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

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

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

Questions and requests for specific information may be directed to the following numbers. General inquiries may be made by dialing 202-523-5240.

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**FEDERAL REGISTER, VOL. 41, NO. 239—FRIDAY, DECEMBER 10, 1976**
Continuance of Duty on Certain Brandy

By the President of the United States of America

A Proclamation

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of the TSUS to $3 per gallon, effective with respect to all articles that are both (i) imported, and (ii) entered, or withdrawn from warehouse, for consumption on and after December 10, 1976.

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

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

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of the rights of the United States, do hereby proclaim, until the President otherwise proclaims or until otherwise superseded by law, that:

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

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

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

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

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Provided for in item 168.32:

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

(i) imported, and

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

on or after December 26, 1976.

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

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

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

[FR Doc.76-36535 Filed 12-8-76; 4:45 pm]
This section of the FEDERAL REGISTER contains regulatory documents having general applicability and 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
REGISTER issue of each month.

Title 46—Shipping
CHAPTER IV—FEDERAL MARITIME COMMISSION
[No. 67-891]
PART 514—REPORTS OF RATE BASE AND INCOME ACCOUNT BY SIGNIFICANT VESSEL OPERATING COMMON CARRIERS IN THE DOMESTIC OFFSHORE TRADE
Postponement of Effective Date
Notice is hereby given that the Commission has determined to postpone the effective date of the rules published in this proceeding September 8, 1976; (41 FR 37785), pending further order of the Commission on review of petitions for reconsideration.

By the Commission.

FRANCIS C. HURNEY, Secretary.

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

Title 5—Administrative Personnel
CHAPTER I—CIVIL SERVICE COMMISSION
PART 213—EXCEPTED SERVICE
National Foundation on the Arts and Humanities; Correction
In the FEDERAL REGISTER of December 24, 1974 (FR Doc.74-29955) on page 44402, the Civil Service Commission automatically revoked a number of Schedule C positions. In this listing of revocations, paragraph (f) was erroneously revoked in its entirety; only paragraph (f)(1) should have been revoked, paragraph (f)(2) should have been retained.

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

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

§213.3388 Federal Energy Administration.

(1) Office of Intergovernmental, Regional and Special Programs.

(1) (Reserved)

(2) One Special Assistant to the Director.

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


UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.
[FR Doc.76-36286 Filed 12-9-76; 8:45 am]

PART 591—ALLOWSANCES AND DIFFERENTIALS
Cost-of-Living Allowances and Post Differentials—Nonforeign Areas; Correction
In the FEDERAL REGISTER of November 23, 1976, FR Doc. 76-34210, on page 51581 in Appendix A of Subpart B, under the heading of Virgin Islands, the authorized allowance rate for St. Croix Island, Local retail/private housing, was incorrectly given as "7.5", it should be "5.0".

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.
[FR Doc.76-36015 Filed 12-9-76; 8:45 am]

PART 213—EXCEPTED SERVICE
Federal Energy Administration; Correction and Addition
In the FEDERAL REGISTER of December 24, 1974 (FR Doc.74-29955) on page 44402, the Civil Service Commission automatically revoked a number of Schedule C positions. In this listing of revocations, paragraph (f) was erroneously revoked in its entirety; only paragraph (f)(1) should have been revoked, paragraph (f)(2) should have been retained.

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

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

§213.3388 Federal Energy Administration.

(1) Office of Intergovernmental, Regional and Special Programs.

(1) (Reserved)

(2) One Special Assistant to the Director.

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


UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.
[FR Doc.76-36286 Filed 12-9-76; 8:45 am]

Title 7—Agriculture
CHAPTER II—FEDERAL CROP INSURANCE CORPORATION, DEPARTMENT OF AGRICULTURE
[Amndt. No. 60]
PART 401—FEDERAL CROP INSURANCE
Subpart—Regulations for the 1969 and Succeeding Crop Years
Flue Cured Tobacco Poundage Quota Endorsement
Note:—Crop Insurance—USDA/FCS amends regulations for insuring flue cured tobacco under the poundage quota system; effective (date of publication in the Federal Register).

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

§401.150 The Flue Cured Tobacco Poundage Quota Endorsement.

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

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

2. Insured Acreage. Insured acreage is in lieu of the provisions of section 51(c) of the policy, the following shall apply:

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

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

4. Applicable Poundage, Amount of Insurance, and Premium for a Unit. In lieu of the provisions of section 5 of the policy the following shall apply: (a) The applicable poundage for the unit shall be the "insured poundage quota"; Provided, however, That if the result obtained by dividing the poundage as determined above by the applicable farm yield per acre (see section 5(g)) exceeds the insured acreage on a unit, the applicable poundage shall be reduced to the product of (1) the factor determined by dividing the insured acreage by such result times (2) the insured poundage quota for the unit.
(b) The amounts of insurance for a unit shall be the dollar amount determined by multiplying the applicable poundage for the unit by the applicable percentage. The amounts of insurance determined by this provision shall be a multiple of 200 pounds or less, whichever occurs first, but in no event shall the amounts of insurance determined by this provision exceed 600 pounds.

6. Insurance period. Insurance on any insured acreage shall attach at the time the tobacco was planted or caused to grow, except that if the tobacco was destroyed or made unmarketable by fire or other cause, insurance shall attach at the time the destruction or the making unmarketable occurred. The insurance period shall begin on the date the tobacco was planted or caused to grow and shall continue for a period of 12 months or until the tobacco is harvested or otherwise disposed of, whichever occurs first. In no event shall the insurance period exceed 12 months.

7. Notice of Loss or Substantial Damage. Any claim for loss under the policy shall be made in writing by the insured and shall be filed within 15 days of the occurrence of the event giving rise to the claim. Any claim not filed within 15 days shall be considered abandoned.

8. Cancellation and debt termination dates. For any crop year, the cancellation date for the policy shall be the January 31 immediately preceding the beginning of the crop year for which it is to become effective.

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

(a) "Insurance Unit," notwithstanding the first sentence of section 10(e) of the policy, means all the Insurable acreage in the county planted to flue cured tobacco on a farm or farms for which a single poundage marketing quota for flue cured tobacco is established and at the time of planting (1) in which the Insured owns an interest in the leased quota, (2) which is owned by one person and operated by the Insured as a tenant, or (3) which is owned by the Insured and rented to one tenant. Provided, however, that if all flue cured tobacco price support programs is not in effect for any crop year, the above words "on a farm or farms for which a single poundage marketing quota for flue cured tobacco is established" shall be disregarded: Provided, further, that in the event of a specified share in the production from a unit, the lease shall be regarded as the owner's share with respect to that specified share and the Insured shall have no interest in the leased quota. Otherwise the provisions of section 10(e) of the policy apply to flue cured tobacco crop insurance, except that no other agreement shall be made which divides the insurable acreage into two or more units.

(b) "Market Price" for a crop year means the average auction price for flue cured tobacco as of such year as indicated by the market price report for the county designated for such crop year.
Provided, however, That for any crop year in which burley tobacco is not in effect the market price for that crop year shall be used in lieu thereof.

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

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

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

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

Said amendment shall become effective December 10, 1976.

The Federal Crop Insurance Corporation has determinations for the 1969 and Succeeding Crop Years of the tobacco price support program has determined that compliance with the procedures for notice of proposed rule making and public hearing shall be the practicable and contrary to the public interest. Accordingly, said amendment was adopted by the Board of Directors on November 10, 1976.

Said amendment shall become effective December 10, 1976.

The Federal Crop Insurance Corporation has determinations for the 1969 and Succeeding Crop Years of the tobacco price support program has determined that compliance with the procedures for notice of proposed rule making and public hearing shall be the practicable and contrary to the public interest. Accordingly, said amendment was adopted by the Board of Directors on November 10, 1976.

Said amendment shall become effective December 10, 1976.
(b) It shall be a condition precedent to the payment of any claim that the insured establish to the satisfaction of the Corporation that the harvested tobacco came from the unit and that the loss has been caused by one or more of the hazards insured under this policy and furnish any other information regarding the manner and extent of loss as may be required by the Corporation. If the Corporation determines that such production is subsequently destroyed, any appraisal of production resulting therefrom shall be used in lieu thereof.

3. Cancellation and Debit Termination Dates. (a) For each crop year of the contract, the crop price support program provisions of this policy, as described in subsection (f) of the actuarial table, shall be the January 31 immediately preceding the beginning of the crop year for which it is to become effective.

(b) The termination date for indemnity for each crop year of the contract shall be the May 30 immediately preceding the beginning of the crop year for which the contract is to become effective.

9. Sharecroppers. Paragraph B of the application Form P01-12-Revised shall not be applicable under this Burley Tobacco Poundage Quota Endorsement.

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

(a) “Insurance Unit,” notwithstanding the first sentence of the policy, means the total acreage planted to burley tobacco on a farm or farms for which a single poundage marketing quota for burley tobacco is established and at the time of planting (1) in which the insured has an insurable interest, (2) which is owned or leased by one person and the insured is a tenant, or (3) which is owned by the farm operator. Provided, further, that when the insuree is a tenant, or (3) which is owned by the farm operator. Provided, further, that when

(b) “Sharecropper,” means any person, other than the farm operator, who furnishes on a corporation basis any farm labor or equipment to the farm operator.

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

The Burley Tobacco Poundage Quota Endorsement, first implemented in 1970, has proved successful and is now preferred by the majority of burley tobacco growers. However, with the relaxation of leasing dates under the quota system provisions of the Agricultural Stabilization and Conservation Service, it has become necessary to amend the current Burley Tobacco poundage quota insurance program to provide for reporting requirements more consistent with the current leasing practices which require the insured to report the effective poundage marketing quota applicable to the unit for the current crop year, as provided under the Federal Crop Insurance Program regulations, plus any additional quota the insured intends to obtain later for the unit for the current crop year in order to provide for more viable and businesslike tobacco insurance program for burley tobacco growers. The proposed amendment is designed to accomplish this.

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


Peter F. Cole, Secretary, Federal Crop Insurance Corporation.

Approved on December 7, 1976.

Robert W. LONG, Acting Secretary.
CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS: FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Lemon Regulation 70]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

This regulation limits the quantity of California-Arizona lemons that may be marketed during the ensuing week. The regulation applies to lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 910. The quantity of lemons so fixed was arrived at after consideration of the production, market demand, and other available information. The quantity of lemons currently available for market, the fresh market demand for lemons, lemon prices, and the relationship of season average returns to the parity price for lemons.

§ 910.370 Lemon Regulation 70.

(a) Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, and after consideration of the supplies at ports the demand for lemons began this week progresses. Average f.o.b. price was $4.83 per carton at December 18, 1976.

(b) Order. (1) The quantity of lemons grown in California and Arizona which may be handled during the period December 19-25, 1976, is hereby fixed at 215,000 cartons. (2) As used in this section, "handled" and "carton(s)" have the same meaning when used in the said amended marketing agreement and order.

Dated: December 8, 1976.

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

[FR Doc.76-30340 Filed 12-8-76; 8:45 am]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

SUBPART E—LOANS AND GRANTS PRIMARILY FOR REAL ESTATE PURPOSES

[FmHA Instruction 440.7]

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

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

DELETION OF SUBPART

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

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

Dated: November 18, 1976.

FRANK B. ELLIOT,
Administrator, Farmers Home Administration.

[FR Doc.76-30340 Filed 12-8-76; 8:45 am]

SUBCHAPTER H—GENERAL

PART 1901—PROGRAM-RELATED INSTRUCTIONS

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

There is hereby established under Chapter XVIII, Title 7, a new Subchapter H, "General—Part 1901, Program-Related Instructions." Subparts A through H, in the Code of Federal Regulations. Subpart H, "A-95 Review, Evaluation, and Coordination of Projects," (§§ 1901-351—1901.400) of this new Part 1901 is transferred and redesignated from Subpart M of Part 1823 of this Chapter XVIII, and has been revised, including a change in title. This revision implements the requirements of the Office of Management and Budget Circular A-95—Revised, published at 41 FR 2052—2065, dated January 13, 1976, and furnishes guidance to Federal agencies for cooperation with State and local governments in the evaluation, review, and coordination of Federal and federally assisted programs and projects.

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

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

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

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

Sec.

1901.281 Purpose.

1901.282 Policy and scope.

1901.283 Definitions.

1901.284 [Reserved]

1901.285 Subject notification and review system.

1901.286 Submission of closinghouse comments and recommendations by applicant.

1901.287-1901.289 [Reserved]

1901.290 FmHA functions.

1901.291-1901.1000 [Reserved]

Exhibit A—Program Notification and Review System.
§ 1901.351 Purpose.

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

§ 1901.352 Policy and scope.

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

1. Water and Waste Disposal loans and grants. (10.418)
2. Business and Industrial loans except for a small rural business having no significant impact on area and community development, including programs providing Federal assistance to States and localities, must be reviewed, evaluated, and cleared by State and area-wide clearinghouses. This subpart applies to the FmHA loan and grant programs listed below. The numbers following each program title refer to those assigned in the Catalog of Federal Domestic Assistance which is available for reference in FmHA State offices.

3. Other Community Facility loans. (10.423)
4. Grants to facilitate development of private business enterprises. (10.424)
5. Watershed Protection and Flood Prevention loans. (10.419)
6. Rural Business Opportunity and Development (RCD) loans. (10.414)
7. Shift-In Land-Use Project loans (except Grazing Associations). (10.409)
8. Soil and Water Conservation Districts for equipment. (10.409)
9. Rural Housing Site (RHS) loans to build or substantially rehabilitate 25 or more units in the same project. (10.405)
10. Rural Housing (RH) loans for new construction or substantial rehabilitation when conditional commitments or loans are made to 10 or more units in the same subdivision. (10.410)
11. Labor Housing (LH) loans and grants to build or substantially rehabilitate 25 or more units in the same project. (10.405)
12. Rural Rental Housing (RRH) and Rural Cooperative Housing (RCH) loans to build or substantially rehabilitate 25 or more units in the same project. (10.415)
13. Technical Assistance grants. (10.420)
14. Guaranteed loan commitments for loans to be made for development with 1-4 unit dwellings.

The Soil Conservation Service (SCS) is responsible for reviewing Federal Program Soil Conservation and Flood Control plans under the terms of the Federal Assistance Act of 1965. SCS must review these plans in order to make major commitments thereon. This review does not include the additional review of the conservation plans that are listed in the preceding paragraph. The SCS has been directed to review all Forest Service plans through the respective clearinghouses. This review responsibility will apply to all Federal programs and projects having a significant impact on area and community development, including programs providing Federal assistance to the States and localities. When SCS has been notified of the intent to develop a Watershed Work Plan, SCS must review that plan in accordance with the terms of the Federal Assistance Act of 1965. SCS must review all Federal programs and projects having a significant impact on area and community development, including programs providing Federal assistance to the States and localities. When SCS has been notified of the intent to develop a Watershed Work Plan, SCS must review that plan in accordance with the terms of the Federal Assistance Act of 1965.

(b) Soil conservation service clearance. The Soil Conservation Service (SCS) is responsible for reviewing Federal Program Soil Conservation and Flood Prevention and Resource Conservation and Development Plans. When an application for a Watershed Protection and Flood Prevention loan or Resource Conservation and Development Plan is submitted, the FmHA State Director will determine from the State Soil Conservationist whether the specific project has been cleared and, if cleared, obtain a copy of any comments which may have been made. If a specific project has not been cleared, the State Director will request the applicant to obtain clearance in accordance with this subpart.

(c) Applications from Federally recognized Indian tribes. Applications from federally recognized Indian tribes must be subject to the requirements of this subpart. However, Indian tribes which voluntarily participate in the project notification and review system established in § 1901.353 and are encouraged to do so, the State Director will notify the appropriate State and area-wide clearinghouse that any applications received from federally recognized Indian tribes must be subject to the requirements of this subpart. When a federally recognized Tribal Government has established a mechanism for coordinating the activities of Tribal departments, divisions, enterprises, or units, the FmHA will, on request of such Tribal Government transmitted through OMB, require that applications for assistance under programs covered by this subpart from such Tribal departments, divisions, enterprises, or entities be subject to review by such Tribal coordinating mechanism under this subpart as though it were a State or area-wide clearinghouse.

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

§ 1901.353 Definitions.

Terms used in this subpart have the following meanings:

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

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

(2) In nonmetropolitan areas a county, county commission, area commission, or political subdivision of a State, or a metropolitan statistical area as established by OMB, subject to such modifications and extensions as OMB may determine to be appropriate to meet the purposes of section 204 of the Metropolitan Development Act of 1986.

(d) Special purpose unit of local government. A special district, public-purpose corporation, or other strictly limited purpose political subdivision of a State, or nonmetropolitan area, or for purposes of this subpart, any Indian tribe, or any territory, or possession of the United States, or any area or instrumentality of the United States. This does not include the governments of the political subdivisions of the State.

§ 1901.354 (Reserved)

§ 1901.355 Project notification and review system.

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

(a) Notification. Any prospective applicant for financial assistance of a type listed in § 1901.353 (a) will file a written notification of its intent to apply for such assistance with the State and area-wide clearinghouses at the time it develops an application.

(1) The notification will be in the form of a form known as "Preapplication for Federal Assistance," or "Form AD 621, "Preapplications for Federal Assistance," may be used in place of the clearinghouses. Many clearinghouses have developed notification forms and instructions that may also be used.

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

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

(2) Geographic location of the project.

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Domestic Assistance. The program is administered by the Department of Housing and Urban Development (HUD), the Veterans Administration (VA), and other agencies. The program provides substantial rehabilitation of existing dwellings in a subdivision or area.

IV. Development of an Application

A. The applicant has been advised by HUD that it will be required to submit environmental impact information in connection with the proposed project.

B. The Division of Critical Planningd an evaluation of the proposed project, including the adequacy of the environmental impact information submitted, as part of the proposal for Federal assistance. The evaluation shall be made by the Division of Critical Planning and by the appropriate clearinghouse.

C. Establishing compliance with the environmental impact information submitted for the proposed project is the responsibility of the Federal agency or agencies providing assistance.

D. The clearinghouse for the proposed project shall be advised in writing, in accordance with paragraphs (a) and (b) of this section, of the extent to which the proposed project is consistent with State and local civil rights laws.

E. The clearinghouse for the proposed project shall be advised in writing, in accordance with paragraphs (a) and (b) of this section, that the Federal agency, if other than the clearinghouse, has been informed of the environmental significance of the project.

F. The clearinghouse for the proposed project shall be advised in writing, in accordance with paragraphs (a) and (b) of this section, that the State agency, if other than the clearinghouse, has been informed of the environmental significance of the project.

G. The clearinghouse for the proposed project shall be advised in writing, in accordance with paragraphs (a) and (b) of this section, that the local environmental agency, if other than the clearinghouse, has been informed of the environmental significance of the project.

H. The clearinghouse for the proposed project shall be advised in writing, in accordance with paragraphs (a) and (b) of this section, that the State, local, or regional government having jurisdiction over the area in which the project is to be located has been informed of the environmental significance of the project.

I. The clearinghouse for the proposed project shall be advised in writing, in accordance with paragraphs (a) and (b) of this section, that the applicant has been advised of the environmental significance of the project.

J. The clearinghouse for the proposed project shall be advised in writing, in accordance with paragraphs (a) and (b) of this section, that the applicant has been advised of the environmental significance of the project.

K. The clearinghouse for the proposed project shall be advised in writing, in accordance with paragraphs (a) and (b) of this section, that the applicant has been advised of the environmental significance of the project.

L. The clearinghouse for the proposed project shall be advised in writing, in accordance with paragraphs (a) and (b) of this section, that the applicant has been advised of the environmental significance of the project.

M. The clearinghouse for the proposed project shall be advised in writing, in accordance with paragraphs (a) and (b) of this section, that the applicant has been advised of the environmental significance of the project.

N. The clearinghouse for the proposed project shall be advised in writing, in accordance with paragraphs (a) and (b) of this section, that the applicant has been advised of the environmental significance of the project.

O. The clearinghouse for the proposed project shall be advised in writing, in accordance with paragraphs (a) and (b) of this section, that the applicant has been advised of the environmental significance of the project.

P. The clearinghouse for the proposed project shall be advised in writing, in accordance with paragraphs (a) and (b) of this section, that the applicant has been advised of the environmental significance of the project.

Q. The clearinghouse for the proposed project shall be advised in writing, in accordance with paragraphs (a) and (b) of this section, that the applicant has been advised of the environmental significance of the project.

R. The clearinghouse for the proposed project shall be advised in writing, in accordance with paragraphs (a) and (b) of this section, that the applicant has been advised of the environmental significance of the project.

S. The clearinghouse for the proposed project shall be advised in writing, in accordance with paragraphs (a) and (b) of this section, that the applicant has been advised of the environmental significance of the project.

T. The clearinghouse for the proposed project shall be advised in writing, in accordance with paragraphs (a) and (b) of this section, that the applicant has been advised of the environmental significance of the project.

U. The clearinghouse for the proposed project shall be advised in writing, in accordance with paragraphs (a) and (b) of this section, that the applicant has been advised of the environmental significance of the project.

V. The clearinghouse for the proposed project shall be advised in writing, in accordance with paragraphs (a) and (b) of this section, that the applicant has been advised of the environmental significance of the project.

W. The clearinghouse for the proposed project shall be advised in writing, in accordance with paragraphs (a) and (b) of this section, that the applicant has been advised of the environmental significance of the project.

X. The clearinghouse for the proposed project shall be advised in writing, in accordance with paragraphs (a) and (b) of this section, that the applicant has been advised of the environmental significance of the project.

Y. The clearinghouse for the proposed project shall be advised in writing, in accordance with paragraphs (a) and (b) of this section, that the applicant has been advised of the environmental significance of the project.

Z. The clearinghouse for the proposed project shall be advised in writing, in accordance with paragraphs (a) and (b) of this section, that the applicant has been advised of the environmental significance of the project.

...
(a) Clearinghouse comments and recommendations. Comments and recommendations made through or by clearinghouses with respect to any proposed project are for the purpose of assuring maximum consistency with State, areawide, and local comprehensive plans. In the case of a project for which assistance is being sought by a special purpose unit of government, the information obtained shall include, but are not limited to, information concerning:

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

(2) The extent to which the project decisions are made in consideration of other projects or activities being carried out in or affecting the area, or might be revised to increase its effectiveness or efficiency, any relationship to other State, area, or local programs and projects.

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

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

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

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

(iv) Adequate outdoor recreation and open space.

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

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

(vii) Concern for high standards of design.

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

(i) The environmental impact of the project.

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

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

(c) Notification from general local government. If an application has been submitted by a special purpose unit of the government, and accompanying comments indicate that a unit of general local government having jurisdiction over the area in which the project is located has applied or plans to apply for assistance for the same or a similar project or otherwise plans to undertake the same, FHWA also is needed to assist in determining whether the project is in compliance with applicable Federal law. Comments or recommendations may include, but are not limited to, information concerning:

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

(2) The extent to which the project decisions are made in consideration of other projects or activities being carried out in or affecting the area, or might be revised to increase its effectiveness or efficiency, any relationship to other State, area, or local programs and projects.

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

(a) Appropriateness and uses for housing, commercial, industrial, governmental, institutional, and other purposes.

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

(c) Balanced transportation systems, including road, rail, pedestrian, mass transit, or other modes for the movement of people and goods.

(d) Adequate outdoor recreation and open space.

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

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

(g) Concern for high standards of design.

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

(i) The environmental impact of the project.

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

(iii) Alternatives to the project.

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

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

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

(vii) Effects on energy resource supply and demand.

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

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

§ 1901.356 Submission of clearinghouse comments and recommendations by applicants.

Applicants will submit to FHWA:

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

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

§§ 1901.327-1901.359 [Reserved]

§ 1901.360 FmHA functions.

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

(a) Coordination with State governments. The State Director will work closely with Governors in implementing the provisions of OMB Circular A-85. State Directors will advise County Supervisors of the addresses of applicable clearinghouses. Applications in regional areas not covered by designated clearinghouses will be processed under existing FmHA regulations until areawide clearinghouses have been established. However, this will not preclude State clearinghouses from seeking advice and comments from local government officials and other recognized planning groups about a particular project.

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

(c) Notification to general local government. If an application has been submitted by a special purpose unit of the government, and accompanying comments indicate that a unit of general local government having jurisdiction over the area in which the project is to be located has applied or plans to apply for assistance for the same or a similar project, priority will be given to the unit of general local government. If a unit of general local government makes comments that conflict with specific and major substantive changes, the State Director will notify the unit of general local government in writing of the reasons. Two copies of the notice will be sent to the National Office, one of which will be forwarded to OMB through the USDA Office of Operations.

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

(1) Name of applicant and purpose of request.

(2) Type of comments by clearinghouse, e.g., supportive, supportive with modifications, non-supportive, or no comments after proper notification.

(3) Type of organization.

(e) Adverse Recommendation by Clearinghouse. If a clearinghouse recommendation is against approval project or is in conflict with comments provided by another Federal or federally assisted agency, FmHA will consult with the agency providing a similar project before acting. The County Office file will be documented with the FmHA justification for approving the project over the objections of the clearinghouse.

§ 1901.361-1901.400 [Reserved]

EXHIBIT A—PROJECT NOTIFICATION AND REVIEW SYSTEM

The following steps show the process of the "Project Notification System" as currently in place, in part, Title IV of the Intergovernmental Cooperation Act.

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

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

Step 3. Applicant notifies clearinghouses.

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

b. Areawide clearinghouse notifies local government agencies whose interests might be affected by the proposed project, including...
§ 33.5 Special regulations; sport fishing for individual wildlife refuge areas.

MONTANA

BOWDOW LNATIONAL WILDLIFE REFUGE

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

The purpose of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 30, and are effective through December 31, 1977.

John R. Foster, Refuge Manager, Bowdoin National Wildlife Refuge, Malta, Montana.

January 1, 1977.

[FR Doc.76-36359 Filed 12-2-76; 8:45 am]

Title 12—Banks and Banking

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

PART 18—FORM AND CONTENT OF ANNUAL REPORT TO SHAREHOLDERS

§ 18.1(b) Special regulations; sport fishing for individual wildlife refuge areas.

MONTANA

BOWDOW LNATIONAL WILDLIFE REFUGE

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

The purpose of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 30, and are effective through December 31, 1977.

John R. Foster, Refuge Manager, Bowdoin National Wildlife Refuge, Malta, Montana.

January 1, 1977.

[FR Doc.76-36359 Filed 12-2-76; 8:45 am]

Title 12—Banks and Banking

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

PART 18—FORM AND CONTENT OF ANNUAL REPORT TO SHAREHOLDERS

National Banks

On October 19, 1976, the Comptroller of the Currency published for comment (Federal Register 41 FR 66144) proposed revisions to Part 18 of Title 12 of the Code of Federal Regulations. Part 18 contains rules governing the preparation and issuance of Annual Reports to Shareholders by national banks which do not furnish an Annual Report pursuant to 12 CFR 11.5(c) and those which are not wholly-owned subsidiaries of a bank holding company.

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

Part 18 has been revised in order to make its provisions relating to the preparation of Annual Reports to Shareholders consistent with the recently revised Instructions for Preparation of Consolidated Reports of Condition and Income by National Banking Associations. The regulations do not require banks to include other information that has traditionally appeared in Annual Reports to Shareholders.

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

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

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

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

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

A major revision to the proposal was the Comptroller's finding that the changes made in the proposal of October 19, 1976, respond to public comments...
ments and consist of corrections and clarifications which do not impose an additional burden on affected persons. Accordingly, further public participation in this rulemaking process is not required by the provisions of 5 U.S.C. §553 relating to notice and opportunity for additional public comment.

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

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

(1) The date of the effective date of these amendments is January 1, 1977.

ROBERT BLOOM, Acting Comptroller of the Currency.

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

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

§ 18.1 Scope and application.

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

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

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

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

(b) Every bank subject to this Part shall mail an annual report to each of its shareholders at least 10 days prior to its annual meeting but in no event later than 69 days after the close of the bank’s fiscal year.

§ 18.2 Financial statements.

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

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

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

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

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

§ 18.3 General rules.

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

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

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

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

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

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

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

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

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

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

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

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

(2) Net income per common share;

(3) Appendix C of this Part;

(4) Appendix D of this Part;

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

(6) Such additional information as may be necessary to meet the requirements of §18.3(c).
### APPENDIX A—Balance Sheet (consolidated)

#### [In thousands of dollars]

#### Resources:
1. Cash and due from banks
2. U.S. Treasury securities
4. Obligations of States and political subdivisions
5. Other loans, notes, and debentures
6. Federal Reserve stock and corporate stock
7. Trading account securities
8. Federal funds sold and securities purchased under agreements to resell
9. (a) Loans: Total (excluding purchased income)
   (b) Loans: Reserve for possible loan losses
10. Loans
11. Direct loan financing
12. Bank premises, furniture and fixtures, and other assets representing bank premises
13. Real estate owned other than bank premises
14. Investments in unconsolidated subsidiaries and associated companies
15. Customers’ liability to this bank on acceptances outstanding
16. Other assets

#### Liabilities:
17. Demand deposits of individuals, partnerships, and corporates
18. Time and savings deposits of individuals, partnerships, and corporates
19. Deposits of U.S. Government
20. Deposits of States and political subdivisions
21. Deposits of foreign governments and official institutions
22. Deposits of commercial banks
23. Certified and officers’ checks
24. Total domestic deposits
   (a) Total demand deposits
   (b) Total time and savings deposits
   (c) Deposits in foreign offices
   (d) Total domestic and foreign deposits
25. Federal funds purchased and securities sold under agreements to repurchase
26. Liabilities for repurchased money
27. Mortgage indebtedness
28. Acceptances executed by gr for account of this bank and outstanding
29. Outstanding letters of credit and other committed facilities
30. Other liabilities
31. Total liabilities
32. Subordinated notes and debentures

#### Equity Capital Accounts:
33. Preferred stock:
   (a) No. shares outstanding (par value)
34. Common stock:
   (a) No. shares authorized
   (b) No. shares outstanding (par value)
35. Surplus
36. Undivided profits
37. Reserve for contingencies and other capital reserves
38. Total equity capital
39. Total liabilities and equity capital

#### Notes:
- Banks may combine various lines as follows if the particular line figure is less than 3 percent of total assets:
  - Line 14 into line 15
  - Line 7 into lines 2, 3, 4, and 5, as appropriate
  - Line 25 into line 28
- Lines for which banks have no entry may be omitted.

#### APPENDIX B—Statement of Earnings (consolidated)

#### [In thousands of dollars]

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

   (n) Total operating income (sum of Items 1-a through 1-n)
APPENDIX B.—Statement of Earnings (Consolidated)—Continued
(In thousands of dollars)

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2. Operating expense:
   (a) Salaries and employee benefits;
   (b) Interest on time certificates of deposit of $100,000 or more issued by domestic
effice;
   (c) Interest on deposits in foreign offices;
   (d) Interest on other deposits;
   (e) Expense of Federal funds purchased and securities sold under agreement to
   repurchase in domestic offices;
   (f) Interest on borrowed money;
   (g) Interest on subordinated notes and debentures;
   (h) 1st Occurrence of income before extraordinary items;
   (i) 2nd Occurrence of income before extraordinary items;
   (j) 3rd Occurrence of income before extraordinary items;
   (k) Minority interest in consolidated subsidiaries;
   (l) Other expenses;
   (m) Total operating expenses.

3. Income before income taxes:
   (a) Income before income taxes (domestic and foreign);
   (b) Income before income taxes (domestic and foreign);

4. Earnings per common share:
   (a) Income before securities gains or losses (item 2 less item 3);
   (b) Income before securities gains or losses (item 2 less item 3);

5. Net income:
   (a) Income before extraordinary items;
   (b) Extraordinary items;
   (c) Minority interest in consolidated subsidiaries;
   (d) Other expenses;
   (e) Net income.

6. Balance end of period:
   (a) Balance beginning of period;
   (b) Changes incident to mergers and acquisitions;
   (c) Changes incident to mergers and acquisitions;
   (d) Net income;
   (e) Net income;
   (f) Balances end of period.

Note.—Banks may combine any line item 3 through 5 by line 4, which will result in an ending balance of zero.

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

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1. Balance beginning of period;
2. Net income;
3. Additions to reserves;
4. Changes incident to mergers and acquisitions;
5. Cash dividends declared on common stock;
6. Stock dividends issued;
7. Stock dividends issued;
8. Balance end of period.

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

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

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1. Balance beginning of period;
2. Loans charged to reserve;
3. Changes incident to mergers and acquisitions;
4. Provision for possible loan losses (must equal Item 5 on statement of earnings);
5. Loan charged to reserve;

Note.—Every bank subject to this part must provide this schedule as part of its report to shareholders. Banks with
total resources of less than $50,000,000 at the end of the previous year which have no separate possible loan losses
valuation reserve must, nevertheless, provide this schedule as part of their report to shareholders. These
banks will show a beginning balance of zero, gross recoveries on line 2, gross losses on line 3, and net losses or recoveries
on line 4, which will result in an ending balance of zero.

[FED Dec.76-3621 Filed 12-9-76; 8:45 am]
Title 20—Employees' Benefits
CHAPTER V—SOCIAL SECURITY ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[Regulations No. 10, further amended]

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

Subpart E—Payment of Benefits

Benefits Rates

The amendment set forth below revises § 410.510(d) to include benefit rates payable to a miner or widow beginning October 1976. Section 412(a) of the Federal Coal Mine Health and Safety Act of 1969, as amended (30 U.S.C. 902(a)), directs the Secretary of Health, Education, and Welfare to make benefit payments to a qualified miner or widow at a rate equal to 50 per centum of the minimum monthly payment to which a Federal employee in Grade GS-2, who is totally disabled, is entitled at the time of payment under the minimum payment provision of the Federal Employees Compensation Act, § 8 U.S.C. 8112. Pursuant to Executive Order 11931, dated October 1, 1976, the pay rate for step 1 of Grade GS-2 of the General Schedule has been increased. This, therefore, has resulted in an increase of the basic black lung benefit rate payable to miners and widows both newly entitled and those already on the rolls, to $205.40 a month effective with the month of October 1976, and § 410.510(d) of Regulations No. 10 which sets out black lung benefit rates is revised accordingly.

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

Since this amendment of the regulations merely interprets the self-executing benefit formula in Section 412(a) of the Act (30 U.S.C. 902(a)) which is already described in paragraphs (a), (b), and (c) of § 410.510, the Secretary of Health, Education, and Welfare finds that publication with Notice of Proposed Rule Making, as well as publication at least thirty days prior to an effective date, is unnecessary.

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

Copies of all comments received in response to this notice will be available for public inspection during regular business hours at the Washington Inquiries Section, Office of Information, Social Security Administration, Department of Health, Education, and Welfare, North Building, Room 4146, 230 Independence Avenue, S.W., Washington, D.C. 20201.

(Catalog of Federal Domestic Assistance Program No. 18.906, Special Benefits for Disabled Coal Miners.)

The Social Security Administration has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11281 and OMB Circular A-107.

The amendment set forth below revises § 410.510(d) to include benefit rates payable to a miner or widow beginning October 1976. Section 412(a) of the Federal Coal Mine Health and Safety Act of 1969, as amended (30 U.S.C. 902(a)), directs the Secretary of Health, Education, and Welfare to make benefit payments to a qualified miner or widow at a rate equal to 50 per centum of the minimum monthly payment to which a Federal employee in Grade GS-2, who is totally disabled, is entitled at the time of payment under the minimum payment provision of the Federal Employees Compensation Act, § 8 U.S.C. 8112. Pursuant to Executive Order 11931, dated October 1, 1976, the pay rate for step 1 of Grade GS-2 of the General Schedule has been increased. This, therefore, has resulted in an increase of the basic black lung benefit rate payable to miners and widows both newly entitled and those already on the rolls, to $205.40 a month effective with the month of October 1976, and § 410.510(d) of Regulations No. 10 which sets out black lung benefit rates is revised accordingly.

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

Since this amendment of the regulations merely interprets the self-executing benefit formula in Section 412(a) of the Act (30 U.S.C. 902(a)) which is already described in paragraphs (a), (b), and (c) of § 410.510, the Secretary of Health, Education, and Welfare finds that publication with Notice of Proposed Rule Making, as well as publication at least thirty days prior to an effective date, is unnecessary.

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

Copies of all comments received in response to this notice will be available for public inspection during regular business hours at the Washington Inquiries Section, Office of Information, Social Security Administration, Department of Health, Education, and Welfare, North Building, Room 4146, 230 Independence Avenue, S.W., Washington, D.C. 20201.

(Catalog of Federal Domestic Assistance Program No. 18.906, Special Benefits for Disabled Coal Miners.)

The Social Security Administration has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11281 and OMB Circular A-107.

Dated: November 19, 1976.

J. B. CARDEWELL,
Commissioner of Social Security.

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

Title 21—Food and Drugs
CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

Title 21—Food and Drugs
CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

[Doekets No. 70-10114]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted In Food for Human Consumption

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

TBAHQ

The Food and Drug Administration is amending the food additive regulations to recognize the name "TBAHQ" as the common or usual name for the chemical 2-(1,1-dimethylethyl)-1,4-benzenediol (Chemical Abstracts Service Registry Number 910-66-5) and the current Chemical Abstracts non-number for the additive should be included with the name "tertiary butyl-hydroquinone" in the introductory text of § 121.1244, as set forth below.

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

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

§ 121.1244 TBAHQ.

The food additive "TBAHQ", which is the chemical 2-(1,1-dimethylethyl)-1,4-benzenediol (Chemical Abstracts Service Registry Number 1946-33-0), also known as tertiary butylhydroquinone, may be safely used in food in accordance with the following prescribed conditions:

* * * * *

§ 121.1276 [Amended]

2. Paragraph (b) of § 121.1276 Cross-linked polymer resins is amended in item 1 of the table listing by changing the entry "tert-butyl hydroquinone" to read "TBAHQ."
RULES AND REGULATIONS

(FEDERAL REGISTER, VOL 41, NO. 239—FRIDAY, DECEMBER 10, 1976)

5600 Fishers Lane, Rockville, MD 20857, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the regulation, specify with particularity the provisions of the regulation deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Five copies of all documents shall be filed and should be identified with the Hearing Clerk docket number found in brackets in the heading of this regulation. Received objections may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

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

(Sec. 409(c)(1), 72 Stat. 1766 (21 U.S.C. 348 (c)(1)).

Dated: December 1, 1976.

JOHN F. LEHMAN, Acting Director.

[FR Doc. 76-56365 Filed 12-9-76; 8:45 am]

Title 23—Highways

CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER C—CIVIL RIGHTS

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

Guidelines

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

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

The matters affected relate to benefits of contracts and requirements under FHWA Title VI regulations.

The Federal Highway Administration has determined that this regulation is expressly mandated by statute or has minimal impact.

Note.—The Federal Highway Administration has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-101.

Effective date: December 20, 1976.

Issued on: December 1, 1976.

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

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

Sec. 200.1 Purpose.

200.2 Application of this Part.

200.3 Definitions.

200.7 FHWA Title VI policy.

200.9 State highway agency responsibilities.

200.10 Procedures for processing Title VI reviews.

200.11 Certification acceptance.

200.12 Action plan.


§ 200.1 Purpose.

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

§ 200.3 Application of this Part.

The provisions of this part are applicable to all elements of FHWA and provide requirements and guidelines for State highway agencies to implement the Title VI Program requirements. The related civil rights laws and regulations are listed under § 200.5 of this part.

Title VI requirements for 23 U.S.C. 492 will be covered under a joint FHWA/NETSA agreement.

§ 200.5 Definitions.

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

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

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

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

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

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

(f) "Discrimination"—That act (or action) whether intentional or unintentional, through which a person in the United States, solely because of race, color, religion, sex, or national origin, has
been otherwise subjected to unequal treatment under any program or activity receiving financial assistance from the Federal Highway Administration under Title 23 U.S.C.

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

(d) "Federal Assistance"—Includes:

(1) Grants and loans of Federal funds,

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

(3) The detail of Federal personnel,

(4) The sale and lease of, and the permission to use (other than a casual or transient basis), Federal property or any part of it, to any person,

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

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

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

(2) "Program"—Includes any highway, project, or activity for the provision of services, financial aid, or other benefits to individuals. That includes education, training, work opportunities, health, welfare, rehabilitation, housing, or other services, whether provided directly or through another recipient.

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

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

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

(i) "Secretary"—The Secretary of Transportation as set forth in 49 CFR Part 21 or the Federal Highway Administrator to whom the Secretary has delegated his authority in specific cases.

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

(1) Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d-44 (49 CFR Part 21; the standard DOT Title VI assurances signed by each State pursuant to DOT Order 10033; Executive Order 11764; 28 CFR 50.9);

(2) Uniform Relocation Assistance and Real Property Acquisition Policies of 1970, 42 U.S.C. 4651 et seq. (49 CFR Part 25; Pub. L. 91-646);


(6) Subpart C of the Federal-Aid Highway Acts and related statutes.

§ 200.7 FHWA Title VI policy.

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

§ 200.9 State highway agency responsibilities.

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

(1) Title 49, CFR Part 21 (Department of Transportation Regulations for the implementation of Title VI of the Civil Rights Act of 1964) requires assurances from States that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the recipient receives Federal assistance from the Department of Transportation, including the Federal Highway Administration.

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

(b) The State highway agency shall take affirmative action to correct any deficiencies found by the FHWA within a reasonable time period, not to exceed 90 days, in order to implement Title VI compliance in accordance with State-signed assurances and required guidelines. The head of the State highway agency, or his designee, shall have the authority to take the necessary action to ensure that such deficiencies are corrected.

(c) The State highway agency shall take affirmative action to correct any deficiencies found by the FHWA within a reasonable time period, not to exceed 90 days, in order to implement Title VI requirements.

(d) The State program area officials and Title VI Specialists shall conduct data analysis, monitor, and investigate complaints to determine the effectiveness of program area activities at all levels.

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

(ii) Adequately staff the civil rights unit to effectively implement the State civil rights program.

(3) Develop procedures for prompt processing and disposition of Title VI complaints and Title VI reviews of program areas.

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

(b) Develop an annual plan to conduct Title VI reviews of program areas.

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

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

(e) Review State program directives in coordination with State program officials, where applicable, to include Title VI and related requirements.
(9) The State highway agency Title VI designee shall be responsible for conducting training programs on Title VI and related statutes for State program and civil rights officials.

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

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

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

(13) Establishing procedures for pregrant and postgrant approval reviews of State plans to the Regional Federal Highway Administrator, who shall schedule a meeting with the State.

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

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

§ 200.11 Procedures for processing Title VI reviews.

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

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

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

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

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

(17) The Office of Civil Rights shall review the case file for a determination of concurrence or nonconcurrence with a recommendation to the Federal Highway Administrator. Should the Federal High-

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### Title 24—Housing and Urban Development

#### CHAPTER X—FEDERAL INSURANCE ADMINISTRATION

**SUBCHAPTER B—FEDERAL FLOOD INSURANCE PROGRAM**

[Docket No. F.I.-944]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for the Borough of Bergenfield, New Jersey


The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the Borough must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 101.

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

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at Borough Hall, 108 North Washington Avenue, Bergenfield, New Jersey 07621.

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

<table>
<thead>
<tr>
<th>Source of Flooding</th>
<th>Location</th>
<th>Elevation in feet above mean sea level</th>
<th>Width in feet from shoreline or bank of stream (facing downstream) to 100-year flood boundary</th>
</tr>
</thead>
<tbody>
<tr>
<td>French Brook.....</td>
<td>West Clinton Ave.</td>
<td>70</td>
<td>0</td>
</tr>
<tr>
<td>Hinesford Brook</td>
<td>New Bridge Rd</td>
<td>72</td>
<td>100</td>
</tr>
<tr>
<td></td>
<td>Roosevelt Ave.</td>
<td>64</td>
<td>400</td>
</tr>
<tr>
<td></td>
<td>West Main St.</td>
<td>67</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>West Central Ave.</td>
<td>47</td>
<td>50</td>
</tr>
<tr>
<td>Hinesford Brook</td>
<td>New Jersey Ave.</td>
<td>69</td>
<td>100</td>
</tr>
<tr>
<td></td>
<td>West Shore Rd</td>
<td>70</td>
<td>200</td>
</tr>
<tr>
<td></td>
<td>East Main St</td>
<td>73</td>
<td>100</td>
</tr>
<tr>
<td></td>
<td>Ecklinton Ave.</td>
<td>75</td>
<td>100</td>
</tr>
<tr>
<td>Meder Brook.....</td>
<td>East Main St</td>
<td>110</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>East Clinton Ave.</td>
<td>108</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>East Clinton Ave.</td>
<td>108</td>
<td>0</td>
</tr>
</tbody>
</table>

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Corporation limits.


Issued: November 15, 1976.

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

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


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

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

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at Borough Hall, 21 South 9th Avenue, Highland Park, New Jersey 07734.

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

<table>
<thead>
<tr>
<th>Source of flooding</th>
<th>Location</th>
<th>Elevation in feet above mean sea level</th>
<th>Right</th>
<th>Left</th>
</tr>
</thead>
<tbody>
<tr>
<td>Barston River</td>
<td>Mill Ave.</td>
<td>15</td>
<td>12</td>
<td>18</td>
</tr>
<tr>
<td>Mill Brook</td>
<td>River Rd.</td>
<td>15</td>
<td>12</td>
<td>18</td>
</tr>
<tr>
<td>West Branch of Mill Brook</td>
<td>Bottle Ct.</td>
<td>25</td>
<td>22</td>
<td>28</td>
</tr>
<tr>
<td>Secondary Branch of Mill Brook</td>
<td>Lincoln Ave.</td>
<td>42</td>
<td>39</td>
<td>45</td>
</tr>
<tr>
<td>Mill Brook</td>
<td>North St. Ave.</td>
<td>42</td>
<td>39</td>
<td>45</td>
</tr>
<tr>
<td></td>
<td>North 4th Ave.</td>
<td>45</td>
<td>42</td>
<td>48</td>
</tr>
<tr>
<td></td>
<td>Highland Ave.</td>
<td>45</td>
<td>42</td>
<td>48</td>
</tr>
<tr>
<td></td>
<td>Mill Ave.</td>
<td>45</td>
<td>42</td>
<td>48</td>
</tr>
<tr>
<td></td>
<td>Mill Ave.</td>
<td>45</td>
<td>42</td>
<td>48</td>
</tr>
</tbody>
</table>


Issued: November 15, 1976.

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

<table>
<thead>
<tr>
<th>Source of flooding</th>
<th>Location</th>
<th>Elevation in feet above mean sea level</th>
<th>Width in feet from shoreline or bank of stream (facing downstream) to 100-year flood boundary</th>
</tr>
</thead>
<tbody>
<tr>
<td>River Scene tributary</td>
<td>Catoctin St.</td>
<td>918</td>
<td>20</td>
</tr>
<tr>
<td>Cooles Creek</td>
<td>Mountain View Rd.</td>
<td>930</td>
<td>30</td>
</tr>
<tr>
<td>Cooles Creek</td>
<td>Rock Cut Rd.</td>
<td>931</td>
<td>20</td>
</tr>
<tr>
<td>Cooles Creek</td>
<td>Glenburn Way Dr.</td>
<td>932</td>
<td>20</td>
</tr>
<tr>
<td>Cooles Creek</td>
<td>Old Fordsboro Rd.</td>
<td>933</td>
<td>20</td>
</tr>
<tr>
<td>Cooles Creek</td>
<td>Simpson Rd.</td>
<td>934</td>
<td>20</td>
</tr>
<tr>
<td>Cooles Creek</td>
<td>South Ave.</td>
<td>935</td>
<td>20</td>
</tr>
<tr>
<td>Cooles Creek</td>
<td>West St.</td>
<td>936</td>
<td>20</td>
</tr>
<tr>
<td>Cooles Creek</td>
<td>Cemetery Dr.</td>
<td>937</td>
<td>20</td>
</tr>
<tr>
<td>Cooles Creek</td>
<td>Piscataway Rd.</td>
<td>938</td>
<td>20</td>
</tr>
<tr>
<td>Cooles Creek</td>
<td>Piscataway Rd.</td>
<td>939</td>
<td>20</td>
</tr>
</tbody>
</table>

FEDERAL REGISTER, VOL. 41, NO. 239—FRIDAY, DECEMBER 10, 1976

ROBERT HUNTER, Federal Insurance Administrator.
PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

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


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

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

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

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

<table>
<thead>
<tr>
<th>Source of flooding</th>
<th>Location</th>
<th>Elevation in feet above mean sea level</th>
<th>Left</th>
<th>Right</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pecatonica River...</td>
<td>Southern corporate limits</td>
<td>270</td>
<td>100</td>
<td></td>
</tr>
<tr>
<td>Chicago, Milwaukee and St. Paul Hll. Bridge</td>
<td></td>
<td>200</td>
<td></td>
<td></td>
</tr>
<tr>
<td>West Stephenson Street Bridge</td>
<td></td>
<td>30</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Illinois Central Hll. Bridge</td>
<td></td>
<td>59</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Van Buren Street Bridge</td>
<td></td>
<td>550</td>
<td></td>
<td></td>
</tr>
<tr>
<td>North West Ave.</td>
<td></td>
<td>550</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Northern corporate limits</td>
<td></td>
<td>1,000</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>


Issued: November 11, 1976.

J. ROBERT HUNTER,
Federal Insurance Administrator.

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

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

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


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

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

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

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

<table>
<thead>
<tr>
<th>Source of flooding</th>
<th>Location</th>
<th>Elevation in feet above mean sea level</th>
<th>Left</th>
<th>Right</th>
</tr>
</thead>
<tbody>
<tr>
<td>Genesee River.....</td>
<td>Southern corporate limits</td>
<td>270</td>
<td>100</td>
<td></td>
</tr>
<tr>
<td>Chicago, Milwaukee and St. Paul Hll. Bridge</td>
<td></td>
<td>200</td>
<td></td>
<td></td>
</tr>
<tr>
<td>West Stephenson Street Bridge</td>
<td></td>
<td>30</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Illinois Central Hll. Bridge</td>
<td></td>
<td>59</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Van Buren Street Bridge</td>
<td></td>
<td>550</td>
<td></td>
<td></td>
</tr>
<tr>
<td>North West Ave.</td>
<td></td>
<td>550</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Northern corporate limits</td>
<td></td>
<td>1,000</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Issued: November 11, 1976.

J. ROBERT HUNTER,
Federal Insurance Administrator.

[FR Doc.76-36201 Filed 12-9-76; 8:45 am]
hereby gives notice of the final
added section
Flood Disaster Protection Act of
In accordance with section
4001-412 and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: November 29, 1976.
Howard B. Clark,
Acting Federal Insurance Administrator.

(Docket No. FT-2461)

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW
Final Flood Elevation for the City of Harbor Springs, Michigan


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

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to § 1917.3, no appeals were received from the community or individuals within the community. Therefore, publication of this notice is in compliance with § 1917.10.

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

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

<table>
<thead>
<tr>
<th>Source of flooding</th>
<th>Location</th>
<th>Elevation</th>
<th>Width in feet from bank of stream to 100-yr flood boundary</th>
</tr>
</thead>
<tbody>
<tr>
<td>Little Traverse Bay</td>
<td>State St. (extended)</td>
<td>533</td>
<td>90</td>
</tr>
<tr>
<td>Zell St. (extended)</td>
<td></td>
<td>533</td>
<td>100</td>
</tr>
</tbody>
</table>

To shoreline:


Issued: November 29, 1976.
Howard B. Clark,
Acting Federal Insurance Administrator.


Howard B. Clark,
Acting Federal Insurance Administrator.

(Fed. Reg., Vol. 41, No. 239—Friday, December 10, 1976)
must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

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

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

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

<table>
<thead>
<tr>
<th>Source of flooding</th>
<th>Location</th>
<th>Elevation</th>
<th>Width in feet from elevation or bank of stream (upstream to 100-year flood boundary)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Little Cedar River</td>
<td>Smith</td>
<td>74</td>
<td>60</td>
</tr>
<tr>
<td>Mayor's Hill</td>
<td>Platte</td>
<td>74</td>
<td>49</td>
</tr>
<tr>
<td>River Rd.</td>
<td>Stilwell</td>
<td>77</td>
<td>90</td>
</tr>
<tr>
<td>Little Cedar River</td>
<td>30th Ave</td>
<td>74</td>
<td>49</td>
</tr>
</tbody>
</table>

(Title 24 of the Code of Federal Regulations)

Issued: November 29, 1976.

Howard B. Clay,
Acting Federal Insurance Administrator.

[FR Doc.76-36290 Filed 12-9-76; 8:45 am]
PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

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


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

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

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

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

FEDERAL REGISTER, VOL. 41, NO. 239—FRIDAY, DECEMBER 10, 1976
Land Court No. 11-2134 Panel 1, Land Court No. 11-2134 Panel 2, Land Court No. 11-2134 Panel 3.

(Continued from previous page)

Issued: November 11, 1976.

[Document No. FR-2134]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Quincy, Massachusetts

On June 25, 1976, in 41 FR 26408, the Federal Insurance Administrator published a list of communities with special flood hazard areas which included the City of Quincy, Massachusetts. Map No. H 255219A Panel 03 indicates that Lot 1, Land Court No. 26512A; Lot 2; Lot 3; and Lot 5, Land Court No. 25277B, as shown on a Plan of Land in Quincy, Massachusetts, as surveyed by Ernest W. Branch, Incorporated, Civil Engineers, on February 14, 1976, as recorded in No. 264, Book 2, in the Norfolk Registry of Deeds of Dedham, Massachusetts, are in their entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that Lot 1, Land Court No. 26512A; Lot 2; and Lot 3, Land Court No. 25277B, are within Zone C, and are not within the Special Flood Hazard Area. The map amendment is not based on the placement of fill on the above named property after the effective date of the Flood Insurance Rate Map of the community. Accordingly, Map No. H 255219A Panel 03 is hereby corrected to reflect that the structure on the above property is not within the Special Flood Hazard Area identified on July 30, 1976.

(Continued from previous page)

Issued: November 11, 1976.

[Document No. FR-2134]

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(Continued from previous page)

Issued: November 11, 1976.
§ 865.100 Purpose.

This Subpart explains the jurisdiction, authority, and actions of the Air Force Discharge Review Board. It applies to all Air Force activities. This Subpart is affected by the Privacy Act of 1974. The system of records cited in this Subpart is authorized by 10 U.S.C. 1533 and 8012. Each data gathering form or format which is required by this Subpart contains a Privacy Act Statement, either in the body of the document or in a separate statement accompanying each such document.

§ 865.101 Statutory authority.

The Air Force Discharge Review Board (hereafter called the “Board”) was established under the Department of the Air Force under section 301 of the Servicemen’s Readjustment Act of 1944, as amended (now 10 U.S.C. 1533). The authority for actions set out in this Subpart is derived from discretionary authority conferred upon the Secretary of the Air Force under 10 U.S.C. 980(a).

§ 865.102 Organization and purpose of the board.

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

§ 865.103 Jurisdiction and authority.

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

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

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

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

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

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

(1) Favorable, the Board directs AFMP/MPC to notify the former member accordingly at the member’s last known address.

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

§ 865.104 Application for review.

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

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

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

(c) Applicants forward their requests for review to the National Personnel Records Center—mailing address: NPRC/MPR-AP, 3,700 Page Blvd., St. Louis, MO 63122. The National Personnel Records Center forwards all available military records of the former members to the Military Personnel Center for further processing to the Board.

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

§ 865.105 Board meetings.

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

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

§ 865.106 Procedures for hearings.

(a) The applicant is entitled, by law, to appear in person at his or her request before the Board in open session and to be represented by counsel of his or her own selection. On this part, “counsel” includes members in good standing.
of the Federal or a State bar, accredited representatives of veterans organizations recognized by the Veterans Administration under 38 U.S.C. chapter 59, and any other individual the Board considers to be competent to present the applicant's claim equitably, and comprehensively.) The Board, at its discretion, may not act as counsel for the applicant in any case brought before the Air Force Discharge Review Board. The Board also may present such witnesses as it or she may desire.

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

(i) Personal appearance of the applicant without counsel.

(ii) Personal appearance of the applicant with counsel.

(iii) Personal appearance of the applicant with counsel.

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

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

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

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

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

(1) The Board members and recorder are sworn as are the applicant and witnesses if they decide to testify under oath. The Board and the applicants or their counsel are not allowed access to any investigative reports.

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

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

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

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

(2) At the request of applicant or his or her counsel, and at the discretion of the Board, witnesses may be allowed to make unsworn statements in response to a question or inquiry on its motion or, at its direction, grant an applicant's (or his or her counsel's) request for continuance if this appears necessary to ensure a full and fair hearing.

(e) The Board, at its discretion and for good cause, may permit an applicant to submit a written statement in response to an initial request for continuation or change in Department of Defense Personnel Records. The Board president signs the record.

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

(g) The Board, at its discretion and for good cause, may permit an applicant to submit new evidence in support of a rehearing, may authorize or approve a waiver of, or exception to, any part of this Subpart.
returns the records to the Military Personnel Center at Randolph AFB, Texas, when the case is finalized. Detailed information for the local Board members is provided to the Directors of Personnel of the bases involved approximately 4 weeks before each hearing date.

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

### Evidence Needed by the Board

(a) Discharge for any reason

(b) General Ineffectiveness (unfitness, unfitness, limited potential/minimally productive)

(c) Financial irresponsibility

(d) Alcoholism

(e) Character and behavior disorder

(f) Hardship

(g) Homosexuality

(h) Drug abuse

(i) Conscientious objector

(k) Exceeding weight standards

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

§ 856.111 Guidance sheet.

Reason for Discharge

(a) Discharge for any reason

(b) General Ineffectiveness (unfitness, unfitness, limited potential/minimally productive)

(c) Financial irresponsibility

(d) Alcoholism

(e) Character and behavior disorder

(f) Hardship

(g) Homosexuality

(h) Drug abuse

(i) Conscientious objector

(k) Exceeding weight standards

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

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(d) Alcoholism

(e) Character and behavior disorder

(f) Hardship

(g) Homosexuality

(h) Drug abuse

(i) Conscientious objector

(k) Exceeding weight standards

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

### Evidence Needed by the Board

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(b) General Ineffectiveness (unfitness, unfitness, limited potential/minimally productive)

(c) Financial irresponsibility

(d) Alcoholism

(e) Character and behavior disorder

(f) Hardship

(g) Homosexuality

(h) Drug abuse

(i) Conscientious objector

(k) Exceeding weight standards

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

### Evidence Needed by the Board

(a) Discharge for any reason

(b) General Ineffectiveness (unfitness, unfitness, limited potential/minimally productive)

(c) Financial irresponsibility

(d) Alcoholism

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(h) Drug abuse

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(k) Exceeding weight standards

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

Regardless of the reason for your discharge, the suggested evidence listed below under the section "Reason for Discharge" is beneficial to the Board. If you can recall the specific reason for discharge (types are shown in left hand column), additional suggested evidence is shown by the corresponding number in the right-hand column.
This proposal was issued in response to the petition of H. H. Horbort, Jr. and Ramon Montemayor, the licensees of daytime-only AM stations KVWG, at Pearsall, and KGVO, at Uvalde, for permission to assign Channel 237A to Pearsall, it is necessary to delete the assignment of that channel at Uvalde, Texas, for which a proposed substitution of Channel 238A. The Mexican Government has no technical objections to the proposed assignments. The only comments were filed by the petitioners.

2. Pearsall, population 5,645, is the seat of Frio County, population 11,185. (It is approximately 80 kilometers (50 miles) southwest of San Antonio. Station KKVWG is the only broadcast service in Frio County. This station which also was assigned to Pearsall, is already serving nighttime AM service. That service emanates from distant cities. The proposed service would make available for the first time a local nighttime service. We believe the public interest would be served by making the assignment and thus bringing to Pearsall, its seat, a first local nighttime service. The Mexican Government has concurred in this assignment as well as the change in the Uvalde assignment which also is necessary.

3. Accordingly, it is ordered, That effective January 12, 1977, the FM Table of Assignments (§ 72.202(b) of the Commission's rules and regulations) is amended as concerns the communities named below to read as follows:

<table>
<thead>
<tr>
<th>Channel No.</th>
<th>City</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Pearsall, TX</td>
</tr>
<tr>
<td>237A</td>
<td>Uvalde, TX</td>
</tr>
</tbody>
</table>

4. Authority for the action taken herein is found in sections 4(d), 5(d)(1), 6(d), 7 of the Communications Act of 1934, as amended. 10. It is further ordered, That this proceeding is terminated.

1 A letter dated June 2, 1955, conveyed a questionnaire to cable television operators known to the Commission.

2 Second Report and Order, 3 FCC 92


FEDERAL REGISTER, VOL. 41, NO. 239—FRIDAY, DECEMBER 10, 1976
was created for the submission of that data. In 1971, Form 326 was revised, a financial Form 326 was created, and both were required to be filed on an annual basis. An employment unit Form 325 was created and required to be filed on an annual basis. 2. The Commission is embarking on a 24-month program to implement an integrated, computerized data management system for the Cable Television Bureau. A major input to this system consists of information provided by cable television operators on so-called annual forms. The total data base represents the basic records system of the Commission concerning cable television and it is used not only in the processing of applications for authorizations, but also for research and policy functions. The rule changes concern modifications to the information collection process which are necessary for us to utilize the new system. 3. The Commission has heretofore required submission of the completed annual forms on fixed dates. The submission was, however, governed by the rules of forms from the Commission by the operator. For several years these dates have been altered because of internal delays in mailing all the forms at the same time. We now intend to formally eliminate the fixed dates. Instead, the operator will be required to correct and/or complete within 60 days, the material mailed to him by the Commission. We intend to solicit the information in aggregates and at times during the year which are appropriate and convenient. For example, it would be appropriate for an operator to be mailed a Form 326 soliciting fiscal accounting information near the end of his indicated fiscal year, but now intend to formally eliminate date. Instead, the operator will be required to correct and/or complete within 60 days, the material mailed to him by the Commission. We intend to solicit the information in aggregates and at times during the year which are appropriate and convenient. 4. Our Program necessitates producing forms, encompassing each system community, mailed to said operator by the Commission. These include: Community unit data. Physical system data. Operator ownership data. Financial unit data. Employment unit data (including notice of EEO complaint). 5. The changes in the Commission Rules and Regulations set forth below represent an implementation of the information collection concepts discussed in the above paragraphs. Additionally, a definition of "Cable Television System Operator" is included to clarify a term used throughout Part 76 of the rules, and specifically in Subpart I as the entity encumbered with responsibilities. 6. Authority for the rule changes set forth below is contained in 47 U.S.C. 151, 152, 301, 303, 307, and 403. Inasmuch as the changes affect agency procedure and practice, and are intended only to inform of administrative changes to existing requirements, compliance with the prior notice, procedural and effective date provisions of the U.S.C. 553, will serve as a useful purpose and are unnecessary. 7. Accordingly, it is ordered, That effective December 15, 1976, Part 76 of the Commission's rules as amended as set forth below. (Secs. 1.2, 201, 325, 303, 347, 348, as amended, 1094, 1081, 1082, 1083; (47 U.S.C. 151, 152, 301, 303, 307.)

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

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

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

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

2. A new § 76.403 is added as follows:

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

Community unit data.
Physical system data.
Operator ownership data.
Employment unit data (including notice of EEO complaints).

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

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

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

§ 76.311 [Amended]

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

[FR Doc.76-38322 Filed 12-9-76; 8:45 am]

Title 49—Transportation
CHAPTER II—FEDERAL RAILROAD ADMINISTRATION, DEPARTMENT OF TRANSPORTATION
[Docket No. 76-62]

PART 250—REGULATIONS GOVERNING SECTION 511 OF THE RAILROAD REVITALIZATION AND REGULATORY REFORM ACT OF 1976

Miscellaneous Amendments
On October 8, 1976, the Federal Railroad Administrator ("Administrator") published in the Federal Register, 41 FR 44977, final regulations governing section 511 of the Railroad Revitalization and Regulatory Reform Act of 1976 ("Act") concerning the guarantee of obligations. On October 10, 1976, the President signed into law Pub. L. 94-588, the Rail Transportation Improvement Act ("RTIA"), which, among other things, amends section 511 of the Act. The purpose of this document is to correct certain technical errors that were contained in the regulations, clarify or revise certain provisions, and amend this part to reflect the following changes to section 511 contained in the RTIA:

1. Section 215(a) of the RTIA eliminates the requirement that the Administrator, prior to granting aid application for a guarantee or commitment to guarantee an obligation, make a determination of the value of the facilities or equipment which are or will be financed or refinanced by such obligation. Accordingly, the provision contained in § 209.13(a) (2) of the regulations has been deleted.

2. Section 215(b) of the RTIA amends sections 511(h) (1) and (5) of the Act, which are renumbered pursuant to section 215(d) of the RTIA as section 511(g) (1) and (5), respectively. The amendment to section 511(g) (1) of the Act, as amended, permits an obligation for the improvement or rehabilitation of leased equipment under this part to be secured by the lease rather than by the equipment itself. Section 209.7(a) (4) (v) of the regulations has been revised to require an applicant to state with respect to leased equipment that is to be rehabilitated or improved with the proceeds of an obligation guaranteed under this
part whether the lease provides for, or the lessor will permit, encumbrance of the leasehold or subordination of the lessor interest in the equipment to the Administrator.

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

the prospective earning power of the applicant, or the value or prospective earning power of any equipment or facilities to be improved, rehabilitated, or acquired, or any diminution of the financial wherewithal of the obligor, together with any other security offered by the applicant, is sufficient to provide the United States with reasonable security and protection, except that if the value or prospective earning power of such equipment or facilities is less than one percent of the principal amount of the obligation, the applicant will be required to pay promptly an additional amount to cover the costs of such considerations.

The amendment to section 511(g) (5) of the Act, as amended, will be construed to mean "applicant's fiscal year".

4. Section 215(c) of the RTIA eliminates the requirement that notice of each application be published in the Federal Register and interested persons be afforded an opportunity to submit comments on the applications. Notwithstanding the elimination of these requirements from the Act, however, the Administrator shall, before making any guarantee, afford the applicant and any other security offered by the applicant, find that the United States will not be provided with the reasonable security and protection referred to in this paragraph;

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

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

(a) When compared to the net income of such obligor for the fiscal year, the amount of which aggregate dividends paid by such obligor, during the 5 fiscal years prior to the guarantee or loan, is greater than the amount of such equipment or facilities to be improved, rehabilitated, or acquired, or any diminution of the financial wherewithal of the obligor, outstanding under this section, bore to aggregate net income of the obligor for such period, or

(b) 50 percent of the total of the dividends paid by such obligor, during the 5 fiscal years prior to the granting of the earliest loan or guarantee then outstanding under this section.

