplier. The Commission cannot perform either function under present restraints of money and personnel. We are convinced, in fact, that it is better not to have Commission involvement in these details. This is not an abrogation of our responsibility to license systems in the public interest. We intend to propose standards and establish rules; to enforce their fair application; and to assist the users, coordinators, and venders to achieve maximum utilization of the spectrum. The establishment of an effective working relationship between these interests and the Commission is a principal goal of this proceeding.

44. This action is taken pursuant to Sections 4(i), 303 and 403 of the Communications Act of 1934, as amended. Interested parties responding to this Inquiry shall furnish comments on or before July 15, 1977, and reply comments on or before August 15, 1977. All relevant and timely comments and reply comments will be considered by the Commission before reaching its decision in this proceeding; other relevant information, in addition to the specific comments invited by this Notice, may also be taken into account by the Commission. Because of the complex nature of this Inquiry, answers to the more detailed issues, if received after the specific date, will be considered. The Commission will issue a "Further Notice of Inquiry" subsequently, if it determines a need to delete, substantially modify, or clarify any of the announced objectives.

45. In accordance with provisions of § 1.419 of the Commission's rules, an original and six (6) copies of all comments, suggestions, pleadings, briefs, or other documents shall be furnished the Commission. Responses will be available for public inspection during regular business hours in the Commission's Information and Docket Reference Room at its headquarters in Washington, D.C.

Federal Communications Commission,
Vincent J. Mullins,
Secretary.

Appendix A

The License Database

1. Questions on new form

Item Number and Element Title or Description

1. Applicant's Legal Name and Mailing address:
A. Name
B. Address
2. Name of Radio Service
3. Purpose of Application:
A. License for new station
B. License renewal
C. License modification (complete Item 5)
D. Add station to system
E. Assignment of license (see instructions)
F. Other (specify below)
4. If station is presently licensed, give: Call sign
5. Nature of Proposed Modifications:
A. Increase power
B. Relocate station/antenna site
C. Change Area of operation
D. Change Radio frequency
E. Increase Antenna Height
F. Other (specify below)
6. Class of Station:

I. *Fixed location*

A. Base
B. Control (for mobile relay)
C. Mobile relay
D. Other (specify below)

II. *Mobile* (Enter actual No. of Units)

A. Land Vehicle
B. Aircraft
C. Watercraft
D. Hand-held Portable
E. Paging receivers
F. Other (specify below)
7. Details of Station at Fixed Location:
A. Transmitter Site No. (if more than one)
B. Total Height of antenna structure (AG)
C. Height to tip of your antenna element (AG)
D. AAT, if required
E. Ground elevation (AMSL)
F. Latitude
G. Longitude
H. Location of transmitter
I. City
J. County
K. State
L. If antenna will be mounted on an existing antenna structure, give name of a licensee using this structure, his call sign, and radio service.
8. Technical data: The following elements would be in matrix form for each of pair of transmit/receive frequencies:
A. Frequency (Transmit and receive)
B. Type of Unit Codes (from Item 6)
C. Number of Units
D. Frequency Usage Codes (Particulars of Operation)
E. Output Power
F. Power Losses between transmitter (or receiver) and antenna
G. Antenna Gain
H. ERP
I. Antenna Height
J. Emission Designators
9. Written description of mobile operating area.
10. Area of operation/coverage area:
A. Latitude of center
B. Longitude of center
C. Radius
11. Other stations in system: Call Signs
12. Control points:
A. Indicate control point locations by street address (or other narrative description if street address is not appropriate)
B. Telephone No. of principal control point.
13. Eligibility
14. will any of the radio facilities (equipment) proposed or covered by this application be utilized in a shared mobile relay system? If yes, give name of owner:
15. Air Hazard Information:
A. 20 feet above ground question
B. 20 feet above supporting structure question
C. Height of supporting structure
D. Type of supporting structure
E. Has notice of construction been filed with the FAA? (On PAA Form 7460-1) If yes, give: a. Date filed b. FAA office where filed
16. EPA Question
17. Government Land Question
18. Communication Service Question
19. The applicant hereby authorize the Commission to contact the below listed person with regard to clarifying technical information submitted on this application:
A. Typed name
B. Address
C. Telephone Number
20. Certification (Privacy Act Notification to be included)

Remote Receiver Data

It is envisioned that remote received data would be filed on a separate form. A question would be added to the above elements which would indicate the filing of this separate form.

Supply the following information for all receiver sites not located at the transmitting site(s) specified in Item 7 of Form -------- and associated with a particular station:

A. Call sign
B. Remote receiver data
1. Site number
2. Receive frequency
3. Latitude
4. Longitude
5. Ground elevation
6. Antenna height
7. Antenna gain

It would be possible to enter many combinations of location and frequency on one page.

2. EXAMPLES OF APPLICATION PROCESSING CHECKS BY THE COMPUTER IN THE CURRENT CHICAGO SYSTEM

The following are examples of approximately 70 checks performed by the computer on each application filed with the Chicago Regional Office:

(6) "CALL SIGN INVALID"
Not a valid Call Sign.

(12) "NOT IN SPECIFIED STATE/COUNTY"
Latitude and Longitude are not in the specified state/county.

(17) "SITES NOT COLLOCATED"
Applicant indicated collocation with another site, but they are more than one second apart.

(20) "MOBILE UNITS IN SECTION III MORE THAN SECTION II"
Number of actual mobile units exceeds number applied for.

(27) "CANADIAN COORDINATION REQUIRED"
For the specified location, Canadian coordination is required.

(31) "INVALID COMBINATION OF LETTERS"
The entry for Paticulars of Radio Operations is invalid.

(40) "EQUIPMENT TYPE NOT RECOGNIZED"
Equipment type entered is not on file. Spelling may be incorrect. Correct entry or enter new type via DBM.

(52) "COULD NOT CHECK TX FREQUENCY VS. SERVICE"
One or more of the following items is invalid: frequency, or output power.

(64) "SLOPE FROM TOWER TO RUNWAY EXCEEDS LIMIT"
FAA coordination is required.

(65) "IRAC COORDINATION REQUIRED"
Frequency is in a government band.

(68) "POWER EXCEEDS LIMIT"
Effective Radiated Power exceeds the calculated limit. Check input and output power and antenna gain for validity. Check with engineering section.

FCC FORM 1040-C DATE OF THIS NOTICE

NOTICE NOV 4 76

ACCORDING TO OUR RECORDS, THE LICENSES FOR THE REFERENCED CALL SIGN HAVE EXPIRED. APPLICATIONS FOR LICENSE RENEWALS SHOULD BE RECEIVED BY THE COMMISSION WITHIN 90 DAYS, BUT NOT LESS THAN 30 DAYS PRIOR TO EXPIRATION. AS OF THE DATE OF THIS NOTICE, WE HAVE NOT RECEIVED ANY APPLICATIONS AT THIS OFFICE RELATING TO THE LISTED FACILITIES AND THIS NOTICE SERVES TO INFORM YOU THAT ALL PERTINENT RECORDS WILL BE REMOVED FROM OUR FILES. IF OUR RECORDS ARE INCORRECT BECAUSE YOU INADVERTENTLY FILED FOR RENEWAL OR MODIFICATION THROUGH OUR WASHINGTON OFFICE, PLEASE SEND US A REPRODUCED COPY OF YOUR CURRENT LICENSE SO THAT WE CAN UPDATE THE RECORDS PERTAINING TO THIS STATION.

OPERATION OF RADIO FACILITIES WITHOUT A VALID RADIO STATION LICENSE IS IN VIOLATION OF THE COMMUNICATIONS ACT OF 1934, AS AMENDED. IF YOU HAVE A NEED TO OPERATE RADIO FACILITIES IN THE LAND MOBILE SERVICES, COMPLETE THE NECESSARY APPLICATIONS, REQUESTING A NEW LICENSE, AND FORWARD TO THIS OFFICE WITH THE CORRECT FILING FEE FOR EACH APPLICATION (SEE RULES SUBPART G, PART 1 FOR REQUIRED FILING FEES). BLANK APPLICATION FORMS ARE AVAILABLE AT THIS OFFICE, THE FIELD OPERATIONS OFFICES AT CHICAGO, DETROIT, OR ST. PAUL, OR FROM YOUR EQUIPMENT VENDOR, UPON REQUEST.

A COPY OF THIS NOTICE INFORMATION IS BEING PROVIDED TO THE FIELD OPERATIONS OFFICE IN YOUR DISTRICT.

FEDERAL COMMUNICATIONS COMMISSION
CHICAGO REGIONAL OFFICE
PARK RIDGE, ILLINOIS 60068

LEGAL NAME:
CITY OF BIG RAPIDS, MICH

EXP. DATE: JUL 30 76

CALL SIGN: KIE555

CITY OF BIG RAPIDS
POLICE DEPARTMENT
226 NORTH MICHIGAN AVENUE
BIG RAPIDS, MICHIGAN 48307

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D. C. 20554

FCC FORM 405-C(Test) DATE OF NOTICE:

EXPIRATION NOTICE & RENEWAL APPLICATION
(SEE CORRESPONDING INSTRUCTIONS - ENCLOSED)

CALL SIGN:	EXPIRATION DATE:	CLASS OF STATION:	TRANSMITTER COORDINATES (OR MOBILE OPERATING AREA):
KZY 999	DECEMBER 20,75	MOBILE RELAY	42 -32 - 01W 90 - 25 - 36W

LICENSEE LEGAL NAME & IDENTIFICATION NUMBER
HAZEL GREEN RESCUE SQUAD, INC. 0003308401

FREQUENCIES (MHZ):

152.0075	150.775
155.160	155.235
155.175	155.265
155.205	155.280
155.220	155.295

APPLICANT CERTIFIES THAT THERE ARE NO CHANGES TO THE DATA OR AUTHORIZED PARAMETERS SHOWN ON THE STATION LICENSE BEING RENEWED OR IN THE INFORMATION CONTAINED IN THE APPLICANT'S MOST RECENT FULL APPLICATION OTHER THAN THOSE PERMITTED BY THE INSTRUCTIONS FOR THIS FORM. APPLICANT WAIVES ANY CLAIM TO THE USE OF ANY PARTICULAR FREQUENCY AS AGAINST THE REGULATORY POWER OF THE UNITED STATES BECAUSE OF THE PREVIOUS USE OF THE SAME, WHETHER BY LICENSE OR OTHERWISE. THE STATEMENTS IN THIS APPLICATION ARE TRUE, COMPLETE, AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND ARE MADE IN GOOD FAITH.

WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND IMPRISONMENT. U.S. CODE TITLE 18, SECTION 1001.

SIGNATURE OF INDIVIDUAL, PARTNER, OR AUTHORIZED PERSON ON BEHALF OF A GOVERNMENTAL ENTITY, OR AN OFFICER OF A CORPORATION OR ASSOCIATION.

SIGNATURE _____ DATE SIGNED: _____

FEDERAL COMMUNICATIONS COMMISSION
CHICAGO REGIONAL OFFICE
PARK RIDGE, ILLINOIS 60068

HAZEL GREEN RESCUE SQUAD, INC.
P O BOX 373
HAZEL GREEN WI 53811

INSTRUCTIONS FOR FCC FORM 405–C (TEST)

NOTICE TO INDIVIDUALS REQUIRED BY PRIVACY ACT OF 1974

Sections 301, 303, and 308 of the Communications Act of 1934, as amended, (license powers) authorize the FCC to request the information on this application. The purpose of the information is to determine your eligibility for a license. The information will be used by FCC staff to evaluate the application, to determine station location, to provide information for enforcement and rulemaking proceedings, and to maintain a current inventory of licensees. No license can be granted unless all information requested is provided.

1. The FCC Form 405–C (Test) may be used in applying only for the renewal of licenses for the station listed on the face of it.

2. The form may not be used if there has been any change in the information contained in the most recent full application on file with the Commission, except the following changes:

Mailing name and address.

Licensee legal name (if no change in ownership, control, or corporate structure).

Equipment data (if technical parameters do not exceed those stated on the most recent full application).[1]

Reduction in the number of mobiles, antenna height, antenna gain, or effective radiated power (ERP).[1]

Tone squelch (PL) frequencies.[1]

3. A separate Form 425 application for modification must be filed for any of the following station changes (a modified license must be obtained from the Commission prior to making such changes):

Relocation of station (including antenna location).

Area of operation.

Increase number of mobiles (including hand-held units), antenna height, antenna gain, or power.

Add or change frequencies.

Add or change Control Points.

Change emission.

Note.—Frequency coordination must accompany application as applicable.

4. If a license contains an "overpowered" Special Condition, submit one of the following with this form:

Explanatory information as required under Item 2 to reduce the power to the minimum level necessary for satisfactory operation.

Engineering justification to substantiate the requested power (this justification will be determined prior to granting renewal).

5. If a renewal is not desired, line through the call sign and return the form with the license for cancellation. (Merely line through the frequencies to be deleted, if any of the frequencies are no longer required.)

6. The expiration dates for all licenses granted under one Call Sign will be conformed under this renewal process.

7. Enclose correct fee with this application (see Rules Subpart G, Part 1). Do not send cash. Make check or money order payable to the Federal Communications Commission. This is a filing fee and will not be refunded even though the application is not granted.

8. Mail to Federal Communications Commission, Chicago Regional Office, Park Ridge, Illinois 60068. Phone: (312) 298–0290.

9. The form should reach the Commission's Chicago Office prior to the license expiration date so that the licensee may continue to operate until notified by the Commission of action on the application. If the application is not returned by the licensee within the prescribed time, the station will be considered no longer in operation, and all associated license records will be removed from the Commission's files.

[1] Please note and explain on an attachment to this application any changes in the last three items (this is necessary to update license records). If the licensee's legal name has been changed, a letter of explanation must be submitted with this application.

4. Data Base Queries

License records in the data base are retrievable by input of the following primary search key parameters, among others:

1. Call Sign
2. Licensee ID Number
3. Licensee Name
4. Frequency
5. Service
6. Rectangular Geographic area
7. County and/or State
8. Expiration Date
9. License Number

The following pages contain examples of various types of retrievals available for obtaining information from the license data base:

1. Pages 4.2 through 4.5—Data Base Queries from a remote terminal.

2. Pages 4.6 through 4.8—Geographic/Frequency Search run by the Chicago Regional Office on request.

3. Pages 4.9 and 4.10—Geographic/Frequency Search accomplished by the Environment Data Retrieval (EDR) program (used internally by the Regional Office staff and an integral part of AFAM). Page 4.10 is a plot of the data exemplified by the printout on page 4.9.

4. Page 4.11—Special retrieval program similar to the geographic/frequency searches but which selects only co-channel and adjacent channel stations in the environment producing a calculated signal above threshold at a given location.

Sample Printout: Remote Teletype Terminal

(Underlined elements are User inputs)

The following is an example of correct terminal connection procedure:

UNIV01

UNIVAC 1108 TIME/SHARING EXEC VERS 225/3A1/G

@RUN QUERY,ACSI01,REMOTE

DUP ID, NEW ID IS QUERYA
DATE: 072073 TIME: 153841

@XQT FCC*QUERY.1

FCC CHICAGO REGION. DATABASE QUERY
ENTER USER NAME

XXXXXXX

GO

LOGGED IN. DATE: 072073 TIME: 153953

(The following is an example of retrieval of license records by call sign)

LIST/1/WWW73

```
    1 LICENSES FOR CALL SIGN WWW73
CIS731560034
 TX FX1  456.9250M WWW73   40-27-44N  89-56-18W IL057 123.0H 80DB
 RX      451.9250M         40-27-44N  89-56-18W       123.0H
 TIME LEFT 00:16:05
```

To retrieve detailed license records, the User now enters:

```
LIC/CIS731560034

LICENSE CIS731560034 (L) FX1  SUMMARY DISPLAY          WWW73    FREQ   456.925 MH
LSCEE 00010396  FAC-NO 01  SYS-NO 01   SUPSYSNO 0      APPN CIS731224071
DATES EXP 78 6 5  GRANT 730605  LAST-TR 060573   APPLCNT CORPORATION   SICC

NAME CANTON CONCRETE PRODUCTS CO.
ADDR CANTON CONCRETE PRODUCTS CO.
     P. O. BOX 539
     CANTON, ILLINOIS 61520
 TIME LEFT 00:12:38

NEXT

LICENSE CIS731560034 (L) FX1  TRANSMITTER DISPLAY     WWW73    FREQ   456.925 MH

LA  40/27/44N  WEST EDGE OF DUCK ISLAND WHICH IS        TSF 123.0H        16F3
LO  89/56/18W   LOCATED 5 MILES SOUTH OF BANNER,        SYS-D YES
PI   50.00W     ON ILL                  BANNER          IL   57
PO   18.00W   HRS 600 --2000 PKS 800 , 1700          OPNS B G R
ERP 120.00W   MFG 6335  TAC CC4027C            MOD
ANTENNA   9 DB       320     DEG-AZ     NONE
    EL 453   ANTHT 59     STRHT 60   OAHT 60      STRUCTURE TWR    POLAR VERT
OPSAREA-CNTR    -SIDES    -ANGLE -AREA    ANT-MFG 6335  MOD TDE6030
LA  40/29/29N     1.MI 50 DEG
LO  89/58/30W     8.MI
 TIME LEFT 00: 08:43

END

THE DATABASE HAS BEEN CLOSED

@FIN
```

A search by geographic area or county can be made by entering either:

AREA/40-30-00/90-01-00/10.0
FREQ/450/460
SERV/IS////1

or:

COUNTY/IL/057
FREQ/450/460
SERV/IS////1

```
CIS731560034
 TX FX1  456.9250M WWW73   40-27-44N  89-56-18W IL057 123.0H 90DB
CIS731560035
 TX FB2  451.9250M KSE940  40-30-49N  90-01-42W IL057 123.0H 87DB
CIS731560034
 RX      451.9250M         40-27-44N  89-56-18W       123.0H
CIS731560035
 RX      456.9250M         40-30-49N  90-01-42W       123.0H
CIS731560036
 MO MO   456.9250M KZ9048  40-30-39N  90-01-42W IL057 123.0H

 TIME LEFT 00:09:24
```

Detailed license information is retrieved as before by entering:

LIC/CIS731560034

Summary Display, as shown on previous page, will be printed

NEXT

Transmitter Display for WWW73 will be printed

NEXT

Receiver Display for WWW73 will be printed

TIME LEFT 00:05:48

LIC/CIS731560035

Summary Display for KSE940 will be printed

NEXT

Transmitter Display for KSE940 will be printed

NEXT

Receiver Display for KSE940 will be printed

TIME LEFT 00:03:40

LIC/CIS731560036

Summary Display for KZ9048 will be printed

NEXT

Mobile Display for KZ9048 will be printed

TIME LEFT 00:00:42

END

THE DATABASE HAS BEEN CLOSED

@FIN

THIS IS THE GEOGRAPHIC-FREQUENCY SEARCH RUN FOR YOU BY THIS OFFICE OF THE F.C.C.

THE FOLLOWING INPUT PARAMETERS WERE USED:
CENTER POINT OF THE SEARCH WAS AT
LATITUDE 41/42/56
LONGITUDE 88/21/ 8
THE RANGE WAS 50 MILES
THE FREQUENCY BAND SEARCHED WAS 158805000 TO 158805000 HZ

THE TRANSMITTER RECORDS LIST THE FOLLOWING INFORMATION:
(1)OPERATING FREQUENCY
(2)NAME SORT FIELD WHICH IS THE COMPUTER NAME FOR THE LICENSEE
(3)CALL SIGN
(4)LATITUDE AND LONGITUDE OF THE TRANSMITTER
(5)TSF OR TONE SQUELCH FREQUENCY (IF USED)
(6)THE HEIGHT OF THE ANTENNA ABOVE GROUND
(7)THE ERP OR EFFECTIVE RADIATED POWER OF THE TRANSMITTER
(8)THE SERVICE THE LICENSE WAS ISSUED FOR
(9)AND THE LEGAL NAME, ADDRESS, AND TELEPHONE OF THE LICENSEE

THE RECEIVER RECORDS LIST THE FOLLOWING INFORMATION:
(1)OPERATING FREQUENCY
(2)LATITUDE AND LONGITUDE OF THE RECEIVER
(3)THE TONE SQUELCH FREQUENCY USED (IF ANY)

THE MOBILE RECORDS LIST THE FOLLOWING INFORMATION:
(1)CALL SIGN
(2)NUMBER OF UNITS AUTHORIZED
(3)THE OUTPUT POWER OF THE MOBILES
(4)OPERATING FREQUENCY

IN SOME CASES A CALL SIGN WILL BE LISTED AS "KNEW". THIS INDICATES THERE IS AN APPLICATION PENDING WHICH MAY BE ISSUED ON THAT FREQUENCY. WHEN THE CALL SIGN IS KNEW SOME OF THE INFORMATION MAY NOT BE AVAILABLE SO THAT THE RECORDS WILL BE FILLED WITH @@@@@.

TONE SQUELCH FREQUENCY IS NOT LICENSED BY THE COMMISSION THEREFORE THE TONE SQUELCH RECORDS IN THIS SEARCH SHOULD NOT BE CONSIDERED AS COMPLETELY ACCURATE. THEY ARE ONLY WHAT THE LICENSE APPLICANTS HAVE FURNISHED TO THIS OFFICE.

IF THIS OFFICE CAN BE OF ANY FURTHER ASSISTANCE TO YOU DO NOT HESITATE TO CALL ON US.
YOURS TRULY

THE FOLLOWING TRANSMITTER RECORDS WERE FOUND IN THE SEARCH AREA

FREQUENCY	NAME SORT FIELD	CALL SIGN	LATITUDE	LONGITUDE	TSF	ANTENNA HEIGHT	ERP	SERVICE
158805000	PERUPLILL	KJY703	41/19/41	89/ 7/35	151.4	68	84	PL

LEGAL NAME OF LICENSEE

CITY OF PERU, ILLINOIS

MAILING ADDRESS OF LICENSEE TELEPHONE NUMBER

CITY OF PERU, ILL.
1503. FOURTH ST.
PERU, ILL. 61354

FREQUENCY	NAME SORT FIELD	CALL SIGN	LATITUDE	LONGITUDE	TSF	ANTENNA HEIGHT	ERP	SERVICE
158805000	ALSIPPLILL	KRT727	41/40/ 9	87/43/45		62	21	PL

LEGAL NAME OF LICENSEE

VILLAGE OF ALSIP, ILLINOIS

MAILING ADDRESS OF LICENSEE TELEPHONE NUMBER

VILLAGE OF ALSIP, ILL.
45TH AVENUE & 123RD. STREET
ALSIP, ILLINOIS 60658

3123891694

(For illustrative purposes, only two transmitter records are shown. The program retrieved 9 transmitter records.)

THESE ARE THE RECEIVER RECORDS WHICH WERE FOUND IN THE SEARCH AREA

FREQUENCY	LATITUDE	LONGITUDE	TONE SQUELCH
158805000	41/58/40	87/53/30	127.3
158805000	41/58/38	87/54/10	127.3
158805000	41/58/38	87/54/15	127.3

THE FOLLOWING MOBILE RECORDS WERE PULLED

CALL SIGN	NUMBER OF UNITS		OUTPUT POWER	FREQUENCY
	HAND HELD	LAND		
KJY703	0	25	35	158805000
KZ9706	0	29	7	158805000
KK9808	31	65	45	158805000
KXE603	4	25	8	158805000

THE DATABASE HAS BEEN CLOSED

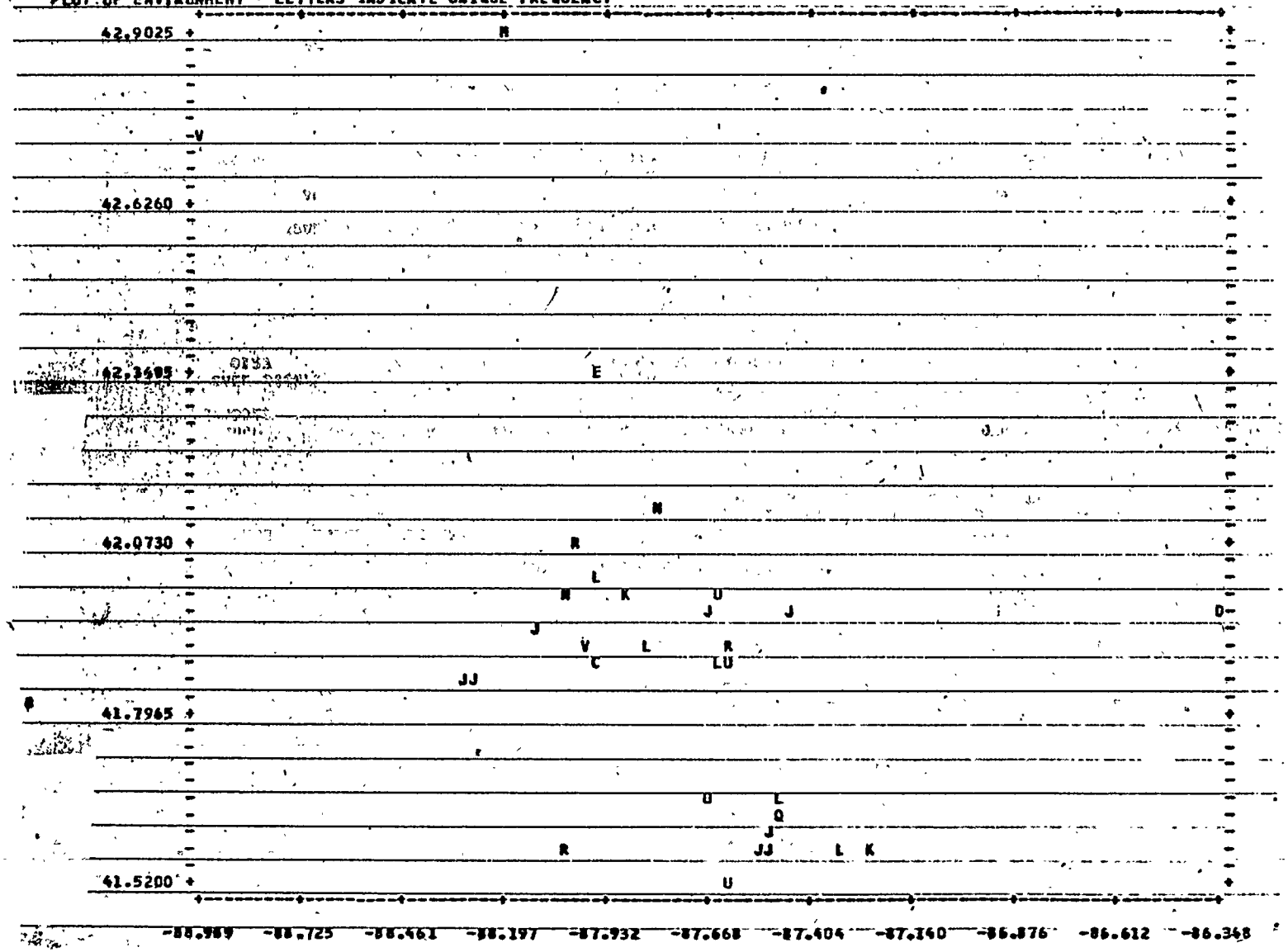
INPUT PARAMETERS
FREQUENCY = 461.91250 MHZ
DELTA FREQUENCY = .27500 MHZ
LATITUDE = 41.880 DEGREES
LONGITUDE = 87.600 DEGREES
DELTA DISTANCE = 100.0 MILES
TX TYPE RECORDS RETRIEVED
TIME USED SINCE LAST CALL TO CLOCK: 7.111 SECONDS CPU TIME -58508.248 SECONDS WALL CLOCK TIME

FOR DELTAF = .2750 MHZ, FREQ = 461.9125 MHZ, LT = 41.880 DEG, LN = 87.600 DEG, AND DELTAD = 100.0 MI
THERE WERE 126 TX 0 RX 61 TSC, AND 0 MO TYPE RECORDS STORED
957 ACCESS(ES) TO DATA BASE

187 RECORDS GATHERED

FREQUENCY (MHZ)	TYPE	LONGITUDE (DEGS)	LATITUDE (DEGS)	POWER (WATTS)	CLASS	LICENSE NO	LICENSEE ID	CALL SIGN	ANT HT. (FT)	GRD ELEV (FT)	EST SIGNAL LEVEL (DB)	OCCUP LEVEL (%)	NUM MOB	TONE SQULCH FREQ (HZ)	ANT GAIN (DB)	AZIM (DEGS)
461.6500	TX	87.613	41.892	150.0	FB2	CIB731380029	9090	KUA696	665	592	-138.0	885.0	0	141.3	6.0	360
	AOP:	87.846	41.908		S1/S2:	40.0/ 80.0		ORIEN:	50.0							
461.6500	TS	87.613	41.892	150.0	FB2	CIB732390886	14388	KTF321	665	592	-138.0	*****	0	.0	6.0	360
	AOP:	87.613	41.892		S1/S2:	80.0/ 80.0		ORIEN:	90.0							
461.6500		87.613	41.892	150.0		CIB732390971	13996	KUJ254	665	592	-138.0	.0	0	.0	6.0	360
	AOP:	87.846	41.908		S1/S2:	40.0/ 80.0		ORIEN:	50.0							
461.6500		87.613	41.892	150.0		CIB732391509	10993	KTG260	665	592	-138.0	.0	0	136.5	6.0	360
	AOP:	87.846	41.908		S1/S2:	40.0/ 80.0		ORIEN:	50.0							
461.6500		87.613	41.892	150.0		CIB732391625	9515	KGM397	665	592	-138.0	.0	0	186.2	6.0	360
	AOP:	87.846	41.908		S1/S2:	40.0/ 80.0		ORIEN:	50.0							
461.6500		87.613	41.892	150.0		CIB732391723	9548	KSP526	665	592	-138.0	.0	0	103.5	6.0	360
	AOP:	87.846	41.908		S1/S2:	40.0/ 80.0		ORIEN:	50.0							
461.6500		87.613	41.892	150.0		CIB732392454	11150	KFH691	665	592	-138.0	.0	0	91.5	6.0	360
	AOP:	87.846	41.908		S1/S2:	40.0/ 80.0		ORIEN:	50.0							
461.6500		87.613	41.892	150.0		CIB732392492	11029	KUA694	665	592	-138.0	.0	0	141.3	6.0	360
	AOP:	87.846	41.908		S1/S2:	40.0/ 80.0		ORIEN:	50.0							
461.6500		87.613	41.892	150.0		CIB732392540	11212	KSR350	665	592	-138.0	.0	0	127.3	6.0	360
	AOP:	87.846	41.908		S1/S2:	40.0/ 80.0		ORIEN:	50.0							
461.6500		87.613	41.892	150.0		CIB742900017	25472	KWY334	665	592	-138.0	.0	0	.0	6.0	360
	AOP:	87.846	41.908		S1/S2:	40.0/ 80.0		ORIEN:	50.0							

EDR Plot


PLOT OF ENVIRONMENT - LETTERS INDICATE UNIQUE FREQUENCY
42.9025
42.6260
42.3495
42.0730
41.7965
41.5200
-88.989
-88.725
-88.461
-88.197
-87.932
-87.668
-87.404
-87.140
-86.876
-86.612
-86.348

SPECIAL RETRIEVAL/CORRELATION PROGRAM OUTPUT

***** ANALYSIS ON FREQUENCY: 471.8625 MHZ

WITH 6 CO-CHANNEL TRANSMITTERS AND 131 ADJACENT CHANNEL TRANSMITTERS

THRESHOLD LEVELS	CO-CHANNEL SIGNALS ABOVE THRESHOLD	ADJACENT CHANNEL SIGNALS ABOVE THRESHOLD	CO-CHANNEL ON-CHANNEL MOBILES	CO-CHANNEL ASSOCIATED MOBILES	ADJACENT CHANNEL ON-CHANNEL MOBILES	ADJACENT CHANNEL ASSOCIATED MOBILES
-140.0	6	1	0	0	0	0

CO-CHANNEL CALL SIGN/LICENSE :
KUV927 /CIB731500127 KQM450 /CIB731500133 KVK305 /CIB732140008 KUN256 /CIB733320003 KZZ201 /CIB741690026
KWS471 /CIB741890007

ADJACENT CHANNEL CALL SIGN/LICENSE :
KEY622 /CIB731580006

***** ANALYSIS ON FREQUENCY: 471.8875 MHZ

WITH 6 CO-CHANNEL TRANSMITTERS AND 131 ADJACENT CHANNEL TRANSMITTERS

THRESHOLD LEVELS	CO-CHANNEL SIGNALS ABOVE THRESHOLD	ADJACENT CHANNEL SIGNALS ABOVE THRESHOLD	CO-CHANNEL ON-CHANNEL MOBILES	CO-CHANNEL ASSOCIATED MOBILES	ADJACENT CHANNEL ON-CHANNEL MOBILES	ADJACENT CHANNEL ASSOCIATED MOBILES
-140.0	6	2	0	0	0	0

CO-CHANNEL CALL SIGN/LICENSE :
KVU508 /CIB733600002 KVW935 /CIB740320004 KWE721 /CIB740740042 KWH774 /CIB741010009 KSI908 /CIB741210037
KWO769 /CIB741640023

ADJACENT CHANNEL CALL SIGN/LICENSE :
KUV927 /CIB731500127 KQM450 /CIB731500133 KEY622 /CIB731580006

***** ANALYSIS ON FREQUENCY: 471.9125 MHZ

WITH 3 CO-CHANNEL TRANSMITTERS AND 134 ADJACENT CHANNEL TRANSMITTERS

THRESHOLD LEVELS	CO-CHANNEL SIGNALS ABOVE THRESHOLD	ADJACENT CHANNEL SIGNALS ABOVE THRESHOLD	CO-CHANNEL ON-CHANNEL MOBILES	CO-CHANNEL ASSOCIATED MOBILES	ADJACENT CHANNEL ON-CHANNEL MOBILES	ADJACENT CHANNEL ASSOCIATED MOBILES
-140.0	3	1	0	0	0	0

CO-CHANNEL CALL SIGN/LICENSE :
KZZ760 /CIB731580131 KCL391 /CIB750520018 KDV611 /CIB750520021

DATABASE LISTING IN NAME SORT FIELD SEQUENCE DATE 040477

LICENSE NUMBER	NAME SORT FIELD	FREQUENCY	CALL SIGN	EXPIRA DATE	LATITUDE	LONGITUDE	T U	MOBILES AUTH	LICENSEE ID	TONE SQ	PURP APPN
CIB762160099	AAAALOCKSMITH	463 6000	KBA222	810804	41/04/14	85/07/10	MO	8	3460601		B
CIB762160101	AAAALOCKSMITH	468 6000	KBA222	810804	41/04/14	85/07/10	MO	8	3460601		B
CIB762160100	AAAALOCKSMITH	463 6000	KBA222	810804	41/04/14	85/07/10	TX	0	3460601		B
CIB762390059	AAAAMBSVC	154 5400	KTF826	810827	40/28/40	88/59/30	MO	10	3503601	94 8	D
CIB762390060	AAAAMBSVC	154 5400	KTF826	810827	40/28/40	88/59/30	TX	0	3503601	94 8	D
CIB762390029	AAAAMBSVCOFCOOKCNTYI	475 9875	KY7459-	810827	41/52/36	87/52/30	MO	2	3489601	131 8	B
CIB762390027	AAAAMBSVCOFCOOKCNTYI	472 9875	KBJ365	810827	41/52/44	87/38/10	TX	0	3489601	131 8	B
CIB762390028	AAAAMBSVCOFCOOKCNTYI	475 9875	WBY374	810827	41/52/51	87/45/18	TX	0	3489601	131 8	B
CIB731500180	AAABUSSVCINC	35 1200	KZZ732	780530	40/07/04	85/36/51	MO	4	1214601	146 2	B
CIB731500181	AAABUSSVCINC	35 1200	KZZ732	780530	40/07/04	85/36/51	TX	0	1214601	146 2	
CLX732360159	AAACABCOOFALSIPILL	152 3300	KJK644	770824	41/40/48	87/43/11	TX	0	2901801	110.9	D
CIB732500062	AAACHEMICALTOILETSIN	468 3500	KQ6074	780116	41/59/30	87/48/45	MO	10	1392201		B
CIB732330203	AAACHEMICALTOILETSIN	468 3500	WPT97	780116	41/51/24	87/38/25	TX	0	1392201		B
CIB732330202	AAACHEMICALTOILETSIN	463 3500	KUR809	780116	41/53/55	87/37/23	TX	0	1392201		B
CIS742880015	AAADISPOSALSYSTEMSIN	43 4800	KVW915	791015	42/26/36	89/00/57	MO	7	2020202		D
CIS742880016	AAADISPOSALSYSTEMSIN	43 4800	KVW915	791015	42/26/36	89/00/57	TX	0	2020202		D
CCA742560003	AAADRIVESHAFTCO	467 5500	KAA9718	790913	41/59/21	87/48/33	MO	3	2470801		B
CCA742560001	AAADRIVESHAFTCO	462 5500	KAA9720	790913	41/53/08	87/37/15	TX	0	2470801		B
CCA742560002	AAADRIVESHAFTCO	467 5500	KAA9719	790913	41/57/26	87/41/20	TX	0	2470801		B
CIB770200038	AAAHEATINGSVCINC	464 8500	KQX291	820120	39/51/24	85/59/01	MO	8	3675101	162 2	B
CIB770200039	AAAHEATINGSVCINC	464 8500	KQX291	820120	39/51/24	85/59/01	TX	0	3675101	162 2	B
CIB762650038	AAAHEATING&SHEETMETA	151 7150	KBX292	810922	40/17/20	86/30/00	MO	10	3537901		B
CIB762650039	AAAHEATING&SHEETMETA	151 7150	KBX292	810922	40/17/20	86/30/00	TX	0	3537901		B
CIB770380036	AAALOCK&KEY	43 0000	KUH501	820207	42/14/15	87/46/11	MO	8	1395501	136 5	D
CIB770380037	AAALOCK&KEY	43 0000	KUH501	820207	42/14/15	87/46/11	TX	0	1395501	136 5	D
CPS760630023	AAAMBCO	468 1750	KW8916	810304	40/34/32	89/36/57	MO	2	3228501		B
CPS760630016	AAAMBCO	468 0000	KW8916	810304	40/34/32	89/36/57	MO	2	3228501		B
CPS760630015	AAAMBCO	155 3400	KW8916	810304	40/34/32	89/36/57	MO	10	3228501		B
CPS760630020	AAAMBCO	468 1000	KW8916	810304	40/34/32	89/36/57	MO	2	3228501		B
CPS760630022	AAAMBCO	468 1500	KW8916	810304	40/34/32	89/36/57	MO	2	3228501		B
CPS760630017	AAAMBCO	468 0250	KW8916	810304	40/34/32	89/36/57	MO	2	3228501		B
CPS760630018	AAAMBCO	468 0500	KW8916	810304	40/34/32	89/36/57	MO	2	3228501		B
CPS760630019	AAAMBCO	468 0750	KW8916	810304	40/34/32	89/36/57	MO	2	3228501		B
CPS760630021	AAAMBCO	468 1250	KW8916	810304	40/34/32	89/36/57	MO	2	3228501		B
CPS741340085	AAAMBINC	155 2200	KZ9765	790514	40/34/31	89/38/42	MO	6	2271501	103 5	B
CPS741340086	AAAMBINC	155 2200	KWK500	790514	40/34/31	89/38/42	TX	0	2271502		B
CIB733020026	AAAMITTMAN&SON	27 4500	KVM601	781029	41/53/20	88/07/39	MO	5	1610701		B
CIB733020027	AAAMITTMAN&SON	27 4500	KVM601	781029	41/53/20	88/07/39	TX	0	1610701		B
CIB770310032	AAAMOSEMERGENCYROAD&	468 7000	KL2076	820131	41/52/36	87/52/30	MO	3	3686401	94 8	B
CIB770310030	AAAMOSEMERGENCYROAD&	463 7000	KRP638	820131	41/52/44	87/38/10	TX	0	3686401	94 8	B
CIB770310031	AAAMOSEMERGENCYROAD&	468 7000	WCG374	820131	42/00/24	87/37/46	TX	0	3686401	94 8	B
CLA770040071	AAAMOTORCLUBOFIOWA	150 9050	KJR384	820104	41/32/16	90/35/12	MO	12	3677601		D
CLA770040072	AAAMOTORCLUBOFIOWA	150 9050	KJR384	820104	41/32/16	90/35/12	TX	0	3677601		D
CIB752900032	AAAOVERHEADDOOR&SUPP	468 7500	KM9606	801017	43/02/56	88/03/48	MO	5	1772502	136 5	B
CIB752900030	AAAOVERHEADDOOR&SUPP	463 7500	KRG492	801017	42/57/50	88/04/30	TX	0	1772502	136 5	D
CIB752900031	AAAOVERHEADDOOR&SUPP	468 7500	WBE59	801017	42/54/19	87/51/34	TX	0	1772502	136 5	D
CIB740710026	AAAPOWERINC	31 2000	KJK451	790312	41/55/05	87/59/22	MO	8	2087001		C
CIB740710027	AAAPOWERINC	31 2000	KJK451	790312	41/55/05	87/59/22	TX	0	2087001		C
CIB770210009	AAASECURITYCOINC	468 8250	KJ8575	820121	42/21/24	88/14/11	MO	5	2411802	192 8	B
CIB770210008	AAASECURITYCOINC	468 8250	WCG365	820121	42/14/46	88/19/42	TX	0	2411802	192 8	B

5. DATA BASE EXTRACT

APPENDIX B

INTERIM PROGRESS REPORT ON SPECTRUM MONITORING

PART 1

The Commission has found that good information on channel utilization is essential to prudent management of the spectrum. The complex nature of this utilization in the land mobile services, and its magnitude, require extensive analysis of the raw data that the monitoring program collects. While the Commission continues its analysis, however, there are many useful things about channel utilization that we now know. It is the purpose of this appendix to illustrate a very small part of this useful information. Our reason for doing this to begin a process of familiarization with monitoring data and its many useful aspects. We anticipate that interested parties will address their comments to the utility of monitoring data as an important adjunct to traditional methods of frequency engineering.

The Chicago Office has conducted two principal monitoring programs. First has been the "production" monitoring program. This program results in spectrum occupancy data which is used by the automatic frequency assignment program (AFAM). Second, and perhaps more important, the Chicago staff has been monitoring for the past year a group of selected channels in a special "Long-Term Monitoring Project"

Production Monitoring

Production monitoring to support the frequency selection program has been conducted at 56 sites (urban and rural) within a 100 mile radius of Chicago. Monitoring sites were selected to fit a grid pattern designed to provide comprehensive data over areas where monitoring was to be conducted. A site spacing of five miles enables the monitoring system to record any use of a channel by typical base stations and their associated mobiles. This five mile grid size was adopted for use in urban areas where it was thought desirable to have the most detailed information. Outside of these urban areas, where there is less density of users, the grid size was set at 25 miles. Actual site selection was affected by availability of parking space for the monitoring vans. Much use has been made of governmental lands and buildings such as state parks and post offices.

Each of the 56 monitoring sites is revisited periodically to update utilization information. The Regional staff believed it was necessary to have more timely information in areas heavily populated by existing users and potential users. Accordingly, visits to urban sites were scheduled for at least four times per year while sites in non-urban areas were visited on a yearly basis. The production data collection was performed at antenna heights of 12 to 25 feet.

The scanning procedure used in the production sampling scheme has been to divide the land mobile spectrum into blocks of contiguous channels and to scan each for five minutes. The entire land mobile spectrum is examined by sequencing through the scan blocks then repeating the process. The Commission has used two similar monitoring vans to collect the usage data. One van, fabricated by Fairchild Electrometrics Corporation of Amsterdam, New York, is able to sample the entire land mobile spectrum in 126 minutes utilizing 21 scan blocks with a maximum of 146 frequencies in a given block. The other two vans, put together by Standford Research Institute (SRI) of Palo Alto, California, have a greater sampling speed than the Fairchild van so that they can sample the same spectrum in about 78 minutes with a maximum of 250 frequencies in the scan blocks.

The output of the monitoring equipment is a computer tape containing administrative information (such as location, date and times of day) and, for each frequency, a recording of the signal level each time the frequency is sampled during the scan (normally more than 600 times per five-minute scan period). This raw data tape is then processed by the computer at the Regional office. The tape reduction process is accomplished in several steps. First, the raw tape is run through a pre-reduction analysis to determine the validity of the raw data, the amount of monitoring accomplished, and to obtain information about the monitor site characteristics such as the ambient noise level. The raw data tape is then read, the tape reduction program applied, channel utilization information is derived and then stored on a disc medium for more convenient access. The tape reduction produces an unsorted utilization data file which is then sorted into a file ordered by frequency. Each frequency record in this file contains the following information for each five-minute scan period:

1. Frequency
2. Year
3. Month
4. Day
5. Hour
6. Minute
7. Site ID
8. Ground Elevation
9. Antenna Support TYPE
10. Antenna Height
11. Structure Height
12. Noise Level
13. Equipment Status
14. No. of Impulse Noise Samples
15. No. of Intermodulation Samples
16. No. of Adjacent Channel Samples
17. No. of Valid Samples
18. Maximum Signal Level
19. Minimum Signal Level
20. Average Signal Level
21. Occupancy due to samples greater than —140 DBW
22. Greater than —134 DBW
23. Greater than —128 DBW
24. Greater than —122 DBW
25. Greater than —166 DBW
26. Greater than —110 DBW
27. Greater than —104 DBW
28. Average Message Length
29. Standard Deviation of Message Length
30. Average Message Gap Length
31. Standard Deviation of Gap Length
32. Number of Messages
33. Number of Transmissions
34. Standard Deviation of Transmissions, per Message
35. Number of Intra-Message Gaps
36. Average Transmission Length
37. Standard Deviation of Transmission Length
38. Average Intra-Message Gap Length
39. Standard Deviation of Intra-Message Gap Length

The frequency ordered utilization data is then run through a program to produce a summary file which is used as the on-line production monitoring data base file consisting of the following information for each frequency (See Appendix C for printouts of this information.)

1. Latitude
2. Longitude
3. Receiver Antenna Height Designator
4. Frequency
5. Quarter (of the year)
6. 90th Percentile Occupancy
7. 50th Percentile Occupancy
8. 10th Percentile Occupancy
9. Mean Occupancy
10. Peak Five-Minute Occupancy
11. Waiting Time (Using 90th Percentile Occupancy)
12. Waiting Time (Using 50th Percentile Occupancy)
13. Number of Five-Minute Samples taken in Quarter
14. Waiting Time (Using Mean Occupancy)
15. Waiting Time (Using Peak Five-Minute Occupancy)
16. Average Occupancy due to each station in the environment assigned this frequency
17. Year

Long-Term Monitoring Project

A special "Long-Term Monitoring Project" was initiated for the purpose of establishing confidence bounds on the production sampling scheme. Statistical knowledge gained on hourly, daily and monthly variations in channel utilization obtained from the project will be useful in determining the number of days needed to spend at a monitoring site and the frequency of visits.

For this special project, equipment was removed from one of the SRI vans and installed in the Regional Office connected to a roof-top antenna with a height of 56 feet. A group of 246 channels from each of the three major land mobile bands was selected as channels to be monitored. Special usage channels, low-power and mobile only frequencies were eliminated so that for each radio service the normal two-way channels would be scanned. Each block of 246 frequencies was scanned almost continuously over each day for one week. The equipment recorded 10 to 11 five-minute samples in each hour of the monitoring day compared to one five-minute sample per hour for production monitoring. This special monitoring was conducted from late May, 1975, through August, 1976, alternating weekly between the 25, 150, and 450 MHz bands. A voluminous amount of data has been recorded in this project. We have initiated a number of analysis projects. These analyses will yield considerable knowledge about spectrum usage by licensees in the Chicago area. We will publish periodic reports on the results of these analyses as they are concluded. Some significant preliminary results and examples of the types of data available are presented hereafter.

All of the data included in the Figures of this Report have been calculated from raw data tapes recorded in the "Long-Term Monitoring Project" In essence, the project consisted of special monitoring of 246 channels from each of the bands 25–50 MHz, 150–160 MHz and 450–470 MHz. The selected frequencies in each band were monitored continuously each day for one week alternating the bands monitored from week to week. In this project, each frequency was monitored continuously yielding 50–55 minutes out of each hour whereas in the production monitoring scheme, each channel is normally monitored for five minutes out of each hour. Although data was obtained for all three of the major land mobile bands, we have included, for illustrative purposes, only data from the 150 MHz band.

TABLE 1.—*Summaries of 150–160 MHz Frequencies Monitored*

Service:	*Number of Frequencies Monitored*
Business	13
Special industrial	20
Telephone maintenance	1
Power	33
Auto emergency	15
Taxicab	4
Fire	19
Highway maintenance	25
Local government	35
Forestry-conservation	40
Police	34
Special emergency	7

Care should be taken when interpreting the following graphs. The data was taken from only one monitoring site; it is presented for illustrative purposes only; the comparisons made are relative not absolute; and, questions remain as to the statistical variations of the measured parameters. In addition, the following should be taken into consideration:

(1) Unless indicated otherwise, all data shown was taken from tapes recorded during the week of May 24–28, 1976.

(2) The data was collected at the Park Ridge, Illinois, site of the Chicago Regional Office, in the northwest suburbs 15 miles from the center of downtown Chicago.

(3) At a receiving antenna height of 56 feet, the practical radius of coverage ranges from 10 to 50 miles depending on the antenna heights of transmitting stations—10 miles for low-power mobiles and 50 miles for base stations having antennas 1,000 feet above ground. The median radius of coverage is about 22 miles for typical base stations. This means we could receive stations in most of the Chicago metropolitan area plus the northern and western suburbs.

For the purpose of this paper, the following definitions apply:

(1) *Five-Minute Occupancy.*—Percentage of time is a five minute period a signal is found on a channel by the monitor receiver.

(2) *Peak Five-Minute Occupancy.*—The maximum five-minute occupancy for any given day (or other monitoring period).

(3) *Hourly Occupancy.*—The average of all five-minute occupancies measured in a given hour.

(4) *Peak Hour Occupancy.*—The maximum hourly occupancy for a particular day.

(5) *Daily Average Occupancy.*—The average of all five-minute occupancies measured over the monitoring day.

THE FIGURES

Figure 1.—This figure shows the relationship between five-minute occupancies and the hourly occupancy and indicates that the maximum (or peak) five-minute occupancy does not have to occur in the peak hour.

Figure 2.—This figure compares the weekly mean value of Peak Hour Occupancy and Average five-minute occupancy for the week with the maximum five-minute occupancy occurring in the week for 13 Business frequencies.

Figure 3.—For three frequencies in the Power Radio Service, this figure indicates the manner in which the weekly mean of the Peak Hour Occupancy varies over the year.

The dates of the relative weeks are:

1—June 30–July 3, 1975
3—July 14–18, 1975
6—August 4–8, 1975
15—October 8–10, 1975
35—February 23–27, 1976
37—March 10–12, 1976
39—March 23–26, 1976
45—May 3–5, 1976
48—May 24–28, 1976
52—June 24–25, 1976

Figure 4.—This figure is a graphical representation of the relationship between measured occupancy and calculated waiting time. Waiting time is the time a user has to wait on a channel before he can transmit a message. It is calculated as an average waiting time in the peak period of channel usage. The curve is plotted for average message lengths of 30, 20 and 10 seconds. At the 40% occupancy point, the waiting time to use the channel would be 54 seconds, 36 seconds and 18 seconds for channels having average message lengths of 30, 20 and 10 seconds, respectively.

Figures 5 through 15.—These graphs show the weekly mean value of Peak Hour Occupancy for each of the 150 MHz frequencies monitored in this project. The graphs may be used to make a relative comparison between frequencies available to a particular radio service and between frequencies available to different services. Only data for the week of May 24–28, 1976, is presented.

Figures 16 through 19.—These figures are copies of actual printouts obtained from the DAYTAB (Daily Tabulation) computer routine that calculates the occupancy parameters we have plotted in the preceding figures. Two frequencies from the Business Radio Service are used as examples. For each frequency, the first page of the two-page printout contains the following information.

(1) First column—The month/day/year of the monitoring day.

(2) Next 24 columns—The heading of each column is the hour of day using 24-hour clock. For each day, the first row in these columns contains the hourly occupancy for the hour beginning with the time heading for the column. The second row contains the number of five-minute scan blocks monitored within the particular hours. The last two rows under these columns are (1) the average hourly occupancy for the week and (2) the total number of five-minute samples used to calculate the average hourly occupancy. (Only those hours with six or more five-minute samples were included in the calculation.)

(3) 26th column—The first figure in this column, labelled PK, is the maximum hourly occupancy or "peak hour occupancy" (for each day). The second figure is the maximum five-minute occupancy or "peak five-minute occupancy" for the day.

(4) 27th column—The first figure in this column labelled MP, is the hour of the day in which the peak hour occupancy occurs. The second figure is the hour of the day in which the peak five-minute occupancy occurs.

(5) 28th column—The first figure in this column, labelled AV, is the average of all the hourly occupancies for the day. The second figure is the average of all the five-minute occupancies measured in the day. Either figure can be referred to as the "daily average occupancy"

(6) 29th column—The column, labelled 90, contains the 90th percentile occupancy for the day. 90th percentile occupancy means that 10% of the five-minute occupancies recorded in the day are greater than the specified value while 90% of the five-minute occupancies are equal to or less than the specified value.

(7) 30th column—The first figure in this column, labelled A/P, is the ratio of daily average occupancy to the peak hour occupancy. The second figure is the ratio of daily average occupancy to the peak five-minute occupancy.

(8) Weekly Summary—This summary, printed underneath the foregoing, should be self explanatory. It lists the minimum, maximum and average values of the specified parameters.

The second page of the two-page printout is a plot of the hourly occupancies listed in columns headed 00 to 23 on the first page. The symbol "1" represents the hourly occupancy levels for the first day of the monitoring week. The symbol "2" represents the hourly occupancy levels for the second day, and so forth. The asterisk represents the average hourly occupancy levels for the week. If data points for two or more days coincide, the symbol for the latest day is shown.

Results of Analyses to Date

The following are the results and conclusions of analyses of spectrum usage data derived from the long-term and production monitoring programs. They summarize a number of different staff studies which have yet to be publicly released.

With respect to the monitoring system and measurement methods, we find that:

1. In measuring Average Occupancy from production data, the maximum measurement error is within ±8 Percent Occupancy and slightly higher for 90th Percentile Occupancy (within ±14 Percent Occupancy).

2. The relative measurement error is larger for low occupancy channels than for high occupancy channels.

3. Measurement error decreases with increased sampling during a given time period.

4. The optimum scanning/sampling method is a compromise between the production sampling scheme and the long-term type of continuous monitoring:

a. Allowing an increased number of channels to be scanned in a given period.

b. Maintaining the confidence level at 95% ±3 Percent Occupancy.

5. To accurately describe the usage on a channel within a given hour, at least three five-minute samples per hour are required.

From the analyses conducted to date on the utilization of frequencies in the Chicago area, we have found that:

1. There is no reasonable correlation between spectrum utilization data and the number of base stations, mobiles and licensees authorized in the area. (See Part 2 for details of a specific study.)

2. Below 450 MHz, there is an increase in measured utilization with an increase in monitor receiver antenna height.

3. Most frequencies exhibit a standard deviation within ±10 Percent Occupancy in Peak and Average usage from day-to-day.

4. 90th Percentile Occupancy and Average Occupancy tend to be normally distributed.

5. For low occupancy channels, the distribution of five-minute occupancy samples taken consecutively on a land mobile channel for a 12 hour period (about 144 samples) usually is not similar to any common statistical distributions. For high occupancy channels, the distribution of these samples tend toward a normal distribution.

6. The distribution of 90% occupancy samples taken by the monitor is usually asymmetric with respect to the 90% occupancy value determined by use of all of the five-minute samples for a day. Usually about ⅔ of the 90% occupancy distribution falls below the full day value giving a like probability that the 90% occupancy value determined by the monitor will be lower than the true 90% occupancy value.

7. The monitor average sampling distribution is usually symmetric about the average

value determined from all of the days samples. There is an equal probability that the measured average monitor occupancy will be either high or low.

Optimum Loading Level

The Commission is faced with the question of how to determine whether a channel is loaded to saturation, to an optimum level, or to a level which permits additional users. One apporach taken by the Commission has been to adopt mobile loading standards in the 470–512 MHz band and 800 MHz band. Part 2 of this report deals with the relationship between mobile loading standards and actual on-the-air usage measured by our monitoring equipment.

After further analysis, we expect to be able to determine the optimum loading level and the level of usage at which saturation occurs. For the purpose of discussion, the saturation level is defined as the level of channel usage at which the addition of another user cannot be tolerated by existing users on a channel; and the optimum loading level is defined as the preferred level of channel usage at which additional licensees should not be authorized to use a given channel on a time-sharing basis in the same geographic area.

From the plot of Waiting Time vs. Transmission Occupancy (Figure 4) and the graphs showing channel usage by the Business and Taxicab Radio Services (Figures 13 and 15–19), it appears that an occupancy figure in the 40%–60% range could be considered as an optimum loading level for those two services. The further development of this concept will depend on a variety of factors involving the ways in which channels are used by various kinds of users. Obviously there are different levels of acceptability for different priorities of use. These are subjects for comment in the current proceeding, but will be considered extensively in the future proceedings before loading levels are established.