Moreover, the Administrator may not impose the restrictions referred to above with respect to dividends paid by such obligor during any fiscal year prior to the granting of the earliest loan or guarantee then outstanding under this section.

The heading to the regulations has been amended to reflect this revision to the Act.

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

Third, section 260.8 (c), (d), and (e) have been revised to require the submission of additional balance sheet data, income statement data needed to accurately assess the applicant's financial condition both before and after giving effect to the assistance requested in the application, and the filing fee (as required by the provisions of § 260.5(c)) the required submission of the most recent year-end general balance sheet certified by applicant's independent public accountants, if available. Section 260.8 (d) has been revised to require the submission of applicant's most recent annual income statement certified by applicant's independent public accountants, if available, (2) a spread sheet showing unaudited monthly and year-to-date income statement data for the calendar year in which the application is filed, (3) an estimated month-end balance sheets for the years between the date of the unaudited balance sheet presented in Exhibit C and the filing of the application, and (4) a forecasted balance sheet as at the year end for the year in which the application was filed. Section 260.8(e) is amended to add the requirement of forecasted year-end balance sheets for each of the four years subsequent to the year in which the application is filed, both before and after giving effect to the proceeds of the assistance requested in the application. The fee in (c) (d) and (e) will be required to supply such statements prior to closing in the event its application for financial assistance is approved, and execution of a guarantee will be contingent upon such certification being satisfactory to the Administrator.

Finally, a new § 260.7(a) (14) has been added to provide for an additional filing fee in an amount equal to one percent of the principal amount of the obligation for which a guarantee is sought, to accompany each application for a guarantee. As amended, the fee shall not be refundable and shall cover the costs of processing the application, including investigation of the application, appraisal of any security offered by applicant, and making the necessary determinations and findings. The Administrator finds it necessary to retain contractors to assist in the analysis of an application. Where a contractor is retained, the applicant will be assessed and shall pay promptly an additional amount to cover the costs of such contractors, but the total of such charges and the filing fee will not exceed one-half of one percent of the obligation for which a guarantee is sought.

An evaluation of the expected impact of the regulations pursuant to the Department of Transportation Policies to Improve Analysis and Review of Regulations (49 F.R. 16209) is not required because the regulations are expressly mandated by statute. Moreover, proposed regulations were published for comment on June 1, 1976 (49 F.R. 22229), and comments of the public regarding the impact of the regulations were duly considered.

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

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

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

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

Sec. 260.1 Application. 
260.2 Authority. 
260.3 Eligibility. 
260.7 Form and content of application. 
260.11 Preapplication and application procedures.

260.13 Information requests.
260.16 Waivers and modifications.

FEDERAL REGISTER, Vol. 41, No. 239—Friday, December 10, 1976
RULES AND REGULATIONS

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

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


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

§ 260.3 [Amended]
3. Section 260.3(a) is changed to read: "(a) "Act" means the Railroad Revitalization and Regulatory Reform Act of 1976 (Pub. L. 94-210, February 5, 1976), as amended."

* * * * *

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

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

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

* * * * *

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

§ 260.7 [Amended]
7. Section 260.7(a) (4) (v) is changed to read:

(a) * * *

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

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

§ 260.7(a) (10) is changed to read:

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

* * * * *

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

(a) * * *

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

* * * * *

§ 260.9 [Amended]
11. Section 260.9 (a) and (b) are deleted, and § 260.9 (c) through (j), respectively, with concomitant changes in the lettering of the exhibits required therein.

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

* * * * *

(c) Exhibit C. A copy of applicant’s most recent year-end general balance sheet certified by applicant’s independent public accountant, if available, and a copy of applicant’s most recent unaudited general balance sheet as of a date no less recent than the end of the third month preceding the date of filing of the application. The unaudited general balance sheet shall be presented in account form and detail as required in schedule 300 of the Commission’s annual report R-1 or R-2 as appropriate; and

* * * * *

§ 260.11 [Amended]
13. Renumbered § 260.11 is amended by inserting the word "unaudited" prior to the words "general balance sheets" and by striking "Exhibit E" and inserting in lieu thereof "Exhibit C".

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

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

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

(b) * * *

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

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

FEDERAL REGISTER, VOL. 41, NO. 239—FRIDAY, DECEMBER 10, 1976
Federal Railroad Administrator  
c/o the Associate Administrator for  
Federal Assistance of the  
Federal Railroad Administration  
Department of Transportation  
400 Seventh Street, S. W.  
Washington, D. C.  20590

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

Dear Sir:

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

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

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

Respectfully submitted,

applicants

by

Seal(s)

by

Its (Their).

FEDERAL REGISTER, VOL. 41, NO. 239—FRIDAY, DECEMBER 10, 1976
§ 260.13 [Deleted].
§ 260.15 [Deleted]
§§ 260.17—260.33 [Redesignated]
16. Sections 260.13 and 260.15 are deleted, and §§ 260.17 through 260.33 are renumbered as §§ 260.13 through 260.29, respectively.
§ 260.17 [Amended]
17. In renumbered § 260.17, the word "construed" is changed to "constructed".

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

(Sec. 511, Railroad Revitalization and Regulatory Reform Act of 1978 (Pub. L. 94-210), as amended.)

Dated: December 8, 1976.

ASAPH H. HALL,
Administrator, Federal Railroad Administration.

[FR Doc.76-36415 Filed 12-9-76;8:45 am]
NATIONAL CAPITAL PLANNING COMMISSION
[1 CFR Part 455]
PRIVACY ACT

Proposed Procedures

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

Interested organizations, agencies, and citizens are requested to submit their views in writing to the Commission prior to January 11, 1977, addressed to:
Daniel E. Shear, Secretary, National Capital Planning Commission, Washington, D.C. 20576.

PART 455—NATIONAL CAPITAL PLANNING COMMISSION

Sec. 455.1 Purpose and scope.

455.2 Definitions.

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

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

455.5 Disclosure of requested information to individuals.

455.6 Request for correction or amendment to the record.

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

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

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

455.10 Fees.

455.11 Penalties.

455.12 Exemptions.


§ 455.1 Purpose and scope.

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

§ 455.2 Definitions.

For the purpose of these procedures:

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

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

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

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

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

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

(a) An individual who wishes to know whether a system of records maintained by the Commission contains a record pertaining to him or her shall submit a written request to that effect to the appropriate System Manager at the Commission.

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

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

(a) An individual who, in accord with § 455.3(b) of this part indicated that he or she would appear personally shall so do at the Commission's offices, 1235 G Street, N.W., Washington, D.C., between the hours of 8:30 A.M. and 5:00 P.M., Monday through Friday (legal holidays excluded) and present a form of identification, such as a valid driver's license or employee identification card, which will permit the System Manager to verify the individual's identity.

(b) An individual who desires to receive a copy of any identified record by mail shall submit any such request in accord with § 455.3(b) of this part and shall state

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

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

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

§ 455.5 Disclosure of requested information to individuals.

A System Manager shall disclose to an individual the information contained in the record which pertains to that individual.

§ 455.6 Request for correction or amendment to the record.

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

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

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

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

An individual who disagrees with the refusal of the System Manager to correct or to amend his or her record may submit a request for a review of such refusal to the Chairman of the Commission, 1235 G Street, N.W., Washington, D.C. 20576. The Chairman will, not later than thirty days from the date on which the individual requests such review, complete such review and make a final determination unless, for good cause shown, the Chairman extends such thirty day period. If, after his or her review, the Chairman also refuses to correct or
to amend the record in accordance with the request, the individual may file with the Commission a concise statement setting forth the reasons for his or her dissatisfaction with the decision of the Commission and may seek judicial review of the Chairman's determination under 5 U.S.C. 552a(g)(1) (A).

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

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

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

§ 455.10 Fees.

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

(b) If an individual requests the Commission to furnish him or her with a copy of the record (when a copy has not otherwise been made as a necessary part of the process of disclosing the record to the individual), the Commission will charge a fee of $0.25 per page (maximum per page dimension of 8½ x 11 inches) to the extent that the request exceeds $5.00 in cost to the Commission. Requests not exceeding $5.00 in cost to the Commission will be met without cost to the requester.

§ 455.11 Penalties.

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

§ 455.12 Exemptions.

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

EDWARD H. RICKELS, Associate Secretary.

[FR Doc.76-35432 Filed 12-1-76; 8:45 am]

SMALL BUSINESS ADMINISTRATION


NOTICE OF PROPOSED RULEMAKING


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

Information. The Small Business Administration is considering a change in its present policy regarding the acceptance of applications for assistance from parolees and probationers after such parolees and probationers complete two years in such status. After acceptance of such applications, a final determination of eligibility for assistance will be made by the SBA upon a case-by-case basis. The SBA's current policy is that it will accept no applications for assistance from persons on parole or on probation. To determine whether an applicant is of good moral character and likely to repay the terms of their probation or parole, the SBA will aid in re-habilitating them; and that the granting of such assistance would encourage them to become productive participants in our society.

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

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

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

However, it has been the practice of the SBA to make eligibility determinations on a case-by-case basis despite prior convictions, and after release from probation or parole. To determine whether an applicant is of good moral character and likely to repay the terms of their probation or parole, the SBA is considering a change in its present policy regarding the acceptance of applications for assistance from parolees and probationers after such parolees and probationers complete two years in such status. After acceptance of such applications, a final determination of eligibility for assistance will be made by the SBA upon a case-by-case basis.

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

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

One of the reasons the current policy of the SBA has been adopted is that if parole or probation was for parole or probation status, there may be imprisonment or jailed, and therefore be able to receive an application for parole or probation status, there may be imprisonment or jailed, and therefore be able to receive an application for parole or probation status.

The SBA has been requested to reexamine its current requirements by interested persons outside the SBA, including some members of Congress.

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

Comments are specifically requested on the following areas of interest:

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

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


LOUIS F. LAUN,
Acting Administrator.

[FR Doc. 76-43655 Filed 12-9-76; 8:45 am]

UNITED STATES INFORMATION AGENCY

[22 CFR Part 505]

PRIVACY ACT POLICIES AND PROCEDURES

Miscellaneous Amendments

Reference is made to the adoption and implementation of Title 22, Code of Federal Regulations, Chapter V, Part 505, concerning Privacy Act policies and procedures, as published in the Federal Register on October 21, 1975 (40 FR 4928) and September 22, 1976 (41 FR 4142S).

The Agency proposes amendments to portions of the procedures as stated below. Public comment on the proposed amendments is invited on or before January 10, 1977.

Dated: December 1, 1976.

EUGENE P. KOEP, Acting Director.

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

§ 505.5 [Amended]

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

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

§ 505.5 [Amended]

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

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

§ 505.5 [Amended]

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

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

§ 505.7 [Amended]

(a) (1) Requests for amending records. An individual has the right to request that the Agency amend a record pertaining to him or her which the individual believes is inaccurate, irrelevant, timely or complete. If an individual believes that a record on him or her should be amended, instructions for preparing such an amendment may be obtained, in person or in writing, from the Access to Information Officer, Room 507, Office of Public Information, U.S. Information Agency, 1750 Pennsylvania Avenue NW., Washington, D.C. 20547. Hours for such assistance are between 9:00 a.m. and 5:00 p.m., Monday through Friday, except legal holidays.

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

§ 505.9 [Amended]

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

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

§ 505.8 [Amended]

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

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

§ 505.11 [Amended]

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

8. In the Federal Register of September 22, 1976 (41 FR 4142S), the Agency announced the adoption of § 505.15 concerning exemptions of systems of records. Amendments are proposed to those procedures in order to permit an exemption for an existing system of records and exemptions for a system of records proposed and described in the Federal Register on this date. It is proposed that portions of USIA-7-Director’s Secretariat Staff Files-5-USIA be exempt under 5 U.S.C. 552a(c) (1) to protect material required to be kept secret in the interest of national defense and foreign policy that may be maintained in the system of records.

Although it is not contemplated that exempted material will be maintained in USIA-53-Privacy Act/Freedom of Information Act Files-I/R-USIA on a permanent basis, records from other systems of records that are exempted may be stored in USIA-53 temporarily in connection with processing requests. Therefore, it is proposed that portions of USIA-53 be exempt under 5 U.S.C. 552a (c) (1), 5 U.S.C. 552a (c) (2), 5 U.S.C. 552a (c) (3) and 5 U.S.C. 552a (c) (6).

The above amendment is proposed in regulations under 5 U.S.C. 552a(k) (2).

FEDERAL REGISTER, VOL. 41, NO. 237—FRIDAY, DECEMBER 10, 1976
PROPOSED RULES

[30 CFR Part 231]

GENERAL MINING ORDERS
Federal and Indian Lands

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

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

I. General

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

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

NOTE—It is hereby certified that the economic and inflationary impacts of this proposed regulation have been carefully evaluated in accordance with Executive Order 11902.


WILLIAM L. FISHER, Assistant Secretary of the Interior.

VETERANS ADMINISTRATION

[38 CFR Parts 6 and 8]

GOVERNMENT LIFE INSURANCE
Payment to Decedent's Estate

The Administrator of Veterans Affairs proposes regulatory changes to Parts 6 and 8 of Title 38, Code of Federal Regulations, relating to payment of Government Life Insurance benefits including dividends and premium refunds directly to the person or persons entitled to the decedent's personal property under the laws of the State of his or her domicile, where no legal representative has been or will be appointed.

Sections 8.54 and 6.128, Title 38, Code of Federal Regulations, authorize payment of National Service Life Insurance, and United States Government Life Insurance benefits under the above procedure where the amount payable does not exceed $1,000. The proposed amendment would raise the limit to $5,000. The purpose of the amendment is to bring the regulations in line with State probate laws which have, since 1963 when the present $1,000 limit was established, generally raised the amount which can be distributed to heirs without the expense of formal administration. While the amendment involves no changes in basic entitlement to benefits, it will, in many cases, allow beneficiaries to obtain the proceeds of Government Life Insurance policies faster and with less expense. In some cases, the expenses presently being incurred by beneficiaries in raising formal administration actually deplete the proceeds received. To the extent that this is avoided by this amendment, the benefit to some beneficiaries will be increased. This amendment will also reduce the manhours required to process these cases and so result in a savings of tax dollars. In addition editorial changes have been made to reflect agency policy of using precise terms denoting gender.

Interested persons are invited to submit when comments, suggestions, or objections regarding the proposal to the Administrator of Veterans Affairs, 2703 Veterans Administration Building, 810 Vermont Avenue, NW, Washington, DC 20420. All relevant material received before January 10, 1977, will be con-
3. In § 8.59, paragraphs (a) and (d) are revised to read as follows: § 8.59Assignments.

(a) The proceeds of a National Service Life Insurance policy shall not be assignable except that the person designated as beneficiary may assign any or all of the proceeds, including dividends and premium refunds which are payable to the estate or personal property under the laws of the State of his or her domicile, to the extent of $5,000 Provided, however, That if under the laws of ancestor's domicile the claimant is unconditionally entitled to the decedent's personal property under the section 8.59 paragraphs 2. payment, notwithstanding it exceeds $5,000:

(d) The proceeds of a National Service Life Insurance policy shall not be assignable except that any beneficiary to whom such insurance, maturing on or after July 27, 1962, is payable may assign all or any part of his or her interest in the insurance to the insured's widow, widower, child, father, mother, grandfather, grandmother, brother, or sister. The designated contingent beneficiary, if any, joins the beneficiary in the assignment and such assignment is delivered to the Veterans Administration before any payments of the insurance have been made to the beneficiary.

COUNCIL ON ENVIRONMENTAL QUALITY

[40 CFR Part 1515]

FREEDOM OF INFORMATION ACT

Proposed Procedures


Comments and recommendations are invited. They should be submitted to the General Counsel, Council on Environmental Quality, 722 Jackson Place, N.W., Washington, D.C. 20505. All comments and recommendations received by January 24, 1977, will be considered by the Council before final action is taken on the proposed procedures. Changes may be made in these procedures in light of comments received. Comments and recommendations submitted will be available for examination at the Council's offices before and after the closing date for receipt.

Until the Council publishes its own final regulations those of the Office of Management and Budget may be considered applicable to requests received by the Council.

GARY L. WEIDMAN,
General Counsel.

Pursuant to section 552 of title 5, United States Code, the following Part 1515 is published:

PART 1515—FREEDOM OF INFORMATION ACT PROCEDURES

ORGANIZATION

See 1515.1 General.

1515.2 Authority and functions.

1515.3 Organization.

1515.4 Procedures.

1515.5 Methods of operation.

AVAILABILITY OF INFORMATION

1515.10 Inspection, copying, and exceptions.

FEDERAL REGISTER

Vol. 41, No. 239—FRIDAY, DECEMBER 10, 1976
in these two Acts. Also, the use of con-    ciliation procedures is preferenda.

(c) In addition to the three members,    there is a Staff Director for Program    Development and a General Counsel.    The Council has no field or re-    gional offices.

(e) The Council is located at 722 Jack-    son Place, N.W., Washington, D.C. 20006,    Office hours are 9 a.m. through 5 p.m.,    Monday through Friday, except legal holidays. It is rec-    ommended that persons wishing to see    any of the staff either write or phone    ahead for an appointment. The main    number is (202) 382-1415.

PROPOSED RULES

§ 1515.5 Methods of operation.

(a) The Council on Environmental    Quality maintains a current index which    identifies information pertaining to mat-    ters issued, adopted, or promulgated    ahead for an appointment. The main    Office hours are    son Place, N.W., Washington,    regional offices.

(b) The Council has appointed a    Freedom of Information Officer who will    be responsible for overseeing the Coun-    cil's implementation of the Freedom of    Information Act and for receiving, rout-    ing, and overseeing the processing of all    Freedom of Information requests. The    Council has also appointed an Appeals    Officer who is responsible for processing    any appeals.

(c) Upon receipt of any request for    information or records the Freedom of    Information Officer shall direct the re-    quest to the proper staff member who will    determine, within 10 working days,    whether it is appropriate to grant the    request and if so, will immediately pro-    vide written notification regarding the    determination. If the request is denied,    either in part or in whole, the notice-    ment will be signed by the Freedom of    Information Officer but will include the    names of any other individuals who were    involved in the decision. Also included in the    notification will be the procedure for filing an    appeal. An appeal must be made by the    requester within thirty days of receiving a    denial.

(d) In the event that a denial is ap-    pealed the Appeals Officer shall make a    determination regarding such appeal within    20 working days. Appeals must be    written and addressed to the attention of the    Appeals Officer at the address given in    § 1515.3(e). The letter should include a    statement explaining the basis for the    appeal. Determinations of all appeals shall    be set forth in writing and shall be    signed by either the Appeals Officer or    that officer's designee. If on appeal the    denial is in part or in whole upheld, the    written notification will also contain an    explanation of the provisions for judicial    review and the names of any persons who    participated in the final determination of the    appeal.

(e) In unusual circumstances, the time    limits prescribed in paragraphs (d) and    (e) of this section may be extended for    not more than 20 working days. Extensi-    ons may be granted by the Freedom of    Information Officer in the case of initial    requests and by the Appeals Officer in the    case of any appeals. The extension period    may be split between the initial request    and the appeal but in no instance may    the total extension exceed 10 working    days. Extensions will be by written notice to    the requester and will set forth the    reasons for the extension and the date    that the information requested is expected.    As used herein, only to the extent    reasonably necessary to the proper pro-    ceeding of the particular request, the term    "reasonable time" means:

(1) The need to search for and collect the    requested records from entities that are separate from the office processing the    request.

(2) The need to search for, collect, and    properly examine a voluminous amount of    separate and distinct records which are    demanded in a single request or    (3) The need for consultation, which shall    be conducted with all practicable speed, with    another agency having a substantial inter-    est in the matter, that the request    involves, among two or more components of the    agency having substantial subject-matter interest    therein.

Availability of Information

§ 1515.10 Inspection, copying, and ex-    ceptions.

(a) When a request for information has    been approved, in whole or in part, the    requesting party may make an ap-    pointment to inspect or copy the mate-    rials requested during regular business    hours by writing or telephoning the    Freedom of Information Officer at the    address given in Freedom of Information    Officer at the    § 1515.3(e). Materials may be    copied manually without charge. Reasonable    facilities will be available for that    purpose. If any other means of reproduc-    tion are to be used, a fee schedule shall    be applicable, (§ 1515.15) and the re-    questing party shall be charged reason-    able reproduction costs in accordance with    that schedule. The Council on Environ-    mental Quality will permit copying of    any available material but will reserve    the right to limit the number of copies    made with the Council's reproduction    facilities.

(b) The Council claims the right, where    it is applicable, to withhold mate-    rial under the provisions allowed in the    Freedom of Information Act as amended    (5 U.S.C. 552(d)).

Fees for Search and Reproduction

§ 1515.15 Schedule of fees and method    of payment for services, rendered.

(a) Following is the fee schedule for the    search and reproduction of informa-    tion available under the Freedom of    Information Act (5 U.S.C. 552), as    amended.

(1) Search for records. $5.00 per hour    will be charged when the search is con-    ducted by a clerical employee. $8.00 per    hour will be charged when the search    is conducted by a professional employee.

There will be no charge for searches of    less than one hour.

(b) Duplication of records. Records    will be duplicated at a rate of $.10    per page for all copying of 10 pages or more.    There will be no charge for duplicating 9    pages or less.

(c) Other. When no specific fee has    been established for a service, or the    time limits prescribed in paragraphs (d)    (f) are 48 hours or 20 working days,    fees chargeable under this section will    amount to not more than $50.00, or the    maximum amount specified in the request    for searching and reproduction shall be    applied, whichever is less. If the request    would in the aggregate exceed $25.00, a    notice shall be included advising the    requesting party of his option to consult with    Council personnel in order to reformulate the    request in a manner which will reduce the    fees, yet still meet the needs of the re-    questing party. A reformulated request    shall be considered a new request thus    beginning a new 10 working day period    for processing.

(d) Fees must be paid in full prior to    issuance of the requested copies. In the    event the requesting party is in arrears    for previous requests for which the Council    was unable to find or provide the    requested information, copies of records    will not be provided for any subsequent    request until the arrears have been    paid in full.

(e) Remittances shall be in the form    either of a personal check or bank draft    drawn on a bank in the United States,    or a postal money order. Remittances    shall be made payable to the "Treasurer    of the United States and mailed or deliv-    ered to the Administrative Office, Council    on Environmental Quality, 722 Jack-    son Place, N.W., Washington, D.C. 20006.

(f) A receipt for fees paid will be    given upon request. Refunds of fees paid    for services actually rendered will not    be made.

(g) The Freedom of Information Off-    cier, or an officer designated by the    FIO    Officer may in accordance with the    Freedom of Information Act, as    amended, waive all or part of any fee    provided for in this section when the    FIO    or designated officer deems it to be    in either the Council's interest or in the    general public's interest.
DEPARTMENT OF TRANSPORTATION
Federal Railroad Administration
[49 CFR Part 267]

[FRB Economic Docket No. 5, Notice No. 1]

ASSISTANCE TO STATES FOR RAIL SERVICE SUPPORT PROGRAMS: PROVISIONS OF TITLE IV OF THE FEDERAL RAILROAD REORGANIZATION ACT OF 1973

Proposed Standards and Procedures

Regarding In-Kind Benefits

On March 5, 1976, Procedures and Requirements Regarding Applications and Disbursements under section 402 of the Regional Rail Reorganization Act of 1973 ("Act") (45 U.S.C. section 701 et seq.), as amended, were published in the Federal Register (41 F.R. 8292) as Part 267 of Title 49 of the Code of Federal Regulations. On August 9, 1976, Proposed Procedures and Requirements Regarding Applications and Disbursements under section 5 of the Department of Transportation Act as amended by section 803 of the Regional Rail Revitalization and Regulatory Reform Act of 1976 (Pub. L. 94-210) ("RRRA"), were published in the Federal Register (41 FR 3354) as Part 268 of Title 49 of the Code of Federal Regulations. In both publications, it was explained that standards and procedures under which the State share of the program costs may be provided through in-kind benefits such as forgiveness of taxes, trackage rights and facilities which would not otherwise be provided, would be published at a later date. This regulation sets forth the standards and procedures by which a State may meet its matching share through in-kind benefits.

The Federal Government is providing 100 percent funding for the first year of both the section 402 (regional) program and the section 803 (national) program. Under the section 402 program the State will not have to provide a matching share of the costs of assistance for the 12-month period beginning April 1, 1977. Beginning April 1, 1978, the expiration date of the section 402 regional program, the section 803 national program will extend to all States and the 10 percent matching share requirements of that program will be in effect until June 30, 1981. Under the section 803 program, the State will not have to provide a matching share for the period from July 1, 1976 to June 30, 1977; but subsequent to that date the State share of the costs of any rail service assistance program shall be (1) 10 percent for the period from July 1, 1977 to June 30, 1978; (2) 20 percent for the period from July 1, 1978 to June 30, 1979; and (3) at least 30 percent for the period from July 1, 1979 to June 30, 1981. For the period from July 1, 1979 to June 30, 1981, the Secretary may make such adjustments in the proportions of the Federal share of the costs as may be appropriate so as not to exceed the maximum amount of funds authorized under the Act.

During the 10 percent matching share period, the total contributions of a State must equal at least 10 percent of the total program costs, but need not be applied on a 10 percent per project basis. Allocation of matching share funds for subsequent matching share periods may be applied in a similar manner.

As stated in the Rail Service Assistance regulations (49 CFR Parts 255 and 256), the Administrator has determined that these regulations do not significantly affect the quality of the human environment. Negative declarations have been prepared pursuant to those determinations and are available to the public upon request. Because the proposed regulations are supplementary to the above Rail Service Assistance regulations and deal only with the manner in which a State may contribute its matching share of program costs, the Administrator has determined that these regulations do not significantly affect the quality of the human environment. The Administrator has further determined that the negative declarations already under the Rail Service Assistance regulations are applicable to the proposed regulations and that a new negative declaration will be issued. In addition, the Administrator has determined that the proposed regulations do not constitute a major proposal under Executive Order 11821, November 27, 1974, or Department of Transportation Order 2030.4, February 2, 1976, requiring an environmental impact statement.

In view of the scope of the rail services assistance programs and in view of the diverse interests involved, the Administrator wishes to receive the broadest possible public participation in connection with the development of these regulations. Accordingly, interested persons are invited to participate by submitting written data, views or comments. Communications should identify the docket number and should be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Room 5101, 400 Seventh Street, SW., Washington, D.C. 20590. Comments should be submitted by January 10, 1977. All comments received will be available for examination by interested persons at an unspecified time between the hours in Room 5101, Massif Building, 400 Seventh Street, SW., Washington, D.C. The proposals contained in this notice may be changed in light of comment received.

In consideration of the foregoing, 49 CFR Chapter II is proposed to be amended by adding a new Part 267 to read as follows:

PART 267—REGULATIONS GOVERNING STANDARDS AND PROCEDURES REGARDING IN-KIND BENEFITS

Sec. 267.1 Purpose and scope.
Sec. 267.2 Definitions.
Sec. 267.3 Matching share.
Sec. 267.4 Eligibility criteria for in-kind benefits.
Sec. 267.5 Valuation of in-kind benefits.

Sec. 267.1 Purpose and scope.

The purpose of this part is to establish uniform standards and procedures under which the State share of the costs of any rail service assistance program shall be provided through in-kind benefits.

§ 267.1 Purpose and scope.

The purpose of this part is to establish uniform standards and procedures under which the State share of the costs of any rail service assistance program shall be provided through in-kind benefits.

§ 267.2 Definitions.

(a) "Act" means the Regional Rail Reorganization Act of 1973, as amended.
(b) "Administrator" means the Federal Railroad Administrator or the Deputy Administrator or his or her delegate.
(c) "Cash contributions" means the grantsee's cash outlay, including the outlay of money contributed to the grantsee by third parties. Unless authorized by Federal legislation, outlays charged to other Federal legislation or outlays charged to other Federal grants or to Federal contracts may not be considered as grantsee's cash contributions.
(d) "FRA" means the Federal Railroad Administration.
(e) "Grantee" means any eligible applicant under sections 402 or 403, to which a grant is made and which is accountable to the Federal Government for the use of funds provided. The term does not include any secondary recipients such as subgrantees, contractors, etc., who may receive funds from a grantsee pursuant to a grant.
(f) "Grantsee" means the Federal Railroad Administration.
(g) "In-kind benefits" means the value of non-cash contributions provided by the grantsee or third parties.
(h) "Matching share" means that portion of allowable program costs not borne by the Federal Government.
(i) "Program costs" means the sum of the allowable costs incurred by the grantsee.
(j) "RRRR Act" means the Railroad Revitalization and Regulatory Reform Act of 1976, as amended.

§ 267.5 Applicability.

The provisions of this part apply to the procedures and requirements regarding applications for and disbursement of financial assistance for the continuation of local rail freight services and for the acquisition or rehabilitation of properties or facilities under section 403 of Title IV of the Act ("section 403 regional program") and section 5 of the Department of Transportation Act (49 U.S.C. 1654) as amended by section 803 of the
RRRR Act ("section 803 national program"). § 267.7 Matching share.

(a) Under the section 402 regional program the Federal share of costs will be (i) 100 percent for the 12-month period beginning April 1, 1977, and (ii) 80 percent for the 12-month period beginning April 1, 1978. After March 30, 1978, the Federal share will be subject to the pertinent provisions of the section 803 national program under subsection (b) of this section.

(b) Under the section 803 national program, the Federal share of costs will be (i) 100 percent for the period from July 1, 1976 to June 30, 1977; (ii) 90 percent for the period from July 1, 1977 to June 30, 1978; (iii) 80 percent for the period from July 1, 1978 to June 30, 1979; and (iv) up to 70 percent for the period from July 1, 1979 to June 30, 1981. For the period from July 1, 1979 to June 30, 1981, the Administrator may make such adjustments in the percentage level of the Federal share as may be necessary and appropriate so as not to exceed the maximum amount of funds authorized under section 803 of the RRRR Act.

§ 267.8 Matching share may consist of:

(1) Program costs financed from the grantee’s own cash sources.

(2) Program costs financed with cash contributed or donated to the grantee by other public agencies and institutions, and private organizations and individuals.

(3) In-kind benefits.

§ 267.9 Eligibility criteria for in-kind benefits.

(a) Criteria. All in-kind benefits will be accepted as part of the grantee’s matching share when such contributions meet the following criteria:

(1) Are identifiable from the grantee’s records;

(2) Are costs which are allowable under the applicable program regulations (49 CFR Parts 255 and 49 CFR Part 260); and

(3) Are not borne by the Federal Government directly or indirectly under any Federal grant or contract unless the other grant or contract may, under authority of law, be used for matching or cost sharing. Included within this prohibition is the inclusion of In-kind benefits as contributions for any other Federal assistance program, or any Federal contract; and

(4) Conform to other provisions of this part.

(b) Eligible in-kind benefits. In-kind benefits are eligible only to the extent that they are necessary and reasonable for proper and efficient accomplishment of program objectives under 49 CFR Parts 255 and 260. Final determination of eligibility will be made by the Administrator.

In-kind benefits may consist of the following:

(1) Forgiveness of taxes. Tax revenues which are identifiable as resulting from project property or use associated with the project property and which are exempted or remitted by a State or local taxing authority. Tax exemptions and remissions under this paragraph will only apply to taxes which would otherwise have been levied for the program period.

(2) Property taxes. Included are tax exemptions and tax remissions authorized by a State or local taxing authority with respect to property taxes levied on project property.

(3) Other taxes. Included are tax exemptions and tax remissions authorized by a State or local taxing authority with respect to those portions of gross receipts, taxes, revenue or other taxes which are allocable to an approved project.

(4) Trackage rights granted to operators for the continuation of rail service on publicly owned rail properties.

(5) Project improvements. Those improvements to the rail properties incurred at the expense of the grantee or third parties.

(6) The use of State or locally owned or leased buildings or equipment if the property was not donated by the Federal Government or purchased or leased with Federal funds.

§ 267.11 Valuation of in-kind benefits.

(a) Forgiveness of taxes. The value of taxes forgiven shall be the amount of State and local taxes which would otherwise have been collected by the State or local taxing authority but for the tax exemptions and remissions authorized pursuant to this part.

(b) Trackage rights. The value of trackage rights will be the amount paid for comparable rights on comparable railroad properties.

(c) Valuation of personal services.

(1) Rates for personal services provided by the grantee or other State or local public agency.

(2) Rates for personal services provided by private organization and individuals. Such services will be valued at the employee’s regular rate of pay (exclusive of fringe benefits and overhead cost) provided these services are in the same skill for which the employee is normally paid.

(d) Equipment and buildings. The value of donated equipment or buildings, should be based on the donor’s cost less depreciation or the current market prices of similar property or similar equipment or building space, whichever is less. The value of such charges shall be certified by the chief executive officer of the designated state agency of the grantee.

(1) Valuation of materials. Prices assessed to donated materials included in the matching share should be reasonable and should not exceed the cost of the materials to the donor or current market prices, whichever is less, at the time they are charged to the project.

(2) Valuation of project improvements and other charges. Necessary charges incurred specifically for and in direct benefit to the grant program in behalf of the grantee may be accepted as part of the matching share provided they are adequately supported and permissible under law. Such charges must be reasonable and properly justifiable.

§ 267.13 Submission.

(a) When the grantee is providing its matching share or a portion thereof through in-kind benefits, the application for approval shall include the following:

(1) Full and correct name and principal place of business and address of contributor if other than the grantee.

(2) Detailed description and documentation of the in-kind benefits provided by the grantee or third party.

(b) Certification by the grantee that the matching share contribution is used solely for the purposes documented.

(c) Such other information as the Administrator may require.

(5) The grantee shall submit documentation for provision of in-kind benefits with its application for Federal assistance.

(6) From submission, a final determination of the eligibility of the in-kind benefits will be made by the Administrator.

§ 267.15 Record, audit, and examination.

(a) The grantee and third party contributors must maintain supporting records for in-kind benefits.
(b) The basis for determining the valuation of all in-kind benefits must be documented.

(c) The Administrator or any of his duly authorized representatives shall, until the expiration of three (3) years after completion of the project or undertaking referred to in paragraph (a) of this section, have access for the purpose of audit and examination to any books, documents, papers, and records used as supporting justification for in-kind benefits which in the opinion of the Administrator may be related or pertinent to the grants, contracts, or other arrangements referred to in such paragraph.

§ 267.17 Waivers and modifications.

The Administrator may, with respect to individual requests, upon good cause shown, waive or modify any requirement of this part not required by law or make any additional requirements he deems necessary. Procedures for submission and consideration of petitions for waiver or modification shall be governed by 49 CFR Part 211.
DEPARTMENT OF AGRICULTURE
Commodity Credit Corporation

SALES OF CERTAIN COMMODITIES
Monthly Sales List (Period July 1, 1976
Through May 31, 1977); Grain

The CCC Monthly Sales List for the
period July 1, 1976, through May 31, 1977, published at 41 FR 29198 is amended as follows:

1. The monthly markups in dollars per
bushel in section 11 entitled "Wheat-
Unrestricted Use Sales (Bulk-Storable-
Basis Grade 1-In-Store)" are revised to read as follows:

1976

<table>
<thead>
<tr>
<th>Month</th>
<th>Markup</th>
</tr>
</thead>
<tbody>
<tr>
<td>November</td>
<td>0.5%</td>
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<tr>
<td>December</td>
<td>0.6%</td>
</tr>
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</table>

1977

<table>
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<tr>
<th>Month</th>
<th>Markup</th>
</tr>
</thead>
<tbody>
<tr>
<td>November</td>
<td>0.5%</td>
</tr>
<tr>
<td>December</td>
<td>0.6%</td>
</tr>
</tbody>
</table>

2. The monthly markups in cents per
bushel in section 13 entitled "Corn-
Unrestricted Use Sales (Bulk-Storable-
Basis Grade 2 Yellow Corn) - 15.1-15.5
Percent Moisture-In-Store)" are revised to read as follows:

1976

<table>
<thead>
<tr>
<th>Month</th>
<th>Markup</th>
</tr>
</thead>
<tbody>
<tr>
<td>November</td>
<td>0.6%</td>
</tr>
<tr>
<td>December</td>
<td>0.6%</td>
</tr>
</tbody>
</table>

1977

<table>
<thead>
<tr>
<th>Month</th>
<th>Markup</th>
</tr>
</thead>
<tbody>
<tr>
<td>November</td>
<td>0.6%</td>
</tr>
<tr>
<td>December</td>
<td>0.6%</td>
</tr>
</tbody>
</table>

3. The monthly markups in dollars per
hundredweight in section 17 entitled
"Grain Sorghum - Unrestricted Use Sales
(Bulk-Storable-Basis Grade 2 or Better-
In-Store)" are revised to read as follows:

1976

<table>
<thead>
<tr>
<th>Month</th>
<th>Markup</th>
</tr>
</thead>
<tbody>
<tr>
<td>November</td>
<td>0.6%</td>
</tr>
<tr>
<td>December</td>
<td>0.6%</td>
</tr>
</tbody>
</table>

1977

<table>
<thead>
<tr>
<th>Month</th>
<th>Markup</th>
</tr>
</thead>
<tbody>
<tr>
<td>November</td>
<td>0.6%</td>
</tr>
<tr>
<td>December</td>
<td>0.6%</td>
</tr>
</tbody>
</table>

4. The monthly markup in cents per
bushel in section 19 entitled "Barley-
Unrestricted Use Sales (Bulk-Storable-
Basis Grade 2 In-Store)" are revised to read as follows:

1976

<table>
<thead>
<tr>
<th>Month</th>
<th>Markup</th>
</tr>
</thead>
<tbody>
<tr>
<td>November</td>
<td>0.7%</td>
</tr>
<tr>
<td>December</td>
<td>0.8%</td>
</tr>
</tbody>
</table>

1977

<table>
<thead>
<tr>
<th>Month</th>
<th>Markup</th>
</tr>
</thead>
<tbody>
<tr>
<td>November</td>
<td>0.7%</td>
</tr>
<tr>
<td>December</td>
<td>0.8%</td>
</tr>
</tbody>
</table>

5. The monthly markups in cents per
bushel in section 21 entitled "Oats-
Unrestricted Use Sales (Bulk-Storable-
Basis Grade 3-In-Store)" are revised to read as follows:

1976

<table>
<thead>
<tr>
<th>Month</th>
<th>Markup</th>
</tr>
</thead>
<tbody>
<tr>
<td>November</td>
<td>0.2%</td>
</tr>
<tr>
<td>December</td>
<td>0.2%</td>
</tr>
</tbody>
</table>

1977

<table>
<thead>
<tr>
<th>Month</th>
<th>Markup</th>
</tr>
</thead>
<tbody>
<tr>
<td>November</td>
<td>0.2%</td>
</tr>
<tr>
<td>December</td>
<td>0.2%</td>
</tr>
</tbody>
</table>

The following are revised to read as follows:

6. The monthly markups in cents per
bushel in section 21 entitled "Rye-Un-
restricted Use Sales (Bulk-Storable-
Basis Grade 2-In-Store)" are revised to read as follows:

1976

<table>
<thead>
<tr>
<th>Month</th>
<th>Markup</th>
</tr>
</thead>
<tbody>
<tr>
<td>November</td>
<td>0.65%</td>
</tr>
<tr>
<td>December</td>
<td>0.7%</td>
</tr>
</tbody>
</table>

1977

<table>
<thead>
<tr>
<th>Month</th>
<th>Markup</th>
</tr>
</thead>
<tbody>
<tr>
<td>November</td>
<td>0.65%</td>
</tr>
<tr>
<td>December</td>
<td>0.7%</td>
</tr>
</tbody>
</table>

FEDERAL REGISTER, VOL. 41, NO. 239—FRIDAY, DECEMBER 10, 1976
CIVIL AERONAUTICS BOARD  
[Docket No. 29597]

CHICAGO-VANCOUVER ROUTE  
PROCEEDING

Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-referenced proceeding will be held on January 11, 1977, at 9:30 a.m. (local time), in Room 1003, Hearing Room B, 776 Connecticut Avenue N.W., Washington, D.C., before Administrative Law Judge William A. Kane, Jr.

For information concerning the issues involved and other details of this proceeding, interested persons are referred to the prehearing conference report served on September 27, 1976, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.


WILLIAM A. KANE, JR.,  
Administrative Law Judge.

[FR Doc.76-36333 Filed 12-9-76;8:45 am]

MILITARY TRANSPORTATION, ER-962

Order Regarding Exemption of Air Carriers

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 7th day of December 1976.

By ER-962, adopted July 27, 1976, the Board reopened the minimum rates of compensation applicable to foreign and overseas charter contracts air transportation services performed by air carriers for the Department of Defense (DOD) and procured by the Military Airlift Command (MAC), and established increased initial interim rates pending completion of the full-scale review which was then instituted. Consistent with established procedures in such cases, the new interim rates became effective on August 3, 1976, seven calendar days after the rule's adoption. The rates established were based on an analysis of the most recent available Form 243 data covering carrier reports of operating results in MAC charter services and represents increases of 10.62 percent over the long range international MAC final rates previously in effect.

The joint MAC carriers have filed a petition for reconsideration of ER-962.1 In substance, the petition requests (1) the establishment of a two-phase interim rate, the first phase of which would be retroactive to the date of DOD's answer affirming the need for a substantial rate increase; and (2) the advancement of the effective date of ER-962 to July 27, 1976, the date of adoption. Under the first phase of this procedure, a new interim rate at the level prescribed in ER-962 would be made effective from July 9 (the date DOD answered the carriers' rate petition) until the date of the Board's rate order. In the second phase, interim rates at the level prescribed in ER-962 would be set for effectiveness on and after July 27, 1976, the date on which the rule was adopted.

In support of their request, the joint carriers claim that when DOD, in its answer of July 9, 1976, agreed that there was a necessary object to increase the established rate at which the increase should be effective, at least as to the rates proposed by DOD, the ratepayer. For this proposition, the carriers rely on the ruling of the District Court of Appeals in Saturn Airways, Inc., et al. v. CAB 210, 74-C-2888 (D.O. N.O. Apr. 27, 1976). The petition requests (2) retroactive adjustment to the then-earlier effective date in this instance where the ratepayer (DOD) concurs with the carrier's petition in the need for increased rates. The carriers contend that such a need was established by their June 11, 1976, rulemaking petition for a 1.64 percent increase in the then-effective rates and this position was confirmed by DOD's July 9 answer to that petition which acknowledges the necessity for passenger and cargo rate increases in excess of approximately 5 percent. On the basis of these circumstances, the carriers maintain that DOD's answer to this petition should be effective July 9, 1976. Therefore, unless at least a partially compensatory rate adjustment is made concurrent with DOD's answer, the rate mechanism will fail to be sufficiently responsive to accomplish this objective and the carriers will be forced to shoulder the financial burden of three weeks of unrecouped cost increases.

With respect to making the effective date of ER-962 the date of adoption, the carriers contend that the filing of the original rate proceeding established the need for a rate review and that no rate proceeding was involved and states that, contrary to the carriers' contentions, DOD's action of the proceeding before the Board did not support the retroactive rate adjustment requested in the carriers' petition. Further, DOD believes that the joint carriers' position that no rate proceeding was involved and that no rate proceeding was involved and states that, contrary to the carriers' contentions, DOD's action of the proceeding before the Board did not support the retroactive rate adjustment requested in the carriers' petition. Finally, DOD rejects the carriers' position that their petition served notice of an impending rate increase.

DOD's understanding as to the authorized scope of reconsideration is technically correct. However, inasmuch as the carriers' petition has raised questions of law and policy that should be addressed, we are reluctant to deny their petition on these technical grounds.

2


2 DOD's understanding as to the authorized scope of reconsideration is technically correct. However, inasmuch as the carriers' petition has raised questions of law and policy that should be addressed, we are reluctant to deny their petition on these technical grounds.


4 Alaska Airline, Order 76-5-43 and Kodiak-Western Airlines, Order 76-11-46.


4 The Board's interim rate procedure was first enunciated in ER-317, adopted October 22, 1974, effective October 25, 1974.
costs and DOD's interest in maintaining proposed increased interim rates in its answer to the carriers' rate petition does not warrant an exception to this procedure. Although DOD did agree that increased interim rates were warranted, there is nothing to suggest that it was DOD's intent to make these adjustments retroactive to the date of filing. To the contrary, DOD stated that it objected to the retroactive establishment of its proposed interim final rates which were proposed in good faith that the Board regulations and interim rate procedure would be followed and that rates would be set prospectively from the notice of rulemaking. DOD's position with respect to the undesirability of retroactive establishment unreservedly supports this conclusion.

The ruling of the District Court of Appeals in "Saturn Airways, Inc. v. C.A.B.," on which petitioners rely heavily, is not analogous. Contrary to the petitioners' contentions, Saturn does not compel retroactivity to a date prior to the commencement of a rate proceeding, the reason being that such retroactivity would create administrative and budgetary uncertainty over transportation costs. Although the current interim rates will not recoup several weeks of cost increases incurred prior to the date of the notice proceeding, the carrier is not doing anything to distinguish this circumstance from other rate proceedings in which the same or similar circumstances are involved. To the contrary, the Board established interim rates based upon a factual circumstance that the parties request and, in so doing, to negate the inequity not to penetrate the closed rate period and we are not convinced that the carriers' position is so unusual as to warrant a departure from this policy here. Indeed, following to its logical conclusion the carriers' position would always invite retroactivity, since there will be virtually no cost increase or cost decrease (as the case may be) will not have been incurred prior to the date on which the rate adjustment is made effective on and after July 27, 1976. Accordingly, it is ordered, That:

The petition for reconsideration of ER-962 filed by the Joint MAC Committee except to the extent that is granted herein, be and it hereby is denied.

By the Civil Aeronautics Board.

Phyllis T. Kayloe, Secretary.

[Docket Nos. 27759, etc.; Order 70-12-31]

PAN AMERICAN WORLD AIRWAYS, INC.

Order To Show Cause Regarding Domestic Traffic on Flights Between Boston and Detroit

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 7th day of December, 1976.

Detroit—Boston Nonstop Route Proceedings, Docket 27758; In the matter of application of Pan American World Airways, Inc., for an exemption, Docket 29639; Domestic passenger-fare investigation, Docket 31566.

By Order 75-16, September 30, 1976, the Board authorized Pan American World Airways, Inc. (Pan American) to carry domestic traffic on flights between Boston and Detroit which do not stop over at a point in Europe on the carrier's international system. The new certificate au-
NOTICES

thority is scheduled to become effective on January 3, 1977. By Order 76-10-149, October 29, 1976, the Board gave Pan American exemption authority effective immediately. But that order operated the service granted in Order 76-9-163.

Following the initial certification of Air New England, Inc. and Air Midwest, Inc. to operate under the Domestic-Passenger-Freight Investigation, Docket 21866, the Board finds that simul-
taneous action is warranted in the case of Pan American's new domestic authority, and we know of no sound reason to treat its domestic passenger service differently from those traveling on other certificated car-
riers operating between these points. Ac-
cordingly, we tentatively find and con-
clude that Pan American's new domestic service will be bound by the Board's present and future del-
determinations in the DPFI if the car-
riers were a trunk line carrier party to that proceeding.

Although most of the DPFI require-
ments can be met unilaterally by Pan American, its participation in Phase 4 (Joint Fares) will require action by other carriers as well. Phase 4 establishes maxi-
num joint fares for interline connecting travel and the division formula by which joint fare revenue is apportioned among the participating carriers. Accordingly, we tentatively find and conclude that Pan American may be bound to the extent that it accepts the objector's proposed joint fare revenue, and the Board shall be bound by the Board's present and future determinations in the DPFI as if the carriers were a trunk-line carrier party to that proceeding.

Interested persons will be given twenty days following service of this order to show cause why the tentative findings and conclusions set forth herein should not be made final. We expect such per-
sons to support their objections, if any, with all facts and data, specifically setting forth the findings and conclusions which objection is taken. Such objections should be accompanied by arguments of fact or law and should be supported by legal precedent or detailed economic analysis. If an evidentiary hearing is re-
quested, the objector should state in de-
tail why such a hearing is considered
necessary, and what relevant and ma-
terial facts he would expect to estab-
lish through such a hearing. General, vague, or unsupported objections will not be entertain

Accordingly, it is ordered, That:
1. Pan American World Airways, Inc., shall be bound by the Board's present and future determinations in the Domestic-Passenger-Freight Investigation, Docket 21866, as if the carrier were a trunk-line carrier party to that proceeding.
2. All interested persons are directed to show cause why the Board should not make an order making final the tentative findings and conclusions stated herein;
3. Any interested persons having ob-
jections to the issuance of an order mak-
ing final the proposed findings and con-
ductions set forth herein shall, within 20 days after service of a copy of this order, file with the Board and serve upon all certificated air carriers a statement of objections together with a summary of testimony, statistical data, and such evidence as is expected to be relied upon to support the stated objections;
4. If timely and properly supported ob-
jections are filed, full consideration will be accorded the matters and issues raised by the objections before further action is taken by the Board; and
5. In the event objections are filed, all further procedural steps will be deemed to have been waived, and the matter will be submitted to the Board for final action.

This order will be published in the Federal Register.

By the Civil Aeronautics Board.

FEDERAL REGISTER

PAN AMERICAN WORLD AIRWAYS, INC.
AND TRANS WORLD AIRLINES, INC.

Prehearing Conference Regarding North Atlantic Charter Transfer Rules

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on January 18, 1977, at 10 a.m. (Eastern time), in Room 1003, Hearing Room A, Universal Building North, 275 Connecticut Avenue, N.W., Washington, D.C., before Administrative Law Judge William H. Dapper.

In order to facilitate the conduct of the conference, parties are instructed to submit one copy to each party and six copies to the Judge of (1) proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statement of positions of parties; and (5) proposed procedures. The Bureau of Economics will circulate its material on or before December 21, 1976, and the other parties on or before January 4, 1977. The submissions of the other parties shall be limited to points on which they differ with the Bureau of Economics and shall follow the numbering and lettering used by the Bureau to facilitate cross-refer-


ROSS I. NEWBY,
Chief Administrative Law Judge.

[FR Doc. 76-36334 Filed 12-0-76; 8:43 a.m.]

[DOCKET NO. 22787; ORDER 76-12-23]

REA EXPRESS, INC.

Order To Show Cause for Interstate Air Freight Forwarder Operating Authority

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 6th day of December 1976.

By application filed November 23, 1976, in Docket 22787, REA Express, Inc. (REA), requested interstate air freight forwarder operating authority. This application was consolidated into the Express Service Investigation (Docket 22569) on December 22, 1976.

As a result of this investigation, the Board ordered that REA be granted an interstate air freight forwarder operating authority. This order was issued on May 17, 1977, in Docket 22569, REA Express, Inc. v. Federal Express Corporation.

REA has never updated its application for interstate air freight forwarder au-
thority, and thus its application for air freight forwarder operating authority has been dormant since the Board's order was issued in 1976. Accordingly, no official action has been taken with respect to REA's application, and no party, including the applicant, has requested that the Board move forward with the authoriza-
tion. Moreover, it appears highly unlikely that official action can now be effectively taken in this matter since REA is no longer an operating entity. In fact, on November 6, 1975, a Federal Court adjudged REA bankrupt, and thereafter ordered the liquidation of the carrier's property.

Order 70-12-285.

Order 73-12-30, dated December 7, 1972, ordered that this exemption authority terminate on the date that REA commenced air freight forwarder operations pursuant to the proposed authorization or 180 days from the service date of Order 73-12-36, whichever oc-
curred first. Order 74-4-25, dated May 6, 1974, has automatic reintegration for REA's exemption authority until August 1, 1976.

On October 6, 1975, the U.S. Court of Appeals for the Second Circuit affirmed the Board's orders (REA Express, Inc. v. Civil Aeronautics Board, No. 74-1011). The Second Circuit denied certiorari in this matter on June 1, 1976, thus making effective the Second Circuit's affirmation of the Board's orders terminating REA's exemption authority.

FEDERAL REGISTER, VOL. 41, NO. 239—FRIDAY, DECEMBER 10, 1976
NOTICES

DISTRICT OF COLUMBIA ADVISORY COMMITTEE
Agenda and Notice of Open Meeting
Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the District of Columbia Advisory Committee (SAC) of the Commission will convene at 12:00 noon and end at 2:00 p.m. on February 8, 1977, at the U.S. Commission on Civil Rights, 1121 Vermont Ave., NW., Washington, D.C. 20435. (Fifth Floor Conference Room).

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Mid-Atlantic Regional Office of the Commission, 2120 L Street, NW., Room 510, Washington, D.C. 20037.

The purpose of this meeting is review and discussion of the followup activity to the Forum on Civil Rights Issues.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

FR Doc. 76-36308 Filed 12-9-76 8:45 am

INDIANA ADVISORY COMMITTEE
Meeting Change in Place
Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights that a planning meeting of the Regional Advisory Committee (SAC) of the Commission previously published in the Federal Register on Wednesday, November 24, 1976, on pages 31566 (FR Doc. 76-36310), is hereby amended to show a change in meeting place. The meeting will be held at the Ramada Inn, 1530 North Meridian, Indianapolis, Indiana. The date (December 12 and 13, 1976) and time remain the same.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

FR Doc. 76-36311 Filed 12-9-76 8:45 am

MARYLAND ADVISORY COMMITTEE
Agenda and Notice of Open Meeting
Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Maryland Advisory Committee (SAC) of the Commission will convene a 10:00 am and end at 6:00 p.m. on January 15, 1977, at 2120 L Street, Room 510, Washington, D.C. 20037.

The purpose of this meeting is review and discussion of the followup activity to the Forum on Civil Rights Issues.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

FR Doc. 76-36312 Filed 12-9-76 8:45 am
NOTICES

SOUTH CAROLINA ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the South Carolina Advisory Committee (SCAC) of the Commission will convene at 10:30 a.m. and end at 3:30 p.m. on January 21, 1977, at the Mark II Hotel, Private Dining Room, 515 S. Main, Marion, South Carolina 29571.

Persons wishing to attend this open meeting should contact the Committee Chairperson, U.S. Commission on Civil Rights, Office of the Commissioner, Citizens Trust Bank Bldg., Room 362, 75 Piedmont Ave., N.E., Atlanta, Georgia 30303.

The purpose of this meeting is to make a decision on target city of project on Public Facilities, tour of city, briefing on data of city and outline of additional data required.

This meeting will be conducted pursuant to the rules and regulations of the Commission.


ISAIAH T. CRESWELL, Jr.,
Advisory Committee
Management Officer.

WEST VIRGINIA ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the Commission on Civil Rights, that a planning meeting of the West Virginia Advisory Committee (WVAC) of the Commission will convene at 1:00 p.m. on January 6, 1977, at 1036 Quarrer Street, 2nd Floor, Charleston, West Virginia.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Mid-Atlantic Regional Office of the Commission, 2139 L Street, N.W., Room 510, Washington, D.C. 20577.

The purpose of this open meeting is to discuss civil rights issues in that State.

This meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.


ISAIAH T. CRESWELL, Jr.,
Advisory Committee
Management Officer.

CIVIL SERVICE COMMISSION

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Grant of Authority To Make A Noncareer Executive Assignment

Under authority of 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Housing and Urban Development to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary for Insured and Direct Loan Programs, Office of the Assistant Secretary for Housing, Federal Housing Commissioner.

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

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Revocation of Authority To Make a Noncareer Executive Assignment

Under authority of 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Housing and Urban Development to fill by noncareer executive assignment in the excepted service the position of Executive Vice President, Government National Mortgage Association.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.
The annual survey on pollution abatement expenditures is designed to collect from the manufacturing area total expenditures made by industry to abate pollutant emissions. The survey covers current operating costs and capital expenditures made by industry to reduce pollution in its air, water, or solid forms. It will also obtain the costs recovered from abatement activities and quantities of pollutants abated.

The survey of plant capacity will call for general statistical data such as number of shifts, or the number of production workers for actual, preferred and practical operating rates, as well as direct information on the operation rates, the reasons for operating at less than capacity, and the length of time required to reach and to maintain practical rates. The survey will be done on a sample basis and cover all manufacturing industries.

The report forms will be furnished to firms included in these surveys and additional copies are available on request to the Acting Director, Bureau of the Census, Washington, D.C. 20233.

I have, therefore, directed the annual surveys be conducted for the purpose of collecting the data hereinabove described.


ROBERT L. HAGAN,
Acting Director,
Bureau of the Census.

NOTICES

The Office of Administrative Support shall be headed by a Director who shall plan and direct all administrative support, security, safety and communications services for the DIB Administration. The Director shall serve as a member of the Interagency Working Group of the President's Cabinet Committee to Combat Terrorism. He shall be responsible for ensuring that assignments and/or requests made by the Interagency Working Group (IWG) are accomplished in an orderly and timely fashion. He

The Office of Administrative Support shall be headed by a Director who shall plan and direct all administrative support, security, safety and communications services for the DIB Administration. The Director shall serve as a member of the Interagency Working Group of the President's Cabinet Committee to Combat Terrorism. He shall be responsible for ensuring that assignments and/or requests made by the Interagency Working Group (IWG) are accomplished in an orderly and timely fashion. He
shall maintain liaison with the Department's Office of Administrative Services and Procurement, the Office of Investments, the Office of Facilities Management, the Office of Procurement, the Office of Investments, and the Office of Administrative Services and Procurements, the Office of Finance and Administration, and the Office of Facilities Management. The following staff units will be in charge:

TWG Staff shall provide a quick re- action, direct support capability within the Department to help the business community. The TWG Coordinator and will provide training and maintain the Combined Economic Alliance program to operating officials on matters re involving the use of messages; maintain research files and provide research assistance to officials on the business community; and serve as a "clearing house" to collect, evaluate, and distribute terrorism related information of interest to the business community.

The Communications Management Division will provide communications and security services for DIBA personnel and operating units. These services shall include security orientations for all employees; security briefings; maintaining access to telecommunication facilities; and serving as a "clearing house" to collect, evaluate, and distribute terrorism related information of interest to the business community.

The Message Analysis Branch shall analyze, assign, and provide security for incoming correspondence from State Department and other Federal agencies. In addition the Division will consist of:

a. The Message Analysis Branch shall perform the following functions:

receive, sort, and distribute all correspondence; receive, log, control, and distribute all classified and registered documents; provide for the distribution of bulk materials; provide special messenger service to DIBA operating units; and monitor DIBA mailing practices and monitor DIBA's correspondence and telecommunication facilities in Washington and its field activities.

b. The Distribution Branch shall receive, sort, and distribute all correspondence; receive, log, control, and distribute all classified and registered documents; provide for the distribution of bulk materials; provide special messenger service to DIBA operating units; and monitor DIBA mailing practices and monitor DIBA's correspondence and telecommunication facilities in Washington and its field activities.

c. The DIBA Secretariat Branch shall receive, review and assign for appro- priate action, and follow-up on all controlled correspondence directed to DIBA. The Secretariat shall be assigned to DIBA and all Congressional correspondence directed to DIBA; and shall provide assistance to DIBA operating units in handling all correspondence. The DIBA Secretariat shall also review all replies for proper format and compliance with established procedures.

The Acquisition and Facilities Division shall provide facilities management services to DIBA and safety services to DIBA and administer the following elements:

a. The Travel Branch shall provide comprehensive travel services for DIBA personnel which shall include itinerary planning, travel reservations for transport, security clearances, tickets, passports and visas, hotel accommodations for international travel, and where possible, domestic hotel reservations. The Travel Branch shall prearrange all travel vouchers; and they shall maintain liaison with the Department's Travel Unit, the Passport Office, and any other agencies necessary to making travel arrangements.

b. The Acquisition and Facilities Division shall receive and process all procurement requests for furniture, furnishings, office equipment, office supplies, subscriptions, publications, and printing; arrange for the repair or renovation of office equipment and furniture; maintain a current inventory of DIBA property; and cooperate with the use of furniture and equipment to insure that its use is maximized; voucher all transactions to insure that the terms of purchases and contracts are full met; and maintain liaison with the Office of Administrative Services and Procurements. The GSA's Federal Supply Service and all other agencies, private vendors and contractors with which DIBA deals.

c. The Facilities and Design Branch shall provide a comprehensive facilities management program to include: a continuing inventory of DIBA space; the review and analysis of space utilization to insure compliance with GSA guidelines; developing short and long range plans for space assignments in light of anticipated increases or decreases in the requirements of DIBA; maintaining end-user profiles and developing short and long range plans for space assignments in light of anticipated increases or decreases in the requirements of DIBA; maintaining a current inventory of DIBA property; and cooperating with the use of furniture and equipment to insure that its use is maximized; voucher all transactions to insure that the terms of purchases and contracts are full met; and maintain liaison with the Office of Administrative Services and Procurements. The GSA's Federal Supply Service and all other agencies, private vendors and contractors with which DIBA deals.

The Travel Branch shall provide comprehensive travel services for DIBA personnel which shall include itinerary planning, travel reservations for transport, security clearances, tickets, passports and visas, hotel accommodations for international travel, and where possible, domestic hotel reservations. The Travel Branch shall prearrange all travel vouchers; and they shall maintain liaison with the Department's Travel Unit, the Passport Office, and any other agencies necessary to making travel arrangements.

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right of Mount to move these vessels from one domestic trade to another, and/or from foreign trade(s) to domestic trade(s) should the need arise and as directed by the Secretary, and (2) for its own vessel, Mount Explorer, and its bareboat-chartered vessels, Mount Navigator and Cove Communicator, to engage in the following services under MSC or private charters, and for the right to move these vessels from one domestic trade to another, and/or from a foreign trade(s) to a domestic trade(s).

III. NAME OF APPLICANT: NEWPORT TANKERS CORPORATION (Newport)

Description of Domestic Service: Newport has requested written permission to operate its own tanker, Achilles, in domestic service and for the right to move the vessel from one domestic trade to another and/or from a foreign trade(s) to a domestic trade(s).

IV. NAME OF APPLICANT: MATIASSEN'S TANKER INDUSTRIES, INC. (Matiassen)

Description of Domestic Service: Matiassen has requested written permission (1) to continue the operation in domestic coastwise and intercoastal service of the following vessels: Joseph D. Polts, Sohio Intrepid and Sohio Resolution; (2) for the Trinidad Corporation (Trinidad), owner of Matiassen, to own the following vessels and operate them in the domestic coastwise and intercoastal service: Austin, Fort Worth, Houston, Pasadena and San Antonio; and (3) for Trindad to operate the Prince William Sound (which is anticipated to operate in domestic coastwise and intercoastal service) for Alaska Bulk Carriers, Inc.

V. NAME OF APPLICANT: ATLANTIC REFINED OIL COMPANY (ARCO)

Description of Domestic Service: ARCO has requested written permission for itself and its wholly-owned subsidiaries, namely, Philadelphia Tankers, Inc. and Tankers Leasing Corporation to continue to own, operate and charter the following vessels which engage in the domestic intercoastal and coastwise services:

4. Arco Enterprise. Arco John A.
5. Sinclair Texas. Arco Anchorage.
6. Arco Fairbanks.

Any person, firm, or corporation having an interest in the meaning of section 805(a) in any application and desiring to be heard on issues pertinent to section 805(a) and desiring to submit comments or views concerning the application must, by close of business on December 12, 1976, file with the Maritime Administration, Maritime Subsidy Board, 1401 Constitution Avenue, N.W., Washington, D.C. 20590. Any application and the alleged facts relied on for relief.

In the event petitions regarding the relevant section 805(a) issues are received within the specified time or if it is determined that petitions filed do not demonstrate sufficient interest to warrant a hearing, the Maritime Administration will take such action as may be deemed appropriate.

MULTIPLE APPLICATIONS

Notice is hereby given that applications have been filed under the Merchant Marine Act, 1936, as amended, for operating-differential subsidy with respect to bulk cargo carrying service in the U.S. foreign trade, principally between the United States and the Union of Soviet Socialist Republics, to expire, unless extended, on December 31, 1977. The following Applicants and/or related persons or firms employ, or may employ, ships in the domestic intercoastal or coastwise services and have requested written permission of the Maritime Administration under section 805(a) of the Merchant Marine Act, 1936, as amended, to engage in the domestic intercoastal or coastwise services specified. Such written permission is required if operating-differential subsidy is to be granted, notwithstanding the fact that a voyage in the proposal service for which subsidy is sought would not be eligible for subsidy if the vessel engages in the domestic commerce of the United States on that voyage.

I. NAME OF APPLICANT: AMERICAN EAGLE TRANSPORT CORPORATION (American Eagle)

Description of Domestic Service: American Eagle has requested written permission for its parent company, American Foreign Steamship Corporation, to operate the tanker SS American Hawk, in domestic intercoastal or coastwise service.

II. NAME OF APPLICANT: VANCOUVER STEAMSHIP CORPORATION (Vancou)

Description of Domestic Service: Vancouver has requested written permission for the tanker, SS Vantage Defender, owned by an affiliate, to engage in domestic intercoastal or coastwise service.

III. NAME OF APPLICANT: BOLTON SHIPPING CO., INC. (Bolton)

Description of Domestic Service: Bolton and Colby are affiliated with Judge Oil Transport, Inc. (Judge), an affiliate of Worth Oil Transport Company in which Leo V. Berger and Peter Coustas (sole stockholders of Bolton and Colby) have an interest. Written permission is required from Judge to operate a barge in the U.S. coastwise trade. Any person, firm, or corporation having any interest (within the meaning of section 805(a)) in any application and desiring to be heard on issues pertinent to section 805(a) and desiring to submit comments or views concerning the application must, by close of business on December 12, 1976, file with the Secretary, Maritime Administration/Marine Subsidy Board, in triplicate, together with petition for leave to intervene which shall state clearly and conclusively the grounds of interest, will the alleged facts relied on for relief.

No petitions for leave to intervene are received within the specified time or if it is determined that petitions filed do not demonstrate sufficient interest to warrant a hearing, the Maritime Administration will take such action as may be deemed appropriate.

By Order of the Maritime Subsidy Board.


JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc. 76-30990 Filed 12-9-76; 8:45 am]

Office of the Secretary

THE METRIC SYSTEM OF MEASUREMENT

Interpretation and Modification of the International System of Units for the United States

Section 3 of Pub. L. 94-168, the Metric Conversion Act of 1975, declares that the policy of the United States shall be to coordinate and plan the increasing use of the metric system in the United States. Section 403 of Pub. L. 94-168, the Metric System of Measurement Act of 1975, states the policy of the United States to encourage educational agencies and institutions to prepare students to use the metric system of measurement as part of the regular education program. Under both these acts, the "metric system of measurement" is defined as the International System of Units as established by the General Conference of Weights and Measures in 1960 and interpreted or modified for the United States by the Secretary of Commerce. The Metric System of Measurement (catalog of Federal Domestic Assistance Program No. 11.504 Operating-Differential Subsidies (ODS)).

By Order of the Maritime Subsidy Board.


JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc. 76-30990 Filed 12-9-76; 8:45 am]
93-380). The Secretary has delegated his authority under these subsections to the Assistant Secretary for Science and Technology. Accordingly, in implementation of this authority, the following tables and associated materials set forth the interpretation and modification of the International System of Units (hereinafter "SI") for the United States.

This notice supersedes the notice of the National Bureau of Standards published in the FEDERAL REGISTER of June 18, 1975 (40 FR 25837).

The SI is constructed from seven base units for independent quantities plus two supplementary units for plane angle and solid angle, listed in Table 1.

**Table 1. SI base and supplementary units**

<table>
<thead>
<tr>
<th>Name</th>
<th>Symbol</th>
<th>SI unit</th>
<th>Unit symbol</th>
</tr>
</thead>
<tbody>
<tr>
<td>length</td>
<td>meter</td>
<td>m</td>
<td>m</td>
</tr>
<tr>
<td>mass</td>
<td>kilogram</td>
<td>kg</td>
<td>kg</td>
</tr>
<tr>
<td>time</td>
<td>second</td>
<td>s</td>
<td>s</td>
</tr>
<tr>
<td>electric current density</td>
<td>amperemeter</td>
<td>A m</td>
<td>A m</td>
</tr>
<tr>
<td>thermodynamic temperature</td>
<td>kelvin</td>
<td>K</td>
<td>K</td>
</tr>
<tr>
<td>amount of substance</td>
<td>mole</td>
<td>mol</td>
<td>mol</td>
</tr>
<tr>
<td>luminous intensity</td>
<td>candela</td>
<td>cd</td>
<td>cd</td>
</tr>
</tbody>
</table>

*Weight* is the commonly used term for "mass."

A prefix is a multipliplier provided to indicate the magnitude of a SI derived unit. The prefixes, listed in Table 3, are used to denote units of the SI. For example, a kilogram is 1000 grams, a centimeter is 0.01 meters, and a microgram is 1/1,000,000 grams. The SI derived units are those units which are derived from the base units and supplementary units in a coherent manner, which means, in brief, that they can be expressed as products and ratios of the base units. Table 4 shows the nine base and supplementary units in a coherent manner, which means, in brief, that they can be expressed as products and ratios of the base units.

**Table 2. SI derived units with special names**

<table>
<thead>
<tr>
<th>Name</th>
<th>Symbol</th>
<th>SI unit</th>
<th>Unit symbol</th>
</tr>
</thead>
<tbody>
<tr>
<td>dynamic viscosity</td>
<td>poise</td>
<td>Po</td>
<td>Po</td>
</tr>
<tr>
<td>moment of force</td>
<td>newton meter</td>
<td>N m</td>
<td>N m</td>
</tr>
<tr>
<td>pressure, stress</td>
<td>pascal</td>
<td>Pa</td>
<td>Pa</td>
</tr>
<tr>
<td>energy, work, quantity of heat</td>
<td>joule</td>
<td>J</td>
<td>J</td>
</tr>
<tr>
<td>power, radiant flux</td>
<td>watt</td>
<td>W</td>
<td>W</td>
</tr>
<tr>
<td>quantity of electricity</td>
<td>coulomb</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>electric potential, potential difference</td>
<td>volt</td>
<td>V</td>
<td>V</td>
</tr>
<tr>
<td>electric force</td>
<td>newton per meter</td>
<td>Nm/m</td>
<td>Nm/m</td>
</tr>
<tr>
<td>capacitance</td>
<td>farad</td>
<td>F</td>
<td>F</td>
</tr>
<tr>
<td>resistance</td>
<td>ohm</td>
<td>Ω</td>
<td>Ω</td>
</tr>
<tr>
<td>conductance</td>
<td>siemens</td>
<td>S</td>
<td>S</td>
</tr>
<tr>
<td>magnetic flux</td>
<td>weber</td>
<td>Wb</td>
<td>Wb</td>
</tr>
<tr>
<td>magnetic flux density</td>
<td>weber per meter</td>
<td>Wb/m</td>
<td>Wb/m</td>
</tr>
<tr>
<td>inductance</td>
<td>henry</td>
<td>H</td>
<td>H</td>
</tr>
<tr>
<td>magnetic flux linkage</td>
<td>weber meter</td>
<td>Wb m</td>
<td>Wb m</td>
</tr>
<tr>
<td>capacitance</td>
<td>farad</td>
<td>F</td>
<td>F</td>
</tr>
<tr>
<td>conductance</td>
<td>siemens</td>
<td>S</td>
<td>S</td>
</tr>
<tr>
<td>dielectric constant</td>
<td>diel. const.</td>
<td>D</td>
<td>D</td>
</tr>
<tr>
<td>radiation source</td>
<td>gray</td>
<td>G</td>
<td>G</td>
</tr>
</tbody>
</table>

**Table 3. Examples of SI derived units expressed in terms of base units**

<table>
<thead>
<tr>
<th>Quantity</th>
<th>SI unit</th>
<th>Unit symbol</th>
</tr>
</thead>
<tbody>
<tr>
<td>area</td>
<td>square meter</td>
<td>m²</td>
</tr>
<tr>
<td>volume</td>
<td>cubic meter</td>
<td>m³</td>
</tr>
<tr>
<td>speed, velocity</td>
<td>meter per second</td>
<td>m/s</td>
</tr>
<tr>
<td>acceleration</td>
<td>meter per second squared</td>
<td>m/s²</td>
</tr>
<tr>
<td>density</td>
<td>kilogram per cubic meter</td>
<td>kg/m³</td>
</tr>
<tr>
<td>current density</td>
<td>ampere per square meter</td>
<td>A/m²</td>
</tr>
<tr>
<td>magnetic field</td>
<td>ampere per meter</td>
<td>A/m</td>
</tr>
<tr>
<td>concentration</td>
<td>mole per cubic meter . mol/m³</td>
<td></td>
</tr>
<tr>
<td>luminous intensity</td>
<td>candela per square meter</td>
<td>cd/m²</td>
</tr>
</tbody>
</table>

**Table 4. Examples of SI derived units expressed by means of special names**

<table>
<thead>
<tr>
<th>Quantity</th>
<th>SI unit</th>
<th>Unit symbol</th>
</tr>
</thead>
<tbody>
<tr>
<td>dynamic viscosity</td>
<td>poise</td>
<td>Po</td>
</tr>
<tr>
<td>momentum of force</td>
<td>newton meter</td>
<td>N m</td>
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<td>pressure, stress</td>
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<td>Pa</td>
</tr>
<tr>
<td>energy, work, quantity of heat</td>
<td>joule</td>
<td>J</td>
</tr>
<tr>
<td>power, radiant flux</td>
<td>watt</td>
<td>W</td>
</tr>
<tr>
<td>quantity of electricity</td>
<td>coulomb</td>
<td>C</td>
</tr>
<tr>
<td>electric potential, potential difference</td>
<td>volt</td>
<td>V</td>
</tr>
<tr>
<td>electric force</td>
<td>newton per meter</td>
<td>Nm/m</td>
</tr>
<tr>
<td>capacitance</td>
<td>farad</td>
<td>F</td>
</tr>
<tr>
<td>resistance</td>
<td>ohm</td>
<td>Ω</td>
</tr>
<tr>
<td>conductance</td>
<td>siemens</td>
<td>S</td>
</tr>
<tr>
<td>magnetic flux</td>
<td>weber</td>
<td>Wb</td>
</tr>
<tr>
<td>magnetic flux density</td>
<td>weber per meter</td>
<td>Wb/m</td>
</tr>
<tr>
<td>inductance</td>
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<td>H</td>
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<td>dielectric constant</td>
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<td>D</td>
</tr>
<tr>
<td>radiation source</td>
<td>gray</td>
<td>G</td>
</tr>
</tbody>
</table>

For use with the SI units there is a set of 16 prefixes (see table 5) to form multiples and submultiples of units. It is important to note that the kilogram is the only SI unit with a prefix. Because double prefixes are not to be used, the prefixes of table 5, in the case of mass, are to be used with gram (symbol g) and not with kilogram (symbol kg).

**Table 5. SI prefixes**

<table>
<thead>
<tr>
<th>Factor</th>
<th>Prefix</th>
<th>Symbol</th>
</tr>
</thead>
<tbody>
<tr>
<td>10⁻¹⁵</td>
<td>femto</td>
<td>f</td>
</tr>
<tr>
<td>10⁻¹²</td>
<td>pico</td>
<td>p</td>
</tr>
<tr>
<td>10⁻⁹</td>
<td>nano</td>
<td>n</td>
</tr>
<tr>
<td>10⁻⁶</td>
<td>micro</td>
<td>μ</td>
</tr>
<tr>
<td>10⁻³</td>
<td>milli</td>
<td>m</td>
</tr>
<tr>
<td>10⁰</td>
<td></td>
<td></td>
</tr>
<tr>
<td>10³</td>
<td>kilo</td>
<td>k</td>
</tr>
<tr>
<td>10⁶</td>
<td>mega</td>
<td>M</td>
</tr>
<tr>
<td>10⁹</td>
<td>giga</td>
<td>G</td>
</tr>
<tr>
<td>10¹²</td>
<td>tera</td>
<td>T</td>
</tr>
</tbody>
</table>

**Role of the International System of Units**

The International System of Units (SI) is the modern form of the metric system. It is international in character and based upon a coherent set of units derived from seven base units: the meter, kilogram, second, ampere, kelvin, mole, and candela. The SI is designed to be logical, to be based upon consistent definitions of fundamental constants, to be independent of local conditions, to be capable of expressing units in terms of the base units, and to be capable of expressing derived units in terms of the base units.

**Consequences of This Action**

A number of national and international organizations have adopted or are in the process of adopting the SI. These include the International Bureau of Weights and Measures, the United States National Bureau of Standards, and the International Organization for Standardization. This action will be in accordance with the National Committee on Weights and Measures and the International Organization for Standardization.

**Limitations**

The limitations of this action are that the SI is a coherent system of units and is designed to be logical, to be based upon consistent definitions of fundamental constants, to be independent of local conditions, to be capable of expressing units in terms of the base units, and to be capable of expressing derived units in terms of the base units.

**Future Steps**

The next steps in this action will be to submit the results of this action to the National Committee on Weights and Measures and the International Organization for Standardization.

**Conclusions**

The conclusions of this action are that the SI is a coherent system of units and is designed to be logical, to be based upon consistent definitions of fundamental constants, to be independent of local conditions, to be capable of expressing units in terms of the base units, and to be capable of expressing derived units in terms of the base units.

**Implementation**

The implementation of this action will be in accordance with the National Committee on Weights and Measures and the International Organization for Standardization.

**Further Action**

The further action will be to submit the results of this action to the National Committee on Weights and Measures and the International Organization for Standardization.

**Appendix**


**Betsy Ackley-Johnson, Ph.D., Assistant Secretary for Science and Technology.**

[FED Dec 75-4414 Filed 12-9-76; 8:45 am]

**COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS**

**Haiti**

Increasing the Import Level for Certain Man-Made Fiber Pajamas and Nightwear from Haiti

**December 6, 1976.**

On April 16, 1976, there was published in the FEDERAL REGISTER (41 FR 16203) a letter dated April 13, 1976 from the Chairman of the Committee for the Implementation of Textile Agreements to
the Commissioner of Customs, establishing levels of restraint applicable to certain specified categories of cotton and man-made fiber textile products, produced or manufactured in Haiti and exported to the United States during the twelve-month period which began on January 1, 1976. These levels were established to implement certain provisions of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of March 22, 1976, between the Governments of the United States and Haiti.

In accordance with paragraph 7 of the bilateral agreement the Government of Haiti has requested an increase in the consultation level established for man-made fiber textile products in Category 217. The United States Government has agreed to the request.

Accordingly, there is published below a letter of December 6, 1976 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, increasing the level of restraint for Category 217 from 39,481 dozen to 46,189 dozen for the twelve-month period which began on January 1, 1976 and extends through December 31, 1976. 

RONALD I. LEVIN, Acting Chairman, Committee for the Implementation of Textile Agreements.

U.S. Department of Commerce, The Assistant Secretary for Trade, and International Business.


COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Commissioners of Customs, Department of the Treasury, Washington, D.C.

DEAR MR. COMMISSIONER: This directive issued on April 15, 1976 by the Chairman, Committee for the Implementation of Textile Agreements, concerning imports into the United States of certain cotton and man-made fiber textile products produced or manufactured in Haiti.

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 29, 1975, pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of March 22, 1976, as amended, between the Governments of the United States and Haiti, and in accordance with the provisions of Executive Order 11531 of March 3, 1970, you are directed to prohibit, effective on December 7, 1976 and for the twelve-month period which begins on January 1, 1976 and extends through December 31, 1976, entry into the United States for consumption and withdrawal from warehouse for consumption of man-made fiber textile products in Category 217 in excess of 46,189 dozen.

The actions taken with respect to the Government of Haiti and with respect to imports of man-made fiber textile products from Haiti have been determined by the Committee for the Implementation of Textile Agreements, concerning imports into the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553. This letter will be published in the Federal Register.

Sincerely,

RONALD I. LEVIN, Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc.76-36331 Filed 12-9-76; 8:45 am]

PAKISTAN

Permitting Entry of Certain Cotton Towels Produced or Manufactured in Pakistan

December 7, 1976.

On December 29, 1976, there was published in the Federal Register (40 FR 56613), a letter dated December 19, 1976, from the Chairman, Committee for the Implementation of Textile Agreements, concerning imports into the United States of cotton textile products from Pakistan, to the Commissioner of Customs, establishing levels of restraint applicable to certain specified categories of cotton textile products, produced or manufactured in Pakistan and exported to the United States during the twelve-month period beginning on January 1, 1976. As set forth in that letter, the levels of restraint are subject to adjustment according to the terms of the Bilateral Cotton Textile Agreement of May 6, 1976, between the Governments of the United States and Pakistan.

Pursuant to paragraph 13 of the bilateral agreement the United States Government has agreed to permit entry in Category 31, except T.S.U.S.A. Numbers 366.1860 and 368.2740, and an additional 100%, 277,556 units of cotton towels during the agreement year which began on January 1, 1976.

This amount will be deducted from the level of restraint applicable to Category 31 (other than shop towels) during the agreement year beginning on January 1, 1976.

Accordingly, there is published below a letter of December 7, 1976 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs implementing this action.

Effective date: December 13, 1976.

RONALD I. LEVIN, Acting Chairman, Committee for the Implementation of Textile Agreements, U.S. Department of Commerce.


COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Commissioners of Customs, Department of the Treasury, Washington, D.C.

DEAR MR. COMMISSIONER: On December 19, 1976, the Chairman, Committee for the Implementation of Textile Agreements, concerning imports into the United States of cotton textile products, directed you to prohibit, effective during the twelve-month period beginning on January 1, 1976, entry into the United States of cotton textiles and cotton textile products in certain specified categories, produced or manufactured in Pakistan, in excess of designated levels of restraint. The Chairman further advised you that the levels of restraint are subject to adjustment.

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 30, 1975, pursuant to paragraph 13 of the Bilateral Cotton Textile Agreement of May 6, 1976, between the Governments of the United States and Pakistan, and in accordance with the procedures of Executive Order 11531 of March 3, 1970, you are directed, effective on December 13, 1976 and for the twelve-month period beginning on January 1, 1976 and extending through December 31, 1976, to permit entry of an additional 287,556 units of cotton textile products in Category 31, except T.S.U.S.A. Numbers 366.1860 and 368.2740, even though the level of restraint will be further exceeded.

The actions taken with respect to the Government of Pakistan and with respect to imports of cotton textile products from Pakistan have been determined by the Committee for the Implementation of Textile Agreements, concerning imports into the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the Federal Register.

Sincerely,

RONALD I. LEVIN, Acting Chairman, Committee for the Implementation of Textile Agreements, Department of Commerce.

[FR Doc.76-36351 Filed 12-9-76; 8:45 am]

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST 1977

Addition

Notice of proposed addition to Procurement List 1977, November 1, 1976 (41 FR 56975) of the service listed below was published in the Federal Register on October 10, 1976 (41 FR 49520).

After consideration of all the relevant data presented, the Committee has determined that the service listed below is suitable for procurement by the Government under Pub. L. 92-38, 85 Stat. 77. Accordingly, it is hereby added to the Procurement List.

Seeding Harvesting (SHP), USDA, Forest Service, Humboldt Nursery, McKinleyville, California.

By the Committee.

C. W. FLETCHER, Executive Director.

[FR Doc.76-36372 Filed 12-9-76; 8:45 am]

*The term "adjustment" refers to those provisions of the Bilateral Cotton Textile Agreement of May 6, 1976, between the Governments of the United States and Pakistan which provide, in part: (1) within the aggregate and applicable group limits, specific levels of restraint may be exceeded by designated categories; (2) these levels may be increased for carryover and carryforward up to 11 percent of the applicable category; (3) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement.
NOTICES

PROCUREMENT LIST 1977
Proposed Addition
Notice is hereby given pursuant to section 2(a) (2) of Pub. L. 92-23; 85 Stat. 77, of the proposed additions of the following commodity to Procurement List 1977, November 18, 1976 (41 FR 50975).

Class 8850
Carbon Removing Compound, 6850-00-281-3046, 6850-00-281-3047.

Class 7110
Tables, Steel, Contemporary Style, 7110-00-118-5616, 7110-00-118-5614, 7110-00-149-2046, 7110-00-149-2046, 7110-00-149-2048.

If the Committee approves the proposed additions, all entities of the Government will be required to procure the above commodities from workshops for the blind or other severely handicapped.

Comments and views regarding the proposed additions may be filed with the Committee on or before January 10, 1977.

By the Committee.

C. W. FLETCHER, Executive Director.

[FR Doc. 76-3833 Filed 12-9-76; 8:45 am]

PROCUREMENT LIST 1977
Proposed Deletion
Notice is hereby given pursuant to section 2(a) (2) of Pub. L. 92-23; 85 Stat. 77 of the proposed deletions of the following commodity from Procurement List 1977, November 18, 1976 (41 FR 50975).

SIC 7331

Class 3999
Cup, Wood, 3999-00-300-6824.

Comments and views regarding the proposed deletion may be filed with the Committee on or before January 10, 1977. Communications should be addressed to the Executive Director, Committee for Purchase from the Blind and Other Severely Handicapped, 200 Fourteenth Street North, Suite 610, Arlington, Virginia 22201.

This notice is automatically cancelled six months from the date of this Federal Register (June 10, 1977).

By the Committee.

C. W. FLETCHER, Executive Director.

[FR Doc. 76-3835 Filed 12-9-76; 8:45 am]

COUNCIL ON ENVIRONMENTAL QUALITY
ENVIRONMENTAL IMPACT STATEMENTS Availability
Environmental impact statements received by the Council on Environmental Quality from November 29, 1976 through December 3, 1976. The date of receipt for each statement is noted in the statement summary. Under Council Guidelines the minimum period for public review and comment on draft environmental impact statements in forty-five (45) days from this Federal Register notice of availability. (January 24, 1977) The thirty (30) day period for each final statement begins on the day the statement is made available to the Council and to commenting parties.

Copies of individual statements are available for review from the originating agency. Buck copies will also be available at 10 cents per page from the Environmental Law Institute, 1346 Connecticut Avenue, Washington, D.C. 20005.

DEPARTMENT OF AGRICULTURE
Contact: Coordinator of Environmental Quality Activities, Office of the Secretary, U.S. Department of Agriculture, Room 357-A, Washington, D.C. 20250 (202) 447-2068.

Draft
Concepcion Unit Plan, Concepcion National Forest, Covington, Escambia, and Coffee Counties, Alabama. Proposed is the implementation of a Management Plan for the 84,990-acre Concepcion Unit, Concepcion National Forest. The action described in the plan is for the 10-year period beginning July 1, 1976. Environmental impacts will result from timber harvesting, site preparation, timber stand improvements, road construction or reconstruction, prescribed burning, cattle grazing, recreation development, mining, tracts, and natural resource exploration or extraction (110 pages).

[FR Doc. 77-00293 Filed 12-9-76; 8:45 am]

FEDERAL REGISTER, VOL. 41, NO. 239—FRIDAY, DECEMBER 10, 1976
NOTICES


Pembina River, Clearing and Snagging, Cavalier and Pembina Counties, N.D., December 1: Proposed is the clearing and snagging of 33 miles of the Pembina River between Neche and Pembina, North Dakota. Plans call for the removal of dead and leaning trees with exposed root systems and surface debris and some submerged debris from the primary channel of the river. Some brush would be cut. The proposed project is expected to reduce flooding on approximately 760 acres of land (EIR Order No. 61697). (65 pages.) Comments made by: EPA, DOI, EPA, DOT, state and local agencies, concerned citizens.

Pittsburgh, Pa., Flood Control, Virginia, November 28: Proposed is a plan for flood control at Pittsburgh, Virginia which calls for construction of an earth levee from an existing elevated railroad grade to the north end of Serrpol Street. The proposed levee would be approximately 1,200 feet long, 27 feet high, 10 feet and 160 feet wide at the top and bottom, respectively, and have side slopes of 1 horizontal to 3 vertical and 1 horizontal to 2.25. Plans call for the removal of channel bottom and bank vegetation, suspended solids and sediments. If a ponding area and gravity space exist, the facility will be completely fenced. Parking for 4 cars would be required. (49 pages.) (EIR Order No. 61698.)


Final

Marianna and Vicinity Flood Prevention (2), Washington County, Pa., December 1: The statement proposes a local flood protection project for Marianna and W. Ellensville, Pa. The project consists of 7800 feet of channel modification on Tennis Creek. Adverse impacts of the project consists of reduced diversity of the species in the creek, elimination of deep pools, removal of stream bank vegetation, suspended solids and sediments, and replacement of limited woodland habitat with open field habitat (Pittsburgh District) (106 pages). Comments made by: USDA, EPA, DOE, HUD, FRC, OPRC, state and local agencies, concerned citizens. (EIR Order No. 61698.)

Federal Power Commission

Contact: Dr. Jack M. Holzmann, Acting Acting Secretary of the Commission, 580 2nd Street NW, Washington, D.C. 20426, (202) 385-4701.

Drift

West Deptford LNG Project, Gloucester County, N.J., December 1: Final EIS filed with CEQ in June 1976. The proposed action was granting authority to El Paso Eastern Co. and Transco for the construction of a terminal in Gloucester County, New Jersey. The statement contains the results of additional environmental analyses, which conclude that risks of 10 fatalities per exposed person per year constitute an unacceptable risk and therefore the Transco project should not be approved. (60 pages.) (EIR Order No. 61697.)

General Services Administration

Contact: Mr. Andrew P. Kauders, Executive Director of Environmental Affairs, General Services Administration, 18th and F Streets NW, Washington, D.C. 20405, 202-342-4616.

Draft

Meat and Poultry Inspection, Midwestern Lab, Lincoln and Lancaster Counties, Nebraska, and East, and South Dakota. The project consists of the provision of physical space in Lincoln, Nebraska for the Midwestern Multidisciplinary Laboratory/23 miles east of the Los Angeles Civic Center, Calif., December 1: Proposed is the development of a planned residential area incorporating public and commercial buildings, 7800 dwelling units, and an ultimate population of 36,100. The project is located approximately 1 mile northeast of the Los Angeles Civic Center. (49 pages.) (EIR Order No. 61698.)

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Contact: Mr. Richard H. Broun, Director, Office of Environmental Quality, Room 7238, 400 7th Street SW, Washington, D.C. 20410, 202-775-6300.

Final

Woodside Village, West Covina-Walnut, Los Angeles County, Calif., December 1: Proposed is the development of a planned residential area incorporating public and commercial buildings, 7800 dwelling units, and an ultimate population of 97,610. The project is located approximately 1 mile northeast of the Los Angeles Civic Center. (49 pages.) (EIR Order No. 61698.)

Section 104(h)

The following are Community Development Block Grant statements prepared and circulated directly by applicants pursuant to section 104(h) of the 1974 Housing and Community Development Act. Copies may be obtained from the office of the appropriate local executive. (Copies are not available from HUD.)

Final

Henderson, Texas, Sewer Improvements, Texas, December 1: This statement refers to the application by the City of Henderson for Community Block Grant Funds to construct sewer line improvements. The project would be constructed in the western portion of Henderson and would extend along Highway 6 to construct an unused facility for 492 low and moderate income persons who are currently served by outdoor toilets, septic tanks, or one lift station. Adverse effects include destruction of vegetation and a small amount of air pollution, and increases in noise and air pollution due to construction activity. (44 pages.) Comments made by: DOE, EPA, AHP, state and local agencies, concerned citizens. (EIR Order No. 61697.)

DEPARTMENT OF THE INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 7220, Department of the Interior, Washington, D.C. 20240, 202-343-3691.

National Park Service

Draft

Wilson's Creek National Battlefield, Master Plan, Missouri, November 30: Proposed is the adoption of a master plan to guide the development, management, and use of Wilson's Creek National Battlefield. Implementation of the plan will protect and perpetuate the Battlefield and provide the visitor services contemplated by the establishment legislation. Adverse effects of the action are primarily short-term and will be minimized. Developments such as interior road will destroy vegetation species with minimal effects upon wildlife and aesthetics and closure of the existing concrete roads, scenic areas will provide inconveniences to a few persons residing immediately adjacent to the Battlefield. (59 pages.) (EIR No. 61685.)

Cedar Breaks Proposed Wilderness Classification, Iron, Garfield, and Kane Counties, Utah, December 1: Proposed is a plan for the establishment of a Wilderness Area in Cedar Breaks National Monument consisting of 4830 acres of federal land, 78.5 percent of the monument. The principal benefit of the program is that of additional legislative protection of this national area. Adverse effects include restrictions on back-country facility development and restriction on local water resources development. (65 pages.) (EIR No. 61690.)

Interstate Commerce Commission

Contact: Mr. Richard Chats, Supervisory Attorney, 'Advisor for the Environmental Staff, Room 2370, 12th and Constitution Ave. NW., 202-343-2086.

Final

Maine Central RR, Amelco Co. Acquisition, Maine, November 30: Proposed is the formation of an ICC docket in a case in which Amelco filed a formal complaint with the Commission alleging that Amelco Company and its parent organization, Dumbell, which control the Bangor and Aroostook RR Company, are unreasonably in control of Maine Central in violation of section 5(4) of the Interstate Commerce Act. In a related proceeding Amelco filed a complaint to acquire control of Maine Central through voting of stock and other lawful means. The two proceedings have been consolidated by the Commission. (EIR Order No. 61686.)

Nuclear Regulatory Commission

Contact: Mr. Bernard Rerecho, Director of Division of Reactor Licensing, P.O. Box 722, NRC, Washington, D.C. 20555, 202-747-7273.

Supplement

North Anna Power Station, U. 1, 2 (E-1), Louisa County, Va., December 2: This statement supplements a final EIS filed with CEQ in June 1976. The proposed action was granting authority to El Paso Eastern Co. and Transco for the construction of a terminal in Gloucester County, New Jersey. The statement contains the results of additional environmental analyses, which conclude that risks of 10 fatalities per exposed person per year constitute an unacceptable risk and therefore the Transco project should not be approved. (60 pages.) (EIR Order No. 61697.)

FEDERAL REGISTER, VOL. 41, NO. 239—FRIDAY, DECEMBER 10, 1976
FEDERAL AVIATION ADMINISTRATION

Draft
Kalamazoo Airport, Runway Extension, Kalamazoo County, Mich. December 1: Proposed is runway extension and associated construction at Kalamazoo Municipal Airport, Michigan. The project calls for extension of the northern part of the runway to a total length of 6,500 feet by adding 800 feet at the north end and 400 feet at the south end of the existing runway. Plans include extension of runway and taxiway lighting system, relocation of instrument approach lights, and a new terminal building. The project is expected to be completed by December 1977. (240 pages.) (ELR Order No. 61652.)

FEDERAL HIGHWAY ADMINISTRATION

Draft
State road 147, Dofld Drive—Rte. 60, Charlottesville, Virginia. December 1: Proposed is the improvement of Route 147 (Hugenot Road) located in northern Albemarle County, Virginia. The project calls for extension of the roadway, within the limits of the City of Charlottesville, Virginia. This project replaces the information provided by the applicant in an Environmental Report Supplement (ERM). The project is expected to be completed by December 1978. (132 pages.) (ELR Order No. 61689.)

CANCELLATION OF MEETING AND ESTABLISHMENT OF NEW MEETING DATE

DEPARTMENT OF TRANSPORTATION

NOTICES

Units 1 and 2, on Lake Anna, 60 miles east of Charlotte, Virginia. The proposed supplemental report provides information covering the environmental impacts associated with operation of the North Anna Power Project. December 1: The Department of Transportation and the Virginia Electric and Power Company have asked that the supplemental report be made available to the public. The supplemental report will be available for public review and comment. The Department of Transportation and the Virginia Electric and Power Company will then consider all comments and make a decision on the proposed project. The supplemental report will be available for public review and comment until January 31, 1977. (105 pages.) (FEDERAL Register, Vol. 41, No. 239-Friday, December 10, 1976)

FEDERAL COMMUNICATIONS COMMISSION

1979 WORLD ADMINISTRATIVE RADIO CONFERENCE WARC-79 SATELLITE BROADCASTING SERVICE GROUP

Cancellation of Meeting and Establishment of New Meeting Date , December 7, 1976. The meeting of the WARC-79 Satellite Broadcasting Service Group previously scheduled for December 10, 1976 has been canceled. Instead, the meeting of the WARC-79 Satellite Broadcasting Service Group was scheduled for Wednesday, February 23, 1977 from 9:30 a.m. to 12:00 noon in Room 6331 of the Commerce Building, 1401 Constitution Avenue, Washington, D.C. 20554. The Agenda will include the following:

1. Call to Order by the Chairman.
2. Announcements.
3. Approval of Minutes of last meeting.
4. Reports of Task Groups.
6. Next Meeting Date and Adjournment.

Chairman: Edward E. Belcher.

PGC Liaison: Charles E. Brigg.
NOTICES

Copies of the November 8, 1976, Decision and Order are available for public viewing at the FEA Freedom of Information Library, Room 2107, Federal Building, 12th and Pennsylvania Avenue, N.W., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., e.s.t., Monday through Friday, except Federal holidays.

In accordance with the provisions of 10 CFR Part 205, any aggrieved party may file an appeal of this Decision and Order with the Federal Energy Administration. The provisions of 10 CFR Part 205, Subpart H, set forth the procedures and criteria which govern the filing and determination of any such appeal. For purposes of these regulations, the date of service of notice shall be deemed to be the date of publication of this notice or date of receipt by an aggrieved person of actual notice, whichever occurs first.

Michael F. Butler,
General Counsel.

DECEMBER 7, 1976.

[FR Doc.76-36378 Filed 12-7-76; 4:30 pm]

APPENDIX.—List of cases received by the Office of Exceptions and Appeals, Nov. 5 through Nov. 12, 1976

<table>
<thead>
<tr>
<th>Date</th>
<th>Name and location of applicant</th>
<th>Case No.</th>
<th>Type of submission</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nov. 8, 1976</td>
<td>Louisiana Land Exploration Co., New Orleans, La. (If granted: Louisiana Land &amp; Exploration Co. would cease to be a party to the appeal of that order which the firm intends to file.)</td>
<td>FEE-3026</td>
<td>Stay requested.</td>
</tr>
<tr>
<td>Do., 1976</td>
<td>Pacific Producing Co., Washington, D.C. (If granted: Crude oil produced from the North Perry unit located in Vance County, Miss., would be sold at upper tier selling price.)</td>
<td>FEE-3223</td>
<td>Price exception (sec. 211.67).</td>
</tr>
<tr>
<td>Do., 1976</td>
<td>Texco Corp., Los Angeles, Calif. (If granted: Texco Corp. would be relieved of any obligation to purchase entitlements beginning with the month of September 1976.)</td>
<td>FEE-3821</td>
<td>Exception to the old oil entitlements program (sec. 211.67).</td>
</tr>
<tr>
<td>Do., 1976</td>
<td>Variouis Corp., Beaumont, Tex. (If granted: Variouis Corp. would not be required to establish an escrow account for the amount of the overcharges specified in the Sept. 26, 1976, remand order.)</td>
<td>FMR-0009</td>
<td>Modification of FEA's decision and order in Variouis Corp. (If granted: FEA's decision and order would be vacated. (sec. 211.67).</td>
</tr>
<tr>
<td>Nov. 8, 1976</td>
<td>Kailo Corp. (Mississippi plant), Corpus Christi, Tex. (If granted: Kailo Corp. would be permitted to increase its prices to reflect nonproduct cost increases in excess of $0.0030 per gallon for natural gas liquid products produced at the Mississippi plant.)</td>
<td>FEE-3239</td>
<td>Price exception (sec. 211.67).</td>
</tr>
<tr>
<td>Do., 1976</td>
<td>Moran Pipe &amp; Supply Co., Inc., Seminole, Okla. (If granted: Moran Pipe &amp; Supply Co. Inc.'s Casper location in Seminole County, Okla., would be classified as a stripper well property.)</td>
<td>FEE-3277</td>
<td>Crude oil price exception (sec. 211.67).</td>
</tr>
<tr>
<td>Do., 1976</td>
<td>Reid &amp; Stover, Inc., Roswell, N. Mex. (If granted: Crude oil produced from the No. 1 Federal W-2 located in Roosevelt County, N. Mex., would be sold at upper tier ceiling price.)</td>
<td>FEE-3245</td>
<td>Price exception (sec. 211.67).</td>
</tr>
<tr>
<td>Do., 1976</td>
<td>Ruth Ann Aiyer Storey, et al. (R. M. Stephens plant), Shreveport, La. (If granted: Ruth Ann Aiyer Storey, et al., would be permitted to increase their prices to reflect nonproduct cost increases in excess of $0.066 per gallon for natural gas liquid products produced at the R. M. Stephens plant.)</td>
<td>FEE-3225</td>
<td>Price exception (sec. 211.67).</td>
</tr>
<tr>
<td>Do., 1976</td>
<td>Sunland Refining Corp., Balchfield, Calif. (If granted: Sunland Refining Corp. would receive an adjustment to its historic profit margin.)</td>
<td>FEE-3238</td>
<td>Exception to old oil entitlements program (sec. 211.67).</td>
</tr>
<tr>
<td>Nov. 9, 1976</td>
<td>Cities Service Co., Tulsa, Okla. (If granted: Cities Service Co. would be permitted to increase its prices to reflect nonproduct cost increases in excess of $0.066 per gallon for natural gas liquid products produced at the following natural gas plants: Mesquer, Panola, Red Fox Bay, Star Lacey, and West World.)</td>
<td>FEE-3252</td>
<td>Price exception (sec. 211.67).</td>
</tr>
<tr>
<td>Do., 1976</td>
<td>Colonial Oil Co., Jacksonville, Fla. (If granted: Colonial Oil Co. would be authorized to sell at upper tier ceiling prices the crude oil produced from the Central Hilight Unit located in the Powder River basin of eastern Wyoming, approximately 30 miles south of Gillette, Wyo.)</td>
<td>FEE-3200</td>
<td>Extension of exception relief in Colonial Oil Co. (If granted: Colonial Oil Co.'s application for relief of the upper tier ceiling prices in the area surrounding the Central Hilight Unit located in the Powder River basin of eastern Wyoming, approximately 30 miles south of Gillette, Wyo.)</td>
</tr>
<tr>
<td>Date</td>
<td>Name and location of applicant</td>
<td>Case No.</td>
<td>Type of submission</td>
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<tr>
<td>Nov. 12, 1975</td>
<td>Kansas Gasoline Co., Kansas City, Mo. (If granted: Kansas Gasoline Co.)</td>
<td>FEE-C225</td>
<td>Appeal of decision and stay order in Kansas Gasoline Co., Inc., requesting assignment of a base period volume and supplier of 180,000 barrels per quarter of propane to be used for the operation of the British thermal unit (Btu) of synthetic natural gas (SNG) produced at Ashland's SNG plant in Buffalo, New York. Ashland requests to be designated</td>
</tr>
</tbody>
</table>

**NOTICES**

ASHLAND PETROLEUM CO.

Request for Allocation of Propane for Btu Enrichment

Pursuant to the provisions of 10 CFR 265.30 et seq., the Federal Energy Administration (FEA) hereby provides notice of receipt of a petition, dated September 20, 1976, from Ashland Petroleum Company (Ashland) requesting assignment of a base period volume and supplier of 140,000 barrels per quarter of propane to be used for the operation of the British thermal unit (Btu) of synthetic natural gas (SNG) produced at Ashland's SNG plant in Buffalo, New York. Ashland requests to be designated...
FEDERAL POWER COMMISSION

COLUMBIA GAS TRANSMISSION CORP.

Notice of Application

DECEMBER 3, 1976.

Take notice that on November 22, 1976, Columbia Gas Transmission Corporation, Eastern Pipe Line Company, 1401 MacCord Avenue, S.E., Charleston, West Virginia 25314, filed in Docket No. CP7-7-64 an application pursuant to section 1(c) of the Natural Gas Act and § 219 of the Commission's General Policy and Interpretations (18 CFR 2.79), for a certificate of public convenience and necessity authorizing the company, if made, to sell natural gas to Anchor Hocking Corporation at Charleston, West Virginia, and any curtailment of natural gas to Anchor Hocking would result in economic hardship to the area as well as causing slowdowns in the food, beverage and household finishing industries.

Written comments regarding this petition shall be filed on or before December 13, 1976, and any protest with reference to said application should on or before December 13, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding.

Any person wishing to become a party to the proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own motion believes that a grant of the certificate is required by the public convenience and necessity. Any person desiring to be heard or to appear in any hearing on this application must file a notice of appearance and a pleading in accordance with the requirements of the Federal Power Act and the Commission Regulations thereunder.

It is stated that Anchor Hocking's Winchester, Indiana, plant produces machine-made glass containers used in the food, beverage and household chemical industries, and that Anchor Hocking must depend on such gas for its glass forming and finishing processes. It is further stated that Anchor Hocking employs an average of 1,180 employees in Winchester, which has a population of 5,500 and any curtailment of natural gas to Anchor Hocking would result in economic hardship to the area as well as causing slowdowns in the food, beverage and household finishing industries.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 13, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding.

Any person wishing to become a party to the proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own motion believes that a grant of the certificate is required by the public convenience and necessity. Any person desiring to be heard or to appear in any hearing on this application must file a notice of appearance and a pleading in accordance with the requirements of the Federal Power Act and the Commission Regulations thereunder.

It is stated that Anchor Hocking's Winchester, Indiana, plant produces machine-made glass containers used in the food, beverage and household chemical industries, and that Anchor Hocking must depend on such gas for its glass forming and finishing processes. It is further stated that Anchor Hocking employs an average of 1,180 employees in Winchester, which has a population of 5,500 and any curtailment of natural gas to Anchor Hocking would result in economic hardship to the area as well as causing slowdowns in the food, beverage and household finishing industries.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 13, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding.

Any person wishing to become a party to the proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

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It is stated that Anchor Hocking's Winchester, Indiana, plant produces machine-made glass containers used in the food, beverage and household chemical industries, and that Anchor Hocking must depend on such gas for its glass forming and finishing processes. It is further stated that Anchor Hocking employs an average of 1,180 employees in Winchester, which has a population of 5,500 and any curtailment of natural gas to Anchor Hocking would result in economic hardship to the area as well as causing slowdowns in the food, beverage and household finishing industries.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 13, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding.

Any person wishing to become a party to the proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own motion believes that a grant of the certificate is required by the public convenience and necessity. Any person desiring to be heard or to appear in any hearing on this application must file a notice of appearance and a pleading in accordance with the requirements of the Federal Power Act and the Commission Regulations thereunder.
The license for Project No. 485 was issued effective December 15, 1924, for a period ending December 14, 1974. Since expiration of the original license, the project has been maintained and operated under annual licenses, the most recent of which will expire on December 14, 1976. In order to authorize the continued operation and maintenance of the project, pending Commission action on Licensee's application, it is appropriate and in the public interest to issue an annual license to the Georgia Power Company.

Take notice that an annual license is issued to the Georgia Power Company for the period December 15, 1976, to December 14, 1977, or until Federal takeover, or until the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Bartlett Ferry Project No. 485 subject to the terms and conditions of the original license. Take further notice that if Federal takeover or issuance of a new license does not take place on or before December 14, 1977, a new annual license will be issued as hereinafter provided in the event of a new annual license being required.

KENNETH F. FLUEGIN, Secretary.

[FR Doc. 76-36253 Filed 12-9-76; 8:45 am]

[DOCKET NO. CS77-8-3, ET AL.]

GLENN D. HUGHES, ET AL., Applications for "Small Producer" Certificates


Take notice that each of the Applicants listed herein has applied for a certificate pursuant to section 7(c) of the Natural Gas Act and Section 157.40 of the Regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, as more fully set forth in the applications which are on file with the Commission.

Any person desiring to be heard or to make any protest with reference to said applications should on or before December 14, 1976, write to the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.6 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing thereon shall file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 16 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. FLUEGIN, Secretary.

[DOCKET NO. CS77-8-3, Filed 12-9-76; 8:45 am]

[FR Doc. 76-36253 Filed 12-9-76; 8:45 am]

[DOCKET NO. CS77-517]

NATURAL GAS PIPELINE CO. OF AMERICA

Application to Issue Certificate of Public Convenience and Necessity

December 3, 1976.

Take notice that on November 18, 1976, the Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP76-517 an amendment to its application in said docket for a certificate of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act, in order to explain more fully its proposal (including specifications of participating customers and their volumes), to submit certain exhibits which were not available at the time of the original filing and to reflect certain modifications in fa-
NOTICES

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<th>Maximum daily withdrawal quantity</th>
<th>Fuel</th>
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It is stated that the facilities proposed at Columbus City—St. Peter have been modified by the addition of new wells and 9 miles of additional pipeline. It is stated that the facilities required not at Columbus City—St. Peter are as follows:

Approximately 3.7 miles of 8-inch, 8-inch 10-inch and 12-inch gathering pipeline, drill four and connect seven injection—withdrawal wells, complete two wells for injection and withdrawal use and other miscellaneous facilities, at Applicant's Columbus City—St. Peter Storage Field in Louisiana County, Iowa.

The additional facilities at Columbus City—St. Peter, as well as other minor changes, raises the total cost of jurisdictional facilities to $33,875,000, rather than the $33,875,000 reflected in Applicant's original filing.

It is asserted that customers in accepting the proposed service, have indicated that the storage service would be utilized to offset (partially winter) curtailments and to serve high priority winter requirements in categories 1 and 2.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before December 31, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by the Commission in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to be made a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules. Persons having heretofore filed in this proceeding need not do so again.

KENNETH F. PLUMIS,
Secretary.

[FR Doc. 71-23952 Filed 12-9-71; 8:45 am]

[Project No. 96]

PACIFIC GAS AND ELECTRIC CO.

March 31, 1976.


The license for Project No. 96 was issued effective December 2, 1922, for a period ending December 1, 1972. Since the expiration of the original license, the project has been maintained and operated under annual licenses, the most recent of which will expire on December 1, 1976. In order to authorize the continued operation and maintenance of the project, pending Commission action on Licensee's application, it is appropriate and in the public interest to issue an annual license to Pacific Gas and Electric Company.

Take notice that an annual license is issued to Pacific Gas and Electric Company for the period January 1, 1977, to December 31, 1977, or until the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Kerckhoff Project No. 96 subject to the terms and conditions of the original license. Take further notice that if Federal takeover or issuance of a new license does not take place on or before December 1, 1977, a new annual license will be issued each year thereafter, effective December 2 of each year, until such time as Federal takeover takes place or a new license is issued, without further notice being given by the Commission.

KENNETH F. PLUMIS,
Secretary.

[FR Doc. 71-23952 Filed 12-9-71; 8:45 am]

[Project No. 2140]

PUBLIC SERVICE CO. OF NEW HAMPSHIRE

March 31, 1976.

On December 22, 1972, the Public Service Company of New Hampshire, Licensee for Garrins Falls Project No. 2140, located on the Merrimack River, in the
Town of Bow, City of Concord, Merrimack County, New Hampshire, filed an application for a new license pursuant to the Federal Power Act and Commission Regulations thereunder.

The license for Project No. 2140 was issued effective January 1, 1938, for a period ending December 31, 1976. Since expiration of the original license, the project has been maintained and operated under an annual license, which will expire December 31, 1976. In order to authorize the continued operation and maintenance of the project, pending Commission action on the Licensee's application, it is appropriate and in the public interest to issue an annual license to the Public Service Company of New Hampshire.

Take notice that an annual license is issued to the Public Service Company of New Hampshire for the period January 1, 1977, to December 31, 1977, or until Federal takeover, or until the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Garry Falls Project No. 2140 subject to the terms and conditions of the original license. Take further notice that if Federal takeover or issuance of a new license does not take place on or before December 31, 1977, a new annual license will be issued each year thereafter, effective January 1 of each year, until such time as Federal takeover takes place or a new license is issued, without further notice being given by the Commission.

KENNETH F. PLUM, Secretary.

Texas Gas Transmission Corp.

Notice of Application

December 3, 1976.

Take notice that on November 22, 1976, Texas Eastern Transmission Corporation (Applicant), P.O. Box 2321, Houston, Texas 77001, filed an application pursuant to section 4(b) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the delivery of natural gas directly to Pottsville Gas Company (Pottsville) and to Transcontinental Gas Pipe Line Corporation (Transco) for resale to Union Gas Company (Union) for the account of Algonquin Gas Transmission Company (Algonquin Gas), an all as fully set forth in the application, which is on file with the Commission and open to public inspection.

Applicant proposes to deliver up to approximately 1,500,000,000 Btu's of gas per day to Pottsville and up to 600,000,000 Btu's of gas per day to Transco for further delivery to Union for the account of Algonquin Gas and to decrease its sales to Union by an equivalent volume of gas for the period commencing with the issuance of requested certificate and ending April 30, 1977, in accordance with an agreement between Applicant, Algonquin Gas, Pottsville, Union and Transco dated October 25, 1976. In addition, Pottsville and Algonquin Gas are customers of Applicant; that Union is a customer of Transco, and that Transco has several exchange points, and that the delivery and reduction in deliveries will be made at existing delivery points by means of existing facilities. Pottsville and Union, it is stated, have agreed to purchase 1,500,000,000 Btu's and 600,000,000 Btu's, respectively, of NG per month, subject to an annual Rate Schedule NG-1 during the aforementioned period.

Applicant states that it anticipates making a tariff filing setting forth the terms and conditions under which it will provide service for on-system and off-system customers similar to the services presently rendered to the terms and conditions of the proposed tariff. It states that the proposed tariff will be made available for public inspection.

KENNETH F. PLUM, Secretary.

Texas Eastern Transmission Corp.

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December 3, 1976.

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FEDERAL REGISTER, VOL. 41, NO. 239—FRIDAY, DECEMBER 10, 1976

54029

TEXAS EASTERN TRANSMISSION (18 CFR 157.10). All...
NOTICES

GENERAL ACCOUNTING OFFICE
REGULATORY REPORTS REVIEW

Receipt of Report Proposal

The following request for clearance of a report intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, 512 4th St., N.W., Washington, D.C. 20548.

Food, Drug, and Cosmetic Act (sec. 409)

The purpose of publishing this notice in the Federal Register is to inform the public of such receipt.

The notice includes the title of the request received; the name of the agency sponsoring the proposed collection of information; the information to be collected; the form on which the information is collected; and the frequency with which the information is proposed to be collected.

Written comments on the proposed FEA request are invited from all interested persons, organizations, public interest groups, and affected businesses.

Pursuant to provisions of the Federal Register Act, 5 U.S.C. 552c (d), 72 Stat. 1786 (21 U.S.C. 348 (b) (5))), notice is given that a petition (FPA 635158) has been filed by the Celanese Coatings and Specialties Co., P.O. Box 99058, Jeffersontown, KY 40279, proposing that § 121.2326 Components of paper and paperboard in contact with agricultural foods (21 CFR 121.2326) be amended in paragraph (a) (5) for the item, guar gum modified by treatment with 2,3-epoxypropyltrimethylammonium chloride, to remove the limitation of 7.6 weight percent on the amount of 2,3-epoxypropyltrimethylammonium chloride used to modify the guar gum.

The environmental impact analysis report and other relevant material have been reviewed, and it has been determined that the proposed use of the additive will not have a significant environmental impact.Copies of the environmental impact report may be seen in the office of the Associate Commissioner for Public Affairs, Rm. 15B-42 or the Office of the Hearing Clerk, Food and Drug Administration, 4-45, 5600 Fishers Lane, Rockville, MD 20857, during working hours, Monday through Friday.


HOwARD R. ROBERTS,
Acting Director, Bureau of Foods.
[FR Doc.76-56292 Filed 12-9-76;8:45 am]

[Federal Register Vol. 41, No. 239-FRIDAY, DECEMBER 10, 1976]

Good Laboratory Practices for Nonclinical Laboratory Studies

Public Hearing

The Food and Drug Administration (FDA) announces that a public hearing will be held on February 15, 1977, pursuant to the administrative practices and procedures regulations, 21 CFR 2.400 (a) (21 CFR 2.400 (a)) published in the Federal Register of November 2, 1976 (41 FR 48256), to receive comments from interested persons on proposed regulations on good laboratory practices for nonclinical laboratory studies published in the Federal Register of November 19, 1976 (41 FR 51500). A written notice of participation must be filed by January 15, 1977.

The purpose of the hearing is (1) to provide an open forum for the presentation of views concerning the merit of the proposed regulations and their general applicability and practicability, and (2) to foster greater consideration of the proposal among the scientific community, the regulated industry, and the public.

Although the hearing will encompass all aspects of the proposed regulations, several specific areas of consideration on which the Commissioner seeks advice are:

1. The necessity and appropriateness of the proposed regulations as a means of assuring the quality and integrity of safety data submitted to the Federal government.

2. The scope of coverage and the applicability of the regulations with respect to various types of laboratories and nonclinical studies.

3. The concept of a quality assurance unit.

4. The division of duties and responsibilities between laboratory management, study director, and director of quality assurance under the proposed regulations, including the responsibilities of a person who contracts for safety studies.

5. The necessity for written procedures covering all laboratory activities concerned with carrying out a testing protocol.

6. The proposed laboratory disqualification procedures.

7. The economic impact of implementing the proposed requirements and comparative analysis of costs and benefits of reasonable alternatives.

In preparing a final regulation, the Commissioner will consider the administrative record of this hearing along with all written comments received during the comment period specified in the proposal.

The hearing will take place at 9 a.m. in the auditorium located on the first floor in the HEW North Building, 230 Independence Ave. SW, Washington, D.C. 20505. The presiding officer will be Dr. Richard Bates, Associate Commissioner for Science.

A written notice of participation must be filed pursuant to § 2.131 (21 CFR 2.131), published in the Federal Register of November 23, 1976 (41 FR 57124), with the Hearing Clerk, Food and Drug Administration, 4-45, 5600 Fishers Lane, Rockville, MD 20857, not later than January 15, 1977. The notice of participation must contain the Hearing Clerk Docket No. 76N-400 found in brackets in the heading of this notice, the name, address and telephone number of the person desiring to make a statement along with a brief statement of the scope of the presentation with references to the appropriate subparts of the proposed regulations, and the approximate amount of time being requested for the presentation. A schedule for the hearing will be mailed to each person who files a notice of participation. Individuals and organizations with common

FEDERAL REGISTER, VOL. 41, NO. 239—FRIDAY, DECEMBER 10, 1976

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

Celanese Coatings and Specialties Co.

Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409)
NOTICES

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interests are urged to coordinate or co-
ordinate their presentations.

In the event that the response to this
notice of hearing is such that insufficient
time is available to accommodate the full
amount of time requested in the notices
of participation received, the Commission-
ner shall allocate the available time amon-
g the persons making the oral presenta-
tion to be used as they wish. Formal
written statements on the issues may be
presented to the presiding officer on the
day of the hearing or included into the
administrative record.

The hearing shall be open to the pub-
lic. Any interested person may be heard
with respect to matters relevant to the
issues under consideration.

Dated: December 8, 1976.

JOSEPH P. HILE,
Associate Commissioner for
Compliance.

[FR Doc. 76-38558 Filed 12-9-76; 11:10 am]

HYALURONIDASE

Drugs for Human Use; Drug Efficacy Study
Implementation; Followup Notice and
Opportunity for Hearing

In notices published in the
FEDERAL REGISTER of September
26, 1976 (35 FR 16090) (Docket
No. FDC-D-325) (now Docket
No. 76N-0472) and June 23,
1972 (37 FR 12418), the Food and
Drug Administration announced its conclu-
sions regarding the effectiveness of the
drug products described below containing
hyaluronidase. The drug products are
used as adjuncts to enhance the ab-
sorption of drugs in tissue.

Final conclusions concerning hyalu-
ronidase drug products were announced in
the June 22, 1972 notice, classifying
them as effective or lacking substantial
evidence of effectiveness for various indi-
cations. The June 23, 1972 notice did
not offer an opportunity for hearing con-
cerning the indications that were reclassi-
ified in that notice to lacking substantial
evidence of effectiveness. This notice
offers an opportunity for hearing con-
cerning them and states the conditions
for marketing the drug for the indica-
tions for which it continues to be re-
garded as effective. Persons who wish to
request a hearing may do so on or before

The notice that follows does not per-
tain to the indications stated in the Sep-
tember 23, 1970 notice to lack substan-
tial evidence of effectiveness. No person
requested a hearing concerning them,
and they are no longer allowable in label-
ing. Any such product labeled for those
indications is subject to regulatory action.

1. NDA 7-933; Hyzum; Abbott Labora-
tories, Pharmaceutical Products Division,
14th and Sheridan Rd., D-301, North Chicago,
IL 60064.

2. NDA 6-343; Wystase Solution and Wystase
Lyophilized; Wyeth Laboratories, Div.,
American Home Products Corp., Box 8299,
Philadelphia, PA 19101.

3. NDA 7-933; Hyzum; Abbott Labora-
tories, Pharmaceutical Products Division,
14th and Sheridan Rd., D-301, North Chicago,
IL 60064.

The following drug product was nei-
ther submitted for review by the National
Academy of Sciences-National Research
Council nor included in the September
23, 1970 and June 23, 1972 notices, but the
conclusions described in this no-
tice apply to it.

NDA 6-343; Wystase; Schering Corp., Gal-
loping Hill Rd., Kenilworth, NJ 07033.

Such drugs are regarded as new drugs
(21 U.S.C. 321 (p)). Supplemental new
drug applications are required to revise
the labeling in accordance with the con-
clusions described herein.

In addition to the holder(s) of the new
drug application(s) specifically named above, this notice applies to all persons
who manufacture or distribute a drug
product, not the subject if an approved
new drug application, that is identical,
related, or similar to a drug product
named above, as defined in 21 CFR 310.6.

It is the responsibility of every 'drug
manufacturer or distributor to review
this notice to ascertain whether it cov-
ers any drug product he manufactures or
distributes. Any person may request an
opinion of experts qualified to review this
notice to a specific drug product he manu-
factures or distributes that may be ident-
ical, related, or similar to a drug prod-
tuct named in this notice by writing to the
Food and Drug Administration, Bureau
of Drugs, Division of Drug Labeling
Compliance (HFD-310), 5000 Fishers
Rd., Rockville, MD 20857.

A. Effectiveness classification.
The Food and Drug Administration has re-
viewed all available evidence and con-
cludes that the drug is effective for the
indications listed in the labeling condi-
tions below. The drug lacks substantial
evidence of effectiveness for the probably
and possibly effective indications which
were reclassified in the June 23, 1972
notice.

B. Conditions for approval and mar-
ket ing. The Food and Drug Administra-
tion is prepared to approve abbreviated
new drug applications and abbreviated
supplements to previously approved new
drug applications under conditions de-
scribed herein.

1. Form of drug. The drug is in sterile
solution or powder for reconstitution
and is suitable for injection.

2. Labeling conditions. a. The label
bears the statement, "Caution: Federal
law prohibits dispensing without pre-
scription."

b. The drug is labeled to comply with all
requirements of the act and regula-
tions, and the labeling bears adequate in-
formation for safe and effective use of
the drug. The indications are as follows:

For use as an adjunct to enhance the
absorption and dispersion of other injected
drugs; for hypodermoclysis; as an adjunct
in subcutaneous urapraphy for improving
the reception of radionuclide agents.

3. Marketing status. a. Marketing of
such drug products that are now the sub-
ject of an approved or effective new drug
application(s) is prohibited. Persons may be
notified that, or on or before February 8, 1977, the
holder of the application submits, if he has not previously done so, (1) a supple-
mental new drug application; or (2) a request
for a hearing concerning them and states the conditions described in this notice, and complete
container labeling if current container
labeling has not been submitted, and (3) a supplement to provide updating information with respect to items 6 (compo-
ments), 7 (composition, and 8 (methods,
facilities, and control) of new drug appli-
cation form FDD-355H (21 CFR 314.1
(e)) to the extent required in abbreviated
applications (21 CFR 314.1(f)).

b. Approval of an abbreviated new
drug application (21 CFR 314.1(f)) must be
obtained prior to marketing such prod-
uct. Marketing prior to approval of a new
drug application will subject such prod-
ucts, and those persons who caused the
products to be marketed, to regulatory
action.

C. Notice of opportunity for hearing.
On the basis of all the data and informa-
tion available to him, the Director of the
Bureau of Drugs is unable to conduct a
complete and well-controlled clinical inves-
tigation, conducted by experts qualified
by scientific training and experience,
and the requirement of theＡ.Ｄ.Ｃ. A.
Act (21 U.S.C. 335) and 21 CFR 311.11
(a) (5), demonstrating the effective-
ness of the drug product(s) for the indica-
tion(s) lacking substantial evidence of effectiveness referred to in paragraph A. of this notice.

Notice is given to the holder(s) of the
new drug application(s), and to all other
interested persons, that the Director of
the Bureau of Drugs proposes to issue an
order under section 505(e) of the Federal
Food, Drug, and Cosmetic Act (21 U.S.C.
355(e)), withdrawing approval of the
new drug application(s) and all amend-
ments and supplements thereto provid-
ing for the indication(s) lacking substan-
tial evidence of effectiveness referred to in
paragraph A. of this notice on the
basis of the data and information avail-
able to him at the time he issues this
order.

Such order will refer to any person
with respect to the drug product(s),
evaluated together with the evidence
available to him at the time of issuance
of the order (to the effect of the appli-
cant), shows there is a lack of substantial evidence that the
drug products will have all the effects
required or specified for the indication(s)
under the conditions of use prescribed,
recommended, or suggested in the label-
ing. An order withdrawing approval
will not issue with respect to any appro-
val, supplement(s) submitted, in accord with
this notice, to delete the claim(s) lacking sub-
stantial evidence of effectiveness.

In addition to the ground for the pro-
posed withdrawal of approval stated
above, this notice of opportunity for
hearing encompasses all issues relating
to the legal status of the drug product(s)
subject to it (including identical, related,
or similar drug products as defined in 21
CFR 310.6), e.g., any contention that any
such product is not a new drug because

Hyaluronidase is a requirement for marketing such
drug. Marketing prior to approval of a new
drug application will subject such prod-
ucts, and those persons who caused the
products to be marketed, to regulatory
action.
it is generally recognized as safe and effective within the meaning of section 201(s) of the act, if the drug(s) is not the same as or from part or all of the new drug provisions of the act pursuant to the exemption for products marketed prior to June 25, 1937, the designations of such drug(s) and the act, or pursuant to section 1007(c) of the Drug Amendments of 1962, or for any other reason.

In accordance with the provisions of section 505 of the act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Parts 310-314), the applicant(s) and all others who manufacture or distribute a drug product which is identical, related, or similar to a drug product named above, if there is a genuine and substantial issue as to the safety of such drug product named above and all identical, related, or similar drug products, is hereby given an opportunity for a hearing to show why approval of the new drug application(s) providing for the class of drug products named above and all identical, related, or similar drug products should not be withdrawn and an opportunity to raise, for administrative determination, all issues relating to the legal status of a drug product named above and all identical, related, or similar drug products.

If an applicant or any person subject to this notice pursuant to 21 CFR 310.5 elects to avail himself of the opportunity for a hearing, he shall file (1) on or before January 16, 1977, a written notice of appeal to the Hearing Clerk, Food and Drug Administration, 5000 Fishers Lane, Rockville, MD 20852, or (2) on or before February 8, 1977, the data, information, and analyses on which he relies to justify a hearing, as specified in 21 CFR 314.200. Any other interested person may also submit comments on this proposal to withdraw approval of such drug product(s) and to request that the hearing be held, or restrictions be placed on the hearing, if applicable, as specified in 21 CFR 314.200. Any other interested person may also submit comments on this proposal to withdraw approval of such drug product(s) and to request that the hearing be held, or restrictions be placed on the hearing, if applicable, as specified in 21 CFR 314.200.

The failure of an applicant or any other person subject to this notice pursuant to 21 CFR 310.6 to file timely written notice and request for hearing as required by 21 CFR 314.200 constitutes an election by such person not to avail himself of the opportunity for a hearing concerning the action proposed with respect to such drug product and a waiver of any contentions concerning the legal status of such drug product. Any such drug product labeled for the indication(s) lacking substantial evidence of effectiveness referred to in paragraph A. of this notice may be lawfully marketed, and the Food and Drug Administration will initiate appropriate regulatory action to remove such drug products from the market. Any new drug product marketed without an approved NDA is subject to regulatory action at any time.

A hearing 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 which precludes the withdrawal of approval of the application, or when a request for hearing is made in the required format or with the required analyses, the Commissioner will enter summary judgment against the person (or the parent company) who requested the hearing, making findings and conclusions, denying a hearing.

All submissions pursuant to this notice of opportunity for hearing shall be filed in quintuplicate. Such submissions, except for data and information prohibited from public disclosure pursuant to 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the office of the Hearing Clerk (address given below) during working hours, Monday through Friday.

Communications forwarded in response to this notice should be identified with the reference number DESI 3843, directed to the attention of the appropriate office named below, and addressed to the Food and Drug Administration, 5000 Fishers Lane, Rockville, MD 20852.

Supplements (identify with NDA number): Division of Surgical-Dental Drug Products (HFD-160), Rm. 18B-04, Bureau of Drugs. Requests for the report of the National Academy of Sciences-National Research Council: Public Records and Document Center (IFC-18), Rm. 4-42.

Requests for the report of the National Research Council: Public Records and Document Center (IFC-18), Rm. 4-42.

Requests for the report of the National Academy of Sciences-National Research Council: Public Records and Document Center (IFC-18), Rm. 4-42.

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Requests for the report of the National Academy of Sciences-National Research Council: Public Records and Document Center (IFC-18), Rm. 4-42.

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theophylline as a single ingredient to be classified in Category I and recommends that there not be any pro-
line is used may be subject to additional
ication of the tentative
is unwarranted.
uggestion by the State Director of Vocational Education to each copy of the application transmitted to the Office of Education. The Director may advise the Commissioner of Education of applications considered to be a duplication of effort, if the objectives, and procedures of completed or on-going pro-
mand or other documentary ev-
control Center if:
(1) The application was sent by registered or certified mail not later than February 9, 1977 as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or
(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education Application Control Center on or before February 14, 1977.

A. Applications sent by mail. An application sent by mail should be addressed as follows; U.S. Office of Education Application Control Center, Washington, D.C. 20202, Attention: 13.498. An application sent by mail will be considered to be received on time by the Application Control Center if:
(1) The application was sent by registered or certified mail not later than February 9, 1977 as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or
(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education.
B. Hand delivered applications. An application to be hand delivered must be taken to the U.S. Office of Education Application Control Center, Room 5073, 400 C St., S.W., Washington, D.C. 20202. Hand delivered applications will be accepted daily between the hours of 9:00 a.m. and 4:00 p.m. Washington D.C. time, except Saturdays, Sundays, or Federal holidays. Applications will not be accepted after 4:00 p.m. on the closing date.

C. Program application information. (1) Applications must be prepared and submitted in accordance with instruc-
tions and forms which may be obtained from the Division of Research and Demo-

(2) To be eligible for review by the Office of Education, an application from a local educational agency must be ap-
permitted the consideration of an application for funding from a local educational agency by the Office of Education, the approval of the State Director of Education to that application should be received by the Office of Education with the application by the deadline established above. In these instances, where State or the Office of Education. The recommendation by the State board may not be received by the Vocational Education Research Center for inclusion in the review of the application. All applications from other than local educational agents-
and procedures for the application are calendar days after the closing date for.

Office of Education RESEARCH PROJECTS IN VOCATIONAL EDUCATION Closing Date for Receipt of Applications for Fiscal Year 1977
Notice is hereby given, pursuant to the authority contained in section 131(a) of the
use as a single ingredient for OTC drug products. Therefore, he is stat-
ing his disagreement with the Panel's recommendations in the
levels, the Commissioner concludes that, pending publication of the tentative final monograph, the use of theophylline as a single ingredient is not warranted.

The Commissioner advises that the use of theophylline, both as a single ingredient and in combination, and both in prescription and OTC drug products, is un-
desirable. OTC drug products containing theophylline are subject to regulation by the FDA. Therefore, conditions under which theophylline is used may be subject to additional changes in the future. The Commissioner recommends that there not be any prolif-
the number of products containing theophylline, pending the announce-
ment of the results of the review by the FDA.

For the above reasons, the Commis-

theophylline as a single ingredient to be classified in Category I and be made available for OTC use as a single ingredient. Therefore, in accordance with sections 330.13(b) (2) (21 CFR 330.13(b) (2) setting forth the status of ingredients recommended for OTC use under the
NOTICES
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
[Docket No. D-76-476]
ACTING REGIONAL ADMINISTRATOR REGION VIII (DENVER)
Designation
The officials appointed to the following listed positions in Region VIII are hereby designated to serve as Acting Regional Administrator, during the absence of the Regional Administrator and Deputy Regional Administrator, with all the powers, functions, and duties delegated or assigned to the Regional Administrator: Provided, That no official is authorized to serve as Acting Regional Administrator, unless all other officials whose title precedes his in this designation are unable to act by reason of absence:
1. Assistant Regional Administrator, Housing
2. Assistant Regional Administrator, Community Planning and Development
3. Regional Counsel
4. Assistant Regional Administrator, Administration
This designation supersedes 39 FR 17774, August 31, 1972.
Effective date: November 4, 1976.
Robert C. Rosenblum, Regional Administrator, Region VIII (Denver).