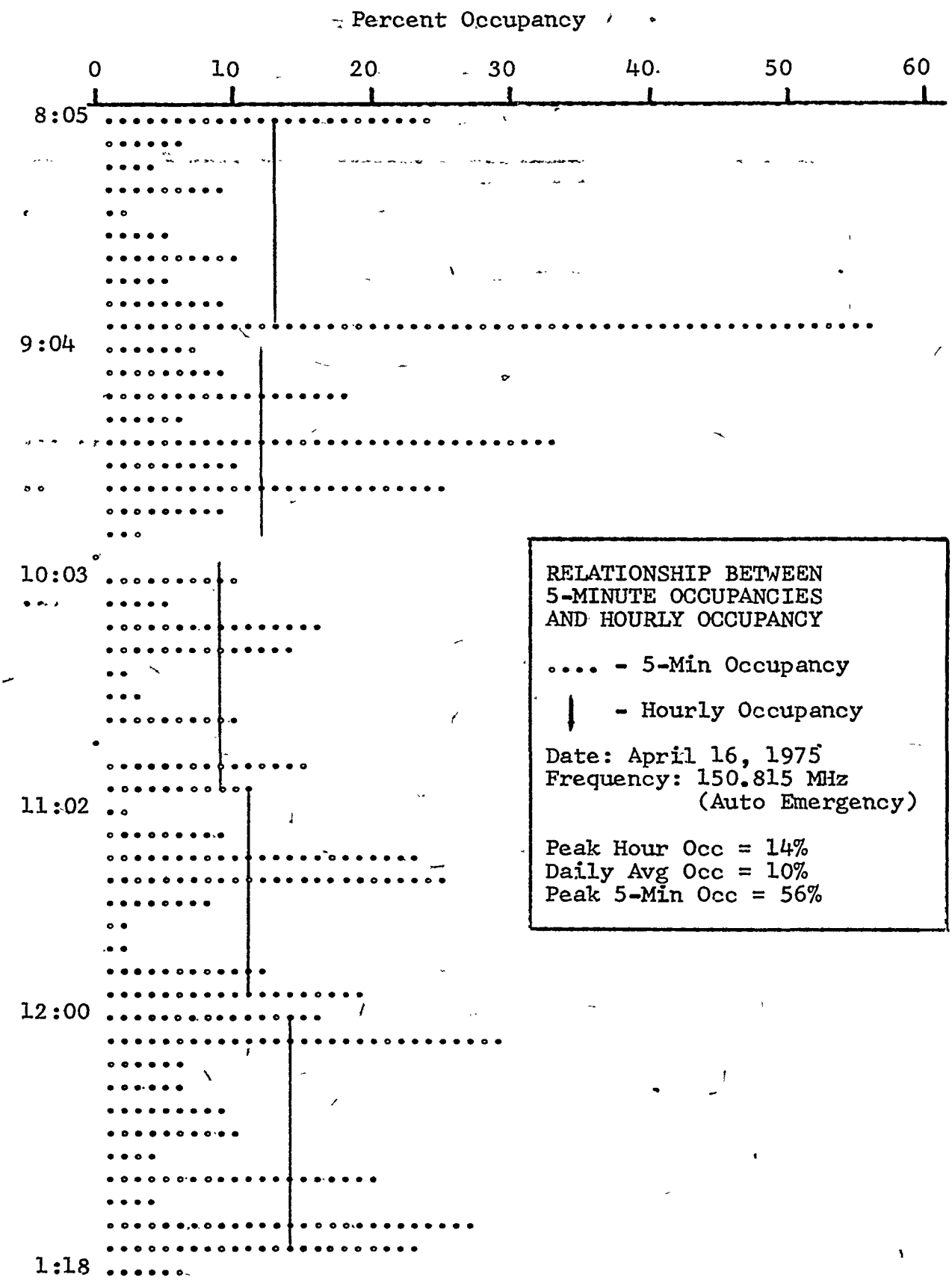
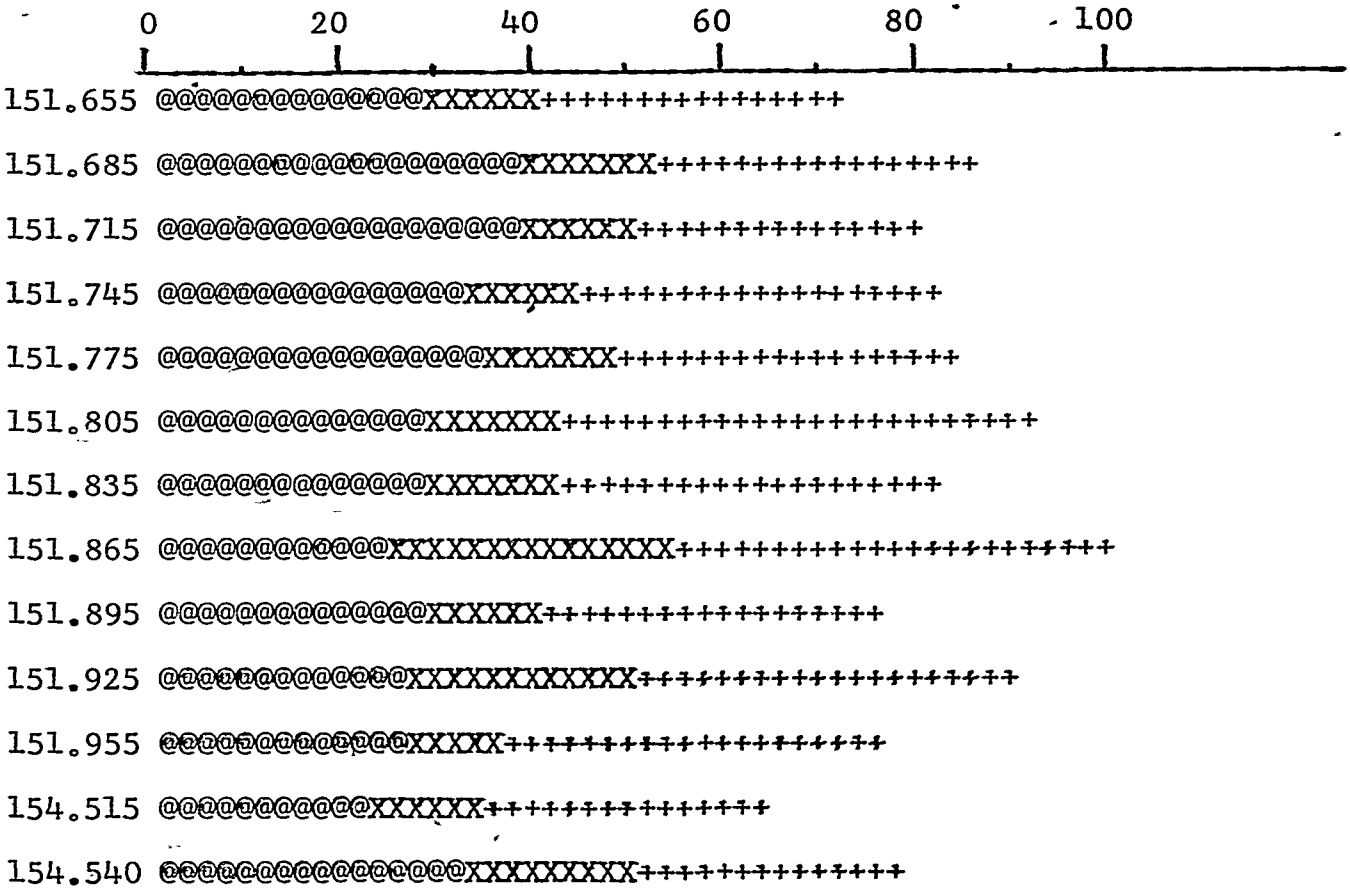

Percent Occupancy
0
10
20
30
40
50
60
8:05
9:04
10:03
11:02
12:00
1:18
RELATIONSHIP BETWEEN
5-MINUTE OCCUPANCIES
AND HOURLY OCCUPANCY
.... - 5-Min Occupancy
- Hourly Occupancy
Date: April 16, 1975
Frequency: 150.815 MHz
(Auto Emergency)
Peak Hour Occ = 14%
Daily Avg Occ = 10%
Peak 5-Min Occ = 56%

FIGURE 1

BUSINESS RADIO SERVICE

Percent Occupancy

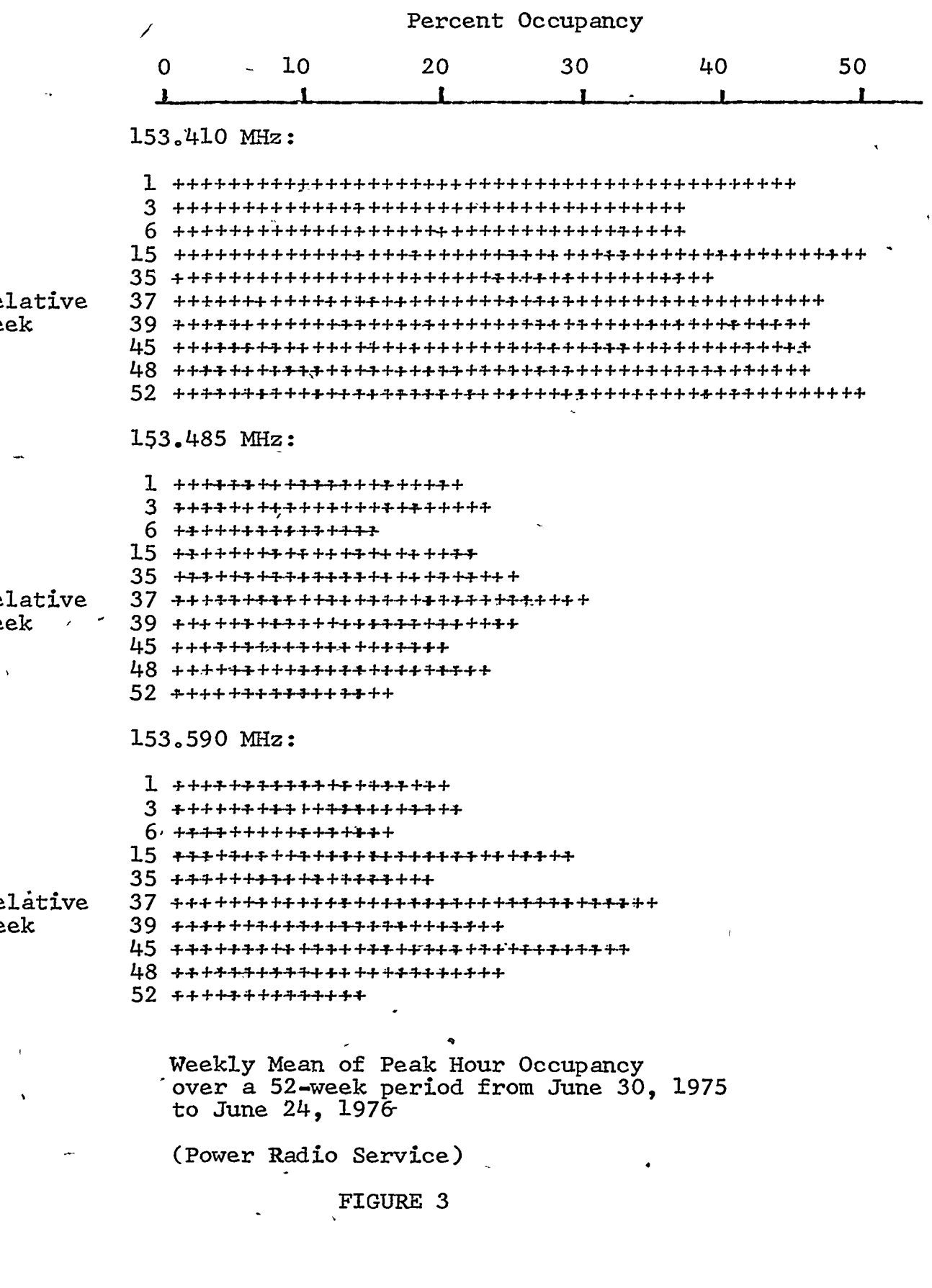


@ = Average 5-Minute Occupancy for the week (or Mean Daily Average)

X = Weekly Mean of the Peak Hour Occupancy

\+ = Maximum 5-Minute Occupancy for the week

FIGURE 2



Weekly Mean of Peak Hour Occupancy over a 52-week period from June 30, 1975 to June 24, 1976

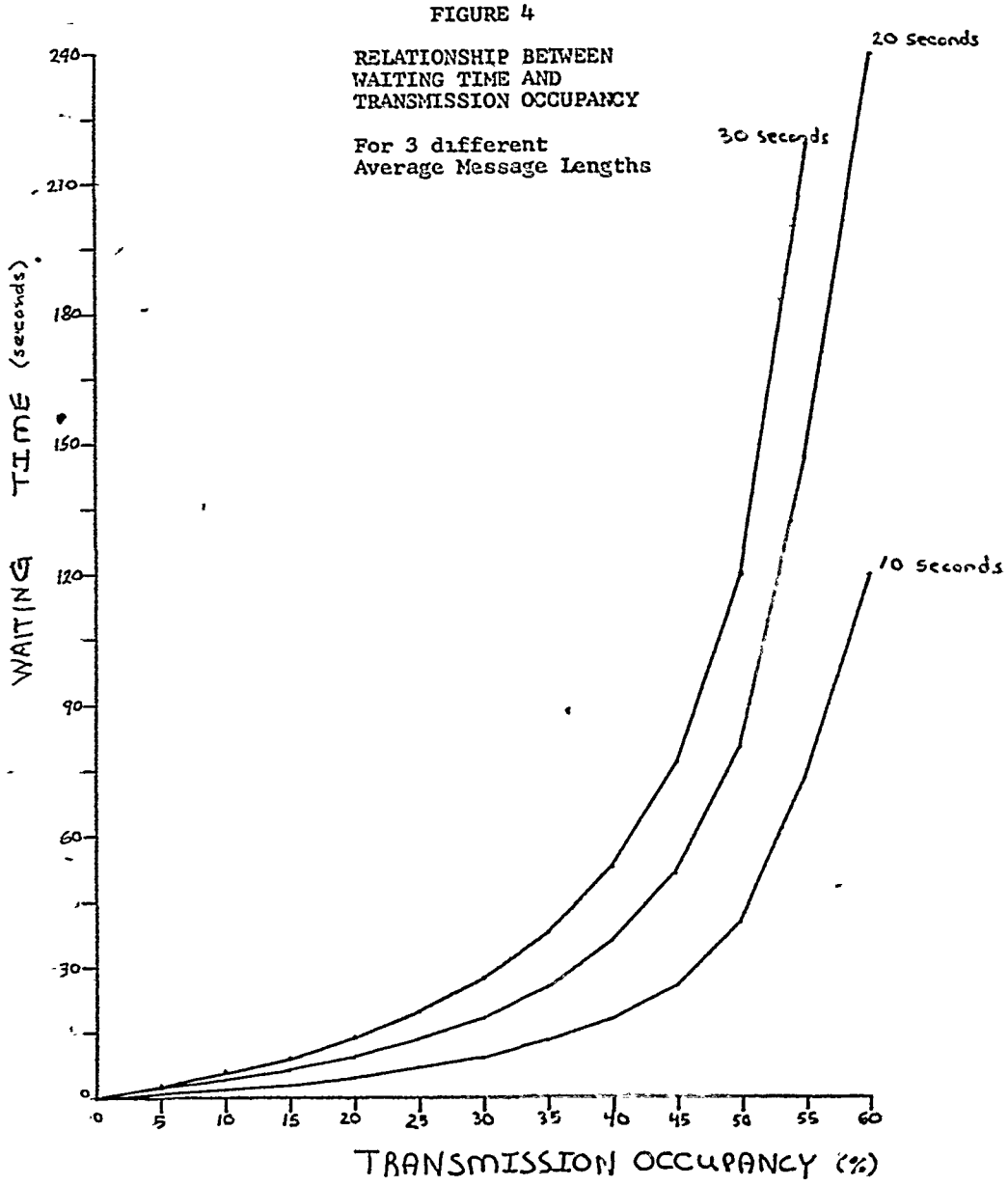
(Power Radio Service)

FIGURE 3

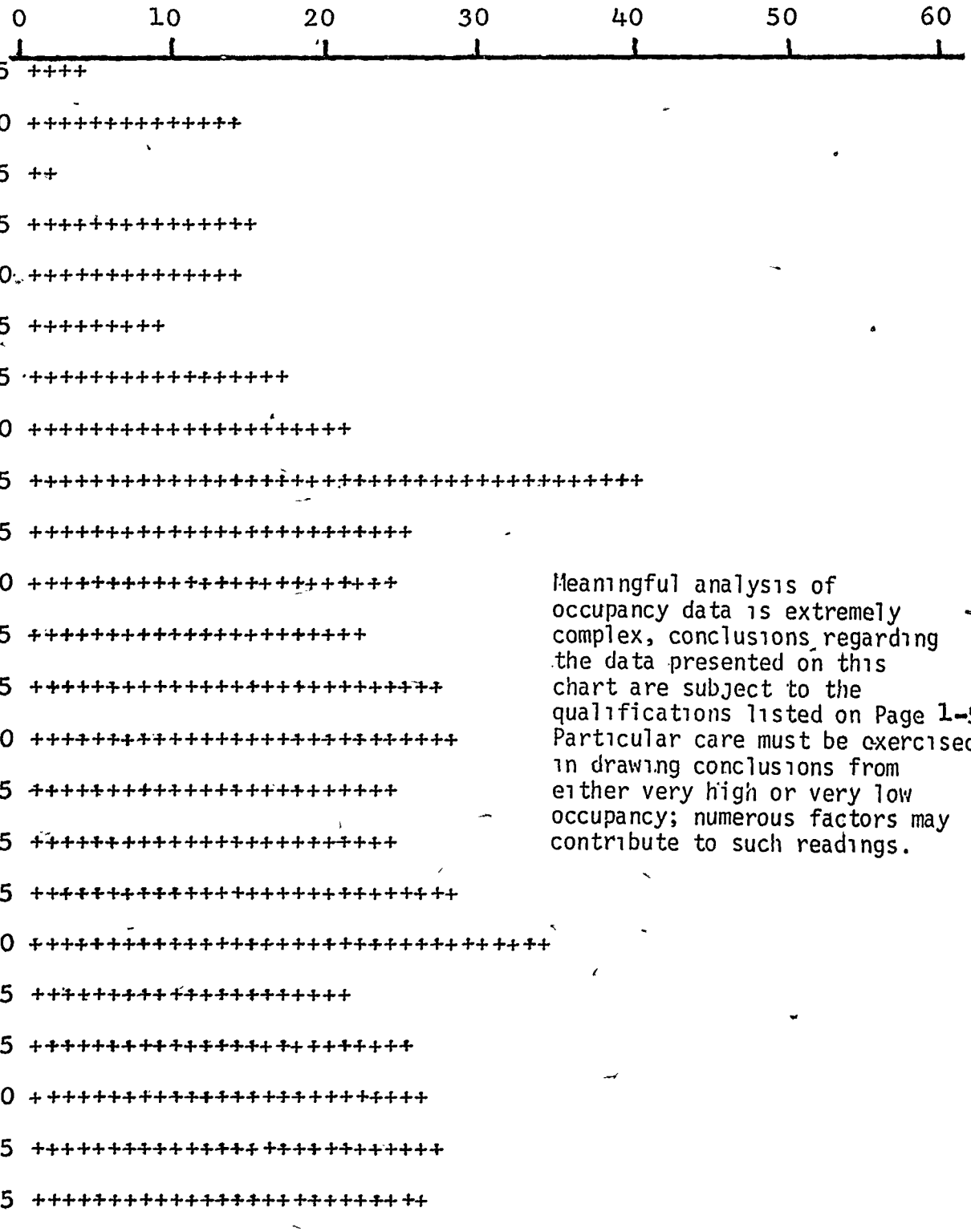
FIGURE 4

RELATIONSHIP BETWEEN
WAITING TIME AND
TRANSMISSION OCCUPANCY

For 3 different
Average Message Lengths



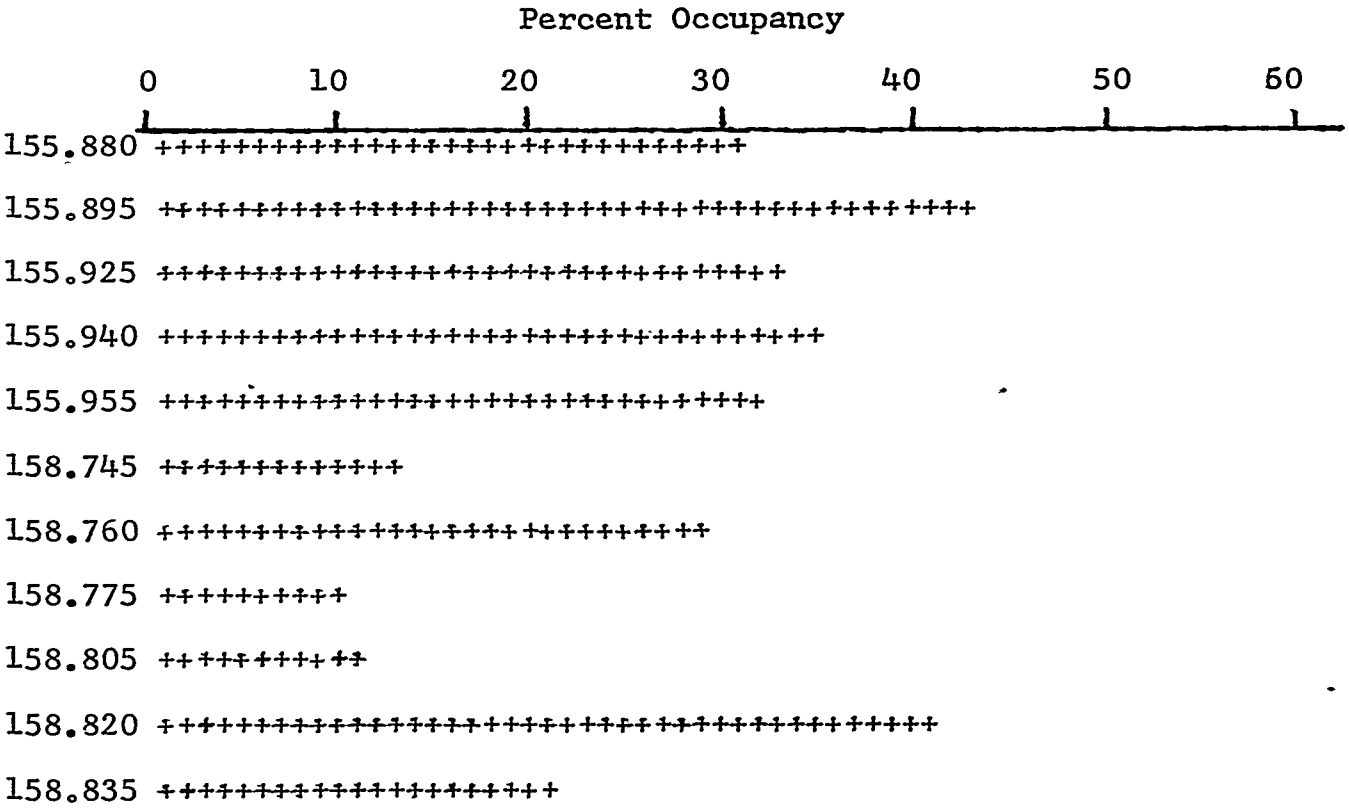
LOCAL GOVERNMENT RADIO SERVICE



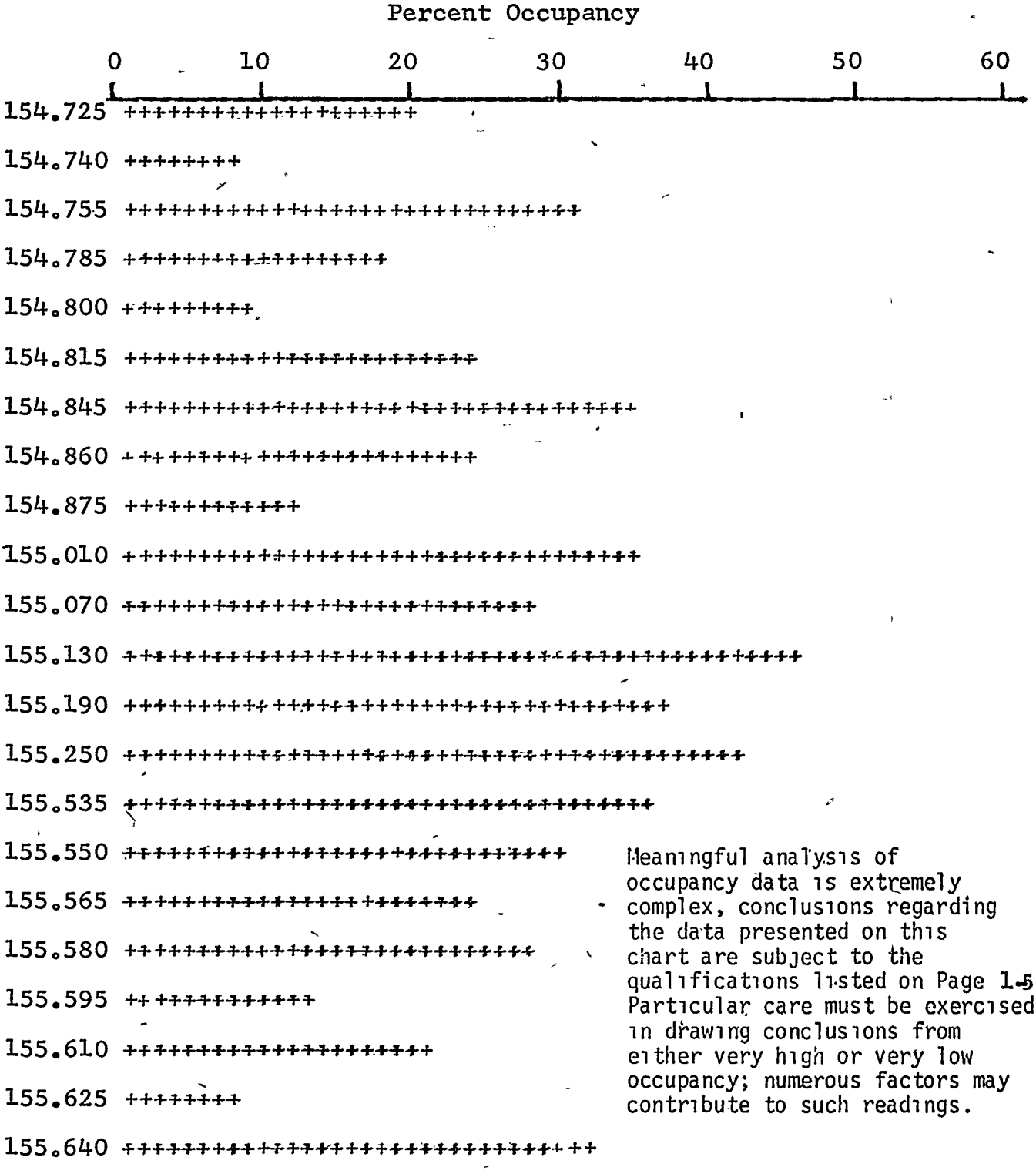
Meaningful analysis of occupancy data is extremely complex, conclusions regarding the data presented on this chart are subject to the qualifications listed on Page 1-5. Particular care must be exercised in drawing conclusions from either very high or very low occupancy; numerous factors may contribute to such readings.

FIGURE 5

Local Government (continued)



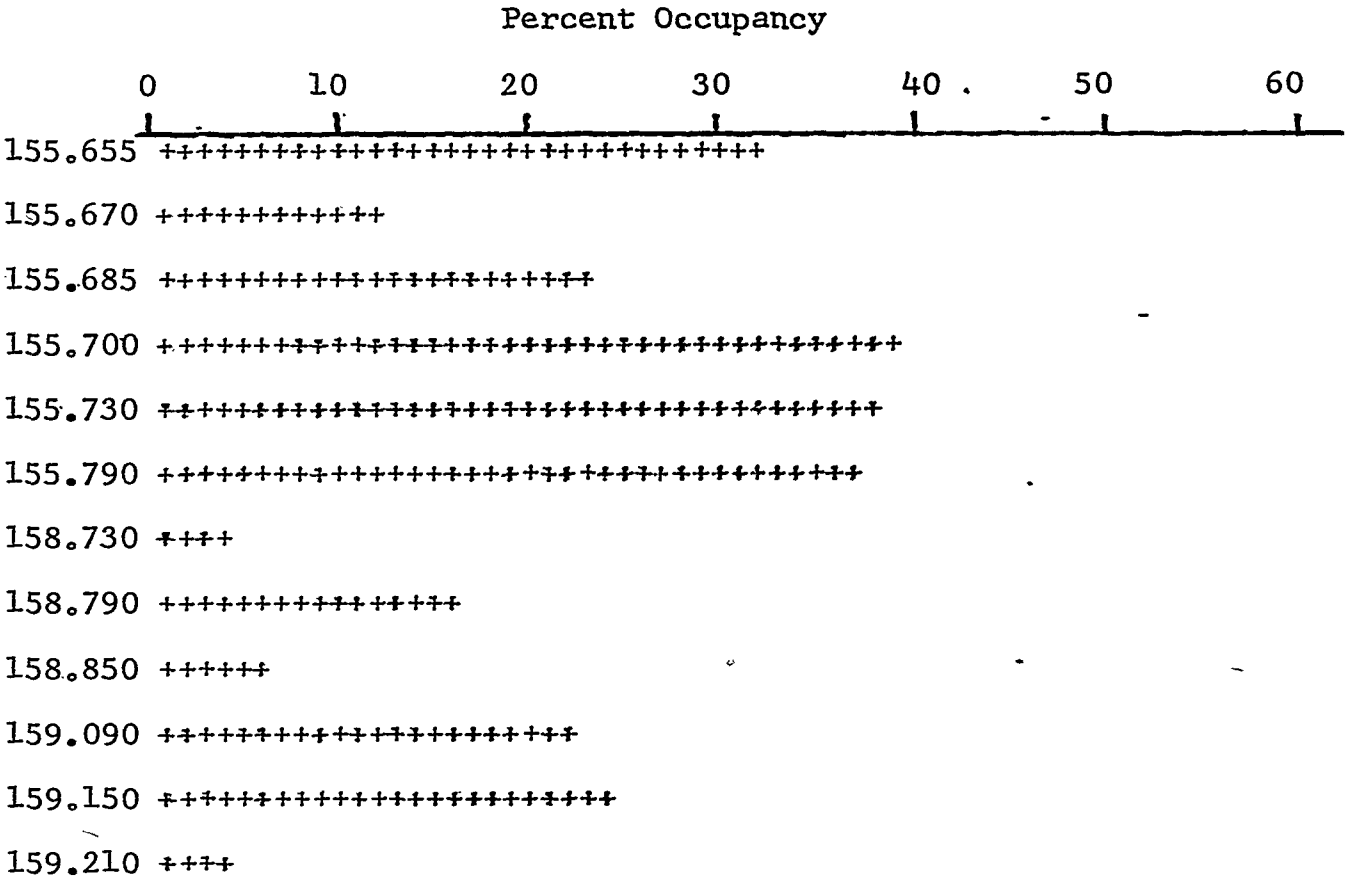
POLICE RADIO SERVICE



Meaningful analysis of occupancy data is extremely complex, conclusions regarding the data presented on this chart are subject to the qualifications listed on Page 1-5 Particular care must be exercised in drawing conclusions from either very high or very low occupancy; numerous factors may contribute to such readings.

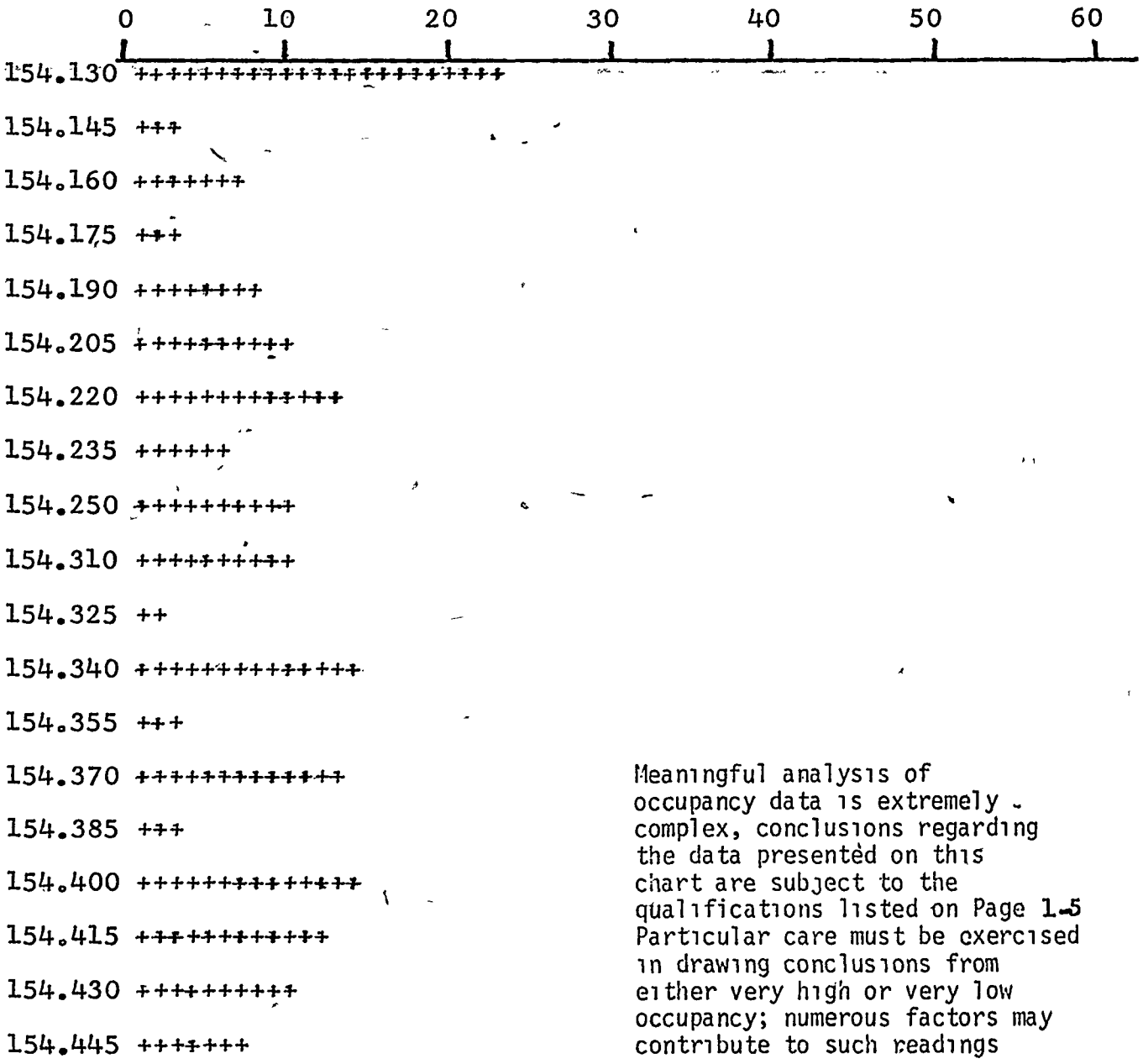
FIGURE 6

Police (continued)



FIRE RADIO SERVICE

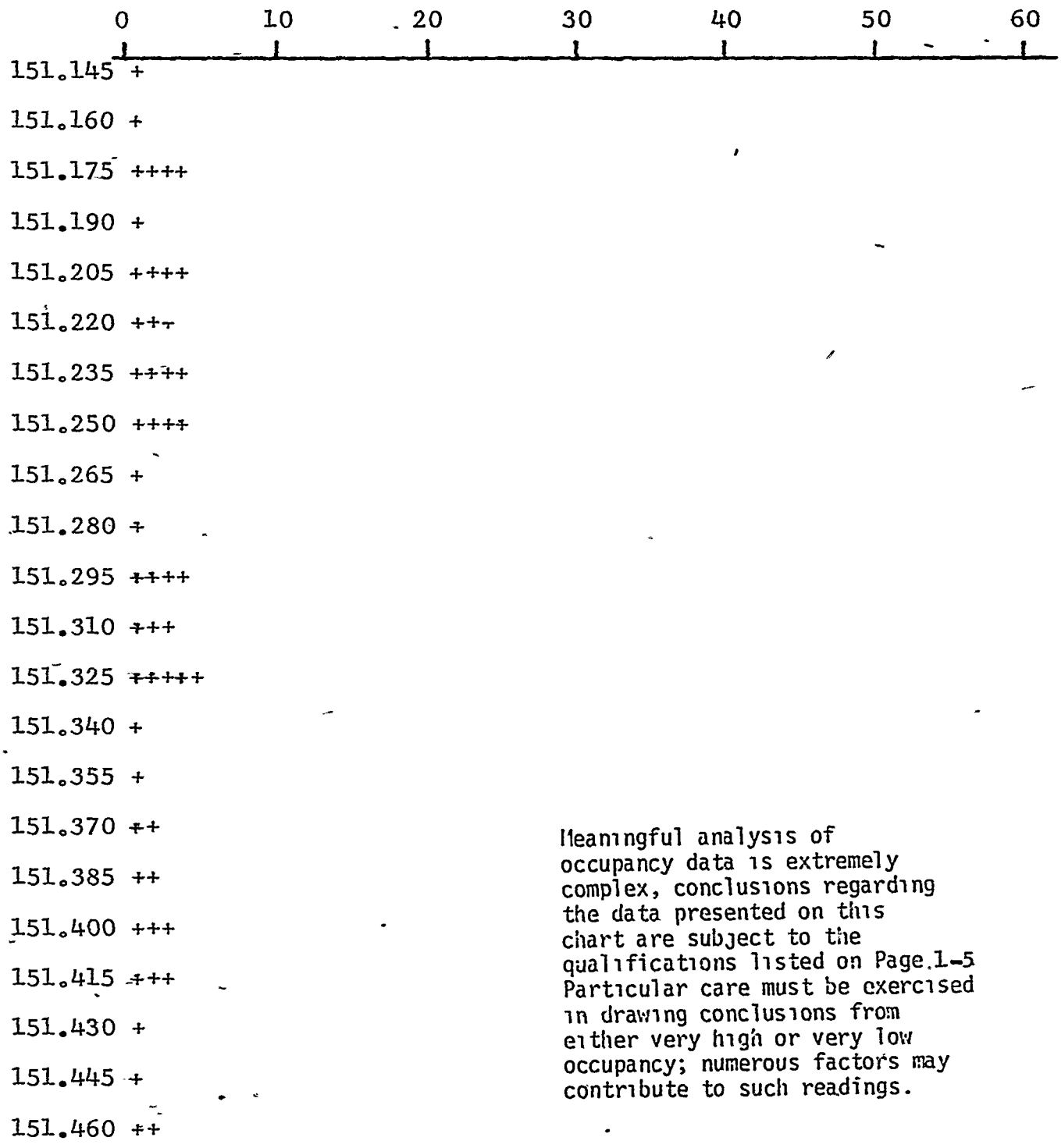
Percent Occupancy



Meaningful analysis of occupancy data is extremely complex, conclusions regarding the data presented on this chart are subject to the qualifications listed on Page 1-5 Particular care must be exercised in drawing conclusions from either very high or very low occupancy; numerous factors may contribute to such readings

FIGURE 7

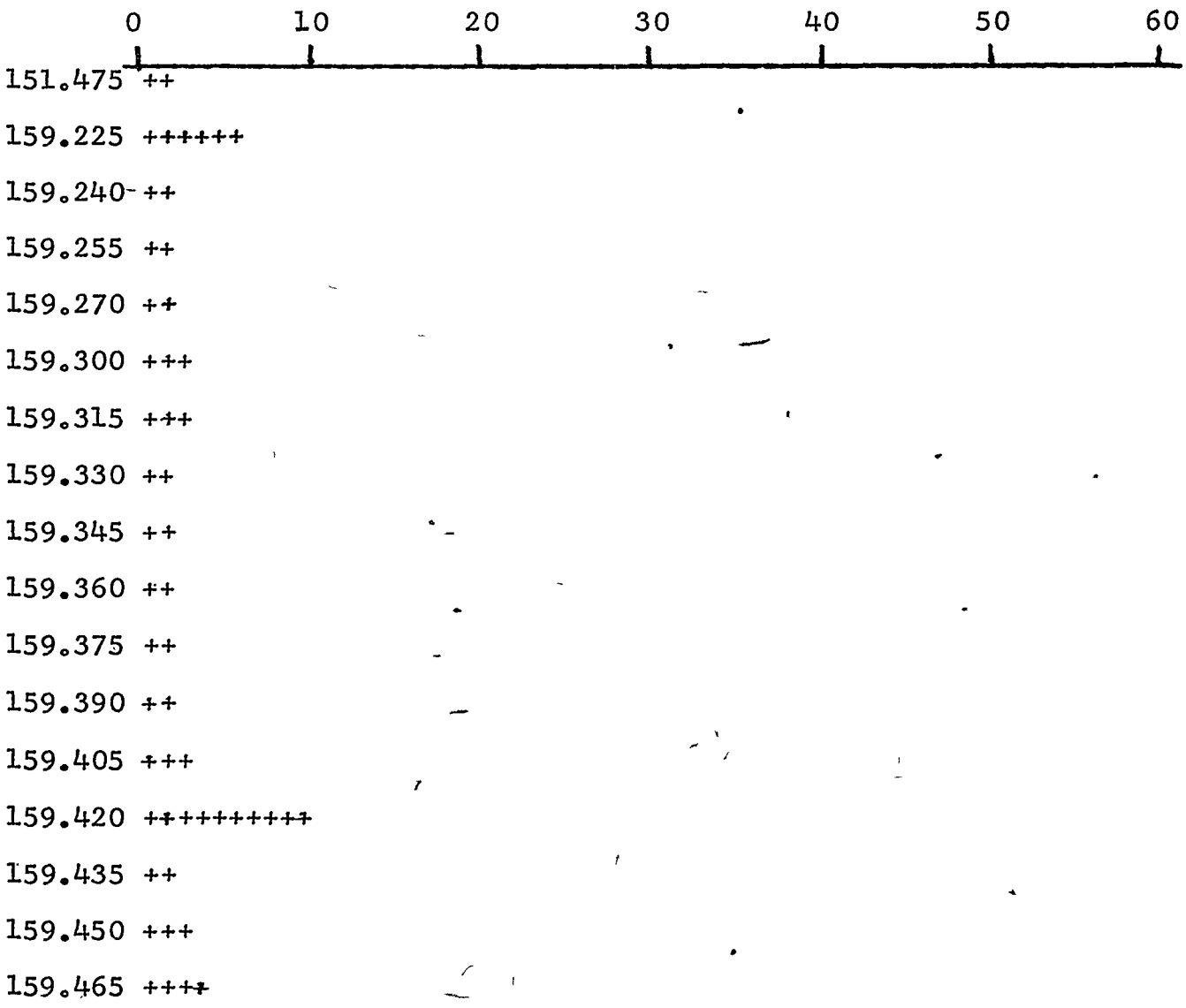
FORESTRY-CONSERVATION RADIO SERVICE



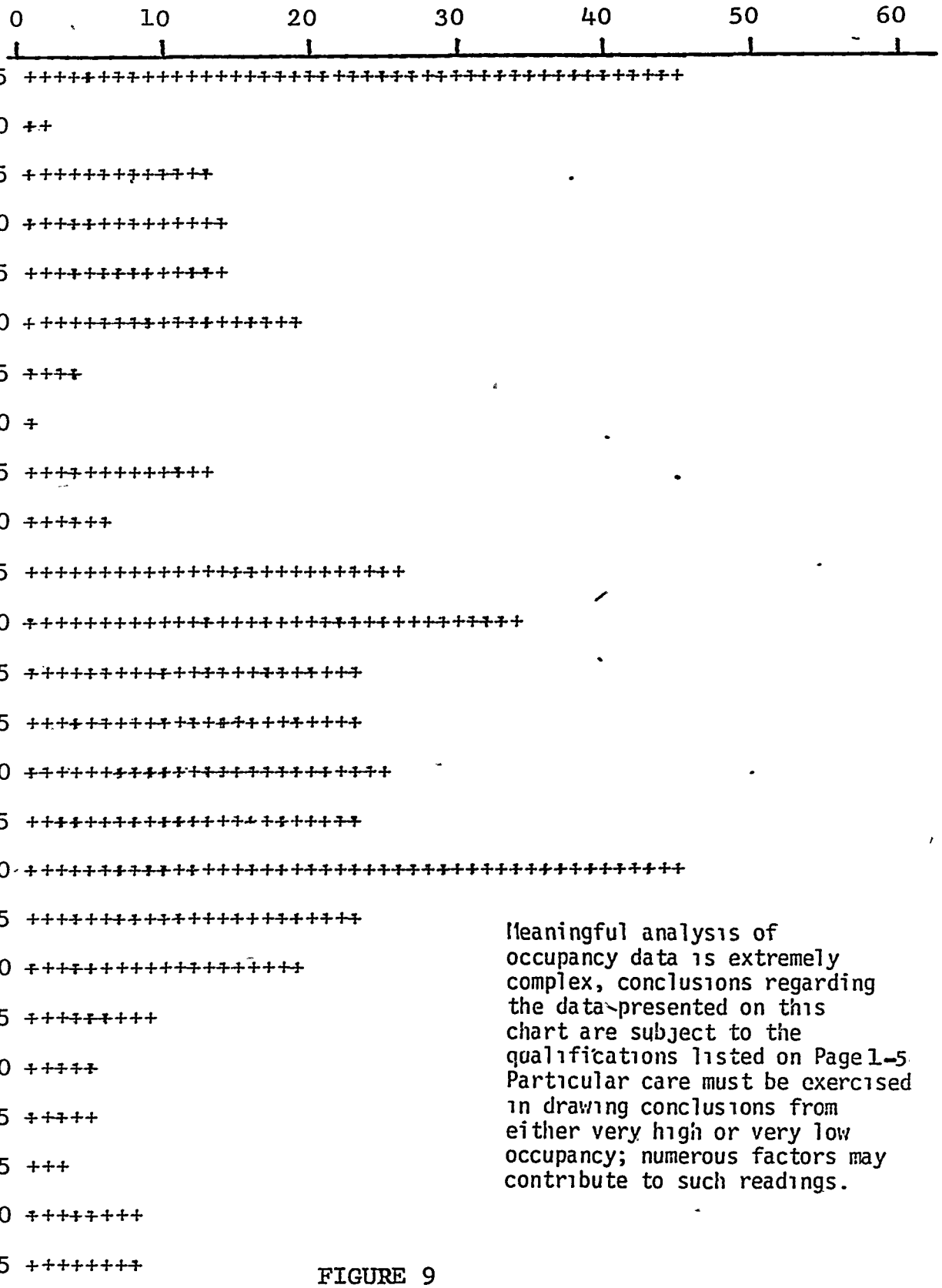
Meaningful analysis of occupancy data is extremely complex, conclusions regarding the data presented on this chart are subject to the qualifications listed on Page 1-5 Particular care must be exercised in drawing conclusions from either very high or very low occupancy; numerous factors may contribute to such readings.

FIGURE 8

Forestry-Conservation (continued)



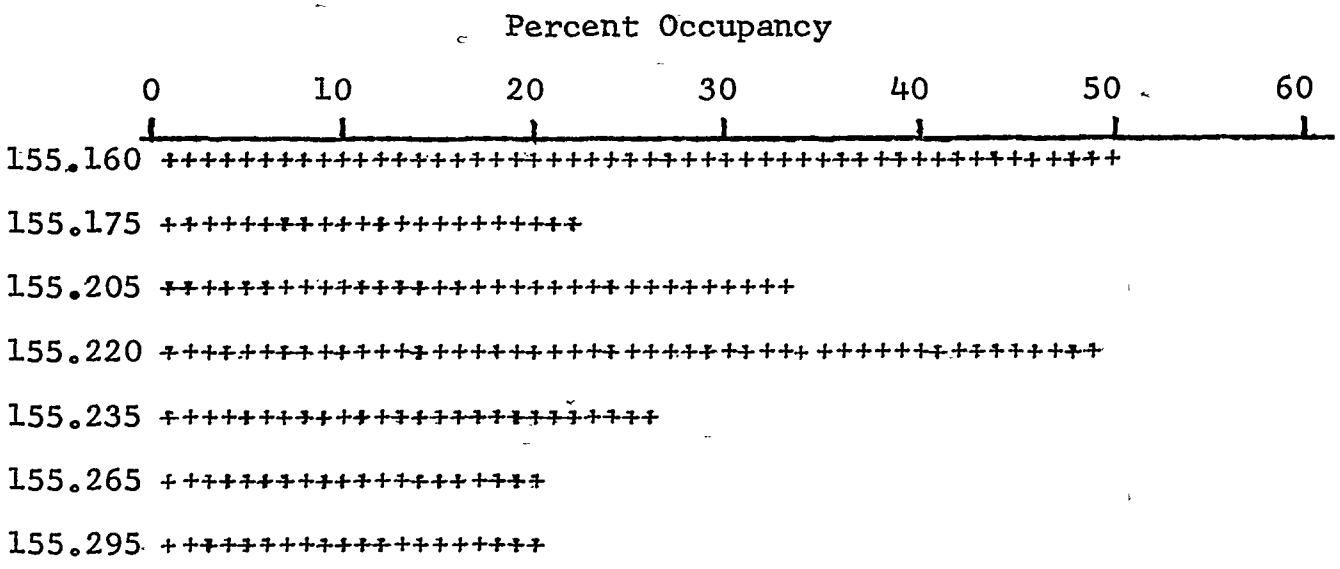
HIGHWAY MAINTENANCE RADIO SERVICE



Meaningful analysis of occupancy data is extremely complex, conclusions regarding the data presented on this chart are subject to the qualifications listed on Page 1-5. Particular care must be exercised in drawing conclusions from either very high or very low occupancy; numerous factors may contribute to such readings.

FIGURE 9

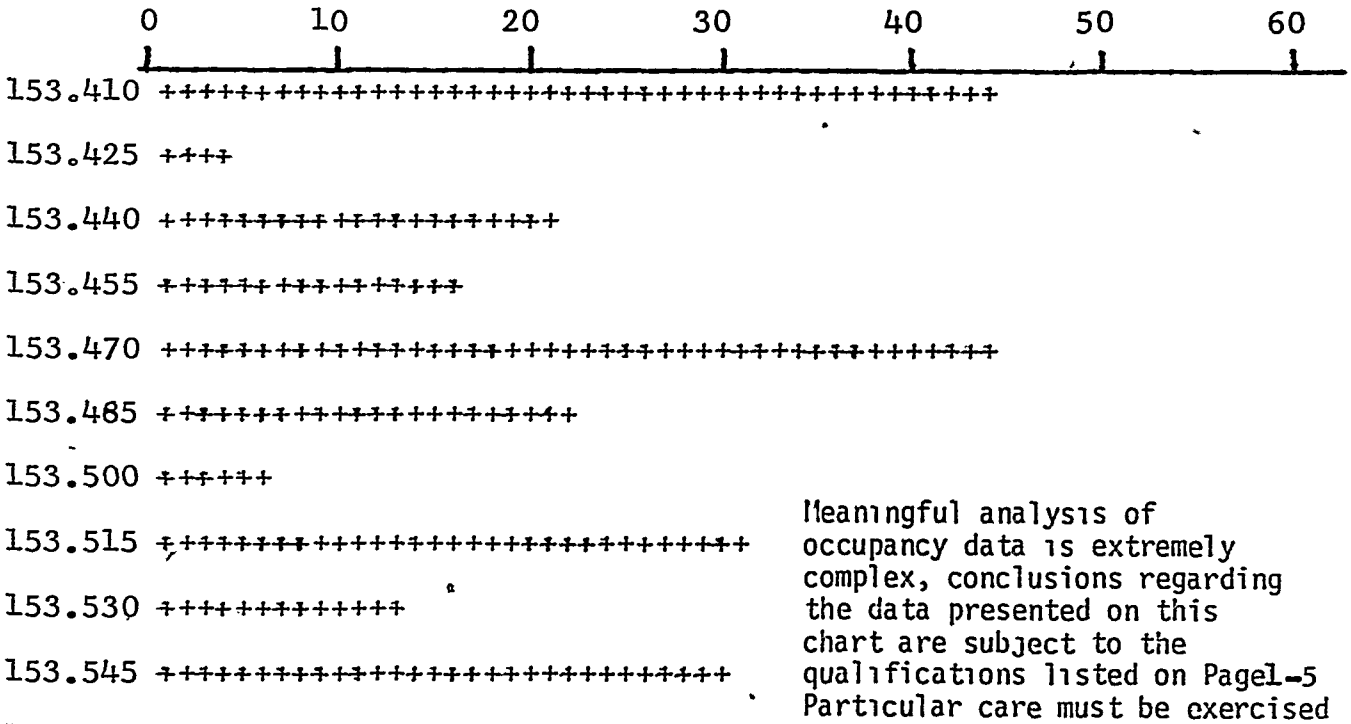
SPECIAL EMERGENCY RADIO SERVICE



Meaningful analysis of occupancy data is extremely complex, conclusions regarding the data presented on this chart are subject to the qualifications listed on Page 1-5 Particular care must be exercised in drawing conclusions from either very high or very low occupancy; numerous factors may contribute to such readings

FIGURE 10

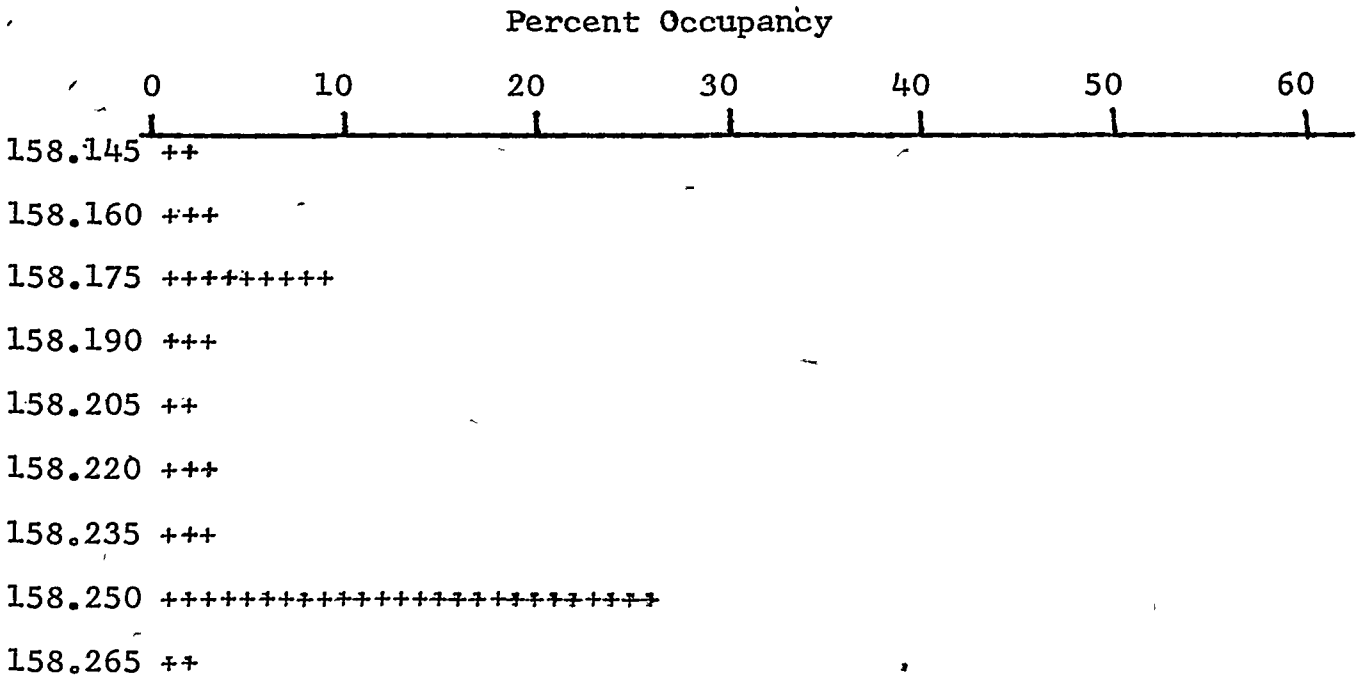
POWER RADIO SERVICE



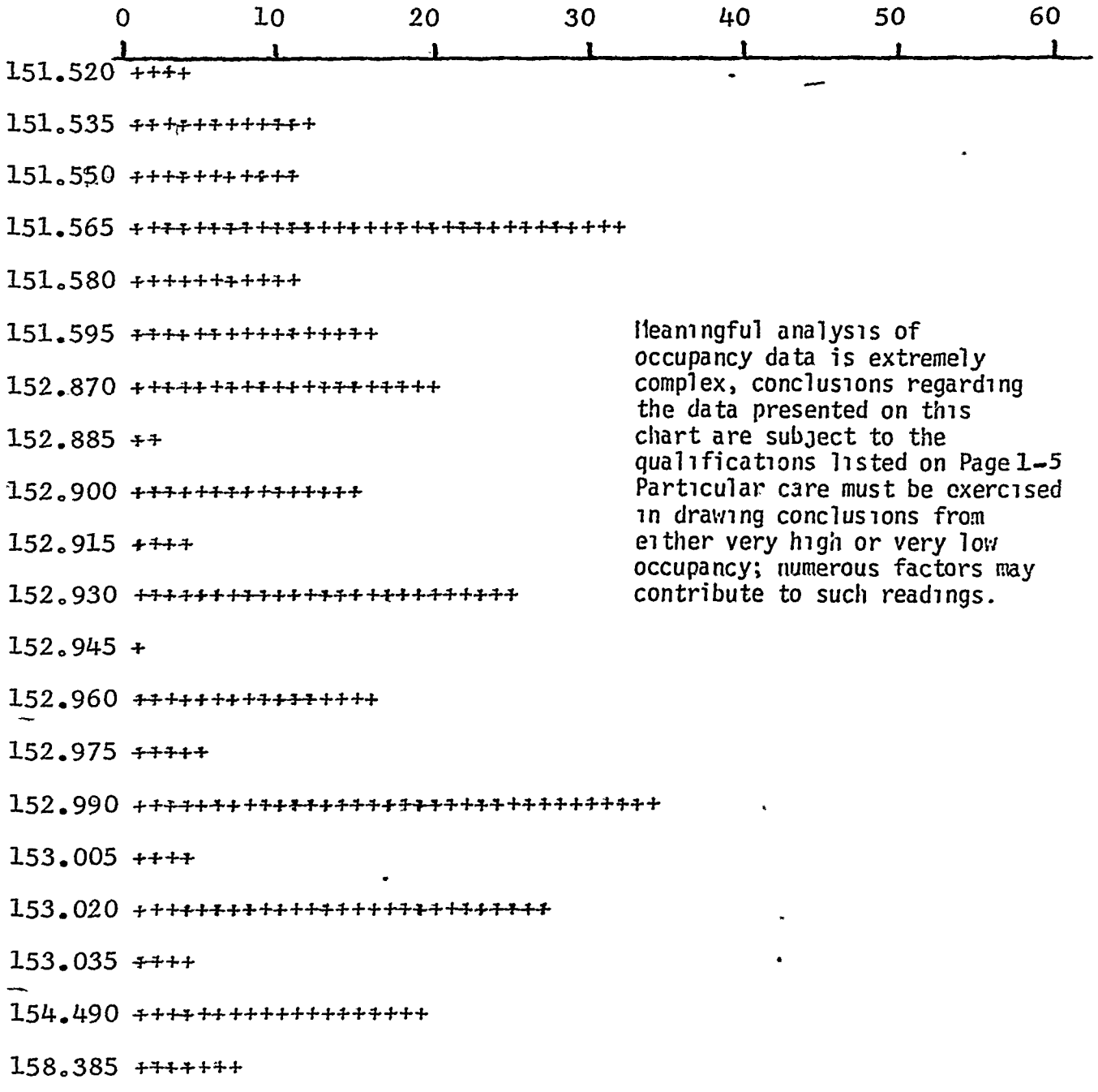
Meaningful analysis of occupancy data is extremely complex, conclusions regarding the data presented on this chart are subject to the qualifications listed on Page1-5 Particular care must be exercised in drawing conclusions from either very high or very low occupancy; numerous factors may contribute to such readings.