DEPARTMENT OF THE INTERIOR
ARIZONA
Phoenix District Multiple Use Advisory Board Meeting
The Phoenix District Multiple Use Advisory Board will meet at 9 a.m. on January 14, 1977, in the Banquet Room of the Ramada Inn, 1109 North Litchfield Road, Goodyear, Arizona.
The agenda will include consideration of alternative routes for two proposed 500 KV transmission lines from the proposed Palo Verde Nuclear Generating Station to Westwing Substation.

UNITED STATES DEPARTMENT OF THE INTERIOR
Phoenix Office, Phoenix, Arizona

WYOMING Application
DEPARTMENT OF THE INTERIOR
Phoenix District Multiple Use Advisory Board Meeting
The Phoenix District Multiple Use Advisory Board will meet at 9 a.m. on January 14, 1977, in the Banquet Room of the Ramada Inn, 1109 North Litchfield Road, Goodyear, Arizona.
The agenda will include consideration of alternative routes for two proposed 500 KV transmission lines from the proposed Palo Verde Nuclear Generating Station to Westwing Substation.
The meeting will be open to the public to the limits of available space. Time will be available for a limited number of statements by members of the public during the afternoon session. Those wishing to make oral statements should so inform the Advisory Board Chairman at the address given below prior to the day of the meeting. Time limitations may require that oral statements be limited to five minutes.

The pipeline will transport natural gas from Amoco #1 Bittercreek Unit II well located in sec. 22, T. 16 N., R. 99 W., to a point of connection with their Desert Springs Natural Gas Gathering System

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[FR Doc.76-36343 Filed 12-9-76; 8:45 am]
[FR Doc.76-36370 Filed 12-9-76; 8:45 am]
[FR Doc.76-36383 Filed 12-9-76; 8:45 am]
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in sec 16, T. 17 N., R. 99 W., Sweetwater County.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, P.O. Box 1869, Rock Springs, Wyoming 82901.

Harold G. Stithcorn,
Chief, Branch of Lands and Mineral Operations.

Office of Hearings and Appeals
[Docket No. M 77-9]

BISHOP COAL CO.
Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that, in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Bishop Coal Company has filed a petition to modify the application of 30 CFR 77.1605(k) to the Bishop No. 34 Mine located in McDowell County, West Virginia. 30 CFR 77.305 provides:

In addition to the preshift and daily examinations required in paragraph (a) of this section, the operator shall make such additional surface and underground examinations for hazardous conditions, including tests for methane, and for compliance with the mandatory health or safety standards, shall be made at least once each week by a certified person designated by the operator in the return of each split of air where it enters the main return, on pillar digits, at seals, in the main return, at least once every 30 days at each entry, and on return courses in the entire area on the surface of the mine where the mine operator must minimize the danger of destruction by fire or other hazard, and the record shall be open for inspection by interested persons.

The substance of Petitioner's statement is as follows:

1. The mandatory safety standard of which Petitioner seeks a modification is 30 CFR 77.305. The areas to which the modification pertains are the right return air course off of the S-14 section from Spad 11247 to Spad 11652, which was mined in 1965 and the left return air course off of the 0-Right section (formerly denominated as the S-10 section) from Spad 10279 to Spad 10385 which was mined in 1965 and 1966.

2. Since the above-described area was mined, the roof has fallen in a number of places along the airways virtually impassable and most hazardous to travel and examine. In some areas where three entries are used for the return, intersections and connecting crosscuts in all three entries have fallen, making it impossible only for air to travel.

3. Petitioner proposes to establish three measuring stations on the S-14 right return, at least one entry and the other one over top of the S-14 overhand of elevated roadways.

4. Despite the roof fall conditions existing in the return air courses, at certain points along these returns, air and methane readings are taken. We assure that the air flow is in its proper course and of the required volume and that the methane content is not greater than the legal limits.

5. Petitioner proposes to establish two air measuring stations for the S-14 right return: one station will be at Spad 12524, the other one over top of the S-14 overhand near the mouth of the S-14 section at Spad 11652.

6. Petitioner also plans to establish two air measuring stations on the 0-Right return: one station being at Spad 10279 and the other one at Spad 10385.

7. On a weekly basis, an employee of the Petitioner, certified by the State of West Virginia, will take methane and air readings at these four air measuring stations.

8. Methane will not be permitted to accumulate in these return air courses beyond the limits.

9. All access to and the vicinity of the measuring stations will be kept in a travelable and safe condition.

10. A data board will be located at each measuring station and air quantity and methane readings will be taken and recorded by the certified person along with his initials, date and the time of the reading.

11. Petitioner feels that the above-described alternate method of satisfying section 76.305 would guarantee the miners at the Bishop No. 34 Mine no less than the same measure of protection afforded by the mandatory safety standard itself. The proposed modification will permit the ascertaining of the direction and volume of air as well as its methane content. An additional benefit of this alternate method would be the elimination of the danger to which miners assigned to the rehabilitation work on the return air courses would be exposed.

REQUEST FOR HEARING OR COMMENTS

Interested persons in this petition may request a hearing on the petition or furnish comments on or before January 10, 1977. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at this address.

Dated: December 1, 1976.

David Torette,
Acting Director, Office of Hearings and Appeals.

{Date: 76-3630 Filed 12-9-76; 7:48 am}

[Petitioner's name removed]

Morrison-Knudsen Company, Inc. Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that, in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Morrison-Knudsen Company, Inc., has filed a petition to modify the application of 30 CFR 77.1605(k) to its Elkol and Sorenson Mine, located in Lincoln County, Wyoming. 30 CFR 77.1605(c) provides:

Barriers or guards shall be provided on the outer bank of elevated roadways.

The substance of Petitioner's statement is as follows:

1. Morrison-Knudsen Company, Inc., subcontractor to the Kemmerer Coal Mine, submits this Petition for Modification of the 30 CFR 77.1605(k) to its Elkol and Sorenson Mine under section 301(c) for variance of § 77.1605(k). Petitioner requests that 77.1605(c), 30 CFR 77 be waived for all presently existing elevated haul roads and all presently existing elevated haul roads to be constructed in the future at the Elkol and Sorenson Mines.

2. In 1971, Morrison-Knudsen Company, Inc., petitioned for and received a modification for variance of 30 CFR 77.1605(c). Petitioner's reasons for requesting that variance were as follows:

(a) The strip mines were located at elevations of 7,000 to 7,400 feet. The terrain is rolling with ridges and depressions.

(b) Due to the elevation of the strip mine, weather conditions are subject to sudden changes. Snow and high winds, ranging from 10 to 45 miles per hour, are not infrequent during the period of November through April. Erection of barriers would only act as an obstruction causing the snow to completely obliterate the road thus creating a safety hazard.

(c) The haul roads average 50 feet in width and the grade is from level to
Petitioner feels this is due to driver training of the Interior, 4015 Wilson Boulevard, filed with the Office of Hearings and Appeals, Docket No. A1 77-71, Preston Energy Inc., has at all times since the allowance of this modification, installed canopies on the equipment he shall be protected from falls of roof, face, or rib, or from rib and face cavings. The requirements of this paragraph shall be met as follows:

On and after January 1, 1976, in coal mines having mining heights of 40 inches or more, but less than 60 inches;

On and after January 1, 1976, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

On and after January 1, 1977, in coal mines having mining heights of 72 inches or more;

On and after July 1, 1977, in coal mines having mining heights of 40 inches or more, but less than 60 inches;

On and after July 1, 1977, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

On and after July 1, 1978, in coal mines having mining heights of 72 inches or more.

The substance of Petitioner's statement is as follows:

At the Sugar Mine the Upper Freeport Seam varies in thickness from 36 to 45 inches in height. Since the overall canopy height of the Joy 21 SC shuttle car used there is 48 inches, at the extreme lowest position, Petitioner feels it is to be a physical impossible to operate with canopies installed.

Copies of the draft environmental impact statement are available for inspection at the following locations:


Single copies of the draft environmental statement may be obtained upon

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approximately 6 percent. The construction is such that without bersms the snow is carried by the wind off the roads. (f) Installation of bersms, on the sides of elevated roads with bersms would be impossible as there would be no place to dispose of the snow.

In order that bersms be installed on fill sections it would necessitate the hauling of thousands of tons of fill material in order to maintain our width of 30 feet. In order to maintain the desired road width, it would require removal of material from the side for fill on the outside. This would result in addition to the slopes because of removal of vegetation at the top of the slope. The cost in time and equipment hours would be excessive without reducing safety hazards.

Bersms of unconsolidated material would also present a side of false security which results in an indifferent attitude toward control of his vehicle and safe operation.

Petitioner has not experienced an accident in which a man was injured or damaged by going off the haul roads due to the absence of bersms on elevated roads. Petitioner feels this is due to driver training, close supervision and proper maintenance of the roads.

3. Petitioner submits that those conditions which prompted the request and which led to the allowance of the original waiver of § 77.1605(c) still exist. Petitioner has at all times since the allowance of the waiver granted in 1972, adhered to those stipulations specified in the original modification. These conditions are specified in the order issued by the Department of the Interior, Office of Hearings and Appeals, Docket No. M 72-20, dated June 30, 1972. Petitioner submits that granting of this modification will at all times guarantee the same as or a better measure of protection to the miners of this mine than would be achieved by the application of standard 77.1605(c).

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before January 10, 1977. Such requests or comments must be mailed to the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22202, Copies of the petition are available for inspection at that address.

Dated: December 1, 1976.

DAVID TOSSETT,
Acting Director,
Office of Hearings and Appeals.

[FR Doc.76-36361 Filed 12-9-76;8:45 am]

[Docket No. M 77-21]

PRESTON ENERGY INC.

Petition for Modification of Application of Standard
Notice is hereby given that in accordance with the provisions of section 301(e) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 801(e) (1970), Preston Energy Inc., has filed a petition to modify the application of 30 CFR 75.1170 to its Sugar Mine and Pisgah Mine, located in Preston County, West Virginia.

30 CFR 75.1170 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face cavings. The requirements of this paragraph shall be met as follows:

(a) Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1978, shall, in accordance with the schedule of time specified in paragraphs (1), (2), (3), (4), (5), and (6), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that the equipment controls of such equipment shall be protected from falls of roof, face, or rib, or from rib and face cavings.

(b) The requirements of this section shall apply to all self-propelled electric face equipment, including shuttle cars, Employed in the active workings of each underground coal mine on and after January 1, 1978, in West Virginia.

2. At the Pisgah Mine the Upper Freeport Seam is being mined at an average height of 60 inches. The National Mines Service Workers used at the Pisgah Mine have an overall canopy height of 48 inches at their extreme lowest position. Undulations in the roof and bottom result in the canopies on the equipment used at the Pisgah Mine coming into contact with the roof. Installation of canopies on the equipment limits the vision of the operators of the opposite rib, causing the operators to drive blindly or to drive with his head protruding out from under the side of the canopy.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before January 10, 1977. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22202, Copies of the petition are available for inspection at that address.

Dated: December 1, 1976.

DAVID TOSSETT,
Acting Director,
Office of Hearings and Appeals.

[FR Doc.76-35662 Filed 12-9-76;8:45 am]

Bureau of Reclamation

SOUTHERN NEVADA WATER PROJECT, SECOND STAGE

Availability of Draft Environmental Statement

Pursuant to the requirements of section 102(2)(C) (5) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332), the Department of the Interior has prepared a draft environmental statement for the Southern Nevada Water Project, Second Stage.

The environmental statement concerns the construction of five new pumping plants, modifications to four existing first-stage pumping plants, a 2.5-mile-long second barrel of the main aqueduct, pipelines with a capacity of 166,600 acre-feet per year. The State of Nevada plans a major expansion of the Alfred Merrill Smith Water Treatment Facility in conjunction with the second stage. Written comments may be submitted to the Regional Director (address below) within 45 working days of this notice. Copies of the draft environmental impact statement are available for inspection at the following locations:


Single copies of the draft environmental statement may be obtained upon
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request to the Commissioner of Reclamation or the Regional Director. In addition, copies may be purchased from the Document Service, Environmental Law Institute, 1200 Connecticut Avenue, N.W., Washington, D.C. 20036. Please refer to the statement number above.

STANLEY D. DORELIA,
Secretary of the Interior.

DECEMBER 7, 1976.

[FR Doc.75-35476 Filed 12-9-75;8:45 a.m]

DEPARTMENT OF LABOR

Employee Benefit Security Office

[Prohibited Transaction Exemption 76-11]

WISCONSIN OPERATING ENGINEERS SKILL IMPROVEMENT AND APPRENTICESHIP FUND

Employee Benefit Plans: Exemption From Prohibitions Respecting Transaction

Notice is hereby given of the granting of an exemption under the authority of section 408(a) of the Employee Retirement Income Security Act of 1974 (the Act) relating to a proposed transaction involving the construction for the Wisconsin Operating Engineers Skill Improvement and Apprenticeship Fund (the Plan) of a new training center at Coloma, Wisconsin, by Griese-Ross Construction Company, Inc. (the party in interest with respect to the plan.

Background. On October 15, 1975, notice was published in the Federal Register (41 FR 45642) of the preliminary finding by the Department of Labor (the Department) of an exemption from the restrictions of section 408(a) of the Act for a transaction described in the application submitted by the Trustees of the Plan.

The notice set forth a summary of the facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. No public comments have been received.

Based upon the application filed by the Trustees of the Plan, the Department has decided to grant the requested exemption for the transaction described in the application.

General Information. The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act does not relieve a fiduciary or other party in interest with respect to a plan to which the exemption is applicable from certain other provisions of the Act, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which, among other things, requires a fiduciary to discharge his duties respecting the plan solely in the interest of the Plan participants and beneficiaries and Department finds that in accordance with section 404(a)(1)(B) of the Act:

(1) The transaction is the subject of an exemption not diispositive of whether the transaction would have been a prohibited transaction in the absence of such exemption; and

(2) The exemption contained herein does not waive or modify statutory prohibitions under section 406(b) of the Act.

Notice is hereby given of the granting of an exemption for the transaction described in the application filed by the Trustees of the Plan.

Exemption. Pursuant to section 408(a) of the Act, and in accordance with the procedure set forth in ERISA Procedure 75-1 (40 FR 39441, April 25, 1975) and the Department's procedures set forth in Part 75 of the Code of Federal Regulations, the exemption set forth herein is granted to the Plan, the Plan's participants and beneficiaries, consistent with section 404(a) of the Act.

The availability of this exemption is subject to the express conditions that the material facts and representations contained in the application for exemption are true, complete and accurate, and that the application accurately describes all material terms of the transaction to be consummated pursuant to the exemption.

Signed at Washington, D.C., this 5th day of December 1975.

WILLIAM J. CHADWICK,
Administrator of Pension and Welfare Benefit Programs, Department of Labor.

[FR Doc.75-35476 Filed 12-9-75;8:45 a.m]

Employment and Training Administration

EMPLOYMENT TRANSFER AND BUSINESS COMPETITION

Applications

The organizations listed in the attachment have applied to the Secretary of Agriculture for financial assistance in the form of grants, loans, or loan guarantees in order to establish or improve facilities at the locations listed for the purposes given in the attached list. The financial assistance would be authorized by the Consolidated Farm and Rural Development Act, as amended, 7 U.S.C. 1921 et seq. (1975), or 1947(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, if there is no substantial judgment that such goods, materials, commodities, services, or facilities will employ the efficient capacity of existing competitive enterprises and/or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the same industry in the local area.

The Secretary of Labor has reviewed and certified the applications set forth at 29 CFR Part 76. In determining whether the applications should be approved or denied, the Secretary will take into consideration the following factors:

1. The overall employment and unemployment situation in the local area in which the proposed facility will be located.

2. Employment trends in the same industry in the local area.

3. The potential effect of the new facility upon the local labor market, with particular emphasis upon its potential impact upon competitive enterprises in the same area.

4. The competitive effect upon other facilities in the same industry located in other areas (where such competition is a factor).

5. In the case of applications involving the establishment of branch plants or facilities, the potential effect of such new facilities on other existing plants or facilities operated by the applicant.

All persons wishing to bring to the attention of the Secretary of Labor any information pertinent to the determinations which must be made regarding these applications are invited to submit such information in writing within two weeks of publication of this notice to: Deputy Assistant Secretary for Employment and Training, 631 D St., N.W., Washington, D.C. 20213.

Signed at Washington, D.C., this 5th day of December 1975.

BILLY E. BURKINS,
Deputy Assistant Secretary for Employment and Training.

FEDERAL REGISTER, VOL. 41, NO. 239—FRIDAY, DECEMBER 10, 1976
### Indiana State Standards

**Notice of Approval**

1. **Background.** Part 1053 of Title 29, Code of Federal Regulations, prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 676) (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called Regional Administrator) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) (29 CFR 1953.4) will review and approve State standards promulgated pursuant to a State plan which has been approved in accordance with section 18(c) of the Act and 29 CFR Part 1952.

2. **4. Public participation.** Under § 1953.2 (c) of this chapter, the Assistant Secretary may prescribe alternative procedures to expedite the public review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds good cause exists for not publishing the supplement to the Indiana State plan as a proposed change and making the Regional Administrator's approval effective upon publication for the following reasons:

   1. The standards are identical to the Federal standards and are therefore deemed to be at least as effective.
   2. The standards were adopted in accordance with the procedures of State law and further public participation would be unnecessary.

   This decision is effective this 11th day of December 1976.

   (Sec. 18, Pub. L. 91-596, 84 Stat. 1095 (29 U.S.C. 676)).

   Signed at Chicago, Illinois this 27th day of September 1976.

   NICHOLAS D'ARCHANGELI,
   Acting Regional Administrator.

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### Occupational Safety and Health Administration

**FEDERAL ADVISORY COUNCIL ON OCCUPATIONAL SAFETY AND HEALTH**

**Change of Meeting Date**

On November 23, 1976, a notice was published in the Federal Register (41 FR 51625) that a FACOSH meeting was scheduled for December 15, Additional time is needed for preparation of agenda items and the meeting is rescheduled for January 26, 1977. The room location is changed to SS315 ABC, New Department of Labor Building, 200 Constitution Avenue, N.W. Washington, D.C. 20210.

Submission of comments is rescheduled to close of business January 24 and requests for oral presentation to close of business January 25.

Signed at Washington, D.C. this 7th day of December 1976.

B. M. CONKLIN,
Deputy Assistant Secretary of Labor.

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### Applications Received during the Week Ending December 5, 1976

<table>
<thead>
<tr>
<th>Name of applicant</th>
<th>Location of enterprise</th>
<th>Principal product or activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>King Bros. Wholesale Co., Inc.</td>
<td>Dunkirk, N.Y.</td>
<td>Manufacturing of ready-to-hang door units, vinyl combination windows and doors, and wood doors</td>
</tr>
<tr>
<td>Taylor J. Whittington, Electric Co.</td>
<td>Martinsburg, W. Va.</td>
<td>Electrical contracting and services, and wholesale electrical equipment and supplies</td>
</tr>
<tr>
<td>Young Manufacturing Co., Inc.</td>
<td>Norwood, N.O.</td>
<td>Manufacturing of wood furniture and store fixtures, counters and showcases</td>
</tr>
<tr>
<td>Fisker Vehicles, Inc.</td>
<td>Kington, Ohio</td>
<td>Manufacture of sub-propulsion high lift trucks and lift truck operators and spreaders</td>
</tr>
<tr>
<td>Norman Homes Inc.</td>
<td>Cold Spring, Minn.</td>
<td>Manufacture of component parts in the building industry</td>
</tr>
<tr>
<td>Hungry Foods Corp. (Renamed of the city of</td>
<td>Milan, Mo.</td>
<td>Preparation of beef, pork, and poultry products, frozen dinners, and other frozen specialties and snacks</td>
</tr>
</tbody>
</table>

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**INDIANA STATE STANDARDS**

**Notice of Approval**

1. **Background.** Part 1053 of Title 29, Code of Federal Regulations prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 676) (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called Regional Administrator) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with section 18(c) of the Act and 29 CFR Part 1952. On March 6, 1974, notice was published in the Federal Register (30 FR 6011) of the approval of the Indiana plan and the adoption of Subpart Z to Part 1953 containing the decision.

   The Indiana plan provides for the adoption of Federal standards which are at least as effective as comparable Federal standards promulgated under section 6 of the Act. By letter dated January 30, 1976, from William H. Lanam, Commissioner, Indiana Division of Labor, to Edward E. Esteswald, Regional Administrator for Occupational Safety and Health Administration, and incorporated as part of the plan, the State submitted State standards comparable to all changes, additions, deletions and corrections in 29 CFR Parts 1910, 1915, 1921, 1924, 1926, 1928, from May 2, 1972, to December 31, 1976, through March 30, 1976, which were promulgated after public comment and review and the adoption of Subpart Z to Part 1953.

   The standards are identical to the Federal standards and are hereby approved.

   Having reviewed the State submission in comparison with the Federal standards it has been determined that the State standards are identical to the Federal standards and are hereby approved.

   3. **Location of supplement for inspection and copying.** A copy of the standards supplement, along with the approved supplement, was received and approved.

   **Decision.** Having reviewed the State submission in comparison with the Federal standards, it has been determined that the State standards are identical to the Federal standards and are hereby approved.

   **Indiana Administrative Adjudication Act.**

   **3. Location of supplement for inspection and copying.** A copy of the standard supplement, along with the approved supplement, was received and approved.

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**FEDERAL REGISTER, VOL. 41, NO. 239—FRIDAY, DECEMBER 10, 1976**
plan, may be inspected and copied during normal business hours at the following locations: Office of the Regional Administrator, Occupational Safety and Health Administration, 230 South Dearborn Street, Chicago, Illinois 60604; State of Indiana, Division of Labor, 1013 State Street, Building, Indianapolis, Indiana 46204; and the office of Federal Compliance and State Programs, Room N3605, 200 Constitution Avenue, NW., Washington, D.C. 20210.

4. Public participation. Under § 1933.2(c) of this chapter, the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause, which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the Indiana State plan as a proposed change and making the Regional Administrator's approval effective upon publication for the following reasons:

The standard was adopted in accordance with the procedural requirements of State law, which included public comment and further public participation would be repetitious.

This decision is effective this 16th day of December, 1976.

Signed at Chicago, Illinois this 28th day of September, 1976.

NICHOLAS DRÁCKENBERG,
Acting Regional Administrator.

Office of the Secretary
[FR Doc.76-38318 Filed 12-9-76; 8:45 am]

KAISER REFRACTORIES COLUMBIANA, OHIO

Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on September 24, 1976, in response to a worker petition dated September 3, 1976, which was filed on behalf of workers at Kaiser Refractories at Allegheny Ludlum's Brackenridge plant, which was part of an integrated production process of stainless and silica steel products. Workers at the Brackenridge plant of Allegheny Ludlum were certified as eligible to apply for trade adjustment assistance on May 27, 1976 (TA-W-759).

During the course of the investigation, it was established that the maintenance work performed by workers of Kaiser Refractories at Allegheny Ludlum's Brackenridge plant was part of an integrated production process of stainless and silica steel products. Workers at the Brackenridge plant of Allegheny Ludlum were certified as eligible to apply for trade adjustment assistance on May 27, 1976 (TA-W-759).

Further investigation is being conducted regarding (TA-W-759) to determine whether workers employed by Kaiser Refractories at the Allegheny Ludlum, Brackenridge plant should be covered by that certification. A new investigation would serve no purpose; consequently investigation TA-W-759 has been terminated.

Signed at Washington, D.C. this 23rd day of November, 1976.

MAUREEN M. FOOTE,
Director, Office of Trade Adjustment Assistance.

[FR Doc.76-38322 Filed 12-9-76; 8:45 am]

NATIONAL SCIENCE FOUNDATION
EXECUTIVE COMMITTEE OF THE NATIONAL SCIENCE BOARD

Announcement and Agenda of Meeting
The Executive Committee of the National Science Board, the policy-making body of the National Science Foundation, will meet via a telephone conference call from 12:45 to 1:15 p.m. EST on Wednesday, December 15, 1976.

Three subjects will be discussed at this meeting:
1. A new session of the concept versus standard issue will be held.
2. A new session of the data versus the enunciation of procedure will be held.
3. The management of the laboratory will be discussed.

Office of the Secretary
[FR Doc.76-38319 Filed 12-9-76; 8:45 am]

OFFICE OF THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS

[Doctet No. 301-11]

FLORIDA CITRUS COMMISSION AND CALIFORNIA-ARIZONA CITRUS LEAGUE, TEXAS CITRUS GROWERS' UNION, TEXAS CITRUS TRAMSCITRUS EXCHANGE

Postponement of Hearing

A hearing in this case was originally scheduled for 10 a.m. on Friday, January 14, 1977, at the Office of the Special Representative for Trade Negotiations, 1800 G Street, N.W., Washington, D.C., Room 730 (FR 52567).

The petitioner has requested that the hearing be postponed. Consequently, the hearing has been rescheduled for January 25, 1977, at 10 a.m. in Room 730, Office of the Special Representative for Trade Negotiations, 1800 G Street, N.W., Washington, D.C.

A final date of January 7, 1977, was earlier fixed for receipt of requests to present oral testimony with accompanying briefs. In light of the postponement of the hearing, this deadline is extended until January 16, 1977.

MORTON PORENZAZER,
Chairman, Section 301 Committee Office of the Special Representative for Trade Negotiations.

[FR Doc.76-38318 Filed 12-9-76; 8:45 am]

POSTAL RATE COMMISSION

[Doctet No. NOS 75-1-2160 76-4; Order No. 1194]

MAIL CLASSIFICATION SCHEDULE, 1976
Order Postponing Proceedings

DECEMBER 7, 1976.

The Commission is in receipt of a request from the Commission on Postal Service (CPS), established by Pub. L. 94-421 (September 24, 1976), asking for a revision of the December hearing schedule so that participants in these proceedings will have a full and fair opportunity to present their views to this Commission. This letter request is dated December 2 and was transmitted to all commenters by David A. Minton, Esq., the Executive Director of the Commission on Postal Service. See attachment below.

The CPS' letter observes, and we are aware, that it is performing its functions under an exceedingly tight statutory deadline under which it is required to submit a report on its multidimensional study assignments to the Congress by March 15, 1977. In order that this deadline can be met the CPS has solicited the comments and views of interested parties with respect to the issues set out in section 7(b) of Pub. L. 94-421. This request has been published in the Federal Register and comments are due December 15, 1976.

In light of the above, and as a matter of comity to another agency of the Federal establishment, we have decided that the request is meritorious and should be granted.

41 FR 41231-36 (November 22, 1976).
NOTICES

It is ordered, that the Administrative Law Judge presiding in these dockets abate all procedural steps previously scheduled in these proceedings (including dates for the filing of testimony) for a period of three to four weeks. It is expected that Judge Morse will issue appropriate revised procedural schedules consistent with this order; pending such issuance these proceedings are hereby postponed, except as provided below.

It is further ordered, that this order will be effective upon the close of business December 10, 1976. Witnesses and proceedings now scheduled for December 5, 9 and 10 will continue forward as presently scheduled on those dates.

By the Commission.

JAMES R. LINDSAY,
Secretary.


Hon. CLINTON S. DOFFORT,
Chairman, Postal Rate Commission, 2000 L Street, NW., Washington, D.C.

Dear Mr. Chairman: The Commission on Postal Service has published a notice in the Federal Register requesting interested parties to submit comments on the issues set out in section 7(b) of Pub. L. 94–431. The comments are due December 24, 1976 and reply comments are due January 7, 1977.

Most of the attorneys representing major mail users have made clarifications in these proceedings before your Commission. In particular, attorneys representing second-class mail users are engaged in a heavy schedule of hearings before the Administrative Law Judge during this time period. Although I fully appreciate that your Commission’s schedule is geared for completion in a short time, our study commission’s schedule is extremely tight and we are required by law to submit a final report to the Congress no later than March 15, 1977. I would very much appreciate it if you would consider asking Judge Morse to reschedule the December hearing schedule so that participants in both proceedings will have a full and fair opportunity to present their views to this Commission.

Sincerely,

DAVID MYERS,
Executive Director.

[FED Doc.70–36207 Filed 12–9–76; 8:45 am]

PRESIDENT’S COMMISSION ON WHITE HOUSE FELLOWSHIPS

MEETING

Pursuant to section 10 of Pub. L. 92–463, the Federal Advisory Committee Act, notice has been given that a meeting of the President’s Commission on White House Fellowships will be held on January 14, 1977, from 9:30 a.m. to 5:30 p.m. in the Civil Service Commission Building, 1000 “E” Street, NW., Room 5109, Washington, D.C.

This meeting is scheduled to give the Commission’s opportunity to complete the hearings on the current fellowship applications and to close the hearings in the program. The issues to be discussed will include the educational program, general program evaluation, Fellowship application and selection processes, job performance by current Fellows, endowment fund-raising, and other Commission matters.

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FEDERAL REGISTER, VOL. 41, NO. 239—FRIDAY, DECEMBER 10, 1976

It has been determined by the Chairman of the Civil Service Commission that those portions of the meeting, at which personnel files, confidential character references and related materials must be used, will fall within the provisions of section 552(b) (6) of Title 5 and section 552(b)(5) of Title 5, respectively, of the Government in the Sunshine Act. Therefore, all portions will be closed to the public. The balance of the meeting will be open to the public.

Questions about the agenda can be directed to (202) 693–2263.

BRUCE H. HASENKAMP,
Director.

DETERMINATION TO CLOSE A MEETING OF THE PRESIDENT'S COMMISSION ON WHITE HOUSE FELLOWSHIPS TO THE PUBLIC UNDER SECTION 10(d) OF THE FEDERAL ADVISORY COMMITTEE ACT, PUBLIC LAW 92–463.

Subsections (a) (1) and (a) (6) of section 10 of the Federal Advisory Committee Act, Pub. L. 92–463, require that each advisory committee meeting be open to the public and that minutes and other papers which are made available to or prepared for or by an advisory committee meeting be available for public inspection and copying. However, subsection (d) of section 10 provides that these requirements shall not apply to any advisory committee meeting that is determined to be concerned with matters listed in section 552(b) (6) of title 5, United States Code.

The meetings have been closed in previous years because of the use of confidential files and personal information which we believe are personnel files exempt from disclosure under 5 U.S.C. 552(b) (6).

Also, it has been noted by the Office of Legal Counsel, Department of Justice, that due to the nature of the Commission, its meetings may ordinarily fall within 5 U.S.C. 552(b) (6).

Therefore, it is hereby determined that the meetings of the President’s Commission on White House Fellowships consist of exchanges of opinions which, if written, would fall within exemption (9) of section 552(c) of title 5, United States Code, and would constitute a clearly unwarranted invasion of personal privacy. Accordingly, those portions of the meeting dealing with confidential files and character references, to be held on January 14, 1977, shall be closed to the public and the minutes and other papers of the President’s Commission on White House Fellowships pertaining to those portions shall not be available for public inspection or copying.

ROBERT E. HAMPTON,
Chairman.

U.S. Civil Service Commission.

[FED Doc.70–36205 Filed 12–9–76; 8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[Release No. 7923]

COLUMBIA GAS SYSTEM, INC., ET AL.

Proposed Open Account Advances to Subsidiary Companies By Parent Company Of Company With Issuance System Propay of Promissory Notes and Related Transactions

DECEMBER 3, 1976.


Notice is hereby given that The Columbia Gas System, Inc. ("Columbia"), a registered holding company, and its wholly-owned subsidiary in related transactions listed above, have filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") and Rule 492(b) (2) and 46 promulgated thereunder as applicable to the proposed transactions.

It is stated that during the winter heating season Columbia’s distribution subsidiary companies generate substantial amounts of cash in excess of current requirements. During the same period, however, the transmission subsidiary companies generate lesser amounts of cash and have generally larger construction expenditures, requiring Columbia to advance funds to such subsidiary companies. In recent years, the Commission has authorized open account advances by Columbia to subsidiaries which were designed to alleviate this situation. The present filing requests authorization to continue such transactions during the 1977 heating season.

It is proposed that the subsidiary companies listed below will pay prefiled from time to time prior to the end of 1977, with excess cash in aggregate amounts not to exceed the amounts set forth below, a portion of their outstanding installation promissory notes ("Notes") held by Columbia. The following amounts represent the estimated aggregate maximum excess funds that such companies are expected to accumulate at any one time during the year 1977:

Columbia Gas System Service Corp. $3,000,000
Columbia Gas Transmission Corp. $6,000,000
Columbia Gas of Pennsylvania, Inc. $30,000,000
Columbia Gas of New York, Inc. $5,000,000
Columbia Gas of Maryland, Inc. $4,000,000
Columbia Gas of Kentucky, Inc. $6,000,000
Columbia Gas of Virginia, Inc. $3,000,000
Columbia Gas of Ohio, Inc. $20,000,000
Columbia Gas of West Virginia, Inc. $76,000,000
Columbia LNG Corp. $1,000,000
Columbia Hydrocarbon Corp. $1,000,000
Columbia Gas Development Corp. $3,000,000
Columbia Corp. $3,500,000

Total $35,564,000
The Notes ("Indebtedness") prepaid by the individual companies will be those bearing the highest interest rate or rates outstanding at the time of such prepayment. Interest on such Indebtedness will cease upon prepayment and recommence upon reissuance. As any of such companies require funds for construction and other corporate purposes after prepayment, it is proposed that advances be made to them on open account by Columbia, provided that at no time will the amount of such advances to any subsidiary exceed the amount of Indebtedness therefore prepaid by it, less any current maturities applicable to prepaid Notes which would have matured subsequent to the date of prepayment.

The open account advances to any subsidiary company will bear interest commencing on the date of the advance, at the same rate or rates as borne by the Indebtedness prepaid theretofore. At the time such advances are made in amount equal to the amount of Indebtedness prepaid theretofore, they will be reinstated in repayment of the Indebtedness prepaid theretofore. At such time as advances to any subsidiary company equal the aggregated amount of the Indebtedness prepaid theretofore, at that time or not later than December 31, 1977, such prepaid Indebtedness will be reinstated in repayment of the outstanding open account advances.

Financing of construction, gas storage programs of any operating subsidiary company pursuant to Commission authorization will not be consummated until such time as advances have been made in amount equal to the amount of Indebtedness prepaid. Any subsidiary company which during 1977 has borrowings from Columbia in an amount smaller than the amount of Indebtedness theretofore prepaid by it will, on December 31, 1977, reinstate its Indebtedness in an amount sufficient to discharge its open account borrowings, and the balance of its prepaid Indebtedness will be considered to have been permanently prepaid. Such permanent prepayment would be applied against Indebtedness bearing the highest interest rates and would be consummated only with respect to Indebtedness bearing interest at a rate equal to or in excess of the rate applicable to borrowings by such subsidiary company from Columbia as of December 31, 1977. In the event that a permanent prepayment by any subsidiary company would be indicated with respect to Notes bearing an interest rate less than the rate applicable to debt purchased by Columbia from subsidiary companies at December 31, 1977, such subsidiary company will be permitted to make such prepayment at the end of 1977.

It is stated that the proposed transactions are designed to achieve the following: (1) flexibility to prepay at the earliest possible date inventory loans with commercial banks and other short-term borrowings, (2) deferral of outside financing until aggregate system funds approach a minimum balance, (3) facilitate the internal financing of emergency requirements, and (4) allow subsidiaries, during any period in which they have excess cash, to temporarily prepay Notes owed Columbia, thereby decreasing their own net corporate interest expense.

Expenses to be incurred by Columbia and its subsidiary companies in connection with the proposed transactions are estimated at $5,000, including $2,250 for services, at cost, provided by Columbia Gas System Service Corporation.

It is stated that the Public Service Commission of West Virginia has authorized the prepayment and reissuance of prepaid Notes by Columbia Gas of West Virginia, Inc., that the Public Service Commission of New York has authorized the reissuance of prepaid Notes by Columbia Gas of New York, Inc., that the Public Service Commission of Kentucky has authorized the reissuance of prepaid Notes by Columbia Gas of Kentucky, Inc., and that the State Corporation Commission of Virginia has authorized the reissuance of prepaid Notes by Columbia Gas of Virginia, Inc. It is represented that no other State or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given, that any interested person may, not later than December 29, 1976, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified should the Commission order a hearing to reestablish the conditions specified in this application. Any request should be addressed to: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicants-declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons, Secretary.

[FED Doc. 76-3293 Filed 12-9-76  8:45 a.m.]

[Release No. 19778]

CONSOLIDATED NATURAL GAS CO., ET AL.

Proposed Open Account Advances to Subsidiary Companies by Parent Company in Connection With Intrasystem Prepayment of Promissory Notes and Related Transactions

DECEMBER 3, 1976.

In the Matter of Consolidated Natural Gas Co.; CNG Producing Co.; Consolidated Gas Supply Corp.; The East Ohio Gas Co.; The Peoples Natural Gas Co.; and West Ohio Gas Co.

Notice is hereby given, that Consolidated Natural Gas Company ("Consolidated") and its subsidiary companies, CNG Producing Company ("CNG Producing"), Consolidated Gas Supply Corporation ("Gas Supply"), The East Ohio Gas Company ("East Ohio"), The Peoples Natural Gas Company ("Peoples"), and West Ohio Gas Company ("West Ohio"), have filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6, 7, 9(a), (10), and 15(b) of the Act and Rules 42(b) (2), 45 and 50(a)(3) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

It is stated that Consolidated's distribution subsidiaries seasonally accumulate cash and are above current requirements because of their large winter heating business. Other subsidiaries, presently engaged in developing gas supply, have little or no operating cash flow and regularly require capital financing from Consolidated. Therefore, Consolidated may be making short-term borrowings when distribution subsidiaries are making temporary money market investments outside the Consolidated System. It is stated that it would be advantageous to alleviate this situation, and the present filing is designed to establish financing procedures that optimize the internal utilization of excess cash funds accumulated with the System.

It is proposed that the following subsidiaries make temporary prepayments on long-term notes held by Consolidated in excess of such funds: (a) subsidiaries other than Consolidated itself; and (b) subsidiaries other than Consolidated itself; and (b) subsidiaries other than Consolidated itself. At any time prior to December 31, 1977, not exceeding at any time the aggregate amounts set forth below:

FEDERAL REGISTER, VOL 41, NO. 239—FRIDAY, DECEMBER 10, 1976
CNG Producing ........................................... $15,000,000
Gas Supply .................................................. 80,000,000
East Peuples .................................................. 15,000,000
West Ohio ...................................................... 3,600,000
Total ............................................................ 133,500,000

Consolidated estimates that the aggregate prepayment of $133,500,000 is the maximum that can be utilized for the temporary financing of other subsidiaries in the System during 1977.

The long-term notes temporarily prepaid by each subsidiary will be reinstated in repayment of the notes prepaid, less any current maturities, by the respective subsidiaries. However, at no time will the aggregate amount not to exceed the maximum amount of such notes outstanding in any one time which would not exceed $110,000,000.

Jersey Central now requests an extension of time to December 31, 1977, to make such borrowings.

The short term notes will bear interest at the lending bank’s prime interest rate plus 10 percent, the effective cost of borrowing at the date of issue of the notes, will be payable at any time without premium, and will not be issued as part of a public offering.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[JBER No. 19786]
NOTICES

50,810,000

Louisiana proposes, from time to time, to borrow from, pay and/or reborrow from one or more commercial banks and to issue and sell commercial paper to a dealer or broker in such securities in an aggregate principal amount not exceeding $50,000,000 outstanding at any one time.

The proposed commercial bank loans would be evidenced by unsecured promissory notes of Louisiana, each to the order of the lending bank, maturing not later than December 31, 1978, and bearing interest at the prime rate in effect from time to time at certain New York banks. Such notes would be subject to prepayment in whole at any time or in part from time to time without penalty or premium.

Set forth below are the respective maximum amounts which the banks participating in the band loans have committed themselves to lend during the period through December 31, 1977:

<table>
<thead>
<tr>
<th>Bank</th>
<th>Maximum Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Chase Manhattan Bank (National Association), New York,</td>
<td>$20,000,000</td>
</tr>
<tr>
<td>Whitney National Bank of New Orleans, Louisiana</td>
<td>$10,000,000</td>
</tr>
<tr>
<td>First National Bank of Commerce, New Orleans, Louisiana</td>
<td>$6,000,000</td>
</tr>
<tr>
<td>The Eberl &amp; Company, New Orleans, Louisiana</td>
<td>$6,000,000</td>
</tr>
<tr>
<td>National American Bank of New Orleans, Louisiana</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>Irving Trust Co., New Orleans, Louisiana</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>Fidelity Trust Co., New Orleans, Louisiana</td>
<td>$30,000,000</td>
</tr>
<tr>
<td>Central Bank, Monroe, Louisiana</td>
<td>$500,000</td>
</tr>
<tr>
<td>First National Bank of Terrebonne Bank &amp; Trust Co., New Orleans, Louisiana</td>
<td>$500,000</td>
</tr>
<tr>
<td>Citizens Bank &amp; Trust Co., New Orleans, Louisiana</td>
<td>$350,000</td>
</tr>
<tr>
<td>Total</td>
<td>50,810,000</td>
</tr>
</tbody>
</table>

Louisiana maintains accounts with the lending banks, and on September 30, 1976, balances in such accounts aggregated $3,078,728. Although the balances in some of these accounts may be deemed to be compensating, most of these bank accounts are working accounts and fluctuations in their balances do not reflect borrowing fluctuations in the amount of bank loans outstanding. The minimum balances customarily maintained in such bank accounts aggregate $2,301,000. Louisiana believes that these balances are adequate as of this time. If minimum balances of 10 percent or 20 percent were required, the effective rate of interest would be 7.22 percent and 8.13 percent, respectively, using the present prime rate of 6.5 percent.

The commercial paper will be sold by Louisiana directly to Lehman Commercial Paper Incorporated ("Lehman") in denominations of not less than $50,000 or more than $1,000,000 at a discount which will not exceed the discount rate per annum prevailing at the date of issue for such commercial paper of comparable quality by public utility companies and by prime dealers. The maximum amount of commercial paper purchased and outstanding at any one time will not exceed $50,000,000. The proposed commercial paper of Louisiana would be in the form of unsecured bearer notes maturing not longer than nine months after the date of issue. No other fees, commissions or additional charges will be payable by Louisiana to Lehman in connection with such commercial paper. The commercial paper will not be prepayable prior to maturity.

The proceeds of the borrowings herein proposed will be used, together with other funds available to Louisiana, for the construction of new facilities, for additions and improvements to present facilities, and for other corporate purposes.

Louisiana will not issue any of its commercial paper notes having a maturity of more than 90 days at an effective interest rate which exceeds the current cost at which Louisiana could borrow from banks, and, in general, the nature of the borrowing or borrowings made at any particular time will be based on the basis of market conditions with a view toward obtaining borrowed funds at the lowest possible cost.

The net proceeds of the borrowings herein proposed will be used, together with other funds available to Louisiana, for the construction of new facilities, for additions and improvements to present facilities, and for other corporate purposes.

Louisiana proposes to file with the Federal Reserve System the competitive bidding requirements of Rule 50 for the issue and sale of commercial paper and to allow competitive bidding for such prime paper by prime dealers as authorized by the Federal Reserve System.

Louisiana also requests exception from the competitive bidding requirements of Rule 50 for the proposed issue and sale of its commercial paper pursuant to paragraph (a) (5) thereof. It is stated that it is not practical to invite competitive bids for commercial paper and that current rates for commercial paper for such prime borrowers as Louisiana are published daily in financial publications.
certificates with Rule 24 with respect to the issue and sale of commercial paper on a quarterly basis.

No State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction. The fees, commissions and expenses to be incurred in connection with these transactions are estimated at $3,000 including legal fees not to exceed $1,000.

**Notice is further given**. That any interested person may, not later than December 28, 1976, request that he be heard on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he deems controverted. Any such request shall be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicant-declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or take such other action as it may deem appropriate, shall be served with the application-declaration (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

**George A. Fitzsimmons**, Secretary.

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**MIDDLE SOUTH UTILITIES, INC., INC. AND MIDDLE SOUTH ENERGY, INC.**

Proposal by Subsidiary Company To Issue and Sell Common Stock to Its Parent Holding Company

**December 3, 1976.**

Notice is hereby given that Middle South Utilities, Inc. ("Middle South"), a registered holding company and a subsidiary company of Middle South Energy, Inc. ("MSEI"),...
Since its organization in 1973, SFI has carried out an extension program for the procurement, storage, and transportation of fuel for the Operating Companies and for the Mountain States Energy Company, the other operating subsidiary of Middle South. By order in another proceeding dated December 17, 1973, and December 24, 1975 (HCAR Nos. 18221 and 18314), the Commission authorized borrowings by SFI from the Operating Companies under a Loan Agreement through December 31, 1976, to be used by SFI to finance those fuel procurement, storage, and handling programs envisaged by SFI in its ordinary course of its fuel supply business and not requiring special authorization or separate financing.

SFI now proposes to extend the term of said Loan Agreement to December 31, 1977, in order to finance, in part, transactions entered into by it in the ordinary course of its fuel supply business and not requiring special authorization or separate financing.

SFI proposes to extend the term of said Loan Agreement to December 31, 1977, in order to finance, in part, transactions entered into by it in the ordinary course of its fuel supply business and not requiring special authorization or separate financing.

1. The Operating Companies, in connection with a transaction in the ordinary course of SFI's fuel supply business and not involving the issuance of a certificate of public convenience and necessity, will extend to SFI that the Operating Companies will, in accordance with their respective certificates of public convenience and necessity, extend to SFI, on or before December 31, 1978, the term and interest rate of the loan and SFI will, on or before December 31, 1978, repay the amount of the loan.

NOTICES

FEDERAL REGISTER, VOL. 41, NO. 229—FRIDAY, DECEMBER 10, 1976

54045

YANKEE ATOMIC ELECTRIC CO.

Proposed Issue and Sale of Short-Term Promissory Notes to a Bank and a Dealer in Commercial Paper and Request for Exemption From Competitive Bidding

DECEMBER 3, 1976.

Notice Is Hereby Given that Yankee Atomic Electric Company ("Yankee Atomic"), an electric utility subsidiary company of New England Electric System and Northeast Utilities, registered holding companies, has filed an application for exemption from competitive bidding pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a) and 7 of the Act and Rule 24(b) (2) of the General Rules and Regulations promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application and declaration, which is summarized below, for a complete statement of the proposed transactions.

Yankee Atomic proposes to issue and sell from time to time, but not later than December 31, 1977, short-term promissory notes, in order to finance the acquisition of nuclear fuel and to make necessary plant improvements. The notes are expected to be sold to The First National Bank of Boston, Massachusetts, or to A. G. Becker & Company, Incorporated ("Becker"), a dealer in commercial paper, or both, up to a maximum aggregate principal amount of $20,000,000 to be outstanding at any one time.

The proposed short-term borrowings will be repaid from time to time in part from internally generated funds and the balance will be refinanced either through additional short-term borrowings or permanent financing.

The proposed borrowings from The First National Bank of Boston will be evidenced by notes payable maturing in less than one year. The rate of interest and will provide for prior payment in whole or in part without premium. The notes will bear interest at not in excess of the prime rate at such bank; in effect at the time borrowings are made. If balances were maintained to solely fulfill requirements of compensating balances, interest requirements of 20 percent, the effective interest cost to Yankee Atomic would be approximately 8.123 percent per annum based on the current prime rate of 6.5 percent.
NOTICES

Yankee Atomic also proposes to issue and sell commercial paper during the period through December 31, 1977, directly to Becker. Becker, as a principal, will reoffer such commercial paper to not more than 200 of its customers whose names appear on a nonpublic list prepared by Becker in advance. In no additions will be made to such list of customers. The terms of Rule 50 by reason of paragraph (a) (6) thereof. It is further stated that the payment of any note for commercial paper is exempted from the provisions of Section 9(a) and Rule 42(a) by reason of Rule 40. The fees and expenses to be incurred by Yankee Atomic in connection with the proposed transactions will be approximately $3,000, including $1,000 for services performed at cost by New England Power Service Company, an affiliate of Yankee Atomic. It is stated that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transactions. The above-declared intent is stated that authority be granted to file certificates under Rule 24 reporting transactions consummated pursuant to this filing on a quarterly basis.

Notice is further given that any interested person may, not later than December 27, 1976, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed; Secretary, Interstate, Securities, and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the declarant at the above-stated address, and proof of service shall be filed with the Commission.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority. GEORGE A. PETERSIMMONS, Secretary.

SMALL BUSINESS ADMINISTRATION

AMERICAN ASIAN CAPITAL CORP.

Issuance of License To Operate as a Small Business Investment Co.

On July 6, 1976, a notice was published in the Federal Register (41 F.R. 7798) stating that American Asian Capital Corporation, located at 75 East Broadway, New York, New York 10002, had filed an application with the Small Business Administration for a license to operate as a small business investment company under the provisions of section 301(d) of the Small Business Investment Act of 1958, as amended.

Interested parties were given until the close of business May 2, 1976, to submit their comments to SBA. No comments were received.

Notice is hereby given that, having considered the application and all other pertinent information, SBA issued License No. 02/02-5316 to American Asian Capital Corporation, on November 12, 1976, to operate as a small business investment company, pursuant to section 301(d) of the Act.

(Catalog of Federal Domestic Assistance Program No. 60.011, Small Business Investment Companies)

Dated: December 1, 1976.

PETER F. MCNEELY, Deputy Associate Administrator for Investment.

[FR Doc.76-26399 Filed 12-9-76; 8:45 am]

SOUTHWEST CAPITAL INVESTMENTS, INC.

Conflict of Interest Transaction Between Associates

Notice is hereby given, pursuant to § 107.1004 of the Small Business Investment companies (13 CFR 107.1004 (1976)), by the Small Business Administration (SBA) of a conflict of interest transaction between Southwest Capital Investments, Inc. (SCI), 127-B Jefferson, N.E., Albuquerque, New Mexico 87106, and the Licensee, as defined in the Small Business Investment Act of 1958, (The Act), and its parent.

The subject Licensee is a wholly-owned subsidiary of Southwest Capital Corporation (formerly New Mexico Educators Investment Corporation) located at 127-C Jefferson, N.E., Albuquerque, New Mexico 87106, and is a Federal Licensee under the Small Business Investment Act of 1958 (The Act).

On February 2, 1976, Southwest Capital Corporation loaned $55,000 to The Guardian Group, Inc. (Guardian) which it used as part of the total purchase price to acquire ownership of National Heating & Ventilating Company, Inc., (National). Guardian is located at 610 Iron S.E., Albuquerque, New Mexico 87102. At about the same time Mr. Roger Ford, president of the subject Licensee, became a director of Guardian.

Mr. Ford has advised SBA that SCI wanted to make this loan to Guardian originally, but it did not yet have its SBA license. To avoid losing the investment opportunity, the Licensee's parent made the loan and Mr. Ford went on Guardian's board to protect the parent's interests. At a later date the Licensee arranged a paper transaction causing Guardian to pay off the note due the Licensee's parent and refinancing the loan itself on about the same terms. On July 19, 1976, Guardian signed the note and Mr. Ford resigned from Guardian's board on the same day.

As such, this refinancing by SCI would contravene the provisions of § 107.1004 (b) (1) of the SBA Rules and Regulations. SBA may grant exemption from this provision if, after due notice and opportunity for hearing, SBA finds that it is in the public interest to do so.

NOTICES

Notice is further given that any person may, on or before December 27, 1976, submit to SBA, in writing, comments on this transaction. Any such comments should be addressed to: Associate Administrator for Finance and Investment, Small Business Administration, 1441 "L" Street, N.W., Washington, D.C. 20416.

A copy of this notice shall be published by the Licensee in a newspaper of general circulation in Albuquerque, New Mexico.

(Catalog of Federal Domestic Assistance Program No. 00.01, Small Business Investment Companies)

Dated: December 1, 1976.

PETER F. MCMURR, Deputy Associate Administrator for Investment.

[FR Doc.76-26567 Filed 12-9-76; 8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[FRA Docket No. HS-4, Notice No. 5]

HOURS OF SERVICE ACT INTERPRETATIONS

Further Extension of Time to Comment

On September 29, 1976, the Federal Railroad Administration (FRA) published in the Federal Register a proposed statement of agency policy and interpretation concerning the Hours of Service Act, as amended (49 U.S.C. 61-64d) (1 FR 49163). On November 2, 1976, FRA published a notice extending the time for comment to November 29, 1976, and announcing a public conference which was to have been convened on November 19, 1976, at the initiative of FRA (1 FR 49816). On November 16, 1976, FRA published a notice announcing the postponement of the public conference on an indefinite basis (1 FR 50529). On November 29, 1976, FRA published a notice announcing that the public conference would not be rescheduled and further extending the comment period through December 19, 1976 (1 FR 50571).

The Brotherhood of Railroad Signalman and the National Railway Labor Committee have now requested additional time within which to explore certain material issues which have arisen in their current discussions. Those issues impact concurrently on the resolution of significant economic issues arising under collective bargaining agreements and on the ability of the parties to come forward with a joint proposal concerning construction of the Hours of Service Act that is consistent with those agreements. FRA believes that it is in the public interest to encourage these cooperative efforts. Accordingly, the time for comment in this docket is extended through the close of business on Friday, December 17, 1976. All submissions received by that date will be considered in formulating the statement of agency policy and interpretation.

Issued at Washington, D.C. on December 8, 1976.

R. LAWRENCE MCCAFFREY, Jr., Chief Counsel.

[FR Doc.76-30404 Filed 12-9-76; 8:45 am]

UNITED STATES INFORMATION AGENCY

PRIVACY ACT OF 1974

Notice of Systems of Records

In the Federal Register of September 29, 1976 (41 FR 41824), the United States Information Agency published its first Annual Compilation of systems of records maintained by the Agency and subject to the Privacy Act of 1974. As described below, the Agency proposes to amend one of the systems of records included in that compilation, and to adopt a system of records which has not yet been announced because of administrative oversight. Amendments to the Agency's procedures in connection with access to these systems of records are proposed to 22 CFR, Chapter V.

Further, for the following paragraph after the last paragraph designated "Record source categories":

Certain records contained within this system of records may be exempted from 5 U.S.C. 552a(c) (3), (d), (e) (1), (e) () (O), (H), and (O). See amendments to 22 CFR, Chapter V, § 550.15 as published in the proposed rule section of the Federal Register for December 10, 1976.

In addition, the Agency proposes to adopt the following system of records, "USIA-53—Privacy Act/Freedom of Information Act File—1/R—USIA," which has not been announced heretofore because of administrative oversight:

USIA-53

System name:

Privacy Act/Freedom of Information Act File—1/R—USIA.

Issued at Washington, D.C. on December 8, 1976.

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[FR Doc.76-30404 Filed 12-9-76; 8:45 am]

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The hearings will be on the issues as appear below and will be published only
ments to 22 CFR., Chapter V, Part
system of records may be exempted from
the Freedom
Part
determinations
Mc 135185 (Su"-8), Columbine Carriers,
of cancellation or postponements of
ate steps to insure that they are notified
Interested parties should take appropri-
cases previously assigned hearing dates.
An attempt will be
1977
room to be later designated.

cases now being assigned March 21, 1977 (3 days) at Omaha, Nebraska in a hearing

I. AMERICAN TRANSPORT, Inc., now being assigned February 29, 1977 (1 day) at Omaha, Nebraska in a hearing

Office of Hearings
[Notice No. 209]
ASSIGNMENT OF HEARINGS
DECEMBER 7, 1976.
Cases assigned for hearing, postpone-
ment, cancellation or oral argument ap-
ppear below and will be held in
shall be notified of
cancellation of
ments of hearings in which they are interested.
MO-C-8666, J. Frances McCarthy d/b/a Mac

Coats, will be held on the Fifth Floor, 160 Causeway.

MO 138185 (Sub-28), Columbine Carriers,
now assigned January 12, 1977 at Boston, Mas-

ate, will be held on the Fifth Floor, 160 Causeway.

MO 138263 (Sub-87), Milton Transportation,
now assigned January 17, 1977 at Bos-

Coats, will be held on the Fifth Floor, 160 Causeway.

MO-C-15507, Barrie Express, Incor-

verse—Trans World Van Lines; Inc. and MO 9959 (Sub-9), Barrie Aus-

Eugene, Inc., now assigned January 17, 1977 at Har-

Pond, Connecticut, will be held in
U.S. Courthouse Federal Building, Room
132, 450 Main Street.

MO 133449 (Sub-47), Milton International Car-

riers, Inc., now assigned March 24, 1977 (2 days) at Dallas, Texas in a hearing

EUGENE, and MO 8928 (Sub-4), Barrie Aus-

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November 24, 1976. Applicant: TOMAHAWK TRUCKING, INC., P.O. Box O, Vernal, Utah 84078. Applicant's representative: E. L. Kier (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Drugs, medicines, toilet preparations, pet supplies and accessories (except in bulk), from Cranbury, N.J., to points in California, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Hyplains Dressed Beef, Inc., for 180 days. Supporting shipper: Hyplains Dressed Beef, Inc., P.O. Box 539, Dodge City, Kan. 67801. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 101A Litwin Bldg., 110 N. Market, Wichita, Kans. 67202.


No. MC 123269 (Sub-No. 6TA), filed November 26, 1976. Applicant: PEOLOSI CARTAGE INC., 7687 Grenache St., Ville d'Anjou, Quebec, Canada H1E 1C4. Applicant's representative: J. P. Vermette (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Sodium chloride, in bulk, in tank vehicles, from the ports of entry on the International Boundary Line between the United States and Canada located at or near Highgate Springs and Derby Line, Vt., to Woodland, Maine, restricted to the transportation of traffic in foreign commerce having an immediate prior movement originating in the Province of Quebec, Canada, for 90 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Georgia Pacific Corporation, Woodland, Maine. Send protests to: David A. Demers, District Supervisor, Interstate Commerce Commission, P.O. Box 548, Montpelier, Vt. 05602.
NOTICES

by motor vehicle, over irregular routes, transporting: Sand and sand with additives, in bulk, in dump or hopper type vehicles, over irregular routes, conveying a pneumatic unloading system, from the plant sites of other facilities of Kordell Industries, Division of Niles Chemical Paint Co., at or near Niskawaka, Ind., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Kordell Industries, Division of Niles Chemical Paint Co., James T. McGrath, Vice-President-Sales, 1057 3rd Ave., Chicago, Ill., 60607.

No. MC 138879 (Sub-No. 21TA), filed November 8, 1976, in the Pennsylvania Register issue of November 19, 1976, and republished as corrected, this issue. Applicant: SWIFT TRANSPORTATION COMPANY, INC., 333 W. Exchange St., Phoenix, Ariz. Applicant's representative: Donald F. Ferraya, 4040 East McDowell Road, Phoenix, Ariz. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Tires and tubes, from: Akron and Bryon, Ohio and Mayfield, Ky., to: points in New Mexico, Arizona, Colorado, Wyoming, and Kenmore, Wash., for 180 days. Applicant also has filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: (e) Redburn Tire Company, 3801 W. Clareond Avenue, Phoenix, Ariz. Send protest to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Room 3427 Federal Bldg., 230 N. First Ave., Phoenix, Ariz., 85003. The purpose of this republication is to correct the territorial description.

No. MC 138270 (Sub-No. 4TA), filed November 24, 1976. Applicant: GOLDEN TRIANGLE TRUCKING COMPANY, 1131 Memorial Drive, Nederland, Tex., 77636. Applicant's representative: Austin H. Hatchell, 1101 Perry Brooks Blvd., Austin, Tex., 78701. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Sand, gravel, crushed stone, treated and untreated, and crushed shell and asphalth (except in tank vehicles), in bulk, in dump vehicles, between points in Beauregard, Calcasieu, Cameron and Vernon Parishes, La., on the one hand and, on the other, points in Chambers, Hardin, Jefferson, and Orange Counties, Tex., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: (a) Kordell Industries, Division of Niles Chemical Paint Co., P.O. Box 9238, Beaumont, Tex., 77709. Kowyn Supply Company, P.O. Box 3153, Beaumont, Tex., 77704. Send protest to: John F. Menzing, Interstate Commerce Commission, 6810 Federal Bldg., 515 Rusk Ave., Houston, Tex., 77002.

No. MC 138274 (Sub-No. 38TA), filed November 24, 1976. Applicant: SHIPPERS BEST EXPRESS, INC., 2151 N. Redwood Road, Salt Lake City, Utah 84116. Applicant's representative: Chester Zylmut, 366 Executive Blvd., 1030 Fifteenth St. NW., Washington, D.C. 20005. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Canons goods i.e. canned tuna and canned pet food, from Terminal Island, Calif., to: points in Colorado, Kansas, Missouri, Nebraska, Iowa, Arizona, Minnesota, Wisconsin, North Dakota, South Dakota, Michigan, Illinois, Ohio, and Indiana, for 180 days. Supporting shipper: Star-Kist Foods, Inc., 582 Tuna St., Terminal Island, Calif., 90731. Send protest to: Lyle D. Helfer, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5301 Federal Bldg., 125 S. State St., Salt Lake City, Utah 84113.

No. MC 138274 (Sub-No. 37TA), filed November 24, 1976. Applicant: SHIPPERS BEST EXPRESS, INC., 2151 N. Redwood Road, Salt Lake City, Utah 84116. Applicant's representative: Chester Zylmut, 366 Executive Blvd., 1030 Fifteenth St. NW., Washington, D.C. 20005. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Canons goods i.e. canned tuna and canned pet food, from Terminal Island, Calif., to: points in Colorado, Kansas, Missouri, Nebraska, Iowa, Arizona, Minnesota, Wisconsin, North Dakota, South Dakota, Michigan, Illinois, Ohio, and Indiana, for 180 days. Supporting shipper: Star-Kist Foods, Inc., 582 Tuna St., Terminal Island, Calif., 90731. Send protest to: Lyle D. Helfer, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5301 Federal Bldg., 125 S. State St., Salt Lake City, Utah 84113.


No. MC 138958 (Sub-No. 18TA), filed November 29, 1976. Applicant: HARRY POOLE, INC., 2355 Koshkonong Road, Macon, Ga., 31201. Applicant's representative: William Addams, Suite 212, 6299 Reservoir Road NE., Atlanta, Ga., 30349. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Zinc sulphate, in bulk, in dump semi-trailers, and in bags, from Pelham, Ga., to: points in Alabama, Florida, Mississippi, North Carolina, South Carolina, Tennessee and Virginia, for 180 days. Applicant also has filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Phosphate Company, P.O. Box 468, Pelham, Ga., 31770. Send protest to: Sara K. Davis, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, 100 Peachtree St. NW., Room 846, Atlanta, Ga., 30309.

No. MC 140033 (Sub-No. 21TA), filed November 29, 1976. Applicant: COX REFRIGERATED EXPRESS, INC., 10900 Goodnight Lane, Dallas, Tex., 75220. Applicant's representative: Lawrence A. Winkle, 4845 N. Central Expressway, Dallas, Tex., 75205. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) Sulphur, in bags (excluding commodities in bulk), from the plant site and warehouse facilities of International Chemicals Inc., located at or near Mt. Pleasant, Tex., to: points in Alabama, Arkansas, Illinois, Kansas, Louisiana, Mississippi, North Carolina, Oklahoma, Tennessee, and Virginia; and (2) Empty bags, in return, for 180 days. Supporting shipper: International Chemicals Inc., Route 3, Box 270, Mt. Pleasant, Tex., 75455. Send protest to: Opal M. Jones, Transportation Assistant, Interstate Commerce Commission, 100 Commerce St., Room 13C12, Dallas, Tex., 75242.

NOTICES

Commerce Commission, Room 1616, 2121 Bldg., Birmingham, Ala. 35203.

No. MC 142564 (Sub-No. 17A), filed November 26, 1976. Applicant: ROBERT S. RYAN, doing business as RYAN TRUCKING, Inc., Box 29857, Fireboard Clrre, Wls. 54701. Applicant's representative: Samuel Rubenstein, 301 N. Fifth St., Minneapolis, Minn. 55403. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Rendering products, inedible (meat scraps, bones, hides), from Eau Claire, Wls., to Chicago, Ill. (Alta Vista, Iowa; Minneapolis, Redwood Falls and New Brighton, Minn., under a continuing contract with Eau Claire Rendering Company, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting carrier: Eau Claire Rendering Company, Inc., Box 9, Route 4, Eau Claire, Wls. 54701. Send protests to: Marion L. Chenye, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 4th Federal Bldg., U.S. Courthouse, 110 E. 4th St., Minneapolis, Minn. 55401.

No. MC 142569 (Sub-No. 17A), filed November 26, 1976. Applicant: ANTHONY M. CUSINO. Notice concerning do-busines as A B C CARGLAGE, 4001 N. Pontiac Ave., Norridge, Ill. 60656. Applicant's representative: Malcolm J. Augello, 1651 W. Irving Park Road, Chicago, Ill. 60641. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Fiberglass boxes and fibreboard scrap, from the plantsite and warehouse facilities of Container Corporation of America at or near St. Louis, Mo., to East Peoria, Ill., to East Peoria, Ill., to points in Indiana west of U.S. Highway No. 31, points in Iowa east of Interstate Highway 80, points in Missouri east of U.S. Highway No. 65; and Steel, for the account of Hagerty Brothers Company, East Peoria, Ill., from East Peoria, Ill., to points in Florida, Georgia, Mississippi and Tennessee; points in St. Tammany, Tangipahoa, Livingston, Assumption, Ascension, St. John The Baptist, St. James, Terrebonne, Lafourche, St. Charles, Jefferson, Plaquemines and St. Bernard Parishes, La.; and (2) from points in Pickens and Sumter Counties, Ala., to points in Florida, Georgia, Mississippi and Tennessee; points in St. Tammany, Tangipahoa, Livingston, Assumption, Ascension, St. John The Baptist, St. James, Terrebonne, Lafourche, St. Charles, Jefferson, Plaquemines and St. Bernard Parishes, La.; and (3) from points in Pickens and Sumter Counties, Ala., to Mobile and Baldwin Counties, Ala., restricted to shipments having an immediate subsequent movement via water transportation, for 180 days. Supporting shipper: Reform Lumber Processors, Inc., P.O. Box 429, Reformer, Ala. 35481. Send protests to: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 1616, 2121 Bldg., Birmingham, Ala. 35203.