FIGURE 11

Power (continued)



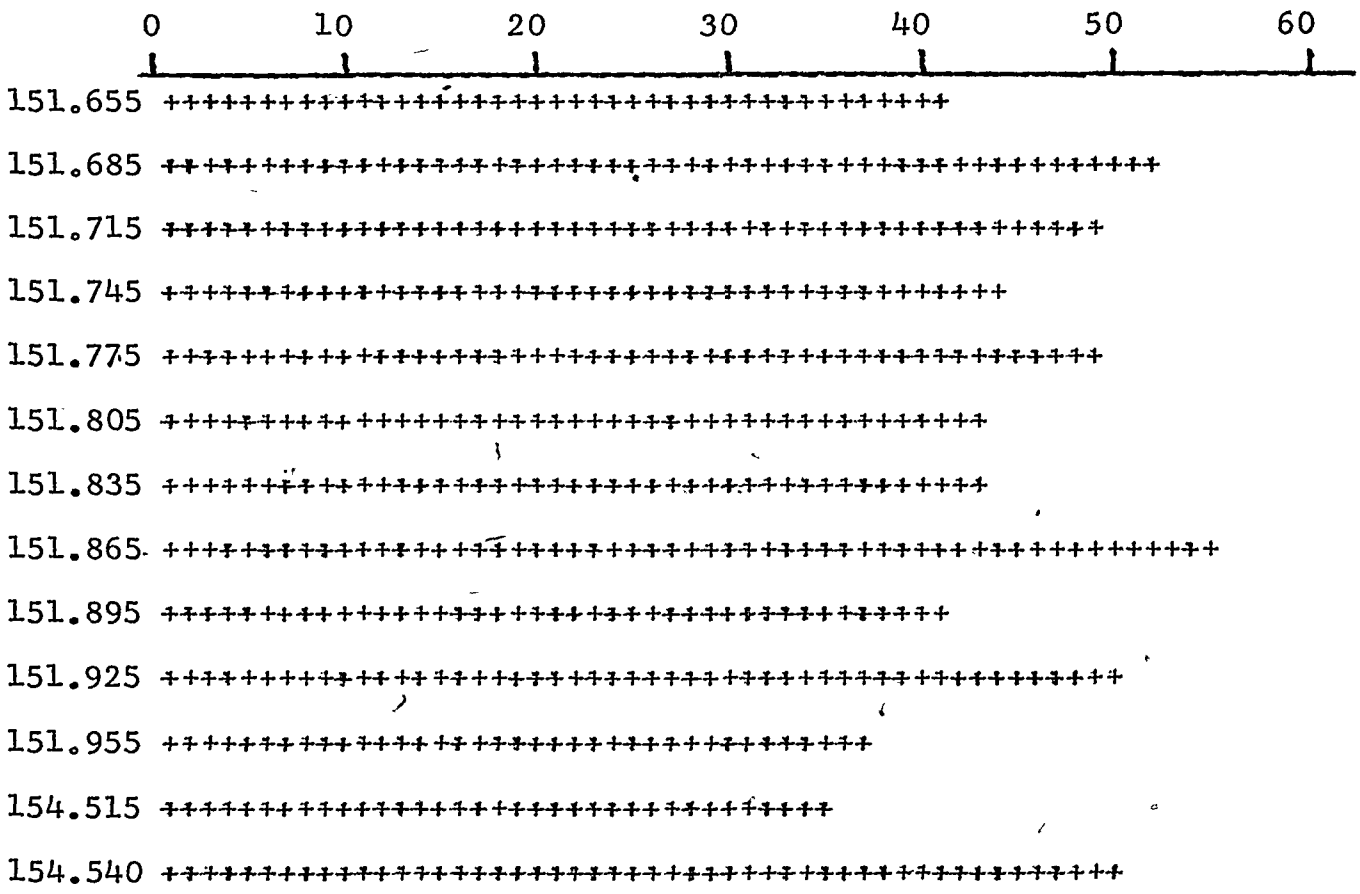
SPECIAL INDUSTRIAL RADIO SERVICE



Meaningful analysis of occupancy data is extremely complex, conclusions regarding the data presented on this chart are subject to the qualifications listed on Page 1-5 Particular care must be exercised in drawing conclusions from either very high or very low occupancy; numerous factors may contribute to such readings.

FIGURE 12

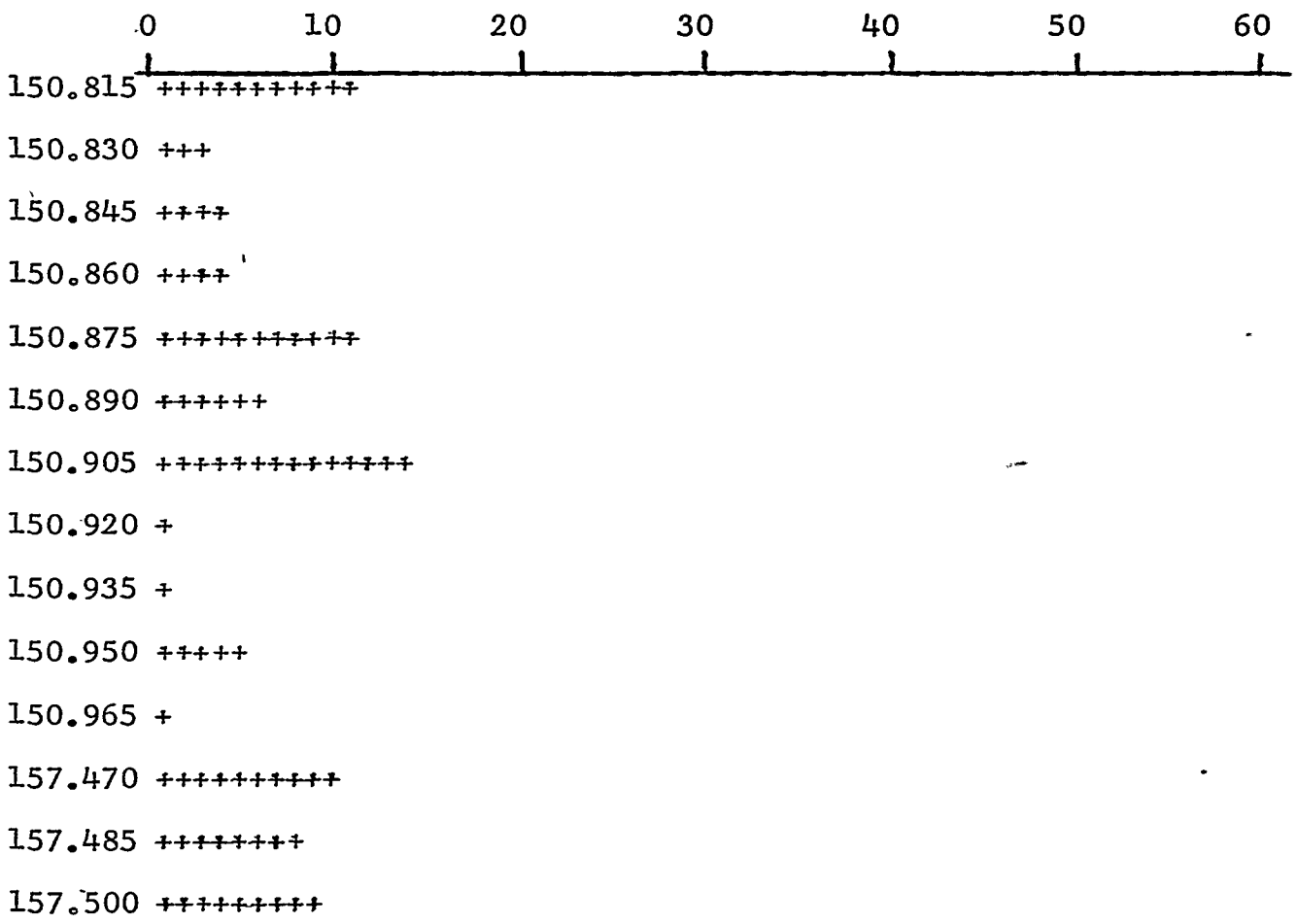
BUSINESS RADIO SERVICE



Meaningful analysis of occupancy data is extremely complex, conclusions regarding the data presented on this chart are subject to the qualifications listed on Page 1-5. Particular care must be exercised in drawing conclusions from either very high or very low occupancy; numerous factors may contribute to such readings

FIGURE 13

AUTOMOBILE EMERGENCY RADIO SERVICE

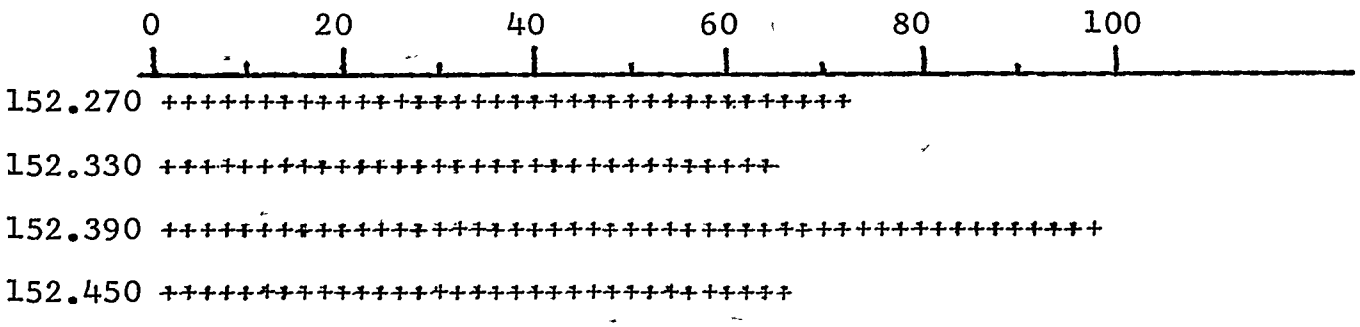


Meaningful analysis of occupancy data is extremely complex, conclusions regarding the data presented on this chart are subject to the qualifications listed on Page 1-5. Particular care must be exercised in drawing conclusions from either very high or very low occupancy; numerous factors may contribute to such readings.

FIGURE 14

TAXICAB RADIO SERVICE

Percent Occupancy



Meaningful analysis of occupancy data is extremely complex, conclusions regarding the data presented on this chart are subject to the qualifications listed on Page 1-5 Particular care must be exercised in drawing conclusions from either very high or very low occupancy; numerous factors may contribute to such readings

FIGURE 15

DAILY OCCUPANCY TABULATION FOR FREQUENCY: 151.0650

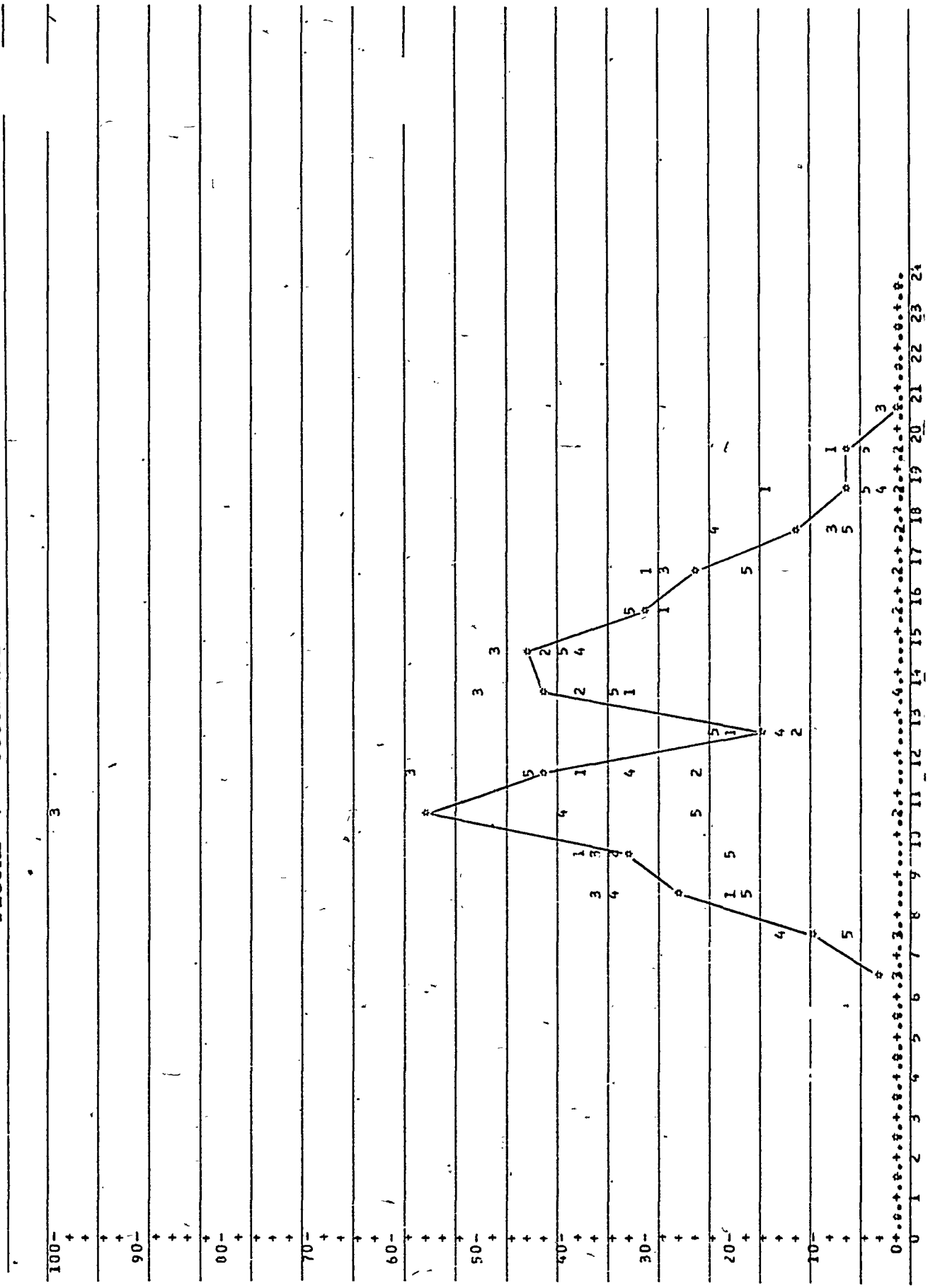
DATE	00	01	02	03	04	05	06	07	08	09	10	11	12	13	14	15	16	17	18	19	20	21	22	23	PK	MP	AV	90	A/P
05724776	00	00	00	00	00	00	02	09	20	37	55	37	19	31	48	28	30	12	16	07	00	00	00	00	55	10	25		.45
	0	0	0	0	0	0	10	11	10	11	10	11	10	5	11	10	11	11	10	9	0	0	0	0	86	11	25	63	.29
05725776	00	00	00	00	00	00	01	09	25	33	00	23	11	38	41	00	00	00	00	00	00	00	00	00	38	13	20		.53
	0	0	0	0	0	2	11	10	11	11	0	1	10	11	3	0	0	0	0	0	0	0	0	0	81	13	20	48	.25
05726776	00	00	00	00	00	00	00	00	36	35	**	58	15	49	47	30	27	08	03	03	01	00	00	00	**	10	34		.34
	0	0	0	0	0	0	0	0	9	10	11	10	11	11	10	10	10	11	11	10	1	0	0	0	**	11	34	**	.34
05727776	00	00	00	00	00	00	01	13	34	31	40	32	13	00	37	29	23	21	02	06	00	00	00	00	40	10	22		.55
	0	0	0	0	0	0	10	11	10	11	10	11	10	0	9	10	11	10	11	10	1	0	0	0	91	14	21	46	.23
05728776	00	00	00	00	00	00	02	05	18	19	23	43	22	34	39	32	18	05	03	03	00	00	00	00	43	11	19		.44
	0	0	0	0	0	2	10	10	11	10	11	7	9	10	8	10	11	10	11	11	0	0	0	0	84	13	18	43	.21
	00	00	00	00	00	00	01	09	26	31	55	42	16	41	43	30	24	11	06	05	00	00	00	00					
	0	0	0	0	0	0	41	42	51	53	42	39	50	32	38	40	43	42	43	40	0	0	0	0					

WEEKLY SUMMARY:

AVERAGE HOUR			PEAK HOUR			AVRG 5 MINUTES			90 PERCENTILE			PEAK 5 MINUTES		
MIN	MAX	AVG	MIN	MAX	AVG	MIN	MAX	AVG	MIN	MAX	AVG	MIN	MAX	AVG
19	34	24	38	**	55	10	34	24	43	**	60	81	**	88

FIGURE 16

FIGURE 17 - OCCUPANCY vs TIME



DAILY OCCUPANCY TABULATION FOR FREQUENCY: 151.9550

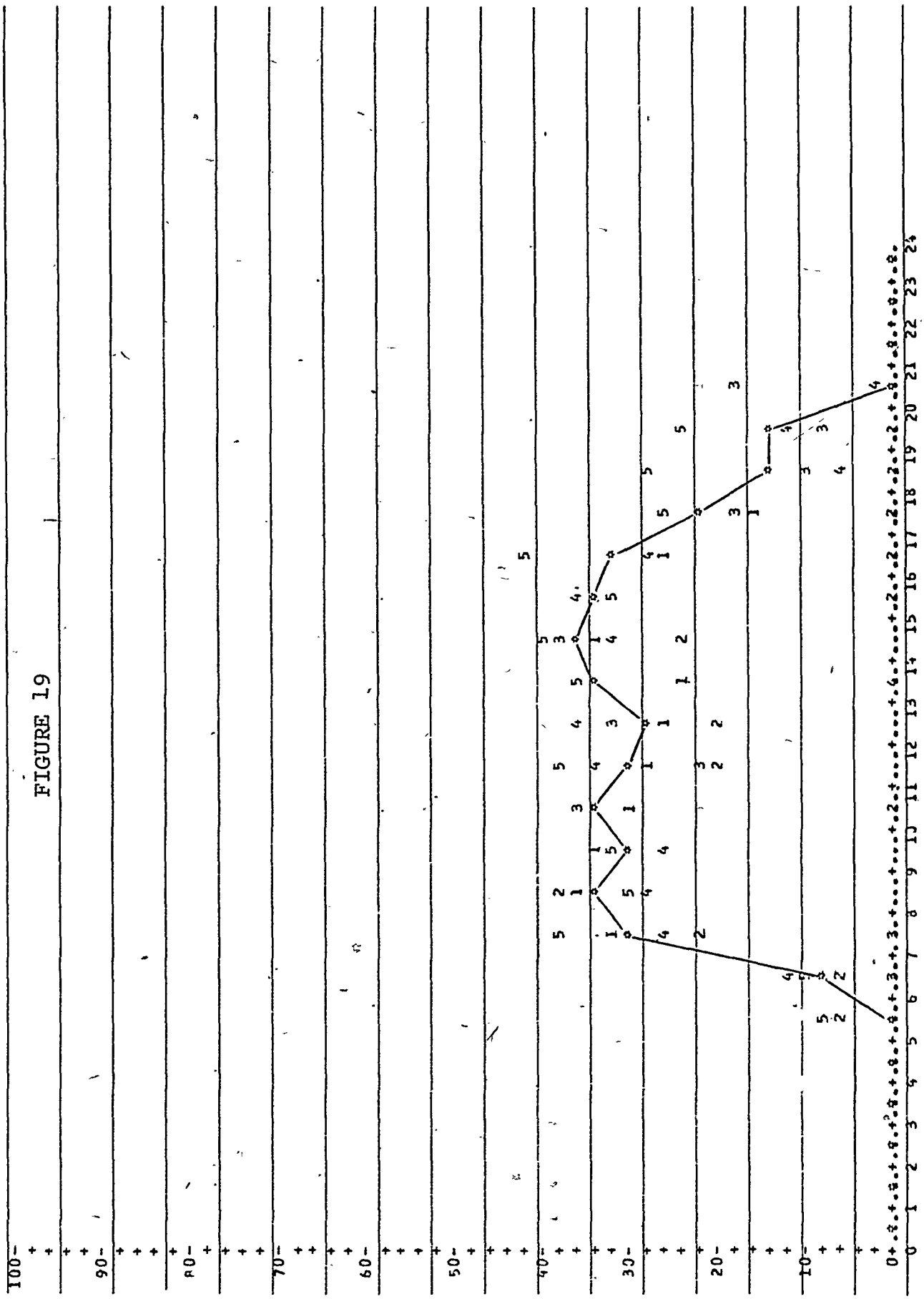
DATE	00	01	02	03	04	05	06	07	08	09	10	11	12	13	14	15	16	17	18	19	20	21	22	23	PK	MP	AV	90	A/P
05/24/76	00	00	00	00	00	00	05	32	35	34	30	27	25	23	33	32	25	15	13	14	00	00	00	00	35	08	25		.71
	0	0	0	0	0	0	10	11	10	11	10	11	10	5	11	10	11	11	10	9	0	0	0	0	73	9	25	44	.34
05/25/76	00	00	00	00	00	06	05	22	37	25	00	20	19	34	24	00	00	00	00	00	00	00	00	00	37	08	24		.65
	0	0	0	0	0	2	11	10	11	11	0	1	10	11	3	0	0	0	0	0	0	0	0	0	60	13	23	42	.38
05/26/76	00	00	00	00	00	00	00	00	34	30	35	21	32	34	37	35	31	18	09	07	18	00	00	00	37	14	27		.73
	0	0	0	0	0	0	0	0	9	10	11	10	11	11	10	10	10	11	11	10	1	0	0	0	65	14	27	50	.42
05/27/76	00	00	00	00	00	00	12	25	27	26	34	33	35	00	32	35	28	26	06	12	01	00	00	00	35	15	25		.71
	0	0	0	0	0	0	10	11	10	11	10	11	10	0	9	10	11	10	11	10	1	0	0	0	68	10	25	45	.37
05/28/76	00	00	00	00	00	07	10	37	30	32	34	38	27	35	39	32	41	25	28	23	00	00	00	00	41	16	31		.76
	0	0	0	0	0	2	10	10	11	10	11	7	9	10	8	10	11	10	11	11	0	0	0	0	76	14	30	51	.39
	00	00	00	00	00	00	08	29	33	29	33	29	28	34	35	34	31	21	14	14	00	00	00	00					
	0	0	0	0	0	0	41	42	51	53	42	39	50	32	38	40	43	42	43	40	0	0	0	0					

WEEKLY SUMMARY:

AVERAGE HOUR			PEAK HOUR			AVRG 5 MINUTES			90 PERCENTILE			PEAK 5 MINUTES		
MIN	MAX	AVG	MIN	MAX	AV	MIN	MAX	AVG	MIN	MAX	AVG	MIN	MAX	AVG
24	31	26	35	41	37	23	30	26	42	51	46	50	76	68

FIGURE 18

FIGURE 19



OCCUPANCY VS TIME

PART 2.—STUDY OF THE RELATIONSHIP BETWEEN SPECTRUM UTILIZATION AND MOBILE LOADING FOR THE 470 MHZ BUSINESS SERVICE IN CHICAGO

Abstract

A group of 470 MHz Business Radio Service frequencies in Chicago has been studied to determine the degree of statistical correlation between the number of mobile units licensed to a channel and the level of channel utilization. Linear correlation-regression analysis has been applied to spectrum occupancy and mobile loading data gathered at the Commission's Chicago Regional Office. Extremely low coefficients of dependence, on the order of 2%, indicate the occupancy and the number of licensed mobile units are not linearly related. Moreover, no mathematical relationship could be found from which to predict channel occupancy levels from the Commission's mobile loading records. Independent investigations conducted by the Office of Chief Engineer have corroborated the findings of this study.

Introduction and Background

In Dockets 18261 and 18262, the Federal Communications Commission adopted mobile loading standards as the basis for determining channel loading for land mobile operations in the 470–512 MHz and 800 MHz bands. For each radio service or group of services governed by Parts 89, 91, and 93 of the Commission's Rules, specific standards for the number of mobile units on a channel were established to determine when that channel could no longer be assigned in a given area. These standards were viewed with considerable uncertainty by the land mobile community. In the Docket 18261 proceeding, a number of parties commented that these standards, as the sole means of determining channel loading, would prove overly rigid. They felt that the operational and technical requirements of land mobile users should also have a role in determining when a channel was fully loaded or when more channels were needed in a communication system.

The loading standards were intended to foster efficient use of the spectrum by preventing the intolerable congestion that had been reported in other land mobile frequency bands. A major concern, however, was the degree to which the number of authorized mobile units would accurately reflect the amount of channel utilization. The Commission's mobile loading records are based upon the information supplied by an applicant in his license application. The loading standards, by nature, might serve to encourage applicants to overstate the number of units in their systems in order to justify additional channels or to minimize channel sharing with other users. (The extent to which this practice has undermined the accuracy of the Commission's records is unknown, but believed sizeable.) Moreover, it is unlikely that all mobile units in a system would be in an operational status at any given time.

These concerns led some parties in the Docket 18261 proceedings to suggest spectrum monitoring as a more objective basis for determining channel loading. At that time, however, the Commission's spectrum monitoring program was in an early stage of development, and mobile loading was the only manageable loading technique available. Moreover, in the absence of documentation to the contrary, a direct relationship between channel utilization and the number of contributing mobile units could logically be assumed.

When the Spectrum Management Task Force initiated the "long-term monitoring project", adequate data for a study of this relationship became available. This type of monitoring provided the best possible depiction of channel utilization for much of the Chicago Metropolitan area. A complete description of the "long-term monitoring project" is given on page 1-3 of Appendix B.

Study Formulation

A group of 22 Business Radio Service channels in Chicago were selected for the study for the following reasons:

(1) The channels are governed by mobile loading standards.

(2) Of all 470 MHz pools, only the Business Service pool provided a sufficient number of "on-the-air" channels to permit statistical analysis. In the Public Safety pools, for example, only five of the 26 assignd channels registered occupancy at the Chicago Regional Office during the week of special monitoring for this study.

(3) All users of these business channels operated through mobile relay stations located on downtown Chicago skyscrapers. Since these stations are within "line-of-sight" of the regional office (at Park Ridge, Illinois, 15 miles northwest of the Chicago loop), reception of practically all base and mobile messages could be achieved.

(4) The mobile units on these channels had been licensed at least eight months prior to the week of the monitoring period (January 26–31, 1976). This is significant since the Commission's Rules allow a licensee a period of eight months following the issuance of his license in which to place his system in complete operation.

The 22 channels were monitored at the Chicago Regional Office throughout the week of January 26–30, 1976. This monitoring was done on a nearly continuous basis over the following time periods:

January 26 and 27—6 a.m. to 8 p.m.
January 28 and 29—6 a.m. to 6 p.m.
January 30—1 p.m. to 6 p.m.

Analysis of Occupancy and Mobile Loading Data

Table 1, on page 2-7, contains the channel occupancy and mobile loading data analyzed in the study. The occupancy parameters of interest are weekly averages of "daily peak hour", "daily average hour" and "daily 90th percentile" occupancies. These parameters are defined in Appendix B, page 1-5. As an illustration, the weekly "peak hour" occupancy is the arithmetic mean of the daily "peak hour" occupancies for the five days of monitoring.

The mobile loading data in Table 1 consists of the "Total" and "Effective" numbers of mobile units licensed on a channel, the number of licensees sharing the channel, and the number of transmitter sites in operation. The "Total" number of units is the combined number of vehicular and portable radios stated by an applicant on his application form. This is converted to an "Effective" number (for loading determination) by counting each handheld portable as a fraction of a loading unit (one-third of a unit for the Business Service) and then dividing by the number of channels serving the mobile units. Table 1 shows that for the selected frequencies, the "Total" and "Effective" numbers of mobile units were essentially the same.

Presented below is a statistical summary of the data given in Table 1.

Appendix B

Parameter	Mean	Standard deviation	Coefficient of variation [1]	Minimum	Maximum
Peak hour occupancy	[2] 36	11.4	.317	[2] 15	[2] 61
Average hour occupancy	[2] 21	7.6	.362	[2] 8	[2] 37
90th percentile	[2] 46	12.6	.274	[2] 21	[2] 66
Total number of mobile units	80	17.9	.224	43	115
Effective number of mobiles	79	17.6	.223	42	112
Number of users	6	3.5	.583	1	15

[1] The coefficient of variation is defined as the standard deviation divided by the mean value. It is used to compare the relative variability of parameters having different means.
[2] In percent.

Several observations can be made from the above summary. First, it can be seen that the occupancy levels of the 22 frequencies were not uniformally distributed (see also Figure 1 on page 2-8). The coefficients of the variations (27%–36%) indicate a fairly wide range of variation among the channels. The number of mobile units also varied from channel to channel, but was relatively more stable than the occupancy parameters.

As shown below, more than half of the channels were either above or close to the 90 unit loading limit of the Business Service.

Effective number of mobiles:	*Number of channels*
More than 85	11
75–84	4
65–74	3
Less than 65	4

Although the mobile loading of these channels is generally high, there appears to be space available for prospective users with relatively few mobile units. In terms of channel utilization, however, the loading situation is somewhat different. For instance, the least loaded channel, 472.5625/475.0625 MHz, was licensed 42 mobile units (Table 1). Another 48 units could be licensed before this channel would be at the loading limit. However, the 90th percentile occupancy for this channel was 56%; making it one of the most heavily utilized during the week of the monitoring. In contrast, 472.3375/475.3375 MHz had the lowest 90th percentile occupancy for the week (21%). Yet, this channel was loaded to 89 mobile units, and thus was not assignable. Inspection of Table 1 will reveal similar disparities between utilization and mobile loading.

The line chart in Figure 1 (page 2-8) shows that channel occupancy and the number of mobile units per channel do not generally move in the same direction. This indicates a lack of correlation between these parameters.

Results of Correlation-Regression Analysis

"Simple linear correlation-regression analysis" was applied to the occupancy and mobile loading data to determine the degree of linear correspondence between them. The analysis entailed the calculation of correlation and dependence coefficients and the preparation of graphs to aid in visualizing mathematical trends.

Independent analyses were made for six combinations of occupancy and mobile loading parameters. The number of mobile units per channel was taken to be the known variable (independent variable), while the measured level of channel utilization served as

the variable to be predicted (dependent variable). The hypothesis to be tested was that the occupancy and loading variables were matematically related by a linear equation; i.e., a straight line relationship. A high coefficient of correlation would indicate a strong linear relationship, where as a correlation coefficient of zero would suggest that the variables are statistically independent.

The results of the analysis are given below.

Predicted variable	Known variable	Correlation coefficient	Dependence [1] coefficient (in percent)
Peak hour occupancy	Total number mobiles	+.144	2.1
	Effective number mobiles	+.106	1.1
Average hour occupancy	Total number mobiles	+.132	1.7
	Effective number mobiles	+.098	1.0
90th percentile occupancy	Total number mobiles	+.076	.6
	Effective number mobiles	+.038	.1

[1] The coefficient of linear dependence is a statistical measure of the extent to which variations in the predicted variable can be attributed to corresponding variations in the known variable. It is found by squaring the value of the coefficient of correlation and multiplying by 100 to express as a percentage.

The extremely low values of these coefficients indicate that a linear equation cannot be used to relate the occupancy and mobile loading variables. This point is further illustrated for the case of the "Peak Hour Occupancy" versus the "Total Number of Mobile Units" Here, a dependence coefficient of 2% implies that 98% of the variations in occupancy cannot be explained by corresponding variations in the number of mobile units.

The relationship between variables is shown graphically in Figure 2 on page 2-9. Each point on the graph represents one of the 22 Business Service channels. The channel points are located by peak hour occupancy on the vertical axis and the total number of licensed mobile units on the horizontal axis. The points are widely scattered and do not appear to cluster around any known mathematical relationship. Linear regression analysis has been used to fit a straight line through the points in such a manner that differences between the observed and predicted values of occupancy will be minimized. If there had been a high coefficient of correlation in a linear sense, the points on the graph would have clustered closely around this line.

The amount of dispersion of the points about the line of best fit is measured by the "standard error of estimate" Expressed in units of the predicted variable (occupancy), the standard error of estimate for the points in Figure 2 is 11.6%. Fifteen of the twenty-two channels had measured occupancy values falling within 11.6% of the predicted values. This dispersion is quite large and again illustrates the lack of a definitive linear relationship between occupancy and mobile loading data.

Multiple Correlation Analysis

A "multiple" correlation coefficient was calculated to determine whether improved occupancy predictions could be made when the number of licensees per channel was added as a second independent variable. The calculated value of +.122 indicated no improvement would result.

Conclusions

In a strict statistical sense, the following conclusions are applicable only to the 22 Business channels investigated in the study. They cannot be used to make nationwide projections but may provide a clue to the relationship between mobile loading and spectrum utilization in other cities.

(1) The extent of channel utilization cannot be predicted from the Commission's mobile loading records; i.e., from the number of licensed mobile units and/or users. This is not to say that channel occupancy and the actual number of mobiles in operation at a given time are unrelated. The lack of a definitive relationship may more likely be attributed to disparities between the Commission's loading records (as supplied by applicants) and the number of mobile units in actual operation. A second factor which may work contrary to a definitive relation is the highly diverse nature of communications within the Business Radio Service. Further studies need to be made for other radio services and geographic areas before any general conclusions can be stated.

(2) In the metropolitan Chicago area, it appears that additional users could be accommodated on channels which are "fully loaded" according to the present loading standards. Conversely, relatively lightly loaded channels are among the most heavily utilized. The study thus suggests that a frequency assignment system based solely on mobile loading can yield misleading recommendations.

TABLE 1

Channel 14 Business Service Frequencies, by Occupancy, Number of Mobile Units, Number of Users and Number of Transmitter Sites, Chicago, Illinois, January 1976

No.	Frequency	Occupancy			No. Mobile Units*		No. Users	No. Xmitter Sites**
		Avg. Hr	Peak Hr	90th %	Actual	Effective		
	Mean	21	36	46	80	79	6	---
1.	471.8125	15	29	39	85	85	1	1
2.	471.8375	30	50	61	95	85	8	1
3.	471.8625	22	40	47	93	90	7	2
4.	471.8875	25	41	51	65	65	6	1
5.	471.9125	8	16	24	89	89	2	2
6.	471.9375	26	44	56	67	65	7	2
7.	472.0125	24	40	53	90	90	11	1
8.	472.0375	16	28	38	86	86	7	1
9.	472.0625	22	35	49	76	76	9	2
10.	472.0875	19	36	46	79	79	9	1
11.	472.1125	23	33	43	93	93	8	2
12.	472.1375	37	61	66	112	112	1	1
13.	472.1625	25	44	56	79	79	8	1
14.	472.1875	15	29	40	36	86	15	2
15.	472.2125	23	40	48	54	54	4	1
16.	472.2375	32	51	66	66	66	7	1
17.	472.2875	15	28	38	60	57	8	1
18.	472.3375	9	15	21	89	89	2	2
19.	472.6375	11	25	30	59	59	5	2
20.	472.7625	11	22	30	73	73	8	1
21.	472.9625	24	44	55	115	112	1	1
22.	472.6625	26	42	56	43	42	5	2

* The Actual number of units (Vehicular + Portable) treats a portable as one unit. The Effective number of units counts each handheld portable as one-third unit.

** Actually, all except one user reflected above operates through a mobile relay station located on one of five skyscrapers in the Chicago loop; thus guarenteeing complete reception at the Chicago Regional Office.

Source: Chicago Regional Office Licensing Section records; Monitoring tape no. 0094

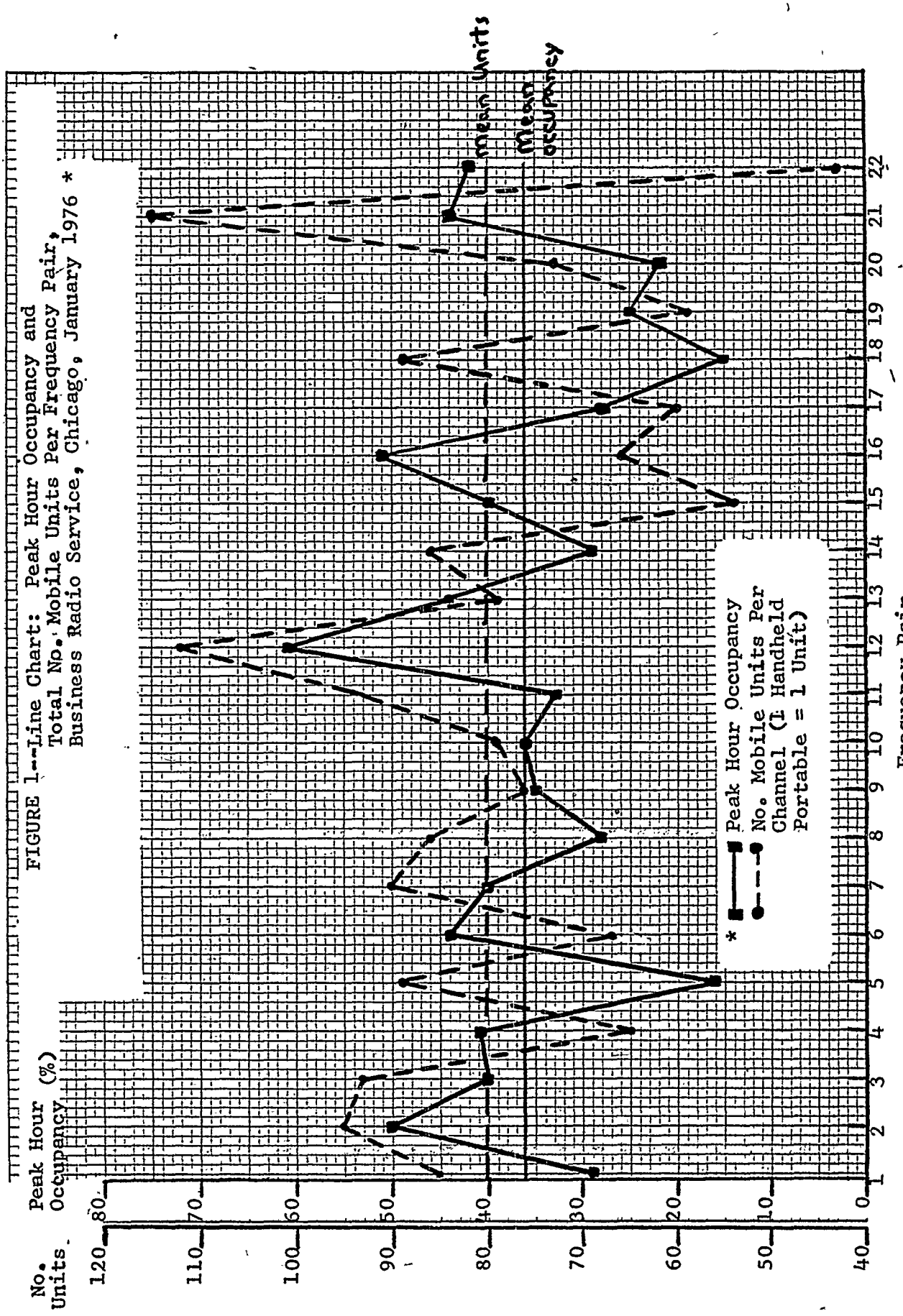
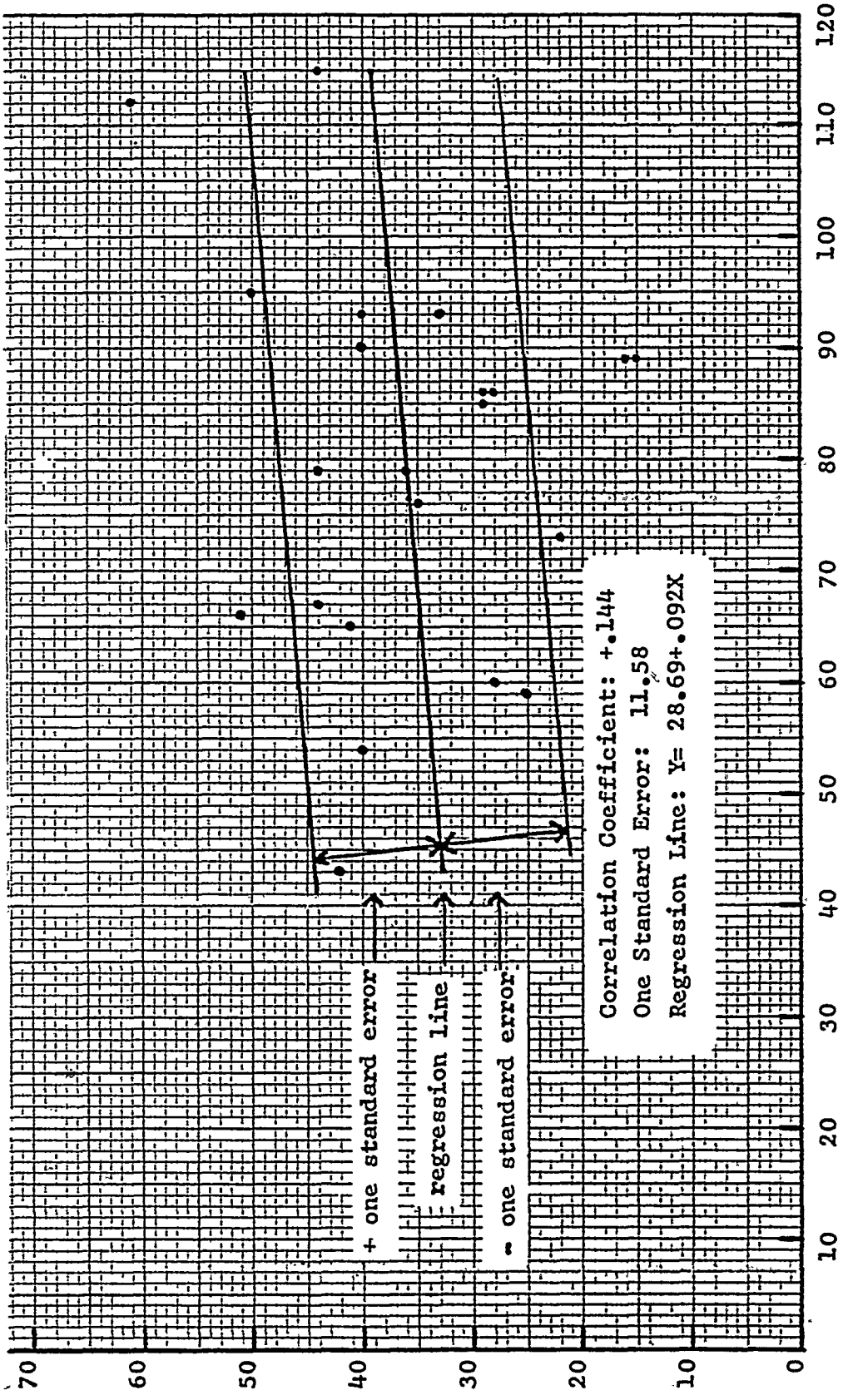


FIGURE 1--Line Chart: Peak Hour Occupancy and Total No. Mobile Units Per Frequency Pair, Business Radio Service, Chicago, January 1976 *
No. Units
Peak Hour Occupancy (%)
mean Units
mean occupancy
* Peak Hour Occupancy
No. Mobile Units Per Channel (1 Handheld Portable = 1 Unit)
Frequency Pair

FIGURE 2--Scattergram: Peak Hour Occupancy and No. Mobile Units Per Channel, Business Radio Service, Chicago, January, 1976



Source: Chicago Regional Office, January 26-30, 1976

Tape No. 0094

APPENDIX C

PRINTOUTS OF PRODUCTION MONITORING DATA FILES

FREQUENCY RANGE: 470.0000 TO 476.0000 MHZ
FREQUENCIES FOUND WITHIN RANGE: 215
MONITORING DATA SELECTED AROUND: 41.874 DEGREES LATITUDE AND 87.639 DEGREES LONGITUDE
THE MONITORING SITE IS: 22STPD DISTANCE TO MONITORING SITE IS: 1.5 MI
THE SEASONAL PERIODS WERE FROM MONTHS 1 TO 12

FREQUENCY (MHZ)	OCCUPANCY ABOVE THRESHOLD	WAITING TIME (SECONDS)	AVERAGE P OCCUPANCY ABOVE THRESHOLD	NUMBER OF SAMPLES	DATES MONITORED					
471.0625	.00	.0	.00	9	1	73	2	75	3	75	4	74
471.0875	.00	.0	.00	9	1	73	2	75	3	75	4	74
471.1125	.00	.0	.00	9	1	73	2	75	3	75	4	74
471.1375	.00	.0	.00	9	1	73	2	75	3	75	4	74
471.3125	.00	.0	.00	9	1	73	2	75	3	75	4	74
471.3375	.00	.0	.00	9	1	73	2	75	3	75	4	74
471.3625	.00	.0	.00	9	1	73	2	75	3	75	4	74
471.3875	.00	.0	.00	9	1	73	2	75	3	75	4	74
471.4125	.00	.0	.00	9	1	73	2	75	3	75	4	74
471.4375	.13	3.5	.04	9	1	73	2	75	3	75	4	74
471.4625	.00	.0	.00	9	1	73	2	75	3	75	4	74
471.4875	.16	1.5	.09	10	1	73	2	75	3	75	4	74
471.5125	.00	.0	.00	9	1	73	2	75	3	75	4	74
471.5375	.00	.0	.00	9	1	73	2	75	3	75	4	74
471.5625	.13	3.0	.07	9	1	73	2	75	3	75	4	74
471.5875	.42	19.5	.15	9	1	73	2	75	3	75	4	74
471.6125	.47	45.5	.10	12	1	73	2	75	3	75	4	74
471.6375	.47	85.5	.14	12	1	73	2	75	3	75	4	74
471.8125	.43	27.0	.06	12	1	73	2	75	3	75	4	74
471.8375	.70	500.0	.19	12	1	73	2	75	3	75	4	74
471.8625	.65	500.0	.16	10	1	73	2	75	3	75	4	74
471.8875	.44	35.5	.11	12	1	73	2	75	3	75	4	74
471.9125	.23	2.0	.05	10	1	73	2	75	3	75	4	74
471.9375	.71	500.0	.18	12	1	73	2	75	3	75	4	74
471.9625	.44	29.0	.13	10	1	73	2	75	3	75	4	74
471.9875	.44	43.0	.10	10	1	73	2	75	3	75	4	74
472.0125	.58	132.5	.17	9	1	73	2	75	3	75	4	74
472.0375	.44	29.5	.12	9	1	73	2	75	3	75	4	74
472.0625	.35	2.5	.08	10	1	73	2	75	3	75	4	74
472.0875	.51	87.0	.14	9	1	73	2	75	3	75	4	74
472.1125	.73	500.0	.21	10	1	73	2	75	3	75	4	74
472.1375	.79	500.0	.30	10	1	73	2	75	3	75	4	74
472.1625	.56	188.5	.13	12	1	73	2	75	3	75	4	74

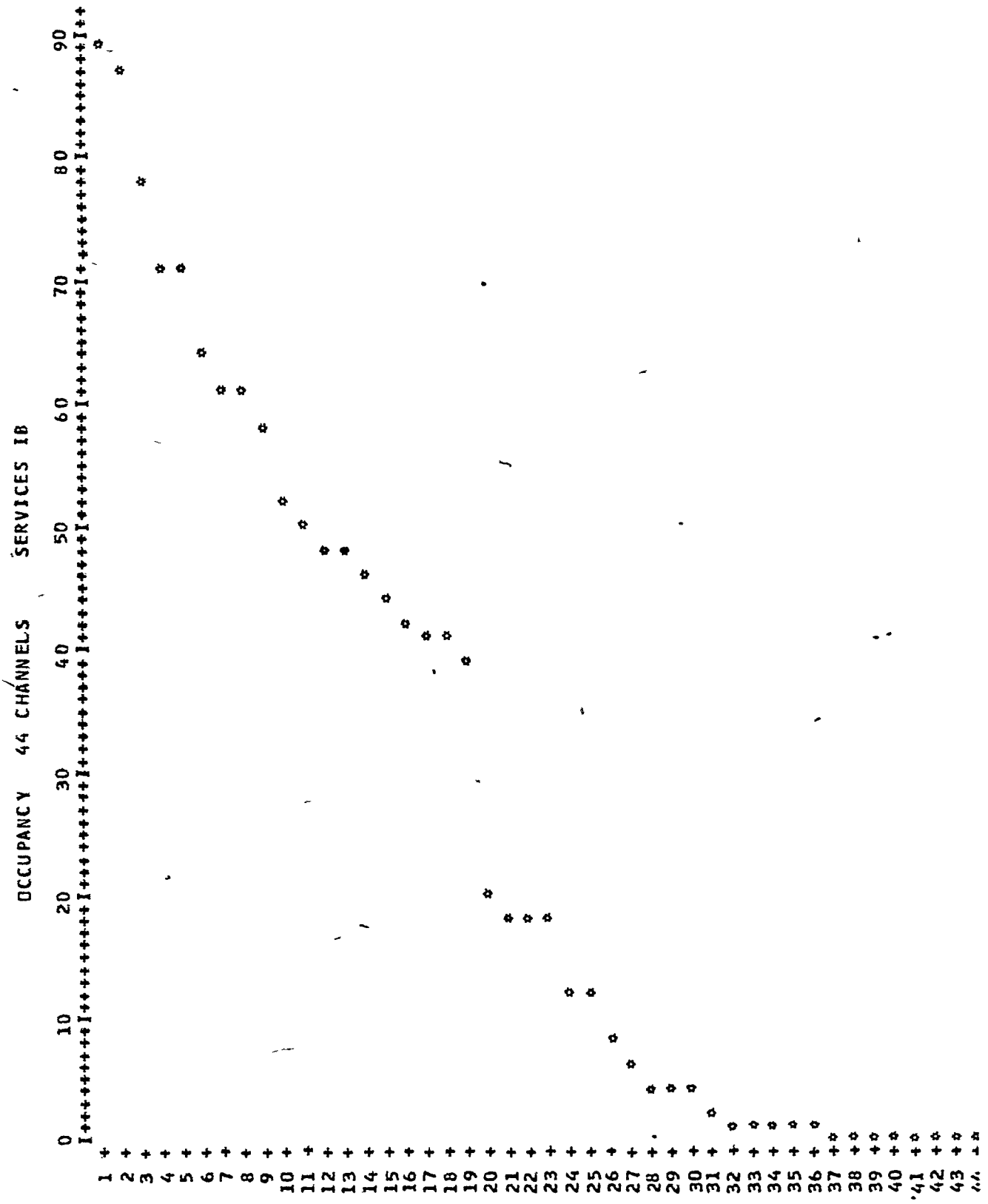
FREQUENCY LIST WILL BE SEARCHED FOR
0 CATEGORIES
0 GROUPINGS WITHIN CATEGORY
1 SERVICES
0 CLASSES OF STATIONS
1 BANDS
SERVICES SEARCHED IB
BANDS SEARCHED C14
BOTH (B) EXCLUSIVE OR NON-EXCLUSIVE FREQUENCIES SELECTED
PARTICULARS OF OPERATION:

44 FREQUENCIES SELECTED - THEY ARE:

471.8125	471.8375	471.8625	471.8875	471.9125	471.9375	471.9625
471.9875	472.0125	472.0375	472.0625	472.0875	472.1125	472.1375
472.1625	472.1875	472.2125	472.2375	472.2625	472.2875	472.3125
472.3375	474.8125	474.8375	474.8625	474.8875	474.9125	474.9375
474.9625	474.9875	475.0125	475.0375	475.0625	475.0875	475.1125
475.1375	475.1625	475.1875	475.2125	475.2375	475.2625	475.2875
475.3125	475.3375					

MONITORING DATA
41.855= LAT 87.627= LONG 10= MI I2 M2
THE NEAREST MONITORING SITE 22STPO IS .0 MILES FROM THE ABOVE LOCATION.

FREQUENCY	OCCUPANCY	AVE OCC	WAIT TIME	SAMPLES	DATES MONITORED							
474.8125	.00	.00	.0	10	4	74	**	**	**	**	**	**
474.9375	.00	.00	.0	10	4	74	**	**	**	**	**	**
475.0375	.00	.00	.0	10	4	74	**	**	**	**	**	**
475.0625	.00	.00	.0	10	4	74	**	**	**	**	**	**
475.0875	.00	.00	.0	10	4	74	**	**	**	**	**	**
475.1625	.00	.00	.0	10	4	74	**	**	**	**	**	**
475.2625	.00	.00	.0	10	4	74	**	**	**	**	**	**
475.3375	.00	.00	.0	10	4	74	**	**	**	**	**	**
474.9125	.01	.00	.0	10	4	74	**	**	**	**	**	**
474.9875	.01	.00	.0	10	4	74	**	**	**	**	**	**
475.1875	.01	.00	.0	10	4	74	**	**	**	**	**	**
475.2875	.01	.00	.0	10	4	74	**	**	**	**	**	**
475.3125	.01	.00	.0	10	4	74	**	**	**	**	**	**
475.1125	.02	.01	.0	10	4	74	**	**	**	**	**	**
475.0125	.04	.01	.0	10	4	74	**	**	**	**	**	**
475.2375	.04	.01	.5	10	4	74	**	**	**	**	**	**
474.8375	.05	.01	.5	10	4	74	**	**	**	**	**	**
474.8625	.07	.01	.5	10	4	74	**	**	**	**	**	**
474.9625	.09	.01	1.0	10	4	74	**	**	**	**	**	**
472.0625	.12	.03	2.5	11	4	74	**	**	**	**	**	**
474.8875	.13	.02	1.0	10	4	74	**	**	**	**	**	**
472.2625	.19	.07	2.5	11	4	74	**	**	**	**	**	**
472.3375	.19	.04	7.0	11	4	74	**	**	**	**	**	**
475.1375	.19	.05	4.5	10	4	74	**	**	**	**	**	**
475.2125	.21	.03	6.0	10	4	74	**	**	**	**	**	**
472.2875	.40	.07	10.0	11	4	74	**	**	**	**	**	**
472.1125	.41	.08	22.0	11	4	74	**	**	**	**	**	**
472.3125	.42	.08	25.0	11	4	74	**	**	**	**	**	**
472.1875	.43	.11	21.5	11	4	74	**	**	**	**	**	**
472.1625	.45	.07	72.5	11	4	74	**	**	**	**	**	**
471.8125	.47	.07	43.0	11	4	74	**	**	**	**	**	**
472.0875	.49	.06	46.0	11	4	74	**	**	**	**	**	**
472.2125	.49	.08	119.0	11	4	74	**	**	**	**	**	**
471.9125	.50	.08	11.5	11	4	74	**	**	**	**	**	**
471.8875	.53	.07	62.0	11	4	74	**	**	**	**	**	**
472.0375	.59	.07	176.5	11	4	74	**	**	**	**	**	**
471.9625	.62	.13	500.0	11	4	74	**	**	**	**	**	**
471.9875	.62	.08	183.5	11	4	74	**	**	**	**	**	**
471.8375	.64	.14	283.0	11	4	74	**	**	**	**	**	**
471.8625	.72	.16	500.0	11	4	74	**	**	**	**	**	**
471.9375	.72	.12	500.0	11	4	74	**	**	**	**	**	**
472.1375	.79	.21	500.0	11	4	74	**	**	**	**	**	**
472.2375	.88	.14	500.0	11	4	74	**	**	**	**	**	**
472.0125	.89	.19	500.0	11	4	74	**	**	**	**	**	**


OCCUPANCY 44 CHANNELS SERVICES IB
0 10 20 30 40 50 60 70 80 90

FCC FREQUENCY RECOMMENDATION
CHICAGO REIGONAL OFFICE

****

NOT A LICENSE TO OPERATE. SELECT ONE RECOMMENDATION
SIGN AND RETURN PRIOR TO EXPIRATION DAT.

****

APPLICATION NO: CIS750135064 ISSUE DATE: JAN. 15, 1975
TYPE OF SYSTEM: BASE AND MOBILE EXPIRATION DATE: FEB. 15, 1975

RECOMMENDATION NO: 1 BASE: 151.3250 MHZ MOBILE: 151.9250 MHZ

BASE STATION:- 41-58-23 N
87-40-16 N
MOBILE OPERATING AREA:
4 5Y 4 MILES

RECOMMENDED SYSTEM:
ANTENNA HEIGHT AS: 10 FT
EFFECTIVE RADIATED POWER: 18.0 WATTS
TONE-CONTROLLED SQUELCH FREQUENCY: 203.5 HZ

SELECTION CRITERIA:
LEVEL OF SERVICE: 36%
LEVEL OF OCCUPANCY: 63%
WAITING TIME: 161.5 SECONDS

JAMES P. PETERSON AGENCY
3414 N. AVERS
CHICAGO, ILLINOIS 60618

SIGNATURE _____ TITLE _____ DATE _____

THERE ARE 13 CO-CHANNEL USERS WITHIN 20.0 MILES OF THE TRANSMITTER
1 MARLIS CONSTRUCTION COMPANY

2 HAROLD J. NEVILLS D/B/A
J-P TOWING
3 INLAND STEEL COMPANY

4 CONNEY's PHARMACY

5 VAN RYN SCAVENGER, INC.

6 LOEW'S CHICAGO HOTEL CORP.

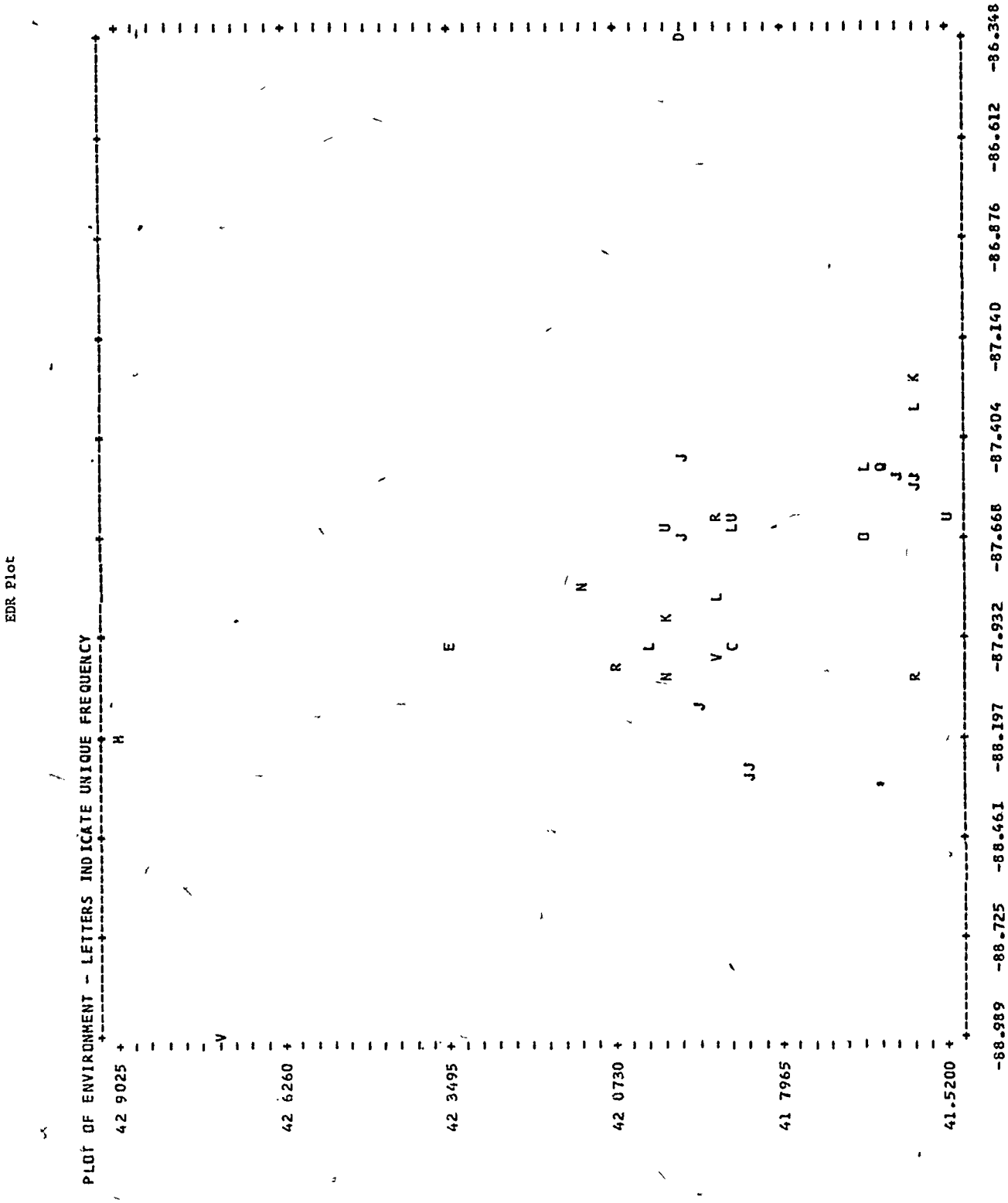
7 SIEVERT ELECTRIC CO.

INPUT PARAMETERS
FREQUENCY = 461.91250 MHZ
DELTA FREQUENCY = .27500 MHZ
LATITUDE = 41.880 DEGREES
LONGITUDE = 87.600 DEGREES
DELTA DISTANCE = 100.0 MILES
TX TYPE RECORDS RETRIEVED
TIME USED SINCE LAST CALL TO CLOCK: 7.111 SECONDS CPU TIME -58508.248 SECONDS WALL CLOCK TIME

FOR DELTAF = .2750 MHZ, FREQ = 461.9125 MHZ, LT = 41.880 DEG, LN = 87.600 DEG, AND DELTAD = 100.0 MI
THERE WERE 126 TX 0 RX 61 TSC, AND 0 MO TYPE RECORDS STORED
957 ACCESS(ES) TO DATA BASE

187 RECORDS GATHERED

FREQUENCY (MHZ)	TYPE	LONGITUDE (DEGS)	LATITUDE (DEGS)	POWER (WATTS)	CLASS	LICENSE NO	LICENSEE ID	CALL SIGN	ANT HT (FT)	GRD ELEV (FT)	EST SIGNAL LEVEL (DB)	OCCUP. LEVEL (%)	NUM MOB	TONE SQULCH FREQ (HZ)	ANT GAIN (DB)	AZIM (DEGS)
461.6500	TX	87.613	41.892	150.0	FB2	CIB731380029	9090	KUA696	665	592	-138.0	885.0	0	141.3	6.0	360
	AOP:	87.846	41.908		S1/S2:	40.0/ 80.0		ORIEN:	50.0							
461 6500	TS	87.613	41.892	150.0	FB2	CIB732390886	14388	KTF321	665	592	-138.0	*****	0	.0	6.0	360
	AOP:	87.613	41.892		S1/S2:	80.0/ 80.0		ORIEN:	90.0							
461.6500		87.613	41.892	150.0		CIB732390971	13996	KUJ254	665	592	-138.0	.0	0	.0	6.0	360
	AOP:	87.846	41.908		S1/S2:	40.0/ 80.0		ORIEN:	50.0							
461.6500		87.613	41.892	150.0		CIB732391509	10993	KTG260	665	592	-138.0	.0	0	136.5	6.0	360
	AOP:	87.846	41.908		S1/S2:	40.0/ 80.0		ORIEN:	50.0							
461.6500		87.613	41.892	150.0		CIB732391625	9515	KGM397	665	592	-138.0	.0	0	186.2	6.0	360
	AOP:	87.846	41.908		S1/S2:	40.0/ 80.0		ORIEN:	50.0							
461.6500		87.613	41.892	150.0		CIB732391723	9548	KSP526	665	592	-138.0	.0	0	103.5	6.0	360
	AOP:	87.846	41.908		S1/S2:	40.0/ 80.0		ORIEN:	50.0							
461.6500		87.613	41.892	150.0		CIB732392454	11150	KFH691	665	592	-138.0	.0	0	91.5	6.0	360
	AOP:	87.846	41.908		S1/S2:	40.0/ 80.0		ORIEN:	50.0							
461.6500		87.613	41.892	150.0		CIB732392492	11029	KUA696	665	592	-138.0	.0	0	141.3	6.0	360
	AOP:	87.846	41.908		S1/S2:	40.0/ 80.0		ORIEN:	50.0							
461.6500		87.613	41.892	150.0		CIB732392540	11212	KSR350	665	592	-138.0	.0	0	127.3	6.0	360
	AOP:	87.846	41.908		S1/S2:	40.0/ 80.0		ORIEN:	50.0							
461.6500		87.613	41.892	150.0		CIB742900017	25472	KWY334	665	592	-138.0	.0	0	.0	6.0	360
	AOP:	87.846	41.908		S1/S2:	40.0/ 80.0		ORIEN:	50.0							


EDR Plot
PLOT OF ENVIRONMENT - LETTERS INDICATE UNIQUE FREQUENCY
42 9025
42 6260
42 3495
42 0730
41 7965
41.5200
-88.989
-88.725
-88.461
-88.197
-87.932
-87.668
-87.404
-87.140
-86.876
-86.612
-86.348

SPECIAL RETRIEVAL/CORRELATION PROGRAM OUTPUT

***** ANALYSIS ON FREQUENCY: 471.8625 MHZ

WITH 6 CO-CHANNEL TRANSMITTERS AND 131 ADJACENT CHANNEL TRANSMITTERS

THRESHOLD LEVELS	CO-CHANNEL SIGNALS ABOVE THRESHOLD	ADJACENT CHANNEL SIGNALS ABOVE THRESHOLD	CO-CHANNEL ON-CHANNEL MOBILES	CO-CHANNEL ASSOCIATED MOBILES	ADJACENT CHANNEL ON-CHANNEL MOBILES	ADJACENT CHANNEL ASSOCIATED MOBILES
-140.0	6	1	0	0	0	0

CO-CHANNEL CALL SIGN/LICENSE :
KUV927 /CIB731500127 KQM450 /CIB731500133 KVK305 /CIB732140008 KUN256 /CIB733320003 KZZ201 /CIB741690026
KWS471 /CIB741890007

ADJACENT CHANNEL CALL SIGN/LICENSE :
KEY622 /CIB731580006

***** ANALYSIS ON FREQUENCY: 471.8875 MHZ

WITH 6 CO-CHANNEL TRANSMITTERS AND 131 ADJACENT CHANNEL TRANSMITTERS

THRESHOLD LEVELS	CO-CHANNEL SIGNALS ABOVE THRESHOLD	ADJACENT CHANNEL SIGNALS ABOVE THRESHOLD	CO-CHANNEL ON-CHANNEL MOBILES	CO-CHANNEL ASSOCIATED MOBILES	ADJACENT CHANNEL ON-CHANNEL MOBILES	ADJACENT CHANNEL ASSOCIATED MOBILES
-140.0	6	3	0	0	0	0

CO-CHANNEL CALL SIGN/LICENSE :
KVU508 /CIB733600002 KVW935 /CIB740320004 KWE721 /CIB740740042 KWH774 /CIB741010009 KSI908 /CIB741210037
KWO769 /CIB741540023

ADJACENT CHANNEL CALL SIGN/LICENSE :
KUV927 /CIB731500127 KQM450 /CIB731500133 KEY622 /CIB731580006

***** ANALYSIS ON FREQUENCY: 471.9125 MHZ

WITH 3 CO-CHANNEL TRANSMITTERS AND 134 ADJACENT CHANNEL TRANSMITTERS

THRESHOLD LEVELS	CO-CHANNEL SIGNALS ABOVE THRESHOLD	ADJACENT CHANNEL SIGNALS ABOVE THRESHOLD	CO-CHANNEL ON-CHANNEL MOBILES	CO-CHANNEL ASSOCIATED MOBILES	ADJACENT CHANNEL ON-CHANNEL MOBILES	ADJACENT CHANNEL ASSOCIATED MOBILES
-140.0	3	1	0	0	0	0

CO-CHANNEL CALL SIGN/LICENSE :
KZZ760 /CIB731500131 KCL391 /CIB750520018 KDV611 /CIB750520021

[FR Doc 77-14200 Filed 5-19-77;8:45 am]

Federal Register

FRIDAY, MAY 20, 1977

PART VIII

DEPARTMENT OF LABOR

Employment Standards Administration

■

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

General Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, (37 FR 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General Wage Determination Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

MODIFICATIONS AND SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

Modifications and Supersedeas Decisions to General Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedeas Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing General Wage Determination Decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedeas Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule-making procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Wage Determination Decision.

NEW GENERAL WAGE DETERMINATION DECISIONS

Florida	FL77–1060, FL77–1061
Mississippi	MS77–1062, MS77–1069
Ohio	OH77–2086, OH77–2087, OH77–2088, OH77–2089, OH77–2090, OH77–2091

MODIFICATIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State.

Arkansas:	
AR77–4061	Mar. 11, 1977.
AR77–4078; AR77–4083	Apr. 8, 1977.
Colorado:	
CO77–5048; CO77–5049; CO 77–5050; CO77–5051.	May 6, 1977.
Iowa:	
IA77–4089; IA77–4096	Do.
Kansas:	
KS77–4019	Feb. 4, 1977.
MO77–4075	Apr. 8, 1977.
KS77–4084; KS77–4085	Apr. 15, 1977.
Minnesota:	
MN77–2044	May 6, 1977.
Missouri:	
MO77–4033	Feb. 18, 1977.
MO77–4051	Mar. 4, 1977.
Montana:	
MT76–5100	Oct. 29, 1976.
MT77–5021	Mar. 4, 1977.
MT77–5034	Mar. 11, 1977.
Nebraska:	
NE77–4017	Feb. 4, 1977.
New Mexico:	
NM77–4074	Apr. 8, 1977.
Oklahoma:	
OK77–4056	Mar. 4, 1977.
OK77–4062	Mar. 11, 1977.
OK77–4065; OK77–4066	Mar. 18, 1977.
OK77–4087	Apr. 29, 1977.
Pennsylvania:	
PA77–3043	Apr. 8, 1977.
South Carolina:	
SC75–1041	Mar. 28, 1975.
South Dakota:	
SD77–5027; SD77–5028	Mar. 4, 1977.
Texas:	
TX77–4007	Jan. 21, 1977.
TX77–4044	Feb. 25, 1977.
TX77–4053	Mar. 4, 1977.
Virginia:	
VA77–3047	May 6, 1977.

SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being superseded and their dates of publication in the FEDERAL REGISTER are listed with each State.

Supersedeas Decision numbers are in parentheses following the numbers of the decision being superseded.

Alaska:	
AK77–5009 (AK77–5052)	Jan. 21, 1977.
California:	
CA76–5116; (CA77–5043) CA76–5117 (CA77–5044).	Dec. 10, 1976.
Georgia:	
GA75–1025 (GA77–1068)	Feb. 28, 1977.
Louisiana:	
LA77–4052 (LA77–4104)	Mar. 4, 1977.
Minnesota:	
MN76–2058 (MN77–2048)	May 15, 1976.
New Mexico:	
NM77–4077 (NM77–4103)	Apr. 8, 1977.
New York:	
NY76–3259 (NY77–3008)	Oct. 29, 1976.
Pennsylvania:	
PA76–3163 (PA77–3060)	May 7, 1976.
PA76–3271 (PA77–3059)	Nov. 5, 1976.
South Carolina:	
SC75–1026 (SC77–1070)	Feb. 28, 1975.
Texas:	
TX76–4126 (TX77–4105)	July 23, 1976.
Wyoming:	
WY76–5029 (WY77–5052)	Apr. 2, 1976.
WY76–5070 (WY77–5054)	Aug. 6, 1976.

Signed at Washington, D.C., this 13th day of May 1977.

RAY J. DOLAN,
Assistant Administrator,
Wage and Hour Division.

NEW DECISION

STATE: Florida COUNTY: Polk
DECISION NO : FL77-1060 DATE: Date of Publication
DESCRIPTION OF WORK: Building Construction (does not include 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	7 55				
Carpenters	8 315	325	25		04
Cement masons	7 20				
Electricians	10 20	4 5%	1%+3%	4%	10
Ironworkers	9 61	55	40	24	05
Laborers, unskilled	4 69				
Lathers	5 50				
Painters	6 25				
Plasterers	6 00				
Plumbers	8 91				
Roofers	5 55	35	25	40	15
Sheet metal workers	7 46				
Soft floor layers	6 46				
Stone masons	7 00				
Truck drivers	3 00				
Welders - rate for craft					

NEW DECISION

STATE: Florida COUNTY: Suwannee
DECISION NO : FL77-1061 DATE: Date of Publication
DESCRIPTION OF WORK: Building Construction (does not include 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	6 55				
Block masons	6 00				
Carpenters	5 25				
Electricians	8 45	35	1%		1%
Glaziers	4 00				
Ironworkers	4 50				
Laborers:					
Unskilled	3 00				
Mason tenders	4 00				
Painters	5 10				
Plumbers & Pipefitters	5 50				
Roofers	4 50				
Sheet metal workers	8 83				
Terrazzo workers	5 50				
Tile setters	5 50				
Welders - rate for craft					

NEW DECISION

STATE: Mississippi COUNTY: Lafayette
DECISION NO : MS77-1062 DATE: Date of Publication
DESCRIPTION OF WORK: Building Construction (does not include single family homes and garden type apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
Asbestos workers	8 00	35	.50		
Bricklayers	6 75				
Carpenters	5 00				
Cement masons	5 00				
Dry wall hangers	3 25				
Electricians	4 00				
Elevator constructors	7 83	545	35	4%+a&b	02
Ironworkers, structural & ornamental	5 00				
Laborers:					
Laborers	3 00				
Mason tenders	3 42				
Lathers	3 85				
Painters, brush	3 00				
Plasterers	3 35				
Plumbers & pipefitters	8 15	30	30		05
Roofers	6 50	27	30		03
Kettlemen	3 70				
Sheet metal workers	4.00				
Tile setters	4 25				
Truck drivers	3 50				
POWER EQUIPMENT OPERATORS:					
Backhoe	4 75				
Bulldozer	4 50				
Dragline	5 38				
Front end loader	4 00				

FOOTNOTES:

a Paid holidays; New Year's; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day

b Employer contributes 4% of regular hourly rate to Vacation Pay Credit for employee with more than 5 years service; 2% for employees with less than 5 years service

NEW DECISION

STATE: Mississippi COUNTY: Bolivar
DECISION No: MS77-1069 DATE: Date of Publication
DESCRIPTION OF WORK: Building Construction (does not include single family homes and garden type apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
Air conditioning mechanics	5 27				
Bricklayers	6 00				
Carpenters	5 00				
Cement masons	4 57				
Electricians	5 34				
Glaziers	4 00				
Ironworkers, structural and ornamental	5 44				
Ironworkers, reinforcing	2 50				
Laborers:					
Laborers	2 42				
Mason tenders	3 00				
Mortar mixers	2 50				
Plasterers' tenders	2 50				
Lathers	4 35				
Painters, brush	4 50				
Plasterers	4 08				
Plumbers and pipefitters	5 50				
Roofers	5 00				
Sheet metal workers	4 43				
Soft floor layers	4 00				
Tile setters	5 65				
Truck drivers	2 50				
POWER EQUIPMENT OPERATORS:					
Air compressor	4 00				
Finishing machine	4 50				
Tractor	4 00				

NEW DECISION

STATE: OHIO
DECISION NO : OH77-2086
COUNTIES: BELMONT, MONROE, & NOBLE
DATE: Date of Publication
DESCRIPTION OF WORK: Residential Construction Consisting of single family homes and garden type apartments up to and including 4 stories

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
Air conditioning mechanics	$4 75				
Bricklayers	7 73				
Carpenters:					
Belmont & Monroe Cos.	7 13	50	50		02
Noble Co	5 45	50	70		02
Cement masons	6 05				
Drywall finishers/hangers	5 50				
Electricians	4 63				
Laborers:					
Laborers	3 72				
Asphalt rakers	4 62				
Plumbers	6 71				
Roofers	5 00				
Sheet metal workers	5 04				
Soft floor layers	4 25				
Truck drivers	4 40				
Power equipment operators:					
Backhoe	5 16				
Bulldozer	5 00				
Front end loader	5 46				
Grader	4 95				
Paver	4 95				
Roller	4 95				

NEW DECISION

STATE: OHIO
DECISION NO : OH77-2087
COUNTIES: KNOX & MORROW
DATE: Date of Publication
DESCRIPTION OF WORK: Residential Construction Consisting of single family homes and garden type apartments up to and including 4 stories

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
BRICKLAYERS	$6 90				
CARPENTERS	5 72				
CEMENT MASONS	4 25				
DRYWALL HANGERS/FINISHERS	5 50				
ELECTRICIANS	5 87				
LABORERS	5 07				
PAINTERS	4 28				
PLUMBERS	6 69				
ROOFERS	5 37				
SHEET METAL WORKERS	4 25				
SOFT FLOOR LAYERS	4 00				

NEW DECISION

STATE: OHIO
COUNTIES: ASHLAND & RICHLAND
DECISION NO : OH77-2088
DATE: Date of Publication
DESCRIPTION OF WORK: Residential Construction Consisting of single family homes and garden type apartments up to and including 4 stories

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
BRICKLAYERS	$8 04				
CARPENTERS	6 21				
CEMENT MASONS	8 50				
DRYWALL FINISHERS	8 02				
DRYWALL HANGERS	7 11				
ELECTRICIANS	4 50				
LABORERS	3 71				
PAINTERS	3.50				
PLUMBERS	10.00				
ROOFERS	5 00				
SHEET METAL WORKERS	5 00				
POWER EQUIPMENT OPERATORS:					
Backhoes	6 00				
Bulldozers	5 00				

NEW DECISION

STATE: OHIO
COUNTIES: FAYETTE & ROSS
DECISION NO : OH77-2089
DATE: Date of Publication
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	$7 00				
CARPENTERS	4 92				
CEMENT MASONS	5 00				
DRYWALL FINISHERS	6 00				
DRYWALL HANGERS	5 00				
ELECTRICIANS	4 00				
LABORERS	3 00				
PAINTERS	5 00				
PLUMBERS	5 95				
ROOFERS	4 74				
SHEET METAL WORKERS	4 00				
SOFT FLOOR LAYERS	4 50				
TILE SETTERS	4 50				
TRUCK DRIVERS	4 00				
POWER EQUIPMENT OPERATORS:					
Backhoes	4 60				

NEW DECISION

STATE: OHIO COUNTIES: CARROLL & HARRISON
DECISION NO : OH77-2090 DATE: Date of Publication
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	$7 00				
CARPENTERS	6 32				
CEMENT MASONS	5 25				
ELECTRICIANS	5 75				
LABORERS	4 25				
PLUMBERS	6 00				
POWER EQUIPMENT OPERATORS:					
Bulldozers	7 00				

NEW DECISION

STATE: OHIO COUNTY: WAYNE
DECISION NO : OH77-2091 DATE: Date of Publication
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	$5 60				
CARPENTERS	5 00				
DRYWALL HANGERS	5 50				
ELECTRICIANS	5 25				
LABORERS	4.00				
PAINTERS	5 95				
PLUMBERS	5 00				

MODIFICATIONS P 1

DECISION NO. AR77-4061 - Mod. #3
(42 FR 13723 - March 11, 1977)
Conway, Cleburne, Faulkner, Van Buren and Perry Counties, Arkansas

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
CHANGE:					
PAINTERS:					
Painters, paperhangers and steam cleaners, sheet rock finishers and wall cover hangers	$7 80		35		02
Spray gun operators and sand blasterers	8 40		35		02
All skelton steel and all work on stages, structural steel over 30 feet high	8 05		35		02

DECISION NO. AR77-4078 - Mod. #1
(42 FR 18796 - April 8, 1977)
Pulaski County, Arkansas

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
CHANGE:					
PAINTERS:					
Painters, paperhangers and steam cleaners, sheet rock finishers and wall cover hangers	$7 80		35		02
Spray gun operators and sand blasterers	8 40		35		02
All skelton steel and all work on stages, structural steel over 30 feet high	8 05		35		02

MODIFICATIONS P 2

DECISION NO. AR77-4083 - Mod. #2
(42 FR 18800 - April 8, 1977)
Garland, Hot Springs and Clark Counties, Arkansas

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
OMIT:					
PLUMBERS-Steamfitters	$8 75	50	30		10
ADD:					
PLUMBERS-PIPEFITTERS:					
ZONE A - 0 to 9 miles from Garland County courthouse	$9 15	50	30		10
ZONE B - 9 to 45 miles from Garland County Courthouse	9 70	50	30		10
ZONE C - 45 miles and over from Garland County Courthouse	10 25	50	30		10

DECISION NO. CO77-5048 - Mod. #1 (42 FR 23322 - May 6, 1977) Adams, Arapahoe, Boulder, Clear Creek, Denver, Douglas, Eagle, Elbert, Glipin, Grand, Jefferson, Lake, Larimer, Morgan, Park, Summit and Weld Counties, Colorado	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
Change:					
Bricklayers; Stonemasons:					
Eagle County	$9 60	85	95	50	05
Boulder and Grand Counties	9 10	85	95		05
Larimer County	10 05	85	95		05
Remaining Counties	9 60	85	95	50	05
Millwrights	9 93	78	85		07
Plumbers; Steamfitters:					
Boulder County	10 60	75	95	65	10
Remaining Counties (including Northern portions of Douglas, Elbert and Park Counties)	10 67	75	95	60	05
Roofers:					
Remaining Counties including Northern portions of Lake, Park, Jefferson, Douglas, and Elbert Counties	9 81	80	50		08
DECISION NO. CO77-5049 - Mod. #1 (42 FR 23329 - May 6, 1977) El Paso County, Colorado					
Change:					
Bricklayers; Stonemasons	$ 10 60	50	60		04
Millwrights	9 93	78	85		07

DECISION NO. CO77-5050 - Mod. #1 (42 FR 23334 - May 6, 1977) Las Animas, Otero and Pueblo Counties, Colorado	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
Change:					
Bricklayers	$10 27	85	70		04
Millwrights	9 93	78	85		07
DECISION NO. CO77-5051 - Mod. #1 (42 FR 23339 - May 6, 1977) Delta, Garfield, Gunnison, Montrose and Pitkin Counties, Colorado					
Change:					
Bricklayers; Stonemasons:					
Remaining Counties	$10 05	85	70		05
Millwrights	9 93	78	85		07

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
DECISION #IA77-4089 - Mod. #1 (42 FR 23345 - May 6, 1977) Black Hawk County (City of Waterloo & abutting municipalities), Iowa					
Change: Building, Water Treatment Plants & Sewage Disposal Plants Construction:					
Carpenters:					
Carpenters; Piledrivermen	$ 8 68	45	1.00		
Millwrights	9 18	45	1 00		
Soft floor layers	8.68	.45	1 00		
DECISION #IA77-4096 - Mod. #1 (42 FR 23366 - May 6, 1977) Webster County (City of Fort Dodge), Iowa					
Change: Building, Water Treatment Plants & Sewage Disposal Plants Construction:					
Carpenters:					
Carpenters; Piledrivermen	9 01				
Millwrights	9 26				

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
DECISION #KS77-4019 - Mod. #1 (42 FR 7056 - February 4, 1977) Geary and Riley Counties, Kansas					
Add:					
Bricklayers	$6 75	45	25		
Tile setters	7.39				
DECISION #MO77-4075 - Mod. #1 (42 FR 18815 - April 8, 1977) Cass, Clay, Jackson, Platte, Ray, Henry, Johnson & Lafayette Counties, Missouri; Johnson & Wyandotte Counties, Kansas					
Change: Line Construction					
Zone 1					
Lineman	$11 39	45	17+ 15		½%
Lineman operator	10 06	45	17+ 15		½%
Groundman powderman	7 90	45	17+ 15		½%
Groundman	7 50	45	17+ 15		½%
Groundman 1st 6 mos.	6 43	45	17+.15		½%
DECISION #KS77-4084 - Mod. #1 (42 FR 20059 - April 15, 1977) Douglas, Jefferson, Leavenworth, Miami and Shawnee Counties, Kansas					
Change: Line Construction:					
Zone 1					
Linemen	$11 39	45	17+ 15		½%
Lineman operator	10 06	45	17+ 15		½%
Groundman powderman	7 90	45	17+ 15		½%
Groundman	7.50	45	17+ 15		½%
Groundman 1st 6 mos	6 43	45	17+ 15		½%

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
DECISION #KS-77-4085 - Mod. #1 (42 FR 20063 - April 15, 1977) Leavenworth County, Kansas					
Change:					
Line Construction					
Zone 2					
Lineman	$11.39	.45	17+ 15		½%
Lineman operator	10.06	.45	17+ 15		½%
Groundman powderman	7.90	45	17+ 15		½%
Groundman	7 50	45	17+ 15		½%
Groundman 1st 6 mos.	6 43	45	17+.15		½%
DECISION #MN77-2044 - Mod. #1 (42 FR 23395 - May 6, 1977) Blue Earth, Fairbault, Freeborn & Mower Counties, Minnesota					
CHANGE:					
Glaziers:					
Blue Earth County	$7.70				

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
DECISION #MO77-4033 - Mod. #2 (42 FR 10240 - February 18, 1977) Jasper, McDonald and Newton Counties, Missouri					
Change:					
Line Construction:					
Lineman	$10 88	45	17+ 15		½%
Lineman operator	10 37	.45	17+ 15		½%
Groundman powderman	7 54	45	17+ 15		½%
Groundman	6 96	.45	17+ 15		½%
Groundman 1st 6 mos	5 28	45	17+ 15		½%
DECISION #MO77-4051 - Mod. #3 (42 FR 12618 - March 4, 1977) Description of Work and Locations: Heavy and Highway Construction, Missouri					
Change:					
Line Construction					
Zone 1					
Lineman	$11.39	.45	17+ 15		½%
Lineman operator	10.06	.45	17+.15		½%
Groundman powderman	7.90	.45	17+ 15		½%
Groundman	7.50	.45	17+.15		½%
Groundman 1st 6 mos.	6 43	.45	17+.15		½%
Zone 2					
Lineman	10.88	.45	17+ 15		½%
Lineman operator	10.37	.45	17+.15		½%
Groundman powderman	7.54	.45	17+.15		½%
Groundman	6.96	.45	17+.15		½%
Groundman 1st 6 mos.	5.28	45	17+.15		½%

DECISION NO. MT76-5100 - Mod. #6
(41 FR 47798 - October 29, 1976)
Cascade, Deer Lodge, Gallatin, Glacier, Hill, Missoula, Silver Bow and Valley Counties, Montana

Change:
Power Equipment Operators - See attached schedules

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr

DECISION NO. MT76-5100 (Cont'd)

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
A-Frame Truck Crane, Winch Truck and similar	$ 9 85	55	55	35	05
Air Compressor, single	9 54	55	55	35	05
Air Compressor, two or more	9 71	55	55	35	05
Air Doctor	10 01	55	55	35	05
Asphalt Paving Machine	10 01	55	55	35	05
Asphalt Paving Machine Screed	10 01	55	55	35	05
Automatic Finegrade, Gurries and other similar types	10 14	55	55	35	05
Belt Finish Machine	9 71	55	55	35	05
Bit Grinder	10 01	55	55	35	05
Bituminous Mixer Paving, Travel Plant	10 01	55	55	35	05
Boring Machine (small), Jeep, Pickup or Farm Tractor mounted	9 60	55	55	35	05
Boring Machine (large)	10 01	55	55	35	05
Broom, Self-propelled	9 68	55	55	35	05
Cableway Highline	10 52	55	55	35	05
Cement Silo	9 80	55	55	35	05
Central Mixing Plants, Concrete dam and stationary	10 26	55	55	35	05
Chain Bucket Loader	9 73	55	55	35	05
Chip or Gravel Spreader, self-propelled	9 73	55	55	35	05
Concrete Batch Plant, one and two Mixers	10 01	55	55	35	05
Concrete Batch Plant, three and four Mixers	10 21	55	55	35	05
Concrete Batch Plant, five Mixers and over	10 41	55	55	35	05
Concrete Batch Plant Oiler, up to and including two Mixers	9 53	55	55	35	05
Concrete Batch Plant Oiler, three Mixers and over	9 84	55	55	35	05
Concrete Bucket Dispatcher	10 01	55	55	35	05
Concrete Curing Machine	10 01	55	55	35	05
Concrete Finish Machine Paving	10 01	55	55	35	05
Concrete Float-Spreader	10 01	55	55	35	05
Concrete Mixer, three bags and under	9 60	55	55	35	05
Concrete Mixer, four bags and over	9 77	55	55	35	05

DECISION NO. MT76-5100 (Cont'd)

POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
Concrete Power Saw, Self-propelled	$10 01	55	55	35	.05
Concrete Travel Batcher	10 01	55	55	35	05
Concrete Conveyor under 40 feet	9 59	55	55	35	05
Concrete Conveyor over 40 feet	10 34	55	55	35	.05
Concrete Pump	10 34	55	55	35	05
Crane, to and including 80' boom	10 17	55	55	35	05
Crane, 81' to 130' boom	10 32	55	55	35	05
Crane, 131' to 150' boom	10 37	55	55	35	05
Crane, 151' boom and over	10 42	55	.55	35	05
Crane Oiler	9 58	55	.55	35	05
Crusher	10 01	55	55	35	05
Crusher Oiler and Helpers	9 50	55	55	35	.05
Crusher Conveyor, when required	9 47	55	55	35	05
Distributor	10 01	55	55	35	.05
DW 10, 15 or 20 Tractor pulling Roller	9 73	55	55	35	.05
Electric Overhead Cranes	10 19	55	55	35	.05
Elevating Grader	10 01	55	55	35	05
Farm Type Tractor, up to and including 50 HP Engine	9 47	55	55	35	05
Farm Type Tractor, over 50 HP Engine	9 55	55	55	35	05
Field Equipment Serviceman	9 93	55	55	35	.05
Field Equipment Serviceman Helper	9 50	55	55	.35	05
Fireman	9 60	55	55	35	.05
Forklift, on construction job site	9 82	55	55	35	05
Form Grader	9 78	55	55	35	.05
Gradall	10 01	55	55	35	05
Grade Setter	9 47	55	55	35	.05
Heavy Duty Drill, all types	10 01	55	55	35	05
Heavy Duty Driller Helper	9 60	55	55	35	.05
Herman-Nelson Heaters and similar type	9 55	55	55	35	05
Hoist, single drum	9 78	55	55	35	05
Hoist, two or more drums	10 01	55	55	35	.05
Helicopter Hoist	10 51	55	55	35	.05
Hot Plant	10 01	55	.55	35	.05
Hot Plant Fireman, when in operation	10 01	55	55	35	.05
Hot Plant Oiler, 100 ton per hour or over	9 50	55	55	35	.05

DECISION NO. MT76-5100 (Cont'd)

POWER EQUIPMENT OPERATORS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
Hydra Lift and similar types	$ 9 91	55	55	35	05
Industrial Locomotive all classes	10 01	55	55	35	05
Mechanic and/or Welder on job	10 11	55	55	35	05
Mechanic and/or Welder Helper on job	9 50	55	55	35	05
Mixermobile	10 09	55	55	35	05
Motor Patrol	10 14	55	55	35	.05
Mountain Logger or similar type	10 01	55	55	35	05
Mucking Machine	10 01	55	55	35	05
Oiler-Driver, Rubber-tired Cranes	9 58	55	55	.35	.05
Oilers, other than Shovels and Cranes	9 50	55	55	35	05
Oiler, Hoist House, Dams	9 91	55	55	35	05
Pavement Breaker, Emsco and similar	10 01	55	55	35	.05
Paving and Mixing Machine	10 14	55	55	35	.05
Power Auger, Large Truck or Tractor mounted	10 01	55	55	35	05
Power Mixer, single or double drum	10 01	55	55	35	.05
Power Saw, multiple cut, self-propelled	10 01	55	55	35	.05
Pumperete or Grout Machine	10 01	55	55	35	.05
Pumpman	9 45	55	55	35	.05
Push Tractor	10 01	55	55	35	.05
Quad Cat	10 31	55	55	35	05
Quad Loader and similar type	10 59	55	55	35	.05
Raygo Giant	10 59	55	55	35	.05
Refrigeration Plant	10 01	.55	55	35	05
Retort	9 60	55	55	35	05
Roller, on blade or hot mix oil paving	10 01	55	55	35	.05
Roller, on other blade or hot mix paving	9 71	55	55	35	.05
Roller, 25 ton or over	10 01	55	55	35	.05
Ross and similar type carriers, on construction site	10 01	55	55	35	.05
Rubber-tired Dozer	10 01	55	55	35	.05
Rubber-tired Front End Loader, 1 yard and under	9 72	55	.55	35	.05

DECISION NO. MT76-5100 (Cont'd)

POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
Rubber-tired Front End Loader, 1 yard to and including 3 yards	$10 01	55	55	35	05
Rubber-tired Front End Loader, over 3 yards to and including 5 yards	10 13	55	55	35	05
Rubber-tired Front End Loader, over 5 yards to and including 10 yards	10 23	55	55	35	05
Rubber-tired Front End Loader, over 10 yards to and including 15 yards	10 33	55	55	35	05
Rubber-tired Front End Loader, over 15 yards	10 43	55	55	35	05
Scraper, DW 15, 20, 21 and similar type if power unit is not used	10 01	55	55	35	05
Scraper, single or twin engine pulling belly dump trailer	10 39	55	55	35	05
Scraper, single engine	10 14	55	55	35	05
Scraper, twin engine	10 24	55	55	35	05
Scraper, tandem engine or 3 engine	10 50	55	55	35	05
Self-propelled Sheepfoot and similar type	10 01	55	55	35	05
Shovels, including all attachments, under 1 cu yd	10 01	55	55	35	05
Shovels, including all attachments, 1 cu yd to and including 3 cu yds	10 19	55	55	35	05
Shovels, including all attachments, over 3 cu yds to and including 5 cu yds	10 46	55	55	35	05
Shovels, including all attachments, over 5 cu yds	10 59	55	55	35	05
Shovel Oiler, 3 yards and under	9 50	55	55	35	05
Shovel Oiler, over 3 cu yds	9 91	55	55	35	05
Slip Form Paver	10 14	55	55	35	05
Stiff Leg Derrick and Guy Derrick	10 46	55	55	35	05
Track-type Front End Loaders; up to and including 5 cu yds	10 01	55	55	35	05
Track-type Front End Loaders; over 5 cu yds to and including 10 cu yds	10 24	55	55	35	05

DECISION NO. MT76-5100 (Cont'd)

POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
Track-type Front End Loaders, over 10 cu yds to and including 15 cu yds	$10 34	55	55	35	05
Track-type Front End Loaders, over 15 cu yds	10 44	55	55	35	05
Track-type Tractor w/wo attachments	10 01	55	55	35	05
Track-type Tractor, on Euclid Loader	10 19	55	55	35	05
Trenching Machine	10 01	55	55	35	05
Turnhead Conveyor, or Head Tower on Batch Plant	10 01	55	55	35	05
Wagner Roller and similar type	10 01	55	55	35	05
Whirley Crane	10 54	55	55	35	05
Whirley Crane Oiler	9 91	55	55	35	05
Water Pull when used for compaction	10 01	55	55	35	05
Washing and Screening Plant	10 01	55	55	35	05
Washing and Screening Plant Oiler	9 50	55	55	35	05

DECISION #MT77-5021 - Mod. #4
(42 FR 12631 - March 4, 1977)
Statewide, Montana

Change:
Power Equipment Operators - See attached schedules

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr

DECISION NO. M177-5021 (Cont'd)

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
A-Frame Truck Crane, Winch Truck and similar	$ 9 85	55	55	35	05
Air Compressor, single	9 54	55	55	35	05
Air Compressor, two or more	9 71	55	55	35	05
Air Doctor	10 01	55	55	35	05
Asphalt Paving Machine	10 01	55	55	35	05
Asphalt Paving Machine Screed	10 01	55	55	35	05
Automatic Finegrade, Gurries and other similar types	10 14	55	55	35	05
Belt Finish Machine	9 71	55	55	35	05
Bit Grinder	10 01	55	55	35	05
Bituminous Mixer Paving, Travel Plant	10 01	55	55	35	05
Boring Machine (small), Jeep, Pickup or Farm Tractor mounted	9 60	55	55	35	05
Boring Machine (large)	10 01	55	55	35	05
Broom, Self-propelled	9 68	55	55	35	05
Cableway Highline	10 52	55	55	35	05
Cement Silo	9 80	55	55	35	05
Central Mixing Plants, Concrete dam and stationary	10 26	55	55	35	05
Chain Bucket Loader	9 73	55	55	35	.05
Chip or Gravel Spreader, self-propelled	9 73	55	55	.35	05
Concrete Batch Plant, one and two Mixers	10 01	55	55	35	05
Concrete Batch Plant, three and four Mixers	10 21	55	55	35	05
Concrete Batch Plant, five Mixers and over	10 41	55	55	35	.05
Concrete Batch Plant Oiler, up to and including two Mixers	9 53	55	55	35	.05
Concrete Batch Plant Oiler, three Mixers and over	9 84	55	55	35	05
Concrete Bucket Dispatcher	10 01	55	55	35	.05
Concrete Curing Machine	10 01	55	55	35	05
Concrete Finish Machine Paving	10 01	55	55	35	05
Concrete Float-Spreader	10 01	55	55	35	.05
Concrete Mixer, three bags and under	9 60	.55	55	35	.05
Concrete Mixer, four bags and over	9 77	55	55	35	.05

DECISION NO. MT77-5021 (Cont'd)

POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr.
Concrete Power Saw, Self-propelled	$10.01	55	55	35	05
Concrete Travel Batcher	10 01	55	55	35	05
Concrete Conveyor under 40 feet	9 59	55	55	35	05
Concrete Conveyor over 40 feet	10 34	55	55	35	05
Concrete Pump	10 34	55	55	35	05
Crane, to and including 80' boom	10 17	55	55	35	05
Crane, 81' to 130' boom	10 32	55	55	35	05
Crane, 131' to 150' boom	10 37	55	55	35	.05
Crane, 151' boom and over	10 42	55	55	35	.05
Crane Oiler	9 58	55	55	35	05
Crusher	10 01	55	55	35	05
Crusher Oiler and Helpers	9 50	55	55	35	.05
Crusher Conveyor, when required	9 47	55	55	35	.05
Distributor	10 01	55	55	35	05
DW 10, 15 or 20 Tractor pulling Roller	9 73	55	55	35	.05
Electric Overhead Cranes	10 19	55	55	35	05
Elevating Grader	10 01	55	55	35	05
Farm Type Tractor, up to and including 50 HP Engine	9 47	55	55	35	.05
Farm Type Tractor, over 50 HP Engine	9 55	55	55	35	.05
Field Equipment Serviceman	9 93	55	55	35	05
Field Equipment Serviceman Helper	9 50	55	55	35	05
Fireman	9 60	55	55	35	.05
Forklift, on construction job site	9 82	55	55	35	05
Form Grader	9 78	55	55	35	05
Gradall	10 01	55	55	35	05
Grade Setter	9 47	55	55	35	05
Heavy Duty Drill, all types	10 01	55	55	35	05
Heavy Duty Driller Helper	9 60	55	55	35	05
Herman-Nelson Heaters and similar type	9 55	55	55	35	05
Hoist, single drum	9 78	55	55	35	05
Hoist, two or more drums	10 01	55	55	35	.05
Helicopter Hoist	10 51	55	55	35	05
Hot Plant	10 01	55	55	35	05
Hot Plant Fireman, when in operation	10 01	55	55	35	05
Hot Plant Oiler, 100 ton per hour or over	9 50	55	55	35	05

DECISION NO. MT77-5021 (Cont'd)

POWER EQUIPMENT OPERATORS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
Hydra Lift and similar types	$ 9 91	55	55	35	05
Industrial Locomotive all classes	10 01	55	55	35	05
Mechanic and/or Welder on job	10 11	55	55	35	05
Mechanic and/or Welder Helper on job	9 50	55	55	35	.05
Mixermobile	10 09	55	55	35	.05
Motor Patrol	10 14	55	55	35	05
Mountain Logger or similar type	10 01	55	55	35	05
Mucking Machine	10 01	55	55	35	05
Oiler-Driver, Rubber-tired Cranes	9 58	55	55	35	05
Oilers, other than Shovels and Cranes	9 50	55	55	35	.05
Oiler, Hoist House, Dams	9 91	55	55	35	05
Pavement Breaker, Emsco and similar	10 01	55	55	35	.05
Paving and Mixing Machine	10 14	55	55	35	05
Power Auger, Large Truck or Tractor mounted	10 01	55	55	35	05
Power Mixer, single or double drum	10 01	55	55	35	.05
Power Saw, multiple cut, self-propelled	10 01	55	55	35	05
Pumperete or Grout Machine	10 01	55	55	35	.05
Pumpman	9 45	55	55	35	05
Push Tractor	10 01	55	55	35	05
Quad Cat	10 31	55	55	35	05
Quad Loader and similar type	10 59	55	55	35	05
Raygo Giant	10 59	55	55	35	05
Refrigeration Plant	10 01	55	55	35	05
Retort	9 60	55	55	35	05
Roller, on blade or hot mix oil paving	10 01	55	55	35	05
Roller, on other blade or hot mix paving	9 71	55	55	35	05
Roller, 25 ton or over	10 01	55	55	35	05
Ross and similar type carriers, on construction site	10 01	55	55	35	05
Rubber-tired Dozer	10 01	55	55	35	05
Rubber-tired Front End Loader, 1 yard and under	9 72	55	55	35	.05

DECISION NO. MT77-5021 (Cont'd)

POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
Rubber-tired Front End Loader, 1 yard to and including 3 yards	$10 01	55	55	35	05
Rubber-tired Front End Loader, over 3 yards to and including 5 yards	10 13	55	55	35	05
Rubber-tired Front End Loader, over 5 yards to and including 10 yards	10 23	55	55	35	05
Rubber-tired Front End Loader, over 10 yards to and including 15 yards	10 33	55	55	35	.05
Rubber-tired Front End Loader, over 15 yards	10 43	55	55	35	.05
Scraper, DW 15, 20, 21 and similar type if power unit is not used	10 01	55	55	35	05
Scraper, single or twin engine pulling belly dump trailer	10 39	55	55	35	.05
Scraper, single engine	10 14	55	55	35	.05
Scraper, twin engine	10 24	55	55	35	05
Scraper, tandem engine or 3 engine	10 50	55	55	35	05
Self-propelled Sheepfoot and similar type	10 01	55	55	35	.05
Shovels, including all attachments, under 1 cu yd.	10 01	55	55	35	.05
Shovels, including all attachments, 1 cu yd to and including 3 cu. yds.	10 19	55	55	35	.05
Shovels, including all attachments, over 3 cu yds. to and including 5 cu. yds.	10 46	55	55	35	05
Shovels, including all attachments, over 5 cu yds.	10 59	55	55	35	05
Shovel Oiler, 3 yards and under	9 50	55	55	35	.05
Shovel Oiler, over 3 cu yds.	9 91	55	55	35	.05
Slip Form Paver	10 14	55	55	35	.05
Stiff Leg Derrick and Guy Derrick	10 46	55	55	35	.05
Track-type Front End Loaders; up to and including 5 cu yds	10 01	55	55	35	.05
Track-type Front End Loaders; over 5 cu yds to and including 10 cu. yds.	10 24	55	55	35	.05

DECISION NO. MT77-5021 (Cont'd)

POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
Track-type Front End Loaders, over 10 cu yds to and including 15 cu yds.	$10 34	55	55	35	.05
Track-type Front End Loaders, over 15 cu. yds	10 44	55	55	35	05
Track-type Tractor w/wo attachments	10 01	55	55	35	.05
Track-type Tractor, on Euclid Loader	10 19	55	55	35	.05
Trenching Machine	10 01	55	55	35	.05
Turnhead Conveyor, or Head Tower on Batch Plant	10 01	55	55	35	.05
Wagner Roller and similar type	10 01	55	55	35	05
Whirley Crane	10 54	55	55	35	.05
Whirley Crane Oiler	9 91	55	55	35	.05
Water Pull when used for compaction	10 01	55	55	35	05
Washing and Screening Plant	10 01	55	55	35	.05
Washing and Screening Plant Oiler	9 50	55	55	35	05

DECISION #MT77-5034 - Mod. #3
(42 FR 13765 - March 11, 1977)
Statewide, Montana

Change:
Power Equipment Operators - See attached schedules

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr

DECISION NO. MT77-5034 (Cont'd)

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
A-Frame Truck Crane, Winch Truck and similar	$ 9 85	55	55	35	05
Air Compressor, single	9 54	55	55	35	.05
Air Compressor, two or more	9 71	55	55	35	05
Air Doctor	10 01	55	55	35	05
Asphalt Paving Machine	10 01	55	55	35	05
Asphalt Paving Machine Screed	10 01	55	55	35	.05
Automatic Finegrade, Gurries and other similar types	10.14	55	55	35	05
Belt Finish Machine	9 71	55	55	35	05
Bit Grinder	10 01	55	55	35	05
Bituminous Mixer Paving, Travel Plant	10 01	55	55	35	.05
Boring Machine (small), Jeep, Pickup or Farm Tractor mounted	9 60	55	55	35	.05
Boring Machine (large)	10 01	55	55	35	.05
Broom, Self-propelled	9 68	55	55	35	.05
Cableway Highline	10 52	55	55	35	.05
Cement Silo	9 80	55	55	35	.05
Central Mixing Plants, Concrete dam and stationary	10 26	55	55	35	.05
Chain Bucket Loader	9 73	55	55	35	.05
Chip or Gravel Spreader, self-propelled	9 73	55	55	35	.05
Concrete Batch Plant, one and two Mixers	10 01	55	55	35	05
Concrete Batch Plant, three and four Mixers	10 21	55	55	35	05
Concrete Batch Plant, five Mixers and over	10 41	55	55	35	05
Concrete Batch Plant Oiler, up to and including two Mixers	9 53	55	55	35	05
Concrete Batch Plant Oiler, three Mixers and over	9 84	55	55	35	05
Concrete Bucket Dispatcher	10 01	55	55	35	05
Concrete Curing Machine	10 01	55	55	35	05
Concrete Finish Machine Paving	10 01	55	55	35	05
Concrete Float-Spreader	10 01	55	55	35	05
Concrete Mixer, three bags and under	9 60	55	55	35	.05
Concrete Mixer, four bags and over	9 77	55	55	35	05

DECISION NO. MT77-5034 (Cont'd)

POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
Concrete Power Saw, Self-propelled	$10 01	55	55	35	05
Concrete Travel Batcher	10 01	55	55	35	05
Concrete Conveyor under 40 feet	9 59	55	55	35	05
Concrete Conveyor over 40 feet	10 34	55	55	35	05
Concrete Pump	10 34	55	55	35	05
Crane, to and including 80' boom	10 17	55	55	35	05
Crane, 81' to 130' boom	10 32	55	55	35	.05
Crane, 131' to 150' boom	10 37	55	55	35	.05
Crane, 151' boom and over	10 42	55	55	35	05
Crane Oiler	9 58	55	55	35	.05
Crusher	10 01	55	55	35	05
Crusher Oiler and Helpers	9 50	55	55	35	05
Crusher Conveyor, when required	9 47	55	55	35	05
Distributor	10 01	55	55	35	05
DW 10, 15 or 20 Tractor pulling Roller	9 73	55	55	35	05
Electric Overhead Cranes	10 19	55	55	35	05
Elevating Grader	10 01	55	55	35	05
Farm Type Tractor, up to and including 50 HP Engine	9 47	55	55	35	.05
Farm Type Tractor, over 50 HP Engine	9 55	55	55	35	05
Field Equipment Serviceman	9 93	55	55	35	.05
Field Equipment Serviceman Helper	9 50	55	55	35	05
Fireman	9 60	55	55	35	.05
Forklift, on construction job site	9 82	55	55	35	05
Form Grader	9 78	55	55	35	.05
Gradall	10 01	55	55	35	05
Grade Setter	9 47	55	55	35	05
Heavy Duty Drill, all types	10 01	55	55	35	.05
Heavy Duty Driller Helper	9 60	55	55	35	.05
Herman-Nelson Heaters and similar type	9 55	55	55	35	.05
Hoist, single drum	9 78	55	55	35	05
Hoist, two or more drums	10 01	55	55	35	.05
Helicopter Hoist	10 51	.55	55	35	.05
Hot Plant	10 01	55	55	35	05
Hot Plant Fireman, when in operation	10 01	55	55	35	.05
Hot Plant Oiler, 100 ton per hour or over	9 50	55	55	35	.05

DECISION NO. MT77-5034 (Cont'd)

POWER EQUIPMENT OPERATORS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
Hydra Lift and similar types	$ 9 91	55	55	35	05
Industrial Locomotive all classes	10 01	55	55	35	05
Mechanic and/or Welder on job	10 11	55	55	35	05
Mechanic and/or Welder Helper on job	9 50	55	55	35	05
Mixermobile	10 09	55	55	35	05
Motor Patrol	10 14	55	55	35	.05
Mountain Logger or similar type	10 01	.55	55	35	.05
Mucking Machine	10 01	55	55	35	.05
Oiler-Driver, Rubber-tired Cranes	9 58	55	55	35	.05
Oilers, other than Shovels and Cranes	9 50	55	55	35	.05
Oiler, Hoist House, Dams	9 91	55	55	35	05
Pavement Breaker, Emsco and similar	10 01	55	55	35	05
Paving and Mixing Machine	10 14	55	55	35	.05
Power Auger, Large Truck or Tractor mounted	10 01	55	55	35	.05
Power Mixer, single or double drum	10 01	55	.55	35	05
Power Saw, multiple cut, self-propelled	10 01	55	55	35	.05
Pumperete or Grout Machine	10 01	55	55	35	05
Pumpman	9 45	55	55	35	05
Push Tractor	10 01	55	55	35	.05
Quad Cat	10 31	55	55	35	05
Quad Loader and similar type	10 59	55	55	35	.05
Raygo Giant	10 59	55	55	35	.05
Refrigeration Plant	10 01	.55	.55	35	05
Retort	9 60	55	55	35	.05
Roller, on blade or hot mix oil paving	10 01	55	55	35	.05
Roller, on other blade or hot mix paving	9 71	55	55	35	.05
Roller, 25 ton or over	10 01	55	55	35	.05
Ross and similar type carriers, on construction site	10 01	55	55	35	.05
Rubber-tired Dozer	10 01	55	55	35	.05
Rubber-tired Front End Loader, 1 yard and under	9 72	55	.55	35	.05

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DECISION NO. MT77-5034 (Cont'd)

POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
Rubber-tired Front End Loader, 1 yard to and including 3 yards	$10 01	55	55	35	05
Rubber-tired Front End Loader, over 3 yards to and including 5 yards	10 13	55	55	35	05
Rubber-tired Front End Loader, over 5 yards to and including 10 yards	10 23	55	55	35	05
Rubber-tired Front End Loader, over 10 yards to and including 15 yards	10 33	55	55	35	05
Rubber-tired Front End Loader, over 15 yards	10 43	55	55	35	05
Scraper, DW 15, 20, 21 and similar type if power unit is not used	10 01	55	55	35	05
Scraper, single or twin engine pulling belly dump trailer	10 39	55	55	35	05
Scraper, single engine	10 14	55	55	35	05
Scraper, twin engine	10 24	55	55	35	05
Scraper, tandem engine or 3 engined	10 50	55	55	35	05
Self-propelled Sheepfoot and similar type	10 01	55	55	35	05
Shovels, including all attachments, under 1 cu yd	10 01	55	55	35	05
Shovels, including all attachments, 1 cu yd to and including 3 cu yds	10 19	55	55	35	05
Shovels, including all attachments, over 3 cu, yds to and including 5 cu yds	10 46	55	55	35	05
Shovels, including all attachments, over 5 cu yds	10 59	55	55	35	05
Shovel Oiler, 3 yards and under	9 50	55	55	35	05
Shovel Oiler, over 3 cu yds	9 91	55	55	35	05
Slip Form Paver	10 14	55	55	35	05
Stiff Leg Derrick and Guy Derrick	10 46	55	55	35	05
Track-type Front End Loaders; up to and including 5 cu yds	10 01	55	55	35	05
Track-type Front End Loaders; over 5 cu yds to and including 10 cu yds	10 24	55	55	35	05

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DECISION NO. MT77-5034 (Cont'd)

POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
Track-type Front End Loaders; over 10 cu yds to and including 15 cu yds	$10 34	55	55	35	05
Track-type Front End Loaders, over 15 cu yds	10 44	55	55	35	05
Track-type Tractor w/wo attachments	10 01	55	55	35	05
Track-type Tractor, on Euclid Loader	10 19	55	55	35	05
Trenching Machine	10 01	55	55	35	05
Turnhead Conveyor, or Head Tower on Batch Plant	10 01	55	55	35	05
Wagner Roller and similar type	10 01	55	55	35	05
Whirley Crane	10 54	55	55	35	05
Whirley Crane Oiler	9 91	55	55	35	05
Water Pull when used for compaction	10 01	55	55	35	05
Washing and Screening Plant	10 01	55	55	35	05
Washing and Screening Plant Oiler	9 50	55	55	35	05

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
DECISION #NE77-4017 - Mod. #1 (42 FR 7060 - February 4, 1977) Lancaster County, Nebraska					
Change:					
Electricians:					
Electricians:					
Zone A 0 - 15 miles	$11 21	42	1%+ 30		04
Zone B 15 - 30 miles	11 51	42	1%+ 30		04
Zone C 30 - 75 miles	11 81	42	1%+ 30		.04
Zone D 75 miles & over	12 21	42	1%+ 30		.04
Cable splicers:					
Zone A 0 - 15 miles	11 46	42	1%+.30		.04
Zone B 15 - 30 miles	11 76	42	1%+ 30		04
Zone C 30 - 75 miles	12 06	42	1%+ 30		04
Zone D 75 miles & over	12.46	.42	1%+.30		04
DECISION NO. NM77-4074 - Mod.03 (42 FR 18825 - April 8, 1977) Statewide, New Mexico					
CHANGE:					
CEMENT MASONS:					
Composition & Machine Operator Area I	$8 62	.57	50		
PAINTERS(ZONE II)					
Zone 2-A	7.95	35	20		.05
Zone 2-B	9 17	35	20		.05
Zone 2-C	8 60	.35	.20		05
Zone 2-D	8 05	35	20		.05
Zone 2-E	8.70	.35	.20		05
Zone 2-F	7.95	35	20		05
Zone 2-G	8.45	.35	.20		05
ADD:					
RESIDENTIAL CONSTRUCTION (RIO ARRIBA, TAOS, SANDOVAL AND SANTA FE COUNTIES					
PAINTERS:					
Brush and roller	7.12	.35	20		.05
Spray	7 62	35	.20		.05
Paperhangers	7.37	.35	.20		.05
DRY FINISHER:					
Area tool operator, machine texture	7 70	.35	.20		05
Hand finishers	7.45	35	20		.05

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
DECISION NO. OK77-4056 - Mod. #2 (42 FR 12663 - March 4, 1977) Comanche County, Oklahoma					
CHANGE:					
MARBLE SETTERS	$9.40				
DECISION NO. OK77-4062 - Mod. #3 (42 FR 13787 - March 11, 1977) Muskogee, Adair and Cherokee Counties, Oklahoma					
CHANGE:					
GLAZIERS	$9 16	.50	.30		01
DECISION NO. OK77-4065 - Mod. #3 (42 FR 15287 - March 18, 1977) McIntosh County, Oklahoma					
CHANGE:					
GLAZIERS	$9 16	.50	30		.01
DECISION NO. OK77-4066 - Mod. #2 (42 FR 15289 - March 18, 1977) Pittsburg County, Oklahoma					
CHANGE:					
GLAZIERS	$9.16	.50	.30		.01

DECISION NO. OK77-4087 - Mod. #1
(42 FR 22107 - April 29, 1977)
Tulsa, Creek, Craig, Ottawa, Delaware, Mayes and Rogers Counties, Oklahoma

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
CHANGE:					
GLAZIERS	$9 16	50	30		01

DECISION #PA77-3043 - Mod. # 1
(42 FR 18783 - April 8 1977)
Carbon, Monroe County, including Tobyhanna Army Depot, and Pike County, Pennsylvania

	Basic Hourly, Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
Change:					
Bricklayers & Stonemasons:					
Zone 2	$10 85	50	50		
Carpenters:					
Zone 1	10 20	44	72		
Zone 3	9 73	44	72		02
Electricians					
Zone 1	10 90	35	17+ 80		02
AREA COVERED BY ELECTRICIANS ZONE #1, TO READ, CARBON COUNTY: TOWAMENSING, LOWER TOWAMENSING; E PENN; TWPS; THE BOROUGH OF PARRYVILLE IN THEIR ENTIRETY					
Millwrights:					
Zone 2	10 13	44	72		01
Zone 3	11 29	40	50		03
Painters:					
Zone 1					
Brush	9 30	50	30		05
Tapers	9 56	50	30		05
Hazardous	10 56	50	30		05
Power Equipment Operators (See Schedule Below)					
Sprinkler Fitters	11 86	65	95		08
Soft floor layers:					
Zone 3	9 73	44	72		02
Sheet metal workers	11 12	73	40		02