No. MC 142675A, filed November 26, 1976. Applicant: ANDOVER TRUCKING, INC., P.O. Box 608, Rock Island, Ill. Applicant's representative: Joseph Winterkorn, 33 N. LaSalle St., Chicago, Ill. 60602. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Food, feed and supplies used in the manufacture, sale or distribution of agricultural products, from any point in the United States to any point in the United States, between the plant sites and facilities of International Harvester Company, at E. Moline and Rock Island, Ill., on the one hand, and, on the other, points in Illinois, Indiana, Iowa, Michigan, Missouri and Wisconsin, under a continuing contract with International Harvester Company. Restrictions: The above authority is restricted against the transportation of shipments weighing in the aggregate more than 5,000 pounds from one consignor to one consignee on any one day, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: International Harvester Company, James M. Gamble, General Traffic Manager, 401 N. Michigan Ave., Chicago, Ill. 60611.

Send protests to: Patricia North Ave., Carol Stream, Ill. 60188.

No. MC 142572, filed November 26, 1976. Applicant: SPEDDY DELIVERY SERVICE, INC., 2010 N.W. Perry St., P.O. Box 794, Peoria, Ill. 61601. Applicant's representative: Virgil H. Smith, Suite 13, 1307 Phoenix Blvd., Atlanta, Ga. 30349. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Lumber, from points in Pickens and Sumter Counties, Ala., to points in Florida, Georgia, Mississippi and Tennessee; points in St. Tammany, Tangipahoa, Livingston, Assumption, Ascension, St. John The Baptist, St. James, Terrebonne, Lafourche, St. Charles, Jefferson, Plaquemines and St. Bernard Parishes, La.; and (3) from points in Pickens and Sumter Counties, Ala., to Mobile and Baldwin Counties, Ala., restricted to shipments having an immediate subsequent movement via water transportation, for 180 days. Supporting shipper: Reform Lumber Processors, Inc., P.O. Box 429, Reformer, Ala. 35481. Send protests to: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 1616, 2121 Bldg., Birmingham, Ala. 35203.


No. MC 142568A, filed November 29, 1976. Applicant: JOHN L. BRADY, doing business as J & M ENTERPRISES, 48 N. 1st St., Hyde Park, Utah 84111. Applicant's representative: Susan Ward, 34 Judge Bldg., Salt Lake City, Utah 84111. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Flour and Bran, in bags, from the plant site of Gill Edge Flour Mill, at or near Richmond, Utah, to points in California, under a continuing contract with Gill Edge Flour Mills, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Gill Edge Flour Mills, Inc., P.O. Box 608, Rock Island, Ill. Applicant's representative: Joseph Winterkorn, 33 N. LaSalle St., Chicago, Ill. 60602. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Food, feed and supplies used in the manufacture, sale or distribution of agricultural products, from any point in the United States to any point in the United States, between the plant sites and facilities of International Harvester Company, at E. Moline and Rock Island, Ill., on the one hand, and, on the other, points in Illinois, Indiana, Iowa, Michigan, Missouri and Wisconsin, under a continuing contract with International Harvester Company. Restrictions: The above authority is restricted against the transportation of shipments weighing in the aggregate more than 5,000 pounds from one consignor to one consignee on any one day, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: International Harvester Company, James M. Gamble, General Traffic Manager, 401 N. Michigan Ave., Chicago, Ill. 60611.

Send protests to: Patricia North Ave., Carol Stream, Ill. 60188.
Box 161, Richmond, Utah 84333. Send protests to: Lyle D. Helfer, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5301 Federal Bldg., 125 S. State St., Salt Lake City, Utah 84138.

PASSenger APPLICATION

No. MC 142682 TA, filed November 23, 1976. Applicant: SOUTHBOUND, INC., P.O. Box 45157, Baton Rouge, La. 70895. Applicant’s representative: E. J. Dominguez, Sr. (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Passengers, in round-trip special operations, between Shreveport, Minden, Ruston and Monroe, La., on the one hand, and, on the other, Louisiana State Penitentiary, at or near Tunica, La., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Helen Walker, 4102 Martha St., Shreveport, La. 71109, Ida Edwards, 4200 Ester Ave., Monroe, La. 71201. Ada C. Veal, 412 Main St., Grambling, La. 71245. Send protests to: Ray C. Armstrong, Jr., District Supervisor, 701 Loyola Ave., 9038 Federal Bldg., New Orleans, La. 70113.

By the Commission.

ROBERT L. OSWALD, Secretary.

[FR Doc.76-36373 Filed 12-9-76;8:45 am]

[Notice No. 84]

MOTOR CARRIER TRANSFER PROCEEDINGS

DECEMBER 10, 1976.

Application filed for temporary authority under Section 210a(b) in connection with transfer application under Section 212a(b) and Transfer Rules, 49 C.F.R. Part 1132:

No. MC-FC-76848. By application filed December 2, 1976, BRAINERD A. BROWN, 48 Leetes Road, Branford, CT. 06405, seeks temporary authority to lease the operating rights of SCIARRA TRUCKING AND MOVING, INC., P.O. Box 613, Branford, CT. 06405, under section 210a(b). The transfer to BRAINERD A. BROWN, of the operating rights of SCIARRA TRUCKING AND MOVING, INC., is presently pending.

By the Commission.

ROBERT L. OSWALD, Secretary.

[FR Doc.76-36375 Filed 12-9-76;8:45 am]

[Notice No. 85]

MOTOR CARRIER TRANSFER PROCEEDINGS

DECEMBER 10, 1976.

Application filed for temporary authority under Section 210a(b) in connection with transfer application under Section 212a(b) and Transfer Rules, 49 C.F.R. Part 1132:

No. MC-FC-76855. By application filed December 2, 1976, DIRECT VAN LINES, INC., 6121 Lincolnia Road, Alexandria, Va., 22311, seeks temporary authority to lease the operating rights of REGENT VAN & STORAGE, INC., 1327 Wilkes Street, Alexandria, Va. 22314, under section 210a(b). The transfer to DIRECT VAN LINES, INC., of the operating rights of REGENT VAN & STORAGE, INC., is presently pending.

By the Commission.

ROBERT L. OSWALD, Secretary.

[FR Doc.76-36376 Filed 12-9-76;8:45 am]

FEDERAL REGISTER, VOL 41, NO. 239—FRIDAY, DECEMBER 10, 1976
PART II:

DEPARTMENT OF LABOR

Office of the Secretary

- EMERGENCY JOBS PROGRAM EXTENSION ACT

Implementing Regulations
Title 29—Labor
SUBTITLE A—OFFICE OF THE SECRETARY OF LABOR
PUBLIC JOBS PROGRAMS UNDER THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT
Emergency Jobs Program Extension Act; Implementing Regulations

On Tuesday, October 26, 1976, the Department of Labor published in the Federal Register (41 FR 46998) proposed rules to amend parts 94, 95, 96, 97, 98, and 99 of title 29 of the Code of Federal Regulations with respect to the Comprehensive Employment and Training Act (Pub. L. 93.203). At that time, the Department invited interested persons to submit comments, data or arguments on the proposed rulemaking to the Department by November 26, 1976.

The Department carefully studied each of the comments and considered the merits of the suggestions being made and, as a result, decided that certain changes in the regulations should be made and that the effective date for these changes should be January 26, 1976.

The following significant changes have been made in response to the comments received on the October 26, 1976 proposed rulemaking:

1. In §94.3, scope and purpose of the language has been changed to refer to emergency employment and training programs rather than emergency employment and training programs for public service employment funds for participant wages and fringe benefits.

2. As of October 1, 1976, prime sponsors under Titles II and VI were allowed to pay participants to work on winterization/weatherization activities on homes of persons whose income was 125 percent of the poverty level or less. Since the Act became effective on October 1, the Department intends to apply the regulations immediately in order to insure compliance with statute. The revised parts 94, 95, 96, 98, and 99 read as follows:

PART 94—GENERAL PROVISIONS FOR PROGRAMS UNDER THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

1. Section 94.3, Consolidated table of contents for Parts 94–99, is revised as follows:

PART 99—PROGRAMS UNDER TITLE II OF THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

Sec. 99.1 Scope and purpose of this Part 99.
99.2 Allocation of funds.
99.3 Eligibility for funds.

SUBPART B—GRANT APPLICATION

99.10 General.
99.11 Planning process; advisory councils.
99.12 Content and description of grant application.
99.13 Comment and publication procedures relating to submission of grant application.
99.14 Submission of grant application; standards for reviewing grant applications.
99.15 Application approval; application disapproval; grant agreement.
99.16 Use of alternative eligible applicant; services by the Secretary.
99.17 Modifications.

SUBPART C—PROGRAM OPERATION REQUIREMENTS FOR PRIME SPONSORS

99.20 General.
99.21 Basic responsibilities of prime sponsors; basic responsibilities of programs.
99.22 Program performance requirements for prime sponsors.
99.23 Public service job activities.
99.24 Maintenance of effort.
99.25 Linkages with other employment and training programs and supportive services.
99.26 Placement goals.
99.27 Compensation and working conditions for participants.
99.28 Place of residence for participants.

SUBPART D—PROGRAM OPERATION REQUIREMENTS OF THE EMERGENCY JOBS PROGRAM EXTENSION ACT OF 1976

99.40 Apportionment of the prime sponsor’s allocation.
99.41 Project and activity approval.

Sec.
99.42 Eligibility for participation in Title VI programs.
99.43 Verification of participant eligibility.
99.44 Special considerations on selection.
99.45 Administrative staff selection and compensation.

SUBPART E—ADMINISTRATIVE PROVISIONS

99.50 General.
99.51 Payments, financial management systems and audits.
99.52 Reports, requirements.
99.53 Reallocation of funds.
99.54 Allowable Federal costs, grants and subgrants.
99.55 Allocations of allowable costs among programs.
99.56 Basic personnel standards for eligible applicants.
99.57 Adjustments in payments.
99.58 Termination of grant and closeout procedures.
99.59 Retention of records.
99.60 Program income and procurement standards.
99.61 Nondiscrimination, equal employment opportunities, nepotism and restriction on political activities, assessment and evaluation.
99.62 Program, procurement, and audit procedures relating to submission of application for funding.
99.63 Planning process; advisory councils.
99.64 Travel requirements.
99.65 Program and audit procedures relating to submission of application for funding.
99.66 Program, procurement, and audit procedures relating to submission of application for funding.
99.67 Program, procurement, and audit procedures relating to submission of application for funding.
99.68 Program, procurement, and audit procedures relating to submission of application for funding.
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99.98 Program, procurement, and audit procedures relating to submission of application for funding.
99.99 Program, procurement, and audit procedures relating to submission of application for funding.
99.100 Program, procurement, and audit procedures relating to submission of application for funding.
99.101 Subgrants.

2. Section 94.4, Definitions, is amended by revising paragraph (kkk) (5), and adding paragraphs (nnn), (ooo), (ppp) and (qqq) as follows:

§ 94.4 Definitions.

(kkk) “Participant” shall mean an individual who qualifies and receives services, except for an individual who receives only outreach and intake (including assessment) services, or takes part in activities under provisions of the Act. An individual applicant becomes a participant when:

(1) The individual is declared eligible upon intake; and

(2) The individual receives employment, training or services funded under the Act following intake, except for an individual who receives only outreach and intake (including assessment) services.

(hkk) (5) is (deleted.)

(nnn) “Lower living standard income level” shall mean that income level (adjusted for selected SMSA’s and regional, national, and other factors, and adjusted for family size) which is less than the poverty level for an SMSA, national, or other area.

(ooo) “Program” means any program authorized under title II of the Act.

(ppp) “Prime sponsors” means public and private organizations responsible for the planning, implementation, and administration of comprehensive employment and training programs.

(qqq) “Local area” means the county, counties, or equivalent areas, including those portions of the New York Metropolitan Area of New York State, for which a local area organization has been established under title II of the Act.

FEDERAL REGISTER, VOL. 41, NO. 239—FRIDAY, DECEMBER 10, 1976
For newly eligible prime sponsors, prime sponsors operating independently or the Secretary shall provide the following information in
the provision of a public service, as defined in § 94.4(t).

Section 95.32 Eligibility for participation in a Title I program.

(i) Since all Title II, VI, Emergency Employment Act (EEA), participants, and participants under Title X of the Public Works and Economic Development Act (PWEDA) who are enrolled in Title II or VI activities funded through the Department, would also have qualified at time of enrollment for Title I, then a Title II, Title VI, EEA, or Title II or VI PWEDA participant for whom maximum efforts have been made to find unsubsidized employment or for whom supplemental training or services is needed as a prerequisite to a job, may be transferred into or concurrently enrolled in a program offered by the prime sponsor under Title I of the Act without an intervening period of unemployment. Title III participants who met the eligibility criteria for Title I at the time of their enrollment may also be transferred into or enrolled concurrently in the Title I program (sec. 205(c)(14) and (19) and 103(a)(2)).

Section 95.33 Types of manpower activities allowable.

(a) 

(b) 

(c) 

(d) 

(e) Work experience participants may be outstationed at worksites, including Federal agencies and private nonprofit agencies. Outstationed participants are still to be considered employees of the prime sponsor or its subgrantees or contractors, as appropriate, and shall be assured of the same working conditions and benefits, as specified in § 98.24, as received by other similarly employed employees of the prime sponsor or its subgrantees or contractors (not the outstationed worksite).

(f) Work experience participants may be used in home repair and winterization rehabilitation activities as provided in § 98.12(b)(3).

Section 95.21(a) (1) (iv) D) is revised to read as follows:

Section 95.21 Modifications.

(a) 

(b) 

(c) 

(d) When the program design is altered significantly such as when there is a change in the allowance payment system (e.g., provisions for allowance waiver), development or elimination of a program activity, or when 10% or more of the public service employment positions (except for Title VI) are to be used for rehiring laid-off employees.

6. Section 95.32 is revised to read as follows:

(i) Since all Title II, VI, Emergency Employment Act (EEA), participants, and participants under Title X of the Public Works and Economic Development Act (PWEDA) who are enrolled in Title II or VI activities funded through the Department, would also have qualified at time of enrollment for Title I, then a Title II, Title VI, EEA, or Title II or VI PWEDA participant for whom maximum efforts have been made to find unsubsidized employment or for whom supplemental training or services is needed as a prerequisite to a job, may be transferred into or concurrently enrolled in a program offered by the prime sponsor under Title I of the Act without an intervening period of unemployment. Title III participants who met the eligibility criteria for Title I at the time of their enrollment may also be transferred into or enrolled concurrently in the Title I program (sec. 205(c)(14) and (19) and 103(a)(2)).

6. Section 95.32 is revised to read as follows:

(i) Since all Title II, VI, Emergency Employment Act (EEA), participants, and participants under Title X of the Public Works and Economic Development Act (PWEDA) who are enrolled in Title II or VI activities funded through the Department, would also have qualified at time of enrollment for Title I, then a Title II, Title VI, EEA, or Title II or VI PWEDA participant for whom maximum efforts have been made to find unsubsidized employment or for whom supplemental training or services is needed as a prerequisite to a job, may be transferred into or concurrently enrolled in a program offered by the prime sponsor under Title I of the Act without an intervening period of unemployment. Title III participants who met the eligibility criteria for Title I at the time of their enrollment may also be transferred into or enrolled concurrently in the Title I program (sec. 205(c)(14) and (19) and 103(a)(2)).

8. Paragraph (f) (1) of § 95.34 is revised to read as follows:

§ 95.34 Training allowances.

(i) (1) (D) is revised to read as follows:

§ 95.21 Modifications.

(a) 

(b) 

(c) 

(d) When the program design is altered significantly such as when there is a change in the allowance payment system (e.g., provisions for allowance waiver), development or elimination of a program activity, or when 10% or more of the public service employment positions (except for Title VI) are to be used for rehiring laid-off employees.

6. Section 95.32 is revised to read as follows:

(i) Since all Title II, VI, Emergency Employment Act (EEA), participants, and participants under Title X of the Public Works and Economic Development Act (PWEDA) who are enrolled in Title II or VI activities funded through the Department, would also have qualified at time of enrollment for Title I, then a Title II, Title VI, EEA, or Title II or VI PWEDA participant for whom maximum efforts have been made to find unsubsidized employment or for whom supplemental training or services is needed as a prerequisite to a job, may be transferred into or concurrently enrolled in a program offered by the prime sponsor under Title I of the Act without an intervening period of unemployment. Title III participants who met the eligibility criteria for Title I at the time of their enrollment may also be transferred into or enrolled concurrently in the Title I program (sec. 205(c)(14) and (19) and 103(a)(2)).
§ 95.36 Program operations.

(1) Jobs in each promotional line shall be allocated using a distribution formula that shall not give any preference to persons with any particular disability. The distribution formula shall be described in a document that shall be available to the public and shall be maintained in a form that clearly demonstrates that such use of funds does not constitute a violation of paragraph (c) or of any other requirement of this section.

(11) Jobs in each promotional line shall be allocated using a distribution formula that shall not give any preference to persons with any particular disability. The distribution formula shall be described in a document that shall be available to the public and shall be maintained in a form that clearly demonstrates that such use of funds does not constitute a violation of paragraph (c) or of any other requirement of this section.

PART 96—PROGRAMS UNDER TITLE II OF THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

10. Paragraph (b) (2) (i) of § 96.3 is revised to read as follows:

§ 96.2 Allocation of funds.

(b) * * *

(11) Jobs in each promotional line shall be allocated using a distribution formula that shall not give any preference to persons with any particular disability. The distribution formula shall be described in a document that shall be available to the public and shall be maintained in a form that clearly demonstrates that such use of funds does not constitute a violation of paragraph (c) or of any other requirement of this section.

11. Paragraphs (b) (2) (i) (C) (2) (g) and (vi) of § 96.14 are revised to read as follows:

§ 96.14 Content and description of grant application.

(b) * * *

(2) * * *

(i) A description of the arrangements to promote maximum feasible use of apprenticeship or other on-the-job training opportunities available under Section 1787 of Title 38, United States Code.

(ii) For newly eligible applicants, eligible applicants operating independently for the first time, and eligible applicants serving geographical area(s) in addition to that served in the previous year, a description of the continuity of service to be provided.

12. Subparagraphs (11), (12) and (15) of § 96.23(b) are revised to read as follows:

§ 96.23 Acceptable public employment positions.

(11) Jobs in each promotional line shall be allocated using a distribution formula that shall not give any preference to persons with any particular disability. The distribution formula shall be described in a document that shall be available to the public and shall be maintained in a form that clearly demonstrates that such use of funds does not constitute a violation of paragraph (c) or of any other requirement of this section.

14. Paragraph (d) (1) of § 96.27 is revised to read as follows:

§ 96.27 Eligibility for participation in a Title II program.

(d) (1) Title I, Section 302 and 303 enrollees under the Act, and participants under Title I of the Economic Development Act who are enrolled in Title II or VI activities funded through the Department, may be transferred into a Title II program if they meet the requirements of paragraphs (a) and (f) of this section prior to their entry into the program from which they are being transferred and if maximum efforts have been made to place such individuals in unsubsidized employment or training (see § 313(a) (5)).

15. Section 96.36 is deleted, and section 96.37 is renumbered as 96.36 and revised as follows:

§ 96.36 Use of Title II funds for programs under Titles I and III.

Funds available to an eligible applicant may, at its option, be utilized for programs under the Act, and Title IV of the Economic Development Act, that are designated as Title II programs, and the requirements of paragraph (b) (5) of § 96.20, § 96.21(b) (c) (d) (e) (g), (h), § 96.22, § 96.23, § 96.24, § 96.27(e), § 96.31, § 96.32, § 96.33, and § 96.34 shall apply in addition to those provisions applicable for programs under Title I or Part A of Title III of the Act. Where Title II funds are used for activities authorized under other Titles of the Act, all provisions under part A of this subtitle, public service employment may be used in home repair and weatherization activities. Paragraphs (d) (1) and (d) (2) of § 96.27 are revised to read as follows:

§ 96.24 Maintenance of effort.

(c) Eligible applicants, program agents, contractors, or subgrantees may not terminate a grant, terminate, layoffs, or reduce the working hours of, an employee in anticipation of, or in connection with, a no-fund situation. The allocation shall be used to fund positions or provide services normally provided by temporary, part-time, or seasonal workers or contractors, or to fill full-time vacancies, unless documentation is maintained, as provided in paragraph (j) of this section, that such action does not constitute a reduction of Federal funds for purposes that would otherwise have been supported by other resources.

§ 96.37 Eligibility for participation in a Title II program.

(11) Jobs in each promotional line shall be allocated using a distribution formula that shall not give any preference to persons with any particular disability. The distribution formula shall be described in a document that shall be available to the public and shall be maintained in a form that clearly demonstrates that such use of funds does not constitute a violation of paragraph (c) or of any other requirement of this section.

16. Section 96.36 is revised to read as follows:

§ 96.36 Use of Title II funds for programs under Titles I and III.

Funds available to an eligible applicant may, at its option, be utilized for programs under the Act, and Title IV of the Economic Development Act, that are designated as Title II programs, and the requirements of paragraph (b) (5) of § 96.20, § 96.21(b) (c) (d) (e) (g), (h), § 96.22, § 96.23, § 96.24, § 96.27(e), § 96.31, § 96.32, § 96.33, and § 96.34 shall apply in addition to those provisions applicable for programs under Title I or Part A of Title III of the Act (see § 213(a) (5)). However, when Title II funds are used for public service employment all of the provisions of this Part shall apply.

PART 98—ADMINISTRATIVE PROVISIONS FOR PROGRAMS UNDER THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

16. Section 98.8(g) is revised to read as follows:


(g) Monthly Progress Report. Grants or contracts under Title II or VI funded programs shall be required to submit the Monthly Progress Report of the Month (MPR) which they will request theNum eligible participants served and terminated, the number of participants on board at the end of the month, and the total actual versus planned accrued expenditures cumulative for the program year to the end of the month. The monthly report period is the calendar month. This report will be submitted to the appropriate RA no later than 20 working days after the end of the report period. The monthly report will be phased out when economic conditions and programmatic consideration warrant its submission.

17. Paragraphs (b) (1), (b) (3), (d) (4), (f) (2), (f) (5), and (f) (6) of § 96.12 are revised to read as follows:

§ 96.12 Program operations.

(b) * * *

(1) Jobs in each promotional line shall be allocated using a distribution formula that shall not give any preference to persons with any particular disability. The distribution formula shall be described in a document that shall be available to the public and shall be maintained in a form that clearly demonstrates that such use of funds does not constitute a violation of paragraph (c) or of any other requirement of this section.

§ 98.24(b) of § 98.12 is revised to read as follows:

§ 98.24(b) of § 98.12.

(b) * * *

(1) Jobs in each promotional line shall be allocated using a distribution formula that shall not give any preference to persons with any particular disability. The distribution formula shall be described in a document that shall be available to the public and shall be maintained in a form that clearly demonstrates that such use of funds does not constitute a violation of paragraph (c) or of any other requirement of this section.
§ 98.12 Allowable Federal costs.
(b) Restriction on use of funds in Public Service Employment Programs. (1) (i) (A) Not less than 65 percent of the funds appropriated pursuant to the Act which are used by an eligible applicant for public service employment programs shall be expended for wages and fringe benefits to persons employed in public service jobs (sec. 206(b)).
(B) The remaining 15 percent may be used for administration, training, or support services to participants in public service employment.
(C) An eligible applicant which does not itself administer the entire program may not retain the entire 15 percent mentioned in (b)(1)(i)(B) of this section for its own use unless this is agreed to by its subgrantees. Unless otherwise agreed to, at least fifty percent (50) of the amount used for the administration of the program shall be available to the subgrantees for costs other than wages and fringe benefits.
(D) Training materials, work tools, uniforms or other equipment ordinarily provided by the employer to regular employees, and which are for the benefit and ownership of the participants may be considered fringe benefit costs for public service employment participants (sec. 208(a)(7)). However, such costs shall be charged to the appropriate cost category, not fringe benefit costs. Items so treated or otherwise do not become the property of the participant.
(II) The 15 percent of funds used by a prime sponsor or an eligible applicant for public service employment programs under the Act, after the 85 percent requirement of this section is met, may be used for the acquisition of rental or leasing of supplies, equipment, and materials, including equipment and materials used in the training of public service employment participants, and work related supplies, equipment, and materials for such participants. Such funds may also be used for the rental or leasing of real property. However, none of the 15 percent may be used to contract for capital improvements to real property used in the administration or operation of the program or for the acquisition of such equipment, materials and supplies, including rental costs, shall be governed by the administrative provisions of this section (secs. 263(b), 602(b), 210).
(3) Consistent with the maintenance of effort requirements of § 96.24 of this subtitle, the costs of participants’ salaries and fringe benefits shall be allowable costs when such participants are used in home repair and winterization/weatherization activities where such activities are considered to be services normally provided by government and where work performed will not inure primarily to the benefit of a profitmaking organization. Home repair and winterization/weatherization activities shall be limited to dwellings of individuals who are at or below 125 percent of the poverty level (as defined in § 94.4) which are privately owned and owner-occupied, privately owned by a nonprofit organization, or units of public housing.
(4) When the costs provided in Parts 94-89 of this subtitle, funds provided under one title of the Act may not be used to support costs of another title, or another grant under the same title.

§ 98.13 Administrative costs.
(1) Administrative costs shall be limited to those necessary to effectively operate the program. They shall not exceed 15 percent of the total planned costs for all program activities other than public service employment under the Program Narrative Description under § 95.14(b) (2) (I) sets forth an explanation of how all Administrative costs have been determined and a detailed documentation to support that amount. The restriction on the use of funds for administration in public service employment programs is set forth in § 98.12(b)(1) (sec. 1606(d)(2)).

§ 98.16 Maintenance and retention of records.

(1) Financial records, supporting documents, statistical records and all other pertinent records shall be retained for a period of 3 years. Financial records related to PSE programs shall be public information. No Federal requirements for records retention which exceed these established by State or local governments shall be otherwise imposed, except that (sec. 704(d)).

(2) The names of all participants supported under the Act are considered public information unless otherwise noted in this subtitle. The names, addresses, positions and salaries of all persons employed in public service employment positions under the Act are public information (sec. 704(d)).

§ 98.20 Procurement and property management standards.

(1) The standards to be used for the procurement of supplies, equipment, and other materials and services with Federal grant funds are those described in Attachment C of Pub. L. 94-444.

§ 98.24(b) is revised to read as follows:

§ 98.24(b) is revised to read as follows:

§ 98.20 Procurement and property management standards.

(a) The standards to be used for the procurement of supplies, equipment, and other materials and services with Federal grant funds are those described in Attachment C of Pub. L. 94-444. Such materials and services are obtained in compliance with the provisions of applicable Federal Laws and Executive Orders.

20. Section 98.24(b) is revised to read as follows:

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§ 99.1 Scope and purpose of this Part 99.


(b) This program is intended to provide the level of funds needed to sustain enrollment under Title VI through Fiscal Year 1977. Provision is also made for a shift in emphasis toward serving persons who are long-term unemployed or AFDC recipients and whose family incomes are 70 per cent or less of the lower living standard income level.

(c) Such long-term unemployed and AFDC recipients are to make up at least 50 percent of those hired into the program, although a prime sponsor could choose a larger percentage or only such persons.

(d) Provision is made for all program activity beyond what is required for sustaining enrollment under Title VI through Fiscal Year 1977. Provision is also made for a shift in emphasis toward serving persons who are long-term unemployed or AFDC recipients and whose family incomes are 70 per cent or less of the lower living standard income level.

(1) Statutory authority for the regulations contained in this part is found in section 702(a) of the Act. Other relevant sections of the Act are generally
noted at the end of the substantive regulations in this part.

Although these regulations are effective 30 days after publication, it should be noted that Pub. L. 94-444 was signed into law on October 1, 1976. Therefore, as of October 1, 1976, certain provisions of Pub. L. 94-444 became immediately applicable, including sections 302, 303, 304, 305, 306, 307, and 309. These regulations shall constitute a modification to all grants currently operating under Title VI.

§ 99.2 Allocation of funds.

(a) The Secretary shall allocate not less than 2 percent of the funds available for Title VI of the Act to the eligible applicants defined in §99.3 which are Indian tribes, bands, and groups qualified under section 302(a)(1) of the Act (sec. 96.3(f)).

(b) Not less than 90 percent of the funds remaining after the application of paragraph (a) of this section shall be allocated among eligible applicants defined in §99.3 which are prime sponsors under Title I of the Act according to the following formula:

\[ \text{Funds allocated to Indian tribe} = \text{Total funds} \times \frac{\text{Ratio of unemployment}}{\text{Total number of Indian tribes}} \]

(1) Fifty percent of the funds shall be allocated among eligible applicants in proportion to the number of unemployed persons residing in areas within the jurisdiction of such applicants compared to the total number of unemployed persons who reside in all eligible applicants within all the States (sec. 603(a) (2) (A)).

(2) Twenty-five percent of the funds shall be allocated among eligible applicants on the basis of the ratio of the excess number of unemployed persons, as defined below, who reside within the jurisdiction of such applicants, to the total excess number of unemployed persons who reside within the jurisdictions of all eligible applicants. In allocating funds to each eligible applicant which is not a State, the term "excess number" shall mean the number of unemployed persons in excess of 4.5 percent of the labor force who reside in the jurisdiction of the eligible applicant. For allocating funds to an eligible applicant which is a State, the term "excess number" shall mean the number of unemployed persons in excess of 4.5 percent of the labor force who reside in the jurisdiction of the eligible applicant. In determining the allocations under paragraph (a) of this section, the term "jurisdiction" includes the jurisdiction of each unit of general local government as described in §55.3 (a) (2) of this subtitle, whether or not such unit has entered into a consortium of units of general local government for the purposes of §95.3(a) (3) of this subtitle (sec. 603(g)).

(3) An eligible applicant shall distribute to a program agent, as defined in paragraph (e) (2) of this section, funds to be utilized to serve residents of the area unless the program agent declines to operate a program, in which case the eligible applicant shall make other arrangements to serve the residents of the program agent's jurisdiction (sec. 204(d) (1)).

(4) If the Secretary does not specify an amount to be distributed to a program agent, the eligible applicant shall distribute funds to the program agent in proportion to the number of unemployed persons in excess of 4.5 percent of the labor force in areas eligible for assistance under Title II of the Act within areas served by such State prime sponsor (under Title I or Title II), whichever is greater (sec. 603(a) (2) (C)).

The term "program agent" under this part shall mean any unit of general local government (or combination of such units) located within an eligible applicant's jurisdiction which has a population of 50,000 or more (sec. 204(d) (1)).

(5) If the Secretary does not specify an amount to be distributed to a program agent, the eligible applicant shall distribute funds to the program agent in proportion to the number of unemployed persons in excess of 4.5 percent of the labor force in areas eligible for assistance under Title II of the Act within the jurisdiction of the eligible applicant, and has a rate of unemployment of at least 6.5 percent for a period of three consecutive months as determined by the Secretary of Labor at least once each fiscal year. These funds shall be allocated in accordance with the number of unemployed persons residing in areas of substantial unemployment within the jurisdiction of the eligible applicant as compared to the number of all unemployed persons residing in all areas of substantial unemployment (sec. 603(a) (2) (B)).

(c) The remaining funds, not to exceed 10 percent of the funds remaining, after application of paragraph (a) of this section, may be distributed to prime sponsors under Title VI by the Secretary as the Secretary deems appropriate to carry out the purpose of Title VI, taking into account both changes in rates of unemployment, and the need for additional funds to continue the same level of public service employment activities previously supported under the Act within the jurisdiction of the eligible applicant (sec. 603(b)).

(d) (1) An eligible applicant shall distribute funds to program agents so as to provide an excess of 4.5 percent of the labor force who reside within the jurisdiction of any program agent (sec. 603(e)).

(e) Any unit of general local government shall not qualify as an eligible applicant with respect to any area within the jurisdiction of another eligible unit of general local government unless the other unit has not submitted an approvable application for such areas, or has stated its desire to be served by the State (sec. 204(a)).

§ 99.3 Eligibility for funds.

(a) Funds shall be allocated by the Secretary only to eligible applicants. The term "eligible applicant" shall mean persons residing in an area of substantial unemployment within the jurisdiction of the Act and Indian tribes, bands, and groups qualified under section 302(a) (1) of the Act (sec. 50.3 (1)).

(b) A State shall not qualify as an eligible applicant for any geographical area within the jurisdiction of any other eligible applicant within the State, unless the non-State eligible applicant has not submitted an approvable application for Title VI funds, or has stated to the Regional Administrator, in writing, its desire to be served by the State (sec. 96.3(a)).

(c) A unit of general local government shall not qualify as an eligible applicant with respect to any area within the jurisdiction of another unit of general local government unless the other unit has not submitted a necessary application for such areas, or has stated its desire to be served by the State (sec. 204(a)).

§ 99.4 Criteria for allocation of funds.

(a) An eligible applicant or program agent which contains an area or areas of substantial unemployment shall make available for services to residents of each such area those funds allocated to the eligible applicant under §99.2(b) (3) (sec. 603(a) (2) (B)).

(b) Any eligible applicant other than a State, or a program agent, whose entire jurisdiction contains an area of substantial unemployment, shall, to the extent feasible, allocate funds allocated under §99.2(b) (3); (sec. 204(b) (1)).

(c) Any eligible applicant which contains an area or areas of substantial unemployment, shall, to the extent feasible, allocate the funds allocated to it under §99.2(b) (3) according to §95.3 (1) of this subtitle.

(d) If the eligible applicant is a State whose entire jurisdiction contains an area of substantial unemployment, the eligible applicant shall, to the extent feasible, allocate the funds allocated to it under §99.2(b) (3) according to §95.3 (2) of this subtitle.

(e) If an eligible applicant believes that there is an area of substantial unemployment within its jurisdiction that has not been designated as such by the Secretary, it may request that such area be considered by the Secretary. In making any such request, the eligible applicant must include a precise geographical definition of the area to be served and population data. Such recommendation shall be submitted to...
the RA. The Secretary shall, within a reasonable time, make a determination on the recommendation and inform the eligible applicant of the decision and the reasons therefor.

Subpart B-Grant Application

§ 99.10 General.

(a) This subpart contains the procedures for obtaining grants to operate programs under Title VI of the Act (sec. 602(a)).

(b) The Secretary reserves the right to temporarily waive any of the grant procedures in this subpart and provide immediate funding authority when, and if, strict adherence to such procedures would result in a funding delay which would necessitate the lay-off of currently employed participants.

§ 99.11 Planning process; advisory councils.

To receive financial assistance under Title VI of the Act, eligible applicants shall submit an appropriate comprehensive Title VI plan, pursuant to § 99.12. In developing and modifying such a plan, an eligible applicant shall utilize the planning process and the advisory councils pursuant to § 95.13 (b), (c), (d) and (e) of this subtitle.

§ 99.12 Content and description of grant application.

(a) This section describes the grant application which the eligible applicant shall use to apply for its grant.

(b) Copies of all grant application forms and instructions are contained in the Forms Preparation Handbook.

(c) Grant application forms.

(1) The Application for Federal Assistance identifies the eligible applicant and the amount of funds requested; it provides information concerning the area to be served and the number of people expected to benefit from the program. The Standard Form 434 contained in Federal Management Circular (FMC) 74-7 is being used.

(2) The Comprehensive Title VI Plan. The Comprehensive Title VI Plan is a statement on how the eligible applicant intends to use Title VI funds and to coordinate its activities with other employment and training programs and services operating within its jurisdiction. The Comprehensive Title VI Plan consists of the Narrative of the Title VI Program, the Program Planning Summary, the Budget Information Summary, the Monthly Schedule, the Public Service Employment Occupational Summary, and the Program Summary all described below.

(1) Narrative Description of the Title VI Program. The Narrative Description of the Title VI program identifies and explains the employment and training problems within the eligible applicant's jurisdiction, describes proposed program activities and delivery systems to deal with those problems, and projects the results which may be expected from the program. These narrative description requirements represent an abbreviated version of the narrative description requirements of Title IX (§ 96.14(b) (9) (1) of this subtitle. However, if information required in certain items below has already been provided in the current Title IXNarrative description, a copy of this description may be attached in order to comply with these requirements. The Narrative Description of the Title VI plan contains a statement on the program including the following items:

(A) Objectives and needs for the assistance. (2) Program purpose; and

(2) Analysis of need—A brief description of the labor market of the area including labor force and a description of the population and the number of individuals who will be served in each.

(3) Results and benefits expected. This item should include the name, position, and anticipated results in Section I of the FPS impact on the needs of the labor force and the community services to be provided.

(c) Approach. (1) What provisions have been made to sustain the June 30, 1976, level in both Titles II and VI, or in the program until the October 31, 1976, level, if higher?

(i) Identify the June 30, 1976, level in Titles II and VI.

(ii) Identify the October 31, 1976, level, if different.

(iii) Estimate amount of funds it will take to sustain the June 30, 1976, level in program required to reach the October 31, 1976, level.

(iv) Identify the number of participants that will be sustained under Title II.

(v) If any former participants are to be reinstated under the provisions of § 99.40(c), name the number of individuals involved. Submit adequate documentation to allow the RA to determine that such individuals qualify for reinstatement under § 99.40(c). This document shall include the name, position, date of termination and reason for termination of each participant and any additional information required by the RA.

(2) Describe the methods which will be used in providing training and supportive services if any, to long-term unemployed persons.

(3) Provide the estimated average annual wage rate for FSE occupations and the rationale for obtaining this wage rate; keeping in mind the aim of obtaining a nationwide rate of $7,800.

(4) Describe the unmet public service needs.

(5) Describe the method of recruitment on the basis of new eligibility criteria and methods of verification. Describe procedures that will be used to track and monitor the flow of participants in order to comply with the different eligibility requirements of § 99.42 (a) and (b) of this Part.

(6) Provide an explanation of the basis for the geographical distribution of funds within the prime sponsor's area.

(7) Describe the plan for providing services to disabled, special and recently discharged veterans and welfare recipients.

(8) For newly eligible applicants, eligible applicants operating independently for the first time and eligible applicants serving geographical areas in addition to that served in the previous program year, describe the continuity of services to be provided.

(9) Describe the process for selecting delivery agents and project operators, including: (i) An explanation of the methods and criteria to be used in the selection of deliverers of service; and

(ii) An explanation of the methods and criteria to be used for selecting and operating projects and activities to operate projects and activities to the extent known.

The Secretary shall, within a reasonable time, make a determination on the recommendation and inform the eligible applicant of the decision and the reasons therefor.

§ 99.13 Annual report.

The Secretary shall, within a reasonable time, make a determination on the recommendation and inform the eligible applicant of the decision and the reasons therefor.

§ 99.14 Reinstatement.

The Secretary may reinstate any former participant who has been terminated or laid-off. In accordance with the provisions of § 99.34, the RA may request additional information required to be used in the plan for the geographical distribution of funds within the prime sponsor's area. Such information shall include the name, position, date of termination and reason for termination of each participant and any additional information required by the RA.

(1) Provide an organizational chart.

(2) Describe internal administrative controls, including personnel or merit system and grievance procedures.

(3) Maintenance of effort data. An eligible applicant shall estimate the number of jobs that will be filled by recalling former participants who have been terminated or laid-off. In accordance with the provisions of § 99.34, the RA may request additional information required to be used in the plan for the geographical distribution of funds within the prime sponsor's area.

(4) Program Planning Summary. The Program Planning Summary requires a prime sponsor to provide a quantitative statement of planned expenditures and activities which the participants to be served by each program activity (classroom training, on-the-job training, public service employment, work experience, and other activities); and outcomes for program participants. It also requires an identification of the significant segments of the population and the number of individuals to be served in each.

(5) Budget Information Summary. The Budget Information Summary requires a prime sponsor to provide a quantitative statement of planned expenditures and obligations. It requires prime sponsors to indicate yearly planned expenditures by cost category (administration, allowances, wages, fringe benefits, training, and services). The prime sponsor is to reflect planned quarterly obligations and planned expenditures by program activity.

(6) Monthly Schedule. A monthly estimate of total individuals enrolled at the end of the month and total cumulative expenditures shall be provided. Such monthly schedule will reflect the activity for each month during the grant period under Title VI.

(7) Public Service Employment Occupational Summary. The Public Service Employment Occupational Summary requires an eligible applicant operating a public service employment program under Title VI of the Act to provide a description of proposed job opportunities, occupations and wages for similar nonsubsidized jobs in the area and the criteria to be used in the selection of deliverers of service; and

(8) Program Summary. The Program Summary presents a distribution of jobs,
training slots, and funds to be provided to eligible applicants and subgrantees. It designates the area to be served, the population and employing agencies of each employment program and project shall appropriate, shall maintain linkages with PEC and Office of Management, and applicable Federal Management Circulars and Office of Management and Budget (OMB) Circulars. The Assurances

§ 99.35 Linkages with other employment- and training programs; training- and supportive services.

(a) Each prime sponsor, where appropriate, shall maintain linkages with other employment and training programs as provided under the provisions of § 98.32 of this subtitle.

(b) As appropriate, each prime sponsor shall provide training and supportive services for participants as specified by § 98.31 of this subtitle.

§ 99.36 Placement goals.

Public service employment programs, to the extent feasible, shall meet placement goals as described in § 98.33 of this subtitle (secs. 602(a), 211(b)). The provisions of § 98.33(a)(5), however, shall not be applicable to participants in projects and activities as described in § 98.40(a)(2).

§ 99.37 Compensation and working conditions for participants.

(a) Participants in public service employment programs and projects shall be compensated pursuant to § 98.34 of this subtitle.

(b) A prime sponsor may establish, on an area basis, jobs and wage structures for participants, taking into account the average wages in the area served and the cost of living in such areas, with the purpose of effecting a nationwide, federally supported annual average wage rate equivalent of $7,800 per full-time position, within the overall $10,000 federally supported salary limitations provided to public service jobholders. However, this provision in no way is intended to relieve a prime sponsor from compensating participants in accordance with paragraphs (a), (c), (d), (e), and (f) of this section. The RA is authorized to make recommendations, on an area basis, to prime sponsors pertaining to the provisions set forth in this paragraph.

(c) Participants in classroom training programs shall be compensated pursuant to § 95.34 of this subtitle.

(d) Participants in on-the-job training programs and projects shall be compensated pursuant to § 95.38 of this subtitle.

(e) Participants in work experience programs shall be compensated in accordance with § 95.33(d)(4)(viii) of this subtitle. When participants enrolled in work experience programs are working in projects, wages shall equal the highest of either of the rates specified in § 95.33(d)(4)

(f) Compensation and working conditions for participants.

(a) Each eligible applicant shall provide an opportunity for comment on the application as set out in § 95.15 of this subtitle, except that newspaper publication and provision of the application to Governors, appropriate units of government, appropriate Indian prime sponsors, and appropriate labor organizations may be simplified with submission of the application to the RA.

(b) Each eligible applicant shall submit a copy of the application to appropriate State and sub-State clearances in the same time at which it submits its application to the RA.

§ 99.13 Comment and publication procedures relating to submission of grant application.

(a) Each eligible applicant shall provide an opportunity for comment on the application as set out in § 95.15 of this subtitle, except that newspaper publication and provision of the application to Governors, appropriate units of government, appropriate Indian prime sponsors, and appropriate labor organizations may be simplified with submission of the application to the RA.

(b) Each eligible applicant shall submit a copy of the application to appropriate State and sub-State clearances in the same time at which it submits its application to the RA.

§ 99.14 Submission of grant application; standards for reviewing grant applications.

(a) Each eligible applicant shall submit its grant application to the RA on or before April 30.

(b) A grant application shall include all items set out in § 99.12 of this part.

(c) A grant application will be reviewed to determine if it meets the requirements of the Act, the regulations promulgated under the Act, and other applicable law. In reviewing a grant application, the RA shall use the standards set forth in § 95.17 of this subtitle.

§ 99.15 Application approval; application disapproval; grant agreement.

The procedures set forth in § 95.18 and § 95.19 of this subtitle shall apply for Title VI applications and grant agreements.

§ 99.16 Use of alternative eligible applicants; services by the Secretary.

The provisions detailed in § 95.20 of this subtitle shall apply to applications and services made pursuant to Title VI of the Act.

§ 99.17 Modifications.

The modification procedures set forth in § 95.21 of this subtitle shall apply to Title VI grants.

Subpart D-Program Operation Requirements for Prime Sponsors

§ 99.30 General.

(a) This subpart contains the program operation requirements governing prime sponsors with respect to the creating and expanding of public service job opportunities for unemployed and underemployed persons (secs. 205, 602(a)).

(b) This subpart contains special program requirements concerning prime sponsors of areas of excessively high unemployment, which include:

1. Prime sponsors of areas having an average unemployment rate in excess of 7 percent for the most recent three consecutive months; based upon the best available information and subject to review of the RA, and which certify to the RA in the grant application or a request for modification that the application of the special provisions for areas of excessively high unemployment are necessary in order to provide sufficient job opportunities in the area.

2. Prime sponsors which are "exceptional circumstances" prime sponsors under section 102(a)(5) of the Act and which certify to the RA in the grant application or a request for modification that the application of the special provisions for areas of excessively high unemployment are necessary in order to provide sufficient job opportunities in the area.

3. Prime sponsors which are "concentrated employment program" prime sponsors under section 102(a)(5) of the Act and which certify to the RA in the grant application or a request for modification that the application of the special provisions for areas of excessively high unemployment are necessary in order to provide sufficient job opportunities in the area.

4. Prime sponsors which are State prime sponsors serving areas which are eligible for assistance under Title II of the Act and which certify to the RA in the grant application or a request for modification that the application of the special provisions for areas of excessively high unemployment are necessary in order to provide sufficient job opportunities in the Title II area.

§ 99.31 Basic responsibilities of prime sponsors; basic responsibilities of program agents.

(a) A prime sponsor shall administer its programs under Title VI of the

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Act pursuant to the provisions of § 96.21, of this subtitle.

(2) A prime sponsor of an area of excessively high unemployment shall adhere to all provisions of Title VI of the Act pursuant to the provisions of § 96.21 of this subtitle, except that the provisions described in the approved Comprehensive Title VI Plan and within the monthly schedule.

(b) The responsibilities of program agents, as defined in § 99.2(e)(3), shall be those provided in § 96.22 of this subtitle.

§ 99.32 Program performance requirements for prime sponsors.

(a) A prime sponsor shall use funds under Title VI of the Act in accordance with the expenditure levels and enrollment levels described in the approved Comprehensive Title VI Plan and within the monthly schedule.

(b)(1) The RA shall review the program performance of each prime sponsor on a monthly basis and determine the adequacy of the prime sponsor's performance with respect to the expenditure and enrollment levels provided for in the Program Planning Summary, Budget Information Summary, and the monthly schedule.

(b)(2) If a prime sponsor operates at a level in variance from the monthly schedule, such variance may be authorized for the prime sponsor's activities performed in the projects; such authorization may be for such a period of time as may be necessary to determine the responsiveness of the prime sponsor's program to the unemployment rates of its area and the employment needs of the persons within its jurisdiction.

§ 99.33 Public service job activities.

(a) A prime sponsor may provide:

(1) Public service jobs in employment projects, as defined in § 94.4(ccoo) of this subtitle, which provide maximum employment opportunities for eligible persons (sec. 602(a));

(2) Public service employment programs which meet the requirements of § 96.23 of this subtitle (sec. 602(a));

(b) Basic manpower activities and services described in § 95.33(d) of this subtitle (sec. 201);

(c) Job opportunities with public employers, as described in paragraphs (2), (4), (5), and (6) of section 304(a) of the Act, if the prime sponsor certifies to the RA in the grant application or a modification that such activities are necessary to provide sufficient job opportunities in the area served by the prime sponsor (sec. 640(a));

(d) Where funds are utilized pursuant to paragraphs (a)(3) and (a)(4) of this section, all provisions under this part shall apply, except for references in such provisions to §§ 96.20, 96.21, (b) (c), (d), (e), (g), and (h), 96.23, 96.31, 96.32, 96.33, and 96.34 of this subtitle. In addition, those provisions applicable for programs under Title VI of Part A of Title III shall apply. However, when Title VI funds are used to fund public service employment, all of the provisions of this part shall apply.

(b) Funds allocated to prime sponsors of areas of excessively high unemployment may also be used for the following special program activities and services:

(1) Public service employment programs which meet the requirements of § 96.23 of this subtitle, except that §§ 96.23(b), (2), (d), and (f) of this subtitle shall not apply;

(2) The funding of jobs with public employers on community capital improvement projects, which would not be otherwise carried out (however, these activities must be activities that the prime sponsor is authorized to carry on and would normally perform itself rather than contract out). Such projects may include the rehabilitation, alteration, or improvement of public buildings, roads and other public transportation facilities, health and education facilities, and other facilities for the improvement of the community in which the project is or will be located. Funds shall not be used, however, for employment in projects which involve primarily to the benefit of a private profit-making organization (sec. 604(b)); and

(3) The funding of jobs in projects for functions that would normally be authorized for the jurisdiction but would not otherwise be carried out. The activities performed in the projects must be those which the prime sponsor has historically performed itself rather than would normally be performed by an outside contractor. Such projects may include construction (including new construction), rehabilitation, alteration, or improvement of water and waste disposal facilities in communities with populations of 10,000 individuals or less which are outside the Standard Metropolitan Statistical Area, as defined by the Bureau of the Census.

§ 99.34 Maintenance of effort.

(a) Public service jobs funded under Title VI of the Act shall only be in addition to employment which would otherwise be performed by the prime sponsor without assistance under the Act (secs. 602(c), 205(c)(28));

(b) To assure maintenance of effort, the prime sponsor shall notify the RA of any positions or provide services which are normally provided by temporary, part-time or seasonal workers or which are normally provided by other regular resources.

(c) Prime sponsors, program agents, and subgrantees may not terminate, lay-off, or reduce the working hours of, an employee in anticipation of hiring an individual with funds available under Title VI. In addition, no participant shall be used to fill positions which will not be normally provided by temporary, part-time, or seasonal workers or contracted out, or that of a full-time vacancy, unless documentation, is maintained in a form which clearly demonstrates that all requirements of this section are complied with and shall be readily available for the inspection of the RA for a period of not less than one year subsequent to the filing of any position to which these provisions are applicable.

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Prime sponsors shall, at the direction of the RA, submit such documentation or additional information and comments as may be requested by the RA in response to any written comments submitted by any interested party. After reviewing the RAs and comments, the RA shall render a decision as to whether the proposed use of funds qualifies as program agents and shall apply to multi-jurisdictional prime sponsors.

Subpart B—General Requirements

§ 99.10 Apportionment of the prime sponsor's allocation.

(a) General. (1) Each prime sponsor shall reserve from the funds available during Fiscal Year 1977 for its use under Title VI, an amount which, when added to the funds available during Fiscal Year 1977 for its use under Title II, shall be sufficient to sustain throughout FY 1977 the number of Titles II and VI participants who were in the program on June 30, 1976.

(b) If, however, the number of participants enrolled in Titles II and VI on October 31, 1976, plus any rehires who were terminated from Titles II and VI and who are approved for reinstatement in accordance with paragraphs (a)(1) of this section, is higher than the number of participants enrolled in Titles II and VI on June 30, 1976, then the excess shall be apportioned among the consortia of eligible applicants in proportion to the number of participants eligible under the residency requirements that were applicable at the time of their selection.

(c) A prime sponsor or program agent receiving funds must offer jobs or programs which are within reasonable commuting distance of residents of the prime sponsor's jurisdiction.

(d) (1) Each prime sponsor is responsible for establishing procedures for its own use and the use of its program agents for notifying newly eligible individuals of the provisions of this subtitle, and for notifying newly eligible individuals of the provisions of this subtitle.

(e) Each prime sponsor shall fund grants, for fiscal years 1976, 1977, and 1978, to multi-jurisdictional prime sponsors.

§ 99.11 Project and activity approval.

(a) Funds remaining after funds have been reserved for supporting the level of opportunities, shall be utilized for public service jobs in new projects, as defined in § 94.4(4000), and activities, as defined in § 99.33, as they exceed one year in duration.

(b) Each prime sponsor shall establish procedures for its own use and the use of its program agents for notifying newly eligible individuals of the provisions of this subtitle.

(c) Each prime sponsor shall fund grants, for fiscal years 1976, 1977, and 1978, to multi-jurisdictional prime sponsors.

§ 99.12 Reinstatement.

(a) Any individual who, after June 30, 1976, and before December 31, 1976, was laid off from a job supported under Titles II and VI because of the provisions of § 96.24 and § 99.10, may be reinstated by the prime sponsor into a Title VI position supported pursuant to this paragraph (a) of this section, with regard to requirements of paragraphs (b) and (c) of this section.

(b) Reinstatement shall be subject to RA determination only after they were laid off because of § 96.24 and § 99.10, after review of information provided in § 99.12(a), and § 99.12(b).

(c) The reinstatement provision shall not relieve a prime sponsor from compliance with § 99.34(d) (sec. 609(b)).
gram agents, should carefully consider any proposed expenditures for materials, supplies, equipment, and space in relation to the purposes of the proposed projects and activities.

(5) Prime sponsors and program agents shall not disapprove a job or activity application without first considering any comments and recommendations submitted by the planning council and providing the applicable council with a written statement of the reasons for the disapproval (sec. 609(b)).

(6) In program agent areas, decisions on approving or disapproving job or activity applications shall be made in accordance with § 98.22 of this subtitle.

§ 99.42 Eligibility for participation in Title VI programs.

(a) The following criteria shall be used by the prime sponsor in establishing eligibility pursuant to § 99.40 (a) (2) and (b) (1) and in selecting participants for these positions (sec. 608(a)).

(i) A family which has a current total family income, determined pursuant to paragraph (a) (2) of this section, at or below the applicable standard income level, as defined in § 94.4 (mnn), and which has been receiving unemployment compensation for fifteen or more weeks; or

(ii) Who is ineligible for unemployment compensation benefits; or

(iii) Who has exhausted all unemployment compensation benefits; or

(iv) An individual eligible for Aid to Families with Dependent Children (AFDC); including AFDC-Unemployed Fathers, under Title IV of the Social Security Act.

(b) (1) In determining current family income, the prime sponsor shall annualize based on the three months prior to the application, total family income, utilizing the same exclusions (e.g., unemployment compensation) used to determine family income for the Participant Record, except with regard to welfare payments. Only that portion of public payments received by the family which a family member, including the applicant, will be disqualified from receiving due to the enrollment of the applicant under Title VI (e.g., payments under the Aid to Families with Dependent Children of Unemployed Fathers program) shall be excluded.

(b) (2) In instances where, due to seasonal employment, summer employment for youth, or other circumstances, the three months period is unrepresentative, the prime sponsor shall compute family income by totaling all family income received during the twelve months prior to application, except for those exclusions and providing the applicant and the prime sponsor, to the extent that such data are available. No one group shall be served exclusively, and no group shall be excluded, under § 99.40(a). (c) Participants under Title I, section 302 and section 303 of the Act, participants under Sections 5 and 6 of the Emergency Employment Act, and participants under Title X of the Public Works and Economic Development Act who are enrolled in Title II or VI activities funded through the Department may be transferred pursuant to § 98.40(b) (2) only if they met the requirements of paragraph (a) (2) or (b) (1) if they met the requirements of paragraph (a) (1) of this section at the time of their entry into the program from which they are being transferred, and if maximum efforts have been made to place such individuals in unsubsidized employment or training (sec. 105(a) (2)).

(c) A person participating in a WIN public service employment program under Part C, Title IV, of the Social Security Act, who leaves or is removed from a public service employment position, shall be treated in the same manner as any other such applicant with respect to eligibility pursuant to § 99.40(b) (2):

(d) An individual who is still receiving cash welfare payments, that individual meets the definition of unemployed for this title, and is eligible for Title I, and is also meets the requirements of § 99.38.

(e) If the individual is no longer receiving cash welfare payments, that individual must meet the standard eligibility criteria for paragraph (b) (1) of this section.

(f) The following requirements are applicable in the selection process of participants for all jobs and activities filled under Title VI:

(1) The selection of participants shall be made in accordance with the provisions of § 98.26 of this subtitle.

(2) A veteran who entered the U.S. Armed Forces during the Vietnam Era (August 5, 1964, to May 7, 1975), and who has served on active duty for a period of 90 days or who was discharged or released from active duty for a service connected disability, shall be immediately eligible, upon discharge, for employment under § 99.40(b) (2) without regard to the 15- or 30-day unemployment requirement which would otherwise pertain (sec. 203, Vietnam Era Veterans' Readjustment Assistance Act of 1972, Pub. L. 92-540): Provided, Such veteran has not obtained permanent, full-time unsubsidized employment after application shall no longer be considered eligible for Title VI unless, even with permanent full-time unsubsidized employment, the individual meets the requirements of paragraph (b) (1) of this section.

(3) Such help may not be used as a criterion to prevent persons from participating in a program under Title VI.

(4) While the selection of eligible full-time students for participation in programs funded under Title VI is not prohibited, prime sponsors should exercise caution in providing for such participation only in accordance with these regulations. Prior to providing for such participation, prime sponsors should give special consideration to those persons most severely disadvantaged in terms of the length of time they have been unemployed and their prospects for finding employment without assistance under Title VI.

(5) A participant in a Title VI program may change jobs within a particular prime sponsor's or program agent's jurisdiction without reestablishing eligibility pursuant to paragraph (a) (2) or (b) (1) of this section, but may not be employed in a job or activity for any other prime sponsor or program agent without again establishing eligibility pursuant to paragraphs (a) or (b) of this section.
(6) The provisions of § 98.28 and § 98.30, special consideration for most severely disadvantaged persons and groups to be provided special consideration if all programs funded under Title VI.

(7) The significant segments of a prime sponsor’s population shall be served on an equitable basis as provided in § 98.29 of this subtitle. In selecting individuals eligible pursuant to paragraph (a) of this section, the requirements of paragraph (a) (3) of this section are in addition to serving significant segments equitably.

§ 99.43 Verification of participant eligibility.

(a) A prime sponsor is responsible for assuring the eligibility of all participants under Title VI. The eligibility requirements of paragraphs (i), (ii), (iii), and (iv) of § 99.42(a) (1) of this Part are verifiable. Prime sponsors shall be liable for any payments made to participants determined ineligible during program audits or reviews or otherwise. Decisions on whether to verify eligibility and on the method of verification rest with the prime sponsor. However, in order to protect their liability, prime sponsors are encouraged to develop arrangements and procedures for the verification of participation as follows:

(1) Arrangements, including cooperative agreements, with SEAs for the verification of individuals whose applications indicate that they qualify as AFDC recipients (§ 99.42(a) (1) (iv)).

(b) As unemployment compensation recipients approach their 15th week or their exhaustion status, SEAs will be informing them of their possible eligibility for Title VI programs. Prime sponsors shall work with the SEAs in the development of arrangements for informing the individuals of their possible eligibility for available opportunities.

§ 99.44 Special considerations on selection.

In providing public service jobs and determining hours of work for individuals eligible pursuant to § 99.40(a) (2) and § 99.40(b) (1), each prime sponsor shall take into consideration the household support obligations of the individual and shall give special consideration to such alternative working arrangements as flexible hours of work, shared time and part-time jobs, for participants with particular needs, e.g., parents of young children, older persons, and handicapped individuals (sec. 608 (d)).

§ 99.45 Administrative staff selection and compensation.

(a) The Title VI administrative staff shall be selected and compensated in accordance with the provisions of § 96.35 of this subtitle.

(b) When administrative funds are utilized to pay the wages of supervisory personnel for projects, the promotional rights of existing employees to fill the supervisory positions shall be protected.

Subpart E—Administrative Provisions

§ 99.70 General.

- This subpart contains regulations on the administration of grants under Title VI of the Act. This subpart applies to the sections of Part 98 of this subtitle which apply to Title VI grants.

§ 99.71 Payments, financial management systems, and audits.

§ 98.2 through 98.6 of this subtitle relating to payments, financial management systems and audits apply to grants under Title VI of the Act (secs. 703(b), 713).

§ 99.72 Reporting requirements.

(a) Section 98.7 shall apply to Title VI programs (secs. 703 (c), 713).

(b) Section 98.8 of this subtitle requiring submission of the Program Status Report and Annual Report shall apply to programs under Title VI.

(c) Section 98.9 of this subtitle requiring submission of a Quarterly Summary of Federal Cash Transactions shall apply to programs under Title VI.

(d) Section 98.10 of this subtitle requiring submission of a Report of Federal Financial Participation shall apply to programs under Title VI.

§ 99.73 Reallocations of funds.

(a) Irrespective of requirements under § 98.11 of this subtitle, the RA may make such reallocations, as he deems appropriate, of any amount of any allocation under Title VI of the Act to the extent that he determines that an eligible applicant will not be able to use such amount within a reasonable period of time.

(b) When the RA determines that a reallocation is appropriate, he shall give the grantee and the appropriate Governor 30-day notice of the proposed action to remove funds from the grant. Such notice shall include the specific reasons for the denial of funds. The grantee shall have the right to appeal to the RA.

(c) The grantee and the Governor shall be invited to submit comments on a proposed reallocation of funds. These comments shall be submitted to the RA within 30 days from the date of the notice. The RA shall notify the Governor and affected prime sponsors on any decision to reallocate funds and shall have any such decision published in the Federal Register.

(d) The procedures set out in this section are in lieu of any other procedure which might otherwise be applicable under § 98.60, et seq. of this subtitle.

(e) Any reallocation of funds shall be to an alternate eligible applicant to serve the same area or to eligible applicants to serve other areas. In reallocating such funds to serve other areas, priority shall be given first to eligible applicants within the same State and then to eligible applicants within other States, taking into consideration the number of eligible unemployed individuals in these areas (sec. 600).

§ 99.74 Allowable Federal costs.

(a) Section 98.12 of this subtitle concerning allowable Federal costs shall apply to Title VI grants. In addition, the cost of participants’ salaries and fringe benefits or the costs of allowances in areas of excessively high unemployment may include jobs on community capital improvement projects, which would not otherwise be carried out by the grantee or subgrantee, including the rehabilitation, alteration, or improvement of public buildings, roads, and other transportation facilities, health and education facilities, and other facilities for the improvement of the community in which the community capital improvement project is or will be located, but such funds shall not be used for public service employment in new building and highway construction work or in other work which inures primarily to the benefit of a private profitmaking organization (see. 604 (b) (3)). The costs of participants’ salaries and fringe benefits or the costs of allowances in areas of excessively high unemployment are allowable for participants engaged in construction, rehabilitation, alteration, or improvement of water and waste disposal facilities which would not otherwise be carried out, in communities having populations of 10,000 individuals or less which are outside the boundaries of a Standard Metropolitan Statistical Area (as defined by the Bureau of the Census) (sec. 604(a) (3)).

§ 99.75 Subgrants and subcontracts.

Section 98.27 of this subtitle shall apply to Title VI grants, except that contracts and subgrants may not extend more than 6 months beyond the term of the grant.

§ 99.76 Allocations of allowable costs among program activities.

Section 98.13 of this subtitle shall apply to Title VI grants.

§ 99.77 Basic personnel standards for eligible applicants.

(a) Section 98.14 of this subtitle shall apply to Title VI grants (secs. 703 (14)).

(b) The basic personnel standards, as set forth in § 98.14 of this subtitle, shall apply only to an eligible applicant’s staff and not to program participants. However, in filling public service jobs funded under Title VI of the Act, eligible applicants shall ensure that applicable personnel procedures and collective bargaining agreements have been met.

§ 99.78 Adjustments in payments.

Section 98.15 of this subtitle shall apply to Title VI grants (sec. 703(b)).

§ 99.79 Termination of grant and closeout procedures.

Sections 98.16 and 98.17 of this subtitle shall apply to Title VI grants (sec. 702(b)).

§ 99.80 Retention of records.

Section 98.18 of this subtitle shall apply to Title VI grants (sec. 703 (a) (12)).
§ 99.81 Program income and procurement standards.

Sections 98.19 and 98.23 of this subtitle shall apply to Title VI grants.

§ 99.82 Non-discrimination, equal employment opportunities, nepotism and restriction on political activities.

(a) Sections 98.21, 98.22 and 98.23 of this subtitle apply to Title VI programs (secs. 703(1), 710 and 712):

(b) Sections 98.24, 98.25, 98.26, 98.28, and 98.29 of this subtitle relating to general benefits and working conditions, retirement programs, procedures for resolving issues, non-federal status of par- participants, and administrative requirements, shall apply to Title VI programs.

§ 99.83 Assessment and evaluation.

Sections 98.30 through 98.33 shall apply to Title VI grants (see, 703(14)).

§ 99.84 Hearings and judicial review.

Sections 98.30 through 98.49 of this subtitle shall apply to Title VI grants (except as otherwise provided in this part).

Subpart F—Special Conditions for Grants to Indian and Alaskan Native Villages

§ 99.90 General.

This subpart contains special conditions for grants under Title VI of the Act to Indian tribes on Federal and State reservations, recognized tribes in the State of Oklahoma, and Alaskan Native Villages in the State of Alaska. To the extent that any provisions of this subpart differ from any other provision of this part, the provisions of this sub- part shall govern. Otherwise, the requirements of this part 99 apply to programs under this subpart.

§ 99.91 Grant responsibility.

The Division of Indian and Native American Programs in the Office of Na- tional Programs shall have full responsibility for all matters pertaining to funds allocated to eligible applicants as defined under § 99.80 above. For purposes of this subpart, all references to NA in this Part shall be read as Director, Division of Indian and Native American Programs.

§ 99.92 Distribution of funds.

Funds for use under this subpart shall be not less than 3 percent of all funds appropriated for Title VI programs. Such funds shall be allocated among the designated prime sponsors on the basis of the prime sponsor's Indian and Alaskan Native rate of unemployment com- pared to the rate of unemployment in all eligible areas. In making such allo- cations, the Secretary shall use the best data available.

§ 99.93 Eligibility for funds.

Indian tribes on Federal or State reservations, recognized tribes in Oklahoma and Alaskan Native villages shall be eli- gible for Title VI funds provided they meet the requirements of § 98.42 of this subtitle, except that recognized tribes in Oklahoma and Alaskan Native villages are exempt from the Federal or State reservation requirement.

§ 99.94 Funding of prime sponsors.

(a) A prime sponsor, if necessary, shall update its Pre-application for Federal Assistance (SF-424) to include a request for funding pursuant to Title VI of the Act. An eligible applicant which has not previously submitted a Pre-application shall comply with § 97.111 of this subtitle.

(b) A consortium, if necessary, shall amend its consortium agreement to in- clude provisions for funding pursuant to Title VI of the Act.

§ 99.95 Eligibility.

Indian and Alaskan Natives who meet the eligibility and residency requirements of this part shall be eligible to partici- pate in programs funded under Title VI.

§ 99.96 Comments and publication policies.

Each eligible applicant shall provide and make available comments and publication policies relating to submission of applica- tion for funding. The comments and publication policies for use under this subpart shall be those at § 97.110 of this subtitle.

§ 99.97 Planning and advisory councils.

Eligible applicants shall utilize in their planning process the services of their planning councils authorized under § 97.113 of this subtitle. In addition, the prime sponsor shall provide it to the project application approval process.

§ 99.98 Travel requirements.

Travel regulations for grantees under this subpart shall be those at § 97.161(f) of this subtitle.

§ 99.99 Nepotism and conflict of interest.

(a) No prime sponsor, subgrantee or contractor shall hire, or permit the hiring of, any person in a staff position, nor shall they accept any person as a part- icipant, if a member of the person's immediate family is employed in an admin- istrative capacity by the prime sponsor, subgrantee or contractor. For the pur- poses of this section, the term "immediate family" means wife, husband, son, daughter, mother, father, brother, and sister. The term "staff position" includes all positions such as instructors, coun- selors, administrators, and suppliers of training and services. The term "em- ployed in an administrative capacity" in- cludes those persons who have overall administrative responsibility for a pro- gram, including: All elected and ap- pointed officials who have any respon- sibility for the obtaining of and/or ap- proval of any grant funded under this subpart as well as other officials who have any influence or control over the administration of the program, such as the project director, deputy director and unit chiefs; and persons who have selec- tion, hiring, placement, or supervisory responsibilities for public service employ- ment participants. The Secretary may waive this requirement if adequate justifi- cation is received that no other persons within the subgrantee's jurisdiction are eligible and available for participation or employment by the prime sponsor.

(b) Where a tribal policy regarding nepotism exists which is more restric- tive than this policy, the prime sponsor shall follow the tribal rule.

(c) Each prime sponsor shall estab- lish safeguards to prohibit employees under the grant, board members, or tribal council members from using their positions for private gain for themselves or others with whom they have family, business or other ties.

§ 99.100 Non-discrimination; political activities.

Sections 98.21 and 98.23 shall be appli- cable to programs under this subpart ex- cept to the extent that these provisions conflict with 42 U.S.C. 2000e-210.

§ 99.101 Subgrants.

In addition to the requirements con- cerning subgrants, Indian tribes may re- quire that subgrantees agree, to the maximum extent feasible, to hire as staff qualified Indians in accordance with 42 U.S.C. 2000e-210.

Signed in Washington, D.C., this 7th day of December 1976.

WILLIAM H. KOLDERE, Assistant Secretary for Em- ployment and Training Ad- ministration.

[FR Doc.76-8933 Filed 12-9-76; 8:45 am]
PART III:

DEPARTMENT OF LABOR

Pension and Welfare Benefit Programs

DEPARTMENT OF THE TREASURY

Internal Revenue Service

UNIVAR RETIREMENT PLAN

Exemption From Prohibitions
NOTICES

DEPARTMENT OF LABOR
Pension and Welfare Benefit Programs
DEPARTMENT OF THE TREASURY
Internal Revenue Service
(Prohibited Transaction Exemption No. 76-8)

EMPLOYEE BENEFIT PLANS
Exemption From Prohibitions Respecting A Transaction Involving the Given International Employees’ Stock Bonus Plan (Application No. D-339)

Notice is hereby given of the granting of an exemption under the authority of section 408(a) of the Employee Retirement Income Security Act of 1974 (the Act) and section 4975(c)(2) of the Internal Revenue Code of 1954 (the Code), relating to a transaction involving the sale of certain plan assets to the Crocker National Bank (Crocker).

Background. On August 13, 1976, notice was published in the Federal Register (41 FR 34384) of the pending of an exemption for certain of participants described in an application filed by Given International (Given) and the trustee of the Given International Employee Stock Bonus Plan (the Plan). The notice set forth a summary of the facts and representations contained in the application and invited comments on the requested exemption to the Department of Labor (the Department). In addition, the notice stated that any interested person might submit comments on the requested exemption to the Department of Labor (the Department). In addition, the notice stated that any interested person might submit comments on the requested exemption to the Department of Labor (the Department). In addition, the notice stated that any interested person might submit comments on the requested exemption to the Department of Labor (the Department).

A request for a hearing was received by the Department. The hearing request, which was submitted on behalf of certain unnamed beneficiaries of the plan, objected to the pending exemption on the grounds that the application did not demonstrate that the proposed transaction is in the interests of the Plan and its participants and beneficiaries or protective of the rights of participants and beneficiaries of the Plan. A hearing with respect to the pending exemption was held by the Department and the Service on October 12, 1976. Neither the person who filed the request for a hearing nor any participant or beneficiary of the Plan appeared at the hearing or submitted any written objection to the granting of an exemption. The Department and the representatives of Given and of Crocker appeared at the hearing with their counsel and testified in favor of granting the pending exemption.

The Department and the Service have considered the objection, as well as the comments in favor of granting the exemption and based on the representations in the application and the record of the hearing, the Department and the Service have decided to grant an exemption as set forth below for the transaction described in the application.

General Information. The fact that a transaction is the subject of an exemption granted under section 408(a)(1) of the Act and section 4975(c)(2) of the Code does not bar any other party in interest or disqualified person with respect to a plan to which the exemption is applicable, nor does it affect the requirement of section 401(a) of the Act or the Code, including any prohibited transaction provisions to which the exemption does not apply, to the giving of proper notice and the furnishing of other required notices. Further, the fact that a transaction is the subject of an exemption does not affect the requirements of sections 406(b)(1) and 406(b)(2) of the Act, nor does it affect the operation of a statutory or administrative exemption or a tax-free rollover provision.

Exemption. Pursuant to section 408(a)(1) 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. 75-19, 1975-1 C.B. 722, and based upon the facts and representations contained in the application for exemption submitted by the applicants, the public comment received, and the record of the hearing, the Department and the Service find that it is administratively feasible, in the interests of the Plan and its participants and beneficiaries, and protective of the rights of participants and beneficiaries of the Plan to grant, and hereby grants, an exemption effective this date as set forth below for the transaction described in the application.

The availability of this exemption is subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction when consummated pursuant to the exemption.

Signed at Washington, D.C., this 4th day of December, 1976.

WILLIAM J. CHAMPORTIN,
Administrator of Pension and Welfare Benefit Programs,
U.S. Department of Labor.

DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

[F.R. Doc. 76-59294 Filed 12-9-76; 8:45 am]

Pendency of Proposed Class Exemption Involving Mutual Fund In-House Plans Requested by the Investment Company Institute (Application No. D-025)

Notice is hereby given of the pending of a class exemption from the restrictions of section 408(a) 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) of the Code. The pending class exemption was requested in an application filed by the Investment Company Institute (ICI), the mutual fund industry, and the American mutual fund industry. The pending class exemption would exempt from the prohibited transaction provisions the acquisition and sale of shares of a registered open-end investment company (“mutual fund”) by an employee benefit plan which covers employees of the mutual fund or the mutual fund’s investment adviser or principal underwriter, or an affiliate thereof (hereinafter referred to as “in-house plan”).

The application for a class exemption can be found in Docket 1018 in the Administrator of Pension and Welfare Benefit Programs, U.S. Department of Labor, and the General Counsel Office of the Department of Labor. The application contains representations with respect to the pending class exemption which are summarized below. Interested persons are referred to the application on file with the Department and the Service for the complete representations of the ICI.

A mutual fund organization generally involves three distinct functions. First, there is the mutual fund itself, usually in corporate form, which issues its shares to the public and uses the proceeds to acquire securities meeting the fund’s investment objective (i.e., growth, income, etc.). Second, there is the investment adviser, a separate entity, which not only provides investment advisory services to the mutual fund pursuant to a written contract with the fund, but which also performs many important administrative services for the fund and its shareholders. Third, there is usually a principal underwriter which, pursuant to a written contract with the Department of Labor, the Service, and the Investment Company Institute.

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distribution of the fund’s shares to the public. Often the investment adviser and plans are the same entity or are under common control.

Many mutual fund organizations maintain employee benefit plans covering the employees of the entities in the organization. Such in-house plans are commonly administered by the mutual fund, its investment adviser or principal underwriter, or by trustees or investment committees comprised of directors, officers or employees of the mutual fund organization.

In most instances such in-house employee benefit plans invest (at the discretion of those administering the plan or sometimes the plan participants) in whole or in part of shares of one or more of the mutual funds in the fund organization. A major reason for funding in-house plans in this manner is to prevent conflicts of interest which could arise if the mutual fund organization separately managed its own employee benefit plan and its publicly-held mutual funds. Such separate management could create ethical questions for the fund organization. For example, conflicts of interest that might arise from such separate management are prohibited by the same fiduciary responsibility standards that apply to the mutual fund organization.

As a result, the in-house employee benefit plan would be subject to the same fiduciary responsibility standards that apply to the mutual fund organization. This would mean that in-house plans would be subject to the same fiduciary responsibility standards that apply to the mutual fund organization.

The ICI further represents that mutual fund organizations are the most strictly regulated business entities under the federal securities laws. Because mutual fund organizations are not subject to an independent oversight by a governmental agency responsible for enforcing federal securities laws, they are not subject to the same fiduciary responsibility standards that apply to in-house plans.

The ICI further represents that mutual fund organizations are the most strictly regulated business entities under the federal securities laws. Because mutual fund organizations are not subject to an independent oversight by a governmental agency responsible for enforcing federal securities laws, they are not subject to the same fiduciary responsibility standards that apply to in-house plans.

In the opinion of the ICI, denial of its application for a class exemption would create a situation in which a plan covering employees of a in-house plan, investing in a mutual fund, could not purchase mutual fund shares in the same manner as other mutual fund shareholders without violating the prohibited transaction provisions of the Code. The ICI believes that such transactions would not constitute prohibited transactions, and that the plan could purchase mutual fund shares without violating the prohibited transaction provisions of the Code.

In view of the close relationships of the entities involved in the investment in a mutual fund organization in-house plan in shares of the mutual fund, a question exists as to whether such investments constitute prohibited transactions under section 406 of the Code. The ICI believes that its application for a class exemption would create a situation in which a plan covering employees of a in-house plan, investing in a mutual fund, could not purchase mutual fund shares in the same manner as other mutual fund shareholders without violating the prohibited transaction provisions of the Code.
NOTICES

Additionally, effective for transactions occurring more than 60 days after the granting of the exemption, an in-house plan is not permitted to, any sales commission in connection with the acquisition or sale of mutual fund shares. The ICI has received an interpretative letter from the SEC which the ICI believes will permit mutual fund organizations and their in-house plans to comply with this condition. A copy of the SEC interpretative letter is appended to the application submitted by the ICI and is on file with the Department and the Service.

General information. The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c) (2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 4975(c) of the Code. Such things, require a fiduciary to discharge his duties respecting the plan solely in the interest of the plan's participants and beneficiaries.

(2) Before an exemption may be granted under section 408(a) of the Act and section 4975(c) (2) of the Code, the Department and the Service must find that the exemption is administratively feasible, in the interests of the plan or plans and of their participants and beneficiaries, and protective of the rights of participants and beneficiaries of such plan or plans.

(3) The pending exemption, if granted, will be effective for transactions occurring more than 60 days after the granting thereof, and not in derogation of, any other provisions of the Act and the Code, including statutory exemptions and transitional rules. Furthermore, the fact that a transaction is the subject of an exemption is not dispositive of whether the transaction would have been a prohibited transaction in the absence of such exemption or, though it would have been a prohibited transaction, is exempt by operation of a statutory exemption or a transitional rule.

(4) If granted, the pending class exemption will be applicable to a particular transaction only if the transaction satisfies the conditions specified in the class exemption.

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 4975(c) of the Code. Such things, require a fiduciary to discharge his duties respecting the plan solely in the interest of the plan's participants and beneficiaries.

(2) Before an exemption may be granted under section 408(a) of the Act and section 4975(c) (2) of the Code, the Department and the Service must find that the exemption is administratively feasible, in the interests of the plan or plans and of their participants and beneficiaries, and protective of the rights of participants and beneficiaries of such plan or plans.

(3) The pending exemption, if granted, will be effective for transactions occurring more than 60 days after the granting thereof, and not in derogation of, any other provisions of the Act and the Code, including statutory exemptions and transitional rules. Furthermore, the fact that a transaction is the subject of an exemption is not dispositive of whether the transaction would have been a prohibited transaction in the absence of such exemption or, though it would have been a prohibited transaction, is exempt by operation of a statutory exemption or a transitional rule.

(4) If granted, the pending class exemption will be applicable to a particular transaction only if the transaction satisfies the conditions specified in the class exemption.


All interested persons are invited to submit written comments on the pending class exemption set forth herein. In order to receive consideration, such comments should be received by the Department on or before January 14, 1977. In addition, any interested person may submit a written request that a hearing be held relating to the pending class exemption. Such written request must be received by the Department on or before January 14, 1977, and should state the reasons for such person's request for a hearing and the nature of such person's interest in the pending class exemption.

All written comments and all requests for a hearing (preferably six copies) should be addressed to Office of Regulations, Pension and Welfare Benefit Programs, Room C-4526, Department of Labor, Washington, D.C. 20210. Attention: Application No. D-025. All such comments will be made part of the record, and will be available for public inspection at the Public Document Room, Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Pending exemption. Based on the application referred to above, the Department and the Service have under consideration the granting of the following class exemption under the authority of section 408(a) of the Act and section 4975(c) (2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975) and Rev. Proc. 75-38, 1975-1 C.B. 10.

Effective for transactions occurring after December 31, 1974, the restrictions of sections 406 and 407(a) of the Act and the taxes imposed by section 4975 (a) and (b) of the Code, by reason of section 4975(c) (1) of the Code, shall not apply to the acquisition or sale of shares of an open-end investment company registered under the Investment Company Act of 1940 by an employee benefit plan covering only employees of such investment company, investment adviser or principal underwriter for such investment company, or employees of any affiliated person (as defined in section 2(a) (3) of the Investment Company Act of 1940) of such investment adviser or principal underwriter, provided that the following conditions are met (whether or not such investment company, investment adviser, principal underwriter or any affiliated person thereof is a fiduciary with respect to the plan):

(a) The plan does not pay any investment management, investment advisory or similar fee to such investment adviser, principal underwriter or affiliated person. This condition does not preclude the payment of investment advisory fees by the investment company under the terms of its investment advisory agreement adopted in accordance with section 15 of the Investment Company Act of 1940.

(b) The plan does not pay a redemption fee in connection with the sale by the plan to the investment company of such shares unless (1) such redemption fee is paid only to the investment company, and (2) the existence of such redemption fee is disclosed in the investment company prospectus in effect both at the time of the acquisition of such shares and at the time of such sale.

(c) In the case of transactions occurring more than 60 days after the granting of this exemption, the plan does not pay a sales commission in connection with such acquisition or sale.

(d) All other dealings between the plan and the investment company, the investment adviser or principal underwriter for the investment company, or any affiliated person of such investment adviser or principal underwriter, are on a basis no less favorable to the plan than such dealings are with other shareholders of the investment company.

Signed at Washington, D.C., this 4th day of December, 1976.

WILLIAM J. CANDWICK,
Administrator of Pension and Welfare Benefit Programs,
U.S. Department of Labor.

DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

[FR Doc.76-36295 Filed 12-9-76; 8:40 am]
PART IV:

DEPARTMENT OF
THE INTERIOR

Bureau of Land Management

MINING CLAIMS

Recordation, Filing Proof, and Intention to Hold Mining Claims
DEPARTMENT OF THE INTERIOR
Bureau of Land Management
[43 CFR Part 3830]
MINING CLAIMS

Recorclation, Filing Proof of Annual Assessment Work or Notice of Intention To Hold Mining Claims

The purpose of this rulemaking is to implement section 314 of the Federal Land Policy and Management Act of 1976 (Pub. L. 94-576; 90 Stat. 2743) (hereinafter called the Act) which requires the recording of unpatented mining claims and the filing of information concerning assessment work or a notice of intention to hold a claim with the Bureau of Land Management (BLM) within specified periods. Another purpose is to coordinate the implementation of section 8 of the Act of September 28, 1976 (Pub. L. 94-439; 16 U.S.C. 1601-1612) which requires the recording of unpatented mining claims located within the boundaries of the National Park System before September 27, 1977, with the implementation of section 314. The proposed regulations apply to both existing and future mining claims located under the Mining Law of 1872, as amended (30 U.S.C. 21-54).

Presently, there is no direct way of knowing how many mining claims exist on Federal lands or where the claims are located. Generally, mining claims are recorded only under State law in an office at the county level. To determine the existence of most mining claims requires a search of these county land records or an on-the-ground inspection.

The proposed regulations require the owners of unpatented mining claims, mill sites or tunnel sites located prior to the date of the Act to file a record of their claims with the BLM not later than three years after the effective date of the Act. New locations of unpatented mining claims, mill sites, or tunnel sites must be recorded with the BLM within 90 days after the date of location of the claim or site. Owners of unpatented mining claims, mill sites, or tunnel sites located within the boundaries of units of the National Park System have one year from the date of the Act of September 28, 1976 (90 Stat. 1645), to record their claims under that statute. Failure to file the required instruments in the required period will be deemed conclusive to be an abandonment of the mining claim, mill site, or tunnel site, and the claim will be voided as a matter of law.

For unpatented mining claims located before the date of the Act (October 21, 1976), the owners must file with the BLM by October 21, 1979, and before December 31 of each year thereafter, (1) a notice of intention to hold the claim, (2) an affidavit of assessment work performed on the claim, or (3) a detailed report concerning geological, geochemical, and geophysical surveys conducted on the claim, whichever is applicable to the sit-year following the calendar year in which the owner of a new unpatented mining claim must file one of these instruments prior to December 31 of each such year that the mining claim was located. Failure to file the proof of assessment work or notice of intention to hold the claim would also excuse the mineral claim to be conclusively deemed abandoned; such a claim would thereafter be void as a matter of law.

Mining claimants must also file copies of these documents with local government offices.

The proposed rules also require that whenever the owner of a recorded unpatented mining claim, mill site, or tunnel site transfers an interest in the claim to the same office of the BLM within 30 days after the transfer. If a person acquires an interest in a recorded unpatented mining claim, mill site, or tunnel site by inheritance, he must also file a notice of this fact with the BLM within 30 days after completion of the transfer.

For the purpose of contests or other action taken by the United States which affects a mining claim, the proposed regulations provide that the proposed regulation office as the place of record. In those instances, a search of the county records will not be made and only those owners who have filed in the proper BLM office within specified time periods.

An environmental impact statement has been determined not to be necessary because the issuance of these regulations would not be a major Federal action significantly affecting the quality of the human environment. The regulation only requires notification to the Department that a claim exists or that assessment work required by another statute has been done; it does not cause or prevent any person from taking any action that would individually or cumulatively significantly affect the quality of the human environment.

In accordance with the requirements of section 310 of the Federal Land Policy and Management Act of 1976 as to rules concerning comments, objections, or protests, interested persons may submit written comments, suggestions, or objections with respect to the proposed regulations to the Director (210), Bureau of Land Management, Department of the Interior, Washington D.C., 20240, on or before January 10, 1977.

Copies of comments, suggestions, or objections made pursuant to the notice will be available for public inspection in the Division of Legislation and Regulatory Management, Room 5555, Interior Building, Washington, D.C. 20240 during regular business hours (7:45 a.m.-4:15 p.m.).

The Department of the Interior has determined that this document does not contain a major proposal requiring preparation of an Inflationary Impact Statement under Executive Order 11621 and OMB Circular A-107.

PART 3830—LOCATION OF MINING CLAIMS

Part 3830 is amended by adding Subpart 3833 to read:

Subpart 3833—Recordation of Mining Claims and Filing Proof of Annual Assessment Work or Notice of Intention To Hold Mining Claims

Sec. 3833.1 Purpose.
3833.2 Objects.
3833.3 Authority.
3833.1—Manner of recordation—National Park System.
3833.1—Manner of recordation—Federal lands.
3833.1—When recordation not required.
3833.2—Proof of assessment work/notice of intention to hold claim.
3833.2—When filing required.
3833.2—Proof of assessment work.
3833.2—Form—proof of assessment work.
3833.2—Effect of recordation.
3833.2—Notice of transfer of interest.
3833.4 Failure to file.
3833.5 Effect of recording and filing.

§ 3833.0—Purpose

One purpose of these regulations is to establish procedures for the recordation in the proper BLM office of unpatented mining claims, mill sites, or tunnel sites on Federal lands, and for the filing in the same office of proof of performance of annual assessment work or of a notice of intention to hold an unpatented mining claim. Another purpose is to notify the proper BLM office of the transfer of an interest in unpatented mining claims, mill sites or tunnel site.

§ 3833.0—Objectives

An objective of these regulations is to determine the number and location of unpatented mining claims, mill sites, or tunnel sites located on Federal lands to assist in the management of these lands and the mineral resources therein. Other objectives are to remove the cloud on the title to these lands because they are subject to mining claims that may have been abandoned and to keep the BLM abreast of transfers of interest in unpatented mining claims, mill sites or tunnel sites. These regulations are not intended to supersede or replace existing recording requirements under State law, and are not intended to make the BLM office the official recording office for all ancillary documents (will, deeds, judgments, etc.) involving an unpatented mining claim, mill site or tunnel site.

§ 3833.0—Authority

(a) Subsections (a) and (b) of section 314 of the Act require the recordation of unpatented mining claims and the filing of information concerning annual assessment work performed or a notice of intention to hold such a claim in the proper BLM office within specified time periods. Subsection (c) sets forth the consequences of the failure to file such information or documents within the time limits prescribed.

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Section 8 of the Act of September 28, 1976 (16 U.S.C. 1901-1912), requires that a mining claim, if unpatented, and the boundaries of the National Park System shall be recorded with the Secretary within one year after the date of the Act and provides penalties for failure to record.

(c) Section 2319 of the Revised Statutes (30 U.S.C. 230) provides that the exploration, location, and purchase of valuable mineral deposits shall be "under regulations prescribed by law," and section 2478 of the Revised Statutes, as amended (43 U.S.C. 1201), provides that those regulations will be issued by the Secretary.

(d) The Secretary has general responsibility and authority concerning public lands under 43 U.S.C. 2 and section 310 of the Act.

§ 3833.2—5 Definitions.

As used in this Subpart:


(b) "Unpatented mining claim" means a lode mining claim or a placer mining claim located under the General Mining Law of 1872, as amended (30 U.S.C. 21-54), for which a patent under 30 U.S.C. 29 and 34 CFR 3860 has not been issued.

(c) "Mill site" means any land located under 30 U.S.C. 42.

(d) "Office" means an office located pursuant to 30 U.S.C. 27.

(e) "Owner" means any person who holds the possessory interest in all or any part of an unpatented mining claim, mill site, or tunnel site whether such interest was obtained by location, purchase, gift, inheritance, or other means recognized under law for transfer of the right of possession and enjoyment recognized in the holder of the claim.


(g) "Proper BLM office" means the state Bureau of Land Management office having jurisdiction over the area in which the lands subject to the regulations are located. (See 43 CFR 1921.2—1 for office location and area of jurisdiction.)

(h) "Date of location" means the date indicated on the notice of location or discovery posted on an unpatented mining claim, mill site, or tunnel site under state law, or, if state law does not require the posting of a notice of location or discovery the date that the notice of location of the claim was posted in accordance with 43 CFR Parts 3830 and 3860.

(i) "Official record of the notice or certificate of location" means the instrument, if any, that contains the location and/or survey documents filed for record with the county recorder or other officer now authorized to record such instruments under state law in the county where the unpatented mining claim, mill site, or tunnel site is located and any amendments thereof which may change or alter the information in § 3833.2—5.

§ 3833.3 Recording of mining claims.

§ 3833.1—1 Manner of recordation—National Park System.

The owner of an unpatented mining claim, mill site, or tunnel site located on or before October 21, 1976, as herein defined, "Claims of Location of Mining Claims," published on October 29, 1976, at 41 FR 46357, and copies of all material received by the National Park Service pursuant to that Notice will be given by the Park Service to the proper BLM office. Compliance with the requirements of that Notice will be deemed full compliance with the requirements of section 314 of the Act for all owners of unpatented mining claims, mill sites, or tunnel sites within the boundaries of any unit of the National Park System.

§ 3833.3—1 Manner of recordation—Federal lands.

(a) The owner of an unpatented mining claim, mill site, or tunnel site located on or before October 21, 1976, on Federal land, excluding land within units of the National Park System, shall file before October 22, 1979, in the proper BLM office a copy of the official record of the location of the claim or site filed under state law, or, if state law does not require the recordation of a notice of location of the claim or site, a certificate of location containing the information in paragraph (c) of this section.

(b) The manner of recordation of a mining claim, mill site, or tunnel site located after October 21, 1976, on Federal land shall file within 60 days after the date of location of that claim in the proper BLM office a copy of the official record of the notice or certificate of location of the claim or site filed under state law or, if the state law does not require the recordation of a notice or certificate of location of the claim or site, a certificate of location containing the information in paragraph (c) of this section.

(c) The copy of the notice or certificate filed shall be accompanied with paragraphs (a) and (b) of this section shall be supplemented by the following additional information unless it is included in the copy:

(1) The name or number of the claim, or both, if the claim has both;

(2) A reference by book and page or other identification number to the county or other local public record of the notice or certificate and, if amended, of the last recorded amendment thereof.

(3) The name, current mailing address, and current residential address of the owner of the claim.

(4) A description of the percentage and type of interest held by each of the owners.

(5) The type of claim (placer, lode, mill site or tunnel); and

(6) The mineral(s) for which the claim is located.

(d) The date of location; and

(e) A description of the claim or site located on a survey map with a scale of not less than one inch to 2000 feet (if available, a 7.5 minute series U.S. Geological Survey toposheetematic map) as follows:

(f) For all claims (placer, lode, mill site and tunnel site) located on surveyed or unsurveyed land, the description shall include the approximate location of the claim or any part of the claim within the smallest legal subdivision of a section with appropriate section, township, range, meridian, county and state obtained from an official survey plat or production diagram whichever is applicable, appraised in cardinal directions.

(g) For placer or mill site claims located on surveyed land where configuration of the perimeter of the mineral deposit constitutes the claim, a description of the claim shall include a metes and bounds description with boundaries with bearing and distance of each course. A corner of the claim in this description shall be connected by bearing and distance to the nearest official monument of the public land surveying system which can be found through the exercise of reasonable diligence.

(i) For claims located on unsurveyed land, the description shall include a metes and bounds description which shows claim boundaries with bearing and distance of each course, and, where practicable, those claim boundaries shall be located on surveyed land where configuration of the perimeter of the mineral deposit constitutes the claim. A corner of the claim in this description shall be connected by bearing and distance to the nearest official monument of the public land surveying system which can be found through the exercise of reasonable diligence.

(2) Claims located on unsurveyed land, the description shall include a metes and bounds description which shows claim boundaries with bearing and distance of each course, and, where practicable, those claim boundaries shall be located on surveyed land where configuration of the perimeter of the mineral deposit constitutes the claim. A corner of the claim in this description shall be connected by bearing and distance to the nearest official monument of the public land surveying system which can be found through the exercise of reasonable diligence.

§ 3833.3—3 When recordation not required.

If the owner of an unpatented mining claim, mill site or tunnel site had on file in the proper BLM office on October 21, 1976, an application for a patent mineral which
§ 3833.2-1 When filing required.

(a) The owner of an unpatented mining claim located on Federal land on or before October 21, 1976, shall file before October 22, 1976, a statement that the claim is held by the owner, or the labor performed, or if such dates are unknown, the period of time within which labor was performed or for which improvements were made or for which the labor was performed.

(b) The owner of an unpatented mining claim or mill site located on or before October 21, 1976, shall file a statement with the authorized officer of the proper BLM office for annual assessment work performed during the preceding assessment year or a notice of intention to hold the mining claim.

(2) The owner of a mill site or tunnel site located on Federal land on or before October 22, 1979, and prior to December 31 of each year thereafter, in the proper BLM office proof of annual assessment work performed during the preceding assessment year or a notice of intention to hold the mining claim.

(2) The owner of a mill site or tunnel site located on Federal land on or before October 22, 1979, and prior to December 31 of each year thereafter, in the proper BLM office proof of annual assessment work performed during the preceding assessment year or a notice of intention to hold the mill or tunnel site.

(b) The owner of an unpatented mining claim located after October 21, 1976, shall, prior to December 31 of each year following the calendar year in which such claim was located, file in the proper BLM office proof of annual assessment work performed during the preceding assessment year or a notice of intention to hold the mining claim.

(c) The owner of an unpatented mining claim or mill site located on or before October 21, 1976, and prior to December 31 of each year thereafter, in the proper BLM office a notice of intention to hold the mill or tunnel site.

(d) The owner of an unpatented mining claim located after October 21, 1976, shall, prior to December 31 of each year following the calendar year in which such claim was located, file in the proper BLM office proof of annual assessment work performed during the preceding assessment year or a notice of intention to hold the mining claim.

§ 3833.2-2 Form—proof of assessment work.

(a) An affidavit of assessment work performed, setting forth the following information:

(1) The serial number assigned to the claim by the authorized officer upon filing of a copy of the official record of the notice or certificate of location or patent application in the proper BLM office;

(2) The year for which such improvements or expenditures were made or labor was performed; and

(3) The serial number assigned to the claim by the authorized officer upon filing of a copy of the official record of the notice of intention to hold the mining claim, as required by the Act, or in the county office in which the claim was located.

(b) A copy of the detailed report concerning geological, geochemical, and geophysical surveys filed in the county office in which the claim is located pursuant to the Act of September 2, 1958 (30 U.S.C. 28-1), setting forth the following additional information:

(1) The serial number assigned to the claim by the authorized officer upon filing of a copy of the official record of the notice or certificate of location or patent application; and

(2) Any change in the mailing or resident address of the owner or owners of the claim;

(c) The date on which a detailed report concerning geological, geochemical, and geophysical surveys filed in the county office in which the claim is located pursuant to the Act of September 2, 1958 (30 U.S.C. 28-1), and the Act, was filed in the county office in which the claim is located.

§ 3833.2-3 Form—notice of intention to hold claim.

A notice of intention to hold a mining claim or group of mining claims shall be in the form of a letter signed by the owner or by his agent setting forth the following information:

(a) The serial number assigned to the claim by the authorized officer upon filing of a copy of the official record of the notice or certificate of location in the proper BLM office;

(b) Any change in the mailing or resident address of the owner or owners of the claim;

(c) A statement that the claim is held and claimed by the owner(s) for the valuable mineral contained therein;

(d) A statement that the owner(s) intend to continue diligent exploration or development of the claim;

(e) The reasons that physical, legal, or other impediments, beyond the control of the owner(s), have prevented the filing of an affidavit of assessment work performed or a detailed report of geological, geochemical, and geophysical surveys filed under 43 CFR §3833.2-2 (such impediments may include, but are not limited to, deferment of annual assessment work, in which case the notice must be accompanied by a copy of petition for deferment and the order or decision disposing of such petition); and

(f) The date on which a copy of the notice of intention to hold the mining claim, as required by the Act, was filed in the county office in which the claim is located.

§ 3833.2-4 When proof or notice not required.

(a) The serial number assigned to the claim by the authorized officer upon filing of a copy of the official record of the notice or certificate of location in the proper BLM office.

(b) The name and address (residence and mailing) of the person(s) of whom an interest in the claim has been sold, assigned, or otherwise transferred; and

(c) A description of the interest conveyed.

(b) Whenever any person acquires an interest through inheritance in an unpatented mining claim, mill site, or tunnel site recorded in accordance with §3833.1, he shall file in the proper BLM office within 30 days after the completion of the transfer the following information:

(1) The serial number assigned to the claim by the authorized officer upon filing of a copy of the official record of the notice of certificate of location in the proper BLM office.

(2) The name and address (residence and mailing) of the person(s) of whom an interest in the claim has been sold, assigned, or otherwise transferred; and

(3) A description of the interest conveyed.

(c) Each notice of transfer shall be accompanied by a $10 service fee which is not returnable.

§ 3833.4 Failure to file.

(a) The failure to file such instruments as are required by §§3833.1 and 3833.2-3 within the time periods prescribed therein, shall be deemed conclusively to constitute an abandonment of the mining claim, mill site, or tunnel site and it shall be void.

(b) The fact that an instrument is filed in accordance with other laws permitting filing or recording thereof and which, under the applicable law, would create the same interest in the mining claim, mill site, or tunnel site, shall not be considered failure to file an instrument under this subpart.
Revised Statutes, as amended (30 U.S.C. 28), and compliance with the requirements of this subpart shall be in addition to and not a substitute for compliance with the requirements of section 2324 and with laws and regulations issued by any State or other authority.

(c) Filing of instruments pertaining to mining claims under other Federal law with the BLM or any other Federal agency will not excuse the filings required by this subpart and filings under this subpart will not excuse the filing of instruments pertaining to mining claims under any other Federal law.

(d) In the case of any action or contest affecting an unpatented mining claim, mill site or tunnel site, only those owners who have recorded their claim or site pursuant to § 3833.1-2 or filed a notice of transfer of interest pursuant to § 3833.3, will be considered by the United States as the record owners of such claim or site and will be personally notified of such action or contest. Owners who have not recorded a claim or filed a notice of transfer will be notified only by publication and will be bound by any contest proceeding or action even though they have not been personally served.

JACK O. HONITON, Assistant Secretary of the Interior.

DECEMBER 7, 1976.

[FR Doc. 75-56371 Filed 12-9-76; 8:45 am]
PART V:

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

NATIONAL HIGHWAY TRANSPORTATION

Statement of Policy
DEPARTMENT OF TRANSPORTATION
Federal Highway Administration
NATIONAL HIGHWAY TRANSPORTATION
Statement of Policy

The purpose of this notice is to present an Initial Statement of National Highway Transportation Policy setting forth the general policies of the Federal Highway Administration (FHWA) of the United States Department of Transportation.

The formulation of policy statements has become an important and relevant process in recent times. Organizations, be they governmental, quasi-public, or private, are discovering there are several strategic imperatives which may be pursued in the attainment of broad goals or in response to societal needs. Clearly, it is in the public interest for a government organization to work toward a lucid and timely statement of policy so that members of the agency, other organizations, public in general, or individuals at large may enhance their understanding and opportunities to help shape the agency's overall directions, principles, and priorities. With such an understanding, those responsible for providing improved transportation will be guided by the appropriate national principles and policies which_width to a safe, efficient, accessible, and effective highway transportation system.

The Secretary of Transportation's "Statement of National Transportation Policy," September 17, 1975, provides the overall transportation policy framework for the Secretary, FHWA, and the agencies under its authority. As the Secretary's initial statement, policy formulation is a continuing process, and no national statement or position may be fully implemented without the consent of Congress and its appropriate committees. It is within this understanding, and in congressional actions, policy must be modified. It is the practice of the FHWA, therefore, to periodically update and publish its current policies to reflect current national priorities. In recognition of this goal, Section Three, Policy Directions, discusses the policy statements which will face the Nation in the near future. These have been developed in order to provide guidance for evolving policies. The policymaking process may be characterized as complex, evolutionary, and controversial. It is likely that policy positions have become controversial because transportation is an important national issue, involving all levels of government and a large segment of industry and the public at large, and because goals and objectives of these various groups are not always common. Thus, policy can represent but one aspect of concern, albeit an important one, in the analysis or assessment by the several levels of government of current directions and operations of the Nation's transportation systems.

Basic to this process are two fundamental policy problems. First, there is the question of the appropriate Federal role in influencing the Nation's highway transportation systems. This persistent problem is highlighted in the Policy Statement issued by the Secretary of Transportation and in all statements which discuss the intergovernmental nature of transportation. Furthermore, the increasing interest in this problem has stimulated similar discussions on the appropriate roles of State and local governments and the private sector. With respect to the private sector, it is an axiom that a dynamic, competitive and efficient private sector should meet the Nation's transport needs to the maximum extent possible, and the government should interact effectively, mutually reinforcing common goals. With respect to the Federal role, it is attempting to evolve precisely in general terms, we do attempt to define and clarify the issues where possible throughout the discussion on Policy Statements.

The second fundamental policy problem concerns the content and application of highway transportation policy. The pervasiveness of the highway transportation system and its many ramifications are such that several issues concern its impacts and effects are clearly beyond the control and responsibility of the FHWA, or any Federal agency for that matter.

This issue is further complicated by the fact that the principal implementers of public policy are the elected and appointed officials of State and local governments. Thus, while national transportation policy may be formulated by Federal agencies, it is only through continuous and cooperative review and revision that such policies may meaningfully influence transportation decisions.

It is also emphasized that the policies of an operating administration must complement the policies for other transportation modes. This policy statement is consistent with the current Statement of National Transportation Policy developed by the Secretary of Transportation and forwarded to Congress. Also, since programs for highway transportation require cooperation with other agencies, certain portions of this statement reflect activities currently administered by the agency or the cooperation with the Urban Mass Transportation Administration (UMTA) and the National Highway Traffic Safety Administration (NHTSA), as well as several other Federal agencies which have statutory responsibilities in related areas.

STATES OF HIGHWAY TRANSPORTATION

Our highway system is one of the Nation's greatest assets. Billions of dollars have been invested since 1921 by all levels of government to plan, construct, maintain, and operate the entire highway system, but it is difficult to measure its true value to the economic and social life of the Nation. The mobility now so characteristic of our society would be greatly limited without an extensive system of safe, well maintained roads and streets. The nature, size, composition, and use of our Nation's output, the industrial structure within which it is produced, the distribution of the resulting income—geographically and among the people—are all dependent in some measure upon the design, location, operation, and maintenance of this system. Highways, together with other transportation systems, have facilitated the Nation's economic growth.

Since the end of World War II, the Nation's highway system has been extended by 12 percent to a total of 3.8 million miles. This represents about one-fourth of the highway mileage of the world. About 20 percent of the Nation's highway mileage is on Federal-aid system routes. The network of the system is the 42,500-mile National System of Interstate and Defense Highways, popularly called the Interstate System, of which 68 percent, or about 33,000 miles, is now open to traffic. This system, while constituting only 1.1 percent of the Nation's highway

mileage, carries over 21 percent of all motor vehicle traffic. Almost 154 million motor vehicles use the total highway system in the country. The 105 million automobiles, the 23 million trucks, the 5 million motorcycles and the one million buses registered in the United States represent 56 percent of all the vehicles in the world. The Nation's highway system carries 87 percent of the intercity passenger traffic and 23 percent of the intercity ton miles of freight. In urban areas, 88 percent of all personal trips are by highway and 95 percent of the freight moves by road.

Despite the impressive extent and performance of the Nation's highway system, heavy use has contributed to serious deficiencies which must be corrected if the system is to continue to meet high standards of safety and efficiency. Though the Interstate System is not yet completed, it is already overloaded on a daily basis on certain critical urban sections, and many other arterials are overloaded during peak periods. Thousands of bridges on various highway systems must be replaced and hundreds of thousands of miles require safety and other improvements such as signage, shoulder work and junkyard elimination or screening. Because of these deficiencies, there must be continuing improvement of the Nation's highway system.

Assuming sufficient availability of energy, highway travel is expected to increase by about 40 percent between 1970 and 1980, and the current congestion on many urban and some rural highways will worsen unless adequate improvements are undertaken or there are major changes in travel habits. Low-capital improvements in the Nation's urban transportation system can maintain an acceptable balance. These include better traffic management, more efficient public transportation, increased carpooling, and exclusive bus lanes. However, there will be a continuing need for more capital intensive programs to upgrade heavily traveled urban and rural highways and bridges; to eliminate road hazards; and to purchase right-of-way for new transportation corridors where development is taking place. Above all, the present level of performance of highway systems must be maintained, and this will undoubtedly require substantial expenditures. Clearly, there are challenges ahead. For policy makers and transportation planners, the task of ensuring that our national highway transportation system keeps pace with the demands of society.

NATIONAL TRANSPORTATION PRINCIPLES
A national highway transportation policy must be based upon an evolutionary process which is responsive to changing national goals as reflected in Federal legislation. Certain overall national principles have emerged from policy development, program administration, future directions, and other relevant activities of a governmental agency. The national principles also benefit from the contribution that Federal leadership must provide, consistent with the reality that governmental resources are finite and with the doctrine of intergovernmental and public-private cooperation. These fundamental national transportation policy principles are summarized below.

Mobility. Mobility is essential to the continued economic growth of the Nation. It has been a characteristic of the American lifestyle, and a high degree of mobility depends in turn on a high degree of personal accessibility to transportation systems. The accessibility of such systems to available economic, recreational, and educational opportunities, providing effective accessibility to and within the highway network, therefore, is a major policy goal in the management and administration of highway transportation programs. It is certain that in order to maintain individual mobility, the automobile will continue to be the most universally accepted form of transportation. Moreover, the movement of goods is equally essential to economic well-being and must be facilitated by an efficient and reliable method of transportation. Clearly, there is no national transportation policy principle more important than the continued enhancement of mobility for all Americans. It is an absolute necessity for these improvements to integrate the highways in large part, on the maintenance of individual mobility. Historically, there has been a direct correlation between mobility and the Gross National Product. Certainly the interlocking nature of personal transportation and corporate systems illustrates the fact that individual mobility is not an end in itself but represents the means by which broader goals, such as economic opportunity, are achieved.

Intergovernmental Cooperation. It has been a long-standing Federal policy that national development programs should be undertaken within the framework of an effective and cooperative Federal-State partnership. This policy principle is firmly embedded in Federal statutes and persists as a dominant policy goal for national transportation programs. In addition, recognition in recent years of the increasing importance of interjurisdictional nature of transportation has led Congress to enact legislation which has expanded the definition of the Federal interest and has acknowledged the legal authority and responsibility of local elected officials. Thus, consistent with Federal statutes, national transportation policy is based upon the principles of allowing State and local governments maximum flexibility in implementing transportation programs, while ensuring that an effective and cooperative process for planning and decisionmaking is at work at all levels of government.

Economic Development. By reducing transportation costs and increasing accessibility, public highway investments make possible a number of other economic benefits, including increased employment and productivity, enhanced competitiveness, and reduced inflation and unemployment. Therefore, national transportation policy must provide for the orderly development of rural and small urban areas. Taken together, these benefits promote national as well as regional and local economic development. In order to sustain and enhance economic growth and productivity, integrated and efficient transportation systems are necessary. Thus, a continuing program of transportation improvements to ensure a high level of transportation performance is essential to the Nation's prosperity, safety, and the prosperity of State and regional areas.

Safety. Of utmost importance in providing transportation systems is the Federal requirement for safety. No value is greater than human life and no transportation responsibility more important than the safety of the passenger, driver, transportation worker, pedestrian, and others exposed to transportation systems. Therefore, safety considerations must be one of the foremost concerns of everyone involved in the transportation development process. For example, safety must be considered in the planning, design, and construction of transportation facilities; in the planning, designing and manufacturing of vehicles; in determining traffic patterns and routes; in qualifying and training drivers; in the loading and delivery of passengers and cargo; in operating vehicles on the highways; in identifying and eliminating risks and hazards; in reducing the severity of accidents; and in analyzing and researching transportation operations and accidents. To all these efforts, the responsibility for safety is shared among the various levels of government, the industry, and the general public.

Energy. Increased use of energy in the transportation sector and in the distribution of domestic energy resources is a major national priority. Moreover, national policy is directed to develop alternative energy sources and systems in order to minimize the dependence of the United States on foreign petroleum with its accompanying increases in price and uncertain availability.

The increased mobility, accessibility and economic growth generated by transportation improvements can affect the demand, the costs, and the supply of energy resources. Thus, as major consumers of energy, transportation developers and users must participate substantially in energy conservation programs and systems in order to minimize the depend-
environment and to preserve natural and cultural resources.

National policy in this area is based upon the need to fully consider social, economic, and environmental effects throughout the planning of transportation projects, and the need for a systematic, interdisciplinary approach in assessing these effects in conjunction with the transportation, engineering, and safety aspects of these projects. Thus transportation project decisions should be made in the best overall public interest, based upon a balanced consideration of the need for fast, safe, and efficient transportation, and the social, economic, and environmental effects of system improvement.

Civil Rights. It is a national policy that aggressive and conscious actions must be taken to achieve equal opportunities for minorities, women, the poor, the elderly, and the handicapped, to fight discrimination, and to ensure to the extent practical and economically feasible that the transportation system is accessible to all citizens. In transportation, as well as all other sectors, national policy encourages affirmative action in program practice to ensure that the benefits of Federal assistance are distributed equitably throughout all segments of the population.

II. POLICY STATEMENTS

This section sets forth the general policies of FHWA, which underlie the specific actions and procedures shown to implement programs in accordance with legislative and regulatory requirements.

In order to present policy positions in a format and context that is comprehensive in scope and yet consistent with the limitations and boundaries associated with the policy formulation process, the policy statements are grouped into various subject areas. It is important to emphasize that this grouping does not necessarily imply policy priorities or functional areas; rather, it is a means to organize statements of broad policy into topics which may then be related to programs.

It is also important to recognize that certain aspects of national highway transportation policy are contained in Title 23, United States Code. National highway legislation, essentially section 101, is a statement of congressional policy on highway transportation which, because it is contained in a statutory document, has precedence over and above other considerations. Where Congress has been silent, however, or in areas where policy is concerned with more detailed program management issues beyond the scope of congressional direction, the FHWA establishes position statements with national transportation policy.

As national goals, legislation, concerns, and conditions change, these policy statements shall be modified accordingly.

THE INTERSTATE SYSTEM

One of the most important national transportation policy priorities, as Congress has clearly indicated in Title 23, is the prompt and early completion of the National System of Interstate and Defense Highways. The completed sections of the Interstate System have been categorized into two types: those sections which are essential to complete a unified and interconnected system; and those sections which are not essential for connectivity and thus may be replaced by sections elsewhere in the State, or may be withdrawn and mass transit or other highway facilities substituted in their place. The FHWA places top priority on completion of the essential sections and programs are designed to accomplish this policy objective.

Even as progress is being made toward closing the remaining gaps in the Interstate System, safety and mobility on existing sections is being reduced by physical deterioration or by excessive traffic volumes. In order to ensure that both flexibility and improved acceptable levels of mobility and safety, the FHWA, in cooperation with State and local governments, shall continually monitor System performance. Where System performance is found to be approaching unacceptable levels, attention will be directed to designing and implementing corrective measures. Moreover, it is FHWA policy that the Interstate program be recognized as a long-term national commitment to maintain a high level of service to the most important transportation system, and that adequate resources be provided to fulfill this commitment.

URBAN TRANSPORTATION

Urban transportation policy is a component of areawide development policy and provides the framework for a coordinated and comprehensive approach to meeting metropolitan transportation and other needs on the part of State and local governments. Federal urban transportation policy must recognize the need for both flexibility and improved efficiency in meeting these needs.

Although the automobile continues to be the most flexible and responsive mode of travel, improved highways are only one solution to important transportation problems. Both public and private transportation are necessary to provide adequate mobility in urban areas. Different urban areas may desire different mixes of public and private service; therefore, communities should have the freedom to choose among various types of transportation improvements. An effective metropolitan transportation system requires a mix of modes, public and private, properly planned and using the relative advantages of each. Thus, it is FHWA policy that Federal-aid highway program funds be used, where appropriate, to support the needs of metropolitan transportation services. Above all, the FHWA shall continue to support a policy of flexibility in the use of Federal-aid urban funds to permit a wide range of projects, including those which increase the occupancy rate of automobiles and those to improve transit.

A significant near-term policy is being pursued through the implementation of FHWA and UMTA regulations on the planning and programming of the full range of urban transportation improvements, in accordance with the requirements in Title 23, United States Code. This policy is designed to achieve improved intergovernmental relations, more intermodal facilities and services, and the consideration of alternatives and, as far as feasible, the maximum extent of managing urban transportation systems.

Inherent in the development and consideration of alternatives must be the process of maximizing cost-effectiveness. The cost discipline should serve as a matter of constraint in the project selection process, particularly in urban areas where high project costs and complex systems predominate. As each transportation decision is taken in the light of a specific set of circumstances, the tools used to measure and maximize cost-effectiveness should reflect that situation. Therefore, in order to present policy positions in a format and context that is comprehensive in scope and yet consistent with the limitations and boundaries associated with the policy formulation process, the policy statements are grouped into various subject areas. It is important to emphasize that this grouping does not necessarily imply policy priorities or functional areas. It is important to emphasize that this grouping does not necessarily imply policy priorities or functional areas. It is important to emphasize that this grouping does not necessarily imply policy priorities or functional areas. It is important to emphasize that this grouping does not necessarily imply policy priorities or functional areas. It is important to emphasize that this grouping does not necessarily imply policy priorities or functional areas.

The more efficient use of existing urban transportation systems through improved traffic management and other techniques must now be a part of the effective urban transportation program. It is FHWA policy that the movement of automobiles, motorcycles, buses, rail, mass transit vehicles, bicycles, and pedestrian traffic be managed together so that maximum effectiveness of the urban transportation system as a whole may be more nearly achieved.

RURAL TRANSPORTATION

State and local governments, aided by Federal funds, have developed an extensive and efficient system of highways which has contributed greatly to the prosperity and enhancement of rural communities. In recent years, however, the Federal Government and many States have placed a greater emphasis on dealing with rural transit problems, in large metropolitan areas, and consequently the rate of major system improvements in rural areas has declined.

To counter this trend, with its attendant impact on the Nation's economic well-being, FHWA policy shall focus greater attention on determining rural highway transportation policy as it relates to rural highway service. Increased emphasis will also be placed on determining appropriate programs and services for those rural residents who do not have access to private automobiles.

Congress has declared as national policy the need to emphasize more the construction and reconstruction of all Federal-aid systems in order to reach reasonable standards, including those for safety. This need is expedited to the extent feasible in rural areas where there are numerous structurally deficient bridges and where other critically needed highway improvements are by necessity being continually postponed. Furthermore, the problem of system deterioration may well intensify...
with the elimination of unprofitable rural rail branch lines and the resulting shifting of funds toward rural highways. It is FHWA policy to cooperate with the States to accelerate wherever possible the upgrading of the rural transportation system, including the construction and reconstruction of highways where appropriate, in order to improve the service and performance of rural highway transportation.

PROGRAM FUNDING MECHANISMS

The mechanisms for funding Federal-aid transportation programs and the establishment of appropriate funding levels are significant policy issues. The FHWA endorses fully the policy of separating the issue of appropriate program funding levels from reference to fixed Federal Highway Trust Fund revenues. Program levels should be established through careful analysis of system performance, and should reflect an explicit Federal role related to maintaining or improving such performance. Funding levels for long-term capital improvement programs, such as highway development, must have long-term stability to support an effective planning process, and should not be subject to erratic short-term fluctuations except in cases of unusual national circumstances.

A fundamental premise of the FHWA, one which forms the basis for policies concerned with transportation program funding mechanisms, is that appropriate user charges are a fair and equitable means of obtaining transportation revenues in order to provide benefits to users. This policy has proven to be acceptable and effective in funding most transportation programs and in minimizing transport subsidies. Moreover, the FHWA supports the trust fund mechanism to ensure that user revenues are allocated for major transportation purposes, consistent with the provisions of Title 23, and to allow flexibility in determining appropriate funding levels. In such cases where programs are best financed by a trust fund, it is necessary to evaluate user charge levels periodically to determine if they need to be adjusted to support the program levels justified by performance objectives or to gain improved equity among classes and types of users.

It is important to view this general policy with respect to the relative use of transportation systems and the fact that some programs are financed from general revenues. A Federal user tax on gasoline is channeled into programs to improve Federal Highway systems, thus one could argue that such a Federal tax is inequitable for predominately unregulated highways not on Federal systems. Moreover, the fact that community benefits also accrue to non-users of Federal-aid highways suggests that general funds also should support certain transportation improvements. However, while these benefits to the general public justify the funding of such Federal-highway programs as public lands, and forest development from general revenues, sound policy holds that Federal programs should be financed by user charges, and the magnitude of Federal assistance should be determined by performance objectives.

Another important policy issue is concerned with the number of programs and how the distribution of funds. The FHWA recognizes the advantages of reducing the number of separate categorical programs in order to provide State and local officials more flexibility and options in their selection of projects within broad-based programs, and shall continue to work with Congress to achieve this objective. It must be emphasized, however, that specific programs—such as the Interstate program, safety programs and innovative demonstrations—are desirable where there is a clear national interest and a strong Federal role is involved. For example, among current programs, the FHWA endorses a policy of apportioning program funds on a formula basis whenever feasible, whether the formula is established by law for specific purposes or through discretionary action, in order to distribute Federal aid as equitably as possible.

TRANSPORTATION PLANNING

Transportation exists to meet an interconnected set of broad national, State, local, community, and environmental goals, and its profound effects on development must be consistent with these goals. To achieve this coherence, the FHWA endorses the coordination of transportation planning at all levels of government with land-use planning and other social, economic, and environmental planning.

Comprehensive and well coordinated transportation planning is an essential element of the transportation development process. The process of transportation planning is to provide a process for developing a coordinated set of goals and objectives and other planning alternatives, and for initiating improvement programs. Effective planning must include a mechanism for maintaining cooperation between State transportation agencies, local governments, and local transportation agencies. In order to achieve this cooperation and an effective planning process, the FHWA requires State and metropolitan planning agencies to provide for input from appropriate local officials, to allow for public participation, and to improve the linkage between the planning and programming of projects. Furthermore, the planning process must be comprehensive and coordinated, incorporating all modes of transport, community development, and land use.

It is FHWA policy that in urban areas the transportation planning process shall include the development of a transportation plan and a short-term improvement program. The plan shall consist of a transportation system management element and a long-range element, while the short-term improvement program shall be a staged, multiyear program of cost-effective transportation projects consistent with the plan. An emphasis on products, as well as the process of urban transportation planning, serves to make the process more effective and provides a performance orientation to transportation planning.

If the Nation's overall transportation system is to work effectively, adequate mobility for all, several modes of transport are required, all operating within well-coordinated, interconnected, and cooperative framework. Thus FHWA policy is that transportation planning at all levels of government should be multimodal, and special attention should be given to the need for improved intermodal transfer facilities and access to terminals.

RESEARCH AND DEVELOPMENT

The Federal Government should operate the maximum extent through cooperative measures designed to improve the efficiency and productivity of transportation systems. In response to this policy, the FHWA pursues a broad based research and development program designed to provide new and improved methods and procedures to construct, maintain, and manage the Nation's highway transportation system. The key element in this effort is the Federal Highway Administration (FHWA), a forum of Research and Development in Highway Transportation (FCP), which focuses all available resources on problem areas identified by the entire transportation community. By encouraging and coordinating the efforts of State transportation agencies, industry and private research institutions, universities, and Federal agencies through the FCP, the highest level of expertise is brought to bear on the most critical highway transportation problems.

The highly developed level of the cooperative Federal-State relationship, which has long been recognized as the key to success in the Federal-aid highway program, is also essential in making use of highway research findings. By means of this partnership, the results of research and development are applied to highway planning, construction, operations, and maintenance activities on a nationwide basis. Above all, the FHWA policy seeks to ensure that the benefits of research and development are made available to other government agencies and to private enterprise through effective dissemination programs and appropriate incentives for their use.

A priority program in this area is the practice of technology transfer. In order to increase the benefits of highways, improve their quality and minimize their cost, the FHWA promotes the widespread use of new technology in a relatively short period of time in a number of ways: Full support to the major Federal Government emphasis on technology transfer; Increased coordination and intensification of efforts with the States and others in the highway community in using and promoting the use of new technology; Increased capability and emphasis in the development of technology in the research program and in other programs; Major emphasis on implementation, primarily through such mechanisms as the Executive Committee on Application of Improved Technology and the Experi-
Sound public policy dictates that all levels of government should protect, improve the efficiency of, and maintain the performance of large public investments in accordance with their appropriate and respective roles. Nowhere is this policy more appropriate than in transportation system management. It is essential that the most efficient use be made of all highway systems, compatible with the land development and economic activities of the people. Transportation planning, including traffic flow and safety improvements, is an ongoing, fundamental task of the FHWA.

**Program Management**

There are many general policy considerations associated with maintaining the highest possible degree of effectiveness in the FHWA's internal program administrative practices and those of its constituent agencies. The key policy considerations in the area of program management are:

**The FHWA Organization.** The FHWA shall continue to plan and coordinate its activities to achieve its goals. The FHWA shall continue to review periodically its federal and State activities, procedures, and lines of authority in order to cope with the new and complex problems in the highway transportation field. The FHWA shall continue to review, state, and local governments on complex highway-related issues. The FHWA shall continue to delegate to its field offices as much flexibility and decision-making authority as is consistent with the application of Federal highway policies.

**Program Accountability.** It is FHWA policy to ensure proper accountability in the administration of national highway transportation programs. This policy is in keeping with the responsibility to:

- The Congress, which exercises legislative authority to establish programs, to obtain or supply financial resources, and to authorize action;
- The President, who exercises responsibility for the executive branch of the Federal Government and the Agency's role in maintaining the uniform application of Federal regulation. While the Agency has the responsibility to ensure the proper accountability within the national highway transportation program is administered properly, the FHWA has the responsibility to ensure the proper accountability within the States to ensure the proper accountabil-

**Program Emphasis Areas.** It is the policy of the FHWA to annually determine and carry out an internal program that focuses special attention on certain timely and significant areas of emphasis. These areas of emphasis provide the framework for setting operational priorities for the Agency in working with State and local governments in achieving national objectives of a priority nature. Following are the program emphasis areas for fiscal year 1977:

- **Highway Construction and Maintenance.** Federal/State/local coordination and Federal interagency coordination.
- **Transportation Systems Efficiency.** Delivery system for Federal-aid highway funds.
- **Highway Safety.** Motor carrier safety; Highway safety.
- **Civil Rights.** Minorities, non-discrimination, and other Federal laws.
- **Minority Business Enterprise Contracting.** It is the policy of the FHWA, consistent with Executive Order, to provide opportunities for minority business enterprises to be informed, to bid, and to obtain commodity and service contracts. Accordingly, for FHWA procurements involving Federal funds, FHWA shall encourage and solicit participation of minority business enterprises in the submission of proposals and bids and, where appropriate, in the performance of contract services.

**Equal Opportunity.** It is an important national goal to achieve equal opportunity for all citizens and the redress of damages from past discrimination. To this end, the FHWA shall further internal efforts to recruit, promote, and train minorities and women for all positions and especially for those positions of a supervisory nature. As one example of action, new training in civil rights obligations will be required for FHWA managers and supervisors. In addition, agencies and contractors that receive Federal highway aid must also protect civil rights, and strive to eradicate the effects of past discrimination on the basis of race, color or national origin in the planning, location, design, construction, and operation of Federal-aid highway improvements.

**NOTICES**

**Equal Employment Opportunity.** The FHWA shall employ and refine the necessary means and methods to:

- Ensure that resources are being adequately protected and utilized efficiently and economically;
- Ensure the honesty and fiscal integrity of its own organization and that of other agencies given authority in administering the program;
- Inasmuch as the national highway transportation program is administered within the framework of an effective and cooperative Federal-State partnership, the FHWA shall employ and refine the means and methods to ensure that:

  - The policy to ensure proper accountability is being met and that desired results or benen-

  - The public, who receive the benefits of transportation, are being protected by the necessary means and methods to:

    - Curtail lengthy and complex instructions;
    - Simplify existing procedures and requirements to provide greater flexibility and discretion at the local level;
    - Eliminate unnecessary paperwork;
    - Minimize those requirements which are not contained or envisioned in the law;

  - Inasmuch as the national highway transportation program is administered within the framework of an effective and cooperative Federal-State partnership, the FHWA shall employ and refine the means and methods to:

    - Curtail lengthy and complex instructions;
    - Simplify existing procedures and requirements to provide greater flexibility and discretion at the local level;
    - Eliminate unnecessary paperwork;
    - Minimize those requirements which are not contained or envisioned in the law;

  - Inasmuch as the national highway transportation program is administered within the framework of an effective and cooperative Federal-State partnership, the FHWA shall employ and refine the means and methods to:

    - Curtail lengthy and complex instructions;
    - Simplify existing procedures and requirements to provide greater flexibility and discretion at the local level;
    - Eliminate unnecessary paperwork;
    - Minimize those requirements which are not contained or envisioned in the law;
The overriding policy goal in transportation safety is to provide the highest practicable and feasible level of safety for people and property associated with highway transportation or exposed to the Nation's transportation systems. Although the accident and fatality rates of United States highways are the lowest of all major industrial countries, the FHWA is committed to a national highway transportation policy which will further reduce highway hazards and the resulting number and severity of accidents on all the Nation's highways.

Identification of the several factors which affect or contribute to highway safety has necessarily resulted in diffusion of responsibilities. Safety responsibilities are shared among all levels of governments, vehicle and component manufacturing industries, transportation utilities, highway builders, pedestrians, individual vehicle operators and other users of the highways. This situation is primarily due to the fact that the mobility and interstate nature of travel, and the economic necessity for highly efficient transportation, require that many jurisdictions and agencies be involved in the construction of safe roadways and in the development and enforcement of traffic safety regulations.

In carrying out safety programs, the FHWA encourages voluntary cooperation of all those involved with highway transportation. The FHWA also provides technical assistance, engages in education and training programs, and provides financial assistance.

The following are current highway transportation safety policy objectives:

- Realignment of FHWA safety functions to provide a focal point for coordinating safety efforts and evaluating progress.
- Improvement in the overall management of safety programs by simplifying planning procedures and encouraging State agencies to better coordinate their activities.
- Improvement of highway accident data collection and analysis systems.
- Enforcement of the 55 m.p.h. speed limit.
- Increased use of Federal-aid funds for cost-effective safety improvements.
- Authorization by the States of their motor carrier safety activities through cooperative agreements with the FHWA.
- Safer shipment of hazardous materials.

Sound transportation environmental policy encourages the use of transportation to improve the environment whenever economically possible, and to avoid or eliminate transportation's adverse impacts on the environment. In recognition of this goal, in recent years a number of congressional measures and FHWA policies have been designed to minimize or eliminate the adverse impacts of highway transportation and to assure a greater compatibility of highways with the environment.

It is FHWA policy that full consideration shall be given in highway transportation programs to the impacts of highway development, along with transportation needs, engineering aspects, safety elements, and project costs. Furthermore, a systematic, interdisciplinary approach is essential to assure a balanced treatment of all of these factors in providing for safe and efficient transportation service.

Full consideration of social, economic, and environmental factors requires open administration of the highway program, not only permitting but actively encouraging the involvement of other agencies and groups and the general public. This approach is important to assure public confidence in highway agencies, to develop fully information on social, economic, and environmental effects, and to bring to light a clear understanding of community values. Public involvement does not imply any lessening of responsibility for designated decision-makers; it does mean the views of others will be available to decision-makers before decisions are reached.

Other measures to assure full consideration of safety, environmental, and economic factors include an objective analysis and comparison of the impacts of alternative courses of action, and the early identification and study of these factors, so that this knowledge is available in time to be presented at public meetings and to influence decisions. These alternatives include, where appropriate, various types and scales of highway improvements, improvements to other transportation modes, and the option of not undertaking any project at the time envisioned.

The aesthetic impact of highway development is an important consideration, and special attention should be given to assuring that both urban and rural highways are as visually pleasing as possible. The appearance of the roadside is also important, and the control of junkyards and outdoor advertising along the Interstate and primary systems, roadside landscaping, and the construction of scenic overlooks and other scenic facilities remain as important elements of highway beautification.

It is FHWA policy that noise control mitigation measures be taken, where feasible, when anticipated noise levels for new projects exceed specified levels related to residential areas. In addition, FHWA supports legislation to reduce the noise level of motor vehicles and encourages the use of planning and control by State and local governments to prevent noise-sensitive uses from being developed in high-noise impact areas or to assure that development is planned to minimize adverse effects. Also, in response to congressional direction, FHWA has issued air quality guidelines for new projects in designated air quality control regions.

Noise and air quality are relatively tangible items lending themselves to rather direct observation, but for other less tangible factors the FHWA position is that attention should be focused on the entire process of project development rather than only final project plans, and that attention should be focused on the FHWA approval, develop their own programs and methods for assuring that national goals and objectives are met. The States, with FHWA's guidance and encouragement, are now implementing Action Plans or required procedures for considering impacts of roadway development.

It is FHWA policy and an imperative effort be made to minimize the detrimental effects on those who must be relocated or are otherwise directly affected by highway construction. Under the provisions for the Uniform Relocation Assistance and Land Acquisition Policies Act of 1970, comprehensive relocation assistance is available to persons directly affected by highway projects. It is FHWA policy to assure that this assistance is provided in a fair and equitable manner in all cases.

SPECIAL HIGHWAY PROGRAMS

The Federal Government has a unique interest and role in special programs such as those to construct and improve highways on federally owned lands, to promote mobility inAppalachia and designated economic growth centers, to provide highway assistance to foreign governments, to assure access to defense facilities, and to provide disaster relief. These programs are established by the Congress, and the Federal Government is often the best level of government to directly finance and manage them, because they are often beyond the scope of the States. In many cases, these programs entail extensive coordination with other Federal agencies, or with foreign governments, and the direct Federal construction of highway facilities. It is essential that the FHWA maintain the capacity to carry out these special programs.

The FHWA policy is to administer these programs as efficiently as possible, to streamline procedures for administering them, and to assure the same high standards of performance, safety, and environmental protection that are established for the regular Federal-aid highway programs in cooperation with the States. Although the need for a strong Federal role in programs on Federal lands and in other special programs is obvious, FHWA will work to give State and local officials more responsibility in cooperation on these programs, and to consolidate separate programs where possible. Such a policy is consistent with the principle of decentralization of national programs.

III. POLICY DIRECTIONS

The policy statements discussed above, together with the national principles expressed in the Introduction, form the basis for general policy in various programs which the Congress and the executive branch deem in the national interest. Two significant points seem appropriate with respect to policy formulation by the FHWA in the future: First, it should be based as much as possible upon the systematic analysis of alterna-
tives and, second, that as coordinated, multimodal transportation systems continue to be developed, new perspectives on transportation service in its broadest functional terms will become necessary. Some of these policy directions are discussed briefly below.

Policy Analysis. The development, analysis, and evaluation of policy is a process that depends upon the systematic assimilation of relevant information about the particular alternatives policies, and the evaluation of these alternatives in terms of their likely impact upon the transportation system. Although there are numerous priorities currently underway within the FHWA designed to improve the information base on which the process depends, one principal example in the area of investment programs should illustrate the directions in which highway transportation policymaking is headed.