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App Tr
GROUP 1	$12 29	5 5%	9 5%	a	1 2%
GROUP 2	12 00	5 5%	9 5%	a	1 2%
GROUP 3	11 13	5 5%	9 5%	a	1 2%
GROUP 4	10 36	5 5%	9 5%	a	1 2%
GROUP 5	9 89	5 5%	9 5%	a	1 2%
GROUP 6	8 98	5 5%	9 5%	a	1 2%
GROUP 7	12 54	5 5%	9 5%	a	1 2%
GROUP 7-A	12 79	5 5%	9 5%	a	1 2%
GROUP 7-B	13 03	5 5%	9 5%	a	1 2%

GROUP 1: Machines doing hook work, any machine handling machinery, cable spinning machines, helicopters, machines similar to the above

GROUP 2: All types of cranes, all types of backhoes, cableways, draglines, keystones, all types of shovels, derricks, trench shovels, trenching machines, hoist with two towers, pavers 21E and over, all types overhead cranes, building hoists (double drum) gradalls, mucking machines in tunnel, all front end loaders 3-½ c y and over, tandem scrapers, pippin type backhoes, boat Captains, batch plant operators (concrete) drills, self-contained rotary drills, fork lifts, 20 ft lift and over machine to the above

GROUP 3: Conveyors, building hoists (single drum) scrapers and tournapulls, spreaders, high or low pressure boilers, concrete pumps, well drillers, bulldozers and tractors, asphalt plant engineers, roller (high grade finishing), ditch witch type trencher, all loaders under 3-½ cu. yds , mechanic-welders, motor patrols, drill helper-self contained rotary drills, core drill operator, forklift trucks under 20 ft lift, machines similar to the above

GROUP 4: Welding machines, well points, compressors, pumps, heaters, farm tractors, form line graders, fine grade machines, road finishing machines, concrete breaking machines, rollers, seaman pulverizing mixer, power broom, seeding spreader, fireman (for power equipment), machines similar to above

GROUP 5: Fireman, grease truck

GROUP 6: Oilers and deck hands (personnel boats), core drill helper

GROUP 7: All machines with booms (including jib, masts, leads, etc): 100 ft and over

GROUP 7-A: 150 ft and over

GROUP 7-B: 200 ft and over

FOOTNOTE:
a Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day, provided the employee works the day before and after the holiday

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
Decision # SC75-1041 - Mod. # 1 (40 FR-14194 - March 28, 1975) Darlington County, South Carolina					
Add:					
Millwrights	5.50				
DECISION #SD77-5027 - Mod. #2 (42 FR 12665 - March 4, 1977) Minnehaha County, South Dakota					
Change:					
Painters:					
Brush	$7 29				
Spray	8 29				
Tapers	8 04				
DECISION #SD77-5028 - Mod. #2 (42 FR 12666 - March 4, 1977) Meade and Pennington Counties, South Dakota					
Change:					
Painters:					
Brush	7 29				
Spray	8 29				
Tapers	8 04				

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
DECISION #TX77-4007 - Mod. #4 (42 FR 4107 - January 21, 1977) Wichita County, Texas					
Change:					
Laborers:					
Group 1	$ 5 025	275	20		
Group 2	5.15	.275	20		
Group 3	5 275	.275	20		
Group 4	5 525	275	20		
DECISION #TX77-4044 - Mod. #4 (42 FR 11226 - February 25, 1977) Armstrong, Carson, Castro, Childress, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Swisher & Wheeler Counties, Texas					
Change:					
Ironworkers	9 00	.55	1.00		10
DECISION #TX77-4053 - Mod. #2 (42 FR 12668 - March 4, 1977) Bell, Bosque, Coryell, Falls, Hill & McLennan Counties, Texas					
Change:					
Building Construction:					
Plumbers & pipefitters:					
Zone 1	8 70	30	33		03
Zone 2	9.10	30	33		.03
Incidental Paving & Utilities (Bell & Coryell Counties):					
Plumbers:					
Zone 1	8 70	30	33		03
Zone 2	9 10	30	33		03

DECISION NO. VAT7-3047 Mod. #1 (42 FR 23438 May 6, 1977) The Cities of Norfolk, Chesapeake, Portsmouth and Virginia Beach	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
Change:					
Piledrivermen and Dock Builders	$7 60	30	30		
Terrazzo Workers and Tile setters	7 00	60	20		

SUPERSEDEAS DECISION

STATE: Alaska COUNTIES: Statewide
DECISION NUMBER: AK77-5052 DATE: Date of Publication
Supersedes Decision No AK77-5009 dated January 21, 1977, in 42 FR 4074
DESCRIPTION OF WORK: Building Construction (including residential construction consisting of single family homes and garden type apartments up to and including 4 stories), Heavy and Highway Construction and Dredging

AREA I (North of the 63rd Parallel) AREA II (South of the 63rd Parallel and West of the 141st Meridian) AREA III (East of the 141st Meridian)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
ASBESTOS WORKERS	$ 17 61	44	97		10
BOILERMAKERS	17 035	775	1 00	50	02
BRICKLAYERS; Blocklayers; Stonemasons	15 68	90	2 25		09
CARPENTERS:					
Area I					
Carpenters	16 28	65	1 50		10
Powder actuated tool operator	16 50	65	1 50		10
DeWalt or similar type saw operator; Marlite and Acoustical; Fire or Floor Repair work applicators; Nailing Machine Operator; Saw Filer	16 56	65	1 50		10
Millwrights	16 67	65	1 50		10
Piledriverman	15 67	65	1 50		10
Areas and II and III					
Journeyman Carpenters	15 66	65	1.50		15
Acoustical and Marlite Applicators; Floor Workers; Radial air saw operators; Fire and Flood Workers	16 04	65	1 50		15
Millwrights	16 19	65	1 50		15
Piledriverman	15 67	65	1 50		15
CEMENT MASONS:					
Cement Masons, paving (concrete), Curb, Gutter and Sidewalks	14 38	60	2.35		15
Operating Screeding and Rodding Machines, Application of all Composition, Mastic, Epoxy, and Plaster Materials	14.91	.60	2 35		15
Hand powered Grinder	14 91	60	2 35		15
Form Setters	14 53	60	2 35		15

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
CULINARY WORKERS:					
Baker of combination Cook-Baker, Head Cook; Working Camp Manager	$13 21	50	$ 2 00		04
Cook	12 85	50	2 00		04
Butcher	11 96	50	2 00		04
Head Waiter or Head Waitress	11.47	50	2 00		04
Head Bullcook	11,37	50	2 00		04
Camp Worker (waiter, waitress, Bullcook, General Helper, miscellaneous worker); Bartender	11 21	50	2.00		04
ELECTRICIANS:					
Electricians; Equipment Operators; Technicians	16 95	70	1%+2 00		15
Cable Splicers	18 70	70	1%+2 00		15
ELEVATOR CONSTRUCTORS	15 715	495	32	3%+a	02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	495	32	3%+a	02
ELEVATOR CONSTRUCTORS' HELPERS (PROB)	50%JR				
GLAZIERS:					
Area I	14 35	65	1 00		
Areas II and III	14 57	.65	1 00		10
IRONWORKERS:					
Bender Operator; Bridge; Fence Erector; Machinery Mover; Ornamental; Reinforcing; sheeter; Structural	16 05	80	2 25		18
LATHERS	16 66	60		1 08	04
LINE CONSTRUCTION:					
Groundman	14 95	70	1%+2 00		15
Equipment Operators; Linemen; Technicians	16 95	70	1%+2 00		15
Cable Splicers	18 70	70	1%+2 00		15

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
MARBLE SETTERS; Terrazzo Workers	$ 15 68	90	2 25		09
PAINTERS:					
Area I					
Zone I (Within a 10 mile radius of the Fairbanks Post Office including Ft Wainwright)					
Zone 2 (Beyond 10 miles and up to 40 miles radius of the Fairbanks Post Office including Eielson Air Force Base and all the Sites within this territory)					
Zone 3 (Beyond 40 miles radius of the Fairbanks Post Office)					
Zone 1 and 3:					
Brush; Paperhangers	16 85	65	1 60		05
Carpet and Tile	16 87	65	1 60		05
Swing Stage, Sign Painters; Utilidors	17 10	65	1 60		05
Hand Tapers	17 12	65	1 60		05
Structural Steel; Sand Blasters; Spray Painters; Towers, stacks, bridges, and flagpoles up to and including 40 feet	17.35	65	1 60		05
Buffer Operator	17 38	65	1 60		05
Machine Tapers	17 52	65	1 60		05
Hardwood Floor Finishers	17 60	65	1 60		05
Epoxy applicators and spray steel	17 85	65	1 60		05
Swing and boom spray	18 10	65	1 60		05

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr
PAINTERS: (Cont'd)					
Zone 2:					
Brush; Paperhangers	$17 70	65	$ 1 60		05
Swing Stage; Sign Painters; Utilidors	17 95	65	1 60		05
Tapers, hand	17 97	65	1 60		05
Structural steel, Sand blasters; Spray painters; Towers, stacks, bridge and flagpoles up to and including 40 feet	18 20	65	1 60		05
Hardwood Floor Finishers	18 45	65	1 60		05
Tapers, machine	18 47	65	1 60		05
Spray Steel; Epoxy Applicator	18 70	65	1 60		05
Swing and boom spray	18 45	65	1 60		05
Buffer Operator	18 23	65	1 60		05
Zones 1, 2, and 3:					
Height Pay: All work on any form of scaffolding or staging over 40 ft will be paid $ 25 more per hour, and for every additional 20 ft $ 25 more per hour will be paid to the employee The height of work shall be determined from the ground to the point of hook-up					
AREAS II and III					
Hardwood Floor Sander or Finisher; Brush, Roller and Sign Painter	16 65	65	1 50		20
Paper and Vinyl Hanger	17 05	65	1 50		20
Swing Stage	17 05	65	1 50		20
Structural steel; Tapers and Drywall sander	17 05	65	1 50		20
Pot Tenders; Sandblasters; Spray	17 25	65	1 50		20
Epoxy and tar applicator	17 65	65	1 50		20
Steeplejack; Tower painters	18 45	65	1 50		20

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
PAINTERS: (Cont'd) Height Pay: All classifications, with the exception of steeple jacks and tower painters, a $ 25 hourly premium shall be paid for swing stage work on a structure with height in excess of 40 ft an additional $ 25 per hourly height pay shall be paid for each additional 50 ft thereafter Height pay on all towers and steeplejack work shall start at the 150 ft level $ 50 per hour above the scale shall be paid for each additional 100 ft					
PLASTERERS	$15 50	60	$ 2 35		15
PLUMBERS, RESIDENTIAL:					
Area II	13 48	73	1 40		15
PLUMBERS; Steamfitters:					
Area I	17 42	85	1 30		45
Area II	16 85	73	1 40		15
Area III	15 60	1 00	1 70		10
ROOFERS:					
Area I	15 60	90	2 00		10
Areas II and III	15 30	90	2 00		10
SHEET METAL WORKERS:					
Area I	17 49	57	1 00		17
Areas II and III	17 61	61	75		15
SOFT FLOOR LAYERS:					
Area I	16 11	65	1 50		10
Areas II and III	15 59	65	50	4%	20
SPRINKLER FITTERS	14 82	65	90		08
TERRAZZO WORKERS' AND TILE SETTERS' HELPERS	12 83	.90	2 25		09
TILE SETTERS	15.01	90	2 25		09
RIGGERS: Welder: Receive rates for craft performing operation to which rigging or welding is incidental					

FOOTNOTE:
a Employer contributes 4% of basic hourly rate for over 5 years' service and 2% basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit.

Six Paid Holidays: A through F

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F Christmas Day

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
LABORERS					
Group 1	$13 10	60	$ 2 25		09
Group 2	13 27	60	2 25		09
Group 3	13 31	60	2 25		09
Group 4	13 34	60	2 25		09
Group 5	13 38	60	2 25		09
Group 6	13 39	60	2 25		09
Group 7	13 44	60	2 25		09
Group 8	13 52	60	2 25		09
Group 9	13 77	60	2 25		09
Group 10	13 80	60	2 25		09
Group 11	13 88	60	2 25		09
Group 12	13 90	60	2 25		09
Group 13	13 91	60	2 25		09
Group 14	14 02	60	2 25		09
Group 15	14 14	60	2 25		09
Group 16	14 27	60	2 25		09
Group 17:					
Class A	13 10	60	2 25		09
Class B	13 29	60	2 25		09
Class C	13 60	60	2 25		09
Class D	14 16	60	2 25		09
Class E	14 31	60	2 25		09
Class F	14 55	60	2 25		09

LABORERS

Group 1: Building Laborers; Carpenters Tenders; Material Handerlers and Hook Tenders; Form Strippers; Signalmen; Riggers; Sandblast Pot Tender; Saw Tenders; General Labor; Dump Man; Pit Man; Brush Cutters, Ditch Diggers; ; Monolithic Workers; Dryer Man; Window Cleaner; Utiliwalk and Utilidor

Group 2: Base and Floor Machine Man

Group 3: Choke Setters

Group 4: Concrete Labor including Vibratorman; Power Buttŷ and Concrete Power Saw; Curb and Gutterman; General Crew (including Plant Crew) Asphalt

Group 5: Pneumatic or Power Tools

Group 6: Stake Hopper; Grademan; Steampoint or Water Jet Operator

Group 7: Tank Cleaner

Group 8: Jackhammer Operator and Pavement Breaker; Chuck Tender (Wagon and Air Track Drills)

Group 9: Mason Tender and Mud Mixers

Group 10: Gunnite Operator; Pipelayers; Culvert and Multiplate; High Scaler; Sloper (over 20 feet); Chain and Power Saws; Sack or bulk; Sewer Pipelayer; Sewer Caulkers; Timberman; All Monolithic Crews; Pipe Builders; Sandblasters

Group 11: Asphalt Rakers

Group 12: Tenders; Plasterers; Bricklayers; Cement Finisher; Burning and Cutting Torch (except intermittent torch work)

Group 13: Wagon Driller

Group 14: Timber Faller; Air Track Wagon Driller

Group 15: Chain Saw Filer

Group 16: High Riggers and Tree Topper, Powderman

Group 17: TUNNEL OR SHAFT
Class A: Topman and Bull Gang; Brakeman
Class B: Muckers, Laborers; Nippers
Class C: Chuck Tender
Class D: Retimberman
Class E: Miners, Shafts and Raises
Class F: Powderman

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
Group 1	$ 13 83	90	$ 2 50		15
Group 2	14 72	90	2 50		15
Group 3	13 76	90	2 50		15
Group 4	13 89	90	2 50		15
Group 5	14 78	90	2 50		15
Group 6	15 56	90	2 50		15
Group 7	14 15	90	2 50		15
Group 8	13 32	90	2 50		15
Group 9	14 21	90	2 50		15
Group 10	14 48	90	2 50		15
Group 11	13 97	90	2 50		15
Group 12	16 31	90	2 50		15
Group 13	13 84	90	2 50		15
Group 14	14 24	90	2 50		15
Group 15	13 74	90	2 50		15
Group 16	14 27	90	2 50		15
Group 17	14 57	90	2 50		15
Group 18	12 71	90	2 50		15
Group 19	13 21	90	2 50		15
Group 20	14 16	90	2 50		15
Group 21	13 48	90	2 50		15
Group 22	12 81	90	2 50		15
Group 23	13 25	90	2 50		15
Group 24	13 42	90	2 50		15
Group 25	17 08	90	2 50		15
Group 26	17 75	90	2 50		15
Group 27	14 41	90	2 50		15
DREDGING					
Group 1	12 28	75	2 00		
Group 2	12 41	75	2 00		
Group 3	13 34	75	2 00		
Group 4	13 40	75	2 00		
Group 5	13 46	75	2 00		
Group 6	13 97	75	2 00		
Group 7					
(a)	14 75	75	2 00		
(b)	15 50	75	2 00		

POWER EQUIPMENT OPERATORS

Group 1: Batch Plant Operator; Batch and Mixer, 200 yards per hour and under; Loaders; Elevating - Athey, Barber Greene and similar types; Overhead and front-end, under 2½ yards; Mixers; Concrete Mixers and Batch, 200 yards per hour and under; Pumps; Fuller Kenyon, Pumpcrete and Concrete, Rollers, Tampers and Vibrators: on Plant or Road Mix materials; Tractor, Farmall types, 50 h p and over; Trenching Machines, under 16 inches

Group 2: Batch Plant Operator: Batch and Mixers, over 200 yards; Derricks, all; Drilling Machines, Core, Cable Rotary and Exploration; Mixers: Mobile type with hoist combination; Mucking Machines, Mole, Tunnel Drill and/or Shield

Group 3: Brooms, Power Wayne, Saginaw and similar types; Bulldozers, under D6 or similar; Post Hole Diggers, mechanical; Saws, Concrete; Scrapers; Carryall type, single; Nodwell Sno-cat

Group 4: Bulldozers: D6 through D9 or similar; Bump Cutter (Concut Christenson or similar types); Conveyors

Group 5: Bulldozers: TC 12, Quad 9, Pay Dozers, Linked Pusher, H D 41 and/or similar; Bulldozers engaged in Yo Yo Operation; Cableways and Highlines, 3 yards and under; Cranes: "A" Frame Trucks, Deck Winches, single power drum; "A" Frame Trucks; Helicopter; Deck Winches (double power drum); Crawler, truck type, Floating Locomotive, Whirley, either 3 yards and under or 150 boom including jibs and under 45 tons and under; Hydrolifts or Transporter, Hyster Cat Cranes and attachments, Sidebooms 45 tons and under; Fork Lifts with power broom and swing attachment; Loaders: Overhead and Front-end, 2½ yards and under 4 yards; Motor Patrol Graders: Over Model 14 or similar types; Piledriver Engineers, L B Foster Puller or similar paving breaker; Power Plant Turbine Operators; 300 K W on highway or airfield construction projects or Quarry operators); Sauerman-Bagley; Shovels: Crawler and truck type, all attachments, 3 yards and under; Sub Grader (Gurries, C M I and similar types); Tractors, Farmall type, used as Backhoes, Rubber-tired (Ford, Ferguson, Case and similar types); Tournapulls; Caterpillar, Euclid Scrapers and similar type equipment, over 25 yards through 40 yards; Hover Crafts, Flex Craft, Helicopter; Transporter; Cableways; Rollagon, Dredge Barge Cable; Highline or Cable Car, Boat Coxswain

POWER EQUIPMENT OPERATORS (Cont'd)

Group 6: Cableways and Highways, over 3 yards; Cranes: Crawler, truck type, Floating, Locomotive, Whirley, either over 3 yards and under 6 yards, over 150' boom, including jibs or over 45 tons; Tower Cranes, Pecco, Lorraine, Bucyrus and similar types; Hyster Cat Cranes and attachments, Sidebooms over 45 tons through 100 tons; Loaders: Overhead and Front-end, 4 yards up to and including 10 yards; Shovels: Crawler and truck type, all attachments, 3 yards and under 6 yards; Tournapulls, Caterpillar, Euclid Scrapers and similar type equipment over 40 yards through 55 yards; Slip Form Paver, C M I and similar types

Group 7: Cement Hogs; Locomotives: Rod and Greared Engines

Group 8: Compressors: Excavating; Locomotives; Dinkey (air, steam, gas, and electric) Speeders

Group 9: Compressors: Steel Erection including Sandblasting, Painting or same, Pile Driving, Hoists on Steel Erection (Towermobiles and Air Tuggers); Loaders: Fork Lifts with tower; Scrapers: Carryall, Tandem

Group 10: Conveyors, Beltcrete with power pack and similar; Loader: Elevating Belt type, Euclid and similar types

Group 11: Cranes: "A" Frame Trucks, Deck Winches, single power drum; Crushers, rock, washing and screening plants; Hoist Air Tuggers, Elevators; Motor Patrol Graders: Model 14 or similar types and under; Power Plant Turbine Operators: under 300 K W ; Shovels; Tournapulls, Caterpillar, Euclid, Scrapers and similar type equipment 25 yards and under

Group 12: Cranes: Crawler, truck type, Floating, Locomotive, Whirley, either 6 yards or over, or over 200' of boom including jibs or over 150 tons; Hyster Cat Cranes and attachments, Sidebooms over 100 tons; Loaders: Overhead and Front-end, over 10 yards; Shovels: Crawler and truck type, all attachments, 6 yards and over; Tournapulls, Caterpillar, Euclid, Scrapers and similar type equipment over 55 yards through 70 yards

Group 13: Finishing Machine Operator, Concrete Paving, Sidewalk Curb and Gutter Machine; Screen Man or Slurry Operator; Spreaders - Blaw Knox, Cedarapids, Barber Greene, Railroad Wing Spreader or similar types

Group 14: Loaders: Elevating Grader type, Dumor and similar types

Group 15: Loaders: Fork Lifts or Lumber Carrier (on construction job site)

POWER EQUIPMENT OPERATORS (Cont'd)

Group 16: Mechanics, Welders, Machinists, heavy duty

Group 17: Mechanic; Leadman

Group 18: Mechanics' Helpers, heavy duty (shop)

Group 19: Mechanic, light duty; Rollers, Tampers and Vibrators: Other than plants or road mix (where towed, to pay rate or equipment used to pull); Tractors, Farmall type less than 50 h p

Group 20: Mixers, Asphalt Mixer

Group 21: Oil, Blower Distributors

Group 22: Grade Checkers - Oiler combination); Safety Observer or Oiler Rigger

Group 23: Journeyman Equipment Service Oilers and Fireman; Oiler, either over 3 yards to over 150' boom or over 45 tons

Group 24: Pumps: Waters

Group 25: Tournapulls, Caterpillar, Euclid Scrapers and similar types equipment over 70 yards through 85 yards

Group 26: Tournapulls, Caterpillar, Euclid Scrapers and similar type equipment, over 85 yards through 100 yards

Group 27: Trenching Machines: 16 inches and over or Remote controlled underwater Trenching

POWER EQUIPMENT OPERATORS - DREDGING

Group 1: Assistant Mate (Deckhand)

Group 2: Fireman; Oiler

Group 3: Assistant Engineer (electric, diesel, steam of booster pumps); Mates and Boatmen

Group 4: Engineer Welder; Craneman

Group 5: Assistant Engineer (electric generator operator for primary pump, power barge, or dredge)

Group 6: Leverman, Hydraulic

Group 7: Leverman, Dipper

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
Group 1	$13 22	88	$ 3 00		10
Group 2	13 28	88	3 00		10
Group 3	12 75	88	3 00		10
Group 4	13 60	88	3 00		10
Group 5	14 00	88	3 00		10
Group 6	14 31	88	3 00		10
Group 7	14 60	88	3 00		10
Group 8	14 91	88	3 00		10
Group 9	15 22	88	3 00		10
Group 10	15 53	88	3 00		10
Group 11	15 84	88	3 00		10
Group 12	16 15	88	3 00		10
Group 13	16 45	88	3 00		10
Group 14	13 74	88	3 00		10
Group 15	12 47	88	3.00		10
Group 16	12 90	88	3.00		10
Group 17	13 58	88	3 00		10
Group 18	13 84	88	3 00		10
Group 19	14 11	88	3 00		10
Group 20	14 38	88	3 00		10
Group 21	14 55	88	3 00		10
Group 22	13 52	88	3 00		10
Group 23	12 64	88	3 00		10

TRUCK DRIVERS

Group 1: Buggymobile; Hyster Operators (handling aggregate), Lumber Carrier

Group 2: Semi or truck and trailer; Dumpsters; Batch Trucks over 5 yards; Dump Trucks, over 5 yards up to and including 10 yards; Fuel Truck; Greasers of Grease Trucks; Flat Beds, dual rear axle; Ready Mix: Over 3 yards up to and including 5 yards; Water Wagon, semi; Water Wagon, dual axle; Winch Trucks; Flat Bed including "A" Frame manufactures rating over 5 tons; Bull Lifts and Fork Lifts over 5 tons; Front End Loader with Forks; Partsman and Outside Expeditor; Bus Operator, over 30 passengers, Track Truck Equipment; (All Terrain Vehicles, Form Distributor Truck, double axle; Loadmaster (air and water operations); Air cushion or similar type vehicle; Fire Trucks - double axle

Group 3: Batch Truck up to and including 5 yards; Dump Trucks (including Rockbuggy and Trucks with pumps) up to and including 5 yards; Flat Beds, single rear axle; Water Wagon, single axle; Winch Truck, Flat Bed including "A" Frame manufactured rating 5 tons and under; Bull Lifts and Fork Lifts up to and including 5 tons; Bus Operator, up to 30 passengers; Form Distributor Truck, single axle, Hydro Seeder, single axle, Team Drivers (horses, mules and similar equipment); Vacuum Trucks and Truck Sweepers - single axle; Fire Trucks - single axle; Ambulance

Group 4: Dump Trucks over 10 yards up to and including 20 yards; Tire Servicen Man; Lowbed heavy-duty Trailer; Oiler Distributor Drivers; Ready Mix: Compactor (when pulled by rubber-tired equipment)

Group 5: Dump Trucks over 20 yards up to and including 30 yards

Group 6: Dump Trucks over 30 yards up to and including 40 yards

Group 7: Dump Trucks over 40 yards up to and including 50 yards

Group 8: Dump Trucks over 50 yards up to and including 60 yards

Group 9: Dump Trucks over 60 yards up to and including 70 yards

Group 10: Dump Trucks over 70 yards up to and including 80 yards

Group 11: Dump Trucks over 80 yards up to and including 90 yards

TRUCK DRIVERS (Cont'd)

Group 12: Dump Trucks over 90 yards up to and including 100 yards

Group 13: Dump Trucks over 100 yards (above scales to be paid on actual water level measurements)

Group 14: Turn-O-Wagoner DW-10 when not self-loading

Group 15: Gravel Spreader Box Operator on Truck; Pickup (pilot-Cats all light-duty vehicles); Warehouseman Class 2: Farm Type rubber-tired tractor (material hauling); Swampers and Riggers

Group 16: Ready Mix: Up to and including 3 yards

Group 17: Ready Mix: Over 5 yards up to and including 7 yards

Group 18: Ready Mix: Over 7 yards up to and including 9 yards

Group 19: Ready Mix: Over 9 yards up to and including 12 yards

Group 20: Ready Mix: 13 yards and over

Group 21: Ready Mix, semi with double bowl mixer

Group 22: Water Wagon, when pulled by Euclid or similar type equipment

Group 23: Warehouseman - Class 1

SUPERSEDEAS DECISION

STATE: California COUNTY: San Diego
DECISION NUMBER: CA77-5043 DATE : Date of Publication
Supersedes Decision No CA76-5116 dated December 10, 1976, in 41 FR 54115
DESCRIPTION OF WORK: Building Construction (does not include 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	$ 13 10	80	$ 1 17		06
BOILERMAKERS	13 175	775	1 00	.50	02
BRICKLAYERS; Stonemasons	10 57	83	1 06		06
BRICK, BLOCK and STONEMASONS' TENDERS	8 89	60	1 75	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 70	88	1 46	1 26	07
Color Work; Composition; Mastic or Epoxy; Finishing Machine; Curb Machine	9 00	88	1 46	1 26	07
DRYWALL INSTALLERS	12 60	56	1 05	70	07
ELECTRICIANS:					
Electricians	12 33	70	1%+1 33		02
Cable Splicers	12 63	70	1%+1 33		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	10 90	67	90		
IRONWORKERS:					
Fence Erectors	10 41	1 14	1 86	1 20	04
Reinforcing	11 30	1 14	1 86	1 20	04
Ornamental; Structural	11 30	1 14	1 86	1.20	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 90	55	90	50	05
Remainder of County	11 86	60	70	70	02

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
LINE CONSTRUCTION:					
Groundman	$ 9 51	70	1%+1 33		02
Linemen	12 35	70	1%+1 33		02
Cable Splicers	12 65	70	1%+1 33		02
MARBLE SETTERS	11 12	70	1 17		04
MARBLE SETTERS' HELPERS	8 39	55	85		
PAINTERS:					
Brush; Painter Burner	10 99	99	1 18	75	07
Swing Stage; Brush; Spray; Iron, steel and bridge painter (ground work)	11 24	99	1 18	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	11 49	99	1 18	75	07
Sandblaster, swing stage; Iron, steel and bridge, spray swing stage; Spray, climbing steel and bridge	11 74	99	1 18	75	07
Steeplejack	12 39	99	1 18	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	
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 24		
SOFT FLOOR LAYERS	9 55	60	1 05		07
SPRINKLER FITTERS	15 07	65	95		08
TERRAZZO WORKERS	11 12	70	1 17		04
TILE SETTERS	11 12	70	1 17		04
TERRAZZO And TILE HELPERS	8 39	55	85		
RIGGERS; WELDERS - Receive rate prescribed for craft performing operating 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 83	50	13
CUTTING TORCH OPERATOR (demolition); Scaler	7 26	70	1 83	50	13
GUINEA CHASER	7 29	70	1 83	50	13
FINE GRADER ON HIGHWAYS, STREETS AND AIRPORTS PAVING (sewer and drainage lines); Landscape Gardener and Nursery Man	7 31	70	1 83	50	13
LABORER (packing rod steel and pans); Tank Scaler and Cleaner	7 335	70	1 83	50	13
DRILLER'S HELPER (Caisson) including Bellowers; Boring Machine Helper	7 34	70	1 83	50	13
WINDOW CLEANER; Chuck Tender (except tunnels); Septic tank digger and installer (leadman)	7 36	70	1 83	50	13
CESSPOOL DIGGER AND INSTALLER	7 39	70	1 83	50	13

LABORERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
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 83	50	13
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 83	50	13
ROCK SLINGER; Scaler (using bos'n chair or safety belt or power tools)	7 47	70	1 83	50	13

LABORERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
DRILLERS, all others where drilling is for use of explosives	$ 7 50	70	1 83	50	13
PIPELAYER, METALLIC OR NON-METALLIC (including water sewage, solid, gas, air); Welding in connection with laborer's Work	7 52	70	1 83	50	13
GAS AND OIL PIPELINE WRAPPER (6" pipe and over)	7 55	70	1 83	50	13
CRIBBER, SHORER, LAGGING, SHEETING AND TRENCH BRACING; Hand-guided lagging hammer	7 57	70	1 83	50	13
STEEL HEADERBOARD MAN	7 635	70	1 83	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 83	50	13
POWDERMAN, BLASTERS	7 695	70	1 83	50	13
HEAD ROCK SLINGER	7 73	70	1 83	50	13
FENCE ERECTORS:					
Class 1	7 71	70	1 83	50	13
Class 2	7 46	70	1 83	50	13
Class 3	7 21	70	1 83	50	13
HOUSEMOVERS	7 205	70	1 83	50	13

LABORERS (Tunnel and Shaft Work)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
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 swithemen to tunnel work)	$ 7 50	70	$ 1 83	50	.13
CHUCK TENDER; Cable Tender; Nipper; Steel Form Raiser and Setters' Helper; Vibrator-man; Jackhammer; Pneumatic tools (except driller)	7 60	70	1 83	50	13
GROUT GUNMEN	7 70	70	1 83	50	13
BLASTERERS; Drillers; Cherry Pickermen; Kemper and other pneumatic concrete placer operators; Miners, in short dry tunnels under streets, highways and similar places; Miners, tunnel (hand or machine); Powdermen; Primer-house; Timbermen; Retimbermen; (wood or steel); Steel Form Raisers and Setters	7 75	70	1 83	50	13
SHAFT AND RAISE MINER	8 00	70	1 83	50	13
GUNITE WORKERS:					
Nozzleman and Rodmen	7 94	70	1 83	.50	13
Gunmen	7.62	70	1 83	50	13
Reboundmen	7.205	.70	1 83	50	13

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
Group 1	$ 9 75	95	$ 2 00	50	04
Group 2	10 03	95	2 00	50	04
Group 3	10 32	95	2 00	50	04
Group 4	10 46	95	2 00	50	04
Group 5	10 68	95	2 00	50	04
Group 6	10 79	95	2 00	50	04
Group 7	10 91	95	2 00	50	04
Group 8	11 08	95	2 00	50	04
Group 9	11 21	95	2 00	50	04

POWER EQUIPMENT OPERATORS

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 Operator, 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 Operator (inside); Equipment Greaser (rack); Fork 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; Chainman

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 (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); Rodman

Group 5: Asphalt Plant Engineer; Backhoe (up to and including 3/4 yd); Batch Plant; Bit Sharpener; Concrete Joint Machine (canal and similar type); Concrete Planer; Deck Engine; Derrickman (oil-field type); Drilling Machine Operator (including water wells); Forklift (under 5-ton capacity); Hydrographic Seeder Machine (straw, pulp or seed); Instrumentman; Machine Tool Operator; Maginnis Internal Full Slab Vibrator; Mechanical Berm, Curb or Gutter (concrete or asphalt); Mechanical Finisher (concrete-Clary, Johnso, Bidwell or similar); Pavement Breaker (truck mounted); Road Oil Mixing Machine; Roller (asphalt or finish); Rubber-tired Earth Moving Equipment (single engine, up to and including 25 yards struck); Self-propelled Tar Pipelining Machine; Slip form Pump (power - driven hydraulic lifting device for concrete forms); Skiploader (crawler and wheel type over 3/4 yard and up to and including 1½ yards); Stinger Crane (Austin-Western or similar type); Tractor-bulldozer, tamper scraper (single engine, up to 100 h p , flywheel and similar types, up to and including D-5 and similar types); Tugger Hoist 1 drum; Tunnel Locomotive (over 10 and up to including 30 tons); Welder-general

POWER EQUIPMENT OPERATORS (Cont'd)

Group 6: Asphalt or Concrete Spreading (tamping or finishing); Asphalt Paving Machine (Barber Greene or similar type); Bridge Crane Operator; Cast-in-place Pipe Laying Machine; Combination Mixer and Compressor (gunite work); Compactor, self-propelled; Concrete Mixer - paving; Concrete Pump (truck mounted); Crane Operator (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 Operator (Chicago Boom and similar type); Kolman Belt Loader and 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 (¼ yard, rubber tired, rail or track type); Pneumatic Concrete Placing Machine (Hackley-Presswell or similar type); Material Hoist; Mucking Machine (¼ yard, rubber tired, rail or track type); Pneumatic Concrete Placing Machine (Hackley-Presswell or similar type); Pneumatic Heading Shield (tunnel); Pumpcrete Gun; Rotary Drill (excluding caisson type); Rubber-tired Earth Moving Equipment (single engine-Caterpiller, Euclid, Athey Wagon, and similar types with any and all attachments over 25 yards 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 yards, up to and including 6½ yards); Surface Heaters and Planer; Trenching Machine (over 6 feet 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 yard and up to 5 cu. yds m.r c)(Long boom pay applicable); Self-propelled Curb and Gutter Machine

POWER EQUIPMENT OPERATORS (Cont'd)

Group 7: Crane, over 25 ton up to and including 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 including 100 tons (long boom pay applicable); Monorail Locomotive (diesel, gas or electric); Motor Patrol-blade Operator (single engine); Multiple Engine Tractor (Euclid and similar type, except Quad 9 Cat); Rubber-tired Earth Moving Equipment (single engine, over 50 yards, struck); Rubber-tired Earth Moving Equipment (multiple engine, Euclid, Caterpiller and similar) (over 25 yards 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; Mixer and similar pugmill equipment; Party Chief

Group 8: Auto Grader; Automatic Slip Form; Crane-over 100 tons (Long boom pay applicable); Hoist - Stiff Legs, Guy Derricks 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-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 hour additional to base rate); Tandem Equipment (2 units only); Tandem Tractor (Quad 9 or similar type); Tunnel Mole Boring Machine

Group 9: Canal Liner; Canal Trimmer; Helicopter Pilot; Highline Cableway; Remote controlled Earth Moving Equipment ($1 00 per hour additional to base rate); Wheel Excavator (over 750 cu yds)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
TRUCK DRIVERS					
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

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
TRUCK DRIVERS (Cont'd)					
DUMPCRETE (less than 6½ yards)	$ 8 44	90	85	$ 1 00	10
EROSION CONTROL DRIVER; Water truck (3 axles)	8 50	90	85	1 00	10
FUEL OR DYNAMITE AND EXPLOSIVES	8 53	90	85	1 00	10
DUMP (16 yards and under 25); Dump or flatbed (4 axle or more); Lowbed and trailer; Trainsit mix (under 8 yards); Grout Mixer; Dumpcrete (6½ yards and over); Dumpster	8 58	90	85	1 00	10
DUMP (25 yards 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

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
TRUCK DRIVERS (Cont'd)					
TRANSIT-MIX (8 yards and over)	$ 8 72	90	85	$ 1 00	10
TIREMAN	8 76	90	85	1 00	10
DUMP (35 yards 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 yards and under 65)	8 93	90	85	1 00	10
DUMP (65 yards and over)	9 08	90	85	1 00	10

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
POWER EQUIPMENT OPERATORS DREDGING					
(Hydraulic Suction Dredges)					
LEVERMAN	$11 60	95	$ 2 00	50	04
WATCH ENGINEER; Welder	11 02	95	2 00	50	04
DECKMATE	10 54	95	2 00	50	04
WINCHMAN (Stern winch or dredge)	10 47	95	2 00	50	04
BARGEMAN; Deckhand; Fireman; Oiler; Levechand	9 93	95	2 00	50	04
(Clamshell Dredges)					
LEVERMAN	11 60	95	2 00	50	04
WATCH ENGINEER	11 02	95	2 00	50	04
DECK MATE	10 54	95	2 00	50	04
BARGE MATE	10 47	95	2 00	50	04
BARGEMAN; Deckhand; Fireman; Oiler	9 93	95	2 00	50	04

SUPERSEDEAS DECISION

STATE: California COUNTY: San Diego
DECISION NUMBER: CA77-5044 DATE : Date of Publication
Supersedes Decision No CA76-5117 dated December 10, 1976, in 41 FR 54122
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 10	80	$ 1 17		06
BOILERMAKERS	13 175	775	1 00	50	02
BRICKLAYERS; Stonemasons	10 57	83	1 06		06
BRICK, BLOCK and STONEMASONS' TENDERS	8 89	60	1 75	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 70	88	1 46	1 26	07
Color Work; Composition, Mastic or Epoxy, Finishing Machine; Curb Machine	9 00	88	1 46	1 26	07
DRYWALL INSTALLERS	12 60	56	1 05	70	07
ELECTRICIANS:					
Electricians	12 33	70	1%+1 33		02
Cable Splicers	12 63	70	1%+1 33		02
ELEVATOR CONSTRUCTORS	12:95	545	35	3%+a	02
ELEVATOR CONSTRUCTOTRS' HELPERS	70%JR	545	35	3%+a	02
ELEVATOR CONSTRUCTORS' HELEPRS (PROB)	50%JR				
GLAZIERS	10 90	67	90		
IRONWORKERS:					
Fence Erectors	10 41	1 14	1 86	1 20	04
Reinforcing	11 30	1 14	1 86	1 20	04
Ornamental; Structural	11 30	1 14	1 86	1 20	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 90	55	90	50	05
Remainder of County	11 86	60	70	70	02

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
MARBLE SETTERS	$ 10 04	55	$ 1 17	75	04
MARBLE SETTERS' HELPERS	8 39	55	85		
PAINTERS:					
Brush	10 99	99	1 18	75	07
Spray; Swing Stage, Brush	11 24	99	1 18	75	07
Paperhangers; Spray, Swing Stage; Sandblaster	11 49	99	1 18	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 24		
SOFT FLOOR LAYERS	9 55	60	1 05		07
SPRINKLER FITTERS	15 07	65	95		08
TERRAZZO WORKERS	11 12	70	1 17		04
TILE SETTERS	11 12	70	1 17		04
TERRAZZO & TILE SETTERS 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

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 83	50	.13
CUTTING TORCH OPERATOR (demolition); Scaler	7 26	70	1 83	50	13
GUINEA CHASER	7 29	70	1 83	50	13
FINE GRADER ON HIGHWAYS, STREETS AND AIRPORTS PAVING (sewer and drainage lines); Landscape Gardener and Nursery Man	7 31	70	1 83	50	13
LABORER (packing rod steel and pans); Tank Scaler and Cleaner	7 335	70	1 83	50	13
DRILLER'S HELPER (Cajoson) including Bellowers; Boring Machine Helper	7 34	70	1 83	50	13
WINDOW CLEANER; Chuck Tender (except tunnels); Septic tank digger and installer (leadman)	7 36	70	1 83	50	13
CESSPOOL DIGGER AND INSTALLER	7 39	70	1 83	50	13

LABORERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
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 83	50	13
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 83	50	13
ROCK SLINGER; Scaler (using bos'n chair or safety belt or power tools)	7 47	70	1 83	50	13

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
LABORERS (Cont'd)					
DRILLERS, all others where drilling is for use of explosives	$ 7 50	70	1 83	50	13
PIPELAYER, METALLIC OR NON-METALLIC (including water sewage, solid, gas, air); Welding in connection with laborer's Work	7 52	70	1 83	50	13
GAS AND OIL PIPELINE WRAPPER (6" pipe and over)	7 55	70	1 83	50	13
CRIBBER, SHORER, LAGGING, SHEETING AND TRENCH BRACING; Hand-guided lagging hammer	7 57	70	1 83	50	13
STEEL HEADERBOARD MAN	7 635	70	1 83	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 83	50	13
POWDERMAN, BLASTERS	7 695	70	1 83	50	13
HEAD ROCK SLINGER	7 73	70	1 83	50	13

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
POWER EQUIPMENT OPERATORS					
Group 1	$ 9 75	95	$ 2 00	50	04
Group 2	10 03	95	2 00	50	04
Group 3	10 32	95	2 00	50	04
Group 4	10 46	95	2 00	50	04
Group 5	10 68	95	2 00	50	04
Group 6	10 79	95	2 00	50	04
Group 7	10 91	95	2 00	50	04
Group 8	11 08	95	2 00	50	04
Group 9	11 21	95	2 00	50	04

POWER EQUIPMENT OPERATORS

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 Operator, 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 Operator (inside); Equipment Greaser (rack); Fork 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; Chainman

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 (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); Rodman

Group 5: Asphalt Plant Engineer; Backhoe (up to and including 3/4 yd); Batch Plant; Bit Sharpener; Concrete Joint Machine (canal and similar type); Concrete Planer; Deck Engine; Derrickman (oil-field type); Drilling Machine Operator (including water wells); Forklift (under 5-ton capacity); Hydrographic Seeder Machine (straw, pulp or seed); Instrumentman; Machine Tool Operator; Maginnis Internal Full Slab Vibrator; Mechanical Berm, Curb or Gutter (concrete or asphalt); Mechanical Fininher (concrete-Clary, Johnso, Bidwell or similar); Pavement Breaker (truck mounted); Road Oil Mixing Machine; Roller (asphalt or finish); Rubber-tired Earth Moving Equipment (single engine, up to and including 25 yards struck); Self-propelled Tar Pipelining Machine; Slip form Pump (power - driven hydraulic lifting device for concrete forms); Skiploader (crawler and wheel type over 3/4 yard and up to and including 1½ yards); Stinger Crane (Austin-Western or similar type); Tractor-bulldozer, tamper scraper (single engine, up to 100 h p , flywheel and similar types, up to and including D-5 and similar types); Tugger Hoist 1 drum; Tunnel Locomotive (over 10 and up to including 30 tons); Welder-general

POWER EQUIPMENT OPERATORS (Cont'd)

Group 6: Asphalt or Concrete Spreading (tamping or finishing); Asphalt Paving Machine (Barber Greene or similar type); Bridge Crane Operator; Cast-in-place Pipe Laying Machine; Combination Mixer and Compressor (gunite work); Compactor, self-propelled; Concrete Mixer - paving; Concrete Pump (truck mounted); Crane Operator (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 Operator (Chicago Boom and similar type); Kolman Belt Loader and 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 (¼ yard, rubber tired, rail or track type); Pneumatic Concrete Placing Machine (Hackley-Presswell or similar type); Material Hoist; Mucking Machine (¼ yard, rubber tired, rail or track type); Pneumatic Concrete Placing Machine (Hackley-Presswell or similar type); Pneumatic Heading Shield (tunnel), Pumpcrete Gun; Rotary Drill (excluding caisson type); Rubber-tired Earth Moving Equipment (single engine-Caterpiller, Euclid, Athey Wagon, and similar types with any and all attachments over 25 yards 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 yards, up to and including 6½ yards); Surface Heaters and Planer; Trenching Machine (over 6 feet 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 yard and up to 5 cu yds m.r c)(Long boom pay applicable); Self-propelled Curb and Gutter Machine

POWER EQUIPMENT OPERATORS (Cont'd)

Group 7: Crane, over 25 ton up to and including 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 including 100 tons (long boom pay applicable); Monorail Locomotive (diesel, gas or electric); Motor Patrol-blade Operator (single engine); Multiple Engine Tractor (Euclid and similar type, except Quad 9 Cat); Rubber-tired Earth Moving Equipment (single engine, over 50 yards, struck); Rubber-tired Earth Moving Equipment (multiple engine, Euclid, Caterpiller and similar) (over 25 yards 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; Mixer and similar pugmill equipment; Party Chief

Group 8: Auto Grader; Automatic Slip Form; Crane-over 100 tons (Long boom pay applicable); Hoist - Stiff Legs, Guy Derricks 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-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 hour additional to base rate); Tandem Equipment (2 units only); Tandem Tractor (Quad 9 or similar type); Tunnel Mole Boring Machine

Group 9: Canal Liner; Canal Trimmer; Helicopter Pilot; Highline Cableway; Remote controlled Earth Moving Equipment ($1 00 per hour additional to base rate); Wheel Excavator (over 750 cu yds)

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

TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
DUMPCRETE (less than 6½ yards)	$ 8 44	90	85	$ 1 00	10
EROSION CONTROL DRIVER; Water truck (3 axles)	8 50	90	85	1 00	10
FUEL OR DYNAMITE AND EXPLOSIVES	8 53	90	85	1 00	10
DUMP (16 yards and under 25); Dump or flatbed (4 axle or more); Lowbed and trailer; Trainmit mix (under 8 yards); Grout Mixer; Dumpcrete (6½ yards and over); Dumpster	8 58	90	85	1 00	10
DUMP (25 yards 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

TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
TRANSIT-MIX (8 yards and over)	$ 8 72	90	85	$ 1 00	10
TIREMAN	8 76	90	85	1 00	10
DUMP (35 yards 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 yards and under 65)	8 93	90	85	1 00	10
DUMP (65 yards and over)	9 08	90	85	1 00	10

SUPERSEDEAS DECISION

STATE: GEORGIA COUNTY: HALL
DECISION NO.: GA77-1068 DATE: Date of Publication
Supersedes Decision No GA75-1025, dated February 28, 1975, in 40 FR 8691
DESCRIPTION OF WORK: Building Construction (does not include single family homes and garden type apartments up to and including 4-stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
Air Conditioning Mechanics	$ 4.95				
Bricklayers	6 00				
Carpenters	5 49				
Cement Masons	4 00				
Electricians	6 36				
Glaziers	3 94				
Ironworkers - Structural & Ornamental	5 00				
Laborers:					
Air tool operators (jackhammers & vibrators)	4 50				
Laborers, unskilled	3 16				
Mason tenders	3 25				
Mortar mixers	4 15				
Painters - Brush	4 00				
Plasterers	6 50				
Plumbers & Steamfitters	5 45				
Roofers	3 16				
Sheet Metal Workers	4 50				
Terrazzo Workers	4 50				
Tile Setters	4 50				
Truck Drivers	3 16				
Welders - rate for craft					
Power Equipment Operators:					
Air compressor	4 63				
Bulldozer	4 00				
Finishing machine	5 00				
Front end loader	5 83				
Tractor	4 90				

SUPERSEDEAS DECISION

STATE: Louisiana
PARISH: Statewide
DECISION NO.: LA77-4104
DATE: Date of Publication

Supersedeas Decision No. LA77-4052, dated March 4, 1977, in 42 FR 12593.

DESCRIPTION OF WORK: Building Construction in all Parishes, Residential Construction in Bossier, Caddo & Calcasieu Parishes and Construction of Highways, Roads, Streets (does not include building structures in rest area projects) and Parking Areas in all Parishes (except those let with a building contract)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
ASBESTOS WORKERS					
ZONE 1	$10.345	475	.90		.04
ZONE 2	10.03	.40	.76		.025
ZONE 3	9.45	.50	1.10		.05
ZONE 4	9.13	.45	.50		

AREA COVERED BY ASBESTOS WORKERS ZONES

ZONE 1 - Acadia, Allen, Beauregard, Calcasieu, Cameron, Evangeline, Jefferson Davis, Rapides, Vermilion & Vernon Parishes
ZONE 2 - Bienville, Bossier, Caddo, Caldwell, Claiborne, DeSoto, Grant, Jackson, Lincoln, Natchitoches, Ouachita, Red River, Sabine, Union, Webster & Winn Parishes
ZONE 3 - Ascension, Assumption, Avoyelles, Catahoula, Concordia, East Baton Rouge, East Feliciana, Iberia, Iberville, Jefferson, Lafayette, Lafourche, LaSalle, Livingston, Orleans, Plaquemines, Pointe Coupee, St. Bernard, St. Charles, St. Helena, St. James, St. John the Baptist, St. Landry, St. Martin, St. Mary, St. Tammany, Tangipahoa, Terrebonne, Washington, West Baton Rouge & West Feliciana Parishes
ZONE 4 - East Carroll, Franklin, Madison, Morehouse, Richland, Tensas & West Carroll Parishes

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr.
BOILERMAKERS	$10.00	.50	1.00		.02
BRICKLAYERS & STONEMASONS					
ZONE 1	9.82	.80	.25		.06
ZONE 2	8.15	.53			
ZONE 3	10.45	.48	.30		.02
ZONE 4	10.12	.35	.20		.035
ZONE 5	8.25				
ZONE 6	8.15	.53			
ZONE 7	9.20	.40	.45		
ZONE 8	8.25		.30		
ZONE 9	9.05		.25		
ZONE 10	9.50				

DECISION NO LA77-4104

AREA COVERED BY BRICKLAYERS ZONES

ZONE 1 - Ascension, Assumption, East Baton Rouge, East Feliciana, Iberville, Livingston, St. Helena, Tangipahoa, West Baton Rouge & West Feliciana Parishes
ZONE 2 - Evangeline, Pointe Coupee & St. Landry Parishes
ZONE 3 - Acadia, Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes
ZONE 4 - Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, St. Tammany (extending northward to that part of St Tammany Parish from the Tangipahoa Parish Line on the west along U.S. Highway 190 through the lower limits of Covington, along State Highway 58, through the lower limits of Abita Springs & Talisheek and on a line due east from Talisheek to the Mississippi State Line) & Terrebonne Parishes
ZONE 5 - St. Tammany (north half including Covington north of Highway 190) & Washington Parishes
ZONE 6 - Avoyelles, Catahoula, Concordia, Grant, LaSalle & Rapides Parishes
ZONE 7 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River & Webster Parishes
ZONE 8 - Natchitoches & Sabine Parishes
ZONE 9 - Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll & Winn Parishes
ZONE 10 - Iberia, Lafayette, St. Martin, St. Mary & Vermilion Parishes

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr.
CARPENTERS					
ZONE 1	$ 8.44	30			
ZONE 2	9.345	.40	.33		.05
ZONE 3	8 85	35	.30		
ZONE 4	9.98	.35	.45		.04
ZONE 5	9.72	.35	.30		.04
ZONE 6	9.555	.35	.30		.04
ZONE 7	8.30				
ZONE 8	8.65	.35	.30		.04
ZONE 9	8.30				
ZONE 10	8.40	.35	.30		.05

AREA COVERED BY CARPENTERS ZONES

ZONE 1 - Acadia, Evangeline, Iberia (west of the Atchafalaya River), Lafayette, St. Landry, St. Martin (west of the Atchafalaya River), St. Mary (west of the Atchafalaya River) & Vermilion Parishes
ZONE 2 - Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes
ZONE 3 - Parts of St. Tammany & Tangipahoa (north of I-12 from the Mississippi State Line to the western boundary of Tangipahoa Parish) & Washington Parishes

AREA COVERED BY CARPENTERS ZONES (CONT'D)
ZONE 4 - Ascension (north of the Mississippi River), East Baton Rouge, East Feliciana, Iberville, Livingston, Pointe Coupee, St. Helena, St. James (north of the Mississippi River), West Baton Rouge & West Feliciana Parishes
ZONE 5 - Ascension (south of the Mississippi River), Assumption, Jefferson, Orleans, Plaquemines, St. Bernard, St. Charles, St. James (south of the Mississippi River) & St. John the Baptist Parishes
ZONE 6 - Iberia (northeast of the Atchafalaya River), Lafourche, St. Martin (southern segment), St. Mary (northeast of the Atchafalaya River), St. Tammany (southern portion), Tangipahoa (remainder of Parish not covered by Zone 3) & Terrebonne Parishes
ZONE 7 - Avoyelles, Grant, LaSalle & Rapides Parishes
ZONE 8 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River & Webster Parishes
ZONE 9 - Natchitoches & Sabine Parishes
ZONE 10 - Caldwell, Catahoula, Concordia, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll & Winn Parishes

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr.
CEMENT MASONS (BUILDING CONSTRUCTION)					
ZONE 1	$ 8.91				
ZONE 2	9.15				
ZONE 3	8.20	.30	50		05
ZONE 4	9 445	35	30		.04
ZONE 5	7.35				
ZONE 6	6 50				
ZONE 7	8 35	.35			
ZONE 8	7 77		25		
ZONE 9	6 50		30		

AREA COVERED BY CEMENT MASONS (BUILDING CONSTRUCTION) ZONES

ZONE 1 - Ascension, Assumption, East Baton Rouge, East Feliciana, Iberville, Livingston, Pointe Coupee, St. Helena, St. James, Tangipahoa, West Baton Rouge & West Feliciana Parishes
ZONE 2 - Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes
ZONE 3 - Acadia, Iberia, Lafayette, St. Landry, St. Martin, St. Mary & Vermilion Parishes
ZONE 4 - Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. John the Baptist, St. Tammany (the lower half) & Terrebonne Parishes
ZONE 5 - St. Tammany (northern half including Covington north of Highway 190) & Washington Parishes
ZONE 6 - Avoyelles, Catahoula, Concordia, Evangeline, Grant, LaSalle & Rapides Parishes
ZONE 7 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River & Webster Parishes
ZONE 8 - Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll & Winn Parishes
ZONE 9 - Natchitoches & Sabine Parishes

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
CEMENT MASONS (HIGHWAY CONSTRUCTION)					
ZONE 1	$ 7.25				
On concrete lined ditches	8 195				
ZONE 2	6 45				
ZONE 3	7 10	30			
ZONE 4	8 50				
ZONE 5	7.60				
On concrete lined ditches	8 20	30	50		.05
ZONE 6	6 30				
ZONE 7	5.72				

AREA COVERED BY CEMENT MASONS (HIGHWAY CONSTRUCTION) ZONES

ZONE 1 - Jefferson, Orleans, Plaquemines, St. Bernard & St. Charles Parishes
ZONE 2 - Ascension, East Baton Rouge, U S Highway 61 in East Feliciana & West Feliciana Parishes
ZONE 3 - Bossier & Caddo Parishes
ZONE 4 - Calcasieu & Cameron Parishes
ZONE 5 - Acadia, Iberia, Lafayette, St. Landry, St. Martin, St. Mary & Vermilion Parishes
ZONE 6 - Allen, Assumption, Avoyelles, Beauregard, Bienville, Claiborne, DeSoto, East Feliciana (excluding U S Highway 61), Evangeline, Iberville, Jefferson Davis, Lafourche, Lincoln, Livingston, Madison, Natchitoches, Ouachita, Pointe Coupee, Rapides, Red River, Richland, St. Helena, St. James, St. John the Baptist, St. Tammany, Tangipahoa, Terrebonne, Vernon, Webster & West Baton Rouge Parishes
ZONE 7 - Caldwell, Catahoula, Concordia, East Carroll, Franklin, Grant, Jackson, LaSalle, Morehouse, Sabine, Tensas, Union, Washington, West Carroll & Winn Parishes

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
ELECTRICIANS					
Electricians					
ZONE 1	$11.10	5%	6%		3/10%
ZONE 2	10 00		1%		
ZONE 3	12 30	.35	1%+ 20		1/10%
ZONE 4	11.15	35	1%		
ZONE 5	10.60	30	1%+ 30		.03
ZONE 6	10 05	45	1%		1/2%
ZONE 7	10.35	85	1%		1%
ZONE 8	10 25		1%	.30	1/2%

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
Cable splicers					
ZONE 1	$11 35	5%	6%		3/10%
ZONE 2	10.50		1%		
ZONE 3	12.55	35	1%+.20		1/10%
ZONE 4	11.40	35	1%		
ZONE 5	10.60	.30	1%+ 30		.03
ZONE 6	10.55	45	1%		1/2%
ZONE 7	10.85	.85	1%		1%
ZONE 8	10.50		1%	.30	1/2%

AREA COVERED BY ELECTRICIANS ZONES

ZONE 1 - Ascension, East Baton Rouge, East Feliciana, Iberville, Livingston, Pointe Coupee, St. Helena, St. Landry, West Baton Rouge & West Feliciana Parishes
ZONE 2 - St. Tammany, Tangipahoa & Washington Parishes
ZONE 3 - Allen, Beauregard, Calcasieu, Cameron & Jefferson Davis Parishes
ZONE 4 - Acadia, Iberia, Lafayette, St. Martin (northern segment), St. Mary (that portion southwest of the Atchafalaya River) & Vermilion Parishes
ZONE 5 - Assumption, Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, St. Martin (southern segment), St. Mary (that portion northeast of the Atchafalaya River) & Terrebonne Parishes
ZONE 6 - Avoyelles, Catahoula, Concordia, Evangeline, Grant, LaSalle, Natchitoches (that portion southwest of the Red River), Rapides, Sabine, Vernon & Winn Parishes
ZONE 7 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Natchitoches (that portion northeast of the Red River), Red River & Webster Parishes
ZONE 8 - Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union & West Carroll Parishes

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr
ELEVATOR CONSTRUCTORS					
ZONE 1					
Elevator constructors	$ 9.285	.495	.32	4%+a+b	.02
Elevator constructors' helpers	70%JR	.495	.32	4%+a+b	.02
Elevator constructors' helpers (prob.)	50%JR				
ZONE 2					
Elevator constructors	8.795	.545	.35	4%+a+b	.02
Elevator constructors' helpers	70%JR	.545	.35	4%+a+b	.02
Elevator constructors' helpers (prob.)	50%JR				

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FOOTNOTES FOR ELEVATOR CONSTRUCTORS
a - 1st 6 mos - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rate
b - Paid Holidays: New Years' Day; Memorial Day; Independance Day; Labor Day; Thanksgiving Day; Christmas Day

AREA COVERED BY ELEVATOR CONSTRUCTORS' ZONES

ZONE 1 - Acadia, Allen, Ascension, Assumption, Beauregard, Calcasieu, Cameron, East Baton Rouge, East Feliciana, Evangeline, Iberia, Iberville, Jefferson, Jefferson Davis, Lafayette, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, St. Bernard, St. Charles, St. Helena, St. James, St. John the Baptist, St. Landry, St. Martin, St. Mary, St. Tammany, Tangipahoa, Terrebonne, Vermilion, Washington, West Baton Rouge & West Feliciana Parishes
ZONE 2 - Avoyelles, Bienville, Bossier, Caddo, Caldwell, Catahoula, Claiborne, Concordia, DeSoto, East Carroll, Franklin, Grant, Jackson, LaSalle, Lincoln, Madison, Morehouse, Natchitoches, Ouachita, Rapides, Red River, Richland, Sabine, Tensas, Union, Vernon, Webster, West Carroll & Winn Parishes

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr
GLAZIERS					
ZONE 1	$ 8.55				
ZONE 2	7 45				.01
ZONE 3	9.625	.17	.30		.01
ZONE 4	7.50		.30		
ZONE 5	6.40				
ZONE 6	7.75				

AREA COVERED BY GLAZIERS ZONES

ZONE 1 - Allen (except northeast corner), Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes
ZONE 2 - Acadia, Ascension (north & west of Highway 22), Assumption (north of Grand Bayou), East Baton Rouge, East Feliciana, Iberia, Iberville, Lafayette, Livingston (north & west of Highway 22), Pointe Coupee, St. Helena, St. Landry (south half), St. Martin, St. Mary (except Morgan City Area), Tangipahoa (west of Highway 51), Vermilion, West Baton Rouge & West Feliciana Parishes
ZONE 3 - Ascension (east & south of Highway 22), Assumption (south of Grand Bayou), Jefferson, Lafourche, Livingston (east & south of Highway 22), Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, St. Mary (Morgan City Area), St. Tammany (southern portion) & Terrebonne Parishes
ZONE 4 - Bienville (western half), Bossier, Caddo, Claiborne, DeSoto, Natchitoches (to the city of Natchitoches), Red River & Webster Parishes
ZONE 5 - Bienville (eastern half), Caldwell, Concordia, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll & Winn (north half) Parishes
ZONE 6 - St. Tammany (northern portion), Tangipahoa (east of Highway 51) & Washington Parishes

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
IRONWORKERS (BUILDING CONSTRUCTION)					
ZONE 1	$ 9 86	63	35		.04
ZONE 2	10.14	45	50		.04
ZONE 3	10 20	45	.50		.04
ZONE 4	9 70	45	50		04
ZONE 5	8 15	.30	35		04
ZONE 6	10.00	35	50		025

AREA COVERED BY IRONWORKERS (BUILDING CONSTRUCTION) ZONES

ZONE 1 - All of Jefferson, Orleans, Plaquemines, St. Bernard, St. Charles, St. John the Baptist & St. Tammany Parishes; Parts of Lafourche, Livingston, St. James, Tangipahoa, Terrebonne & Washington Parishes (west of a straight line drawn from the Louisiana-Mississippi border, east of the city limits of Warrenton, Louisiana, southwest through Hammond, Louisiana to the Gulf of Mexico)
ZONE 2 - All of Ascension, Assumption, Avoyelles, East Baton Rouge, East Feliciana, Iberia, Iberville, Pointe Coupee, St. Helena, St. Martin, St. Mary, West Baton Rouge & West Feliciana Parishes; Parts of Acadia, Evangeline, Lafayette, St. Landry & Vermilion Parishes (east of a line drawn from the meeting point of the boundaries of the Parishes of Rapides, Avoyelles & Evangeline, southeast along the western city limits of Abbeville, Louisiana, to the Gulf of Mexico); Parts of Lafourche, Livingston, St. James, Tangipahoa, Terrebonne & Washington Parishes (west of a straight line drawn from the Louisiana-Mississipoi border, west of the city limits of Warrenton, Louisiana, southwest through Hammond, Louisiana to the Gulf of Mexico); Parts of Catahoula, Concordia & LaSalle Parishes (south of a line drawn from Natchez, Mississippi thru the city of Carter Point to the Rapides Parish Line, then west along the southern border of Rapides Parish)
ZONE 3 - All of Bossier, Caddo, DeSoto, Red River & Webster Parishes; Parts of Bienville, Claiborne, Natchitoches & Winn Parishes (west of a line drawn directly south from the Arkansas-Louisiana border through the cities of Arcadia & Cloutierville); Part of Sabine Parish (north of a line drawn from the Natchitoches Parish boundary west through the city of Peason to the Texas-Louisiana border)
ZONE 4 - All of Caldwell, East Carroll, Franklin, Grant, Jackson, Lincoln, Morehouse, Ouachita, Rapides, Richland, Tensas, Union & West Carroll Parishes; Parts of Bienville, Claiborne, Natchitoches & Winn Parishes (east of a line drawn directly south from the Arkansas-Louisiana border through the cities of Arcadia & Cloutierville); Part of Madison Parish (except the cities of Mound, Delta & adjacent areas); Parts of Catahoula, Concordia & LaSalle Parishes (north of a line drawn from Natchez, Mississippi thru the city of Carter Point to the Rapides Parish line)
ZONE 5 - That part of Madison Parish (including the cities of Mound, Delta & adjacent areas)

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AREA COVERED BY IRONWORKERS (BUILDING CONSTRUCTION) ZONES (CONT'D)
ZONE 6 - All of Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes; Parts of Acadia, Evangeline, Lafayette, St. Landry & Vermilion Parishes (southwest of Rapides Parish & west of a line south of the western most border between Rapides & Evangeline Parishes)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
IRONWORKERS (HIGHWAY CONSTRUCTION)					
ZONE 1	$ 8 72				
ZONE 2	8 48				
ZONE 3	8 70				
ZONE 4	8 30				
ZONE 5	9.76				
ZONE 6	6.99				
ZONE 7	6.45				
ZONE 8	5.84				

AREA COVERED BY IRONWORKERS (HIGHWAY CONSTRUCTION) ZONES

ZONE 1 - Jefferson & Orleans Parishes
ZONE 2 - Plaquemines, St. Bernard & St. Charles Parishes
ZONE 3 - East Baton Rouge Parish
ZONE 4 - Calcasieu Parish
ZONE 5 - Bossier & Caddo Parishes
ZONE 6 - Lafayette, Ouachita & Rapides Parishes
ZONE 7 - Acadia, Ascension, Bienville, Cameron, DeSoto, Iberia, Iberville, Jefferson Davis, Livingston, Red River, Richland, St. James, St. John the Baptist, St. Landry, St. Martin (that portion north of Iberia Parish), St. Tammany, Tangipahoa, Vermilion, Washington, Webster & West Baton Rouge Parishes
ZONE 8 - Allen, Assumption, Avoyelles, Beauregard, Caldwell, Catahoula, Claiborne, Concordia, East Carroll, East Feliciana, Evangeline, Franklin, Grant, Jackson, Lafourche, LaSalle, Lincoln, Madison, Morehouse, Natchitoches, Pointe Coupee, Sabine, St. Helena, St. Martin (that portion south of Iberia Parish), St. Mary, Tensas, Terrebonne, Union, Vernon, West Carroll, West Feliciana & Winn Parishes

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
LABORERS (BUILDING CONSTRUCTION)					
ZONE 1					
GROUP 1	$ 3.90	.10			
GROUP 2	4.05	.10			
GROUP 3	4.15	.10			
ZONE 2					
GROUP 1	5.52	15	.10		.05
GROUP 2	5.72	.15	.10		.05
ZONE 3					
GROUP 1	7.30	.15	.10		.05
GROUP 2	7.40	.15	.10		.05
GROUP 3	7.45	.15	.10		.05
GROUP 4	8.26	.15	.10		.05
GROUP 5	7.82	.15	.10		.05
GROUP 6	7.56	.15	.10		.05
GROUP 7	7.35	.15	.10		.05
ZONE 4					
GROUP 1	6.58	.15	.20		.05
GROUP 2	6.68	.15	.20		.05
GROUP 3	6.73	.15	.20		.05
ZONE 5					
GROUP 1	6.18	.15	.20		.05
GROUP 2	6.28	.15	.20		.05
GROUP 3	6.33	.15	.20		.05
ZONE 6					
GROUP 1	7.07	.15	.20		.05
GROUP 2	7.17	.15	.20		.05
GROUP 3	7.32	.15	.20		.05
GROUP 4	7.23	.15	.20		.05
GROUP 5	7.33	.15	.20		.05

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
ZONE 7					
GROUP 1	$ 6.745	.15	.20		.05
GROUP 2	6.895	.15	.20		.05
GROUP 3	6.945	.15	.20		.05
ZONE 8					
GROUP 1	5.16	.15	.10		.05
GROUP 2	5.36	.15	.10		.05
GROUP 3	5.41	.15	.10		.05
GROUP 4	5.46	.15	.10		.05
GROUP 5	5.81	.15	.10		.05
ZONE 9					
GROUP 1	5.70	.15	.10		.05
GROUP 2	5.80	.15	.10		.05
GROUP 3	5.85	.15	.10		.05
GROUP 4	5.90	.15	.10		.05
ZONE 10					
GROUP 1	5.45	.15	.10		.05
GROUP 2	5.55	.15	.10		.05
GROUP 3	5.70	.15	.10		.05

CLASSIFICATION DEFINITIONS

LABORERS - ZONE 1

GROUP 1 - Building and labor construction

GROUP 2 - Stone mason helpers; mechanical tool operators; sewerman (bottom man, caulkers, tenders, joint wipers, hot pot, grade carriers, layers and ditchers 4 feet or over); tender of all crafts; sandblaster (nozzleman); Sandblaster (pot tender); laying non-metallic pipe over 4 feet deep, including sewer pipe, drain pipe and underground tile; septic tank diggers and installers, over 4 feet deep; gas & oil pipeline laborers and wrappers

GROUP 3 - Gunite tool operators

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LABORERS - ZONE 2

GROUP 1 - Building laborer; rotary drill laborers; foundation drill crewmen
GROUP 2 - Mason mixer; plaster mixer; mechanical tool operator; sandblaster; laying concrete pipe, clay pipe, plastic pipe, asbestos cement pipe, casing pipe and corrugated metal pipe, as sewer pipe, drain pipe, and underground tile (caulkers, joint wrappers, hot pot and pipe layers); gas and oil pipeline laborers, wrappers and dopers

LABORERS - ZONE 3

GROUP 1 - Building and general laborer; tenders (carpenter, plaster, cement finisher, mason); tank and vessel cleaners
GROUP 2 - Air tool operator (except jackhammer); interior of closed tanks and vessels power equipment
GROUP 3 - Mortar mixers and jackhammer operators
GROUP 4 - Blasterers
GROUP 5 - Blaster helpers; concrete cutters behind paving machine and puddlers; form setters and lines asphalt worker
GROUP 6 - Wiping joints, laying pipe and tile from pumperete
GROUP 7 - Interior of closed tanks and vessels manually

LABORERS - ZONES 4 & 5

GROUP 1 - Building and general laborers, carpenter tenders
GROUP 2 - Power tool operators (hammer men, tamper, vibrators, power buggies, concrete chippers or cutters, chain saw operators, etc); pipelayers (non-metallic)
GROUP 3 - Mason tenders, plaster tenders, cement mix (wet or dry) tenders, hod carrier tender; mortar mixers & cement mixers (wet or dry)

LABORERS - ZONE 6

GROUP 1 - Building laborers
GROUP 2 - Laborers handling steel pans, stone masons helpers, mechanical tool operators, sewermen (bottom man, caulkers, tenders, joint wipers, hot pot, grade carriers, layers and ditchers 4 feet and over), sand blaster (nozzlemen and pot tender); laying non-metallic pipe over 4 feet deep, septic diggers and installers over 4 feet deep, gas and oil pipeline laborers and wrappers
GROUP 3 - Gunite tool operators
GROUP 4 - Bricklayers tenders and mason tenders
GROUP 5 - Hod carriers using prime mover to serve a bricklayer; mortar mixers

LABORERS - ZONE 7

GROUP 1 - Common laborers
GROUP 2 - Jackhammermen, sewermen, mason tenders, plasterer tenders, stone masons helpers, vibratormen
GROUP 3 - Mortar mixers

LABORERS - ZONE 8

GROUP 1 - Common laborers; carpenter helpers; mason tenders (other than cement); Plasterers' tenders; stone mason helpers; concrete workers; scaffold builders
GROUP 2 - Air tool operators (jackhammer, vibrator, and tamper), sewer pipe joiners and setters; concrete cutters; hod carriers; creosote materials handler; acid worker; mason tenders (cement); Mortar mixer (wet or dry); motorized buggy operator; water proofers (mastic); form setters (steel paving forms)
GROUP 3 - Chain saw operator
GROUP 4 - Asphalt raker, tamper, smoother and shovelers; sewer pipe layers; blaster helpers
GROUP 5 - Powdermen

LABORERS - ZONE 9

GROUP 1 - Building laborers
GROUP 2 - Mason tenders, plasterer tenders; Asphalt rakers, asphalt smoothers
GROUP 3 - Mortar mixers
GROUP 4 - Air jack operators, vibrator operators; Sewer pipe layers, sewer pipe wipers

LABORERS - ZONE 10

GROUP 1 - Laborers, tenders (brickmasons, stonemasons, cement masons, carpenters, plasterers); Stripping & dismantling; concrete form work; loading, unloading, carrying & handling steel & steel mesh; assisting to the setting of cut stone, granite or artifical stone; building scaffolds; shoring
GROUP 2 - Mechanical tool operator (air, electric, motor, engine, etc); Sewer pipe layers; mortar mixers (hand or machine); gunite operator; tile, terrazzo & marble setters helpers
GROUP 3 - Pipe dopers & burners

AREA COVERED BY LABORERS (BUILDING CONSTRUCTION) ZONES

ZONE 1 - St. Tammany (as far south as Bayou Lacombe and east to the Mississippi State Line at Pearlington), Tangipahoa (except that portion south of a line running due east from the western boundary of Tangipahoa Parish which follows the northern city limits of Independence, Louisiana to 20 miles east of U S Highway 51, than running south paralleling Highway 51 at a 20 mile distance to Lake Pontchartrain) & Washington Parishes
ZONE 2 - Acadia, Iberia, Lafayette, St. Landry, St. Martin, St. Mary & Vermilion Parishes
ZONE 3 - Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes
ZONE 4 - All of Ascension, East Baton Rouge, East Feliciana, Iberville, Pointe Coupee, West Baton Rouge & West Feliciana Parishes; Parts of Assumption, St. James, St. John the Baptist Parishes (north of a line drawn from the southern limits of the town of St James in St James Parish to the northern limits of the town of Napoleonville, in Assumption Parish & then directly west to the Parish line, all of St James Parish except that part which is east of a line drawn from Lutcher, Louisiana to U S Highway 61 (Airline Highway) then west on U.S 61 to Blind River and on a direct line to Manchac, Louisiana)
ZONE 5 - Livingston, St. Helena & Tangipahoa (south & west of a line running from the western parish line to a point directly east which touches the northern limits of the town of Independence, then directly south to Lake Pontchartrain) Parishes
ZONE 6 - Jefferson (except Grand Isle), Orleans, Plaquemines, St. Bernard, St. Charles, St. John the Baptist (on the west bank of the Mississippi River and the portion of St John the Baptist on the east bank of the Mississippi River as far as the Sycamore Inn at Lutcher and north to Blind River and Manchac) & St. Tammany (north as far as Bayou Lacorbe, east to the Mississippi State Line at Pearlington) Parishes
ZONE 7 - Assumption (north of Napoleonville), Jefferson (Grand Isle), Lafourche, St. James (on the west bank and including the town of Vacherie) & Terrebonne Parishes
ZONE 8 - Avoyelles, Evangeline, Grant, LaSalle, Natchitoches, Rapides & Winn Parishes
ZONE 9 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River, Sabine & Webster Parishes
ZONE 10 - Caldwell, Catahoula, Concordia, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union & West Carroll Parishes

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LABORERS (HIGHWAY CONSTRUCTION)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
GROUP 1					
ZONE 1	$ 5.10	.15	.10		05
ZONE 2	4.80	15	10		.05
ZONE 3	4 15	15	.10		.05
ZONE 4	5,85	.15	.10		.05
ZONE 5	4.10	.15	.10		.05
ZONE 6	3.85	.15	.10		.05
ZONE 7	3.75	.15	.10		.05
GROUP 2					
ZONE 1	5.20	.15	.10		.05
ZONE 2	4.90	.15	.10		.05
ZONE 3	4.25	.15	.10		.05
ZONE 4	5.95	.15	.10		.05
ZONE 5	4.20	.15	.10		.05
ZONE 6	3.95	.15	.10		.05
ZONE 7	3 85	.15	.10		.05
GROUP 3					
ZONE 1	5.65	.15	.10		.05
ZONE 2	5.35	.15	.10		.05
ZONE 3	4.70	.15	.10		.05
ZONE 4	6 40	.15	.10		.05
ZONE 5	4.65	.15	.10		.05
ZONE 6	4.40	.15	.10		.05
ZONE 7	4.30	.15	.10		.05
GROUP 4					
ZONE 1	5.90	.15	.10		.05
ZONE 2	5.60	.15	.10		.05
ZONE 3	4.95	.15	.10		.05
ZONE 4	6.65	.15	10		.05
ZONE 5	4.85	.15	.10		.05
ZONE 6	4.60	.15	.10		.05
ZONE 7	4.50	.15	.10		.05

CLASSIFICATION DEFINITIONS

GROUP 1 - Laborers, including but not limited to signalman, foundation driller, and demolishing and dismantling man
GROUP 2 - Raker, concrete spreader, carpenters helpers, distributor man, finishers helpers, formsetters helpers, jackhammer operator, jetting laborer, painters helpers, pit man, pipelayer or tile layer, power monkey helper, tamper, tree pruner, stone masons helper, stoker, asphalt raker, concrete shovelers, power tool operator and motorized buggy operator
GROUP 3 - Formsetter, head or master--high type pavement
GROUP 4 - Powderman

AREA COVERED BY LABORERS (HIGHWAY CONSTRUCTION) ZONES

ZONE 1 - Jefferson, Orleans, Plaquemines, St. Bernard & St. Charles Parishes
ZONE 2 - East Baton Rouge Parish
ZONE 3 - Bossier & Caddo Parishes
ZONE 4 - Calcasieu Parish
ZONE 5 - Lafayette, Ouachita & Rapides Parishes
ZONE 6 - Acadia, Ascension, Bienville, Cameron, DeSoto, Iberia, Iberville, Jefferson Davis, Livingston, Red River, Richland, St. James, St. John the Baptist, St. Landry, St. Martin (that portion north of Iberia Parish), St. Tammany, Tangipahoa, Vermilion, Washington, Webster & West Baton Rouge Parishes
ZONE 7 - Allen, Assumption, Avoyelles, Beauregard, Caldwell, Catahoula, Claiborne, Concordia, East Carroll, East Feliciana, Evangeline, Franklin, Grant, Jackson, Lafourche, LaSalle, Lincoln, Madison, Morehouse, Natchitoches, Pointe Coupee, Sabine, St. Helena, St. Martin (that portion south of Iberia Parish), St. Mary, Tensas, Terrebonne, Union, Vernon, West Carroll, West Feliciana & Winn Parishes

LATHERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
ZONE 1	$ 8.90				.01
ZONE 2	9.08	.20	.30		.05
ZONE 3	9.985	.30			.01
ZONE 4	10.05				
ZONE 5	7.90				.01

AREA COVERED BY LATHERS ZONES

ZONE 1 - All of Acadia, Ascension, East Baton Rouge, East Feliciana, Iberia, Iberville, Lafayette, Livingston, Pointe Coupee, St. Helena, St. Landry, St. Martin, Vermilion, West Baton Rouge & West Feliciana Parishes; Parts of Assumption & St. James Parishes (up to a 40 mile radius of Baton Rouge); Parts of Evangeline & St. Mary Parishes (up to a 40 mile radius of Lafayette)
ZONE 2 - All of Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. John the Baptist, St. Tammany, Tangipahoa, Terrebonne & Washington Parishes; Parts of Assumption & St. James Parishes (beyond a 40 mile radius of Baton Rouge); Part of St. Mary Parish (beyond a 40 mile radius of Lafayette)
ZONE 3 - Allen, Beauregard, Calcasieu, Cameron, Evangeline (that portion beyond a 40 mile radius of Lafayette), Jefferson Davis & Vernon Parishes
ZONE 4 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Lincoln, Natchitoches, Red River & Webster Parishes
ZONE 5 - Rapides Parish

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LINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
ZONE 1					
Linemen	$10.60	30	1%+ 30		.03
Operator hole digging equipment; operator, tractor with winch & derrick; operator line truck with winch & derrick working hot lines	75%JR	30	1%+ 30		03
Operator using hole truck & trailer, or pole hauling & setting truck (not in energized lines)	65%JR	30	1%+.30		.03
Operator using truck without winch; Groundmen (starting rate to 1½ years service)	45%JR	.30	1%+ 30		.03
Groundmen (1½ years service or over)	50%JR	30	1%+ 30		.03
ZONE 2					
Linemen, line equipment & line truck operators	11.10	5%	6%		3/10%
Cable splicers	11.35	5%	6%		3/10%
ZONE 3					
Linemen, equipment operators	12 30	.35	1%+ 20		1/10%
Cable splicers	12 55	35	1%+ 20		1/10%
Groundmen	10 30	.35	1%+ 20		1/10%
ZONE 4					
Linemen & equipment operators	11 15	35	1%		
Cable splicers	11.40	35	1%		
Groundmen	50%JR	35	1%		
ZONE 5					
Linemen & equipment operators	10 25		1%	.30	1/2%
Cable splicers	10.50		1%	30	1/2%
Groundmen	60%JR		1%	30	1/2%
ZONE 6					
Linemen & equipment operators	10 05	45	1%		1/2%
Cable splicers	10 55	.45	1%		1/2%
Groundmen, 1st 6 months	2 85	45	1%		1/2%
Groundmen, 2nd 6 months	3 44	45	1%		1/2%
Groundmen, after 1 year	3 73	.45	1%		1/2%

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
ZONE 7					
Linemen; Operators	$10.35	.85	1%		1%
Cable splicers	10.85	85	1%		1%
Groundmen	8.35	.85	1%		1%

AREA COVERED BY LINE CONSTRUCTION ZONES

ZONE 1 - Assumption, Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, St. Martin (southern segment), St. Mary (that portion northeast of the Atchafalaya River) & Terrebonne Parishes
ZONE 2 - Ascension, East Baton Rouge, East Feliciana, Iberville, Livingston, Pointe Coupee, St. Helena, St. Landry, West Baton Rouge & West Feliciana Parishes
ZONE 3 - Allen, Beauregard, Calcasieu, Cameron & Jefferson Davis Parishes
ZONE 4 - Acadia, Iberia, Lafayette, St. Martin (northern segment), St. Mary (that portion southwest of the Atchafalaya River) & Vermilion Parishes
ZONE 5 - Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union & West Carroll Parishes
ZONE 6 - Avoyelles, Catahoula, Concordia, Evangeline, Grant, LaSalle, Natchitoches (that portion southwest of the Red River), Rapides, Sabine, Vernon & Winn Parishes
ZONE 7 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Natchitoches (that portion northeast of the Red River), Red River & Webster Parishes

MARBLE SETTERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
ZONE 1	$10 12	.35	.20		.035
ZONE 2	10.45	48	.30		.02
ZONE 3	9 50				
ZONE 4	8.02		.25		
ZONE 5	8 20	30			
ZONE 6	9.10				

AREA COVERED BY MARBLE SETTERS ZONES

ZONE 1 - Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, St. Tammany (extending northward to that part of St. Tammany Parish from the Tangipahoa Parish line on the west along U S Highway 190 through the lower limits of Covington, along State Highway 58 through the lower limits of Abita Springs and Talisheek and on a line due east from Talisheek to the Mississippi State line) & Terrebonne Parishes
ZONE 2 - Acadia, Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis & Vermilion Parishes
ZONE 3 - Iberia, Lafayette, St. Martin, St. Mary & Vermilion Parishes
ZONE 4 - Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Richland, Tensas, Union, West Carroll & Winn Parishes
ZONE 5 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River & Webster Parishes
ZONE 6 - Ascension, Assumption, East Baton Rouge, East Feliciana, Iberville, Livingston, St. Helena, Tangipahoa, West Baton Rouge & West Feliciana Parishes

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
MARBLE SETTERS' FINISHERS					
Ascension, Assumption, East Baton Rouge, East Feliciana, Iberville, Jefferson, Lafourche, Livingston, Orleans, Plaquemines, St. Bernard, St. Charles, St. Helena, St. James, St. John the Baptist, St. Tammany (extending northward to that part of St. Tammany Parish from the Tangipahoa Parish line on the west along U.S. Highway 190 through the lower limits of Covington, along State Highway 58, through the lower limits of Abita Springs & Talisheek & on a line due east from Talisheek to the Mississippi State Line), Tangipahoa, Terrebonne, West Baton Rouge & West Feliciana Parishes	$ 6.75	.25			
MILLWRIGHTS					
ZONE 1	$10.845				.05
ZONE 2	10.09	.35	.30		.04
ZONE 3	11.345				.06
ZONE 4	9.165	.30			
ZONE 5	9.05				
ZONE 6	9.35	.35	.30		.04
ZONE 7	9.05				
ZONE 8	9.30	.35	.30		.05
ZONE 9	10.50	.35	.30		

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AREA COVERED BY MILLWRIGHTS ZONES

ZONE 1 - Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes
ZONE 2 - Ascension (south of the Mississippi River), Assumption, Iberia (northeast of the Atchafalaya River), Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James (south of the Mississippi River), St. John the Baptist, St. Martin (southern segment), St. Mary (northeast of the Atchafalaya River), St. Tammany (southern portion), Tangipahoa (remainder of Parish not covered by Zone 9) & Terrebonne Parishes
ZONE 3 - Ascension (north of the Mississippi River), East Baton Rouge, East Feliciana, Iberville, Livingston, Pointe Coupee, St. Helena, St. James (north of the Mississippi River), West Baton Rouge & West Feliciana Parishes
ZONE 4 - Acadia, Evangeline, Iberia (west of the Atchafalaya River), Lafayette, St. Landry, St. Martin (west of the Atchafalaya River), St. Mary (west of the Atchafalaya River) & Vermilion Parishes
ZONE 5 - Avoyelles, Grant, LaSalle & Rapides Parishes
ZONE 6 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River & Webster Parishes
ZONE 7 - Natchitoches & Sabine Parishes
ZONE 8 - Caldwell, Catahoula, Concordia, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll & Winn Parishes
ZONE 9 - Parts of St. Tammany & Tangipahoa (north of I-12 from the Mississippi State Line to the western boundary of Tangipahoa Parish) & Washington Parishes

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
PAINTERS					
ZONE 1					
GROUP 1 - Brush, wood or wall, rollers	$ 9.41				
GROUP 2 - Brush on steel, buffer on wood or wall	9.535				
GROUP 3 - Paperhanging, taping & floating	9.61				
GROUP 4 - Spray, wood & wall	9.755				
GROUP 5 - Steeplejack, sandblasting, spider operator, rubberizing & pyroflexing, steam jennies, spray on steel	9.895				
ZONE 2					
GROUP 1 - Brush; Taping; floating & texture	8.40		.10		.05
GROUP 2 - Sandblasting, industrial & steel	9.27		.10		.05

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
ZONE 3					
GROUP 1 - Painters, paperhangers & sheetrock tapers & floaters	$ 8 575	275	30		.05
GROUP 2 - Structural steel painters of new buildings under construction; the following overall of 30 feet; tanks, air conditioning, towers, smoke stacks, sprinkler systems, wharves & structural steel in old buildings; spray painters, swing stage painter	8.95	.275	30		05
GROUP 3 - Industrial	9 825	.275	30		05
ZONE 4					
GROUP 1 - Brush	7.75				
GROUP 2 - Brush swing stage	8.05				
GROUP 3 - Brush industrial	7 80				
GROUP 4 - Spray; Spray steel; sandblasting	8 75				
GROUP 5 - Spray swing stage	9 00				
GROUP 6 - Paperhanger	8 40				
GROUP 7 - Sheet rock finishers	8 10				
ZONE 5					
GROUP 1 - Painters, paperhangers, tapers, floaters; Commercial steel, such as churches or any commercial building with closed roof deck or walls	7 50				
GROUP 2 - Other commercial work brush spray, stage, window jacks, flagpoles & steeple work	8 00				
GROUP 3 - All industrial work including sandblasting or power tools of any kind	8 50				

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
ZONE 6					
GROUP 1 - Painters, tape & float & paperhangers; stage, window jacks & structural steel	$ 8 55		.30		.025
GROUP 2 - Stage, window jacks & structural steel over 30 ft.	8.80		30		025
GROUP 3 - Stage, window jacks & structural steel over 75 ft.	9 05		30		025
GROUP 4 - Sandblasting, spray	9.15		30		025
ZONE 7					
GROUP 1 - Painters, paperhangers, tapers, floaters	7 05				
GROUP 2 - Stage, window jacks, bosun chairs, structural steel, rollers, equipment painting; sandblasting, spray, stack, sign, tank painting, steeple jack work	8.05				
GROUP 3 - Structural steel, brush	7 55				

AREA COVERED BY PAINTERS ZONES

ZONE 1 - Allen (except northeast corner), Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes
ZONE 2 - Acadia, Ascension (north & west of Highway 22), Assumption (north of Grand Bayou), East Baton Rouge, East Feliciana, Iberia, Iberville, Lafayette, Livingston (north & west of Highway 22), Pointe Coupee, St. Helena, St. Landry (south half), St. Martin, St. Mary (except Morgan City Area), Tangipahoa (west of Highway 51), Vermilion, West Baton Rouge & West Feliciana Parishes
ZONE 3 - Ascension (east & south of Highway 22), Assumption (south of Grand Bayou), Lafourche, Livingston (east & south of Highway 22), Jefferson, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, St. Mary (Morgan City Area), St. Tammany (southern portion) & Terrebonne Parishes
ZONE 4 - St. Tammany (northern portion), Tangipahoa (east of Highway 51) & Washington Parishes
ZONE 5 - Allen (northeast corner), Avoyelles, Catahoula, Evangeline, Grant, LaSalle, Natchitoches (south half), Rapides, Sabine, St. Landry (north half) & Winn (south half) Parishes
ZONE 6 - Bienville (western half), Bossier, Caddo, Claiborne, DeSoto, Natchitoches (to city of Natchitoches), Red River & Webster Parishes
ZONE 7 - Bienville (eastern half), Caldwell, Concordia, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll & Winn (north half) Parishes

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
PILEDRIVERMEN					
ZONE 1	$ 9 15	35	.30		
ZONE 2	9 98	.35	45		.04
ZONE 3	9 82	35	.30		.04
ZONE 4	9.345	.40	.33		05
ZONE 5	8.80				
ZONE 6	8.90	.35	30		.04
ZONE 7	8.80				
ZONE 8	8 90	.35	.30		.05
ZONE 9	9.495	.30			

AREA COVERED BY PILEDRIVERMEN ZONES

ZONE 1 - Parts of St. Tammany & Tangipahoa (north of I-12 from the Mississippi State Line to the western boundary of Tangipahoa Parish) & Washington Parishes
ZONE 2 - Ascension (north of the Mississippi River), East Baton Rouge, West Feliciana, Iberville, Livingston, Pointe Coupee, St. Helena, St. James (north of the Mississippi River), West Baton Rouge & West Feliciana Parishes
ZONE 3 - Ascension (south of the Mississippi River), Assumption, Iberia (northeast of the Atchafalaya River), Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James (south of the Mississippi River), St. John the Baptist, St. Martin (southern segment), St. Mary (northeast of the Atchafalaya River), St. Tammany (southern portion), Tangipahoa (remainder of Parish not covered by Zone 1) & Terrebonne Parishes
ZONE 4 - Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes
ZONE 5 - Avoyelles, Grant, LaSalle & Rapides Parishes
ZONE 6 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River & Webster Parishes
ZONE 7 - Natchitoches & Sabine Parishes
ZONE 8 - Caldwell, Catahoula, Concordia, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll & Winn Parishes
ZONE 9 - Acadia, Evangeline, Iberia (west of the Atchafalaya River), Lafayette, St. Landry, St. Martin (west of the Atchafalaya River), St. Mary (west of the Atchafalaya River) & Vermilion Parishes

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
PLASTERERS					
ZONE 1	$ 7.70				
ZONE 2	7.75				.01
ZONE 3	9.72				
ZONE 4	8.41				.01
ZONE 5	7.05	30	.20		.03
ZONE 6	6.50				.01
ZONE 7	9.05			1.00	
ZONE 8	9.05		.25		
ZONE 9	8.25		.30		

AREA COVERED BY PLASTERERS ZONES

ZONE 1 - St. Tammany (northern half including Covington north of Highway 190) & Washington Parishes
ZONE 2 - Acadia, Iberia, Lafayette, St. Landry, St. Martin, St. Mary & Vermilion Parishes
ZONE 3 - Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes
ZONE 4 - Ascension, Assumption, East Baton Rouge, East Feliciana, Iberville, Livingston, Pointe Coupee, St. James, St. Helena, Tangipahoa, West Baton Rouge & West Feliciana Parishes
ZONE 5 - Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. John the Baptist, St. Tammany (parish line on the west along U.S. Highway 190 through the lower limits of Covington and Abita Springs along State Highway 435 to Talisheek and on a line due east from Talisheek to the Mississippi State Line) & Terrebonne Parishes
ZONE 6 - Avoyelles, Catahoula, Concordia, Evangeline, Grant, LaSalle & Rapides Parishes
ZONE 7 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River & Webster Parishes
ZONE 8 - Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll & Winn Parishes
ZONE 9 - Natchitoches & Sabine Parishes

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
PLUMBERS & PIPEFITTERS					
ZONE 1	$10.30	45	75		.06
ZONE 2	10.10	.54	775		06
ZONE 3	9 95	45	55		10
ZONE 4	9.14	40	50	95	09
ZONE 5	10 38	67	72		.08

AREA COVERED BY PLUMBERS & PIPEFITTERS ZONES

ZONE 1 - Jefferson, Lafourche (except small portion of western part of Parish), Livingston (northeast corner), Orleans, Plaquemines, St. Bernard, St. Charles, St. James (northern 2/3 of Parish), St. John the Baptist, St. Tammany, Tangipahoa (southern 1/2 of Parish), Terrebonne (eastern 1/3 of Parish) & Washington Parishes

ZONE 2 - Ascension, Assumption, East Baton Rouge, East Feliciana, Iberia (eastern 1/2 of Parish), Iberville, Lafourche (small portion of western part of Parish), Livingston (except northeast corner), Pointe Coupee (except northwest corner), St. Helena, St. James (western 1/3 of Parish), St. Landry (eastern 2/3 of Parish), St. Martin (southern part of eastern 1/2 of Parish), St. Mary (except western tip), Tangipahoa (northern 1/2 of Parish), Terrebonne (western 2/3 of Parish), West Baton Rouge & West Feliciana Parishes

ZONE 3 - Allen (northeast corner), Avoyelles, Caldwell, Catahoula, Concordia, East Carroll, Evangeline (except southwest corner), Franklin, Grant, Jackson, LaSalle, Lincoln, Madison, Morehouse, Natchitoches (south of Highway 84 & 86 from Winnfield to Natchitoches & southeast from Natchitoches to Anacoco through Bellwood), Ouachita, Rapides, Richland, Tensas, Union, Vernon (northeast of Highway 10), West Carroll & Winn (east of a line drawn from Winnfield to the junction of the Parish boundaries of Winn, Bienville & Jackson) Parishes

ZONE 4 - All of Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River, Sabine & Webster Parishes; Parts of Natchitoches & Vernon Parishes (northwest from a line drawn from Natchitoches to Anacoco through Bellwood & north of Highway 111 between Anacoco & Haddens); Part of Winn Parish (west of a line drawn from Winnfield to the junction of the Parish boundaries of Winn, Bienville & Jackson)

ZONE 5 - Acadia, Allen (except northeast corner), Beauregard, Calcasieu, Cameron, Evangeline (southwest corner), Iberia (western 1/2 of Parish), Jefferson Davis, Lafayette, Pointe Coupee (northwest corner), St. Landry (western 1/3 of Parish), St. Martin (west of Highway 31), St. Mary (western tip), Vermilion & Vernon (south of Highway 111 & southwest of Highway 10) Parishes

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
POWER EQUIPMENT OPERATORS (BUILDING CONSTRUCTION)					
ZONE 1 (does not include residential Construction in Caddo & Bossier Parishes					
GROUP 1	$ 6.81	65	.48		05
GROUP 2	7 15	65	48		.05
GROUP 3	7.47	65	48		05
GROUP 4	7 55	65	48		05
GROUP 5	7.86	65	48		.05
GROUP 6	9.27	65	48		05
ZONES 2, 3 & 4					
GROUP 1	6.82	65	48		.05
GROUP 2	7 15	.65	48		.05
GROUP 3	7 48	65	48		05
GROUP 4	7 54	65	48		.05
GROUP 5	7 87	65	48		05
GROUP 6	9.27	.65	.48		05
ZONE 5					
GROUP 1	7 13	.65	48		05
GROUP 2	6 82	65	48		05
GROUP 3	6 62	65	48		05
GROUP 4	7 40	65	48		05
GROUP 5	9 695	65	48		05
GROUP 6	7 80	65	48		05
GROUP 7	8 45	65	48		.05

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
ZONE 6					
GROUP 1	$ 7 54	65	48		.05
GROUP 2	6 97	65	48		05
GROUP 3	6 77	65	48		05
GROUP 4	7 25	65	48		.05
GROUP 5	7 95	.65	48		05
GROUP 6	9.06	65	48		05
GROUP 7	10.11	65	.48		.05
GROUP 8	10 36	.65	48		05
GROUP 9	10 61	.65	48		.05
GROUP 10	10 86	.65	48		.05
ZONE 7					
GROUP 1	9 80	45	.48		.05
GROUP 2	10 05	.45	.48		.05
GROUP 3	7.12	.45	.48		05
GROUP 4	7 51	.45	48		.05
GROUP 5	8.12	.45	48		.05
GROUP 6	9.55	.45	48		.05

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS - ZONES 1, 2, 3 & 4

GROUP 1 - Oiler
GROUP 2 - Mechanic helper
GROUP 3 - Oiler Driver
GROUP 4 - Scaleman
GROUP 5 - Air compressor; Asphalt Plant Operator; Bulldozers, D-4 and equivalent & under; Bullfloats; Concrete Spreader; Finishing Machines; Concrete Mixer (16-s or less); Concrete Saw; Distributors (Bitum Surface); Dowell Bar Machine; Farm-Type Tractor (with all attachments except backhoe); Fireman; Fork Lifts (other than setting steel, machinery or pipe); Hoist, 1 drum less than 4 stories; Kolum Buff Machine; Pull Cats; Pump (3" and over); Pump, concrete (under 6"); Rollers, except on asphalt or brick; Straddle Buggies; Sweepers on streets & roads (Motorized); Winch Truck, A-Frame (other than handling steel or pipe)
GROUP 6 - Asphalt Spreader; Backhoe; Bulldozer, over D-4 and equivalent; Cableways; Concrete Mixer, over 16-s; Cranes; Derricks; Ditching or Trenching Machines; Draglines; Fork Lifts (setting steel, machinery or pipe); Front-End Loaders (except Farm-type tractors); Grease Serviceman; Hoist, 1 drum, 4 stories or more or 40 feet (on structures other than buildings); Hoist, 2 drums and over; Hydrolifts; Heavy Duty Mechanic; Motor Patrols; Piledrivers; Pump, concrete (6" & over); Road Pavers; Rollers on asphalt or brick; Scoopmobiles; Scrapers; Sideboom Cats; Shovels; Tractorvators; Welder, Journeyman; Well Point System; Winch Cats (hoisting); Winch Truck, A-Frame (handling steel or pipe)

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POWER EQUIPMENT OPERATORS - ZONE 5

GROUP 1 - Scale Operator; Oiler-Driver on Motor Crane; Batch Plant Operator
GROUP 2 - Pumps under 3 inch suction; Mechanic Helper
GROUP 3 - Oiler
GROUP 4 - Fireman
GROUP 5 - Combination Oiler-Compressor; Combination Oiler-Fireman; Asphalt Spreaders; Backhoe (all types); Bulldozers; Cableways; Cherry Pickers (all types); Concrete Mixers (over 1 sack); Cranes; Deck Winch (2 drums or over); Derricks; Ditching or trenching machines (riding type); Draglines; Dredges; Fork Lifts (other than farm type) outside warehouses; Foundation Drill; Front End Loaders (except farm type); Grease Serviceman; Hoist-1 drum (4 stories or more on buildings); Hoist-1 drum (over 40 feet on structures other than buildings Hoist (2 drum or over); Locomotives (all types); Mechanic; Mixer Plant Operator-Central Mix; Motor Patrols; Piledrivers; Pull Cat; Pump Crete-6" and over discharge; Push Cat; Road Pavers; Rollers (Plant Mix Asphalt); Scrapers; Shovels; Sidebooms; Unit Operator; Welder, Journeyman; Well Point System; Whirleys; Winch Cats (Cat D-4 and over); Winch Truck with A-Frame (5 ton and over); Work Boats-requiring licensed operator
GROUP 6 - Bush Hog; Compressor; Concrete pump-under 6" discharge; Concrete Saw; Deck Winch (1 drum); Distributors; Ditching or trenching machines (non-riding type); Dowel Bar Machine; Farm-type tractors (when used to pull discs, grass-cutters, etc.); Hoist-1 drum (under 4 stories on buildings); Hoist-1 drum (40 feet or under on structures other than buildings); Kolum Buff Machines; Mixers (1 sack and under); Motorized street sweepers self-propelled; Pump (3" and over); Test Pump-Internal combustion engine powered; Water Blast Pumps
GROUP 7 - Asphalt Plant Operator; Boom Trucks; Bull Floats; Concrete Spreader; Farm Type Front End Loaders; Finishing Machines (Roadway, riding type); Roller (other than plant mix asphalt); Straddle Buggies; Winch Truck with A-Frame (under 5 tons); Work Boat-not requiring licensed operator

POWER EQUIPMENT OPERATORS - ZONE 6

GROUP 1 - Snatch Cat; Pumps, 3 inch suction or more
GROUP 2 - Pumps, under 3 inch suction; Mechanic Helper
GROUP 3 - Oiler
GROUP 4 - Batch Plant Operator
GROUP 5 - Air Compressor; Asphalt Plant Engineer; Blade Grader; Distributor (Bitum Surface); Finishing Machine (Concrete, Paving); Hoist - 1 drum, less than 4 stories; Concrete Mixer under 16S; Oiler Driver; Pump Crete; Street & Road Sweeper; Roller (except on asphalt or brick); Roller, asphalt or brick (under 5 tons); Post-hole digger; Tractor operated Bush Hog and similar grass or bush cutting equipment
GROUP 6 - A-Frame Truck; Crew Boat Operator; Fireman; Fork Lift; Straddle Buggy; Traxcavator, Scoopmobile and similar front-end loading equipment with Scoop or Bucket under 1 cubic yard capacity; Locomotive; Well Point System; Unit Operator; Hoist - 1 drum, 4 stories or over
GROUP 7 - Backhoe; Cable Way; Concrete Mixer, 16S and up; Derrick; Crane; Dragline Dredge; Equipment Maintenance Mechanic; Hoist - 2 drum; Locomotive Crane; Paving Mixer; Piledriver; Road Paver; Roller on asphalt or brick (5 tons or over); Shovel; Sideboom Cat; Bulldozer; Motor Patrol; Scraper; Hydrolift Crane, Hydrolift Truck, Yard Crane, Cherry Picker, etc ; Foundation, Boring and Reaming Machine; Cement Stabilizer; Trenching Machine; Asphalt Spreader; Traxcavator & similar front end loading equipment with scoop or bucket of 1 cubic yard or more capacity; Tug Boat Operator; Turnapull, Euclid, DW-10 & other similar self-loading earth moving equipment; Concrete Pump (not Pump Crete)

POWER EQUIPMENT OPERATORS - ZONE 6 (CONT'D)

GROUP 8 - Crane Operator, 60 tons & over; Crane Operator, Boom 100 feet & over; Piledriver Operator, Leads 100 feet & over

GROUP 9 - Crane Operator, 100 tons & over; Crane Operator, Boom 150 feet & over; Piledriver Operator, Leads 150 feet & over

GROUP 10 - Crane Operator, Boom 250 feet & over; Piledriver Operator, Leads over 250 feet

POWER EQUIPMENT OPERATORS - ZONE 7

GROUP 1 - Assistant Master Mechanic

GROUP 2 - Master Mechanic

GROUP 3 - Oilers

GROUP 4 - Batch Plant Operators; Mechanic Helpers; Oilers (Drivers)

GROUP 5 - A-frame truck, except when working with ironworkers or pipefitters; Air Compressor; Asphalt Plant Engineers; Asphalt Finisher, Screed Men; Blade Graders; Boat Operator; Bullfloats; Concrete Joining Machines; Concrete Mixers, 16s and under; Concrete Spreader; Crusher Operator; Deck Winch Operator (1); Distributors, asphalt "Ditch Witch" and similar equipment; Electric Elevators (inside); Finishing Machine; Fireman; Form Graders; Fork Lifts; Hoist, 1 drum, under 4 stories; Power Subgrader; Pug Mill Operators; Pull Tractors; Pump, Pump Crete; Rollers, except on brick and asphalt; Rubber tired Front End Loader (with or without blade attachments) less than 1 cu yd capacity; Scale Operator; Scoopmobile; Snatch Cats; Spray Machines; Stabilizers, less than 3 drums; Straddle-Buggy; Track Machines and equivalent Machines; Tractors or Bulldozers smaller than D-6

GROUP 6 - A-Frame Truck, when working with ironworkers and pipefitters; Bulldozers D-6 and larger; Cable Ways; Concrete Mixers, over 16-s paving machines; Cranes, Derricks; Draglines and Clan Shells; Deck Winches (2); Gradealls; Hi-Ho and similar type equipment; Hoist, 1 drum, 4 stories and over; Hoist, 2 drums or more; Hydro cranes; Mechanic; Motor Patrols; Piledrivers; Rollers on brick and asphalt; Rubber Tired Front End Loader, with or without attachments, 1 cu yd capacity or more; Scrapers; Shovels; Backhoes (all types); Sideboom Cats; Stabiliers, 3 drums or more; Traxcavators; Trenching Machines; Unit Operator; Welder, journeymen; Wall Point Systems (gas, diesel, electric, etc); Concrete Pump/Boom Combinations

AREA COVERED BY POWER EQUIPMENT OPERATORS (BUILDING CONSTRUCTION) ZONES

ZONE 1 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River & Webster Parishes

ZONE 2 - Avoyelles, Evangeline, Grant, LaSalle, Natchitoches, Rapides, Sabine, St. Landry & Winn Parishes

ZONE 3 - All of Acadia, Lafayette & Vermilion Parishes; Parts of Iberia, St. Martin & St. Mary Parishes (west of a line drawn from the city of Berwick to the junction of the Iberville-St Landry Parishes border)

ZONE 4 - Caldwell, Catahoula, Concordia, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union & West Carroll Parishes

ZONE 5 - Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes

ZONE 6 - All of Ascension, East Baton Rouge, East Feliciana, Iberville, Pointe Coupee, St. Helena, West Baton Rouge & West Feliciana Parishes; Parts of Assumption & St. James Parishes (northwest of a straight line drawn from the city of Berwick to the city of Lutcher); Parts of Iberia & southern & northern St. Martin Parishes (east and west of a line from the city of Berwick north to the eastern boundary of the city of Krotz Springs); Parts of Livingston, Tangipahoa & Washington Parishes (west of a line drawn north from the city of Lutcher to the east side of the city of Hammond to the Louisiana-Mississippi border)

AREA COVERED BY POWER EQUIPMENT OPERATORS (BUILDING CONSTRUCTION) ZONES (CONT'D)

ZONE 7 - All of Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. John the Baptist, St. Tammany & Terrebonne Parishes; Parts of Assumption, Livingston, St. James, St. Martin, St. Mary, Tangipahoa & Washington Parishes (that portion of southeastern Louisiana bounded on the north by the State of Mississippi, on the east by the State of Mississippi and the Mississippi Sound, on the south by the Gulf of Mexico and on the west by a line drawn as follows: beginning at a point on the Louisiana-Mississippi boundary in Washington Parish, Louisiana, due north of the town of Hackley, Louisiana, thence southwesterly in a straight line to a point on the east bank of the Mississippi River at the southernmost point of Lutcher (including Gramercy in the area), thence in a more southwesterly direction in a straight line to midstream of the Atchafalaya River at Morgan City-Berwick (including Morgan City in this area), thence southerly on a line following midstream of the Atchafalaya River to Atchafalaya Bay and in a line due south to the Gulf of Mexico)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
POWER EQUIPMENT OPERATORS (HIGHWAY CONSTRUCTION)					
GROUP 1					
ZONE 1	$ 8.45	.25	39		.05
ZONE 2	8.31	.25	39		.05
ZONE 3	9.10	25	48		.05
ZONE 4	9 08	.45	48		.05
ZONE 5	6.69	.25	.30		.05
ZONE 6	6.14	.25	.30		.05
ZONE 7	5.53	.25	.30		.05
GROUP 2					
ZONE 1	8 70	.25	39		.05
ZONE 2	8.56	.25	.39		.05
ZONE 3	9 35	25	48		.05
ZONE 4	9 33	.45	48		.05
ZONE 5	6.94	.25	.30		.05
ZONE 6	6.39	.25	.30		.05
ZONE 7	5.78	.25	.30		

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
GROUP 3					
ZONE 1	$ 8.20	.25	.39		.05
ZONE 2	8.06	.25	.39		.05
ZONE 3	8 85	25	48		.05
ZONE 4	8 83	45	.48		05
ZONE 5	6.44	.25	.30		.05
ZONE 6	5.89	.25	.30		.05
ZONE 7	5.28	.25	.30		.05
GROUP 4					
ZONE 1	7 20	.25	.39		.05
ZONE 2	7.13	25	39		.05
ZONE 3	7.80	.25	48		.05
ZONE 4	7.61	.45	48		.05
ZONE 5	5 58	.25	.30		.05
ZONE 6	5.02	25	.30		.05
ZONE 7	4.46	25	.30		.05
GROUP 5					
ZONE 1	6.88	.25	.39		.05
ZONE 2	6.39	.25	.39		.05
ZONE 3	7.21	.25	.48		.05
ZONE 4	7 00	.45	.48		.05
ZONE 5	5.02	.25	.30		.05
ZONE 6	4.48	.25	.30		.05
ZONE 7	3.97	.25	.30		.05
GROUP 6					
ZONE 1	6.27	25	.39		.05
ZONE 2	5.75	.25	.39		.05
ZONE 3	6.50	.25	.48		.05
ZONE 4	6.30	.45	.48		.05
ZONE 5	4.86	.25	.30		.05
ZONE 6	4.31	.25	.30		.05
ZONE 7	3.81	.25	.30		.05

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
GROUP 7					
ZONE 1	$ 5.99	25	.39		.05
ZONE 2	5 46	.25	.39		.05
ZONE 3	6.16	25	.48		.05
ZONE 4	5 96	45	48		05
ZONE 5	4.86	.25	.30		.05
ZONE 6	4.31	.25	.30		.05
ZONE 7	3.81	.25	30		.05
GROUP 8					
ZONE 1	7.20	.25	.39		.05
ZONE 2	7.13	.25	.39		.05
ZONE 3	7.80	.25	48		.05
ZONE 4	7 61	45	.48		.05
ZONE 5	5.58	.25	.30		.05
ZONE 6	5.02	.25	.30		.05
ZONE 7	4.46	25	.30		.05
GROUP 9					
ZONE 1	7.45	25	.39		.05
ZONE 2	7.38	.25	.39		.05
ZONE 3	8 05	.25	.48		.05
ZONE 4	7 86	.45	.48		.05
ZONE 5	5.83	.25	.30		.05
ZONE 6	5.27	.25	.30		.05
ZONE 7	4.71	.25	.30		.05
GROUP 10					
ZONE 1	6.24	.25	.39		.05
ZONE 2	5.71	.25	.39		.05
ZONE 3	6.41	.25	.48		.05
ZONE 4	6.21	.45	.48		.05
ZONE 5	5.11	.25	.30		.05
ZONE 6	4.56	.25	.30		.05
ZONE 7	4.06	25	.30		.05

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CLASSIFICATION DEFINITIONS

GROUP 1 - 60 ton crane & over; Crane with 125' boom
GROUP 2 - Crane with 175' boom
GROUP 3 - Heavy Duty Operators-Crane all types; deck winches (2); Hi-Ho and similar type equipment; three drum (or more) stabilizers; pulls all types; concrete mixer one yard and over; all pavers; ditching or trenching machines (track type); mechanics and equipment welders; well-point systems; hoist, two drums or more; hoist, one drum, forty vertical feet or more; scrapers; bull-dozers, rubber-tired or track other than farm-type; scoopmobiles; motor patrol; gradall; rollers on hot mix; asphalt paving machines; front end loaders, other than farm-type, one cubic yard or over; shovels and backhoes, all types, and equivalent equipment; piledriver operator; sideboom cats; A-Frame trucks when handling steel or pipe; work boats requiring licensed operators; tugboats; fork lifts over ten ton capacity; and foundation drilling machines
GROUP 4 - Medium Duty Operators-Two drums stabilizers; front end loaders under 1 cubic yard; A-Frame truck except when handling steel or pipe; finishing machines (concrete); power subgraders; tow tractor (crawler type); one drum hoist under 40 vertical feet; fireman; concrete spreader; pugmill operator; bituminous distributor on surface treatment and equivalent; bull floats and equivalent; job grease man on "Highway Construction"; unit operator (all Highway Zones); work boats not requiring licensed operators; inboard motored crew boats
GROUP 5 - Light Duty Operators-Single drum stabilizers; concrete mixer under one yard; spray curing machines; rollers on subgrade; one air compressor over 125 cubic feet; form graders; asphalt finisher screed man; pump over 4 inches; scale operators; crusher operators; concrete jointing machines; concrete saw; tack machines and equivalent equipment; pump crete; electric elevator (inside); oiler-driver; farm-type, rubber-tired tractor, with attachments, except back-hoes; Kolum buff and similar equipment; fork lifts, ten ton capacity and under; outboard motored crew boats
GROUP 6 - Mechanic Helper; Batch Plant Operator
GROUP 7 - Oiler
GROUP 8 - Fireman
GROUP 9 - Fireman Operating Steam Valve
GROUP 10 - Oiler on Crane Using Air to Drive Piles

AREA COVERED BY POWER EQUIPMENT OPERATORS (HIGHWAY CONSTRUCTION) ZONES

ZONE 1 - Jefferson, Orleans, Plaquemines, St. Bernard & St. Charles Parishes
ZONE 2 - Ascension, East Baton Rouge, Iberville & West Baton Rouge Parishes
ZONE 3 - Bossier, Caddo & Red River Parishes
ZONE 4 - Calcasieu, Cameron & Jefferson Davis Parishes
ZONE 5 - Lafayette, Ouachita & Rapides Parishes
ZONE 6 - Acadia, Bienville, DeSoto, Iberia, Livingston, Richland, St. James, St. John the Baptist, St. Landry, St. Martin (north of Iberia Parish), St. Tammany, Tangipahoa, Vermilion, Washington & Webster Parishes
ZONE 7 - Allen, Assumption, Avoyelles, Beauregard, Caldwell, Catahoula, Claiborne, Concordia, East Carroll, East Feliciana, Evangeline, Franklin, Grant, Jackson, Lafourche, LaSalle, Lincoln, Madison, Morehouse, Natchitoches, Pointe Coupee, Sabine, St. Helena, St. Martin (south of Iberia Parish), St. Mary, Tensas, Terrebonne, Union, Vernon, West Carroll, West Feliciana & Winn Parishes

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
ROOFERS					
ZONE 1					
Roofers	$ 9.43		.10		
ZONE 2					
Roofers	7.96	65	65	.20	.25
ZONE 3					
Roofers	8.16	.35	.50		04
ZONE 4					
Roofers, steep	7.35				
Roofers, flat	7 10				
Roofers, kettlemen	6 85				
ZONE 5					
Roofers	8.10		.20		.02
Kettlemen	5.62		.20		02

AREA COVERED BY ROOFERS ZONES

ZONE 1 - Allen, Beauregard, Calcasieu, Cameron, Evangeline, Jefferson Davis, Vermilion & Vernon Parishes
ZONE 2 - Assumption, Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, South St. Martin, St. Mary, St. Tammany, Terrebonne & Washington Parishes
ZONE 3 - Acadia, Ascension, East Baton Rouge, East Feliciana, Iberia, Iberville, Lafayette, Livingston, Pointe Coupee, St. Helena, St. Landry, North St. Martin, Tangipahoa, West Baton Rouge & West Feliciana Parishes
ZONE 4 - Avoyelles, Caldwell, Catahoula, Concordia, East Carroll, Franklin, Grant, Jackson, LaSalle, Lincoln, Madison, Morehouse, Ouachita, Rapides, Richland, Tensas, Union, West Carroll & Winn Parishes
ZONE 5 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Natchitoches, Red River, Sabine & Webster Parishes

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
SHEET METAL WORKERS					
ZONE 1	$ 9 97	.40	27		.10
ZONE 2	10.16	3%+.45	70		14
ZONE 3	10.05	.40	.50		.12
ZONE 4	9 65	3%+ 40	.25		07

AREA COVERED BY SHEET METAL WORKERS ZONES

ZONE 1 - Calcasieu Parish
ZONE 2 - Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, St. Tammany, Terrebonne & Washington Parishes
ZONE 3 - Acadia, Allen, Ascension, Assumption, Beauregard, Cameron, East Baton Rouge, East Feliciana, Evangeline, Iberia, Iberville, Jefferson Davis, Lafayette, Livingston, Pointe Coupee, St. Helena, St. Landry, St. Martin, St. Mary, Tangipahoa, Vermilion, West Baton Rouge & West Feliciana Parishes
ZONE 4 - Avoyelles, Bienville, Bossier, Caddo, Caldwell, Catahoula, Claiborne, Concordia, DeSoto, East Carroll, Franklin, Grant, Jackson, LaSalle, Lincoln, Madison, Morehouse, Natchitoches, Ouachita, Rapides, Red River, Richland, Sabine, Tensas, Union, Vernon, Webster, West Carroll & Winn Parishes

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr.
SOFT FLOOR LAYERS					
ZONE 1	$ 9.345	.40	.33		.05
ZONE 2	9.72	.35	.30		.04
ZONE 3	9.555	.35	.30		.04
ZONE 4	8.85	.35	.30		
ZONE 5	8.30				
ZONE 6	8 65	.35	.30		.04
ZONE 7	8.30				
ZONE 8	8.40	.35	.30		.05

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AREA COVERED BY SOFT FLOOR LAYERS ZONES

ZONE 1 - Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes
ZONE 2 - Ascension (south of the Mississippi River), Assumption, Jefferson, Orleans, Plaquemines, St. Bernard, St. Charles, St. James (south of the Mississippi River) & St. John the Baptist Parishes
ZONE 3 - Iberia (northeast of the Atchafalaya River), Lafourche, St. Martin (southern segment), St. Mary (northeast of the Atchafalaya River), St. Tammany (southern portion) & Terrebonne Parishes
ZONE 4 - Parts of St. Tammany & Tangipahoa (north of I-12 from the Mississippi State Line to the western boundary of Tangipahoa Parish) & Washington Parishes
ZONE 5 - Avoyelles, Grant, LaSalle & Rapides Parishes
ZONE 6 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River & Webster Parishes
ZONE 7 - Natchitoches & Sabine Parishes
ZONE 8 - Caldwell, Catahoula, Concordia, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll & Winn Parishes

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
SPRINKLER FITTERS	$10.35	65	95		.08
TERRAZZO WORKERS					
ZONE 1	9 10	25			
ZONE 2	10.45	.40	.30		.02
ZONE 3	7.25				
ZONE 4	8.02		.25		
ZONE 5	8.20	.30			
ZONE 6	9.10				

AREA COVERED BY TERRAZZO WORKERS ZONES

ZONE 1 - Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. John the Baptist, West St. Tammany & Terrebonne Parishes
ZONE 2 - Acadia, Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes
ZONE 3 - Iberia, Lafayette, St. Martin, St. Mary & Vermilion Parishes
ZONE 4 - Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll & Winn Parishes
ZONE 5 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River & Webster Parishes
ZONE 6 - Ascension, Assumption, East Baton Rouge, East Feliciana, Iberville, Livingston, St. Helena, Tangipahoa, West Baton Rouge & West Feliciana Parishes

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
TERRAZZO WORKERS' FINISHERS					
Ascension, Assumption, East Baton Rouge, East Feliciana, Iberville, Jefferson, Lafourche, Livingston, Orleans, Plaquemines, St. Bernard, St. Charles, St. Helena, St. John the Baptist, West St. Tammany, Tangipahoa, Terrebonne, West Baton Rouge & West Feliciana Parishes	$ 6.75	.25			
TILE SETTERS					
ZONE 1	9 10	.25			
ZONE 2	7 65	48	30		02
ZONE 3	8.25				
ZONE 4	8 02		25		
ZONE 5	8.20	.30			
ZONE 6	9 10				

AREA COVERED BY TILE SETTERS ZONES

ZONE 1 - Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. John the Baptist, West St. Tammany & Terrebonne Parishes
ZONE 2 - Acadia, Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis & Vermilion Parishes
ZONE 3 - St. Tammany (northern half including Covington north of Highway 190) & Washington Parishes
ZONE 4 - Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll & Winn Parishes
ZONE 5 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River & Webster Parishes
ZONE 6 - Ascension, Assumption, East Baton Rouge, East Feliciana, Iberville, Livingston, St. Helena, Tangipahoa, West Baton Rouge & West Feliciana Parishes

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
TILE SETTERS' FINISHERS					
Ascension, Assumption, East Baton Rouge, East Feliciana, Iberville, Jefferson, Lafourche, Livingston, Orleans, Plaquemines, St. Bernard, St. Charles, St. Helena, St. John the Baptist, St. Tammany, Tangipahoa, Terrebonne, Washington, West Baton Rouge & West Feliciana Parishes	$ 6 75	25			
TRUCK DRIVERS (BUILDING CONSTRUCTION)					
ZONE 1					
GROUP 1	4 91				
GROUP 2	5 34				
GROUP 3	5.55				
GROUP 4	5 35				
GROUP 5	5 45				
GROUP 6	5.37				
GROUP 7	5.76				
ZONE 2					
GROUP 1	5 20				
GROUP 2	5 46				
GROUP 3	6.00				
GROUP 4	5 86				
GROUP 5	6 31				
GROUP 6	6 39				
GROUP 7	6 68				
GROUP 8	6 86				

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ZONE 3	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
GROUP 1	$ 5.47				
GROUP 2	5 55				
GROUP 3	5 80				
GROUP 4	5.95				
GROUP 5	6 10				
GROUP 6	6 30				
GROUP 7	6.65				

CLASSIFICATION DEFINITIONS

TRUCK DRIVERS - ZONE 1

GROUP 1 - Teamsters, Pick-up drivers & chauffeurs
GROUP 2 - Stake bodies (all sizes)
GROUP 3 - Trucks trailer & dumps over 8 yds ; Mixers on trucks over 3 yds.; Mississippi wagons & Kochring dumpsters & similar dirt moving equipment (up to and including 8 yds)
GROUP 4 - Mixers on trucks up to and including 3 yds
GROUP 5 - Winch trucks
GROUP 6 - Trucks - dump
GROUP 7 - Mississippi wagons & Kochring dumpsters & similar dirt moving equipment over 8 yds

TRUCK DRIVERS - ZONE 2

GROUP 1 - Teamster, pick-up drivers
GROUP 2 - Stake bodies (all sizes)
GROUP 3 - Truck & trailer; Dump
GROUP 4 - Mixers on trucks, up to and including 3 yds.
GROUP 5 - Mixers over 3 yds.
GROUP 6 - Winch trucks
GROUP 7 - Mississippi wagons & Kochring dumpsters, tandem and similar dirt moving equipment, up to and including 8 yds.
GROUP 8 - Mississippi wagons, Kochring dumpsters, tandem and similar dirt moving equipment, over 8 yds.