The National Highway Inventory and Performance Study (NHIPS). In response to congressional direction, the FHWA has, since 1968, submitted to the Congress biennial reports on future highway needs. Studies were conducted in cooperation with the States, and the findings which were reported to the Congress in 1968, 1970, 1972, and 1975, have been useful in congressional deliberations to national highway legislation.

For the 1976 National Highway Inventory and Performance Study (NHIPS), the FHWA, with the cooperation of the States, the formulation of alternative policies, and the level of performance on the existing highway system as the primary objective. This approach was selected because of significant shifts in national transportation policy considerations. These concerns are illustrated by the following policies.

1. What are the appropriate Federal, State and local roles in highway construction, operation and maintenance of the highway system?
2. What are the appropriate funding levels for the Federal-aid highway programs?
3. What are the performance improvements anticipated from alternative investment levels?
4. What is the effect of Federal-aid funding levels upon State and local transportation decisions?
5. How can performance characteristics be measured uniformly when factors vary substantially across the Nation?
6. How can cost-effectiveness measures be equitably applied to public investment decisions?

The 1976 NHIPS is designed to respond to these types of policy issues by providing better information on the performance of the Nation's highway systems. Above all, it is clear that public investment in national highways with increased rigor to economic analysis in the future and the FHWA policy shall be to provide the kind of information which will allow this type of scrutiny.

Transportation Objectives. The effectiveness of a transportation system can be measured by how well it provides specific types of service, or stated differently, by how well it meets specific transportation policy objectives. Transportation service can be categorized into four general functions: (1) Short haul of passengers, (2) Long haul of passengers, (3) Short haul of freight, and (4) Long haul of freight.

A transportation policy objective is to increase the efficiency with which passengers and freight are transported both short and long distance. The demand for these four categories of transportation service, and the facilities required to accommodate them, must be determined and the appropriate Federal programs and investment levels defined. The figure on the following page illustrates the concept of four distinctive types of transportation service. It shows that the complete transportation system is comprised of several different modes and that various public and private jurisdictions have a part in the development and operation of the system.

Policies for improving efficiency in each of these broad service categories may vary somewhat depending on the location of the facility or service in question and the particular characteristics of each type of service. But, essentially, the general policy objectives for these four categories are to provide and maintain safe, efficient, accessible, and cost-effective systems, and to make personal travel as convenient, comfortable, and pleasant as possible.

To facilitate the long haul of passengers and freight—that is, their transport between cities and between rural communities—principal intercity and interregional highways must continue to be developed and maintained. An adequate system of collector routes must also be available to provide access to the main arterial routes on which long distance travel occurs, and to facilitate egress from the arterial system to ultimate destinations.

Policy objectives for the transport of passengers short distances are the same for rural communities and metropolitan areas. But for the latter, the problems to be resolved are more complex. A basic objective regarding both rural and urban areas is that acceptable transportation service should be available to all people. In rural areas this essentially entails assuring that adequate roads exist. There is a growing awareness, however, that public transportation service is also needed in rural areas. The Rural Public Transportation Demonstration Program is a step toward demonstrating this need and should help Federal, State, and local officials devise more effective rural public transportation programs in the future. As more is learned about the special needs of rural residents, programs can be more specifically designed to meet those needs.

In urban areas, population density and the great variety of trip purposes and transportation patterns present problems for determining the best system for moving people. The goal is to find the best balance between the private automobile and public transportation. Since the appropriate balance varies from city to city, depending on city size, population density, land use patterns, and various other factors, State and local officials require flexibility in allocating funds among alternative types of improvements—whether they be development of highway facilities, public transportation improvements, or traffic management techniques—if the particular services each city needs are to be provided.

The service category short haul of freight involves the local distribution of goods. Included in this category are not only pickup and delivery services occurring entirely within a particular local area, but also the origin and destination portions of long haul service. Urban
goods movement causes special problems because of the mixture of truck and automobile traffic in congested downtown and other commercial and industrial areas. System improvements must minimize adverse environmental impacts and the disruption of traffic flow. In rural communities the primary need is to improve highway transportation access to and within each community and industrial or commercial center, especially in those corridors where unprofitable railroad branch lines may be abandoned.

The appropriate policy directions for the future must ensure that the transportation system operates efficiently with respect to the four major transportation service categories and that all system improvements are compatible with broader societal goals. This goal indeed provides a challenge to all those concerned with the development and use of the Nation's transportation system as well as to the formulation of future policy statements on transportation.

[FR Doc. 76-36296 Filed 12-9-76; 8:45 am]
FRIDAY, DECEMBER 10, 1976

PART VI:

DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions
DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

General Wage Determination Decisions of the Secretary of Labor specify, in accordance with law, the minimum wages to be paid to laborers and mechanics employed in connection with the construction, alteration, or repair of any public work or project.
### Modification P. 1

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**Federal Register, Vol. 41, No. 239—Friday, December 10, 1976**
### DECISION #1775-5072 - Mod. #3
(61 FR 62099 - September 24, 1976)
Statewide Hawaii

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### DECISION #1076-5112 - Mod. #1
(61 FR 52236 - November 26, 1976)
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<td>Benton &amp; Tipppecanoe Counties:</td>
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**Federal Register, Vol. 41, No. 239—Friday, December 10, 1976**
### Modification P. 7

**Decision No. 276-2168 - Mod. 60**

(41 FR 47225 - October 29, 1976)

Statewide, except Lake, LaPorte, Porter, & St. Joseph Counties, Indiana

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<tr>
<th>Changes</th>
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<tbody>
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<td>Line Construction: Crawford, Dubois, Gibson, Perry, Pike, Posey, Spencer, Vanderburgh, &amp; Varrick Counties: Linemen: Line truck ops.; Hole digger; Stool handling cable splicer</td>
<td>11.65, 10.60</td>
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<tr>
<td>Groundman</td>
<td>10.29, 10.60</td>
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<tr>
<td>Truck driver</td>
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### Modification P. 8

**Decision No. 276-4103 - Mod. 82**

(41 FR 2762 - July 2, 1976)

Cass, Clay, Jackson, Platte and Ray Counties, Missouri; and Johnson and Wyandotte Counties, Kansas

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<th>Fringe Benefits Payments</th>
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</thead>
<tbody>
<tr>
<td>Asbestos workers: Electricians (4 stories): Zone 1 - Western half of Clay and Jackson Counties, Missouri; not including Blue Springs; Northern half of Platte County; Northwestern portion of Cass County, Missouri, not including Pleasant Hill</td>
<td>11.22, 10.67</td>
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<tr>
<td>Groundman: Electricians (contracts $5,000 and over): Zone 1 - Western half of Clay and Jackson Counties, Missouri; Electricians (contracts $5,000 and over): Zone 1 - Western half of Clay and Jackson Counties, Missouri; Electricians (contracts $5,000 and over): Zone 1 - Western half of Clay and Jackson Counties, Missouri; Electricians (contracts $5,000 and over): Zone 1 - Western half of Clay and Jackson Counties, Missouri;</td>
<td>11.22, 10.67</td>
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<td>Gathers</td>
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**Basic Hourly Rates**

- H & W
- Pensions
- Vacation
- Education and/or Appr. Tr.
### Modification P. 11

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<td><strong>DECISION NO. 1976-1128 - Mod. 41</strong>&lt;br&gt;(01 FR-5014h - November 12, 1976)&lt;br&gt;Allen, Ballard, Butler, Caldwell, Calloway, Carisbrooke, Charlton, Crittenden, Davison, Edmonds, Fulton, Graven, Hancock, Hendrasen, Hobman, Hopkins, Livingston, Legum, Lyon, McCauchan, Moen, Marshall, Mahlenburg, Ohio, Simpson, Todd, Trigg, Union, Wezen, and Webster Counties, Kentucky.</td>
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<td>Electricians:</td>
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### Modification P. 12

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<td>Change:</td>
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<tr>
<td>Bricklayers, cement masons, marble masons, plasterers, stone masons, trowel workers, and tile setters:</td>
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<tr>
<td>Carpenters &amp; Deck floor Layers:</td>
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<td>8.60</td>
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### Modification P. 11

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### MODIFICATION P. 14

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NOTICES

FEDERAL REGISTER, VOL. 41, NO. 239—FRIDAY, DECEMBER 10, 1976
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FEDERAL REGISTER, VOL. 41, NO. 239—FRIDAY, DECEMBER 10, 1976
### Painters:

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<th>Education and/or Appr. Tr.</th>
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<th>Education and/or Appr. Tr.</th>
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<tr>
<td>CHAIN MACHINERS</td>
<td>9.45</td>
<td>.35</td>
<td>.25</td>
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**NOTICES**

**FEDERAL REGISTER, VOL. 41, NO. 239—FRIDAY, DECEMBER 10, 1976**
<table>
<thead>
<tr>
<th>DECISION PA76-5098 - Mod. #3</th>
<th>DECISION PA76-3179 - Mod. #6</th>
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<tr>
<td>(41 FR 47812 - October 29, 1976)</td>
<td>(41 FR 24655 - June 18, 1976)</td>
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<tr>
<td>Statewide (excluding the Nevada Test Site and Tonopah Test Range), Nevada</td>
<td>Lackawanna, Susquehanna, Wayne &amp; Wyoming Counties, Pennsylvania</td>
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<table>
<thead>
<tr>
<th>Fringe Benefits Payments</th>
<th>Basic in Hours</th>
<th>H &amp; W</th>
<th>Pensions</th>
<th>Vocation</th>
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<tbody>
<tr>
<td>Workers</td>
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<tr>
<td>Asbestos Workers</td>
<td>$10.56</td>
<td>.52</td>
<td>$1.17</td>
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<tr>
<td>Line Construction Workers</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Clark, Lincoln, Nye County (southern half):</td>
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<td></td>
</tr>
<tr>
<td>Line Equipment Operators</td>
<td>13.73</td>
<td>.73</td>
<td>1%</td>
<td>3/4%</td>
</tr>
<tr>
<td>Cable Splicers</td>
<td>15.10</td>
<td>.73</td>
<td>1%</td>
<td>3/4%</td>
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<th>Basic in Hours</th>
<th>H &amp; W</th>
<th>Pensions</th>
<th>Vocation</th>
<th>Education and/or Appr. Tr.</th>
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<tbody>
<tr>
<td>Carpenters:</td>
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<td>.43</td>
<td>.50</td>
<td>.05</td>
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<tr>
<td>Bricklayers &amp; Stonemasons:</td>
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<td>1.00</td>
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<tr>
<td>Carpenters:</td>
<td>10.23</td>
<td>.43</td>
<td>.50</td>
<td>.05</td>
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<tr>
<td>Millwrights:</td>
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<td>.50</td>
<td>.05</td>
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<td>(41 FR 46993 - November 5, 1976)</td>
<td>(41 FR 24655 - June 18, 1976)</td>
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<td>Luzerne County, Pennsylvania</td>
<td>Lackawanna, Susquehanna, Wayne &amp; Wyoming Counties, Pennsylvania</td>
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<th>Pensions</th>
<th>Vocation</th>
<th>Education and/or Appr. Tr.</th>
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</thead>
<tbody>
<tr>
<td>Asbestos Workers</td>
<td>9.95</td>
<td>.65</td>
<td>.60</td>
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<td>Marble Setters:</td>
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FEDERAL REGISTER, VOL. 41, NO. 239—FRIDAY, DECEMBER 10, 1976
### DECISION 6TX76-4062 - Mod. 85
(Dec. 5 - July 1, 1976)

<table>
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<tbody>
<tr>
<td></td>
<td>H &amp; W</td>
<td>Pensions</td>
</tr>
<tr>
<td>Tower Equipment Operators:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Group 1</td>
<td>8.80</td>
<td>.40</td>
</tr>
<tr>
<td>Group 2</td>
<td>8.40</td>
<td>.40</td>
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<tr>
<td>Group 3</td>
<td>8.70</td>
<td>.40</td>
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### DECISION 6TX76-4151 - Mod. 85
(Dec. 6 - September 24, 1976)

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<tr>
<td></td>
<td>H &amp; W</td>
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<tr>
<td>Electricians:</td>
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<tr>
<td>Harris County</td>
<td>11.00</td>
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### DECISION 6TX76-4152 - Mod. 86
(Dec. 6 - September 24, 1976)

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<tbody>
<tr>
<td></td>
<td>H &amp; W</td>
<td>Pensions</td>
</tr>
<tr>
<td>Electricians &amp; cable splicers</td>
<td></td>
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### DECISION 6TX76-4157 - Mod. 86
(Dec. 6 - October 1, 1976)

<table>
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<td>H &amp; W</td>
<td>Pensions</td>
</tr>
<tr>
<td>Electricians:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Zone 1</td>
<td>9.80</td>
<td>.30</td>
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<tr>
<td>Zone 2</td>
<td>9.60</td>
<td>.30</td>
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<tr>
<td>Pool &amp; Utility</td>
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<td></td>
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<tr>
<td>Zone 1</td>
<td>8.26</td>
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<tr>
<td>Zone 2</td>
<td>8.46</td>
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### DECISION 6TX76-4169 - Mod. 82
(Dec. 6 - October 6, 1976)

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<td></td>
<td>H &amp; W</td>
<td>Pensions</td>
</tr>
<tr>
<td>Tower Equipment Operators:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Group 1</td>
<td>7.515</td>
<td>.40</td>
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<td>Group 2</td>
<td>8.30</td>
<td>.40</td>
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<tr>
<td>Group 3</td>
<td>8.70</td>
<td>.40</td>
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### NOTICES

<table>
<thead>
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<th>Basic Hourly Rates</th>
<th>Fringe Benefits Payments</th>
<th>Education and/or App. Tr.</th>
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<td>Pensions</td>
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<tr>
<td><strong>Decision 967-4170 - Mod. 01</strong></td>
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<td>(61 FR 44674 - October 6, 1976)</td>
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<tr>
<td>Brazos County, Texas</td>
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<tr>
<td>Change:</td>
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<tr>
<td>Electricians</td>
<td>$11.20</td>
<td>60</td>
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</table>

| **Decision 967-4187 - Mod. 01** |
| (61 FR 50093 - November 12, 1976) |
| Collin, Dallas, Denton, Ellis, Grayson, Hood, Hunt, Johnson, Kaufman, Palo Pinto, Rockwall, Tarrant & Wise Co., Texas |
| Change: |
| Electricians: |
| Zone 1: |
| Electricians | 10.23 | 60 | 5% | 7/10% |
| Cable splicers | 10.48 | 60 | 5% | 7/10% |
| Zone 2: |
| Area A: |
| Electricians | 10.43 | 4% | 5% | 7/10% |
| Cable splicers | 11.47 | 4% | 5% | 7/10% |
| Area B: |
| Electricians | 10.68 | 4% | 5% | 7/10% |
| Cable splicers | 11.75 | 4% | 5% | 7/10% |
| Area C: |
| Electricians | 10.93 | 4% | 5% | 7/10% |
| Cable splicers | 12.02 | 4% | 5% | 7/10% |
| Painters: |
| Zone 1: |
| Group 1 | 8.925 | .35 | 0% | .06 |
| Group 2 | 9.175 | .35 | 0% | .06 |
| Group 3 | 9.05 | .35 | 0% | .06 |
| Group 4 | 9.30 | .35 | 0% | .06 |

### Decision 4576-5097 - Mod. #2
(61 FR 69003 - November 5, 1976)
Statewide Utah

<table>
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<th>Basic Hourly Rates</th>
<th>Fringe Benefits Payments</th>
<th>Education and/or App. Tr.</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>H &amp; W</td>
<td>Pensions</td>
</tr>
<tr>
<td>Asbestos Workers</td>
<td>$10.50</td>
<td>.32</td>
</tr>
<tr>
<td>Boiler-makers</td>
<td>11.40</td>
<td>.75</td>
</tr>
<tr>
<td>Glaziers</td>
<td>8.35</td>
<td>.51</td>
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<tr>
<td>Plumbers; Pipe-fitters:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Zone 1: Within a 15 mile radius from the center of each City, namely Salt Lake, City, Ogden and Provo, Utah</td>
<td></td>
<td></td>
</tr>
<tr>
<td>9.85</td>
<td>.51</td>
<td>1.00</td>
</tr>
<tr>
<td>Zone 2: Zone 1 plus 15 miles</td>
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<td></td>
</tr>
<tr>
<td>10.25</td>
<td>.51</td>
<td>1.00</td>
</tr>
<tr>
<td>Zone 3: Zone 2 plus 15 miles</td>
<td></td>
<td></td>
</tr>
<tr>
<td>10.95</td>
<td>.51</td>
<td>1.00</td>
</tr>
<tr>
<td>Zone 4: Zone 3 plus 15 miles</td>
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</tr>
<tr>
<td>11.35</td>
<td>.51</td>
<td>1.00</td>
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<tr>
<td>Zone 5: All areas beyond Zone 4</td>
<td>12.35</td>
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</table>
### FRINGE BENEFITS PAYMENTS

<table>
<thead>
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<th>Basic Hourly Rates</th>
<th>Fringe Benefits Payments</th>
<th>Education and/or App. Tr.</th>
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<tbody>
<tr>
<td>AREA 1</td>
<td>AREA 2</td>
<td></td>
</tr>
<tr>
<td></td>
<td>H &amp; W</td>
<td>Pensions</td>
</tr>
</tbody>
</table>

#### TRUCK DRIVERS

**Dump Trucks — Water Level Capacity**

- **8 yds. and less than 16 yds.**
  - Hourly Rate: 8.15
   - Area 1: 9.65
     - Area 2: .54
   - Pensions: .70
   - Vacation: 1.00
   - Education and/or App. Tr.: .10

- **14 yds. and less than 35 yds.**
  - Hourly Rate: 8.30
   - Area 1: 9.65
     - Area 2: .54
   - Pensions: .70
   - Vacation: 1.00
   - Education and/or App. Tr.: .10

- **35 yds. and less than 55 yds.**
  - Hourly Rate: 8.50
   - Area 1: 10.60
     - Area 2: .54
   - Pensions: .70
   - Vacation: 1.00
   - Education and/or App. Tr.: .10

- **55 yds. and less than 75 yds.**
  - Hourly Rate: 8.70
   - Area 1: 10.20
     - Area 2: .54
   - Pensions: .70
   - Vacation: 1.00
   - Education and/or App. Tr.: .10

- **75 yds. and less than 95 yds.**
  - Hourly Rate: 8.90
   - Area 1: 10.40
     - Area 2: .54
   - Pensions: .70
   - Vacation: 1.00
   - Education and/or App. Tr.: .10

- **95 yds. and less than 105 yds.**
  - Hourly Rate: 9.10
   - Area 1: 10.60
     - Area 2: .54
   - Pensions: .70
   - Vacation: 1.00
   - Education and/or App. Tr.: .10

- **105 yds. and less than 120 yds.**
  - Hourly Rate: 9.20
   - Area 1: 10.70
     - Area 2: .54
   - Pensions: .70
   - Vacation: 1.00
   - Education and/or App. Tr.: .10

- **All over 120 cu. yds. to be paid one-half cent ($0.002) per cu. yd. capacity per hour in addition to rate for 105 yds. and less than 120 yds.**

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**NOTES**

**DECISION AUT76-5097 (Cont'd)**

- Pickups: $7.825
- Less than 10 tons: $7.50
- 10 tons and less than 15 tons: $8.05
- 15 tons and less than 20 tons: $8.15
- 20 tons and over: $8.35
- Transit Mix Trucks:
  - Less than 20 yds. capacity: $8.025
  - Over 20 yds. capacity: $8.125
- Concrete Pumping Trucks:
  - Less than 2000 gal.: $7.875
  - 2000 gal. and less than 2500 gal.: $8.00
  - 2500 gal. and less than 4000 gal.: $8.15
  - 4000 gal. and less than 6000 gal.: $8.45
  - 6000 gal. and less than 10,000 gal.: $0.70
  - 10,000 gal. and less than 15,000 gal.: $0.95

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FEDERAL REGISTER, VOL. 41, NO. 239—FRIDAY, DECEMBER 10, 1976
<table>
<thead>
<tr>
<th></th>
<th>Basic Hourly Rates</th>
<th>Fringe Benefits Payments</th>
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<tbody>
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<tr>
<td><strong>TRUCK DRIVERS (Cont'd):</strong></td>
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<tr>
<td>Water, Fuel and Oil Tank Trucks (Cont'd):</td>
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<tr>
<td>15,000 gals. to less than 20,000 gals.</td>
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<td>9.10</td>
<td>.54</td>
<td>.70</td>
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<tr>
<td>20,000 gals. to less than 25,000 gals.</td>
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<td>.70</td>
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<tr>
<td>25,000 gals. and over</td>
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<td>11.20</td>
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<td>.70</td>
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<td>Oil Spreader Operator (on single man operation, where boat man is not required)</td>
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<tr>
<td></td>
<td>8.70</td>
<td>10.20</td>
<td>.54</td>
<td>.70</td>
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<td><strong>Construction Job Servicemen:</strong></td>
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<td>Telescopic Manlift Truck</td>
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<tr>
<td>Fork Lift (under 6 tons) and Straddle Truck</td>
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<td></td>
<td>8.20</td>
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<td>.54</td>
<td>.70</td>
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<tr>
<td><strong>Supersedes for Area Definition:</strong></td>
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### SUPERSEDING DECISION

**STATE:** California  
**COUNTY:** San Diego  
**DECISION NUMBER:** CA76-5116  
**DATE:** Date of Publication

Superceding Decision No. CA76-5041 dated June 25, 1976, in 41 FR 26429

**DESCRIPTION OF WORK:** Building construction (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction and dredging.

<table>
<thead>
<tr>
<th>Basic Hourly Rates</th>
<th>Feilgo Benefits Payments</th>
<th>Education and/or Appr. Tr.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>H &amp; W</td>
<td>Pension</td>
</tr>
</tbody>
</table>

| ARMSONS WORKERS    | 12.25                    | .80                       | 1.02                      | .59                      | .64                      |
| BORDEAUXS         | 10.05                    | .65                       | 1.00                      | .56                      | .52                      |
| BRICKLAYER, Stonemason | 10.57                  | .83                       | 1.06                      | .56                      | .51                      |
| BRICK, BLOCK and STOREDLAGS | TENDERS    | 8.89                    | .60                       | 1.56                      | .58                      |
| CARRIERS          | 10.76                    | .56                       | 1.05                      | .70                      | .07                      |
| Pile drivers       | 10.59                    | .56                       | 1.05                      | .70                      | .07                      |
| HILLCREST: Pneumatic Nailers, Hardwood Floorlayers | 11.01         | .56                       | 1.05                      | .70                      | .07                      |
| CONCRETE MASON     | 8.43                     | .75                       | 1.21                      | 1.16                     | .07                      |
| Color Work: Composition, Molding or Epoxy Finishing Machinery, Carb Machinery | 8.73             | .75                       | 1.21                      | 1.16                     | .07                      |
| DRAINAGE INSTALLERS | 12.60               | .56                       | 1.05                      | .70                      | .07                      |
| ELECTRICIANS       | 11.93                    | .70                       | 1.44                      | .95                      | .02                      |
| CABLE SPICERS      | 12.23                    | .70                       | 1.44                      | .95                      | .02                      |
| ELEVATOR CONSTRUCTORS | 12.95            | .545                      | .35                       | 34.9%                    | .02                      |
| ELEVATOR CONSTRUCTORS' HELPERS | 70%               | .545                      | .35                       | 34.9%                    | .02                      |
| ELIMINATOR CONSTRUCTORS' HELPERS (ECC)'s | 50%               | .55                       | .60                       | .02                      |
| GLAZING            | 9.69                     | .55                       | .60                       | .02                      |
| INSULATION         | 10.14                    | .69                       | 1.09                      | 1.15                     | .04                      |
| REINFORCEMENT      | 11.03                    | .69                       | 1.03                      | 1.15                     | .04                      |
| MASONRY, Structural | 11.03                    | .69                       | 1.03                      | 1.15                     | .04                      |
| INDICATION AND LOAD DRAINERS | 9.40                        | .69                       | 1.03                      | 1.15                     | .04                      |
| LAYING             | Northern portion of San Diego County from center of City of Del Mar | 10.50          | .45                       | .90                       | .58                      | .06                      |
|                      | Remainder of County     | 10.01          | .45                       | .70                       | .58                      | .05                      |

### DECISION NO. CA76-5116

**LINES CONSTRUCTION:**

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<td>14.93</td>
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<td>Cable Splicer</td>
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<td>.02</td>
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<td>HAND HELD BOX</td>
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<tr>
<td>Brushy Paint Burner</td>
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<td>.75</td>
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<td>Swing Stagel, brush, spray, iron, steel and bridge painter (ground work)</td>
<td>10.62</td>
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<tr>
<td>Siphon painters</td>
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<td>Siphon painters</td>
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<td>STEEL JACK</td>
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<td>PARKING LOT WORK AND/OR HIGHWAY MARKERS:</td>
<td>Traffic delineating device</td>
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<td>PAVEMENT CUTTING</td>
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<tr>
<td>Wheel stop installer: Traffic surface sandblaster</td>
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**FEDERAL REGISTER, VOL. 41, NO. 239—FRIDAY, DECEMBER 10, 1976**
<table>
<thead>
<tr>
<th>SLURRY SEAL OPERATION</th>
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<tbody>
<tr>
<td>Minor Operator</td>
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<tr>
<td>Squeegee Man</td>
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<tr>
<td>Applicator Operator</td>
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<tr>
<td>Shutterman</td>
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<td>Top Man</td>
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<table>
<thead>
<tr>
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<tr>
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<tr>
<td>Mortar</td>
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<th>ROOFERS</th>
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<tr>
<td>9.99</td>
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<td>10.04</td>
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<table>
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<th>TERRAZZO and TILE HELDERS</th>
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<td>8.39</td>
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</tbody>
</table>

**FOOTNOTES**

- **A.** Employer contributes 4% of basic hourly rate for 6 months to 5 years' service and 6% Paid Holidays: 5-9 years' service.
- **B.** Employer contributes $2.22 per hour to Vacation Fund for the first year, 5.33 per hour to Vacation Fund, over 2 years, plus $1.75 per hour to Vacation Fund, over 10 years. 5-9 years' service.
- **PAID HOLIDAYS:**
  - New Year's Day;
  - Memorial Day;
  - Independence Day;
  - Labor Day;
  - Christmas Day;
  - Thanksgiving Day;
  - Christmas Day;

**LABORERS**

- **LABORERS:** general construction: Gas and oil pipelining; Steamfitter; Tool shed checker; Using dry pack; Plumber; Masonry; Mason; Mason.
- **CUTTING TORCH OPERATOR** (demolition); Sealer; Sealer; Mason; Mason.
- **GUARDIAN CHASER**

- **FIND CRACK ON HEAVIES, STEELS AND AIRPORTS PAVING (sewer and drainage lines); Landscape Gardener and Nursery Man**

- **LABORER:** (packing rod steel and pipe); Tank scaler and cleaner; Bricklayers; Boring machine helper.

- **WINDING CLEANER:** (except tunnels); Septic tank digger and installer (ledman).

- **CHEERPOOL DIGGER AND INSTALLER**

- **CONCRETE CURIER:** Impervious Membrane; Riprap stonemason; Sandblaster (pipe tender); Pipe-layer backup man, coating, grooving, making of joints; Sealing, coating, discharging, and including rubber gasket joints; Pointing and any and all other services.

---

**FEDERAL REGISTER, VOL. 41, NO. 239—FRIDAY, DECEMBER 10, 1976**
### LAUGHTERS (Cont'd)

<table>
<thead>
<tr>
<th>Task Description</th>
<th>Basic Hourly Rate</th>
<th>Fringe Benefits Payments</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Asphalt Raker, Ironer, Spreader; Duggymobile man; Cement damper (on 1 yard or larger mixers and handling bulk cement); Concrete saw man (excluding tractor type); Roto-scorer, chipping hammer; Concrete core cutter and form blower; Gas and oil pipeline wrapper; pot tenders and form men; 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</strong></td>
<td>$7.42</td>
<td>.70 $1.75 .50 .13</td>
</tr>
<tr>
<td><strong>Rock baluster; Sealer (using base chair or safety belt or power tools)</strong></td>
<td>7.47</td>
<td>.70 1.75 .50 .13</td>
</tr>
<tr>
<td><strong>Drillers, all others where drilling is for use of explosives</strong></td>
<td>7.50</td>
<td>.70 1.75 .50 .13</td>
</tr>
<tr>
<td><strong>Pipe layer, metallic or non-metallic (including water sewer, cold, gas, air); Welding in connection with laborer's work</strong></td>
<td>7.52</td>
<td>.70 1.75 .50 .13</td>
</tr>
<tr>
<td><strong>Gas and oil pipeline wrapper (6&quot; pipe and over)</strong></td>
<td>7.55</td>
<td>.70 1.75 .50 .13</td>
</tr>
<tr>
<td><strong>Crusher, Chopper, Lagging, Sheetin and Trench Bashing; Hand-guided lagging hammer</strong></td>
<td>7.57</td>
<td>.70 1.75 .50 .13</td>
</tr>
<tr>
<td><strong>Steel Headersboard man</strong></td>
<td>7.63</td>
<td>.70 1.75 .50 .13</td>
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### DRILLERS (Cont'd)

<table>
<thead>
<tr>
<th>Task Description</th>
<th>Basic Hourly Rate</th>
<th>Fringe Benefits Payments</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Drillers - all power drills, including jackhammer, whether core, diamond, wagon, track, multiple units, and any and all types of mechanical drills; Sandblaster (masonry)</strong></td>
<td>$7.66 .70 $1.75 .50 .13</td>
<td></td>
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<tr>
<td><strong>Powderman, Blasters</strong></td>
<td>7.695</td>
<td>.70 1.75 .50 .13</td>
</tr>
<tr>
<td><strong>Head Rock baluster</strong></td>
<td>7.73</td>
<td>.70 1.75 .50 .13</td>
</tr>
<tr>
<td><strong>Fence Erectors</strong></td>
<td>7.71</td>
<td>.70 1.75 .50 .13</td>
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<tr>
<td><strong>Class 1</strong></td>
<td>7.46</td>
<td>.70 1.75 .50 .13</td>
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<tr>
<td><strong>Class 2</strong></td>
<td>7.41</td>
<td>.70 1.75 .50 .13</td>
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<tr>
<td><strong>Housingifiers</strong></td>
<td>7.205</td>
<td>.70 1.75 .50 .13</td>
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</table>

### LAUGHERS (Tunnel and Shaft Work)

<table>
<thead>
<tr>
<th>Task Description</th>
<th>Basic Hourly Rate</th>
<th>Fringe Benefits Payments</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Bull Chaser; Concrete Crew (includes sodsman and spreaders); Pumpony Grout Crew; Muckers; Laborers</strong></td>
<td>7.50</td>
<td>.70 1.75 .50 .13</td>
</tr>
<tr>
<td><strong>In short dry tunnels under streets, highways and similar places; Trench; Pumpers (broken end and switchmen to tunnel work)</strong></td>
<td>7.50</td>
<td>.70 1.75 .50 .13</td>
</tr>
<tr>
<td><strong>Chuck Tender; Cable Tender; Hitters; Steel Form rafter and Setters' helpers; Vibratormen; Jackhammers; Pneumatic tools (except drillers)</strong></td>
<td>7.60</td>
<td>.70 1.75 .50 .13</td>
</tr>
<tr>
<td>LABORERS (Cont’d)</td>
<td>Basic Hourly Rates</td>
<td>Fringe Benefits Payments</td>
</tr>
<tr>
<td>------------------</td>
<td>---------------------</td>
<td>--------------------------</td>
</tr>
<tr>
<td></td>
<td>H &amp; W</td>
<td>Pension</td>
</tr>
<tr>
<td>GROUT GUNNEN</td>
<td>$ 7.70</td>
<td>.70</td>
</tr>
<tr>
<td>DRASTERS: Drillers; Cherry Pickers; Hooper and other pneumatic concrete placer operators; Miners, in short dry tunnels under streets, highways and similar places; Miners, tunnel (hand or machine); Rodmen; Primerboys; Tinhen; pitlabermen; (wood or steel); Steel form uakers and setters</td>
<td>7.75</td>
<td>.70</td>
</tr>
<tr>
<td>SHAFFT AND RAISE MINER</td>
<td>8.00</td>
<td>.70</td>
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<tr>
<td>GUNITE WORKERS:</td>
<td>Nozlemen and Bodmen</td>
<td>7.94</td>
</tr>
<tr>
<td>Gunnen</td>
<td>7.62</td>
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<tr>
<td>Reboundmen</td>
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<td>.70</td>
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<table>
<thead>
<tr>
<th>TRUCK DRIVERS</th>
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<th>Fringe Benefits Payments</th>
<th>Education and/or Appx. Tr.</th>
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<tbody>
<tr>
<td></td>
<td>H &amp; W</td>
<td>Pension</td>
<td>Vacation</td>
</tr>
<tr>
<td>PICKUP (3/4 ton and under); Swampers and helpers; Traffic control pilot car (excluding moving heavy equipment)</td>
<td>$ 7.87</td>
<td>.90</td>
<td>.85</td>
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<tr>
<td>TRUCK REPAIRMAN OR WELDER HELPER</td>
<td>8.07</td>
<td>.90</td>
<td>.85</td>
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<tr>
<td>WAREHOUSEMAN</td>
<td>8.12</td>
<td>.90</td>
<td>.85</td>
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<tr>
<td>INDUSTRIAL LIFT</td>
<td>8.20</td>
<td>.90</td>
<td>.85</td>
</tr>
<tr>
<td>DUMP (less than 8 yds.); Dump or flatbed (2 axle) Concrete pumping; Forklift (under 15,000 lbs.)</td>
<td>8.23</td>
<td>.90</td>
<td>.85</td>
</tr>
<tr>
<td>DUMP (8 yds. and under 12); Dump or flatbed (3 axles); Bunkerman</td>
<td>8.28</td>
<td>.90</td>
<td>.85</td>
</tr>
<tr>
<td>FORKLIFT (15,000 lbs and over); Rope Carrier</td>
<td>8.35</td>
<td>.90</td>
<td>.85</td>
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<tr>
<td>DUMP (12 yds. and under 16); Dump or flatbed (3 axles, with semi)</td>
<td>8.36</td>
<td>.90</td>
<td>.85</td>
</tr>
<tr>
<td>WATER TRUCKS (2 axles); Excavation control nonzlemen; Pipeline drivers (including winch and all sizes); Road oil spreader, cement distributor or slurry; Road oil or slurry boomman; Feal truck</td>
<td>8.30</td>
<td>.90</td>
<td>.85</td>
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<tr>
<td>DUMP CRANE (less than 6½ yds.)</td>
<td>8.44</td>
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<tr>
<td>DUMP CRANE (6½ yds. and over)</td>
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FEDERAL REGISTER, VOL. 41, NO. 239—FRIDAY, DECEMBER 10, 1976
<table>
<thead>
<tr>
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<th>CA96-9146</th>
<th>Page 9</th>
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<tr>
<td><strong>Truck Drivers (Cont'd)</strong></td>
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<tr>
<td><strong>Fuel or Dynamite and Explosives</strong></td>
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<tr>
<td>DUMP (16 yds. and under 25)</td>
<td><strong>Basic Hourly Rates</strong></td>
<td><strong>Fringe Benefits Payments</strong></td>
</tr>
<tr>
<td></td>
<td>$8.53</td>
<td>.90</td>
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<td><strong>DUMP (25 yds. and under 35)</strong></td>
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<td><strong>DUMP (35 yds. and under 50)</strong></td>
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<td><strong>DUMP (65 yds. and over)</strong></td>
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<td></td>
<td><strong>7 AXLES OR DOUBLE GOODWRENCH</strong></td>
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<tr>
<td></td>
<td><strong>LOCOID or combination of vehicle load</strong></td>
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<td><strong>TRANSPORT-HI (6 yds. and over)</strong></td>
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<td><strong>TREDMAN</strong></td>
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<td></td>
<td><strong>DUMP (20 yds. and under 65)</strong></td>
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<td><strong>DUMP (65 yds. and over)</strong></td>
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<td><strong>Power Equipment Operators</strong></td>
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<td><strong>DREDGING (Hydraulic suction dredger)</strong></td>
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<td>LEVYMAN</td>
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<td>WATSON ENGINEER; WELDER</td>
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<td>WINDHAM (Steam winch or dredge)</td>
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<td><strong>DREDGING (Clamshell dredger)</strong></td>
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<td>WATSON ENGINEER</td>
<td>10.72</td>
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<td>DECKMATE</td>
<td>10.24</td>
</tr>
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<td>BARGEMAN</td>
<td>10.17</td>
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<tr>
<td>BARGEMAN; DECKHAND; FIREMAN; OILER</td>
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<tr>
<td>Group</td>
<td>Basic Hourly Rates</td>
</tr>
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<td>-------</td>
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</tr>
<tr>
<td>Group 1</td>
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<td>Group 8</td>
<td>10.71</td>
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</table>
POWER EQUIPMENT OPERATORS (CONT'D)
(Except Pile driving and Steel Erection)

1. up to and including 25 ton capacity; (long-boom pay applicable); Crushing plant; Drill doctor; Elevating grader; Forklift (over 5 tons); Grade checker; Grade control; Grouting machine; Heading shield; Heavy duty repairs; Hoist op.; Hoist operator; (Chicago beam and similar type); Holman belt loader & similar type; LeTourneau block molder or similar type; Lift float; Lift slab machine (Vogt and similar types); Loader (Ashey, Bucill, rope and similar type); Material handler; Hoisting machine (1 yd. rubber-tired, rail or track type); Pneumatic concrete placing machine (Huckley, Pneumat, or similar type); Pneumatic heading shield (tunnel); Pump cutter; Rotary drill (excl. casion type); Rubber-tired earth moving equipment (single engine-Caterpillar, Euclid, Ayclay Wagon, and similar types with any and all attachments over 25 yds, and up to and incl. 50 cu. yds, struck); Rubber-tired earth moving equipment (multiple engine, up to and incl. 25 yds, struck); Rubber-tired scraper (self-loading-paddle wheel type-John Deere, 1040 and similar single unit); Skip loader (crawler and wheel type-over 15 yds, up to and including 45 yds.); Surface heaters and planters; Trenching machine (over 6 ft. depth capacity); Tower crane; Tractor compressor drill combination; Tractor (any type larger than D-15-100 flywheel bhp, and over, or similar); bulldozer, tamper, scraper and push tractor single engine); Tractor (boon attachments); Travelling pipe wrapping, cleaning and bending machine; Tunnel locomotive (over 30 tons); Shovel backhoe, dropliner, elemesheller (over 3/8 yd. and up to 5 cu. yd. m.r.c.); (long boom pay applicable); Self-propelled curb and gutter machine

GROUP 7: Crane, over 25 ton up to and incl. 100 tons m.r.c.; (long boom pay applicable); Derrick barge (long boom pay applicable); Die truck mixer; Heavy duty repairs—valve combinations; Hoist, stiff-legs; pay derrick or similar type, up to and incl. 100 tons (long boom pay applicable); Horizontal locomotive (diesel, gas or electric); Motor patrol—blow up. (single engine); Multiple engine tractors (Euclid and similar type, except quad 9 cab); Rubber-tired earth moving equipment (single engine, over 50 yds. struck); Rubber-tired earth moving equipment (multiple engine, Euclid, Caterpillar and similar) (over 25 yds and up to 50 cu. yds. struck); Shovel, backhoe, dropliner, elemesheller (over 5 cu. yd. m.r.c.); (long boom pay applicable); Trower crane repairman; Tractor loader (crawler and wheel type over 45 yds.); Welder-certified vessel mixer and similar pugmill equipment

GROUP 8: Auto grader; Automatic slip former; Crane (over 100 tons) (long boom pay applicable); Hoist—stiff legs; pay derrick or similar type (capable of hoisting 100 tons or over); (long boom pay applicable); Haul excavator-less than 75 cu. yds.; Mechanical finishing machine; Paddle form travelcr; Motor patrol, multitractor); Pipe cable machine; Rubber-tired earth moving equipment (multiple engine, Euclid, Caterpillar and similar type over 25 cu. yds. struck); Rubber
### NOTICES

**STATE:** California  
**COUNTY:** San Diego  
**DECISION NUMBER:** CAT6-5117  
**DATE:** Date of Publication  
**Supersedes Decision CAT6-3092 dated June 25, 1976, in PR 26436**

**DESCRIPTION OF WORK:** Residential Construction consisting of single family homes and garden type apartments up to and including 4 stories.

**Fringe Benefits Payments**

<table>
<thead>
<tr>
<th>Basic Hourly Rates</th>
<th>H &amp; W</th>
<th>Pensions</th>
<th>Vacation</th>
<th>Education and/or Apps. Tr.</th>
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<td><strong>ASBESTOS WORKERS</strong></td>
<td>$12.35</td>
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<td>$1.02</td>
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<td><strong>BOILERMAKERS</strong></td>
<td>10.85</td>
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<td>1.00</td>
<td>.70</td>
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<tr>
<td><strong>BRICKLAYERS; STONE Masons</strong></td>
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<td>.83</td>
<td>1.06</td>
<td>.75</td>
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<tr>
<td><strong>BRICK, BLOCK and STONE MASON'S TENDERS</strong></td>
<td>8.89</td>
<td>.60</td>
<td>1.65</td>
<td>.75</td>
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<tr>
<td><strong>CARPENTERS</strong></td>
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<td>1.26</td>
<td>.70</td>
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<tr>
<td><strong>PLUMBERS</strong></td>
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<td>.56</td>
<td>1.05</td>
<td>.70</td>
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<tr>
<td><strong>MILLWORK; PNEUMATIC NAILER; HARDWOOD FLOORLAYERS</strong></td>
<td>11.01</td>
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<td>.70</td>
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<tr>
<td><strong>CEMENT MASON'S</strong></td>
<td>8.43</td>
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<td>1.21</td>
<td>1.16</td>
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<tr>
<td><strong>COLOR WORK; COMPOSITION; MAESTO or EPOXY, FINISHING</strong></td>
<td>8.73</td>
<td>.75</td>
<td>1.21</td>
<td>1.16</td>
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<tr>
<td><strong>MASSIV WALL INSTALLERS</strong></td>
<td>12.60</td>
<td>.66</td>
<td>1.21</td>
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<td>11.93</td>
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<td><strong>ELEVATOR CONSTRUCTORS</strong></td>
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<td><strong>ELEVATOR CONSTRUCTORS' HELPER</strong></td>
<td>054.38</td>
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**PAINTERS**

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**LEMENTAL**

- **INDUSTRIAL BEAMMAKERS:**  
- **PNEUMATIC NAILER:**  
- **HARDWOOD FLOORLAYERS:**  
- **CEMENT MASON'S:**  
- **COLOR WORK; COMPOSITION; MAESTO or EPOXY, FINISHING:**  
- **MASSIV WALL INSTALLERS:**  
- **ELECTRICIANS:**  
- **ELEVATOR CONSTRUCTORS:**  
- **ELEVATOR CONSTRUCTORS' HELPER**

**NOTES**

- **PAINTERS:**  
- **PAINTERS' TENDERS:**  
- **SPRAY; SWING STAGES; BRUSH:**  
- **SHELL MURAL WORKERS:**  
- **SOFT FLOOR LAYERS:**  
- **SPRINKLER FITTERS:**  
- **TERRAZO WORKERS:**  
- **TILE SETTERS:**  
- **TERRAZO and TILE SETTERS' HELPER**

**HOLIDAYS**

- **A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.**

**PAY HOLIDAYS**

- 5% of basic hourly rate for 6 months, 5 years of service and 5% of basic hourly rate for 5 years of service as Vacation Credit. 6 Paid Holidays: A through F.
### DECISION NO. CATA-5117

#### Page 3

<table>
<thead>
<tr>
<th>LABORERS</th>
<th>Scale Hourly Rates</th>
<th>Fringe Benefits Payments</th>
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<td></td>
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<td>LABORERS, general construction; Gas and oil pipeline; Jetmen; Tool shed checker; Using dry pack; Plumber</td>
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<td>GUIDER CHAINER</td>
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<td>FINE GRADER ON HIGHWAYS, STREETS AND AIRPORTS PAVING (newer and drainage lined); Landscape Gardener and Nursery Man</td>
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<td>WINDOW CLEANER (except tunnels); Septic tank digger and Installer (leadman)</td>
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<td>CONCRETE CURB; Imperious Kerbuns; Riprap stonepavens; Sandblaster (spot tender); Pipe-layer backup man; coating, grouting, making of joints; scaling, caulking, diapering, and including rubber gasket joints; Pointing and any and all other services</td>
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### DECISION NO. CATA-5117

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<td>ASPHALT RAKER, ERODER, SPRAYER; Semimobile man; Concrete dumper (on yard or larger mixers and handling bulk cement); Concrete saw man (excluding tractor type); Roto-locator, 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</td>
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<td>ROCK SPLITTER; Sealer (using box'n chair or safety belt or power tools)</td>
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<td>DRILLER, all others where drilling is for use of explosives</td>
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<td>PIPELAYER, METALLIC OR NON-METALLIC (including water, sewage, cold, gas, air); Holding in connection with laborer's work</td>
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<td>Gas and Oil Pipeline Wrapper (6&quot; pipe and over)</td>
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<td>Chippers, Shovel, Laying, Sheeting and Trench Bracing; Hand-guided lugging hammer</td>
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<td>Steel Headerboard Man</td>
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<td>Drillers - (all power drills, including jackhammer, whether core, diamond, wagon, track, multiple unit, and any and all types of mechanical drills; Sandblasted (nozzle))</td>
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<td>Dump or flatbed (4 axle or more);</td>
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<td>Lowbed and trailer; Transit mix (under 8 yds.); Group Mixers; Dumpertrac (4 yds. and over); Dumper</td>
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<td>DUMP (65 yds. and over)</td>
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<td>Group 9</td>
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FEDERAL REGISTER, VOL. 41, NO. 239—FRIDAY, DECEMBER 10, 1976
POWER EQUIPMENT OPERATORS
(Except Pile Driving and Steel Erection)

GROUP 1: Backhoe; Compressor (less than 600 G.P.M.); Engineer oiler; Generator; Heavy duty repairman helper; Pintle head; Slewturn

GROUP 2: Compressor (600 G.P.M. or larger); Concrete mixer; Skip types; Conveyor; Firedrill; Hydrostatic pump; Oiler (asphalt or concrete plant); Plant op.; generator, pump or compressor; Rotary drill helper (asphalt); Skidloader - wheel type up to 3/4 yd. w/o attachments; Soil field technician; Track type fireman; Temporary heating plant; Trenching machine oiler; Truck crane oiler

GROUP 3: A-frame or winch truck; Elevator op. (inside); Equipment greaser (rack); Ford Ferguson (with drogher attachments); Helicopter radio (ground); Power concrete curing machine; Power concrete ready; Power driven dump truck (shaped); Box carrier (job-site); Stationary pipe wrapping and cleaning machine

GROUP 4: Asphalt plant fireman; Boring machine; Boom or mixman (asphalt or concrete); Chip spreading machine; Concrete pump (portable); Bridge type unloader and turntable; Dinky triaxle; Motor or man (up to 6 incl. 10 tons); Equipment greaser (asphalt truck); Helicopter hoist; Highline cableway signalman; Hydra-hammer-gore stoner; Power sweeper; Roller (packing); Screw (asphalt or concrete); Trenching machine (up to 6 ft.)

GROUP 5: Asphalt plant engineer; Backhoe (up to & incl. 3/4 yd.); Batch plant; Bit sharpener; Concrete joint (canal & similar type); Concrete planer; Deck engine; Drilling machine op. (incl. water wells); Forklifts (under 5-ton capacity); Hydrostatic power unit; Extruder; Pile driving equipment; Tree cranes; Roll-tire earth moving equipment; Single engine; Skiploader (crawled & wheel type over 3/4 yd. & up to & incl. 1/2 yd.); Stinger crane; (Austin-Western or similar type); Tractor-builders; Tamper (single engine, up to 100 hp., flywheel & similar, up to & incl. 25 yd.); Tugger hoist 1 drum; Tunnel locomotive (over 10 and up to & incl. 20 tons); Welder-general

GROUP 6: Asphalt or concrete spreading (tamping or finishing); Asphalt paving machine (Barber Greene or similar type); Bridge crane op.; Cast-in-place pipe laying machine; Combination mixer and compressor (gumite work); Compactor, self-propelled; Concrete mixer - paving; Concrete pump (truck mounted); Crane op.

POWER EQUIPMENT OPERATORS (CONT'D)
(Except Pile Driving and Steel Erection)

GROUP 7: Crane, over 25 ton up to and incl. 100 tons m.r.e. (long boom pay applicable); Derrick barge (long boom pay applicable); Dual drum mixer; Heavy duty repairman-roller combination; Hoist, stife-stick; Guy derrick or similar type, up to and incl. 100 tons (long boom pay applicable); Motor locomotive (diesel, gas or electric); Motor petrol-klippe op. (single engine); Multiple engine tractor (Euclid and similar type, except quad 9 cat); Rubber-tired earth moving equipment (single engine, over 50 yds., track); Rubber-tired earth moving equipment (multiple engine, Euclid, Caterpillar and similar type over 50 and up to 75 yds., track); Shovel, backhoe, dragline, clamshell (over 5 yds. m.r.e.)(long boom pay applicable); Tractor loader (crawled and wheel type over 65 lbs.); Welder-certified; Woods mixer and similar payall equipment

GROUP 8: Auto grader; Automatic slip form; Crane-over 100 tons (long boom pay applicable); Hoist-stiff-legs, guy derrick or similar type (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 petrol-motor engine; Pipe mobile machine; Rubber-tired earth moving equipment (multiple engine, Euclid, Caterpillar and similar type over 50 yds. track); Rubber
POWER EQUIPMENT OPERATORS (CONT'D)

(Except Pile driving and Steel Erection)

tired self-loading scraper (paddle wheel-auger type self-loading—2 or more units); Rubber-tired scraper—pushing one another w/6 push cat; Pitch-pull (500 per hr. additional to base rate); Tandem equipment (2 units only); Tandem tractor (quad 9 or similar type); Tunnel mole boring machine

GRADE 9: Canal liner; Canal trimmer; Helicopter pilot; Highline cableway; Remote controlled earth moving equipment ($1.00 p/h additional to base rate); Wheel excavator (over 750 cu. yd.)
## SUPERSEDES DECISION

**STATE:** Illinois  
**COUNTRIES:** See Below  
**DECISION NO.:** II76-2140  
Supersedes Decision No. II76-2205, dated March 5, 1976 in 41 FR 7974

**DESCRIPTION OF WORK:** Heavy and Highway Construction

### COUNTRIES: Adams, Brown, Cass, Christian, Logan, Mason, Menard, Morgan, Pike, Sangamon, Schuyler & Scott

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<td></td>
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### LINDALE:

| **Sangamon Co., City of Springfield:** | | | | |
| Linemen | 9.85 | .35 | .35 | .50 |
| Groundman Equip. Op. | 7.30 | .35 | .35 | .50 |
| Groundman Truck Driver | 7.02 | .35 | .35 | .50 |
| **Remainder of Counties:** | | | | |
| Linemen | 10.56 | .35 | .35 | .50 |
| Groundman Equip. Op. Class I | 7.30 | .35 | .35 | .50 |
| Groundman Truck Driver | 7.02 | .35 | .35 | .50 |
| **SANGAMON:** | | | | |
| Linemen | 9.85 | .35 | .35 | .50 |
| Groundman Equip. Op. Class I | 7.30 | .35 | .35 | .50 |
| Groundman Truck Driver | 7.02 | .35 | .35 | .50 |

### DECISION NO: II76-2149

| **PAINERS:** | | | | |
| Sangamon, Cass, Menard, Morgan, Christian, Scott & Logan Co. | 8.50 | .45 | .15 |
| Bridge & Roller | 9.60 | .45 | .15 |
| Spray | 10.39 | .45 | .15 |
| Indus. | 10.64 | .45 | .15 |
| Mason County | 9.05 | .45 | .30 |
| Bridge Work & Spray | 10.15 | .45 | .30 |
| Schuyler County | 8.70 | .45 | .30 |

### FEDERAL REGISTER, VOL. 41, NO. 239—FRIDAY, DECEMBER 10, 1976
### DECISION NO. IL76-2149

#### II-351-LAN-6

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<th>Laborers</th>
<th>Basic Hourly Rates</th>
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### DECISION NO. IL76-2149

#### II-351-LAN-7

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### Notes

**Group 1:** Crane, hydro crane, shovels, crane type backfiller, tower crane, mobile and crawler crane and stationary derrick and hoist (3-drum); Dragline, Dragline, Scott Verbo and similar types considered as cranes, backhoes, derrick boats, pile driver and skid rigs, clam shells, locomotive cranes, road powers - single drum, dual drum and tri batcher, motor power and power blocks - Dumore, elevating similar types, mechanics central concrete mixing plant operators, blacktop plant operators and plant engineers, graders, calcum rigs - requires oiler, skidmotor-scooping scoopers, dredges (all types) hop and crane type () require oiler), Escalated rate on cranes and derrick boats, 0.01 per hour per ft., over 80', including pipe all cherry pickers, cherry pickers (over 15 tons require oiler), work boat, Roll carrier, helicopter, derrick and tower hoist.

**Group 2:** Asphalt heater and planters combination (used to plant streets), trench machines, pump crete - belt crete - sanitary crete - screw type pumps and grays, bulk and pump, dinkeys, tourniquets-all, and similar types, multiple unit earth covers, 0.25 per hour for each scoop over one scoops (all sizes), pushcars, end loaders (all types), side boxes, H-H elevators, cement machines and similar types, wheel tractors (industrial or farm type with dumper box - end loader or other attachments, backhoes, asphalt surfacing machines such as loader, fork lifters, formers, finishing machines, jeep v/ditching machine or other machines, tunelers, rock crushers, automatic cement and gravel batching mobile drills (to test job) and similar types, pump with pump, shovels, spreader or similar types (require oiler), Heavy equipment greaser (top greaser on spreader), power launchers, boring machine, C.H.I. and similar types (require oiler), all - (1) and (2) drum hoists, dewatering system, straw blower, hydro food, boring machine, hydro-bone, starting engineer on pipeline, F.W.D. and similar types.

### Additional Notes

- Semi-skilled: Grade Operators; Concrete Saw Operators, Asphalt Saw Operators; Chain Saw Operators, Form Tamper; Sandblasting; Form Setters other than highway paving forms; Running of Concrete; Cover Pile & Pipe Layers; Chipping & Bracing in Bore & Tunneling; Hopper men, Power Tool Operators; Spotters & Dugan on Dry Batch Concrete Trucks; Hot Tar & Kettle Men; Puddlers behind Paving Mixers and on walls over ten (10) feet high; Pipe Wrencher; Mason Coater & Torchman on Pipeline; Stringer Men & Better Board Setters on Sewers; Hydraulic Torch Jacks.

- Skilled: Paving Breakers & Air Tamper; Asphalt Tamper; Concrete & Rock Dust Handlers; Handling Creosote; Hot Dope Men; Vibrator Men; Cutters & Drillers on wrecking Jobs or Trenching; Concrete Burners; Non Working in caissons below water level; Boring Machine.

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**FEDERAL REGISTER, VOL. 41, NO. 239—FRIDAY, DECEMBER 10, 1976**
DECISION NO. 1176-2149

POWER EQUIPMENT OPERATORS: (CONT'D)

Group 2: Apron spreaders or similar types, tractors (track-type) without power units pulling rollers, rollers on asphalt - brick or macadam, concrete breakers, concrete spreaders, center stripper, cement finishing machines, vibro tampers (all similar types) self-propelled, mechanical ball floats, mixers over three bag to 376, winch and boom trucks, tractor pulling power blade or elevating grader, Porter box trail, Clary spreader, main pullling rollers, pegill without pump, Barber Green or similar loaders, track-type tractors with power unit attached (minimum fireman, scored man on laydown machine, and spray machine on paving

Group 4: Power subgrader, oil distributor, straight tractor, tract-air (without attachments), curb machines, power ditch machines, truck crane oiler, and truck type hopper oilers

Group 5: Herman Nelson Heaters, Bravo, Warner, Silent glo and similar types, one engine will operate 1-5 and after 5, two operators will be required, self-propelled concrete saws, assistant heavy equipment garsser crawler crane and skid oilers, rollers 5 ton and under on earth and gravel, form graders, pump (1) or (2), light plant (1) or (2), generator (1) or (2), conveyor (1) or (2), welding machine (1) or (2) mixer 3 bags and under, and bulk cement plant

DECISION NO. 1176-2149

POWER EQUIPMENT OPERATORS:

REMAINDER OF COUNTY

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<th>CLASS</th>
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<td>CLASS III</td>
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NOTICES

FEDERAL REGISTER, VOL. 41, NO. 239—FRIDAY, DECEMBER 10, 1976
## Truck Drivers

<table>
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<th>Group</th>
<th>Scale Weekly Rates</th>
<th>Fringe Benefits Payments</th>
<th>Education and/or Approx. Tr.</th>
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<tr>
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<tr>
<td>Group III</td>
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<td>all, 00</td>
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</table>

**Group I** - Drivers on 2 axle trucks hauling less than 9 tons, air compressor and welding machine including those pulled by separate units, truck driver helpers, warehousemen, mechanic helpers, greasers & tiremen, pick-up trucks when hauling materials, tools, or non-truck and truck and on the job site. Fork lifts up to 6,000 lbs. capacity.

**Group II** - 2 or 3 axle trucks hauling more than 9 tons, but hauling less than 16 tons; 4-truck winch trucks, hydroflick trucks, or similar equipment used for transportation purposes; Fork lifts over 6,000 lb. capacity; winch trucks; 4-axle combination units; ticket writers.

**Group III** - 2, 3 or 4 axle trucks hauling 16 tons or more, drivers on oil distributors, water pulls, mechanics & working foreman; 5-axle or more combination units; dispatchers.

**Footnotes**

a. Per week Per Employee

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**NOTES**

FEDERAL REGISTER, VOL. 41, NO. 239—FRIDAY, DECEMBER 10, 1976
**SUPERSEDES DECISION**

**STATE:** Nebraska  
**COUNTIES:** Banner, Box Butte, Cheyenne, Dawes, Dawes, Garden, Kimball, Morrill, Scotts Bluff, Sheridan, Sioux

**DECISION NUMBER:** 875-1990  
**Supersedes Decision No.:** 875-1121 dated June 30, 1975 in 40 FR 26316  
**DATE:** Date of Publication

**DESCRIPTION OF WORK:** Building construction (excluding single family homes), garden type apartments up to four (4) stories

<table>
<thead>
<tr>
<th>Basic Hourly Rates</th>
<th>H &amp; W</th>
<th>Pensions</th>
<th>Vacations</th>
<th>Education and/or Apprenticeship</th>
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**LABORERS:**
- **Common Laborers:** 4.00
- **PAINTERS, Brush:** 4.00
- **PLUMBERS:** 7.00
- **ROOFERS:** 4.84
- **SHEET METAL WORKERS:** 7.00
- **SOFT FLOOR LAYERS:** 5.50
- **TILE BONUS:** 5.50
- **TRACTORS:** 5.50

Welders - Receive rate prescribed for craft performing operation to which welding is incidental.

**POWER EQUIPMENT OPERATORS:**
- **Ballasters:** 5.00
- **Cranes, Derrick, Draglines:** 5.65
- **Blade Graders:** 5.25
### Notice

**Decision No. NV76-5114**

<table>
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<th>Fringe Benefits Payments</th>
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### Decision No. NV76-5114

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**Notice**

State: Nevada

County: Clark County

Description of Work: Residential Construction consisting of single family, town homes and garden type apartments up to and including 4 stories.

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FEDERAL REGISTER, VOL. 41, NO. 239—FRIDAY, DECEMBER 10, 1976
<table>
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</table>

**FOOTNOTE:**

a. Employer contributes 46% basic hourly rate for over 5 years service; 26% basic hourly rate for 4 months' to 5 years' service. Pensions; six paid holidays: A through P.

**PAID HOLIDAYS:**

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

**LABORERS**

| Group 1 | $ 7.63 | .31 | $ 1.25 | $ 1.00 |
| Group 2 | 7.60 | .31 | 1.25 | 1.00 |
| Group 3 | 7.73 | .31 | 1.25 | 1.00 |
| Group 4 | 7.75 | .31 | 1.25 | 1.00 |
| Group 5 | 7.76 | .31 | 1.25 | 1.00 |
| Group 6 | 7.78 | .31 | 1.25 | 1.00 |
| Group 7 | 7.82 | .31 | 1.25 | 1.00 |
| Group 8 | 7.82 | .31 | 1.25 | 1.00 |
| Group 9 | 7.84 | .31 | 1.25 | 1.00 |
| Group 10 | 7.84 | .31 | 1.25 | 1.00 |
| Group 11 | 7.89 | .31 | 1.25 | 1.00 |
| Group 12 | 7.92 | .31 | 1.25 | 1.00 |
| Group 13 | 7.94 | .31 | 1.25 | 1.00 |
| Group 14 | 7.94 | .31 | 1.25 | 1.00 |
| Group 15 | 7.99 | .31 | 1.25 | 1.00 |
| Group 16 | 8.055 | .31 | 1.25 | 1.00 |
| Group 17 | 8.08 | .31 | 1.25 | 1.00 |
| Group 18 | 8.15 | .31 | 1.25 | 1.00 |

**POWER EQUIPMENT OPERATORS**

(Except Piledriving and Steel Erection)

| Group 1 | 9.25 | .95 | 2.00 | .50 | .04 |
| Group 2 | 9.53 | .95 | 2.00 | .50 | .04 |
| Group 3 | 9.62 | .95 | 2.00 | .50 | .04 |
| Group 4 | 9.66 | .95 | 2.00 | .50 | .04 |
| Group 5 | 10.18 | .95 | 2.00 | .50 | .04 |
| Group 6 | 10.29 | .95 | 2.00 | .50 | .04 |
| Group 7 | 10.41 | .95 | 2.00 | .50 | .04 |
| Group 8 | 10.58 | .95 | 2.00 | .50 | .04 |
| Group 9 | 10.71 | .95 | 2.00 | .50 | .04 |

**TRUCK DRIVERS**

| Group 1 | 9.35 | .40 | .65 |
| Group 2 | 9.46 | .40 | .65 |
| Group 3 | 9.51 | .40 | .65 |
| Group 4 | 9.67 | .40 | .65 |
| Group 5 | 9.85 | .40 | .65 |
| Group 6 | 10.35 | .40 | .65 |
POWER EQUIPMENT OPERATORS
(Except Piloting and Steam Firing)

Group 1: Brake Man; Compressor Operator; Engine or Generator; Heavy Duty Repairman Helper; Pump or Mixerman; Switchman

Group 2: Concrete Mixers;  Lawyer; Conveyor Operator; Fireman; Generator, Pump or Compressor (2-5 inclusive); Generator, Pump or Compressor portable units (over 5 units, 150 per hour for each additional unit up to nine units); Hydrostatic Pump Operator (asphalt or concrete plants); Plant Operator, Generator, pump or compressor; Skidloader - wheel type up to 3/4 yd. w/o attachment; Skills Field Technician; Tar Pot Firman; Temporary Heating Plant; Trenching Machine Operator; Truck Crane Operator; Rotary Drill Helper (oilfield)

Group 3: A-Frame or Winch Truck; Elevator Operator (inside); Equipment Greaser (jacks); Ford Farguson (with drop-type attachments); Helicopter Radoman (ground); Power Concrete Curing Machine; Power Concrete Saw; Power-driven Jumbo Form-Toter; Boss Carrier; Stationary Pipe Wrapping and Cleaning Machine

Group 4: Asphalt Plant Firman; Drying Machine; Doxman or Mixerman (asphalt or concrete); Chip Spreading Machine; Concrete Pump (small portable); Bridge type loader and turntable; Dinkey Locomotive or Motorman (up to and including 10 tons); Equipment Greaser (gravel truck); Helicopter Hoist; Highline Cableway Signaling; Hydra-Dumper-Xer Stumper; Power Sweeper; Roller (coating); Screed (asphalt or concrete); Trenching Machine (up to 6 ft.)

Group 5: Asphalt Plant Engineer; Concrete Batch Plants Backhoe (up to and including 3/4 yd.); Dit Sharpener; Concrete Joint Machine (cement and similar type); Concrete Planer; Deck Engine; Forklift (under 5 ton capacity); Machine Tool; Magneto Internal Full. Diab Vibrator; Mechanical Biter, curb or gutter (concrete or asphalt); Mechanical Finisher (concrete-Clary-Johnson-Bidwell or similar); Pavement Breaker; Road Oil Mixing Machine; Roller (asphalt or finish); Rubber-nitred Earth Moving Equipment (single engine, up to and including 25 yd., struc); Self-propelled Tar Pipelining Machine; Chip Form Pum (power-driven hydraulic lifting device for concrete forms); Trapper Unit (1 drum); Tunnel Machine (over 10 and up to and including 20 tons); Stinger Crane (Austin-Western or similar type); Skidloader (crawler and wheel type over 3/4 yd., and up to and including 3 yd.); Tractor-Loader, Tamper, Scrapper (single engine, up to and including 100 H.P., flywheel and similar types, up to and including D-5 and similar types)
POWDER EQUIPMENT OPERATORS (Cont'd)
(Except Piledriving and Steel Erection)

Group 6: Asphalt or Concrete Spreading (tamping or finishing); Asphalt Paving Machine (Barber-Green or similar type); BLM Lima Road Pactor or similar; Bridge Crane; Pipe Laying Machine (cast in place); Combination Mixer and Compactor (pump work); Concrete Pump (truck mounted); Concrete Mixer; Crane (up to and including 25 tons); Crushing Plant; Elevating Grader; Forklift (over 5 tons); Grade Checker; Grader; Grouting Machine; Heading Shield; Heavy Duty Repairman; Hoist (Chicago Boom and similar type); Komline Belt Loader and similar type; Letourneau Blob Compactor or similar type; Lift Blob Machine (Vogtberg and similar type); Lift Hoisting Loader (Athey, Euclid, Sierra and similar type); Material Hoist; Hooking Machine (1/4 yd. rubber-tired, rail or track type); Pneumatic Concrete Placing Machine (Huckley-Fremwell or similar type); Pneumatic Heading Shield (tunnel); Pumpscrew Gun; Rotary Drill (excluding Caisson type); Rubber-tired earth moving equipment operator (single engine or Caterpillar, Euclid, Athey Navon and similar types with any and all attachments, over 25 yds. and up to and including 50 cu. yds. struck); Rubber-tired Scraper (self-loading-Puddle Wheel type—John Deere, 1040 and similar simple units); Skiploader (Crawler and wheel type—over 35 yds., up to and including 64 yds.); Surface Heaters and Planer; Rubber-tired Earth Moving Equipment (multiple engines (up to and including 25 yds. struck)); Trenching Machine (over 6 ft. depth capacity, manufacturer's rating); Tower Crane; Tractor Compressor Drill Combination; Tractor (any type larger than D-5-100 Flywheel H.P., and over or similar); Bulldozer, Tamper, Scraper and Push Tractor (single engine); Tractor (Boom attachments); Traveling Pipe Strapping, Cleaning and Bending; Tunnel Locomotive (over 30 tons); Shovel, Backhoe, Dragline, Clamshell (over 3/4 yd., and up to 5 cu. yds. m.r.c.)