TRUCK DRIVERS - ZONE 3

GROUP 1 - Pick-up drivers, spotters & dumpers of dirt, gravel, asphalt & rock
GROUP 2 - Stake bodies; flat beds (all sizes)
GROUP 3 - Single axle dumps & water trucks; transit mix, up to & including 3 yds.
GROUP 4 - Tandem axle dump, batch and water trucks over 3 tons, pickups with trailer
GROUP 5 - Mississippi wagons, floats, tractor trailers; rubber tired tractors and wobble wheels
GROUP 6 - Euclids, lowboys, Dempsey dumpsters, Kochring-dumps, five axle trucks, transit mix over 3 yds., fuel truck
GROUP 7 - Fork lift

AREA COVERED BY TRUCK DRIVERS (BUILDING CONSTRUCTION) ZONES

ZONE 1 - Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes
ZONE 2 - Acadia, Iberia, Lafayette, St. Landry, St. Martin, St. Mary & Vermilion Parishes
ZONE 3 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River & Webster Parishes

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
TRUCK DRIVERS (HIGHWAY CONSTRUCTION)					
GROUP 1					
ZONE 1	$ 5.49				
ZONE 2	5.49				
ZONE 3	5 26				
ZONE 4	6 49				
ZONE 5	4 45				
ZONE 6	4.35				
ZONE 7	4.25				
GROUP 2					
ZONE 1	5.61				
ZONE 2	5.61				
ZONE 3	5.35				
ZONE 4	6.62				
ZONE 5	4.56				
ZONE 6	4.46				
ZONE 7	4.36				
GROUP 3					
ZONE 1	5.66				
ZONE 2	5.66				
ZONE 3	5.55				
ZONE 4	6.68				
ZONE 5	4.61				
ZONE 6	4.51				
ZONE 7	4.41				

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
GROUP 4					
ZONE 1	$ 5.73				
ZONE 2	5.73				
ZONE 3	5.73				
ZONE 4	6.75				
ZONE 5	4.67				
ZONE 6	4.57				
ZONE 7	4.47				
GROUP 5					
ZONE 1	5.89				
ZONE 2	5.89				
ZONE 3	6.09				
ZONE 4	6.94				
ZONE 5	4.83				
ZONE 6	4.73				
ZONE 7	4.63				

CLASSIFICATION DEFINITIONS

GROUP 1 - One ton and under; Warehouseman, material checker, receiving clerk, spotter and dumper
GROUP 2 - One and one-half (1½) tons to and including two (2) tons (exclusive of dump trucks), truck mechanic helper
GROUP 3 - Single axle dump trucks, single axle water trucks
GROUP 4 - Heavy equipment, tandem axle dump and tandem axle water trucks, winch lift, transit mix, floats, pole trailers, four axle trailers and truck mechanic
GROUP 5 - Special equipment, euclids and five axle moving equipment

AREA COVERED BY TRUCK DRIVERS (HIGHWAY CONSTRUCTION) ZONES

ZONE 1 - Jefferson, Orleans, Plaquemines, St. Bernard & St. Charles Parishes
ZONE 2 - East Baton Rouge Parish
ZONE 3 - Bossier & Caddo Parishes
ZONE 4 - Calcasieu Parish
ZONE 5 - Lafayette, Ouachita & Rapides Parishes
ZONE 6 - Acadia, Ascension, Bienville, Cameron, DeSoto, Iberia, Iberville, Jefferson Davis, Livingston, Red River, Richland, St. James, St. John the Baptist, St. Landry, St. Martin (north of Iberia Parish), St. Tammany, Tangipahoa, Vermilion, Washington, Webster & West Baton Rouge Parishes
ZONE 7 - Allen, Assumption, Avoyelles, Beauregard, Caldwell, Catahoula, Claiborne, Concordia, East Carroll, East Feliciana, Evangeline, Franklin, Grant, Jackson, Lafourche, LaSalle, Lincoln, Madison, Morehouse, Natchitoches, Pointe Coupee, Sabine, St. Helena, St. Martin (south of Iberia Parish), St. Mary, Tensas, Terrebonne, Union, Vernon, West Carroll, West Feliciana & Winn Parishes

WELDERS - receive rate prescribed for craft performin operation to which welding is incidental

SUPERSEDEAS DECISION

STATE: Minnesota
DECISION NUMBER: MN77-2048
Supersedes Decision No MN76-2058, dated May 15, 1976 in 41 FR 20131
DESCRIPTION OF WORK: Heavy and Highway Construction

COUNTIES: See Below
DATE: Date of Publication

COUNTIES

Aitken	Dakota	Houston	Martin	Olmsted	Stearns
Anoka	Dodge	Isanti	Meeker	Pine	Steel
Benton	Fairbault	Itaske	McLeod	Ramsey	St Louis
Blue Earth	Fillmore	Jackson	Mille Lacs	Rice	Wabasha
Carlton	Freeborn	Kanabec	Morrison	Rock	Waseca
Carver	Goodhue	Koochiching	Mower	Scott	Washington
Chisago	Hennepin	Lake	Nicollet	Sherburne	Winona
Cook		LeSueur	Nobles	Sibley	Wright

CARPENTERS & PILEDRIVERMEN:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
Counties of Anoka, Carver, Chisago, Dakota, Hennepin, Isanti, Ramsey, Scott & Washinton, Sherburne County (North of the Northern Boundry of T-34- or West of the western Boundry of R-27), & Wright County east of & including Minnesota Highway #25	$ 8 21	40	30	50	02
Counties of Aitkin, Cook, Itaska, Kanabec, Lake, Mille Lacs, ST Louis & Pine County south of Hinkley, Barry, Arlone & Clover Townships	8 28	30		30	
Carlton County & the Remainder of Pine County	8 58	30			
Benton County, The Remainder of Sherburne & Wright Counties, Stearns County east of a north-south line drawn from the Intersection of Stearns, Todd and Morrison Counties	7 47			75	
Blue Earth Country (entire Co except N.W corner including cities of Butternut, Judson & Cambria), LeSueur County (West 2/3 of county including Cities of New Sweden, Nicollet, Norseland, North Mankato & St Peter), Waseca County (N W. Corner including City of Smithmill), & Sibley County (S E Corner incl Cities of Henderson & Rush River	7 32	30			

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CARPENTERS & PILEDRIVERMEN (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
Rice County, Dodge County (NW portion including Cities of Clermont & West Concord), Goodhue County (Along west border including Cities of Goyon, Dennison, Skyburg, Sogn, Stanton & Wangs), steele County (Entire County except along south border including Cities of Blooming prairie & Ellendale), Waseca County (Entire County except Smithmill in NW corner & along the South border including the cities of Matawan & New Richland) & the Remainder of LeSueur Co	8 08	40			
Olmsted County, Fillmore County The vicinity of the Cities of Borne, Concord, Dodge Center, Kasson, Dansville, Eden, Materville & Wanioja), Mower County (N W Corner including the city of Racine & Wabasha County (in the vicinity of the Cities of Elgin, Hammond, Millville, Plainview, Conception, dunfrien, Jarret, South Troy & Theilman	7 88	40	20		
Counties of Fairbault, Freeborn, Houston & Winona & the remainder of Dodge, Fillmore Goodhue, Mower, Steele, Wabasha & Waseca Counties	8 48				
Koochiching County	7 32	30			
Meeker County & McLeod County NW Corner including the cities of Biscay, Heatwole & Hutchinson)	7 32	30			
Counties of Jackson, Martin, Morrison, Nobles & Rock, Remainder of McLeod, Sibley & Stearns Counties	7 62				

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
CEMENT MASONS:					
Counties of Andka, Carver, Chisago, Dakota, Hennepin, Isanti, Kanabec, McLeod, Mills Lacs, Ramsey, Scott, Sherburne, Sibley, Washington, Wright & Pine County south of T-43-N	10 33	50	50		
Counties of Aitkin, Carlton, Cook, Lake & Pine Co North of T-42-N & St Louis Co South of T-55-N	10 73	30			
Itaska County & St Louis Co north of T-54-N	10 05	30			
Koochiching County	10 05	40	15		
Morrison County	10 10		15		
Counties of Benton & Stearns	9 90		25		
Meeker County	9 45		25	35	
Counties of Blue Earth & Nicollet, LeSueur Co (East ½ including the Cities of Cleveland, Elysian, Kasato, LeCenter, LeSueur, Lexington, Ottawa, & St Thomas), Waseca County (East ½ including the Cities of Alma City, Janesville, smithmill & Waldorf	10 10				
Counties of Jackson, Martin Nobles & Rock	9 80		25		
Fairbault County & Freeborn Counties (West of a line running north & south from Genevia to Gordansville	9.43	42	25		
Counties of Rice & Steele, the Remainder of LeSueur & Waseca Counties & Dodge County West of Highway 56	10 10				
Olmsted County, Dodge County (east of Highway 56), & Fillmore Co east of a line drawn north & south established east of the City of Dodge Center	10 35				
Counties of Houston & Winona & the Remainder of Fillmore Co	10 10				

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
CEMENT MASONS (CONT'D)					
Counties of Goodhue & Wabasha	$ 10 33	42	25		
Mower County & the Remainder of Freeborn	9 50	35	25		
IRONWORKERS:					
Counties of Anoka, Benton, Blue Earth, Carver, Chisago, Dakota Dodge, Fairbault, Fillmore, Freeborn, Goodhue, Hennepin Houston, Isanti, LeSueur, McLeod, Martin, Meeker, Morrison, Mower, Nicollet, Olmsted, Ramsey, Rice, Scott, Sherburne, Sibley, Stearns, Steele, Wabasha, Waseca, Washington, Winona & Wright; Kanabec Co, (excluding north 1/3 of County including cities of Warman, Kruschel & Woodland), Mille Lacs County (excluding NE cor including cites of Bayview, Opstead, Isle, Wahkun Cove & Vineland), & Pine County (the SW corner including the cities of Pine City, Henriette, Greely, Rock Creek & West Rock)	11 10	55	55		02
Counties of Aitkin, Carlton, Cook, Itaska, Koochiching, Lake, St Louis, Kanabec, Mill Lacs &, Pine counties	11 35	30	55		02
Jackson, Nobles & Rock Counties	9 31	50	30		045

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LINEMEN:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
Counties of Aitkin, Carlton, Cook, Lake, Morrison, Itaska County that portion South of T-55 R-27, Bass Rock, Grand Rapids, Trout Lake, T-55 R-23 & that portion of Good & Township South of a Line west from the S W of T-55-R-23; St Louis Co; that portion south of Ault, Ellsburg, Lavell, T-55 R-14, T-55 R-15, T-55 R-18 & T-55 R-21 Townships, Kanabec Co north of ann Lake, Knife Lake & White Townships; Mille Lacs county north of baily and Mudgett Townships & Pine County North of Brook Park, Crosby, Mission Creek & Munch Townships	9 54	4%	6%	11%	1½%
Koochiching County & the Remainder of Itaska & St Louis Cos	10 00	4%	4%	11%	1½%
Counties of Chisago, Dakota, Isanti, Ramsey, Rice & Washington; Remainder of Kanabec, Mille Lacs & Pine Counties; Anoka County (Entire County except Anoka, Fridely, Grow & Ramsey Twps), Goodhue Co (Entire County except Pine Island, Minneola, Roscoe & Zumbrota Twps), LeSueur County (that portion east of Cleveland, Sharon, Tyrone & Washington Twps); Sherburne Co (that portion east of Becker & Santiago Twps; & Wabasha County (Entire Co except Elgin & Plainview Twps)	10 05	5 3/4%	4%	11½%	1%
Houston & Winona Counties	9.37	.35	1%		.5%
Noble & Rock Counties	9.05	.35	1%		½%

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LINEMEN (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
Counties of Benton, Blue Earth, Carver, Fairbault, Hennepin, Jackson, McLeod, Martin, Meeker, Nicollet, Scott, Sibley, Stearns, Waseca, Wright & the Remainder of Anoka, LeSueur & Sherburne Counties	10 03	7%	4%	10%	1½%
Counties of Dodge, Fillmore, Freeborn, Mower, Olmsted, Steele & the Rem. of Goodhue & Wabasha	8.31	35	1%		.04
PAINTERS:					
Counties of Carlton, Cook, Lake, Koochiching, st Louis & Itasca, Pine Co to Town of Kinckley					
Brush	9 43	30	40		08
Structural Steel	9 93	30	40		08
Counties of Chisago, Dakota, Ramsey, Washington & Pine County					
Brush	9 55	45	25		07
Structural Steel	10 05	45	25		07
Counties of Anoka, Carver, Hennepin, Isanti, Kanabec, McLeod, Scott & the eastern 2/3 of Sherburne & Wright Counties:					
Brush	9 53	45	25		09
Structural Steel	10 03	45	25		09
Counties of Benton, Mille Lacs, Meeker, & Stearns (the western 1/3 of Sherburne & Wright Counties) & the southern ½ of Morrison County:					
Brush	5 90				02
Structural Steel	6 40				02
Spray	6 90				02
Aitkin & the Southern ½ of Morrison County:					
Brush	9 10				
Structural Steel	9.60				

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PAINTERS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
Counties of Dodge, Fairbault, Fillmore, Freeborn, Goodhue, Houston, Mower, Olmsted, Wabasha & Winona:					
Brush	9.50	37	25		.08
Spray	10 00	37	25		08
Counties of Blue Earth, Jackson Maritn, Nicollet, Nobles, Rock & Sibley, Rice, LeSueur, Steel & Waseca					
Brush	8 80	40	10		07
Spray & Structural Steel	9 30	40	10		07
WELL DRILLING: (Construction or Repair of water wells and aprurtenances)					
Metropolitan ARea					
Hennepin, Ramsey, Washington, Anoka, Carver, Scott & Dakota Counties; That part of Wright County east of T H 25, Sherburne County South of T-34N & East of R-27W & that Part of Chisago Co South of T-35N					
Field Work					
Driller - Pumpman	7 75				
General - Helper	6 25				
Mechanic - Welder	7 15				
Driver or Service Man	6 25				
Rural Area					
Remainder of Counties					
Field Work					
Driller - Pumpman	7 25				
General Helper	5 20				
Mechanic - Welder	6 65				
Driver or Service Man	5 80				

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MINN-9-LAB

LABORERS: Counties of Anoka, Carver, Chisago, Dakota, Hennepin, Isanti, Pine, Ramsey, Scott, Sherburne, Washington & Wright	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
CLASS 1	$ 8 25	45	45	40	
CLASS 2	8 35	45	45	40	
CLASS 3	8 40	45	45	40	
CLASS 4	8 50	45	45	40	
CLASS 5	8 55	45	45	40	
CLASS 6	8 60	45	45	40	
CLASS 7	8 65	45	45	40	
CLASS 8	8 68	45	45	40	
CLASS 9	8.70	45	45	40	
CLASS 10	8.88	45	45	40	
CLASS 11	8.93	.45	.45	.40	

CLASS 1 Unskilled Laborer, Drill Runner Helper, Landscape Gardener, Sod Layer & Nurseryman, Powder Monkey, Rein Steel Lab , Rein Steel Setter Salamander Heater & Blower Tender Carpenter Tender; Winch Handler

CLASS 2 Laborer, wrecking & Demolition; Bit Batchermen (Stationary Plant); Bricklayer Tender; Cement Handler; Cement Coverman (Batch trucks); Compaction Equip Shoveler, batchermen Conc , Conc Vibrator Tamper & Puddler (Paving) Conc Longitudinal Floatmen; Conduit Layer (w o wiring); Chipping Hammer, Surb Setter (Stone or Precast Conc) Kettleman (BIT or lead); Service connection maker; Power Buggy; Joint Sawer; Squeeze man (Bit Brick or Block); Stabilizing batchermen (Stationary Plant); Stonemasons tender; Drill Runner (Heavy, including Churn Drill)

CLASS 3 Chainsaw Man, Conc Mixer (1 bag); Jackhammer Man & Paving Buster; Mortar Mixer' Pipe Handler; Pipe Derrickman (Triped, manual)

CLASS 4 Bottom Man (Sewer, Water or Gas trench, more than 8' below starting level of manual work); Tunnel Laborer (Atmospheric pressure) Underpinning Work, Caisson Work, Oher work more than 8' below level of manual work Open ditch Work

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LABORERS: (CONT'D)

CLASS 5 - Bituminous Tamper; Pipelayers; Sand Cushion & Bedmaker
CLASS 6 - Cement Gun (1½ & over); Leadman
CLASS 7 - Nozzlemen (Gunite)
CLASS 8 - Brick or Block Paving Setter
CLASS 9 - BITUminous Raker, Floater & Utility Man
CLASS 10 - Tunnel Man (Air pressure); Tunnel Miner
CLASS 11 - Powderman

MINN-10-LAB

LABORERS: Counties of Itanka and St Louis Counties North of T-55	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
CLASS I	8 63	20	15	25	
CLASS II	8 73	20	15	25	
CLASS III	8 88	20	15	25	
CLASS IV	8 93	20	15	25	
CLASS V	8 98	20	15	25	
CLASS VI	9 03	20	15	25	
CLASS VII	9 13	20	15	25	
CLASS VIII	9 23	20	15	25	

CLASS I - Unskilled Laborers, Laborers; wrecking & demolition; Bricklayer tender, drill runner helper, Landscape gardner, Sod layer & nurseryman Pipehandler (water, gas, cast iron); Salamander heater & blower tender; Carpenter tneder; Stonemasons tender
CLASS II - Bituminous Shoveler, Bottom man (sewer, water or gas trench), Cement handler (bulk or bag); Chain saw man, compaction equipment (hand operated); Concrete mixer operator (1 bag), Concrete Shoveler, tamper & puddler (paving) Concrete Vibrator, Conduit layers (w/o wiring); Dumper (wagon, truck, etc), Formsetter (municipal type curb & side walk) Formsetter (pavement); Jackhammer man & paving busters, Kettleman (Bituminous or lead), Mortar mixer, Power buggy, Joint drawer, tunnel laborer (atmospheric pressure)
CLASS III - Bituminous Tamper, Cofferdam work, Caisson work
CLASS IV - Drill Runner (Heavy, including churn drill)
CLASS V - Bituminous Raker, Floater & Utility Man, Pipelayers (sewer, water, gas); Leadman (Gunite)
CLASS IV - Nozzleman
CLASS VII - Powderman
CLASS VIII - Tunnel Miner

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MINN-11-LAB

LABORERS: COUNTIES OF BENTON, KANABEC, MILLE LACS & STEARNS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr
CLASS 1	7 75	40	35	40	
CLASS 2	7 80	40	35	40	
CLASS 3	7 85	40	35	40	
CLASS 4	7 90	40	35	40	
CLASS 5	8 10	40	35	40	
CLASS 6	8 15	40	35	40	
CLASS 7	8 20	40	35	40	
CLASS 8	8 25	40	35	40	

CLASS 1 - Bricklayer Tender, Carpenter, Drill Runner Helper, Laborers-Wrecking & Demolition, Landscape Gardner, Pipe Handler (Water, Gas & Cast Iron); Salamander Heater & Blower Tender, Sod Layer & Nurseryman; Stonemason Tenders; Unskilled Laborers
CLASS 2 - Form Setter (Municipal Type Curb & Sidewald, Form Setter (Pavement) coverman (Batch Trucks); Cement Handler (Bulk or Bag); chain Saw Man; Compaction equipment (Hand operated); Concrete Mixer (1 Bag); Concrete Shoveler Tamper & Puddler (Paving); Concrete Vibrator; Conduit Layers (w/o wiring); Drill Runner (wagon, Truck, etc); Jackhammerman, Joint Sawer, Kettleman (Bituminous or Lead); Mortar Mixers, Paving Buster, Power Buggy, Tunnel Laborer (Atmospheric pressure)
CLASS 4 - Bituminous Raker, Floater & Utility Man;, Caisson work, Cofferdam
CLASS 5 - Leadman
CLASS 6 - Gunnite
CLASS 7 - Pipelayer (Sewer, Water & Gas)
CLASS 8 - Powderman, Tunnel Miner

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MINN-12-LAB

LABORERS: Counties of Blue Earth, Dodge, Fairbault, Fillmore, Freeborn, Goodhue, Houston, LeSueur, Mower, Nicholett, Olmsted, Rice, Steele, Wabasha, Waseca & Winona	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr
CLASS 1	8 55	20	15		
CLASS 2	8 65	.20	15		
CLASS 3	8 70	:20	15		
CLASS 4	8 80	20	15		
CLASS 5	8 90	20	15		
CLASS 6	8 95	20	15		
CLASS 7	9 00	20	15		
CLASS 8	9 05	20	15		

CLASS 1 - Unskilled Laborers, Bricklayer & Carpenter Tenders; Drill Runner Helper; Laborers-Wrecking & Demolition; Landscape Gardner; Pipe Handler (Water, Gas; Cast Iron); Salamander Heater & blower Tender; Sod Layer & Nurseryman, Stonemason Tender
CLASS 2 - Bituminous Shoveler; Bottom Man (Sewer, Water or Gas Trench); Cement Coverman (Batch Trucks); Cement Handler (Bulk or bag) Chain Saw Shoveler; Tamper & Puddler(Paving); Concrete Vibrator; Conduit Layers (w/o wiring); drill Runner (Heavy, incl Churn Drill) Dumper (wagon, Truck Jackhammerman; Joint Sawyer, Kettlemen (Bituminous or Lead); Mortar Mixers; Paving Buster; Power Buggy; Tunnel Laborer (Atmospheric Pressure)
CLASS 3 - Bituminous Tamper
CLASS 4 - Bituminous Raker; Floater & Utility Man; Caisson Work;Cofferdam
CLASS 5 - Leadman
CLASS 6 -Nozzle (Gunnite)
CLASS 7 - Pipelayer (Sewer, Water & Gas)
CLASS 8 - Powderman

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MINN-13-LAB

LABORERS Counties of Aitkin, Jackson, Koochiching, McLeod, Martin, Meeker, Morrison, Nobles, Rock & Sibley	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
CLASS 1	7 35	20	15		
CLASS 2	7 45	20	15		
CLASS 3	7 60	20	15		
CLASS 4	7 70	20	15		
CLASS 5	7 75	20	15		
CLASS 6	7 80	20	15		
CLASS 7	7,85	20	15		
CLASS 8	7 50	20	15		

CLASS 1 - Skilled Laborers, Bricklayer & Carpenter Tenders; Drill Runner Helper; Laborers Wrecking & Demolition, Landscape Gardner, Pipe Handler (Water, Gas, Cast Iron), Salamander Heater & Blower Tender, Sod Layer & Nurseryman; Stonemason tender
CLASS 2- Bituminous Shoveler, Bottom Man (Sewer, Water or gas trench), Cement Coverman (Batch Trucks); cement handler (Bulk or bag); Chain Saw Man, Compaction equipment (hand operated), Concrete mixer (1 bag); Concrete Shoveler, Tamper & Puddler (paving), Concrete vibrator, Conduit layers (w/o wiring); Drill runner (heavy, incl Churn Driver Dumper (wagon truck, etc); Jackhammerman, Joint Sawer, Kettleman (Bituminous Or Lead), Mortar Mixer Paving Buster; Power Buggy; Tunnel Laborer (atmospheric pressure)
CLASS 3 - Form setters (Municipal type curb & Sidewalk) form setter (pavement)
CLASS 4 - Bituminous Tamper, caisson work & cofferdam
CLASS 5 - Bituminous raker, floater & utility man; Leadman
CLASS 6 - Nozzleman (Gunnite)
CLASS 7 - Pipelayer, (Sewer, Water & Gas)
CLASS 8 - Powderman, Tunnel Miner

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MINN-14-LAB

LABORERS: Counties of Carlton, Cook, Lake, & St Louis - South at T-55	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
CLASS I	$ 8 10	30	35	40	
CLASS II	8 28	30	35	40	
CLASS III	8 43	30	35	40	
CLASS IV	8 48	30	35	40	
CLASS V	8 53	30	35	40	
CLASS VI	8 58	30	35	40	
CLASS VII	8 68	30	35	40	
CLASS VIII	8 78	30	35	40	

CLASS I - Unskilled Laborers, Laborers; wrecking & demolition; Bricklayer tender, drill runner helper, Landscape gardner, Sod layer & nurseryman Pipehandler (water, gas, cast iron); Salamander heater & blower tender; Carpenter tneder; Stonemasons tender

CLASS II - Bituminous Shoveler, Bottom man (sewer, water or gas trench), Cement handler (bulk or bag); Chain saw man, compaction equipment (hand operated); Concrete mixer operator (1 bag), Concrete Shoveler, tamper & puddler (paving) Concrete Vibrator, Conduit layers (w/o wiring); Dumper (wagon, truck, etc), Formsetter (municipal type curb & side walk) Formsetter (pavement); Jackhammer man & paving busters, Kettleman (Bituminous or lead), Mortar mixer, Power buggy, Joint drawer, tunnel laborer (atmospheric pressure)

CLASS III - Bituminous Tamper, Cofferdam work, Caisson work

CLASS IV - Drill Runner (Heavy, including churn drill)

CLASS V - Bituminous Raker, Floater & Utility Man, Pipelayers (sewer, water, gas); Leadman (Gunite)

CLASS IV - Nozzleman

CLASS VII - Powderman

CLASS VIII - Tunnel Miner

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MINN-7M-PEO

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
Counties of Anoka, Carver, Cook Dakota, Hennepin, Lake, Ramsey, St Louis, Scott & Washington, Sherburne County south of the northern boundary of T-33-N and east of the western boundaryof R-27-W, Wright County east of and including Highway #25, Chisago County south of the nothern boundary of T-34-N and that part consisting substantially of the cities of Thompson, Colquet, Scanlon & Carlton					
GROUP 1	$ 14 20	45	40		
GROUP 2	10 91	45	40		
GROUP 3	10 65	45	40		
GROUP 4	10 52	45	40		
GROUP 5	10 43	45	40		
GROUP 6	9 75	45	40		
GROUP 7	9 45	45	40		

GROUP 1 - Helicopter Pilot

GROUP 2 - Crane with over 135' Boom, excluding jib, Dragline and/or other similar equipment w/shovel type controls 3 cu yds & over Mfg rates capacity

GROUP 3 - Cableway Op , concrete Mixer, Stationary Plant over 34E, Derrick, Dragline and/or similar equipment with shovel type control up to 3 cu yds Mfg rates capacity, Dredge Operator or Engineer, dredge Oper (power) & Yds & over, Grader or Motor Patrol Finishing earth & bituminous, Locomotive crane Operator, Master Mechanic, Mixer (paving) Concrete Paving Op , Road Hole , Op , incl power supply, Mucking Mach , incl mucking operations Conway or similar type, Refrigeration Plant Engineer, Tandem Scraper, Tractor Op (Boom Type), Truck Crane Op , Tugboat Op 100 HP & over

GROUP 4 - Dual Tractor Op., Elevating Grader Op., Pumperete Op , Scraper Op , Struck Capacity 32 cu yds & over, Self-Propelled Traveling Soil

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POWER EQUIPMENT OPERATORS (CONT'D)

GROUP 4 (Cont'd)

Stabilizer

GROUP 5 - Air track Rock Drill, Asphalt Bituminous Stabilizer Plant Op , Crushing Plant Op , or Gravel Washing, Crushing and Screening Plant Op , Dope Machine Op , Drill Rigs, Heavy Rotary or Churn or Cable Drill, Engineer in charge of Plant requiring First Class License, fork Lift or Lumber Stacker, Front End Loader Op , Loader Op , over 1 cu yds , Hoist Engineer, Hydraulic Tree Planter, Launcherman, Locomotive, all types, Mechanic or welder, Multiple machines, such as air compressors, welding machines, generators, pumps or crane oilers, paving breaker or tamping machines op , (power-driven - Mighty might or similar type, Pick-up sweeper, 1 cu yd & over Hopper capacity, Pipeline wrapping, cleaning or bending machine Op Power Plant Engineer, Power actuated horizontal boring mach , over 6" op , pugmill op , roller, 8 tons & over, Rubber tired farm tractor, backhoe att , sheep foot op , tie tamper & hallast mach Op , Tractor op , over D2, TD6 or similar HP with power take-off, tractor Op , over 50 HP without power take-off, trenching machine Op , (sewer, water, gas) turnapull op ,(or similar type) well point installation, dismatling or repair mechanic

GROUP 6 Air compressor Op 375 CFR or over, bituminous spreader and bituminous finishing machine op , Concrete dist & Spreader op , finishing machine longitudinal float op , joint mach op , spray , concrete mixer op 14S and under, concrete op (Mult Blade), curb mach op , Fine grade Op , form trench digger, front end loader op (up to & incl 1 cu. yd), grader op (motar patrol), gunite op gunall, lead greader on truck or rack, loader op , power actuated Augars and boring mach op power actuated jacks op , pump op , roller op , self-propelled chip Spreader, shouldering mach Op , stump chipper op , tractor op (D2, TD6 or similar HP with power take-off)

GROUP 7 - Brakeman, switchman,conveyor op , deckhand, Fireman, Tank Car Heater op , Gravel screening plant op , greaser leverman, mech helper, mech space heater, oiler, self-prop vib packer op , sheep foot roller, tractor op 50 HP or less w/o power take-off, truck crane oiler

DECISION NO. MN77-2048 MINN-7-PEO

POWER EQUIPMENT OPERATORS: Counties of Jackson, Nobles & Rock & the Remainder of Benton, Itaska, Koochiching, McLeod, Martin, Meeker, Morrison, Nicollet, Sibley & Stearns	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
GROUP 1	$ 14 20	45	40		
GROUP 2	10 91	45	40		
GROUP 3	10 65	45	40		
GROUP 4	10 52	45	40		
GROUP 5	10 43	45	40		
GROUP 6	9 75	45	40		
GROUP 7	9 45	45	40		

GROUP 1 - Helicopter Pilot

GROUP 2 - Crane with over 135' Boom, excluding jib, Dragline and/or other similar equipment w/shovel type controls 3 cu yds & over Mfg rates capacity

GROUP 3 - Cableway Op , concrete Mixer, Stationary Plant over 34E, Derrick, Dragline and/or similar equipment with shovel type control up to 3 cu. yds Mfg rates capacity, Dredge Operator or Engineer, dredge Oper (power) & Yds & over, Grader or Motor Patrol Finishing earth & bituminous, Locomotive crane Operator, Master Mechanic, Mixer (paving) Concrete Paving Op , Road Mole , Op , incl power supply, Mucking Mach , incl mucking operations Conway or similar type, Refrigeration Plant Engineer, Tandem Scraper, Tractor Op (Boom Type), Truck Crane Op , Tugboat Op 100 HP & over

GROUP 4 - Dual Tractor Op , Elevating Grader Op , Pumpcrete Op , Scraper Op , Struck Capacity 32 cu yds & over, Self-Propelled Traveling Soil Stabilizer

GROUP 5 - Air track Rock Drill, Asphalt Bituminous Stabilizer Plant Op , Crushing Plant Op , or Gravel Washing, Crushing and Screening Plant Op , Dope Machine Op , Drill Rigs, Heavy Rotary or Churn or Cable Drill, Engineer in charge of Plant requiring First Class License, fork Lift or Lumber Stacker, Front End Loader Op , Loader Op , over 1 cu yds , Hoist Engineer, Hydraulic Tree Planter, Launcherman, Locomotive, all types, Mechanic or welder, Multiple machines, such as air compressors, welding machines, generators, pumps or crane oilers, paving breaker or tamping machines op , (power-driven - Mighty might or similar type, Pick-up sweeper, 1 cu yd & over Hopper capacity, Pipeline wrapping, cleaning or bending machine Op Power Plant Engineer, Power actuated horizontal boring mach , over 6" op , pugmill op , roller, 8 tons & over, Rubber tired farm tractor, backhoe att , sheep foot op , tie tamper & hallast mach Op , Tractor op , over D2, TD6 or similar HP with power take-off, tractor Op , over 50 HP without power take-off, trenching machine Op , (sewer, water, gas) turnapull op ,(or similar type) well point installation, dismatling or repair mechanic

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POWER EQUIPMENT OPERATORS: (CONT'D)

GROUP 6 - Air compressor Op 375 CFR or over, bituminous spreader and bituminous finishing machine op , Concrete dist & Spreader op , finishing machine longitudinal float op , joint mach op , spray , concrete mixer op 14S and under, concrete op. (Mult Blade), curb mach op , Fine grade Op , form trench digger; front end loader op (up to & incl 1 cu yd), grader op (motar patrol), gunite op gunall, lead greader on truck or rack, loader op , power actuated Augers and boring mach. op power actuated jacks op , pump op , roller op , self-propelled chip Spreader, shouldering mach Op , stump chipper op , tractor op (D2, TD6 or similar HP with power take-off)

GROUP 7 - Brakeman, switchman,conveyor op , deckhand, Fireman, Tank Car Heater op , Gravel screening plant op , greaser leverman, mech helper, mech space heater, oiler, self-prop vib packer op , sheep foot roller, tractor op 50 HP or less w/o power take-off, truck crane oiler

DECISION NO. MN77-2048

MINN-6-PEO

POWER EQUIPMENT OPERATORS: Counties of Aitkin, Blue Warth, Carlton, Dodge, Fairbault, Fillmore, Freeborn, Goodhue, Houston, Isanti, Kanabec, Lenueur, Mille Lacs, Mower, Olmsted, Pine, Steele, Wabasha, Waseca, Winona & Washington; The remainder of Chisago, Sherburne, & wright Counties; Koochiching County East of a North-South Line From the Canadian Boarder toPelland-The Western Right-of-Way of U.S Hwy. 71 from Pelland to Big Falls & Minn Hwy #6; Itaska County East of the western-Right-of-Way of Minn Hwy #6; Morrison County east of the Western Right-of-Way of U S - Hwy #371 & U S Hwy #10 from Little Falls to the Morrison Benton County lines; Benton Co East of the Western-Right-of-Way of U S Hwy #10; and in McLeod, Martin, Meeker, Nicollet, Sibley & Stearns Counties, East of the Western Right-of-Way of Minn Hwy #15 In every case the entire corporation limits of cities, towns & villages located on the boundaried described as highways shall be included in this area	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
GROUP 1	13 90	45	40		
GROUP 2	10 61	45	40		
GROUP 3	10 35	45	40		
GROUP 4	10 23	45	40		
GROUP 5	10 13	45	40		
GROUP 6	9.45	45	.40		
GROUP 7	9 15	45	40		

DECISION NO. MN77-2048

POWER EQUIPMENT OPERATORS (CONT'D)

GROUP 1 - Helicopter Pilot ,
GROUP 2 - Crane with over 135' Boom, excluding jib, Dragline and/or other similar equipment w/shovel type controls 3 cu yds & over Mfg rates capacity
GROUP 3 - Cableway Op , concrete Mixer, Stationary Plant over 34B, Derrick, Dragline and/or similar equipment with shovel type control up to 3 cu yds Mfg rates capacity, Dredge Operator or Engineer, dredge Oper (power) & Yds & over, Grader or Motor Patrol Finishing earth & bituminous, Locomotive crane Operator, Master Mechanic, Mixer (paving) Concrete Paving Op , Road Mole , Op , incl power supply, Mucking Mach , incl mucking operations Conway or similar type, Refrigeration Plant Engineer, Tandem Scraper, Tractor Op (Boom Type), Truck Crane Op , Tugboat Op 100 HP & over
GROUP 4 - Dual Tractor Op , Elevating Grader Op , Pumpcrete Op , Scraper Op , Struck Capacity 32 Ju yds & over, Self-Propelled Traveling Soil Stabilizer
GROUP 5 - Air track Rock Drill, Asphalt Bituminous Stabilizer Plant Op , Crushing Plant Op , or Gravel Washing, Crushing and Screening Plant Op , Dope Machine Op , Drill Rigs, Heavy Rotary or Churn or Cable Drill, Engineer in charge of Plant requiring First Class License, fork Lift or Lumber Stacker, Front End Loader Op , Loader Op , over 1 cu yds , Hoist Engineer, Hydraulic Tree Planter, Launcherman, Locomotive, all types, Mechanic or welder, Multiple machines, such as air compressors, welding machines, generators, pumps or crane oilers, paving breaker or tamping machines op , (power-driven - Mighty might or similar type, Pick-up sweeper, 1 cu yd & over Hopper capacity, Pipeline wrapping, cleaning or bending machine Op Power Plant Engineer, Power actuated horizontal boring mach , over 6" op , pugmill op , roller, 8 tons & over, Rubber tired farm tractor, backhoe att , sheep foot op , tie tamper & hallast mach Op , Tractor op , over D2, TD6 or similar HP with power take-off, tractor Op , over 50.HP without power take-off, trenching machine Op , (sewer, water, gas) turnapull op ,(or similar type) well point installation, dismatling or repair mechanic
GROUP 6 - Air compressor Op 375 CFR or over, bituminous spreader and bituminous finishing machine op , Concrete dist & Spreader op , finishing machine longitudinal float op , joint mach op , spray , concrete mixer op 14S and under, concrete op (Mult Blade), curb mach op , Fine grade Op , form trench digger, front end loader op (up to & incl 1 cu yd), grader op (motar patrol), gunite op gunall, lead greader on truck or rack, loader op , power actuated Augars and boring mach op power actuated jacks op , pump op:, roller op , self-propelled chip Spreader, shouldering mach Op , stump chipper op , tractor op (D2, TD6 or similar HP with power take-off)
GROUP 7 - Brakeman, switchman,conveyor op deckhand, Fireman, Tank Car Heater op , Gravel screening plant op , greaser leverman, mech helper, mech space heater, oiler, self-prop vib packer op , sheep foot roller, tractor op 50 HP or less w/o power take-off, truck crane oiler

DECISION NO. MN77-2048 MINN 62 TD

TRUCK DRIVERS: Areas 1 and 2 Twin City & Duluth Metro Area Counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, Washington, Wright, Chisago South of T-34-N, Carlton, Cook, Lake, St Louis & Itaska Co , East of T-H-6	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
GROUP 1	9 20	40	50		
GROUP 2	8 90	40	50		
GROUP 3	8 80	40	50		
GROUP 4	8 60	40	50		

GROUP 1 - Driver (Hauling machinery for employer's own use, including operation of hand & power operated winches); Truck train Mechanic, Welder; Tractor-Trailer; Off-Road Truck

GROUP 2 - Tri-axle (including 4-Axles); Dump Dry Batch Hauler; Tank Truck (Gas, Oil, Road Oil & Water); Boom & "A" Frame; Ready Mix Concrete; Slurry Driver

GROUP 3 - Bituminous Distributor; Bituminous Distributor (1-Man Operation); Tandem Axle;

GROUP 4 - Bituminous Distributor Spray (rear-end oiler); Dumpman; Greaser & truck Servicemen; Tank Truck Helper (Gas, Oil, Road Oil & Water) Teamster and Stableman Tractor Operator (Wheel Type used for any purpose) Pilot car driver, self-Propelled Packer; Slurry Operator; Single Axle Trucks.

DECISION NO. MN77-2048

MINN-55-TD

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
TRUCK DRIVERS Area 3 Southeastern Area Counties of Dodge, Fillmore, Freeborn, Good Hue, Mower, Olmsted, Rice, Steele, Wabasha & Winona Counties					
GROUP 1	9 15	40	50		
GROUP 2	8 85	40	50		
GROUP 3	8 75	40	50		
GROUP 4	8 55	40	50		

GROUP 1 - Driver (Hauling machinery for employer's own use, including operation of hand & power operated winches); Truck train Mechanic, Welder; Tractor-Trailer; Off-Road Truck

GROUP 2 - Tri-axle (including 4-Axles); Dump Dry Batch Hauler; Tank Truck (Gas, Oil, Road Oil & Water); Boom & "A" Frame; Ready Mix Concrete; Slurry Driver

GROUP 3 - Bituminous Distributor; Bituminous Distributor (1-Man Operation); Tandem Axle

GROUP 4 - Bituminous Distributor Spray (rear-end oiler); Dumpman; Greaser & truck Servicemen; Tank Truck Helper (Gas, Oil, Road Oil & Water) Teamster and Stableman Tractor Operator (Wheel Type used for any purpose) Pilot car driver, self-Propelled Packer; Slurry Operator; Single Axle Trucks

DECISION NO. MN77-2048

MINN-7-TD

TRUCK DRIVERS: Area 4 Mankato Area	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
Counties of Blue Earth, Lesueur, Nicollet, Waseca					
GROUP 1	8 62	40	50		
GROUP 2	8 32	40	50		
GROUP 3	8 22	40	50		
GROUP 4	8 02	40	50		

GROUP 1 - Driver (Hauling machinery for employer's own use, including operation of hand & power operated winches); Truck train Mechanic, Welder; Tractor-Trailer; Off-Road Truck

GROUP 2 - Tri-axle (including 4-Axles); Dump Dry Batch Hauler; Tank Truck (Gas, Oil, Road Oil & Water); Boom & "A" Frame; Ready Mix Concrete; Slurry Driver

GROUP 3 - Bituminous Distributor; Bituminous Distributor (1-Man Operation); Tandem Axle

GROUP 4 - Bituminous Distributor Spray (rear-end oiler); Dumpman; Greaser & truck Servicemen; Tank Truck Helper (Gas, Oil, Road Oil & Water) Teamster and Stableman Tractor Operator (Wheel Type used for any purpose) Pilot car driver, self-Propelled Packer; Slurry Operator; Single Axle Trucks

DECISION NO. MN77-2048 MINN-5-TD

TRUCK DRIVERS - Area 5 Western ARea	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
Counties of Aitkin, Benton, Fairbault, Isanti, Jackson, Kanabec, Koochiching, LeSueur, McLeod, Martin, Meeker, Mille Lacs, Morrison, Nobles, Pine, Rock, Sibley, Stearns, Remainder of Chisago & Itaska Counties					
GROUP 1	8 02	40	50		
GROUP 2	7 72	40	50		
GROUP 3	7 62	40	50		
GROUP 4	7 42	40	50		

GROUP 1 - Driver (Hauling machinery for employer's own use, including operation of hand & power operated winches); Truck train Mechanic, Welder; Tractor-Trailer; Off-Road Truck

GROUP 2 - Tri-axle (including 4-Axles); Dump Dry Batch Hauler; Tank Truck (Gas, Oil, Road Oil & Water); Boom & "A" Frame; Ready Mix Concrete; Slurry Driver

GROUP 3 - Bituminous Distributor; Bituminous Distributor (1-Man Operation); Tandem Axle

GROUP 4 - Bituminous Distributor Spray (rear-end oiler); Dumpman; Greaser & truck Servicemen; Tank Truck Helper (Gas, Oil, Road Oil & Water) Teamster and Stableman Tractor Operator (Wheel Type used for any purpose) Pilot car driver, self-Propelled Packer; Slurry Operator; Single Axle Trucks

SUPERSEDEAS DECISION

STATE: New Mexico COUNTY: Statewide
DECISION NO : NM77-4103 DATE: Date of Publication
Supersedeas decision No. NM77-4077 dated April 8, 1977 in 42 FR 20984
DESCRIPTION OF WORK: Highway, streets, roads, utilities, and light engineering construction consisting of construction of roads, highways, streets, alleys, sidewalks, guard rails, fences, parkways, parking areas, birdie paths, athletic fields, (except structures), highways bridges, grade separation involving highways, earth dams under one million cubic yards, sewer and water lines and other utilities and work incidental thereto but (does not include airport runways and taxiways; bridges over navigable waters; tunnels; building structures on highway rest areas; and railroad construction)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
CARPENTERS:					
Carpenters	$5.11	.10	20	10	.04
Power saw operator-saw filer	5.26	10	.20	10	.04
Millwrights & Piledriver	5.36	.10	20	10	04
CEMENT MASONS	4.94	26			
IRONWORKERS:					
Reinforcing	4.58	.25	25		
Structural	7 99	.50	.75		.04
PAINTERS:					
Brush	4.57				
Spray	5.20				
LABORERS:					
Common laborer; carpenter tender concrete buggy operator (hand); concrete workers	2.56	20	.15		
Wagon, air track, drill & diamond drillers' tender (outside)	2.71	.20	.15		
Air & power tool man; asphalt raker; batching plant scaleman; tenders (to cement masons and plasters); chain sawman; concrete touchup-man; concrete saw man; curbing machine; asphalt or cement; cutting torchman; metal form setter-road; grade setter; hod carrier; mortar mixer and mason tender; powderman or blaster helper; scaler; sandblaster helper; vibrator compactor (hand type); vibratorman (hand-type); concrete power buggyman, wagon; air track drill and diamond drillers (outside)	2.86	20	.15		
Gunite pumpcreteman & nozzleman; multiplate setter; pipelayer	3 16	.20	.15		
Manhole builder	3.36	20	15		
Powderman-blaster-make up	3 31	.20	.15		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
POWER EQUIPMENT OPERATORS:					
Group I	$4 88	.15	.10		01
Group II	5 08	15	.10		01
Group III	5 66	.15	10		01
Group IV	5 68	.15	10		01
Group V	5.68	15	10		01
Group VI	5 83	.15	10		.01
Group VII	5 88	15	10		01
Group VIII	6 03	15	10		01
Group IX	6 53	15	10		01
Group X	7.33	15	10		.01

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITION

GROUP I
Concrete paving curing machine

GROUP II
Belt type conveyors (material & concrete); broom (self propelled); fork lift; grease truck operator; head oiler; hydro lift; tractor (under 50 drawbar HP with or without attachment); Industrial locomotive brakeman; front end loader (2 cy or less); fireman; oiler; screedman; roller (pull type); mulching machine; roller (self-propelled)

GROUP III
Concrete paving form grader; concrete paving gang vibrator; concrete paving joint or saw machine; concrete paving sub grader; tractor with backhoe attachment; subgrade or base finisher; power plant (electric general or welding machine)

GROUP IV
Bulldozer (including self-propelled roller with dozer attachment); batch or continuous mix plant (concrete soil-cement, or asphalt); roller (steel wheel); front end loader (2 cy thru 10 cy); scraper operator; motor grader

GROUP V
Asphalt distributor; asphalt paving or laydown machine; asphalt retort heater; mixer, heavy duty, asphalt or soil cement; trenching machine; clam type shaftmucker; backhoe, clamshell, dragline, gradall, shovel(under 3/4 cy); elevating grader or belt loader; cranes (crawler or mobile) under 20 ton; air compressor (300 CFM & over); crushing screening and washing plants; drilling machine (cable core or rotary); mixer, concrete (1 cy and less); pump (6" intake or over); winch truck; hoist (1 drum); industrial locomotive motorman; lumber stacker; tractor (50 drawbar HP or over)

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITION (CONT'D)

GROUP VI
Concrete paver mixer; hoist (2 drum and over); sideboom; traveling crane; piledriver; backhoe, clamshell, dragline, gradall, shovel (3/4 cy to 3 cy); cranes (crawler or mobile) 20 ton to 40 ton; front end loader (over 10 cy); mixer, concrete (over 1 cy); mechanic and/or welder)

GROUP VII
Concrete slip-form paving machine; concrete paving finishing machine; concrete paving longitudinal float; gunite machine; refrigerator; jumbo form or drilling stage; slusher; concrete paving spreader; pumperete machine; grout pump operator

GROUP VIII
Mine hoist; bulldozer (multiple units); scraper (multiple units); mucking machine; backhoe, clamshell, dragline, gradall, shovel (over 3 CY); cranes (crawler or mobile) over 40 tons

GROUP IX
Belt loader (CMI types) operator; derrick, cableway

GROUP X
Pipemobile operator; mole operator

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
TRUCK DRIVERS:					
Distributor (asphalt)	$4 57	26			
Dumpster or dumptor	4.65	26			
Dump or batch truck:					
Under 8 cy	4.36	26			
8 cy and under 16 cy	4.46	26			
16 cy and under 20 cy	4.60	26			
20 cy and over	4.65	.26			
Diesel-powered transport (non-self-loading) 10 yds & over	4 88	26			
Flatbed:					
1-1/2 ton	4 36	26			
Over 1-1/2 ton	4 51	26			
Lumber carrier	4 39	26			
Lowboy, heavy equipment	4.98	26			
Lowboy, light equipment	4 60	26			
Off-highway hauler	4.63	26			
Pick-up truck 3/4 ton or under	4 21	26			
Service station attendant	4 25	26			
Spreader box	4 30	26			
Spreader box (self-propelled)	4 54	.26			
Swamper or rider helper	4 17	26			
Tank Truck:					
3,000 gal or under	4 44	26			
3,001 gal to 6,000 gal	4 54	26			
6,001 gal. and over	4 64	26			
Teamster, 2 or 4 or more	4 17	26			
Trailer or semi-trailer dump	4 73	26			
Transit mix	4 60	26			
Warehousemen	4 35	26			

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
LINE CONSTRUCTION (STATEWIDE EXCEPT BERNALILLO COUNTY):					
Cable splicers	$10 51	60	1%+ 60		1/2%
Linemen-Technicians	9 82	60	1%+ 60		1/2%
Equipment operators	9 35	60	1%+ 60		1/2%
Equipment mechanics	9 58	60	1%+ 60		1/2%
Powderman	9 58	60	1%+ 60		1/2%
Groundman & Jackhammer operators:					
1st 6 months	5 31	60	1%+ 60		1/2%
2nd 6 months	5 99	60	1%+ 60		1/2%
Experienced	6 96	60	1%+ 60		1/2%
LINE CONSTRUCTION (BERNALILLO CO)					
Cable splicers	9 65	60	1%+.60		1/2%
Linemen-Technicians	9 00	60	1%+ 60		1/2%
Equipment operators	8 58	.60	1%+ 60		1/2%
Equipment mechanics-Powderman	7 88	60	1%+ 60		1/2%
Groundmen & jackhammer operators					
1st 6 months	4.88	60	1%+ 60		1/2%
2nd 6 months	5.51	60	1%+ 60		1/2%
Experienced	6.36	60	1%+ 60		1/2%

SUPERSEDEAS DECISION

STATE: NEW YORK COUNTY: CHAUTAUQUA
DECISION NO : NY77-3008 DATE: DATE OF PUBLICATION
Supersedes Decision No NY76-3259 dated October 29, 1976 in 41 FR 47840
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), Heavy and Highway Construction

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
Asbestos Workers	$10 81	1 02	55		04
Boilermakers	10 60	70	1 00		02
Bricklayers, cement masons, plasterers, stone masons, marble, tile and terrazzo workers	9 85	50	80		
Cement masons, hvy and hwy	8 90	50	80		
Carpenters and soft floor layers, bldg	8 97	50	95	a	05
Carpenters, hvy and hwy	8 87	50	95	d	025
Electricians:					
Twps of Busti, Clymer, Mina, Chautauqua, Ellery, Ellicot, Harmony, North Harmony, Gerry, French Creek, Poland, Sherman, Kiantone, Ellington and Carroll	11 07	50	1½+ 50		½
Remainder of County	11 20	60	1%		15
Glaziers	9 74	1 40	55		10
Ironworkers, structural, reinforcing and ornamental:					
Twps of Cherry Creek, Ellington, Sheridan, Pomfret, Arkwright, Charlotte, Hanover, Villanova and Stockton	10 88	98	1 23		
Remainder of County	10 74	1 86	1 01		15
Laborers, building:					
Laborers and flagmen	7 45	50	65	a	
Blasters, curb setters, form setters, pipelayers	7 70	50	65	a	
Work 40 feet and up	7 60	50	65	a	
Lathers	9 61	50	20		01
Leadburners	10 75	40	25	b	01
Line Construction:					
Linemen	11 10	65	1½+ 60	c	½
Cable Splicer	12 21	65	1½+ 60	c	½
Groundman digging machine op.	9 99	65	1½+ 60	c	½
Groundmen mobile equipment op	8 88	65	1½+ 60	c	½
Groundmen truck driver	8 325	65	1½+ 60	c	½
Groundmen dynamite man and mechanic	8 88	65	1½+ 60	c	½
Marble, tile and terrazzo workers helpers	8 91	1 55	40		
Millwrights and piledrivermen	9 22	50	95	a	05

DECISION NO. NY77-3008

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
Painters:					
Twps of Dunkirk, Portland, Pomfret, Sheridan, Arkwright, Hanover and Villanova:					
Brush	$10 255	975	30		10
Steel tanks, towers, stacks, flag poles, radio-tv towers	10 755	975	30		10
Sandblasting, swing stage, spray, bosun chair, epoxy	10 505	975	30		10
Bridges 35 feet or above	11 92	975	30		10
Remainder of County:					
Painters	6 16	52	30		01
Structural steel, bridges and stacks	6 46	52	30		01
Spray and sandblasting	6 81	52	30		01
Roller	6 36	52	30		01
Plumbers:					
Twps. of Hanover, Sheridan, Dunkirk, Pomfret, Arkwright, Villanova, Portland, Stockton, Charlotte, Ripley, Westfield, Cheery Creek and Fredonia:					
Plumbers	11 53	74	85		06
Steamfitters	11 92	50	1 55		08
Remainder of County:					
Plumbers and Steamfitters	10 22	50	45	2%	01
Roofers	9 75	50	50		02
Sheet metal workers	9 75	3%+ 50	50		02
Sprinkler Fitters	11 86	65	95		08
Truck Drivers, Building	7 35	55	60	e + f	

DECISION NO NY77-3008

BUILDING, HEAVY, AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

Footnotes:

a Two hours paid time off on Election Day

b Holidays; A through F, Washington's Birthday, Good Friday, Christmas Eve, providing the employee has worked 30 full days during the 90 calendar days prior to the holiday and the regularly scheduled work days immediately preceding and following the holidays

c Holidays: A through F, Washington's Birthday, Good Friday, Election Day for the President of the U S. and Election of Governor of New York State, providing the employee works the day before and the day after the holiday

d Holiday: Independence Day and Labor Day

e Holidays: A through F

f One weeks vacation after one year's work; two weeks vacation after two years work

DECISION NO NY77-3008

LABORERS: HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App Tr
CLASS A	$8 24	55	65	a	
CLASS B	8 44	.55	65	a	
CLASS C	8 64	.55	65	a	
CLASS D	8 84	55	65	a	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; E-Christmas Day

FOOTNOTE:
a. Paid Holidays A through F, provided the employee has worked the day before and after the holiday.

LABORERS: HEAVY AND HIGHWAY CONSTRUCTION:

CLASS A
Laborers, drill helper, flagmen, outboard and hand boats.

CLASS B
Bull float, chain saw, concrete aggregate, bin, concrete bootman, gin buggy, hand or machine vibrator, jackhammer, mason tender, mortar mixer, pavement breaker, handlers of all steel mesh, small generators for laborers' tools, installation of bridge drainage pipe, pipelayers, vibrator type rollers, tamper, drill doctor, tail or screw op on asphalt paver, water pump op (1½" and single diaphragm), nozzle (asphalt, gunnite, seeding and sand blasting), laborers on chain link fence erection, rock splitter and power unit, pusher type concrete saw and all other gas, electric, oil and air tool operators, wrecking laborer

CLASS C
All rock or drilling machine operators (except quarry master and similar type), acetylene torch op , asphalt raker, powderman

CLASS D
Blasters, form setters, stone or granite curb setters

DECISION NO NY77-3008

BUILDING CONSTRUCTION
POWER EQUIPMENT OPERATORS

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Educatio and/or Appr Tr
GROUP I	$12.27	1 00	75	a	15
GROUP II	11 185	1.00	75	a	.15
GROUP III	11 03	1.00	75	a	15
GROUP IV	10 99	1 00	75	a	15
GROUP V	10.905	1 00	75	a	15
GROUP VI	9.15	1 00	75	a	.15
GROUP VII	10 99	1 00	75	a	15
GROUP VIII	8.835	1 00	75	a	15
GROUP IX	8 68	1 00	75	a	15
GROUP X	10 135	1 00	75	a	15
GROUP XI	10 75	1 00	75	a	15
GROUP XII	9.305	1 00	75	a	.15
GROUP XIII	10.595	1.00	75	a	15
GROUP XIV	8.535	1 00	75	a	.15
GROUP XV	11 685	1 00	.75	a	15
GROUP XVI	12 185	1 00	75	a	15
GROUP XVII	12 685	1 00	75	a	.15

DECISION NO NY77-3008

BUILDING --POWER EQUIPMENT OPERATORS:

GROUP I: Master Mechanic

GROUP II: all boom type equipment (100 ft or less), all pan and carry-all operators, Archer hoist, back and pull hoe operator, blast or rotary drill, track or cat mounted, boiler (when used for power), boom trucks, cableway operator, concrete paver machine, crane operator, derrick operator, dragline operator, elevating grader (self-propelled), head tower operator, hot roller (finisher course), hydraulic booms, hydro crane, maintenance engineer, mucking machine operator, multiple drum hoist, (more than 1 drum in use), Paine crane, pile dribing machine operator, power grader machine operator, scoopmobile, shovel operator, skimmer operator, test core drill machine, tractor shovel operator, vertical caisson auger drill, well drilling machine

GROUP III: Back filling machine operator, Kolman loader, roller machine operator, snatch and pusher cats, stone crusher, towed or self-propelled rollers, trenching machine operator

GROUP IV: Air hoist operator, cage hoist operator, conveyor operator, conveyor system, (belt-crete or similar), hoisting engine op , house elevator, (when used for hoisting), industrial tractor, locomotive op , (irrespective of power), push button hoist op , Strato tower, tractors (when using winch power)

GROUP V: Concrete mixer op , (½ c y. or over), gasoline driven boring machine hydraulic system pumps, hydro hammer, finishing machine op , (asphalt spreader), finishing machine op

GROUP VI: Air compressor operator, (under 160 CFM), air compressor op , (over 160 CFM), generator mechanical heater, (when 3 are in a battery), power plant (in excess of 10KW), welding machine operator, (to and including 3 machines)

GROUP VII: Bulldozer & tractor, (50 h.p., drawbar or under), monorail

GROUP VIII: Firemen

GROUP IX: Truck crane driver

GROUP X: Aggregate bin op , cement b'n op., concrete mixer op , (under ½ c.y.), tractor machines

GROUP XI: Grout Machine Operator, Heating Boiler Operator (used for temporary heat), lubrucatuib unit on truck, pneumatic mixer operator

GROUP XII: Pump Operator (4" or over); Pump Operator 2-3 in a battery)

DECISION NO NY77-3008

BUILDING--POWER EQUIPMENT OPERATORS: (CONT'D)

GROUP XIII: Bulldozer & tractor (50 H P drawbar and under), jeep trench, mulchers, power brooms 7 rakes, seeders

GROUP XIV: Apprenctice Engineer or Oiler, Mechanical Heaters (when 1 or 2 are used), Pump Operators (one inch), Pump Operators (2 inches), Pump Operators (3 inches)

GROUP XV: Crane with boom over 100 feet

GROUP XVI: Crane with boom over 200 feet

GROUP XVII: Crane with boom over 300 feet

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTE:

a Holidays: A through F, provided employee works the working day before and the working dat after the Holiday

DECISION NO. NY77-3008

POWER EQUIPMENT OPERATORS: HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Apprentice
CLASS I	$11.22	1.00	1.15	a	15
CLASS II	10.99	1.00	1.15	a	15
CLASS III	10.61	1.00	1.15	a	15
CLASS IV	9.88	1.00	1.15	a	15
CLASS V	8.54	1.00	1.15	a	15
CLASS VI	8.16	1.00	1.15	a	15
CLASS VII	7.43	1.00	1.15	a	15

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. Holidays; A through F, provided employee works the working day before and working day after the holiday

POWER EQUIPMENT OPERATORS: HEAVY AND HIGHWAY CONSTRUCTION

CLASS I: Asphalt roller (except rubber tire), Automatic fine grade machine, backhoe (except tractor mounted, rubber tired), belt placer, black top plant (automated) blast or rotary drill, (truck or cat mounted), cableway, caisson auger, central mix plant (automated), cherry picker - over 5 tons capacity, crane, derrick, dragline, dredge, dual drum paver, elevating grader (self-propelled or towed), excavator (all purpose - hydraulically operated), front end loader (4 c.y and over), gradall, grader, head tower, hoist, 2 or 3 drum, locomotive (irrespective of size or power), maintenance engineer, mine hoist, mucking machine, overhead crane, pedestal crane or similar type, pile driver, quarry master or equivalent, shovel, skimmer, slip form paver, tractor drawn belt-type loader, truck crane, tunnel shovel

CLASS II: Asphalt roller (rubber tired), asphalt spreader, automatic fine grade machine, backhoe (tractor mounted, rubber tired), back filling machine bending machine (pipe), bituminous spreader and mixer, blacktop plant (non-automated), boom truck, boring machine, cage hoist, central mix plant (non-automated) and all concrete batching plants, cherry picker 5 tons and under, compressors (4 or less) exceeding 2,000 c f m combined capacity, concrete paver over 16S, concrete pump, crusher, dozer or push cat, drill rigs, tractor mounted, elevator, front end loader (under 4 c y) hi-pressur boiler, (15 lbs and over), hoist, one drum, hydraulic pipe jack machine or similar type machine, jersey spreader, kolman plant loader and similar type loaders (if employer requires another man to clean the screen or to maintai the equipment, he shall be an oiler), maintenance grease man, mixer for stabilized base self-propelled, monorail machine, plant engineer, pump cret ready mix concrete plant, road widener, rock bit sharpener (all types), roller (all above subgrade, scraper, side boom, slip form paver, snorkel, [illegible] trencher tube finisher, winch, winch truck with

DECISION NO. NY77-3008

POWER EQUIPMENT OPERATORS: HEAVY AND HIGHWAY CONSTRUCTION CONT'D.

CLASS III: Asphalt curb and gutter machines, blower for burning brush, chippi machine and chip spreader, compressors: 4 not exceed 2,000 c.f.m. combined capacity, 3 or less with more than 1,200 c f.m but not to exceed 2,000 c f m. compressor, (any size but subject to other provisions for compressors), dust collectors, generators, pumps, welding machines (4 of any type or combination) concrete pavement spreaders and finishers, concrete curb and gutter machine, concrete curing machines, conveyor drill core, drill well, electric pump used in conjunction with well point systems, farm tractor with accessorie fine grade machine, hammers-hydraulic-self-propelled, hydraulic rock expander or similar type machine, hydraulic pump, motorized hydraulic pin puller and seeders, post hole digger and post driver, roller (grade and fill), tractor with towed accessories, vibratory compactor, vibro tamp, well point

CLASS IV: Aggregate plant, boiler, (used in conjunction with production), C M and similar type concrete spreaders, cement bin operator, compressors: 3 or less not to exceed 1,200 c.f m combined capacity, compressors: (any size, bu subject to other provisions, for compressors), dust collectors, generators, pumps, welding machines (3 or less of any type or combination), concrete mixer (16S and under), concrete saw self-propelled, fireman, form tamper, mulching machine, oiler, power broom, power heaterman, revinius widener, steam cleaner, tractor

CLASS V: Compressors (4 or less) exceeding 2000 C F M Combined capacity

CLASS VI: Compressors: 4 not to exceed 2000 C F M. combined capacity, or 3 or less with more than 1200 C.F M but not to exceed 2000 C F M., Compressors (any size but subject to other provisions for compressors), Dust collectors, Generators, Pumps, Welding Machines (4 of any type or combination)

CLASS VII: Compressors 3 or less not to exceed 1200 C F M combined capacity: Compressors: (any size, but subject to other provisions for compressors), Dust Collectors, Generators, Pumps, Welding Machines (3 or less of any type or combination)

DECISION NO. NY77-3008

TRUCK DRIVERS: HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App Tr
CLASS 1	$8.14	55	70	a	
CLASS 2	8.19	.55	70	a	
CLASS 3	8.24	55	70	a	
CLASS 4	8.39	.55	70	a	
CLASS 5	8 59	55	70	a	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTE:
a Paid Holidays A through F, provided the employee has worked the working day before and after the holiday

TRUCK DRIVERS: HEAVY AND HIGHWAY CONSTRUCTION:

CLASS 1
Warehouseman, yardmen, truck helpers, pickups, panel trucks, flatboy material trucks (straight jobs), single axel dump trucks, dumpsters, material checkers and receivers, greasers, truck firemen, mechanic helpers and parts chaser

CLASS 2
Tandems, batch trucks, mechanics and dispatcher

CLASS 3
Semi-trailers, low-boy trucks, asphalt distributor trucks, agitator, mixer trucks and dumperete type vehicles, truck mechanic.

CLASS 4
Specialized earth moving equipment - euclid type or similar off-highway equipment, where not self loaded, and straddle (ross) carrier.

CLASS 5
Off-highway tandem back-dump, twin engine equipment and double-hitched equipment where not self loaded.

SUPERSEDEAS DECISION

STATE: Pennsylvania COUNTY: Luzerne
DECISION NO : PA77-3059 DATE: Date of Publication
Supersedeas Decision No PA76-3271, dated November 5, 1976, in 41 FR 48993
DESCRIPTION OF WORK: Building Construction, including 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	$9 95	.65	60		01
Boilermakers	12 05	75	1 00		02
Bricklayers and Stonemasons:					
Hazleton, Berwick & Freeland:					
Commercial	9 70	35	50		
Nescopeck, Hollenback & Salem Twps	9 35	40	50		
Remainder of County	10 85	50	50		
Carpenters:					
Hazleton, Freeland Black Creek, Butler Dennison, Foster, Hazle, Hollenback, Nescopeck, Sugarloaf and lower part of Salem Twps	10 14	40	50		03
Reminder of County	10 61	40	50		03
Cement Masons:					
Pittston Yatesville, Laflin, Exeter Wyoming, Duryea & Avoca	9 15	40	40		
Hazleton and Freeland	8 075				
Reminder of County	11 05				
Electricians:					
Hazleton:					
Commercial	10 37	55	1%+ 25	a	b
Reminder of County	10 74	50	1%+ 75		
Elevator Constructors	10 595	545	35	4%+c+d	02
Elevator Constructors' Helpers	7 42	545	35	4%+c+d	02
Elevator Constructors' Helpers (Prob)	5 30				
Glaziers	9 20	40	60		
Ironworkers:					
Structural and Ornamental	11 25	e			10
Reinforcing	11 15	e			10
Laborers					
Hazleton:	7 11	25	55		
Mason Tenders including Scaffold Builders	7 51	25	55		
Pneumatic electrical & mechanical tool operators 2 pumps-non metallic pipelaying and making joint clay, terra cotta, ironstone vitrified					

DECISION NO PA77-3059

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
Laborers: (Cont'd)					
concrete, handling of burning torches asphalt or other hot materials, cement finishers and blasters helpers, power buggies, walk along hoist	$7 21	25	55		
Plasterers tenderd, blasters, and wagon drill operators	7 36	25	25		
Remainder of County:					
Unskilled laborers	8 77	30	70		
Semi skilled laborers, pneumatic and other mechanical tool ops; 2' pump or under, handling and mixing of all material used by masons from stock pile to mason, Non-metallic pipelayer and making of joints, clay, terra cotta, ironstone, vitrified concrete, handling of burning torches asphalt or other hot material, cement finishers and blasters helpers	8 97	30	70		
Plasterers tenders, blaster, wagon drill ops	9 09	30	70		
Mason tenders & scaffold builders	9 17	30	70'		
Lathers:					
Pittston, Avoca, Dupont & Duryea	10 04		10		01
Remainder of County	10 58		25		01
Leadburners	10 75	40	25	f	01
Line Construction:					
Linemen, Dynamiteman, Heavy equipment operator	10 30	35	3%		3/8 of 1%
Groundman	6 97	35	3%		3/8 of 1%
Winch truck driver	7 28	35	3%		3/8 of 1%
Marble Setters:					
Pittston	10 85	50	50		
Hazleton	9 20	35	50		
Remainder of County	10 00		50		

DECISION NO PA77-3059	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr
Millwrights	$11 29	40	50		03
Painters:					
Pittston:					
Brush & Roller	8 10		1 00		
Structural Steel	9.10		1 00		
Remainder of County:					
Brush	9 30	50	30		05
Tapers	9 56	50	30		05
Hazardous	10 56	50	30		05
Piledrivermen	10.42	1 88	1 30	g	12
Plasterers:					
Hazleton	9:40				
Pittston, Yatesville, Laflin, Exeter, Wyoming, Duryea and Avoca	10 85	50	50		
Remainder of County	9 83				
Plumbers & Steamfitters:					
Pittston	10 75	39	75		04
Hazleton	9 35	30	25		
Wilkes Barre	10 74	40	75		04
Power Equipment Operators					
GROUP 1	12 29	5 5%	9 5%	k	1 2%
GROUP 2	12 00	5 5%	9 5%	k	1 2%
GROUP 3	11 13	5 5%	9 5%	k	1 2%
GROUP 4	10 36	5 5%	9 5%	k	1 2%
GROUP 5	9 89	5 5%	9 5%	k	1 2%
GROUP 6	8 98	5 5%	9 5%	k	1 2%
GROUP 7	12 54	5 5%	9 5%	k	1 2%
GROUP 7-A	12 79	5 5%	9 5%	k	1 2%
GROUP 7-B	13 03	5 5%	9 5%	k	1 2%

DECISION No PA77-3059

POWER EQUIPMENT OPERATORS DEFINITIONS CLASSIFICATIONS

GROUP 1 - Machines doing hook work, any machine handling machinery, cable spinning machines, helicopters, machines similar to the above

GROUP 2 - All types of cranes, all types of backhoes, cableways, draglines, keystones, all types of shovels, derricks, trench shovels, trenching machines, hoist with two towers, pavers 21E and over, all types overhead cranes; building hoists (double drum) gradalls, mucking machines in tunnel, all front end loaders 3-½ c y and over, tandem scrapers, pippin type backhoes, boat Captains, batch plant operators (concrete) drills, self-contained rotary drills, fork lifts, 20 ft lift and over machine to the above

GROUP 3 - Conveyors, building hoists (single drum) scrapers and tournapulls, spreaders, high or low pressure boilers, concrete pumps, well drillers, bulldozers and tractors, asphalt plant engineers, roller (high grade finishing), ditch witch type trencher, all loaders under 3-½ cu yds , mechanic-welders, motor patrols, drill helper-self contained rotary drills, core drill operators forklift trucks under 20 ft lift, machines similar to the above

GROUP 4 - Welding machines, well points, compressors, pumps, heaters, farm tractors, form line graders, fine grade machines, road finishing machines, concrete breaking machines, rollers, seaman pulverizing mixer, power brooms, seeding spreader, fireman (for power equipment), machines similar to above

GROUP 5 - Fireman, grease truck

GROUP 6 - Oilers and deck hands (personnel boats), core drill helper

GROUP 7 - All machines with booms (including jib, masts, leads, etc): 100 ft and over

GROUP 7-A - 150 ft and over

GROUP 7-B - 200 ft and over

DECISION NO PA77-3059

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
Roofers, composition & kettlemen	$9 20	75	70		
Sheet Metal Workers	11 12	73	40		02
Soft Floor Layers	8 63	35	40		03
Sprinkler Fitters	11 86	65	95		08
Truck Drivers:					
Pittston:					
Truck Drivers:					
Class I					
Helper, stake body truck (single axle dumpster)	7 92				
Class II					
Dump trucks, tandem & batch trucks, semi-trailers, agitator mixer trucks, ready mix and dumpcrete type vehicles asphalt distributors, farm tractor when used for transportation, stake body truck (tandem)	7 99				
Class III					
Euclids type, Off-Highway Equipment - back or belly dump trucks and double-hitched equipment, straddle (Ross) carrier, low-bed trailers	8 48				
Remainder of County:					
Pickups service dump and flat incl z license	8 07	h	j		
All trucks over z license	8 12	h	j		
Fork lifts, tow motors, front and pneumatic tired loaders	8 08	h	j		
Welder, receive rate for craft					

DECISION NO PA77-3059

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day and F-Christmas Day

FOOTNOTES:

a Paid Holidays: C and D

b Employer shall contributes 12 per day per employee

c Employer contributes 4% basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as vacation pay credit

d Paid Holidays: A through F

e Employer contributes $2 05 per hour to health and welfare and pension fund.

f Paid holidays, A through F, Washington's Birthday, Good Friday and Christmas Eve, provided the employee has worked 45 days for the employer during the 120 days prior to the holiday, and is available for work the days preceding and following the holiday

g Paid holidays: Washington's Birthday; Good Friday; Memorial Day; Labor Day; Presidential Election Day; Veterans Day and Thanksgiving Day

h $41 00 per month for employees who have worked 60 hours or more during the month

j $25 00 per month to employees employed for over 13 weeks

k Paid Holidays: A thru F provided the employee works the day before and the day after the holiday

SUPERSEDEAS DECISION

STATE: Pennsylvania COUNTIES: Adams, Berks, Bradford, Carbo Columbia, Cumberland, Dauphin, Juniata, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Lycoming, Monroe, Montour, Northampton Northumberland, Perry, Pike, Schuylkill, Snyder, Sullivan, Susquehanna, Tioga, Union, Wayne, Wyoming & York

DECISION NO PA77-3060 DATE: Date of Publication

Supercedes Decision No PA76-3163, dated May 7, 1976, in 41 FR 19020

DESCRIPTION OF WORK: Heavy and Highway Construction

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
HEAVY & HIGHWAY					
Carpenters/Piledrivermen	$9 12	40	50		
Ironworkers:					
Structural, Ornamental & Reinforcing:					
Adams, Cumberland, Dauphin, Lancaster, Lebanon, Lycoming, Montour, Northumberland, Juniata, Perry, Snyder, Union & York Counties	10 63	84	1 21		03
Laborers:					
Asphalt tampers, concrete pitmen, puddlers & rubbers, Highway guard rail, right of way and property line fence, Highway slab reinforcing placers, laborers, landscape, planters, seeders and arborists, magazine tenders, railroad trackmen & signalmen, leaser beam men (pipe laying, paving machine)	7 61	30	.20		
Pneumatic and electric tool op, jackhammers, paving breakers, concrete saws, whacker vibrators, sheet hammers, steward, chain saws, pipelayers, asphalt rake, lute or screed men, concrete block layers	7 81	30	20		
Caisson-open air-below 8 feet, cofferdam open air-below 8 feet where excavations for circular caissons and cofferdams 8 feet and below level of natural grad adjacent to starting point, form setters (road) wagon drill diamond point drill, gunite nozzle operators	8.16	30	20		
Blasters	8 39	.30	20		
Reinforcing steel placers, bonding, aligning and securing and burning and welding in conjunction with reinforcing steel	8 45	30	20		

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
LABORERS (CONT'D)					
Concrete surfaces	$8 83	30	20		
Free Air Tunnels and Rock Shafts					
Outside laborers in conjunction tunnels & rock shafts	8 25	30	20		
Chuck tenders, muckers, nippers, miners' & drillers helpers, inside laborers	8 54	30	20		
Miners, drillers, blasters, pneumatic schield operators, lining, spotting & timers workmen, reinforcing steel placer placers, bonding, aligning and securing and concrete surfacers	9 02	30	20		
TRUCK DRIVERS:	-				
Class I					
Helper, stake body truck (single axle), dumpster	8 47				
Class II					
Dump trucks, tandem & batch trucks, semi-trailers, agitator mixer trucks, ready mix and dumpcrete type vehicles, asphalt distributors, farm tractor when used for transportation stake body truck (tandem)	8.54				
CLASS III					
Euclid type, off-highway equipment back or belly dump truck and double hitched equipment, straddle (ross) carrier, low-bed trailers	9 03				

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
Line Construction: Adams, Cumberland, Dauphin, Franklin, Juniata, Mifflin, Perry & York Counties, Pennsylvania					
Journeyman Lineman	$10 28	30	102		051
Experienced Winch Truck	7 20	30	072		036
2nd 1000 Hrs	7 02	30	070		035
1st 1000 Hrs	6 85	30	068		034
Experienced Truck Driver	6 68	30	066		033
2nd 1000 Hrs	6 51	30	065		032
1st 1000 Hrs	6 34	30	063		031
Experienced Groundman	6 17	30	061		030
2nd 1000 Hrs	6 00	30	060		030
1st 1000 Hrs	5 82	30	058		028
Easton, Northampton County, Line Construction:					
Journeyman Lineman	11 64	30	116		058
Winch Truck Experienced	8 15	30	081		040
2nd 1000 Hours	7 95	30	079		039
1st 1000 Hours	7 76	30	077		038
Truck Driver Experienced	7 57	30	075		037
2nd 1000 Hours	7 37	30	073		036
1st 1000 Hours	7 18	30	071		035
Groundman Experienced	6 98	30	069		034
2nd 1000 Hrs	6 79	30	067		033
1st 1000 Hrs	6 60	30	066		033
Berks, Lancaster, Lebanon, Lehigh Counties					
Journeyman Lineman	$10 93	30	109		054
Experienced Winch Truck	7 65	30	076		038
2nd 1000 Hrs	7 47	30	074		037
1st 1000 Hrs	7 29	30	072		036
Experienced Truck Driver	7 10	30	071		035
2nd 1000 Hrs	6 92	30	069		034
1st 1000 Hrs	6 74	30	067		033
Experienced Groundman	6 56	30	065		032
2nd 1000 Hrs	6 38	30	063		031
1st 1000 Hrs	6 19	30	061		030

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22-PEO-3-B

POWER EQUIPMENT OPERATORS
HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App Tr
GROUP 1	$10 69	5 5%	9 5%		1 2%
GROUP 2	9 85	5 5%	9 5%		1 2%
GROUP 3	9 34	5 5%	9 5%		1 2%
GROUP 4	8 90	5 5%	9 5%		1 2%
GROUP 5	8 35	5 5%	9 5%		1 2%
GROUP 6	10 94	5 5%	9 5%		1.2%
GROUP 6-A	11 19	5 5%	9 5%		1 2%
GROUP 6-B	11 44	5 5%	9 5%		1 2%

GROUP 1: Pile drivers or engineers working with dock builders and pile drivers, All types of cranes, All types of backhoes, Braglines, Keystones, All types of shovels, Derricks, Trench shovels, Trenching machines, Pavers 21E and over, Gradalls, All front end loaders, 4 cu yds and over, Tandem scrapers, Pippin type backhoes, Boat Captains, Batch plant with mixer, Drill, self contained (Drillmaster Type), CMI Autograde, Machines similar to above

GROUP 2: Conveyor Loader (EUC Type), Scrapers and Tournapulls, Spreaders, High or low pressure boilers, Concrete pumps, Bulldozers and Tractors, Asphalt plant engineers, Rollers (High grade finishing), All loaders under 4 cu. yds, Mechanic -welders, Motor Patrols, Machines similar to above,

GROUP 3: Welding Machines, Well Points, Compressors, Pumps, Heaters, Farm Tractors, Form Line Graders, Fine Grade Machines, Ditch Witch Type Trencher, Road Finishing Machines, Concrete Breaking Machines, Rollers, Seaman Pulverizing Mixer, Power Boom, Seeding Spreader, Tireman - (For power equipment), Conveyor Loaders other than EUC Type, Conveyors, Machines similar to above

GROUP 4: Fireman

GROUP 5: Oilers and Deck Hands

GROUP 6: On all machines with booms (including jibs, masts, leads, etc) 100 ft and over

GROUP 6-A: 150 ft and over

GROUP 6-B: 200 ft and over

DECISION NO PA77-3060

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POWER EQUIPMENT OPERATORS HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App
GROUP 1	$12 29	5 5%	9 5%	a	1 2
GROUP 2	12 00	5 5%	9 5%	a	1 2
GROUP 3	11 13	5 5%	9 5%	a	1 2
GROUP 4	10 36	5 5%	9 5%	a	1 2
GROUP 5	9 89	5 5%	9 5%	a	1 2
GROUP 6	8 98	5 5%	9 5%	a	1 2
GROUP 7	12 54	5 5%	9 5%	a	1 2
GROUP 7-A	12 79	5 5%	9 5%	a	1 2
GROUP 7-B	13 03	5 5%	9 5%	a	1 2

DECISION NO PA77-3060 2 of 2

GROUP 1: Machines doing hook work, any machine handling machinery, cable spinning machines, helicopters, machines similar to the above

GROUP 2: All types of cranes, all types of backhoes, cableways, draglines, keystones, all types of shovels, derricks, trench shovels, trenching machines, hoist with two towers, pavers 21E and over, all types overhead cranes, building hoists (double drum) gradalls, mucking machines in tunnel, all front end loaders 3-½ c y and over, tandem scrapers, pippin type backhoes, boat Captain batch plant operators (concrete) drills, self-contained rotary drills, fork lifts, 20 ft lift and over machine to the above

GROUP 3: Conveyors, building hoists (single drum) scrapers and tournapulls, spreaders, high or low pressure boilers, concrete pumps, well drillers, bulldozers and tractors, asphalt plant engineers, roller (high grade finishing), ditch witch type trencher, all loaders under 3-½ cu yds , mechanic-welders, motor patrols, drill helper-self contained rotary drills, core drill operator, forklift trucks under 20 ft lift, machines similar to the above

GROUP 4: Welding machines, well points, compressors, pumps, heaters, farm tractors, form line graders, fine grade machines, road finishing machines, concrete breaking machines, rollers, seaman pulverizing mixer, power broom, seeding spreader, fireman (for power equipment), machines similar to above

GROUP 5: Fireman, grease truck

GROUP 6: Oilers and deck hands (personnel boats), core drill helper

GROUP 7: All machines with booms (including jib, masts, leads, etc): 100 ft and over

GROUP 7-A: 150 ft and over

GROUP 7-B: 200 ft and over

FOOTNOTE:
a Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day Thanksgiving Day, and Christmas Day, provided the employee works the day before and after the holiday

SUPERSEDEAS DECISION

STATE: South Carolina COUNTY: Beaufort
DECISION NO : SC77-1070 DATE: Date of Publication
Supersedeas Decision No : SC75-1026 dated February 28, 1975 in 40 FR-8692
DESCRIPTION OF WORK: Building Construction (does not include single family homes and-garden type apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
Air conditioning mechanic	8 20	35	40	45	02
Asbestos workers	8 24	35	40		
Bricklayers	6 00				
Carpenters	4 75				
Cement masons	4 45				
Electricians	5 00				
Ironworkers	5 25				
Laborers	2 50				
Painters, brush	5 00				
Plasterers	6 00				
Plumbers	4 03				
Roofers	4 60				
Sheet metal workers	6 85	30	15		02
Sprinkler fitters	8 52	50	80		08
Tile setters	4 75				
Truck drivers	2 50				
Welders - receive rate for craft					
POWER EQUIPMENT OPERATORS:					
Cranes	3 25				
Distributors	3 50				
Oilers	2 30				
Pumps	3 70				
Roller operator	3 20				
Screed operator	3 20				
Spreader	3 30				

SUPERSEDEAS DECISION

STATE: Texas COUNTIES: Cameron, Hidalgo, Starr & Willacy
DECISION NO : TX77-4105 DATE: Date of Publication
Supersedes Decision No. TX76-4126, dated July 23, 1976, in 41 FR 30565
DESCRIPTION OF WORK: Building Construction (does not include single family homes and garden typeapartments up to and including 4 stories). (See current heavy & highway general wage determination for Paving & Utilities Incidental to Building Construction)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
ASBESTOS WORKERS	$ 9 29	50	.50		
BOILERMAKERS	10 00	50	1 00		.02
BRICKLAYERS	6 00				
CARPENTERS	5 11				
CEMENT MASONS	3 50				
ELECTRICIANS	5 50				
GLAZIERS	3.55				
IRONWORKERS:					
Structural & ornamental	3 50				
Reinforcing	4.02				
LABORERS:					
Common laborers	2.30				
Air tool operators	2.30				
Mason tenders	2 30				
Mortar mixers	2 30				
Plasterers' tenders	2.30				
PAINTERS	4 19				
PLASTERERS	7.00				
PLUMBERS & PIPEFITTERS	8 08	32	15		.05
ROOFERS:					
Roofers	4.06				
Kettlemen	4.40				
SHEET METAL WORKERS	4 23				
SPRINKLER FITTERS	11 15	.65	95		08
TILE SETTERS	3 75				
TRUCK DRIVERS	2.30				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental					

SUPERSEDEAS DECISION

STATE: Wyoming
DECISION NUMBER: WY77-5052
COUNTY: Statewide
DATE: Date of Publication
Supersedes Decision No WY76-5029 dated April 2, 1976 in 41 FR 14307
DESCRIPTION OF WORK: Highway Construction

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
CARPENTERS	$ 7 09	.50	50		15
CEMENT MASONS	6 65	50			05
IRONWORKERS:					
Structural	5 93				
Reinforcing	4 75				
PAINTERS:					
Brush and Spray	6 63				
LINE CONSTRUCTION:					
All work over 34 5 KV all work on steel towers and/or multiple wood structures, all cross country underground communications work, and all motor traffic controlling, streets and highway lighting:					
Cable Splicer	10 42	45	1%		3/4%
Lineman	9 47	45	1%		3/4%
Equipment Operators	8 55	45	1%		3/4%
Groundman	7 03	45	1%		3/4%
All work 34 5 KV and under:					
Lineman	9 47	45	1%		3/4%
Line Equipment Operator	8 19	45	1%		3/4%
Groundman	7 03	45	1%		3/4%

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
Group 1:					
Axeman and hand faller; Bin Wall Installer Helpers; Concrete Worker (wet or dry); Concrete Workers (curing and drying); Dumpman; Erector and Installer (including the installation and erection of fences, snow fences, guard rails, median rails, median posts, signs and right-of-way marker); Form Stripper; Form Setter Helper (paving); General Labor; Gunite Helper; Heater Tender; Landscaper Helper; Material Handler (lumber, rods, cement, concrete); Nozzleman, air and water; Pipe Setters' Helpers (non-metallic); Pipe Setters' Helpers (corrugated); Pre-watering, pre-wetting and pre-irrigation (all work); Rip Rap Man; Sandblaster Pot Tender; Signal Man; Grade Concrete, etc Scissor Man or Hopper Man; Stake Jumber for equipment; Tar and asphalt pot tender; Wrecking and demolition crews	$ 4 77				

LABORERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
Group 2:					
Asphalt Raker and Tamper; Bin Wall Installer; Bituminous Curb Builder; Cement Mason or Finisher; Helper and Tender; Chuck Tender; Form Setter (paving); Hand operated Vibratory Roller; Landscaper; Mortar Man on stone riprap; Operator of pneumatic, electric, gas tamper and similar mechanical tools; Pipe Setter (corrugated culvert pipe sectional, multiplate and similar type); Pipe Setter; Pipelayer (non-metallic); Pipewrapper; Powderman Helper; Power type Concrete Buggy (push or ride); Power Saw Operator (clearing); Vibrator, concrete	$ 4 87				
Group 3:					
Concrete Saw; Gunite Nozzleman; High Scaler (using air tools from bos'n chair, swing stage lift belt, or block and tackle shall receive $ 20 per hour more than the classified rate); Jackhammer and Pavement Breaker; Sandblaster Nozzleman; Sewer Pipe Installer (non-metallic), clay, concrete, etc (Caulker, Collarman, Jointer, Mortarman, Rigger, Jacker)	5 02				

LABORERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
Group 4:					
Powderman and Blaster; Wagon Drill, Air-trac, Diamond and other drills for blasting powder or grouting	$ 5 27				
Group 5:					
Tunnel and Underground Work:					
Brakeman; Swamper; Vibrator Man	5 25				
Bull Gang; Dumpman; Mucker; Trackman	5 09				
Miners (drillers) Machine Men; Timbermen; Steelmen; Drill Doctor; Form Setter and Mover; Spader; Tuggers spilling and/or Caisson Workers; Powdermen; Jackhammermen; Finishers	5 52				
Nipper; Chucktender; Topman; Toplander	5 36				

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
POWER EQUIPMENT OPERATORS					
Group 1	$ 6 55	25	35		02
Group 2	6 60	25	35		02
Group 3	6 65	25	35		02
Group 4	6 69	25	35		02
Group 5	6 72	25	35		02
Group 6	6 77	25	35		02
Group 7	6 81	25	35		02
Group 8	6 83	25	35		02
Group 9	6 94	25	35		02
Group 10	7 00	25	35		02
Group 11	7 02	25	35		02
Group 12	7 20	25	35		02
Group 13	7 24	25	35		02
Group 14	7 31	25	35		02
Group 15	7 37	25	35		02
Group 16	7 54	25	35		02
Group 17	7 88	25	35		02

POWER EQUIPMENT OPERATORS

Group 1: Auger Machine Operator (post holes, etc); Batch Bin Weighman, Scissorman or Hopperman; Beginner Operator; Brakeman and Helper; Crusher Oiler; Oiler; Utility; Screed Operator; Tractor Operators (farm, crawler or wheel type, 60 HSP (drawbar) or less with or without use of power attachments, except for use of back hoe or bucket)

Group 2: Broom Operators, self-propelled; Cableway Signalman (bellboy); Concrete Saw (self-propelled); Fireman; Power Loader, belt and bucket type

Group 3: Air Compressor over 315 cu. ft capacity; Chip Spreader Operator; Form Grader Operator; Joint Machine Operator; Longitudinal Float Operator; Mixer Operator Concrete (under one yard); Helper (welder or heavy duty); Roller Operators, self-propelled (pneumatic, rubber tired, sheep foot, vibratory or combination type); Tire Repairman

Group 4: Pump Operator (all others)

Group 5: Conveyor Belt Operator; Fork Lift and Lumber Staker; Screening Plant Operator

Group 6: A-Frame Truck; Tractor Operators (farm, crawler or wheel type, over 60 HSP (drawbar) without use of power attachments

Group 7: Oiler, Lead Utility

Group 8: Gunnite and Grout Machine Operator; Mulching Machine Operator; Oil Distributor

Group 9: Front End Loader (up to and including 1¼ cu yds); Pavement Breakers, Hydro-tamper and similar type machines; Pumps, well points

Group 10: Hoist Operator (one drum)

POWER EQUIPMENT OPERATORS (Cont'd)

Group 11: Haulage Motorman and Industrial type Motormen; Motor Patrol Operator (all others); Pump Operator (in tunnels, shafts, raises); Hydro type Cranes (up to 15 tons)

Group 12: Air Compressor, two or more machines or tunnels, shafts, raises of plant Operator; Asphalt Plant Operator; Bituminous Lay-down Machine Operator; CMI Machine and similar; Concrete Batch Plant; Concrete Finish Machine Operator; Concrete Multi Blade Span Saw (Hunt process or similar); Concrete Spreader and Paver Operator; Curbser Operator; Drilling Machine, integrated (Core, Rotary, Caisson, Diamond); Elevating Grader; Front End Loader (over 1½ cu yds); Jumbo Form Operator; Mixer Operator, base course pug mill type; Mixer Bituminous Operator (travel plant); Mixer Operator Concrete (over one yard); Motor Patrol Operator (finish); Mucking Machine Operator (all types); Pneumatic Guns; Pumpcrete Operator; Roller Operator, (tandem steel wheel, three axle or three wheel); Scraper Equipment (all types); Shovels, Draglines, Cranes, Piledrivers, all truck mounted cranes, (manufacturers' rating) up to 3½ yards, all attachments; Hydro type Cranes, (15 ton and over); Shuttle Car Operator; Subgrade Machine Operator (power); Tractor Operator, all with use of power attachments and including Pushcat,Dozer, Tournadozer, etc (The use power attachment shall not include disking, pulling or rollers, and similar unskilled actions); Trenching Machine Operator; Wash Plant Operator

Group 13: Welder, Machine Doctor

Group 14: Hoist Operator (two or more drums of shafts or raises); Repairman; Mechanics; Machine Doctors, Welders and Helper; Heavy Duty Mechanic, Machine Doctor

Group 15: Cableway Operators; Mixer Dual Drum; Cranes, (Whirley, Gantry, Stiffleg; Overhead traveling)

Group 16: Shovels, Draglines, Cranes, Piledrivers, all truck mounted Cranes (manufacturer's rating) 3½ yards to 7 cu yds , all attachments; Wheel Excavator Operator

Group 17: Shovels, Draglines, Cranes, Piledrivers, all truck mounted Cranes, (manufacturer's rating) 7 cu yds and over, all attachments

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
Pick-up Truck Drivers (when used for hauling)	$ 5 45	25	35		
Dump Truck Drivers (water level capacity box):					
7 cu yds and less	5 50	25	35		
Over 7 cu yds to and including 10 cu yds	5 65	25	35		
Over 10 cu yds to and including 13 cu yds	5 57	25	35		
Over 13 cu yds to and including 20 cu yds	6 25	25	35		
Over 20 cu yds to and including 25 cu yds	6 25	25	35		
Over 25 cu yds to and including 30 cu yds	6 35	25	35		
Over 30 cu yds to and including 35 cu yds	6 40	25	35		
Over 35 cu yds to and including 40 cu yds	6 45	25	35		
Over 40 cu yds to and including 45 cu yds	6 50	25	35		
Over 45 cu yds. (to be negotiated prior to use)					
Snow Plow Truck Drivers (the cu. yd rate of the truck driver classification):					
Pilot Car Drivers	5 45	25	35		
Gravel Spreader	5 50	25	35		
Flat Rack Material Truck Drivers:					
Less than 2 tons	5 50	25	35		
2 tons to 5 tons	5 65	25	35		
Over 5 tons	5 75	25	35		
Low Boy and Tandem Axle Float Drivers	6 25	25	35		
Gang Truck Drivers	5 50	25	35		

TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
Stringing Truck Drivers:					
Single axle type truck	$ 5 50	25	35		
Multiple axle type truck; semi	6 25	25	35		
Winch Trailer Truck Drivers (cable and hoist)	5 75	25	35		
Utility Winch Truck Drivers	5 75	25	35		
"A" Frame Truck Drivers	5 75	25	35		
Warehousemen, Partsmen and Helpers	5 50	25	35		
Material Checkers	5 65	25	35		
Transit Mix or wet mix Truck Drivers:					
Less than 5 cu yds ; Single axle	5 75	25	35		
Over 5 cu yds to and including 10 cu yds ; Tandem axle	5 85	25	35		
Over 10 cu yds	5 95	25	35		
Power Broom Drivers and/or Operators	5 65	25	35		
Water Truck Drivers:					
2500 gal or less (straight truck)	5 50	25	35		
2500 gal or less (semi truck)	5 65	25	35		
Over 2500 gal. to and including 3600 gal.	5 75	25	35		
Over 3600 gal (straight truck)	5 85	25	35		
Over 3600 gal (semi truck)	5 95	25	35		

TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
Heavy Duty (Euclids, electric or similar type)	$ 6 25	25	35		
Fuel Service Truck Drivers	5 50	25	35		
Greasemen, Tiremen, Service Men and Helpers	5 50	25	35		
Truck Mechanics and Helpers (shop and field):					
Field Mechanics	6 45	25	35		
Helpers - field (welders, mechanics, etc)	6 01	25	35		

SUPERSEDEAS DECISION

STATE: Wyoming

COUNTIES: Converse, Goshen, Laramie, Natrona, Niobrara and Platte

DECISION NUMBER: WY77-5054

DATE: Date of Publication

Supersedes Decision No WY76-5070 dated August 6, 1976, in 41 FR 33187

DESCRIPTION OF WORK: Building Construction (does not include single family homes and garden type apartments up to and including 4 stories) and heavy construction

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
BUILDING CONSTRUCITON					
ASBESTOS WORKERS	$10 76	38	$ 1 17		
BOILERMAKERS	10 30	85	1 00		02
BRICKLAYERS; Stonemasons:					
Goshen, Laramie and Platte Counties	9 70		30		
Converse, Natrona and Niobrara Counties	10 00				
CARPENTERS:					
Carpenters	8 85	50	50	.35	15
Piledrivermen	9 10	50	50	35	15
CEMENT MASONS:					
Cement Masons	9 45	50			05
Working with composition material; Scaffold, swing stage or temporary platform over 8' high; Operator of power machines	9 70	50			05
ELECTRICIANS:					
Goshen, Laramie, Niobrara and Platte Counties					
Electricians	10 85	42	1%+ 25		3/4of1%
Cable Splicers	11 10	42	1%+ 25		3/4of1%
Converse and Natrona Counties					
Contracts $150,000 and under:					
Electricians	9.15	42	1%+ 25		3/4of1%
Contracts over $150,000:					
Electricians	9 90	42	1%+ 25		3/4of1%
ELEVATOR CONSTRUCTORS	10 64	545	35	4%+a	02
ELEVATOR CONSTRUCTORS' HELPERS	50%JR	545	35	4%+a	02
ELEVATOR CONSTRUCTORS' HELPERS (PROB)	50%JR				
IRONWORKERS:					
Structural; Ornamental; Reinforcing	9 15	55	85		25

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
MARBLE, TILE & TERRAZZO WORKERS:					
Converse, Natrona and Niobrara Counties	$10 00				
MILLWRIGHTS	9 93	78	85	6%	07
PAINTERS:					
Converse, Natrona and Niobrara Counties					
Painters, Brush and roll; Hardwood Finishers; Sandblast; Pot Tenders	9 00	65	30		
Painters; Spray; Swing Stage and Chair	9 80	65	30		
Paperhanging; Drywall Finishers (hand)	9 25	65	30		
Sandblast (interior); Steeplejack	10 44	65	30		
Sandblast (exterior)	10 00	65	30		
Hazardous Work	9 75	65	30		
Goshen, Laramie and Platte Counties					
Painters, brush	8 45				
PLUMBERS; Steamfitters:					
Goshen, Laramie and Platte Counties					
Zone 1 (15 miles radius from Cheyenne Post Office)	8 72	60	50	1 00	18
Zone 2 (10 miles radius beyond Zone 1)	9 47	60	50	1 00	18
Zone 3 (15 miles radius beyond Zone 2)	10 24	60	50	1 00	18
Zone 4 (Jurisdiction beyond Zone 3)	11 31	60	50	1 00	18
Zone 5 (Footnote "b")					
General Contracts $700,000 00 or less	8 72	60	50	1 00	18
General Contracts over $700,000 00	9 22	60	50	1 00	18

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
PLUMBERS; Steamfitters:					
Converse, Natrona and Niobrara Counties					
Zone 1 (10 miles radius from Post Office in Casper)	$ 9 16	60	$ 1 00	$1 75	10
Zone 2 (10 miles radius beyond Zone 1)	9 66	60	1 00	1 75	
Zone 3 (20 miles radius beyond Zone 2)	10 16	60		1 75	
Zone 4 (40 miles beyond Zone 3)	11 01	60	1 00	1 75	10
Zone 5 (Jurisdiction beyond Zone 4)	11 51	60	1 00	1 75	10
ROOFERS	9 75				
SHEET METAL WORKERS:					
Converse, Natrona and Niobrara Counties	9 91	37	71		05
Goshen, Laramie and Platte Counties	10 30	60	90		08
SPRINKLER FITTERS	10 30	50	80		08
WELDER: RIGGER: Receive rate prescribed for craft performing operation to which welding or rigging is incidental					

FOOTNOTES:

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 6 Paid Holidays: A through F

b Use only in the Cities of Laramie, Torrington, Wheatland, Evanston, Green River and Rock Spring within a 5 mile radius from the Post Office

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
LABORERS (Building Construction)					
Group 1	$ 6 25	33	20		05
Group 2	6 47	33	20		05
Group 3	6 53	33	20		05
Group 4	6 75	33	20		05
Group 5	6 75	33	20		05
Group 6	7 00	33	20		05
Group 7	6 84	33	20		05
Group 8	6 73	33	20		05
Group 9	6 57	33	20		05
HEAVY CONSTRUCTION					
Carpenters	7 09	50	50		15
Cement Masons	6 65	50			05
Ironworkers, structural	5 93				
Ironworkers, reinforcing	4 75				
Painters, brush and spray	6 63				

LABORERS
(Building Construction)

Group 1: Axeman and hand faller; Concrete worker (wet or dry) (curing and drying); Car and truck loader; Dumpman; Erector and installer (includes the installation and erection of all fences, right-of-way, median fence, snow fence, etc , guard rails, section rails, reference posts, guide posts, signs and right-of-way markers); Form stripper; Form setter helper (paving); General laborer; Gunite helper; Landscaper helper; Material handler (lumber, rods, cement, concrete); Nozzleman (air and water); Pipe setter helpers, non-metallic; Pipe setters helpers, corrugated; All work pertaining to pre-watering, pre-irrigation and pre-wetting; Rodman; Riprap Man; Sandblaster pot tender; Signalman, grade, concrete, etc ; Scissorman or hopper man; Stake jumper for equipment; Tar and asphalt pot tender; Wrecking and demolition crews; Unloading and packing of steel rods and mesh (reinforcing); Heater tender and pilot car operator

Group 2: Asphalt raker and tamper; Bin wall installer; Bituminous curb builder; Carpenter tender; Cement mason tender; Chuck tender; Form setter (paving); Hand operator vibrator roller; Landscaper; Mechanical form cleaner; Mortar man on stone riprap; Operator of pneumatic, electric, gas tamper and similar mechanical tools; Powderman helper; Pipe setter, corrugated; Culvert pipe, multi-plate, sectional plate and similar type; Pipe wrapper; Power-type concrete buggy (push); Power saw operator (clearing); Vibrator (concrete); Creosote material handler (corrosive enamel or its equal); Burner (cutting torch)

Group 3: Concrete saw; Gunite nozzleman; High scaler (using air tools from bos'n chair, swing stage lift belt, or block and tackle, shall receive $ 20 per hour more than the classified rate); Jackhammer and pavement breaker; Sandblaster nozzleman; Sewer pipe installer, non-metallic; Caulker; Collarman; Jointer; Mortarman; Rigger; Jacker; Power-type concrete buggy (ride); Shoring and lagging of open ditch

Group 4: Powderman and blaster; Wagon drill, air crack, diamond and other drills for blasting powder or grouting

Group 5: Hod carriers; Mason tender; Plasterers tenders; Terrazzo tenders; Tile setter tenders, and scaffold builders

Group 6: Tunnel and underground work: Miners (drills) Machine man; Timberman; Steelman; Drill doctor; Form setter and movers; Spaders; Tuggers; Spilling and/or caisson workers; Jackhammer men; Finishers; Re-bar man; Powderman

Group 7: Nipper; Chuck tender; Top man or toplander

Group 8: Brakeman and vibrator man

Group 9: Mucker and bull gang laborer

HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
LABORERS					
Group 1:					
Axeman and hand faller; Bin Wall Installer Helpers; Concrete Worker (wet or dry); Concrete Workers (curing and drying); Dumpman; Erector and Installer (including the installation and erection of fences, snow fences, guard rails, median rails, median posts, signs and right-of-way marker); Form Stripper; Form Setter Helper (paving); General Labor; Gunite Helper; Heater Tender; Landscaper Helper; Material Handler (lumber, rods, cement, concrete); Nozzleman, air and water; Pipe Setters' Helpers (non-metallic); Pipe Setters' Helpers (corrugated); Pre-watering, pre-wetting and pre-irrigation (all work); Rip Rap Man; Sandblaster Pot Tender; Signal Man; Grade Concrete, etc ; Scissor Man or Hopper Man; Stake Jumber for equipment; Tar and asphalt pot tender; Wrecking and demolition crews	$ 4 77				

HEAVY CONSTRUCTION LABORERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
Group 2:					
Asphalt Raker and Tamper; Bin Wall Installer; Bituminous Curb Builder; Cement Mason or Finisher; Helper and Tender; Chuck Tender; Form Setter (paving); Hand operated Vibratory Roller; Landscaper; Mortar Man on stone riprap; Operator of pneumatic, electric, gas tamper and similar mechanical tools; Pipe Setter (corrugated culvert pipe sections, multiplate and similar type); Pipe Setter; Pipelayer (non-metallic); Pipewrapper; Powderman Helper; Power type Concrete Buggy (push or ride); Power Saw Operator (clearing); Vibrator, concrete	$ 4 87				
Group 3:					
Concrete Saw; Gunite Nozzleman; High Scaler (using air tools from boo'n chair, swing stage lift belt, or block and tackle shall receive $ 20 per hour more than the classified rate); Jackhammer and Pavement Breaker; Sandblaster Nozzleman; Sewer Pipe Installer (non-metallic), clay, concrete, etc (Caulker, Collarman, Jointer, Mortarman, Rigger, Jacker)	5 02				

HEAVY CONSTRUCTION LABORERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
Group 4:					
Powderman and Blaster; Wagon Drill, Air-trac, Diamond and other drills for blasting powder or grouting	$ 5 27				
Group 5: Tunnel and Underground Work:					
Brakeman; Swamper; Vibrator Man	5 25				
Bull Gang; Dumpman; Mucker; Trackman	5 09				
Miners (drillers) Machine Men; Timbermen; Steelmen; Drill Doctor; Form Setter and Mover; Spader; Tuggers spilling and/or Caisson Workers; Powdermen; Jackhammermen; Finishers	5 52				
Nipper; Chucktender; Topman; Toplander	5 36				

HEAVY CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
Group 1	$ 6 55	25	35		02
Group 2	6 60	25	35		02
Group 3	6 65	25	35		02
Group 4	6 69	25	35		02
Group 5	6 72	25	35		02
Group 6	6 77	25	35		02
Group 7	6 81	25	35		02
Group 8	6 83	25	35		02
Group 9	6 94	25	35		02
Group 10	7 00	25	35		02
Group 11	7 02	25	35		02
Group 12	7 20	25	35		02
Group 13	7 24	25	35		02
Group 14	7 31	25	35		02
Group 15	7 37	25	35		02
Group 16	7 54	25	35		02
Group 17	7 88	25	35		02

HEAVY CONSTRUCTION
POWER EQUIPMENT OPERATORS

Group 1: Auger Machine Operator (post holes, etc); Batch Bin Weighman, Scissorman or Hopperman; Beginner Operator; Brakeman and Helper; Crusher Oiler; Oiler; Utility; Screed Operator; Tractor Operators (farm, crawler or wheel type, 60 HSP (drawbar) or less with or without use of power attachments, except for use of back hoe or bucket)

Group 2: Broom Operators, self-propelled; Cableway Signalman (bellboy); Concrete Saw (self-propelled); Fireman; Power Loader, belt and bucket type

Group 3: Air Compressor over 315 cu ft capacity; Chip Spreader Operator; Form Grader Operator; Joint Machine Operator; Longitudinal Float Operator; Mixer Operator Concrete (under one yard); Helper (welder or heavy duty); Roller Operators, self-propelled (pneumatic, rubber tired, sheep foot, vibratory or combination type); Tire Repairman

Group 4: Pump Operator (all others)

Group 5: Conveyor Belt Operator; Fork Lift and Lumber Staker; Screening Plant Operator

Group 6: A-Frame Truck; Tractor Operators (farm, crawler or wheel type, over 60 HSP (drawbar) without use of power attachments

Group 7: Oiler, Lead Utility

Group 8: Gunnite and Grout Machine Operator; Mulching Machine Operator; Oil Distributor

Group 9: Front End Loader (up to and including 1½ cu yds); Pavement Breakers, Hydro-tamper and similar type machines; Pumps, well points

Group 10: Hoist Operator (one drum)

HEAVY CONSTRUCTION
POWER EQUIPMENT OPERATORS (Cont'd)

Group 11: Haulage Motorman and Industrial type Motormen; Motor Patrol Operator (all others); Pump Operator (in tunnels, shafts, raises); Hydro type Cranes (up to 15 tons)

Group 12: Air Compressor, two or more machines or tunnels, shafts, raises of plant Operator; Asphalt Plant Operator; Bituminous Lay-down Machine Operator; CMI Machine and similar; Concrete Batch Plant; Concrete Finish Machine Operator; Concrete Multi Blade Span Saw (Hunt process or similar); Concrete Spreader and Paver Operator; Curbser Operator; Drilling Machine, integrated (Core, Rotary, Caisson, Diamond); Elevating Grader; Front End Loader (over 1½ cu yds.); Jumbo Form Operator; Mixer Operator, base course pug mill type; Mixer Bituminous Operator (travel plant); Mixer Operator Concrete (over one yard); Motor Patrol Operator (finish); Mucking Machine Operator (all types); Pneumatic Guns; Pumperete Operator; Roller Operator, (tandem steel wheel, three axle or three wheel); Scraper Equipment (all types); Shovels, Draglines, Cranes, Piledrivers, all truck mounted cranes, (manufacturers' rating) up to 3½ yards, all attachments; Hydro type Cranes, (15 ton and over); Shuttle Car Operator; Subgrade Machine Operator (power); Tractor Operator, all with use of power attachments and including Pushcat, Dozer, Tournadozer, etc (The use power attachment shall not include disking, pulling or rollers, and similar unskilled actions); Trenching Machine Operator; Wash Plant Operator

Group 13: Welder, Machine Doctor

Group 14: Hoist Operator (two or more drums of shafts or raises); Repairman; Mechanics; Machine Doctors, Welders and Helper; Heavy Duty Mechanic, Machine Doctor

Group 15: Cableway Operators; Mixer Dual Drum; Cranes, (Whirley, Gantry, Stiffleg, Overhead traveling)

Group 16: Shovels, Draglines, Cranes, Piledrivers, all truck mounted Cranes (manufacturer's rating) 3½ yards to 7 cu yds, all attachments; Wheel Excavator Operator

Group 17: Shovels, Draglines, Cranes, Piledrivers, all truck mounted Cranes, (manufacturer's rating) 7 cu yds and over, all attachments

HEAVY CONSTRUCTION TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
Pick-up Truck Drivers (when used for hauling)	$ 5 45	25	35		
Dump Truck Drivers (water level capacity box):					
7 cu yds and less	5 50	25	35		
Over 7 cu yds to and including 10 cu yds	5 65	25	35		
Over 10 cu yds to and including 13 cu yds	5 57	25	35		
Over 13 cu yds to and including 20 cu yds	6 25	25	35		
Over 20 cu yds to and including 25 cu yds	6 25	25	35		
Over 25 cu yds to and including 30 cu yds	6 35	25	35		
Over 30 cu yds to and including 35 cu yds	6 40	25	35		
Over 35 cu yds to and including 40 cu yds	6 45	25	35		
Over 40 cu yds to and including 45 cu yds	6 50	25	35		
Over 45 cu yds (to be negotiated prior to use)					
Snow Plow Truck Drivers (the cu. yd rate of the truck driver classification):					
Pilot Car Drivers	5 45	25	35		
Gravel Spreader	5 50	25	35		
Flat Rack Material Truck Drivers:					
Less than 2 tons	5 50	25	35		
2 tons to 5 tons	5 65	25	35		
Over 5 tons	5 75	25	35		
Low Boy and Tandem Axle Float Drivers	6 25	25	35		
Gang Truck Drivers	5 50	25	35		

HEAVY CONSTRUCTION TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
Stringing Truck Drivers:					
Single axle type truck	$ 5 50	25	35		
Multiple axle type truck; semi	6 25	25	35		
Winch Trailer Truck Drivers (cable and hoist)	5 75	25	35		
Utility Winch Truck Drivers	5 75	25	35		
"A" Frame Truck Drivers	5 75	25	35		
Warehousemen, Partsmen and Helpers	5 50	25	35		
Material Checkers	5 65	25	35		
Transit Mix or wet mix Truck Drivers:					
Less than 5 cu yds ; Single axle	5 75	25	35		
Over 5 cu yds to and including 10 cu yds ; Tandem axle	5 85	25	35		
Over 10 cu yds	5 95	25	35		
Power Broom Drivers and/or Operators	5 65	25	35		
Water Truck Drivers:					
2500 gal or less (straight truck)	5 50	25	35		
2500 gal or less (semi truck)	5 65	25	35		
Over 2500 gal to and including 3600 gal	5 75	25	35		
Over 3600 gal (straight truck)	5 85	25	35		
Over 3600 gal (semi truck)	5 95	25	35		

HEAVY CONSTRUCTION TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr Tr
Heavy Duty (Euclids, electric or similar type)	$ 6 25	25	35		
Fuel Service Truck Drivers	5 50	25	35		
Greasemen, Tiremen, Service Men and Helpers	5 50	25	35		
Truck Mechanics and Helpers (shop and field):					
Field Mechanics	6 45	25	35		
Helpers - field (welders, mechanics, etc)	6 01	25	35		

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