Group 7: Crane (over 25 tons up to and including 100 tons m.r.c.); Derrick Barge, Dual Drum Mixer; Hoist, Stiff Legs; Guy Derrick, or similar type, up to and including 100 tons; Honorall Locomotive (Diesel, gas or electric); Notor Patrol Blade Operator (single engine); Multiple Engine Tractor Operator (Euclid and similar type, except Quad 9 Cat); Rubber-tired Earth Moving Equipment (single engine over 50 yds. struck); Rubber-tired Earth Moving Equipment (multiple engines, Euclid, Caterpillar and similar) (over 25 yds. and up to 50 cu. yds. struck); Tractor Loader Operator (paver and wheel type over 64 yds.); Tower Crane Repairman; Shovel, Backhoe, Dragline, Clamshell Operator (over 5 cu. yds. m.r.c.); Hoists Mixer and similar Pugmill Equipment; Heavy Duty Repairman—Welder Combination

FEDERAL REGISTER, VOL. 41, NO. 239—FRIDAY, DECEMBER 10, 1974
TRUCK DRIVERS

Group 1: Dump Trucks (less than 12 yds.); Trucks (legal payload capacity less than 15 tons); Water and fuel trucks (under 2500 gallons); Pickups; Service; Repairman Helpers; Drivers of buses (on job site used for transportation of up to 25 passengers); Teamster Equipment (highest rate for dual craft operations)

Group 2: Dump trucks (12 yds. but less than 16 yds.); Trucks (legal payload capacity between 15 and 20 tons); Water and fuel trucks (2500 to 4000 gallons); Truck driver working on gas and oil pipeline (including winch truck and all sizes of trucks); Truck Greaser and Tirman; Drivers of buses (on job site used for transportation of more than 25 passengers); Bootman

Group 3: Dumpster (less than 6 yds.); Transit-mix (less than 3 yds.); Warehouse Clerk

Group 4: Dump trucks (16 yds. up to and including 22 yds.); Trucks (legal payload capacity 20 tons but less than 30 tons); Water and fuel trucks (4000 gallon but less than 6000 gallons); Dumpster (6 yds. and over); Transit-mix (3 yds. but less than 6 yds.); Bulldozer spreader trucks; Dumpster; Fork lift; Hose Carrier - highway; Road oil spreading truck, time spent spreading oil

Group 5: Dump trucks (over 22 yds.); Trucks (legal payload capacity 20 tons and over); Water and fuel trucks (6000 gallons and over); Transit-mix (6 yds. and over) Truck Repairman

Group 6: D.W. and similar type equipment, D.W. 10 and D.W. 20; Bulldozer type equipment, LeTourneau Palls, Terra Cobras and similar types of equipment; Aloe PB and similar - type tractors when performing work within Teamster jurisdiction, regardless of type of attachment and power units pulling off Highway Belly Dumps in tandem.
### Notices

**STATE:** Nevada  
**COUNTIES:** Washoe County, Nevada  
**DECISION NUMBER:** HV76-5115  
**Date of Publication:** November 26, 1976, in Federal Register, Vol. 41, No. 239—Friday, December 10, 1976

**Description of Works:** Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

### Fringe Benefits Payments

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<tr>
<th>Brakemakers</th>
<th>H &amp; W</th>
<th>Pensions</th>
<th>Vacation</th>
<th>Education and/or Appr. Tr.</th>
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<td>.02</td>
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**Bricklayers:**  
Zone 11 0-35 miles from Courthouse in Reno, Nevada  
Zone 11 35-75 miles from Courthouse in Reno, Nevada  
Zone 11 75-150 miles from Courthouse in Reno, Nevada

| Carpenters (Cont'd):  
Zone 2I Area outside of Zone 1 and not more than 20 road miles from the above communities:  
Residential Carpenter  
Zone 2I Area over 20 and not more than 40 road miles from the above communities:  
Residential Carpenter  
Zone 4I Area over 40 road miles from the above communities:  
Residential Carpenter  
Cement Masons  
Lakes Tahoe Area:  
Cement Masons  
Hastie, Magnetite and all Composition Masons  
Traveling Mason; Grind or Operator and Kelly Float  
Remainder of Washoe County Zone 2I Area within a 15 mile radius of the Main Post Office, Reno, Nevada; or within a 15 mile radius of the employee's permanent residence in the State of Nevada, or within a 15 mile radius of the center of the job site; also area within a 7 mile radius of the Main Post Office, Carson City, Nevada:  
Cement Masons  
Hastie, Magnetite and all Composition Masons  
Traveling Mason; Grind or Operator and Kelly Float

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<thead>
<tr>
<th>Basic Hourly Rates</th>
<th>H &amp; W</th>
<th>Pensions</th>
<th>Vacation</th>
<th>Education and/or Appr. Tr.</th>
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## DECISION NO. NV76-3113

### CEMENT MASONs (Cont'd):

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<td>Cement Masons</td>
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<td>Mason, Masons and all Composition Masons</td>
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<td>Traveling Machinist, Graders, Operator and Kelly Fleet</td>
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### DRYWALL INSTALLERS:

Zone 1: In Washoe County, the area within 5 road miles of the following communities - Carson City, Las Vegas, and Carson City, Nevada, but not including any area further than the feet of the concrete to the east or west side of Washoe Valley; also the areas of Great Basin and Great Salt Lake Basins.

<table>
<thead>
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<th>Zone 1: Area outside of Zone 1 and more than 20 road miles from the above communities</th>
<th>Basic Hourly Rates</th>
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<th>Education and/or Apprenticeship</th>
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<td>9.60</td>
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### DECISION NO. NV76-3114

### DRYWALL INSTALLERS (Cont'd):

<table>
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### NOTICES

FEDERAL REGISTER, VOL. 41, NO. 229—FRIDAY, DECEMBER 10, 1976
## FOOTNOTE:

a. Employer contributes 6% basic hourly rate for 5 years' service and 2% basic hourly rate for 6 months to 5 years' service as Vac. Pay Credit.

## PAY HOLIDAYS:

A-New Year's Day; B-Holiday; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

| Zone | Area outside of Zone 1 and not more than 20 road miles from the above communities:
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<td>Group 5</td>
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<td>Group 6-A</td>
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<td>Group 6-C</td>
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| Zone 2: Area over 20 and not more than 40 road miles from the above communities:
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<td>Group 5</td>
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</tr>
<tr>
<td>Group 6-A</td>
<td>9.35</td>
</tr>
<tr>
<td>Group 6-B</td>
<td>9.05</td>
</tr>
<tr>
<td>Group 6-C</td>
<td>8.70</td>
</tr>
</tbody>
</table>

FEDERAL REGISTER, VOL. 41, NO. 239—FRIDAY, DECEMBER 10, 1976
### LABORERS (Cont'd)

| Zone 1i Area over 40 road miles from the above communities |
|---|---|---|---|---|
| Group 1 | Group 2 | Group 3 | Group 4 | Group 5 |
| Hourly Rates | $9.25 | $9.35 | $9.50 | $9.75 |

**Group 1**: All cleanup work of debris, grounds, and buildings including window and tile; Dragman or Spotter (other than asphalt); General Labor; Gardeners and Landscape Laborers; Liner, Brush Loader and Painter.

**Group 2**: Choker Setter or Fighter (clearing work only); Pittsburgh Chipper and similar type Brush Shredders; Concrete Worker (wet or dry); All concrete work not listed in Group 3; Concrete or Grizzly Tender; Glasses Chaser (Stakehead); Tunnel Pum (wood or metal) - handling, cleaning and stripping of; Loading and unloading, carrying and handling of all rock and material for use in reinforcing concrete; Railroad Trackmen (maintenance, repair or building); Skidors; Semi-skilled Shredders (salvaging of building materials other than those listed in Group 3); Crossing Bowls.

**Group 3**: Asphalt Workers (Tronners, Shovelers, Cutting Machines); Buggy mobiles; Chainsaw, feller, logloader and buckers; Compactor (all types); Concrete Mixer under 1 1/2 yds.; Concrete Pan Work (broadspan type); handling, cleaning, stripping); Concrete Saw, Chipper, Grinding, Sanding, Vibrators; Grilling, Shoring, Laying, Trench Jacking, hand-guided Lagging Hammers; Curbing or Divider Machines; Cub Septic (pore Cannot); Ditching Machine (hand-guided);

**Group 4**: Driller's Helper, Chuck Tender, Form Raiser, Slip Forms; Grooving of concrete walls, window and door jams; Headboarders; Jackhammer, Pavecement Breaker, Air Spade; Hasty Workers (wet or dry); Pipe Nipper, Ratchets, Petcan, and Men applying asphalt, concrete and similar type materials; All power tools (air, gas, or electric) not listed in Group 5; Pipejackets; Posthole Borer (air, gas or electric); Back Driver; Pipe-steel-thrower and Rock Blander, including placing of rock concrete wet or dry; Rotary Rigger; Signaling in connection with Laborers' work; Sandblaster, Petcan, Cunca or Horizontal Vibrating-excavator, Skilled Wrecker (recoving and salvaging of saws, windows, doors, plumbing and electrical fixtures).

**Group 5**: Turners and Welding in connection with Laborers' work; Joy Drill Model T2W-25, Cardeer Denver Model 143 and similar type drills; Chicago Driller, Diamond Core Drillery, Vocal Drillery, Electrical Drillery on multiple units; High Scalers; Concrete Pump; Heavy Duty Vibrator with stinger 3° diameter or over; Pipejacket, Choker and Bander; Pipe-layer - valving, sewerline, machine or conduit; Asphalt Rakers.

**Group 6**: Blasters and Powdermen, all work of loading, placing and blasting of all powders and explosives of any type, regardless of method used for such loading and placing

<table>
<thead>
<tr>
<th>Group 6a</th>
<th>Group 6b</th>
<th>Group 6c</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gravelcracker</td>
<td>Cunca, Materialman</td>
<td>Rebounder</td>
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### Decision No. HY76-5115

**Power Equipment Operators**

(Except Pipe Driving and Steel Erection)

<table>
<thead>
<tr>
<th>Group</th>
<th>Basic Monthly Rates</th>
<th>Fiduciary Benefits Payments</th>
<th>Education and/or Apps. Tr.</th>
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<tbody>
<tr>
<td>Group 1</td>
<td>$8.75</td>
<td>$12.90, $2.23, $2.92</td>
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<td>Group 6</td>
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<td>Group 8</td>
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<td>Group 9</td>
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<td>Group 12</td>
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<td>$2.92, $2.20</td>
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</tbody>
</table>

**NOTICES**

For "Area Definitions" see the last page of the decision.

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**Group 1**: Assistant to Engineer, including Brakeman, Dockhand, Fireman, Heavy Duty Repairman Helper, Oiler, Pressman (heavy duty repair shops parts room when needed), Switchman, Tar Pot Fireman

**Group 2**: Compressor; Material Loaders and/or Conveyor (handling building materials); Pump; Tar Pot Fireman (power agitated)

**Group 3**: Box Operator (tonner); Concrete Curing Machines (crests, highways, airports, canals); Conveyor Belt (tunnel); Engineer; Generating Plant (350 K.W.); Fireman; Hot Plant; Hydraulics Monitor; Lubrication and Service Engineer; (mobile and ground track); Mixer Box Operator (concrete plants); Notator; Rayonist; Screenman (except asphaltic or concrete paving); Oiler (truck crane)

**Group 4**: Ballast Jack Tamper; Ballast Regulator; Ballast Tamper; Multi-purpose; Boomer (asphalt plant); Concrete Mixer, Skip type; Dinky; Fork Lift (construction job site); Ross Carrier; Skip Loader (under 1 cu. yd.); Tie Spacer; Tie Master

**Group 5**: Concrete Mixer (over 1 cu. yd.); Concrete Pumps or Pumpcrete Guns; Elevator and Material Hoist (1 drum); Screenman (Barber-Greene and similar); asphaltic or concrete paving); Shuttle Car; Signalman

**Group 6**: Boom Truck or Dual Purpose MAN from Truck; B.I.W. Lima Road Factor or similar; Chip Box Spreader (Flabbergast type or similar); Concrete Batch Plant (wet or dry); Concrete Saw (highways, streets, airports, canals); Highline Caboose Signalman; Locomotive (over 30 tons); Hitachi International Full Slab Vibrator (airfields, highways, canals, railroad beds); Mechanical Bury, Curb and/or Curb Cutter Machine (concrete or asphalt); Power Jumbo (scraping slate forms, etc., in tunnel); Roller (except asphaltic); Self-propelled Compactor (single engine); Slip Form Pump; (power driven by hydraulic, electric, air, gas, etc., lashing device for concrete forms); Stationary Pipe Wrapping, Cleaning, and Bonding Machine; Pavement Broker or Tamper (with or without compressor combination); Pavement Breaker, truck mounted, with compressor combination; Small Rubber-tired Tractors; Self-propelled Tape Machine

**Group 7**: Compressor (over 2); Concrete Conveyor; Concrete Conveyor or Concrete Pump, truck or equipment mounted (own length to apply); Crusher Plant Engineer; Deck Engineer; Drilling and Boring Machinery, vertical and horizontal (not to apply to waterworks, wagon drills or jackhammers); Conveyor; Grade Setters; Grade Checkers; Holman Loaders; Material Hoist (2 or more drums); Mechanical

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_Federal Register, Vol. 41, No. 239—Friday, December 10, 1976_
POWER EQUIPMENT OPERATORS
(Except Pile Driving and Steel Erection)

Group 7 (Cont'd):
Finchners or Spreaders (asphalt, Baro-Bolts and similar); Mine or Shaft Hoist; Pipe Bending Machines (pipelines only); Pipe Cleaning Machines (tractor propelled and supported); Pipe Wrapping Machines (tractor propelled and supported); Portable Crushing and Screening Plants; Pumps (over 2) Refrigeration Plants; Self-propelled Boom-type Lifting Device (center mount) (10 ton capacity or less); Slusher; Soil Tester (certified); Surface Heater and Planer; Trenching Machine (maximum digging capacity 3 ft., depth); Truck type Loader; Welding Machines (gasoline or diesel); Roller (asphalt).

Group 8: Asphalt Plant, Engine, Car Passer; Cast-in-place Pipe Laying Machine; Combination Skipper and Rotary Dozer; Concrete Batch Plant (multiple units); Elevating Grader, Grading and Grinding Machine (highways); Heavy Duty Repairman and/or Welder; Kom-seal Loader (up to and including 2 1/2 cu. yds.); Mechanical Trench Shield; Hiconmobil; Push Cat; Road Oil Mixing Machine; Wood-mixer (and other similar pumplike equipment); Rubber-tired Earthmoving equipment (up to and including 35 cu. yds.); Wrench (m.r.c.); (bulldozer, T-Bull, DM's 10, 20, 21 and similar); Self-propelled Compactor with Dozer, Sheepfoot, Small Tractor (with boom); Soil Stabilizer (6 & H or equal); Tinner Skidder (rubber tire) or similar equipment; Tractor-Driven Scraper; Tractor-mounted Compactor/Drill Trenching Machine (over 3 ft. depth); Tri-berg Trencher; Tunnel Boring or Tunnel Boring Machine, Tunnel Boring Machine and Loader (up to and including 3/8 yds.); Combination Mower and Compressor (pneumot); Jull Hi-life (20 ft. or over); Trenching Machine; Loader with boom (0-6 or larger); Track Laying type Earth Moving Machine (single engine with tandem scraper); Sub-grader (Carrys or other types).

Group 9: Canal Finger Drain Digger; Chicago Broyer Combination Backhoe and Loader (up to and including 3/8 yds.); Combination Mower and Compressor (pneumot); Jull Hi-life (20 ft. or over); Trenching Machine; Loader with boom (0-6 or larger); Track Laying type Earth Moving Machine (single engine with tandem scraper); Sub-grader (Carrys or other types).

Group 10: Boom type Backhoe-Machines; Bridge Crane; Carry-life type Chemical (towing Buckets); Derricks; Derrick; Derricks (except excavation work); Euclid Loader and similar types; Heavy Duty Rotary Drill Rig; Lift-slab (cylindrical and similar types); Loader (over 2 1/2 cu. yds. up to and including 6 cu. yds.); Locamotive (over 100 tons) (single or multiple units); Multiple Engine Earth Moving Machines (Euclid, Dozer, etc.); Pre-stress Wire Wrapping Machine; Rubber-tired Scraper, self-propelled; Self-propelled Reservoir-Debris engine floating (200 HP and over); Shuttle Car (Receiving Station); Single Engine Scraper (over 25 cu. yds.); Train Loading Station; Vacum Cooling Plant; Whirler Crane (up to and including 25 tons); Trenching Machine; Multi-engine with sloping attachments (JEPFCO or similar).

POWER EQUIPMENT OPERATORS
(Except Pile Driving and Steel Erection)

Group 10-A: Backhoe (up to and including 1 cu. yd. hydraulic); Backhoe (up to and including 1 cu. yd. cable); Cranes (over 25 tons); (hoist, crane and gantry); Grader (up to and including 1 cu. yd.); Motor Pile-vane; Power Shovels, Graders (up to and including 1 cu. yd.); Rubber-tired Scraper, self-propelled (twin engine); Self-propelled Boom-type Lifting Device (center mount) (over 10 tons).

Group 11: Automatic Asphalt or Concrete Slip Form Paver; Automatic Railroad Car Dumper; Canal Finger Drain Backhoe; Canal Trimmer; Cranes (over 25 tons); Highline Cableway Operator; Loader (over 4 yds. up to and including 12 cu. yds.); Multi-engine Earthmoving Equipment (up to and including 75 cu. yds.); "Truck" (m.r.c.); Power Shovels, Graders (up to 1 yd. and up to and including 7 cu. yds.); Self-propelled Compactor (with multiple propulsion power units); Single Engine Rubber-tired Earth-mover; (with tender scraper); Slip Form Paver (concrete or asphalt); Tandem Gate and Scraper; Tower Crane; Mobile; Universal Loader and Tower Crane (and similar types); Wheel Excavator (up to and including 750 cu. yds. per hour); Whirler Crane (over 25 tons).

Group 11-A: Band Wagons (in conjunction with wheel excavators); Loader (over 12 cu. yds.); Multi-engine Earthmoving Equipment (over 75 cu. yds.); "Truck" (m.r.c.); Operator of Helicopter (when used in construction work); Power Shovels and Graders (over 1 cu. yds.); Remote-controlled Earth-moving Equipment; Wheel Excavator (over 750 cu. yds. per hour).
<table>
<thead>
<tr>
<th>TRUCK DRIVERS</th>
<th>Basic Hourly Rates</th>
<th>Fringe Benefits Payments</th>
<th>Education and/or Appr. Tr.</th>
</tr>
</thead>
<tbody>
<tr>
<td>DUMP (Single or multiple units including send, double and transfer units; dumpers and bulk cement spreaders)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Under 4 yds.</td>
<td>$8.45</td>
<td>$9.60</td>
<td>.51</td>
</tr>
<tr>
<td>4 yds and under 6 yds.</td>
<td>8.65</td>
<td>9.80</td>
<td>.51</td>
</tr>
<tr>
<td>6 yds and under 8 yds.</td>
<td>8.85</td>
<td>10.00</td>
<td>.51</td>
</tr>
<tr>
<td>8 yds. and under 10 yds.</td>
<td>9.00</td>
<td>10.15</td>
<td>.51</td>
</tr>
<tr>
<td>10 yds. and under 15 yds.</td>
<td>9.25</td>
<td>10.40</td>
<td>.51</td>
</tr>
<tr>
<td>15 yds. and under 20 yds.</td>
<td>9.40</td>
<td>10.55</td>
<td>.51</td>
</tr>
<tr>
<td>20 yds and over</td>
<td>9.50</td>
<td>10.70</td>
<td>.51</td>
</tr>
<tr>
<td>TRANSIT MIX</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Under 8 yds.</td>
<td>8.65</td>
<td>10.00</td>
<td>.51</td>
</tr>
<tr>
<td>8 yds and including 12 yds.</td>
<td>8.95</td>
<td>10.10</td>
<td>.51</td>
</tr>
<tr>
<td>Over 12 yds.</td>
<td>9.15</td>
<td>10.30</td>
<td>.51</td>
</tr>
<tr>
<td>WATER TRUCKS and Jetting Trucks</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Up to 2,500 gals.</td>
<td>8.65</td>
<td>9.80</td>
<td>.51</td>
</tr>
<tr>
<td>2,500 gals. and over</td>
<td>8.85</td>
<td>10.00</td>
<td>.51</td>
</tr>
<tr>
<td>EX 20's and 21's and other similar Cot type: Terra Gobias, LeTourneau Pulls, Turner-rocker, Eucild and similar type equipment when pulling Agen/Pan; Water tank trailers, fuel or for general tank or other misc. trailers (except as definded under dump trucks)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>9.10</td>
<td>10.25</td>
<td>.51</td>
</tr>
<tr>
<td>FLATBED (Industrial Lift with mechanical tailgates)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Single unit - 2 axle</td>
<td>8.65</td>
<td>9.80</td>
<td>.51</td>
</tr>
<tr>
<td>Single unit - 3 axle</td>
<td>8.75</td>
<td>9.90</td>
<td>.51</td>
</tr>
<tr>
<td>BUS AND NONHAUL DRIVERS, Single unit: Freements</td>
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<tr>
<td>Up to 18,000 pounds</td>
<td>8.50</td>
<td>9.65</td>
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</tr>
<tr>
<td>18,000 pounds and over</td>
<td>8.60</td>
<td>9.75</td>
<td>.51</td>
</tr>
</tbody>
</table>
NOTICES

AREA DEFINITIONS

Power Equipment Owners and Truck Drivers

In Washoe County:

AREA 1: All areas not included within Area 2 as defined below.

AREA 2: All of Northern Nevada within the following lines:

Commencing at the N.W. corner of Township 22N, Range 18E, Mount Diablo Baseline and Meridian at the California-Nevada border;

Thence Easterly to the N.E. corner of Township 22N, Range 22E;

Thence Southerly to the S.E. corner of Township 22N, Range 22E;

Thence Easterly to the N.W. corner of Township 20N, Range 22E;

Thence Northerly to the N.W. corner of Township 20N, Range 26E;

Thence Easterly to the N.W. corner of Township 18N, Range 26E;

Thence Northerly to the N.W. corner of Township 18N, Range 29E;

Thence Easterly to the N.E. corner of Township 30N, Range 29E;

Thence Southerly to the S.E. corner of Township 24S, Range 33E;

Thence Easterly to the S.E. corner of Township 24S, Range 31E;

Thence Southerly to the S.W. corner of Township 16S, Range 31E;

Thence Easterly to the S.E. corner of Township 16S, Range 30E;

Thence Southerly to the S.E. corner of Township 16S, Range 30E;

Thence Easterly to the S.W. corner of Township 14S, Range 27E;

Thence Southerly to the S.E. corner of Township 14S, Range 27E;

Thence Easterly to the S.W. corner of Township 12S, Range 23E;

Thence Southerly to the S.W. corner of Township 12S, Range 23E;

Thence Easterly to the N.E. corner of Township 10S, Range 23E;

Thence Southerly along the Easterly line of Range 23E to the intersection of the California-Nevada border;

Thence North-Westerly, then Northerly following the California-Nevada border to the point of beginning.

Area 1 also includes that portion of Northern Nevada included within the following lines:

Commencing at the S.W. corner of Township 37N, Range 52S;

Thence Easterly to the S.W. corner of Township 37N, Range 52S;

Thence Northerly to the N.W. corner of Township 37N, Range 52S;

Thence Southerly to the S.E. corner of Township 37N, Range 52S;

Thence Easterly to the S.E. corner of Township 37N, Range 52S;

Thence Southerly to the S.W. corner of Township 37N, Range 52S;

Thence Easterly to the S.W. corner of Township 37N, Range 52S;

Thence Southerly to the S.W. corner of Township 37N, Range 52S;

Thence Easterly to the S.W. corner of Township 37N, Range 52S;

Thence Southerly to the S.W. corner of Township 37N, Range 52S;

Thence Easterly to the S.W. corner of Township 37N, Range 52S;

Thence Northerly to the point of beginning.
## Vermont Highway Construction

### Carpenter's Hourly Rates

<table>
<thead>
<tr>
<th>Towns, Townships, &amp; Cities within the perimeter formed by the following towns starting from the N/W corner and moving clockwise:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rupert, Dorset, Winhall, Londonderry, Jamaica, Wardsboro, Dover, Wilmington, Readsboro, Stamford, Pownal, Bennington, Shaftsbury, Arlington, and Sandgate</td>
</tr>
<tr>
<td>Remainder of State</td>
</tr>
</tbody>
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### Laborers

<table>
<thead>
<tr>
<th>Laborers, Chuck tenders</th>
</tr>
</thead>
<tbody>
<tr>
<td>Addison, Caledonia, Chittenden, Essex, Franklin, Grand Isle, Lamoille, Orange, Orleans, Washington, and Windham Counties</td>
</tr>
<tr>
<td>Lucan, Jackenders</td>
</tr>
<tr>
<td>Air tool ops, Drillers</td>
</tr>
<tr>
<td>(except Caledonia Co.)</td>
</tr>
<tr>
<td>Pipe layers, Powdermen, Scalers, &amp; Vibration ops</td>
</tr>
<tr>
<td>Blasters</td>
</tr>
<tr>
<td>Drillers - Caledonia County</td>
</tr>
<tr>
<td>Bennington &amp; Windham Counties:</td>
</tr>
<tr>
<td>Laborers, Asphalt spreaders</td>
</tr>
<tr>
<td>Air tool ops, Concrete pipe layers, Scalers on beamen's chair, Vibrators and Wagon drills</td>
</tr>
<tr>
<td>Ballasters &amp; Powdermen</td>
</tr>
<tr>
<td>MILLRIGHTS:</td>
</tr>
<tr>
<td>Townsend, Brookline, Westminister, Putney, Drummerston, Brattleboro, Guilford, Vernon, Halls, Whitingham, Marlboro, and Newrane</td>
</tr>
<tr>
<td>Rupert, Dorset, Winhall, Londonderry, Jamaica, Wardsboro, Dover, Wilmington, Readsboro, Stamford, Pownal, Bennington, Shaftsbury, Arlington, and Sandgate</td>
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### fringe benefits payments

<table>
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<tr>
<th></th>
<th>H &amp; W</th>
<th>Pensions</th>
<th>Vacat</th>
<th>Educat &amp; Adv.</th>
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<tbody>
<tr>
<td><strong>Carpenters:</strong></td>
<td><strong>Basic Hourly Rates</strong></td>
<td><strong>Fringe Benefits Payments</strong></td>
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<td>6.43</td>
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<td>6.36</td>
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<tr>
<td>3.85</td>
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<td>4.10</td>
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<td>a</td>
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<td>4.35</td>
<td>.15</td>
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<tr>
<td>5.00</td>
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<tr>
<td>3.95</td>
<td>.15</td>
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</tr>
<tr>
<td>4.20</td>
<td>.15</td>
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<tr>
<td>4.45</td>
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<tr>
<td>6.68</td>
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<td>.02</td>
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<tr>
<td>6.61</td>
<td>.40</td>
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<td>.04</td>
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### truck drivers

<table>
<thead>
<tr>
<th>Truck drivers:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Two axle equipment</td>
</tr>
<tr>
<td>Three axle equipment</td>
</tr>
<tr>
<td>Specialized earth moving equipment</td>
</tr>
</tbody>
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### Auger machine, Post driver

<table>
<thead>
<tr>
<th>Auger machine, Post driver</th>
</tr>
</thead>
<tbody>
<tr>
<td>5.50</td>
</tr>
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</table>

### power equipment operators

<table>
<thead>
<tr>
<th>Power equipment operators:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Caledonia County</td>
</tr>
<tr>
<td>Backhoe, loaders, and shovels</td>
</tr>
<tr>
<td>Bulldozer</td>
</tr>
<tr>
<td>Compactors, compressors, and scrapers</td>
</tr>
<tr>
<td>Crane and shovel-dredge</td>
</tr>
<tr>
<td>Dozer-scrapers, Mechanic, Favor, and Rollers</td>
</tr>
<tr>
<td>Grader</td>
</tr>
<tr>
<td>Oilers</td>
</tr>
</tbody>
</table>

### notes

- Two paid holidays (Memorial Day & Independence Day), provided he works at least two (2) full days in the calendar week in which the holidays fall.
### DECISION NO. V76-2170

**Vermont Highway Construction**

#### Power Equipment Operators (Cont'd)

<table>
<thead>
<tr>
<th>Basic Hourly Rates</th>
<th>Fringe Benefits Payments</th>
</tr>
</thead>
</table>

**Remainder of Counting**

- Shoveling: crawler, tower, truck, and hydraulic crane; derrick, backhoe, trenching machines, elevating grader, gravel, pile drivers, concrete pavers, co-cast processing plant, dragline, clamshell, cableway, bolt-type loaders, mucking machines, shanty hoists, automatic grader (i.e., Cut), front end loaders 5 yd. and over, excavators towing a wagon or pan; dumper or push oaks in tandem; automatic welder.

- Rotary drill (with mounted compressor); compressor house, oil bank (1 to 6 compressor), rock & earth boring machines, grader, front-end loaders 4 to 6 yd., scrapers, farm type combination box and bottom cut, fork lift 7 ft. and over or over 3 ton capacity.

- Bulldozer, push oaks, tractor, drawings, screwers, self-powered asphalt paver, front end loader 2 1/2 to 4 yd., well drillers, machines, welder, tireman, powered grease trucks; pump, cranes, machine, engine or fireman on boiler or generator; self loading batch plant, well point, crane, asphalt rollers; locomotive & dink machine, geared pump, cable hammer, hydraulic jack for jacking pipe, eight or more electric pumps forming the function of a well point system.

<table>
<thead>
<tr>
<th>Weekly Hours</th>
<th>Fringe Benefits Payments</th>
</tr>
</thead>
<tbody>
<tr>
<td>7.75</td>
<td>.35</td>
</tr>
<tr>
<td>7.20</td>
<td>.35</td>
</tr>
</tbody>
</table>

#### Hoists;
- Conveyors, self-powered construction equipment, hoist, excavators, concrete pile drivers, self-propelled material spreaders, self-powered concrete finishing machine, two-way mixer with skip, front end loader under 3/4 yd., McCarthy's similar drill, batch plant (not self-loading), bulk cement plant.
- Compressor (315 cubic ft. or over, 1 or 2); Pump 4" or over, tractor without blade drawing hydropower, roll, or other type of excavators, including machines for pulverizing and grading soil.

<table>
<thead>
<tr>
<th>Weekly Hours</th>
<th>Fringe Benefits Payments</th>
</tr>
</thead>
<tbody>
<tr>
<td>6.875</td>
<td>.35</td>
</tr>
<tr>
<td>6.31</td>
<td>.35</td>
</tr>
</tbody>
</table>

#### Notes:

- 2 Paid Holidays: Memorial Day, Independence Day, provided the employee has been employed for at least 7 days or more prior to the holiday and has worked 2 full days in the calendar week in which the holidays fall.


---

**FEDERAL REGISTER, VOL. 41, NO. 239—FRIDAY, DECEMBER 10, 1976**
### Decision No. WA76-5119

**State:** Washington

**Decision Number:** WA76-5119

**Supersedes Decision:** No. WA76-5040 dated April 30, 1976, in 41 FR 30875

**Description of Work:** Residential construction consisting of single family homes and garden type apartments up to and including 8 stories.

<table>
<thead>
<tr>
<th>bricklayers:</th>
<th>Basic Hourly Rates</th>
<th>fringe benefits payments</th>
<th>education and/or appr. tr.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Grays Harbor and Pacific (as defined) Counties</td>
<td>$6.50</td>
<td>.35</td>
<td>.02</td>
</tr>
<tr>
<td>Pierce County</td>
<td>8.34</td>
<td>.65</td>
<td>.02</td>
</tr>
<tr>
<td>Clallam, Island, Jefferson, King, Kitsap, Skagit, Snohomish, and Whatcom Counties</td>
<td>8.18</td>
<td>.35</td>
<td>.02</td>
</tr>
<tr>
<td>Skagit (including the Cities of Burlington, Sedro-Woolley and Concrete and North thereof) and Whatcom Counties</td>
<td>8.15</td>
<td>.60</td>
<td>.02</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>cement masons:</th>
<th>Basic Hourly Rates</th>
<th>fringe benefits payments</th>
<th>education and/or appr. tr.</th>
</tr>
</thead>
<tbody>
<tr>
<td>King (City of Auburn), Pierce and Thurston Counties</td>
<td>7.20</td>
<td>.60</td>
<td>.02</td>
</tr>
<tr>
<td>Clallam, Grays Harbor, Island, Jefferson, King (except City of Auburn), Kitsap, Mason, Skagit, Snohomish and Whatcom Counties</td>
<td>7.13</td>
<td>.60</td>
<td>.01</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>electricians:</th>
<th>Basic Hourly Rates</th>
<th>fringe benefits payments</th>
<th>education and/or appr. tr.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clallam, Jefferson, King and Kitsap Counties</td>
<td>7.20</td>
<td>12.40</td>
<td>.03</td>
</tr>
<tr>
<td>Grays Harbor, Mason, Pacific (as defined), Pierce and Thurston Counties</td>
<td>5.69</td>
<td>12.45</td>
<td>.02</td>
</tr>
<tr>
<td>Island, Skagit, Snohomish and Whatcom Counties</td>
<td>6.35</td>
<td>12.45</td>
<td>.02</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>glaziers:</th>
<th>Basic Hourly Rates</th>
<th>fringe benefits payments</th>
<th>education and/or appr. tr.</th>
</tr>
</thead>
<tbody>
<tr>
<td>(all counties except Mason, Pacific and Thurston)</td>
<td>7.20</td>
<td>.60</td>
<td>.01</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>ironworkers:</th>
<th>Basic Hourly Rates</th>
<th>fringe benefits payments</th>
<th>education and/or appr. tr.</th>
</tr>
</thead>
<tbody>
<tr>
<td>(all counties except Mason, Pacific and Thurston) Structural; Ornamental; Reinforcing</td>
<td>9.15</td>
<td>.90</td>
<td>.05</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>laborers:</th>
<th>Basic Hourly Rates</th>
<th>fringe benefits payments</th>
<th>education and/or appr. tr.</th>
</tr>
</thead>
<tbody>
<tr>
<td>General laborers; Asphalt laborers</td>
<td>$5.00</td>
<td>.55</td>
<td>.03</td>
</tr>
<tr>
<td>Painters</td>
<td>7.42</td>
<td>.60</td>
<td>.02</td>
</tr>
<tr>
<td>Plumbers</td>
<td>6.00</td>
<td>.55</td>
<td>.02</td>
</tr>
<tr>
<td>Carpenters</td>
<td>11.26</td>
<td>.65</td>
<td>.07</td>
</tr>
<tr>
<td>All other residential work</td>
<td>6.00</td>
<td>.65</td>
<td>.07</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>FOGER EQUIPMENT OPERATORS:</th>
<th>Basic Hourly Rates</th>
<th>fringe benefits payments</th>
<th>education and/or appr. tr.</th>
</tr>
</thead>
<tbody>
<tr>
<td>(all counties except Mason and Pacific)</td>
<td>7.96</td>
<td>.60</td>
<td>.04</td>
</tr>
</tbody>
</table>

**NOTICE:**

**Federal Register, Vol. 41, No. 239—Friday, December 10, 1976**
**DECISION NO. WA76-5219**

<table>
<thead>
<tr>
<th></th>
<th>Base Hourly Rates</th>
<th>Fedge Benefits Payments</th>
<th>Education and/or Approx. Tr.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>ROOFERS:</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(All Counties except Mason and Thurston)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sheet Metal Workers</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Island and Snohomish Counties</td>
<td>7.30</td>
<td>.32</td>
<td>.42</td>
</tr>
<tr>
<td>King County</td>
<td>9.78</td>
<td>.47</td>
<td>.50</td>
</tr>
<tr>
<td>Grays Harbor and Pierce Counties</td>
<td>11.20</td>
<td>.56</td>
<td>.66</td>
</tr>
<tr>
<td>Clallam, Jefferson and Kitsap Counties</td>
<td>8.16</td>
<td>.37</td>
<td>.50</td>
</tr>
<tr>
<td>Skagit and Whatcom Counties</td>
<td>8.01</td>
<td>.42</td>
<td>.50</td>
</tr>
<tr>
<td><strong>SOFT FLOOR LAYERS:</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pierce and Grays Harbor Counties</td>
<td>7.76</td>
<td>.36</td>
<td>.66</td>
</tr>
<tr>
<td>King, Kitsap and Snohomish Counties</td>
<td>8.49</td>
<td>.41</td>
<td>.65</td>
</tr>
<tr>
<td>Clallam, Island, Jefferson, Skagit and Whatcom Counties</td>
<td>7.62</td>
<td>.36</td>
<td>.60</td>
</tr>
<tr>
<td><strong>TRUCK DRIVERS:</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(All Counties except Mason, Pacific and Thurston)</td>
<td>7.00</td>
<td>.56</td>
<td>.50</td>
</tr>
</tbody>
</table>

FEDERAL REGISTER, VOL. 41, NO. 239—FRIDAY, DECEMBER 10, 1976
<table>
<thead>
<tr>
<th>Basic Hourly Rates</th>
<th>Fringe Benefits Payments</th>
<th>Education and/or Apprx. Tr.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>H &amp; W</td>
<td>Pensions</td>
</tr>
<tr>
<td><strong>18-WISCONSIN</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>AGREEMENTS</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>WILLIAMS &amp; PILE DRIVER</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>PAINTERS:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Brush:</strong></td>
<td>5.60</td>
<td>.30</td>
</tr>
<tr>
<td><strong>Structural steel &amp; iron painting:</strong></td>
<td>8.40</td>
<td>.40</td>
</tr>
<tr>
<td><strong>Spray:</strong></td>
<td>8.40</td>
<td>.40</td>
</tr>
<tr>
<td><strong>Cement Mixer:</strong></td>
<td>8.40</td>
<td>.40</td>
</tr>
<tr>
<td><strong>PLUMBERS &amp; STEAM FITTERS:</strong></td>
<td>9.47</td>
<td>.45</td>
</tr>
<tr>
<td><strong>MACHINISTS:</strong></td>
<td>9.73</td>
<td>.45</td>
</tr>
<tr>
<td><strong>KETTLEN:</strong></td>
<td>9.35</td>
<td>.45</td>
</tr>
<tr>
<td><strong>HEAT REPAIRMEN:</strong></td>
<td>6.80</td>
<td>.45</td>
</tr>
<tr>
<td><strong>TERRAZO WORKERS:</strong></td>
<td>8.05</td>
<td>.45</td>
</tr>
<tr>
<td><strong>TIRE SETTERS:</strong></td>
<td>8.05</td>
<td>.45</td>
</tr>
<tr>
<td><strong>TRUCK DRIVERS:</strong></td>
<td>7.40</td>
<td>.45</td>
</tr>
<tr>
<td><strong>Two axles:</strong></td>
<td>7.40</td>
<td>.45</td>
</tr>
<tr>
<td><strong>Three or more axles:</strong></td>
<td>7.50</td>
<td>.45</td>
</tr>
</tbody>
</table>

**PAYED HOLIDAYS:**
A=New Year's Day; B=Memorial Day; C=Independence Day; D=Labor Day; E=Thanksgiving Day; F=Christmas Day.

**FOUNDRY:**

a. Employer contributes 4% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to Vacation Pay Credit for employee who has worked in business less than 5 years.

b. Holidays: A through F.

c. Holidays: A thru F plus Washington's Birthday, Good Friday and Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regularly scheduled work days immediately preceding and following the holidays.

d. **$14.25 per week for each employee**

e. **$12.00 per week for each employee**
### NOTICE NO. WI76-2162

#### TIME EQUIPMENT OPERATORS

<table>
<thead>
<tr>
<th>Group</th>
<th>Basic Hourly Rates</th>
<th>Pensions</th>
<th>Vacation</th>
<th>Education and/or Apprenticeship</th>
</tr>
</thead>
<tbody>
<tr>
<td>Group I</td>
<td>$20.02</td>
<td>.70</td>
<td>.70</td>
<td>.10</td>
</tr>
<tr>
<td>Group II</td>
<td>$16.77</td>
<td>.70</td>
<td>.70</td>
<td>.10</td>
</tr>
<tr>
<td>Group III</td>
<td>$16.47</td>
<td>.70</td>
<td>.70</td>
<td>.10</td>
</tr>
<tr>
<td>Group IV</td>
<td>$16.37</td>
<td>.70</td>
<td>.70</td>
<td>.10</td>
</tr>
<tr>
<td>Group V</td>
<td>$16.16</td>
<td>.70</td>
<td>.70</td>
<td>.10</td>
</tr>
<tr>
<td>Group VI</td>
<td>$16.02</td>
<td>.70</td>
<td>.70</td>
<td>.10</td>
</tr>
</tbody>
</table>

**Group I** - Cranes, Shovels, Draglines, Backhoes, Clawhulls, Derrick, Calson rigs, Pile driver, Skid rigs, Derrick operator and traveling crane (bridge type), Concrete paver (over 27 miles), Concrete spreader and distributor

**Group II** - Material haners, Tractor or truck mounted hydraulic backhoe, Tractor or truck mounted hydraulic crane (5 tons or under), Hauler, tractor (over 40 h.p.), Bulldozer (over 40 h.p.), End-loader (over 40 h.p.), Forklift (25' and over), Front end loader, Scraper operator, Sidebooms, Straddle carriers, Mechanical and velder, Bituminous plant and power operator, Roller (over 5 tons), Rotary drill operator and blaster, Trencher (wheel type or chain type having over 6-inch buckets)

**Group III** - Concrete and grout pumps, Bunkifier, Concrete auto breakers (large), Concrete finishing machines (road type), Roller (rubber tire), Concrete batch hopper, Concrete conveyor systems, Concrete mixers (145 or over), Scoop type pumps, and sprayer pumps, Tractor, Bulldozer, End-loader (under 40 h.p.), Forklift (30' and under), Trencher (chain type having bucket 6-inch and under), Industrial locomotives, roller (under 5 tons) and firemen (pile drivers and derrick)

**Group IV** - Holster (automatic), Forklift (12' to 25'), Tamper-coal planters, riding type), Assistant engineer, "A" frame and winch trucks, Concrete auto breakers, hydro-hammers (small), dozers and sweepers, Holster (tuggers), stump chippers (large), Dredgers, Safety, Haul, and boom operators

**Group V** - Shearhead machine operator, Scraper operator, Paper or industrial tractor mounted equipment, Rock hole diggers, Stone crushers and chippers machines, Fiermen (asphalt plants), Air compressors (300 CFI or over)

**Group VI** - Generators over 25 h.p., Forks over 3', Augers (vertical and horizontal), combination small equipment operator, Air, electric hydraulic jack (alp form), Air compressors (under 300 CFI); Holding machines, Heaters (mash), Presses machines, Bobcats, Generators (over 150 HP), Forks (2' and under), Winches (small electric), Oilers and greasers, Boiler operators (temporary heat), Rotary drill helpers, Conveyor, Forklift (12' and under)
### SUPERSEDES DECISION

**STATE:** Wisconsin  
**COUNTY:** Green and Rock  
**DECISION NUMBER:** W176-2143  
**DATE of Publication:** October 11, 1976  
**Description:** Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories)

<table>
<thead>
<tr>
<th>S4 - Wisconsin</th>
<th>Basic Hourly Rates</th>
<th>Fringe Benefits Payments</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>H &amp; W</td>
<td>Pens</td>
</tr>
<tr>
<td><strong>ASBESTOS WORKERS</strong></td>
<td>$10.57</td>
<td>.60</td>
</tr>
<tr>
<td><strong>BOILERMAKERS</strong></td>
<td>10.50</td>
<td>.65</td>
</tr>
<tr>
<td><strong>BRICKLAYERS &amp; STONEWORKERS</strong></td>
<td>10.65</td>
<td></td>
</tr>
<tr>
<td><strong>CARENCERS</strong></td>
<td>9.06</td>
<td>.30</td>
</tr>
<tr>
<td><strong>MILLWORKERS</strong></td>
<td>10.38</td>
<td>.30</td>
</tr>
<tr>
<td><strong>Piledrivermen</strong></td>
<td>10.01</td>
<td>.30</td>
</tr>
<tr>
<td><strong>SOFT FLOOR LAYERS</strong></td>
<td>9.06</td>
<td>.30</td>
</tr>
<tr>
<td><strong>CIMENT MASON</strong></td>
<td>9.35</td>
<td>.45</td>
</tr>
<tr>
<td><strong>ELECTRICIANS</strong></td>
<td>10.20</td>
<td>.45</td>
</tr>
<tr>
<td><strong>ELEVATOR CONSTRUCTORS</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Southern portion of County</strong></td>
<td>11.01</td>
<td>.545</td>
</tr>
<tr>
<td><strong>Northern portion of County</strong></td>
<td>10.15</td>
<td>.545</td>
</tr>
<tr>
<td><strong>Elevator Constructores' helpers</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Southern portion of County</strong></td>
<td>7.11</td>
<td>.545</td>
</tr>
<tr>
<td><strong>Northern portion of County</strong></td>
<td>7.12</td>
<td>.545</td>
</tr>
<tr>
<td><strong>Elevator Constructores' helpers (prob.)</strong></td>
<td>5003R</td>
<td></td>
</tr>
<tr>
<td><strong>GLASSERS</strong></td>
<td>9.15</td>
<td>.40</td>
</tr>
<tr>
<td><strong>Northern 1/3 of County</strong></td>
<td>9.44</td>
<td>.37</td>
</tr>
<tr>
<td><strong>Southern 1/3 of County</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>INOR WORKERS (all)</strong></td>
<td>11.02</td>
<td>.375</td>
</tr>
<tr>
<td><strong>Vis. of Edgerton, Hilton, Poolville, &amp; Evansville</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Vis. of Janesville, Shoplars</strong></td>
<td>11.86</td>
<td>.35</td>
</tr>
<tr>
<td><strong>LADIES</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Eastern 1/4</strong></td>
<td>9.50</td>
<td>.55</td>
</tr>
<tr>
<td><strong>Southern portion</strong></td>
<td>9.04</td>
<td>.40</td>
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<tr>
<td><strong>Remainder of County</strong></td>
<td>9.05</td>
<td>.45</td>
</tr>
<tr>
<td><strong>LEADERS</strong></td>
<td>8.75</td>
<td>.30</td>
</tr>
<tr>
<td><strong>LINING CONSTRUCTION Linemen</strong></td>
<td>9.27</td>
<td>.35</td>
</tr>
<tr>
<td><strong>Truck driver, &amp; digger operator</strong></td>
<td>6.46</td>
<td>.35</td>
</tr>
<tr>
<td><strong>Groundmen (experienced)</strong></td>
<td>5.88</td>
<td>.35</td>
</tr>
<tr>
<td><strong>Equipped operators</strong></td>
<td>7.77</td>
<td>.35</td>
</tr>
<tr>
<td><strong>PAINTERS</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Brush</strong></td>
<td>8.49</td>
<td>.60</td>
</tr>
<tr>
<td><strong>Structural steel (brush)</strong></td>
<td>8.49</td>
<td>.60</td>
</tr>
<tr>
<td><strong>Spray</strong></td>
<td>9.44</td>
<td>.60</td>
</tr>
<tr>
<td><strong>Swing stage</strong></td>
<td>11.13</td>
<td>.40</td>
</tr>
<tr>
<td><strong>PLATEWORKERS</strong></td>
<td>10.50</td>
<td>.40</td>
</tr>
<tr>
<td><strong>PLAVERS &amp; STEMPTITERS</strong></td>
<td>10.56</td>
<td>.50</td>
</tr>
<tr>
<td><strong>ROOFERS</strong></td>
<td>10.75</td>
<td></td>
</tr>
<tr>
<td><strong>GILTED METAL WORKERS</strong></td>
<td>10.75</td>
<td>.45</td>
</tr>
</tbody>
</table>

### PAGE 2

**TERMINOLOGY**

**TUE. SECTORS**

- Welders - receive rate prescribed for craft performing operation to which welding is incidental.

**PAID HOLIDAYS**

- A-New year’s Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

**NOTICE**

- a. Six paid holidays: A through F.
- b. Employer contributes 4% of regular hourly rate for vacation pay credit for employee who has worked in business more than 3 years, and 2% for employee who has worked in the business less than 3 years.
- c. Paid holidays: A through F plus Washington’s Birthday, Good Friday and Christmas Eve providing employee has worked full 45 full days during the 120 calendar days prior to the holiday, and the regularly scheduled work days immediately preceding and following the holidays.
- d. Includes 1.5% holiday pay.
- e. Additional payment of 4 hours per month and .02 per hour weekly for employee who has worked less than 5 years, 4-2/3 hours per month for 5 years or more.

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**LABORER BUILDING CONSTRUCTION**

<table>
<thead>
<tr>
<th>Basic Hourly Rates</th>
<th>Fringe Benefits Payments</th>
</tr>
</thead>
<tbody>
<tr>
<td>H &amp; W</td>
<td>Pens</td>
</tr>
</tbody>
</table>

- General laborers, concrete laborers, building breakers, form strippers, concrete saw and power baggy operator, mortar mixer, power runner, vibrator operator, air chisel operator (over 18 hrs.), chipping hammer operator (over 18 hrs.), fork lift operator railroad trolley plater mixer and concrete pump hose ops. - (1 man)

- Mason Tender | 8.00 | .30 | .25 | .02 |
- Pneumatic hammer (over 60 lbs. or over hand specifications) | 8.03 | .30 | .25 | .02 |
- BITUMINOUS PAVER LABORERS:
  - General laborer | 8.00 | .30 | .25 | .02 |
  - Raker and troweln | 8.10 | .30 | .25 | .02 |
### Power Equipment Operators

<table>
<thead>
<tr>
<th>Group</th>
<th>Basic Hourly Rates</th>
<th>H &amp; I</th>
<th>Pensions</th>
<th>Vacation</th>
<th>Education and/or App. Tr.</th>
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<td>$ 30.02</td>
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<td>Group II</td>
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<td>Group III</td>
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<td>8.92</td>
<td>.70</td>
<td>.70</td>
<td>.10</td>
<td></td>
</tr>
</tbody>
</table>

**Group I** - Cranes, Shovels, Draglines, Backhoes, Crawler, Dozers, Crawler Loaders, Pile drivers, Skid loaders, Derrick operators, and traveling crane (bridge type), Concrete paver (over 2000), Concrete spreader and distributor.

**Group II** - Material handlers, Tractor or truck mounted hydraulic Backhoe, Tractor or truck mounted hydraulic crane (5 tons or under), Manhollins, Tractor (over 40 h.p.), Bulldozer (over 40 h.p.), Endo loader (over 40 h.p.), Crown crane (25' or over), Loader, Excavator operator, Sidebooms, Straddle carriers, Mechanics, and welders, Bituminous paver and paving operators, Roller (over 5 tons), Rotary drill operator and blower, Trencher (wheel type or chain type having over 9-inch buckets).

**Group III** - Concrete and cement, Pumps, Mixer, Concrete auto breaker (large), Concrete finishing machine (road type), Mixer (rubber tire), Concrete batch hopper, Concrete conveyor system, Concrete mixer (145 or over), Screw type pumps, and gyser pumps, Tractors, Bulldozer, Endo loader (under 40 h.p.), Pumps (water pumps), Trencher (chain type having bucket 8-inch and under), Industrial locomotives, roller (under 5 tons) and firemen (pump drivers and derricks).

**Group IV** - Hoes (aerator), Forklift (12' to 25'), Tampers (carpeters riding type), Assistant engineer, "A" crane and winch trucks, Concrete auto breaker, Hydro-hammer (small), Brooms and sweepers, Bolts (tugger), Crush chippers (large), Bats, Safety, Work, Derricks and loader.

**Group V** - Shoveling machine operator, Garbage operator, Pneumatic or industrial tractor mounted equipment, Fork lift operators, Grader and Scraper, or industrial machinery, Pile drivers, Bituminous paving, Cribbing, Bridge, Rollers, Graders and ladles.

**Group VI** - Generators (over 20 kw), Pumps (over 3'), Augers (vertical and horizontal), Combination small equipment operator, Air, Electric hydraulic jack (1000 lbs), Compresors (under 300 Cfm), Oil, Gas, and Diesel engines, Derricks (mechanical), Pneumatic machines, Scraper, Generators (under 150 kw), Pumps (1' and under), Winches (small electric), Oil and greasers, Boiler operators (temporary heat), Rotary drill helpers, Conveyor, Forklift (12' and under).
<table>
<thead>
<tr>
<th>Basal Hourly Rates</th>
<th>Benefits Payments</th>
<th>H &amp; W</th>
<th>Pensions</th>
<th>Vacation</th>
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<td><strong>BRICKLAYER &amp; STONEMASON</strong></td>
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<td>Townships of Menasha &amp; Neenah</td>
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**FEDERAL REGISTER, VOL. 41, NO. 239—FRIDAY, DECEMBER 10, 1976**
### DECISION NO. W76-2164

**Wisconsin, 15 - Lab**

<table>
<thead>
<tr>
<th>BUILDING CONSTRUCTION</th>
<th>Basic Hourly Rates</th>
<th>Fringe Benefits Payments</th>
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<td>LABORERS</td>
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<tr>
<td>CLASS III</td>
<td>$7.40</td>
<td>.30</td>
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</tbody>
</table>

**NOTES**

CLASS I - Construction laborers: form stripper, form oiler, form cleaner, dishpan, pit man, building wrecker, plumbers laborer, motorized buggy operator, concrete laborer, air spade and chipping hammer, drag tender and signal man, concrete pump and nozzle man, bituminous worker.

CLASS II - Planter tender, hod carrier, dry cement handler, kiteehceen, vibrator operator, blocking line, tile Dotter-helper, core drill operator.

CLASS III - Jackhammer operator, drill, groutioneer, barrier on wrecking, air operated concrete breaker, assorted driver, power tamper, fork lift operator, piling jack, terremo worker, morter and planter mixer, cretecote worker, bob cat operator, sand blaster, welder, mud jack operator, present erecter, bituminous raker and lutenan.

### DECISION NO. W76-2164

**POWER EQUIPMENT OPERATORS**

<table>
<thead>
<tr>
<th>Group</th>
<th>Basic Hourly Rates</th>
<th>H &amp; W</th>
<th>Pension</th>
<th>Education</th>
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<td>GROUP III</td>
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<td>GROUP IV</td>
<td>9.37</td>
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<tr>
<td>GROUP V</td>
<td>9.16</td>
<td>.70</td>
<td>.70</td>
<td>.10</td>
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<tr>
<td>GROUP VI</td>
<td>8.92</td>
<td>.70</td>
<td>.70</td>
<td>.10</td>
</tr>
</tbody>
</table>

GROUP I - Cranes, Scrapers, Draglines, Backhoes, Grabhalls, Derrick's, Coloring rigs, Idle driver, Chip rigs, Derrick operator and traveling crane (bridge type), Concrete paver (over 270), Concrete sprayer and distributor.

GROUP II - Material hoists, Tractor or truck mounted hydraulic Backhoe, Tractor or truck mounted hydraulic crane (5 tons or under), Kambolts, tractor (over 40 h.p.), Bulldozer (over h.p.), Endloader (over 40 h.p.), Forklift (25' and over), Kator patrol, Scraper operator, Sidewalk, Stretcher carrier, Hoist and welder, Bituminous plant and power operator, Roller (over 5 tons), Rotary drill operator and blaster, Trencher (wheel type or chain type having over 8-Inch bucket).

GROUP III - Concrete and crew pups, Backfiller, Concrete auto breaker (large), Concrete finishing machine (road type), Roller (rubber tire), Concrete batch hopper, Concrete conveyer systems, Concrete mixer (140 or over), Screw type pumps, and syringe pumps, Tractor, Bulldozer, Endloader (under 40 h.p.), Pumps (well points), Trencher (chain type having bucket 8-Inch and under), Industrial locomotives, Roller (under 5 tons) and firemen (pile drivers and dozzies).

GROUP IV - Holster (automatic), Forklift (12' to 25'), Tampers-crappers, riding type, Assistant engineer, "A" frame and winch trucks, Concrete auto breaker, hydraulic-hoist (small), Escan and sweeper, Holsts (hoppers), chipper (large), Doa, Safety, Work, Dares and launch.

GROUP V - Shouldeering machine operator, Screw operator, Farm or Industrial tractor mounted equipmend, Past hole digger, Stone crushers and Screening plants, Firemen (asphalt plants), Air compressor (300 CFM or over)

GROUP VI - Generators over 15 KW, Pumps over 3", Augers (vertical and horizontal), Combination small equipment operator, Air, Air electric hydraulic jacks (lip form), Compressors (under 300 CFM), Welding machines, Hoistcrs (mechanical), Prestress machines, Robleys, Generators (under 150 KW), Pumps (3" and under); Linchins (small electric); Oilier and greaser, Roller operators (temporary heat), Rotary drill helpers, Conveyor, Forklift (12' and under)

**FEDERAL REGISTER, VOL. 41, NO. 239—FRIDAY, DECEMBER 10, 1976**
PART VII:

NATIONAL TRANSPORTATION POLICY STUDY COMMISSION

PRIVACY ACT OF 1974

Systems of Records
NATIONAL TRANSPORTATION POLICY STUDY COMMISSION

PRIVACY ACT OF 1974

Systems of Records

Pursuant to the provisions of the Privacy Act of 1974, Public Law 930579, 5 U.S.C. 552a, the National Transportation Policy Study Commission hereby publishes for comment those systems of records subject to the Privacy Act of 1974 which are maintained by the Commission. Any person interested in commenting on the routine use portions of the system notices may do so by submitting comments in writing to the National Transportation Policy Study Commission, Suite 312, House Office Building, Annex No. 1, Washington, D.C. 20515. Comments should be submitted on or before January 10, 1977. The systems of records will become effective January 10, 1977, unless the Commission publishes notice to the contrary. The Commission’s procedures for access to records in the systems are contained in 1 CFR Part 445.


Bud Shuster, Chairman.

NTPSC—1
System name: Payroll Records—National Transportation Policy Study Commission.
System location: General Services Administration, Region 3 Office; copies held by the Commission. (GSA holds records for the National Transportation Policy Study Commission under contract.)

Categories of records in the system: Varied payroll records, including, among other documents, time and attendance cards; payment vouchers; comprehensive listing of employees; health benefits records, requests for deductions; tax forms, W-2 forms, overtime requests; leave data; retirement records. Records are used by Commission and GSA employees to maintain adequate payroll information for Commission employees, and otherwise by Commission and GSA employees who have a need for the record in the performance of their duties.


Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See Appendix. Records also are disclosed to GAO for audits; to the Internal Revenue Service for investigation; and to private attorneys, pursuant to a power of attorney.

A copy of an employee’s Department of the Treasury Form W-2, Wage and Tax Statement, also is disclosed to the State, city or other local jurisdiction which is authorized to tax the employee’s compensation. The record will be provided in accordance with a withholding agreement between the State, city or other local jurisdiction and the Department of the Treasury pursuant to 5 U.S.C. 5516, 5517, or 5520 or, in the absence thereof, in response to a written request from an appropriate official of the taxing jurisdiction to the Honorable Bud Shuster, Chairman, National Transportation Policy Study Commission, 312 House Office Building Annex No. 1, Washington, D.C. 20515. The request must include a copy of the applicable statute or ordinance authorizing the taxation of compensation and should indicate whether the authority of the jurisdiction to tax the employee is based on place of residence, place of employment, or both.

Pursuant to a withholding agreement between a city and the Department of the Treasury (5 U.S.C. 5520), copies of executed city tax withholding certificates shall be furnished the city in response to written request from an appropriate city official to the Chairman, the Honorable Bud Shuster.

In the absence of a withholding agreement, the Social Security Number will be furnished only to a taxing jurisdiction which has furnished this agency with evidence of its independent authority to compel disclosure of the Social Security Number, in accordance with Section 7 of the Privacy Act, Public Law 930579.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: paper and microfilm.

Retrievability: Social Security Number.

Retrieval by name: Manual and automated.

Retention of records: Based on a period of use, not to exceed 20 years (except where the Commission determines otherwise).

Safeguards: Stored in guarded building; released only to authorized personnel.

Retention and disposal: Disposition of records shall be in accordance with the HB GSA Records Maintenance and Disposition System (OAD P 1639.2).

System manager and address: Chairman, National Transportation Policy Study Commission, 312 House Office Building Annex No. 1, Washington, D.C. 20515.

Notification procedure: Refer to Commission access regulations contained in 1 CFR Part 445.

Record access procedures: Refer to Commission access regulations contained in 1 CFR Part 445.

Contesting record procedures: Refer to Commission access regulations contained in 1 CFR Part 445.

Record source categories: The subject individual; the Commission.

NTPSC—2
System name: General Financial Records—National Transportation Policy Study Commission.
System location: General Services Administration, Central Office; copies held by the Commission. (GSA holds records for the Commission under contract.)

Categories of individuals covered by the system: Employees of the Commission and members of the Commission.

Categories of records in the system: SF01038, Application and account for advance of funds; Vendor register and vendor payment tape. Information is used by accounting technicians to maintain adequate financial information and by other officers and employees of GSA and the Commission who have a need for the record in the performance of their duties.


Routine uses of records maintained in the system, including categories of users and the purposes of such users: See Appendix. Records also are released to GAO for audits; to the IRS for investigation; and to private attorneys, pursuant to power of attorney.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper and tape.

Retrievability: Manual and automated by name.

Safeguards: Stored in guarded building; released only to authorized personnel.

Retention of records: Disposition of records shall be in accordance with the HB GSA Records Maintenance and Disposition System.

System manager and address: Chairman, National Transportation Policy Study Commission, 312 House Office Building Annex No. 1, Washington, D.C. 20515.

Notification procedure: Refer to Commission access regulations contained in 1 CFR Part 445.

Record access procedures: Refer to Commission access regulations contained in 1 CFR Part 445.

Contesting record procedures: Refer to Commission access regulations contained in 1 CFR Part 445.

Record source categories: The subject individual; the Commission.

NTPSC—3
System name: General Informal Personnel Files—National Transportation Policy Study Commission.

Categories of individuals covered by the system: Members of the Commission, staff and consultants, past and present.

Categories of records in the system: Personnel qualifications statements, personnel action requests and notifications, delegations of authority, correspondence with the Commission members, oaths of office.


Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See Appendix.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:
Storage: Paper.
Safeguards: Stored in lockable file cabinets, released only to authorized personnel.
Retention and disposal: Disposition of records shall be in accord- 
cence with the GSA records maintenance and disposition 
system.
System manager(s) and address: Chairman, National Transporta-
tion Policy Study Commission, 312 House Office Building Annex 
No. I, Washington, D.C. 20515
Notification procedure: Refer to Commission access regulations 
contained in 1 CFR Part 445.
Record access procedures: Refer to Commission access regula-
tions contained in 1 CFR Part 445.
Contesting record procedures: Refer to Commission access regu-
lations contained in 1 CFR Part 445.
Record source categories: The subject individual; the Commission.

APPENDIX—National Transportation Policy Study Commission
In the event that a system of records maintained by this agency 
to carry out its functions indicates a violation or potential violation 
of law, whether civil, criminal or regulatory in nature, and whether 
causing by general statute or particular program statute, or by regu-
lation, rule or order issued pursuant thereto, the relevant records in 
the system of records may be referred, as a routine use, to the ap-
propriate agency, whether federal, state, local or foreign, charged 
with the responsibility of investigating or prosecuting such violation 
or charged with enforcing or implementing the statute, or rule, 
regulation or order issued pursuant thereto.
A record from this system of records may be disclosed as a 
"routine use" to a federal, state or local agency maintaining civil, 
criminal or other relevant enforcement information or other per-
tinent information, such as current licenses, if necessary to obtain 
information relevant to an agency decision concerning the hiring or 
retention of an employee, the issuance of a security clearance, the 
leasing of a contract or the issuance of a license, grant or other 
benefit.
A record from this system of records may be disclosed to a 
federal agency, in response to its request, in connection with the 
hiring or retention of an employee, the issuance of a security 
clearance, the reporting of an investigation of an employee, the 
letting of a contract, or the issuance of a license, grant or other 
benefit by the requesting agency to the extent that the information 
is relevant and necessary to the requesting agency's decision in the 
matter.
A record from this system of records may be disclosed to an 
authorized appeal grievance examiner, formal complaints examiner, 
equal employment opportunity investigator, arbitrator or other duly 
authorized official engaged in investigation or settlement of a 
grievance, complaint, or appeal filed by an employee. A record 
from this system of records may be disclosed to the United States 
Civil Service Commission in accordance with the agency's respon-
sibility for evaluation and oversight of federal personnel manage-
ment.
A record from this system of records may be disclosed to off-
cicers and employees of a federal agency for purposes of audit.
The information contained in this system of records will be dis-
closed to the Office of Management and Budget in connection with 
the review of private relief legislation as set forth in OMB Circular 
No. A019 at any stage of the legislative coordination and clearance 
process as set forth in that Circular.
A record from this system of records may be disclosed as a rou-
tine use to a Member of Congress or to a Congressional staff 
member in response to an inquiry of the Congressional office made 
at the request of the individual about whom the record is main-
tained.
A record from this system of records may be disclosed to off-
cicers and employees of the General Services Administration in 
connection with administrative services provided to this agency 
under agreement with GSA.

These regulations will be promulgated in the Federal Register in the near future.

[FR Doc.76-35660 Filed 11-10-76; 3:05 pm]

FEDERAL REGISTER, VOL. 41, NO. 239—FRIDAY, DECEMBER 10, 1976
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1976

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